

An aerial photograph of a wooded area with a red dashed line outlining a specific region. The text is overlaid on the left side of the image.

# Zoning Code Modernization Task Force Presentation

Kent County, Maryland

December 9, 2020

**ZONE**CO<sup>++</sup>

# Lead Consultant



**ZONE**CO ++  
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- J.D., University of Virginia School of Law
- Former Chief Counsel for Land Use and Planning, City of Cincinnati
- Author of Numerous Zoning Ordinances, Historic Preservation Ordinances, Sign Ordinances, Environmental Ordinances
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# Consulting Team



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**N|V|5** Delivering Solutions  
Improving Lives



# A Methodical Approach to Zoning

Diagnose

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graph TD; A[Diagnose] --> B[Calibrate]; B --> C[Codify]; C --> D[Adopt];
```

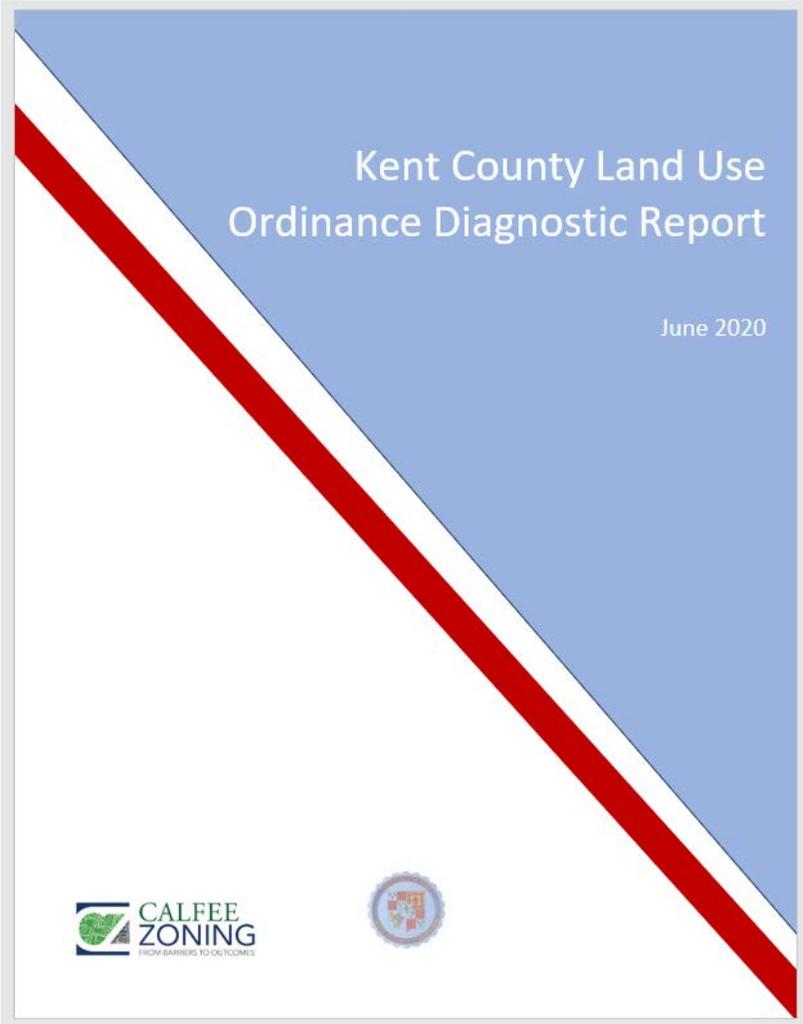
Calibrate

Codify

Adopt



# Diagnose



## General Observations

Before analyzing the specific provisions of the Ordinance, the following are general observations of its overall format and usability:

General Observations	
<b>Organization</b>	The presentation of the district regulations is not intuitive. Permitted uses and permitted structures are combined and create confusion. Lot development standards are not aligned with those for permitted structures.
<b>Graphics</b>	There are very few graphics which makes it very difficult to visualize the desired character in the various districts. The lack of graphics also inhibits the illustration of complex concepts.
<b>Tables</b>	Development standards are presented in lists rather than easy-to-use tables.

## Plan Goal Consistency Review and Analysis

Our analysis includes general observations, a review of permitted uses, and an assessment of each provision of the Ordinance as it relates to the Land Use Goals. The attached consistency matrix contains the data underlying the conclusions and recommendations in this report.

The consistency matrix appended to this report includes specific comments and notes relative to each provision of the Ordinance. The matrix analyzes whether each section of the Ordinance either (i) actively promotes each Land Use Goal, (ii) serves as a barrier to each Land Use Goal, or (iii) has no effect on or plays a necessary supporting role to each Land Use Goal.

It is important to note that those regulations identified as having no effect, or that play a necessary supporting role, should be reviewed and considered just as carefully as other regulations to determine if there are ways that they may be amended or improved to more actively promote the Land Use Goals.

Each provision of the County's new ordinance should support at least one of the Land Use Goals, including those provisions that are administrative or procedural.

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## Summary Conclusions and Recommendations

The following is a summary of our conclusions along with summary recommendations for consideration:

- The consolidation of permitted principal uses and permitted principal structures unnecessarily complicates the district regulations.
  - The restatement of the same generally applicable standards under each zoning district leads to additional unnecessary volume in the Ordinance.
  - While historic preservation is stated as a goal throughout the Ordinance, the classification of "adaptive reuse of a historic structure" as a special exception is contrary to this goal.
