



OFFICE OF THE PLANNING AND ZONING COMMISSION

**PLANNING COMMISSION
AGENDA
January 28, 2026
6 PM**

- I. Call to Order & Roll Call.**
- II. Pledge of Allegiance.**
- III. Approval of the January 28, 2026 Planning Commission Agenda.**
- IV. Approval of the minutes of the December 17, 2025 Planning Commission Meeting.**
- V. Public comment on any item on the agenda.**
- VI. Closed Session – A motion to close the regular meeting to go in closed session under the Statutory Authority of the Md. Annotated Code pursuant to General Provisions Article, §3-305(b), subsection (7) “to consult with counsel to obtain legal advice” regarding pending litigation by a Town property owner regarding development rights.**
- VII. Old Business:**
 1. Finalizing and approving the fence regulations.
 2. Discussion of the Land Use Table, Zoning Map, and Conditional Uses.
- VIII. Comments by Commissioners.**
- IX. Adjournment**



PLANNING AND ZONING COMMISSION

**MINUTES OF THE
PLANNING COMMISSION MEETING
DECEMBER 17, 2025**

I. Commission Chair Cindy Greengold called the meeting to order at 6:00 pm. In attendance were Chair Greengold, Vice-Chair Larry Brown, Mary Sue Greisman, Kelly Huhn, Jan Ruttkay, Chris Smith, and Rachel Larsen Weaver, Commission Members, Sarah Franklin, Town Planner, and Sharon L. Humm, Commission Clerk.

II. **Pledge of Allegiance.** Commission Chair Greengold led the Pledge of Allegiance.

III. **Approval of the December 17, 2025 Planning Commission Agenda.**

MOTION: Chair Greengold moved to amend the agenda to move the election of Chair and Vice-Chair to the end of the agenda and postpone “Land Use Classification Table” to the January meeting. Seconded by Commissioner Greisman, all in favor.

IV. **Approval of the minutes of the November 19, 2025 Planning Commission Meeting.**

MOTION: Vice-Chair Brown moved to approve the minutes of the November 19, 2025 Planning Commission meeting. Seconded by Commissioner Smith. Ayes, Commissioners Brown, Greengold, Greisman, and Smith. Abstained, Commissioners Huhn and Ruttkay. **Motion Passes.**

V. **Public Comment on any item on the agenda.** None received.

VI. **New Business:**

1. **Home Occupations** – Ms. Franklin gave an overview of her submitted staff report. Currently, home occupations are not allowed in any residential areas, thus denying applicants wanting to conduct a home business out of their home. The Town Council, at its November meeting, directed that the Planning Commission review and recommend changes to the land use table related to home occupations within ninety (90) days. Ms. Franklin presented two proposed regulations, one that allows more uses in the RV areas, and additional regulations that would allow more limited home occupations in other residential areas.

The Commission began with review of the definition for a “Customary Home Occupation.” Chair Greengold presented a proposed definition for the Commission’s consideration. After discussion and revision, the definition would read:

“A home occupation is a business or commercial activity that a permanent resident conducts within their residence, and which the use is clearly secondary to the primary use as a residence. The home occupation must have minimal, if any, changes to the outside appearance to the residence and has little or no negative impact on the neighborhood where the business is located.”

MOTION: Chair Greengold moved to approve the home occupation definition

as presented above. Seconded by Commissioner Hauhn, all in favor.

The Commission continued with the review of proposed regulations as recommended by Ms. Franklin for the CC. Customary Home Occupation (1) Conditional Use in the RV-2 area. The Commission discussed regulations (a) through (l) making several word revisions and deleting (j) in its entirety.

Continuing with proposed new text, (2) Conditional use in the RV-1, the Commission reviewed the recommended regulations (a) through (l) making several word revisions and deleting regulations (g), (j), and (l) in their entirety.

The Commission also discussed and amended the need for permits in certain home occupation situations.

MOTION: Commissioner Weaver moved to approve all changes as indicated above and direct the Zoning Administrator to draft and transmit to the Town Council for consideration. Seconded by Commissioner Ruttkay, all in favor.

2. Fences – Ms. Franklin presented to the Commission for consideration, proposed fence regulations to be incorporated in the zoning code. Currently, the Town’s fence regulations are located in Section 110 of the Town’s building code. Approval of fences outside the permitted height and materials is left to the discretion of the Public Works Administrator. Presently, if an applicant is denied application approval, then the only recourse is for the applicant to appeal to the Town Council. It does not allow the applicant to appeal to the Board of Appeals where they could seek a variance.

