

## SECTION 7 VILLAGE DISTRICT

### 7.1 STATEMENT OF INTENT

The purpose of this district is to provide for high quality residential, neighborhood business, and office *development*. In those areas served by public water and sewer, this zone will be characterized by a wide variety of housing types, densities, and uses. In those areas without *public utilities*, this zone will be largely single family with the possibility of multi-family residential when it does not hazard public health and is consistent with the Village Master Plan for the area.

This district is created to:

- Encourage residential *development* in existing towns and communities on *major thoroughfares*.
- Permit a variety of housing types.
- Provide incentives for residential *development* by allowing variations in *lot size, density, frontage, and yard* requirements.
- Encourage compact *development*.
- Promote the *development* of non-residential uses that complement and enhance the character, vitality and attractiveness of the community as a place to live and work.
- Encourage designs that allow for the filling-in of vacant areas and create *development* that is compatible with the character of existing lots and *buildings*.

### 7.2 PERMITTED PRINCIPAL USES AND STRUCTURES

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

1. Detached *single family dwellings*
2. *Two-family dwellings*
3. Town houses, subject to *site plan* review
4. *Multi-family dwellings*, subject to *site plan* review
5. Rooming, boarding, and *lodging houses*
6. *Houses of worship*, subject to *site plan* review
7. Convents, monasteries etc., subject to *site plan* review
8. Financial institutions, subject to *site plan* review
9. Fire and rescue stations, subject to *site plan* review
10. Dinner theaters and playhouses, subject to *site plan* review
11. Offices - administrative, business, sales, and professional, subject to *site plan* review

12. *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.
13. Public uses, *buildings*, and utilities. Public *buildings* include but are not limited to schools, offices, parks, playgrounds, and *roads* funded, owned and operated by local, state, or federal agencies. *Public utilities* are water, sewer, electric, gas, oil, and communication facilities owned and operated by the Kent County Department of Water and Wastewater or other public utility. *Public utilities* include substations, poles, lines, transformers, pipes, meters, treatment facilities, pumping stations, and appurtenances but not transmission towers. Power plants and the like are not permitted. The following items require *site plan* review: schools, offices, playgrounds, treatment facilities, water towers, substations, and transformers.
14. *Restaurants* without drive through facilities limited to 75 seats, subject to *site plan* review
15. Funeral homes, subject to *site plan* review
16. Neighborhood retail businesses which supply household commodities on the *premises* such as groceries, meats, dairy products, baked goods, or other foods, drugs, notions, flowers or hardware. All retail sales shall be conducted entirely within a *building*, except where otherwise approved by the *Planning Commission*.<sup>\*</sup> Other uses and *structures* which meet the criteria specified above may be approved by the Zoning Administrator. Neighborhood retail businesses shall require a *site plan*.
17. Curio shops, craft shops, antique stores, and similar uses consistent with the character of the town area. Such uses shall be limited to a gross *floor area* of 1,500 square feet. New construction shall require *site plan* review.
18. Personal service establishments which perform services on the *premises* for persons residing in adjacent residential areas such as shoe repair, dry cleaners, tailors, *laundromats*, beauty parlors, barber shops, and the like. All personal service uses shall be conducted entirely within a *building*. Other uses and *structures* which meet the criteria specified above may be approved by the Zoning Administrator. Personal service activities require *site plan* review.
19. Recreational uses indoor, commercial, i.e. game courts, *swimming pools*, and other like private recreational facilities, subject to *site plan* review.
20. Existing commercial or industrial uses and *structures* in the Village District. It is the intent of this Section to provide for the continued existence and operation as well as the reasonable expansion of commercial and industrial uses which exist in the Village District, provided that such uses or *structures* do not constitute a nuisance or a source of significant environmental pollution. It is not the intent hereof to allow the creation of new commercial or industrial uses which are not permitted under this Section, but rather to protect those enterprises which existed in the Village District as of August 1, 1989. An expansion will require *site plan* review.
21. *Agriculture*, excluding the raising of livestock and fowl, including horticultural, hydroponics, and truck farming, general farming, cultivation of field crops, and raising of orchards, groves, and nurseries.
22. *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*.

23. Marine supply store including indoor outboard motor sales, subject to site plan review.\*\*
24. New and used boat sales, boat and outboard motor repairs and boat storage, subject to the following limitations:\*\*
  - a. The property shall front on 2 public roads.
  - b. All repairs are conducted inside a building.
  - c. The storage area and repair access area shall be screened on all sides with wood fencing a minimum of 6 feet in height.
  - d. The repair shop building and the storage and repair access area shall be set back at least 100 feet from adjacent properties that are zoned for residential use.
  - e. The open area for display of boats shall be limited to 3,000 square feet in size.
  - f. This use is subject to site plan review.
25. Up to 30 self-storage units in 1 building not to exceed 100 square feet of floor space per unit, subject to site plan review. The property shall front on 2 public roads.\*\*
26. Data processing centers, subject to site plan review<sup>++</sup>
27. Home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance and excavation<sup>§</sup>, subject to site plan review.<sup>+++</sup>

### 7.3 SPECIAL EXCEPTIONS

The following principal uses and *structures* may be permitted as special exceptions in the Village 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 structures* in the *front yard* of *through lots*
2. *Adaptive reuse* of historic *structures*
3. *Automobile service stations*, but not including repair
4. Cemetery, including crematorium and mausoleum
5. Convalescent, nursing, or group homes for the aged with five or more beds
6. *Day care group*
7. *Mobile home parks*
8. Outdoor recreation, miniature golf, but not golf courses
9. Printing and publishing
10. *Private clubs*
11. Private schools
12. *Retreat*
- 12.5 *Rural Inn* \*\*\*
- 12.75 School bus parking lot <sup>+</sup>
13. *Wind energy systems, small*\*
14. Hospitals, rehabilitation facilities, or other similar institutions for human care but not including animal hospitals<sup>+++</sup>
15. Septic tank maintenance and excavation, subject to site plan review<sup>§</sup>

\* Amended 9/6/11; \*\* Amended 8/5/14; \*\*\*Amended 4/8/15; <sup>+</sup> Amended 4/3/18; <sup>++</sup> Amended 6/16/20; <sup>+++</sup> Amended 4/19/22  
 § Amended 8/2/22

## 7.4 ACCESSORY USES AND STRUCTURES

The following *accessory uses* and *structures* shall be permitted on all properties in the Village District.

1. Accessory vehicle parking limited to those vehicles used as a part of principal permitted uses or approved special exceptions provided the vehicles have current licenses and are operable. Parking areas will be approved during *site plan* review.
2. Appurtenant *signs* in accordance with Article VI, Section 2 of this Ordinance.
3. 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.
4. *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.
5. *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.
- 5.5 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.
6. Uses and *structures* which are customarily accessory and clearly incidental and subordinate to permitted uses and *structures*.
7. Parking of one commercial vehicle in the *side* or *rear yard* of dwellings provided:
- a. The vehicle is used by the occupant of the dwelling.
  - b. The vehicle does not have a manufacturer's gross vehicle weight that exceeds 16,000 pounds.
  - c. Refrigerator units do not run when parked at the dwelling.
  - d. No major repair is conducted *on-site*.
  - 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.
8. Recreational uses such as *swimming pools*, game courts, and other like recreational facilities located a minimum of 25 feet from all property lines.
9. 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. 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.
- 10. 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*.
- 11. School buses, limited to two, parked in the *rear* or *side yard* of dwellings provided the buses are owned by the occupants of the dwelling, have current licenses and are operable.
- 11.5 *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.
- 12. 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, boat trailers, and camper trailers must be operable and have current licenses if required.
- 13. 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.

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

Gross <i>density</i> (dwelling units/acre)	4
Minimum <i>lot size</i>	9,500 square feet
Minimum <i>lot frontage</i>	50 feet
Minimum <i>yard</i>	
- <i>Front</i>	20 feet
- <i>Side</i>	8 feet
- <i>Rear</i>	10 feet
- Accessory residential <i>structures in rear yard</i>	
<i>Side</i>	3 feet
<i>Rear</i>	5 feet
Maximum <i>structure height</i> <sup>1</sup>	
- Commercial	38 feet
- Residential	38 feet
- Fence <sup>2</sup>	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
<i>Side and Rear</i>	8 feet
<i>Front</i>	4 feet

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<sup>1</sup> Height of *structures* may be further restricted by of the Kent County *Airport Safety Requirements* as defined in Article V, Section 7.8.C.12 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.

<sup>2</sup> Fences do not need to meet yard requirements.

## 7.6 VILLAGE GENERAL STANDARDS

1. The reuse of existing *buildings* is encouraged.
2. Public water and sewer systems may be required by the *Planning Commission*.
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. When deemed necessary by the *Planning Commission*, or where applicable the Planning Director, unobstructed *easements* at least 10 feet wide shall be provided to facilitate walkways to commercial facilities, community areas, schools, parks, playgrounds, or other public areas.
5. *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.

## 7.7 VILLAGE 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. VILLAGE 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. If practicable, permeable areas shall be established in vegetation. *Native plants* are preferred.



