



## Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Bill Mackey, AICP, Director DPHZ

Meeting: May 26, 2021: Economy Chapter of the 2018 Comp Plan

Subject: P4: Request to create a Mixed-Use Zone package and related changes

### STAFF REPORT

#### **Background**

On September 30, 2020, MacLeod Law Group, LLC, representing Richardson Fresh Ponds, LLC; Kent Mill, LLC; and Joseph and Ann Smith, submitted a letter (attached) requesting changes to the zoning code related to combining districts and providing for specific language developed with the Town of Millington's planning consultant, Peter Johnston & Associates, LLC, in order to smooth the transition from County zoning to Town zoning in anticipation of annexation.

On March 4, 2021, MacLeod Law Group, LLC submitted a revised letter (attached) requesting a mixed-use zoning district at the interchange of US 301 and MD 291, which included sample materials assembled by LRK Inc. including example codes from other jurisdictions.

On March 31, and April 5, 2021, additional correspondence was received, which expanded the clients represented by MacLeod Law Group and voiced support for the request, respectively. The original zoning form that was submitted online is also attached for your reference. In all, there are six submittals attached.

Additionally, a copy of the Town of Millington's Municipal Growth chapter is attached for your reference. A downloadable copy of the entire Town of Millington's 2014 Comprehensive Plan is available [here](#).

#### **Request**

The revised request is to modify the existing zoning code to create a mixed-use zone for the area around the US 301 - MD 291 interchange. Specific language is provided that was crafted with the Town of Millington. The revised request, dated March 4, 2021, lists the components of the specific request as follows:

- (a) The County incorporate and include a new Planned Mixed-Use Development (PMD) Floating Zone District in the form and substance previously submitted by our letter on September 30, 2020, and incorporated herein by reference;

- (b) The County incorporate and include a new Planned Neighborhood (PN) Floating Zone District in the form and substance previously submitted by our letter on September 30, 2020, and incorporated herein by reference;
- (c) The County incorporate and include the Procedure for Planned Development Approval for the PMD and PN Floating Zones in the form and substance previously submitted by our letter on September 30, 2020, and incorporated herein by reference;
- (d) In light of the fact that the proposed Floating Zones are subject to further review and consideration, we also recommend and request that the County amend the underlying base zoning to allow mixed use development and modify the existing Commercial District and Employment Center District zoning as follows:
  - a. Combine the Commercial District and Employment Center District into one single underlying Mixed-Use Zone and expand the range of permitted uses in the district including residential and non-residential uses;
  - b. Merge the Permitted Principal Uses of both the Commercial District and the Employment Center District to be Permitted Principal Uses in a new underlying Mixed-Use Zone;
  - c. Merge the Special Exceptions and Accessory Uses for both the Commercial District and Employment Center District and convert the Special Exception Uses in both districts to Permitted Principal Uses in a new underlying Mixed Use Zone;
  - d. Allow residential uses as a Permitted Principal Use or Special Exception in the new combined Commercial District and Employment Center District known as a Mixed-Use Zone, including single-family homes, townhomes, duplexes, cottage units, tiny homes, multi-plexes, multifamily apartments, senior living, nursing homes, assisted living facilities, sheltered care facilities and continuing care retirement communities;
  - e. Use a combination of Mixed-Use Floating Zones and a new underlying Mixed Use base Zone to permit Mixed-Use and give broad permitted use categories instead of a laundry list of specific permitted uses in a new Mixed-Use base Zone; and
  - f. Rezone the underlying base zoning for the vast majority of the Millington Crossing development consisting of 712 acres, more or less, to be in an underlying base zoning of Mixed-Use as shown and designated an Exhibit in the enclosed Memorandum.

## **Review**

The 2018 Comprehensive Plan calls for mixed-use zoning in the area described by the various letters that were received on this matter.

*Strategy: Expand regulatory flexibility for the creation of and location of employment centers and industrial uses.* Through its economic development planning and land use implementation measures, the County will support flexibility in and an expanded area of employment center and industrial zoning in general to support commercial and mixed-use development. These efforts will especially focus on the Worton area, and the US 301 corridor with a priority that the area between the Town of Millington and the lands surrounding the Route 291-Route 301 intersection be guided by the desired expansion of services and land use identified by Millington's municipal growth element (p. 12 and repeated on p. 129 under *Highest Priorities* section).

The Comp Plan is clear, and implementation via comprehensive zoning of some form of mixed-use zoning is to be expected, when the second highest priority in the Comp Plan directly includes the above language.

Regarding the floating zone concept, the County's zoning consultant, ZoneCo, has suggested that floating planned use development (PUD) districts are not as satisfactory as was once thought. The consultant also recognizes that the 2018 Comprehensive Plan is directly supportive of mixed-use zoning in this geography.

This proposed zone would be the most inclusive zoning district in the Land Use Ordinance. With the uses being both flexible and containing uses from more than one district, the resulting district would only be appropriate for the land surrounding the US 301 – MD 291 interchange as set forth by the Comp Plan. By its nature, the mixed-use zoning district would encompass the permitted uses from several other zones. It is recommended by staff that this new zoning district only incorporate existing uses from other zoning districts and not add additional, new uses that are not permitted elsewhere in the Land Use Ordinance.

### **Recommendation**

Staff recommends that the Task Force consider a recommendation to direct staff to work with the County consultant to draft a new zoning district chapter for review, utilizing the text supplied by the MacLeod Law Group, LRK, and the Town of Millington. The new zoning district chapter could be entitled Mixed-Use Development (MXD) and would be a traditional, Euclidean zoning district that incorporates the changes suggested for merging the Employment Center and Commercial districts but leaving those zoning districts intact for use elsewhere in the County. During the zoning map portion of the comprehensive rezoning process, where to apply the new MXD zoning district could be taken up as a separate matter, with an eye towards only applying it to those properties whose owners have made a request to apply the new district.

### **Suggested Motion (optional)**

I move to direct staff work with the County's consultant to develop a new zoning district as discussed, which combines the content of other zoning districts, while leaving the existing zoning districts in the Land Use Ordinance intact to be used elsewhere in the County.

### **Attachments**

- Letter and attachments, dated September 30, 2020
- Letter and attachments, dated March 4, 2021
- LRK attachment with weblinks to references
- Letter and attachments, dated March 31, 2021
- Letter, dated April 5, 2021
- Zoning form with request submitted online
- Town of Millington's 2014 Comprehensive Plan, excerpted Chapter 5, Municipal Growth, pp. 44 - 65, version 10-17-14

c: file



**MACLEOD**  
LAW GROUP LLC

Kyle K. Kirby, Esquire  
kkirby@mlg-lawyers.com

September 30, 2020

County Commissioners for Kent County  
c/o William A. Mackey, AICP  
Director of Planning, Housing and Zoning  
400 High Street  
Chestertown, MD 21620

Re: Proposed Text Amendment

Dear Commissioners:

Please be advised our firm represents (a) Richardson Fresh Ponds, LLC, the owner of Tax Map 31, Parcel 6 in Millington along River Road and U.S. Route 301 comprised of 210 +/- acres; (b) Kent Mill, LLC, the owner of Map 31, Parcel 107, 10601 Howard Johnson Road, Millington being roughly 7 acres; and (c) Joseph and Ann Smith, the owners of Tax Map 24, Parcels 69 and 45, and Tax Map 31, Parcel 152, being 11018, 11021 and 10982 Carroll Clark Road, Millington and Tax Map 32, Parcel 355 totaling approximately 200 acres in Millington. Together, our clients own over 417 acres designated as the premier future growth and economic development area in Kent County.

As you know, Kent County is undergoing a comprehensive rezoning and our clients are participating in the County rezoning process. The significance of this rezoning as it pertains to our clients' land and the economic development potential for the County is immense. The County has a unique opportunity to support exponential smart growth and well-planned development highly beneficial to the County and its citizens by virtue of enacting changes to the zoning code affecting these properties. We ask that you consider the significant impacts this rezoning process will have upon our clients' land, future development in the Millington – U.S. Route 301 area, and the entire County while analyzing the enclosed proposed text amendments. Pursuant to the County's request for suggested zoning text amendments, our clients propose that the following amendments be made to the County Zoning Text:

- (a) The County incorporate and include a new Planned Mixed-Use Development (PMD) Floating Zone District in the form and substance attached hereto and incorporated herein;

DEPARTMENT OF  
PLANNING, HOUSING & ZONING  
RECEIVED 9/30/2020

- (b) The County incorporate and include a new Planned Neighborhood (PN) Floating Zone District in the form and substance attached hereto and incorporated herein;
- (c) The County incorporate and include the Procedure for Planned Development Approval for the PMD and PN Floating Zones in the form and substance attached hereto and incorporated herein;
- (d) In light of the fact that the proposed Floating Zones are subject to further review and consideration, we also recommend and request that the County amend the underlying base zoning to modify the existing Commercial District and Employment Center District zoning as follows:
  - a. Combine the Commercial District and Employment Center District into one single district to expand the range of permitted uses in the district;
  - b. Merge the Permitted Principal Uses of both the Commercial District and the Employment Center District;
  - c. Merge the Special Exceptions and Accessory Uses for both the Commercial District and Employment Center District and convert the Special Exception Uses in both districts to Permitted Principal Uses;
  - d. Allow residential uses as a Permitted Principal Use or Special Exception in the new combined Commercial District and Employment Center District, including single-family homes, townhomes, duplexes, cottage units, tiny homes, multi-plexes, multifamily apartments, senior living, nursing homes, assisted living facilities, sheltered care facilities and continuing care retirement communities.

These proposed text amendments are being submitted after working closely with the Town of Millington's Planning Consultant, Peter Johnston & Associates, LLC, at the recommendation of the County Planning Director to determine how best to amend the County Zoning Code in order to facilitate a smooth transition for the portions of these properties planned for annexation into the Town of Millington and to support necessary development adjacent to the planned annexation areas which will remain under the purview and control of County zoning. Richardson Fresh Ponds, LLC posted escrow monies to cover the costs associated with the Town of Millington's expenses incurred to hire a planning consultant to work with our clients' consulting planner, Jim Constantine and Chris Cosenza of LRK, international architects, designers and planners. The goal in coordinating with our clients' planners and the Town of Millington's planning consultant has been to present the County with a zoning recommendation approved by the Town of Millington's planner, consistent with Millington's future growth and annexation strategies contained in the Town's Comprehensive Plan. Over the past few weeks, our planners have had several highly collaborative, cooperative and productive working sessions with Millington's planning consultant to prepare the enclosed zoning text amendment proposal. Enclosed is the culmination of that collaboration. The intent of the proposed Floating Zones and combined Commercial and

Employment Center Districts, with expanded Permitted Principal Uses, is to create much greater development flexibility and value than the existing zoning code which is outdated and highly restrictive for the Millington area earmarked for growth and economic development. The proposed changes stated herein are also designed to establish consistency between the County zoning and the future Town of Millington zoning upon annexation to ensure that the existing County zoning will be compatible with those areas annexed into the Town such that a transition may occur which facilitates smart growth and business opportunities in the County and in the Town of Millington.

The proposed text amendments are consistent with the intent of the Employment Center and Commercial Zoning Districts to promote growth and sustainable enterprising businesses. The expansion of Principal Permitted Uses and creation of Floating Zones also is consistent with these areas being designated as priority funding areas for substantial development. We feel strongly that expanding the Permitted Uses in the Employment Center and Commercial Zoning Districts as well as implementing the Floating Zones is appropriate and in the best interests of those properties zoned Employment Center and Commercial, specifically including those in the vicinity of the U.S. Route 301 and Millington area which will see significant growth and development in the near future. The existing zoning text provides for a very limited number of Principal Permitted Uses in the Employment Center and Commercial Districts and even prevents uses otherwise consistent with the underlying zoning, which is one reason we feel the code is antiquated and should be updated to provide for a more expansive number of uses and greater development potential in these areas consistent with the intent of these districts and the goal of promoting economic development in Kent County.

We appreciate your anticipated consideration of this proposal. Should you need additional information or have any questions, please do not hesitate to contact us. Thank you for your anticipated consideration of this matter.

Very truly yours,



Kyle K. Kirby

**DRAFT PLANNED MIXED-USE DEVELOPMENT AND PLANNED NEIGHBORHOOD FLOATING ZONES  
COMPREHENSIVE REZONING  
KENT COUNTY, MARYLAND**

**§ 1-1. PMD Planned Mixed-use Development Floating Zone.**

A. Purpose

1. The Planned Mixed-Use Development (PMD) Floating Zone establishes standards for master-planned mixed commercial, business, and light industrial developments. The PMD District is a floating zone, which means that while provisions and regulations are made to govern any development within a PMD District, no such district will be pre-mapped on the Official Zoning Map. The PMD District is intended to permit master-planned, mixed-use developments of large tracts of land. The PMD District permits the development and land use according to an approved Master Development Plan that is approved by the County Commissioners at the time the PMD zoning is applied to specific land(s).
2. The purposes of the PMD floating zone are:
  - a. Implement the recommendations of the Kent County Comprehensive Plan, and where applicable municipal growth plans.
  - b. Regulatory flexibility that supports the creation of employment centers and commercial and mixed-use development in Designated Growth areas.
  - c. Support the desired expansion of services and land use identified in municipal growth elements where applicable.
  - d. Employ an adaptive process with the flexibility to accommodate structural and market changes in the National, Regional, and local economy.
  - e. Establish a process for the review and approval of mixed-use development projects that include a wide range of business, commercial, retail, and limited industrial uses and offices, business, and personal services.
  - f. Diversify retail opportunities to provide wide availability of goods and services with competitive selections and prices.
  - g. Increase tourism infrastructure, including lodging and restaurant facilities, recreational opportunities, nightlife entertainment, and appropriate retail and service operations.
  - h. Establish a development review process that ensures the public is informed and provided opportunities to engage in the development review process.

- i. Ensure development can be served with public water and sewer facilities and sites suitable for the physical characteristics of development for such uses.
  - j. Ensure development that presents an attractive appearance compatible with uses in the surrounding area utilizing traditional building forms, appropriate siting of structures and use areas, and landscape treatment.
- B. The PMD permits development and land use according to a Planned Development (PD) Plan approved by the County Commissioners when the PMD District zoning is applied to specific land(s). No subdivision shall be permitted on property located within the PMD District until the County Commissioners approve a Planned Development (PD) Plan per this Ordinance.
- C. Minimum Tract Size. The PMD District is intended to apply to tracts of land of at least twenty (20) acres.
- D. General Design Requirements.
  - 1. The setback, lot size, lot dimensions, lot coverage, minimum floor area, height, and yard requirements in a PMD shall be proffered by the applicant based on the PMD Master Development Plan and approved by the Planning Commission for each project.
  - 2. In establishing these requirements, the Planning Commission shall consider such factors as the proposed development intensity, density, and the character of adjacent areas.
- E. Permitted Uses.
  - 1. Permitted use categories, subcategories, and specified use types proffered by the applicant and approved by the Planning Commission will be established as part of the PD Master Development Plan process.
  - 2. Permitted uses may include a mix of the following categories:
    - a. Agriculture - uses such as gardens, farms, and orchards that involve the raising and harvesting of food and non-food crops. This category includes value-added operations such as sales, packaging, storage, or light processing of crops or wood products and sale of seeds, fertilizer, and similar agricultural needs on-site. The category also includes harvesting and processing seafood, indoor plant cultivation, plant nurseries, farm to table activities, and commercial stables. This category does not include a slaughterhouse or meatpacking facility, which are categorized as industrial.
    - b. Group Living – residential occupancy of a building or any portion of a building by a group other than a household. Group living uses typically provide communal kitchen/dining facilities. Examples of group living uses include group homes, convents, monasteries, nursing homes, assisted living facilities, sheltered care



facilities, continuing care retirement communities, homeless centers, shelters, and halfway houses.

- c. Public, civic, and institutional use category - public, quasi-public, and private uses that provide unique services that are of benefit to the public-at-large. Typical uses include cemeteries and mausoleums, schools and educational facilities, colleges or universities, community centers, fraternal organizations, governmental facilities, uses providing medical, mental, or surgical care to patients and offering inpatient (overnight) care, libraries, parks and recreation facilities, museums or cultural facilities, religious assembly, safety services, and schools.
- d. Utilities and public service facilities category – The category includes:
  - (1) Essential services - Infrastructure services that need to be located in or close to the area where the service is provided. Typical uses include water and sewer pump stations, gas regulating stations; underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment, and emergency communication warning/broadcast facilities.
  - (2) Public utilities - Uses or structures, except essential services, providing public such services like water, sewerage, sewage treatment, electricity, piped gas, or telecommunications.
- e. Commercial use category - uses that provide a business service or involve the selling, leasing, or renting of merchandise to the public and includes commercial services for consumers or business and the repair and maintenance of a wide variety of products. This category may include the following subcategories:
  - (1) animal services;
  - (2) assembly, recreation and entertainment;
  - (3) building services;
  - (4) business support services;
  - (5) personal improvement services;
  - (6) marine services;
  - (7) research and data services;
  - (8) daycare;

- (9) eating and drinking establishments;
  - (10) banks and financial services
  - (11) funeral and mortuary services;
  - (11) lodging;
  - (12) office uses;
  - (13) retail sales;
  - (14) building supplies and equipment;
  - (15) self-service storage; and
  - (16) motorized vehicle sales and service.
- f. Wholesale, distribution, and storage use category - uses that provide and distribute goods in large quantities, principally to retail sales, commercial service, or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods, and personal items is included.
  - g. Industrial use category - uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. The category also includes artisan uses involving on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations or storage, and limited industrial uses involving manufacturing and industrial uses that process, fabricate, assemble, treat or package finished parts or products without the use of explosive or petroleum materials. The category includes micro-producers of wine, beer, or distilled spirits.
  - h. A PMD project also may include a range of residential types appropriately integrated into the overall design, including, for example, cottage units, tiny homes, multi-plexes, multifamily apartments, senior living and manufactured housing to ensure a diverse community with affordable housing,
- E. Development Process and Procedure. No property may be developed or subdivided in a proposed PMD District until the property is reclassified as a PMD District, and the County Commissioners approve a PD Plan per § 1-3 of this Chapter.

**§ 1-2. Planned Neighborhood Floating Zone District.**

- A. Purpose. The Planned Neighborhood (“PN”) District is a floating zone, which means that while provisions and regulations are made to govern any development within a PN District, no such district will be pre-mapped on the Official Zoning Map. The PN District is intended to permit master-planned, mixed-use developments of large tracts of land. The PN District permits development and land use according to an approved Master Development Plan that meets the requirements of the Zoning Chapter, and the County Commissioners approve at the time the PN zoning is applied. The PN provisions provide for the development of well-planned, mixed-use neighborhoods that exhibit the following characteristics:
1. Integrated mix of uses, including residential, commercial, employment/office, civic, and open space;
  2. A range of housing types and densities to accommodate a diverse population of age groups and income levels;
  3. Interconnected streets designed to balance the needs of all users, with sidewalks and on-street parking when appropriate for the development; and
  4. Open spaces integral to the community.
- B. Applicability. The PN District is intended to apply to large tracts of land of at least twenty-five (25) acres. Smaller tracts may be considered when the development of such land is compatible with an adjacent, existing, or proposed PN type development and/or adjacent land uses in the County or adjacent Town.
- C. Intent. The PN District is intended to promote the following:
1. Implement the recommendations of the Kent County Comprehensive Plan;
  2. Develop neighborhoods that accommodate and promote pedestrian travel equally as much as motor vehicle trips;
  3. Promote design that results in residentially scaled buildings fronting on, and generally aligned with, streets;
  4. Encourage the inclusion of a diversity of household types, age groups, and income levels;
  5. Promote traditional town building and site development patterns with an interconnected and broadly rectilinear pattern of streets, alleys, and blocks, providing for a balanced mix of pedestrians and automobiles;
  6. Encourage the creation of functionally diverse, but visually unified, neighborhoods focused on central squares;

7. Promote the use of neighborhood greens, landscaped streets, boulevards, and “single-loaded” parkways woven into street and block patterns to provide space for social activity, parks, and visual enjoyment;
8. Provide sites for civic, religious assembly or other every day or institutional purposes that act as visual landmarks and symbols of identity;
9. Promote the location of dwellings, shops, and workplaces near each other, the scale of which accommodate and promote pedestrian travel for trips within the community;
10. Preserve open space, scenic vistas, agricultural lands, and sensitive natural areas;
11. Permit design flexibility to achieve an appropriate mix of residential and non-residential building uses; and,
12. Require the efficient utilization of Kent County’s designated growth areas.

