



OFFICE OF THE PLANNING AND ZONING COMMISSION

**PLANNING & ZONING COMMISSION
AGENDA
SEPTEMBER 28, 2022**

- I. Call to Order & Roll Call**
- II. Approval of the September 28, 2022 Planning & Zoning Agenda.**
- III. Approval of the minutes of the September 6, 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:**

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.

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.

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" and a revised definition of group home.

Proposed comprehensively amended zoning map:

- VI. 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 at the October 26th meeting.

Chair Announcement: Planning Commission meeting dates to change for November & December 2022 due to scheduling conflicts with holidays.
- VII. Communications and future agenda items:** See Attached.
- VIII. Adjournment:**



PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING AND ZONING COMMISSION SEPTEMBER 6, 2022

- I. Commission Chair Cindy Greengold called the meeting to order at 7:00 pm. In attendance were Kathleen Berault, Laura Blackwelder, Larry Brown, Kelly Huhn, and Jan Ruttkey, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon L. Humm, Commission Clerk.
- II. **Approval of the September 6, 2022 Planning & Zoning Agenda.** Chair Greengold stated she would like to move Recommendations “E” & “F” to the end of the agenda and entertained a motion.

MOTION: Commissioner Blackwelder moved to amend the agenda to add Text Amendment 11-New Table 1 Permitted Uses by Zoning District to be the last item on the agenda.

Chair Greengold stated she wanted to keep the Table in the agenda as presented and called for a motion on her original motion to move Recommendations “E” & “F” to the end of the agenda.

MOTION: Commissioner Brown moved to amend the September 6, 2022 Agenda to move Recommendations “E” & “F” to the end of the agenda. Seconded by Commissioner Ruttkey, all in favor.

MOTION: Commissioner Blackwelder moved to amend the agenda to add “complete old business from the May agenda.” Died for lack of a second.

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

- III. **Approval of the minutes of the July 27, 2022 Planning & Zoning Commission meeting.**

MOTION: Commissioner Blackwelder moved to amend the minutes of the July 27, 2022 Planning & Zoning meeting to include the exchange between Mr. Jakubiak and herself relating to the environmentally sensitive areas that are being proposed to rezone to RC. The motion died for a lack of a second.

MOTION: Commissioner Brown moved to approve the July 27, 2022 Planning and Zoning minutes as presented. Seconded by Commissioner Berault. Ayes, Commissioners Berault, Brown, Greengold, Huhn, and Ruttkey. Opposed, Commissioner Blackwelder. **Motion Passes.**

- IV. **Approval of the minutes of the August 4, 2022 Planning & Zoning Commission Meeting.**

MOTION: Commissioner Blackwelder moved to amend the August 4, 2022 Planning & Zoning minutes to add under the topic of “Density” a statement referencing that she had presented a number of other adjustments to Section 290-19A, Tables; Requirements;

Exceptions, and with consensus of the Commission, that Chair Greengold directed Mr. Jakubiak to capture and bring back for consideration at the Commission's next meeting, which she does not see represented in Planner's Recommendation G. Seconded by Commissioner Ruttkay.

Chair Greengold recollects the conversation and is requesting Commissioner Blackwelder wait and address this as an amendment to Planner Recommendation G later in the agenda.

The Commission voted on Commissioner Blackwelder's amendment to the August 4, 2022 Planning & Zoning meeting minutes. Ayes, Commissioners Blackwelder & Huhn. Opposed, Commissioners Berault, Brown, Greengold and Ruttkay. **Motion Fails.**

Chair Greengold moved to approve the August 4, 2022 Planning Commission minutes as presented. Seconded by Commissioner Ruttkay. Ayes, Commissioners Berault, Greengold and Ruttkay. Opposed, Commissioners Blackwelder and Huhn. Recusal, Commissioner Brown. **Motion Fails without the required four members voting in the affirmative, and the minutes remain unapproved.**

V. **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. Wes Donovan 3418 Cox Road, Chesapeake Beach MD expressed his concerns on a number of the proposed "Recommendations" on tonight's agenda.
2. Joseph Devlin of Council Baradel, Attorneys at Law, Annapolis, MD representing Michael Roepcke, Richfield Station. Mr. Devlin is requesting boundaries be reconsidered and redrawn on the proposed zoning map to return the area comprising 13 previously approved, but not final platted and recorded residential lots, known as Block Q, from the proposed RC District to the RPC District along with an area intended by the developer to be subdivided into large residential lots under the terms of Paragraph 1 of the FIDS agreement.
3. Gloria Larman 2472 Woodland Court, Chesapeake Beach MD spoke in opposition of additional development in Richfield Station.

VI. **Consider and Vote on Planner Recommendation A:** Amendment to Article XI, Section 290-43, Terms Defined, changing the definition of the term Building Height as follows:

BUILDING HEIGHT - The height of any building shall be the vertical distance of the highest point of the roof to the average natural grade level prior to construction or any site improvements. The highest point also includes any rooftop deck, fence railing, widow's walk or other rooftop addition that is used as an accessory structure.

MOTION: Commissioner Ruttkay moved to approve Planner Recommendation A. Seconded by Chair Greengold. Ayes, Commissioners Berault, Blackwelder, Greengold, Huhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

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.

MOTION: Commissioner Berault moved to amend Planner Recommendation B, Section 290-11, Conditions and Standards for Conditional and Special Exception Uses within the Resource Conservation (RC) Items #13, 15, 18, 52 & 58 from the proposed “C” Conditional use to “NP” Not Permitted use. Seconded by Commissioner Ruttkay.

MOTION: Commissioner Blackwelder moved to amend Commissioner Berault’s motion to change the use within the RC district on the above-mentioned items to “SC” Special Exception with conditions. Seconded by Commissioner Ruttkay. Ayes, Commissioner Blackwelder. Opposed, Commissioners Berault, Brown, Huhn, Greengold, and Ruttkay.
Motion Fails.

The Commission voted on Commissioner Berault’s amended motion above to Planner Recommendation B, items #13, 15, 18, 52, & 58, in the RC zone, to change to “NP” Not Permitted.. Ayes, Commissioners Berault, Huhn, & Greengold. Opposed, Commissioners Brown, Blackwelder, & Ruttkay. **Motion Fails.**

MOTION: Commissioner Brown moved to table Planner Recommendation B to the next regularly scheduled Planning Commission meeting noting the proposed amendments are new and felt they were not published with sufficient time to allow public review. Seconded by Commissioner Ruttkay.

MOTION: Commissioner Blackwelder moved to amend Commissioner Brown’s motion to table Planner Recommendation B so that the motion would include tabling approval of Table 1, Permitted Uses by Zoning Districts. *[Secretary’s Note: Planner Recommendation B, the subject of Mr. Brown’s motion to table, assigns the use status (e.g. “conditional”) to certain uses proposed to be permitted in the RC District and provides recommended conditions that would pertain to each. These uses (with their recommended conditional use status) are shown on Table 1, along with all the other uses for all the other districts. The amended motion reflects the desire of the Commission not to complete deliberations on Table 1 without having first deliberated on the conditions pertaining to the RC uses addressed in Planner Recommendation B.]*
Ayes, Commissioners Brown, Blackwelder, Huhn, & Ruttkay. Opposed, Commissioner Berault and Chair Greengold. **Motion Passes.**

Consider and Vote on Planner Recommendation C: Amendment to Table 1, Permitted Uses by Zoning District (Section 290, Attachment 1), changing the permitted use status of certain uses in the Resource Conservation District, listing certain uses and “Expressly Prohibited” in all zoning districts, and changing the permitted use status of the use called “Group Home” to “Conditional” in the residential districts and to “Not Permitted” in all other districts.

MOTION: Commissioner Blackwelder moved to designate “Group Homes” as “SC” Special exception with conditions. Seconded by Commissioner Ruttkay. Ayes, Commissioner Blackwelder. Opposed, Commissioners Berault, Brown, Greengold, Huhn, and Ruttkay. **Motion Fails.**

MOTION: Chair Greengold moved to approve Planner Recommendation C as written. Seconded by Commissioner Ruttkay.

MOTION: Commissioner Brown moved to amend Planner Recommendation C under “Group Homes” to change the Neighborhood Commercial from a “NP” Not Permitted to a “C” Conditional Use. Seconded by Commissioner Ruttkay. Ayes, Commissioners Brown, Greengold, and Huhn. Opposed, Commissioners Berault, Blackwelder, and Ruttkay.