Ms. Franklin provided a proposed amendment to Section 290-19 (G) Fences and Walls for review and discussion. The Commission viewed images of different types of fence material, vinyl, wood, and chain link, different styles, solid panel fences, and height. Also discussed were safety issues concerning solid panel fences that could be blown out during strong wind storms. Ms. Franklin will revise language to state fencing structures must allow for air circulation due to wind hazard. Ms. Franklin will consult with the engineer on requirements as to how the fence structure is to be installed. The Commission removed the wording related to the “obstruction of a scenic view of adjoining property owners” and prohibited barbwire.

Grandfathering was discussed and agreed that this is something that can be added so that all non-conforming fences are permitted to remain. Unless, of course, it is being replaced, then it will need to conform to current requirements.

Ms. Franklin presented a proposed amendment to subsection J. Front & side yards of corner lots which would identify how the remaining yards on a corner lot are classified. All street facing yards shall be considered to be front yards and shall comply with all requirements for required front yards. Ms. Franklin presented two options for review. Option one (1) would consider the remaining two yards to be side yards and option two (2) would identify a rear yard and a side yard. After discussion, the Commission made the following motion:

MOTION: Commissioner Greisman moved to approve option one, “The remaining two yards shall comply with all requirements for required side yards.” Seconded by Commissioner Weaver, all in favor.

VII. Old Business:

1. Coastal Resiliency Discussion – Ms. Franklin displayed several mapping options for a future overlay district for the Commission to consider. The Commission had a number of questions which Ms. Franklin will research and share at the January meeting.

VIII. Commission to nominate and elect a Commission Chair.

MOTION: Commissioner Weaver moved to nominate and elect Cindy Greengold as the Commission Chair. Seconded by Commissioner Greisman, all in favor.

IX. Commission to nominate and elect a Commission Vice Chair.

MOTION: Commissioner Weaver moved to nominate and elect Mary Sue Greisman as Vice Chair. Seconded by Commissioner Smith, all in favor.

Chair Greengold stated the Commission will continue its review of the Land Use Classification Table next month. Ms. Franklin stated the Town Council has requested the Commission review the Table and make recommendations within the next six months concerning Short-Term Rentals and Accessory Dwelling Units. The Council finds the Table to be overly restrictive and in need of improvement. Ms. Franklin would like for the Commission to be prepared, as well, to discuss Group Homes, Cannabis Businesses, Large scale solar, and rooftop solar panels.

The Commission's next meeting will be January 28, 2026, at 6 p.m.

X. Adjournment:

There being no further comments, Commissioner Weaver moved to adjourn the meeting at 8:16 pm. Seconded by Commissioner Ruttkay, all in favor.

Submitted by,

Sharon L. Humm
Commission Clerk

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

DRAFT 01-20-2026

Notes:

- ~~strike through~~ indicates text that will be removed
 - ALL CAPS GREEN text indicates language that will be added
 - ALL CAPS GREEN BOLD text indicates language that has been added or changed since the Planning & Zoning Commission Review on 12-17-2025
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Proposed Amendment to Section 290-19

* * *

G. Fences and Walls:

- (1) Subject to Subsection J of this section, the provisions of Subsection A of this section shall not apply to:
 - (a) Fences or walls that are less than ~~six feet~~ **FORTY-EIGHT INCHES** above the natural grade, or to terraces, steps, or other similar features not more than three feet higher than the floor level of the ground story.
 - (b) PARTITIONING FENCES THAT ARE SIX FEET OR LESS ABOVE THE NATURAL GRADE, ERECTED FROM **THE CENTER OF THE FRONT BUILDING SETBACK LINE AND THE REAR BUILDING SETBACK LINE AND ACROSS THE REAR PROPERTY LINE.**
 - [1] FOR THE PURPOSE OF FORMING AN ENCLOSURE OF THE **SIDE OR REAR YARD**, A FENCE OF THE SAME CONSTRUCTION MAY BE ERECTED BETWEEN THE ~~CENTERS OF THE SIDE PROPERTY~~ **SIDE FENCE LINE** AND THE SIDES OF THE DWELLING. THE PARTITIONING FENCE MUST HAVE A GATE OF THE SAME MATERIAL AND CONSTRUCTION AS THE FENCE, WITH AN OPENING NOT LESS THAN THREE FEET WIDE TO PROVIDE EMERGENCY ACCESS TO THE PROPERTY.
- (2) THE BOTTOM RAIL OF ANY FENCE PANEL SHALL HAVE A CLEARANCE ABOVE THE GRADE OF A MINIMUM OF ONE-AND-ONE-HALF INCHES.
- (3) FENCING STRUCTURES MUST ALLOW FOR AIR CIRCULATION DUE TO WIND HAZARDS.
 - (a) **ALL FENCES SHALL BE DESIGNED AND CONSTRUCTED TO WITHSTAND A WIND LOAD CONSISTENT WITH THE APPLICABLE BUILDING CODE. SOLID FENCES (SUCH AS STOCKADE OR VINYL PRIVACY FENCES) IN AREAS PRONE TO HIGH WINDS GENERALLY REQUIRE CLOSER POST SPACING OR STEEL POST REINFORCEMENT. SUPPORT POSTS MUST BE SET IN CONCRETE TO A DEPTH OF AT**

