



OFFICE OF THE PLANNING AND ZONING COMMISSION

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**PLANNING & ZONING COMMISSION
AGENDA
MARCH 23, 2022**

- I. Call to Order**
- II. Approve the Agenda**
- III. Approval of the minutes of the February 23, 2022 Planning & Zoning Meeting.**
- IV. Public Comment on any item on the agenda: Public comment will be accepted by dialing (301) 715-8592 and enter Meeting ID 869 755 7180. NOTE: There will be a 2-minute limit on comments received.**
- V. Continue discussion of zoning ordinance changes necessary to implement the recommendations in the draft Comprehensive Plan - 2021 Update (pages 125-126) for immediate term text amendments. See Zoning Administrator's attachment with draft zoning & map changes.**
- VI. Public Comment: NOTE: Public comment will be accepted by dialing (301) 715-8592 and enter Meeting ID 869 755 7180. NOTE: There will be a 2-minute limit on comments received.**
- VII. Adjournment: At approximately 9:00 PM, depending upon meeting progress, Chairman will request a motion to adjourn. If approved, the meeting will end.**



PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING AND ZONING COMMISSION FEBRUARY 23, 2022

I. Commission Chair Larry Brown called the meeting to order at 7:00 pm. In attendance were Kathleen Berault, Laura Blackwelder, Cynthia Greengold, Jan Ruttkay, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon Humm, Commission Clerk.

II. **Approval of the Planning & Zoning Agenda.**

MOTION: Commissioner Berault moved to approve the February 23, 2022 Agenda as presented. Seconded by Commissioner Greengold, all in favor.

III. **Approval of the minutes of the January 26, 2022 Planning & Zoning Commission meeting.**

MOTION: Commissioner Berault moved to approve the minutes of the January 26, 2022 Planning & Zoning meeting. Seconded by Commissioner Ruttkay, all in favor.

IV. **Public Comment on any item on the agenda: Public comment will be accepted by dialing (301) 715-8592 and enter Meeting ID 869 755 7180. NOTE: There will be a 2-minute limit on comments received.** None received.

V. **Chairman's Motion to modify the 2022 Commission Meeting schedule: cancelling the meetings on November 23rd and December 28th and adding meetings on November 9th and December 7th.**

MOTION: Commissioner Berault moved to modify the 2022 Commission meeting schedule to cancel the November 23rd and December 28th meetings and reschedule them for November 9th and December 7th 2022. Seconded by Commissioner Ruttkay, all in favor.

VI. **Continue discussion of zoning ordinance changes necessary to implement the following recommendations for immediate term text amendments in the draft Comprehensive Plan – 2021 Update (pages 125-126).**

Chairman Brown stated tonight's discussion would consist of text amendments and the zoning map. He stated he had attended the Town Council's February work session and Town Council meeting and wanted to relay to the Commission, the Council's compliments on the work done, to bring about a very impressive Plan. The Council however noted several things they would like to receive from the Commission:

- One complete package - Comprehensive Plan, with all the zoning changes.
- Would like to see all the decisions that were not unanimous by the Commission.
- Reasons behind recommendations being presented, for example, the 35-ft height limit.

Chairman Brown suggested it might be helpful for the Town Council, if with each of the changes being proposed, the Commission could reference the page number in the Plan where the change is being recommended.

Reduce the allowable maximum building height to 35 feet. Chairman Brown stated this item was previously submitted to the Town Council for consideration. This is a recommendation that the Council would like to see reasons explaining why the Commission wants the allowable maximum building height to be thirty-five feet. Commissioner Greengold, as the original maker of the recommendation, will work with Mr. Jakubiak to outline the logic behind this.

Remove all references to the Bonus Density Overlay District in their entirety.

Mr. Jakubiak stated this comes with two amendments, 1) to repeal section Article IV, 290-15 Bonus Density Overlay District in its entirety and renumber the remaining sections accordingly and 2) remove all references wherever it appears in the zoning ordinance. Commissioner Blackwelder suggested, rather than renumbering the remaining sections, just leave it marked “reserved.” Mr. Jakubiak concurred with the suggestion and also noted that the zoning map lifts all reference to the Bonus Density Overlay District as well.

Divide the Residential Village District into two new zoning districts, RV-1, and RV-2, and create purpose statements for each.

