

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

October 3, 2023
Legislative Session Day

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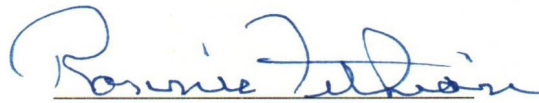
CODE HOME RULE
BILL NO. 5-2023

INTRODUCED BY: Ronald H. Fithian, President of the Board of County Commissioners for Kent County, Maryland.

AN ACT, AS AMENDED BY INTERLINEATION, to amend Chapter 222, Zoning, of the Code of Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance, in order to add a new land use and to permit said new use in certain districts as a special exception: (1) by adding "14.5 Outdoor Retreat" to Article V. District Regulations, Section 3. Rural Character, §3.3 Special Exceptions; (2) by adding "15.5 Outdoor Retreat" to Article V. District Regulations, Section 4. Rural Residential, §4.3 Special Exceptions; (3) by adding "12.5 Outdoor Retreat" to Article V. District Regulations, Section 6. Community Residential, §6.3 Special Exceptions; (4) by adding "25.5 Outdoor Retreat" to Article VII. Special Exceptions, Section 6 Procedures; (5) by adding specific conditions for said new land use "34.5 Outdoor Retreat" to Article VII. Special Exceptions, Section 7 Special Exceptions; (6) by adding a new definition under "227.5 Outdoor Retreat" to Article XI. Definitions, Section 2. Definitions; and including one non-codified provision.

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KENT COUNTY

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND


Ronald H. Fithian, President

INTRODUCED, read the first time, October 3, 2023, ordered posted and public hearing scheduled on November 14, 2023, at 10:00 a.m. / p.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

By order of:


Sondra M. Blackiston, Clerk

PUBLIC HEARING

HAVING been posted and notice of the time and place of the hearing and copies having been made available to the public and the press, a public hearing was held on November 14, 2023. Reported favorably with amendments; read the second time and ordered to be considered on December 19, 2023, a legislative session day.

BILL NO. 5-2023, as amended by interlineation, indicated by ~~double strike through~~ and UNDERLINING, CAPITALS AND BOLD to indicate further amendment to the BILL; CAPITALS AND BOLD alone indicate matter added to the existing law, as introduced; ~~Single strike through~~ indicates all matter deleted from existing law in the introduced BILL.

**A BILL ENTITLED CHR 5-2023 OUTDOOR RETREATS IN
RURAL CHARACTER, RURAL RESIDENTIAL, AND COMMUNITY RESIDENTIAL**

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND THAT THE KENT COUNTY LAND USE ORDINANCE IS HEREBY AMENDED AS FOLLOWS:

SECTION 1.

ARTICLE V.
DISTRICT REGULATIONS

SECTION 3. RURAL CHARACTER

...

3.3 Special Exceptions

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13. Golf course, public or private

14. More than four horses and mules on land less than 20 acres in size

14.5 OUTDOOR RETREAT

15. Personal wireless facility tower

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SECTION 2.

ARTICLE V.
DISTRICT REGULATIONS

SECTION 4. RURAL RESIDENTIAL

...

4.3 Special Exceptions

...

13. Golf course, public or private

14. Houses of worship

15. More than four horses and mules on land less than 20 acres in size

15.5 OUTDOOR RETREAT

16. *Private clubs*

...

SECTION 3.

ARTICLE V.
DISTRICT REGULATIONS

SECTION 6. COMMUNITY RESIDENTIAL

...

6.3 Special Exceptions

...

11. Golf course, public or private

12. Houses of worship

12.5 OUTDOOR RETREAT

13. *Private clubs*

...

SECTION 4.

ARTICLE VII.
SPECIAL EXCEPTIONS

SECTION 6. PROCEDURES

The application for a special exception shall include a site plan together with such data and information as may be required for a determination of the nature of the proposed use and its effect on the Comprehensive Plan, the neighborhood, and surrounding properties.

The Planning Director may hear and decide the following special exceptions:

1. Accessory storage structures

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The Planning Commission shall review and send a recommendation to the Board of Appeals on the following special exceptions:

1. Aquaculture

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24. Outdoor entertainment

25. Outdoor recreation, miniature golf, but not golf courses

25.5 OUTDOOR RETREAT

26. Personal wireless facility tower

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SECTION 5.

