



OFFICE OF THE PLANNING AND ZONING COMMISSION

**PLANNING & ZONING COMMISSION  
AGENDA  
JUNE 22, 2022**

- I. Call to Order**
- II. Approve the Agenda**
- III. Approval of the minutes of the May 25, 2022 Planning & Zoning Meeting.**
- IV. Public Comment on any item on the agenda: NOTE: There will be a 2-minute limit on comments received.**
- V. Welcome new Commission member.**
- VI. Annual election of the Commission Chairman.**
- VII. Continue discussion of zoning ordinance changes necessary to implement the recommendations in the draft Comprehensive Plan - 2021 Update for immediate term text amendments. (See also; Zoning Administrator's memo to the Commission - attached).**

**Agenda Sequence for considering Commission's Zoning Text Amendment recommendations** (the list of previously approved Commission recommended changes to be included with the final Zoning Code recommendation to the Town Council is included at the end of this agenda):

1. Present the Zoning Map that is consistent with the approved Comprehensive Plan for Commission approval (see Zoning Map attachment).
2. Present " § 290-19 Tables, requirements, exceptions" that is consistent with the approved Comprehensive Plan zoning districts and building height limitations for Commission approval. (e.g. "Zoning Administrator's memo amendment 10").

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	RV	RV-1	RV-2	€	NC	TC	CP	44	MC	RC
A. Minimum lot size (sq. feet except where noted) <sup>1</sup>	1	7,500	5,000	—6,000	6,000	6,000	—5,000	5,000	5,000	5,000	—5,000	5,000	43,560
B. Average minimum lot area per dwelling unit (sq. ft.) <sup>2</sup>	-	-	2,500	—5,000	6,000	5,000	—3,600	n/a	3,600	n/a	—3,600	n/a	n/a
C. Minimum lot width (feet) <sup>3</sup>	75	50	50	—50	50	50	—25	50	50	50	—25	50	150

	R-LD	R-MD	R-HD	RV	RV-1	RV-2	€	NC	TC	PC	44	MC	RC
A-D. Minimum front yard setback (feet)	15	15	15	—15	15	15	—10	10	10	10	—10	10	25
B-E. Minimum side yard setback (feet)	8	8	8	—8	8	8	—8	8	8	8	—8	8	75
C-F. Minimum rear yard setback (feet)	20	20	20	—20	20	20	—20	20	20	20	—20	20	25
D-G. Minimum open space	40%	35%	15%-35%	15%	35%	35%	15%	15%	15%	15%	20%	15%	60%
E-H. Maximum building height (feet)	35	35	50-35	—35	35	35	—35	35	35	35	—70	35	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.

3. Continue discussion from previous meeting on changes to common open space in housing developments, present and review changes for Commission approval. (Zoning Administrator's memo Amendment 9)

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

§ 290-19 N. Common Open Space Requirements

- a. Purpose: **Common Open Space** shall be provided within each **all-future residential developments** ~~developed lot~~ 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.
- b. 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.
- c. 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.
- d. Common Open Space shall be owned and maintained by a Homeowners Association or similar entity.
- e. No part of the Common Open Space requirement of this section shall not be satisfied through a payment of a fee-in-lieu of providing that space.

4. Present amendments related to Tourist Homes (*aka Short-Term Rental*) for Commission approval. (Zoning Administrator's memo Amendment 8)

- a. Amend Section 290-43, Terms Defined to insert the term "Tourist Home" that the Town Council approved by resolution, 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."

- b. Amend Section 290-11R to remove references to Tourist Homes, add a new 290-11S and re-letter the subsequent sections accordingly. The new section 290-11S would read as follows:

“Tourist Home (aka Short-Term Rental): Conditional use in the NC and TC Districts, subject to requirements of the district where located and the conditions herein provided:

- a. The use shall be contained within a single-family dwelling or dwelling unit accessory to a single-family dwelling permitted in the zone where located.
- b. The lot shall have at least two on-site parking spaces.
- c. The Applicant shall submit a parking plan with the zoning permit application demonstrating that there is at least one off-street parking place for every two adults permitted to stay and the zoning permit shall restrict Tourist Home occupancy accordingly.

