



## CRU Task Force AGENDA

Wednesday, September 22, 2021, at 6 PM

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

**Dial 1-872-239-8359 and enter Conference ID 414 345 107#**

Please mute your device until the Chair opens the floor for public comments.

The public may view meetings live at <https://www.kentcounty.com/youtube-live>.

Archived videos may be viewed on the [Kent County Government YouTube channel](#).

**MISSION STATEMENT:** *We value our land, our families, our neighbors, our friends, and our diverse, rural community. Kent County's history, its location, and the land itself enrich our lives and our lifestyles every day. The CRU Task Force's mission is to preserve the best of Kent County, Maryland, including prime farmland, local culture, and its small businesses, while supporting opportunities for expanding into new economies, via innovative and thoughtful changes to the County's zoning regulations that simplify regulatory processes and add new uses.*

### I. **Welcome and Roll Call**

Al Nickerson	Buck Nickerson	Joe Hickman	Sam Shoge
Bill Norris	Chikki Shajwani	Kim Kohl	Tom Mason
Bill Sutton	Cindy Genter	Pat Langenfelder	Tyler Brown
Bryan Greenwood	Jim Saunders	Paul Ruge	

II. **Approval of the Summaries** for the Task Force Meetings on August 25, 2021, and September 8, 2021

III. **Purpose:** Fair and Open Discussion on Proposed Text Amendments

**Outcome:** Staff to summarize Task Force positions in Meeting Summary

**Ground Rules**

- A. Everyone is encouraged to share ideas openly and freely.
- B. There are no right or wrong inputs for discussion purposes.

**Norms**

- Participants speak ‘through the chair’. This means raising your hand if you want to speak, and waiting for the Chair to call on you.
- Don’t interrupt other people.
- Don’t talk/debate amongst yourselves.
- Respect other's views.
- Keep contributions short and to the point.
- Start and end on time.
- If online or on the phone: have your video ON and mute ON. Wait for the Chair to call your name before you unmute.

IV. **Old Business**

- A. Review of P17 (review weddings as special exceptions in AZD)
- B. Summary of the 2020 Census Data and Tools
- C. Review of S6 (removing the renewal requirements for sand and gravel pits)
- D. Review of S7 (review definition of structures, especially considering fences)
- E. Review of S8 (review definition of accessory structure and accessory use)
- F. Review of S12 (review of side and rear setbacks for accessory structures)
- G. Review of Initial Proposed Draft Task Force Recommendations
- H. Discussion of Next Steps for Public Forum, Sign Code, Re-formatted LUO, and Additional Submittals for Requests for Specific Text Changes from the Public – **to be continued from last meeting**

V. **New Business**

- A. Review of P6. Request to consider adjacent lots under same ownership in order to meet the minimum requirements related to rules for the keeping of backyard chickens ([alter provisions such as those under §16 on p. 16](#))

*Public Comment*

- B. Review of P18. Request to allow backyard goats in the Village zoning district with similar provisions as backyard chickens

*Public Comment*

**Break – 10 minutes**

- C. Review of TF 4. Review allowing nonconforming [accessory] structures that were conforming when built to be granted a fully legal status as conforming vs. as legal, nonconforming

*Public Comment*

- D. Review of S5. Consider removing renewal language for telecommunications ([pp. 418-419, Article VII, § 7.35.m](#)).

*Public Comment*

- E. Review of Revised Proposed Draft Task Force Recommendations

*Public Comment*

VI. **Task Force Comments**

VII. **Adjournment**



*Please note a quorum of the Board of County Commissioners  
may be present at any meeting.*



## Special Announcement Regarding Meeting Attendance

The following options are provided for the public to participate in the Task Force meeting.

Members of the public who would like to **attend the meeting in-person** are encouraged to register in advance by contacting Bill Mackey at 410-778-7423, ext. 9 (voice/relay), or by email at [compzone@kentgov.org](mailto:compzone@kentgov.org). The location is in the County Commissioners' Hearing Room at 400 High Street in Chestertown, MD.

Members of the public who wish to **participate via video in the Teams meeting** also need to register in advance by texting their name, street address for the record, and email address to 410-708-4063. Although not required, members of the public who wish to participate in the Teams meeting are encouraged to download the free app for Microsoft Teams, in order to improve their experience of the presentation. Prior to the meeting, a link to join Teams will be emailed to those who registered.

Members of the public may **call in with comments by phone** when the Chair opens the floor for comments. To participate via phone only (without video) via Microsoft Teams:

Call **1-872-239-8359** then enter Conference ID: **414 345 107#**

Please mute your phone / computer / or other electronic device until the Chair opens the floor in order to invite the public's comments.