  - The Ordinance appropriately integrates agriculture and related uses and structures throughout the relevant districts and locations in the County.
  - The regulations governing home occupations are outdated and require an overhaul to reflect current best practices.
  - The development regulations governing residential development in the Village District require calibration to provide for a greater variety of permitted development types.
  - All parking minimums must be carefully calibrated to appropriately reflect the actual needs of the applicable uses.
  - The Employment Center District and Industrial District are duplicative and fail to promote the development flexibility contemplated under Land Use Goal #2.
- To build upon the above conclusions, this report makes the following recommendations for a new and improved ordinance:
- The Rural Character District (RCD) and the Rural Residential District (RRD) should be consolidated as they are intended to serve the same purpose and the differentiation between permitted uses and building form is not significant enough to warrant separate districts.

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Article XII. Continued...	Goal #1: Preserve Agriculture	Goal #2: Locate and Expand Employment	Goal #3: Create Housing Opportunities	Goal #4: Ensure Future Growth Complements	Comments
Amendments					These provisions are procedural in nature and have a neutral impact on the Land Use Goals.
Grandfathering in the Critical Area					These provisions are procedural in nature and have a neutral impact on the Land Use Goals.
Validity					These provisions are procedural in nature and have a neutral impact on the Land Use Goals.
Repeal of Conflicting Ordinances					These provisions are procedural in nature and have a neutral impact on the Land Use Goals.
Negative Provisions	7	39	33	24	
Neutral Provisions	242	217	227	230	
Positive Provisions	23	16	12	18	



# Calibrate

The Kent County, MD Districts	Industry (I)	Commerce (C)	Critical Area - Business (CA-B)
Officer	PC V(14.2)(15)	P	-
Personal Wireless Facility	-	PC V(10.2)(14)	-
Personal Wireless Facility (Collocated Existing Only)	PC V(14.2)(5)	P	PC V(17.2)(6)
Public Use Building	-	PC V(10.2)(15)	PC V(12.2)(10)
Public Utility Building	P	-	PC V(17.2)(7)
Restaurant (Without Drive Thru)	-	P	P
Retail Business	-	PC V(10.2)(17)	PC V(12.2)(12)
Retail Nursery and Greenhouse	-	P	-
Sewage Treatment Plant	PC V(14.2)(4)	-	-
Solar Energy System, Utility Scale	PC V(14.2)(17)	-	-
Storage and Office Trailer (Temporary Only)	-	-	P
Temporary Construction Trailer	P	P	-
Truck Terminal	PC V(14.2)(13)	-	-
US Rt 301 Corridor Use	-	PC V(11.2)(13)	-
Veterinarian Hospital and Office	-	P	-
Vocational and Trade School	PC V(14.2)(8)	-	P
Wayide Stand (vegetable and agricultural produce)	-	P	-
<b>Special Exception</b>	<b>SE - Special Exception Use</b>		
Attached Retail Business	SE	-	-
Boat Building and Sales	SE	SE	SE
Cottage Industries	SE	SE	SE
<b>Food Manufacture and Processing</b>	SE	-	-
Personal Wireless Facility Tower	SE	SE	SE
Radio and Television Tower	-	SE	-
Recreational Facility	SE	SE V(11.2)(5)	SE V(12.3)(4)
Retail Business	-	SE V(11.2)(6)	-
School Bus Parking Lot	-	SE	-
Shopping Centers	-	SE	-
Single Family Dwelling	SE	SE	SE
Solar Energy System, Utility Scale	SE	SE	SE
Truck Parking Lot	SE	SE	-
Truck Stop	-	SE	SE
Truck Terminal	-	SE	-
Wind Energy System, Small	SE	SE	SE
<b>Accessory</b>	<b>PAC - Permitted Accessory with Condition</b>	<b>Blank-Nut Permitted</b>	<b>Blank-Nut Permitted</b>
Accessory Apartments	-	PA	PA
Accessory Truck Parking	-	PA	PA