ARTICLE VII.
SPECIAL EXCEPTIONS

SECTION 7. SPECIAL EXCEPTIONS

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33. Outdoor entertainment in IV and IVCA

34. Outdoor recreation, miniature golf, but not golf courses, in V, IV, and IVCA.

34.5 OUTDOOR RETREAT IN RC, RR, AND CR PROVIDED:

- A. THE PROJECT SHALL BE LOCATED ON A PARCEL OF AT LEAST TEN ACRES.
- B. THE NUMBER OF GUEST UNITS PROVIDED ON THE SITE IS LIMITED TO FIFTEEN EXCLUDING RESIDENT MANAGEMENT QUARTERS. THERE SHALL BE A MAXIMUM OF TWENTY STRUCTURES, INCLUDING THE GUEST UNITS, ON ANY PERMITTED SITE.
- C. DINING SERVICES MAY BE PROVIDED ONLY TO GUESTS.
- D. THE SITE HAS ACCESS TO A PUBLIC ROAD. THIS ACCESS MUST BE CAPABLE OF SUPPORTING THE PASSAGE OF EMERGENCY VEHICLES. THE BOARD MAY REQUIRE IMPROVEMENTS TO EXISTING ACCESS ROADS.
- E. THERE SHALL BE SUFFICIENT ACREAGE FOR THE PROPOSED USE AND ACTIVITIES.
- F. ADEQUATE LANDSCAPING SHALL BE PROVIDED TO SCREEN ALL PARKING AREAS FROM ADJOINING RESIDENTIAL PROPERTIES. LANDSCAPING OR SCREENING PROPOSED SHALL BE SHOWN ON A SITE PLAN AS REQUIRED BY THIS ORDINANCE.
- G. THE USE AND OCCUPANCY OF THE GUEST UNITS IS INHERENTLY TRANSIENT AND GUEST OCCUPANCY SHALL BE LIMITED TO TWO WEEKS. ~~THERE SHALL BE A MAXIMUM OCCUPANCY OF TWO ADULT GUESTS, AND TWO ADDITIONAL CHILDREN GUESTS, IN EACH GUEST UNIT.~~
- H. ALL NEW ACCESSORY USES AND OUTDOOR RETREAT STRUCTURES SHALL BE SETBACK A MINIMUM OF 100 FEET FROM ANY ADJACENT PROPERTY LINE.
- I. THE PLANNING COMMISSION AND BOARD OF APPEALS SHALL PLACE CONDITIONS OR RESTRICTIONS ON EVENTS AS MAY BE APPROPRIATE TO ASSURE THE COMPATIBILITY OF THE USE WITHIN A DISTRICT OR LOCATION.
- J. ALL STRUCTURES SHALL MEET ALL APPLICABLE KENT COUNTY CODES, INCLUDING THE BUILDING CODE, AND HEALTH DEPARTMENT REGULATIONS.

35. Personal wireless facility tower in AZD, RCD, RC, CC, C, CCA, EC, and I provided:

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SECTION 6.

ARTICLE XI.
DEFINITIONS

SECTION 2. DEFINITIONS

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227. Open Space – Those areas suitable ...

227.5 OUTDOOR RETREAT – A LOT, TRACT, OR PARCEL OF LAND CONTAINING UP TO FIFTEEN GUEST UNITS, DESIGNED FOR AND UTILIZED FOR PERIODIC, TRANSIENT OCCUPANCY AND NOT AS A PERMANENT RESIDENCE, AND WHICH MAY CONTAIN OUTDOOR RECREATIONAL ACCOMMODATIONS, DINING FACILITIES FOR GUESTS, AND BATHROOM ACCOMMODATIONS FOR GUESTS.

228. Overbank Flood Protection Volume – The volume controlled by ...

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SECTION 7. BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the 29th day of December, 2023.

Read Third Time December 19, 2023

PASSED this 19th day of December, 2023.

Failed of Passage _____

By order of:

Sondra M. Blackiston
Sondra M. Blackiston, Clerk

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

(SEAL)

Ronald H. Fithian
Ronald H. Fithian, President

Albert H. Nickerson, Member

John F. Price
John F. Price, Member



ORDERED a fair summary thereof or the entire bill shall be published in at least one newspaper of general circulation in the County, not less than three times at weekly intervals within a four-week period.