

## SECTION 4 RURAL RESIDENTIAL

### 4.1 STATEMENT OF INTENT

The purpose of this district is to provide for low *density*, single family residential *development* in areas of existing residential *development*, together with facilities and *accessory uses* normally compatible with residential surroundings, and at the same time to permit agricultural uses and to preserve open spaces and rural character. This district is located in areas of existing rural *development* and those areas designated as neighborhood development areas in the *Comprehensive Plan*.

### 4.2 PERMITTED PRINCIPAL USES AND STRUCTURES

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

1. *Agriculture* including horticultural, hydroponics or general farming, orchards, groves, or nurseries for growing or propagation of plants, trees, and shrubs.
2. *Camp, day or boarding*, private or commercial, but not *recreational vehicle* or migrant labor camps.
3. Detached *single family dwellings*.
4. *Erosion* and *flood control structures*.
5. Greenhouses, wholesale or retail, provided *structures* are 200 feet from any property line and are adequately landscaped.
6. Public and private *forests*, wildlife reservations and similar conservation projects.
7. Public and private parks and playgrounds for the purpose of conserving and enjoying the natural resources, including both active and passive parks owned and operated by Kent County, the state of Maryland, or federal government but not including commercial play fields for football, baseball, and other major sports activities such as motocross or drag racing fields.
8. *Stable, private* provided:
  - a. The *lot* shall be two acres or more.
  - b. Any *structure* for the keeping of animals shall be a minimum of 100 feet from any property line.
  - c. There shall be no more than one horse per acre of land. Only available pasture acreage shall be used to compute the number of horses allowed on a parcel.
  - d. The operation is managed according to waste and nutrient management plans, approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorous is a problem or has the potential to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.

9. *Stable, public* provided:
  - a. The *lot* shall be 20 acres or more.
  - b. Any *structure* for the keeping, feeding of animals and waste management *structures* shall be a minimum of 400 feet from any property line.
  - c. No waste management facility or *structure* for the keeping of animals is within the *100-year floodplain*.
  - d. The feeding and watering of animals are conducted a minimum of 50 feet from any body of water, including *tributary streams* and *wetlands*.
  - e. The operation is managed according to waste and nutrient management plans, approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorous is a problem or has the potential to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.
  
10. *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*.

#### 4.3 SPECIAL EXCEPTIONS

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

1. Accessory storage *structures* with a *floor area* of more than 1,200 square feet or a height that exceeds 17 feet on parcels less than 5 acres
2. Accessory *structures* in the *front yard* of *through lots*
3. Adaptive reuse of historic *structures*
4. *Airport*, landing field, heliport, or helistop, public or private
5. *Aquaculture*, including accessory processing and sales
- 5.5 Assisted living facility with five to eight beds\*
6. Cemetery, including crematorium and mausoleum
7. *Conference center*
8. *Cottage industries*, tradesmen and artisan shops
9. *Country inn*
10. *Country stores*, on *primary* and *secondary roads*
11. *Day care group*
12. *Dog kennels*, commercial
13. Golf course, public or private
14. *Houses of worship*
15. More than four horses and mules on land less than 20 acres in size
16. *Private clubs*
17. Private schools

18. *Public landings*
19. *Public utilities and structures*
20. Raising of livestock and fowl but not including commercial *feedlots*, confinement dairies, or poultry houses
21. Raising of small animals, commercial, including birds, bees, fish, rabbits or other creatures, but not including *dog kennels*
22. Recreational facilities, privately or commercially owned, but not including major sports arenas for football, baseball, drag racing, motocross, or other major sports activities
23. *Resort*
24. *Retreat*
- 24.5 *Rural Inn\*\**
25. Sand and gravel pits, *excavation* or extraction (not including the removal of sod and *excavation* for foundations, *swimming pools*, *soil* and water conservation practices, and those removals approved in connection with *street* construction, *subdivision*, or planned residential *development*)
26. *Wind energy systems, small*, with a height that exceeds 80 feet or on parcels less than 20 acres\*

#### 4.4 ACCESSORY USES

- A. The following *accessory uses* are allowed on all *farms* in the Rural Residential District.
  1. Accessory farm *buildings*, including barns, cribs, stables, sheds, tool rooms, shops, bins, tanks, and silos. All *structures* for the keeping of animals shall be located a minimum of 100 feet from any property line. No *buildings* are permitted in the *buffer*.
  2. Accessory farm houses, one on all *farms*, two on *farms* with a minimum of 50 tillable acres. A farm employee house may not be a *mobile home*. Houses must share a common entrance and shall be occupied by permanent employees of the *farm* or immediate member of the *family* owning or operating the *farm*.
  3. Accessory open or enclosed storage of farm materials, products, equipment, or vehicles.
  4. Accessory storage of fertilizer and chemicals used in connection with the farming operation of the owner.
  5. *Guest house*, one, not including *mobile homes*, provided:
    - a. The house is used exclusively for non-paying guests.
    - b. No house shall be used as a permanent residence nor be rented or sold separately from the principal dwelling.
  6. One hunting trailer, temporary, from September 1 to the following February 15, continually, provided that such trailer is a minimum of 150 feet from all property lines and not in the *stream protection corridor*. These shall be located around existing *buildings* and out of sight.
  7. Parking of commercial vehicles provided:
    - a. The vehicles are related to the operation of the *farm* or three non-farm related vehicles.
    - b. The vehicles are parked around existing *buildings*. Non-farm related vehicles cannot be parked on *farms* without *buildings*.
    - c. The vehicles have current licenses and are operable.

8. The following *accessory uses* must be at least 200 feet from all property lines:
  - a. Assembly in a *totally enclosed building* not to exceed 10,000 square feet in size, and repair of all equipment normally used in *agriculture*.
  - b. Petroleum storage, not to exceed 10,000 gallons and subject to applicable safety codes, ordinances, and statutes.
  - c. Grain, flour, and feed blending and packaging, including milling, drying, and storing.
  
9. School buses, limited to five, parked around existing *buildings* provided the buses have current licenses and are operable.
  
10. *Wind energy systems, small*, provided:\*
  - a. The height of the *structure* to the tip of the blade at its highest point does not exceed 80 feet.
  - b. Any system is located a minimum of 3 times its total height from a property line.
  - c. Towers are not readily climbable from the ground up to 12 feet.
  - d. All access doors to towers and electrical equipment shall be lockable.
  - e. Appropriate warning signage is placed on the tower and electrical equipment.
  - f. The blade tip at its lowest point had a ground clearance of at least 25 feet.
  - g. Wind turbines and towers maintain a galvanized steel, brushed aluminum finish, or a non-garish color.
  - h. Any small wind energy system that is not operational for a period of 12 consecutive months or more shall be removed at the landowner's expense.
  
- B. The following *accessory uses* are allowed on all properties in the Rural Residential District
  1. *Accessory dwelling unit*, one, in principal or *accessory structures* provided:
    - a. The property owner resides on the *premises*.
    - b. The *accessory dwelling unit* is subordinate to the principal dwelling in size and appearance.
    - c. The *accessory dwelling unit* may be rented but not sold as a separate unit.
    - d. The appearance of the *structure* and property remain that of a *single family dwelling* so that the average neighbor is unaware of the *accessory dwelling unit's* existence.
    - e. If the entrance to the *accessory dwelling unit* is separate from that of the primary dwelling, the entrance to the *accessory dwelling unit* shall be from the *side* or *rear yard*.
    - f. One parking space is provided in the *rear yard* for the *accessory dwelling unit*.
    - g. The *structure* meets all applicable Kent County Codes, including the building code, and Health Department *regulations*.
  
  2. *Accessory off-street parking* and loading of non-commercial vehicles that have a current license and are operable.
  
  3. *Accessory off-street parking* of one commercial vehicle in the *rear yard* provided:
    - a. The vehicle is used by the occupant of the dwelling.
    - b. The vehicle does not exceed 16,000 pounds manufacturer's gross vehicle weight.
    - c. No major repair is conducted *on-site*.
    - d. No engines may run when parked *on-site*. Electrical refrigeration units may run.
    - e. Honey wagons, sanitation, garbage, or other trucks used to transport odorous, flammable, or hazardous materials are prohibited.
    - f. The vehicle has a current license and is operable.
  
  4. *Appurtenant signs* in accordance with Article VI, Section 2, of this Ordinance.