**To listen to the meeting only**, the meeting will be livestreamed on the County website at: <https://www.kentcounty.com/youtube-live>

**To submit written comments in advance of the meeting**, please email your comments to [compzone@kentgov.org](mailto:compzone@kentgov.org) or mail your comments to:

Bill Mackey, AICP, Director, Department of Planning, Housing, and Zoning  
400 High Street, Suite 130; Chestertown, MD 21620

**To review agendas, adopted summary minutes, and all meeting materials** online, please visit <https://www.kentcounty.com/compzone>. To receive printed copies of materials or review the materials on file in person, please contact Bill Mackey at 410-778-7423 ext. 9 (voice/relay), or at the email address above, or in writing at the address above. Please allow time for USPS delivery, if corresponding by post.

If you require communication assistance, please call (410) 778-7423 (voice/relay) or visit Maryland Relay at [www.mdrelay.org](http://www.mdrelay.org), or email [compzone@kentgov.org](mailto:compzone@kentgov.org).

Thank you for your participation!



## Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Bill Mackey, AICP, Director DPHZ

Meeting: September 22, 2021: Administrative Matters

Subject: P6. Request to consider adjacent lots under same ownership in order to meet the minimum requirements related to rules for the keeping of backyard chickens

### STAFF REPORT

#### Background

Currently, the Land Use Ordinance allows backyard chickens as an accessory use on all properties in the Agricultural Zoning District (AZD), Resource Conservation District (RCD), Rural Character (RC) district, Rural Residential (RR) district, Critical Area Residential (CAR) district, Community Residential (CR) district, Village (V) district, Intense Village (IV) district, and the Intense Village Critical Area (IVCA, which contains no land).

#### Request

This request is to allow two adjacent properties under the same ownership to be considered together for the purpose of keeping backyard chickens. The parcel with the primary use, a residence, is insufficient in area to meet the minimum requirements for keeping chickens. The requestor would like both parcels to be counted towards the minimum acreage for keeping backyard chickens. The regulations read as follows:

#### Keeping of backyard chickens

- a. Backyard chickens are defined as females of the species *Gallus gallus domesticus* kept for non-commercial purposes. The keeping of males of the species is not permitted.
- b. The maximum number of chickens, 4 months or older, permitted on any lot is determined by lot size:
  - i. No chickens are permitted on a lot of less than  $\frac{1}{4}$  acre;
  - ii. No more than 5 chickens are permitted on a lot of  $\frac{1}{4}$  acre to 1 acre;
  - iii. No more than 8 chickens are permitted on lots of more than 1 acre.
- c. The area for keeping backyard chickens must be enclosed in such a fashion that the chickens are confined and not able to leave the owner's property. Backyard chickens will be provided with a covered, predator-proof coop or cage that is well ventilated. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property.
- d. *Structures* (coops) for the housing of backyard chickens must meet the permitting requirements of this Ordinance. For movable coops, the permit application will show the

area in which the coop will be moved. A copy of the Maryland Poultry Registration Form must accompany the building permit application.

- e. Coops must be setback a minimum of 15 feet from any property line.
- f. Coops may be placed in rear yards only.
- g. Each coop must be kept clean and free of odors and materials that can attract vermin. Feed must be kept in secure containers so as not to attract vermin.
- h. Waste must be composted or removed from the property.
- i. The outdoor slaughtering of chickens is not permitted.

### **Review**

The 2018 Comprehensive Plan does not address backyard chickens.

The inquirer's request mirrors other requests over the years from those who would like horses and other animals and whose properties are also not joined together to provide sufficient acreage. Owners could perform a deed merger and link their properties, but as this limits the future use of properties, this step is usually not preferred. Additionally, if not merged, construction of facilities for the keeping of animals would need to be setback from the property lines of one of the individual lots to conform with regulations.

Large changes to the Land Use Ordinance such as allowing the combination of separately albeit commonly owned lots would include many unpredictable outcomes. For the individual inquirer, a lot line adjustment could be requested to reallocate a portion of the additional lot to the lot with the primary residence.

Staff does not recommend revisiting the backyard chicken standards to change the minimum parcel size. It's staff's understanding the regulations were contentious, and the outcome is the result of compromise.

### **Recommendation**

Staff recommends that the Task Force consider not taking action on this item.

c: file



## Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Mark Carper, Associate Planner

Meeting: September 22, 2021: Administration

Subject: P18: Request to consider allowing backyard goats in the Village zoning district with provisions similar to backyard chickens.

### STAFF REPORT

#### Background

The Department of Planning, Housing, and Zoning frequently receives inquiries regarding the allowance for goats on non-farm properties, those being fewer than 20 acres in size. Currently, the Kent County Land Use Ordinance does not address the keeping of goats, which are generally considered to be livestock and are permitted by right on farms in the Agricultural Zoning District (AZD), Resource Conservation District (RCD) and Rural Character District (RC) and by Special Exception on parcels less than 20 acres in RC and all parcels, regardless of size, in the Rural Residential District (RR).

