

Chapter 11 Implementation

The Millington Comprehensive Plan is intended to help the Town achieve its vision for the future. It provides a policy base for a wide variety of public and private actions and development related decisions by both public officials and private landowners. It provides general guidelines to the local community in order that piecemeal improvements or day-to-day decisions can be properly evaluated against their long-range impact upon the community and their relationship to existing settlement patterns.

The Millington Comprehensive Plan, and in particular the Land Use Element indicates the proposed general or conceptual development pattern of the community expected through 2030. It is not a detailed blueprint. It is, however, a guide delineating patterns of development which permit orderly and economical growth of the community in a manner that can be more efficiently served with a variety of governmental services and facilities.

The following sections outline strategies the Town can follow to implement the recommendations of this Comprehensive Plan.

Development Standards

Development codes and regulations should be consistent with the recommendations of this Comprehensive Plan, including promoting place-making through good design practices. Currently, these regulations are an impediment to the effective implementation of the policies expressed in this Comprehensive Plan. Significant attention and activity should be devoted to the review and update of Millington's land use regulations.

Zoning Ordinance

The Millington Zoning Ordinance will need to be thoroughly reviewed and revised to implement the recommendations of this Comprehensive Plan. Among other changes, the following revisions are required:

Zoning Districts

New zoning provisions should be created to implement the Land Use Plan recommendations, including creation of zoning district standards for the following districts:

Town Center Mixed Use District – a district with flexible development standards that permits a broad range of commercial, business and service uses as well as multi-family residential above the first floor. Architectural and site design standards and guidelines for this planning area

should be included.

Old Town Residential District – a detached single family residential district that encourages appropriate infill and redevelopment, includes appearance standards to protect existing historic structures, and strictly limits conversion of single family to multi-family residential use.

Suburban Residential District – a detached single family residential district that encourages appropriate infill and redevelopment and strictly limits conversion of single family to multi-family residential use.

Rural Residential District – a detached single family residential district that limits development to low density single family residential uses consistent with the abundant natural resources and sensitive environmental features found in this area.

Employment District – a mixed-employment district that permits a broad range of light industrial, business and service uses with some limited commercial permitted where the district adjoins the Town Center if included in an approved master development plan. This district should include incentives for development as a planned business park.

Planned Unit Development (PUD) District – a floating zone option that includes incentives for creation of master planned communities. This option would apply to large parcels of land, including annexed tracts, and would require design that includes a mix of residential unit types.

Conservation District – a natural resource protection overlay zone that includes sensitive environmental features areas including forests and FIDS habitat, wetlands, streams and buffers. The district should be used to implement the Town’s no net forest loss policy. Within the district only low intensity uses (including very low density residential use) that maintain the forest cover and protect sensitive environmental features will be permitted. Non-contiguous density transfer is allowed for properties under single ownership.

Official Zoning Map

The Town’s Official Zoning Map should be updated to reflect current corporate boundaries. The Official Zoning Map also should be updated to reflect the policy direction of this Comprehensive Plan, following review and updates to the Zoning Ordinance.

Infill and Redevelopment Incentives - Height Area and Bulk Requirements

Zoning standards for such things as minimum lot size, building setbacks and maximum height should be examined to ensure they are not an impediment to appropriate infill and redevelopment. Special infill zoning provisions that create incentives for context-sensitive infill and redevelopment should be included in the Zoning Ordinance. This will ensure that property

owners of existing buildings rebuilding on small lots can be given the flexibility needed to accomplish infill and redevelopment.

Sensitive Areas Protection Standards

The Town's emphasis on protecting natural resources supports a pro-active approach to managing sensitive environmental features. The following protection standards should be added to the Zoning Ordinance to achieve the Town's objectives in this regard:

- Require stream buffers of at least 100-foot wide naturally-vegetated areas on either side of streams wherever possible. Where this buffer adjoins sensitive soils (e.g., hydric soils) it should be expanded.
- Adopt additional standards to protect identified Interior Dwelling Species (FIDS) habitat. This may include adoption of a natural resource protection overlay zone that strictly limits clearing of forest cover and only permits very low density residential development (e.g. one dwelling unit per 25 acres).

Landscape Standards

The Town's landscape objective is to ensure that landscaping is used to accentuate the natural and built environment, establish visual connectivity, enhance community identity, and provide environmental and public health benefits. Landscaping should be used to effectively delineate space, highlight focal points, and provide buffer and transitional elements in addition to providing shade.

Millington should revise its development codes to establish appropriate landscape performance standards. Minimum landscape standards should be established for all land uses and include bufferyard standards between zoning districts of conflicting intensity, parking lot and perimeters landscape standards, street tree requirements, and special landscape treatment at gateway locations.