5. Assisted living facilities or *group homes*, with no more than four beds provided:
  - a. The property owner resides on the *premises*.
  - b. The assisted living facility or *group home* is subordinate and accessory to the principal dwelling in size and appearance and is in the same *structure* as the principal *dwelling unit*.
  - c. The rooms for the use are not designed or constructed to be separate *dwelling units* and may not be sold as separate *dwelling units*.
  - d. The appearance of the *structure* and property remain that of a *single family dwelling* so that the average neighbor is unaware of the assisted living facility's or *group home's* existence.
  - e. The *structure* meets all applicable Kent County Codes, including the building code, and Health Department requirements.
  
6. *Day care home* provided:
  - a. Outdoor play areas are fenced and screened.
  - b. Structured areas for active play or play *structures* shall not be in the *front yard* and shall be a minimum of 10 feet from the side or rear property line.
  - c. One drop off / pickup space is provided.
  - d. Structural or decorative additions shall be designed to be compatible with the residential character of the neighborhood.
  - e. *Signs* shall be limited to two square feet.
  
7. *Home occupations* in main or accessory *buildings*  
Intent - The conduct of business in residential units may be permitted under the provisions of this section. It is the intent of this section to:
  - a. Ensure the compatibility of *home occupations* with other uses in residential areas.
  - b. Maintain and preserve the character of residential neighborhoods by regulating the operation of *home occupations* so that the average neighbor is unaware of their existence.
  - c. Guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire, hazard, and other possible effects of commercial uses being conducted in residential areas.
  - d. Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.  
Conditions -
  - a. A *home occupation* shall be incidental to the use of a *dwelling unit* for residential purposes and shall be conducted only by members of the *family* residing in the *dwelling unit* plus one non-resident assistant or employee.
  - b. Outdoor storage of materials or products is prohibited.
  - c. The *home occupation* shall not cause any external effect such as noise, excessive lighting, or offensive odor which is incompatible with the characteristics of the residential area. The illegal discharge of any materials, fluids, or gases into the sewer system or in any other manner of discharging such items in violation of any applicable government code is prohibited.
  - d. Traffic generated by the *home occupation* shall not exceed that normally expected in a residential neighborhood.
  - e. Parking for the *home occupation* shall be provided off-street and in the *side* or *rear yard*.
  - f. A *home occupation* shall limit any external evidence of an occupation to one identification *sign* not to exceed two square feet.

- 7.5 Keeping of backyard chickens\*
- a. Backyard chickens are defined as females of the species *Gallus gallus domesticus* kept for non-commercial purposes. The keeping of males of the species is not permitted.
  - b. The maximum number of chickens, 4 months or older, permitted on any lot is determined by lot size:
    - i. No chickens are permitted on a lot of less than 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. *Private garages, swimming pools, game courts, and other customary residential outbuildings and structures* provided that *accessory structures* on parcels less than 5 acres do not exceed 1,200 square feet or 17 feet in height.
9. *Roadside stands* offering for sale locally grown fresh agricultural products in season, operated by the owner, lessee or *tenant* of the *premises* upon which such stand is located. Adequate *off-street parking* shall be provided. Such stands shall be completely removed at the end of the local fresh produce season.
10. Satellite dish, private, with an antenna exceeding 3 feet in diameter provided:
  - a. No antenna shall exceed an overall diameter of 12 feet or an overall height of 15 feet above *existing grade*.
  - b. The antenna shall be permanently ground mounted. No antenna shall be installed on a portable or movable *structure*.
  - c. The antenna shall be totally screened along the non-receptive axis and low-level ornamental landscaping shall be installed along the reception window axis of the base of the antenna. Screening may consist of fencing or a variety of plant types. Screening may be waived when the antenna is located 100 feet from all property lines or the antenna is of a nature that is not visible or intrusive to the neighborhood.
  - d. The final installation should blend carefully with the surrounding landscape and not appear as an obvious attempt at camouflage.
11. Satellite dish, private, with an antenna of 3 feet or less, and solar panel arrays, provided that the antenna is not installed on portable or movable *structures*.

12. School buses, limited to two, parked in the *rear* or *side yard* of the dwelling provided that the buses are owned or operated by the current occupants of the dwelling, have current licenses, and are operable.
- 12.5 *Solar energy systems, small*, provided: \*
  - a. Tree removal shall be minimized and any removal shall be mitigated at a ratio of one tree planted for each tree removed.
  - b. All solar collection devices shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.
  - c. The total height of solar collection systems shall comply with the height requirements.
13. Storage in the *rear* or *side yard* of boats, campers, boat trailers and camper trailers, which are titled under the name of the property owner, or occupant. All boats, campers, boat trailers and camper trailers must be operable and have current licenses, if required.
14. Temporary *MET Tower* of any height provided: \*
  - a. The tower is erected for no more than 12 months.
  - b. Any free standing *structure* is located a minimum of 3 times its total height from a property line.
  - c. Towers are not readily climbable from the ground up to 12 feet.

4.5 DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS

Gross <i>density</i> (dwelling units/ac)	0.33 (1/3) <sup>1</sup>
Minimum <i>lot size</i>	
- <i>On-site</i> individual septic system	¾ acre
- Public, community or shared system	½ acre
Minimum <i>lot width</i>	75 feet
Minimum <i>yard</i>	
- <i>Front</i>	35 feet
- <i>Side</i>	10 feet
- <i>Rear</i>	30 feet
- Waterfront	100 feet
- <i>Accessory structures on farms in the side and rear yard</i>	25 feet
- <i>Accessory residential structures in rear yard</i>	
<i>Side</i>	3 feet
<i>Rear</i>	5 feet
Maximum <i>structure height</i> <sup>2</sup>	
- Residential or Agricultural <i>structure</i>	38 feet
- Fence <sup>3</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> Accessory *dwelling units* are not included in *density* calculations.

<sup>2</sup> Height of *structures* may be further restricted by of the Kent County *Airport Safety Requirements* as defined in Article V, Section 4.8.B.5 of this Ordinance. Except in an area defined as the Kent County *Airport Safety Area*, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.

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

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

#### 4.6 RURAL RESIDENTIAL DISTRICT GENERAL STANDARDS

1. The reuse of existing *buildings* is encouraged.
2. The Department of Planning and Zoning shall approve *street* names. A name may not be approved if it duplicates or is too similar to an existing road name in the county or incorporated towns.
3. Minor Subdivisions - At a minimum, *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.
4. Major subdivisions shall include 40% of the adjusted *tract* acreage in *open space* unless all of the parcels are 10 acres or more in size. The adjusted *tract* acreage shall be determined by subtracting the acreage in *slopes* over 25%, tidal and *non-tidal wetlands*, required *buffers*, and *stormwater management* areas. The *Planning Commission* may waive this requirement when the total amount of *open space*, including *steep slopes*, *wetlands*, *buffers*, and *stormwater management* areas exceeds 60% of the *site*. When all of the parcels in the *subdivision* exceed 10 acres in size, the *developer* shall pay a fee of \$250.00 for each *lot* in lieu of providing land for recreational purposes.

#### 4.7 RURAL RESIDENTIAL DISTRICT ENVIRONMENTAL STANDARDS

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

##### A. RURAL RESIDENTIAL DISTRICT GENERAL ENVIRONMENTAL STANDARDS

1. *Development* shall minimize *adverse impacts* to *non-tidal* or *tidal wetlands*, estuaries, the Chesapeake Bay, *tributary streams*, and the natural course and *riparian habitat* of these streams, habitat protection areas, or other significant habitat identified by the Department of Planning and Zoning.
2. *Development* shall minimize the removal of vegetation.
3. *Development* shall minimize the effects of runoff on the existing volume of water or quality of any water body. Urban *best management practices* shall be used.
4. Whenever possible, land with poor drainage or other adverse conditions shall not be developed. When developed, the property owner shall agree to make any improvements necessary to render the property safe for *development*.

5. Whenever possible, land subject to periodic flooding, shall not be developed for any use that might involve danger to health, life, or property or aggravate floods.
6. Whenever possible, agricultural operations shall follow agricultural *best management practices* and are encouraged to develop and implement *soil* conservation and water quality, nutrient and pest management plans.

