



OFFICE OF THE PLANNING AND ZONING COMMISSION

**PLANNING & ZONING COMMISSION
AGENDA
MAY 25, 2022**

This meeting will be held in person at the Chesapeake Beach Town Hall starting at 7:00 PM. This meeting will also be live streamed on the Town's channel linked [here](#).

- I. Call to Order**
- II. Approve the Agenda**
- III. Approval of the minutes of the March 23, 2022 Planning & Zoning Meeting.**
- IV. Public Comment on any item on the agenda. NOTE: There will be a 2-minute limit on comments received.**
- V. Consider the Baia Coastal Kitchen and Wine Bar site plan amendment and permit application (attached).**
- VI. 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.**
- VII. Discussion of zoning ordinance changes proposed by Vice Chairman Blackwelder. See Commissioner Blackwelder's attachment.**
- VIII. Discussion of zoning ordinance changes proposed by Commissioner Greengold. See Commissioner Greengold's attachment.**
- IX. Public Comment: NOTE: There will be a 2-minute limit on comments received.**
- X. 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 MARCH 23, 2022

- I. Commission Chair Larry Brown called the meeting to order at 7:08 pm. In attendance were Kathleen Berault, Laura Blackwelder, Cynthia Greengold, Jan Ruttkay, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon Humm, Commission Clerk.

Chairman Brown announced that the Commission's April meeting will be in-person. Beginning April 1, public meetings will be back in-person at the Town Hall. Chairman Brown wanted to reiterate the importance of keeping to the rules of the Open Meetings Act and to refrain from sending emails out that include the entire Commission, or enough that would constitute a quorum.

II. Approval of the Planning & Zoning Agenda.

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

III. Approval of the minutes of the February 23, 2022 Planning & Zoning Commission meeting.

MOTION: Commissioner Berault moved to approve the minutes of the February 23, 2022 Planning & Zoning meeting. Seconded by Commissioner Greengold, 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.

Public comment was received by:

1. Gretchen Rager of 8727 C Street

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

New Zoning Districts and Purpose Statements:

As recommended by the Commission at its February 23rd meeting, the Commission requested Mr. Jakubiak to revise both the RV-1 and RV-2 zoning district purpose statements and present for review at this evening's meeting.

Amendment #1-

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.

MOTION: Commissioner Greengold moved to approve the RV-1 purpose statement. Seconded by Commissioner Berault.

MOTION: Commissioner Greengold moved to amend the RV-1 purpose statement to remove the word “primarily” from both places in the statement. Seconded by Commissioner Blackwelder, all in favor.

The Commission voted on the motion as amended, all in favor.

RV-2 Residential Village District-2. The 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.

MOTION: Commissioner Blackwelder moved to amend the RV-2 purpose statement to delete the wording “and densities and certain nonresidential uses that are compatible with the prevailing residential character.”. Seconded by Commissioner Greengold, all in favor.

Amendment #2

Amend Section 290-9, Purpose and Intent of Districts eliminating the Commercial and Maritime Districts, replacing them with four new commercial districts and adding a purpose statement for each new district. Mr. Jakubiak presented revised purpose statements for review.

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. **The Commission had no objection to this statement but noted a typo, which is highlighted in yellow, to be corrected.**

TC Town Commercial District. The Town Commercial District is intended to provide locations for commercial 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.

MOTION: Commissioner Berault moved to amend the TC Town Commercial District statement to replace the word “compatible” with the word “harmonious”. Seconded by Commissioner Greengold, all in favor.

CP Commercial Plaza District. The Commercial Plaza 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.

MOTION: Commissioner Berault moved to amend the CP Commercial Plaza statement to replace the word “sustain” with the word “maintain”. Seconded by Commissioner Greengold, all in favor.

MC Maritime Commercial. The MC District is intended to promote a variety of non-residential recreation and commercial uses that enhance the Town's waterfront heritage, respects the sensitive nature of the surrounding environment and are consistent in character and impact with the following:

- Promoting 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).

MOTION: Commissioner Greengold moved to approve the MC Maritime Commercial purpose statement. Seconded by Commissioner Blackwelder.

MOTION: Commissioner Blackwelder moved to amend the motion to remove the first bullet. Seconded by Commissioner Ruttkay, all in favor.

The Commission moved to approve the motion as amended, all in favor.

Amendment #3

Amend the purpose statement for the Resource Conservation District.

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.

MOTION: Commissioner Blackwelder moved to amend the RC Resource Conservation District to remove the highlighted wording. Seconded by Commissioner Greengold. Ayes, Commissioners Berault and Ruttkay. Opposed, Commissioners Blackwelder and Greengold. **Motion Fails.**

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.*

Mr. Jakubiak presented a proposed revision to the Table of Permitted Uses.

Residential Uses- RV-1 & RV-2

MOTION: Commissioner Greengold moved to amend in the RV-2 District, #6 “Dwelling unit in combination with commercial use” to remove “C” Conditional Use. Seconded by Commissioner Blackwelder. Ayes, Commissioners Blackwelder, Greengold and Ruttkay. Opposed Commissioner Berault. **Motion Fails.**

MOTION: Commissioner Blackwelder moved to include her list of agenda items that she sent out to the Commission, via email, on the Commission’s next meeting agenda. Seconded by Commissioner Greengold, all in favor.

Chairman Brown stated Commissioner Blackwelder’s list of agenda items will be added WHEN tonight’s agenda items are completed.

MOTION: Commissioner Blackwelder moved to amend in the RV-2 District, #4 “Multifamily dwelling”, to replace “P” Permitted Use to a “C” Conditional Use. Seconded by Commissioner Greengold. Ayes Commissioners Blackwelder and Greengold. Opposed, Commissioners Berault and Ruttkay. **Motion Fails.**

MOTION: Chairman Brown made a motion asking the Commission to commit to completing what the Commission recommended in the Comprehensive Plan under the Implementation Chapter with a resolution to the Town Council by the end of its April meeting. Seconded by Commissioner Greengold. Ayes, Commissioners Berault and Greengold. Opposed Commissioners Blackwelder and Ruttkay. **Motion Fails.**

MOTION: Chairman Brown moved to adjourn the meeting at 9:00 pm. Seconded by Commissioner Ruttkay. Ayes, Commissioner Ruttkay. Opposed, Commissioners Berault, Blackwelder and Greengold. **Motion fails.**

MOTION: Commissioner Greengold moved to amend the adjourning time to 9:15-9:30 pm. Seconded by Commissioner Berault. Ayes, Commissioners Berault, Blackwelder and Greengold. Opposed Commissioner Ruttkay. **Motion fails.**

Commissioner Ruttkay then agreed to continue the meeting until 9:15-9:30 pm.

Institutional, Recreational and Educational Uses.

Mr. Jakubiak explained to the Commission what the term “Special Exception” meant before beginning his overview of this section.

MOTION: Commissioner Ruttkay moved to amend to remove from the MC Maritime Commercial District, #'s 7, 10 & 15, as “P” Permitted Use. Seconded by Commissioner Greengold, all in favor.

MOTION: Commissioner Greengold moved to amend to remove from the RV-1 District, #'s 10 & 12, as “C” Conditional Use. Seconded by Commissioner Ruttkay, all in favor.

MOTION: Commissioner Blackwelder moved to amend to remove from the CP Commercial Plaza, #'s 10, 11, 14, & 15, as "P" Permitted Use. Seconded by Commissioner Berault.

MOTION: Commissioner Greengold moved to amend the motion to withdraw # 11 and leave as a "P" Permitted Use. Seconded by Commissioner Ruttkay, all in favor.

The Commission voted on the motion as amended, all in favor.

Commissioner Blackwelder requested the Commission reserve discussion on #16 Group Home, until its April meeting.

MOTION: Commissioner Greengold moved to amend the MC Maritime Commercial District, to add "Game, Wildlife, & Nature Preserves as a "P" Permitted Use. Seconded by Commissioner Ruttkay. Ayes, Commissioners Berault, Greengold, and Ruttkay. Opposed, Commissioner Blackwelder. **Motion fails.**

MOTION: Commissioner Greengold moved to remove from the RV-1 & 2 Districts, #12, as a "C" Conditional Use. **Motion fails for lack of second.**

VI. Public Comment- Commissioner Blackwelder inquired as to the role, if any, the Planning Commission will have in the March 29th Town Council Comprehensive Plan public hearing. Chairman Brown stated the Planning Commission will have no role in the public hearing and Commissioners may present public comment on behalf of themselves and not the Commission.

VII. Adjournment:

There being no further comments, Commissioner Greengold moved to adjourn the meeting at 9:37 pm. Seconded by Commissioner Ruttkay, 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.

Staff Memorandum

To: Planning and Zoning Commission
Cc: Jay Barry, Public Works
From: Christopher N. Jakubiak, Planning and Zoning Administrator
Date: May 17, 2022
Re: Site Plan Revision, Baia Restaurant, 8323 Bayside Road, Dumpster Relocation

Background

Section 290-23 D of the Town Zoning Ordinance provides that amendments may be made to approved site plans. The matter here before the Planning Commission concerns amending a site plan for a non-conforming restaurant use in a residential zone to allow a new dumpster location. The property is zoned Residential Village.

On April 8, 2015 the Planning Commission approved a site plan for 8323 Bayside Road (Mama Lucia Restaurant). A zoning permit was subsequently issued on June 5, 2015 to renovate and expand the existing restaurant and to make site improvements. As approved, the original site plan showed the dumpster to be within the main body of the site where it is located today. See below.



