



OFFICE OF THE PLANNING AND ZONING COMMISSION

**PLANNING & ZONING COMMISSION
AGENDA
JULY 5, 2023**

- I. Call to Order & Roll Call**
- II. Approval of the July 5, 2023 Planning & Zoning Agenda.**
- III. Approval of the minutes of the May 24, 2023 Planning & Zoning Meeting.**
- IV. Nominate and elect a Planning Commission Chairman.**
- V. Nominate and elect a Planning Commission Vice-Chair.**
- VI. Public Comment on any item on the agenda: NOTE: There will be a 2-minute limit on comments received.**
- VII. Zoning Text Amendments, Permitting with Conditions, Certain Commercial Uses in the RV-1 District.**
- VIII. Continued discussion of Critical Area Regulations.**
- IX. Comments by Commissioners- Note: 1-minute limit on comments.**
- X. Adjournment:**



PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING AND ZONING COMMISSION MAY 24, 2023

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

II. **Approval of the May 24, 2023 Planning & Zoning Agenda.**

MOTION: Commissioner Berault moved to approve the May 24, 2023 Planning & Zoning agenda. Seconded by Commissioner Ruttkey.

MOTION: Chair Greengold moved to amend the agenda to add **“VI.b – Mr. Jakubiak to present possible agenda item for next month.”** Seconded by Commissioner Ruttkey.

The Commission voted on the amended agenda, all in favor.

III. **Approval of the April 26, 2023 Planning & Zoning meeting minutes.**

MOTION: Commissioner Berault moved to approve the April 26, 2023 Planning & Zoning meeting minutes. Seconded by Commissioner Ruttkey, all in favor.

IV. **Suggested changes to meeting schedule.**

- 1) Recess for August.
- 2) Reschedule November 22nd meeting to November 15th.
- 3) Reschedule December 27th meeting to December 13th.

MOTION: Commissioner Berault moved to approve the proposed changes to the Planning Commission meeting schedule. Seconded by Commissioner Blackwelder, all in favor.

V. **Public Comment** – None Received.

VI. **Continue discussion on Critical Area Regulations:**

Mr. Jakubiak did a brief overview of the last meeting’s discussions regarding the Buffer and addressed questions and concerns from the Commission before moving forward. He addressed several concerns from Commissioners Blackwelder and Berault.

Continued Discussion - Part 3. Buffer

A. Applicability & Delineation

(2) Applications for a subdivision or development activity on land located within the RCA requiring site plan approval after July 1, 2008 shall include a minimum Buffer of at least 200 feet from a tidal waterway, or tidal wetlands, and 100 feet from a tributary or stream.

(a) The 200-foot Buffer may be reduced if strict application of the 200-foot Buffer would preclude either subdivision at a density of one dwelling unit per 20 acres, or an intrafamily transfer subdivision.

(b) The reduced Buffer should be the minimum necessary to accommodate a dwelling and a sewage reserve area, as determined by the Planning Director, but no less than 100 feet.

After discussion, Chair Greengold moved to amend the following, to remove language with strikeout and add the highlighted word as follows:

(2) Applications for a subdivision or development activity on land located within the RCA requiring site plan approval after July 1, 2008 shall include a minimum Buffer of at least 200 feet from a tidal waterway, **or** tidal wetlands, ~~and 100 feet from a tributary~~ **or** stream.

The Commission unanimously agreed.

The Commission inquired as to the meaning of “intrafamily transfer” as referenced in (a) above. The Commission did not feel this relevant to the Town. The Commission also discussed possibly increasing the regulated buffer up to 300 feet.

The Commission has requested Mr. Jakubiak to inquire from the State Commission if both (a) and (b) above could be eliminated entirely and if there would be an issue with the Town increasing the buffer to three times its current.

