

# DRAFT

## Kent County Agriculture Advisory Commission Meeting Summary

The Kent County Agriculture Advisory Commission met on Monday, October 23, 2023, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Jennifer Debnam, Chair; Sean Jones, Valerie Mason, John Henry Myers, and Jeff Pettitt. Also, present were Bill Mackey, Director, and Carla Gerber, Deputy Director.

The meeting was called to order at 6:30 p.m.

### MINUTES

The minutes of the meeting on September 6, 2023, were approved as submitted.

### *Proposed DRAFT Land Use Ordinance for Review*

The Agriculture Advisory Commission continued their discussion from September 6th's meeting on the draft land use ordinance. Mr. Mackey agreed to make changes per their recommendation.

### ADJOURN

There being no further business, the meeting adjourned at 7:53 p.m.

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Jennifer Debnam, Chair

**SECTION 2 AGRICULTURAL ZONING DISTRICT (AZD)**

**2.1 STATEMENT OF INTENT**

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



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

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

**2.2 PERMITTED USES AND STRUCTURES**

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

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

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

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

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

Uses in Agricultural Zoning District (AZD)  Article III lists requirements for permitted uses and conditions related to special exceptions	Permitted by right	Permitted by right on farms only	Special Exception	Accessory Use on farms only	Accessory Use on all properties
Migrant labor camps			X		
<i>Mobile homes</i> existing and in use as of January 16, 1996	X				
Multi-Family and Two-Family Dwellings, in AZD	X				
Parking of commercial vehicles on a farm				X	
<i>Personal wireless facility towers</i>			X		
<i>Personal wireless facilities</i> , collocated on existing towers	X				
<del>Poultry houses</del>	X				
<del>Poultry houses on parcels where the owner cannot handle the waste generated by the poultry houses</del>			X		
<i>Private garages, swimming pools, game courts, and other customary residential outbuildings and structures</i>					X
Private schools			X		
Public and private <i>forests</i> , wildlife reservations and similar conservation projects	X				
Public and private parks and playgrounds for the purpose of conserving and enjoying natural resources.	X				
<i>Public landings</i>			B		
Public uses, <i>buildings</i> , and utilities			X		
Railroad <i>right of ways</i>	X				
<i>Retreats</i>			X		
Rifle and pistol ranges			B		
<i>Roadside stands</i>					X
<i>Rural inns</i>			X		
Sand and gravel pits, including <i>excavation</i> or extraction			X		
<i>Sanitary landfill</i> or rubblefill, public			X		
Satellite dish, private, with an antenna of 3 feet or less in diameter					X
Satellite dish, private, with an antenna exceeding 3 feet in diameter					X
<i>Sawmills</i> and mulching operations, temporary, for cutting timber and landscaping materials grown on the <i>premises</i>	X				
School buses, parked, limited to five				X	
School buses, parked, limited to two					X
Short-term vacation rentals (STVR)	X				X
Solar energy systems, small					X
Solar energy systems, utility scale			X		

