



County Commissioners Hearing Room
400 High Street
Chestertown, Maryland

AGENDA
Wednesday
September 6, 2023
6:00 p.m.

Members of the public are welcome to attend meetings in person or listen to the meeting via the audio-only phone number and conference identification number listed below.

1. Dial **1-872-239-8359**
2. Enter Conference ID: **197 093 424#**

Members of the public are asked to mute their phones/devices, until the Commission Chair opens the floor for comment.

Minutes

May 11, 2022

Application for Review

23-40 Sandra Donnelly – Zoning Text Amendment

Include “Outdoor Retreat” as a special exception in the Agricultural Zoning District (AZD), Rural Character (RC), Rural Residential (RR), Community Residential (CR), and Village (V) zoning districts.

General Discussion

Potential Applicant-Initiated Zoning Text Amendment

Proposed DRAFT Land Use Ordinance for Review

Adjourn

DRAFT

Kent County Agriculture Advisory Commission Meeting Summary

The Kent County Agriculture Advisory Commission met on Wednesday, May 11, 2022, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Jennifer Debnam, Chair; Catherine Abramavage, Valerie Mason, John Henry Myers, and Jeff Pettitt. Also present were Carla Gerber, Deputy Director, and Mark Carper, Associate Planner.

The meeting was called to order at 6:00 p.m.

MINUTES

The minutes of the meeting on January 25, 2022, were approved as submitted.

APPLICATIONS

Zoning Text Amendment to amend Article VII, *Special Exceptions*, Section 7, *Special Exceptions*, §57.25, *Solar energy systems, utility scale, on farms in AZD and RCD, sub-section j.*, in order to clarify language that relates to the area of permitted solar arrays and referred to as "area of use" and to clarify the limitations set forth for adjacent properties.

Ms. Gerber summarized the staff report with staff's suggestion to clarify the "area of use" language. Ms. Gerber also mentioned the letter submitted by Anthony Kupersmith, attorney for SGC, and the Board of Appeals decision.

Ms. Gerber opened the floor for questions and discussion with SGC representatives.

Ms. Debnam inquired as to the 60-foot buffer requirement. Ms. Gerber responded that the landscape buffer requirement was a separate text amendment that was adopted after the current solar energy system language was adopted. Ms. Gerber noted that solar energy-related text amendments have evolved over the years.

Mr. Anthony Kupersmith, stated that he and SGC are supportive of staff's efforts. He noted that staff and the applicant have interpreted "area of use" to be the solar panels and equipment, but the Board of Appeals interpreted "area of use" to include landscaping and access roads. He would encourage the County to consider adding language to exclude the elements outside of the defined area for energy production.

Ms. Cory McCandless, Project Manager for SGC, offered a brief summary of SGC and the proposed project. She noted that the project has been revised to reduce the fenced area to five acres. Mr. Bruce Wilson, Developer with SGC, provided some additional detail on SGC and the proposed project.

Ms. Debnam reviewed the options available to the Commission for making a recommendation: staff's version, Mr. Kupersmith's version, or something different.

There was additional discussion about the timing of the landscaping text amendment and how it might or might not affect the special exception.

DRAFT

There was discussion of text amendments from the Renewable Energy Task Force that would have limited solar systems on ag land and the effect of the 10% rule. The Chair pointed out sub-section k and noted that the 10% rule does apply.

Mr. Myers asked about variances to the landscape buffer requirement so that less land would be removed from production. Ms. Gerber indicated that there wasn't a variance or waiver process.

Ms. Debnam asked again about language to suggest for the text amendment. There was additional discussion about access roads and landscaping and whether to include these elements as part of the "area of use."

Mr. Myers was of the opinion that everything should be included, but he would allow this project to move forward, and the language should be changed for the future. Ms. Debnam felt that the decision should be made now.

Mr. Myers expressed issues with taking land out of production for commercial energy production. He thought commercial energy production had been moved to only commercial land. Mr. Kupersmith pointed out that the solar energy system had to be incidental to the principal use as a farm. Mr. Myers pointed out this property has no buildings and is owned by someone who is primarily interested in hunting.

Ms. Debnam again asked for opinions on the definition. She asked staff about the specificity of Mr. Kupersmith's suggestion and whether some room for interpretation was necessary. Mr. Carper asked to come forward and spoke about the Board of Appeals meeting. He pointed out the sparser language suggested by staff made reference to the definition of "solar energy system, utility scale" to add clarity.

Several members expressed strong opinions that you can't mistake where the fence is and the text should be made as clear as possible.

Mr. Myers made a motion to forward a favorable recommendation and that the "area of use" includes everything except any buffer and landscaping. There was additional discussion about specific language. Ms. Gerber clarified that the motion's intent was to limit the "area of use" to the fenced area and to not list specific exclusions. Upon request, Ms. Gerber read the motion:

"The area of use may not exceed 5 acres onsite. **Area of use means the area within the solar array's security fence or approved barrier.** Adjacent properties shall not aggregate solar collection panels to achieve an area exceeding 5 acres."

The motion was seconded by Ms. Mason. The motion passed unanimously.

GENERAL DISCUSSION

Kent County Comprehensive Rezoning Process

Ms. Gerber discussed the anticipated timeline for the Comprehensive Rezoning process. The Task Force will be meeting every other month. The Task Force met on March 30th and will meet again on May 25th to go over the last of the citizen-initiated text requests. It is hoped that the text will be ready for review and adoption at the end of the year.

DRAFT

Utility-scale solar

Mr. Myers reiterated his opposition to commercial solar projects on ag land and asked if other members wanted to suggest additional text changes. Mr. Pettitt stated there are two ways to look at the issue: 1) commercial projects may limit the capacity available to farmers who want to install solar systems to cover their operating needs and 2) landowners have a right to profit from the ownership of their land. Mr. Myers and Mr. Pettitt expressed concerns about the capacity of the utility grid for additional solar systems. There was no consensus to request any other changes to the Land Use Ordinance.

ADJOURN

There being no further business, the meeting adjourned at 7:05 p.m.

Jennifer Debnam, Chair

/S/ Carla Gerber

Carla Gerber



TO: Kent County Planning Commission
 FROM: Bill Mackey, Director
 MEETING: August 3, 2023
 SUBJECT: Zoning Text Amendment – To add “seasonal outdoor retreat” as a special exception
Supplemental Memorandum

Executive Summary

Request by Applicant

Sandra Donnelly proposes to add “seasonal outdoor retreat” as a special exception use in the Agricultural Zoning District (AZD), Rural Character (RC), Rural Residential (RR), Community Residential (CR), and Village (V) districts. Revised language was submitted by the applicant’s counsel, Lance Young, Esq., in order to address issues raised by the Planning Commission at its meeting on July 6, 2023. This language is attached.

Staff Review

The submittal by applicant’s counsel provides responses to the issues raised by the Planning Commission. Staff had understood this as a special exception that would be reviewed by the Planning Commission and the Zoning Board of Appeals, so the language about the Planning Director should read Board of Appeals.

Recommendation

Staff recommends sending a favorable recommendation in general regarding the revised zoning text amendment to the Kent County Commissioners with an unfavorable recommendation regarding including Village in the list of zoning districts where a seasonal outdoor retreat may be considered and also clarifying that the special exception would be reviewed by both the Planning Commission and the Boards of Appeals.

ARTICLE VII. SPECIAL EXCEPTIONS

...

SECTION 6 PROCEDURES

The application for a special exception shall include a site plan together with such data and information as may be required for a determination of the nature of the proposed use and its effect on the Comprehensive Plan, the neighborhood, and surrounding properties.

The Planning Director may hear and decide the following special exceptions:

- 1. Accessory storage structures

...

The Planning Commission shall review and send a recommendation to the Board of Appeals on the following special exceptions:

- 1. Aquaculture

...

- 39. Seafood processing

39.25 Seasonal Outdoor Retreat

- 39.5 Septic tank maintenance and excavation

...



From: Lance Young
Sent: Thursday, July 20, 2023 9:38 AM
Subject: Revised Outdoor Retreat

Redacted to remove email addresses
and references to individual persons

...

Attached is revised text amendment language for the Outdoor Retreat. One version shows, in red, what we added in response to Planning Commission comments. Thanks again for your help on this.

Lance M. Young, Esq.
Attorney



Chestertown Office
110 North Cross Street
Chestertown, Maryland 21620

Denton Office
300 Market Street, Suite 104
Denton, Maryland 21629

Phone: 410-810-1381
Fax: 410-810-1383

Article VII (Special Exceptions)

Outdoor Retreat in AZD, RC, RR, CR, and V provided:

- a. The project shall collectively consist of at least ten acres.
- b. The number of guest units provided on the *site* is limited to fifteen excluding resident management quarters. There shall be a maximum of twenty *structures*, including the guest units, on any permitted *site*.
- c. Dining services may be provided only to guests.
- d. The site has access to a public road. This access must be capable of supporting the passage of emergency vehicles. The Board may require improvements to existing access roads.
- e. There shall be sufficient acreage for the proposed use and activities.
- f. Adequate landscaping shall be provided to screen all parking areas from adjoining residential properties. Landscaping or screening proposed shall be shown on a site plan as required by this Ordinance.
- g. The use and occupancy of the guest units is inherently transient and guest occupancy shall be limited to two weeks. There shall be a maximum occupancy of two adult guests, and two additional children guests, in each guest unit.
- h. Accessory uses and *structures* shall be setback a minimum of 25' from any adjacent property line.
- i. The Planning Director may require a site plan and place conditions or restrictions on events as may be appropriate to assure the compatibility of the use within a district or location.
- j. All structures shall meet all applicable Kent County Codes, including the building code, and Health Department regulations.

