

# ANNUAL REPORT 2017

DEPARTMENT OF PLANNING, HOUSING, AND ZONING

KENT COUNTY, MARYLAND



COMPLETED JULY 2018



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 2017. 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**

Amy G. Moredock, Director	Bryan Foreman, Enforcement Officer
Carla Gerber, GIS Specialist	Sandy Adams, Office Manager
Katrina Tucker, Community Planner	Tonya Thomas, Project Technician
Stephanie Jones, Critical Area Planner	Beth Grieb, Permit Technician
M. Richard Myers, Chief Enforcement Officer	

### **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 the Land Use Article 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
James E. Saunders	Kim Kohl
Ed Birkmire	William S. Sutton
William Crowding, II	G. Mitchell Mowell, Esq., 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 2017 the Planning Commission met monthly. Of their 12 meetings, since there were no projects on the agendas for January and August, rather than convening on Thursday afternoon, the January meeting was held on the evening of the first Wednesday of the month and the August meeting was held on the evening of the first Thursday of the month to coincide with work-sessions for the update to the County's Comprehensive Plan

## **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 2017, the Board of Appeals met four times.

### **MEMBERS**

Dr. Albert Townshend, Chairman  
P. Joan Horsey, member  
John R. Massey, member  
David Hill, alternate

Funk & Bolton, Attorneys for the Board  
(1/1/2017 – 9/13/2017)  
Christopher Drummond, Attorney for the  
Board (9/14/2017 – present)

## **HOUSING**

There have been significant changes to the County Housing Program. The County had been contemplating a change in program implementation, as the program has been dwindling for many years. The County continues to evaluate the most appropriate path for the future of this Program implementation while the Planning Department continues to staff existing cases from historic implementation of the Program.

## **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 seven-member 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 2017. The Commission provided input on the draft Historic and Cultural Preservation section of the Comprehensive Plan Update.

### **MEMBERS**

Elizabeth Beckley, Chairman  
Carolyn Brooks  
Jennifer Moore (appointed May 2017)  
Don Othoson

Max Ruehrmund  
Barton Ross  
Jeremy Rothwell

## **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 seven-member Agricultural Advisory Commission is supported

by staff from the Department of Planning, Housing and Zoning. The Commission meets on “as needed” basis or by the call of the Chair, and an agenda is available from the Planning Department prior to the meeting. This Commission met once in 2017.

#### MEMBERS

W. Frank Barnes, Jr. (term expired in 2013)	Craig McSparran (term expired 2013)
John Cahall (term expired in 2015)	John Henry Myers, Jr. (term expired 2014)
Herman E. Hill, Jr (term expired in 2013)	Jennifer Debnam (appointed April 2016)
Sean Jones (term expired 2014)	

Though terms of appointments have expired, members continue to serve until a replacement is appointed by the County Commissioners. While it has been a priority for staff and the Commissioners, finding replacement members has been a challenge.

### **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 (MALPF). These include applications to establish agricultural preservation districts, to sell permanent protective easements to the Maryland Agricultural Land Preservation Foundation, to create lot exclusions, and to subdivide properties in the preservation program. The five-member 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 four times in 2017.

#### MEMBERS

David Hill, Chair	Ernest “Tot” Strong
Davidson Coleman	George Wiedenmayer
Bryan McDonald	

The Agricultural Land Preservation Advisory Board reviewed and forwarded recommendations to the Planning Commission on a total of fifteen applications to create local County Agricultural Preservation Districts. The MALPF Board of Trustees will accept applications for Easement Acquisitions during the upcoming 2018 cycle.

### **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 2017.

### MEMBERS

R. Allen Davis, Chairman  
William Bowdle (term expired in 2014)  
Edward Taylor (term expired in 2014)  
William Washington

Emily Joyce, Cooperative Extension  
Timothy Redman, Soil & Water Conservation  
District

Though terms of appointments have expired, members continue to serve until a replacement is appointed by the County Commissioners. While it has been a priority for staff and the Commissioners, finding replacement members has been a challenge.

### **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 2017.

### MEMBERS

Three vacancies remained open in 2017.

### **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 met 12 times in 2017.

### 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 2017.

### MEMBERS

Nancy Dick  
Janice Graham

Charles W. Sommers

The positions for the two alternate members remained vacant in 2016.

## SPECIAL PROJECTS

Special Projects which involved Department of Planning, Housing, and Zoning staff in 2017 included:

- ✿ *Rigbie Bank Buffer Management/Critical Area Forest Clearing Plan:* A Memorandum of Understanding was signed between the Kent County Department of Planning, Housing, and Zoning, Kent County Department of Public Works, and the Rigbie Bluff Condominium Association for a Buffer Management/ Critical Area Forest Clearing Plan to be drafted and implemented adjacent to the bathhouse at the Betterton Beach County Park for the removal of invasive species.
- ✿ *Comprehensive Plan Update:* In 2017 the County continued the update to the 2006 Comprehensive Plan. The third public forum was held on March 15<sup>th</sup> to review the Historical and Cultural Preservation, Community Facilities and Public Services, Vision and Purpose, and Implementation Strategy draft sections. On May 19, 2017 the draft update of the Kent County Comprehensive Plan was dispersed for the 60-day review process to the state, Kent County municipalities, surrounding jurisdictions, and the Upper Shore Regional Council. The Planning Commission held a public hearing on August 3<sup>rd</sup>. At the September worksession the Commission reviewed and deliberated upon the comments and recommendations that had been made at the public hearing. At the regularly scheduled Planning Commission meeting on November 2<sup>nd</sup> a favorable recommendation for the draft Kent County Comprehensive Plan was sent to the County Commissioners. The adoption remained pending as of the end of 2017.
- ✿ *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.
- ✿ *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.
- ✿ *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 a 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.

