

## **ARTICLE V. ZONING REGULATIONS**

## SECTION 1 GENERAL PROVISIONS

### 1.1 STATEMENT OF INTENT

The purpose of this section is to set forth zoning *regulations* to supplement the dimensional, use, and other zoning-type *regulations* appearing elsewhere in this Ordinance.

### 1.2 ACCESSORY STRUCTURES; PRIOR CONSTRUCTION

1. No *accessory structure* will be constructed more than six months prior to the construction of the main *structure*. No *accessory structure* will be used for more than six months unless the main *structure* is also being used or is under construction. Extensions may be granted by the Planning Director or Planning Director's designee for cause shown.
2. The Planning Director, or Planning Director's designee, may grant a one (1) year extension to allow *accessory structures*, which were legal, conforming *structures* and where the existence of the *structure* will not result in a nuisance to the neighborhood, to remain following the *demolition* of the main *structure*.

### 1.3 REDUCTION OF HEIGHT, BULK, AREA

No parcel area or lot dimension, if specifically required, will be reduced below the requirement of this Ordinance unless otherwise provided for by this Ordinance. The minimum *yards*, required parking, and mandatory *loading spaces* required by this Ordinance will not be encroached upon unless otherwise provided by this Ordinance. Setbacks may be varied as set forth in the districts.

### 1.4 MODIFICATION OF HEIGHT REGULATIONS

1. Except within an area defined as an *Airport Approach Zone* by the Federal Aviation Agency or in the Kent County *Airport Safety Area*, the height limitations of this Ordinance will not apply to:

Belfries	Ornamental towers and spires
Church spires	Public monuments
Conveyors	Silos and corn dryers
Elevator <i>bulkheads</i>	Stage towers or scenery lofts
Fire towers	Tanks
Flag poles	Water towers and stand pipes
<i>Personal wireless facility</i> , commercial	Wind energy systems, small, with a height not to
radio, and television towers less than	exceed 80 feet unless a special exception
200 feet in height	is granted

2. Except within an area defined as an *Airport Approach Zone* by the Federal Aviation Agency or the Kent County *Airport Safety Area*, public, semi-public or service *buildings*, *hospitals*, and institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet and *houses of worship* may be erected to a height not exceeding 75 feet when the required *side* and *rear yards* are each increased by at least one foot for

each one foot of additional *building* height above the height *regulations* for the district in which the *building* is located.

## 1.5 YARDS AND OPEN SPACE GENERALLY

1. Whenever a *lot* abuts upon a public *alley*, one-half of the *alley* width may be considered as a portion of the required *yard*.
2. Every part of a required *yard* will be open to the sky, except as authorized by this Article, and except ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features which may project to a distance not to exceed 24 inches into a required *yard* but not into a required *buffer*
3. More than one main *building* may be located upon a *lot* or *tract* in the following instances:
  - (A) Institutional *buildings*
  - (B) Public or semi-public *buildings*
  - (C) *Multi-family dwellings*
  - (D) Commercial or industrial *buildings*
  - (E) Homes for the aged, such as convalescent, nursing, or group homes
  - (F) Permitted agricultural and marine uses
4. The provisions of this exception will not be construed to allow the location or erection of any *building* or portion of a *building* outside of the *buildable area* of the *lot*.

## 1.6 FRONT YARDS

1. Where an official line has been established for the future widening or opening of a *street* or *major thoroughfare* upon which a *lot* abuts, then the depth of a *front* or *side yard* will be measured from such official line. Unless otherwise provided, the *right of way* of any arterial *street*, so designated on the *Major Thoroughfare* Map will be assumed to extend 40 feet on each side of the center line of the existing *right of way* for the purpose of measuring *front yards* required by this Ordinance.
2. On *through lots*, the required *front yard* will be provided on each *street*.
3. There will be a *front yard* of at least 15 feet on the side *street* of a *corner lot* in any district; provided, however, that the *buildable width* of a *lot* existing as of August 1, 1989, of this Ordinance will not be reduced to less than 28 feet.

## 1.7 REAR YARDS

Open or lattice-enclosed fire escapes, outside stairways, balconies opening upon fire towers, and the ordinary projections of chimneys and flues may project into the required *rear yard* for a distance of not more than five (5) feet, but only where the same are so placed as not to obstruct light and ventilation.

## 1.8 ACCESSORY BUILDINGS AND STRUCTURES

Except as herein provided, no accessory *building* will project beyond a required *yard* line along any *street*. *Farm* accessory *buildings* will be a minimum of twenty-five feet from the side and rear property lines.

## 1.9 OPEN SPACE

The boundaries of open space areas will be treated as property lines in determining required rear and side yard setbacks. At least 50% of the required open space will be contained as a single visually identifiable area exclusive of connecting corridors or pathways and in no case be less than 50 feet in width nor 5,000 square feet in area. In the *Critical Area*, land and water areas are retained in an essentially undeveloped state.

## 1.10 VISIBILITY TRIANGLES ADJACENT TO INTERSECTIONS

1. In order to promote a safe pedestrian and vehicular environment, a visibility triangle is established at each street intersection.
  - (A) The visibility triangle is defined by a triangle, two legs of which are measured from the intersection of the back of the curb line or pavement edge (if there is no curb) extended.
  - (B) The legs of the triangle are based on the posted speed limit of that street.
    - i. A street with a posted speed limit of greater than 30 miles per hour shall have a 100-foot leg.
    - ii. A street with a posted speed limit of up to and including 30 miles per hour shall have a 50-foot leg.
  - (C) The length of any leg shall be halved if the street has a control feature, such as a stop sign, yield sign, or traffic signal.
2. Within the visibility triangle, no obstruction is allowed that would significantly obstruct or impede vision through the visibility triangle between a height of two feet and ten feet above the grade of the curb or pavement edge (if there is no curb).
3. Examples of obstructions include:
  - (A) any fence, wall, shrub, berm, or sign taller than two feet;
  - (B) any evergreen tree;
  - (C) any deciduous tree with branches extending from the trunk between three feet and ten feet;
  - (D) any parking of vehicles; and,
  - (E) any other permanent or temporary structure or item determined by the County engineer to be a visual obstruction.

