



Kent County Planning Commission  
Department of Planning, Housing, and Zoning  
400 High Street, Suite 130  
Chestertown, MD 21620  
410-778-7423 (voice/relay)

County Commissioners Hearing Room  
400 High Street  
Chestertown, Maryland

**AGENDA**  
February 3, 2022  
1:30 p.m.

Members of the public are welcome to attend meetings in person or via conference call. Please note that the County’s live stream video is temporarily unavailable.

Public participation and audio-only call-in number:

- 1. Dial **1-872-239-8359**
- 2. Enter Conference ID: **604 263 261#**

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

**MINUTES**

January 6, 2021

**APPLICATIONS FOR REVIEW**

21-69 Rell’s Auto/Durrell Jackson (Murray Partnership, LLC, property owner) – Major Site Plan  
10829 Worton Road – Third Election District – Village (V).....PC Decision

**PUBLIC HEARING**

Resolution 2021-18, Resolution to Introduce a Text Amendment to Revise Chapter 222,  
Zoning, To Remove the Requirement Related to the Maximum Percentage of Property in  
Lots (10% rule) from the Agricultural Zoning District (AZD) ..... Rec to CCs

Resolution 2021-19, Resolution to Introduce a Text Amendment to Revise Chapter 222,  
Zoning, to Amend Setbacks for Certain Animal-Related Uses from 600 Feet and 400 Feet to  
200 Feet in AZD..... Rec to CCs

**GENERAL DISCUSSION**

2022 Transportation Priority Letter

**STAFF REPORTS**

**ADJOURN**

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Planning Commission 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 Chairman. Meetings are subject to audio and video recordings.

All applications 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.



## MINUTES

The Kent County Planning Commission met in regular session on Thursday, January 6, 2022, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. It was a hybrid meeting, and the following members were in attendance: Chair Kim Kohl; Vice Chair F. Joseph Hickman; County Commissioner P. Thomas Mason; Paul J. Ruge, Jr.; James Saunders; William Sutton; and Cynthia L. McCann, Esq., Planning Commission Attorney. Staff in attendance were William Mackey, Director, participating remotely; Carla Gerber, Deputy Director; Mark Carper, Associate Planner; and Michael Pelletier, Clerk.

Chair Kohl called the meeting to order at 1:30 p.m.

### ELECTION OF OFFICERS

Chair Kohl announced to the Commission that she was stepping down from her position after this meeting.

Mr. Ruge nominated Vice-Chair Hickman to be the next Chair of the Planning Commission. Chair Kohl seconded. The Commission approved the nomination unanimously and Vice-Chair Hickman was elected the next Chair of the Planning Commission. Vice-Chair Hickman abstained from the vote.

Vice-Chair Hickman nominated Mr. Ruge to become the new Vice-Chair of the Planning Commission. Mr. Saunders seconded the nomination, and the Commission members approved the nomination unanimously. Mr. Ruge was elected the next Vice-Chair of the Planning Commission. Mr. Ruge abstained from the vote.

### MINUTES

Mr. Sutton made a motion to accept the minutes for the December 2, 2021, meeting, as distributed.

Mr. Saunders seconded the motion; the motion passed with all in favor.

### APPLICATIONS FOR REVIEW:

#### **21-37 Bonnie Plants LLC – Site Plan Review (Final)**

Bonnie Plants LLC is proposing to construct a 30-foot by 84-foot one-story structure to house up to twenty-four H2A guest workers from February through July. The dormitory is proposed to have two independent units that will house up to twelve workers in each unit.

The property is located at 12515 Augustine Herman Highway and is zoned Agricultural Zoning District (AZD) and Crossroads Commercial (CC). The dormitory will be located on the rear of the property within the AZD portion. The surrounding area is a mix of commercial uses and farmland. The property is currently improved with many greenhouses and associated structures which are used to grow herbs and vegetables.

The Board of Appeals granted a special exception for migrant housing in October 2021. The approval was conditioned upon adding a landscape screen behind the proposed structure and obtaining final site plan approval.

Ms. Gerber cited the applicable laws as well as staff and TAC comments as outlined in the staff report.

No correspondence was received on this application and staff recommended approval.

David Drury, representing Bonnie Plants LLC and who resides at 29215 Glencoe Road, Kennedyville, Maryland, was sworn in to testify. Mr. Drury informed the Commission that they have already planted the screen of white pines. He contended that staff did an accurate job in relaying the facts.

Mr. Hickman appreciated Mr. Drury working with the community regarding their concerns. Mr. Drury indicated they will continue to work with the community.

Chair Kohl inquired as to what would happen with the structure if Bonnie Plants was not using it for migrant housing. Mr. Drury indicated that if the structure was not used then it would remain dormant, and he confirmed they would not use the structure for any other purpose now or in the future.

Mr. Sutton stated he felt that everything appears to be covered very well. Chair Kohl agreed.

Mr. Hickman moved to grant final site plan approval on this application based on the following findings of facts:

- The proposal is consistent with the strategies and goals of the Comprehensive Plan.
- The property is served by private well and septic. The Health Department has approved the septic reserve area.
- Formal stormwater management and sediment control plans are not required.
- The proposed building will be located approximately 70 feet from the closest property line.
- The proposed building will meet all Federal Department of Labor Standards for H2A workers.
- There are no proposed changes to site access.
- A Forest Conservation Agricultural Declaration of Intent has been submitted.
- Individual cars for workers will not be parked onsite.
- A Citizens Participation letter was sent to neighboring properties.
- A landscape screen of white pines has been planted.

Mr. Ruge seconded the motion. All members were in favor.

#### **21-65 The Bungalow, LLC – Variance (Side Yard Setback)**

The Bungalow, LLC is requesting a 14-foot variance from the required 15-foot side yard setback in order to demolish an existing dwelling and replace it with a small, single-family residence that will be one (1) foot from the side property line. They are also requesting a 12-foot variance from the required 15-foot side yard setback to remove a portion of an existing patio and replace it with a small swimming pool that will be three (3) feet from the opposite side property line. The property is located at 25171 Wymont Park Road in the Third Election District and is zoned Critical Area Residential.

Mr Carper provided background information and noted the applicable laws as outlined in the staff report. Staff recommends forwarding a favorable recommendation to the Board of Appeals.

Mr. Bill Crowding, on behalf of the applicant, 25237 Porters Grove Road, Worton, Maryland, was sworn in to testify.

Mr. Crowding noted that the property was purchased in 2021 by the neighbors to the east and west who formed The Bungalow, LLC. It has primarily been used as a vacation home and has been subject to mildew and a substandard foundation. It was determined the best course of action was to demolish the old structure and replace it. The proposed pool is more of a reflection pool than a swimming pool in nature. The proposed structure

has fewer square feet than the original dwelling. He informed the Commission that they will do the minimum amount of disturbance on this site. A new BAT septic system will be installed. He added it will simply be used as a guest house for both families.

Vice-Chair Hickman asked if there would be any work performed in the buffer. Mr. Crowding indicated they would not, and the property would actually be accessed from the West by a private road that comes within 10 feet of the lot.

Mr. Crowding informed Chair Kohl that the property will not be used as a rental and its only purpose will be as a guesthouse.

Mr. Ruge inquired as to whether the pool will have a cover. Mr. Crowding indicated it will have a retractable cover.

Mr. Ruge inquired whether there was access to a road or is it accessible only by the neighbors who co-own the property. In the event the property is sold, would it be landlocked. Mr. Crowding indicated that there were steps that lead to a parking area.

In response to an inquiry by Vice-Chair Hickman, Mr. Crowding noted that he met with the Health Department, and they will be putting a BAT system on the premises. Chair Kohl asked whether they could make a BAT system a condition on the variance. Mr. Crowding noted that pursuant to Maryland Law, if you replace a septic system in the Critical Area, it has to be a BAT system. Mr. Saunders agreed and added that based on his conversations with the Health Department, that any septic system replacements in the state have to be a BAT system. Mr. Saunders noted that what Mr. Crowding is proposing is a much more efficient system than what is currently in place.

Ms. McCann confirmed they can make a recommendation on both variances with one motion.

