

TASK FORCE MEMBER QUESTIONNAIRE

Dear Task Force Member,

Thank you for participating in this anonymous survey to determine if further research is needed on the requests for specific text changes that have been submitted. There are 12 public specific requests (plus two new requests received this month), 18 requests from Task Force members, and 14 items for your consideration submitted by staff. For each of these items, a simple question is asked by this questionnaire:

Would you agree with this specific request? If yes, please indicate by selecting “yes.” You would select *yes*, if you would like to see the request included in the future draft of the Land Use Ordinance and you do not require any further discussion. If not, then select “no.” You would select *no*, if you don’t want the text change included, and you don’t need to discuss it any further. If you would like further discussion and a staff report on an item, then indicate “Discuss.” Comment lines are for your use to add anything else.

If you have any questions, please let me know.

Sincerely,

Bill

P1. Request to change farm definition so a shed could be built without a dwelling ([alter definition 116. Farm to less than 20 acres on p. 458; address sheds under definition 2. Accessory Structure on page 447](#))

Yes No Discuss Optional comment: _____

P2. Request to allow utility-scale energy systems in the Agricultural Zoning District ([this would transfer AZD from the regulations for solar energy systems, utility scale, under §57.25 on p. 428 to §57.5 on page 428.1 for solar energy only; wind energy at the utility scale is not permitted anywhere in Kent County](#))

Yes No Discuss Optional comment: _____

P3. Request to continue to exclude data centers from Agricultural Zoning District ([no change required](#))

Yes No Discuss Optional comment: _____

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 ([staff report completed](#))

TASK FORCE MEMBER QUESTIONNAIRE

P5. Request to allow truck stops, truck parking lots, gas sales, convenience stores and restaurants with or without drive-through in the Industrial district ([staff report completed](#))

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](#))

Yes No Discuss Optional comment: _____

P7. Request to review lot coverage standards and other Critical Area provisions, lot line adjustments on parcels under 5 acres, and wastewater treatment. The request is to review the following: 1) allow paved driveways for home access in critical residential 2) require nitrogen reducing systems for septic but not double fields 3) give ability to remove fallen trees and debris from storms without exception 4) driveways do not count as impervious space 5) lot line adjustments should be allowed for less than 5 acres if buyer and seller are agreed and adjacent 6) farms, industrial, and government waste water should have same restrictions as private land holders regards runoff and waste water management ([Staff could review all Critical Area requirements to comply with State requirements but not beyond to address these concerns](#))

Yes No Discuss Optional comment: _____

P8. Request to allow Class 8 Farm Breweries in the Agricultural Zoning District ([this request was added to the Land Use Ordinance last week via an application submitted by a property owner; remove from list](#))

P9. Request to review standards related to subdivisions accessing private roads ([this request is to increase the number of parcels allowed to access a private road to more than seven lots, which is the current limit](#))

Yes No Discuss Optional comment: _____

P10. Request for modified buffer in RCD for campgrounds, as defined in § 2.2 (18) – ([allows for zoning to address Modified Buffer for one use; a State-approved buffer change will still be required to allow this, and a process to request a Modified Buffer would need to be adopted in order for any request to proceed](#))

Yes No Discuss Optional comment: _____

TASK FORCE MEMBER QUESTIONNAIRE

P11. Request to review lot sizes and required setbacks in property owner's district (request is to reduce lot sizes to ½ acre and reduce setbacks in the CAR district; lot size is ½-acre but density is 1 unit per acre; staff is of the opinion that a general review of lot sizes at general text review would be sufficient for this)

Yes No Discuss Optional comment: _____

P12. Request to review subdivision density standards related to zoning map request (request was via phone and related to the desire to subdivide property in AZD; a general text review may be sufficient)

Yes No Discuss Optional comment: _____

NEW. Request to add agritourism, as defined by the State of Maryland, as a permitted use in Agricultural Zoning District (this would add agritourism as a permitted use in AZD to p. 9 and a definition to p. 448; it could also be included in other districts that allow farms but included as permitted by special exception; the State defines agritourism as an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in the farm operation, including farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, guest farms, pumpkin patches, "pick your own" or "cut your own" produce, classes related to agricultural products or skills, and picnic and party facilities offered in conjunction with any agritourism activity.)