B. RURAL RESIDENTIAL DISTRICT SPECIFIC ENVIRONMENTAL STANDARDS

1. *Anadromous fish*

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

2. *Forest Conservation*

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

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

demonstrates, to the satisfaction of the *Planning Commission*, that the applicant qualifies for a waiver in accordance with Article IX, Section 3.3 of this Ordinance.\*

- i. Trees, shrubs, and plants that are determined to be rare, threatened, or endangered under:
    - a) The Federal Endangered Species Act of 1973 in 16 U.S.C. §§1531—1544 and in 50 CFR 17;
    - b) The Maryland Nongame And Endangered Species Conservation Act, Natural Resources Article, §§10-2A-01—10-2A-09, Annotated Code Of Maryland; and
    - c) COMAR 08.03.08
  - ii. Trees that are associated with an historic *structure* or *site*, or trees that have been designated by the state or county as a national, state, or county *champion tree*; and
  - iii. Any *tree* having a diameter, measured at 4.5 feet above the ground, of:
    - a) Thirty inches or more; or
    - b) Seventy-five (75%) or more of the diameter, measured at 4.5 feet above the ground, of the current *State Champion tree* of that species as designated by the Department of Natural Resources.
  - f. The required *reforestation* or *afforestation* may be accomplished *on-site*, *off-site*, by contributing to a *forest* bank in the same *watershed* or by contributing to the Kent County Reforestation Fund. The preferred method of *afforestation* or *reforestation* is *on-site* or *forest* banking.
  - g. Whenever possible and appropriate, *afforestation* and *reforestation* shall include native species.
3. *Forest Interior Dwelling Birds*  
*Development* shall minimize impacts on *forest interior dwelling birds*. Whenever possible, riparian *forest* shall be expanded.
4. *Habitat*
  - a. *Wildlife corridors* shall be created whenever feasible.
  - b. Fragmentation of natural habitat areas shall be prohibited.
  - c. *Hedgerows* are desirable as buffers.
5. *Natural heritage areas* and locations considered for Areas of Critical State Concern  
These areas of local significance shall be preserved whenever possible. These areas are identified in Article VI, Section 3.8 of this Ordinance.
6. *Non-tidal wetlands*  
*Non-tidal wetlands* shall be protected according to the *regulations* of the State of Maryland, Army Corps of Engineers, United States Fish and Wildlife Service, Environmental Protection Agency, and all other applicable State and Federal *Regulations*.
7. *Stream Protection Corridor*  
All new *development* or *redevelopment* shall provide a 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* must reduce pollutant loadings from the *site* and shall comply with the *stormwater management* qualitative controls found in Article VI, Section 10 of this Ordinance.

4.8 RURAL RESIDENTIAL DISTRICT DESIGN STANDARDS

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

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

A. RURAL RESIDENTIAL DISTRICT GENERAL DESIGN STANDARDS

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

3. Proposed *development* shall be related harmoniously to the terrain and to the use, scale, and architecture of existing *buildings* in the vicinity that have functional or visual relationships to the proposed *buildings*.
4. All *open space* (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the *site* or overlooking it from nearby properties.
5. *Open space* shall be designed to retain and protect the most unique features of the *site* such as significant view corridors, *buildings* of historic merit, views of these features from the road and adjacent properties. Long narrow strips of *open space* shall be avoided.
6. The color, size, height, lighting, and landscaping of appurtenant *signs* and *structures* shall be evaluated for compatibility with the local architectural motif and the maintenance of views and vistas of natural landscapes, recognized historic landmarks, parks, and landscaping.
7. Whenever possible, adverse effects on historic, traditional, or significant uses and *structures* shall be minimized, whether these exist on the *site* or on adjacent properties.
8. Whenever possible, proposed developments should incorporate design elements such as single loaded *streets*, reverse curves, terminal vistas of *open space*, and foreground meadows.

## B. RURAL RESIDENTIAL DISTRICT SPECIFIC DESIGN STANDARDS

### 1. *Site Access*

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

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

### 2. *Floodplain*

- a. In order to prevent excessive *flood* damage and to allow for the protection of the natural and beneficial *floodplain* functions, all *development*, *new construction*, and *substantial improvements* to existing *structures* in all *floodplain* zones shall comply with the requirements of Article VI, Section 7 of this Ordinance, including but not limited to the following:
  - i. Elevation of all new or substantially improved *structures*;
  - ii. Compliance with venting and other construction standards; and
  - iii. Submission and recordation, where applicable, of *Elevation Certificates*, *Declaration of Land Restrictions*, deed restrictions, and venting affidavits.\*\*
- b. Placement of *buildings* and materials. In general, *buildings* and *accessory structures* should be located entirely out of the *floodplain*, out of the *flood* protection setback, or on

land that is least susceptible to flooding. All *structures* permitted in the *floodplain* shall be oriented so as to offer the least resistance to the flow of floodwaters.

- c. General *development* shall not occur in the *floodplain* where alternative locations exist. Before a permit is issued, the applicant shall demonstrate that new *structures* cannot be located out of the *floodplain* and that encroachments onto the *floodplain* are minimized

### 3. Landscaping

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

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

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

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

### 4. *Subdivision*

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

- l. Where a *subdivision* adjoins or embraces any part of a *major thoroughfare* as designated on the Kent County Major Thoroughfare Map, the layout of such *subdivision* shall provide for the platting and dedication of such part of the *major thoroughfare* in the location and at the width indicated on the *major thoroughfare* plan, except that the *subdivider* shall not be required to dedicate that part of such *major thoroughfare* that is in excess of eighty (80) feet in width.
  - m. Where deemed desirable to the layout of the *subdivision* and adjoining area, the *Planning Commission* may require the platting and dedication of one or more *collector streets* or parts thereof, to serve the *subdivision*.
  - n. Subdivisions shall be in full compliance with the provisions of this Ordinance.
  - o. *Private roads* are permitted in minor subdivisions and are subject to the following conditions:
    - i. Each road shall serve no more than seven parcels. In the event that an eighth parcel is created, the eighth parcel and all further divisions of land shall front on a public road.\*
    - ii. The *subdivision* shall provide a 50-foot *right of way* for each *private road*.
    - iii. The construction of all lanes and *private roads* shall adhere to the requirements established by the Kent County Department of Public Works and sediment control and *stormwater management regulations*.
    - iv. The deed and contract of sale of all lots in the *subdivision* shall state: “The road is private and not the responsibility of Kent County.”
    - v. The plat shall identify all *private roads* and shall state: “The road is private and not the responsibility of Kent County.”
5. Kent County *Airport* Safety Requirements
- This section applies to properties that fall within the Kent County *Airport* Safety Zone as designated on the Kent County *Airport* Safety Zone Map. The Kent County *Airport* Safety Zone Map is incorporated into and made a part of this Ordinance. It is the purpose of this section to promote the public safety of the residents and visitors of Kent County by prohibiting to the extent possible, the creation or establishment of obstructions that are a hazard to air navigation.
- a. No new ponds shall be constructed within 5,000 feet of the runway.
  - b. No new solid waste disposal *sites* shall be permitted within 5,000 feet of any publicly licensed *airport*. New solid waste disposal *sites* shall not be permitted within the limits of the *airport* safety zone if the FAA determines the *site* to be a hazard.
  - c. Developments which produce lights, illumination, or other visual hazards or which produce electronic interference with *airport*/airplane navigation signals are subject to the standards specifies in the FAA procedure manual 7400-2C.
  - d. Except as otherwise provided in this Ordinance, no *structure* shall be erected, altered, or maintained and no *tree* or other vegetation shall be allowed to grow in excess of the height limitations as designated on the Kent County *Airport* Safety Zone Map.

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## SECTION 5 CRITICAL AREA RESIDENTIAL

### 5.1 STATEMENT OF INTENT

This district is intended to allow low *density residential development* in areas where the impact on the natural environment is minimal. The purpose of this district is to maintain, or if possible to improve, the quality of runoff and groundwater entering the Chesapeake Bay and its tributaries and to maintain existing areas of natural habitats while allowing limited residential *development* that conforms to environmental standards and that reflects the scale and character of existing *development*. These areas must have one of the following characteristics:

- Housing *density* ranges from one *dwelling unit* per five acres, up to four *dwelling units* per acre.
- Areas not dominated by *agriculture, wetlands, forest, barren land, surface water* or space; or
- Areas having public sewer or water, or both.
- Areas meeting the conditions of an Intense Development Area but less than 20 acres in size.

### 5.2 PERMITTED PRINCIPAL USES AND STRUCTURES

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

1. *Agriculture* including horticultural, hydroponics or general farming, orchards, groves, or nurseries for growing or propagation of plants, trees, and shrubs.
2. *Camp, day or boarding*, private or commercial, but not *recreational vehicle* or migrant labor camps.
3. Detached *single family dwellings*.
4. *Erosion and flood control structures*.
5. Greenhouses, wholesale or retail, provided *structures* are 200 feet from all property lines and are adequately landscaped.
6. Public and private *forests*, wildlife reservations and similar conservation projects.
7. Public and private parks and playgrounds for the purpose of conserving and enjoying the natural resources, including both active and passive parks owned and operated by Kent County, the State of Maryland, or federal government but not including commercial play fields for football, baseball, and other major sports activities such as motocross or drag racing fields.
8. *Stable, private* provided:
  - a. The *lot* shall be two acres or more.
  - b. Any *structure* for the keeping of animals shall be a minimum of 100 feet from any property line.
  - c. There shall be no more than one horse per acre of land. Only available pasture acreage shall be used to compute the number of horses allowed on a parcel.
  - d. The operation is managed according to waste and nutrient management plans, approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the

University of Maryland, indicates that phosphorous is a problem or has the potential to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.

