

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

June 11, 2024
Legislative Session Day

RECEIVED
CLERK, CIRCUIT COURT

Legislative Session Day
June 11, 2024

2024 JUL 24 A 11:16
CODE HOME RULE
BILL NO. 4-2024

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

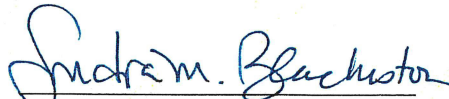
AN ACT to rescind and replace the Kent County, Maryland Official Zoning Map, in its entirety, which is adopted both as a part of and in reference to Chapter 222, "Unified Development Ordinance," of the Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance, to implement the recommendations of the Kent County Planning Commission on proposed revisions to the Official Zoning Map, which are based on the Kent County Planning Commission's review, as part of the 2020-2024 Comprehensive Rezoning and Update process; and including certain non-codified provisions to address scrivener's errors, symbology, graphic legibility, and readability, et al.; instructions to County staff related to revisions requested by the Critical Area Commission for provisions in the 2024 Land Use Ordinance, which directly relate to the Zoning Map; relationships with Buffer Modified Area Maps and FEMA federal floodplain maps; and the effective date related to the required Critical Area Commission review and approval of the zoning map itself, 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 first time, June 11, 2024, ordered posted and public hearing scheduled on July 9, 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 time and place of hearing and copies having been made available to the public and the press, a public hearing was held on July 9, 2024. Reported favorably ~~with~~/without amendments; read a third time and ordered to be considered on July 16, 2024, a legislative session day.

**A BILL ENTITLED CHR 4-2024
TO RESCIND AND REPLACE THE KENT COUNTY OFFICIAL ZONING MAP**

SECTION 1.

NOW, THEREFORE, BE IT ENACTED by the County Commissioners of Kent County, Maryland, that the Official Zoning Map, substantially in the form attached hereto as Exhibit A, is adopted as the Official Zoning Map for Kent County, Maryland, and is adopted both as a part of and in reference to Chapter 222, Unified Development Ordinance, of the Public Local Laws of Kent County, Maryland.

SECTION 2.

BE IT FURTHER ENACTED by the County Commissioners of Kent County, Maryland, that the Director of the Department of Planning, Housing, and Zoning may correct obvious errors, capitalization, spelling, symbols, legends, polygons, headings, and similar items, and may publish the Official Zoning Map online by adding or amending graphics, colors, and citizen aids to improve document readability.

SECTION 3.

BE IT FURTHER ENACTED by the County Commissioners of Kent County that the County planning staff are instructed to prepare an additional Code Home Rule Bill (CHRB) for introduction. This CHRB is in response to the comments received from the Critical Area Commission (CAC) on the 2024 Land Use Ordinance (2024 LUO). The CAC requested that certain provisions be retained and supplemented from the 2003 Land Use Ordinance (2003 LUO). These provisions appear as Article III, Section 6. Establishment of Critical Area Line, §§ 1 -2 in the 2003 LUO, as amended on February 16, 2021. In the 2003 LUO, the provisions are designated for removal by a sunset provision upon adoption of an Official Zoning Map. As a result of the request by the Critical Area Commission, said provisions shall remain in the 2024 LUO. By their retention, said provisions will be immediately effective for any future Critical Area line adjustments by the State of Maryland. To implement retention of the provisions, one provision in the 2024 LUO, which appears as paragraph (C), §3. Establishment of Critical Area Line, Section 1. General Provisions, Article II. Districts shall be deleted. Staff are also instructed to revise the 2024 LUO to include text that (1) references the adoption date of the most recent Critical Area boundary line and (2) requires compliance by the County with Maryland Critical Area Law and COMAR Title 27 for any amendments to the Critical Area Line Map that may be adopted by the County in the future. Such text is required by the comments of the Critical Area Commission per its review of the 2024 LUO.

SECTION 4.

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall not affect the Buffer Modified Area Maps, which shall remain in full force and effect; Buffer Modified Area Maps may be amended by separate Act, pursuant to provisions in Chapter 222 for such amendments.

SECTION 5.

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall not affect the Flood Insurance Rate Maps promulgated by FEMA; such will hereby be considered as stand-alone federal maps and not adopted as part of this Act.

SECTION 6.


BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall be adopted on the 16th day of July, 2024; however, the provisions of this Act shall take effect on the 26th day of July, 2024, 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 July 16, 2024

PASSED this 16th day of July, 2024.