D. Density

1. The minimum residential density for a proposed PN District shall be three and one-half (3 1/2) dwelling units per net tract acre. Nonresidential acres, open space, and conservation acres shall be subtracted from the gross tract acres to calculate the net tract acreage.
2. A maximum residential density of twelve (12) dwelling units per net tract acre can be permitted.

E. General Design Requirements.

1. Design standards referenced in this section shall be considered minimum performance standards for the PN District.
2. Planned neighborhoods are intended to provide for a range of complementary uses. They may consist of up to four (4) use areas: Single-Family Residential Areas (SRA), Central Residential Areas (CRA), Neighborhood Center Areas (NCA), and Conservation Areas (CA). At a minimum, a planned neighborhood must contain both an SRA and a CA. The four (4) use areas are defined as follows:
  - a. Single-Family Residential Areas (SRA) provides locations for a broad range of housing types, including single-family detached, semi-detached, and attached.
  - b. Conservation Areas (CA) are permanently protected open spaces, including greens, commons, and habitat protection areas.
  - c. Central Residential Areas (CRA) are intended to contain various housing options and related uses. These areas are typically located adjacent to primary neighborhood centers.

- d. Neighborhood Center Area (NCA) is the identifiable focal point of each neighborhood. It is intended to serve primarily to provide uses that meet the retail and service needs of a traditional community center and its vicinity within one-story and two-story buildings. The NCA may contain other compatible uses, such as civic and institutional uses of community-wide importance, specifically second-floor residential uses.

E. Permitted Uses.

- 1. The primary category of land use in a PN development will be residential dwelling units.
- 2. The Planning Commission also may approve nonresidential use categories and subcategories proffered by the applicant as part of the PD Master Plan process.

F. Development Standards.

- 1. The following development standards shall apply to the PN District:
  - a. The setback, lot size, lot dimensions, lot coverage, minimum floor area, height, and yard requirements in the PN shall be proffered by the applicant and be approved by the Planning Commission for each project following the Kent County Design Guidelines.\*
  - b. Minimum Required Open Space:
    - (1) A minimum of twenty percent (20%) of the gross site acreage shall be open space, including parks and recreational areas. Not less than fifteen percent (15%) of the minimum required open space shall be in a form usable to and accessible by the residents. These areas include central greens, neighborhood squares or commons, recreational playing fields, woodland walking trails, other kinds of footpaths, a community park, or any combination of the above. Also, no more than fifty percent (50%) of the minimum required open space may comprise active recreation facilities, such as playing fields, golf courses, tennis courts, etc.
    - (2) Open space land shall be permanently protected through conservation easements or dedications, as may be decided by the Planning Commission, and may be developed for uses consisting of the following:
      - (a) Equestrian facilities, including related stables and pastures;
      - (b) Municipal or public uses, public park, recreation area, or community gardens owned and operated by a public or private nonprofit agency; and

- (c) Active recreation, not including parking areas and any roofed structures associated with the active recreation, if it is non-commercial and provided that no more than fifty percent (50%) of the minimum required open space is so used.
- (3) The required open space shall be located and designed to add to the visual amenities of neighborhoods and the surrounding area by maximizing the visibility of internal open space as “terminal vistas” (the building or landscape seen at the end of a street, or along the outside edges of street curves) and by maximizing the visibility of external open space as perimeter greenbelt land (the undeveloped and permanently protected acreage around a community). Such greenbelt open space shall be designated to provide buffers and to protect scenic views, as seen from existing roadways and public parks.
- (4) PN developments shall include multiple greens, commons, or passive parks measuring a total of at least 1,500 square feet for each dwelling unit, plus five hundred (500) square feet of land for active recreation per dwelling unit.
- (5) Civic greens or squares shall be distributed throughout the neighborhood to be located within convenient walking distance of ninety percent (90%) of all residential units in SRA and CRA areas.

2. Residential Unit Mix

- a. PN development shall have a diverse mix of housing unit types, including detached single- and two-family units, townhouses, multi-plexes, multifamily apartments and senior living. Buildings styles should reflect traditional architecture found on the Eastern Shore and may include cottages, manufactured homes, tiny homes, and live-work units. Each phase of a proposed PN should have at least three (3) unit types. The Planning Commission may vary this phase requirement if most of its members are satisfied that at build-out, an acceptable mix of three (3) unit types are included in the overall PN development. Each phase of a proposed PN development shall provide housing opportunities for a diverse population mix of age groups and income levels.

H. Small Planned Neighborhood Projects. The County Commissioners may modify the minimum performance standards established in subsection G, herein, for a PN District development of less than twenty-five acres (25) acres provided that:

- 1. The proposed development in the PN District can be integrated with a Master Development Plan for an adjacent and larger PN District project by such features as

street extensions, compatible location of SRAs, and common areas. Also, the County Commissioners must find that the proposed design meets the goals and objectives of the Kent County Comprehensive Plan, as amended, and the intent of this section; or

2. The County Commissioners find that the proposed PN District is for an infill or transition project between existing developed areas and/or adjacent to a proposed or planned large-scale PN project and that the proposed design of the PN project is consistent with the goals and objectives of the Kent County Comprehensive Plan and the intent of this section.
  3. The design of all PN projects is consistent with the Kent County Design Guidelines\*.
- I. Development Process and Procedure. No property may be developed or subdivided until the property is reclassified as a PN District and until the County Commissioners approve a PN Plan per § 1-3 of this Ordinance.

**§ 1-3. Procedure for Planned Development (PD) Approval.**

- A. Purpose. The following procedures apply to the PN Planned Neighborhood Development Floating Zone, and the PMD Planned Mixed-use Development Floating Zone hereafter referred to as Planned Developments (PD). The purpose and intent of the PD floating zone amendment process are to permit specific and detailed mapping of areas and to provide for the creation of a Master Planned project that is carefully planned, well-designed, and appropriately located.
- B. Application. Application for a floating zone amendment for a PD approval shall be made to the County Commissioners. Applications shall include:
1. A written petition for the location of a PD District and approval of a Master Development Plan, signed by the owners and/or contract purchasers of the property subject of the petition.
  2. A narrative describing the following:
    - a. Statement of present and proposed ownership of all land within the development;
    - b. Overall objectives of the proposed Master Development Plan and a statement of how the proposed development concept corresponds to and complies with the goals and objectives of this Ordinance, the proposed Planned Development district, and the Kent County Comprehensive Plan;
    - c. Method of providing sewer and water service and other utilities, such as, but not limited to, telephone, gas, internet, and electric services;
    - d. Description of Stormwater management concepts to be applied;

- e. Method of and responsibility for maintenance of open areas, private streets, recreational amenities, and parking areas;
  - f. General description of architectural and landscape elements, including graphic representations; and
  - g. If the applicant desires to develop the property in phases, a preliminary phasing plan indicating:
    - (1) The phase(s) in which the project will be developed, including the approximate land area, use categories, densities, and public facilities to be developed during each phase.
    - (2) If different land-use types are to be included within the Master Development Plan, the plan shall include the mix of uses anticipated to be built in each phase.
3. A Concept Master Development Plan, which includes:
- a. Boundary survey of the area subject to the application.
  - b. Graphic and tabular presentation of proposed site development information that depicts the following, as applicable:
    - (1) Total acreage of subject property and identification of all adjoining landowners;
    - (2) Description of proposed land uses, including residential, commercial, institutional, and recreational;
    - (3) Maximum number of dwelling units, approximate densities of residential areas, and anticipated population if applicable;
    - (4) Land area and locations generally allocated to each proposed use;
    - (5) Location of proposed roads, public open space, any sensitive resource areas (environmental or cultural), and public facilities; and
    - (6) Maximum nonresidential floor area proposed.
- D. Referral of Application to Planning Commission. Upon submission to the County Commissioners of an Application for a Planned Development zoning amendment and a Master Development Plan, the County Commissioners shall refer said Application and Master Development Plan to the Planning Commission for its review and recommendations. The referral shall authorize the Planning Commission, County staff, and consultants or professionals on behalf of the Planning Commission or the County to analyze said Application and Master Development Plan, following all applicable review processes and procedures. The Planning Commission or the County



Commissioners may require the cost of any analysis or consultant or professional be paid for by the applicant. No development may occur until:

1. A floating zone has been applied to the property by legislative action of the County Commissioners;
2. A Master Development Plan is approved for the floating zone by the County Commissioners; and
3. A building permit has been issued, following, if applicable, final subdivision plat and/or site plan approval by all agencies with jurisdiction.

E. Master Development Plan Submittal to the Planning Commission. After the County Commissioners refer the Application and Master Development Plan to the Planning Commission, the applicant shall submit the following to the Planning Commission for review:

1. Graphic Master Development Plan Requirements:
  - a. Master Development Plan that includes the following individual sheets: Single sheets shall not exceed 36" x 48". Plans shall be presented at a scale no smaller than 1" = 200' such that the entire site may be shown on a single sheet. Larger sites not fitting on a single sheet shall provide for a context plan at a recognizable scale.
  - b. The referred Master Development Plan;
  - c. Boundary Survey, including identification of adjacent property owners;
  - d. Existing condition information, including (information, may be displayed on more than one sheet for clarity):
    - (1) Topographic survey (minimum 1' contour interval);
    - (2) Soils;
    - (3) Forested areas and tree lines;
    - (4) Wetlands, hydric soils, streams, and water features;
    - (5) Habitat protection areas;
    - (6) Steep slopes;
    - (7) Easements and deed restrictions;
    - (8) Roads, driveways, and right-of-ways;
    - (9) Existing buildings;

- (10) General location of storm surge boundaries for all categories of storm events; and
    - (11) Existing land uses.
  - e. Proposed open space, protected areas, and public and private parks;
  - f. Pedestrian and a vehicular master plan showing the dominant street configuration and pedestrian walking and biking alignments;
  - g. Detailed plan of at least one (1) phase, showing:
    - (1) Road alignments;
    - (2) Lot configuration;
    - (3) Mixed-use, industrial, business, and commercial area plans, if applicable;
    - (4) Public and private open space(s);
    - (5) Perspective streetscape (typical for represented phase);
    - (6) Examples of proposed architecture;
    - (7) Plan view, perspective and elevations of private and/or public community facilities; and
    - (8) Plan view, perspective, and elevations of entrances, including gateway improvements, if applicable.
- 2. Phasing plan, including:
  - a. The general boundaries or location of each phase. Although the Phasing Plan shall include the information required by (b) and (c) below (in narrative, tabular or graphical form), it is not required to depict the location of the land uses, densities, or public facilities within each phase.
  - b. The phase(s) in which the project will be developed, including the approximate land area, uses, densities, and public facilities to be developed during each phase.
  - c. If different land-use types are to be included, the Master Development Plan shall include the approximate mix of uses anticipated to be built in each phase.
- 3. Studies and reports by qualified professionals:

- a. Traffic study that evaluates traffic impacts on proposed entrances on existing public (state, county, and town) roads and major existing intersections within one (1) mile of the project that may be impacted by traffic generated by the proposed project;
  - b. Nontidal wetlands delineation;
  - c. Habitat protection areas study prepared by qualified professionals; and
  - d. A concept plan indicating how stormwater will be managed on the site per applicable State or County regulations.
4. Master Development Plan Design Standards shall generally conform to the elements of all applicable Kent County Design Guidelines\*. The Master Development Plan Design Standards shall provide specific detail regarding:
- a. Site design standards in the designated neighborhood and/or mixed-use areas, including permitted uses, building types, frontage, setbacks, and lot sizes, building heights, parking, street widths, and cross-sections, sidewalks, lighting, and road geometry.
  - b. Building standards for designated neighborhood and/or industrial, business, or commercial areas, including size and orientation, building facades, regulated architectural elements (windows, trim, etc.), rooflines, architectural styles, fencing, parking, and signage.
  - c. Landscape, buffer, and environmental standards, including location, scope, materials, and scheduling.
5. Project Scheduling Information, including anticipated permitting hearings, approvals, construction start, phasing, anticipated absorption, and completion of key site elements. (Note: This information is understood to represent the best estimate and will be used by the County as a tool for long-range planning activities, but shall not be binding.)
6. The Master Development Plan shall also include a management statement regarding the anticipated ownership, construction, operation, and maintenance of:
- a. Sanitary and storm sewers, water mains, culverts, and other underground structures;
  - b. Streets, road, alleys, driveways, curb cuts, entrances and exits, parking and loading areas, and outdoor lighting systems; and
  - c. Parks, parkways, walking paths, cycleways, playgrounds, and open spaces.

7. The Master Development Plan shall comply with requirements of this section and the requested floating zone and may be accompanied by such other written or graphic material that may aid the decisions of the Planning Commission and the County Commissioners.
  8. The County Commissioners may establish additional and supplemental requirements for the Master Development Plan before the application is referred to the Planning Commission if they determine such requirements are necessary to enable them to evaluate the particular floating zone amendment request.
- F. Planning Commission Review and Recommendation – Floating Zone Amendment and Master Development Plan.
1. The Planning Commission shall review the floating zone amendment request and Master Development Plan for compliance with the requirements of this Ordinance and consistency with the Comprehensive Plan and the Kent County Design Guidelines.
  2. The Planning Commission shall evaluate the degree to which the proposed floating zone request and Master Development Plan incorporate and/or address the Kent County Design Guidelines and further the goals and objectives of the Comprehensive Plan.
  3. The Planning Commission may make reasonable recommendations to the applicant regarding changes to the Master Development Plan proposal, which, in the judgment of the Planning Commission, shall cause the proposal to better conform to the requirements of the Comprehensive Plan, the Kent County Design Guidelines, and the purposes of this Ordinance. The applicant may resubmit the Master Development Plan to the Planning Commission in light of the Planning Commission's comments.
  4. If, after four (4) Master Development Plan submissions, the Master Development Plan has not received a favorable recommendation from the Planning Commission, the Planning Commission shall make a negative recommendation to the County Commissioners. The Planning Commission will set forth its reasons why the Master Development Plan should not be approved.
  5. After a public hearing, the Planning Commission shall consider and comment on the findings required of the County Commissioners, as outlined in G.2 herein, and shall make a favorable or unfavorable recommendation to the County Commissioners.
  6. The Planning Commission shall forward the Master Development Plan, with any revisions, together with written comments and recommendations, and its floating zone comments, to the County Commissioners for action.
- G. County Commissioners Approval of Floating Zone and Master Development Plan.

1. The County Commissioners shall review the Master Development Plan and other documents, together with such comments and recommendations as may have been offered by the Planning Commission.
  2. After a public hearing, the County Commissioners may approve or disapprove the proposed floating zone map amendment and associated Master Development Plan. They shall follow the procedures for zoning map amendments outlined in § (note the reference here should be to the map amendment process in the Zoning Ordinance). Concurrently with the location of a floating zone, the County Commissioners may approve the Master Development Plan, which, in addition to the provisions of PN or PMD District, whichever is applicable, shall govern the subdivision and/or development of the property. In approving the Planned Development floating zone map amendment, the County Commissioners shall make findings of fact, including, but not limited to the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the areas, and the relationship of the proposed amendment to the Comprehensive Plan. The County Commissioners may approve the Planned Development District map amendment if it finds that the proposed floating zone amendment is:
    - a. consistent with the Comprehensive Plan;
    - b. conforms to the Kent County Design Guidelines;
    - c. consistent with the stated purposes and intent of the Planned Development District;
    - d. complies with the requirements of this Ordinance; and
    - e. is compatible with adjoining land uses.
  4. When a Planned Development is to be constructed in phases, final subdivision plat(s) shall not be required for a phase until applications are filed for a federal, state, or local permit to construct that particular phase.
  5. As part of the final Master Development Plan approval, the County Commissioners shall approve a date for the initiation of the proposed development.
  6. If the County Commissioners approve a floating zone amendment without subdivision and approval of an associated Master Development Plan, the subject property may not be subdivided or otherwise developed until the owner complies with the Master Development review approval provisions of this Ordinance.
- H. Additional Required Procedures.

1. The administrative procedures for approval of a site plan for property located within the Planned Development District are outlined in § (note the reference here should be to the site plan review process in the Zoning Ordinance). Site plans shall conform to the approved Master Development Plan, including the Master Development design standards.
  2. The administrative procedures for approval of a subdivision located within the Planned Development District shall be those of the County's Subdivision Regulations. Final subdivision plats shall conform to the approved Master Development Plan.
  3. Any development, site plan, or subdivision approval for land in a Planned Development District shall be consistent with the provisions of the PN or PMD District as applicable, and the specific Master Development plan applicable to the property, as approved or amended by the County Commissioners.
- I. Amendment of Master Development Plan. The procedure for amendment of an approved Master Development Plan shall be the same as for a new application, except that the Planning Commission may approve minor amendments of a Master Development Plan at a regular meeting. The phrase "minor amendments" includes, but is not limited to, changes to the location, number, or types of uses within the Planned Development or any phase(s) thereof, subject to the guideline (3), below; internal road locations or configurations; the number, type or location of dwelling units, subject to the guideline (5) below; and the location of public amenities, services, or utilities. The Planning Commission may only approve minor amendments that increase residential density or intensify nonresidential uses if the amendments enhance the architectural design and landscaping of the area subject to the amendment. Any amendment of a Master Development Plan that adversely impacts upon the delivery or the cost of public utilities, public services, public infrastructure, or otherwise affects amenities available to the public, or the public health and safety shall not be considered a minor amendment. Using the guidelines set forth below, the Planning Commission shall determine whether the proposed amendment is a "minor amendment. In addition to the preceding, an amendment shall be deemed a "minor amendment," provided that such amendment:
1. Does not conflict with the applicable purposes and land use standards of this Ordinance;
  2. Does not prevent reasonable access of emergency vehicle access or deprive adjacent properties of adequate light and airflow;
  3. Does not significantly change the general character of the land uses of the approved Master Development Plan;
  4. Does not result in any substantial change of major external access points;
  5. Does not increase the total approved number of dwelling units or height of buildings;  
and

- 6. Does not decrease the minimum specified setbacks, open space area, or minimum or maximum specified parking and loading spaces.
  
- J. Conflict with other Articles. Provisions of the Planned Development Floating Zone, when found to conflict with other provisions of this Ordinance, shall supersede those other provisions with which they conflict. Provisions of the Planned Development Floating zone, when found to conflict with provisions of the Subdivision Code, shall supersede those provisions with which they conflict.
  
- K. A Planned Development District shall be considered to be a “floating zone,” and, under the laws of the State of Maryland, these districts are analogous to special exceptions. The criteria for each Planned Development district shall be as outlined in Zoning Ordinance. They shall be the basis for approval or denial by the County Commissioners without the necessity of showing a mistake in the original zoning or a change in the neighborhood.

NOTE:

- \* The reference to the Kent County Design Guidelines is a placeholder for the County to insert applicable guidance references

## Kent Mill, LLC

5602 Baltimore National Pike, Suite 400  
Baltimore, Maryland 21228  
410-747-8000

September 29, 2020

County Commissioners for Kent County  
c/o William A. Mackey, AICP  
Director of Planning, Housing and Zoning  
400 High Street  
Chestertown, MD 21620

Re: Proposed Text Amendment

Dear Commissioners:

Please be advised that Kent Mill, LLC owns Tax Map 31, Parcel 107, 10601 Howard Johnson Road, Millington. I am writing to express my full endorsement and support of the proposed zoning text amendments which was presented by Richardson Fresh Ponds, LLC, Joseph and Ann Smith and ourselves dated September 29, 2020 as well as the comments contained therein relative to the proposed rezoning. We ask that you carefully consider this proposed text amendment as we have spent significant time and resources working with our planners and the Town of Millington planning consultant to formulate the suggested revisions which would best facilitate annexation, economic development and smart growth in the Millington – U.S. Route 301 area. We understand that Millington and the area to the west towards the Route 301/291 interchange is a designated growth area (as it should be) and that the Millington Comprehensive Plan envisions the annexation of our property south of Millington Road. The County zoning text should be in sync with the Town of Millington's plan for expansion to the 301/291 interchange in an orderly and well-planned manner and we feel the proposed zoning text amendments we have suggested support smart growth and economic opportunities in the best way available for the subject area.

Should you have additional questions or concerns, please feel free to contact us. Thank you for your anticipated consideration of these comments and the proposed text amendments.

