

INTRODUCED BY: David R. Burris  
DATE INTRODUCED: April 13, 2004  
PUBLIC HEARING DATE: May 25, 2004  
PUBLIC HEARING TIME: 7:15 p.m.  
ADOPTION DATE: August 24, 2004  
EFFECTIVE DATE: January 1, 2005

### **ORDINANCE 04 -18**

An Ordinance to amend Kent County Code, Vol. II, Chapter 205 Zoning, effective December 01, 2000, as amended, by adding a new section, 205-397.4 Transfer of Development Rights Overlay to Article XXVIA, Supplementary Regulations.

**NOW, THEREFORE, THE LEVY COURT OF KENT COUNTY, DELAWARE,  
HEREBY ORDAINS:**

**Section 1.** That the Kent County Code, Vol. II, Chapter 205, Zoning, Article XXVIA Supplementary Regulations, is hereby amended by adding the following new section:

#### **205-397.4. Transfer of Development Rights Overlay**

- A. In recognition of the pressure to develop rural agricultural areas where adequate infrastructure does not exist to support such development and the fact that development of such agricultural, environmentally sensitive, and architecturally and culturally significant lands threatens the character and quality of life that Kent County citizens expect, a transfer of development rights overlay zone has been established.
- B. Areas considered to be sending areas for transferred development rights are identified on Attachment "A" the Transfer of Development Rights – Sending Areas.
- C. Areas considered to be receiving areas for transferred development rights are identified on Attachment "B" the Transferable Development Rights Map – Receiving Areas.
- D. The procedure and development regulations for the transfer of development rights program are included in Chapter 187, Subdivision and Land Development of the Kent County Code.

**Section 2.** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or

circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

ADOPTED BY THE LEVY COURT  
OF KENT COUNTY, DELAWARE

\_\_\_\_\_  
President, Kent County Levy Court

This \_\_\_\_\_ day of \_\_\_\_\_, 2004

ATTEST: \_\_\_\_\_  
Clerk of the Peace

**Synopsis:** This ordinance establishes a transfer of development rights program and associated sending and receiving areas within the Kent County zoning ordinance. Development and process regulations for the transfer of development rights program are included in Chapter 187, Subdivision and Land Development of the Kent County Code.