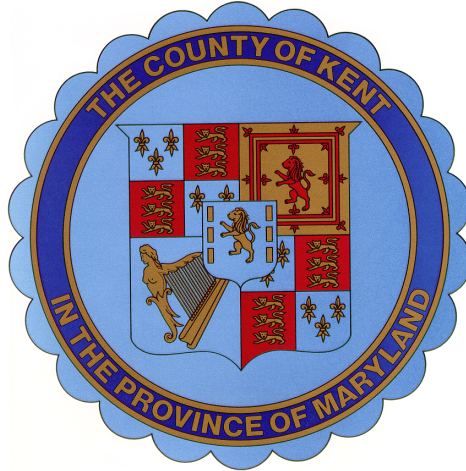


LAND USE ORDINANCE
KENT COUNTY, MARYLAND



ADOPTED: December 3, 2002

AMENDED: August 19, 2003
AMENDED: July 20, 2004
AMENDED: September 7, 2004
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TABLE OF CONTENTS

ARTICLE		PAGE
I.	TITLE AND APPLICABILITY	1
II.	PURPOSE	1
III.	DISTRICTS AND DISTRICT MAPS	2
IV.	GENERAL PROVISIONS	4
V.	DISTRICT REGULATIONS	
	SECTION 1. AGRICULTURAL ZONING DISTRICT	9
	SECTION 2. RESOURCE CONSERVATION DISTRICT	27
	SECTION 3. RURAL CHARACTER DISTRICT	45
	SECTION 4. RURAL RESIDENTIAL	61
	SECTION 5. CRITICAL AREA RESIDENTIAL	77
	SECTION 6. COMMUNITY RESIDENTIAL	95
	SECTION 7. VILLAGE DISTRICT	109
	SECTION 8. INTENSE VILLAGE	129
	SECTION 9. INTENSE VILLAGE CRITICAL AREA	149
	SECTION 10. CROSSROADS COMMERCIAL	171
	SECTION 11. COMMERCIAL	187
	SECTION 12. COMMERCIAL CRITICAL AREA	201
	SECTION 13. MARINE	219
	SECTION 14. EMPLOYMENT CENTER	235
	SECTION 15. INDUSTRIAL	253
	SECTION 16. INDUSTRIAL CRITICAL AREA - LDA	269
	SECTION 17. INDUSTRIAL CRITICAL AREA	289

ARTICLE	PAGE
VI. SPECIAL PROVISIONS	
SECTION 1. PARKING AND LOADING.....	309
SECTION 2. SIGNS.....	313
SECTION 3. SUPPLEMENTARY REGULATIONS	321
SECTION 4. SHORELINE CLIFF	329
SECTION 5. SITE PLAN REVIEW.....	331
SECTION 6. SUBDIVISION.....	347
SECTION 7. FLOODPLAIN	361
SECTION 8. FOREST CONSERVATION	373
SECTION 9. EROSION AND SEDIMENT CONTROL	383
SECTION 10. STORMWATER MANAGEMENT.....	395
SECTION 11. COUNTYWIDE STANDARDS FOR UTILITY-SCALE SOLAR ENERGY SYSTEMS	395
VII. SPECIAL EXCEPTIONS	405
VIII. NONCONFORMITIES	429
IX. VARIANCES AND WAIVERS.....	433
X. BOARDS AND COMMISSIONS	445
XI. DEFINITIONS.....	447
XII. ADMINISTRATION.....	481

ARTICLE I. TITLE AND APPLICABILITY

SECTION 1. TITLE

This Ordinance shall be known as the Land Use Ordinance for Kent County, Maryland. It provides a unified, comprehensive approach to *regulations* that affect land use including Zoning, *Subdivision*, *Forest Conservation*, *Floodplain Management*, Sediment and Erosion Control, *Stormwater Management*, and the Chesapeake Bay *Critical Area*.

SECTION 2. APPLICABILITY

1. The provisions of this Ordinance shall apply to the unincorporated territory of Kent County, Maryland.
2. Except as otherwise provided by this Ordinance, all land use that occurs within the unincorporated territory of Kent County, Maryland shall comply with the applicable terms and requirements of this Ordinance.
3. No *lot* shall be created which does not conform to the applicable requirements of this Ordinance.

ARTICLE II. PURPOSE

The purpose of this Ordinance is to implement the Kent County *Comprehensive Plan* and to promote the health, safety, general welfare, and prosperity of the present and future inhabitants of Kent County, Maryland by:

1. Giving effect to policies and proposals of the Kent County *Comprehensive Plan*.
2. Reducing financial burdens imposed on the community by preventing unwise land use that requires costly infrastructure, harms existing communities, or is in areas of natural hazards such as *floodplains*, *shoreline cliffs*, *steep slopes*, and areas subject to *erosion*.
3. Minimizing damage to public and private property.
4. Providing for the preservation and enhancement of the attractiveness of Kent County through good design and arrangement, and the provision of adequate *public utilities*, *open space*, services, and facilities.
5. Enhancing the County's employment base.
6. Protecting and preserving Kent County's agricultural industry and the prime agricultural *soils* essential to the conduct of this industry.
7. Providing efficiency in the process of *development*.
8. Protecting Kent County's significant historic *structures* and areas from destruction or encroachment.
9. Protecting the biological and environmental quality of Kent County, including *forest*, water quality, habitat, and *wetlands*.

10. Reducing the effects of land use on land *erosion* or stream channel *erosion*.
11. Dividing the territory of Kent County, Maryland into zoning districts; governing the use of the land and the intensity of such use, including *bulk* and height.
12. The purposes of the *Floodplain* Management provisions are to provide public awareness for flooding prevention; to protect individuals from unknowingly buying land and *structures* subject to *flood* hazard; and to encourage appropriate construction practices in order to prevent or minimize future *flood* damage.
13. The purposes of the *Stormwater Management* provisions are to reduce local flooding, to control *adverse impacts* associated with increased *stormwater*; and to improve or substantially maintain after *development* the predevelopment runoff characteristics of the *site*.

ARTICLE III. DISTRICTS AND DISTRICT MAPS

SECTION 1. ESTABLISHMENT OF DISTRICTS

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

- Agricultural (AZD)
- Rural Character (RC)
- Rural Residential (RR)
- Community Residential (CR)
- Village (V)
- Intense Village (IV)
- Commercial (C)
- Crossroads Commercial (CC)
- Employment Center (EC)
- Industrial (I)

Within the Resource Conservation Area of the *Critical Area*:

Resource Conservation (RCD)

Resource Conservation Areas are those areas characterized by *nature-dominated* environments (that is, wetlands, forest and abandoned fields) and resource-utilization activities (that is, agriculture, forestry, fisheries' activities or aquaculture). As of December 1, 1985, these areas had at least one of the following features:

1. Density was less than one dwelling unit per 5 acres; or
2. Dominant land use was in agriculture, wetland, forest, barren land, surface water or open space.

Within the Limited Development Area of the *Critical Area*:

Critical Area Residential (CAR)
Commercial Critical Area (CCA)
Industrial Critical Area – LDA (ICA-LDA)

Limited Development Areas are those areas which are currently developed in low or moderate intensity uses. They also contain areas of plant and animal habitats, and the quality of runoff from these areas has not been substantially altered or impaired. As of December 1, 1985, these areas had at least one of the following features:

1. Housing density ranging from one dwelling unit per 5 acres up to four dwelling units per acre;
2. Areas not dominated by agriculture, wetland, forest, barren land, surface water or open space;
3. Areas meeting the conditions of an intense development area but not concentrated in an area of at least 20 acres; or
4. Areas having public sewer or public water or both.

Within the Intense Development Area of the *Critical Area*:

Intense Village Critical Area (IVCA)
Marine (M)
Industrial Critical Area (ICA)
*Conference centers, resorts, retreats, campgrounds,*** and other uses that have received growth allocation.
Commercial Critical Area parcels that have received growth allocation*

Intense Development Areas are those areas where residential, commercial, institutional and/or industrial developed land uses predominate and where relatively little natural habitat occurs. As of December 1, 1985, these areas had at least one of the following features:

1. Housing density equal to or greater than four dwelling units per acre;
2. Industrial, institutional or commercial uses concentrated in the area; or
3. Public sewer and water collection and distribution systems were currently serving the area and housing density was greater than three dwelling units per acre; and
4. These areas are concentrated in an area of at least 20 acres.

SECTION 2. ESTABLISHMENT OF DISTRICT MAP

Such land and the district classifications thereof shall be shown on the map designated as the “Zoning District Map of Kent County, Maryland,” dated and signed by the President of the County Commissioners and attested by the Clerk of the County Commissioners upon adoption. This Zoning District Map and all notations, dimensions, references, and symbols thereon shall be considered a part of this Ordinance and shall be filed as a part of this Ordinance with Kent County Department of Planning and Zoning. The original map shall be marked “Original Copy” and is not to be altered or removed from the Department of Planning and Zoning except by Court Subpoena. Copies of the Zoning Map shall be available for inspection in the Department of Planning and Zoning.

SECTION 3. ANNUAL REVISION OF THE DISTRICT MAP

No later than March 31 of the year following adoption of this Ordinance, copies of the map shall be available to the public. In each calendar year thereafter, the Zoning Map shall be revised no later than March 31, reflecting changes in permitted uses, district boundaries or classification, and land use *regulations* as of December 31 of the preceding year.

SECTION 4. PERIODIC REVIEW

At least every six years, the *Planning Commission* and County Commissioners shall review the land use *regulations* and district map for consistency with the *Comprehensive Plan*, deficiencies or difficulties in administration, or any other reason the Commission may determine.

SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES

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

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

SECTION 6. ESTABLISHMENT OF CRITICAL AREA LINE*

1. The Critical Area Line shall be shown on the map designated as the “Critical Area Line Map of Kent County, Maryland” dated and signed by the President of the County Commissioners and attested by the Clerk of County Commissioners upon adoption. Such map delineates the Critical Area and shall be used to determine if such land is located within the Critical Area. For any land referenced to be within the Critical Area according to the “Critical Area Line Map of Kent County” one must follow the Critical Area requirements and regulations as follows:
 - a. If referenced on the “Zoning Map” as a Critical Area zoning district, then the established zoning district must be adhered by.
 - b. If according to the “Critical Area Line Map” the land is within the Critical Area then the requirements and regulations of the most similar Critical Area zoning district and the established Critical Area designation must be followed. This includes Title 27 of the Code of Maryland Regulations (COMAR).
2. This Section shall remain in effect while Kent County undertakes its Comprehensive Rezoning and Update process, which will result in a new Comprehensive Land Use Ordinance” and “Zoning Map.” The “Critical Area Line Map” will be incorporated into the “Zoning Map” and will no longer be a stand-alone map. Upon the adoption of the Comprehensive Land Use Ordinance and “Zoning Map,” this Section shall be abrogated and of no further force and effect.

ARTICLE IV. GENERAL PROVISIONS

SECTION 1. COMPLIANCE WITH REGULATIONS

Hereafter, the following shall not take place unless in conformity with the *regulations* set forth in this Ordinance:

- Change of a use of any land and *structures*.
- Construction, reconstruction, modification, extension, or expansion of *buildings* or *structures*.
- Placement of *fill* and land *excavation*.
- Land *clearing*.
- Dumping or storage of materials.
- *Subdivision*.

SECTION 2. CONFLICT WITHIN ORDINANCE

In the event of any conflict between the limitations, requirements, or standards contained in different provisions of this Ordinance, the more restrictive provision shall apply.

SECTION 3. CONFLICT WITH OTHER REGULATIONS

In the event that this regulation conflicts with other federal, state, or local *regulations*, the more restrictive regulation shall prevail.

SECTION 4. USES NOT LISTED

For the purposes of this Ordinance, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other *regulations* of this Ordinance, uses not specifically listed are prohibited.

SECTION 5. ACCESSORY STRUCTURES; PRIOR CONSTRUCTION

No *accessory structure* shall be constructed more than six months prior to the construction of the main *structure*. No *accessory structure* shall be used for more than six months unless the main *structure* is also being used or is under construction.

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*. More than one extension may be granted.*

SECTION 6. PARCEL OF RECORD REQUIRED

Every new *structure* or any *structure* that is relocated shall be on a parcel of record; in no case shall there be more than one main *structure* on a single parcel unless otherwise provided by this Ordinance.

SECTION 7. ENCROACHMENT OR REDUCTION OF HEIGHT, BULK, AND AREA REQUIREMENTS

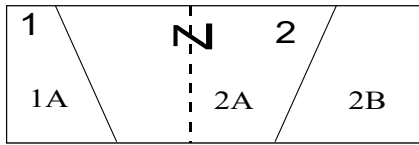
No parcel area or dimension shall be reduced below the requirement of this Ordinance. The minimum *yards*, parking, and *loading spaces* required by this Ordinance shall not be encroached upon unless otherwise provided by this Ordinance.

SECTION 8. DENSITY DETERMINATION

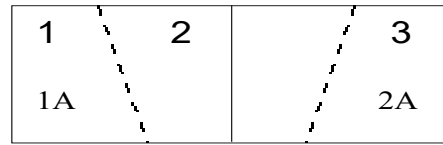
Outside the Chesapeake Bay *Critical Area*, all lots, parcels, *sites*, and other divisions of land recorded after August 1, 1989, from an original *lot, tract*, or parcel of land described in the Land Records of Kent County, shall be counted in determining the permitted *density* of a parcel of land. Within the Chesapeake Bay *Critical Area*, all lots, parcels, *sites*, and other divisions of land recorded after December 1, 1985, shall be counted in determining the permitted *density* of a parcel of land. The original parcel is counted when determining *density* both within and outside the Chesapeake Bay *Critical Area*.

SECTION 9. SUBDIVISION

1. *Lot Determination* - All lots, parcels, *sites*, and other division of land recorded after December 23, 1969 from an original *lot, tract*, or parcel described in the Land Records of Kent County shall be counted in determining the number of lots in the *subdivision*. The original *lot* is also counted in determining the number of lots.
2. *Subdivider Must Prepare and Record Plat* - Any owner who subdivides land into lots, blocks, *streets, alleys*, public ways, or public grounds shall prepare a plat of *subdivision* to be made in accordance with the *regulations* set forth herein and the laws of the State of Maryland and shall record a copy of the plat with the Kent County Clerk of Court.
3. *Approval of Plat Required* - A plat of *subdivision* shall not be recorded by the Kent County Clerk of Court until the plat is approved by the Kent County Planning Commission or where applicable the Planning Director.
4. *Transfer of Land; Building Permits* - No parcel of land in a *subdivision* created after December 23, 1969 shall be transferred, sold, or offered for sale, nor shall a building permit be issued for any *structure* thereon, until a plat of *subdivision* is recorded with the Kent County Clerk of Court.



Original Parcels



Proposed Parcels

5. Resubdivision - When recording resubdivisions or combining lots in recorded subdivisions, letters rather than numbers should be used to indicate lots whose boundary and area have been affected.

The numerical sequence shall remain intact to avoid confusion in the future.

6. *Major Subdivision* - A major *subdivision* is any *subdivision* containing six (6) or more lots, parcels, plats, *sites*, or other divisions of land.
7. *Minor Subdivision* - A minor *subdivision* is any *subdivision* containing five (5) or fewer lots, parcels, plats, *sites*, or other division of land.
8. *Private roads* - *Private roads* are only allowed in minor subdivisions. A *private road* may serve no more than five (5) parcels. *Private roads* shall comply with the Kent County Road Design and Construction Standards.

