

CHAPTER 1 – INTRODUCTION

The Comprehensive Plan is the official statement of the Town Council and Planning Commission of Denton, setting forth policies concerning desirable future growth and serving as a general guide to public and private development decisions. In addition, it is the basis for specific policies, programs, and legislation, such as zoning and subdivision regulations, and other actions that implement the growth policies outlined in the Plan.

The Plan's elements form an integrated, unified document for evaluating and guiding future growth and development. As a policy document, it is general, comprehensive, and long-range. It is comprehensive in that it encompasses the entire geographic area of the Town and projected growth areas outside the current corporate limits. The Plan includes all functional elements that bear upon its physical development, such as transportation, land use, and community facilities. It is general in that it summarizes policies and proposals but does not establish detailed regulations or indicate precise locations. It is long-range in that it looks beyond current issues to problems and opportunities related to future growth in the planning period.

A Vision for Denton

By characterizing local resources, identifying local values and needs, and developing a strategy to ensure that the needs and values of the community are met, the Town of Denton has developed its Comprehensive Plan. The Plan represents the Town's strategy for addressing growth and development issues important to the Town's future quality of life. Although goals and objectives exist in each of the Plan's elements, the overall vision for the Town is an integral unifying element. In addition, the vision underscores the key community expectations reflected in the Comprehensive Plan and provides a conceptual benchmark for future Town decisions. The following vision statement provides a normative framework for growth and development that supports the community's values and the Comprehensive Plan's goals and objectives.

Denton's Vision

Denton will be an innovative, healthy, safe, well-balanced community that protects its historical integrity, preserves its unique natural resources, enhances its economic vitality, and maintains its unique small-town character. Denton's population will increase at an acceptable rate consistent with the ability of the Town and County to provide essential services and facilities.

The following, *Small Town Bound*¹, helps put the notion of "small town" as used here into a proper perspective.

"What is a small town?"

Ask five people to define a small town, and you'll probably get five different answers. (Ask the Census Bureau to define a small town, and they'll refuse to answer: a population of 25,000 constitutes a "city," they say, and 2,500 to 25,000 is a "place," but a small town has no official definition.) To one of the seven million residents of New York City, a

population of 100,000 residents may constitute a small town. On the other hand, Wyomingites see Cheyenne, with a population of 50,008, as not just a city but a metropolis.

Some urbanites use the terms "small town" and "country" interchangeably. Either is simply a place with fewer people than the city or its suburbs. On the other hand, some people make an important distinction: a "small town" (the term "village" is frequently used in the Northeast) is a place with businesses, shops, and residential neighborhoods; "the country" is simply farmland, forest, or desert, perhaps with a residence every mile, or every twenty miles.

Nevertheless, when you think about moving to a small town, you're probably not thinking about a specific population figure. You're thinking about the benefits of a relative difference in population density, intangibles such as neighborliness, community, or a perceived simplicity of life. This book uses the term "small town" in that sense -- as a difficult-to-describe atmosphere rather than a strictly-defined product of population or architecture. Perhaps the best summation of this state of mind was offered by a resident of my Town, trying to define the most valuable characteristic of our friendly, close-knit community, who said, "Only in a place like this can you have a conversation with a misdialed phone number."

It's a quality of life you seek rather than a population figure. You may find that quality of life in a town with 50 people or 50,000; you may find it "downtown" or in place where your nearest neighbor is seven miles up a dirt road. It depends on your personality and that of the surrounding community. But regardless of how you define the small Town, it's far different from the city or suburb you're leaving."¹

The Framework for Planning

As Denton and the surrounding environments grow and change over the next twenty years, this Comprehensive Plan will guide public and private decisions regarding the Town's growth and development. This Plan presents a future vision of Denton into the year 2040, along with recommendations for bringing that vision to fruition. The ideas of the Plan are a distillation of the community's many desires, tempered by what seems feasible and reasonable. This Plan is not intended to be a static document. Instead, it will be reviewed and updated periodically to reflect new development trends, economic shifts, or changes in the community's goals and objectives.

