



# Comprehensive Rezoning & Update 2020-2021 Task Force

## MEETING SUMMARY

Hybrid In-Person/Remote Meeting  
Wednesday, September 28, 2022, at 6:00 p.m.

### I. Welcome and Roll Call

Chair Hickman opened the meeting at 6:00 pm, conducting member roll call.

The following Task Force members were in attendance: Chair Joe Hickman, Al Nickerson, Bill Norris, Bill Sutton, Bryan Greenwood (remote), Buck Nickerson, Cindy Genter (remote), Jim Saunders (remote), Pat Langenfelder, and Tom Mason.

The following staff attended: Planning Commission Attorney Cynthia McCann, Esq.; DPHZ Director William Mackey, AICP; DPHZ Deputy Director Carla Gerber, AICP; Associate Planner Mark Carper, LEED Green Associate; and Planning Specialist Campbell Safian.

Kent County staff who attended included: Jamie L. Williams, CECD, Director of Economic and Tourism Development. Sean Suder, Esq., Lead Principal/Founder of ZoneCo attended remotely, presented, and answered questions.

Members of the public who attended in-person included: Janet Christensen-Lewis, John Koontz, Charles MacLeod, Esq., Paula Reeder, Annie Richards, and Maegan White.

### II. Approval of the Summary

The Meeting Summary for July 27, 2022, was adopted as presented.

### III. Purpose - Fair and Open Discussion on Proposed Text Amendments

**Outcome** - Staff is to summarize Task Force positions in Meeting Summary

#### Ground Rules

- A. Everyone is encouraged to share ideas openly and freely.
- B. There are no right or wrong inputs for discussion purposes.

#### Norms

- Participants speak 'through the Chair'. This means raising your hand if you want to speak and waiting for the Chair to call on you.

Adopted on December 14, 2022

- Don't interrupt other people.
- Don't talk/debate amongst yourselves.
- Respect other's views.
- Keep contributions short and to the point.
- Start and end on time.
- If online or on the phone: have your video ON and mute ON. Wait for the Chair to call your name before you unmute.

#### IV. Old Business

##### A. Request to review the concept and permitted use of an enclave in AZD as it relates to the 10% rule

There were no comments from the Task Force concerning this topic.

Ms. Reeder asked for clarification of the Task Force's recommendation concerning this topic. A member of the Task Force stated there was no recommendation on this topic and referenced the minutes of the July 27 meeting. The Task Force member read the minutes concerning this topic. *Editor's Note:* As a result of discussion with the Task Force under V.B (below), staff revised the recommendation to read: **"Recommendation: Some Task Force members requested elimination of the enclave standards."** This is included on page 8 of 8 in the posted version 6 of the Proposed Task Force Recommendations document.

##### B. Review of Request to consider a general noise ordinance in the zoning code

There were no comments from the Task Force or public concerning this topic.

#### V. New Business

##### A. Review of proposed text changes to the Land Use Ordinance by ZoneCo

As presented by Mr. Suder, the proposed text changes to the Land Use Ordinance by ZoneCo, will allow for greater clarity and ease of use for the reader. ZoneCo proposes the creation of a use table for each zoning district, as well as a comprehensive use table that will compile all of the uses from each zoning district into one table. Each zoning district's standards for development are also formatted into tables in the proposed Land Use Ordinance.

One of the Task Force Members asked Mr. Suder his opinion on the adaptive reuse of a historic structure as a special exception. Mr. Suder stated that the adaptive reuse of a historic structure helps to promote historic preservation. However, Mr. Suder recommended that this be a permitted use, rather than a special exception.

A second member of the Task Force noted that a special exception is required for the adaptive reuse of a historic structure in the Agricultural Zoning District. The Task Force member stated that historic structures are most common in the AZD. Mr. Suder recommended allowing the adaptive reuse of a historic structure in the Agricultural Zoning District, without the need for a special exception, because it promotes historic preservation.

A member of the Task Force asked how the current Land Use Ordinance addresses townhouses in the Village district. Ms. Gerber stated that the current Land Use Ordinance does not address townhouses. Mr. Suder is of the opinion that the County should consider adopting standards for townhouses and multi-family homes.

Ms. Reeder expressed her opinion that not enough time was given to the public to review the proposed changes to the Land Use Ordinance before the September 28 meeting.

Ms. Christensen-Lewis spoke in agreement with allowing the adaptive reuse of a historic structure to be a permitted right, rather than requiring the approval of a special exception.

A member of the Task Force noted that one of the goals of the Comprehensive Rezoning and Update is to simplify the Land Use Ordinance. The Task Force member is of the opinion that the proposed LUO is more complex than the current LUO.

Mr. Suder responded that the Land Use Ordinance is very use focused. Mr. Suder expanded upon his opinion by stating that the LUO is too descriptive for the size of the County, the simplicity of the land use, and the number of residents in the county. Mr. Suder recommended reducing Article III.

Ms. Williams, CECD, asked for clarification that the proposed Task Force recommendations have not been incorporated into the LUO, and would be added at a later date. One Task Force member confirmed that is correct.