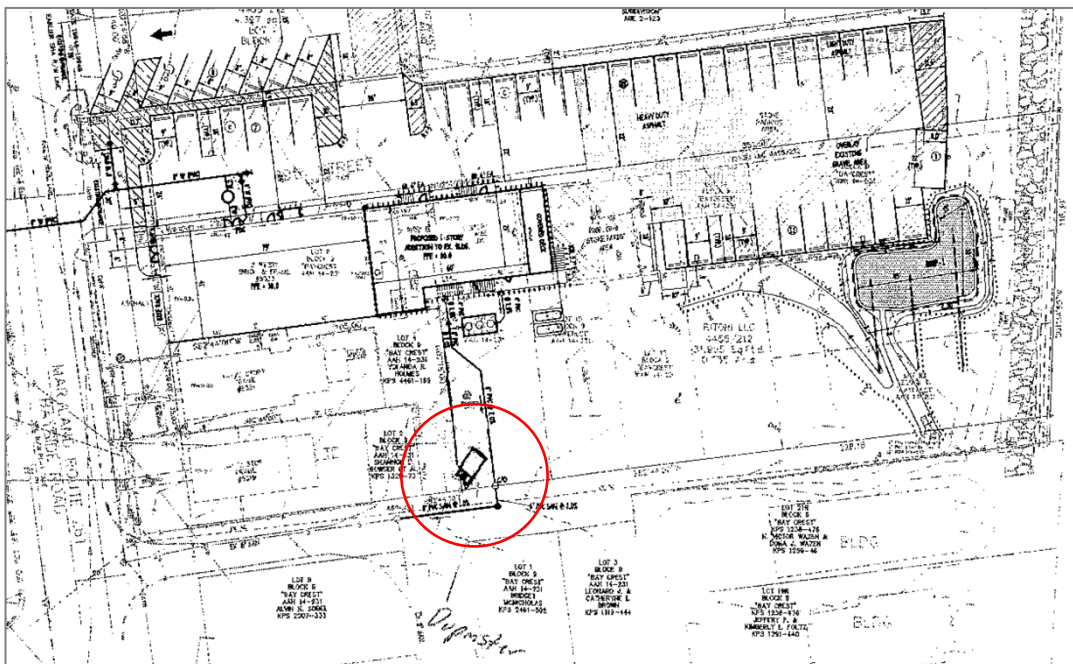
The new owner of the property is JRT Holdings and Baia Kitchen & Wine Bar (Applicant) is requesting an amendment to the site plan to relocate the dumpster facility to a portion of the property accessible from C Street as shown on the image above and on the Applicant's site plan. Neighboring property owners have been notified of the proposal and of the meeting.

As an aside, in November 2017, the previous owners appeared before the Planning Commission to make a similar request. Specifically, they proposed to locate the dumpster as indicated above and to place it behind a proposed privacy fence. I and Town Public Works Director Jay Barry visited the site and determined that improvements to the public road and alley would be necessary to accommodate the truck traffic and truck turning movements. We advised the owner to appear before the Commission with plans in hand to make the necessary changes including adding a dumpster pad, an expanded paved surface to accommodate the trucks, and the planting of trees to mitigate the added Critical Area impervious surface area.

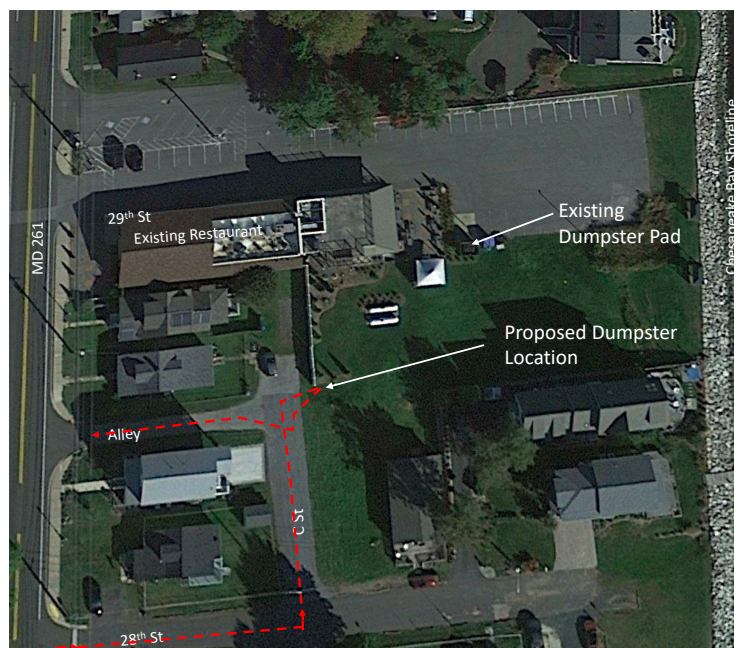
The applicant appeared before the Commission without addressing staff concerns. Neighboring property owners attended the meeting and spoke in opposition to the proposal. The Planning Commission did not approve the dumpster relocation and the Applicant agreed to come back to the Commission with another location, but did not.

Proposed Revision

The current Applicant's proposed site plan amendment has been sent to the Commission separately. A snippet of the plan is shown here. The proposed dumpster location is shown.



My understanding of the proposed routing for the trash trucks is illustrated in the exhibit below. As explained in the Applicant's submitted narrative, trucks would enter from the south, empty the dumpster, back up slightly and leave through the alley westbound to MD 261. The Applicant would have the dumpster emptied three times a week.



Evaluation

The Applicant has not provided more details beyond the site plan and the narrative describing the proposal. The concerns staff has had with respect to the impact to road town infrastructure remain. While the Applicant proposes to locate the dumpster behind the privacy fences (which exists now), the proposal would still shift a commercial impact from within the body of the site to the periphery where residencies are located.

The lots near the dumpster are zoned for residential use and the buildable lots are improved with single-family houses. The impacts associated with a commercial dumpster include truck traffic, trash truck noise, opening and closing noises, odors, possible stacking of trash when the dumpster is over capacity, illicit use of the dumpster by others, and possibility of rodents. Dumpsters are also frequently disguised because of their unsightly appearance. None of these impacts are compatible with residencies and it is unclear at this point how or if the Applicant would address these impacts.



TOWN OF CHESAPEAKE BEACH ZONING PERMIT APPLICATION

Permit #:	_____
Issued:	_____
Fee Paid:	Yes / No

PROPERTY INFORMATION

SEE ATTACHED FEE SCHEDULE

Property Street Address: 8323 Bayside rd
 Property Tax ID#: _____
 Specific Use of Property: _____

Water: Well Municipal Sewerage: Septic System Municipal

Is the above address within the floodplain? Yes No, In the Critical Area Yes No
 (If in Critical Area, please complete page 2 of this application)

Property Owner Information

Name: JRT Holdings
 Address: 60 Sherry Lane
 City, State, Zip: Prince Frederick MD 20678
 Day phone: 443 532 6011
 E-mail: Contact us @ brick wfb.com

Applicant Information

Name: Jason Kitchen & wine bar
 Address: 8323 Bayside rd
 City, State, Zip: Chesapeake Beach, MD 20732
 Day phone: 443 532 6011
 E-mail: Contact us @ brick wfb.com

Description of Proposed Work: Please submit four (4) hard copies of the proposed site plan and one (1) electronic copy with this application and a Grading Exemption Form for any project that involves grading.

Site plan revision: Relocation of Dumpster area

Signature of Owner or Authorized Agent

By signing below, I certify and agree as follows: (1) I am authorized to make this application; (2) all information provided is correct; (3) I will comply with all regulations of the Town of Chesapeake Beach which are applicable hereto; (4) I will perform only the work specifically described in this application and my submitted site plan; (5) I grant Town officials the right to enter onto the property for the purpose of evaluating my plan, inspecting the work permitted and posting notices if applicable; (6) I understand that if I choose to appeal, my appeal shall be in writing stating the grounds for appeal and shall be filed with the Board of Zoning Appeals within 30 calendar days of the date of issuance, decision, determination or order and that the right to appeal is waived if not timely filed.

Owner or Authorized Agent: (print) Jason Nyers
 Signature: [Signature] Date: 4/13/2022

FOR TOWN USE ONLY:

Reviewed by: _____ Date: _____

Final Approval: _____ Date: _____

Planning & Zoning Administrator

Is there a supplemental condition letter or notice to applicant: Yes No
 Is this a application for Use & Occupancy: Yes No
 Is there a requirement for Public Works to review prior to breaking ground: Yes No

If marked yes, the Public Works Administrator must provide approval prior to breaking ground:

Final Approval Public Works Administrator: _____ Date: _____

Critical Area Lot Coverage Worksheet with Zoning Permit

Completion of this form is required for all projects within the Critical Area. If mitigation of any form is required, it shall be noted and/or shown on the site plan. For mitigation in the form of vegetative planting, the site plan or a separate landscape plan must show the location for the proposed planting and include a table that shows the species of the plants and number of each species. Additional information may be required. This form shall accompany a site plan and other relevant plan that shows the proposed work.

Property Information

Property Address: 8323 Bayside rd Total Site Area (square footage): 41 550
 Critical Area Designation: Circle one: IDA, LDA, RCA Zoning District: ISONS Density overlay district
 Within the 100-foot buffer? Yes, No

Lot Coverage Calculations

EXISTING CONDITIONS (square footage)	PROPOSED CONDITIONS (square footage)
1. Main Building <u>6700</u>	Main Building <u>6700</u>
2. Accessory Structures _____	Accessory Structures _____
3. Driveway/Parking _____	Driveway/Parking _____
4. Walkways _____	Walkways _____
5. Patios _____	Patios _____
6. Other _____	Other <u>10x10' concrete pad to dumpster</u>
Total Square footage _____	Total Square footage _____
Percentage of Total Site Area _____	Percentage of Total Site Area _____

Will trees be removed in the Critical Area?

Yes No

If yes, please indicate location and number on the site plan.

Certification

I certify these statements to be true and accurate and hereby grant the Town of Chesapeake Beach official permission to enter my property to review the plan and conduct inspections.

Owner / Authorized Agent: (print) Jason Nagors
 Signature: [Handwritten Signature]

WHAT IS LOT COVERAGE? The following is counted toward lot coverage:

Area coverage by buildings and structures, accessory structures, (e.g. sheds, garages, swimming pools), parking areas, driveways, walkways, patios, or roads. Area covered by gravel, stone, shells, impermeable decking, pavers, or any man-made impervious material. Lot coverage does not include a fence or wall, less than one foot in width, a walkway in the Buffer or expanded buffer including a stairway that provides direct access to a pier, a wood mulch pathway, or a deck with gaps to allow water to pass freely.

CHESAPEAKE BEACH CODE

Revision to Approved Site Plan

Revision to approved site plan (major revisions requiring Planning Commission review); fee same as noted above for site plan review.

Revision to approved site plan (minor administrative revisions):

- Category 1: \$600
- Category 2: \$125

Residential Planned Community District Development Plan Review

Application and review fee of \$2,400

- * Upon approval of the development plan, all appropriate subdivision and/or site plan fees shall be paid by the developer to proceed with the review and approval process. However, the base application fee shall be waived.

Board of Appeals

Interpretation Appeals: \$1,000

Variances

Commercial, institutional, multifamily or senior housing cases: \$480

Single-family residential cases: \$500

Special Exceptions

Commercial, institutional, multifamily senior housing: \$600

Residential: \$500

Miscellaneous Application and Review Fees

Annexation (review by zoning authorities and Town Council)	\$1,200
Zoning Map amendment	\$1,200
Traffic Impact Study review	\$1,200*
Property line adjustment request	\$120/each
Zoning permit	\$75

* A Traffic Impact Study, when required by the Town or that State Highway Administration, must be reviewed by the Planning Commission upon payment of the review fee.



