

ARTICLE II. DISTRICTS

SECTION 1 GENERAL PROVISIONS

1. ESTABLISHMENT OF ZONING DISTRICTS

In order to regulate and restrict the location and use of land and *structures* for trade, industry, residence, and for other purposes; to regulate and restrict the location, height, and size of *structures* hereafter erected or structurally altered; to regulate the size of *yards*, and other *open space*; and to regulate the *density* of population, these zoning districts are hereby established:

DISTRICT NAME	NOMINAL DENSITY	CRITICAL AREA
Agricultural (AZD)	1:30 units per acre	
Resource Conservation District (RCD)	1:20 units per acre	Critical Area
Rural Character (RC)	1:20 units per acre	
<i>Critical Area</i> Residential (CAR)	1:1 unit per acre	Critical Area
Community Residential (CR)	1:1 unit per acre	
Village (V)	8 units per acre	
Intense Village (IV)	12 units per acre	
Commercial (C)		
Commercial <i>Critical Area</i> (CCA)		Critical Area
Marine (M)	2 units per acre	Critical Area
Employment Center (EC)	1:20 units per acre* *intra-family transfer	
Employment Center Critical Area (ECCA)	1:20 units per acre* *intra-family transfer	Critical Area
Mixed Use Development (MXD)	12 dwelling units per acre for entire District	
Mixed Use Development Critical Area (MXDCA)	12 dwelling units per acre for entire District	Critical Area

2. CRITICAL AREA ZONING DISTRICTS GENERALLY

The 14 zoning districts in this Land Use Ordinance comprise two categories. The first category is the zoning districts for land located in the State of Maryland's Critical Area for the Chesapeake and Atlantic Coastal Bays. These are the RCD, CAR, CCA, M, ECCA, and MXDCA. State of Maryland Critical Area laws and regulations apply in these districts. The remaining districts are outside the Critical Area. Critical Area law and regulations do not apply; other laws and regulations such as Forest Conservation regulations apply. The Environmental Regulations are set forth in Article VI.

3. ESTABLISHMENT OF CRITICAL AREA LINE

The *Critical Area* Line shall be shown on the map designated as the “*Critical Area* Line Map of Kent County, Maryland” adopted by the County Commissioners. Such map delineates the *Critical Area* and shall be used to determine if such land is located within the *Critical Area*. For any land referenced to be within the *Critical Area* according to the “*Critical Area* Line Map of Kent County” one must follow the *Critical Area* requirements and *regulations* as follows:

- (A) If referenced on the “Zoning Map” as a *Critical Area* zoning district, then the established zoning district must be adhered to.
- (B) If according to the “*Critical Area* Line Map” the land is within the *Critical Area* then the requirements and *regulations* of the most similar *Critical Area* zoning district and the established *Critical Area* designation must be followed. This includes Title 27 of the Code of Maryland *Regulations* (COMAR).
- (C) This Section shall remain in effect while Kent County undertakes its Comprehensive Rezoning and Update process, which will result in a new comprehensive Land Use Ordinance and “Zoning Map.” The “*Critical Area* Line Map” will be incorporated into the “Zoning Map” and will no longer be a stand-alone map.
- (D) The *Critical Area* Line Map may be amended by the County Commissioners in compliance with amendment provisions in this Ordinance, the Maryland *Critical Area* Law, and COMAR Title 27.
- (E) The *Critical Area* Boundary line was updated on April 27, 2021, and new mapping designations associated with any newly included *Critical Area* shall meet the standards of COMAR 27.01.115.

4. INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainties exist with respect to the district boundary, the following applies:

- (A) Where a boundary is given a position within a *street*, *alley*, or *easement*, the boundary shall be deemed to be the center of the *right of way* of the *street*, *alley*, or *easement*.
- (B) If the actual location of a *street*, *alley*, or *easement* varies from the location shown on the map, the actual location shall control.
- (C) Where a boundary is shown as being located a specific distance from a *street* or other physical feature, this distance shall control.
- (D) Where the district boundary approximately coincided with *lot lines*, the *lot line* shall be construed to be the district boundary unless otherwise indicated.
- (E) Where district boundaries do not coincide with *lot lines* and *streets*, and where no dimensions are shown, the location of the boundary shall be determined by use of the scale shown on the map.

ARTICLE II. DISTRICTS
SECTION 1. GENERAL PROVISIONS

- (F) Where a property is split by a zoning boundary including special districts, the rules of the zone shall apply to that portion of the land located in each district.

SECTION 2 AGRICULTURAL ZONING DISTRICT (AZD)

2.1 STATEMENT OF INTENT

The purpose of the Agricultural Zoning District is to encourage the use of agricultural land for farming and other agricultural businesses and to limit the use of these lands for non-agricultural purposes. *Agriculture*, including animal husbandry on properties at least 20 acres or larger in size, is the preferred and primary use in the Agricultural Zoning District. In general, the District will consist of large contiguous areas predominantly devoted to *agriculture* or *forestry* and principally composed of Class I, II, and III *soils*. The District will contain some sensitive areas not well suited to *agriculture* to provide large contiguous areas. The sum of these areas consists of enough land to help maintain a derived-demand market for the necessary agricultural support services in the County. In addition, the District is to provide for *farm, home occupations, and cottage industries* that are compatible with *agriculture* as a means to further diversify the County's economy.



Figure 1: Diagram illustrating the desired, general character of the Agricultural Zoning District.

2.2 PERMITTED USES AND STRUCTURES

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

Uses in Agricultural Zoning District (AZD) Article III lists requirements for permitted uses and conditions related to special exceptions	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Accessory <i>dwelling unit</i>					X
Accessory <i>farm buildings</i> , including barns, cribs, stables, sheds, tool rooms, shops, bins, tanks, and silos				X	
Accessory <i>farm dwellings</i>				X	
Accessory <i>off-street parking</i> and loading of non-commercial vehicles that have current licenses and are operable					X
Accessory <i>off-street parking</i> of one commercial vehicle					X
Accessory open or enclosed storage of <i>farm</i> materials, products, equipment, fertilizer or chemicals, or vehicles, located at least 200 feet from all property lines				X	
Accessory residential storage <i>structures</i> with a ground <i>floor area</i> of more than 2,000 square feet or a height that exceeds the height of the primary residential structure on parcels less than 5 acres			A		
Accessory <i>roadside stand</i> for the sale of <i>farm</i> products				X	
Accessory <i>structures</i> in a <i>front yard</i> of <i>through</i> or <i>corner lots</i>			A		
Adaptive reuse of existing structures in AZD, located on parcels under 20 acres			A		
Adaptive reuse of <i>historic structures</i> for uses not otherwise listed			X		
Accessory sheds on properties less than 20 acres in area			A		
<i>Airports</i> , landing fields, helistops, or heliports			X		
<i>Agriculture</i>	X				
<i>Agritourism</i> on farms, defined in Article VII		X			
Animal, husbandry, <i>animal feeding operations (AFO)</i>			X		
Animal husbandry, <i>aquaculture</i>		X			
Animal husbandry, farms, including horses		X			
Animal husbandry, horses, more than four, on non-farms			X		
Animal husbandry, poultry houses (on farms only)	X				

ARTICLE II. DISTRICTS
SECTION 2. AGRICULTURAL ZONING DISTRICT (AZD)

Uses in Agricultural Zoning District (AZD) Article III lists requirements for permitted uses and conditions related to special exceptions	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Animal husbandry, poultry houses on parcels where the owner cannot handle the waste generated			X		
Animal husbandry, raising of limited livestock and fowl			X		
Animal husbandry, raising of small animals, commercial, including birds, bees, fish, rabbits, or other creatures, but not including <i>dog kennels</i> .			X		
Animal husbandry, special – backyard chickens					X
Animal husbandry, special – small sheep or goats					X
Animal husbandry, <i>stable - private</i>	X				
Animal husbandry, <i>stable - commercial</i>	X				
Appurtenant signs					X
Assisted living facilities with five to eight beds			A		
Assisted living facilities with no more than four beds					X
<i>Camp, day or boarding</i> , private or commercial, but not recreational vehicle or migrant labor camps, for the purpose of conserving and enjoying the natural resources.	X				
Cemetery, including crematorium and mausoleum			X		
Circus or carnival, midways and amusement parks, maze fields and other temporary recreational uses, for a specified period	X				
Cottage industries, tradesmen and artisan shops			A		
<i>Country inns</i>			X		
<i>Country stores</i>			X		
<i>Day care groups</i>			A		
<i>Day care homes</i>					X
<i>Dog kennels</i> , commercial					X
<i>Erosion and flood control structures</i>	X				
Exposition center or fairgrounds			B		
<i>Farm</i> brewery, as defined by the State of Maryland	X				
Farm employee housing			B		
Golf courses, public or private			X		
Greenhouses, wholesale or retail	X				
<i>Guest house</i> , one, but not including <i>mobile homes</i>				X	
<i>Home occupations</i> in main or accessory buildings					X
Hunting blinds, pits, or preserves	X				
Hunting trailer, one, temporary				X	

ARTICLE II. DISTRICTS
SECTION 2. AGRICULTURAL ZONING DISTRICT (AZD)

Uses in Agricultural Zoning District (AZD) Article III lists requirements for permitted uses and conditions related to special exceptions	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Livestock auction houses, located on farms in AZD			X		
Migrant labor camps			X		
Multi-Family and Two-Family Dwellings, in AZD	X				
Parking of commercial vehicles on a farm				X	
<i>Personal wireless facility towers</i>			X		
<i>Personal wireless facilities</i> , collocated on existing towers	X				
<i>Private garages, swimming pools, game courts, and other customary outbuildings and structures</i>					X
Private schools			X		
Public and private <i>forests</i> , wildlife reservations and similar conservation projects	X				
Public and private parks and playgrounds for the purpose of conserving and enjoying natural resources.	X				
<i>Public landings</i>			B		
Public uses, <i>buildings</i> , and utilities			X		
Railroad <i>right of ways</i>	X				
<i>Retreats</i>			X		
Rifle and pistol ranges			B		
<i>Roadside stands</i>					X
<i>Rural inns</i>			X		
Sand and gravel pits, including <i>excavation</i> or extraction			X		
<i>Sanitary landfill</i> or rubblefill, public			X		
Satellite dish, private, with an antenna of 3 feet or less in diameter					X
Satellite dish, private, with an antenna exceeding 3 feet in diameter					X
<i>Sawmills</i> and mulching operations, temporary, for cutting timber and landscaping materials grown on the <i>premises</i>	X				
School buses, parked, limited to five				X	
School buses, parked, limited to two					X
<i>Single family dwellings</i>	X				
Short-term vacation rentals (STVR)	X				
Solar energy systems, small					X
Solar energy systems, utility scale			X		
Storage of boats, campers, boat trailers, and camper trailers					X

ARTICLE II. DISTRICTS
SECTION 2. AGRICULTURAL ZONING DISTRICT (AZD)

Uses in Agricultural Zoning District (AZD) Article III lists requirements for permitted uses and conditions related to special exceptions	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
<i>Structures</i> for the buying, processing, and/or sale of animal products, commercial, located at least 600 feet from all property lines			X		
<i>Structures</i> for the buying, processing, and/or sale of non-animal farm products related to <i>agriculture</i> no more than 10,000 square feet in floor area	X				
<i>Structures</i> for the buying, processing, and/or sale of non-animal <i>farm</i> products related to <i>agriculture</i> , over 10,000 square feet in floor area but less than 50,000 square feet in area			B		
Temporary <i>MET Tower</i> of any height					X
Veterinary <i>hospitals or clinics</i> and animal shelters	X				
Waste management <i>structures</i> , where not otherwise stipulated in this Ordinance				X	
Wedding venues on farms with Board of Appeals approval			X		
<i>Wind energy systems, small</i>			X		
<i>Wind energy systems, small, accessory</i>				X	

2.3 DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS

STANDARDS FOR THE SUBDIVISION OF LOTS	
Gross <i>density</i> (dwelling units/acre)	0.033 (1/30) ^{1, 6}
Minimum <i>lot</i> size	
- <i>On-site</i> individual septic system	¾ acre
- Community sewage system	½ acres
Maximum <i>lot</i> size	N/A
Minimum <i>lot</i> width	75 feet
Maximum percentage of property in <i>lots</i>	10% ²
Maximum <i>lots</i> fronting on existing public road	2 ³
STANDARDS FOR BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT	
Minimum <i>yard</i>	
- Front (<i>primary</i> road)	100 feet
- Front (all other <i>roads</i>)	75 feet
- Side	15 feet
- Rear	30 feet
- Waterfront	100 feet
- <i>Accessory structures</i> on <i>farms</i> in the side and rear <i>yard</i>	25 feet
- <i>Accessory residential structures</i> in rear <i>yard</i>	
Side	10 feet
Rear	10 feet
Maximum <i>structure</i> height ⁴	
- Primary Residential or Agricultural <i>structure</i>	38 feet
- Accessory Residential Structure (a special exception may be granted to exceed max)	Height of existing primary residential structure
- Fence height ⁵	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
Side and Rear	8 feet
Front	4 feet

FOOTNOTES

- 1 Accessory dwelling units do not count toward the density calculation in AZD.
- 2 10% RULE: Parcels 100 acres or larger do not count toward the maximum developed percentage of the property. Lot line adjustments to lots approved prior to August 19, 2003, are not subject to the 10% Rule.

ARTICLE II. DISTRICTS
SECTION 2. AGRICULTURAL ZONING DISTRICT (AZD)

- 3 Parcels created before December 3, 2002, 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 this Ordinance.
- 4 Height of structures may be further restricted by the Kent County *Airport* Safety Requirements as defined in this Ordinance. Except in an area defined as the Kent County Airport Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.
- 5 Fences do not need to meet the yard requirements.
- 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.

ARTICLE II. DISTRICTS
SECTION 2. AGRICULTURAL ZONING DISTRICT (AZD)

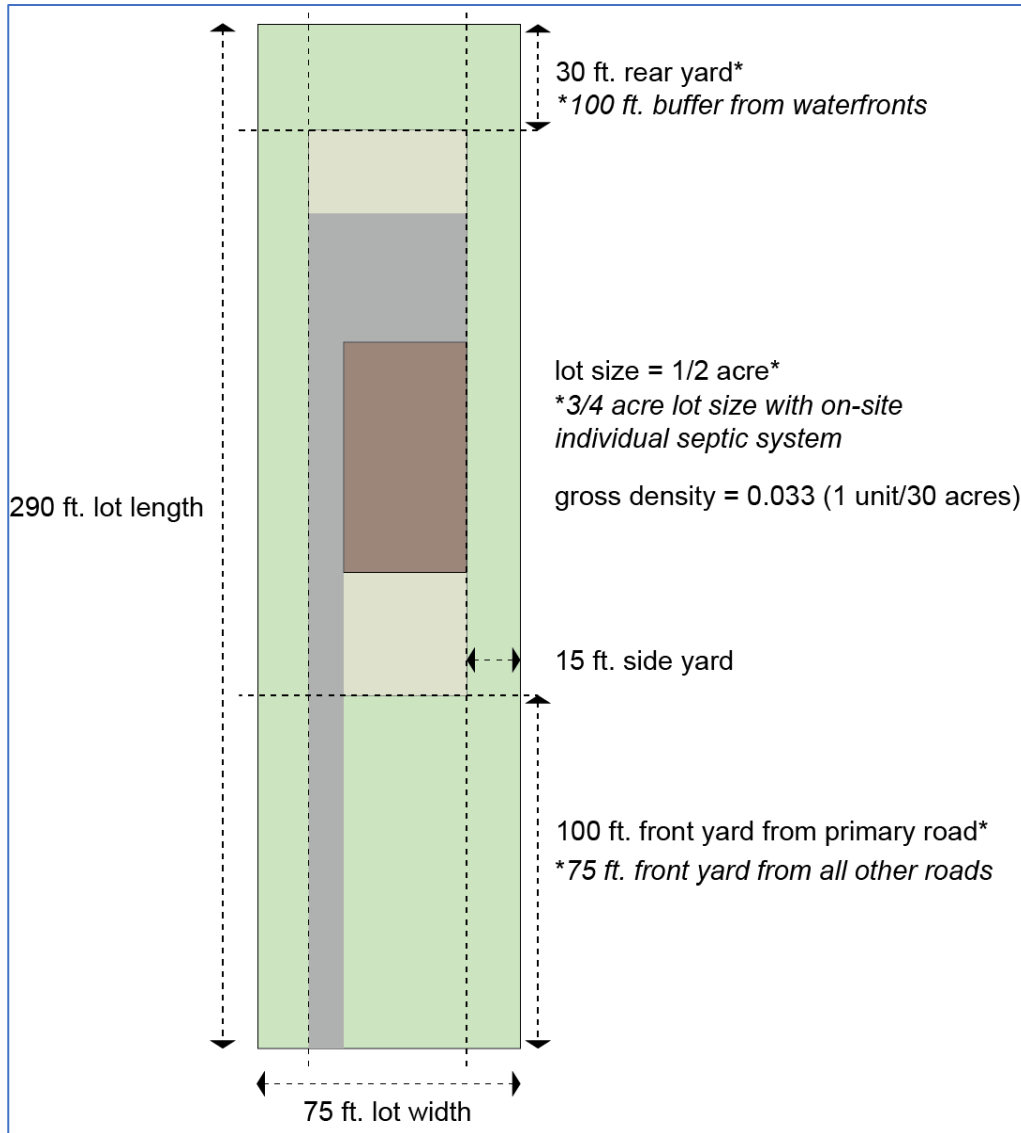


Figure 2: Regulatory diagram of a lot in the Agricultural Zoning District.

SECTION 3 RESOURCE CONSERVATION DISTRICT (RCD)

3.1 STATEMENT OF INTENT

1. This district is intended to:
 - (A) Conserve, protect, and enhance the overall ecological values of the *Critical Area*, its biological productivity, and its diversity;
 - (B) Provide adequate breeding, feeding, and wintering habitats for those wildlife populations that require the Chesapeake Bay, its tributaries, or coastal habitats to sustain populations of those species;
 - (C) Conserve the existing *developed woodlands* and *forests* for the water quality benefits that they provide; and
 - (D) Conserve the land and water resource base necessary to maintain and support such uses as *agriculture*, *forestry*, fisheries' activities, and *aquaculture*.
2. It includes areas characterized by *nature-dominated* environments (that is, *wetlands*, *forests*, abandoned fields) and resource-utilization activities (that is, *agriculture*, *forestry*, fisheries' activities, or *aquaculture*).
3. RCD is the Critical Area complementary district to the Agricultural Zoning District (AZD). Regulations are intended to mirror the AZD and provide for a Critical Area version of AZD.



Figure 3: Diagram illustrating the desired character of the Resource Conservation District.