5. Continue discussion from previous meetings on changes to the amended Table (*see: Zoning Amendment-Table 1 Permitted Uses - attached*), changes beginning at line number 18 for Commission approval:

- # 18. Office or clinic: Delete from RV-2
- # 33. Rooming, Boarding, Lodging: delete entire line
- # 34. Motel, Hotel, Tourist Home: delete tourist home
- Add new line: Tourist Home
- #42. Marina: Change additional Use Regulations from 290-W to 290-X
- #43. Transformer station: Change additional Use Regulations from 290-X to 290-Y
- #45. Light Industrial Uses: delete entire line
- #48. Customary Home (1): Change additional Use Regulations from 290-Y to 290-Z
- #49. Customary Home (2): Change additional Use Regulations from 290-Z to 290-AA
- #50. Garage: Change additional Use Regulations from 290-AA to 290-BB
- #51. Carnival: Change additional Use Regulations from 290-BB to 290-CC
- #52. Temporary Building: Change additional Use Regulations from 290-CC to 290-DD

**The following Text Amendments were previously approved by the Commission and will be included with the final recommended Zoning Code changes to be presented to the Town Council. They are shown here so the Public can see the entire list of “Immediate Term Text Amendments” being considered by the Commission.**

**Amendment 1; (Zoning Administrator’s memo 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:*

§ 290-19 L. Height exceptions to maximum regulations.

- a. 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.
- b. ~~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 2; (Zoning Administrator's memo 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 3; (Zoning Administrator's memo 4)**

*Repeal section Article IV, 290-15 Bonus Density Overly 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 4; (Zoning Administrator's memo 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):*

§ 290-9 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.**

§ 290-9 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.

**Amendment 5; (Zoning Administrator's memo 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:*

§ 290-9 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.~~

§ 290-9 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.~~

§ 290-9 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.

§ 290-9 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.

§ 290-9 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.

§ 290-9 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 waterfront 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 6; (Zoning Administrator’s memo 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 2021 update of the Comprehensive Plan, as follows:*

§ 290-9 RC Resource Conservation District. The Resource Conservation District is intended to protect and maintain wetlands, surface waters, steep slopes, forests, areas with elevated risks of flooding, ~~and barren lands identified in the Town’s Chesapeake Bay Critical Area Protection Program~~ and other environmentally sensitive areas; to provide locations for parkland, flood management, recreational activities, and access to the water and Bay; ~~and to avoid intense development~~ **and the placement of residential uses in areas on lands not suitable for such development and uses including areas subject to increased risk of flooding and otherwise protect public safety;** ~~to allow, under very stringent requirements, mixture of residential recreational and marine commercial activities through the Town’s growth allocation method.~~ **and to acquire or otherwise prevent from further development, 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.**

VIII. **Public Comment:** NOTE: There will be a 2-minute limit on comments received.

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

# MEMORANDUM

To: Planning Commission  
From: Christopher N. Jakubiak, AICP, Planning and Zoning Administrator  
Date: June 7, 2022  
Re: Consolidated Listing of Zoning Text Amendments

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## Introduction

This is a follow up memo to my May 20, 2022 memo. The purpose is to request that the Planning Commission complete its work on the consolidated list of zoning text amendments and zoning map at your meeting of June 22, 2022. A public hearing then could be held on July 20, 2022. After the public hearing, the Commission will be asked to formally vote, and the changes you vote for will be transmitted to the Mayor and Town Council as advisory recommendations. When the Mayor and Council receive the Commission's recommendations, the Town Attorney will place them in official ordinance form.

The Planning Commission has conducted a comprehensive rezoning and specifically considered a new Zoning Map and text amendments. The Comprehensive Plan in Chapter X, Implementation, specifically recommends a list of "Immediate Term" zoning text amendments. be "evaluated and adopted concurrently with or immediately following adoption of this Comprehensive Plan". The Commission is now very close to completing this task.

These amendments are at the end of this memo and the draft new zoning map and table of permitted uses are attached. These are priority changes because if the moratorium is lifted without the bulk of these having been adopted, the Town will process development projects under its current rules, even projects that may be contrary to the Comprehensive Plan.

## Background on Comprehensive Rezoning

The Planning Commission began considering the text amendments in Fall 2021 and began deliberating on a draft zoning map not long after. Since the product of a comprehensive plan is a comprehensively amended zoning map and a set of supporting zoning amendments, the work of the Commission is not done until it submits these to the Council. Nothing accompanying this memorandum is new and I renew my recommendation to the Commissioners -- please stay focused on addressing them and moving them to a public hearing as soon as possible. You have voted to accept almost all of them already. There are several still outstanding and as far as I can tell, the Commission has still not voted on the draft zoning map, which is the most important part. These are all addressed here in this memo.



