

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

July 21, 2020
Legislative Session Day

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CODE HOME RULE
BILL NO. 6-2020

INTRODUCED BY: P. Thomas Mason, President of the Board of County Commissioners for Kent County, Maryland.

AN ACT to amend Article V. District Regulations, Section 2. Resource Conservation District, Section 2.2 Permitted Principal Uses and Structures, by striking “campgrounds” from sub-section 17 (three times) and adding a new sub-section 18 to address campgrounds as a separate use and require growth allocation; and to amend Article V. District Regulations, Section 2. Resource Conservation District, Section 2.7 Resource Conservation District Environmental Standards, A. Resource Conservation District General Environmental Standards by adding a new sub-section 7 to address Growth Allocation in the provisions contained in the Resource Conservation District (RCD), as required by the Critical Area Commission (CAC) related to its review of adopted CHR Bill 1-2020 at the CAC meeting held on June 3, 2020.

THE COUNTY COMMISSIONERS OF KENT COUNTY

P. Thomas Mason, President

INTRODUCED, read first time, July 21, 2020, ordered posted and public hearing scheduled August 11, 2020, 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 August 11, 2020. Reported favorably [without] amendments; read a second time and ordered to be considered on August 18, 2020, a legislative session day.

BILL NO. 6-2020

CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.

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

A BILL ENTITLED CHR 6-2020 CAMPGROUND AND GROWTH ALLOCATION

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:

ARTICLE V.
DISTRICT REGULATIONS

...

SECTION 2. RESOURCE CONSERVATION DISTRICT

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SECTION 2.2 PERMITTED PRINCIPAL USES AND STRUCTURES

A *building* or land shall be used only for the following purposes:

1. *Agriculture* including horticultural, hydroponics or general farming, orchards, groves, or nurseries for growing or propagation of plants, trees, and shrubs.

...

17. *Conference centers, resorts, retreats, campgrounds, hotels, and motels* existing and in use as of August 1, 1989, in the Resource Conservation District. It is the intent of this section to provide for the continued existence and operation as well as the expansion of *conference centers, resorts, retreats, campgrounds, hotels, and motels* existing and in use as of August 1, 1989 in the Resource Conservation District. It is not the intent to permit the creation of new *conference centers, resorts, retreats, campgrounds, hotels, or motels*, but rather to protect those enterprises that existed in the Resource Conservation District on August 1, 1989. An expansion shall require *site plan* review by the *Planning Commission* and shall require a net improvement in water quality at or leaving the site. An expansion may require growth allocation.

18. **CAMPGROUNDS EXISTING AND IN USE AS OF AUGUST 1, 1989, IN THE RESOURCE CONSERVATION DISTRICT. IT IS THE INTENT OF THIS SECTION TO PROVIDE FOR THE CONTINUED EXISTENCE AND OPERATION AS WELL AS THE INTENSIFICATION OR EXPANSION OF CAMPGROUNDS EXISTING AND IN USE AS OF AUGUST 1, 1989, IN THE RCD. IT IS NOT THE INTENT TO PERMIT THE CREATION OF NEW CAMPGROUNDS, BUT RATHER TO PROTECT THOSE ENTERPRISES THAT EXISTED IN THE RCD ON AUGUST 1, 1989. ANY EXPANSION OR INTENSIFICATION OF AN EXISTING CAMPGROUND, INCLUDING THE ADDITION OF SITES OR CONVERSION OF EXISTING SITES TO ALLOW FOR ADDITIONAL RECREATIONAL VEHICLES, SHALL REQUIRE GROWTH ALLOCATION.**

ARTICLE V.
DISTRICT REGULATIONS

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SECTION 2. RESOURCE CONSERVATION DISTRICT

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SECTION 2.7 RESOURCE CONSERVATION DISTRICT ENVIRONMENTAL STANDARDS

The purpose of these standards is to provide for the proper stewardship of the County's natural resources. Specifically, it is the overall goal of the county to maintain the quality of the County's *ecosystem* in the face of continuing activity, growth and change.

A. RESOURCE CONSERVATION DISTRICT GENERAL ENVIRONMENTAL STANDARDS

1. *Development* shall minimize *adverse impacts* to *non-tidal* or *tidal wetlands*, estuaries, the Chesapeake Bay, *tributary streams*, and the natural course and *riparian habitat* of these streams, habitat protection areas, or other significant habitat identified by the Department of Planning and Zoning.

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7. GROWTH ALLOCATION

ANY PROPERTY THAT RECEIVES GROWTH ALLOCATION SHALL COMPLY WITH THE REQUIREMENTS OF COMAR 27.01.02.06 AS WELL AS THE KENT COUNTY GROWTH ALLOCATION POLICY. IN ADDITION TO THE STANDARDS OF 2.7.B. BELOW, THE FOLLOWING STANDARDS APPLY:

A. WATER QUALITY

WITHIN A NEW INTENSELY DEVELOPED AREA, NEW DEVELOPMENT OR REDEVELOPMENT SHALL REDUCE THE POLLUTANT LOADINGS LEAVING THE SITE BY AT LEAST 10%.

B. SETBACKS

A NEW INTENSELY DEVELOPED AREA OR LIMITED DEVELOPMENT AREA SHALL BE LOCATED AT LEAST 300 FEET BEYOND THE LANDWARD EDGE OF TIDAL WETLANDS OR TIDAL WATERS. AN APPLICANT MUST PROVIDE AN EQUIVALENT OFFSET IF THE SETBACK REQUIREMENT CANNOT BE MET.

C. IMPERVIOUS SURFACES

PROPERTIES GRANTED GROWTH ALLOCATION IN ACCORDANCE WITH THE KENT COUNTY GROWTH ALLOCATION POLICY MAY BE EXEMPT FROM THE 15% IMPERVIOUS SURFACE REQUIREMENT.

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the ____ day of _____.

Read Third Time _____

PASSED this ____ day of _____

Failed of Passage _____

By order of:

Sondra M. Blackiston, Clerk

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

P. Thomas Mason, President

Ronald H. Fithian, Member

Robert N. Jacob, Jr., Member

ORDERED a fair summary thereof of 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.