

## CHAPTER 12 – PLAN IMPLEMENTATION

### Introduction

The following are summaries of actions to achieve the Plan's goals and objectives recommended in each element. These recommendations affect public and private actions and development-related decisions by public officials and private landowners. In addition, they provide general guidelines so that piecemeal improvements or day-to-day decisions can be evaluated appropriately against their long-range impact on the community and their relationship to existing settlement patterns. Finally, the Comprehensive Plan outlines general or conceptual development patterns expected through build-out. It is not a detailed blueprint. However, it is a guide that delineates patterns of development that permit orderly growth of the community in a manner that can be more efficiently served with government services and facilities.

### Community Facilities

- With the Caroline County Department of Parks and Recreation, identify opportunities to develop neighborhood parks to serve current and future needs on the east side of MD 404.
- Enhance pedestrian access to neighborhood parks.
- Plan additional neighborhood parks serving central neighborhoods.
- Assess the return on investment for all capital improvement expenditures.

### Municipal Growth

- Accommodate future growth primarily through infill and redevelopment.
- Annexation Plan – limit future annexations to land for commercial and industrial use that expands the tax base without substantive fiscal impacts, supports increased employment opportunities, or for public institutional uses serving the community.
- Work with Caroline County to enact strategies to protect the Rural Buffer, including prioritizing this land for preservation through Federal, State, and/or County programs.

### Natural Resources and Sensitive Areas

- Work with State and County officials and agencies to implement strategies to protect sensitive environmental areas, preserve natural resources that form green infrastructure, and improve water quality in the Choptank River.

- Define natural resource protection areas encompassing wetlands, streams, priority preservation areas, forests, the 100-year flood plain, stream buffers, and threatened and endangered species habitats. Regulate these areas with standards similar to those applicable to the Chesapeake and Atlantic Coastal Bays Critical Area.
- Work with Caroline County Officials to extend similar natural resource protection areas along Saulsbury, Watts Creeks, and Poor House Run and to mitigate changes to the land from sea level rise, which are significant in the catchment areas of the Tier II streams.

### Water Resources

- Require agriculture properties within the corporate limits to implement Comprehensive Soil Conservation Plans to maintain a preferential assessment.
- Strictly limit forest clearing and apply best management practices to protect water quality in the catchment area of Tier II streams in and near Denton.

### Economic Development

- Provide the land use and infrastructure framework for attracting new economic activity and retaining existing establishments.
- Work cooperatively with government and nonprofit organizations with common economic and marketing objectives.
- Encourage diversified employment growth, including small businesses and local entrepreneurs.

### Housing

- Align regulatory policies with affordable housing goals and correct regulations or requirements that exclude affordable housing types or unnecessarily raise construction costs.
- Modify zoning regulations to permit the full spectrum of housing types where appropriate.
- 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.
- Modify building codes and/or make them more flexible to eliminate unnecessarily costly construction requirements where possible.

- Streamline approval processes to make the development review process less time-consuming.
- Work with Caroline County to waive or reduce fees (e.g., impact fees) and infrastructure requirements for affordable housing developments.
- Support the efforts of Tuckahoe Habitat for Humanity and similar groups providing safe, decent, and affordable housing.
- Facilitate infill development on vacant or underutilized land that produces affordable housing.
- Participate with State agencies, Caroline County, and others to coordinate affordable housing activities and programs.

### Historic Features

- Utilize the Denton Pattern Book for review of adaptive reuse and infill projects.
- Continue to support the efforts of the Caroline Historical Society to renovate the former Denton Town Hall as a center for tourism development.

### Transportation

- Implement the recommended street improvements.
- Implement the recommended improvements at key Intersections.
- Ensure rights-of-way widths accommodate motorists, pedestrians, and bicyclists in safety.
- Prepare a trail master plan that includes pedestrian trails linking neighborhoods with destinations such as schools, parks, commercial areas, and employment centers to reduce dependence on the automobile.
- Amend development codes to require dedication-to-public-use or a cross-use easement along the greenways.

### Land Use

Following the adoption of the Comprehensive Plan, the Town should undertake a comprehensive review of development regulations and the Official Zoning Map for consistency with the recommendations of the Comprehensive Plan. Revisions should include appropriate processes and standards to facilitate context-appropriate infill and redevelopment in the Urban Center, Core

Neighborhoods, General Residential, and Urban Fringe planning districts. In addition, review processes should be streamlined and allow flexibility to vary standards for context-appropriate projects, including mixed-use projects, whenever possible. Flexibility is critical in older neighborhoods where nonconforming issues hamper infill and redevelopment. Finally, expanding the types of permitted residential options will support the Plan's objective of increasing the supply of "missing middle" housing.

The importance of small businesses and local entrepreneurs was highlighted in the economic chapter. Reviewing current zoning standards should ensure regulations support and encourage these enterprises, particularly in the central business district.

Denton has large vacant parcels intended for mixed-use, planned developments. Reviewing large-scale developments should ensure that new development is productive (income versus liabilities). Finally, the older neighborhoods are the most productive areas of the Town when considering revenues versus expenses. Prioritizing capital investment on infrastructure maintenance and incremental improvements that resolve neighborhood service issues is an excellent public investment strategy.

### Zoning

Most of the implementation strategies previously outlined are directly or indirectly affected by the Zoning Ordinance and/or Official Zoning Map. For example, the Zoning Ordinance prescribes what land uses are allowed in a zoning district and how applications will be considered e.g., by-right, special exception, and conditional use. For this reason, the Zoning Ordinance and Official Zoning Map should be carefully assessed and revised to be practical tools for implementing the recommendation of this Comprehensive Plan.

