



This meeting will be held virtually. To join the meeting by computer please click the link <https://us02web.zoom.us/j/8697557180>. Once connected you can join by computer audio or dial in via the information that is provided on your screen. To join by phone only please dial **(929) 205 6099** and enter the Meeting ID **869 755 7180**.

**PLANNING & ZONING AGENDA
FEBRUARY 24, 2021**

I. Call to Order

II. Approve the Agenda

III. Approval of the Minutes of the January 27, 2021 Planning & Zoning Meeting.

IV. Old Business

- a. Progress report on the comprehensive plan update (zoning administrator).
- b. Motion to clarify the December 15, 2020 Commission's decision on the revised site plan for Rod & Reel properties, that such approval does not include proposed site plan revisions to the 1936 Bar and Grille sign or flags to be installed on or above the roof line of the various structures on the site, because the proposed revisions are not compliant with the Chesapeake Beach Zoning Code §290-22(h). (Chairman).
- c. Motion directing the Zoning Administrator to prepare and present to the Commission a report including draft zoning and text amendments that clarify the Town prohibition on short term rentals; and includes draft alternative amendments that partially lift such prohibition. (Chairman).
- d. Motion to set a future hearing date on draft zoning text amendments to chapter 290 of the Town Code of Chesapeake Beach, zoning ordinance to limit the height of all new buildings within all zoning districts within the Town to 35 feet. (Commissioner Greengold). draft text amendments attached.
- e. Motion to remove residential development allocations in the Town Center and marina areas and to remove all multi-unit housing types in the residential village areas to preserve the ability to accommodate recreation and potential future commercial amenities in and near the Town Center. (Commissioner Blackwelder)

8200 BAYSIDE ROAD, P.O. BOX 400 CHESAPEAKE BEACH, MARYLAND 20732

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PUBLIC HEARING: On a resolution recommending that the Mayor and Town Council adopt a temporary moratorium on the Planning Commission's acceptance and consideration of applications for development projects.

V. Discussion: Whether a moratorium should be placed on the acceptance and consideration by the Planning Commission of applications for development projects. (Zoning Administrator)

VI. Public Comment:

VII. Motion to adopt the following resolution which reads in main as follows:

The Town of Chesapeake Beach Planning and Zoning Commission recommends that the Mayor and Town Council adopt an ordinance causing a moratorium to be placed on the Planning Commission's acceptance and consideration of any applications for development projects requiring a tentative sketch plan, a site plan or a subdivision plat; except for certain properties and development activities that are of record (Grandfathered) prior to the date of adoption of this moratorium (as defined in Code §245-7 and §245-6, respectively).

The Planning Commission further recommends that the moratorium not apply to reviews, revisions and approvals that do not require Planning Commission consideration but are of such minor and routine nature that, under the Code, can be approved by the Town Zoning Administrator. Neither should the moratorium restrict the Planning Commission from initiating work related to its assigned responsibilities under the Town Code.

The Planning Commission further recommends that the moratorium remain in place until the first of either: (1) the Town Council's adoption of the new Comprehensive Plan and implementing ordinances, most notably amendments to the Zoning Ordinance and Zoning Map, or (2) the expiration of twelve months from the date this moratorium becomes effective. FULL RESOLUTION ATTACHED.

VII. Adjournment: At approximately 9:00PM, depending upon hearing progress, Chairman will request a motion to adjourn. If approved, the meeting/hearing will end.