B. VILLAGE 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 15% of its *net tract area* in *forest cover* shall be afforested to 15% of its *net tract area*.
- b. *Forest* on parcels with less than 15% of its *net tract area* in *forest* may be cut or cleared provided:
  - iii. The *afforestation* required to achieve the 15% *afforestation* level is determined prior to any *clearing of forest*.
  - iv. The *afforestation* area consists of two (2) times the total surface area cleared and the area needed to achieve the 15% *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 fifteen (15) acres - five (5) acres to achieve the required *afforestation* level and ten (10) acres to replace the *forest* cleared.
- c. A parcel with more than 15% 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 15% of the *net tract area* or at a rate of two (2) acres planted for every acre removed below 15% of the *net tract area*. *Forest* retained over 15% 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 thirty (30) acres of which twenty (20) acres will be cleared, requires a *reforestation* area of 13.75 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 *forest* banking or off-site afforestation.
  - 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*. Whenever possible, riparian *forest* shall be expanded.
4. *Habitat*
- a. *Wildlife corridors* shall be created whenever feasible.
  - b. Fragmentation of habitat areas shall be minimized.
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 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* shall reduce the pollutant loadings by at least 10%. Pollutant loadings will be calculated in the manner developed by the Metropolitan Washington Council of Governments using phosphorous as the keystone element or in a manner acceptable to the Planning Director or the Planning Director's designee. When *on-site* compliance is not possible, *offsets* may be substituted. All *sites* shall comply with the *stormwater management* qualitative controls found in Article VI, Section 10 of this Ordinance.

## 7.8 VILLAGE 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. VILLAGE 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 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*. *Development* shall be designed to provide safe, comfortable places where people can visit, meet, shop, and rest without conflicting with other *street* uses.

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.
7. *Buildings* should be designed to enhance the community's sense of place by varying building massing and roof treatments, and by using building components and architectural design that emphasize the human scale. Commercial establishments are encouraged to limit the visual impression of height by the use of roof treatments, and varying the plane of exterior walls.
8. Parking *lot* design shall reflect the fact that once people step out of their cars, they become pedestrians. Parking lots shall be designed not only to facilitate efficient vehicle circulation but to also permit smooth pedestrian circulation.
9. Provision for safe and efficient bicycle circulation and parking should be included in the overall design of the parking lot.
10. The convenience and safety of both vehicles and pedestrian movement on adjoining ways and properties shall be considered during *site* design.
11. Whenever possible, display areas should be incorporated into the overall design of the *site*. Display areas shall not be in the *front yard setback*.

#### B. VILLAGE DESIGN ELEMENTS

1. New developments should be an extension of the overall village *development* pattern rather than stand in contrast to it.
2. New designs should consist of small, understandable neighborhood segments rather than a single, large suburban theme.
3. New developments should reflect the unordered, historical growth of the village and avoid the cookie-cutter sameness of many new residential subdivisions.
4. Any opportunities for a strong, central focus should be studied and developed. These central places are usually a key to establishing community identity.
5. The types of *open space* provided should be a reflection of how passive and active open spaces are now used in the village, whether they are adequate, and how they may be complemented.
6. Strong provisions should be made for walking as opposed to vehicular connections both within and outside of the new community.
7. *Street* widths and alignments should be carefully scaled to neighborhood size and be patterned after the character of existing residential *streets*.

8. The streetscape of new developments should be designed in detail to avoid repetitious *setbacks*, driveways, elevations, and landscaping.
9. New developments should carefully study and reflect the physical diversity of the existing village in regard to the mixture of housing types; a mixture of housing styles; and a mixture of *lot* sizes and shapes.
10. It is particularly important that new construction meet minimum design criteria in order for it to blend with the surroundings. New construction throughout the village should be compatible with the surrounding properties, in terms of formal characteristics such as height, massing, roof shapes and window proportions. When new construction is surrounded by existing historic *buildings*, building height and exterior materials shall be harmonious with those of adjacent properties.

### C. VILLAGE 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 property abuts a *primary, secondary, or collector road*, access shall be by way of the *secondary or collector road*. Exceptions to this rule shall be instances where the *Planning Commission*, or where applicable the Planning Director, determines that direct access onto the *primary road* would promote traffic safety.
- b. Where one or more contiguous parcels abutting a *primary road* are under single ownership and any one of the parcels abuts a *secondary road or collector road*, access to all of the parcels of the parcels under single ownership shall be by way of the *secondary or collector road*. Exceptions to this rule shall be instances when the *Planning Commission*, or where applicable the Planning Director, determines that direct access onto the *primary road* would promote traffic safety.
- c. Only one direct access approach onto a *primary road* from an individual parcel of record as of August 1, 1989 shall be permitted unless the *Planning Commission*, or where applicable the Planning Director, finds one of the following:
  - i. The *Planning Commission* may, with approval of the State Highway Administration or Kent County Public Works Department, approve additional access if the additional access is deemed to be significantly beneficial to the safety and operation of the highway or if allowing only one access approach would be a safety hazard or increase traffic congestion.
  - ii. The *Planning Commission* may approve access when the parcel is bisected by *steep slopes*, bodies of water, or other topographic features in such a manner as to render some portion of the property inaccessible without additional road access.
- d. 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*.
- e. Existing, planned, or platted *streets* on adjacent properties shall be continued when the *Planning Commission*, or where applicable the Planning Director, determines that the continuation is necessary for safe and reasonable circulation between the properties.
- f. All new lots must abut upon and have access to a public road or approved *private road*.
- g. When deemed necessary by the *Planning Commission*, or where applicable the Planning Director, developments shall provide access to adjacent tracts not presently developed.
- h. Direct automobile links should be made to the existing village or town to emphasize the connections between new and existing *development*

- i. Pedestrian and bicycle linkages to adjacent developments, recreational facilities, and other public or semi-public uses shall be provided whenever possible.
- j. The design and construction of walkways and bicycle paths will be evaluated on the basis of safety, accessibility, and suitability, for use by motor-impaired individuals, and surface suitability in terms of anticipated use and maintenance requirements.
- k. Access shall be consolidated whenever possible.
- l. 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.\*
- m. Whenever possible, *roads* shall be constructed above the elevation of the *100-year floodplain*.

## 2. Building Arrangement and *Site Design*

The purpose of imposing *regulations* governing building arrangement and *site design* is to help protect significant environmental and historic features, promote a sense of neighborhood and community identity and reduce the visual impact of high *density development* on the surrounding area.

- a. Where existing *buildings* express a traditionally modest (pre-zoning) front *setback*, creating a characteristically close relationship with the *street* (as in village and town centers and along their approach *roads*), it is highly desirable to continue this pattern in order to retain the area's character. Therefore, the *setback* of new construction should harmonize with the average *setbacks* of existing *buildings*.

Outside the areas of generally uniform building *setbacks* (where existing *structures* are at various distances from the *roadway*), front *setbacks* may vary to a greater degree, and principal *buildings* shall generally be within 40 feet and no closer than 20 feet to the front line unless there are substantial counterbalancing considerations (such as irregular *topography*, *wetlands*, or the preservation of natural rural features, including pastures, crop land, meadows, or timber stands).

- b. Where significant trees, groves, *waterways*, historic, archeological, or prehistoric *sites* or unique habitats are within the property boundaries of a proposed project, the Planning Commission, or where applicable the Planning Director, may require that every possible means shall be provided to preserve these features. In addition to identifying existing *natural features* as per Article VI, Section 5 of this Ordinance, an inventory of existing *on-site* historic and archeological features may be required.

## 3. Parking Areas

- a. Parking lots shall be located as much as possible to the rear of *buildings*. Locating parking lots between the front property line and the primary building is specifically prohibited except for public recreational facilities in which the parking lot is a minimum of 200 feet from the front property line and existing public roads.\*\*
- b. *Sites* shall be designed to prevent awkward or dangerous vehicular flow.
- c. Driveways in parking lots must be a minimum of 20 feet wide for two-way traffic and a minimum of 15 feet wide for one-way traffic.
- d. A minimum of one handicap parking space shall be provided for every 25 spaces in a safe, convenient, and centralized location.
- e. Whenever possible, parking lot design shall provide for connection to adjacent parcels where uses are compatible.
- f. Marked walkways, separated from vehicular traffic shall be provided to the entrance of commercial establishments.
- g. Parking areas with 80 spaces or more shall include walkways running parallel to the parking rows every four rows and walkways running perpendicular to the parking rows

every 20 spaces. Display areas are not considered parking areas. The *Planning Commission*, or where applicable the Planning Director, may reduce or waive this requirement.

- h. Landscaping shall be provided according to the provisions in this Ordinance.
4. Delivery Trucks and Trash Collection Vehicles
- a. *Loading and unloading spaces* for delivery trucks shall not block major pedestrian ways or create blind spots when trucks are loading and unloading.
  - b. Trash boxes shall be accessible to collection trucks when all vehicle parking spaces are filled.
5. *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.
6. Landscaping - General
- a. A minimum area of 15% of each new or redeveloped *site*, excluding *single family dwellings*, shall be landscaped. Landscaping within the parking areas and screening may be counted toward this requirement. The *Planning Commission*, or where applicable the Planning Director, may reduce or waive the landscaping requirement when it is demonstrated that the spirit and intent of the requirement are accomplished through other means or the nature of the change does not require additional landscaping.
  - b. The *front yard* shall be landscaped and maintained in a neat and attractive condition.
  - c. Landscaping shall be maintained in a good condition with at least the same quality and quantity as initially approved.
  - d. The *landscape plan* shall be prepared by a registered professional forester, landscape architect, or other professional with equivalent experience and qualifications.
  - e. *Street trees* shall be included in each *subdivision*. *Street trees* may be clustered, evenly spaced, or when building envelopes are within 20 feet of the public road *right of way*, as *front yard* landscape trees. The number of trees shall be calculated as follows:
    - i. Small trees (trees less than 25 feet in height at maturity) - 1 per 25 feet of *lot* or *open space*.
    - ii. Medium and large trees (25 feet or taller at maturity) - 1 per 40 feet of *lot* or *open space*.