9. *Stable, public* provided:
  - a. The *lot* shall be 20 acres or more.
  - b. Any *structure* for the keeping, feeding of animals and waste management shall be a minimum of 400 feet from any property line.
  - c. No waste management facility or *structure* for the keeping of animals is within the *100-year floodplain*.
  - d. The feeding and watering of animals are conducted a minimum of 50 feet from any body of water, including *tributary streams* and *wetlands*.
  - e. The operation is managed according to waste and nutrient management plans, approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorous is a problem or has the potential to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.
  
10. *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*.

### 5.3 SPECIAL EXCEPTIONS

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

1. Accessory storage *structures* with a *floor area* of more than 1,200 square feet or a height that exceeds 17 feet on parcels less than 5 acres
2. *Accessory structures* in the *front yard* of *through lots*
3. *Accessory structures* in the *front yard* requirement of waterfront parcels
4. *Airport*, landing field, heliport, or helistop, public or private
5. *Aquaculture*, including accessory processing and sales
- 5.5 Assisted living facility with five to eight beds\*
6. Cemetery, including crematorium and mausoleum
7. *Conference center*
8. *Cottage industries*, tradesmen and artisan shops
9. *Country inn*
10. *Day care group*

11. *Dog kennels, commercial*
12. *Golf course, public or private*
13. *More than four horses and mules on land less than 20 acres in size*
14. *Private clubs*
15. *Private schools*
16. *Public landings*
17. *Public utilities and structures*
18. *Raising of small animals, commercial, including birds, bees, fish, rabbits or other creatures but not including dog kennels.*
19. *Recreational facilities, privately or commercially owned, but not including major sports arenas for football, baseball, drag racing, motocross or other major sports activities*
20. *Resort*
21. *Retreat*
22. *Sand and gravel pits, excavation or extraction (not including the removal of sod and excavation for foundations, swimming pools, soil and water conservation practices, and those removals approved in connection with street construction, subdivision, or planned residential development)*
- 22.5 *Tie-out pilings of private piers, community piers, and private shared piers, installed at a distance not to exceed 25% of the width of the waterway, the edge of the channel, or 180 feet from the mean high water mark, whichever is less, for the exclusive mooring use by tall ships as safe-harbors from hurricanes and other severe weather-related threats.\*\**
23. *Wind energy systems, small, with a height that exceeds 80 feet or on parcels less than 20 acres\**

#### 5.4 ACCESSORY USES

The following *accessory uses* are allowed on all properties in the *Critical Area Residential District*

1. *Accessory dwelling unit, one, in principal or accessory structures provided:*
  - a. *The property owner resides on the premises.*
  - b. *The accessory dwelling unit is subordinate to the principal dwelling in size and appearance.*
  - c. *The accessory dwelling unit may be rented but not sold as a separate unit.*
  - d. *The appearance of the structure and property remain that of a single family dwelling so that the average neighbor is unaware of the accessory dwelling unit's existence.*
  - e. *If the entrance to the accessory dwelling unit is separate from that of the primary dwelling, the entrance to the accessory dwelling unit shall be from the side or rear yard.*
  - f. *One parking space is provided in the rear yard for the accessory dwelling unit.*
  - g. *The structure meets all applicable Kent County Codes, including the building code, and Health Department regulations.*
2. *Accessory off-street parking and loading of non-commercial vehicles that have current licenses and are operable.*
3. *Accessory off-street parking of one commercial vehicle in the rear yard provided:*
  - a. *The vehicle is used by the occupant of the dwelling.*
  - b. *The vehicle does not exceed 16,000 pounds manufacturer's gross vehicle weight.*
  - c. *No major repair is conducted on-site.*
  - d. *No engines may run when parked on-site. Electrical refrigeration units may run.*
  - e. *Honey wagons, sanitation, garbage, or other trucks used to transport odorous, flammable, or hazardous materials are prohibited.*
  - f. *The vehicle has a current license and is operable.*

4. Appurtenant *signs* in accordance with Article VI, Section 2, of this Ordinance.
5. Assisted living facilities or *group homes*, with no more than four beds provided:
  - a. The property owner resides on the *premises*.
  - b. The assisted living facility or *group home* is subordinate and accessory to the principal dwelling in size and appearance and is in the same *structure* as the principal *dwelling unit*.
  - c. The rooms for the use are not designed or constructed to be separate *dwelling units* and may not be sold as separate *dwelling units*.
  - d. The appearance of the *structure* and property remain that of a *single family dwelling* so that the average neighbor is unaware of the assisted living facility's or *group home's* existence.
  - e. The *structure* meets all applicable Kent County Codes, including the building code, and Health Department requirements.
6. *Day care home*, provided:
  - a. Outdoor play areas are fenced and screened.
  - b. Structured areas for active play or play *structures* shall not be in the *front yard* and shall be a minimum of 10 feet from the side or rear property line.
  - c. One drop off / pickup space is provided.
  - d. Structural or decorative additions shall be designed to be compatible with the residential character of the neighborhood.
  - e. *Signs* shall be limited to two square feet.
7. *Home occupations* in main or accessory *buildings*  
Intent - The conduct of business in residential units may be permitted under the provisions of this section. It is the intent of this section to:
  - a. Ensure the compatibility of *home occupations* with other uses in residential areas;
  - b. Maintain and preserve the character of residential neighborhoods by regulating the operation of *home occupations* so that the average neighbor is unaware of their existence;
  - c. Guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire, hazard, and other possible effects of commercial uses being conducted in residential areas;
  - d. Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.

Conditions -

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

- 7.5 Keeping of backyard chickens\*
- a. Backyard chickens are defined as females of the species *Gallus gallus domesticus* kept for non-commercial purposes. The keeping of males of the species is not permitted.
  - b. The maximum number of chickens, 4 months or older, permitted on any lot is determined by lot size:
    - i. No chickens are permitted on a lot of less than 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. Private piers, *community piers*, and private shared piers, not to exceed 25% of the width of the *waterway*, the edge of the *channel*, or 150 feet in length, whichever is less and subject to the stipulations of Article VI, Section 3.7 of this Ordinance. *Regulations* governing *community piers* may be found in Article VI, Section 3.7 of this Ordinance.
9. *Private garages, swimming pools, game courts, and other customary residential outbuildings and structures* provided that *accessory structures* on parcels less than 5 acres do not exceed 1,200 square feet or 17 feet in height.
10. *Roadside stands* offering for sale locally grown fresh agricultural products in season, operated by the owner, lessee or *tenant* of the *premises* upon which such stand is located. Adequate *off-street parking* shall be provided. Such stands shall be completely removed at the end of the local fresh produce season.
11. Satellite dish, private, with an antenna exceeding 3 feet in diameter provided:
- a. No antenna shall exceed an overall diameter of 12 feet or an overall height of 15 feet above *existing grade*.
  - b. The antenna shall be permanently ground mounted. No antenna shall be installed on a portable or movable *structure*.
  - c. The antenna shall be totally screened along the non-receptive axis and low-level ornamental landscaping shall be installed along the reception window axis of the base of the antenna. Screening may consist of fencing or a variety of plant types. Screening may be waived when the antenna is located 100 feet from all property lines or the antenna is of a nature that is not visible or intrusive to the neighborhood.
  - d. The final installation should blend carefully with the surrounding landscape and not appear as an obvious attempt at camouflage.

12. Satellite dish, private, with an antenna of 3 feet or less, and solar panel arrays, provided that the antenna is not installed on portable or movable *structures*.
13. School buses, limited to two, parked in the *rear* or *side yard* of dwelling provided that the buses are owned or operated by the current occupants of the dwelling, have current licenses, and are operable.
- 13.5 *Solar energy systems, small*, provided: \*
  - a. Tree removal shall be minimized and any removal shall be mitigated 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.
14. Storage of boats, campers, boat trailers, and camper trailers, which are titled under the name of the property owner, or occupant. All boats, campers, boat trailers and camper trailers must be operable and have current licenses, if required.
15. Temporary *MET Tower* of any height provided: \*
  - a. The tower is erected for no more than 12 months.
  - b. Any free standing *structure* is located a minimum of 3 times its total height from a property line.
  - c. Towers are not readily climbable from the ground up to 12 feet.