4. The following shall not be considered an obstruction:
  - (A) a building conforming to the setback requirements of this Ordinance;
  - (B) utility poles and street light poles; and,
  - (C) traffic control equipment including control boxes, traffic signs, and traffic signal poles.
5. For unique situations due to topography, street alignment, or other physical condition, the County engineer may require as part of site development plan approval, alternative dimensions to the triangle to ensure a safe clear area at street intersections.

## SECTION 2 OFF-STREET PARKING AND LOADING

### 2.1 STATEMENT OF INTENT

The purpose of this section is to set forth flexible standards for parking and loading and to ensure adequate parking for permitted uses.

### 2.2 PARKING REQUIRED

1. No *building, structure, or premises* will be erected, unless *off-street parking*, consistent with the provisions of this section, is provided. The number of parking spaces provided onsite for a project will be determined according to the flexible standards set forth in this section.
2. Accessible parking spaces are required to be provided on the shortest accessible route to the accessible entrance. Spaces will be provided to meet the current federal requirements as set forth in *2010 ADA Standards for Accessible Design*, as amended from time to time.

### 2.3 SHARED PARKING

1. The *Planning Commission* will use the use-based parking standards below as guidelines and may allow up to fifty percent (50%) fewer total number of required spaces where one or more of the following situations apply:
  - (A) Two or more uses share parking in such a way that the hours or days of peak use are different, and less total spaces will provide for all uses adequately.
  - (B) Clients of uses are such that a reduced number of spaces is appropriate, such as a neighborhood grocery, a business frequented by pedestrians, etc.
  - (C) The use is water dependent or water related to an extent that most of the activity would be from the water, such as a fish processing facility without a retail outlet. Parking for employees and visitors would still be required.
  - (D) Employees are residents of the *structure*, such as in a *home occupation*.
  - (E) Display areas approved by the *Planning Commission* will not be included in the tabulation of parking spaces.
2. The *applicant* and the *Planning Commission* may agree to a reduced number of parking spaces below the use-based ratios below with the agreement and condition that if more spaces are required in the future because of miscalculation, unanticipated growth, or other error, those spaces and associated maneuvering area will be provided by the *applicant*. The *Planning Commission* may require that additional *open space* be kept for this purpose. An agreement will be drafted to this effect. The *Planning Commission* may also limit the maximum number of parking spaces above the number required through *site plan* review to encourage innovative design and safe and efficient vehicular and pedestrian circulation.

## 2.4 USE-BASED RATIOS

USE TYPE	PARKING SPACES
Assembly Halls	1 per 3 seats
Automobile Sales	1 per every 300 sq. ft gross <i>floor area</i> and 1 per each employee and 1 per service bay.
Banks	1 per 250 sq. ft. of gross <i>floor area</i>
Commercial Riding Academies, Stables	1 per 2 horse stalls
Community Centers, Civic Clubs, Museums	1 per 150 sq. ft. of gross <i>floor area</i>
<i>Convalescent Home</i>	1 per 5 patient beds.
<i>Country inns</i> , Tourist Homes, Courts, Motels, <i>Hotels</i>	1 per guest unit, plus 1 per employee
Data Processing Centers	1 per employee at maximum occupancy
Funeral Home, Mortuary	1 per 150 sq. ft. of gross <i>floor area</i>
Golf Course	5 per green and 50% of the requirement for <i>accessory uses</i> , if <i>on-site</i>
<i>Hospital</i>	1 per 2 patient beds
Houses of worship	1 per 5 seating spaces
Industrial uses, warehousing	1 per 2 employees in principal shift
Kennel	1 per 400 sq. ft of gross <i>floor area</i> but not less than 4
<i>Laundromat</i>	1 per 2 washer/dryer units
Lodging, Rooming, or <i>Boarding houses</i> , Bed & breakfast	1 per guest unit, plus 1 per employee
<i>Marinas</i> , multi-level boat storage <i>building</i> , <i>public landings</i>	1 per <i>slip</i> , plus 1 per every 2 full time employees
Office <i>Buildings</i>	1 per 400 sq. ft. of gross <i>floor area</i>
<i>Private clubs</i>	1 per 5 members
<i>Professional offices, clinics</i>	2 per professional <i>person</i>
Residential, Multi-family, <i>Townhouses</i>	1 per unit, plus 1 space for each bedroom in the <i>dwelling</i>
Residential, Single-Family and Duplex	1.50 per <i>dwelling unit</i>
<i>Restaurants</i> or establishments for on <i>premises</i> consumption of food, or beverages	1 per 150 sq. ft. of <i>floor area</i> , minimum of 3 spaces
Retail or wholesale stores	1 per 250 sq. ft. of gross <i>floor area</i>

## 2.5 DIMENSIONAL STANDARDS

Parking space dimensions	
-Parallel parking	Width: 8 ft. min. Length: 22 ft. min.
-Other than parallel parking	Width: 9 ft. min. Length: 20 ft. min.
Parking aisle dimensions	
-One-way parallel parking	Width: 10 ft. min.
-Two-way parallel parking	Width: 16 ft. min.
-One-way other than parallel parking	Width: 15 ft. min.
-Two-way other than parallel parking	Width: 20 ft. min.

## 2.6 OFF-STREET LOADING

Any *building* or part thereof having a gross *floor area* of 5,000 square feet or more and which is to be occupied by manufacturing, storage, warehousing, wholesale or retail store, *hotel*, *restaurant*, industrial, funeral home, or other uses requiring the receipt or dispatch of materials by vehicles, will provide a minimum of one off-street *loading space* plus one additional space for each 20,000 square feet of gross *floor area* or major fraction thereof in excess of the first 20,000 square feet. Each *loading space* will be a minimum of 12 feet in width, 45 feet in length and with a clear height of not less than 14 feet.

## 2.7 BICYCLE PARKING

No new commercial, industrial, marine or multi-*family* residential use will be erected, unless bicycle parking at a rate of one bicycle parking space per 20 required auto parking spaces is provided. Bicycle parking spaces will be visible and convenient to cyclists. Bicycle parking requirements may be met by providing lockers or racks inside a *building*, adjacent to the *building*, in an accessory parking *lot*, or underneath an awning or marquee. A bicycle parking space will be a minimum of six feet long by one foot wide and if enclosed a minimum of four feet high.

