



CRU Task Force AGENDA

Wednesday, September 8, 2021, at 6 PM

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

Dial 1-872-239-8359 and enter Conference ID 488 532 082#

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	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 August 11, 2021

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. Review of TF 2 (Review elimination of the 10% rule)
- B. Review of TF 5 (Review concept of a density clock reset in AZD)
- C. Review of P17 (Request to add Agritourism as a permitted use in AZD)
 - Review of P17 (Inclusion of Weddings as Special Exceptions within the Agricultural Zoning District) – **to be continued from previous meeting**

V. New Business

- A. Summary of the 2020 Census Data and Tools – Jamie L. Williams, Director of Economic and Tourism Development

Public Comment

- B. Review of S6. Consider removing the renewal requirements for sand and gravel pits ([p. 426, Article VII, Section 7.52](#)).

Public Comment

- C. Review of S7. Consider reviewing the definition of structures, especially considering fences ([p. 476, Article XI. Definitions](#)).

Public Comment

- D. Review of S8. Consider reviewing the definition of accessory structure and accessory use ([p. 447, Article XI. Definitions](#)).

Public Comment

Break – 10 minutes

- E. Review of 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.

Public Comment

- F. Review of Initial Proposed Draft Task Force Recommendations (up to 8/11)

Public Comment

- G. Discussion of Next Steps for Public Forum, Sign Code, Re-formatted LUO, and Additional Submittals for Requests for Specific Text Changes from the Public

Public Comment

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.

Members of the public who would like to **attend the meeting in-person** are encouraged to register in advance by contacting Bill Mackey at 410-778-7423, ext. 9 (voice/relay), or by email at compzone@kentgov.org. 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: **488 532 082#**

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!

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

Background

Currently, the Land Use Ordinance does not outrightly permit weddings within the AZD.

Request

The Department of Planning, Housing, and Zoning has been receiving increasing numbers of inquiries regarding the allowance for weddings in the AZD, and Staff request consideration of directly addressing this issue in our Land Use Ordinance.

Review

As a well-established practice, special events, such as weddings, may be hosted at Country Inns, which may be established by Special Exception. If done responsibly and with mitigation of possible nuisance, allowance of weddings as Special Exceptions within the AZD may help in meeting the growing demand while subsequently stimulating the economy. Examples of how other counties in Maryland address this are as follows:

With Development Standards in its Resource Conservation Areas within Agricultural and Countryside zoning, Queen Anne's County includes weddings as Special Events, which it defines as,

Personal or business social engagement or activities conducted at a bed-and-breakfast, single-family residence, or on a farm where quests assemble for parties, wedding events, reunions, birthday celebrations, or similar uses for compensation, during which food and beverages may be served to guests and music and other entertainment is provided to quests. This definition shall not include places of worship. [Added 3-26-2013 by Ord. No. 13-01]

In Howard County, weddings may be permitted in its Rural Conservation (RC) District under Conditional Use as a Limited Outdoor Social Assembly (Section 131.N.32). The provisions for such include that the property is the site of an historic structure; that it be 5 acres or larger; that access will not infringe on roads or other drives; that no permanent structures are to be erected; that surrounding properties are to be shielded from noise and nuisance; that the assembly will have a maximum number of attendees, limited number of events pre year, and restricted operating hours; and that catered or on-site prepared foods meet food safety requirements and are subject to food safety inspections.

In its ordinance for Agriculture and related uses, Talbot County allows for Farm-based recreation, for which there are minimum size, use, setback, landscape type requirement, and site plan approvals and which it clarifies as, "... activities that predominately use agricultural products, buildings or equipment, such as corn mazes, hayrides, pony rides, petting zoos, farm museums and similar activities. The facilities may be available as venues for weddings, receptions and similar uses," subject to specific conditions. Those particular limitations include maximum number of attendees per event, no outdoor music before or after certain times, and a maximum number of events per year, for which an operator is not required to apply for use certificate for each even through the year.

Recommendation

Staff recommends that the Task Force consider suggesting the inclusion of weddings as Special Use and that they carry additional standards to address maximum event size, frequency of events, hours of operation, nuisance control, and public safety.



Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Carla Gerber, AICP, Deputy Director

Meeting: September 8: Administration

Subject: S6. Consider removing the renewal requirements for sand and gravel pits
(p. 426, Article VII, Section 7.52)

STAFF REPORT

Background

Sand and gravel pits (excavation or extraction) are a special exception use in the AZD, RCD, RC, RR and CAR zoning districts, and are prescribed by a set of standards set forth in Article VII, Section 7.52. In 2009, Queen Anne's County adopted a special exception ordinance regulating sand and gravel extraction operations and containing many provisions similar to Kent County's special exception language.