MDE moved into Phase III WIP planning during 2016. Staff is coordinating directly with MDE and jurisdictions throughout the state to develop a Plan that will more-closely accommodate reasonable and achievable goals for local jurisdictions.

This Committee did not meet in 2017, but the Two Year Milestone Status Report (2014-2017) and 2018-2019 Programmatic Milestone documentation was drafted to be submitted to the MDE in 2018.

- ☞ *Kent County Land Preservation, Parks and Recreation Plan:* The Planning Commission reviewed the draft plan and the consensus was to send the draft to the Maryland Department of Natural Resources (DNR) and the Maryland Department of Planning (MDP) for review and comment. The Agricultural Preservation Board and Parks and Recreation Advisory Board were presented with relevant chapters and forwarded favorable recommendations to the MDP and DNR. Comments will be received and reviewed by staff and Planning Commission in 2018.
- ☞ *Maryland Agricultural & Resource Based Industry Development Corporation (MARBIDCO) and the Next Generation Farmland Acquisition Program (NGFAP):* MARBIDCO received \$2.5 million in State funding in Fiscal Year 2017 to launch the program to help qualified young and beginner farmers enter the agricultural profession. The NGFAP is essentially a rapid response farmland conservation easement option purchase program that is designed to help facilitate the transfer of farmland to a new generation of farmers, while also effectively helping to preserve the farm from future development. The key tool is an “easement purchase option contract” which will ultimately result in a permanent easement sale in the future with the Maryland Agricultural Land Preservation Foundation (MALPF), the Rural Legacy Program, or a local land trust, or other such easement. The program makes money available for a down-payment so that the next generation farm is able to meet the equity requirement for a commercial loan. The application for this program was released, but no application were submitted from Kent County in 2017.
- ☞ *Maryland Department of Transportation (MTA) Railroad upgrade:* The MTA commenced design work for the rehabilitation of the railroad bed from Massey to Worton. The project was brought to staff’s attention by a land owner that survey work had commenced without notification of property owners. Staff with the Office of Freight and Multimodalism at MDOT was contacted and the County provided them with a listing of the mailing addresses for all property owners adjoining the railroad, to whom MDOT sent letters by certified mail advising of the project and survey work; since additional surveying was still being conducted. County staff met with MDOT and their contractor on February 16, 2016, at which they advised that their surveyors in December 2015 had staked 128 steel pins on tillable fields that are outside of the railroad right-of-way. The County staff requested that the steel pins be removed by March 1, 2016.
- ☞ *Public Service Commission/Certificate of Public Convenience and Necessity (CPCN) Cases:* The County has been involved in 4 CPCN cases involving utility scale solar energy system siting. Two of the cases have been proposed in either Industrial (I) or Employment



Center (EC) Zoning Districts in the village of Massey. The other cases located outside of zoning districts in which such uses are permitted have either been denied or withdrawn.

- Massey/Community Solar, LLC proposes to lease approximately 96 acres from the Lands of the Benjamin C. Stafford Revocable Trust to construct a 5MW solar voltaic project on a 55-acre portion of that site in accordance with the EC permitted use and design standard provisions. In light of the OneEnergy appeal of Forest Conservation compliance, Massey Solar halted project review following conceptual site plan review by the Planning Commission in 2016. The County opposes any exceptions to the Ordinance provision.
- ☞ *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.

## MEETINGS AND ORGANIZATIONS

During 2017, 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:

- Agricultural Advisory Commission
- American Stormwater and Floodplain Managers
- Chestertown River Bridge Task Force
- Critical Area Commission – Chesapeake and Atlantic Coastal Bays
- Eastern Shore Climate Adaptation Partnership
- Eastern Shore Land Conservancy
  - Annual Conference
  - Eastern Shore Climate Adaptation Partnership
  - Quarterly Planners Meetings
- Eastern Shore Local Government Exchange
- Eastern Shore Heritage, Inc. (Stories of the Chesapeake Heritage Area)
- Healthy Waters Roundtable
  - BMP and Sewer Extension subcommittees
  - Drafting Committee
  - Workshops
- Kent County Council of Government
- Kent County Comprehensive Plan Update
- Kent County Economic Development Advisory Board
- Kent County Total Maximum Daily Load
  - Chesapeake Bay Foundation WIP meeting
  - EPA TMDL meeting

- Harry R. Hughes Center for Agro-Ecology WIP Seminars
- Local Phase II and III WIP meetings
- Local Emergency Planning Committee
- Maryland Agricultural Land Preservation Foundation
- Maryland Association of Counties:
  - Annual Winter Conference
  - Critical Area Planners Meetings and workshops
  - Governor’s Intergovernmental Commission on Agriculture (GICA)
  - Planning Officials Meetings
- Maryland Association of Floodplain and Stormwater Managers
  - Annual Conference
  - Monthly Meetings
- Maryland Department of Planning—Planning Directors Roundtable
- Maryland Historical Trust – State Preservation Plan
- Maryland Municipal League Joint County/Municipal Planners Meeting
- Maryland Planning Commissioners Association – Member of the Planning Commission
- Rock Hall Working Waterfront Committee
- Rural Legacy Advisory Board
- State Highway Administration Pre Tour Meeting
- State Highway Administration Scenic Byway Workshop
- St. Paul’s Church Restoration Project – Phase I and II

