



**MINUTES OF THE  
PLANNING AND ZONING COMMISSION SEPTEMBER 11, 2013**

I. Jeff LaBar called the meeting to order at 7:05 p.m. In attendance were, Nancy Feuerle, Randy Getman, Megan Reiser, Commission Members. Christopher Jakubiak, Planning and Zoning Administrator, Fran Addicott, Secretary. Absent were David Coull and Tim Stafford.

II. **Approval of the September 11, 2013 Agenda.**

**MOTION:** Mr. Getman moved to approve the agenda to add the approval of the amended July 10, 2013 meeting minutes. Seconded by Mrs. Reiser, all in favor.

III. **Approval of the amended Minutes of the July 10, 2013 Planning and Zoning Meeting.**

**MOTION:** Mrs. Reiser moved to approve the amended minutes of the July 10, 2013 Planning and Zoning meeting. Seconded by Mr. Getman, all in favor.

IV. **Approval of the Minutes of the August 14, 2013 Planning and Zoning Meeting.**

**MOTION:** Mrs. Reiser moved to approve the minutes from the August 14, 2013 Planning and Zoning meeting. Seconded by Mr. Getman, all in favor.

V. **Critical Area Regulations update.**

Last month Mr. Jakubiak distributed sections 5,6,7,8 and 9 from the Part 2- Amendment to Chapter 290- Zoning Ordinance. Prior to that the Planning Commission reviewed sections 1 - 4. At the current time there is a buffer exempt area in town and a buffer area. The buffer exempt area is those parts of the buffer that are 100 foot from the water that the town has obtained exemption from. Development is allowable with mitigation. This is removed by the States new regulations and new State law. All of the town's buffer is buffer, not buffer exempt. In the past the Planning Administrator would approve a project in the buffer exempt area, but now the same project would require a variance. The current ordinance requires the applicant to wait two months before they have a hearing with the Board of Appeals. Mr. Jakubiak would like to streamline and expedite the variance process. He stated that a variance is very important, therefore, the language should be changed, which would make it easier for the applicant. As soon as the applicant encounters a need for a variance they could get on the agenda right away.

Mr. Jakubiak will work on the language and present it to the Planning Commission at which time they will have to approve it and send to the Town Council. The Town Council has the authority to set the fees for a variance and for the Board of Appeals.

Mrs. Feuerle would like to see more of an explanation on the Grandfathering section 8 from the August Draft. Mrs. Reiser asked if there was a set amount for the Growth Allocation. There is an equal to five percent of the RCA acreage located within Chesapeake Beach, growth allocation is available to Chesapeake Beach as provided for by Calvert County.

The Floating Zone is about defining where the growth allocation is. It is a set of regulations with a boundary attached that floats over the town of Chesapeake Beach and when everyone settles on the location, it drops down, which then becomes an overlay zone or district. The Floating Zone is not mapped.

#### **Discussion from September DRAFT**

#### **Section 11. Amendments**

- A. You can amend the critical area regulations and the amendments to the state and request approval.
- B. Zoning map amendments – The only time changes can be made from IDA to LDA or LDA to RDA or RCA to LDA is by proving a mistake was made when the mapping was originally done.

Mr. Jakubiak stated that there is a lot of text devoted to Section 12 on Enforcement, Violations and Penalties.

#### **Section 15. Other Habitat Protection Areas.**

Subject would include forest interior dwelling birds and other wildlife species. (FIDS)  
The goal is to avoid development in those areas.

#### **Section 16. Environment Impact Assessment.**

The Mayor and Town Council may require an Environmental Impact Assessment (EIA) for an application for Growth Allocation.

Mr. Jakubiak said that we will discuss the buffer and mitigation for impacts in the buffer next month.

There being no further business, the meeting adjourned at 7:50 pm. on a motion by Mrs. Feuerle, seconded by Mr. Getman, all in favor.

Fran Addicott,



Secretary of Planning and Zoning