

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

May 16, 2017
Legislative Session Day

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CODE HOME RULE
BILL NO. 3-2017

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

AN ACT to amend Article V, District Regulations, Section 2.3.19.5 Resource Conservation District, Special Exceptions, and Section 5.3.22.5 Critical Area Residential, Special Exceptions, Article VII, Special Exceptions, Section 6.42.5 Procedures, and Section 7.59.5 Special Exceptions by adding special exception provisions in the Resource Conservation and Critical Area Residential Districts of the *Kent County Land Use Ordinance* for the purpose of adding language which will allow the extension of private pier length standards exclusively to provide safe harbor for tall ships in the event of a hurricane or other severe weather-related threat.

THE COUNTY COMMISSIONERS OF KENT COUNTY



William W. Pickrum, President

INTRODUCED, read first time, May 16, 2017, ordered posted and public hearing scheduled on June 13, 2017, 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 June 13, 2017. Reported favorably [with] [without] amendments; read third time and ordered to be considered on June 20, 2017, a legislative session day.

NOW THEREFORE BE IT ENACTED BY THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND that Article V, District Regulations, and Article VII, Special Exceptions, of the *Kent County Land Use Ordinance* is hereby amended by adding the following:

ARTICLE V
District Regulations

Section 2.3, Resource Conservation District, Special Exceptions

19.5 TIE-OUT PILINGS OF PRIVATE PIERS, *COMMUNITY PIERS*, AND PRIVATE SHARED PIERS, INSTALLED AT A DISTANCE NOT TO EXCEED 25% OF THE WIDTH OF THE WATERWAY, THE EDGE OF THE CHANNEL, OR 180 FEET FROM THE MEAN HIGH WATER MARK, WHICHEVER IS LESS, FOR THE EXCLUSIVE MOORING USE BY TALL SHIPS AS SAFE-HARBORS FROM HURRICANES AND OTHER SEVERE WEATHER-RELATED THREATS.

Section 5.3, Critical Area Residential District, Special Exceptions

22.5 TIE-OUT PILINGS OF PRIVATE PIERS, *COMMUNITY PIERS*, AND PRIVATE SHARED PIERS, INSTALLED AT A DISTANCE NOT TO EXCEED 25% OF THE WIDTH OF THE WATERWAY, THE EDGE OF THE CHANNEL, OR 180 FEET FROM THE MEAN HIGH WATER MARK, WHICHEVER IS LESS, FOR THE EXCLUSIVE MOORING USE BY TALL SHIPS AS SAFE-HARBORS FROM HURRICANES AND OTHER SEVERE WEATHER-RELATED THREATS.

ARTICLE VII
Special Exceptions

Section 6, Procedures

42.5 TIE-OUT PILINGS OF PRIVATE PIERS, *COMMUNITY PIERS*, AND PRIVATE SHARED PIERS, INSTALLED AT A DISTANCE NOT TO EXCEED 25% OF THE WIDTH OF THE WATERWAY, THE EDGE OF THE CHANNEL, OR 180 FEET FROM THE MEAN HIGH WATER MARK, WHICHEVER IS LESS, FOR THE EXCLUSIVE MOORING USE BY TALL SHIPS AS SAFE-HARBORS FROM HURRICANES AND OTHER SEVERE WEATHER-RELATED THREATS.

Section 7, Special Exceptions

59.5. TIE-OUT PILINGS OF PRIVATE PIERS, *COMMUNITY PIERS*, AND PRIVATE SHARED PIERS, INSTALLED AT A DISTANCE NOT TO EXCEED 25% OF THE WIDTH OF THE WATERWAY, THE EDGE OF THE CHANNEL, OR 180 FEET FROM THE MEAN HIGH WATER MARK, WHICHEVER IS

LESS, FOR THE EXCLUSIVE MOORING USE BY TALL SHIPS AS SAFE-HARBORS FROM HURRICANES AND OTHER SEVERE WEATHER-RELATED THREATS IN RCD AND CAR PROVIDED:

- A. PRIVATE PIERS, *COMMUNITY PIERS*, AND PRIVATE SHARED PIERS IN RCD AND CAR ARE SUBJECT TO THE STIPULATIONS AND *REGULATIONS* OF ARTICLE VI, SECTION 3.7 OF THIS ORDINANCE.**
- B. NO PORTION OF A PIER CONSISTING OF ANY COMBINATION OF NON-FLOATING FIXED PLATFORMS, AND/OR FLOATING STRUCTURES, WITH DECKING EXTENDING OUT OVER THE WATER TO PROVIDE PEDESTRIAN ACCESS, MAY EXCEED 25% OF THE WIDTH OF THE WATERWAY, THE EDGE OF THE CHANNEL, OR 150 FEET IN LENGTH, WHICHEVER IS LESS.**
- C. ANY TIE-OUT PILINGS INSTALLED MORE THAN 150 FEET FROM THE MEAN HIGH WATER MARK SHALL BE FOR THE EXCLUSIVE MOORING USE BY TALL SHIPS AND FOR NO OTHER USE.**
- D. THE TERM "TALL SHIPS" MEANS ANY LARGE TRADITIONALLY-RIGGED SAILING VESSELS, INCLUDING SCHOONERS, WHICH ARE FEDERALLY DOCUMENTED WITH HOME PORTS LOCATED IN KENT COUNTY, MARYLAND.**
- E. THE TERM "HURRICANES AND OTHER SEVERE WEATHER-RELATED THREATS" MEANS WEATHER EVENTS WHICH ARE THE SUBJECTS OF A TROPICAL STORM WATCH, TROPICAL STORM WARNING, HURRICANE WATCH, OR HURRICANE WARNING ISSUED BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the 30th day of June, 2017.

Read Third Time June 20, 2017

PASSED this 20th day of June, 2017

Failed of Passage _____

By Order of:



Sondra 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.