Mr. Jakubiak addressed the Residential Village District, which is proposed to be divided into two new zoning districts, RV-1 and RV-2 and presented each with a purpose statement. After discussion, the Commission felt the RV-1 statement seemed too vague and proposed a more constrained statement that would allow for only single-family detached houses. Mr. Jakubiak noted that some permitted uses should be considered, such as churches, and home daycare. Mr. Jakubiak will modify this statement along with minor revisions to the RV-2 and present at the Commission’s next meeting.

Divide the Commercial Zoning District into multiple new zoning districts including, Neighborhood Commercial (NC), Town Commercial (TC), Commercial Plaza (CP), Maritime Commercial (MC), and create purpose statements for each.

Mr. Jakubiak stated the Commercial and Maritime Districts would be eliminated and replaced with four new commercial districts. He presented each one along with a purpose statement for discussion.

NC Neighborhood Commercial District – The Commission had no objection to this purpose statement.

TC Town Commercial District – The Commission had concerns relating to the wording of “non-residential” uses in this statement. Mr. Jakubiak will modify and present at the next Commission meeting.

CP Commercial Plaza – The Commission had no objection to this purpose statement.

MC Maritime Commercial – The purpose statement presented was an amended statement suggested by Commissioner Greengold. After discussion, the Commission **unanimously approved** the amended statement, with the addition of a suggested statement from Mr. Jakubiak, and the inclusion of the last three bullets under Maritime Commercial in the Comprehensive Plan, (page 67).

RC Resource Conservation District

Mr. Jakubiak presented an amended purpose statement for the RC District that would conform with the guidance of the 2021 update of the Comprehensive Plan for the Commission’s consideration.

Commissioner Greengold suggested the mention of “public safety” in the statement, and Commissioner Blackwelder requested the following be inserted:

“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”. **The Commission unanimously agreed.**

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

It was noted throughout the evening’s discussions that the Commission may need to consider the conditions that pertain to certain of the uses that are listed in the table of permitted uses and “conditional” uses. **The Commission will address this at its next meeting.**

Mr. Jakubiak stated two other changes were added to the Comprehensive Plan that he will address at the next meeting:

- Eliminate from the Maritime Commercial District a land use called “tourist homes.”
- Institute standards related to open space requirements for new development within the Town.

VII. Public Comment- None received.

VII. Adjournment:

There being no further comments, Commissioner Ruttkay moved to adjourn the meeting at 9:00 pm. Seconded by Commissioner Greengold, 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.

**PLANNING AND ZONING COMMISSION
PROPOSED ZONING ORDINANCE AMENDMENTS**

NEW ZONING DISTRICTS AND PURPOSE STATEMENTS

The following recommended set of amendments to Chapter 290 of the Town Code of Chesapeake Beach, Zoning Ordinance would eliminate the Residential Village (RV) district and replace it with two districts, Residential Village-1 (RV-1) and Residential Village-2 (RV-2); eliminate the Commercial district and replace it with four separate commercial districts (Neighborhood, Town, Plaza and Maritime); eliminate the Maritime District; and revise the purpose statement of the Resource Conservation District.

Amendment 1

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 primarily single-family residential character, allowing primarily detached houses that are compatible in design and scale with the prevailing residential uses and the existing pattern of buildings, streets, and blocks

Relevant reference(s) to the Comprehensive Plan: Chapter V, Land Use, page 64

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 densities and certain nonresidential uses that are compatible with the prevailing residential character, 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.

Relevant reference(s) to the Comprehensive Plan: Chapter V, Land Use, page 64

Amendment 2

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.**

Relevant reference(s) to the Comprehensive Plan: Chapter V, Land Use, page 66

- H. **TC Town Commercial District. The Town 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.**

Relevant reference(s) to the Comprehensive Plan: Chapter V, Land Use, page 66

- I. **TC Plaza Commercial District. The Plaza Commercial District is intended to sustain 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.**

Relevant reference(s) to the Comprehensive Plan: Chapter V, Land Use, page 66

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 the diversity of maritime and water-related commercial uses and intensities that have long defined the Town's historic waterfront
- 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).

Relevant reference(s) to the Comprehensive Plan: Chapter V, Land Use, page 67

Amendment 3

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."**

Relevant reference(s) to the Comprehensive Plan: Land Use Chapter, pg.

