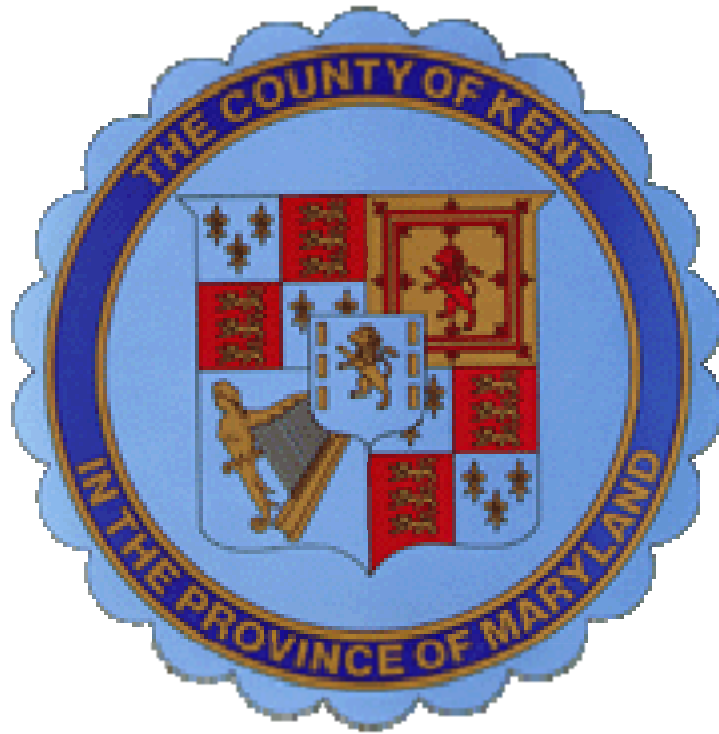


2012

Annual Report

Department of Planning, Housing & Zoning

Kent County, Maryland



Completed March 2013

This Annual Report is an opportunity to highlight the Department's achievements, identify development trends, and assess the planning and development process during calendar year 2012. This report will describe specific actions taken by the Kent County Planning Commission, Zoning Board of Appeals, Agricultural Advisory Commission, Agricultural Land Preservation Advisory Board, Historic Preservation Commission, Board of Electrical Examiners, Agricultural Resolution Board, Board of Housing Appeals, Board of Building Appeals, and Department of Planning, Housing and Zoning.

DEPARTMENT STAFF

During 2012, there were significant changes within the Department due to the retirement of Gail Owings at the end of June and the promotion of Amy Moredock to Director. Due to ongoing, county-wide budget constraints, the position of Environmental Planner was not refilled, and those duties were reassigned among staff.

Amy G. Moredock, Director	Bryan Foreman, Enforcement Officer
Carla M. Gerber, Community Planner	Sandy Adams, Office Manager
Bill Kerbin, Housing & Critical Area Planner	Kimberly Dixon, Administrative Assistant
M. Richard Myers, Chief Enforcement Officer	Beth Grieb, Administrative Assistant

PLANNING COMMISSION

The Kent County Planning Commission, appointed by the County Commissioners of Kent County, acts as a citizen board for all planning matters. As set forth in Article 66B (Land Use Article as of October 1, 2012) of the Annotated Code of Maryland, the Planning Commission makes recommendations to the County Commissioners on zoning map and text amendments and to the Board of Zoning Appeals on certain designated variances and special exceptions. The Commission may also prepare ordinances and plans for review by the County Commissioners. In its decision-making capacity, the Commission approves all major subdivisions and site plans.

MEMBERS

Elizabeth H. Morris, Chairman	F. Joseph Hickman
Ed Birkmire	Jay P. Lancaster
William Crowding	William S. Sutton
Rev. Ruben Freeman (resigned in September)	G. Mitchell Mowell, Attorney

The Planning Commission meets the first Thursday of every month at 1:30 P.M., in the County Commissioners' Hearing Room in the County Government Center, 400 High Street, Chestertown. The agendas for all meetings are available from the Department of Planning, Housing and Zoning and on the County website prior to the meetings. The Planning Commission is a member of the Maryland Citizens Planners Association, and members attend training sessions and meetings. In 2012, the Planning Commission met 12 times.

ZONING BOARD OF APPEALS

Appointed by the County Commissioners, the Zoning Board of Appeals hears and decides special exceptions, variances, and appeals of any decision or determination of the Zoning Administrator in the enforcement and administration of the Land Use Ordinance. The Zoning Board of Appeals meets on Monday evenings as may be required. In 2012, the Board of Appeals met 8 times.

MEMBERS

Al Townshend, Chairman	Trey Hill, member
Allen Davis, member	P. Joan Horsey, alternate
Karen P. Ruff, Attorney for the Board	

HOUSING

The Housing Improvement Program provides housing rehabilitation assistance to owners of substandard houses who meet certain income criteria. The repairs must address health and safety related matters. Repairs may include flooring, roofing, plumbing and electric systems, and well and septic systems. The program is generally funded through grants from the Department of Housing and Community Development, Maryland Affordable Housing Trust and a County match. Rehabilitation costs must not exceed \$25,000.

During 2012, there were 16 applications for assistance submitted to the County. There were six applications approved during 2012 but contracts were not awarded before the end of the year. There were three applications approved that were awarded contracts during 2012. Work was primarily for rehabilitation assistance, which improved the living conditions of 5 people. Both the number of applications submitted and approved decreased in 2012.

HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission is responsible for administering the Historic Preservation Ordinance which allows for the voluntary designation of Historic Sites and Districts in the unincorporated areas of the County. The Commission also reviews projects which may affect historic resources and makes recommendations to the Planning Commission on possible mitigation. The Commission is supported by staff from the Department of Planning, Housing and Zoning. The Commission meets on the last Monday of the month, as needed, and agendas are available prior to the meeting. The Commission met twice in 2012; however, a quorum was present at only one of the meetings.

MEMBERS*

Elizabeth Beckley, Chairman	Susan Debnam
Carolyn Brooks	Max Ruehrmund

*Due to very specific membership criteria, three vacancies remained open in 2012.

AGRICULTURAL ADVISORY COMMISSION

The Kent County Agricultural Advisory Commission provides advice to the County Commissioners of Kent County and the Kent County Planning Commission concerning any proposals that affect agriculture. Additionally, the Commission recommends changes to the Comprehensive Plan, Land Use Ordinance, and other programs which will improve and promote agriculture in Kent County. The Agricultural Advisory Commission is supported by staff from the Department of Planning, Housing and Zoning. The Commission meets as needed and an agenda is available from the Planning Department prior to the meeting. The Commission did not meet in 2012

MEMBERS

W. Frank Barnes, Jr.
David A. Hill
Herman E. Hill, Jr

Sean Jones
Craig McSparran
John Henry Myers, Jr.

One vacancy remained open in 2012.

AGRICULTURAL LAND PRESERVATION ADVISORY BOARD

The Agricultural Land Preservation Advisory Board reviews and approves all applications related to the Maryland Agricultural Land Preservation Foundation Program. These include applications to establish agricultural preservation districts, sell permanent protective easements to the Maryland Agricultural Land Preservation Foundation, create lot exclusions, and subdivide properties in the preservation program. The Board also establishes policies for ranking districts in the easement acquisition program. Staff for the Board is provided by the Department of Planning, Housing and Zoning. The Board meets as necessary and an agenda is available from the Planning Department prior to the meeting. The Board met once in 2012.

At the end of June, all MALPF Districts were automatically terminated due to changes in the law enacted in 2007. The County passed a new agriculture preservation ordinance in 2008 which established a County district program. All remaining MALPF District owners were informed of the changes and as a result, ten landowners applied to establish a county district.

MEMBERS

William Cooper
Jennifer Debnam

W. David Leager
Timothy Redman

One vacancy remained open in 2012.

The Board reviewed 13 applications to create Agricultural Land Preservation Districts. The County Commissioners approved all district applications.

Districts Established in 2012

Owner	Property Address	Acres
Breck and Susan Debnam	22565 Great Oak Landing Road	143.45
Duck Puddle Ventures, LLC	Catholic Cemetery Road	180.58
Duck Puddle Ventures, LLC	30545 Duck Puddle Road	282.00
Allan J. Hill and H. Jay Hill	11791 Kennedyville Road	304.08
Allan J. Hill, H. Jay Hill, & Beverly H. Jones	Browntown Road	159.24
Kurhessen Trust	9960 Flatland Road	219.48
McGuire Brothers, Inc.	Kennedyville Road	62.61
Charles Elwood Nau, Jr., et als	12655 Augustine Herman Hwy	285.70
Owings and Sons Business Trust	10241 Crumpton Road	124.87
John Rigdon and Andrea McGuirk Rigdon	30751 River Road	322.18
Angelica Nurseries, Inc.	11927 Locust Grove Road	229.89
Angelica Nurseries, Inc.	11471 Locust Grove Road	230.00
Angelica Nurseries, Inc.	11424 Locust Grove Road	295.14

**Note: See Appendix A for Map showing Kent County protected lands.*

AGRICULTURAL RESOLUTION BOARD

The Agricultural Resolution Board consists of five voting members appointed by the County Commissioners. A representative of the University of Maryland Cooperative Extension Service and a member of the Kent County Soil and Water Conservation District serve as non-voting members. The Board arbitrates and mediates disputes involving agricultural operations conducted on agricultural lands and issues findings concerning whether or not such operations are conducted in a manner consistent with generally accepted agricultural practices. The Board did not meet in 2012.

