

15. Boat building and boat repair
16. *Truck terminals*, limited to 20 trucks provided the parking and loading area is fenced, screened, and located at least 400 feet from any residential district boundary and 100 feet from all property lines. The limitation on the number of trucks does not apply to Employment Center Districts in the Route 301 corridor.
17. Storage and office trailers, temporary during construction

15.3 SPECIAL EXCEPTIONS

The following principal uses and *structures* may be permitted as special exceptions in the Industrial District, subject to *site plan* review. Detailed limitations and standards for these uses may be found in Article VII of this Ordinance.

1. *Personal wireless facility tower*
2. Radio and television tower, commercial
3. Production of biofuels*

15.4 PERMITTED ACCESSORY USES

The following *accessory uses* are permitted in the Industrial District. A *site plan* shall be required.

1. *Day care group*
2. Dwellings, limited to two (2) for persons permanently employed on the *premises*
3. Offices
4. Out of water boat storage
5. *Restaurants* without drive through facilities
6. Retail sales of products produced *on-site*
7. Uses and *structures* which are customarily accessory and incidental to any permitted use shall be permitted in the district provided they are clearly subordinate to the principal use

22. *Mobile home parks*
23. Multi-level boat storage
24. Outdoor entertainment
25. Outdoor recreation, miniature golf, but not golf courses
26. *Personal wireless facility tower*
27. Poultry houses on parcels where the owner cannot handle the waste generated
28. Printing and publishing
29. Private schools
- 29.5 Production of biofuels*
30. *Public utilities and structures*
31. Pubs, taverns and bars
32. Radio and television tower, commercial
33. Raising of livestock and fowl
34. Recreational facilities
35. *Resort*
36. *Retreat*
37. Sand and gravel pits
38. *Sanitary landfill* or rubblefill
39. Seafood processing
40. *Sewage sludge land application*
41. *Shopping centers*
42. *Structures* for the buying, processing, and sale of animal products
43. Truck parking lot
44. *Truck stops*
45. *Truck terminals*

The following special exceptions shall be forwarded directly to the Board of Appeals:

1. *Dog kennels*, commercial
2. Dormitories for employees
3. Exposition center or fairgrounds
4. Farm employee housing
5. More than four horses and mules on land less than 20 acres in size
6. *Private clubs*
7. *Public landings*
8. Raising of small animals
9. Rifle and pistol ranges
10. *Single family dwellings*
11. *Structures* for the buying, processing, and sale of farm products in structures that exceed 10,000 square feet but are less than 25,000 square feet

The Board of Appeals may hire expertise as shall be needed to provide advice and assist in its decision-making. In its recommendation, the *Planning Commission* may recommend that additional expertise is warranted.

Within thirty days of the decision, with respect to special exceptions approved by the Planning Director, any *person* aggrieved by the decision of the Planning Director may appeal the decision to the Board of Appeals.

Within thirty days of the decision, any *person* aggrieved by a decision of the Board of Appeals may file a notice of appeal with the Circuit Court.

likely to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Board of Appeals, *Planning Commission*, or Planning Director additional review is needed by an outside agency, the application and waste and nutrient management plan may be forwarded to the Maryland Department of the Environment or any other appropriate agency.

