



OFFICE OF THE PLANNING AND ZONING COMMISSION

**PLANNING & ZONING COMMISSION
AGENDA
SEPTEMBER 6, 2022**

- I. Call to Order & Roll Call**
- II. Approval of the September 6, 2022 Planning & Zoning Agenda**
- III. Approval of the minutes of the July 27, 2022 Planning & Zoning Meeting.**
- IV. Approval of the minutes of the August 4, 2022 Planning Commission Work Session.**
- V. Public Comment on any item on the agenda: NOTE: There will be a 2-minute limit on comments received.**
- 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.**

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 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.

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.

Consider and Vote on 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.

Consider and Vote on 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

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.

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”.

Consider and vote to approve the remaining proposed text amendments which are not recommended to be changed and were the subject of the Planning Commission Public Hearing on July 27, 2022 being made available in the Planning Commission's Public Hearing Packet. These are as follows: Amendment 1, Amendment 2, Amendment 3, Amendment 4, Amendment 5, Amendment 6, and Amendment 8.

Consider and vote to transmit a favorable recommendation to the Mayor and Town Council to approve the forgoing proposed amendments to the Town of Chesapeake Beach Zoning Ordinance, to approve the comprehensively rezoned Zoning Map for the Town of Chesapeake Beach, and to advise the Mayor and Town Council that its moratorium on development applications may be rescinded upon the Council’s consideration of the recommended text amendments and recommended zoning map.

VII. Public Comment

VIII. Adjournment:



PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING AND ZONING COMMISSION JULY 27, 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 Ruttkay, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon L. Humm, Commission Clerk.

II. **Approval of the July 27, 2022 Planning & Zoning Agenda.**

MOTION: Commissioner Berault moved to approve the July 27, 2022 Agenda as presented. Seconded by Commissioner Huhn, all in favor.

III. **Approval of the minutes of the June 22, 2022 Planning & Zoning Commission meeting.**

MOTION: Commissioner Berault moved to approve the minutes of the June 22, 2022 Planning & Zoning meeting. Seconded by Commissioner Greengold. Ayes, Commissioners Berault, Brown and Greengold. Abstained Commissioner Huhn. Motion Passed.

IV. **Welcome new Commission Member Kelly Huhn.** Chair Greengold introduced new Commission member Kelly Huhn which was appointed to the Commission by the Town Council last month. Ms. Huhn spoke briefly about herself and looks forward to serving on the Commission.

V. **Special Thanks to Larry Brown.** Chair Greengold expressed a special thank you from the Commission to Commissioner Larry Brown who served as Chairman of the Commission for the past two years. Commissioner Brown led the Commission through the COVID pandemic, the technical challenges it brought, and managed the completion of one of the Town's most important documents, the Comprehensive Plan.

VI. **Open Public Hearing on the comprehensive rezoned & updated zoning map and supporting text amendments to the zoning ordinance.**

Chair Greengold stated this Public Hearing was called to receive comments regarding the revised draft Zoning Map and draft supporting Text Amendments that are necessary to implement the recommendations in the newly adopted Comprehensive Plan.

Once the Public Hearing concludes, the Commission will return to its regular meeting, and time permitting, will begin deliberations on comments received. A work session will be held on August 4th beginning at 6 PM to continue discussion of comments. The Commission's next regularly scheduled meeting will also consist of any further discussion of comments received with the intent to close, approve, and then submit recommendations to the Town Council. After the Commission submits its recommendations to the Town Council, the public will still have another opportunity to

speak on these items at the Town Council's public hearing. And with that, Chair Greengold opened the public hearing.

Ms. Humm, Commission Clerk, read into the record evidence of the published notice of this hearing.

Mr. Jakubiak, Planning Administrator, summarized the text amendments with an overall explanation of the comprehensive rezoning and highlighted for the record several housekeeping ordinance changes that would be required if the text amendments as currently drafted ultimately were approved by the Town Council.

Mr. Jakubiak stated the new zoning map expands the resource conservation zone, divides the Residential Village district into Residential Village 1 (RV1) and Residential Village 2 (RV2), divides the commercial zone into four subcategories of commercial zones, and eliminates the maritime zone and creates instead a maritime commercial zone. The boundaries of these various zones have changed somewhat as well. Mr. Jakubiak briefly touched on each of the text amendments.

Chair Greengold called for public comment.

