

INTRODUCED BY: Eric L. Buckson
DATE INTRODUCED: _____
PUBLIC HEARING DATE: _____
PUBLIC HEARING TIME: 7:00 p.m.
ADOPTION DATE: _____
EFFECTIVE DATE: Upon Adoption

**Ordinance LC18-09
Site Plan Exemptions**

An Ordinance to amend Kent County Code, Vol. II, Chapter 187, Subdivision and Land Development, as amended by amending §187-44 Exemptions by adding an exemption for minor expansions of existing development.

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

Section 1. That the Kent County Code, Vol. II, Chapter 187, Subdivision and Land Development, §187-44 Exemptions, is hereby amended by adding the following underlined language:

§ 187-44 **Exemptions.**

The following shall be exempt from the provisions for formal site plan review:

- A. Projects involving an aggregate impervious cover of less than 5,000 square feet will be excluded from the formal site plan review requirement. Such plans may be approved administratively at the discretion of the Director of Planning Services or designee.
- B. If all equipment or all structures housing equipment needed for the operation of a collocating broadcasting or telecommunications tower or antenna can be sited entirely within an existing compound, the compound being delineated either on a recorded site plan or by use, then the addition of that equipment and/or structures will be exempt from any site plan requirement to provide a new site plan or revise a recorded site plan.
- C. Expansion of existing and zoning compliant land development for which there is no existing approved site plan provided the expansion involves less than 5,000 square feet of impervious cover. Such plans may be approved administratively by the Director of Planning Services or designee. Plot plans may be submitted in lieu of engineered drawings. Any further expansion must be reviewed by the Regional Planning Commission and/or Levy Court as applicable. All such expansions shall be cumulative. If conditional use approval is required, the application shall be processed without requiring formal

engineered drawings.

- D. Accessory structures of less than 300 square feet and not requiring a permanent foundation are exempt from both formal and administrative site plan review.
- E. New or expanded development exempted from formal site plan review shall comply with all applicable design criteria included in this Chapter to the greatest extent practicable. Design criteria shall include but not be limited to, landscaping, sidewalk installation, buffer requirements, and tree preservation.
- F. The Director or designee may require letters of no objection from applicable agencies for new or expanded development exempted from formal site plan review.

Section 2. 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 creates an exemption from formal site plan review for minor expansion of existing development for which there is no existing approved site plan.