“Livestock” and “fowl” are frequently stated in the LUO, but there are no definitions or demarcations of animal types within these categories. “Poultry” is included in conjunction with poultry houses and with the Maryland Poultry Registration Form, which is required for the keeping of Backyard Chickens. That form lists as Domestic Poultry the following: chickens, ratites (ostriches, emus), waterfowl (ducks, geese, swans), game birds (chucker’s pheasants, quail), turkeys, and pigeons or doves. Article XI, Definitions, states “words and terms not defined herein shall be interpreted in accordance with their normal dictionary meaning and customary usage.”

#### Request

A request has been made to consider allowing backyard goats with provisions similar to backyard chickens.

#### Review

The City of Baltimore, under its Urban Agriculture program, allows for two female or neutered and dehorned male miniature, dwarf, and pygmy goats on properties 20,000 square feet or greater. Each additional 5,000 square feet of yard allows for one additional goat with a maximum of 6 goats. Property owners must acquire a permit from animal control, they must meet Health Department requirements for exotic animals, and the pens must be fenced, graded, drained, kept clean, and have a minimum 150 square feet of permeable area per goat.

Baltimore County, under its provisions for lands used for stabling and pasturing of animals, allows, for noncommercial purposes, the keeping of fowl (chickens, ducks, and geese) on 1 acre or greater, the keeping of small livestock (pigs, sheep, and goats) on 3 acres or greater with a maximum of 2 animals per acre of grazing or pastureland, and the keeping of large livestock (horses, cows, and ponies) on 3 acres or greater with a maximum 1 animal per acre.

Within Calvert County, livestock, such as horses, cows, sheep, swine, goats, llamas, alpacas, or poultry that are kept on a non-farm property as pets rather than for their productive value, is allowable on properties 3 acres or greater as long as provisions for sanitation meet the County Health Department Requirements. For properties smaller than 3 acres, a Special Exception from the Board of Appeals may be sought.

Frederick County, in its provisions for limited agricultural activity in residential districts on lots less than 3 acres, allows as a Special Exception the keeping of farm animals in conjunction with a single-family residence, provided that no pens, stalls, or runs are located closer than 50 feet of any lot line. For residential properties 3 acres or greater, these are allowed as an Accessory Use. Farm Animals are defined as those animals ordinarily found on a farm, including but not limited to horses, ponies, sheep, goats, bulls, buffalo, cows, steers, rabbits raised for commercial purposes, turkeys, pigs, ducks, geese, chickens, and guinea hens.

In Kent County, the keeping of backyard chickens is permitted as an Accessory Use for noncommercial purposes in all residential districts. They are restricted to hens only, and the quantity is determined by size of property, with none allowed on lots less than ¼ acre, no more than 5 chickens on lots ¼ acre to 1 acre, and no more than 8 chickens on lots greater than an acre. They must be securely contained within the property, and the housing structure must be a minimum 15 feet from any property line. Cleanliness must be maintained, and no outdoor slaughtering of chickens is permitted. A copy of the Maryland Poultry Registration Form must accompany the building permit application.

Up to four horses within private stables are permitted by right in AZD, RCD, RC, RR, CAR, and CR. The lot must be two acres or more, and no more than one horse per acre of pasture is allowed. The housing must be a minimum of 100 feet from any property line, and there must be a waste and nutrient management plan.

Maryland State law requires all farmers grossing \$2,500 a year or more or livestock producers with 8,000 pounds or more of live animal weight, i.e., eight “animal units,” to follow nutrient management plans when fertilizing crops and managing animal manure. Manure deposited directly by livestock is not restricted at any time of the year.

Other than chickens, horses, and mules, specific animal types are not discussed in the LUO.

The request to consider allowing backyard goats was accompanied by draft provisions,

The maximum number of goats, 4 months or older should be determined by lot size: No goats permitted on a lot of less than 1/2 acre; No more than 3 goats permitted on a lot of 1/2 acre to 1 acre; No more than 6 goats permitted on lots of more than 2 acre. The area for keeping goats must be closed in such a fashion that the goats are confined and not able to leave the owner’s property. Goats need to be provided with a covered shelter with bedding, and an outdoor enclosure that is adequately fenced to contain the goats on the property. Structures for the housing should meet the permitting requirements of ordinance. Shelter should be setback a minimum of 40 feet from any property line, in rear yards only, and kept clean and free from odors and materials that can attract vermin. Feed will need to be kept in secure containers so as not to attract vermin. Goats being grazers allows waste to naturally compost, but bedding (waste) materials should also be composted or removed from property. The outdoor slaughtering of goats should not be permitted.

### **Recommendation**

Staff recommends that the Task Force considers including in the Land Use Ordinance definitions for livestock, fowl, and poultry as follows:



Livestock – domesticated animals that are kept for purposes including meat, leather, wool, or labor, which may include but not be limited to cattle, swine, sheep, horses, mules, or goats<sup>1</sup>. Large ruminants include cattle; small ruminants include sheep and goats; equines include horses and mules.

