

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 any property line.
 - c. No waste management facility or *structure* for the keeping of animals is in the *100-year floodplain*.
 - d. The feeding and watering of animals are conducted a minimum of 100 feet from tidal water and *tributary streams*, both tidal and non-tidal, and 50 feet from *non-tidal wetlands*.
 - e. 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. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorous is a problem or has the potential to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.

19. *Structures* for the buying, processing, and sale of farm products related to *agriculture*, excluding any animal products, but including seed and fertilizer sales provided that the total square footage of the *buildings* does not exceed 10,000 square feet. The 10,000 square foot restriction applies only to those *structures* associated with the approved business and not to *structures* normally associated with permitted agricultural operations. *Structures* for the buying, processing, and sale of farm products are subject to *site plan* review by the *Planning Commission* or where applicable the Planning Director.

20. Veterinary hospitals or clinics provided that all open kennels shall be at least 200 feet from all property lines.

21. *Mobile homes* existing and in use as of January 16, 1996 may be continued in use and may be replaced with another *mobile home*, provided the replacement *mobile home* complies with the Kent County Codes and all Health Department *regulations*. It is not the intent of this provision to allow additional *mobile homes* in the County, but rather to allow the continued use and improvement (including replacement) of *mobile homes* existing as of January 16, 1996. A *mobile home* that remains idle or unused for a continuous period of two years shall not be used again except in conformity with these *regulations*.

1.3 SPECIAL EXCEPTIONS

The following principal uses and *structures* may be permitted as special exceptions in the Agricultural Zoning District, subject to *site plan* review by the *Planning Commission* or where applicable the Planning Director. Detailed limitations and standards for these uses may be found in Article VII of this Ordinance.

1. Accessory storage *structures* with a *floor area* of more than 1,200 square feet or a height that exceeds 17 feet on parcels less than 5 acres
2. Accessory *structures* in the *front yard* of *through lots*
3. Adaptive reuse of historic *structures*
4. *Airport*, landing field, heliport, or helistop, public or private
- 4.5 Assisted living facilities with five to eight beds*
5. Cemetery, including crematorium and mausoleum
6. *Cottage industries*, tradesmen and artisan shops
7. *Country inn*
8. *Country stores*, on *primary* and *secondary roads*

- 4.5 Assisted living facility with five to eight beds*
5. Cemetery, including crematorium and mausoleum
6. *Conference center*
7. *Cottage industries*, tradesmen and artisan shops
8. *Country inn*
9. *Country stores*, on *primary* and *secondary roads*
10. *Day care group*
11. *Dog kennels*, commercial
12. Exposition center or fairgrounds
13. Golf course, public or private
14. More than four horses and mules on land less than 20 acres in size
15. *Personal wireless facility tower*
16. *Private clubs*
17. Private schools
18. *Public landings*
19. *Public utilities and structures*
20. Raising of livestock and fowl but not including commercial *feedlots*, confinement dairies, or poultry houses on land less than 20 acres
21. Raising of small animals, commercial, including birds, bees, fish, rabbits or other creatures, but not including *dog kennels* on land less than 20 acres
22. Recreational facilities, privately or commercially owned, but not including major sports arenas for football, baseball, drag racing, motocross, or other major sports activities
23. *Resort*
24. *Retreat*
25. 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 *street* construction, *subdivision*, or planned residential development)

3.4 ACCESSORY USES

- A. The following *accessory uses* are allowed on all *farms* in the Rural Character District.
 1. Accessory farm *buildings*, including barns, cribs, stables, sheds, tool rooms, shops, bins, tanks, and silos. All *structures* for the keeping of animals shall be located a minimum of 100 feet from any property line. No *buildings* are permitted in the *buffer*.
 2. Accessory farm houses, one on all *farms*, two on *farms* with a minimum of 50 tillable acres. A farm employee house may not be a *mobile home*. Houses must share a common entrance and shall be occupied by permanent employees of the *farm* or immediate member of the *family* owning or operating the *farm*.
 3. Accessory open or enclosed storage of farm materials, products, equipment, or vehicles.
 4. Accessory storage of fertilizer and chemicals used in connection with the farming operation of the owner.
 5. *Guest house* one, not including *mobile homes*, provided:
 - a. The house is used exclusively for non-paying guests.
 - b. No house shall be used as a permanent residence nor be rented or sold separately from the principal dwelling.