Amendment 4

Amend Section 290-11, Conditions and Standards for Conditional and Special Exception Uses as noted below to reflect that the change in the district names in association with the revisions to the Section 290-10, Table of Permitted Uses.

Note: This is the section of the Zoning Ordinance where use conditions (and restrictions) are placed on the listed permitted uses that are classified in the Table as either Conditional (C) or Special Exception with Conditions (SC). The changes here would be numerous reflecting the fact that the RV and the C Districts would be broken into multiple separate districts. Some of the changes would be substantive and many would be just clerical. I'd like to review these with the Planning Commission in the context of a brief talk about the differences between Permitted, Conditional, and Special Exception uses.

**PLANNING AND ZONING COMMISSION
PROPOSED ZONING ORDINANCE AMENDMENTS**

BUILDING HEIGHTS IN THE TOWN OF CHESAPEAKE BEACH

Relevant reference(s) to the Comprehensive Plan: Chapter V, Land Use, pages. 64 and 65

The following recommended set of amendments to Chapter 290 of the Town Code of Chesapeake Beach, Zoning Ordinance limit the height of all new buildings within all zoning districts within the Town to 35 feet.

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 and a note to the table regarding the height of buildings in the designed floodplain.

		Setbacks, Open Space and Height						
		Zoning Districts						
		R-LD	R-MD	R-HD	R-V	C	M	RC
A.	Minimum front yard setback (feet) ¹	15	15	15	15	10	10	25
B.	Minimum side yard setback (feet) ²	8	8	8	8	8	8	75
C.	Minimum rear yard setback (feet) ³	20	20	20	20	20	20	25
D.	Minimum open space ⁴	40%	30%	15%	15%	15%	20%	60%
E.	Maximum building height (feet) ⁵	35	35	50	35	35	70	35
				<u>35</u>			<u>35</u>	

Add the following note to the bottom of table and number it 4:

“4. For those buildings in the designated 100-year floodplain, the 35-foot building height limit may be exceeded by the required amount of the Flood Protection Elevation, as defined in the Floodplain Management Ordinance”.

[The Flood Protection Elevation is the base flood elevation plus two feet of freeboard....meaning the projected maximum height of flooding plus two feet of clearance required for a factor of safety. The base flood elevation is 4 foot in most places in the Town's floodplain, so the effect would be to allow buildings to reach 35 plus 6 feet.]

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.~~

PLANNING AND ZONING COMMISSION

PROPOSED ZONING ORDINANCE AMENDMENTS

Purpose: To establish a requirement for common open space in housing developments by amending Section 290-19N as follows:

N. Open Space Requirements

(1) Purpose: **COMMON** Open space shall be provided within each **ALL NEW 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 OF COMMON OPEN SPACE SHALL BE PROVIDED AND NO LESS THAN 75% OF SUCH OPEN SPACE SHALL BE IMPROVED AS RECREATIONAL AREA.

Relevant reference(s) to the Comprehensive Plan: Chapter X, page 122.

AMENDED TABLE FOR PLANNING COMMISSION REVIEW

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		
Residential Uses													
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
Institutional, Recreational and Educational Uses													
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		C	C	P	P	P	P		C	See § 290-11F
11. Professional school, studio for music or art instruction, dancing school, similar					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				C	C	P	P	P	P		C	See § 290-11H
Environmental science, research and educational uses, nature centers									P	P		
Game, wildlife, and nature preserves										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	
Parks, playgrounds	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	
Office and Commercial Uses												
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 § 290-11O

	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
33. Rooming, boarding-, lodging house												See § 290-11Q
34. Motel, hotel, tourist home							C	C	C			See § 290-11R
Tourist home						C	C					
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			
Recreational and fitness studios						P	P	P	P			
36. Outdoor entertainment and recreation facilities operated as a gainful business									P	SE		
Recreational camps and cottages for overnight accommodations										SE		