- d. Sediment and *stormwater management plans* are approved by the appropriate agency and are implemented.
 - e. The applicant shall prepare a management plan that demonstrates that the poultry houses will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and *waterways*.
 - f. To assure continued compatibility with the surrounding area, the Board may place additional restrictions on the following:
 - i. Screening and landscaping from adjacent properties and public *roads*
 - ii. Exterior displays, lighting, and *signs*
 - iii. The location of access routes to the *site*, both on and *off-site*
 - iv. The type of waste disposal, e.g. injection, disk, etc.
 - v. Monitoring wells and surface water testing where appropriate
 - vi. Manner and route of moving waste from one *site* to another
 - vii. Waste and nutrient management plans for properties receiving waste
37. Printing and publishing in V, IVCA, and IV provided that the operation is in compliance with the *regulations* of the State of Maryland.
38. *Private clubs* in RCD, RC, RR, CAR, CR, V, IV, IVCA, and M
In RCD, private clubs shall be limited to 15% impervious surface.
39. Private schools in AZD, RC, RR, CAR, CR, V, IV, and IVCA
- 39.5 Production of biofuels in I provided*:
 - a. The facility shall be located within 2½ miles of US Route 301
 - b. The applicant demonstrates a clear, identifiable market for the byproducts of the facility
 - c. The operation does not disturb the minimum 100-foot buffer or stream protection corridor
 - d. The operation does not adversely affect a non-tidal wetland directly or hydrologically
 - e. To assure continued compatibility with the surrounding area, the Board may place additional restrictions on the following:
 - i. Screening and landscaping from adjacent properties and public roads
 - ii. Exterior displays, lighting and signs
 - iii. The location of access routes to the site, both and off-site
40. *Public landings* in AZD, RCD, RC, RR, CAR, CR, and IVCA provided:
 - a. Adequate sanitary facilities exist.
 - b. Service facilities are to the extent possible outside the 100-foot *buffer*.
 - c. Permeable surfaces are used to extent practicable, if no degradation of groundwater would result.
 - d. Disturbance to *natural vegetation* is minimized.
 - e. Areas for passive recreation, such as nature study, and for education, may be permitted in the *buffer* within the Resource Conservation Areas, if service facilities for these uses are outside the *buffer*.

41. *Public utilities* and *structures* as defined in Article XI of this Ordinance in AZD, RCD, RC, RR, CAR, and CR.
42. Pubs, taverns and bars in IV, IVCA, and M provided:
 - a. The project is designed to minimize impact on neighboring properties, particularly residential properties either with *open space*, landscaping, or *structure* design.
 - b. Measures are taken to limit any adverse effects of the use on *development* of the surrounding area due to noise, odor, traffic, lights, or any other reason.
 - c. Loading areas, dumpsters, and other unsightly *site* elements shall be screened from adjacent properties and the public view.
43. Radio and television towers, commercial in C, EC and I provided:
 - a. The applicant demonstrates alternatives of consolidating the facility on an existing tower *structure* or incorporating the facility on a *structure* or water tower have been fully exhausted.
 - b. The applicant demonstrates a public need for the tower.
 - c. The height of the tower, including antennas and appurtenances shall not exceed 199 feet unless a *variance* is granted.
 - d. All towers and their accessory *buildings* shall comply with the building setback provisions of the applicable zoning district. In addition, the minimum from the ground base of any tower to any property line, road, or public recreational area shall be the height of the tower including any antennas or other appurtenances. This setback is considered a “fall zone.” The Board of Appeals may reduce the fall zone by 50% of the required distance if it finds that a substantially better design will result from such a reduction. In making such a finding, the Board shall consider both the visual and safety impacts of the proposed use.
 - e. Monopoles or lattice towers shall be the preferred tower *structure* in the County.
 - f. The appearance of the tower *structure* shall be minimized by the reasonable use of commercially available technology to reduce visual impact, with specific reference to size, color, and silhouette properties.
 - g. Equipment shelters shall be designed consistent with traditional Eastern Shore architectural styles and materials with a pitched roof of at least 10/12. The shelters shall be camouflaged behind an effective year round buffer of existing dense vegetation that exceeds the height of the proposed *buildings*. The *Planning Commission* may waive the requirements for shelter design when it finds that the existing vegetation will provide adequate year round screening of the *buildings*.
 - h. The tower shall be sited within or adjacent to mature dense *tree* growth and understory vegetation that provides an effective year round visual buffer and should only be considered elsewhere on the property when technical or aesthetic reasons indicate there are no other preferable locations. Where necessary, the Board shall require the installation of a vegetated buffer of sufficient height and depth to create to an effective year round visual buffer.
 - i. Towers shall be lighted only if required by the FAA. Lighting of equipment shelters and other facilities on *site* shall be shielded from other properties.
 - j. *Signs* shall be limited to identify the property owner, emergency contact, and to warn of danger.
 - k. The special exception shall be valid for a period of five years from the date that the decision of the Board of Appeals is signed.
 - l. The tower shall be used continuously. In the event, the tower ceases to be used for a period of six months, the approval will terminate. The property owner shall insure the tower removal within ninety days after the termination.