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ARTICLE V. DISTRICT REGULATIONS

SECTION 1. AGRICULTURAL ZONING DISTRICT

1.1 STATEMENT OF INTENT

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

1.2 PERMITTED PRINCIPAL USES AND STRUCTURES

A *building* or land shall be used only for the following purposes:

1. *Agriculture*, including horticultural, hydroponics, general farming, orchards, groves, or nurseries for growing or propagation of plants, trees, and shrubs.
2. The keeping, dairying, or raising for sale of animals, fish, birds, or reptiles but not including poultry houses, *feedlots*, horses, mules, or confinement dairies. Nutrient management plans are required. The Planning Director may waive the nutrient management plan for 4-H projects and FFA projects.
3. *Aquaculture*, including accessory processing and sales.
4. *Camp, day or boarding*, private or commercial, but not *recreational vehicle* or migrant labor camps.
5. 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 with this district.
6. Detached *single family dwellings*.
7. *Erosion and flood control structures*.
- 7.5 Farm brewery, as defined by the State of Maryland**
8. Greenhouses, wholesale or retail.
9. Hunting blinds, pits, or preserves.
10. Livestock auction houses.
- 10.5 Multi-Family and Two-Family Dwellings, provided: *
 - 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 shall be five (5) acres.

- e. If subdivision approval is sought: (1) minimum lot size, setback and yard requirements, maximum height of structures, and off-street parking requirements shall be determined by the Planning Commission; (2) open space shall be provided as required in Section 1.6(4) of this Article; (3) forest conservation requirements shall be satisfied; and (4) site access standards of Section 1.8(B)(1) and (3) of this Article shall be met in so far as possible.
11. *Personal wireless facilities* collocated on existing towers, water towers, electrical transmission towers, fire towers, silos, *grain dryers*, or other *structures* provided the height of the existing *structure* is not above that permitted by this Ordinance.
 12. Poultry houses provided:
 - a. Poultry houses, waste management facilities, composters, and the area for the disposal of animals shall be a minimum of 600 feet from all property lines.
 - b. No poultry house, waste management facility or composter shall be in the *100-year floodplain*.
 - 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. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorous is a problem or has the potential to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.
 - d. Land in Kent County owned by the owner/operator of the poultry house shall 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 shall be included and shall be constructed prior to receiving the first flock of chickens.
 13. Public and private *forests*, wildlife reservations and similar conservation projects.
 14. Public and private parks and playgrounds for the purpose of conserving and enjoying the natural resources, including both active and passive parks owned and operated by Kent County, the State of Maryland, or federal government but not including commercial play fields for football, baseball, and other major sports activities such as motocross or drag racing fields.
 15. Railroad *right of ways* including a strip of land with tracks and auxiliary facilities for track operations; but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, interlocking towers, and fueling, sanding, and watering stations.
 16. *Sawmills*, temporary, for cutting timber grown on the *premises*.
 17. *Stable, private* provided:
 - a. The *lot* shall be two acres or more.
 - b. Any *structure* for the housing or feeding of animals shall be a minimum of 100 feet from any property line.
 - c. There shall be no more than one horse per acre of land. Only available pasture acreage shall be used to compute the number of horses allowed on a parcel.
 - 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 shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.

18. Stable, commercial provided:
 - a. The *lot* is 20 acres or more.
 - b. Any *structure* for the keeping or feeding of animals and waste management *structures* shall be a minimum of 400 feet from any property line.
 - c. No waste management facility or *structure* for the keeping of animals is in the *100-year floodplain*.
 - d. The feeding and watering of animals are conducted a minimum of 100 feet from tidal water and *tributary streams*, both tidal and non-tidal, and 50 feet from *non-tidal wetlands*.
 - e. The operation is managed according to waste and nutrient management plans, approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorous is a problem or has the potential to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.
19. *Structures* for the buying, processing, and sale of farm products related to *agriculture*, excluding any animal products, but including seed and fertilizer sales provided that the total square footage of the *buildings* does not exceed 10,000 square feet. The 10,000 square foot restriction applies only to those *structures* associated with the approved business and not to *structures* normally associated with permitted agricultural operations. *Structures* for the buying, processing, and sale of farm products are subject to *site plan* review by the *Planning Commission* or where applicable the Planning Director.
20. Veterinary hospitals or clinics and animal shelters as defined by the County Code of Public Laws provided that all open kennels shall be at least 200 feet from all property lines. **
21. *Mobile homes* existing and in use as of January 16, 1996 may be continued in use and may be replaced with another *mobile home*, provided the replacement *mobile home* complies with the Kent County Codes and all Health Department *regulations*. It is not the intent of this provision to allow additional *mobile homes* in the County, but rather to allow the continued use and improvement (including replacement) of *mobile homes* existing as of January 16, 1996. A *mobile home* that remains idle or unused for a continuous period of two years shall not be used again except in conformity with these *regulations*.

1.3 SPECIAL EXCEPTIONS

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

1. Accessory storage *structures* with a *floor area* of more than 1,200 square feet or a height that exceeds 17 feet on parcels less than 5 acres
2. *Accessory structures* in the *front yard* of *through lots*
3. Adaptive reuse of historic *structures*
4. *Airport*, landing field, heliport, or helistop, public or private
- 4.5 Assisted living facilities with five to eight beds*

5. Cemetery, including crematorium and mausoleum
6. *Cottage industries*, tradesmen and artisan shops
7. *Country inn*
8. *Country stores*, on *primary* and *secondary roads*
9. *Day care group*
10. *Excavation contractor's yard*
11. Exposition center or fairgrounds
12. Farm employee housing
13. *Feedlot* or confinement dairy
14. Golf course, public or private
15. Migrant labor camps
16. More than four horses and mules on land less than 20 acres in size
17. *Personal wireless facility tower*
18. Poultry houses on parcels where the owner cannot handle the waste generated by the poultry houses
19. Private schools
20. *Public landings*
21. *Public utilities and structures*
- 21.5 *Rural Inn***
22. *Retreat*
23. Rifle and pistol ranges, trap and skeet shooting, sporting clays or similar activities such as paint ball, including accessory snack bars and retail sales of shooting supplies and equipment, commercial or *private club*
24. Sand and gravel pits, *excavation* or extraction (not including the removal of sod and *excavation* for foundations, *swimming pools*, *soil* and water conservation practices, and those removals approved in connection with farm use, *street* construction, *subdivision*, or planned residential *development*)
25. *Sanitary landfill* or rubble fill owned or managed by Kent County
26. *Sewage sludge land application*
- 26.5 *Solar energy systems, utility scale*, on farms*
27. *Structures* for the buying, processing, and sale of animal products, commercial
28. *Structures* for the buying, processing, and sale of farm products related to *agriculture*, including the sale of fertilizer and seed but not including animal products, in *structures* that exceed 10,000 square feet but are less than 50,000 square feet***
29. *Wind energy systems, small*, with a height that exceeds 80 feet or on parcels less than 20 acres*

1.4 ACCESSORY USES AND STRUCTURES

- A. The following *accessory uses* are permitted on all *farms* in the Agricultural Zoning District.
 1. Accessory farm *buildings*, including barns, cribs, stables, sheds, tool rooms, shops, bins, tanks, and silos. All *structures* for the keeping of animals shall be a minimum of 100 feet from any property line.
 2. Accessory open or enclosed storage of farm materials, products, equipment, or vehicles.
 3. Accessory storage of fertilizer and chemicals used in connection with the operation of the owner.
 4. Accessory *roadside stand* for the sale of farm products.
 5. Accessory farm dwellings, one on all *farms*, two on *farms* with a minimum of 50 tillable acres. Accessory farm dwellings may be *mobile homes*. These dwellings shall share a common entrance and shall be occupied by permanent employees of the *farm* or immediate members of the *family* owning or operating the *farm*. All accessory farm dwellings shall be landscaped and screened from adjacent properties.

6. *Guest house* one, but not including *mobile homes*, provided:
 - a. The house is used exclusively for non-paying guests; and
 - b. No house shall be used as a permanent residence nor be rented or sold separately from the principal dwelling.
7. One hunting trailer, temporary, from September 1 to the following February 15 continually, provided that such trailer is a minimum of 150 feet from all property lines. These shall be located around existing *buildings* and out of sight.
8. The following *accessory uses* must be at least 200 feet from all property lines:
 - a. Commercial assembly in a *totally enclosed building* not to exceed 10,000 square feet in size, and repair of all equipment normally used in *agriculture*.
 - b. Petroleum storage, not to exceed 10,000 gallons and subject to applicable safety codes, ordinances, and statutes.
 - c. Grain, flour, and feed blending and packaging, including milling, drying, and storing.
9. Parking of commercial vehicles provided:
 - 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.
10. School buses, limited to five, parked around existing *buildings* provided the buses have current licenses and are operable.
- 10.5 Waste management *structures*, where not otherwise stipulated in this Ordinance, provided: **
 - a. Waste management *structures* shall be a minimum of 600 feet from all property lines.
 - b. No waste management structure shall be in the *100-year floodplain*.
 - 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.
11. *Wind energy systems, small*, provided:*
 - 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 3 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 shall 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 shall be removed at the landowner's expense.
- B. The following *accessory uses* are permitted on all properties in the Agricultural Zoning District.
 1. Accessory *off-street parking* and loading of non-commercial vehicles that have current licenses and are operable.
 2. Accessory *dwelling unit*, one, in principal or *accessory structures* provided:
 - 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 be rented but not sold as a separate unit.

- d. The appearance of the *structure* and property remain that of a *single family dwelling* so that the average neighbor is unaware of the accessory *dwelling unit's* existence.
 - e. If the entrance to the accessory *dwelling unit* is separate from that of the primary dwelling, the entrance to the accessory *dwelling unit* shall 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*.
3. Accessory *off-street parking* of one commercial vehicle in the *rear yard* provided:
- a. The vehicle is used by the occupant of the dwelling.
 - b. The vehicle does not exceed 16,000 pounds manufacturer's gross vehicle weight.
 - c. No major repair is conducted *on-site*.
 - d. No engines may run when parked *on-site*. Electrical refrigeration units may run.
 - e. Honey wagons, sanitation, garbage, or other trucks used to transport odorous, flammable, or hazardous materials are prohibited.
 - f. The vehicle has a current license and is operable.
4. Appurtenant *signs* in accordance with Article VI, Section 2 of this Ordinance.
5. Assisted living facilities or *group homes*, with no more than four beds provided:
- 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* so that the average neighbor is unaware of the assisted living facility's or *group home's* existence.
 - e. The *structure* meets all applicable Kent County Codes, including the building code, and Health Department requirements.
6. *Dog kennels*, commercial, provided:*
- a. Any open dog pens, runs, cages, or kennels shall be 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.
7. *Day care home* provided:
- a. Outdoor play areas are fenced and screened.
 - b. Structured areas for active play or play *structures* shall not be in the *front yard* and shall 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 shall be designed to be compatible with the residential character of the neighborhood.
 - e. *Signs* shall be limited to two square feet.
8. *Home occupations* in main or accessory *buildings*
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:
- a. Ensure the compatibility of *home occupations* with other uses in residential areas.

- b. Maintain and preserve the character of residential neighborhoods by regulating the operation of *home occupations* so that the average neighbor is unaware of their existence.
- c. 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.
- d. 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 commercial uses.

Conditions -

- a. A *home occupation* shall be incidental to the use of a *dwelling unit* for residential purposes and shall be conducted only by members of the *family* residing in the *dwelling unit* plus one non-resident assistant or employee.
 - b. Outdoor storage of materials or products is prohibited.
 - c. The *home occupation* shall not cause any external effect such as noise, excessive lighting, or offensive odor that is incompatible with the characteristics of the residential area. The illegal discharge of any materials, fluids, or gases into the sewer system or in any other manner of discharging such items in violation of any applicable government code is prohibited.
 - d. Traffic generated by the *home occupation* shall not exceed that normally expected in a residential neighborhood.
 - e. Parking for the *home occupation* shall be provided off-street and in the *side* or *rear yard*.
 - f. A *home occupation* shall limit any external evidence of an occupation to one identification *sign* not to exceed two square feet.
9. *Private garages, swimming pools, game courts, and other customary residential outbuildings and structures* provided that on parcels less than five acres, the accessory storage *structures* do not exceed 1,200 square feet and a height of 17 feet.
10. *Roadside stands* offering for sale locally grown fresh agricultural products in season, operated by the owner, lessee or *tenant* of the property on which such stand is located. Adequate *off-street parking* shall be provided. Such stands shall be completely removed at the end of the local fresh produce season.
11. Satellite dish with an antenna exceeding 3 feet in diameter provided:
- a. No antenna shall exceed an overall diameter of 12 feet or an overall height of 15 feet above *existing grade*.
 - b. The antenna shall be permanently ground-mounted. An antenna shall not be installed on portable or moveable *structures*.
 - c. The antenna shall be totally screened along the non-receptive axis, and low-level ornamental landscaping shall 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 waived when the antenna is located 100 feet from all property lines or the antenna is of a nature that is not visible or intrusive to the neighborhood.
12. Satellite dish, private, with an antenna 3 feet or less in diameter and solar panel arrays provided that the antenna is not installed on portable or movable *structures*.
13. School buses, limited to two, parked in the *rear* or *side yard* of dwellings provided the buses are owned or operated by the occupants of the dwelling, have current licenses, and are operable.

- 13.5 *Solar energy systems, small*, provided:*
- a. Tree removal shall be minimized and any removal shall be mitigated at a ratio of one tree planted for each tree removed.
 - b. All solar collection devices shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.
 - c. The total height of solar collection systems shall comply with the height requirements.
14. Storage in the *rear yard* of boats, campers, boat trailers, and camper trailers, which are titled under the name of the property owner or occupant. All boats, campers, boat trailers, and camper trailers must be operable and have current licenses if required.
15. Temporary *MET Tower* of any height provided:*
- a. The tower is erected for no more than 12 months.
 - b. Any free standing *structure* is located a minimum of 3 times its total height from a property line.
 - c. Towers are not readily climbable from the ground up to 12 feet.
16. Keeping of backyard chickens**
- 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 must 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 shall 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 must 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 must accompany the building permit application.
 - e. Coops must be setback a minimum of 15 feet from any property line.
 - f. Coops may be placed in rear yards only.
 - g. Each coop must be kept clean and free of odors and materials that can attract vermin. Feed must be kept in secure containers so as not to attract vermin.
 - h. Waste must be composted or removed from the property.
 - i. The outdoor slaughtering of chickens is not permitted.

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

A. Standard Development

Gross <i>density</i> (dwelling units/acre)	0.033 (1/30) ^{1, 6*}
Minimum <i>lot size</i>	
- <i>On-site</i> individual septic system	¾ acre
- Community system	½ acres
Minimum <i>lot width</i>	75 feet
Maximum percentage of property in lots	10% ²
Maximum lots fronting on existing public road	2 ³
Minimum <i>yard</i>	
- <i>Front (primary road)</i>	100 feet
- <i>Front (all other roads)</i>	75 feet
- <i>Side</i>	15 feet
- <i>Rear</i>	30 feet
- Waterfront	100 feet
- <i>Accessory structures on farms in the side and rear yard</i>	25 feet
- <i>Accessory residential structures in rear yard</i>	
<i>Side</i>	3 feet
<i>Rear</i>	5 feet
Maximum <i>structure height</i> ⁴	
- Residential or Agricultural <i>structure</i>	38 feet
- Fence ⁵	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
<i>Side and Rear</i>	8 feet
<i>Front</i>	4 feet

¹ Accessory *dwelling units* do not count toward the *density* calculation.