Article V

Add "*Outdoor Retreat*" to Special Exceptions in: Section 1 (AZD), Section 3 (RC), Section 4 (RR), Section 6 (CR).

Article XI (Definitions)

OUTDOOR RETREAT

A lot, tract, or parcel of land containing up to fifteen guest units, designed for and utilized for periodic, transient occupancy and not as a permanent residence, and which may contain outdoor recreational accommodations, dining facilities for guests, and bathroom accommodations for guests.

OUTDOOR RETREAT (Revised) [with changes indicated in red text]

Article VII (Special Exceptions)

Outdoor Retreat in AZD, RC, RR, CR, and V provided:

- a. **The project shall collectively consist of at least ten acres.**
- b. The number of **guest units** provided on the *site* is limited to fifteen excluding resident management quarters. **There shall be a maximum of twenty structures, including the guest units, on any permitted site.**
- c. Dining services may be provided only to **guests**.
- d. The site has access to a public road. This access must be capable of supporting the passage of emergency vehicles. The Board may require improvements to existing access roads.
- e. There shall be sufficient acreage for the proposed use and activities.
- f. Adequate landscaping shall be provided to screen all parking areas from adjoining residential properties. Landscaping or screening proposed shall be shown on a site plan as required by this Ordinance.
- g. **The use and occupancy of the guest units is inherently transient and guest occupancy shall be limited to two weeks. There shall be a maximum occupancy of two adult guests, and two additional children guests, in each guest unit.**
- h. **Accessory uses and structures shall be setback a minimum of 25' from any adjacent property line.**
- i. **The Planning Director may require a site plan and place conditions or restrictions on events as may be appropriate to assure the compatibility of the use within a district or location.**
- j. **All structures shall meet all applicable Kent County Codes, including the building code, and Health Department regulations.**

Article V

Add “*Outdoor Retreat*” to Special Exceptions in: Section 1 (AZD), Section 3 (RC), Section 4 (RR), Section 6 (CR).

Article XI (Definitions)

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A lot, tract, or parcel of land containing up to fifteen **guest units**, designed for and utilized for periodic, transient occupancy and not as a permanent residence, and which may contain outdoor recreational accommodations, dining facilities for guests, and **bathroom accommodations for guests**.



TO: Kent County Planning Commission
FROM: Carla Gerber, Deputy Director
MEETING: July 6, 2023
SUBJECT: Sandra Donnelly
Zoning Text Amendment – To add “seasonal outdoor retreat” as a special exception in AZD, RC, RR, CR, and V

Executive Summary

Request by Applicant

Sandra Donnelly proposes to add “seasonal outdoor retreat” as a special exception use in the Agricultural Zoning District (AZD), Rural Character (RC), Rural Residential (RR), Community Residential (CR), and Village (V) districts.

Public Process

Per Article XII, Section 6 of the Kent County *Land Use Ordinance* the Planning Commission shall review a proposed amendment, supplement, or change to the *Land Use Ordinance* and make recommendations to the County Commissioners.

Summary of Staff Report

The proposed amendment would add a new use to the Land Use Ordinance.

The Kent County Comprehensive Plan recognizes the importance of providing for more diversity in the size, number, and types of businesses by promoting the development of small, locally owned businesses, as well as enhancing and expanding locally based tourism that is rooted in the unique natural, cultural and historic features and qualities of Kent County.

Staff is recommending amendments to the proposed zoning text amendment.

Recommendation

Staff recommends sending a favorable recommendation of the zoning text amendment to the Kent County Commissioners as amended to delete Village as one of the permitted districts.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: Sandra Donnelly
Zoning Text Amendment – To add “seasonal outdoor retreat” as a special exception in AZD, RC, RR, CR, and V
DATE: June 27, 2023

DESCRIPTION OF PROPOSAL

Sandra Donnelly has submitted an application to add “seasonal outdoor retreat” as a special exception use in the Agricultural Zoning District (AZD), Rural Character (RC), Rural Residential (RR), Community Residential (CR), and Village (V) districts.

To add to Article V, Sections 1.3, 3.3, 4.3, 6.3, and 7.3, Special Exceptions:

Seasonal Outdoor Retreat

To add to Article VII, Section 7:

- 54.5 Seasonal Outdoor Retreat in AZD, RC, RR, CR, and V provided:
- a. The number of cabin, cottage, or pod units provided on the site is limited to fifteen excluding resident management quarters.
 - b. Dining services may be provided only to patrons.
 - c. The site has access to a public road. This access must be capable of supporting the passage of emergency vehicles. The Board may require improvements to existing access roads.
 - d. There shall be sufficient acreage for the proposed use and activities.
 - e. Adequate landscaping shall be provided to screen all parking areas from adjoining residential properties. Landscaping or screening proposed shall be shown on a site plan as required by this Ordinance.

To add to Article XI, Definitions, Section 2:

- 281.5 Seasonal Outdoor Retreat - A lot, tract, or parcel of land containing up to fifteen cabins, cottages, or pods, designed for and utilized for seasonal, periodic, transient occupancy and not as a permanent residence, which may contain outdoor recreational accommodations, and which may contain dining facilities for guests, and a central bath house facility.

APPLICABLE LAW

Article XII, Section 6 of the *Kent County Land Use Ordinance* establishes the standards for the review and approval of a zoning text amendment as follows.

1. The County Commissioners may amend, supplement, or change the boundaries of the districts or the regulations of this Ordinance. Any amendment may be initiated by a resolution of the County Commissioners, the motion of the Planning Commission, or petition of any property owner using forms specified by the Planning Commission.
2. The application for an amendment to the text of the Ordinance shall, at a minimum, state in particular the article section, and paragraph sought to be amended. The application shall contain the language of the proposed amendment and shall recite the reasons for the proposed change in text.

...

4. Before taking any action on any proposed amendment, supplement, or change, the County Commissioners shall submit the proposal to the Planning Commission for review and recommendation. The Planning Commission may hold a hearing on any proposed amendment, supplement, or change before submitting its recommendation to the County Commissioners. The Planning Commission may request any pertinent data and information as it deems necessary. In its recommendation, the Planning Commission shall address:

- a) The public need for the proposed amendment; and
- b) The extent to which the proposed amendment complies with or deviates from the Comprehensive Plan and the Critical Area Law.
- c) When reviewing an amendment to the zoning map, the Planning Commission shall address the suitability of the property in question for the uses permitted under the proposed zoning. The Planning Commission shall not recommend the adoption of the amendment unless it finds that the adoption of the amendment is in the public interest and not solely for the interest of the applicant. Failure of the Planning Commission to report to the County Commissioners within 60 days after its first meeting after the proposal was referred to them, shall be deemed approval.

COMPREHENSIVE PLAN

The proposed text amendment is consistent with multiple goals and strategies within the Kent County Comprehensive Plan.

- Expand and provide more diversity in the size, number, and type of businesses – promote development of small locally owned businesses
- Enhance and expand locally based tourism that is rooted in the unique natural, cultural and historic features and qualities of Kent County – promote and expand facilities, services, and activities that support natural resource-based economic development

STAFF COMMENTS

The Planning Commission will consider the public need for the amendment and consistency with the Comprehensive Plan and Land Use Ordinance.

A suggested public need for the amendment is to encourage development of local businesses that support natural-resource based economic activity.

The County has a variety of lodging uses from bed and breakfasts with no more than three guest rooms up to conference centers and resorts with a maximum of 225 guest rooms. However, these lodging uses are based on having a main facility for guests and do not predominately consist of individual units for guests. The seasonal outdoor retreat is envisioned as individual units. Dining services may be provided or just the facilities for guests to prepare their own meals. A central bath house may also be provided instead of individual bathrooms in each unit. The proposed definition also intends to limit the use to seasonal occupancy.

Special exception uses are allowed and presumed to be compatible with other permitted uses in a zoning district; however, a review process is required to evaluate whether the particular use proposed at a particular location would have any adverse effects above and beyond those inherently associated with such a use irrespective of its location within the zoning district and to ensure that development complies with the Comprehensive Plan, the Land Use Ordinance and various agency requirements, thereby promoting the health, safety, and general welfare of Kent County's residents.

Staff recommends that the Village district not be included as a potential location for the proposed use.

STAFF RECOMMENDATION

Staff recommends sending a favorable recommendation of the zoning text amendment to the Kent County Commissioners as amended to delete Village as one of the permitted districts.

**APPLICATION FOR TEXT AMENDMENT TO THE
KENT COUNTY LAND USE ORDINANCE
KENT COUNTY, MARYLAND**

Kent County Department of Planning, Housing and Zoning
Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7475 (phone) • 410-810-2932 (fax)

Pursuant to Article XII, "Administrative Procedures" Section 6, "Amendments", of the Kent County Land Use Ordinance, I/We **Sandra Donnelly**
Applicant's Name

of **c/o Lance Young, 110 N. Cross St., Chestertown, MD 21620**
Address

410-810-1381
Telephone Number

hereby petition the Kent County Commissioners to amend the Land Use Ordinance of Kent County, Maryland, as follows: **Please see attached text amendments of the Kent County Land Ordinance, to add "Seasonal Outdoor Retreat" as a Special Exception use in the AZD, RC, RR, CR, and V Districts.**_____

The purpose of the proposed amendment is to permit: Seasonal Outdoor Retreats, which are not currently permitted by the Ordinance under any other permitted or special exception use.

Lance Young

Applicant's Signature

5-24-23

Date

Please Note: The application for an amendment to the text of this Ordinance shall, at a minimum state in particular, the Article, Section, and paragraph sought to be amended. The application shall contain the language of the proposed amendment.