- m. The facility shall comply with all FCC and ANSI standards.
 - n. The applicant shall demonstrate that a tower shall not unreasonably interfere with the view of, or from, *sites* of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic *Site's* survey, an historic district, or the Chesapeake Bay and its tributaries.
 - o. All applications for approval of radio and television towers shall include:
 - i. A description of the facility and proposed licensed carriers. A licensed carrier shall be the applicant, the co-applicant or have a binding agreement with the tower company.
 - ii. Coverage maps showing the area to be served by the proposed facility and the coverage available under existing facilities, approved facilities, and other appropriate *structures*.
 - iii. A master plan of the applicants proposed communication's network for the entire county.
 - iv. Siting elevations, existing photography, and a photo simulation from all directions.
 - v. A coverage, interference, and capacity analysis. The Director of Emergency Management shall review the interference analysis.
 - vi. A copy of all reports required by or provided to the Federal Communications Commission including, but not limited, to the Environmental Assessment, NEPA Review, and SHPO Review.
 - vii. Computer modeling used in selecting the *site*.
 - viii. A narrative that explains how the *site* will not unreasonably interfere with the view of or from *sites* of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic *Site's* survey, an historic district, or the Chesapeake Bay and its tributaries.
44. Raising of livestock and fowl but not including commercial *feedlots*, confinement dairies, or poultry houses in RC and RR provided:
- a. All *buildings* for the housing of animals are 200 feet from the property line.
 - b. Waste management *structures* are 600 feet from the nearest property line.
 - c. No part of the operation shall be in the *100-year floodplain*.
 - d. The operation is managed according to a waste and nutrient management plan approved by the Natural Resources Conservation Service, the University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorus is a problem or is likely to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Board of Appeals, *Planning Commission*, or Planning Director additional review is needed by an outside agency, the application and waste and nutrient management plan may be forwarded to the Maryland Department of the Environment or any other appropriate agency.
 - e. Sediment and *stormwater management plans* are approved by the appropriate agency and are implemented.
 - f. The applicant shall prepare a management plan that demonstrates that the facility will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and *waterways*.
 - g. To assure continued compatibility with the surrounding area, the Board may place additional restrictions on the following:
 - i. Screening and landscaping from adjacent properties and public *roads*
 - ii. Exterior displays, lighting, and *signs*
 - iii. The location of access routes to the *site*, both on and *off-site*

- iv. The type of waste disposal, e.g. injection, disk, etc.
 - v. Monitoring wells and surface water testing where appropriate
 - vi. Manner and route of moving waste from one *site* to another
 - vii. Waste and nutrient management plans for properties receiving waste
45. Raising of small animals, commercial, including birds, bees, fish, rabbits or other creatures but not including dog kennels in RC, RR, CAR, and CR.
46. Recreational facilities, privately or commercially owned, but not including major sports arenas for football, baseball, drag racing, motocross, or other major sports activities in RC, RR, CAR, CR, CC, C, and CCA.
47. *Resort* in RCD, RC, RR, CAR, CR, IV, and IVCA provided:
- a. The parcel(s) on which the *resort* is proposed shall be at least 250 acres.
 - b. The *resort* shall not exceed 750 acres.
 - c. The *resort* has at least 40 but not more than 225 guest rooms.
 - d. The project includes a regulation par 72, 18-hole golf course. The golf course shall meet all the requirements found in Article VII, Section 7.26 of this Ordinance.
 - e. Permanent theme parks, amusement parks, and/or stadiums are prohibited.
 - f. Where applicable, the applicant has applied for growth allocation from the County. Special exception approval will not be valid without the granting of growth allocation.
 - g. The Board shall make specific findings on the availability of public and governmental services.
 - h. Where they exist, historic *structures* shall be incorporated into the overall project.
 - i. Significant view corridors, both from the *site* and onto the *site* shall be preserved in so much as possible.
 - j. The height of all *structures* shall not exceed 38 feet.
 - k. The design of the *resort* and *accessory uses* shall reflect and complement the rural character of the area.
 - l. The number of *dwelling units* shall not exceed that which is permitted in the applicable zoning district. *Dwelling units* may be detached or attached.
 - m. Continuous residential *lot development* aligned with golf course fairways shall be prohibited within the *Critical Area* and discouraged elsewhere.
 - n. Parking lots shall be landscaped as required for commercial developments in Article V, Section 11 of this Ordinance.
 - o. Permitted *accessory uses* include *restaurants*, recreational facilities such as tennis courts and *swimming pools*; spas; retail use provided the establishments are in the main *building* with the entrance to the retail use from the inside the *building*; stables, equestrian center, other recreation amenities but not including trap, skeet, clay birds, paint ball or other similar firearm activities, *piers* and; other *accessory uses* that are customarily associated with a *resort*. The applicant shall describe all proposed *accessory uses* in the application for a special exception. The Board of Appeals may deny or limit the size and extent of *accessory uses*.
 - p. The number of *slips* on the accessory *pier* is limited to 25% of the number of guest rooms and is limited to use by those using the *resort* facilities. Accessory *piers* must meet all requirements applicable to *marinas* such as pumpouts, restrooms, and showers.
 - q. All *structures* shall comply with the minimum 100-foot *buffer* from mean high tide and 500 feet from all side and rear property lines whichever is greater.
 - r. In RCD, RC, RR, and CAR at least 60% of the property shall be in *open space*. A golf course shall be considered *open space*. However, additional *open space* beyond that provided by the golf course is required.