Motion Fails.

MOTION: Commissioner Brown moved to approve Item #20 “Group Homes” as written as “C” Conditional use in all the residential zones and the RPC zone and “NP” Not Permitted in the commercial zones and RC zone. Seconded by Chair Greengold. Ayes, Commissioners Berault, Brown, Greengold, Huhn, and Ruttkay. Opposed Commissioner Blackwelder.

Motion Passes.

MOTION: Chair Greengold moved to approve Planner Recommendation C changing the permitted use status of certain uses in the RC district as indicated in yellow on the presented Table of Uses as follows:

- #13-16 - “C” Conditional
- #17 - “NP” Not Permitted
- #18 - “C” Conditional
- #28 - “NP” Not Permitted
- #43 - “NP” Not Permitted
- #52 - “C” Conditional
- #58 - “SC” Special exception with conditions

MOTION: Commissioner Blackwelder moved to amend Chair Greengold’s motion to include the following list of “Expressly Prohibited” uses as “NP” Not Permitted in all districts:

1. Casino gambling venues and establishments
2. Smoke and vape shops
3. Tattoo parlors
4. Massage Parlors
5. Psychic Reading and Fortune Telling venues
6. Adult entertainment venues, establishments and adult bookstores
7. Sale or distribution of medical and/or recreational marijuana, cannabis, and/or its derivatives in any forms, either as a principal or an accessory use
8. Industrial Uses
9. Landfills
10. Junk and salvage yards
11. Drive-in movie theaters

Seconded by Chair Greengold, all in favor.

Consider and Vote on Planner Recommendation D: Amendment to Article III, Section 290-9, Purpose and Intent of Districts, to revise the purpose statement pertaining to the Resource Conservation District as follows:

RC Resource Conservation District. The Resource Conservation District is a non-residential district intended to protect and maintain wetlands, surface waters, forests and open space, steep slopes, as well as low lying areas with elevated risks of flooding. The RC District is intended to protect and maintain land use in critical flood and stormwater management; to provide land for community parks and recreational activities, including access to the Bay and its

tributaries; to ensure that any new use complies with all environmental protection and land use laws and preservation agreements of the Town of Chesapeake Beach and the State of Maryland; and to ensure open space preservation and prevent residential development of parcels 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 Brown moved to amend Planner Recommendation D to revise the purpose statement pertaining to Resource Conversation to add the word "for" before the wording "critical flood" in the third sentence and delete the entire wording in parentheses at the end of the paragraph and place a period after "wildlife habitats." Seconded by Chair Greengold, all in favor.

Consider and Vote on Planner Recommendation G: Amendment to Article v, Section 290-19A, Tables, Requirements; Exceptions, to set the minimum lot size in the proposed Neighborhood Commercial (NC) district and the Town Commercial (TC) district at 7,500 sq. ft. and set the average minimum lot area per dwelling unit in the proposed Town Center District at 7,500 sq. ft.

Removed Text is shown as: ~~with strikethrough~~
New text is shown as: **in Bold**

290-19 Tables; requirements; exceptions

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

	R-LD	R-MD	R-HD	RV	RV-1	RV-2	G	NC	TC	CP	MC	RC	
A. Minimum lot size (sq. feet except where noted) ¹	10,000	7,500	5,000	4,000	6,000	6,000	5,000	5,000 7,500	5,000 7,500	5,000	5,000	5,000	43,560
B. Average minimum lot area per dwelling unit (sq. ft.) ²	-	-	2,500	5,000	6,000	5,000	3,600	n/a	3,600 7,500	n/a	3,600	n/a	n/a
C. Minimum lot width (feet) ³	75	50	50	50	50	50	25	50	50	50	25	50	150

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

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

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

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

MOTION: Commissioner Blackwelder moved to amend Planner Recommendation G Section 290-19A, Tables, Requirements; Exceptions to increase the minimum lot size to 7,500 square feet in RV-1, RV-2, NC, TC, CP, & MC districts and 20 acres in the Resource Conversation district. Seconded by Commissioner Ruttkay. Ayes, Commissioners Berault, Blackwelder, Greengold, Huhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

MOTION: Commissioner Blackwelder moved to amend Planner Recommendation G Section 290-19A, Tables, Requirements; Exceptions to increase the average minimum lot area per dwelling unit to 7,500 square feet in the RV-1, RV-2, NC, and the TC districts, and n/a in the CP, MC, and the RC districts. Ayes, Commissioners Berault, Blackwelder, Greengold, Huhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

MOTION: Commissioner Blackwelder moved to amend Planner Recommendation G Section 290-19A, Tables, Requirements; Exceptions to increase minimum open space to 20% in the NC, TC, CP, and MC districts and 85% in the Resource Conservation district. The R-LD will remain at 40%, R-MD, R-HD, RV-1, and RV-2 will remain at 35%. Ayes, Commissioners Berault, Blackwelder, Greengold, Huhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

VII. Public Comment

1. Wes Donovan 3814 Cox Road expressed his concerns about decisions that were made by the Commission tonight and feels they may diminish property values in Town. Also under the Resource Conservation district, item #18 of the Table, boat storage, he questioned what type will be allowed and not allowed. Chair Greengold asked Mr. Donovan to forward the information he has on the different types of boat storage to the Commission for review.

VIII. Adjournment:

There being no further comments, Commissioner Blackwelder moved to adjourn the meeting at 10:10 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.

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.

(#13) **Environmental science, research and educational uses**, nature centers: conditional use in the RC District, subject to the requirements of the district where located and 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.]

(#14) **Game, wildlife, and nature preserves**: conditional use in the RC District, subject to the requirements of the district where located and 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 use as an alternative.
- 3) No building shall be permitted which exceeds a footprint of 5,000 square feet.

(#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 requirements of the district where located and 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.

(#16)Parks and playgrounds: conditional use in the RC District, subject to the requirements of the district where located and 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 use as an alternative.

(#18)Sailing schools, boat rentals and storage and similar water-oriented recreational uses: conditional use in the RC District, subject to the requirements of the district where located and 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 use as an alternative.

(#52)Aquaculture: conditional use in the RC District, subject to the requirements of the district where located and 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 use as an alternative.

(58) Warehousing and storage in association with permitted marine commercial activities: special exception use with conditions use in the RC District, subject to the requirements of the district where located and 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 use as an alternative.

Text Amendment 11: NEW TABLE 1, PERMITTED USES BY ZONING DISTRICT

This amendment repeals and replaces Section 290 Attachment 1, Table 1. The proposed new table is provided here:

290 Attachment 1

Table 1

Land Use Classifications

KEY:

P: Permitted,

Not Permitted

C: Conditional Use - permitted use subject to conditions

SE: Special Exception

Special Exception, subject to conditions

Yellow cells indicate changes the Planning Commission agreed to make at its 8-4-22 Worksession and are provided here for review in anticipation of action at the 9-6-22 Commission Meeting.

Use	Zoning Districts											Conditions or Additional Use Regulations
	R-LD	R-MID	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	NP	NP	NP	P	
2. Single-family, attached	NP	P	P	NP	P	NP	NP	NP	NP	NP	P	
3. Townhouse dwelling	NP	NP	P	NP	P	NP	NP	NP	NP	NP	P	
4. Multifamily dwelling	NP	NP	P	NP	P	NP	NP	NP	NP	NP	P	
5. Dwelling, accessory	C	C	C	C	C	C	C	NP	NP	NP	C	See § 290-11A
6. Dwelling unit in combination with commercial use	NP	NP	NP	NP	C	NP	C	NP	NP	NP	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	NP	C	C	P	P	P	NP	NP	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	NP	SC	SC	NP	NP	NP	SC	NP	SC	See § 290-11D
9. Home day care	C	C	SE	C	C	C	C	NP	C	NP	C	See § 290-11E
10. Day-care center, nursery school, kindergarten or other agency giving care to persons as a commercial operation	SC	SC	NP	NP	C	P	P	NP	NP	NP	C	See § 290-11F
11. Professional school, studio for music or art instruction, dancing school, similar	NP	NP	NP	SC	SC	P	P	P	P	NP	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	NP	NP	NP	NP	C	P	P	P	P	NP	C	See § 290-11H
13. Environmental science, research and educational uses, nature centers	NP	NP	NP	NP	NP	NP	NP	NP	P	C	NP	See § 290-11-
14. Game, wildlife, and nature preserves	NP	NP	NP	NP	NP	NP	NP	NP	NP	C	NP	See § 290-11-
15. Public building or recreational facility owned and operated by Chesapeake Beach or other government agency	P	P	P	P	P	P	P	P	P	C	P	See § 290-11-
16. Parks, playgrounds	P	P	P	P	P	P	P	P	P	C	P	See § 290-11-
17. Private club, lodge, dining club, yacht club not run as a private gainful business	NP	NP	NP	NP	NP	P	P	NP	P	NP	SE	
18. Sailing schools, boat rentals and storage and similar water oriented recreational uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	C	NP	See § 290-11-