Critical Area Standards

In May 2008, the Critical Areas Commission passed legislation to amend the Critical Area Law in Maryland. The provisions of House Bill 1253 generally take effect on July 1, 2008 and are applicable regardless of whether a county, city, or town government has amended its Critical Area program, ordinance, plan or regulations. There are specific grandfathering provisions that relate to many aspects of HB 1253 that will allow flexibility for certain projects that have been formally submitted to a local government for review prior to July 1, 2008. The Millington Zoning Ordinance will need to be amended to reflect these changes in the Critical Area law.

Under the new legislation, newly subdivided lots in the Resource Conservation Area (RCA) and lots with changes in land use in the RCA (i.e. from residential to commercial) are subject to the new minimum Critical Area buffer of 200 feet. The minimum 200-foot buffer will be applied to the ‘parent’ parcel as well as any lots that are subdivided off of the parent parcel. Properties that change their boundaries by way of a Boundary Line Adjustment Plat (BLAP), but do not create additional lots, will not have their minimum buffer width expanded.¹ In order for Millington to authorize a reduction in buffer width, the Town must first have any proposed alternative reduction provisions approved by the Critical Area Commission.

Other changes required to achieve consistency with the law include replacing “impervious surface” requirements with “lot coverage” requirements. Lot coverage is defined to include areas covered by a structure, accessory structure, parking area, driveway, walkway, or roadway. Gravel, stone, shell, impermeable decking, pavers, permeable pavement, and any other man-made materials are included in lot coverage calculations. Lot coverage does not include walkways and stairs in the buffer, a wood mulch pathway, or decks with gaps to allow water to pass freely.

Millington must establish an administrative enforcement program or procedures of at least equal strength to address violations. Under the new law, a contractor, property owner or any other person who commits, assists, authorizes, or participates in a violation is subject to penalties. Enforcement and penalty provisions must include the following:

- Each violation is considered a separate offense and a fine of up to \$10,000 may be assessed.
- Each calendar day that a violation continues is a separate offense and a fine may accrue at \$10,000 per day that the violation continues.
- Payment of all penalties and guarantee of restoration will be required prior to issuance of any permit, approval, variance, or special exception.
- Environmental impacts and costs of site restoration and inspections must be considered in determining a penalty.
- There will be a three-year statute of limitations to take enforcement action.

¹ Reference House Bill 1253 Page 44, lines 12-19 and page 44, lines 26-28.

- Millington officials have the right to enter a property if a violation is reasonably suspected, and if entry is refused, may seek a court injunction. (Jurisdictions may use different local procedures if they are equally effective.)
- Prosecution of violators may include jail time up to 90 days.

Subdivision Regulations

Millington should review its Subdivision Regulations to ensure that its provisions are consistent with the objectives outlined in this Comprehensive Plan. Among other things, the Town should review development standards for roads and streets to ensure that new impervious surfaces are minimized, consistent with the policy objectives of this Comprehensive Plan. In addition, traffic calming measures are important, particularly for residential neighborhoods. Traffic calming measures should be a basic design requirement.

An essential part of the Subdivision Regulations should be that the owners and developers of all new subdivisions be required to post surety for the proper and timely construction of all water and sewer systems, fire protection systems, all roads and sidewalks, and all other necessary and required improvements. Surety also should be posted for the appropriate completion of any other public feature or amenity that might be proposed by developers. This might include such things as recreational facilities, community halls, street lighting, and street furniture.

Community Design

Facing the prospect of significant growth, Millington is understandably concerned about the impacts of growth on the existing community character. Planning policies addressing “community character” must attempt to translate a rather broad and sometimes vague term into more specific public guidance.

In an article entitled *Great Neighborhoods: Places that Stand-Out for their Character, Livability, and Positive Community Feeling*², a survey was conducted to determine the characteristics of “a great neighborhood.” Respondents cited the following identifiers:

1. Has a variety of functional attributes that contribute to a resident’s day-to-day living (residential, commercial, mixed uses);
2. Accommodates multi-modal transportation (pedestrian, bicyclists, drivers);
3. Has design and architectural features that are visually interesting;
4. Encourages human contact and social activities;
5. Promotes community involvement and maintains a secure environment;

² American Planning Association *Planning Magazine*, January 2008

6. Promotes sustainability and responds to climactic demands; and
7. Has a memorable character.

Protecting and enhancing these qualities in Millington is an objective of the 2007 Millington Comprehensive Plan. The concepts embodied in “place making” as guiding principles for a community are consistent with and reflective of these public sentiments. Because the scale of new development in the Town will strongly influence the look and feel of Millington tomorrow, establishing guidance for development design is important.