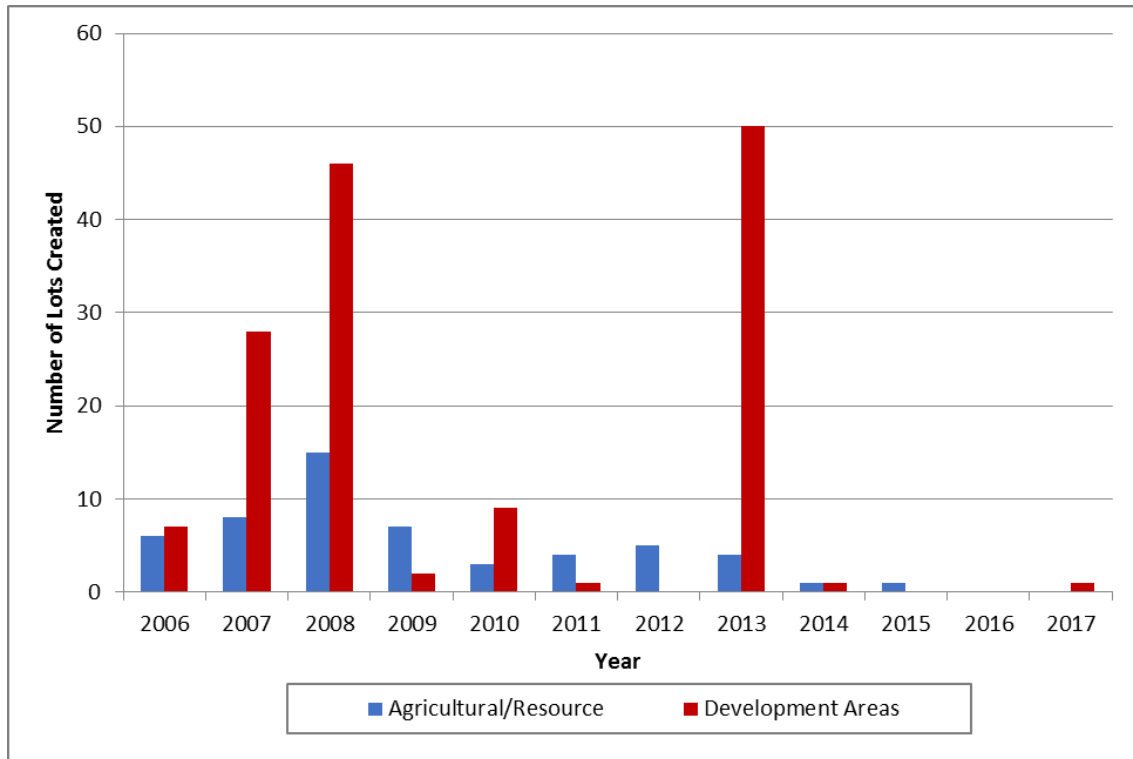
## **PLANNING & DEVELOPMENT**

All major and minor subdivision applications are reviewed by the Technical Advisory Committee. The Technical Advisory Committee also reviews all adjustments of lot lines, as well as all site plans. All major subdivision applications and site plans are reviewed by the Planning Commission, who makes the final decision on these 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.

In 2017 for the unincorporated area of the County, there were no major subdivision applications and only two applications for minor subdivisions. One minor subdivision was approved in 2017 while the other remained pending at the end of 2017. A 88.098 ac lot, split zoned Agricultural Zoning District and Employment Center was approved and recorded in 2017. Subdivision activity has been quite minimal. In 2016 no new lots were recorded and in 2015 only one minor subdivision was approved that created a sole 3.0 acre lot on a farm. Two (2) new residential lots were approved in 2014, when one (1) was located in a development area and the other being an agricultural lot. In 2013 there were 54 new lots, of which 50 were in the development areas, and of those 47 were in Phase II of the Village at Kennedyville.

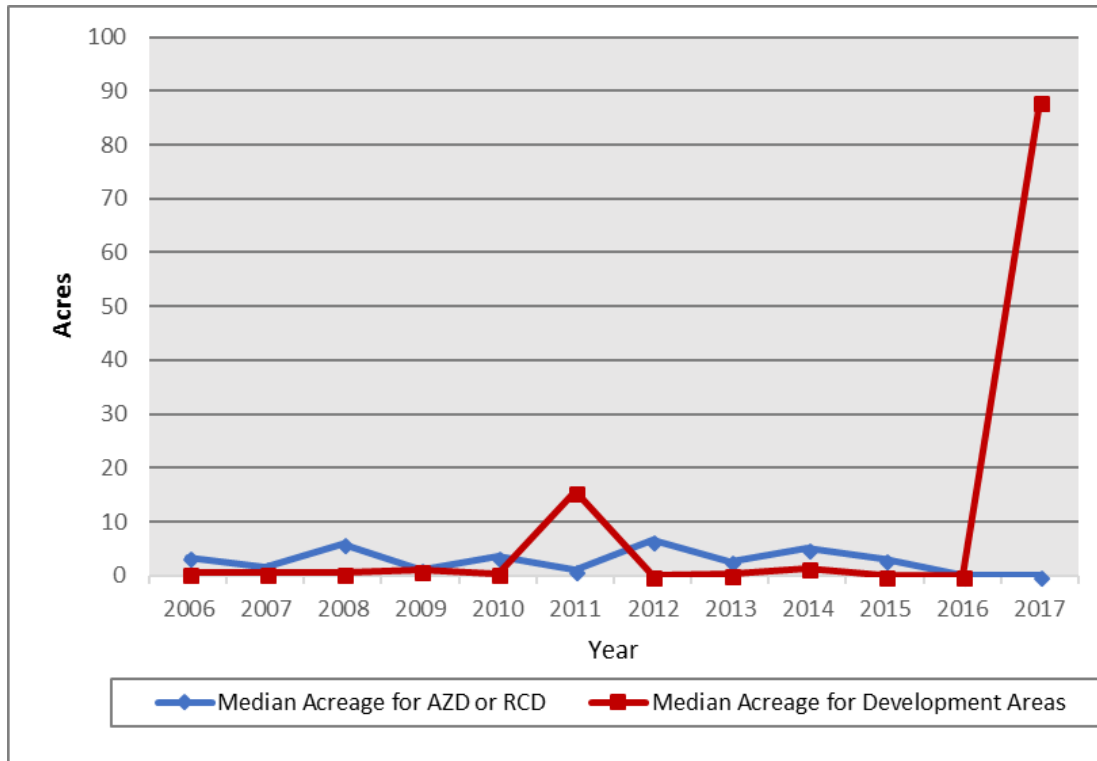
Figure 1 shows the development trends of lots approved by zoning type over the past decade. As reflected in Figure 1 the majority of new lots have been located within the development areas. This also shows how variable the amount of development activity can be within the unincorporated area of the County from one year to another.

