

ARTICLE III. USES

SECTION 1 GENERAL PROVISIONS

1. For the purposes of this Land Use Ordinance, permitted uses are listed for the various zoning districts in the applicable matrices included for each zoning district in Article II.
2. Unless the contrary is clear from the context of the lists or other regulations of this Ordinance, uses not specifically listed in a zoning district matrix are prohibited. Uses listed are to be interpreted as inclusively as may be reasonable.
3. When listed uses are indicated in the applicable zoning district matrix as being permitted by right or as accessory uses permitted by right, then the conditions below are required for the use to operate.
4. When listed uses are indicated in the applicable zoning district matrix as being permitted by special exception, then the conditions below are required to be evaluated by the approving authority, which in some cases is the Board of Appeals and in other cases the Planning Director, or the Planning Director's designee. When required, the Planning Commission makes recommendations to the Board of Appeals on special exceptions. The list for each of these categories is found in Article IV under the Special Exceptions section.

SECTION 2 LAND USES AND ACCESSORY USES AND STRUCTURES

A *building* or land will be used only for the following purposes, when indicated as such on each district's table of permitted uses and structures, and subject to any listed conditions:

1. *Accessory dwelling unit*, one, in principal or *accessory structures*. *Accessory dwelling units do not count against the density of the zoning district*. Such use will be permitted as accessory uses in AZD, RCD, RC, CAR, CR, and V only when all of the following conditions are satisfied:
 - (A) The property owner resides on the *premises*.
 - (B) The *accessory dwelling unit* is subordinate to the principal *dwelling* in size and appearance.
 - (C) The *accessory dwelling unit* may not be subdivided or conveyed separately from the primary *dwelling unit*. The *accessory dwelling unit* may be rented.
 - (D) The appearance of the *structure* and property remains that of a *single-family dwelling*.
 - (E) If the entrance to the *accessory dwelling unit* is separate from that of the primary *dwelling*, the entrance to the *accessory dwelling unit* will be from the side or *rear yard*.
 - (F) One parking space is provided in the *rear yard* for the *accessory dwelling unit*.
 - (G) The *structure* meets all applicable Kent County Codes, including the *building code*, and Health Department *regulations*.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

Such use will be permitted as an accessory use in *RCD* only when all of the following additional conditions are satisfied:

- (H) The accessory *dwelling unit* is located within the primary *dwelling unit*, or its entire perimeter is within 100 feet of the primary *dwelling unit*.
 - (I) The accessory *dwelling unit* does not exceed 900 square feet in total enclosed area.
 - (J) If the accessory *dwelling unit* is located within the primary *dwelling unit*, it will not increase the amount of *lot coverage* already attributed to the primary *dwelling unit* by more than 900 square feet.
2. Accessory employee housing. Such use will be permitted as an accessory use in the M, EC, ECCA, MXD, and MXDCA only when the accessory employee housing is used for *persons* permanently employed on the *premises*. Such use will be limited to two housing units.
 3. Accessory *farm buildings*, including barns, cribs, stables, sheds, tool rooms, shops, bins, tanks, and silos, but not animals. No *buildings* are permitted in the *buffer or stream protection corridor*.
 4. Accessory *farm dwellings*. Such uses are limited to one dwelling on all *farms*, except that two dwellings will be permitted on *farms* with at least 50 tillable acres. In the RCD, the total number of dwellings will not exceed one *dwelling* per 20 acres. These *dwellings* will share a common entrance and will be occupied by permanent employees of the *farm* or immediate members of the *family* owning or operating the *farm*. All accessory *farm dwellings* will be landscaped and screened from adjacent properties. In the RCD, RC, and CR, accessory *farm dwellings* may not be *mobile homes*.
 5. Accessory open or enclosed storage of *farm* materials, products, equipment, fertilizer or chemicals, or vehicles. Such storage is in connection with the farming operation of the owner. All of the following uses will be located at least 200 feet from all property lines:
 - (A) Assembly of equipment, in a *totally enclosed building* not exceeding 10,000 square feet in size, and repair of all equipment normally used in *agriculture*.
 - (B) Storage of grain, flour, and feed blending and packaging, including milling, drying, and storing.
 - (C) Petroleum storage. Petroleum storage will not exceed 10,000 gallons and is subject to applicable safety codes, ordinances, and statutes.
 6. Accessory *off-street parking* and loading of non-commercial vehicles that have current licenses and are operable.
 7. Accessory *off-street parking* of one commercial vehicle. Such use will be permitted as an accessory use only when all of the following conditions are satisfied:
 - (A) In the AZD, RCD, RC, CAR, and CR Districts, the vehicle is parked only in the *rear yard*.

ARTICLE III. USES

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (B) In the V and IV Districts, the vehicle is only parked in the *side* or *rear yard* of *dwelling*s.
 - (C) The vehicle is used by the occupant of the *dwelling*.
 - (D) The vehicle does not exceed 16,000 pounds manufacturer's gross vehicle weight.
 - (E) No major repair is conducted *on-site*.
 - (F) No engines may run when parked *on-site*. Electrical refrigeration units may run.
 - (G) Honey wagons, sanitation, garbage, or other trucks used to transport odorous, flammable, or hazardous materials are prohibited.
 - (H) The vehicle has a current license and is operable.
- 8. Accessory *roadside stand* for the sale of *farm* products.
 - 9. Accessory residential storage *structures* with a *floor area* 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. When special exception approval is required in the district matrix, this may be reviewed via an administrative special exception process.
 - 10. Accessory sheds on properties with only agricultural uses, which are less than 20 acres.
 - 11. *Accessory structures* in the *front yard* of *through* or *corner lots*. When special exception approval is required in the district matrix, this may be reviewed via an administrative special exception process.
 - 12. *Accessory structures* in the *front yard* requirement of waterfront parcels require a special exception, except for swimming pools, swimming pool equipment, and related structures which may be permitted without special exception. When special exception approval is required in the district matrix, this may be reviewed via an administrative special exception process.
 - 13. Accessory truck parking.
 - 14. *Accessory uses* and *structures* normally associated with permitted uses and not otherwise listed.
 - 15. Accessory vehicle parking. Such use will be limited to those vehicles used as a part of principal permitted uses or approved special exceptions provided the vehicles have current licenses and are operable. Parking areas will be approved during *site plan* review.
 - 16. Adaptive reuse of existing structures in AZD for uses not otherwise permitted, located on parcels under 20 acres.
 - (A) The *site* will have access to a public road adequate for the traffic generated;
 - (B) The proposed use will not generate traffic of a type or amount inappropriate for access *roads* and the surrounding area;

ARTICLE III. USES

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (C) The use does not require road improvements detrimental to the character of the area;
 - (D) The number of *dwelling*s will not exceed the *density* permitted in the district in which the *structure* is located;
 - (E) The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials or other nuisances; and
 - (F) Landscaping is in keeping with the character of the *building or location*.
 - (G) Additions, enlargements, or expansions of the adaptive use are not permitted.
 - (H) Additional buildings may not be constructed as part of this special exception.
 - (I) This may be reviewed via an administrative special exception process.
17. Adaptive reuse of *historic structures* for uses not otherwise permitted. Such uses are subject to the following conditions:
- (A) *Structures* will be listed in the Kent County Historic *Site Survey* or approved as a historically significant *structure* by the *Planning Commission*;
 - (B) It is shown that exterior changes to *site structures* will be minimized. Enlargements will be designed in keeping with the character of the *building*;
 - (C) Landscaping is in keeping with the character of the *building*;
 - (D) The *site* will have access to a public road adequate for traffic generated;
 - (E) The proposed use will not generate traffic of a type or amount inappropriate for all access *roads* and the surrounding area;
 - (F) The use does not require road improvements detrimental to the character of the area;
 - (G) The number of *dwelling*s will not exceed the *density* permitted in the district in which the *structure* is located;
 - (H) The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials or other nuisances; and
 - (I) In RCD, adaptive reuse projects will be limited to non-commercial and non-industrial uses.
18. *Agriculture*. An *agriculture* use may include horticultural, hydroponics, general farming, orchards, groves, or nurseries for the growing or propagation of plants, *trees*, and shrubs. All farming activities related to animals are regulated as animal husbandry (see categories below), which are permitted individually as separate, specific uses within zoning districts.
19. *Agritourism* as defined in Article VII of this Ordinance. A site plan review will be required.
20. *Airports*, landing fields, helistops, or heliports. Such uses will be permitted as special exceptions only when all of the following conditions are satisfied:

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (A) Flight obstructions, such as towers, chimneys, other tall *structures*, or natural obstructions, do not fall within the approach zone to any proposed runway or landing strips of the landing field or *airport*; and
 - (B) The use complies with the recommendations of the Federal and State Aviation Authorities; and
 - (C) Runways are designed to minimize the approach and takeoff areas over residential areas; and
 - (D) Applications for special exceptions for private airstrips, heliports, and helistops will comply with the following:
 - i. The takeoff and landing flight path will be a minimum of 1,000 feet in any direction from any residence or public *building*; and
 - ii. The takeoff and landing path of the aircraft will have a minimum of 250 feet vertical clearance over surrounding property unless a navigation *easement* is reached with the affected property owners for a lesser clearance; and
 - iii. No business such as the sale or leasing of aircraft, maintenance, or flight instructions will be permitted; and
 - iv. The *applicant* will maintain a flight operation's log that will be open for inspection by representatives of the Department; and
 - v. Approvals will be for a period not to exceed 5 years.
21. Animal husbandry, *animal feeding operations (AFO)*. Such use will be permitted as special exception only when all of the following conditions are satisfied:
- (A) All *buildings*, corals, and waste management *structures* are 600 feet from the nearest property line.
 - (B) No part of the operation will be in the *100-year floodplain*.
 - (C) The operation is managed according to both a waste management plan and a nutrient management plan..
- When in the opinion of the Board of Appeals, *Planning Commission*, or Planning Director additional review is needed by an outside agency, the application, waste management plan, and nutrient management plan may be forwarded to the other appropriate agency, such as the United States Department of Agriculture (USDA) - National Resources Conservation Service (NCRS), or the Maryland Department of the Environment (MDE), or the Maryland Department of Agriculture (MDA).
- As part of the County's own review process, the County may approve an animal feeding operation (AFO) for zoning prior to the AFO receiving all required State agency approvals with the condition that required State approvals be obtained.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

Applicants may refer to AFO Size Categories chart for additional information, as published by Maryland Department of the Environment, Land and Materials Administration, Animal Feeding Operation Division (see mde.maryland.gov).

- (D) *Sediment and stormwater management plans* are approved by the appropriate agency and are implemented.
 - (E) To assure continued compatibility with the surrounding area, the Board may place additional restrictions on the following:
 - i. *Screening* and landscaping from adjacent properties and public *roads*
 - ii. Exterior displays, lighting, and signs
 - iii. The location of access routes to the *site*, both on and *off-site*
 - iv. The type of waste disposal, e.g. injection, disk etc.
 - v. Monitoring wells and surface water testing where appropriate
 - vi. Manner and route of moving waste from one *site* to another
 - vii. Waste and nutrient management plans for properties receiving waste
22. Animal husbandry, *aquaculture*, including accessory processing and sales.
- Where permitted by special exception, the following conditions will be satisfied:
- (A) Open or uncovered storage of shells, bones, and refuse does not occur on *site*; and
 - (B) No curing or smoking occurs on *site*; and
 - (C) All *structures* for processing and all disposal areas for materials and byproducts of processing are a minimum of 600 feet from all property lines; and
 - (D) Seafood processing facilities and disposal areas are not in the *100-year floodplain*; and
 - (E) The operation has received a permit from the Maryland Department of Natural Resources (DNR); and
 - (F) Parking, processing and disposal areas are *screened* from adjacent properties and public *roads*; and
 - (G) Access *roads* are capable of handling the type of traffic generated by the operation.
23. Animal husbandry, farm, including horses – this use includes keeping, dairying, or raising for sale animals, fish, birds, horses, or reptiles on 20 acres or more. Such use is permitted only when all of the following conditions are satisfied:
- (A) Such use is only permitted on a farm of 20 acres or more.
 - (B) Such use will not include poultry houses or *animal feeding operations (AFO)*.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (C) Nutrient management plans per State of Maryland nutrient management laws are required for all animal husbandry uses; however, the Planning Director may set aside the requirement for a nutrient management plan for 4-H and FFA projects.
 - (D) A waste management plan may be required for building permit purposes. If so, the *applicant* will prepare a waste management plan that demonstrates that the facility will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and *waterways*.
24. Animal husbandry, horses, more than four, on non-farms – More than four horses and mules on a single property less than 20 acres in size. Such use will be permitted as special exception only, when all of the following conditions are satisfied:
- (A) There will be no more than one horse or mule per acre of land. Only available pasture acreage will be used to compute the number of horses and/or mules allowed on a parcel.
 - (B) No waste management facility or *structure* for the keeping of animals is in the *100-year floodplain*.
 - (C) The feeding and watering of animals are conducted a minimum of 50 feet from any body of water, including *tributary streams* and *wetlands*.
 - (D) A waste management plan may be required for building permit purposes. If so, the *applicant* will prepare a waste management plan that demonstrates that the facility will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and *waterways*.
- When in the opinion of the Board of Appeals, *Planning Commission*, or the Planning Director, that additional review is needed by an outside agency, the application and accompanying waste and nutrient management plan may be forwarded to the Maryland Department of the Environment or any other appropriate agency.
25. Animal husbandry, poultry houses on farms only. Such uses are subject to the following conditions:
- (A) Poultry houses may only be located on farms that are 20 acres or more in area.
 - (B) Poultry houses, waste management facilities, composters, and the area for the disposal of animals will be a minimum of 600 feet from all property lines.
 - (C) No poultry house, waste management facility or composter will be in the *100-year floodplain*.
 - (D) The operation is managed according to waste and nutrient management plans, approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorous is a problem or has the potential to become a problem, the plan

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

will use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.