## 2.8 PARKING LOT DESIGN

1. **Pedestrian orientation.** Parking lot design will reflect the fact that once people step out their cars, they become pedestrians. Parking lots will be designed not only to facilitate efficient vehicle circulation but to also permit smooth pedestrian circulation.
2. **Bicycle accommodation.** Provision for safe and efficient bicycle circulation and parking should be included in the overall design of the parking lot.
3. **Traffic flow.** Sites will be designed to prevent awkward or dangerous vehicular flow.



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4. **Location.** Parking *lots* will be located as much as possible to the rear of *buildings*. Parking *lots* may not be located in between the front property line and the primary *building* except (a) for public recreational facilities in which the parking *lot* is a minimum of 200 feet from the front property line and existing public *roads*, and (b) in the Marine district.
5. **Cross-access.** Whenever possible, parking *lot* design will provide for connections to adjacent parcels where uses are compatible.
6. **Building entrances.** Marked walkways, separated from vehicular traffic, will be provided at the entrances of establishments.
7. **Pedestrian Accommodations.**
  - (A) Sites will be designed to discourage pedestrians and vehicles from sharing the same pathways.
  - (B) Sidewalks at least eight feet wide will be provided along all sides of the parking *lot* that abuts a public *street*.
  - (C) Internal pedestrian walkways are distinguished from paved surfaces through the use of special pavers, bricks, scored concrete, or other materials that will clearly identify the pedestrian walkways.
  - (D) Sidewalks will be provided along the full length of any *building* abutting public parking areas.
8. **Large Lots.** Parking areas with 80 automotive spaces or more will provide:
  - (A) Walkways running parallel to the parking rows every four rows and walkways running perpendicular to the parking rows every 20 spaces.
  - (B) Continuous internal pedestrian walkway from the perimeter sidewalk to the principal customer entrance. The walkway will be at least eight feet in width and will feature landscaping and other pedestrian amenities.
  - (C) Weather protection features such as awnings extending a minimum of 30 feet from all customer entrances.

## 2.9 PARKING LOT LANDSCAPING

1. **Required.** At least 10% of parking areas where more than ten parking spaces are provided will be landscaped. Perimeter *screening* does not count toward parking area landscaping.
2. **Large Lots.** To avoid large expanses of paving in parking areas with 80 automobile parking spaces or more, the following provisions will apply:
  - (A) A row will not contain more than twelve 12 spaces without a landscaped *island* of at least the size of one parking space.
  - (B) The ends of parking rows will contain an *island* a minimum of six feet wide adequately landscaped with shade *trees*, ground cover, and shrubs.

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- (C) Double rows of parking will be separated by a minimum six-foot planting strip adequately landscaped with shade *trees* and shrubs.
- 3. **Screening.** Parking areas will be *screened* from the view of motorists, pedestrians, and adjoining residential properties with a vegetative *screen* or landscaped *berm*. The height of the *berm* will be approximately 3 feet. The width of the *berm* will be at least twice the height. The vegetative screen will have the potential of reaching a height of at least 3 feet within five years. The width of the landscaped area will be 4 feet or wider. Perimeter *screening* will not restrict sight distance needed for vehicular or pedestrian safety.
- 4. **Context.** Natural *slopes* and existing vegetation may be substituted for some or all of the requirements above, provided that these features serve to *screen* the parking area from motorists, pedestrians, and adjoining property owners. Perimeter *screening* may be waived per Article IV, Section 6, where it is physically impossible to accomplish.

**2.10 DELIVERY TRUCKS AND TRASH COLLECTION VEHICLES**

- 1. Loading and *unloading spaces* for delivery trucks will not block major pedestrian ways, the passage of other vehicles on the service drive or major pedestrian ways, or create blind spots when trucks are loading and unloading.
- 2. Trash boxes, containers for recycling and food composting, and dumpsters will be accessible to collection trucks when all vehicle parking spaces are filled.

**2.11 WAIVERS**

- 1. Alternate designs for shared parking, parking lot design, and parking lot landscaping may be approved via the waiver process set forth in Article IV, Section 6.

## SECTION 3 SIGNS

### 3.1 STATEMENT OF INTENT

#### 1. COMMUNITY CHARACTER

The purpose of this section is to establish minimum *regulations* for the design and display of signs. The *regulations* and standards provide sufficient identification of property while preserving the overall attractiveness of the County. The intent of the County enacting this section is to: (A) encourage the effective use of signs; (B) maintain and enhance the aesthetic environment of the County while avoiding visual clutter; (C) promote the use of signs to identify *buildings* and geographic areas; (D) improve pedestrian and vehicle traffic safety; and (E) promote the compatibility of signs with the surrounding land uses.

#### 2. CONTENT-NEUTRAL REVIEW

For the purposes of regulating signs in Kent County, the message of any sign will not be considered in any review. All reviews are content-neutral. Throughout this section of the Land Use Ordinance, there are sign types and sign descriptions that are intended to clarify the potential utility of signs for applicants. As long as proposed signs on a property comply with the requirements related to the number of signs, sign area, height, illumination, time restrictions, location, relative placement, and obscenity, such signs may be permitted. Issues related to color, design, and materials are subject to review and may be regulated. Prohibited signs are not permitted. Political signs are regulated by the State of Maryland. No signs may be erected on any property, unless the property owner of record consents.

