

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

March 4, 2025
Legislative Session Day

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CODE HOME RULE
BILL NO. 1-2025

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

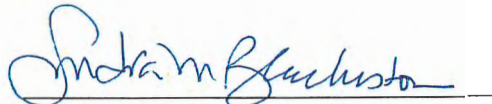
AN ACT to amend Chapter 222, Zoning, of the Code of Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance, in order to add a new land use and to permit said new land use in certain districts as a special exception: (1) by adding “5.75. Assisted living facilities with nine to sixteen beds provided” to Article V. District Regulations, Section 3. Critical Area Residential, §5.3 Special Exceptions; (2) by adding “4.75. Assisted living facilities with nine to sixteen beds” to Article V. District Regulations, Section 3. Community Residential, §6.3 Special Exceptions; (3) by adding “3.5. Assisted living facilities with nine to sixteen beds” to Article VII. Special Exceptions, Section 6. Procedures; (4) by adding specific conditions for said new land use “6.75. Assisted living facilities with nine to sixteen beds” to Article VII. Special Exceptions, Section 7. Special Exceptions; (5) by including one non-codified provision; and (6) by providing for an effective date related to the required Critical Area Commission review and approval of the zoning text, per Md. Code Ann., Natural Resources § 8-1809, as the same may be amended from time to time.

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND


Ronald H. Fithian, President

INTRODUCED, read the first time, March 4, 2025, ordered posted and public hearing scheduled on April 1, 2025, at 6:00 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 April 1, 2025. Reported favorably ~~[with]~~ [without] amendments; read the second time and ordered to be considered on April 15, 2025, a legislative session day.

BILL NO. 1-2025 Assisted Living Facilities in the Critical Area Residential (CAR) and Community Residential (CR)

CAPITALS & BOLD INDICATES MATTER ADDED TO EXISTING LAW.

~~Strike-through~~ indicates matter deleted from existing law.

**A BILL ENTITLED CHR 1-2025 ASSISTED LIVING FACILITIES IN THE CRITICAL AREA
RESIDENTIAL (CAR) AND COMMUNITY RESIDENTIAL (CR)**

**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 5. CRITICAL AREA RESIDENTIAL

...

5.3 SPECIAL EXCEPTIONS

...

5. Aquaculture, including accessory processing and sales

5.5 Assisted living facility with five to eight beds*

5.75 ASSISTED LIVING FACILITY WITH NINE TO SIXTEEN BEDS PROVIDED

6. Cemetery, including crematorium and mausoleum

SECTION 2.

**ARTICLE V.
DISTRICT REGULATIONS**

SECTION 6. COMMUNITY RESIDENTIAL

...

6.3 SPECIAL EXCEPTIONS

...

4. Airport, landing field, heliport, or helistop, public or private

4.5 Assisted living facility with five to eight beds*

4.75 ASSISTED LIVING FACILITY WITH NINE TO SIXTEEN BEDS

5. Cemetery, including crematorium and mausoleum

SECTION 3.

**ARTICLE VII.
SPECIAL EXCEPTIONS**

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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

....

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

1. Aquaculture

...

3. Airport, landing field, heliport, or helistop, public or private

3.5 ASSISTED LIVING FACILITY WITH NINE TO SIXTEEN BEDS

4. Attached retail businesses

SECTION 3.

ARTICLE VII. SPECIAL EXCEPTIONS

SECTION 7. SPECIAL EXCEPTIONS

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6.5 Assisted living facilities with five to eight beds in AZD, RC, RR, CAR and CR provided:

- a. The property owner resides on the premises.
- b. The assisted living facility is subordinate and accessory to the principal dwelling in size and appearance and is in the same structure as the principal dwelling unit. Expansions shall be designed in keeping with or to enhance the character of the other buildings.
- c. The rooms for the use are not designed or constructed to be separate dwelling units and may not be sold as separate dwelling units.
- d. The appearance of the structure and property remain that of a single family dwelling so that the average neighbor is unaware of the assisted living facility's existence.
- e. The structure meets all applicable Kent County Codes, including the building code, and Health Department requirements.
- f. The applicant has received approval from the appropriate State of Maryland agencies.
- g. The facility does not create an unacceptable environmental impact by way of noise, odor, noxious materials, or other nuisances.