LEAST ONE-THIRD (1/3) OF THE TOTAL LENGTH OF THE POST, OR THE MANUFACTURER'S INSTALLATION REQUIREMENTS, DEPTH IS GREATER.

(4) FENCES MAY NOT RESTRICT ACCESS TO ANY TOWN RIGHT-OF-WAY, UTILITY, OR EASEMENT. ANY FENCE CONSTRUCTED IN SUCH A WAY THAT IT RESTRICTS ACCESS SHALL BE SUBJECT TO REMOVAL BY THE TOWN WITHOUT COMPENSATION OR REPLACEMENT TO THE OWNER.

(5) FENCES MAY NOT INCLUDE BARBED WIRE.

(6) NO FENCE HEIGHT SHALL EXCEED SIX FEET, EXCEPT AS REQUIRED BY SECTION 290-21.

(7) NON-CONFORMING FENCES:

(a) **LAWFULLY EXISTING FENCES CONSTRUCTED PRIOR TO <DATE OF ENACTMENT> SHALL BE EXEMPT FROM THIS SUBSECTION EXCEPT AS FOLLOWS:**

[1] **ORDINARY MAINTENANCE AND REPAIR, INCLUDING THE REPLACEMENT OF SLATS, PICKETS, OR INDIVIDUAL DAMAGED POSTS, SHALL BE PERMITTED. HOWEVER, IF MORE THAN FIFTY PERCENT (50%) OF THE LINEAR LENGTH OF ANY SINGLE FENCE LINE (DEFINED AS THE RUN OF FENCE ALONG A SINGLE PROPERTY LINE) IS REMOVED, REPLACED, OR ALTERED WITHIN A TWELVE (12) MONTH PERIOD, THE ENTIRE FENCE LINE MUST BE BROUGHT INTO FULL COMPLIANCE WITH THIS SUBSECTION.**

[2] **NO PART OF THIS SUBSECTION SHALL PREVENT THE TOWN FROM ORDERING THE REMOVAL OR REPAIR OF ANY FENCE THAT HAS BECOME UNSAFE OR OTHERWISE NOT IN COMPLIANCE WITH TOWN CODE.**

(b) **A FENCE SHALL BE CONSIDERED LAWFULLY EXISTING IF:**

[1] **A VALID BUILDING PERMIT WAS ISSUED FOR ITS CONSTRUCTION AND IT WAS BUILT IN ACCORDANCE WITH THAT PERMIT; OR**

[2] **IT WAS ERECTED PRIOR TO THE ADOPTION OF REQUIREMENTS FOR BUILDING PERMITS FOR FENCES IN THE TOWN; OR**

[3] **IT HAS EXISTED IN ITS CURRENT LOCATION AND CONFIGURATION FOR A PERIOD OF TEN (10) OR MORE YEARS WITHOUT ENFORCEMENT ACTION, PROVIDED IT DOES NOT CONSTITUTE A SAFETY HAZARD OR PUBLIC NUISANCE.**

* * *

J. Front and side yards of corner lots. On a corner lot, ~~the street side yard shall equal the required front yard for lots facing that street.~~ **ALL STREET FACING YARDS SHALL BE CONSIDERED TO BE FRONT YARDS AND SHALL COMPLY WITH ALL REQUIREMENTS FOR REQUIRED FRONT YARDS. THE REMAINING TWO YARDS SHALL COMPLY WITH ALL REQUIREMENTS FOR REQUIRED SIDE YARDS. THESE SIDE YARDS SHALL BE CONSIDERED REAR YARDS FOR THE SOLE PURPOSE OF LOCATING OF SWIMMING POOLS OR ANY OTHER STRUCTURE REQUIRED TO BE LOCATED IN A REAR YARD.**

* * *

Proposed Amendments to Article XI Definitions

* * *

ALTERATIONS

As applied to a **FENCE OR** building structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another. **IN THE CONTEXT OF A FENCE, REPLACEMENT OF VERTICAL SUPPORT POSTS EXCEEDING 25% OF THE TOTAL POSTS IN A FENCE LINE SHALL CONSTITUTE AN ALTERATION.**