Instructions: The Land Use Ordinance requires that five (5) copies for Zoning Text Amendment be submitted to the Executive Assistant to the County Commissioners accompanied by \$500.00 filing fee, payable to the County Commissioners of Kent County.

For Office Use Only:

File Number _____
Date Filed _____
Date Referred to Planning Commission _____
Date Recommend. Rec'd from Plan. Comm. _____
County Comm. Public Hearing Date _____
County Commissioners Action _____
Date of Action _____
Property Posted _____

Article VII (Special Exceptions)

Seasonal Outdoor Retreat in AZD, RC, RR, CR, and V provided:

- a. The number of cabin, cottage, or pod units provided on the site is limited to fifteen excluding resident management quarters.
- b. Dining services may be provided only to patrons.
- c. The site has access to a public road. This access must be capable of supporting the passage of emergency vehicles. The Board may require improvements to existing access roads.
- d. There shall be sufficient acreage for the proposed use and activities.
- e. Adequate landscaping shall be provided to screen all parking areas from adjoining residential properties. Landscaping or screening proposed shall be shown on a site plan as required by this Ordinance.

Article V

Add "*Seasonal Outdoor Retreat*" to Special Exceptions in: Section 1 (AZD), Section 3 (RC), Section 4 (RR), Section 6 (CR), and Section 7 (V).

Article XI (Definitions)

SEASONAL OUTDOOR RETREAT

A lot, tract, or parcel of land containing up to fifteen cabins, cottages, or pods, designed for and utilized for seasonal, periodic, transient occupancy and not as a permanent residence, which may contain outdoor recreational accommodations, and which may contain dining facilities for guests, and a central bath house facility.



To: Kent County Agriculture Advisory Commission
From: Bill Mackey, AICP, Director
Meeting: September 6, 2023
Subject: PROPOSED ITEM – ADVANCE COPY

Memorandum

Please find the language below, which is excerpted from Article III. Uses of the *Proposed DRAFT Land Use Ordinance for Review*. There is an applicant who is interested in purchasing a property in AZD and applying for reuse under this proposed process. Staff suggested that the applicant may wish to advance this section of the proposed Land Use Ordinance, so he may be able to apply under the new process in a timely fashion.

Adaptive reuse of existing structures in AZD, located on parcels under 20 acres.

- (A) The *site* will have access to a public road adequate for the traffic generated;
- (B) The proposed use will not generate traffic of a type or amount inappropriate for access *roads* and the surrounding area;
- (C) The use does not require road improvements detrimental to the character of the area;
- (D) The number of *dwelling*s will not exceed the *density* permitted in the district in which the *structure* is located;
- (E) The proposed use does not create an unacceptable impact by way of noise, odor, noxious materials or other nuisances; and
- (F) Landscaping is in keeping with the character of the *building or location*.
- (G) This may be reviewed via an administrative special exception process.

If an application for a zoning text amendment is proposed, staff will forward further information.

Thank you.



To: Kent County Agriculture Advisory Commission
From: Bill Mackey, AICP, Director
Meeting: September 6, 2023
Subject: First Memorandum on *Proposed DRAFT Land Use Ordinance for Review*

Memorandum

Overall, the *Proposed DRAFT Land Use Ordinance for Review* retains the current substance of the existing Ordinance with a focus on streamlining, re-organization, introducing graphics and matrices for readability, and reducing the volume of the Ordinance by stating regulatory elements only once, whenever possible. Planning Commission's recommended Task Force text changes are included in this Land Use Ordinance.

Article I Enactment

- Clarifies language and draws together various sections that address functioning of the Ordinance
- For Critical Areas, text is added so that the County neither exceeds nor falls short of the State Law
- The digital Zoning Map is identified as the official map, resolving any conflicts with the paper maps
- The Zoning Map amendment and zoning text amendment process are separated for more clarity
- Nonconformities have been updated to clarify the process for review of status determinations

Article II Districts

- The total number of zoning districts is reduced from 17 districts to 12 via mergers and elimination
- Rural Residential zoning districts are proposed to be merged into Community Residential districts
- Crossroads Commercial zoning districts are proposed to be merged into the Commercial districts
- Industrial zoning districts are being merged into and/or renamed as Employment Center districts
- Industrial Critical Area – LDA districts are renamed as the Employment Center Critical Area – LDA
- Intense Village Critical Area and Industrial Critical Area have no mapped land and are eliminated
- Revised illustrative graphics and use matrices are added to each zoning district as improvements
- Permitted uses are revised to group similar uses together for navigability, e.g., animal husbandry
- Setbacks for accessory structures are increased to provide space between neighboring properties
- In AZD, Agritourism and Weddings as a special exception use have been added to permitted uses
- In AZD, enclaves are removed as an option, and the 10% Rule has been retained without revision
- In Village and Intense Village, added density is allowed for duplexes, townhouses, and multi-family
- *Excavation, landscaping, and other contractors' yards* merges more than one use for clarification
- Restaurants with drive through facilities in the Route 301 Corridor added to Employment Center
- *Short-term vacation rentals* (STVR) are added to all primarily residential zoning districts and AZD

Article III Uses

- All uses appear alphabetically with some uses permitted both by-right and via special exception
- Lists of conditions for similar uses are combined together to reduce overall length and wordiness
- A new adaptive re-use addresses existing religious and commercial buildings on small lots in AZD
- Animal uses are re-titled as “Animal husbandry” uses to appear together for ease of comparison
- A new use for “Animal husbandry, special – sheep or goats” is added similar to backyard chickens
- Home occupations with *de minimus* impacts may be issued use permits, but they’re not required
- Day care centers at houses of worship are allowed without special exceptions in existing buildings
- Swimming pools in the front yards of waterfront lots (rear yards) do not require special exceptions
- Specific uses that have been inferred or implied as prohibited are spelled out as directly prohibited
- Factory-constructed, single-family homes are allowed with sprinklers and life-safety compliance

Article IV Processes

- Processes are streamlined in the Ordinance and marked-up text represents substantive changes
- Policies and practices of the Department are incorporated to provide implementation consistency
- Notice requirements are standardized so mailed notices and postings are the same for all projects
- Village Master Plans are no longer referenced in the Ordinance, since no such Plans were adopted
- Waivers are re-envisioned as alternate compliance instead of variances by Planning Commission
- Extensions for building permits are revised to avoid unnecessary and repetitive reviews of projects
- Emergency provisions are provided for emergency authorizations for unforeseen contingencies
- Imprisonment provisions are removed related to compliance, and all penalties are financial only
- A new process to incorporate the Queen Ann’s County tiered landscaping approach is not included

Article V Zoning Regulations

- Off-street parking regulations are gathered together from across the Ordinance into one location
- Signage regulations are completely reformatted and also re-structured to be fully content neutral
- Electronic Message Centers (digitally changing signs) are added as permitted signs and regulated
- Staff proposes all sign illumination be indirect; interior illumination (cabinet signs) are not allowed
- Staff proposes doubling allowed signage size in AZD on farms to allow one 4-foot-by-8-foot ag sign
- Staff proposes adding allowed portable and temporary signs to legalize signs that are widely used
- Standards for Utility-Scale Solar Energy Systems for Countywide use are retained without changes

Article VI Environmental Regulations

CRITICAL AREA PROGRAM

- Text reviewed against State model ordinance. Entire LUO will be reviewed by CAC for approval.
- Purpose, implementation, and designations are included as written in current LUO but relocated and reorganized. Much of the language is drawn from the CAC model ordinance.
- Standards are updated to reflect current law. Lot coverage replaces impervious surfaces.
- Requirements for variances to develop on steep slopes have been clarified.
- Clearing and related mitigation are predominantly taken from the Anne Arundel County Code. Distinctions are made between clearing of forest (undisturbed tracts) and developed woodlands (residential areas with tree cover, e.g., Chesapeake Landing). Provisions to address clearing of small lots are included, as are provisions to allow variances.

- Current buffer regulations have been added. Clarification on how to measure the expanded buffer are included, as well as provisions for water access and buffer maintenance.
- Modified buffer provisions have been replaced with the language from the model ordinance. Development in modified buffer areas will not be limited to expansions of existing dwellings.
- Required regulations for renewable energy generating systems have been added.
- Required updates to water dependent facilities have been added.

FOREST CONSERVATION

- Specific text amendment proposed by member of the public is incorporated as recommended by Planning Commission, which includes increases to fees, maintenance periods, and surety periods.

EROSION AND SEDIMENT CONTROL

- Changes recommended by Kent Soil and Water Conservation District have been included in text.
- Text reviewed against State model ordinance and reviewed and approved by MDE for sufficiency.

STORMWATER MANAGEMENT

- Text reviewed against State model ordinance and reviewed and approved by MES for sufficiency.

FLOODPLAIN MANAGEMENT

- Three feet of freeboard included per County's Hazard Mitigation Plan and approved by Task Force.
- Text reviewed against State model ordinance and reviewed and approved by staff for sufficiency.

Article VII Definitions

- Agritourism, Fowl, Livestock, and Poultry are now defined; FEMA terms are revised; defined terms that are only utilized within the definitions section itself are combined; unused terms are deleted.
- For those definitions that contain regulatory provisions, the regulatory provisions are relocated.
- Front yards on corner lots have added flexibility as to which side determines the property address



To: Kent County Agriculture Advisory Commission
From: Bill Mackey, AICP, Director
Meeting: September 6, 2023
Subject: Second Memorandum on the *Proposed DRAFT Land Use Ordinance for Review*

Memorandum

To provide a quick overview of major changes in the draft LUO, the first memorandum was prepared by staff. For those desiring a general overview of the entire contents of the Proposed DRAFT Land Use Ordinance, the materials below were generated by the beta version of Claude 2, which is available [here](#).