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.

7. Parking Area Landscaping
  - a. At least 10% of all parking areas where more than ten parking spaces are provided shall be landscaped. This may be waived by the *Planning Commission* or where applicable the Planning Director. Perimeter screening does not count toward parking area landscaping.
  - b. To avoid large expanses of paved parking areas, the following provisions, which may be waived by the *Planning Commission*, or where applicable the Planning Director, shall apply:
    - i. A row shall not contain more than twelve 12 spaces without a landscaped *island* of at least the size of one parking space.
    - ii. The ends of parking rows shall contain an *island* a minimum of six feet wide adequately landscaped with shade trees, ground cover, and shrubs.
    - iii. Double rows of parking shall be separated by a minimum six-foot planting strip adequately landscaped with shade trees and shrubs.
  
8. Perimeter Landscaping and Screening
  - a. Screening is required to protect adjoining properties and *roadways* from noise, glare, and uses which are visually incompatible with neighboring land uses. Screening is required:
    - i. On *sites* which involve loading or unloading (including the storage of vehicles and boats), trash, or disposal areas and where accessory *buildings* and *structures* are adjacent to residential properties.
    - ii. Where exterior storage areas are visible from *roadways*, sidewalks, or nearby residential properties.
    - iii. When noise not typically occurring in residential areas is expected to project onto nearby properties.
    - iv. To *screen* parking areas (not including display areas) from motorists, pedestrians, and adjoining residential properties.
    - v. Where the commercial *site* abuts a residential district.
  - b. Landscaped screens shall be designed to complement other landscaping occurring naturally on the *site*, planted previously, or approved as a part of a *site plan* review. Whenever possible, existing vegetation and landform shall be used to create screens.
  - c. The *screen* shall be capable of providing year round screening.
  - d. When noise is likely to be a factor, the *screen* shall be of sufficient construction to be an effective noise buffer.
  - e. Screening shall consist of trees and plants, and may include masonry, or wooden fencing used with or without *berms*. Screening shall consist of a functional and well-designed combination of the following:
    - i. Vegetative ground cover
    - ii. Coniferous and deciduous shrubs
      - a) Specimens of which will reach and maintain a minimum height of 5 feet of full vegetative growth.
      - b) Plants which measure a minimum of 3 feet in height at the time of planting and are expected to attain a height of 5 feet within 3 years.
    - iii. Coniferous and deciduous trees - Species and sizes of which will be chosen to best accomplish an adequate *screen* (i.e., evergreens used for visual screening, deciduous trees for seasonal screening).
  - f. Natural *slopes* and existing vegetation may be substituted for some or all of the requirements above, provided that these features serve to *screen* the area from adjoining properties and *roadways*. The *Planning Commission*, or where applicable the Planning Director, shall determine the acceptability of using existing *slopes* and vegetation for this



purpose. The *Planning Commission* or where applicable the Planning Director may waive screening where it is physically impossible to accomplish.

- g. Screening and fencing shall be maintained in a good condition with at least the same quality and quantity as initially approved.

9. Lighting

- a. Lighting shall not exceed eighteen feet in height unless mounted on the *building*. This may be waived by the *Planning Commission* or where applicable the Planning Director.
- b. Lighting on the *site* shall be designed to avoid glare onto adjacent properties and adjacent *roadways* and shall not interfere with traffic or create a safety hazard.
- c. Lighting on the *site* shall be sufficient to provide for the safety and security of the business, its employees, and its customers.
- d. Lighting shall be color corrected.

10. *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. 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*.
- d. All reasonable efforts should be made to protect adjacent residential areas from potential nuisances from commercial *subdivision* by providing adequate depth in parcels adjacent to residential zoning.
- e. Every *lot* shall abut upon and have access to a public road or approved *private road*.
- f. Lots adjoining 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 the *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

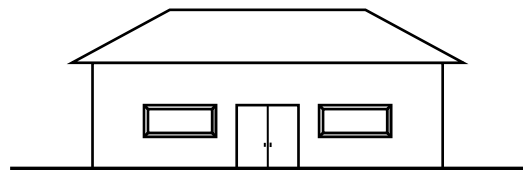
- m. *Private roads* are permitted in minor subdivisions and are subject to the following conditions:
  - i. Each road shall serve no more than seven parcels. In the event that an eighth parcel is created, the eighth parcel and all further divisions of land shall front on a public road.\*
  - ii. The *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.”

11. Building Mass, Size, and Scale

- a. New *development* is encouraged to follow the guidelines found in the pertinent village master plan. Building elevations will be required for new commercial and multi-family developments. The *Planning Commission*, or where applicable the Planning Director, may waive this requirement.
- b. New *buildings* should not create large, bulky masses but should be scaled down into groupings of smaller attached *structures* and modules that reflect proportions similar to historic *buildings*. Methods used to create intervals that reflect and respect historic *structures* include but are not limited to the following:
  - i. Facade modulation - stepping back or extending forward a portion of the facade.
  - ii. Repeating window patterns at established intervals.
  - iii. Providing a balcony or bay window at established intervals.
  - iv. Changing the roofline by alternating dormers, stepped roofs, gables, or other roof elements.
  - v. Use of landscaping and architectural detailing at the ground level.



Structure 1, Utilizes building massing



Structure 2, Does not utilize building massing

The above structures are the same height and width and are drawn to the same scale.

- c. Building designs shall be encouraged to utilize traditional materials (brick or wood) and contemporary interpretations of earlier styles.
- d. The design of new *buildings*, building additions, and *alterations*, and facade renovations should reflect the positive aspects of the existing design features of the County. *Buildings* should complement and improve the overall environment of the area.
- e. Commercial *buildings* are encouraged to be arranged in varied clustered masses related closely to the road.
- f. The proposed building orientation shall respect the orientation and scale of surrounding *buildings* and where deemed necessary by the *Planning Commission* serve as an orderly transition to a different scale.

- g. All rooftop equipment shall be screened from public view by screening material of the same nature as the building's basic building materials.
- h. To avoid monotonous linear *development*, multi-family *development* shall be in small clusters designed as neighborhood units. A cluster shall not include more than 30 units.
- i. In multi-family *development*, the number of units in a row is to be limited to a maximum of eight.
- j. *Offsets* at party walls and/or front and rear facades or similar devices are required to visually reduce building mass and create individualized spaces (*courtyards*, seating areas, etc.) for all multi-family projects. Drawings of the building elevations will be required. The *Planning Commission*, or where applicable the Planning Director, may waive this requirement.

12. 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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## SECTION 8 INTENSE VILLAGE

### 8.1 STATEMENT OF INTENT

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

### 8.2 PERMITTED PRINCIPAL USES AND STRUCTURES

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

1. Detached *single family dwellings*
2. *Two-family dwellings*
3. *Townhouses*, subject to *site plan* review
4. *Multi-family dwellings*, subject to *site plan* review
5. Rooming, boarding, and *lodging houses*
6. *Automobile service stations*, not including auto repair, subject to *site plan* review
7. *Houses of worship*. New construction shall require *site plan* review
8. Financial institutions, subject to *site plan* review
9. Fire and rescue stations, subject to *site plan* review
10. Home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance and excavation\*, subject to *site plan* review
11. *Hotels* and *motels*, subject to *site plan* review
12. *Country inns*, subject to *site plan* review
13. Indoor movie theaters, playhouses, and dinner theaters, subject to *site plan* review
14. Offices - administrative, business, sales, and professional, subject to *site plan* review
15. *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.
- 16.

\* Amended 8/2/22

Public uses, *buildings*, and utilities. Public *buildings* include but are not limited to schools, offices, parks, playgrounds, and *roads* funded, owned and operated by local, state, or federal agencies. *Public utilities* are water, sewer, electric, gas, oil, and communication facilities owned and operated by the Kent County Department of Water and Wastewater or other public utility. *Public utilities* include substations, poles, lines, transformers, pipes, meters, treatment facilities, pumping stations, and appurtenances but not transmission towers. Power plants and the like are not permitted. The following items require *site plan* review: schools, offices, playgrounds, treatment facilities, water towers, substations, and transformers.

17. *Restaurants* without drive through facilities, subject to *site plan* review
18. Retail businesses, supplying on the *premises*, household goods, new automobile parts, agricultural supplies and commodities, sporting goods, business machinery sales and rentals, and the like including department, outlet, and discount stores provided all retail sales shall be conducted entirely within a *building* except where otherwise approved by the *Planning Commission*. All retail business *buildings* are limited to a footprint of 10,000 square feet. All retail businesses shall be subject to *site plan* review.
19. Funeral homes, subject to *site plan* review
20. Recreational uses, indoor, commercial, i.e. game courts, *swimming pools*, and other like recreational facilities, subject to *site plan* review.
21. Personal service establishments which perform services on the *premises* for persons residing in adjacent residential areas, such as shoe repair, dry cleaners, tailors, *Laundromats*, beauty parlors, barber shops, and the like. All personal service uses shall be conducted entirely within a *building*. Other uses and *structures* that meet the criteria specified above may be approved by the Zoning Administrator. Personal service activities require *site plan* review.
22. Self storage centers, provided the front façade of the center and any other façade visible from adjoining public roads reflect the scale, materials and design features common to residential or *historic structures* in the County. Self storage centers shall require *site plan* review.