² Parcels 100 acres or larger do not count toward the maximum developed percentage of the property

³ Parcels created before the date of adoption of this Ordinance do not count toward the two permitted road front parcels. The Planning Commission may waive this requirement if the proposal meets the waiver requirements in Article IX, Section 3 of this Ordinance.

⁴ Height of *structures* may be further restricted by the Kent County *Airport Safety Requirements* as defined in Article V, Section 1.8B.4 of this Ordinance. Except in an area defined as the Kent County *Airport Safety Area*, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.

Accessory structures on parcels less than 5 acres in size may not exceed 17 feet in height without a special exception.

⁵ Fences do not need to meet the yard requirements.

⁶ Agricultural Easement Program – Nothing in this regulation shall limit the ability of a participant in the Agricultural Easement Program to convey real property impressed with an easement to his or her child provided the easement was recorded with the Kent County Clerk of Circuit Court prior to October 1, 2003.

B. Enclave Development

1. Density, Area, Height, Width and Yard Requirements

Gross <i>density</i> (dwelling units/acre)	0.1 (1/10) ¹
Maximum <i>lot size</i>	¾ acre
Minimum <i>lot width</i>	75 feet
Maximum percentage of property in lots	10%
Minimum <i>yard</i>	
- <i>Front</i>	20 feet
- <i>Side</i>	8 feet
- <i>Rear</i>	10 feet
- Waterfront	100 feet
- <i>Accessory structures on farms in the side and rear yard</i>	25 feet
- <i>Accessory residential structures in rear yard</i>	
<i>Side</i>	3 feet
<i>Rear</i>	5 feet
Maximum <i>front yard</i>	40 feet
Maximum <i>structure height</i> ²	
- Residential or Agricultural <i>structure</i>	38 feet
- Fence ³	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
<i>Side and Rear</i>	8 feet
<i>Front</i>	4 feet
Lot line setback from External Access Road	600 feet
Lot line setback from <i>Protected Lands</i>	600 feet
Maximum Enclave size	10 dwelling units
Minimum Enclave size	3 dwelling units
Maximum number of Enclaves	1 per parcel

¹ Accessory *dwelling units* do not count toward the *density* calculation.

² Height of *structures* may be further restricted by the Kent County *Airport* Safety Requirements as defined in Article V, Section 1.8B4 of this Ordinance. Except in an area defined as the Kent County *Airport* Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.

Accessory structures on parcels less than 5 acres in size may not exceed 17 feet in height without a special exception.

³ Fences do not need to meet the yard requirements.

2. Enclave Design Standards
 - a. The purpose of the Enclave development pattern is to:
 - i. Minimize the loss of productive agricultural land; and
 - ii. Maintain the visual quality of the County's agricultural landscape.
 - b. All plans should minimize the use of tillable soils for development and maximize the use of sloped and forested areas, which are otherwise less productive for agricultural uses.
 - c. The design and location of the Enclave shall minimize the impacts to neighboring agricultural operations and hunting so as not to restrict the rights of adjacent landowners.
 - d. The applicant must show that the agricultural land remaining after subdivision is suitable for a commercially viable agricultural enterprise.
 - e. Enclaves shall be located so as to leave large blocks of open agricultural land throughout the Agricultural Zoning District.
 - f. Access to the Enclave must be from a single internal road.
 - g. The appearance of an Enclave from an external public road shall be that of a grouping of farm *buildings* in that they are clustered together and obviously a use subsidiary to the prime use of the land - *agriculture*.
 - h. Landscaping that defines the access road along its entire length is desirable.
 - i. The Enclave shall be planned and designed as a single unit with careful consideration given to the relationship of *structures* to one another, landscaping, buffering, screening, views, light and air, and internal circulation.
 - j. Strong provision should be made for walking as opposed to vehicular connections within the Enclave.
 - k. *Street* widths, alignments, and parking should be carefully scaled to the size of the Enclave.
 - l. The streetscape of the Enclave should be designed in detail to avoid repetitious *setbacks*, driveways, elevations, and landscaping.
 - m. Where an Enclave incorporates an existing historic *building*, building heights, exterior features, and building arrangement should be harmonious with the historic *structure*. *Street* widths, alignments, and parking should be carefully scaled to the size of the Enclave.
 - n. Deed restrictions shall include language recognizing that the lots are in an agricultural area and refer to the right to farm law.

1.6 AGRICULTURAL ZONING DISTRICT GENERAL STANDARDS

1. *Agriculture* is the preferred use in the Agricultural Zoning District and agricultural operations are protected by the Kent County Right-to-Farm Law.
2. The reuse of existing *buildings* is encouraged.
3. The Department of Planning and Zoning shall approve *street* names. A name may not be approved if it duplicates or is too similar to the name of another road in the county or incorporated towns.
4. *Open space*, playgrounds, or other recreational areas shall be set aside at a rate of 1/10 acre per *dwelling unit*. If the land is not of significant quality and size for the purpose of providing or developing parks and recreational facilities, the *Planning Commission*, or where applicable the Planning Director, may permit a *developer* to pay a fee of \$250.00 per *lot* or *dwelling unit* in lieu of providing land for recreational purposes. Recreational land required within a *subdivision* shall

be located so as to be reasonably accessible from all lots in the *subdivision* in accordance with the following:

- a. *Steep slopes*, streams, lakes, *watercourses*, and *floodplains* may constitute up to 40% of the recreational land.
- b. At least 60% of the recreational land shall be suitable for dry ground recreational use.

1.7 AGRICULTURAL ZONING DISTRICT ENVIRONMENTAL STANDARDS

The purpose of these standards is to provide for the proper stewardship of the County's natural resources. Specifically it is the overall goal of the county to maintain the quality of the County's *ecosystem* in the face of continuing activity, growth and change.

A. AGRICULTURAL ZONING DISTRICT GENERAL ENVIRONMENTAL STANDARDS

1. *Development* shall minimize *adverse impacts* to *non-tidal* or *tidal wetlands*, estuaries, the Chesapeake Bay, *tributary streams*, and the natural course and *riparian habitat* of these streams, habitat protection areas, or other significant habitat identified by the Department of Planning and Zoning.
2. *Development* shall minimize the removal of vegetation. The *developer* shall demonstrate that the change in vegetation minimizes the effect on microclimate.
3. *Development* shall minimize the effects of runoff on the existing volume of water or quality of any water body. Urban *best management practices* shall be used.
4. Whenever possible, land with poor drainage or other adverse conditions shall not be developed. When developed, the property owner shall agree to make any improvements necessary to render the property safe for *development*.
5. Whenever possible, land subject to periodic flooding, shall not be developed for any use that might involve danger to health, life, or property or aggravate floods.
6. Whenever possible, agricultural operations shall follow agricultural *best management practices* and are encouraged to develop and implement soil conservation and water quality plans, nutrient and pest management plans.

B. AGRICULTURAL ZONING DISTRICT SPECIFIC ENVIRONMENTAL STANDARDS

1. *Anadromous fish*
 - a. Concrete riprap or other artificial surface shall not be installed on the bottom of natural streams unless it can be demonstrated that water quality and fishery habitat will be improved.
 - b. Physical alteration of a stream, including but not limited to channelization, that interferes with the movement of fish shall be prohibited.
2. *Forest Conservation*

This section applies to all *major* and *minor site plans* on units of land 40,000 square feet or greater; major and minor subdivisions; and *grading* and *sediment control permits* that result in the cumulative cutting, *clearing*, or *grading* of more than 40,000 square feet. A forest *Declaration of Intent* is required for activities specifically exempted in Article VI, Section 8.2 of this Ordinance.

 - a. A parcel with less than 20% of its *net tract area* in *forest cover* shall be afforested to 20% of its *net tract area*.

- b. *Forest on parcels with less than 20% of its net tract area in forest may be cut or cleared provided:*
 - i. The *afforestation* required to achieve the 20% *afforestation* level is determined prior to any *clearing of forest*.
 - ii. The *afforestation* area consists of two (2) times the total surface area cleared and the area needed to achieve the 20% *afforestation* level before *clearing* occurred. For example, the *afforestation* area for a project with a *net tract area* of one hundred acres with ten (10) acres of existing *forest* of which five (5) acres are to be cleared is twenty (20) acres - ten (10) acres to achieve the required *afforestation* level and ten (10) acres to replace the *forest* cleared.
- c. A parcel with more than 50% of its *net tract area* in *forest* may be cut or cleared provided *reforestation* occurs at a rate of one-quarter (1/4) acre planted for each acre removed above 50% of the *net tract area* or at a rate of two (2) acres planted for every acre removed below 50% of the *net tract area*. *Forest* retained over 50% of the *net tract area* is credited toward the required *reforestation*. For example, a project with a *net tract area* of one hundred (100) acres and an existing *forest* of sixty (60) acres that proposes to clear twenty (20) acres, the *reforestation* area is 22.5 acres.
- d. The following trees, shrubs, plants, and specific areas are considered a priority for *retention* and protection and shall be left in an undisturbed condition unless the applicant demonstrates, to the satisfaction of the Department of Planning and Zoning, that reasonable efforts have been made to protect them and the plan cannot be reasonably altered.
 - i. Trees, shrubs, and plants in sensitive areas including the *non-tidal 100-year floodplain*, *intermittent* and *perennial stream protection corridors*, *steep slopes*, *non-tidal wetlands*, and critical habitats;
 - ii. Contiguous *forest* that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the *site*;
- e. The following trees, shrubs, plants, and specific areas are considered a priority for retention and protection and shall be left in an undisturbed condition unless the applicant demonstrates, to the satisfaction of the *Planning Commission*, that the applicant qualifies for a waiver in accordance with Article IX, Section 3.3 of this Ordinance.*
 - i. Trees, shrubs, and plants that are determined to be rare, threatened, or endangered under:
 - a) The Federal Endangered Species Act of 1973 in 16 U.S.C. §§1531—1544 and in 50 CFR 17;
 - b) The Maryland Nongame And Endangered Species Conservation Act, Natural Resources Article, §§10-2A-01—10-2A-09, Annotated Code Of Maryland; and
 - c) COMAR 08.03.08
 - ii. Trees that are associated with an historic *structure* or *site*, or trees that have been designated by the state or county as a national, state, or county *champion tree*; and
 - iii. Any *tree* having a diameter, measured at 4.5 feet above the ground, of:
 - a) Thirty inches or more; or
 - b) Seventy-five (75%) or more of the diameter, measured at 4.5 feet above the ground, of the current *State Champion tree* of that species as designated by the Department of Natural Resources.
- f. The required *reforestation* or *afforestation* may be accomplished *on-site*, *off-site*, by contributing to a *forest* bank in the same *watershed* or by contributing to the Kent County Reforestation Fund. The preferred method of *afforestation* or *reforestation* is *on-site* or *forest* banking.
- g. Whenever possible and appropriate, *afforestation* and *reforestation* shall include native species.

3. *Forest Interior Dwelling Birds*
Development shall minimize impact on *forest interior dwelling birds*
4. *Habitat*
 - a. *Wildlife corridors* shall be created whenever feasible.
 - b. Fragmentation of habitat areas shall be minimized.
 - c. *Hedgerows* are desirable as buffers.
5. *Natural heritage areas* and locations considered for Areas of Critical State Concern
These areas of local significance shall be preserved whenever possible. These areas are identified in Article VI, Section 3.8 of this Ordinance.
6. *Non-tidal wetlands*
Non-tidal wetlands shall be protected according to the *regulations* of the State of Maryland, Army Corps of Engineers, United States Fish and Wildlife Service, Environmental Protection Agency, and all other applicable State and Federal *Regulations*.
7. *Stream Protection Corridor*
All new *development* or *redevelopment* shall provide a 100-foot naturally vegetated *stream protection corridor* along all *tributary streams*. New *development activities*, including *structures*, parking areas, septic systems, and similar *impervious surfaces* shall not be permitted in the *stream protection corridor*. *Roads* that cross the *stream protection corridor* shall be minimized. The *Planning Commission* may modify the *stream protection corridor* when the following can be demonstrated:
 - a. A reduced corridor achieves significant water quality and habitat improvements equal to the required corridor.
 - b. More than 50% of the corridor on the *site* is impervious or more than 75% of the corridor on the *site* is disturbed with stone, septic systems, decks, or other obvious human impacts.
 - c. The *site* shall include all contiguous parcels under single ownership.
8. *Stormwater Management*
No *person* shall develop any land for residential, commercial, industrial, or institutional uses or redevelop land without having provided for appropriate *stormwater management* measures that control or manage runoff from such developments except as provided in Article VI, Section 10 of this Ordinance. *Stormwater Management* shall be accomplished for all new *development* or *redevelopment* in accordance with the provisions of Article VI, Section 10 of this Ordinance.
9. Threatened and Endangered Species and Species in Need of Conservation
Threatened and *endangered species* and *species in need of conservation* shall be checked and noted before any approvals are granted by the Planning Director, *Planning Commission*, or Zoning Administrator. The Federal or State guidelines (whichever is stricter) for habitat protection must be followed during *development*. Plans shall also include provisions for continuance of the habitat protection after *development*. This can include *conservation easements*, cooperative agreements, special provisions in *forest management plans*, and donation or sale to a third party.
10. *Water Quality*
All new *development* or *redevelopment* must reduce pollutant loadings from the *site* and shall meet the *stormwater management* qualitative controls found in Article VI, Section 10 of this Ordinance.

1.8 AGRICULTURAL ZONING DISTRICT DESIGN STANDARDS

The purpose of these standards is to give a sense of the physical aspects of the County's environment to those contemplating new *development* in the community. Pertinent to this physical appearance is the design

of the *site*, *buildings* and *structures*, plantings, *signs*, *street* hardware, and miscellaneous other objects observed by the public.

These standards are not intended to restrict imagination, innovation, or variety, but rather assist in focusing on design principles which can produce creative solutions that will develop a satisfactory visual appearance within the County, preserve taxable values, and promote the public health, safety, and welfare.

A. AGRICULTURAL ZONING DISTRICT GENERAL DESIGN STANDARDS

1. The landscape shall be preserved in its natural state, in so far as possible, by minimizing *tree* and *soil* removal. Any grade changes shall be in keeping with the general appearance of neighboring *development* areas. *Buildings* are encouraged to be located so as to maintain maximum natural *topography* and cover. *Topography*, *tree* cover, and natural drainage ways shall be treated as fixed determinants of road and *lot* configuration rather than malleable elements that can be changed to follow a preferred *development* scheme. Whenever possible, *development* shall be outside the *floodplain*.
2. *Streets* shall be designed and located in a manner so as to maintain and preserve natural *topography*, cover, significant landmarks and trees; to minimize *cut* and *fill*; and to preserve and enhance views and vistas on and off the subject parcel.
3. Proposed *development* shall be related harmoniously to the terrain and to the use, scale, and architecture of existing *buildings* in the vicinity that have functional or visual relationships to the proposed *buildings*.
4. All *open space* (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the *site* or overlooking it from nearby properties.
5. The color, size, height, lighting, and landscaping of appurtenant *signs* and *structures* shall be evaluated for compatibility with the local architectural motif and the maintenance of views and vistas of natural landscapes, recognized historic landmarks, parks, and landscaping.
6. Whenever possible, adverse effects on historic, traditional, or significant uses and *structures* shall be minimized, whether these exist on the *site* or on adjacent properties.