9. *Stable, public* provided:
 - a. The *lot* shall be 20 acres or more.
 - b. Any *structure* for the keeping, feeding of animals and waste management *structures* shall be a minimum of 400 feet from any property line.
 - c. No waste management facility or *structure* for the keeping of animals is within the *100-year floodplain*.
 - d. The feeding and watering of animals are conducted a minimum of 50 feet from any body of water, including *tributary streams* and *wetlands*.
 - e. 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. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorous is a problem or has the potential to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.

10. *Mobile homes* existing and in use as of January 16,1996 may be continued in use and may be replaced with another *mobile home*, provided the replacement *mobile home* complies with the Kent County Codes and all Health Department *regulations*. It is not the intent of this provision to allow additional *mobile homes* in the County, but rather to allow the continued use and improvement (including replacement) of *mobile homes*, existing as of January 16, 1996. A *mobile home* that remains idle or unused for a continuous period of two years shall not be used again except in conformity with these *regulations*.

4.3 SPECIAL EXCEPTIONS

The following principal uses and *structures* may be permitted as special exceptions in the Rural Residential District, subject to *site plan* review by the *Planning Commission* or where applicable the Planning Director. Detailed limitations and standards for these uses may be found in Article VII of this Ordinance.

1. Accessory storage *structures* with a *floor area* of more than 1,200 square feet or a height that exceeds 17 feet on parcels less than 5 acres
2. Accessory *structures* in the *front yard* of *through lots*
3. Adaptive reuse of historic *structures*
4. *Airport*, landing field, heliport, or helistop, public or private
5. *Aquaculture*, including accessory processing and sales
- 5.5 Assisted living facility with five to eight beds*
6. Cemetery, including crematorium and mausoleum
7. *Conference center*
8. *Cottage industries*, tradesmen and artisan shops
9. *Country inn*
10. *Country stores*, on *primary* and *secondary roads*
11. *Day care group*
12. *Dog kennels*, commercial
13. Golf course, public or private
14. *Houses of worship*
15. More than four horses and mules on land less than 20 acres in size
16. *Private clubs*
17. Private schools

9. *Mobile homes* existing and in use as of January 16, 1996 may be continued in use and may be replaced with another *mobile home*, provided the replacement *mobile home* complies with the Kent County Codes and all Health Department *regulations*. It is not the intent of this provision to allow additional *mobile homes* in the County, but rather to allow the continued use and improvement (including replacement) of *mobile homes*, existing as of January 16, 1996. A *mobile home* that remains idle or unused for a continuous period of two years shall not be used again except in conformity with these *regulations*.

6.3 SPECIAL EXCEPTIONS

The following principal uses and *structures* may be permitted as special exceptions in the Community Residential District, subject to *site plan* review by the *Planning Commission* or where applicable the Planning Director. Detailed limitations and standards for these uses may be found in Article VII of this Ordinance.

1. Accessory storage *structures* with a *floor area* of more than 1,200 square feet or a height that exceeds 17 feet on parcels less than 5 acres
2. *Accessory structures* in the *front yard* of *through lots*
3. Adaptive reuse of historic *structures*
4. *Airport*, landing field, heliport, or helistop, public or private
- 4.5 Assisted living facilities with five to eight beds*
5. Cemetery, including crematorium and mausoleum
6. *Conference center*
7. *Cottage industries*, tradesmen and artisan shops
8. *Country inn*
9. *Country stores*, on *primary* and *secondary roads*
10. *Day care group*
11. Golf course, public or private
12. *Houses of worship*
13. *Private clubs*
14. Private schools
15. *Public landings*
16. *Public utilities* and *structures*
17. Raising of small animals, commercial, including birds, bees, fish, rabbits or other creatures, but not including *dog kennels*
18. Recreational facilities, privately or commercially owned, but not including major sports arenas for football, baseball, drag racing, motocross, or other major sports activities
19. *Resort*
20. *Retreat*

6.4 ACCESSORY USES

- A. The following *accessory uses* are allowed on all *farms* in the Community Residential District.
 1. Accessory farm *buildings*, including barns, cribs, stables, sheds, tool rooms, shops, bins, tanks, and silos. All *structures* for the keeping of animals shall be located a minimum of 100 feet from any property line. No *buildings* are permitted in the *buffer*.
 2. Accessory farm houses, one on all *farms*, two on *farms* with a minimum of 50 tillable acres. A farm employee house may not be a *mobile home*. Houses must share a common entrance and shall be occupied by permanent employees of the *farm* or immediate member of the *family* owning or operating the *farm*.

