



County Commissioners Hearing Room
400 High Street
Chestertown, Maryland

AGENDA
September 7, 2023
1:30 p.m.

Members of the public are welcome to attend meetings in person or via conference call.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **554 525 903#**

Members of the public are asked to mute their phones/devices, until the Commission Chair opens the floor for comment.

MINUTES
August 3, 2023

APPLICATIONS FOR REVIEW

- 23-48 Choptank Electric Cooperative Inc. – Lot Line Adjustment – Front Yard Setback.....PC Decision
Map 16, Parcel 61 – First Election District – Employment Center (EC)
- 23-46 Little Neck Farm Homeowners Association Inc. – Variance – Pier Length.....Rec to BOA
Map 45, Parcel 49 – Fifth Election District – Resource Conservation District (RCD)

GENERAL DISCUSSION

Millington Comprehensive Plan

Proposed Draft Land Use Ordinance Review

STAFF REPORTS

ADJOURN

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Planning Commission meetings can be held in closed session under the authority of the MD Open Meetings Law by vote of the members. Breaks are at the call of the Chairman. Meetings are subject to audio and video recordings.

All applications will be given the time necessary to assure full public participation and a fair and complete review of all projects. Agenda items are subject to change due to cancellations.

MINUTES

August 3, 2023

1:30 p.m.

An official recording of the Kent County Planning Commission meeting is available for viewing in its entirety on the County's YouTube channel: Kent County Government (<https://www.youtube.com/watch?v=WKcIXPSDWzk>).

The Kent County Planning Commission met in regular session on Thursday, August 3, 2023, at 1:30 p.m. in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. The following members were in attendance: Chair F. Joseph Hickman, Vice Chair Paul Ruge, Ray Strong, Paula Reeder, and William Crowding. Cynthia L. McCann, Esquire, Planning Commission Attorney, was in attendance. Staff in attendance were Carla Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; and Campbell Safian, Planning Specialist.

Chair Hickman called the meeting to order at 1:30 p.m.

MINUTES

Mr. Ruge moved to approve the minutes of July 6, 2023, as presented. Ms. Reeder seconded the motion. The motion passed unanimously 5-0.

PUBLIC HEARING

*23-40 Sandra Donnelly – Zoning Text Amendment – Seasonal Outdoor Retreat
Recommendation to the County Commissioners*

Sandra Donnelly proposes to add "outdoor retreat" as a special exception use in the Agricultural Zoning District (AZD), Rural Character (RC), Rural Residential (RR), Community Residential (CR), and Village (V) districts. Revised language was submitted by the applicant's counsel, Lance Young, Esquire, in order to address issues raised by the Planning Commission at its meeting on July 6, 2023.

The proposed amendment would add a new use to the Land Use Ordinance.

The proposed definition for an outdoor retreat is "a lot, tract, or parcel of land containing up to fifteen guest units, designed for and utilized for periodic, transient occupancy and not as a permanent residence, and which may contain outdoor recreational accommodations, dining facilities for guests, and bathroom accommodations for guests."

Staff recommends sending a favorable recommendation in general regarding the revised zoning text amendment to the Kent County Commissioners with an unfavorable recommendation regarding including Village in the list of zoning districts where an outdoor retreat may be considered and also clarifying that the special exception would be reviewed by both the Planning Commission and the Boards of Appeals.

The Planning Commission heard from Rebecca Guay, Esquire, with MacLeod Law Group, LLC, on behalf of Sandra Donnelly, and Sandra Donnelly, the applicant.

Adopted on [version for review]

The following members of the public spoke in opposition to the Zoning Text Amendment as presented: Janet Christensen-Lewis and Judy Gifford.

Discussion ensued regarding the review process for outdoor recreational accommodations and events that may be proposed by future applicants who are seeking a special exception for an outdoor retreat.

Ms. Gerber noted that the Board of Appeals may place conditions or restrictions on events as a part of a special exception approval. The Planning Commission's approval of a site plan is also a requirement of special exception approval. The Agricultural Zoning District (AZD) allows for temporary recreational uses through the approval of a use permit. Obtaining a use permit would authorize temporary recreational uses or events that are not proposed during the special exception process.

Ms. Reeder moved to close the public hearing. Mr. Ruge seconded the motion, and the motion passed unanimously, 5-0.

Mr. Crowding moved to send a favorable recommendation to the County Commissioners for the Zoning Text Amendment to add Outdoor Retreat as a special exception use in the Agricultural Zoning District (AZD), Rural Character (RC), Rural Residential (RR) and Community Residential (CR) districts with the following changes: the Village district be removed from the text amendment; Article VII a. which reads "the project shall collectively consist of at least ten acres" shall be changed to "the project shall consist of a parcel of at least ten acres"; Article VII h. which reads "accessory uses and structures shall be setback a minimum of 25 feet from any adjacent property line" shall be changed to "all new accessory uses and outdoor retreat structures shall be setback a minimum of 100 feet from any adjacent property line"; Article VII i. which reads "the Planning Director may require a site plan and place conditions or restrictions on events as may be appropriate to assure the compatibility of the use within a district or location" shall be changed to "the Planning Commission and Board of Appeals shall place conditions or restrictions on events as may be appropriate to assure the compatibility of the use within a district or location."

Mr. Strong seconded the motion, and the motion passed, 4-1.

APPLICATIONS FOR REVIEW

*22-17 William and Valerie Ashmore – Major Site Plan – Extension of Approval
Map 55, Parcel 128, Lot 1 – Fifth Election District – Marine (M)*

Mr. and Mrs. Ashmore are requesting an extension of final site plan approval for the construction of a private destination/residence club with three guest suites and one owner's suite. The property is located on the southeast corner of the intersection of Skinners Neck Road and Kelleys Park Road near Rock Hall.

Final site plan approval was granted in July 2022. The applicants have not moved forward with the project and are seeking an extension of final site plan approval. The Land Use Ordinance states "when the applicant can show that the project is in the process of obtaining permits from a state, local or federal agency and that these permits have been pursued diligently, the Planning Commission shall grant a 12-month extension."

Correspondence was received from two neighboring property owners, who spoke against the extension of final site plan approval.

The Planning Commission heard from William Ashmore, the applicant. Mr. Ashmore indicated they have consulted with the builder; however, they have been unable to proceed with the project due to economic conditions, on-going labor shortages, and supply chain constraints. The Ashmore's intend to begin the project next summer.

Ms. Reeder asked for the definition of a private destination/residence club.

A private destination/residence club is defined as "tourist accommodations in one or more buildings owned, co-owned, or operated by a corporation, association, person, or persons, and serving as the temporary abode of persons having a residence elsewhere and offering both pre- and post-arrival concierge service. The use and occupancy of the units circulates among individuals on a periodically recurring basis and is inherently transient."

Mr. Ruge moved to grant the one-year extension, conditioned upon the staff recommendations of submitting all required sureties for stormwater management, sediment and erosion control, landscaping, and recordation of the slip agreement prior to building permit issuance.

Mr. Ruge amended his motion to include the reasons for granting the extension, which were supply chain issues and labor shortages.

Mr. Crowding seconded the motion, and the motion passed unanimously, 5-0.

*23-34 Morgnec Road Solar, LLC – Major Site Plan (Concept)
Map 37, Parcel 40 and 174 – Fourth Election District – Intense Village (IV), Community Residential (CR), Rural Residential (RR), and Resource Conservation District (RCD)*

Morgnec Road Solar, LLC, is requesting concept site plan review of a 245-acre utility-scale solar energy system. The proposed site is located at 616 Morgnec Road near Chestertown.