B. AGRICULTURAL ZONING DISTRICT SPECIFIC DESIGN STANDARDS

1. *Site Access*
Site access shall be subject to the following *regulations* to help ensure vehicle and pedestrian safety and alleviate congestion:
 - a. Where a proposed road is designated on an approved County or State map, *site plans* for *development* adjacent to the designated *roadway* shall include provisions for future access to the *roadway*.
 - b. All new lots must abut upon and have access to a public or approved *private road*.
 - c. Access shall be consolidated whenever possible.
 - d. Whenever possible, *roads* shall be constructed above the elevation of the *100-year floodplain*.
2. *Floodplain*
 - a. In order to prevent excessive *flood* damage and to allow for the protection of the natural and beneficial *floodplain* functions, all *development*, *new construction*, and *substantial improvements* to existing *structures* in all *floodplain* zones shall comply with the

requirements of Article VI, Section 7 of this Ordinance, including but not limited to the following:

- i. Elevation of all new or substantially improved *structures*;
 - ii. Compliance with venting and other construction standards; and
 - iii. Submission and recordation, where applicable, of *Elevation Certificates, Declaration of Land Restrictions*, deed restrictions, and venting affidavits.**
- b. Placement of *buildings* and materials. In general, *buildings* and *accessory structures* should be located entirely out of the *floodplain*, out of the *flood* protection setback, or on land that is least susceptible to flooding. All *structures* permitted in the *floodplain* shall be oriented so as to offer the least resistance to the flow of floodwaters.
 - c. General *development* shall not occur in the *floodplain* where alternative locations exist. Before a permit is issued, the applicant shall demonstrate that new *structures* cannot be located out of the *floodplain* and that encroachments onto the *floodplain* are minimized.

3. *Subdivision*

- a. Proposed *street* layout, blocks, and parcels shall be suitable in area and dimension for the type of *development* anticipated.
- b. The total area shall be sufficient to provide adequate space for *off-street parking*, loading, landscaping, and other facilities.
- c. Whenever possible, the *subdivision* should be designed to minimize *adverse impacts* on the agricultural operation.
- d. The *lot* arrangement, design, and orientation shall be such that all lots will provide satisfactory building *sites*, properly related to *topography* and the character of surrounding *development*.
- e. Every *lot* shall abut upon and have access to a public road or approved *private road*.
- f. Lots adjoining *major thoroughfares* and railroad lines should be designed with extra depth and provision for an appropriate means of buffer or deeper building *setbacks*.
- g. Where land in a *subdivision* adjoins a railroad line, the *street* layout shall make allowance for future grade separated railroad crossings at appropriate locations by providing extra *street right of way* widths for such crossings and by restricting intersecting *streets* at locations where they would cause interference with necessary approaches to such crossings.
- h. Proposed *streets* in the *subdivision* shall provide for the continuation of existing, planned, or platted *streets* on adjacent tracts, unless such continuation shall be prevented by *topography* or other physical feature or unless such extension is found by the *Planning Commission* to be unnecessary for the coordination of *development* between the *subdivision* and such adjacent *tract*.
- i. Where the *Planning Commission* deems it desirable or necessary to provide access to adjacent tracts not presently subdivided, proposed *streets* in the *subdivision* shall be extended to the boundary lines with such tracts.
- j. Where a *subdivision* adjoins or embraces any part of a *major thoroughfare* as designated on the Kent County Major Thoroughfare Map, the layout of such *subdivision* shall provide for the platting and dedication of such part of the *major thoroughfare* in the location and at the width indicated on the *major thoroughfare* plan, except that the *subdivider* shall not be required to dedicate that part of such *major thoroughfare* that is in excess of eighty (80) feet in width.
- k. Where deemed desirable to the layout of the *subdivision* and adjoining area, the *Planning Commission* may require the platting and dedication of one or more *collector streets* or parts thereof, to serve the *subdivision*.
- l. Subdivisions shall be in full compliance with the provisions of this Ordinance.
- m. *Private roads* are permitted in minor subdivisions and are subject to the following conditions:

- i. Each road shall serve no more than seven parcels. In the event that an eighth parcel is created, the eighth parcel and all further divisions of land shall front on a public road.*
- ii. The *subdivision* shall provide a 50-foot *right of way* for each *private road*.
- iii. The construction of all lanes and *private roads* shall adhere to the requirements established by the Kent County Department of Public Works and sediment control and *stormwater management regulations*.
- iv. The deed and contract of sale of all lots in the *subdivision* shall state: “The road is private and not the responsibility of Kent County.”
- v. The plat shall identify all *private roads* and shall state: “The road is private and not the responsibility of Kent County.”

4. Kent County *Airport* Safety Requirements

This section applies to properties that fall within the Kent County *Airport* Safety Zone as designated on the Kent County *Airport* Safety Zone Map. The Kent County *Airport* Safety Zone Map is incorporated into and made a part of this Ordinance. It is the purpose of this section to promote the public safety of the residents and visitors of Kent County by prohibiting to the extent possible, the creation or establishment of obstructions that are a hazard to air navigation.

- a. No new ponds shall be constructed within 5,000 feet of the runway.
- b. No new solid waste disposal *sites* shall be permitted within 5,000 feet of any publicly licensed *airport*. New solid waste disposal *sites* shall not be permitted within the limits of the *airport* safety zone if the FAA determines the *site* to be a hazard.
- c. Developments which produce lights, illumination, or other visual hazards or which produce electronic interference with *airport*/airplane navigation signals are subject to the standards specified in the FAA procedure manual 7400-2C.
- d. Except as otherwise provided in this Ordinance, no *structure* shall be erected, altered, or maintained and no *tree* or other vegetation shall be allowed to grow in excess of the height limitations as designated on the Kent County *Airport* Safety Zone Map.

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SECTION 2. RESOURCE CONSERVATION DISTRICT

2.1 STATEMENT OF INTENT

This district is intended to:

- Conserve, protect, and enhance the overall ecological values of the *Critical Area*, its biological productivity, and its diversity;
- Provide adequate breeding, feeding, and wintering habitats for those wildlife populations that require the Chesapeake Bay, its tributaries, or coastal habitats to sustain populations of those species;
- Conserve the existing *developed woodlands* and forests for the water quality benefits that they provide; and
- Conserve the land and water resource base necessary to maintain and support such uses as *agriculture*, forestry, fisheries' activities and *aquaculture*.

It includes areas characterized by *nature-dominated* environments (that is, *wetlands*, forests, abandoned fields) and resource-utilization activities (that is, *agriculture*, forestry, fisheries' activities, or *aquaculture*).

2.2 PERMITTED PRINCIPAL USES AND STRUCTURES

A *building* or land shall be used only for the following purposes:

1. *Agriculture* including horticultural, hydroponics or general farming, orchards, groves, or nurseries for growing or propagation of plants, trees, and shrubs.
2. On *farms*, the keeping, dairying or raising for sale of animals, fish, birds, or reptiles not including poultry houses, *feedlots*, horses, mules, or confinement dairies. Nutrient management plans are required. The Planning Director may waive the nutrient management plan for 4-H and FFA projects.
3. *Aquaculture*, including accessory processing and sales.
4. *Camp, day or boarding*, private or commercial, but not *recreational vehicle* or migrant labor camps, for the purpose of conserving and enjoying the natural resources.
5. Convalescent, group, or homes for the aged if located in dwellings existing as of December 1, 1985 provided that 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*.
6. Detached *single family dwellings*.
7. Hunting blinds and hunting preserves.
8. *Personal wireless facilities* collocated on existing towers, water towers, electrical transmission towers, fire towers, silos, *grain dryers*, or other *structures* provided the height of the existing *structure* is not above that permitted by this Ordinance.

9. Poultry houses provided:
 - a. Poultry houses, waste management facilities, composters, and the area for the disposal of animals shall be a minimum of 600 feet from all property lines.
 - b. No poultry house, waste management facility, or composter shall be in the *100-year floodplain*.
 - 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. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorous is a problem or has the potential to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.
 - d. Land in Kent County owned by the owner/operator of the poultry house shall 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 shall be included shall be constructed prior to receiving the first flock of chickens.
10. Public and private *forests*, wildlife reservations and similar conservation projects.
11. Public and private parks and playgrounds for the purpose of conserving and enjoying the natural resources, including both active and passive parks owned and operated by Kent County, the State of Maryland, or federal government but not including commercial play fields for football, baseball, and other major sports activities such as motocross or drag racing fields.
12. Railroad *right of ways*, existing as of April 12, 1988, including a strip of land with tracks and auxiliary facilities for track operations; but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding, and watering stations.
13. *Stable, private* provided:
 - a. The *lot* shall be two acres or more.
 - b. Any *structure* for the keeping of animals shall be located a minimum of 100 feet from any property line.
 - c. There shall be no more than one horse per acre of land. Only available pasture acreage shall be used to compute the number of horses allowed on a parcel.
 - 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 shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.
14. *Stable, public* provided:
 - a. The *lot* shall be 20 acres or more;
 - b. Any *structure* for the keeping, feeding of animals and waste management shall be a minimum of 400 feet from any property line;

- c. No waste management facility or *structure* for the keeping of animals is located within the *100-year floodplain*;
 - d. The feeding and watering of animals are conducted a minimum of 50 feet from any body of water, including *tributary streams* and *wetlands*; and
 - e. The operation is managed according to waste and nutrient management plans, approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorous is a problem or has the potential to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.
15. 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 shall require *site plan* review by the *Planning Commission* or where applicable the Planning Director. After *development* there shall be a net improvement in water quality at or leaving the *site*. All *marinas* in the RCD shall comply with all *regulations* in Article V, Section 13, (Marine District) of this Ordinance.
16. *Mobile homes* existing and in use as of January 16, 1996 may be continued in use and may be replaced with another *mobile home*, provided the replacement *mobile home* complies with the Kent County Codes and all Health Department *regulations*. It is not the intent of this provision to allow additional *mobile homes* in the County, but rather to allow the continued use and improvement (including replacement) of *mobile homes*, existing as of January 16, 1996. A *mobile home* that remains idle or unused for a continuous period of two years shall not be used again except in conformity with these *regulations*.
17. *Conference centers, resorts, retreats, hotels, and motels* 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 expansion of *conference centers, resorts, retreats, hotels, and motels* existing and in use as of August 1, 1989 in the Resource Conservation District. 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 shall require *site plan* review by the *Planning Commission* and shall require a net improvement in water quality at or leaving the *site*. An expansion may require growth allocation.
18. *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, shall require growth allocation.*

* Amended 8/18/20

2.3 SPECIAL EXCEPTIONS

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

1. Accessory storage *structures* with a *floor area* of more than 1,200 square feet or a height that exceeds 17 feet on property less than 5 acres
2. *Accessory structures* in the *front yard* of *through lots*
3. *Accessory structures* in the *front yard* requirement of waterfront parcels
4. Adaptive reuse of historic *structures*
5. *Conference center*
6. *Country inn*
7. *Day care group* if located in dwellings existing on December 1, 1985
8. Exposition center or fairgrounds, temporary
9. Farm employee housing
10. Golf course, public or private
11. More than four horses and mules on land less than 20 acres in size
12. *Personal wireless facility tower*
13. *Private clubs*
14. *Public landings*
15. *Public utilities and structures*
16. *Resort*
17. *Retreat*
18. Sand and gravel pits, *excavation* or extraction (not including the removal of sod and *excavation* for foundations, *swimming pools*, *soil* and water conservation practices, and those removals approved in connection with *street* construction, *subdivision*, or planned residential *development*)
19. *Solar energy systems, utility scale*, on farms*
- 19.5 Tie-out pilings of private piers, *community piers*, and private shared piers, 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.**
20. *Wind energy systems, small*, with a height that exceeds 80 feet or on parcels less than 20 acres*

2.4 ACCESSORY USES

- A. The following *accessory uses* are allowed on all *farms* in the Resource Conservation District.
 1. Accessory farm *buildings*, including barns, cribs, stables, sheds, tool rooms, shops, bins, tanks, and silos. All *structures* for the keeping of animals shall be located a minimum of 100 feet from any property line. No *buildings* are permitted in the *buffer*.
 2. Accessory farm dwellings, one on all *farms*, two on *farms* with a minimum of 50 tillable acres. A farm employee house may not be a *mobile home*. Houses must share a common entrance and shall be occupied by permanent employees of the *farm* or immediate member of the *family* owning or operating the *farm*. The total number of dwellings shall not exceed one dwelling per 20 acres, located within the Resource Conservation District.
 3. Accessory open or enclosed storage of farm materials, products, equipment, or vehicles.

* Amended 9/6/11; **Amended 6/20/17

4. Accessory storage of fertilizer and chemicals used in connection with the farming operation of the owner.
5. Accessory *roadside stand* for the sale of farm products.
6. One hunting trailer, temporary, from September 1 to the following February 15, continually, provided that such trailer is a minimum of 150 feet from all property lines and not in the *buffer*.
7. The following *accessory uses* must be located at least 200 feet from all property lines:
 - a. Assembly in a *totally enclosed building* not to exceed 10,000 square feet in size, and repair of all equipment normally used in *agriculture*.
 - b. Petroleum storage, not to exceed 10,000 gallons and subject to applicable safety codes, ordinances, and statutes.
 - c. Grain, flour, and feed blending and packaging, including milling, drying, and storing.
8. *Wind energy systems, small*, provided:**
 - 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 3 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 shall 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 shall be removed at the landowner's expense.
9. Waste management structures, where not otherwise stipulated in this Ordinance, provided: ***
 - a. Waste management *structures* shall be a minimum of 600 feet from all property lines.
 - b. No waste management structure shall be in the *100-year floodplain*.
 - 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.
- B. The following *accessory uses* are allowed on all properties in the Resource Conservation District
 1. Accessory *dwelling unit*, one, in principal or *accessory structures*, provided:*
 - a. The property owner resides on the premises.
 - b. The accessory *dwelling unit* is located within the primary *dwelling unit* or its entire perimeter is within 100 feet of the primary *dwelling unit*.
 - c. The accessory *dwelling unit* does not exceed 900 square feet in total enclosed area.
 - d. The accessory *dwelling unit* is served by the same sewerage disposal system as the primary *dwelling unit*.
 - e. If the accessory *dwelling unit* is located within the primary *dwelling unit*, it shall not increase the amount of *impervious surfaces* already attributed to the primary *dwelling unit*.
 - f. The accessory *dwelling unit* may not be subdivided or conveyed separately from the primary dwelling unit.
 - g. The appearance of the *structure* and property remain that of a single family residence so that the average neighbor is unaware of the accessory *dwelling unit's* existence.

- h. If the entrance to the accessory *dwelling unit* is separate from that of the primary dwelling, the entrance to the accessory *dwelling unit* shall be from the *side* or *rear yard*.
 - i. One parking space is provided in the *rear yard* for the accessory *dwelling unit*.
 - j. The *structure* meets all applicable Kent County Codes, including the building code, and Health Department regulations.
 - k. The accessory *dwelling unit* is subordinate to the principal dwelling in size and appearance.
2. Accessory *off-street parking* and loading of non-commercial vehicles that have current licenses and are operable.
 3. Accessory *off-street parking* of one commercial vehicle in the *rear yard* provided:
 - a. The vehicle is used by the occupant of the dwelling.
 - b. The vehicle does not exceed 16,000 pounds manufacturer's gross vehicle weight.
 - c. No major repair is conducted *on-site*.
 - d. No engines may run when parked *on-site*. Electrical refrigeration units may run.
 - e. Honey wagons, sanitation, garbage, or other trucks used to transport odorous, flammable, or hazardous materials are prohibited.
 - f. The vehicle has a current license and is operable.
 4. Appurtenant *signs* in accordance with Article VI, Section 2, of this Ordinance.
 5. *Day care home* provided:
 - a. One drop off / pickup space is provided.
 - b. Outdoor play areas are fenced and screened.
 - c. *Signs* shall be limited to two square feet.
 - d. Structured areas for active play or play *structures* shall not be in the *front yard* and shall be a minimum of 10 feet from the side or rear property line.
 - e. Structural or decorative additions shall be designed to be compatible with the residential character of the neighborhood.
 6. *Home occupations* in main or accessory *building*.
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:
 - a. Ensure the compatibility of *home occupations* with other uses permitted in the residential districts;
 - b. Maintain and preserve the character of residential neighborhoods by regulating the operation of *home occupations* so that the average neighbor is unaware of their existence;
 - c. 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;
 - d. 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 commercial uses.