- s. The Board of Appeals may place additional restrictions on the following:
 - i. Additional *yard* requirements for all *structures*, including patios, and places of public assembly
 - ii. Lighting
 - iii. Landscaping and screening
 - iv. Outdoor activities, outdoor music, and their hours of operation
 - v. Access
 - t. Application for a *resort* shall include a sketch plan and renderings of all primary and each type of *accessory structure*.
48. Retail businesses, supplying on the *premises*, household goods, new automotive parts, agricultural supplies and commodities, sporting goods, and the like, including department, outlet and discount stores with a gross *floor area* that exceeds 60,000 square feet in C provided:
- a. The proposed *development* will not adversely affect existing commercial centers and businesses as demonstrated by an economic impact study.
 - b. The traffic impact will not lower the level of service more than one level of service or in any case below Level of Service C as demonstrated by a traffic impact study.
 - c. The proposed *development* will not adversely affect the environment as demonstrated by an environmental impact study.
 - d. All retail sales and/or storage shall be conducted entirely within a *building* except where otherwise approved by the *Planning Commission*
 - e. The *Planning Commission* has reviewed the preliminary *site plan*.
 - f. The Board of Appeals may place additional restrictions on the following:
 - i. Additional *yard* requirements for all *structures*.
 - ii. Lighting
 - iii. Landscaping and screening
 - iv. Access
 - g. The application shall include a preliminary plan and renderings of all primary and *accessory structures*.
49. *Retreat* in AZD, RCD, RC, RR, CAR, CR, and V provided:*
- a. The project shall collectively consist of at least 15 acres.
 - b. In AZD, the *retreat* uses *buildings* that existed prior to August 1, 1989. *Buildings* are limited to a 50% expansion of the gross *floor area* of each individual *building* above that which existed as of August 1, 1989.
 - c. The *retreat* has at least 10 but not more than 40 guest rooms.
 - d. Permanent theme parks, amusement parks, and/or stadiums are prohibited.
 - e. Where applicable, the applicant has applied for growth allocation. Special exception approval will not be valid without the granting of growth allocation.
 - f. The Board shall make specific findings on the availability of public and governmental services.
 - g. Where they exist, historic *structures* shall be incorporated into the overall project.
 - h. Significant view corridors, both from the *site* and onto the *site* shall be preserved in so much as possible.
 - i. The height of all *structures* shall not exceed 38 feet.
 - j. The design of the *retreat* and *accessory uses* shall reflect and complement the rural character of the area.
 - k. One residential unit for use by an employee of the *retreat* may be provided.
 - l. Permitted *accessory uses* include kitchen and dining facilities for guests only, recreational facilities such as tennis courts and *swimming pools*; spas; other recreation amenities but not including trap, skeet, clay birds, paint ball or other similar firearm

activities, *piers*; and other *accessory uses* that are customarily associated with a *retreat*. The applicant shall describe all proposed *accessory uses* in the application for a special exception. The Board of Appeals may deny or limit the size and extent of *accessory uses*.