Yes No Discuss Optional comment: _____

NEW. Request to allow backyard goats in the Village zoning district with similar provisions as backyard chickens (the member of the public included draft provisions for text to allow goats with specific limits - 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.)

Yes No Discuss Optional comment: _____

TASK FORCE MEMBER QUESTIONNAIRE

TF1. Review the concept of reducing setbacks for agricultural structures to 200 feet except near current housing developments, incorporated towns, and villages ([Article V, Section 1.4.A.10.5 – waste management structures](#); [Article V, Section 1.2.12 – poultry houses](#); [Article V, Section 1.2.17 – stable, private](#); [Article V, Section 1.2.18 – stable, commercial](#); [Article V, Section 1.3.13 – feedlot or confinement dairy](#); [Article V, Section 1.3.16 – more than 4 horses and mules](#); [Article V, Section 1.3.18 – poultry houses on parcels where owner cannot handle the waste generated](#); [Article V, Section 1.4.A.1 – accessory farm buildings – animals](#); [Article V, Section 1.4.A.8 – short list of accessory uses that must be 200 feet](#))

Yes No Discuss Optional comment: _____

TF2. Review elimination of the 10% rule (related to new agricultural subdivisions). [Under this rule, if two brothers were to inherit a 198-acre farm, and they decide to part ways, they are not allowed to divide the farm into two, 99-acre parcels. The best they're allowed is to divide a 19.8-acre parcel from the farm.] ([Article V, Section 1.5 – Density, Area, Height, Width, and Yard Requirements](#))

Yes No Discuss Optional comment: _____

TF3. Review landscaping to reduce the required number of trees [for example, one business site was required to have 185 trees and bushes on a 1.3-acre site] ([Landscaping standards are found in the Specific Design Standards of each district with the exception of AZD and RCD. In Rural Character, Rural Residential, Critical Area Residential, and Community Residential the landscaping requirements are limited to street trees in new subdivisions. In Village, Intense Village, Crossroads Commercial, Commercial, and Commercial Critical Area, there are standards for General Landscaping, Parking Areas, and Perimeters. In Marine, Employment Center, Industrial, and Industrial Critical Area – LDA, there are standards for General Landscaping and Screening. The standards are based on percentages of lot area and not number of trees.](#))

Yes No Discuss Optional comment: _____

TF4. Review allowing nonconforming structures that were conforming when built to be granted a fully legal status as conforming vs. as legal, nonconforming ([Article VIII Nonconformities starts on page 429. Section 2 addresses structures.](#))

Yes No Discuss Optional comment: _____

TF5. Review concept of a reset in AZD 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. ([Research to be forthcoming, if needed.](#))

Yes No Discuss Optional comment: _____

TASK FORCE MEMBER QUESTIONNAIRE

TF6. Review allowing sustainable agricultural operations for production for farmers markets, personal use, or commercial sale on homesites in ag zoning districts. ([relates to definition #116 of farms on page 458 regarding raising livestock on parcels less than 20 acres and may also relate to definition #9 on page 448.](#))

Yes No Discuss Optional comment: _____

TF7. Review setbacks along roadways, so the County, State or utilities do not have to maintain vegetation planted along rights-of-way. ([The County requires 50-foot rights-of-way mostly comprised of pavement and stormwater measures like swales. Rights-of-way are addressed under specific design standards in most zoning districts, for example, in AZD on page 24.](#))

Yes No Discuss Optional comment: _____

TF8. Review allowing data center on land in AZD at 0.5% of total land (about 630 acres) in order to let landowners decide if they want to look at this option. ([This scenario would require the addition of data processing centers in the AZD.](#))

Yes No Discuss Optional comment: _____

TF9. Review elimination of the County's maximum pier length of 150 feet. [In order to construct a pier, first one must apply to the MDE and Army Corps for a license. This application must be reviewed and approved by seven State and Federal agencies including Army Corps of Engineers, MDE, DNR, MHT, US Fisheries, US Fish & Wildlife, before the license is granted.] ([See for example, Article V, Section 2.4.B.7 – private piers. Also, definitions](#))

Yes No Discuss Optional comment: _____

TF10. Review how to better define establishing a Modified Buffer, keeping in mind that not all waterfront properties are in a straight line. ([See for example, Article V, Section 5.7.B.3.d – Expansions of existing dwellings in the modified buffer. Staff could review all Critical Area requirements to comply with State requirements but not beyond to address these concerns.](#))

Yes No Discuss Optional comment: _____

TASK FORCE MEMBER QUESTIONNAIRE

TF11. Review how to better define an Expanded Buffer. (See definition of buffer. Article XI, number 35. Staff could review all Critical Area requirements to comply with State requirements but not beyond to address these concerns.)

