PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING AND ZONING COMMISSION FEBRUARY 22, 2023

I. Commission Chair Cindy Greengold called the meeting to order at 7:00 pm. In attendance were Kathleen Berault, Laura Blackwelder, Larry Brown, and Kelly Hauhn, Commission members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon L. Humm, Commission Clerk. Absent was Jan Ruttkay, Commission member.

II. **Approval of the February 22, 2023 Planning & Zoning Agenda.**

MOTION: Commissioner Berault moved to approve the February 22, 2023 Planning & Zoning agenda. Seconded by Commissioner Brown, all in favor.

III. **Approval of the January 25, 2023 Planning & Zoning meeting minutes.**

MOTION: Commissioner Blackwelder moved to approve the January 25, 2023 Planning & Zoning meeting minutes. Seconded by Commissioner Hauhn, all in favor.

IV. **Public Comment** – Public comment was received by:

1. Daniel Duvall 8815 Erie Avenue North Beach, MD spoke in favor of compatibility standards.

V. **Continue Deliberation and act on the following zoning text amendment:**

Amendment to Article V, by adding a new section called "Section 290-23, Findings of Compatibility" creating seven required compatibility standards applicable to new development and regulations on their purpose, applicability, and administration.

Mr. Jakubiak gave a brief overview of each of the following seven (7) standards along with an explanation statement for administrative guidance. Mr. Jakubiak addressed the Commissioners questions and concerns. The Commission reviewed and discussed each of the standards and made the following amendments:

D. COMPATIBILITY STANDARDS

THE DEVELOPMENT OF A PROPERTY SHALL BE DESIGNED TO ACHIEVE THE FOLLOWING COMPATIBILITY STANDARDS AND THE PLANNING COMMISSION SHALL ESTABLISH WRITTEN FINDINGS WITH RESPECT TO EACH OF THEM.

1. **THE GENERAL ARRANGEMENT AND ORIENTATION OF PROPOSED BUILDING(S) AND SITE IMPROVEMENTS ARE PATTERNED IN A SIMILAR MANNER AND IN HARMONY WITH THOSE IN THE NEIGHBORHOOD.**

EXPLANATION STATEMENT FOR ADMINISTRATIVE GUIDANCE: THE DEVELOPMENT PATTERNS OF A NEIGHBORHOOD ARE CHARACTERIZED BY STREET LAYOUT, LOT SIZE AND CONFIGURATION, BUILDING ORIENTATION, NATURAL TERRAIN, AND VEGETATION (MOST NOTABLY TREES). NEW DEVELOPMENTS SHOULD RESPOND TO AND INTEGRATE SUCH COMPONENTS FROM THE NEIGHBORHOOD INTO THE SITE DESIGN AND CONTINUE ESTABLISHED STREET PATTERNS BY CONNECTING STREET WHERE POSSIBLE, ARRANGE LOTS AND BUILDING LAYOUTS TO REFLECT ADJACENT BUILDINGS, AND INCORPORATE NATURAL TERRAIN, VEGETATION, AND PLEASANT VIEWS.

The Commission had no changes and accepted #1 as written. Commissioner Brown noted for the record he would not be in support of the Compatibility Standards.

2. **BUILDING AND PARKING LAYOUTS REINFORCE EXISTING BUILDING AND STREETSCAPE PATTERNS AND ASSURE THAT THE PLACEMENT OF BUILDINGS AND PARKING LOTS HAVE NO ADVERSE IMPACT ON THE NEIGHBORHOOD.**

EXPLANATION STATEMENT FOR ADMINISTRATIVE GUIDANCE: A NEIGHBORHOOD STREET PROVIDES AN ORGANIZATION OF BUILDING FORMS AND OPEN SPACES THAT CREATE PREDICTABLE PATTERNS REFERRED TO HERE AS RHYTHM. SUCH RHYTHM IS CREATED BY THE INTERVALS BETWEEN BUILDINGS AND OPEN SPACES AND IS THUS INFLUENCED BY THE LENGTH OF BUILDINGS, THE WIDTH OF SIDE YARDS, AND THE PLACEMENT OF OPEN AREAS. THE ESTABLISHED RHYTHM SHOULD BE PROTECTED TO THE EXTENT POSSIBLE AND WHERE VARIATIONS IN THE RHYTHM MIGHT OCCUR THROUGH THE PLACEMENT OF DIFFERENT BUILDING FORMS OR OPEN SPACES, TRANSITIONS SHOULD BE GRADUAL. TRANSITIONS FROM ONE RHYTHM TO ANOTHER SHOULD NOT DISRUPT THE OVERALL APPEARANCE OF THE NEIGHBORHOOD AS SEEN ALONG THE STREET.