A legal challenge to Queen Anne's County's ordinance by several sand and gravel excavator companies led to a 2012 decision by the Maryland Court of Special Appeals, *East Star, LLC v. County Comm'r of Queen Anne's County*, 203 Md. App. 477 (2012), in which the appellate court held that certain provisions of the local ordinance were preempted by State law.

Summary of Case:

203 Md. App. 477 *; 38 A.3d 524 **; 2012 Md. App. LEXIS 23 ***; 2012 WL 657878

The operators challenged a county ordinance, Queen Anne's County, Md., County Ordinance 08-20 (CO 08-20), which imposed certain restrictions on their businesses, arguing that it was preempted by provisions of the State surface mining laws. The appellate court held that the challenged ordinance was preempted by State law. The appellate court held that State law provided a detailed and elaborate regulatory program for surface mining and manifested the general legislative purpose to create an all-encompassing scheme governing the area the county sought to control through CO 08-20. By addressing the maximum disturbance for surface mines, the time periods for mining activities, the reclamation process and conditional use approval of renewal expansion, the county acted beyond its zoning powers and impermissibly entered the realm of a State law that impliedly preempted its authority. The appellate court also noted that, even if not impliedly preempted, the ordinance conflicted with State law as to the area of maximum disturbance and the time limits for permits, imposing limits and restrictions on activities the General Assembly expressly intended to permit.

Request

In light of the *East Star* decision, staff is recommending that the current requirements for Sand and Gravel Pits be revised to comply with the decision.

Review

2018 Comprehensive Plan has a Mineral Resources section with the following goal:

Goal: Conserve the County's Mineral Resources for Future Use while Safeguarding the Environment and Surrounding Communities

Strategy: Review the existing regulations governing sand and gravel extraction.

Kent County has established and will maintain regulations governing mineral extraction. The County will periodically review the existing Land Use Ordinance, as well as State and Federal regulations governing sand and gravel extraction to assure reasonable access to these resources while safeguarding the environment and the community from potential negative impacts of extraction and the transportation of extracted materials.

The current standards for sand and gravel pits are:

52. Sand and gravel pits, *excavation*, or extraction (not including the removal of sod, and *excavation* for foundations, *swimming pools*, *soil* and water conservation practices, and those removals approved in connection with farm use, *street* construction, *subdivision* or planned residential *development*) in AZD, RCD, RC, RR and CAR provided:
 - a. The special exception shall be for a period not to exceed five years
 - b. Material is not brought from *off-site* for processing, mixing, or similar uses
 - c. The *excavation* or extraction operation shall be controlled to offer reasonable protection to surrounding properties and the neighborhood, particularly as regards to use of residential *streets* for access to the *site*
 - d. There are no known threatened or *endangered species*, areas of specific value, or rare assemblages of species or other vital habitat at the *site*
 - e. In RCD and CAR, *highly erodible soils* are not disturbed at the *site*
 - f. The operation will not disturb for future use prime agricultural lands or *forest and developed woodlands* of more than one acre
 - g. The operation will not degrade water quality
 - h. The operation does not disturb the minimum 100-foot *buffer* or *stream protection corridor*
 - i. The operation is under an approved operating and restoration plan from the State of Maryland
 - j. The operation does not adversely affect a *non-tidal wetland* directly or hydrologically
 - k. The location of the *excavation* or extraction with respect to property lines, the depth of *excavation*, and relation to the water table or *flood* criteria and the *slope* of the sides of the *excavation* shall be controlled to prevent a continuing, unsightly, hazardous, or wasteful condition of the land.

Recommendation

Staff recommends that the requirements of the special exception focus on criteria related to local zoning authority. The proposed language removes the text highlighted above:

52. Sand and gravel pits, *excavation*, or extraction (not including the removal of sod, and *excavation* for foundations, *swimming pools*, *soil* and water conservation practices, and those removals approved in connection with farm use, *street* construction, *subdivision* or planned residential *development*) in AZD, RCD, RC, RR and CAR provided:

- a. Material is not brought from *off-site* for processing, mixing, or similar uses
- b. The *excavation* or extraction operation shall be controlled to offer reasonable protection to surrounding properties and the neighborhood, particularly as regards to use of residential *streets* for access to the *site*
- c. There are no known threatened or *endangered species*, areas of specific value, or rare assemblages of species or other vital habitat at the *site*
- d. In RCD and CAR, *highly erodible soils* are not disturbed at the *site*
- e. The operation will not degrade water quality
- f. The operation does not disturb the minimum 100-foot *buffer* or *stream protection corridor*
- g. The operation is under an approved operating and restoration plan from the State of Maryland
- h. The location of the *excavation* or extraction with respect to property lines shall be controlled to prevent a continuing, unsightly, hazardous, or wasteful condition of the land.

c: file



Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Bill Mackey, AICP, Director DPHZ

Meeting: September 8, 2021: Administrative Matters

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

STAFF REPORT

Background

On May 12, 2021, the revised list of the staff suggestions for the Task Force's consideration was presented. This item was included. The issue is that the Critical Area Commission allows for certain kinds of fences in the 100-foot buffer; due to the wording of Kent County's definition of structure in the Land Use Ordinance, fences have not been allowed in the 100-foot buffer by Kent County. Recently, DPHZ interpreted the LUO to recognize that fences without foundations could be allowed as non-structural items. It would be better if this could be permanently included in the LUO, so that there is no question about fences in the future.

Request

This staff suggestion raises the issue of potentially bifurcating fences into two different categories. This is possible, because although fences are included in the definition of *structure*, Kent County doesn't require a permit for a fence, but it does require a permit for any other type of structure. The term *fence* is also an undefined term in the Land Use Ordinance, which means there's available flexibility in how the term fence can be interpreted by staff.

321. 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 (LUO, p. 477).

It appears that *a permanent location on the ground* would imply a foundation. Therefore, fencing including fencing in the 100-foot buffer could be of two types: a fence requiring a foundation, which may require a buffer variance, and a fence without footers or a foundation that could meet the limitations of the Critical Area program and does not need a buffer variance. The type of fence that Critical Area Commission staff noted as not requiring a variance under State law is as follows:

§8-1802 (a) (17) (iii) "Lot coverage" does not include: 1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer. ... (MD Nat Res Code § 8-1802(2018))

Thus, fences in the 100-foot buffer for which a variance is not required under State law could be allowed without a buffer variance in Kent County with revised language in the definition of structure.

Suggested language is as follows.

321. 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 with footers or a foundation*, gas and liquid storage tanks, backstops for tennis courts, sheds, barns, and pergolas.

Review

The 2018 Comprehensive Plan does not address fences in the 100-foot buffer.

Recommendation

Staff recommends that the Task Force consider adding language to the definition section, in order to make it completely clear that non-structural fences may be constructed within the 100-foot buffer in keeping with what is already allowed by the Critical Area Commission but not clearly articulated within the LUO.

c: file



Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Bill Mackey, AICP, Director DPHZ

Meeting: September 8, 2021: Administrative Matters

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

STAFF REPORT

Background

On May 12, 2021, the revised list of the staff suggestions for the Task Force's consideration was presented. This item was included. The issue is that accessory structures have at some times in the past been required to be smaller in area and smaller in height than primary structures in order to be permitted. At other times this has not been the case, based on DPHZ policy. The purpose of bringing this item forward is to no longer continue interpreting the matter, but to set the matter out on the LUO clearly and permanently. Accessory use has similar ramifications, and the relationship between the two would need to be clearly set forth.

Request

This staff suggestion raises the issue of eliminating the gray area of interpretation and altering language to make it clear that an accessory structure or an accessory use must be subordinate and incidental, but it need not be physically smaller in area. Parking lots for commercial buildings are an example. Commercial buildings are often smaller than their parking lots, but the parking lot would not be the principal use. In a similar manner, a detached garage might be larger in area than a home, but it would still be subordinate.

The Land Use Ordinance currently contains the following under the definitions section.

2. 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 (LUO, p. 447).

3. 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* (LUO, p. 447).

38. Building - Any *structure* having a roof supported by columns or walls for the housing or enclosure of *persons* or property (LUO, p. 451).

Queen Anne’s County and Cecil County regulations contain the following definitions.