**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 did not significantly change between 2014 and 2016 since only one 3.0-acre lot was created in 2015 and none were created in 2017. Figure 2 shows the development trends for median lot size by zoning type. The median lot size for developed area reflects one 88.098-acre lot created in 2017.

**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, 39,338 acres of farmland have been permanently protected. In 2017, there were 850 acres placed under easement. One easement was purchased with federal funds as a scenic conservation easement along the Chesapeake Country National Scenic Byway. The other easement was purchased through the MALPF Program. The MALPF Board of Trustees in recent years has been combining funding and conducting a two-year cycle for Easement Acquisitions. MALPF accepted applications to sell an easement in July 2016 and the County submitted 8 applications. Of the 8 applications submitted, the owners of six of those applications received and accepted offers in 2017. Most of these easements will settle in 2018.

### Major Subdivisions

Major subdivisions contain 8 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.

In 2017 there were no major subdivisions.

## Minor Subdivisions

There were two (2) minor subdivision applications submitted to the Department of Planning, Housing, and Zoning during 2017, one remained pending at the end of the calendar year.

*Henlyn Farms:* This minor subdivision created a new 88.098-acre farm lot from a 297.46-acre lot, resulting in 209.36 acres remaining in the parent tract. The newly created 88.098-acre tract has no proposal for development at this time and will remain in agricultural use. A required 14.871 acres of existing woods were deed restricted on the parent tract to comply with Forest Conservation requirements. The new lot consists of 54.975 acres in the Employment Center District (EC) and 33.123 acres in the Agricultural Zoning District (AZD). The property is located at the corner of Route 313/Galena Road and Carroll Clark Road in the First Election District.

*Melinda S. Pinder:* The applicants are proposing to subdivide a 6.975-acre lot from the existing 96.272 acre parcel, located at the north east of Harmony Corner, between Route 213 and Route 444, in Kennedyville. The property is zoned Agricultural Zoning District (AZD) and is located in the Second Election District. This minor subdivision remained pending in 2017.

## 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 plats for adjustments of lot lines in 2017. All plats were recorded in 2017.

**Table 1: Lot Line Adjustment by Zoning District (Submitted in 2017)**

Zoning District	Number
Agricultural Zoning District	4
Agricultural Zoning District / Resource Conservation District	2
Critical Area Residential	6
Commercial / Industrial / Industrial Critical Area - Limited Development Area	1
Resource Conservation District	1
Rural Character	1
Village	5
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 7 site plans in 2017, of which 3 were major site plans. Of the major site plans there were one received final approval, and two remained pending; one of which was an amendment to a previously approved site plan.

### **Minor Site Plans Submitted in 2017**

*CAH, LLC.*: The applicant was granted minor site plan approval to construct a 1,072 square foot one story addition to the northeast side of the existing hospital. The property is zoned Crossroads Commercial (CC) and Agricultural Zoning District (AZD).

*Barbara Edwards*: The applicant was granted minor site plan approval to construct a 96 square foot addition for a Marine Boat Engine Repair Shop adjacent to an existing building. The property is split zoned Marine and Resource Conservation District (RCD).

*Tolchester Marina Inc*: The applicant was granted minor site plan approval by the Planning Commission to construct two accessory structures for the use of the Shanty Beach Bar. A proposed 275 square foot building will house the kitchen and replace an existing gazebo along with a 170 square foot permanent satellite bar. The property is zoned Marine

*Willard's Agri-Services of Lynch, Inc*: The applicant was granted minor site plan approval to construct a 3,500 square foot addition to the existing workshop. The property is split zoned Village and Agricultural Zoning District (AZD).

### **Major Site Plans Submitted in 2017**

*Oddmund Angell*: The applicant proposed an amendment to an approved 2016 major site plan that included a garden center offering retail sales of landscape supplies and an antique store. The amendment included reducing the size of the building of the originally approved area of 5,750 square feet to 4,995 square feet, a greater setback from Route 20, and a new outdoor display area. This site plan amendment remained pending as of 2017.

*Creafill Fibers Corporation*: The Planning Commission granted combined concept and preliminary site plan review for the construction of 23,364-square feet of shipping and receiving additions to three of the four existing buildings at the facility located along Worton Road in the Third Election District. The property is zoned Industrial and a final site plan review remained pending in 2017.

*Massey Aero, LLC*: The applicant was granted combined concept, preliminary and final site plan review to construct a 12,640-square foot 10-unit aircraft hangar complex measuring 40 feet by 316 feet. The granting was based on a condition that the request to amend or remove certain conditions imposed by the Board of Appeals approval in the Airport Special Exception Case decision dated May 3, 2001 was granted. The modifications to the special

exception conditions were approved by the Board of Appeals during their public meeting held 16 October 2017. The property is in the Agricultural Zoning District.