Fowl – birds which are hunted or kept for food, including Galliformes (such as turkeys, chickens, partridges, and quail) and waterfowl of the order Anseriformes (such as ducks, geese, and swans).

Poultry – domesticated fowl to include but not be limited to chickens, ducks, geese, turkeys, and pigeons or doves.

Furthermore, Staff recommends that the Task Force considers including into the Land Use Ordinance as an Accessory Use in the AZD, RCD, RC, RR, CAR, CR, and V the following regulations concerning the keeping of small ruminants:

- a. Small ruminants kept for noncommercial purposes shall be female or neutered and dehorned males.
- b. The maximum number of sheep or goats permitted on any lot is determined by lot size:
  - i. No sheep or goats are permitted on a lot of less than two acres.
  - ii. A maximum of three small ruminants per acre of grazable area within the lot is permitted with a maximum of eight total.
- c. The animals shall be provided with a covered shelter with bedding and an outdoor enclosure that is adequately fenced to contain the animals on the property.
- d. Structures for the housing should meet the permitting requirements of the Ordinance.
- e. Shelter should be setback a minimum of 40 feet from any property line, in rear yards only, and kept clean and free from odors and materials that can attract vermin.
- f. The operation is managed according to waste and nutrient management plans, approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorous is a problem or has the potential to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.
- g. Feed shall be kept in secure containers so as not to attract vermin.
- h. Bedding and waste materials shall be composted or removed from the property.
- i. The outdoor slaughtering of sheep or goats is not permitted.
- j. Sheep or goats brought into the State of Maryland shall meet the Code of Maryland Regulations, Chapter 15.11.18. Requirements for Sheep and Goats for the Eradication of Scrapie<sup>2</sup>.

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<sup>1</sup> Based on MD Code AGRICULTURE §3-301

<sup>2</sup> <http://www.dsd.state.md.us/comar/comarhtml/15/15.11.18.04.htm>



## Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Bill Mackey, AICP, Director DPHZ

Meeting: September 22, 2021: Administrative Matters

Subject: TF4. Review allowing nonconforming [accessory] structures that were conforming when built to be granted a fully legal status as conforming vs. as legal, nonconforming

### STAFF REPORT

#### **Background**

On April 14, 2021, the requests for specific changes to the text of the Land Use Ordinance by members of the Task Force were first introduced for discussion. Individual members brought forward their items and provided for clarification and some background regarding each specific request. This item was included.

#### **Request**

In general, the request is related to situations where, for example, an accessory structure was originally constructed in conformance with the setbacks in the Land Use Ordinance, and when setbacks in the Land Use Ordinance are changed and become more restrictive, then the building is rendered unusable again for its original purpose. The request is to allow existing structures to be used for their original purpose(s).

The origin of the request is more nuanced and is related to a dairy barn, located on a farm in AZD, where the structure was originally constructed in conformance with the setbacks in the Land Use Ordinance. The farmer ceased using the structure as a dairy barn and subdivided the property in a way that the accessory structure that was the dairy barn no longer met the setbacks for a dairy barn. At that point, the accessory structure could not again be used for its original purpose.

#### **Review**

The 2018 Comprehensive Plan does not address the continuation of original uses as requested.

The Land Use Ordinance has a provision that addresses uses in a similar manner as desired in the request. Under Village zoning there is a provision for the continuation of uses as permitted uses as opposed to legal, nonconforming uses. The following language appears in Article V, Section 7. Village District, under § 7.2 Permitted Principal Uses and Structures:

20. Existing commercial or industrial uses and structures in the Village District. It is the intent of this Section to provide for the continued existence and operation as well as the reasonable expansion of commercial and industrial uses which exist in the Village District, provided that such uses or structures do not constitute a nuisance or a source of significant environmental

pollution. It is not the intent hereof to allow the creation of new commercial or industrial uses which are not permitted under this Section, but rather to protect those enterprises which existed in the Village District as of August 1, 1989. An expansion will require site plan review (p. 110).

Such uses are not legal, nonconforming, since they are placed in the permitted use section of the code.

In addition to this language, the Land Use Ordinance has provisions for the adaptive reuse of historic structures on page 409, which are included as special exceptions in zoning districts throughout the County.

4. Adaptive reuse of historic *structures* in AZD, RCD, RC, RR, CR, V, IV, IVCA, and M provided:

- a. *Structures* shall be listed in the Kent County Historic *Site Survey* or approved as a historically significant *structure* by the *Planning Commission*.
- b. It is shown that exterior changes to *site structures* will be minimized. Extensions or enlargement of the principal and *accessory structures* may not exceed 25% of the *gross floor area* of each individual *building* above that which existed as of August 1, 1989. Enlargements shall be designed in keeping with the character of the *building*.
- c. Landscaping is in keeping with the character of the *building*.
- d. The *site* must have access to a public road adequate to handle traffic generated. The proposed use shall not generate traffic of a type or amount inappropriate for all access *roads* and the surrounding area. The use does not require road improvements detrimental to the character of the area.
- e. The number of dwellings shall not exceed the *density* permitted in the district in which the *structure* is located.
- f. The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials or other nuisances.
- g. In RCD, adaptive reuse projects shall be limited to non-commercial and non-industrial uses.