Day Care, Group	-	-	PA
<b>Employee Dwelling</b>	PAC V(14.4)(2)	-	PAC V(17.3)(2)
Officer	PA	-	PA
Out of Water Boat Storage	PA	-	PA
Restaurant (Without Drive Thru)	PA	-	PA
Retail (On-Site Products Only)	PA	-	PA
School Bus Parking (3 or less)	-	PAC V(11.2)(5.5)	-
Solar Energy System, Small	PAC V(14.4)(6.25)	PAC V(10.4)(6)	PA V(17.3)(6.25)
Storage of Office Supplier	-	PA	PA
Temporary MET Tower	-	PAC V(10.4)(7)	-
Temporary MET Tower	PAC V(14.4)(6.5)	-	PA V(17.3)(6.5)
Wind Energy System, Small	PAC V(14.4)(6)	PAC V(10.4)(8)	PA V(17.3)(8)

Kent County, MD - Land Use Ordinance - Proposed Table of			
Article	Title	Existing	Status
<b>Article I</b>	<b>Introduction and Using this Ordinance</b>	Articles I, II	
	Title		
	Purpose and Intent		
	Applicability		
	Establishment of Districts		
	Establishment of District Map		
	Annual Review of District Map		
	Periodic Review of Land Use Ordinance and District Map		
	Rule of Interpretation		
	Rule of Measurement		
	Determining Building Height and Exceptions		
	Determining Yard and Building Setback		
	Corner Lot and Double Frontage		
	Determining Density		
	Use Not Listed / Similar Use Determination		
	Prior Construction		
	Parcel of Record Required		
	Encroachment or Reduction of Height, Bulk, and Area Requirements		
	Grandfathering in the Critical Area		
	Saving Provision/Invalidity		
	Compliance with Regulations		
	Conflict Within Ordinance		
	Conflict With Other Regulations		
	Ordinance Roadmap		
<b>Article II</b>	<b>Districts and Standards</b>	Articles III, V	
	<b>Agricultural Zoning District (AZD)</b>	Agricultural Zoning District / Rural Character District	
	Intent		
	Permitted Use, Special Exception, Accessory Use		
	Standards for Improvement and Sign		
	Specific Use Standard		
	Specific Environmental Standard		
	<b>Resource Conservation District (RCD)</b>	Resource Conservation District	
	Intent		
	Permitted Use, Special Exception, Accessory Use		
	Standards for Improvement and Sign		
	Specific Use Standard		
	Specific Environmental Standard		
	<b>Critical Area Residential (CA-R)</b>	Critical Area Residential	
	Intent		
	Permitted Use, Special Exception, Accessory Use		
	Standards for Improvement and Sign		
	Specific Use Standard		
	Specific Environmental Standard		
	<b>Critical Area Business (CA-B)</b>	Commercial Critical Area / Industrial Critical Area LDA / Industrial Critical Area	
	Intent		
	Permitted Use, Special Exception, Accessory Use		
	Standards for Improvement and Sign		
	Specific Use Standard		
	Specific Environmental Standard		
	<b>Residential Neighborhood (RN)</b>	Community Residential / Rural Residential	
	Intent		
	Permitted Use, Special Exception, Accessory Use		
	Standards for Improvement and Sign		
	Specific Use Standard		
	Specific Environmental Standard		
	<b>Commerce (C)</b>	Commercial / Corridor Commercial	
	Intent		



# Codify

REYNOLDSBURG ZONING CODE

## INTRODUCTION AND HOW TO USE THIS CODE

HEIGHT MEASUREMENT

MEASURING SETBACKS

**B. Measuring Distance**

- i. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between them.

**C. Measuring Setbacks**

- i. The front street setback is measured at a right angle from the right-of-way line.
- ii. Where a lot extends through the block from street to street, the required front yard must be provided along each street.
- iii. The side street setback is measured at a right angle from the side street right-of-way line.
- iv. The rear setback is measured at a right angle from the rear lot line or the rear right-of-way or easement line where there is an alley. The rear lot line is the lot line opposite to the front street lot line. Where there is more than one front street, the Planning and Zoning Administrator will determine the rear lot line.