## Zoning Text Amendments

Here below is the direction on amending the text of the zoning ordinance provided in Chapter X of the now adopted Comprehensive Plan:

### Immediate Term Text Amendments

These are the amendments that can and should be evaluated and adopted concurrently with or immediately following adoption of this Comprehensive Plan.

- Reduce the allowable maximum building height to 35 feet.
- Remove all references to the Bonus Density Overlay District in their entirety.
- Divide the Residential Village District into two new zoning districts, RV-1, and RV-2, and create purpose statements for each. Within the new RV-1 District remove multi-family housing and townhouses from the list of permitted uses but continue to allow these uses within the new RV-2 District.
- Divide the Commercial Zoning District into multiple new zoning districts including, Neighborhood Commercial (NC), Town Commercial (TC), Commercial Plaza (CP), and create purpose statements for each.
- Modernize the list of permitted uses by district as may be needed to reflect changing land uses, building types and businesses activities and expressly prohibit uses that are found to be inherently adverse and incompatible with the public health and welfare of the Town.
- Remove multi-family buildings and townhouses as permitted uses in the new NC and CP commercial districts. Within the new TC district, allow residential use above street level commercial and clarify that existing single-family dwellings will be permitted by-right.
- Convert the Maritime District to Maritime Commercial (MC) and remove all new housing types from the list of permitted uses.
- Within the Resource Conservation District (RC), retain all protective easements, overlays, and regulations such as critical area and forest conservation. Do not allow by right residential use in the RC by including it as a listed use in the district description and remove it as a permitted use in the Land Use Table.
- Evaluate the purpose statement of each zoning district and revise as may be needed to ensure each is properly aligned with the recommendations of this Plan.
- Consider removing tourist homes as a permitted use in the proposed new Maritime Commercial district.
- Institute standards for the amount and quality of common open space to be required of new development projects.

Amendments #1 through 7, at the end of this document have already been drafted by the Commission and in each case a majority of members have voted affirmatively to accept them; they are ready for a public hearing. Each is specifically recommended in the Comprehensive Plan as noted above. Three other amendments, also specifically recommended in the list of Immediate Term Zoning Amendments, are still under review by the Commission. These are noted below along with my comments on their status:

- Modernize the list of permitted uses by district as may be needed to reflect changing land uses, building types and businesses activities and expressly prohibit uses that are found to be inherently adverse and incompatible with the public health and welfare of the Town.

This refers to the table of permitted uses, which is Section 290, Attachment 1 of the Zoning Ordinance, called Table 1 Land Use Classifications. This was on the agenda again at the May 25<sup>th</sup> meeting, but the Commission did not get past other discussions to devote time to it. Please confirm that it is acceptable and be prepared to vote on it.

- Consider removing tourist homes as a permitted use in the proposed new Maritime Commercial district.

This change is included in Table 1, Land Use Classifications (following use No. 34). See also Amendment #8 at the end of this memo for an explanation and supporting text. Please confirm that it is acceptable and be prepared to vote on it.

- Institute standards for the amount and quality of common open space to be required of new development projects.

The Commission reviewed this item at the May 25<sup>th</sup> meeting and asked that I revise it in several ways. You'll note that the revisions have been made and the full amendment is now included in this memo as Amendment #9 . Please confirm that it is acceptable and be prepared to vote on it.

Lastly, there is a table of lot and bulk requirements in the Zoning Ordinance, Section 290-19 that would automatically be updated on account of the new zoning districts. I think this is a largely a clerical change since it reflects just the changes made by the forgoing amendments and I share it with you previously. I included it here as Amendment #10. It also includes the change to the Minimum Open Space standards for lots in the RV and RHD districts from 15% to 35% that was discussed at the last meeting, since the consensus of the Commission was to make this change now.

## Zoning Map Amendments

With respect to the Zoning Map, here is what the Comprehensive Plan specifically says in the Implementation chapter.

### Map Amendments

Amending a zoning map and ordinance is the main way to implement a new land use plan over time. A zoning map must be consistent with an adopted land use plan so ultimately the Town will need to adopt a new zoning map. We recommend that the Town comprehensively amend the zoning map and adopt an updated map concurrent with or soon following adoption of the Comprehensive Plan. During comprehensive rezoning and update of the Town's Zoning Map, each zoning map change should be accompanied by a statement of its consistency with the objectives of this Comprehensive Plan and property owners should be provided a notice of a proposed rezoning and an opportunity to discuss the impact of the rezoning of their property with the Commission. Here are the recommended ways to amend the zoning map to bring it in concert with the Land Use Plan presented in Chapter V.

