

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

**January 5, 2021
Legislative Session Day**

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**CODE HOME RULE
BILL NO. 1-2021**

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

AN ACT to amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance, by amending Article III, *Districts and District Maps*, by creating a new Section 6, *Establishment of Critical Area Line*, and amending Article XI, *Definitions*, Section 2, *Definitions*, definition (75) *Critical Area* in order to address requirements by the State of Maryland related to updating the Critical Area Mapping for Kent County, Maryland, and by the adoption of a Critical Area Map to function as a temporary, overlay zone in the County.

**THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND**

P. Thomas Mason, President

INTRODUCED, read first time, January 5, 2021, ordered posted and public hearing scheduled February 2, 2021, at 6:00 p.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 February 2, 2021. Reported favorably [with] [without] amendments; read a second time and ordered to be considered on February 9, 2021, a legislative session day.

A BILL ENTITLED CHR 1-2021 CRITICAL AREA MAP

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 III. Districts and District Maps

Section 1. Establishment of Districts

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SECTION 6. ESTABLISHMENT OF CRITICAL AREA LINE

1. **THE *CRITICAL AREA* LINE SHALL BE SHOWN ON THE MAP DESIGNATED AS THE “CRITICAL AREA LINE MAP OF KENT COUNTY, MARYLAND” DATED AND SIGNED BY THE PRESIDENT OF THE COUNTY COMMISSIONERS AND ATTESTED BY THE CLERK OF COUNTY COMMISSIONERS UPON ADOPTION. SUCH MAP DELINEATES THE *CRITICAL AREA* AND SHALL BE USED TO DETERMINE IF SUCH LAND IS LOCATED WITHIN THE *CRITICAL AREA*. FOR ANY LAND REFERENCED TO BE WITHIN THE CRITICAL AREA ACCORDING TO THE “CRITICAL AREA LINE MAP OF KENT COUNTY” ONE MUST FOLLOW THE CRITICAL AREA REQUIREMENTS AND REGULATIONS AS FOLLOWS.**
 - A) **IF REFERENCED ON THE “ZONING MAP” AS A CRITICAL AREA ZONING DISTRICT, THEN THE ESTABLISHED ZONING DISTRICT MUST BE ADHERED BY.**
 - B) **IF ACCORDING TO THE “CRITICAL AREA LINE MAP” THE LAND IS WITHIN THE CRITICAL AREA THEN THE REQUIREMENTS AND REGULATIONS OF THE MOST SIMILAR CRITICAL AREA ZONING DISTRICT AND THE ESTABLISHED CRITICAL AREA DESIGNATION MUST BE FOLLOWED. THIS INCLUDES TITLE 27 OF THE CODE OF MARYLAND REGULATIONS (COMAR).**
2. **THIS SECTION SHALL REMAIN IN EFFECT WHILE KENT COUNTY UNDERTAKES ITS COMPREHENSIVE REZONING AND UPDATE PROCESS, WHICH WILL RESULT IN A NEW COMPREHENSIVE LAND USE ORDINANCE” AND “ZONING MAP.” THE “CRITICAL AREA LINE MAP” WILL BE INCORPORATED INTO THE “ZONING MAP” AND WILL NO LONGER BE A STAND-ALONE MAP. UPON THE ADOPTION OF THE**

COMPREHENSIVE LAND USE ORDINANCE AND “ZONING MAP,” THIS SECTION SHALL BE ABROGATED AND OF NO FURTHER FORCE AND EFFECT.

Article XI. Definitions

Section 1. General Rules of Construction

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Section 2. Definitions

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(75) Critical Area - All lands and waters defined in Section 8 - 1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

- a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide ~~as indicated on the State wetlands maps, and all state and private wetlands designated under Title 169 of the~~ **ENVIRONMENTAL ARTICLE** ~~Natural Resources Article,~~ Annotated Code of Maryland.
- b. All lands and water areas within 1,000 feet beyond the landward boundaries of state or private *wetlands* and the heads of tides designated under Title **169** of the **ENVIRONMENTAL ARTICLE** ~~Natural Resources Article,~~ Annotated Code of Maryland.
- c. Modification to these areas through inclusions or exclusions proposed by local *jurisdictions* and approved by the Commission as specified in Section 8 - 1807 of the Natural Resources Article, Annotated Code of Maryland.

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MAP ATTACHMENT

The aforementioned Critical Area Map is hereby adopted as an attachment to the Kent County Land Use Ordinance to serve as a temporary, overlay zone until the adoption of a new zoning map pursuant to the Comprehensive Rezoning and Update (CRU) 2020-2021 process that is currently underway.

BILL NO. 1-2021

CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.

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

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect following the approval of the Maryland Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

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.

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