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Resolution

Town of Chesapeake Beach Planning and Zoning Commission

WHEREAS: The Town of Chesapeake Beach Planning and Zoning Commission (hereinafter the Planning Commission) "shall advise the Town Council on all matters relating to the orderly growth of the Town of Chesapeake Beach." Town of Chesapeake Beach, MD Code (hereinafter Code) § 290-31(A) Purpose; and

WHEREAS: The Planning Commission "shall [p]repare and recommend a Comprehensive Plan for the Town of Chesapeake Beach, and review and update said plan at least once every six years." Code § 290-31(A)(1); and

WHEREAS: The Town's Comprehensive Plan 2010 Update was adopted on January 20, 2011 and must be reviewed every 10 years. Md. LAND USE Code Ann. § 3-303(a) Required review; and

WHEREAS: Adoption of zoning laws, planned development ordinances and regulations, subdivision ordinances and regulations and other land use ordinances and regulations shall be consistent with the Comprehensive Plan. Md. LAND USE Code Ann. § 3-303(b) Implementation. review; and

WHEREAS: The Planning Commission began the process of updating the Comprehensive Plan by holding Town Workshops on September 12 and 18, 2018, during which five themes emerged, one of which is "Preserving and Enhancing our Small-Town Charm."
https://www.chesapeakebeachmd.gov/sites/g/files/vyhli4261f/uploads/vision_2040.pdf ; and

WHEREAS: The direction provided by the workshops, and subsequent work on the update to the Comprehensive Plan, require a wholesale rewrite of the previous, Comprehensive Plan 2010 Update; and

WHEREAS: While updating and rewriting the Town Comprehensive Plan, the Planning Commission must also complete its routine workload; but since 2018 has experienced a turnover of all but two Commissioners, has replaced the Chairman and Vice Chairman three times, and meetings were cancelled for four months in 2020 due to the COVID pandemic; and

WHEREAS: The Planning Commission recently recognized a need for near-term interim actions to mitigate against the time necessary to address the challenges of incorporating the express desires of the public into the next Comprehensive Plan update:

(A) At the September 23, 2020 meeting on the Land Use section of the Comprehensive Plan update, there was extensive discussion of actions necessary to preserve small-town charm including limiting building heights, reducing density, and designation of resource conservation areas.

(B) The November 12, 2020 agenda included "discussion on zoning & height limits."

(C) The December 2, 2020 Comprehensive Plan work session included a lengthy discussion of building heights in the Town Center and Maritime Mix Use areas, types of family structures to be allowed in residential zoning districts.

(C) The December 15, 2020 agenda included two motions (below) which were subsequently deferred to a future meeting to accommodate the routine business of a "Review of Revisions to the Final Site Plan for lot 1 & residue tract one, Rod & Reel, Inc., Hotel and Resort Redevelopment Project."

(1)"Motion to recommend that the Town Council amend Chapter 290 of the Town Code of Chesapeake Beach, Zoning Ordinance to limit the height of all new buildings within all zoning districts within the town to 35 feet."

(2) "Motion to include in the draft Comprehensive Plan proposals that would not permit new residential development in the Plan's proposed town center marina area and permit no new housing except single family buildings in existing neighborhoods currently zoned residential village but permitting the currently planned build-out of stream walkway in Richfield Station (54 lots), the townhouses in Richfield Station Crestview (48 lots) and the Heritage (72 lots)."

(D) The January 27, 202 Planning Commission meeting was devoted to a short-fuzed controversy (Short Term Rentals) raised by the public and the Town Administration, and no work advancing the Comprehensive Plan was planned or completed, and

WHEREAS: The Planning Commission, after extensive study and deliberation in open meetings and work sessions, anticipates that it will recommend a revised Comprehensive Plan and implementing ordinances that will address the significant foreseeable challenges the community is and will face, including among others:

- (A) Rising groundwater tables, storm damage potential, increases in the projected depth and extent of flooding and storm surge, and the threat to public and private infrastructure and buildings related to rising water levels in the Chesapeake Bay,
- (B) The instability and potential erodibility of steep slopes, shorelines, and lands "made" through the historic reclamation of marshes and the irreparable loss of scenic natural beauty caused by the clearing of forests and poorly planned development,
- (C) Proposals for construction of large and tall buildings that would degrade the Town's scenic vistas and the view of the water which are vital to the aesthetic and cultural values of Chesapeake Beach and antithetical to the public's desire to "Preserv[e] and Enhanc[e] our Small-Town Charm." ,
- (D) The paucity of vacant or undeveloped property to address the existing deficit in neighborhood park space,
- (E) The adoption of new standards to guide the design of future buildings and building sites into ways that preserve the character of the Town;
- (F) The safety and convenience of walking in Town generally and along MD Route 260, within the areas zoned for commercial development where the calming of traffic speeds is insufficient, and the quality of the pedestrian environment is poor; and