C. Buffer Establishment

Mr. Jakubiak stated under the Buffer Establishment, if you’re permitted to do some development activity or some kind of disturbance in the buffer, you have to meet certain requirements. The buffer is primarily off limits, however, there are exceptions and if you are able to do something, you have to comply with the types of standards listed. Mr. Jakubiak expounded on the six requirements of this regulation. Mr. Jakubiak discussed Table 3 in this section which describes the development category and the requirements necessary depending on the timeline in which the lot was created. Mr. Jakubiak addressed the Commission’s questions and concerns.

D. Mitigation for impacts to the Buffer.

This section addresses the removal of trees, which is of great concern to the Commission. Due to the late hour, the Commission will continue discussion of this section at its next meeting.

VI.b Presentation by Mr. Jakubiak on possible agenda item for next month – Mr. Jakubiak stated that the Town Council may seek a recommendation from the Commission on a zoning change, so he wanted to brief the Commission beforehand. When the Horizons on the Bay was constructed, it was under the zone of Commercial High Density, which allowed for a mix of uses within the same building. When the recent zoning amendments were passed it made those types of uses illegal. The Town recently received an application for a salon, which would occupy a space in the building. The applicant will be filing for a zoning change to allow commercial use in the building, and it may come to the Commission for a recommendation if the Council decides to move forward with it.

VII. Adjournment:

There being no further comments, Commissioner Hauhn moved to adjourn the meeting at 9:20 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.

Memorandum

To: Town of Chesapeake Beach Planning Commission
From: Christopher Jakubiak, Planning and Zoning Administrator
cc: Holly Wahl, Town Administrator
Date: June 28, 2023
RE: Zoning Text Amendment

Introduction

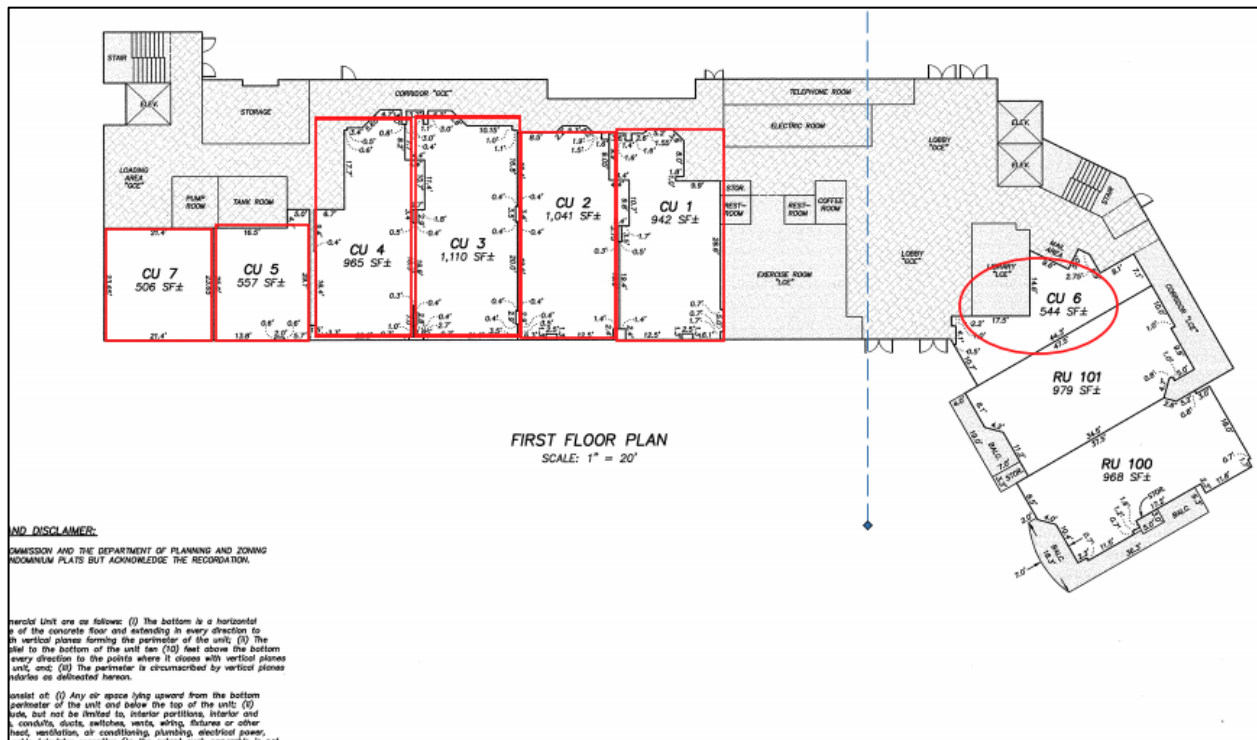
The agenda for the upcoming July 5, 2023 Planning Commission meeting includes a zoning text amendment. That amendment is attached and if/when it is approved by the Town Council, it would restore the right to have certain commercial uses within the Horizons On the Bay. These uses were permitted (with conditions) there until the Town Council adopted the comprehensive set of zoning text amendments and a new zoning map via Ordinance Nos. O-22-12 and O-22-13 in September and November 2022, respectively.

