

Critical Area Commission

STAFF REPORT

July 9th, 2025

APPLICANT:	Kent County
PROPOSAL:	Fox Hunting Kennels as a New RCA Use
COMMISSION ACTION:	Concurrence with Chair's Determination of Refinement
STAFF RECOMMENDATION:	Approval
STAFF:	Katie Hayden
APPLICABLE LAW/REGULATIONS:	Natural Resources Article 8-1809(r); COMAR 27.01.02.05

DISCUSSION

Kent County is requesting that fox hunting kennels be added as an allowed accessory use in the Resource Conservation District (RCD), an underlying zoning district of the Resource Conservation Area (RCA). On March 4, 2025, the County Commissioners of Kent County adopted Bill No. 9-2024, which amends *Chapter 222, Zoning*, of the *Code of Public Local Laws of Kent County* (i.e., the Land Use Ordinance), allowing fox hunting as an accessory use in the RCA. The specific text amendments associated with the Bill are numbered below:

1. Adding the following to Article V. District Regulations Section 2. Resource Conservation District (RCD) Subsection 4. Accessory Uses:

“10. Dog Kennel, Fox Hunting Club, pursuant to licensure requirements set forth in Chapter 64 of The Public Local Laws of Kent County, Maryland”; and

2. Adding the following to Article XI. Section 2. Definitions:

“94.5 Dog Kennel, Fox Hunting Club. The 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 and training the hounds for the sport of fox chasing.”

This new use in the RCA was requested by a county resident and is proposed to only impact one property at this time. Properties in the RCA that request this specific accessory use must comply with all other RCA requirements, including clearing, lot coverage limits, and Buffer requirements. This use will also need to comply with the county's soon to be adopted *Chapter 64. Animals, Article II. Fox Hunting Club Dog Kennels License Process* of the *Public Local Laws of Kent County*. Article II includes requirements for obtaining and maintaining a fox hunting club dog kennel license through the Board of County Commissioners, provisions pertaining to public nuisance, as well as provisions pertaining to enforcement and appeals. The

process for obtaining a license as provided in Article II includes the ability for the Board to set additional conditions to a license to further address consistency with the Critical Area Program.

Committee Recommendation

Because this request is consistent with the purposes, policies, goals and provisions of the Critical Area law and regulations, the Program Committee recommends that the Commission concur with the Chair's determination that this new RCA use be processed as a refinement to the Kent County Critical Area program. Further, the Program Committee recommends that the Chair approve this refinement.

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

December 3, 2024
Legislative Session Day


Legislative Session Day
December 3, 2024

CODE HOME RULE
BILL NO. 9-2024

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


AN ACT to amend Chapter 222, Zoning, of the Code of Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance, in order to add a new land use and to permit said new land use in a single district as an accessory use: (1) by adding "10. Dog Kennel, Fox Hunting Club" to Article V. District Regulations, Section 2. Resource Conservation District, §2.4 A. Accessory Uses; (2) by adding a definition for "Dog Kennel, Fox Hunting Club" to Article XI. Definitions, Section 2. Definitions; (3) by including one non-codified provision; and (4) by providing for an effective date related to the required Critical Area Commission review and approval of the zoning text, per Md. Code Ann., Natural Resources § 8-1809, as the same may be amended from time to time.

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND


Ronald H. Fithian, President

INTRODUCED, read the first time, December 3, 2023, ordered posted and a public hearing was held February 4, 2025, 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 the time and place of the hearing and copies having been made available to the public and the press, a public hearing was held on February 4, 2025. Reported favorably with amendments; read the second time and ordered to be considered on March 4, 2025, a legislative session day.

BILL NO. 9-2024, as amended by interlineation, indicated by ~~double-strike-through~~ for deletions and double-underlining for additions and **highlighted** for ease of location.

CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike through~~ indicates all matter deleted from existing law in the introduced BILL.