Mr. Hickman made a motion to send a favorable recommendation to the Board of Appeals on both variance applications based on the following:

- There will be no detriment to the neighboring properties.
- The swimming pool will not be closer to existing property lines.
- The variance is in harmony with the neighborhood.
- The side yard setback is consistent with neighboring properties.
- The variance is consistent with the Comprehensive Plan which encourages replacing substandard structures with sound structures.
- It is assumed pursuant to Maryland law that the Kent County Health Department will require the applicant to install a BAT septic system.
- The practical difficulties are that the property is on a steep slope along the entire property and the property is only 47 feet wide. The septic reserve area is in the open area to the top of the lot.
- The lot coverage will not be increased.
- The variance is in harmony with Kent County law.
- The variance will not cause adverse water quality or effect wildlife or forestry.
- The practical difficulties were not caused by the applicants.
- The variance request is a reasonable use of the entire property.

Mr. Sutton seconded the motion. All members approved and the Commission issued a favorable recommendation to the Board of Appeals on both variance applications.

**21-66 Beechwood Glen HOA – Variance (Pier and Side Yard Setback)**

Beechwood Glen, Inc., aka, Beechwood Glen Homeowners Association, is requesting a variance from the 150-foot pier length limit and side setback requirements in order to construct a replacement pier. The applicant proposes to remove and replace the existing 187-foot pier with a 256-foot pier. The number of slips will not change, but the slips will be wider. The property is zoned Critical Area Residential, and the surrounding area is characterized by a residential neighborhood and the Greg Neck Boat Yard just to the north. The property is at the mouth of Swantown Creek on the Upper Sassafra River.

Ms. Gerber provided background information and noted the applicable laws as outlined in the staff report. Staff recommends sending a favorable recommendation to the Board of Appeals for the side setback and pier length variances.

No correspondence was received on the application.

Corey Downer, Dockmaster, 14022 East Beechwood Road, Galena, Maryland, was sworn in to testify. Lori Sample, with Riptide Marine Construction, LLC, was also sworn in to testify.

Mr. Downer informed the Commission that the dock was built in 1968 and in recent years, new, younger residents have moved into the neighborhood. These newer residents are interested in having new boats. Currently the dock can only accommodate 2 boats of 21 feet in length, with current average beam. The remaining slips can only accommodate smaller vessels such as john boats and fishing boats. The HOA is currently working with Riptide Marine Construction to come up with a solution to address the shallowness of the water that has happened over the past several decades.

Ms. Sample testified that their goal is not to gain anything better but to return to the community water access which they already enjoyed prior to the receding of the water depth.

Vice-Chair Hickman asked whether there was a pumphouse station on the premises. Mr. Downer noted there was not one currently. Mr. Hickman raised this was a significant increase in distance of the pier and that it shouldn't be a practical difficulty that they cannot get bigger boats in there or that it is too shallow because that effectively would mean you could move the dock anywhere. A better rationale would be safety issues, neighbors, and putting less impact on the SAVs because you are getting boats out of the shallow area. Vice-Chair Hickman is concerned about creating a precedent. Chair Kohl agreed.

A member asked if the neighbors to the east and west were members of the HOA. Mr. Downer indicated they are not members. Ms. Sample indicated they would make accommodations if there were any other suggestions such as additional lighting, and they will most likely do that anyway.

Mr. Ruge inquired about swimming from the pier and potential liability. Mr. Downer indicated it is only available to the twenty HOA members. Ms. Sample indicated that signs could be posted concerning swimming and they do not want kids swimming from the end of the pier.

Vice-Chair Hickman inquired about whether DNR does an inspection on SAVS. Ms. Gerber was unaware if they do a site inspection, but they do monitor aerial photography and consult with the Riverkeepers. Ms. Sample indicated there is a specific website that does yearly maps of SAV, and it clearly labels where piers cannot be built. MDE,

DNR and Army Corps of Engineers monitor this information. Ms. Gerber indicated that SAVs appear one year and disappear the next in some cases.

Ms. Sample added that all material will be brought in by water so there will be no disturbance to the buffer area, and the disturbance to the floor only consists of driving pilings.

Ms. Sample noted the plan was not reviewed by the Riverkeeper.

Mr. Ruge raised concerns whether there is road access. Mr. Downer indicated there was from the stairs of the properties and a road from a neighboring property. This access could be utilized in the event of an emergency. The cloudiness of liability was also a discussion that could not be cleared up during this meeting. Mr. Downing would discuss this issue with the HOA about getting something formal so they could use the road in an emergency.

Mr. Hickman moved to send a favorable recommendation to the Board of Appeals on the variance application based on the following findings:

- The variance seeks to replace an existing pier.
- The current pier is in poor condition and needs replacement.
- The variance would allow the pier to better comply with the Land Use Ordinance by not crossing property lines.
- The character of the neighborhood would not change.
- The proposal matches the existing angles of the neighboring piers.
- The proposal seeks to serve 20 single family homes and to provide safe access to the water.
- The proposal is not inconsistent with the Comprehensive Plan.
- Practical difficulties exist for safe access to the water and to protect SAVs.
- The practical difficulties were not caused by the current owners but existing natural conditions.
- The proposal provides an environmental benefit.
- The proposal would provide a pump out station.

Mr. Ruge seconded the motion. All members voted unanimously for a favorable recommendation.

#### **GENERAL DISCUSSION:**

Ms. McCann provided a proposed Draft Forest Conservation Easement Template. Ms. McCann indicated that typically, an applicant's lawyer would present such an agreement. These agreements were not always drafted the same and are typically generic. The draft was compiled from a review of several existing Forest Conservation Easements from neighboring counties. The template was forwarded to Tom Yeager, Esq. since the easement rights would be granted to the County Commissioners. Ms. McCann is awaiting a response and comments from his review.

Chair Kohl asked if the Planning Commission needed to vote on this document. Ms. McCann indicated the Planning Commission could vote to make a recommendation to the County Commissioners. Ms. McCann confirmed this template could streamline the process.

Vice-Chair Hickman asked if this would be a required document or could applicants provide their own. Ms. McCann noted it would be suggested for them to use it, and it would be more cost effective to the applicant.

**DRAFT**

Vice-Chair Hickman moved to forward a favorable recommendation to the County Commissioners to approve the proposed County Forest Conservation Easement template. Mr. Saunders seconded the motion. The motion passed with all members in favor.

#### **STAFF REPORTS**

Mr. Carper indicated that staff would be working to initiate staff training for Floodplain Management with the State of Maryland.

Ms. Gerber indicated that Myra Butler with Parks and Recreation had submitted the 2022 Land Preservation, Parks and Recreation Plan for review by DNR and that will probably come before the Commission in March to make a recommendation to the County Commissioners for adoption. A consultant had been retained for the update to this plan and it went smoothly. Ms. Gerber extended her thanks to Ms. Butler and the consultant for their hard work on this project.

Ms. Gerber noted she attended the MACo Winter Conference which included sessions on the Open Meetings Act, Diversity, Equity and Inclusion, Agritourism, Parks and Recreation and Broadband Infrastructure.

She also noted the Board of Appeals granted the Pavon variance for the remodeling of their house on Macs Lane.

Mr. Mackey wanted to extend his thanks to Chair Kohl for her 10 years of service and noted she has been a wonderful Chair to work with. The remaining members of the Commission extended their thanks to Chair Kohl for her service to the County.

#### **ADJOURN**

Mr. Ruge made a Motion to Adjourn which was seconded by Mr. Sutton. The meeting adjourned at 2:50 pm.

\_\_\_\_\_  
Kim Kohl, Chair

    /s/ Michael Pelletier      
Michael Pelletier, Clerk

\_\_\_\_\_  
Joe Hickman, Vice-Chair

**DRAFT**





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

To: Kent County Planning Commission  
From: Carla Gerber, Deputy Director  
Meeting: February 3, 2022  
Subject: Rell's Auto/Durrell Jackson, applicant  
Murray Partnership, LLC, property owner  
21-69: Site Plan – Combined Concept, Preliminary and Final Review

### **EXECUTIVE SUMMARY**

#### **Request by Applicant**

The applicant is proposing to construct a 6-foot fence in the rear yard to create a secure location to store towed vehicles in order to expand his business.

#### **Public Process**

Per Maryland State Law and Article VI, Section 5 of the Kent County *Land Use Ordinance* the Planning Commission shall review and approve Major Site Plans.

#### **Summary of Staff Report**

The property is located at 10829 Worton Road and is zoned Village (V). An auto repair shop was operating on the site prior to 1989 and the Land Use Ordinance allows for the reasonable expansion of existing commercial uses, provided such uses do not constitute a nuisance or a source of significant environmental pollution. The surrounding area is a mix of commercial, industrial, and residential uses. The property is currently improved with garage used to repair vehicles. The proposal is consistent with the Comprehensive Plan and meets the requirements of the Ordinance.