A new, special exception could be included in the Land Use Ordinance for specific zoning districts desired, which could provide conditions for approval of structures that do not conform to the current setbacks.

Re-use of existing, accessory structures in [LIST OF ZONING DISTRICTS].

- a. Structures shall be existing and constructed prior to latest change to the Land Use Ordinance.
- b. Applicants must provide documentation to verify the original use of the structure, as designed.
- c. Landscaping must be included that is in keeping with the character of the existing structure.
- d. The site must have access to a road adequate to handle traffic generated by the use.
- e. The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials or other nuisances.
- f. In RCD, original reuse projects shall be limited to non-commercial and non-industrial uses.

### **Recommendation**

Staff recommends that the Task Force consider directing staff to include specific language in the code to allow existing structures to be utilized for original uses as permitted uses via special exception.

c: file



## Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Carla Gerber, AICP, Deputy Director

Meeting: September 22, 2021: Administrative Matters

Subject: S5. Consider removing renewal language for telecommunications.

### STAFF REPORT

#### Background

In the late 1990s/early 2000s, there was an influx of wireless communication tower applications. They ranged from single towers proposed by individual providers to a network of multiple towers proposed by speculative tower companies. Not all towers were approved, and not all approved towers were constructed. There were concerns that too many towers would be built, and a special exception for “personal wireless facility towers” was added to the Land Use Ordinance, which included a condition that approval was valid for five years.

Of the eight private towers constructed in the County since 1999, only one was constructed after the adoption of the current Ordinance. That tower went through the renewal process once, and staff and the tower owner recognized that the requirement was creating unnecessary work. Staff even encouraged the owner to submit a text amendment to remove the renewal condition; however, the owner never submitted an amendment. Staff reached out several times concerning deadlines for the second renewal, and the owner never responded.

#### Request

The request by staff is to discuss removing the requirement that tower approvals be renewed every five years.

#### Review

Prior to the current ordinance, wireless communication towers were reviewed as “public utilities and structures,” and the height was limited to 125 feet. Public utilities and structures were a conditional use (special exception) in AZD, RCD, RR, and V, and they were permitted in the Industrial districts. Recognizing that wireless communication towers would have a different impact than many other public utilities, the previous LUO Workgroup decided to develop a permitted use for collocated antennas and a specific special exception for any new communication towers.

35. *Personal wireless facility tower* in AZD, RCD, RC, CC, C, CCA, EC, and I provided:
  - a. The applicant demonstrates alternatives of consolidating the facility on an existing tower structure or incorporating the facility on a structure or water tower have been fully exhausted.
  - b. The applicant demonstrates a public need for the tower.

- c. The applicant demonstrates a comprehensive approach to facilities with a goal of minimizing the number of *sites* required.
- d. The height of the tower, including antennas and appurtenances shall not exceed 199 feet unless a *variance* is granted.
- e. All towers and their accessory *buildings* shall comply with the building setback provisions of the applicable zoning district. In addition, the minimum from the ground base of any tower to any property line, road, or public recreational area shall be the height of the tower including any antennas or other appurtenances. This setback is considered a “fall zone.” The Board of Appeals may reduce the fall zone by 50% of the required distance if it finds that a substantially better design will result from such a reduction. In making such a finding, the Board shall consider both the visual and safety impacts of the proposed use.
- f. Monopoles or lattice towers shall be the preferred tower *structure* in the County.
- g. The appearance of the tower *structure* shall be minimized by the reasonable use of commercially available technology to reduce visual impact, with specific reference to size, color, and silhouette properties.
- h. Equipment shelters shall be designed consistent with traditional Eastern Shore architectural styles and materials with a pitched roof of at least 10/12. The shelters shall be camouflaged behind an effective year-round buffer of existing dense vegetation that exceeds the height of the proposed *buildings*. The *Planning Commission* may waive the requirements for shelter design when it finds that the existing vegetation will provide adequate year-round screening of the *buildings*.
- i. The tower shall be sited within or adjacent to mature dense *tree* growth and understory vegetation that provides an effective year-round visual buffer and should only be considered elsewhere on the property when technical or aesthetic reasons indicate there are no other preferable locations. Where necessary, the Board shall require the installation of a vegetated buffer of sufficient height and depth to create to an effective year-round visual buffer.
- j. Towers shall be lighted only if required by the FAA. Lighting of equipment shelters and other facilities on *site* shall be shielded from other properties.
- k. *Signs* shall be limited to identify the property owner, emergency contact, and to warn of danger.
- l. A tower shall not be within a 5-mile radius of any existing towers used for *personal wireless facilities* unless the applicant demonstrates a public need due to capacity or other service limitations.
- m. The special exception shall be valid for a period of five years from the date that the decision of the Board of Appeals is signed.
- n. The tower shall be used continuously for personal wireless communications. In the event the tower ceases to be used for personal wireless communications for a period of six months, the approval will terminate. The property owner shall insure the tower removal within ninety days after the termination.
- o. After the personal wireless facility is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of approval of the special exception, a report listing the carriers using the facility.
- p. The facility shall comply with all FCC and ANSI standards.
- q. The applicant shall demonstrate that a tower shall not unreasonably interfere with the view of, or from, *sites* of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic *Site’s* survey, an historic district, or the Chesapeake Bay and its tributaries.
- r. All applications for approval of a *personal wireless facility tower* shall include:
  - i. A description of the facility and proposed licensed carriers. A licensed carrier shall be the applicant, the co-applicant or have a binding agreement with the tower company.
  - ii. Coverage maps showing the area to be served by the proposed facility and the coverage available under existing facilities, approved facilities, and other appropriate *structures*.

