

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2015 Legislative Session, Legislative Day No. : _____

Bill No.: _____

Expiration Date: _____

Introduced by: _____

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 _____

Introduced, read first time, ordered posted, and public hearing scheduled on _____
at _____ 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 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

KEY	
Boldface	Heading or defined term
<u>Underlining</u>	Added to existing law by original bill
Strikethrough	Deleted from existing law by original bill
<u>Double underlining</u>	Added to bill by amendment
Double strikethrough	Deleted from bill by amendment
* * *	Existing law unaffected

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 to encourage reinvestment in existing
9 nonconforming tourism-related structures and uses through rehabilitation, redesign,
10 upgrades, demolition, and reconstruction.

11 B. District requirements. A STAR district is a floating zone that may only be applied to
12 parcels with existing legal nonconforming hotels, motels, community and cultural facilities,
13 golf courses open to the public, inns, marinas, or restaurants that have been in commercial
14 use for at least 10 years and have a legal non-conforming status.

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

18 D. Permitted uses and structures.

19 (1) Principal uses and structures in a STAR district include hotels, motels, community and
20 cultural facilities, golf courses open to the public, inns, marinas, and restaurants.

21 (2) Accessory uses and structures that are incidental and subordinate to, and customarily
22 found in connection with the principal uses or structures listed in paragraph D (1)
23 above.

24 E. Bulk requirements.

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

27 (2) Pre-existing legal nonconforming improvements that do not comply with the bulk
28 requirements in effect as of the date of the approval of an application under this Section
29 190-107.1 may be continued, and any such nonconforming bulk requirements may be
30 permitted for any new or replacement improvements, but the extent of any such non-
31 conforming bulk requirements may not be increased without a variance. Any limitation
32 on bulk requirements set forth in Section 190-167 of this Chapter shall not be
33 applicable to redevelopment approved under this Section 190-107.1.

34 (3) Calculation of maximum structure height shall exclude rooftop mechanical equipment,
35 elevator overruns, and any approved architectural detail or parapet minimally sized to
36 hide those elements.

37 F. Other requirements.

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

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

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

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

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

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

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

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

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

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

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

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

63 (4) The applicant shall hold a community meeting in accordance with § 190-184 I. (3);

64 (5) The Planning Commission shall review the application for consistency with the
65 Comprehensive Plan in accordance with § 190-173 D. The Planning Commission may
66 recommend modification of the structures, uses, or Redevelopment Plan prior to
67 forwarding its recommendations to the County Council.

68 (6) Upon conclusion of the Planning Commission's review under § 190-173 D., and upon
69 the request of either the Planning Commission or the County Council, the County
70 Council shall schedule a joint work session with the Planning Commission to review
71 the application and the Planning Commission's recommendations.

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

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

- 76 i. Approval of the district is consistent with the Comprehensive Plan;
- 77 ii. Approval of the district is consistent with the purposes and intent of this section,
78 § 190-107.1;
- 79 iii. Public facilities and services are or will be adequate, including roads, individual
80 or community water systems, individual or community sewerage systems, police
81 and fire protection, and any other facilities and services deemed appropriate;
- 82 iv. The beneficial purposes achieved by the district are not outweighed by any
83 adverse effects on the surrounding neighborhood;
- 84 v. The district will promote, and will not interfere with, the adequate and orderly
85 provision of public facilities; and,
- 86 vi. All requirements of this Section have been met.

87 I. Site Plan Approval

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

90 (2) The approved Redevelopment Plan shall include sufficient detail to permit accurate
91 preparation, review, comment, and approval of a site plan to implement all features,
92 conditions, and requirements of the approved district.

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

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

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

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

105 K. Construction. Section § 190-107.1 does not waive, suspend, modify, or supersede any
106 applicable federal or State laws, regulations, or requirements, including without limitation
107 critical area requirements.

108 * * *

109 **§ 190-170. General application and review procedures**

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

113 A. Presubmission meetings.

114 (1) A presubmission meeting with the Planning Office shall be required for site plans and
115 Sustainable Tourism and Reinvestment district applications and is optional for all other
116 applications. The meeting shall be scheduled by the Planning Office at its request or upon
117 request of the applicant.