MEMBERS

R. Allen Davis, Chairman
 William Bowdle
 Michael Forney
 Edward Taylor

William Washington
 Jay Douthit, Cooperative Extension
 Timothy Redman, Soil & Water Conservation District

BOARD OF BUILDING APPEALS

The Board of Building Appeals hears and decides appeals of decisions of the Building Code Administrator in administering the Building Code. The Board consists of three members appointed by the County Commissioners and meets upon request. The Board did not meet during 2012.

MEMBERS

Three vacancies remained open in 2012.

BOARD OF ELECTRICAL EXAMINERS

Appointed by the County Commissioners of Kent County, the Board of Electrical Examiners examines the qualifications and capabilities of all persons who are engaged in or desire to engage in the electrical business. The Board reviews applications for licenses and administers the homeowner's examination for those individuals desiring to perform electrical work in the individuals own home. The Electrical Board meets on the first Thursday of every month at 9 AM in the Department of Planning, Housing, and Zoning.

MEMBERS

Charles A. Langenfelder, Chairman
William S. Baldwin, Jr.

D. Michael Usilton

BOARD OF HOUSING APPEALS

A three member Board appointed by the County Commissioners, the Board of Housing Appeals hears and decides appeals of the Housing Code Official made in connection with the enforcement of the provisions of the Kent County Housing Code. The Board meets upon receipt of an appeal and did not meet in 2012.

MEMBERS

Nancy Dick
Janice Graham

Charles W. Summers

SPECIAL PROJECTS

Special Projects which involved Department of Planning, Housing and Zoning staff in 2012 included:

- ☞ *2010 Trust Fund:* In partnership with the Chester River Association and Washington College, Kent County has been awarded the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund grant. This proposal focuses on achieving non-point source nutrient reductions. Specifically initiatives will address Agriculture Best Management Practices such as implementation of cover crop programs, switch grass plantings, precision farming techniques, and manure stockpiling. Marsh restoration has also been targeted to include wetland restoration ponds, marsh restoration, and urban stream restoration. In addition to agriculture best management practices and marsh restoration, denitrifying septic system education will be enhanced.
- ☞ *Chesapeake Country National Scenic Byway:* The Scenic Byway Management Team continued to work on implementation of the Corridor Management Plan and Interpretive Plan. Staff also attended meetings concerning the possible extension of the byway to include the mid-Shore and Lower Shore sections, Michener's Chesapeake Country and the Blue Crab Byway.

- ☞ *Eastern Shore Heritage, Inc.:* This is a cooperative project between Caroline, Kent, Queen Anne's, and Talbot Counties. The Heritage Area was certified in July 2008. Planning staff has supported ESHI's Stories of the Chesapeake and its adoption into the Comprehensive Plan. Staff has also acted as liaison between ESHI and the municipalities in the adoption of the Stories of the Chesapeake Heritage Area.
- ☞ *Early Action Compact:* Staff reviews projects for conformance to the action strategies to reduce local emissions and improve air quality identified in the EAC. Kent and Queen Anne's Counties have been designated a nonattainment area by the Environmental Protection Agency. Both Counties continue to work with Maryland Department of the Environment and the Environmental Protection Agency to remove the two counties from the list of ozone nonattainment areas.
- ☞ *Hazard Mitigation Plan Update:* Adopted by the Kent County Commissioners on October 24, 2004 and officially approved by the Federal Emergency Management Agency on November 28, 2005, the County Hazard Mitigation Plan is nearing its mandatory 5-year review and update. The 5 incorporated towns located within Kent County opted to be included in the County's Plan; therefore, the County update will also ensure the 5 towns' continued compliance with the Disaster Act of 2000, as well. To that end, the Planning Department submitted a Maryland Emergency Management Agency Mitigation Planning Grant Application to assist in funding the County update.
- ☞ *Kent County Total Maximum Daily Load Committee:* The County formed a Kent County TMDL Committee which has been meeting since November 2006 to draft the Local Tributary Strategy Basin Implementation Plan. The draft was completed in March 2008 and represents a snapshot in time. This innovative Kent County Plan has been used as state model in the development of the Maryland Watershed Improvement Plan.

The Maryland Phase I Watershed Implementation Plan (WIP) process began in 2009 with that plan's two-year milestones established at that time. The Phase II WIP began on a local level in Spring 2011 and the Kent County Phase II WIP was finalized in November 2012. Specific pollution allocation load numbers were provided to the counties and municipalities by Maryland Department of the Environment (MDE) in order for local jurisdictions to prepare its portion of the Phase II WIP. The County was unable to generate adequate strategies and best management practices in order to meet the large load reductions assigned to it; therefore, MDE suggested load reduction strategies in all source sectors. These additional strategies were not officially adopted by the County Commissioners.

- ☞ *Maryland Statewide Addressing Initiative:* In partnership with ESRI, MSGIC (Maryland State Geographic Information Committee), and the Maryland Highway Safety Office, the Towson University Center for GIS (CGIS) worked with Maryland's counties and Baltimore City to complete the Maryland Statewide Addressing Initiative—Maryland's first statewide coordinated dataset. Project partners worked with Maryland's jurisdictions to obtain and/or synchronize their addressing data. Either by geodatabase replication or via FTP, all jurisdictions are now sharing their data to the statewide dataset housed at CGIS. Staff uploads updated centerline files at regular intervals.

- ☞ *Purchase of Development Rights Program:* This program helps fund the purchase of conservation easements to assist in agricultural land preservation. The PDR program is required to remain a certified preservation program, thus allowing the county to keep 75 percent of the Agricultural Transfer tax.
- ☞ *Rural Legacy Program:* The program is part of Smart Growth Initiatives and is aimed at preserving rural character through the purchase of development rights. The Agricultural Security Corridor (ASC) is sponsored by the Eastern Shore Land Conservancy and Cecil, Kent, Talbot, Caroline and Dorchester Counties. The ASC has received funding during each cycle of the Rural Legacy Program.
- ☞ *Sassafras River Association – Sassafras Watershed Action Plan:* This project represents a collaborative effort between the SRA, state, local, and other stake holders to generate a watershed restoration action strategy. A core team of contributors was formed which compiled data for a stream protection corridor assessment and watershed characterization. Following community stakeholder meetings and core stakeholder group input, the watershed restoration goals and strategies were drafted and completed. The Environmental Protection Agency approved the SWAP and the core group continues to meet to discuss implementation and funding of the goals and strategies. Staff continues to meet quarterly with the Core Group to track and evaluate the implementation of the SWAP strategies.

To that end, the Kent County Commissioners supported the application of the Sassafras River Association to Chesapeake & Atlantic Coastal Bays Trust Fund SFY12 to begin the implementation of the initiatives identified in the SWAP.

MEETINGS AND ORGANIZATIONS

During 2012, in addition to meetings associated with special projects, the Department of Planning, Housing and Zoning Staff attended, participated on, or acted as liaison to the following meetings or organizations:

- 2010 Trust Fund Kent County Grant meetings
- Bay Area Association of Realtors Training Class
- Coastal and Watershed Resources Advisory Committee
- Coastal Communities Exchange workshop
- Critical Area Commission – Chesapeake and Atlantic Coastal Bays
- Critical Area Commission Buffer Regulations Training
- Chesapeake Country National Scenic Byway
- Chester River Association—Annual Snapshot
- Department of Social Services, Samaritan Group Grant meetings
- Eastern Shore Land Conservancy – Annual Conference and quarterly planner’s meetings
- Eastern Shore Heritage, Inc. (Stories of the Chesapeake Heritage Area)
- FEMA Meetings on new mapping and insurance reform
- Governor’s Commission on Agriculture
- Kent County Council of Government