Design Guidelines - Place Making Principles

Millington favors well-planned projects that relate well to the surroundings. Instead of subdivisions the Town will encourage projects that result in new neighborhoods that fully integrate into the existing Town’s physical and social fabric. In order to achieve this end, the Town will judge the quality of new development based on the follow place-making principles:

Character - Place making should respond to the existing natural and developed features of the environmental context. A place that enhances the distinctive local landscape, and sense of place and history while providing a quality living environment will establish a rich environmental character unique to its locality.

Continuity and enclosure - The form and fabric of a place define the living environment and establish a hierarchy of both public and private spaces providing clarity of function and movement.

Quality of the public realm - Good urban design provides a sense of well being and amenity by ensuring recognition of the natural context and the functional requirements of the community and responding with public spaces and routes that are lively and pleasant to use.

Ease of movement - Ease of movement for residents and visitors is reinforced by consideration of connectivity and permeability and provides for a community which is easy to get to and to move about in.

Legibility - Legibility principles establish an understanding of place and wayfinding for residents and visitors. A discernable planned structure ensures that the living environment has a clear image and is easy to understand.

Adaptability - Provision for changing lifestyles and community needs enhances the future social and economic sustainability of a community. Adaptable space provides for flexible uses, gradual change, buildings and areas adaptable to a variety of present and future uses, and reuse of historic buildings and spaces.

Diversity - Diversity of space and function provides a range of experience and choice. This can be achieved through a variety of functions and land use, provision for a broad cross section of community and cultural values, a variety of built forms and development character, and opportunities for biodiversity.

The following general guidance further clarifies the Town’s expectation for the design of new neighborhoods:

- Natural features and site constraints should suggest natural common-sense design solutions. This includes designing with nature, not fighting, controlling, or dominating natural and ecological processes;
- The automobile should not be the dominant force that dictates the layout and design of residential communities. New residential streets should be as narrow as possible to discourage fast moving through traffic, be well-landscaped with shade trees, and be recognized as the principal public spaces that they are. In view of their visual and functional importance, thought, deliberation, and investment in landscape and streetscape design should be evident;
- Substantial landscaping should be included in common open spaces. Landscaping should provide shade, shelter from wind, and visual screens or buffers from unsightly elements on adjoining properties such as parking lots, loading areas, dumpsters, or utility structures. Landscaping can also provide wildlife habitat and linkages to forested and natural areas, greenways, and walking paths;
- Parking should not be a dominant site feature. Parking areas should be small scale, highly landscaped, attractive and inviting. Whenever possible, it is better to give preference to green space over asphalt and paved parking. This also assists in achieving water quality objectives;
- Signage should be informative without being intrusive. Signs should not dominate the visual landscape. Signs should be compatible with their purpose, be clear, concise, and as small as reasonably possible; aesthetics
- The architecture and styles proposed should be in keeping with the best building types and styles that have evolved in the Millington region, albeit taking advantage of new building material and techniques associated with “green building”. The Town should strongly encourage traditional designs and materials so that new developments blend seamlessly with the old. Modern materials and layouts need not conflict with the

character of Millington, if developers and builders are sensitive to the overall appearance of their creation; and

- The views of a site and from a site should be clearly considered by developers and addressed.

Large-scale development projects should be designed to achieve the following characteristics:

- Architectural harmony, including compatibility in styles, materials, colors, and building size and setbacks;
- Variety in housing types, density, and cost;
- Parks, squares, and other common open spaces for residents to interact and recreate, and to provide a setting for the architecture of the development;
- Neighborhood centers and civic spaces, which, depending on the scale of the development, can include places to shop, work, learn, or worship;
- An interconnected street system, which is based on a modified grid system;
- Sidewalks, street trees, and substantial on-street parking, providing distinct separation between pedestrians and traffic;
- Streets and sidewalks that are spatially defined by buildings in a regular pattern, unbroken by parking lots;
- Traffic calming, including more narrow streets with shorter turning radii than suburban streets, and medians, circles and related features along prominent streets;
- Lighting which is designed for safe walking and signage which has a pedestrian orientation; and
- A system of land subdivision and development which links one neighborhood to another and can logically be extended.

Transportation

The layout of access and circulation systems in new developments must balance the mobility, safety and other needs of pedestrians, bicyclists, and vehicular traffic. Achieving this end requires more than simply complying with street standards and specifications. Successful design of access, circulation and parking systems in new developments requires considerable effort.