- iii. A master plan of the applicants proposed communications network for the entire county.
- iv. Siting elevations, existing photography, and a photo simulation from all directions.
- v. A coverage, interference, and capacity analysis. The Director of Emergency Management shall review the interference analysis.
- vi. A copy of all reports required by or provided to the Federal Communications Commission including, but not limited, to the Environmental Assessment, NEPA Review, and SHPO Review.
- vii. Computer modeling used in selecting the *site*.
- viii. A narrative that explains how the *site* will not unreasonably interfere with the view of, or from, *sites* of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic *Site's* survey, an historic district, or the Chesapeake Bay and its tributaries.

**Recommendation**

Staff recommends removing the 5-year renewal clause.

c: file

## REVISED PROPOSED DRAFT – TASK FORCE RECOMMENDATIONS

### MAY 26 – ECONOMY

- P4. Request to create two, new floating zones to allow for (a) planned mixed-use development and (b) planned neighborhoods, including specific criteria for such designations, as well as (c) to combine the Commercial and Employment Center districts and (d) to allow residential uses in the newly combined district

**Recommendation: The Task Force expressed that it was uncomfortable expressing support for the proposed change, since the Town of Millington had expressed that it was not supportive. Of the two members who spoke, both expressed concern with the use of floating zones and how the zoning could affect other properties Countywide. The discussion is considered moot, since the Town expressed that it was not supportive, and the Task Force withdrew its support.**

- P5. Request to allow truck stops, truck parking lots, gas sales, convenience stores and restaurants with or without drive-through in the Industrial district

**Recommendation: The Task Force expressed that it was uncomfortable expressing support for the proposed change, since the Town of Millington had expressed that it was not supportive. There were two meetings with discussions, of the seven members who spoke at the first meeting, four were in support with concern that development be local in flavor; three members expressed concern that other areas of the County be included in discussions. At the second meeting, the discussion involved the pros and cons of including drive-through restaurants. The original support of the staff's recommendation by those who spoke in favor is considered moot, since the Town expressed that it was not supportive, and the Task Force withdrew its support.**

- TF13. Review streamlining the Cottage Industry process.

**Recommendation: The Task Force directed staff to incorporate changes into the LUO that would allow for an administrative hearing for cottage industries. Of the two members that spoke, both were in favor, one with a concern that neighbors be notified and one with a concern that the Planning Director be able to waive certain bonding requirements to ease business starts.**

- TF18. Review timelines. Currently, projects scheduled before Planning Commission and Board of Appeals must be submitted 20 days before meetings. For projects that require concept, preliminary and final review, this allows only a week for applicants to address comments and resubmit for the following meeting. // S4. Consider standardizing 10-day, 15-day, and 20-day notices to one standard

**Recommendation: The Task Force directed staff to work with a local designer and incorporate revised timelines into the LUO. Of the three members who spoke, two suggested that a flow chart as a handout could be helpful tool for applicants.**

### JUNE 9 - TOWNS & VILLAGE

- TF3. Review landscaping to reduce the requirements for trees (for example, one business site was required to have 185 trees and bushes on a 1.3-acre site).

## REVISED PROPOSED DRAFT – TASK FORCE RECOMMENDATIONS

**Recommendation:** The Task Force directed staff to consider using buffer yards (Queen Anne’s County was cited as the model) and standardizing the landscaping with consistency in mind. Of the four members who spoke, three were in support of standardizing landscaping as noted.

- TF7. Review setbacks and required rights-of-way for roads, so the County, State or utilities do not have to maintain vegetation planted along rights-of-way.

**Recommendation:** The Task Force did not come to an agreement. Of the four members who spoke, two expressed concerns on encroachment, and two expressed concerns on enforcement.