* * *



MEMORANDUM

To: Chair and Members of the Planning & Zoning Commission
From: Sarah Franklin, Town Planner & Zoning Administrator
CC: Dr. Saméla Okpodu, Town Manager
Date: Jan 22, 2026
RE: Land Use Classification table and Conditions Review
Enc: Proposed Amendments to Table 1 and Partial Amendments to Section 290-11

The attached document provides the beginning outline of the changes I am recommending that the Planning & Zoning Commission recommend with respect to the “Land Use Classifications” table (Table 1 in the Zoning Code) as well as Section 290-11. You will find I have begun outlining a series of changes to consolidate and simplify the table and make the Zoning Text more uniform as well as easier to use. The main changes that I have made are:

- Re-organized the table into six sections:
 1. Residential Uses
 2. Accommodations & Group Living
 3. Institutional, Recreational and Educational Uses
 4. Office and Commercial Uses
 5. Light Industrial, Utility, and Related Uses
 6. Temporary Uses
- Moved expressly prohibited uses out of Table 1 and put them in the Text as Section 290-11(A).
- Begun the process of simplifying the descriptors in Table 1 to a few words while ensuring the original intent of each category is maintained. I will provide you with an updated document on January 28, 2026 that includes all categories.

- Revised the title of Section 290-11 from “Conditions and standards for conditional and Special Exception Uses” to the more comprehensive “Uses, Standards, and Conditions.” I will provide you with the additional pages on January 28, 2026 that includes all categories.
- Added every use listed in Table 1 to the revised Section 290-11, including definitions (from Section 290-43 where available) and the necessary conditions for conditional and special exception uses.
- Standardized and simplified language throughout Section 290-11.
- Note:
 1. I have removed Cannabis from expressly prohibited uses. We will need to discuss appropriate regulations at a later date.
 2. We will also need to discuss consideration of updates to Accessory Dwelling Unit regulations at a later date.

Please note that these changes do not change what uses are permitted or what conditions those uses are permitted under (for example, light industrial uses were always permitted they just weren't called light industrial uses, and industrial uses were explicitly prohibited. This situation just creates confusion as to what is allowed.

I welcome any questions or comments regarding these proposed changes and look forward to discussing them at the next Commission meeting.

Green, lowercase text indicates unaltered text from 290-43 (definitions).
 Green ALL CAPITALS indicates new text.
 Strike Through indicates removed text.

ZONING
 290 Attachment 1
Town of Chesapeake Beach
 Table 1
Land Use Classifications

<p><i>KEY:</i> <i>P: Permitted</i> <i>NP: Not Permitted</i> <i>C: Conditional Use, permitted use subject to conditions</i> <i>SE: Special Exception</i> <i>SC: Special Exception, subject to conditions</i></p>												
	Zoning Districts											
Use	R- LD	R- M D	R-H D	RV -1	RV- 2	RP C	NC	TC	PC	M C	RC	SEE DEFINITIONS, REGULATION S, AND Conditions or Additional Use Regulations
Residential Uses												
1 -Single-family, detached	P	P	P	P	P	P	P	P	NP	NP	NP	§ 290-11B(1)
2 -Single-family, attached	NP	P	P	NP	P	P	NP	NP	NP	NP	NP	§ 290-11B(2)
3 -Townhouse dwelling	NP	NP	P	NP	P	NP	NP	NP	NP	NP	NP	§ 290-11B(3)
4 -Multifamily dwelling	NP	NP	P	NP	P	P	NP	NP	NP	NP	NP	§ 290-11B(4)
5 -Dwelling, accessory	C	C	C	C	C	C	C	C	NP	NP	NP	See § 290-11A § 290-11B(5)
6 -Dwelling unit in combination with commercial use	NP	NP	NP	NP	C	C	NP	C	NP	NP	NP	See § 290-11B § 290-11B(6)