### 8.3 SPECIAL EXCEPTIONS

The following principal uses and *structures* may be permitted as special exceptions in the Intense Village 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 structures* in the *front yard* of *through lots*
2. Adaptive reuse of *historic structures*
3. *Automobile repair*
4. Car wash
5. *Conference center*
6. Convalescent, nursing, or group homes for the aged with five or more beds
7. *Cottage industries*, tradesmen and artisan shops
8. *Day care group*
9. *Hospital*, rehabilitation facility, or other similar institution for human care, but not including animal hospitals
10. Outdoor entertainment
11. Outdoor recreation, miniature golf, but not golf courses

- 12. Printing and publishing
- 13. *Private clubs*
- 14. Private schools
- 15. Pubs, taverns and bars
- 16. *Resort*
- 16.5 School bus parking lot \*\*
- 17. *Wind energy systems, small\**

#### 8.4 ACCESSORY USES

The following *accessory uses* and *structures* shall be permitted in the Intense Village District.

- 1. Accessory housing
- 2. Accessory vehicle parking limited to those vehicles used as part of principal permitted uses or approved special exceptions provided the vehicles have current licenses and are operable. Parking areas will be approved during *site plan* review.
- 3. 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.
- 4. Appurtenant *signs* in accordance with Article VI, Section 2 of this Ordinance
- 5. Cemetery, including crematorium and mausoleum, accessory to a *house of worship* located on the same parcel.
- 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. Parking of one commercial vehicle in the *side* or *rear yard* of dwellings provided:
  - a. The vehicle is used by the occupant of the dwelling.
  - b. The vehicle does not have a manufacturer's gross vehicle weight that exceeds 16,000 pounds.
  - c. Refrigerator units do not run when parked at the dwelling.
  - d. No major repair is conducted *on-site*.
  - 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.
9. Recreational uses such as *swimming pools*, game courts, and other like recreational facilities located a minimum of 25 feet from all property lines.
10. Satellite dish with an antenna exceeding 3 feet in diameter provided:
  - a. No antenna shall exceed an overall diameter of 12 ft. or an overall height of 15 ft. 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 ft. 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 3 feet or less in diameter 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 dwellings provided the buses are owned by the 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, boat trailers, and camper trailers must be operable and have current licenses if required.
- 13.5 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.
14. Uses and *structures* which are customarily accessory and clearly incidental and subordinate to permitted uses and *structures*.

## 8.5 DENSITY, AREA, HEIGHT, WIDTH, AND YARD REQUIREMENTS

Gross <i>density</i> ( dwelling units/acre)	8
Minimum <i>lot area</i> per unit	
- <i>Single family dwelling</i>	5,000 square feet
- Duplex/ triplex	4,000 square feet
- <i>Townhouse/apartments</i>	2,000 square feet
Minimum <i>lot frontage</i>	<sup>1</sup>
Minimum <i>yard</i>	
- <i>Front</i>	1
- <i>Side</i>	1
- <i>Rear</i>	1
- Accessory residential <i>structures</i>	1
Maximum <i>structure height</i> <sup>2</sup>	
- Commercial	40 feet
- Residential	40 feet
- Fence <sup>3</sup>	
- Security	8 feet
- Ornamental	
Front and <i>side yard</i>	4 feet
<i>Rear yard</i>	8 feet

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<sup>1</sup> *Frontage* and minimum *yard* requirements will be determined during site plan review and in accordance with the applicable Village Master Plan.

<sup>2</sup> 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.

<sup>3</sup> Fences do not need to meet yard requirements.

## 8.6 INTENSE VILLAGE GENERAL STANDARDS

1. The reuse of existing *buildings* is encouraged.
2. Public water and sewer systems may be required by the *Planning Commission*.
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. When deemed necessary by the *Planning Commission*, or where applicable the Planning Director, unobstructed *easements* at least 10 feet wide shall be provided to facilitate walkways to commercial facilities, community areas, schools, parks, playgrounds, or other public areas.
5. *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.

## 8.7 INTENSE VILLAGE 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. INTENSE VILLAGE 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 the 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. If practicable, permeable areas shall be established in vegetation. *Native plants* are preferred.

B. INTENSE VILLAGE 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 15% of its *net tract area* in *forest cover* shall be afforested to 15% of its *net tract area*.
- b. *Forest* on parcels with less than 15% of its *net tract area* in *forest* may be cut or cleared provided:
  - i. The *afforestation* required to achieve the 15% *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 15% *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 fifteen (15) acres - five (5) acres to achieve the required *afforestation* level and ten (10) acres to replace the *forest* cleared.
- c. A parcel with more than 15% 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 15% of the *net tract area* or at a rate of two (2) acres planted for every acre removed below 15% of the *net tract area*. *Forest* retained over 15% 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 thirty (30) acres of which twenty (20) acres will be cleared, requires a *reforestation* area of 13.75 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 *forest* banking or off-site afforestation.
  - 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*. Whenever possible, riparian *forest* shall be expanded.
4. *Habitat*
- a. *Wildlife corridors* shall be created whenever feasible.
  - b. Fragmentation of habitat areas shall be minimized.
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 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* shall reduce the pollutant loadings by at least 10%. Pollutant loadings will be calculated in the manner developed by the Metropolitan Washington Council of Governments using phosphorous as the keystone element or in a manner acceptable to the Planning Director or the Planning Director's designee. When *on-site* compliance is not possible, *offsets* may be substituted. All *sites* shall comply with the *stormwater management* qualitative controls found in Article VI, Section 10 of this Ordinance.

## 8.8 INTENSE VILLAGE 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. INTENSE VILLAGE 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*. *Development* shall be designed to provide safe, comfortable places where people can visit, meet, shop, and rest without conflicting with other *street* uses.

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.
7. *Buildings* should be designed to enhance the community's sense of place by varying building massing and roof treatments, and by using building components and architectural design that emphasize the human scale. Commercial establishments are encouraged to limit the visual impression of height by the use of roof treatments, and varying the plane of exterior walls.
8. Parking lot design shall reflect the fact that once people step out of their cars, they become pedestrians. Parking lots shall be designed not only to facilitate efficient vehicle circulation but to also permit smooth pedestrian circulation.
9. Provision for safe and efficient bicycle circulation and parking should be included in the overall design of the parking lot.
10. The convenience and safety of both vehicle and pedestrian movement on adjoining ways and properties shall be considered during *site* design.
11. Whenever possible, display areas should be incorporated into the overall design of the *site*. Display areas shall not be in the *front yard setback*.

#### B. INTENSE VILLAGE DESIGN ELEMENTS

1. New *development* should be an extension of the overall village *development* pattern rather than stand in contrast to it.
2. New designs should consist of small, understandable neighborhood segments rather than a single, large suburban theme.
3. New *development* should reflect the unordered, historical growth of the village and avoid the cookie-cutter sameness of many new residential subdivisions.
4. Any opportunities for a strong, central focus should be studied and developed. These central places are usually a key to establishing community identity.
5. The types of *open space* provided should be a reflection of how passive and active open spaces are now used in the village, whether they are adequate, and how they may be complemented.
6. Strong provisions should be made for walking as opposed to vehicular connections both within and outside of the new community.
7. *Street* widths and alignments should be carefully scaled to neighborhood size and be patterned after the character of existing residential *streets*.

8. The streetscape of new developments should be designed in detail to avoid repetitious *setbacks*, driveways, elevations, and landscaping.
9. New developments should carefully study and reflect the physical diversity of the existing village in regard to the mixture of housing types; mixture of housing styles; and mixture of *lot* sizes and shapes.
10. It is particularly important that new construction meet minimum design criteria in order for it to blend with the surroundings. New construction throughout the village should be compatible with the surrounding properties, in terms of formal characteristics such as height, massing, roof shapes and window proportions. When new construction is surrounded by existing historic *buildings*, building height and exterior materials shall be harmonious with those of adjacent properties.

### C. INTENSE VILLAGE 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 property abuts a *primary, secondary, or collector road*, access shall be by way of the *secondary or collector road*. Exceptions to this rule shall be instances where the *Planning Commission*, or where applicable the Planning Director, determines that direct access onto the *primary road* would promote traffic safety.
- b. Where one or more contiguous parcels abutting a *primary road* are under single ownership and any one of the parcels abuts a *secondary road or collector road*, access to all of the parcels under single ownership shall be by way of the *secondary or collector road*. Exceptions to this rule shall be instances when the *Planning Commission*, or where applicable the Planning Director, determines that direct access onto the *primary road* would promote traffic safety.
- c. Only one direct access approach onto a *primary road* from an individual parcel of record as of August 1, 1989 shall be permitted unless the *Planning Commission*, or where applicable the Planning Director, finds one of the following:
  - i. The *Planning Commission* may, with approval of the State Highway Administration or Kent County Public Works Department, approve additional access if the additional access is deemed to be significantly beneficial to the safety and operation of the highway or if allowing only one access approach would be a safety hazard or increase traffic congestion.
  - ii. The *Planning Commission* may approve access when the parcel is bisected by *steep slopes*, bodies of water, or other topographic features in such a manner as to render some portion of the property inaccessible without additional road access.
- d. 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*.
- e. Existing, planned, or platted *streets* on adjacent properties shall be continued when the *Planning Commission*, or where applicable the Planning Director, determines that the continuation is necessary for safe and reasonable circulation between the properties.
- f. All new lots must abut upon and have access to a public road or approved *private road*.
- g. When deemed necessary by the *Planning Commission*, or where applicable the Planning Director, developments shall provide access to adjacent tracts not presently developed.
- h. Direct automobile links should be made to the existing village or town to emphasize the connections between new and existing *development*