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

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

**2.3 DENSITY, AREA, HEIGHT, WIDTH AND YARD REQUIREMENTS**

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

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

FOOTNOTES

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



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

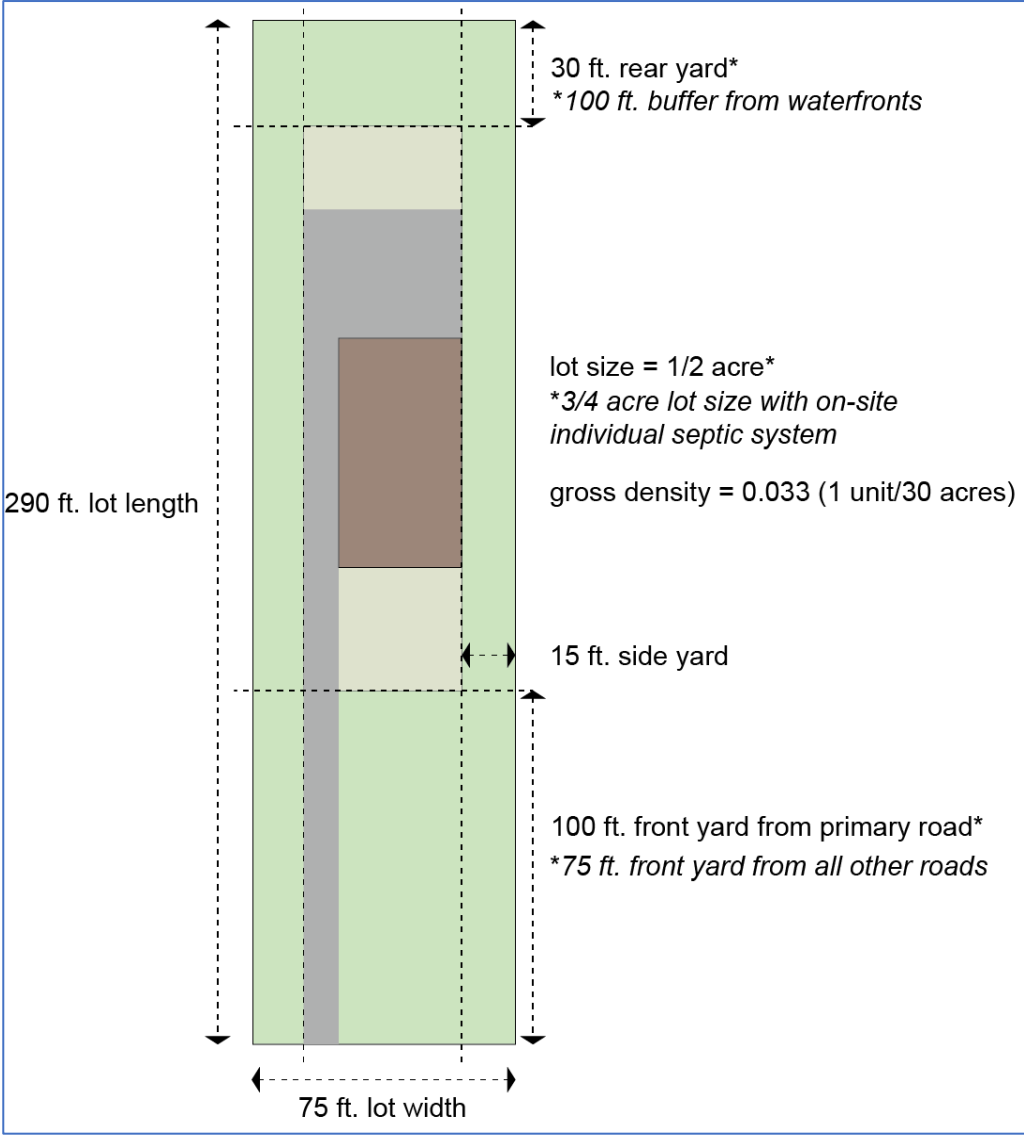


Figure 2: Regulatory diagram of a lot in the Agricultural Zoning District.



SECTION 3 RESOURCE CONSERVATION DISTRICT (RCD)

3.1 STATEMENT OF INTENT

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



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

### 3.2 PERMITTED USES AND STRUCTURES

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

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

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

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

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

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

ARTICLE III. USES  
SECTION 2. PERMITTED USES AND CONDITIONS

- (B) The use complies with the recommendations of the Federal and State Aviation Authorities; and
  - (C) Runways are designed to minimize the approach and takeoff areas over residential areas; and
  - (D) Applications for special exceptions for private airstrips, heliports, and helistops will comply with the following:
    - i. The takeoff and landing flight path will be a minimum of 1,000 feet in any direction from any residence or public *building*; and
    - ii. The takeoff and landing path of the aircraft will have a minimum of 250 feet vertical clearance over surrounding property unless a navigation *easement* is reached with the affected property owners for a lesser clearance; and
    - iii. No business such as the sale or leasing of aircraft, maintenance, or flight instructions will be permitted; and
    - iv. The *applicant* will maintain a flight operation's log that will be open for inspection by representatives of the Department; and
    - v. Approvals will be for a period not to exceed 5 years.
21. Animal husbandry, *aquaculture*, including accessory processing and sales.
- Where permitted by special exception, the following conditions will be satisfied:
- (A) Open or uncovered storage of shells, bones, and refuse does not occur on *site*; and
  - (B) No curing or smoking occurs on *site*; and
  - (C) All *structures* for processing and all disposal areas for materials and byproducts of processing are a minimum of 600 feet from all property lines; and
  - (D) Seafood processing facilities and disposal areas are not in the *100-year floodplain*; and
  - (E) The operation ~~is managed according to a management plan approved by the~~ has received a permit from the Maryland Department of Natural Resources (DNR) Conservation Service, University of Maryland Extension Service, and the Kent County Health Department; and
  - (F) Parking, processing and disposal areas are *screened* from adjacent properties and public *roads*; and
  - (G) Access *roads* are capable of handling the type of traffic generated by the operation.
22. Animal husbandry, farm, including horses – this use includes keeping, dairying, or raising for sale animals, fish, birds, horses, or reptiles on 20 acres or more. Such use is permitted only when all of the following conditions are satisfied:

ARTICLE III. USES  
SECTION 2. PERMITTED USES AND CONDITIONS

- (A) Such use is only permitted on a farm of 20 acres or more.
  - (B) Such use will not include poultry houses, ~~feedlots, or confinement dairies~~ or animal feeding operations (AFO).
  - (C) Nutrient management plans per State of Maryland nutrient management laws are required for all animal husbandry uses; however, the Planning Director may set aside the requirement for a nutrient management plan for 4-H and FFA projects.
  - (D) A waste management plan may be required for building permit purposes. If so, the applicant will prepare a waste management plan that demonstrates that the facility will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and waterways.
23. Animal husbandry, limited livestock and fowl – this use does not include commercial ~~feedlots, confinement dairies,~~ animal feeding operations (AFO) or poultry houses. Such uses will be permitted as special exception only when all of the following conditions are satisfied:
- (A) All *buildings* for the housing of animals are 200 feet from the property line.
  - (B) Waste management *structures* are 600 feet from the nearest property line.
  - (C) No part of the operation will be in the 100-year *floodplain*.
  - (D) Nutrient management plans per State of Maryland nutrient management laws are required for all animal husbandry uses; however, the Planning Director may set aside the requirement for a nutrient management plan for 4-H and FFA projects.  
~~The operation is managed according to a waste and nutrient management plan approved by the Natural Resources Conservation Service, the University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorus is a problem or is likely to become a problem, the plan will use phosphorus based nutrient management.~~  
When in the opinion of the Board of Appeals, *Planning Commission*, or Planning Director additional review is needed by an outside agency, the application and waste and nutrient management plan may be forwarded to the Maryland Department of the Environment or any other appropriate agency.
  - (E) *Sediment* and *stormwater management plans* are approved by the appropriate agency and are implemented.
  - (F) The *applicant* will prepare a management plan that demonstrates that the facility will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and *waterways*.

ARTICLE III. USES  
SECTION 2. PERMITTED USES AND CONDITIONS

- (G) To assure continued compatibility with the surrounding area, the Board may place additional restrictions on any number of the following:
- i. Screening and landscaping from adjacent properties and public roads
  - ii. Exterior displays, lighting, and signs
  - iii. The location of access routes to the site, both on and off-site
  - iv. The type of waste disposal, e.g. injection, disk, etc.
  - v. Monitoring wells and surface water testing where appropriate
  - vi. Manner and route of moving waste from one site to another
  - vii. Waste and nutrient management plans for properties receiving waste
24. Animal husbandry, ~~feedlot or confinement dairy~~ animal feeding operations (AFO). Such use will be permitted as special exception only when all of the following conditions are satisfied:
- (A) All buildings, corals, and waste management structures are 600 feet from the nearest property line.
- (B) No part of the operation will be in the 100-year floodplain.
- (C) The operation is managed according to both a waste management plan and a nutrient management plan. ~~approved by the Natural Resources Conservation Service, the University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorus is a problem or is likely to become a problem, the plan will use phosphorus-based nutrient management.~~
- When in the opinion of the Board of Appeals, *Planning Commission*, or Planning Director additional review is needed by an outside agency, the application, ~~and~~ waste management plan, and nutrient management plan may be forwarded to the ~~Maryland Department of the Environment or any other~~ appropriate agency, such as the United States Department of Agriculture (USDA) - National Resources Conservation Service (NCRS), or the Maryland Department of the Environment (MDE), or the Maryland Department of Agriculture (MDA).
- As part of the County's own review process, the County may approve an animal feeding operation (AFO) for zoning prior to the AFO receiving all required State agency approvals with the condition that required State approvals be obtained.
- Applicants may refer to AFO Size Categories chart for additional information, as published by Maryland Department of the Environment, Land and Materials Administration, Animal Feeding Operation Division (see [mde.maryland.gov](http://mde.maryland.gov)).
- (D) *Sediment and stormwater management plans* are approved by the appropriate agency and are implemented.



