



OFFICE OF THE PLANNING AND ZONING COMMISSION

**PLANNING & ZONING COMMISSION
AGENDA
OCTOBER 26, 2022**

- I. Call to Order & Roll Call**
- II. Approval of the October 26, 2022 Planning & Zoning Agenda.**
- III. Approval of the minutes of the September 28, 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. Unfinished Business:**

Consideration of Text Amendment to the Zoning Ordinance (previously published with the Agenda for the 9/6/2022 Planning Commission Work Session as “Planner Recommendation E”: Amendment to Article V, Section 290-19M, Design Standards for Townhouses, to incorporate new standards and revise certain existing standards for proposed townhouse and multi-family developments.

Consideration of Text Amendment to the Zoning Ordinance (previously published with the Agenda for the 9/6/2022 Planning Commission Work Session as “Planner Recommendation F”: Amendment to Article V, by adding new section called “Section 290-23, Findings of Compatibility” creating seven required compatibility standards applicable to new development and regulations on their purpose, applicability, and administration.

VI. New Business:

Update of Critical Area Regulations - Presentation by Christopher Jakubiak.

VII. Adjournment:

Planner Recommendation E:

Amendment to Article V, Section 290-19M, Design Standards for Townhouses, to incorporate new standards and revise certain existing standards for proposed townhouse and multi-family developments.

M. Design Standards for townhouses **AND MULTI-FAMILY BUILDINGS OF THREE OR MORE DWELLING UNITS**

(1) Setbacks **BETWEEN BUILDINGS**

- (a) Purpose. The purpose of requiring setbacks is to ensure that residents in the community and surrounding area will receive adequate light and air and will be able to maintain privacy and freedom from undesirable disturbance from neighbors. ~~However, the strict application of setback requirements can discourage innovation and promote unnecessarily monotonous site designs. Therefore, flexibility is incorporated into the following provisions in order to enable designers to address the problems of light, air, privacy and freedom from disturbance from traffic and neighbors through the use of techniques other than setback requirements.~~
- (b) Basic requirements for building-to-building setbacks **IN TOWNHOUSE AND MULTI-FAMILY BUILDINGS:**

Front building to front building	35 feet
Rear building to rear building	50 feet
Side building to side building	60 30 feet*
Front building to rear building	75 feet
Front building to side building	50 20 feet
Rear building to side building	30 feet
Corner to corner	30 feet*

Notes:

*A break between ~~clusters~~ **BLOCKS** of **FIVE** or fewer units may be reduced to a minimum of ~~five~~ **15** feet, **IF THE PLANNING COMMISSION FINDS THE REDUCTION IS NECESSARY TO ACHIEVE BETTER OVERALL DESIGN OR AN IMPROVED ARRANGEMENT OF OPEN SPACE.** ~~provided the space is surfaced as a walkway and receives approval from the Planning and Zoning Commission.~~

(2) Size and scale and building mass.

- (a) To avoid monotonous linear development, townhouse and **MULTI-FAMILY development DEVELOPMENTS** shall be in small clusters designed as neighborhood units. A cluster shall not include more than 50 **DWELLING** units.
- (b) The number of **TOWNHOUSE** units in a ~~row~~ **BLOCK** ~~is to~~ **SHALL** be limited to a maximum of ~~eight~~ **six** units.
- (c) **THE NUMBER OF DWELLING UNITS IN A MULTI-FAMILY BUILDING WITHIN THE RV-2 DISTRICT SHALL BE LIMITED TO EIGHT UNITS EXCEPT THAT THE PLANNING COMMISSION MAY APPROVE A BUILDING WITH MORE THAN EIGHT UNITS, UP TO THE MAXIMUM OTHERWISE ALLOWED BY THIS ORDINANCE, UPON A THIRD PARTY**

EVALUATION OF ARCHITECTURAL DESIGN COMPATIBILITY AS AUTHORIZED IN SECTION 19-23C(4) OF THIS ORDINANCE.