Conditions -

- a. A *home occupation* shall be incidental to the use of a *dwelling unit* for residential purposes and shall be conducted only by members of the *family* residing in the *dwelling unit* plus no more than one non-resident assistant or employee.
- b. There shall be no outdoor storage of materials or products on the *premises*.

- c. The *home occupation* shall 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 shall 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.
- d. No traffic shall 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* shall be met off the *street* and other than in a required *front yard*.
- e. A *home occupation* shall limit any external evidence of an occupation to one identification *sign* not to exceed 2 square feet in area.

6.5 Keeping of backyard chickens*

- 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 ¼ acre;
 - ii. No more than 5 chickens are permitted on a lot of ¼ 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 must 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 shall 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 must 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 must accompany the building permit application.
 - e. Coops must be setback a minimum of 15 feet from any property line.
 - f. Coops may be placed in rear yards only.
 - g. Each coop must be kept clean and free of odors and materials that can attract vermin. Feed must be kept in secure containers so as not to attract vermin.
 - h. Waste must be composted or removed from the property.
 - i. The outdoor slaughtering of chickens is not permitted.
7. Private piers, *community piers*, and private shared piers, not to exceed 25% of the width of the *waterway*, the edge of the *channel*, or 150 feet in length, whichever is less and subject to the stipulations of Article VI, Section 3.7 of this Ordinance. *Regulations* governing *community piers* may be found in Article VI, Section 3.7.
8. *Private garages*, *swimming pools*, game courts, and other customary residential outbuildings and *structures* provided on parcels less than five acres accessory storage *structures* do not exceed 1,200 square feet in size or a height of 17 feet.
9. *Roadside stands* offering for sale locally grown fresh agricultural products in season, operated by the owner, lessee or *tenant* of the *premises* upon which such stand is located. Adequate *off-street parking* shall be provided. Such stands shall be completely removed at the end of the local fresh produce season.

10. Satellite dish, private, with an antenna exceeding 3 feet in diameter provided:
 - a. No antenna shall exceed an overall diameter of 12 feet or an overall height of 15 feet above *existing grade*.
 - b. The antenna shall be permanently ground mounted. No antenna shall be installed on a portable or movable *structure*.
 - c. The antenna shall be totally screened along the non-receptive axis, and low-level ornamental landscaping shall 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 waived when the antenna is located 100 feet from all property lines or the antenna is of a nature that is not visible or intrusive to the neighborhood.
11. Satellite dish, private, with an antenna of 3 feet or less, and solar panel arrays, in *rear yard* only, provided that the antenna is not installed on portable or movable *structures*.
12. School buses, limited to two, parked in the *rear* or *side yard* of the dwelling provided that the buses are owned or operated by the current occupants of the dwelling, have current licenses, and are operable.
- 12.5 *Solar energy systems, small*, provided:
 - a. Tree removal shall be minimized and any removal shall be mitigated in accordance with the Critical Area Program requirements.
 - b. All solar collection devices shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.
 - c. The total height of solar collection systems shall comply with the height requirements.
13. Storage of boats, campers, boat trailers, and camper trailers, which are titled under the name of the property owner, or occupant. All boats, campers, boat trailer and camper trailers must be operable and have current licenses, if required.
14. Temporary *MET Tower* of any height provided:
 - a. The tower is erected for no more than 12 months.
 - b. Any free standing *structure* is located a minimum of 3 times its total height from a property line.
 - c. Towers are not readily climbable from the ground up to 12 feet.

2.5 DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS

Gross density (dwelling units/ac)	0.05 (1/20) ^{1, 4*}
Minimum <i>lot size</i>	
- <i>On-site</i> individual septic system	¾ acre
- Community system	½ acre
Minimum <i>lot width</i>	75 feet
Minimum <i>yard</i>	
- <i>Front</i>	50 feet
- <i>Side</i>	15 feet
- <i>Rear</i>	30 feet
- <i>Shoreline cliff</i>	1.5 x <i>cliff height</i> + 20 feet
- Waterfront	Minimum 100-foot <i>buffer</i>
- <i>Accessory structures on farms</i> in the <i>side</i> and <i>rear yard</i>	25 feet
- <i>Accessory residential structures</i> in <i>rear yard</i>	
<i>Side</i>	3 feet
<i>Rear</i>	5 feet
Maximum <i>structure height</i> ²	
- Residential or Agricultural <i>structure</i>	38 feet
- Fence ³	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
<i>Side and Rear</i>	8 feet
<i>Front</i>	4 feet

¹ Parcels of more than 1 acre improved by more than one dwelling unit, existing as of December 1, 1985, may be subdivided into parcels of land of not less than one-half (½) acre each for each dwelling unit situated on the one-half (½) acre, or more, being subdivided.

² Except in an area defined as the Kent County *Airport* Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.

Accessory structures on parcels less than 5 acres in size may not exceed 17 feet in height without a special exception.

³ Fences do not need to meet the yard requirements.

⁴ Accessory dwelling units that comply with Article V, Section 2.4.B.1 do not count toward the density calculation.

2.6 RESOURCE CONSERVATION GENERAL STANDARDS

1. *Agriculture* is the preferred use in the Resource Conservation District and is protected by the Kent County Right-to-Farm Law.
2. The reuse of existing *buildings* is encouraged.
3. The Department of Planning and Zoning shall approve *street* names. A name may not be approved if it duplicates or is too similar to an existing road name in the county or incorporated towns.
4. *Open space*, playgrounds, or other recreational areas shall be set aside at a rate of 1/10 acre per *dwelling unit*. If the land is not of significant quality and size for the purpose of providing or developing parks and recreational facilities, the *Planning Commission*, or where applicable the Planning Director, may permit a *developer* to pay a fee of \$250.00 for each *lot* or each *dwelling unit* in lieu of providing land for recreational purposes. Recreational land required in a *subdivision* shall be located so as to be reasonably accessible from all lots in the *subdivision* in accordance with the following:
 - a. *Steep slopes*, streams, lakes, *watercourses*, and *floodplains* may constitute up to 40% of the recreational land.
 - b. At least 60% of the recreational land shall be suitable for dry ground recreational use.

2.7 RESOURCE CONSERVATION DISTRICT ENVIRONMENTAL STANDARDS

The purpose of these standards is to provide for the proper stewardship of the County's natural resources. Specifically, it is the overall goal of the county to maintain the quality of the County's *ecosystem* in the face of continuing activity, growth and change.

A. RESOURCE CONSERVATION DISTRICT GENERAL ENVIRONMENTAL STANDARDS

1. *Development* shall minimize *adverse impacts* to *non-tidal* or *tidal wetlands*, estuaries, the Chesapeake Bay, *tributary streams*, and the natural course and *riparian habitat* of these streams, habitat protection areas, or other significant habitat identified by the Department of Planning and Zoning.
2. *Development* shall minimize the removal of vegetation. The *developer* shall demonstrate that the change in vegetation minimizes the effect on microclimate.
3. *Development* shall minimize the effects of runoff on the existing volume of water and quality of any water body. Urban *best management practices* shall be used.
4. Whenever possible, land with poor drainage or other adverse conditions shall not be developed. When developed, the property owner shall agree to make any improvements necessary to render the property safe for *development*.
5. Whenever possible, land subject to periodic flooding, shall not be developed for any use that might involve danger to health, life, or property or aggravate floods.
6. Agricultural operations shall follow agricultural *best management practices* and shall develop and implement *soil conservation and water quality plans* and are encouraged to develop nutrient and pest management plans.

7. Growth Allocation*

Any property that receives Growth Allocation shall comply with the requirements of COMAR 27.01.02.06 as well as the Kent County Growth Allocation Policy. In addition to the standards of 2.7.B below, the following standards apply:

- a. Water Quality: Within a new intensely developed area, new development or redevelopment shall reduce the pollutant loadings leaving the site by 10%.
- b. Setbacks: A new intensely developed area or limited development area shall be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters. An applicant must provide an equivalent offset if the setback requirement cannot be met.
- c. Impervious Surfaces: Properties granted Growth Allocation in accordance with the Kent County Growth Allocation Policy may be exempt from the 15% impervious surface requirement.

B. RESOURCE CONSERVATION DISTRICT SPECIFIC ENVIRONMENTAL STANDARDS

1. *Agriculture*

No new agricultural land shall be created by:

- a. Draining, filling, or diking any *palustrine wetlands* that have a *seasonally flooded or wetter water regime* unless the impact is mitigated.
- b. *Clearing of forest* or woodland on *soils* with a *slope* greater than 15% or on *soils* with a *K Value* greater than 0.35 and *slope* greater than 5%.
- c. *Clearing of existing natural vegetation* within the *buffer*.
- d. *Clearing of forest* if the *clearing* will affect water quality or habitat protection areas as designated in Article VI, Section 3.8.

2. *Anadromous fish*

- a. Concrete riprap or other artificial surface shall not be installed on the bottom of natural streams unless it can be demonstrated that water quality and fishery habitat will be improved.
- b. Physical alteration of a stream, including but not limited to channelization, that interferes with the movement of fish shall be prohibited.
- c. The construction or placement of dams or other *structures* that would interfere with or prevent the movement of spawning fish or larval forms in streams shall be prohibited. Where practical, the removal of existing barriers is encouraged.
- d. Construction, repair or maintenance activities associated with bridges or other stream crossings or with utilities and roads which require disturbance to the *buffer*, or which occur in stream shall be prohibited between March 1 and May 15.

3. *Buffer*

a. *Development in the Buffer*

- i. *Development activities*, including *structures*, *roads*, parking areas, and other *impervious surfaces*, mining, and related activities, or septic systems shall not be permitted within the minimum 100-foot *buffer*. This restriction does not apply to water-dependent facilities that meet the criteria set forth below.
- ii. New or expanded *development activities* may be permitted in the minimum 100-foot *buffer*, provided:
 - a) The use is water dependent.
 - b) The project meets a recognized private right or public need.
 - c) Adverse effects on water quality and fish, plant, or *wildlife habitats* are minimized.

- d) In so far as possible, non-water dependent *structures* or operations associated with water dependent projects or activities are located outside the minimum 100-foot *buffer*.
 - iii. Where agricultural uses of lands within the buffer cease and the lands are proposed to be converted to other uses, the buffer shall be established. In establishing the buffer, management measures shall be undertaken to provide forest vegetation that achieves the buffer functions as defined in Article XI of this Ordinance.
 - b. Vegetative Protection within the *Buffer*
 - i. *Natural vegetation* within the *buffer* shall be preserved and protected unless one of the following apply:
 - a) An approved *forest* harvesting plan is followed.
 - b) Individual trees may be cut for personal use provided this cutting does not impair the water quality or existing habitat value or other functions of the *buffer*. Trees shall be replaced on an equal basis for each *tree* cut.
 - c) Trees which are leaning over the water may be cut, but their stumps and roots shall not be disturbed.
 - d) The disturbance provides access for water-dependent facilities or shore *erosion* protection *structures*.
 - e) Landowners may treat trees and shrubs to maintain or improve their health.
 - f) Sanitation, salvage, or other timber cutting practices may be performed under a *forest management plan* or to prevent an immediate threat to life or property. These lands shall be replanted or *forest cover* allowed to regenerate.
 - ii. Vegetation in the *buffer* removed for reasons listed above shall be re-established over the entire disturbed area during the next planting season. These plantings shall be approved by the Department of Planning and Zoning. In addition, Article VI, Section 9 of this Ordinance shall be followed exactly.
 - iii. *Natural vegetation* removed for an approved purpose shall be in accordance with an approved *buffer* management plan.
 - c. Stream Protection
 - Development activities* that must cross or affect streams shall be designed to:
 - i. Reduce increases in flood frequency and severity that are attributable to *development*.
 - ii. Retain tree canopy so as to maintain stream water temperature within normal variation.
 - iii. Provide a natural substrate for stream beds.
 - iv. Minimize adverse water quality and quantity impacts of *stormwater*.
4. *Forest*
 - a. A forestry management plan prepared by a registered forester and approved by the Maryland Department of Natural Resources shall be required when developing forested lands.
 - b. *Forest* shall be replaced on an acre by acre basis, but no more than 20% of any *forest* or *developed woodlands* shall be removed unless by prior agreement with the *Planning Commission*. The *developer* agrees to afforest on the following basis: a *developer* may clear or develop more *forest* than otherwise may be permitted if the total *forest* removed is not increased by more than 50% of the area permitted to be disturbed provided that the afforested area consists of 1.5 times the total surface acreage of the disturbed *forest* or *developed woodlands* or both. For example, in a 100-acre woodland, up to 30 acres may be cleared if the *developer* agrees to afforest (not necessarily on his own property) 45 acres of currently unforested land.

