



OFFICE OF THE PLANNING AND ZONING COMMISSION

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

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

- I. Call to Order**
- II. Approve the Agenda**
- III. Approval of the Minutes of the February 24, 2021 Planning & Zoning Meeting.**
- IV. Public Comment on any item on the agenda: Public comment will be accepted by dialing (929) 205-6099 and enter Meeting ID 869 755 7180. NOTE: There will be a 2-minute limit on comments received.**
- V. Commission to consider: Meeting schedule and priorities during the Moratorium.**
- VI. Commission to consider: Future action regarding Short-Term Rental issue.**
- VII. Commission to consider: Proposal to change the process for Updating the Comprehensive Plan**
- VIII. Work session on Comprehensive Plan, Review of Revised Land Use Chapter; see attached Chairman's list of agreed topics, and undecided topics.**
- IX. Public Comment: NOTE: Public comment will be accepted by dialing (929)205-6099 and enter Meeting ID 869 755 7180. NOTE: There will be a 2-minute limit on comments received.**

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

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PLANNING & ZONING
MARCH 24, 2021
Draft Chesapeake Beach Comprehensive Plan Update

CHAIRMAN'S LIST OF TOPICS
AGREED and UNDECIDED

Comprehensive Plan Update Working Chapters

1. Introduction
 2. Population of Chesapeake Beach
 3. Municipal Growth
 4. Natural Environment
 5. Land Use
 6. Housing
 7. Transportation/Circulation
 8. Community Facilities
 9. Water Resources
 10. Implementation, Development Regulations and Areas of State Significance
- Appendices

AGREED: COMMISSION HAS CONSIDERED AND REACHED GENERAL CONSENSUS ON THE FOLLOWING:

Chapters 1, 2 and 4 have been reviewed by the Commission, and set aside pending a final review for consistency with the completed draft.

There is general consensus that a limit should be placed upon building height, that apartments not be allowed above commercial buildings along MD 261 south of Mears / Harbor Rd (i.e. on those several commercial lots on the stretch of MD 261 between Chesapeake Station Shopping center and the Beach Elementary school), and that MD 261 south of Mears / Harbor Rd no longer be considered a "neighborhood mix-use area".

UNDECIDED: COMMISSION HAS EITHER NOT CONSIDERED OR REACHED CONSENSUS ON THE FOLLOWING:

The Commission has yet to receive drafts of Chapters 6 through 10 and no reports have been adopted for inclusion as appendices.

Chapter 3, Municipal Growth:

- What happens on developable land within the Town's immediate "planning area"; including areas on the outskirts of the current Town boundary?
- Whether to recommend annexation of land currently in agricultural preservation or adjacent to it that could provide potential for recreational trails, or areas for affordable/low-income housing?

- Whether as an alternative to annexation (expansion of the municipal borders), to recommend that the Town or PC coordinate with the County on "joint planning" in areas adjacent to the Town boundary.

Chapter 5, Land Use: consensus has not been reached on:

- Whether to place a height limit on all new buildings or renovations within all zoning districts to thirty-five (35) feet.
- Whether additional / new multi-family housing types should be included in the revised comprehensive plan in the Town Center, marina area, and Residential Village (RV) zoning districts. RV zoning districts include (1) along Cox Road, (2) the residential neighborhood between the south side of MD 260 and Kellam's Field including the townhouses off of 26th St. next to the Town Hall, and (3) the big neighborhood between MD 260 and the North Beach town line on the west side of MD 261.
- Whether lower intensity housing such as single-family townhouses and houseboats would be permitted in the Maritime mixed use area. For practical purposes this would apply to Harbor Road and the limited private land at/adjacent to Fishing Creek marina which still may be developable.
- Whether duplex, tri-plex and quadplex housing types continue as permitted housing options in RV districts.
- Whether to recommend design standards be adopted to address design and compatibility.
- Whether to allow residential units above commercial buildings in the new town center
- Whether to allow apartments above new commercial development on MD260 as part of the redevelopment / revitalization of that commercial gateway mixed use area.



OFFICE OF THE PLANNING AND ZONING COMMISSION

**MINUTES OF THE
PLANNING AND ZONING COMMISSION
FEBRUARY 24, 2021**

- I. Commission Chairman Larry Brown called the meeting to order at 7:00 pm. In attendance were Kathleen Berault, Laura Blackwelder, Jonathan Evans, Cynthia Greengold, and Jeff Larsen, 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 24, 2021 Agenda as presented. Seconded by Commissioner Evans, all in favor.

III. APPROVAL OF THE MINUTES OF THE JANUARY 27, 2021 PLANNING & ZONING COMMISSION MEETING

MOTION: Commissioner Berault moved to approve the minutes of the January 27, 2021 Planning & Zoning meeting. Seconded by Commissioner Blackwelder, all in favor.

IV. OLD BUSINESS

- a. Progress report on the comprehensive plan update – Mr. Jakubiak reported over the next three months he anticipates completing and submitting a final draft to the Commission by May. New sections such as transportation and housing will be presented for discussion. Mr. Jakubiak will forward the projected table of contents to the Commission.
- b. Motion to clarify the December 15, 2020 Commission's decision on the revised site plan for Rod-n-Reel properties, that such approval does not include proposed site plan revisions to the 1936 Bar and Grille sign or flags to be installed on or above the roof line of the various structures on the site, because the proposed revisions are not compliant with the Chesapeake Beach Zoning Code §290-22(h).

MOTION: Chairman Brown moved to reconsider the December 15, 2020 Commission's decision on the revised site plan for the Rod n Reel properties, in which the approval of proposed site plan revisions to the 1936 Bar and Grille sign and flags were included. Upon further review, it was discovered the sign and flags were not in compliance with the Zoning Code. Chairman Brown is proposing an amendment to the original decision to exclude the approval of the sign and flags. Seconded by Commissioner Berault, all in favor.

It was suggested the Applicant seek relief through the Board of Appeals.

- c. Motion directing the Zoning Administrator to prepare and present to the Commission a report including draft zoning and text amendments that clarify the Town prohibition on short term rentals; and includes draft alternative amendments that partially lift such prohibition.

MOTION: Chairman Brown moved to direct the Zoning Administrator to prepare a report that would include draft zoning & text amendments clarifying the Town prohibition on short-term rentals and draft alternative amendments that partially lift such prohibition. Seconded by Commissioner Berault. After Commission discussion, Chairman Brown motioned to table this until its March meeting where the Commission will discuss further.

MOTION: Commissioner Blackwelder moved to amend tabling this item and recommends the Zoning Administrator prepare the report. Seconded by Commissioner Berault. Ayes, Commissioners Blackwelder, Evans and Larsen. Opposed, Commissioners Berault and Greengold. **Motion Passes.**

Chairman Brown directed the Commission to submit any suggestions/recommendations to Mr. Jakubiak within the next two weeks.

- d. Motion to set a future hearing date on draft zoning text amendments to chapter 290 of the Town Code of Chesapeake Beach, zoning ordinance to limit the height of all new buildings within all zoning districts within the Town to 35 feet.

MOTION: Chairman Brown moved to place this as first item on the March agenda for discussion. Seconded by Commissioner Greengold, all in favor.

- e. Motion to remove residential development allocations in the Town Center and marina areas and to remove all multi-unit housing types in the residential village areas to preserve the ability to accommodate recreation and potential future commercial amenities in and near the Town Center. **Chairman Brown stated this item would be deferred to a future meeting.**

PUBLIC HEARING: The public hearing was opened by Chairman Brown at 7:45 pm on a resolution recommending that the Mayor and Town Council adopt a temporary moratorium on the Planning Commission's acceptance and consideration of applications for development projects. Mr. Jakubiak elaborated on the resolution and rationale in putting this resolution forth for Commission consideration. Comments were received from the Commission and Mr. Jakubiak addressed questions.

Commissioner Blackwelder presented to the Commission an amendment to the resolution to add 3 sub-paragraphs to the ninth WHEREAS as follows:

(G) The exponentially increasing popularity of the North Beach Farmers Market and Beach Boardwalk over the past 10 years adding traffic along MD Rt. 260 and MD Rt. 261.

(H) Recent high intensity development at the Rod-n-Reel site with traffic implications that have not yet been assessed and cannot be accurately assessed due to the COVID-19 Pandemic.

(I) Recent completion of and ongoing development of large-scale residential neighborhoods over the past 10 years with traffic implications that have not yet been assessed and cannot be accurately assessed due the COVID-19 Pandemic.

There being no objection from the Commission, Chairman Brown stated the 3 sub-paragraphs would be added to the resolution.

Chairman Brown allowed public comment on the draft resolution beginning at 8:01 pm, beginning with presentations from representatives of the Rod-n-Reel Corporation.

Eric Blitz, attorney for the Rod-n-Reel Corporation, was present and gave a short presentation in defense of his client and the hardship and unfairness this moratorium will create on his right to develop his properties. Mr. Blitz requested his letter previously sent to the Commission be entered into the record. Also speaking on behalf of the Rod-n-Reel were Mary Lanham and Wes Donovan who spoke in opposition of the moratorium.

V. PUBLIC COMMENTS WERE RECEIVED BY:

1. Joshua Johnson 3814 26th Street– spoke in opposition
2. Zach Abner of Abner’s Crab house Harbor Road – spoke in opposition
3. Shad Montague 3802 Chesapeake Beach Rd– spoke in opposition
4. Kevin Norris representing CB Properties LLC 8302 Moffat Run – spoke in opposition
5. Mark Giangiulio 3456 Hill Gail Drive– spoke in opposition
6. Greg Morris 2425 Woodland Court – spoke in favor
7. Debra Giangiulio– 3456 Hill Gail Drive spoke in opposition
8. Bob Carpenter 8051 Windward Key Drive – spoke on opposition
9. Gary Lockett of Traders Seafood Steak & Ale 8132 Bayside Rd – spoke in opposition
10. Glen Spanier – spoke in opposition
11. Lakesha Wilkerson – emailed comment - in opposition
12. Tanesia Wills – emailed comment - in opposition
13. Mr. Jakubiak read into the record, a public comment received from Joseph Devlin, attorney representing developer Mike Roepcke of the Richfield Station project. As this project has been approved, Mr. Devlin is asking the Commission to consider amending the moratorium to add the wording “exempt any project currently in the development approval system which has received Development Plan and/or Plat approval from the Commission”, noting specifically the completion of the last section of Block S at the end of Crest View Lane and one section of single family lots on Stream Walk Way.