- (d) Offsets at party walls and/or front and rear facades and/or similar devices are required to visually reduce building mass and create individualized spaces (courtyards, seating areas, etc.) for both townhouse and multifamily projects. If techniques other than offsets are utilized, building elevations prepared by a registered architect will be required.
- (e) **EACH STORY OF THE END UNITS OF A TOWNHOUSE BLOCK OR THE SIDE OF A MULTI-FAMILY BUILDING SHALL BE ARTICULATED WITH WINDOWS AND PROJECTIONS (SUCH AS PORCHES, BAY WINDOWS, BALCONIES, ETC.) TO AVOID MONOTONOUS BLANK WALLS.**
- (f) **AT THE TIME OF BUILDING CONSTRUCTION, EACH UNIT OF A TOWNHOUSE DEVELOPMENT SHALL BE PROVIDED WITH A FRONT PORCH, A REAR DECK OR PATIO, AND BOUNDARY FENCING THAT PROVIDES A UNIFIED PRESENTATION FOR THE OVERALL DEVELOPMENT PROJECT.**
- (g) **ALONG WITH THE REQUIRED SITE PLAN, THE DEVELOPER SHALL SUBMIT A LANDSCAPE DESIGN PLAN PREPARED BY A REGISTERED LANDSCAPE ARCHITECT FOR PLANNING COMMISSION APPROVAL WHICH SHALL PROVIDE FOR AN ORGANIZED AND UNIFIED DEVELOPMENT.**

~~(3) Exceptions. If all of the following conditions are met, building-to-building setback requirements may be waived:~~

- ~~(a) Private outdoor spaces, if provided, are visually screened from each other and from public travelways (vehicular and pedestrian) to a height of at least four feet. (To qualify, screening must be permanent, year round and require little to no maintenance.)~~
- ~~(b) Windows of individual units do not directly face each other unless a minimum of 25 feet is provided between windows.~~
- ~~(c) At least one wall of each unit is provided with windows looking onto a space at least 50 feet square (50 feet by 50 feet).~~
- ~~(d) Each unit is designed to ensure adequate ventilation.~~
- ~~(e) No distinction is made, in terms of exterior siding and trim, between fronts, sides and rears of buildings.~~
- ~~(f) Approval is granted from the Department of Public Safety.~~
- ~~(g) The waiver of building-to-building setbacks substantially improves the design and aesthetic quality of the project.~~

(4) Building setback from streets.

- (a) Purpose: to provide a visual and sound buffer between buildings and roadways.
- (b) Within townhouse or multi-family developments served by private streets, the setback from all streets shall be 25 feet minimum.
- ~~(c)~~ Exception. A setback reduction to no less than **10 15 feet FROM A PRIVATE STREET** may be approved in cases where a specialized site design warrants a reduced setback and the **PLANNING COMMISSION FINDS THAT THE COMPATIBILITY STANDARDS SET FORTH IN SECTION 290-23 ARE MET.** and noise, and safety considerations are adequately addressed.

- (5) Building setback from adjacent property.
 - (a) Purpose: to protect the privacy of existing residents; to provide a visual transition between different housing densities and to help ensure compatibility with the existing character of the neighborhood.
 - (b) The minimum setback **TO ANY FRONT, SIDE, OR REAR LOT LINE** shall equal the height of the building, ~~excluding the roof~~, or 30 feet, whichever is greater. If variable roof heights are utilized, the average height of the building at the boundary to adjacent property shall be used to establish minimum setbacks.
 - (c) **EXCEPTION. THE SETBACK FROM FRONT, SIDE, OR REAR LOT LINES MAY BE REDUCED TO THE MINIMUM ALLOWED IN THE ZONING DISTRICT WHERE THE PROJECT IS PROPOSED IF THE PLANNING COMMISSION FINDS THAT THE COMPATIBILITY STANDARDS IN SECTION 290-23 ARE MET.**

- (6) **THE MINIMUM TRACT SIZE FOR TOWNHOUSE OR MULTI-FAMILY DEVELOPMENTS SHALL BE 20,000 SQUARE FEET.**
- (7) **TOWNHOUSE OR MULTIFAMILY DEVELOPMENTS MAY ALLOW FOR SURFACE PARKING OR FOR PARKING BELOW GRADE BUT SHALL NOT PROVIDE PARKING IN A STRUCTURE ABOVE GRADE LEVEL.**

--End--

Planner Recommendation F:

Amendment to Article V, by adding a new section called "Section 290-23, Findings of Compatibility", creating seven required compatibility standards applicable to new development and regulations on their purpose, applicability, and administration.

Section 290-23 Findings of Compatibility

A. Purpose and Defining Criteria

The purpose of requiring findings of compatibility is to ensure that the site planning, building design, and landscape features of new development aesthetically complement the neighborhood within which they are proposed.

