



## CRU Task Force AGENDA

Wednesday, September 28, 2022, at 6 PM

Members of the public may participate by telephone conference call via Teams.

**Dial 1-872-239-8359 and enter Conference ID 297 315 285#**

Please mute your device until the Chair opens the floor for public comments.

The public may view meetings live at <https://www.kentcounty.com/youtube-live>.

Archived videos may be viewed on the [Kent County Government YouTube channel](#).

**MISSION STATEMENT:** *We value our land, our families, our neighbors, our friends, and our diverse, rural community. Kent County's history, its location, and the land itself enrich our lives and our lifestyles every day. The CRU Task Force's mission is to preserve the best of Kent County, Maryland, including prime farmland, local culture, and its small businesses, while supporting opportunities for expanding into new economies, via innovative and thoughtful changes to the County's zoning regulations that simplify regulatory processes and add new uses.*

### I. **Welcome and Roll Call**

Al Nickerson	Buck Nickerson	Joe Hickman	Ray Strong
Bill Norris	Chikki Shajwani	Kim Kohl	Sam Shoge
Bill Sutton	Cindy Genter	Pat Langenfelder	Tom Mason
Bryan Greenwood	Jim Saunders	Paul Ruge	Tyler Brown

II. **Approval of the Summary** for the Task Force Meeting on July 27, 2022

III. **Purpose:** Fair and Open Discussion on Proposed Text Amendments

**Outcome:** Staff 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.
- 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
- B. Review of Request to consider a general noise ordinance in the zoning code

## **V. New Business**

- A. Review of proposed text changes to the Land Use Ordinance by ZoneCo (draft clean copy posted [here](#); copy with tracked changes posted [here](#))
- B. Review of Task Force Recommendations (the only revisions are the addition of draft recommendations for those items discussed on May 25 and July 27)

## **VI. Task Force Comments**

## **VII. Adjournment**

*Please note a quorum of the Board of County Commissioners may be present at any meeting.*

## Special Announcement Regarding Meeting Attendance

The following options are provided for the public to participate in the Task Force meeting.

Since seating is limited, members of the public who would like to **attend the meeting in-person** are encouraged to register in advance by either email at [compzone@kentgov.org](mailto:compzone@kentgov.org), or by leaving a voice message at 410-778-7423, ext. 9 (voice/relay). The physical location is in the County Commissioners' Hearing Room at 400 High Street in Chestertown, MD.

Members of the public who wish to **participate via video in the Teams meeting** also need to register in advance by texting their name, street address for the record, and email address to 410-708-4063. Although not required, members of the public who wish to participate in the Teams meeting are encouraged to download the free app for Microsoft Teams, in order to improve their experience of the presentation. Prior to the meeting, a link to join Teams will be emailed to those who registered.

Members of the public may **call in with comments by phone** when the Chair opens the floor for comments. To participate via phone only (without video) via Microsoft Teams:

Call **1-872-239-8359** then enter Conference ID: **297 315 285#**

Please mute your phone / computer / or other electronic device until the Chair opens the floor in order to invite the public's comments.

**To listen to the meeting only**, the meeting will be livestreamed on the County website at: <https://www.kentcounty.com/youtube-live>

**To submit written comments in advance of the meeting**, please email your comments to [compzone@kentgov.org](mailto:compzone@kentgov.org) or mail your comments to:

Bill Mackey, AICP, Director, Department of Planning, Housing, and Zoning  
400 High Street, Suite 130; Chestertown, MD 21620

**To review agendas, adopted summary minutes, and all meeting materials** online, please visit <https://www.kentcounty.com/compzone>. To receive printed copies of materials or review the materials on file in person, please contact Bill Mackey at 410-778-7423 ext. 9 (voice/relay), or at the email address above, or in writing at the address above. Please allow time for USPS delivery, if corresponding by post.

If you require communication assistance, please call (410) 778-7423 (voice/relay) or visit Maryland Relay at [www.mdrelay.org](http://www.mdrelay.org), or email [compzone@kentgov.org](mailto:compzone@kentgov.org).

Thank you for your participation!