Land in Kent County owned by the owner/operator of the poultry house will be able to handle the manure and waste generated. The acreage requirements identified in the approved waste and nutrient management plan will be used to determine if an operation meets this requirement.

- (E) Manure storage sheds and composter appropriate to the size of the operation will be included and will be constructed prior to receiving the first flock of chickens.
26. Animal husbandry - poultry houses on parcels where the owner cannot handle the waste generated by the poultry houses in AZD provided:
- (A) All buildings and waste management structures are 600 feet from the nearest property line.
 - (B) No part of the operation shall be in the 100-year floodplain.
 - (C) The operation is managed according to a waste and nutrient management plan approved by the Natural Resources Conservation Service, the University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorus is a problem or is likely to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Board of Appeals, Planning Commission, or Planning Director additional review is needed by an outside agency, the application and waste and nutrient management plan may be forwarded to the Maryland Department of the Environment or any other appropriate agency.
 - (D) Sediment and stormwater management plans are approved by the appropriate agency and are implemented.
 - (E) The applicant shall prepare a management plan that demonstrates that the poultry houses will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and waterways.
 - (F) To assure continued compatibility with the surrounding area, the Board may place additional restrictions on the following:
 - i. Screening and landscaping from adjacent properties and public roads
 - ii. Exterior displays, lighting, and signs
 - iii. The location of access routes to the site, both on and off-site
 - iv. The type of waste disposal, e.g., injection, disk, etc.
 - v. Monitoring wells and surface water testing where appropriate

ARTICLE III. USES

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- vi. Manner and route of moving waste from one site to another
 - vii. Waste and nutrient management plans for properties receiving waste
27. Animal husbandry, raising of limited livestock and fowl – this use does not include commercial *animal feeding operations (AFO)* or poultry houses. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
- (A) All *buildings* for the housing of animals are 200 feet from the property line.
 - (B) Waste management *structures* are 600 feet from the nearest property line.
 - (C) No part of the operation will be in the 100-year *floodplain*.
 - (D) Nutrient management plans per State of Maryland nutrient management laws are required for all animal husbandry uses; however, the Planning Director may set aside the requirement for a nutrient management plan for 4-H and FFA projects.

When in the opinion of the Board of Appeals, *Planning Commission*, or Planning Director additional review is needed by an outside agency, the application and waste and nutrient management plan may be forwarded to the Maryland Department of the Environment or any other appropriate agency.
 - (E) *Sediment and stormwater management plans* are approved by the appropriate agency and are implemented.
 - (F) The *applicant* will prepare a management plan that demonstrates that the facility will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and *waterways*.
 - (G) To assure continued compatibility with the surrounding area, the Board may place additional restrictions on any number of the following:
 - i. *Screening* and landscaping from adjacent properties and public *roads*
 - ii. Exterior displays, lighting, and signs
 - iii. The location of access routes to the *site*, both on and *off-site*
 - iv. The type of waste disposal, e.g. injection, disk, etc.
 - v. Monitoring wells and surface water testing where appropriate
 - vi. Manner and route of moving waste from one *site* to another
 - vii. Waste and nutrient management plans for properties receiving waste
28. Animal husbandry, raising of small animals, commercial, including birds, bees, fish, rabbits, or other creatures, but not including *dog kennels*.
29. Animal husbandry, special – backyard chickens. Such uses will be permitted as accessory uses only when all of the following conditions are satisfied:

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (A) Backyard chickens are defined as females of the species *Gallus gallus domesticus* kept for non-commercial purposes. The keeping of males of the species is not permitted.
 - (B) The maximum number of chickens, 4 months or older, permitted on any *lot* is determined by *lot* size:
 - i. No chickens are permitted on a *lot* of less than $\frac{1}{4}$ acre;
 - ii. No more than 5 chickens are permitted on a *lot* of $\frac{1}{4}$ acre to 1 acre;
 - iii. No more than 8 chickens are permitted on *lots* of more than 1 acre.
 - (C) The area for keeping backyard chickens will be enclosed in such a fashion that the chickens are confined and not able to leave the owner's property. Backyard chickens will be provided with a covered, predator-proof coop or cage that is well ventilated. Hens will have access to an outdoor enclosure that is adequately fenced to contain the birds on the property.
 - (D) Structures (coops) for the housing of backyard chickens will meet the permitting requirements of this Ordinance. For movable coops, the permit application will show the area in which the coop will be moved. A copy of the Maryland Poultry Registration Form will accompany the *building* permit application.
 - (E) Coops will be *setback* a minimum of 15 feet from any property line.
 - (F) Coops may be placed in *rear yards* only.
 - (G) Each coop will be kept clean and free of odors and materials that can attract vermin. Feed will be kept in secure containers so as not to attract vermin.
 - (H) Waste will be composted or removed from the property
 - (I) The outdoor slaughtering of chickens is not permitted
30. Animal husbandry, special – sheep or goats, kept for noncommercial purposes, will be:
- (A) The maximum number of sheep or goats permitted on any lot is determined by lot size:
 - i. No sheep or goats are permitted on a lot of less than two acres.
 - ii. A maximum of three small ruminants per acre of grazable area within the lot is permitted with a maximum of eight total.
 - (B) Outdoor enclosures will be adequately fenced to contain the animals on the property.
 - (C) Structures for the housing of animals should meet the permitting requirements of the Ordinance.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (D) Shelter should be setback a minimum of 40 feet from any property line, in rear yards only, and kept clean and free from odors and materials that can attract vermin.
 - (E) A waste management plan may be required for building permit purposes. If so, the *applicant* will prepare a waste management plan that demonstrates that the facility will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and *waterways*.

When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.
 - (F) Feed will be kept in secure containers so as not to attract vermin.
 - (G) Bedding and waste materials will be composted or removed from the property.
 - (H) The outdoor slaughtering of sheep or goats is not permitted.
 - (I) For sheep or goats brought into the State of Maryland, owners will be referred to the University of Maryland Extension.
31. Animal husbandry, *stable - commercial*. Such use is subject to the following conditions:
- (A) The *lot* is 20 acres or more; and
 - (B) Any *structure* for the keeping or feeding of animals and waste management *structures* will be a minimum of 400 feet from any property line; and
 - (C) No waste management facility or *structure* for the keeping of animals is in the 100-year *floodplain*; and
 - (D) The feeding and watering of animals are conducted a minimum of 100 feet from tidal water and *tributary streams*, both tidal and non-tidal, and 50 feet from *non-tidal wetlands*; and
 - (E) Nutrient management plans per State of Maryland nutrient management laws are required for all animal husbandry uses; however, the Planning Director may set aside the requirement for a nutrient management plan for 4-H and FFA projects.
 - (F) A waste management plan may be required for building permit purposes. If so, the *applicant* will prepare a waste management plan that demonstrates that the facility will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and *waterways*.
32. Animal husbandry, *stable - private*. Such use is subject to the following conditions:
- (A) The *lot* will be two acres or more; and
 - (B) Any *structure* for the keeping of animals will be located a minimum of 100 feet from any property line; and

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (C) There will be no more than one horse per acre of land. Only available pasture acreage will be used to compute the number of horses allowed on a parcel; and
 - (D) A waste management plan may be required for building permit purposes. If so, the *applicant* will prepare a waste management plan that demonstrates that the facility will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and *waterways*.
 - (E) When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.
- Animal shelters.* An *animal shelter* use is permitted only as defined by the County Code of Public Laws.
- 33. Appurtenant signs. Such uses will be in accordance with Article V.
 - 34. Assisted living facility with nine to sixteen beds.
 - (A) The property owner or facility manager resides on the premises.
 - (B) The rooms for the use are not designed or constructed to be separate dwelling units and may not be sold as separate dwelling units.
 - (C) The appearance of the structure and property remain that of a residential use so that the average neighbor is unaware of the assisted living facility's existence.
 - (D) The structure meets all applicable Kent County codes, including the building code, and Health Department requirements.
 - (E) The applicant has received approval from the appropriate State of Maryland agencies.
 - (F) The facility does not create an unacceptable environmental impact by way of noise, odor, noxious materials, or other nuisances.
 - (G) The facility does not generate traffic of a type or inappropriate amount for all access roads and the surrounding area. It does not require road improvements detrimental to the character of the area.
 - (H) The property is served by public sewer.
 - (I) The parcel must be at least five acres in size.
 - 35. Assisted living facilities with five to eight beds. When special exception approval is required, this may be reviewed via an administrative special exception process. Such use is permitted as a special exception only when all of the following criteria are satisfied:
 - (A) The property owner resides on the *premises*; and
 - (B) The assisted living facility is subordinate and accessory to the principal *dwelling* in size and appearance and is in the same *structure* as the principal *dwelling*

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

unit. Expansions will be designed in keeping with or to enhance the character of the other *buildings*; and

- (C) The rooms for the use are not designed or constructed to be separate *dwelling units* and may not be sold as separate *dwelling units*; and
 - (D) The appearance of the *structure* and property remain that of a *single family dwelling* so that the average neighbor is unaware of the assisted living facility's existence; and
 - (E) The *structure* meets all applicable Kent County Codes, including the *building code*, and Health Department requirements; and
 - (F) The *applicant* has received approval from the appropriate State of Maryland agencies; and
 - (G) The facility does not create an unacceptable environmental impact by way of noise, odor, noxious materials, or other nuisances.
36. Assisted living facilities with no more than four beds. Such use is permitted as an accessory use only when all of the following criteria are satisfied:
- (A) The property owner resides on the *premises*.
 - (B) The assisted living facility or *group home* is subordinate and accessory to the principal *dwelling* in size and appearance and is in the same *structure* as the principal *dwelling unit*.
 - (C) The rooms for the use are not designed or constructed to be separate *dwelling units* and may not be sold as separate *dwelling units*.
 - (D) The appearance of the *structure* and property remain that of a *single family dwelling*.
 - (E) The *structure* meets all applicable Kent County Codes, including the *building code and Health Department requirements*.
37. *Automobile repair*. Such use is permitted as a special exception only when automobiles waiting for repair are stored in a *building* or in the *rear yard* and screened from adjacent properties.
38. *Automobile service stations*, not including auto repair. An *automobile service station* use is subject to *site plan* review. Such use is permitted as a special exception only when major repairs or bodywork are not conducted *onsite*.
39. Automobile sales, service, and rental.
40. Bath houses, pump out *structures*, and other *accessory structures* normally associated with permitted uses.
41. Blacksmith, welding and machine shops. For a blacksmith, welding and machine shop use, outdoor storage of materials is prohibited unless otherwise approved by the *Planning*

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

Commission and subject to such conditions as may be determined by the *Planning Commission*

42. Boat *building* and boat repair. A boat building and boat repair use will be located at least 100 feet from any primarily residential district.
43. Boat docks, piers and wharves. Boat docks, piers and wharves will not exceed 25% of the waterway, or the edge of the channel, whichever is less.
44. Boat rental, sales, supplies, instruction, and other services customarily associated with a full-service *marina*.
45. Boat sales, boat and outboard motor repairs and boat storage. Boat sales, boat and outboard motor repairs and boat storage uses will be permitted only when all of the following conditions are satisfied:
 - (A) The property will front on two public *roads*;
 - (B) All repairs are conducted inside a *building*;
 - (C) The storage area and repair access area will be *screened* on all sides with wood fencing a minimum of 6 feet in height;
 - (D) The repair shop *building* and the storage and repair access area will be set back at least 100 feet from adjacent properties that are zoned for residential use;
 - (E) The open area for display of boats will be limited to 3,000 square feet in size; and
 - (F) This use is subject to *site plan* review.
46. Boat storage, out-of-water boat storage. In the M District, this use does not include multi-level boat storage.
47. *Building* materials sales.
48. *Camp, day or boarding*, private or commercial, but not *recreational vehicle* or migrant labor camps, for the purpose of conserving and enjoying natural resources.
49. *Campgrounds*. *Campgrounds* include only those *campgrounds* existing and in use as of August 1, 1989, in the Resource Conservation District. It is the intent of this section to provide for the continued existence and operation as well as the intensification or expansion of *campgrounds* existing and in use as of August 1, 1989, in the RCD. It is not the intent to permit the creation of new *campgrounds*, but rather to protect those enterprises that existed in the RCD on August 1, 1989. Any expansion or intensification of an existing *campground*, including the addition of *sites* or conversion of existing *sites* to allow for additional *recreational vehicles*, will require growth allocation.
50. Car wash. A car wash use will require that the waste water is recycled. Such use is permitted as a special exception only when the following conditions are satisfied:
 - (A) The car wash is designed to allow adequate traffic flow for cars to enter and exit the facility safely; and

