

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2015 Legislative Session, Legislative Day No. : October 27, 2015

Bill No.: 1323 *AS AMENDED

Expiration Date: December 31, 2015

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

A BILL TO ESTABLISH THE “SUSTAINABLE TOURISM AND REINVESTMENT DISTRICT” TO PERMIT CONSIDERATION OF PROPOSALS TO REDEVELOP AND REINVEST IN CERTAIN EXISTING TOURISM-RELATED FACILITIES, TO SPECIFY THE DISTRICT’S PURPOSE, DISTRICT REQUIREMENTS, PERMITTED USES AND BULK REQUIREMENTS; TO ESTABLISH A PROCESS FOR APPLICATION, REVIEW, AND APPROVAL OF SUCH DISTRICTS, AND GENERALLY RELATING TO SUSTAINABLE TOURISM AND REINVESTMENT DISTRICTS

By the Council: October 27, 2015

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, November 24, 2015 at 6:30 p.m.; Tuesday, December 8, 2015 at 2:00 p.m.; and Tuesday, December 22, 2015 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order


Susan W. Moran, Secretary

A BILL TO ESTABLISH THE “SUSTAINABLE TOURISM AND REINVESTMENT DISTRICT” TO PERMIT CONSIDERATION OF PROPOSALS TO REDEVELOP AND REINVEST IN CERTAIN EXISTING TOURISM-RELATED FACILITIES, TO SPECIFY THE DISTRICT’S PURPOSE, DISTRICT REQUIREMENTS, PERMITTED USES AND BULK REQUIREMENTS; TO ESTABLISH A PROCESS FOR APPLICATION, REVIEW, AND APPROVAL OF SUCH DISTRICTS, AND GENERALLY RELATING TO SUSTAINABLE TOURISM AND REINVESTMENT DISTRICTS

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that the Talbot County Code shall be and is hereby amended as set forth below, to include a new section, § 190-107.1, and to amend §§ 190-170 and § 190-208 as follows:

* * *

1 **§190-107.1. Sustainable Tourism and Reinvestment District**

2 A. Purpose and intent.

3 (1) The Sustainable Tourism and Reinvestment (“STAR”) district is intended to promote
4 reinvestment and redevelopment of existing tourism-related structures or uses that are
5 subject to the restrictions in Chapter 190, Article VIII (Nonconforming Lots, Uses, and
6 Structures).

7 (2) The STAR district is intended to promote the local tourism industry, to encourage the
8 economical and efficient use of land and reinvestment in existing nonconforming
9 tourism-related structures and uses through rehabilitation, redesign, upgrades,
10 demolition, and reconstruction.

11 B. District requirements. A STAR district is a floating zone that may be applied only to a
12 parcel of record or portion thereof, that, as of (insert Bill’s effective date) is:

13 (1) Improved by an existing legal nonconforming hotel, motel, community and cultural
14 facility, golf course open to the public, inn, marina, or restaurant:

15 (a) That has been in continuous use for a period of at least 10 years, ending, if at all,
16 not more than 5 years prior to the date of the application; and,

17 (b) That has a legal non-conforming status.

18 C. Effect of district adoption. Adoption of a Sustainable Tourism and Reinvestment district
19 permits redevelopment of existing tourism-related structures and uses without regard to the
20 restrictions in Chapter 190, Article VIII (Nonconforming Lots, Uses, and Structures).

21 D. Permitted uses and structures.

22 (1) Principal uses and structures in a STAR district include:

23 (a) Hotels, motels, community and cultural facilities, golf courses open to the public,
24 inns, marinas, and restaurants; and,

25 (b) Uses or structures permitted in the underlying zoning district.

26 (2) Accessory uses and structures that are incidental and subordinate to, and customarily
27 found in connection with the principal uses or structures listed in paragraph D (1) (a)
28 and (b) above.

29 E. Bulk requirements.

30 (1) Bulk requirements shall be as specified in the base zone or applicable overlay zone(s),
31 whichever is more restrictive, subject to subparagraphs E. (2), E. (3), and E. (4) below.

32 (2) Existing legal nonconforming sizes, areas, dimensions, and locations (nonconforming
33 bulk standards) of any existing use or structure as of the date of the approval of an
34 application under this Section 190-107.1 may be continued for any replacement use or

35 structure, and may be consolidated or reconfigured, but may not be increased without a
36 variance.

37 (3) Any limitation on bulk requirements set forth in Section 190-167 of this Chapter shall
38 not be applicable to redevelopment approved under this Section 190-107.1.

39 (4) Calculation of maximum structure height shall exclude rooftop mechanical equipment,
40 elevator overruns, and any approved architectural detail or parapet minimally sized to
41 hide those elements. The area excluded from maximum structure height shall not
42 exceed:

43 (a) Fifteen percent (15%) of the structure's footprint; and,

44 (b) Ten feet (10') above the maximum structure height permitted in the underlying
45 zone pursuant to sub-paragraph E (1).

46 F. Other requirements.

47 (1) Architectural Requirements. Architectural requirements shall be set forth in an
48 approved Redevelopment Plan.

49 (2) Parking. Off street parking shall be provided in accordance with an approved
50 Redevelopment Plan.

51 (3) Landscaping. Landscaping shall be provided in accordance with §190-122 of this
52 Chapter.

53 (4) Signs. Signage shall be provided in accordance with the provisions of Article VII of
54 this Chapter.

