



**AGENDA**  
Tuesday  
November 26, 2024  
**10:00 A.M.**  
**Virtual Meeting**

Members of the public are welcome to attend meetings in person or listen to the meeting via the audio-only phone number and conference identification number listed below.

1. Dial **1-872-239-8359**
2. Enter Conference ID: **526 224 704#**

Members of the public are asked to mute their phones/devices, until the Commission Chair opens the floor for comment.

**GENERAL DISCUSSION**

- 24-57 Wicomico Hunt Club, Inc. – Zoning Text Amendment ..... Rec to CCs  
Adding Dog Kennels, Fox Hunting Club as a permitted use on farms in RCD

**MINUTES**

October 23, 2023

**ADJOURN**

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PHONE PARTICIPATION – Members of the public are asked to mute their phones/devices, until the Chair opens the floor for comment. Please note that phone participation is dependent on service carriers and internet providers, this option may not be available for all meetings or be available during the entire meeting. In-person attendance is always recommended.

ONLINE VIEWING – Please note that although many meetings are recorded, the availability of video online is dependent on internet availability and functionality. Some members of the public may be able to watch a live video feed and/or view the video after the meeting at the County’s YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>.

PROTOCOL – Meetings are conducted in open session unless otherwise indicated. All or part of the meetings can be held in closed session under the authority of the MD Open Meetings Law by vote of the members. Breaks are at the call of the Chair. Meetings are subject to audio and video recordings. All applicants will be given the time necessary to assure full public participation and a fair and complete review of all projects. Agenda items are subject to change due to cancellations.





November 7, 2024

The Honorable Ronald H. Fithian, President  
Kent County Board of County Commissioners  
400 High Street  
Chestertown, MD 21620

**RE: Zoning Text Amendment regarding Dog Kennels, Fox Hunting Clubs**

Dear President Fithian:

At its meeting on November 7, 2024, the Planning Commission reviewed an application by Wicomico Hunt Club, Inc. for a zoning text amendment to amend the Kent County Land Use ordinance to include Dog Kennels, Fox Hunting Club as a permitted use on farms in RCD.

Following its discussion, the Planning Commission voted 6-0 to provide a favorable recommendation to the County Commissioners to amend Article 5 of the District regulations to allow *dog kennel, fox hunting clubs* on farms in the Resource Conservation District and also amend Article 11 which would read as follows: *dog kennel, fox hunting clubs* keeping of hounds owned by fox hunting club for the purpose of participating in the sport of fox chasing, breeding of hounds to perpetuate the sport of fox chasing, training the hounds for the sport of fox chasing, in addition to making sure that the kennels also have a 200-foot [setback] from the side or rear lot line and are in an existing building and that the waste is managed properly. It's found that this is in sync with the Comprehensive Plan and supporting natural and cultural, historic features of Kent County.

Sincerely,

Kent County Planning Commission

Joe Hickman  
Chairman

c: Shelley L. Heller, County Administrator



TO: Kent County Planning Commission  
FROM: Carla Gerber, AICP, Deputy Director  
MEETING: November 7, 2024  
SUBJECT: Zoning Text Amendment – Adding Dog Kennel, Fox Hunting Club

## Executive Summary

### Request by Applicant

Genevieve H.R. Macfarlane, Esq., on behalf of Wicomico Hunt Club, Inc., is requesting a text amendment to include Dog Kennel, Fox Hunting Club, as a permitted by right use on farms in the Resource Conservation District and to add a definition of Dog Kennel, Fox Hunting Club to the Land Use Ordinance.

### Public Process

Per Article XII, Section 6 of the Kent County *Land Use Ordinance* the Planning Commission shall review a proposed amendment, supplement, or change to the *Land Use Ordinance* and make recommendations to the County Commissioners.

### Summary of Staff Report

The proposed amendment would add Dog Kennel, Fox Hunting Club as a permitted use on farms in the Resource Conservation District and define the use in the Definitions.