- i. Pedestrian and bicycle linkages to adjacent developments, recreational facilities, and other public or semi-public uses shall be provided whenever possible.
  - j. The design and construction of walkways and bicycle paths will be evaluated on the basis of safety, accessibility, and suitability for use by motor-impaired individuals, and surface suitability in terms of anticipated use and maintenance requirements.
  - k. Access shall be consolidated whenever possible.
  - l. 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.\*
  - m. Whenever possible, *roads* shall be constructed above the elevation of the *100-year floodplain*.
2. **Building Arrangement and *Site* Design**  
 The purpose of imposing *regulations* governing building arrangement and *site* design is to help protect significant environmental and historic features, promote a sense of neighborhood and community identity, and reduce the visual impact of high *density development* on the surrounding area.
- a. Where existing *buildings* express a traditionally modest (pre-zoning) front *setback*, creating a characteristically close relationship with the *street* (as in village and town centers and along their approach *roads*), it is highly desirable to continue this pattern in order to retain the area's character. Therefore, the *setback* of new construction should harmonize with the average *setbacks* of existing *buildings*.  
 Outside the areas of generally uniform building *setbacks* (where existing *structures* are at various distances from the *roadway*), front *setbacks* may vary to a greater degree, and principal *buildings* shall generally be within 40 feet and no closer than 20 feet to the front line unless there are substantial counterbalance considerations (such as irregular *topography*, *wetlands*, or the preservation of natural rural features, including pastures, crop land, meadows, or timber stands).
  - b. Where significant trees, groves, *waterways*, historic, archeological, or prehistoric *sites* or unique habitats are within the property boundaries of a proposed project, the Planning Commission, or where applicable the Planning Director, may require every possible means shall be provided to preserve these features. In addition to identifying existing *natural features* as per Article VI, Section 5 of this Ordinance, an inventory of existing *on-site* historic and archeological features may be required.
3. **Parking Areas**
- a. Parking lots shall be located as much as possible to the rear of *buildings*. Locating parking lots between the front property line and the primary *building* is specifically prohibited.
  - b. *Sites* shall be designed to prevent awkward or dangerous vehicular flow.
  - c. Driveways in parking lots must be a minimum of 20 feet wide for two-way traffic and a minimum of 15 feet wide for one-way traffic.
  - d. A minimum of one handicap parking space shall be provided for every 25 spaces in a safe, convenient, and centralized location.
  - e. Whenever possible, parking lot design shall provide for connection to adjacent parcels where uses are compatible.
  - f. Marked walkways, separated from vehicular traffic shall be provided to the entrance of commercial establishments.
  - g. Parking areas with 80 spaces or more shall provide walkways running parallel to the parking rows every four rows and walkways running perpendicular to the parking rows every 20 spaces. Display areas are not considered parking areas. The *Planning*

*Commission*, or where applicable the Planning Director, may reduce or waive this requirement.

h. Landscaping shall be provided according to the provisions of this Ordinance.

4. Delivery Trucks and Trash Collection Vehicles

a. *Loading and unloading spaces* for delivery trucks shall not block major pedestrian ways or create blind spots when trucks are loading and unloading.

b. Trash boxes shall be accessible to collection trucks when all vehicle parking spaces are filled.

5. *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.

6. Landscaping - General

a. A minimum area of 15% of each new or redeveloped *site*, excluding *single family dwellings*, shall be landscaped. Landscaping within the parking areas and screening may be counted toward this requirement. The *Planning Commission*, or where applicable the Planning Director, may reduce or waive the landscape requirement when it is demonstrated that the spirit and intent of the requirements are accomplished through other means or the nature of the change does not require additional landscaping.

b. The *front yard* shall be landscaped and maintained in a neat and attractive condition.

c. Landscaping shall be maintained in the in a good condition with at least the same quality and quantity as initially approved.

d. The *landscape plan* shall be prepared by a registered professional forester, landscape architect, or other professional with equivalent experience and qualifications.

e. *Street* trees shall be included in each *subdivision*. *Street* trees may be clustered, evenly spaced, or when building envelopes are within 20 feet of the public road *right of way*, as *front yard* landscape trees. The number of trees shall be calculated as follows:

i. Small trees (trees less than 25 feet in height at maturity) - 1 per 25 linear feet of *lot* or *open space*.

ii. Medium and large trees (25 feet or taller at maturity) - 1 per 40 linear feet of *lot* or *open space*.

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.

\* Amended 6/3/14

7. Parking Area Landscaping
  - a. At least 10% of all parking areas where more than ten parking spaces are provided shall be landscaped. This may be waived by the *Planning Commission* or where applicable the Planning Director. Perimeter screening does not count toward parking area landscaping.
  - b. To avoid large expanses of paved parking areas, the following provisions, which may be waived by the *Planning Commission*, or where applicable the Planning Director, shall apply:
    - i. A row shall not contain more than twelve 12 spaces without a landscaped *island* of at least the size of one parking space.
    - ii. The ends of parking rows shall contain an *island* a minimum of six feet wide adequately landscaped with shade trees, ground cover, and shrubs.
    - iii. Double rows of parking shall be separated by a minimum six-foot planting strip adequately landscaped with shade trees and shrubs.
  
8. Perimeter Landscaping and Screening
  - a. Screening is required to protect adjoining properties and *roadways* from noise, glare, and uses which are visually incompatible with neighboring land uses. Screening is required:
    - i. On *sites* which involve loading or unloading (including the storage of vehicles and boats), trash, or disposal areas and where accessory *buildings* and *structures* are adjacent to residential properties.
    - ii. Where exterior storage areas are visible from *roadways*, sidewalks, or nearby residential properties.
    - iii. When noise not typically occurring in residential areas is expected to project onto nearby properties.
    - iv. To *screen* parking areas (not including display areas) from motorists, pedestrians, and adjoining residential properties.
    - v. Where the commercial *site* abuts a residential district.
  - b. Landscaped screens shall be designed to complement other landscaping occurring naturally on the *site*, planted previously, or approved as a part of a *site plan* review. Whenever possible, existing vegetation and landform shall be used to create screens.
  - c. The *screen* shall be capable of providing year round screening.
  - d. When noise is likely to be a factor, the *screen* shall be of sufficient construction to be an effective noise buffer.
  - e. Screening shall consist of trees and plants, and may include masonry, or wooden fencing used with or without *berms*. Screening shall consist of a functional and well-designed combination of the following:
    - i. Vegetative ground cover
    - ii. Coniferous and deciduous shrubs
      - a) Specimens of which will reach and maintain a minimum height of 5 feet of full vegetative growth.
      - b) Plants which measure a minimum of 3 feet in height at the time of planting and are expected to attain a 5-foot height within 3 years.
    - iii. Coniferous and deciduous trees - Species and sizes of which will be chosen to best accomplish an adequate *screen* (i.e., evergreens used for visual screening, deciduous trees for seasonal screening).
  - f. Natural *slopes* and existing vegetation may be substituted for some or all of the requirements above, provided that these features serve to *screen* the area from adjoining properties and *roadways*. The *Planning Commission*, or where applicable the Planning Director, shall determine the acceptability of using existing *slopes* and vegetation for this purpose. The *Planning Commission*, or where applicable the Planning Director, may waive screening where it is physically impossible to accomplish.

- g. Screening and fencing shall be maintained in good condition and with at least the same quality and quantity as initially approved.
9. Lighting
- a. Lighting shall not exceed eighteen feet in height unless mounted on the *building*. This may be waived by the *Planning Commission* or where applicable the Planning Director.
  - b. Lighting on the *site* shall be designed to avoid glare onto adjacent properties and adjacent *roadways* and shall not interfere with traffic or create a safety hazard.
  - c. Lighting on the *site* shall be sufficient to provide for the safety and security of the business, its employees, and its customers.
  - d. Lighting shall be color corrected.
10. *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. All reasonable efforts should be made to protect adjacent residential areas from potential nuisances from commercial *subdivision* by providing adequate depth in parcels adjacent to residential zoning.
  - 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 the *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.

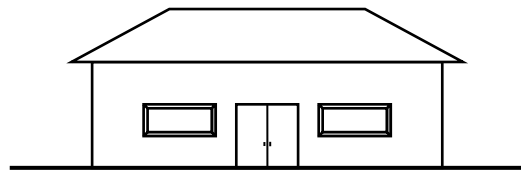
- m. *Private roads* are permitted in minor subdivisions and are subject to the following conditions:
  - i. Each road shall serve no more than seven parcels. In the event that an eighth parcel is created, the eighth parcel and all further divisions of land shall front on a public road.\*
  - ii. The *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.”

11. Building Mass, Size, and Scale

- a. New *development* is encouraged to follow the guidelines found in the pertinent village master plan. Building elevations will be required for new commercial and multi-family developments. The *Planning Commission*, or where applicable the Planning Director, may waive this requirement.
- b. New *buildings* should not create large, bulky masses but should be scaled down into groupings of smaller attached *structures* and modules that reflect proportions similar to historic *buildings*. Methods used to create intervals that reflect and respect historic *structures* include but are not limited to the following:
  - i. Facade modulation - stepping back or extending forward a portion of the facade.
  - ii. Repeating window patterns at established intervals.
  - iii. Providing a balcony or bay window at established intervals.
  - iv. Changing the roofline by alternating dormers, stepped roofs, gables, or other roof elements.
  - v. Use of landscaping and architectural detailing at the ground level.