Yes No Discuss Optional comment: _____

TF12. Review how to better define the term Structure (in the definitions section), as it applies to the establishment of the aforementioned Buffers. (Article XI, number 321. Staff could review all Critical Area requirements to comply with State requirements but not beyond to address these concerns.)

Yes No Discuss Optional comment: _____

TF13. Review streamlining the Cottage Industry process. (staff report completed)

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 five feet from the road. (See definition of Yard, Front: Article XI, number 362)

Yes No Discuss Optional comment: _____

TF15. Review size limitations on accessory structures currently limited to 1,200 ft² in most properties under five acres. This could be enlarged to at least 2,000 ft² as long as stormwater management and screening regulations are met. (See for example, Article V, Section 1.4.B.9 – private garages, etc. Same regulation is also in RCD, RC, RR, CAR, CR. This regulation is not in V or IV, which means there is no size limit beyond the definition for accessory structures.)

Yes No Discuss Optional comment: _____

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. (See definition of Yard, Front: Article XI, number 362. Also, may want to review Article VI, Section 3.4, Supplementary Regulations, Front Yards)

Yes No Discuss Optional comment: _____

TASK FORCE MEMBER QUESTIONNAIRE

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. ([See list of references under TF1. above](#))

Yes No Discuss Optional comment: _____

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. ([staff report completed](#))

S1. Consider adding accessory dwelling units to the Village zoning district ([Article V, Section 7](#))

Yes No Discuss Optional comment: _____

S2. Consider re-evaluating 25-foot setbacks for recreational uses such as pools in Village ([p. 113, Article VI, Section 7.4.8](#))

Yes No Discuss Optional comment: _____

S3. Consider clarifying how accessory structures can be located in front yards ([alter definition of front yard](#))

Yes No Discuss Optional comment: _____

S4. Consider standardizing 10-day, 15-day, and 20-day notices to one standard ([covered under TF18](#))

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

Yes No Discuss Optional comment: _____

S6. Consider removing the renewal requirements for sand and gravel pits ([p. 426, Article VII, Section 7.52](#)).

Yes No Discuss Optional comment: _____

TASK FORCE MEMBER QUESTIONNAIRE

S7. Consider reviewing the definition of structures, especially considering fences ([without foundations](#)):

[Structure](#) - Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, including but not limited to *mobile homes, signs, swimming pools, fences, gas and liquid storage tanks, backstops for tennis courts, sheds, barns, and pergolas.*

Yes No Discuss Optional comment: _____

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

[Accessory Structure](#) - A detached *structure* on the same parcel as the principal *structure* or use and which is incidental and subordinate to the principal *structure* or use in area, extent and purpose, i.e. shed, or detached garage.

[Accessory Use](#) - One which: (a) is subordinate to and serves a principal *structure* or principal use; (b) is subordinate in area, extent, and purpose to the principal *structure* or use served; (c) is on the same *lot* as the principal *structure* or use served except as otherwise expressly authorized by provisions of this ordinance; and (d) is customarily incidental to the principal use or *structure*.

Yes No Discuss Optional comment: _____

S9. Consider reviewing demolition process as it relates to age of structure ([p. 482, Article XII, § 3, #5.5](#))

Yes No Discuss Optional comment: _____

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

[Waterway, Width Measurement](#) - The measurement is made at the shoreline location of the pier and the narrowest width of the waterway from that point.

Yes No Discuss Optional comment: _____

S11. Consider reviewing the conditions related to hunting trailers on farms ([Article, V, Section 1.4.A.7 \(p. 13\); Section 2.4.A.6 \(p. 31\); Section 3.4.A.6 \(p. 48\); Section 4.4.A.6 \(p. 63\); Section 6.4.A.6 \(p. 97\)](#))

Yes No Discuss Optional comment: _____

TASK FORCE MEMBER QUESTIONNAIRE

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 ([increase setbacks with bldg height](#))

Yes No Discuss Optional comment: _____

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

Yes No Discuss Optional comment: _____

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

Yes No Discuss Optional comment: _____