Streets may be the most important public spaces in neighborhoods and must be thought of as an integral part of the overall design of communities. Interconnected streets encourage people to walk by providing a variety of route options. Small blocks encourage people to walk by maintaining a human scale environment. A fine-grained system of streets, pedestrian ways and

bicycle routes helps disperse traffic and reduce congestion. Multiple streets provide opportunities to connect new neighborhoods with old neighborhoods. Pedestrian walkways, bicycle lanes, and other amenities enhance the desirability of walking and bicycling.

New development design should be based on a modified grid system consisting of a simple and logical hierarchy of streets that contributes to the sense of place and helps orient people. Every lot should be afforded a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. No direct driveway access should be provided onto an existing or planned major collector street from a residential lot. Vehicles should be able to enter and exit without posing any substantial danger to themselves, pedestrians, or vehicles traveling on abutting streets, or interfering with the free and convenient flow of traffic on abutting or surrounding streets.

Alleys provide opportunities for parking in the rear of housing and contribute to the overall permeability of the road network. Alleys should be considered for all residential neighborhoods and as access to rear parking areas in commercial and office areas.

The street layout should present an attractive streetscape. A streetscape that is interesting to pedestrians encourages more people to walk. Buildings should front on the street. Structures, whether residential, commercial, or office, should form a continuous street edge, a vertical wall that contains the street and encloses space. In this regard, most streets need to be designed so that they are usable and frontable. The street layout should permit the safe, efficient, and orderly movement of traffic while meeting the multi-faceted needs of drivers, pedestrians and bicyclists. Street rights-of-way should be adequate to serve all functions including carrying motor vehicle, bicycle and pedestrian traffic, and allowing on-street parking.

Streets should connect with surrounding streets to permit the convenient movement of traffic between neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons. The street layout should serve the needs of the neighborhood and discourage use by through traffic. At the same time, the layout should provide appropriate vehicular and pedestrian connections between residential neighborhoods and shopping and employment areas.

The design of circulation systems in all new developments should be consistent with the recommendations of this Comprehensive Plan. Proposed new streets should provide for the appropriate extension of existing streets and key links to planned collector roads. The street layout should respect natural features, should relate appropriately to the topography and should be designed to facilitate drainage and storm water runoff.

The design of residential streets should reflect their function in the system hierarchy and discourage motorists from traveling above the intended speed. In particular, horizontal and

vertical alignment should not be conducive to excess speed. Residential streets will be designed to manage the speed and volume of traffic in residential neighborhoods using traffic calming methods that encourage speeds of 25 mph or less. Lower order streets should be less than 1/3 mile in length, so that motorists will have no room to speed.

When required, parking lots should consist of heavily landscaped small lot segments that are unobtrusive. In commercial areas, parking should consist of ample on-street parking and small lots located to the side or rear of buildings and screened from the main commercial street. Access to parking should be provided from rear driveways where possible. All parking lots should be screened from adjacent residential uses. Minimum standards that address this design guidance should be included in the Millington Zoning Ordinance.

Appropriate facilities for bicycles should be provided at key commercial, civic and recreation locations. To ensure this, the Town Zoning and Subdivision codes should be amended to require non-residential uses to provide bicycle storage/parking facilities to encourage and support this alternative mode of travel.

Water Resource Protection

Millington's objective for water resources are to:

- Maintain and protect an adequate water supply to serve the residents of Millington through 2030;
- Protect water supply from pollution and encroachment; and
- Take steps to restore and protect water quality and contribute to meeting water quality regulatory requirements in rivers and streams in the Upper Chester River Watershed. This will require addressing current water quality impacts as well as future impacts from land development and population growth.

Managing land use in a way that benefits water resources requires assessing development regulations, policies and guidelines from a new prospective for the Town. Among other things, it requires minimizing the footprint of new development to the maximum extent possible, extensive use of water conservation measures, staging growth based on the availability and capacity of water resources, protecting forested areas and natural buffers, retrofitting existing developed areas with improved stormwater management techniques, and requiring best management practices in all new development. In addition the Town should:

- Cooperate with Kent and Queen Anne's County on watershed planning and management initiatives.