### **Zoning Text Amendments**

There were two petitions proposing amendments to the Kent County Land Use Ordinance submitted in 2017. These “Zoning Text Amendments” included the following:

*Kent County Planning Commission:* The proposed amendment was initiated by the Planning Commission to address manure storage by amending Article V, Section 1.4.A and Article V, Section 2.4.A to add “Waste management facilities” to the list of permitted accessory uses on farms in the Agricultural Zoning District and Resource Conservation District. The permitted accessory use includes certain standard that would pertain to the nature of this use and a 600-foot setback. By adding the proposed language, it provided clarification within the Land Use Ordinance with regards to manure storage facilities. A favorable recommendation was sent to the County Commissioners from the Planning Commission and language was adopted on October 3, 2017.

*Sultana Education Foundation, Inc:* The applicant proposed to amend Article V, Section 2.4(B)(7) and Article V, Section 5.4(8) of the Kent County Land Use Ordinance to include extended private pier length standards in the Resource Conservation District and Critical Area Residential Districts in order to accommodate safe harbor for tall ships owned by a non-profit organization. The Planning Commission unanimously sent an unfavorable recommendation to the County Commissioners with concerns expressed with the safe harbor provisions being a permitted accessory use without enforcement of non-profit status owning a tall ship, what constitutes a tall ship, and the determination of the severe weather.

Language was redrafted and a favorable recommendation was sent to the County Commissioners for the proposal of the safe harboring for tall ship as a special exception with amendments made to Article V, Section 2.3.19.5, Article V, Section 5.3.22.5, Article VII, Section 6(adding 42.5), and Article VII. Section 7.59.5 to include special exception provisions in the Resource Conservation District and Critical Area Residential in order to extend private pier length standards exclusively to moor tall ships, owned by a non-profit, and provide safe harboring from severe weather-related threats. The proposed language was adopted on June 20, 2017.

### **Other Projects**

*Town of Chestertown WWTP Annexation:* The Town of Chestertown annexed a 141.11 acre property along John Hanson Road known as Tax Map 44, Parcel 231 within the Fourth Election District. The parcel is comprised of the Chestertown Wastewater Treatment Plan, a small scale solar energy system, and tilled agricultural land. The County’s zoning of the parcel was Resource Conservation District and Rural Residential which was rezoned to the Town’s “IN”, Institutional District. There is no intention on the part of the Town to change the use of the parcel so a waiver of the 5-year rule was appropriate. Both the Planning Commission and the County Commissioners favorably reviewed this application for annexation.

*Kent County Water and Sewer Plan Amendment:* Kent County proposed to amend Chapter 3, Section 3.5.9 (Water/Water Supply/Delta Heights) of the Kent County Water and Sewer Plan to install a looping system to the water line which was approved in 2015 to provide service from

Fairlee service district to Tolchester Village. The purpose being to reduce water age and provide redundancy in the event of a water main break. The Kent County Planning Commission sent a favorable recommendation to the Kent County Commissioners based on the consistency with the Kent County Comprehensive Plan. The County Commissioners adopted the amendment in June 2017.

*Eastern Shore Mushroom, Inc.* In September 2017, the Planning Commission granted a request for an additional three-year extension of the final site plan approval for Eastern Shore Mushroom Farm, Inc., which would have otherwise expired on 2 October 2017. The approval extension of shall expire on 7 September 2020.

## **BUILDING PERMITS**

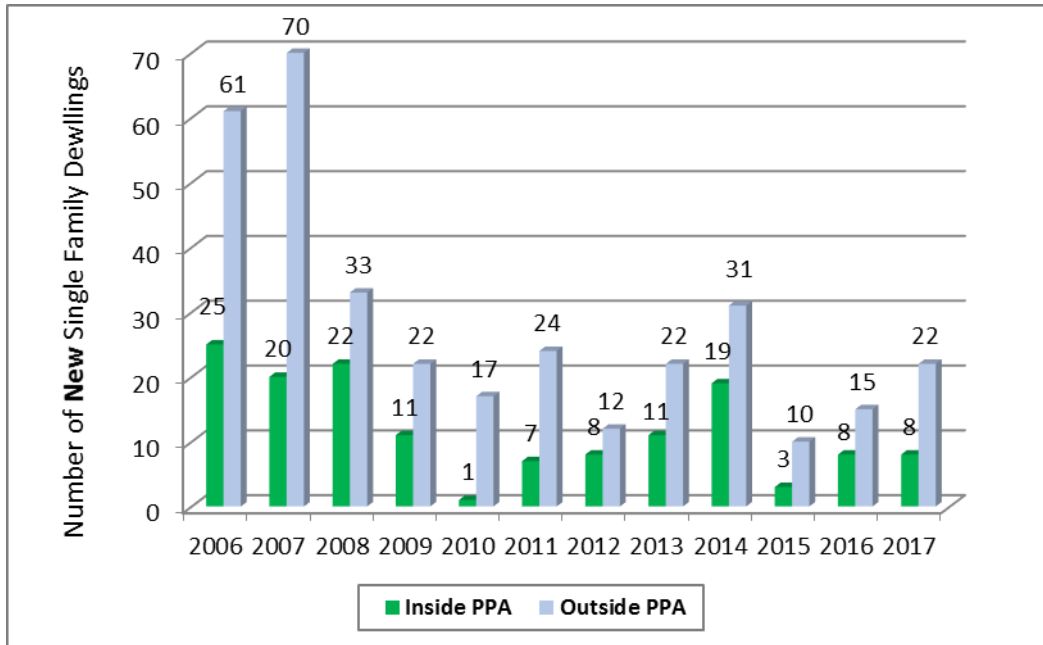
Building permits are reviewed by Planning, Housing, and Zoning Staff for consistency and compliance with the Comprehensive Plan, Land Use Ordinance, Forest Conservation Act, Sediment Control, Floodplain, and Stormwater Management regulations. In 2017 there were 452 permits submitted for the unincorporated areas of the County. Staff issued 437 building permits, including 30 new single-family dwelling permits. The total number of permits issued and the number of new single-family dwellings increased from 2016. There were a total of 427 permits issued in 2016, of which 23 were for new single family dwellings. The number of permits reviewed had been slowly increasing from 2009 to 2014, but then declined again in 2015. A slight increase is reflected with the 2017 data.