Public comment was received by the following:

1. Sarina Arcari 8199 Windward Key Drive, Chesapeake Beach, MD. Chair Greengold read Ms. Arcari's comment into record.
2. John McKay 3559 Cox Road, Chesapeake Beach, MD.
3. Kenneth Deutsch 8078 Windward Key Drive, Chesapeake Beach, MD.
4. Amy Everette 3447 Hill Gail Drive, Chesapeake Beach, MD.
5. Andrew Zang 7239 Chesapeake Village Blvd. Chesapeake Beach, MD. Chair Greengold read Mr. Zang's comment into record.
6. Mark Petrakis 3020 Lawrin Court, Chesapeake Beach, MD. Chair Greengold read Mr. Petrakis' comment into record.
7. Gary Coldsmith 8200 Elm Lane, Chesapeake Beach, MD. Chair Greengold read Mr. Coldsmith's comment into record.
8. Greg Shelton 8310 Bayside Road, Chesapeake Beach, MD.
9. Josh Phillips 7013 Silver Fox Way, Chesapeake Beach, MD.
10. Nicole Maldonado 8117 Woodland Lane, Chesapeake Beach, MD.
11. Barbara Poirier 7494 Cavalcade Drive, Chesapeake Beach, MD.
12. Robin Jones 2411 Woodland Court, Chesapeake Beach, MD.
13. Joe Cicala 6918 Donau Court, Chesapeake Beach, MD.
14. JoAnna Lutmerding 805 Woodland Way, Owings, MD.
15. Kenneth Rasmussen 4020 12th Street, Chesapeake Beach, MD.
16. Wes Donovan 3418 Cox Road, Chesapeake Beach, MD.
17. Eric Butler 8057 Silver Fox Way, Chesapeake Beach, MD.

There being no further public comments, Chair Greengold closed the public hearing at 8:00 pm on a motion by Commissioner Berault. Seconded by Commissioner Blackwelder, all in favor.

Chair Greengold re-opened the regular meeting and asked for comments and/or concerns from the Commissioners.

Commissioner Blackwelder – Concerns - 1) allowable growth, 2) density, particularly in the RV2 district, 3) height limit - could one get around avoiding the height limit through a variance? Mr. Jakubiak addressed this.

Commissioner Berault – Keeping with the subject of a variance, Commissioner Berault feels as the Town Planner and Administrator, a position from the Town’s perspective should be recommended during a variance hearing so as to assist the Board in considering a variance decision.

Commissioner Brown - House is destroyed by an unfortunate event. With the proposed height limit of 35 ft, could a homeowner reconstruct his house back at the current height it was when destroyed? Mr. Jakubiak stated, yes. Just can’t exceed the original height. The zoning ordinance protects non-conforming lots.

Commissioner Ruttkay – Concurs with Commissioner Berault regarding the need for staff recommendations by the Zoning Administrator. Also noted, sizable percentage of comments supports open/green space.

Commissioner Hauhn – Seeking the most protection relating to the 200+ acres in Richfield Station suggesting it be marked on the zoning map with the FIDS marking? Mr. Jakubiak stated the zoning map should only show what is specific and legal and ties into the laws that are being governed. The zoning map consists of zoning district boundaries and zoning categories. The FIDS marking is on the land use map and elsewhere in the Plan. He referred this to the Town attorney. Mr. Pounds addressed the question stating the zoning map is law and not the appropriate place for that sort of marking but certainly overlay features could be added to indicate additional protection.

Commissioner Blackwelder asked if Mr. Jakubiak could provide further clarification in regard to environmentally sensitive areas, in particular, the 200+ acres in Richfield Station, and which would provide the most protection, being rezoned as proposed to RC or RPC as currently in place? Mr. Jakubiak stated, for the record, that the RC district is more protective than the RPC. Commissioner Blackwelder requested this be discussed further at the upcoming work session on August 4th and, for the record, she would like to see it keep the RPC designation as currently in place.

Items to be discussed at the August 4th Work Session:

- 1) Densities, both residential and commercial.
- 2) Zoning of the Resource Conservation (RC) District
- 3) Consider maintaining RPC in R/F Station & Chesapeake Village subdivisions vs. the proposed RC zoning.
- 4) Discuss uses in the RC district.

VII. Adjournment:

There being no further comments, Commissioner Brown moved to adjourn the meeting at 9:05 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.



PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING AND ZONING COMMISSION WORK SESSION AUGUST 4, 2022

- I. Commission Chair Cindy Greengold called the meeting to order at 6:00 pm. In attendance were Kathleen Berault, Laura Blackwelder, Kelly Huhn, and Jan Ruttkay, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon L. Humm, Commission Clerk. Absent was Commissioner Brown.

II. Approval of the August 4, 2022 Planning & Zoning Work Session Agenda.

MOTION: Commissioner Berault moved to approve the August 4, 2022 Work Session Agenda as presented. Seconded by Commissioner Ruttkay.