The project site is currently in agricultural production and is adjacent to low density residential, industrial, commercial, and critical area zoning districts. The topography is gently rolling with a few areas of drainage with steep slopes. The anticipated output is 45 to 55 MW. The solar array is to be installed on a pile-driven post-supported racking system that will allow the panels to pivot and track the sun. Grid interconnection is to be at the Delmarva Power Chestertown Substation directly across Morgnec Road. A perimeter landscaping buffer is required to screen the fenced facility, and, once in operation, traffic to and from the site will be minimal.

Mr. Carper presented the staff report.

The Planning Commission heard from Joseph Stevens, Esquire, with the Law Offices of Stevens Palmer, LLC; Nathan Hoxter, PLA, with Lane Engineering, LLC; and Kevin Clark with Urban Grid, on behalf of Morgnec Road Solar, LLC.

Mr. Stevens stated that the Public Service Commission has the authority to approve and site the location of utility-scale solar energy systems. Morgnec Road Solar, LLC, has received the Certificate of Public Convenience and Necessity (CPCN). The CPCN conditions and the Kent County Land Use Ordinance's standards for utility-scale solar energy systems must be met.

Mr. Hoxter presented the landscaping plan.

The applicants requested that the Planning Commission waive the requirement for a 3-foot perimeter landscaping berm. The Planning Commission inquired about the landscaping plan, including the positives and negatives of a landscaping berm.

Mr. Hoxter opined that the natural drainage of the site could be negatively affected if a berm is created in particular areas of the site.

Mr. Ruge expressed concerns about the location of the proposed site, noting its importance to the residential growth around the Town of Chestertown and the zoning of the site.

The following members of the public provided testimony to the Morgnec Road Solar, LLC, Major Site Plan: Janet Christensen-Lewis, Doug West, Thomas O'Neill, Salley Shea.

When asked, Mr. Clark noted that construction of the site may take up to approximately 24 months from start to finish.

23-32 Choptank Electric Cooperative Inc. – Major Site Plan (Preliminary)

*23-48 Choptank Electric Cooperative Inc. – Lot Line Adjustment – Front Yard Setback
Map 16, Parcel 61 – First Election District – Employment Center (EC)*

Choptank Electric Cooperative is requesting preliminary site plan review to expand an existing utility substation, which is to include a new 30-foot by 12-foot control building, new transformer, substation structure, and substation regulators. There is to be an addition of 38,756 square feet of gravel to the area. There is one entry into the existing facility, and two additional entrances into the area of expansion are proposed.

The applicant is requesting that the 100-foot front setback be reduced so that the substation equipment may be reconfigured to increase the spacing between energized equipment for safety as well as ease of operation.

Mr. Carper presented the staff report, recommending approval with conditions.

The Planning Commission heard from Michael Noh, PLS, and Robert Beadle, PE, with RGrid Power, PLLC, on behalf of Choptank Electric Cooperative Inc.

Mr. Noh reported that Maryland Department of Transportation (MDOT) State Highway Administration (SHA) applications for new entrances to properties on Massey Road are to be submitted by the County initially.

Mr. Ruge expressed the idea of one additional entrance instead of two, allowing for ingress and egress from the site.

Mr. Noh stated two additional entrances are needed during the construction of the station, the delivery of the substation transformer, in the event of an emergency, or if the transformer needs to be replaced.

Mr. Crowding moved to grant preliminary approval for Choptank Electric Cooperative to expand an existing utility substation on 12305 Massey Road. Approval is recommended for more than one entrance, the reduction of the 100-foot front setback, and preliminary approval of the Lot line adjustment. Final approval will be subject to Maryland native screening that is acceptable to Planning and Zoning; submission of a lot line adjustment plat with the requested 60-foot front yard setback; approval of sediment and erosion control and stormwater management plans; front, side, and rear elevations of all proposed structures; submission of the Citizen Participation Plan Report; and MDOT SHA approval of the proposed new entrances.

Ms. Reeder seconded the motion, and the motion passed unanimously, 5-0.

GENERAL DISCUSSION

Comprehensive Rezoning – Draft LUO Review

Ms. Gerber noted that the County Commissioners have adopted the resolution to begin the legislative process for the Comprehensive Rezoning and Land Use Ordinance (LUO) Update. The Draft Land Use Ordinance is available on the Kent County website. A hard copy is also available for review by the public at the Kent County Library in Chestertown.

Ms. Gerber provided an overview of the changes that have been proposed in the Draft LUO.

Mr. Crowding moved to request that the County Commissioners place a moratorium on all zoning text amendments until the final adoption of the new Land Use Ordinance and the new zoning maps.

Mr. Strong seconded the motion, and the motion passed, 4-1.

Discussion ensued regarding the Planning Commission's plan of action to review the Draft LUO.

Annual Report Calendar Year 2022

Ms. Gerber reported that the County issued 13 new residential permits inside of the Priority Funding Area (PFA), and 31 new residential permits outside of the PFA in the calendar year of 2022.

Mr. Crowding moved that Staff forward the 2022 Annual Report letter to the Office of the Secretary of the Maryland Department of Planning.

Mr. Strong seconded the motion, and the motion passed unanimously, 5-0.

5-Year Mid-Cycle Reporting

Staff has contacted our Maryland Department of Planning liaison to determine if the 5-Year Mid-Cycle Report is due in 2023 or 2024.

The Planning Commission discussed the plan of action to review the Comprehensive Plan. The Planning Commission decided that the review of the Draft Land Use Ordinance would take precedence over a review of the Comprehensive Plan.

STAFF REPORTS

ADJOURN

Mr. Ruge moved to adjourn the meeting. Mr. Strong seconded. The meeting adjourned at approximately 4:39 pm.

Francis J. Hickman, Chair

/s/ Campbell Safian
Campbell Safian, Planning Specialist

To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: September 7, 2023
Subject: Choptank Electric Cooperative
Lot Line Adjustment – Front Yard Setback

Executive Summary

REQUEST BY THE APPLICANT

Choptank Electric Cooperative is requesting review and approval of a lot line adjustment plat that would establish a 46-foot front yard setback from the right of way, equivalent to 60 feet from the edge of the roadway.

PUBLIC PROCESS

Per Article VI, Section 6.2, of the Kent County *Land Use Ordinance*, lot line adjustments shall be the same as that for a minor subdivision, and a minor subdivision, at the discretion of the Planning Director, may be submitted to the Planning Commission for approval. Per Article V, Section 14.5, of the Kent County *Land Use Ordinance*, front yard setbacks on non-primary roads in the Employment Center (EC) district may be established during subdivision review.

SUMMARY OF THE STAFF REPORT

The June 1989 subdivision, in which this parcel (Map 16, Parcel 61) was created, did not establish a front yard setback, and the default setback requirement is 100 feet. In October 2022, the parcel was increased from 1.469 acres to 4.221 acres by approval of a lot line adjustment. The proposed setback will allow for the safe configuration of equipment for the proposed expansion of the electrical substation, providing increased spacing between energized equipment for safety as well as ease of operation. The property is located along Massey Rd (MD State Highway 299), just north of Massey, in the First Election District and is zoned Economic Center (EC).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve the proposed lot line adjustment to establish a front yard setback of 46 feet.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: #23-48 – Lot Line Adjustment – Front Yard Setback
DATE: September 1, 2023

DESCRIPTION OF PROPOSAL

Choptank Electric Cooperative is requesting review and approval of a lot line adjustment plat that would establish a 46-foot front yard setback from the right of way, equivalent to 60 feet from the edge of the roadway.

The June 1989 subdivision, in which this parcel (Map 16, Parcel 61) was created, did not establish a front yard setback, and the default setback requirement is 100 feet. In October 2022, the parcel was increased from 1.469 acres to 4.221 acres by approval of a lot line adjustment, and again setbacks were not established. The proposed setback will allow for the safe configuration of equipment for the proposed expansion of the electrical substation, providing increased spacing between energized equipment for safety as well as ease of operation. The property is located along Massey Rd (MD State Highway 299), just north of Massey, in the First Election District and is zoned Economic Center (EC).