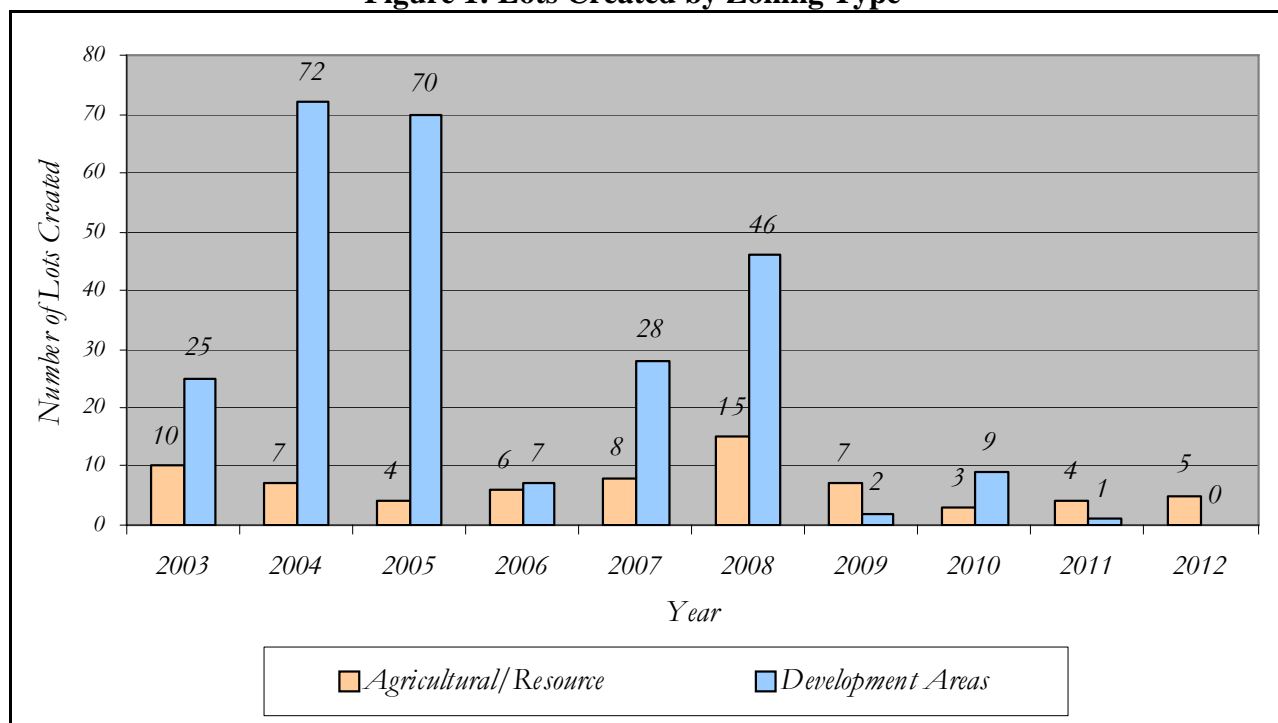
- Kent County Economic Development Advisory Board
- Kent County Total Maximum Daily Load
 - Local Phase II WIP meetings
 - Chesapeake Bay Foundation WIP meeting
 - Harry R. Hughes Center for Agro-Ecology WIP Seminars
 - MDE WIP and MAST workshops
- LEAD Maryland Symposium
- Local Management Board
- Local Emergency Planning Committee
- Maryland Agricultural Land Preservation Foundation
- Maryland Association of Counties:
 - Planning Official's Meetings
 - Critical Area Planners Meetings and workshops
 - Phase II WIP meetings
- Maryland Department of the Environment: Understanding the Bay TMDL
- Maryland Department of Planning - SB236 meeting
- Maryland Department of Planning—Planning Directors Roundtable
- MEMA - Hazard Mitigation Plan Update HIRA Committee
- Maryland Municipal League Joint County/Municipal Planners Meeting
- Maryland Small-Scale and Community Wind Energy Forum
- Rebuilding Together
- Rural Legacy Advisory Board
- Sassafras River Association—SWAP Core Team
- Sassafras River Association annual meeting
- SOS/CDBG grant meetings
- State Highway Administration Pre Tour Meeting
- State Highway Administration Kent County Urban Boundary Adjustment
- Sustainable Communities training
- Upper Shore Regional Council

PLANNING & DEVELOPMENT

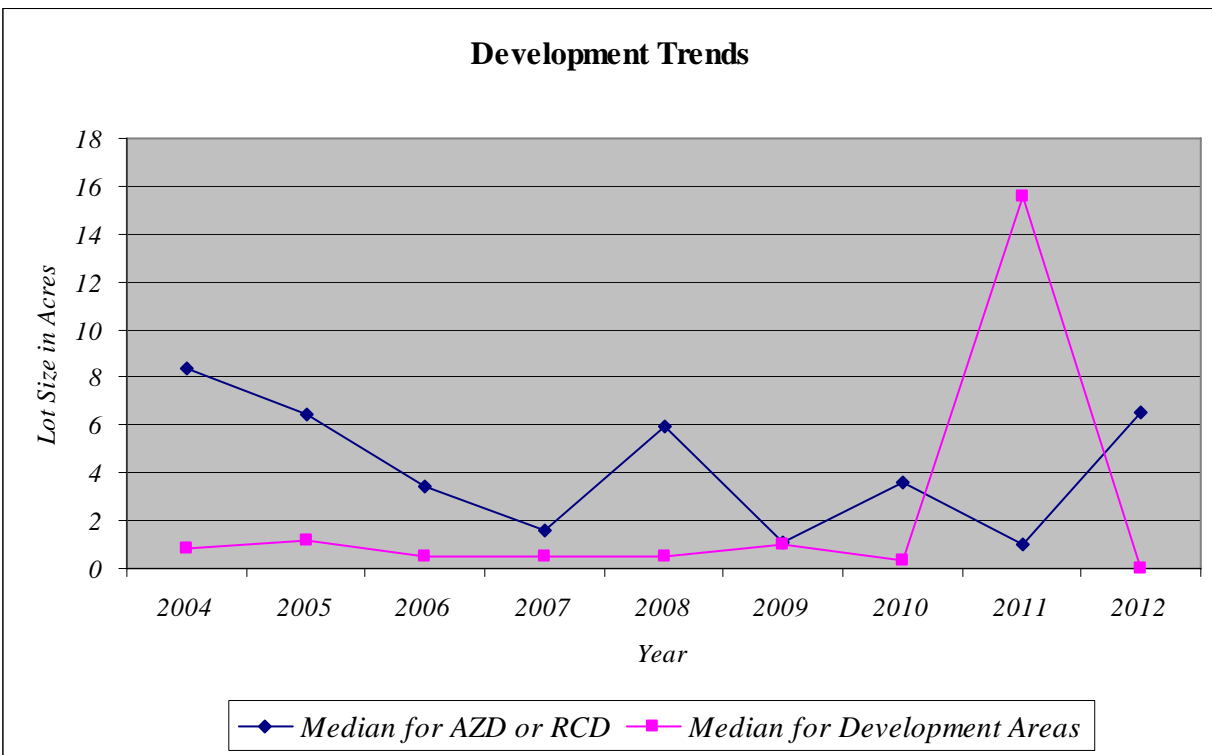
All major and minor subdivision applications are reviewed by the Technical Advisory Committee at least twice. The Technical Advisory Committee also reviews all adjustments of lot lines and any other site plan. All major subdivision applications and site plans are reviewed by the Planning Commission. The Planning Commission makes a final decision on all major subdivision and site plan applications. As a part of their review, the Planning Commission routinely consults with incorporated towns that may be affected by a project. As part of their findings, the Planning Commission is required to determine that the project is consistent with the Kent County Comprehensive Plan and other applicable plans or ordinances, including the Comprehensive Plans of the incorporated towns.

Within the unincorporated areas of the County, 5 new lots were approved in 2012. All of the lots were located within the Agricultural Zoning District. Figure 1 shows the development trends of lots approved by zoning type. Figure 1 also shows how variable the amount of development activity can be within the unincorporated areas of the County.

Figure 1: Lots Created by Zoning Type



Lot size is another variable to consider. Lots created in the Agricultural and Resource Conservation Districts tend to be larger because they are served by private wells and individual septic systems. The median lot size in the Agricultural and Resource Conservation Districts was greater in 2012 than in 2011. Figure 2 shows the development trends for median lot size by zoning type.

Figure 2: Median Lot Size by Zoning Type

Protecting farmland and natural resources from development and growth and encouraging growth in and around existing towns in the form of sustainable growth are fundamental goals of the Comprehensive Plan and Land Use Ordinance. Landowner interest in preserving farmland remains high. Since 1972, over 30,000 acres of farmland have been permanently protected.

Table 1: New Lots Created

	Lots Created	Median Lot Size
Minor Subdivision	5	6.5 acres

Table 2: New Lots Created by Zoning District

Zoning District	Number of Lots
Agricultural	5
Total	5

Major Subdivisions

Major subdivisions contain 6 or more lots, sites, parcels, tracts, or other divisions of land. All lots or other divisions of land recorded after December 23, 1969, from an original lot or parcel of land as described in the Land Records of Kent County are counted in determining the number of lots in a subdivision. The Technical Advisory Committee reviews and the Planning Commission approves major subdivisions in three phases: Concept, Preliminary, and Final Plan Review.

Four major subdivision applications were submitted but none were approved. Two of the applications were in response to SB236, the Sustainable Growth and Agricultural Preservation Act of 2012, which prohibits major subdivisions in Priority Preservation Areas unless an

exemption is granted. However, the Act contained provisions for grandfathering applications for major subdivisions where the application to perc test the property was received by the Health Department prior to July 1, 2012. One landowner chose to submit subdivision applications at the same time as submitting an application to the Health Department. At least one other landowner provided the Planning Department with a copy of the plat submitted to perc the farm.

Minor Subdivisions

Six minor subdivision applications were submitted to the Planning Department during 2012. Of those applications, 4 were approved consisting of 5 new lots. The median lot size for all lots approved in 2012 was 6.5 acres.

Minor Subdivisions Completed in 2012

Allan D. Galt: Mr. Galt subdivided a 2.0 acre lot with a pre-existing dwelling from his 136 acre farm on Broad Neck Road in the Seventh Election District. The proposed lot is zoned Agricultural Zoning District and was sold.

R. Scott Mason: Mr. Mason subdivided a 2.878 acre lot from his 2.72.915 acre farm on Ireland Corner Road in the First Election District. The proposed lot is zoned Agricultural Zoning District and was given to a daughter.

Stoltzfus Farm, LLC: Mr. Stoltzfus subdivided a 6.5 acre lot from his 242.37 acre farm on Locust Grove Road in the First Election District. The proposed lot is zoned Agricultural Zoning District. The proposed lot was given to a son.

Richardson Clover Leaf, LLC: Mr. Richardson subdivided a 23.38 acre lot with existing dwelling and farm buildings from his 233.79 acre farm on Kennedyville Road in the Second Election District. He then divided the remainder into 2 equal tracts of 105.205 acres. The farm is zoned Agricultural Zoning District and the subdivision was done for estate planning purposes.

