

First Reading Dec. 6, 2021

Second Reading Dec 20 2021

ORDINANCE 2021- 23

AN ORDINANCE TO AMEND CHAPTER 110, ENTITLED ZONING, ARTICLE I, ENTITLED IN GENERAL, ARTICLE IV, ENTITLED DISTRICTS, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY, THAT CHAPTER 110, ENTITLED ZONING, ARTICLE I, ENTITLED IN GENERAL, AND ARTICLE IV, ENTITLED DISTRICTS, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND BE, AND IT IS HEREBY AMENDED, AS FOLLOWS:

CHAPTER 110 - ZONING

ARTICLE I. - IN GENERAL

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Sec. 110-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Building, height of, means the vertical distance from base flood elevation, freeboard or ~~two feet above~~ grade, whichever is greater, to the highest point where the exterior walls meet the roof. The area above the maximum building height (attic) shall not be used for living purposes, which include working, sleeping, eating, cooking or recreation, or a combination thereof unless otherwise specified.

...

Freeboard means an additional amount of height above the base flood elevation used as a factor of safety (e.g., 1, 2 or 3 feet as established by section 38-71, above the base flood elevation) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with community floodplain regulations found in chapter 38 - Floods.

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ARTICLE IV. – DISTRICTS

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DIVISION 15. - DMX DOWNTOWN MIXED USE DISTRICT

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Sec. 110-666. Bulk regulations.

Bulk regulations are as follows except as otherwise provided in article V, division 2, of this chapter:

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(7) Maximum building height:

- a. Is 40 feet and no more than four stories except as provided for in subsections (7)b and c of this section. Building height shall be measured ~~from base flood elevation or freeboard~~ as defined in section 110-2.
- b. Except as set forth in subsection (7)b. of this section, between Baltimore Avenue and St. Louis Avenue from North Division Street to 3rd Street, the maximum building height shall be no more than 35 feet and shall be no more than three stories. Building hHeight shall be measured ~~from grade~~, as defined in section 110-2.
- c. Between Baltimore Avenue and Philadelphia Avenue, from North Division Street to 3rd Street, the maximum building height may be increased to 40 feet and four stories, provided that, on the first floor fronting Baltimore Avenue, at least 75 percent of the buildable width of the parcel is dedicated to a commercial use permitted in section 110-662, accessible to the general public, exclusive of residential uses including single-family, two-family, multiple-family, hotel and motel units. Building hHeight in this section shall be measured ~~from the base flood elevation~~ as defined in section 110-2.

(Code 1999, § 110-666; Ord. No. 2002-28, 11-18-2002; Ord. No. 2007-13, 6-4-2007; Ord. No. 2007-23, 11-27-2007; Ord. No. 2020-11, 10-5-2020)

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DIVISION 23. - DOWNTOWN DESIGN OVERLAY ZONE DISTRICT

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Sec. 110-831.28. Development incentives.

...

- (b) These incentives are intended to encourage new development to respect and compliment the "sense of place" that residents and visitors currently enjoy within the downtown area; to preserve this character, common architectural elements, and traditional rhythm of the street setbacks must be encouraged. Buildings with pitched roofs and dormers, generous front porches with columns and compatible colors are critical to this goal. As large development projects become part of the downtown landscape it is equally important to address parking location and the design of buildings over three stories high. The incentive program is voluntary and its benefits are available to any project that meets the intent of these guidelines. Recognizing the impossibility of creating one program to fit all projects, it should be noted that some aspects of this program are subject to review. The following development incentives may be awarded to projects that substantially comply with the downtown design overlay zone regulations.

...

(2) *Benefits of incentives program.*

a. Parking:

1. A portion of a project's on-site residential (not including hotel and motel uses) parking requirement may be satisfied by using tandem (stacked) parking. These tandem parking spaces must be used for the same living unit and no more than one space may be stacked behind another.
 2. Required parking may be reduced to two parking spaces for three-bedroom units, subject to approval by the Mayor and City Council of Ocean City.
 3. To promote first floor commercial uses in appropriately zoned districts, a project will be permitted to satisfy 50 percent of its commercial parking requirements with reduced parking space sizes. Minimum parking space size shall be eight (8) feet by eighteen (18) feet. Such commercial uses must be permitted in the district exclusive of residential uses including single-family, multiple-family, two-family, hotel and motel units, cover a minimum of 75 percent of the frontage of a property, and be accessible to the general public.
 4. First floor commercial uses providing a covered walkway may provide one fewer parking space for commercial parking requirements for each 300 square feet of covered walkway area abutting a public street.
 5. Projects may participate in a fee-in-lieu of parking program when enacted by the Mayor and City Council of Ocean City.
- b. Rear yard setbacks may be reduced by up to five feet, subject to the Town of Ocean City's building and fire codes.