### JUNE 23 – TOWNS & VILLAGE

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

**Recommendation:** During discussion, one member spoke, and the Task Force did not object to staff including these changes in the LUO. Per the Questionnaire, more tallies were for *yes* (6) than *no* (2). In this case, the item already appeared on an agenda prior to the Questionnaire.

- S3. Consider clarifying how accessory structures can be located in front yards

**Recommendation:** During the discussion, the Task Force did not direct staff to incorporate changes into the LUO. Accessory structures would therefore continue to be allowed in the area between the required front yard and the main building on lots that are not waterfront. Of the two members who spoke, one expressed a desire to leave the LUO as it stands, and the other expressed concern about the overall permitted size of accessory structures in the current LUO.

### JULY 14 – HOUSING, TRANSPORTATION, AND HISTORIC & CULTURAL RESOURCES

- P9. Request to review standards related to subdivisions accessing private roads

**Per the Questionnaire, it was not necessary to discuss this item further, as there were only four tallies to *discuss*. The narrow agreement would appear to be that no action to change the LUO is required. Per the Questionnaire, more tallies were for *no* (5) than for *yes* (4).**

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

**Recommendation:** The Task Force expressed its concurrence that accessory dwelling units be allowed in the Village zoning district with conditions similar to those in other residentially oriented zoning districts. Of the six members who spoke, each had questions about the process.

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

**Recommendation:** The Task Force expressed that the current 75-year threshold is appropriate. Of the five members who spoke, each asked clarifying questions.

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



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**Recommendation:** The Task Force expressed agreement that short-term vacation rentals be added to the Land Use Ordinance as permitted uses with the condition that the County taxes be paid. Of the eight members who spoke, two supported changes in the regulations, and six expressed concerns about regulating it in the LUO; however, after additional information was brought forward regarding best practices from a MACo seminar, agreement was then formed.

### JULY 28 - ENVIRONMENT

- P7. Request to review lot coverage standards and other Critical Area provisions, lot line adjustments on parcels under 5 acres, and wastewater treatment

**Recommendation:** No action was needed, and no action was requested by the Task Force. Two members asked clarifying questions about the process and the State's requirements in this area.

- P10. Request for modified buffer in RCD for campgrounds, as defined in § 2.2 (18)

**Recommendation:** The Task Force supported the staff recommendation to formulate changes per State standards and to include graphics in the LUO. Of the seven members who spoke, five requested that staff look into whether illustrative graphics could be included to help the public.

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

**Recommendation:** The Task Force did not come to an agreement on this matter. Of those who spoke, there were three members who spoke in support of flexibility to the regulations, and two members who spoke in support of keeping the 150-foot maximum in place, as is.

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

**Recommendation:** Per the Questionnaire, more tallies were for *yes* (6) than *no* (3).

- S14. Consider discussing climate change, resilience, and the floodplain regulations by potentially requiring Base Flood Elevation plus three feet for new projects

**Recommendation:** The Task Force expressed agreement to require three feet of freeboard. Of the five members who spoke, each expressed different questions regarding the process; one member concluded with direct support, and there was no objection following this statement.

### AUGUST 11 – COUNTRYSIDE

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

**Recommendation:** The Task Force expressed agreement that the definition of a farm should not be reduced to five acres. Of the four members who spoke, all spoke in favor of not reducing a farm to five acres; four spoke in favor of a special exception to allow non-farms under 20 acres in AZD to apply for accessory sheds; one member clarified providing this could be by the shorter path towards a special exception review, which does not include Planning Commission review; one member expressed support via an email for farms to be allowed at ten to 20 acres in size.

## REVISED PROPOSED DRAFT – TASK FORCE RECOMMENDATIONS

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

**Recommendation: The Task Force did not support utility-scale solar arrays in AZD beyond the currently permitted five acres. Of the two members who spoke, both opposed allowing an expansion of utility-scale solar within AZD; one member expressed that referring to this number of solar arrays (five acres) as utility-scale is a misnomer, and that the term should not be utilized.**

P3/TF8 Request to continue to exclude data centers from Agricultural Zoning District // TF8. Review allowing data centers on land in AZD at 0.5% of total land (about 630 acres) in order to let the landowners decide if they want to look at this option.

**Recommendation: Per the Questionnaire, more tallies were against allowing data centers in AZD (8 in both cases) than for adding them to AZD (3 and 2, respectively).**

TF1/TF17. Review the concept of reducing setbacks for agricultural structures to 200 feet except near current housing developments, incorporated towns, and villages. // TF17. Review setbacks for buildings containing animals. Currently, this is 600 feet. Review for more flexibility. Maybe 600 feet from residential zoning districts or provide for an administrative variance process to reduce the required setback.