#### **Staff Recommendation**

Staff recommends approving the site plan.

## PRELIMINARY STAFF REPORT

To: Kent County Planning Commission  
From: Carla Gerber, Deputy Director  
Subject: Rell's Auto/Durrell Jackson, applicant  
Murray Partnership, LLC, property owner  
21-69: Site Plan – Combined Concept, Preliminary and Final Review  
Date: January 27, 2022

### Description of Proposal

Mr. Jackson, the applicant, is proposing to construct a 6-foot fence in the rear yard of the property he leases for his auto repair business. A graveled parking area will be added within the fenced area. The fence will be a vinyl panel, privacy fence. The purpose is to create a secure area to store towed vehicles which will allow him to be placed on the Maryland Department of Transportation towing list. This new service is considered an expansion of the existing business. It will not change the current hours of operation. No new lighting will be required.

The property is located at 10829 Worton Road and is zoned Village (V). The surrounding area is a mix of commercial, industrial, and residential uses. The property is currently improved with a garage used to repair vehicles. A business of this nature has existed in this location since at least August 1, 1989.

### Relevant Issues

#### I. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Section 7.2.20 of the Kent County *Land Use Ordinance* permits as principal uses existing commercial or industrial uses and *structures* in the Village District. It is the intent of this Section to provide for the continued existence and operation as well as the reasonable expansion of commercial and industrial uses which exist in the Village District, provided that such uses or *structures* do not constitute a nuisance or a source of significant environmental pollution. It is not the intent hereof to allow the creation of new commercial or industrial uses which are not permitted under this Section, but rather to protect those enterprises which existed in the Village District as of August 1, 1989. An expansion will require *site plan* review.
- B. *Staff and TAC Comments:* Site plan review is required for this application. The proposal will not change the existing use of the parcel.

#### II. Density, Height, Width, Bulk, and Fence Requirements

- A. *Applicable Law:* Article V, Section 7.5 of the Kent County *Land Use Ordinance* establishes the density, height, width, bulk, and fence requirements for the Village District. The maximum height of a security fence is 8 feet.
- B. *Staff and TAC Comments:* The applicant is proposing a 6-foot fence in the rear yard. Fences do not need to meet yard requirements and do not require building permits to construct.

### Site Plan Review

- A. *Comprehensive Plan:* "Insure that all new development or redevelopment meets a high standard of planning, workmanship, and design." (Page 21)

- B. *Applicable Law:* Article VI, Section 5 of the Kent County *Land Use Ordinance* establishes the procedures and requirements for site plan review. Site Development Plans are required to ensure that new development complies with the Comprehensive Plan, Land Use Ordinance, Village Master Plans and other agency requirements, thereby promoting the health, safety, and general welfare of Kent County residents.

At each stage of review the Planning Commission shall review the site plan and supporting documents taking into consideration the reasonable fulfillment of the following objectives:

- a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan.
  - b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
  - c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
  - d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
  - e. Reasonable demands placed on public services and infrastructure.
  - f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
  - g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
  - h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
  - i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
  - j. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and the natural landscape.
- C. *Staff and TAC Comments:*
- The proposal is consistent with goals of the Comprehensive Plan to support existing businesses and insure that development is completed in a context sensitive manner.
  - The State Highway Administration has no comments regarding this site plan.
  - Sufficient parking is available. On site traffic patterns will not change.
  - No new lighting is proposed.
  - Public water and sewer lines serve the property.
  - Stormwater management and sediment control plans are not required. No sureties are required.
  - The Health Department has approved this application.
  - The Department of Public Works has reviewed the fence next to the Worton Water Treatment Plant and see no issues with the application.
  - No vegetation is proposed to be removed. No new landscaping is proposed.
  - No additional signage is proposed at this time.
  - Staff determined that a Citizen Participation Plan was not necessary.

## **STAFF RECOMMENDATION**

Staff recommends granting final site plan approval.

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)

SITE PLAN APPLICATION

File Number: \_\_\_\_\_ Amount Paid: \_\_\_\_\_ Date: \_\_\_\_\_

Project Name: Rellis Auto Repair

District: 3 Map: 28 Parcel: 48 Lot Size: 0.35Ac Deed Ref: 923/466 Zoning: Village

LOCATION: 10829 Worton Road - Worton, MD 21678

PROPOSED USE: Auto Repair Garage

OWNER OF LAND:

Name: Murray Partnership, LLC Telephone: 410-810-2886

Address: 505 Seney Road - Church Hill MD 21623 Email: info@rellisautorepair.com

APPLICANT:

Name: Durrell Jackson Telephone: 443-282-8731

Address: 10829 Worton Road - Worton, MD 21678 Email: djackson@rellisautorepair.com

AGENT/ATTORNEY (if any):

Name: Timothy J. Marshall (Rauch, Inc.) Telephone: 410-770-9081

Address: 106 N. Harrison St. - Easton, MD 21601 Email: tim@rauch

REGISTERED ENGINEER OR SURVEYOR:

Name: William M. Ewald, Sr (Rauch, Inc.) Telephone: 410-770-9081

Address: 106 N. Harrison St. - Easton, MD 21601 Email: bill@raucheng.com

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: \_\_\_\_\_

Water Supply:  Public System  On lot system

Sewerage:  Public System  On lot system

TELEPHONE SERVICED BY: Atlantic Broadband

ELECTRIC SERVICED BY: Delmarva Power

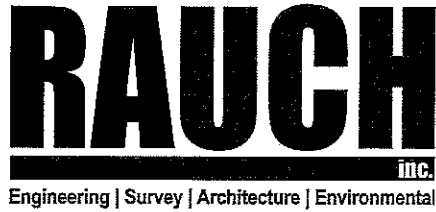
NOTICE: The Planning Office is not required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

Durrell Jackson  
Signature of Applicant

12-27-21

Date

- Concept Plan      Approving Authority: \_\_\_\_\_ Date: \_\_\_\_\_
- Preliminary      Approving Authority: \_\_\_\_\_ Date: \_\_\_\_\_
- Final      Approving Authority: \_\_\_\_\_ Date: \_\_\_\_\_



December 27, 2021

Kent County Planning Commission  
R. Clayton Mitchell, Jr. Kent County Government Center  
400 High Street  
Chestertown, Maryland 21620

NARRATIVE TO ACCOMPANY SITE PLAN FOR RELLS AUTO REPAIR  
10829 WORTON ROAD – WORTON, MARYLAND 21678

The following is a brief description of the existing and planned use of the property located at 10829 Worton Road in Worton, Maryland and known as Rell's Auto Repair.

Owner: Murray Partnership, LLC  
505 Seney Road – Church Hill, Maryland 21623  
Applicant/Developer: Durrell Jackson  
10829 Worton Road – Worton, Maryland 21678  
Address of Property: 10829 Worton Road – Worton, Maryland 21678  
Tax Map: 28, Grid 1B, Parcel 48 (No subdivision of record)  
Current Zoning: V – Village  
Existing & proposed use: Auto repair shop – Proposed Improvements: 6 foot fence in rear of property.

The existing site and surrounding area are a mix of small residential, commercial, and industrial properties which make up the current village of Worton at the intersection of Maryland Route No. 297 and the Penn Central Railroad (now part of the Maryland State Railroad Administration). This area also includes a large amount of open farmland, some wooded areas and Worton Regional Park – a 98 acre county owned park which includes athletic fields, tennis courts, and the current Kent County Community Center and Seasonal Pool.

Due to the type of proposed improvements on the property (construction of a yard fence at the rear of the site), there should be minimal to no impact on the proposed Comprehensive Plan, any environmental features, habitats, or watersheds.

The water and sewer service for the property are existing and should not change or be affected by the proposed improvements. There are currently a total of 5 employees at this business.

There should not be any development phasing required for this plan nor will there be any required ownership or maintenance of any facilities or open space.

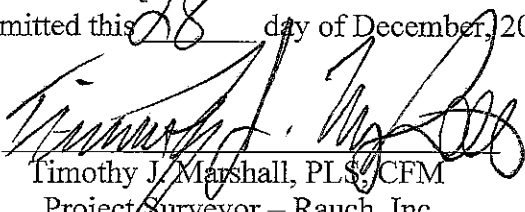
This site is not located within the Chesapeake Bay Critical Area therefore any Critical Area requirements or density area calculations are not required or applicable.