The public hearing was closed at 8:57 pm and the regular meeting resumed.

After discussion, the Commission put forth the following motions:

MOTION: Commissioner Greengold moved to approve the Resolution. Seconded by Commissioner Berault.

MOTION: Commissioner Greengold moved to amend the Resolution to include in the resolution the wording “exempt any project currently in the development approval system which has received development plan and/or plat approval from the Commission.” Seconded by Commissioner Blackwelder, all in favor.

MOTION: Commissioner Evans moved to amend the resolution to reflect 9 months of a moratorium versus the proposed 12-month time frame. The motion **failed** for lack of a second.

MOTION: Commissioner Blackwelder moved to amend the resolution in the sixth WHEREAS, to remove the word “wholesale”. Seconded by Commissioner Berault. Ayes, Commissioners Berault, Blackwelder, Evans and Larsen. Opposed, Commissioner Greengold. **Motion Passes.**

MOTION: Commissioner Berault moved to approve the Resolution as amended. Seconded by Commissioner Larsen. Ayes, Commissioners Berault, Blackwelder, Greengold and Larsen. Opposed, Commissioner Evans. **Motion Passes.**

Chairman Brown stated the resolution, as amended, will be forwarded to the Town Council for consideration.

Chairman Brown took the opportunity to thank the business community for coming out and participating in tonight's hearing along with all those that made comments.

Additional comments:

1. Councilman Morris commented on the short-term rentals.
2. Commissioner Greengold suggested a time limit be established on persons giving public comments to assure all a chance to speak.

Chairman Brown stated the next Planning and Zoning meeting is scheduled for March 24, 2021.

VI. ADJOURNMENT

There being no further comments, the meeting adjourned at 9:31 pm on a motion by Commissioner Berault. Seconded by Commissioner Greengold, all in favor.

Submitted by,

Sharon L. Humm
Commission Clerk

MEMORANDUM

To: Town of Chesapeake Beach Planning Commission
From: Christopher Jakubiak, AICP
Date: March 13, 2021
Re: Short Term Rentals

Introduction

I have prepared this memo and the accompanying table as the report the Planning Commission requested on short term rentals. I look forward to your deliberations and answering questions at the Commission's March 24th meeting.

Current Conditions and Background

The term short term rentals (STR) refer to the leasing of a complete residential unit (e.g. a house) for overnight accommodations typically but not exclusively through popular online brokerage services like Airbnb and VRBO. STRs are not permitted in the Town's residential zoning districts.

The list of permitted uses in all zoning districts can be found at Section 290-10 in the Zoning Ordinance. If a use is not listed there, if it is not readily identifiable as a use intrinsically similar to a permitted use listed there or if it is not contained with the terms of a more general permitted use category, it is not permitted.

A number of people have suggested the Zoning Ordinance is unclear about whether STRs are permitted. It is not. The use does not appear on the list of permitted uses and is not similar to any other use permitted in the residential districts, except perhaps bed and breakfast establishments which are distinct and clearly defined. It is true that STRs are not defined by the Ordinance but that creates no ambiguity whatsoever concerning their legality. There are many unlisted and undefined land uses but their absence from the Ordinance does not imply they might be permitted by it. The opposite is true.

Some have suggested that the Zoning Ordinance is antiquated because it doesn't take account of STR's and thus it is inappropriate to prohibit them. But STRs are really not a new kind of land use and certainly not new to Chesapeake Beach. There was a time STRs were simply called vacation homes or vacation rentals. Vacationers wishing to visit a tourist destination, including Chesapeake Beach, could often find one to accommodate them.

The fact that the Town's residential zoning districts do not allow vacation rentals, STRs, or any other commercial accommodations (apart from strictly controlled bed and breakfast establishments) represents consistent and long term policy and application of municipal zoning law. With its zoning ordinance, Chesapeake Beach has continually sought to establish its neighborhoods as "pleasant and safe residential living environments". Using its authority to zone, the Town long ago choose to prohibit all types of these uses in residential districts except for bed and breakfasts establishments, which are allowed under strict conditions. Over a period of 50 years, Chesapeake Beach has transitioned into a solidly and overwhelmingly residential town from one that was once strongly tourist oriented. Vacation rentals are absent from the Zoning Ordinance not because they've been overlooked, but because they were determined to be incompatible with the purposes of the residential zoning districts.

Tourists Homes

A tourist home might be the use most closely resembling a STR and in fact some jurisdictions use the terms interchangeably. Chesapeake Beach does not.

In Chesapeake Beach, tourist homes are permitted in the Commercial and Maritime districts just like hotels and motels. Like these uses, tourist homes provide overnight accommodations for compensation; they are commercial. Unlike hotels though, tourist homes do not contain accessory uses such as restaurants, on-site meal services, entertainment venues, etc. And unlike motels, tourist homes do not provide direct access to individual rooms from the exterior of the building at the parking lot. Tourist homes may or may not have a central check-in, onsite management, or shared facilities. In all cases though, hotels, motels, and tourist homes can provide multiple accommodations (rooms) to multiple unrelated guests at one time and operate as commercial establishments.

While similar in some respects, a STR is not a tourist home. There are two principal differences between STRs and tourist homes. First, the overnight accommodation for let is the dwelling unit (i.e. house, condo units, etc.) in its entirety, not a room within it. Second, when a house is not in use as a STR, it can easily again be used as a single dwelling unit. The act of using a house as a STR does not materially change it; following its use as a STR, it is still a dwelling unit.

Bed and Breakfast Establishments

Bed and breakfast establishments are permitted uses, in every zoning district in Town except the Resource Conservation district, provided that is, an applicant can meet certain conditions. The definition in the Zoning Ordinance is also strictly crafted: "An owner-occupied or manager-occupied building where, for compensation and only by prearrangement (transients only) for definite periods, lodging and meals are provided. Such uses are limited to five guest rooms, excluding resident management". The required conditions are set forth in Section 290-11P and include among other requirements: that the owner or manager live on the premises, that meals are provided to overnight lodgers only, that there be at least one off-street (i.e. on-site) parking space per guest room, and the establishment is operated through a state approved bed and breakfast registry.

Potential Changes to Existing Zoning to Clarify Things

While no changes are needed, several changes could be proposed if consensus exists that current regulations are not clear enough:

1. A definition of "short term rental" could be added.
2. A definition of "tourist home" could be added.
3. Notwithstanding points 1 and 2 above, STRs and tourist homes could be defined in such a way that they are one in the same or distinct and separate.
4. STRs could be specifically referenced as "prohibited" in residential zones. Though this is not necessary, it would certainly clarify existing conditions.
5. STR's could be specifically included in the table of permitted uses (Section 290-10) as a use permitted in Commercial and Maritime zones on par with tourist homes.

Thoughts on an Approach

As evidenced by the documents and ideas Commissioners provided me, there is much to unpack with STRs, and the matter is not easily resolved. I prepared the large accompanying information table as a way of framing an approach that takes into account the input Commission members provided. If after deliberating on the pros and cons and potential impacts, the Planning Commission wants to consider recommendations to permit STRs, there is a fundamental issue to contend with: how far does the Town want to go in allowing the non-residential (commercial accommodations) use of houses in residential zones. And to be clear, I understand that it will effectively only be the neighborhoods in the traditional parts of Chesapeake Beach, not governed for HOA covenants, that will be impacted.

If the Town were to open its regulations to STRs, it could take an approach I'll call "home sharing" in which the focus is on retaining, to the extent possible, the residential use and character of property while allowing owners flexibility to earn money through renting to visitors. From a policy standpoint, home sharing like this could encourage tourism and visitation by expanding available overnight accommodations. Home sharing would not appeal to investors because the operator of the STR would have to be both the owner and full time resident of the house. Other standards could be used to minimize potential impacts such as strict restrictions on the number of days a house could be rented and on parking, occupancy, etc. (see the accompanying table).

In contrast with the above, a more intensive approach would allow STRs with less regard for maintaining local residential character. In this approach, the owner would not need to reside in the unit being rented. Investors, especially those who own and operate multiple properties, would favor this approach. In this approach the house is essentially converted to a vacation rental. Presumably non-resident investors would market and manage properties professionally, which could enhance visitation and tourism in Town by making more rentals available more often. Under this approach there would be less restriction on the frequency of operation and less strict use and permitting limitations (see the accompanying table). It is reasonable to conclude, depending on market conditions, there is a greater likelihood of "losing" housing units to the vacation rental market under this approach.

Conclusion

I recommend that the Planning Commission not move to formulate or recommend zoning changes without allowing us time to directly engaging the residents of the neighborhoods that would be impacted by short-term rentals. In my view, any findings from the "surveys" done to date would pale in comparison to meaningful outreach to the resident community. There are significant concerns that are quite localized such as street widths, housing density, lot sizes, and parking shortages that are uniquely relevant to the Town's homeowners. Failing to thoughtfully account for these factors risks allowing for impacts on residents whose universally shared concern is maintaining peaceful, quiet, and safe residential settings. What may work in one part of the same zoning district may not work in another part.

Therefore, one reasoned response to the Town Council's request for review and comment on this matter may be to do the following: (1) acknowledge the potential impacts and the potential contributions that SRTs represent; (2) identify what the Planning Commission believes are the broad public health, safety, and welfare interests at stake and the reasons further study may or may not be warranted; and (3) if further review of this matter is needed, outline a process to engage residents who live in neighborhoods that would be most impacted by a zoning change.