### 3.2 DEFINED TERMS WITHOUT GRAPHICS


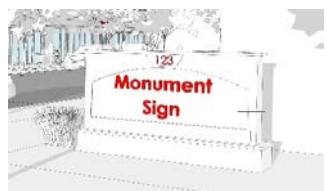

The following defined terms are used in this section:

1. **Sign:** Any letters, figures, design, symbol, trademark, logo, or illuminating device intended to attract attention to any place, subject, *person, firm, corporation*, public performance, article, machine, or merchandise, whatsoever, and visible out of doors for advertising purposes. This does not include an official court or public notice, nor the flag, emblem or insignia of a government, school, or religious group, when displayed for official purposes.
2. **Common Development:** A parcel or combination of parcels that are dependent upon one another for access, parking, and/or utilities and that share a common *development* plan.
3. **Electronic Message Center (EMC):** An electrically activated changeable copy *sign* having variable graphic capabilities and programmed by computer. EMCs provide the public with information such as federally required information for gas stations and public information regarding public events held on site by quasi-public/institutional uses and fire companies.
4. **Manually Changeable Copy:** Previously regulated as a separate sign subcategory, any sign may contain manually changeable copy. Sign area is regulated under the overall sign type.
5. **Portable or Temporary Sign:** Any *sign* that is not permanently attached to the ground or a *structure* including banners, sandwich board signs, yard signs, and signs on vehicles.




### 3.3 DEFINED TERMS WITH GRAPHICS

The example graphics below are illustrative only. They represent possibilities for the appearance of *sign* types that are allowed on private property within the County. Images are non-regulatory.




#### 1. GROUND-MOUNTED SIGNS and MONUMENT-TYPE SIGNS

Sign Type	Definition	Example Graphic
Agricultural: Ground-Mounted Sign	A two-sided <i>sign</i> attached to poles, posts, or similar supports, which advertises products raised on the premises, agricultural industries, and agritourism. These signs are often placed near public roads or at the entrances to farm lanes and may be landscaped.	
Agricultural: Monument-Type Sign	A two-sided <i>sign</i> mounted on a permanent base, which is not attached or dependent on another <i>structure</i> , pole, post, or similar support. Such <i>signs</i> are often landscaped and may be coordinated with the architectural treatments of nearby <i>structures</i> .	
Subdivision: Monument-Type Sign	A one-sided monument <i>sign</i> that contains only one distinct sign area on the <i>sign</i> face for the purpose of identifying the entrance of a <i>subdivision</i> along a public road. They are often generously landscaped.	

#### 2. BUILDING-MOUNTED SIGNS

Sign Type	Definition	Example Graphic
Window Sign	A permanent <i>sign</i> that is painted on or mounted to a window, or that is hung directly inside a window. Neon window signs are included in this category. Temporary paper signs in windows and temporary banner signs are not included in this category.	
Wall Sign	A flat, permanent <i>sign</i> that is attached and parallel to an exterior wall, and projects no more than 12 inches from the wall. It may be painted, made of individual letters, or a cabinet-type sign on a wall surface or erected and confined within the limits of the wall surface of a <i>building</i> or <i>structure</i> . The sign is located against the wall, and it displays only one <i>sign</i> surface.	
Projecting Sign	A <i>sign</i> that projects no more than 36 inches from and is supported by a wall of a <i>building</i> or <i>structure</i> . This includes a marquee <i>sign</i> . The sign is located against a wall, and it displays more than one <i>sign</i> surface. All surfaces are calculated for signage area, except when parallel faces are within 24 inches of each other.	


3. DETACHED SIGNS and INCIDENTAL SIGNS

Sign Type	Definition	Example Graphic
Freestanding Sign	A <i>sign</i> that is not attached to a <i>building</i> but rather a supporting <i>structure</i> attached to the ground. These <i>signs</i> may be ground-mounted or pole-mounted. They are often made of high-quality materials and well landscaped. <i>Signs</i> located on the All-American Road are encouraged to include relevant branding.	
Directional Sign	A <i>sign</i> that directs the public towards a <i>site</i> entrance and is visible from a public right-of-way, or any <i>sign</i> that provides traffic regulation on private property. These <i>signs</i> are private and for information only, and they cannot be enforced by local law enforcement.	
Address Sign - and - Building Sign	A <i>sign</i> that is located on a wall immediately adjacent to the entrance of a <i>building</i> or in a yard area. These <i>signs</i> are often used to identify a property address or to provide other information about an activity or use that occurs on the property for the general public.	

3.4 ILLUMINATION

1. No sign may be illuminated except when using external lighting, where the source of light is external to, and independent of, the sign structure, and illumination radiates toward the message area and away from the viewer. This includes goose neck, linear sign lights, and ground mounted spotlights. Interior illumination of signs is not permitted in any case.
2. The light from any illuminated *sign* will be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.
3. No *sign* will have blinking, flashing, or fluttering lights, or any other illuminating device which has a changing light intensity, brightness, or color.
4. Beacon lights are not permitted.
5. No colored lights will be used at any location or in any manner so as to be confused with or construed as traffic control devices.
6. Neither the direct, nor the reflected light from primary light sources will create a traffic hazard to operators of motor vehicles on public thoroughfares.
7. No exposed reflective type bulbs, no strobe light, nor incandescent lamp which exceeds 15 watts will be used on the exterior surface of any *sign* so as to expose the face of the bulb, light, or lamp to any public *street* or adjacent property.
8. All new lighting for signs will be dark-sky compliant and use LED fixtures with automatic, light-sensitive shut-off technology that will turn off all sign lighting during daylight hours.

### 3.5 ELECTRONIC MESSAGE CENTER (EMC)

1. Electronic message centers is permitted as a component of permitted signage for gasoline stations, quasi-public/institutional uses, and fire companies. One *sign* of equal or less *sign* area and height, which is not an EMC, is permitted in lieu of the EMC, but not both *signs*.
2. No *sign* containing an electronic message center will be located within 125 feet of any signalized intersection as measured from the point where the existing right-of-way lines of the intersecting *streets* meet. In a case where a rounded or *cut* property corner exists, this measurement will be taken from the point of the intersection of the existing rights-of-way lines, as extended. The distance will be measured along the right-of-way line from the point of intersection. (See graphic illustration.)
3. Any electronic message center that is located within 300 feet of any residential use will be required to automatically turn off between the hours of 11:00 p.m. and 6:00 a.m. daily.
4. An electronic message sequence will be accomplished by means of fading or dissolving but will not scroll, travel, or flash. A transition sequence will be completed in no less than eleven (11) seconds.
5. No portion of any *sign* may change its message or background in a manner or by a method of display characterized by motion, other than fading or dissolving, or pictorial imagery or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.
6. Electronic message centers will be designed to freeze the display in one static position, display a full black *screen*, or turn off completely in the event of any malfunction.
7. Portable electronic message signs are prohibited. No electronic message center will be permitted to be included as part of any *sign* that will be erected for a limited timeframe.
8. Digital road signs, electronic traffic signs, and other variable message signs that provide real-time information to drivers, erected by governmental bodies and agencies including the State, County, and other local governments are not electronic message centers.