Term / County	Cecil County	Queen Anne’s County
Accessory Building	A minor building that is located on the same lot as a principal building and is used incidentally to a principal building or houses an accessory use.	A structure that (1) is subordinate to and serves a principal building or a principal use; (2) is subordinate in area, extent, and purpose to the principal structure or use served; (3) is located on the same lot as the principal building or use served except as otherwise expressly authorized...; and (4) is customarily incidental to the principal building or use.
Accessory Structure	A detached structure on the same parcel of property as the principal structure, the use of which is incidental to the principal structure, e.g., shed or detached garage.	
Accessory Use	A use which is clearly incidental and subordinate to a principal use of a structure and which is on the same lot or on a contiguous lot under the same ownership.	A use that (A) is subordinate to and serves a principal building or a principal use; (B) is subordinate in area, extent, and purpose to the principal structure or use served; (C) is located on the same lot as the principal structure or use served except as otherwise expressly authorized ...; and (D) is customarily incidental to the principal structure or use.
Building	Any structure, temporary or permanent, having a roof and designed for shelter or enclosure of any person, animal, or property of any kind. Excluded are storage tanks, outdoor processing or testing equipment, and other structures as determined by the Zoning Administrator.	A. A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. B. Includes any part of the structure. C. Where independent units with separate entrances are divided by party walls, each unit is a building.

It would appear that Kent County’s definition of accessory structure is almost identical to Cecil County’s definition with the addition of the term “subordinate” and the phrase “in area, extent, and purpose,” which appears in the Queen Anne’s County definition. Kent County’s definition of accessory use is almost identical to the Queen Anne’s County’s definition. The origin of these definitions is unknown to staff, and there may well be a common model for all. There are also other related terms such as *residential accessory structure* (unattached) and *incidental accessory structure* (movable) in Queen Anne’s County zoning code.

Review

The 2018 Comprehensive Plan does not address accessory structures except to mention them as possible locations for accessory dwelling units.

From the review above, it is clear that Kent County's definitions for *accessory structure* and *accessory use* are in keeping with neighboring jurisdictions. The flexibility needed for accessory structures and accessory uses to be larger in area and/or height, while still remaining incidental and subordinate, may be a matter of a simplification of definitions to be more similar to those of Cecil County than to Queen Anne's County.

Recommendation

Staff recommends that the Task Force consider the following simplification of the text for definitions, if the Task Force is comfortable with a position that accessory structures and uses may sometimes be larger in area and/or height than principal structures and uses, as long as they are clearly subordinate.

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)~~ (c) is customarily incidental to the principal use or *structure*.

On the other hand, if the Task Force would prefer accessory structures to be smaller in footprint and height than principal structures (this is not recommended for accessory uses, such as parking lots, etc.), then the Task Force may wish to consider adding language to the text to make the definition more specific.

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, height,~~ extent, and purpose, i.e., shed, or detached garage, and also smaller in area and lower in height than the principal structure on site.

c: file



Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Mark Carper, Associate Planner

Meeting: September 8, 2021: Administrative

Subject: 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.

STAFF REPORT

Background

The Kent County Land Use Ordinance has set, within most residential districts, a standardized minimum rear yard setback for accessory residential structures at three (3) feet from the side and five (5) feet from the rear. Within Intense Village (IV) and Intense Village Critical Area (IV-CA), setbacks are determined by site plan review, when required, or follow Village standards.

Request

Staff suggested that the Task Force 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.

Review

The purpose of setback requirements in general, both to principal buildings and accessory structures, is to ensure adequate access to the perimeter of a property, improve visual appeal, maintain uniformity, provide for ventilation and light, ensure privacy, eliminate encroachments, provide fire protection, protect public health, and increase safety.

The Kent County Land Use Ordinance defines Accessory Structures as

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.

Increasingly, County zoning enforcement officers report that they are finding debris, lean-to's, cordwood, and other items stacked against accessory structures and encroaching within the setback space, creating unsightly views from adjacent properties, and creating habitat for vermin.

Except for Village (V), IV, and IV-CA districts, all residential districts (AZD, RCD, RC, RR, CAR, and CR) address accessory use of accessory structures in the following manner:

Private garages, swimming pools, game courts, and other customary residential outbuildings and structures provided that accessory structures on parcels less than 5 acres do not exceed 1,200 square feet or 17 feet in height.

Accessory use of such structures within V, IV, IV-CA districts is less clearly defined and is stated as follows:

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures.

For comparative purposes, Cecil County restricts residential accessory structures to not occupying more than 30 percent of the yard area and to be set back a minimum of 10 feet to a rear lot line and a minimum of 10 feet to a side lot line. Queen Anne's County requires only a 3-foot set back from any property line for residential accessory structures, and they limit structure size based on zoning district and parcel area and restrict heights to 20 feet. In Talbot County, the setback requirement for accessory structures in Villages is 10 feet from side lot lines and 25 feet from rear lot lines. This distance may be reduced by half if the accessory structure is no more than 300 square feet and no more than 20 feet in height. They also have established a maximum lot size coverage for all buildings and uses (not including parking areas and access drives) of 25% on Village properties outside of the Critical Area.