RELEVANT ISSUES

I. Permitted Uses and Density, Height, Width, Bulk, and Fence Requirements

- A. *Applicable Laws:* Article V, Section 14.5 of the *Kent County Land Use Ordinance* establishes that the minimum front yard setback on non-primary roads in the Employment Center is as approved during subdivision review. The setback for primary roads is 100 feet.
- B. *Staff and TAC Comments:*
 - The applicant has submitted a lot line adjustment plat to establish a 46-foot front yard setback from the right of way.

II. Subdivision Review Procedures

- A. *Applicable Law:* Article VI, Section 6.3, of the *Kent County Land Use Ordinance*, lot line adjustments shall be the same as that for a minor subdivision, and a minor subdivision, at the discretion of the Planning Director, may be submitted to the Planning Commission for approval. A minor subdivision shall be approved, approved with conditions, or disapproved after consideration and finding of the following facts:
 - a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan.
 - b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
 - c. Convenience and safety of both vehicular and pedestrian movement within the site and in relation to adjoining ways and properties.
 - d. Reasonable demands placed on public services and infrastructure.
 - e. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
 - f. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.

- g. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.

- B. *Staff and TAC Comments:* The Comprehensive Plan is neutral on this proposal, and the proposal is in conformance with county, state, and federal regulations rules and regulations. The proposal will allow for increased safety of vehicular flow within the site. No water or sewage system is proposed for this parcel. No vegetation is to be removed, and landscape screening is proposed for the site development plan.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve the proposed lot line adjustment to establish a front yard setback of 46 feet.



To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: September 7, 2023
Subject: Little Neck Farm HOA
Variance – Pier Length

Executive Summary

Request by Applicant

The Little Neck Farm Homeowners Association is requesting a variance to remove, replace, and further extend a nonconforming community pier. The community pier is located off Burris Road in the Fifth Election District and is identified as Map 45, Parcel 49, Lot OS, which is commonly owned by the LNFHOA. The parcel is zoned Recourse Conservation District (RCD).

Public Process

Per Maryland State Law and Article IX, Section 2.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for variances.

Summary of Staff Report

The Little Neck Farm Homeowners Association (LNFHOA) is requesting a variance to remove, replace, and further extend a nonconforming community pier. The applicant has commented that the pier has existed in its current form since 1989, that the complex encroaches 224 feet into Swan Creek, and that the main 240-foot-long portion runs perpendicular to the shore. The proposed actions will extend the pier and all of its components to 239 feet channelward of the MHW, 15 feet further than that existing.

The practical difficulty is due to the shallow bathymetry of the waterway and the shifting sediments and growth of shoreline vegetation, which have reduced navigability of the inner berths, thus the request to shift the pier complex channelward. The applicant has indicated that increasing deterioration of the pier decking and pilings make piecemeal repair a financially unviable option and that a severe storm could destroy part or all of the existing structure.

The proposal will not adversely impact the environment nor the adjacent properties or the neighborhood. The Comprehensive Plan is neutral on this application. The proposal is a reasonable use of the parcel. The Maryland State Fire Marshal has commented that a standpipe system will be required to be installed in the pier in accordance with NFPA 303.

Staff Recommendation

Staff recommends sending a favorable recommendation to the Board of Appeals for a variance of the pier length with the following condition:

- A standpipe system be installed in the pier in accordance with NFPA 303 and that plans be submitted to the Fire Marshall for review.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
FROM: Mark Carper, Associate Planner
SUBJECT: Little Neck Farm HOA
#23-46, Variance – Pier Length
DATE: August 23, 2023

Description of Proposal

The Little Neck Farm Homeowners Association (LNFHOA) is requesting a variance to remove, replace, and further extend a nonconforming community pier. The community pier is located off Burris Road in the Fifth Election District and is identified as Map 45, Parcel 49, Lot OS, which is commonly owned by the LNFHOA. The parcel is zoned Recourse Conservation District (RCD).

The applicant has commented that the pier has existed in its current form since 1989, that the complex encroaches 224 feet into Swan Creek, and that the main 240-foot-long portion runs perpendicular to the shore. In 2013, the LNFHOA was permitted to do an in-kind replacement of 80 feet of the fixed pier from the mean high-water line (MHW) channelward. The current configuration of the pier includes a ten-foot-wide fixed pier extending 240 feet channelward of the MHW, to which there is perpendicularly attached a 10-foot by 265-foot pier with a 10-foot by 95-foot "T" shaped pier perpendicularly attached. There are twelve finger piers, a boatlift, and associated pilings. At the narrowest point, the existing pier encroaches 224 feet into the waterway. At 1,218 feet to the opposite bank, the existing pier does not exceed 25% of the width of the waterway or the edge of the channel, the center line of which is 609 feet from MHW.

The Maryland Department of the Environment (MDE) and the U.S. Army Corps of Engineers (ACE) has authorized the applicant to remove the exiting pier and associated structures, excluding the 10-foot by 82-foot segment that had been previously replaced; attach a 6-foot-wide by 20-foot-long aluminum gangway to the remaining pier segment; and construct floating piers that include a 10-foot by 180-foot section extending waterward from the aluminum gangway, a 10-foot by 270-foot perpendicular section, a 10-foot by 95-foot "T" shaped section, six finger piers that are to be 4-foot wide by 45 feet long, and six finger piers that are to be 4-foot wide by 40 feet long. The applicant has also been authorized to relocate the existing boat lift, to add three additional boatlifts with associated pilings, and to install 28 mooring piles. The proposed actions will extend the pier and all of its components to 239 feet channelward of the MHW, 15 feet further than that existing.

Relevant Issues

- I. Pier Length
 - A. Comprehensive Plan: "Submerged aquatic vegetation (SAV) serves as an important food, nursery, and habitat for many species of fish and fowl. In recent times, SAV in Kent's tributaries have followed a recurring pattern of abundant beds in some years followed by severe declines and then full recovery in a few years. ... Activities such as pier construction and sewerage outfalls must be limited and those permitted must be designed to minimize their impacts." (Page 63)
 - B. *Applicable Laws*: Article V, Section 2.4.B.7 of the *Kent County Land Use Ordinance*, established that within the Resource Conservation District (RCD) that private piers, community piers, and private shared piers, are not to exceed 25% of the width of the waterway, the edge of the channel, or 150 feet in length, whichever is less and subject to the stipulations of Article VI, Section 3.7 of this Ordinance. Regulations governing community piers may be found in Article VI, Section 3.7.

Article VI, Section 3.7.8 establishes that a community pier, for the use of three or more property owners, shall be permissible provided the site plan demonstrates that such pier does not adversely affect neighboring property owners or the public interest.

C. *Staff and TAC Comments:*

- Maryland’s Environmental Resource and Land Information Network (MERLIN) indicates Submerged Aquatic Vegetation (SAV) is present along the shore where the proposed activity is to occur. As the first 82-feet of the existing fixed pier, which was replaced in 2013, is to remain in place, the existing SAV will not be affected by the proposed action.
- The proposed pier and all of its components will extend 239 feet channelward of the MHW, a 15-foot increase from that existing.
- The applicant has provided comment that the LNFHOA and its member properties control substantial portions of the shoreline surrounding the community pier. There will be no adverse impacts to neighboring property owners.
- The proposal has been reviewed by the Kent County Health Department, the Kent County Office of Emergency Services, the Department of Public Works, and MDOT SHA, and none have objections or concerns.
- The Maryland State Fire Marshal has commented that a standpipe system will be required to be installed in the pier in accordance with NFPA 303 if the extension of the pier measures to be more than 150 feet from the fire department vehicle access. A set of plans will need to be submitted to the Fire Marshal for review.