Of the 30 building permits issued for new single-family dwellings in 2017 in the County, seven (7) were located in a Priority Funding Area (PFA) and eight (8) were in the Priority Preservation Area (PPA), with the remaining fifteen (15) in development areas. Most, equating to nine (9), of the new single-family dwellings were constructed in the Seventh Election District. There were nine (9) new homes located in the Middle Chester watershed, and the six (6) located in the Still Pond/Fairlee watershed. This summed up to be a total of half of the new homes per watershed. Of the total 30 new dwellings fourteen (14) were replacements for demolished houses.

Of the eight (8) new dwellings located in the PPA, three (3) were replacements for demolished houses with one being an accessory farm dwelling unit. Furthermore, 60.1 percent of the homes built in 2016 had a construction value of under \$250,000. These numbers do not reflect sale value but construction value as reported on building permit applications.



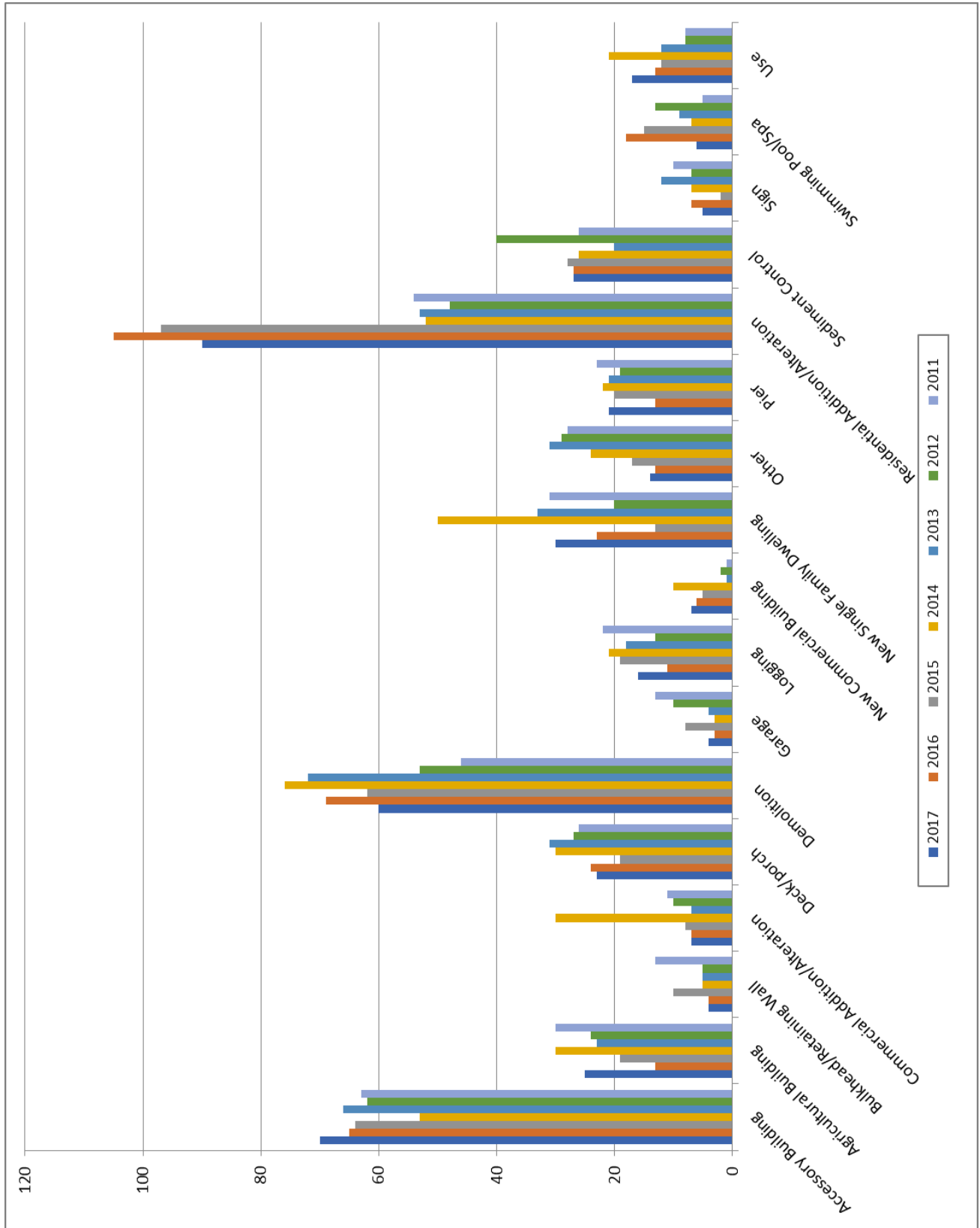
**Figure 3: New Single-Family Dwellings by PPA**



