

MINUTES

December 7, 2023

1:30 p.m.

A video recording of the Kent County Planning Commission meeting is available online for viewing on the County's YouTube channel at <https://www.youtube.com/watch?v=PrSaxalqCZY&list=PL2Rnjclel5LpPRSLmeHJFpJlmf4bFr836&index=2>.

The Kent County Planning Commission met in regular session on Thursday, December 7, 2023, at 1:30 p.m. in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. The following members were in attendance: Chair F. Joseph Hickman, Vice Chair Paul Ruge, James Saunders, Ray Strong, Paula Reeder, and William Crowding. Cynthia L. McCann, Esquire, Planning Commission Attorney, was in attendance. Staff in attendance were William Mackey, AICP, Director; and, Beth Grieb, Office Manager, serving as Acting Clerk.

Chair Hickman called the meeting to order at 1:30 p.m.

MINUTES

Adoption of the minutes was deferred by staff's request. Due to staffing vacancies, the minutes were not drafted.

Note: YouTube videos may be viewed live and may also be viewed at any time immediately following the meeting.

APPLICATIONS FOR REVIEW

There are no applicant-submitted applications for review.

GENERAL DISCUSSION

DRAFT Land Use Ordinance for Review – Article III and follow-up on Articles I, II, IV, V, VI, and VII.

As the attached *INTERIM DRAFT Land Use Ordinance for Review* indicates, all proposed changes in marked-up text in the *DRAFT Land Use Ordinance for Review* have been accepted, and the marked-up text in the *INTERIM DRAFT* indicates the edits by the Planning Commission and staff from the Planning Commission's discussions in September, October, and November of 2023.

The Planning Commission discussed Article III including the addition of accessory dwelling units to Village, noting the impacts on water and sewer planning, and also animal husbandry uses and the kinds and numbers of animals allowed.

Ms. Olga Brooks spoke regarding domestic animals and the proposed use for sheep and goats as it relates to Village.

Mr. Tom Mason spoke regarding honey wagons as a use, setbacks for animal-related uses and for waste management structures, Planning Commission responsibilities related to farm access, numbers of animals on an acre, slaughtering chickens as part of the backyard chickens use, animal husbandry, and agriculture uses in general.

Mr. Billy Norris spoke regarding agriculture as a primary use in the County, existing uses versus the designated zoning district, and the taxes levied as a result, noting that the availability of land for sale for small farms is highly limited.

Ms. Olga Brooks discussed an industrial property in the Massey area, and staff showed a map on the overhead screen.

Adopted on January 4, 2024

The Planning Commission discussed the function of zoning, noted the addition of the Route 301 Corridor definition that was adopted via zoning text amendment is needed, and requested a reverse reference comprehensive matrix related to uses in Article III. The definition of gross floor area was reviewed and determined to be sufficient as it stands.

Mr. Tom Mason spoke regarding the smoking prohibition, which is limited to aquaculture and seafood processing, and inquired about the status of the 10% rule.

Mr. Mackey conveyed that the Task Force and the Planning Commission voted on the 10% rule and, in both cases, the outcome was a tie vote. Such a split vote means that no decision was endorsed by either body; therefore, no action has been taken by staff, so the 10% rule remains in the draft document as it currently appears in the existing LUO.

Ms. McCann addressed special exceptions and the three uses where extensions and enlargements are to be approved by the Board of Appeals – country inns, country stores, and convalescent homes. Further clarification was suggested.

The Planning Commission reviewed the zoning map and text amendment processes; the concepts of public good, public interest, and the police powers that undergird zoning; a nonconformities certification process that utilizes Talbot County as a model; limiting the number of zoning text amendments to two or three times per year, similar to some other Counties; confirming that short-term vacation rentals are permitted-by-right in all residential zoning districts including AZD; farmstand uses in AZD; accessory uses on through lots and corner lots; accessory sheds on properties less than 20 acres in area in AZD; structures for the sale of products in AZD; nonconforming structures in Article I; and the height of trees when planted, requesting that this matter be addressed in the definitions section.

A final draft will be presented at the meeting on January 4, 2024, for consideration as a formal recommendation.

STAFF REPORTS

There were no staff reports for this meeting.

ADJOURN

Mr. Crowding moved to adjourn the meeting. The meeting adjourned at approximately 3:45 pm.

/s/ Francis J. Hickman
Francis J. Hickman, Chair

/s/ Bill Mackey
William Mackey, AICP, Director