3.6. PERMITTED SIGNS									
Rural = AZD, RCD, and on any <i>bona fide</i> farm									
Residential = RC, CAR, and CR									
Business = C, CCA, EC, ECCA, M									
Village = V, IV Options are chosen by applicant; they are not based on sizes									
Special = Special exception uses when approved by the Board of Appeals and existing businesses in districts where they are no longer operating as permitted uses									
A. GROUND-MOUNTED and MONUMENT-TYPE SIGNS									
Agricultural: advertising products raised on the premises and ag industries only (prior 16 sq ft)		1	32	8	Yes		X		
Subdivision, rural: located at subdivision primary vehicle entrance only		1	4	8	Yes		X		
Subdivision, residential: located at subdivision primary vehicle entrance only		1	10	8	Yes			X	
Electronic Message Center (EMC) at gas stations, quasi-public/institutions, and fire companies		1	32	8	Yes		X	X	
B. BUILDING-MOUNTED SIGNS									
Window signs including neon signs but not temporary paper signs or banner signs		1	2	N/A	Yes			X	X
Small wall sign: PER ESTABLISHMENT: 5% of the area of the front façade and a max of ...		1	25	N/A	Yes				X
<u>OR</u> Projecting sign, small: PER ESTABLISHMENT, if no flat sign is erected (choose one)		1	5	N/A	Yes				
BUILDINGS WITH A GROSS FLOOR AREA LESS THAN 20,000 SQUARE FEET		1	25	N/A	Yes			X	
Medium wall sign: PER ESTABLISHMENT: 5% of the area of the front façade and a max of ...		1	10	N/A	Yes				
<u>OR</u> Projecting sign, medium: PER ESTABLISHMENT, if no flat sign is erected (choose one)									
BUILDINGS WITH A GROSS FLOOR AREA EQUAL TO OR GREATER THAN 20,000 SQUARE FEET		1	100	N/A	Yes			X	
Large wall sign: PER ESTABLISHMENT: 1.5 sq ft per linear foot of front façade with a max of ...		1	10	N/A	Yes				
(Signage colors to be approved by <i>Planning Commission</i> ; not eligible for bonus; see footnote †)									
<u>OR</u> Projecting sign, large: PER ESTABLISHMENT, if no flat sign is erected (choose one)		1	10	N/A	Yes				
C. DETACHED SIGNS and INCIDENTAL SIGNS									
Free-standing Pole sign <u>OR</u> Ground-mounted sign									
Business sign: for a stand-alone business or common development (e.g., <i>shopping center</i> )		1	25	25	Yes			X	X
Directory sign: identifying three or more establishments within a common development		1	65	8	Yes			X	
Waterfront sign: if directed at the water, for a stand-alone business or common development		1	20	20	Yes			X	
Incidental signs									
Address sign (formerly nameplate sign)		1	2	N/A	No		X	X	X
Building sign (formerly home occupation sign)		1	2	N/A	No		X	X	X
Directional signs (number not limited)		N/A	4	4	Yes		X	X	X
Flags of any Nation, State, County, or Municipality		3	28	N/A	Yes		X	X	X
Flag additional (formerly noted as non-commercial)		1	15	N/A	Yes			X	X
Portable or Temporary signs (including banners, sandwich boards, and yard signs)		1	6	8	No			X	X
Warning signs – danger, no trespassing, no hunting, and other warnings (number not limited)		N/A	2	6	No		X	X	X
TOTAL OVERALL SIGN AREA ALLOWANCE FOR ANY SINGLE BUILDING + 1.5 square feet per linear foot of building frontage and no more than:			100 sq feet					X	X

†Buildings with a gross floor area equal to or greater than 20,000 square feet are exempt from the single-building maximum sign area limitation above.

### 3.7 CRITERIA FOR BONUS SIGN AREA

To encourage design excellence, the maximum *sign* areas in the Rural, Residential, Business, and Village categories may be increased by the percentages outlined below. A separate bonus is granted for compliance with each of these criteria and the area is cumulative, but the percentage is based on the original *sign* area. In no case will the overall *sign* area exceed 64 square feet.

1. Detached signs, both pole-mounted and monument-type, may be increased as follows:
  - (A) Twenty (20) percent when the *sign* is constructed of solid wood and uses colors approved by the *Planning Commission*.
  - (B) Ten (10) percent when a directory *sign* utilizes uniform coloring and lettering for all establishments listed in the directory with an exception for one major facility.
  - (C) Twenty (20) percent when the *sign* is installed in a landscaped planter having an area twice the area of the resultant *sign* and the entire area is approved by the *Planning Commission*.
  - (D) Fifteen (15) percent when the *sign* is not designed or used with illumination, only indirect lighting is permitted.
  - (E) Twenty (20) percent when the *sign* uses a pedestal or monument base and does not exceed 5 feet in height.
2. Wall signs may be increased as follows, if they project less than 12 inches from the wall:
  - (A) Ten (10) percent when all the lettering and background is uniform in style and color for signs in a *shopping center* or for any three consecutive separate establishments.
  - (B) Fifteen (15) percent if the *sign* is not designed or used with any illumination, only indirect lighting is permitted.
  - (C) Five (5) percent if the *sign* design compliments and utilizes the architectural details of the facade, particularly with respect to *historic structures*.
3. Temporary signs may be increased by the *Planning Commission* for project construction.

### 3.8 SIGN PERMIT REQUIRED GENERALLY

Except for the signs listed below, which may be erected without obtaining a permit, every *person* desiring to erect a *sign* will first obtain a *sign* permit along with all other permits required by law.

### 3.9 REGULATED SIGNS NOT REQUIRING A SIGN PERMIT

#### GROUND-MOUNTED and MONUMENT-TYPE SIGNS

1. In keeping with the content-neutral approach, new or replacement *sign* copy, including repainting and new cabinet faces will not require a *sign* permit, as long as the calculated *sign* area remains unchanged. Changes to electrical equipment will require an inspection.