ARTICLE III. USES  
SECTION 2. PERMITTED USES AND CONDITIONS

~~(E)~~ — The *applicant* will prepare a management plan that demonstrates that the *feedlot or confinement dairy* will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and *waterways*.

~~(F)~~(E) To assure continued compatibility with the surrounding area, the Board may place additional restrictions on the following:

- i. Screening and landscaping from adjacent properties and public *roads*
- ii. Exterior displays, lighting, and signs
- iii. The location of access routes to the *site*, both on and *off-site*
- iv. The type of waste disposal, e.g. injection, disk etc.
- v. Monitoring wells and surface water testing where appropriate
- vi. Manner and route of moving waste from one *site* to another
- vii. Waste and nutrient management plans for properties receiving waste

25. Animal husbandry, horses on non-farms – More than four horses and mules on a single property less than 20 acres in size. Such use will be permitted as special exception only, when all of the following conditions are satisfied:

(A) There will be no more than one horse or mule per acre of land. Only available pasture acreage will be used to compute the number of horses and/or mules allowed on a parcel.~~There will be no more than one horse or mule per acre of available pasture on the site.~~

(B) No waste management facility or *structure* for the keeping of animals is in the *100-year floodplain*.

(C) The feeding and watering of animals are conducted a minimum of 50 feet from any body of water, including *tributary streams* and *wetlands*.

(D) A waste management plan may be required for building permit purposes. If so, the *applicant* will prepare a waste management plan that demonstrates that the facility will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and *waterways*.

~~The operation is managed according to a waste and nutrient management plan approved by the Natural Resources Conservation Service, the University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorus is a problem or is likely to become a problem, the plan will use phosphorus based nutrient management.~~

When in the opinion of the Board of Appeals, *Planning Commission*, or the Planning Director, that additional review is needed by an outside agency, the application and accompanying waste and nutrient management plan may be

ARTICLE III. USES  
SECTION 2. PERMITTED USES AND CONDITIONS

forwarded to the Maryland Department of the Environment or any other appropriate agency.

26. Animal husbandry, poultry houses on farms only. Such uses are subject to the following conditions:

- (A) Poultry houses may only be located on farms that are 20 acres or more in area.
- (B) Poultry houses, waste management facilities, composters, and the area for the disposal of animals will be a minimum of 600 feet from all property lines.
- (C) No poultry house, waste management facility or composter will be in the *100-year floodplain*.
- (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 will 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.

Land in Kent County owned by the owner/operator of the poultry house will be able to handle the manure and waste generated. The acreage requirements identified in the approved waste and nutrient management plan will be used to determine if an operation meets this requirement.

- (E) Manure storage sheds and composter appropriate to the size of the operation will be included and will be constructed prior to receiving the first flock of chickens.

27. Animal husbandry - poultry houses on parcels where the owner cannot handle the waste generated by the poultry houses in AZD provided:

- (A) All buildings and waste management structures are 600 feet from the nearest property line.
- (B) No part of the operation shall be in the 100-year floodplain.
- (C) The operation is managed according to a waste and nutrient management plan approved by the Natural Resources Conservation Service, the University of Maryland Extension Service, and the Kent County Health Department. Where the phosphorus index, developed by the University of Maryland, indicates that phosphorus is a problem or is likely to become a problem, the plan shall use phosphorus based nutrient management. When in the opinion of the Board of Appeals, Planning Commission, or Planning Director additional review is needed by an outside agency, the application and waste and nutrient

management plan may be forwarded to the Maryland Department of the Environment or any other appropriate agency.

- (D) Sediment and stormwater management plans are approved by the appropriate agency and are implemented.
- (E) The applicant shall prepare a management plan that demonstrates that the poultry houses will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and waterways.
- (F) To assure continued compatibility with the surrounding area, the Board may place additional restrictions on the following:
  - i. Screening and landscaping from adjacent properties and public roads
  - ii. Exterior displays, lighting, and signs
  - iii. The location of access routes to the site, both on and off-site
  - iv. The type of waste disposal, e.g., injection, disk, etc.
  - v. Monitoring wells and surface water testing where appropriate
  - vi. Manner and route of moving waste from one site to another
  - vii. Waste and nutrient management plans for properties receiving waste

28. Animal husbandry, special – backyard chickens. Such uses will be permitted as accessory uses only when all of the following conditions are satisfied:

- (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 will 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 will 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 will 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 will accompany the *building* permit application.