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (B) Single bay facilities with automated brushes and multiple bay self service facilities will provide a space for the parking of one car per bay to be used as a dry down area. Facilities using a conveyor or chain drag system for moving motor vehicles through the washing area will provide space at the *building* exit for three times the number of vehicles that can be accommodated at one time within the *structure*; and
 - (C) Vacuum facilities will comply with the *setbacks* for a primary *structure* in the applicable zoning district; and
 - (D) Appropriate permits are obtained from the State of Maryland.
51. Cemetery, including crematorium and mausoleum. Such use will be permitted only when all of the following conditions are satisfied:
- (A) Burial *plots* will be 10 feet from all property lines. *Buildings* will comply with the *yard* requirements for the applicable zoning district.
 - (B) Mausoleums will be a minimum of 75 feet from a public road and 50 feet from the side and rear property lines.
 - (C) Crematoriums will be 200 feet from all property lines.
 - (D) In the IV District, such uses will be permitted only when accessory to a *house of worship* located on the same parcel.
52. Circus or carnival, midways and amusement parks, maze fields and other temporary recreational uses, for a specified period. The Planning Director may require a *site plan* and place conditions as may be appropriate to assure the compatibility of the temporary recreational use.
53. Class D Alcohol Retail Business, as defined by the State of Maryland.
54. *Conference center*. Such use will be permitted as a special exception only when the following conditions have been satisfied:
- (A) In the IV District, the project will collectively consist of 15 acres but not more than 750 acres. In RCD, RR, RC, and CAR, the project will collectively consist of at least 50 acres but not more than 750 acres.
 - (B) The *conference center* will consist of 100 but not more than 225 guest rooms.
 - (C) At least 100 square feet of meeting space will be provided per guest room.
 - (D) Permanent theme parks, amusement parks, and/or stadiums are prohibited.
 - (E) Where applicable, the *applicant* has applied for growth allocation from the County. Special exception approval will not be valid without the granting of growth allocation.
 - (F) The Board will make specific findings on the availability of public and governmental services. Proposed improvements will be appropriate to the character of the area.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (G) Where they exist, *historic structures* will be incorporated into the overall project.
- (H) Significant view corridors, both from the *site* and onto the *site* will be preserved in so much as possible.
- (I) The height of all *structures* will not exceed 38 feet.
- (J) The design of the *conference center* and *accessory uses* will reflect and complement the rural character of the area or neighborhood.
- (K) The number of *dwelling units* will not exceed that which is permitted in the applicable zoning district. *Dwelling units* may be detached or attached.
- (L) Continuous residential *lot development* aligned with golf course fairways will be prohibited within the *Critical Area* and discouraged elsewhere.
- (M) Parking *lots* will be landscaped as required for commercial *developments*.
- (N) Permitted *accessory uses*, subject to the approval of the Board of Appeals, including *restaurants*; recreational facilities such as tennis courts and *swimming pools*; spas; retail use provided the establishments are in the main *building* with the entrance to the retail use from the inside the *building*; stables but not an equestrian center; other recreation amenities but not including trap, skeet, clay birds, paint ball or other similar firearm activities; *piers*; and other *accessory uses* that are customarily associated with a *conference center*. The *applicant* will describe all proposed *accessory uses* in the application for a special exception. The Board of Appeals may deny or limit the size and extent of *accessory uses*.
- (O) The number of *slips* on the accessory *pier* will not exceed 20% of the number of guest rooms and the use of the *slips* will be limited to use by those using the conference facilities. Accessory *piers* will meet all requirements applicable to *marinas* such as pump outs, restrooms, and showers.
- (P) All *structures* will comply with the minimum 100-foot *buffer* and will be 200 feet from all side and rear property lines, whichever is greater.
- (Q) A golf course will meet all the requirements found in this Article III.
- (R) In RCD, RC, RR, and CAR, at least 60% of the property will be in *open space*.
- (S) The Board of Appeals may place additional restrictions on the following:
 - i. Additional *yard* requirements for all *structures*, including patios and places of public assembly
 - ii. Lighting
 - iii. Landscaping and *screening*
 - iv. Outdoor activities, outdoor music, and their hours of operation
 - v. Access

ARTICLE III. USES

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (T) Application for a *conference center* will include a sketch plan and renderings of all primary and each type of *accessory structure*.
55. Contractors' yard See *Excavation, landscaping, and other contractor's yard*.
56. Convalescent, group, or homes for the aged if located in *dwelling*s existing as of December 1, 1985, in RCD, provided exterior changes are minimized and extension or enlargement of principle and *accessory structures* may not exceed 50% of the *gross floor area* of each individual *building*. Extensions or enlargements shall be approved by the Board of Appeals.
57. Convalescent, nursing, or *group homes* for the aged with five or more beds.
58. *Cottage industries, tradesmen and artisan shops*. Such uses will be permitted as an administrative special exception only when all of the following conditions are satisfied:
- (A) Except on *farms*, the *cottage industry* will be secondary to the use of the property for *dwelling* purposes and will be less than 60% of the living area, 2,000square feet, or in an existing *accessory structure*, whichever is greater. The square footage limitation includes outdoor storage areas but not required parking. Additional area may be granted via review by the Board of Appeals.
- (B) On *farms*, the *cottage industry* will be secondary to the *farm*. The *cottage industry* is limited to 4,000 square feet in size or an existing *building*, whichever is greater. The square footage limitation includes outdoor assembly and storage areas but not required parking. Additional area may be granted via review by the Board of Appeals.
- (C) The use is secondary in scope to the residential or agricultural use of the property.
- (D) The *buildings* associated with the use are not visually intrusive or inappropriate to their setting. New *buildings* and expansions will be designed in keeping with or to enhance the character of the other *buildings*.
- (E) The *cottage industry* does not create an unacceptable environmental impact by way of noise, odor, noxious materials, or other nuisances.
- (F) The *cottage industry* does not generate traffic of a type or amount inappropriate for all access *roads* and the surrounding area. It does not require significant road improvements detrimental to the character of the area.
- (G) Sureties required by the Department may be set aside by the Planning Director.
- (H) The following uses will not be allowed:
- i. Any activity that may reasonably be expected to result in excessive noise, smoke, dust, odors, heat, or glare beyond that which is common to the zoning district. The proposed use will conform to the maximum permissible sound levels in Article III for Employment Center uses;

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- ii. Use or manufacture of products or operations that are dangerous in terms of risk of fire, explosion, or hazardous emissions; and,
 - iii. Any other use deemed incompatible with a residential or agricultural area.
- 59. *Country inns.* A *country inn* use is subject to *site plan* review. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
 - (A) Such *structures* have existed prior to August 1, 1989, except on properties with more than 25 acres in the Marine District.
 - (B) The number of rooming units provided on the *site* is limited to fifteen excluding resident management quarters.
 - (C) Boarding and dining facilities in AZD, RCD, RC, CR, CAR, IV, C, and M may be permitted only when attendant to rooming units and further provided that such facilities are limited to a maximum seating capacity of forty *persons*. Such dining facilities may be provided to patrons other than boarders. No dining facility will be permitted in RCD.
 - (D) The *site* has access to a public road. This access will be capable of supporting the passage of emergency vehicles. The Board may require improvements to existing access *roads*.
 - (E) There will be sufficient acreage for the proposed use and activities.
 - (F) Extension or enlargement of principal and *accessory structures* including the addition of new structures and new buildings are permitted, and they should maintain features and character that are consistent with the *structures* already located on the campus of the permitted use that existed as of August 1, 1989. Extensions or enlargements shall be approved by the Board of Appeals.
 - (G) Adequate landscaping will be provided to *screen* all parking areas from adjoining residential properties. Landscaping or *screening* proposed will be shown on a *site plan* as required by this Ordinance.
- 60. *Country stores.* *Country stores* will be located only along *primary* and *secondary roads*. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
 - (A) The *structure* existed prior to August 1, 1989.
 - (B) Property on which the store is located will abut upon and have safe access to a *primary* or *secondary road* as shown on the *Major Thoroughfare* Map.
 - (C) Extension or enlargement of the principal and *accessory structures* does not exceed 50% of the *gross floor area* of each *building* above that which existed as of August 1, 1989. Extensions or enlargements shall be approved by the Board of Appeals.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

61. Curio shops, craft shops, antique stores, and similar uses. Such uses will be consistent with the character of the town area. Such uses will be limited to a gross *floor area* of 1,500 square feet per individual building. *New construction* will require *site plan* review.
62. Data processing centers. Such uses are subject to *site plan* review.
63. Detached *single family dwellings* – see also *Single family dwellings* in this section.
64. *Day care groups*. When special exception approval is required, this may be reviewed via an administrative special exception process. Such uses will be permitted as a special exception only when all of the following conditions are satisfied:
 - (A) Outdoor activity areas are fenced and *screened*.
 - (B) Two drop-off/pick-up parking spaces are provided.
 - (C) *Structured* play areas for active play or play *structures* are not in the *front yard* and are 10 feet from the side or rear property line.
 - (D) The *structure* retains its residential character, if located in a residential setting.
 - (E) *Day care groups* in the RCD will be permitted only in *dwellings* existing prior to December 1, 1985.
65. *Day care homes*. Such uses will be permitted as accessory uses only when all of the following conditions have been satisfied:
 - (A) Outdoor play areas are fenced and *screened*.
 - (B) *Structured* areas for active play or play *structures* will not be in the *front yard* and will be a minimum of 10 feet from the side or rear property line.
 - (C) One drop off / pickup space is provided.
 - (D) Structural or decorative additions will be designed to be compatible with the residential character of the neighborhood, if located in a residential setting.
66. Distribution centers and warehousing. Distribution and warehousing uses are permitted only when any single *building* footprint does not exceed 75,000 square feet in size. The restriction on *building* footprint does not apply to the EC, MXD, or MXDCA in the Route 301 corridor. In reviewing the *site plan*, the *Planning Commission*, or where applicable the Planning Director, will consider the following:
 - (A) The impact of the proposed business or industry on existing or planned public facilities.
 - (B) The impact of the operation of the facility on the surrounding area.
 - (C) The health, safety, and welfare of employees and residents of the neighborhood.
 - (D) In so far as possible, all uses will be conducted entirely within a completely enclosed *structure* or be completely *screened*. Outdoor storage of materials and unfinished products is prohibited unless otherwise approved by the

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

Planning Commission and subject to such conditions as may be determined by the *Planning Commission* during the *site plan* review process. Screening for requests that involve only outdoor storage may be approved by minor site plan.

67. *Dog kennels*, commercial. Such uses will be permitted by special exception or as an accessory use only when all of the following conditions are satisfied:
- (A) Any open dog pens, runs, cages, or kennels will be at least 200 feet from any side or rear *lot line*.
 - (B) The operation is managed according to waste and nutrient management plans approved by the Natural Resources Conservation Service, the University of Maryland Cooperative Extension Service, and the Kent County Health Department.
68. Dog kennel, fox hunting club, pursuant to licensure requirements set forth in Chapter 64 of The Public Local Laws of Kent County, Maryland.
69. Dormitories for employees. Such uses will be permitted by special exception only when all of the following conditions are satisfied:
- (A) The *structure* meets the design standards for multi-family residential *development* as set forth in applicable regulations in Article V of this Ordinance.
 - (B) The *structure* is *screened*, if possible, from adjacent *roads*, *waterways*, and properties.
 - (C) The *applicant* proves that the *structure* is necessary to house employees.
 - (D) Residents are limited to employees of the *marina*.
 - (E) Dormitories are not in the minimum 100-foot *buffer*.
70. Dredge spoil *sites*. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
- (A) The *site* does not receive dredge spoils that exceed 100,000 cubic *yards* per existing parcel as of the date of the adoption of this ordinance unless used in conjunction with an approved surface mine *reclamation*. The disposition of dredge spoils used in conjunction with a surface mine *reclamation* will have all permits required by the State of Maryland and the application will demonstrate that measures are provided to protect the groundwater, stabilize pH, and to generally protect the environment of the area.
 - (B) Material is limited to clean dredge spoil which is tested according to the *regulations* of the State of Maryland.
 - (C) Prime *farmland* is not used for a dredge spoil *site*.
71. *Excavation, landscaping, or other contractor's yard*. Such use includes outdoor storage of the contractor's equipment and equipment parts; temporary stockpiling of *soils*, sand, gravel, stone, recyclable brick, concrete, blacktop materials, pipes, iron, tires, and tanks.

