

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

March 3, 2015
Legislative Session Day

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March 3, 2015

CODE HOME RULE
BILL NO. 1 -2015

INTRODUCED BY: William W. Pickrum, President of the Board of County Commissioners for Kent County, Maryland.

AN ACT to amend Article V, Section 1.3 (Agricultural Zoning District Special Exceptions), Section 3.3 (Rural Character District Special Exceptions), Section 4.3 (Rural Residential Special Exceptions), Section 6.3 (Community Residential Special Exceptions), and 7.3 (Village District Special Exceptions); and to amend Article VII, Sections 6 (Special Exception Procedures) and 7 (Special Exceptions); and to amend Article XI, Section 2 (Definitions), of the Kent County Land Use Ordinance by adding a Rural Inn as a Special Exception use in the Agricultural, Rural Character, Rural Residential, Community Residential, and Village Zoning Districts, and providing performance standards relative thereto, and to define the use.

THE COUNTY COMMISSIONERS OF KENT COUNTY

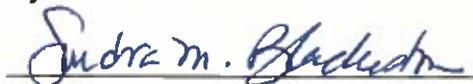


William W. Pickrum, President

INTRODUCED, read first time, March 3, 2015, ordered posted and public hearing scheduled March 31, 2015, at 6:00 p.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

FILED
CLERK OF
CIRCUIT COURT
2015 APR 15 AM 11:15
KENT COUNTY

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 March 31, 2015. Reported favorably ~~with~~ [without] amendments; read second time and ordered to be considered on a legislative session day. The April 7th meeting was postponed until April 8, 2015.

A BILL ENTITLED

AN ACT to amend Article V, Section 1.3 (Agricultural Zoning District Special Exceptions), Section 3.3 (Rural Character District Special Exceptions), Section 4.3 (Rural Residential Special Exceptions), Section 6.3 (Community Residential Special Exceptions), and 7.3 (Village District Special Exceptions); and to amend Article VII, Sections 6 (Special Exception Procedures) and 7 (Special Exceptions); and to amend Article XI, Section 2 (Definitions), of the Kent County Land Use Ordinance by adding a Rural Inn as a Special Exception use in the Agricultural, Rural Character, Rural Residential, Community Residential, and Village Zoning Districts, and providing performance standards relative thereto, and to define the use.

Article V. District Regulation

Section 1 **Agricultural Zoning District**

 1.3 **Special Exceptions**

21.5 RURAL INN

Section 3 **Rural Character District**

 3.3 **Special Exceptions**

24.5 RURAL INN

Section 4 **Rural Residential**

 4.3 **Special Exceptions**

24.5 RURAL INN

Section 6 **Community Residential**

 6.3 **Special Exceptions**

20.5 RURAL INN

Section 7 **Village District**

 7.3 **Special Exceptions**

12.5 RURAL INN

Article VII. Special Exceptions

Section 6 Procedures

37.5 RURAL INN

Section 7 Special Exceptions

Buildings, structures, and uses for which special exceptions may be authorized and the additional standards relative thereto are as follows:

51. RURAL INN IN AZD, RC, RR, CR, AND V PROVIDED:

- A. THE PROJECT SHALL COLLECTIVELY CONSIST OF AT LEAST 20 ACRES.**
- B. IN AZD, THE RURAL INN USES BUILDINGS THAT EXISTED PRIOR TO AUGUST 1, 1989. BUILDINGS ARE LIMITED TO A 50% EXPANSION OF THE GROSS FLOOR AREA OF EACH INDIVIDUAL BUILDING ABOVE THAT WHICH EXISTED AS OF AUGUST 1, 1989.**
- C. THE RURAL INN HAS AT LEAST 10 BUT NOT MORE THAN 25 GUEST ROOMS. OVERNIGHT LODGING SHALL NOT EXCEED 45 CONSECUTIVE DAYS.**
- D. PERMANENT THEME PARKS, AMUSEMENT PARKS, AND/OR STADIUMS ARE PROHIBITED.**
- E. THE BOARD SHALL MAKE SPECIFIC FINDINGS ON THE AVAILABILITY OF PUBLIC AND GOVERNMENTAL SERVICES.**
- F. WHERE THEY EXIST, HISTORIC STRUCTURES SHALL BE INCORPORATED INTO THE OVERALL PROJECT.**
- G. SIGNIFICANT VIEW CORRIDORS, BOTH FROM THE SITE AND ONTO THE SITE SHALL BE PRESERVED IN SO MUCH AS POSSIBLE.**
- H. THE HEIGHT OF ALL STRUCTURES SHALL NOT EXCEED 38 FEET.**
- I. THE DESIGN OF THE RURAL INN AND ACCESSORY USES SHALL REFLECT AND COMPLEMENT THE RURAL CHARACTER OF THE AREA.**
- J. TWO RESIDENTIAL UNITS FOR USE BY EMPLOYEES OF THE RURAL INN MAY BE PROVIDED.**

