

Denton Planning Commission

Minutes

Town of Denton

March 26, 2024

Planning Commission Members:

William Quick, Chairperson**

David Burroughs, Vice Chairperson*

Doris Walls*

Stephen Mead* (Attended Virtually)

Kevin Waterman*

Dona Sorce*

* Those Present

** Excused

*** Absent

Participants:

Scott Getchell, Town Administrator

Peter Johnston, Town Planner

Frank Taylor, Councilperson

Donald H. Mulrine, Jr.

Recording:

Donna Todd, Director of Planning and Codes

George Bacorn, Chief of Police

PROCEEDINGS

Call to Order:

The Planning Commission Meeting was called to order by Vice Chairperson Burroughs at 6:00 p.m., on March 26, 2024, at the Denton Town Office. Vice Chairperson Burroughs leads everyone on the Pledge of Allegiance.

This meeting was made available to the public via Zoom video conference, and access was made available on the town website.

Approval of Minutes:

February 27, 2024, Regular Meeting Minutes were reviewed and unanimously approved.

March 12, 2024, Working Session Minutes were reviewed and unanimously approved.

Old Business #1 – Ordinance #754 – Cannabis Ordinance:

Mr. Johnston, Town Planner, discussed Ordinance No. 754 and proposed amendments to the Denton Town Code Chapter 128 concerning the cannabis enterprise. This ordinance requires a recommendation from the Planning Commission to be forwarded to the Denton Town Council. Ordinance No. 754 is scheduled for a Public Hearing at the Town Council Meeting on April 4, 2024. At the Town Council Working Session, the Council discussed the retail sales of Cannabis in the General Commercial (GC), and the retail sales location will remain as Regional Highway Commercial (RHC) only.

Commissioner Waterman noted HB805 and SB357. An amendment increased the buffer from one thousand to two thousand regarding how close a dispensary can be located to one another and is not aware of any other changes.

Commissioner Waterman asked if the Town received any confirmation from the Town attorney about the restrictions being comparable to the liquor stores.

Mr. Getchell stated it was addressed at the last Council Session. The last change made by the Council was adding the thousand-foot buffer.

Mr. Johnston has worked with Lyndsey Ryan, the new Interim Town Attorney, on cannabis legislation with the Town of Trappe and recently introduced the cannabis ordinance. This issue was not raised in their discussion with the Trappe Planning Commission. Mrs. Ryan did not advise them that if they did not put buffer along liquor stores, they would not be able to put it around cannabis enterprises. Mr. Johnston does not see a conflict.

Councilperson Taylor stated that the Town will adjust legislation as needed as the laws change.

Commissioner Waterman suggested the Town add General Commercial (GC) and Central Business Commercial (CBC) to the Cannabis permitted use table to conform with liquor and tobacco stores.

Commissioner Mead agreed that Cannabis should not be treated any differently from a tobacco or liquor store.

Vice Chairperson Burroughs agrees to make it a special exception in the General Commercial (GC) so it can go through the public hearing process.

Mr. Johnston noted that the Planning Commission makes recommendations that will continually change. The Zoning Ordinance can be modified at times to conform to the laws.

Councilperson Taylor asked if there is a reason for identifying the zoning in the ordinance or if the Table of Use can be changed without changing it.

Commissioner Waterman motioned to recommend Ordinance No.754 to the Town Council provided that cannabis dispensaries be permitted by right in the Planned Neighborhood

(PN), Central Business Commercial (CBC), and by special exception in the General Commercial (GC) district.

Commissioner Mead seconded the motion. The motion passed unanimously. (5:0)

Old Business #2 – Other: None.

New Business #1 – Other: None.