- Divide the Residential Village District (RV) into two separate districts, RV-1, and RV-2.
- Divide the Commercial District into separate districts: Neighborhood Commercial (NC) Town Commercial (TC), and Commercial Plaza (CP).
- Rename the Maritime district to Maritime Commercial (MC).
- Remove the bonus density overlay district from the map.
- Reclassify properties and/or redraw district boundaries guided by the recommended Land Use Plan in Chapter V.

Attached to this memo is the new zoning map which has also been presented at several Planning Commission meetings and reviewed and deliberated upon by the Commission. Please prepare to vote on it and have it presented at the Public Hearing along with the text amendments. The zoning map and the text amendments are mutually reinforcing.

## Conclusion

The attached zoning ordinance text amendments and new draft zoning map are provided here so that the Commission can act to vote them up or down at the June 22, 2022 meeting. Your vote at this stage is to accept the matter for presentation at the public hearing. After the public hearing the Commission will then formally vote to recommend the amendments and map to the Mayor and Council.

The task of submitting zoning ordinance amendment recommendations to the Mayor and Council is a responsibility of the Commission. It is required by the Town's Zoning Ordinance. Completing this task will allow the Town to address the moratorium and to proceed to other zoning changes and implementing tasks that are a priority for the Town.

# PLANNING AND ZONING COMMISSION

## PROPOSED ZONING ORDINANCE AMENDMENTS

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.*

		<b>Setbacks, Open Space and Height</b>						
		<b>Zoning Districts</b>						
		<b>R-LD</b>	<b>R-MD</b>	<b>R-HD</b>	<b>R-V</b>	<b>C</b>	<b>M</b>	<b>RC</b>
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%	15%	15%	15%	20%	60%
E.	Maximum building height (feet) <sup>5</sup>	35	35	<del>50</del> <b>35</b>	35	35	<del>70</del> <b>35</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 Overly 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.

## 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 2021 update of the Comprehensive Plan, as follows:*

RC Resource Conservation District. The Resource Conservation District is intended to protect and maintain wetlands, surface waters, steep slopes, forests, areas with elevated risks of flooding, ~~and barren lands identified in the Town's Chesapeake Bay Critical Area Protection Program~~ and other environmentally sensitive areas; to provide locations for parkland, flood management, recreational activities, and access to the water and Bay; ~~and to avoid intense development and the placement of residential uses in areas on lands not suitable for such development and uses including areas subject to increased risk of flooding and otherwise protect public safety; to allow, under very stringent requirements, mixture of residential recreational and marine commercial activities through the Town's growth allocation method.~~ and to acquire or otherwise prevent from further development, 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

As noted in the attached amended Table 1, Land Use Classifications, Tourist homes are broken out as a separate use from the use item now called "Motel, hotel, tourist home". As a separate line item, a tourist home would still be a C (Conditional) Use but allowed only in the new Neighborhood Commercial (NC) and Town Commercial (TC) Districts. (Recall the Comprehensive Plan says, "consider removing tourist homes as a permitted use in the proposed new Maritime Commercial district".

So, with this change, a tourist home would not be allowed in the new Maritime Commercial District or within the Commercial Plaza District for that matter. The Mayor and Town Council took this matter up last summer and on July 15, 2021 adopted a resolution adopting a definition of tourist homes which makes it clear that tourist homes and short term rentals are synonymous and that they are commercial uses contained within dwelling units. Here is the definition the Council directed that I use:

"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.

Now that we have the clarifying definition, the conditions that currently apply to motel, hotel and tourist home do not make sense as applied to tourist homes, hence the following two text amendments – Amendments 8A and 8B - are recommended:

- A. Amend Section 290-43, Terms Defined to insert the term "Tourist Home" that the Town Council approved by resolution, 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."

- B. Amend Section 290-11R to remove references to Tourist Homes, add a new 290-11S and re-letter the subsequent sections accordingly. The new section 290-11S would read as follows:

**"Tourist Home (aka Short-Term Rental):** Conditional use in the NC and TC Districts, subject to requirements of the district where located and the conditions herein provided:

- (1) The use shall be contained within a single-family dwelling or dwelling unit accessory to a single-family dwelling permitted in the zone where located.



- (2) The lot shall have at least two on-site parking spaces.
- (3) The Applicant shall submit a parking plan with the zoning permit application demonstrating that there is at least one off-street parking place for every two adults permitted to stay and the zoning permit shall restrict Tourist Home occupancy accordingly.