Failed of Passage _____

By order of:




Sondra M. Blackiston, Clerk

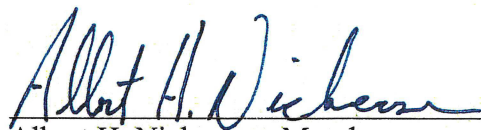
THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

(SEAL)

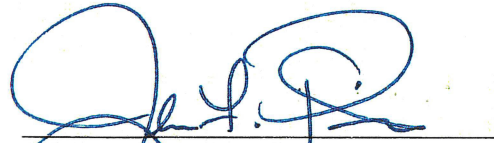




Ronald H. Fithian, President



Albert H. Nickerson, Member

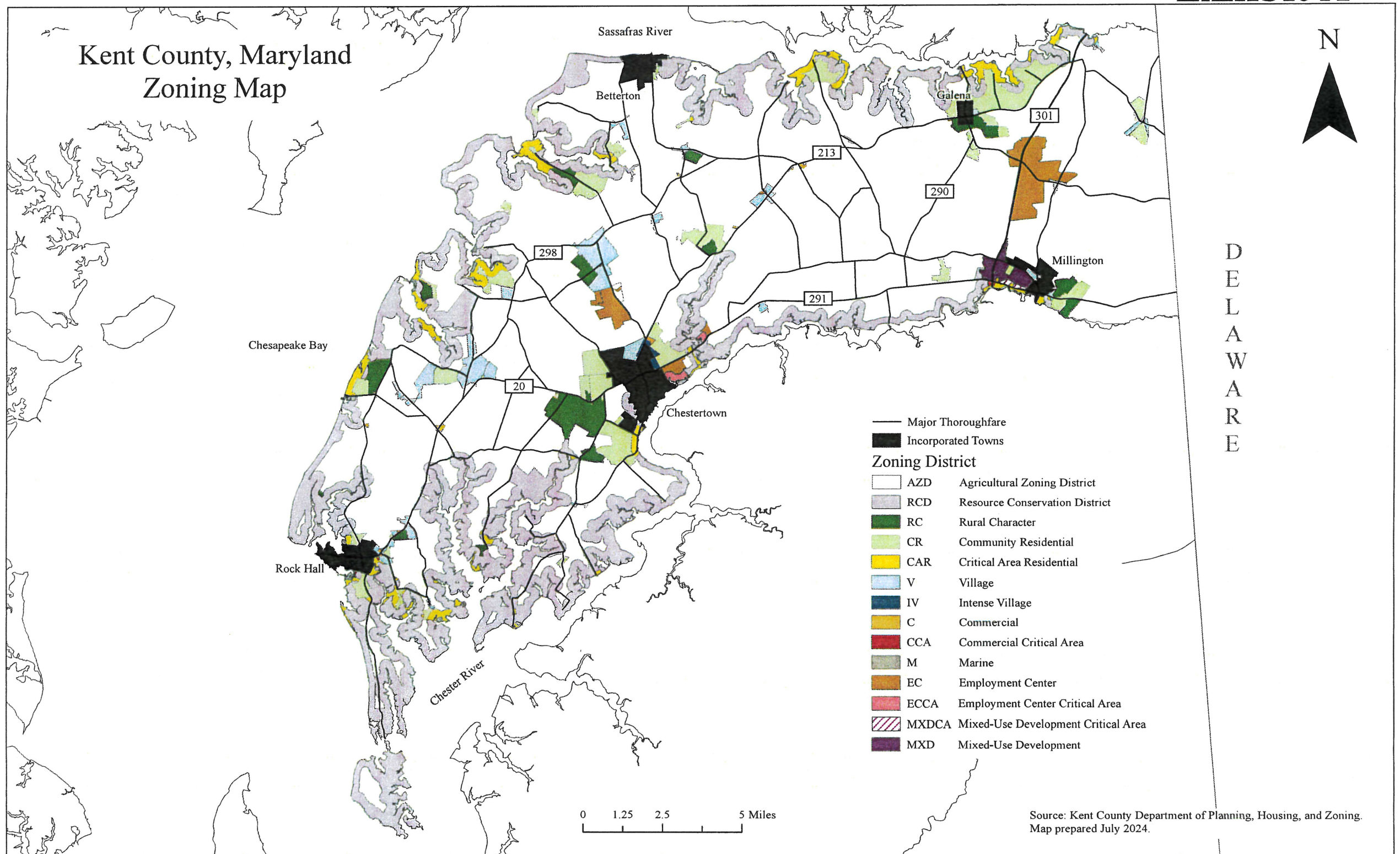


John F. Price, Member

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.

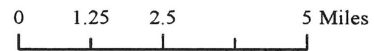
Exhibit A

Kent County, Maryland Zoning Map



D E L A W A R E

- Major Thoroughfare
- Incorporated Towns
- Zoning District**
- AZD Agricultural Zoning District
- RCD Resource Conservation District
- RC Rural Character
- CR Community Residential
- CAR Critical Area Residential
- V Village
- IV Intense Village
- C Commercial
- CCA Commercial Critical Area
- M Marine
- EC Employment Center
- ECCA Employment Center Critical Area
- ▨ MXDCA Mixed-Use Development Critical Area
- MXD Mixed-Use Development



Source: Kent County Department of Planning, Housing, and Zoning.
Map prepared July 2024.