WHEREAS: In order to address the aforementioned challenges and others, the Planning Commission's emerging recommendations and policies, are departing in significant ways from the currently adopted plan and Zoning Ordinance, including in the areas of land use, development intensity, the height of buildings, and the protection of environmental resources; and

WHEREAS: The Planning and Zoning Commission endeavors to have a draft of the revised Comprehensive Plan ready for public review in 2021, and a public hearing and approval by the Town Council, Calvert County and the State of Maryland in 2022; and

WHEREAS: The Planning and Zoning Commission also has the authority under the Town Code, Chapter 290 (Zoning Ordinance) and Chapter 245 (Subdivision of Land), to review and take action to approve or deny development site plans and subdivision plats respectively; and

WHEREAS: On January 29, 2021, the Town received, in one delivery, applications for four separate major development site plans and one major subdivision plat, and the Planning Commission has determined upon advice of the Zoning Administrator that such an unprecedented project submittal imposes an administrative burden on the Planning Commission which would either forestall the timely completion of the Comprehensive Plan and any implementing ordinances, or foreclose the opportunity for the public participation and deliberation on the draft plan the Commission believes is in the public interest; and

WHEREAS: The Planning Commission further finds that the unprecedented submittal of the five separate development applications is timed on the part of the applicant to obtain development approvals before the new Comprehensive Plan and implementing ordinances can be considered by the public, deliberated upon by the Planning Commission and adopted by the Mayor and Town Council; and

WHEREAS: In light of the aforementioned challenges and informed by the aforementioned deliberations, the Planning Commission believes (1) such development proposals and other major projects could prove to be poorly planned and harmful to community health, safety and wellbeing, (2) the challenges the Town is seeking to address could be compounded by major development projects that are not in tune with the new Comprehensive Plan or compliant with forthcoming ordinances and guidelines, and (3) intensive development within the Town's coastal areas, or on forested land or hillsides, can worsen risks and foreclose opportunities to reasonably manage private development and program essential public infrastructure; and

WHEREAS: The Planning Commission has determined that it is in the public interest to preserve the status quo until the new Comprehensive Plan and implementing ordinances are completed, transmitted to the Mayor and Council, and then adopted;

THEREFORE, BE IT RESOLVED THAT:

The Town of Chesapeake Beach Planning and Zoning Commission recommends that the Mayor and Town Council adopt an ordinance causing a moratorium to be placed on the Planning Commission's acceptance and consideration of any applications for development projects requiring a tentative sketch plan, a site plan or a subdivision plat; except for certain properties and development activities that are of record (Grandfathered) prior to the date of adoption of this moratorium (as defined in Code §245-7 and §245-6, respectively).

The Planning Commission further recommends that the moratorium not apply to reviews, revisions and approvals that do not require Planning Commission consideration but are of such minor and routine nature that, under the Code, can be approved by the Town Zoning Administrator. Neither should the moratorium restrict the Planning Commission from initiating work related to its assigned responsibilities under the Town Code.

The Planning Commission further recommends that the moratorium remain in place until the first of either: (1) the Town Council's adoption of the new Comprehensive Plan and implementing ordinances, most notably amendments to the Zoning Ordinance and Zoning Map, or (2) the expiration of twelve months from the date this moratorium becomes effective.

Approved on _____, 2021

Members of the Planning and Zoning Commission

Larry Brown, Chairman

Laura Blackwelder

Cynthina Greengold

Jonathan Evans

Jeff Larsen

Kathleen Berault