

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2015 Legislative Session, Legislative Day No. : June 23, 2015

Bill No.: 1305

Expiration Date: August 27, 2015

Introduced by: Mr. Callahan, Mr. Pack, Ms. Price, Ms. Williams

A BILL TO ADOPT § 190-112.1, TALBOT COUNTY CODE, TO ESTABLISH A “PLANNED REDEVELOPMENT DISTRICT” OR “PRD” AS A FLOATING ZONE, TO ESTABLISH THE PURPOSE, REQUIREMENTS, AND STANDARDS OF THE PRD, TO REQUIRE A REDEVELOPMENT PLAN AND ESTABLISH THE PROCESS TO REVIEW, MODIFY, AND APPROVE A PRD AND REDEVELOPMENT PLAN; TO REQUIRE A PRD TO OBTAIN SITE PLAN APPROVAL TO IMPLEMENT AN APPROVED REDEVELOPMENT PLAN, TO ALLOW FOR AMENDMENTS TO A PRD, APPROVED REDEVELOPMENT PLAN, AND AN APPROVED SITE PLAN, TO ESTABLISH REQUIREMENTS FOR IMPLEMENTATION OF APPROVED REDEVELOPMENT PLANS, TO PROVIDE CERTAIN DEFINITIONS, AND GENERALLY RELATING TO PLANNED REDEVELOPMENT DISTRICTS

By the Council: June 23, 2015

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, July 14, 2015 at 2:00 p.m. at the Bradley Meeting Room, Talbot County Court House, South Wing, 11 North Washington Street, Easton, Maryland 21601.

By Order 
Susan W. Moran, Secretary

A BILL TO ADOPT § 190-112.1, TALBOT COUNTY CODE, TO ESTABLISH A “PLANNED REDEVELOPMENT DISTRICT” OR “PRD” AS A FLOATING ZONE, TO ESTABLISH THE PURPOSE, REQUIREMENTS, AND STANDARDS OF THE PRD, TO REQUIRE A REDEVELOPMENT PLAN AND ESTABLISH THE PROCESS TO REVIEW, MODIFY, AND APPROVE A PRD AND REDEVELOPMENT PLAN; TO REQUIRE A PRD TO OBTAIN SITE PLAN APPROVAL TO IMPLEMENT AN APPROVED REDEVELOPMENT PLAN, TO ALLOW FOR AMENDMENTS TO A PRD, APPROVED REDEVELOPMENT PLAN, AND AN APPROVED SITE PLAN, TO ESTABLISH REQUIREMENTS FOR IMPLEMENTATION OF APPROVED REDEVELOPMENT PLANS, TO PROVIDE CERTAIN DEFINITIONS, AND GENERALLY RELATING TO PLANNED REDEVELOPMENT DISTRICTS

KEY	
Boldface	Heading or defined term
<u>Underlining</u>	Added to existing bill
.....	Deleted from existing bill
* * *.....	Existing law unaffected

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

* * *

1 **§190-112. 1. Planned Redevelopment District**

2 **A. Establishment**

3 The Planned Redevelopment District or “PRD” is a floating zone that may be applied to
4 improved lots through a zoning map amendment adopted by the County Council in
5 accordance with the provisions of this Section.

6 **B. Purpose**

7 The purpose of the Planned Redevelopment District (“PRD”) is to provide public and
8 community benefits and flexibility for appropriate redevelopment that meets the standards
9 and requirements of this Section. The PRD is intended to include enhanced site design and
10 layout, to improve public and private infrastructure and amenities, to manage redevelopment
11 through adaptive re-use, demolition, reconstruction and infill, which may include compatible
12 new uses. For legal nonconforming structures and uses, the PRD includes redesign,
13 improvement, expansion, demolition, relocation, or replacement in accordance with the
14 requirements of this Section.

15 **C. Planned Redevelopment District requirements**

16 A Planned Redevelopment District shall meet the following requirements:

- 17 (1) Ownership. The entire area proposed for a PRD shall be owned by the applicant. If the
18 entire area is not wholly owned by one individual or entity, all owners shall join in the
19 application and shall be bound, jointly and severally, by any conditions, amendments,
20 modifications, or changes to the underlying base or overlay zone, the PRD, and the
21 approved Redevelopment Plan.
- 22 (2) Minimum Area. The minimum area required for a PRD shall be five (5) acres. The
23 minimum area may be reduced if the County Council finds that a proposed PRD and
24 Redevelopment Plan will provide strategic redevelopment that affords substantial public
25 benefit, and that they meet all other standards and requirements of this Section except for
26 minimum area.
- 27 (3) Zoning Districts. The PRD is a floating zone. A PRD may be established in any base zone
28 or with other overlay zones provided the requirements of this Section are met.