ARTICLE III. USES

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

Such use will only be permitted when all of the following conditions are satisfied:

- (A) The *contractor's yard* permit area will be larger than two (2) acres and smaller than twenty (20) acres.
 - (B) The *contractor's yard* will not be visible year-round from an adjacent parcel of land or public road. The contractor may use natural *topography* and vegetation or may construct *berms* or plant vegetation to satisfy this requirement.
 - (C) Storage of tires and equipment will be limited to contractor's own *excavation yard* use.
 - (D) Temporary storage of pipe, iron, and tanks, which are not part of the contractor's equipment, will not exceed two years.
72. Existing commercial or industrial uses and *structures* in the Village District. It is the intent of this Section to provide for the continued existence and operation as well as the reasonable expansion of commercial and industrial uses which exist in the Village District, provided that such uses or *structures* do not constitute a nuisance or a source of significant environmental pollution. It is not the intent hereof to allow the creation of new commercial or industrial uses which are not permitted under this Section, but rather to protect those enterprises which existed in the Village District as of August 1, 1989. An expansion will require *site plan* review.
73. Existing permitted *marinas* in the Resource Conservation District – It is the intent of this section to provide for the continued existence and operation as well as the reasonable expansion of *marinas* in the RCD zoned areas of the County, provided that such uses do not constitute a nuisance or a source of significant environmental pollution. It is not the intent to allow the creation of new *marinas*, but rather to protect those enterprises which existed in the RCD on April 12, 1988. An expansion will require *site plan* review by the *Planning Commission* or where applicable the Planning Director. After *development* there will be a net improvement in water quality at or leaving the *site*. All *marinas* in the RCD will comply with all *regulations* in Article II, Section 11 and Article VI, Section 2.
74. Existing *conference centers, resorts, retreats, hotels, and motels*, existing and in use as of August 1, 1989. It is the intent of this section to provide for the continued existence and operation as well as the expansion of *conference centers, resorts, retreats, hotels, and motels* existing and in use as of August 1, 1989. It is not the intent to permit the creation of new *conference centers, resorts, retreats, hotels, or motels*, but rather to protect those enterprises that existed in the Resource Conservation District on August 1, 1989. An expansion will require *site plan* review by the *Planning Commission* and will require a net improvement in water quality at or leaving the *site* and may require growth allocation.
75. Exposition center or fairgrounds. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
- (A) The fair ground or exposition center does not result in the *development* of a major sports arena for football, baseball, drag racing, motor cross, auto racing, or other major sports activities.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (B) In the RCD, such uses will be temporary. The Planning Director may require a *site plan* and place conditions as may be appropriate to assure the compatibility of the temporary recreational use.
- 76. Farm brewery, as defined by the State of Maryland.
- 77. Financial institutions. Such uses are subject to *site plan* review.
- 78. Financial institutions located within the Route 301 Corridor are permitted with drive-in facilities as special exceptions.
- 79. Fire and rescue stations. Such uses are subject to *site plan* review.
- 80. Fuel storage and sales for marine purposes only.
- 81. Funeral homes. Such uses are subject to *site plan* review.
- 82. Golf courses, public or private. Such uses will be permitted as special exceptions only when all of the following conditions are satisfied:
 - (A) The golf course is at least a regulation par 72, 18-hole golf course.
 - (B) The course is managed according to a water conservation plan that addresses water use, including irrigation, and the recapture and reuse of water sources. Irrigation will be the minimum necessary for the operation and maintenance of the course and associated facilities.
 - (C) The course is managed according to integrated pest management and nutrient management plans approved by the University of Maryland Extension Service and the Natural Resources Conservation Service.
 - (D) The *site* will have access to a public road that can handle the traffic generated by the operation and access of emergency vehicles. The Board of Appeals may require improvements to existing access *roads*. Should improvements be required, a bond, irrevocable letter of credit, or other surety will be posted running to the County Commissioners.
 - (E) The course, including the layout and routing of holes, will be designed to preserve and maintain to the extent possible natural *topography*, significant *trees* and landmarks, vegetation, and cover. *Wildlife corridors* will be preserved and enhanced whenever possible.
 - (F) *Buffers*, no-mow, and no-spray zones will be adjacent to existing or created *wetlands*, water bodies, and habitat areas. Native grasses and vegetation will be used within these zones.
 - (G) A 100-foot landscaped area from tees, greens, and fairways will be provided along adjacent property lines. Landscaping will be designed to complement other landscaping occurring naturally on the *site*. Whenever possible, existing vegetation will be incorporated into the *landscape plan*.
 - (H) The golf course and driving range will not include lighting. Lighting of the clubhouse, parking, and other areas will be the minimum necessary for the

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

safety and security of the operation, its employees, and its customers. Lighting fixtures will not exceed 18 feet in height unless mounted on a *building* and will be designed to avoid glare onto adjacent properties and *roadways* and will not interfere with traffic or create a traffic hazard. Lighting will be shielded, color corrected, and dark-sky compliant.

- (I) Parking *lots* will comply with the landscaping and *screening* standards per Article V of this Ordinance.
 - (J) Whenever possible, historic *buildings* should be restored and used as a part of the operation.
 - (K) To assure continued compatibility with the surrounding area, the Board may place additional restrictions on the following:
 - i. Proposed method of irrigation
 - ii. The location of the driving range, holes, cart ways, tees, fairways, roughs, water hazards, maintenance facilities, irrigation, and pumping station
 - iii. *Accessory uses* such as clubhouses, *restaurants*, bars, day care, pro shops, pools, tennis courts, comfort facilities, maintenance facilities, golf cart storage, driving range, sod *farm* for golf course, practice holes, practice putting green, and parking.
 - iv. In RCD the following *accessory uses* will require growth allocation: clubhouses, *restaurants*, bars, day care, pro shops, pools, tennis courts, comfort facilities, golf cart storage and parking.
 - (L) Within the RCD, the golf course is developed in accordance with the official guidance adopted by the Critical Area Commission on August 3, 2005, excluding main buildings and/or structures such as the clubhouse, pro-shop, parking lot, etc.
83. Greenhouses, wholesale, or retail. In the RC, CAR, and CR Districts, *structures* will be located at least 200 feet from any property line and will be adequately landscaped.
84. *Guest house*, one, but not including *mobile homes*. Such use will be permitted as an accessory use only when all of the following conditions are satisfied:
- (A) The house is used exclusively for non-paying guests; and
 - (B) No house will be used as a permanent residence nor be rented or sold separately from the principal *dwelling*.
85. Home and business services such as grounds care, cleaning, exterminators, landscaping, and other repair and maintenance services. Such uses are subject to site plan review. Such uses do not include septic tank maintenance and excavation.
86. *Home occupations* in main or accessory *buildings*.
- (A) Intent – The conduct of business in residential units may be permitted under the provisions of this section. It is the intent of this section to:

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- i. Ensure the compatibility of *home occupations* with other uses permitted in the residential districts;
- ii. Maintain and preserve the character of residential neighborhoods by regulating the operation of *home occupations*;
- iii. Guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas; and,
- iv. Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than to new commercial uses.

(B) Conditions - Such *home occupations* in main or accessory *buildings* will be permitted as accessory uses only when all of the following conditions are satisfied:

- i. A *home occupation* will be incidental to the use of a *dwelling unit* for residential purposes and will be conducted only by members of the *family* residing in the *dwelling unit* plus no more than one non-resident assistant or employee.
- ii. There will be no outdoor storage of materials or products on the *premises*.
- iii. The *home occupation* will not cause any external effect associated with the *home occupation*, such as increased noise, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone. There will be no illegal discharge of any materials, fluids, or gases into the sewer system or any other manner of discharging such items in *violation* of any applicable government code.
- iv. No traffic will be generated by such *home occupation* in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such *home occupation* will be met off the *street* and other than in a required *front yard*.

(C) De Minimis impact uses. *Home occupations* with impacts no greater than those of expected and customary activities at any single-family home, for example, crafting, which are then offered for online sales only. In such cases, a use permit may be issued to document the *de minimis* impact use at the site.

- 87. *Hospitals*, rehabilitation facilities, and other similar institutions for human care. Such use does not include animal *hospitals*.
- 88. *Hotels* and motels. Such uses are subject to *site plan* review.

ARTICLE III. USES

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

89. Houses of worship. *New construction* of such uses will require *site plan* review. *Houses of worship* will be permitted as special exception only when all of the following conditions are satisfied:
- (A) Outdoor public announcement systems and drive in facilities are prohibited.
 - (B) The Board specifically approves *accessory uses*. In no case will an *accessory use* be of a type and scale that is normally found in commercial operations.
 - (C) Parking areas will be *screened* and landscaped according to the standards found in Article V.
 - (D) Any new day care use may be permitted as an accessory use without special exception approval for such uses proposed within existing buildings without additions. Projects that require additions or new buildings are a new special exception, and such projects will be reviewed as a new or amended application.
90. Hunting blinds, pits, or preserves but not including trailers and mobile homes.
91. Hunting trailer, one, temporary. Such use will be permitted as an accessory use only when all of the following conditions are satisfied:
- (A) The trailer is installed continually but not longer than from September 1 to the following May 31.
 - (B) The trailer is a minimum of 150 feet from all property lines and not in the *buffer* or *stream protection corridor*.
 - (C) Such a trailer will be located around existing *buildings* and out of sight.
 - (D) The trailer cannot be used for permanent living accommodations.
92. Indoor movie theaters, playhouses, and dinner theaters. Such uses are subject to *site plan* review.
93. Livestock auction houses on properties that exceed 20 acres in size with site plan review.
94. Machinery and equipment sales, service, and rental.
95. Manufacture, processing, fabrication, and assembly of products. These uses include, but are not limited to, scientific and precision instruments, photographic equipment, communications equipment, computation equipment, drugs, medicines, pharmaceuticals, household appliances, toys, sporting and athletic goods, glass products, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, prefabricated and modular housing and components, dairy product feed and grain, baked and confectioners' goods, *farm* machinery, frozen food processing, packing plants, animal and seafood processing, fruit and vegetable processing, canning and storage. In the C District, no manufacture, processing, fabrication, and assembly of products use may be conducted except within the US Route 301 Corridor.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

These uses in all locations may also include businesses and industries, including research and *development* companies, of a similar nature to those listed above, subject to review and approval by the Planning Director. In review of a proposed use, the Planning Director will consider the following:

- (A) The impact of the proposed business or industry on existing or planned public facilities; and
 - (B) The impact of the operation of the facility on the surrounding area; and
 - (C) The health, safety, and general welfare of employees and residents of the neighborhood.
96. The manufacture, processing, and assembling of food products in the C district, to include baked and confectioners' goods, frozen food processing, fruit and vegetable processing, canning and storage, or businesses of a similar nature, excluding animal and seafood processing, will be permitted as a special exception only when all of the following conditions are satisfied:
- (A) That in reviewing the *site plan* and determining the suitability of the proposed location, the *Planning Commission* will find all of the following:
 - i. Existing or planned public facilities are adequate to handle the usage generated by the business. The use does not require improvements to public facilities detrimental to the character of the area.
 - ii. The proposed use does not create an unacceptable impact on the surrounding area by way of noise, odor, noxious materials, or other nuisances. The *Planning Commission* may require a Certified *Engineer's* Report describing the proposed operation, all machines, processes, products and byproducts, stating the nature and expected levels of emissions or discharge to land, air, water or liquid, solid, or gaseous effluent and electrical impulses, vibrations and noise under normal business and the specifications or treatment methods and mechanisms to be used to control such emissions or discharge.
 - iii. The health, safety, and general welfare of employees and residents of the neighborhood will be protected.
 - (B) All uses will be conducted within a completely enclosed *structure*. Outdoor storage of materials and unfinished products is prohibited.
 - (C) The business does not exceed 10,000 square feet of *gross floor area*. This limitation does not apply to the properties located in the Route 301 Corridor.
97. Manufacture of concrete and ceramics products, commercial *sawmills*, private sewage treatment plants, recycling facilities, and lumberyards. Such use will be located at least 400 feet from any primarily residential district boundary. Outdoor storage of materials is prohibited unless otherwise permitted by the *Planning Commission* and subject to conditions as may be determined by the *Planning Commission* during *site plan* review.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

98. Manufacture, processing, and distribution of hot mix asphalt (a.k.a. bituminous concrete or asphalt concrete). Such use will include the storage of raw materials *on-site*. *Such use will not include the refining of asphalt cement on the site*. Such use will not be located further than two miles from Route 301.
99. *Marinas*. Such uses are subject to *site plan* review.
100. Marine supply store including indoor outboard motor sales. Such uses are subject to *site plan* review.
101. *Microbrewery*, as defined by the State of Maryland.
102. Migrant labor camps.
103. Mixed-Use Buildings with site plan review in the MXD and MXDCA districts.
104. *Mobile home parks*. Such use will be permitted as special exception only when all of the following conditions are satisfied:
 - (A) The property is served by public water and sewer.
 - (B) The overall *density* of the park does not exceed 10 *dwelling units* per acre.
 - (C) Each mobile home space will have a minimum area of 4,000 square feet with a minimum width of 40 feet.
 - (D) Each mobile home space will provide the following *yards*:
 - i. *Front yard* – 20 feet
 - ii. *Side yards* – 8 feet
 - iii. *Rear yard* – 10 feet
 - (E) The minimum area of the *mobile home park* including *roads* and *open space* will be 5 acres.
 - (F) The maximum area of the *mobile home park* including *roads* and *open space* will not exceed 25 acres.
 - (G) All utilities within the *mobile home park* will be underground.
 - (H) A minimum of 4,000 square feet or 100 square feet per unit of common recreation area, whichever is greater, will be provided.
 - (I) No individual *mobile home* space will have direct access onto a public or *private road* outside the *mobile home park*. Each *mobile home* space will have direct access to an internal road.
 - (J) Storage of unoccupied and/or damaged *mobile homes* is prohibited.
 - (K) The *mobile home park* will not be visible year round from adjacent properties and the public road.
 - (L) A minimum 20-foot vegetative *screen* is provided between the *mobile home park* and adjacent properties and the public road.