**A BILL ENTITLED CHR 9-2024 FOX HUNTING CLUB DOG KENNELS IN RCD
AS AMENDED BY INTERLINEATION**

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND THAT THE KENT COUNTY LAND USE ORDINANCE IS HEREBY AMENDED AS FOLLOWS:

SECTION 1.

ARTICLE V.
DISTRICT REGULATIONS

SECTION 2. RESOURCE CONSERVATION DISTRICT (RCD)

...

2.4 ACCESSORY USES

- A. The following accessory uses are allowed on all farms in the Resource Conservation District

...

9. Waste management structures, where not otherwise stipulated in this Ordinance, provided:
- a. Waste management structures shall be a minimum of 600 feet from all property lines.
 - b. No waste management structure shall be in the 100-year floodplain.
 - c. The operation is managed according to waste and nutrient management plans, approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department.

10. DOG KENNEL, FOX HUNTING CLUB, PURSUANT TO LICENSURE REQUIREMENTS SET FORTH IN CHAPTER 64 OF THE PUBLIC LOCAL LAWS OF KENT COUNTY, MARYLAND.

PROVIDED:

~~**A. KENNELS ARE 200 FEET FROM ANY SIDE OR REAR LOT LINE OR IN AN EXISTING BUILDING**~~

~~**B. WASTE IS PROPERLY MANAGED**~~

SECTION 2.

ARTICLE XI.
DEFINITIONS

SECTION 2 DEFINITIONS

...

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94. Dog Kennel, Commercial - 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.

94.5 DOG KENNEL, FOX HUNTING CLUB. THE 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 AND TRAINING THE HOUNDS FOR THE SPORT OF FOX CHASING.

...

SECTION 3.

BE IT FURTHER ENACTED by the County Commissioners of Kent County that the County planning staff are hereby instructed to prepare corresponding text amendments and include them within the body of any proposed legislation related to re-adoption of the Land Use Ordinance via Comprehensive Rezoning, which is to be prepared by County staff following review and comment by the Critical Area Commission.

SECTION 4.

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall be adopted on the 4th day of March, 2025; however, the provisions of this Act shall take effect on the 14th day of March, 2025, contingent upon review and approval of the Critical Area Commission for the Chesapeake & Atlantic Coastal Bays pursuant to the Md. Code Ann., Natural Resources § 8-1809, as the same may be amended from time to time, **AND CONTINGENT UPON THE ADOPTION BY THE BOARD OF COUNTY COMMISSIONERS OF LICENSURE REQUIREMENTS IN CHAPTER 64 OF THE PUBLIC LOCAL LAWS OF KENT COUNTY, MARYLAND.**

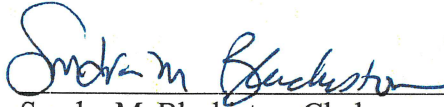
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Read Third Time March 4, 2025

PASSED this 4th day of March, 2025.

Failed of Passage _____

By order of:

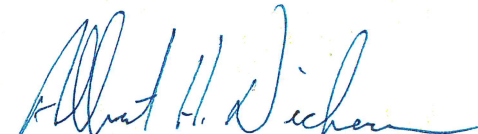

Sondra M. Blackiston, Clerk

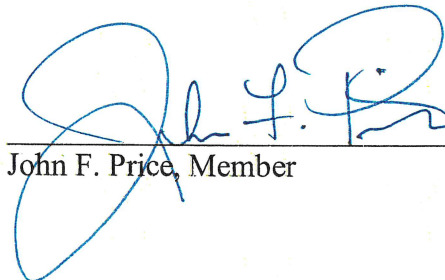
THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

(SEAL)




Ronald H. Fithian, President


Albert H. Nickerson, Member


John F. Price, Member

ORDERED a fair summary thereof or the entire bill shall be published in at least one newspaper of general circulation in the County, not less than three times at weekly intervals within a four-week period.

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