

1 **ARTICLE VI**
2 **PLANNED REDEVELOPMENT OVERLAY DISTRICT**

3
4 **SECTION 28 – 601 PLANNED REDEVELOPMENT (PR) OVERLAY DISTRICT**

5
6 A. PURPOSE

7
8 The purpose of the Planned Redevelopment Overlay District (PR) is to provide a
9 mechanism for the redevelopment, rehabilitation, and general improvement of
10 certain older areas within the Town of Easton that have fallen into a somewhat
11 neglected or dilapidated state or have simply been used for a purpose that no
12 longer serves the health, safety or general welfare of the neighborhood. PR
13 applications may be submitted only if the project is located within the Planned
14 Redevelopment Overlay District. However, this mechanism is optional and shall
15 not be required of all projects located within this zone. Projects not being
16 developed in accordance with PR District standards shall be developed in
17 accordance with the development standards of the underlying base zoning district.
18

19 The nature, size, scale or intensity of a proposed uses may cause a particular site
20 not to be suitable for a specific PR proposal. Therefore, there is no general
21 presumption that an application for such a use at a particular location is valid,
22 inures to the general benefit of the Town, is compatible with surrounding uses, or
23 is in compliance with the Town's Comprehensive Plan. Instead, each application
24 will be evaluated according to its particular location and the degree to which the
25 developer is willing or able to propose a development plan which ameliorates
26 possible adverse impacts and furthers the goals and objectives of this Section and
27 the Ordinance generally
28

29 B. DEVELOPMENT STANDARDS

30
31 Development within the Planned Redevelopment Overlay District shall meet the
32 following requirements:
33

- 34 1. The area proposed for a planned redevelopment shall be in one (1)
35 ownership, or, if in several ownerships, the proposal shall be filed jointly
36 by all the owners of the property included in the development plan.
37
38 2. The site shall be of a configuration suitable for the development proposed
39
40 3. Public water and sewerage shall be available.
41
42 4. The site shall be located adjacent to adequate transportation facilities
43 capable of serving existing traffic and that expected to be generated by the
44 proposed development.
45

- 1 5. The overall residential density of a Planned Redevelopment project shall
2 not exceed twenty (20) units per gross residential acre. For the purposes
3 of this subsection, the gross residential area shall include all land within
4 the area intended to be used for residences, residential parking space, and
5 reservation for community recreation and education facilities. Any land
6 mapped as floodway by the Federal Emergency Management Agency, and
7 non-residential uses shall be excluded in computing the gross area. The
8 Planning Commission may require a lower density if review of the
9 proposed development indicates that the maximum allowable density is
10 excessive for the surrounding area.
- 11
- 12 6. Adequate Common Open Space shall be provided for new infill
13 development projects. Such space shall include land area to be developed
14 as recreational areas or which is designated for the common use of all
15 occupants of the planned redevelopment but shall not include streets, off-
16 street parking areas or incidental landscaping within off-street parking
17 areas. The Planning Commission must be furnished satisfactory evidence
18 that such open space will be continued and that provision is made for its
19 perpetual maintenance.
- 20
- 21 7. For new infill development projects, the setback, lot size, lot coverage,
22 height, and yard requirements shall be established for each individual
23 project by the Planning Commission. In establishing these requirements
24 the Planning Commission shall consider such factors as the proposed
25 intensity of the project and the existing character of the neighborhood.
- 26
- 27 8. Adequate parking shall be provided for the proposed use as approved by
28 the Planning Commission.
- 29
- 30 9. Sidewalks shall be constructed along any public right-of-way (except for
31 alleys) adjacent to the site along the entire frontage(s) of the property. To
32 the extent practicable, walkways shall be constructed on the site to tie
33 building entrances and/or pedestrian pathway systems into existing or
34 proposed public sidewalk systems. The Planning Commission may waive
35 the requirement for sidewalks on a given lot if they find that pedestrian
36 circulation is adequately addressed without them. In such circumstances
37 the requirement shall not be simply waived, but rather it may be satisfied
38 by either the payment of a fee-in-lieu of constructing the sidewalk (which
39 shall be based on the Town of Easton's estimate of the cost of
40 constructing a sidewalk on the site in question) or the construction of a
41 comparable length sidewalk on another site (or a combination of the two
42 options) and dedication of an acceptable easement area for sidewalks for
43 potential future construction of sidewalks on the site.
- 44