- m. The number of *slips* on an accessory *pier* may not exceed 5.
 - n. The *retreat* shall be limited to 10 *buildings*. In AZD, the *retreat* is limited to existing *buildings*.
 - o. All *structures* shall comply with the minimum 100-foot *buffer*. Primary *buildings* shall be 100 feet from all property lines or comply with the minimum 100-foot *buffer*, whichever is greater. *Accessory structures* may be 5 feet from the rear or side property line.
 - p. At least 60% of the property shall be in *open space*.
 - q. Parking lots shall be landscaped as required for commercial developments in Article V, Section 11 of this Ordinance.
 - r. The Board of Appeals may place additional restrictions on the following:
 - i. Additional *yard* requirements for all *structures*, including patios and places of public assembly
 - ii. Lighting
 - iii. Landscaping and screening
 - iv. Outdoor activities and outdoor music and their hours of operation
 - v. Access
 - s. The application for a *retreat* shall include a sketch plan and renderings of all primary and each type of *accessory building* and *structure*.
50. Rifle and pistol ranges, trap and skeet shooting, sporting clays or similar activities such as paint ball, including accessory snack bars and retail sales of shooting supplies and equipment, commercial or *private club* in AZD provided:
- a. The surrounding area is predominately undeveloped.
 - b. Such uses shall be for the period of time as determined by the Board. However, outdoor night shooting is prohibited at rifle and pistol ranges.
 - c. Proposed *accessory uses*, such as stores, snack bars, and *recreational vehicle* parking are included in the application and specifically approved by the Board.
52. Sand and gravel pits, *excavation* or extraction (not including the removal of sod, and *excavation* for foundations, *swimming pools*, *soil* and water conservation practices, and those removals approved in connection with farm use, *street* construction, *subdivision* or planned residential development) in AZD, RCD, RC, RR and CAR provided:
- a. The special exception shall be for a period not to exceed five years
 - b. Material is not brought from *off-site* for processing, mixing, or similar uses
 - c. The *excavation* or extraction operation shall be controlled to offer reasonable protection to surrounding properties and the neighborhood, particularly as regards to use of residential *streets* for access to the *site*
 - d. There are no known threatened or *endangered species*, areas of specific value, or rare assemblages of species or other vital habitat at the *site*
 - e. In RCD and CAR, *highly erodible soils* are not disturbed at the *site*
 - f. The operation will not disturb for future use prime agricultural lands or *forest* and *developed woodlands* of more than one acre
 - g. The operation will not degrade water quality
 - h. The operation does not disturb the minimum 100-foot *buffer* or *stream protection corridor*