ARTICLE III. USES
SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (M) The *mobile home park* has direct access onto a public road
 - (N) A single mobile home on a site is not eligible to be a mobile home park.
105. Modular *building* sales. Such use does not include the storage of modular *buildings*.
106. Multi-Family and *Two-Family Dwellings* in AZD. Such uses will be permitted only when all of the following conditions are satisfied:
- (A) The *multi-family* or *two-family dwellings* existed on the property prior to August 1, 1989;
 - (B) The sale or lease of at least 50% of the *multi-family* or *two-family dwellings* is restricted to an amount affordable to individuals or families earning no greater than 100% of the County median income as determined by the United States Census Bureau;
 - (C) The *dwellings* are served by public water and sewerage service;
 - (D) The minimum *site* area will be five (5) acres; and
 - (E) If *subdivision* approval is sought: (1) minimum *lot* size, *setback* and *yard* requirements, maximum height of *structures*, and *off-street parking* requirements will be determined by the *Planning Commission*; (2) *open space* will be provided as required in Article IV; (3) *forest conservation* requirements will be satisfied; and (4) *site* access standards will be met in so far as possible.
107. *Multi-family dwellings*. Such uses are subject to *site plan* review.
108. Multi-Family and Two-Family Dwellings in AZD. Such uses will be permitted only when all of the following conditions are satisfied:
- (A) The *multi-family* or *two-family dwellings* existed on the property prior to August 1, 1989;
 - (B) The sale or lease of at least 50% of the *multi-family* or *two-family dwellings* is restricted to an amount affordable to individuals or families earning no greater than 100% of the County median income as determined by the United States Census Bureau;
 - (C) The *dwellings* are served by public water and sewerage service;
 - (D) The minimum *site* area will be five (5) acres; and
 - (E) If *subdivision* approval is sought: (1) minimum *lot* size, *setback* and *yard* requirements, maximum height of *structures*, and *off-street parking* requirements will be determined by the *Planning Commission*; (2) *open space* will be provided as required in Article IV; (3) *forest conservation* requirements will be satisfied; and (4) *site* access standards will be met in so far as possible.
109. Multi-level boat storage. Such use will be permitted as a special exception only when all of the following conditions are satisfied:
- (A) The use excludes dinghy storage.

ARTICLE III. USES

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (B) The *building* is enclosed on three sides.
 - (C) The open end of the *building* does not face the road.
 - (D) The *building* is 100 feet from all property lines.
 - (E) The *building* does not exceed 55 feet in height, 100 feet in length, and 6,000 square feet in ground floor area.
 - (F) Trailers are not stored on the *premises*.
 - (G) Appropriate sanitary and pump out facilities are available on *site*.
 - (H) Boat ramps, lifts, railways, or other facilities for access to the water are available on *site*. In no case will a boat cross a public road to access the water.
110. Neighborhood retail businesses in the Village and Intense Village districts. Neighborhood retail businesses are those businesses which supply household commodities on the *premises* such as groceries, meats, dairy products, baked goods, or other foods, drugs, notions, flowers or hardware. All retail sales will be conducted entirely within a *building*, except where otherwise approved by the *Planning Commission*. Other uses and *structures* which meet the criteria specified above may be approved by the Department. Neighborhood retail businesses will require a *site plan*. All neighborhood retail business *buildings* are limited to a footprint of 10,000 square feet.
111. *Off-street parking* and loading, including the parking of commercial vehicles related to the operation of an *on-site* business.
112. Offices. Such uses are subject to *site plan* review.
113. Outdoor entertainment.
114. Outdoor recreation, miniature golf, but not golf courses.
115. Outdoor retreat in CR, RR, RC, MXD, and MXDCA, as a special exception, provided:
- (A) The project shall be located on a parcel of at least ten acres.
 - (B) The number of guest units provided on the site is limited to fifteen excluding resident management quarters. There shall be a maximum of twenty structures, including the guest units, on any permitted site.
 - (C) Dining services may be provided only to guests.
 - (D) The site has access to a public road. This access must be capable of supporting the passage of emergency vehicles. The Board may require improvements to existing access roads.
 - (E) There shall be sufficient acreage for the proposed use and activities.
 - (F) Adequate landscaping shall be provided to screen all parking areas from adjoining residential properties. Landscaping or screening proposed shall be shown on a site plan as required by this ordinance.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (G) The use and occupancy of the guest units is inherently transient and guest occupancy shall be limited to two weeks.
 - (H) All new accessory uses and outdoor retreat structures shall be setback a minimum of 100 feet from any adjacent property line.
 - (I) The Planning Commission and Board of Appeals shall place conditions or restrictions on events as may be appropriate to assure the compatibility of the use within a district or location.
 - (J) All structures shall meet all applicable Kent County codes, including the building code, and health department regulations.
116. Parking of commercial vehicles on a farm. Such uses will be permitted as accessory uses only when all of the following conditions are satisfied:
- a. The vehicles are related to the operation of the *farm* or three non-*farm* related vehicles.
 - b. The vehicles are parked around existing *buildings*. Non-*farm* related vehicles cannot be parked on *farms* without *buildings*.
 - c. The vehicles have current licenses and are operable.
117. *Personal* service establishments. For the purposes of this ordinance, such uses will mean those which perform services on the *premises* for *persons* residing in adjacent residential areas such as shoe repair, dry cleaners, tailors, *laundromats*, beauty parlors, barber shops, and the like. All *personal* service uses will be conducted entirely within a *building*. Other uses and *structures* which meet the criteria specified above may be approved by the Department. *Personal* service activities require *site plan* review.
118. *Personal* wireless facilities, collocated on existing towers. Such uses will be collocated on existing towers, water towers, electrical transmission towers, fire towers, silos, grain dryers, or other *structures*. The height of the existing *structure* will not be above that permitted by this Ordinance.
119. *Personal wireless facility towers*, commercial radio, and television towers. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
- (A) The *applicant* demonstrates that the alternatives of consolidating the facility on an existing tower *structure* or incorporating the facility on a *structure* or water tower have been fully exhausted.
 - (B) The *applicant* demonstrates a public need for the tower.
 - (C) As part of applications for *personal wireless facility towers* only, the *applicant* demonstrates a comprehensive approach to facilities with a goal of minimizing the number of *sites* required.
 - (D) The height of the tower, including antennas and appurtenances will not exceed 199 feet unless a *variance* is granted.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (E) All towers and their accessory *buildings* will comply with the *building setback* provisions of the applicable zoning district. In addition, the minimum from the ground base of any tower to any property line, road, or public recreational area will be the height of the tower including any antennas or other appurtenances. This *setback* is considered a “fall zone.” The Board of Appeals may reduce the fall zone by 50% of the required distance if it finds that a substantially better design will result from such a reduction. In making such a finding, the Board will consider both the visual and safety impacts of the proposed use.
- (F) Monopoles or lattice towers will be the preferred tower *structure* in the County.
- (G) The appearance of the tower *structure* will be minimized by the reasonable use of commercially available technology to reduce visual impact, with specific reference to size, color, and silhouette properties.
- (H) Equipment shelters will be designed consistent with traditional Eastern Shore *architectural* styles and materials with a pitched roof of at least 10/12. The shelters will be camouflaged behind an effective year-round *buffer* of existing dense vegetation that exceeds the height of the proposed *buildings*. The *Planning Commission* may set aside the requirements for shelter design when it finds that the existing vegetation will provide adequate year-round *screening* of the *buildings*.
- (I) The tower will be *sited* within or adjacent to mature dense *tree* growth and understory vegetation that provides an effective year-round visual *buffer* and should only be considered elsewhere on the property when technical or aesthetic reasons indicate there are no other preferable locations. Where necessary, the Board will require the installation of a vegetated *buffer* of sufficient height and depth to create an effective year-round visual *buffer*.
- (J) Towers will be lit only if required by the FAA. Lighting of equipment shelters and other facilities on *site* will be shielded from other properties.
- (K) Signs will be limited to identify the property owner, emergency contact, and to warn of danger.
- (L) As part of applications for *personal wireless facility towers* only, a tower will not be within a 5-mile radius of any existing towers used for *personal wireless facilities* unless the *applicant* demonstrates a public need due to capacity or other service limitations.
- (M) The tower will be used continuously. In the event the tower ceases to be used for a period of six months, the approval will terminate. The property owner will insure the tower removal within ninety days after the termination.
- (N) The facility will comply with all FCC and ANSI standards.
- (O) The *applicant* will demonstrate that a tower will not unreasonably interfere with the view of, or from, *sites* of significant public interest such as public parks,

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

a national or state designated scenic byway, a *structure* listed in the Kent County Historic *Site's* survey, an historic district, or the Chesapeake Bay and its tributaries.

- (P) All applications for approval of a *tower* will include:
- i. A description of the facility and proposed licensed carriers. A licensed carrier will be the *applicant*, the *co-applicant*, or have a binding agreement with the tower company.
 - ii. Coverage maps showing the area to be served by the proposed facility and the coverage available under existing facilities, approved facilities, and other appropriate *structures*.
 - iii. A master plan of the *applicant's* proposed communications network for the entire county.
 - iv. Siting elevations, existing photography, and a photo simulation from all directions.
 - v. Coverage, interference, and capacity analysis. The Director of Emergency Management may review the interference analysis.
 - vi. A copy of all reports required by or provided to the Federal Communications Commission including, but not limited, to the Environmental Assessment, NEPA Review, and SHPO Review.
 - vii. Computer modeling used in selecting the *site*.
 - viii. A narrative that explains how the *site* will not unreasonably interfere with the view of, or from, *sites* of significant public interest such as public parks, a national or State designated scenic byway, a *structure* listed in the Kent County Historic *Site's* survey, an historic district, or the Chesapeake Bay and its tributaries.
120. Printing and publishing. Such use will be permitted as a special exception only when the operation is in compliance with the *regulations* of the State of Maryland.
121. *Private clubs*. When located in the RCD, such uses will be limited to 15% *lot coverage*.
122. *Private destination/residence clubs* in the Marine zoning district only. Such uses are subject to the following conditions:
- (A) The aggregate Marine zoned property will consist of four (4) or more acres.
 - (B) The facilities for such overnight accommodations will pay the appropriate County taxes, including taxes payable under Chapter 152 of the Code of Public Local Laws of Kent County.
 - (C) The facilities for overnight accommodations will use a reservation system.
 - (D) Permitted *accessory uses* may include clubhouse, *restaurants*, cafés or other dining facilities; bars, pubs or taverns; recreational facilities, such as tennis

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

courts, *swimming pools*, and spas and other *accessory uses* that are customarily associated with a lodging facility. The permitted *accessory uses* will not include trap, skeet, clay birds, paint ball, or other similar firearm activities. The *applicant* will describe all proposed *accessory uses* in the application for *site plan*. Recreational facilities will be at least twenty-five (25) feet from the nearest property line.

- (E) Where they exist, listed *historic structures* will be incorporated into the overall project.
 - (F) Significant view corridors, both from the *site* and onto the *site*, will be preserved as far as possible.
 - (G) The height of all *structures* will not exceed thirty-eight (38) feet.
 - (H) Parking *lots* will be landscaped as required for commercial *developments* per Article V of this Ordinance.
 - (I) The approval of such a facility for overnight accommodations will not impose restrictions that will preclude the use of the *marina* and property for commercial marine uses permitted in the Marine Zoning District, including boat *building*, storage, and repair; however, the continuation of these uses will not be required. The maintenance and continuation of boat *slips* will be required.
 - (J) The County may require connection to a public sewer system, if and when such system is available.
 - (K) *Campgrounds*, mobile homes, *recreational vehicle* and *manufactured home* parks will not be considered private destination or residence clubs.
123. *Private garages, swimming pools, game courts, and other customary outbuildings and structures.* Such uses will be permitted as accessory uses only when all of the following conditions are satisfied:
- (A) On parcels less than five acres, accessory *structures* do not exceed 2,000 square feet or the height of the primary residential structure. Where an accessory *structure* is proposed to exceed 2,000 square feet or the height of the primary residential structure on a parcel of less than five acres, it may be permitted if granted an administrative special exception.
 - (B) Accessory sheds may be located in the rear yard of a waterfront property, no closer than five feet to any road, via an administrative special exception.
 - (C) Swimming pools, swimming pool equipment, and related structures may be located in the front yard of a waterfront property and may be permitted without submittal for an administrative special exception.
124. *Private piers, community piers, and private shared piers.* Such uses will be permitted as accessory uses only when all of the following conditions are satisfied:

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (A) The private *pier*, *community pier*, or private shared *pier* does not exceed 25% of the width of the *waterway*, the edge of the *channel*, or 150 feet in length, whichever is less.
 - (B) The private *pier*, *community pier*, or private shared *pier* is subject to the stipulations of Article VI of this Ordinance.
 - (C) *Regulations* governing *community piers* may be found in Article VI.
125. Private schools.
126. Production of biofuels. Such use will be permitted as special exception only when all of the following conditions are satisfied:
- (A) The facility will be located within the US Route 301 Corridor.
 - (B) The *applicant* demonstrates a clear, identifiable market for the byproducts of the facility.
 - (C) The operation does not disturb the minimum 100-foot *buffer* or *stream protection corridor*.
 - (D) The operation does not adversely affect a non-*tidal wetland* directly or hydrologically.
 - (E) To assure continued compatibility with the surrounding area, the Board may place additional restrictions on the following:
 - i. *Screening* and landscaping from adjacent properties and public *roads*.
 - ii. Exterior displays, lighting, and signs.
 - iii. The location of access routes to the *site*, both onsite and *off-site*.
127. Public and private *forests*, wildlife reservations, and similar conservation projects.
128. Public and private parks and playgrounds for the purpose of conserving and enjoying natural resources. For the purposes of this Ordinance, such uses will include both active and passive parks owned and operated by Kent County, the State of Maryland, or federal government, but will not include any commercial play fields for football, baseball, and any other major sports activities such as motocross or drag racing fields. These latter uses are prohibited throughout Kent County.
129. *Public landings*. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
- (A) Adequate sanitary facilities exist.
 - (B) Service facilities are to the extent possible outside the 100-foot *buffer*.
 - (C) Permeable surfaces are used to the extent practicable, if no degradation of groundwater would result.
 - (D) Disturbance to *natural vegetation* is minimized.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (E) Areas for passive recreation, such as nature study, and for education, may be permitted in the *buffer* within the Resource Conservation Areas, if service facilities for these uses are outside the *buffer*.
- 130. Public uses, *buildings*, and *utilities*. Public *buildings* include but are not limited to schools, offices, parks, playgrounds, and *roads* funded, owned, and operated by local, State, or federal agencies. *Public utilities* are water, sewer, electric, gas, oil, and communication facilities owned and operated by the Kent County Department of Public Works or another public utility. *Public utilities* improvements located on sites and in the public rights-of-way include substations, poles, lines, transformers, underground pipes, meters, treatment facilities, pumping stations, and appurtenances but not overhead transmission towers. The following items require *site plan* review: schools, offices, playgrounds, treatment facilities, water towers, substations, and transformers; distribution/transmission improvements do not require special exceptions.
- 131. Public utility *buildings*, *structures*, water treatment plants, and transmission lines in Employment Center and ECCA. Such uses do not include *transportation facilities* and *utility transmission facilities*, except those necessary to serve permitted uses, or where regional or interstate facilities will cross tidal waters (*utility transmission facilities* do not include power plants); and such uses do not include permanent sludge handling, storage, and disposal facilities, other than those associated with wastewater treatment facilities. However, agricultural or horticultural use of sludge under appropriate approvals when applied by an approved method at approved application rates may be permitted in the *Critical Area*, except in the 100-foot *buffer*.
- 132. *Public utility lines and accessory structures* in Marine districts. Such uses will comply with the following conditions:
 - (A) The *structures* are *screened* from the road and adjacent properties; and
 - (B) In so far as possible, *structures* are located to maintain significant views; and
 - (C) In so far as possible, *structures* are not visually intrusive to the neighborhood.
- 133. Pubs, taverns, and bars, including open air facilities. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
 - (A) The project is designed to minimize impact on neighboring properties, particularly residential properties either with *open space*, landscaping, or *structure* design.
 - (B) Measures are taken to limit any adverse effects of the use on *development* of the surrounding area due to noise, odor, traffic, lights, or any other reason.
 - (C) Loading areas, dumpsters, and other unsightly *site* elements will be *screened* from adjacent properties and the public view.
- 134. Radio and television towers, commercial. See *personal wireless facility towers*.
- 135. Railroad *right of ways*. Such use includes a strip of land with tracks and auxiliary facilities for track operations; but such use does not include passenger stations, freight terminals,

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

switching and classification *yards*, repair shops, round houses, interlocking towers, and fueling, sanding, and watering stations. Such use will be permitted in the RCD only when such use existed as of April 12, 1988.

136. Recreational facilities, privately or commercially owned. Such uses do not include major sports arenas for football, baseball, drag racing, motocross, or other major sports activities. These latter uses are prohibited throughout Kent County.
137. Recreational uses, indoor, commercial. Such use includes game courts, *swimming pools*, and other like recreational facilities and is subject to *site plan* review.
138. *Resorts*. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
 - (A) The parcel(s) on which the *resort* is proposed will be at least 250 acres.
 - (B) The *resort* will not exceed 750 acres.
 - (C) The *resort* has at least 40 but not more than 225 guest rooms.
 - (D) The project includes a regulation par 72, 18-hole golf course. The golf course will meet all the requirements found in this Ordinance.
 - (E) Permanent theme parks, amusement parks, and/or stadiums are prohibited.
 - (F) Where applicable, the *applicant* has applied for growth allocation from the County. Special exception approval will not be valid without the granting of growth allocation.
 - (G) The Board will make specific findings on the availability of public and governmental services.
 - (H) Where they exist, *historic structures* will be incorporated into the overall project.
 - (I) Significant view corridors, both from the *site* and onto the *site* will be preserved in so much as possible.
 - (J) The height of all *structures* will not exceed 38 feet.
 - (K) The design of the *resort* and *accessory uses* will reflect and complement the rural character of the area.
 - (L) The number of *dwelling units* will not exceed that which is permitted in the applicable zoning district. *Dwelling units* may be detached or attached.
 - (M) Continuous residential *lot development* aligned with golf course fairways will be prohibited within the *Critical Area* and discouraged elsewhere.
 - (N) Parking *lots* will be landscaped as required for commercial *developments* in Article V of this Ordinance.
 - (O) Permitted *accessory uses* include *restaurants*, recreational facilities such as tennis courts and *swimming pools*; spas; retail use provided the establishments

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

are in the main *building* with the entrance to the retail use from the inside the *building*; stables, equestrian center, other recreation amenities but not including trap, skeet, clay birds, paint ball or other similar firearm activities, *piers* and; other *accessory uses* that are customarily associated with a *resort*. The *applicant* will describe all proposed *accessory uses* in the application for a special exception. The Board of Appeals may deny or limit the size and extent of *accessory uses*.

- (P) The number of *slips* on the accessory *pier* is limited to 25% of the number of guest rooms and is limited to use by those using the *resort* facilities. Accessory *piers* will meet all requirements applicable to *marinas* such as pump outs, restrooms, and showers.
 - (Q) All *structures* will comply with the minimum 100-foot *buffer* from mean high tide and 500 feet from all side and rear property lines whichever is greater.
 - (R) In RCD, RC, RR, and CAR at least 60% of the property will be in *open space*. A golf course will be considered *open space*. However, additional *open space* beyond that provided by the golf course is required.
 - (S) The Board of Appeals may place additional restrictions on the following:
 - i. Additional *yard* requirements for all *structures*, including patios, and places of public assembly
 - ii. Lighting
 - iii. Landscaping and *screening*
 - iv. Outdoor activities, outdoor music, and their hours of operation
 - v. Access
 - (T) Application for a *resort* will include a sketch plan and renderings of all primary and each type of *accessory structure*.
139. *Restaurants* without drive through facilities. Such uses are subject to *site plan* review.
140. *Restaurants* with drive through facilities in the Route 301 Corridor. Such uses are subject to special exception use approval by the Planning Commission and the Board of Appeals.
141. Retail businesses with less than 60,000 square feet of gross floor area. Such uses will be permitted only when all of the following conditions are satisfied:
- (A) All retail sales and/or storage will be conducted entirely within a *building* except where otherwise approved by the *Planning Commission* on a *site plan*.
 - (B) The *building* size does not exceed 60,000 square feet of gross floor area.
 - (C) In the M District, such uses will be accessory to a principal use and may include the sale of groceries, beverages, food, clothing, marine supplies, and similar products.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

142. Retail businesses with more than 60,000 square feet of gross floor area. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
- (A) The proposed *development* will not adversely affect existing commercial centers and businesses as demonstrated by an economic impact study.
 - (B) The traffic impact will not lower the level of service more than one level of service or in any case below Level of Service C as demonstrated by a traffic impact study.
 - (C) The proposed *development* will not adversely affect the environment as demonstrated by an environmental impact study.
 - (D) All retail sales and/or storage will be conducted entirely within a *building* except where otherwise approved by the *Planning Commission*
 - (E) The *Planning Commission* has reviewed the preliminary *site plan*.
 - (F) The Board of Appeals may place additional restrictions on the following:
 - i. Additional *yard* requirements for all *structures*.
 - ii. Lighting
 - iii. Landscaping and *screening*
 - iv. Access
 - (G) The application will include a preliminary plan and renderings of all primary and *accessory structures*.
143. Retail businesses located within the Route 301 Corridor are permitted without size limits.
144. Retail businesses located within the Route 301 Corridor are permitted with drive-in facilities as special exceptions.
145. Retail nurseries and greenhouses.
146. Retail sales of products produced *on-site* in the EC, ECCA, MXD, and MXDCA.
147. *Retreats*. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
- (A) The project will collectively consist of at least 15 acres.
 - (B) In AZD, the *retreat* uses *buildings* that existed prior to August 1, 1989. *Buildings* are limited to a 50% expansion of the gross *floor area* of each individual *building* above that which existed as of August 1, 1989.
 - (C) The *retreat* has at least 10 but not more than 40 guest rooms.
 - (D) Permanent theme parks, amusement parks, and/or stadiums are prohibited.
 - (E) Where applicable, the *applicant* has applied for growth allocation. Special exception approval will not be valid without the granting of growth allocation.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (F) The Board will make specific findings on the availability of public and governmental services.
- (G) Where they exist, *historic structures* will be incorporated into the overall project.
- (H) Significant view corridors, both from the *site* and onto the *site* will be preserved in so much as possible.
- (I) The height of all *structures* will not exceed 38 feet.
- (J) The design of the *retreat* and *accessory uses* will reflect and complement the rural character of the area.
- (K) One residential unit for use by an employee of the *retreat* may be provided.
- (L) Permitted *accessory uses* include kitchen and dining facilities for guests only, recreational facilities such as tennis courts and *swimming pools*; spas; other recreation amenities but not including trap, skeet, clay birds, paint ball or other similar firearm activities, *piers*; and other *accessory uses* that are customarily associated with a *retreat*. The *applicant* will describe all proposed *accessory uses* in the application for a special exception. The Board of Appeals may deny or limit the size and extent of *accessory uses*.
- (M) The number of *slips* on an accessory *pier* may not exceed 5.
- (N) The *retreat* will be limited to 10 *buildings*. In AZD, the *retreat* is limited to existing *buildings*.
- (O) All *structures* will comply with the minimum 100-foot *buffer*. Primary *buildings* will be 100 feet from all property lines or comply with the minimum 100-foot *buffer*, whichever is greater. *Accessory structures* may be 5 feet from the rear or side property line.
- (P) At least 60% of the property will be in *open space*.
- (Q) Parking *lots* will be landscaped as required for commercial *developments* in Article V of this Ordinance.
- (R) The Board of Appeals may place additional restrictions on the following:
 - i. Additional *yard* requirements for all *structures*, including patios and places of public assembly
 - ii. Lighting
 - iii. Landscaping and *screening*
 - iv. Outdoor activities and outdoor music and their hours of operation
 - v. Access
- (S) The application for a *retreat* will include a sketch plan and renderings of all primary and each type of *accessory building* and *structure*.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

148. Rifle and pistol ranges. Such uses will include trap and skeet shooting, sporting clays, or similar activities such as paint ball, and may include accessory snack bars and retail sales of shooting supplies and equipment, commercial or *private club*. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
- (A) The surrounding area is predominately undeveloped.
 - (B) Such uses will be for the period of time as determined by the Board. However, outdoor night shooting is prohibited at rifle and pistol ranges.
 - (C) Proposed *accessory uses*, such as stores, snack bars, and *recreational vehicle* parking are included in the application and specifically approved by the Board.
149. *Roadside stands*. Such uses will be permitted as accessory uses only when all of the following conditions are satisfied:
- (A) Such *roadside stands* offer for sale only locally grown fresh agricultural products in season.
 - (B) Such *roadside stands* are operated by the owner, lessee, or *tenant* of the *premises* upon which such stand is located.
 - (C) Adequate *off-street parking* will be provided.
 - (D) Such stands will be completely removed at the end of the local fresh produce season.
150. Rooming, boarding, and *lodging houses*.
151. *Rural inns*. Such uses will be permitted as special exceptions only when all of the following conditions are satisfied:
- (A) The project will collectively consist of at least 20 acres.
 - (B) In AZD, the *Rural Inn* uses *buildings* that existed prior to August 1, 1989. *Buildings* are limited to a 50% expansion of the gross *floor area* of each individual *building* above that which existed as of August 1, 1989.
 - (C) The *Rural Inn* has at least 10 but not more than 25 guest rooms. Overnight lodging will not exceed 45 consecutive days.
 - (D) Permanent theme parks, amusement parks, and/or stadiums are prohibited.
 - (E) The Board will make specific findings on the availability of public and governmental services.
 - (F) Where they exist, *historic structures* will be incorporated into the overall project.
 - (G) Significant view corridors, both from the *site* and onto the *site* will be preserved in so much as possible.
 - (H) The height of all *structures* will not exceed 38 feet.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (I) The design of the *Rural Inn* and *accessory uses* will reflect and complement the rural character of the area.
 - (J) Two residential units for use by employees of the *Rural Inn* may be provided.
 - (K) Permitted *accessory uses* include kitchen and dining facilities. Dining facilities may be provided to patrons in addition to guests registered for overnight lodging provided seating will not exceed 40 seats over and above those seats needed to accommodate the maximum number of lodging guests based on two (2) individuals per room; recreational facilities such as tennis courts and *swimming pools*; other recreational amenities but not including trap, skeet, clay birds, paint ball or other similar firearm activities; and other *accessory uses* that are customarily associated with a *Rural Inn*. The *applicant* will describe all proposed *accessory uses* in the application for a special exception. The Board of Appeals may deny or limit the size and extent of accessory uses.
 - (L) The *Rural Inn* may not exceed 15 *buildings*. In AZD, the *Rural Inn* is limited to existing *buildings*.
 - (M) At least 60% of the property will be in *open space*.
 - (N) Parking *lots* will be landscaped as required for commercial *developments* in Article V of this Ordinance.
 - (O) All *building* associated with the principal uses of the *Rural Inn*, as well as the permitted *accessory uses* listed in paragraph (k) of this subsection, will be a minimum of 100 feet from all property lines.
 - (P) The Board of Appeals may place additional restrictions on the following:
 - i. Additional *yard* requirements for all *structures*, including patios and places of public assembly
 - ii. Lighting
 - iii. Landscape and *screening*
 - iv. Outdoor activities and outdoor music and their hours of operation
 - v. Access
 - vi. Location and hours of operation of kitchen and dining facilities open to the public
 - (Q) The application for a *Rural Inn* will include a sketch plan and renderings of all primary and each type of accessory *building* and *structure*.
152. Sand and gravel pits, *excavation*, or extraction. Such use does not include the removal of sod, and *excavation* for foundations, *swimming pools*, *soil* and water conservation practices, and those removals approved in connection with *farm* use, *street* construction, *subdivision* or planned residential *development*. Such use will be permitted as special exception only when all of the following conditions are satisfied:

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (A) Material is not brought from *off-site* for processing, mixing, or similar uses
 - (B) The *excavation* or extraction operation will be controlled to offer reasonable protection to surrounding properties and the neighborhood, particularly as regards to use of residential *streets* for access to the *site*.
 - (C) There are no known threatened or *endangered species*, areas of specific value, or rare assemblages of species or other vital habitat at the *site*.
 - (D) In RCD and CAR, *highly erodible soils* are not disturbed at the *site*.
 - (E) The operation will not disturb for future use prime agricultural lands or *forest* and *developed woodlands* of more than one acre.
 - (F) The operation will not *degrade* water quality.
 - (G) The operation does not disturb the minimum 100-foot *buffer* or *stream protection corridor*.
 - (H) The operation is under an approved operating and restoration plan from the State of Maryland.
 - (I) The operation does not adversely affect a *non-tidal wetland* directly or hydrologically.
 - (J) The location of the *excavation* or extraction with respect to property lines, the depth of *excavation*, and relation to the water table or *flood* criteria and the *slope* of the sides of the *excavation* will be controlled to prevent a continuing, unsightly, hazardous, or wasteful condition of the land.
 - (K) In reviewing and approving surface mining activities in the Critical Area, Kent County shall:
 - i. Designate each portion of the Critical Area that is unsuitable for surface mining and prohibit surface mining in those locations, including those listed in COMAR 27.01.07. §03 (B); and
 - ii. Prohibit the location of a wash plant within the buffer in accordance with COMAR 27.01.09.
153. *Sanitary landfill* or rubble fill. Such use will be permitted as a special exception only when the use is owned or managed by Kent County in AZD and provides a 100-foot-deep vegetative *screen* along all property lines.
154. Satellite dish, private, with an antenna exceeding 3 feet in diameter. Such use will be permitted as an accessory use only when all of the following conditions are satisfied:
- (A) No antenna will exceed an overall diameter of 12 feet or an overall height of 15 feet above *existing grade*.
 - (B) The antenna will be permanently ground-mounted. An antenna will not be installed on portable or moveable *structures*.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (C) The antenna will be totally *screened* along the non-receptive axis, and low-level ornamental landscaping will be installed along the reception window axis of the base of the antenna. *Screening* may consist of fencing or a variety of plant types. *Screening* may be set aside when the antenna is located 100 feet from all property lines, or the antenna is not visible or intrusive to the neighborhood.
 - (D) In, RC, CAR, and CR: The final installation should be blended carefully with the surrounding landscape.
155. Satellite dish, private, with an antenna of 3 feet or less in diameter. Such use will be permitted as an accessory use only when all of the following conditions are satisfied:
- (A) Satellite dish use will not be installed on portable or movable *structures*.
 - (B) In the RCD, the satellite dish is located only in the *rear yard*.
156. *Sawmills*, temporary, for cutting timber grown on the *premises*.
157. School bus parking *lot*. Such use will be permitted as special exception only when all of the following conditions are satisfied:
- (A) No part of the school bus parking facility will be in the 100-year *floodplain*.
 - (B) Areas for school bus parking, fueling, or repair are a minimum of 100 feet from any residence.
 - (C) Areas for school bus parking are 100 feet from *wetlands*.
 - (D) Areas for school bus repair are enclosed in a *building*. Outdoor repair or storage of materials or products is prohibited.
 - (E) All buses will have current licenses and be operable.
 - (F) The Board determines that all access *roads* are capable of handling the traffic generated and that a safe route for school buses traveling to and from the facility is provided.
 - (G) Areas for parking and cartways are paved.
 - (H) The *site* is *screened* from adjacent properties and public *roads*.
 - (I) Adequate restroom facilities will be provided.
158. School buses, limited to five on farms in AZD. Such uses will be permitted as accessory uses only when the buses are parked around existing *buildings* and the buses have current licenses and are operable.
159. School buses, limited to two, parked. Such uses will be permitted as accessory uses only when all of the following conditions are satisfied:
- (A) The school buses are parked only in the *rear* or *side yard* of the *dwelling* or *dwellings* on the lot.
 - (B) The school buses are owned or operated by the occupants of the *dwelling* or *dwellings* on the lot.

ARTICLE III. USES

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (C) The school buses have current licenses and are operable.
 - (D) In the AZD, RCD, RC, CAR, CR, V, and IV Districts, the number of school buses parked per lot is limited to two.
 - (E) In the C District, the number of school buses parked per lot is limited to three.
160. Seafood processing. Such use includes wholesale and retail sales of seafood products. Such use will be permitted as special exception only when all of the following conditions are satisfied:
- (A) Open or uncovered storage of shells, bones, and refuse does not occur on *site*.
 - (B) No curing or smoking occurs on *site*.
 - (C) All *structures* for processing and all disposal areas for materials and byproducts of processing are a minimum of 300 feet from all property lines and 600 feet from primarily residential district boundaries.
 - (D) Seafood processing facilities and disposal areas are not in the *100-year floodplain*.
 - (E) The operation is managed according to a management plan approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department.
 - (F) Parking, processing, and disposal areas are *screened* from adjacent properties and public *roads*.
 - (G) Access *roads* are capable of handling the type of traffic generated by the operation.
161. Self-storage. Self-storage uses will be permitted only when all of the following conditions are satisfied:
- (A) In the V District, no self-storage use may have more than 30 self-storage units in 1 *building*, and no self-storage unit may exceed 100 square feet of floor space; and
 - (B) In the V District, any property used for self-storage will front on 2 public *roads*; and
 - (C) The front façade of the center and any other façade visible from adjoining public *roads* will reflect the scale, materials and design features common to residential or *historic structures* in the County; and
 - (D) Self-storage uses are subject to *site plan* review.
162. Septic tank maintenance and excavation.
- (A) Buildings associated with the use are not visually intrusive or inappropriate to the setting.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (B) New buildings and expansions shall be designed in keeping with or to enhance the character of other buildings on the property or adjacent to the property.
 - (C) All vehicles and equipment associated with the business must be kept within a building or screened from the view of public roads and adjacent properties.
All fences and landscaping must be approved by the Planning Commission as part of site plan review.
163. Short-term vacation rentals (STVR). Kent County hotel rental taxes will be paid for each unit, and the required monthly report will be filed by any establishment that provides sleeping accommodations for compensation for a period not exceeding four months.
164. *Single family dwelling*
- (A) A building constructed on site, designed and occupied exclusively by one family.
 - (B) Mobile homes, bearing a valid HUD certification number, when provided with permanent foundations; permanent connections to utilities; and which meets zoning and environmental regulations in this Ordinance, will be treated in the same manner as a site-built building. In order to be considered real property, in addition to the above a mobile home must meet the following conditions:
 - i. The ownership interests of the manufactured home and the parcel of land it is affixed to are identical; and
 - ii. An affidavit of affixation has been recorded with the Clerk of the Court of the County in which the parcel of real property is located.
 - (C) Factory-constructed homes, other than mobile homes, when provided with permanent foundations; permanent connections to utilities; required fire sprinklers; and reviewed, inspected, and approved as buildings utilizing life-safety codes, and which meet required zoning and environmental regulations in this Ordinance, will be treated in the same manner as a site-built building.
165. *Single family dwelling*, one per existing property, in Employment Center and ECCA, subject to the *yard* requirements found in the Agricultural Zoning District, provided however, that bona fide *intrafamily transfers* may be permitted (thus exceeding the one *single family dwelling* per existing property requirement) under the following conditions:
- (A) The owner of the parcel or the proposed parcel will attest, in writing, to the bona fide *family* relationship and that the intent of the *subdivision/use* is not for ultimate transfer to a third party.
 - (B) Any deed for a *lot* that is created by a bona fide *intrafamily transfer* will contain the covenant stating that the *lot* is created subject to the provisions of this section and that the provisions of this section will control as long as the property continues to be zoned for industrial uses.
 - (C) A *lot* created by a bona fide *intrafamily transfer* may not be conveyed subsequently to any *person* other than a member of the owner's immediate

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

family except under the following situations, as determined by the Kent County Planning Commission:

- i. The *lot* was created as a part of bona fide *intrafamily transfer* and not with the intent of subdividing the original parcel of land for purposes of ultimate transfer to a third party; and
 - ii. The owner of the transferred property dies; or
 - iii. A change of circumstances has occurred since the original transfer was made that is consistent with the intent of this ordinance.
 - (D) This subsection will not prevent the conveyance of such a *lot* to a third party as security for a mortgage or deed of trust, or subsequent conveyances resulting from a foreclosure.
 - (E) The maximum *lot* size will be two acres.
 - (F) Any deed or *subdivision* plat for a *lot* created by a bona fide *intrafamily transfer* will contain a statement that the adjacent property is zoned for industrial uses.
 - (G) The parcel is created for the construction of a primary residence only.
 - (H) This provision applies to those individuals owning industrially zoned land prior to July 7, 1994. Subsequent owners of industrial zoned land will be limited to one *single family dwelling*.
166. Solar energy systems, small. Such uses will be permitted as accessory uses only when all of the following conditions are satisfied:
- (A) *Tree* removal will be minimized, and any removal will be mitigated in accordance with the *Critical Area Program* requirements, or, if no *Critical Area Program* is in place in that location, *tree* removal will be mitigated at a ratio of one *tree* planted for each *tree* removed or as required in Article VI, whichever is greater.
 - (B) All solar collection devices will register with the Office of Emergency Services and will submit a map noting the location of the solar collection devices and the panel disconnect.
 - (C) The total height of solar collection systems will comply with the height requirements of the zoning district in which they are located.
 - (D) The area of solar panel arrays may not exceed 5 acres. The area of the solar panel arrays shall be measured as the area within the solar panel arrays' security fence.
167. Solar energy systems, utility scale in the Employment Center zoning district. Such uses will be permitted by right, but only when all of the following conditions are satisfied:
- (A) A solar collection device or combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent *roadways* and will not interfere with traffic or create a safety hazard.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (B) Screening, capable of providing year-round *screening*, is provided per all the requirements in Article V.
 - (C) Roof-mounted solar collection devices will not extend more than 15 feet from the top of the roof. The total height of the *building*, including the solar collection devices, will comply with the height *regulations*.
 - (D) Solar collection devices not mounted on roofs will not exceed 45 feet in height.
 - (E) All solar collection devices will register with the Kent County Office of Emergency Services and will submit a map noting the location of the solar collection devices and the panel disconnect.
 - (F) All solar energy systems will meet the Countywide standards in Article V.
168. Solar energy systems, utility scale, in the AZD and RCD will be permitted as special exception only when all of the following conditions are satisfied:
- (A) The use takes place on a *farm*, as defined by this Ordinance.
 - (B) A solar collection device or combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent *roadways* and will not interfere with traffic or create a safety hazard.
 - (C) Screening, capable of providing year-round *screening*, is provided per all the requirements of Article V.
 - (D) Roof-mounted solar collection devices will not extend more than 15 feet from the top of the roof. The total height of the *building*, including the solar collection devices, will comply with the height *regulations* established for each zoning district.
 - (E) Solar collection devices not mounted on roofs will not exceed 38 feet in height.
 - (F) The solar collection system will be incidental to the use of the *farm*.
 - (G) Installation of the solar collection system will not adversely impact adjacent properties.
 - (H) All *structures* associated with the solar collection system will be neither visually intrusive nor inappropriate to their setting.
 - (I) All solar collection devices will register with the Office of Emergency Services and will submit a map noting the location of the solar collection devices and the panel disconnect.
 - (J) Other than wire size, there will be no *alteration* of utility *infrastructure* to accommodate the system.
 - (K) The area of solar panel arrays may not exceed 5 acres. The area of the solar panel arrays shall be measured as the area within the solar panel arrays' security fence. Adjacent properties will not aggregate solar collection panels to achieve an area exceeding 5 acres.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (L) In AZD, only the five-acre maximum area of solar panel arrays, as measured in Subsection K. above, is considered *development* and counted toward the maximum percentage of the property in *lots*.
 - (M) *Tree* removal will be minimized, and any removal will be mitigated in accordance with the *Critical Area* Program and the Forest Conservation Act.
 - (N) The *applicant* will demonstrate that a *utility scale solar energy system* will not unreasonably interfere with the view of, or from, *sites* of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic *Site* Survey, an historic district, or the Chesapeake Bay and its tributaries.
 - (O) All solar energy systems will meet the Countywide standards in Article V.
169. Solar energy systems, utility scale, in C, and CCA, will be permitted as special exception only when all of the following conditions are satisfied:
- (A) A solar collection device or combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent *roadways* and will not interfere with traffic or create a safety hazard.
 - (B) *Screening*, capable of providing year-round *screening*, is provided per all the requirements in Article V.
 - (C) Roof mounted solar collection devices will not extend more than 15 feet from the top of the roof. The total height of the *building*, including the solar collection devices, will comply with the height *regulations* established for each zoning district.
 - (D) Solar collection devices not mounted on roofs will not exceed 45 feet in height
 - (E) All solar collection devices will register with the Office of Emergency Services and will submit a map noting the location of the solar collection devices and the panel disconnect.
 - (F) The *applicant* will demonstrate that a *utility scale solar energy system* will not unreasonably interfere with the view of, or from, *sites* of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic *Site* Survey, an historic district, or the Chesapeake Bay and its tributaries.
 - (G) All solar energy systems will meet the Countywide standards in Article V.
170. Storage and office trailers, temporary during construction.
171. Storage of boats, campers, boat trailers, and camper trailers. Such use will be permitted as an accessory use only when all of the following conditions are satisfied:
- (A) The storage is located in the *rear yard*, except that:
 - i. In the RCD and CAR Districts, the storage may be located on the waterfront side of the principal use; and