## PROPOSED TASK FORCE RECOMMENDATIONS

### MAY 26 – ECONOMY

- P4. 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

**Recommendation: The Task Force expressed that it was uncomfortable expressing support for the proposed change, since the Town of Millington had expressed that it was not supportive. Of the two members who spoke, both expressed concern with the use of floating zones and how the zoning could affect other properties Countywide. The discussion is considered moot, since the Town expressed that it was not supportive, and the Task Force withdrew its support.**

- P5. Request to allow truck stops, truck parking lots, gas sales, convenience stores and restaurants with or without drive-through in the Industrial district

**Recommendation: The Task Force expressed that it was uncomfortable expressing support for the proposed change, since the Town of Millington had expressed that it was not supportive. There were two meetings with discussions, of the seven members who spoke at the first meeting, four were in support with concern that development be local in flavor; three members expressed concern that other areas of the County be included in discussions. At the second meeting, the discussion involved the pros and cons of including drive-through restaurants. The original support of the staff's recommendation by those who spoke in favor is considered moot, since the Town expressed that it was not supportive, and the Task Force withdrew its support.**

- TF13. Review streamlining the Cottage Industry process.

**Recommendation: The Task Force directed staff to incorporate changes into the LUO that would allow for an administrative hearing for cottage industries. Of the two members that spoke, both were in favor, one with a concern that neighbors be notified and one with a concern that the Planning Director be able to waive certain bonding requirements to ease business starts.**

- TF18. Review timelines. Currently, projects scheduled before Planning Commission and Board of Appeals must be submitted 20 days before meetings. For projects that require concept, preliminary and final review, this allows only a week for applicants to address comments and resubmit for the following meeting. // S4. Consider standardizing 10-day, 15-day, and 20-day notices to one standard

**Recommendation: The Task Force directed staff to work with a local designer and incorporate revised timelines into the LUO. Of the three members who spoke, two suggested that a flow chart as a handout could be helpful tool for applicants.**

### JUNE 9 - TOWNS & VILLAGE

- TF3. Review landscaping to reduce the requirements for trees (for example, one business site was required to have 185 trees and bushes on a 1.3-acre site).

## PROPOSED TASK FORCE RECOMMENDATIONS

**Recommendation:** The Task Force directed staff to consider using buffer yards (Queen Anne’s County was cited as the model) and standardizing the landscaping with consistency in mind. Of the four members who spoke, three were in support of standardizing landscaping as noted.

- TF7. Review setbacks and required rights-of-way for roads, so the County, State or utilities do not have to maintain vegetation planted along rights-of-way.

**Recommendation:** The Task Force did not come to an agreement. Of the four members who spoke, two expressed concerns on encroachment, and two expressed concerns on enforcement.

### JUNE 23 – TOWNS & VILLAGE

- S2. Consider re-evaluating 25-foot setbacks for recreational uses such as pools in Village

**Recommendation:** During discussion, one member spoke, and the Task Force did not object to staff including these changes in the LUO. Per the Questionnaire, more tallies were for *yes* (6) than *no* (2). In this case, the item already appeared on an agenda prior to the Questionnaire.

- S3. Consider clarifying how accessory structures can be located in front yards

**Recommendation:** During the discussion, the Task Force did not direct staff to incorporate changes into the LUO. Accessory structures would therefore continue to be allowed in the area between the required front yard and the main building on lots that are not waterfront. Of the two members who spoke, one expressed a desire to leave the LUO as it stands, and the other expressed concern about the overall permitted size of accessory structures in the current LUO.

### JULY 14 – HOUSING, TRANSPORTATION, AND HISTORIC & CULTURAL RESOURCES

- P9. Request to review standards related to subdivisions accessing private roads

**Per the Questionnaire, it was not necessary to discuss this item further, as there were only four tallies to *discuss*. The narrow agreement would appear to be that no action to change the LUO is required. Per the Questionnaire, more tallies were for *no* (5) than for *yes* (4).**

- S1. Consider adding accessory dwelling units to the Village zoning district

**Recommendation:** The Task Force expressed its concurrence that accessory dwelling units be allowed in the Village zoning district with conditions similar to those in other residentially oriented zoning districts. Of the six members who spoke, each had questions about the process.

- S9. Consider reviewing demolition process as it relates to age of structure

**Recommendation:** The Task Force expressed that the current 75-year threshold is appropriate. Of the five members who spoke, each asked clarifying questions.

- S13. Consider discussing an overall approach to short-term vacation rentals (STVR)

## PROPOSED TASK FORCE RECOMMENDATIONS

**Recommendation:** The Task Force expressed agreement that short-term vacation rentals be added to the Land Use Ordinance as permitted uses with the condition that the County taxes be paid. Of the eight members who spoke, two supported changes in the regulations, and six expressed concerns about regulating it in the LUO; however, after additional information was brought forward regarding best practices from a MACo seminar, agreement was then formed.

### JULY 28 - ENVIRONMENT

- P7. Request to review lot coverage standards and other Critical Area provisions, lot line adjustments on parcels under 5 acres, and wastewater treatment

**Recommendation:** No action was needed, and no action was requested by the Task Force. Two members asked clarifying questions about the process and the State's requirements in this area.

