



CRU Task Force AGENDA

Wednesday, May 12, 2021, at 6 PM

I. **Welcome and Roll Call**

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

II. **Approval of the Summary** for the Task Force Meeting on April 28, 2021

III. **Purpose and Ground Rules**

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

IV. **Old Business**

- A. Public Forum
- B. Review of Task Force Members' requests for text changes to Zoning Code

V. **New Business**

- A. Continued Review of Task Force Members' requests, beginning with #18
- B. Review of Staff recommended items for consideration by the Task Force

Break – 15 minutes

- C. Discussion of Next Steps for Task Force and draft Schedule for 2021-2022

- VI. **Public Comments**
- VII. **Task Force Comments**
- VIII. **Requests for Research by Task Force Members for the Department Team**
- IX. **Readings for Next Meeting suggested for Task Force Members**
- X. **Adjournment**



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

List of Proposed Text Changes submitted by Members of the Task Force
Annotated with Land Use Ordinance references

Please note some items are combined requests by more than one member.

1. Review the concept of reducing setbacks for agricultural structures to 200 feet except near current housing developments, incorporated towns, and villages.
 - [Article V, Section 1.4.A.10.5 – waste management structures](#)
 - [Article V, Section 1.2.12 – poultry houses](#)
 - [Article V, Section 1.2.17 – stable, private](#)
 - [Article V, Section 1.2.18 – stable, commercial](#)
 - [Article V, Section 1.3.13 – feedlot or confinement dairy](#)
 - [Article V, Section 1.3.16 – more than 4 horses and mules](#)
 - [Article V, Section 1.3.18 – poultry houses on parcels where owner cannot handle the waste generated](#)
 - [Article V, Section 1.4.A.1 – accessory farm buildings - animals](#)
 - [Article V, Section 1.4.A.8 – short list of accessory uses that must be 200 feet](#)
2. Review elimination of the 10% rule (related to new agricultural subdivisions).
[Under this rule, if two brothers were to inherit a 198-acre farm, and they decide to part ways, they are not allowed to divide the farm into two, 99-acre parcels. The best they're allowed is to divide a 19.8-acre parcel from the farm.]
 - [Article V, Section 1.5 – Density, Area, Height, Width, and Yard Requirements](#)

3. Review landscaping to reduce the required number of trees (for example, one business site was required to have 185 trees and bushes on a 1.3-acre site). Landscaping standards are found in the Specific Design Standards of each district with the exception of AZD and RCD. In Rural Character, Rural Residential, Critical Area Residential, and Community Residential the landscaping requirements are limited to street trees in new subdivisions. In Village, Intense Village, Crossroads Commercial, Commercial, and Commercial Critical Area, there are standards for General Landscaping, Parking Areas, and Perimeters. In Marine, Employment Center, Industrial, and Industrial Critical Area – LDA, there are standards for General Landscaping and Screening. The standards are based on percentages.
4. Review allowing nonconforming structures that were conforming when built to be granted a fully legal status as conforming vs. as legal, nonconforming. [Article VIII Nonconformities starts on page 429. Section 2 addresses structures.](#)
5. 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. [Research will be forthcoming on what the impact of this scenario would be.](#)
6. Review allowing sustainable agricultural operations for production for farmers markets, personal use, or commercial sale on homesites in ag zoning districts. [This relates to definition #116 of farms on page 458 regarding raising livestock on parcels less than 20 acres and may also relate to definition #9 on page 448.](#)
7. Review setbacks along roadways, so the County, State or utilities do not have to maintain vegetation planted along rights-of-way. [The County requires 50-foot rights-of-way mostly comprised of pavement and stormwater measures like swales. Rights-of-way are addressed under specific design standards in most zoning districts, for example, in AZD on page 24.](#)
8. Review allowing data center 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. [This scenario would require the addition of data processing centers in the AZD.](#)
9. Review elimination of the County’s maximum pier length of 150 feet.

[In order to construct a pier, first one must apply to the MDE and Army Corps for a license. This application must be reviewed and approved by seven State and Federal agencies including Army Corps of Engineers, MDE, DNR, MHT, US Fisheries, US Fish & Wildlife, before the license is granted.]