- Develop water conservation methods and policies and encourage innovative technologies for stormwater management such as bio-roofs (“green” roofs), bio-infiltration parking and traffic islands, and bio-retention gardens.
- Make education material available to Town residents regarding nutrient management to reduce fertilizer applications to grassed areas and lawns in Millington.
- Establish, maintain, or expand forest buffers in the form of linear wooded areas along rivers and streams to help filter nutrients, sediments and other pollutants in runoff.
- Work with the Upper Chester River Tributary Team, Maryland Department of Natural Resources (DNR), Chester River-Keeper, and the Counties to improve habitat and water quality in degraded streams in the Town with a stream restoration program. This effort should be undertaken in cooperation with the Upper Chester River Tributary Team and the Chester RIVERKEEPER Program. An on-the-ground review of streams and other waterways located within Town limits should be conducted to determine where stream quality is diminished or threatened. Streams in need of restoration typically are characterized by destabilized stream channels and eroded stream banks. A stream walk should be conducted as an annual event to ensure that restoration efforts are effective and to evaluate if additional measures may be required. This program would provide an excellent opportunity for public involvement in the Town’s conservation efforts. Residents, groups, and students can participate in stream restoration projects by “adopting” a stream or waterway and learning, then implementing, best management practices to protect streams and reduce pollutant loading in the Chesapeake Bay.
- Work with developers, homeowners associations and individual homeowners to reduce the amount of impervious cover in the Town by implementing techniques such as clustered houses, narrow streets, reduced pervious surface in parking lot areas, shared driveways, and pervious paving materials.
- Require new development and infill and redevelopment projects to treat stormwater using nonstructural and micro-scale practices to the maximum extent feasible. Techniques such as submerged gravel wetlands, rain water harvesting (cisterns and rain barrels), landscape infiltration, infiltration berms, and dry wells should become common practices. Stormwater should be filtered using such techniques as rain gardens, landscape and tree planters (e.g., linear tree pits, sidewalk planters), grass swales and bio-swales, tree-swales, grass filter strips and vegetated buffers.

- Encourage development design that maintains or enhances green infrastructure, and incorporates low impact design through stormwater management techniques for water quality and quantity management. The Town also should encourage LEED (Leadership in Energy and Environmental Design) technology to promote sustainable building practices, conserve energy, and improve water and air quality.

Heritage Preservation

Implementation recommendations for heritage resources are designed to assist Millington in preserving its significant resources and developing broad strategies to enhance resources and promote compatible economic development initiatives that benefit the Town's tax base.

Preserve Historic Resources

Consider ways to ensure that the Millington's historic buildings and structures are maintained and preserved as valuable economic assets and important heritage resources. Develop planning policies and regulatory mechanisms, including Design Objectives or Guidelines, to assist in the preservation of heritage resources in Millington. This includes mapping, documenting, and inventorying of all current heritage resources as well as scenic and cultural landscapes and preparation of a "Millington Historic Preservation Plan". The planning process should emphasize public awareness and education concerning Millington's historic resources. Planning should be followed by establishment of a local historic district, historic district ordinance and historic district commission.

The Town can assist owners of historic properties by establishing mechanisms through partnerships to supply technical and professional assistance regarding heritage resources, including assistance to property owners for the rehabilitation and/or restoration of heritage structures in Millington. The Town also may encourage the protection and rehabilitation of historic homes and buildings by evaluating the use of an "Enterprise Fund" and "Rehabilitation Tax Incentives," working with the Maryland Department of Housing and Community Development, the Maryland Historical Trust, and the National Trust for Historic Preservation to obtain financial support for rehabilitation.

Promote Heritage Tourism

Continue to build heritage tourism infrastructure in Millington. This includes improved walkable spaces in the downtown, wayfinding signage that includes historic sites and structures, a kiosk for information regarding historic Millington, parks and open spaces to accent the public realm, and linkages to key sites and areas such as greenways and trails etc. Increased heritage tourism

will assist in the revitalization of the Town’s central business district. Specialty shops and a vibrant downtown with businesses, restaurants, inns etc. will improve Millington’s local economy and assist in the preservation of its valuable historic resources.

Partner with local and State entities such as the Eastern Shore Heritage Incorporated (ESHI), Kent County Government, the Kent County Historical Society, the Maryland Historical Trust, and the Maryland Heritage Areas Authority to promote and enhance heritage preservation and tourism initiatives in Millington.

Promote Millington as an important scenic byway in Kent County. This includes partnering with Kent County, Maryland Tourism, and the Maryland State Department of Transportation (MDOT) – State Highway Administration (SHA) to review the possibility of including Millington (MD Rt. 313 from Galena to Millington) as a branch on the Chesapeake County Scenic Byway.

Adaptive Reuse of Historic Structures

Adopt flexible zoning provisions that promote the adaptive reuse of historic structures for public and private uses including, but not limited to, bed and breakfast establishments, craft/gift shops, small retail operations, cafes and restaurants, museums, and studio space for artisans, when such uses minimize exterior structural alterations.

Administration and Enforcement

Streamlining the Development Review Process

Development review of infill and redevelopment projects within the old Town portions of Millington will be streamlined by amending the Zoning Ordinance to give the Planning Commission greater authority to vary certain development standards for proposed projects that meet voluntary design guidelines.