B. Applicability

1. The provision of this section shall apply to proposed developments requiring site plan approval.
2. In the review of Category 1 site plans the Planning Commission shall make findings with respect to a development's consistency with the compatibility standards in this section.

3. In the review of Category 2 site plans for single-family detached houses, the Planning and Zoning Administrator shall make findings with respect to a development's consistency with the compatibility standards.

C. Administration

1. The Planning Commission shall take into consideration each of the following in its evaluation of compatibility:
 - a) Each standard is accompanied by a statement of explanation to be used by the Planning Commission (or Zoning Administrator) as guidance in applying the standard.
 - b) It may not be possible for a project to meet every standard because of other regulations or site constraints.
 - c) Some standards may have greater importance and appropriateness to different development sites and surrounding conditions than others.
 - d) In this section the term neighborhood means the area adjacent to and extending from the proposed development site to a definable boundary, which may be a major street, an area of significant land use change, or a major natural feature that visually separates one area from another. The Planning and Zoning Administrator shall provide the Planning Commission with a recommendation as to the boundaries of neighborhood for the application of the compatibility standards.
 - e) Neighborhood context is essential for the application of the standards but the absence of a specific precedent for a proposed development project within the neighborhood shall not be a basis for discounting the standard or for finding the developer has not met the standard.
2. Compliance with compatibility standards shall not be grounds for not meeting the minimum development requirements and other regulations of this Zoning Ordinance.
3. Upon establishing findings with respect to each compatibility standard, the Planning Commission may direct that reasonable revisions be made to the proposed development for its further review and may approve a site plan on the condition that such revisions be made.
4. For any multi-family housing development with greater than 8 units in a building, or any non-residential building exceeding 10,000 square feet in size, the Planning Commission is authorized to retain the services of a third-party architectural design review by a Maryland Registered Architect of the project's adherence to Compatibility Standard D6 (in the subsection below); the cost of such review shall be borne by the developer.

5. The Planning Commission may upon the conduct of a public hearing, recommend that the Mayor and Town Council adopt specific design guidelines as means to assist in the administration of the compatibility standards in this section.

D. Compatibility Standards

The development of a property shall be designed to achieve the following compatibility standards and the Planning Commission shall establish written findings with respect to each of them.

1. The general arrangement and orientation of proposed building(s) and site improvements are patterned in a similar manner and in harmony with those in the neighborhood.

Explanation Statement for Administrative Guidance: The development patterns of a neighborhood are characterized by street layout, lot size and configuration, building orientation, natural terrain, and vegetation (most notably trees). New developments should respond to and integrate such components from the neighborhood into the site design and continue established street patterns by connecting street where possible, arrange lots and building layouts to reflect adjacent buildings, and incorporate natural terrain, vegetation, and pleasant views.

2. Building and parking layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood.

Explanation Statement for Administrative Guidance: A neighborhood street provides an organization of building forms and open spaces that create predictable patterns referred to here as rhythm. Such rhythm is created by the intervals between buildings and open spaces and is thus influenced by the length of buildings, the width of side yards, and the placement of open areas. The established rhythm should be protected to the extent possible and where variations in the rhythm might occur through the placement of different building forms or open spaces, transitions should be gradual. Transitions from one rhythm to another should not disrupt the overall appearance of the neighborhood as seen along the street.

3. The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open spaces, parks, forested buffers, and preserved spaces.

Explanation Statement for Administrative Guidance: Open spaces on a development site can reinforce the neighborhood's arrangement by providing a focal point or landscape setting for significant structures, views, or activities, by containing recreational features, or by connecting the project to the larger neighborhood through green spaces or a community trail. Buildings, parking lots, and circulation routes on a site can be organized to create meaningful on-site open spaces and landscape areas that enhance design quality and integrate the site into the neighborhood.

4. Significant features of the site including but not limited to distinctive buildings, forested buffers along roadways, or scenic vistas are elements to be preserved in the design of sites, not to be obstructed or minimized through the placement of buildings, structures, or vegetation.

Explanation Statement for Administrative Guidance: Prominent buildings and site features provide reference points and contribute to the overall aesthetic quality and identity of a neighborhood. These may be located on the development site itself or may be viewable through the site. Either way, significant features should be incorporated into the proposed site design and retained to the greatest extent possible.