MOTION: Commissioner Blackwelder moved to amend the agenda to add discussion of Density and the Zoning Map. Seconded by Commissioner Ruttkay, all in favor.

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

III. Administrative Planner to review comments and questions/answers from the Public Hearing.

Mr. Jakubiak began by commenting that the public hearing was well attended receiving a fair number of good comments. Mr. Jakubiak gave a brief overview of comments received that included support for resource conservation and protection of open space. Several comments were received regarding how the resource conservation area is applied in existing subdivisions, such as the Wickersham subdivision. Much support in favor of the building height, comments on density, and a comment on seafood processing in the Maritime Commercial district, and why marked as a SE Special Exception use. Concerns out of the Richfield Station and Chesapeake Village subdivisions about RC and how it is applicable to the land that is held by the HOA's and how it might affect FIDS. There was a general support of preserve the land and don't do anything that will undermine the preservation of the land.

The Commission thanked all those that attended and voiced their concerns.

IV. Building height and its measurement.

Mr. Jakubiak presented to the Commission the current definition of building height per the Zoning Ordinance with a drawing illustrating how a building height is measured for a better understanding of the definition.

"A building's vertical measurement from the level of the finished lot grade at the primary front entrance to the building to the highest point in the roofline of a flat roof or a roof having a slope of less than 15% from the horizontal, and to a point midway between the peak and the eaves of a roof having a slope of 15% or more."

Mr. Jakubiak gave a brief overview discussing the height and the grade at which you measure from. He addressed questions from the Commissioners. The concern with the current definition was the wording as to how and at what point the measurement begins which could possibly lead to a structure taller than the 35 feet being proposed. After discussion, the consensus of the Commission was to have Mr. Jakubiak revise the definition wording something to the effect of:

“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. The slope of a roof should match the predominate orientation of the roof line of the street.”

Mr. Jakubiak will revise the wording and present to the Commission at its next meeting.

V. **Table 1, Permitted Uses by District**

a) **Special emphasis on possible conditions for uses permitted in the Resource Conservation (RC) zone.**

Commissioner Berault presented a re-examination of the **Resource Conservation (RC) district** and its permitted uses from Text Amendment 11: New Table 1, Permitted Uses by Zoning District.

- #1-12 – No Changes recommended - **Agreed**
- #13- Change from (P) Permitted to (C) Conditional with conditions - **Agreed**
- #14- Change from (P) Permitted to (C) Conditional with conditions- **Agreed**
- #15- Change from (P) Permitted to (NP) Not Permitted – **Keep as (P) Permitted w/language change** (Town Planner's Note: In order to make the change indicated, the use must become (C) Conditional in the RC District subject that is, to the condition that the public building be for the purpose of managing the land”).)
- #16- Change from (P) Permitted to (C) Conditional with conditions- **Agreed**
- #17- Change from (SE) Special Exception to (NP) Not Permitted - **Agreed**
- #18- Change from (P) Permitted to (NP) Not Permitted – **Keep as (P) Permitted w/the condition being that property is waterfront**
- #19-27 No recommended changes. **Agreed**
- #28- Change from (P) Permitted to (NP) Not Permitted-**Agreed**
- #29-42- No recommended changes - **Agreed**
- #43- Change from (SE) Special Exception to (NP) Not Permitted - **Agreed**
- #44-49- No recommended changes - **Agreed**
- #50- Change from (SC) to (C) Conditional w/conditions-**No consensus to change-Keep use as (SC)**
- #51- No change recommended - **Agreed**
- #52- Change from (P) Permitted to (C) Conditional with conditions- **Agreed w/additional condition being waterfront properties**
- #53-54- No changes recommended - **Agreed**
- #55- Change from (SE) Special Exception to (NP) Not Permitted – **Keep as (SE) Special Exception**
- #56-57- No changes recommended - **Agreed**
- #58- Change from (SE) Special Exception to (NP) Not Permitted – **Change to (SC) w/condition of being “on-site”.**
- #59- Keep at (C) Conditional - **Agreed**
- #60- Change from (SE) Special Exception to (C) Conditional with conditions – **Keep as (SE)**
- #61- Keep at (C) Conditional - **Agreed**
- 62-64- No changes recommended - **Agreed**

The Commission considered the submitted conditions by Commissioner Berault, made revisions, and added additional conditions which Mr. Jakubiak will incorporate into the New Table 1, Permitted Uses by District and present at its next regular meeting for consideration.