II. Variance

A. Applicable Law:

Article IX, Section 2.2 of the Kent County Land Use Ordinance authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor, and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance; it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable practical difficulties as distinguished from variations sought for purposes or reasons of convenience, profit, or caprice.

In order to grant a variance, the Board of Appeals must find all of the following:

- a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
- b. That the variance will not change the character of the neighborhood or district.
- c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area.
- e. That the practical difficulty or other injustice was not caused by the applicant’s own actions.
...
- g. In considering an application for a variance, the Board shall consider the reasonable use of the entire parcel or lot for which the variance is requested.

- h. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
- i. The Board may consider the cause of the variance request and if the variance request is the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed.

C. *Staff Comments:*

- Comments provided by the applicant indicate that the requested variance will not cause a substantial detriment to adjacent or neighboring properties nor change the character of the neighborhood of district. The parcel from which the pier extends is large and has in excess of 4,000 feet of shoreline. The neighboring properties are distant from the location of this pier, and there are no other piers within close proximity to it.
- The Comprehensive Plan is neutral on this application.
- At the June 6, 1988, meeting of the Board of Appeals, the Board concluded that reaching a six-foot depth would require going 260 feet channelward of the MHW, that an “L” shaped pier would minimize the length of the pier into the channel while maximizing the use of the pier, and that there was five miles of shoreline in the development. The Board granted a “special exception”, as it was termed in the decision document, to construct a pier to extend beyond the maximum length and in an “L” configuration.
- Comments provided by the applicant indicate that a practical difficulty is due to the shallow bathymetry of the waterway and the shifting sediments and growth of shoreline vegetation, which have reduced navigability of the inner berths, thus the request to shift the pier complex channelward.
- Comments provided by the applicant indicate that increasing deterioration of the pier decking and pilings make piecemeal repair a financially unviable option and that a severe storm could destroy part or all of the existing structure.
- The proposal is a reasonable use of the parcel.

Staff Recommendation

Staff recommends sending a favorable recommendation to the Board of Appeals for a variance of the pier length with the following condition:

- A standpipe system be installed in the pier in accordance with NFPA 303 and that plans be submitted to the Fire Marshall for review.

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7423 (phone) • 410-810-2932 (fax)

IN THE MATTER OF THE APPLICATION OF:
(Name, Address and Telephone Number of Applicant)

George Barnett for Little Neck Farm HOA

6893 Hagy Rd Rock Hall MD 21661

609 513 7071

Email: gbarnett734@gmail.com

For Office Use Only:
Case Number/Date Filed:
Filed by:
Applicant:
Planning Commission:
Date of Hearing:
Parties Notified:
Notice in Paper:
Property Posted:

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: gbarnett734@gmail.com

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article IX Section 2.2.2.

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

_____ Appealing Decision of Kent County Zoning Administration XX Variance
_____ Special Exception _____ Nonconforming Use

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) Burris Rd

In the District 5 Election District of Kent County.

Size of lot or parcel of Land:

Map: 45 Parcel: 49 Lot #: Deed Ref:

List buildings already on property: N/A

If subdivision, indicate lot and block number:

If there is a homeowner's association, give name and address of association: Little Neck Farm HOA PO Box 622
Rock Hall, MD 21661

PRESENT ZONING OF PROPERTY RCD (we believe)

DESCRIPTION OF RELIEF REQUESTED: The HOA is planning to rebuild the marina located at the end of Burris Rd. It will be rebuilt on the same foot print but we want to push it out channel wise by 15 ft. We are seeking relief of the 150 ft. limit.

If appealing decision of Zoning Administrator, list date of their decision:

Present owner(s) of property: Little Neck Farm Home Owners Association
Telephone: 609 513 7071

If Applicant is not owner, please indicate your interest in this property: Secretary of the Association Board of Directors

Has property involved ever been subject to a previous application? Not for this project

If so, please give Application Number and Date: _____

PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.

List all property measurements and dimensions of any buildings already on the property.

Put distances between present buildings or proposed buildings and property lines.

NAMES OF ADJOINING PROPERTY OWNERS:

Owner(s) on the North: David May and Beth Andrews

Owner(s) on the South: Paddy Tobey (Richard Tobey)

Owner(s) to the East: _____

Owner(s) to the West: _____

Homeowners Association, name and address, if applicable: Little Neck Farm Home Owners Association, Inc
PO Box 622 Rock Hall MD 21661

BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.



Signature of Owner/Applicant/Agent or Attorney

7/1/2023

Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the County Commissioners of Kent County. The filing fee for appeals of a Zoning Administrator's decision is \$250.00. If you have any questions, please contact the Clerk at 410-778-7467.

NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.

Narrative addressing the standards by which the Board of Appeals may assess the application

Excerpts from the Land Use Ordinance

The regulation regarding the length of community piers in the Resource Conservation District (RCD) is in Article V, Section 2.4.B.7 (page 33) of the Land Use Ordinance

Private piers, community piers, and private shared piers, not to exceed 25% of the width of the waterway, the edge of the channel, or 150 feet in length, whichever is less and subject to the stipulations of Article VI, Section 3.7 of this Ordinance. Regulations governing community piers may be found in Article VI, Section 3.7.

The regulation regarding the applicability of variance for pier length is Article IX, Section 2.2.2 (page 435):

The Kent County Board of Appeals may authorize, upon application, variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor, and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance

Introduction

The community marina for Little Neck Farms has existed in its present form since 1989. The existing pier complex encroaches 224 feet into Swan Creek (at the creek's narrowest point along the marina) with the main portion of the pier (perpendicular to the shore) being 240 ft long. If this math is confusing, please see the Existing Conditions Exhibit which shows the irregular shape of the shoreline along the subject property.

The proposed condition seeks to lengthen the main pier section to a total of 262 ft while increasing the overall encroachment into Swan Creek to 239 feet (+ 15 ft). Please see the Proposed Pier Exhibit for measurement and encroachment labels.

This increase in length and encroachment is the desire of the community to allow for deeper water access to the inner berths that are closest to the shoreline, giving additional steerage way as well.

With the center of the channel being 609 ft and the opposite channel being 1,218 ft at the narrowest part of the channel along the pier complex, the proposed condition is well short of the 25% width of the channel and 50% of the distance to the channel.

a. That the variance will not cause a substantial detriment to adjacent or neighboring property.

The Little Neck Farm Community and its member properties control substantial portions of the adjacent shoreline upstream of the community marina downstream of the community marina. The closest downstream adjacent property owner with riparian access is 2,270 feet south. The closest upstream adjacent property owner with riparian access is 3,380 feet north (measure along the shoreline). The community marina is the only riparian access point allowed by the Little Neck Farm Covenants. Thus, there is no negative impact to upstream or downstream property owners within the immediate vicinity of the community pier.

b. That the variance will not change the character of the neighborhood or district.

The Little Neck Farm Community Marina has existed since 1989 and is the only pier complex along this reach of Swan Creek. Thus, the character of the neighborhood or district will not be altered by the slightly larger pier complex that is proposed.

c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.

The Comprehensive Plan does not anticipate a change to the subdivision covenants and the proposed pier complex is keeping with the general intent of the ordinance by maintaining a less than 25% encroachment and keeping the channel clear of obstructions.

d. That the practical difficulty or other injustice was caused by the following:

i. Some unusual characteristic of size or shape of the property.

ii. Extraordinary topographical or other condition of the property.