Adjustment of Lot Lines

Adjustment of Lot Lines applications are reviewed by Planning and Zoning Staff and the Technical Advisory Committee. Planning Staff and TAC reviewed 20, and approved 18, adjustments of lot lines in 2012.

Table 3: Lot Line Adjustment by Zoning District

Zoning District	Number
Agricultural Zoning District	3
Critical Area Residential	5
Critical Area Residential/Marine	1
Community Residential	4
Intense Village	1
Resource Conservation Dist.	2
Resource Conservation Dist./Agricultural Zoning Dist.	1
Resource Conservation Dist./Critical Area Residential	1
Village	2
TOTAL	20

Site Plan Reviews

Major site plan reviews are required for commercial development, industrial development, multifamily dwellings, special exceptions, quasi-public, and public facilities. The Technical Advisory Committee reviews and the Planning Commission approves these projects. Site plan review occurs in three stages: Concept, Preliminary, and Final Plans. Minor site plans are reviewed by the Technical Advisory Committee and may be approved by the Planning Director.

Staff reviewed 8 site plans in 2012, 2 of which were major site plan reviews. Seven received final approval and one was withdrawn.

Site Plans Completed in 2012

County Commissioners: Proposal to install a solar panel field behind the old Fairlee Lagoon located on Fish Hatchery Road in the Sixth Election District. The parcel is zoned Village. This was a major site plan review.

SEMPNO 4, LLC and SEMPNO 10, LLC: Proposal to construct a utility scale solar photovoltaic system on Lots 3 and 4 of the Kent County Business Park at Worton. The parcels are located on Commerce Drive and Route 297 in the Second Election District and are zoned Industrial. This was a major site plan review.

Worton Creek Marina: Proposal to construct a 4,975 square foot storage building on the marina property located on Buck Neck Road in the Third Election District. The property is zoned Marine. This was a minor site plan review.

Wayne Lockwood: Proposal to operate an ice cream stand at his farm located on Worton Road in the Third Election District. The parcel is zoned Agricultural Zoning District. This was a minor site plan review.

JoCe Enterprises, LLC: Proposal to construct a 60x40 accessory commercial building. The property is located on Mary Morris Road in the Third Election District. It is zoned Industrial. This was a minor site plan review.

Richard Miller: Proposal to construct an accessory commercial building at his business located on Tolchester Beach Road in the Sixth Election District. The parcel is zoned Crossroads Commercial. This was a minor site plan review.

Andrew Rengarts: Proposal to operate an insurance business from the existing structure on the property. The parcel is located on Washington Avenue in the Fourth Election District and is zoned Intense Village. This was a minor site plan review.

Kent County Board of Education: Proposal to construct an accessory building for sports equipment storage near the athletic fields at Kent County High School located on Lambs Meadow Road in the Third Election District. The parcel is zoned Village. This was a minor site plan review and was withdrawn.

Zoning Text Amendments

Industrial Uses in the Commercial and Commercial Critical Area Districts along US Route 301: The Land Use Ordinance was amended to add permitted uses from the Employment Center District including manufacturing and processing, distribution centers and warehousing for properties zoned Commercial and Commercial Critical Area along US Route 301. The purpose of the text amendment was to provide additional flexibility for the use of properties along US Route 301.

Administrative Buffer Variances: The Land Use Ordinance was amended to allow administrative variances from buffer requirements on parcels that existing on or before December 1, 1985 in order to repair, replace or install septic systems. Given the increasing number of requests for buffer variances for replacement septic systems, the Planning Commission felt there was a need to streamline the process.

Major Subdivision Review Standards: The Land Use Ordinance was amended to implement specific provisions of the Sustainable Growth and Agricultural Preservation Act of 2012. The requirement to hold a public hearing for major subdivisions in Tier III designated areas was added to the procedures. The requirement to provide an analysis of the cost of providing local government services was added to the narrative requirements. Finally, the definition of a minor subdivision was increased from 5 lots to 7 lots. All associated regulations/definitions for private roads were also amended to reflect the increase.

Definition of “Marina”: The Planning Commission reviewed a text amendment to amend the definition of “marina” in response to proposed changes in the Boats and Boating regulations within in the Code of Public Local Laws of Kent County. At the end of the year, the text amendment was awaiting action by the County Commissioners.

Other Projects Reviewed

Adoption of the International Building, Residential, and Energy Conservation Codes including exemption for Residential Sprinkler and Farm Buildings in the Code of Public Laws of Kent County, Maryland, Chapter 73 (Building Construction): The Planning Commission recommended that Chapter 73 of the Code be updated to reflect the 2012 Code requirements. This update allows that a conditional exemption to the ICC International Building Code (2012 Edition) for installation of fire sprinkler systems in one- and two-family owner occupied dwellings shall remain fully in effect as originally enacted into law and the conditional exemption for residential fire sprinkler systems in one- and two-family owner occupied dwellings, provided for in the Code of Public Laws of Kent County, Maryland, Chapter 73 (Building Construction), subsection 73-9.1, shall remain the law of Kent County, Maryland until such time as the said exemption is repealed. The County Commissioners adopted the resolution in September.

Adoption of a Growth Tier Map per the Sustainable Growth and Agricultural Preservation Act of 2012: The Planning Commission recommended adoption of a Growth Tier Map in compliance with the provisions of the Act. The Act required jurisdictions to develop and adopt maps designating areas for development based on the availability of public services. Areas served by private septic systems that are dominated by agriculture and forest are limited to minor

subdivisions unless an exemption is granted by the Sustainable Growth Commission. The map was to be adopted by December 31, 2012.

Update of the Comprehensive Water and Sewerage Plan: The Planning Commission reviewed the update of the Comprehensive Water and Sewerage Plan. The Plan includes the extension of sewer service to the village Georgetown on the Sassafra River, as well as Lee Avenue, Mill Lane, and Maplewood Lane, as part of the upgrade to the Galena Wastewater Treatment Plant. In addition to making a recommendation on the overall plan, the Planning Commission was asked to make a recommendation on consistency with the Comprehensive Plan for the extension of service. After much debate, the Planning Commission determined that, while the overall update to the Plan was consistent with the Comprehensive Plan, the Galena sewer line extension was not consistent because there was no clear public health emergency and the proposed line crossed the countryside.

BUILDING PERMITS

Building permits are reviewed by Planning, Housing and Zoning Staff for consistency and compliance with the Comprehensive Plan, Land Use Ordinance, and Forest Conservation, Sediment Control, Floodplain, and Stormwater Management regulations. Staff reviewed 404 permits for the unincorporated areas of the County plus 2 sediment control permits for Betterton and 1 sediment control permit for Galena. The County issued 390 building permits, including 20 new single family dwelling permits in 2012. The number of permits issued and the number of new single family dwellings is down from 2011. The most permits reviewed in a single year was 2003; while the fewest permits was in 2009. There was a modest increase in both 2010 and 2011, followed by the slight decrease in 2012.

The highest percentage of new single family dwellings was constructed in the First Election Districts with 30%. No new homes were built in the unincorporated areas of the Fourth Election District. Almost one-third of all new homes were built in the Still Pond/Fairlee watershed. Although eight new dwellings were located in the Priority Preservation Area, only one was located on a newly subdivided lot. Of the other seven dwellings, one was located on a parcel that were considered “developed” when the PPA was established, three were replacements for demolished houses, and three were accessory dwellings/tenant houses. Additionally, 60 percent of the homes built in 2012 had a construction value of under \$200,000. These numbers do not reflect sale value but construction value as reported on building permit applications.

