

INTRODUCED BY: Eric L. Buckson  
DATE INTRODUCED: August 8, 2017  
PUBLIC HEARING DATE: September 26, 2017  
PUBLIC HEARING TIME: 7:00 p.m.  
ADOPTION DATE: \_\_\_\_\_  
EFFECTIVE DATE: Upon Adoption

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**Ordinance LC17-17**  
**Impervious Cover**

An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article V, AC- Agricultural Conservation District, §205-51, Coverage; Article VI, AR –Agricultural Residential District, §205-67, Coverage; Appendix 205:A1, Agricultural Conservation Matrix; and Appendix 205:A2, Agricultural Residential Matrix in order to increase the permitted impervious coverage for AC and AR zoned properties outside of the Growth Zone Overlay District from 20 percent to 25 percent.

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

**Section 1.** That the Kent County Code, Vol. II, Chapter 205, Zoning, Article V, AC- Agricultural Conservation District, §205-51, Coverage is hereby amended by deleting the following bracketed language shown with strike-through marks and adding the following underlined language:

§ 205-51. Coverage.

No more than [~~20%~~] 25% of each lot in an AC - Agricultural Conservation District shall be covered by man-made impervious surfaces.

**Section 2.** That the Kent County Code, Vol. II, Chapter 205, Zoning, Article VI, AR – Agricultural Residential District, §205-67, Coverage is hereby amended by deleting the following bracketed language shown with strike-through marks and adding the following underlined language:

§ 205-67. Coverage.

No more than [~~20%~~] 25% of each lot in an AR - Agricultural Residential District shall be covered by man-made impervious surfaces.

**Section 3.** That the Kent County Code, Vol. II, Chapter 205, Zoning, Appendix 205:A1, Agricultural Conservation Matrix is hereby amended by deleting the following bracketed language shown with strike-through marks and adding the following underlined language:

	<b>Standard Development</b>
Density (units per acre)	1.0 dwelling unit**per 10 acres
Minimum lot area	** 10.0 acres *1.0 acre
Maximum Impervious Surface Coverage	<del>[20%]</del> <u>25%</u>
Minimum front yard setback	40 feet (local road) 75 feet (major road)
Minimum side yard setback and (aggregate)	25 feet (60 feet)
Minimum rear yard setback	40 feet
Required open space	N/A
Minimum road frontage – state road	200 feet
Minimum frontage – subdivision street	150 feet
Minimum lot width	150 feet

**Section 4.** That the Kent County Code, Vol. II, Chapter 205, Zoning, Appendix 205:A2, Agricultural Residential Matrix is hereby amended by deleting the following bracketed language shown with strike-through marks and adding the following underlined language:

	<b>Standard Development</b>
Density (units per acre)	1.0 dwelling unit**per 10 acres
Minimum lot area	** 10.0 acres *1.0 acre
Maximum Impervious Surface Coverage	<del>[20%]</del> <u>25%</u>
Minimum front yard setback	40 feet (local road) 75 feet (major road)
Minimum side yard setback and (aggregate)	25 feet (60 feet)
Minimum rear yard setback	40 feet
Required open space	N/A
Minimum road frontage – state road	200 feet

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Minimum frontage – subdivision street	150 feet
Minimum lot width	150 feet

**Section 5. Severability.**

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.

**Section 3. Effective Date.**

This Ordinance shall be effective upon the date of adoption.

ADOPTED BY THE LEVY COURT OF KENT COUNTY,  
DELAWARE

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

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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

**Synopsis:** The ordinance increases the permitted impervious coverage for AC and AR zoned properties outside of the Growth Zone Overlay District from 20 percent to 25 percent.