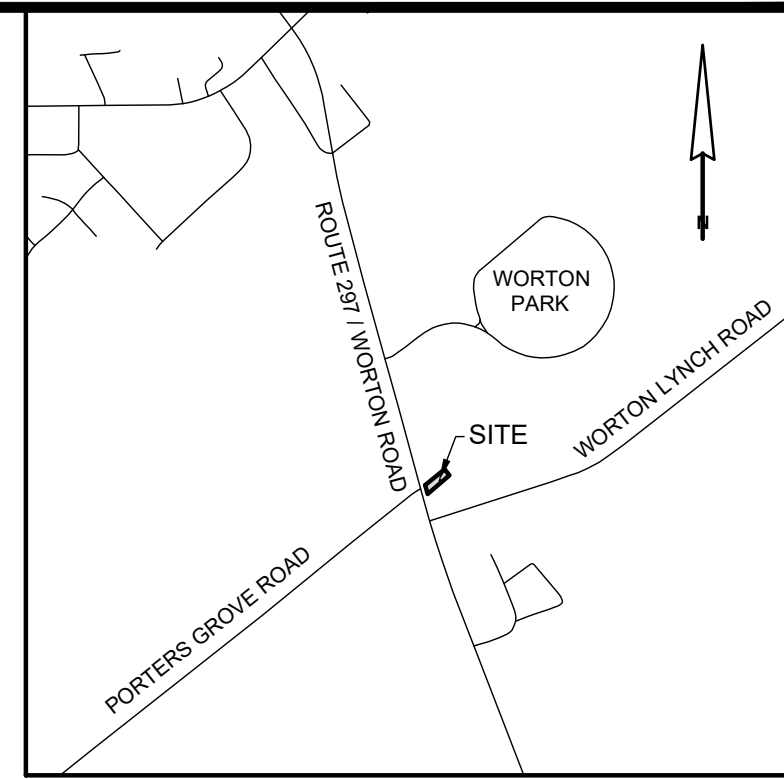
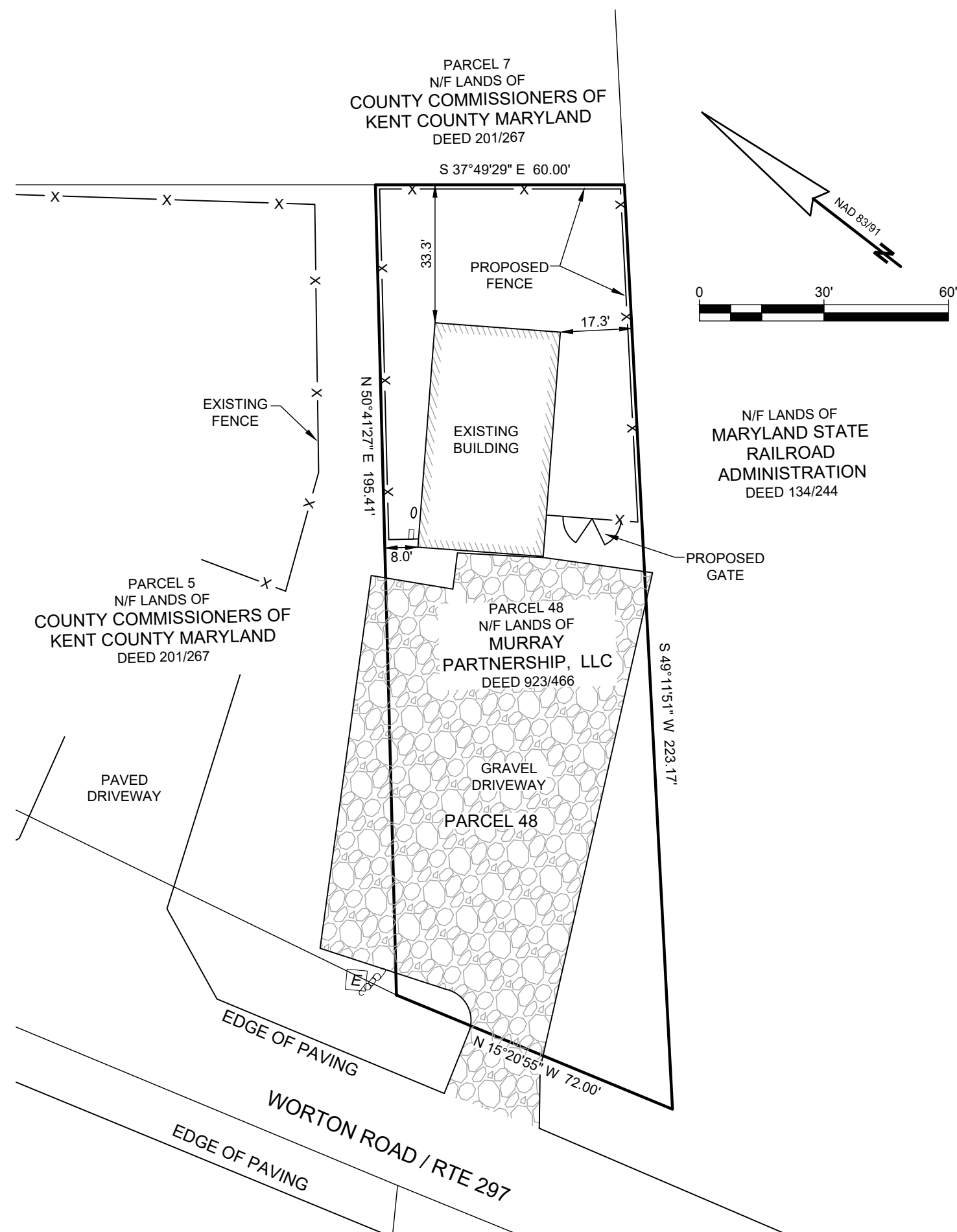
This property is located within Zone X (not within the 100 year flood plain) according to FIRM Map No. 24029C0165D with an effective date of June 9, 2014.

The Citizen Participation Plan does not appear to be applicable to this proposed project.

Submitted this 28<sup>th</sup> day of December, 2021

By:

  
Timothy J. Marshall, PLS, CFM  
Project Surveyor – Rauch, Inc.



SITE PLAN

ON THE LANDS OF  
**MURRAY PARTNERSHIP, LLC**  
D/B/A RELL'S AUTO  
TAX MAP 28, GRID 1B, PARCEL 48  
THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND  
PREPARED FOR: MURRAY PARTNERSHIP, LLC

**NOTES**

- PROPERTY OWNER: MURRY PARTNERSHIP, LLC  
505 SENEY ROAD  
CHURCH HILL, MD 21623
- PROPERTY ADDRESS: 10829 WORTON ROAD  
WORTON, MD 21678
- PROPERTY LOCATION: TAX MAP 28, GRID 1B, PARCEL 48
- DEED REFERENCE: 923/466
- DIMENSIONS BETWEEN PROPERTY LINES AND BUILDING STRUCTURES SHOWN HEREON HAVE A TOLERANCE OF 1".
- PROPERTY IS ZONED "V" - VILLAGE  
BUILDING SETBACKS:  
FRONT 20'  
SIDE 8'  
REAR 10'  
FENCE HEIGHT 8' MAXIMUM
- THE PURPOSE OF THIS SITE PLAN IS TO SHOW THE PROPOSED 6' TALL FENCE

**LEGEND**

- N/F DENOTES NOW OR FORMERLY
- DENOTES GRAVEL AREA
- X - DENOTES FENCE LINE
- DENOTES ELECTRIC BOX
- DENOTES UTILITY POLE

APPROVED:

DATE \_\_\_\_\_ KENT COUNTY DIRECTOR OF PLANNING

APPROVED:

DATE \_\_\_\_\_ KENT COUNTY HEALTH DEPARTMENT  
APPROVING AUTHORITY

APPROVED:

DATE \_\_\_\_\_ KENT COUNTY DIRECTOR OF PUBLIC WORKS

**RAUCH**  
iii  
Engineering | Survey | Architecture | Environmental  
Main Office: 106 N Harrison St - Easton, MD 21601  
Web: [www.rauch-inc.com](http://www.rauch-inc.com) | Email: [design@raucheng.com](mailto:design@raucheng.com)  
Phone: 410.770.9081 | Fax: 410.770.3667

JOB # 210132	DRAWN BY T. COCHRUN
SCALE 1" = 30'	DESIGNED BY
DATE DECEMBER 2020	APPROVED BY
DATE	REVISION

Rell's Auto/Durrell Jackson  
10829 Worton Road, Worton  
Site Plan Reivew



Source: Kent County Department of Planning, Housing, and Zoning.  
Aerial taken Spring 2019. Map prepared January 2022.