[See for example, Article V, Section 2.4.B.7 – private piers. Also, definitions](#)

10. Review how to better define establishing a Modified Buffer, keeping in mind that not all waterfront properties are in a straight line.
[See for example, Article V, Section 5.7.B.3.d – Expansions of existing dwellings in the modified buffer](#)
11. Review how to better define an Expanded Buffer.
[See definition of buffer. Article XI, number 35](#)
12. Review how to better define the term Structure (in the definitions section), as it applies to the establishment of the aforementioned Buffers.
[Article XI, number 321](#)
13. Review streamlining the Cottage Industry process.
[See Article VII, Special Exception, specifically Section 7.15](#)
14. 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.
[See definition of Yard, Front: Article XI, number 362](#)
15. Review size limitations on accessory structures currently limited to 1,200 ft² in most properties under five acres. This could be enlarged to at least 2,000 ft² as long as stormwater management and screening regulations are met.
[See for example, Article V, Section 1.4.B.9 – private garages, etc. Same regulation is also in RCD, RC, RR, CAR, CR. This regulation is not in V or IV.](#)
16. 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.
[See definition of Yard, Front: Article XI, number 362. Also, may want to review Article VI, Section 3.4, Supplementary Regulations, Front Yards](#)

17. 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. [See list of references under #1 above](#)
 18. 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.
[Article VI, Section 5, Site Plan Review](#)
[Article VI, Section 5, Subdivision Review](#)
[Article IX, Variances and Waivers](#)
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List of Staff recommended items for consideration by the Task Force

1. Consider adding accessory dwelling units to the Village zoning district
2. Consider re-evaluating 25-foot setbacks for recreational uses such as pools in Village ([p. 113, Article VI, Section 7.4.8](#))
3. Consider clarifying how accessory structures can be located in front yards
4. Consider standardizing 10-day, 15-day, and 20-day notices to one standard
5. Consider removing renewal language for telecommunications ([pp. 418-419, Article VII, Section 7.35.m](#)).
6. Consider removing the renewal requirements for sand and gravel pits ([p. 426, Article VII, Section 7.52](#)).
7. Consider reviewing the definition of structures, especially considering fences:
[Structure](#) - Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, including but not limited to *mobile homes, signs, swimming pools, fences, gas and liquid storage tanks, backstops for tennis courts, sheds, barns, and pergolas.*
8. Consider reviewing the definition of accessory structure and accessory use:
[Accessory Structure](#) - A detached *structure* on the same parcel as the principal *structure* or use and which is incidental and subordinate to the principal *structure* or use in area, extent and purpose, i.e. shed, or detached garage.

Accessory Use - One which: (a) is subordinate to and serves a principal *structure* or principal use; (b) is subordinate in area, extent, and purpose to the principal *structure* or use served; (c) is on the same *lot* as the principal *structure* or use served except as otherwise expressly authorized by provisions of this ordinance; and (d) is customarily incidental to the principal use or *structure*.

9. Consider reviewing demolition process as it relates to age of structure (p. 482, Article XII, Section 3, #5.5)
10. Consider reviewing the definition of waterway width versus State approach:
Waterway, Width Measurement - The measurement is made at the shoreline location of the pier and the narrowest width of the waterway from that point.
11. Consider reviewing the conditions related to hunting trailers on farms (Article, V, Section 1.4.A.7 (p. 13); Section 2.4.A.6 (p. 31); Section 3.4.A.6 (p. 48); Section 4.4.A.6 (p. 63); Section 6.4.A.6 (p. 97))
12. 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.
13. Consider discussing an overall approach to short-term vacation rentals (STVR)
14. Consider discussing climate change, resilience, and the floodplain regulations by potentially requiring Base Flood Elevation plus three feet for new projects

COVID-19 Special Announcement Regarding Meeting Attendance

In response to the State of Emergency, the following options are provided for the public to participate in the Task Force meeting.

Members of the public who would like to **attend the meeting in-person** need to register in advance by contacting Bill Mackey at 410-778-7423, ext. 9 (voice/relay), or by email at compzone@kentgov.org. There's limited seating capacity for in-person. The 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: **862 012 717#**

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 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, or email compzone@kentgov.org.

Thank you for your participation!