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Use	R- LD	R- M D	R-H D	RV -1	RV- 2	RP C	NC	TC	PC	M C	RC	SEE DEFINITIONS, REGULATION S, AND
Accommodations & Group Living												
38. Bed-and-breakfast establishment	SC	SC	SC	SC	SC	SC	C	C	C	C	NP	See § 290-11F § 290-11C(1)
39. Motel, hotel	NP	NP	NP	NP	NP	NP	NP	SC	SC	SC	NP	See § 290-11U § 290-11C(2)
40. Tourist home	NP	NP	NP	NP	NP	NP	NP	SE	SE	SE	NP	§ 290-11C(3)
19. RESIDENTIAL CARE FACILITY Orphanage, nursing home, or other licensed establishment for the care of aged, disabled, or convalescent persons, etc.	SE	SE	SE	SE	SE	SE	NP	NP	NP	NP	NP	§ 290-11C(4)
20. Group home	SE	SE	SE	SE	SE	SE	NP	NP	NP	NP	NP	§ 290-11C(5)
64. Dwelling for resident CARETAKER watchman	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	§ 290-11C(6)
Institutional, Recreational and Educational Uses												
7. ASSEMBLY 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 § 290-11G § 290-11D(1)
8. Public/Private Schools	NP	NP	NP	NP	NP	NP	NP	NP	NP	SC	NP	See § 290-11D § 290-11D(2)

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Use	R- LD	R- M D	R-H D	RV -1	RV- 2	RP C	NC	TC	PC	M C	RC	SEE DEFINITIONS, REGULATION S, AND
11. Professional school, studio for music or art instruction, dancing school, similar	NP	NP	NP	NP	NP	NP	SC	P	P	P	NP	See § 290-11G
12. CULTURAL FACILITY 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	NP	NP	SC	P	P	P	NP	See § 290-11H § 290-11D(3)
10. Day-care center; nursery school; kindergarten or other agency giving care to persons as a commercial operation	NP	NP	NP	NP	NP	NP	SC	P	SC	NP	NP	See § 290-11F § 290-11D(4)
13. Environmental science, research and educational uses, nature centers	NP	NP	NP	NP	NP	NP	NP	P	P	P	SC	See § 290-11I § 290-11D(5)
16. Parks, playgrounds	P	P	P	P	P	P	P	P	P	P	SC	See § 290-11L § 290-11D(6)
15. Public GOVERNMENTAL building or recreational facility owned and operated by Chesapeake Beach or other governmental agency	NP	NP	NP	NP	NP	P	P	P	P	P	SC	See § 290-11K § 290-11D(7)
17. Private club, lodge,	NP	NP	NP	NP	NP	NP	NP	P	NP	P	NP	§ 290-11D(8)

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dining club, yacht club not run as a private gainful business													
Use	R- LD	R- M D	R-H D	RV -1	RV- 2	RP C	NC	TC	PC	M C	RC	SEE DEFINITIONS, REGULATION S, AND	
18. Sailing schools, boat rentals and storage, and similar water-oriented recreational uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	SC	See § 290-114 § 290-11D(9)	
14. Game, wildlife, and nature preserves	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	SC	See § 290-113 § 290-11D(10)	

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§ 290-11. **USES, STANDARDS, AND CONDITIONS** ~~Conditions and standards for conditional and special exception uses.~~ [Amended 11-17-2022 by Ord. No. O-22-12; 3-16-2023 by Ord. No. O-23-2]

The following conditions and specific standards apply to land uses designated C (conditional) SE (special exception) and SC (special exception with conditions) in Table 1. When applying for a zoning and occupancy permit, the applicable conditions shall be satisfied during the period of the use and occupancy.

A. PROHIBITED USES

- (1) CASINO GAMBLING
- (2) SMOKE AND VAPE SHOPS
- (3) TATTOO PARLORS
- (4) MASSAGE PARLORS
- (5) PSYCHIC READING OR FORTUNE TELLING
- (6) ADULT ENTERTAINMENT AND RETAIL ESTABLISHMENTS
- (7) LANDFILLS
- (8) JUNK AND SALVAGE YARDS
- (9) DRIVE-IN MOVIE THEATERS
- (10) RECREATIONAL CAMPS AND COTTAGES
- (11) NON-RESIDENTIAL PARKING IN A RESIDENTIAL DISTRICT
- (12) SALE OR RENTAL OF AUTOMOBILES
- (13) REPAIR GARAGE OR BODY SHOP

B. RESIDENTIAL USES

- (1) SINGLE-FAMILY, DETACHED
A building containing one dwelling unit on one lot and detached from any other dwelling.
- (2) SINGLE-FAMILY, ATTACHED
A building containing two or three attached dwelling units which have a common wall at the lot line between each unit and which are on separate lots.
- (3) TOWNHOUSE DWELLING
A building containing four or more attached dwelling units in a row which have a common wall at the lot line between each unit and which are on separate lots.

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(4) MULTIFAMILY DWELLING

A building containing two or more dwelling units on a single lot having a common roof and a common entry.

(5) DWELLING, Accessory ~~dwelling~~s

A dwelling unit which is either attached to a dwelling as defined herein or is located in an accessory building, as defined herein.