The Commission had no changes and accepted #2 as written.

3. **THE OPEN SPACES OF THE PROPOSED DEVELOPMENT REINFORCE THE OPEN SPACE PATTERNS OF THE NEIGHBORHOOD IN FORM AND SITING AND COMPLEMENT EXISTING OPEN SPACES, PARKS, FORESTED BUFFERS, AND PRESERVED SPACES.**

EXPLANATION STATEMENT FOR ADMINISTRATIVE GUIDANCE: OPEN SPACES ON A DEVELOPMENT SITE CAN REINFORCE THE NEIGHBORHOOD'S ARRANGEMENT BY PROVIDING A FOCAL POINT OR LANDSCAPE SETTING FOR SIGNIFICANT STRUCTURES, VIEWS, OR ACTIVITIES, BY CONTAINING RECREATIONAL FEATURES, OR BY CONNECTING THE PROJECT TO THE LARGER NEIGHBORHOOD THROUGH GREEN SPACES OR A COMMUNITY TRAIL. BUILDINGS, PARKING LOTS, AND CIRCULATION ROUTES ON A SITE CAN BE ORGANIZED TO CREATE MEANINGFUL ON-SITE OPEN SPACES AND LANDSCAPE AREAS THAT ENHANCE DESIGN QUALITY AND INTEGRATE THE SITE INTO THE NEIGHBORHOOD.

The Commission had no changes and accepted #3 as written.

4. **SIGNIFICANT FEATURES OF THE SITE INCLUDING BUT NOT LIMITED TO DISTINCTIVE BUILDINGS, FORESTED BUFFERS ALONG ROADWAYS, OR SCENIC VISTAS ARE ELEMENTS TO BE PRESERVED IN THE DESIGN OF SITES, NOT TO BE OBSTRUCTED OR MINIMIZED THROUGH THE PLACEMENT OF BUILDINGS, STRUCTURES, OR VEGETATION.**

EXPLANATION STATEMENT FOR ADMINISTRATIVE GUIDANCE: PROMINENT BUILDINGS AND SITE FEATURES PROVIDE REFERENCE POINTS AND CONTRIBUTE TO THE OVERALL AESTHETIC QUALITY AND IDENTITY OF A NEIGHBORHOOD. THESE MAY BE LOCATED ON THE DEVELOPMENT SITE ITSELF OR MAY BE VIEWABLE THROUGH THE SITE. EITHER WAY, SIGNIFICANT FEATURES SHOULD BE INCORPORATED INTO THE PROPOSED SITE DESIGN AND RETAINED TO THE GREATEST EXTENT POSSIBLE.

The Commission had no changes and accepted #4 as written.

5. THE PROPOSED LANDSCAPE DESIGN COMPLEMENTS THE NEIGHBORHOOD'S LANDSCAPE AND STREETSCAPE PATTERNS AND REINFORCES ITS FUNCTIONAL QUALITIES.

EXPLANATION STATEMENT FOR ADMINISTRATIVE GUIDANCE: THE TERM "LANDSCAPE" HERE MEANS THE VISIBLE FEATURES OF AN AREA AND HOW THEY INTEGRATE WITH NATURAL AREAS, STREETS, AND BUILDINGS. IN CONSIDERING LANDSCAPE, SUCH FACTORS AS THE PATTERNS OF FRONT LAWNS, THE BUFFERING OF BUILDINGS WITH VEGETATION, THE AMOUNT OF OPEN SPACE ON LOTS, THE DENSITY AND PLACEMENT OF TREES AND SHRUBS ON A LOT, THE USE OF FOUNDATION PLANTINGS ALONG BUILDINGS, AND USE OF STREET TREES. A NEIGHBORHOOD MAY HAVE A LANDSCAPE APPEARANCE THAT DISTINGUISHES IT FROM OTHER AREAS.