The proposed text amendment supports County goals to expand activities that support natural resource-based activities and tourism and is consistent with multiple goals and strategies within the Kent County Comprehensive Plan that support agriculture and natural-resource based uses.

### Recommendation

Staff recommends that the proposed use be added as an accessory use on farms in RCD and not a principal use and that the use be conditioned upon:

1. Kennels are 200 feet from any side or rear lot line or in an existing building
2. Waste is properly managed
3. The fox hunting club is a member of the Masters of Foxhounds Association of North America (MFHA)

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission  
FROM: Carla Gerber, AICP, Deputy Director  
SUBJECT: Zoning Text Amendment – Adding Dog Kennel, Fox Hunting Club  
DATE: October 24, 2024

**DESCRIPTION OF PROPOSAL**

Genevieve H.R. Macfarlane, Esq., on behalf of Wicomico Hunt Club, Inc., is requesting an amendment to Article V, Section 2.2 of the Resource Conservation District, Permitted Principal Uses and Structures, to include Dog Kennel, Fox Hunting Club, as a permitted use on farms in the Resource Conservation District, as well as an amendment to Article XI, Section 2, Definitions, to add a definition of Dog Kennel, Fox Hunting Club.

Commercial dog kennels are a permitted accessory use on all properties in the Agricultural Zoning District under certain conditions. Commercial dog kennels are a special exception in the Rural Character, Rural Residential, and Critical Area Residential districts. Commercial dog kennels require that any open dog pens, runs, cages, or kennels be at least 200 feet from any side or rear lot line. Commercial dog kennels are defined as “the keeping of any dog or dogs, regardless of number, for breeding, sale, boarding, or treatment purposes, except in an animal hospital, dog parlor, or pet shop as permitted by these regulations. The keeping of five or more dogs, six months or older, for any purpose.”

**To amend Article V. District Regulations, Sections 2. Resource Conservation District (RCD), §2.2 Permitted Principal Uses and Structures, by adding a new # 19, which would read as follows:**

Dog Kennel, Fox Hunting Club, on farms

**To amend Article XI. Definitions, Sections 2 by adding a new #94.5, which would read as follows:**

Dog Kennel, Fox Hunting Club- The keeping of hounds owned by a fox hunting club for the purpose of participating in the sport of fox chasing, breeding of hounds to perpetuate the sport of fox chasing, and training the hounds for the sport of fox chasing.

**APPLICABLE LAW**

Article XII, Section 6 of the *Kent County Land Use Ordinance* establishes the standards for the review and approval of a zoning text amendment as follows.

1. The County Commissioners may amend, supplement, or change the boundaries of the districts or the regulations of this Ordinance. Any amendment may be initiated by a resolution of the County Commissioners, the motion of the Planning Commission, or petition of any property owner using forms specified by the Planning Commission.
2. The application for an amendment to the text of the Ordinance shall, at a minimum, state in particular the article section, and paragraph sought to be amended. The application shall contain the language of the proposed amendment and shall recite the reasons for the proposed change in text.

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4. Before taking any action on any proposed amendment, supplement, or change, the County Commissioners shall submit the proposal to the Planning Commission for review and recommendation. The Planning Commission may hold a hearing on any proposed amendment, supplement, or change before submitting its recommendation to the County Commissioners. The Planning Commission may request any pertinent data and information as it deems necessary. In its recommendation, the Planning Commission shall address:
  - a) The public need for the proposed amendment; and
  - b) The extent to which the proposed amendment complies with or deviates from the Comprehensive Plan and the Critical Area Law.
  - c) When reviewing an amendment to the zoning map, the Planning Commission shall address the suitability of the property in question for the uses permitted under the proposed zoning. The Planning Commission shall not recommend the adoption of the amendment unless it finds that the adoption of the amendment is in the public interest and not solely for the interest of the applicant. Failure of the Planning Commission to report to the County Commissioners within 60 days after its first meeting after the proposal was referred to them, shall be deemed approval.

