

Topic: Overlay District
Resource Type: Regulations
State: Delaware
Jurisdiction Type: Municipal
Municipality: County of Kent
Year (adopted, written, etc.): 2000
Community Type - applicable to: Urban; Suburban; Rural
Title: County of Kent Draft Growth Zone Overlay District
Document Last Updated in Database: April 18, 2017

Abstract

Proposed amendment to the Kent County growth zone overlay district seeks to more clearly spell out the requirements and guidelines pertaining to the growth zones. The goal is to direct future development to more desirable areas, as well as to ensure that there is an adequate infrastructure where future growth is planned.

Resource

**DRAFT
Growth Zone Overlay District
Text Amendment
Application # 03-08**

An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, effective December 01, 2000, as amended, by adding a new section, 205-397.2 Growth Zone Overlay District to Article XXVIA Supplementary Regulations.

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:

205-397.2 Growth Zone Overlay District.

A. Purpose and Intent.

1. The Growth Zone Overlay District is an area where Kent County has determined new development should be directed. To that end incentives such as area and bulk requirement reductions are provided to encourage development within the zone rather than in the more rural areas of the County.

2. The Growth Zone Overlay District is an area identified by Kent County where infrastructure such as water, sewer, and transportation facilities exists or is planned to serve development.

B. Growth Zone Boundary

The geographic area of the district is reflected in the Kent County Comprehensive Plan, as well as on the official zoning map, and compliments the State of Delaware Strategies for Policy and Spending map.

C. Area and Bulk regulations inside the growth zone

1. Agricultural Conservation Zoning District

The table below provides the area and bulk regulations for Agricultural Conservation zoned properties located within the Growth Zone:

	Development with central water and sewer	Development with central sewer with on-site water	Development with central water and on-site septic	Development with on-site water and septic
Density	3 DU/ 1 Ac.	1 DU/1 Ac.	1 DU/1 Ac.	1 DU/1 Ac.
Minimum Lot Area	10,000 sq. ft.	15,000 sq. ft.	0.50 acre 21,780 square feet.	0.50 acre 21,780 square feet
Maximum Impervious Surface Coverage	30%	25%	25%	25%
Minimum Front Yard Setback	25 feet	25 feet	25 feet	30 feet
Minimum Side Yard Setback and (Aggregate)	10 feet (25 feet)	10 feet (25 feet)	15 feet (40 feet)	15 feet (40 feet)
Minimum Rear Yard Setback	25 feet	25 feet	25 feet	30 feet
Minimum Road	75 feet	75 feet	75 feet	150 feet

Frontage Subdivision Street	-				
Minimum Lot Width		80 feet	80 feet	80 feet	100 feet

2. Agricultural Residential Zoning District

The table below provides the area and bulk regulations for Agricultural Residential zoned properties located within the Growth Zone:

		Development with central water and sewer	Development with central sewer and on-site water	Development with central water and on-site septic	Development with on-site water and septic
Density		3 DU/ 1 Ac.	2 DU/1 Ac.	1.5 DU/1 Ac.	1.5 DU/1 Ac.
Minimum Lot Area		8,000 sq. ft.	12,000 sq. ft.	0.50 acre 21,780 square feet.	0.50 acre 21,780 square feet
Maximum Impervious Surface Coverage		35%	30%	25%	25%
Minimum Front Yard Setback		25 feet	25 feet	25 feet	30 feet
Minimum Side Yard Setback and (Aggregate)		10 feet (20 feet)	10 feet (25 feet)	15 feet (40 feet)	15 feet (40 feet)
Minimum Rear Yard Setback		25 feet	25 feet	25 feet	30 feet
Minimum Road Frontage Subdivision Street		75 feet	75 feet	75 feet	150 feet
Minimum Lot		75 feet	80 feet	80 feet	100 feet

Width				
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3. Single-Family Residential District

The table below provides the area and bulk regulations for RS-1 zoned properties located within the Growth Zone:

	Development with central water and central sewer	Development with central sewer and on-site water	Development with central water and on-site sewer	Development with on-site water and septic
Density	3.5 DU/ 1 Ac.	3.5 DU/ 1 Ac.	1.5 DU / 1 Ac.	1.5 DU/ 1 Ac.
Minimum lot area	7,500 square feet	10,000 square feet	0.50 acre 21,780 square feet	0.50 acre 21,780 square feet
Maximum impervious surface coverage	35%	30%	25%	25%
Minimum front yard setback	25 feet	30 feet	30 feet	30 feet
Minimum side yard setback and (aggregate)	10 feet (20 feet)	10 feet (25 feet)	15 feet (40 feet)	15 feet (40 feet)
Duplex – side yard setback (aggregate)	0 feet (10 feet)			
Minimum rear yard setback	25 feet	25 feet	30 feet	30 feet
Minimum frontage – state road	100 feet	100 feet	150 feet	150 feet
Duplex – minimum frontage – state	75 feet			

road					
Minimum frontage subdivision street	-	75 feet	100 feet	100 feet	100 feet
Duplex minimum frontage subdivision street	- -	45 feet			
Minimum lot width	lot	75 feet	100 feet	100 feet	100 feet
Duplex minimum lot width	- lot	45 feet			

- The Regional Planning Commission, upon the request of an applicant and the recommendation of the Planning Staff, may allow a reduction in the required front yard setback provided additional incentives or community amenities such as the use of alleys or shared driveways are proposed.

Section 2: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph 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.

Synopsis: This ordinance establishes within the Kent County zoning regulations and on the official Kent County Zoning map a Growth Zone Overlay. The ordinance also established revised area and bulk regulations for residential development within the growth zone.

ADOPTED BY THE LEVY COURT

OF KENT COUNTY, DELAWARE

President, Kent County Levy Court

This ____ day of _____, 2003

ATTEST: _____

Clerk of the Peace