



**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.