The Kent County Comprehensive Plan, in its Towns and Village Chapter encourages a policy framework that:

Guides town and village growth so it maintains and enhances existing character, keeping towns and villages desirable places to live, so they will continue to attract residents who might otherwise reside in the countryside (p. 21)

Recommendation

Staff recommends that rear yard setbacks for residential accessory structures be uniformly set at 10 feet for the side and 10 feet for the rear, the exceptions being within the Intense Village and Intense Village Critical Area, where setback requirements are determined by site plan review. If site plan review isn't required, then the Village setbacks are applied.

INITIAL PROPOSED DRAFT – 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.

- 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.

- 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.

- 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. A flow chart as a helpful tool for applicants is also encouraged.

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).

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.

- 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 a consensus regarding this matter.

JUNE 23 – TOWNS & VILLAGE

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

Recommendation: During discussion, the Task Force did not object to staff including these changes in the LUO. Per the Questionnaire, more votes were tallied for *yes* (6) than *no* (2).

INITIAL PROPOSED DRAFT – TASK FORCE RECOMMENDATIONS

- 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.

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 votes to *discuss*. The narrow consensus would appear to be that no action to change the LUO is required. Per the Questionnaire, more votes were tallied for *no* (5) than for *yes* (4).

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

Recommendation: The Task Force expressed its consensus that accessory dwelling units be allowed in the Village zoning district with conditions similar to those in other residentially oriented zoning districts.

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

Recommendation: The Task Force expressed its consensus that the current 75-year threshold is appropriate.

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

Recommendation: The Task Force expressed a consensus that short-term vacation rentals be added to the Land Use Ordinance as permitted uses with the condition that the County taxes be paid.

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.

- 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.

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

INITIAL PROPOSED DRAFT – TASK FORCE RECOMMENDATIONS

Recommendation: The Task Force did not come to consensus on this matter; however, there were more members who spoke in support of flexibility to the regulations than members who spoke to keep the 150-foot maximum in place, as is.

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

Recommendation: Per the Questionnaire, more votes were tallied 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 a consensus to require three feet of freeboard.

AUGUST 11 – COUNTRYSIDE

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

Recommendation: The Task Force expressed a consensus that the definition of a farm should not be reduced to five acres. Some members spoke in favor of a special exception to allow non-farms under 20 acres in AZD to apply for accessory sheds, providing this could be by the shorter path towards a special exception review, which does not include Planning Commission review.

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

Recommendation: The Task Force did not support utility-scale solar arrays in AZD beyond the currently permitted five acres. Some members expressed that referring to this amount 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 votes were tallied 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 a consensus. 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. A stepped system of one, two, three, five, and ten acres was suggested as a way to allow small animals with an assigned total number of animals for each acreage as opposed to animal units.

INITIAL PROPOSED DRAFT – TASK FORCE RECOMMENDATIONS

AUGUST 25 – COUNTRYSIDE CONTINUED

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

Recommendation: The Task Force did not come to a consensus. Some members supported retaining the 10% rule with the purpose of preserving agriculture in its current context. Some members supported elimination of the rule with the purpose of allowing more diverse farming outcomes. Some 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.

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 votes were tallied 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

Recommendation: The Task Force did not express opposition to the proposed definition in the staff report for agritourism.

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

Recommendation:

INITIAL PROPOSED DRAFT – TASK FORCE RECOMMENDATIONS

SEPT 8 – ADMINISTRATIVE MATTERS

- S6. Consider removing the renewal requirements for sand and gravel pits
- S7. Consider reviewing the definition of structures, especially considering fences
- S8. Consider reviewing the definition of accessory structure and accessory use
- ~~S11. Consider reviewing the conditions related to hunting trailers on farms~~
- 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.

SEPT 22 – ADMINISTRATIVE MATTERS

- 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
- P18. (NEW) Request to consider allowing backyard goats with provisions similar to backyard chickens
- TF4. Review allowing nonconforming structures that were conforming when built (to be granted a fully legal status as conforming vs. as legal, nonconforming).
- ~~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.~~
- ~~TF15. 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.~~
- ~~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.~~
- S5. Consider removing renewal language for telecommunications

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.
- TF11. 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.