Lastly, please note in the accompany table that I have listed what appear, from your input, to be the main regulatory matters linked with STR's. These in effect are the items other jurisdictions have addressed when adopting regulations to allow and/or restrict them. With respect to each one, I have offered a brief explanation and possible responses ranging from strict to somewhat strict to less strict. If the Planning Commission ultimately decides to prepare recommended changes, it may find this table useful in formulating regulations and/or presenting options for public review.

Regulatory Considerations Attending to Short Term Rentals if Permitted

Regulatory Areas	Basic Comments	Alternative Approaches and Their Relative Strictness		
		Strict	Somewhat Strict	Less Strict
Allowing short term rentals (STRs)	Zoning amendments would be necessary to allow STRs. Zoning must be directed at achieving legitimate public purposes. Consider: what is the public purpose in allowing STRs? That answer can guide the Commission.	Keep status quo. Bed and breakfasts are sufficient to meet the public interest in accommodating tourists outside of hotels, in residential zones in particular.	Allow them, but only in non-residential zones.	Allow them in all residential zones, perhaps limited by other standards, elsewhere noted in this chart.
Eligibility for operating STRs	This actually speaks to the extent of land use change the Town is willing to accept. Are STRs seen as a means to allow local residents to financially benefit from a broader use of their property given the Town's tourism economy? Are STRs important enough to the Town as to allow the underlying use of the housing stock to change from residential to vacation rental.	Only houses, where the owner / full time resident of the property resides, would be eligible for a STR.	Owners are eligible if they are town residents, but they do not need to live in the house.	The owner may be a non-resident person or entity, in other words a property investor, with or without resident ties to the Town.
Oversight and management	No hotel or bed and breakfast operates without on site management. What level of management is needed for a STR to ensure issues and neighbor concerns are readily addressed.	Owner must be on-premises during rental period.	Owner must be local (either in town or within 1-hour drive) in order to return promptly to address issues.	An outside management company can handle things, and maybe it should be located within an hour's drive of Town, but not that important.
Licensing	Licensing can provide a means for ensuring code compliance and weeding out bad operators. Each owner of a STR property would be licensed by the Town.	Yes		No
Licenses per operator	Restricting the number of licenses a person or entity can have may mitigate against the commercialization of the housing stock and elevate the interests of residents over that of investors and/or outside commercial interests.	One license per person.	Two (or more) licenses per person.	The number of licenses any one person or entity can hold is not limited.
Response to on-site violations or disturbances of the peace.	Recent code enforcement experience has shown STRs can cause adverse impacts to neighbors, some impacts are nuisance impacts and others may be criminal in nature (trespassing, noise, and public intoxication). If STRs are allowed, what should be done when violations	Criteria should be set forth in Town Code, if violations occur they should be swiftly prosecuted and licenses should be revoked.	Violators can be nominally fined and a certain number of violations, say three, might be grounds for revocation.	Leave it to neighbors to pursue civil or criminal charges and remedies as may be needed, keep local government out these issues.
Maximum occupancy in a STR.	The number of people in a unit may present issues for unsafe over-crowding and fire code compliance. The issue address here, however, is the potential that guests can create noise, parking, large gatherings, etc. that impact the peaceful enjoyment of residential property.	Set occupancy at two adults or four occupants in total.	Set occupancy based on adults per bedroom, such as two per bedroom.	The max occupancy should only be limited by the building size or the fire code, and that limit should be set at time of licensing. To some extent, it may also be based on the characteristics of the neighborhood. Or an
Concentration of STRs	To the extent that STRs have adverse impacts to adjoining residences, the impact can be magnified when STRs are located close together. If STRs are permitted by zoning, the distance limits would need to be	Strictly limit the number of STRs allowed per street, or per acre. Or limit the number allowed at any time within the Town.	Establish a required separation distance between any two STRs such as 300, 200, or 50 ft between property lines.	Don't set a limit on concentration. Why should some residents have to deal with the impacts and yet be precluded from renting their own houses out.
The types of units available for STRs	Because of the separation between houses and the ability to provide parking on site, single-family detached lots may be most amenable to STRs. Townhouses and condominium units could more readily convert into blocks of vacation rentals if allowed to concentrate in such buildings. This can alter community character and remove valuable housing types from the housing market. Certainly allowing legal accessory apartments to convert to STR would restrict an	Only single-family detached houses should be available for STRs.	Single-family detached houses and townhouses are both ok.	Single-family detached houses and townhouses, plus multi-family condominiums and apartment buildings, etc., are all ok.
Frequency of letting an STR	This addresses the extent to which the Town is willing to allow the use of property to change from purely residential to overnight accommodations/commercial.	Limit letting to 36 days per year, which is 10% of the days in a year.	Limit it to something longer such as 120 days per year, which is 33% of the days in a year.	Allow unlimited use of property for STRs.
Parking	To help manage parking, a maximum number of parking permits could be issued to each STR. A parking permit would be displayed in each guest's vehicle. On-street parking is a public safety and convenience issue in the Campgrounds neighborhood especially, where the streets are narrow and generally substandard in design, and the houses are close together. Parking is also tight in townhouse communities and other higher density	Require that on-site parking be provided and that only on-site parking be used. Limit the number of parking permits to two.	Require all parking to be on-site or in spaces that are already reserved for the owner (such as in townhouse communities). Require parking permits, but since all vehicles are required to be parked on-site, there may be less need to restrict the number of parking permits.	Allow parking on the street but still require that parking permits be displayed and consider if there should even be a maximum number of parking permits for each STR.
Uses of STRs for other than overnight accommodations	What types of uses in concert with a STR would the Town consider acceptable? Some restrictions may be required to ensure that the residential nature of the house is not further watered down by STR operations.	The use should be overnight accommodations for registered guests only.	A limited number of special events could be permitted on the property, like weddings, parties with outside guests, receptions, club gatherings, etc. Maybe a special permit is	No limitation on special events or other activities, except such limitations that would apply to any house in town.
Location within Town	From the standpoint of the public's interest, what are the best places for STRs? Also, it is generally understood that HOA rules, because they can be more restrictive than zoning, prevent STRs. For some, this raises the question of equity--that is, only because they live in an older part of Town, do they face losing the protection that current zoning rules provide	If STRs are to be permitted, allow them in commercial zones only because that is where other uses like hotels, motels and tourist homes are permitted. In the commercial zones, the operation of STR would generally not impact residences. Owners can choose to operate a bed and breakfasts in a residential district	Allow them in residential zones, but only after doing a thorough assessment of land use, road width and neighborhood design. In this way issues such as parking availability, separation between housing units, the quality of the street, etc. can be factored in.	Allow them everywhere provided the other matters addressed elsewhere in this chart are addressed.
Transferability of licenses	Should licenses be transferred with property or should they expire upon the sale of a property. If transferable with the property, the license may increase the value of the property and distort local housing prices somewhat. If transferable then this also means that the STR may be perpetual and less likely to return to residential use. If distance and concentration rules prevent others from renting, an exclusive benefit would have been conferred.	Not only should they not be transferable, licenses should routinely expire after a certain period and not be redeemable until after some number of years has passed.	A license should expire upon the sale or transfer of property between the owner and any party.	Licenses should transfer without interruption with the sale or transfer of property.

Other issues include compliance with building, fire, and housing codes; licensing and licensing fees; record keeping; posting and advertising license numbers; enforcement; and inspection frequencies and schedules. While a number of the items in this chart are tangentially related to land use and zoning, these items listed here in particular are clearly best left to administrative staff and the Town Attorney. They have less bearing on land use and zoning. Several of them also would require considerable coordination with the Calvert County Department of Inspections Permits, if the County would be asked to undertake inspections. If not the Town could be required to expand its regular rental permitting program. So there are administrative, operations, management, personnel, and funding issues the Town will need to consider apart from the land use and zoning matters.

V. LAND USE

Dear Commissioners:

This is the revised draft of the Land Use chapter that was discussed at the November Planning Commission meeting. Please note the following:

- This draft does not address the possibility of a growth area / planning area that was previously discussed. That is in Chapter III, Municipal Growth.
- Cliffs and slopes are addressed in Chapter IV, Natural Environment
- Apart from the community pier and public waterfront access broadly, parks are addressed in Chapter VIII, Community Facilities

Key to Changes

Yellow text to call attention to new or revised text

Grey text – to call attention to parts the Planning Commission may not have completed deliberating

~~Strikethrough text~~ – to call attention to text proposed to be removed

EXISTING CONDITIONS

This review of existing land use conditions addresses the general land use pattern both outside and within the Town limits.