37. Animal hospital, veterinarian clinic							SC	SC	SC		SC	See § 290-11S
Use	Zoning Districts											Conditions or Additional Use Regulations
	R-LD	R-MD	R-HD	RV-1	RV-2	NC	TC	CP	MC	RC	RPC	
Automotive and Boat Service Uses												
38. Nonresidential parking area located in a residential district		SE	SE	SE	SE						SE	
39. Automotive service station							SC		SC			See § 290-11T
40. Sale or rental of automobiles							SC		SC			See § 290-11U
41. Repair garage, including paint spraying and body and fender work or car washing facility									SC			See § 290-11V
42. Marina, including fuel service for watercraft, boat storage and repair yard, boat sales and service									C	C		See § 290-11W
Utilities, Communications, Transportation												
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	See § 290-11X
44. Bus station, intermodal transit center									SE			
Industrial and Related Uses												
45. Light industrial uses												
Aquaculture									P	P		
Micro Brewery, Micro-distillery							P	P	P			

Craft and artisan assembly and manufacturing such as cabinet making, woodworking, glass making, blacksmithing, boat building and sail									P	SE		
46. Water-dependent seafood processing, fishing activities									SE	SE		
Data center									P			
Bio manufacturing									P			
47. Warehousing and storage in association with permitted 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	
Unclassified Uses												
48. Customary home occupation (1 employee)	C	C	C		C	C	C	C	C	C	C	See § 290-11Y
49. Home occupation (2 employees)	SE	SE	SE		C	C	C	C	C	SE	C	See § 290-11Z
50. Garage, yard, estate sale	C	C	C		C	C	C	C	C	C	C	See § 290-11AA
51. Carnival or similar transient enterprise								SC	SC			See § 290-11BB
52. Temporary building incidental to construction						C	C	C	C			See § 290-11CC
53. Dwelling for resident watchman									P			

Memorandum

To: Planning and Zoning Commission
From: Christopher Jakubiak
Date: March 18, 2022
Re: **35-foot height limit in all zones in Chesapeake Beach**

As requested, Commissioner Greengold provided me a written rationale to support the Planning Commission's recommendation that building heights be capped at 35 foot. I included her writing verbatim without edit below. Among the various ordinance amendments under consideration by the Commission are several that address building height by revising the table of standards and by revising sections of the code that grant special height allowances.

1. In Maryland, a 35-foot height limit (or under) is quite common for the Maritime/Commercial zones with historic areas. Some of those towns include Oxford, Leonardtown, Chesapeake City and St. Michaels. Many incorporate the freeboard allowance within the 35 foot or a lower limit, as well. After questioning the height limit, they mentioned various reasons: to keep in scale with other historic buildings, protect water views and sensitive areas.

Larger coastal cities in California that maintain all their zones well under a 35-foot height limit include Laguna Beach, Dana Point, and Del Mar.

2. The vision for the 2040 Comp Plan states that "we must honor the Town's historic development while broadening citizen connection with and access to the scenic and recreational attributes that Chesapeake Beach is endowed with by virtue of its unique geography and natural setting."

To accommodate this vision, a 35-foot height limit in all zones is essential to keep all future and in fill building within a scale that is similar to the look of the historic cottages and current commercial buildings in the Chesapeake Station Shopping Center, Traders, Abner's and Tyler's Crab House. The scale of the Rod and Reel Parking Lot has been roundly criticized as not being in scale to the size of the town or in keeping with its historic nature.

3. The 2040 Comprehensive Plan suggests creating a Walkable Community, encouraging more pedestrian and bicycle use. Buildings at 35 feet or lower would offer more light, cooling breezes from the water, a greater feel of security, and a better scale next to people walking and bicycling. Even drivers would enjoy a commute that would allow more opportunities for viewing sunrises and sunsets.

4. A 35-foot height limit is 2 ½ or 3 floors. This height limit will manage the density and land use of this environmentally sensitive area more responsibly. The two small lanes going south and north through the town are already congested with commuters and visitors alike. Tourists using the major attractions of the enlarging Rod and Reel Resort, ever popular Water Park, four major popular restaurants, a busy marina and public boat ramp and the Town's only beach entrance, as well as the main entrance to the North Beach community, all funnel through one small intersection at the corner of Rte 260 and Rt 261. To further stress our roads with the traffic of high-rise buildings would lead to gridlock and lower quality of life for all residents of our town. The area is also very limited on parking. From 17th Street (south of the Chesapeake Station Shopping Center) to Rt 260 there is currently no public parking except for very limited street parking. Other infrastructure such as schools, police and fire services may be limited, as well.