19. Orphanage, nursing home, or other licensed establishment for the care of aged, disabled, or convalescent persons, etc.	SE	NP	NP	C	C	NP	NP	NP	NP	NP	NP	C	See § 290-111
20. Group home	C	C	C	C	C	NP	NP	NP	NP	NP	NP	C	See § 290-111

Use	Zoning Districts											Conditions or Additional Use Regulations
	R-LD	R-MD	R-HD	RV-1	RV-2	NC	TC	CP	MC	RC	RPC	
Office and Commercial Uses												
21. Professional office in residence, physician, architect, lawyer, similar	NP	NP	NP	C	C	P	P	P	P	NP	C	See § 290-11J
22. Office or clinic for medical or dental examination or treatment of persons as outpatient, including laboratories incidental thereto	NP	NP	NP	NP	NP	P	P	P	P	NP	P	
23. Therapeutic massage	NP	NP	NP	NP	NP	C	C	C	C	NP	NP	See § 290-11K
24. Offices for business, professional, or governmental purposes	NP	NP	NP	C	C	P	P	P	P	NP	C	See § 290-11L
25. Artists, photographer's gallery, studio	NP	NP	NP	C	C	P	P	P	P	NP	C	See § 290-11M
26. Retail establishments carrying one type of interrelated goods, such as a bookstore, gift shop, florist shop, etc.; adult bookstores are prohibited	NP	NP	NP	C	C	P	P	P	P	NP	C	See § 290-11N
27. 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.	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	
28. Tree and plant nurseries, landscape supply and contracting, greenhouses	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	
29. Personal services, including barbershops, salons, laundry, dry cleaning (receiving stations), travel agency, insurance, real estate, repair shop for shoes, bikes, watches, locks, etc.	NP	NP	NP	C	C	P	P	P	P	NP	C	See § 290-11O

Use	Zoning Districts												Conditions or Additional Use Regulations
	R-LD	R-MD	R-HD	RV-1	RV-2	NC	TC	CP	MC	RC	RPC		
30. Financial service, bank	NP	NP	NP	NP	NP	P	P	P	P	NP	NP		
31. Business services, printing, copying, contractor's shop, plumbing shop	NP	NP	NP	NP	NP	P	P	P	P	NP	NP		
32. Appliance and furniture repair, upholstery	NP	NP	NP	NP	NP	P	P	P	P	NP	NP		
33. Restaurant – Class I; drive-up/dive-through windows at fast-food restaurants are prohibited	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP		
34. Restaurant - Class II	NP	NP	NP	NP	NP	P	P	P	P	NP	NP		
35. Restaurant - Class III	NP	NP	NP	NP	NP	P	P	P	P	NP	NP		
36. Tavern, nightclub	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP		
37. Bed-and-breakfast establishment	SC	C	C	C	C	C	C	C	C	NP	C	See § 290-11P	
38. Motel, hotel	NP	NP	NP	NP	NP	NP	C	C	C	NP	NP	See § 290-11R	
39. Tourist home	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
40. Entertainment and recreation facilities operated as a business within a building, with the exception of an adult bar, restaurant, or nightclub	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP		
41. Recreational and fitness studios	NP	NP	NP	NP	NP	P	P	P	P	NP	NP		
42. Outdoor entertainment and recreation facilities operated as a gainful business	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP		
43. Recreational camps and cottages for overnight accommodations	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
44. Animal hospital, veterinarian clinic	NP	NP	NP	NP	NP	NP	SC	SC	SC	NP	SC	See § 290-11S	
Zoning Districts												Conditions or Additional Use Regulations	
Zoning Districts													

Use	R-LD	R-MD	R-HD	RV-1	RV-2	NC	TC	CP	MC	RC	RPC	Regulations
Automotive and Boat Service Uses												
45. Nonresidential parking area located in a residential district	NP	SE	SE	SE	SE	NP	NP	NP	NP	NP	SE	
46. Automotive service station	NP	NP	NP	NP	NP	NP	SC	NP	SC	NP	NP	See § 290-11T
47. Sale or rental of automobiles	NP	NP	NP	NP	NP	NP	SC	NP	SC	NP	NP	See § 290-11U
48. Repair garage, including paint spraying and body and fender work or car washing facility	NP	NP	NP	NP	NP	NP	NP	NP	SC	NP	NP	See § 290-11V
49. Marina, including fuel service for watercraft, boat storage and repair yard, boat sales and service	NP	NP	NP	NP	NP	NP	NP	NP	C	C	NP	See § 290-11W
Utilities, Communications, Transportation												
50. Transformer station, structure housing switching equipment and regulators, power transmission line right-of-way, radio, television transmitter tower, cellular tower, etc.	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	See § 290-11X
51. Bus station, intermodal transit center	NP	NP	NP	NP	NP	NP	NP	NP	SE	NP	NP	
LIGHT Industrial and Related Uses												
52. Aquaculture	NP	NP	NP	NP	NP	NP	NP	NP	P	C	NP	See § 290-11-
53. Micro Brewery, Micro-distillery	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	
54. Craft and artisan assembly and manufacturing such as cabinet making, woodworking, glass making, blacksmithing, boat building and sail manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	
55. Water-dependent seafood processing, fishing activities	NP	NP	NP	NP	NP	NP	NP	NP	SE	SE	NP	
56. Data center	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	
57. Bio manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	

58. Warehousing and storage in association with permitted marine commercial activities	NP	NP	NP	NP	NP	NP	NP	NP	SE	SC	NP	See § 290-11-
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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 Home Owners 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.**

--End--

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"

Group Home: conditional use in the RLD, RMD, RV-1, RV-11, and RPC District, subject to the requirements of the district where located and the following:

- 1) **No more than one group home within 750 feet of each other.**
- 2) **All noise, trash, parking, and other residential community standards must apply.**
- 3) **No more than 2 residents per bedroom are permitted.**
- 4) **One bathroom for every four residents is required**

Town Planner's Note:

The wording of each condition is under Town Planner review. Town Planner may provide alternative wording before or at the Planning Commission meeting on September 6, 2022.



Zoning Districts

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

Town of Chesapeake Beach Planning and Zoning Commission

RESOLUTION

WHEREAS, authorized by the Land Use Article of the Annotated Code of Maryland, the Chesapeake Beach Planning and Zoning Commission (the Commission) prepared, and on January 26, 2022 approved, a new comprehensive plan for the Town of Chesapeake Beach titled, Comprehensive Plan: 2021 Update, and recommended it to the Town Council of the Town of Chesapeake Beach (the Town Council) who then adopted the Comprehensive Plan on April 21, 2022; and

WHEREAS, §290-29B(2) of the Zoning Ordinance for the Town of Chesapeake Beach (the Zoning Ordinance) establishes that the Commission may transmit to the Town Council proposals to amend, supplement, change, modify, or repeal the Zoning Ordinance; and

WHEREAS, during its regular meetings in 2021 and 2022, the Commission investigated, considered, and deliberated on amendments to the text of the Zoning Ordinance and conducted a comprehensive rezoning of the Town by considering the findings, analyses, goals, objectives, and recommendations of the Comprehensive Plan and proposing and deliberating on new zoning classifications (districts), changes to the zoning classifications of properties, and modifications to the boundaries of zoning districts on the Official Zoning Map, Chesapeake Beach, Maryland (the Zoning Map); and

WHEREAS, the Commission conducted a public hearing on the proposed text amendments and the proposed comprehensively amended zoning map on July, 27 2022 and in multiple subsequent meetings and work sessions following the public hearing deliberated on the public comments received and considered refinements and supplements to such amendments; and

WHEREAS, on October 26, 2022, finding that each text amendment attached to this Resolution to be in the best interests of the Town of Chesapeake Beach, the Commission voted in the affirmative to recommend that the Town Council adopt each; and

WHEREAS, on October 26, 2022, finding the proposed comprehensively amended zoning map to be in the best interests of the Town of Chesapeake Beach and to be in accord with the adopted Comprehensive Plan: 2021 Update, the Commission voted in the affirmative to transmit a favorable recommendation to the Town Council to repeal and replace the Zoning Map, with a proposed new zoning map, a copy of which is attached to this Resolution.