45 C. APPLICATION PROCEDURE

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2 Applications for PR projects shall be reviewed in accordance with the following
3 procedures, depending upon the type of project.
4

- 5 1. Applications that represent new infill development shall proceed in
6 accordance with the requirements of Section 28 – 301 of this Ordinance.
7 Where the underlying zoning district is residential (any “R” district) the
8 new infill development must be a use otherwise permitted in said
9 underlying district. Where the underlying zoning district is non-
10 residential, any use may be proposed and the Planning Commission may
11 approve the application based on the site plan review findings and
12 standards of Section 28 – 301. No use indicated as “prohibited” in all
13 zoning districts shall be permitted in the PR Overlay.
14
- 15 2. Applications for the adaptive reuse of existing buildings shall be reviewed
16 as follows:
17
- 18 a. Requests to change to a permitted use (in the underlying zoning
19 district) that requires less parking than the previous use shall be
20 approved with no review beyond that required for a building
21 permit (if any).
22
 - 23 b. Requests to change to a permitted use (in the underlying zoning
24 district) that requires more parking than the previous use shall be
25 reviewed in accordance with the Site Plan Review standards as
26 outlined in Section 28 – 301 of this Ordinance.
27
 - 28 c. Requests to change to a use that is not permitted in the underlying
29 zoning district may be reviewed in accordance with the standards
30 for Site Plan Review (Section 28 – 301).
31
 - 32 d. Regardless of subsections a through c above, in any residential
33 (“R”) zoning district, only uses that are permitted in the underlying
34 zoning district may be proposed for the adaptive reuse project.
35
- 36 3. Applications for renovations, alterations or additions to existing improved
37 lots which violate the prescribed setback of the underlying zoning district,
38 but are no closer to the property line than the existing structure shall be
39 reviewed by the Town Planner. The application shall furnish the Town
40 Planner with a site plan with enough information to permit an adequate
41 review of the request. If approved by the Town Planner, nothing more
42 than a building permit shall be required for such requests. Nothing in this
43 provision, however shall permit construction in violation of the Town’s
44 Building Code without a Variance from said Code.
45

1 Applications for renovations, alterations or additions to existing improved
2 lots which both violate the prescribed setbacks of the underlying zoning
3 district and are closer to the property line than the existing structure(s)
4 shall be reviewed by the process prescribed above for new infill
5 development (i.e. the Site Plan Review Standards of this Ordinance as
6 prescribed in Section 28 – 301).

- 7
- 8 4. Requests to demolish and redevelop properties shall be reviewed in
9 accordance with the Site Plan Review standards as outlined in Section 28
10 – 301 of this Ordinance.
- 11
- 12 5. Requests to operate a Mobile Food Use on a longer-term basis than
13 otherwise permitted (i.e., as a Temporary Use) may be considered and
14 approved by the Planning Commission. Such requests shall only be
15 permitted if the proposed use (i) is owned, operated or controlled by the
16 entity that is entitled to the otherwise lawfully permitted use of the
17 property where the mobile food use is located; and (ii) is operated as an
18 expansion of or complement to a business operating an otherwise lawfully
19 permitted use on said property. Any such request shall be made to the
20 Planning Commission and include a site plan indicating the proposed
21 location of the mobile food use, a picture or sketch which accurately
22 depicts the appearance of the proposed structure, a statement indicating
23 the expected impact of the proposed addition in terms of parking
24 (including the expected additional demand and the existing and proposed
25 supply), neighborhood impacts (e.g. traffic, noise, odor, lighting, etc.), and
26 any other such information which the Town Planner reasonably
27 determines would be necessary for the Planning Commission to reach an
28 informed conclusion as to the merits and impacts of the proposed addition.
29
- 30 6. Applications for properties that are presently or have most recently been
31 used for any Institutional Use may either (1) continue to be used for said
32 Institutional Use, (2) convert to any other permitted Institutional Use, or
33 (3) be converted to any use permitted in the underlying zoning district.
34
- 35 7. The Town may require the execution of a Public Works Agreement as a
36 condition of approval of any PR project. If required, said Agreement shall
37 outline the standards and responsibilities associated with the proposed
38 project and shall be prepared in a format acceptable to the Town Attorney.
39

