



To: Kent County Planning Commission Chair and Members
From: Bill Mackey, AICP, Director
Meeting: September 7, 2023
Subject: First Memorandum on *Proposed DRAFT Land Use Ordinance for Review*

Memorandum

Overall, the *Proposed DRAFT Land Use Ordinance for Review* retains the current substance of the existing Ordinance with a focus on streamlining, re-organization, introducing graphics and matrices for readability, and reducing the volume of the Ordinance by stating regulatory elements only once, whenever possible. Planning Commission's recommended Task Force text changes are included in this Land Use Ordinance.

Article I Enactment

- Clarifies language and draws together various sections that address functioning of the Ordinance
- For Critical Areas, text is added so that the County neither exceeds nor falls short of the State Law
- The digital Zoning Map is identified as the official map, resolving any conflicts with the paper maps
- The Zoning Map amendment and zoning text amendment process are separated for more clarity
- Nonconformities have been updated to clarify the process for review of status determinations

Article II Districts

- The total number of zoning districts is reduced from 17 districts to 12 via mergers and elimination
- Rural Residential zoning districts are proposed to be merged into Community Residential districts
- Crossroads Commercial zoning districts are proposed to be merged into the Commercial districts
- Industrial zoning districts are being merged into and/or renamed as Employment Center districts
- Industrial Critical Area – LDA districts are renamed as the Employment Center Critical Area – LDA
- Intense Village Critical Area and Industrial Critical Area have no mapped land and are eliminated
- Revised illustrative graphics and use matrices are added to each zoning district as improvements
- Permitted uses are revised to group similar uses together for navigability, e.g., animal husbandry
- Setbacks for accessory structures are increased to provide space between neighboring properties
- In AZD, Agritourism and Weddings as a special exception use have been added to permitted uses
- In AZD, enclaves are removed as an option, and the 10% Rule has been retained without revision
- In Village and Intense Village, added density is allowed for duplexes, townhouses, and multi-family
- *Excavation, landscaping, and other contractors' yards* merges more than one use for clarification
- Restaurants with drive through facilities in the Route 301 Corridor added to Employment Center
- *Short-term vacation rentals* (STVR) are added to all primarily residential zoning districts and AZD

Article III Uses

- All uses appear alphabetically with some uses permitted both by-right and via special exception
- Lists of conditions for similar uses are combined together to reduce overall length and wordiness
- A new adaptive re-use addresses existing religious and commercial buildings on small lots in AZD
- Animal uses are re-titled as “Animal husbandry” uses to appear together for ease of comparison
- A new use for “Animal husbandry, special – sheep or goats” is added similar to backyard chickens
- Home occupations with *de minimus* impacts may be issued use permits, but they’re not required
- Day care centers at houses of worship are allowed without special exceptions in existing buildings
- Swimming pools in the front yards of waterfront lots (rear yards) do not require special exceptions
- Specific uses that have been inferred or implied as prohibited are spelled out as directly prohibited
- Factory-constructed, single-family homes are allowed with sprinklers and life-safety compliance

Article IV Processes

- Processes are streamlined in the Ordinance and marked-up text represents substantive changes
- Policies and practices of the Department are incorporated to provide implementation consistency
- Notice requirements are standardized so mailed notices and postings are the same for all projects
- Village Master Plans are no longer referenced in the Ordinance, since no such Plans were adopted
- Waivers are re-envisioned as alternate compliance instead of variances by Planning Commission
- Extensions for building permits are revised to avoid unnecessary and repetitive reviews of projects
- Emergency provisions are provided for emergency authorizations for unforeseen contingencies
- Imprisonment provisions are removed related to compliance, and all penalties are financial only
- A new process to incorporate the Queen Ann’s County tiered landscaping approach is not included

Article V Zoning Regulations

- Off-street parking regulations are gathered together from across the Ordinance into one location
- Signage regulations are completely reformatted and also re-structured to be fully content neutral
- Electronic Message Centers (digitally changing signs) are added as permitted signs and regulated
- Staff proposes all sign illumination be indirect; interior illumination (cabinet signs) are not allowed
- Staff proposes doubling allowed signage size in AZD on farms to allow one 4-foot-by-8-foot ag sign
- Staff proposes adding allowed portable and temporary signs to legalize signs that are widely used
- Standards for Utility-Scale Solar Energy Systems for Countywide use are retained without changes

Article VI Environmental Regulations

CRITICAL AREA PROGRAM

- Text reviewed against State model ordinance. Entire LUO will be reviewed by CAC for approval.
- Purpose, implementation, and designations are included as written in current LUO but relocated and reorganized. Much of the language is drawn from the CAC model ordinance.
- Standards are updated to reflect current law. Lot coverage replaces impervious surfaces.
- Requirements for variances to develop on steep slopes have been clarified.
- Clearing and related mitigation are predominantly taken from the Anne Arundel County Code. Distinctions are made between clearing of forest (undisturbed tracts) and developed woodlands (residential areas with tree cover, e.g., Chesapeake Landing). Provisions to address clearing of small lots are included, as are provisions to allow variances.

- Current buffer regulations have been added. Clarification on how to measure the expanded buffer are included, as well as provisions for water access and buffer maintenance.
- Modified buffer provisions have been replaced with the language from the model ordinance. Development in modified buffer areas will not be limited to expansions of existing dwellings.
- Required regulations for renewable energy generating systems have been added.
- Required updates to water dependent facilities have been added.

FOREST CONSERVATION

- Specific text amendment proposed by member of the public is incorporated as recommended by Planning Commission, which includes increases to fees, maintenance periods, and surety periods.

EROSION AND SEDIMENT CONTROL

- Changes recommended by Kent Soil and Water Conservation District have been included in text.
- Text reviewed against State model ordinance and reviewed and approved by MDE for sufficiency.

STORMWATER MANAGEMENT

- Text reviewed against State model ordinance and reviewed and approved by MES for sufficiency.

FLOODPLAIN MANAGEMENT

- Three feet of freeboard included per County's Hazard Mitigation Plan and approved by Task Force.
- Text reviewed against State model ordinance and reviewed and approved by staff for sufficiency.

Article VII Definitions

- Agritourism, Fowl, Livestock, and Poultry are now defined; FEMA terms are revised; defined terms that are only utilized within the definitions section itself are combined; unused terms are deleted.
- For those definitions that contain regulatory provisions, the regulatory provisions are relocated.
- Front yards on corner lots have added flexibility as to which side determines the property address