- v. All lot lines which do not front a street, side street or rear lot lines are considered side interior lot lines.

**D. Determining Average Grade**

- i. Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the front street setback line.

DETERMINING AVERAGE GRADE

REYNOLDSBURG ZONING CODE

## SECTION 1103.11 OLDE REYNOLDSBURG COMMERCIAL DISTRICT (ORD-C)

**Image: Aerial view of the Old Reynoldsburg Commercial District**

**Key for Diagrams**

- Lot Line
- Setback Line
- █ Buildable Area

**A. INTENT**

The primary intent of this district is to strengthen the mixed-use, pedestrian-oriented nature of the existing historic downtown. Historic buildings, facades, and public spaces should be maintained. Interesting and stimulating pedestrian environments should be a primary feature of the District. Sidewalk cafe seating is encouraged, ground-floor retail with large windows should be promoted, and pedestrians should feel safe and comfortable. New residential development is highly encouraged to help bolster and support the vibrancy of the downtown. This District includes properties with frontage on East Main Street and extending west over Blacklick Creek and including the current municipal buildings and campus.

**B. ALLOWED BUILDING TYPES**

The building types allowed in the ORD-C are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the allowed building type and setback dimensions. See this Chapter 1103.27 (Building Typologies) for detailed design standards.

**ALLOWED BUILDING TYPES**

Large Flex Retail Building	Bed and Breakfast Building
Medium Flex Retail Building	School and Institutional Building
Small Flex Retail Building	Community Center Building
Detached Single-Family Building	

**C. BUILDING PLACEMENT**

Build-to-Zone (BTZ)	E Main St Fronting	Commercial District	
Front	0'-15'	NA	A
Side Street, corner lot	0'-10'	NA	B
<b>Setback</b>			
Front	NA	5' min	A
Side Street, corner lot	NA	10' min	B
Side	0' min	5' min	C
Rear		30' min	D
Lot Coverage	NA	70%	
<b>Building Form</b>			
Primary Street built to BTZ	30% min	NA	E
Side Street, Corner Lot built to BTZ	30% min	NA	F
Lot Width	30' min	40' min	G
Lot Depth	NA	NA	H
Lot Frontage	30' min	40' min	
<b>Notes</b>			
All floors must have a primary ground-floor entrance facing the primary or side street.			



Adopt

# ZoneCo Principles of Zoning

- **Zoning Should Respect Existing and Reflect Desired Development Patterns**
  - We are not “throwing the baby out with the bathwater.”
- **Zoning Should Regulate Only What Actually Needs to be Regulated and Focus on Desired Outcomes**
  - Focus on what we are most trying to achieve.
- **Zoning Should be the Implementation of the Plan Rather than a Barrier to Achieving the Vision**
  - Focus on the vision for the community and code to it.



# COMPREHENSIVE PLAN



KENT COUNTY, MARYLAND

APRIL 2018

## Benchmark Land Use Goals and Strategies

### 1. Support Agriculture as a Permanent Preferred Land Use

- Promote Kent County as agriculture-friendly
- Retain the Agriculture Zoning District
- Review the Rural Character District

### 2. Locate Employment Centers and Expand and Provide More Diversity in the Size and Type of Business

- Encourage development of cottage and home-based businesses
- Expand regulatory flexibility for the creation of employment centers and industrial uses
- Encourage the development of farm-based businesses including agritourism

