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ARTICLE IX
PLANNED HEALTHCARE DISTRICT

SECTION 901 PLANNED HEALTHCARE DISTRICT (“HC”)

A. PURPOSE

The purpose of the HC District is to provide for the planned and orderly development of major medical-related uses. The HC District requires Planning Commission approval of a detailed site plan to ensure compatibility with surrounding neighborhoods.

The nature, size, scale or intensity of a proposed uses may cause a particular site not to be suitable for a specific HC proposal. Therefore, there is no general presumption that an application for such a use at a particular location is valid, inures to the general benefit of the Town, is compatible with surrounding uses or is in compliance with the Town’s Comprehensive Plan. Instead, each application will be evaluated according to its particular location and the degree to which the developer is willing or able to propose a development plan which ameliorates any adverse impacts and furthers the goals and objectives of this Section and the Ordinance generally.

B. LOCATION

The HC District is a floating zone and may be established anywhere within the Town limits provided the requirements of this subsection are satisfied.

C. PRINCIPAL PERMITTED USES

Residential Uses

- (1) Domiciliary Care

Commercial Uses

- (1) Health Care Facilities related to Hospital Operations
- (2) Medical Office Park

Institutional Uses

- (1) Hospitals
- (2) Nursing Homes
- (3) Public Utilities
- (4) Retirement Communities

Recreational/Entertainment Uses

- (1) None

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Industrial Uses

- (1) None

Miscellaneous Uses

- (2) None

D. USES PERMITTED BY SPECIAL EXCEPTION

Uses which are permitted in the underlying zoning district by special exception shall be permitted in a HC District provided that such uses are specifically authorized by the ordinance establishing the HC District or, in the case of a pre-existing HC District, such uses are approved by the Board of Appeals pursuant to the provisions of Section 1303 of this Ordinance.

E. USES PERMITTED WITH A TEMPORARY USE PERMIT

None

F. PERMITTED ACCESSORY USES AND STRUCTURES

In order to provide certain goods and services, the following uses and structures are permitted only as an accessory use. These uses must clearly be incidental to one of the permitted uses listed above and may in no circumstances be permitted in the absence of such use(s).

Residential Uses

- (1) Single Family Dwellings, Detached
- (2) Multifamily Dwellings
- (3) Duplexes

Commercial Uses

- (1) Banks, (But not Brokers, and Other Financial Institutions)
- (2) Convenience Stores (Subject to Supplemental Use Standards; See Section 1008)
- (3) Drug Stores
- (4) Florist Shops
- (5) Gift Shops
- (6) Laundromats
- (7) Medical Services including physicians offices, opticians, chiropractors, clinics, medical laboratories, etc.
- (8) Newspaper/Magazine Shops
- (9) Restaurant, Sit-Down
- (10) Personal Services such as shoe repairs, beauty parlors, etc.

Institutional Uses

- (1) Civic, Service Clubs, and Fraternal Organizations

- (2) Community Centers or Civic Centers
- (3) Fire, Rescue, or Police Stations
- (4) Houses of Worship
- (5) Libraries
- (6) Studios for the teaching of art, music, dance, crafts, etc.

Recreational/Entertainment Uses

- (1) Parks and Recreation Areas
- (2) Theater, Movie House, Cinema - Indoor

Industrial Uses

- (1) None

Miscellaneous Uses

- (1) Recycling Collection Stations
- (2) Off-street parking lot or structure
- (3) Off-street loading facility
- (4) Other accessory uses and structures clearly incidental and customary to and associated with the permitted uses

G. DEVELOPMENT STANDARDS

The following minimum development standards shall be observed in the HC District:

- (1) The area proposed to be zoned as HC shall have an area of at least one (1) acre.
- (2) The overall residential density for permitted accessory uses shall not exceed eight (8) units per gross residential acre. Residential density for permitted principal uses shall be approved by the Town Council based on site/neighborhood compatibility.
- (3) Required parking shall be provided in accordance with Section 1001 of this Ordinance.
- (4) For any HC development, Common Open Space shall comprise not less than twenty (20%) percent of the total gross area. Such space shall include land area to be developed as recreational areas or which is designated for the common use of all occupants of the HC development but shall not include streets, off-street parking areas, incidental landscaped areas within off-street parking areas or utility easements. The Planning Commission must be furnished satisfactory evidence that such open space will be continued and that provision is made for its perpetual maintenance.
- (5) All lots hereafter established shall have a frontage on a public street or

1 way of at least one hundred (100) feet with a depth of at least one hundred
2 (100) feet.

