



Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Bill Mackey, AICP, Director DPHZ

Meeting: June 9, 2021: Towns and Village Chapter of the 2018 Comp Plan

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

STAFF REPORT

Background

On May 12, 2021, the revised list of the staff suggestions for the Task Force's consideration was presented. This item was included. The item also appears on the original, uncondensed staff list for March 10, 2021. At that time, the list was not reviewed. The list was condensed after review of public and Task Force items.

Request

This request is based on logical considerations, not on any complaint received. The primary issue for staff is that the Village zoning district specifically has a standard of 50 feet for lot width. With required side setbacks of 25 feet, a standard lot allows for no recreational uses. This particular setback also appears in the text of the Intense Village zoning district ([Article VI, Section 8.4.9, p. 133](#)), Intense Village–Critical Area zoning district ([Article VI, Section 9.4.9, p. 153](#)), and Marine zoning district ([Article VI, Section 13.4.6, p. 221](#)); however, there is not a required, minimum lot frontage for any of these other zoning districts.

The permitted lot sizes are smaller for some of these districts. Intense Village and Intense Village–Critical Area allow lots as small as 2,000 square feet to 5,000 square feet, unlike the Village district that requires a minimum of 9,500 square feet for lots. So, these other zoning districts could also present problems at some point for someone who desires to request a recreational use.

Review

The 2018 Comprehensive Plan envisions a well designed and thoughtful series of Village zoning districts, as described in much detail in the Towns and Village Chapter. Such ideas require a logical expression in the opinion of staff. Although somewhat of a minor detail, inconsistencies such as these can give a poor impression to people who are new to the Land Use Ordinance. Revising the LUO could remove this issue.

Recommendation

Staff recommends that the Task Force consider removing the provision from the Village zoning district.

c: file

REVISED 6/8/2021

Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Carla Gerber, AICP, Deputy Director

Meeting: June 9, 2021: Towns and Villages Chapter of the 2018 Comprehensive Plan

Subject: S3: Consider clarifying if accessory structures may be located in front yards for non-waterfront properties.

STAFF REPORT

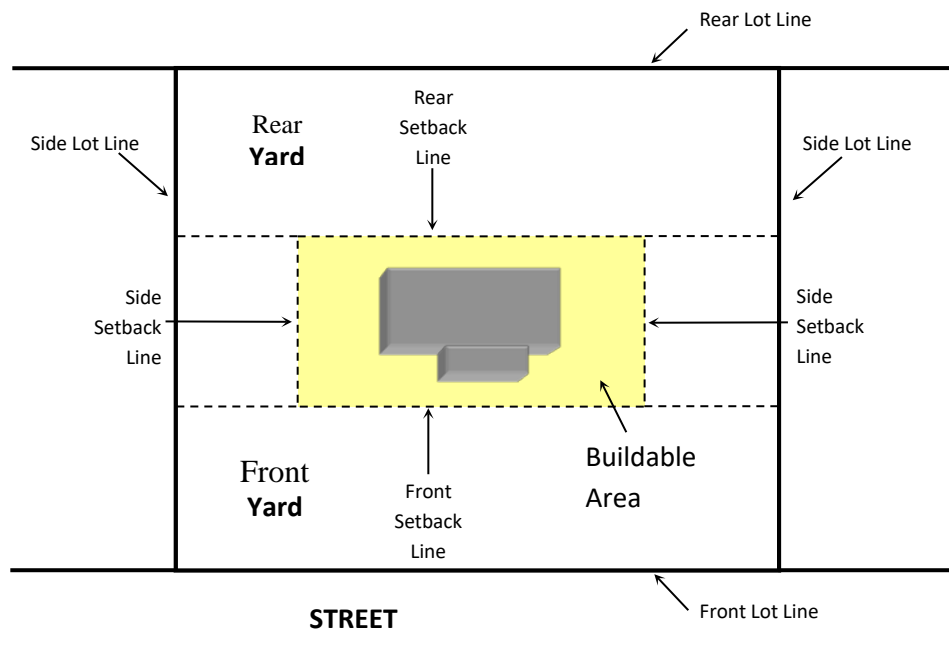
Background

The Land Use Ordinance has slightly different definitions of front yard for waterfront parcels and non-waterfront parcels. For waterfront parcels, the front yard is the distance between the water and the main building, and special exceptions are required to place accessory structures in the front yard of waterfront parcels. For non-waterfront parcels, the front yard is the distance between the street line and the required front setback. On non-waterfront parcels, landowners may construct accessory structures in the buildable area between the required front setback and the main building, so long as the side setbacks are also met.

From Article XI, Definitions (pages 480 - 480.1)

361. Yard, Front - A yard extending across the front of a *lot* between the side *lot lines* and being the minimum horizontal distance between the *street line* and the required front yard line. (See diagram)

For waterfront properties, it is that part of the yard extending across a *lot* between the side *lot lines* and being the minimum horizontal distance from the water and the main *building*.



Request

The request by staff is to discuss whether to continue to allow accessory structures in the buildable area between the front setback line and the main structure.

Task Force members have also requested that the Task Force review the definition of front yard for waterfront properties and the special exception for accessory structures in the front yard of waterfront parcels.

Review

Staff is aware of a number of properties where the main structure is set far back from the road, and accessory structures have been constructed in front of the main dwelling. If regulations are changed, then these structures will become legal non-conforming structures. On the other hand, locating a pool, shed, or garage in front of a house that sits within view of a street could lead to unsightly conditions and have negative effects on neighborhoods.

Recommendation

Staff recommends that all front yards be treated the same and that accessory structures, which are intended to be subordinate to primary structures, be prohibited from being located between the front setback and the main structure. Accessory structures should be limited to side and rear yards.

c: file