**Recommendation: The Task Force did not come to an agreement. An approach to regulating the setbacks was brought forth. For the most intense uses (poultry houses, AFO, CAFO, and dairies) the current 600 feet was seen as appropriate; opinions varied on waste management structures. Of the seven members who spoke, two supported the 600-foot setback for waste management structures, and two were opposed to the 600-foot setback. A stepped system of one, two, three, five, and ten acres was suggested as a way to allow small animals with an assigned total number of animals for each acreage as opposed to animal units.**

### AUGUST 25 – COUNTRYSIDE CONTINUED

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

**Recommendation: The Task Force did not come to an agreement on this matter. Of the six members who spoke, three supported retaining the 10% rule with the purpose of preserving agriculture in its current context, and three members supported elimination of the rule with the purpose of allowing more diverse farming outcomes. Two members supported the staff recommendation to create an exception process.**

TF5. Review concept of a reset to allow building sites up to 1 unit per 30 acres as of the approval of new zoning regardless of what has been subdivided previously.

**Recommendation: The Task Force expressed support for the retention of the current date for density with the purpose of supporting the agricultural context and preventing widespread subdivision. Of the four members who spoke, all were opposed to resetting the density clock.**

TF6. Review allowing sustainable agricultural operations for production for farmers markets, personal use, or commercial sale on homesites in ag zoning districts where such homesites do not meet the current requirements for 20 acres.

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**Recommendation:** Per the Questionnaire, more tallies were in support of allowing sales from small-scale, sustainable agricultural operations and ag production (7) than opposed (1).

- P17. A. Request to add Agritourism, as defined by the State of Maryland, as a permitted use in AZD

**Recommendation:** The Task Force did not express opposition to the proposed definition in the staff report for agritourism. One member spoke to ask a clarifying question on traffic concerns.

### SEPT 8 – ADMINISTRATIVE MATTERS

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

**Recommendation:** The Task Force expressed itself in favor of weddings as special exceptions in AZD and also expressed that a broader topic such as social engagements for compensation could be considered. Of the four members who spoke, two supported including maximum numbers of participants and events; one supported an approach to regulate noise related to such events; and one supported open-ended standards to allow for the free market and for public choice.

- S6. Consider removing the renewal requirements for sand and gravel pits

**Recommendation:** The Task Force raised no objection to removal of provisions that conflicted with State law. Of the two members who spoke, both asked clarifying questions on the process.

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

**Recommendation:** The Task Force did not object to the changes proposed by staff. One member stated they were straightforward. One member spoke in support of staff's recommendation.

- S8. Consider reviewing the definition of accessory structure and accessory use

**Recommendation:** The Task Force expressed a preference for removing provisions that limit the size of accessory structures and uses to be smaller than principal structures and uses. Of the three members who spoke, two expressed concerns about application of the standards in some of the zoning districts, requesting that there be language to address this in individual districts.

- S11. Consider reviewing the conditions related to hunting trailers on farms

**Recommendation:** Per the Questionnaire, there were more tallies in support of staff reviewing conditions related to hunting trailers (8) than not (0). Based on the prior discussion of hunting trailers, this would include protecting hunting and extending the season for trailers in the LUO.

- S12. Consider reviewing the side setbacks and rear setbacks of three feet and five feet, respectively, for accessory structures in rear yards, which occur throughout the LUO.

**Recommendation:** The Task Force expressed agreement to support 10-foot side and 10-foot rear setbacks. Of the four members who spoke, three supported the increased setbacks; one member objected to increased setbacks; and one member questioned their effectiveness in preventing the storage of materials between accessory structures and adjacent property lines.

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### SEPT 22 – ADMINISTRATIVE MATTERS

- P6. Request to consider adjacent lots under same ownership in order to meet the minimum requirements related to rules for the keeping of backyard chickens
- P18. (NEW) Request to consider allowing backyard goats with provisions similar to backyard chickens
- TF4. Review allowing nonconforming structures that were conforming when built (to be granted a fully legal status as conforming vs. as legal, nonconforming).
- ~~TF14. Review waterfront regulations. Waterfront is now considered the Front Yard. This causes issues such as pools are not allowed in the front yard and since the road is now considered the rear yard, accessory sheds can be 5' from the road.~~
- ~~TF15. Review size limitations on accessory structures currently limited to 1,200 ft<sup>2</sup> in most properties under five acres. This could be enlarged to at least 2,000 ft<sup>2</sup> as long as stormwater management and screening regulations are met.~~
- ~~TF16. Review Front Yard definition on corner lots; currently, it's the side with the smallest dimension. Review of the side where the driveway entrance is located is a better option. If there are two driveways, one could then be removed.~~
- S5. Consider removing renewal language for telecommunications

### OCTOBER 13 – ENVIRONMENT CONTINUED

- TF10. Review how to better define establishing a Modified Buffer, keeping in mind that not all waterfront properties are in a straight line.
- TF11. Review how to better define an Expanded Buffer.
- TF12. Review how to better define the term Structure (in the definitions section), as it applies to the establishment of the aforementioned Buffers.