The shallow bathymetry of the waterway and the existing distance between the inner berths and the shoreline within the footprint of the existing community pier (practical difficulty) have created the desire for the shifting channel-ward of the proposed pier complex to accommodate deeper water and more steerage way.

iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area.

e. That the practical difficulty or other injustice was not caused by the applicants own action

The shallow bathymetry of the waterway and the existing distance between the inner berths and the shoreline within the footprint of the existing community pier have been caused by shifting sediments and vegetative growth along the shoreline. This is not a direct result of actions by the Applicant.



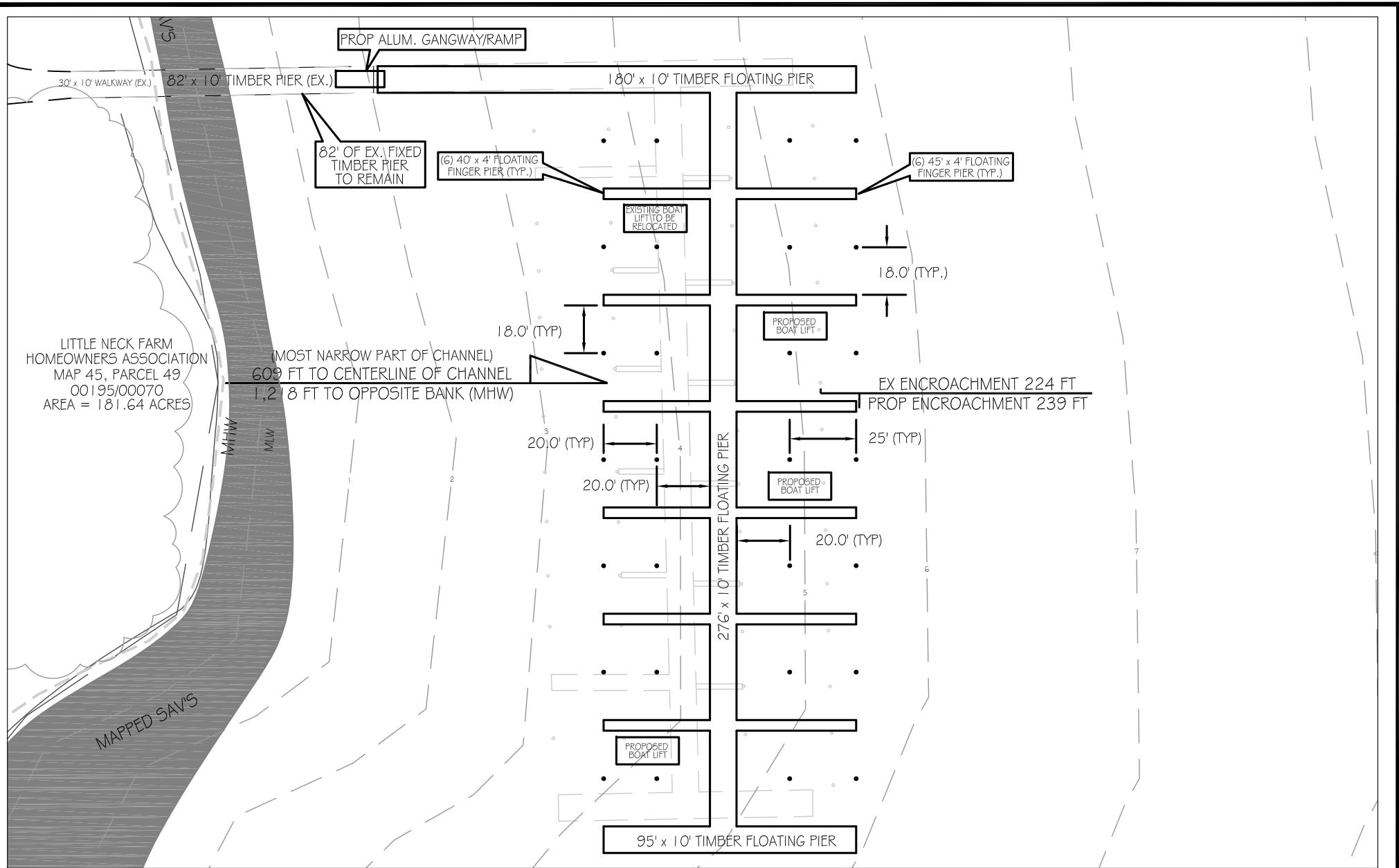
Source: Kent County Department of Planning, Housing, and Zoning.
Aerial taken Spring 2019. Map prepared August 2023.

1 inch = 1,000 feet



Source: Kent County Department of Planning, Housing, and Zoning.
Aerial taken Spring 2019. Map prepared August 2023.

1 inch = 50 feet



REVISED 5-8-23
SHEET 3



NEAR SHORE
ENGINEERING, LLC

117 Kuethe Drive, Annapolis, MD 21403
410.585.7560

SITE PLAN - PROPOSED

LITTLE NECK FARM
HOMEOWNERS ASSOCIATION INC

SWAN CREEK RD ~ LIBRE 00195 FOLIO 00070
MAP 45, PARCEL 49
ROCK HALL, MD 21620

SCALE: 1" = 80'

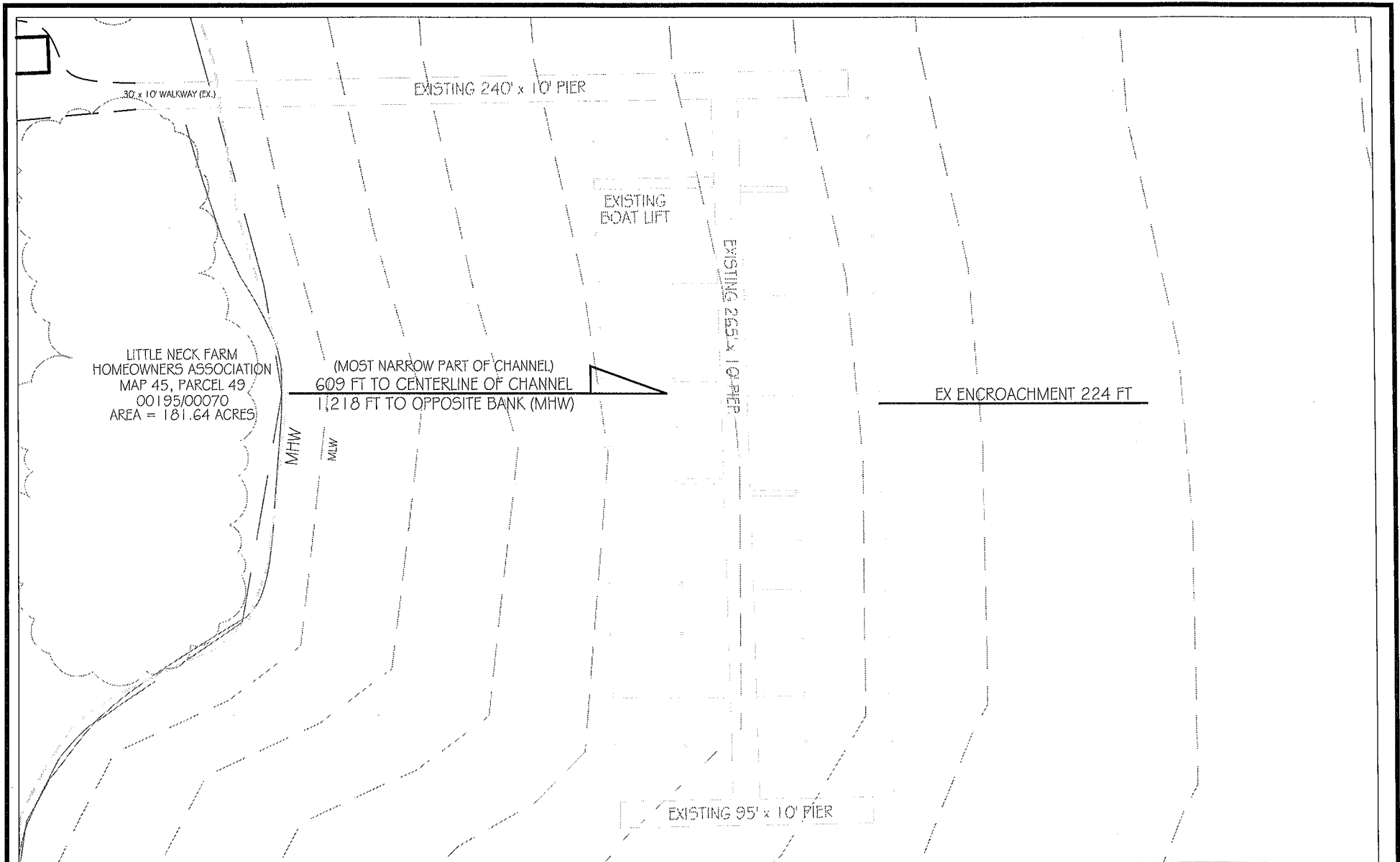
DATE: 11-3-22

DRAWN BY: CRC

CHECKED BY:

JOB NO.: 2225

FOLDER:



REVISED 1-25-23
SHEET 2



NEAR SHORE
ENGINEERING, LLC

117 Kuethe Drive, Annapolis, MD 21403
410.585.7560

SITE PLAN - EXISTING CONDITIONS

LITTLE NECK FARM
HOMEOWNERS ASSOCIATION INC

SWAN CREEK RD ~ LIBRE 00195 FOLIO 00070
MAP 45, PARCEL 49
ROCK HALL, MD 21620

SCALE: 1" = 50'

DATE: 11-3-22

DRAWN BY: CRC

CHECKED BY:

JOB NO.: 2225

FOLDER:



To: Kent County Planning Commission
From: Bill Mackey, AICP, Director
Date: September 7, 2023
Subject: Town of Millington Comprehensive Plan

Memorandum

Description

The Town of Millington is in the process of reviewing its 2018 Comprehensive Plan to update it. A public hearing by the Town's Planning Commission is scheduled September 28, 2023, at 7 p.m.

The 2018 Comprehensive Plan may be found online [here](#), and the proposed 2023 Comprehensive Plan Update is attached within this packet. Printed copies may be made available upon request.

Per the Town's website at <https://millingtonmd.us/>, to obtain a copy for review contact the Town Office at 410-928-3880, 402 Cypress Street, Millington, or email townadmin@millingtonmd.us.

A summary of the changes was provided courtesy of Town Manager Jo Manning and is attached.

Overview

The 2023 Comprehensive Plan update proposed by the Town represents a revised approach to the Town's future. The Plan states that it is intended to be forward-looking and fiscally oriented.

Per the 2023 Plan, the vision, goals, and objectives in the 2018 plan have been re-envisioned with changes to move from a "nostalgic" focused narrative of the future to more utilitarian standards.

More productively, it would envision a community that prospers because of the strength of its local economy, responsive governance, the efficiency of its infrastructure, and concern for the environment. The descriptions might include those features of the community most influenced by community planning and that historically supported a positive social framework, e.g., town center shops and services, civic gathering spaces, connecting streets, sidewalks, access to nature, and the Chester River, etc. These aspirations and concerns are the framework for setting the following goals and objectives (Millington 2023 Comp Plan, p. 9).

Kent County

At the bottom of page 18, the 2023 Comp Plan states: "At the end of a five-year wait from the date of annexation, the Town is free to zone the property as it deems appropriate." However, in their letters for the three recent annexations, County Commissioners waived the five-year rule. In other words, waiting periods by the Town would be voluntary; the County has granted waivers.

Status

Please be aware that the document is a working draft. Figures and reported numbers are still in review and not yet final. Projections for the proposed annexation areas are subject to revision, based on further discussions by the Town regarding commercial intensity and residential density.

Staff Recommendation

Staff recommends that the Planning Commission review the document. Usually, the plan review distribution is a courtesy for the information of neighboring jurisdictions. If there are substantive issues, then such issues can be noted in comments. DPHZ will transmit all comments to the Town for inclusion in its Public Hearing, which is currently scheduled for Thursday, September 28, 2023.

Town of Millington

Incorporated 1890

P. O. Box 330 - Millington, Maryland 21651

Phone: (410) 928-3880 Fax: (410) 928-5764

E-Mail: Millington@atlanticbbn.net

Website: millingtonmd.us

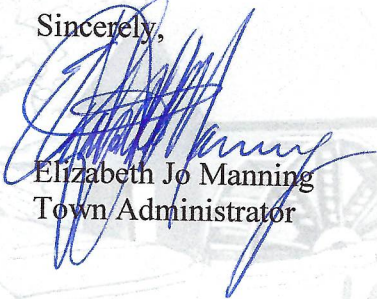
July 20, 2023

Kent County Planning & Zoning
Attn: William Mackey, Director
400 High Street
Chestertown, MD 21620

Dear Mr. Mackey:

Enclosed is the Town of Millington's revised, updated Comprehensive Plan. The Millington Planning Commission will hold its public hearing for review of this Comprehensive Plan, September 28, 2023. Do not hesitate to contact me with any questions or concerns.

Sincerely,


Elizabeth Jo Manning
Town Administrator

Enclosure

Kevin Hemstock, Mayor

Michelle Holland, Council

Mark Linton, Council

Zita Seals, Council

Wayne Starkey, Council

Town of Millington
2023 Comprehensive Plan Summary

This revised Comprehensive Plan corresponds with updated legislative requirements, amendments to various projection and impact charts due to recent Census information, annexations with projected development, and projections for development along the 301 Corridor. The plan reflects discussions with Kent County Public Services regarding future demand for wastewater and water distribution system and facilities.

There are many changes in this Plan resulting from the annexations of a parcel owned by Mountaire Farms, parcel owned by Freeman Evans, and the parcel formerly known as Millington Elementary School. These annexations required changes to charts, maps, projects, and impacts. The most noticeable change is the impact from the former school property and the Evans property. The former school site will be subdivided to include 52 senior independent living units and a community/business center. The proposed uses for the community/business center are a daycare/pre-k/Montessori school, a commercial kitchen, a multi-use room with stage, library with a partnership with Kent County Public Library, a satellite office for Kent County Sheriff's Department, Millington-Crumpton Food Bank, rentable office/meeting room, and space for retail or manufacturing. The Evans property will be developed using a Planned Neighborhood concept to include apartments, townhouses, and single-family residents; as well as a section for industrial/commercial development. Due to the continued conversation of development along 301 Corridor; the Town has extended its annexation plan to include properties west of US Route 301. The annexation changes are reflected in the public facilities projections and the Tier map. Changes also were made to reflect the previous annexed property owned by DNR from possible development to a State Park, Cypress Branch State Park.

Legislative changes are the removal of reference to Article 66B and inclusion of HB 1045. Projection and impact charts were revised from information to 2013 to information to 2040 and to reflect current Census Bureau information.

In the Land Use section of the plan; the various zoning classifications are defined and identified. The classifications include the Town's new Community Infill and Redevelopment Overlay District; as well as County zoning related to the annexed properties.

In the Public Facilities section the plan removes the school information and the skateboard park information due to its demolition. In turn, it includes the future Freedom Trail Serenity Park.

In the Heritage Preservation section, additional properties are listed due to additional available research information.

In the Transportation section, corrections were made to include all Town streets.

In the Water Resource Protection section, the plan details information regarding Point-source and Non-point source strategies.