Site Plan Revision:

Introduction:

We are seeking a revision to the approved site plan to address operational issues related to the location of the dumpster at 8323 Bayside Rd, Chesapeake Beach, MD 20732. The approved site plan on file is attached as well as our proposed revised site plan. I would like to point out that a similar location was proposed by the previous owners of the property and their submission was recommended for approval in the 11/1/17 staff memorandum to the planning commission. We will point out in our proposal below areas where our plan differs from what was previously suggested and why we feel it is an even better solution for the town, the patrons, and our business.

Dumpster Relocation:

The proposal includes moving the dumpster from its location near the rear of the restaurant to the south corner of the site at the bend in C Street. The dumpster would be located behind an existing tall white privacy fence with gate. The end of the existing fence & gate would be repositioned on the same angle as the dumpster, and a 10'X10' concrete pad would be installed for the dumpster to sit on. No other site disturbance would be planned.

I would like to point out that we will only have a single 8 yard container on site that will be collected 3 times weekly, as opposed to the previous owners who had two 8 yard containers on site that were only collected 1-2 times weekly. Our proposal will reduce the overall space of the dumpster area by 50%, as well as shorten the length of time trash will "sit" on site. This will drastically help with concerns of odor, debris, and pests.

Our proposal has the dumpsters positioned on an angle to allow our collection company to enter from the south and pick up without encroaching on any neighboring property. Then backing up slightly and exiting to the west again with no encroachment on the neighboring properties. This route has been inspected, tested, and approved by Shoreline Disposal (see attached letter).



Dedicated Delivery Area:

Currently the restaurant has no dedicated area for deliveries to be made. The relocation of the dumpster would allow us to repurpose that space to be used to receive deliveries, keeping trucks from double parking in the public right of way for long periods of time or occupying multiple parking spots and presenting public safety and operational concerns.

Guest Experience:

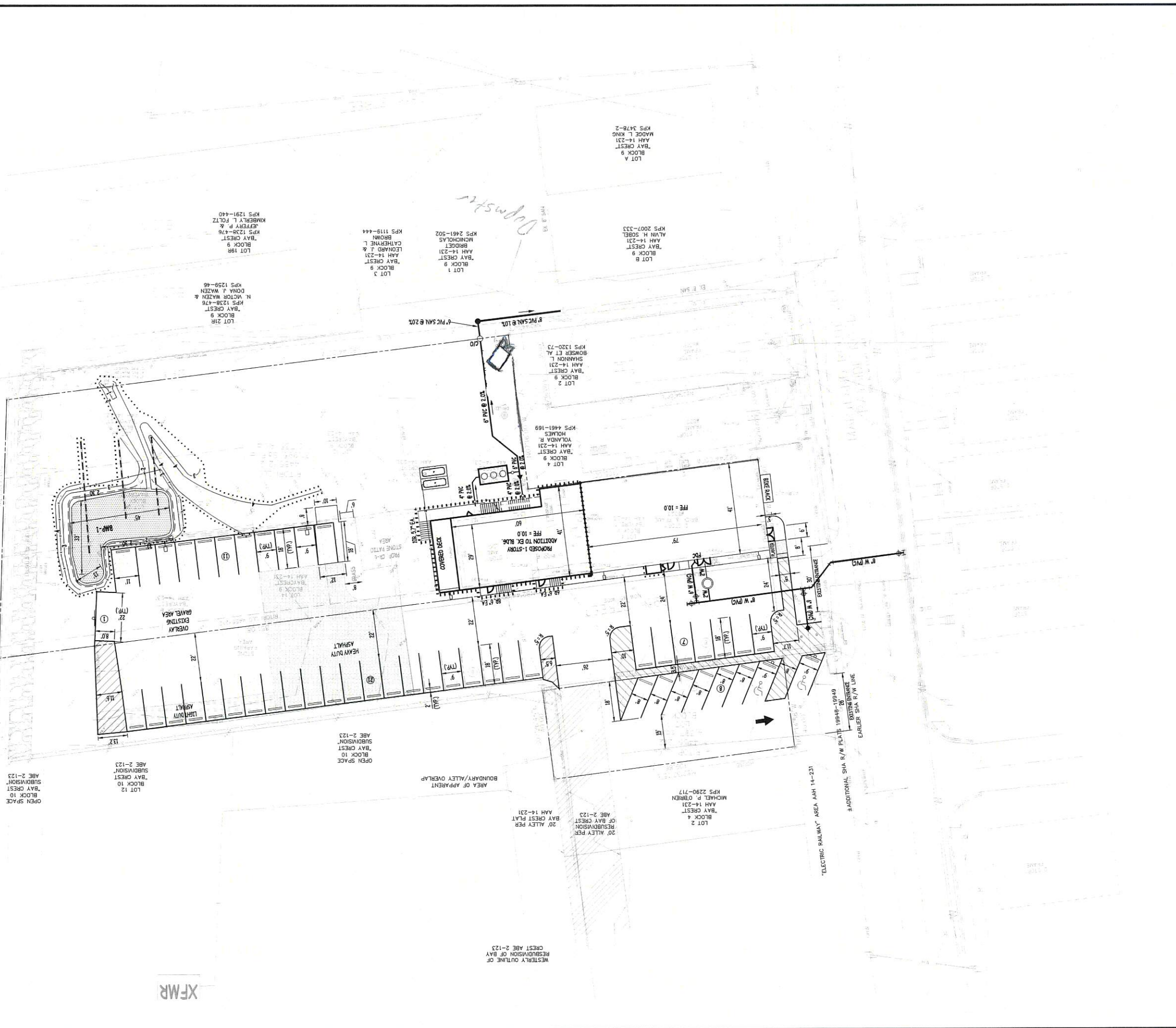
The proposed location would allow for trash to be taken out of the newly constructed rear kitchen entrance on the south side of the building to the dumpster without interfering with the patrons experience. The current location eliminates any way to discreetly remove trash from the restaurant and will be in plain view of the patrons on the open air deck, patio, & rooftop seating areas.

Conclusion:

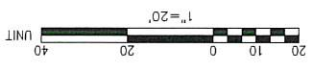
We are very excited to be a part of the beautiful town of Chesapeake Beach, and look forward to becoming an active member of the community. We feel the above request is not a matter of preference but an absolute necessity in order for us to run a successful & safe operation for years to come.

Regards,

Jason Nagers
Owner / Operator
Baia Kitchen & Wine Bar



NOTES:
 10/16/2017
 PARKING SPACE COUNT = 48 SPOTS



PROJECT NO.	150078.01
SCALE	1" = 20'
DATE	10/16/2017
DESIGNED BY	NCH
CHECKED BY	PVM
DRAWING NO.	

SITE PLAN

SHEET TITLE

DATE: 10/16/2017

SCALE: 1" = 20'

CHECKED BY: PVM

DESIGNED BY: NCH

DRAWING NO.:

PROJECT NO.:

PROJECT

8323 BAYSIDE ROAD

CHESAPEAKE BEACH, MARYLAND 20732

5th ELECTION DISTRICT

CALVERT COUNTY, MARYLAND

MAMMA LUCIA'S

Mclaren
 ENGINEERING GROUP
 ENGINEERING GROUP

Mclaren Technical Services, Inc.
 601 East Pratt Street, Suite 302 Baltimore, Maryland 21202
 T: (410) 243-8777 F: (410) 243-4955 www.mclaren.com

NO.	DATE	REVISION

MEMO

To: Planning Commission
From: Christopher N. Jakubiak, AICP
Date: April 8, 2022
Re: Remaining Zoning Amendments

The section of the Planning Commission's Approved Draft Comprehensive Plan listing the Recommended Zoning Amendments is provided below. To date, the Commission has reviewed the updated zoning map and nearly completed its review of the zoning text amendments recommended in the Implementation Section under the heading **Immediate Term Text Amendments**. Once these are completed, we will set a date for the required Public Hearing. Following the Public Hearing the Commission could then decide to formally recommend them to the Mayor and Council.

Things remain time sensitive, as the Town is still under a moratorium on development reviews and the Town Council is working hard to complete its review of the Draft Plan. If the Commission can complete the several remaining zoning amendments at its meeting on April 27, it can hold a Public Hearing in May and possibly move to approve a recommendation that same evening following the hearing; thereby delivering recommendations to the Council in a timely way.

Following this task, the Commission can turn its attention to the more comprehensive and detailed review and update of the zoning code as recommended under **Longer Term Amendments**. The remaining three Immediate Term items still to complete are highlighted below in **yellow**.

Zoning Ordinance Amendments

Text Amendments

The Town of Chesapeake Beach Zoning Ordinance (Chapter 290 of the Town Code) regulates the use and development of land within the boundaries of Chesapeake Beach. Among other things, it establishes the purposes of each zoning district and the specific standards pertaining thereto such as the maximum allowable building height and lot coverage.

The Chesapeake Beach Zoning Ordinance also incorporates the Town's Critical Area Overlay District, Growth Allocation Floating Zone, including the growth allocation method, the Residential Planned Community (RPC) District, in addition to the forest conservation regulations, and an article establishing the Board of Port Wardens.

A comprehensive review and modernization of the Zoning Ordinance would help implement this Comprehensive Plan. Amendments addressing several issues will require substantial study and collaboration and will take much time. Some amendments are clear cut and flow directly from specific recommendation in this Plan such as, reducing the allowable height of new buildings. These can be recommended for adoption immediately. Here are the main topic areas to be addressed along with the recommended time frames for study and adoption.

Immediate Term Text Amendments

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

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

Longer Term Text Amendments

These are the amendments that can and should be evaluated and adopted within about three years of adopting this Plan.

- Adjusting regulatory barriers (such as lot area and one size fits all off-site parking requirements) to the provision of compatible and affordable housing options such as duplexes, accessory apartments, and senior care homes, where practical and helpful towards supporting the goals of this plan.
- Adopt architectural, building, and site design guidelines and standards including for landscaping and signage.
- Adopt standards that minimize the impact of housing development / redevelopment to steep slopes, especially on B Street.
- Revise the regulations governing mitigation within the Critical Area buffer to ensure required measures are sustainable where sea level is a factor.
- Evaluate the intensity of potential development in commercial districts and adopt new or revised regulations related permitted uses, conditions, capacity regulations and dimensional requirements.