3.2 PERMITTED USES AND STRUCTURES

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

Uses in the Resource Conservation District (RCD) Article III lists requirements for permitted uses and conditions related to special exceptions	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Accessory <i>dwelling unit</i>					X
Accessory <i>farm buildings</i> , including barns, cribs, stables, sheds, tool rooms, shops, bins, tanks, and silos				X	
Accessory <i>farm dwellings</i>				X	
Accessory <i>off-street parking</i> and loading of non-commercial vehicles that have current licenses and are operable					X
Accessory <i>off-street parking</i> of one commercial vehicle					X
Accessory open or enclosed storage of <i>farm</i> materials, products, equipment, fertilizer or chemicals, or vehicles, located at least 200 feet from all property lines				X	
Accessory <i>roadside stand</i> for the sale of <i>farm</i> products				X	
Accessory residential storage <i>structures</i> with a ground <i>floor area</i> of more than 2,000 square feet or a height that exceeds the height of the primary residential structure on parcels less than 5 acres			A		
Accessory <i>structures</i> in the <i>front yard</i> requirement of waterfront parcels			A		
Accessory <i>structures</i> in <i>front yard</i> of a <i>through</i> or <i>corner lot</i>			A		
Adaptive reuse of <i>historic structures</i> for uses not otherwise listed			X		
<i>Agriculture</i>	X				
<i>Agritourism</i> on farms, defined in Article VII			X		
Animal husbandry, <i>aquaculture</i>		X			
Animal husbandry, farms, including horses		X			
Animal husbandry, horses, more than four, on non-farms			X		
Animal husbandry, poultry houses	X				
Animal husbandry, special – backyard chickens					X
Animal husbandry, special – small sheep or goats					X
Animal husbandry, <i>stable - private</i>	X				
Animal husbandry, <i>stable - commercial</i>	X				

ARTICLE II. DISTRICTS
SECTION 3. RESOURCE CONSERVATION DISTRICT (RCD)

Uses in the Resource Conservation District (RCD) Article III lists requirements for permitted uses and conditions related to special exceptions	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Appurtenant signs					X
<i>Camp, day or boarding</i> , private or commercial, but not recreational vehicle or migrant labor camps, for the purpose of conserving and enjoying the natural resources	X				
<i>Campgrounds</i> existing and in use as of August 1, 1989	X				
<i>Conference center</i>			X		
Existing <i>Conference centers, resorts, retreats, hotels</i> , and motels existing and in use as of August 1, 1989	X				
Convalescent, group, or homes for the aged if located in <i>dwellings</i> existing as of December 1, 1985	X				
<i>Country Inn</i>			X		
<i>Day care groups</i>			A		
<i>Day care homes</i>					X
Dog kennel, fox hunting club, pursuant to licensure requirements set forth in Chapter 64 of The Public Local Laws of Kent County, Maryland					X
Existing permitted <i>marinas</i>	X				
Exposition center or fairgrounds			B		
Farm employee housing			B		
Golf courses, public or private			X		
<i>Home occupations</i> in main or accessory <i>buildings</i>					X
Hunting blinds, pits, or preservers	X				
Hunting trailer, one, temporary				X	
<i>Personal wireless facility towers</i>			X		
<i>Personal wireless facilities</i> , collocated on existing towers	X				
<i>Private clubs</i>			B		
<i>Private garages, swimming pools</i> , game courts, and other customary <i>outbuildings</i> and <i>structures</i>					X
Private <i>piers, community piers</i> , and private shared <i>piers</i>					X
Public and private <i>forests</i> , wildlife reservations and similar conservation projects	X				
Public and private parks and playgrounds for the purpose of conserving and enjoying the natural resources.	X				
<i>Public landings</i>			B		
Public uses, <i>buildings</i> , and utilities			X		
Railroad <i>right of ways</i>	X				

ARTICLE II. DISTRICTS
SECTION 3. RESOURCE CONSERVATION DISTRICT (RCD)

Uses in the Resource Conservation District (RCD) Article III lists requirements for permitted uses and conditions related to special exceptions	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
<i>Resorts</i>			X		
<i>Retreats</i>			X		
<i>Roadside stands</i>					X
Sand and gravel pits, including <i>excavation</i> or extraction			X		
Satellite dish, private, with an antenna exceeding 3 feet in diameter					X
Satellite dish, private, with an antenna of 3 feet or less in diameter					X
School buses, parked, limited to two					X
Short-term vacation rentals (STVR)	X				
<i>Single family dwellings</i>	X				
Solar energy systems, small					X
Solar energy systems, utility scale			X		
Storage of boats, campers, boat trailers, and camper trailers					X
Temporary <i>MET Tower</i> of any height					X
Tie-out pilings of private <i>piers</i> , <i>community piers</i> , and private shared <i>piers</i>			X		
Waste management <i>structures</i> , where not otherwise stipulated in this Ordinance				X	
Wedding venues on farms with Board of Appeals approval			X		
<i>Wind energy systems, small</i>			X		
<i>Wind energy systems, small, accessory</i>				X	

3.3 DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS

STANDARDS FOR THE SUBDIVISION OF LOTS	
Gross density (dwelling units/ac)	1 dwelling unit per 20 acres ^{1,2}
Minimum lot size	
- On-site individual septic system	¾ acre
- Community sewage system	½ acre
Minimum lot width	75 feet
STANDARDS FOR BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT	
Minimum yard	
- Front	50 feet
- Side	15 feet
- Rear	30 feet
- Shoreline cliff	1.5 x cliff height + 20 feet
- Waterfront	Minimum 100-foot buffer
- Accessory structures on farms in the side and rear yard	25 feet
- Accessory residential structures in rear yard	
Side	10 feet
Rear	10 feet
Maximum structure height ³	
- Primary Residential or Agricultural structure	38 feet
- Accessory Residential Structure (a special exception may be granted to exceed max)	Height of existing primary residential structure
- Fence height ⁴	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
Side and Rear	8 feet
Front	4 feet

- 1 Parcels of more than one acre improved by more than one dwelling unit, existing as of December 1, 1985, and not abandoned for more than one year, may be subdivided into parcels of land not less than one-half (½) acre each for each dwelling unit situated on the one-half (½) acre, or more, being subdivided.
- 2 Accessory dwelling units that comply with Article III do not count toward the density calculation.
- 3 Except in an area defined as the Kent County *Airport* Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; standpipes; and flag poles.
- 4 Fences do not need to meet the yard requirements.

ARTICLE II. DISTRICTS
SECTION 3. RESOURCE CONSERVATION DISTRICT (RCD)

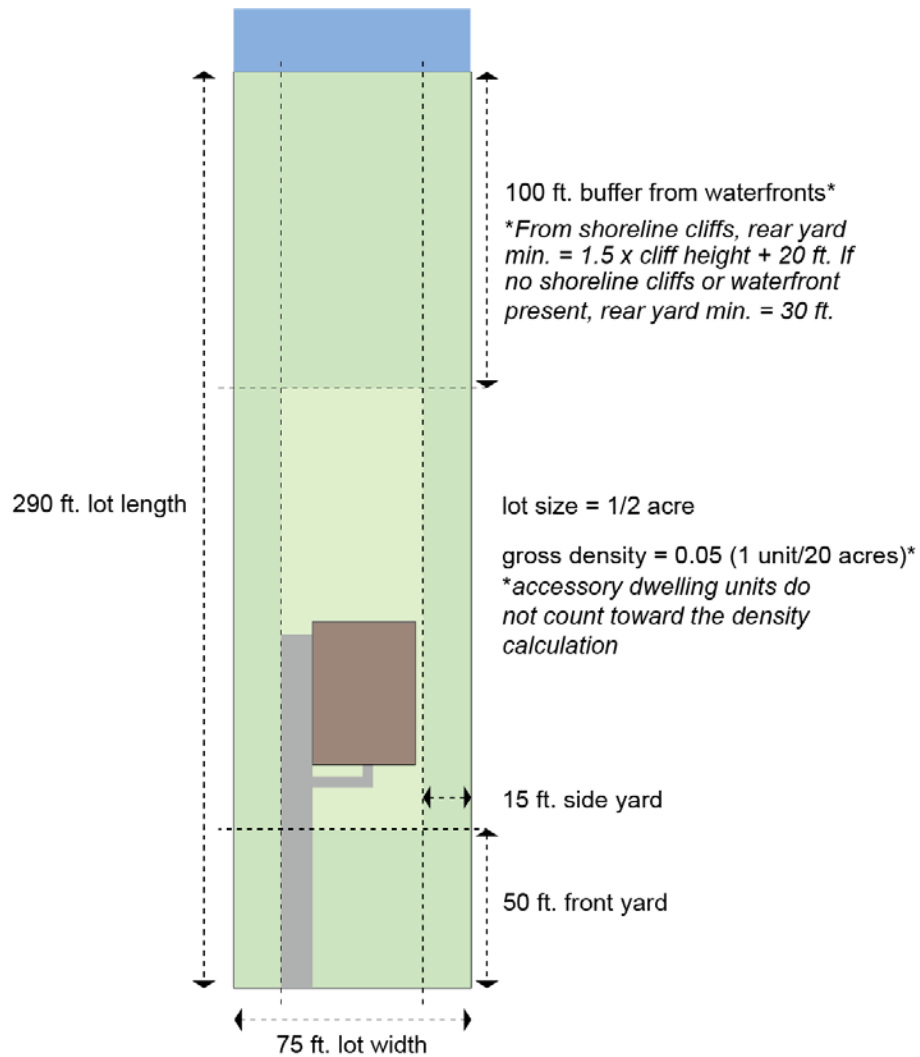


Figure 4: Regulatory diagram of a lot in the Resource Conservation District.

SECTION 4 RURAL CHARACTER DISTRICT (RC)

4.1 STATEMENT OF INTENT

The purpose of this district is to provide for the local market demand for rural *lots*, including large estate *lots* on 20 acres or more, in a manner that maintains rural character and in a location that minimizes conflicts with *agriculture*. The District may function as a transition between the incorporated towns, villages, residential *developments*, and the Agricultural Zoning District. To maintain their rural character, *developments* will follow strict design standards for protecting significant rural features, preserving scenic views, and *historic structures* as well as designing with *topography* and sensitively locating new *buildings*. Recreational uses such as golf courses, racquet courts, and stables are appropriate in this district. Public water and sewer may not be extended into this district except to correct a public health emergency.



Figure 5: Diagram illustrating the desired character in the Rural Character District.

4.2 PERMITTED USES AND STRUCTURES

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

Uses in Rural Character District (RC) Article III lists requirements for permitted uses and conditions related to special exceptions	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Accessory <i>dwelling unit</i>					X
Accessory <i>farm buildings</i> , including barns, cribs, stables, sheds, tool rooms, shops, bins, tanks, and silos				X	
Accessory <i>farm dwellings</i>				X	
Accessory <i>off-street parking</i> and loading of non-commercial vehicles that have current licenses and are operable					X
Accessory <i>off-street parking</i> of one commercial vehicle					X
Accessory open or enclosed storage of <i>farm</i> materials, products, equipment, fertilizer or chemicals, or vehicles				X	
Accessory residential storage <i>structures</i> with a ground <i>floor area</i> of more than 2,000 square feet or a height that exceeds the height of the primary residential structure on parcels less than 5 acres			A		
Accessory <i>structures</i> in a <i>front yard</i> of <i>through</i> or <i>corner lot</i>			A		
Adaptive reuse of <i>historic structures</i> for uses not otherwise listed			X		
<i>Agriculture</i>	X				
Animal husbandry, <i>aquaculture</i>		X			
Animal husbandry, farms, including horses		X			
Animal husbandry, horses, more than four, on non-farms			X		
Animal husbandry, raising of limited livestock and fowl			X		
Animal husbandry, raising of small animals, commercial, including birds, bees, fish, rabbits, or other creatures, but not including <i>dog kennels</i> .			X		
Animal husbandry, special – backyard chickens					X
Animal husbandry, special – small sheep or goats					X
Animal husbandry – <i>stable private</i>	X				
Animal husbandry – <i>stable commercial</i>	X				

ARTICLE II. DISTRICTS
SECTION 4. RURAL CHARACTER DISTRICT (RC)

Uses in Rural Character District (RC) Article III lists requirements for permitted uses and conditions related to special exceptions	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
<i>Airports</i> , landing fields, helistops, or heliports			X		
Appurtenant signs					X
Assisted living facilities with five to eight beds			A		
Assisted living facilities with no more than four beds					X
<i>Camp, day or boarding</i> , private or commercial, but not recreational vehicle or migrant labor camps, for the purpose of conserving and enjoying the natural resources	X				
Cemetery, including crematorium and mausoleum			X		
<i>Conference center</i>			X		
Cottage industries, tradesmen, and artisan shops			A		
<i>Country inns</i>			X		
<i>Country stores</i>			X		
<i>Day care groups</i>			A		
<i>Day care homes</i>					X
<i>Dog kennels</i> , commercial			B		
Exposition center or fairgrounds			B		
Golf courses, public or private			X		
Greenhouses, wholesale or retail	X				
<i>Guest house</i> , one, but not including <i>mobile homes</i>				X	
<i>Home occupations</i> in main or accessory buildings					X
Hunting blinds, pits, or preservers	X				
Hunting trailer, one, temporary				X	
<i>Outdoor Retreat</i>			X		
Parking of commercial vehicles on a farm				X	
<i>Personal wireless facility towers</i>			X		
<i>Personal wireless facilities</i> , collocated on existing towers	X				
<i>Private clubs</i>			B		
<i>Private garages</i> , swimming pools, game courts, and other customary outbuildings and structures					X
Private schools			X		
Public and private <i>forests</i> , wildlife reservations and similar conservation projects	X				
Public and private parks and playgrounds for the purpose of conserving and enjoying the natural resources.	X				
Public landings			B		
Public uses, <i>buildings</i> , and utilities			X		

ARTICLE II. DISTRICTS
SECTION 4. RURAL CHARACTER DISTRICT (RC)

Uses in Rural Character District (RC) Article III lists requirements for permitted uses and conditions related to special exceptions	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Raising of small animals, commercial, including birds, bees, fish, rabbits or other creatures, but not including <i>dog kennels</i>			X		
Recreational facilities, privately or commercially owned			X		
<i>Resorts</i>			X		
<i>Retreats</i>			X		
<i>Roadside stands</i>					X
<i>Rural inns</i>			X		
Satellite dish, private, with an antenna exceeding 3 feet in diameter					X
Satellite dish, private, with an antenna of 3 feet or less in diameter					X
School buses, parked, limited to five				X	
School buses, parked, limited to two					X
Short-term vacation rentals (STVR)	X				
<i>Single family dwellings</i>	X				
Solar energy systems, small					X
Storage of boats, campers, boat trailers, and camper trailers					X
Temporary MET Tower of any height					X
<i>Wind energy systems, small</i>			X		
<i>Wind energy systems, small, accessory</i>				X	

4.3 DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS

STANDARDS FOR THE SUBDIVISION OF LOTS	
Number of <i>lots</i> (<i>dwelling units/acre</i>)	1 <i>dwelling unit</i> per 20 acres ¹
Minimum <i>lot</i> size	$\frac{3}{4}$ acre
Minimum <i>lot</i> width	75 feet
STANDARDS FOR BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT	
Minimum <i>yard</i>	
- Front	50 feet
- Side	15 feet
- Rear	30 feet
- Waterfront	100 feet
- <i>Accessory structures</i> on <i>farms</i> in the side and <i>rear yard</i>	25 feet
- <i>Accessory residential structures</i> in <i>rear yard</i>	
Side	10 feet
Rear	10 feet
Maximum <i>structure</i> height ²	
- Primary Residential or Agricultural <i>structure</i>	38 feet
Accessory Residential Structure (a special exception may be granted to exceed max)	Height of existing primary residential structure
- Fence ³	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
Side and Rear	8 feet
Front	4 feet

- 1 Accessory dwelling units are not counted toward permitted density.
- 2 Height of structures may be further restricted by the Kent County *Airport* Safety Requirements as defined in SECTION 33.4 ZONING DISTRICT SPECIFIC DESIGN STANDARDS of this Ordinance. Except in an area defined as the Kent County *Airport* Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.
- 3 Fences do not need to meet the yard requirements.

ARTICLE II. DISTRICTS
SECTION 4. RURAL CHARACTER DISTRICT (RC)

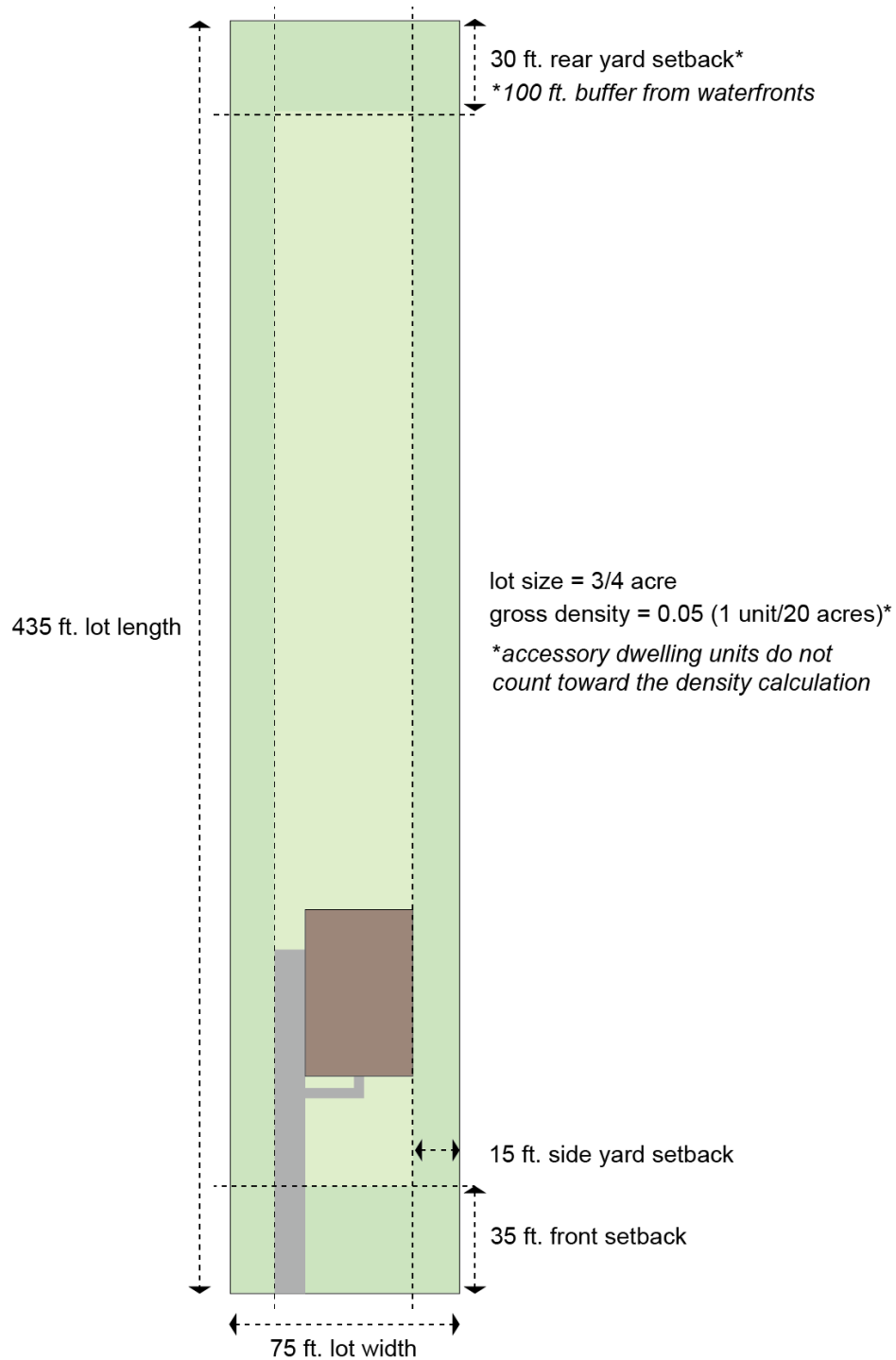


Figure 6: Regulatory diagram of a lot in the Rural Character District.

SECTION 5 CRITICAL AREA RESIDENTIAL (CAR)

5.1 STATEMENT OF INTENT

This district is intended to allow low *density* residential *development* in areas where the impact on the natural environment is minimal. The purpose of this district is to maintain, or if possible to improve, the quality of runoff and groundwater entering the Chesapeake Bay and its tributaries and to maintain existing areas of natural habitats while allowing limited residential *development* that conforms to environmental standards and that reflects the scale and character of existing *development*. These areas must have one of the following characteristics:

- (A) Housing *density* ranges from one *dwelling unit* per five acres, up to four *dwelling units* per acre.
- (B) Areas not dominated by *agriculture, wetlands, forest, barren land, surface water* or space; or
- (C) Areas having public sewer or water, or both.
- (D) Areas meeting the conditions of an Intense *Development Area* but less than 20 acres in size.

The Critical Area Residential district is complementary to the Community Residential district (CR). Regulations are intended to mirror the CR and to provide for a Critical Area version of the CR.



Figure 7: Diagram illustrating the desired character in the Critical Area Residential District.

