

## **IX. Chapter 08**

# **COMPREHENSIVE PLAN IMPLEMENTATION**

### **A. INTRODUCTION**

The Comprehensive Plan serves only as one element of a continual growth management process for the Town of Delmar. Although there are specific implementation responsibilities of the Town's planning commission and Town Council and Commissioners, it will take the effort of both the public and private sector to ensure the Plan's successful implementation. Community involvement in the planning process is also essential if a community is to grow in a manner that is consistent with the Town's values, goals and objectives. Indeed, the Town has growth potential, but without opportunities to convene citizens, private and public sector representatives in a continual process to discuss growth management, then the manner in which the Town will grow may be inconsistent with the Town's overall goals and objectives. Planning and the planning process provide an opportunity to plan for growth to support Town goals and preserve Town values.

### **B. INTERGOVERNMENTAL COOPERATION**

The Town of Delmar is an incorporated community situated on the Mason-Dixon Line at the most Southerly boundary between DE and MD. Delmar is two incorporated towns: Delmar, DE, governed by a Mayor and 4 Council Members, is located in Sussex County, and Delmar, MD, governed by a Mayor and 4 Commissioners, is located in Wicomico County. The Towns share a central administration office, police department and public works department. Although there are two separate town governments, there is joint ownership of all public property, such as water treatment facility and wastewater treatment facility.

The Towns also have several Commissions and Boards that consist of an elected official from each Council in addition to residential members from each side of town. Those boards are Planning & Zoning Commission, Utility Commission, and Parks & Recreations.

The Town also shares a Chamber of Commerce that help keep the continuity in our community. In addition, the Towns share one volunteer Fire Department with paid Paramedic and EMT services.

In planning for the future growth of Delmar, cooperation must be enhanced between the Town and both Wicomico and Sussex Counties. Maryland's Economic Growth, Resource Protection and Planning Act of 1992 encourages such coordination and cooperation. The Town of Delmar should recommend that the Town, Wicomico County Commissioners and other Metro Core municipal officials establish a joint committee to discuss growth and development in the Metro Core region. The Committee could discuss the following:

## Items pertaining to Wicomico County

1. *Future Metro Core Planning* - The Metro Core is the major designated growth area in Wicomico County. Delmar is part of the MetroCore, therefore policies and plans that are developed for the MetroCore have a dramatic impact on the social, economic and environmental health of the Town. Tracking growth trends and coordinating marketing efforts to benefit the region would be useful discussions during these joint meetings.
2. *Streamline Permitting Process* - Encourage consistency between Town and County permitting process to streamline the administrative process.
3. *Sewer and Water Systems* - Coordinate land use management and service policies that recognize the Town of Delmar as a Designated Growth Area.
4. *Sensitive Areas Protection* - Natural systems do not begin and end at jurisdictional lines; therefore, coordination with the County should be established to develop a comprehensive management plan for sensitive areas.
5. *Regional Resource Lands* - The potential exists to establish a Greenbelt around the County's Metro Core. The system provides resource land protection, cultural heritage preservation, and aesthetic value to both the Town and the County. The Greenbelt will not inhibit future growth, but rather direct that growth to appropriate lands adjacent to Delmar.
6. *Transportation Planning* - Coordination of public road improvements is essential if the use of public funds is to be maximized and priority public transportation systems are to be improved.
7. *Economic Policy* - As economies become more regional, economic incentives and disincentives to achieve regional goals must be mutually supported. Efforts to enhance the economic viability of the region should be enhanced, particularly within Town Centers.

## Items pertaining to Sussex County

1. The Town of Delmar, DE shall establish new opportunities for cooperation and coordination with nearby local governments as well as with Sussex County government. The Town should establish occasional meetings with these agencies and participate actively in other governmental activities in the territory.
2. The Town should work closely with Delaware State agencies such as State Planning Coordination, the DE Economic Development Office, DNREC, and DelDOT as a source to help structure the Town projects and programs.
3. The Town will remain active with the Sussex County Association of Towns and the DE League of Local Government.