To: Kent County Planning Commission Chair and Members
From: Bill Mackey, AICP, Director
Meeting: September 7, 2023
Subject: First Memorandum on *Proposed DRAFT Land Use Ordinance for Review*

Memorandum

Overall, the *Proposed DRAFT Land Use Ordinance for Review* retains the current substance of the existing Ordinance with a focus on streamlining, re-organization, introducing graphics and matrices for readability, and reducing the volume of the Ordinance by stating regulatory elements only once, whenever possible. Planning Commission's recommended Task Force text changes are included in this Land Use Ordinance.

Article I Enactment

- Clarifies language and draws together various sections that address functioning of the Ordinance
- For Critical Areas, text is added so that the County neither exceeds nor falls short of the State Law
- The digital Zoning Map is identified as the official map, resolving any conflicts with the paper maps
- The Zoning Map amendment and zoning text amendment process are separated for more clarity
- Nonconformities have been updated to clarify the process for review of status determinations

Article II Districts

- The total number of zoning districts is reduced from 17 districts to 12 via mergers and elimination
- Rural Residential zoning districts are proposed to be merged into Community Residential districts
- Crossroads Commercial zoning districts are proposed to be merged into the Commercial districts
- Industrial zoning districts are being merged into and/or renamed as Employment Center districts
- Industrial Critical Area – LDA districts are renamed as the Employment Center Critical Area – LDA
- Intense Village Critical Area and Industrial Critical Area have no mapped land and are eliminated
- Revised illustrative graphics and use matrices are added to each zoning district as improvements
- Permitted uses are revised to group similar uses together for navigability, e.g., animal husbandry
- Setbacks for accessory structures are increased to provide space between neighboring properties
- In AZD, Agritourism and Weddings as a special exception use have been added to permitted uses
- In AZD, enclaves are removed as an option, and the 10% Rule has been retained without revision
- In Village and Intense Village, added density is allowed for duplexes, townhouses, and multi-family
- *Excavation, landscaping, and other contractors' yards* merges more than one use for clarification
- Restaurants with drive through facilities in the Route 301 Corridor added to Employment Center
- *Short-term vacation rentals* (STVR) are added to all primarily residential zoning districts and AZD

Article III Uses

- All uses appear alphabetically with some uses permitted both by-right and via special exception
- Lists of conditions for similar uses are combined together to reduce overall length and wordiness
- A new adaptive re-use addresses existing religious and commercial buildings on small lots in AZD
- Animal uses are re-titled as “Animal husbandry” uses to appear together for ease of comparison
- A new use for “Animal husbandry, special – sheep or goats” is added similar to backyard chickens
- Home occupations with *de minimus* impacts may be issued use permits, but they’re not required
- Day care centers at houses of worship are allowed without special exceptions in existing buildings
- Swimming pools in the front yards of waterfront lots (rear yards) do not require special exceptions
- Specific uses that have been inferred or implied as prohibited are spelled out as directly prohibited
- Factory-constructed, single-family homes are allowed with sprinklers and life-safety compliance

Article IV Processes

- Processes are streamlined in the Ordinance and marked-up text represents substantive changes
- Policies and practices of the Department are incorporated to provide implementation consistency
- Notice requirements are standardized so mailed notices and postings are the same for all projects
- Village Master Plans are no longer referenced in the Ordinance, since no such Plans were adopted
- Waivers are re-envisioned as alternate compliance instead of variances by Planning Commission
- Extensions for building permits are revised to avoid unnecessary and repetitive reviews of projects
- Emergency provisions are provided for emergency authorizations for unforeseen contingencies
- Imprisonment provisions are removed related to compliance, and all penalties are financial only
- A new process to incorporate the Queen Ann’s County tiered landscaping approach is not included

Article V Zoning Regulations

- Off-street parking regulations are gathered together from across the Ordinance into one location
- Signage regulations are completely reformatted and also re-structured to be fully content neutral
- Electronic Message Centers (digitally changing signs) are added as permitted signs and regulated
- Staff proposes all sign illumination be indirect; interior illumination (cabinet signs) are not allowed
- Staff proposes doubling allowed signage size in AZD on farms to allow one 4-foot-by-8-foot ag sign
- Staff proposes adding allowed portable and temporary signs to legalize signs that are widely used
- Standards for Utility-Scale Solar Energy Systems for Countywide use are retained without changes

Article VI Environmental Regulations

CRITICAL AREA PROGRAM

- Text reviewed against State model ordinance. Entire LUO will be reviewed by CAC for approval.
- Purpose, implementation, and designations are included as written in current LUO but relocated and reorganized. Much of the language is drawn from the CAC model ordinance.
- Standards are updated to reflect current law. Lot coverage replaces impervious surfaces.
- Requirements for variances to develop on steep slopes have been clarified.
- Clearing and related mitigation are predominantly taken from the Anne Arundel County Code. Distinctions are made between clearing of forest (undisturbed tracts) and developed woodlands (residential areas with tree cover, e.g., Chesapeake Landing). Provisions to address clearing of small lots are included, as are provisions to allow variances.

- Current buffer regulations have been added. Clarification on how to measure the expanded buffer are included, as well as provisions for water access and buffer maintenance.
- Modified buffer provisions have been replaced with the language from the model ordinance. Development in modified buffer areas will not be limited to expansions of existing dwellings.
- Required regulations for renewable energy generating systems have been added.
- Required updates to water dependent facilities have been added.

FOREST CONSERVATION

- Specific text amendment proposed by member of the public is incorporated as recommended by Planning Commission, which includes increases to fees, maintenance periods, and surety periods.

EROSION AND SEDIMENT CONTROL

- Changes recommended by Kent Soil and Water Conservation District have been included in text.
- Text reviewed against State model ordinance and reviewed and approved by MDE for sufficiency.

STORMWATER MANAGEMENT

- Text reviewed against State model ordinance and reviewed and approved by MES for sufficiency.

FLOODPLAIN MANAGEMENT

- Three feet of freeboard included per County's Hazard Mitigation Plan and approved by Task Force.
- Text reviewed against State model ordinance and reviewed and approved by staff for sufficiency.

Article VII Definitions

- Agritourism, Fowl, Livestock, and Poultry are now defined; FEMA terms are revised; defined terms that are only utilized within the definitions section itself are combined; unused terms are deleted.
- For those definitions that contain regulatory provisions, the regulatory provisions are relocated.
- Front yards on corner lots have added flexibility as to which side determines the property address



To: Kent County Planning Commission Chair and Members
From: Bill Mackey, AICP, Director
Meeting: September 7, 2023
Subject: Second Memorandum on the *Proposed DRAFT Land Use Ordinance for Review*

Memorandum

To provide a quick overview of major changes in the draft LUO, the first memorandum was prepared by staff. For those desiring a general overview of the entire contents of the Proposed DRAFT Land Use Ordinance, the materials below were generated by the beta version of Claude 2, which is available [here](#).

What follows was entirely generated by the artificial intelligence Claude. Claude was asked to summarize each chapter separately. Staff reviewed the summaries, and everything looks to be in good order. In only one instance was there an error. Claude described signs as being defined in Article VII, which they are not. Other than that, Claude did a fine job, and the descriptions and summary created are easy to understand.

Article I Enactment

- The chapter lays out the purpose and intent of the zoning code, which includes implementing the county's comprehensive plan, promoting public health/safety/welfare, reducing financial burdens from unwise development, minimizing damage to property, enhancing attractiveness through design, protecting agricultural industry, providing efficiency in development, protecting historic resources, protecting environmental quality, and reducing erosion.
- It states the zoning code applies to all unincorporated territory in the county and all land use must comply with it.
- It establishes procedures for amending the zoning map and zoning text, including requirements for submitting applications, review by the planning commission, public hearings, and decisions by the county commissioners.
- It outlines the powers and duties of the Board of Appeals and Planning Commission in administering the zoning code.
- It defines legal nonconforming uses, structures, and lots. It establishes regulations for the continuation, abandonment, repair, expansion, and other aspects of nonconformities.