Staff Item #1 – Discussion of the March 12th Workshop:

Mr. Johnston noted the proposed Infill and Redevelopment Overlay District (IRD) discussion continues from the last Working Session, where the Planning Commission Members raised concerns regarding the IRD boundaries. They felt it was too expansive. Mr. Johnston stated that upon reconsideration, the staff agreed that the proposed IRD boundary encompassed too much of the town. The revised IRD boundary is based on the neighborhood characteristics that indicate where the IRD is most needed. The characteristics analyzed in determining a more appropriate boundary included:

- Nonconforming Lot Area: The locations of lots that do not meet minimum area or width requirements and where structures have already encroached into required yards.
- Years Constructed: Housing age, over fifty years of age or older.
- Construction Grade: Assessment of construction quality based on the Department of Assessment and Taxation classification system and the results of a study from the Eastern Shore Regional GIS Cooperative in 2018 classified dwellings in terms of risk factors or deterioration.

Mr. Johnston also noted that properties in the revised IRD are within a convenient walking distance of the Downtown.

Commissioner Waterman addressed the maps provided and asked if it would make sense to add the area in the southwest part of the proposed zone by Carter Avenue, where the apartments are located, in case someone wants to fix them up later.

Mr. Johnston stated the revised IRD boundary removes any Suburban Residential (SR) zone. All the proposed properties are located in either the Town Scale Residential (TR), Mix Residential (MR), General Commercial (GC), or Central Business Commercial (CBC) Districts.

Commissioner Waterman stated that if the boundary were moved to include South 3rd Street and Carter Avenue, it would cover mostly nonconforming properties zoned TR, Town Scale Residential.

Mr. Johnston stated conditions in these areas are different. For example, lots are nonconforming because the minimum lot area requirement in the SR is 10,000 square feet. There would be fewer nonconforming situations if the minimum lot area were 7,000 or 7,200 square feet as it once was.

Staff Item #2 – Supplemental Use Regulations Table of Contents:

Mr. Johnston noted this discussion is a continuation of the last Working Session on Supplemental Use Regulations. He noted short-term rentals are addressed in the Town Code and are permitted in every district.

The Supplemental Use Regulations revise current Accessory Dwelling Units (ADUs) regulations and add new Cottage Housing Developments regulations.

The lot area must be one and one half times the minimum lot area of the zoning district to be eligible for an ADU under the current zoning. This restriction severely limits the number of eligible lots. There is a push for affordable housing at the State and Federal levels to increase the housing stock in the lower price range, and ADUs are one of the tools to address the need. The proposed ADU regulations will allow accessory dwelling units in conjunction with single-family dwellings in residential zones.

The following are the options for an ADU:

- Adding area onto your existing dwelling
- Converting area within your existing dwelling
- Stand-alone, such as a tiny house in the backyard
- Within an existing accessory building, such as a second garage floor.

Commissioner Waterman recommended changing the wording to “repurpose into an existing accessory building” instead of using the word “adding.”

Mr. Johnston agreed to change the phrasing of the design standards line 2 (d).

Commissioner Waterman recommended a property that cannot have more than two accessory dwelling units instead of limiting the standard to one unit.

Mr. Johnston stated that most of these ordinances are limited to one, and coverage limits would apply.

Vice Chairperson Burroughs noted there could also be a parking issue as well. He also asked if the owner must reside in one of the units.

Owner occupying one unit is not a requirement in this Draft.

The sewer and water hook-up fee for an accessory dwelling unit was discussed.

Mr. Getchell stated that he believes it to be a one-time fee.

Mrs. Todd explained that a one-bedroom apartment would require half of an Equivalent Residential Unit (ERU), and a home with two or more would require one ERU.

Mr. Getchell stated a sewer allocation is \$5,000 and a water allocation is \$4,000.

Mr. Johnston noted a baseline total of \$9,000 for a 2-bedroom home and \$4,500 for a one-bedroom apartment.

There is also a meter fee of \$600.

Mrs. Todd noted impact fees for the Town of Denton and a \$5,000 impact fee for Caroline County also apply.

Commissioner Waterman noted the ERU fees for an ADU should be different. Someone applying for an ADU is most likely not a developer, and the fees would have too much of an impact on a typical individual to incentivize ADUs. A change in fees would help a homeowner with that process.

Mr. Johnston agreed that impact fees should be discussed with the County after the Comprehensive Rezoning process and it would help with affordable housing issues.