AREA WIDE LAND USE

TWO TOWNS SIDE BY SIDE

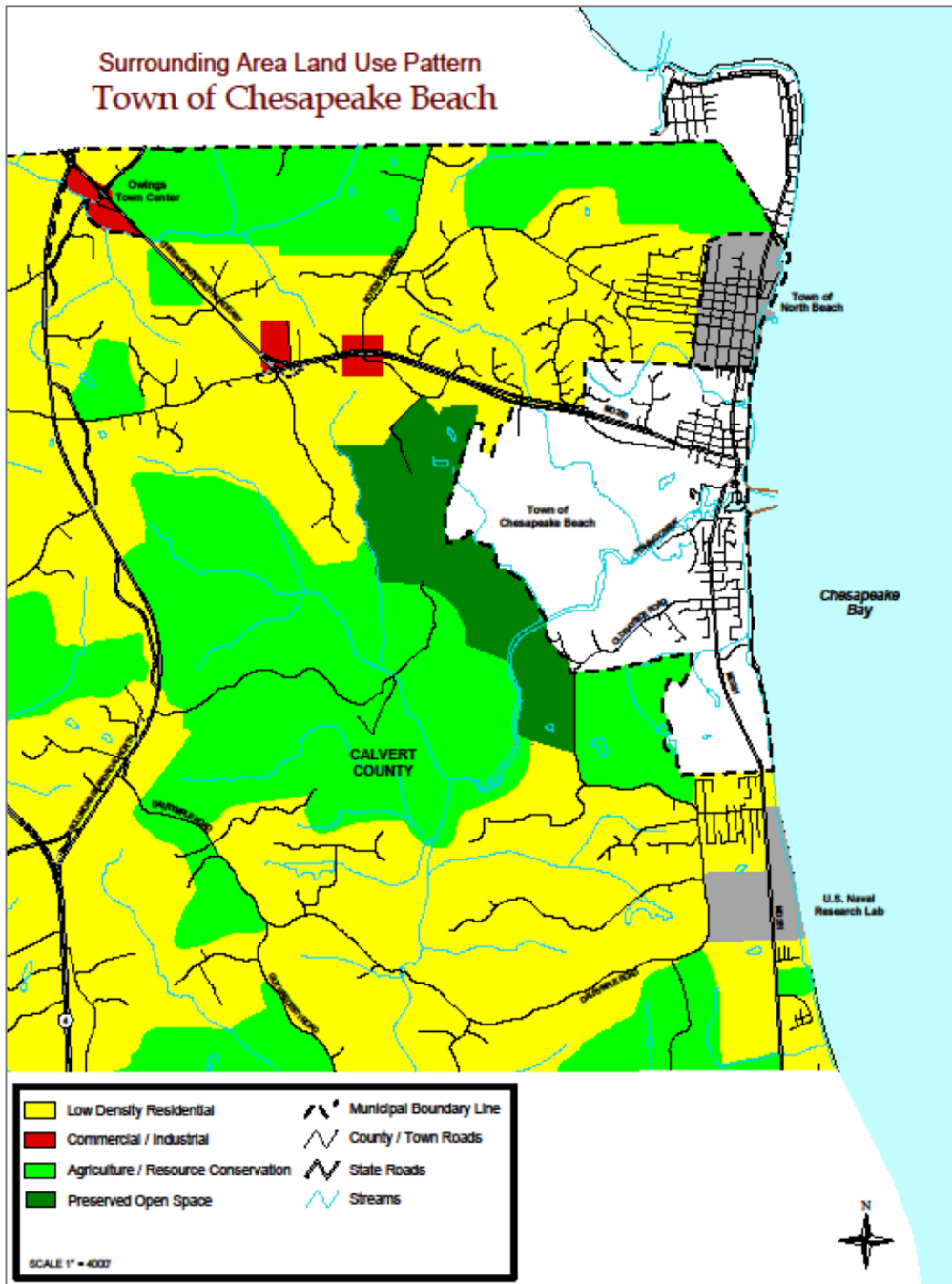
Together the separate bayside municipalities of Chesapeake Beach and North Beach form a larger community. As discussed throughout the report the towns are equally reliant on MD Routes 260 and 261, the shared wastewater treatment plant, Beach Elementary School, the Twin Beaches Library and other public facilities and services. As coastal communities they face similar challenges such as flooding, migration of wetlands, and limited transportation access. Both Chesapeake Beach and North Beach are shown on Map 1.

RURAL DEVELOPMENT

Map 1 also shows the land use pattern throughout the northeastern portion of Calvert County. The area is mostly wooded with large residential lots or rural subdivisions. Within the County's planning framework, areas within one mile of municipal borders can be developed at densities of up to four units per acre. Four houses per acre is not rural however and this potential level of urban development outside of town boundaries is not supported by this Comprehensive Plan as discussed in Chapter III, Municipal Growth.

Apart from two properties at Boyd's Turn Road and MD 260, commercial use is largely confined to the Towns of Chesapeake Beach and North Beach. Residential development, including the unincorporated community of Summer City, largely forms the southern border of Chesapeake Beach.

Map 1



GREENBELT OF PRESERVED LANDS

A most significant land use feature is open space on the Town's western border; land permanently preserved through programs administered by Calvert County. These form a permanent western greenbelt. Since they adjoin vast woodlands, which are within the Town and mostly set aside for perpetual forest conservation, Chesapeake Beach has within and along its borders the makings of a future old growth forest, the preservation of which ~~should~~ could help perpetually sustain the water quality of Fishing Creek and local bird and wildlife habitat.

TOWN LAND USE

Map 2, Existing Land Use, shows conditions as they exist today in broad categories of use, such as forest, residential and commercial.

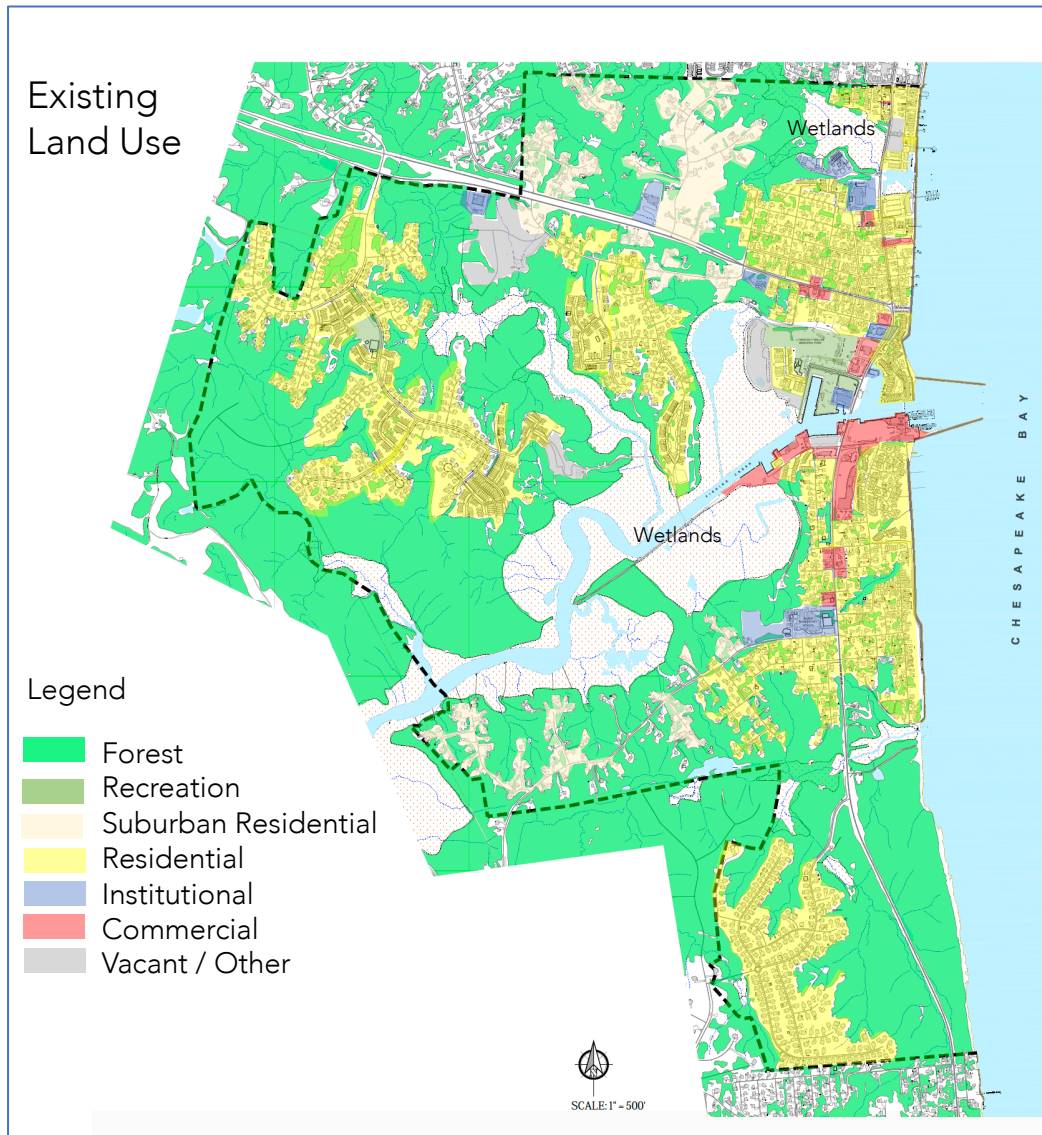
FORESTS AND OTHER NATURAL RESOURCE LANDS

Environmental features, including floodplains, tidal marshlands, steeply sloping woodlands, and streams extend all though the Town and often separate residential neighborhoods from each other. The forests that remain in Town are the largest single land use. The residential lots along Bayside Road and north of MD 260 are developed in a wooded setting and the Town's major residential subdivisions (Bayview Hills, Richfield Station, Chesapeake Village and Heritage Woods), were each carved out of large intact forests. Some of the remnants are protected by conservation easements, which were required under the Town's Forest Conservation Ordinance.

Tidal wetlands are also a major distinct land use Chesapeake Beach. These are described in some depth in Chapter IV. Despite the major filling in of the wetlands at the natural confluence of Fishing Creek and Bay, significant wetlands remain in Town as shown on Map 2.

As for the Town's shorelines, except where natural conditions have prevented it, the shorelines of Fishing Creek and the Chesapeake Bay have been developed. The shoreline of Fishing Creek, within the center of Town, is largely covered by impervious surfaces such as buildings and parking lots. The only part of the Bay's shoreline that is still in a natural condition is the 4,300 foot stretch from Bayside Park to the southernmost municipal limits.

Map 2



PARK AND RECREATIONAL LAND USES

Map 2 shows areas devoted to park and recreational use. There are three HOA-owned neighborhood parks; in Richfield Station, Bayview Hills and Windward Keys. There are no publicly owned neighborhood parks in Chesapeake Beach.

The Town is home to the publicly owned community-level park at Kellam's Field, a publicly owned memorial site (Veterans Park), a publicly owned boat ramp and the 18.8-acre natural area, Bayside Park, which includes Brownies Beach. The publicly owned and operated Chesapeake Beach Waterpark is also located in the town center along Gordon Stinnett Boulevard. The Beach Elementary School property includes tennis courts and a playground.