Map Amendments

Amending a zoning map and ordinance is the main way to implement a new land use plan over time. A zoning map must be consistent with an adopted land use plan so ultimately the Town will need to adopt a new zoning map. We

recommend that the Town comprehensively amend the zoning map and adopt an updated map concurrent with or soon following adoption of the Comprehensive Plan. During comprehensive rezoning and update of the Town's Zoning Map, each zoning map change should be accompanied by a statement of its consistency with the objectives of this Comprehensive Plan and property owners should be provided a notice of a proposed rezoning and an opportunity to discuss the impact of the rezoning of their property with the Commission. Here are the recommended ways to amend the zoning map to bring it in concert with the Land Use Plan presented in Chapter V.

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

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.

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			

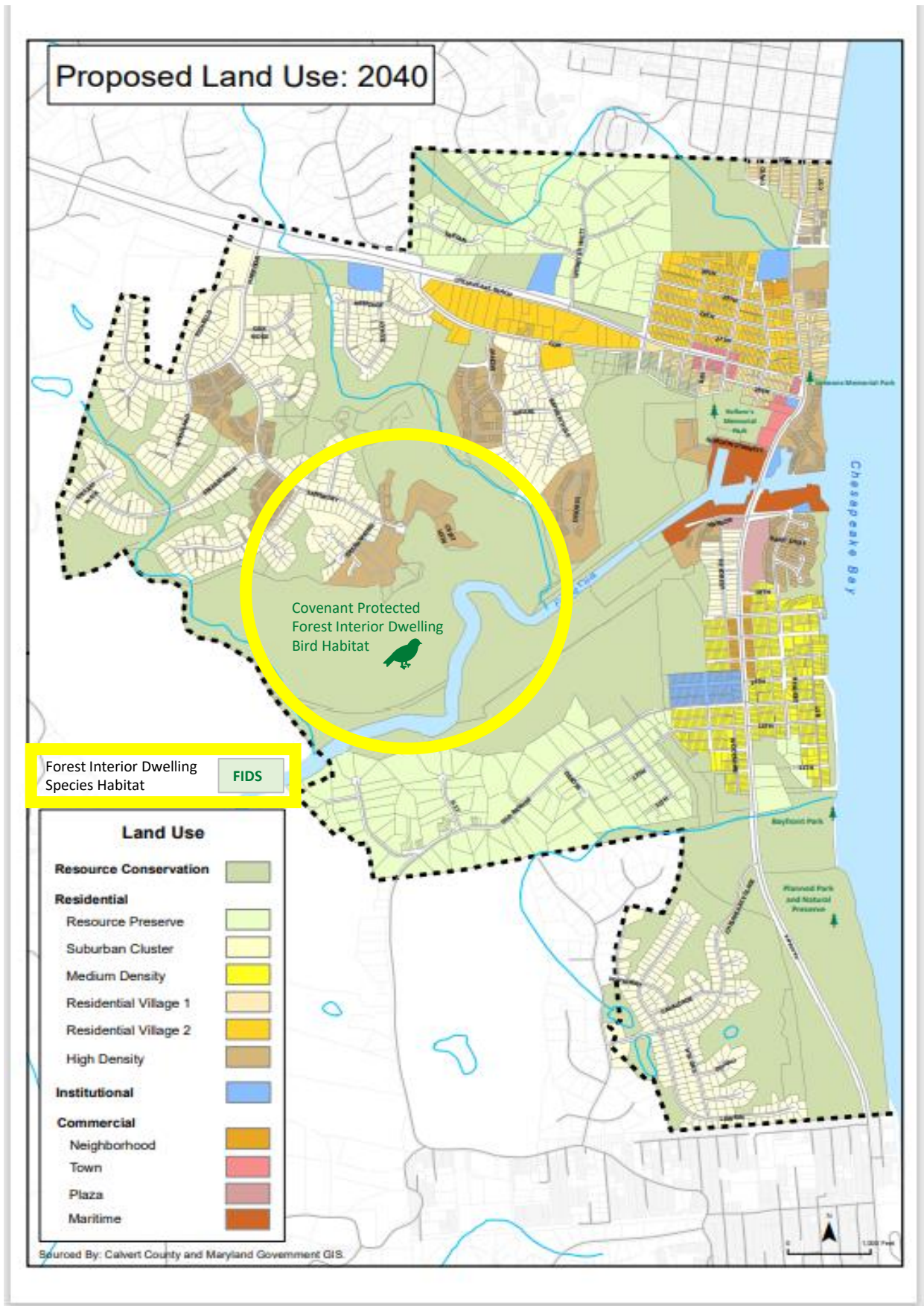
Motions, Observations and Questions

March and April Planning and Zoning Meetings

Motions 1-16.....Page 2-11
Questions.....Page 12-14
Observations (Map Worksheet).....15

Proposed Motions for Land Use Map

- 1 Motion: Add bird icon and the words Covenant protected Forest Interior Dwelling Bird Habitat on the Land Use Map on the 200 Acre parcel bordering Richfield Station.
- 2 Motion: Add the land use category Forest Interior Dwelling Species Habitat to the Land Use key.



Proposed Language for the Resource Conservation District

- Motion: Add the highlighted language to the district description for the Resource Conservation District.

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 other environmentally sensitive areas; **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;** to provide locations for parkland, flood management, recreational activities, and access to water and the Bay; and to prevent the placement of residential uses in areas not suitable for such development, including areas subject to increased risk of flooding.

- Motion: Make Single Family Homes Conditional in the RC Zone

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					C	P	
2. Single-family, attached		C	C		C							P	
3. Townhouse dwelling			C		C							P	
4. Multifamily dwelling			C		C							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*			C	See § 290-11B

C*- If Tourist Homes are allowed in MC use C instead of P

Proposed Conditions for Single Family Detached Housing in the RC District

5. Motion: Include the list below as conditions for Single Family Detached Housing in the RC District

Single Family Detached: conditional use in the RC District

- (1) All new and existing easements, ownership, and encumbrances are listed on the site plan.
- (2) All site plans are signed by a licensed engineer and include a statement indicating that a title search was performed, and that all existing easements, ownership, and encumbrances are listed on the site plan.
- (3) All plats of record are signed by a licensed engineer and by the contracted or employed person serving in their professional capacity as the Town's Planning and Zoning Administrator, and they include a statement indicating that a title search was performed and that all existing easements, ownership, and encumbrances are listed on the site plan.
- (4) All areas dedicated to open space, forest conservation, farm preservation, wildlife habitat, stormwater management or transportation easements are recorded on the plat (s) of record.
- (5) Housing may not be constructed on lands that were previously dedicated for open space, forest conservation, farm preservation, wildlife habitat, stormwater management or transportation easements to meet requirements for development approval for existing residential communities.
- (6) Existing state, county, and municipal regulations and guidance pertaining to the critical area, environmental protection, forest conservation, level rise and water quality protection are reviewed and acknowledged during the site plan approval process.
- (7) It is determined by the Planning Commission that the residential construction enhances, rather than interferes with the intended goals for the Resource Conservation District.
- (8) All other requirements indicated in the Town's Zoning Ordinance, and related Town Code are met.

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										C			
1. Single-family, detached	P	P	P	P	P	P						P	
2. Single-family, attached		C	C		C							P	
3. Townhouse dwelling			C		C								
4. Multifamily dwelling			C		C							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*			C	See § 290-11B

C*- If Tourist Homes are allowed in MC use C instead of P

Proposed Conditions for Dwelling Unit in Combination with Commercial Use

6. Motion: Include the list below as conditions for Dwelling Unit in Combination with Commercial Use

Dwelling unit in combination with commercial use: conditional use in the R-V2, TC, MC* and RPC Districts, subject to the requirements of the district where located except as herein provided:

- (1) Adequate parking shall be provided for both uses.
- (2) In the commercial zones, the commercial portion of such a combination use must be fully utilized so as not to reduce the commercial services made available to the community.
- (3) Except in the RV-2 zone, the dwelling unit is ancillary, and the commercial land use is prioritized.
- (4) The open space requirements for both the commercial unit and the residential unit are calculated and added together to determine the open space requirement.
- (4) Fees in lieu of dedicated open space will not be accepted in exchange for providing the required amount of open space, except for in the TC District.
- (5) Public sidewalks and walkways lead to a separate commercial entrance, and any streetscape that abuts a publicly accessed right of way is designed and sized for the expected level of commercial traffic.
- (6) If the property abuts a body of water or a waterway, the body of water or waterway shall be treated as a publicly accessed right of way, and streetscapes using materials appropriate to the Critical Area shall be constructed along the waterway in the same manner as outlined above in (5).
- (7) If more than one dwelling unit is included on a proposed site, the criteria and review process specified in the Floating Redevelopment Zone (290-15?) shall apply, even if the development is proposed on an unimproved lot.

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										C			
1. Single-family, detached	P	P	P	P	P	P						P	
2. Single-family, attached		C	C		C							P	
3. Townhouse dwelling			C		C							P	
4. Multifamily dwelling			C		C							P	
5. Dwelling, accessory	C	C	C	C	C		C					C	See § 290-11A
6. Dwelling unit in combination with commercial use					C		C		C*			C	See § 290-11B

C*- if Tourist Homes are allowed in MC use C instead of P

Proposed Conditions for Attached, Townhouse, and Multifamily dwellings

7. Motion: Include the list below as conditions for Attached, Townhouse, and Multifamily dwellings

Dwelling unit in combination with commercial use: conditional use in the R-V2, TC, MC* and RPC Districts, subject to the requirements of the district where located except as herein provided:

- (1) The proposed site maximizes contiguous and usable open space.
- (2) If the proposal indicates re-development located within an existing residential zone, the new project is judged to be an improvement of the existing development in that it:
 - (a) serves to repair a deficit in parkland and open space available to the neighborhood or the community.
 - (b) serves to repair a housing need in which the Town is deficient in supplying, as determined by the Planning Commission after conducting a current Housing Needs Assessment and comparing relevant metrics to those of municipalities located within the Towns designated API.
 - (c) contributes positively to the over-all aesthetic of the location by implementing a high standard of architectural and streetscape design.
 - (d) if located in the Critical Area, makes all improvements required by regulations on redevelopment and construction is proposed to achieve a high Green Building Standards rating by metrics outlined in Smart Growth guidance set forth by the Environmental Protection Agency
- (3) Fees in lieu of dedicated open space will not be accepted in exchange for providing the required amount of open space.
- (5) Public sidewalks and walkways are installed along property where it abuts a publicly accessed vehicular right of way, a body of water, or a waterway.
- (7) If the number of dwelling units per acre is increased, the criteria and review process specified in the Floating Redevelopment Zone (290-15?) shall apply.

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										C			
1. Single-family, detached	P	P			P	P						P	
2. Single-family, attached		C	C		C							P	
3. Townhouse dwelling			C		C							P	
4. Multifamily dwelling			C		C							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*			C	See § 290-11B

C*- if Tourist Homes are allowed in MC use C instead of P

Proposed Inclusion of Planned Redevelopment Floating Zone District copied directly from the Zoning Ordinance for the Town of St. Michaels, MD.