**BUILDING-MOUNTED SIGNS – THIS SUB-SECTION GRANTS ADDITIONAL SIGNS AND SIGN AREA**

1. Temporary paper *signs* in windows that occupy less than 30 percent of each window area.
2. Painted logos, decals, or other informational symbols, such as credit card logos, directly inside of, or on the surface of, a window and/or door on the ground floor of a *building*, if the area of such informational *signs* is less than five (5) percent of the area of the window.
3. In keeping with the content-neutral approach, new or replacement *sign* copy, including repainting and new cabinet faces will not require a sign permit, as long as the calculated *sign* area remains unchanged. Changes to electrical equipment will require an inspection.

**DETACHED and INCIDENTAL SIGNS**

1. Address signs, building signs, flags, warning signs, and non-illuminated directional signs.
2. Portable or Temporary signs displayed for 60 days or less within any given calendar year.
3. In keeping with the content-neutral approach, new or replacement *sign* copy, including repainting and new cabinet faces do not require a *sign* permit, as long as the calculated *sign* area remains unchanged. Changes to electrical equipment will require an inspection.

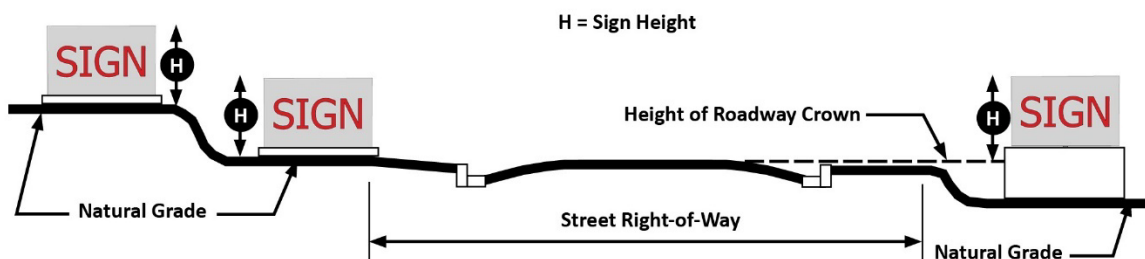
**3.10 SIGNS EXEMPT FROM ANY REVIEW AND NOT SUBJECT TO THIS SECTION**

The signs listed below may be erected without any review and are not subject to this sign section.

1. Federal, State, and County program-related interpretative signs for farmland preservation and archeological, cultural, and historic programs such as byways and All American Roads.
2. Public signs representing a public interest, erected by, or on the order of a public official.
3. Temporary public notices for public meetings and public hearings, erected by the County.
4. Traffic and information signs erected in the public rights-of-way by a governmental body.

**3.11 HOW TO MEASURE SIGN DIMENSIONS**

1. *Sign* Height Measurement



The height of a *sign* will be measured from the higher of (1) the natural *grade* immediately adjacent to or directly beneath the *sign* base, which will not be raised so as to create additional *sign* height, or (2) the height of the *roadway* crown of the adjacent *street* which the *sign* faces, to the highest point of the *sign* structure, including the bracket, supports, and any *sign* face surrounds. The above diagram illustrates *sign* height measurement.

## 2. Sign Area Measurement

- (A) For signs mounted on a freestanding background or projecting from a *building*, the entire area of the framework or background of the *sign* is calculated as the *sign* area, including any material or color forming the *sign* face or background used to differentiate the *sign* from the *sign structure* against which it is placed. *Sign* area does not include any supporting framework or bracing unless such framework or bracing is part of the message or *sign* face. (Diagram “A” below).
- (B) For signs consisting of freestanding letters or features attached to a wall or monument, the *sign* area is calculated as the total area of an imaginary rectangle that contains all letters or features of the *sign*. (Diagram “B” below).



A



B

- (C) **Other computations.** Only one side of a double-faced *sign* is included in the computation of *sign* area, when the two *sign* faces are placed back-to-back, so both are no more than 24 inches apart at their furthest distance. The area of a cylindrical sign is computed by multiplying one-half of the circumference by the height of the *sign*. Regular geometric shapes may be calculated using formulas.

## 3.12 SIGN LOCATION AND SAFETY

1. All ground-mounted *signs* will be setback no less than five feet from the right-of-way line.
2. All supports and wiring for building-mounted signs will be concealed from public view.
3. *Signs* will not be situated so they interfere with the movement or visibility for pedestrians, cyclists, or motorists, or so they obstruct views of traffic signals or other traffic devices.
4. *Signs* and their supporting *structures* will not interfere with public utility equipment or communication lines/equipment that are either above or below the *grade*.
5. At a minimum, *signs* shall not be located within the visibility triangle adjacent to the intersection of any *streets*. Wall *signs* and any other *signs* that are placed flat against a *building* wall are not subject to this requirement.

### 3.13 PROHIBITED SIGNS GENERALLY

Except as otherwise provided, the following *signs* are prohibited:

1. *Signs* including all billboards, outdoor advertising *structures*, poster panels, and *signs* of any type, which advertise products or services that are not available on the *premises*.
2. *Signs* that visually simulate an official traffic control device, warning *sign*, or regulatory *sign*, or which hide from view any traffic control device, signal, or public service *sign*.
3. *Signs* that interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic.
4. *Signs* in the form of pennants, balloons, streamers, ribbons, spinners, strings of lights, air- or gas-filled figures, or other devices that are moved by wind, machine, or human activity.
5. *Signs* on public rights-of-way other than publicly owned or maintained signs and signs pertaining to railroad crossings.
6. *Signs* containing obscene statements, words, symbols, or graphic depictions that may be construed to offend public morals or decency.
7. *Signs* that emit or utilize, in any manner, any kind of sound that is produced by the *sign*.
8. *Signs* attached to a fire escape or that obstruct any fire escape, any means of egress, or ventilation, or will prevent free passage from one part of a roof to any other part.
9. *Signs*, other than approved Electronic Message Centers, that change color(s), flash, blink, oscillate, or intimate movement through lighting effect(s) or the use of video display of any kind, and in any way visible from the right-of-way or any other adjacent properties.
10. *Signs* painted or affixed on the roof of a *building* or supported by posts, poles, uprights, or braces extending from or attached to the roof of a *building* or projected above the roof of a *building* or above the parapet. Signs that extend above any eave line are prohibited.
11. *Signs* attached to a fence, wall, gazebo, antenna, other *sign*, *tree* or other vegetation, or to any public *structure* such as a utility pole or lamppost.