- c. Replacement trees shall be of a species similar to that which was removed or a species appropriate to the replanting *site*.
 - d. *Forest or developed woodlands* that remain after an approved removal shall be maintained through recorded restrictive covenants, *easements*, or similar instruments.
 - e. *Forest* cleared prior to obtaining a *grading* permit or that exceeds the maximum area allowed shall be replanted at three times the acreage of the cleared *forest*.
 - f. If the acreage of the *site* limits the application of *reforestation* requirements, *forest* may be created on other lands in the *Critical Area* including County lands or a fee in an amount determined by the Maryland Department of Natural Resources to be the equivalent to the value of the required *forest* may be paid to the County Commissioners of Kent County. These funds shall be placed in a dedicated fund used to ensure the restoration or establishment of an equivalent *forest* area in the *Critical Area* or riparian areas.
 - g. After *development*, the *site* shall be planted to provide a *forest or developed woodlands* cover of at least 20%.
5. *Forest Interior Dwelling Birds*
- a. Existing riparian *forest* of 300 x 300 feet or more and *forest* areas used by *forest interior dwelling birds* and other wildlife species shall be managed according to the guidelines developed by the Maryland Department of Natural Resources and the Chesapeake Bay Critical Area Commission.
 - b. A *site* survey for *forest interior dwelling birds* shall be conducted prior to any *development* or agricultural expansion on deciduous *forest* of at least 50 acres or 300 x 300 foot riparian deciduous *forest*. The Planning Director may waive a *site* survey for *forest interior dwelling birds* provided the *forest* is managed for all *forest interior dwelling bird* species. Cutting and building shall be restricted to safe times (not during nesting - see Article VI, Section 3.9 of this Ordinance).
6. Habitat
- a. All *roads*, bridges and utilities that must cross a Habitat Protection Area shall be located, designed, constructed, and maintained so as to provide maximum *erosion* protection and minimize negative impacts to wildlife, aquatic life and their habitats and maintain hydrologic processes and water quality. *Roads*, bridges, or utilities shall not be located in any Habitat Protection Area unless no feasible alternative exists.
 - b. During and after *development* in forested areas, corridors of existing *forest* or woodland vegetation shall be maintained to provide effective connections between *wildlife habitat* areas.
 - c. New water-dependent facilities shall be located so as to prevent disturbance to *sites* of significance to wildlife such as historic aquatic staging and concentration areas for *waterfowl*, shellfish beds, finfish nursery areas, and submerged aquatic vegetation beds.
7. *Impervious Surfaces*
- Man caused *impervious surfaces* shall not exceed 15% of the site except as otherwise stated below.
- a. Man caused *impervious surfaces* on parcels greater than 36,301 square feet shall be limited to 15% of the property. This section does not apply to *mobile home parks* in residential use on or before December 1, 1985.
 - b. Man caused *impervious surfaces* on parcels that are 21,781 to 36,300 square feet and existed on or before December 1, 1985 shall be limited to 5,445 square feet provided:
 - i. New *impervious surfaces* on the property have been minimized.
 - ii. Water quality impacts associated with runoff from new *impervious surfaces* have been minimized through *site* design or use of *best management practices*.
 - iii. The property owner performs *on-site* mitigation as may be required by the

- Planning Director or designated representative to offset potential adverse water quality impacts from the new *impervious surfaces* or the property owner pays a fee in lieu of performing the mitigation.
- c. Man caused *impervious surfaces* on parcels that are 8,001 to 21,780 square feet and existed on or before December 1, 1985 shall be limited to 31.25% of the property provided:
 - i. New *impervious surfaces* on the property have been minimized.
 - ii. Water quality impacts associated with runoff from new *impervious surfaces* have been minimized through *site* design or use of *best management practices*.
 - iii. The property owner performs *on-site* mitigation as may be required by the Planning Director or designated representative to offset potential adverse water quality impacts from the new *impervious surfaces* or the property owner pays a fee in lieu of performing the mitigation.
 - d. Man caused *impervious surfaces* on parcels that are less than 8,000 square feet and existed on or before December 1, 1985 shall be limited to 25% of the property plus 500 square feet provided:
 - i. New *impervious surfaces* on the property have been minimized.
 - ii. Water quality impacts associated with runoff from new *impervious surfaces* have been minimized through *site* design or use of *best management practices*.
 - iii. The property owner performs *on-site* mitigation as may be required by the Planning Director or designated representative to offset potential adverse water quality impacts from the new *impervious surfaces* or the property owner pays a fee in lieu of performing the mitigation.
 - e. Man caused *impervious surfaces* shall not exceed 25% of an individual *lot* of one acre or less that is part of a subdivision approved after December 1, 1985. However, the total of the *impervious surfaces* over the entire *subdivision* shall not exceed 15%.
8. *Natural heritage areas* and locations considered for Areas of Critical State Concern
These areas of local significance shall be preserved whenever possible in accordance with the recommendations of the Department of Natural Resources. These areas are identified in Article VI, Section 3.8 of this Ordinance.
 9. *Non-tidal wetlands*
Non-tidal wetlands shall be protected according to the *regulations* of the State of Maryland, Army Corps of Engineers, United States Fish and Wildlife Service, Environmental Protection Agency and all other applicable State and Federal *regulations*.
 10. *Slopes*
Development on *slopes* greater than 15%, as measured before *development*, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the provisions of this Ordinance.
 11. *Stormwater Management*
No *person* shall develop any land for residential, commercial, industrial, or institutional uses or redevelop land without having provided for appropriate *stormwater management* measures that control or manage runoff from such *developments* except as provided in Article VI, Section 10 of this Ordinance. *Stormwater Management* shall be accomplished for all new *development* or *redevelopment* in accordance with the provisions of Article VI, Section 10 of this Ordinance.

12. Threatened and Endangered Species and Species in Need of Conservation
 - a. Any *development* shall include a statement on the type and location of any threatened or *endangered species* or *species in need of conservation* on the property, and any recommendation for maintaining and protecting that habitat from the Department of Natural Resources.
 - b. Threatened or *endangered species* and *species in need of conservation* shall be checked and noted by the *developer* before any approval can be granted by the Planning Director, *Planning Commission* or Zoning Administrator.
 - c. The Federal or State guidelines (whichever is stricter) for habitat protection shall be followed during *development*. Plans shall include provisions for the continuance of the habitat protection after *development*. This can include *conservation easements*, cooperative agreements, and special provisions in *forest management* and *soil conservation* plans, and donation to a third party.

13. Timber Harvest
 - a. *Forest management plans* shall be required for all timber harvest occurring within any one-year interval and which affect one or more acres in *forest* and *developed woodlands* in the *Critical Area*. The plans shall be prepared by a registered professional forester and be reviewed and approved by the Maryland Forest, Park and Wildlife Service through the District Forestry Boards and the project forester. Plans shall be filed with the Department of Planning and Zoning. Plans shall include measures to protect surface and ground water quality and identify whether the activities will disturb or affect Habitat Protection Areas as set forth in the Land Use Ordinance or identified on the Habitat Protection Areas Map.
 - b. The plans shall include protective measures for Habitat Protection Areas and shall provide for the continuity of habitat. The plans shall address mitigation through *forest management* techniques which include scheduling size, timing, and intensity of harvest cuts, *afforestation*, and *reforestation*.
 - c. The cutting and *clearing* of trees within the minimum 100-foot *buffer* are permitted provided that:
 - i. Existing riparian forests of 300 x 300 feet or more and *forest* areas used by *forest interior dwelling birds* and other wildlife species shall be managed according to the guidelines developed by the Maryland Department of Natural Resources.
 - ii. When timber harvesting is being considered, a *site* survey for *forest interior dwelling birds* shall be done. Cutting and building shall be restricted to safe times (not during nesting – See Article VI, Section 3.9 of this Ordinance).
 - iii. During timber harvest, corridors of existing *forest* or woodland vegetation shall be maintained to provide effective connections between *wildlife habitat* areas.
 - iv. Commercial harvesting by *selection* or by *clear-cutting* of Loblolly Pine and Tulip Poplar may be permitted to within 50 feet of the landward edge of the *mean high water line* of tidal water and *perennial tributary streams* or the edge of the *tidal wetlands* provided that the cutting does not occur in the Habitat Protection Areas and that cutting is conducted pursuant to the requirements of the sediment control and *non-tidal wetlands* requirements of this Ordinance and in conformance with a *buffer* management plan prepared by a registered forester and approved by the Department of Natural Resources. The plan shall be required for all commercial harvests within the minimum 100-foot *buffer* regardless of the size of the area to be cut and shall contain the following minimum requirements:
 - a) That disturbance to the stream banks and shorelines shall be avoided;

- b) That the area disturbed or cut shall be replanted, or allowed to regenerate in a manner that assures the availability of cover and breeding *sites* for wildlife, and reestablishes the *wildlife corridor* function of the *buffer*; and
- c) That the cutting does not involve the creation of logging *roads* and skid trails within the minimum 100-foot *buffer*.
- v. Commercial harvesting of trees by any method may be permitted to the edge of *intermittent streams* if the cutting and removal is done in accordance with a *Buffer Management Plan* approved by the Department of Natural Resources Forester.

14. Water Quality

All new *development* or *redevelopment* shall reduce pollutant loadings coming from the *site* and shall comply with the *stormwater management* qualitative controls found in Article VI, Section 10 of this Ordinance.

15. Wildlife Corridors

Developments shall incorporate a wildlife corridor system that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with offsite habitats. Plans shall include provisions for the continuance and maintenance of the wildlife corridors. This can include *conservation easements*, cooperative agreements, special provisions in forest management and soil conservation plans, and donation to a third party.

2.8 RESOURCE CONSERVATION DISTRICT DESIGN STANDARDS

The purpose of these standards is to give a sense of the physical aspects of the County’s environment to those contemplating new *development* in the community. Pertinent to this physical appearance is the design of the *site*, *buildings* and *structures*, plantings, *signs*, *street* hardware, and miscellaneous other objects observed by the public.

These standards are not intended to restrict imagination, innovation, or variety, but rather assist in focusing on design principles which can produce creative solutions that will develop a satisfactory visual appearance within the County, preserve taxable values, and promote the public health, safety, and welfare.

A. RESOURCE CONSERVATION GENERAL DESIGN STANDARDS

- 1. The landscape shall be preserved in its natural state, in so far as possible, by minimizing *tree* and *soil* removal. Any grade changes shall be in keeping with the general appearance of neighboring development areas. *Buildings* are encouraged to be located so as to maintain maximum natural *topography* and cover. *Topography*, *tree* cover, and natural drainage ways shall be treated as fixed determinants of road and *lot* configuration rather than malleable elements that can be changed to follow a preferred *development* scheme. Whenever possible, *development* shall be outside the *floodplain*.
- 2. *Streets* shall be designed and located in a manner so as to maintain and preserve natural *topography*, *tree* cover, significant landmarks and trees; to minimize *cut* and *fill*; and to preserve and enhance views and vistas on and off the subject parcel.

3. Proposed *development* shall be related harmoniously to the terrain and to the use, scale, and architecture of existing *buildings* in the vicinity that have functional or visual relationships to the proposed *buildings*.
4. All *open space* (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the *site* or overlooking it from nearby properties.
5. The color, size, height, lighting, and landscaping of appurtenant *signs* and *structures* shall be evaluated for compatibility with the local architectural motif and the maintenance of views and vistas of natural landscapes, recognized historic landmarks, parks, and landscaping.
6. Whenever possible, adverse effects on historic, traditional, or significant uses and *structures* shall be minimized, whether these exist on the *site* or on adjacent properties.

B. RESOURCE CONSERVATION DISTRICT SPECIFIC DESIGN STANDARDS

1. *Site Access*

Site access shall be subject to the following *regulations* to help ensure vehicle and pedestrian safety and alleviate congestion:

- a. Where a proposed road is designated on an approved County or State map, *site plans* for *development* adjacent to the designated *roadway* shall include provisions for future access to the *roadway*.
- b. All new lots must abut upon and have access to a public or approved *private road*.
- c. Access shall be consolidated whenever possible.
- d. Whenever possible, *roads* shall be constructed above the elevation of the *100-year floodplain*.

2. *Floodplain*

- a. In order to prevent excessive *flood* damage and to allow for the protection of the natural and beneficial *floodplain* functions, all *development*, *new construction*, and *substantial improvements* to existing *structures* in all *floodplain* zones shall comply with the requirements of Article VI, Section 7 of this Ordinance, including but not limited to the following:
 - i. Elevation of all new or substantially improved *structures*;
 - ii. Compliance with venting and other construction standards; and
 - iii. Submission and recordation, where applicable, of *Elevation Certificates*, *Declaration of Land Restrictions*, deed restrictions, and venting affidavits.*
- b. Placement of *buildings* and materials. In general, *buildings* and *accessory structures* should be located entirely out of the *floodplain*, out of the *flood* protection setback, or on land that is least susceptible to flooding. All *structures* permitted in the *floodplain* shall be oriented so as to offer the least resistance to the flow of floodwaters.
- c. General *development* shall not occur in the *floodplain* where alternative locations exist. Before a permit is issued, the applicant shall demonstrate that new *structures* cannot be located out of the *floodplain* and that encroachments onto the *floodplain* are minimized.

3. *Subdivision*

- a. Proposed *street* layout, blocks, and parcels shall be suitable in area and dimension for the type of *development* anticipated.
- b. The total area shall be sufficient to provide adequate space for *off-street parking*, loading, landscaping, and other facilities.
- c. Whenever possible, the *subdivision* should be designed to minimize *adverse impacts* on the agricultural operation.
- d. The *lot* arrangement, design, and orientation shall be such that all lots will provide satisfactory building *sites*, properly related to *topography* and the character of surrounding *development*.
- e. Every *lot* shall abut upon and have access to a public road or approved *private road*.
- f. Lots adjoining *major thoroughfares* and railroad lines should be designed with extra depth and provision for an appropriate means to buffer or deepen building *setbacks*.
- g. Where land in a *subdivision* adjoins a railroad line, the *street* layout shall make allowance for future grade separated railroad crossings at appropriate locations by providing extra *street right of way* widths for such crossings and by restricting intersecting *streets* at locations where they would cause interference with necessary approaches to such crossings.
- h. Proposed *streets* in the *subdivision* shall provide for the continuation of existing, planned, or platted *streets* on adjacent tracts, unless such continuation shall be prevented by *topography* or other physical feature or unless such extension is found by the *Planning Commission* to be unnecessary for the coordination of *development* between the *subdivision* and such adjacent *tract*.
- i. Where the *Planning Commission* deems it desirable or necessary to provide access to adjacent tracts not presently subdivided, proposed *streets* in the *subdivision* shall be extended to the boundary lines with such tracts.
- j. Where a *subdivision* adjoins or embraces any part of a *major thoroughfare* as designated on the Kent County Major Thoroughfare Map, the layout of such *subdivision* shall provide for the platting and dedication of such part of the *major thoroughfare* in the location and at the width indicated on the *major thoroughfare* plan, except that the *subdivider* shall not be required to dedicate that part of such *major thoroughfare* that is in excess of eighty (80) feet in width.
- k. Where deemed desirable to the layout of the *subdivision* and adjoining area, the *Planning Commission* may require the platting and dedication of one or more *collector streets* or parts thereof, to serve the *subdivision*.
- l. Subdivisions shall be in full compliance with the provisions of this Ordinance.
- m. *Private roads* are permitted in minor subdivisions and are subject to the following conditions:
 - i. Each road shall serve no more than seven parcels. In the event that an eighth parcel is created, the eighth parcel and all further divisions of land shall front on a public road.*
 - ii. The *subdivision* shall provide a 50-foot *right of way* for each *private road*.
 - iii. The construction of all lanes and *private roads* shall adhere to the requirements established by the Kent County Department of Public Works and sediment control and *stormwater management regulations*.
 - iv. The deed and contract of sale of all lots in the *subdivision* shall state: "The road is private and not the responsibility of Kent County."
 - v. The plat shall identify all *private roads* and shall state: "The road is private and not the responsibility of Kent County."

SECTION 3 RURAL CHARACTER DISTRICT

3.1 STATEMENT OF INTENT

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

3.2 PERMITTED PRINCIPAL USES AND STRUCTURES

A *building* or land shall be used only for the following purposes.

1. *Agriculture* including horticultural, hydroponics or general farming, orchards, groves, or nurseries for growing or propagation of plants, trees, and shrubs.
2. The keeping, dairying or raising for sale of animals, fish, birds, or reptiles but not including poultry houses, *feedlots*, horses, mules, or confinement dairies on *farms*. Nutrient management plans are required. The Planning Director may waive the nutrient management plan for 4-H and FFA projects.
3. *Aquaculture*, including accessory processing and sales.
4. *Camp, day or boarding*, private or commercial, but not *recreational vehicle* or migrant labor camps.
5. Detached *single family dwellings*.
6. *Erosion* and *flood* control *structures*.
7. Greenhouses, wholesale or retail, provided *structures* are 200 feet from any property line and are adequately landscaped.
8. Hunting blinds and hunting preserves.
9. *Personal wireless facilities* collocated on existing towers, water towers, electrical transmission towers, fire towers, silos, *grain dryers*, or other *structures* provided the height of the existing *structure* is not above that permitted by this Ordinance.
10. Public and private *forests*, wildlife reservations and similar conservation projects.
11. Public and private parks and playgrounds for the purpose of conserving and enjoying the natural resources, including both active and passive parks owned and operated by Kent County, the State of Maryland, or federal government but not including commercial play fields for football, baseball, and other major sports activities such as motocross or drag racing fields.