118 * * *

119 **§190-208. Definitions**

120 * * *

121 **REDEVELOPMENT PLAN**—A component part of an application for a Sustainable Tourism
122 and Reinvestment district that details the size, location, setback, height, architectural features,
123 and other characteristics, features, and uses of structures in the district. The redevelopment plan
124 shall include the location of roads, access, easements, parking, landscape features, open space,
125 reserved areas, drawings, elevations, plans, construction phasing and schedules, and all other
126 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. _____ 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 -

The County Council will hold a public work session on Tuesday, September 15, 2015 at 4:00 pm in the Bradley Meeting Room, South Wing, Court House, 11 N. Washington St., Easton. During the work session County staff will outline and explain a draft bill prepared by staff to establish the "Sustainable Tourism and Reinvestment District". The bill would allow the County Council and the Planning Commission to consider reinvestment and redevelopment proposals for certain existing tourism-related facilities.

The work session will acquaint the County Council and the members of the public with the details of the draft bill, its purpose, scope and effect, and the anticipated process through which a proposal to establish a Sustainable Tourism and Reinvestment ("STAR") district could be considered.

The draft bill facilitates the redesign and reconstruction of existing tourist-related facilities that have nonconforming structures or uses. By allowing redesign and reconstruction consistent with existing, traditional County land uses and current consumer-driven market conditions, the draft bill aims to encourage private reinvestment in and redevelopment of tourism-related facilities and to promote efficient and economical land use.

The STAR district is proposed as a floating zone that could be applied to a particular parcel only after the property owner submitted an application and a Redevelopment Plan for review and consideration by the County. The application would largely follow the existing process for a zoning map amendment in the zoning ordinance. The bill would modify the existing process only slightly by adding certain procedural requirements, including, among others, the requirement for a community meeting and a joint work session at the request of either the Planning Commission or the County Council prior to introduction of legislation to consider a STAR district application.

BACKGROUND

Existing restrictions. The County zoning ordinance places certain restrictions on non-conforming uses and structures that, in general, include limitations on relocation, redesign, demolition, reconstruction, and expansion. These restrictions generally limit nonconforming restaurants, hotels, motels, inns, marinas and other tourist-related facilities to their current location, design, configuration, etc., which, over time, can cause them to become outdated or obsolescent. Construction of new facilities, while possible, may require new, previously undeveloped land, and, in any event, does not address the needs of existing, outdated or obsolescent facilities that continue in slow decline. The draft bill addresses these issues by eliminating existing restrictions on nonconforming uses and structures that operate to limit reinvestment opportunities and redevelopment in certain tourism-related facilities. The draft bill is intended to make existing land uses more economical and efficient, to reduce demand for development of undeveloped land and to promote the County's tourism industry and the local economy.

THE DRAFT BILL

Sustainable Tourism and Reinvestment District

Public purpose. The draft bill is:

- (1) "... intended to promote reinvestment and redevelopment of existing tourism-related structures or uses that are subject to the restrictions in Chapter 190, Article VIII (Nonconforming Lots, Uses, and Structures).
- (2) The STAR district is intended to promote the local tourism industry, to encourage the economical and efficient use of land, and to encourage reinvestment in existing nonconforming tourism-related structures and uses through rehabilitation, redesign, upgrades, demolition, and reconstruction." (draft bill Lines 3-10¹)

¹ All Line references are to the draft bill.

Scope. The draft bill applies to:

"... parcels with existing legal nonconforming hotels, motels, community and cultural facilities, golf courses open to the public, inns, marinas, or restaurants that have been in commercial use for at least 10 years and have a legal non-conforming status." (Lines 11-14)

The draft bill makes these parcels eligible to file an application for a STAR district. Eligibility only means that an applicant is permitted to file an application, it does not mean that the application must be approved. Compliance with all requirements in the zoning ordinance is not, in itself, sufficient to require approval (§ 190-174 C (3)). Approval of a STAR district, even with a fully compliant application, is discretionary.

The requirement that the parcel be in commercial use for at least 10 years excludes undeveloped parcels and new construction that can be built to existing standards, presumably ones that reflect contemporary tourism-related marketing requirements and demand. Because new construction is not subject to the restrictions imposed on pre-existing nonconforming uses or structures, there is no need to modify those (nonexistent) restrictions, and undeveloped parcels are ineligible for a STAR district designation.