5. The proposed landscape design complements the neighborhood's landscape and streetscape patterns and reinforces its functional qualities.

Explanation Statement for Administrative Guidance: The term "landscape" here means the visible features of an area and how they integrate with natural areas, streets, and buildings. In considering landscape, such factors as the patterns of front lawns, the buffering of buildings with vegetation, the amount of open space on lots, the density and placement of trees and shrubs on a lot, the use of foundation plantings along buildings, and use of street trees. A neighborhood may have a landscape appearance that distinguishes it from other areas.

6. The proportions, scale, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood such that the overall effect of new development is to support and reinforce the architectural setting of the neighborhood.

Explanation Statement for Administrative Guidance: A cohesive and orderly relationship between existing and proposed buildings can be accomplished when new development uses predominant architectural characteristics from the neighborhood. The overall effect of new buildings should support and reinforce the architectural setting of the neighborhood. The intent of this standard is not to require that existing building styles be copied.

"Proportion" refers to the relationship between elements within a composition such as the relationship between windows and the wall. "Scale" refers to the size or extent of a building or its elements, relative to something else, usually its site or the buildings nearby. "Mass" refers to the physical form of a building and the extent to which it appears solid. "Massing" refers to strategies that break down something massive by inserting voids that create relief (such as windows), by adding elements that project a lighter element (such as a porch) in front of a more massive one (a building wall), or by using materials and architecture details to break down a building into component parts that are more readily appreciated such as the course of brick along a foundation wall. Scale, proportion, and massing do not imply making one thing the "the same" as another. In applying this standard, it is correct to ask: Is the arrangement of the proposed building elements comparable to that seen on other buildings.

7. Exterior signs, site lighting, and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood.

Explanation Statement for Administrative Guidance: These elements of site design need to be coordinated with each other and with the neighborhood generally. Uncoordinated site improvements create visual clutter and are difficult to integrate with the neighborhood. Discernment in the selection, placement, and use of on-site improvements and accessory structures must be used to avoid damage to the aesthetics of the neighborhood.



PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING AND ZONING COMMISSION SEPTEMBER 28, 2022

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

II. Approval of the September 28, 2022 Planning & Zoning Agenda.

MOTION: Commissioner Brown moved to approve the agenda as presented. Seconded by Commissioner Berault, all in favor.

III. Approval of the minutes of the September 6, 2022 Planning & Zoning Commission meeting.

MOTION: Commissioner Brown moved to approve the minutes of the September 6, 2022 Planning & Zoning meeting. Seconded by Commissioner Berault, all in favor.

Commissioner Brown brought to the floor the issue of the unapproved August 4, 2022 minutes and how they should be handled. Chair Greengold will address the issue.

IV. Public Comment on any item on the agenda: NOTE: There will be a 2-minute limit on comments received.

Public Comment was received by:

1. Gary Coldsmith, 8200 Elm Lane Chesapeake Beach MD spoke in regard to the zoning map.
2. Pat Schossler, 8205 F Street Chesapeake Beach MD spoke in regard to the zoning map.
3. John McKay, 3559 Cox Road Chesapeake Beach MD spoke in regard to the zoning map.
4. Greta Clark, 7952 Stream Walk Way Chesapeake Beach MD spoke on the content of a letter she submitted regarding the rezoning in Richfield Station.
5. Joseph Devlin, 125 West Street Annapolis MD, attorney for Richfield Station Joint Venture, spoke on the content of a letter he submitted to the Commission regarding the rezoning in Richfield Station.
6. Wes Donovan, 3737 E Chesapeake Beach Road Chesapeake Beach MD spoke on the Planner's Recommendation #8.

Chair Greengold thanked those that presented public comment. Chair Greengold stated that the Commission held a public hearing on July 27th, 2022 receiving testimony and public input on proposed zoning ordinance text amendments. The Commission's recommendations of these text amendments are essential in order for the Town Council to move forward in implementing the recently updated Comprehensive Plan. On behalf of the Commission, she thanked Mayor Mahoney and the Town Council for their support, town staff, town residents, town business owners, property owners, and developers who offered significant testimony and being a part of the process. The intention tonight is to complete this process by approving the remaining text amendments and the

zoning map. Chair Greengold read into the record, amendments that have been approved by the Commission thus far, and the remaining recommendations still to be considered. The intention is to finish the process tonight and present to the Mayor and Council.