1 inch = 100 feet





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

To: Planning Commission

From: Carla Gerber, AICP, Deputy Director

Meeting: February 3, 2022

Subject: Resolution 2021-18, Resolution to Introduce a Text Amendment to Revise Chapter 222, Zoning, To Remove the Requirement Related to the Maximum Percentage of Property in Lots (10% rule) from the Agricultural Zoning District (AZD).

### **STAFF REPORT**

#### **Background**

The current Land Use Ordinance contains a requirement related to the maximum percentage of a property that can be subdivided into lots, also known as the “10% Rule.” Subdivisions in the AZD require that 90% of the farm be left intact. There is a provision that subdivisions where all parcels remain over 100 acres are exempt from the 10% Rule, and those parcels do not count toward the maximum developed percentage of the property. There are no other exceptions.

Establishing a maximum percentage of a property in lots has resulted in subdivisions in AZD with smaller average lot sizes which has left large, contiguous tracts of land undeveloped. However, the 10% Rule has also limited the ability of some landowners to sell portions of their farms.

In at least one of the exempted 100-acre subdivisions, the landowner had to sell more land than desired in order to be exempt. In other instances, farms could not be divided among heirs because the desired parcels were more than 10% and less than 100 acres. The 10% rule has also prevented at least one partial sale of a farm that was split by a road. The tract on one side of the road was more than 10% of the property but less than 100 acres, and subdivision was not permitted.

Allowing greater flexibility in lot sizes will make it easier for farms to diversify and try new approaches or for new farmers to establish new enterprises. Limiting farm size is not the only approach to preserving agriculture and can be detrimental to encouraging diversity within the industry.

The Agriculture Advisory Commission met on January 25 to review this text amendment and voted against supporting the amendment as proposed. The AAC supports continuation of the 10% rule with the addition of an exemption or waiver process to provide flexibility. The letter of recommendation is attached.



Kent County Agricultural Advisory Commission

Department of Planning, Housing, and Zoning

400 High Street, Suite 130

Chestertown, MD 21620

410-778-7423 (voice/relay)

January 25, 2022

Joe Hickman, Chair  
Kent County Planning Commission  
400 High Street  
Chestertown, MD 21620

RE: Zoning Text Amendment regarding the maximum percentage of property in lots (the 10% rule) within the Agricultural Zoning District (AZD)

Dear Mr. Hickman:

The Kent County Agriculture Advisory Commission has reviewed the proposed amendment to the *Kent County Land Use Ordinance* regarding Article V, *District Regulations*, Section 1, *Agricultural Zoning District*, Section 1.5 *Density, Area, Height, Width, and Yard Requirements*, A. *Standard Development*, by removing the “Maximum percentage of property in lots” and “10%” and removing footnote #2.

The AAC voted to recommend against the proposed amendment. The AAC supports the continuation of the 10% rule with exemptions or waivers being provided for instances where roads, natural boundaries, historic preservation activities, and other cases create inequitable circumstances. The AAC recognizes that some flexibility is necessary and an exemption or waiver process is a step towards a less restrictive regulation. The AAC members based the recommendation on the concern that potential fragmentation of AZD lands could negatively affect the current agricultural industry, considering the amount of prime farmland in AZD and the Comprehensive Plan’s goals to preserve resource lands in the County. The AAC members further expressed that there were too many unknowns associated with the proposal.

If you have any questions or concerns in this regard, kindly contact our staff in the Department of Planning, Housing, and Zoning.

Sincerely,

*Jennifer Debnam*

Jennifer Debnam  
Chair

**RESOLUTION 2021-18**

**COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND**

**A RESOLUTION TO INTRODUCE A TEXT AMENDMENT TO REVISE CHAPTER 222, ZONING, OF THE COUNTY CODE OF KENT COUNTY, MARYLAND, ALSO KNOWN AS THE KENT COUNTY LAND USE ORDINANCE BY REMOVING THE REQUIREMENT RELATED TO THE “MAXIMUM PERCENTAGE OF PROPERTY IN LOTS” (10% RULE) FROM THE AGRICULTURE ZONING DISTRICT.**

**WHEREAS**, the Board of County Commissioners of Kent County, Maryland (the Board) may exercise its right to amend the County Code of Kent County, Maryland (the Code), by legislative action in the form of a Code Home Rule Bill to create an Act and thus propose text amendments to the Code; and

**WHEREAS**, in Article XII, *Administrative Procedures*, Section 6, *Amendments*, §1, the Land Use Ordinance states regarding the Board and the Code that “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 resolution of the County Commissioners...”; and

**WHEREAS**, the Board finds that removing the requirement limiting the “Maximum percentage of property in lots” (10% rule) in the Agriculture Zoning District is desirable to allow for flexibility in farm sizes; and

**WHEREAS**, the 2018 Comp Plan in the Countryside chapter, following a description of the 10% rule and subdivision limitations as the County’s historic approaches to protecting agriculture, makes it clear that diversification and new approaches are important elements in the Comp Plan; and

**WHEREAS**, since the goal is for agriculture, itself is to be preserved, not one particular type of agriculture, and limiting farm size is the current approach, it is therefore desirable that other approaches be entertained, if they promote the ability of existing and future farmers to diversify; and

**WHEREAS**, the 2018 Comp Plan goes on to state that “the County will review existing fees and regulations to evaluate whether or not they interfere with existing agricultural operations or the ability of farmers to diversify. The County is committed to taking a pro-active approach to investigating new opportunities to promote and maintain its strong agricultural industry (p. 42)”; and

**WHEREAS**, the Board determines that revising the Land Use Ordinance by removing said limiting provision serves to further the health, safety, and welfare of Kent County.


**NOW, THEREFORE, BE IT RESOLVED** that the Board on December 21, 2021, does hereby introduce the proposed text amendment, attached hereto as Exhibit A.

**BE IT FURTHER RESOLVED** that the Board refers the draft amendment for advisory review and recommendation to the Kent County Planning Commission and the Agriculture Advisory Commission.

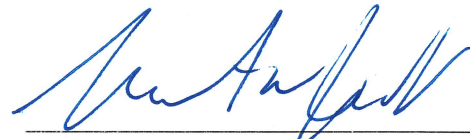
ATTEST:

THE COUNTY COMMISSIONERS  
OF KENT COUNTY, MARYLAND

  
\_\_\_\_\_  
Sondra M. Blackiston, Clerk

  
\_\_\_\_\_  
P. Thomas Mason, President

  
\_\_\_\_\_  
Ronald H. Fithian, Member

  
\_\_\_\_\_  
Robert N. Jacob, Jr., Member

ADOPTED: December 21, 2021

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

\_\_\_\_\_, 2022  
Legislative Session Day

Legislative Session Day  
\_\_\_\_\_, 2022

CODE HOME RULE  
BILL NO. X-2022

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

AN ACT to amend Article V, *District Regulations*, Section 1, *Agricultural Zoning District*, Section 1.5 *Density, Area, Height, Width, and Yard Requirements*, A. *Standard Development*, by removing the “Maximum percentage of property in lots” and “10%” and removing footnote #2.

THE COUNTY COMMISSIONERS  
OF KENT COUNTY, MARYLAND

\_\_\_\_\_  
P. Thomas Mason, President

INTRODUCED, read first time, \_\_\_\_\_, 2022, ordered posted and public hearing scheduled \_\_\_\_\_, 2022, at X:00 a.m./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 \_\_\_\_\_, 2022. Reported favorably [with] [without] amendments; read a second time and ordered to be considered on \_\_\_\_\_, 2022, a legislative session day.

**A BILL ENTITLED CHR X-2022  
REMOVAL OF THE 10% RULE FROM AGRICULTURAL ZONING 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 1. AGRICULTURAL ZONING DISTRICT

...

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

A. Standard Development

Gross <i>density</i> (dwelling units/acre)	0.033 <sup>1,6</sup> (1/30)
Minimum <i>lot size</i>	
- <i>On-site</i> individual septic system	¾ acre
- Community system	½ acres
Minimum <i>lot width</i>	75 feet
Maximum percentage of property in lots	<del>10%</del> <sup>2</sup>
Maximum lots fronting on existing public road	2 <sup>3</sup>

...