Innovative Development Techniques

Amendments to the Zoning Ordinance will add special provisions for master planned unit developments. The standards and guidelines will establish a development and design framework for mixed-use projects, including commercial and business uses appropriate to a neighborhood context. The process will include a requirement that a “Developer Rights and Responsibilities Agreement” (DRRA) is executed as part of the zoning approval process.

Parks and Open Space

Parks will range from small, vest-pocket parks located within the neighborhoods to larger community parks serving all Town residents, as deemed appropriate. Parks and open space

meeting the following guidelines should be provided for enjoyment by people of all ages.

- Serve the active and passive recreation needs of all Town residents;
- Be located within easy walking distance (500 feet to 800 feet) of every residence;
- Be linked together by walking paths to the maximum extent possible;
- Be highly visible; ideally, fronted on at least two sides by residential units so that residents can clearly see park activities; and
- Respond to changing user needs.

The Town should adopt minimum open space and improvement standards in the Zoning and Subdivision regulations and require that the design and location of park and open space adhere to these guidelines.

New developments will be required to provide a variety of park and open space facilities to address the needs of the new neighborhoods, or, in cases where park or open space land is already in the neighborhood, contribute a fee in lieu of participation.

Growth Management

Annexation

Millington's long range growth plan identifies land outside of the corporate boundaries that is planned for annexation in the future. Future annexations must address State laws contained in Article 23A and the additional requirements from Maryland House Bill 1141. Although these properties are not needed to meet the Town's projected growth-related land demand to 2030 neither does the Town want them inefficiently developed as low density, rural subdivisions on well and septic under County zoning.

The long-term development policy for Millington embraces the "Eight Visions" that comprise the State's Economic Growth, Resource Protection, and Planning Policy. Future development will be in accordance with the principles of Smart Growth. Consequently, the substantial residential development expected in the future should be consistent with the density requirements of the State's Priority Funding Areas and the principles of Smart Growth in general. This development will be planned in a manner that makes efficient use of the land. Runoff and other negative impacts will be minimized.

As of October 1, 2009, all annexations must be consistent with the Town's MGE. In addition to meeting all State legal requirements, future annexation will include a detailed "Annexation Agreement" between landowner(s) and the Town that addresses the following;

1. Identification of potential impacts to community facilities and services including water and sewer as well as environmentally sensitive areas. Appropriate impact studies may be required to quantify these impacts, including a fiscal impact study and an environmental impact assessment that addresses the potential impact of the proposed annexation and planned development on the environment of the site and surrounding area (if necessary, applicants for annexation shall pay the cost of completing all studies related to expanding capacity in existing public facilities and/or services);
2. Identification of development funding responsibilities (i.e., the costs of providing roads, utilities, parks, other community services) between identified parties;
3. Outline of issues and specific conditions to be addressed in a Developers Rights and Responsibility Agreement (DRRA); and
4. Requirement of development form to be consistent with the recommendations of the Comprehensive Plan, i.e., compact development meeting smart growth density targets.

Capital Improvement Program

Preparing a Capital Improvement Program-CIP, conducting regular infrastructure studies (including water and sewer plan updates) and reviewing impact fee structure are critical to ensuring that the Town has adequate public services and facilities in place to meet future demand. These updates are particularly important prior to the annexation of any new land outside current corporate boundaries.

Millington should prepare a Capital Improvement Program (CIP) that establishes a timeline for expanding or enhancing infrastructure and public services. The CIP should identify capital projects, the timeframe for construction, and funding strategies. The CIP should be updated every five years and be flexible enough to allow for changing needs as circumstances dictate.

Millington should work with Kent County (and Queen Anne's County, where appropriate) in developing the Town's CIP to insure coordination of long term infrastructure needs and facilities planning. The 2006 Kent County Comprehensive Plan identifies the development of a proactive County Capital Improvement Program as a key implementation strategy for the County to coordinate future development with the provision of infrastructure. This will be particularly important to Millington when the County considers expansion of public schools,

emergency services, library facilities, and park and recreation land and programs, as Millington's population increase will impact all of these systems to some degree.

Adequate Public Facilities Ordinance (APFO)

The Municipal Growth Element indicates that build out within the Town will outstrip the existing capacity of Town water and sewer facilities and will impact other services and facilities including public schools, park and recreation facilities, and emergency services. Millington will need to ensure that new or expanded facilities are in place when needed. To ensure appropriate timing between the demand for facilities and/or services and supply, the Town may consider adopting an APFO.

An APFO establishes minimum level of service criteria for services and facilities provided by the Town. When a proposed development will diminish the level of service provided, or exceed the capacity of a particular facility, the Town will not grant approval unless and until the service of facility is improved so as to maintain the level of service standard. Adopting an APFO requires setting level of service standards for each facility or service.

