

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

**June 21, 2022
Legislative Session Day**

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**CODE HOME RULE
BILL NO. 6-2022**

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 revising Article V., *District Regulations*, Section 7. *Village District*, 7.3 *Special Exceptions*, by adding a new sub-section 14, "Septic tank maintenance and excavation;" by revising Article VII., *Special Exceptions*, Section 6. *Procedures*, by adding the special exception as a new number 39.5 to the un-numbered sub-section that lists those uses requiring review by the Planning Commission prior to review by the Board of Appeals; by revising Article VII., *Special Exceptions*, Section 7. *Special Exceptions*, by creating a new sub-section 54.5 to provide for conditions for the special exception; and by clarifying the existing uses listed in the Land Use Ordinance by adding "and excavation" after "maintenance" in three places: Article V., *District Regulations*, Section 7. *Village District*, 7.2 *Permitted Principal Uses and Structures*, #27; Section 8. *Intense Village*, Section 8.2 *Permitted Principal Uses and Structures*, #10, and Section 9., *Intense Village Critical Area*, Section 9.2 *Permitted Principal Uses and Structures*, #13; and presented in the order that such provisions appear in the Land Use Ordinance.

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

P. Thomas Mason, President

INTRODUCED, read the first time, June 21, 2022, ordered posted and public hearing scheduled July 19, 2022, 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 July 19, 2022. Reported favorably [without] amendments; read a second time and ordered to be considered on August 2, 2022, a legislative session day.

BILL No. 6-2022

**A BILL ENTITLED CHR 6-2022
SEPTIC TANK MAINTENANCE AND EXCAVATION IN THE VILLAGE DISTRICT**

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 7. VILLAGE DISTRICT

...

7.2 PERMITTED PRINCIPAL USES AND STRUCTURES

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26. Data processing centers, subject to *site plan* review.

27. Home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance **AND EXCAVATION**, subject to *site plan* review

ARTICLE V.

DISTRICT REGULATIONS

...

SECTION 7. VILLAGE DISTRICT

...

7.3 SPECIAL EXCEPTIONS

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13. *Wind energy systems, small.*

14. SEPTIC TANK MAINTENANCE AND EXCAVATION, SUBJECT TO SITE PLAN REVIEW

BILL NO. 6-2022

CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.

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

ARTICLE V.

DISTRICT REGULATIONS

...

SECTION 8. INTENSE VILLAGE

...

8.2 PERMITTED PRINCIPAL USES AND STRUCTURES

...

9. Fire and rescue stations, subject to *site plan* review.
 10. Home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance **AND EXCAVATION**, subject to site plan review
-

ARTICLE V.

DISTRICT REGULATIONS

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SECTION 8. INTENSE VILLAGE CRITICAL AREA

...

9.2 PERMITTED PRINCIPAL USES AND STRUCTURES

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12. Funeral homes, subject to *site plan* review
 13. Home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance **AND EXCAVATION**, subject to *site plan* review
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ARTICLE VII.

SPECIAL EXCEPTIONS

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SECTION 6. PROCEDURES

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The *Planning Commission* shall review and send a recommendation to the Board of Appeals on the following special exceptions:

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39. Seafood processing

39.5 SEPTIC TANK MAINTENANCE AND EXCAVATION

40. *Sewage sludge land application*

...

ARTICLE VII.

SPECIAL EXCEPTIONS

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SECTION 7. SPECIAL EXCEPTIONS

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54. Seafood processing, including wholesale and retail sales in M provided:

...

54.5 SEPTIC TANK MAINTENANCE AND EXCAVATION IN V PROVIDED:

- a. BUILDINGS ASSOCIATED WITH THE USE ARE NOT VISUALLY INTRUSIVE OR INAPPROPRIATE TO THE SETTING.**
- b. NEW BUILDINGS AND EXPANSIONS SHALL BE DESIGNED IN KEEPING WITH OR TO ENHANCE THE CHARACTER OF OTHER BUILDINGS ON THE PROPERTY OR ADJACENT TO THE PROPERTY.**

- c. **ALL VEHICLES AND EQUIPMENT ASSOCIATED WITH THE BUSINESS MUST BE KEPT WITHIN A BUILDING OR SCREENED FROM THE VIEW OF PUBLIC ROADS AND ADJACENT PROPERTIES.**
- d. **ALL FENCES AND LANDSCAPING MUST BE APPROVED BY THE PLANNING COMMISSION AS PART OF SITE PLAN REVIEW.**

55. *Sewage sludge land application* in AZD provided:

...

DRAFT

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

(SEAL)

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.

BILL NO. 6-2022

CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.

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