1 Accessory *dwelling units* do not count toward the *density* calculation.

2 ~~Parcels 100 acres or larger do not count toward the maximum developed percentage of the property~~

**RESERVED**

3 Parcels created before the date of adoption of this Ordinance do not count toward the two permitted road front parcels. The Planning Commission may waive this requirement if the proposal meets the waiver requirements in Article IX, Section 3 of this Ordinance.

...

6 Agricultural Easement Program – Nothing in this regulation shall limit the ability of a participant in the Agricultural Easement Program to convey real property impressed with an easement to his or her child provided the easement was recorded with the Kent County Clerk of Circuit Court prior to October 1, 2003.

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

\_\_\_\_\_  
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.



January 24, 2022

County Commissioners of Kent County  
400 High Street  
Chestertown, MD 21620

**RE: Proposed Text Amendment to remove the 10% Rule from the current Land Use Ordinance of Kent County, Maryland**

Dear County Commissioners, Planning Commission and Planning Staff,

I am writing this letter in opposition of a proposed text amendment to remove the 10% Rule from the current Land Use Ordinance of Kent County. When I agreed to be part of the Comprehensive Rezoning Task Force I had list of several problem areas with the current ordinance and at the top of that list was the 10% Rule, for many reasons. It has been my intent from the beginning to support the intentions and decisions of the Task Force even if they opposed my own proposals.

There is no doubt that the 10% Rule has been the hottest topic of discussion and caused the most tension within the Task Force. We have heard excellent testimony in favor and against the 10% Rule. I did not think a consensus could be reached until Carla Gerber read the Planning Staff's Recommendation to allow the 10% Rule to be retained with available waivers. The moment the Recommendation was read, I felt a sense of relief come over the Task Force. The Recommendation seems to cover the problematic reasons that I have encountered with the 10% Rule, such as estate settlements, preserving natural features such as forests & marshes, following natural boundaries such driveways & streams and specific agricultural circumstances. During the discussion that followed, I felt the vast majority of the Task Force, from both sides of the isle were in favor of the Recommendation. I believed the discussions about the 10% Rule had been finally put to rest.

While I genuinely appreciate the Commissioners' intent conserve county resources, I believe that simply eliminating the 10% Rule would not only waste time and resources that the county has already invested, it would waste the time and energy that the Task Force members have invested.

Respectfully,  
Robert "Buck" Nickerson L.S.  
Task Force Member





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

To: Planning Commission

From: Carla Gerber, AICP, Deputy Director

Meeting: February 3, 2022

Subject: Resolution 2021-19, Resolution to Introduce a Text Amendment to Revise Chapter 222, to Amend Setbacks for Certain Animal-Related Uses from 600 Feet and 400 Feet to 200 Feet in AZD

### STAFF REPORT

#### Background

The Land Use Ordinance has multiple provisions for setbacks from property lines related to agricultural structures and uses. These setbacks range from 100 to 600 feet. Many are related to animal housing or feeding or waste management structures.

More intense uses, such as poultry houses or confinement dairies, have the strictest requirements. The 600-foot setback for poultry houses, feedlots, and confinement dairies has been in place since at least 1989. Commercial stables have a 400-foot setback for structures for housing and feeding horses and waste management. Many other uses have a 200-foot setback, while private stables (up to four horses or mules) have a 100-foot setback. Except backyard chickens, the minimum setback for structures related to housing animals is 100 feet.

The County Commissioners would like to simplify and standardize the regulations in the Agricultural Zoning District, where animal husbandry uses should be expected. The proposed text amendment would amend the setbacks for most animal-related uses in AZD to no more than 200 feet. However, for farms adjacent to residentially zoned properties, enclaves and existing housing developments, and town boundaries the setback would remain unchanged, 600 or 400 feet as applicable. Residentially zoned properties are those properties zoned Rural Character (RC), Rural Residential (RR), Critical Area Residential (CAR), Community Residential (CR), Village (V), Intense Village (IV), and Intense Village Critical Area (IVCA). The specific animal-related uses being amended are poultry houses, commercial stables, waste management structures, feedlot or confinement dairies, and structures for the buying, processing, and sale of animal products. The proposed changes only affect farms within the Agricultural Zoning District (AZD). The table on the following page lists all of the animal-related uses in AZD and the current setbacks.

The Agriculture Advisory Commission met on January 25 to review this text amendment and voted to recommend supporting the legislation as proposed. The letter of recommendation is attached.

The following table lists all animal-related uses in AZD and the current setbacks.

P = permitted

AF = accessory farm

SE = special exception

A = accessory

<b>Setback</b>	<b>Type</b>	<b>Use</b>
600	P	Poultry houses
600	AF	Waste management structures
600	SE	Feedlot or confinement dairy
600	SE	Poultry houses where can't handle own waste
600	SE	Structures for buying, processing, sale of animal products, commercial,
400	P	Stable, commercial or public – minimum property size is 20 acres (structures for housing, feeding, and waste management)
200	P	Veterinary hospital (open kennels)
200	AF	List of non-animal uses (commercial assembly, petroleum, grain blending and packaging)
200	A	Dog kennels, commercial (Also keeping of 5 or more dogs, six months or older)
100	P	Stable, private (up to 4 horses) – minimum property size is 2 acres (structures for housing and feeding)
100	AF	Accessory farm buildings – structures for keeping of animals



Kent County Agricultural Advisory Commission  
Department of Planning, Housing, and Zoning  
400 High Street, Suite 130  
Chestertown, MD 21620  
410-778-7423 (voice/relay)

January 25, 2022

Joe Hickman, Chair  
Kent County Planning Commission  
400 High Street  
Chestertown, MD 21620

RE: Zoning Text Amendment regarding revising setbacks for certain animal-related uses from 600 feet and 400 feet to 200 feet in Agricultural Zoning District.

Dear Mr. Hickman:

The Kent County Agriculture Advisory Commission has reviewed the proposed amendment to the *Kent County Land Use Ordinance* regarding Article V, *District Regulations*, Section 1, *Agricultural Zoning District*, Section 1.2 *Permitted Principal Uses and Structures*, §12 related to poultry houses, waste management facilities, composters, and areas for the disposal of animals and §18 related to commercial stables; Section 1.4 *Accessory Uses and Structures*, A. §10.5 related to waste management structures; and Article VII, *Special Exceptions*, Section 7 *Special Exceptions*, §25 related to feedlots, §36 related to poultry houses under certain conditions, and §58 related to structures for animal products, by revising the required setbacks to 200 feet, under certain circumstances, from the current setbacks of 600 feet and 400 feet.

The AAC voted to recommend supporting the legislation as proposed.

If you have any questions or concerns in this regard, kindly contact our staff in the Department of Planning, Housing, and Zoning.

Sincerely,

*Jennifer Debnam*

Jennifer Debnam  
Chair

**RESOLUTION 2021-19**

**COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND**

**A RESOLUTION TO INTRODUCE A TEXT AMENDMENT TO REVISE CHAPTER 222, ZONING, OF THE COUNTY CODE OF KENT COUNTY, MARYLAND, ALSO KNOWN AS THE KENT COUNTY LAND USE ORDINANCE TO AMEND SETBACKS FOR CERTAIN ANIMAL-RELATED USES FROM 600 FEET AND 400 FEET TO 200 FEET IN AGRICULTURAL ZONING DISTRICT.**

**WHEREAS**, the Board of County Commissioners of Kent County, Maryland (the Board) may exercise its right to amend the County Code of Kent County, Maryland (the Code), by legislative action in the form of a Code Home Rule Bill to create an Act and thus propose text amendments to the Code; and

**WHEREAS**, in Article XII, *Administrative Procedures*, Section 6, *Amendments*, §1, the Land Use Ordinance states regarding the Board and the Code that “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 resolution of the County Commissioners...”; and

**WHEREAS**, the Board finds that the current setbacks for waste management structures, poultry houses, feedlots, and various animal-related structures are 600 feet in the Agricultural Zoning District; and

**WHEREAS**, the Board finds that the current setbacks for commercial stables are 400 feet in the Agricultural Zoning District; and

**WHEREAS**, the Board finds the current setbacks of 600 feet and 400 feet are too restrictive in the Agricultural Zoning District, where such agricultural uses should be expected; and

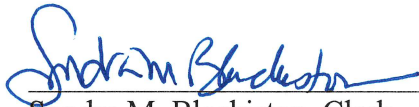
**WHEREAS**, the Board determines that including standardized setbacks of no greater than 200 feet for most animal-related uses in the Agricultural Zoning District serves to further the health, safety, and welfare of Kent County.