4. Develop the Town's 5-year Capital Improvement Program that is coordinated with the C.I.D. Program of Sussex County.

### **C. ENFORCEMENT AND ADMINISTRATION**

One of the most important, yet often neglected, issues to be considered in the formulation of the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations is administration and enforcement. Even the most well conceived plans and ordinances will lose effectiveness, and in some cases be invalidated, without consistent and equitable administration and enforcement. The responsibility for administering and enforcing the Comprehensive Plan and its associated ordinances and regulations rests primarily with the Town Council and Commissioners and the Planning Commission. The role of these groups in administration and enforcement of the Plan and its coinciding Ordinance and Regulations are defined in the following text.

### **D. TOWN COUNCIL AND COMMISSIONERS**

The Town Council and Commissioners are the final authority concerning decisions to adopt or revise and amend the Comprehensive Plan for Delmar. They are also the primary groups responsible for implementing Plan proposals. As the elected officials of the Town they are responsible for addressing public concerns and community needs through the development of public policy.

Delmar Commissioners are fortunate in having charter powers, which invest them with a variety of responsibilities and authority necessary to discharge their public responsibilities. Under this section of the Comprehensive Plan, specific proposals are identified which will require consideration by the Town Commissioners. The Town Commissioners will work with County officials to ensure consistency with regional growth and development objectives, which are compatible with the 1992 Maryland Planning Act.

Recommendations of the Plan are designed to assist the Town in achieving Plan goals and objectives, and improving the quality of life of its residents. The Town Council and Commissioners will be primarily responsible for undertaking the following actions to make the Plan adopted public policy:

1. The Commissioners must, under Maryland law, review and adopt the Comprehensive Plan. This provides a foundation for the existing adopted Zoning and Subdivision regulatory controls, or to serve as a basis for their revision.
2. The Council and Commissioners will review specific improvement projects within the context of the Comprehensive Plan, and;
3. The Council and Commissioners should support the recommendations by allocating funds under their direct control to support specific actions outlined in the Plan, as well as research

and solicit County, State and Federal resource programs to support priority actions that the Town is currently unable to fund.

4. Institute procedures to coordinate with the County government, as well as various State and Federal agencies, to assure their actions are consistent with Town Planning objectives.
5. Oversee the coordination of development activities and proposed programs within the Plan either as a "committee as a whole" or by delegating this function to the Planning Commission and/or appropriate Town staff for their detailed analysis and opinions.
6. Ensure the consistency of the Zoning Ordinance and Subdivision Regulations with the Comprehensive Plan policies, objectives, and recommendations.

As a summary of the actions to be taken by the Town Council and Commissioners, the following items are listed as a guide. Each category is presented as a method of clarifying the various roles of the Council and Commissioners in Plan implementation.

a. Legislative

- 1) Officially adopt the revised Delmar Comprehensive Development Plan after appropriate review, discussion and public hearings, and in accordance with the 1992 Maryland Planning Act.
- 2) Review and adopt any necessary revisions to the 1995 Delmar Zoning Ordinance to implement basic land use policies of the Comprehensive Plan.
- 3) Review and adopt any necessary revisions to the 1995 Subdivision Ordinance to assure consistency with any development standards recommended within the Plan.

b. Administrative

- 1) Maintain an inspections staff to enforce locally enacted codes, including housing, zoning and building codes.
- 2) Continue to maintain an annual capital improvements program and capital budgeting process to help establish community priorities, clearly indicate assets and liabilities, and continue to provide essential community services.
- 3) Continue to maintain, through future appointments, the roles and functions of ongoing Town boards and commissions, including the Town Planning Commission, Board of Zoning Appeals, and other ad hoc committees which may be required to assist them from time to time in Plan-related actions or activities.

c. Coordination

- 1) Institute quarterly meetings with the Wicomico County Commissioners and other municipalities in the County as a method of coordinating plans and programs to achieve shared goals and address common challenges.
- 2) Initiate cooperative meetings with the County library board, school board and other local boards to ensure that the future location of physical facilities will be consistent with local service extension policies.
- 3) Maintain ongoing procedures for incorporating citizen views into the planning process to make public plans consistent with public needs.
- 4) Coordinate with Sussex County, the State of Delaware, and the Sussex County Associations of Towns.

