



# Comprehensive Rezoning & Update 2020-2021 Task Force

## MEETING SUMMARY

Hybrid In-Person/Remote Meeting  
Wednesday, December 8, 2021, at 6:00 p.m.

### I. Welcome and Roll Call – Task Force Member and Vice Chair, Joe Hickman

Chair Kim Kohl opened the meeting at 6:00 pm, conducting member roll call.

The following Task Force members were in attendance: Vice Chair Joe Hickman, Al Nickerson, Bill Norris, Bill Sutton, Bryan Greenwood, Buck Nickerson, Cindy Genter (remote), Jim Saunders, Pat Langenfelder, Paul Ruge, Tom Mason, and Tyler Brown (remote).

The following staff attended: Planning Commission Attorney Cynthia McCann, Esq. (remote); DPHZ Director William Mackey, AICP; Associate Planner Mark Carper; and Acting Clerk Michael Pelletier.

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

Members of the public who attended in-person or remotely included: Janet Christensen-Lewis; Elizabeth Watson, FAICP; and Judy Gifford (remote). The meeting was also livestreamed, and anyone could listen to the meeting via the County's website.

### II. Approval of the Summary for the Task Force Meeting on November 10, 2021.

The November 10, 2021, Meeting Summary was approved as submitted.

### III. Purpose - Fair and Open Discussion on Proposed Text Amendments

**Outcome** - Staff is to summarize Task Force positions in Meeting Summary

#### Ground Rules

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

#### Norms

- Participants speak 'through the Chair'. This means raising your hand if you want to speak and waiting for the Chair to call on you.
- Don't interrupt other people.
- Don't talk/debate amongst yourselves.
- Respect other's views.
- Keep contributions short and to the point.
- Start and end on time.

Adopted on March 20, 2022

- 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. New Business**

Chair Kohl addressed new business prior to old business in order to allow the consultant to present at the beginning of the meeting.

Mr. Mackey introduced the three-step process by which ZoneCo is assisting with the zoning update. The first step has been completed, the diagnostic report. The next step is calibration, and the third step is codification. The legislative process towards adoption of a revised Land Use Ordinance would follow.

Mr. Mackey introduced Sean Suder, Esq., with ZoneCo, who presented proposed text amendments based on the Diagnostic Report. Mr. Suder relayed his recommendations for the proposed text amendments. Mr. Suder indicated that ZoneCo's method is to diagnose, calibrate, codify, and then adopt agreed upon changes. Mr. Suder recommends more charts and tables, in order to make the code more user friendly.

##### A. ZoneCo presentation of text changes related to the Diagnostic Report

Mr. Suder indicated the goal is for the uses and standards to follow the comprehensive plan. Mr. Suder explained to the Task Force the coding for the presentation tables and documents to determine what recommendations for changes were being made. Mr. Suder also notified the Task Force that there were red-line changes that are indicated in the document by means of track changes.

Mr. Suder then discussed specific diagnostic recommendations. The following sections were discussed:

Article I- Title and Applicability: No recommended substantive changes

Article II- Purposes: No recommended substantive changes

Article III- Districts and District Maps: No recommended substantive changes

Article IV- General Provisions- Recommend update sign code. This process has been started with staff; this will be for future discussion. [Note: copy of the proposed first round of text changes for the sign ordinance are posted online.]

Article V District Regulations

Section 1- Agricultural Zoning District: No recommended substantive changes

Section 2- Resource Conservation District: Adaptive reuse of historic structures and farm employee housing as permitted uses. ZoneCo is recommending as permitted use as opposed to a special exception.

Section 3- Rural Character District: Adaptive reuse of historic structure as permitted use

Section 4- Rural Residential: Adaptive reuse of historic structures as permitted use to preserve natural resources.

Section 5- Critical Area Residential: Adaptive reuse of historic structures as a permitted use

Section 6- Community Residential District: Adaptive reuse of historic structures as a permitted use

Section 7- Village District: Proposed changes by ZoneCo: Adaptive reuse of historic structures as a permitted use. Regarding single family regulation, and two family, townhouse it is recommended that the standards for these regulations be split-up, so they are properly applied to these types of land-use. Reduced lot sizes to allow more density was also recommended with approximately six units per acre recommended for single-family, and eight units per acre recommended for townhouse and multi-family.

Section 8- Intense Village: Proposed changes by ZoneCo: Adaptive reuse of historic structures as a permitted use. Regarding single family regulation, and two family, townhouse it is recommended that the standards for these regulations be split-up, so they are properly applied to these types of land-use. Reduced lot sizes to allow more density was also recommended with approximately eight units per acre recommended for single-family, and twelve units per acre recommended for townhouse/multi-family.