NOW THEREFORE, LET IT BE RESOLVED that the Commission hereby transmits the attached zoning text amendments to the Town Council with a favorable recommendation and advises their adoption; and

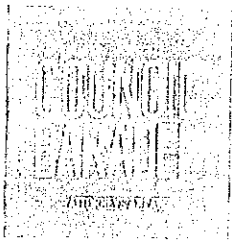
AND FURTHER, LET IT BE RESOLVED that the Commission hereby transmits the attached recommended zoning map to the Mayor and Town Council with a favorable recommendation that it be adopted to replace the Zoning Map; and

AND FURTHER, LET IT BE RESOLVED that the Commission, having prepared and approved a new Comprehensive Plan and having hereby recommended implementing ordinances and a new comprehensively amended zoning map to the Town Council, has completed the work, which was contemplated for it, within Town Council Resolutions R-21-3 and R-21-8, as pre-conditions for rescinding a temporary moratorium on development applications.

Cynthia Greengold,
Chairwoman, Planning and Zoning Commission

Date

Communications and future agenda items:



JOSEPH F. DEVLIN
E-Mail: Devlin@CouncilBaradel.com
Telephone Extension: 3414

August 29, 2022

BY EMAIL: cj@jakubiak.net

Chris Jakubiak
Jakubiak & Associates
115 Yorkleigh Road
Towson, MD 21204

Re: Richfield Station / Draft New Town Zoning Map
Our File: 12369.09

Dear Mr. Jakubiak:

In reviewing the draft proposed new zoning map under review at the Planning and Zoning Commission, we believe that there are a number of errors that should be corrected with regard to portions of Richfield Station that should remain RPC, as opposed to being newly designated RC. The intent of the RC zone is to further protect areas through the rezoning designation that either by plat or deed are to be preserved. A number of areas noted RC per the draft zoning map do not fall in that category and are already in use as part of approved development. The areas that require correction can be noted as follows per the map attached.

(a) As shown by the red circles on the attached plan, there are five (5) existing stormwater management ponds which are now placed in RC as opposed to RPC under which those areas were developed as part of the approved Richfield Station subdivision.

(b) The black circles represent proposed/platted stormwater management ponds serving the 54 lots in Richfield Station, Block Q. Forty-one (41) of those lots have been recorded, while another 13 have been on hold.

(c) The black open circle identifies the stream crossing approved by MDE to extend Streamwalk Way to Block Q and the 54 lots. That area should not be in RC given that it is part of the approved RPC Richfield Station subdivision.

(d) The yellow areas identify (a) the 13 lots in Block Q which have been approved for development but not yet recorded; and (b) a portion of property that was designated for future development subject to the FIDS Agreement as an area referenced in Paragraph I for drawing density at a rate of 1 unit per 20 acres to develop that area not within the FIDS protected area if, as, and when appropriate.

I have attached a number of documents confirming the 54 lots, the stream crossing, the FIDS agreement and map, and the like. It is kindly requested that you please review this information and give me a call so we can schedule a time to get together to go over this. I have



Chris Jakubiak
Page 2
August 29, 2022

copied Todd Pounds and the Planning and Zoning Commission Chairman so that they will be in the loop and can be part of the discussion moving forward.

Please give me a call if you have any questions.

Sincerely,



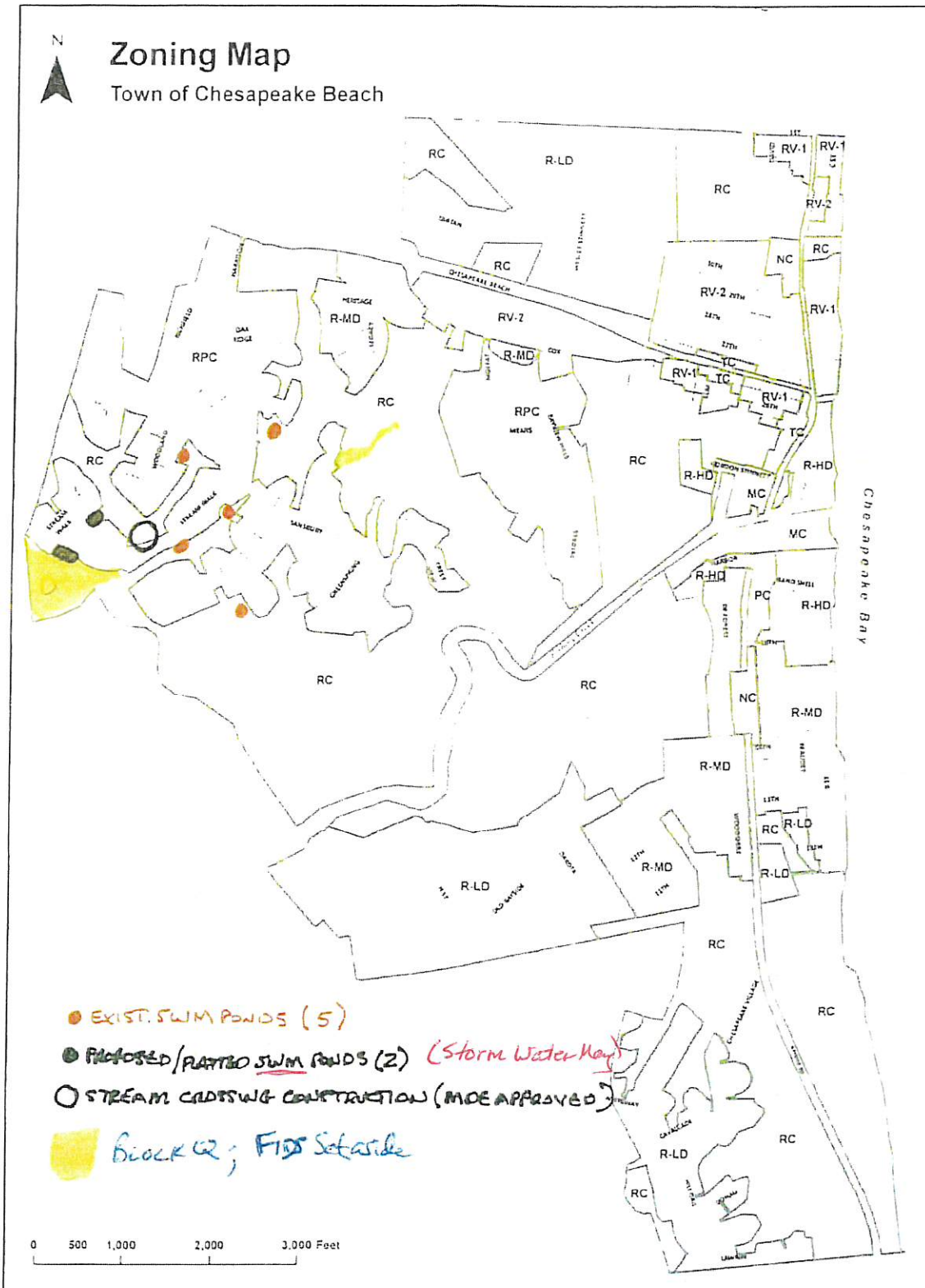
Joseph F. Devlin

JFD:sem

enclosures

cc: Michael Roepcke (austingroupdev@gmail.com)
Holly Wahl (hwahl@chesapeakebeachmd.gov)
Todd Pounds (tpounds@alexander-cleaver.com)
Cynthia Greengold (cindygreengold@gmail.com)

PLANNING COMMISSION PUBLIC HEARING DRAFT



Zoning Districts

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

September 16, 2022

Mayor Patrick J. Mahoney/Planning & Zoning Commission
Town of Chesapeake Beach
8200 Bayside Rd
Chesapeake Beach, MD 20732

To Whom it May Concern,

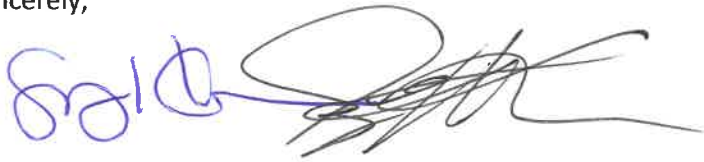
As 16 year residents of Stream Walk Way it has come to our attention that there is a proposal to build 52 additional homes at the end of Stream Walk Way. We have serious safety concerns about adding additional traffic that will overwhelm the current roadway and put pedestrians in danger. We also have serious concerns about the safety and feasibility of building so many homes on very wet and hilly terrain. We are asking the Town of Chesapeake Beach and the Planning and Zoning Commission to consider our points below before allowing the developer to continue their plan.