### 3.14 SIGN MAINTENANCE

All *signs* will be maintained in safe structural condition, in compliance with all applicable *building*, life safety, and electrical codes, and in conformance with this section at all times. Maintenance includes replacement of defective bulbs, parts, materials, painting, repainting, cleaning, and any other act required for maintenance of *signs*. If a *sign* is not adequately maintained or kept in good repair, the County may require its removal, utilizing the provisions in the section below.

### 3.15 REMOVAL OF UNSAFE, UNLAWFUL, OR ABANDONED SIGNS

1. Upon written notice by the County, the property owner of record where a *sign* is located will remove the *sign*, if it is unsafe, was unlawfully erected in *violation* of this section after August 1, 1989, or the permitted use related to the *sign* has been abandoned or vacated.

2. After 30 days from the date of the notice, the County may remove or cause to be removed at the expense of the property owner, any *sign* that is not in compliance with this section.
3. If any *sign* poses an immediate threat to public safety, it may be removed immediately.

### 3.16 LEGAL, NONCONFORMING SIGNS

1. A *sign* will be considered a legal, nonconforming *sign* if it:
  - (A) Does not conform to one or more of the *sign* regulations in this section; and,
  - (B) Existed on the effective date of this Land Use Ordinance; and either conformed to the *regulations* of, or was considered to be a legal, nonconforming *sign* by the Ordinance in effect on the day before the effective date of this Ordinance.
2. A prohibited *sign* existing on August 1, 1989, is considered a legal, nonconforming *sign*.
3. A legal, nonconforming *sign* may be retained in place, if the following conditions are met:
  - (A) The legal, nonconforming *sign* is not expanded, structurally altered, relocated, completely replaced, or removed except to bring the legal, nonconforming *sign* into some greater compliance with the *sign* regulations of this section; and
  - (B) The legal, nonconforming *sign* is maintained in good condition and repair.
4. A legal, nonconforming *sign* damaged or destroyed by Act of God or other circumstances beyond the control of the owner of the *sign* may be repaired, relocated, or replaced.
5. A question of the legal, nonconforming status of a *sign* is decided by the Board of Appeals in a public meeting with public notice given, per the requirements for notice in Article IV, Section 1.6.
6. With thirty (30) days of any decision or determination by any member of the Department on signs, any person may appeal the decision to the Kent County Board of Appeals.

### 3.17 RELOCATION OF LEGAL, NONCONFORMING SIGNS

A nonconforming *sign* may be relocated for road or sidewalk construction, purchases of right-of-way, or other utility or transportation projects initiated by the County or any other public agency.

## SECTION 4 STANDARDS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS

### 4.1 SETBACKS TO ACCOMMODATE REQUIRED LANDSCAPE BUFFER

1. 100 feet from any *lot* line.
2. 150 feet from the nearest wall of any residential unit.
3. Setbacks shall be measured from the property boundary to the nearest solar array or accessory equipment, buildings, or facilities that generate, maintain, operate, manage, distribute, and transmit electricity; and may not apply to any interconnection tie line or facility that connects a solar energy generating station to the electric system.

### 4.2 INSTALLATION AND MAINTENANCE STANDARDS

Solar arrays shall be constructed and maintained according to the following:

1. If solvents are required for cleaning of the solar modules, they must be biodegradable. Any unused solvents must be removed from the subject parcel.
2. All broken or waste solar modules shall be removed from the site subject parcel within 30 days of being taken out of service, including any leaching panels, and the subject parcel shall be maintained in good order.
3. All wiring not on the solar arrays shall be underground except when necessary to connect to the public utility.
4. Transmission wires to connect the project to the utility infrastructure shall not cross a roadway overhead.
5. Any required utility right of way shall be secured through an easement, lease, service agreement or other legally binding document.
6. The solar array shall be enclosed by a perimeter fence or other appropriate barrier. The fence or barrier shall:
  - (A) Secure the facility at all times to prevent unauthorized persons or vehicles from gaining access.
  - (B) All access gates will provide a sign that identifies the responsible parties or owners with current contact information.
7. Noise generated by the facility shall be limited by the project design to 65 dBA measured at the property line, to be indicated on the site plan by the engineer, except when a back-up generator is needed for maintenance. Construction on the site is exempt from this standard.
8. Solar arrays, including the electrical and mechanical components, shall conform to relevant and applicable local, State, and national codes.
9. To protect adjacent properties, and not interfere with roadways or create a safety hazard, evidence shall be provided that the solar panels are designed to avoid glare and/or

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reflection with anti-reflective coating or non-glare technology and, if necessary, have been evaluated with a solar glare hazard and analysis tool.

10. Non-array uses such as power storage are permitted as may be allowed by State Law.

**4.3 LANDSCAPE BUFFER FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS**

1. Any utility scale solar facility shall comply with the requirements of the Forest Conservation Act. Reforestation planting may be incorporated as landscaping.
2. The gross usable area for panels will exclude wetland areas that are regulated by the Maryland Department of the Environment or the U.S. Department of the Interior. Impacts associated with access or interior roads and utility crossings shall only be permitted if the applicant provides the necessary State or federal authorizations for any disturbances.
3. A buffer or vegetative screening shall be provided:
  - (A) Along all property lines; and,
  - (B) Shall be not more than thirty-five (35) feet in width; and,
  - (C) Shall be provided along locations of the exterior boundary for the solar energy generating station where existing wooded vegetation of fifty (50) feet or more in width does not exist; or,
  - (D) An alternative location within the boundary for the solar energy generating station, if the owner demonstrates that the alternative location would maximize the visual screening.
4. The buffer or vegetative screening shall:
  - (A) Provide for four–season visual screening of the solar energy generating station;
  - (B) Be placed between any fencing and the public view;
  - (C) Include multilayered, staggered rows of overstory and understory trees and shrubs that:
    - i. Are a mixture of evergreen and deciduous vegetation;
    - ii. Are predominantly native to the region;
    - iii. Are more than four (4) feet in height at planting;
    - iv. Are designed to provide screening or buffering within five (5) years of planting;
    - v. May not be trimmed to stunt upward or outward growth or to otherwise limit the effectiveness of the visual screen;
    - vi. Conform to the plant size specifications established by the American Standard for Nursery Stock (ANSI Z60.1);
    - vii. Are specified in a landscaping plan prepared by a qualified professional landscape architect;