### 3. Create a Wide Range of Housing Opportunities to Meet the Needs of Kent County Residents

- Assist in the rehabilitation of substandard units
- Continue to allow the creation of accessory dwellings in specified zoning districts
- Permit migrant labor camps
- Address the need of housing for special populations

### 4. Ensure that Future Growth Complements and Enhances the Character of the Existing Villages

- Explore the creation of a limited number of additional village zoning districts to improve the relationship between the district character of certain villages and their zoning
- Assure that new development complements the County's rural and historic character
- Evaluate design guidelines



# Analysis of Existing Code

General Observations	
<b>Organization</b>	The presentation of the district regulations is not intuitive. Permitted uses and permitted structures are combined and create confusion. Lot development standards are not aligned with those for permitted structures.
<b>Graphics</b>	There are very few graphics which makes it very difficult to visualize the desired character in the various districts. The lack of graphics also inhibits the illustration of complex concepts.
<b>Tables</b>	Development standards are presented in lists rather than easy-to-use tables.

2. Enclave Design Standards
    - a. The purpose of the Enclave development pattern is to:
      - i. Minimize the loss of productive agricultural land; and
      - ii. Maintain the visual quality of the County's agricultural landscape.
    - b. All plans should minimize the use of tillable soils for development and maximize the use of sloped and forested areas, which are otherwise less productive for agricultural uses.
    - c. The design and location of the Enclave shall minimize the impacts to neighboring agricultural operations and hunting so as not to restrict the rights of adjacent landowners.
    - d. The applicant must show that the agricultural land remaining after subdivision is suitable for a commercially viable agricultural enterprise.
    - e. Enclaves shall be located so as to leave large blocks of open agricultural land throughout the Agricultural Zoning District.
    - f. Access to the Enclave must be from a single internal road.
    - g. The appearance of an Enclave from an external public road shall be that of a grouping of farm *buildings* in that they are clustered together and obviously a use subsidiary to the prime use of the land - *agriculture*.
    - h. Landscaping that defines the access road along its entire length is desirable.
    - i. The Enclave shall be planned and designed as a single unit with careful consideration given to the relationship of *structures* to one another, landscaping, buffering, screening, views, light and air, and internal circulation.
    - j. Strong provision should be made for walking as opposed to vehicular connections within the Enclave.
    - k. *Street* widths, alignments, and parking should be carefully scaled to the size of the Enclave.
    - l. The streetscape of the Enclave should be designed in detail to avoid repetitious *setbacks*, driveways, elevations, and landscaping.
    - m. Where an Enclave incorporates an existing historic *building*, building heights, exterior features, and building arrangement should be harmonious with the historic *structure*. *Street* widths, alignments, and parking should be carefully scaled to the size of the Enclave.
    - n. Deed restrictions shall include language recognizing that the lots are in an agricultural area and refer to the right to farm law.
- 1.6 AGRICULTURAL ZONING DISTRICT GENERAL STANDARDS