In reviewing the purpose statement for the Resource Conservation District, it was the consensus of the Commission to revise the purpose statement to include wording that this district is intended to be a “non-residential district” and remove the wording of “acquire land” from the statement. A motion will be brought forth at the Commission’s next regular meeting for consideration of a revised purpose statement.

b) Recommendations addressing prohibited uses in all zones.

Commissioner Blackwelder proposed for Commission consideration that the following conditions be added to the New Table 1, under #6. Dwelling Unit in Combination with Commercial Use, Section 290-11B, as follows:

- 1) “require that the development promotes active and vibrant commercial activities at street (grade) level where walking is safe and enjoyable.”
- 2) “require that the redevelopment adheres to compatibility standards” as outlined in the New Chapter, Compatibility Standards.

Commissioner Blackwelder proposed an amendment to Section 290-10 to add a list of “Expressly Prohibited Uses” and add each use to the Table of Uses with a (NP) Not Permitted use in all zoning districts.

Chair Greengold added to the list “No psychic or fortune telling readers” - **Commission agreed.**

Commissioner Blackwelder brought to the floor for discussion recommendations to adopt Design and Compatibility Standards as a condition for multi-family and mixed-use development. To include a section in the zoning ordinance titled Special Regulations for duplex, townhouse, mixed-use and multi-family dwellings.

Mr. Jakubiak suggested the Commission read Chapter V, 290-19 M, Design Standards for Townhouses and be prepared to discuss standards/conditions at the next regular meeting and work towards an amendment for that section that will incorporate a broader set of standards for multi-family and townhouse structures.

Density

Chair Greengold had concerns on the minimum lot size and Commissioner Blackwelder had concerns with the average minimum lot area per dwelling unit, and minimum open space. It was the consensus of the Commission to have Mr. Jakubiak modify the Table to reflect the minimum lot area per dwelling unit to 7500 square feet in the commercial zones, and the minimum lot size in the (NC) Neighborhood Commercial to 7500 square feet.

Commissioner Blackwelder brought to the floor the idea of a floating zone. No consensus from the Commission to take into consideration at this time.

Zoning Map

Commissioner Blackwelder presented her intent to motion at its next meeting to change the proposed RC zoning in Chesapeake Village and Richfield Station back to the current zoning of RPC, Residential Planned Community.

VI. Overview of next six (6) months: Phase 2, Zoning Amendments (to be taken up beginning in Fall 2022 upon completion of the current Text Amendments.

- **Priorities to include Density, intensity of lot development, design standards, signs, tourist homes, and group homes.**

Time did not permit for overview by Mr. Jakubiak. Chair Greengold briefly stated what is coming in the next six months and with that, called for adjournment.

VII. Adjournment:

There being no further comments, Chair Greengold moved to adjourn the meeting at 9:53 PM, 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 A:

Amendment to Article XI, Section 290-43, Terms Defined, changing the definition of the term Building Height.

Existing Definition to be deleted

BUILDING HEIGHT

A building's vertical measurement from the level of the finished lot grade at the primary front entrance to the building to the highest point in the roofline of a flat roof or a roof having a slope of less than 15° from the horizontal, and to a point midway between the peak and the eaves of a roof having a slope of 15° or more.

Proposed New Definition to be added

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.

--End--

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.

--End--

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.

See table provided with the Planning Commission's meeting packet.

--End--

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-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	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	C	See § 290-111
20. Group home	C	C	C	C	C	NP	NP	NP	NP	NP	C	See § 290-11

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/drive- 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

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 D:

Amendment to Article III, Section 290-9, Purpose and Intent of Districts, to revise the purpose statement pertaining to the Resource Conservation District.

With Amendments Noted

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**. ~~forest and barren lands identified in the Town's Chesapeake Bay Critical Area Protection Program and other environmentally sensitive areas; to provide locations for parkland, recreational activities, and access to the water and Bay; to avoid intense development on lands not suitable for development; and to allow, under very stringent requirements, a mixture of residential, recreational, and marine commercial activities through the Town's growth allocation method.~~ **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; to allow the Town of Chesapeake Beach to acquire land AND to ensure its OPEN SPACE preservation and prevent residential development where all OF parcels that were dedicated for Open Space, Forest Conservation, stormwater management, and wildlife habitats (as a condition for the development of previously approved Residential Planned Communities or for communities built on lands annexed through the Town's Growth Allocation Floating District).**

Clean Version

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).