Inter-Jurisdictional Coordination

The *Millington Comprehensive Plan*, Municipal Growth element, indicates the need for strong inter-jurisdictional coordination with Kent and Queen Anne's Counties. Ensuring adequate public facilities and services at both levels of government, as well as implementing water and natural resource conservation strategies will require cooperation between the Town and Kent and Queen Anne's County.

The planning requirements from Maryland House Bill 1141 direct the Town and both County Planning Commissions to meet and discuss this Comprehensive Plan prior to adoption. At a minimum, an agenda for such a joint County/Town meeting should include how best to coordinate the following:

- Cooperative watershed planning initiatives for the watershed;
- Coordinated policies concerning county land uses adjacent to the Town;
- Coordinated policies concerning conservation of green infrastructure; and
- Funding for public facilities and services, i.e., adequate public facilities, impact fees, excise taxes.

Effective mechanisms for County/Town dialogue, coordination, and agreement are needed. Acceptable coordinated strategies should be formalized in ways that bind each participant. Forums for on-going coordination and cooperation include the Council of Governments (COG) for Kent and Queen Anne's Counties, sanitary districts, joint steering committees (for example for watershed planning initiatives) and others. Examples of potential formal mechanisms for recording joint policies include a Memorandum of Understanding (MOU) and/or an Inter-Governmental Agreement (IGA). Millington officials should be fully engaged with the existing COG for each County and ensure that the following topics are addressed:

- Placement and location of Priority Funding Areas (PFAs) around the Town;
- Coordinated watershed and environmental planning initiatives; and
- Coordinated growth and development strategies.

Housing

While median housing values in Millington are encouragingly affordable, the condition of the Town's housing stock may be a deterrent to potential buyers and renters. As discussed in the Housing element of this Plan, half the Town's housing units were built in 1939 or earlier; three-quarters of the Town's homes are over 45 years old. While many of the Town's older residences appear to be in good condition and show signs of restoration or renovation, there are also a number of homes that show signs of neglect and that are in need of repair and maintenance. This is apparent in some of the rental properties located in the downtown area. In some cases overcrowding also may be an issue, which can lead to greater wear and tear on housing units.

The Town's high rent costs (relative to the area), combined with the lack of quality housing units result in a potential lack of housing options in the Town, particularly in rental housing. Rental housing is often the only housing option available to young families and low-income residents.

While there is new housing development taking place in Millington, special consideration needs to be given to how to maintain existing homes so that they do not fall into decline. This includes not only the condition of the homes themselves, but also the yards and neighborhoods around them.

In addition to the condition of the existing housing stock, attention should be paid to the types of houses available in the Town both now and in the future. The 2006 Kent County Comprehensive Plan predicts that by the year 2020, one out of five Kent County residents will

be over 65 years old. As Millington's population continues to age, this segment of the population will need to be considered in any planning for new residential development to insure that new housing is suitable to the needs of the elderly. In addition to smaller houses on smaller lots, options such as condominiums, senior citizen apartments and assisted living facilities should be made available.

Millington needs to address these issues if it wants to keep residents and attract new ones.

Recommendations

- Review the Town's regulatory policies and correct regulations or requirements that do not sufficiently describe or enforce maintenance standards and occupancy limits for housing units. Possible changes may include increasing housing inspections from alternating years to an annual or twice annual schedule, which may necessitate the hiring of an additional part-time Town staff person.
- Consider the addition of a part-time housing inspector for the Town, or the appointment of a Housing Commission, to undertake regular inspections of housing conditions and oversee enforcement of housing regulations.
- Work with owners of older or dilapidated buildings to explore options for rehabilitation or redevelopment projects.
- In cases where cooperation from a property owner is not given, consider using Town authority to clean up a property and assess the costs to the property owner.
- Review the Town's regulatory policies to insure they will support and not conflict with efforts to provide suitable housing choices for the elderly. This should include updating the Zoning Ordinance to accommodate special needs housing, including continuing care and assisted living facilities.
- Consider adopting a Town inclusionary zoning ordinance that requires a portion of housing units in a new development be reserved for affordable housing for low income families and seniors. As appropriate coordinate this program with Kent and Queen Anne's Counties.
- Maximize density in development or redevelopment projects where appropriate. This means permitting townhouse and multi-family units in the mix of residential units in a project.