A full evaluation of park and recreational facilities is provided in Chapter VIII of this Plan. To summarize that section: the Town is significantly underserved in terms of parkland. With only three HOA-owned neighborhood parks, the vast majority of households do not have ready access to a neighborhood park. Outside of Kellam's Field, there are no parks serving the older town neighborhoods or waterfront housing developments and the modern Chesapeake Village subdivision does not have a park. With the exception of small spaces at the terminus of public streets and the Veterans Park memorial, there are no publicly owned waterfront lands that most residents can walk or safely bike to.

RESIDENTIAL LAND USE

As shown on Map 2, other than forests, the land use covering more land than any other is residential. Residential building types and densities vary from high-density (up to 20 units/acre) multi-family structures along the Bay front, to very low-density (2 units/acre) single-family homes along Old Bayside Road and in The Highlands, which is north of Chesapeake Beach Road. The Town's residential zoning districts and existing zoning map are presented in Chapter III of this report and an evaluation of housing is presented in Chapter VI, Housing.

COMMERCIAL LAND USE

While, Chesapeake Beach is predominantly a residential community; there is a commercial base in tourism and entertainment and collection of locally serving shops and stores. **There are also commercial uses nearby in North Beach so there is some overlapping of commercial markets.** Appendix B includes an evaluation of the Town's commercial land base and zoning. The findings include:

- The Town's commercial base is clustered along Bayside Road at Fishing Creek and largely consists in marina and entertainment activities centered on the Chesapeake Beach Resort and Spa. There are four sit-down restaurants in this area, and three of them operate gambling venues, which adds daily visitation to the Town.
- The Chesapeake Station shopping center, which includes a grocery store, pharmacy, fast food restaurants, and a bank meets basic shopping needs. However, food-for-home (i.e. grocery) is a product type not provided in sufficient amount in the Town or its vicinity. Residents do travel to Dunkirk or other areas for their full grocery needs.

- In 2018 a windshield survey revealed there were only 12 operating retail establishments in the entire Town. This is less retail commercial than 20 years ago, even though the Town's population and median income have substantially increased over that time.
- Office uses, including professional services like engineering, law, and finance, and medical services, including physicians and dentists are absent from the Town. However, the Calvert Health Primary Care medical center is located nearby in North Beach.
- There are two small clusters of commercial use in Town. One is on Chesapeake Beach Road between its intersections with E and F Streets and the other is on Bayside Road between 16th and 17th Streets. These are composed of aging properties and are frequently vacant or otherwise underused. Beyond these two areas, and the Chesapeake Station shopping center, commercial land use is fragmented, with small parcels in residential areas.
- Despite its tourism base, Chesapeake Beach does not have a solid set of specialized retail uses such as ice cream parlors, cafes, or specialty gifts. North Beach, which developed its waterfront as a public amenity, does have a variety of such businesses along and near its boardwalk.
- Under current Town zoning, there is little room to expand commercial use, except through redevelopment of existing properties. Redevelopment of existing (and vacant) business locations is complicated by the narrowness of the lots, the lack of parking, and zoning rules which prevents mixing land use types. Creative land use strategies are needed to bring about a greater set of commercial uses.
- As has been the case for decades, tourism related uses (marinas, restaurants, gambling, and convenience shopping) are the mainstay of the commercial land base. Maritime uses include fishing, crabbing, oyster aquaculture, commercial fishing charters. There are no industrial uses or maritime manufacturing in Chesapeake Beach.

INSTITUTIONAL

Institutional land uses such as religious, public administrative and cultural buildings are distributed throughout the Town and include among others, the Grace Brethren Church on Chesapeake Beach Road, the North Beach Volunteer Fire Company, Town Hall, the North East Community Center, Beach Elementary School, and the Chesapeake Railway Museum.

THE PLAN FOR LAND USE

INTRODUCTION

This land use plan focusses on the general pattern and distribution of land use activities through 2040. A land use plan is not a zoning plan map, instead it is mostly a guide. The zoning map is more than a guide, it is part of the Town's zoning laws and it The Town's Zoning Map divides the town into zones, with each having its own set of use and development regulations. For example, some zones permit housing while excluding most commercial uses. While a zoning map is not a land use plan, it is required to be consistent with a land use plan.

A land use plan is best thought of as the official guide to the use and development of land; showing the preferred type of general use on of every parcel. For example, since the 2002 adopted Comprehensive Plan for nearly 20 years now, the Town has recommended a land use called Resource Conservation. After that Plan was adopted both the Zoning Ordinance and Zoning Map were amended to create have contained a zone also called Resource Conservation. This zone was applied to those areas recommended for resource conservation and This zone was created and mapped following the last complete Plan update in 2002. New regulations were approved adopted for this new zone that strictly limited the amount and type of development in order to minimize forest clearing and protect water quality. Later in this Chapter, recommendations for expanding the Resource Conservation zone are discussed.

This new 2040 Plan advances many of the previous plan's recommendations and policies and provides guidance for future land uses and development. Following or concurrent with adoption of this Plan, a new zoning map will would be prepared adopted with the aim of implementing the Plan it.

With a few notable exceptions discussed in this Chapter, implementing the land use plan recommended here would not intrinsically change the land use pattern in Chesapeake Beach. The originally platted parts of Town form a bayfront community with cottage style neighborhoods and modern waterfront housing developments. These are complemented by modern single-family neighborhoods built at higher elevations and flanked by forests sloping toward Fishing Creek and the Bay. Maritime, tourism and shopping areas are located along Bayside Road where Fishing Creek joins the

Chesapeake Bay. It is not the intent of this Plan to change any of this. Instead this plan proposes to optimize this pattern for the benefit of residents and visitors and to prevent further erosion of the Town's intrinsic bayfront character.

This plan seeks to conserve the Town's heritage neighborhoods, guide commercial, recreational and civic uses into a town center arrangement, protect the remaining forests in Town, repair a deficit in the amount of parkland, protect small town character with new restrictions on building heights and other standards, and adjust to the Town's vulnerabilities related to the rising level of the Chesapeake Bay sea level rise.

LAND USE OBJECTIVES

These are the objectives this land use plan is intended to achieve:

1. Enhance the residential qualities of the Town's original cottage neighborhoods through a program of improving infrastructure (including modernizing drainage and installing sidewalks, curbs, crosswalks, and street trees), and promoting compatibility in the design of new buildings.
2. Expand commercial development including tourism opportunities, foster the redevelopment and revitalization of commercial properties, and bring about an arrangement of shops, and commercial offices and services that improve the convenience and joy of living in Town.
3. For the local environmental benefits they provide, secure for all time the conservation of the remaining stands of forest, especially those adjoining the Town's major residential subdivisions, and where possible and practical allow for hiking trails and related low impact community enjoyment of the forests.
4. Protect the small town bayfront character and unique setting through regulations on new development and redevelopment.
5. Adapt to the vulnerabilities of sea level rise and flooding in a way that honors incorporates the Town's heritage as a Bayfront destination and adds to the Town's scenic beauty and natural resources. Climate change and sea level rise are discussed in detail in Chapter 4, Natural Environment.

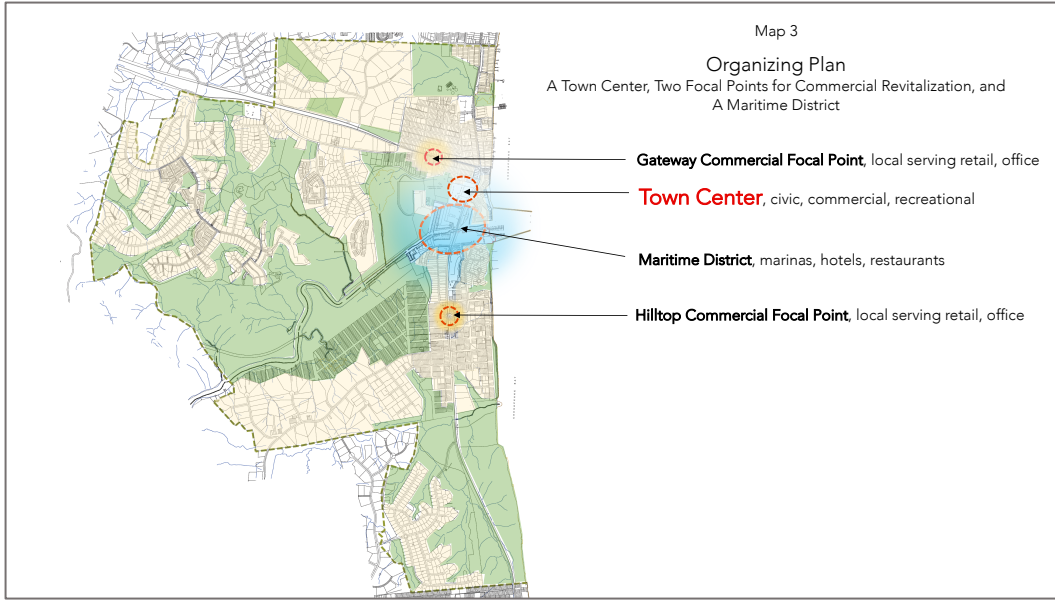
6. Provide for increased public recreational access to the Chesapeake Bay and Fishing Creek waterfront shorelines.

~~OVERALL~~ GENERAL ORGANIZING PLAN

CONSERVATION AND COMMUNITY DEVELOPMENT

Before more specific land use recommendations are addressed, this chapter presents the general framework or pattern for land use through 2040. ~~for land use plan~~ focuses on the overall organization of activities within the boundaries of Chesapeake Beach. As shown on Map 3, the Town ~~can be~~ is broadly organized into two major use categories: resource conservation (green on the map) and community development (beige on the map). The resource conservation category encompasses the major remaining forests, undeveloped steep slopes, wetlands, and stream buffers. The Plan recommends, to the extent possible, that resource conservation areas be preserved and protected from the impacts of development, and land clearing, and grading. It is recommended that land uses be restricted to very low intensity uses only.