5.2 PERMITTED USES AND STRUCTURES

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

Uses in Critical Area Residential (CAR) Article III lists requirements for permitted uses and conditions related to special exceptions	Permitted by right	Special Exception	Accessory Uses
Accessory <i>dwelling unit</i>			X
Accessory <i>off-street parking</i> and loading of non-commercial vehicles that have current licenses and are operable			X
Accessory <i>off-street parking</i> of one commercial vehicle			X
Accessory residential storage <i>structures</i> with a ground <i>floor area</i> of more than 2,000 square feet or a height that exceeds the height of the primary residential structure on parcels less than 5 acres		A	
Accessory <i>structures</i> in the <i>front yard</i> requirement of waterfront parcels		A	
Accessory <i>structures</i> in a <i>front yards</i> of a <i>through</i> or <i>corner lot</i>		A	
<i>Agriculture</i>	X		
Animal husbandry, <i>aquaculture</i>		X	
Animal husbandry, farms, including horses		X	
Animal husbandry, horses, more than four, on non-farms		X	
Animal husbandry, raising of small animals, commercial, including birds, bees, fish, rabbits, or other creatures, but not including <i>dog kennels</i> .		X	
Animal husbandry, special – backyard chickens			X
Animal husbandry, special – small sheep or goats			X
Animal husbandry, <i>stable - private</i>	X		
Animal husbandry, <i>stable - commercial</i>	X		
<i>Airports</i> , landing fields, helistops, or heliports		X	
Appurtenant signs			X
Assisted living facilities with nine to sixteen beds		X	
Assisted living facilities with five to eight beds		A	
Assisted living facilities with no more than four beds			X
<i>Camp, day or boarding</i> , private or commercial, but not recreational vehicle or migrant labor camps, for the purpose of conserving and enjoying the natural resources	X		
Cemetery, including crematorium and mausoleum		X	
<i>Conference center</i>		X	

ARTICLE II. DISTRICTS
SECTION 5. CRITICAL AREA RESIDENTIAL (CAR)

Uses in Critical Area Residential (CAR) Article III lists requirements for permitted uses and conditions related to special exceptions	Permitted by right	Special Exception	Accessory Uses
Cottage industries, tradesmen, and artisan shops		A	
<i>Country inns</i>		X	
<i>Day care groups</i>		A	
<i>Day care homes</i>			X
<i>Dog kennels, commercial</i>		B	
Golf courses, public or private		X	
Greenhouses, wholesale or retail	X		
<i>Home occupations in main or accessory buildings</i>			X
<i>Private clubs</i>		B	
<i>Private garages, swimming pools, game courts, and other customary outbuildings and structures</i>			X
<i>Private piers, community piers, and private shared piers</i>			X
Private schools		X	
Public and private <i>forests</i> , wildlife reservations and similar conservation projects	X		
Public and private parks and playgrounds for the purpose of conserving and enjoying the natural resources.	X		
<i>Public landings</i>		B	
Public uses, <i>buildings</i> , and utilities		X	
Recreational facilities, privately or commercially owned		X	
<i>Resorts</i>		X	
<i>Retreats</i>		X	
<i>Roadside stands</i>			X
Sand and gravel pits, including <i>excavation</i> or extraction		X	
Satellite dish, private, with an antenna exceeding 3 feet in diameter			X
Satellite dish, private, with an antenna of 3 feet or less in diameter			X
School buses, parked, limited to two			X
Short-term vacation rentals (STVR)	X		
<i>Single family dwellings</i>	X		
Solar energy systems, small			X
Storage of boats, campers, boat trailers, and camper trailers			X
Temporary MET Tower of any height			X
Tie-out pilings of private <i>piers, community piers, and private shared piers</i>		X	
<i>Wind energy systems, small</i>		X	

5.3 DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS

STANDARDS FOR THE <i>SUBDIVISION OF LOTS</i>	
Gross <i>density (dwelling units/acre)</i>	1 <i>dwelling unit</i> per acre ¹
Minimum <i>lot size</i>	½ acre
Minimum <i>lot width</i>	75 feet
STANDARDS FOR <i>BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT</i>	
Minimum <i>yard</i>	
- Front	35 feet
- Side	10 feet
- Rear	30 feet
- Waterfront	Minimum 100-foot <i>buffer</i> or <i>modified buffer</i> ²
- <i>Shoreline cliff</i>	1.5 x <i>cliff height</i> + 20 feet
- <i>Accessory structures on farms</i> in the side and rear yard	25 feet
- <i>Accessory residential structures</i> in rear yard	
Side	5 feet
Rear	5 feet
Maximum <i>structure height</i> ³	
- Primary Residential or Agricultural <i>structure</i>	38 feet
Accessory Residential Structure (a special exception may be granted to exceed max)	Height of existing primary residential structure
- Fence ⁴	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
Side and Rear	8 feet
Front	4 feet

- 1 Accessory dwelling units are not included in density calculations.
- 2 Modifications for structures existing prior to April 12, 1988, may be permitted as per Article VI.
- 3 Except in an area defined as the Kent County *Airport Safety Area*, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; standpipes; and flag poles.
- 4 Fences do not need to meet yard requirements.

ARTICLE II. DISTRICTS
SECTION 5. CRITICAL AREA RESIDENTIAL (CAR)

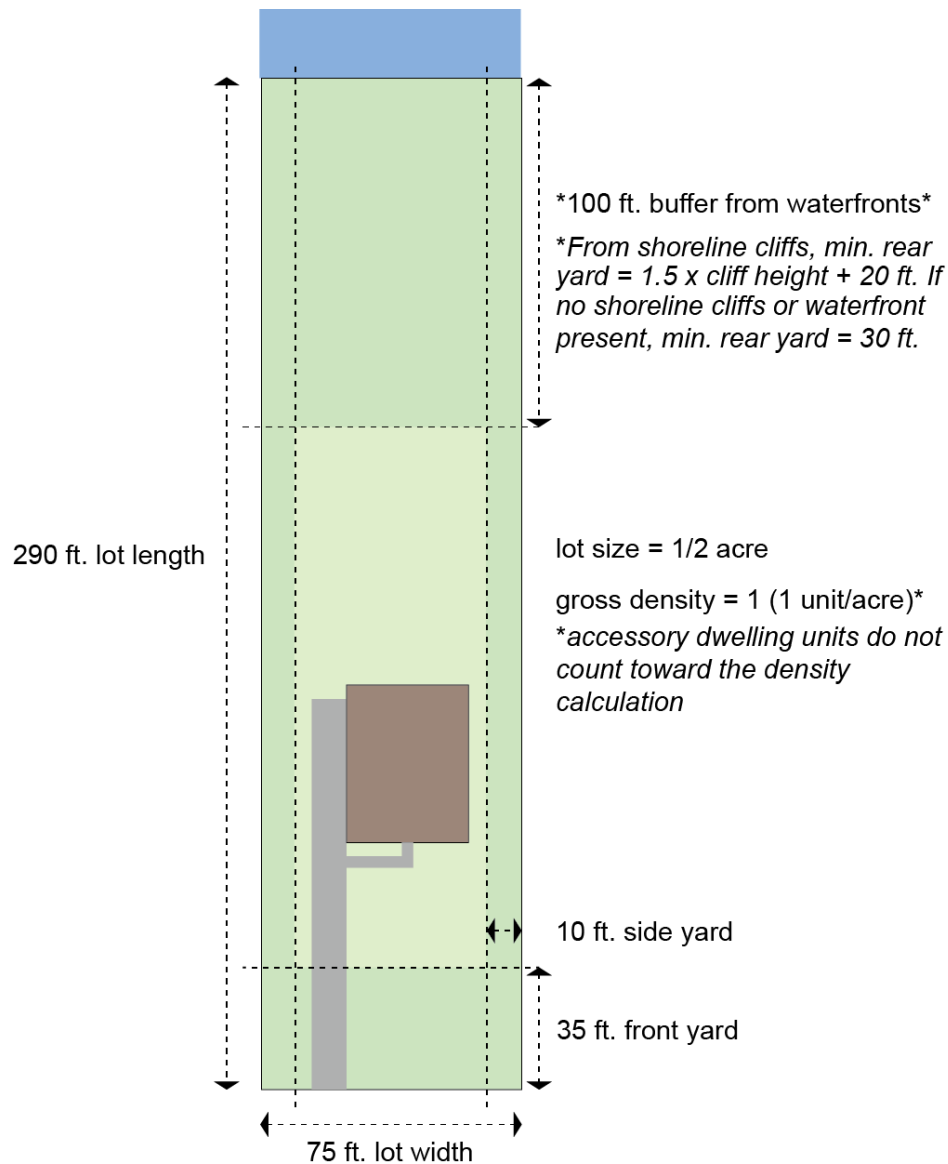


Figure 8: Regulatory diagram of a lot in the Critical Area Residential District.

SECTION 6 COMMUNITY RESIDENTIAL (CR)

6.1 STATEMENT OF INTENT

The purpose of this district is to provide for single *family* residential *development* in areas of existing residential *development*, together with facilities and *accessory uses* normally compatible with residential surroundings, and at the same time to permit agricultural uses and to preserve *open spaces* and rural character. This district is located in areas near existing rural development, neighborhood developed areas, villages and incorporated towns. This district combines the former Community Residential (CR) district with the Rural Residential (RR) district, while retaining the higher density of CR at 1 unit per acre, as opposed to the lower density of RR at 1 unit per three acres. The permitted uses of both have been combined with all the uses being preserved.



Figure 9: Diagram illustrating the desired character of the Community Residential District.

6.2 PERMITTED USES AND STRUCTURES

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

Uses in Community Residential (CR) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Accessory <i>dwelling unit</i>				X
Accessory <i>farm buildings</i> , including barns, cribs, stables, sheds, tool rooms, shops, bins, tanks, and silos			X	
Accessory <i>farm dwellings</i>			X	
Accessory <i>off-street parking</i> and loading of non-commercial vehicles that have current licenses and are operable				X
Accessory <i>off-street parking</i> of one commercial vehicle				X
Accessory open or enclosed storage of <i>farm</i> materials, products, equipment, fertilizer or chemicals, or vehicles			X	
Accessory residential storage <i>structures</i> with a ground <i>floor area</i> of more than 2,000 square feet or a height that exceeds the height of the primary residential structure on parcels less than 5 acres		A		
Accessory <i>structures</i> in a <i>front yard</i> of a <i>through</i> or <i>corner lot</i>		A		
Adaptive reuse of <i>historic structures</i> for uses not otherwise listed		X		
<i>Agriculture</i>	X			
Animal husbandry, <i>aquaculture</i>		X		
Animal husbandry, farms, including horses		X		
Animal husbandry, horses, more than four, on non-farms		X		
Animal husbandry, raising of limited livestock and fowl		X		
Animal husbandry, raising of small animals, commercial, including birds, bees, fish, rabbits, or other creatures, but not including <i>dog kennels</i> .		X		
Animal husbandry, special – backyard chickens				X
Animal husbandry, special – small sheep or goats				X
Animal husbandry, <i>stable private</i>	X			
Animal husbandry, <i>stable commercial</i>	X			
<i>Airports</i> , landing fields, helistops, or heliports		X		
Appurtenant signs				X
Assisted living facility with nine to sixteen beds		X		

ARTICLE II. DISTRICTS
SECTION 6. COMMUNITY RESIDENTIAL (CR)

Uses in Community Residential (CR) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Assisted living facilities with five to eight beds		A		
Assisted living facilities with no more than four beds				X
<i>Camp, day or boarding</i> , private or commercial, but not recreational vehicle or migrant labor camps, for the purpose of conserving and enjoying the natural resources	X			
Cemetery, including crematorium and mausoleum		X		
<i>Conference center</i>		X		
Cottage industries, tradesmen, and artisan shops		A		
<i>Country inns</i>		X		
<i>Country stores</i>		X		
<i>Day care groups</i>		A		
<i>Day care homes</i>				X
<i>Dog kennels</i> , commercial		B		
Golf courses, public or private		X		
Greenhouses, wholesale or retail	X			
<i>Guest house</i> , one, but not including <i>mobile homes</i>			X	
<i>Home occupations</i> in main or accessory buildings				X
Houses of worship		X		
Hunting trailer, one, temporary			X	
Keeping of backyard chickens				X
<i>Outdoor Retreats</i>		B		
Parking of commercial vehicles on a farm			X	
<i>Private clubs</i>		B		
<i>Private garages, swimming pools, game courts, and other customary outbuildings and structures</i>				X
Private schools		X		
Public and private <i>forests</i> , wildlife reservations and similar conservation projects	X			
Public and private parks and playgrounds for the purpose of conserving and enjoying the natural resources.	X			
<i>Public landings</i>		B		
<i>Public utilities and structures</i>		X		
Recreational facilities, privately or commercially owned		X		
<i>Resorts</i>		X		
<i>Retreats</i>		X		

ARTICLE II. DISTRICTS
SECTION 6. COMMUNITY RESIDENTIAL (CR)

Uses in Community Residential (CR) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on farms only	Accessory Use on all properties
<i>Roadside stands</i>				X
<i>Rural inns</i>		X		
Satellite dish, private, with an antenna exceeding 3 feet in diameter				X
Satellite dish, private, with an antenna of 3 feet or less in diameter				X
School buses, parked, limited to five			X	
School buses, parked, limited to two				X
Short-term vacation rentals (STVR)	X			
<i>Single family dwellings</i>	X			
Solar energy systems, small				X
Storage of boats, campers, boat trailers, and camper trailers				X
Temporary <i>MET Tower</i> of any height				X
<i>Wind energy systems, small</i>		X		
<i>Wind energy systems, small, accessory</i>			X	

6.3 DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS

STANDARDS FOR THE SUBDIVISION OF LOTS	
Gross <i>density</i> (dwelling units/acre)	1 dwelling unit per acre ¹
Minimum <i>lot</i> size	½ acre
Minimum <i>lot</i> width	75 feet
STANDARDS FOR BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT	
Minimum <i>yard</i>	
- Front	35 feet
- Side	10 feet
- Rear	30 feet
- Waterfront	100 feet
- Accessory structures on farms in the side and rear yard	25 feet
- Accessory residential structures in rear yard	
Side	5 feet
Rear	5 feet
Maximum <i>structure</i> height ²	
- Primary Residential or Agricultural structure	38 feet
Accessory Residential Structure (a special exception may be granted to exceed max)	Height of existing primary residential structure
- Fence ³	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
Side and Rear	8 feet
Front	4 feet

- 1 Accessory dwelling units are not included in density calculations.
- 2 Height of structures may be further restricted by of the Kent County *Airport* Safety Requirements as defined in this Ordinance. Except in an area defined as the Kent County *Airport* Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.
- 3 Fences do not need to meet yard requirements.

ARTICLE II. DISTRICTS
SECTION 6. COMMUNITY RESIDENTIAL (CR)

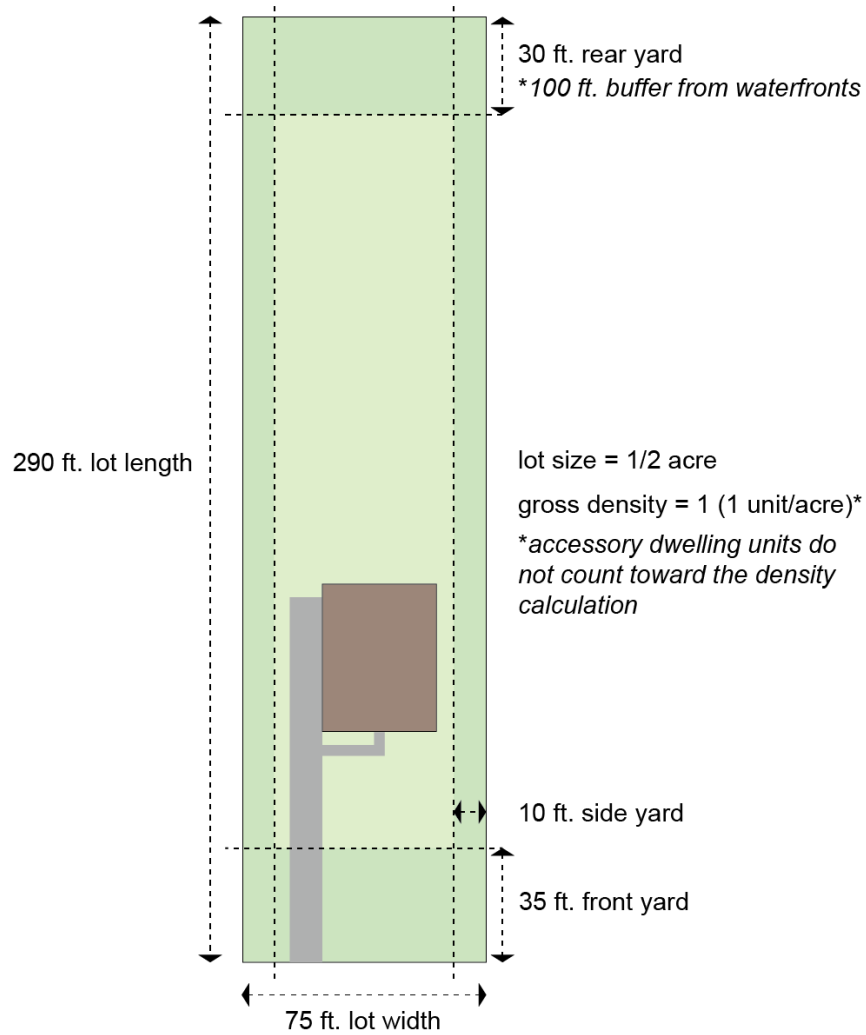


Figure 10: Regulatory diagram of a lot in the Community Residential District.

SECTION 7 VILLAGE DISTRICT (V)

7.1 STATEMENT OF INTENT

1. The purpose of this district is to provide for high quality residential, neighborhood business, and office *development*. In those areas served by public water and sewer, this zone will be characterized by a wide variety of housing types, densities, and uses. In those areas without *public utilities*, this zone will be largely single *family* and some business uses with the possibility of multi-*family* residential.
2. This district is created to:
 - (A) Encourage planned neighborhoods of residential *development* in existing towns and communities with access to *major thoroughfares*.
 - (B) Permit a variety of housing types including accessory dwelling units.
 - (C) Provide incentives for residential *development* by allowing variations in *lot* size, *density*, *frontage*, and *yard* requirements.
 - (D) Encourage compact *development* and promote economic development.
 - (E) Promote village-scale mixing of uses and the *development* of non-residential uses that complement and enhance the character, vitality, attractiveness, and walkability of the community as a place to live and work including expanding existing businesses.
 - (F) Encourage designs that allow for infill and create *development* that is compatible with the character of existing *buildings*.



Figure 11: Diagram illustrating the desired character of single-family housing developments in the Village District.

Figure 12: Diagram illustrating the desired character of multi-family housing developments in the Village District.

