

ORDINANCE O-22-12

AN ORDINANCE
OF THE TOWN COUNCIL OF CHESAPEAKE BEACH, MARYLAND, TO
AMEND CHAPTER 290 OF THE ZONING ORDINANCE

WHEREAS, Chesapeake Beach, Maryland (the “Town”) is a municipal corporation of the State of Maryland, organized and operating under a Charter adopted in 1963, in accordance with Article XI-E of the Constitution of Maryland and the Local Government Article of the Annotated Code of Maryland; and

WHEREAS, The Planning and Zoning Commission conducted a comprehensive rezoning and, following a public hearing, voted to favorably recommend to the Mayor and Town Council that it approve a revised Official Zoning Map and a set of supplemented zoning text amendments; and

WHEREAS, The Town desires to amend the zoning ordinance to reflect the following changes. The actual code numbering and formatting shall be addressed in a subsequent ordinance. The Council adopts the zoning ordinance as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF CHESAPEAKE BEACH THAT:

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

BUILDING HEIGHT

A building’s height shall be measured by the normal (not elevated) finished lot grade at the primary front entrance to the building. The height shall be measured to the highest point in the roofline, which shall include any rooftop deck, fence railing, widows walk, or other rooftop addition.

2: Amend Section 290-19L(2) to remove the special method for measuring building height for multifamily and commercial buildings which allows building height for these types of

structures to be measured from the first floor of the livable space when that space sits atop off-street parking.

3: Repeal 290-15 Bonus Density Overlay District in its entirety and renumber the remaining two sections accordingly. Also, make clerical changes to remove all references to the Bonus Density Overlay district wherever they may appear in the Zoning Ordinance.

4: Amend Section 290-9, Purpose and Intent of Districts as noted below to add a purpose statement for a new district called “Residential Village-1 (RV-1)” and change the name of the existing purpose statement from “Residential Village” to “Residential Village-2 (RV-2)”:

RV-1 Residential Village District-1. The RV-1 District is intended to protect the single-family residential character, allowing detached houses that are compatible in design and scale with the prevailing residential uses and the existing pattern of buildings, streets, and blocks.

RV-2 Residential Village District-2. The RV-2 District is intended to protect the primarily single-family residential character while accommodating a variety of housing types compatible in use, scale, and impact with residential use and the existing pattern of buildings, streets, and blocks.

5: Amend Section 290-9, Purpose and Intent of Districts as noted below to eliminate the Commercial and Maritime Districts, replacing them with four new commercial districts and adding a purpose statement for each new district:

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.

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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.

PC 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 centers, where extensive parking can be readily accommodated.

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, respect 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).

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

RC Resource Conservation District. The Resource Conservation District is a non-residential district intended to protect and maintain wetlands, surface waters,

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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 for 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.

7: Amendment to Article V, Section 290-19A, Tables, Requirements, Exceptions, to repeal and replace the Table in order to reflect the recommended set of zoning districts and to assign requirements to each new district; to increase the minimum lot size in most zoning districts to 7,500 sq. ft.; to increase the minimum lot size in the RC district from 1 acre (43,560 sq. ft.) to 20 acres; to increase the minimum amount of open space in certain residential districts to 35%; in commercial districts to 20%, and in the RC district to 85% to set the maximum height in all districts at 35 feet, and to make numbering and other clerical changes.

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-1	RV-2	NC	TC	CP	MC	RC
A. Minimum lot size (sq. feet except where noted) ¹	10,000	7,500	5,000	7,500	7,500	7,500	7,500	7,500	7,500	20 acres
B. Average minimum lot area per dwelling unit (sq. ft.) ²	-	-	2,500	6,000	5,000	n/a	7,500	n/a	n/a	n/a
C. Minimum lot width (feet) ³	75	50	50	50	50	50	50	50	50	150

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

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

²The 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.

8: Amendment to Table 1, Permitted Uses by Zoning District (Section 290, Attachment I), updating the set of zoning districts to match those recommended on the proposed new Zoning Map; changing the permitted use status of certain uses in the various zoning districts; adding certain uses to certain districts; modifying the names of certain uses; incorporating certain uses as “Expressly Prohibited” in all zoning districts; and making necessary numbering and other clerical changes. (See Attachment: New Table 1 Permitted Uses by Zoning District)

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

290-11 Conditions and standards for conditional and special exception uses.

Environmental science, research, and educational uses, nature centers: special exception with conditions in the RC District, subject to the following:

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

Game, wildlife, and nature preserves: Special exception with conditions in the RC District, subject to the following:

- (1) Accessory uses shall only be those intrinsically related to the game, wildlife, nature, 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.

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- (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 2,000 square feet.

Public building or recreational facility owned and operated by the Town of

Chesapeake Beach or other governmental agency: special exception with conditions in the RC District, subject to the following:

- (1) No building shall be permitted except that necessary for the purposes of managing the land or water resources or for the purpose of enhancing the low impact experience of the natural environment.
- (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 2,000 square feet.

Parks and playgrounds: special exception with conditions in the RC District, subject to the following:

- (1) Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to

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make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory of trees to be removed and replaced.

- (2) The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.

Sailing schools, boat rentals, and similar water-oriented recreational uses: special exception with conditions in the RC District, subject to the following:

- (1) Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory of trees to be removed and replaced.
- (2) The use shall be limited to waterfront properties or to properties that are contiguous to, and functionally connected with, waterfront properties.
- (3) The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be use as an alternative.
- (4) NO building shall be permitted.

Aquaculture: special exception with conditions in the RC District, subject to the following:

- (1) The use shall be limited to waterfront properties or to properties that are contiguous to, and functionally connected with, waterfront properties.
- (2) 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

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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) There shall be only species usage that are native to this region.
- (4) 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.