- 29 (4) Redevelopment Plan. A PRD shall include a Redevelopment Plan approved by the
30 County Council as part of the rezoning. The Redevelopment Plan shall include a
31 schedule or timetable for all development and construction that includes beginning,
32 duration, and completion dates.
- 33 (5) Uses. The uses permitted for a particular PRD shall be the uses permitted in the approved
34 Redevelopment Plan(s), and, except as modified by the approved Redevelopment Plan,
35 uses permitted in the base zoning district.
- 36 (6) Bulk Requirements. The bulk requirements for a particular PRD shall be the bulk
37 requirements in the approved Redevelopment Plan(s).
- 38 (7) Density. The maximum permitted density for a particular PRD shall be the maximum
39 permitted density set forth in the approved Redevelopment Plan(s).
- 40 (8) Architectural Requirements. The architectural requirement for a particular PRD shall be
41 the architectural requirements set forth in the approved Redevelopment Plan(s).
- 42 (9) Parking. Off street parking shall be provided in accordance with §190-128 of this Chapter
43 or as set forth in the approved Redevelopment Plan(s).
- 44 (10) Landscaping. Landscaping shall be provided in accordance with §190-122 of this
45 Chapter or as set forth in the approved Redevelopment Plan(s).
- 46 (11) Signs. Signage shall be provided in accordance with the provisions of Article VII of this
47 Chapter or as set forth on the approved Redevelopment Plan(s).
- 48 (12) Transportation Facilities. Adequate transportation facilities capable of serving the
49 proposed redevelopment must exist or be provided in conjunction with the PRD.

50 (13) Water and Wastewater Treatment. Adequate water and wastewater facilities capable of
51 serving the proposed redevelopment must exist or be provided in conjunction with the
52 PRD.

53

54 **D. Standards for approval of Planned Redevelopment Districts and Redevelopment Plans**

55 A proposed Planned Redevelopment District and Redevelopment Plan may be approved only
56 if the County Council finds that:

- 57 (1) They are consistent with the Talbot County Comprehensive Plan;
- 58 (2) They will promote the general welfare of the public;
- 59 (3) The size and location of a PRD are appropriate to the surrounding neighborhood;
- 60 (4) The improvements and reuse or new uses in the Redevelopment Plan are appropriate to
61 the surrounding neighborhood;
- 62 (5) The proposed building designs, uses, intensity, scale, bulk, and location of structures
63 and uses are appropriate to the surrounding neighborhood and compatible with
64 community design standards;
- 65 (6) They include all or some combination of the following redevelopment tools to
66 substantially improve existing development in the proposed PRD: enhanced site design
67 and layout, improved public and private infrastructure and amenities, which may
68 include compatible new uses; adaptive re-use, infill, demolition, reconstruction,
69 expansion, relocation, or replacement of legal nonconforming structures and/or legal
70 nonconforming uses in accordance with the requirements of this Section;

71 (7) They preserve appropriate existing development, manage redevelopment, and allow for
72 limited new development consistent with the standards and requirements of this
73 Section;

74 (8) The PRD and Redevelopment Plan will promote, and will not interfere with, the
75 adequate and orderly provision of public facilities;

76 (9) All requirements of this Section have been met.

77 **E. Applications for Planned Redevelopment Districts**

78 Applications for a PRD shall be filed with the Planning Officer and shall:

79 (1) Contain a properly prepared plat, signed and sealed by a Maryland-registered
80 professional property surveyor and an adequate legal description of the property to be
81 included in the PRD.

82 (2) Include a proposed Redevelopment Plan that includes all information required pursuant
83 to § 190-184 and this Section in sufficient detail to permit thorough review of the
84 application.

85 (3) Include all information required to demonstrate that the application meets the standards
86 for approval of the PRD and Redevelopment Plan.

87 (4) The Planning Officer may require the applicant to provide additional or supplemental
88 information as necessary from time to time to properly evaluate the application under the
89 standards and requirements of this Section.

90 **F. Procedure for approval**

91 (1) A preapplication meeting is required in accordance with § 190-170 prior to submission of
92 an application for a PRD.