Respectfully submitted,



Richard J. Demmitt, Member Kent Mill,

LLC

Cc: Russell H. Richardson  
Joseph and Ann Smith



**Joseph W. Smith**  
28876 Belchester Road  
Kennedyville, Maryland 21645-3318  
410-275-1144

September 29, 2020

County Commissioners for Kent County  
c/o William A. Mackey, AICP  
Director of Planning, Housing and Zoning  
400 High Street  
Chestertown, MD 21620

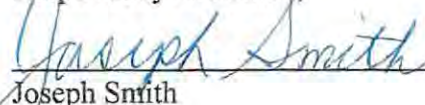
Re: Proposed Text Amendment

Dear Commissioners:

Please be advised my wife, Ann Smith and I are the owners of Tax Map 24, Parcels 69 and 45, and Tax Map 31, Parcel 152, being 11018, 11021 and 10982 Carroll Clark Road, Millington and Tax Map 32, Parcel 355 being 149.46 acres in Millington. I am writing to express my full endorsement and support of the proposed zoning text amendments which was presented by Richardson Fresh Ponds, LLC, Kent Mill, LLC and ourselves dated September 29, 2020 as well as the comments contained therein relative to the proposed rezoning. We ask that you carefully consider this proposed text amendment as we have spent significant time and resources working with our planners and the Town of Millington planning consultant to formulate the suggested revisions which would best facilitate annexation, economic development and smart growth in the Millington – U.S. Route 301 area. We understand that Millington and the area to the west towards the Route 301/291 interchange is a designated growth area (as it should be) and that the Millington Comprehensive Plan envisions the annexation of our property south of Millington Road. The County zoning text should be in sync with the Town of Millington's plan for expansion to the 301/291 interchange in an orderly and well-planned manner and we feel the proposed zoning text amendments we have suggested support smart growth and economic opportunities in the best way available for the subject area.

Should you have additional questions or concerns, please feel free to contact us. Thank you for your anticipated consideration of these comments and the proposed text amendments.

Respectfully submitted,

  
Joseph Smith

Cc: Russell H. Richardson  
Kent Mill, LLC



**MACLEOD**  
LAW GROUP LLC

Kyle K. Kirby, Esquire  
kkirby@mlg-lawyers.com

March 4, 2021

County Commissioners for Kent County  
c/o William A. Mackey, AICP  
Director of Planning, Housing and Zoning  
400 High Street  
Chestertown, MD 21620

Re: Proposed Text Amendments

Dear Commissioners:

As you know, Kent County is undergoing a comprehensive rezoning and our clients are participating in the County rezoning process. Our clients cumulatively own approximately 596 acres, more or less, at the Route 291/U.S. 301 corridor. The significance of this rezoning as it pertains to our clients' land and the economic development potential for the County is immense. The County has a unique opportunity to support exponential smart, innovative growth and well-planned development highly beneficial to the County and its citizens by virtue of enacting changes to the zoning code affecting these properties. Our clients previously proposed amendments be made to the County Zoning Text, including new "floating" zones which would permit mixed-use development in designated growth areas and otherwise. Based on the comments at the prior comprehensive rezoning task force meetings, and the preliminary plans of the County's zoning consultant, Calfee Zoning, our clients endeavored to research other similar rural jurisdictions that have successfully used mixed-use development floating zones and expanded underlying base zoning to appropriately permit mixed-use development in predominantly agricultural communities. Enclosed, please find a memorandum of LRK Architects, Designers and Planners, on behalf of our clients, which highlights and discusses pertinent examples of how mixed-use development has been accomplished in rural, scenic areas such as Kent County. These examples are a great indication that our community can achieve smart, sustainable and innovative growth while also preserving our rural character, which is the staple of our County.

Based on the research memorandum enclosed, the comments at previous task force meetings and purported strategy of the County zoning consultant to combine zoning districts, deal heavily with underlying base zoning districts and simplify the zoning code, our clients hereby amend their Text Amendment proposal of September 30, 2020 with particular emphasis on allowing for mixed-use development in certain areas and zoning districts, such as Millington Crossing. The crux of our client's request is to permit mixed-use development either through

amendments to the underlying base zoning in certain growth areas, by virtue of enacting planned mixed-use floating zones, or a combination of both. The primary focus of the proposal is allowing for mixed-use development. As such, please note the following are our clients' revised and restated requested zoning text amendment proposals:

- (a) The County incorporate and include a new Planned Mixed-Use Development (PMD) Floating Zone District in the form and substance previously submitted by our letter on September 30, 2020 and incorporated herein by reference;
- (b) The County incorporate and include a new Planned Neighborhood (PN) Floating Zone District in the form and substance previously submitted by our letter on September 30, 2020 and incorporated herein by reference;
- (c) The County incorporate and include the Procedure for Planned Development Approval for the PMD and PN Floating Zones in the form and substance previously submitted by our letter on September 30, 2020 and incorporated herein by reference;
- (d) In light of the fact that the proposed Floating Zones are subject to further review and consideration, we also recommend and request that the County amend the underlying base zoning to allow mixed use development and modify the existing Commercial District and Employment Center District zoning as follows:
  - a. Combine the Commercial District and Employment Center District into one single underlying Mixed-Use Zone and expand the range of permitted uses in the district including residential and non-residential uses;
  - b. Merge the Permitted Principal Uses of both the Commercial District and the Employment Center District to be Permitted Principal Uses in a new underlying Mixed-Use Zone;
  - c. Merge the Special Exceptions and Accessory Uses for both the Commercial District and Employment Center District and convert the Special Exception Uses in both districts to Permitted Principal Uses in a new underlying Mixed-Use Zone;
  - d. Allow residential uses as a Permitted Principal Use or Special Exception in the new combined Commercial District and Employment Center District known as a Mixed-Use Zone, including single-family homes, townhomes, duplexes, cottage units, tiny homes, multi-plexes, multifamily apartments, senior living, nursing homes, assisted living facilities, sheltered care facilities and continuing care retirement communities;

- e. Use a combination of Mixed-Use Floating Zones and a new underlying Mixed-Use base Zone to permit Mixed-Use and give broad permitted use categories instead of a laundry list of specific permitted uses in a new Mixed-Use base Zone; and
- f. Rezone the underlying base zoning for the vast majority of the Millington Crossing development consisting of 712 acres, more or less, to be in an underlying base zoning of Mixed-Use as shown and designated an Exhibit in the enclosed Memorandum.

The intent of these proposed text amendments is to use changes to the underlying base zoning districts and new floating zones to allow for mixed-use development in growth areas in a successful and innovative way as with the examples contained in the attached Memorandum. Please allow this letter to serve as a formal revision and amendment to the previously submitted Requested Proposals which shall supersede our clients' prior submittal.

We appreciate your anticipated consideration of this proposal. Should you need additional information or have any questions, please do not hesitate to contact us. Thank you for your anticipated consideration of this matter.

Very truly yours,

  
Kyle K. Kirby



**Architects | Designers | Planners**

Public Ledger Building, Suite 756.  
150 S. Independence Mall W.  
Philadelphia, PA 19106  
267.804.7040

March 4, 2021

**TO: County Commissioners for Kent County  
Comprehensive Rezoning Update Task Force**

**FROM: Jim Constantine, PP – Principal  
LRK Inc.**

**RE: Zoning at Millington Interchange and Research on PUD Floating Zones and Mixed-Use  
Base Zoning**

## **1.0 Background**

A group of property owners (“Millington Crossing Landowner Group”) controlling approximately 450 acres surrounding the Intersection of Routes 301 and 291 in Millington is acting collectively to provide public input to the County’s Comprehensive Rezoning and Land Use Ordinance Update process. As you are aware, the Millington Crossing Landowner Group previously submitted a proposal for two “floating zones” to the committee for consideration in September 2020. In response to public discussion at the Comprehensive Rezoning Update Task Force (“CRU Task Force”) meeting on January 14, 2021, the Millington Crossing Landowner Group asked LRK (the Millington Crossing planning consultant) to research potential case study examples of PUD “floating zones” from comparable community contexts that might assist as reference material for the CRU Task Force.

The Millington Crossing landowner group has also asked LRK to review the planning and zoning implications of the **Proposed Table of Contents for the Land Use Ordinance** which was presented by Calfee Zoning, the County’s zoning consultant, at the February 9, 2021 Task Force meeting. LRK has preliminarily analyzed the potential implications that this outline of new and reorganized zoning districts would have on the base zoning of the lands surrounding the Intersection of Route 301 and Route 291 in Millington. The base zoning is of particular importance regardless of whether the County implements the “floating zones” that our group previously proposed.

## **2.0 The Existing “Split Zoning” and Consistency with the County Comprehensive Plan**

- At present, the properties owned by the Millington Crossing Landowners Group are “split” into several zoning districts as illustrated on the attached Zoning Map. Under the existing zoning, the properties are located within five different zoning districts with majority of acreage located in either the Employment Center or Commercial districts



**Zoning at Routes 301 and 291 in Millington  
and Research on PUD Floating Zones  
and Mixed-Use Base Zoning**

March 4, 2021

Page 2 of 8

with additional areas located in the Rural Residential, Resource Conservation and Agricultural districts. This existing zoning is “split” on opposite sides of Route 301 resulting in different zoning districts facing one another on each side of the highway corridor and interchange with Route 291. The Employment Center district exists on the west side of the interchange and the Commercial district on the east side (refer to attached map entitled, “**Kent County Existing Zoning**”).

This existing “split zoning” is further complicated on the east side of Route 301 where the Employment Center district is located behind the Commercial highway frontage near the interchange. However, the frontage along the east side of Route 301 switches from Commercial to Employment Center north of Millington Road. The boundaries of the zoning districts in the vicinity of the interchange have “jagged” boundary lines resulting in inconsistent depths of zoning districts fronting along Route 301, in addition to the “split zoning” on each side of the interchange. In short, the existing zoning district designations and boundaries are illogical in relation to the interchange and resulting in development constraints at a location identified as a key growth area in the 2018 Kent County Comprehensive Plan.

The County’s Comprehensive Rezoning and Land Use Ordinance Update is an opportunity to address existing zoning that is inconsistent with the 2018 Kent County Comprehensive Plan. At the Millington Crossing location, the Comprehensive Plan states the following policy for the Economy (Page 12):

***Strategy: Expand regulatory flexibility for the creation of and the location of employment centers and industrial uses.***

Through its economic development planning and land use implementation measures, the County will support flexibility in and an expanded area of employment center and industrial zoning in general to support commercial and mixed-use development.

These efforts will especially focus on the Worton area, and the US 301 corridor with a priority that the area between the Town of Millington and the lands surrounding the Route 291-Route 301 intersection be guided by the desired expansion of services and land use identified by Millington’s municipal growth element.

### **3.0 Proposed Zoning in Relation to the Comprehensive Plan**

After reviewing the **Proposed Table of Contents for the Land Use Ordinance**, LRK has attempted to interpret how zoning at the Millington Crossing interchange might be affected. From the outline, it is not clear if the intent is to leave the existing zoning boundaries as presently drawn and simply redesignate the existing Employment Center zones as Industry (I) and redesignate the existing Commercial zone as Commerce (C). If so, this would perpetuate the constraints imposed by the existing “split zoning” and the other constraints created by “jagged” zoning



district boundary lines and depths from Route 301. From a planning perspective, this would appear to be inconsistent with the vision and strategies of the 2018 Kent County Comp Plan.

Calfee Zoning, the County's zoning consultant, has reinforced the importance that zoning regulations should follow the vision of the County Comp Plan. The May 2020 *Kent County Land Use Ordinance Diagnostic Report* included analysis, conclusions and recommendations guided by principles that include:

- **Zoning Should Respect Existing and Reflect Desired Development Patterns.** Zoning should be a tool to implement the community's vision set forth in the plan....Zoning districts should be focused less on simple use segregation, which can lead to disjointed development patterns, and more on the finer details of the desired character and amenities of the unique geographies of the County.
- **Zoning Should Be the Implementation of the Plan Rather Than a Barrier to Achieving the Vision.** Zoning regulations that make it more difficult, or even impossible, to achieve the planning vision should be reconsidered.

#### **4.0 Potential Zoning Actions for Consistency with the County Comp Plan**

Based on the consultant's principles and using the 2018 Kent County Comprehensive Plan as the vision that should be implemented in the zoning, we respectfully offer several recommendations for the lands flanking both sides of the Route 301 in the vicinity of the Route 291 interchange, that include the following:

- At a location prioritized for growth in the Comprehensive Plan, rectify the development constraints caused by the existing "split zoning" designations and "jagged" zoning district boundaries, by consolidating both sides of the highway into one underlying zoning district with sufficient depth from Route 301 on both the east and west sides.
- Implement the Comprehensive Plan recommendation for mixed-use development at this location by redesignating the underlying zoning for this entire area as a Mixed-Use District base zone that allows a range of industrial, commercial and residential uses in the base zoning (refer to attached map entitled, "**Proposed Mixed-Use District Base Zoning**").
- "Expand regulatory flexibility" as recommended in the Comprehensive Plan by incorporating the two "floating zones", previously proposed by the Millington Crossing landowners, as options in the new Mixed-Use District.

#### **5.0 Case Studies of Mixed-Use Base Zoning and Floating PUDs**

The Millington Crossing Landowner Group asked LRK to research potential case study examples of PUD "floating zones" and mixed-use base zoning with a focus on comparable rural contexts undergoing development that might assist as reference material for the CRU Task Force. This research was undertaken in response to public discussion at the CRU Task Force meeting on January 14, 2021, and after reviewing the **Proposed Table of Contents for the Land Use Ordinance** presented at the CRU Task Force meeting February 9, 2021.



### **St. Mary's County, MD**

This is an example of County policies promoting planned Mixed-Use Growth Areas and County ordinances implementing several types of Mixed-Use Base Zoning and PUD Floating Zones in various Mixed-Use Development Districts.

- Planning purposes are clearly stated for Commercial and Mixed-Use Districts:
  - Provide and protect land within growth areas for commercial and mixed-use development consistent with the Comprehensive Plan.
  - Accommodate a central core with mixed uses surrounded by larger intermixed blocks of residential, commercial, industrial, and business uses in growth areas.
  
- A wide range of mixed uses are permitted within various Mixed-Use Districts, such as:
  - Agricultural uses including agriculture, farmers market, roadside stands, distillery, winery, ag tourism.
  - Industrial Uses including limited production.
  - Commercial uses including retail, restaurants, services, banks, offices, lodging, conference, indoor recreation, laboratories and research.
  - Residential uses including accessory apartments, attached, detached, and multifamily dwellings.
  - Public and semi-public uses including government, education, recreation, cultural institutions, hospitals and health care, religious assembly, clubs and lodges.
  
- Specific provisions for Mixed-Use Districts, such as:
  - *Building Form* is a key factor to ensure compatibility in mixed-use neighborhoods.
  - *Street Presence* is particularly important in development districts to integrate built form and the pedestrian environment to provide a vibrant, safe public space.
  - *Connectivity* in pedestrian-oriented growth areas is an important design consideration within development districts.
  
- Planning purposes are clearly stated for Floating Zones and PUD Floating Zone:
  - Provide for relief from the strict application of land use standards, development regulations and performance standards found in the base zoning district.
  - Decrease the burden created by new development of utilities and other infrastructure systems by permitting mixed use development consistent with Smart Growth directives.
  - Provide a mechanism for increasing development in growth areas, where the Comprehensive Plan directs additional development be accommodated.

The zoning code for St. Mary's County can be found here: [COMPREHENSIVE ZONING ORDINANCE \(stmarysmd.com\)](https://www.stmarysmd.com/ordinance). The Comp Plan for St. Mary's County can be found here: [Microsoft Word - Chapter 1.doc \(stmarysmd.com\)](https://www.stmarysmd.com/microsoft-word-chapter-1.doc)





### **Gloucester, VA**

This is an example of a Mixed-Use PUD Floating Zone and proposed Village Mixed-Use Base Zoning.

- The purpose and intent for mixed-use PUD Districts includes:
  - Allow and encourage more unique, flexible, creative and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.
  - Provide more desirable or alternative living environments than would be possible through the strict application of conventional requirements promote pedestrian and non-vehicular interconnectivity, mixed-use, transportation planning, storm water management and sustainable planning principles.
  - Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semipublic uses (e.g., schools, playgrounds, meetings halls, etc.) that contribute to the livability of a community.
  - Provide higher gross and net development densities and intensities within and adjacent to village areas identified in the comprehensive plan as an inducement to develop in a manner consistent with “traditional neighborhood design” features.
  - Preserve the natural amenities of the land through maintenance of conservation areas and open spaces.
  
- The permitted uses of the PUD District are very broad and allow for a wide range of uses as follows:
  - Commercial uses including business, office, retail, restaurant and lodging.
  - Light industrial uses.
  - Lodging including hotels, motels, short-term and long-term rentals.
  - Residential uses including single-family attached/detached, multifamily, townhomes, and mixed density.
  - Cultural, civic, and institutional uses including schools, museums, libraries, and churches.
  - Recreational uses including parks, places of commercial amusement, and outdoor passive uses.
  - Temporary and permanent agricultural and agritourism uses.

The Planned Unit Development District Zoning for Gloucester County can be found in its entirety here: [Municode Library](#). The proposed Village Mixed-Use Zoning District can be found here: [Microsoft Word - Article 5 - Mixed Use District Draft Regulations \(gloucesterva.info\)](#)



### **Lancaster County, PA**

This is an example of County planning strategies to facilitate Mixed-Use Development in designated Growth Areas including at highway corridor interchanges:

- The County's Comprehensive Plan designates two types of areas in the county:
  - *Growth Areas* to focus development where services exist or are planned.
  - *Rural Areas* to sustain resources, character, and a rural way-of-life, and to preclude incompatible development.
  
- In *Growth Areas*, key objectives include:
  - Increase the density and intensity of development in *Growth Areas*.
  - Guide majority of the County's new residential and employment to Growth Areas.
  - Improve the character and form of new development in Mixed-Use Centers that combine housing, retail, commercial and employment uses.
  - Defining Mixed-Use Centers as a concentrated area of development with a designated primary use while permitting a range of other complementary uses.
  
- The Comprehensive Plan update promotes mixed-use development with these strategies:
  - Continue directing growth into designated areas to preserve farmland, open space, and natural resources.
  - Better integrate mixed-use development into existing communities.
  - Create more compact, walkable mixed-use communities including housing.
  - Attract higher-wage jobs that enable more residents to afford quality housing and provide housing options that meet the needs of the workforce.
  - Develop more consistent planning and regulations including streamlining zoning and permitting and providing more flexibility in building codes.
  
- The County's actions to implement mixed-use include the 2018 *SR 283/230 Corridor Study* which recommends the following for interchanges in this highway corridor:
  - Strategic zoning to encourage economic growth and create economically viable scenarios for the expansion of water and sewer access/capacity to parcels zoned for mixed-use in *Growth Areas* adjacent to existing interchanges.
  - Zone for mixed-use and co-locate high-density residential near commercial or light industrial uses to minimize automobile trips for both employees and customers to and from commercial/industrial sites.

Additional information on Lancaster County's Comprehensive plan and corridor study:

- County Plan <https://lancastercountyplanning.org/27/County-Plan>
- Places2040 <https://lancastercountyplanning.org/DocumentCenter/View/1057/Hi-Res-for-Printing>
- Corridor Study <https://lancastercountyplanning.org/DocumentCenter/View/1046/SR-283230-Corridor-Study>



### **Chester County, PA**

This is an example of County planning strategies to facilitate Mixed-Use in Rural Centers.

- The County's Comprehensive Plan provides an example of County planning for mixed-use Rural Centers which are defined as areas that often build from a village at a historic crossroads and expand over time to contain a mix of housing, commercial, and institutional uses that serve the surrounding rural and agricultural areas.
- In Rural Centers, comprehensive planning, infrastructure investment, regulatory updates, community revitalization, and creation of green space should take into consideration the following principles:
  - Understand that there may be limited future growth, and plan for it.
  - Future growth maintains economic viability and provides additional affordable housing opportunities.
  - Land uses should provide a variety of housing types and commercial buildings while allowing a mix of uses within a single property.
  - Institutional focal points, such as schools, municipal buildings, and places of worship.
- The design of Rural Centers should complement the existing historic character and provide additional services to local residents:
  - Development should be compact and continue the traditional village form with a mix of uses.
  - The character of buildings should take into account the historic nature of the existing town or crossroads and complement the existing form and character.

