

TOWN OF CHESPAEAKE BEACH  
PLANNING AND ZONING COMMISSION  
PROPOSED ZONING ORDINANCE TEXT AMENDMENTS  
FOR CONSIDERATION AT THE PUBLIC HEARING ON JULY 27, 2022

Key to changes:

Text to be added: **bold font**

Text to be removed: ~~strikethrough~~

## Amendment 1

Amend Section 290-19A, *Tables, Requirements, Exceptions* as noted below to change the maximum building height in the Residential High-Density (R-HD) district from 50 feet to 35 feet and in the Maritime (M) district from 70 feet to 35 feet.

		Setbacks, Open Space and Height						
		Zoning Districts						
		R-LD	R-MD	R-HD	R-V	C	M	RC
A.	Minimum front yard setback (feet) <sup>1</sup>	15	15	15	15	10	10	25
B.	Minimum side yard setback (feet) <sup>2</sup>	8	8	8	8	8	8	75
C.	Minimum rear yard setback (feet) <sup>3</sup>	20	20	20	20	20	20	25
D.	Minimum open space <sup>4</sup>	40%	30%	<del>15%</del>	15%	15%	<del>20%</del>	60%
E.	Maximum building height (feet) <sup>5</sup>	35	35	<b><u>35</u></b>	35	35	<b><u>35</u></b>	35

## Amendment 2

*Amend Section 290-19 to remove the method for measuring building height for multifamily and commercial buildings which allows building height to be taken from the first floor of the livable space when off-street parking is provided underneath that livable space, by deleting subsection (2) as follows:*

- L. Height exceptions to maximum regulations.
  - (1) Church spires, chimneys, antennas, and other structures normally built or located above the roof and not devoted to human occupancy may exceed the height regulations of the district in which they are located by one foot for every one foot of setback of the structure (e.g., chimney, spire) from the closest side lot line.
  - (2) ~~For multiple family dwellings and commercial uses, the finished lot grade used to establish the maximum building height shall be considered the first floor of living space, measured at the front door, for any structure for which off-street parking is provided underneath the living space, so long as the off-street parking space is no higher than one foot for every one foot of setback of the structure from the closest lot line.~~

## Amendment 3

*Amend Section 290-15, Bonus Density Overlay District to eliminate the ability of the Planning Commission, through its authority to approve site plans, to authorize an increase in the height of a buildings located within the Bonus Density Overlay District up to 50 feet, by deleting subsection E, as follows:*

- ~~E. ——— Building height. For the purposes of this section and provided that the conditions set forth in Subsection D above are met, the Planning commission may authorize an increase in height of multifamily buildings to a maximum of 50 feet measured to the eave, plus a habitable roof, provided that the side yard setbacks shall be not less than 25% of the building height, measure to the highest point on the roofline, or 10% of the building width, which is greater.~~

## Amendment 4

Repeal section Article IV, 290-15 Bonus Density Overlay District in its entirety and renumber the remaining two sections accordingly. Also, make clerical changes to remove all references to the Bonus Density Overlay district wherever they may appear in the Zoning Ordinance.

## Amendment 5

Amend Section 290-9, Purpose and Intent of Districts as noted below to add a purpose statement for a new district called Residential Village-1 (RV-1) and change the name associated with the existing purpose statement from Residential Village to Residential Village-2 (RV-2):

E. **RV-1 Residential Village District-1.** The RV-1 District is intended to protect the single-family residential character, allowing detached houses that are compatible in design and scale with the prevailing residential uses and the existing pattern of buildings, streets, and blocks.

F. ~~R-V~~ **RV-2 Residential Village District-2.** The ~~R-V~~ **RV-2** District is intended to protect the primarily single-family residential character while accommodating a variety of housing types and to encourage and facilitate redevelopment and infill that is compatible in use, scale, and impact with residential use and the existing pattern of buildings, streets, and blocks.

*Note on Clerical Change: The strikethrough of the part of the text highlighted in green above was added after the initial publication of this document so that it now accurately reflects the intention of the Planning Commission. Date of correction: July 14, 2022.*

## Amendment 6

Amend Section 290-9, Purpose and Intent of Districts as noted below to eliminate the Commercial and Maritime Districts, replacing them with four new commercial districts and adding a purpose statement for each new district:

F. ~~C-Commercial District.~~ The ~~Commercial District~~ is intended to provide locations for commercial and other non-residential uses that are compatible in scale and impact with nearby residential neighborhoods, and to protect and provide a safe and attractive environment for shopping, entertainment and community gathering.

