



Comprehensive Rezoning & Update 2020-2021 Task Force

MEETING SUMMARY

Hybrid In-Person/Remote Meeting
Wednesday, May 25, 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, Vice-Chair Paul Ruge, Al Nickerson (remote), Buck Nickerson, Bill Norris, Bill Sutton, Cindy Genter (remote), Pat Langenfelder, and Tom Mason.

The following staff attended: DPHZ Director William Mackey, AICP; DPHZ Deputy Director Carla Gerber, AICP; and Associate Planner Mark Carper.

Members of the public who attended in-person included: Janet Christensen-Lewis, Judy Gifford (remote), Olga Brooks, and Charles MacLeod, Esq.

II. Approval of the Summary

The March 30, 2022, Meeting Summary 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.
- 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.

Adopted on July 27, 2022

IV. Old Business

A. Presentation of proposed new graphics for individual zoning districts.

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

B. Discussion to revisit the topic of consolidation of limited zoning districts.

Regarding the consolidation of select districts, the uses from those districts being eliminated were added to and highlighted in the retained districts. Rural Residential and Community Residential were combined to become Community Residential. Crossroads Commercial and Commercial were combined to become Commercial. Employment Center and Industrial were combined to become Employment Center.

A discussion ensued as to the suitability of some of the uses – such as stables and sand and gravel pits – and as to whether it was more appropriate to wait until the zoning districts were re-mapped before deliberating the uses. More opportunity to review the material was suggested, and a motion was made and approved to discuss the matter further at the next Task Force meeting.

C. Discussion of Task Force Schedule.

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

V. New Business

A. Review of Request to amend the Forest Conservation provisions of the Land Use Ordinance (Article VI. Special Provisions, Section 8. Forest Conservation).

As presented by Ms. Gerber, the requested amendment would increase Kent County forest conservation standards above those of the State of Maryland, specifically by increasing the amount of new forest required along with development, increasing forest area replacement ratio, increasing the two-year State-required term for maintenance to five years, increase the contribution for fee-in-lieu, and double the length of time that bonds will be held from one growing season to two growing seasons. Ms. Gerber noted that neighboring counties have forest conservation requirements that are more stringent than the State's.

Topics of discussion amongst Task Force Members included concerns that the proposal would create additional confusion in a set of already complex regulations and a desire for an increase in the bonding and other surety requirements as well as an increase in the fee-in-lieu.

Members of the public spoke in favor of the request. Ms. Christensen-Lewis stated that it would be shortsighted not to be more restrictive, that all other counties have made stricter regulations, and that the approach should be more holistic for the betterment of the County. Ms. Gifford encouraged a view to the future and spoke of the importance of biodiversity and resiliency.

B. Review of Request to revise Marine zoning district provisions (Article V. District Regulations, Section 13, Marine District and Article VII. Special Exceptions).

As presented by Mr. Mackey, the proposed text amendment would change the multi-level storage of boats from a special exception to a permitted use, along with a deletion of the following conditions: “b. The open end of the building does not face the road” and “e. Trailers are not stored on the premises”. Other components of the request included to either revise or eliminate the Country Inn provisions; permitted dwelling units; provisions for conference centers, resorts, retreats, hotels, and motels; and height restrictions for residential uses to allow for expanded residential uses; allowance of utility-scale solar; and allowance of structures in modified buffers and on piers, such as fuel dock offices and recreational facilities.

One of the of the Task Force members asked whether Marine Districts were Intensive Development Areas (IDA) or Limited Development Areas (LDA) in the Critical Area. Ms. Gerber explained that all parcels zoned Marine (M) are IDA, but not all marinas are necessarily within Marine zoning districts and that there are smaller operations outside of those districts. Another Member stated that since marinas tend to be near residential areas, having uses, such as those mentioned, as special exceptions are good, that marinas should not be able to intensify by right and that the public deserves a right to comment. Mr. Mackey commented that marinas are facing a lot of competition and that having flexibility may allow them to remain viable. Another Member stated that marinas should have pump out stations.

C. Review of Request to revise the parking regulations for parking maximums instead of parking minimums (Article VI. Special Provisions, Section 1. Parking and Loading Requirements).

As presented by Mr. Carper, the requested revision suggested, as a means of promoting alternatives to automobile transportation, that parking maximums, rather than parking minimums, should be regulated. A Task Force Member asked that if maximums were set, where would the overflow go? If it is to street parking, how does this affect bicycle traffic. The Member also stated that as a rural county, there are not a lot of alternatives and that there’s not much public transportation available. Another Member opined that many businesses complain that so much parking space is required and asserted that there should be more flexibility. Other sentiments expressed were that the request may be impractical since the County is so rural.

D. Review of Request to amend setbacks in the Village District for Agricultural uses on Village zoned land (Article V. District Regulations, Section 7. Village District).

As presented by Mr. Mackey, the request was to minimize setback requirements for multi agricultural use. The member of the public who made the request is interested in selling produce raised on the property zoned Village from a small farm stand located directly next to the road. Currently such a farmstand would need to be set back 20 feet. The proposer is also interested in having a rooster under backyard chickens. Currently, male chickens are prohibited under the backyard chickens as accessory use.

In regard to the request to change the setback requirement, a primary concern expressed by Members of the Task Force was safety, that parking on road shoulders could be hazardous and that the level of risk varied with road type and the speed of traffic. Ms. Gerber commented that farmstands require a use permit and that a stipulation of that permit is that adequate parking must be available. Ms. Brooks, who had submitted the request, commented that a setback of 20 feet does not allow a traveler to see the

stand with adequate time and distance to pull over and park. In regard to roosters, a key concern was associated noise. Ms. Brooks opined that roosters lent to the independence and sustainability of a small homestead and suggested that roosters could be allowed unless a neighbor complained about noise. A Task Force Member expressed additional concerns about free roaming chickens.

E. Review of 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).

As presented by Mr. Mackey, the request was to modify regulations so that accessory structures could be permitted in front yard areas within the Village Districts, that there would be flexibility within the limitation of septic reserve and that they could be relocated to accommodate additional buildings, and that “farm” be defined differently than 20 acres or more. Mr. Mackey pointed out that issues regarding septic reserves are a matter for the Health Department.

Several Task Force Members questioned whether sheds in the front of houses in the Village District is appropriate. One Member opined that there is a need to address the 20-acre standard in defining “farms”, that properties with an FSA (Farm Service Agency) number should be regulated as farms, and that there should not be limits placed on the size of the farms. He cited that in Kent County there are more than 200 parcels less than 20 acres in size that have FSA numbers. Another Member asked whether the definition of farms needed to be changed, and the first Member opined that the County should not be more restrictive than the Federal Government. Mr. Mackey postulated that defining farms as 20 acres or more was for the regulation of more intense, agricultural uses that would not be appropriate on small parcels.

It was decided that two additional items on the agenda under New Business be postponed and addressed at the next Task Force Meeting.

V. Adjournment

Chair Hickman adjourned the meeting at 8:09 p.m.