



PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING AND ZONING COMMISSION MARCH 22, 2023

- I. Commission Chair Cindy Greengold called the meeting to order at 7:00 pm. In attendance were Kathleen Berault, Laura Blackwelder, Larry Brown, and Kelly Huhn, and Jan Ruttkay, Commission members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon L. Humm, Commission Clerk.

II. **Approval of the March 22, 2023 Planning & Zoning Agenda.**

MOTION: Commissioner Berault moved to approve the March 22, 2023 Planning & Zoning agenda. Seconded by Commissioner Huhn, all in favor.

III. **Approval of the February 22, 2023 Planning & Zoning meeting minutes.**

MOTION: Commissioner Berault moved to approve the February 22, 2023 Planning & Zoning meeting minutes. Seconded by Commissioner Brown, all in favor.

IV. **Public Comment** – None Received.

V. **Continue discussion on Critical Area Regulations:**

Mr. Jakubiak explained to the Commission the difference between the Zoning map and the Critical Area map. The zoning map establishes the various zones in town while the critical area map is an overlay map that causes more restrictive measures on development activities. Mr. Jakubiak briefed the Commission on the three categories, RCA, LDA, & IDA of the critical area map.

Part 2. Development Standards in the Critical Area - Discussion resumed beginning with:

B. Intensely Developed Areas (IDA). This section includes uses that may only be permitted in the IDA only after activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water. Mr. Jakubiak touched on each use and addressed questions and concerns from the Commission.

Mr. Jakubiak recommended adding the following to this section:

#5. No use shall be permitted in the IDA that is not permitted in the underlying zoning district. **The Commission agreed to add this additional use.**

C. Limited Development Areas (LDA) This section has eight (8) provisions. Mr. Jakubiak went over these and addressed questions and concerns from the Commission.

Mr. Jakubiak recommended that the Commission consider adding the following as an additional requirement to this section:

#9. No use shall be permitted in the LDA that is not permitted in the underlying zoning district. **The Commission agreed to add this additional requirement.**

NOTE: Mr. Jakubiak will want to add substantial language in regard to the removal of individual trees in the Critical Area, which he will speak on at the next Commission meeting.

D. Resource Conservation Areas (RCA) – Mr. Jakubiak stated the RCA's are the most sensitive areas.

#1. Nothing in this Section shall limit the ability of a participant in any agricultural easement program to convey real property encumbered with such an easement to family members provided that no such conveyance will result in a density greater than one dwelling unit per 20 acres.

Mr. Jakubiak is recommending adding the following highlighted wording at the end of the paragraph so as to read:

#1. Nothing in this Section shall limit the ability of a participant in any agricultural easement program to convey real property encumbered with such an easement to family members provided that no such conveyance will result in a density greater than one dwelling unit per 20 acres **"except as may be further restricted by the underlying zone."** **The Commission agreed to the additional language.**

#4 Density

(a)- Land within the RCA may be developed for residential uses at a density not to exceed one (1) dwelling unit per 20 acres. In calculating the 1-in-20-acre density of development that is permitted on a parcel located within the RCA.

Mr. Jakubiak is recommending adding the following highlighted wording at the end of the first sentence so as to read:

(a)-Land within the RCA may be developed for residential uses at a density not to exceed one (1) dwelling unit per 20 acres **"except as may be further restricted by the underlying zone."**
In calculating the 1-in-20-acre density of development that is permitted on a parcel located within the RCA. **The Commission agreed to the additional language.**

#4 Density

(b) One (1) additional dwelling unit (accessory dwelling unit) as part of a primary dwelling unit may be permitted in the RCA provided the additional dwelling unit is served by the same sewage disposal system as the primary dwelling unit and:

- (i) Is located within the primary dwelling unit or its entire perimeter is within 100 feet of the primary dwelling unit and does not exceed 900 square feet in total enclosed areas; or
- (ii) Is located within the primary dwelling unit and does not increase the amount of lot coverage already attributed to the primary dwelling unit.

- (c) An additional dwelling unit meeting all of the provisions of this section may not be subdivided or conveyed separately from the primary dwelling unit; and
- (d) The provisions of this section may not be construed to authorize the granting of a variance, unless the variance is granted in accordance with the variance provisions contained herein.¹¹

MOTION: Commissioner Brown moved to delete in its entirety, #4 Density-(b)(i)(ii), (c), and (d). Seconded by Commissioner Berault, all in favor.

#5 RCA Uses

- (a) Existing industrial and commercial facilities, including those that directly support agriculture, forestry, aquaculture, or **any** residential development not exceeding the 1-per-20 acre density, shall be allowed in RCA's.¹² **The Commission agreed to add the word "any" as highlighted.**
- (b) **Keep as written.**
- (c) New commercial, industrial, and institutional uses shall not be permitted in RCAs, except as provided for in the Municipality's Growth Allocation provisions or as listed below.¹³ Additional land may not be zoned or used for industrial, commercial, or institutional development, except as provided by the Municipality's Growth Allocation provisions.
 - (i) A home occupation as an accessory use on a residential property and as provided for in the Municipality's zoning ordinance.
 - (ii) A golf course developed in accordance with the official guidance adopted by the Critical Area Commission on August 3, 2005, excluding main buildings and/or structures such as the clubhouse, pro-shop, parking lot, etc;
 - (iii) A cemetery that is an accessory use to an existing church, provided lot coverage are limited to 15 percent (15%) of the site or 20,000 square feet, whichever is less;
 - (iv) A bed and breakfast facility located in an existing residential structure and where meals are prepared only for guests staying at the facility;
 - (v) A gun club or skeet shooting range or similar use, excluding main buildings and/or structures, such as a clubhouse, snack bar, etc;
 - (vi) A day care facility in a dwelling where the operators live on the premises and there are no more than eight (8) children;
 - (vii) A group home or assisted living facility with no more than eight (8) residents.

MOTION: Commissioner Blackwelder moved to retain (c) & (i) as written, eliminate (iii) through (vii) and delete text in (ii) and replace with the following: "Any Institutional, Recreational, and Educational use permitted by right or Special Exception in the RC district." Seconded by Commissioner Berault, all in favor.

*Footnotes 11 & 12 are eliminated.

Chair Greengold stated discussion will resume on the Critical Area Regulations at its April 26th, 2023 meeting.

VII. Adjournment:

There being no further comments, Commissioner Berault moved to adjourn the meeting at 9:20 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.