G. ~~M-Maritime District.~~ The ~~Maritime Districts~~ intended to promote a variety of land use that are water-related and/or benefit from location near the water while at the same time encouraging the gradual re-emergence of the natural systems found near the water and the protection of commercial marine activities that have become the Town's waterfront heritage.

- G. NC Neighborhood Commercial District. The Neighborhood Commercial District is intended to provide locations for small scale and low impact commercial uses that are designed and operated in a manner compatible in scale and impact with nearby residential neighborhoods.
- H. TC Town Commercial District. The Town Commercial District is intended to provide locations for commercial uses that are harmonious in scale and impact with nearby residential neighborhoods, and to protect and provide a safe and attractive environment for shopping, entertainment and community gathering.
- I. CP Commercial Plaza District. The Commercial Plaza District is intended to maintain the Town's primary location for larger format locally serving retail uses such as grocery stores and shopping center, where extensive parking can be readily accommodated.
- J. ~~MC Maritime Commercial. The Maritime Districts intended to promote a variety of land use that are water related and/or benefit from location near the water while at the same time encouraging the gradual re-emergence of the natural systems found near the water and the protection of commercial marine activities that have become the Town's waterfront heritage.~~

The MC District is intended to promote a variety of non-residential recreation and commercial uses that enhance the Town's water front heritage, respects the sensitive nature of the surrounding environment and are consistent in character and impact with the following:

- Promoting active and vibrant commercial activities at the street (grade) level where walking is safe and enjoyable
- Establishing public pedestrian access to and along the waterfronts
- Preserving the remaining scenic vistas to the Chesapeake Bay (on the east) side and the expansive Fishing Creek marsh (on the west).

## Amendment 7

*Amend the purpose statement for the Resource Conservation District in Section 290-9, Purpose and Intent of Districts to bring it into better conformance with the guidance of the update of the Comprehensive Plan, as follows:*

RC Resource Conservation District. The Resource Conservation District is intended to protect and maintain wetlands, surface waters, **forests and open space**, steep slopes, **as well as low lying areas with elevated risks of flooding**. ~~forest and barren lands identified in the Town's Chesapeake Bay Critical Area Protection Program and other environmentally sensitive areas; to provide locations for parkland, recreational activities, and access to the water and Bay; to avoid intense development on lands not suitable for development; and to allow, under very stringent requirements, a mixture of residential, recreational, and marine commercial activities through the Town's growth allocation method.~~ The RC District is intended to protect and maintain land use in critical flood and stormwater management; to provide land for community parks and recreational activities, including access to the Bay and its tributaries; to ensure that any new use complies with all environmental protection and land use laws and preservation agreements of the Town of Chesapeake Beach and the State of Maryland; to allow the Town of Chesapeake Beach to acquire land to ensure its preservation and prevent residential development where all parcels that were dedicated for Open Space, Forest Conservation, stormwater management, and wildlife habitats (as a condition for the development of previously approved Residential Planned Communities or for communities built on lands annexed through the Town's Growth Allocation Floating District).

## Amendment 8

*Amend Section 290-43, Terms Defined to insert and define the term "Tourist Home", as follows:*

**Tourist Home (aka Short-Term Rental)** A residential building, that is rented commercially in whole or in part, or a separate dwelling unit accessory to such a building that is rented commercially, in which paying guests are provided, with or without prearrangement, overnight accommodations on a short-term basis for commercial compensation."

## Amendment 9

*Amend Section 290-19N to establish a requirement for common open space in housing developments, as follows:*

### N. Common Open Space Requirements

- (1) Purpose: **Common Open Space** shall be provided within ~~each~~ **all future residential developments developed** to preserve, protect and enhance the quality and value of developed lands; promote the preservation of natural and scenic areas; protect sensitive natural resource areas; for the natural retention of stormwater **and floodwaters**; and to promote access to light, open air, and recreational opportunities for the health and public welfare of residents.
- (2) Identification: **Common Open Space** shall mean landscaped or undeveloped land used for outdoor active and passive recreational purposes or for Critical Area or resource land protection, including structures incidental to these open space uses, including required buffers, but excluding land occupied by structures or impervious surfaces not related to the open space uses and yards required by this chapter.
- (3) A minimum of 1,000 square feet per housing unit of Common Open Space shall be provided and no less than 75% of such open space shall be improved as recreational area.
- (4) Common Open Space shall be owned and maintained by a Home Owners Association or similar entity.
- (5) No part of the Common Open Space requirement of this section shall be satisfied through a payment of a fee-in-lieu of providing that space.
- (6) The Common Open Space requirement of this section applies to developments with three or more housing units.