## 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 lot~~ 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 not be satisfied through a payment of a fee-in-lieu of providing that space.

# Amendment 10

This is largely a clerical change that updates a table of lot and bulk standards.

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.

The Planning Commission decided at its May 25<sup>th</sup> meeting to support increasing the minimum open space requirement on lots in the R-HD, RV-1, and RV-2 Districts from 15% to 35%, so this change is included here too.

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 <del>except where noted</del> <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>45%</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.

# AMENDED TABLE FOR PLANNING COMMISSION REVIEW (June 22, 2022)

PROPOSED REVISION - 290 Attachment 1

## Town of Chesapeake Beach Table 1

### Land Use Classifications

**KEY:**

P: Permitted

C: Conditional Use - permitted use subject to conditions

SE Special Exception SC: Special Exception, subject to conditions

Use	Zoning Districts											Conditions or Additional Use Regulations	
	R-LD	R-MD	R-HD	RV-1	RV-2	NC	TC	CP	MC	RC	RPC		
<b>Residential Uses</b>													
1. Single-family, detached	P	P	P	P	P	P	P					P	
2. Single-family, attached		P	P		P							P	
3. Townhouse dwelling			P		P							P	
4. Multifamily dwelling			P		P							P	
5. Dwelling, accessory	C	C	C	C	C	C	C					C	See § 290-11A
6. Dwelling unit in combination with commercial use					C		C					C	See § 290-11B
<b>Institutional, Recreational and Educational Uses</b>													
7. Churches and other places of worship, provided housing for religious personnel shall meet the minimum requirements of Uses 1 through 4 as applicable.	SC	SC		C	C	P	P	P	P			C	See § 290-11C

Use	Zoning Districts											Conditions or Additional Use Regulations
	R-LD	R-MD	R-HD	RV-1	RV-2	NC	TC	CP	MC	RC	RPC	
8. Public/Private schools	SC	SC		SC	SC				SC		SC	See § 290-11D
9. Home day care	C	C	SE	C	C	C	C		C		C	See § 290-11E
10. Day-care center, nursery school, kindergarten or other agency giving care to persons as a commercial operation	SC	SC		ε	C	P	P	P	P		C	See § 290-11F
11. Professional school, studio for music or art instruction, dancing school, similar				SC	SC	P	P	P	P		SC	See § 290-11G
12. Library, museum, community center, adult education center or similar open to the public or connected with a permitted use and not conducted as a private business				ε	C	P	P	P	P		C	See § 290-11H
<b>Environmental science, research and educational uses, nature centers</b>									P	P		
<b>Game, wildlife, and nature preserves</b>										P		
13. Public building or recreational facility owned and operated by Chesapeake Beach or other government agency	P	P	P	P	P	P	P	P	P	P	P	
<b>Parks, playgrounds</b>	P	P	P	P	P	P	P	P	P	P	P	
14. Private club, lodge, dining club, yacht club not run as a private gainful business						P	P	P	P	SE	SE	
Sailing schools, boat rentals and storage and similar water oriented recreational uses									P	P		

15. Orphanage, nursing home, or other licensed establishment for the care of aged, disabled, or convalescent persons, etc.	SE			C	C			P	P		C	See § 290-11I
16. Group home	SE	SE	SE	SE	SE	SE	SE	SE			SE	

Use	Zoning Districts											Conditions or Additional Use Regulations
	R-	R-MD	R-	RV-1	RV-2	NC	TC	CP	MC	RC	RPC	

**Sections for discussion at the June 22, 2022 meeting are below.**

<b>Office and Commercial Uses</b>												
17. Professional office in residence, physician, architect, lawyer, similar				C	C	P	P	P	P		C	See § 290-11J
18. Office or clinic for medical or dental examination or treatment of persons as outpatient, including laboratories incidental thereto					C	P	P	P	P		P	
19. Therapeutic massage						C	C	C	C			See § 290-11K
20. Offices for business, professional, or governmental purposes				C	C	P	P	P	P		C	See § 290-11L
21. Artists, photographer's gallery, studio				C	C	P	P	P	P		C	See § 290-11M
22. Retail establishments carrying one type of interrelated goods, such as a bookstore, gift shop, florist shop, etc.; adult bookstores are prohibited				C	C	P	P	P	P		C	See § 290-11N
23. Retail convenience stores and retail establishments carrying commodities which tend to be purchased on a comparison basis, such as a food supermarket, department store, discount store, pharmacy, etc.							P	P	P			
Tree and plant nurseries, landscape supply and contracting, greenhouses									P	P		