**NOW, THEREFORE, BE IT RESOLVED** that the Board on December 21, 2021, does hereby introduce the proposed text amendment, attached hereto as Exhibit A.

**BE IT FURTHER RESOLVED** that the Board refers the draft amendment for advisory review and recommendation to the Kent County Planning Commission and Agriculture Advisory Commission.

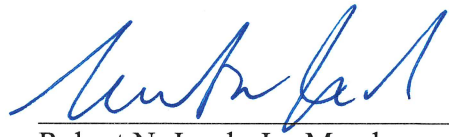
ATTEST:

THE COUNTY COMMISSIONERS  
OF KENT COUNTY, MARYLAND

  
Sondra M. Blackiston, Clerk

  
P. Thomas Mason, President

  
Ronald H. Fithian, Member

  
Robert N. Jacob, Jr., Member

ADOPTED: December 21, 2021

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

\_\_\_\_\_, 2022  
Legislative Session Day

Legislative Session Day  
\_\_\_\_\_, 2022

CODE HOME RULE  
BILL NO. X-2022

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

AN ACT to amend Article V, *District Regulations*, Section 1, *Agricultural Zoning District*, Section 1.2 *Permitted Principal Uses and Structures*, §12 related to poultry houses, waste management facilities, composters, and areas for the disposal of animals and §18 related to commercial stables; Section 1.4 *Accessory Uses and Structures*, A. §10.5 related to waste management structures; and Article VII, *Special Exceptions*, Section 7 *Special Exceptions*, §25 related to feedlots, §36 related to poultry houses under certain conditions, and §58 related to structures for animal products, by revising the required setbacks to 200 feet from the current setbacks of 600 feet and 400 feet.

THE COUNTY COMMISSIONERS  
OF KENT COUNTY, MARYLAND

\_\_\_\_\_  
P. Thomas Mason, President

INTRODUCED, read first time, \_\_\_\_\_, 2022, ordered posted and public hearing scheduled \_\_\_\_\_, 2022, at X:00 a.m./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 \_\_\_\_\_, 2022. Reported favorably [without] amendments; read a second time and ordered to be considered on \_\_\_\_\_, 2022, a legislative session day.



**A BILL ENTITLED CHR X-2022  
SETBACKS FOR CERTAIN ANIMAL-RELATED USES IN AGRICULTURAL  
ZONING 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 1. AGRICULTURAL ZONING DISTRICT

...

1.2 PERMITTED PRINCIPAL USES AND STRUCTURES

...

12. Poultry houses provided:

- a. Poultry houses, waste management facilities, composters, and the area for the disposal of animals shall be a minimum of 600 feet **FROM RESIDENTIALLY ZONED PROPERTIES (RC, RR, CAR, CR, V, IV, IVCA), ENCLAVE AND EXISTING HOUSING DEVELOPMENTS, AND TOWN BOUNDARIES; AND A MINIMUM OF 200 FEET** from all **OTHER** property lines.

b. . . .

...

18. Stable, commercial provided:

- a. The *lot* is 20 acres or more.
- b. Any *structure* for the keeping or feeding of animals and waste management *structures* shall be a minimum of 400 feet **FROM RESIDENTIALLY ZONED PROPERTIES (RC, RR, CAR, CR, V, IV, IVCA), ENCLAVE AND EXISTING HOUSING DEVELOPMENTS, AND TOWN BOUNDARIES; AND A MINIMUM OF 200 FEET** from any **OTHER** property line.

...

1.4 ACCESSORY USES AND STRUCTURES

---

BILL NO. X-2022

**CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.**

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

A. The following *accessory* uses are permitted on all *farms* in the agricultural zoning district.

...

10.5 Waste management *structures*, where not otherwise stipulated in this Ordinance, provided:

a. Waste management *structures* shall be a minimum of 600 feet **FROM RESIDENTIALLY ZONED PROPERTIES (RC, RR, CAR, CR, V, IV, IVCA), ENCLAVE AND EXISTING HOUSING DEVELOPMENTS, AND TOWN BOUNDARIES; AND A MINIMUM OF 200 FEET** from all **OTHER** property lines.

b. . . .

...

ARTICLE VII.

SPECIAL EXCEPTIONS

...

SECTION 7. SPECIAL EXCEPTIONS

...

25. *Feedlot* or confinement dairy in AZD provided:

a. All *buildings*, corals, and waste management *structures* are 600 feet **FROM RESIDENTIALLY ZONED PROPERTIES (RC, RR, CAR, CR, V, IV, IVCA), ENCLAVE AND EXISTING HOUSING DEVELOPMENTS, AND TOWN BOUNDARIES; AND A MINIMUM OF 200 FEET** from ~~the nearest~~ **ANY OTHER** property line.

b. . . .

...

36. Poultry houses on parcels where the owner cannot handle the waste generated by the poultry houses in AZD provided:

a. All *buildings* and waste management *structures* are 600 feet **FROM RESIDENTIALLY ZONED PROPERTIES (RC, RR, CAR, CR, V, IV, IVCA), ENCLAVE AND EXSITING HOUSING DEVELOPMENTS, AND TOWN BOUNDARIES; AND A MINIMUM OF 200 FEET** from ~~the nearest~~ **ANY OTHER** property line.

b. . . .

...

58. *Structures* for the buying, processing, and sale of animal products in AZD, commercial, provided:

a. *Structures*, retention, and disposal areas shall be 600 feet **FROM RESIDENTIALLY ZONED PROPERTIES (RC, RR, CAR, CR, V, IV, IVCA), ENCLAVE AND EXISTING HOUSING DEVELOPMENTS, AND TOWN BOUNDARIES; AND A MINIMUM OF 200 FEET** from ~~the nearest~~ **ANY OTHER** property line.

b. . . .

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

\_\_\_\_\_  
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.



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

To: Kent County Planning Commission  
From: Bill Mackey, AICP, Director  
Meeting: February 3, 2022  
Subject: 2022 Transportation Priority Letter

Kent County sends a letter to the Secretary of the Maryland Department of Transportation each year outlining the County's transportation priorities. A copy of the 2021 letter and a proposed 2022 letter are attached for your reference.

The projects to be included generally start with a planning study. Once a study is funded and then completed, funds for project implementation can be requested. The process is long-term, and projects are intended to be integrated into the State's overall plans for its transportation system.

The Maryland Consolidated Transportation Program is available to view here:  
[https://www.mdot.maryland.gov/OPCP/CTP\\_2022/CTP\\_FY2022\\_2027\\_Web.pdf](https://www.mdot.maryland.gov/OPCP/CTP_2022/CTP_FY2022_2027_Web.pdf)

There is a section for Kent County that lists SHA projects, which appears on pdf pages 389-392.

Traditionally, the second Chester River bridge is included in the letter. The project has undergone the planning phase and a study was completed in 2010. It's my understanding that Queen Anne's County is not supportive of the location; however, this could change over time due to evacuation needs. It's my plan to continue to include the second bridge as a priority project for Kent County.

Please note the Board of County Commissioners is the final authority that approves the letter.

**DRAFT**

April 1, 2022

The Honorable James F. Ports, Jr.  
Secretary, Maryland Department of Transportation  
P.O. Box 548  
7201 Corporate Center Drive  
Hanover, MD 21706

**RE: Kent County 2022 Transportation Priority Letter**

Dear Secretary Ports:

We would like to thank the staff of the Maryland Department of Transportation for its continued cooperation and support in meeting the transportation needs of the County. ~~With the release of the Draft Environmental Impact Statement (DEIS) for the Chesapeake Bay Crossing Study Tier 1 NEPA,~~ ~~t~~The County would like to reaffirm its continued opposition to any proposal for a north Bay Bridge crossing with a terminus in Kent County. The County's position in this regard is based on its long-standing Comprehensive Plan strategies dating back to 1974 and its affiliated Land Use designations.

~~Last year, the Kent County Commissioners, referencing the 2020 Priority Letter from Cecil County, Maryland, included language addressing DelDOT toll diversion and the heavy truck traffic associated with the situation. This language is included again for continued attention.~~

In cooperation with the local municipalities in Kent County, Maryland, the Board of County Commissioners present the following priority listing of transportation projects for your consideration.