Additional information about Rural Centers can be found on pages 40-42, along with the other designations assigned by Chester County: [Landscapes3.pdf \(chescoplanning.org\)](#)

**Rural by Design** is a book by Randall Arendt with principles and case study examples covering a wide range of rural planning conditions including highway corridors. The following were principles originally written within a Urban Land Institute (ULI) technical report that the author then modified to relate to the fundamental issues present along many highway frontages across rural and suburban America. These principles include:

- Establish "Pulse Nodes" for Development containing a rich mixture of inviting uses should be zoned for and actively encouraged.
- Prune Back Retail-Zoned Land by rezoning for other uses and up-zoning other land to facilitate denser mixed-use nodes.
- Create the Place because it is the presence of other people and the ability to interact with and to watch them in a safe and energized environment that creates the most memorable and successful places. Such well-designed and pleasant environments have



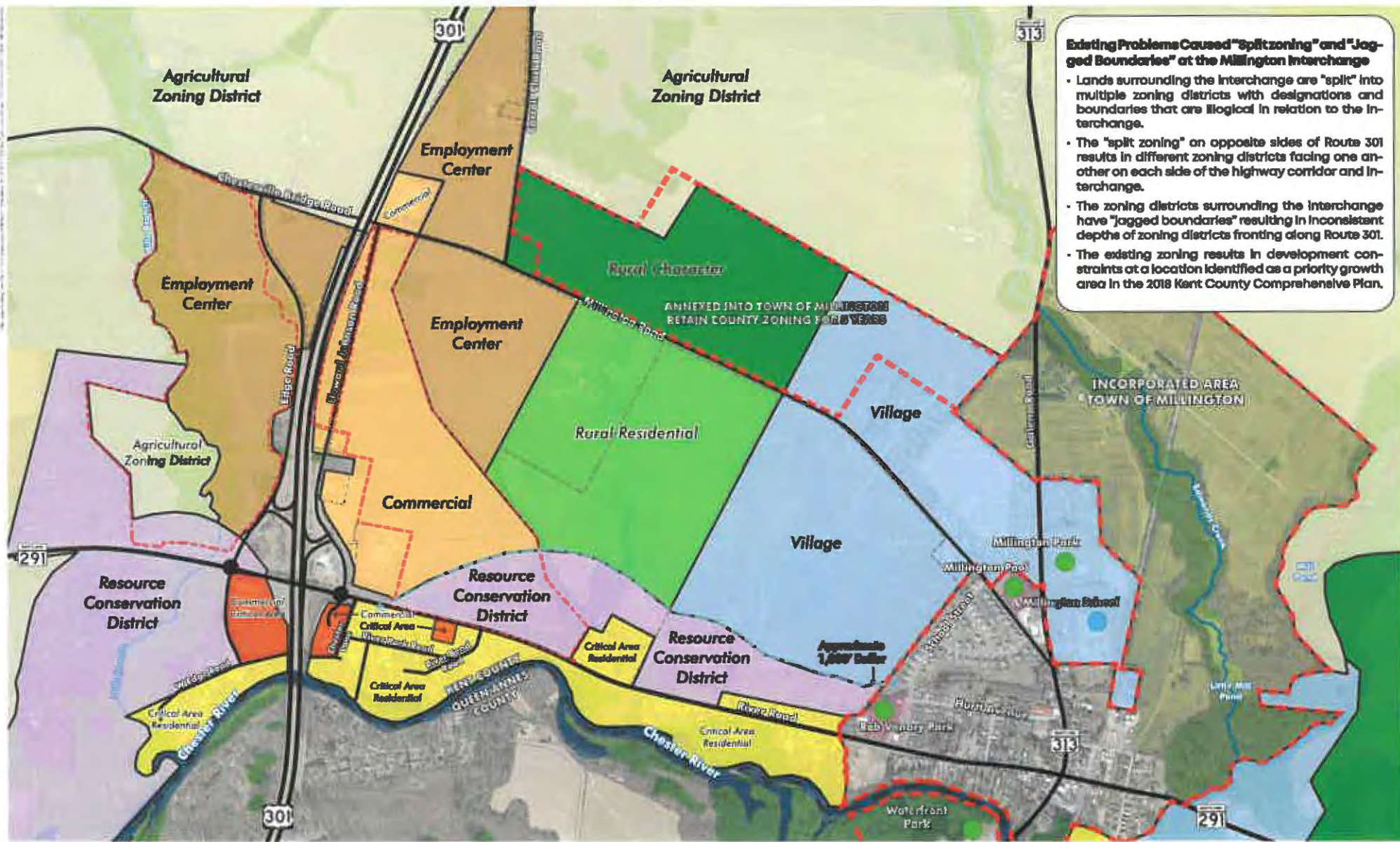
been proven to pay a “design dividend” in terms of increased visitation, longer shopping trips, and greater expenditures.

The excerpt above from the book, *Rural by Design*, was based on the following ULI Report by Beyard and Pawlukiewicz Titled, *Ten Principles for Reinventing America’s Suburban Strips*:  
[http://teachamerica.com/accessmanagement.info/pdf/ULI\\_Ten\\_Principles.pdf](http://teachamerica.com/accessmanagement.info/pdf/ULI_Ten_Principles.pdf)

## **6.0 Conclusion**

Using the County Comp Plan as the vision to be implemented with zoning, the lands flanking both sides of the Route 301 in the vicinity of the Route 291 interchange should be considered for the following:

- At a location prioritized for growth in the Comprehensive Plan, rectify the development constraints caused by the existing “split zoning” designations and “jagged” zoning district boundaries, by consolidating both sides of the highway into one underlying zoning district with sufficient depth from Route 301 on both the east and west sides.
- Implement the Comprehensive Plan recommendation for mixed-use development at this location by redesignating the underlying zoning for this entire area as a Mixed-Use District that allows a range of industrial, commercial and residential uses in the base zoning.
- “Expand regulatory flexibility” as recommended in the Comprehensive Plan by incorporating the two “floating zones”, previously proposed by the Millington Crossing landowners, as options in the new Mixed-Use District.
- The Case Studies of Mixed-Use Base Zoning and Floating PUDs provide several examples of how other counties and communities are utilizing planning principles, policies and zoning techniques to guide growth in comparable rural contexts undergoing development. While it is difficult to find an exact analogous example for comparison, there appear to be some lessons and knowledge that can be applied regarding the use of PUD “floating zones” and mixed-use base zoning from these examples.



**Existing Problems Caused "Split zoning" and "Jagged Boundaries" at the Millington Interchange**

- Lands surrounding the interchange are "split" into multiple zoning districts with designations and boundaries that are illogical in relation to the interchange.
- The "split zoning" on opposite sides of Route 301 results in different zoning districts facing one another on each side of the highway corridor and interchange.
- The zoning districts surrounding the interchange have "jagged boundaries" resulting in inconsistent depths of zoning districts fronting along Route 301.
- The existing zoning results in development constraints at a location identified as a priority growth area in the 2018 Kent County Comprehensive Plan.



**KENT COUNTY EXISTING ZONING**

Project Location: Millington, Kent County, Maryland  
 May 5, 2017; Last Revised March 4, 2021



Richardson  
 Properties  
 Corporation





**MACLEOD**  
LAW GROUP LLC

Kyle K. Kirby, Esquire  
kkirby@mlg-lawyers.com

March 31, 2021

County Commissioners for Kent County  
Comprehensive Rezoning Update (CRU) Task Force  
c/o William A. Mackey, AICP  
Director of Planning, Housing and Zoning  
400 High Street  
Chestertown, MD 21620

Re: Proposed Text Amendment (Mixed-Use Zoning for Millington Crossing At  
Routes 301/291 Interchange)

Dear Commissioners and CRU Task Force:

I am writing to update the County Comprehensive Rezoning Task Force regarding the property owners our firm represents relative to the proposed text amendments. Please be advised our firm represents (a) Richardson Fresh Ponds, LLC, the owner of Tax Map 31, Parcel 6 in Millington along River Road and U.S. Route 301 comprised of 210 +/- acres; (b) Kent Mill, LLC, the owner of Map 31, Parcel 107, 10601 Howard Johnson Road, Millington being roughly 7 acres; (c) Joseph and Ann Smith, the owners of Tax Map 24, Parcels 69 and 45, and Tax Map 31, Parcel 152, being 11018, 11021 and 10982 Carroll Clark Road, Millington and Tax Map 32, Parcel 355 totaling approximately 200 acres in Millington; and (d) John G. and Sandra Donnelly, the owners of Tax Map 32, Parcels 55 and 60 being 31203 and 31205 Millington Road, Millington, consisting of a total of 36.5 acres, more or less. Together, our clients own over 453.5 acres designated as the premier future growth and economic development area in Kent County. Enclosed, please also find the support letter of John G. and Sandra Donnelly. Please update your records to reflect our representation of these property owners and give thoughtful consideration to our proposal.

The significance of this rezoning as it pertains to our clients' land and the economic development potential for the county is immense. The County has a unique opportunity to implement the 2018 Kent County Comprehensive Plan by supporting exponential smart, innovative growth and well-planned development highly beneficial to the County and its citizens by virtue of enacting changes to the zoning code affecting these properties.

We appreciate your anticipated consideration of this matter. Should you need additional information or have any questions, please do not hesitate to contact us. Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'K. Kirby', with a long, sweeping horizontal stroke extending to the right.

Kyle K. Kirby



**John G. Donnelly  
32103 Millington Road  
Millington, MD 21651**

March 16, 2021

County Commissioners for Kent County  
c/o William A. Mackey, AICP  
Director of Planning, Housing and Zoning  
400 High Street  
Chestertown, MD 21620

Re: Proposed Text Amendment

Dear Commissioners:

Please be advised my wife, Sandra Donnelly and I are the owners of Tax Map 32, Parcels 55, and 60 being 31203 and 31205 Millington Road, Millington, Maryland consisting of a total of 36.5 acres, more or less. I am writing to express my full endorsement and support of the proposed zoning text amendment which was presented by Richardson Fresh Ponds, LLC, Kent Mill, LLC and Joseph Smith dated September 29, 2020 and revised March 5, 2021 as well as the comments contained therein relative to the proposed rezoning. We ask that you carefully consider this proposed text amendment as we have spent significant time and resources working with our planners and the Town of Millington planning consultant to formulate the suggested revisions which would best facilitate annexation, economic development and smart growth in the Millington – U.S. Route 301 area. We understand that Millington and the area to the west towards the Route 301/291 interchange is a designated growth area (as it should be) and that the Millington Comprehensive Plan envisions the annexation of our property south of Millington Road. The County zoning text should be in sync with the Town of Millington's plan for expansion to the 301/291 interchange in an orderly and well-planned manner and we feel the proposed zoning text amendments we have suggested support smart growth and economic opportunities in the best way available for the subject area.

Should you have additional questions or concerns, please feel free to contact us. Thank you for your anticipated consideration of these comments and the proposed text amendments.

Respectfully submitted,

  
John Donnelly

## **Kent Mill, LLC**

5602 Baltimore National Pike, Suite 400  
Baltimore, Maryland 21228  
410-747-8000

September 29, 2020

County Commissioners for Kent County  
c/o William A. Mackey, AICP  
Director of Planning, Housing and Zoning  
400 High Street  
Chestertown, MD 21620

Re: Proposed Text Amendment

Dear Commissioners:

Please be advised that Kent Mill, LLC owns Tax Map 31, Parcel 107, 10601 Howard Johnson Road, Millington. I am writing to express my full endorsement and support of the proposed zoning text amendments which was presented by Richardson Fresh Ponds, LLC, Joseph and Ann Smith and ourselves dated September 29, 2020 as well as the comments contained therein relative to the proposed rezoning. We ask that you carefully consider this proposed text amendment as we have spent significant time and resources working with our planners and the Town of Millington planning consultant to formulate the suggested revisions which would best facilitate annexation, economic development and smart growth in the Millington – U.S. Route 301 area. We understand that Millington and the area to the west towards the Route 301/291 interchange is a designated growth area (as it should be) and that the Millington Comprehensive Plan envisions the annexation of our property south of Millington Road. The County zoning text should be in sync with the Town of Millington's plan for expansion to the 301/291 interchange in an orderly and well-planned manner and we feel the proposed zoning text amendments we have suggested support smart growth and economic opportunities in the best way available for the subject area.

Should you have additional questions or concerns, please feel free to contact us. Thank you for your anticipated consideration of these comments and the proposed text amendments.

Respectfully submitted,



Richard J. Demmitt, Member Kent Mill,

LLC

Cc: Russell H. Richardson  
Joseph and Ann Smith

**Joseph W. Smith**  
28876 Belchester Road  
Kennedyville, Maryland 21645-3318  
410-275-1144

September 29, 2020

County Commissioners for Kent County  
c/o William A. Mackey, AICP  
Director of Planning, Housing and Zoning  
400 High Street  
Chestertown, MD 21620

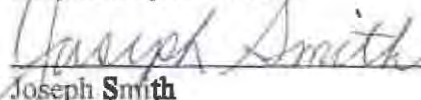
Re: Proposed Text Amendment

Dear Commissioners:

Please be advised my wife, Ann Smith and I are the owners of Tax Map 24, Parcels 69 and 45, and Tax Map 31, Parcel 152, being 11018, 11021 and 10982 Carroll Clark Road, Millington and Tax Map 32, Parcel 355 being 149.46 acres in Millington. I am writing to express my full endorsement and support of the proposed zoning text amendments which was presented by Richardson Fresh Ponds, LLC, Kent Mill, LLC and ourselves dated September 29, 2020 as well as the comments contained therein relative to the proposed rezoning. We ask that you carefully consider this proposed text amendment as we have spent significant time and resources working with our planners and the Town of Millington planning consultant to formulate the suggested revisions which would best facilitate annexation, economic development and smart growth in the Millington – U.S. Route 301 area. We understand that Millington and the area to the west towards the Route 301/291 interchange is a designated growth area (as it should be) and that the Millington Comprehensive Plan envisions the annexation of our property south of Millington Road. The County zoning text should be in sync with the Town of Millington's plan for expansion to the 301/291 interchange in an orderly and well-planned manner and we feel the proposed zoning text amendments we have suggested support smart growth and economic opportunities in the best way available for the subject area.

Should you have additional questions or concerns, please feel free to contact us. Thank you for your anticipated consideration of these comments and the proposed text amendments.

Respectfully submitted,

  
Joseph Smith

Cc: Russell H. Richardson  
Kent Mill, LLC

**Peaceful World, LLC  
Ford Schumann  
506 Old McGinnes Farm Lane  
Chestertown, MD 21620**

April 5, 2021

County Commissioners for Kent County  
c/o William A. Mackey, AICP  
Director of Planning, Housing and Zoning  
400 High Street  
Chestertown, MD 21620

Re: Proposed Text Amendment

Dear Commissioners:

Please be advised my limited liability company, Peaceful World, LLC and I are the owners of Tax Map 31, Parcel 115, being 31850 Millington Road, Millington, Maryland consisting of a total of 5.00 acres, more or less. I am writing to express my endorsement and support of the proposed zoning text amendment which was presented by Richardson Fresh Ponds, LLC, Kent Mill, LLC and Joseph Smith dated September 29, 2020 and revised March 5, 2021 as well as the comments contained therein relative to the proposed rezoning. I ask that you carefully consider this proposed text amendment and the suggested revisions which would best facilitate annexation, economic development and smart growth in the Millington – U.S. Route 301 area. I understand that Millington and the area to the west towards the Route 301/291 interchange is a designated growth area (as it should be) and that the Millington Comprehensive Plan envisions the annexation of property south of Millington Road. The County zoning text should be in sync with the Town of Millington's plan for expansion to the 301/291 interchange in an orderly and well-planned manner and I feel the proposed zoning text amendments that have been suggested support smart growth and economic opportunities in the best way available for the subject area.

I also encourage you to protect the the wooded, wildlife habitat areas that may be included in the area under consideration.

Should you have additional questions or concerns, please feel free to contact me. Thank you for your anticipated consideration of these comments and the proposed text amendments.

Respectfully submitted



R. Ford Schumann, Jr.

DEPARTMENT OF  
PLANNING, HOUSING & ZONING  
RECEIVED 4/8/2021

Respondent



P4

Re-numbered to coordinate with request

02:42  
Time to complete



1. Name: \*

Richardson Fresh Ponds, LLC; Kent Mill, LLC; Joseph and Ann Smith

2. Mailing Address: \*

c/o Kyle K. Kirby, Esq., MacLeod Law Group, LLC, 120 Speer Road, Suite 1, Chestertown, MD 21620

3. What would you like to do: \*

- Propose a text change to the Land Use Ordinance. Requests must be submitted by October 31 2020. Deadline has been extended from September 30, 2020.
- Request a rezoning of your property. Requests must be submitted by December 31, 2020.

4. Please tell us what text changes you would like to see. For example, do you want to see different uses permitted in certain districts? Do you want to see changes to lot sizes or set backs?

Here's a link to the current Land Use Ordinance:  
<https://www.kentcounty.com/planning/land-use-contents>  
(<https://www.kentcounty.com/planning/land-use-contents>)

"Please see Proposed Text Amendments and Letter being sent to the Planning email. The following are proposed:

- (a) The County incorporate and include a new Planned Mixed-Use Development (PMD) Floating Zone District in the form and substance attached hereto and incorporated herein;
- (b) The County incorporate and include a new Planned Neighborhood (PN) Floating Zone District in the form and substance attached hereto and incorporated herein;
- (c) The County incorporate and include the Procedure for Planned Development Approval for the PMD and PN Floating Zones in the form and substance attached hereto and incorporated herein;
- (d) In light of the fact that the proposed Floating Zones are subject to further review and consideration, we also recommend and request that the County amend the underlying base zoning to modify the existing Commercial District and Employment Center District zoning as follows:
  - a. Combine the Commercial District and Employment Center District into one single district to expand the range of permitted uses in the district;
  - b. Merge the Permitted Principal Uses of both the Commercial District and the Employment Center District;
  - c. Merge the Special Exceptions and Accessory Uses for both the Commercial District and Employment Center District and convert the Special Exception Uses in both districts to Permitted Principal Uses;
  - d. Allow residential uses as a Permitted Principal Use or Special Exception in the new combined Commercial District and Employment Center District, including single-family homes, townhomes, duplexes, cottage units, tiny homes, multi-plexes, multifamily apartments, senior living, nursing homes, assisted living facilities, sheltered care facilities and continuing care retirement communities. "

## CHAPTER 5 – MUNICIPAL GROWTH

This version of the Municipal Growth element of Millington’s Comprehensive Plan updates the first municipal growth element included in the 2009 Comprehensive Plan. The purpose of the Municipal Growth element is to examine the interrelationships among land use, population and housing growth, and potential impacts on provision of public facilities and services. This knowledge provides officials with a stronger basis for setting future land use and growth management policies through a better understanding of the multi-dimensional implications of this type of change. Because the potential impacts of municipal growth can be felt at the county and state levels as wells, the element also addresses inter-jurisdictional coordination.

### Growth Trends and Projections

#### Trends

Growth in Kent County, its towns, and in eastern Queen Anne’s County has been relatively slow from the 20<sup>th</sup> Century into the 21<sup>st</sup> Century. In the period 1970 to 2010 Millington’s population increased by 168, an approximately 35 percent increase and a moderate annualized growth rate of approximately 0.76 percent. During the same period, Millington’s population ranged from 2% to 3% of Kent County’s population (see Table 5-1) which also experienced moderate growth, an annualized growth rate of about 0.56 percent.

**Table 5-1: Historic Population Growth 1970 – 2010: Millington & Kent County, Maryland**

Jurisdiction	1970	1980	1990	2000	2010
<b>Kent County</b>	16,146	16,695	17,842	19,197	20,197
<b>Millington</b>	474	546	440	416	642
- % of County Population	3.0%	3.0%	2.0%	2.0%	3.2%

Source: Peter Johnston & Associates, LLC

While Kent County, Maryland has remained predominantly rural, with small towns surrounded by agriculture land, the surrounding Delaware counties have experienced dramatic population growth. Despite recent economic ups and downs, population and housing growth in the neighboring Kent, New Castle, and Sussex Counties in Delaware has steadily increased. Kent County, Delaware is the closest and most accessible to Millington, an approximate 30 minute drive time. In the period 2000 to 2010, Kent County Delaware’s population increased by nearly 28 percent, from 126,697 to 162,947. Projections for 2030 have the county’s population at over 200,000.<sup>11</sup> Along with steady population growth, the Delaware Department of Labor projects an annual 1.36 percent increase in employment in Kent County Delaware through 2020.<sup>12</sup>

<sup>11</sup> Source: County population projections for Delaware - Delaware Population Consortium, Population Projection Series, October 2013

<sup>12</sup> Delaware Department of Labor@ <http://www.delawareworks.com/ooolmi/Information/LMIData/Projections.aspx>

New Castle County is the largest county in the State of Delaware, with a 2010 population of 538,952. Employment in New Castle County is within relatively easy commuting distance of Millington (approximately 53 minutes). Historically New Castle County has been a significant employment center for Kent County, Maryland residents. Employment in New Castle County is expected to increase by about one percent per year, about 2,800 jobs per year, through 2020.<sup>13</sup>

Sussex County Delaware's population in 2010 was 197,877, a nearly 25 percent increase over the county's 2000 population. The county's population is projected to increase to over a quarter million by 2030. Employment growth in Sussex County is projected to grow at an annual rate of over 1.6 percent or approximately 1,200 jobs per year.<sup>14</sup>

Although not yet evident, it seems reasonable to assume that the steady population and employment growth in adjacent Delaware counties will affect Kent County and Queen Anne's County and the small towns near the border. As an example, Mill Village a 52-lot subdivision located in Millington and approved in 2004, was built-out by 2013.