#### **COMPREHENSIVE PLAN**

The proposed text amendment is consistent with multiple goals and strategies within the Kent County Comprehensive Plan.

- Maintain and strengthen natural resource and working lands based industries – page 15
- Enhance and expand locally based tourism that is rooted in the unique natural, cultural and historic features and qualities of Kent County – page 18
- Support agriculture as a permanent and preferred land use; promote Kent County as an agriculturally-friendly county – page 43

#### **STAFF COMMENTS**

The public need for the amendment is to expand activities that support natural resource-based activities and tourism.

The Resource Conservation District is intended for agriculture and natural resource-based uses. The proposed use is consistent with the intent of the district.

Staff recommends that the proposed use be added as an accessory use on farms in RCD and not a principal use and that the use be conditioned upon:

4. Kennels are 200 feet from any side or rear lot line or in an existing building
5. Waste is properly managed
6. The fox hunting club is a member of the Masters of Foxhounds Association of North America (MFHA)

Please note that Staff will also request these changes to the newly adopted ordinance when the County Commissioners review the suggested changes from the Critical Area Commission.

Staff recommends sending a favorable recommendation of the zoning text amendment as amended to the Board of County Commissioners.

**APPLICATION FOR TEXT AMENDMENT TO THE  
KENT COUNTY LAND USE ORDINANCE  
KENT COUNTY, MARYLAND**

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***Kent County Department of Planning, Housing and Zoning***

Kent County Government Center  
400 High Street • Chestertown, MD 21620  
410-778-7423 (phone) • 410-810-2932 (fax)

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Pursuant to Article XII, "Administrative Procedures" Section 6, "Amendments", of the Kent County Land Use Ordinance, I/We Wicomico Hunt Club, Inc. (F/K/A The Wicomico Hunt, Inc) C/O Genevieve H. R. Macfarlane, Esq.

**Applicant's Name**

of PO Box 616 Cecilton, MD 21913 (Applicant) Stevens Palmer, LLC 114 W. Water St. Centreville (counsel) (410) 758-4600 (Attorney Genevieve Macfarlane)

**Address**

**Telephone Number**

hereby petition the Kent County Commissioners to amend the Land Use Ordinance of Kent County, Maryland, as follows: Please see attached continuation sheet with proposed amendment to Article II, Section 3 and Article VII.

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The purpose of the proposed amendment is to permit: Dog Kennel, Fox Hunting Club on farms greater than 20 acres in the RCD.

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Genevieve H. R. Macfarlane, Esq. Counsel for Applicant

**Applicant's Signature**

October 2, 2024

**Date**

**Please Note:** The application for an amendment to the text of this Ordinance shall, at a minimum state in particular, the Article, Section, and paragraph sought to be amended. The application shall contain the language of the proposed amendment.

**Instructions:** The application shall be accompanied by \$500.00 filing fee, payable to the County Commissioners of Kent County.

**For Office Use Only:**

File Number	_____
Date Filed	_____
Date Referred to Planning Commission	_____
Date Recommend. Rec'd from Plan. Comm.	_____
County Comm. Public Hearing Date	_____
County Commissioners Action	_____
Date of Action	_____
Property Posted	_____



114 West Water Street, Centreville, Maryland 21617  
410-758-4600 [www.spp-law.com](http://www.spp-law.com)  
gmacfarlane@spp-law.com

October 2, 2024

**VIA E-MAIL AND HAND DELIVERY**

Planning Commission of Kent County  
400 High Street  
Chestertown, MD 21620  
[cgerber@kentgov.org](mailto:cgerber@kentgov.org)

Re: Wicomico Hunt Club, Inc.'s Application for Text Amendment to the  
Kent County Zoning Ordinance, Dog Kennels- Fox Hunting Club

Dear Honorable Commissioners:


On behalf of Wicomico Hunt Club, Inc. ("WHC"), please accept the enclosed Application for Text Amendment to the Kent County Zoning Ordinance ("Application"). WHC desires to move its kennels to Kent County to perpetuate the sport of fox chasing on the Eastern Shore. Kent County has a rich history of fox chasing as Chestertown was home to the kennels previously held by Mr. Wilbur Ross Hubbard, who rode to hounds well into his nineties. Currently, WHC has many members that are residents of Kent County and who wish to continue the fox chasing traditions of agricultural preservation and conservation efforts.