- P10. Request for modified buffer in RCD for campgrounds, as defined in § 2.2 (18)

**Recommendation:** The Task Force supported the staff recommendation to formulate changes per State standards and to include graphics in the LUO. Of the seven members who spoke, five requested that staff look into whether illustrative graphics could be included to help the public.

- TF9. Review elimination of the County's maximum pier length of 150 feet.

**Recommendation:** The Task Force did not come to an agreement on this matter. Of those who spoke, there were three members who spoke in support of flexibility to the regulations, and two members who spoke in support of keeping the 150-foot maximum in place, as is.

- S10. Consider reviewing the definition of waterway width versus State approach

**Recommendation:** Per the Questionnaire, more tallies were for *yes* (6) than *no* (3).

- S14. Consider discussing climate change, resilience, and the floodplain regulations by potentially requiring Base Flood Elevation plus three feet for new projects

**Recommendation:** The Task Force expressed agreement to require three feet of freeboard. Of the five members who spoke, each expressed different questions regarding the process; one member concluded with direct support, and there was no objection following this statement.

### AUGUST 11 – COUNTRYSIDE

- P1. Request to change farm definition so a shed could be built without a dwelling

**Recommendation:** The Task Force expressed agreement that the definition of a farm should not be reduced to five acres. Of the four members who spoke, all spoke in favor of not reducing a farm to five acres; four spoke in favor of a special exception to allow non-farms under 20 acres in AZD to apply for accessory sheds; one member clarified providing this could be by the shorter path towards a special exception review, which does not include Planning Commission review; one member expressed support via an email for farms to be allowed at ten to 20 acres in size.

- P2. Request to allow utility-scale energy systems in the Agricultural Zoning District

## PROPOSED TASK FORCE RECOMMENDATIONS

**Recommendation: The Task Force did not support utility-scale solar arrays in AZD beyond the currently permitted five acres. Of the two members who spoke, both opposed allowing an expansion of utility-scale solar within AZD; one member expressed that referring to this number of solar arrays (five acres) as utility-scale is a misnomer, and that the term should not be utilized.**

P3/TF8 Request to continue to exclude data centers from Agricultural Zoning District // TF8. Review allowing data centers on land in AZD at 0.5% of total land (about 630 acres) in order to let the landowners decide if they want to look at this option.

**Recommendation: Per the Questionnaire, more tallies were against allowing data centers in AZD (8 in both cases) than for adding them to AZD (3 and 2, respectively).**

TF1/TF17. Review the concept of reducing setbacks for agricultural structures to 200 feet except near current housing developments, incorporated towns, and villages. // TF17. Review setbacks for buildings containing animals. Currently, this is 600 feet. Review for more flexibility. Maybe 600 feet from residential zoning districts or provide for an administrative variance process to reduce the required setback.

**Recommendation: The Task Force did not come to an agreement. An approach to regulating the setbacks was brought forth. For the most intense uses (poultry houses, AFO, CAFO, and dairies) the current 600 feet was seen as appropriate; opinions varied on waste management structures. Of the seven members who spoke, two supported the 600-foot setback for waste management structures, and two were opposed to the 600-foot setback.**

### AUGUST 25 – COUNTRYSIDE CONTINUED

TF2. Review elimination of the 10% rule (related to new agricultural subdivisions).

**Recommendation: The Task Force did not come to an agreement on this matter. Of the six members who spoke, three supported retaining the 10% rule with the purpose of preserving agriculture in its current context, and three members supported elimination of the rule with the purpose of allowing more diverse farming outcomes. Two members supported the staff recommendation to create an exception process.**

TF5. Review concept of a reset to allow building sites up to 1 unit per 30 acres as of the approval of new zoning regardless of what has been subdivided previously.

**Recommendation: The Task Force expressed support for the retention of the current date for density with the purpose of supporting the agricultural context and preventing widespread subdivision. Of the four members who spoke, all were opposed to resetting the density clock.**

TF6. Review allowing sustainable agricultural operations for production for farmers markets, personal use, or commercial sale on homesites in ag zoning districts where such homesites do not meet the current requirements for 20 acres.