**Table 2: Building Permits by Type**

Application Type	Number	Percentage
Accessory Building	70	16.0%
Agricultural Building	25	5.7%
Commercial Addition/Alteration	7	1.6%
Deck/porch	23	5.3%
Demolition	60	13.7%
Garage	4	0.9%
Logging	16	3.7%
New Commercial Building	7	1.6%
New Single-Family Dwelling	30	6.9%
Other	14	3.2%
Pier	21	4.8%
Residential Addition/Alteration	90	20.6%
Satellite Dish	11	2.5%
Sediment Control	27	6.2%
Sign	5	1.1%
Swimming Pool/Spa	6	1.4%
Use	17	3.9%
Bulkhead/Retaining Wall	4	0.9%
Total	437	100%
Closed, pending, denied, or withdrawn	15	

**Figure 4: Building Permits by Type**



**Table 3: New Single-Family Dwellings by Zoning District\***

Zoning District	Total	Percentage
Agricultural Zoning District	4	13.3%
Resource Conservation District	5	16.7%
Rural Residential	10	33.3%
Critical Area Residential	7	23.3%
Village	4	13.3%
<b>Total</b>	<b>30</b>	<b>100%</b>

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

**Table 4: New Single-Family Dwellings by Election District\***

Election District	Number	Percent
First	6	20.0%
Second	2	6.7%
Third	5	16.7%
Fourth	2	6.7%
Fifth	4	13.3%
Sixth	2	6.7%
Seventh	9	30.0%
<b>Total</b>	<b>30</b>	<b>100%</b>

**Table 5: New Single-Family Dwellings by Watershed\***

Watershed	Number	Percent
Langford	2	6.7%
Lower Chester	5	16.7%
Middle Chester	9	30.0%
Sassafras	5	16.7%
Still Pond/Fairlee	6	20.0%
Upper Chester	3	10.0%
<b>Total</b>	<b>30</b>	<b>100%</b>

**Table 6: Value of New Single-Family Dwellings\***

Construction Value	Number	Percent
\$0-\$49,999	2	6.7%
\$50,000-\$99,999	0	0.0%
\$100,000-\$149,999	8	26.7%
\$150,000-\$199,999	3	10.0%
\$200,000-\$249,999	5	16.7%
\$250,000-\$299,999	-	-
\$300,000-\$349,999	4	13.3%
\$350,000-\$399,999	4	13.3%
\$400,000-\$449,999	0	0.0%
\$450,000-499,999	1	3.3%
\$500,000+	3	10.0%
<b>TOTAL</b>	<b>30</b>	<b>100%</b>

*\* 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 2017, the Staff was involved with 84 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.

#### **VARIANCES**

The Planning Commission forwards recommendations to the Zoning Board of Appeals concerning all variance applications except variances of the Floodplain Ordinance. There were three applications for variances submitted in 2017, in which all were granted.

**Table 7: Variances Granted and Denied by Type**

Variance Type	Total	Granted	Denied	Withdrawn
Setback	1	1	-	-
Buffer	1	1	-	-
Moving a Nonconforming Structure	1	1	-	-
<b>Total</b>	<b>3</b>	<b>3</b>	<b>-</b>	<b>-</b>

**Table 8: Variances**

Case #	Applicant	Type	Decision
17-7	Chester River 2, LLC	Moving a Nonconforming Structure	Granted
17-45	Judith Casey & John Casey	Setback	Granted
17-61	Travis P. Biggs	Buffer	Granted

**Administrative Variances**

The Planning Director, or Planning Director’s designee, may hear and decide Administrative Variances. Applicants may apply for an Administrative Variance from the yard requirements that do not exceed 50 percent of the required yard for the applicable zoning district. Applicants may also apply for an Administrative Variance from the buffer requirements for parcels that existed on or before December 1, 1985 for the repair, replacement and installation of septic systems. 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 heard five (5) administrative variance requests in 2017, all of which were granted. One was for a replacement septic system in the 100-foot Critical Area Buffer and four (4) were setback variances.

**Table 9: Administrative Variances**

Case #	Applicant	Type	Decision
17-15	Barbara McConnell	Buffer (BAT Septic upgrade)	Granted
17-17	Joseph Walton & Tamara S. Walton	Administrative Setback	Granted
17-23	Chestertown Animal Hospital	Administrative Setback	Granted
17-27	Thomas V. DiAngelo & Nancy B. DiAngelo	Administrative Setback	Granted
17-56	John O’Keefe	Administrative Setback	Granted

## SPECIAL EXCEPTIONS

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 2017 there were twelve (12) applications submitted seeking a special exception. Three (3) were heard by the Board of Appeals and granted.

**Table 10: Special Exceptions Granted and Denied by Type**

Special Exception	Total	Granted	Denied	Withdrawn
Amendment to Special Exceptions	2	2	-	-
Tie-Out Pilings Exclusively for Tall Ships	1	1	-	-
<b>Total</b>	<b>3</b>	<b>3</b>	<b>-</b>	<b>-</b>

**Table 11: Special Exceptions**

Case #	Applicant	Type	Decision
17-36	Cliff Road Properties, LLC	Amendment to Special Exception Conditions - Country Inn	Granted
17-40	Christian Havemeyer	Tie-Out Pilings Exclusively For Tall Ships	Granted
01-12	Massey Aero, LLC	Amendment to Special Exception Conditions - Airport	Granted

### 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. The Planning Director or her designee received a total of ten administrative special exception cases in 2017, of which all were granted.