Figure 3: New Single Family Dwellings by Zone Type

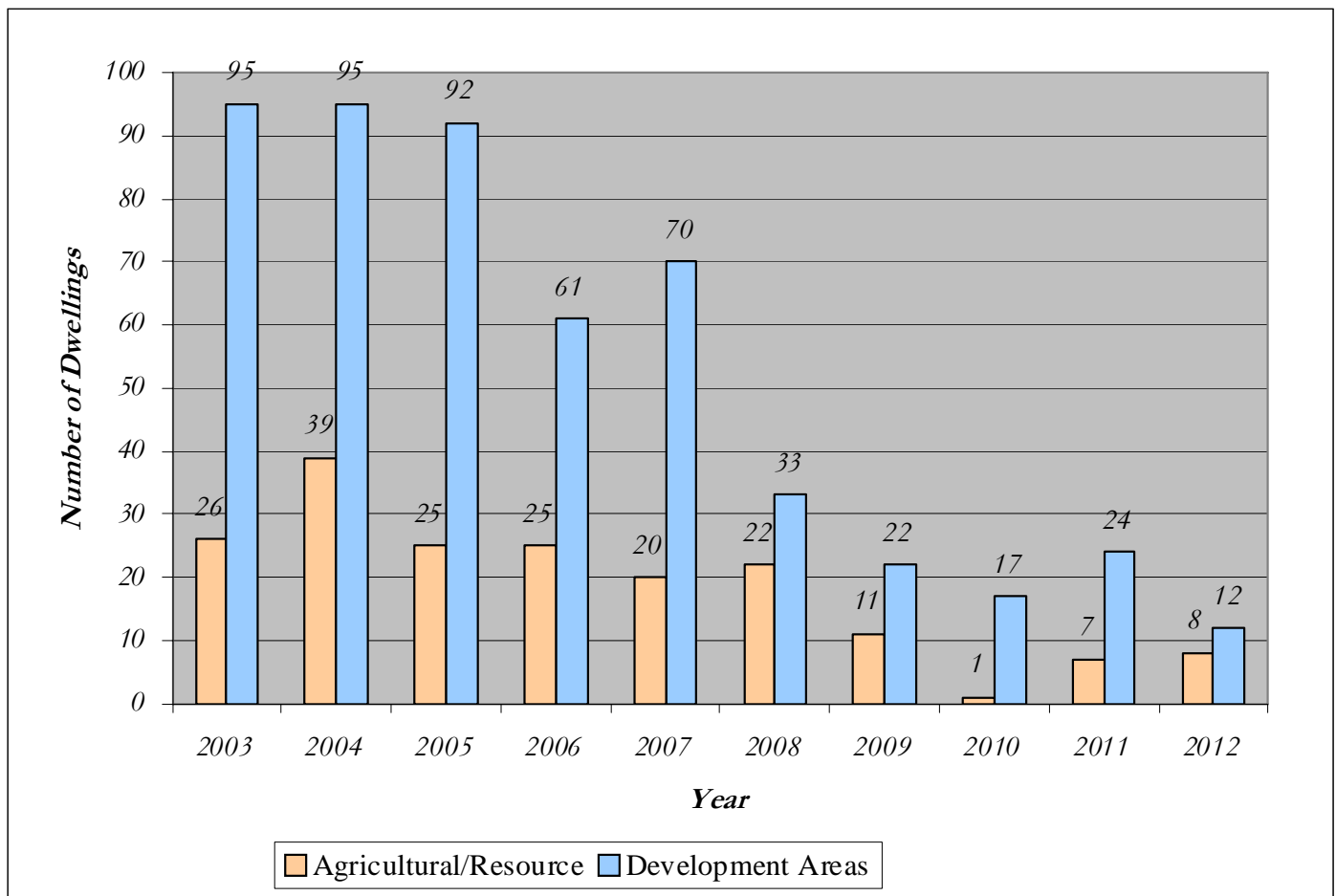


Table 4: Building Permits by Type

Application Type	Number	Percentage
Accessory Building	62	15.2
Agricultural Building	24	5.9
Commercial Addition/Alteration	10	2.5
Deck/porch	27	6.6
Demolition	53	13.0
Garage	10	2.5
Logging	13	3.2
New Commercial Building	2	0.5
New Single Family Dwelling	20	4.9
Other	29	7.1
Pier	19	4.7
Residential Addition/Alteration	48	11.8
Sediment Control	40	9.8
Sign	7	1.7
Swimming Pool/Spa	13	3.2
Use	8	2.0
Bulkhead/Retaining Wall	5	1.2
Closed, pending, denied, or withdrawn	17	4.2
Total	407	100.0

Figure 4: Building Permits by Type

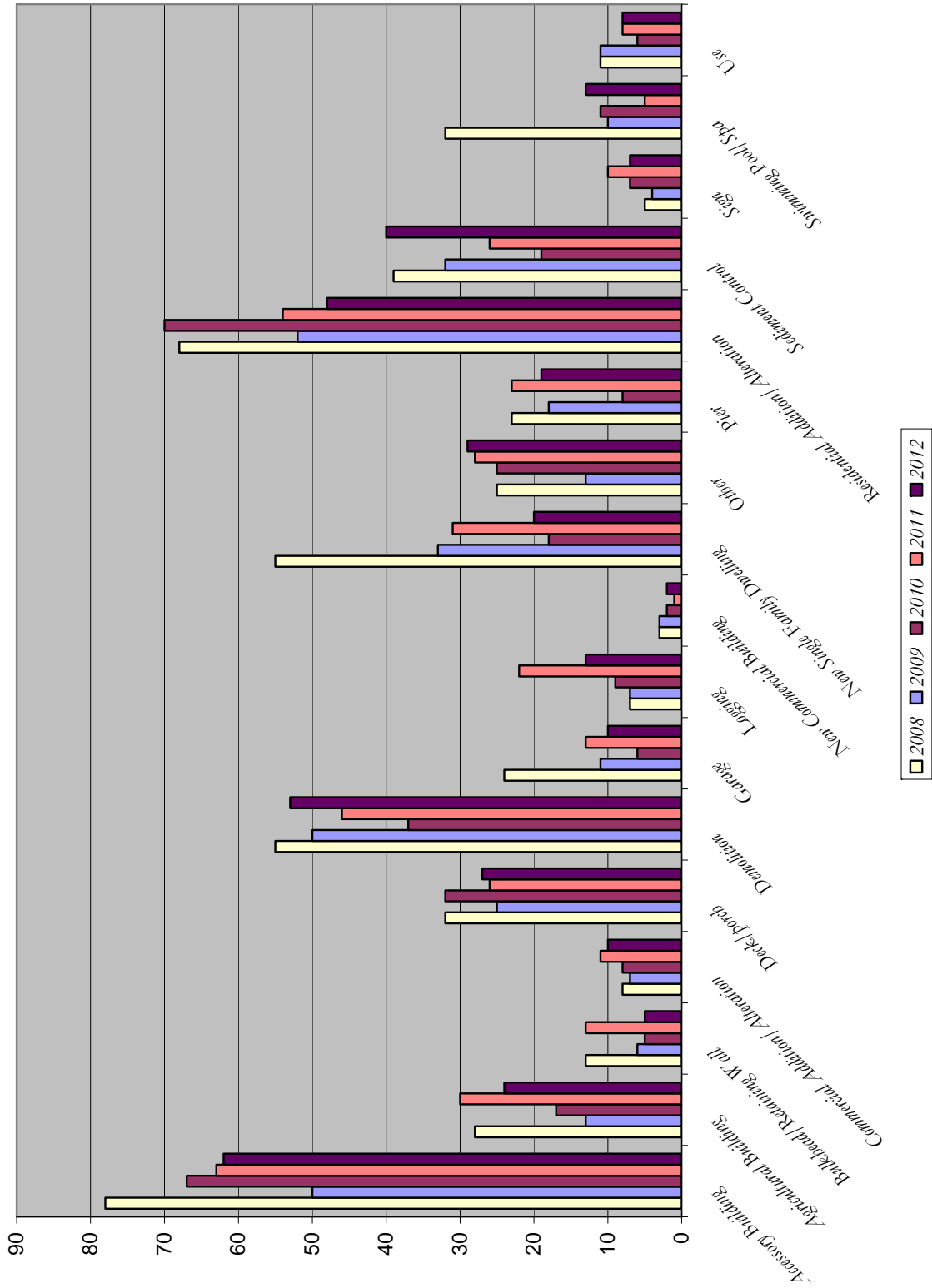


Table 5: New Single Family Dwellings by Zoning District*

Zoning District	Total	Percentage
Agricultural Zoning District	5	25.0
Resource Conservation District	3	15.0
Rural Character	1	5.0
Rural Residential	1	5.0
Community Residential	1	5.0
Critical Area Residential	5	25.0
Village	4	20.0
Total	20	100.0

**Note: See Appendix B for Map showing locations of New Single Family Dwellings and Subdivisions*

Table 6: New Single Family Dwellings by Election District*

Election District	Number	Percent
First	6	30.0
Second	1	5.0
Third	4	20.0
Fourth	0	0.0
Fifth	5	25.0
Sixth	2	10.0
Seventh	2	10.0
Total	20	100.0

**Note: See Appendix C for Election District Map.*

Table 7: New Single Family Dwellings by Watershed*

Watershed	Number	Percent
Langford	3	15.0
Lower Chester	4	20.0
Middle Chester	1	5.0
Sassafras	3	15.0
Still Pond/Fairlee	6	30.0
Upper Chester	3	15.0
Total	20	100.0

**Note: See Appendix D for Watershed Map.*

Table 8: Value of New Single Family Dwellings*

Construction Value	Number	Percent
\$0-\$49,999	0	0.0
\$50,000-\$99,999	3	15.0
\$100,000-\$149,999	6	30.0
\$150,000-\$199,999	3	15.0
\$200,000-\$249,999	2	10.0
\$250,000-\$299,999	2	10.0
\$300,000-\$349,999	1	5.0
\$350,000-\$399,999	1	5.0
\$400,000-\$449,999	0	0.0
\$450,000-499,999	1	5.0
\$500,000+	1	5.0
TOTAL	20	100.0

** As reported on building permit applications.*

SEDIMENT CONTROL/STORMWATER MANAGEMENT

The Planning and Zoning Staff is directly involved in permitting and enforcing the Erosion and Sediment Control and Stormwater Management Ordinances. During 2012, the Staff was involved with 80* sediment control and stormwater management permits for single family dwellings/commercial buildings, sediment control, logging, living shorelines/bulkhead/retaining walls and floodplain. Each permit requires a minimum of 2 site inspections.

Planning and Zoning Staff also reviewed three requests for stormwater management waivers. Waivers may be granted for development projects that received preliminary approval by May 4, 2011 for the purpose of grandfathering stormwater management plans approved prior to May 4, 2009. All construction authorized pursuant to the administrative waiver must be completed by May 4, 2017. The three development projects which received waivers are Newbold, LLC for Hunter's Run, SEMPNO 4, LLC and SEMPNO 10, LLC for lots in the Kent County Business Park at Worton, and GB Kennedyville, LLC for Village at Kennedyville.