55 G. Applications. Applications for a STAR district shall be filed with the Planning Officer and
56 shall contain:

57 (1) An adequate legal description of the property proposed for inclusion in the district;

58 (2) A Redevelopment Plan deemed by the Planning Director to include all information
59 required to permit complete review of the application. The Planning Officer may
60 require the applicant to provide additional or supplemental information as necessary to
61 evaluate or process the application.

62 (3) A certification of nonconforming status under § 190-166.

63 H. Procedure for approval. The procedure for establishing a STAR district is the same as the
64 procedure for amendments to the Official Zoning Maps set forth in Article IX, except as
65 modified herein.

66 (1) A preapplication meeting in accordance with § 190-170 shall be required prior to
67 submission of an application.

68 (2) Sponsorship of the application by at least one council member shall be required in
69 accordance with § 190-173 B (2) (c) for the application to proceed.

70 (3) If sponsored, the application shall be scheduled for review and comment by the Technical
71 Advisory Committee in accordance with § 190-184 H. (1) and H. (2) (a).

72 (4) The applicant shall hold a community meeting in accordance with § 190-184 I. (3) and
73 shall provide notice to adjacent property owners as required by § 20-10.

74 (5) The Planning Commission shall review the application for compliance with this section
75 190-107.1 and for consistency with the Comprehensive Plan in accordance with § 190-
76 173 D. The Planning Commission may recommend modification of the structures, uses,
77 or Redevelopment Plan prior to forwarding its recommendations to the County Council.

78 (6) Upon conclusion of the Planning Commission's review under § 190-173 D., and upon
79 the request of either the Planning Commission or the County Council, the County

80 Council shall schedule a joint work session with the Planning Commission to review
81 the application and the Planning Commission's recommendations.

82 (7) Legislation to adopt a STAR district may be introduced in accordance with § 190-173
83 E. and F.

84 (8) Required findings. An application for a STAR district may be approved based upon the
85 following findings:

86 (a) Approval of the district is consistent with the Comprehensive Plan;

87 (b) Approval of the district is consistent with the purposes and intent of this section,
88 § 190-107.1;

89 (c) Public facilities and services are or will be adequate, including roads, individual
90 or community water systems, individual or community sewerage systems, police
91 and fire protection, and any other facilities and services deemed appropriate;

92 (d) The beneficial purposes achieved by the district are not outweighed by any
93 adverse effects on the surrounding neighborhood;

94 (e) The district will promote, and will not interfere with, the adequate and orderly
95 provision of public facilities; and,

96 (f) All requirements of this Section have been met.

97 I. Site Plan Approval

98 (1) After approval of a STAR district the applicant shall apply for site plan approval in
99 accordance with § 190-184 to implement the Redevelopment Plan.

100 (2) The approved Redevelopment Plan shall include sufficient detail to permit accurate
101 preparation, review, comment, and approval of a site plan to implement all features,
102 conditions, and requirements of the approved district. The sizes, areas, dimensions, and

103 locations of all pre-existing nonconforming bulk standards referenced in section 190-
104 107.1 E. (2), and those proposed for use in the redevelopment, shall be quantified and
105 delineated on the site plan.

106 (3) The site plan approval shall be based upon, consistent with, and shall implement the
107 approved Redevelopment Plan.

108 (4) If the final site plan is not approved within two years of the effective date of the STAR
109 rezoning, the County Council may reclassify the property back to its original zoning
110 designation.

111 (5) Construction of improvements authorized by adoption of a STAR district shall commence
112 within two (2) years of final site plan approval. If construction does not commence within
113 two (2) years following final site plan approval, the County Council may reclassify the
114 property back to its original zoning designation.

115 J. Amendments. An approved STAR district, a Redevelopment Plan, or an approved site plan
116 may be amended in the same manner and subject to the same conditions as an original
117 application.

118 K. Construction.

119 (1) Section § 190-107.1 does not waive, suspend, modify, or supersede any applicable federal
120 or State laws, regulations, or requirements, including without limitation critical area
121 requirements.

122 (2) Except as expressly set forth herein, this section § 190-107.1 does not waive, suspend,
123 modify, or supersede any other applicable local laws, regulations, or requirements.

124 * * *

125

126 **§ 190-170. General application and review procedures**

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

130 A. Presubmission meetings.

131 (1) A presubmission meeting with the Planning Office ~~is~~ shall be required for site plans and
132 Sustainable Tourism and Reinvestment district applications and is optional for all other
133 applications ~~required under this Chapter, and~~ The meeting shall be scheduled by the
134 Planning Office at its request or upon request of the applicant.

135 * * *

136 **§190-208. Definitions**

137 * * *

138 **REDEVELOPMENT PLAN**—A component part of an application for a Sustainable Tourism
139 and Reinvestment district that details the size, location, setback, height, architectural features,
140 and other characteristics, features, and uses of structures in the district. The redevelopment plan
141 shall include the location of roads, access, easements, parking, landscape features, open space,
142 reserved areas, drawings, elevations, plans, construction phasing and schedules, and all other
143 features or information deemed necessary to complete or supplement an 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. 1323 having been published, a public hearing was held on Tuesday, November 24, 2015 at 6:30 p.m.; Tuesday, December 8, 2015 at 2:00 p.m. and Tuesday, December 22, 2015 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the third time.

ENACTED : December 22, 2015 *AS AMENDED

By Order *Susan W. Moran*
Susan W. Moran, Secretary

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

EFFECTIVE: February 20, 2016