



## Comprehensive Rezoning & Update 2020-2021 Task Force

### MEETING SUMMARY

Hybrid In-Person/Remote Meeting  
Wednesday, July 27, 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), Bill Sutton, Buck Nickerson, Cindy Genter (remote), Jim Saunders, Kim Kohl (remote), Pat Langenfelder, and Tyler Brown (remote).

The following staff attended: Planning Commission Attorney Cynthia McCann, Esq.; DPHZ Director William Mackey, AICP; DPHZ Deputy Director Carla Gerber, AICP; Associate Planner Mark Carper, LEED Green Associate; and Planning Specialist Campbell Safian.

County staff who attended included: Jamie L. Williams, Director of Economic and Tourism Development.

Members of the public who attended in-person included: Janet Christensen-Lewis, Judy Gifford (remote), Roy Hoagland, Karen Holcomb, Charles MacLeod, Esq., and Paula Reeder.

#### II. Approval of the Summary

The Meeting Summary for May 25, 2022, 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.

Adopted on September 28, 2022

- 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.

## **VII. New Business**

### **A. Review of proposed Sign Code regulations by ZoneCo.**

As presented by Mr. Suder, the proposed Sign Code regulations by ZoneCo, will allow Kent County to be compliant with the Reed v. Gilbert Supreme Court case decision. This Supreme Court's decision mandated content-neutral sign regulations. These regulations state that signs must be described only by their materials, dimensions, and type. No longer can codes for signs be described by their content, such as real estate signs and construction signs.

The consultant proposes to add an additional signage category, Electronic Message Center, into the Sign Code regulations. This signage category would be permitted for gas stations and quasi-public institutions only.

One of the Task Force Members asked how the proposed Sign Code regulations compare to other jurisdictions. Mr. Suder stated that the proposed Sign Code would be modernized, similar to other jurisdiction's recent sign code adoptions, and allow for a better organized signage section of the Land Use Ordinance.

Ms. Reeder spoke in disagreement with the current sign code's prohibition of billboard, portable, and animated signs. Ms. Reeder is in favor of allowing these signage categories, in order to provide business owners with greater opportunities to promote their businesses.

Ms. Christensen-Lewis spoke in support of the proposed Sign Code format, which includes graphics to describe signage types and dimensions. Secondly, Ms. Christensen-Lewis voiced her disagreement with permitting billboards or signage on Maryland Route 213, because it would distract from the rural character of the County and the national scenic byway.

Topics of discussion amongst Task Force Members included favorable opinions on the proposed sign code's formatting. Task Force Members found the formatting easily accessible and organized.

### **B. Review of proposed Nonconformities Chapter by ZoneCo.**

As presented by Mr. Suder, ZoneCo did not propose any changes to the content of the Nonconformities Chapter of the Land Use Ordinance. Updates to the language and re-organization of the chapter have been proposed to allow for greater clarity.

Planning Commission Attorney Cynthia McCann, Esq., inquired about frequent use of the term "lawful" throughout the document. Mr. Suder responded that this term was not necessary and could be removed.

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

#### IV. Old Business from March 30

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

As presented by Ms. Gerber, the Rural Residential and Community Residential zoning districts 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. The uses from the districts being eliminated were added to and highlighted in the retained districts.

One of the Task Force Members is of the opinion that sand and gravel pits, excavation, or extraction, should not be a permitted special exception for the Community Residential zoning district.

Ms. Christensen-Lewis spoke in favor of eliminating sand and gravel pits from the Community Residential zoning district.

#### V. Old Business from May 25

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

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

Ms. Christensen-Lewis voiced a favorable opinion regarding the amendment of the Forest Conservation provisions. Ms. Christensen-Lewis stated the amendment aligns with the Task Force's mission of guiding the County towards a greener future.

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

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

##### 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)

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

##### 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)

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

##### 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)

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

## **VI. New Business (items from the Agenda of May 25, 2022, which were not discussed)**

### **C. Request to 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)**

As presented by Mr. Mackey, the use of an enclave in the AZD as it relates to the 10% rule, would permit one unit per 10 acres rather than the Standard Development in AZD of one unit per 30 acres. Enclaves must be located at least 600 feet from external access roads and 600 feet from protected lands. A maximum of ten and a minimum of three lots can be created by an enclave.

One member of the Task Force requested a greater description of an enclave. Ms. Gerber further described an enclave as a clustered subdivision.

Ms. Reeder is in favor of the enclave concept as a permitted use in the AZD. Ms. Reeder expanded upon her opinion by stating that restrictions should be eased in order to encourage the creation of enclaves.

A second member of the Task Force spoke against the permitted use of enclaves. The member expressed that allowing a density of one unit per 10 acres would create conflicts with surrounding farms. A third member expressed opposition to the enclave concept.

Ms. Christensen-Lewis spoke in agreement with the Task Force members that enclaves should be eliminated as a permitted use in the AZD.

### **D. Review of Request to consider a general noise ordinance in the zoning code**

As presented by Mr. Mackey, the request submitted by a member of the public to adopt a more stringent noise ordinance within the zoning code would expand upon the Statewide noise regulations that are currently in place. Per State regulations, scientific data would need to be presented and a study undertaken, in order to expand upon the Statewide noise regulations. Staff does not recommend the inclusion of additional noise standards in the proposed Land Use Ordinance.

Topics of discussions amongst Task Force members included concerns that a revised noise ordinance would be difficult to enforce. One member stated that the public would need to provide support, staff, and equipment in order for an additional noise ordinance to be properly enforced.

Ms. Christensen-Lewis voiced a favorable opinion regarding adopting more stringent noise regulations. Ms. Christensen-Lewis stated that the Planning department would have opportunities to enforce a noise ordinance when a wedding venue, Airbnb, or bar is applying for a permit.

Mr. Mackey explained that when a site plan is reviewed by the Planning Commission, compliance with a noise ordinance could be added to the list of requirements. However, if an applicant is not seeking a permit to do physical improvements to their property, the project may not be reviewed by the Planning Department.

## **IX. Adjournment**

Charles MacLeod, Esq., provided printed copies of a letter regarding Millington Crossing to the Task Force.

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