WHC has identified the property of a prospective professional huntsman and home for the hounds that is a 20+ acre farm in the Resource Conservation District. Accordingly, we ask that the Zoning Ordinance be amended to include Dog Kennels, Fox Hunting Club as a permitted by right use in the Resource Conservation District on farms over 20 acres.

Please do not hesitate to reach out if you should have any questions or need anything else from us. Thank you for your time and consideration.

Sincerely,

STEVENS PALMER, LLC

By:   
Genevieve H. R. Macfarlane, Esq.

Enclosures

Cc: James Griffin, Esq., Wicomico Hunt Club, Inc. Master of Foxhounds  
Edwin Fry, Wicomico Hunt Club, Inc. Master of Foxhounds  
Cara Godack, Wicomico Hunt Club, Inc., Associate Master of Foxhounds  
Alison Howard, Wicomico Hunt Club, Inc. Associate Master of Foxhounds

Attachment to Application for Text Amendment  
to the Kent County Zoning Ordinance  
Submitted by Genevieve H. R. Macfarlane, Esq. on behalf of Wicomico Hunt Club, Inc.  
Dated October 2, 2024

(Note: **Bold, underlined** text denotes text to be added.):

## ARTICLE II. DISTRICTS

### SECTION 3. RESOURCE CONSERVATION DISTRICT

\* \* \* \*

A building or land shall be used only for the following. Detailed limitations and standards for these uses may be found in Article III. Administrative special exceptions are indicated by letter “A.” “B” indicates exceptions that require only Board of Appeals review. All other exceptions require Planning Commission and Board of Appeals reviews per Article IV.

**Dog Kennel, Fox Hunting Club- Permitted by right on farms only** **X**

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## ARTICLE VII. DEFINITIONS

**Dog Kennel, Fox Hunting Club- The keeping of hounds owned by a fox hunting club for the purpose of participating in the sport of fox chasing, breeding of hounds to perpetuate the sport of fox chasing and training the hounds for the sport of fox chasing.**

\* \* \* \*

The purpose of the proposed text amendment is to allow kennels for fox chasing hounds on farms greater than 20 acres in the Resource Conservation District. Kent County has a rich history of fox chasing. This amendment allows the sport to continue to operate in Kent County and is in conformity with the comprehensive plan as fox chasing is a complementary sport to agriculture and conservation.





**DRAFT**

**Agriculture Advisory Commission**  
**Department of Planning, Housing, and Zoning**

## **MINUTES**

October 23, 2023  
6:30 p.m.

The Kent County Agriculture Advisory Commission met on Monday, October 23, 2023, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Jennifer Debnam, Chair; Sean Jones, Valerie Mason, John Henry Myers, and Jeff Pettitt. Also, present were Bill Mackey, Director, and Carla Gerber, Deputy Director.

The meeting was called to order at 6:30 p.m.

### **MINUTES**

The minutes of the meeting on September 6, 2023, were approved as submitted.

### **GENERAL DISCUSSION**

*Proposed DRAFT Land Use Ordinance for Review*

The Agriculture Advisory Commission continued their discussion from September 6th's meeting on the draft land use ordinance. Mr. Mackey agreed to make changes per their recommendation.

### **ADJOURN**

There being no further business, the meeting adjourned at 7:53 p.m.

/s/ Jennifer Debnam  
Jennifer Debnam, Chair

/s/ William Mackey  
William Mackey, AICP, Director