93 (2) A PRD shall be established by a zoning map amendment adopted pursuant to § 190-173
94 (Procedures for Text Amendments and County Council Applications), § 190-174
95 (Amendments to Official Zoning Maps) and, if otherwise applicable, § 190-176
96 (Applications for Use of Growth Allocation in Critical Area), except as those procedures
97 are modified or supplemented by this Section.

98 (3) The Technical Advisory Committee shall review the PRD application and may
99 recommend modifications to the boundaries, the Redevelopment Plan, or any component
100 or other proposal prior to submission of the application to the County Council.

101 (4) The Planning Director may require that the applicant hold a community meeting that
102 shall be:

103 (a) Organized and held by the applicant in a location convenient to community
104 residents;

105 (b) Open to all interested persons; and,

106 (c) Held no less than 15 days after a notice approved by the Planning Director is
107 mailed by the applicant to community organizations for neighboring communities
108 and to the owners of abutting property and property separated from the site by a
109 road right-of-way.

110 (5) The applicant shall provide a written summary of the presentation, comments, and
111 results of any community meeting held under this section to the Planning Director.

112 **G. County Council Authority**

113 (1) Review authority.

114 As a condition for approval of an application, the Council may:

115 (a) modify, amend, or reconfigure the boundaries of a proposed PRD;

- 116 (b) impose modified, amended, or different conditions, requirements, or limitations to
- 117 include height, bulk, location of structures and existing and new uses, architectural
- 118 appearance, open space, required public facilities, landscaping, parking, timing and
- 119 phasing of the development, use and other provisions (collectively referred to as
- 120 “amendments”) of a proposed Redevelopment Plan;
- 121 (c) approve a Redevelopment Plan that amends or changes existing standards in the
- 122 underlying zone;
- 123 (d) approve a Redevelopment Plan for a particular PRD that differs from Redevelopment
- 124 Plans in other PRDs; and,
- 125 (e) impose additional requirements, conditions, and safeguards as reasonably required to
- 126 achieve the public purposes for the PRD or to promote public health, safety, or
- 127 welfare.

128 (2) Applicant consent

129 Amendments to a proposed PRD or to a proposed Redevelopment Plan shall not be effective
130 without the written consent of the applicant, which shall be filed in and made part of the
131 record of the proceedings.

132 (3) Approval authority

133 (a) The Council may enact an ordinance to establish a PRD and approve a proposed
134 Redevelopment Plan only if the Council determines that the standards and
135 requirements in this Section have been met. The Council’s decision shall include
136 written findings of fact and conclusions of law.

137 (b) There is no presumption that a proposed PRD or Redevelopment Plan meets the
138 standards in this Section, or that granting any application will be consistent with the

139 Comprehensive Plan. Compliance with all standards and requirements of this Section
140 permits, but does not require, the Council to establish a PRD or approve a proposed
141 Redevelopment Plan.

142 (c) A PRD should not be used as a substitute for other existing procedures for land-use
143 approvals, such an application for a special exception or a variance, or to modify the
144 terms or conditions of an existing special exception or variance.

145 **H. Site Plan Approval**

146 After approval of a PRD and Redevelopment Plan, the applicant shall apply to the Planning
147 Office for site plan approval in accordance with § 190-184 to implement the Redevelopment
148 Plan. The site plan approval shall be based upon, consistent with, and shall implement the
149 approved Redevelopment Plan.

150 **I. Implementation of approved Redevelopment Plan.**

151 Construction of improvements or implementation of uses authorized by a final
152 Redevelopment Plan shall commence within two (2) years of site plan approval. If
153 construction or implementation does not commence within two (2) years following final site
154 plan approval, the PRD shall lapse and the zoning of the property shall revert to the former
155 base zoning unless the applicant requests a time extension for good cause shown and the
156 Planning Officer grants the request. The Planning Officer may grant one (1) request for an
157 extension for a maximum of two (2) years.

158 **J. Amendments**

159 An approved PRD, approved Redevelopment Plan, and an approved site plan in a PRD may be
160 amended as set forth in this Section. Proposed amendments shall be submitted to the Planning
161 Officer in writing in the same manner and subject to the same conditions as an original

162 application. Applications for amendments under this paragraph shall be signed by all property
163 owners in the PRD.

164 (1) Consideration of proposed amendments to the boundaries of an approved PRD shall
165 follow the same process set forth in this Section to establish new PRDs.