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

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

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<sup>1</sup> Accessory *dwelling units* are not included in *density* calculations.

<sup>2</sup> Modifications for *structures* existing prior to April 12, 1988 may be permitted as per Article V, Section 5.7.B.3.d

<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.

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

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

## 5.6 CRITICAL AREA RESIDENTIAL DISTRICT GENERAL STANDARDS

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

## 5.7 CRITICAL AREA RESIDENTIAL DISTRICT ENVIRONMENTAL STANDARDS

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

### A. CRITICAL AREA RESIDENTIAL DISTRICT GENERAL ENVIRONMENTAL STANDARDS

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

B. CRITICAL AREA RESIDENTIAL DISTRICT 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 *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. *Development activities*, including *structures*, *roads*, parking areas, and other *impervious surfaces*, mining, and related activities, or septic systems shall not be permitted within the minimum 100-foot *buffer*. This restriction does not apply to water-dependent facilities that meet the criteria set forth below.
- ii. New or expanded *development activities* may be permitted in the minimum 100-foot *buffer*, provided:
  - a) The use is water dependent.
  - b) The project meets a recognized private right or public need.
  - c) Adverse effects on water quality and fish, plant, or *wildlife habitats* are minimized.
  - d) In so far as possible, non-water dependent *structures* or operations associated with water dependent projects or activities are located outside the minimum 100-foot *buffer*.
- iii. Where agricultural uses of lands within the *buffer* cease and the lands are proposed to be converted to other uses, the *buffer* shall be established. In establishing the *buffer*, management measures shall be undertaken to provide forest vegetation that achieves the *buffer* functions as defined in Article XI of this Ordinance.

b. *Vegetative Protection within the Buffer*

- i. *Natural vegetation* within the *buffer* shall be preserved and protected unless one of the following apply:
  - a) An approved *forest* harvesting plan is followed.

- b) Individual trees may be cut for personal use provided this cutting does not impair the water quality or existing habitat value or other functions of the *buffer*. Trees shall be replaced on an equal basis for each *tree* cut.
      - c) Trees which are leaning over the water may be cut, but their stumps and roots shall not be disturbed.
      - d) The disturbance provides access for water-dependent facilities or shore *erosion* protection *structures*.
      - e) Landowners may treat trees and shrubs to maintain or improve their health.
      - f) Sanitation, salvage, or other timber cutting practices may be performed under a *forest management plan* or to prevent an immediate threat to life or property. These lands shall be replanted or *forest cover* allowed to regenerate.
    - ii. Vegetation in the *buffer* removed for reasons listed above shall be re-established over the entire disturbed area during the next planting season. These plantings shall be approved by the Department of Planning and Zoning. In addition, Article VI, Section 9 of this Ordinance shall be followed exactly.
    - iii. *Natural vegetation* removed for an approved purpose shall be in accordance with an approved *buffer* management plan.
  - c. Stream Protection
 

*Development activities* that must cross or affect streams shall be designed to:

    - i. Reduce increases in flood frequency and severity that are attributable to development.
    - ii. Retain tree canopy so as to maintain stream water temperature within normal variation.
    - iii. Provide a natural substrate for stream beds.
    - iv. Minimize adverse water quality and quantity impacts of *stormwater*.
  - d. Expansion of Existing Dwellings in the *Modified Buffer*

Dwellings existing as of April 12, 1988 and in the minimum 100-foot *buffer* may be expanded provided:

    - i. All opportunities for expansion outside of the minimum 100-foot *buffer* are exhausted.
    - ii. New construction is not closer to mean high tide or the edge of tidal wetlands than the existing dwelling or the average line of neighboring properties.
    - iii. An area of *natural vegetation* equal to 3 times the footprint of the expansion shall be planted in the 100-foot *buffer*. If there is not enough area in the *buffer* to accommodate the required planting, the required planting shall occur on the same property.
4. *Forest*
  - a. A forestry management plan prepared by a registered forester and approved by the Maryland Department of Natural Resources shall be required when developing forested lands.
  - b. *Forest* shall be replaced on an acre by acre basis, but no more than 20% of any *forest* or *developed woodlands* shall be removed unless by prior agreement with the *Planning Commission*, the *developer* agrees to afforest on the following basis: a *developer* may clear or develop more *forest* than otherwise may be permitted if the total *forest* removed is not increased by more than 50% of the area permitted to be disturbed provided that the afforested area consists of 1.5 times the total surface acreage of the disturbed *forest* or *developed woodlands* or both. For example, in a 100 acre woodland, up to 30 acres may

- be cleared if the *developer* agrees to afforest (not necessarily on his own property) 45 acres of currently unforested land.
- c. Replacement trees shall be of a species similar to that which was removed or a species appropriate to the replanting *site*.
  - d. *Forest or developed woodlands* that remain after development shall be maintained through recorded restrictive covenants, *easements*, or similar instruments.
  - e. Sediment, erosion and grading permits shall be required before forest or developed woodlands are cleared. *Forest* cleared prior to obtaining permits or that exceeds the maximum area allowed shall be replanted at three times the acreage of the cleared *forest*.
  - f. If the acreage of the *site* limits the application of *reforestation* requirements *forest* may be created on other lands in the *Critical Area* including County lands, or a fee in an amount determined by the Maryland Department of Natural Resources to be the equivalent to the value of the required *forest* may be paid to the County Commissioners of Kent County. These funds shall be placed in a dedicated fund used to ensure the restoration or establishment of an equivalent *forest* area, in the *Critical Area* or riparian areas.
  - g. After *development*, the *site* shall be planted to provide a *forest* or *developed woodlands* cover of at least 20%.
5. *Forest Interior Dwelling Birds*
- a. Existing riparian *forest* of 300 x 300 feet or more and *forest* areas used by *forest interior dwelling birds* and other wildlife species shall be managed according to the guidelines developed by the Maryland Department of Natural Resources and the Chesapeake Bay Critical Area Commission.
  - b. A *site* survey for *forest interior dwelling birds* shall be conducted prior to any *development* or agricultural expansion on deciduous *forest* of at least 50 acres or 300 x 300 foot riparian deciduous *forest*. The Planning Director may waive a *site* survey for *forest interior dwelling birds* provided the *forest* is managed for all *forest interior dwelling bird* species. Cutting and building shall be restricted to safe times (not during nesting - see Article VI, Section 3.9 of this Ordinance).
6. *Habitat*
- a. All *roads*, bridges and utilities that must cross a Habitat Protection Area shall be located, designed, constructed, and maintained so as to provide maximum *erosion* protection and minimize negative impacts to wildlife, aquatic life and their habitats and maintain hydrologic processes and water quality. *Roads*, bridges, or utilities shall not be located in any Habitat Protection Area unless no feasible alternative exists.
  - b. During and after *development* in forested areas, corridors of existing *forest* or woodland vegetation shall be maintained to provide effective connections between *wildlife habitat* areas.
  - c. New water-dependent facilities shall be located so as to prevent disturbance to *sites* of significance to wildlife such as historic aquatic staging and concentration areas for *waterfowl*, shellfish beds, finfish nursery areas, and submerged aquatic vegetation beds.
7. *Impervious Surfaces*
- Man caused *impervious surfaces* shall not exceed 15% of the site except as otherwise stated below.
- a. Man caused *impervious surfaces* on parcels greater than 36,301 square feet shall be limited to 15% of the property. This section does not apply to *mobile home parks* in residential use on or before December 1, 1985.