In 1999, the Town encompassed approximately 1,382 acres. Denton has grown its land area by over 149 percent and currently encompasses approximately 3,444 acres distributed upon approximately 1,960 individual parcels of land. Most of the annexations have been properties located in the future growth areas identified in the 1997 Denton Comprehensive Plan. Therefore, planning for the future will be primarily about efficiently using the land resources already within the corporate limits.

¹ 1 Small Town Bound, John Clayton, Copyright © 2005 John Clayton

Legal Basis for Comprehensive Planning

The Land Use Article – Planning & Zoning Enabling Act

The Land Use Article of the Annotated Code of Maryland is the Planning and Zoning enabling legislation from which Denton derives its powers to regulate land use. Title 3, Subtitle 1 of the Land Use Article sets forth the minimum requirements for a comprehensive plan, which shall include, among other things:

- A community facilities element.
- An area of critical State concern element.
- A goals and objectives element.
- A land use element.
- A development regulations element.
- A sensitive areas element.
- A transportation element.
- A municipal growth element.
- A water resources element.
- A mineral resources element if current geological information is available.

Maryland Economic Growth, Resource Protection and Planning Act Of 1992

The context for planning in Denton must also consider the Town's role in implementing the overall growth management policies established by the State of Maryland in the Planning Act of 1992. Therefore, planning for Denton has been guided by the twelve components of Maryland's visions outlined in § 1-201 of the Land Use Article. Maryland's "Visions" are as follows:

1. Quality of Life and Sustainability: A high quality of life is achieved through universal stewardship of the land, water, and air, resulting in sustainable communities and protection of the environment.
2. Public Participation: Citizens are active partners in the planning and implementing of community initiatives and are sensitive to their responsibilities in achieving community goals.
3. Growth Areas: Growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers.
4. Community Design: Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources.
5. Infrastructure: Growth areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner.

6. Transportation: A well-maintained, multimodal transportation system facilitates the safe, convenient, affordable, and efficient movement of people, goods, and services within and between population and business centers.
7. Housing: A range of housing densities, types, and sizes provide residential options for citizens of all ages and incomes.
8. Economic Development: Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities is encouraged.
9. Environmental Protection: Land and water resources, including the Chesapeake Bay and its coastal bays, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources.
10. Resource Conservation: Waterways, forests, agricultural areas, open space, natural systems, and scenic areas are conserved.
11. Stewardship: Government, business entities, and residents are responsible for creating sustainable communities by collaborating to balance efficient growth with resource protection.
12. Implementation: Strategies, policies, programs, and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, State, and interstate levels to achieve these visions.

Sensitive Areas

The Maryland Economic Growth, Resource Protection, and Planning Act of 1992 also required that the comprehensive Plan contain a Sensitive Areas Element, which describes how the jurisdiction will protect the following sensitive areas. Denton's plans and development codes were amended to protect the following:

- Streams and stream buffers,
- 100-year floodplains,
- Endangered species habitats,
- Steep slopes, and
- Other sensitive areas Denton has determined require protection from the adverse impacts of development.

2006 Maryland House Bill 1141

In 2006, the Maryland State Legislature passed House Bill 1141 (HB 1141), which provides Amendments to the Land Use Article and Article 23A: "Municipal Annexation Act" of the Annotated Code of Maryland. Amendments include provisions for including a "Water Resources Element" and "Municipal Growth Element" in local comprehensive plans. In addition, HB 1141 established additional substantive and procedural requirements for municipalities preparing

Comprehensive Plans. Procedural requirements include inter-governmental coordination for land use and growth management planning. Substantive procedural requirements include the following:

- The Town must include a "Municipal Growth Element" in its Comprehensive Plan that specifies where Denton intends to grow outside its existing corporate limits during the planning period. It also must discuss how the Town intends to address the Growth Area's services, infrastructure, and environmental protection needs.
- The Town must develop the "Municipal Growth Element" with Caroline County. Before approving a Growth Element, the Town must provide a copy to the County, accept their comments, meet and confer with the County, and, on request from either entity, mediate any differences.
- The Town and County must include a "Water Resource Plan Element" in their comprehensive plans that identify drinking water and other water resources to meet current and future demands. It also must identify suitable water and land areas to receive stormwater and wastewater derived from development.
- For land annexed after September 2006 to qualify for State assistance as a Priority Funding Area-PFA, the Town must complete an analysis of land capacity available for development. This analysis must include infill and redevelopment capacity. It also includes an analysis of land needed to satisfy the projected need.

Sustainable Growth & Agricultural Preservation Act of 2012

The Maryland General Assembly approved the Sustainable Growth & Agricultural Preservation Act of 2012, also known as the septic law, during the 2012 General Assembly session. Mapping the Growth Tiers (Tiers) is intended to be a straightforward exercise based on existing local government plans and goals for growth and land preservation. Tier mapping will reflect existing zoning, comprehensive plans, and sewer service. The law applies only to residential subdivisions, not to non-residential developments.

Four Tiers of land use categories are created to identify where major and minor residential subdivisions may be located in a jurisdiction and what type of sewerage system will serve them. Sewerage systems currently serve Tier I areas. Tier II areas are planned to be served by sewerage systems. Tier III areas are not planned to be served by sewerage systems. These are areas where growth on septic systems can occur. Tier IV areas are planned for preservation and conservation, prohibiting major residential subdivisions. **Denton approved a Growth Tier Map in August 2012 (see Map 5-4).**

Other Changes

Since 2006, other changes in Maryland planning requirements have been instituted. Local Jurisdictional Annual Reporting Requirements include quantitative measures and indicators. In

addition, a Five-Year Mid Cycle Reporting is required. Planning Commissioners must complete training, and comprehensive plans must be updated at least every ten (10) years.

HB 1045 (2019)

HB 1045 (2019) amended Sections 3-102 of the Land Use Article, adding Section 3-114, which requires the Plan to include a housing element. Per this requirement, Denton must include a housing element that sets out goals, objectives, policies, plans, standards, and strategies that, among other things, address the need for affordable housing within the jurisdictions, including workforce housing and low-income housing. HB 1045 (2019) requires that housing elements use the U.S. Department of Housing and Urban Development's (HUD) Area Median Income (AMI) calculations when planning for workforce and low-income housing.

HB 90 (2021)

In addition to addressing workforce and low-income housing needs, starting from January 1, 2023, HB 90 (2021) mandates that all housing plans for towns and non-charter counties must actively promote fairness in housing. HB 90 defines "affirmatively furthering fair housing" as taking concrete steps to achieve the following objectives:

- Eliminating patterns of housing segregation.
- Creating inclusive communities without barriers that limit housing access based on protected characteristics.
- Addressing significant disparities in housing needs and access to opportunities.
- Replacing segregated living patterns with genuinely integrated and balanced living arrangements.
- Ensuring compliance with civil rights and fair housing laws.

The law does not prescribe specific actions that local jurisdictions must take. Instead, it allows them to devise approaches for advancing fair housing in their communities, provided these approaches include meaningful actions to tackle the abovementioned issues.

Specifically, HB 90 adds the following provisions to § 3-114 of the Land Use Article, which apply exclusively to municipalities and non-charter counties:

1. Local jurisdictions must actively promote fair housing through their housing and urban development programs.
2. Any comprehensive housing plan enacted or amended on or after January 1, 2023, must include an evaluation of fair housing to ensure that the local jurisdiction is actively promoting fair housing.

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 such as the ones listed below.

- Zoning Ordinance
- Subdivision Regulations
- Capital Improvements Budget
- Development Standards and Guidelines
- Denton Pattern Book

These documents and others, when used concurrently, are the basis for directing and managing growth in Denton. Since 1997, Denton has revised these growth and development management tools to reflect current conditions and needs.