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- (D) Be installed as early in the construction process as practicable and before the activation of the proposed solar energy generating station;
  - (E) Preserve to the maximum extent practicable and supplemented with new plantings where necessary, any forest or hedgerow that exists at a location where visual screening or landscape buffering is required; and
  - (F) Shall be maintained with a 90% survival threshold for the life of the solar energy generating station through a maintenance agreement that includes a watering plan.
5. With respect to the site on which a solar energy generating station is proposed for construction, the owner of the solar energy generating station:
- (A) Shall minimize grading to the maximum extent possible;
  - (B) May not remove topsoil from the parcel, but may move or temporarily stockpile topsoil for grading;
  - (C) To maintain soil integrity, shall plant native or noninvasive naturalized vegetation and other appropriate vegetative protections that have a 90% survival threshold for the first three years of the life of the solar energy generating station;
  - (D) Shall limit mowing and other unnecessary landscaping;
  - (E) May not use herbicides except to control invasive species in compliance with the Department of Agriculture's weed control program;
  - (F) Shall post for the first five (5) years of the life of the solar energy generating station a landscaping bond equal to 100% of the total landscaping cost with the County in which the solar energy generating station is located.
  - (G) Three (3) years after posting the bond, if, on inspection, the vegetative protections meet a 90% survival threshold, 50% of the landscaping bond shall be released
  - (H) Following the 50% release of the landscaping bond, the remaining landscaping bond shall be held for an additional two (2) years and, on further inspection and confirmation that the vegetative protections continue to meet a 90% survival threshold, shall then be released.

#### **4.4 IRRIGATION REQUIRED**

Irrigation shall be provided to assist in maintaining plant materials in a healthy condition for all newly created landscape buffer areas. Plants shall be watered in a manner adequate to ensure establishment and survival. The landscape plan shall include a watering schedule appropriate for the proposed plantings, which may include service by on-site irrigation or water truck, until the plant material is sufficiently established to survive on natural soil moisture. An irrigation system is subject to the following:



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1. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto nontargeted areas such as adjacent properties, roadways, or structures.
2. All automatic irrigation systems shall be designed to minimize water usage and shall be manually shut off during water emergencies or water rationing periods.
3. An alternative form of irrigation for a particular site may be approved through the applicable review process upon determining that underground irrigation is not necessary or available for the type of plant material being proposed.

**4.5 MAXIMUM HEIGHT – HEIGHT LIMITATION SET BY MARYLAND STATE LAW**

A proposed utility-scale solar energy system and any accessory structures associated with the station must have an average height of not more than fifteen (15) feet.

**4.6 MAINTENANCE AGREEMENT REQUIRED**

A maintenance agreement for the landscape plan shall be provided with a surety or other financial assurance to cover replacement of the plantings and irrigation systems. All plantings shall be maintained in a live, healthy condition for the duration of the solar array life and shall be replaced by the solar array operator as necessary with appropriately sized plant material as necessary to maintain all required buffering standards.

**4.7 LANDSCAPE SURETY REQUIRED**

The surety may be provided on a phased basis per the landscape phasing plan and shall be held by the County for a period of three years following planting, after which the County, upon satisfactory inspection of the landscape buffer may release 50% of the surety, and the remaining 50% may be released after an additional two years. The County then reserves the right to inspect and require replacement for the duration of the solar array.

**4.8 PROJECT ENTRANCE REQUIREMENTS**

Entrances to the project should be designed to ensure that neighboring properties, public rights-of ways and roads are not exposed to an unscreened view through the entranceway. The use of a wire mesh or chain-link gate or fence with vinyl interwoven strips is not acceptable.

**4.9 COMPLIANCE WITH FEDERAL AND STATE REQUIREMENTS**

The project shall comply with all applicable federal and State regulations, including by not limited to obtaining a Certificate of Public Convenience and Necessity from the Public Service Commission if required, and in the removal and disposal of the utility scale solar array and all of its components.



**4.10 COMPLIANCE WITH ALL OTHER PUBLIC LAWS OF KENT COUNTY**

The project shall comply with all other applicable regulations, as contained in the Public Laws of Kent County.

**4.11 PROJECT BONDING REQUIREMENTS FOR PROJECTS THAT ARE NOT BONDED WITH THE STATE OF MARYLAND PURSUANT TO STATE LAW**

The Project shall comply with the bond-related requirements below:

1. A bond, surety letter, or other financial instrument for removal of all solar-related structures and non-vegetative improvements on the site and for the restoration of the site to its pre-project condition shall be submitted, to be based on bona fide written estimates prepared by third-party consultants;
2. The cost estimate shall address provisions for the safe removal and proper disposal of all components of the project, including any components containing hazardous or toxic materials including leachates;
3. An estimate for review by County shall be submitted;
4. Bond shall be maintained for the life of the project;
5. Bonding may be in coordination with other required bonding by the State of Maryland, PSC, PULJ, PPRP, etc.;
6. In the event that no other bonding is required, then a bond in favor of the County shall be required;
7. Said bonding shall include an escalator provision based on changes to the cost of restoration, which shall be evaluated and updated every five years;
8. Said bond shall be for 125% of the above estimate(s) and/or updated estimate(s) from five-year reviews;
9. Said bond shall be redeemable by the County upon a finding that the project has been abandoned, with or without notice from project operators, if project has, in fact, been abandoned by its operators; and
10. The Project will be considered to be abandoned, if there is no electric generation provided to the grid for a period of twelve (12) consecutive months.

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