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- ii. Storage of boats in the buffer is permitted only if water-dependent to the subject site; and
 - iii. In the RC and RR Districts, the storage may be located in the *side yard*.
- (B) The vehicle or trailer is titled under the name of the property owner or occupant.
- (C) The vehicle or trailer is operable and has current licenses.
- 172. Stores or shops for the conduct of retail sales in the Marine zoning district. Such use may include the sale of groceries, beverages, food, clothing, marine supplies, and similar shops and stores.
- 173. *Structures* for the buying, processing, and sale of animal products in AZD, commercial. Such use will be permitted as special exception only when all of the following conditions are satisfied:
 - (A) *Structures, retention, and disposal* areas will be 600 feet from the nearest property line.
 - (B) The front of the *site* will be appropriately landscaped.
 - (C) All activities will be completely enclosed.
 - (D) The operation is managed according to a waste management plan approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department.
- 174. *Structures* for the buying, processing, and sale of non-animal *farm* products related to *agriculture* of no more than 10,000 square feet in floor area. Such use excludes any animal products but includes seed and fertilizer sales. The total square footage of the *buildings* occupied for such use will not exceed 10,000 square feet; the 10,000 square foot restriction applies only to those *structures* associated with the approved business and not to *structures* normally associated with permitted agricultural operations. *Structures* for the buying, processing, and sale of *farm* products are subject to *site plan* review by the *Planning Commission* or where applicable the Planning Director.
- 175. *Structures* for the buying, processing, or sale of non-animal *farm* products related to *agriculture*, over 10,000 square feet in floor area. Such uses may include the sale of fertilizer and seed but may not include animal products and may not exceed 50,000 square feet in floor area.
- 176. Temporary *MET Tower* of any height. Such use will be permitted as an accessory use only when all of the following conditions are satisfied:
 - (A) The tower is erected for no more than 12 months.
 - (B) Any free-standing *structure* is located a minimum of three times its total height from a property line.
 - (C) Towers are not readily climbable from the ground up to 12 feet.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

177. Tie-out pilings of private *piers*, *community piers*, and private shared *piers*. Such uses will be installed at a distance not to exceed 25% of the width of the *waterway*, the edge of the *channel*, or 180 feet from the mean high-water mark, whichever is less, for the exclusive mooring use by tall ships as safe harbors from hurricanes and other severe weather-related threats. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
- (A) Private *piers*, *community piers*, and private shared *piers* in RCD and CAR are subject to the stipulations and *regulations* of Article VI of this Ordinance.
 - (B) No portion of a *pier* consisting of any combination of non-floating fixed platforms, and/or floating *structures*, with decking extending out over the water to provide pedestrian access, may exceed 25% of the width of the *waterway*, the edge of the *channel*, or 150 feet in length, whichever is less.
 - (C) Any tie-out pilings installed more than 150 feet from the mean high-water mark will be for the exclusive mooring use by tall ships and for no other use.
 - (D) The term “tall ships” means any large traditionally rigged sailing vessels, including schooners, which are federally documented with home ports located in Kent County, Maryland.
 - (E) The term “hurricanes and other severe weather-related threats” means weather events which are the subjects of a Tropical Storm Watch, Tropical Storm Warning, Hurricane Watch, or Hurricane Warning issued by the National Oceanic and Atmospheric Administration.
178. Townhouses. Such uses are subject to *site plan* review.
179. Transmission towers. Such uses include cellular towers. See *Personal Wireless* categories.
180. *Truck stops*. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
- (A) No part of the truck parking facility will be in the *100-year floodplain*.
 - (B) Areas for truck parking, fueling, or repair are a minimum of 300 feet from any primarily residential district.
 - (C) Areas for truck parking are 100 feet from *wetlands*.
 - (D) Areas for truck repair are enclosed in a *building*.
 - (E) The Board determines that all access *roads* are capable of handling the traffic generated and that a safe route for trucks traveling to and from the facility is provided.
 - (F) Areas for parking and cartways are paved.
 - (G) The *site* is *screened* from adjacent properties. The *front yard* and all areas adjacent to public *roads* will be extensively landscaped.
 - (H) Adequate restroom facilities, driver rooms, and telephones will be provided.

ARTICLE III. USES
SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

181. *Truck terminals. Such uses are subject to the following conditions:*

- (A) *Truck terminals* are limited to 20 trucks, except that the limitation on the number of trucks does not apply to Employment Center districts in the Route 301 corridor; and
- (B) The parking and loading area of a *truck terminal* will be fenced, *screened*, and located at least 400 feet from any primarily residential district boundary and 100 feet from all property lines.

Truck terminals will be permitted as a special exception only when all of the following conditions are satisfied:

- (A) No part of the truck parking facility will be in the *100-year floodplain*.
- (B) Areas for truck parking, fueling, or repair are a minimum of 100 feet from any primarily residential district.
- (C) Areas for truck parking are at least 100 feet from *wetlands*.
- (D) Areas for truck repair are enclosed in a *building*.
- (E) The Board determines that all access *roads* are capable of handling the traffic generated and that a safe route for trucks traveling to and from the facility is provided.
- (F) Areas for parking and cartways are paved.
- (G) The *site* is *screened* from adjacent properties and public *roads*.
- (H) Adequate restroom facilities will be provided.

182. *Two-family dwellings.*

183. Uses and *structures* which are customarily accessory and clearly incidental and subordinate to the permitted uses in the EC, ECCA, MXD, MXDCA districts.

184. Veterinary *hospitals* or *clinics* and animal shelters, as defined by the County Code of Public Laws. Such uses will ensure that all open kennels will be at least 200 feet from all property lines, unless otherwise approved by the *Planning Commission* via a *site plan* review.

185. Veterinary *hospitals* and offices without open kennels.

186. Vocational and trade schools, including training facilities.

187. Waste management *structures* in AZD and RCD where not otherwise stipulated in this Ordinance. Such uses will be permitted as accessory uses only when all of the following conditions are satisfied:

- (A) Waste management *structures* will be a minimum of 600 feet from all property lines.
- (B) No waste management *structure* will be in the *100-year floodplain*.

ARTICLE III. USES

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (C) The operation is managed according to waste and nutrient management plans, approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department.
188. Wedding venues on farms with a special exception approved by the Board of Appeals.
189. *Wind energy systems, small, where the height of the wind energy system exceeds 80 feet and/or is located on a parcel less than 20 acres.* Such uses will be permitted as a special exception only when all of the following conditions are satisfied:
- (A) Within the AZD, RCD, RC, CAR and CR, the height of the wind energy systems exceeds 80 feet, or the wind energy systems are located on parcels less than 20 acres.
 - (B) If an alternative energy source can produce equal energy, then that should be used rather than a tall tower which impacts the landscape.
 - (C) If co-location with a *personal wireless facility* is proposed, then a need for a *personal wireless facility tower* will be documented and all appropriate studies submitted. In addition, the proposed tower will comply with all standards for both wind turbines and *personal wireless facilities*.
 - (D) The *applicant* will provide a report documenting that the wind energy system does not significantly impact migratory bird pathways.
 - (E) The wind energy system will not be located within the air path of a private or public airstrip.
 - (F) The height of the *structure* to the tip of the blade at its highest point does not exceed 120 feet.
 - (G) A small energy system will not have more than one wind turbine per parcel.
 - (H) Monopoles or lattice towers will be the preferred tower *structure* in the County.
 - (I) Guy wires are strictly prohibited.
 - (J) *Small wind energy systems* may not be located within the *buffer* or within a *stream protection corridor*.
 - (K) *Small wind energy systems* will not be artificially lit unless such lighting is required by the Federal Aviation Administration.
 - (L) *Small wind energy systems* will be galvanized steel, brushed aluminum finish, or a non-garish color or finish that conforms to the environment and *architecture* of the community, unless Federal Aviation Administration *regulations* require otherwise.
 - (M) All signs, including flags, streamers, and decorative items, both temporary and permanent, are prohibited on a *small wind energy system* except the manufacturer or installer's identification or appropriate warning signs or placards.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- (N) Any free-standing *structure* is located a minimum of 1.5 times its total height from a property line.
- (O) Either towers are not readily climbable from the ground up to 12 feet or are fenced.
- (P) All access doors to towers and electrical equipment will be lockable.
- (Q) Appropriate warning signage is placed on the tower and electrical equipment.
- (R) The blade tip at its lowest point has a ground clearance of at least 25 feet.
- (S) Any *small wind energy system* that is not operable for a period of 12 consecutive months or more will be removed at the landowner's expense.
- (T) *Small wind energy systems* will be *sited* in a manner that does not result in significant *shadow flicker*.
- (U) *Small wind energy systems*, including wind turbine and tower, will comply with all applicable construction and electrical codes.
- (V) Audible sound due to wind turbine operations will not exceed 55 dB(A) except during short-term events such as utility outages and/or severe windstorms. The sound level will be measured at ground level at the property line.
- (W) Any *small wind energy system* found to be unsafe will be repaired by the property owner to meet these *regulations* and any applicable federal, State, and local safety standards or be physically removed within 90 days.
- (X) The *applicant* will demonstrate that a *small wind energy system* will not unreasonably interfere with the view of, or from, *sites* of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic *Sites Survey*, an historic district, or the Chesapeake Bay and its tributaries.
- (Y) The following submittals are required for approval:
 - i. *Site plan*, at a standard scale, to adequately show: (1) Property lines and dimensions of subject property; (2) property lines and owner information for all abutting properties; (3) Locations of all existing *buildings*, *structures*, and underground and overhead utilities on the subject property; (4) locations of all existing *buildings* on abutting properties; (5) location of the proposed *small wind energy system* with distances to show required *setbacks*; (6) *certification* by a licensed professional *engineer* or property owner that the information shown on the *site plan* is accurate, and (7) a *shadow flicker* study documenting that the project will not result in significant *shadow flicker*.
 - ii. The *small wind energy system* manufacturer's specification sheet, including photograph, sound analysis and mounting recommendations.

SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

- iii. *Engineered* drawings showing the *small wind energy system structure*, including the tower, turbine, base and footings, and an *engineering* analysis showing compliance with the International *Building Code* certified by a licensed professional *engineer*. This analysis may be supplied by the manufacturer.
 - iv. Siting elevations, existing photography, and a photo simulation from all directions.
 - v. Any additional information as may be required by the Board of Appeals as appropriate to demonstrate compliance with the *regulations*.
 - vi. A narrative that explains how the *site* will not unreasonably interfere with the view or, or from, *sites* of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic *Sites Survey*, an historic district, or the Chesapeake Bay and its tributaries.
190. *Wind energy systems, small, accessory*. Such uses will be permitted as accessory uses only when all of the following conditions are satisfied:
- (A) The height of the *structure* to the tip of the blade at its highest point does not exceed 80 feet.
 - (B) Any system is located a minimum of three times its total height from a property line.
 - (C) Towers are not readily climbable from the ground up to 12 feet.
 - (D) All access doors to towers and electrical equipment will be lockable.
 - (E) Appropriate warning signage is placed on the tower and electrical equipment.
 - (F) The blade tip at its lowest point had a ground clearance of at least 25 feet.
 - (G) Wind turbines and towers maintain a galvanized steel, brushed aluminum finish, or a non-garish color.
 - (H) Any small wind energy system that is not operational for a period of 12 consecutive months or more will be removed at the landowner's expense.
 - (I) In the C, CCA, M, EC, and ECCA Districts, such use is limited to one tower.

ARTICLE III. USES
SECTION 2. LAND USES AND ACCESSORY USES AND STRUCTURES

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