7.2 PERMITTED USES AND STRUCTURES

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

Uses in Village District (V) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Accessory <i>dwelling unit</i>			X
Accessory <i>off-street parking</i> of one commercial vehicle			X
Accessory <i>structures</i> in the <i>front yards</i> of <i>through</i> or <i>corner lots</i>		A	
Accessory vehicle parking			X
Adaptive reuse of <i>historic structures</i> for uses not otherwise listed		X	
<i>Agriculture</i>	X		
Animal husbandry, special – backyard chickens			X
Animal husbandry special – small sheep or goats			X
Appurtenant signs			X
Assisted living facilities with no more than four beds			X
<i>Automobile service stations</i> , but not including repair		X	
Boat sales, boat and outboard motor repairs and boat storage	X		
Cemetery, including crematorium and mausoleum		X	
Convalescent, nursing, or <i>group homes</i> for the aged - five or more beds		X	
Curio shops, craft shops, antique stores, and similar uses	X		
Data processing centers	X		
<i>Day care groups</i>		A	
<i>Day care homes</i>			X
Existing commercial or industrial uses and <i>structures</i> in the Village District	X		
Financial institutions	X		
Fire and rescue stations	X		
Funeral homes	X		
Home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance and excavation, subject to site plan review	X		
<i>Home occupations</i> in main or accessory <i>buildings</i>			X
Hospitals, Rehabilitation Facilities, or Other Similar Institutions		X	
Houses of worship	X		
Indoor movie theaters, playhouses, and dinner theaters	X		

ARTICLE II. DISTRICTS
SECTION 7. VILLAGE DISTRICT (V)

Uses in Village District (V) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Marine supply store including indoor outboard motor sale	X		
<i>Mobile home parks</i>		X	
<i>Multi-family dwellings</i>	X		
Neighborhood retail businesses	X		
Offices	X		
Outdoor recreation, miniature golf, but not golf courses		X	
<i>Personal service establishments</i>	X		
<i>Personal wireless facilities, collocated on existing towers</i>	X		
Printing and publishing		X	
<i>Private clubs</i>		B	
<i>Private garages, swimming pools, game courts, and other customary outbuildings and structures</i>			X
Private schools		X	
Public uses, <i>buildings</i> , and utilities	X		
Recreational uses indoor, commercial	X		
<i>Restaurants</i> without drive through facilities	X		
<i>Retreats</i>		X	
Rooming, boarding, and <i>lodging houses</i>	X		
<i>Rural inns</i>		X	
Satellite dish, private, with an antenna exceeding 3 feet in diameter			X
Satellite dish, private, with an antenna of 3 feet or less in diameter			X
School bus parking <i>lot</i>		X	
School buses, parked, limited to two			X
Self-storage	X		
Septic tank maintenance and excavation, subject to site plan review		X	
Short-term vacation rentals (STVR)	X		
<i>Single family dwellings</i>	X		
Solar energy systems, small			X
Storage of boats, campers, boat trailers, and camper trailers			X
Temporary <i>MET Tower</i> of any height			X
Town houses	X		
<i>Two-family dwellings</i>	X		
Uses and <i>structures</i> which are customarily accessory and clearly incidental and subordinate to the permitted use			X
<i>Wind energy systems, small</i>		X	

**7.3 DENSITY, AREA, HEIGHT, WIDTH, AND YARD REQUIREMENTS
FOR ALL NEW CONSTRUCTION AND ADDITIONS EXCEPT
FOR TWO-FAMILY, TOWNHOUSE, AND MULTI-FAMILY USES**

STANDARDS FOR THE <i>SUBDIVISION OF LOTS</i>– SINGLE-FAMILY, COMMERCIAL, MIXED-USE	
Gross <i>density</i> (dwelling units/acre)	5
Minimum <i>lot</i> size	5,000 square feet
Minimum <i>lot frontage</i>	50 feet
STANDARDS FOR <i>BUILDING AND STRUCTURE</i> HEIGHT, WIDTH, AND PLACEMENT	
Minimum <i>yard</i>	
- Front	20 feet
- Side	8 feet
- Rear	10 feet
- Accessory residential <i>structures</i> in <i>rear yard</i>	
Side	5 feet
Rear	5 feet
Maximum <i>structure</i> height ¹	
- Commercial	38 feet
- Primary Residential	38 feet
- Accessory Residential Structure (a special exception may be granted to exceed max)	Height of existing primary residential structure
- Fence ²	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
Side and Rear	8 feet
Front	4 feet

FOOTNOTES

- 1 Height of structures may be further restricted by of the Kent County *Airport* Safety Requirements as defined in this Ordinance. Except in an area defined as the Kent County *Airport* Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.
- 2 Fences do not need to meet yard requirements.

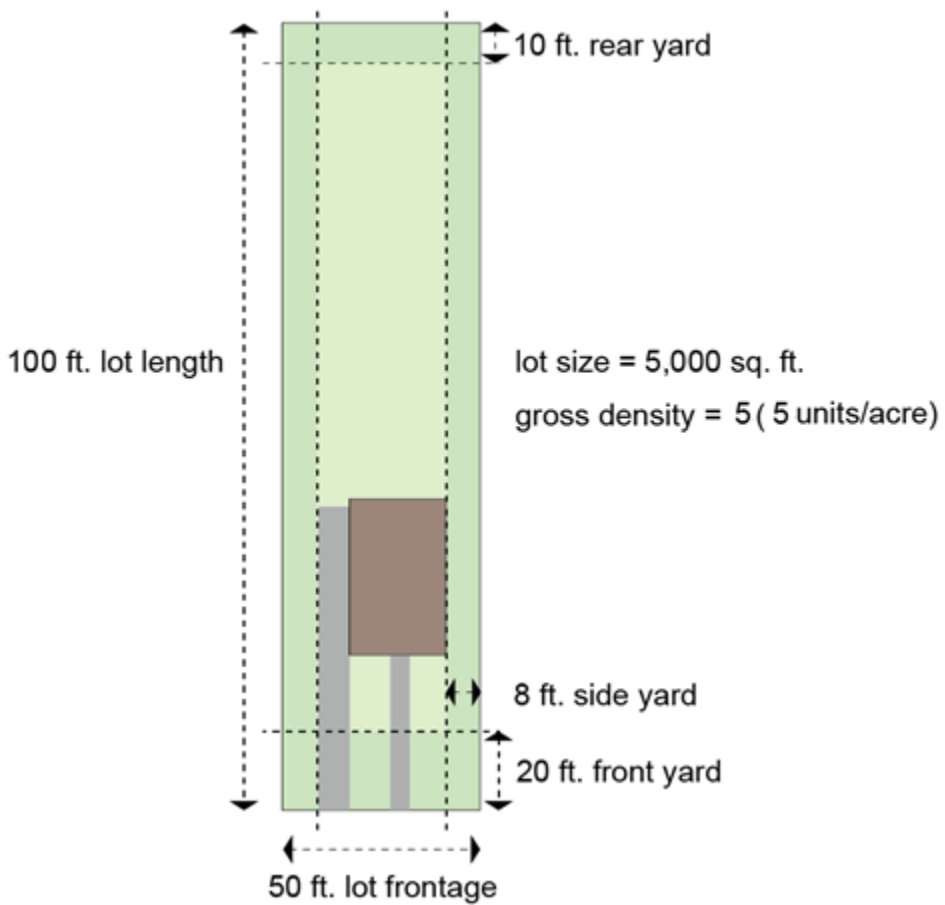


Figure 13: Regulatory diagram of a lot with single-family housing in the Village District.

**7.4 DENSITY, AREA, HEIGHT, WIDTH, AND YARD REQUIREMENTS
FOR ALL NEW CONSTRUCTION AND FOR ANY ADDITIONS
TO TWO-FAMILY, TOWNHOUSE, AND MULTI-FAMILY USES**

STANDARDS FOR THE SUBDIVISION OF LOTS – TWO-FAMILY, TOWNHOUSE, MULTI-FAMILY	
Gross density (<i>dwelling units/acre</i>)	8 <i>dwelling units</i> per acre
Minimum lot size	Duplex (both) 4,000 square feet Townhouse 2,000 square feet
Minimum lot frontage	50 feet
STANDARDS FOR BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT	
Minimum yard	
- Front	20 feet
- Side	12 feet; none in between connected units
- Rear	20 feet
- Accessory residential structures in rear yard	
Side	5 feet
Rear	5 feet
Maximum Primary structure height ¹	
- Two-Family	38 feet
- Townhouse	38 feet
- Multi-Family	42 feet
- Accessory Residential Structure (a special exception may be granted to exceed max)	Height of existing primary residential structure
- Fence ²	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
Side and Rear	8 feet
Front	4 feet
Parking Location	Rear yard only

- 1 Height of structures may be further restricted by of the Kent County *Airport* Safety Requirements as defined in this Ordinance. Except in an area defined as the Kent County *Airport* Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.
- 2 Fences do not need to meet yard requirements.

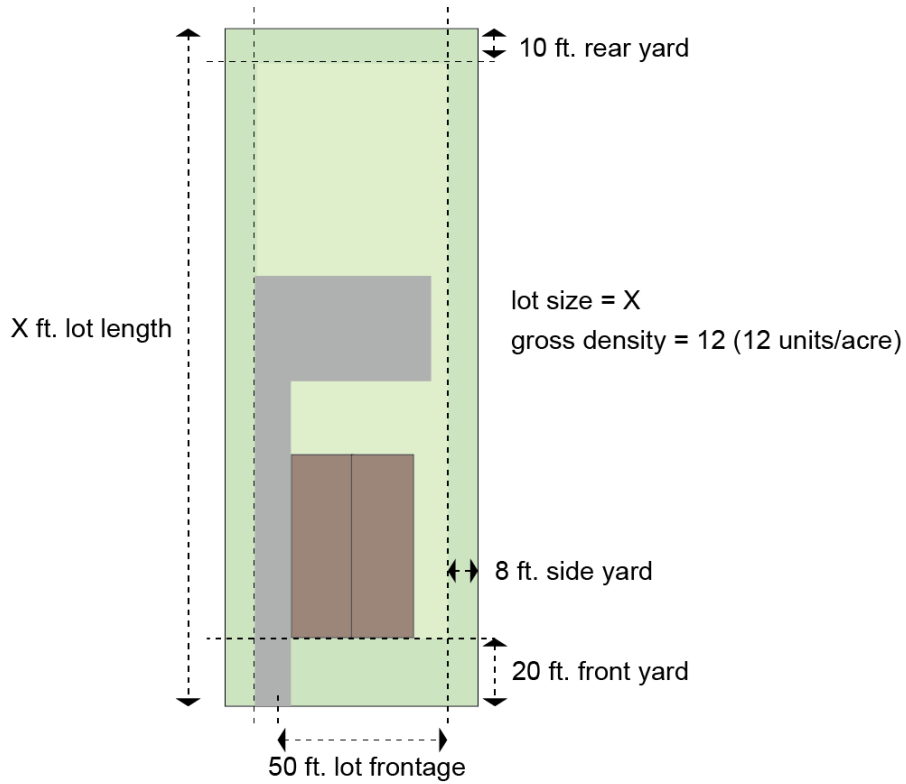


Figure 14: Regulatory diagram of a lot with multi-family housing in the Village District.

SECTION 8 INTENSE VILLAGE DISTRICT (IV)

8.1 STATEMENT OF INTENT

The purpose of this district is to provide for a high-quality and well-designed mix of commercial, office, and residential areas with an emphasis on uses and intensities that make efficient use of public facilities and limit sprawling *development*. It is intended that residences, shops, and offices are in close proximity to each other, as is found in the traditional village pattern, and that the resulting mix of uses form lively, prosperous neighborhoods that serve as an attractive place to live, work, shop, and play. The district may act as a transition between town and the more rural areas of the County. *Buildings* in this district shall be oriented to the *street* and provision made for pedestrian access so that the character of the area is interpreted as pedestrian.

This district is intended to be used sparingly and in areas where high-density residential projects as well as more intense concentrations of commercial uses are desired. A new sub-section has been added to allow up to 12 units per acre for *two-family dwellings*, *townhouses*, and *multi-family dwelling* uses. New designations are appropriate in growth areas or near boundaries of municipalities as well as near the boundaries of existing *developments* in unincorporated areas.



Figure 15: Diagram illustrating the desired character of two-family housing development in the Intense Village District.

Figure 16: Diagram illustrating the desired character of multi-family housing developments in the Intense Village District.

8.2 PERMITTED USES AND STRUCTURES

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

Uses in Intense Village District (IV) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
<i>Accessory dwelling unit</i>			X
Accessory employee housing			X
<i>Accessory off-street parking</i> of one commercial vehicle			X
<i>Accessory structures</i> in the <i>front yards</i> of <i>through</i> or <i>corner lots</i>		A	
Accessory vehicle parking			X
Adaptive reuse of <i>historic structures</i> for uses not otherwise listed		X	
Animal husbandry, special – backyard chickens		X	
Appurtenant signs			X
Assisted living facilities with no more than four beds			X
<i>Automobile repair</i>		X	
<i>Automobile service stations</i>	X		
Car wash		X	
Cemetery, including crematorium and mausoleum			X
<i>Conference center</i>		X	
Convalescent, nursing, or <i>group homes</i> for the aged with 5 or more beds		X	
Cottage industries, tradesmen and artisan shops		A	
<i>Country inns</i>	X		
<i>Day care groups</i>		A	
<i>Day care homes</i>			X
Financial institutions	X		
Fire and rescue stations	X		
Funeral homes	X		
Home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance and excavation, subject to site plan review	X		
<i>Home occupations</i> in main or accessory <i>buildings</i>			X
<i>Hospitals</i> , rehabilitation facilities, and similar institutions for human care		X	
<i>Hotels</i> and motels	X		
Houses of worship	X		

ARTICLE II. DISTRICTS
SECTION 8. INTENSE VILLAGE DISTRICT (IV)

Uses in Intense Village District (IV) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Indoor movie theaters, playhouses, and dinner theaters	X		
Laundromat	X		
<i>Multi-family dwellings</i>	X		
Neighborhood retail businesses	X		
Offices	X		
Outdoor entertainment		X	
Outdoor recreation, miniature golf, but not golf courses		X	
<i>Personal service establishments</i>	X		
<i>Personal wireless facilities</i> , collocated on existing towers	X		
Printing and publishing		X	
<i>Private clubs</i>		B	
<i>Private garages, swimming pools, game courts, and other customary outbuildings and structures</i>			X
Private schools		X	
Public uses, <i>buildings</i> , and utilities	X		
Pubs, taverns, and bars, including open air facilities		X	
Recreational uses, indoor, commercial	X		
<i>Resorts</i>		X	
<i>Restaurants</i> without drive through facilities	X		
Rooming, boarding, and <i>lodging houses</i>	X		
Satellite dish, private, with an antenna of 3 feet or less in diameter			X
Satellite dish, private, with an antenna exceeding 3 feet in diameter			X
School bus parking <i>lot</i>		X	
School buses, parked, limited to two			X
Self storage	X		
Septic tank maintenance and excavation	X		
Short-term vacation rentals (STVR)	X		
<i>Single family dwellings</i>	X		
Solar energy systems, small			X
Storage of boats, campers, boat trailers, and camper trailers			X
Temporary <i>MET Tower</i> of any height			X
Town houses	X		
<i>Two-family dwellings</i>	X		
Uses and <i>structures</i> which are customarily accessory and clearly incidental and subordinate to the permitted use			X
<i>Wind energy systems, small</i>		X	

**8.3 DENSITY, AREA, HEIGHT, WIDTH, AND YARD REQUIREMENTS
FOR ALL NEW CONSTRUCTION AND ANY ADDITIONS EXCEPT
FOR TWO-FAMILY, TOWNHOUSE, AND MULTI-FAMILY USES**

STANDARDS FOR THE SUBDIVISION OF LOTS – SINGLE-FAMILY, COMMERCIAL, MIXED-USE	
Gross density (dwelling units/acre)	8 dwelling units per acre
Minimum lot size	5,000 square feet
Minimum lot frontage	40 feet – or set during formal site plan review
STANDARDS FOR BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT	
Minimum yard	
- Front	20 feet – or set during formal site plan review
- Side	8 feet – or set during formal site plan review
- Rear	10 feet – or set during formal site plan review
- Accessory residential structures in rear yard	
Side	5 feet
Rear	5 feet
Maximum structure height ¹	
- Commercial	40 feet
- Primary Residential	40 feet
- Accessory Residential Structure (a special exception may be granted to exceed max)	Height of existing primary residential structure
- Fence ²	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
Side and Rear	8 feet
Front	4 feet

1 Height of structures may be further restricted by of the Kent County *Airport* Safety Requirements as defined in this Ordinance. Except in an area defined as the Kent County *Airport* Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.

2 Fences do not need to meet yard requirements.

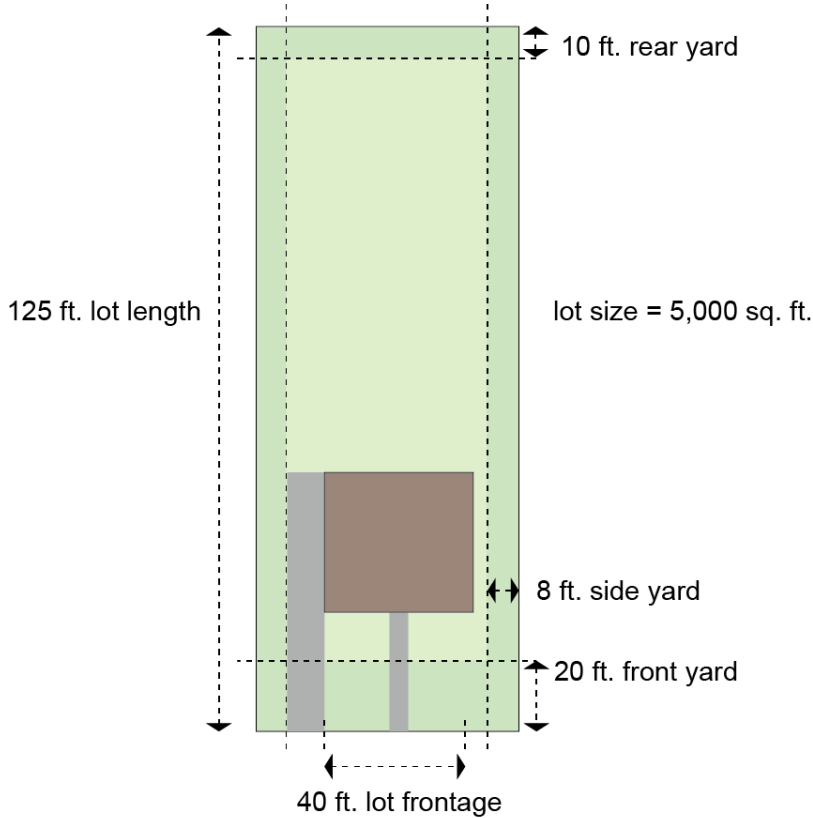


Figure 17: Regulatory diagram of a single-family housing lot in the Intense Village District.

**8.4 DENSITY, AREA, HEIGHT, WIDTH, AND YARD REQUIREMENTS
FOR ALL NEW CONSTRUCTION AND ADDITIONS TO TWO-
FAMILY, TOWNHOUSE, AND MULTI-FAMILY USES**

STANDARDS FOR THE SUBDIVISION OF LOTS – TWO-FAMILY, TOWNHOUSE, MULTI-FAMILY	
Gross <i>density</i> (dwelling units/acre)	12 <i>dwelling units</i> per acre
Minimum <i>lot size</i>	Duplex (both) 4,000 square feet Townhouse 2,000 square feet
Minimum <i>lot frontage</i>	30 feet – or set during formal site plan review
STANDARDS FOR BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT	
Minimum <i>yard</i>	
- Front	20 feet – or set during formal site plan review
- Side	6 feet – or set during formal site plan review
- Rear	20 feet – or set during formal site plan review
- Accessory residential <i>structures</i> in <i>rear yard</i>	
Side	10 feet
Rear	10 feet
Maximum <i>structure</i> height ¹	
- Two-Family	40 feet
- Townhouse	40 feet
- Multi-Family	50 feet
- Accessory Structure (a special exception may be granted to exceed max)	Height of existing primary residential structure
- Fence ²	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
Side and Rear	8 feet
Front	4 feet
Parking Location	<i>Rear yard only</i>

- 1 Height of structures may be further restricted by of the Kent County *Airport* Safety Requirements as defined in this Ordinance. Except in an area defined as the Kent County *Airport* Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.
- 2 Fences do not need to meet yard requirements.