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4 (6) Minimum setbacks for all uses shall be as follows:

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6 a. Front - fifty (50) feet from the property line.

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8 b. Side - fifteen (15) feet on each side of the property line (except for
9 fences).

10
11 c. Rear - twenty (20) feet from the property line (except for fences).

12
13 (7) No principal permitted structure shall exceed fifty (50) feet in height, and
14 no accessory structure shall exceed forty (40) feet in height.

15
16 (8) Lot coverage by all buildings and structures shall not exceed thirty-five
17 (35%) percent of the lot area.

18
19 (9) Outdoor storage is prohibited.

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21 (10) All areas not devoted to buildings or parking areas shall be landscaped and
22 maintained in accordance with the provisions of Section 1015 of this
23 Ordinance.

24
25 (11) The applicant shall comply with all applicable rules and regulations of the
26 State Department of Health and Mental Hygiene.

27
28 (12) Primary structures shall be located at least two hundred (200) feet from
29 any adjacent residentially zoned lot.

30
31 (13) All parking areas shall be located at least fifty (50) feet from any adjacent
32 residentially zoned lot.

33
34 (14) The applicant shall make provisions to ensure safety in the area
35 surrounding the facility which may include additional traffic control
36 devices (i.e. signal lights, signs, pavement painting, etc.).

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38 The standards outlined above may be modified by the Town Council upon the
39 applicant's showing that the standard would place an undue burden upon the
40 application and that compensation is provided by another means in the
41 application.

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43 **H. APPLICATION PROCEDURES**

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45 The following procedures shall be followed with respect to all applications for HC
46 District Zoning:

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(1) The application for HC District zoning shall be accompanied by a sketch plan prepared in accordance with the provisions of Section 301 of this Ordinance. The preliminary development plan shall be to scale and contain sufficient information to establish the identity of proposed uses, grades and approximate dimensions, and locations of proposed structures, streets, parking areas, walkways, easements and property lines. It shall include the following information:

- a. Proposed development layout.
- b. Proposed reservations for parks, parkways, and other open spaces.
- c. Proposed location of all permitted and accessory uses within the HC development areas, including all associated off-street parking.
- d. Types of dwelling and portions of the area proposed therefore.
- e. Proposed location of dwelling and parking areas.
- f. A tabulation of the total number of acres in the proposed project and the percentage thereof designated for each of the proposed dwelling types, neighborhood retail businesses, other nonresidential uses, off-street parking, streets, parks, schools, and other reservations.
- g. A tabulation of overall density per gross acre (for projects with any residential component).
- h. Preliminary plans and elevations of the several dwelling types.
- i. A metes and bounds description of the area subject to the HC application.

(2) The Planning Commission shall review the application and make a written recommendation to the Town Council. If the Planning Commission concludes that the proposed uses and their size, scale and location are not consistent with the Comprehensive Plan, the Commission shall make a negative recommendation to the Town Council citing the specific reasons why the application is inconsistent with the Plan.

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If the Commission concludes that the proposal conforms to the Comprehensive Plan or is subject to reasonable modifications which will bring it into conformity with the Plan, the Commission may make recommendations to the applicant regarding changes to the proposal which, in the judgment of the Commission, shall cause the proposal to better conform to the requirements of the Comprehensive Plan and the design standards, goals and objectives of this Ordinance. The applicant may resubmit the sketch plan in consideration of the Planning Commission's comments.

If after three sketch plan submissions, the application has not received a favorable recommendation from the Planning Commission, the Commission shall make a negative recommendation to the Town Council setting forth its reasons as to why the application should not be granted.

(3) Step III: Mayor and Town Council Action.