## Amendment 10

This is largely a clerical change that updates a table of lot and bulk standards. The two exceptions to this relate to building height and the minimum percent of open space on lots.

Amend Section 290-19, Tables to eliminate the Residential Village (RV) District and replace it with the new RV-1 and RV-2 Districts and eliminate the Commercial (C ) District and Maritime District and replace them with the Neighborhood Commercial (NC), Town Commercial (TC), Commercial Plaza (CP), and Maritime Commercial (MC) Districts.

The lot and bulk regulations of the old districts are used for the new set of zoning districts, except that the maximum building height in the R-HD district is reduced from 50 feet to 35 feet and the maximum building height in the Maritime District (70-feet) is not carried forward into the new Maritime Commercial District. The maximum building height would be 35 feet.

Also with this amendment, the minimum open space requirement on lots in the R-HD, RV-1, and RV-2 Districts is changed from 15% to 35%.

Removed Text is shown as: ~~with strikethrough~~  
New text is shown as: **in Bold**

### 290-19 Tables; requirements; exceptions

A. Tables of dimensional requirements. The regulations for each district pertaining to minimum lot area, minimum lot area per dwelling unit, minimum lot width, maximum height, and minimum required yards shall be as specified in the Table of Dimensional Requirements set forth below.

	R-LD	R-MD	R-HD	<del>RV</del>	<b>RV-1</b>	<b>RV-2</b>	<del>C</del>	<b>NC</b>	<b>TC</b>	<b>CP</b>	<del>MC</del>	<b>MC</b>	RC
A. Minimum lot size ( sq. feet <b>except where noted</b> <sup>1</sup>	10,000	7,500	5,000	<del>6,000</del>	<b>6,000</b>	<b>6,000</b>	<del>5,000</del>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<del>5,000</del>	<b>5,000</b>	43,560
B. Average minimum lot area per dwelling unit (sq. ft.) <sup>2</sup>	-	-	2,500	<del>5,000</del>	<b>6,000</b>	<b>5,000</b>	<del>3,600</del>	<b>n/a</b>	<b>3,600</b>	<b>n/a</b>	<del>3,600</del>	<b>n/a</b>	n/a
C. Minimum lot width (feet) <sup>3</sup>	75	50	50	<del>50</del>	<b>50</b>	<b>50</b>	<del>25</del>	<b>50</b>	<b>50</b>	<b>50</b>	<del>25</del>	<b>50</b>	150

	R-LD	R-MD	R-HD	<del>RV</del>	<b>RV-1</b>	<b>RV-2</b>	<del>C</del>	<b>NC</b>	<b>TC</b>	<b>PC</b>	<del>MC</del>	<b>MC</b>	RC
<del>A-D.</del> Minimum front yard setback (feet)	15	15	15	<del>15</del>	<b>15</b>	<b>15</b>	<del>10</del>	<b>10</b>	<b>10</b>	<b>10</b>	<del>10</del>	<b>10</b>	25
<del>B-E.</del> Minimum side yard setback (feet)	8	8	8	<del>8</del>	<b>8</b>	<b>8</b>	<del>8</del>	<b>8</b>	<b>8</b>	<b>8</b>	<del>8</del>	<b>8</b>	75
<del>C-F.</del> Minimum rear yard setback (feet)	20	20	20	<del>20</del>	<b>20</b>	<b>20</b>	<del>20</del>	<b>20</b>	<b>20</b>	<b>20</b>	<del>20</del>	<b>20</b>	25
<del>D-G.</del> Minimum open space	40%	35%	<del>45%</del>	<del>35%</del>	<b>35%</b>	<b>35%</b>	<del>45%</del>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<del>20%</del>	<b>15%</b>	60%
<del>E-H.</del> Maximum building height (feet)	35	35	<del>50</del>	<del>35</del>	<b>35</b>	<b>35</b>	<del>35</del>	<b>35</b>	<b>35</b>	<b>35</b>	<del>70</del>	<b>35</b>	35

<sup>1</sup> Lot areas must conform to State and County Health Department requirements.

<sup>2</sup> ~~Applies only to townhouse and multifamily dwellings.~~ The average lot area of all dwellings on the lot shall equal or exceed that set forth above, provided that no lot is created with a lot area less than 2,000 square feet. **Dwellings in the TC District are permitted within a building in combination with a permitted commercial use.**

<sup>3</sup> The minimum lot width for lots with single-family dwellings without public water and sewer is 100 feet.