**Recommendation: Per the Questionnaire, more tallies were in support of allowing sales from small-scale, sustainable agricultural operations and ag production (7) than opposed (1).**

P17. A. Request to add Agritourism, as defined by the State of Maryland, as a permitted use in AZD

## PROPOSED TASK FORCE RECOMMENDATIONS

**Recommendation: The Task Force did not express opposition to the proposed definition in the staff report for agritourism. One member spoke to ask a clarifying question on traffic concerns.**

### SEPT 8 – ADMINISTRATIVE MATTERS

B. Inclusion of Weddings as Special Exceptions within the Agricultural Zoning District

**Recommendation: The Task Force expressed itself in favor of weddings as special exceptions in AZD and also expressed that a broader topic such as social engagements for compensation could be considered. Of the four members who spoke, two supported including maximum numbers of participants and events; one supported an approach to regulate noise related to such events; and one supported open-ended standards to allow for the free market and for public choice. One member who was unable to attend the meeting spoke in support at a subsequent meeting.**

S6. Consider removing the renewal requirements for sand and gravel pits

**Recommendation: The Task Force raised no objection to removal of provisions that conflicted with State law. Of the two members who spoke, both asked clarifying questions on the process.**

S7. Consider reviewing the definition of structures, especially considering fences

**Recommendation: The Task Force did not object to the changes proposed by staff. One member stated they were straightforward. One member spoke in support of staff's recommendation.**

S8. Consider reviewing the definition of accessory structure and accessory use

**Recommendation: The Task Force expressed a preference for removing provisions that limit the size of accessory structures and uses to be smaller than principal structures and uses. Of the three members who spoke, two expressed concerns about application of the standards in some of the zoning districts, requesting that there be language to address this in individual districts.**

S11. Consider reviewing the conditions related to hunting trailers on farms

**Recommendation: Per the Questionnaire, there were more tallies in support of staff reviewing conditions related to hunting trailers (8) than not (0). Based on the prior discussion of hunting trailers, this would include protecting hunting and extending the season for trailers in the LUO.**

S12. Consider reviewing the side setbacks and rear setbacks of three feet and five feet, respectively, for accessory structures in rear yards, which occur throughout the LUO.

**Recommendation: The Task Force expressed agreement to support 10-foot side and 10-foot rear setbacks. Of the four members who spoke, three supported the increased setbacks; one member objected to increased setbacks; and one member questioned their effectiveness in preventing the storage of materials between accessory structures and adjacent property lines.**

### SEPT 22 – ADMINISTRATIVE MATTERS



## PROPOSED TASK FORCE RECOMMENDATIONS

- P6. Request to consider adjacent lots under same ownership in order to meet the minimum requirements related to rules for the keeping of backyard chickens

**Recommendation: The Task Force expressed agreement in support of the staff recommendation not to take any action on this specific request. Eight Task Force members spoke in support.**

- P18. (NEW) Request to consider allowing backyard goats with provisions similar to backyard chickens

**Recommendation: The Task Force expressed support of the staff recommendation to allow for small ruminants with conditions as listed. Three members spoke in support. Three members spoke in support and raised issues regarding enforcement concerns. One member discussed including a definition of grazable land. One member asked about including other animals such as lamas and alpacas, and one member asked about different standards for different zoning districts with the idea that more could be permitted in AZD while less might be permitted in Village districts.**

- TF4. Review allowing nonconforming structures that were conforming when built (to be granted a fully legal status as conforming vs. as legal, nonconforming).

**Recommendation: The Task Force did not express agreement on this item. One member raised concerns over too much being opened up by such a process. One member expressed concern over the precedents that would be created. One member was in support, and one member mentioned that this would be a complement to the many nonconforming accessory structures that would be created, if the setbacks for accessory structures were to change to ten feet (S12).**

- TF14. Review waterfront regulations. Waterfront is now considered the Front Yard. This causes issues such as pools are not allowed in the front yard and since the road is now considered the rear yard, accessory sheds can be 5' from the road.

**Recommendation: Per the Questionnaire, more tallies were in support of the former review without further discussion (6) than opposed (2). It was noted in the prior discussion on April 28, that in order to keep the waterfront as the front yard, an exception should stipulate pools are allowed in the front yard and sheds must be more than five feet from the road in the other yard.**

- TF15. Review size limitations on accessory structures currently limited to 1,200 ft<sup>2</sup> in most properties under five acres. This could be enlarged to at least 2,000 ft<sup>2</sup> as long as stormwater management and screening regulations are met.

**Recommendation: Per the Questionnaire, more tallies were in support of the former review without further discussion (7) than opposed (1). In the prior discussion on April 28, one member stated stormwater management regulations may have to be met for structures over 1,200 feet, as the sitework is usually more than the building area. There was no opposition expressed to allow at least 2,000 ft<sup>2</sup> as long as stormwater management and screening regulations were met.**

- TF16. Review Front Yard definition on corner lots; currently, it's the side with the smallest dimension. Review of the side where the driveway entrance is located is a better option. If there are two driveways, one could then be removed.