1. Calvert County Municipal Code, Chapter 104 Roads, Article VII Design Specifications and Standards, 104-17(B)(4)(a) Designation of RD-4A, Rural states that this designation shall serve up to 50 dwelling units. Stream Walk Way currently has 24 dwelling units. The road does not have sidewalks nor room for on street parking. It is only 23.5 feet wide and was built to the RD-4A specifications. There is a current proposal to build an additional 52 homes onto Stream Walk Way. Per Calvert County Municipal Code, Chapter 104 Roads, Article VII Design Specifications and Standards, 104-17(5)(a)(1) Stream Walk Way would have to be upgraded to an RD-5A, Rural to accommodate 51-150 lots. This will require 4 foot sidewalks to be placed on either side of the road. Without sidewalks there will be a danger to pedestrians, including children who must walk to the bus stop at the corner of Stream Walk Way and Sansbury Dr.
2. Calvert County Public Schools Policy 4201 on Student Transportation states in Section II(C)(1) that at no time will the maximum one-way walking distance to the school vehicle/bus stop from the end of the driveway of the student's residence be greater than one-half mile for elementary students. The current bus stop is at the corner of Stream Walk Way and Sansbury Dr. It is two tenths of a mile from the furthest driveway. The proposed extension takes the furthest driveway greater than one half mile from the current bus stop. This means that the bus will have to travel down the new road to pick up students. Calvert County Public Schools Policy 4201 on Student Transportation states in Section II(B)(4) that if a school vehicle/bus may be routed into a cul-de-sac if the cul-de-sac is a minimum of 94 feet in diameter and it is clear of obstacles. The residents of Stream Walk Way invite you to come look at our street. Each day there are numerous cars that park on both sides of the already narrow street. It would be very difficult for a bus to safely travel down Stream Walk Way.
3. In May of 2008 there was a heavy rain that caused 8 ft sink holes to open up in the back yards of 7955 and 7951 Stream Walk Way. This topographic instability is the direct result of the developer changing the original plan for Stream Walk Way's development. Originally Stream Walk Way was to be a single row of homes, however, by using fill dirt to enlarge the "buildable"

land the developer was able to barely fit homes on the narrow street of Stream Walk Way. When the failure occurred in 2008 the developer was forced to come back and do extensive repairs on those lots. They dug down 24 feet from the base of their foundation and another 24' out and removed all of the dirt. They treated the dirt and brought it back installing geogrid to ensure the yards would not slide away again. According to the topographic maps, the elevation change for both of those lots is roughly 25 feet down over 50 feet long. The new lots appear to have the same if not worse elevation change than the lots with the sink holes. Is there a plan to make sure that the developer ensures their lots won't slide away? Will any of the homes be required to have helical piers, like other homes on Stream Walk Way? Will a third party geotechnical engineer be required to sign off on all grading?

As residents of Stream Walk Way we invite you to come view our street vs Eagle View Dr. Eagle View is 28 feet wide, has sidewalks and services 59 homes. If you allow an additional 52 homes to be built on Stream Walk Way you will be increasing the traffic of even Eagle View Dr without widening or placing sidewalks. If you are unable to widen Stream Walk Way or place sidewalks, we ask that you limit the new homes to 25 which will keep us in compliance with the Calvert County Municipal Code, Chapter 104 Roads. We also ask that you ensure that all homes built will have stable lots and the bridge over the stream to access those lots will ensure those new residents do not get stranded during a hurricane or other heavy rain. Please reach out if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stacey & George Hartwell', written over a horizontal line.

Stacey & George Hartwell
7959 Stream Walk Way
Chesapeake Beach, MD 20732
Stacey_hartwell@yahoo.com
410-212-6317

Stream Walk Way- 23.5 feet wide, no sidewalks, currently services 24 homes.



Eagle View Drive- 28 feet wide plus sidewalks, services 59 homes

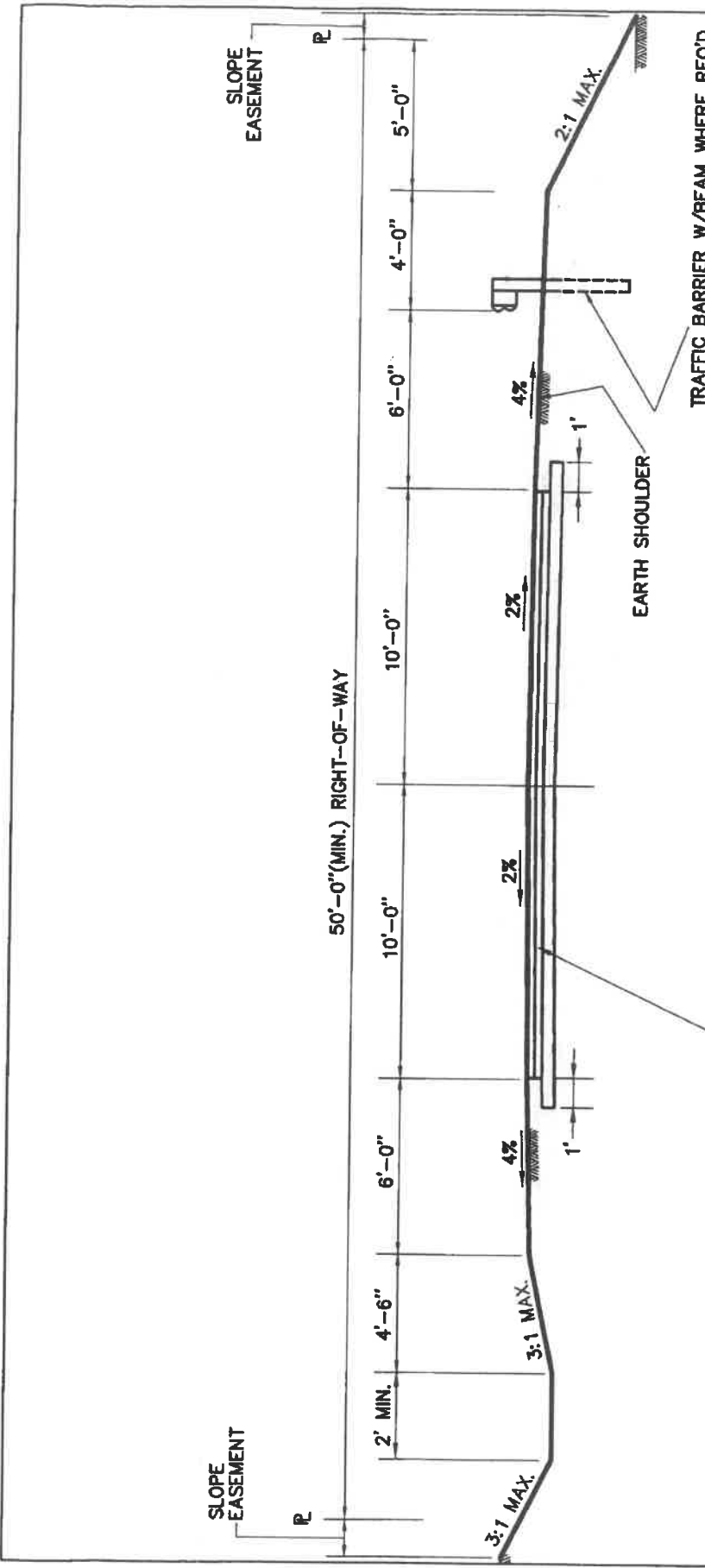




STANDARD NUMBER
RD-4A

STANDARD ROAD DETAILS
RESIDENTIAL / LOCAL
ROADWAY - RURAL

NOT TO SCALE



TRAFFIC BARRIER W/BEAM WHERE REQ'D
SEE SPECIFICATIONS & MD. SHA STDS

EARTH SHOULDER

1 1/2" HOT MIX ASPHALT SUPERPAVE 9.5 MM FOR SURFACE
3" HOT MIX ASPHALT SUPERPAVE 19.0 MM FOR BASE
6" GRADED AGGREGATE BASE COURSE
OR APPROVED EQUIVALENT