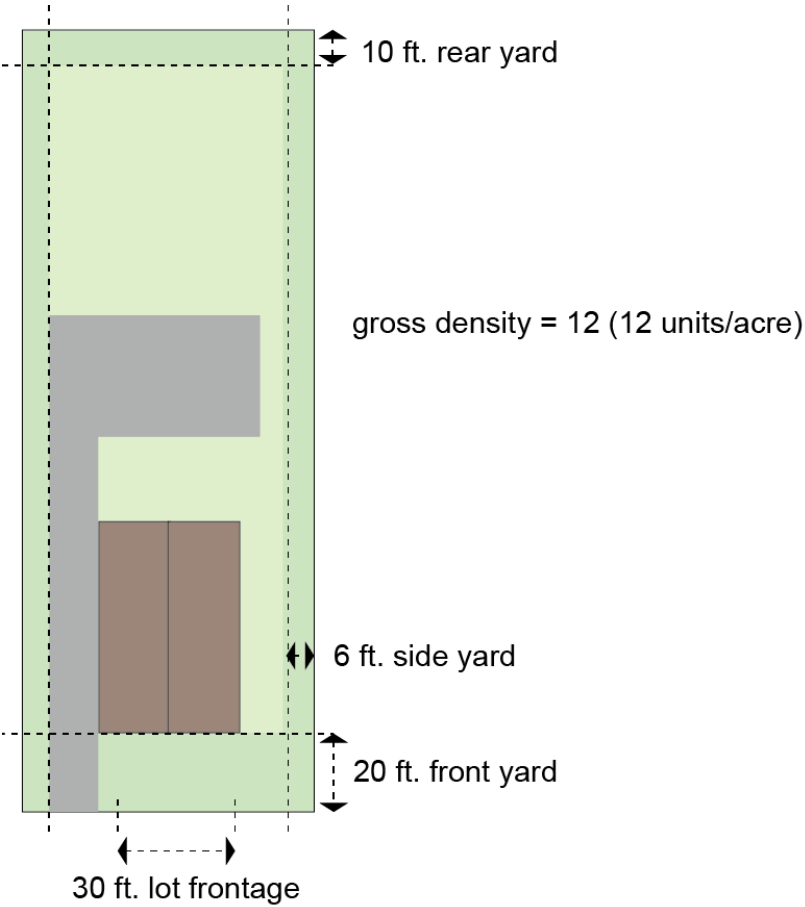


Figure 18: Regulatory diagram of a multi-family housing lot in the Intense Village District.

SECTION 9 COMMERCIAL DISTRICT

9.1 STATEMENT OF INTENT

The purpose of this district is to provide appropriate locations for a broad range of commercial activities such as retail, wholesale, and contracting activities, which are primarily oriented to highway locations and which may include services and destination retail. Consequently, the district is located along major arterial highways or at the intersections of State and/or County highways. It is further intended that this District shall be for the purpose of limiting sprawl by providing *sites* with adequate *frontage* and depth to permit controlled access to public *streets*. Because these uses are subject to public view, which is of concern to the whole community, they should provide an appropriate appearance, controlled traffic movement, ample landscaping, and protect adjacent properties from the traffic and visual impacts associated with the commercial activity. Whenever possible, *frontage* of the district shall not exceed depth.

This district combines the former Commercial district and Crossroads Commercial (CC). The permitted uses have been combined. Uses allowed only within the US 301 Corridor are specified.

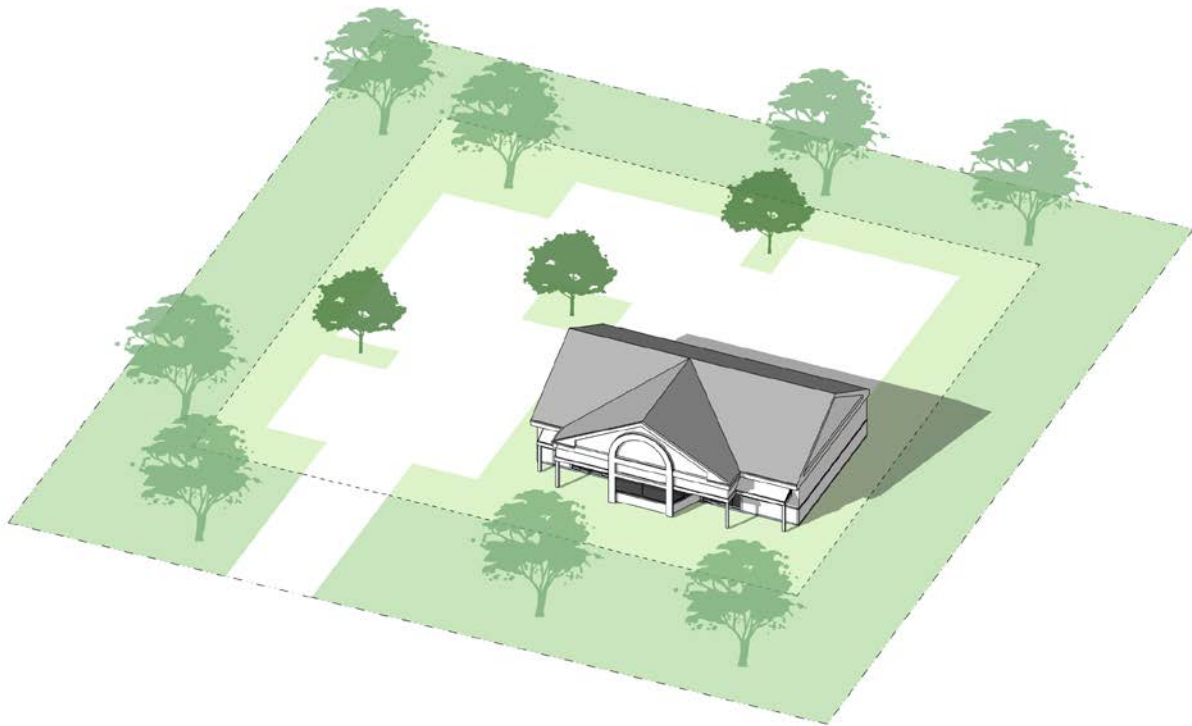


Figure 19: Diagram illustrating the desired character of the Commercial District.

9.2 PERMITTED USES AND STRUCTURES

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

Uses in Commercial District Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Accessory employee housing			X
Accessory truck parking			X
<i>Accessory uses</i> and <i>structures</i> normally associated with permitted uses and not otherwise listed			X
<i>Agriculture</i>	X		
Appurtenant signs			X
<i>Automobile repair</i>	X		
Automobile sales, service, and rental	X		
<i>Automobile service stations</i>	X		
Boat <i>building</i> and boat repair		X	
<i>Building</i> materials sales	X		
Car wash provided the wastewater is recycled	X		
Circus or carnival, midways and amusement parks, maze fields and other temporary recreational uses, for a specified period	X		
Class D Alcohol Retail Business, as defined by the State of Maryland	X		
Cottage industries, tradesmen, and artisan shops		A	
<i>Country inns</i>	X		
Data processing centers	X		
Distribution centers and warehousing	X		
Financial institutions	X		
Financial institutions in the Route 301 Corridor with drive-in facilities		X	
Fire and rescue stations	X		
Home and business services such as grounds care, cleaning, exterminators, landscaping, and other repair and maintenance services	X		
<i>Hotels</i> and motels	X		
Machinery and equipment sales, service, and rental	X		
Manufacture, processing, fabrication, and assembly of products	X		
Manufacture, processing and assembling of food products		X	

ARTICLE II. DISTRICTS
SECTION 9. COMMERCIAL DISTRICT

Uses in Commercial District Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
<i>Microbrewery</i> , as defined by the State of Maryland	X		
Mini storage facilities	X		
Modular <i>building</i> sales	X		
Offices – administrative, business, sales, and professional	X		
<i>Personal wireless facility towers</i>		X	
<i>Personal wireless facilities</i> , collocated on existing towers	X		
Public uses, <i>buildings</i> , and utilities	X		
Radio and television tower, commercial		X	
Recreational facilities, privately or commercially owned		X	
<i>Restaurants</i> without drive through facilities	X		
Retail businesses with less than 60,000 square feet of gross floor area	X		
Retail businesses with more than 60,000 square feet of gross floor area		X	
Retail businesses located in the Route 301 Corridor	X		
Retail businesses in the Route 301 Corridor with drive-in facilities		X	
Retail nurseries and greenhouses	X		
Roadside stands	X		
Self-storage centers	X		
School bus parking <i>lot</i>		X	
School buses, parked, limited to two			X
Shopping Centers		X	
<i>Single family dwellings</i>		A	
Storage of office supplies or merchandise re to a permitted use			X
Solar energy systems, small			X
Solar energy systems, utility scale		X	
Temporary <i>MET Tower</i> of any height			X
Truck parking lot		X	
<i>Truck stops</i>		X	
<i>Truck terminals</i>		X	
Veterinary <i>hospitals</i> and offices	X		
<i>Wind energy systems, small</i>		X	
<i>Wind energy systems, small, accessory</i>			X

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

STANDARDS FOR THE <i>SUBDIVISION OF LOTS</i>	
Minimum <i>lot</i> size	NA
Minimum <i>frontage</i>	
- Public road	100 feet
STANDARDS FOR <i>BUILDING AND STRUCTURE</i> HEIGHT, WIDTH, AND PLACEMENT	
Minimum <i>yard</i>	
- Front	50 feet
- Side and <i>Rear yard</i>	50 feet with <i>buffering</i> from adjoining AZD, RCD, RC, RR, CAR, V, IV
	30 feet from C, CCA, M, EC, ECCA, which may be reduced to 0 if emergency and maintenance vehicle access are acceptably addressed and if the adjoining property is a compatible use
- Waterfront	100 feet
Height ¹	
- Industrial <i>structures</i>	45 feet
- Industrial <i>structures</i> in 301 Corridor	60 feet
- Commercial <i>structure</i>	45 feet
- Residential <i>structure</i>	38 feet
- Fence ²	
- Security	8 feet
- Ornamental	
Front and <i>side yard</i>	4 feet
<i>Rear yard</i>	8 feet

1 Except in an area defined as the Kent County *Airport* Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.

2 Fences do not need to meet yard requirements.

ARTICLE II. DISTRICTS
SECTION 9. COMMERCIAL DISTRICT

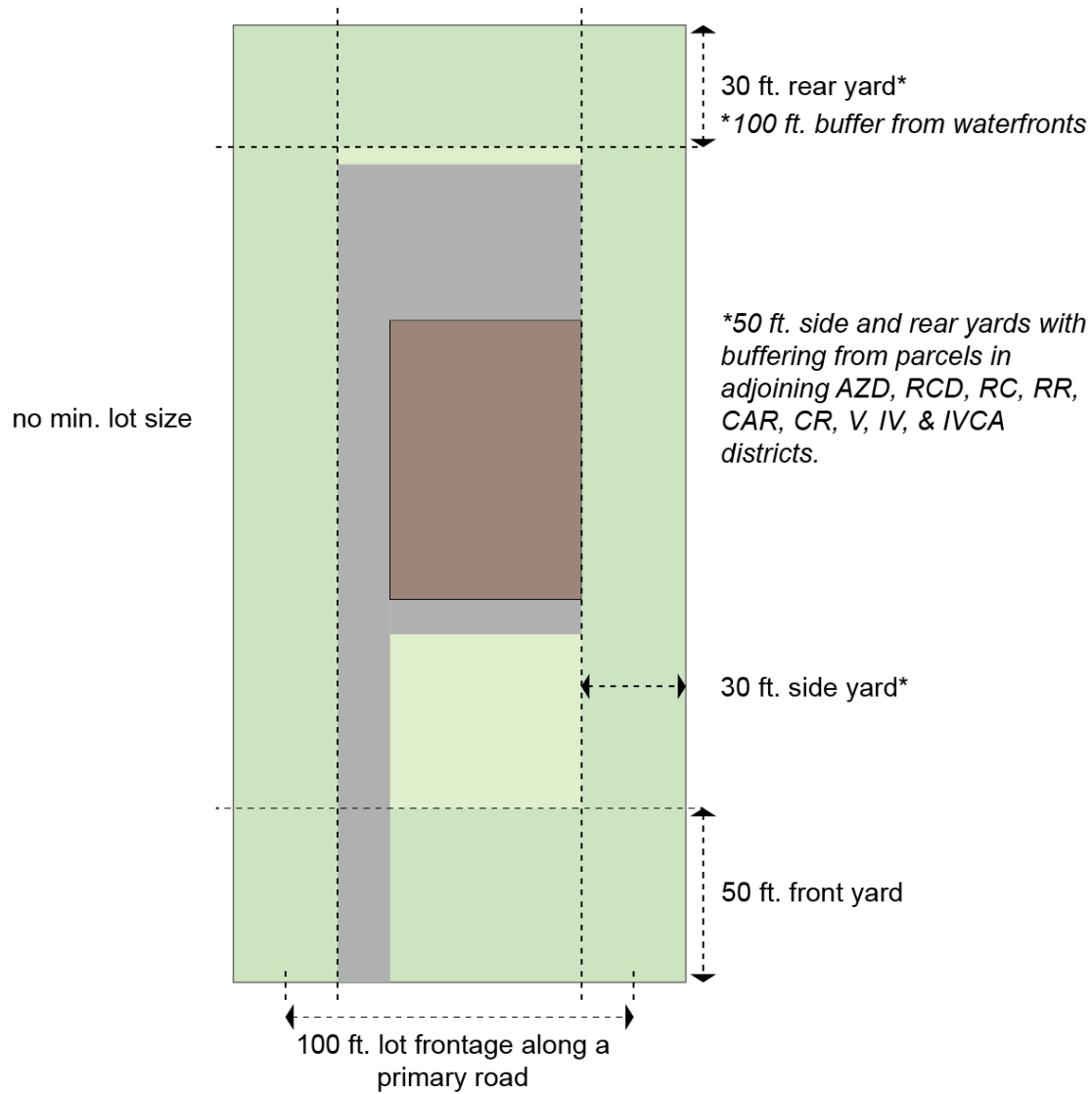


Figure 20: Regulatory diagram of a lot in the Commercial District.

SECTION 10 COMMERCIAL CRITICAL AREA (CCA)

10.1 STATEMENT OF INTENT

The purpose of this district is to accommodate commercial and service activities that are not normally located in central business concentrations. These uses are primarily oriented to highway locations and include services and destination retail. Consequently, the district is located along major arterial highways. It is further intended that this District shall be for the purpose of limiting sprawling *development* by providing *sites* with adequate *frontage* and depth to permit controlled access to public *streets*. Because these uses are subject to public view, which is of concern to the whole community, they should provide an appropriate appearance, controlled traffic movement, ample landscaping, and protect adjacent properties from the traffic and visual impacts associated with the commercial activity. Whenever possible, *frontage* of the district shall not exceed depth.

The Commercial Critical Area (CCA) district is complementary to the Commercial (C) district. Regulations are intended to mirror the C district and provide a Critical Area version of C district.

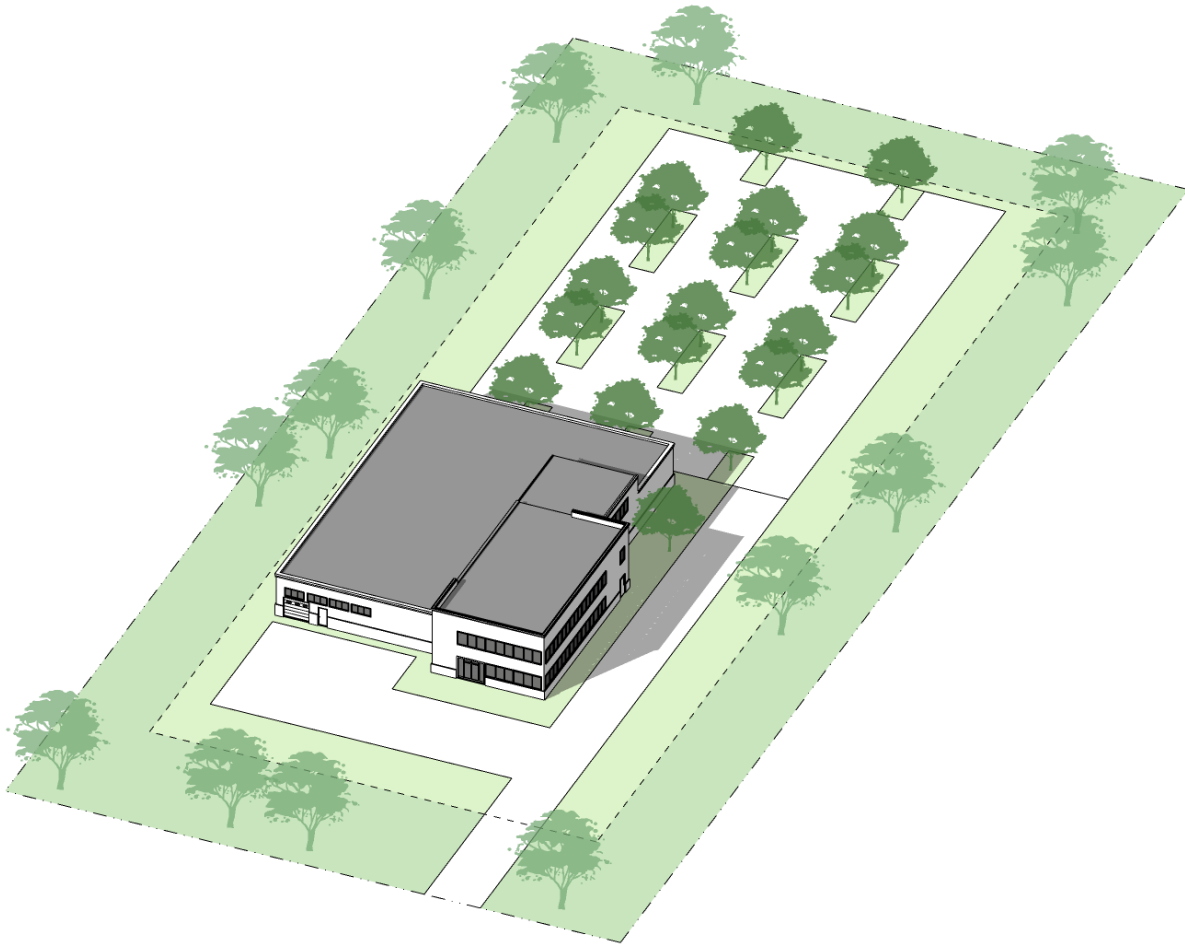


Figure 21: Diagram illustrating the desired character of the Commercial Critical Area District.

10.2 PERMITTED USES AND STRUCTURES

A *building* or land shall be used only for the following, subject to *site plan* review by the *Planning Commission*, or where applicable the Planning Director. Detailed limitations and standards for these uses are found in Article III. Administrative special exceptions are indicated by letter “A.” All other exceptions require Planning Commission and Board of Appeals reviews per Article IV.

Uses in Commercial <i>Critical Area</i> (CCA) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Accessory employee housing			X
Accessory truck parking			X
<i>Accessory uses and structures</i> normally associated with permitted uses			X
<i>Agriculture</i>	X		
Appurtenant signs			X
Automobile sales, service, and rental	X		
Boat <i>building</i> and boat repair		X	
<i>Building</i> materials sales	X		
Circus or carnival, midways and amusement parks, maze fields and other temporary recreational uses, for a specified period	X		
Cottage industries, tradesmen and artisan shops		A	
Financial institutions	X		
Financial institutions in the Route 301 Corridor with drive-in facilities		X	
<i>Hotels</i> and motels	X		
Machinery and equipment sales, service, and rental	X		
Mini storage facilities	X		
Offices – administrative, business, sales, and professional	X		
<i>Personal wireless facility towers</i>		X	
<i>Personal wireless facilities</i> , collocated on existing towers	X		
Public uses, <i>buildings</i> , and utilities	X		
Recreational facilities, privately or commercially owned		X	
<i>Restaurants</i> without drive through facilities	X		
Retail businesses located in the Route 301 Corridor	X		
Retail businesses in the Route 301 Corridor with drive-in facilities		X	
<i>Single family dwellings</i>		A	
Solar energy systems, small			X
Solar energy systems, utility scale		X	
Temporary <i>MET Tower</i> of any height			X
<i>Truck stops</i>		X	
<i>Wind energy systems, small</i>		X	
<i>Wind energy systems, small</i> , accessory			X

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

STANDARDS FOR THE <i>SUBDIVISION OF LOTS</i>	
Minimum <i>lot</i> size	NA
Minimum <i>frontage</i>	
- Public road	100 feet
STANDARDS FOR <i>BUILDING AND STRUCTURE</i> HEIGHT, WIDTH, AND PLACEMENT	
Minimum <i>yard</i>	
- Front	50 feet
- Side and <i>Rear yard</i>	50 feet with <i>buffering</i> from adjoining AZD, RCD, RC, CAR, CR, V, IV
	30 feet from C, CCA, M, EC, ECCA, which may be reduced to 0 if emergency and maintenance vehicle access are acceptably addressed and if the adjoining property is a compatible use
- Waterfront	Minimum 100-foot <i>buffer</i> or <i>modified buffer</i> ¹
Height ²	
- Commercial <i>structure</i>	45 feet
- Residential <i>structure</i>	38 feet
- Fence ³	
- Security	8 feet
- Ornamental	
Front and Side	4 feet
Rear	8 feet

- 1 Modifications for structures existing prior to April 12, 1988, may be permitted per regulations set forth in Article VI.
- 2 Except in an area defined as the Kent County *Airport* Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; standpipes; and flag poles.
- 3 Fences do not need to meet yard requirements.