The community development category encompasses all lands that have been developed already. The Plan recommends, to the extent possible, that community development areas be conserved, enhanced, and renewed over time to meet the needs of the Town's existing and future residents and sustain a high quality of life. Within this context, ~~the~~ Plan recommends four mixed-use centers are planned: a new Town Center, ~~the~~ a vibrant tourism-focused existing maritime district, and two focal points for commercial revitalization and development. Each center is intended to be a priority for public and private investment over the next 20 years.



The principles intended to guide the design, building, and use of these centers are as follows:

- Compact and Walkable: Pedestrians will be given the priority. Emphasis to be placed on traffic calming, sidewalks, bike paths, street lighting, crosswalks and pedestrian amenities.
- Mixed Use: Where commercial buildings are built, residences will also be allowed to be constructed above the street level, except within the Hilltop Commercial area.
- Parking Management: Parking will be managed which may include consolidating it in designated locations so buildings and outdoor amenity spaces can be located close to each other.
- Unified Character: Landscaping, site design, architecture, street trees, and signage will be coordinate to bring about a unified character in each area.

TOWN CENTER

The most significant of the four centers is the proposed new Town Center, located on the west side of Bayside Road roughly between the Town Hall and Gordon Stinnett Avenue. The area mostly encompasses property owned by the Town of Chesapeake Beach and presently in use as surface parking. Public-private partnerships may be needed to bring about the Town Center vision **described below**, and a master plan would be useful to guide major development decisions. **Exhibits 1 and 2** ~~The exhibits below~~ show what the new Town Center could look like by adhering to the principles noted above.



Exhibit 1 (to be finalized as part of final draft)

The illustration above attempts to capture a vision of the Town Center that residents and property owners would find both acceptable and worthy of pursuit over the next 20 years or more. **The recommended** elements of the town center ~~idea~~ **vision** include:

- An activity center aligned with the water, Kellam's Field, and Fishing Creek Trail.
- A site for local business development aligned with the marina, the Town's recreational opportunities, views of the water, boats, and nature, and within easy walking access to neighborhoods.

- Improved connection between Kellam’s Field and the rest of Town, bringing life and purpose to the space.
- Reimagining Kellam’s **Field** with both ballfields and the conversion of lower lying areas into a naturalized landscape park for walking and biking and designed to handle flooding, high water tables, and the ~~natural~~ emergence of wetlands (See Chapter IV).
- An avenue with broad sidewalks connecting the new center to Bayside Road next to the Town Hall.



Exhibit 2

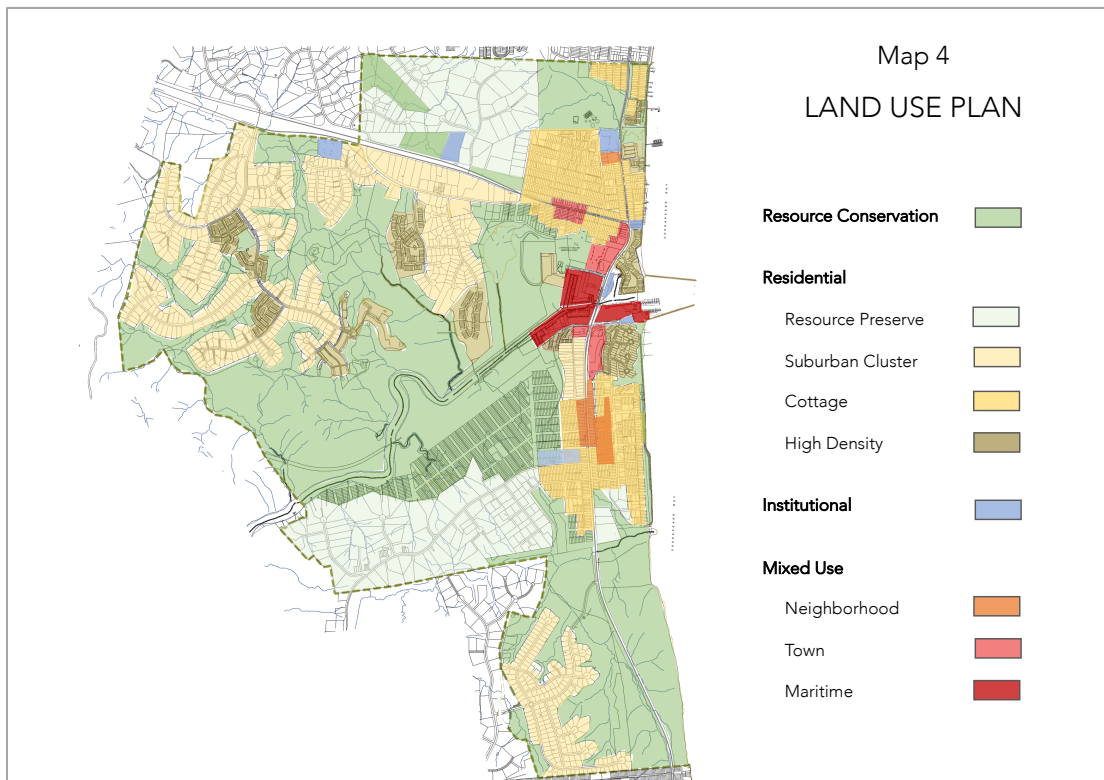
- A roundabout to allow access to parking and space to drop off pedestrians at the Town Center.
- A service drive that runs behind the present day restaurant and auto service station providing parking and access to the rear of the new buildings and creating a street grid for circulation.
- A plaza, on the west side of the buildings, with wide views to the west and access to a nature park. The plaza can support festivals and special community events.
- Small cottage-type structures reminiscent of the Town’s heritage, that could replace the pavilions that exist today and/or serve as space for special events and fairs.

SUMMARY

In summary the overall framework for land use favors preserving the remaining natural resource areas and sustaining the quality of life and vitality by conserving, enhancing, and renewing the parts of Town already developed. In this regard, public and private investment is encouraged to promote the emergence of vibrant commercial and civic centers. Most notably the Plan encourages the development of a new town center.

2040 GENERAL LAND USES

Map 4 designates four general land use categories: Resource Conservation, Residential, Institutional, **Mixed Use**. The recommended land uses are described in Table 1 and discussed below. This land use plan map is the official guide to the use and development of land through 2040, showing the preferred type of use on every parcel.



NOTE: The designations on Map 4 above are subject to change, depending on Planning Commission deliberations. The "Mixed Use- Neighborhood" designation for example, could be eliminated and changed to commercial or cottage residential.

Table 1

General Land Use Categories

Land Use	Purpose	Use / Intensity
Resource Conservation	Protect natural resources and protect sensitive areas from the impacts of development	Trails, parks, woodland, resource uses such as aquaculture, fishing, residential at a density no greater than one unit per 5 acres
Residential		
Resource Reserve	Conserve the open, naturalized residential setting	Large lots, minimal impacts to slopes, forests, stream buffers and wetlands
Suburban, cluster	Sustain single-family neighborhood character	Single-family detached, no change to existing lots
Cottage	Conserve the traditional small lot neighborhood character	Single-family detached, no change to existing lots
High Density	Sustain the quality of denser housing projects	Single-family attached and multi-family buildings
Institutional	Foster the preservation of local institutions	Government offices, schools, churches, community buildings and facilities
Mixed Use		
Neighborhood	Promote neighborhood scale commercial uses	Retail, restaurants, offices, and housing above commercial
Town	Foster commercial redevelopment and vibrant business centers	Retail, restaurants, offices, and housing above commercial
Maritime	Encourage a thriving maritime and entertainment district	Retail, restaurants, offices, maritime uses, marinas, single-family attached

NOTE: The designations and descriptions on Table 1 above are subject to change, depending on Planning Commission deliberations. The "Mixed Use- Neighborhood" designation for example, could be eliminated and changed to Commercial or Cottage Residential.

RESOURCE CONSERVATION¹

The Resource Conservation designation identifies natural lands and open spaces that cannot safely support development, would be irreparably harmed by development, or whose loss would impair local water quality, flood management, wildlife habitat, and the Town's scenic beauty.

Sensitive natural areas play vital roles in sustaining the quality of life, public health and natural beauty in Chesapeake Beach. Marshlands and wetlands help attenuate flooding in the older sections of Town, improve the water quality of Fishing Creek and the Bay, and provide habitat for native plants, fish and wildlife that are part of the character and beauty of Town. Steep slopes left in a natural wooded condition minimize soil erosion and pollutant runoff to streams and by extension the Bay. Large forested areas, whether on steep slopes or not, moderate local temperatures for nearby residents and provide habitat for the birds and wildlife that residents and tourists see on the Fishing Creek Trail. Vegetated buffers along streams maintain water quality and slow erosion. The preservation of these natural resources is also important to the Town's economy which is supported by tourism.

The 2020 Comprehensive Plan first applied the Resource Conservation category. With the subsequent adoption of a zoning district, also called Resource Conservation, areas so designated have been protected from development and loss. This Plan expands Resource Conservation to the remaining undeveloped steeply sloped forested areas, lands currently being impacted by the rising water levels and to the forested areas that have been set aside for open space or conservation in major residential subdivisions. Some of these large forested areas are protected by plat restrictions and forest conservation easements, others however are not. The exhibit below broadly shows the forest resource lands within the major residential subdivisions.

¹ Also See Chapter IV, Natural Resources.