What follows was entirely generated by the artificial intelligence Claude. Claude was asked to summarize each chapter separately. Staff reviewed the summaries, and everything looks to be in good order. In only one instance was there an error. Claude described signs as being defined in Article VII, which they are not. Other than that, Claude did a fine job, and the descriptions and summary created are easy to understand.

Article I Enactment

- The chapter lays out the purpose and intent of the zoning code, which includes implementing the county's comprehensive plan, promoting public health/safety/welfare, reducing financial burdens from unwise development, minimizing damage to property, enhancing attractiveness through design, protecting agricultural industry, providing efficiency in development, protecting historic resources, protecting environmental quality, and reducing erosion.
- It states the zoning code applies to all unincorporated territory in the county and all land use must comply with it.
- It establishes procedures for amending the zoning map and zoning text, including requirements for submitting applications, review by the planning commission, public hearings, and decisions by the county commissioners.
- It outlines the powers and duties of the Board of Appeals and Planning Commission in administering the zoning code.
- It defines legal nonconforming uses, structures, and lots. It establishes regulations for the continuation, abandonment, repair, expansion, and other aspects of nonconformities.

Overall, the chapter provides the legal basis and framework for implementing and administering the zoning code in alignment with the county's comprehensive plan and land use goals.

Article II Districts

- Kent County is proposing 12 zoning districts, including 6 districts in the State of Maryland's Critical Area. The 6 Critical Area districts have regulations mirroring similar districts outside the Critical Area.
- The Agricultural Zoning District (AZD) is intended to encourage agriculture and limit non-agricultural uses. The minimum lot size is 3/4 acre with well and septic or 1/2 acre with community sewage.
- The Resource Conservation District (RCD) has similar intent as AZD but is for the Critical Area. Minimum lot sizes are the same as AZD.
- The Rural Character District (RC) provides for rural residential lots and some commercial uses while maintaining rural character. Minimum lot size is 3/4 acre.
- The Critical Area Residential District (CAR) allows low density residential development in the Critical Area. Minimum lot size is 1/2 acre.
- The Community Residential District (CR) provides for single family homes and some businesses. Minimum lot size is 1/2 acre.
- The Village District (V) and Intense Village District (IV) aim to provide walkable, mixed use village development. V allows 8 units per acre and IV allows 12 units per acre for multi-family housing.
- The Commercial District (C) provides for highway-oriented commercial uses. The Commercial Critical Area District (CCA) mirrors C in the Critical Area.
- The Marine District (M) accommodates marinas and marine-related uses.
- The Employment Center District (EC) provides for office and light industrial uses. The Employment Center Critical Area - Limited Development Area (ECCA-LDA) mirrors EC in the Critical Area.

Article III Uses

- The chapter provides detailed conditions that must be met for each permitted use in the various zoning districts. These conditions help ensure uses are compatible.
- Uses are designated as permitted by right, permitted by right on farms, permitted as accessory uses, or allowed by special exception. Special exceptions require review.
- Key uses defined include accessory dwellings, home occupations, agricultural uses, marinas, personal wireless facilities, solar energy systems, and wind energy systems.
- Accessory dwellings are allowed in certain districts but don't count toward density. Conditions ensure they remain subordinate to the primary residence.
- Home occupations have limits on size and extent to remain compatible with residential areas. Some minor home businesses can get a use permit.

- Animal husbandry uses like stables have locational and size requirements. Poultry houses and dairies have stricter controls.
- Marinas and marine commercial uses have conditions to limit impacts and improve water quality.
- Telecom towers require showing need and considering alternatives. Conditions address appearance, setbacks, etc.
- Solar energy systems have limits based on district and farm vs. utility scale. Larger systems require screening and protecting views.
- Wind energy systems have height limits and setback requirements based on tower height and district. Approvals consider appearance and public views.

Article IV Processes

Overview

- The chapter covers the various review and approval processes for land use and development in Kent County, Maryland. This includes subdivisions, site plans, special exceptions, variances, waivers, permits, fees, enforcement, and historic preservation documentation.
- The processes aim to ensure development complies with the county's Comprehensive Plan and Land Use Ordinance. Review criteria promote public health, safety, and welfare.
- Applications are reviewed by the Technical Advisory Committee and approved by the Planning Commission, Planning Director, or Board of Appeals depending on the specific process.

Subdivisions and Site Plans

- Outlines minor and major subdivision and site plan processes. Minor projects have less impact and can be approved by Planning Director. Major projects require concept, preliminary, and final review and approval by Planning Commission.
- Details required submittals like narratives, previews, summaries, detailed documents and concluding materials for the various stages.
- Sets design standards related to site access, lighting, zoning, environment, layout, open space, roadways, etc. Additional standards for residential, small commercial, mixed use and large commercial/industrial projects.

Special Exceptions and Variances

- Special exceptions allow compatible presumed uses after review of criteria and site-specific impacts. Variances provide relief from code provisions.
- Administrative, zoning, critical area, floodplain, and stormwater variances have specific criteria. Special exceptions also have criteria.

Waivers and Permits

- Waivers allow alternative compliance and design flexibility. Building permits regulate construction. Outlines permit requirements.

Enforcement and Fees

- Vested authority, fines, and revocation procedures for code enforcement. Allows cost recovery fees.

Historic Preservation

- Requires photo documentation prior to issuing demolition permits on buildings over 75 years old. Aims to preserve historic character.

So, in summary, it establishes various review and approval processes to ensure development aligns with the county's long-range planning objectives, while providing flexibility and relief where warranted.

Article V Zoning Regulations

Overview

- The chapter establishes general zoning provisions as well as specific regulations for parking/loading, signage, and utility-scale solar facilities.
- The overall intent is to supplement the zoning districts and land uses outlined elsewhere to further guide development.

General Provisions

- Sets rules for accessory structures, maintaining minimum lot sizes, building height exceptions, yard requirements, and open space.
- Intends to maintain orderly development patterns and neighborhood character.

Parking and Loading

- Establishes flexible parking standards based on uses rather than fixed ratios. Allows shared parking and reductions.
- Outlines minimum dimensions for spaces, aisle widths, bicycle racks, and loading areas.
- Requires accessible parking spaces per ADA standards. Sets landscaping rules for larger lots.

Signage

- Regulates signs to balance business needs with community character and public safety. Content-neutral.
- Distinguishes permitted signs by type like ground, building, incidental. Limits number, sizes, heights, illumination.
- Streamlines rules so minor changes don't need permits. Grandfathers existing signs. Requires safety and maintenance.

Solar Facilities

- Utility-scale systems must meet setbacks and landscape buffering to limit visual impacts. Fencing, glare, and noise standards.
- Encourages pollinator habitat. Requires maintenance plans and bonds for decommissioning.

Overall, the regulations aim to facilitate development while minimizing impacts on surrounding areas. Let me know if you need any part of the summary expanded on further.

Article VI Environmental Regulations

- The section covers regulations for the Critical Area Program, Forest Conservation Act, Erosion & Sediment Control, Stormwater Management, and Floodplain Management.

- Critical Area Program establishes resource protection for the Chesapeake Bay and its tributaries. It designates areas as Resource Conservation Area, Limited Development Area, and Intensely Developed Area. Development standards apply in each area.
- Forest Conservation Act aims to conserve forests. It sets afforestation and reforestation requirements based on zoning district and amount of forest cleared. Forest mitigation, bonds, and protective devices are required.
- Erosion & Sediment Control requires permits for land disturbances over 5,000 sq ft. It establishes vegetative requirements, plan review process, and enforcement measures.
- Stormwater Management aims to maintain pre-development runoff characteristics through environmental site design (ESD) practices. It requires management plans, establishes design criteria, includes permit requirements, and sets inspection procedures.
- Floodplain Management regulates development in flood zones to minimize flood damage. It prohibits development in certain high-risk areas and sets elevation, anchoring, utility, and other construction requirements.

Article VII Definitions

- The chapter provides definitions for over 300 terms used in the zoning code. Defining these terms creates clarity and consistency in interpreting the code's provisions.
- Key terms related to residential uses are defined such as dwelling unit, single family dwelling, accessory dwelling, and more. Commercial, industrial, and agricultural terms are also defined.
- Environmental terms are defined including things like buffer, habitat, wetlands, waterways, floodplain, and others. These terms help interpret the environmental protection standards.
- Development process terms are defined like site plan, subdivision, variance, and so on. Procedural terms help understand the development review processes.
- Infrastructure terms like roads, right-of-way, utilities, and infrastructure components are defined.
- ~~Signs~~, Wireless facilities, alternative energy, and many other topics have pertinent terms defined.
- Understanding these definitions is crucial to properly interpreting and applying the zoning code requirements to projects undergoing development and review.