166 (2) Proposed amendments to an approved Redevelopment Plan shall be submitted to the
167 Council for decision, except that minor amendments may be approved by the Planning
168 Officer as set forth below.

169 (3) All requests shall be submitted to the Planning Officer with all information, plats, and
170 submittals necessary to evaluate the proposed amendment. The Planning Officer shall
171 review the proposed amendment to determine if it constitutes a minor change to the
172 approved Redevelopment Plan. The Planning Officer may approve only minor
173 amendments to final Redevelopment Plans. Minor amendments may not:

174 (a) Increase the intensity of the development;

175 (b) Increase residential density;

176 (c) Increase the lot coverage by more than 1,000 square feet;

177 (d) Increase area of the building by more than 1,000 square feet or 10 percent of the
178 gross floor area, whichever is less;

179 (e) Adversely impact surrounding properties or affect setbacks, landscaping or
180 buffering along the perimeter of the PRD;

181 (f) Result in a change of use; or

182 (g) Change or alter any condition or safeguard required by the PRD approval.

183 (4) The Planning Officer, for just cause, may request County Council review and approval
184 of minor amendments.

185 (5) Other than minor amendments, all other proposed amendments to an approved
186 Redevelopment Plan must be approved by the Council in accordance with the process
187 set forth in this Section for approval of Redevelopment Plans.

188 (6) Consideration of proposed amendments to an approved site plan in a PRD shall follow
189 the same processes set forth in this Chapter to obtain site plan approval.

190 **K. Construction**

191 Except as modified by this Section, the provisions of this Chapter remain in effect in an
192 approved PRD. This Section shall not be construed or applied to modify, limit, supersede, or
193 repeal any other section of this Chapter or any other section of the County Code.

194 * * *

195 **§190-208. Definitions**

196 REDEVELOPMENT PLAN—A type of plan that becomes part of the zoning of a property in a
197 Planned Redevelopment District. The plan depicts site characteristics and redevelopment
198 information to include the location of buildings, uses, roads, easements, parking, landscape,
199 access, and provides guidance for site plans.

200 * * *

201 PLANNED REDEVELOPMENT DISTRICT or “PRD” -- a floating zone that may be applied to
202 improved lots to provide flexibility for appropriate redevelopment projects. The PRD includes
203 enhanced site design and layout, improved public and private infrastructure and amenities, and
204 may include compatible new uses to manage redevelopment through adaptive re-use, demolition,
205 reconstruction and infill, and, for legal nonconforming structures and uses, it provides for
206 redesign, improvement, expansion, demolition, relocation, or replacement.

207 * * *

208 REDEVELOPMENT (CA)

209 The process of developing land which is or has been developed. For purposes of a Planned
210 Redevelopment District (PRD), “redevelopment” means any or all of the following: rebuilding
211 redesigning or adding to existing improvements and infrastructure, or approval of appropriate
212 new improvements or adaptive reuses associated with existing development.

* * *

213 **§ 190-170. General application and review procedures.**

214 Applications submitted pursuant to this chapter shall be processed in accordance with the
215 procedures of this section and any other procedures established in this chapter for a specific
216 decisionmaking body or type of application.

217 A. Presubmission meetings.

218 (1) A presubmission meeting with the Planning Office is required for site plans and for PRD
219 applications and is optional for all other applications.. The meeting shall be scheduled by the
220 Planning Office at its request or upon request of the applicant.

221 (2) In addition to the applicant or his representative(s) and the Planning Office, the meeting may
222 include representatives of any public agency that may have an interest in or be affected by the
223 proposed redevelopment.

224 (3) The purpose of the meeting is to discuss the nature of the proposed application, the
225 characteristics of the particular site, and the information that will be required to be submitted
226 with the application.

* * *

SECTION TWO: BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION THREE: AND BE IT FURTHER ENACTED, that if any provision of this Bill or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of the Bill which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bill are declared severable.

SECTION FOUR: AND BE IT FURTHER ENACTED, that the Publishers of the Talbot County Code or the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in this Bill, as finally adopted, that are incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FIVE: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. _____ having been published, a public hearing was held on _____.

BY THE COUNCIL

Read the third time.

ENACTED _____

By Order _____
Susan W. Moran, Secretary

- Pack -
- Williams -
- Bartlett -
- Price -
- Callahan -

Effective date: _____