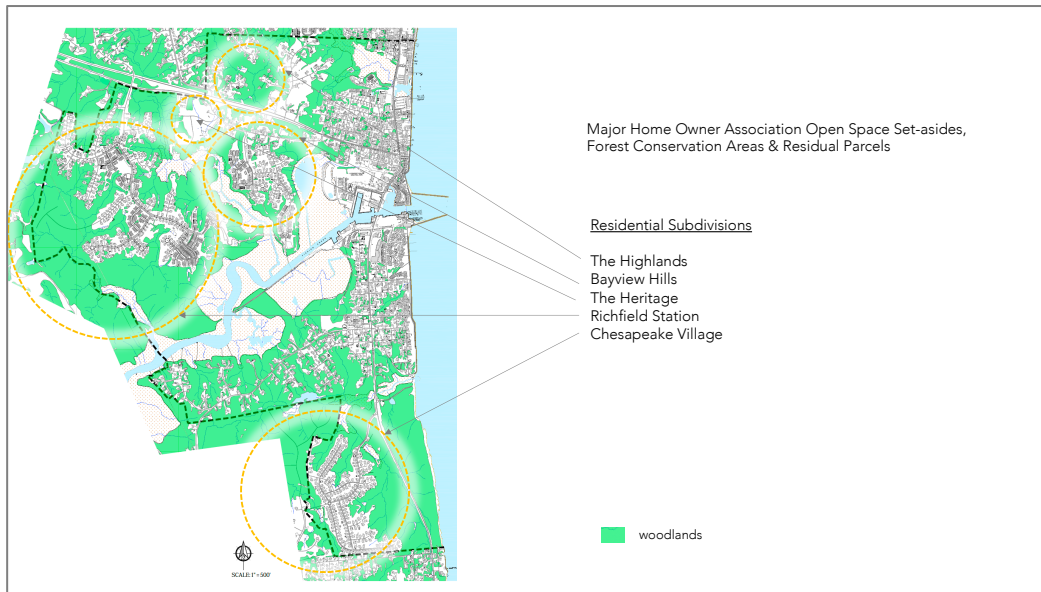


Exhibit 3

The Resource Conservation designation also encompasses lands that are currently in use for parks such as Kellam’s Field, Bayside Park, and the Boardwalk. It also encompasses lands that this Plan recognizes as potential park sites in order to provide public recreational access to the water. These areas are discussed and mapped in Chapter VIII, Community Facilities.

RESIDENTIAL

The Residential category is divided into four types reflecting the development patterns and housing types that exist today. No substantive change is contemplated in existing neighborhoods or housing developments. This Plan’s main recommendation is to conserve and enhance residential areas and their housing types and in particular the lands designated as “cottage residential”.

The Town’s original cottage neighborhoods include the Stinnett Subdivision, the Middle Subdivision and the Campgrounds. To varying degrees, these original neighborhoods contend with issues including poor drainage, limited on-street parking shortages, poorly aligned and configured streets, a lack of sidewalks and street lighting, and property maintenance and code violations. The Town will work to improve the qualities of these older neighborhoods by:

- Preparing neighborhood-based improvement plans in coordination with residents to address sidewalks, crosswalks, streetlights, street trees, parking issues, drainage, open space, and other matters.
- Strictly enforce the Town's new livability and rental codes (enacted in 2018) to ensure that safe and high quality housing is sustained in Chesapeake Beach for the Town's renters.
- Preparing and recording amendment plats to eliminate platted parcel lines that bare no semblance to actual property ownership, which will improve the informed transfer of property, the drawing of zoning district lines, and the construction of improvements on private property.
- Adopting new development standards, including lot coverage standards to more appropriately regulate the development / redevelopment on lots in the current Residential Medium Density district that are on or near steep slopes, especially along the cliff on B Street.
- Preparing a town wide property survey to ensure a sound basis for establishing legal property boundaries to support real property searches and rebuilding in the event of catastrophic storm events.

To promote compatibility between new and existing housing and generally to favor housing types that readily fit in with existing neighborhoods, the Plan recommends the following with respect to the Zoning Ordinance:

- Rescind the bonus density overlay district on lands currently zoned Residential Village. This provision in the Zoning Ordinance currently allows the Planning Commission, within the overly district, to approve apartment and condominium buildings, that can exceed 50 feet in height. Without the overlay district, building height would remain capped at 35 feet and new housing would be more compatible with existing housing.
- Remove multi-family housing and townhouses as permitted uses on property currently zoned Residential Village. With this change, townhouse developments in residential zones would be permitted only where they are actually built today.

- Continue to allow duplex, tri-plex and quadplex housing types in the current Residential Village District provided however any applicant for permit approval first obtain site plan approval from the Planning Commission and comply with new building design standards.
- Prepare and adopt building design standards applicable to residential areas, which may be a combination of regulatory requirements and recommended guidelines, as discussed later in this Chapter.

INSTITUTIONAL

The Institutional land use includes governmental, non-profit and, quasi-public uses such as such as schools, museums, and libraries. The Institutional uses shown on Map 4 are the Volunteer Fire Company, Town Hall, North East Community Center, U.S. Navy boat launch at the Fishing Creek Bridge, Chesapeake Railway Museum, Beach Elementary School, Bayside Baptist Church and the American Legion. The Twin Beaches Branch of the Calvert Library is presently located in a commercial building at 3819 Harbor Road but will be relocating to a newly developed site in North Beach in 2023.

MIX USE

The Mixed Use designation is divided into three types reflecting the relative intensity of commercial activity. As with the residential land use designation, new buildings in the Mix Use areas would be subject to building design standards.

Neighborhood Mix Use

~~As shown on Map 3, the Neighborhood Mix Use designation encompasses existing commercial uses and parcels zoned commercial on Bayside Road. The purpose is to allow space for low intensity commercial uses (such as coffee shops, florists, salons, and business or professional offices) and to ensure moving forward that such uses, and any buildings that may be built, are compatible with the surrounding residential zones. The long standing practice of converting houses to low intensity commercial uses in this area is supported as well as the construction of new residentially scaled buildings which could provide commercial on the street level and apartments above. Building design standards would apply and the maximum height would be 35 and 2.5 stories.~~

Town Mix Use

As shown on Map 3 4, the Town Mix Use designation encompasses the following:

- The commercial area between E and F Streets on MD-260 Chesapeake Beach Road,
- The properties along the west side of Bayside Road MD-261 from Chesapeake Beach Road MD-260 to Gordon Stinnett Boulevard (the proposed Town Center) and
- The properties at the intersection of Harbor/Mears and Bayside Roads including the Chesapeake Station Shopping Center.

The one-acre residential property next to the Captain's Quarters commercial building (at the northern end of Deforest Drive) is proposed for commercial use, provided the lot can be accessed from Bayside Road. This parcel could readily accommodate 30,000 square feet or more of added commercial building space along Bayside Road, meeting a need for added commercial land.

The purpose of this Town Mix Use designation along Chesapeake Beach Road is to promote commercial revitalization and the emergence of a more attractive and welcoming gateway into Town. The purpose of the designation, as applied along Bayside Road, is to promote the emergence of the planned new town center.

A variety of commercial land uses would be allowed in each area with the goal of fostering architecturally unified and walkable areas zones. New residential uses would be allowed, but only as residences above street level commercial.

In the area between F and E Streets, building heights would remain at 35 feet but will be capped at 2.5 stories. In the planned Town Center—maximum building heights would be reduced from the current 70 feet to 35 feet and 2.5 stories, but the Planning Commission would retain the flexibility of allowing somewhat taller buildings as needed to facilitate development of the Town Center.

Maritime Mix Use

As shown on Map 3, the Maritime Mixed Use designation encompasses the part of Town centered on the Fishing Creek Bridge, including the existing boating and marina activities on either side of Bayside Road. The purpose is to accommodate and promote the great diversity of commercial uses and intensities that have long defined the Town's historic waterfront over time. These include the Town's main shopping plaza, the working

waterfront uses along Fishing Creek, recreational boating, overnight accommodations and restaurants. Given its natural beauty and boating amenities, waterfront housing projects have been planned (and have even obtained permit approval) but none has been actually developed. Moving forward, the Plan recognizes that a limited amount of new housing especially for retirees and boating enthusiasts can add value to the local tourism economy. Maximum building heights would however be reduced from the current 70 feet to 35 feet and 2.5 stories. With these restrictions in place, lower intensity housing would continue to be allowed such as single-family attached units and houseboats that could take advantage of the waterfront setting.

COMMUNITY CHARACTER

A recurring theme of this Chapter is the promotion of compatibility between new buildings and traditional ones with the objective of protecting the Town's essential character. Promoting harmony and cohesiveness is an essential objective of town planning, one that was traditionally achieved in large part because property owners within a place (and local builders) shared a common design language. But that is hardly the case anymore.

Local properties can be owned by outside corporations that design their buildings to advance brands rather than to complement a streetscape. Regretfully, many builders have their "models" which work for consumers whether a lot is in a small coastal town or suburban subdivision, which means that, even in the oldest neighborhoods of Chesapeake Beach, traditional cottages can be replaced with homes that bear no resemblance to the Town's unique history and setting. Because many property owners build with little regard for community character, character can get eroded over time, leaving fewer and fewer examples remaining as guideposts. Even local property owners, when they contend with the opportunities and constraints of land economics and finance can lose sight of the shared standards that shaped the character of buildings and sites throughout the Town's history.

Moving forward under this new Comprehensive Plan, it is the Town's position that the essential character defining elements of buildings in Chesapeake Beach must be used as the model for future buildings, site improvement and development. The Planning Commission rejects formulaic building design and franchise architecture and signage and new buildings or site layouts that impair rather than complement the Town's bayside character. It also rejects the idea that builders should slavishly adhere to architectural styles customary to Chesapeake Beach or mimic existing buildings. The important thing

is that new buildings be compatible with the old, not that they look like the old. New buildings should look like they belong; they should have elements, scale, massing, colors and materials that harmonize with the established community character.

This Plan recommends that a study be commissioned to evaluate the character of the buildings, signs and structures in Town and to select those buildings and building elements that set the standard for a traditional architecture and design character that is unique to Chesapeake Beach. Upon completion of this study, the Town would create and adopt architectural, building, and site design guidelines that would shape both infill on vacant lots and redevelopment. Application of design standards is most appropriate where the physical and visual properties of development can significantly influence the character of the Town.