SECTION 2 AGRICULTURAL ZONING DISTRICT (AZD)

2.1 STATEMENT OF INTENT

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



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

2.2 PERMITTED USES AND STRUCTURES

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

Uses in Agricultural Zoning District (AZD) <u>Article III lists requirements for permitted uses and conditions related to special exceptions</u>	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Accessory <i>dwelling unit</i>					X
Accessory <i>farm buildings</i> , including barns, cribs, stables, sheds, tool rooms, shops, bins, tanks, and silos				X	
Accessory <i>farm dwellings</i>				X	
Accessory <i>off-street parking</i> and loading of non-commercial vehicles that have current licenses and are operable					X
Accessory <i>off-street parking</i> of one commercial vehicle					X
Accessory open or enclosed storage of <i>farm materials</i> , products, equipment, fertilizer or chemicals, or vehicles, located at least 200 feet from all property lines				X	
Accessory <i>roadside stand</i> for the sale of <i>farm products</i>				X	
Accessory <u>residential</u> storage <i>structures</i> with a <u>ground floor area</u> of more than 1,200 <u>2,000</u> square feet or a height that exceeds 17 feet <u>the height of the primary residential structure</u> on parcels less than 5 acres			A		
Accessory <i>structures</i> in a <i>front yard</i> of <i>through</i> or <i>corner lots</i>			A		
<u>Adaptive reuse of existing structures in AZD, located on parcels under 20 acres</u>			<u>A</u>		
Adaptive reuse of <i>historic structures</i> for uses not otherwise listed			X		
<u>Accessory sheds on properties less than 20 acres in area</u>			<u>A</u>		
<i>Airports</i> , landing fields, helistops, or heliports			X		
<i>Agriculture</i>	X				
<u>Agritourism on farms, defined in Article VII</u>		<u>X</u>			
<u>Animal husbandry, aquaculture</u>		<u>X</u>			
<u>Animal husbandry, farms, including horses</u>		<u>X</u>			
<u>Animal, husbandry, feedlot or confinement dairy</u>			<u>X</u>		
<u>Animal husbandry, horses on non-farms</u>			<u>X</u>		
<u>Animal husbandry, limited livestock and fowl</u>			<u>X</u>		

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

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

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

Uses in Agricultural Zoning District (AZD)	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
<u>Article III lists requirements for permitted uses and conditions related to special exceptions</u>					
Keeping, dairying or raising for sale of animals, fish, birds, or reptiles		*			
Keeping of backyard chickens					*
Livestock auction houses, <u>located on farms in AZD</u>	*		X		
Migrant labor camps			X		
Mobile homes existing and in use as of January 16, 1996	X				
More than four horses and mules on land less than 20 acres in size			*		
Multi-Family and Two-Family Dwellings, in AZD	X				
Parking of commercial vehicles <u>on a farm</u>				X	
Personal wireless facility towers			X		
Personal wireless facilities, collocated on existing towers	X				
Poultry houses in AZD and RCD	X				
Poultry houses on parcels where the owner cannot handle the waste generated by the poultry houses			X		
Private garages, swimming pools, game courts, and other customary residential outbuildings and structures					X
Private schools			X		
Public and private forests, wildlife reservations and similar conservation projects	X				
Public and private parks and playgrounds for the purpose of conserving and enjoying natural resources.	X				
Public landings			B		
Public uses, buildings, and utilities			X		
Railroad right of ways	X				
Retreats			X		
Rifle and pistol ranges			B		
Roadside stands					X
Rural inns			X		
Sand and gravel pits, <u>including</u> excavation or extraction			X		
Sanitary landfill or rubblefill, <u>public</u>			X		
Satellite dish, private, with an antenna of 3 feet or less in diameter					X
Satellite dish, private, with an antenna exceeding 3 feet in diameter					X

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

Uses in Agricultural Zoning District (AZD)	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
<u>Article III lists requirements for permitted uses and conditions related to special exceptions</u>					
<u>Sawmills and mulching operations</u> , temporary, for cutting timber <u>and landscaping materials</u> grown on the <i>premises</i>	X				
School buses, parked, limited to five				X	
School buses, parked, limited to two					X
Sewage sludge land application			X		
<u>Short-term vacation rentals (STVR)</u>					X
Solar energy systems, small					X
Solar energy systems, utility scale			X		
Stable, private	X				
Stable, public	X				
Storage of boats, campers, boat trailers, and camper trailers					X
Structures for the buying, processing, and/or sale of animal products, commercial, located at least 600 feet from all property lines			X		
Structures for the buying, processing, and/or sale of <u>non-animal</u> farm products related to <i>agriculture</i> no more than 10,000 square feet in floor area	X				
Structures for the buying, processing, and/or sale of <u>non-animal</u> farm products related to <i>agriculture</i> , over 10,000 square feet in floor area but less than 50,000 square feet in area			B		
Temporary <i>MET Tower</i> of any height					X
Veterinary <i>hospitals</i> or <i>clinics</i> and animal shelters	X				
Waste management <i>structures</i> , where not otherwise stipulated in this Ordinance				X	
<u>Wedding venues on farms with Board of Appeals approval</u>			X		
Wind energy systems, small			X		
Wind energy systems, small, accessory				X	

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

2.3 DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS

	STANDARD DEVELOPMENT	ENCLAVE DEVELOPMENT
STANDARDS FOR THE SUBDIVISION OF LOTS		
Gross density (dwelling units/acre)	0.033 (1/30) ^{1,6Z}	0.1 (1/10) ²
Minimum lot size		
- On-site individual septic system	¾ acre	N/A
- Community sewage system	½ acres	N/A
Maximum lot size	N/A	¾ acre
Minimum lot width	75 feet	N/A
Maximum lot width	N/A	75 feet
Maximum percentage of property in lots	10% ³	10%
Maximum lots fronting on existing public road	2 ⁴	N/A
STANDARDS FOR BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT		
Minimum yard		
- Front (primary road)	100 feet	20 feet
- Front (all other roads)	75 feet	20 feet
- Side	15 feet	8 feet
- Rear	30 feet	10 feet
- Waterfront	100 feet	100 feet
- Accessory structures on farms in the side and rear yard	25 feet	25 feet
- Accessory residential structures in rear yard		
Side	10 3 feet	3 feet
Rear	10 5 feet	5 feet
Maximum front yard	N/A	40 feet
Maximum structure height ⁵		
- <u>Primary Residential or Agricultural structure</u>	38 feet	38 feet
- <u>Accessory Residential Structure (a special exception may be granted to exceed max)</u>	<u>Height of existing primary residential structure</u>	
- Fence height ⁶		
- Security	8 feet	8 feet
- Agricultural	5 feet	5 feet
- Ornamental		
Side and Rear	8 feet	8 feet
Front	4 feet	4 feet
Lot line setback from External Access Road	N/A	600 feet
Lot line setback from Protected Lands	N/A	600 feet
Maximum Enclave size	N/A	10 dwelling units
Minimum Enclave size	N/A	3 dwelling units
Maximum number of Enclaves	N/A	1 per parcel

FOOTNOTES

- 1 Accessory dwelling units do not count toward the density calculation in AZD.
- ~~2 Accessory dwelling units do not count toward the density calculation.~~
- 2 Parcels 100 acres or larger do not count toward the maximum developed percentage of the property.
- 3 Parcels created before December 3, 2002, do not count toward the two permitted road front parcels. The Planning Commission may waive this requirement, if the proposal meets the waiver requirements in this Ordinance.
- 4 Height of structures may be further restricted by the Kent County *Airport Safety Requirements* as defined in this Ordinance. Except in an area defined as the Kent County Airport Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles. ~~Accessory structures on parcels less than 5 acres in size may not exceed 17 feet in height without a special exception.~~
- 5 Fences do not need to meet the yard requirements.
- 6 Agricultural Easement Program – Nothing in this regulation shall limit the ability of a participant in the Agricultural Easement Program to convey real property impressed with an easement to his or her child provided the easement was recorded with the Kent County Clerk of Circuit Court prior to October 1, 2003.

~~1. Enclave Design Standards~~

- ~~(A) The purpose of the Enclave *development* pattern is to:
 - ~~i. Minimize the loss of productive agricultural land; and~~
 - ~~ii. Maintain the visual quality of the County's agricultural landscape.~~~~
- ~~(B) All plans should minimize the use of tillable soils for *development* and maximize the use of *sloped* and *forested* areas, which are otherwise less productive for agricultural uses.~~
- ~~(C) The design and location of the Enclave shall minimize the impacts to neighboring agricultural operations and hunting so as not to restrict the rights of adjacent landowners.~~
- ~~(D) The *applicant* must show that the agricultural land remaining after *subdivision* is suitable for a commercially viable agricultural enterprise.~~
- ~~(E) Enclaves shall be located so as to leave large blocks of open agricultural land throughout the Agricultural Zoning District.~~
- ~~(F) Access to the Enclave must be from a single internal road.~~

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

- ~~(G) — The appearance of an Enclave from an external public road shall be that of a grouping of *farm buildings* in that they are clustered together and obviously a use subsidiary to the prime use of the land — *agriculture*.~~
- ~~(H) — Landscaping that defines the access road along its entire length is desirable.~~
- ~~(I) — The Enclave shall be planned and designed as a single unit with careful consideration given to the relationship of *structures* to one another, landscaping, *buffering, screening, views, light and air, and internal circulation*.~~
- ~~(J) — Strong provision should be made for walking as opposed to vehicular connections within the Enclave.~~
- ~~(K) — *Street widths, alignments, and parking* should be carefully scaled to the size of the Enclave.~~
- ~~(L) — The *streetscape* of the Enclave should be designed in detail to avoid repetitious *setbacks, driveways, elevations, and landscaping*.~~
- ~~(M) — Where an Enclave incorporates an existing historic *building, building heights, exterior features, and building arrangement* should be harmonious with the *historic structure*. *Street widths, alignments, and parking* should be carefully scaled to the size of the Enclave.~~
- ~~(N) — Deed restrictions shall include language recognizing that the *lots* are in an agricultural area and refer to the right to *farm* law.~~

