



Land Use Ordinance

- Implements 2018 Comp Plan
- Three years of public input
- Legislative process (Round 1)

First Step: Introduction

Today, I would like to briefly summarize the LUO process up to this point, the legislative process moving forward, and the evolution of the LUO document. In general, the proposed LUO implements the 2018 Comprehensive Plan and allows for the public and local property owners to request changes to the text of the LUO.

The document before you incorporates three years of public discussions. The public outreach undertaken by the County has been significant. There were three mailings over the three years to every property owner in the County; two years of ¼-page color advertisements in the *Kent County News*, at first twice monthly for a year and eventually monthly. Email updates prior to meetings were sent to hundreds of recipients, many of whom represent large groups. A brochure was distributed to recipients of assistance through a variety food programs and by Chamber of Commerce. There are also three years of staff reports and minutes posted online.

Now, we are starting the County's legislative process, which has three *readings*, beginning with first reading (or introduction), second reading (public hearing), and third reading (for adoption, revision by written amendment, or rejection). Each step is conducted at a separate meeting on a different day or evening. If introduced tonight, then I would email the interested persons on the email list with the public hearing date. This is the first round of the legislative process. For actions that involve CAC review, there are two legislative rounds required.



Land Use Ordinance

- Combines zoning districts
- Streamlines processes
- Condenses repetition

Second Step: Public Hearing

At the very beginning of this process, a national consultant prepared a Diagnostic Report released in May of 2020 that asked the question: “How well does the zoning code implement the County’s 2018 Comp Plan?” The Land Use Ordinance did well in protecting agriculture as a primary use. Recommendations were focused on simplifying, modernizing, and formatting.

The Diagnostic Report recommended combining duplicative zoning districts, and as a result the Rural Residential district is being combined with Community Residential to become Community Residential. Crossroads Commercial is being combined with Commercial, and all will be zoned Commercial. All Industrial categories are being combined with Employment Center to become EC and ECCA.

Along with combining the Industrial and Employment Center districts, two new Mixed-Use Development zoning districts (the MXD and MXDCA) are being added to support growth areas around the Route 301/291 Interchange, which is one of the Comp Plan’s highest priority goals.

Across the entire code, the various required reviews and processes have been streamlined for ease of understanding and simplicity of format. The prior format of creating a “zoning code in miniature” for each zoning district has been re-organized, thereby reducing the total number of words used in the zoning code by 46%, with the primary goal of “saying it once,” if possible.

As an aside, the Land Use Ordinance is a Unified Development Code, combining all regulations related to zoning, subdivision, design guidelines, Forest Conservation, Critical Area, Erosion and Sediment Control, Storm Water Management, and the floodplain. This combination of State and local regulations makes revision of the document complex and necessitates input from a number of State and local agencies for approval (e.g., Kent Soil & Water Conservation District, the Maryland Department of the Environment, and the Maryland Critical Area Commission).



Land Use Ordinance

- CRU Task Force Discussions
- Planning Commission Edits
- Commissioners Introduction

Third Step: Adoption

Over the course of two years, the Task Force discussed and made recommendations on 46 specific text changes, during which the Task Force encountered several controversial issues.

- The 10% Rule and the Setbacks related to Animal Uses were the most discussed items.
- Forest Conservation was another topic where there was significant discussion and a petition was submitted for change (the new State law requires 1:1 replacement; no existing credits)
- Adding wedding venues to AZD and removing enclaves from AZD were not controversial items, when discussed by the Task Force, but they may become controversial moving ahead
- After the Task Force concluded its review and recommendations, the County Commissioners requested that the Planning Commission review the Task Force's recommendations and make recommendations to the County Commissioners. The Planning Commission provided the County Commissioners with a 25-page letter of recommendations in March of 2023.
- Staff incorporated the recommendations into the LUO, and on August 1 the Commissioners sent a revised document to the Agriculture Advisory Commission and Planning Commission for final review and recommendations. The Planning Commission reviewed the document at its Sept, Oct, Nov, and Dec meetings. The AAC reviewed the document at its Sept and Oct meetings and forwarded its recommendations to Planning Commission, which incorporated the AAC's recommendations at its Nov and Dec meetings (see attached page for highlights).
- And, finally, we have in hand the County Commissioners' version of the LUO (see next slide)

The Planning Commission Final Version includes new provisions that:

- Allow, within the Route 301 Corridor, financial institutions and retail businesses to have drive-throughs as special exceptions
- Update animal husbandry uses via recommendations received from AAC
- Add a new certification process for nonconformities (Talbot model)
- Add an expanded and detailed process for text and map amendments
- Revise the triangle of visibility requirement to incorporate posted speeds
- Use a health, safety, and general welfare standard instead of public good
- Revise definition of trees to address measured height of trees at planting
- Incorporate changes from an Article-by-Article legal review by PC Attorney



Land Use Ordinance

- MXD and MXDCA Districts
- Restaurants with drive-thru
- Short-Term Vacation Rentals

*Round 2: Critical Area
Commission Review*

Tonight, the introduction of the Land Use Ordinance is scheduled. The version on the agenda includes two new zoning districts, restaurants with drive-thrus, and short-term vacation rentals.

The MXD and MXDCA zoning districts are process-oriented zoning districts, similar to PUDs or Planned Unit Development districts in other jurisdictions. The uses in these Mixed-Use zones are drawn from various other districts in the LUO with two exceptions. Two uses, “Recycling facilities” and “Mixed-Use buildings,” were added to both Article II and Article III of the LUO.

Restaurants with drive-thrus are proposed to be **permitted-by-right** in EC, MXD, and MXDCA districts within the Route 301 Corridor. Restaurants without drive-thrus are permitted in the Village, Intense Village, Commercial, Commercial Critical Area, Marine, ECCA zoning districts.

Short-Term Vacation Rentals are proposed for all residential districts including AZD and RCD; Short-Term Vacation Rentals are not proposed for the commercial and mixed-use districts.

Following the three-step legislative cycle, the Critical Area Commission will review the LUO and make suggested changes. The County must incorporate these changes, and a second three-step legislative cycle by the County Commissioners would be undertaken to adopt the changes.