1. *Agriculture* is the preferred use in the Agricultural Zoning District and agricultural operations are protected by the Kent County Right-to-Farm Law.
  2. The reuse of existing *buildings* is encouraged.
  3. The Department of Planning and Zoning shall approve *street* names. A name may not be approved if it duplicates or is too similar to the name of another road in the county or incorporated towns.
  4. *Open space*, playgrounds, or other recreational areas shall be set aside at a rate of 1/10 acre per *dwelling unit*. If the land is not of significant quality and size for the purpose of providing or developing parks and recreational facilities, the *Planning Commission*, or where applicable the Planning Director, may permit a *developer* to pay a fee of \$250.00 per *lot* or *dwelling unit* in lieu of providing land for recreational purposes. Recreational land required within a *subdivision* shall



## Support Agriculture as a Permanent and Preferred Land Use

Scoring Summary (out of 272)

=	+	-
242	23	7

## Ensure that Future Growth Complements and Enhances the Character of the Existing Villages

Scoring Summary (out of 272)

=	+	-
230	18	24

## Locate Employment Centers and Expand and Provide More Diversity in the Size and Type of Businesses

Scoring Summary (out of 272)

=	+	-
39	217	16

## Create a Wide Range of Housing Opportunities to Meet the Needs of Kent County Residents

Scoring Summary (out of 272)

=	+	-
227	12	33



<b>Districts and Standards</b>	Articles III, V
<b>Agricultural Zoning District (AZD)</b>	Agricultural Zoning District / Rural Character District
Intent	
Permitted Uses, Special Exceptions, Accessory Uses	
Standards for Improvements and Signs	
Specific Use Standards	
Specific Environmental Standards	
<b>Resource Conservation District (RCD)</b>	Resource Conservation District
Intent	
Permitted Uses, Special Exceptions, Accessory Uses	
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<b>Critical Area Residential (CA-R)</b>	Critical Area Residential
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<b>Critical Area Business (CA-B)</b>	Commercial Critical Area / Industrial Critical Area LDA/ Industrial Critical Area
Intent	
Permitted Uses, Special Exceptions, Accessory Uses	
Standards for Improvements and Signs	
Specific Use Standards	
Specific Environmental Standards	



<b>Residential Neighborhood (RN)</b>	Community Residential / Rural Residential
Intent	
Permitted Uses, Special Exceptions, Accessory Uses	
Standards for Improvements and Signs	
Specific Use Standards	
Specific Environmental Standards	
<b>Commerce (C)</b>	Commercial / Crossroads Commercial
Intent	
Permitted Uses, Special Exceptions, Accessory Uses	
Standards for Improvements and Signs	
Specific Use Standards	
Specific Environmental Standards	
<b>Industry (I)</b>	Employment Center / Industrial
Intent	
Permitted Uses, Special Exceptions, Accessory Uses	
Standards for Improvements	
Specific Use Standards	
Specific Environmental Standards	
<b>Village (V)</b>	Village / Intense Village
Intent	
Permitted Uses, Special Exceptions, Accessory Uses	
Standards for Improvements	
Specific Use Standards	
Specific Environmental Standards	
<b>Marine (M)</b>	Marine
Intent	
Permitted Uses, Special Exceptions, Accessory Uses	
Standards for Improvements and Signs	
Specific Use Standards	
Specific Environmental Standards	





Thank you. Comments/Questions?

We look forward to working with you on this important project for the future of Kent County!

**ZONE CO** ++  
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