Structure 1, Utilizes building massing



Structure 2, Does not utilize building massing

The above structures are the same height and width and are drawn to the same scale.

- c. Building designs shall be encouraged to utilize traditional materials (brick or wood) and contemporary interpretations of earlier styles.
- d. The design of new *buildings*, building additions and *alterations*, and facade renovations should reflect the positive aspects of the existing design features of the County. *Buildings* should complement and improve the overall environment of the area.
- e. Commercial *buildings* are encouraged to be arranged in varied clustered masses related closely to the road.
- f. The proposed building orientation shall respect the orientation and scale of serve as an orderly transition to a different scale.

- g. All rooftop equipment shall be screened from public view by screening material of the same nature as the building's basic building materials.
- h. To avoid monotonous, linear *development*, multi-family *development* shall be in small clusters designed as neighborhood units. A cluster shall include not more than 30 units.
- i. In multi-family *development*, the number of units in a row is to be limited to a maximum of eight.
- j. *Offsets* at party walls and/or front and rear facades or similar devices are required to visually reduce building mass and create individualized spaces (*courtyards*, seating areas, etc.) for all multi-family projects. Drawings of the building elevations will be required. The *Planning Commission*, or where applicable Planning Director, may waive this requirement.

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## SECTION 9 INTENSE VILLAGE CRITICAL AREA

### 9.1 STATEMENT OF INTENT

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

- Improve the quality of runoff from developed areas that enters the Chesapeake Bay or its tributary streams.
- Accommodate additional mixed use development provided that water quality is not impaired.
- Minimize the expansion of intensely developed areas into portions of the Critical Area designated as habitat protection areas and resource conservation areas.
- Conserve and enhance fish, wildlife, and plant habitats to the extent possible within intensely developed areas.
- Encourage the use of *retrofitting* measures to address existing *stormwater* management problems.

### 9.2 PERMITTED PRINCIPAL USES AND STRUCTURES

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

1. Detached *single family dwellings*
2. *Two-family dwellings*
3. *Townhouses*, subject to *site plan* review
4. *Multi-family dwellings*, subject to *site plan* review
5. Rooming, boarding, and *lodging houses*
6. *Automobile service stations*, not including *automobile repair*, subject to *site plan* review
7. Boat docks, piers (open or covered), and wharves, commercial, provided that they do not exceed 25% of the *waterway*, or the edge of the *channel*, whichever is less
8. Boat rental, sales, supplies, instruction, and other services customarily associated with a full service *marina*
9. *Houses of worship*. New construction shall be subject to *site plan* review.
10. Financial institutions, subject to *site plan* review
11. Fire and rescue stations, subject to *site plan* review

12. Funeral homes, subject to *site plan* review
13. Home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance and excavation\*, subject to *site plan* review
14. *Hotels* and *motels*, subject to *site plan* review
15. *Country inns*, subject to *site plan* review
16. Indoor movie theaters, playhouses, and dinner theaters, subject to *site plan* review
17. Offices - administrative, business, sales, and professional, subject to *site plan* review
18. *Marinas*, subject to *site plan* review
19. *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.
20. Public uses, *buildings*, and utilities. Public *buildings* include but are not limited to schools, offices, parks, playgrounds, and *roads* funded, owned and operated by local, state, or federal agencies. *Public utilities* are water, sewer, electric, gas, oil, and communication facilities owned and operated by the Kent County Department of Water and Wastewater or other public utility. *Public utilities* include substations, poles, lines, transformers, pipes, meters, treatment facilities, pumping stations, and appurtenances, but not including transmission towers. Power plants and the like are not permitted. The following items shall be subject to *site plan* review: schools, offices, playgrounds, treatment facilities, water towers, substations, and transformers.
21. *Restaurants* without drive through facilities, subject to *site plan* review
22. Retail business, supplying on the *premises*, household goods, new automobile parts, agricultural supplies and commodities, sporting goods, business machinery sales and rental, and the like including department, outlet, and discount stores provided all retail sales shall be conducted entirely within a *building* except where otherwise approved by the *Planning Commission*. All retail business *buildings* are limited to a footprint of 10,000 square feet. All retail businesses shall be subject to *site plan* review.
23. Recreational uses, indoor, commercial, i.e. game courts, *swimming pools*, and other like recreational facilities, but not including golf courses, subject to *site plan* review
24. Personal service establishments which perform services on the *premises* for persons residing in adjacent residential areas, such as shoe repair, dry cleaners, tailors, *Laundromats*, beauty parlors, barber shops, and the like. All personal service uses shall be conducted entirely within a *building*. Other uses and *structures* that meet the criteria specified above may be approved by the Zoning Administrator. Personal service activities shall be subject to *site plan* review.

### 9.3 SPECIAL EXCEPTIONS

The following principal uses and *structures* may be permitted as special exceptions in the Intense Village *Critical Area* 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 structures in the front yard of through lots*
2. *Adaptive reuse of historic structures*
3. *Automobile repair*
4. *Car wash*
5. *Conference center*
6. *Convalescent, nursing, or group homes for the aged with five or more beds*
7. *Cottage industries, tradesmen and artisan shops*
8. *Day care group*
9. *Hospital, rehabilitation facility or other similar institution for human care but not including animal hospitals*
10. *Outdoor entertainment*
11. *Outdoor recreation, miniature golf, but not golf courses*
12. *Printing and publishing*
13. *Private clubs*
14. *Private schools*
15. *Pubs, taverns and bars*
16. *Public landings*
17. *Resort*
18. *Wind energy systems, small\**

### 9.4 ACCESSORY USES

The following *accessory uses* and *structures* shall be permitted in the Intense Village *Critical Area* District.

1. *Accessory housing*
2. *Accessory vehicle parking limited to those vehicles used as a part of principal permitted uses or approved special exceptions provided the vehicles have current licenses and are operable. Parking areas will be approved during site plan review.*
3. *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.*

4. Bath houses, pump out *structures*, and other uses normally associated with *marinas*.
5. *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.
6. Fuel storage and sales at *marinas*, for marine purposes only
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 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.
8. Parking of one commercial vehicle in the *side* or *rear yard* of dwellings provided:
- a. The vehicle is used by the occupant of the dwelling.
  - b. The vehicle does not have a manufacturer's gross vehicle weight that exceeds 16,000 pounds.
  - c. Refrigerator units do not run when parked at the dwelling.
  - d. No major repair is conducted *on-site*.
  - 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.
9. Recreational uses such as *swimming pools*, game courts, and other like recreational facilities located a minimum of 25 feet from all property lines.
10. Satellite dish with an antenna exceeding 3 feet in diameter provided:
- a. No antenna shall exceed an overall diameter of 12 ft. or an overall height of 15 ft. 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 ft. 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 3 feet or less in diameter 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 dwellings provided the buses are owned by the 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 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, boat trailers, and camper trailers must be operable and have current licenses if required.
- 13.5 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.
14. Uses and *structures* which are customarily accessory and clearly incidental and subordinate to permitted uses and *structures*.

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

Gross <i>density</i> (dwelling units/acre)	8
Minimum <i>lot area</i> per unit	
- <i>Single family dwelling</i>	5,000 square feet
- Duplex/triplex	4,000 square feet
- <i>Townhouse/apartments</i>	2,000 square feet
Minimum <i>lot frontage</i>	<sup>1</sup>
Minimum <i>yard</i>	
- <i>Front</i>	1
- <i>Side</i>	1
- <i>Rear</i>	1
- Waterfront	Minimum 100 foot buffer or <i>modified buffer</i> <sup>2</sup>
- Accessory residential <i>structures</i>	<sup>1</sup>
Maximum <i>structure</i> height <sup>3</sup>	
- Commercial	40 feet
- Residential	40 feet
- Fence <sup>4</sup>	
- Security	8 feet
- Ornamental	
Front and <i>side yard</i>	4 feet
<i>Rear yard</i>	8 feet

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<sup>1</sup>*Frontage* and minimum *yard* requirements will be determined during site plan review and in accordance with the applicable Village Master Plan.

<sup>2</sup> Modifications for structures existing prior to April 12, 1988 may be permitted as per Article V, Section 9.7.B.4.

<sup>3</sup> 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.

<sup>4</sup> Fences do not need to meet yard requirements.

## 9.6 INTENSE VILLAGE CRITICAL AREA GENERAL STANDARDS

1. The reuse of existing *buildings* is encouraged.
2. Public water and sewer systems may be required by the *Planning Commission*.
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. When deemed necessary by the *Planning Commission*, or where applicable the Planning Director, unobstructed *easements* at least 10 feet wide shall be provided to facilitate walkways to commercial facilities, community areas, schools, parks, playgrounds, or other public areas.
5. *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.

## 9.7 INTENSE VILLAGE CRITICAL AREA 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 *ecosystems* in the face of continuing activity, growth and change.

### A. INTENSE VILLAGE CRITICAL AREA 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 as identified by the Department of Planning and Zoning.
2. *Development* shall minimize the removal of vegetation. Protection of remaining vegetation and replacement of removed vegetation shall be required. The *developer* shall demonstrate that the change in vegetation minimizes the effect on the microclimate.
3. *Development* shall minimize the effects on the existing volume and quality of any water body. Chemical and nutrient pollution shall be reduced or at least minimized. *Urban best management practices* shall be used.
4. Whenever possible, land with poor drainage or other adverse condition 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 which might involve danger to health, life, or property or aggravate *flood* hazard.