8. Motion: Replace the Bonus Overlay District located (Recommended for removal in the Comprehensive Plan with a Planned Redevelopment Floating Zone District containing text copied directly from section 340-40 of the Zoning Ordinance for the Town of St. Michaels, MD.

§ 340-40PR Planned Redevelopment Floating Zone District.

*Included as separate attachment

9. Motion: Include in our Zoning Ordinance, a section titled Compatibility Standards with text copied directly from section 340-185 of the Zoning Ordinance for the Town of St. Michaels, MD., and reference this section in the Planned Redevelopment Floating Zone

§ 340-185Compatibility Standards

*Included as separate attachment

Revise minimum lot standard and Open Space requirements to better reflect our goals for density and open space.


Open Space Development Model Ordinance (epa.gov)

10. Motion: At a minimum adopt these standards. Additionally add minimum open space per household

Section V. Open Space Requirements


A) The total area of dedicated open space shall equal the amount by which all dwelling unit lots are reduced below the base zoning and shall meet the requirements outlined in Table 1.

Base Density (du/ac)	Open Space Required (% of <u>buildable</u> area)
>1	35%
0.5<BD<1	40%
0.2<BD<0.5	45%
<0.2	50%

 The amount of open space should increase with decreasing density because of the feasibility of protecting open space in these areas. In rural open space designs, the techniques used are typically different from those used in more suburban areas. For example, homes might be clustered in small groups or "pods" that retain a rural character.

B) The following activities or land uses may not be counted as a part of designated open space:

- 1) Land considered unbuildable under Section II
- 2) Existing rights-of-way and utility easements
- 3) Setbacks and lawns

 In the full-density transfer option, a greater percentage of open space would be required (up to 75 percent of the total site area). However, unbuildable land would be included in the dedicated

A. Tables of dimensional requirements. The regulations for each district pertaining to minimum lot area, minimum lot area per dwelling unit, minimum lot width, maximum height, and minimum required yards shall be as specified in the Table of Dimensional Requirements set forth below.

	R-LD	R-MD	R-HD	RV-1	RV-2	€	NC	TC	PC	MC	MC	RC
A. Minimum lot size (sq. feet <u>except where noted</u>) ¹	10,000	7,500	5,000	6,000	6,000	5,000	5,000	5,000	5,000	5,000	5,000	43,560 5 acres
B. Average minimum lot area per dwelling unit (sq. ft.) ²	-	-	2,500	6,000	5,000	3,600	n/a	3,600	n/a	3,600	n/a	n/a
C. Minimum lot width (feet) ³	75	50	50	50	50	25	50	50	50	25	50	150

¹Lot areas must conform to State and County Health Department requirements.

²Applies only to townhouse and multifamily dwellings. The average lot area of all dwellings on the lot shall equal or exceed that set forth above, provided that no lot is created with a lot area less than 2,000 square feet. **Dwellings in the TC District are permitted within a building in combination with a permitted commercial use.**

³The minimum lot width for lots with single-family dwellings without public water and sewer is 100 feet.

	R-LD	R-MD	R-HD	RV-1	RV-2	€	NC	TC	PC	MC	MC	RC
A-D A-D. Minimum front yard setback (feet)	15	15	15	15	15	10	10	10	10	10	10	25
B-E B-E. Minimum side yard setback (feet)	8	8	8	8	8	8	8	8	8	8	8	75
€-F €-F. Minimum rear yard setback (feet)	20	20	20	20	20	20	20	20	20	20	20	25
€-G €-G. Minimum open space	40%	30%	15%	15%	15%	45%	15%	15%	15%	20%	15%	60% 85%
€-H €-H. Maximum building height (feet)	35	35	50 35	35	35	35	35	35	35	70	35	35

Changes are shown:

Removed Text is shown as:

New text is shown as:

in red

in red with strikethrough

in red and Bold

Proposed conditions for Restaurants Class I, II, and III, Taverns, and Entertainment facilities operated as a business where alcohol is served

- 11. Motion: Remove nightclubs as a permitted use.
- 12. Motion: Make Restaurants Class I, II, III, and Taverns Conditional rather than Permitted Uses
- 13. Motion: Include in the list below as conditions for Taverns and Entertainment facilities operated as a business where alcohol is served:

- (1) Must offer hot menu items during all operating hours in which alcoholic drinks are served other than in the final hour before closing.
- (2) Operating hours must not extend beyond.....(Include a table for each zone)
- (3) For Taverns, and Entertainment operations within a business where alcohol is served, a dedicated security employee must be present at all times when capacity exceeds.....
- (4) What are standards that can be used to account for live music or other noise?
- (5) Taverns, and Entertainment facilities operated as a business in all relevant tables within 290-20

	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								C	C			
29. Restaurant - Class II						C	C	C	C			
30. Restaurant - Class III						C	C	C	C			
31. Tavern, nightclub							C	C	C			
32. Bed-and-breakfast establishment	SC	C	C	C	C	C	C		C		C	See § 290-
33. Rooming, boarding, lodging house												See § 290-
34. Motel, hotel, tourist home							C	C	C			See § 290-11R
35. Entertainment and recreation facilities operated as a business within a building, with the exception of an adult bar, restaurant, or nightclub							C	C	C			
Recreational and fitness studios						P	P	P	P			
36. Outdoor entertainment and recreation facilities operated as a gainful business									C	SE		
Recreational camps and cottages for overnight accommodations										SE		

Proposed conditions for Motel, Hotel, Tourist Home, Bed and Breakfast Establishment

14. Motion: Include in the list below as conditions for Taverns and Entertainment facilities operated as a business where alcohol is served:

- (1) Density of dwelling units or overnight accommodations per acre in the MC District East of MD RT 261 shall be no greater than _____
- (2) Density of dwelling units or overnight accommodations per acre West of MD RT 261 and South of Fishing Creek shall be no greater than _____
- (3) Motels, Hotels, Tourist Homes will not be permitted in the MC district West of MD RT 261 and North of Fishing Creek.
- (4) Include open space requirements for Hotels, Motels, Tourist Homes, and Bed and Breakfast Establishments for each district and list them each use specifically in the tables found in 290-19.
- (5) Tourist Homes may only be permitted in structures that existed in residential prior to Jan 1, 2022.

	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								C	C			
29. Restaurant - Class II						C	C	C	C			
30. Restaurant - Class III						C	C	C	C			
31. Tavern, nightclub							C	C	C			
32. Bed-and-breakfast establishment	SC	C	C	C	C	C	C		C		C	See § 290-
33. Rooming, boarding, lodging house												See § 290-
34. Motel, hotel, tourist home							C	C	C			See § 290-11R
35. Entertainment and recreation facilities operated as a business within a building, with the exception of an adult bar, restaurant, or nightclub							C	C	C			
Recreational and fitness studios						P	P	P	P			
36. Outdoor entertainment and recreation facilities operated as a gainful business									C	SE		
Recreational camps and cottages for overnight accommodations										SE		

Revise minimum lot standard and Open Space requirements to better reflect our goals for density and open space.

[Open Space Development Model Ordinance \(epa.gov\)](#)

15. Motion: Include a separate column MC* (Hotels, Motels, Tourist Homes, and Bed and Breakfast Establishments) in the Tables of dimensional requirements in section 290-19. MC* should require open space similar to that required for residential use for Hotels, Motels, Tourist Homes, and Bed and Breakfast Establishments for and assign open space and set back requirements based on dwelling units 290-19.

A. Tables of dimensional requirements. The regulations for each district pertaining to minimum lot area, minimum lot area per dwelling unit, minimum lot width, maximum height, and minimum required yards shall be as specified in the Table of Dimensional Requirements set forth below.

	R-LD	R-MD	R-HD	RV-1	RV-2	ϵ	NC	TC	PC	H	MC	RC
A. Minimum lot size (sq. feet <i>except where noted</i>) ¹	10,000	7,500	5,000	6,000	6,000	5,000	5,000	5,000	5,000	5,000	5,000	43,560 5 acres
B. Average minimum lot area per dwelling unit (sq. ft.) ²	-	-	2,500	6,000	5,000	3,600	n/a	3,600	n/a	3,600	n/a	n/a
C. Minimum lot width (feet) ³	75	50	50	50	50	25	50	50	50	25	50	150

¹Lot areas must conform to State and County Health Department requirements.

²Applies only to townhouse and multifamily dwellings. The average lot area of all dwellings on the lot shall equal or exceed that set forth above, provided that no lot is created with a lot area less than 2,000 square feet. **Dwellings in the TC District are permitted within a building in combination with a permitted commercial use.**

³The minimum lot width for lots with single-family dwellings without public water and sewer is 100 feet.

	R-LD	R-MD	R-HD	RV-1	RV-2	ϵ	NC	TC	PC	H	MC	RC
A-D . Minimum front yard setback (feet)	15	15	15	15	15	10	10	10	10	10	10	25
B-E . Minimum side yard setback (feet)	8	8	8	8	8	8	8	8	8	8	8	75
C-F . Minimum rear yard setback (feet)	20	20	20	20	20	20	20	20	20	20	20	25
D-G . Minimum open space	40%	30%	15%	15%	15%	15%	15%	15%	15%	20%	15%	60% 85%
E-H . Maximum building height (feet)	35	35	50 35	35	35	35	35	35	35	70	35	35

Changes are shown: **in red**
 Removed Text is shown as: **in red with strikethrough**
 New text is shown as: **in red and Bold**

16. Motion: Establish a limit of variance for dimensional characteristics in the tables located in 290-19.

Section V. Open Space Requirements

A) The total area of dedicated open space shall equal the amount by which all dwelling unit lots are reduced below the base zoning and shall meet the requirements outlined in Table 1.

Base Density (du/ac)	Open Space Required (% of buildable area)
>1	35%
0.5<BD<1	40%
0.2<BD<0.5	45%
<0.2	50%

The amount of open space should increase with decreasing density because of the feasibility of protecting open space in these areas. In rural open space designs, the techniques used are typically different from those used in more suburban areas. For example, homes might be clustered in small groups or "pods" that retain a rural character.

B) The following activities or land uses may not be counted as a part of designated open space:
 1) Land considered unbuildable under Section II
 2) Existing rights-of-way and utility easements
 3) Setbacks and lawns

In the full-density transfer option, a greater percentage of open space would be required (up to 75 percent of the total site area). However, unbuildable land would be included in the dedicated

Questions About Gaming and Non-conforming Uses

Question 1: When was gaming legal?