ARTICLE II. DISTRICTS
SECTION 10. COMMERCIAL CRITICAL AREA (CCA)

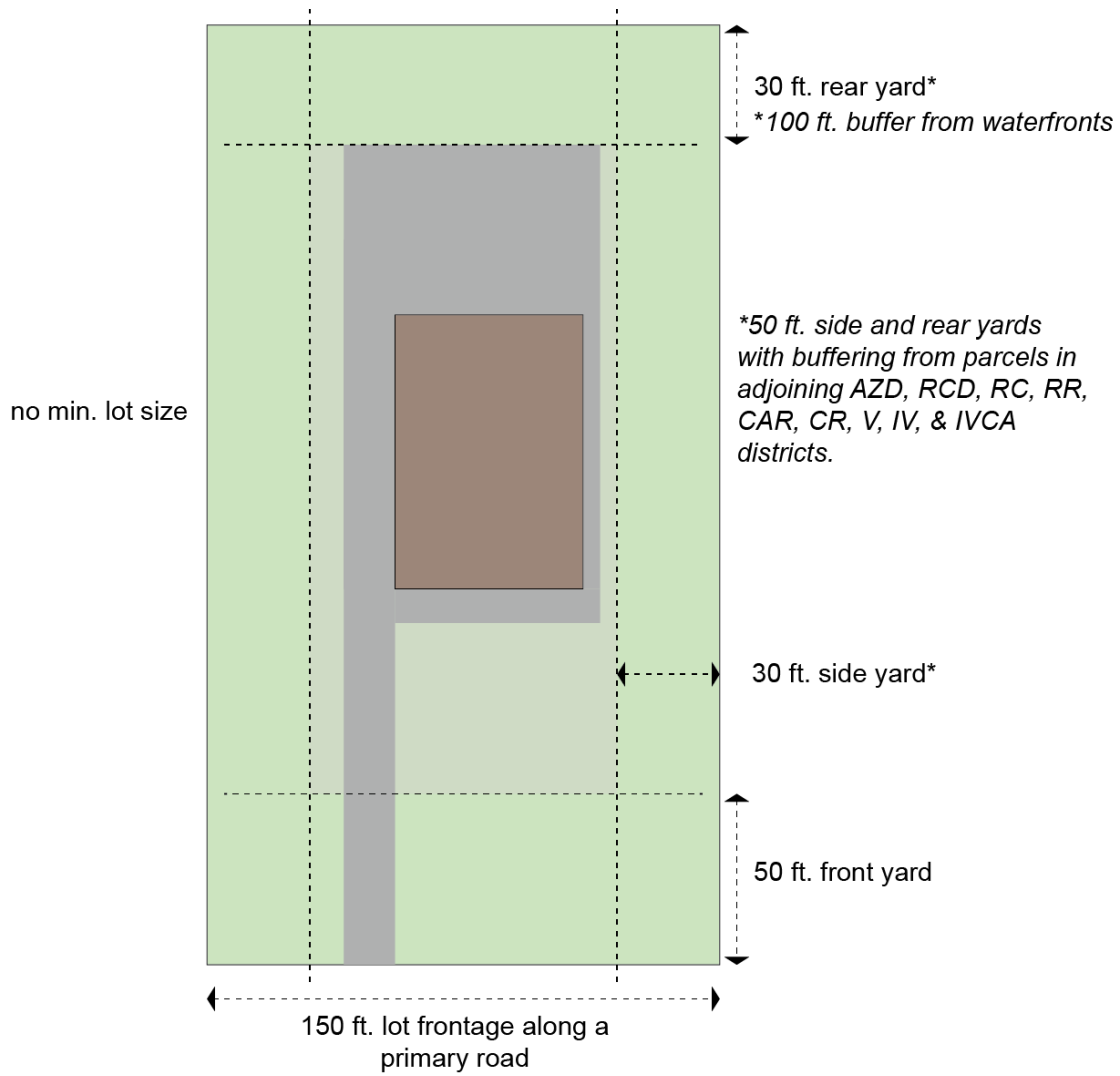


Figure 22: Regulatory diagram of a lot in the Commercial Critical Area District.

SECTION 11 MARINE DISTRICT (M)

11.1 STATEMENT OF INTENT

The purpose of this district is to provide land for full-service *marinas*, including out-of-water boat storage, repair, and other services normally associated with *marinas*. Marine industrial uses, including boat *building*, are permitted in appropriate locations subject to applicable sanitation and pollution laws and ordinances. *Retrofitting of stormwater management* is encouraged and standards are provided to improve the quality of runoff that enters the Chesapeake Bay and its tributaries. It is important to note that not all existing marinas would need to be zoned Marine.

The Marine District is intended to: 1) improve the quality of runoff from developed areas that enters the Chesapeake Bay or its *tributary streams*; 2) accommodate additional mixed-use *development* provided that water quality is not impaired; 3) minimize the expansion of intensely developed areas into portions of the *Critical Area* designated as habitat protection areas and resource conservation areas; 4) conserve and enhance fish, wildlife, and *plant habitats* to the extent possible within intensely developed areas; and, 5) encourage the use of *retrofitting* measures to address existing *stormwater management* problems.

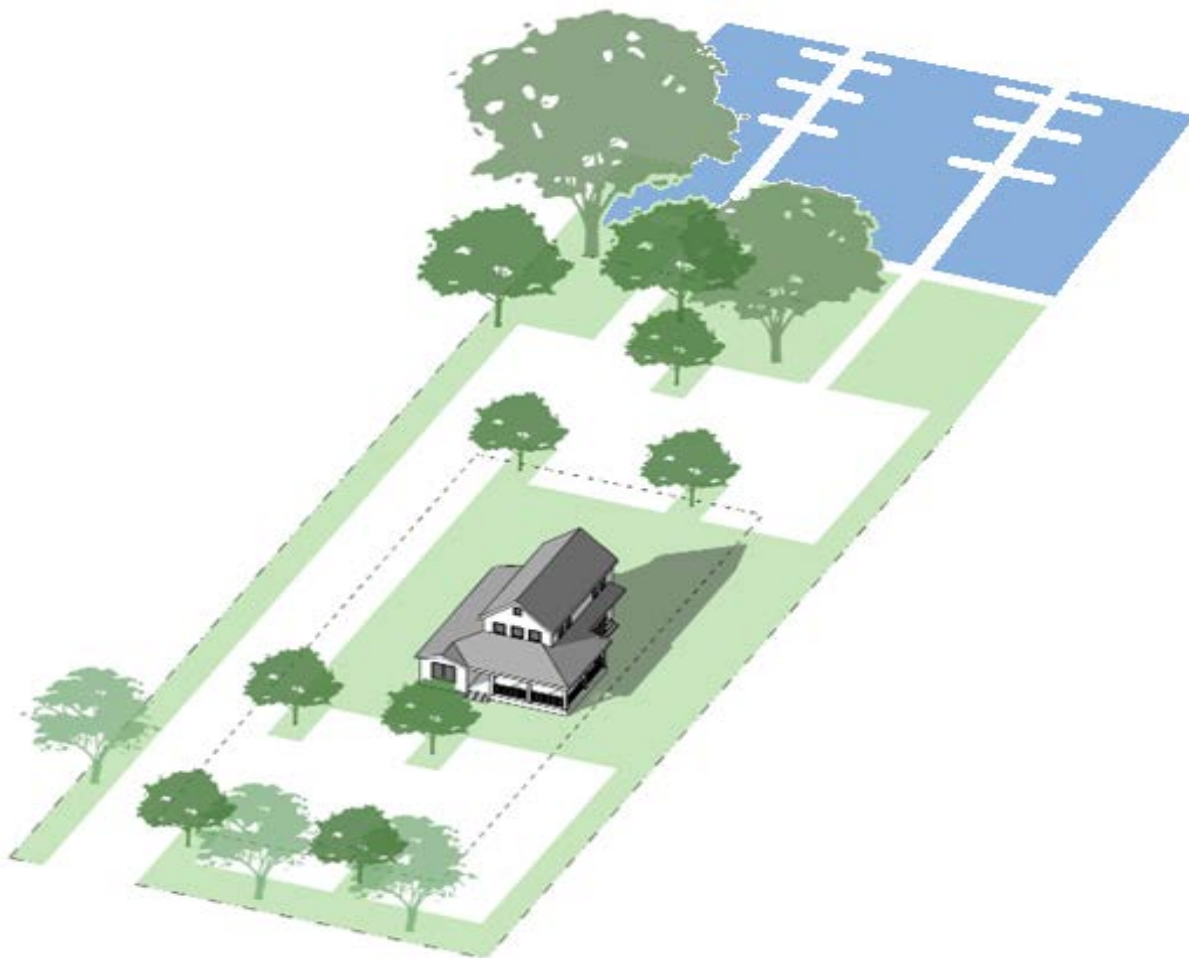


Figure 23: Diagram illustrating the desired character of the Marine District.

11.2 PERMITTED USES AND STRUCTURES

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

Uses in Marine District (M) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Accessory employee housing			X
Adaptive reuse of <i>historic structures</i> for uses not otherwise listed		A	
<i>Airports</i> , landing fields, helistops, or heliports		X	
Appurtenant signs			X
Bath houses, pump out <i>structures</i> , and other <i>accessory structures</i> normally associated with permitted uses			X
Boat building and boat repair, located at least 100 feet from any residential district	X		
Boat docks, <i>piers</i> and wharves	X		
Boat rental, sales, supplies, instruction, and other services customarily associated with a full-service marina	X		
Boat sales, boat and outboard motor repairs and boat storage	X		
Boat storage, out of water	X		
<i>Country inns</i>		X	
Dormitories for employees		B	
Dredge spoil <i>sites</i>		X	
Erosion and flood control structures	X		
Existing <i>conference centers, resorts, retreats, hotels, and motels</i>	X		
Fuel storage and sale for marine purposes only			X
<i>Marinas</i>	X		
Multi-level boat storage		X	
<i>Off-street parking</i> and loading, including the parking of commercial vehicles related to the operation of an <i>on-site</i> business			X
<i>Private clubs</i>		B	
<i>Private destination/residence clubs</i>	X		
<i>Public landings</i>	X		
<i>Public utility lines and accessory structures</i>	X		
Pubs, taverns, and bars, including open air facilities		X	
<i>Restaurants</i> without drive through facilities	X		

ARTICLE II. DISTRICTS
SECTION 11. MARINE DISTRICT (M)

Uses in Marine District (M) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Satellite dish with an antenna exceeding 3 feet in diameter			X
Satellite dish, private, with an antenna of 3 feet or less in diameter			X
Seafood processing		X	
Solar energy systems, small			X
Stores or shops for the conduct of retail sales			X
Temporary <i>MET Tower</i> of any height			X
<i>Wind energy systems, small, accessory</i>			X

11.3 DENSITY, HEIGHT, WIDTH, BULK AND FENCE REQUIREMENTS

STANDARDS FOR THE <i>SUBDIVISION OF LOTS</i>	
Gross <i>density (lots/acre)</i>	2
Minimum <i>lot size</i>	½ acre
Minimum <i>frontage</i>	
- Road	100 feet
- Waterfront	100 feet
STANDARDS FOR <i>BUILDING AND STRUCTURE</i> HEIGHT, WIDTH, AND PLACEMENT	
Minimum <i>yard</i>	
- Front	30 feet
- Side	
- Adjacent to CC, CCA, M	8 feet
- Adjacent to other districts	25 feet
- Rear	
- Adjacent to CC, CCA, M	10 feet
- Adjacent to other districts	25 feet
- Waterfront	Minimum 100-foot <i>buffer</i> or <i>modified buffer</i> ¹
- <i>Shoreline cliff</i>	1.5 x <i>cliff height</i> + 20 feet
- Minimum <i>pier</i>	
- <i>Side yard</i>	30 feet
- Accessory <i>Buildings</i>	
- Side	10 feet
- Rear	10 feet
Height	
- <i>Buildings</i>	38 feet
- Covered <i>pier</i> ²	38 feet
- Fence	
- Security	8 feet
- Ornamental	
- Front and Side	4 feet
- Rear	8 feet

1 Modifications for structures existing prior to April 12, 1988, may be permitted as per Article VI.

2 Height of covered piers shall be measured from Mean High Tide.

ARTICLE II. DISTRICTS
SECTION 11. MARINE DISTRICT (M)

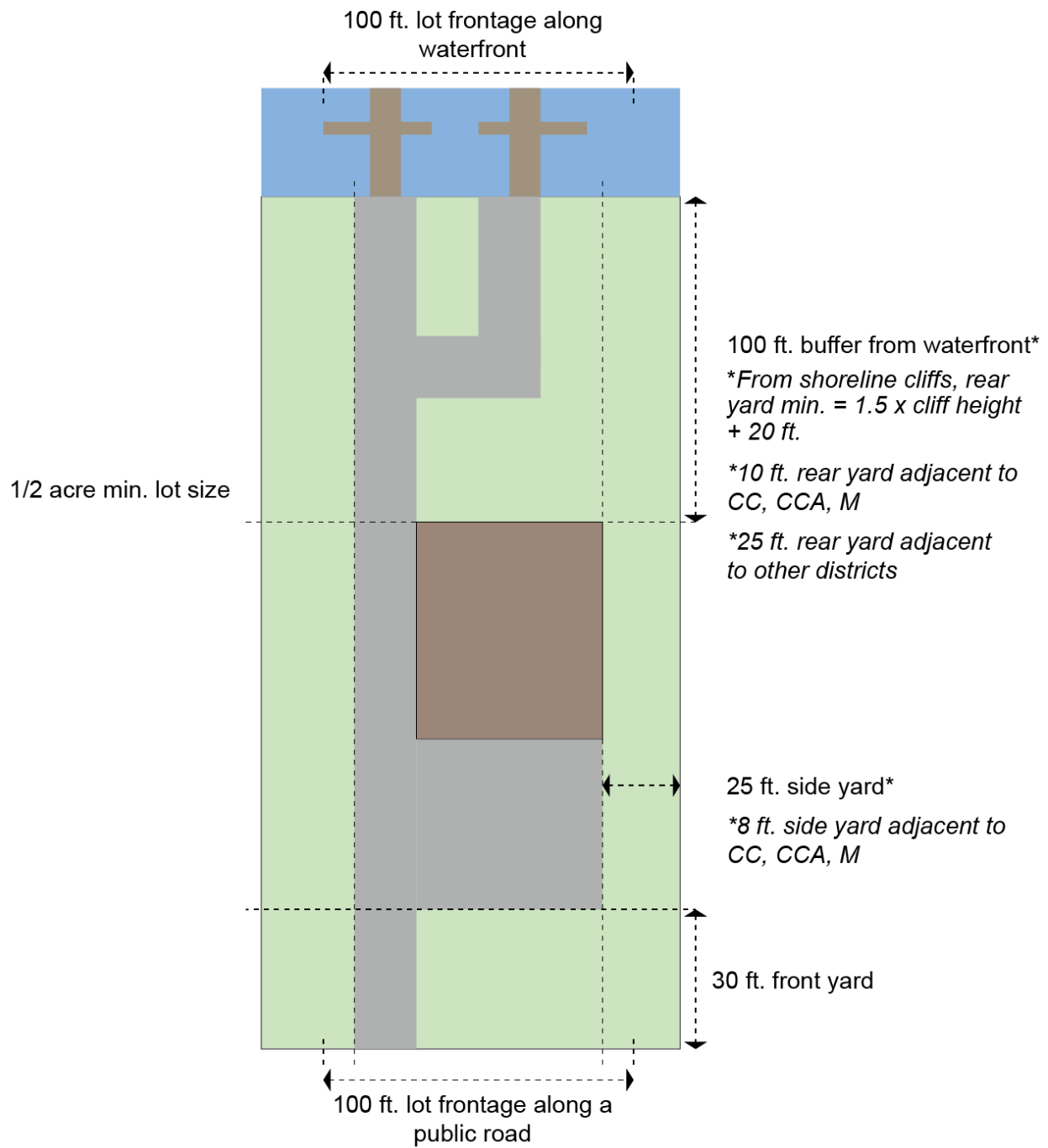


Figure 24: Regulatory diagram of a lot in the Marine District.

SECTION 12 EMPLOYMENT CENTER DISTRICT (EC)

12.1 STATEMENT OF INTENT

Employment Center districts are intended to include a mix of light industrial, office, and other employment uses as well as commercial planned *developments* that are environmentally sound, sustainable, and compatible with adjacent uses. They are further defined as areas devoted to industrial, office, and employment uses which present an attractive appearance, provide for flexibility, and complement surrounding land use character by means of appropriate design of *buildings*, service areas, and landscape treatments.

It is intended that Employment Center districts be located in areas having one or more major highways, and/or access to rail, and complementary to surrounding *development*. Light industrial uses may include those uses which manufacture, process, store, package, or distribute goods and materials, and are, in general, dependent on raw materials that are refined elsewhere.

Employment Center districts in the Route 301 Corridor permit buildings with larger footprints and increased buildings heights, in order to provide for the desired economic development in the Route 301 growth area, as envisioned by the Kent County Comprehensive Plan.

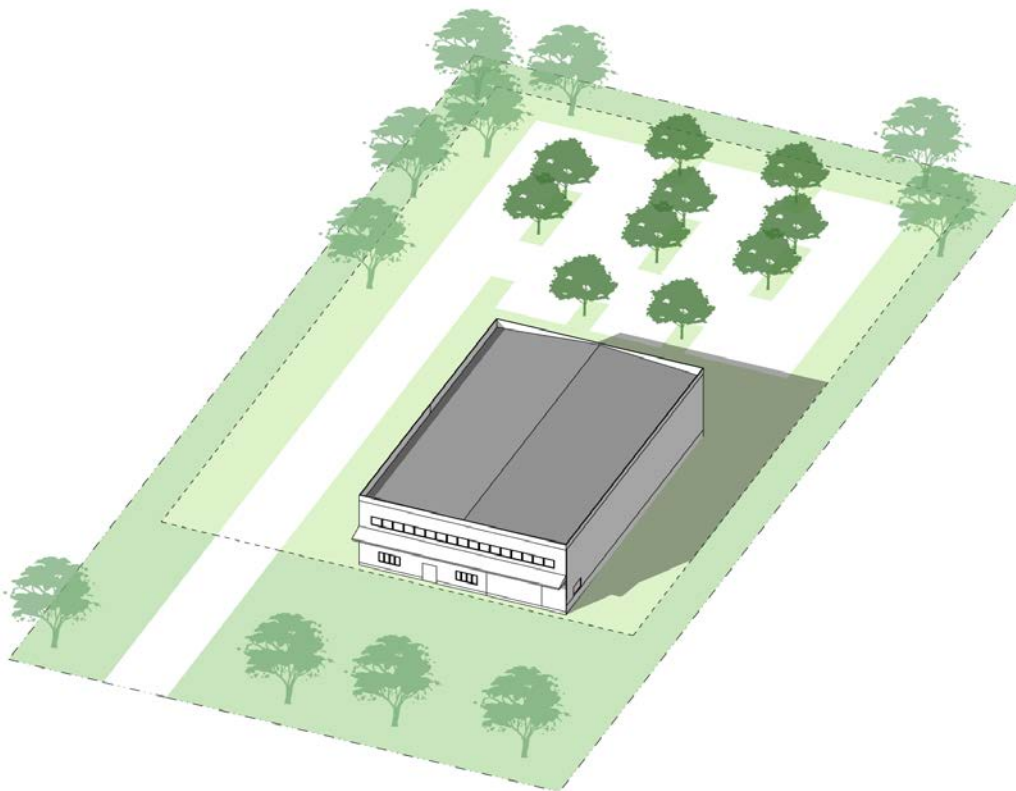


Figure 25: Diagram illustrating the desired character of the Employment Center District.