The Council took up of this amendment at a work session on June 6, 2023. It decided to refer it to the Planning Commission, effectively requesting that the Commission provide a recommendation its consideration.

Background

As part of the comprehensive rezoning in 2022, the Planning Commission recommended the Council adopt a set of zoning text amendments including changes to the Table of Permitted Uses. Before adopting those amendments, the Council eliminated certain commercial uses in the RV-1 District. One of the unintended effects of the change was to prevent commercial uses on the ground floor of the Horizons on Bay, where they had always been permitted. Horizons on the Bay was developed as a mixed commercial/residential condominium building with ground level floor area devoted to commercial uses. It is now zoned RV-1.

The exhibit below is excerpted from the recorded plat for the property showing the ground floor of the Horizons building. Note the designation "CU". It is used to designate various "Commercial Units". Recently a local business owner sought a zoning permit to operate a salon in one of these commercial units. The permit cannot be approved unless / until the zoning ordinance is amended.



Recommendation

Please see the attached zoning text amendment. It is divided into four parts. Each part addresses one commercial use. The effect of the amendment would be to allow each of the named commercial uses to be permitted again (but this time with only one condition) in the RV-1 District.

Note that for each use, the sole condition proposed is the following: *“the use shall be an integral part of an existing and otherwise permitted mixed use commercial and multi-family development”*. As you know, Horizons on the Bay is the only “permitted mixed use commercial and multi-family development” in the RV-1 district. The effect of the text amendment would be to restore these four uses to the Horizons on the Bay. These uses would remain not-permitted everywhere else in the RV-1 District.

Amendment to the Town of Chesapeake Beach Zoning Ordinance, Article III, Zoning Districts, Subsection 290-10, Land Use Table, and Subsection 290-11, Conditions and Standards for Conditional and Special Exception Uses

Purpose: To revise the above referenced sections to designate certain commercial uses as “permitted with conditions” within a duly approved and existing non-conforming mixed commercial/high density residential building in the RV-1 District.

New text is shown in: **BOLD CAPS**
Removed text is shown in: ~~Strikethrough~~

1. RE: Office or clinic for medical or dental examination or treatment of persons as outpatient, including laboratories incidental thereto.

A. Amend Subsection 290-10, Table 1, Land Use Classifications to make the following use a Conditional (C) use in the RV-1 District:

OFFICE OR CLINIC FOR MEDICAL OR DENTAL EXAMINATION OR TREATMENT OF PERSONS AS OUTPATIENT, INCLUDING LABORATORIES INCIDENTAL THERETO.

B. Amend Section 290-11, Conditions and Standards for Conditional and Special Exception Uses as follows:

Office or clinic for medical or dental examination or treatment of persons as outpatient, including laboratories incidental thereto: conditional use in the NC, TC, PC, and MC Districts, subject to the requirements of the district where located except as herein provided:

AND WITHIN THE RV-1 DISTRICT IT SHALL BE A CONDITIONAL USE, SUBJECT TO THE REQUIREMENTS OF THE DISTRICT WHERE LOCATED EXCEPT AS HEREIN PROVIDED:

(1) THE USE SHALL BE AN INTEGRAL PART OF AN EXISTING AND OTHERWISE PERMITTED MIXED USE COMMERCIAL AND MULTI-FAMILY DEVELOPMENT.