12. *Stable, private* provided:
- a. The *lot* shall be two acres or more.
 - b. Any *structure* for the keeping of animals shall be a minimum of 100 feet from any property line.
 - c. There shall be no more than one horse per acre of land. Only available pasture acreage shall be used to compute the number of horses allowed on a parcel.
 - 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 shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.
13. *Stable, public* provided:
- a. The *lot* shall be 20 acres or more.
 - b. Any *structure* for the keeping, feeding of animals and waste management *structures* shall be a minimum of 400 feet from any property line.
 - c. No waste management facility or *structure* for the keeping of animals is within the *100-year floodplain*.
 - d. The feeding and watering of animals are conducted a minimum of 50 feet from any body of water, including *tributary streams* and *wetlands*.
 - e. The operation is managed according to waste and nutrient management plans, approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorous is a problem or has the potential to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.
13. *Mobile homes* existing and in use as of January 16, 1996 may be continued in use and may be replaced with another *mobile home*, provided the replacement *mobile home* complies with the Kent County Codes and all Health Department *regulations*. It is not the intent of this provision to allow additional *mobile homes* in the County, but rather to allow the continued use and improvement (including replacement) of *mobile homes*, existing as of January 16, 1996. A *mobile home* that remains idle or unused for a continuous period of two years shall not be used again except in conformity with these *regulations*.
15. Primary residence located on a new lot created by a bona fide *interfamily transfer* in accordance with these regulations.*
- a. The owner of the parcel shall 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* shall contain a covenant stating that the lot is created subject to the provisions of this section and that the provisions of this section shall control as long as the property continues to be zoned Rural Character.
 - 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 family* except under the following procedures:
The Kent County Planning Commission shall determine that:

- 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; or
 - 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 shall 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 shall be two (2) acres.
- f. Land shall be subdivided as indicated:
 - i. A parcel that is seven (7) acres or more and less than twelve (12) acres in size may be subdivided into two (2) lots; or
 - ii. A parcel that is twelve (12) acres or more and less than sixty (60) acres in size may be subdivided into three (3) lots. The lots may be created at different times.
- g. Any deed or subdivision plat for a *lot* created by a bona fide *intrafamily transfer* shall contain a statement that the adjacent property is zoned Rural Character.
- h. The parcel is created for the construction of a primary residence only; and
- i. These provisions apply to those individuals owning currently Rural Character zoned land, with ownership prior to December 3, 2002.

3.3 SPECIAL EXCEPTIONS

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

1. Accessory storage *structures* with a *floor area* of more than 1,200 square feet or a height that exceeds 17 feet on parcels less than 5 acres
2. *Accessory structures* in the *front yard* of *through lots*
3. Adaptive reuse of historic *structures*
4. *Airport*, landing field, heliport, or helistop, public or private
- 4.5 Assisted living facility with five to eight beds*
5. Cemetery, including crematorium and mausoleum
6. *Conference center*
7. *Cottage industries*, tradesmen and artisan shops
8. *Country inn*
9. *Country stores*, on *primary* and *secondary roads*
10. *Day care group*
11. *Dog kennels*, commercial
12. Exposition center or fairgrounds
13. Golf course, public or private
14. More than four horses and mules on land less than 20 acres in size
15. *Personal wireless facility tower*
16. *Private clubs*
17. Private schools
18. *Public landings*
19. *Public utilities* and *structures*
20. Raising of livestock and fowl but not including commercial *feedlots*, confinement dairies, or poultry houses on land less than 20 acres
21. Raising of small animals, commercial, including birds, bees, fish, rabbits or other creatures, but not including *dog kennels* on land less than 20 acres

22. Recreational facilities, privately or commercially owned, but not including major sports arenas for football, baseball, drag racing, motocross, or other major sports activities
23. *Resort*
24. *Retreat*
- 24.5 *Rural Inn****
25. Sand and gravel pits, *excavation* or extraction (not including the removal of sod and *excavation* for foundations, *swimming pools*, *soil* and water conservation practices, and those removals approved in connection with *street* construction, *subdivision*, or planned residential development)
26. *Wind energy systems, small*, with a height that exceeds 80 feet or on parcels less than 20 acres**

3.4 ACCESSORY USES

- A. The following *accessory uses* are allowed on all *farms* in the Rural Character District.
 1. Accessory farm *buildings*, including barns, cribs, stables, sheds, tool rooms, shops, bins, tanks, and silos. All *structures* for the keeping of animals shall be located a minimum of 100 feet from any property line. No *buildings* are permitted in the *buffer*.
 2. Accessory farm houses, one on all *farms*, two on *farms* with a minimum of 50 tillable acres. A farm employee house may not be a *mobile home*. Houses must share a common entrance and shall be occupied by permanent employees of the *farm* or immediate member of the *family* owning or operating the *farm*.
 3. Accessory open or enclosed storage of farm materials, products, equipment, or vehicles.
 4. Accessory storage of fertilizer and chemicals used in connection with the farming operation of the owner.
 5. *Guest house* one, not including *mobile homes*, provided:
 - a. The house is used exclusively for non-paying guests.
 - b. No house shall be used as a permanent residence nor be rented or sold separately from the principal dwelling.
 6. One hunting trailer, temporary, from September 1 to the following February 15, continually, provided that such trailer is a minimum of 150 feet from all property lines and not in the *buffer*. These shall be located around existing *buildings* and out of sight.
 7. Parking of commercial vehicles provided:
 - 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 a current license and are operable.
 8. The following *accessory uses* must be at least 200 feet from all property lines:
 - a. Assembly in a *totally enclosed building* not to exceed 10,000 square feet in size, and repair of all equipment normally used in *agriculture*.
 - b. Petroleum storage, not to exceed 10,000 gallons and subject to applicable safety codes, ordinances, and statutes.
 - c. Grain, flour, and feed blending and packaging, including milling, drying, and storing.
 9. School buses, limited to five, parked around existing *buildings* provided the buses have current licenses and are operable.

10. *Wind energy systems, small, provided:**
 - 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 3 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 shall 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 shall be removed at the landowner's expense.

- B. The following *accessory uses* are allowed on all properties in the Rural Character District
 1. *Accessory dwelling unit, one, in principal or accessory structures provided:*
 - 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 be rented but not sold as a separate unit.
 - d. The appearance of the *structure* and property remain that of a *single family dwelling* so that the average neighbor is unaware of the *accessory dwelling unit's* existence.
 - e. If the entrance to the *accessory dwelling unit* is separate from that of the primary dwelling, the entrance to the *accessory dwelling unit* shall 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*.
 2. *Accessory off-street parking* and loading of non-commercial vehicles that have current licenses and are operable.
 3. *Accessory off-street parking* of one commercial vehicle in the *rear yard* provided:
 - a. The vehicle is used by the occupant of the dwelling.
 - b. The vehicle does not exceed 16,000 pounds manufacturer's gross vehicle weight.
 - c. No major repair is conducted *on-site*.
 - d. No engines may run when parked *on-site*. Electrical refrigeration units may run.
 - e. Honey wagons, sanitation, garbage, or other trucks used to transport odorous, flammable, or hazardous materials are prohibited.
 - f. The vehicle has a current license and is operable.
 4. Appurtenant *signs* in accordance with Article VI, Section 2, of this Ordinance.
 5. Assisted living facilities or *group homes*, with no more than four beds provided:
 - 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* so that the average neighbor is unaware of the assisted living facility's or *group home's* existence.
 - e. The *structure* meets all applicable Kent County Codes, including the building code, and Health Department requirements.

6. *Day care home, provided:*
 - a. Outdoor play areas are fenced and screened.
 - b. Structured areas for active play or play *structures* shall not be in the *front yard* and shall 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 shall be designed to be compatible with the residential character of the neighborhood.
 - e. *Signs* shall be limited to two square feet.

7. *Home occupations in main or accessory buildings*

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:

- a. Ensure the compatibility of *home occupations* with other uses in residential areas.
- b. Maintain and preserve the character of residential neighborhoods by regulating the operation of *home occupations* so that the average neighbor is unaware of their existence.
- c. 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.
- d. 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 commercial uses.

Conditions -

- a. A *home occupation* shall be incidental to the use of a *dwelling unit* for residential purposes and shall be conducted only by members of the *family* residing in the *dwelling unit* plus one non-resident assistant or employee.
- b. Outdoor storage of materials or products is prohibited.
- c. The *home occupation* shall not cause any external effect such as noise, excessive lighting, or offensive odor which is incompatible with the characteristics of the residential area. The illegal discharge of any materials, fluids, or gases into the sewer system or in any other manner of discharging such items in violation of any applicable government code is prohibited.
- d. Traffic generated by the *home occupation* shall not exceed that normally expected in a residential neighborhood.
- e. Parking for the *home occupation* shall be provided off-street and in the *side* or *rear yard*.
- f. A *home occupation* shall limit any external evidence of an occupation to one identification *sign* not to exceed two square feet.

- 7.5. Keeping of backyard chickens*

- 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 must 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 shall 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 must 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 must accompany the building permit application.
- e. Coops must be setback a minimum of 15 feet from any property line.
 - f. Coops may be placed in rear yards only.
 - g. Each coop must be kept clean and free of odors and materials that can attract vermin. Feed must be kept in secure containers so as not to attract vermin.
 - h. Waste must be composted or removed from the property.
 - i. The outdoor slaughtering of chickens is not permitted.
8. *Private garages, swimming pools, game courts, and other customary residential outbuildings and structures* provided that *accessory structures* on parcels less than 5 acres do not exceed 1,200 square feet or 17 feet in height.
 9. *Roadside stands* offering for sale locally grown fresh agricultural products in season, operated by the owner, lessee or *tenant* of the *premises* upon which such stand is located. Adequate *off-street parking* shall be provided. Such stands shall be completely removed at the end of the local fresh produce season.
 10. Satellite dish, private, with an antenna exceeding 3 feet in diameter provided:
 - a. No antenna shall exceed an overall diameter of 12 feet or an overall height of 15 feet above *existing grade*.
 - b. The antenna shall be permanently ground mounted. No antenna shall be installed on a portable or movable *structure*.
 - c. The antenna shall be totally screened along the non-receptive axis and low-level ornamental landscaping shall 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 waived when the antenna is located 100 feet from all property lines or the antenna is of a nature that is not visible or intrusive to the neighborhood.
 - d. The final installation should blend carefully with the surrounding landscape and not appear as an obvious attempt at camouflage.
 11. Satellite dish, private, with an antenna of 3 feet or less, and solar panel arrays, provided that the antenna is not installed on portable or movable *structures*.
 12. School buses, limited to two, parked in the *rear* or *side yard* of the dwelling provided that the buses are owned or operated by the current occupants of the dwelling, have current licenses, and are operable.
 - 12.5 *Solar energy systems, small, provided:**
 - a. Tree removal shall be minimized and any removal shall be mitigated at a ratio of one tree planted for each tree removed.
 - b. All solar collection devices shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.
 - c. The total height of solar collection systems shall comply with the height requirements.
 13. Storage in the *rear yard* of boats, campers, boat trailers, and camper trailers, which are titled under the name of the property owner or occupant. All boats, campers, boat trailers and camper trailers must be operable and have current licenses, if required.
 14. Temporary *MET Tower* of any height provided:*
 - a. The tower is erected for no more than 12 months.
 - b. Any free standing *structure* is located a minimum of 3 times its total height from a property line.
 - c. Towers are not readily climbable from the ground up to 12 feet.

3.5 DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS

Gross density (dwelling units/ac)	0.05 (1/20) ¹
Minimum <i>lot size</i>	¾ acre
Minimum <i>lot width</i>	75 feet
Minimum <i>yard</i>	
- <i>Front</i>	50 feet
- <i>Side</i>	15 feet
- <i>Rear</i>	30 feet
- <i>Waterfront</i>	100 feet
- <i>Accessory structures on farms in the side and rear yard</i>	25 feet
- <i>Accessory residential structures in rear yard</i>	
<i>Side</i>	3 feet
<i>Rear</i>	5 feet
Maximum <i>structure height</i> ²	
- Residential or Agricultural <i>structure</i>	38 feet
- Fence ³	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
<i>Side and Rear</i>	8 feet
<i>Front</i>	4 feet

¹ Accessory *dwelling units* are not counted toward permitted *density*.

² Height of *structures* may be further restricted by the Kent County *Airport Safety Requirements* as defined in Article V, Section 3.8B5 of this Ordinance. Except in an area defined as the Kent County *Airport Safety Area*, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.

Accessory structures on parcels less than 5 acres in size may not exceed 17 feet in height without a special exception.

³ Fences do not need to meet the yard requirements.

3.6 RURAL CHARACTER DISTRICT GENERAL STANDARDS

1. The reuse of existing *buildings* is encouraged.
2. The Department of Planning and Zoning shall approve *street* names. A name may not be approved if it duplicates or is too similar to an existing road name in the county or incorporated towns.
3. *Open space*, playgrounds, or other recreational areas shall be set aside at a rate of 1/10 acre per *dwelling unit*. If the land is not of significant quality and size for the purpose of providing or developing parks and recreational facilities, the *Planning Commission*, or where applicable the Planning Director, may permit a *developer* to pay a fee of \$250.00 for each *lot* or each *dwelling unit* in lieu of providing land for recreational purposes. Recreational land required in a *subdivision* shall be located so as to be reasonably accessible from all lots in the *subdivision* in accordance with the following:
 - a. *Steep slopes*, streams, lakes, *watercourses*, and *floodplains* may constitute up to 40% of the recreational land.
 - b. At least 60% of the recreational land shall be suitable for dry ground recreational use.

3.7 RURAL CHARACTER DISTRICT ENVIRONMENTAL STANDARDS

The purpose of these standards is to provide for the proper stewardship of the County's natural resources. Specifically it is the overall goal of the county to maintain the quality of the County's *ecosystem* in the face of continuing activity, growth and change.

A. RURAL CHARACTER DISTRICT GENERAL ENVIRONMENTAL STANDARDS

1. *Development* shall minimize *adverse impacts* to *non-tidal* or *tidal wetlands*, estuaries, the Chesapeake Bay, *tributary streams*, and the natural course and *riparian habitat* of these streams, habitat protection areas, or other significant habitat identified by the Department of Planning and Zoning.
2. *Development* shall minimize the removal of vegetation.
3. *Development* shall minimize the effects of runoff on the existing volume of water or quality of any water body. Urban *best management practices* shall be used.
4. Whenever possible, land with poor drainage or other adverse conditions shall not be developed. When developed, the property owner shall agree to make any improvements necessary to render the property safe for *development*.
5. Whenever possible, land subject to periodic flooding, shall not be developed for any use that might involve danger to health, life, or property or aggravate floods.
6. Whenever possible, agricultural operations shall follow agricultural *best management practices* and are encouraged to develop and implement soil conservation and water quality plans, nutrient and pest management plans.

B. RURAL CHARACTER DISTRICT SPECIFIC ENVIRONMENTAL STANDARDS

1. *Anadromous fish*

- a. Concrete riprap or other artificial surface shall not be installed on the bottom of natural streams unless it can be demonstrated that water quality and fishery habitat will be improved.
- b. Physical alteration of a stream, including but not limited to channelization, that interferes with the movement of fish shall be prohibited.