Consider and Vote on Planner Recommendation B: Amendment to Article III, Section 290-11, Conditions and Standards for Conditional and Special Exception Uses, adding conditions for uses permitted within the Resource Conservation Zone.

Chair Greengold asked Mr. Jakubiak to make clear for everyone the Land Use Classifications and explain their meanings:

“P” - Permitted by right

“NP” - Not Permitted

”C” - Conditional Use, permitted subject to conditions

“SC” - Special Exception, subject to conditions (go to Board of Appeals)

“SE” - Special Exception – (go to Board of Appeals)

Amendment to Article III, Section 290-11, Conditions and Standards for Conditional and Special Exception Uses, adding conditions for uses permitted within the Resource Conservation Zone.

(#13) Environmental science, research and educational uses, nature centers: conditional use in the RC District, subject to the following:

- 1) Accessory uses shall only be those intrinsically related to the research or educational mission of the principal use.
- 2) Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory of trees to be removed and replaced.
- 3) The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.
- 4) No building shall be permitted which exceeds a footprint of 5,000 square feet.

[Note there may be some question why 5,000 sq. ft. was selected rather than 2,000 sq. ft. which was the number I initially offered as part of the discussion of why at least a small building should be allowed rather than no building at all for use #14 (below). I chose 5,000 sq. ft. because my review of many nature centers and similar buildings in Maryland revealed that they generally range from 4,000 to 7,500 sq. ft. with some well over that. For comparison, the Town Hall has a footprint of about 5,010 sq. ft.]

Mr. Jakubiak addressed the Commission’s questions and concerns. The Commission made the following motions:

MOTION: Commissioner Blackwelder moved to amend **#13 Environmental science, research and educational uses, nature centers:** to “SC” special exception with conditional use, in the RC district, subject to the above proposed conditions, #1,2, & 3 and amend #4 to read “No building shall be permitted which exceeds a footprint of 2,000 square feet.”
Seconded by Commissioner Berault.

Ayes, Commissioners Berault, Blackwelder, Greengold, & Ruttkay. Opposed Commissioner Brown. **Motion Passes.**

(#14) Game, wildlife, and nature preserves: conditional use in the RC District, subject to the following:

- 1) Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory of trees to be removed and replaced.
- 2) The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.
- 3) No building shall be permitted which exceeds a footprint of 5,000 square feet.

MOTION: Commissioner Berault moved to amend **#14 Game, wildlife, and nature preserves:** to “SC” special exception with conditional use, in the RC district, subject to the above proposed conditions of #1 & #2 and amending #3 to read “No building shall be permitted which exceeds a footprint of 2,000 square feet” and add as #4 “Accessory uses shall only be those intrinsically related to the game, wildlife, and nature preserves or educational mission of the principal use. Seconded by Commissioner Blackwelder. Ayes, Commissioners Berault, Blackwelder, Greengold, & Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

(#15) Public building or recreational facility owned and operated by Chesapeake Beach or other governmental agency: conditional use in the RC District, subject to the following:

- 1) No building shall be permitted except that necessary for the purposes of managing the land or water resources.
- 2) Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory of trees to be removed and replaced.
- 3) The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.
- 4) No building shall be permitted which exceeds a footprint of 5,000 square feet.

MOTION: Commissioner Blackwelder moved to amend **#15 Public building or recreational facility owned and operated by Chesapeake Beach or other governmental agency,** to “SC” special exception with conditions, in the RC District, amending #1 to read “No building shall be permitted except that which is necessary for the purposes of managing the land or water resources or for the purpose of enhancing the experience associated with providing access to low impact community enjoyment of the natural environment”, keeping #2 & #3 as written, and amend #4 to read “No building shall be permitted which exceeds a footprint of 2,000 square feet. Seconded by Commissioner Berault. Ayes, Commissioners Berault, Blackwelder, Greengold, & Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

(#16) Parks and Playgrounds: conditional use in the RC District, subject to the following:

- 1) Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory of trees to be removed and replaced.
- 2) The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.

MOTION: Chair Greengold moved to approve **#16 Parks and Playgrounds** as “SC” special exception with conditions as written above in #1 & #2. Seconded by Commissioner Berault, all in favor.