6. If practicable, permeable areas shall be established in vegetation. *Native plants* are preferred.

## B. INTENSE VILLAGE CRITICAL AREA SPECIFIC ENVIRONMENTAL STANDARDS

### 1. *Agriculture*

No new agricultural land shall be created by:

- a. Draining, filling, or diking any *palustrine wetlands* which 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 a *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 of this Ordinance.

### 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. New *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, and *wildlife habitat* are minimized; and
  - 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. Water-dependent research facilities or activities operated by State, Federal, local agencies or education facilities may be permitted in the *buffer* if non-water dependent *structures* or facilities associated with these projects are located outside the *buffer*.
- iv. Commercial water-dependent fisheries facilities including, but not limited to, *structures* for crab shedding, fish off-loading docks, shellfish culture operations,

and shore based facilities for *aquaculture* operations, and *fisheries activities* may be permitted in the *buffer*.

- b. Vegetation 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.
  - ii. Vegetation in the *buffer* removed for the reasons listed above shall be reestablished 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. *Modified Buffer*

a. *Development* in the *Modified Buffer*

- i. No new *development* shall encroach within 25 feet of mean high tide or 25 feet of the edge of a *tidal wetland*. Expansion to the side or rear but not closer to the water may be permitted as long as the expansion is designed and located to maximize the distance from the shoreline or to enhance or protect the environmentally sensitive features on the *site*.
- ii. An area of existing *impervious surface on-site* equal to or greater than the area of new *development* shall be removed and revegetated, or
- iii. A *forest buffer* will be planted *on-site* equal to three times the amount of newly developed *impervious surface* within the minimum 100-foot *buffer* (equal areas to be planted for other disturbance outside of the minimum 100-foot *buffer*); if there is not enough available space on the *lot* to create a *buffer*, the property owner must plant the required amounts *on-site* outside the *buffer*, *off-site*, or must pay a fee-in-lieu.

b. Vegetative Protection within the *Modified Buffer*

*Natural vegetation* within the *modified buffer* shall be preserved and protected unless one of the following apply:

- i. 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.

- ii. Trees which are leaning over the water may be cut, but their stumps and roots shall not be disturbed.
- iii. The disturbance provides access for water-dependent facilities or shore *erosion* protection *structures*.
- iv. Landowners may treat trees and shrubs to maintain or improve their health.

5. *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 15%.

6. *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).

7. **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.
  
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 land.
  
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, *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 and *endangered species* and *species in need of conservation* shall be checked and noted by the *developer* before any approvals can be granted by the Planning Director, *Planning Commission*, or Zoning Administrator.
  - c. The Federal or State guidelines (which ever 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 harvests occurring within any one year interval and which affect one or more acres in *forest* or *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. 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* is permitted provided:
  - i. 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 in Article VI, Section 3.
  - 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 in corridors of existing *forest* or woodlands, vegetation shall be maintained to provide effective connections between *wildlife habitat* area.
- d. 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 streams* or the edge of *tidal wetlands* provided that the cutting does not occur in the Habitat Protection Areas and the cutting is conducted pursuant to the requirements of Article VI, Section 9 and the *non-tidal wetlands* requirements of this Ordinance and in conformance with a *buffer* management plan prepared by a registered professional forester and approved by the Department of Natural Resources. The plan shall be required for all commercial harvest within the minimum 100-foot *buffer* regardless of the size of the area to be cut and shall contain the following minimum requirements:
  - i. That disturbance to stream banks and shorelines shall be avoided.
  - ii. That the area to be 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*.
  - iii. That the cutting does not involve the creation of logging *roads* and skid trails within the minimum 100-foot *buffer*.

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, Bay Watershed Forester.

14. Water Quality

New *development* and *redevelopment* shall reduce pollutant loadings coming off the *site* by at least 10%. Pollutant loads shall be calculated in the manner developed by the Metropolitan Washington Council of Governments using phosphorous as the keystone element. All *sites* 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.

9.8 INTENSE VILLAGE CRITICAL AREA 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. INTENSE VILLAGE CRITICAL AREA 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*. *Development* shall be designed to provide safe, comfortable places where people can visit, meet, shop, and rest without conflicting with other *street* uses.
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.
7. *Buildings* should be designed to enhance the community's sense of place by varying building massing and roof treatments, and by using building components and architectural design that emphasize the human scale. Commercial establishments are encouraged to limit the visual impression of height by the use of roof treatments, and varying the plane of exterior walls.
8. Parking lot design shall reflect the fact that once people step out their cars, they become pedestrians. Parking lots shall be designed not only to facilitate efficient vehicle circulation but to also permit smooth pedestrian circulation.
9. Provision for safe and efficient bicycle circulation and parking should be included in the overall design of the parking lot.
10. The convenience and safety of both vehicles and pedestrian movement on adjoining ways and properties shall be considered during *site* design.
11. Whenever possible, display areas should be incorporated into the overall design of the *site*. Display areas shall not be in the *front yard setback*.

#### B. INTENSE VILLAGE CRITICAL AREA DESIGN ELEMENTS

1. New developments should be an extension of the overall village *development* pattern rather than stand in contrast to it.
2. New designs should consist of small, understandable neighborhood segments rather than a single, large suburban theme.
3. New developments should reflect the unordered, historical growth of the village and avoid the cookie-cutter sameness of many new residential subdivisions.
4. Any opportunities for a strong, central focus should be studied and developed. These central places are usually a key to establishing community identity.
5. The types of *open space* provided should be a reflection of how passive and active open spaces are now used in the village, whether they are adequate, and how they may be complemented.
6. Strong provisions should be made for walking as opposed to vehicular connections both within and outside of the new community.
7. *Street* widths and alignments should be carefully scaled to neighborhood size and be patterned after the character of existing residential *streets*.
8. The streetscape of new developments should be designed in detail to avoid repetitious *setbacks*, driveways, elevations, and landscaping.
9. New developments should carefully study and reflect the physical diversity of the existing village in regard to the mixture of housing types, mixture of housing styles, and mixture of *lot* sizes and shapes.

10. It is particularly important that new construction meet minimum design criteria in order for it to blend with the surroundings. New construction throughout the village should be compatible with the surrounding properties, in terms of formal characteristics such as height, massing, roof shapes and window proportions. When new construction is surrounded by existing historic *buildings*, building height and exterior materials shall be harmonious with those of adjacent properties.

C. INTENSE VILLAGE CRITICAL AREA 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 property abuts a *primary, secondary, or collector road*, access shall be by way of the *secondary or collector road*. Exceptions to this rule shall be instances where the *Planning Commission*, or where applicable the Planning Director, determines that direct access onto the *primary road* would promote traffic safety.
- b. Where one or more contiguous parcels abutting a *primary road* are under single ownership and any one of the parcels abuts a *secondary road or collector road*, access to all of the parcels under single ownership shall be by way of the *secondary or collector road*. Exceptions to this rule shall be instances when the *Planning Commission*, or where applicable the Planning Director, determines that direct access onto the *primary road* would promote traffic safety.
- c. Only one direct access approach onto a *primary road* from an individual parcel of record as of August 1, 1989 shall be permitted unless the *Planning Commission*, or where applicable the Planning Director, finds one of the following:
  - i. The *Planning Commission* may, with approval of the State Highway Administration or Kent County Public Works Department, approve additional access if the additional access is deemed to be significantly beneficial to the safety and operation of the highway or if allowing only one access approach would be a safety hazard or increase traffic congestion.
  - ii. The *Planning Commission* may approve access when the parcel is bisected by *steep slopes, bodies of water, or other topographic features* in such a manner as to render some portion of the property inaccessible without additional road access.
- d. 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*.
- e. Existing, planned, or platted *streets* on adjacent properties shall be continued when the *Planning Commission*, or where applicable the Planning Director, determines that the continuation is necessary for safe and reasonable circulation between the properties.
- f. All new lots must abut upon and have access to a public road or approved *private road*.
- g. When deemed necessary by the *Planning Commission*, or where applicable the Planning Director, developments shall provide access to adjacent tracts not presently developed.
- h. Direct automobile links should be made to the existing village or town to emphasize the connections between new and existing *development*
- i. Pedestrian and bicycle linkages to adjacent developments, recreational facilities, and other public or semi-public uses shall be provided whenever possible.
- j. The design and construction of walkways and bicycle paths will be evaluated on the basis of safety, accessibility, and suitability for use by the motor-impaired individuals, and surface suitability in terms of anticipated use and maintenance requirements.
- k. Access shall be consolidated whenever possible.



- l. 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.\*
  - m. Whenever possible, *roads* shall be constructed above the elevation of the *100-year floodplain*.
2. Building Arrangement and *Site Design*
- The purpose of imposing *regulations* governing building arrangement and *site design* is to help protect significant environmental and historic features, promote a sense of neighborhood and community identity and reduce the visual impact of high *density development* on the surrounding area.
- a. Where existing *buildings* express a traditionally modest (pre-zoning) front *setback*, creating a characteristically close relationship with the *street* (as in village and town centers and along their approach *roads*), it is highly desirable to continue this pattern in order to retain the area's character. Therefore, the *setback* of new construction should harmonize with the average setbacks of existing *buildings*.
 