2. *Forest Conservation*

This section applies to all *major* and *minor site plans* on units of land 40,000 square feet or greater; major and minor subdivisions; and *grading* and *sediment control permits* that result in the cumulative cutting, *clearing*, or *grading* of more than 40,000 square feet. A forest *Declaration of Intent* is required for activities specifically exempted in Article VI, Section 8.2 of this Ordinance.

- a. A parcel with less than 20% of its *net tract area* in *forest cover* shall be afforested to 20% of its *net tract area*.
- b. *Forest* on parcels with less than 20% of its *net tract area* in *forest* may be cut or cleared provided:
 - i. The *afforestation* required to achieve the 20% *afforestation* level is determined prior to any *clearing* of *forest*.
 - ii. The *afforestation* area consists of two (2) times the total surface area cleared and the area needed to achieve the 20% *afforestation* level before *clearing* occurred. For example, the *afforestation* area for a project with a *net tract area* of one hundred acres with ten (10) acres of existing *forest* of which five (5) acres are to be cleared is twenty (20) acres - ten (10) acres to achieve the required *afforestation* level and ten (10) acres to replace the *forest* cleared.
- c. A parcel with more than 50% of its *net tract area* in *forest* may be cut or cleared provided *reforestation* occurs at a rate of one-quarter (1/4) acre planted for each acre removed above 50% of the *net tract area* or at a rate of two (2) acres planted for every acre removed below 50% of the *net tract area*. *Forest* retained over 50% of the *net tract area* is credited toward the required *reforestation*. For example, a project with a *net tract area* of one hundred (100) acres and an existing *forest* of sixty (60) acres that proposes to clear twenty (20) acres, the *reforestation* area is 22.5 acres.
- d. The following trees, shrubs, plants, and specific areas are considered a priority for *retention* and protection and shall be left in an undisturbed condition unless the applicant demonstrates, to the satisfaction of the Department of Planning and Zoning, that reasonable efforts have been made to protect them and the plan cannot be reasonably altered.
 - i. Trees, shrubs, and plants in sensitive areas including the *non-tidal 100-year floodplain*, *intermittent* and *perennial stream protection corridors*, *steep slopes*, *non-tidal wetlands*, and critical habitats;
 - ii. Contiguous *forest* that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the *site*;
- e. The following trees, shrubs, plants, and specific areas are considered a priority for retention and protection and shall be left in an undisturbed condition unless the applicant demonstrates, to the satisfaction of the *Planning Commission*, that the applicant qualifies for a waiver in accordance with Article IX, Section 3.3 of this Ordinance.*
 - i. Trees, shrubs, and plants that are determined to be rare, threatened, or endangered under:
 - a) The Federal Endangered Species Act of 1973 in 16 U.S.C. §§1531—1544 and in 50 CFR 17;

* Amended 2/16/21

- b) The Maryland Nongame And Endangered Species Conservation Act, Natural Resources Article, §§10-2A-01—10-2A-09, Annotated Code Of Maryland; and
 - c) COMAR 08.03.08
 - ii. Trees that are associated with an historic *structure* or *site*, or trees that have been designated by the state or county as a national, state, or county *champion tree*; and
 - iii. Any *tree* having a diameter, measured at 4.5 feet above the ground, of:
 - a) Thirty inches or more; or
 - b) Seventy-five (75%) or more of the diameter, measured at 4.5 feet above the ground, of the current State *Champion tree* of that species as designated by the Department of Natural Resources.
 - f. The required *reforestation* or *afforestation* may be accomplished *on-site*, *off-site*, by contributing to a *forest* bank in the same *watershed* or by contributing to the Kent County Reforestation Fund. The preferred method of *afforestation* or *reforestation* is *on-site* or *forest* banking.
 - g. Whenever possible and appropriate, *afforestation* and *reforestation* shall include native species.
3. *Forest Interior Dwelling Birds*
Development shall minimize impacts on *forest interior dwelling birds*. Whenever possible, riparian *forest* shall be expanded.
4. *Habitat*
- a. *Wildlife corridors* shall be created whenever feasible.
 - b. Fragmentation of natural habitat areas shall be prohibited.
 - c. *Hedgerows* are desirable as buffers.
5. Natural heritage areas and locations considered for Areas of Critical State Concern
 These areas of local significance shall be preserved whenever possible. These areas are identified in Article VI Section 3.8 of this Ordinance.
6. *Non-tidal wetlands*
Non-tidal wetlands shall be protected according to the *regulations* of the State of Maryland, Army Corps of Engineers, United States Fish and Wildlife Service, Environmental Protection Agency, and all other applicable State and Federal *Regulations*.
7. *Stream Protection Corridor*
 All new *development* or *redevelopment* shall provide a naturally vegetated 100-foot *stream protection corridor* along all *tributary streams*. New *development activities*, including *structures*, parking areas, septic systems, and similar *impervious surfaces* shall not be permitted in the *stream protection corridor*. *Roads* that cross the *stream protection corridor* shall be minimized. The *Planning Commission* may modify the *stream protection corridor* when the following can be demonstrated:
- a. A reduced corridor achieves significant water quality and habitat improvements equal to the required corridor.
 - b. More than 50% of the corridor is impervious or more than 75% of the corridor is disturbed with stone, septic systems, decks, or other obvious human impacts.
 - c. The *site* shall include all contiguous parcels under single ownership.

8. *Stormwater Management*
No *person* shall develop any land for residential, commercial, industrial, or institutional uses or redevelop land without having provided for appropriate *stormwater management* measures that control or manage runoff from such developments except as provided in Article VI, Section 10 of this Ordinance. *Stormwater management* shall be accomplished for all new *development* or *redevelopment* in accordance with the provisions of Article VI, Section 10 of this Ordinance.
9. Threatened and Endangered Species and Species in Need of Conservation
Threatened and *endangered species* and *species in need of conservation* shall be checked and noted before any approvals are granted by the Planning Director, *Planning Commission*, or Zoning Administrator. The Federal or State guidelines (whichever is stricter) for habitat protection must be followed during *development*. Plans shall also include provisions for continuance of the habitat protection after *development*. This can include *conservation easements*, cooperative agreements, special provisions in *forest management plans*, and donation or sale to a third party.
10. Water Quality
All new *development* or *redevelopment* must reduce pollutant loadings from the *site* and shall comply with the *stormwater management* qualitative controls found in Article VI, Section 10 of this Ordinance.

3.8 RURAL CHARACTER DISTRICT DESIGN STANDARDS

The purpose of these standards is to give a sense of the physical aspects of the County’s environment to those contemplating *development* in the community. Pertinent to this physical appearance is the design of the *site*, *buildings* and *structures*, plantings, *signs*, *street* hardware, and miscellaneous other objects observed by the public.

These standards are not intended to restrict imagination, innovation, or variety, but rather assist in focusing on design principles which can produce creative solutions that will develop a satisfactory visual appearance within the County, preserve taxable values, and promote the public health, safety, and welfare.

A. RURAL CHARACTER DISTRICT GENERAL DESIGN STANDARDS

1. The landscape shall be preserved in its natural state, in so far as possible, by minimizing *tree* and *soil* removal. Any grade changes shall be in keeping with the general appearance of neighboring development areas. *Buildings* are encouraged to be located so as to maintain maximum natural *topography* and cover. *Topography*, *tree* cover, and natural drainage ways shall be treated as fixed determinants of road and *lot* configuration rather than malleable elements that can be changed to follow a preferred *development* scheme. Whenever possible, *development* shall be outside the *floodplain*.
2. *Streets* shall be designed and located in a manner so as to maintain and preserve natural *topography*, cover, significant landmarks and trees; to minimize *cut* and *fill*; and to preserve and enhance views and vistas on and off the subject parcel.
3. Proposed *development* shall be related harmoniously to the terrain and to the use, scale, and architecture of existing *buildings* in the vicinity that have functional or visual relationships to the proposed *buildings*.
4. All *open space* (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the *site* or overlooking it from nearby properties.

5. *Open space* shall be designed to retain and protect the most unique features of the *site* such as significant view corridors, *buildings* of historic merit, views of these features from the road and adjacent properties. Long narrow strips of *open space* shall be avoided.
6. The color, size, height, lighting, and landscaping of appurtenant *signs* and *structures* shall be evaluated for compatibility with the local architectural motif and the maintenance of views and vistas of natural landscapes, recognized historic landmarks, parks, and landscaping.
7. Whenever possible, adverse effects on historic, traditional, or significant uses and *structures* shall be minimized, whether these exist on the *site* or on adjacent properties.
8. Whenever possible, proposed developments should incorporate design elements such as single loaded *streets*, reverse curves, terminal vistas of *open space*, and foreground meadows.

B. RURAL CHARACTER DISTRICT SPECIFIC DESIGN STANDARDS

1. *Site Access*

Site access shall be subject to the following *regulations* to help ensure vehicle and pedestrian safety and alleviate congestion:

- a. Where a proposed road is designated on an approved County or State map, *site plans* for *development* adjacent to the designated *roadway* shall include provisions for future access to the *roadway*.
- b. All new lots must abut upon and have access to a public or approved *private road*.
- c. Pedestrian and bicycle linkages to adjacent developments, recreational facilities, and other public or semi-public uses shall be provided whenever possible.
- d. Access shall be consolidated whenever possible.
- e. The applicant shall demonstrate that access to the project is adequate and the roads which will be impacted have the capacity to handle the traffic generated by the proposed project and will not endanger the safety of the general public.*
- f. Whenever possible, *roads* shall be constructed above the elevation of the *100-year floodplain*.

2. *Floodplain*

- a. In order to prevent excessive *flood* damage and to allow for the protection of the natural and beneficial *floodplain* functions, all *development*, *new construction*, and *substantial improvements* to existing *structures* in all *floodplain* zones shall comply with the requirements of Article VI, Section 7 of this Ordinance, including but not limited to the following:
 - i. Elevation of all new or substantially improved *structures*;
 - ii. Compliance with venting and other construction standards; and
 - iii. Submission and recordation, where applicable, of *Elevation Certificates*, *Declaration of Land Restrictions*, deed restrictions, and venting affidavits.**
- b. Placement of *buildings* and materials. In general, *buildings* and *accessory structures* should be located entirely out of the *floodplain*, out of the *flood* protection setback, or on land that is least susceptible to flooding. All *structures* permitted in the *floodplain* shall be oriented so as to offer the least resistance to the flow of floodwaters.
- c. General *development* shall not occur in the *floodplain* where alternative locations exist. Before a permit is issued, the applicant shall demonstrate that new *structures* cannot be located out of the *floodplain* and that encroachments onto the *floodplain* are minimized.

3. Landscaping

Street trees shall be included in each *subdivision*. *Street trees* may be clustered or evenly spaced. The number of *street trees* shall be calculated as follows:

- a. Small trees (trees less than 25 feet in height at maturity) - 1 per 25 linear feet of *lot* or *open space* along public or *private roads*
- b. Medium or large trees (25 feet or taller at maturity) - 1 per 40 linear feet of *lot* or *open space* along public or *private roads*.

At the time of planting, deciduous trees shall have at least a 2-3-inch *caliper* at 6 inches above grade; coniferous trees shall be at least 5 to 6 feet in height.

The *Planning Commission*, or where applicable the Planning Director, may waive the requirement for *street trees*.

4. *Subdivision*

- a. Proposed *street* layout, blocks, and parcels shall be suitable in area and dimension for the type of *development* anticipated.
- b. The total area shall be sufficient to provide adequate space for *off-street parking*, loading, landscaping, and other facilities.
- c. Whenever possible, the *subdivision* should be designed to minimize *adverse impacts* on the agricultural operation.
- d. The *lot* arrangement, design, and orientation shall be such that all lots will provide satisfactory building *sites*, properly related to *topography*, the character of surrounding *development*, and avoid facing the rear of properties to the existing road.
- e. Proposed *open space* in the *subdivision* shall provide for the continuation of existing, planned, or platted *open space* on adjacent tracts unless the proposed extension is found by the *Planning Commission* to be unnecessary for the coordination of *development* between the *subdivision* and such adjacent *tract*.
- f. Whenever possible, the majority of the houses shall abut undivided *open space*.
- g. Every *lot* shall abut upon and have access to a public road or approved *private road*.
- h. Lots adjoining *major thoroughfares* and railroad lines should be designed with extra depth and provision for an appropriate means of buffer or deeper building *setbacks*.
- i. Where land in a *subdivision* adjoins a railroad line, the *street* layout shall make allowance for future grade separated railroad crossings at appropriate locations by providing extra *street right of way* widths for such crossings and by restricting intersecting *streets* at locations where they would cause interference with necessary approaches to such crossings.
- j. Proposed *streets* in the *subdivision* shall provide for the continuation of existing, planned, or platted *streets* on adjacent tracts, unless such continuation shall be prevented by *topography* or other physical feature or unless such extension is found by the *Planning Commission* to be unnecessary for the coordination of *development* between the *subdivision* and such adjacent *tract*.
- k. Where the *Planning Commission* deems it desirable or necessary to provide access to adjacent tracts not presently subdivided, proposed *streets* in the *subdivision* shall be extended to the boundary lines with such tracts.
- l. Where a *subdivision* adjoins or embraces any part of a *major thoroughfare* as designated on the Kent County Major Thoroughfare Map, the layout of such *subdivision* shall provide for the platting and dedication of such part of the *major thoroughfare* in the location and at the width indicated on the *major thoroughfare* plan, except that the *subdivider* shall not be required to dedicate that part of such *major thoroughfare* that is in excess of eighty (80) feet in width.

- m. Where deemed desirable to the layout of the *subdivision* and adjoining area, the *Planning Commission* may require the platting and dedication of one or more *collector streets* or parts thereof, to serve the *subdivision*.
- n. Subdivisions shall be in full compliance with the provisions of this Ordinance.
- o. *Private roads* are permitted in minor subdivisions and are subject to the following conditions:
 - i. Each road shall serve no more than seven parcels. In the event that an eighth parcel is created, the eighth parcel and all further divisions of land shall front on a public road.*
 - ii. The *subdivision* shall provide a 50-foot *right of way* for each *private road*.
 - iii. The construction of all lanes and *private roads* shall adhere to the requirements established by the Kent County Department of Public Works and sediment control and *stormwater management regulations*.
 - iv. The deed and contract of sale of all lots in the *subdivision* shall state: "The road is private and not the responsibility of Kent County."
 - v. The plat shall identify all *private roads* and shall state: "The road is private and not the responsibility of Kent County."

5. Kent County *Airport Safety Requirements*

This section applies to properties that fall within the Kent County *Airport Safety Zone* as designated on the Kent County *Airport Safety Zone Map*. The Kent County *Airport Safety Zone Map* is incorporated into and made a part of this Ordinance. It is the purpose of this section to promote the public safety of the residents and visitors of Kent County by prohibiting to the extent possible, the creation or establishment of obstructions that are a hazard to air navigation.

- a. No new ponds shall be constructed within 5,000 feet of the runway.
- b. No new solid waste disposal *sites* shall be permitted within 5,000 feet of any publicly licensed *airport*. New solid waste disposal *sites* shall not be permitted within the limits of the *airport safety zone* if the FAA determines the *site* to be a hazard.
- c. Developments which produce lights, illumination, or other visual hazards or which produce electronic interference with *airport/airplane* navigation signals are subject to the standards specifies in the FAA procedure manual 7400-2C.
- d. Except as otherwise provided in this Ordinance, no *structure* shall be erected, altered, or maintained and no *tree* or other vegetation shall be allowed to grow in excess of the height limitations as designated on the Kent County *Airport Safety Zone Map*.

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