Section 9- Intense Village critical area: Proposed changes by ZoneCo: The same recommendations were made for this district including the increased densities of eight units per acre and twelve units per acre.

Section 10- Crossroads Commercial District: Cottage industries, tradesmen, and artisan shops as permitted uses. Any mix of permitted principal uses and or structures special exceptions with offices to be accessory uses subject to plan review.

Section 11- Commercial District: Cottage industries, tradesmen, and artisan shops as permitted uses; Offices permitted subject to site plan review. Townhouses, multi-family, mixed uses special exceptions subject to site plan review.

Section 12- Commercial Critical Area: Townhouses, multi-family, mixed uses as special exceptions subject to site plan review.

Section 13- Marine District- Townhouses, multi-family, mixed uses as special exceptions subject to site plan review.

Section 14- Employment Center District: Remove single family dwellings as a permitted use and include as special exception.

Section 15- Industrial District: Cottage industries, tradesmen, and artisan shops as permitted uses. Remove single-family dwellings from permitted uses.

Section 16- Industrial District-Critical area – LDA: Cottage industries, tradesmen, and artisan shops as permitted uses. Remove single-family dwellings from permitted uses.

Section 17- Industrial District- Critical Area: Remove single-family dwellings from permitted uses.

Article VI- Special Provisions: No recommended substantive changes.

Article VII- Special Exceptions: Remove “average neighbor” language to make less subjective.

Article VIII- Nonconformities: No recommended substantive changes.

Article IX- Variances and Waivers: No recommended substantive changes.

Article X- Board and Commissions: No recommended substantive changes.

Article XI- Definitions: Awaiting review. ZoneCo would finalize the rest of the code before addressing the definitions section. Terms need to be set in place before defining them.

Article XII- Administrative Procedures: Planning Director review and approval of special exceptions for adaptive reuse of historic structures; raising of livestock and fowl; and single-family dwellings. Planning Director would be able to apply the standards rather than having formal hearing each time.

#### B. Discussion by Task Force of the proposed text changes presented by ZoneCo

A member brought up some concerns about Village Master Plans to Mr. Suder, regarding ample zoning already in effect as to housing on property that was less than 10,000 square feet in lot size and water and sewer access.

Another member brought up whether the septic area would need to be distinguished between the town and County.

Janet Christensen-Lewis inquired as to the mixed-use aspect of the proposal. Mr. Sauder explained the definition of mixed use and gave examples of its application.

A third member brought up concerns regarding hunting trailers as they relate to the proposed land use ordinance as accessory uses. The member felt there needed to be more clarification as it could cause confusion for people who use trailers for recreational or hunting purposes.

The Chair asked Mr. Mackey whether the requests for Special Exceptions to the Planning Director with which staff are comfortable or should they come before the Planning Commission. Mr. Mackey indicated that if the situation was complicated; he has the option to refer those matters to the Planning Commission if the need arises.

A fourth member raised concerns that recreational vehicles could become permanent living facilities but may not be hooked up to a sewer system. This member also sought Mr. Suder’s opinion pertaining to the applicability of floating map zones. Mr. Suder indicated that he would prefer to get base zoning correct rather than to codify optional zones that may never be used.

The third member raised concerns that the County should not carve out a lot of special exceptions. The member indicated that these types of exceptions have a huge impact on the Planning office, which will likely be short staffed for the foreseeable future. The Chair confirmed with Mr. Suder that he has added previous special exceptions to the proposed text and converted them into permitted uses. The third member noted that there still appears to be a larger number of special exceptions that should be

reviewed. The member added that a citizen should be able to go to Planning office and leave with a clear sense of what they can do or cannot do on their property.

A fifth member asked Mr. Suder to elaborate on his recommendation to make lot size changes in the Village. Mr. Suder indicated that a smaller lot size allows for the division or creation of additional lots in the Village, which could have an impact on affordable housing options. The third member added it would allow for six houses as opposed to four houses per acre.

A sixth member raised sewer and septic concerns within this proposal in the Village District. Any Village District changes need to include potential changes pertaining to sewer and septic matters and mapping. The member indicated a desire to see the mapping for these proposed changes.

The third member added that a lot of the Village has water and sewer.

The first member added that since allocations are for the most part already in place, lower density should be fine.