(#18) Sailing schools, boat rentals and storage and similar water-oriented recreational uses: conditional use in the RC District, subject to the following:

- 1) The use shall be limited to waterfront properties or to properties that are contiguous to, and functionally connected with, waterfront properties.
- 2) The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.

MOTION: Commissioner Blackwelder moved to amend **#18) Sailing schools, boat rentals and storage and similar water-oriented recreational uses:** to “SC” Special exception with conditions, in the RC District, striking the word “storage” from the title, subject to #1 & #2 as written and including a condition #3 “Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory of trees to be removed and replaced.”, and an additional condition #4 “Accessory uses shall only be those intrinsically related to sailing schools, boat rental and similar water-oriented recreational uses of the principal use.” Seconded by Commissioner Berault.

MOTION: Commissioner Berault moved to amend Commissioner Blackwelder’s motion to read **#18) Sailing schools, boat rentals and similar water-oriented recreational uses:** to “SC” special exception with conditions, in the RC District, with the following conditions, #1 “Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory of trees to be removed and replaced.”, #2 “The use shall be limited to waterfront properties or to properties that are contiguous to, and functionally connected with, waterfront properties”, #3 “The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces

should be used as an alternative,” and #4 “No building shall be permitted.” Seconded by Chair Greengold. Ayes, Commissioners Berault, Blackwelder, Greengold, & Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

(#52 Aquaculture: conditional use in the RC District, subject to the following:

- 1) The use shall be limited to waterfront properties or to properties that are contiguous to, and functionally connected with, waterfront properties.
- 2) The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.

MOTION: Commissioner Brown moved to approve **#52 Aquaculture:** conditional use in the RC District, subject to the proposed written conditions of #1 and #2 above. Seconded by Chair Greengold.

MOTION: Commissioner Blackwelder moved to amend Commissioner Brown’s motion to change to “SC” special exception with conditions and add an additional condition to the above #1 and #2 as #3 “Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory of trees to be removed and replaced.” Seconded by Chair Greengold, all in favor.

(58) Warehousing and storage in association with permitted marine commercial activities: special exception with conditions in the RC District, subject to the following:

- 1) The use shall be limited to permitted marine commercial activities located on the same property or a contiguous property where there is a direct and functionally connected relationship.
- 2) The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.

MOTION: Commissioner Blackwelder moved to amend **#58 Warehousing and storage in association with permitted marine commercial activities** to keep “SC” special exception with conditions in the RC District, as written above, amending the title to strike “Warehousing and” and to add an additional condition as #3 “Clearing of forested land to accommodate the use is strictly prohibited.” Seconded by Chair Greengold, all in favor.

Consider and vote on Planner Recommendation H: Amendment to Article V, Section 290-19N, Open Space Requirements, to incorporate a requirement that park amenities tailored to the needs of the anticipated residents be provided, within the required open space, by the developer of any development over 10 dwelling units.

N. Common Open Space Requirements

- (1) Purpose: **Common Open Space** shall be provided within ~~each~~ **all future residential developments developed** lot to preserve, protect and enhance the quality and value of developed lands; promote the

preservation of natural and scenic areas; protect sensitive natural resource areas; for the natural retention of stormwater **and floodwaters**; and to promote access to light, open air, and recreational opportunities for the health and public welfare of residents.

- (2) Identification: **Common Open Space** shall mean landscaped or undeveloped land used for outdoor active and passive recreational purposes or for Critical Area or resource land protection, including structures incidental to these open space uses, including required buffers, but excluding land occupied by structures or impervious surfaces not related to the open space uses and yards required by this chapter.
- (3) A minimum of 1,000 square feet per housing unit of Common Open Space shall be provided and no less than 75% of such open space shall be improved as recreational area.
- (4) For any proposed development of 10 dwelling units or greater, the development plans shall provide details on the recreational amenities to be constructed or installed by the developer in the Common Open Space for Planning Commission approval; such amenities shall be suited to the needs of the residents of the development.
- (5) Common Open Space shall be owned and maintained by a Homeowners Association or similar entity.
- (6) No part of the Common Open Space requirement of this section shall be satisfied through a payment of a fee-in-lieu of providing that space.
- (7) The Common Open Space requirement of this section applies to developments with three or more housing units.

MOTION: Chair Greengold moved to approve Recommendation H, as written, with the addition of the highlighted #4 above. Seconded by Commissioner Brown, all in favor.