- b. Man caused *impervious surfaces* on parcels that are 21,781 to 36,300 square feet and existed on or before December 1, 1985 shall be limited to 5,445 square feet provided:
    - i. New *impervious surfaces* on the property have been minimized.
    - ii. Water quality impacts associated with runoff from new *impervious surfaces* have been minimized through *site* design or use of *best management practices*.
    - iii. The property owner performs *on-site* mitigation as may be required by the Planning Director or designated representative to offset potential adverse water quality impacts from the new *impervious surfaces* or the property owner pays a fee in lieu of performing the mitigation.
  - c. Man caused *impervious surfaces* on parcels that are 8,001 to 21,780 square feet and existed on or before December 1, 1985 shall be limited to 31.25% of the property provided:
    - i. New *impervious surfaces* on the property have been minimized.
    - ii. Water quality impacts associated with runoff from new *impervious surfaces* have been minimized through *site* design or use of *best management practices*.
    - iii. The property owner performs *on-site* mitigation as may be required by the Planning Director or designated representative to offset potential adverse water quality impacts from the new *impervious surfaces* or the property owner pays a fee in lieu of performing the mitigation.
  - d. Man caused *impervious surfaces* on parcels that are less than 8,000 square feet and existed on or before December 1, 1985 shall be limited to 25% of the property plus 500 square feet provided:
    - i. New *impervious surfaces* on the property have been minimized.
    - ii. Water quality impacts associated with runoff from new *impervious surfaces* have been minimized through *site* design or use of *best management practices*.
    - iii. The property owner performs *on-site* mitigation as may be required by the Planning Director or designated representative to offset potential adverse water quality impacts from the new *impervious surfaces* or the property owner pays a fee in lieu of performing the mitigation.
  - e. Man caused *impervious surfaces* shall not exceed 25% of an individual *lot* of one acre or less which is part of a *subdivision* approved after December 1, 1985. However, the total of the *impervious surfaces* over the entire *subdivision* shall not exceed 15%.
8. *Natural heritage areas* and locations considered for Areas of Critical State Concern  
 These areas of local significance shall be preserved whenever possible in accordance with the recommendations of the Department of Natural Resources. These areas are identified in Article VI, Section 3.8 of this Ordinance.
9. *Non-tidal wetlands*  
*Non-tidal wetlands* shall be protected according to the *regulations* of the State of Maryland, Army Corps of Engineers, United States Fish and Wildlife Service, Environmental Protection Agency and all other applicable State and Federal *regulations*.
10. *Slopes*  
*Development* on *slopes* greater than 15%, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the 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 or *endangered species* or *species in need of conservation* on the property, and any recommendation for maintaining and protecting that habitat from the Department of Natural Resources.
  - b. Threatened or *endangered species* or *species in need of conservation* shall be checked and noted by the *developer* before any approval can be granted by the Planning Director, *Planning Commission* or Zoning Administrator.
  - c. The Federal or State guidelines (whichever is stricter) for habitat protection shall be followed during *development*. Plans shall include provisions for the continuance of the habitat protection after *development*. This can include *conservation easements*, cooperative agreements, and special provisions in *forest management* and *soil conservation* plans, and donation to a third party.
13. Timber Harvest
  - a. *Forest management plans* shall be required for all timber harvests occurring within any one year interval and which affect one or more acres of *forest* and *developed woodlands* in the *Critical Area*. The plans shall be prepared by a registered professional forester and be reviewed and approved by the Maryland Forest, Park and Wildlife Service through the District Forestry Boards and the project forester. Plans shall be filed with the Department of Planning and Zoning. Plans shall include measures to protect surface and ground water quality and identify whether the activities will disturb or affect Habitat Protection Areas as set forth in the Land Use Ordinance or identified on the Habitat Protection Areas Map.
  - b. The plans shall include protective measures for Habitat Protection Areas and shall provide for the continuity of habitat. The plans shall address mitigation through *forest management* techniques which include scheduling size, timing, and intensity of harvest cuts, *afforestation*, and *reforestation*.
  - c. The cutting and *clearing* of trees within the minimum 100-foot *buffer* are permitted provided that:
    - i. Existing riparian forests of 300 x 300 feet or more and *forest* areas used by *forest interior dwelling birds* and other wildlife species shall be managed according to the guidelines developed by the Maryland Department of Natural Resources.
    - ii. When timber harvesting is being considered, a *site* survey for *forest interior dwelling birds* shall be done. Cutting and building shall be restricted to safe times (not during nesting – See Article VI, Section 3.9 of this Ordinance).
    - iii. During timber harvest, corridors of existing *forest* or woodland vegetation shall be maintained to provide effective connections between *wildlife habitat* areas.
    - iv. Commercial harvesting by *selection* or by *clear-cutting* of Loblolly Pine and Tulip Poplar may be permitted to within 50 feet of the landward edge of the *mean high water line* of tidal water and *perennial tributary streams* or the edge of the *tidal wetlands* provided that the cutting does not occur in the Habitat Protection Areas and that cutting is conducted pursuant to the requirements of the sediment control and *non-tidal wetlands* requirements of this Ordinance and in conformance with a *buffer* management plan prepared by a registered forester and approved by the

Department of Natural Resources. The plan shall be required for all commercial harvests within the minimum 100-foot *buffer* regardless of the size of the area to be cut and shall contain the following minimum requirements:

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

14. Water Quality

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

15. Wildlife Corridors

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

5.8 CRITICAL AREA RESIDENTIAL DISTRICT DESIGN STANDARDS

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

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

A. CRITICAL AREA RESIDENTIAL DISTRICT GENERAL DESIGN STANDARDS

- 1. The landscape shall be preserved in its natural state, in so far as possible, by minimizing *tree* and *soil* removal. Any grade changes shall be in keeping with the general appearance of neighboring development areas. *Buildings* are encouraged to be located so as to maintain maximum natural *topography* and cover. *Topography*, *tree* cover, and natural drainage ways shall be treated as fixed determinants of road and *lot* configuration rather than malleable elements that can be changed to follow a preferred *development* scheme. Whenever possible, *development* shall be outside the *floodplain*.

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

B. CRITICAL AREA RESIDENTIAL DISTRICT SPECIFIC DESIGN STANDARDS

1. *Site Access*

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

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

2. *Floodplain*

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

- c. General *development* shall not occur in the *floodplain* where alternative locations exist. Before a permit is issued, the applicant shall demonstrate that new *structures* cannot be located out of the *floodplain* and that encroachments onto the *floodplain* are minimized.

3. Landscaping

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

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

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

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

4. *Subdivision*

- a. Proposed *street* layout, blocks, and parcels shall be suitable in area and dimension for the type of *development* anticipated.
- b. The total area shall be sufficient to provide adequate space for *off-street parking*, loading, landscaping, and other facilities.
- c. Whenever possible, the *subdivision* should be designed to minimize *adverse impacts* on the agricultural operation.
- d. The *lot* arrangement, design, and orientation shall be such that all lots will provide satisfactory building *sites*, properly related to *topography* 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”

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## SECTION 6 COMMUNITY RESIDENTIAL

### 6.1 STATEMENT OF INTENT

The purpose of this district is to provide for single family residential *development* in areas of existing residential *development*, together with facilities and *accessory uses* normally compatible with residential surroundings, and at the same time to permit agricultural uses and to preserve open spaces and rural character. This district is in areas near existing developed areas, villages and incorporated towns.

### 6.2 PERMITTED PRINCIPAL USES AND STRUCTURES

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

1. *Agriculture* including horticultural, hydroponics or general farming, orchards, groves, or nurseries for growing or propagation of plants, trees, and shrubs.
2. *Camp, day or boarding*, private or commercial, but not *recreational vehicle* or migrant labor camps.
3. Detached *single family dwellings*.
4. *Erosion and flood control structures*.
5. Greenhouses, wholesale or retail, provided *structures* are 200 feet from any property line and are adequately landscaped.
6. Public and private *forests*, wildlife reservations and similar conservation projects.
7. Public and private parks and playgrounds for the purpose of conserving and enjoying the natural resources, including both active and passive parks owned and operated by Kent County, the state of Maryland, or federal government but not including commercial play fields for football, baseball, and other major sports activities such as motocross or drag racing fields.
8. *Stable, private* provided:
  - a. The *lot* shall be two acres or more.
  - b. Any *structure* for the keeping of animals shall be a minimum of 100 feet from any property line.
  - c. There shall be no more than one horse per acre of land. Only available pasture acreage shall be used to compute the number of horses allowed on a parcel.
  - d. The operation is managed according to waste and nutrient management plans, approved by the Natural Resources Conservation Service, University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorous is a problem or has the potential to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Planning Director additional review is necessary from an outside agency, the Planning Director may forward the plan to the Maryland Department of the Environment or any other appropriate agency.

9. *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*.