> **MOTION**: Chair Greengold moved to add the following sentence to the end of the explanation statement paragraph: "The use of native species is recommended in the landscape design." Seconded by Commissioner Berault. Ayes, Commissioners Berault, Blackwelder, Greengold, and Hauhn. Opposed, Commissioner Brown. **Motion Passes.**

6. THE PROPORTIONS, SCALE, MASSING AND DETAILING OF THE PROPOSED BUILDINGS ARE IN PROPORTION TO THOSE EXISTING IN THE NEIGHBORHOOD SUCH THAT THE OVERALL EFFECT OF NEW DEVELOPMENT IS TO SUPPORT AND REINFORCE THE ARCHITECTURAL SETTING OF THE NEIGHBORHOOD.

EXPLANATION STATEMENT FOR ADMINISTRATIVE GUIDANCE: A COHESIVE AND ORDERLY RELATIONSHIP BETWEEN EXISTING AND PROPOSED BUILDINGS CAN BE ACCOMPLISHED WHEN NEW DEVELOPMENT USES PREDOMINANT ARCHITECTURAL CHARACTERISTICS FROM THE NEIGHBORHOOD. THE OVERALL EFFECT OF NEW BUILDINGS SHOULD SUPPORT AND REINFORCE THE ARCHITECTURAL SETTING OF THE ~~NEIGHBORHOOD~~ LOCATION. THE INTENT OF THIS STANDARD IS NOT TO REQUIRE THAT EXISTING BUILDING STYLES BE COPIED.

> **MOTION:** Commissioner Berault moved to modify the explanation statement as highlighted; to add a period after neighborhood in the fourth sentence and strike the word "neighborhood" and replace with the word "location" in the fifth sentence. Seconded by Commissioner Greengold. Ayes, Commissioners Berault, Blackwelder, Greengold, and Hauhn. Opposed, Commissioner Brown. **Motion Passes.**

"PROPORTION" REFERS TO THE RELATIONSHIP BETWEEN ELEMENTS WITHIN A COMPOSITION SUCH AS THE RELATIONSHIP BETWEEN WINDOWS AND THE WALL. "SCALE" REFERS TO THE SIZE OR EXTENT OF A BUILDING OR ITS ELEMENTS, RELATIVE TO SOMETHING ELSE, USUALLY ITS SITE OR THE BUILDINGS NEARBY. "MASS" REFERS TO THE PHYSICAL FORM OF A BUILDING AND THE EXTENT TO WHICH IT APPEARS SOLID. "MASSING" REFERS TO STRATEGIES THAT BREAK DOWN SOMETHING MASSIVE BY INSERTING VOIDS THAT CREATE RELIEF (SUCH AS WINDOWS), BY ADDING ELEMENTS THAT PROJECT A LIGHTER ELEMENT (SUCH AS A PORCH) IN FRONT OF A MORE MASSIVE ONE (A BUILDING WALL), OR BY USING MATERIALS AND ARCHITECTURE DETAILS TO BREAK DOWN A BUILDING INTO COMPONENT PARTS THAT ARE MORE READILY APPRECIATED SUCH AS THE COURSE OF BRICK ALONG A FOUNDATION WALL. SCALE, PROPORTION, AND MASSING DO NOT IMPLY MAKING ONE THING THE "THE SAME" AS ANOTHER. IN APPLYING THIS STANDARD, IT IS CORRECT TO ASK: IS THE ARRANGEMENT OF THE PROPOSED BUILDING ELEMENTS COMPARABLE TO THAT SEEN ON OTHER BUILDINGS.