Consider and vote on Planner Recommendation I: Amendment to Article III, Section 290-11, Conditions and Standards for Conditional and Special Exception Uses, adding conditions to the use called “Group Home”

Chair Greengold stated, in light of late incoming information, Planner Recommendation I, “Group Home” will be taken up at a workshop later. It was recommended item #20, “Group Home”, be moved back to a “SE” use in the New Table 1, Permitted Uses by Zoning District.

MOTION: Commissioner Blackwelder moved to change item #20, Group Home, to a “SE” use in the New Table 1, Permitted Uses by Zoning District. Seconded by Commissioner Berault, all in favor.

Proposed comprehensively amended zoning map:

Mr. Jakubiak stated a few issues arose from the July 27th public hearing concerning the amended zoning map. Joseph Devlin, representative for Richfield Station, presented to the Commission a request to revise the proposed zoning map to recognize two developable areas in Richfield Station, which are currently in RPC and are proposed to be placed in the (RC) Resource Conservation district. Thirteen (13) lots at the Stream

Walk Way section, approved but not recorded as yet in Block Q, and another area at Crestview Lane. He is requesting these areas stay in the RPC, as currently zoned.

The second issue that came out of the public hearing are two areas proposed as (RC) Resource Conservation. Mr. John McKay of 3559 Cox Road, and Mr. Gary Coldsmith of 8200 Elm Lane are both requesting the Commission consider taking their properties out of Resource Conservation and rezone to a residential district.

Mr. Jakubiak revised the proposed zoning map to outline the properties on Cox Road and Elm Lane//Wickersham subdivision to rezone to a residential district.

MOTION: Commissioner Brown moved to amend the draft zoning map to include the changes as outlined by Mr. Jakubiak for the Cox Road area and the Elm Lane/Wickersham subdivision area and to allow the Stream Walk Way 13-lot parcel area in Richfield Station to remain RPC, as currently zoned. Seconded by Chair Greengold. Ayes, Commissioners Brown and Greengold. Opposed, Commissioners Berault, Blackwelder, and Ruttkay. **Motion Fails.**

MOTION: Commissioner Blackwelder moved to table the draft zoning map.

MOTION: Commissioner Brown moved to amend Commissioner Blackwelder's motion and move to adopt the map as proposed with the changes outlined by Mr. Jakubiak on the Cox Road and Elm Lane properties. Seconded by Chair Greengold. Ayes, Commissioners Brown, Berault, Greengold, and Ruttkay. Recusal, Commissioner Blackwelder. **Motion Passes.**

New Business:

Chair Announcement: Planning Commission to vote on a Resolution to transmit a favorable recommendation on the full set of zoning text amendments and new zoning map to the Mayor and Town Council.

MOTION: Commissioner Berault moved to transmit the proposed zoning ordinance text amendments, 1 thru 11, as approved, the revised zoning map, and resolution to the Mayor and Town Council for their review and approval. Seconded by Commissioner Ruttkay.

MOTION: Commissioner Blackwelder moved to amend the motion to remove the language from the resolution referencing rescinding the moratorium. Seconded by Commissioner Brown.

Commissioner Brown withdrew his second due to misunderstanding the motion presented. Commissioner Blackwelder's motion died for lack of second.

The Commission voted on original motion to approve transmitting the proposed zoning ordinance text amendments, zoning map, and resolution to the Mayor and Town Council. Ayes, Commissioners Berault, Brown, Greengold and Ruttkay. Opposed Commissioner Blackwelder. **Motion Passes.**

Chair Announcement: Planning Commission meeting dates to change for November & December 2022 due to scheduling conflicts with holidays.

Chair Greengold is proposing to set a work session in October, if staff can support, to discuss Group Home, Townhouse design and other. The Commission's regular meeting will be held on October 26th.

Due to the holidays, the November meeting will be changed to possibly the 8th once a quorum can be confirmed.

The Commission's December meeting is scheduled for December 7, 2022.

V. **Public Comment** – None.

VI. **Adjournment:**

There being no further comments, Commissioner Ruttkay moved to adjourn the meeting at 11:06 PM. Seconded by Commissioner Berault, all in favor.

Submitted by,

Sharon L. Humm
Commission Clerk

Note: This meeting can be viewed in its entirety on the Town website on the Planning Commission page www.chesapeakebeachmd.gov.