### 6.3 SPECIAL EXCEPTIONS

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

1. Accessory storage *structures* with a *floor area* of more than 1,200 square feet or a height that exceeds 17 feet on parcels less than 5 acres
2. *Accessory structures* in the *front yard* of *through lots*
3. Adaptive reuse of historic *structures*
4. *Airport*, landing field, heliport, or helistop, public or private
- 4.5 Assisted living facilities with five to eight beds\*
5. Cemetery, including crematorium and mausoleum
6. *Conference center*
7. *Cottage industries*, tradesmen and artisan shops
8. *Country inn*
9. *Country stores*, on *primary* and *secondary roads*
10. *Day care group*
11. Golf course, public or private
12. *Houses of worship*
13. *Private clubs*
14. Private schools
15. *Public landings*
16. *Public utilities* and *structures*
17. Raising of small animals, commercial, including birds, bees, fish, rabbits or other creatures, but not including *dog kennels*
18. Recreational facilities, privately or commercially owned, but not including major sports arenas for football, baseball, drag racing, motocross, or other major sports activities
19. *Resort*
20. *Retreat*
- 20.5 *Rural Inn* \*\*\*
21. *Wind energy systems*, *small*, with a height that exceeds 80 feet or on parcels less than 20 acres\*\*

### 6.4 ACCESSORY USES

- A. The following *accessory uses* are allowed on all *farms* in the Community Residential District.
  1. Accessory farm *buildings*, including barns, cribs, stables, sheds, tool rooms, shops, bins, tanks, and silos. All *structures* for the keeping of animals shall be located a minimum of 100 feet from any property line. No *buildings* are permitted in the *buffer*.
  2. Accessory farm houses, one on all *farms*, two on *farms* with a minimum of 50 tillable acres. A farm employee house may not be a *mobile home*. Houses must share a common entrance and shall

- be occupied by permanent employees of the *farm* or immediate member of the *family* owning or operating the *farm*.
3. Accessory open or enclosed storage of farm materials, products, equipment, or vehicles.
  4. Accessory storage of fertilizer and chemicals used in connection with the farming operation of the owner.
  5. *Guest house* one, not including *mobile homes*, provided:
    - a. The house is used exclusively for non-paying guests.
    - b. No house shall be used as a permanent residence nor be rented or sold separately from the principal dwelling.
  6. One hunting trailer, temporary, from September 1 to the following February 15, continually, provided that such trailer is a minimum of 150 feet from all property lines and not in the *stream protection corridor*. These shall be located around existing *buildings* and out of sight.
  7. Parking of commercial vehicles provided:
    - a. The vehicles are related to the operation of the *farm* or three non-farm related vehicles.
    - b. The vehicles are parked around existing *buildings*. Non-farm related vehicles cannot be parked on *farms* without *buildings*.
    - c. The vehicles have current licenses and are operable.
  8. The following *accessory uses* must be at least 200 feet from all property lines:
    - a. Assembly in a *totally enclosed building* not to exceed 10,000 square feet in size and repair of all equipment normally used in *agriculture*.
    - b. Petroleum storage, not to exceed 10,000 gallons and subject to applicable safety codes, ordinances, and statutes.
    - c. Grain, flour, and feed blending and packaging, including milling, drying, and storing.
  9. School buses, limited to five, parked around existing *buildings* provided the buses have current licenses and are operable.
  10. *Wind energy systems, small*, provided:\*
    - a. The height of the *structure* to the tip of the blade at its highest point does not exceed 80 feet.
    - b. Any system is located a minimum of 3 times its total height from a property line.
    - c. Towers are not readily climbable from the ground up to 12 feet.
    - d. All access doors to towers and electrical equipment shall be lockable.
    - e. Appropriate warning signage is placed on the tower and electrical equipment.
    - f. The blade tip at its lowest point had a ground clearance of at least 25 feet.
    - g. Wind turbines and towers maintain a galvanized steel, brushed aluminum finish, or a non-garish color.
    - h. Any small wind energy system that is not operational for a period of 12 consecutive months or more shall be removed at the landowner's expense.
- B. The following *accessory uses* are allowed on all properties in the Community Residential District
1. Accessory *dwelling unit*, one, in principal or *accessory structures* provided:
    - a. The property owner resides on the *premises*.
    - b. The accessory *dwelling unit* is subordinate to the principal dwelling in size and appearance.
    - c. The accessory *dwelling unit* may be rented but not sold as a separate unit.

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

- c. Guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire, hazard, and other possible effects of commercial uses being conducted in residential areas;
- d. Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.

Conditions -

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

7.5 Keeping of backyard chickens\*

- a. Backyard chickens are defined as females of the species *Gallus gallus domesticus* kept for non-commercial purposes. The keeping of males of the species is not permitted.
- b. The maximum number of chickens, 4 months or older, permitted on any lot is determined by lot size:
  - i. No chickens are permitted on a lot of less than 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. *Private garages, swimming pools, game courts, and other customary residential outbuildings and structures* provided that *accessory structures* on parcels less than 5 acres do not exceed 1,200 square feet or 17 feet in height.

9. *Roadside stands* offering for sale locally grown fresh agricultural products in season, operated by the owner, lessee or *tenant* of the *premises* upon which such stand is located. Adequate *off-street parking* shall be provided. Such stands shall be completely removed at the end of the local fresh produce season.
10. Satellite dish, private, with an antenna exceeding 3 feet in diameter provided:
  - a. No antenna shall exceed an overall diameter of 12 feet or an overall height of 15 feet above *existing grade*.
  - b. The antenna shall be permanently ground mounted. No antenna shall be installed on a portable or movable *structure*.
  - c. The antenna shall be totally screened along the non-receptive axis and low-level ornamental landscaping shall be installed along the reception window axis of the base of the antenna. Screening may consist of fencing or a variety of plant types. Screening may be waived when the antenna is located 100 feet from all property lines or the antenna is of a nature that is not visible or intrusive to the neighborhood.
  - d. The final installation should blend carefully with the surrounding landscape and not appear as an obvious attempt at camouflage.
11. Satellite dish, private, with an antennae of 3 feet or less, and solar panel arrays, provided that the antenna is not installed on portable or movable *structures*.
12. School buses, limited to two, parked in the *rear* or *side yard* of the dwelling provided that the buses are owned or operated by the current occupants of the dwelling, have current licenses, and are operable.
- 12.5 *Solar energy systems, small*, provided:\*
  - a. Tree removal shall be minimized and any removal shall be mitigated at a ratio or 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* or *side yard* of boats, campers, boat trailers, and camper trailers, which are titled under the name of the property owner, or occupant. All boats, campers, boat trailers and camper trailers must be operable and have current licenses, if required.
14. Temporary *MET Tower* of any height provided:\*
  - a. The tower is erected for no more than 12 months.
  - b. Any free standing *structure* is located a minimum of 3 times its total height from a property line.
  - c. Towers are not readily climbable from the ground up to 12 feet.

6.5 DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS

Gross <i>density</i> (dwelling units/ac)	1 <sup>1</sup>
Minimum <i>lot size</i>	½ acre
Minimum <i>lot width</i>	75 feet
Minimum <i>yard</i>	
- <i>Front</i>	35 feet
- <i>Side</i>	10 feet
- <i>Rear</i>	30 feet
- <i>Waterfront</i>	100 feet
- <i>Accessory structures on farms in the side and rear yard</i>	25 feet
- <i>Accessory residential structures in rear yard</i>	
<i>Side</i>	3 feet
<i>Rear</i>	5 feet
Maximum <i>structure height</i> <sup>2</sup>	
- Residential or Agricultural <i>structure</i>	38 feet
- Fence <sup>3</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> Accessory *dwelling units* are not included in *density* calculations.

<sup>2</sup> Height of *structures* may be further restricted by of the Kent County *Airport Safety Requirements* as defined in Article V, Section 6.8.B.5 of this Ordinance. Except in an area defined as the Kent County *Airport Safety Area*, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.

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

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

## 6.6 COMMUNITY RESIDENTIAL DISTRICT GENERAL STANDARDS

1. The reuse of existing *buildings* is encouraged.
2. The Department of Planning and Zoning shall approve *street* names. A name may not be approved if it duplicates or is too similar to an existing road name in the County or incorporated towns.
3. Minor Subdivisions - At a minimum, *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.
4. Major subdivisions shall include 40% of the adjusted *tract* acreage in *open space* unless all of the parcels are 10 acres or more in size. The adjusted *tract* acreage shall be determined by subtracting the acreage in *slopes* over 25%, *tidal* and *non-tidal wetlands*, required *buffers*, and *stormwater management* areas. The *Planning Commission* may waive this requirement when the total amount of *open space*, including *steep slopes*, *wetlands*, *buffers*, and *stormwater management* areas, exceeds 60% of the *site*. When all of the parcels in the *subdivision* exceed 10 acres in size, the *developer* shall pay a fee of \$250.00 for each *lot* in lieu of providing land for recreational purposes

## 6.7 COMMUNITY RESIDENTIAL DISTRICT ENVIRONMENTAL STANDARDS

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

### A. COMMUNITY RESIDENTIAL DISTRICT GENERAL ENVIRONMENTAL STANDARDS

1. *Development* shall minimize *adverse impacts* to *non-tidal* or *tidal wetlands*, estuaries, the Chesapeake Bay, *tributary streams*, and the natural course and *riparian habitat* of these streams, habitat protection areas, or other significant habitat identified by the Department of Planning and Zoning.
2. *Development* shall minimize the removal of vegetation.
3. *Development* shall minimize the effects of runoff on the existing volume of water or quality of any water body. Urban *best management practices* shall be used.
4. Whenever possible, land with poor drainage or other adverse conditions shall not be developed. When developed, the property owner shall agree to make any improvements necessary to render the property safe for *development*.