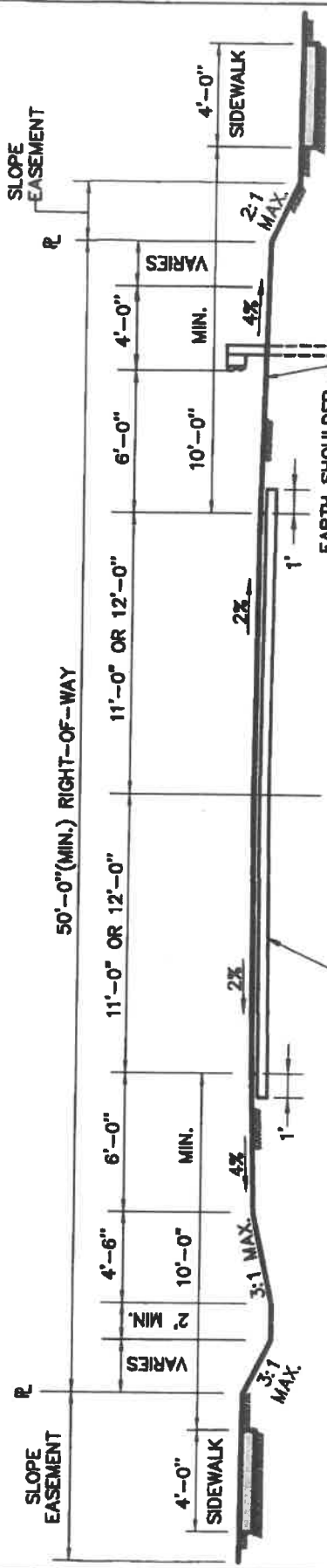
NOTE:

1. A MAXIMUM LIFT THICKNESS OF 2" SHALL BE USED WHEN PLACING BASE PAVEMENT
2. EARTH SHOULDERS AND SLOPES TO BE FERTILIZED, LIMED, AND SEEDED OR SODDED TO LIMIT OF DISTURBANCE.

REMOVED	DATE	BY

APPROVED
[Signature] DIRECTOR
DEPARTMENT OF
PUBLIC WORKS
JULY 1, 2012

CALVERT
COUNTY
MARYLAND

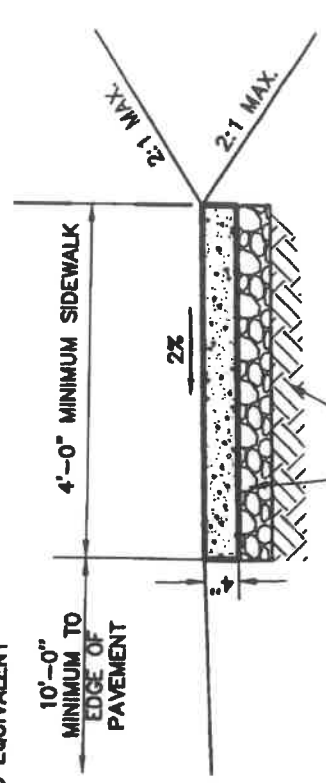


TRAFFIC BARRIER W/BEAM WHERE REQ'D
SEE SPECIFICATIONS & MD. SHA STDS


1 1/2" HOT MIX ASPHALT SUPERPAVE 9.5 MM FOR SURFACE
5" HOT MIX ASPHALT SUPERPAVE 19.0 MM FOR BASE
6" GRADED AGGREGATE BASE COURSE
OR APPROVED EQUIVALENT

- NOTES:
1. A MAXIMUM LIFT THICKNESS OF 2 1/2" SHALL BE USED WHEN PLACING BASE PAVEMENT
 2. EARTH SHOULDERS AND SLOPES TO BE FERTILIZED, LIMED, AND SEEDED OR SOODED TO LIMIT OF DISTURBANCE.

- SIDEWALK NOTES:
1. MINIMUM CLEAR ZONE DISTANCE OF TEN FEET (10') BETWEEN THE EDGE OF PAVEMENT AND THE EDGE OF SIDEWALK MUST BE MAINTAINED AT ALL TIMES. SIDEWALK LOCATIONS SHOWN ON THE PLANS CAN BE FIELD ADJUSTED TO OBSTACLES AND SLOPES WITH THE CONSENT OF DPW WHILE MAINTAINING A CLEAR ZONE OF SIX FEET (6').
 2. A NON-MOUNTABLE CURB SHALL BE ADDED TO THE EDGE OF PAVING IF SIX FEET (6') OF MINIMUM CLEAR ZONE CANNOT BE MAINTAINED. WHERE CURBING IS INSTALLED, THE SIDEWALKS SHALL BE INSTALLED ADJACENT TO THE CURB. WHERE RESIDENTIAL SIDEWALKS ARE PLACED ADJACENT TO CURB NEXT TO A TRAVEL LANE, THE MINIMUM WIDTH SHALL BE FIVE FEET (5').
 3. THE MINIMUM RESIDENTIAL SIDEWALK WIDTH SHALL BE FOUR FEET (4') IN ACCORDANCE WITH AASHTO POLICY GUIDELINES, WHICH REQUIRES THE ADDITION OF A PASSING SECTION EVERY TWO-HUNDRED FEET (200') OR LESS FOR ACCESSIBILITY. PASSING SECTIONS SHALL BE FIVE FEET BY 5 FEET (5' x 5') MINIMUM WITH A 2% MINIMUM CROSS SLOPE AND TWO FOOT (2') TAPERS. USE OF DRIVEWAYS AND LEADER WALKS (FROM DWELLING TO ROADWAY) ARE ACCEPTABLE AS LONG AS CROSS SLOPE REQUIREMENTS ARE MET.



NOT TO SCALE

CALVERT COUNTY MARYLAND APPROVED  DEPARTMENT OF PUBLIC WORKS DIRECTOR JULY 1, 2012	REVISIONS DATE BY 2012_0720 jrk	STANDARD ROAD DETAILS MINOR RESIDENTIAL COLLECTOR ROADWAY - RURAL	STANDARD NUMBER RD-5A
	CALVERT COUNTY, MARYLAND		

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.

--End--

Conditions and Walkability Standards Dwelling Unit in Combination with Commercial Use

Motion: Add as a Condition for Dwelling Unit in Combination with Commercial Use in section 290-11B, a requirement that the Planning Commission finds that the development promotes active and vibrant commercial activities at street (grade) level where walking is safe and enjoyable in all commercial zones.

Motion: Add as a Condition for Dwelling Unit in Combination with Commercial Use in section 290-11B a requirement that the Planning Commission finds that pedestrian facilities and connections adhere to design standards outlined in Connecting Chesapeake Beach Connectivity Study, Chapter 3 recommendations, Design Guidelines.

Motion: Add as a Condition for Dwelling Unit in Combination with Commercial Use that redevelopment which includes multi-unit housing above commercial property shall require a minimum lot size of 20,000 square feet.

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

PROPOSED REVISION - 290 Attachment 1

Town of Chesapeake Beach Table 1

Land Use Classifications

KEY:

P: Permitted

C: Conditional Use - permitted use subject to conditions

SE Special Exception

SC: Special Exception, subject to conditions

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

§ 290-9 G. NC Neighborhood Commercial District. The Neighborhood Commercial District is intended to provide locations for small scale and low impact commercial uses that are designed and operated in a manner compatible in scale and impact with nearby residential neighborhoods.

§ 290-9 H. TC Town Commercial District. The Town Commercial District is intended to provide locations for commercial uses that are harmonious in scale and impact with nearby residential neighborhoods, and to protect and provide a safe and attractive environment for shopping, entertainment and community gathering.

§ 290-9 I. CP Commercial Plaza District. The Commercial Plaza District is intended to maintain the Town's primary location for larger format locally serving retail uses such as grocery stores and shopping center, where extensive parking can be readily accommodated.

~~§ 290-9 J. MC Maritime Commercial. The Maritime Districts intended to promote a variety of land use that are water related and/or benefit from location near the water while at the same time encouraging the gradual re-emergence of the natural systems found near the water and the protection of commercial marine activities that have become the Town's waterfront heritage.~~

§290-9 J. MC Maritime Commercial District. The Maritime Commercial District is intended to promote a variety of non-residential recreation and commercial uses that enhance the Town's waterfront heritage, respects the sensitive nature of the surrounding environment and are consistent in character and impact with the following:

- Promoting active and vibrant commercial activities at the street (grade) level where walking is safe and enjoyable
- Establishing public pedestrian access to and along the waterfronts
- Preserving the remaining scenic vistas to the Chesapeake Bay (on the east) side and the expansive Fishing Creek marsh (on the west).