Question 2: Can we change the allowable expansion percentage?

Definition. As used in this section, the following terms shall have the meanings indicated:

NONCONFORMING STRUCTURE OR LOT

A structure or lot that does not conform to a dimensional regulation prescribed by this chapter for the district in which it is located or to regulations for signs, off-street parking, off-street loading, or accessory buildings, but which structure or lot was in existence at the effective date of this chapter and was lawful at the time it was established.

NONCONFORMING USE

A use of a building or lot that does not conform to a use regulation prescribed by this chapter for the district in which it is located, but which was in existence at the effective date of this chapter, and was lawful at the time it was established.

B.

Continuation. The lawful use of any structure or land existing at the effective date of this chapter may be continued although such use does not conform with the provisions of this chapter, except as otherwise provided in this article.

C.

Alteration or extension.

(1)

Except as provided in § [290-19D\(3\)](#), a use of land or structure which does not conform to the regulations of Article [III](#) shall not be altered, reconstructed, extended, or enlarged, except in accordance with the following provisions:

[Amended 1-15-2015 by Ord. No. O-14-21]

(a)

Such alteration or extension shall be permitted only upon the same lot as in existence at the date the use became nonconforming.

(b)

Any increase in volume, area, or extent of the nonconforming use shall not exceed an aggregate of more than 50% during the life of the nonconformity.

(2)

A structure which does not conform to the regulations of this chapter other than those regulations found in Article [III](#) may be altered, reconstructed, or enlarged, provided that no such nonconformity is increased beyond its extent on the date that it became nonconforming, provided that if the use or structure also falls under Subsection [C\(1\)](#) of this section, any change shall be subject to the provisions of that subsection.

D.

Questions about Gaming and Non-conforming Uses

Question 3: What is the purpose of the highlighted statement under F ?

Question 4: How does subsection C apply to expansion proposals of non-conforming uses that also increase height?

Restoration.

(1)

Nothing in these regulations shall prevent the reconstruction or restoration of a nonconforming building or structure destroyed by fire, windstorm, flood, explosion, or act of a public enemy or accident, or prevent the continuance of the use thereof as it existed at the time of such destruction, subject to the following provisions:

(a)

The reconstructed structure or building shall not exceed the height, area, or volume of the damaged structure or building except as provided in Subsection C; and

(b)

A zoning permit shall be obtained; and

(c)

Reconstruction shall begin within one year after the date of damage and shall be carried on without interruption unless the Commission grants an extension upon formal application to that body.

(2)

An applicant may formally apply to the Planning Commission to extend the period of time as provided for in Subsection D(1)(c) above, beyond one year. Upon review of the application, the Planning Commission may approve such an extension, provided the applicant shows to the Commission's satisfaction that bona fide progress toward reconstruction is underway and provided that the standards in Subsection D(1)(a) and (b) above are met. No application for extension shall be approved that would extend the time for the initiation of reconstruction beyond two years of the date of damage.

E.

Abandonment. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this chapter.

F.

Changes. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use.

G.

Displacement. No nonconforming use shall be extended to displace a conforming use.

H.

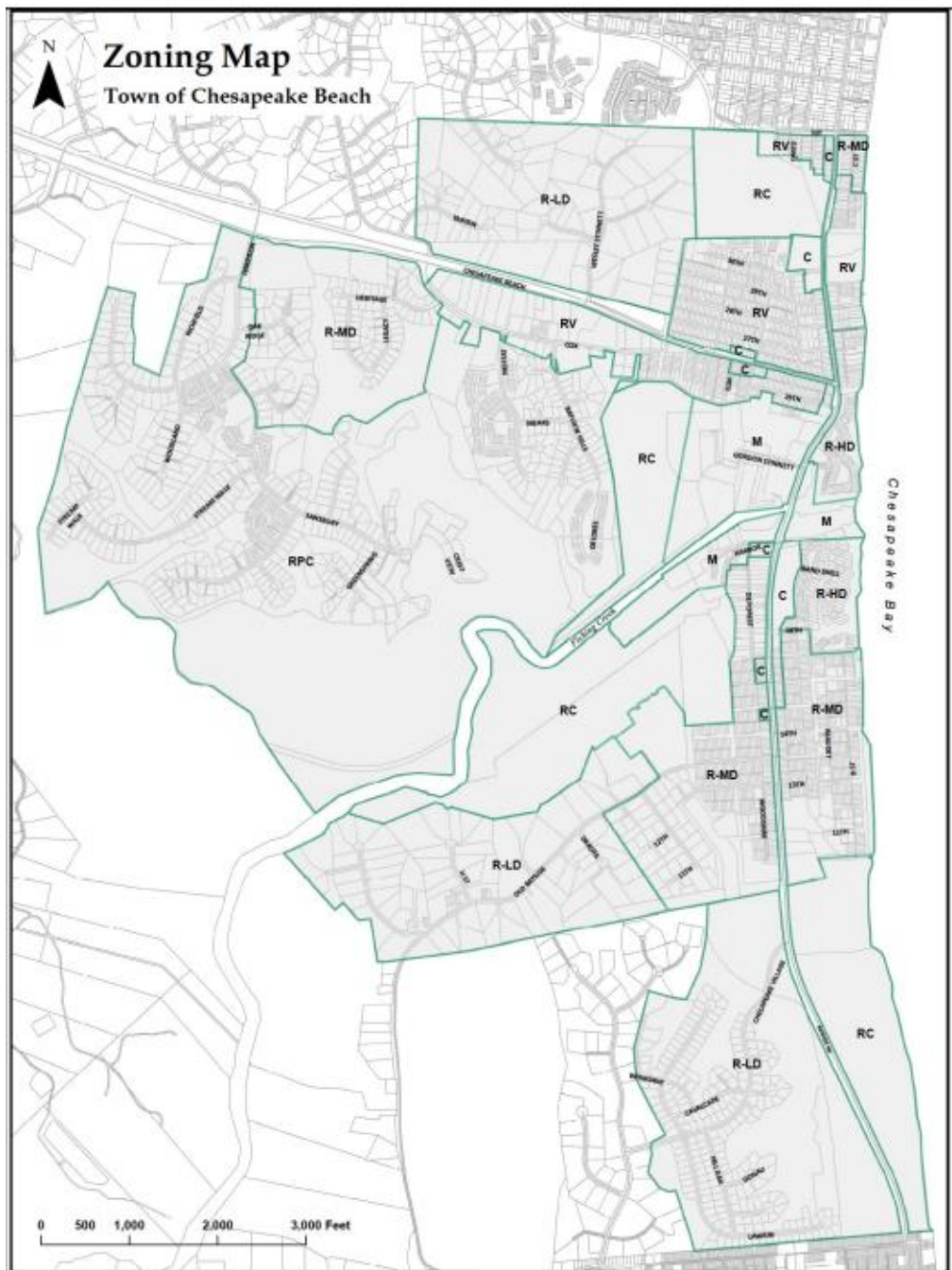
District changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses or structures existing therein.

Questions About Residential Planned Communities and the Residential Low Density Communities Communities

Question 1: Was Bayview Hills and Richfield Station part of the same RPC?

Question 2: Are the undeveloped areas that are being rezoned to Resource Conservation protected from development if they remain zoned R-LD?

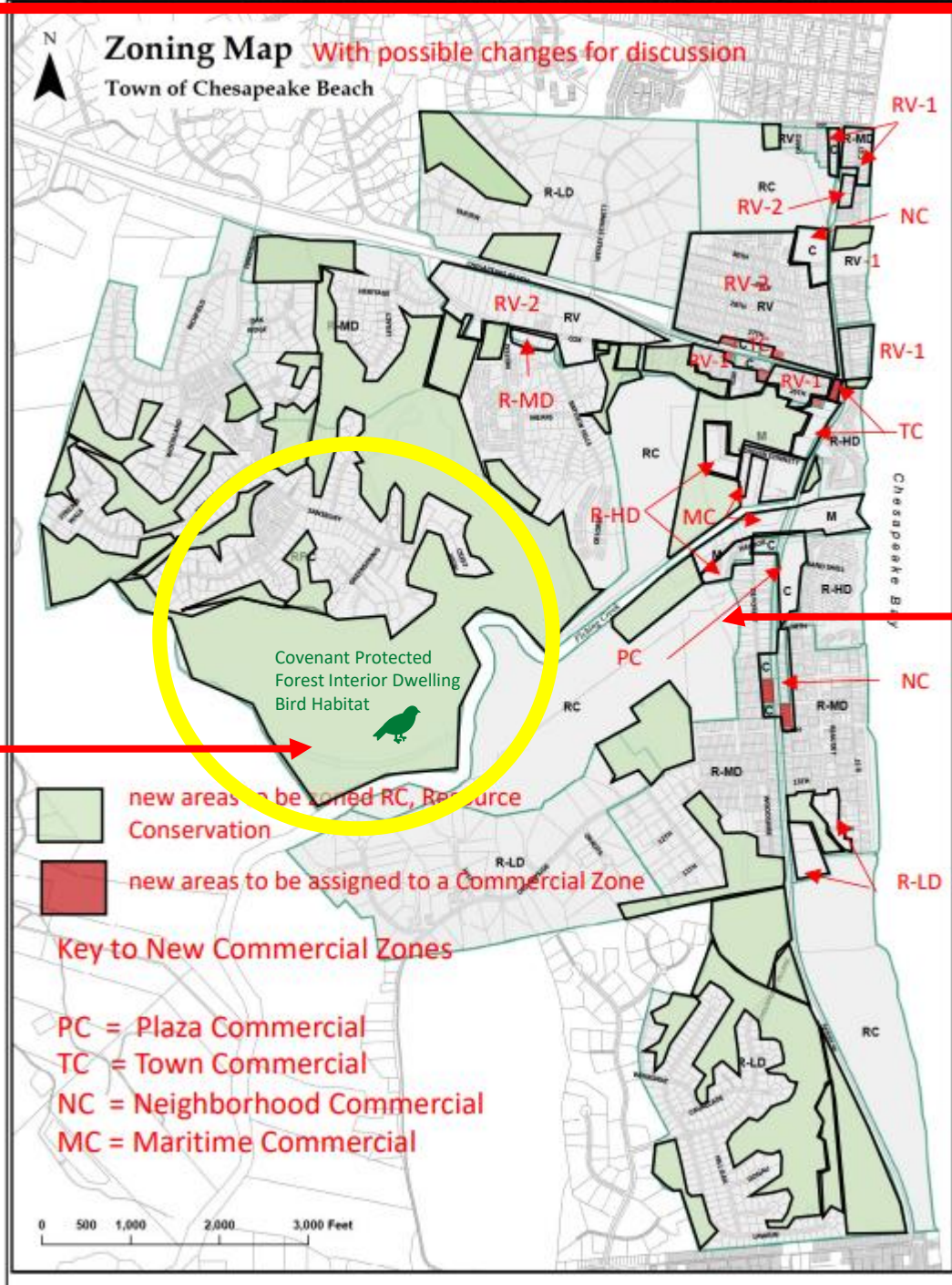
If Community Open Space is rezoned RPC, can an HOA or the property owner of the plat develop it?