### **Projections**

Population projections for Millington are based on two potential and relatively conservative growth scenarios. Scenario one assumes Millington's population growth will parallel that of the Kent County, and that the town's population will continue to be approximately three percent of that of the county. Scenario two projects the annualized growth rate of 0.76 percent experienced in the period 1970 through 2010 through the planning period (2030). In Scenario 1 the town's population would increase by about 12 percent over the next twenty years. Scenario 2 increases the population by slightly more than 16 percent, a total of 105 new residents. These two scenarios are summarized in Table 5-2.

**Table 5-2: Population Projections 2010 – 2030 Millington, Maryland**

	2010	2015	2020	2025	2030	Change	
						Number	Percent
Scenario 1	642	655	680	702	718	76	11.9%
Scenario 2	642	667	692	719	747	105	16.3%

Source: Peter Johnston & Associates, LLC

For purposes of the Municipal Growth element household projections along with population are used to estimate the impacts of growth in demand for facilities and services. In this analysis household projections are used as a surrogate for occupied dwelling units.

According to the 2010 Census Millington there were a total 234 households in Millington and zero population in group quarters. At the same time, there were 256 housing units, 234 of which were occupied and 22 of which were vacant.<sup>15</sup>

<sup>13</sup> Ibid

<sup>14</sup> Ibid

<sup>15</sup> Source: U.S. Census Bureau, 2010 Census.



The average household size in 2010 was 2.74 persons per household, up from 2.55 in 2000.<sup>16</sup> This trend in average household size differs dramatically from that of the county, which decreased from 2.33 in 2000 to 2.29 in 2010. Maryland Department of Planning (MDP) projections for Kent County have the average household size steadily decreasing to 2.1 by 2030. In fact, the Maryland Department of Planning projects decreasing average household sizes in every region of the state over the next 20 years.<sup>17</sup> For purposes of this analysis the assumption was that average household size would follow the statewide trend, but not at the same rate as that of the county which was an annualized rate of 0.22 percent. Instead it was assumed that the average household size trend in Millington would be more akin to that of the State, decreasing size at an annual rate of 0.11.

Following these assumptions, under Scenario 1 the town would add 34 households/occupied dwelling units by 2030. Under Scenario 2 the town would add 44 households/occupied dwelling units (see Table 5-3) by 2030. It is important to note that some or all of projected population and household increases in the town could be as a result of annexations as opposed to absolute population growth in the county.

**Table 5-3: Households/Occupied Dwelling Units Projections 2010 – 2030 Town of Millington, Maryland**

	2010	2015	2020	2025	2030	Change	
						Number	Percent
Average HHLDS/Dwellings	2.74	2.72	2.71	2.70	2.68	-0.06	-2.2%
Scenario 1	234	240	251	260	268	34	14.3%
Scenario 2	234	245	255	267	279	44	18.9%

Source: Peter Johnston & Associates, LLC

### **Development Capacity**

Development capacity examines the potential number of dwelling units that could be built on vacant and underutilized land in the town (see Map 5-1). Development capacity is based on the number of buildable vacant lots and underutilized acreage currently available for development taking into account the current zoning classification for the property. When applying a density factor (permitted dwelling units per acre under current zoning) to vacant acreage, 25 percent of the site was subtracted to account for land set aside for roads, open space, stormwater management facilities and other site development requirements.

An average household size for the planning period, 2.71 persons per household, was used to estimate population associated with the build out of vacant and underutilized land within the town. The potential number of dwelling units that could be built on vacant lots and underutilized acreage within the town is summarized in Table 5-4.

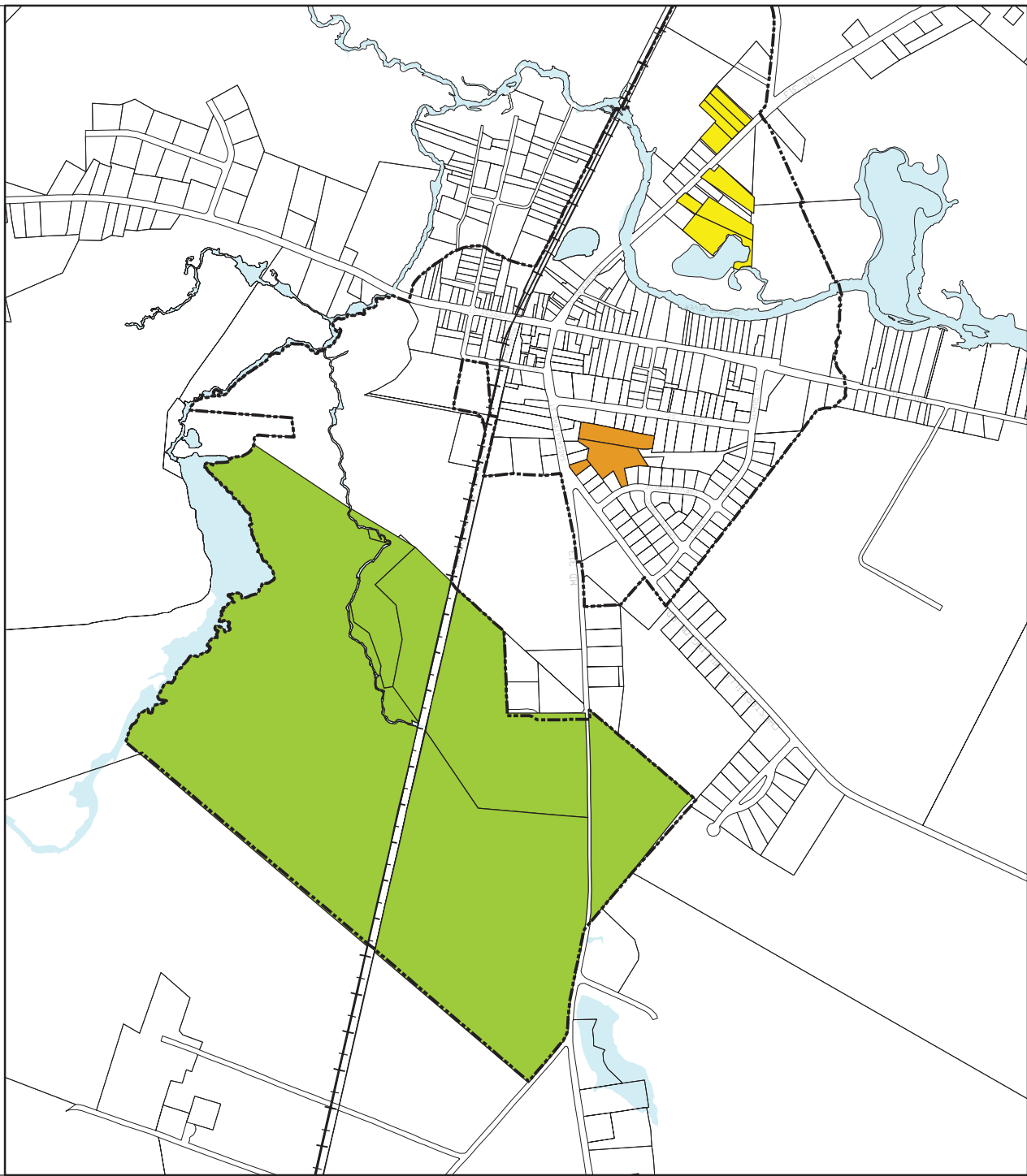
<sup>16</sup> Source: U.S. Census Bureau, Census 2000 Summary File 1

<sup>17</sup> Source: Maryland Department of Planning, Planning Data Services, January 2014

**COMPREHENSIVE PLAN**  
**Millington, Maryland**

**MAP 5-1**

- Vacant and Underutilized Land
- Vacant R-1
- Vacant R-2
- Vacant AR



**Table 5-4: Development Capacity – Corporate Area**

Zoning Classification	Acres	Lots	Acres	Permitted Dwelling Units Per Acre	Potential Dwelling Units	Population
R-1 – Rural Conservation	7	8	217	4.36	710	1,923
R-2 – Single Family Residential	55	0	55	5	224	607
<b>Total</b>	<b>279</b>	<b>8</b>	<b>272</b>		<b>934</b>	<b>2,530</b>

Source: Peter Johnston & Associates, LLC

### Growth Impacts

Table 5-5 summarizes estimated impacts of projected 2030 population and household growth on public facilities and services provided by the Town and Kent County. Considering Millington’s limited development capacity as shown in Table 5-4, these scenarios assume that some development will occur on annexed land.

As can be seen the impacts of growth on public facilities and services in the planning period (2010-2030) under either growth scenario are fairly minimal, and for the most part can be serviced within existing capacities. As discussed below, Millington’s projected population and housing growth through 2030 should not result in the need for significant investment in public facilities and services by the town or county to accommodate. This is especially the case if the growth factors driving estimated demand occur as a result of annexation as opposed to real population and housing growth. The impacts summarized in Table 5-5 are based on the following sources and assumptions:

- Future population and dwelling unit projections from 2010 to 2030, as described in this chapter;
- Maryland Department of the Environment (MDE) multipliers for water and wastewater “Water & Wastewater Capacity Management Plans” (250 gallons per day of water and sewer per DU). Nonresidential daily water and sewer demand is calculated based on a factor of 0.1575 gallons per foot of gross floor area;
- Maryland Department of Planning (MDP) multipliers for school enrollment and recreation land;
- Multipliers for Municipal Administrative Space based on current space per thousand people;
- American Library Association (library facility square footage multiplier);
- International Association of Police Chiefs and other organizations (personnel multiplier);
- International City Council Management Association (fire personnel multiplier); and
- National Planning Standard (fire facility square footage multiplier).

**Table 5-5: Impacts of Growth Scenarios on Selected Public Facilities and Services thru 2030**

Growth Factor	Scenario 1	Scenario 2	
New Dwelling Units	34	44	
Added Population	76	105	
Facility/Service	Impact	Impact	Units
Additional Water and Sewer Demand (GPD)	17,142	19,847	Gallons Per Day
- Percent of remaining sewer capacity	21%	24%	

**Table 5-5: Impacts of Growth Scenarios on Selected Public Facilities and Services thru 2030**

<b>Growth Factor</b>	<b>Scenario 1</b>	<b>Scenario 2</b>	
- Percent of remaining water capacity	23%	26%	
SCHOOL (new students)			
- High School	5	7	Students
- Middle School	4	5	Students
- Elementary School	7	10	Students
SCHOOL (additional teachers)			
- High School	0.40	0.40	Teachers
- Middle School	0.28	0.28	Teachers
- Elementary School	0.56	0.73	Teachers
LIBRARY (GFA)	8	11	Gross Floor Area
POLICE (personnel)	0.2	0.3	Officers
RECREATION LAND (acres)	2.3	3.2	Acres
FIRE & RESCUE			
- Personnel	0.1	0.2	Firemen/EMTs
- Facilities (GFA)	61	84	Gross Floor Area
MUNICIPAL			
- Personnel	0.35	0.49	Staff
- Building Space	266	368	Gross Floor Area

Source: Peter Johnston & Associates, LLC

**Public Schools:** The majority of new students resulting from household growth in Millington will attend Kent County schools, including Millington Elementary, Kent County Middle School and Kent County High School. Public schools in Kent County are currently operating at well below capacity. Enrollment in the Millington Elementary School in the 2011 to 2012 school year was slightly more than one quarter of the State Rated Capacity. Kent County Middle School was operating at about a third of capacity and Kent County High School was operating at about 44 percent of State Rated Capacity. The Maryland Department of Planning's school enrollment projections for Kent County schools through 2022 are for less than six percent increases in students in the middle and high schools and slightly less than three percent decreased enrollment in elementary schools. Queen Anne's County schools including Sudlersville Elementary and Middle Schools and Queen Anne's County High School all have excess capacity at this time.

**Library:** Residents of Millington are located within an easy drive of two branches of the Kent County Public Library: the Main Branch in Chestertown (about 13 miles away) and the North County Branch in Galena (about 8 miles away), which occupy a total of 12,800 square feet. Current library facilities will adequately serve the needs of the projected increase in Millington's population through 2030. However, the County's most recent comprehensive plan discusses the need for expansion of its public library facilities to serve population increases projected for the county and all of its municipalities. According the county plan, officials will work with the Foundation for the Kent County Public Library to explore alternative funding sources to expand the library's computer, digital and video technology services.

Another factor in library demand, at least as affects physical space, is the internet as a vehicle for servicing library demand.

**Recreation Land:** Based on the State's ratio of 30 acres per every 1,000 people, approximately two to three acres of additional recreation land will be needed to meet additional demand for recreation land depending on which growth scenario is closest to actual experience.

**Public Safety:** Fire and emergency medical services are provided to Millington residents through the Kent County Department of Emergency Management/Medical Services (EMS), which supplies emergency services to throughout the county and oversees the operations of municipal volunteer fire departments (including the Millington Volunteer Fire Department). Police protection in Millington is provided by the Kent County Sheriff's Department and the Maryland State Police.

Police and emergency services will be impacted to a moderate degree as a result of the projected increase in Millington's population by 2030 and most likely could be serviced with existing personnel and facilities.

**Municipal Buildings and Staff:** The town currently has an office/meeting space ratio of about 3.5 square feet per capita. For large gatherings they use space in the fire hall, an arrangement that will likely continue throughout the planning period. Under the two 2030 growth scenarios impacts office and meeting space would not likely trigger the need for additional space. Staffing impacts are minimal under either 2030 growth scenario. The town can expect the need for additional staff at build out.

#### **Public Water and Sewer**

Excess capacity in Millington's municipal water and sewer systems is somewhat of a moving target. As concerns water, the town is permitted to withdraw 137,000 gallons per day (gpd) average daily flow and a maximum of 205,500 gpd. Recorded water production in 2012 averaged about 61,500 gpd.

Millington's WWTP is permitted for average daily flows of 145,000 gpd. Although recorded average daily flows in 2012 were 40,350 gpd, for planning purposes, it was felt safer to assume water production and WWTP inflows match.

Under this assumption, the town has approximately 75,500 gpd of remaining water capacity and 83,350 gpd of sewer capacity. Remaining capacity is adequate to support population and housing growth in 2030 scenario.

#### **Annexation Plan**

This section outlines Millington's Annexation Plan, examines existing conditions in the annexation area and estimates the potential impacts development of this area on town and county facilities and services.

Estimates of development capacity and impacts are not intended to measure the efficacy of the proposed annexation area, as the area is not likely to experience substantial development within the planning period. They are intended to influence strategic policies concerning growth management, land

use and infrastructure planning by town, county and State official.

Millington's Annexation Plan has been significantly revised since the adoption of the 2009 Comprehensive Plan. In addition to annexation areas included in the 2009 Comprehensive Plan, Millington's annexation plan adds land south of MD 291 along the Chester River and west of town, properties to the north of MD 291 and south of the Chesterville-Millington Road including the Food Lion and Howard Johnson properties, and the area known as Sandfield located to the east of town (see Map 5-2). The proposed annexation area also includes the Mountaire grain facility located adjacent to the corporate area along the rail road.

The proposed annexation area extends the corporate limits west beyond the interchange at US 301 and MD 291, linking the town to a potentially important highway corridor. US 301 enters Delaware to the north where plans exist to replace U.S. Route 301 in Delaware with a toll road that will link the divided US 301 in Maryland with Delaware Route 1, thus providing a multi-lane alternative to Interstate 95 between Northern Delaware and Washington, D.C.

Altogether these properties would increase the corporate area by over 677 acres. This figure does not include land in road right-of-ways, land encompassing the US 301 and MD 291 interchange that would have to be included in an annexation in order to reach parcels located west of US 301 and land under the Chester River that may be included in an annexation.

### **Existing Land Use**

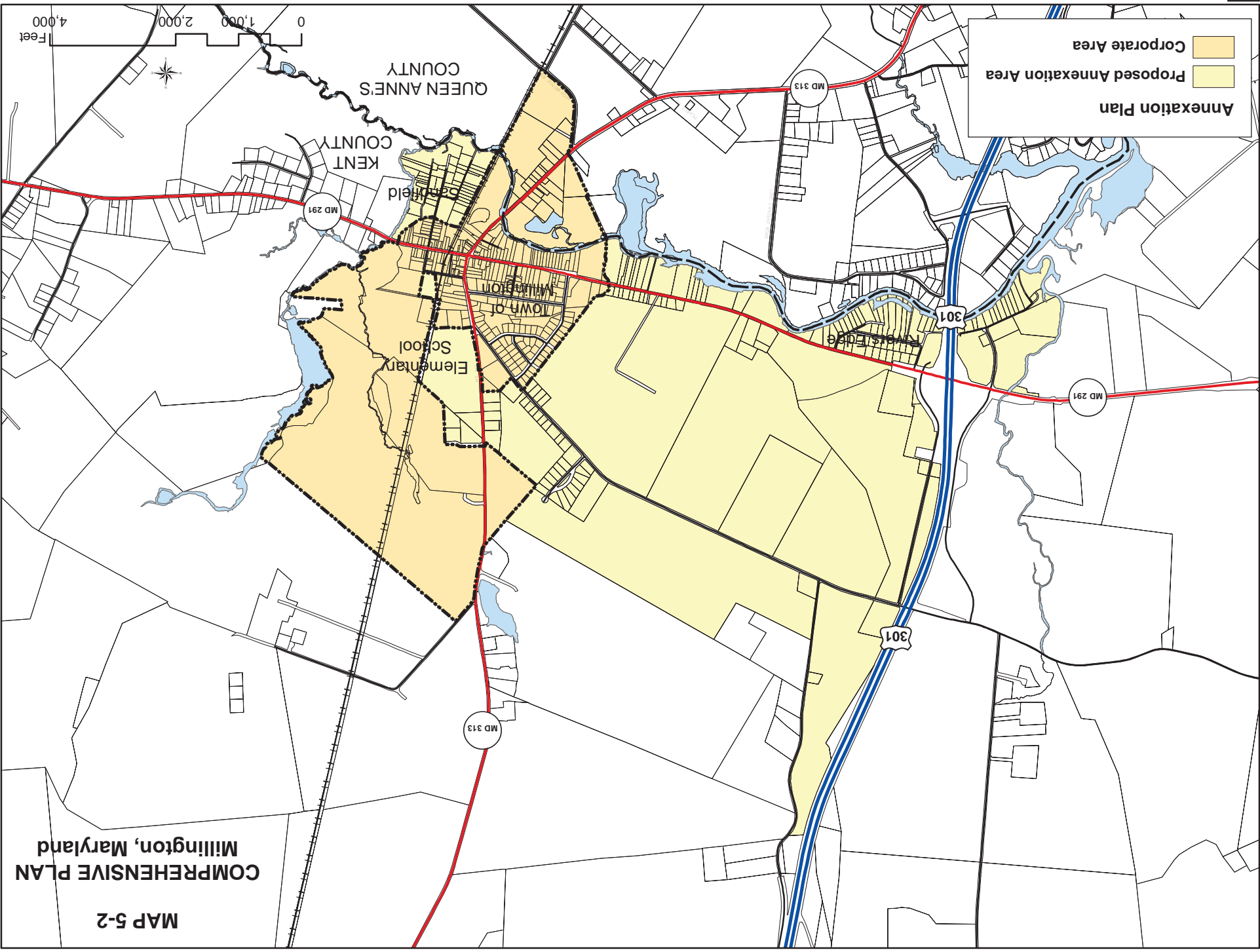
As can be seen from Table 5-6 the predominantly land use in the annexation area is agriculture (see Map 5-3). Some important distinctions need to be made for purposes of estimating the impacts of development should the town annex all land in the annexation area. Some of the residential and commercial uses are already being served with water and sewer from the town under an agreement with the county. These areas include River's Edge subdivision, scattered residential and commercial units located along MD 291 and south of West Edge Road. Sandfield, a residential enclave adjacent to the town, and the Millington Elementary School also are served.