## **E. PLANNING COMMISSION**

The Planning Commission, appointed by the Town Council and Commissioners, is instrumental in directing the Comprehensive Planning efforts of the Town of Delmar. The Commission's role is to coordinate, educate, advise, recommend and support, wherever possible, the activities of citizens and governmental agencies in their efforts to implement the Plan.

Under Maryland law, (Article 66 B of the Annotated Code) and Title 22, Chapter 7, of the Delaware Code, the Planning Commission is responsible for the preparation and periodic update or revision of the Plan, as they deem necessary, by the Town Council and Commissioners. The current update of the Plan is to meet Delaware's requirements.

One of the most significant roles for the Planning Commission in the Town development process is to serve as a coordinating body for the Town Council and Commissioners. The Maryland Planning Enabling Act provides the Planning Commission with broad authority to review, study and recommend solutions to various local development issues.

In exercising this responsibility, the Planning Commission has the following responsibilities:

- ∩≈ Preparation of the Comprehensive plan, which serves as a guide to public and private actions and decisions, to ensure the development of public and private property in appropriate relationship to local needs.
- ∥≈ The Planning Commission must approve the Plan and recommend its adoption by the Town Council and Commissioners. The Plan must conform to the basic elements required by State Law.
- ∑≈ The Planning Commission will promote public understanding of the Plan and what it seeks to accomplish and to incorporate citizen participation in the planning process.

∞≈ The Planning Commission will recommend, to appropriate public officials, programs for construction of public structures and improvements, which are necessary to implement the Plan.

¬≈ The Planning Commission will prepare and file an Annual Report with the Town Council and Commissioners at their first meeting of each new calendar year. The report is the method through which the Planning Commission identifies changing conditions within the Town and brings these conditions to the attention of the Town Council and Commissioners. Delaware law requires that zoning changes be implemented within 18 months to make the zoning consistent with the plan's future land use. In addition to the duties generally identified by Article 66B, The Maryland Planning and Zoning Enabling Act, the Planning Commission is charged with a variety of specific administrative functions, which are more directly related to day-to-day decisions, which cumulatively affect implementation of the Plan. These functions include:

a) Review and approval of all Subdivision proposals, consistent with the requirements and authority established by the Town Subdivision Regulations.

b) Review, report and recommend to the Town Council and Commissioners actions on all rezoning requests brought before the Town. The Commission reviews each proposal for consistency with the Comprehensive Plan, in accordance with standards for review contained in the Town Zoning Ordinance.

c) Review and comment upon various requests for Special Exceptions, which are ultimately decided by the Town Board of Appeals.

d) Review and submit recommendations concerning the Town's Annual Capital Improvements Program.

Through exercising its responsibility related to these specific items, the Planning Commission can exert great influence on the course and pattern of local development to ensure consistency with Plan policies and objectives.

## **F. ZONING REGULATIONS**

Zoning Regulations must be consistent with the Comprehensive Plan, therefore recommendations made in the Plan relative to Zoning Ordinance revisions should be addressed. The Town of Delmar should revise their zoning ordinance to include the following:

## **G. DEVELOPMENT DESIGN AND COMMUNITY CHARACTER**

This chapter addresses the many aspects of development design in Delmar. Development design can be generally defined as the management of the visual and physical development of the built environment. Primary emphasis is placed on the preservation of the town's character. The

intention is to respond to growing public concern about the increasing transformation of the town's traditional village landscape to sprawling suburban residential and strip commercial development and communities through the nation. Managing development design to maintain and enhance the character and aesthetics of the town is an important component of the Comprehensive Plan. Application of development design standards is appropriate anywhere human features are present, and where the physical and visual properties of development can significantly influence the character of the town. Development design guidance, or the lack thereof, significantly affects real estate values, community pride, a sense of obligation to private property, personal enjoyment and satisfaction, and the overall investment climate in the community.