Storage in association with permitted marine commercial activities: special exception with conditions in the RC District, subject to the following:

- (1) The use shall be limited to permitted marine commercial activities located on the same property or a contiguous property where there is a direct and functionally connected relationship.
- (2) Clearing of forested land to accommodate the use is strictly prohibited.
- (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.

10: Amend Section 290-43, Terms Defined to insert and define the term “Tourist Home”, as follows:

Tourist Home (aka Short-Term Rental) A residential building, that is rented commercially in whole or in part, or a separate dwelling unit accessory to such a building that is rented commercially, in which paying guests are provided, with or without prearrangement, overnight accommodations on a short-term basis for commercial compensation, of a period of fewer than 30 days.

11. Amendment to Section 290-19N, Open Space Requirements, to incorporate a requirement that common open space and park amenities be provided within future residential developments.

N. Common Open Space Requirements

- (1) **Purpose:** Common Open Space shall be provided within all future residential developments 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 a 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.

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- (5) Common Open Space shall be owned and maintained by a Homeowners Association or similar entity.
- (6) No part of the Common Open Space requirement of this section shall be satisfied through a payment of a fee-in-lieu of providing that space.
- (7) The Common Open Space requirement of this section applies to developments with three or more housing units.

12: Section 290-11(b) is changed to provide: “(4) to retain commercial activity at the street level, the first floor at the public street frontage shall remain in commercial use only whereas the second floor would be residential use.”

13: Amendment to Section 290-11, Conditions and Standards for Conditional and Special Exception Uses, adding a condition for a new use called professional licensed physical therapy offices, as follows:

Professional licensed physical therapy office: conditional use in the RV-1 District, subject to the following: The use shall be an integral part of an otherwise permitted mixed use multi-family development.

CHESAPEAKE BEACH, MARYLAND

Patrick J. Mahoney, Mayor

Lawrence P. Jaworski, Council Vice-President

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Valerie L. Beaudin, Councilwoman

Gregory J. Morris, Councilman

Keith L. Pardieck, Councilman

L. Charles Fink, Councilman

Margaret P. Hartman, Councilwoman

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

Note: This amendment repeals and replaces Section 290 Attachment 1, Table 1. This is the recommended new table per the Planning Commission.

290 Attachment 1

Table 1

Land Use Classifications

KEY:

- P:** Permitted
- NP:** Not 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	RPC	NC	TC	PC	MC	RC	
Residential Uses												
1. Single-family, detached	P	P	P	P	P	P	P	P	NP	NP	NP	
2. Single-family, attached	NP	P	P	NP	P	P	NP	NP	NP	NP	NP	
3. Townhouse dwelling	NP	NP	P	NP	P	P	NP	NP	NP	NP	NP	
4. Multifamily dwelling	NP	NP	P	NP	P	P	NP	NP	NP	NP	NP	
5. Dwelling, accessory	C	C	C	C	C	C	C	C	NP	NP	NP	See § 290-11A
6. Dwelling unit in combination with commercial use	NP	NP	NP	NP	C	C	NP	C	NP	NP	NP	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.	NP	NP	NP	NP	NP	NP	SC	P	P	NP	NP	See § 290-11C

Use	Zoning Districts											Conditions or Additional Use Regulations
	R-LD	R-MD	R-HD	RV-1	RV-2	RPC	NC	TC	PC	MC	RC	
Office and Commercial Uses												
21. Professional office in residence, physician, architect, lawyer, similar	NP	NP	NP	NP	NP	C	P	P	P	P	NP	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	NP	C	C	C	C	NP	See § 290-11-TBD
23. Professional licensed physical therapy office	NP	NP	NP	C	NP	NP	P	P	P	P	NP	See § 290-11-TBD
24. Therapeutic massage	NP	NP	NP	NP	NP	NP	C	C	C	C	NP	See § 290-11K
25. Offices for business, professional, or governmental purposes	NP	NP	NP	C	C	NP	C	C	C	C	NP	See § 290-11L
26. Artists, photographer's gallery, studio	NP	NP	NP	NP	NP	NP	P	P	P	P	NP	See § 290-11M
27. Retail establishments carrying one type of interrelated goods, such as a bookstore, gift shop, florist shop, etc.; adult bookstores are prohibited	NP	NP	NP	NP	NP	NP	P	P	P	P	NP	See § 290-11N
28. 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	NP	P	P	P	NP	
29. Tree and plant nurseries, landscape supply and contracting, greenhouses	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	
30. 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	NP	NP	NP	NP	P	P	P	NP	See § 290-11O

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

Automotive and Boat Service Uses												
46. Nonresidential parking area located in a residential district	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
47. Automotive service station	NP	NP	NP	NP	NP	NP	NP	SC	NP	NP	NP	See § 290-11T
48. Sale or rental of automobiles	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	See § 290-11U
49. Repair garage, including paint spraying and body and fender work or car washing facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	See § 290-11V
50. Marina, including fuel service for watercraft, boat storage and repair yard, boat sales and service	NP	NP	NP	NP	NP	NP	NP	NP	NP	SC	NP	See § 290-11W
Utilities, Communications, Transportation												
51. 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
52. Bus station, intermodal transit center	NP	NP	NP	NP	NP	NP	NP	NP	NP	SE	NP	
Light Industrial and Related Uses												
53. Aquaculture	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	SC	See § 290-11-CC
54. Micro Brewery, Micro-distillery	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	
55. 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	NP	P	NP	
56. Water-dependent seafood processing and fishing activities	NP	NP	NP	NP	NP	NP	NP	NP	NP	SE	SE	
57. Data center	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	
58. Bio manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	
59. Storage in association with permitted marine commercial activities	NP	NP	NP	NP	NP	NP	NP	NP	NP	SE	SC	See § 290-11-TBD