**Table 5-6: Existing Land Use, Annexation Area 2010**

<b>Land Use</b>	<b>Acres</b>	<b>Percent</b>
Improved Residential	87	10.09%
Vacant Residential	47	5.45%
Improved Commercial	26	3.02%
Vacant Commercial	166	19.26%
Agriculture	512	59.40%
Exempt	24	2.78%
<b>Total</b>	<b>862</b>	<b>100.00%</b>

Source: Peter Johnston & Associates, LLC

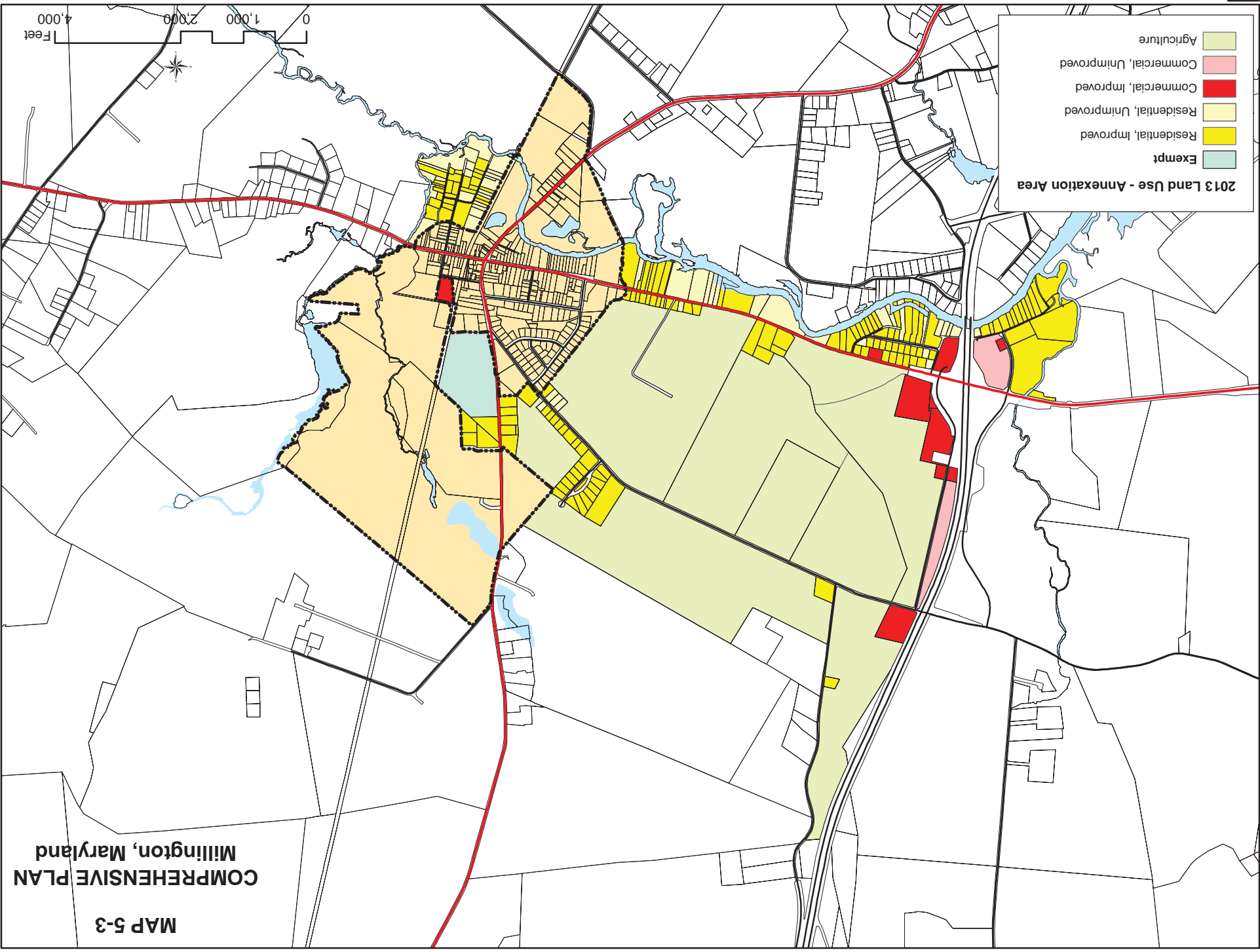
**MAP 5-2**  
**COMPREHENSIVE PLAN**  
**Millington, Maryland**



**Annexation Plan**

- Corporate Area
- Proposed Annexation Area

**MAP 5-3**  
**COMPREHENSIVE PLAN**  
**Millington, Maryland**



**2013 Land Use - Annexation Area**

	Agriculture
	Residential, Improved
	Residential, Unimproved
	Commercial, Improved
	Commercial, Unimproved
	Exempt



**Development Capacity**

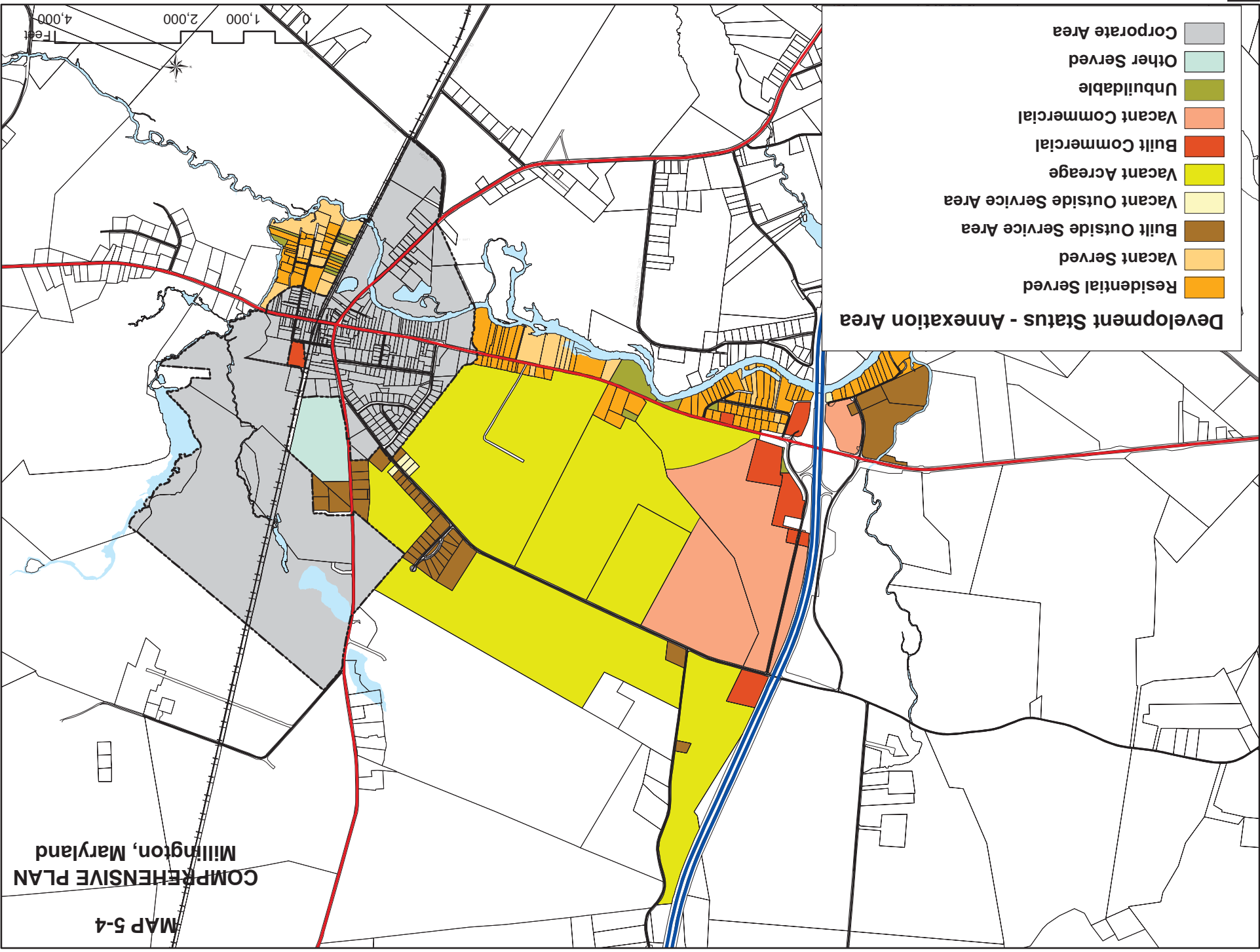
Table 5-7 summarizes the estimated development capacity of the annexation area. The table breaks down residential into several distinct categories for purposes of calculating impacts. The category, “residential served” includes developed residential properties currently being served with town water and sewer. “Built outside of service area” are residential units that, although are not served with public water and sewer, are already accounted for in the existing capacity of county facilities and services. “Unbuildable” includes lots that are too small to be developed or have severe environmental limitations that would preclude construction of a residential unit (see Map 5-4).

It is noted that adding sewer treatment capacity to support growth in the annexation area may well require land for spray irrigation or rapid infiltration fields. If these alternative treatment facilities are located inside the annexation area the amount of land available for development could be substantially reduced. If agriculture land in the annexation area is not needed for land application of sewer effluent, the potential yield from this category is estimated based on 3.5 dwelling units per net acre. A quarter of the land area was subtracted for road right-of-ways, stormwater management, open space and other development requirements. For purposes of this analysis it was assumed that sewer treatment would not reduce the land available for development.

**Table 5-7: Development Capacity, Annexation Area Land Use**

<b>Land Use</b>	<b>Acres</b>	<b>Dwelling Units</b>
Agriculture	512	1,792
Residential		
- Improved	87	95
- Vacant	47	29
Subtotal	134	124
Non Residential	Acres	Floor Area (sq. ft.)
- Developed Commercial	26	63,657
- Vacant Commercial	166	721,113
Exempt	25	NA
Sub-total	216	NA
Total	862	784,770

Source: Peter Johnston & Associates, LLC



Development Status - Annexation Area

- Residential Served
- Vacant Served
- Built Outside Service Area
- Vacant Outside Service Area
- Vacant Acreage
- Built Commercial
- Vacant Commercial
- Unbuildable
- Other Served
- Corporate Area

4,000 Feet

1,000 2,000

### **Annexation Priorities**

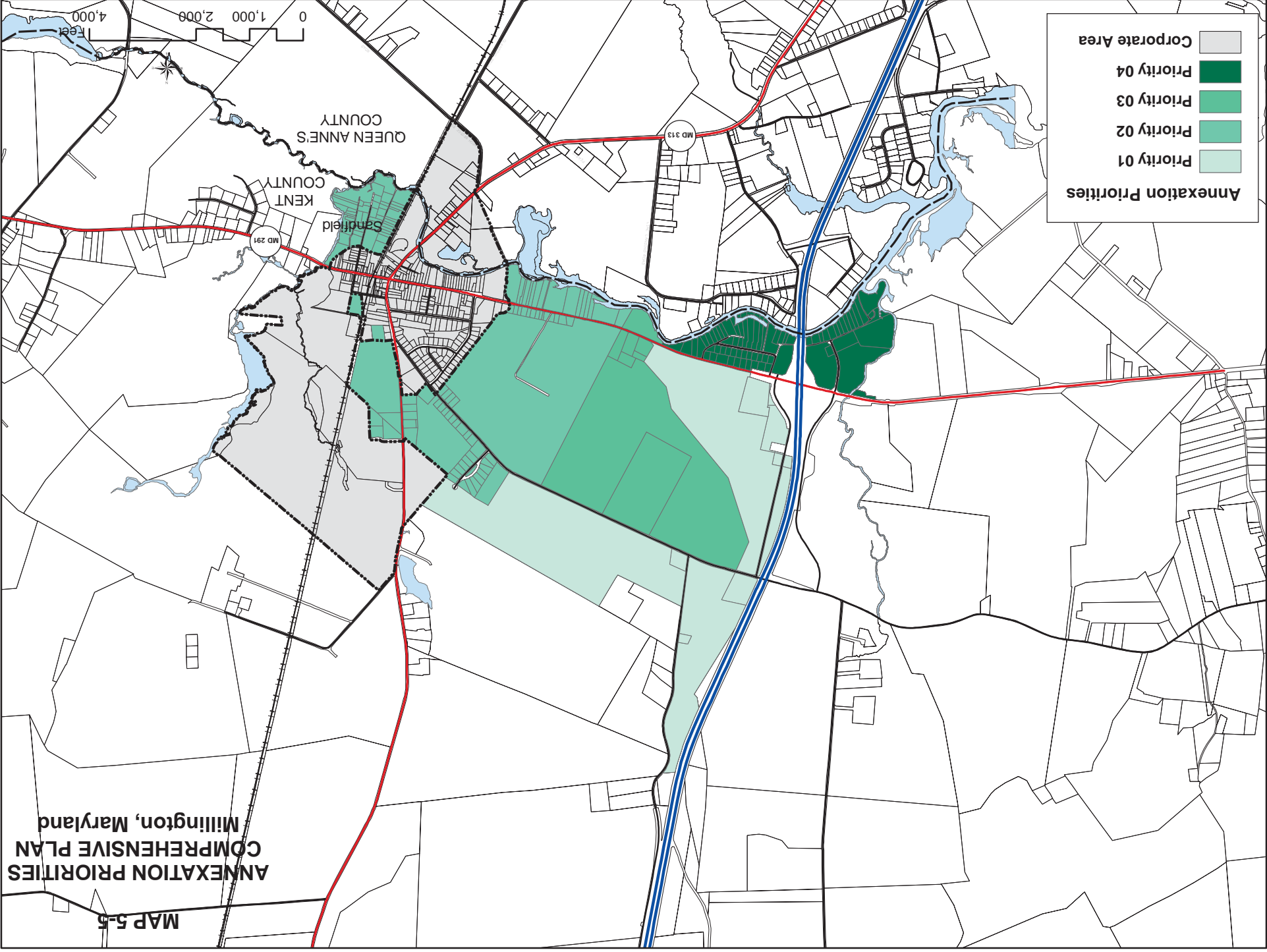
Town officials do not expect to add the entire planned annexation area at one time. A more likely scenario is that targeted properties will be annexed when conditions indicate it would be advantageous for the respective parties to enter into an annexation agreement and complete the annexation process. Staged annexations also are consistent with the Town's ability to plan for and execute capacity increases in critical public facilities and services.

Map 5-5 depicts current annexation priorities. Priority area 01 is targeted for annexation within the next ten years and includes property which is the subject of current negotiations between Town officials and the property owner. It also includes properties located adjacent to the US 301 corridor that are planned for mixed commercial and industrial development. The ordering of subsequent priorities is subject to revision and is dependent on changing market conditions and achievable upper water and sewer capacity limits.

### **Impacts**

Estimates of the potential impacts of the build out of the annexation area (see Table 5-8) takes into account the following:

- Developed properties in the existing county service area and in Sandfield already receive county services and utilize county facilities, including schools. For purposes of estimating impacts, population and dwelling units in these categories were used to calculate municipal administration services only.
- Population estimates were based on an average household size of 2.71 persons per dwelling unit.
- Approximately 123 acres of agriculture land are zoned for commercial use under the county zoning scheme. It was assumed that the town would continue this planned land use.
- There are 25 active sewer and water accounts in Sandfield. There are also 16 vacant lots that have water and sewer allocations.
- Estimated build out of vacant commercial property was based on a floor area ratio (FAR) of 0.10, which is the approximate FAR for the Food Lion site. Water usage and sewer generation was based on a factor of 0.05 gpd per square foot. The Howard Johnson site currently has a FAR of 0.02 and is underutilized. It was assumed that with public water and sewer service this property could be redeveloped to a FAR of 0.10.



**Annexation Priorities**

- Priority 01
- Priority 02
- Priority 03
- Priority 04
- Corporate Area

**Table 5-8: Impacts of Build Out of Annexation Area on Selected Public Facilities and Services**

<b>Growth Factors</b>		<b>Units</b>
New Dwelling Units	1,434	
Added Population	3,887	
Additional Water and Sewer Demand (GPD)	470,697	Gallons Per Day
- Percent of remaining sewer capacity	567%	
- Percent of remaining water capacity	628%	
SCHOOL (new students)		
- High School	221	Students
- Middle School	153	Students
- Elementary School	308	Students
SCHOOL (additional teachers)		
- High School	17	Teachers
- Middle School	12	Teachers
- Elementary School	24	Teachers
LIBRARY (GFA)	389	Gross Floor Area
POLICE (personnel)	10	Officers
RECREATION LAND (acres)	117	Acres
FIRE & RESCUE		
- Personnel	6	Firemen/EMTs
- Facilities (GFA)	3,110	Gross Floor Area
TOWN ADMINISTRATION		
- Personnel	18	Staff
- Facilities (GFA)	13,606	Gross Floor Area

Source: Peter Johnston & Associates, LLC]

Millington's Annexation Area has the potential for approximately 1,434 dwelling units. The estimated population associated with these units is about 3,887 the majority of which would place additional demand on county facilities and services.

Without considering potential population and household growth elsewhere in the county that would necessitate increased capacity in county facilities and services, this level of growth has substantial implication for provision of public services and facilities affecting both the county and town. These impacts are discussed below.

**Public Schools:** Student growth as a result of the build out of the annexation area will likely exceed the current capacity of the schools and require significant investment in facilities and staffing.

**Library:** Library impacts associated with build out of the annexation can be accommodated within the capacity of the existing county library system.

**Recreation Land:** Based on the State's ratio of 30 acres per every 1,000 people approximately 117 acres of additional recreation land will be needed. Along with the town, Kent County and the State share

responsibility for insuring adequate recreation land and facilities. For its part, the town requires open space set asides for all major residential developments.

**Public Safety:** Ten police officers and six EMS staff will be required with build out of the annexation area under assumed service levels. It may well be that the town will have to add a municipal police force once its population warrants and these added expenses will be wholly or partially borne by town residents.

**Municipal Buildings and Staff:** Assuming current service levels are maintained, with full development of the annexation area, 18 additional staff and over 13,600 square feet of administrative office and meeting space will be required to maintain current service levels. These impacts do not take into account the potential need for a municipal police department and assumes the town will continue to contract with Maryland Environmental Services to operate municipal water and sewer facilities.

**Water and Sewer:** Water and sewer demand associated with the build out of the annexation will exceed the current capacity of the town's facilities and will require substantial investments in the water and wastewater treatment systems (see Table 5-9). Water system upgrades may include new wells, storage tanks, and distribution facilities. Sewer treatment plant upgrades may include a development of additional treatment capacity that includes spray irrigation or rapid infiltration as part of the treatment systems.

**Table 5 -9 Estimated Sewer and Water Capacity Demand by Annexation Priority**

Annexation	Estimated Sewer and Water Demand	% Existing Capacity	
		Sewer	Water
Priority 01	195,351	235%	260%
Priority 02	137,032	165%	183%
Priority 03	130,078	157%	173%
Priority 04	8,237	10%	11%
Total	470,697	567%	628%

Source: Peter Johnston & Associates, LLC

### Annexation Policies

Town officials are aware that annexations include the potential for adverse fiscal impacts if not carefully consider. Specific conditions of annexation will be made legally binding in an executed annexation agreement. Such agreements will address, among other things, consistency with the goals, objectives and recommendations contained in the *Millington Comprehensive Plan*, zoning and development expectations, responsibility for appropriate studies, and preliminary agreements concerning responsibilities for the cost of facilities and services provided by the town. These preliminary agreements may be further revised in a Developers Rights and Responsibility Agreement (DRRA). Contractual agreements will address following annexation policies:

1. Proposed annexation areas will be economically self-sufficient and will not result in larger municipal

and county expenditures than anticipated revenues, which would indirectly burden existing town or county residents with the costs of services or facilities to support the area annexed. Impact fees or other offsets may be required.

2. The costs of providing roads, utilities, parks, other community services will be borne by those people gaining the most value from such facilities through income, profits, or participation.
3. For annexations involving larger parcels of land, the Town Commissioners and/or Planning Commission may require appropriate impact studies, including a fiscal impact study and an environmental impact assessment that addresses the potential impact of the proposed annexation and planned development on the environment of the site and surrounding area.
4. If necessary, applicants for annexation shall pay the cost of completing all studies related to expanding capacity in existing public facilities and/or services

Prior to annexing any land area not included in the Annexation Plan, the town will first consider appropriate amendments to this comprehensive plan and will follow the procedural requirements for comprehensive plan amendments and annexation established in State law. This will ensure that the proposed annexation is consistent with the goals and objectives of this comprehensive plan, that appropriate consideration has been given to the adequacy of public facilities and services, and that county and state agencies are afforded an opportunity to comment on the proceedings.