## **H. TOWN CENTER**

The town and town centers have traditionally served as focal points for the surrounding rural community, providing some range of service and convenience to residents. Town Centers play an important functional role in providing homes, limited neighborhood-oriented commercial services and businesses, and civic buildings such as churches, post offices, fire stations, etc.

The Town Center has a unique character and “sense of place” with which local residents easily identify. Development design standards for the Town Center will help to preserve and enhance their image while still accommodating limited future growth in a responsible manner. It is ironic that the traditionally tightly-knit village pattern so typical in traditional villages in America is illegal to produce or emulate in many, if not most, communities today. Developers are required to rigorously separate different land uses and set each house on suburban size lots. Such regulations inadvertently destroy the character of villages and towns at a rapid pace and prohibit the development of new villages that foster a “sense of place”.

The following are recommended development design guidelines for existing and future Town Centers:

1. Permit residential, small-scale commercial and public/semipublic uses to coexist adjacent to one another as was done in traditional villages.
2. Where existing buildings express a traditionally modest (pre-zoning) front setback, creating a characteristically close relationship with the street, retain this pattern in order to preserve the communities' character.
3. Place off-street parking lots only to the rear or side of buildings. Reduce the visual impacts of parking areas upon community character through landscaping and buffering requirements.
4. Visually screen open storage areas, exposed machinery, and outdoor areas used for the storage and collection of rubbish, from roads and surrounding land uses.

5. Because roadside trees are extremely important to the character of any community, minimize removal of trees over five inches in diameter, especially along roadways. Removal of existing trees can usually be lessened by shifting the site of the building, parking lot, or entrance/exit drives. In addition, encourage planting of new trees along roads to reinforce rural character throughout the town.
6. Control lighting in both height and intensity. Shield luminaries to prevent excessive lighting and glare beyond lot lines onto neighboring properties or public ways.
7. Design and build new construction to blend with its surroundings. Make new construction in neighborhood Centers compatible with surrounding buildings in terms of formal characteristics such as height, massing, roof shapes, and door and window proportions. Where new construction is surrounded by existing traditional buildings, make building height and exterior materials harmonious with those of adjacent properties.
8. One of the most readily apparent aspects of village character is signage. Since signs are intended to be highly visible and attract attention, they often produce a lasting impression on locals and visitors. Create signage standards for Town Centers that enhance character. Signs in these areas should relate to pedestrians and to people in slow moving vehicles and should be designed to be readable to these people, thereby encouraging shoppers and passersby to stop and linger. Large auto-oriented signs are a modern addition in these areas and are inconsistent with both the scale of buildings and rural village character. The size, materials, color, lettering, placement, and illumination of signs in the Town Center should respect the character of existing buildings and foster a sense of place that is an important component of village character.

## **I. RESOURCE PROTECTION STANDARDS**

It is intended that resource protection standards will apply in all planning districts. These will be designed to protect such resources as flood plains, wetlands, steep slopes, and forested areas. The protection standards will be consistent with those presented in the Natural Resources and Sensitive Areas element of this Plan.

## **J. HIGHWAY CORRIDORS AND SCENIC ROADWAYS**

Roadways where access and aesthetics should be controlled in order to either avoid unappealing forms of commercial strip-development and resultant traffic congestion, or to preserve scenic rural views should be designated in the Plan as important corridors. Both of these objectives have great merit for the maintenance and improvement of rural character.

Along designated highway buffers, development should be limited and buffered from roadway view. Signage should also be limited to avoid detracting from rural vistas. Along major town highways limiting access is vital to preserving roadway capacity, decreasing congestion, and



improving safety. Commercial development should not be stripped along these corridors, but rather, it should be concentrated into defined commercial nodes.

The large-scale and permanent loss of scenic views, characteristic landscapes, and open space is perhaps the most devastating visual result of conventionally regulated commercial highway development in suburban areas. The tendency has been for zoning to encourage new development to line both sides of major roadways, eventually obscuring fields, pastures, or woodlands behind commercial frontage lots. This kind of homogenous development contributes greatly to the loss of rural character and community identity.