A. Upon receiving the written report of the Planning Commission, the Town Council shall conduct a public hearing upon the application for a HC Map amendment. The Council shall consider, but not be bound by, the recommendations and comments of the Planning Commission. The Town Council shall make written findings of fact with regard to the following matters:

1. Whether the proposed HC development conforms to all applicable standards set out in this Ordinance for such uses, structures and projects;
2. Whether the proposed HC development conforms to the Town's Comprehensive Plan, including those provisions of the Comprehensive Plan relating to the design and location of commercial projects of a nature similar to those proposed in the application;
3. Whether the proposed HC development, in conjunction with existing and reasonably anticipated development in the neighborhood surrounding the site for the proposed HC, will not interfere with the adequate and orderly provision of public services to the area;
4. Whether the proposed HC development, in conjunction with existing and reasonably anticipated development in the neighborhood surrounding the site for the proposed HC development, will not cause unacceptable traffic congestion

1 or hazards either in or near the site for the proposed HC
2 development or elsewhere in the Town or Talbot County;

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- 4 5. Whether the proposed HC development is planned in such
5 a manner as to protect features of historical, cultural, or
6 ecological importance;
- 7
- 8 6. Whether the proposed HC development is compatible with
9 existing development in the surrounding neighborhood and
10 with development reasonably anticipated to occur in the
11 neighborhood in terms of size, scale, design, and
12 appearance or, if the proposed HC development is not so
13 compatible, the proposed HC design contains adequate
14 screening, landscaping and similar features to protect the
15 surrounding neighborhood; and
- 16
- 17 7. Whether the proposed HC development unreasonably
18 adversely affects the value of property in the neighborhood
19 surrounding the site.
- 20

21 In making findings of fact as to the issues set forth above,
22 there shall be no general presumption that an application
23 for a HC use at a particular location is valid, inures to the
24 general benefit of the Town, is compatible with
25 surrounding uses, or is in compliance with the Town's
26 Comprehensive Plan. Instead, each application will be
27 evaluated according to its specific development plan in its
28 particular location.

29

30 B. If the Town Council makes an affirmative finding of fact
31 as to each of the criteria listed above, the Council may enact an
32 ordinance granting the proposed HC application. The fact that an
33 application for a HC Zoning Map Amendment complies with the
34 specific requirements listed above shall not require the Town
35 Council to grant the application. The ordinance shall be subject to
36 approval by the Mayor in accordance with the provisions of the
37 Town Charter relating to mayoral vetoes. In determining whether
38 or not to enact an ordinance, the Council may consider, in addition
39 to the factors outlined above, other factors it deems appropriate
40 including but not limited to the degree to which the proposed ~~C-M~~
41 HC development:

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- 43 1. helps accomplish the coordinated, adjusted, and
44 harmonious development of the Town and its environs in
45 accordance with present and future needs;
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2. promotes health, safety, morals, order, convenience, prosperity, and general welfare; including among other things, adequate provisions for traffic, the promotion of public safety, adequate provision for light and air, conservation of natural resources, the prevention of environmental pollution, the promotion of the healthful and convenient distribution of population;
3. exemplifies good civic design and arrangement and the stewardship of the Chesapeake Bay and the land as a universal ethic;
4. encourages the conservation of resources, including a reduction in resource consumption;
5. is located in at a location suitable for it given existing and reasonably foreseeable development; and
6. encourages appropriate and sustainable economic

growth.

The "change/mistake" rule, as codified in Maryland Annotated Code Article 66B Section 4.05 is not applicable to HC Zoning Map Amendment applications.

The Town Council shall have the authority to impose conditions upon the grant of a HC Zoning Map Amendment application and may require the recordation of covenants and restrictions, in a form approved by the Town Attorney, to assure compliance with said conditions or with any of the provisions of the Ordinance.

If the Town Council fails to enact an ordinance granting the HC application, no application for a HC Zoning Map Amendment will be accepted for filing by the Town for a period of one year after the date of the Council's decision or the date of finality of any judicial review of the Council's decision, whichever is later.

- (4) Site Plan Review and Action. Upon Mayor and Town Council approval of a HC District Zoning Map amendment, the applicant shall prepare and submit a development/preliminary and a final site/subdivision plan in accordance with the site plan requirements specified in Subsection 301.3.B. of this Ordinance and/or the requirements of the Town of Easton Subdivision Regulations. The design of the preliminary and final site plan and/or subdivision shall be consistent with the ordinance granting the HC application.

1 I. AMENDMENTS TO APPROVED HC APPLICATIONS
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3 A property owner of a site subject to a HC District may request an amendment to
4 the terms and conditions of the District. Any request for an amendment shall be
5 in writing and shall include the information specified in §901.G. If the Town
6 Planner determines that the proposed amendment (1) does not involve a material
7 change to the design approved by the Town Council and (2) otherwise complies
8 with the terms of this Ordinance, the amendment request shall be approved by the
9 Town Planner. Any other amendment shall be subject to review by the Planning
10 Commission and Town Council according to the procedures set forth in this §901.
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