A seventh member opined that the Village District would not be usable if there is no public sewer, as there are many restrictions by the Health Department on installing septic systems. The member also added that the member was not in support of the change and noted that that another issue to consider is parking if additional lots are created in the Village District.

The fourth member reiterated the seventh member's comment on the increase in parking and traffic. The member cited parking and traffic problems already currently exist in Worton and Kennedyville as examples.

An eighth member noted that the proposal before the Task Force corresponds with a number of Economic Development initiatives and ideas in place in the County. The proposal promoted growth in commercial, industrial, and residential, as well as the agricultural districts of the County.

A ninth member raised support for the third member's desire to make the process as streamlined as possible especially considering the staffing shortages in the Planning Office. The member also wanted to thank Mr. Suder for the presentation.

**Break 7:00 p.m.- 7:10 p.m.**

**B. Discussion by Task Force of the proposed text changes presented by ZoneCo (continued)**

Ms. McCann asked Mr. Suder to elaborate on mixed permitted uses as special exceptions in the Crossroads Commercial District. Mr. Suder indicated there is no provision allowing for mixed use development in the district and by combining some of the uses as a special exception, they can be implemented in a controlled manner. Mr. Suder noted that the Code is currently written as a single use Code.

Ms. Janet Christensen-Lewis inquired as to whether Molly's is in the Commercial Crossroads District and whether it constitutes a mixed-use. Mr. Suder was not sure what mechanism was used to allow that use.

A Task Force member clarified that at the time the property was created from seven parcels. A second member indicated that it was allowed through interpretation of the Code as well as some grandfathering

that applied to the properties. The Chair indicated that by setting forth the proposed amendment, there might be fewer, subjective interpretations of the Code.

Chair Kohl asked Mr. Mackey as to whether they will be addressing the proposed changes as Old Business each week. Mr. Mackey indicated that any issue a Task Force member wants to discuss can be scheduled. Mr. Mackey requested that requests be submitted in advance to allow staff an opportunity to prepare for the topic discussions and present relevant materials for review.

### C. Discussion of Task Force Schedule

Bill Mackey announced a hiatus in meetings of the Task Force due to staff shortages. The next meeting is anticipated in March 2022. The Task Force members approved of the proposed change to the schedule.

## V. **Old Business**

### A. Discussion of Condensed Code format

No issues concerning this topic were raised by the Task Force.

### B. Discussion of Task Force Recommendation related to the 10% rule in AZD

Mr. Mackey indicated that the County Commissioners have requested the Planning Office to prepare a draft zoning text amendment to address the 10 percent rule and setbacks pertaining to animal related uses in the AZD. The zoning text amendments would be presented to the Planning Commission as part of the legislative process.

Mr. Mackey explained a resolution and proposed legislation can be drafted by the County Commissioners. The proposed legislation then goes before the Planning Commission for its review and recommendations. The proposed legislation will be reviewed by the Agriculture Advisory Commission for its recommendation then the Kent County Planning Commission will hold a public hearing and make its recommendation, then the legislation will return to the County Commissioners for introduction as a bill (first reading), for a public hearing (second reading), and for review and discussion by the County Commissioners (third reading). There may even be a fourth reading, if substantial amendments are inserted in the proposed legislation.

Ms. Janet Christensen-Lewis and Ms. Judy Gifford raised concerns related to the potential impact that the above-referenced proposed resolution and legislation would have on public input. Mr. Mackey indicated the public can provide input at the public hearings on the proposed legislation. Four members discussed with Ms. Lewis and Ms. Gifford the numerous opportunities available for public comment.

Cythia McCann, Esq. noted there are three ways text amendments can be introduced. The first is by means of the County Commissioners as discussed by Mr. Mackey. The second method is by application of a property owner. The third method is by Motion from the Planning Commission. Ms. McCann added that at this stage, there is no proposed amendment and that such an amendment might very well incorporate many of the changes the Task Force has already discussed. In addition, there is nothing prohibiting a property owner from introducing a new text amendment after any proposed amendment is adopted.

Mr. Mackey stated that he has not yet responded to the Commissioners' text amendments request.

A member inquired as to the time frame for the legislative process and the cost incurred by an applicant. Mr. Mackey indicated that it should be before the Planning Commission in February, and a second member indicated the application cost would be \$500.00.

A third member raised concerns over setting a precedent for using text amendments in this manner and how that could impact legislation in districts other than the AZD.

A fourth member raised a Motion to Adjourn the meeting.

## **V. Adjournment**

Chair Kohl adjourned the meeting at 7:50 p.m.