When zoning highway commercial areas, the town should not succumb to the “broad brush” approach of designating all roadside areas for new commercial development, but should instead examine the rural landscape to identify the amenities and visual resources, which are present. Rather than allowing linear developments, commercial zoning can break the standard pattern by designating commercial nodes in compact, centralized areas, with visually important landscapes protected in between. Commercial development, regardless of where it is located in the towns, should also be subject to development appearance standards which ensure compatibility to surrounding land uses and promote a high quality built environment that compliments the community character of Delmar.

## **K. BUFFERYARD PERFORMANCE STANDARDS**

One of zoning's most important functions is the division of land uses into districts that have similar character and contain compatible uses. All uses permitted in any district have generally similar nuisance characteristics. In theory, the location of districts is supposed to provide protection, but in Delmar this is not always the case because uses as diverse as single-family residential and commercial can occasionally be found adjacent to one another. Bufferyards will operate to minimize the negative impact of any redevelopment or future use of vacant land on neighboring uses.

The bufferyard is a combination of setback and a visual buffer or barrier and is a yard or area together with the planting required thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement of this Plan are designed to minimize nuisances between adjacent zoning districts to ensure the desired character along public streets and roads. The planting units required of bufferyards can be calculated to ensure that they do, in fact, function as "buffers".

Bufferyards should be required to separate different zoning districts from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

## **L. DEVELOPMENT APPEARANCE STANDARDS**

All future development in the town, except for single-family homes and farm buildings, should be subject to some level of design review for compliance with minimum development appearance standards. These minimum standards that should be achieved are performance standards rather than inflexible and stringent criteria. The intent of these performance standards is to promote quality development that will complement the community character of Delmar. One of the reasons for implementing these standards is, of course, to positively influence development aesthetics. However, this objective is justified by the greater goals of protecting and enhancing real estate values, fostering of civic pride, and improving the overall investment climate within the town.

These standards are not intended to restrict imagination or development creativity, but rather, to assist in focusing on development design principals which should result in enhancing the visual appearance of the built environment in the area. The development appearance standards relate to such factors as: relationship of buildings to the site; relationship of existing buildings and site to adjoining areas; landscape and site treatment; building design; signs; and, maintenance. These standards should not be considered cost prohibitive or overly restrictive since they embody common sense design principles, which were traditionally employed throughout the country prior to the advent of post-war suburbanization.

The following are recommended development appearance standards for future multi-family, commercial and industrial development in all areas of Delmar:

### Relationship of Buildings to Site

1. Plan the site to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and screened parking areas.
2. Encourage site planning in which setbacks and yards are in excess of zoning restrictions to provide an interesting relationship between buildings. Encourage buildings in the Town Center to minimize front setbacks to enhance the traditional street/building relationships typically found in rural villages
3. Treat parking areas with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from public ways.
4. Without restricting the permissible limits in the applicable zoning district, make the height and scale of each building compatible with its site and existing (or anticipated) adjoining buildings.
5. Place newly installed utility services and service revisions necessitated by exterior alterations underground wherever possible.

### Relationship of Buildings and Site to Adjoining Area

1. Make adjacent buildings of different architectural styles compatible by such means as screens, site breaks, and materials.
2. Provide attractive landscape transition to adjoining properties.
3. Require harmony in texture, lines, and masses. Avoid monotony of design.
4. Screen adjacent incompatible land uses from one another by landscaping, berms, walls, and fences.

