



# PLANNING COMMISSION MINUTES

Wednesday, February 14, 2024

7:00 PM

**In Attendance:** Planning Commissioners – Vic Costa, Allen Riley, Anthony Colache, Cathy Jayne, and Anna Riggin. In addition to, Eleanor Collyer – Town Council, Chris Rogers – Zoning Administrator, and Brandee Vaughan – Code Enforcement Officer.

**I. Call to Order**

Chairperson Vic Costa called the meeting to order at 7:00pm

**II. Approval of Minutes**

Both sets of minutes, July 2023 and December 2023, were reviewed. The spelling of Councilperson Collyer's name needs to be corrected in the July minutes. Commissioner Cloache made a motion to approve both sets of minutes, Commissioner Jayne seconded, all in favor, minutes approved.

**III. Old Business**

**a. Comprehensive Plan Comments –**

Chris Rogers, Zoning Administrator, reviewed the comments from the state, county, and GRHBA and upon his review he recommends moving forward with adopting the comprehensive plan as written.

Mr. Rogers explained the state comments are recommendations, and nothing statutorily needs to be done. The only comment relating to the housing indicated it may not be consistent with the new land use code, but after further review it was a technicality and MDHCD states our plan is consistent with the new land use code.

Mr. Rogers discussed the comments from the GRHBA, and they are proposing more uses permitted on the waterfront that are designated for water uses only. The comprehensive plan does allocate a small area of waterfront to be designated for non-dependent water uses.

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Chairperson Costa asked about the comment from Kent County, indicating the zoning of the Municipal Building. Currently this is designated “T” for Town, the comprehensive plan changes this zone to “Institutional” and depending on what Mayor & Council decide to do with the property it will remain Institutional. Mr. Rogers recommends adopting the plan as written and approving the plan by adopting a resolution. Commissioner Colache made a motion to adopt the plan as written and adopt the resolution, Commissioner Riggan seconded the motion, all in favor. Comprehensive Plan adopted as written, and resolution adopted. Chairperson Costa asked Mr. Rogers about the steps the Mayor & Council will need to take. Mr. Rogers explained the Mayor & Council will need to have a public hearing before they adopt the plan, and they will either adopt it or not. They will need a resolution to adopt the plan.

**b. Amendment Chapter 225 Article V – Accessory Use Height –**

Chairperson Costa has reservations on the 20-foot height restriction, he does not think it is enough. Commissioner Colache prefers the 1 ½ story requirement and removing the height from the code. Councilperson Collyer explained the reasoning behind removing the 1 ½ story requirement. Mr. Rogers explained that it is not typical height only to be determined in stories. There is time to change this and look at other possibilities, the commission cannot act on this text amendment tonight as it would require a public hearing. It was suggested to table this text amendment until discussions about the possible residential building height amendment.

The commission revisited this topic at the end of the meeting and agreed that 20 feet is too restrictive. Commissioner Colache recommended 30 feet for Accessory Use Structure. The commission wants to give residents the option to scale, and this is why the 1 ½ story came into effect. Commissioner Colache also suggested to just keep the 1 ½ story and define building height. Mr. Rogers explained there was a definition of building height already in the code. Chairperson Costa suggested this be tabled for further discussion at the March meeting. Mr. Rogers was going to investigate other towns’ codes for guidance.

### **IV. New Business**

**a. Review Chapter 225 Article 7 General Sign Regulations –**

Mayor & council asked the Planning Commission to review the code for General Sign Regulations. The reason is because per our code a permit is required for every aspect of sign installation and maintenance, including repair, painting, and general upkeep.

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The planning commission will review the sign code and address some of these issues at a future meeting, because as skimming through the code it was clear that most signs in Rock Hall are not complaint, and the commission does not agree with these haste restrictions. Chairperson Costa asked the commission to review closely to address at the March and April meetings. Some of the suggestions were to keep the restriction on banner and streamer signs and instead of requiring a permit for updating or painting a sign have the town approve for content and colors.

The sign regulations will be addressed at future meetings.

**b. Review Chapter 225 Article V – Height Maximum for Residential Uses –**

The Board of Appeals has asked the Planning Commission to review the maximum height of all residential uses in all zones and consider increasing the maximum height. As of now, the maximum height for residential uses in all residential and commercial zones is 30 feet. There have been variance requests brought before the board requesting a height variance due to flood plain and having the first floor as unlivable space. Kent County has a 38 feet height maximum, Queen Anne’s County is 40 feet, Cecil County is 35 feet, and the town of Chestertown is 35 feet.

Chairperson Costa agrees this request makes sense. Commissioner Colache stated they are elevating about 9 feet. Chairperson Costa inquired if instead of a “height” it should required above floodplain. Commissioner Colache suggested it just be a number and not get into trying to figure out elevations, Mr. Rogers agreed.

Chairperson Costa asked if there was to be a determination on this tonight, and Mr. Rogers stated no action would be taken as this is just discussion. A text amendment would need to be drafted and a public hearing would have to happen before any action could take place.

Chairperson Costa asked if the commission wants to modify the height, then how high. Commissioner Colache recommended 39 feet, Commissioner Riley recommends 38 feet to be in line with Kent County, but he asked about Queen Anne’s County height maximum of 40 feet. It was discussed with Kent Island that Queen Anne’s County may have similar flooding issues as us. Commissioner Colache recommended increasing our height from 30 feet to 40 feet.

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Commissioner Colache made a motion for Mr. Rogers to draft a text amendment changing the maximum height of residential uses in all zones from 30 feet to 40 feet, Commissioner Riggan seconded the motion, all in favor, approved for Mr. Rogers to draft a text amendment to increase the maximum height of residential uses.

**c. Review and Possibly approve Comprehensive Plan –**

See discussion under old business. Mr. Rogers recommends adopting the plan as written and approving the plan by adopting a resolution. Commissioner Colache made a motion to adopt the plan as written and adopt the resolution, Commissioner Riggan seconded the motion, all in favor. Comprehensive Plan adopted as written, and resolution adopted.

**V. Citizen Comment**

**No Citizen Comment**

**VI. Adjournment**

Commissioner Colache made a motion to adjourn the meeting, Commissioner Riley seconded the motion, all in favor, Chairperson Costa adjourned meeting at 8:03 PM

Respectfully submitted:

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Brandee Vaughan

Approved by:

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Vic Costa