- K. PERMITTED ACCESSORY USES INCLUDE KITCHEN AND DINING FACILITIES. DINING FACILITIES MAY BE PROVIDED TO PATRONS IN ADDITION TO GUESTS REGISTERED FOR OVERNIGHT LODGING PROVIDED SEATING SHALL NOT EXCEED 40 SEATS OVER AND ABOVE THOSE SEATS NEEDED TO ACCOMMODATE THE MAXIMUM NUMBER OF LODGING GUESTS BASED ON TWO (2) INDIVIDUALS PER ROOM; RECREATIONAL FACILITIES SUCH AS TENNIS COURTS AND SWIMMING POOLS; OTHER RECREATIONAL AMENITIES BUT NOT INCLUDING TRAP, SKEET, CLAY BIRDS, PAINT BALL OR OTHER SIMILAR FIREARM ACTIVITIES; AND OTHER ACCESSORY USES THAT ARE CUSTOMARILY ASSOCIATED WITH A RURAL INN. THE APPLICANT SHALL DESCRIBE ALL PROPOSED ACCESSORY USES IN THE APPLICATION FOR A SPECIAL EXCEPTION. THE BOARD OF APPEALS MAY DENY OR LIMIT THE SIZE AND EXTENT OF ACCESSARY USES.**
- L. THE RURAL INN MAY NOT EXCEED 15 BUILDINGS. IN AZD, THE RURAL INN IS LIMITED TO EXISTING BUILDINGS.**
- M. AT LEAST 60% OF THE PROPERTY SHALL BE IN OPEN SPACE.**
- N. PARKING LOTS SHALL BE LANDSCAPED AS REQUIRED FOR COMMERCIAL DEVELOPMENTS IN ARTICLE V, SECTION 11 OF THIS ORDINANCE.**
- O. ALL BUILDINGS ASSOCIATED WITH THE PRINCIPAL USES OF THE RURAL INN, AS WELL AS THE PERMITTED ACCESSORY USES LISTED IN PARAGRAPH (K) OF THIS SUBSECTION, SHALL BE A MINIMUM OF 100 FEET FROM ALL PROPERTY LINES.**
- P. THE BOARD OF APPEALS MAY PLACE ADDITIONAL RESTRICTIONS ON THE FOLLOWING:**
- I. ADDITIONAL YARD REQUIREMENTS FOR ALL STRUCTURES, INCLUDING PATIOS AND PLACES OF PUBLIC ASSEMBLY**
 - II. LIGHTING**
 - III. LANDSCAPE AND SCREENING**
 - IV. OUTDOOR ACTIVITIES AND OUTDOOR MUSIC AND THEIR HOURS OF OPERATION**
 - V. ACCESS**
 - VI. LOCATION AND HOURS OF OPERATION OF KITCHEN AND DINING FACILITIES OPEN TO THE PUBLIC**

Q. THE APPLICATION FOR A RURAL INN SHALL INCLUDE A SKETCH PLAN AND RENDERINGS OF ALL PRIMARY AND EACH TYPE OF ACCESSORY BUILDING AND STRUCTURE.

Article XI. Definitions

278.5 RURAL INN –A FACILITY FOR THE PURPOSE OF PROVIDING OVERNIGHT LODGING TO THE GENERAL PUBLIC FOR COMPENSATION AND ONLY BY PREARRANGEMENT, AND AT WHICH DINING FACILITIES MAY ALSO BE OFFERED FOR GUESTS AND THE GENERAL PUBLIC, IN ACCORDANCE WITH THE FOLLOWING:

- A. ARE FOR TRANSIENT STAYS OF 45 CONSECUTIVE DAYS OR LESS FOR COMPENSATION WITH OR WITHOUT MEALS; AND**
- B. ARE NOT TO BE USED FOR PERMANENT RESIDENCE; AND**
- C. HAVE COMMON FACILITIES FOR RESERVATIONS, DINING, AND CLEANING SERVICES; AND**
- D. HAVE ON-SITE MANAGEMENT; AND**
- E. SEATING FOR DINING FACILITIES AVAILABLE TO PATRONS OTHER THAN REGISTERED GUESTS FOR OVERNIGHT LODGING SHALL NOT EXCEED 40 SEATS OVER AND ABOVE THOSE SEATS NEEDED TO ACCOMMODATE THE MAXIMUM NUMBER OF LODGING GUESTS BASED ON TWO (2) INDIVIDUALS PER ROOM.**

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the 18th day of April, 2015.

Read Third Time April 8, 2015

PASSED this 8th day of April, 2015

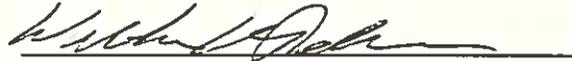
Failed of Passage _____

By Order of:

Sandra M. Blackiston
Sandra M. Blackiston, Clerk



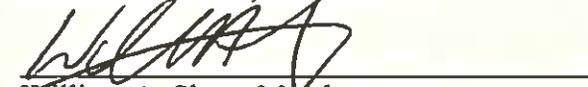
THE COUNTY COMMISSIONERS OF KENT COUNTY



William W. Pickrum, President



Ronald H. Fithian, Member



William A. Short, 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.