### Landscape and Site Treatment

1. Preserve and develop natural or existing topographic patterns where they contribute to beauty and utility of a development. Permit modification of topography where it contributes to good appearance, or where it is necessary.
2. Provide an inviting and stable appearance for the pedestrian through grades of walks, parking spaces, terraces, and other paved areas.
3. Provide landscape treatment to enhance architectural features, strengthen vistas and important axes, and provide shade.
4. Achieve unity of landscape design by repetition of certain plant varieties and other materials and by coordination with adjacent development.
5. Select plant material for interests in its structure, texture and color, and for its ultimate growth. Use plants that are indigenous to the area and others that will be hearty, harmonious to design, and of good appearance.
6. Protect plants by appropriate curbs, tree guards, or other devices in locations where they will be susceptible to injury by pedestrian or motor traffic.
7. Enhance parking areas and traffic ways with landscaped spaces containing trees or tree groupings.
8. Where building sites limit planting, require the placement of trees in parkways or paved areas.
9. Use walls, fencing, and/or plantings to screen service yards and other places that tend to be unsightly. Screening should be effective in winter and summer.

10. In areas where general planting will not prosper, use other materials such as fences, walls, and paving of wood, brick, stone gravel, and cobbles. Combine carefully selected plants with such materials where possible.
11. Use exterior lighting to enhance the adjoining landscape. Lighting standards and building fixtures should be of a design and size compatible with the building and adjacent areas. Restrain the design and brightness of lighting.

### Building Design

1. Do not restrict architectural style. Base the evaluation of the appearance of a project on the quality of its design and relationship to surroundings.
2. Buildings should be scaled and sized in harmonious conformance with permanent neighboring development.
3. Materials should have good architectural character and should be selected for harmony of the building with adjoining buildings. Materials should be of durable quality. Materials should be selected for suitability to the type of buildings and the design in which they are used. Buildings should have the same material, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways. In any design in which the structural frame is exposed to view, the structural materials should be compatible within themselves and harmonious with their surroundings.
4. Building components, such as windows, eaves, and doors. Parapets should have good proportions and relationships to one another.
5. Colors should be harmonious and should use only compatible accents.
6. Mechanical equipment or other utility hardware on roof, ground, or buildings should be screened from public view with materials harmonious with the building, or they should be so located as not to be visible from public ways.
7. Exterior lighting should be part of the architectural concept. Fixtures, standards, and all exposed accessories should be harmonious with building design.
8. Refuse and waste removal areas, service yards, storage yards, and exterior work areas should be screened from view of public ways.
9. Monotony of design in single or multiple building projects should be avoided. Variation of detail, form, and siting should be used to provide visual interest. In multiple building projects, variable siting of individual projects should be used to prevent a monotonous appearance.

## Signs

1. Every sign should have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
2. Every sign should be designed as an integral architectural element of the building and site to which it principally relates.
3. The number of graphic elements on a sign should be held to the minimum needed to convey the sign's major message and should be composed in proportion to the area of the sign face.
4. The colors, materials, and lighting of every sign should be restrained and harmonious with the building and site to which it principally relates.
5. Each sign should be compatible with signs on adjoining premises and should not compete for attention.

## Maintenance -- Planning and Design Factors

1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures should be conducive to easy maintenance and upkeep.
2. Materials and finishes should be selected for their durability and wear as well as for their beauty. Proper measures and devices should be incorporated for protection against the elements, neglect, damage, and abuse.
3. Provisions for washing and cleaning of buildings and structures, and control of dirt and refuse should be incorporated in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish should be avoided.
4. Provisions for landscape maintenance and replacement (i.e. native species) should be added.

## **M. CONCLUSION**

As implementation options for the Comprehensive Plan are continually sorted-out and decided-upon, it becomes important to think ahead to administration and enforcement. Once the Plan is completed, the job of putting it into action begins. Long established development review processes and practices may clearly need to be altered.

In the end, the ability of the Town to properly administer and enforce the Plan and its associated ordinances is the Plan's most accurate measure of success. No matter how good an idea sounds on paper, if the Town cannot make it work or neglects to make it work, then that idea has had little or no impact on the future well-being of Delmar. If the Plan cannot effectively be

administered and enforced, it will not have served its public purpose. The Comprehensive Plan must be administratively feasible and enforceable given the budget and staffing resources allocated by the Town to do the job. Constant attention to management and re-evaluation of administrative processes and procedures should be considered equally important to initial structuring and staffing of administrative procedures. Sound administration derives from good management, which is attentive to needs of re-evaluation and adjustment over time.