MOTION: Commissioner Blackwelder moved to amend the above paragraph to strike the highlighted wording. Seconded by Commissioner Berault. Ayes, Commissioners Berault, Blackwelder, Greengold, and Hauhn. Opposed, Commissioner Brown. **Motion Passes.**

7. EXTERIOR SIGNS, SITE LIGHTING, AND ACCESSORY STRUCTURES SUPPORT A UNIFORM ARCHITECTURAL THEME AND PRESENT A HARMONIOUS VISUAL RELATIONSHIP WITH THE SURROUNDING NEIGHBORHOOD.

EXPLANATION STATEMENT FOR ADMINISTRATIVE GUIDANCE: THESE ELEMENTS OF SITE DESIGN NEED TO BE COORDINATED WITH EACH OTHER AND WITH THE NEIGHBORHOOD GENERALLY. UNCOORDINATED SITE IMPROVEMENTS CREATE VISUAL CLUTTER AND ARE DIFFICULT TO INTEGRATE WITH THE NEIGHBORHOOD. DISCERNMENT IN THE SELECTION, PLACEMENT, AND USE OF ON-SITE IMPROVEMENTS AND ACCESSORY STRUCTURES MUST BE USED TO AVOID DAMAGE TO THE AESTHETICS OF THE NEIGHBORHOOD.

The Commission had no changes and accepted #7 as written.

MOTION: Commissioner Berault moved to approve the Compatibility Standards #1 through #7 as amended. Seconded by Commissioner Hauhn. Ayes, Commissioners, Berault, Blackwelder, Greengold, and Hauhn. Opposed, Commissioner Brown. **Motion Passes.**

MOTION: Commissioner Berault moved to transmit to the Town Council Compatibility Standards #1 through #7 as amended for consideration and approval. Seconded by Commissioner Greengold. Ayes, Commissioners, Berault, Blackwelder, Greengold, and Hauhn. Opposed, Commissioner Brown. **Motion Passes.**

VI. Critical Area Regulations Discussion:

Mr. Jakubiak stated the Planning Commission has been provided with a copy of the current model Critical Area Ordinance from the Critical Area Commission. It is required every six years for jurisdictions within the critical area to comprehensively review and update their critical area standards. In doing so, Chesapeake Beach must be consistent with State law and regulations.

Part 1. Implementation of the Critical Area Program Purpose and Goals

Part I refers to goals, applicability and the critical area overlay district map. A new regulation to this section, "#7. Notification of project approval" requires the Town send copies of applications for all development, subdivisions, and site plans, wholly or partially, within the Critical Area as specified

in COMAR 27.03.01.04. Mr. Jakubiak recommends adding the following sentence at the end of the regulation "except for projects listed in subsection F, the Town shall send applications for all development projects to the Critical Area Commission." (the COMAR 27.03.01.04 page shall be inserted.) Also new is a chart which shows a "summary of notification requirements" in each of the zones, (IDA, LDA, & RCA) that would require notification. **The Commission concurred.**

Part 2. Development Standards in the Critical Area

Part 2 refers to general requirements in all Critical Area Overlay Zones. A new regulation has been added to this section entitled "#7. Reasonable accommodations for the needs of disabled citizens." Commissioner Berault recommended the language, "disabled citizens" be changed to "individuals with disabilities." **The Commission concurred.**

Also new to Part 2 is "#8. Non-Water Dependent Structures on Piers." This refers to the construction of a pier or the use of an existing pier extending out over a wetland. This is an opt-in section. A local jurisdiction may choose to adopt the commercial structures on piers language or not.
Mr. Jakubiak addressed the concerns of the Commission. After discussion the Commission made the following motion:

> **MOTION:** Chair Greengold moved to opt-out of "#8. Non-Water Dependent Structures on Piers." Seconded by Commissioner Blackwelder. Ayes, Commissioners Berault, Blackwelder, Greengold, and Hauhn. Opposed, Commissioner Brown. **Motion Passes.**

Chair Greengold stated discussions will resume on the Critical Area Regulations at its March 22nd 2023 meeting.

VII. Adjournment:

There being no further comments, Commissioner Hauhn moved to adjourn the meeting at 9:47 PM. Seconded by Commissioner Berault, all in favor.

Submitted by,

Sharon L. Humm
Commission Clerk

Note: This meeting can be viewed in its entirety on the Town website on the Planning Commission page www.chesapeakebeachmd.gov.