Conditional use in the R-LD, R-MD, R-HD, RV-1, RV-2, RPC, NC and TC Districts, subject to the requirements of the district where located AND THE FOLLOWING CONDITIONS: ~~except as herein provided:~~

- i. The principal dwelling shall be a single-family detached dwelling and shall be located on a lot of at least 7,500 square feet served by public water and sewer.
- ii. Accessory dwellings are limited to lots that are owner-occupied.
- iii. Accessory dwellings are limited to a total of 650 square feet of floor area.
- iv. All height, area and bulk requirements shall apply to the accessory dwelling.
- v. The parking requirements of this chapter shall apply. Accessory dwellings will require two off-street parking spaces in addition to those required for the principal dwelling.
- vi. A site plan is required.
- vii. Accessory dwellings must be architecturally compatible with the principal dwelling on the lot in terms of similarity of building materials, roof type, and roofline.
- viii. Only one accessory DWELLING ~~apartment~~ will be allowed on a lot.

(6) Dwelling unit in combination with commercial use:

A dwelling or portion thereof providing complete living facilities for one family, on a single lot having a common roof with a commercial use. This shall not include mobile homes, habitable travel trailers, or rooming, boarding-, or lodging houses, or hotels, motels, tourist homes, or other similar places offering overnight accommodations for transients.

Conditional use in the RV-2, TC and RPC Districts, subject to the requirements of the district where located AND THE FOLLOWING CONDITIONS: ~~except as herein provided:~~

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- i. Adequate parking REQUIREMENTS shall be MET provided for both uses.
- ii. The commercial portion of such a combination use must be fully utilized FOR MORE THAN NINE MONTHS IN ANY CALENDAR YEAR so as not to reduce the commercial services made available to the community.
- iii. ~~Commercial development shall be given priority in such combination uses and~~ The residential USE portion must be ancillary TO THE COMMERCIAL PORTION OF THE BUILDING.
- iv. 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 MAY would be residential use.

C. ACCOMODATIONS & GROUP LIVING

(1) Bed-and-breakfast establishment:

An owner-occupied or manager-occupied building where, for compensation and only by prearrangement ~~(transients only)~~ for definite periods, lodging and meals are provided, NOT TO EXCEED 90 DAYS PER YEAR. ~~Such uses are~~ Limited to five guest rooms, excluding resident management.

Special exception ~~with conditions~~ use in the R-LD, R-MD, R-HD, RV-1, RV-2 and RPC Districts and conditional use in the NC, TC, PC and MC Districts, subject to the requirements of the district where located, AND THE FOLLOWING CONDITIONS ~~except as herein provided:~~

- i. An owner or manager lives on the premises.
- ii. The facility is part of a dwelling unit, HAVING A COMMON ROOF AND COMMON ENTRY.
- iii. No separate kitchens are provided.
- iv. Meals shall be provided for overnight lodgers only.
- v. The facility is operated through a state-approved bed-and-breakfast registry.
- vi. One off-street parking space is provided for each guest room.

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(2) Motel, hotel

A building in which lodging or boarding is provided for more than 15 persons, primarily transient, or with more than 10 guest rooms, offered to the general public at a daily rate. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. ~~As such, it is open to the public, in contradistinction to a~~ THIS DOES NOT INCLUDE boarding-, rooming, or lodging houseS, or an apartment house, timeshare facilities or condominium units. A hotel may include restaurants, taverns, club rooms, public banquet halls, ballrooms, and meeting rooms.

Special exception ~~with conditions~~ in the TC, PC and MC Districts, subject to the requirements of the district where located, **AND THE FOLLOWING CONDITIONS** ~~except as herein provided:~~

- .
- i. The applicant shall site new buildings to ensure that adjacent properties have visual privacy and sunlight as well as protection from the new development's site illumination, noise, and odor, as applicable.
- ii. The applicant shall design buildings to complement and contribute to a desirable community character in terms of shape and style, rooflines, color, and materials.
- iii. Accessory uses may include a gift shop, beauty shop, barbershop, restaurant, cocktail lounge/nightclub, auditorium/meeting room facilities, and similar retail stores and commercial establishments.
- iv. Circulation and parking shall be adequate to fulfill requirements of all proposed uses, principal and accessory. The Planning & ZONING Commission may require a traffic analysis provided by the applicant demonstrating adequacy of the system.
- v. The applicant shall design and site buildings to screen from public view unsightly elements such as shipping and loading areas, transformers, dumpsters, and meters.
- vi. The applicant shall design the building roof to screen mechanical equipment from public view and to contribute to an attractive streetscape.
- vii. The applicant shall develop the public streetscape between

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the building and the street curb as a safe and convenient pedestrian way with attractive amenities such as paving, lighting, seating, shelter, and landscaping.

