

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facilities to their current location, design, configuration, etc., which, over time, can cause them to become outdated or obsolescent.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