VARIANCES

The Planning Commission forwards recommendations to the Zoning Board of Appeals concerning all variance applications except variances of the Floodplain Ordinance. During 2012, 11 applications for variances were submitted and all were granted. Seven of the buffer variances were for replacement septic systems. As noted above, the Planning Commission initiated a text amendment to allow administrative review for this type of variance.

Table 9: Variances Granted and Denied by Type*

Variance Type	Total	Granted	Denied	Withdrawn
Buffer	8	8	0	0
Setback	3	3	0	0
Total	11	11	0	0

Administrative Variances*

Beginning in October 2003, the Planning Director, or Planning Director's designee, gained the authority to grant Administrative Variances. Applicants may apply for an Administrative Variance from the yard but not buffer, height, parking, or loading requirements that do not exceed 50 percent of the required yard for the applicable zoning district so as to relieve practical difficulties or other injustices arising out of the strict application of the Ordinance. These hearings do not go before the Planning Commission but may be submitted, at the Planning Director's discretion, to the Board of Appeals for approval. The Planning Director reviewed 2 variance requests in 2012. Both were setback variances for additions and both were approved.

* See Appendices E1 and E2 for a list of Variances and Administrative Variances and decisions.

SPECIAL EXCEPTIONS

The term "Special Exception" was adopted in the 2002 Land Use Ordinance and replaces the term "Conditional Use". These terms are used interchangeably throughout the state. Kent County adopted the term "Special Exception" to become more consistent with other Maryland Counties. The purpose of the Special Exception is to provide for certain uses, which because of their unique characteristics cannot be distinctly listed as a permitted use in a particular District. These special exceptions may be approved by the Board of Zoning Appeals, or where applicable the Planning Director (see below), 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. The Board may authorize buildings, structures, and uses as special exceptions in specific instances and particular zoning districts. In 2012, staff worked on 2 applications for special exception.

Table 10: Special Exceptions Granted and Denied by Type*

Special Exception	Total	Granted	Denied	Withdrawn
Continue operation of sand & gravel pit	1	1	0	0
Small wind energy system on a parcel less than 20 acres	1	1	0	0
Total	2	2	0	0

Administrative Special Exceptions*

Along with administrative variances, the Planning Director, or Planning Director's designee, may hear and decide the following special exceptions: accessory storage structures, accessory structures in the front yard requirement of waterfront parcels, accessory structures in the front yard of a through lot, and day care group. This provision, adopted in the 2002 Land Use

Ordinance, allows for the aforementioned cases to be decided by the Planning Director rather than the Board of Appeals, thus lessening the number of cases that appear before the Board. The Planning Director or her designee heard a total of 10 administrative special exception cases in 2012.

** See Appendices E3 and E4 for a list of Special Exceptions and Administrative Special Exceptions and decisions.*

CODES ENFORCEMENT

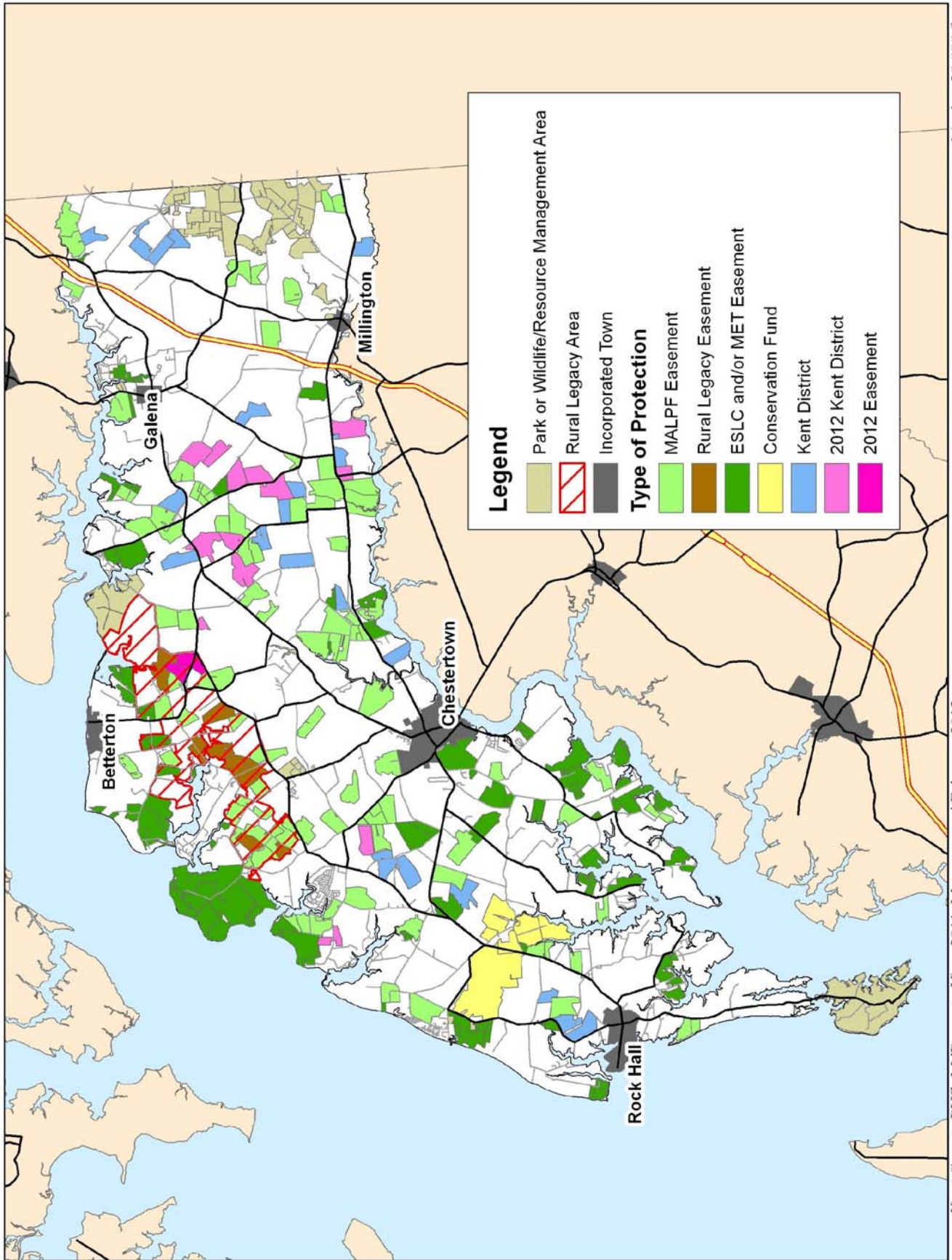
Kent County's Land Use Ordinance is directly enforced by the Department of Planning, Housing and Zoning Staff. In 2012, staff was involved with 25 violation cases, including 2 Critical Area violations. Each case requires a minimum of two inspections. In addition to inspections resulting in citations, staff routinely responds to potential violation concerns expressed by property owners. In 2012, the Department of Planning, Housing and Zoning collected \$2,842 in fines. In addition, there were 71 Critical Area Buffer Management/Enhancement Plans and 146 Critical Area Forest Clearing Plans.

Staff spends a significant amount of time meeting onsite with property owners in an effort to reduce code violations; staff conducted more than 240 site inspections related to tree or vegetation removal and replacement in the Critical Area, potential projects, and staff reports. In addition to specific violation cases, staff conducted approximately 150 inspections related to enforcement of sediment control, stormwater management and floodplain regulations.

Table 11: Violations by Type

Case Type	Number of Cases
Building without a permit	5
Building in the Buffer	1
Clearing in the Forest in the CA	1
Junk and Debris	2
Illegal Signs/Use	7
Unsafe Property	3
Unregistered Vehicle	3
Other	3
TOTAL	25

