

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

December 19, 2023
Legislative Session Day

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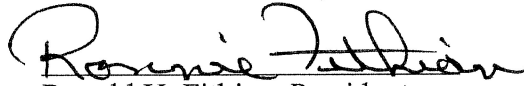
CODE HOME RULE
BILL NO. 6-2023

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 use in a single district as a special exception: (1) by adding "2.5 Adaptive reuse of existing structures in AZD, located on parcels under 20 acres" to Article V. District Regulations, Section 1. Agricultural Zoning District, §1.3 Special Exceptions; (2) by adding said new land use as "6. Adaptive reuse of existing structures in AZD, located on parcels under 20 acres" to Article VII. Special Exceptions, Section 6. Procedures, un-numbered second paragraph regarding those special exceptions that may be approved by the Planning Director; (3) by adding six specific conditions, indicated as A through F, for said new land use in "3.5 Adaptive reuse of existing structures in AZD, located on parcels under 20 acres" to Article VII. Special Exceptions, Section 7. Special Exceptions; and (4) by including one non-codified provision.

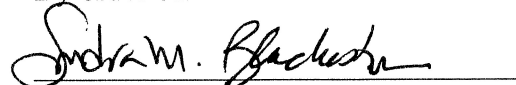
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CLERK, CIRCUIT COURT
2024 FEB -7 P 2:00
KENT COUNTY

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND


Ronald H. Fithian, President

INTRODUCED, read the first time, December 19, 2023, ordered posted and public hearing scheduled on January 23, 2024, at 10:00 a.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 January 23, 2024. Reported favorably without amendments; read the second time and ordered to be considered on February 6, 2024, a legislative session day.

**A BILL ENTITLED CHR 6-2023 ADAPTIVE REUSE OF EXISTING
STRUCTURES IN AZD, LOCATED ON PARCELS UNDER 20 ACRES**

**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 1. AGRICULTURAL ZONING DISTRICT (AZD)

...

1.3 Special Exceptions

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1. Accessory storage structures with a floor area of more than 1,200 square feet or a height that exceeds 17 feet on parcels less than 5 acres

2. Accessory structures in the front yard of through lots

**2.5 ADAPTIVE REUSE OF EXISTING STRUCTURES IN AZD, LOCATED ON
PARCELS UNDER 20 ACRES**

3. Adaptive reuse of historic structures

...

SECTION 2.

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

2. Accessory structures in the front yard requirement of waterfront parcels

3. Accessory structures in the front yard of a through lot or corner lot

4. Assisted living facilities with five to eight beds

5. Day care group

**6. ADAPTIVE REUSE OF EXISTING STRUCTURES IN AZD, LOCATED ON
PARCELS UNDER 20 ACRES**

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SECTION 3.

ARTICLE VII.
SPECIAL EXCEPTIONS

SECTION 7. SPECIAL EXCEPTIONS

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1. Accessory storage structures with a floor area of more than 1,200 square feet or a height that exceeds 17 feet on parcels less than 5 acres in AZD, RCD, RC, RR, CAR, and CR.
2. Accessory structures in the front yard of through or corner lots in AZD, RCD, RC, RR, CAR, CR, V, IV, and IVCA.
3. Accessory structures in the front yard requirement of waterfront parcels in RCD and CAR.

3.5 ADAPTIVE REUSE OF EXISTING STRUCTURES IN AZD, LOCATED ON PARCELS UNDER 20 ACRES:

- A. THE SITE WILL HAVE ACCESS TO A PUBLIC ROAD ADEQUATE FOR THE TRAFFIC GENERATED;**
- B. THE PROPOSED USE WILL NOT GENERATE TRAFFIC OF A TYPE OR AMOUNT INAPPROPRIATE FOR ACCESS ROADS AND THE SURROUNDING AREA;**
- C. THE USE DOES NOT REQUIRE ROAD IMPROVEMENTS DETRIMENTAL TO THE CHARACTER OF THE AREA;**
- D. THE PROPOSED USE DOES NOT CREATE AN UNACCEPTABLE IMPACT BY WAY OF NOISE, ODOR, NOXIOUS MATERIALS OR OTHER NUISANCES; AND**
- E. LANDSCAPING IS IN KEEPING WITH THE CHARACTER OF THE BUILDING OR LOCATION.**
- F. THIS MAY BE REVIEWED VIA AN ADMINISTRATIVE SPECIAL EXCEPTION PROCESS.**

4. Adaptive reuse of historic structures in AZD, RCD, RC, RR, CR, V, IV, IVCA, and M provided:

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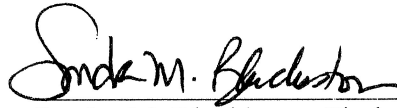
SECTION 4. BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the 16th day of February, 2024.

Read Third Time February 6, 2024

PASSED this 6th day of February, 2024.

Failed of Passage _____

By order of:



Sondra M. Blackiston, Clerk

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

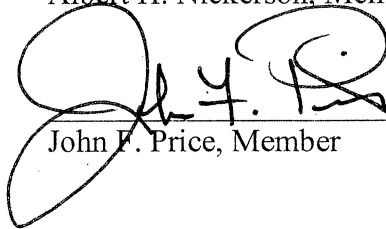
(SEAL)



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.