•• Construction, Engineering, and Project Planning Priorities

- Chester River Bridge Crossing – aka Chester River Boulevard (This project has been entered in the MOOT Chapter 30 Portal in previous years. The request was forwarded.)

•• US 30 I Toll Diversion Coordination Actions in coordination with Cecil County, Maryland

Of immediate importance is coordination with DelDOT regarding toll-evading traffic, now that US 301 has been converted to a limited-access toll road. Toll evasion now threatens the distinctive character and sense of place in both Kent County, Maryland and Cecil County, Maryland. The current toll-evading traffic has shifted an undue burden of maintenance and operations costs from DelDOT's roads to Maryland's local roadways. Likewise, truck weight scale evasion could have similar impacts along the US 1/222/301 corridors. In conjunction with this priority, our project requests are as follows:

- Continued coordination with DelDOT in the operations of US 301 in Delaware.
- Stepped-up enforcement of truck weight limits along the MD 213 and US 1/222/301.

•• Streetscape Priorities

- Betterton – Re-stamping of crosswalk at intersection of Main Street and 6th Avenue
- Butlertown and Worton – Maryland Routes 298 and 297 – Sidewalks, drainage improvements, and traffic calming
- Galena – Curbing at the four (4) corners of Galena; drainage improvements along west side of MD Route 213N and along the north side of MD Route 290E; repainting of all crosswalk lines; correct the stormwater drainage issue at 145 N. Main & Seminary Ave. Please review the curbing on North and South Main Street as there are chunks of concrete on the curbside that were damaged from the snowplows. There are some places on N. Main that we are having a greater stormwater flowing issues that before
- Millington Streetscape Priorities – complete current drainage and ADA sidewalk project; and resurface Cypress and Sassafras Streets – grind existing pavement, correct foundation support of roadway, repave.
- Rock Hall – Pedestrian crosswalk at Judefind Ave to Williams Ave across Rock Hall Ave (Route #20)

•• Trail and Pedestrian Priorities

- Sidewalks and pedestrian walkways along Flatland Road

- Engineering and design for pedestrian and bicycling connections on Quaker Neck Road in order to facilitate safe crossings between the Chestertown waterfront and downtown areas, to include the Rail Trail
- Maryland Route 289 to Radcliffe Creek bike/pedestrian improvements for connections to the water trail
- Rock Hall Trail System and sidewalk expansion around the waterfront;  
Rock Hall sidewalk \_ biking Bayside Ave.  
Rock Hall sidewalk \_ biking Chesapeake Ave
- Addition of bike lanes during resurfacing projects

Thank you for your consideration of these transportation priorities in Kent County. We look forward to working cooperatively with the Maryland Department of Transportation on the planning and implementation of these important local transportation improvements.

Very Truly Yours,  
THE COUNTY COMMISSIONERS OF  
KENT COUNTY, MARYLAND

P. Thomas Mason, President

Ronald H. Fithian, Member

Robert N. Jacob, Jr., Member

c: ~~Danielle Hornberger, County Executive, Cecil County, Maryland~~  
Shelley L. Heller, County Administrator, Kent County, Maryland  
Mike Moulds, PE, Director of Public Works  
William A. Mackey, AICP, DPHZ Director



# The County Commissioners of Kent County

P. THOMAS MASON  
PRESIDENT  
CHESTERTOWN, MD

RONALD H. FITHIAN  
MEMBER  
ROCK HALL, MD

ROBERT N. JACOB, JR.  
MEMBER  
WORTON, MD

R. Clayton Mitchell, Jr.  
Kent County Government Center  
400 High Street  
Chestertown, Maryland 21620  
TELEPHONE 410-778-4600  
E-MAIL [kentcounty@kentgov.org](mailto:kentcounty@kentgov.org)  
[www.kentcounty.com](http://www.kentcounty.com)

SHELLEY L. HELLER  
COUNTY ADMINISTRATOR

THOMAS N. YEAGER  
COUNTY ATTORNEY

March 30, 2021

The Honorable Gregory Slater  
Secretary, Maryland Department of Transportation  
P.O. Box 548  
7201 Corporate Center Drive  
Hanover, MD 21706

## **RE: Kent County 2021 Transportation Priority Letter**

Dear Secretary Slater:

We would like to thank the staff of the Maryland Department of Transportation for its continued cooperation and support in meeting the transportation needs of the County. With the release of the Draft Environmental Impact Statement (DEIS) for the Chesapeake Bay Crossing Study Tier 1 NEPA, the County would like to reaffirm its continued opposition to any proposal for a north Bay Bridge crossing with a terminus in Kent County. The County's position in this regard is based on its long-standing Comprehensive Plan strategies dating back to 1974 and its affiliated Land Use designations.

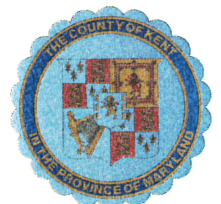
Last year, the Kent County Commissioners, referencing the 2020 Priority Letter from Cecil County, Maryland, included language addressing DelDOT toll diversion and the heavy truck traffic associated with the situation. This language is included again for continued attention.

In cooperation with the local municipalities in Kent County, Maryland, the Board of County Commissioners present the following priority listing of transportation projects for your consideration.

Construction, Engineering, and Project Planning Priorities:

### Chester River Bridge Crossing

- aka Chester River Boulevard (This project has been entered in the MOOT Chapter 30 Portal in previous years and has been re-submitted.)



US 301 Toll Diversion Coordination Actions in coordination with Cecil County, Maryland

- Of immediate importance is coordination with DelDOT regarding toll-evading traffic, now that US 301 has been converted to a limited-access toll road. Toll evasion now threatens the distinctive character and sense of place in both Kent County, Maryland and Cecil County, Maryland. The current toll-evading traffic has shifted an undue burden of maintenance and operations costs from DelDOT's roads to Maryland's local roadways. Likewise, truck weight scale evasion could have similar impacts along the US 1/222/301 corridors. In conjunction with this priority, our project requests are as follows:
  - Continued coordination with DelDOT in the operations of US 301 in Delaware.
  - Stepped-up enforcement of truck weight limits along the MD 213 and US 1/222/301.

Streetscape Priorities

- Betterton – Re-stamping of crosswalk at intersection of Main Street and 6th Avenue
- Butlertown and Worton – Maryland Routes 298 and 297 – Sidewalks, drainage improvements, and traffic calming
- Galena – Curbing at the four (4) corners of Galena; drainage improvements along west side of MD Route 213N and along the north side of MD Route 290E; repainting of all crosswalk lines; correct the stormwater drainage issue at 145 N. Main & Seminary Ave. Please review the curbing on North and South Main Street as there are chunks of concrete on the curbside that were damaged from the snowplows. There are some places on N. Main that we are having a greater stormwater flowing issues that before
- Millington Streetscape Priorities – complete current drainage and ADA sidewalk project; and resurface Cypress and Sassafras Streets – grind existing pavement, correct foundation support of roadway, repave.
- Rock Hall – Pedestrian crosswalk at Judefind Ave to Williams Ave across Rock Hall Ave (Route #20)

Trail and Pedestrian Priorities

- Sidewalks and pedestrian walkways along Flatland Road
- Engineering and design for pedestrian and bicycling connections on Quaker Neck Road in order to facilitate safe crossings between the Chestertown waterfront and downtown areas, to include the Rail Trail
- Maryland Route 289 to Radcliffe Creek bike/pedestrian improvements for connections to the water trail
- Rock Hall Trail System and sidewalk expansion around the waterfront;
  - Rock Hall sidewalk \_ biking Bayside Ave.
  - Rock Hall sidewalk \_ biking Chesapeake Ave
- Addition of bike lanes during resurfacing projects

The Honorable Greg Slater, Secretary, Maryland Department of Transportation  
Kent County 2021 Transportation Priority Letter  
March 30, 2021  
Page 3 of 3

Thank you for your consideration of these transportation priorities in Kent County. We look forward to working cooperatively with the Maryland Department of Transportation on the planning and implementation of these important local transportation improvements.

Very truly yours,  
THE COUNTY COMMISSIONERS  
OF KENT COUNTY, MARYLAND



P. Thomas Mason, President



Ronald H. Fithian, Member



Robert N. Jacob, Jr., Member

cc: Danielle Hornberger, County Executive, Cecil County, Maryland  
Shelley L. Heller, County Administrator, Kent County, Maryland  
Mike Moulds, PE, Director of Public Works  
William A. Mackey, AICP, DPHZ Director