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

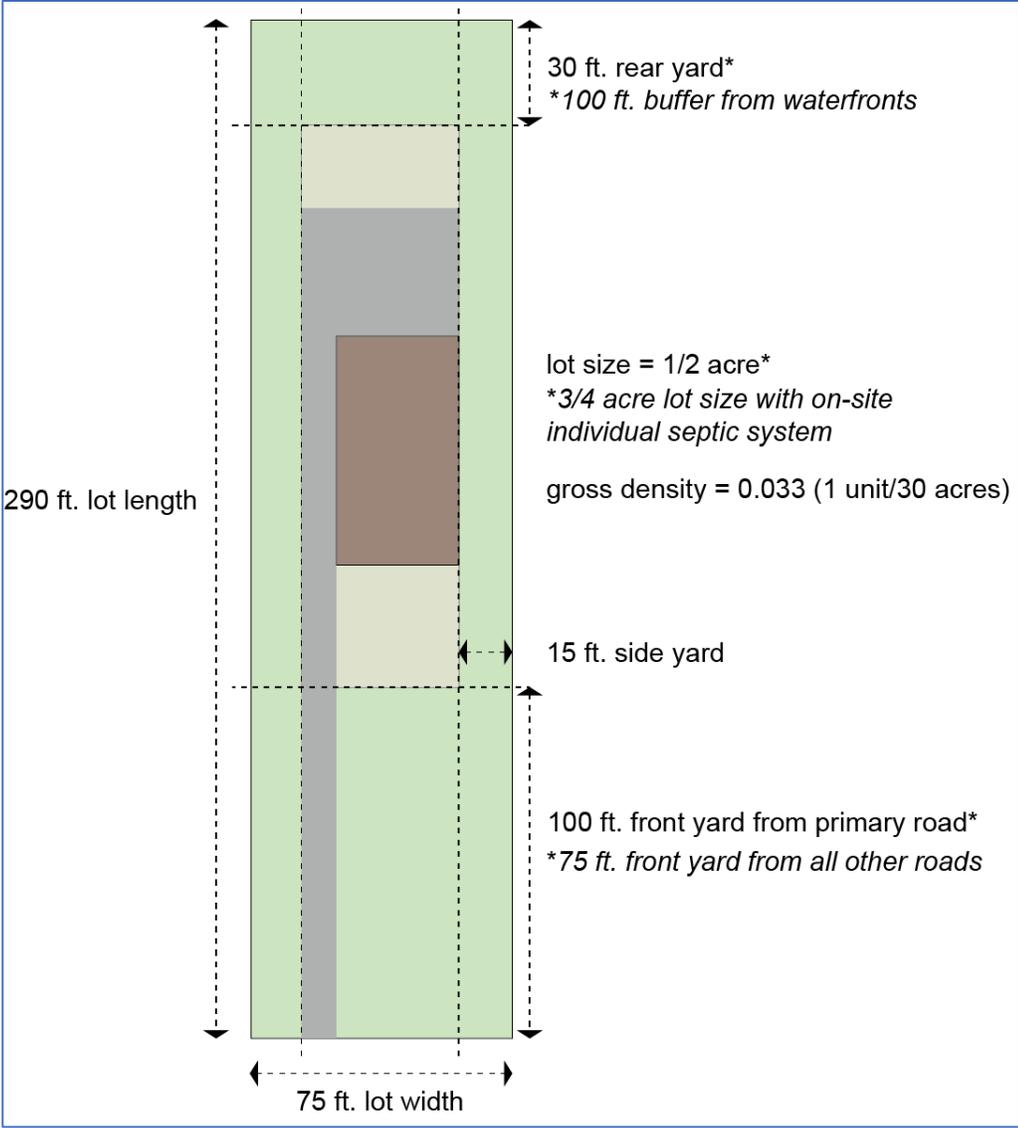


Figure 2: Regulatory diagram of a lot in the Agricultural Zoning District ~~(non-enclave)~~.
Figure 4 on right: Regulatory diagram of a lot in the Agricultural Zoning District ~~(enclave)~~.



SECTION 3 RESOURCE CONSERVATION DISTRICT (RCD)

3.1 STATEMENT OF INTENT

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



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

3.2 PERMITTED USES AND STRUCTURES

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

Uses in the Resource Conservation District (RCD) <u>Article III lists requirements for permitted uses and conditions related to special exceptions</u>	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Accessory <i>dwelling unit</i>					X
Accessory <i>farm buildings</i> , including barns, cribs, stables, sheds, tool rooms, shops, bins, tanks, and silos				X	
Accessory <i>farm dwellings</i>				X	
Accessory <i>off-street parking</i> and loading of non-commercial vehicles that have current licenses and are operable					X
Accessory <i>off-street parking</i> of one commercial vehicle					X
Accessory open or enclosed storage of <i>farm</i> materials, products, equipment, fertilizer or chemicals, or vehicles, located at least 200 feet from all property lines				X	
Accessory <i>roadside stand</i> for the sale of <i>farm</i> products				X	
Accessory <u>residential</u> storage structures with a <u>ground floor area</u> of more than 1,200 <u>2,000</u> square feet or a height that exceeds 17 feet <u>the height of the primary residential structure</u> on parcels less than 5 acres			A		
Accessory structures in the <i>front yard</i> requirement of waterfront parcels			A		
Accessory structures in <i>front yard</i> of a <i>through</i> or <i>corner lot</i>			A		
Adaptive reuse of <i>historic structures</i> for uses not otherwise listed			X		
Agriculture	X				
<u>Agritourism on farms, defined in Article VII</u>			X		
<u>Animal husbandry, aquaculture</u>		X			
<u>Animal husbandry, farms, including horses</u>		X			
<u>Animal husbandry, horses on non-farms</u>			X		
<u>Animal husbandry, special – backyard chickens</u>					X
<u>Animal husbandry, special – small sheep or goats</u>					X
<u>Animal husbandry, stable - private</u>	X				
<u>Animal husbandry, stable - commercial</u>	X				
Appurtenant signs					X

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

Uses in the Resource Conservation District (RCD) <u>Article III lists requirements for permitted uses and conditions related to special exceptions</u>	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Aquaculture, including accessory processing and sales	X				
Camp, day or boarding, private or commercial, but not recreational vehicle or migrant labor camps, for the purpose of conserving and enjoying the natural resources	X				
Campgrounds existing and in use as of August 1, 1989	X				
Conference center			X		
<u>Existing</u> Conference centers, resorts, retreats, hotels, and motels existing and in use as of August 1, 1989	X				
Convalescent, group, or homes for the aged if located in dwellings existing as of December 1, 1985	X				
Country Inn			X		
Day care groups			A		
Day care homes					X
Detached single family dwellings	X				
Existing permitted marinas in the Resource Conservation District	X				
Exposition center or fairgrounds			B		
<u>Farm employee housing</u>			X		
Golf courses, public or private			X		
Home occupations in main or accessory buildings					X
Hunting blinds, pits, or preservers	X				
Hunting trailer, one, temporary				X	
Keeping, dairying or raising for sale of animals, fish, birds, or reptiles		X			
Keeping of backyard chickens					X
Mobile homes existing and in use as of January 16, 1996	X				
More than four horses and mules on land less than 20 acres in size			X		
Personal wireless facility towers			X		
Personal wireless facilities, collocated on existing towers	X				
Poultry houses in AZD and RCD	X				
Private clubs			B		
Private garages, swimming pools, game courts, and other customary residential outbuildings and structures					X
Private piers, community piers, and private shared piers					X

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

Uses in the Resource Conservation District (RCD)	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
<u>Article III lists requirements for permitted uses and conditions related to special exceptions</u>					
Public and private <i>forests</i> , wildlife reservations and similar conservation projects	X				
Public and private parks and playgrounds for the purpose of conserving and enjoying the natural resources.	X				
<i>Public landings</i>			B		
Public uses, <i>buildings</i> , and utilities			X		
Railroad <i>right of ways</i>	X				
<i>Resorts</i>			X		
<i>Retreats</i>			X		
<i>Roadside stands</i>					X
Sand and gravel pits, <u>including</u> <i>excavation</i> or extraction			X		
Satellite dish, private, with an antenna exceeding 3 feet in diameter					X
Satellite dish, private, with an antenna of 3 feet or less in diameter					X
School buses, parked, limited to two					X
<u>Short-term vacation rentals (STVR)</u>					X
Solar energy systems, small					X
Solar energy systems, utility scale		X			
Stable, private	X				
Stable, public	X				
Storage of boats, campers, boat trailers, and camper trailers					X
Temporary <i>MET Tower</i> of any height					X
Tie-out pilings of private <i>piers</i> , <i>community piers</i> , and private shared <i>piers</i>			X		
Waste management <i>structures</i> , where not otherwise stipulated in this Ordinance				X	
<i>Wind energy systems, small</i>			X		
<i>Wind energy systems, small</i> , accessory				X	

3.3 DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS

STANDARDS FOR THE <i>SUBDIVISION OF LOTS</i>	
Gross <i>density (dwelling units/ac)</i>	1 <i>dwelling unit per 20 acres</i> ¹
Minimum <i>lot size</i>	
- <i>On-site</i> individual septic system	¾ acre
- Community sewage system	½ acre
Minimum <i>lot width</i>	75 feet
STANDARDS FOR <i>BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT</i>	
Minimum <i>yard</i>	
- Front	50 feet
- Side	15 feet
- Rear	30 feet
- <i>Shoreline cliff</i>	1.5 x <i>cliff height</i> + 20 feet
- Waterfront	Minimum 100-foot <i>buffer</i>
- <i>Accessory structures on farms</i> in the side and rear yard	25 feet
- <i>Accessory residential structures in rear yard</i>	
Side	310 feet
Rear	510 feet
Maximum <i>structure height</i> ²	
- <u>Primary Residential or Agricultural structure</u>	38 feet
- <u>Accessory Residential Structure (a special exception may be granted to exceed max)</u>	<u>Height of existing primary residential structure</u>
- Fence height ³	
- Security	8 feet
- Agricultural	5 feet
- Ornamental	
Side and Rear	8 feet
Front	4 feet

- 1 Parcels of more than one acre improved by more than one dwelling unit, existing as of December 1, 1985, may be subdivided into parcels of land not less than one-half (½) acre each for each dwelling unit situated on the one-half (½) acre, or more, being subdivided. Accessory dwelling units that comply with Article III do not count toward the density calculation.