Group Homes

Motion: ~~(To Expand on Planner Recommendation C) To retain the designation Special Exception with Conditions (SC) as a listed option for use in 290 Attachment 1, Table 1 Land Use Classifications, and to retain all related reference except where replaced with another designation by motion referencing a specific Land Use.~~

Motion: To make Group Homes a Special Exception with conditions and to make the conditions for group homes as follows:

Conditions for Group Homes

- A. The State of Maryland licenses the facility
- B. No more than five residents, excluding resident staff shall be permitted
- C. Staff services are limited to supervision and assistance and do not involve intensive rehabilitation and/or drug therapy services.
- D. The facility provides a minimum of one toilet and one bathtub or shower for every four residents.

Motion: ~~(to expand on Planner recommendation A)~~ To include a definition for group living in section 290-43 Terms Defined

Group living. Residential occupancy of a building or any portion of a building by a group other than a household. Group living uses typically provide communal kitchen/dining facilities. Examples of group living uses include group homes, convents, monasteries, nursing homes, assisted living facilities, sheltered care facilities, retirement centers, homeless centers, shelters, and halfway houses. The group living subcategories are as follows:

(1)

Group home. a facility that is licensed by the Maryland Department of Health and Mental Hygiene shared by persons who are unable to live alone because of age-related impairments or physical, mental or visual disabilities and who live together as a single housekeeping unit in a long-term, household-like environment in which staff persons provide care, education, and participation in community activities for the residents with a primary goal of enabling the resident to live as independently as possible. Group homes do not include pre-release, work-release, probationary, or other programs that serve as an alternative to incarceration.

(2)

Sheltered care. An activity accessory to and affiliated with a religious facility providing maintenance and personal care for those in need.

(3)

Continuing care retirement communities. Establishments primarily engaged in providing a range of residential and personal care services with on-site nursing care facilities for 1) the elderly and other persons who are unable to care for themselves adequately and/or 2) the elderly and other persons who do not desire to live independently. Individuals live in a variety of residential settings with meals, housekeeping, social, leisure, and other services available to assist residents in daily living. Assisted living facilities with on-site nursing care facilities are included in this subcategory.

(4)

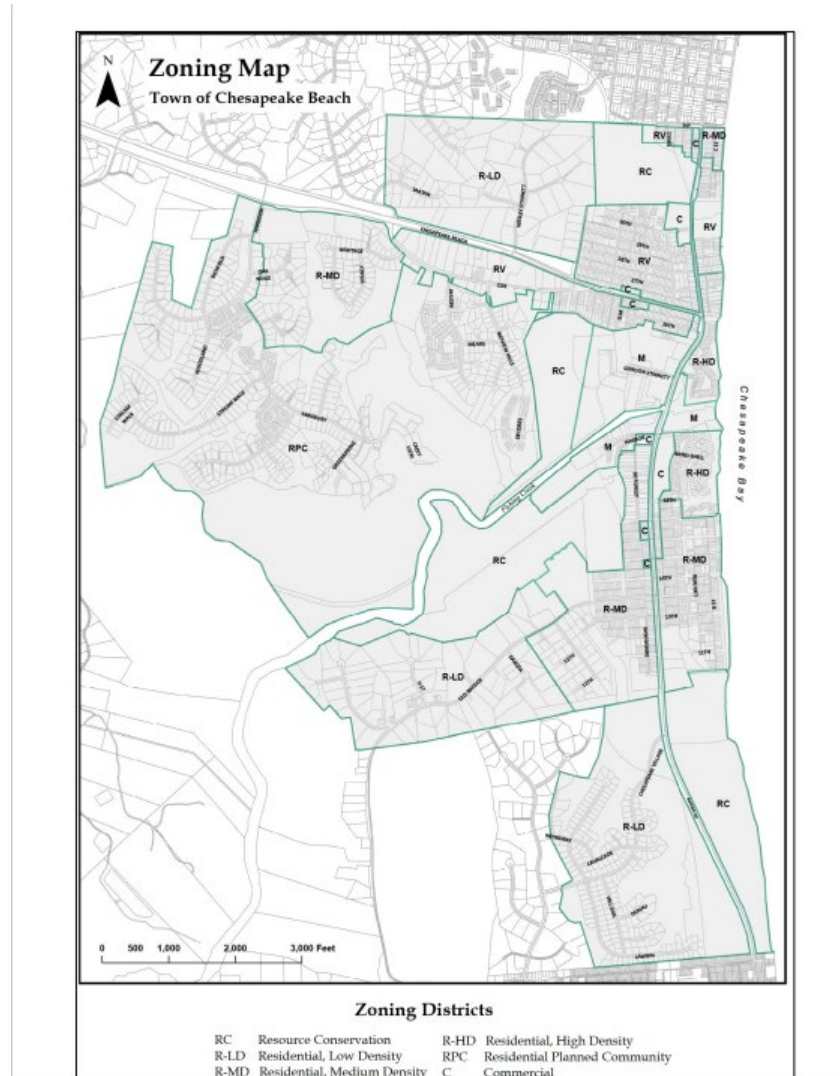
Assisted living. Establishments providing housing and supportive services, supervision, personal care services, health-related services, or a combination of these to meet the needs of residents who are unable to perform or who need assistance with, activities of daily living and/or instrumental activities of daily living. The activities of daily living include bathing, dressing, eating, and toileting. This subcategory includes nursing homes.

(5)

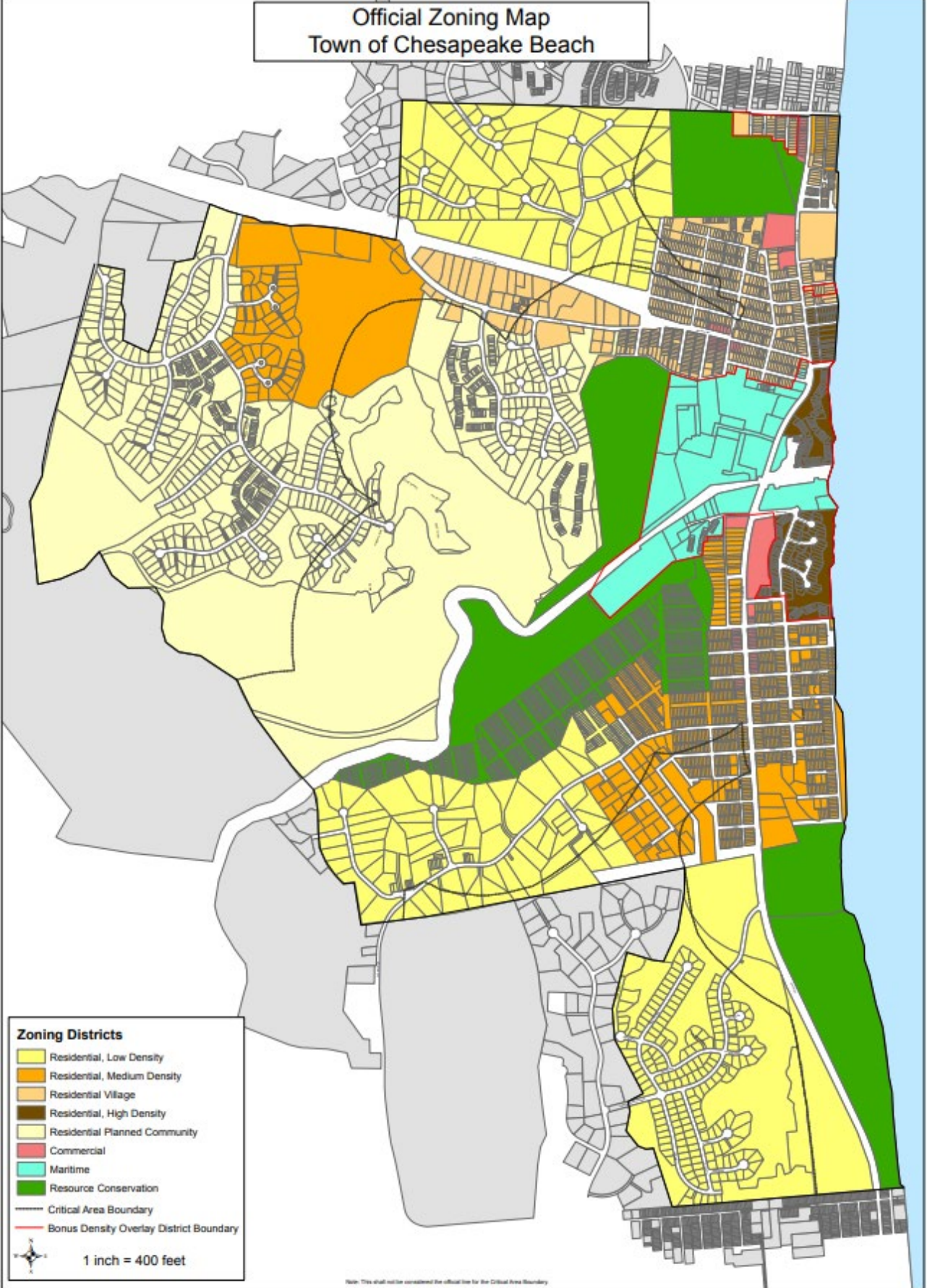
Employee sponsored housing. Housing provided by or subsidized by an employer for employees.