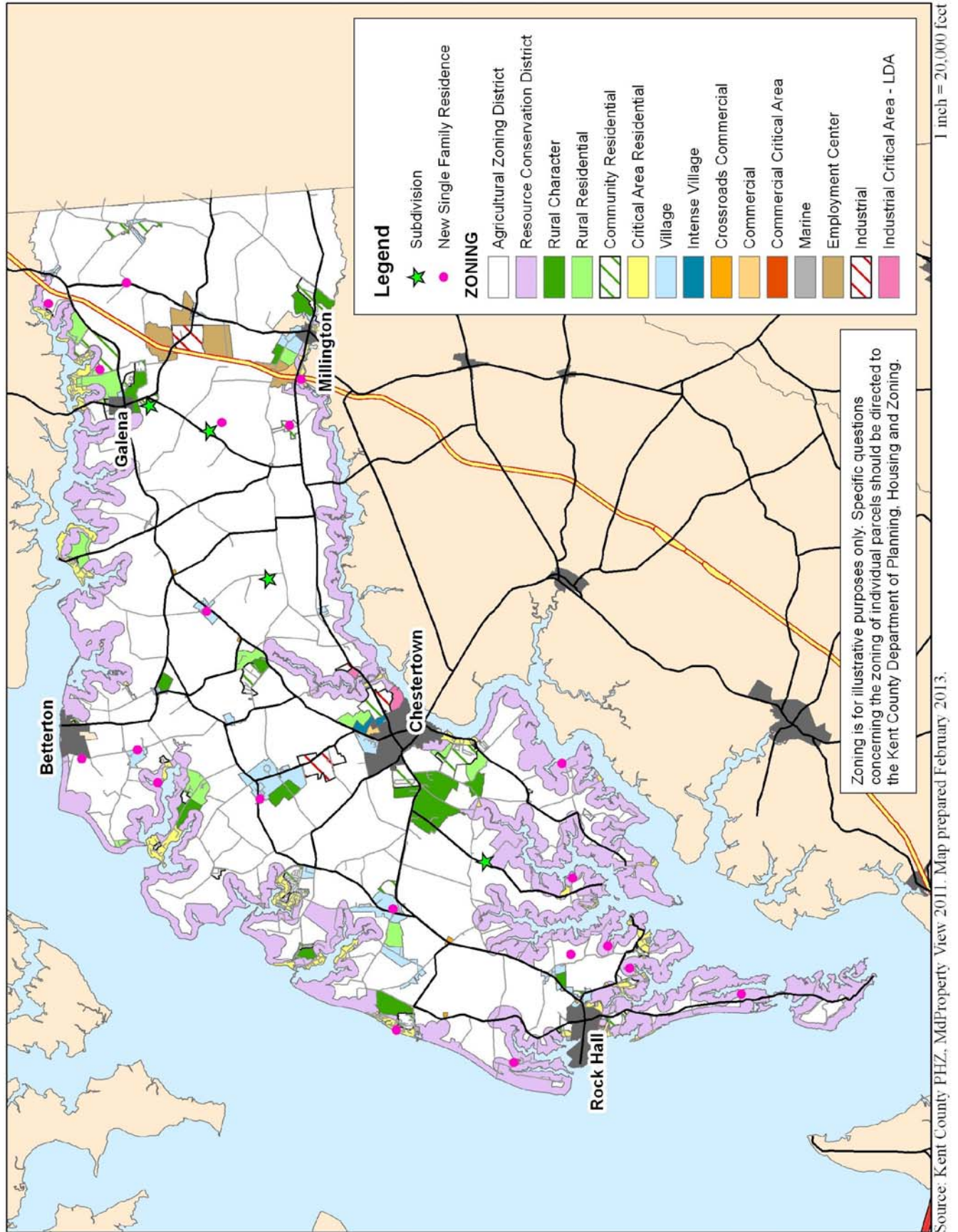
Appendix A: Kent County Protected Lands



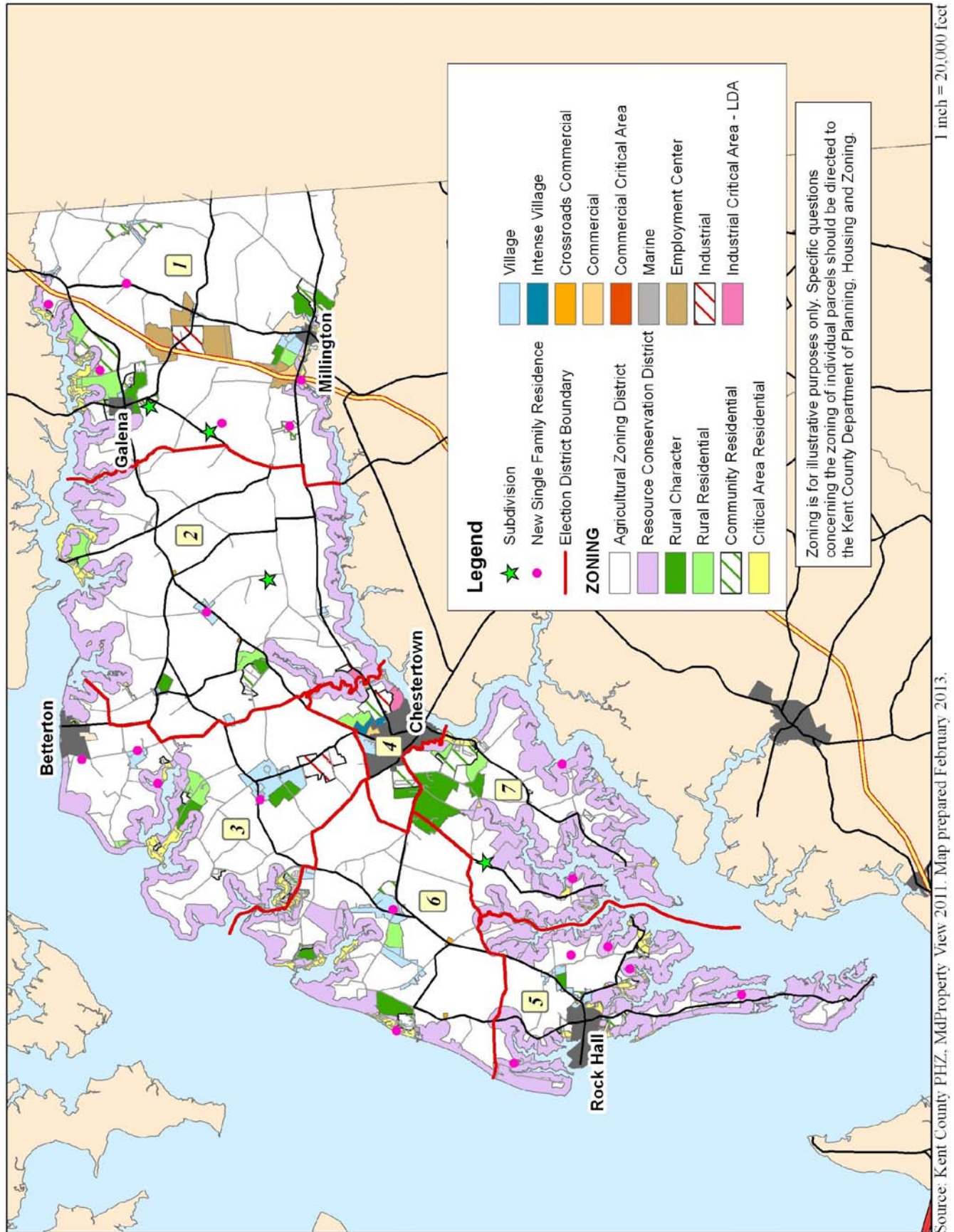
Source: Kent County PHZ, MdProperty View 2011. Map prepared February 2013.

1 inch = 20,000 feet

Appendix B: New Single Family Dwellings/Subdivisions

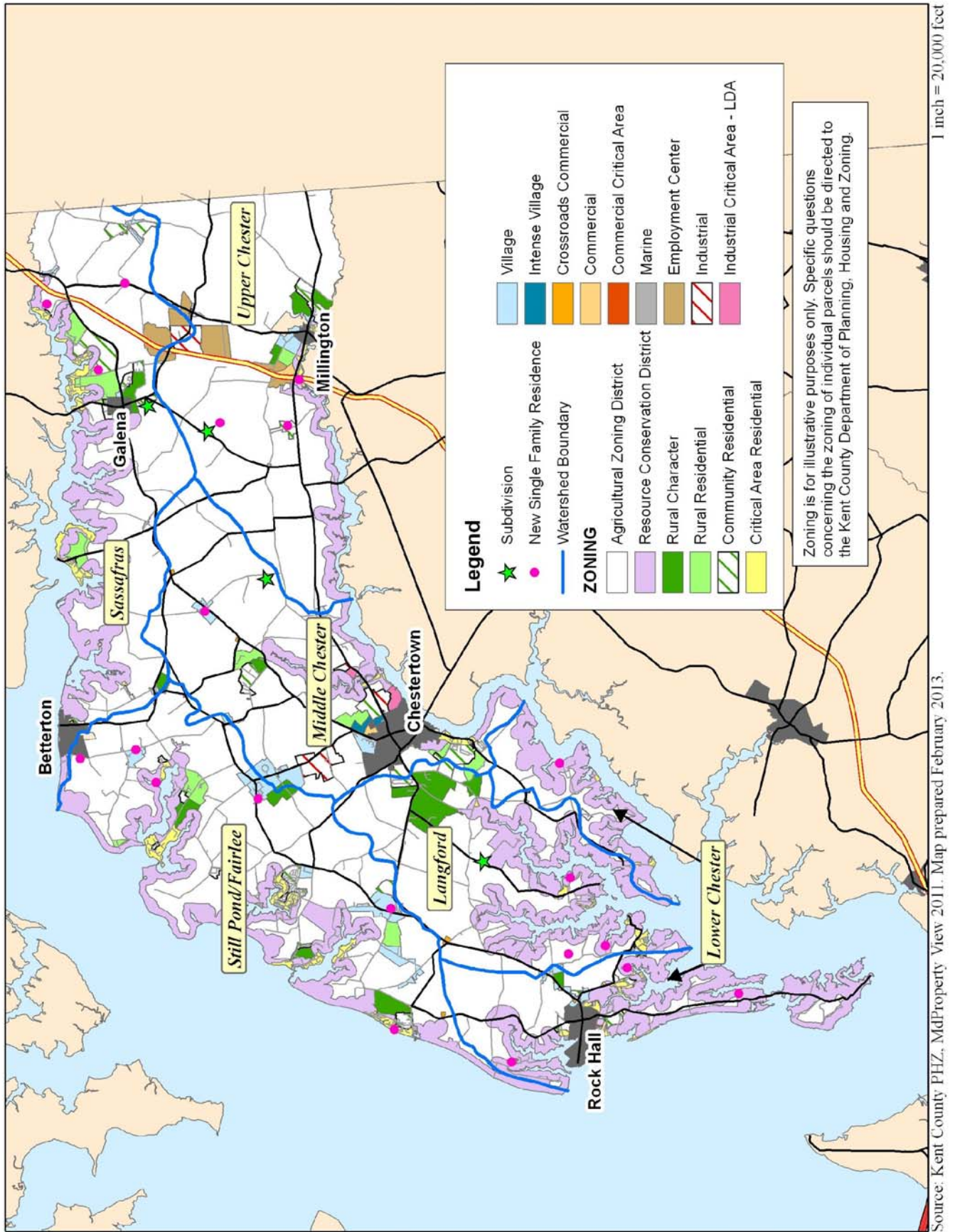


Appendix C: New Single Family Dwellings/Subdivisions by Election District



Source: Kent County PHZ, MdProperty View 2011. Map prepared February 2013.

