

ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2025 Legislative Session

Legislative Day No. 01

Legislative Bill 2025- 01

Introduced: January 9, 2025

Introduced by: The Council President at the request of the Planning Commission

AN ACT TO AMEND CHAPTER 225 OF THE WICOMICO COUNTY CODE, TITLED “ZONING” PART 3, TITLED “BASIC DEFINITIONS AND INTERPRETATIONS,” ARTICLE VI, TITLED “TERMS DEFINED,” SECTION §225-25 TITLED “DEFINITIONS OF BASIC TERMS”; AND PART 6, TITLED “ACCESSORY AND PRINCIPAL USES,” ARTICLE XVIII, TITLED “PRINCIPAL USES,” SECTION 225-67, TITLED “TABLE OF PERMITTED USES-DESIGNATIONS” AND PART 8, TITLED “SPECIAL STANDARDS FOR PARTICULAR USES,” ARTICLE XX, TITLED “USES AND STANDARDS ENUMERATED,” SECTION §225-99 TITLED “KENNELS, COMMERCIAL” TO AMEND THE ZONING REQUIREMENTS FOR THE OPERATION OF A KENNEL.

WHEREAS, the boarding, breeding, training, selling, exhibition or raising of dogs constitutes activity performed by a kennel; and

WHEREAS, the regulation of the zoning district, structure location and permissible activities of a kennel are zoning matters; and

WHEREAS, Wicomico County, Maryland recognizes the importance of maintaining kennels safely and responsibly; and

WHEREAS, the Wicomico County Planning Commission, recommends amending the Wicomico County Code to reflect current practices in kennel regulation.

Section I. BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, THAT CHAPTER 225 OF THE WICOMICO COUNTY CODE, TITLED “ZONING” PART 3, TITLED “BASIC DEFINITIONS AND INTERPRETATIONS,” ARTICLE VI, TITLED “TERMS DEFINED,” SECTION §225-25 TITLED “DEFINITIONS OF BASIC TERMS”; AND PART 6, TITLED “ACCESSORY AND PRINCIPAL USES,” ARTICLE XVIII, TITLED “PRINCIPAL USES,” SECTION 225-67, TITLED “TABLE OF PERMITTED USES-DESIGNATIONS” AND PART 8, TITLED “SPECIAL STANDARDS FOR PARTICULAR USES,” ARTICLE XX, TITLED “USES AND STANDARDS ENUMERATED,” SECTION §225-99 TITLED “KENNELS, COMMERCIAL” IS HEREBY AMENDED, TO READ AS FOLLOWS:

Chapter 225

Zoning

Part 3

Basic Definitions and Interpretations

Article VI

Terms Defined

§225-25- Definition of basic terms.

B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

Kennel, ~~Commercial~~- A place where **TEN OR MORE** dogs and ~~other domesticated animals,~~ excluding livestock, are bred and raised and are sold or kept for sale or boarded for a fee. **ARE KEPT FOR THE PURPOSE OF BOARDING, BREEDING, TRAINING, SELLING, EXHIBITION, OR RAISING.** This definition shall not include veterinary establishments.

Part 6

Accessory and Principal Uses

Article XVIII

Principal Uses

§225-67 Table of Permitted Uses-designations

1. The Table of Permitted Uses, Attachment 1, Part I regulating the A-1 Agricultural- Rural, V-C Village Conservation, R-8 Residential, R-15 Residential, R-20 Residential, REC Residential, Educational and Cultural District, R-30 Residential and TT Town Transition Districts, shall be amended to reflect the changes created by this legislation.

Use Description	A-1	V-C	R-8	R-15	R-20	REC	R-30	TT
Kennel, Commercial (See 225-99)	se	se						SE

2. The Table of Permitted Uses, Attachment 2, Part II, C-1 Select Commercial, C-2 General Commercial, C-3 Regional Commercial, LB-1 Light Business and Industrial, LB-1 Light Business and Residential, I-1 Light Industrial and I-2 Heavy Industrial Districts, shall be amended to reflect the changes created by this legislation.

Use Description	C-1	C-2	C-3	LB-1	LB-2	I-1	I-2
Kennel, Commercial (See 225-99)		p					

Part 8

Special Standards for Particular Uses

Article XX

Uses and Standards for Particular Uses

§ 225-99 Kennels, ~~commercial~~.