- Implement public water and sewer projects that enable higher-density residential development and mixed-use neighborhoods in designated growth areas and encourage a mix of housing densities and types in new subdivisions through Planned Unit Development provisions.
- Work with property owners of vacant lots to have them cleaned up or prepared for development. Seek out the assistance of local business groups, individuals and community organizations, schools and youth to help reduce the cost to the property owner when appropriate or in strategic areas.
- Allow for garage apartments and other kinds of secondary or accessory apartment units to increase the supply of affordable rental housing. Accessory apartments, in-law apartments and “granny flats” offer Millington an opportunity to make adaptations to some single-family neighborhoods to accommodate changing housing needs. With the trend toward larger numbers of one- and two-person households, accessory apartments provide opportunities for Town residents to make their housing available to the community at-large, including young couples, individuals, and senior citizens. Although likely dependent on the availability of public wastewater treatment facilities, this particular housing option offers a number of benefits including the following:
 - Create new living units without the expense of new infrastructure,
 - Generate a flow of new dollars within the community from home equity,
 - Reduce the costs of medical care for the elderly who can receive less-expensive, in-home care services while living in an accessory apartment rather than being forced to move to a more costly nursing home or long-term health care facility,
 - Provides older homeowners with an opportunity to generate some additional income,
 - Increases the supply of low- and modest-cost rental housing,
 - Provides young singles, couples and single parents with another source of income. This option may allow them to buy into the housing market; maintain ownership of their present home; or make available modest-priced rental housing in neighborhoods which provide a wholesome environment for children,
 - Modestly increases economic activity in the private sector, which benefits commercial lenders, real estate agents, builders and retail businesses
 - Results in small increases in property appraisals, which generate modest amounts of additional tax revenues,
 - For older homeowners, the addition of a tenant creates an opportunity to continue to live in one's own home and maintain contact with the neighborhood,
 - Tenants may add a measure of security and alleviate the fear of break-ins,
 - Tenants may provide companionship, particularly for the elderly, and

- Tenants may be willing to provide personal services in lieu of rent. This could include the performance of routine maintenance work around the house; maintaining the yard; shoveling snow; performing light housekeeping tasks; providing modest, personal in-home health services; and providing occasional transportation.

To prevent the occurrence of inappropriate or unsafe conversions to accessory apartments, the Town should consider incorporating refinements and safeguards into any code provisions permitting conversion to accessory apartments. Such refinements may include any of the following:

- Restricting the conversion option to senior citizens over a specified age.
- Requiring the homeowner to reside in one of the living units within the house.
- Restricting the conversion to homes which were constructed prior to a given date.
- Requiring a minimum square footage as a prerequisite for a house to be considered eligible for a conversion.
- Specifying the particular zoning classifications where conversions may be considered eligible.
- Permitting conversions only by homeowners who have resided in the home for a designated number of years prior to making an application for a conversion.
- Prohibiting exterior modifications to the house.
- Specifying minimum or maximum floor sizes for accessory apartments requiring that a conversion not exceed a designated percentage of the total floor space of the house. Typically such floor areas required in ordinances establish a minimum of 400 to 500 square feet in size to a maximum of 900 to 1,100 square feet.
- Placing a limit on the number of people who can occupy the accessory apartment or designating the aggregate number of people who can occupy the entire house.
- Encouraging barrier-free design considerations for persons with handicaps or limited mobility.

From a public policy perspective, accessory apartments provide an alternative to the popular "add-on" strategy of continually relying upon new construction (houses, streets, sewers, utilities and public services) to satisfy the needs of a growing community. They concentrate on preserving, refurbishing and making more efficient use of existing housing and the expensive community infrastructure, which is not maximized.

Housing Programs and Resources

There are many Federal and State programs designed to address a variety of components of the housing issue. In addition, profit and non-profit organization may be underutilized resources in

the community and/or offer opportunities for partnerships. Some actions the Town can consider include:

- Form a Housing Roundtable, a coalition of community organizations, local government representatives, private business owners (including builders and developers), and individuals who assess and recommend housing policies for the Town.
- Explore avenues to significantly address better housing options, including:
 - developing zoning and design standards that increase the mix of uses and housing types;
 - employer-assisted housing;
 - creating housing trust funds solely to build affordable homes in low, moderate and middle income brackets;
 - forging partnerships with nonprofit, semi-public developers and other financiers of affordable housing.
- Contact the Maryland Department of Housing and Community Development (DHCD) to investigate opportunities for Millington to participate in affordable housing program partnerships with the State.

The Governor's Affordable Housing Subcommittee, working with the DHCD, made primary recommendations for State affordable housing programs in 2004, including:

- Link workforce housing needs with local job creation/economic development strategies and projects;
- Maintain and increase resources for affordable housing (multi-family and single-family) through a dedicated revenue stream (Federal, State, local, private, foundations);
- Consider a pilot program of funding for housing units targeted to households between 60% and 100% of Area Median Income;
- Encourage, develop and fund education programs including financial literacy, credit counseling and homeownership counseling.