Overall, the chapter provides the legal basis and framework for implementing and administering the zoning code in alignment with the county's comprehensive plan and land use goals.

Article II Districts

- Kent County is proposing 12 zoning districts, including 6 districts in the State of Maryland's Critical Area. The 6 Critical Area districts have regulations mirroring similar districts outside the Critical Area.
- The Agricultural Zoning District (AZD) is intended to encourage agriculture and limit non-agricultural uses. The minimum lot size is 3/4 acre with well and septic or 1/2 acre with community sewage.
- The Resource Conservation District (RCD) has similar intent as AZD but is for the Critical Area. Minimum lot sizes are the same as AZD.
- The Rural Character District (RC) provides for rural residential lots and some commercial uses while maintaining rural character. Minimum lot size is 3/4 acre.
- The Critical Area Residential District (CAR) allows low density residential development in the Critical Area. Minimum lot size is 1/2 acre.
- The Community Residential District (CR) provides for single family homes and some businesses. Minimum lot size is 1/2 acre.
- The Village District (V) and Intense Village District (IV) aim to provide walkable, mixed use village development. V allows 8 units per acre and IV allows 12 units per acre for multi-family housing.
- The Commercial District (C) provides for highway-oriented commercial uses. The Commercial Critical Area District (CCA) mirrors C in the Critical Area.
- The Marine District (M) accommodates marinas and marine-related uses.
- The Employment Center District (EC) provides for office and light industrial uses. The Employment Center Critical Area - Limited Development Area (ECCA-LDA) mirrors EC in the Critical Area.

Article III Uses

- The chapter provides detailed conditions that must be met for each permitted use in the various zoning districts. These conditions help ensure uses are compatible.
- Uses are designated as permitted by right, permitted by right on farms, permitted as accessory uses, or allowed by special exception. Special exceptions require review.
- Key uses defined include accessory dwellings, home occupations, agricultural uses, marinas, personal wireless facilities, solar energy systems, and wind energy systems.
- Accessory dwellings are allowed in certain districts but don't count toward density. Conditions ensure they remain subordinate to the primary residence.
- Home occupations have limits on size and extent to remain compatible with residential areas. Some minor home businesses can get a use permit.

- Animal husbandry uses like stables have locational and size requirements. Poultry houses and dairies have stricter controls.
- Marinas and marine commercial uses have conditions to limit impacts and improve water quality.
- Telecom towers require showing need and considering alternatives. Conditions address appearance, setbacks, etc.
- Solar energy systems have limits based on district and farm vs. utility scale. Larger systems require screening and protecting views.
- Wind energy systems have height limits and setback requirements based on tower height and district. Approvals consider appearance and public views.

Article IV Processes

Overview

- The chapter covers the various review and approval processes for land use and development in Kent County, Maryland. This includes subdivisions, site plans, special exceptions, variances, waivers, permits, fees, enforcement, and historic preservation documentation.
- The processes aim to ensure development complies with the county's Comprehensive Plan and Land Use Ordinance. Review criteria promote public health, safety, and welfare.
- Applications are reviewed by the Technical Advisory Committee and approved by the Planning Commission, Planning Director, or Board of Appeals depending on the specific process.

Subdivisions and Site Plans

- Outlines minor and major subdivision and site plan processes. Minor projects have less impact and can be approved by Planning Director. Major projects require concept, preliminary, and final review and approval by Planning Commission.
- Details required submittals like narratives, previews, summaries, detailed documents and concluding materials for the various stages.
- Sets design standards related to site access, lighting, zoning, environment, layout, open space, roadways, etc. Additional standards for residential, small commercial, mixed use and large commercial/industrial projects.

Special Exceptions and Variances

- Special exceptions allow compatible presumed uses after review of criteria and site-specific impacts. Variances provide relief from code provisions.
- Administrative, zoning, critical area, floodplain, and stormwater variances have specific criteria. Special exceptions also have criteria.

Waivers and Permits

- Waivers allow alternative compliance and design flexibility. Building permits regulate construction. Outlines permit requirements.

Enforcement and Fees

- Vested authority, fines, and revocation procedures for code enforcement. Allows cost recovery fees.

Historic Preservation

- Requires photo documentation prior to issuing demolition permits on buildings over 75 years old. Aims to preserve historic character.

So, in summary, it establishes various review and approval processes to ensure development aligns with the county's long-range planning objectives, while providing flexibility and relief where warranted.

Article V Zoning Regulations

Overview

- The chapter establishes general zoning provisions as well as specific regulations for parking/loading, signage, and utility-scale solar facilities.
- The overall intent is to supplement the zoning districts and land uses outlined elsewhere to further guide development.

General Provisions

- Sets rules for accessory structures, maintaining minimum lot sizes, building height exceptions, yard requirements, and open space.
- Intends to maintain orderly development patterns and neighborhood character.

Parking and Loading

- Establishes flexible parking standards based on uses rather than fixed ratios. Allows shared parking and reductions.
- Outlines minimum dimensions for spaces, aisle widths, bicycle racks, and loading areas.
- Requires accessible parking spaces per ADA standards. Sets landscaping rules for larger lots.

Signage

- Regulates signs to balance business needs with community character and public safety. Content-neutral.
- Distinguishes permitted signs by type like ground, building, incidental. Limits number, sizes, heights, illumination.
- Streamlines rules so minor changes don't need permits. Grandfathers existing signs. Requires safety and maintenance.

Solar Facilities

- Utility-scale systems must meet setbacks and landscape buffering to limit visual impacts. Fencing, glare, and noise standards.
- Encourages pollinator habitat. Requires maintenance plans and bonds for decommissioning.

Overall, the regulations aim to facilitate development while minimizing impacts on surrounding areas. Let me know if you need any part of the summary expanded on further.

Article VI Environmental Regulations

- The section covers regulations for the Critical Area Program, Forest Conservation Act, Erosion & Sediment Control, Stormwater Management, and Floodplain Management.

- Critical Area Program establishes resource protection for the Chesapeake Bay and its tributaries. It designates areas as Resource Conservation Area, Limited Development Area, and Intensely Developed Area. Development standards apply in each area.
- Forest Conservation Act aims to conserve forests. It sets afforestation and reforestation requirements based on zoning district and amount of forest cleared. Forest mitigation, bonds, and protective devices are required.
- Erosion & Sediment Control requires permits for land disturbances over 5,000 sq ft. It establishes vegetative requirements, plan review process, and enforcement measures.
- Stormwater Management aims to maintain pre-development runoff characteristics through environmental site design (ESD) practices. It requires management plans, establishes design criteria, includes permit requirements, and sets inspection procedures.
- Floodplain Management regulates development in flood zones to minimize flood damage. It prohibits development in certain high-risk areas and sets elevation, anchoring, utility, and other construction requirements.

Article VII Definitions

- The chapter provides definitions for over 300 terms used in the zoning code. Defining these terms creates clarity and consistency in interpreting the code's provisions.
- Key terms related to residential uses are defined such as dwelling unit, single family dwelling, accessory dwelling, and more. Commercial, industrial, and agricultural terms are also defined.
- Environmental terms are defined including things like buffer, habitat, wetlands, waterways, floodplain, and others. These terms help interpret the environmental protection standards.
- Development process terms are defined like site plan, subdivision, variance, and so on. Procedural terms help understand the development review processes.
- Infrastructure terms like roads, right-of-way, utilities, and infrastructure components are defined.
- ~~Signs~~, Wireless facilities, alternative energy, and many other topics have pertinent terms defined.
- Understanding these definitions is crucial to properly interpreting and applying the zoning code requirements to projects undergoing development and review.