Outside the areas of generally uniform building *setbacks* (where existing *structures* are at various distances from the *roadway*), front *setbacks* may vary to a greater degree, and principal *buildings* shall generally be within 40 feet and no closer than 20 feet to the front line unless there are substantial counterbalancing considerations (such as irregular *topography*, *wetlands*, or the preservation of natural rural features, including pastures, crop land, meadows, or timber stands).
  - b. Where significant trees, groves, *waterways*, historic, archeological, or prehistoric *sites* or unique habitats are within the property boundaries of a proposed project, the Planning Commission, or where applicable the Planning Director, may require every possible means shall be provided to preserve these features. In addition to identifying existing *natural features* as per Article VI, Section 5 of this Ordinance, an inventory of existing *on-site* historic and archeological features may be required.
3. Parking Areas
- a. Parking lots shall be located as much as possible to the rear of *buildings*. Locating parking lots between the front property line and the primary *building* is specifically prohibited.
  - b. *Sites* shall be designed to prevent awkward or dangerous vehicular flow.
  - c. Driveways in parking lots must be a minimum of 20 feet wide for two-way traffic and a minimum of 15 feet wide for one-way traffic.
  - d. A minimum of one handicap parking space shall be provided for every 25 spaces in a safe, convenient, and centralized location.
  - e. Whenever possible, parking lot design shall provide for connection to adjacent parcels where uses are compatible.
  - f. Marked walkways, separated from vehicular traffic shall be provided to the entrance of commercial establishments.
  - g. Parking areas with 80 spaces or more shall provide walkways running parallel to the parking rows every four rows and walkways running perpendicular to the parking rows every 20 spaces. Display areas are not considered parking areas. The *Planning Commission*, or where applicable the Planning Director, may reduce or waive this requirement.
  - h. Landscaping shall be provided according to the provisions in this Ordinance.

4. Delivery Trucks and Trash Collection Vehicles
  - a. *Loading and unloading spaces* for delivery trucks shall not block major pedestrian ways or create blind spots when trucks are loading and unloading.
  - b. Trash boxes shall be accessible to collection trucks when all vehicle parking spaces are filled.
  
5. *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.
  
6. Landscaping - General
  - a. A minimum area of 15% of each new or redeveloped *site*, excluding *single family dwellings*, shall be landscaped. Landscaping within the parking areas and screening may be counted toward this requirement. The *Planning Commission*, or where applicable the Planning Director, may reduce or waive the landscape requirement when it is demonstrated that the spirit and intent of the requirement are accomplished through other means or the nature of the change does not require additional landscaping.
  - b. The *front yard* shall be landscaped and maintained in a neat and attractive condition.
  - c. Landscaping shall be maintained in a good condition with at least the same quality and quantity as initially approved.
  - d. The *landscape plan* shall be prepared by a registered professional forester, landscape architect, or other professional with equivalent experience and qualifications.
  - e. *Street* trees shall be included in each *subdivision*. *Street* trees may be clustered, evenly spaced, or when building envelopes are within 20 feet of the public road *right of way*, as *front yard* landscape trees. The number of trees shall be calculated as follows:
    - i. Small trees (trees less than 25 feet in height at maturity) - 1 per 25 linear feet of *lot* or *open space*.
    - ii. Medium and large trees (25 feet or taller at maturity) - 1 per 40 linear feet of *lot* or *open space*.

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.
  
7. Parking Area Landscaping
  - a. At least 10% of all parking areas where more than ten parking spaces are provided shall be landscaped. This may be waived by the *Planning Commission* or where applicable the Planning Director. Perimeter screening does not count toward parking area landscaping.

- b. To avoid large expanses of paved parking areas, the following provisions, which may be waived by the *Planning Commission*, or where applicable the Planning Director, shall apply:
    - i. A row shall not contain more than twelve 12 spaces without a landscaped *island* of at least the size of one parking space.
    - ii. The ends of parking rows shall contain an *island* a minimum of six feet wide adequately landscaped with shade trees, ground cover, and shrubs.
    - iii. Double rows of parking shall be separated by a minimum six-foot planting strip adequately landscaped with shade trees and shrubs.
8. Perimeter Landscaping and Screening
- a. Screening is required to protect adjoining properties and *roadways* from noise, glare, and uses which are visually incompatible with neighboring land uses. Screening is required:
    - i. On *sites* which involve loading or unloading (including the storage of vehicles and boats), trash, or disposal areas and where accessory *buildings* and *structures* are adjacent to residential properties.
    - ii. Where exterior storage areas are visible from *roadways*, sidewalks, or nearby residential properties.
    - iii. When noise not typically occurring in residential areas is expected to project onto nearby properties.
    - iv. To *screen* parking areas (not including display areas) from motorists, pedestrians, and adjoining residential properties.
    - v. Where the commercial *site* abuts a residential district.
  - b. Landscaped screens shall be designed to complement other landscaping occurring naturally on the *site*, planted previously, or approved as a part of a *site plan* review. Whenever possible, existing vegetation and landform shall be used to create screens.
  - c. The *screen* shall be capable of providing year round screening.
  - d. When noise is likely to be a factor, the *screen* shall be of sufficient construction to be an effective noise buffer.
  - e. Screening shall consist of trees and plants, and may include masonry, or wooden fencing used with or without *berms*. Screening shall consist of a functional and well-designed combination of the following:
    - i. Vegetative ground cover
    - ii. Coniferous and deciduous shrubs
      - a) Specimens of which will reach and maintain a minimum height of 5 feet of full vegetative growth.
      - b) Plants which measure a minimum of 3 feet in height at the time of planting and are expected to attain a 5-foot height within 3 years.
    - iii. Coniferous and deciduous trees - Species and sizes of which will be chosen to best accomplish an adequate *screen* (i.e. evergreens used for visual screening, deciduous trees for seasonal screening).
  - f. Natural *slopes* and existing vegetation may be substituted for some or all of the requirements above, provided that these features serve to *screen* the area from adjoining properties and *roadways*. The *Planning Commission* or where applicable the Planning Director shall determine the acceptability of using existing *slopes* and vegetation for this purpose. The *Planning Commission* or where applicable the Planning Director may waive screening where it is physically impossible to accomplish.
  - g. Screening and fencing shall be maintained in at least the same quality and quantity as initially approved.

9. Lighting
  - a. Lighting shall not exceed eighteen feet in height unless mounted on the *building*. This may be waived by the *Planning Commission* or where applicable the Planning Director.
  - b. Lighting on the *site* shall be designed to avoid glare onto adjacent properties and adjacent *roadways* and shall not interfere with traffic or create a safety hazard.
  - c. Lighting on the *site* shall be sufficient to provide for the safety and security of the business, its employees, and its customers.
  - d. Lighting shall be color corrected.
  
10. *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. All reasonable efforts should be made to protect adjacent residential areas from potential nuisances from commercial *subdivision* by providing adequate depth in parcels adjacent to residential zoning.
  - 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 features or unless such extension is found by the *Planning Commission* to be unnecessary for the coordination of *development* between the *subdivision* and such adjacent tracts.
  - 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 the *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.\*

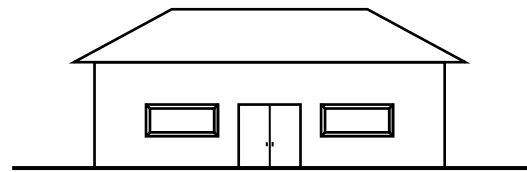
- ii. The *subdivision* shall provide a 50-foot *right of way* for each *private road*.
- iii. The construction of all lanes and *private roads* shall adhere to the requirements established by the Kent County Department of Public Works and sediment control and *stormwater management regulations*.
- iv. 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”

11. Building Mass, Size, and Scale

- a. New *development* is encouraged to follow the guidelines found in the pertinent village master plan. Building elevations will be required for new commercial and multi-family developments. The *Planning Commission*, or where applicable the Planning Director, may waive this requirement.
- b. New *buildings* should not create large, bulky, masses but should be scaled down to into groupings of smaller attached *structures* and modules that reflect proportions similar to historic *buildings*. Methods used to create intervals that reflect and respect historic *structures* include but are not limited to the following:
  - i. Facade modulation - stepping back or extending forward a portion of the facade.
  - ii. Repeating window patterns at established intervals
  - iii. Providing a balcony or bay window at established intervals
  - iv. Changing the roofline by alternating dormers, stepped roofs, gables, or other roof elements.
  - v. Use of landscaping and architectural detailing at the ground level.



Structure 1, Utilizes building massing



Structure 2, Does not utilize building massing

The above structures are the same height and width and are drawn to the same scale.

- c. Building designs shall be encouraged to utilize traditional materials (brick or wood) and contemporary interpretations of earlier styles.
- d. The design of new *buildings*, building additions, and *alterations*, and facade renovations should reflect the positive aspects of the existing design features of the County. *Buildings* should complement and improve the overall environment of the area.
- e. Commercial *buildings* are encouraged to be arranged in varied clustered masses related closely to the road.
- f. The proposed building orientation shall respect the orientation and scale of surrounding *buildings* and where deemed necessary by the *Planning Commission* serve as an orderly transition to a different scale.
- g. All rooftop equipment shall be screened from public view by screening material of the same nature as the building’s basic building materials.
- h. To avoid monotonous linear *development*, multi-family *development* shall be in small clusters designed as neighborhood units. A cluster shall not include more than 30 units.

- i. In multi-family *development*, the number of units in a row is to be limited to a maximum of eight.
- j. *Offsets* at party walls and /or front and rear facades or similar devices are required to visually reduce building mass and create individualized spaces (*courtyards*, seating areas, etc.) for all multi-family projects. Drawings of the building elevations will be required. The *Planning Commission*, or where applicable the Planning Director, may waive this requirement.