A. ~~Commercial~~ Kennels in the A-1 Agriculture-Rural, **TT TOWN TRANSITION** or V-C Village Conservation Districts shall:

(1) Have a minimum acreage as follows:

(a) Five acres if outside runs; or

(b) Two acres if no outside runs ~~and animals in soundproof building~~.

(2) Not **HAVE THE RUNS OR A STRUCTURE, WHICH HOUSES THE DOGS**, be located within ~~200~~ **1,000** ~~500~~ feet of an existing residential dwelling on an adjacent **ANOTHER** parcel, AS MEASURED FROM THE PROPERTY LINE OF THE KENNEL PROPERTY.

B. In a C-2 General Commercial District, ~~commercial kennels may be~~ **ARE** permitted, provided that runs for ~~animals~~ **DOGS** shall be entirely contained within a building.

C. A PROPERTY WHICH RECEIVED A SPECIAL EXCEPTION TO OPERATE A KENNEL PRIOR TO JANUARY 1, 2025, MAY CONTINUE AS A NONCONFORMING SPECIAL EXCEPTION AS PROVIDED BY § 225-152. ALL OTHER PROPERTIES A PROPERTY WITH TEN OR MORE DOGS PRIOR TO THE EFFECTIVE DATE OF LEGISLATIVE BILL 2025-01, SHALL CONTINUE AS A NONCONFORMING USE AS PROVIDED BY § 225-150; HOWEVER, THE ABILITY TO CONTINUE THE NONCONFORMING USE SHALL TERMINATE THREE YEARS FROM THE EFFECTIVE

DATE OF LEGISLATIVE BILL 2025-01 OR NONCOMPLIANCE WITH § 225-150(F),
WHICHEVER COMES FIRST.

**D. THE BOARD OF APPEALS MAY MODIFY THE SEPARATION REQUIREMENTS
IN SUBSECTION (A)(2) AS PART OF THE SPECIAL EXCEPTION APPLICATION.**

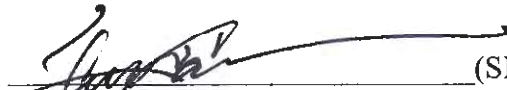
**SECTION II. IT IS THE INTENTION OF WICOMICO COUNTY COUNCIL THAT
EACH PROVISION OF THIS LEGISLATIVE BILL SHALL BE DEEMED
INDEPENDENT OF ALL OTHER PROVISIONS HEREIN.**

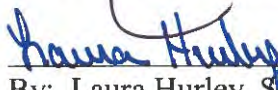
**SECTION III. IT IS FURTHER THE INTENTION OF THE WICOMICO COUNTY
COUNCIL THAT IF ANY SECTION, PARAGRAPH, SUBSECTION, CLAUSE OR
PROVISION OF THIS LEGISLATIVE BILL SHALL BE ADJUDGED INVALID,
UNCONSTITUTIONAL OR OTHERWISE UNENFORCEABLE UNDER APPLICABLE
MARYLAND OR FEDERAL LAW, SUCH ADJUDICATION SHALL APPLY ONLY TO
THE SECTION, PARAGRAPH, SUBSECTION, CLAUSE OR PROVISION SO
ADJUDGED AND ALL OTHER PROVISIONS OF THIS LEGISLATIVE BILL SHALL
REMAIN AND SHALL BE DEEMED VALID AND ENFORCEABLE.**

SECTION ~~II~~ **IV**: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY
COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION THAT
this bill shall be known as Legislative Bill No. 2025-01 and shall take effect sixty (60) days after
its enactment, unless a proper Petition for Referendum thereof shall be filed prior to said date; in
which event, the Bill shall not take effect until the expiration of thirty (30) days following the
approval of this Bill by a majority of the qualified voters of the County voting in any such
referendum.

Certified correct as passed and adopted by the County Council of Wicomico County,
Maryland this 18th day of February, 2025.

WICOMICO COUNTY, MARYLAND

 (SEAL)
By: John Cannon, President

 (SEAL)
By: Laura Hurley, Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press
and other news media at the time of its introduction.

 (SEAL)
By: Laura Hurley, Secretary

Explanation:

~~Strike Out~~ indicates matters deleted from existing law.

CAPITAL BOLD indicate matters added to existing law.

~~**STRIKE OUT CAPITAL BOLD**~~ indicates matter stricken from Bill by Amendment.

CAPITAL UNDERLINING indicates Amendments to Bill

~~CAPITAL UNDERLINING~~ indicates matter stricken from Bill by Amendment on reconsideration

CAPITAL BOLD UNDERLINING indicates Amendments to Bill on reconsideration