- viii. The applicant shall design fences and retaining walls that are consistent in materials and quality with that of the building and the adjacent properties.
- ix. The applicant shall design and locate signs so that their illumination is directed away from adjacent properties.
- x. The applicant shall integrate ground signs into the design of the site and the streetscape.

(3) TOURIST HOMES

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,

(4) RESIDENTIAL CARE FACILITY

A LICENSED CARE FACILITY THAT PROVIDES 24-HOUR MEDICAL OR NON-MEDICAL CARE TO PERSONS IN NEED OF PERSONAL SERVICES, SUPERVISION, PROTECTION, OR ASSISTANCE ESSENTIAL FOR SUSTAINING THE ACTIVITIES OF DAILY LIVING. RESIDENTIAL CARE FACILITIES INCLUDE NURSING HOMES, ORPHANAGES, INDEPENDENT LIVING, ASSISTED LIVING, CONTINUUM OF CARE, AND HOSPICE FACILITIES.

(5) GROUP HOME

Any residential structure used to provide assisted community living for persons with physical, mental, emotional, familial, or social difficulties..

(6) DWELLING FOR RESIDENT CARETAKER

A building on a permanent foundation arranged or designed to provide living facilities for A RESIDENT CARETAKER ~~one or more families. The word "dwelling" shall not be construed to include a mobile home or habitable travel trailer.~~

D. INSTITUTIONAL, RECREATIONAL AND EDUCATIONAL USES

(1) ASSEMBLY ~~Churches and other buildings for religious assembly:~~

A FACILITY THAT HAS ORGANIZED SERVICES, MEETINGS, EVENTS,

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OR PROGRAMS TO BENEFIT, EDUCATE, ENTERTAIN, OR PROMOTE DISCOURSE IN A PUBLIC OR PRIVATE SETTING.

PERMITTED IN THE TC AND PC ZONES.

Special exception ~~with conditions~~ use in the NC District, subject to the requirements of the district where located, AND THE FOLLOWING CONDITIONS: ~~except as herein provided:~~

- i. Minimum lot area shall be one acre.
- ii. Minimum lot width shall be 200 feet.
- iii. No part of any building shall be located within 50 feet of any adjoining property line in separate ownership.
- iv. Building coverage shall not exceed 25% of the lot.
- v. Screening and buffers shall be provided where the lot abuts residentially used properties or where the site abuts any residential zoning district.
- vi. Adequate parking REQUIREMENTS shall be MET ~~provided~~ on-site.
- vii. Housing for religious personnel shall meet the minimum requirements of THE APPLICABLE RESIDENTIAL USE ~~Uses 1 through 4~~ under "Residential Uses" in Table 1, included at the end of this chapter, ~~whichever apply.~~

(2) ~~Public and private school~~ SCHOOLS:

<Definition to be added>

Special exception with conditions use in the MC District, subject to the requirements of the district where located, AND THE FOLLOWING CONDITIONS: ~~except as herein provided:~~

- i. Minimum lot area shall be one acre.
- ii. Minimum lot width shall be 200 feet.
- iii. No part of any building shall be located within 50 feet of any adjoining property line in separate ownership.
- iv. Dormitories or other living accommodations for faculty or students shall meet the minimum requirements of THE APPLICABLE ~~Uses 1 through 4~~, under "Residential Uses" in

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~~Table 1, included at the end of this chapter, whichever apply.~~

~~Professional school, studio for music or art instruction, dancing school or similar: special exception with conditions use in the NC District, limited to properties with frontage onto MD 267.~~

(3) CULTURAL FACILITY

A FACILITY OPEN TO THE PUBLIC FOR CULTURAL SERVICES AND EXHIBITIONS SUCH AS, A 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.

PERMITTED IN THE TC, PC, AND MC ZONES.

Special exception with conditions use in the NC District, subject to the requirements of the district where located, AND THE FOLLOWING CONDITIONS: ~~except as herein provided:~~

- i. The minimum lot area shall be 10,000 square feet.
- ii. No part of any building shall be located within 30 feet of any adjoining property in residential use.
- iii. Vegetative screening and buffers shall be provided on all lot lines that abut properties in residential use.
- iv. No outdoor active recreational area shall be located nearer to any lot line than the required yard setback.
- v. Any new buildings shall be designed to be architecturally harmonious with buildings in the neighborhood including but not limited to building facade orientation, building scale and massing, materials, colors, roofs and rooflines.