Bulk Requirements. A "bulk requirement" is defined in the County zoning ordinance as a numerical regulation governing the size or dimension of lots or the location or dimensions of uses or structures within a certain zoning district or for a certain land use. Bulk requirements include **setback, height, area, lot coverage, and lot width.**

In a STAR district bulk requirements generally would be the **same** as in the underlying zone. The draft bill leaves largely unchanged existing regulations for setback, height, area, lot coverage, and lot width. One minor modification would be to exclude elevator overruns and

rooftop mechanical equipment, and approved architectural features minimally sized to hide those elements, from the maximum height calculation (Lines 34-36).

Pre-existing legal nonconforming improvements that do not comply with existing bulk requirements could be continued, and the extent of any nonconforming bulk requirements could be permitted for any new or replacement improvements, but could not be increased without a variance (Lines 27-31). A variance is a separate request considered by the Board of Appeals that could be approved only if certain requirements already detailed elsewhere in the zoning ordinance were met.

Existing limitations on bulk requirements under Section 190-167 (Nonconforming uses) would be inapplicable to redevelopment approved in a STAR district. For example, currently, expansion of a structure occupied by a nonconforming use is limited to no more than 20 percent of the gross floor area or 1,000 square feet, whichever is less. The draft bill would permit an applicant to request expansion beyond that limit, which, if approved, could permit an existing nonconforming use to expand up to the same extent as a new (conforming) use could be built, or to the extent of any pre-existing legal nonconforming size, whichever is greater (Lines 28-34).

Uses. The principal uses permitted in a STAR district are hotels, motels, community and cultural facilities, golf courses open to the public, inns, marinas, and restaurants (Lines 18-21). These are the same uses that must have preexisted on the parcel, and that must have been in commercial use for a minimum of 10 years, to make the parcel eligible to apply for a STAR district in the first place (Lines 11-14). The type of redevelopment that can occur is limited to these types of tourist-related facilities, consistent with the bill's public purpose. Accessory uses and structures that are incidental and subordinate to, and customarily found in connection with the principal uses or structures are also permitted. (Lines 22-24)

Procedure for review. The procedure for a STAR application, decision-making, and implementation largely mimics the existing process for a zoning map amendment, but with the additional requirements for a pre-submission meeting between the Planning Office and the applicant, a community meeting, and the opportunity for a joint Planning Commission/Council work session (at the request of either) prior to introduction of legislation to consider a STAR district. The process also includes site plan review and approval to implement an adopted STAR district.

The procedure is included in the bill in Lines 46-101.

The definitional term, "Redevelopment Plan" is new:

"Redevelopment Plan – A component part of an application for a Sustainable Tourism and Reinvestment district that details the size, location, setback, height, architectural features, and other characteristics, features, and uses of structures in the district. The redevelopment plan shall include the location of roads, access, easements, parking, landscape features, open space, reserved areas, drawings, elevations, plans, construction phasing and schedules, and all other features or information deemed necessary to complete or supplement an application."

Summary

The STAR district's public purpose, to what property it would be applicable, its bulk requirements, permitted uses, and the procedure for application, decision-making, and implementation are summarized below:

- **Public purpose:**
 - To promote reinvestment and redevelopment of existing tourism-related structures or uses that are subject to the restrictions in Chapter 190, Article VIII (Nonconforming Lots, Uses, and Structures).
 - To promote the local tourism industry, to encourage the economical and efficient use of land, and to encourage reinvestment in existing nonconforming tourism-related structures and uses through rehabilitation, redesign, upgrades, demolition, and reconstruction.
- **Application:**

- Parcels with existing legal nonconforming hotels, motels, community and cultural facilities, golf courses open to the public, inns, marinas, or restaurants that have been in commercial use for at least 10 years and have a legal non-conforming status.
- **Bulk requirements** (numerical regulations governing setback, height, area, lot coverage, and lot width):
 - Existing numerical regulations for setback, height, area, lot coverage, and lot width are unchanged in a STAR district from the existing regulations in the underlying zone.
 - Elevator overruns, rooftop mechanical equipment, and approved architectural features minimally sized to hide those elements are excluded from the maximum height calculation.
 - Existing limitations on bulk requirements under Section 190-167 (Nonconforming Uses) would be inapplicable to redevelopment approved in a STAR district.
- **Permitted uses:**
 - Principal uses permitted in a STAR district include hotels, motels, community and cultural facilities, golf courses open to the public, inns, marinas, and restaurants.
 - Accessory uses and structures that are incidental and subordinate to, and customarily found in connection with the principal uses or structures are also permitted.
- **Application, decision-making, and implementation process**
 - Attached to the draft bill for informational purposes