SECTION 4 APPROVAL VALID FOR ONE YEAR

Approval of a special exception granted under this Article shall be valid for one year after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said one year period, or unless the Board of Appeals, or where applicable the Planning Director, approves an extension before the expiration of said one year period. When provided with sufficient evidence, the Board, or where applicable the Planning Director, may grant a special exception for a longer period.

SECTION 5 RECONSIDERATION, ONE YEAR LIMIT

Whenever an application for a special exception has been denied by the Board, such application, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

SECTION 6 PROCEDURES

The application for a special exception shall include a *site plan* together with such data and information as may be required for a determination of the nature of the proposed use and its effect on the *Comprehensive Plan*, the neighborhood, and surrounding properties.

The Planning Director may hear and decide the following special exceptions:

1. Accessory storage *structures*
2. Accessory *structures* in the *front yard* requirement of waterfront parcels
3. Accessory *structures* in the *front yard* of a *through lot* or *corner lot**
4. Assisted living facilities with five to eight beds**
5. *Day care group*

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

1. *Aquaculture*
2. Adaptive reuse of historic *structures*
3. *Airport*, landing field, heliport, or helistop, public or private
4. Attached retail businesses
5. *Automobile repair*
6. *Automobile service stations*
7. Boat building and sales
8. Car wash
9. Cemetery, including crematorium and mausoleum
10. *Conference center*
11. Convalescent, nursing, or group homes for the aged with five or more beds
12. *Cottage industries*, tradesmen and artisan shops
13. *Country inn*
14. *Country stores*
15. Dredge spoil *site*
16. *Excavation contractor's yard*
17. *Feedlot* or confinement dairy
18. Golf courses, public or private
19. Hospitals, rehabilitation facilities, or other similar institutions for human care
20. *Houses of worship*

6. *Aquaculture* including accessory processing and sales in CAR and RR 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 600 feet from all property lines.
 - 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.

- 6.5 Assisted living facilities with five to eight beds in AZD, RC, RR, and CR provided:*
 - a. The property owner resides on the premises.
 - b. The assisted living facility is subordinate and accessory to the principal dwelling in size and appearance and is in the same structure as the principal dwelling unit. Expansions shall be designed in keeping with or to enhance the character of the other buildings.
 - c. The rooms for the use are not designed or constructed to be separate dwelling units and may not be sold as separate dwelling units.
 - d. The appearance of the structure and property remain that of a single family dwelling so that the average neighbor is unaware of the assisted living facility's existence.
 - e. The structure meets all applicable Kent County Codes, including the building code, and Health Department requirements.
 - f. The applicant has received approval from the appropriate State of Maryland agencies.
 - g. The facility does not create an unacceptable environmental impact by way of noise, odor, noxious materials, or other nuisances.

7. Attached retail businesses in CC provided proposed *buildings* are in harmony with the scale, *bulk*, and character of the area

8. *Automobile repair* in IV and IVCA provided automobiles waiting for repair are stored in a *building* or in the *rear yard* screened from adjacent properties.

9. *Automobile service stations* in V, provided major repairs and bodywork is not conducted *on-site*.

10. Boat building and sales in CC, C, and CCA provided construction areas are at least 100 feet from any residential district.

11. Car Wash in IV and IVCA provided:
 - a. The car wash is designed to allow adequate traffic flow for cars to enter and exit the facility safely.
 - b. Single bay facilities with automated brushes and multiple bay self service facilities shall provide a space for the parking of one car per bay to be used as a dry down area. Facilities using a conveyor or chain drag system for moving motor vehicles through the washing area shall provide space at the *building* exit for three times the number of vehicles that can be accommodated at one time within the *structure*.
 - c. Vacuum facilities shall comply with the setbacks for a primary *structure* in the applicable zoning district.
 - d. Appropriate permits are obtained from the State of Maryland.
 - e. Wastewater is recycled.

* Amended 11/3/09