2. RE: Retail establishment carrying one type of interrelated goods, such as a bookstore, gift shop, florist shop.

- A. Amend Subsection 290-10, Table 1, Land Use Classifications to make the following use a Conditional (C) use in the RV-1 District:

RETAIL ESTABLISHMENT CARRYING ONE TYPE OF INTERRELATED GOODS, SUCH AS A BOOKSTORE, GIFT SHOP, FLORIST SHOP.

- B. Amend Section 290-1, Conditions and Standards for Conditional and Special Exception Uses by adding the following:

RETAIL ESTABLISHMENT CARRYING ONE TYPE OF INTERRELATED GOODS, SUCH AS A BOOKSTORE, GIFT SHOP, FLORIST SHOP: CONDITIONAL USE IN THE RV-1 DISTRICT, SUBJECT TO THE REQUIREMENTS OF THE DISTRICT WHERE LOCATED EXCEPT AS HEREIN PROVIDED:

- (1) **THE USE SHALL BE AN INTEGRAL PART OF AN EXISTING AND OTHERWISE PERMITTED MIXED USE COMMERCIAL AND MULTI-FAMILY DEVELOPMENT.**
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3. RE: PERSONAL SERVICES, INCLUDING BARBERSHOPS, SALONS, LAUNDRY, DRY CLEANING (RECEIVING STATIONS) TRAVEL AGENCY, INSURANCE, REAL ESTATE , REPAIR SHOPS FOR SHOES, BIKES, WATCHES, LOCKS.

- A. Amend Subsection 290-10, Table 1, Land Use Classifications to make the following use a Conditional (C) use in the RV-1 District:

PERSONAL SERVICES, INCLUDING BARBERSHOPS, SALONS, LAUNDRY, DRY CLEANING (RECEIVING STATIONS) TRAVEL AGENCY, INSURANCE, REAL ESTATE , REPAIR SHOPS FOR SHOES, BIKES, WATCHES, LOCKS.

- B. Amend Section 290-11, Conditions and Standards for Conditional and Special Exception Uses by adding the following:

PERSONAL SERVICES, INCLUDING BARBERSHOPS, SALONS, LAUNDRY, DRY CLEANING (RECEIVING STATIONS) TRAVEL AGENCY, INSURANCE, REAL ESTATE , REPAIR SHOPS FOR SHOES, BIKES, WATCHES, LOCKS: CONDITIONAL USE IN THE RV-1 DISTRICT, SUBJECT TO THE REQUIREMENTS OF THE DISTRICT WHERE LOCATED EXCEPT AS HEREIN PROVIDED:

- (2) **THE USE SHALL BE AN INTEGRAL PART OF AN EXISTING AND OTHERWISE PERMITTED MIXED USE COMMERCIAL AND MULTI-FAMILY DEVELOPMENT.**

4. RE: ARTISTS, PHOTOGRAPHER'S GALLERY, STUDIO

- A. Amend Subsection 290-10, Table 1, Land Use Classifications to make the following use a Conditional (C) use in the RV-1 District:

ARTISTS, PHOTOGRAPHER'S GALLERY, STUDIO

- B. Amend Section 290-11, Conditions and Standards for Conditional and Special Exception Uses by adding the following:

ARTISTS, PHOTOGRAPHER'S GALLERY, STUDIO: CONDITIONAL USE IN THE RV-1 DISTRICT, SUBJECT TO THE REQUIREMENTS OF THE DISTRICT WHERE LOCATED EXCEPT AS HEREIN PROVIDED:

- (1) **THE USE SHALL BE AN INTEGRAL PART OF AN EXISTING AND OTHERWISE PERMITTED MIXED USE COMMERCIAL AND MULTI-FAMILY DEVELOPMENT.**