Observations about Map worksheet based on previous motions and agreements.

Reference previous motions: **The 200 Acre parcel should not be rezoned RC – Rezone it Forest Interior Dwelling Bird Habitat. Rezoning it RC could reduce protection.**

- 1 Motion: Add bird icon and the words Covenant protected Forest Interior Dwelling Bird Habitat on the Land Use Map on the 200 Acre parcel bordering Richfield Station.
- 2 Motion: Add the land use category Forest Interior Dwelling Species Habitat to the Land Use key.



These RC Zones should have been colored green.

§ 340-40PR Planned Redevelopment Floating Zone District.

A.

General.

(1)

While provisions and regulations are made to govern any development within the PR Floating Zone District no such district will be pre-mapped on the Official Zoning Map.

(2)

The PR Floating Zone District amendment process permits specific and detailed mapping of areas for the permitted infill and redevelopment projects deemed consistent with the intent of the St. Michaels Comprehensive Plan and PR Floating Zone District.

B.

Development standards. Development within the PR Floating Zone District shall meet the following requirements:

(1)

The area proposed for PR Floating Zone District shall be contiguous and at least 20,000 square feet in size unless the proposed PR Floating Zone District is an extension of an existing PR Floating Zone District.

(2)

The area proposed for a planned redevelopment shall be in one ownership, or if in several ownerships, the proposal shall be filed jointly by all the owners of the property included in the development plan.

(3)

The site shall be of a configuration suitable for the development proposed.

(4)

Public water and sewerage shall be available.

(5)

The site shall be located adjacent to adequate transportation facilities capable of serving existing traffic and that expected to be generated by the proposed development.

(6)

The owners or developers must indicate that they plan to begin construction of the development within one year after final site plan or subdivision approval. If there is no substantial action on the part of the applicant at any point in the

process for one year, the planned redevelopment application shall be null and void. In that event, it will be necessary to begin the PR Floating Zone District review process over from the beginning to develop in accordance with such provisions unless a time an extension is granted by the Planning Commission.

(7)

Density. The maximum allowable density in a planned redevelopment project shall be no more than 10 dwelling units per acre.

(8)

Permitted uses. In a planned redevelopment, single-family detached, duplex, townhouse, and multifamily dwelling units are permitted, along with whatever uses are permitted in the underlying zoning district.

(9)

Adequate common open space shall be provided for new infill development projects. Such space shall include a land developed as recreational areas or designated for the common use of all occupants of the planned redevelopment. Common open space shall not include streets, off-street parking areas, or incidental landscaping within off-street parking areas.

(10)

Setback, lot size, maximum lot coverage (structures and impervious), height, yard, and open space requirements shall be those applicable to the original zoning district classification(s). The Planning Commission may recommend, and the Town Commissioners may modify these requirements upon a finding that:

(a)

The proposed development design meets the compatibility standards outlined in § **340-185**; or

(b)

Otherwise clearly exhibits elements that will advance specific goals and objectives of the St. Michaels Comprehensive Plan.

C.

Procedure PR Floating Zone District approval.

(1)

Application. Application for a PR Floating Zone District amendment shall be made to the Town Commissioners. Applications shall include:

(a)

A written petition for the location of a PR Floating Zone District and a concept master plan, signed by the owners, and contract purchasers, if any, of the property that is the subject of the petition.

(b)

A narrative describing the following:

[1]

Statement of present and proposed ownership of all land within the district;

[2]

A statement of how the proposed redevelopment concept corresponds to and complies with the goals and objectives of this chapter and the St. Michaels Comprehensive Plan;

[3]

Method of providing sewer and water service and other utilities, such as, but not limited to, telephone, gas, and electric services;

[4]

Description of stormwater management concepts to be applied;

[5]

Method of and responsibility for maintenance of applicable open areas, private streets, recreational amenities, and parking areas; and

[6]

General description of architectural and landscape elements, including graphic representations, A statement of how the proposed design meets or exceeds the compatibility standards outlined in § **340-185**.

(c)

A concept master plan including graphic and tabular summaries that depict the following, as applicable:

[1]

Boundary survey of the area subject to the application;

[2]

The total acreage of subject property and identification of all adjoining landowners;

[3]

Description of proposed land uses;

[4]

Maximum number of dwelling units, approximate densities of residential areas and anticipated population;

[5]

Land area and locations generally allocated to each proposed use;

[6]

Location of proposed roads, public open space, any sensitive resource areas (environmental or cultural), and public facilities; and

[7]

Maximum nonresidential floor area proposed.

(d)

Detailed plans showing:

[1]

Perspective streetscape (typical for represented phase);

[2]

Proposed building architecture; and

[3]

Plan view, perspective, and elevations of private and/or public community facilities if applicable.

[4]

Site design standards, including permitted uses, building types, frontage, setbacks, and lot sizes, building heights, parking, street widths and cross-sections, sidewalks, lighting, and road geometry.

[5]

Building standards including size and orientation, building façades, regulated architectural elements (windows, trim, etc.), rooflines, architectural styles, fencing, parking, and signage.

[6]

Landscape, buffer, and environmental standards, including location, scope, and materials.

(e)

If applicable a management statement regarding the anticipated ownership, construction, operation, and maintenance of:

[1]

Sanitary and storm sewers, water mains, culverts, and other underground structures;

[2]

Streets, road, alleys, driveways, curb cuts, entrances, and exits, parking and loading areas, and outdoor lighting systems; and

[3]

Parks, walking paths, cycleways, playgrounds, and common open spaces.

(2)

The Town Commissioners or Planning Commission may require whatever additional information, studies, or reports it deems necessary to analyze the application.

D.

Referral of Application to Planning Commission. Upon submission to the Town Commissioners of a completed application for a PR Floating Zone District amendment and a concept master plan, the Town Commissioners shall refer said application and concept master plan to the Planning Commission for its review and recommendations. The referral shall authorize the Planning Commission, the Town staff, and any consultants or professionals on behalf of the Planning Commission or the Town to analyze said application and concept master plan, per all applicable review processes and procedures. The Planning Commission or the Town Commissioners may require the cost of any analysis or consultant or professional be paid for by the applicant.

E.

Planning Commission review and recommendation - PR Floating Zone District amendment and concept master plan.

(1)

The Planning Commission shall review the PR Floating Zone District amendment request and concept master plan for compliance with the requirements of this chapter and consistency with the St. Michaels Comprehensive Plan.

(2)

The Planning Commission shall evaluate the degree to which the proposed PR Floating Zone District request and concept master plan incorporate and/or address the compatibility standards outlined in § **340-185** and further the goals and objectives of the St. Michaels Comprehensive Plan.

(3)

The Planning Commission may make reasonable recommendations to the applicant regarding changes to the concept master plan proposal, which, in the judgment of the Planning Commission, would cause the project to better conform to the requirements of the St. Michaels Comprehensive Plan, the compatibility standards outlined in § **340-185**, and the goals and objectives of this chapter. The applicant may resubmit the concept master plan to the Planning Commission considering the Planning Commission's comments.

(4)

After a public hearing, the Planning Commission shall consider and comment on the findings required of the Town Commissioners, as outlined in Subsection **F(2)**, herein, and shall make a favorable or unfavorable recommendation to the Town Commissioners.

(5)

The Planning Commission shall forward the concept master plan, with any revisions, together with written comments and recommendations, and its floating zone district comments, to the Town Commissioners for action according to the floating zone district and the approval process for a concept master plan.

F.

Town Commissioners Approval of PR Floating Zone District and concept master plan.

(1)

The Town Commissioners shall review the concept master plan and other documents, together with such comments and recommendations as may have been offered by the Planning Commission.

(2)

After a public hearing, the Town Commissioners may approve or disapprove the proposed floating zone district map amendment and associated concept master plan. They shall follow the procedures set forth in Article **XIX** of this chapter. In approving PR Floating Zone District map amendment, the Town Commissioners shall make findings of fact, including, but not limited to the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the areas, and the relationship of the proposed amendment to the St. Michaels Comprehensive Plan. The Town Commissioners may approve

the PR Planned Redevelopment Floating Zone District map amendment if it finds that the proposed floating zone district amendment is:

(a)

Consistent with the St. Michaels Comprehensive Plan;

(b)

Consistent with the stated purposes and intent of the PR Floating Zone District;

(c)

Complies with the requirements of this chapter; and

(d)

Is compatible with adjoining land uses.

(3)

As part of the final concept master plan approval, the Town Commissioners shall approve a date for the initiation of the proposed development.

G.

Additional required procedures.

(1)

The administrative procedures for approval of a site plan for property located within the PR Floating Zone District are outlined in Chapter **110**, Site Plan Review, of the Town Code. Site plans shall conform to the approved concept master plan, including the design standards.

(2)

The administrative procedures for approval of a subdivision located within the PR Floating Zone District are outlined in Chapter 290, Subdivision of Land, of the Town Code. Final subdivision plats shall conform to the approved concept master plan.

(3)

Any development, site plan or subdivision approval for land in a PR Floating Zone District shall be consistent with the specific concept master plan applicable to the property, as approved or amended by the Town Commissioners.

H.

Amendment of concept master plan. The procedure for the amendment of an approved concept master plan shall be the same as for a new application. The Planning Commission may approve minor modifications to a concept master

plan at a regular meeting using the guidelines set forth below to determine whether the proposed amendment is a "minor amendment."

(1)

Does not conflict with the applicable purposes and land use standards of this chapter;

(2)

Does not prevent reasonable access for emergency vehicle access or deprive adjacent properties of adequate light and airflow;

(3)

Does not significantly change the general character of the land uses of the approved concept master plan;

(4)

Does not result in any substantial change of major external access points;

(5)

Does not increase the total number of dwelling units or height of buildings; and

(6)

Does not decrease the minimum specified setbacks, open space area, or minimum or maximum specified parking and loading spaces.

I.

Conflict with other articles. Provisions of the PR Floating Zone District, when found to conflict with other provisions of this chapter, shall supersede those other provisions with which they conflict. Provisions of the PR Floating Zone District, when found to conflict with requirements of Chapter 290, Subdivision of Land, of the Town Code, shall supersede those provisions with which they conflict.