## PROPOSED TASK FORCE RECOMMENDATIONS

**Recommendation:** Per the Questionnaire, more tallies were in support of the former review without further discussion (8) to (0). In the prior discussion on May 12, one member expressed that there is a need for better definitions related to what constitutes the front of a property, as there are cases with corner lots and three-sided lots, and these lots can have varying frontages.

S5. Consider removing renewal language for telecommunications

**Recommendation:** The Task Force expressed agreement with the staff recommendation. Five members spoke in support with one requesting added language when a tower is no longer used.

### OCTOBER 13 – ENVIRONMENT CONTINUED

TF10. Review how to better define establishing a Modified Buffer, keeping in mind that not all waterfront properties are in a straight line.

**Recommendation:** The Task Force did not object to establishing clear standards and a set measuring point for determining the average setbacks, subject to the approval of the Critical Area Commission.

TF11/12. Review how to better define an Expanded Buffer. // TF12. Review how to better define the term Structure (in the definitions section), as it applies to the establishment of the aforementioned Buffers.

**Recommendation:** The Task Force did not object to using Critical Area Commission approved graphics and whole numbers for percentage calculations, when addressing slopes in the buffer. Top of slope needs to be more clearly defined, and a 20-foot setback provided as a minimum.

### MAY 25 – NEW REQUESTS

Request to amend the Forest Conservation provisions of the Land Use Ordinance (Article VI. Special Provisions, Section 8. Forest Conservation, beginning on page 373 of the current Land Use Ordinance under Part 8 [here](#))

**Recommendation:** The Task Force supported an increase in the requirements for bonding and other surety requirements as well as an increase in the fee-in-lieu.

Request to revise Marine zoning district provisions (Article V. District Regulations, Section 13. Marine District, beginning on page 219 under Part 4 and Article VII. Special Exceptions, beginning on page 413 under Part 9 [here](#))

**Recommendation:** The Task Force supported maintaining the current requirements for special exceptions related to the multi-level storage of boats.

Request to the parking regulations for parking maximums instead of parking minimums (Article VI. Special Provisions, Section 1. Parking and Loading Requirements, beginning on page 309 under Part 6 [here](#))

**Recommendation:** The Task Force did not support changes for maximum parking standards.

## PROPOSED TASK FORCE RECOMMENDATIONS

Request to amend setbacks in the Village District for agricultural uses on Village zoned land (Article V. District Regulations, Section 7. Village District, beginning on page 109 under Part 3 [here](#))

**Recommendation: The Task Force did not support changes to allow roadside stands or roosters.**

Request to amend setbacks in the Village District for accessory structures in the front yard to be closer to the street than the house and to allow for small farms within Village District (Article V. District Regulations, Section 7. Village District, beginning on page 109 under Part 3 [here](#))

**Recommendation: The Task Force did not support changes to allow structures to be closer than 20 feet from the street. Regarding the term *farm*, it was suggested that instead of regulating what is allowed by using the term *farm*, another term could be used to reduce confusion.**

### JULY 27 – NEW REQUESTS CONTINUED

Review the concept and permitted use of an enclave in AZD as it relates to the 10% rule (Article V. District Regulations, Section 1. Agriculture Zoning District, beginning on page 18 under Part 1 [here](#))

**Recommendation: No action was needed, and no action was requested by the Task Force.**

Request to consider a general noise ordinance in the zoning code

**Recommendation: The Task Force did not support changes to add additional noise provisions.**

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### INITIAL REQUESTS RECOMMENDED FOR ELIMINATION BY STAFF

From the Task Force agenda of January 14, 2021:

#### List of Proposed Text Changes where discussion may not be required

1. Request to make no changes to the current zoning code as response on form
2. Request for increased property maintenance standards (Chestertown zoning)
3. Request to allow small businesses in accessory structure (Chestertown zoning)
4. *Principal residence as residence status* in the Rural Residential zoning district (This is Tax Office related. The property isn't considered a principal residence.)
5. Request to recognize certain uses on land over an acre without a residence (State determines what is assessed agricultural and taxed at the value rate.)
6. Request for water and sewer service areas for lots in Village zoning district (This request is related to mapping and the Water and Sewer Master Plan.)

### LISTED REQUESTS RECOMMENDED FOR ELIMINATION BY STAFF

- P8. Request to allow Class 8 Farm Breweries in the Agricultural Zoning District (already in progress)
- P11. Request to review lot sizes and required setbacks in property owner's district (related to map)
- P12. Request to review subdivision density standards related to zoning map request (rezoning to a different district is preferred option)