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- (E) Coops will be *setback* a minimum of 15 feet from any property line.
  - (F) Coops may be placed in *rear yards* only.
  - (G) Each coop will be kept clean and free of odors and materials that can attract vermin. Feed will be kept in secure containers so as not to attract vermin.
  - (H) Waste will be composted or removed from the property
  - (I) The outdoor slaughtering of chickens is not permitted
29. Animal husbandry, special – sheep or goats, kept for noncommercial purposes, will be:
- ~~Female or neutered and dehorned males.~~
  - (A) The maximum number of sheep or goats permitted on any lot is determined by lot size:
    - i. No sheep or goats are permitted on a lot of less than two acres.
    - ii. A maximum of three small ruminants per acre of grazable area within the lot is permitted with a maximum of eight total.
  - (B) ~~The animals will be provided with a covered shelter with bedding and an~~ Outdoor enclosures ~~that is~~ will be adequately fenced to contain the animals on the property.
  - (C) Structures for the housing of animals should meet the permitting requirements of the Ordinance.
  - (D) Shelter should be setback a minimum of 40 feet from any property line, in rear yards only, and kept clean and free from odors and materials that can attract vermin.
  - (E) A waste management plan may be required for building permit purposes. If so, the applicant will prepare a waste management plan that demonstrates that the facility will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and waterways.  
~~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 phosphorus is a problem or has the potential to become a problem, the plan will 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.
  - (F) Feed will be kept in secure containers so as not to attract vermin.
  - (G) Bedding and waste materials will be composted or removed from the property.

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- (H) The outdoor slaughtering of sheep or goats is not permitted.
- (I) ~~For S~~sheep or goats brought into the State of Maryland, owners will ~~meet the Code of Maryland Regulations, Chapter 15.11.18. Requirements for Sheep and Goats for the Eradication of Scrapie~~be referred to the University of Maryland Extension.
30. Animal husbandry, *stable - private*. Such use is subject to the following conditions:
- (A) The *lot* will be two acres or more; and
- (B) Any *structure* for the keeping of animals will be located a minimum of 100 feet from any property line; and
- (C) There will be no more than one horse per acre of land. Only available pasture acreage will be used to compute the number of horses allowed on a parcel; and
- (D) A waste management plan may be required for building permit purposes. If so, the applicant will prepare a waste management plan that demonstrates that the facility will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and waterways.
- ~~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 will 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.~~
- 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.
31. Animal husbandry, *stable - commercial*. Such use is subject to the following conditions:
- (A) The *lot* is 20 acres or more; and
- (B) Any *structure* for the keeping or feeding of animals and waste management *structures* will be a minimum of 400 feet from any property line; and
- (C) No waste management facility or *structure* for the keeping of animals is in the 100-year *floodplain*; and
- (D) The feeding and watering of animals are conducted a minimum of 100 feet from tidal water and *tributary streams*, both tidal and non-tidal, and 50 feet from *non-tidal wetlands*; and
- (E) Nutrient management plans per State of Maryland nutrient management laws are required for all animal husbandry uses; however, the Planning Director may

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set aside the requirement for a nutrient management plan for 4-H and FFA projects.

(F) A waste management plan may be required for building permit purposes. If so, the applicant will prepare a waste management plan that demonstrates that the facility will be operated in a safe and environmentally sound manner and will not create a hazard to the surrounding area and waterways.

~~(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 will 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.~~

32. *Animal shelters.* An *animal shelter* use is permitted only as defined by the County Code of Public Laws.
33. Appurtenant signs. Such uses will be in accordance with Article V.
34. Assisted living facilities with five to eight beds. When special exception approval is required, this may be reviewed via an administrative special exception process. Such use is permitted as a special exception only when all of the following criteria are satisfied:
  - (A) The property owner resides on the *premises*; and
  - (B) The assisted living facility is subordinate and accessory to the principal *dwelling* in size and appearance and is in the same *structure* as the principal *dwelling unit*. Expansions will be designed in keeping with or to enhance the character of the other *buildings*; and
  - (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*; and
  - (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 existence; and
  - (E) The *structure* meets all applicable Kent County Codes, including the *building code*, and Health Department requirements; and
  - (F) The *applicant* has received approval from the appropriate State of Maryland agencies; and
  - (G) The facility does not create an unacceptable environmental impact by way of noise, odor, noxious materials, or other nuisances.