40 **D. AMENDMENTS TO APPROVED APPLICATIONS**

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42 Amendments to approved PR applications shall be reviewed under the same
43 standards prescribed above for new projects.
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45 **E. DESIGNATION OF FUTURE PLANNED REDEVELOPMENT OVERLAY**

1 DISTRICTS

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3 In the future, additional lands may be designated as Planned Redevelopment
4 Overlay. The process for so doing is as follows:

- 5
6 1. An application for Planned Redevelopment Overlay District Zoning shall
7 be filed with the Town Planner and forwarded to the Planning and Zoning
8 Commission for a recommendation before proceeding to the Town
9 Council.
- 10
11 2. The application for PR Overlay District Zoning shall include a map of the
12 area proposed for the designation and shall be accompanied by a metes
13 and bounds description of the proposed zoning boundaries as well as a
14 complete listing of the names and addresses of all property owners within
15 the proposed PR Overlay District.
- 16
17 3. The area proposed for PR Overlay District Zoning shall be contiguous and
18 at least five (5) acres in size unless the proposed PR Overlay District is an
19 extension of an existing PR Overlay District.
- 20
21 4. The application for establishing a new PR Overlay District shall be
22 accompanied by a land use and housing/building survey which analyzes
23 the appropriateness of the existing zoning, the conditions of the housing or
24 commercial or industrial buildings within the proposed PR zone, etc.
- 25
26 5. The application shall include a petition or similar device indicating the
27 support of the owners of at least fifty-one (51%) percent of the lots within
28 the proposed PR District.
- 29
30 6. The Planning and Zoning Commission may require whatever additional
31 studies or reports it deems necessary to adequately analyze the application.
- 32
33 7. The Planning Commission shall make and forward a recommendation to
34 the Town Council who shall schedule and hold a Public Hearing on the
35 application in accordance with the provisions of Section 28 – 1403 of this
36 Ordinance.
- 37
38 8. The Town Council shall vote as to whether or not to approve the proposed
39 PR Overlay District. Before approving a request, the Town Council must
40 make the following findings.
- 41
42 a. The structures within the proposed PR District are predominately
43 in need of rehabilitation, deteriorated, or built to zoning (or before
44 any zoning) that no longer is appropriate for the area.
- 45

- b. The creation of the PR Overlay will allow for the rehabilitation and redevelopment of an area of the Town of Easton that is in need of such action.
- c. The creation of the PR Overlay District will not cause undue traffic nor overburden the Town's community facilities (water, sewer, solid waste, etc.).

If the Town Council makes an affirmative finding of fact as to each of the criteria listed above, the Council may enact an ordinance granting the proposed PR district creation or expansion. The fact that an application for a PR district creation or expansion complies with the specific requirements listed above shall not require the Town Council to grant the application. The ordinance shall be subject to approval by the Mayor in accordance with the provisions of the Town Charter relating to mayoral vetoes.

The "change/mistake" rule, as codified in Maryland Annotated Code Article 66B Section 4.05 is not applicable to the creation or expansion of PR districts nor to any project submitted in accordance with the regulations of this subsection.

F. Site Plan Review and Action

The review processes described in subsection C above shall represent the initial step in the PR review process. Successful applications shall subsequently follow the appropriate steps for the type of project submitted and the applicant shall prepare and submit for review by the Planning Commission a preliminary and a final site/subdivision plan in accordance with the site plan requirements specified in Subsection 28 – 301.3.B. of this Ordinance and/or the requirements of the Town of Easton Subdivision Regulations.