### **Inter-jurisdictional Coordination**

#### **Policy Implications**

Among other considerations, the scope of the town's annexation plan underscores the need for effective inter-jurisdictional coordination between the town and Kent and Queen Anne's Counties and the State of Maryland. Millington's annexation plan has policy implications for state and county planning policies, including county land use and growth management plans, Priority Funding Areas (PFAs) designations, Tier mapping, and master water and sewer facilities plan.

#### **Priority Fund Areas (PFAs)**

The intent of the State's "Smart Growth" legislation, as well as other recent changes to Maryland laws affecting PFAs, is to marshal the State's financial resources to support growth in existing communities and limit development in agricultural and other resource conservation areas. The designation of new PFAs in the State of Maryland must meet minimum density, water and sewer service and other criteria outlined in the law.

Millington's annexation plan sets up potential conflicts with current state policies concerning PFA "certification". According to the Maryland Department Planning (MDP) county properties annexed into the town that currently have PFA status do not retain such status, and do not automatically become PFAs if annexed. As of October 1, 2006, when lands are annexed, the municipality may locally designate

a PFA and then submit this locally-designated PFA to the Maryland Department of Planning for review. Under the PFA law, a municipality may locally-designate PFAs, if the area; including any former County PFAs, continues to meet the minimum requirements for PFAs and the analysis of the capacity of land area available for development and infill at densities consistent with comprehensive plan.<sup>18</sup> At such time as the town's annexation plan is implemented Millington officials expect PFA designations as shown on Map 5-5.

#### TIER Map

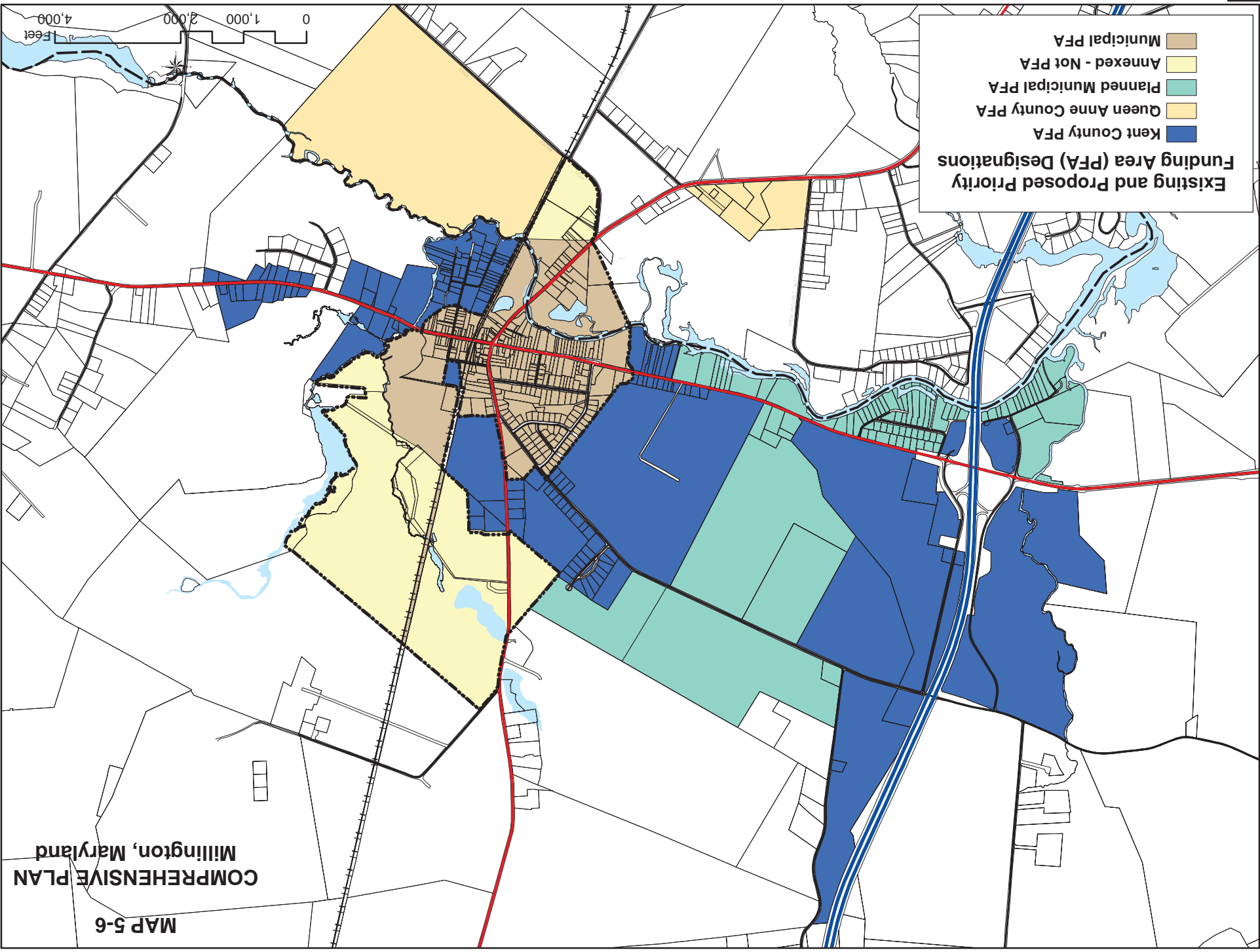
Millington's annexation plan modifies the town's policies concerning the tier designations under the Sustainable Growth & Agricultural Preservation Act of 2012. Map 5-6 depicts what the town believes are the appropriate tier classifications for the corporate area and the planned annexation area. Areas shown as Tier 1 in the county are currently served by public water and sewer and thereby meet the definition of a Tier 1 area. Tier 2 areas include land within the town and the town's annexation area planned for public water and sewer service.

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<sup>18</sup> Information and procedures for revising and updating PFA's can be found at:  
[http://planning.maryland.gov/PDF/OurProducts/Publications/OtherPublications/PFA\\_Update\\_Revised\\_09.pdf](http://planning.maryland.gov/PDF/OurProducts/Publications/OtherPublications/PFA_Update_Revised_09.pdf)

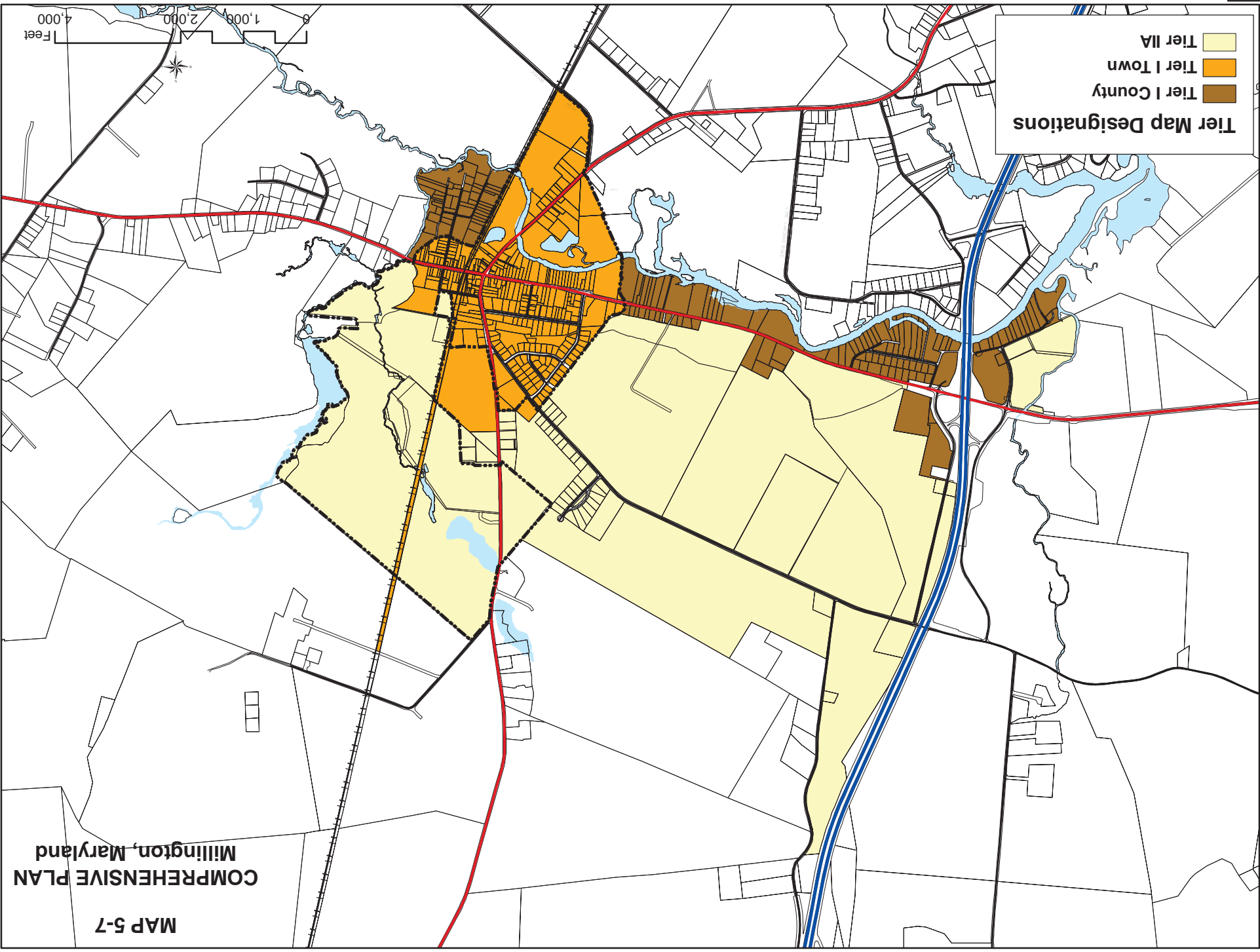


**MAP 5-6**  
**COMPREHENSIVE PLAN**  
**Millington, Maryland**



- Existing and Proposed Priority Funding Area (PFA) Designations**
- Kent County PFA
  - Queen Anne County PFA
  - Planned Municipal PFA
  - Annexed - Not PFA
  - Municipal PFA

**MAP 5-7**  
**COMPREHENSIVE PLAN**  
**Millington, Maryland**



**Tier Map Designations**

- Tier IIA
- Tier I Town
- Tier I County

0 1,000 2,000 4,000  
Feet



### Service Areas - Master Water and Sewer Plan

Insuring that the county's Comprehensive Water and Sewer Plan accurately documents the town's priorities for expansion of water and sewer service is an important inter-jurisdictional issue. Water and sewer service areas as shown in the Kent County Comprehensive Water and Sewer Plan represent programmed priorities for service expansion. Proposed improvements must appear in the appropriate service area category in this plan before MDE will consider issuing a construction permit. Table 5-10 summarizes the delineation criteria required by state law<sup>19</sup>. Proposed Water and Sewer Service Areas are proposed categories and not approved categories. Further, sewer and water improvements are not yet programmed in the Kent or Queen Anne's County's master water and sewer Plans.

Kent County Comprehensive Water and Sewer Plan, updated in 2012, should be amended to incorporate the town's priorities for water and sewer service expansion consistent with COMAR. The town's priorities for water and sewer expansion are shown in Map 5-7.

**Table 5-10: Service Area Categories Water and Sewer Plan**

<b>Delineation</b>	<b>Description</b>
W-1 and S-1	Areas served by community and multi-use water and sewerage systems that are either existing or are under construction
W-2 and S-2	Areas to be served by extensions of existing community and multi-use water supply and sewerage systems that are in the final planning stages
W-3 and S-3	Areas where improvements to, or construction of, new community and multi-use water supply and sewerage systems will be given immediate priority
W-4 and S-4	Areas where improvements to, or construction of, new community and multi-use water supply and sewerage systems will be programmed for the 3 to 5/6 year period
W-5 and S-5	Areas where improvements to, or construction of, new community and multi-use water supply and sewerage systems, are programmed for inclusion within the 6/7 through 10-year period
W-6 and S-6	Areas where there is no planned service

Source: COMAR 26.03.01.04

### Coordination

It is apparent from the preceding discussions of potential growth-related impacts associated with Millington's annexation plan that there is a critical need for the town and counties to coordinate their respective policies. Future growth will depend on sound strategies to address increased demand for public facilities and services and related fiscal implications. The 2014 *Millington Comprehensive Plan* underscores the need for effective coordination with Kent and Queen Anne's Counties and the State of Maryland. From Millington's perspective, substantive policy issues to be resolved include:

- Recognition of the town's annexation plans in the Kent County Comprehensive Plan;

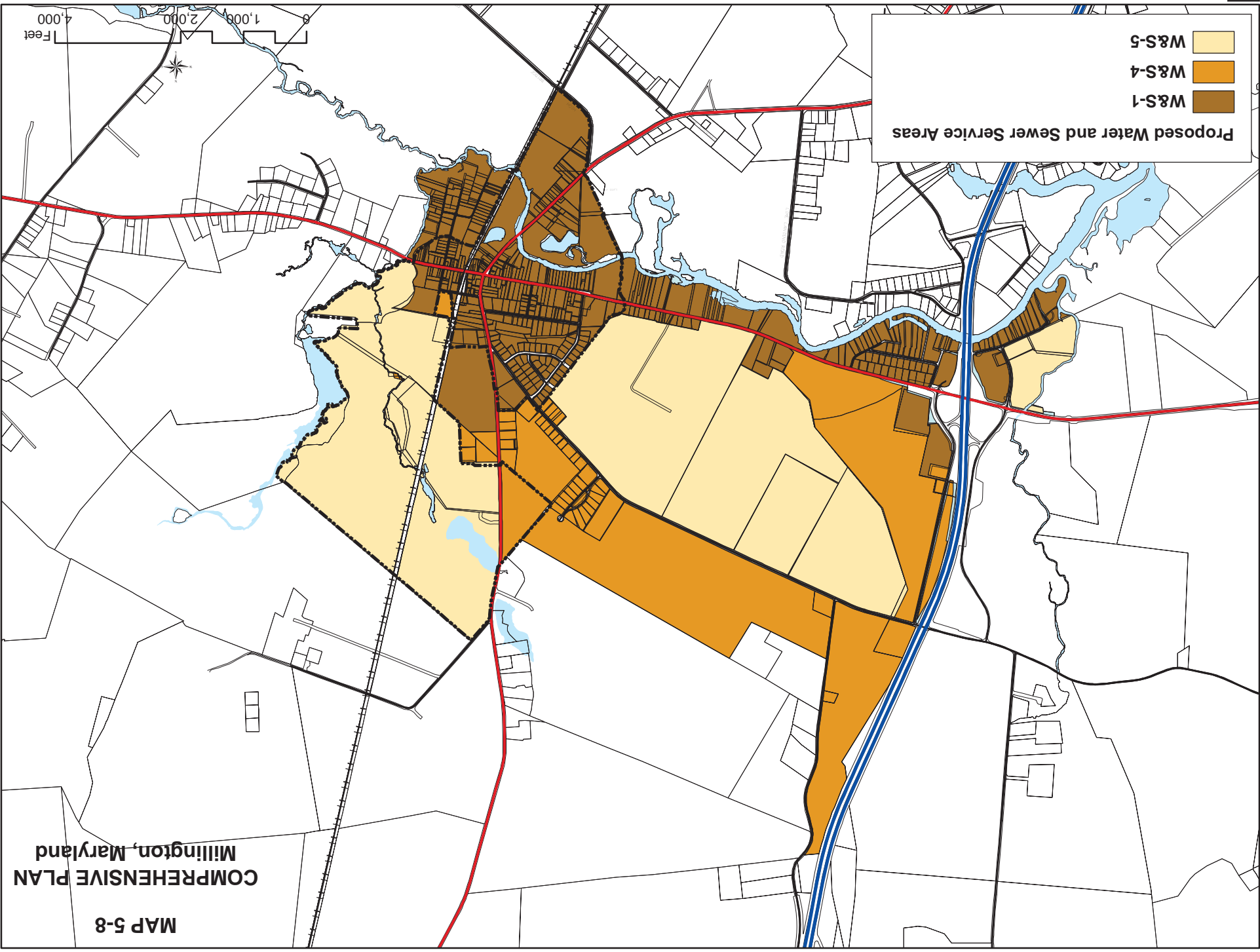
<sup>19</sup> COMAR 26.03.01.04

- Appropriate and supportive Priority Funding Areas (PFAs) designation;
- Coordinated Tier maps required by the Sustainable Growth & Agricultural Preservation Act of 2012; and
- Inclusion of the town's planned water and sewer service areas in the county Comprehensive Water and Sewer Plan.

The planning requirements from Maryland House Bill 1141 direct the town and county Planning Commissions to meet and discuss the town's municipal growth element as well the comprehensive plan prior to adoption. At a minimum, an agenda for such a joint county/town meeting should include how best to achieve coordinated policies concerning land use and growth management, PFA and Tier designations and water and sewer planning for areas included in the town's annexation plan.

Because water quality and quantity issues cannot be addressed by the town alone, coordination with county and state programs is important. Going forward, effective management of non-point source pollution must be based on watershed-wide land use strategies and coordinated administration and enforcement of sediment and erosion control and stormwater management regulations. Inter-jurisdictional coordination should include cooperative watershed planning initiatives including discussions of failing septic system areas in the county that can be addressed through annexation and connection to the town's water and sewer systems.

**MAP 5-8**  
**COMPREHENSIVE PLAN**  
**Millington, Maryland**



**Proposed Water and Sewer Service Areas**

- W&S-5
- W&S-4
- W&S-1



## Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Bill Mackey, AICP, Director DPHZ

Meeting: May 26, 2021: Economy Chapter of the 2018 Comp Plan

Subject: P5: Request to add specific uses to Industrial zoning district

### STAFF REPORT

#### **Background**

On September 24, 2020, MacLeod Law Group, LLC, representing Maryland Structural Fabricators, Inc., submitted a letter (attached) requesting changes to the Land Use Ordinance in the Industrial (I) zoning district. The represented entity owns property in the US 301 Corridor, located southeast of the US 301 interchange with MD 313 and Galena Massey Road. The property is zoned Industrial by Kent County.

#### **Request**

The request seeks to expand the permitted uses in one zoning district by including as a principal permitted use in the Industrial (I) Zoning District: *Truck stops, truck parking lots, gas sales, convenience stores and restaurants with or without drive-through*. *N.B.* The uses will be evaluated separately and not as one use.

#### **Review**

The 2018 Comprehensive Plan states that the County will support flexibility in the industrial zoning district, especially for those industrial zoning districts located in the Worton area and the US 301 corridor.

*Strategy: Expand regulatory flexibility for the creation of and location of employment centers and industrial uses.* Through its economic development planning and land use implementation measures, the County will support flexibility in and an expanded area of employment center and industrial zoning in general to support commercial and mixed-use development. These efforts will especially focus on the Worton area, and the US 301 corridor with a priority that the area between the Town of Millington and the lands surrounding the Route 291-Route 301 intersection be guided by the desired expansion of services and land use identified by Millington's municipal growth element (p. 12 and repeated on p. 129 under *Highest Priorities* section).

The types of flexibility needed in the Worton area and the US 301 corridor would necessarily be different.

Regarding this request, the use *truck stops* is already permitted by special exception in the Commercial and Commercial Critical Area districts. The use *truck parking lots* is permitted by special exception in Crossroads Commercial and Commercial districts. The related and more intensive use *truck terminals* is

permitted by special exception in the Commercial district; this use is not being requested for inclusion in the Industrial district. For a major transportation corridor such as US 301, these uses would be expected. With the exception of a very small area on the southern border of the County, the zoning districts that allow for truck stops, truck parking lots, and even truck terminals are not located near or serve US 301.

The use *automobile service stations* is permitted by right in the Crossroads Commercial district and in the Intense Village district (but not including repair); the *automobile service stations* use without repair is also permitted by special exception in the Village zone. Such uses are also lacking within the US 301 corridor.

Convenience stores are considered retail sales and are permitted in some form in most commercial zoning districts (Intense Village, Crossroads Commercial, Commercial, and Commercial Critical Area). The use *restaurants without drive-through* is permitted in some form in all commercial zoning districts (Village, Intense Village, Crossroads Commercial, Commercial, Commercial Critical Area, Marine, Employment Center, Industrial, and Industrial Critical Area). In fact, restaurants are already allowed as an accessory use in all Industrial zoning districts to provide for cafeterias in industrial buildings. There is no zoning district where a restaurant with a drive-through is allowed. Such a use would be completely new for Kent County.