5. Whenever possible, land subject to periodic flooding, shall not be developed for any use that might involve danger to health, life, or property or aggravate floods.
6. Whenever possible, agricultural operations shall follow agricultural *best management practices* and are encouraged to develop and implement *soil* conservation and water quality, nutrient and pest management plans.

B. COMMUNITY RESIDENTIAL DISTRICT SPECIFIC ENVIRONMENTAL STANDARDS

1. *Anadromous fish*

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

2. *Forest Conservation*

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

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

demonstrates, to the satisfaction of the *Planning Commission*, that the applicant qualifies for a waiver in accordance with Article IX, Section 3.3 of this Ordinance.\*

- i. Trees, shrubs, and plants that are determined to be rare, threatened, or endangered under:
    - a) The Federal Endangered Species Act of 1973 in 16 U.S.C. §§1531—1544 and in 50 CFR 17;
    - b) The Maryland Nongame And Endangered Species Conservation Act, Natural Resources Article, §§10-2A-01—10-2A-09, Annotated Code Of Maryland; and
    - c) COMAR 08.03.08
  - ii. Trees that are associated with an historic *structure* or *site*, or trees that have been designated by the state or county as a national, state, or county *champion tree*; and
  - iii. Any *tree* having a diameter, measured at 4.5 feet above the ground, of:
    - a) Thirty inches or more; or
    - b) Seventy-five (75%) or more of the diameter, measured at 4.5 feet above the ground, of the current *State Champion tree* of that species as designated by the Department of Natural Resources.
  - f. The required *reforestation* or *afforestation* may be accomplished *on-site*, *off-site*, by contributing to a *forest* bank in the same *watershed* or by contributing to the Kent County Reforestation Fund. The preferred method of *afforestation* or *reforestation* is *on-site* or *forest* banking.
  - g. Whenever possible and appropriate, *afforestation* and *reforestation* shall include native species.
3. *Forest Interior Dwelling Birds*  
*Development* shall minimize impacts on *forest interior dwelling birds*. Whenever possible, riparian *forest* shall be expanded.
4. *Habitat*
  - a. *Wildlife corridors* shall be created whenever feasible.
  - b. Fragmentation of natural habitat areas shall be prohibited.
  - c. *Hedgerows* are desirable as buffers.
5. *Natural heritage areas* and locations considered for Areas of Critical State Concern  
These areas of local significance shall be preserved whenever possible. These areas are identified in Article VI, Section 3.8 of this Ordinance.
6. *Non-tidal wetlands*  
*Non-tidal wetlands* shall be protected according to the *regulations* of the State of Maryland, Army Corps of Engineers, United States Fish and Wildlife Service, Environmental Protection Agency, and all other applicable State and Federal *Regulations*.
7. *Stream Protection Corridor*  
All new *development* or *redevelopment* shall provide a 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* must reduce pollutant loadings from the *site* and shall comply with the *stormwater management* qualitative controls found in Article VI, Section 10 of this Ordinance.

6.8 COMMUNITY RESIDENTIAL DISTRICT DESIGN STANDARDS

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

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

A. COMMUNITY RESIDENTIAL DISTRICT GENERAL DESIGN STANDARDS

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

3. Proposed *development* shall be related harmoniously to the terrain and to the use, scale, and architecture of existing *buildings* in the vicinity that have functional or visual relationships to the proposed *buildings*.
4. All *open space* (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the *site* or overlooking it from nearby properties.
5. *Open space* shall be designed to retain and protect the most unique features of the *site* such as significant view corridors, *buildings* of historic merit, views of these features from the road and adjacent properties. Long narrow strips of *open space* shall be avoided.
6. The color, size, height, lighting, and landscaping of appurtenant *signs* and *structures* shall be evaluated for compatibility with the local architectural motif and the maintenance of views and vistas of natural landscapes, recognized historic landmarks, parks, and landscaping.
7. Whenever possible, adverse effects on historic, traditional, or significant uses and *structures* shall be minimized, whether these exist on the *site* or on adjacent properties.
8. Whenever possible, proposed developments should incorporate design elements such as single loaded *streets*, reverse curves, terminal vistas of *open space*, and foreground meadows.

## B. COMMUNITY RESIDENTIAL DISTRICT SPECIFIC DESIGN STANDARDS

### 1. *Site Access*

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

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

### 2. *Floodplain*

- a. In order to prevent excessive *flood* damage and to allow for the protection of the natural and beneficial *floodplain* functions, all *development*, *new construction*, and *substantial improvements* to existing *structures* in all *floodplain* zones shall comply with the requirements of Article VI, Section 7 of this Ordinance, including but not limited to the following:
  - i. Elevation of all new or substantially improved *structures*;
  - ii. Compliance with venting and other construction standards; and
  - iii. Submission and recordation, where applicable, of *Elevation Certificates*, *Declaration of Land Restrictions*, deed restrictions, and venting affidavits.\*\*
- b. Placement of *buildings* and materials. In general, *buildings* and *accessory structures* should be located entirely out of the *floodplain*, out of the *flood* protection setback, or on

land that is least susceptible to flooding. All *structures* permitted in the *floodplain* shall be oriented so as to offer the least resistance to the flow of floodwaters.

- c. General *development* shall not occur in the *floodplain* where alternative locations exist. Before a permit is issued, the applicant shall demonstrate that new *structures* cannot be located out of the *floodplain* and that encroachments onto the *floodplain* are minimized.

### 3. Landscaping

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

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

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

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

### 4. *Subdivision*

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

- l. Where a *subdivision* adjoins or embraces any part of a *major thoroughfare* as designated on the Kent County Major Thoroughfare Map, the layout of such *subdivision* shall provide for the platting and dedication of such part of the *major thoroughfare* in the location and at the width indicated on the *major thoroughfare* plan, except that the *subdivider* shall not be required to dedicate that part of such *major thoroughfare* that is in excess of eighty (80) feet in width.
  - m. Where deemed desirable to the layout of the *subdivision* and adjoining area, the *Planning Commission* may require the platting and dedication of one or more *collector streets* or parts thereof, to serve the *subdivision*.
  - n. Subdivisions shall be in full compliance with the provisions of this Ordinance
  - o. *Private roads* are permitted in minor subdivisions and are subject to the following conditions:
    - i. Each road shall serve no more than seven parcels. In the event that an eighth parcel is created, the eighth parcel and all further divisions of land shall front on a public road.\*
    - ii. The *subdivision* shall provide a 50-foot *right of way* for each *private road*.
    - iii. The construction of all lanes and *private roads* shall adhere to the requirements established by the Kent County Department of Public Works and sediment control and *stormwater management regulations*.
    - iv. The deed and contract of sale of all lots in the *subdivision* shall state: “The road is private and not the responsibility of Kent County.”
    - v. The plat shall identify all *private roads* and shall state: “The road is private and not the responsibility of Kent County.”
5. Kent County *Airport* Safety Requirements
- This section applies to properties that fall within the Kent County *Airport* Safety Zone as designated on the Kent County *Airport* Safety Zone Map. The Kent County *Airport* Safety Zone Map is incorporated into and made a part of this Ordinance. It is the purpose of this section to promote the public safety of the residents and visitors of Kent County by prohibiting to the extent possible, the creation or establishment of obstructions that are a hazard to air navigation.
- a. No new ponds shall be constructed within 5,000 feet of the runway.
  - b. No new solid waste disposal *sites* shall be permitted within 5,000 feet of any publicly licensed *airport*. New solid waste disposal *sites* shall not be permitted within the limits of the *airport* safety zone if the FAA determines the *site* to be a hazard.
  - c. Developments which produce lights, illumination, or other visual hazards or which produce electronic interference with *airport*/airplane navigation signals are subject to the standards specifies in the FAA procedure manual 7400-2C.
  - d. Except as otherwise provided in this Ordinance, no *structure* shall be erected, altered, or maintained and no *tree* or other vegetation shall be allowed to grow in excess of the height limitations as designated on the Kent County *Airport* Safety Zone Map.