

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

May 16, 2023
Legislative Session Day

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CODE HOME RULE
BILL NO. 2-2023

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

AN ACT to amend Chapter 222, Zoning, of the Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance, in order to update Article V. District Regulations, Section 11. Commercial District, § 11.5 Density, Area, Height, Width, and Yard Requirements, by adding a new provision to regulate the height of industrial structures in general and by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; to update Article V. District Regulations, Section 14. Employment Center District, § 14.5 Density, Height, Width, Bulk, and Fence Requirements, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; to update Article V. District Regulations, Section 15. Industrial District, § 15.5 Density, Height, Width, and Fence Requirements, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; and to update Article XI, Definitions, Section 2. Definitions, by adding a new definition for the Route 301 Corridor, inserted as item #278.25.

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

Ronald H. Fithian, President

INTRODUCED, read the first time, May 16, 2023, ordered posted and public hearing scheduled on June 13, 2023, 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 the time and place of the hearing and copies having been made available to the public and the press, a public hearing was held on June 13, 2023. Reported favorably [with] [without] amendments; read the second time and ordered to be considered on July 18, 2023, a legislative session day.

BILL NO. 2-2023

CAPITALS & BOLD INDICATES MATTER ADDED TO EXISTING LAW.

Strike through indicates matter deleted from existing law.

A BILL ENTITLED CHR 2-2023 INDUSTRIAL STRUCTURES IN 301 CORRIDOR

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:

SECTION 1.

ARTICLE V.
DISTRICT REGULATIONS

SECTION 11. COMMERCIAL DISTRICT

...

11.5 DENSITY, AREA, HEIGHT, WIDTH, AND YARD REQUIREMENTS

...

Height ¹

- **INDUSTRIAL STRUCTURE** 45 FEET
- **INDUSTRIAL STRUCTURE** 60 FEET
- IN 301 CORRIDOR
- Commercial *structure* 45 feet
- Residential *structure* 38 feet
- Fence ²
- Security 8 feet
- Ornamental
- Front and *side yard* 4 feet
- Rear *yard* 8 feet

¹ Except in an area defined as the Kent County *Airport* Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn driers; elevator bulkheads; fire towers; water towers; standpipes; and flag poles.

² Fences do not need to meet yard requirements.

SECTION 2.

ARTICLE V.
DISTRICT REGULATIONS

SECTION 14. EMPLOYMENT CENTER DISTRICT

...

14.5 DENSITY, HEIGHT, WIDTH, BULK, AND FENCE REQUIREMENTS

| | STANDARD | INDUSTRIAL SUBDIVISION |
|---|-----------------------|---------------------------|
| ... | | |
| Height | | |
| - Industrial <i>structure</i> | 45 feet | 45 feet |
| - INDUSTRIAL STRUCTURE IN 301 CORRIDOR | 60 FEET | 60 FEET |
| - Residential <i>structure</i> | 35 feet | 35 feet |
| - Towers, silos, etc. | 150 feet ⁵ | 150 feet ⁵ |
| - Fence ⁶ | | |
| - Security | 8 feet | 8 feet |
| - Ornamental | | |
| <i>Front and Side</i> | 4 feet | 4 feet |
| <i>Rear</i> | 8 feet | 8 feet |
| Maximum building footprint | | |
| - Distribution Center | | |
| - Route 301 Corridor | NA | NA |
| - Other locations | 75,000 sq. ft. | 75,000 sq. ft. |
| - Other industrial <i>buildings</i> | | |
| - Route 301 Corridor | NA | NA |
| - Other locations | 250,000 sq. ft. | 250,000 sq. ft. |
| - Office <i>buildings</i> * | 10,000 sq. ft. | 10,000 sq. ft. |

⁵ Except in the *Airport Safety Zone*

⁶ Fences do not need to meet the yard requirements.

SECTION 3.

ARTICLE V.
DISTRICT REGULATIONS

SECTION 15. INDUSTRIAL DISTRICT

...

15.5 DENSITY, HEIGHT, WIDTH, BULK, AND FENCE REQUIREMENTS

| | STANDARD | INDUSTRIAL SUBDIVISION |
|---|-----------------------|---------------------------|
| ... | | |
| Height | | |
| - Industrial <i>structure</i> | 45 feet | 45 feet |
| - INDUSTRIAL STRUCTURE IN 301 CORRIDOR | 60 FEET | 60 FEET |
| - Residential <i>structure</i> | 35 feet | 35 feet |
| - Towers, silos, etc. | 150 feet ⁵ | 150 feet ⁵ |
| - Fence ⁶ | | |
| - Security | 8 feet | 8 feet |
| - Ornamental | | |
| <i>Front and Side</i> | 4 feet | 4 feet |
| <i>Rear</i> | 8 feet | 8 feet |
| Maximum building footprint | | |
| - Distribution Center | | |
| - Route 301 Corridor | NA | NA |
| - Other locations | 75,000 sq. ft. | 75,000 sq. ft. |
| - Other industrial <i>buildings</i> | | |
| - Route 301 Corridor | NA | NA |
| - Other locations | 250,000 sq. ft. | 250,000 sq. ft. |
| - Office <i>buildings</i> * | 10,000 sq. ft. | 10,000 sq. ft. |

⁵ Except in the *Airport* Safety Zone.

⁶ Fences do not need to meet the yard requirements.

SECTION 4.

ARTICLE XI.
DEFINITIONS

SECTION 2. DEFINITIONS

...

278. Rooming House - A *building* where, for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons but containing no more than five guest rooms or *rental units*.

278.25 ROUTE 301 CORRIDOR - ONE OF TWO GROWTH AREAS IN KENT COUNTY IDENTIFIED BY THE COMPREHENSIVE PLAN, WHICH INCLUDES LAND ADJACENT TO AND ONE MILE EAST AND ONE MILE WEST OF THE NINE-MILE-LONG SECTION OF U.S. ROUTE 301, AS IT PASSES FROM NORTH TO SOUTH THROUGH KENT COUNTY, MARYLAND, AND ADDING THOSE PROPERTIES THAT ARE ZONED EMPLOYMENT CENTER AND INDUSTRIAL, WHICH ARE LOCATED ALONG MD 299 IN MASSEY.

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:

...

SECTION 5. BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the _____ day of _____, 2023.

Read Third Time _____

PASSED this _____ day of _____, 2023.

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.