Providing for truck stops, truck parking, gas sales, convenience retail, and restaurants within the US 301 corridor would provide services for the motoring public and would meet the goal to support flexibility in the industrial zoning district, especially for those districts located in the US 301 corridor. The US 301 corridor is one of the major foci for economic growth in the 2018 Comprehensive Plan, and services to support economic growth in the area are needed, if the area is to become attractive for economic growth.

### **Recommendation**

Staff recommends that the Task Force consider a recommendation to include truck stops; truck parking lots; automobile service stations, but not including repair; retail; and restaurants without drive-throughs as uses that are permitted by special exception in Industrial districts located near or adjacent to US 301, in order to allow for these support services in the US 301 redevelopment corridor. This allows for those uses that are already allowed in other zoning districts to be available to service the US 301 corridor, while not adding the new use of drive-through restaurants that are not permitted anywhere in the County.

### **Suggested Motion (optional)**

I move to recommend to the County Commissioners that they consider including truck stops; truck parking lots; automobile service stations, but not including repair; retail; and restaurants without drive-throughs as uses that are permitted by special exception in Industrial districts located near or adjacent to US 301.

### **Attachments**

- Letter, dated September 24, 2021
- Zoning form with request submitted online

c: file



**MACLEOD**  
LAW GROUP LLC

Kyle K. Kirby, Esquire  
kkirby@mlg-lawyers.com

September 24, 2020

County Commissioners for Kent County  
c/o William A. Mackey, AICP  
Director of Planning, Housing and Zoning  
400 High Street  
Chestertown, MD 21620

Re: Proposed Text Amendment

Dear Commissioners:

Please be advised our firm represents Maryland Structural Fabricators, Inc, the owner of Tax Map 16, Parcels 28 and 68 in Massey, along U.S. Route 301. As you know, Kent County is undergoing a comprehensive rezoning and our client is participating in the County rezoning process. Pursuant to the County's request for suggested zoning text amendments, our client proposes that the following be included as a principal permitted use in the Industrial (I) Zoning District:

“Truck stops, truck parking lots, gas sales, convenience stores and restaurants with or without drive-through”


The Industrial Zoning District is designed to provide for a range of industrial uses, light manufacturing and support businesses, including manufacturing, processing, storage, packaging, and most importantly, the distribution and transportation associated with the industrial uses. The proposed text amendment allowing for truck stops and ancillary uses related to truck stops is consistent with the intent of the Industrial Zoning District which requires substantial trucking and transportation related to the industrial uses within the district. We feel strongly that expanding the permitted uses in the Industrial Zoning District to include truck stops and ancillary uses related to truck stops would be appropriate and in the best interests of those industrial districts and properties, particularly those located along the U.S. Route 301 highway.

We appreciate your anticipated consideration of this proposal. Should you need additional information or have any questions, please do not hesitate to contact us. Thank you for your anticipated consideration of this matter.

DEPARTMENT OF  
PLANNING, HOUSING & ZONING  
RECEIVED 09/28/20



Very truly yours,



Kyle K. Kirby

Respondent



P5

Renumbered to coordinate with request

01:16  
Time to complete



1. Name: \*

Kyle K. Kirby, Esq. representing Maryland Structural Fabricators, Inc.

2. Mailing Address: \*

120 Speer Road, Suite 1, Chestertown, MD 21620

3. What would you like to do: \*

- Propose a text change to the Land Use Ordinance. Requests must be submitted by October 31 2020. Deadline has been extended from September 30, 2020.
- Request a rezoning of your property. Requests must be submitted by December 31, 2020.

4. Please tell us what text changes you would like to see. For example, do you want to see different uses permitted in certain districts? Do you want to see changes to lot sizes or set backs?

Here's a link to the current Land Use Ordinance:

<https://www.kentcounty.com/planning/land-use-contents>

(<https://www.kentcounty.com/planning/land-use-contents>)

"Dear Commissioners:

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We appreciate your anticipated consideration of this proposal. Should you need additional information or have any questions, please do not hesitate to contact us. Thank you for your anticipated consideration of this matter.

Very truly yours,

Kyle K. Kirby

"



## Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Carla Gerber, AICP, Deputy Director

Meeting: May 26, 2021: Economy Chapter of the 2018 Comprehensive Plan

Subject: TF13: Streamlining the Cottage Industry process

### STAFF REPORT

#### **Background**

The Land Use Ordinance accommodates a range of business and commercial activities: home occupations, cottage industries, offices, retail businesses, industrial manufacturing and processing, etc. Each one can have a different effect on surrounding properties. Home occupations and cottage industries are meant to allow business uses that are smaller, with less impact, that can be run out of a home.

Home occupations are a permitted accessory use in the “residential” zoning districts. A home occupation is a business that is intended to be run by the person or persons living in the house. They may have one, non-resident employee, and the average neighbor shouldn’t be aware of it. Home occupations only require a use permit.

#### *Home occupations in main or accessory buildings*

Intent - The conduct of business in residential units may be permitted under the provisions of this section. It is the intent of this section to:

- a. Ensure the compatibility of *home occupations* with other uses in residential areas.
- b. Maintain and preserve the character of residential neighborhoods by regulating the operation of *home occupations* so that the average neighbor is unaware of their existence.
- c. Guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire, hazard, and other possible effects of commercial uses being conducted in residential areas.
- d. Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.

#### Conditions -

- a. A *home occupation* shall be incidental to the use of a *dwelling unit* for residential purposes and shall be conducted only by members of the *family* residing in the *dwelling unit* plus one non-resident assistant or employee.
- b. Outdoor storage of materials or products is prohibited.

- c. The *home occupation* shall not cause any external effect such as noise, excessive lighting, or offensive odor that is incompatible with the characteristics of the residential area. The illegal discharge of any materials, fluids, or gases into the sewer system or in any other manner of discharging such items in violation of any applicable government code is prohibited.
- d. Traffic generated by the *home occupation* shall not exceed that normally expected in a residential neighborhood.
- e. Parking for the *home occupation* shall be provided off-street and in the *side* or *rear yard*.
- f. A *home occupation* shall limit any external evidence of an occupation to one identification *sign* not to exceed two square feet.

Cottage industries, tradesmen and artisan shops are the next level and are intended to accommodate home-based businesses that are more intense than a home occupation. Cottage industries may have up to 9 employees and may have a larger “footprint” on the property. Because they may have a greater effect on the surrounding area, they are regulated as a special exception.

The purpose of special exceptions is to provide for certain uses, which because of their unique characteristics cannot be distinctly listed as a permitted use in a particular District. They may be approved by the Board of Zoning Appeals, or where applicable the Planning Director, after consideration in each case of the impact of such uses upon neighboring uses, the surrounding area and the public need for the particular use at the particular location. Limitations and standards are established to insure the use’s consistency with the character, uses and activities in the District.

Cottage Industry - Family type businesses which employ less than ten people and who manufacture and/or provide services with low-impact to the surrounding area and residents (e.g. low traffic volume, no heavy, noisy or environmentally disruptive machinery to perform tasks, little or no outdoor storage). Often home-based industries utilize telecommunications networks. *Cottage industries* include, but are not limited to plumbers, electricians, carpenters, and other tradesmen.

These are the specific standards for *Cottage industries*, tradesmen and artisan shops in AZD, RC, RR, CAR, CR, IV, IVCA, CC, C, CCA:

- a. Except on *farms*, the *cottage industry* shall be secondary to the use of the property for dwelling purposes and shall be less than 60% of the living area, 1,200 square feet, or in an existing *accessory structure*, whichever is greater. The square footage limitation includes outdoor storage areas but not required parking.
- b. On *farms*, the *cottage industry* shall be secondary to the *farm*. The *cottage industry* is limited to 4,000 square feet in size or an existing *building*, whichever is greater. The square footage limitation includes outdoor assembly and storage areas but not required parking.
- c. The use is secondary in size and scope to the residential or agricultural use of the property.
- d. The *buildings* associated with the use are not visually intrusive or inappropriate to their setting. New *buildings* and expansions shall be designed in keeping with or to enhance the character of the other *buildings*.

- e. The *cottage industry* does not create an unacceptable environmental impact by way of noise, odor, noxious materials, or other nuisances.
- f. The *cottage industry* does not generate traffic of a type or amount inappropriate for all access *roads* and the surrounding area. It does not require road improvements detrimental to the character of the area.
- g. The following uses shall not be allowed:
  - i. Any activity that may reasonably be expected to result in excessive noise, smoke, dust, odors, heat, or glare beyond that which is common to the zoning district. The proposed use shall conform to the maximum permissible sound levels under Article V, Section 14.6.1 of this Ordinance.
  - ii. Use or manufacture of products or operations that are dangerous in terms of risk of fire, explosion, or hazardous emissions;
  - iii. Any other use deemed incompatible with a residential or agricultural area.

The cottage industry special exception requires review and approval from the Board of Appeals, after receiving a recommendation from the Planning Commission. Special exceptions also require major site plan review by the Planning Commission. Major site plan review has three stages: concept, preliminary, and final, which may be combined at the discretion of the Planning Director. Often special exception applications require at least three meetings:

- Planning Commission for concept site plan review and recommendation on the special exception. Meets the first Thursday of the month, and applications are due at least 20 days prior to the meeting.
- Board of Appeals for review of the special exception. Meets third Monday of the month.
- Planning Commission for preliminary/final site plan review. Often occurs the second month following approval by the Board of Appeals.
- In some cases, preliminary and final site plan are conducted at separate meetings.

For example, if an application is submitted on January 1<sup>st</sup>, it would be reviewed by the Planning Commission on the first Thursday in February, the Board of Appeals on the third Monday in February, and likely the Planning Commission again in April, assuming the applicant is able to finalize the plans that quickly.

### **Request**

The request by a member of the Task Force is to streamline the cottage industry review process.

### **Review**

The 2018 Comprehensive Plan has a goal to “expand and provide more diversity in the size, number, and type of businesses” (page 10) with a strategy to “encourage the development of cottage and home-based business” (page 11).

Cottage and home-based businesses provide opportunities for telecommuting, entrepreneurship, and reuse of older buildings.

The Planning Commission will evaluate current regulations that pertain to cottage and home-based businesses and recommend revisions to these regulations to encourage the creation of these low impact businesses. Likewise, the Planning Department will assist cottage and home-based businesses through the permitting process. The County's Economic Development Office will assist such businesses through the transition from home-based business into the larger business community. (page 11)

The current process takes several months and involves at least three meetings. The process can seem intimidating and hinder the ability of someone to get a new business up and running. However, the effects of a cottage industry can vary by location, and requiring review as a special exception is appropriate to protect adjacent property owners.

One way to streamline the process is to allow cottage industries to be reviewed administratively by the Planning Director. A public hearing is still required, but administrative hearings are scheduled on demand and generally the process takes less time. Minor site plan review could also occur simultaneously.

### **Recommendation**

Staff recommends that the Task Force consider letting cottage industries be a special exception that may be heard and decided by the Planning Director or their designee. In addition, staff recommends that the Task Force consider letting cottage industries be reviewed as minor site plans.

### **Suggested Motion (optional)**

I move to recommend to the County Commissioners allowing cottages industries to be heard and decided by the Planning Director and to only require minor site plan review, unless at the Planning Director's discretion, the site plan is submitted to the Planning Commission.

c: file



## Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Carla Gerber, AICP, Deputy Director

Meeting: May 26, 2021: Economy Chapter of the 2018 Comprehensive Plan

Subject: TF18 – Review timelines. Currently, projects scheduled before the Planning Commission and Board of Appeals must be submitted 20 days before meetings. For projects that require concept, preliminary, and final review, this allows only a week for applicants to address comments and resubmit for the following meeting.

S4 – Consider standardizing 10-day, 15-day, and 20-day notices to one standard.

### STAFF REPORT

#### **Background**

There are four types of projects that have processes and timelines outlined in the Land Use Ordinance: Subdivisions/Lot Line Adjustments, Site Plans, Special Exceptions, and Variances/Waivers.

Each one has slightly different requirements, as outlined in the attached document. Additional material can be found in the Land Use Ordinance:

Article VI, Section 5 – Site Plan Review  
Article VI, Section 6 – Subdivision Review  
Article IX – Variances and Waivers

The review of Special Exceptions follows the requirement for major site plan review.

#### **Request**

The request by a member of the Task Force is to streamline review timelines, and staff would like more consistency between the different types of projects.

#### **Review**

The concern from the Task Force member is the 20-day submission deadline before each level of review. Some projects have multiple steps requiring review at multiple meetings, and adherence to the 20-day submission requirements leaves only a short period to resubmit applications between meetings.



Technically, the Land Use Ordinance only requires submissions 20-days prior to the first Planning Commission meeting for concept review of major subdivisions or major site plans. Preliminary and final reviews do not require the same 20-day submission. However, over time the policy has become that all applications be submitted at least 20 days prior to the meeting. Letters to adjacent property owners are also only required prior to the first meeting, unless it's been more than 6 months between hearings. Again, policy has become that letters are sent prior to each meeting.

Staff does need a certain amount of time to review applications, but the greatest amount of time should be prior to the first meeting. Each subsequent review should take less time to review as the applicant is only responding to comments or providing more detailed plans.

As far as some projects requiring 10 days, some 15, and some 20, staff would like to see a consistent 14 days prior to each meeting for sending letters to adjacent property owners and publishing notice in a newspaper of general circulation.

### **Recommendation**

Staff recommends that the Task Force consider a recommendation to direct staff to work with the County consultant to draft revisions to clarify the steps of each process and find a consistent timeline that all projects will follow.

### **Suggested Motion (optional)**

I move to direct staff to work with the County's consultant to develop text to streamline processes and consistent timelines.

### **Attachments**

LUO Timelines – charts and details.pdf

c: file

TYPE OF PROJECT	LETTERS	PROPERTY POSTING	PUBLIC NOTICE	TAC REVIEW	PLANNING DIRECTOR	PLANNING COMMISSION	BOARD OF APPEALS	LAND USE ORDINANCE REFERENCE
X-Required X-Policy		(courtesy to provide property map and letters)						
LOT LINE ADJUSTMENT	X (10 days)			X	X			Article VI-Special Procedures-Section 6.2.1-Subdivision-Gen Req. (page 347)
MINOR SUBDIVISION	X (10 days)	X		X	X			Article VI-Special Procedures-Section 6.3.A-Subdivision-Minor (page 349)
MAJOR SUBDIVISION-Concept, Preliminary, and Final - Public Meeting	X (20 days)	X	X (Final Reivew-Tier 3 only)	X		X		Article VI-Special Procedures-Section 6.3.B-Subdivision-Major (page 350)
MINOR SITE PLAN REVIEW	X (10 days)	X		X	X			Article VI-Special Procedures-Section 5.3.A-Site Plan-Minor (pg 333)
MAJOR SITE PLAN REVIEW-Concept, Preliminary, and Final-Public Meeting	X (20 days)	X		X		X		Article VI-Special Procedures-Section 5.3.B-Site Plan-Major (pg 334)
ADMINISTRATIVE SPECIAL EXCEPTION - Public Hearing	X (10 days)	X (10 days)	X (No standard on when to publish notice. Policy is 10 days prior to hearing)	X	X			Article VII- Spec Exc-Sect 6-Procedures (pg 407) -Sec Minor Site Plan Standards (pg 333)
SPECIAL EXCEPTION-Planning Commission- Public Meeting	X (20 days)	X (20 days)		X		X Major Site Plan Review /Recommendation to Board of Appeals		Article VII- Special Exception-Sect 6-Procedures (pg 407) -See Major Site Plan Standards (pg 334)
SPECIAL EXCEPTION-Board of Appeals- Public Hearing	X (20 days)	X (20 days)	X (NO standard on when to publish notice)	X			X	
ADMINISTRATIVE VARIANCE- Public Hearing	X (15 days)	X (15 days)	X (No standard on when to publish notice. Policy is 15 days prior to hearing)	X	X			Section IX-Variences/Waivers-Section 2.1-Admin (pg 433)
PLANNING COMMISSION VARIANCE- Public Meeting	X (15 days)	X (15 days)		X		Recommendation to the Board of Appeals	X	Section IX-Variences/Waivers-Section 2.2-Variences (pg 436)
BOARD OF APPEALS VARIANCE- Public Hearing	X (15 days)	X (15 days)	X (NO standard on when to publish notice)	X			X	Section IX-Variences/Waivers-Section 2.2-Variences (pg 436)
WAIVERS (Subdivision, Private Roads, Road Front Lots, designated design standards)	X (20 days)	X (20 days)		X		X (2/3 majority of the members of the PC)		
TEXT AMENDMENT			X (NO standard on when to publish notice for PC/15 days for CCs)	X		Recommendation to the County Commissioners		Section XII-Admin Procedures-Section 6.5-Amend (page 487)

Here are the requirements from the Land Use Ordinance:

Lot Line Adjustment – TAC Meeting – PHZ Director approves

- Procedures shall be the same as that for a minor subdivision.
- The DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office. Adjacent property owners shall have **10 days** from the date of the notice to comment on the project.

Minor Subdivision – TAC Meeting – PHZ Director approves

- The DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office. Adjacent property owners shall have **10 days** from the date of the notice to comment on the project.

Major Subdivision – PC Meeting (Concept, Preliminary, Final – can be combined) – PC approves

- At least **20 days** before the date of Planning Commission meeting, the DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office.
- In the case where a project has not appeared before the PC for 6 months, the DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office. *(I believe that we've always sent letters at each stage even when it's been less than 6 months and we've always used 20 days before the date of the meeting.)*
- The PC will hold a public hearing prior to granting approval of the final subdivision in areas which are Tier III as designated on the Kent County Tier Map. **NO standards on how many days prior to PC meeting that the notice must be published.**

Minor Site Plan – TAC Meeting – PHZ Director approves

- The DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office. Adjacent property owners shall have **10 days** from the date of the notice to comment on the project.

Major Site Plan – PC Meeting (Concept, Preliminary, Final – can be combined) – PC approves

- At least **20 days** before the date of Planning Commission meeting, the DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office.
- The notice shall include that the Zoning Administrator had determined that the proposed use is a permitted use.
- In the case where a project has not appeared before the PC for 6 months, the DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office. *(I believe that we've always sent letters at each stage even when it's been less than 6 months and we've always used 20 days before the date of the meeting.)*

Administrative Special Exception – treated like a minor site plan – PHZ Director approves

- The DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office. Adjacent property owners shall have **10 days** from the date of the notice to comment on the project.
- **NO standards on how many days prior to hearing that the notice must be published, but we've always done it at least 10 days prior.**

Special Exception – treated like a major site plan – most are PC meeting for recommendation and BOA hearing – BOA approves

- At least **20 days** before the date of Planning Commission meeting, the DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office.
- For SE that go straight to the BOA, at least **20 days** before the date of Board of Appeals meeting, the DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office.
- **NO standards on how many days prior to BOA hearing that the notice must be published.**
- *Special exceptions require major site plan review. Concept site plan review is often done when the application is first reviewed by the PC for the recommendation to the BOA*

Administrative Variance – PHZ Director approves

- At least **15 days** before the hearing, the DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office.
- At least **15 days** before the hearing the property shall be posted.
- **NO standards on how many days prior to hearing that the notice must be published, but we've always done it at least 15 days prior.**

Variance – PC meeting and BOA hearing – BOA approves

- At least **15 days** before the date of Planning Commission meeting, the DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office.
- At least **15 days** before the meeting the property shall be posted.
- At least **15 days** before the date of Board of Appeals hearing, the DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office.
- At least **15 days** before the hearing the property shall be posted.
- **NO standards on how many days prior to BOA hearing that the notice must be published.**

Floodplain Variances – straight to the Board of Appeals – BOA approves

- At least **15 days** before the meeting, the DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office.
- The DPHZ shall send a copy of the application to MDE for comment.

Stormwater Management Variances – just references “the County” but appeals are made to the BOA

Waivers for subdivision, private roads, road front lots, designated design standards – PC Meeting – PC approves

- At least **20 days** before the date of Planning Commission meeting, the DPHZ shall send notice of the proposed project to adjacent property owners using the last known address as found in the Kent County Treasurer's Office.
- At least **20 days** before the meeting, the property shall be posted.

Stormwater Management Waivers – administrative process

- No clear details on process other than written request, County decide on case by case basis

Text or Map Amendment – CCs approve

- Planning Commission **MAY** hold a hearing.
- County Commissioners hearing – Notice of any public hearing shall be given at least 15 days prior to the date of the hearing. The time, date, place, and nature of the hearing shall be published in a newspaper having general circulation in Kent County.
- The property shall also be conspicuously posted with the date, time, place, and nature of the hearing.
- The notices shall refer to places where the plans, ordinances, or amendment may be examined.