**Table 12: Administrative Special Exceptions**

Case #	Applicant	Type	Decision
17-8	Matthew Hogan & Katherine Hogan	Accessory Structure in Front Yard of Waterfront Parcel	Granted
17-11	Stephen Hufford & Melissa Hufford	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted
17-12	Henry Pechin	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted
17-16	William Boulter & Sharon Boulter	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted
17-21	Sergeant Pepper & Marion Pepper	Accessory Structure in Front Yard of Waterfront Parcel	Granted
17-32	Christopher Joyner	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted
17-39	John Adams & Cheryl Adams	Accessory Structure exceeding 1,200 sq. ft. area and 17 ft. height limits on parcel less than 5 acres	Granted
17-49	Scott P. Cooper & Shelia Bair	Accessory Structure exceeding 17 ft. height limit on parcel less than 5 acres	Granted
17-52	Jeff Green & Annette Green	Accessory Structure exceeding 1,200 sq. ft. area and 17 ft. height limits on parcel less than 5 acres	Granted
17-54	Ginni C. Bowen	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted



## CODES ENFORCEMENT

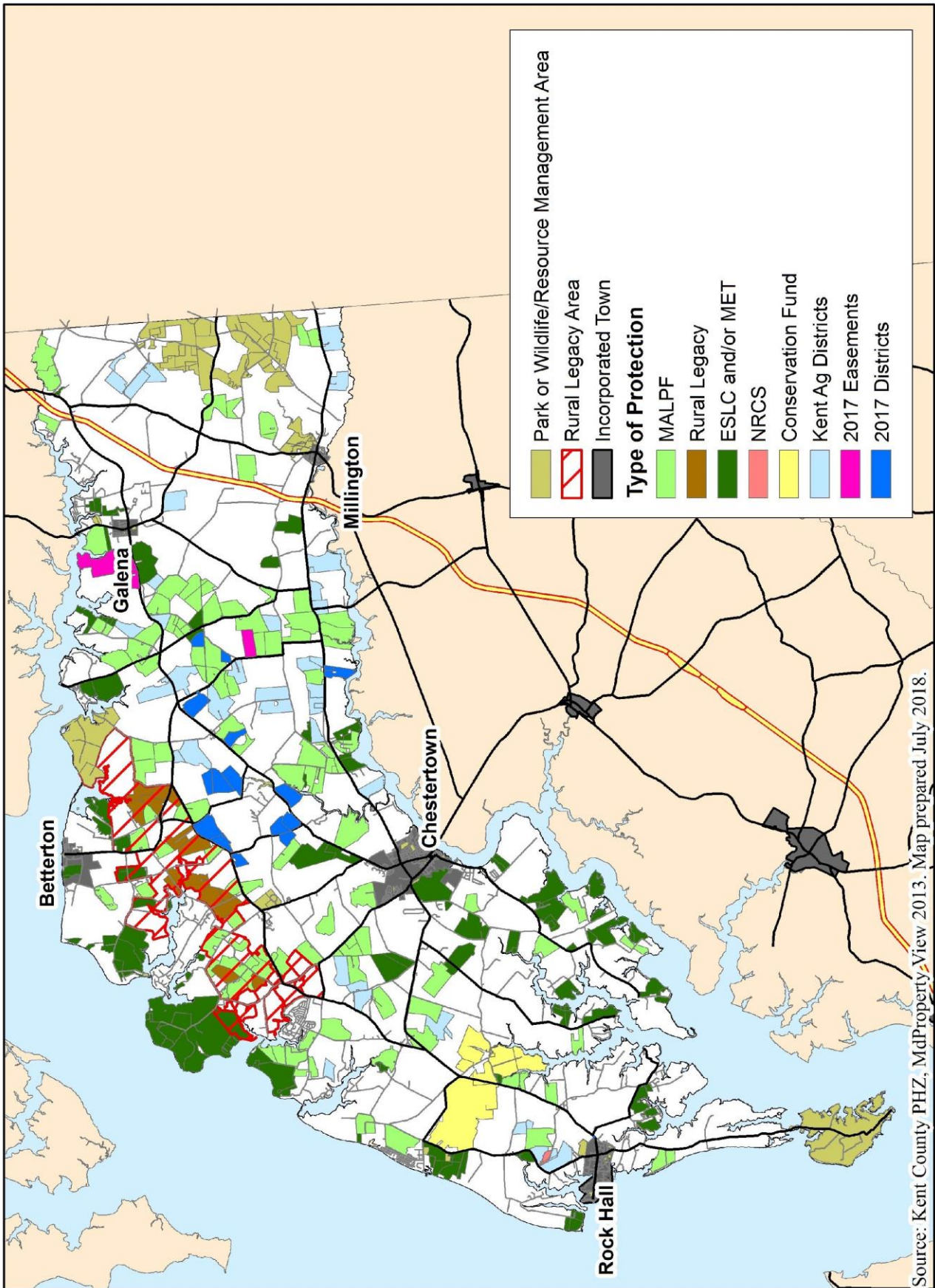
Kent County's Land Use Ordinance is directly enforced by the Department of Planning, Housing, and Zoning Staff. In 2017, staff was involved with 46 violation cases, including 9 Critical Area violations. Each case requires a minimum of two inspections. In addition to inspections resulting in citations, staff routinely responds to potential violation concerns expressed by property owners. In 2017, the Department collected \$9,902.00 in fines. In addition, there were 90 Critical Area Buffer Management/Enhancement Plans and 149 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 270 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 140 inspections related to enforcement of sediment control and stormwater management including logging, as well as 68 site inspections dealing with floodplain permits.

**Table 13: Violations by Type**

Case Type	Number of Cases	Closed as of 2017	Pending as of 2017
Building without a permit	16	10	6
Building in the Buffer	5	4	1
Clearing of Property in the CA	2	2	0
Clearing of Property in the Buffer	1	1	0
Junk and Debris	3	2	1
Illegal Signs/Use	8	3	5
Unsafe Property	2	1	1
Unregistered Vehicle	7	4	3
Other	2	1	1
<b>Total</b>	<b>46</b>	<b>28</b>	<b>18</b>

## Appendix A: Kent County Protected Lands



## Appendix B: New Single Family Dwellings/Subdivisions