(4) Day-care center

A BUSINESS THAT PROVIDES LICENSED CARE TO FIVE OR MORE CHILDREN OR ADULTS FOR LESS THAN 24 HOURS A DAY, THIS INCLUDES a nursery school, kindergarten, or other agency giving care to persons as a commercial operation.

PERMITTED IN THE TC ZONE.

Special exception ~~with conditions use~~ in the NC and PC Districts, subject to the requirements of the district where located, AND THE FOLLOWING CONDITIONS: ~~except as herein provided:~~

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- i. The minimum lot area shall be 20,000 square feet plus 2,500 square feet of lot area for each person cared for above 10 persons.
- ii. No part of any building shall be located within 30 feet of any adjoining property in residential use.
- iii. Vegetative screening and buffers shall be provided where the lot abuts residentially used properties.
- iv. Any outdoor play active recreational area shall be located in the rear yard and its boundary shall be at least 10 feet from the rear lot line and not nearer to any other lot line than the required yard setback.
- v. Outdoor play areas shall be sufficiently screened and sound-insulated so as to protect the neighborhood from noise and other disturbances. To fulfill this requirement, screening may be located anywhere on the lot as needed.
- vi. Any new buildings shall be designed to be architecturally harmonious with buildings in the neighborhood, including but not limited to building facade orientation, building scale and massing, materials, colors, roofs and rooflines.

(5) Environmental science, ~~research, and educational uses, nature centers:~~

PERMITTED IN THE TC, PC, AND MC ZONES.

RESEARCH AND EDUCATIONAL USES INCLUDING NATURE CENTERS RELATED TO ENVIRONMENTAL SCIENCES.

Conditional use in the RC District, subject to the requirements of the district where located and the following CONDITIONS:

- i. Accessory uses shall only be those intrinsically related to the research or educational mission of the principal use.
- ii. 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.
- iii. The addition of impervious surface coverage shall be strictly

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limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.

- iv. No building shall be permitted which exceeds a footprint of 2,000 square feet.

(6) Parks and playgrounds

PERMITTED IN THE R-LD, R-MD, R-HD, RV-1, RV-2, RPC, NC, TC, PC, AND MC ZONES.

Special exception ~~with conditions use~~ in the RC District, subject to the requirements of the district where located and the following

CONDITIONS:

- i. 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.
- ii. 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.

(7) GOVERNMENTAL ~~Public~~-building or recreational facility

A GOVERNMENT BUILDING OR RECREATIONAL FACILITY THAT IS owned and operated by Chesapeake Beach or other governmental agency:

PERMITTED IN THE RPC, NC, TC, PC, AND MC ZONES.

Conditional use in the RC District, subject to the requirements of the district where located and the following CONDITIONS:

- i. No building shall be permitted except that necessary for the purposes of managing the land or water resources or enhancing the low-impact experience of the natural environment.
- ii. 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

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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.

- iii. 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.
- iv. No building shall be permitted which exceeds a footprint of 2,000 square feet.

(8) PRIVATE CLUB

AN ESTABLISHMENT, BUILDING, FACILITY, OR GROUNDS OWNED OR OPERATED BY A NON-PROFIT CORPORATION, ASSOCIATION, OR GROUP OF PERSONS FOR SOCIAL, FRATERNAL, RELIGIOUS, POLITICAL, CIVIC, OR RECREATIONAL PURPOSES. THE FACILITY MUST BE OPERATED PRIMARILY FOR THE BENEFIT OF ITS MEMBERS AND THEIR GUESTS AND NOT FOR THE GENERAL PUBLIC AS A GAINFUL BUSINESS. THIS INCLUDES FRATERNAL ORGANIZATIONS AND LODGES, YACHT CLUBS, SAILING CLUBS, COUNTRY CLUBS, AND SOCIAL OR SERVICE CLUBS.

PERMITTED IN THE TC AND MC ZONES.

(9) WATER-ORIENTED RECREATION

Sailing schools, boat rentals and storage and similar water-oriented recreational uses.

PERMITTED IN THE MC ZONE.

Special exception with conditions. Use in the RC District, subject to the requirements of the district where located and the following CONDITIONS:

- i. 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.
- ii. The use shall be limited to waterfront properties or to properties that are contiguous to, and functionally connected

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with, waterfront properties.

- iii. 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.
- iv. No building shall be permitted.

(10) Game, wildlife, and nature preserves:

<Definition to be added>

Conditional use in the RC District, subject to the requirements of the district where located and the following **CONDITIONS**:

- i. Accessory uses shall only be those intrinsically related to the game, wildlife, nature, or educational mission of the principal use.
- ii. 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.
- iii. 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.
- iv. No building shall be permitted which exceeds a footprint of 2,000 square feet.