- i. The operation is under an approved operating and restoration plan from the State of Maryland
 - j. The operation does not adversely affect a *non-tidal wetland* directly or hydrologically
 - k. The location of the *excavation* or extraction with respect to property lines, the depth of *excavation*, and relation to the water table or *flood* criteria and the *slope* of the sides of the *excavation* shall be controlled to prevent a continuing, unsightly, hazardous, or wasteful condition of the land.
53. *Sanitary landfill* or rubblefill owned or managed by Kent County in AZD provided a 100-foot vegetative *screen* is provided along all property lines.
54. Seafood processing, including wholesale and retail sales in M provided:
- a. Open or uncovered storage of shells, bones, and refuse does not occur on *site*.
 - b. No curing or smoking occurs on *site*.
 - c. All *structures* for processing and all disposal areas for materials and byproducts of processing are a minimum of 300 feet from all property lines and 600 feet from residential district boundaries.
 - d. Seafood processing facilities and disposal areas are not in the *100-year floodplain*.
 - e. The operation is managed according to a management plan approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department.
 - f. Parking, processing and disposal areas are screened from adjacent properties and public *roads*.
 - g. Access *roads* are capable of handling the type of traffic generated by the operation.
55. *Sewage sludge land application* in AZD provided:
- a. Prior approval by the Maryland Department of the Environment pursuant to the Annotated Code of Maryland and the COMAR *regulations*, as amended, shall be obtained. Any conditions imposed by the Maryland Department of the Environment shall be made a part of any approval by the Board of Appeals.
 - b. No land application shall be permitted within the environmental quality corridor designated on the Land Suitability Maps of Kent County, Maryland. (These maps are on file in the Kent County Department of Planning and Zoning.)
 - c. An approved conservation plan for such sludge application, using the universal *soil* loss equation for computation of *soil* loss, shall be on file with the Natural Resources Conservation Service of Kent County and implemented.
 - d. The applicant shall prepare an environmental impact statement and submit it with the application. This statement shall include, but is not limited to:
 - i. A site plan as required in Article VI, Section 5 of this Ordinance.
 - ii. Description of the project, including application rates, soil conservation measures, sludge source, means of transportation to the site(s), biological and chemical composition of the sludge as determined by the State Department of Agronomy and a comparison to the existing maximum concentrations and limits of its contents according to the Maryland Department of the Environment permissible limits, applicable methods, and the name of the contractor who will apply the sludge.
 - iii. An analysis of the project's short and long term positive and negative environmental impacts relating to but not limited to ground water quality, surface water runoff, sediment transport, *soil* chemistry, heavy metals, pathogens, toxic organic, odor and wildlife.

- iv. A monitoring program to assure uniform methods of application and the nature of sludge material as approved by the Board. The program must also provide data on *soil* pH, ground water, and surface water conditions using the American Water Works Association method or other approved standard or scientific method.
 - v. Description of all permits required by federal, state and local agencies and their status.
- e. A system of test wells and surface water testing stations is installed to provide data on surface water and ground water conditions. A surface and ground water monitoring program is to be initiated prior to land application to provide base line data. There shall be a minimum of one ground water monitoring well and one surface water quality testing station per drainage sub-basin. The Board may require additional wells or stations. The adequacy of all monitoring facilities is to be determined by the Board who may request the assistance of the County's technical planning staff. The applicant shall provide suggested locations and number of monitoring facilities which the applicant feels are adequate and in the best interest of pursuing the monitoring function outlined in this section.
- f. Land application shall be carried out using only those types of equipment which will result in a uniform application of sludge. Any such equipment must have calibration capability.
- g. A sludge storage facility may be approved when the capacity of the storage facility does not exceed one half (1/2) of the annual total volume approved by the Maryland Department of the Environment. The facility may only be used for the storage of *sewage sludge* to be applied on the fields delineated within the application. The storage facility shall be a minimum of 1,000 feet from the nearest residence and 200 feet from the property lines.
- h. The Zoning Administrator may take *on-site* samples of sludge from transport trucks or the land. The Zoning Administrator is to be notified at least 3 days prior to the initiation of the land application of sludge.
- i. A manifest is to accompany each truck load of *sewage sludge* and shall include the following information:
- i. Origin of sludge
 - ii. Amount of sludge
 - iii. Most recent official analysis of sludge
- The manifest shall be delivered to the Zoning Administrator within 7 days of delivery of the sludge to the *site*.
- j. The special exception shall be reviewed on a yearly basis.
56. *Shopping centers* in C provided:
- a. All retail sales shall be conducted within a *building* except where otherwise approved by the *Planning Commission*.
 - b. A traffic study shows that the traffic generated will not cause the level of service on adjacent roads to drop below Level C.
57. *Single family dwellings* in CC, C, and CCA