The Comprehensive Plan's recommendations call for more flexibility in the Zoning Code to use Denton's land more efficiently. Under efficient land use, the Plan emphasizes infill and redevelopment of vacant and underutilized land. The Plan also calls for streamlined review and approval procedures that allow quicker decisions and reduced development costs. For example, strategies like streamlining review processes, expanding the range of permitted residential unit types throughout the Town, and flexible parking standards are some steps the Town can take to support affordable housing production.

The following outlines recommendations for a comprehensive review of the zoning ordinance and official zoning map.

#### Revise the Table of Use Regulations

Many older zoning ordinances list individual permitted uses. Typically, an ordinance would require a requested use not explicitly listed to be forwarded to a Board of Appeals for interpretation. In this case, the Board would determine if the proposed use was like other uses in the zoning district and, considering its potential impacts should be permitted. In some cases, listed permitted uses

may include a modifying or expanding statement, such as "or similar uses." When the Board of Appeals approves a specific land use, the zoning text is amended to incorporate the new use. In cases of uncertainty, the Denton Board of Appeals is authorized to determine the classifications as to district of any use not explicitly named provided; however, such use is determined to be in keeping with uses named explicitly in the district regulations.

Another way a specific permitted use can be added to the ordinance permitted uses list is a text amendment to add the use to the list of permitted uses. Text amendments proceed through a legislative process and may require comprehensive plan amendments.

Both preceding processes involve considerable delay for an applicant. Board of Appeals proceedings require a notice period of at least fourteen days before any hearings. In addition, scheduling the Board may add delay to the process. Finally, additional delays may be associated with the formulation of findings and a written decision. Text or map amendments, a legislative process, also require mandatory notice periods and include a recommendation by the Planning Commission, the introduction of legislation, hearing(s), and a decision. At a minimum, the Board of Appeals or text amendment process delays a decision on an application and may require ninety days or more to resolve. Both processes run counter to the comprehensive plan objective to streamline review processes.

Listing every specific use appropriate for a given zoning is nearly impossible. Attempting to list every specific permitted use inhibits the community's ability to adapt to a changing economy and flexibility to capture new uses and emerging market opportunities. In addition, it adds unnecessary time and expense to the development process, factors of particular concern to small start-up businesses. Finally, it can work against the objective of attracting new economic activity.

The Denton Zoning Ordinance should be amended to incorporate a description and listing of permitted uses based on broad categories and subcategories instead of a specific enumeration of uses. Categories provided a general description of the types of uses allowed in the various districts. Categories give planning officials a broad basis for interpreting the code requirements and the appropriate zone for proposed uses. Subcategories, a further distinction of uses, allow planning officials to establish specific conditions based on the land use's characteristics, such as trip generation and potential traffic impacts.

The Denton Zoning ordinance should be revised to classify principal land uses into major groupings or "use categories," e.g., residential, public, civic, institutional, commercial, and industrial. Within each category, there should be subcategories. For example, the "residential" category could be further broken down into the subcategories "household living" and "group living." Household living encompasses the occupancy of a dwelling unit by a household. Group living captures occupancy by a group other than a household. The household living subcategory can be further expanded into specific use types, including conventional dwelling types, detached

and attached, and mobile homes, thus allowing the Town to establish which unit types are permitted in each zoning district.

Equally important, the Denton Zoning Ordinance should authorize the Planning Commission to classify requested uses based on these category and subcategory descriptions. If the Planning Commission cannot classify a use based on the category and subcategory descriptions and where the land use is not explicitly prohibited, authorize the Board of Appeals to decide.

#### Conservation Overlay Zone and Regulations

The Natural Resources section of the Comprehensive Plan recommends the Town define natural resource protection areas encompassing wetlands, streams, priority preservation areas, forests, the 100-year flood plain, stream buffers, and threatened and endangered species habitats. In addition, it recommends that land use in this area be regulated with standards like those applicable to the Chesapeake and Atlantic Coastal Bays Critical Area.

A Natural Resource Protection overlay zone that encompasses the conservation corridors identified in the Comprehensive Plan should be incorporated into the Denton Zoning Ordinance. The overlay zone should delineate preservation and conservation areas. Properties outside the Chesapeake and Atlantic Coastal Bays Critical Area should be subject to supplemental development standards. These standards include prohibiting new structures or coverage in preservation areas and limiting the location of structures in conservation areas. Standards that limit clearing natural vegetation, lot coverage, and disturbance to sensitive environmental features should apply in both areas. Forest removal should not be allowed except in hardship situations. Stormwater management measures should be outside conservation corridors except when no alternative exists. Standards should be strictly applied in preservation areas and may be modified in conservation areas when strict adherence creates hardship.

#### RP Recreation and Parks Zoning District

Following the adoption of the 2010 Denton Comprehensive Plan, the RP Recreation and Parks classification was added to the Official Zoning Map and Ordinance. The stated purpose of the RP District was "to protect and preserve areas of the Town which are presently or proposed to be recreation-oriented areas in character and use. This zoning district provides for passive and active recreational, semipublic, educational, cultural, religious, philanthropic, social, and fraternal uses." Several properties are included in this zoning district, some privately owned.

Zoning that severely limits the range of permitted uses to government and institutional uses is unfair and may approach confiscatory. To avoid this criticism, the zoning of every property should provide an opportunity to develop at its highest and best use under market conditions. Therefore, it is recommended that the Town eliminate the RP Parks and Recreation zoning district and return the properties of their prior zoning classification or some other base zoning classification consistent with the Comprehensive Plan to correct this issue.