Motion: To leave the RPC Boundaries and Zone in place as drawn on the current Official Zoning Map and to Change the District to RPC (Fully Platted):

Motion: To add a new district, RPC (Fully Platted), and to define the district as follows: The intent of the RPC (Fully Platted) district is to recognize fully platted residential planned communities as being complete neighborhoods designated to retain all rights that were associated with the original covenants of the community and to remain intact as planned, inclusive of all open spaces, stormwater management parcels, forest conservation easements, and wildlife habitats.

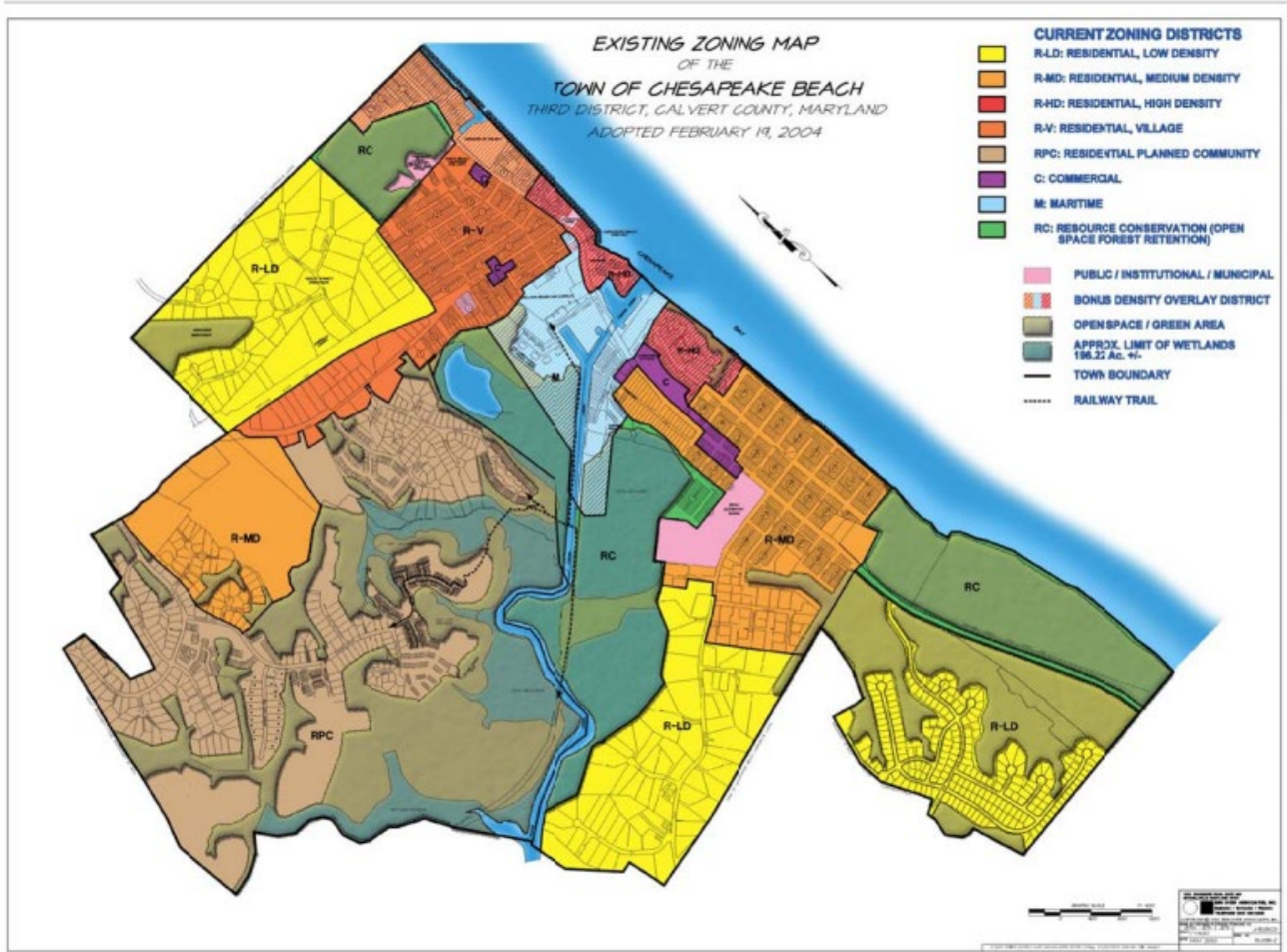


Official Zoning Map Town of Chesapeake Beach



Motion: Reflect Chesapeake Village, including all associated parcels, as being within the new district, RPC (Fully Platted).

Motion: Reflect Bayview Hills, including all associated parcels, as being within the new district, RPC (Fully Platted).



Chesapeake Village was an RPC

Bayview Hills was an RPC

Motion: To make multi-unit housing a conditional (C) rather than a permitted (P) in the RV-2 district and to make one of the conditions be that the development adhere to the parameters and processes outlined in the PR Planned Redevelopment Floating Zone District.

Motion: To make a condition for mixed-use re-development be that the development adheres to the parameters and processes outlined in the Floating Redevelopment District

Motion: Replace 290-20 Bonus Density Overlay with a Floating Planned Redevelopment Zone and to make adherence to the floating zone procedures and requirements a condition for the development of mixed-use, multi-unit, and attached housing on previously developed or consolidated lots.

PR Planned Redevelopment Floating Zone District.

District Description: The PR Planned Redevelopment Floating Zone District is intended to provide for redevelopment opportunities that meet the residential or commercial needs of the Town of Chesapeake Beach as determined by the Town Council at the time of proposal, and to promote a high quality of design that conforms to existing neighborhood character with common exterior architectural details and ornamentation, similar construction materials, and generally conforms in appearance and building mass with existing development in the underlying district where located. Redevelopment within the PR Floating Zone District shall assure effective control over the location, type, and arrangement of higher-density housing and associated open space, cultivate a clear and consistent image for new higher-density residential development within the district, promote the public welfare, and otherwise achieve the intent of this chapter.

PR 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 Town of Chesapeake Beach 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 6 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 (____); or

(b)

Otherwise clearly exhibits elements that will advance specific goals and objectives of the Town of Chesapeake Beach 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 Council. 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 Town of Chesapeake Beach 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 (____)

(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 Council of a completed application for a PR Floating Zone District amendment and a concept master plan, the Town Council 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 Council 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 Town of Chesapeake Beach 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 (___) and further the goals and objectives of the Town of Chesapeake Beach 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 Town of Chesapeake Beach Comprehensive Plan, the compatibility standards outlined in (___), 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 Council, as outlined in Subsection **F(2)**, herein, and shall make a favorable or unfavorable recommendation to the Town Council.

(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 Council for action according to the floating zone district and the approval process for a concept master plan.

F.

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

(1)

The Town Council 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 Council 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 (___) 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 Town of Chesapeake Beach Comprehensive Plan. The Town Council 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 Town of Chesapeake Beach 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 Council 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 (___), 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 Council shall have the authority to impose conditions upon the grant of the In considering a PR Floating Zone District Map amendment, the Town Council 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 Council fails 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 Council's decision or the date of finality of any judicial review of the Town Council's decision, whichever is later.