--End--

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 **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--

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	M	MC	RC
A. Minimum lot size (sq. feet except where noted) ¹	10,000	7,500	5,000	6,000	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	M	MC	RC
A-D. D. Minimum front yard setback (feet)	15	15	15	15	15	15	10	10	10	10	10	10	25
B-E. E. Minimum side yard setback (feet)	8	8	8	8	8	8	8	8	8	8	8	8	75
C-F. F. Minimum rear yard setback (feet)	20	20	20	20	20	20	20	20	20	20	20	20	25
D-G. G. Minimum open space	40%	35%	45%	35%	35%	35%	45%	15%	15%	15%	20%	15%	60%
E-H. H. Maximum building height (feet)	35	35	50	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.

--End--

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 ~~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:

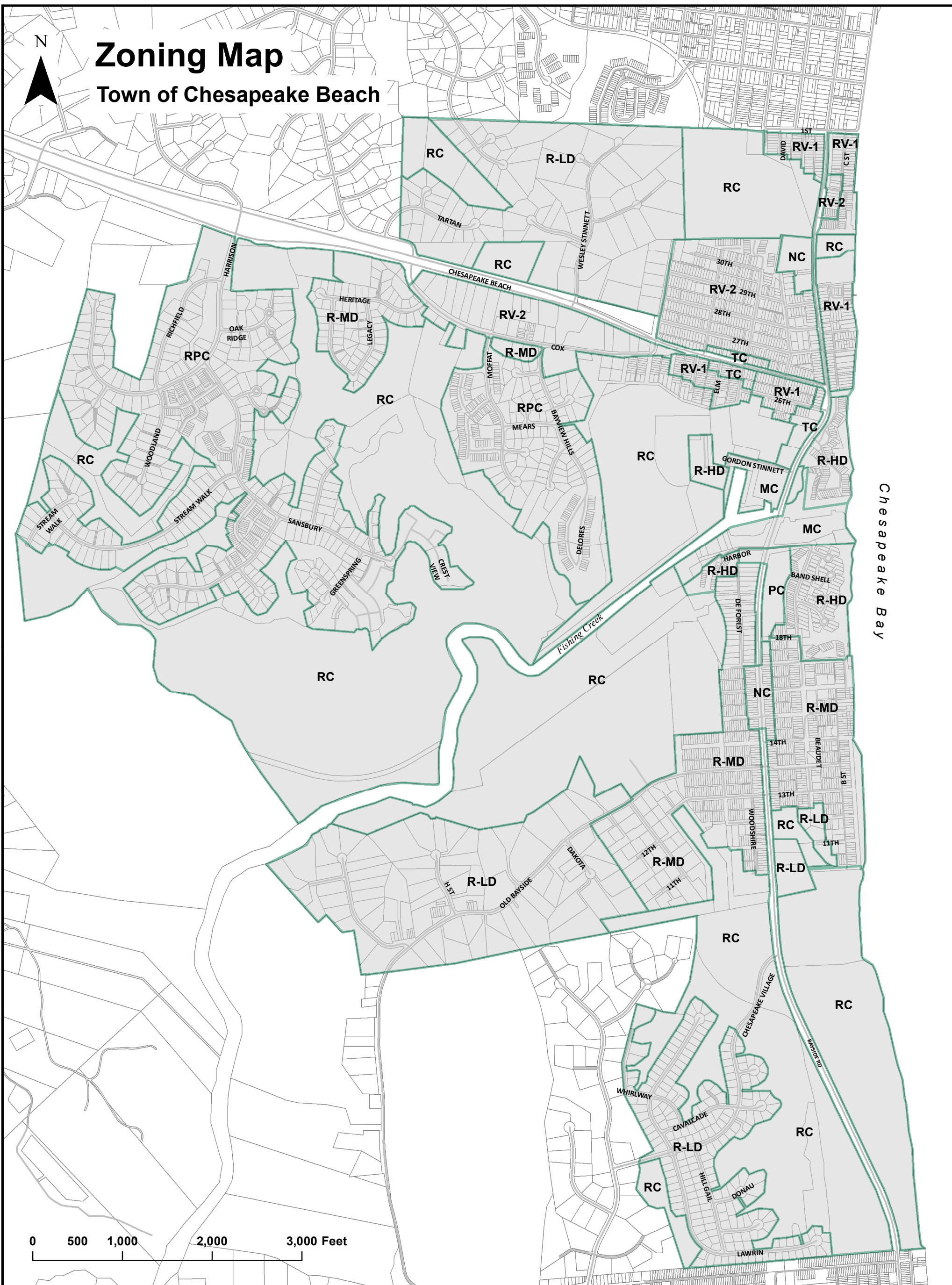
- 1) No more than one group home within 750 feet of each other.**
- 2) All noise, trash, parking, and other residential community standards must apply.**
- 3) No more than 2 residents per bedroom are permitted.**
- 4) One bathroom for every four residents is required**

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 Map

Town of Chesapeake Beach



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		