Appendix D: New Single Family Dwellings/Subdivisions by Watershed



Appendix E1: Variances

Application	Applicant	Type	Decision
12-02	Fairweather Team, Inc	Setback for solar array	Granted 2/13/12
12-05	Barry Buckley, Jr.	Buffer to allow replacement septic and replacement dwelling	Granted 2/13/12
12-06	Barry Buckley, Sr.	Buffer to allow replacement septic	Granted 2/13/12
12-11	Shari and Scott Smith	Setback to connect detached garage to house	Granted 3/19/12
12-15	Douglas Heisler	Buffer to allow replacement septic	Granted 3/19/12
12-19	Donald and Mary Lou Hawkins	Buffer and slope to allow replacement sunroom and deck	Granted 4/16/12
12-27	Walter Brandt	Buffer to allow replacement septic	Granted 6/18/12
12-32	James Jandean	Buffer to allow replacement septic	Granted 6/18/12
12-33	Robert Ampula	Buffer to allow replacement septic	Granted 7/16/12
12-53	Ronald Fisher	Buffer to allow replacement septic	Granted 9/17/12
12-79	Melissa Huber	Setback to allow addition; original variance expired.	Granted 1/14/13

Appendix E2: Administrative Variances

Application	Applicant	Type	Decision
12-36	Humane Society of Kent County	Setback to allow addition	Granted 6/21/12
12-63	Scott Chamberlin	Setback to allow addition	Granted 10/17/12

Appendix E3: Special Exceptions

Application	Applicant	Type	Decision
12-41	Kathy McGraw	Small wind energy system on a parcel less than 20 acres	Granted 8/20/12
12-49	Kent Sand & Gravel	Extension of gravel pit approval for 1 year	Granted 8/20/12

Appendix E4: Administrative Special Exceptions

Application	Applicant	Type	Decision
12-03	Mildred Stevens	Accessory building over 1,200 sq ft	Granted 2/6/12
12-08	Christopher Shirey	Accessory building over 1,200 sq. ft.	Withdrawn, denied by Health Dept.
12-09	Robert Payne	Accessory building over 1,200 sq ft	Granted 2/22/12
12-20	Robert Lasus/ Thomas Ainsworth	Accessory building over 1,200 sq ft	Granted 4/12/12
12-21	John Wright	Accessory building over 1,200 sq ft	Granted 4/12/12
12-34	Kirk Helfenbein	Swimming pool in front yard of waterfront parcel	Granted 6/13/12
12-38	William Hollingsworth	Accessory building over 1,200 sq ft (original approval expired)	Granted 6/27/12
12-54	Gary Weist	Accessory building over 1,200 sq ft	Granted 9/10/12
12-57	Stephen Neuberger	Swimming pool in front yard of waterfront parcel	Granted 11/19/12
12-60	Joseph Starkey	Accessory building over 17 feet in height	Granted 10/17/12
12-64	Snug Harbor II, LLC	Swimming pool in front yard of waterfront parcel	Granted 11/14/12

Appendix F: Annual Report Forms

Annual Report on Smart Growth Goals, Measures and Indicators And Implementation of Planning Visions Per SB 276/HB 295

Kent County

Prepared by the Kent County Planning Commission for the period
January 2012 through December 2012

Submitted on _____

Measures and Indicators

Amount and share of growth that is being located inside and outside the PFA:

Six of the twenty new dwelling permits issued for the unincorporated areas of the County are located in a PFA, and six new dwellings are located in county designated development areas. Of the eight new dwellings located within the Priority Preservation Area, three are replacement dwellings and three are accessory dwellings for family or farm tenants. One is located on a parcel that was considered “developed” when the PPA was adopted. Only one of the dwellings is located on a newly created lot. Within the five incorporated towns, only Chestertown, Galena and Rock Hall issued permits for new dwellings; the twelve new dwellings are located within a PFA.

Net density of growth that is being located inside and outside the PFA:

The mean lot size for new dwellings inside a PFA was 1.47 acres. The mean lot size for new dwellings outside a PFA was 48.08¹ acres.

Creation of new lots and the issuance of residential and commercial building permits inside and outside the PFA:

None of the new lots in the unincorporated areas of the County were created within a PFA. Only five new lots were created in 2012 and three of the five lots were for children of the owners.

Two new commercial buildings were constructed in the unincorporated areas of the County. Both were new accessory buildings for existing businesses.

¹ Includes four farms where an accessory dwelling was constructed. Accessory dwelling units cannot be subdivided or sold. Without these farms, the mean lot size was 3.26 acres.

Development capacity analysis, updated once every 3 years or when there is a significant zoning or land use change:

Development capacity analysis was completed in 2009 as part of the Water Resources Element. No significant zoning or land use changes have occurred.

Number of acres preserved using local agricultural land preservation funding:

Two Rural Legacy easements were recorded in 2012. In total, over 360 acres were permanently preserved.

For all of the above indicators, a map should also be included that represents the spatial pattern of the indicator. If possible, please submit these areas to MDP in a geospatial format, or in a digital format.

Map showing new single family dwellings and subdivisions is attached.

Map showing protected lands is attached.

Geospatial data will be provided.

Local Land Use Goal

Local Goal:

In 2007, the Kent County Commissioners signed the revised “Eastern Shore 2010: A Regional Vision” agreement which calls for annually guiding at least 80 percent of growth into designated growth areas.

For 2012, Kent County almost achieved this goal with 75% of new dwellings being constructed in locally designated growth areas.

The County has also adopted a Priority Preservation Area element which has a goal of preserving 114,340 acres. The County currently has 34,150 acres of private land that has been placed under some type of easement. An additional 7,950 acres is owned as park, recreation or resource management land. Therefore, approximately 42,100 acres, or 36.8% of the goal has been attained.

**Annual Report on Growth Related Changes
Per SB 280/HB 295, effective June 1, 2009**

Kent County

Prepared by the Kent County Planning Commission for the period
January 2012 through December 2012

Submitted on _____

1. **Development Patterns** – List all changes in development patterns that have occurred over the past year, including:

(a) New subdivisions created:

Five new lots were approved in 2012. All were located within the Priority Preservation Area. The average lot size for the lots was 27.99 acres. If the lot exceeded 100 acres is excluded, then the average lot size was 8.69 acres.

(b) New building permits issued:

The County issued 390 total permits for 2012, but only 20 permits for new single family residences, approximately 4.9% of all permits. Accessory buildings and residential additions/alterations account for over 25% of permits issued.

(c) Zoning map amendments:

No zoning map amendments were reviewed in 2012.

(d) Zoning text amendments that resulted in changes in development patterns:

Three zoning text amendments were adopted in 2012. Two of the amendments will not change development patterns; however, the amendment to the definitions of minor and major subdivisions may result in additional development. In response to SB236, the definition of a minor subdivision was increased from 5 to 7 lots.

(e) New Comprehensive Plan or plan elements adopted:

No Comprehensive Plan amendments or elements were adopted in 2012. In December, the County Commissioners adopted by resolution the Growth Tier Map required by SB236.

(f) New roads or substantial changes in roads or other transportation facilities:

No new roads were constructed nor were there any other substantial changes in transportation facilities.

(g) New schools or additions to schools:

No new schools or additions to schools were completed in 2012.

(h) Other changes in development patterns:

There were no other changes in development patterns.

2. **Map** – *Attach a map that shows the above changes in development patterns (the map should identify new subdivisions, zoning map changes, etc.)*

A map showing the location of new single family residences and subdivisions has been attached.

3. **Consistency** – *Determine and state whether all of the changes in development patterns listed above are or are not consistent with:*

(a) *Each other;*

(b) *The recommendations of the last annual report;*

(c) *The adopted plans of the local jurisdiction;*

(d) *The adopted plans of all adjoining local jurisdictions; and*

(e) *The adopted plans of State and local jurisdictions that have responsibility for financing or constructing public improvements necessary to implement the local jurisdiction's plan.*

All new subdivisions are consistent with a – e.

4. **Process Improvements** – *Statements and recommendations for improving the planning and development process within the local jurisdiction.*

Kent County strives to maintain a fair and consistent development review process. The Department of Planning, Housing, and Zoning annually conducts a continuing education class for the local Realtor's Association, as well as, an annual workshop for County and Town Planning Commissions and Boards of Appeals. In addition, staff occasionally solicits recommendations from the Planning Commission for ways to improve how applications are presented and reviewed.

The Comprehensive Plan contains a strategy to “assist employers through the permit process,” and Planning, Housing and Zoning staff work actively with Tourism and Economic Development staff to help businesses locate or expand within the County.

5. **Ordinances and/or Regulations** – *List zoning ordinances or regulations that have been adopted or changed to implement the planning visions in §1-201 of the Land Use Article.*

In 2012, Kent County did not adopt any new regulations specifically to implement the planning visions in §1-201 of the Land Use Article of the Annotated Code of Maryland.

Map of New Single Family Dwellings/Subdivisions