- c. A project that provides a pitched roof (no greater than 9:12 pitch) and dormers may use 50 percent of its upper floor area for residential and commercial uses, and an additional 25 percent of its upper floor for on-site employee housing, notwithstanding the definition of building height in section 110-2, unless otherwise prohibited by the building code. Dormers must be of traditional style and must appear to be part of a functioning interior.
- d. Projects containing only residential uses and mixed-use projects that contain 20 residential units or less may request a waiver to loading zone regulations from the Mayor and City Council of Ocean City.
- e. A porch or covered walkway may intrude into a side yard setback. When the side yard abuts a public street, it may intrude up to seven feet into this setback, but may not be placed over the public right-of-way. When the side yard setback abuts an interior lot line it may intrude up to five feet from this side lot line, subject to fire and building codes. In no case shall a porch impede pedestrian access to a required eight-foot-wide sidewalk.
- f. Building height is to be measured from ~~FEMA~~-base flood elevation ~~as shown on the flood insurance rate maps~~, freeboard as established in section 38-71 or grade, whichever is greater.
- g. Front stairways may intrude into the front setback area.
- h. Innovative projects that satisfy the goals of these standards may be allowed more latitude regarding design elements such as roof design, the use of drivit, and the use of treated wood, subject to approval by the Mayor and City Council of Ocean City.

(Code 1999, § 110-831.28; Ord. No. 2002-28, 11-18-2002; Ord. No. 2007-13, 6-4-2007; Ord. No. 2009-8, 5-4-2009; Ord. No. 2014-20, 6-16-2014; Ord. No. 2020-11, 10-5-2020)

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DIVISION 26. - UPPER DOWNTOWN DESIGN OVERLAY ZONE DISTRICT

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Sec. 110-865.27. - Development incentives.

These incentives are intended to encourage new development to respect and compliment the sense of place that residents and visitors currently enjoy within the downtown area. To preserve this character, common architectural elements, and traditional rhythm of the street setbacks must be encouraged. Buildings with pitched roofs and dormers, generous front porches with columns and compatible colors are critical to this goal. As large development projects become part of the downtown landscape it is equally important to address parking location and the design of buildings over three stories high. The incentive program is voluntary and its benefits are available to any project that meets the intent of these regulations and guidelines. Recognizing the impossibility of creating one program to fit all projects, it

should be noted that some aspects of this program are subject to review. The following pages describe the requirements and benefits for participation in this incentive program.

...

(2) Benefits of incentives program.

a. Parking.

1. A portion of a project's on-site residential parking requirement may be satisfied by using tandem (stacked) parking. These tandem parking spaces must be used for the same living unit, and no more than one space may be stacked behind another.
2. A reduction of parking to two parking spaces for three bedroom units, subject to approval by the Mayor and City Council of Ocean City.
3. To promote first floor commercial uses in appropriately zoned districts, a project will be permitted to satisfy 50 percent of its commercial parking requirements with reduced parking space sizes. Minimum parking space size shall be ~~18~~ eight (8) feet by ~~eighteen~~ (18) feet.
4. First floor commercial uses providing a covered walkway can provide one less parking space for commercial parking requirements for each 300 square feet of covered walkway area abutting a public street.
5. Projects may participate in a fee-in-lieu of parking program when approved by the Mayor and City Council of Ocean City.

b. Five-foot reduced rear setback subject to approval of the Town of Ocean City fire department.

c. A project that provides pitched roofs and dormers will be allowed to use 50 percent of its upper floor footprint for residential and commercial uses notwithstanding the definition of building height in section 110-2, unless otherwise prohibited by the building or housing code. Dormers must be of traditional style and must appear to be part of a functioning interior. Roof design and construction must meet the standards set forth in section 110-865.16.

d. Projects containing only residential uses are not required to provide a loading zone. Mixed-use projects that contain 20 residential units or less are also not required to provide a loading zone.

e. A building's porch or covered walkway may intrude into its side yard setback. When the side yard abuts a public street, it may intrude up to seven feet into this setback, but may not be placed over the public right-of-way. When the side yard setback abuts an interior lot line it may intrude up to five feet from this side lot line and be subject to review by the fire marshal. In no case shall a porch impede pedestrian access to a required eight-foot-wide sidewalk.

f. Building height to be measured from base flood elevation, freeboard as established in section 38-71 or grade, whichever is greater.

- g. Front stairways may intrude into the front setback area.
- h. To promote mixed use development, accessory uses within the R-2 medium residential district and R-3A moderate residential district are permitted when project abuts the east and west sides of Philadelphia Avenue and Baltimore Avenue.
- i. Restaurant uses within a motel or hotel building which contains 20 or more guestrooms or suites which may contain no more than 50 square feet of public floor area (dining area) per each motel/hotel or suite within the building.

(Code 1999, § 110-865.27; Ord. No. 2006-19, 6-5-2006; Ord. No. 2007-13, 6-4-2007)

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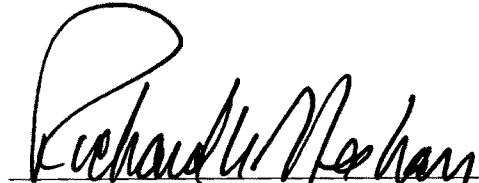
INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on Dec 6, 2021.

ADOPTED AND PASSED, by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on Dec. 20, 2021.

ATTEST:



DIANA L. CHAVIS, Clerk



RICHARD W. MEEHAN, Mayor

Approved as to form:



HEATHER STANSBURY
Ayes, Jenkins, Gordy & Almand, P.A.
Office of City Solicitor



MATTHEW M. JAMES, President



ANTHONY J. DELUCA, Secretary