Because buildings and community design cannot be separated from their unique physical setting and “sense of place”, the above mentioned study should identify all character-defining landmarks and the best sight lines to the Bay, Fishing Creek, and elsewhere. The preservation of sight lines would then be protected through new development regulations.

ADAPTING TO SEA LEVEL RISE AND FLOODING VULNERABILITIES

INTRODUCTION

The Town’s vulnerability to sea level rise and increased incidence of flooding is explored in Chapter IV and significant recommendations that have a bearing on this land use plan are presented there. Chapter IV focuses on three vulnerability zones:

- Zone 1 is located along the shoreline north of north of Chesapeake Beach Road to North Beach town line.
- Zone 2 is located in the center of town encompassing the maritime areas.
- Zone 3 is located along the southern shoreline of Fishing Creek.

Chapter IV identifies parts of each of the three vulnerability zones that may be permanently covered with tidal water by 2050 and 2100 and areas subject to significantly higher risks of flooding. The maps presented there also show the projected extent of the future floodplains and depth of flood waters taking into account the rising water levels of the Bay over the next 30 years.

The rising levels of the Bay present a serious long term challenge for Chesapeake Beach. **But if the response to sea level rise is coordinated and planned**, it also presents an opportunity to build on the Town’s heritage as a bayfront tourist destination and to bring about new and desirable land use patterns. A Comprehensive Plan is not the place to propose or design specific solutions. For now, it is enough to state that sea level rise will require new approaches to town planning, land development, and the regulation of development, some of which are highlighted in **Chapter IV and in** this section.

PRINCIPLES TO GUIDE PLANNING

Because sea level rise is a long-term challenge, this Plan adopts basic principles to guide Chesapeake Beach for the very long term, recognizing that once every 10 years, the Town would revisit them and the recommendations that flow from them. The principles are as follows:

- The low lying land where Fishing Creek meets the Chesapeake Bay is the very heart of Chesapeake Beach, encompassing the recreational assets and natural resources that have shaped the Town’s heritage. Continued use of this area and even redevelopment are not necessarily incompatible with projections of increased flooding.
- The Town’s natural environment **itself can be a guide to** ~~instructs us on~~ how to manage rising water levels in Chesapeake Beach. The Town’s marshes absorb storm surges and hold back **the** floodwaters. The Town’s remaining forest stands soak up rainwater reducing the severity of flooding. The Town’s topography shows that the heart of Chesapeake Beach was built on and around the natural estuary of Fishing Creek.
- A long term response to a rising Chesapeake Bay can be positive and aligned with a vision of harmonizing land with water. In a coastal town, built as a tourist destination, rising water levels can be an asset and an opportunity to build upon the Town’s heritage.
- Lands that were “made” through the filling in wetlands, are the most quickly threatened by sea level rise. Allowing space for water to reclaim **parts of** these areas and for wetlands to migrate within them helps recreate nature’s role in holding back flood waters and buffering storm surges.
- Unplanned and uncoordinated efforts to **raise the elevation of the land** or build structural flood defenses including seawalls, raised bulkheads, shoreline

revetments, and piers, docks etc. are counterproductive to ongoing efforts to protect public safety. Such measures must only be undertaken in a coordinated way consistent with an adopted plan.

- Rising water levels expand the area that is vulnerable to flooding. As the Bay rises, areas that do not flood today are predicted to flood and areas that do flood today are predicted to experience more frequent and severe flooding events. Chapter IV contains maps that show areas projected to be underwater in 2050 and other areas projected to have an annual 1 in 10 chance of flooding by 2050. One in ten is presents an unacceptably high risk to public health and safety; it is 10 times the potential found in the officially regulated FEMA (100-year) floodplain. If sea level rise continues beyond 2050, which is reasonably expected, Areas areas predicted to have an annual 1 in 10 chance of flooding in 2050 are predicted to be open water by 2100.

MASTER PLAN FOR FLOOD RISK REDUCTION

At the earliest date possible, it is advisable that the Town prepare and adopt a Master Plan for Flood Risk Reduction. This plan would include land use and infrastructure guidance for risk reduction. It could be adopted as an amendment to this Comprehensive Plan.

The purpose of the plan will be to evaluate and select flood mitigation techniques at both parcel and zonal levels (see Chapter IV). Following the Guiding Principles and recommendations of the Comprehensive Plan, the master plan would advance specific land use policies, landscape design measures to lower the risk of flooding, architectural guidance for new buildings and structures, and civil engineering recommendations.

Adopted measures Measures which may follow from this master plan might include creating wetlands, artificial flood retention ponds, floodwater diversion channels, shoreline berms, interconnected higher elevation landscapes, and other measures that can both mimic natural drainage patterns and structurally hold back floodwaters including seawalls and revetments. The plan must be supplemented with an implementation and funding program.

LAND USE AND DEVELOPMENT RECOMMENDATIONS

Three layers of recommendations flow from the principles noted above and the findings and analyses in Chapter IV.

Layer 1: Land Use Conversion to Resource Conservation

The Land Use Plan (Map 4) recommends changes to the currently adopted Comprehensive Plan as it concerns areas along Fishing Creek and elsewhere which, over the next 30 years, are projected to be either underwater or subject to a 10% annual flood risk of flooding. These areas are generally the most exposed to flooding and lie furthest from existing urban development. The plan recommends that the zoning map be amended to classify these most vulnerable areas as Resource Conservation. These include the western portion of the Harbor Road peninsula (on which the historic Chesapeake Railway once ran), the area on the south and west sides of the Courtyards at Fishing Creek, and the area between the parking lot at Horizons on the Bay and the Sea Gate townhouses. Also included in this category is Kellam's Field.

Existing and future environmental conditions make these areas unfit for urban development. Development of these areas would expose future persons and property to unacceptably high risk for severe flooding and rising water tables. As discussed in the Community Facilities Chapter, this Plan recommends against extending public water, sewerage, roads and other infrastructure into areas that are at risk of regular or permanent inundation. In the case of Kellam's Field, the Town acknowledges the severe constraints that sea level rise has on development and the essential role this land can play as both a recreational amenity and a resource for buffering the impacts of sea level rise. Acceptable land uses in these areas would include uses such as and similar to aquaculture, commercial fishing, charter boating, house boats, parks, and outdoor recreational uses and amenities associated with more intensive development types on adjoining lands.

Layer 2: Land Use and Development in High Risk Areas

There are other areas, such as along Gordon Stinnett Avenue, Harbor Road, and Bayside Road from the fire station north that are expected to be at a substantially higher risk of severe flooding. But since these areas lie adjacent to existing development and/or front directly on existing public streets, development and redevelopment would not be restricted to the same degree as in Layer 1. Considerable care however will need to be taken in both the use and development of these areas to mitigate risks and reduce impacts to adjoining areas.

Therefore, as a condition of plan approval, developers would be required to participate in building Town approved defenses to secure the safety and sustainability of these properties and more the public's health, safety and wellbeing. This designation helps ensure development does not make it more difficult for the public to respond effectively and efficiently to the risks of sea level.

Layer 3: Existing Areas at High Risk

As the maps in Chapter IV show there are areas that area already developed that would be at increasingly high risk of flooding over next several decades—that is, through 2050. In these cases, the private property itself or the public streets that provide access are expected impacted by increased flooding severity and frequency. These include:

- Houses on the south ends of David and D Streets
- Houses clustered along C Street just north of 31st Street
- Seagate townhouse community
- the North Beach Volunteer Fire Department
- the Windward Key townhouse community
- Fishing Creek Marina including the public boat launch
- The North East Community Center.
- The Courtyards at Fishing Creek

There are various options for how the community may want to address these existing areas. These may include infrastructure improvements like raising streets, re-positioning or re-routing drainage facilities and public utilities, building sea walls or elevating bulkheads. All such actions will be considerably expensive. In some cases, property owners may need to elevate buildings or sites altogether. Other options may include the use of state or federal funding to encourage owners to sell and relocate especially after sustaining storm damage. The master plan recommended above, and subsequent studies and plans, done in coordination with residents and property owners will ultimately shape the approach over the long term. In the meantime, should redevelopment be proposed for any property in the aforementioned areas, the redevelopment will be treated in the same manner as new development is under the Layer 2 recommendations above.

WATERFRONT ACCESS²

Chesapeake Beach is adjacent to the Chesapeake Bay and Fishing Creek and it is difficult to quantify in acreage the equivalent value that the Bay contributes in the way of parks and recreation. However, public access to the waterfront shoreline is significantly obstructed and limited by private residential and commercial entities. Developing the Chesapeake Beach waterfront in particular as a site for community recreational activities reflects an appreciation of this valuable and scarce community resource. Besides serving the needs of Town citizens and landowners, the waterfront is an attractive destination for visitors from nearby areas.

Chesapeake Beach has a long history of being oriented to the Bay for waterfront recreation. Piers that extended out into the Chesapeake Bay played an important role in the history of the Town. One of the richest resources in Chesapeake Beach is the panoramic view of the Bay. A new, modern, and substantial public pier would facilitate abundant activities to be enjoyed by citizens and tourists throughout the year. In addition to mitigating the lack of public parks in Town, a pier would attract economic development, and create multiple employment opportunities for Chesapeake Beach citizens.

The Town should initiate a study to determine where, how and what type of pier could be built on the Chesapeake Beach shoreline. A new pier would be a key component of any waterfront revitalization program, both as it relates to the Town's history and the future enhancement of citizen enjoyment of the beautiful Chesapeake Bay.

With respect to Fishing Creek, the sea level rise is increasing reducing the viability of development on lands set far into the estuary. The Town should consider if opportunities exist to acquire privately open spaces or to develop publicly owned space for recreational access to the waterfront.

More broadly, the Town should work with Calvert County and Maryland state departments to develop plans to enhance citizen access to the Chesapeake Bay. Town officials should work cooperatively with the County and the Town of North Beach to establish a connected network of walking, hiking and bicycle routes so that recreational features of each jurisdiction can be shared.

² Chapter VIII presents recommendations concerning parks and recreation.