24. Personal services, including barbershops, salons, laundry, dry cleaning (receiving stations), travel agency, insurance, real estate, repair shop for shoes, bikes, watches, locks, etc.				C	C	P	P	P	P		C	See § 290-110
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	Zoning Districts											Conditions or Additional Use Regulations
	R-LD	R-MD	R-HD	RV-1	RV-2	NC	TC	CP	MC	RC	RPC	
25. Financial service, bank						P	P	P	P			
26. Business services, printing, copying, contractor's shop, plumbing shop						P	P	P	P			
27. Appliance and furniture repair, upholstery						P	P	P	P			
28. Restaurant – Class I; drive-up/drive-through windows at fast-food restaurants are prohibited								P	P			
29. Restaurant - Class II						P	P	P	P			
30. Restaurant - Class III						P	P	P	P			
31. Tavern, nightclub							P	P	P			
32. Bed-and-breakfast establishment	SC	C	C	C	C	C	C	C	C		C	See § 290-11P
<b>33. Rooming, boarding-, lodging house</b>												See § 290-11Q
34. Motel, hotel, <del>tourist home</del>							C	C	C			See § 290-11R
<b>Tourist home</b>						C	C					See § 290-11S
35. Entertainment and recreation facilities operated as a business within a building, with the exception of an adult bar, restaurant, or nightclub							P	P	P			
<b>Recreational and fitness studios</b>						P	P	P	P			
36. Outdoor entertainment and recreation facilities operated as a gainful business									P	SE		
<b>Recreational camps and cottages for overnight accommodations</b>										SE		



37. Animal hospital, veterinarian clinic							SC	SC	SC		SC	See § 290-11ST
Use	Zoning Districts											Conditions or Additional Use Regulations
	R-LD	R-MD	R-HD	RV-1	RV-2	NC	TC	CP	MC	RC	RPC	
<b>Automotive and Boat Service Uses</b>												
38. Nonresidential parking area located in a residential district		SE	SE	SE	SE						SE	
39. Automotive service station							SC		SC			See § 290-11FU
40. Sale or rental of automobiles							SC		SC			See § 290-11UV
41. Repair garage, including paint spraying and body and fender work or car washing facility									SC			See § 290-11VW
42. Marina, including fuel service for watercraft, boat storage and repair yard, boat sales and service									C	C		See § 290-11WX
<b>Utilities, Communications, Transportation</b>												
43. Transformer station, structure housing switching equipment and regulators, power transmission line right-of-way, radio, television transmitter tower, cellular tower, etc.	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	See § 290-11XY
44. Bus station, intermodal transit center									SE			
<b>Industrial and Related Uses</b>												
45. Light industrial uses												
<b>Aquaculture</b>									P	P		
<b>Micro Brewery, Micro-distillery</b>							P	P	P			

<b>Craft and artisan assembly and manufacturing such as cabinet making, woodworking, glass making, blacksmithing, boat building and sail</b>									P	SE		
46. Water-dependent <b>seafood</b> processing, fishing activities									SE	<b>SE</b>		
<b>Data center</b>									P			
<b>Bio manufacturing</b>									P			
47. Warehousing and storage in association with <b>permitted</b> marine commercial activities									SE	SE		

Use	Zoning Districts											Conditions or Additional Use Regulations
	R-LD	R-MD	R-HD	RV-1	RV-2	NC	TC	CP	MC	RC	RPC	
<b>Unclassified Uses</b>												
48. Customary home occupation (1 employee)	C	C	C	C	C	C	C	C	C	C	C	See § 290-11YZ
49. Home occupation (2 employees)	SE	SE	SE	C	C	C	C	C	C	SE	C	See § 290-11ZAA
50. Garage, yard, estate sale	C	C	C	C	C	C	C	C	C	C	C	See § 290-11AABB
51. Carnival or similar transient enterprise								SC	SC			See § 290-11BBCC
52. Temporary building incidental to construction						C	C	C	C			See § 290-11CCDD
53. Dwelling for resident watchman									P			



**Zoning Districts**

RC	Resource Conservation	RPC	Residential Planned Community
R-LD	Residential, Low Density	TC	Town Commercial
R-MD	Residential, Medium Density	MC	Maritime Commercial
R-HD	Residential, High Density	PC	Plaza Commercial
RV-1	Residential Village 1	NC	Neighborhood Commercial
RV-2	Residential Village 2		