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6.75 ASSISTED LIVING FACILITY WITH NINE TO SIXTEEN BEDS

- A. THE PROPERTY OWNER OR FACILITY MANAGER RESIDES ON THE PREMISES.**
- B. THE ROOMS FOR THE USE ARE NOT DESIGNED OR CONSTRUCTED TO BE SEPARATE DWELLING UNITS AND MAY NOT BE SOLD AS SEPARATE DWELLING UNITS.**
- C. THE APPEARANCE OF THE STRUCTURE AND PROPERTY REMAIN THAT OF A RESIDENTIAL USE SO THAT THE AVERAGE NEIGHBOR IS UNAWARE OF THE ASSISTED LIVING FACILITY'S EXISTENCE.**
- D. THE STRUCTURE MEETS ALL APPLICABLE KENT COUNTY CODES, INCLUDING THE BUILDING CODE, AND HEALTH DEPARTMENT REQUIREMENTS.**
- E. THE APPLICANT HAS RECEIVED APPROVAL FROM THE APPROPRIATE STATE OF MARYLAND AGENCIES.**
- F. THE FACILITY DOES NOT CREATE AN UNACCEPTABLE ENVIRONMENTAL IMPACT BY WAY OF NOISE, ODOR, NOXIOUS MATERIALS, OR OTHER NUISANCES.**
- G. THE FACILITY DOES NOT GENERATE TRAFFIC OF A TYPE OR INAPPROPRIATE AMOUNT FOR ALL ACCESS ROADS AND THE SURROUNDING AREA. IT DOES NOT REQUIRE ROAD IMPROVEMENTS DETRIMENTAL TO THE CHARACTER OF THE AREA.**
- H. THE PROPERTY IS SERVED BY PUBLIC SEWER.**
- I. THE PARCEL MUST BE AT LEAST FIVE ACRES IN SIZE.**

SECTION 4.

BE IT FURTHER ENACTED by the County Commissioners of Kent County that the County planning staff are hereby instructed to prepare corresponding text amendments and include them within the body of any proposed legislation related to re-adoption of the Land Use Ordinance via Comprehensive Rezoning, which is to be prepared by County staff following review and comment by the Critical Area Commission.

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SECTION 5.

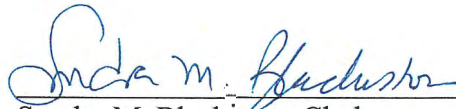
BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall be adopted on the 15th day of April, 2025; however, the provisions of this Act shall take effect on the 25th day of April, 2025, contingent upon review and approval of the Critical Area Commission for the Chesapeake & Atlantic Coastal Bays pursuant to the Md. Code Ann., Natural Resources § 8-1809, as the same may be amended from time to time.

Read Third Time April 15, 2025

PASSED this 15th day of April, 2025.

Failed of Passage _____

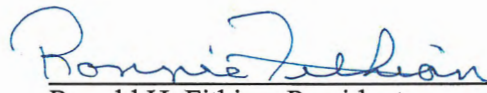
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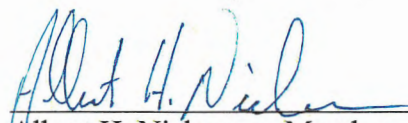

Sondra M. Blackiston, Clerk

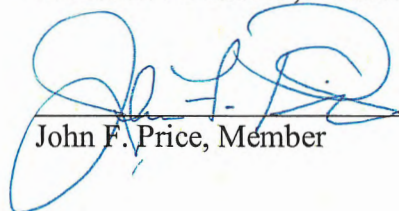
THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

(SEAL)




Ronald H. Fithian, President


Albert H. Nickerson, Member


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.

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