J.

The change/mistake rule.

(1)

In considering a PR Floating Zone District Map amendment, the Town Commissioners shall not be required to find that there was a substantial change in the character of the neighborhood where the property is located or a mistake in the existing zoning classification.

(2)

The Town Commissioners shall have the authority to impose conditions upon the grant of the In considering a PR Floating Zone District Map amendment, the

Town Commissioners shall not be required to find that there was a substantial change in the character of the neighborhood where the property is located or a mistake in the existing zoning classification. Map amendment application. They may require the recordation of covenants and restrictions, in a form approved by the Town Attorney, to ensure compliance with said conditions or with any of the provisions of the Code.

(3)

If the Town Commissioners fail to enact an ordinance granting the PR Floating Zone District application, no application for a PR Floating Zone District Map amendment will be accepted for filing by the Town for one year after the date of the Town Commissioners' decision or the date of finality of any judicial review of the Town Commissioners' decision, whichever is later.

[Charter](#)

Code [New Laws \(0\)](#) [Index](#)

[Print](#)

[Email](#)

[Download](#)

[Share](#)

[Get Updates](#)

[arrow_back](#)

[Town of St. Michaels, MD](#) / [The Code](#) / [Part II: General Legislation](#) / [Zoning Article XVII](#) **Design**

[arrow_forward](#)

§ 340-184 **Applicability.**

§ 340-183 **Statement of intent.**

§ 340-184 **Applicability.**

§ 340-185 **Compatibility standards.**

§ 340-186 **Findings required and conditions of approval.**

§ 340-187 **Application process.**

§ 340-188 **Remedies.**

§ 340-189 **(Reserved)**

§ 340-183 **Statement of intent.**

The physical details of the Town, which include building and landscaping elements, intimate views, walkability, and expansive vistas, are essential to the definition of the Town's character. These details influence how residents and visitors feel about the Town and need to be preserved and protected.

A.

This article intends to implement the recommendations of the St. Michaels Comprehensive Plan to encourage design qualities that reinforce the Town's unique character and identity; and

B.

Create design guidelines for development that are sensitive to existing housing and neighborhoods.

§ 340-184 **Applicability.**

A.

The provisions of this article apply to all proposed development requiring site plan or subdivision approval. The compatibility standards in § **340-185** are strongly recommended but not required.

B.

All land uses, and development shall be located and developed per the applicable provisions of this chapter and all other applicable land development regulations except as modified by this article.

C.

Development incentive. The Planning Commission, at their sole discretion, may modify specific minimum standards as outlined below for qualifying projects if it is demonstrated to the satisfaction of the Planning Commission, that such designs represent significant furtherance of the legislative intent of this article:

(1)

Minimum lot area: decrease up to 10%;

(2)

Minimum lot width: decrease up to five feet;

(3)

Minimum lot depth: decrease up to 10 feet;

(4)

Minimum setback/yards: decrease up to two feet provided no yard is less than five feet;

(5)

Maximum building coverage: increase up to 15%; and

(6)

Maximum impervious surface: increase up to 15%. May not be applicable in a limited development area (LDA) and resource conservation area (RCA).

§ 340-185 Compatibility standards.

The collective visual images and sensory experiences offered residents, visitors, pedestrians, and motorists stem from the visual identity and character of the town. Context, sensitive design of new and renovated buildings, presents opportunities to enhance the visual identity and character and contribute to a definite sense of place in the Town. Conversely, a design that ignores the characteristics created by existing defining features of its surroundings can introduce discordant visual and functional elements to the neighborhoods that detract from place experience and sense of community. The following design criteria are not intended to restrict creative solutions or to dictate all design details. They are intended to inform the applicant of items that should be the underlying design objectives for every project. They also form the basis for judging whether the Planning Commission will exercise its authority to grant relief from specific development standards required in this chapter, as provided in § **340-184C**. The Planning Commission will evaluate the design of all proposed development projects based on the following criteria:

A.

General guidelines.

(1)

The proposed development should exhibit excellent site and architectural design and include high-quality materials that are compatible with, and do not negatively alter the character of the surrounding neighborhood.

(2)

Buildings should be similar in height and size or designed in such a way that they appear similar in height and size, creating an overall mass that is consistent with the common mass of other structures in the area.

(3)

Primary façades and entries must face the adjacent street and connect with a walkway that does not require pedestrians to walk through parking lots or across driveways, and that maintains the integrity of the existing streetscape. Building features such as windows and doors and site features such as landscaping and screening should optimize privacy and minimize infringement on the privacy of adjoining land uses.

(4)

Building materials shall be like elements of the surrounding neighborhood or use other characteristics such as scale, form, architectural detailing, etc., to establish compatibility.

B.

Setback. Buildings should respect the established setbacks of traditional buildings in the Town. Typically, this means that commercial buildings align with neighboring buildings with parking to the sides and rear. Residential buildings should usually be freestanding, with their front façades facing the street.

C.

Orientation. Buildings should orient to the principal street with their main entrance in full view.

D.

Scale. The scale is the relative or apparent size of a building in relation to its neighbors, typically perceived through the size of building elements, such as windows, doors, storefronts, porches, cornices, surface materials, and other exterior features.

(1)

The scale of residential and commercial buildings should reflect the prevailing scale of the Town's traditional residential and commercial buildings; that is, they should be human in scale, that is, appear to be of a size appropriate for human occupancy and use.

E.

Proportion. Proportion is the relation of components of buildings, such as doors, windows, storefronts, porches, and cornices to each other and their façades.

(1)

The façade proportions for commercial buildings should be based on dimensions found on the façades of the Town's traditional commercial buildings.

(2)

façade proportions for residential buildings should reflect proportions found on the façades of surrounding residential buildings.

F.

Rhythm. The vertical and horizontal spacing and repetition of façade elements, such as storefronts, windows, doors, belt courses, and the like give a façade its rhythm.

(1)

The façades of buildings should be based on the façade rhythms of the Town's traditional buildings of similar use.

(2)

The spacing between buildings should reflect the spacing between buildings of similar use.

(3)

Façade rhythms within a contiguous commercial block should be similar.

(4)

The façade rhythms within a residential development of similar size houses should be compatible with each.

G.

Massing. A building's massing derives from the articulation of its façade using dormers, towers, bays, porches, steps, and other projections. The massing of the façade of residential and commercial buildings should be based on the massing found on traditional buildings of similar use in the Town.

H.

Height. The height of façades and their cornices, along with roof ridgelines and projections such as chimneys, and towers, contributes to the character of buildings and streetscapes.

(1)

Designing primary façades of the party wall or adjacent buildings to be similar in height by:

(a)

Limiting height differences between free-standing buildings by a maximum of 10% of the height of nearby buildings; and/or

(b)

Using towers and chimneys on residential buildings to match surrounding heights like their use on the Town's traditional residential buildings.

I.

Materials. The type, size, texture, surface finish, and other defining characteristics of exterior materials are essential to defining the overall character of a building.

(1)

Materials used for walls, sloped roofs, and other surface features of buildings should be based on the materials found on traditional residential and commercial buildings in the Town.

(2)

The size, texture, surface finish, and other defining characteristics of exterior materials should be like those found on the Town's traditional residential and commercial buildings.

(3)

Nontraditional materials such as stucco, stucco-like material (EFIS), vinyl and metal siding, textured plywood, oversized brick, concrete block, textured concrete masonry units (CMU) and the like should not be used for primary façades of buildings.

J.

Roof shape. The shape and slope of roofs are also crucial in defining their character.

(1)

Roof shapes of buildings should be based on those found on traditional buildings in the Town and compatible with those on adjacent buildings.

(2)

Roofs on new buildings should be primarily gable or hipped. Flat or mansard roofs may be permitted if found to be appropriate to the surrounding context.

K.

Details and ornamentation. Details such as the shape and texture of siding used or types of brick courses used for a wall, and ornamentations such as porch brackets, dentils, scrolls, corbels, and the like, significantly add to the character of a façade.

(1)

Buildings should use well scaled and proportioned details and ornamentation on their principal façades.

(2)

Details and ornamentation found on existing buildings in the Town is the basis for these features on buildings, but not copied exactly.

L.

Color. A building's color derived from its exterior materials such as unpainted brick, stone, terra-cotta, slate, asphalt shingle, copper, lead, and other naturally colored materials, or paint, stains, or other applied colors.

(1)

The colors of buildings and structures should be compatible with its overall design and that of neighboring buildings.

(2)

Brick and stone should typically be left unpainted.

(3)

Traditional color schemes are used.

(4)

No more than three painted colors are used on buildings.

M.

Parking lots. Provide adequate landscaping, walls, or fences to screen automobiles from immediate view, but still allow visual access into the lots.

N.

Street furniture. Street furniture is the general term used to describe benches, trash receptacles, parking meters, streetlights, and other elements found in residential and commercial districts.

(1)

Design and locate street furniture in commercial areas that encourage pedestrians to linger, window shop, as well as provide places to sit, and in residential areas provide street furniture that promotes neighborliness.

(2)

Locate street furniture so that it does not impede pedestrian or vehicular traffic.

(3)

The design of street furniture should be compatible with the design of the buildings.

O.

Landscape design. Using native and environmentally sound trees and other plant material.

P.

Accessory buildings and structures. Accessory buildings and structures, carriage houses, sheds, etc., are character-defining features when visible from the public way.

(1)

Base the design of accessory buildings and structures on the principal dwelling.

(2)

Locate accessory buildings and structures, so they are not visible from principal streets.

Q.

Fence and walls. Like accessory buildings and structures, fences and walls are character-defining elements in residential and commercial landscapes.

(1)

Using low profile wood and metal fences in residential front and side yards, and brick walls in commercial areas.

(2)

Taller privacy fences only used at the rear of buildings.

(3)

Locating and designing fences, so they are compatible with the design of the buildings with which they are associated.

From: Commissioner Greengold

Subject: agenda items for May meeting

Date: May 16, 2022 at 6:22:32 PM EDT

I would like to add the following to the May agenda:

The following pertains to the Chesapeake Beach Table 1 Land Use Classification Table, referring to Chapter 290 in CB Zoning Codes:

1. Consider adding the classification "NP", Not Permitted, and identify all unmarked Uses as NP.
2. #6, under "Conditions", needs to be rewritten to identify what type of commercial activity and hours of operation and rename the districts with the amended names. (reference 290-11A)
Consider redefining 290-11,B2,B3.
3. #7, In Conditions, consider adding specific parking requirements according to the size of the building.
4. #10, consider eliminating all uses in the R-LD and R-MD.