

# **I. INTRODUCTION**

## **A. PURPOSE OF THE PLAN**

The Comprehensive Plan is intended to serve as a general guide to public and private decisions for the long-term physical development of Delmar. It is also an effort to identify problems and anticipate the need for community facilities and improvements. It serves as the basis for land use regulations such as the zoning code, and attempts to set forth general policies to assist governing bodies in making decisions over the next decade.

The Town of Delmar prepared and adopted the Comprehensive Plan to address requirements of both the State of Maryland and State of Delaware. However, in doing so, the Town has outlined a framework for future growth and development that will preserve rural character, enhance economic vitality, and protect vital natural resources. Unless specifically noted, references to state imply both the State of Maryland and the State of Delaware and references to county imply both Sussex County Delaware and Wicomico County Maryland.

Additionally, many State and Federal programs place reliance entirely on the Comprehensive Plan as a basis for the provision of funds for various community improvements. It is essentially a commitment on the part of the citizens of a community in its future.

## **B. THE FRAMEWORK FOR PLANNING**

Comprehensive Planning is carried out under the authority of planning and zoning legislation adopted by the States of Delaware and Maryland. The plan was developed with the cooperation of Wicomico County, Maryland and Sussex County, Delaware and the Delaware Office of State Planning Coordination.

## **C. LEGAL BASIS FOR PLANNING (Delaware)**

Title 22, chapter 7 of the Annotated Code of Delaware is the Planning enabling legislation from which the Town of Delmar, Delaware derives its comprehensive planning powers. Title 22, chapter 3 of the Annotated Code of Delaware is the Zoning enabling legislation from which the Town of Delmar, Delaware derives its power to regulate land use. The State of Delaware requires that each municipality prepare a comprehensive development plan and that the plan be reviewed and updated every five years.

Delaware requires that a comprehensive development plan contain, at a minimum, “a municipal development strategy setting forth the jurisdiction’s position on population and housing growth within the jurisdiction, expansion of its boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land within the community, and critical community development and infrastructure issues. The comprehensive

planning process shall demonstrate coordination with other municipalities, the county and the State during plan preparation.”

Once the State has reviewed the plan and found that it meets the requirements set forth in the Delaware Code and that it is consistent with the Strategies for State Policies and Spending, the Governor certifies the plan. After a comprehensive plan or portion thereof has been adopted by the municipality in accordance to this chapter, the comprehensive plan shall have the force of law and no development shall be permitted except as consistent with the plan” (from §702(d), Title 22, Delaware Code). This status places a particular burden on the writers of the plan and the elected officials considering its adoption. The provisions of the plan define the stage for future growth and change – zoning, subdivision regulations, code enforcement, and infrastructure investment follow and implement the plan.

#### **D. LEGAL BASIS FOR PLANNING (Maryland)**

Article 66B of the Annotated Code of Maryland is the Zoning and Planning enabling legislation from which the Town of Delmar, Maryland derives its powers to regulate land use. Section 3.05 sets forth the minimum requirements for a comprehensive plan that shall include, among other things:

- 1. A statement of goals and objectives, principles, policies, and standards;
- 2. A land use plan element;
- 3. A transportation plan element;
- 4. A community facilities plan element;
- 5. A mineral resources plan element, if current geological information is available;
- 6. An element which shall contain the planning commission's recommendations for land development regulations to implement the plan; and
- 7. Other elements, such as a community renewal, housing, conservation, natural resources, at the discretion of the commission.

The Planning Act requires that the Comprehensive Plan include and implement the Act’s Seven Visions. These policies, stated as "visions" for the future, are:

- 1. Development is concentrated in suitable areas;
- 2. Sensitive areas are protected;

3. In rural areas, growth is directed to existing population centers and resource areas are protected;
4. Stewardship of the Chesapeake Bay and the land is a universal ethic.
5. Conservation of resources, including a reduction in resource consumption, is practiced;
6. To assure the achievement of 1 through 5 above, economic growth is encouraged and regulatory mechanisms are streamlined; and
7. Funding mechanisms are in place to achieve all other visions."

#### Sensitive Areas Requirement

The Maryland Economic Growth, Resource Protection and Planning Act of 1992 also added the requirement that the comprehensive plan contain a Sensitive Areas Element, which describes how the jurisdiction will protect the following sensitive areas:

∩ ≈ Streams and stream buffers,

∥ ≈ 100-year floodplains,

∑ ≈ Endangered species habitats,

∞ ≈ Steep slopes, and

⊃ ≈ Other sensitive areas a jurisdiction wants to protect from the adverse impacts of development.