Commissioner Waterman suggested that the Town could have free architectural plans for small homes, which the Town of Denton preapproved, to help homeowners with the building process.

A consensus was made to remove Design Standards line (3): “Only one entry may be located on the front façade of the principal dwelling facing the street, etc.”

Vice Chairperson Burroughs suggested that in Design Standards line (6), remove “area must” and change it to “should or to the extent possible.”

Mr. Johnston noted he would change that to “the extent practicable.”

Commissioner Waterman asked if they plan to change the amount of the lot coverage located under Accessory Structure line E (d), page five.

Mr. Johnston stated that lot coverage limits could be a problem for infill and redevelopment.

Mr. Johnston added a provision in the Accessory Use Regulations that lets the Planning Commission determine if it is an accessory use.

§ 128 Industrial Uses, Mr. Johnston recommends removing line (A), “all activities should be carried out in completely enclosed buildings.” He also recommends removing line (E), “No users in any district may discharge waste that cannot be adequately treated by biological means into town sewage treatment facilities,” because Public Works requires it.

§ 128 Manufactured Home Park, Mr. Johnston noted the specs should be in the Town’s Standards and Specifications and not in the Zoning Code. He suggested removing (I) “Proper provisions shall be made for public water supply, sanitary sewers, refuse collection, laundry, and other community facilities.” due to it being managed through the permitting process. He also recommends removing line N (7): “The exterior walls of the unit look like wood or masonry, regardless of their composition.”

§ 128- Manufactured Home Subdivision, the specs should not be in the Code but added to the Standards and Specifications. Line M (3) should add the word “spaces” to the requirement.

§ 128- Town Houses, Mr. Johnston recommends replacing the four units with six in line E to reduce per-unit costs.

Mr. Johnston also recommends removing line (F): “(3) abutting units will have the same front yard depth and the same or essentially the same architectural treatment of facades and rooflines.” Mr. Johnston received a consensus from the Commission.

It is recommended that line (K) be removed. It was also recommended that design standards be included in an appendix as guidelines. Guidelines are suggestions, not required. However, persons interested in submitting a proposal for the IRD must adhere more closely to the guidance as the Planning Commission determines whether a project is context-appropriate. Mr. Johnston noted there was no standard in the Pattern Book for townhomes.

§ 128- Places of Worship, Mr. Johnston recommends removing completely. These items are addressed within the site plan process.

§ 128- Commercial Greenhouses and Nurseries only permit Cannabis in the Industrial Park (I).

§ 128- Home Occupations, Mr. Johnston recommends removing line A (2): “An accessory structure of more than 1,500 square feet shall not be used for a home occupation.”

The Comprehensive Plan discussed economic development and the importance of small entrepreneurs who help grow the town and boost small businesses. Removing line (8) and allowing sales to be made within the home is recommended. Line (9) was recommended to allow one employee at a time per home to help with a small business. The Commission recommended removing line (11), “Home occupations shall not generate more than an average of one (1) truck delivery per day.”

Vice Chairperson Burroughs asked if there is a permit for home occupation.

Mrs. Todd stated there is.

Commissioner Waterman suggested removing line (12): “No more than one (1) home occupation per resident shall be permitted.”

Mr. Johnston noted there should be different permits for home occupations, such as one where you do not need a permit and another that requires one. A home occupation that requires a permit will have a list of requirements. He stated that he would draft something up for them to look over and review for the next workshop.

Due to the site plan process, Mr. Johnston recommends removing § 128- Country Club or Private Club, New or Used Car Lots, Car Wash Facility, and Fueling Station.

§128- Community Appearance Standards should be in the Appendix and Guidelines and removed from this ordinance.

§ 128- Adult Assisted Living Development is undetermined if it should be changed or removed due to State regulations and the State approval process.

§ 128- Childcare Centers within a Business should be removed because it is considered an accessory use.

The Commission agreed to finish this discussion at the next meeting.

Adjournment: The meeting adjourned at 7:46 p.m.