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

- 3 Fences do not need to meet the yard requirements.

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

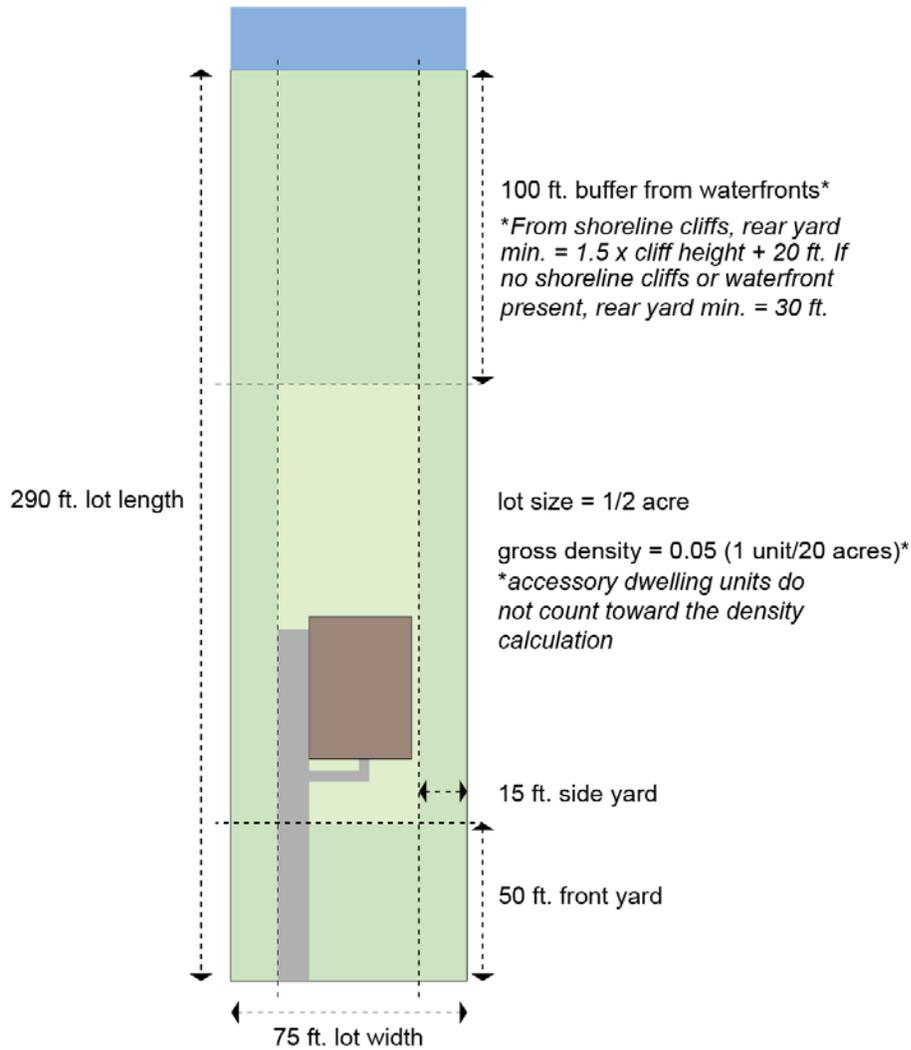


Figure 4: Regulatory diagram of a lot in the Resource Conservation District.

SECTION 2 AGRICULTURAL ZONING DISTRICT (AZD)

2.1 STATEMENT OF INTENT

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



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

2.2 PERMITTED USES AND STRUCTURES

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

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

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

Uses in Agricultural Zoning District (AZD) Article III lists requirements for permitted uses and conditions related to special exceptions	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Animal husbandry, poultry houses on farms only			X		
Animal husbandry, special – backyard chickens					X
Animal husbandry, special – small sheep or goats					X
Animal husbandry, <i>stable - private</i>	X				
Animal husbandry, <i>stable - commercial</i>	X				
Appurtenant signs					X
Assisted living facilities with five to eight beds			A		
Assisted living facilities with no more than four beds					X
<i>Camp, day or boarding</i> , private or commercial, but not recreational vehicle or migrant labor camps, for the purpose of conserving and enjoying the natural resources.	X				
Cemetery, including crematorium and mausoleum			X		
Circus or carnival, midways and amusement parks, maze fields and other temporary recreational uses, for a specified period	X				
Cottage industries, tradesmen and artisan shops			A		
<i>Country inns</i>			X		
<i>Country stores</i>			X		
<i>Day care groups</i>			A		
<i>Day care homes</i>					X
<i>Detached single family dwellings</i>	X				
<i>Dog kennels, commercial</i>					X
<i>Erosion and flood control structures</i>	X				
Exposition center or fairgrounds			B		
<i>Farm brewery, as defined by the State of Maryland</i>	X				
Farm employee housing			X		
Golf courses, public or private			X		
Greenhouses, wholesale or retail	X				
<i>Guest house, one, but not including mobile homes</i>				X	
<i>Home occupations in main or accessory buildings</i>					X
Hunting blinds, pits, or preserves	X				
Hunting trailer, one, temporary				X	
Livestock auction houses, located on farms in AZD			X		
Migrant labor camps			X		
<i>Mobile homes existing and in use as of January 16, 1996</i>	X				
Multi-Family and Two-Family Dwellings, in AZD	X				

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

Uses in Agricultural Zoning District (AZD)	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Article III lists requirements for permitted uses and conditions related to special exceptions					
Parking of commercial vehicles on a farm				X	
<i>Personal wireless facility towers</i>			X		
<i>Personal wireless facilities, collocated on existing towers</i>	X				
Poultry houses	X				
Poultry houses on parcels where the owner cannot handle the waste generated by the poultry houses			X		
<i>Private garages, swimming pools, game courts, and other customary residential outbuildings and structures</i>					X
Private schools			X		
Public and private <i>forests</i> , wildlife reservations and similar conservation projects	X				
Public and private parks and playgrounds for the purpose of conserving and enjoying natural resources.	X				
<i>Public landings</i>			B		
Public uses, <i>buildings</i> , and utilities			X		
Railroad <i>right of ways</i>	X				
<i>Retreats</i>			X		
Rifle and pistol ranges			B		
<i>Roadside stands</i>					X
<i>Rural inns</i>			X		
Sand and gravel pits, including <i>excavation</i> or extraction			X		
<i>Sanitary landfill</i> or rubblefill, public			X		
Satellite dish, private, with an antenna of 3 feet or less in diameter					X
Satellite dish, private, with an antenna exceeding 3 feet in diameter					X
<i>Sawmills</i> and mulching operations, temporary, for cutting timber and landscaping materials grown on the <i>premises</i>	X				
School buses, parked, limited to five				X	
School buses, parked, limited to two					X
Short-term vacation rentals (STVR)					X
Solar energy systems, small					X
Solar energy systems, utility scale			X		
Storage of boats, campers, boat trailers, and camper trailers					X

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

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

2.3 DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS

	STANDARD DEVELOPMENT	
STANDARDS FOR THE SUBDIVISION OF LOTS		
Gross density (dwelling units/acre)	0.033 (1/30) ^{1,7}	
Minimum lot size		
- On-site individual septic system	¾ acre	
- Community sewage system	½ acres	
Maximum lot size	N/A	
Minimum lot width	75 feet	
Maximum lot width	N/A	
Maximum percentage of property in lots	10% ³	
Maximum lots fronting on existing public road	2 ⁴	
STANDARDS FOR BUILDING AND STRUCTURE HEIGHT, WIDTH, AND PLACEMENT		
Minimum yard		
- Front (primary road)	100 feet	
- Front (all other roads)	75 feet	
- Side	15 feet	
- Rear	30 feet	
- Waterfront	100 feet	
- Accessory structures on farms in the side and rear yard	25 feet	
- Accessory residential structures in rear yard		
Side	10 feet	
Rear	10 feet	
Maximum front yard	N/A	
Maximum structure height ⁵		
- Primary Residential or Agricultural structure	38 feet	
- Accessory Residential Structure (a special exception may be granted to exceed max)	Height of existing primary residential structure	
- Fence height ⁶		
- Security	8 feet	
- Agricultural	5 feet	
- Ornamental		
Side and Rear	8 feet	
Front	4 feet	
Lot line setback from External Access Road	N/A	
Lot line setback from Protected Lands	N/A	
Maximum Enclave size	N/A	
Minimum Enclave size	N/A	
Maximum number of Enclaves	N/A	

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

FOOTNOTES

- 1 Accessory dwelling units do not count toward the density calculation in AZD.
- 2 Parcels 100 acres or larger do not count toward the maximum developed percentage of the property.
- 3 Parcels created before December 3, 2002, do not count toward the two permitted road front parcels. The Planning Commission may waive this requirement, if the proposal meets the waiver requirements in this Ordinance.
- 4 Height of structures may be further restricted by the Kent County *Airport* Safety Requirements as defined in this Ordinance. Except in an area defined as the Kent County Airport Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.
- 5 Fences do not need to meet the yard requirements.
- 6 Agricultural Easement Program – Nothing in this regulation shall limit the ability of a participant in the Agricultural Easement Program to convey real property impressed with an easement to his or her child provided the easement was recorded with the Kent County Clerk of Circuit Court prior to October 1, 2003.