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 the nearest property line.
 - b. The front of the *site* shall be appropriately landscaped.
 - c. All activities shall be completely enclosed.
 - d. The operation is managed according to a waste management plan approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department.
59. *Structures* for the buying, processing, or sale of farm products related to agriculture, including the sale of fertilizer and seed but not including animal products, in *structures* that exceed 10,000 square feet but are less than 25,000 square feet in AZD
60. Truck parking lot in CC and C provided:
- a. No part of the truck parking facility shall be in the *100-year floodplain*.
 - b. Areas for truck parking, fueling, or repair are a minimum of 100 feet from any residential district.
 - c. Areas for truck parking are 100 feet from *wetlands*.
 - d. Areas for truck repair are enclosed in a *building*.
 - e. The Board determines that all access *roads* are capable of handling the traffic generated and that a safe route for trucks traveling to and from the facility is provided.
 - f. Areas for parking and cartways are paved.
 - g. The *site* is screened from adjacent properties and public *roads*.
 - h. Adequate rest room facilities shall be provided.
61. *Truck stops* in C and CCA provided:
- a. No part of the truck parking facility shall be in the *100-year floodplain*.
 - b. Areas for truck parking, fueling, or repair are a minimum of 300 feet from any residential district.
 - c. Areas for truck parking are 100 feet from *wetlands*.
 - d. Areas for truck repair are enclosed in a *building*.
 - e. The Board determines that all access *roads* are capable of handling the traffic generated and that a safe route for trucks traveling to and from the facility is provided.
 - f. Areas for parking and cartways are paved.
 - g. The *site* is screened from adjacent properties. The *front yard* and all areas adjacent to public *roads* shall be extensively landscaped.
 - h. Adequate rest room facilities, driver rooms, and telephones shall be provided.
62. *Truck terminals* in C provided:
- a. No part of the truck parking facility shall be in the *100-year floodplain*.
 - b. Areas for truck parking, fueling, or repair are a minimum of 100 feet from any residential district.
 - c. Areas for truck parking are at least 100 feet from *wetlands*.
 - d. Areas for truck repair are enclosed in a *building*.
 - e. The Board determines that all access *roads* are capable of handling the traffic generated and that a safe route for trucks traveling to and from the facility is provided.
 - f. Areas for parking and cartways are paved.
 - g. The *site* is screened from adjacent properties and public *roads*.
 - h. Adequate rest room facilities shall be provided.

minimum easing of the requirements, and shall not result in a conflict with the proposals of the adopted Major Thoroughfare Map for the County or other provisions of this Ordinance.

2. Upon receiving a substantially complete application for a waiver, the Department of Planning and Zoning shall schedule the waiver for review by the *Planning Commission*. At least 20 days before the meeting, the Department of Planning and Zoning shall send a notice to adjacent property owners using the most recent address as found in the records of the Kent County Treasurer's Office and shall post the property.
3. In order to grant a waiver, the *Planning Commission* must find all of the following:
 - a. That the waiver will not cause a substantial detriment to adjacent or neighboring property.
 - b. That the waiver is consistent with the *Comprehensive Plan*, the Village Master Plan, and the general intent of this Ordinance.
 - c. That the extraordinary hardship or other injustice was caused by the following:
 - i. Unusual *topography*.
 - ii. The strict application of these provisions would result in inhibiting the achievement of the goals and objectives of the *Comprehensive Plan*, the Village Master Plan, and this Ordinance.
 - d. That the extraordinary hardship or other injustice was not caused by the applicants own actions.

4. Conditions

In granting waivers, the *Planning Commission* may require such conditions as will, in its judgement, substantially secure the objectives of the provisions so waived.

5. Decision

Waivers from the *subdivision* provision of this Ordinance shall be granted only by the affirmative vote of two-thirds of the members of the *Planning Commission*. Each case shall be decided and a decision issued no later than 30 days after the meeting is concluded. The decision granting or denying the waiver shall be in writing and shall be signed by the Chairman of the *Planning Commission*. The Department of Planning and Zoning shall mail a copy of the decision to the applicant. The decision shall be made a part of the public record of the proceedings on file in the Department of Planning and Zoning.

6. Lapse of Waiver

After the *Planning Commission* has granted a waiver, the waiver so granted shall lapse after the expiration of one year if no substantial construction has taken place in accordance with the approved *subdivision* for which such waiver was granted or if the decision does not specify a period longer than one year for good cause shown.

7. Amendment of Waiver

The procedure for amendment of a waiver already approved or a request for a change of conditions attached to an approval shall be the same as for a new application.