Ms. Williams noted that workforce housing, affordable housing, and housing availability are topics of discussion in Kent County. Ms. Williams informed the Task Force of the Biden-Harris Administration's public notice, which notified jurisdictions that compensation is available to reward jurisdictions who have reformed their zoning and land use policies. The public notice was published to support the Administration's objective to lessen the burden of housing costs. Ms. Williams asked that the 12 dwelling units per acre limit in the Intense Village district be reconsidered to better align with the county's goals of creating affordable housing and availability of housing options.

Ms. Williams voiced her opinion opposing the amendment to the Forest Conservation provisions of the Land Use Ordinance. Ms. Williams highlighted the objective to make land use more business friendly, and foster growth in the industrial district. Adding additional forest conservation provisions will discourage developers and diminish their interest in Kent County.

One Task Force member spoke in agreement with Mr. Suder's recommendation to streamline the Land Use Ordinance, as well as the statements presented by Ms. Williams.

Ms. Richards of ShoreRivers asked for clarification on the timeline for public review of the proposed Task Force recommendations.

Mr. Mackey stated that the public has until the December 14 Public Forum to review the proposed Task Force recommendations and text changes to the LUO by ZoneCo.

Ms. Richards asked if the Board of County Commissioners will review the proposed Task Force recommendations, as well as the public's comments at the same meeting.

Mr. Mackey responded by stating that the Board of County Commissioners will decide how the legislative process will proceed. The standard legislative process has at least three readings and includes a public hearing, where the public can present comments. Then, the Board of County Commissioners considers the public input and the legislation. The Commissioners can then adopt, modify, or reject the proposed legislation.

Ms. Gerber presented ZoneCo's recommendations per their diagnostic report. The recommendations are listed as comments in the tracked changes version of the Land Use Ordinance.

ZoneCo believes that uses and structures have been consolidated into the code's uses sections. ZoneCo recommends that a set of permitted principal uses and a set of permitted principal structures should be separated, instead of combined as they appear in the current version of the Land Use Ordinance.

Additionally, Ms. Gerber noted the consultant's recommendation that unique standards should be set for townhouses.

The consultant recommends updating and modernizing the list of uses in the Industrial and Commercial zoning districts. For example, blacksmithing and print shops are listed as permitted uses in these zoning districts; however, these uses do not reflect the current nature of the County.

A member of the Task Force agreed that the Land Use Ordinance be modernized by updating terminology.

A second member of the Task Force spoke in support of all recommendations made by ZoneCo.

A third member of the Task Force agreed that the updated LUO should be simplified. The Task Force member is of the opinion that more restrictions have been put into place during the LUO's review.

Mr. Suder summarized his recommendations: suggesting the simplification of the use definitions and defined terms, reducing the number of uses, consolidating uses, amending uses, and adding use specific standards that are county-wide and not specific to each district. These will be ways to simplify this code.

Mr. Mackey asked Mr. Suder to present recommendations in advance of December 14<sup>th</sup>.

Mr. Suder responded that Article III needs to be reviewed, and he will propose modernization and simplification of this article.

A Task Force member asked Mr. Suder to share an example of a Land Use Ordinance from a county that is similar to Kent County. Mr. Suder agreed to complete the request.

A second member of the Task Force spoke in favor of reducing the Land Use Ordinance and eliminating uses and regulations that are irrelevant today.

#### B. Review of Task Force Recommendations

One Task Force member raised the elimination of the 10% rule (TF2), as it relates to new agricultural subdivisions. From reviewing the minutes of the prior Task Force meeting, the Task Force member is of the opinion that the Task Force recommended eliminating the 10% rule.

A second Task Force member spoke in opposition to eliminating the 10% rule. The Task Force member agreed that the topic should be revisited to determine if any of the rule's regulations can be eliminated.

Another member of the Task Force voiced a favorable opinion regarding a review of the 10% rule's requirements. The Task Force member stated that the 10% rule could be modified based on the land use principles that the Task Force wants to adopt.

A fourth Task Force member agrees that the 10% rule should not be eliminated.

## **VI. Task Force Comments**

Task Force Chair recognized a member of the audience who had been waiting to address the Task Force.

Charles MacLeod, Esq., introduced the topic of P4., the “request to create two, new floating zones to allow for (a) planned mixed-use development and (b) planned neighborhoods, including specific criteria for such designations, as well as (c) to combine the Commercial and Employment Center districts and (d) to allow residential uses in the newly combined district.” Mr. MacLeod stated that the Task Force’s opposition to creating two, new floating zones for mixed-use development and residential purposes should be updated and reevaluated. Mr. MacLeod expanded upon his opinion by stating that the landscape of Millington has changed since the recommendation was made. There is now a designated growth area around the Town of Millington and a new Mayor has been elected. Mr. MacLeod hopes the Task Force’s perspective can be changed, and he believes there is a wonderful opportunity in the growth areas of Millington.

Mr. MacLeod informed the Task Force of the upcoming community planning workshop scheduled for October 25-27 in Millington at the Millington Fire House. The planning workshop is designed to receive community feedback about the growth areas of Millington. Mr. MacLeod believes the proposed Task Force recommendation does not align with the Town of Millington’s perspective on the creation of new floating zones for neighborhoods and mixed-use development.

## **IX. Adjournment**

Chair Hickman adjourned the meeting at 7:58 p.m.