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

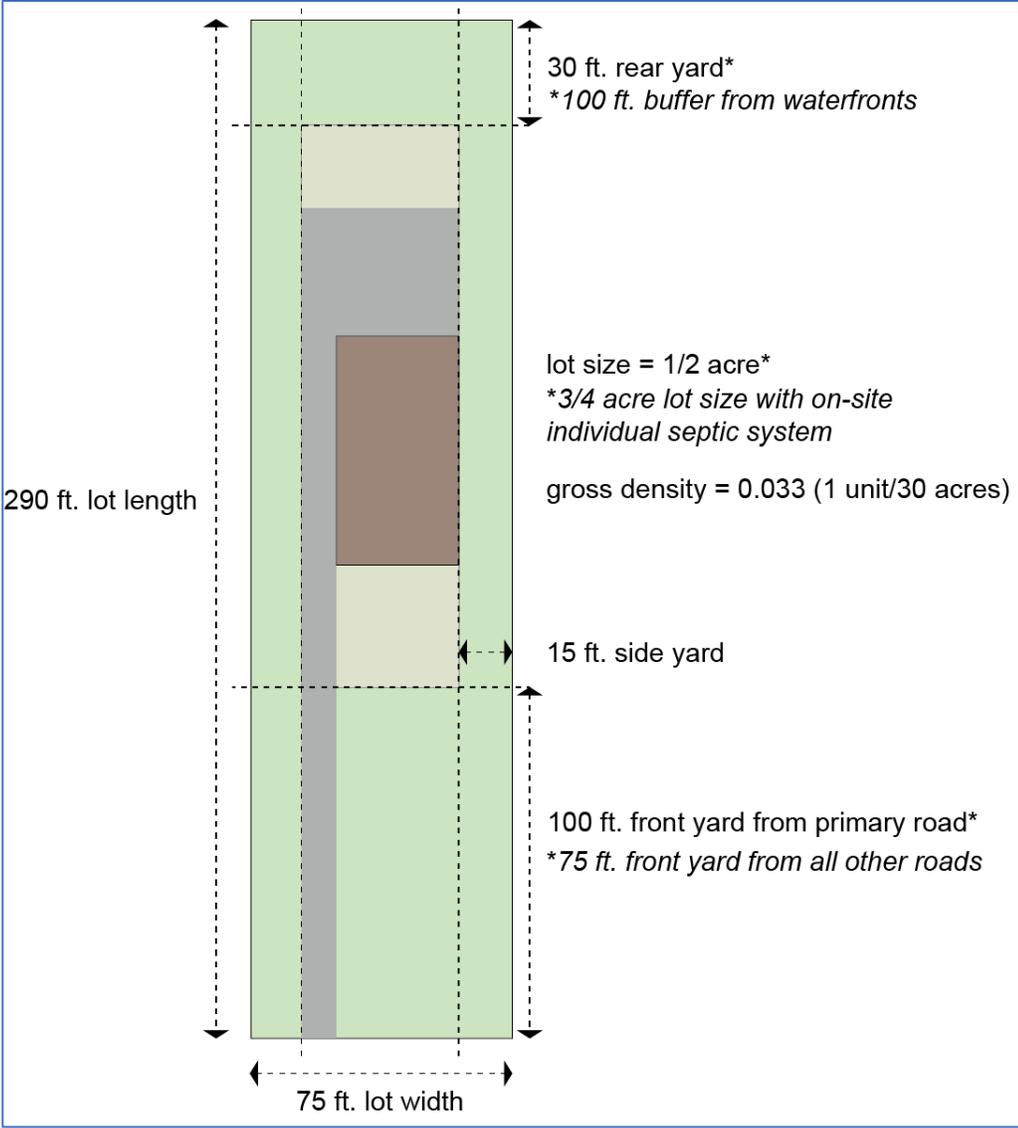


Figure 2: Regulatory diagram of a lot in the Agricultural Zoning District.



SECTION 3 RESOURCE CONSERVATION DISTRICT (RCD)

3.1 STATEMENT OF INTENT

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



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

3.2 PERMITTED USES AND STRUCTURES

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

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

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

<p>Uses in the Resource Conservation District (RCD)</p> <p>Article III lists requirements for permitted uses and conditions related to special exceptions</p>	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
<i>Camp, day or boarding</i> , private or commercial, but not recreational vehicle or migrant labor camps, for the purpose of conserving and enjoying the natural resources	X				
<i>Campgrounds</i> existing and in use as of August 1, 1989	X				
<i>Conference center</i>			X		
Existing <i>Conference centers, resorts, retreats, hotels</i> , and motels existing and in use as of August 1, 1989	X				
Convalescent, group, or homes for the aged if located in <i>dwellings</i> existing as of December 1, 1985	X				
<i>Country Inn</i>			X		
<i>Day care groups</i>			A		
<i>Day care homes</i>					X
Detached <i>single family dwellings</i>	X				
Existing permitted <i>marinas</i>	X				
Exposition center or fairgrounds			B		
Farm employee housing			X		
Golf courses, public or private			X		
<i>Home occupations</i> in main or accessory <i>buildings</i>					X
Hunting blinds, pits, or preservers	X				
Hunting trailer, one, temporary				X	
<i>Mobile homes</i> existing and in use as of January 16, 1996	X				
<i>Personal wireless facility towers</i>			X		
<i>Personal wireless facilities</i> , collocated on existing towers	X				
Poultry houses	X				
<i>Private clubs</i>			B		
<i>Private garages, swimming pools</i> , game courts, and other customary residential <i>outbuildings</i> and <i>structures</i>					X
<i>Private piers, community piers</i> , and private shared <i>piers</i>					X
Public and private <i>forests</i> , wildlife reservations and similar conservation projects	X				
Public and private parks and playgrounds for the purpose of conserving and enjoying the natural resources.	X				
<i>Public landings</i>			B		
Public uses, <i>buildings</i> , and utilities			X		
Railroad <i>right of ways</i>	X				
<i>Resorts</i>			X		

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

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

3.3 DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS

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

- 1 Parcels of more than one acre improved by more than one dwelling unit, existing as of December 1, 1985, may be subdivided into parcels of land not less than one-half (½) acre each for each dwelling unit situated on the one-half (½) acre, or more, being subdivided. Accessory dwelling units that comply with Article III do not count toward the density calculation.

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

- 3 Fences do not need to meet the yard requirements.

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

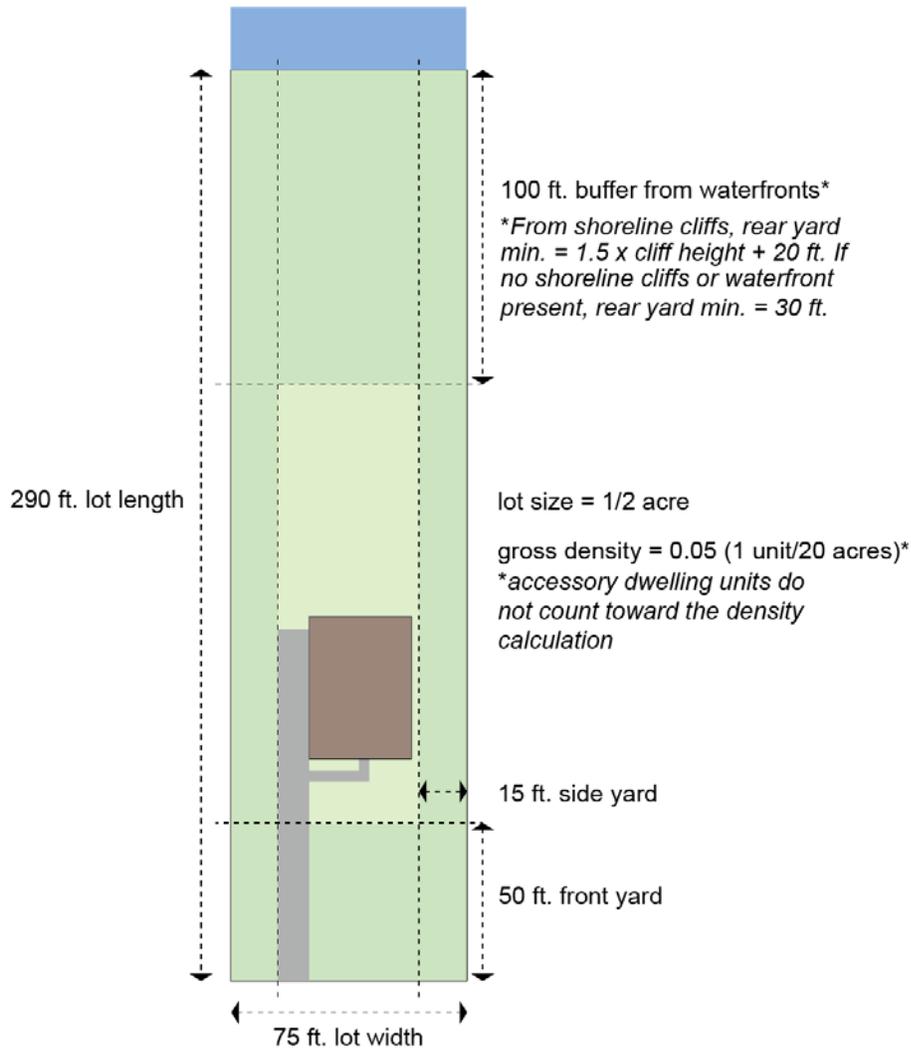


Figure 4: Regulatory diagram of a lot in the Resource Conservation District.