#### Streamlining and Innovative and Flexible Development Regulations

The Maryland Planning Act also requires the Town's land development regulations encourage streamlined review of development applications in areas designated for growth. In addition, the Town must consider the use of flexible development regulations to promote innovative and cost saving design and protect the environment, and innovative techniques to foster economic development in areas designated for growth.

#### Consistency Requirement

There are several consistency requirements established in the Planning Act that must be considered in the process of updating the Comprehensive Plan. They are:

- Regulations, such as the zoning ordinance and maps that implement the comprehensive plan, must be consistent with the policies and recommendations of the Plan and the seven

visions. Other plans, e.g., functional plans such as Sewer and Water Master Plans and Open Space and Recreation Plans, must be consistent with the comprehensive plan and its implementation regulations

- State and local funding decisions, e.g., for capital improvements, should be consistent with the Plan and the seven visions. Local government construction projects involving State funds must be consistent with the comprehensive plan.

Article 66B states that the Comprehensive Plan shall contain, *"a land use plan element which shall show the proposals for the most appropriate and desirable patterns for general location, character, extent, and interrelationship of the manner in which the community should use its public and private land at specified times as far into the future as is reasonable. Such land use may include, without being limited to, public and private, residential, commercial, industrial, agricultural, and recreational land uses."* (Article 66B, §3.05)

The Zoning Map and Zoning Ordinance, as well as other implementation tools, e.g., the Master Sewer and Water Plan, should be consistent with the land use and other elements of the Plan. Areas designated in the Land Use Plan element for residential development should have sufficiently high zoning densities to permit "concentrated development" and efficient and economical use of public sewer and water facilities (existing and planned). Appropriate density ranges, location and timing of residential development should be established in the Comprehensive Plan. Business, commercial, and industrial areas should be zoned accordingly.

#### Inter-jurisdictional Coordination

Finally, the Planning Act directs local governments to coordinate their planning and development efforts with adjacent jurisdictions. The plan for the town must reflect a coordinated approach between Sussex and Wicomico counties and Delmar to address the visions contained in the Planning Act. Coordination will require a cooperative approach to planning, particularly as it relates to extension of municipal services and annexation.

### **E. COMPOSITION OF THE PLAN**

This Plan for Delmar consists of nine sections, and has in common with most Comprehensive Plans the following eight elements:

1. Background for Planning
2. Goals and Objectives
3. Land Use Plan Element – Growth and Annexation
4. Sensitive Areas Element
5. Transportation Element

6. Community Facilities Element
7. Housing Element
8. Implementation Recommendations

The following is a brief description of each of the sections included in the Delmar Plan.

- The first section is an introduction to the plan. It sets forth the general basis for comprehensive planning.
- The second section is devoted to an accumulation of information and data about the community.
- The first plan element consists of a set of Goals and Objectives. The Goals and Objectives should reflect the general consensus of the community concerning the future development of Delmar. Goals and objectives are the basis for the Comprehensive Plan.
- The Land Use Plan is intended to determine the most desirable use of land. It provides the basis for development of land use regulations, such as, the Zoning Code and Subdivision Regulations.
- The Transportation Plan provides a direction for the improvement of the transportation systems to facilitate the movement of people and material. The proposals for improvements are correlated with proposed land use.
- The Sensitive Area element addresses the environmental protection requirements in Delaware law. It provides recommendations for implement protective measures for sensitive areas.
- The Community Facilities element includes a brief report on the major community facilities and makes recommendations for the provision of additional facilities. Community Facilities include sewerage and water systems, recreation facilities and government buildings, among others.
- The Housing element seeks to identify housing needs and make general recommendations for improvement to the residential environment of the community.
- The Implementation element makes recommendations for the regulation of land use and other recommendations to achieve the objectives and policies contained in the Plan.

In addition to these elements or sections, Maryland State law requires that areas of "Critical State Concern" be identified. In the case of Delmar, the areas that have been identified are of great importance to Delmar as well as of regional and State concern.

## **F. COMPONENTS OF A GROWTH MANAGEMENT PROGRAM**

This Comprehensive Plan provides the basic framework and direction for all components of what may be considered the Town's overall Comprehensive Planning Program. It is not a stand-alone document but is supported and, in turn, supports related Planning Program documents including:

1. Zoning Ordinance
2. Subdivision Ordinance
3. Capital Improvements Budget

These documents and others, when used concurrently, are the basis for directing and managing growth in the Town of Delmar.