12.2 PERMITTED USES AND STRUCTURES

For every commercial and industrial *structure* and use erected, reconstructed, altered, or enlarged after the effective date of this Ordinance, a *site plan* shall be filed. No *building* permit shall be issued until said *site plan* is approved by the *Planning Commission* or where applicable the Planning Director. Detailed limitations and standards for uses may be found in Article III. Special exceptions require Planning Commission and Board of Appeals reviews per Article IV.

Uses in Employment Center District (EC) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Accessory employee housing			X
<i>Agriculture</i>	X		
<i>Airports</i> , landing fields, helistops, or heliports	X		
Animal shelters	X		
Blacksmith, welding and machine shops	X		
Boat building and boat repair	X		
Boat storage, out-of-water			X
Data processing centers	X		
<i>Day care groups</i>			X
Distribution centers and warehousing	X		
<i>Excavation, landscaping, or other contractor's yard</i>	X		
Manufacture of concrete and ceramics products, commercial sawmills, sewage treatment plants, recycling facilities, and lumberyards	X		
Manufacture, processing, and distribution of hot mix asphalt	X		
Manufacture, processing, fabrication, and assembly of products	X		
Offices	X		X
<i>Personal wireless facilities</i> , collocated on existing towers	X		
<i>Personal wireless facility towers</i>		X	
Production of biofuels (formerly in the Industrial zoning district only)		X	
Public uses, <i>buildings</i> , and utilities	X		
Public utility <i>buildings, structures</i> , water treatment plants, and transmission lines	X		
Radio and television tower, commercial		X	
<i>Restaurants</i> without drive through facilities			X
<i>Restaurants</i> with drive through facilities in the Route 301 Corridor	X		
Retail businesses with less than 60,000 square feet of gross floor area	X		
Retail businesses with more than 60,000 square feet of gross floor area		X	
Retail businesses in the Route 301 Corridor	X		

ARTICLE II. DISTRICTS
SECTION 12. EMPLOYMENT CENTER DISTRICT (EC)

Uses in Employment Center District (EC) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Retail businesses in the Route 301 Corridor with drive-in facilities		X	
Retail sales of products produced <i>on-site</i>			X
Self-storage centers	X		
<i>Single family dwelling</i> , one per existing property	X		
Solar energy systems, small			X
Solar energy systems, utility scale	X		
Storage and office trailers, temporary during construction	X		
Temporary <i>MET Tower</i> of any height			X
<i>Truck terminal</i>	X		
Uses and <i>structures</i> which are customarily accessory and clearly incidental and subordinate to the permitted use			X
Vocational and trade schools	X		
<i>Wind energy systems, small</i>		X	
<i>Wind energy systems, small</i> , accessory			X

12.3 DENSITY, HEIGHT, WIDTH, BULK, AND FENCE REQUIREMENTS

STANDARDS FOR THE <i>SUBDIVISION OF LOTS</i>	
Gross <i>density (dwelling units/ acre)</i>	1 <i>dwelling unit</i> per 20 acres ¹
Maximum residential <i>lot size</i>	2 acres
Minimum <i>lot frontage</i>	75 feet
STANDARDS FOR <i>BUILDING AND STRUCTURE</i> HEIGHT, WIDTH, AND PLACEMENT	
Minimum <i>yard</i>	
- Front	
- Existing <i>Primary road</i>	100 feet
- Other <i>roads</i>	As approved during subdivision review
- Side and Rear	
- Adjacent to ECCA	15 feet
- Adjacent to C, CCA, M, AZD, RCD	40 feet
- Adjacent to V, CR, CAR	100 feet
- Adjacent to public road	100 feet ²
Height	
- Industrial <i>structure</i>	45 feet
- Industrial <i>structure</i> in 301 Corridor	60 feet
- Residential <i>structure</i>	38 feet
- Towers, silos, etc.	150 feet ³
- Fence ⁴	
- Security	8 feet
- Ornamental	
Front and Side	4 feet
Rear	8 feet
Maximum <i>building footprint</i>	
- Distribution Center	
- Route 301 Corridor	NA
- Other locations	75,000 sq. ft.
- Other industrial <i>buildings</i>	
- Route 301 Corridor	NA
- Other locations	250,000 sq. ft.

- 1 Intrafamily transfers only
- 2 May be reduced or increased during site plan review
- 3 Except in the *Airport Safety Zone*
- 4 Fences do not need to meet the yard requirements.

ARTICLE II. DISTRICTS
SECTION 12. EMPLOYMENT CENTER DISTRICT (EC)

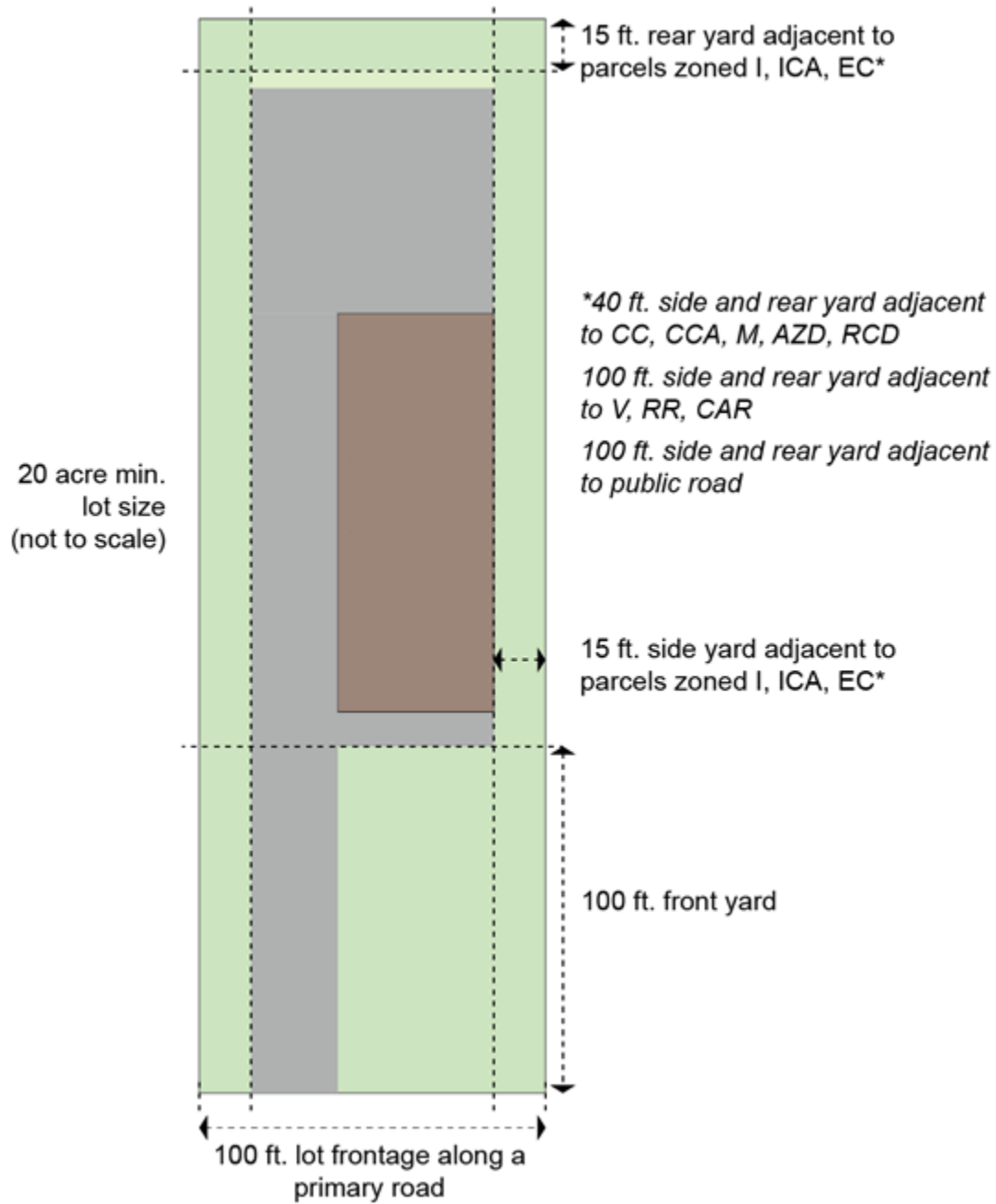


Figure 26. Regulatory graphic of a lot in the Employment Center District.

SECTION 13 EMPLOYMENT CENTER CRITICAL AREA (ECCA)

13.1 STATEMENT OF INTENT

This district is intended to provide for a range of light industrial, office, and other employment uses which are environmentally sound, sustainable, and compatible with adjacent uses. Furthermore, the district is primarily limited to light manufacturing and support businesses. Light industries include those which manufacture, process, store, package or distribute goods and materials and are, in general, dependent on raw materials refined elsewhere. The ECCA District is intended to: 1) improve the quality of runoff from developed areas that enters the Chesapeake Bay or its *tributary streams*; 2) accommodate additional mixed-use *development* provided that water quality is not impaired; 3) minimize the expansion of intensely developed areas into portions of the *Critical Area* designated as habitat protection areas and resource conservation areas; 4) conserve and enhance fish, wildlife, and *plant habitats* to the extent possible within intensely developed areas; and 5) encourage the use of *retrofitting* measures to address existing *stormwater management* problems.

The ECCA zoning district is intended to be complementary to the Employment Center (EC) zoning district. Regulations are intended to mirror the EC and provide for a Critical Area version of EC.



Figure 27 Diagram illustrating the desired character of the ECCA District.

ARTICLE II. DISTRICTS
SECTION 13. EMPLOYMENT CENTER CRITICAL AREA (ECCA)

13.2 PERMITTED PRINCIPAL USES AND STRUCTURES

For every industrial *structure* and use erected, reconstructed, altered, or enlarged after the effective date of this Ordinance, a *site plan* shall be filed. No *building* permit shall be issued until said *site plan* is approved by the *Planning Commission*, or where applicable the Planning Director. Detailed limitations and standards for these uses may be found in Article III. Special exceptions require Planning Commission and Board of Appeals reviews per Article IV.

Uses in Employment Center Critical Area (ECCA) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Accessory employee housing			X
<i>Agriculture</i>	X		
<i>Airports</i> , landing fields, helistops, or heliports	X		
Blacksmith, welding and machine shops	X		
Boat building and boat repair	X		
Boat storage, out of water			X
<i>Excavation, landscaping and other contractors' yard</i>	X		
<i>Day care groups</i>			X
Distribution centers and warehousing	X		
Manufacture of concrete and ceramics products, commercial sawmills, sewage treatment plants, recycling facilities, and lumberyards	X		
Manufacture, processing, fabrication, and assembly of products	X		
Offices			X
<i>Personal wireless facilities</i> , collocated on existing towers	X		
Public utility <i>buildings, structures</i> , water treatment plants, and transmission lines	X		
<i>Restaurants</i> without drive through facilities			X
Retail sales of products produced <i>on-site</i>			X
<i>Single family dwelling</i> , one per existing property	X		
Solar energy systems, small			X
Storage and office trailers, temporary during construction	X		
Temporary <i>MET Tower</i> of any height			X
Transmission towers	X		
Uses and <i>structures</i> which are customarily accessory and clearly incidental and subordinate to the permitted use			X
Vocational and trade schools	X		
<i>Wind energy systems, small</i>		X	
<i>Wind energy systems, small</i> , accessory			X

13.3 DENSITY, HEIGHT, WIDTH, BULK, AND FENCE REQUIREMENTS

STANDARDS FOR THE SUBDIVISION OF LOTS	
Gross <i>density</i> (dwelling units/ acre)	1 dwelling unit per 20 acres ¹
Maximum residential <i>lot</i> size	2 acre
Minimum <i>frontage</i>	75 feet
- Existing <i>Primary road</i>	100 feet ²
- Other <i>roads</i>	3
- Adjacent to EC	15 feet
- Adjacent to AZD, RCD, C, CCA, M	40 feet ⁴
- Adjacent to CAR, CR, V, IV	100 feet ⁴
- Adjacent to public road	100 feet ³
- Waterfront	Minimum 100 ft. <i>buffer</i> or <i>modified buffer</i> ⁵
- <i>Shoreline cliff</i>	1.5 x <i>cliff height</i> + 20 ft.
STANDARDS FOR BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT	
Height	
- Industrial <i>structure</i>	45 feet
- Residential <i>structure</i>	38 feet
- Towers, silos, etc.	150 feet ⁶
- Security	8 feet
Front and Side	4 feet
Rear	8 feet
- Distribution Center	75,000 sq. ft.
- Other industrial <i>buildings</i>	250,000 sq. ft.

- 1 Intrafamily transfers only.
- 2 May be reduced or increased during site plan review.
- 3 As approved during subdivision review.
- 4 When a side or rear lot line coincides with a side or rear lot line of a property located in a non-employment center zone, the required yard shall be landscaped and screened and shall be unoccupied by buildings, structures, or parking area.
- 5 Buffers in designated areas may be modified according to the standards in Article VI.
- 6 Additional height restrictions may apply to properties in *Airport* Safety Zones.

ARTICLE II. DISTRICTS
SECTION 13. EMPLOYMENT CENTER CRITICAL AREA (ECCA)

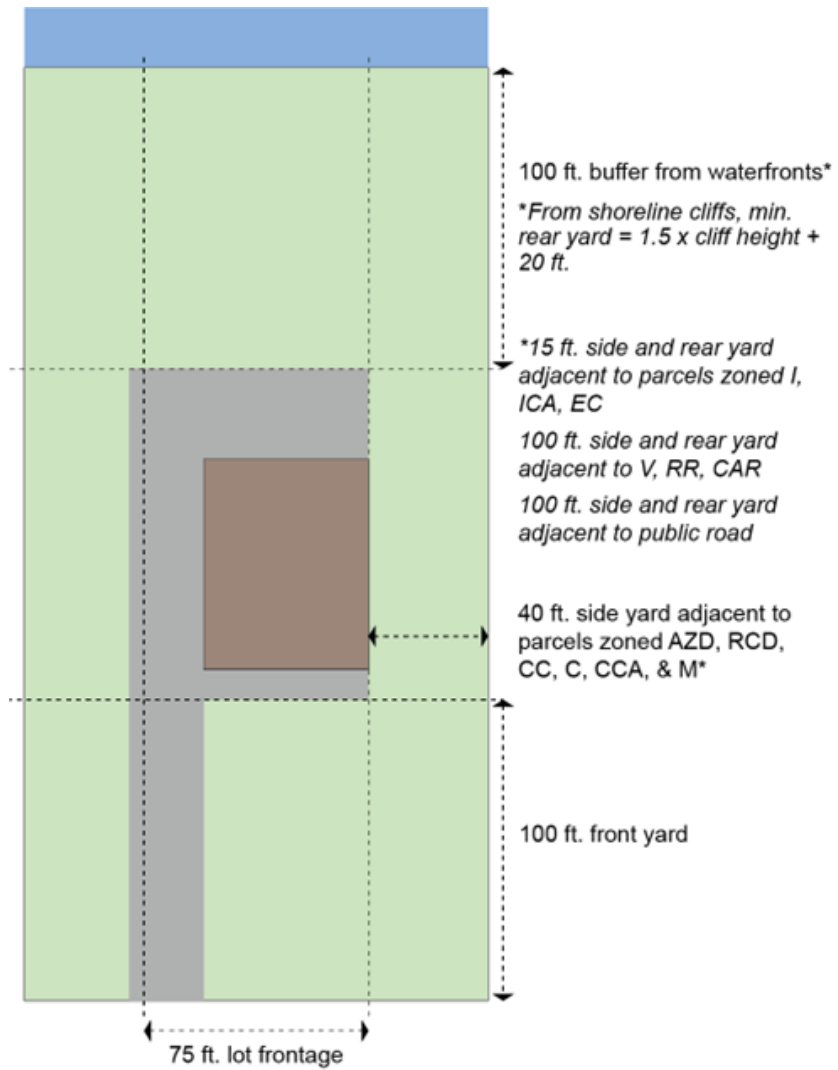


Figure 28: Regulatory diagram of a lot in the ECCA District.

SECTION 14 MIXED-USE DEVELOPMENT (MXD)

14.1 STATEMENT OF INTENT

1. The Mixed-Use Development District promotes the principles of Smart Growth and numerous policies of the Kent County Comprehensive Plan for growth areas, including the US Route 301 Corridor, by combining the uses permitted in the Commercial District, Employment Center District, and Intense Village District.
2. The purpose of this district is to facilitate a range of commercial, residential, and mixed-use development as envisioned by the Kent County Comprehensive Plan for growth areas, including the US Route 301 Corridor.
3. This district is intended to accommodate a high-quality and well-designed mix of uses which are environmentally sound, sustainable, and developed at intensities that limit sprawling development and make efficient use of land and public facilities.

14.2 DISTRICT MASTER PLAN AND MIXED-USE DEVELOPMENT STANDARDS

1. Any development within the district of any phase, development tract, or individual lot shall be planned to generally conform to a District Master Plan for the Mixed-Use Development District and shall be approved by the Planning Commission. This District Master Plan shall be prepared as conceptual diagrams encompassing the entire Mixed-Use District that illustrate the planning intent and generalized locations for the following: land uses and potential alternate land uses; connectivity to be provided by major thoroughfares, primary roads, and collector streets, including potential alternate locations for such streets, pedestrian and bicycle circulation network, and trails; and open space including parks, active recreational facilities, and natural features to be preserved.
2. To ensure flexibility by allowing for development within the district to respond to the changing market conditions, the District Master Plan is intended to evolve over time with potential updates or revisions as each phase or tract is developed. Updates or revisions to the Mixed-Use District Master Plan shall be approved by the Planning Commission.
3. The key elements to be illustrated in the District Master Plan include the following:
 - (A) Land Use Concept Plan showing generalized land use designations, including potential alternate land use designations, for all lands encompassing the entire district, which may evolve over time with updates and revisions.
 - (B) Connectivity Plan showing the street network, including potential alternate networks, of major thoroughfares, primary streets, and collector streets (whether public or private), pedestrian and bicycle circulation network, and a primary trail network, encompassing the entire district as well as connectivity to areas outside the district, which may evolve over time with updates and revisions.
 - (C) Open Space Plan showing generalized locations for lands to be designated as parks, open spaces, and natural features encompassing the entire district,

ARTICLE II. DISTRICTS
SECTION 14. MIXED-USE DEVELOPMENT (MXD)

which may evolve over time with potential updates or revisions. This includes parks, plazas, squares, greens, and linear greenway linkages (whether public or private with public access); active recreation facilities such as playgrounds, sport courts, indoor recreation uses, and playing fields; and natural features such as wooded areas, waterways, and wetlands, and which may include buffers, critical areas, conservation easements, forest conservation areas, and other environmental features.

4. Development of any phase, tract, or individual lot shall include a Land Use Concept Plan, Connectivity Plan, Open Space Plan, and Phasing Plan for the specific development in relation to adjacent and nearby portions of the Mixed-Use Development District that generally conforms to the District Master Plan as required herein. The Land Use Concept Plan, Connectivity Plan, Open Space Plan, and Phasing Plan should be prepared as conceptual diagrams that illustrate how the development of any phase, tract, or individual lot relates to the District Master Plan and the environs surrounding the district.
5. Development of any phase, tract, or individual lot shall include a set of Mixed-Use Development Critical Area Standards compiled from applicable standards in Article IV, §§ 3.6 through 3.9. The Mixed-Use Development Critical Area Standards including any specific Design Guidelines and Standards shall be approved by the Planning Commission.
6. The Mixed-Use Development District shall be required to provide a minimum of fifteen percent (15%) open space. The open space provided, platted, and recorded in the Land Records of Kent County, Maryland from multiple phases or tracts whether or not they are under single ownership, control, or agreement between owners at time of development, and whether such phases or tracts are contiguous or non-contiguous to each other, can be combined to meet the minimum fifteen percent (15%) open space requirement for the combined area of such phases or tracts with the same Mixed Use Development District.
7. In the Mixed-Use Development District, the definition of land qualifying as open space includes the following: parks, plazas, squares, greens, and linear greenway linkages (whether public or private with public access), excluding parking areas and rights-of-way for automobile use; active recreational facilities such as playgrounds, sport courts, and playing fields; and natural features such as wooded areas, waterways, and wetlands, and which may include buffers, critical areas, conservation easements, forest conservation areas, and other environmental features.

14.3 PERMITTED PRINCIPAL USES AND STRUCTURES

For every *structure* and use erected, reconstructed, altered, or enlarged after the effective date of this Ordinance, a *site plan* shall be filed. No *building* permit shall be issued until said *site plan* is approved by the *Planning Commission*, or where applicable the Planning Director. Detailed limitations and standards for these uses may be found in Article III. Special exceptions require Planning Commission and Board of Appeals reviews per Article IV.

Uses in Mixed-Use Development (MXD) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Accessory dwelling unit			X
Accessory employee housing			X
Accessory off-street parking of one commercial vehicle			X
Accessory structures in the front yards of through or corner lots		X	
Accessory truck parking			X
Accessory vehicle parking			X
Adaptive reuse of historic structures for uses not otherwise listed		X	
Agriculture	X		
Agritourism on farms, defined in Article VII	X		
Airports, landing fields, helistops, or heliports	X		
Animal husbandry, special – backyard chickens			X
Animal shelters	X		
Appurtenant signs			X
Assisted living facilities with five to eight beds		X	
Assisted living facilities with no more than four beds			X
Automobile repair	X		
Automobile sales, service, and rental	X		
Automobile service stations	X		
Blacksmith, welding and machine shops	X		
Boat building and boat repair	X		
Boat sales, boat and outboard motor repairs and boat storage	X		
Building materials sales	X		
Car wash	X		
Cemetery, including crematorium and mausoleum			X
Circus or carnival, midways and amusement parks, maze fields and other temporary recreational uses, for a specified period	X		
Class D Alcohol Retail Business, as defined by the State of Maryland	X		

ARTICLE II. DISTRICTS
SECTION 14. MIXED-USE DEVELOPMENT (MXD)

Uses in Mixed-Use Development (MXD) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Conference center		X	
Convalescent, nursing, or group homes for the aged with five or more beds	X		
Cottage industries, tradesmen and artisan shops	X		
Country inns	X		
Data processing centers	X		
Day care groups	X		
Day care homes			X
Distribution centers and warehousing	X		
Excavation, landscaping, and other contractor's yard	X		
Financial institutions located within the Route 301 Corridor are permitted with drive-in facilities as special exceptions	X		
Fire and rescue stations	X		
Funeral homes	X		
Home and business services such as grounds care, cleaning, exterminators, landscaping, and other repair and maintenance services	X		
Home occupations in main or accessory dwellings			X
Hospitals, rehabilitation facilities, and similar institutions for human care	X		
Hotels and Motels	X		
Houses of worship	X		
Indoor movie theaters, playhouses, and dinner theaters	X		
Machinery and equipment sales, service, and rental	X		
Manufacture of concrete and ceramics products, commercial sawmills, private sewage treatment plants, recycling facilities, and lumberyards	X		
Manufacture, processing, fabrication, and assembly of products including research and development companies	X		
Manufacture, processing, and distribution of hot mix asphalt	X		
Microbrewery, as defined by the State of Maryland	X		
Mixed-Use buildings	X		
Modular building sales	X		
Multi-family dwellings	X		
Offices	X		
Outdoor retreat		X	
Outdoor entertainment		X	
Outdoor recreation, miniature golf, but not golf courses	X		
Personal service establishments	X		

ARTICLE II. DISTRICTS
SECTION 14. MIXED-USE DEVELOPMENT (MXD)

Uses in Mixed-Use Development (MXD) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Personal wireless facilities, collocated on existing towers	X		
Personal wireless facility towers		X	
Printing and publishing	X		
Private clubs	X		
Private schools	X		
Production of biofuels		X	
Public uses, buildings, and utilities	X		
Pubs, taverns, and bars, including open air facilities	X		
Radio and television tower, commercial		X	
Recreation uses, indoor, privately or commercially owned	X		
Resorts		X	
Restaurants without drive through facilities	X		
Restaurants with drive through facilities in the Route 301 Corridor	X		
Retail businesses located within the Route 301 Corridor are permitted without size limits	X		
Retail businesses located within the Route 301 Corridor are permitted with drive-in facilities as special exceptions		X	
Retail nurseries and greenhouses	X		
Retail sales of products produced on-site			X
Retreats		X	
Rooming, boarding, and lodging houses	X		
Satellite dish, private, with an antenna of 3 feet or less in diameter			X
Satellite dish, private, with an antenna exceeding 3 feet in diameter			X
School bus parking lot	X		
School buses, limited to two, parked			X
Self-storage	X		
Single-family dwellings	X		
Solar energy systems, small			X
Solar energy systems, utility scale	X		
Storage and office trailers, temporary during construction	X		
Storage of boats, campers, boat trailers, and camper trailers			X
<i>Structures</i> for the buying, processing, and sale of non-animal <i>farm</i> products related to <i>agriculture</i> of no more than 10,000 square feet in floor area	X		
<i>Structures</i> for the buying, processing, or sale of non-animal <i>farm</i> products related to <i>agriculture</i> , over 10,000 square feet in floor area		X	

ARTICLE II. DISTRICTS
SECTION 14. MIXED-USE DEVELOPMENT (MXD)

Uses in Mixed-Use Development (MXD) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Temporary MET Tower of any height			X
Townhouses	X		
Truck stops	X		
Truck Terminals		X	
Two-family dwellings	X		
Uses and structures which are customarily accessory and clearly incidental and subordinate to the permitted use			X
Veterinary hospitals and offices without open kennels	X		
Vocational and trades schools, including training facilities	X		
Roadside stands			X
Wind energy systems, small		X	
Wind energy systems, small, accessory			X

14.4 DENSITY, AREA, HEIGHT, WIDTH, AND YARD REQUIREMENTS FOR RESIDENTIAL USES, INCLUDING MIXED-USE BUILDINGS

STANDARDS FOR THE SUBDIVISION OF LOTS	
Gross density (dwelling units/acre)	12 dwelling units per acre for the entire District; Net densities for each residential use may vary by individual development phase, tract, or lot
Minimum lot size ¹	
- Single-Family dwelling	6,000 square feet to 2,500 square feet
- Two-Family dwelling	3,500 square feet
- Townhouse	2,000 square feet
- All other uses	4,000 square feet
Minimum lot frontage ¹	
- Single-Family dwelling	60 feet
- Two-Family dwelling	35 feet (each dwelling)
- Townhouse	20 feet (each dwelling)
- All other uses	30 feet
STANDARDS FOR BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT	
Minimum yard	
- Front	20 feet; 10 feet to front porch
- Side	10 feet; none in between attached units
- Rear	20 feet
- Accessory structures in side or rear yard	
- Side	5 feet
- Rear	5 feet
Maximum height ²	
- Single-Family dwelling	38 feet
- Two-Family dwelling	38 feet
- Town house	40 feet
- Multi-family and Mixed-use	55 feet
- All other uses	38 feet
- Fence ³	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
Front yard	4 feet
Side and Rear yard	8 feet

- 1 As approved during subdivision review
- 2 Except in the Airport Safety Zone
- 3 Fences do not need to meet the yard requirements.

14.5 DENSITY, AREA, HEIGHT, WIDTH, AND YARD REQUIREMENTS FOR NON-RESIDENTIAL USES

STANDARDS FOR THE SUBDIVISION OF LOTS	
Minimum lot size	N/A
Minimum lot frontage	40 feet
Minimum lot frontage industrial uses	75 feet
STANDARDS FOR BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT	
Minimum yard	
- Front	20 feet
- Side and Rear	10 feet
- Front for Industrial uses	100 feet ¹
- Side and Rear for industrial uses	100 feet ¹
- Accessory structures in Side or Rear yard	
- Side	5 feet
- Rear	5 feet
Maximum height	
- Commercial structure	45 feet
- Industrial structure in Route 301 Corridor	60 feet
- Towers, silos, etc. ²	150 feet
- All other structures	38 feet
- Fence ³	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
Front and side yard	4 feet
Rear yard	8 feet
Maximum building footprint	
- All structures	N/A

1 Or, as approved during site plan review by the Planning Commission

2 Except in the Airport Safety Zone

3 Fences do not need to meet the yard requirements.

Note: There is no illustrative regulatory diagram for the Mixed-Use Development District.

SECTION 15 MIXED-USE DEVELOPMENT CRITICAL AREA (MXDCA)

15.1 STATEMENT OF INTENT

1. The purpose of this district is to facilitate a range of commercial, residential, and mixed-use development as envisioned by the Kent County Comprehensive Plan for growth areas, including the US Route 301 Corridor, where growth areas are located in the Critical Area.
2. This district is intended to accommodate a high-quality and well-designed mix of uses which are environmentally sound, sustainable, and developed at intensities that limit sprawling development and make efficient use of land and public facilities.
3. It is further intended that this district shall be for the purpose of limiting sprawling development by providing sites with adequate frontage and depth to permit controlled access to public streets. Because these uses are subject to public view, they should provide an appropriate appearance, controlled traffic movement, ample landscaping, and protect adjacent properties from the traffic and visual impacts associated with the commercial activity. Whenever possible, frontage of the lots shall not exceed their depth.

15.2 DISTRICT MASTER PLAN AND MIXED-USE DEVELOPMENT STANDARDS

1. Any development within the district of any phase, development tract, or individual lot shall be planned to generally conform to a District Master Plan for the Mixed-Use Development District and shall be approved by the Planning Commission. This District Master Plan shall be prepared as conceptual diagrams encompassing the entire Mixed-Use Development District and/or Mixed-Use Development Critical Area that illustrate the planning intent and generalized locations for the following: land uses and potential alternate land uses; connectivity to be provided by major thoroughfares, primary roads, and collector streets, including potential alternate locations for such streets, pedestrian and bicycle circulation network, and trails; and open space including parks, active recreational facilities, and natural features to be preserved.
2. To ensure flexibility by allowing for development in the district to respond to the changing market conditions, the District Master Plan is intended to evolve over time with potential updates or revisions as each phase or tract is developed. Any updates or revisions to the Mixed-Use District Master Plan shall be approved by the Planning Commission.
3. Development of any phase, tract, or individual lot shall include a Land Use Concept Plan, Connectivity Plan, Open Space Plan, and Phasing Plan for the specific development in relation to adjacent and nearby portions of the Mixed-Use Development District that generally conforms to the District Master Plan as required herein. The Land Use Concept Plan, Connectivity Plan, Open Space Plan, and Phasing Plan should be prepared as conceptual diagrams that illustrate how the development of any phase, tract, or individual lot relates to the District Master Plan and the environs surrounding the district.
4. Development of any phase, tract, or individual lot shall include a set of Mixed-Use Development Critical Area Standards compiled from applicable standards in Article IV, §§

ARTICLE II. DISTRICTS
SECTION 15. MIXED-USE DEVELOPMENT CRITICAL AREA (MXDCA)

3.6 through 3.9. The Mixed-Use Development Critical Area Standards including any specific Design Guidelines and Standards shall be approved by the Planning Commission.

5. In MXDCA, provide a minimum of 40% open space on each parcel of land based on the Critical Area portion of each original parcel that was granted growth allocation by the Critical Area Commission on April 23, 2025 under the County's comprehensive rezoning process. The reserved 40% open space may be located across the Critical Area portion of any of the three original parcels.

ARTICLE II. DISTRICTS
SECTION 15. MIXED-USE DEVELOPMENT CRITICAL AREA (MXDCA)

15.3 PERMITTED PRINCIPAL USES AND STRUCTURES

For every *structure* and use erected, reconstructed, altered, or enlarged after the effective date of this Ordinance, a *site plan* shall be filed. No *building* permit shall be issued until said *site plan* is approved by the *Planning Commission*, or where applicable the Planning Director. Detailed limitations and standards for these uses may be found in Article III. Special exceptions require Planning Commission and Board of Appeals reviews per Article IV.

Uses in Mixed-Use Development Critical Area (MXDCA) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Accessory dwelling unit			X
Accessory employee housing			X
Accessory off-street parking of one commercial vehicle			X
Accessory structures in the front yards of through or corner lots		X	
Accessory truck parking			X
Accessory vehicle parking			X
Adaptive reuse of historic structures for uses not otherwise listed		X	
Agriculture	X		
Agritourism on farms, defined in Article VII	X		
Airports, landing fields, helistops, or heliports	X		
Animal husbandry, special – backyard chickens			X
Animal shelters	X		
Appurtenant signs			X
Assisted living facilities with five to eight beds		X	
Assisted living facilities with no more than four beds			X
Automobile repair	X		
Automobile sales, service, and rental	X		
Automobile service stations	X		
Blacksmith, welding and machine shops	X		
Boat building and boat repair	X		
Boat sales, boat and outboard motor repairs and boat storage	X		
Building materials sales	X		
Car wash	X		
Cemetery, including crematorium and mausoleum			X
Circus or carnival, midways and amusement parks, maze fields and other temporary recreational uses, for a specified period	X		
Class D Alcohol Retail Business, as defined by the State of Maryland	X		

ARTICLE II. DISTRICTS
SECTION 15. MIXED-USE DEVELOPMENT CRITICAL AREA (MXDCA)

Uses in Mixed-Use Development Critical Area (MXDCA) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Conference center		X	
Convalescent, nursing, or group homes for the aged with five or more beds	X		
Cottage industries, tradesmen and artisan shops	X		
Country inns	X		
Data processing centers	X		
Day care groups	X		
Day care homes			X
Distribution centers and warehousing	X		
Excavation, landscaping, and other contractor's yard	X		
Financial institutions located within the Route 301 Corridor are permitted with drive-in facilities as special exceptions	X		
Fire and rescue stations	X		
Funeral homes	X		
Home and business services such as grounds care, cleaning, exterminators, landscaping, and other repair and maintenance services	X		
Home occupations in main or accessory dwellings			X
Hospitals, rehabilitation facilities, and similar institutions for human care	X		
Hotels and Motels	X		
Houses of worship	X		
Indoor movie theaters, playhouses, and dinner theaters	X		
Machinery and equipment sales, service, and rental	X		
Manufacture, processing, fabrication, and assembly of products including research and development companies	X		
Microbrewery, as defined by the State of Maryland	X		
Mini storage facilities	X		
Mixed-Use buildings	X		
Modular building sales	X		
Multi-family dwellings	X		
Offices	X		
Outdoor retreat		X	
Outdoor entertainment		X	
Outdoor recreation, miniature golf, but not golf courses.	X		
Personal service establishments	X		
Personal wireless facilities, collocated on existing towers	X		
Personal wireless facility towers		X	

ARTICLE II. DISTRICTS
SECTION 15. MIXED-USE DEVELOPMENT CRITICAL AREA (MXDCA)

Uses in Mixed-Use Development Critical Area (MXDCA) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Printing and publishing	X		
Private clubs	X		
Private schools	X		
Public uses, buildings, and utilities	X		
Pubs, taverns, and bars, including open air facilities	X		
Radio and television tower, commercial		X	
Recreation uses, indoor, privately or commercially owned	X		
Resorts	X		
Restaurants without drive through facilities	X		
Restaurants with drive through facilities in the Route 301 Corridor	X		
Retail businesses located within the Route 301 Corridor are permitted without size limits	X		
Retail businesses located within the Route 301 Corridor are permitted with drive-in facilities as special exceptions		X	
Retail nurseries and greenhouses	X		
Retail sales of products produced on-site			X
Retreats		X	
Rooming, boarding, and lodging houses	X		
Satellite dish, private, with an antenna of 3 feet or less in diameter			X
Satellite dish, private, with an antenna exceeding 3 feet in diameter			X
School bus parking lot	X		
School buses, limited to two, parked			X
Self-storage	X		
Single-family dwellings	X		
Solar energy systems, small			X
Solar energy systems, utility scale	X		
Storage and office trailers, temporary during construction	X		
Storage of boats, campers, boat trailers, and camper trailers			X
<i>Structures</i> for the buying, processing, and sale of non-animal <i>farm</i> products related to <i>agriculture</i> of no more than 10,000 square feet in floor area	X		
<i>Structures</i> for the buying, processing, or sale of non-animal <i>farm</i> products related to <i>agriculture</i> , over 10,000 square feet in floor area		X	
Temporary MET Tower of any height			X
Townhouses	X		
Truck stops	X		

ARTICLE II. DISTRICTS
SECTION 15. MIXED-USE DEVELOPMENT CRITICAL AREA (MXDCA)

Uses in Mixed-Use Development Critical Area (MXDCA) Article III lists requirements for permitted uses and conditions related to special exceptions.	Permitted by right	Special Exception	Accessory Use on all properties
Truck Terminals		X	
Two-family dwellings	X		
Uses and structures which are customarily accessory and clearly incidental and subordinate to the permitted use			X
Veterinary hospitals and offices without open kennels	X		
Vocational and trades schools, including training facilities	X		
Roadside stands			X
Wind energy systems, small		X	
Wind energy systems, small, accessory			X

15.4 DENSITY, AREA, HEIGHT, WIDTH, AND YARD REQUIREMENTS FOR RESIDENTIAL USES, INCLUDING MIXED-USE BUILDINGS

STANDARDS FOR THE SUBDIVISION OF LOTS	
Gross density (dwelling units/acre)	12 dwelling units per acre for the entire District; Net densities for each residential use may vary by individual development phase, tract, or lot
Minimum lot size ¹	
- Single-Family dwelling	6,000 square feet to 2,500 square feet
- Two-Family dwelling	3,500 square feet
- Townhouse	2,000 square feet
- All other uses	4,000 square feet
Minimum lot frontage ¹	
- Single-Family dwelling	60 feet
- Two-Family dwelling	35 feet (each dwelling)
- Townhouse	20 feet (each dwelling)
- All other uses	30 feet
STANDARDS FOR BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT	
Minimum yard	
- Front	20 feet; 10 feet to front porch
- Side	10 feet; none in between attached units
- Rear	20 feet
- Accessory structures in side or rear yard	
- Side	5 feet
- Rear	5 feet
Maximum height ²	
- Single-Family dwelling	38 feet
- Two-Family dwelling	38 feet
- Town house	40 feet
- Multi-family and Mixed-use	55 feet
- All other uses	38 feet
- Fence ³	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
Front yard	4 feet
Side and Rear yard	8 feet

- 1 As approved during subdivision review
- 2 Except in the Airport Safety Zone
- 3 Fences do not need to meet the yard requirements.

15.5 DENSITY, AREA, HEIGHT, WIDTH, AND YARD REQUIREMENTS FOR NON-RESIDENTIAL USES

STANDARDS FOR THE SUBDIVISION OF LOTS	
Minimum lot size	N/A
Minimum lot frontage	40 feet
Minimum lot frontage industrial uses	75 feet
STANDARDS FOR BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT	
Minimum yard	
- Front	20 feet
- Side and Rear	10 feet
- Front for Industrial uses	100 feet ¹
- Side and Rear for industrial uses	100 feet ¹
- Accessory structures in Side or Rear yard	
- Side	5 feet
- Rear	5 feet
Maximum height	
- Commercial structure	45 feet
- Industrial structure in Route 301 Corridor	60 feet
- Towers, silos, etc. ²	150 feet
- All other structures	38 feet
- Fence ³	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
Front and side yard	4 feet
Rear yard	8 feet
Maximum building footprint	
- All structures	N/A

1 Or, as approved during site plan review by the Planning Commission

2 Except in the Airport Safety Zone

3 Fences do not need to meet the yard requirements.

Note: There is no illustrative regulatory diagram for the Mixed-Use Development Critical Area District.