

1 **ARTICLE IX**
2 **PLANNED HEALTHCARE DISTRICT**

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4 **SECTION 28 – 901 PLANNED HEALTHCARE DISTRICT (“HC”)**

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6 A. PURPOSE

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

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

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22 B. LOCATION

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

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27 C. PRINCIPAL PERMITTED USES

28 Residential Uses

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30 1. Domiciliary Care

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32 Commercial Uses

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34 1. Health Care Facilities related to Hospital Operations
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36 2. Medical office Park

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38 Institutional Uses

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40 1. Hospitals
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42 2. Nursing Homes
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44 3. Public Utilities
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4. Retirement Communities

Recreational/Entertainment Uses

- 1. None

Industrial Uses

- 1. None

Miscellaneous

- 1. None

In addition, uses which are permitted in the underlying zoning district shall be permitted in the HC District.

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 28 – 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

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Commercial Uses

- 1. Banks, (but not Brokers, and Other Financial Institution)
- 2. Convenience stores (subject to supplemental use standards; see section 28 – 1007)
- 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

1 Industrial Uses

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3 1. None

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5 Miscellaneous Uses

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7 1. Recycling collection stations
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9 2. Off-street parking lot or structure
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11 3. Off-street loading facility
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13 4. Other accessory uses and structures clearly incidental and customary to
14 and associated with the permitted uses
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16 G. DEVELOPMENT STANDARDS

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

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20 1. The area proposed to be zoned as HC shall have an area of at least one (1)
21 acre.
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23 2. The overall residential density for permitted accessory uses shall not exceed
24 eight (8) units per gross residential acre. Residential density for permitted
25 principal uses shall be approved by the Town Council based on
26 site/neighborhood compatibility.
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28 3. Required parking shall be provided in accordance with Section 28 – 1001 of
29 this Ordinance.
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31 4. For any HC development, Common Open Space shall comprise not less than
32 twenty (20%) percent of the total gross area. Such space shall include land
33 area to be developed as recreational areas or which is designated for the
34 common use of all occupants of the HC development but shall not include
35 streets, off-street parking areas, incidental landscaped areas within off-street
36 parking areas or utility easements. The Planning Commission must be
37 furnished satisfactory evidence that such open space will be continued and
38 that provision is made for its perpetual maintenance.
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40 5. All lots hereafter established shall have a frontage on a public street or way of
41 at least one hundred (100) feet with a depth of at least one hundred (100) feet.
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43 6. Minimum setbacks for all uses shall be as follows:
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45 a. Front - fifty (50) feet from the property line.

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- b. Side - fifteen (15) feet on each side of the property line (except for fences).
 - c. Rear - twenty (20) feet from the property line (except for fences).
7. No principal permitted structure shall exceed fifty (50) feet in height, and no accessory structure shall exceed forty (40) feet in height.
 8. Lot coverage by all buildings and structures shall not exceed thirty-five (35%) percent of the lot area.
 9. Outdoor storage is prohibited.
 10. All areas not devoted to buildings or parking areas shall be landscaped and maintained in accordance with the provisions of Section 28 – 1014 of this Ordinance.
 11. The applicant shall comply with all applicable rules and regulations of the State Department of Health and Mental Hygiene.
 12. Primary structures shall be located at least two hundred (200) feet from any adjacent residentially zoned lot.
 13. All parking areas shall be located at least fifty (50) feet from any adjacent residentially zoned lot.
 14. The applicant shall make provisions to ensure safety in the area surrounding the facility which may include additional traffic control devices (i.e. signal lights, signs, pavement painting, etc.).
 15. Sidewalks shall be constructed along any public right-of-way (except for alleys) adjacent to the site along the entire frontage(s) of the property. To the extent practicable, walkways shall be constructed on the site to tie building entrances and/or pedestrian pathway systems into existing or proposed public sidewalk systems. The Planning Commission may waive the requirement for sidewalks on a given lot if they find that pedestrian circulation is adequately addressed without them. In such circumstances the requirement shall not be simply waived, but rather it may be satisfied by either the payment of a fee-in-lieu of constructing the sidewalk (which shall be based on the Town of Easton’s estimate of the cost of constructing a sidewalk on the site in question) or the construction of a comparable length sidewalk on another site (or a combination of the two options) and dedication of an acceptable easement area for sidewalks for potential future construction of sidewalks on the site.

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2 The standards outlined above may be modified by the Town Council upon the
3 applicant's showing that the standard would place an undue burden upon the
4 application and that compensation is provided by another means in the
5 application.
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7 H. APPLICATION PROCEDURES
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9 The following procedures shall be followed with respect to all applications for HC
10 District Zoning:
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- 12 1. The application for HC District zoning shall be accompanied by a sketch plan
13 prepared in accordance with the provisions of Section 28 – 301 of this
14 Ordinance. The preliminary development plan shall be to scale and contain
15 sufficient information to establish the identity of proposed uses, grades and
16 approximate dimensions, and locations of proposed structures, streets, parking
17 areas, walkways, easements and property lines. It shall include the following
18 information:
 - 19 a. Proposed development layout.
 - 20 b. Proposed reservations for parks, parkways, and other open spaces.
 - 21 c. Proposed location of all permitted and accessory uses within the HC
22 development areas, including all associated off-street parking.
 - 23 d. Types of dwelling and portions of the area proposed therefore.
 - 24 e. Proposed location of dwelling and parking areas.
 - 25 f. A tabulation of the total number of acres in the proposed project and
26 the percentage thereof designated for each of the proposed dwelling
27 types, neighborhood retail businesses, other nonresidential uses, off-
28 street parking, streets, parks, schools, and other reservations.
 - 29 g. A tabulation of overall density per gross acre (for projects with any
30 residential component).
 - 31 h. Preliminary plans and elevations of the several dwelling types.
 - 32 i. A metes and bounds description of the area subject to the HC
33 application.
- 34 2. The Planning Commission shall review the application and make a written
35 recommendation to the Town Council. If the Planning Commission concludes
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1 that the proposed uses and their size, scale and location are not consistent with
2 the Comprehensive Plan, the Commission shall make a negative
3 recommendation to the Town Council citing the specific reasons why the
4 application is inconsistent with the Plan.
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6 If the Commission concludes that the proposal conforms to the
7 Comprehensive Plan or is subject to reasonable modifications which will
8 bring it into conformity with the Plan, the Commission may make
9 recommendations to the applicant regarding changes to the proposal
10 which, in the judgment of the Commission, shall cause the proposal to
11 better conform to the requirements of the Comprehensive Plan and the
12 design standards, goals and objectives of this Ordinance. The applicant
13 may resubmit the sketch plan in consideration of the Planning
14 Commission's comments.
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16 If after three sketch plan submissions, the application has not received a
17 favorable recommendation from the Planning Commission, the
18 Commission shall make a negative recommendation to the Town Council
19 setting forth its reasons as to why the application should not be granted.
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21 3. Mayor and Town Council Action 22

23 a. Upon receiving the written report of the Planning Commission, the
24 Town Council shall conduct a public hearing upon the application for
25 a HC Map amendment. The Council shall consider, but not be bound
26 by, the recommendations and comments of the Planning Commission.
27 The Town Council shall make written findings of fact with regard to
28 the following matters:
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- 30 1. Whether the proposed HC development conforms to all
31 applicable standards set out in this Ordinance for such uses,
32 structures and projects;
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- 34 2. Whether the proposed HC development conforms to the
35 Town's Comprehensive Plan, including those provisions of the
36 Comprehensive Plan relating to the design and location of
37 commercial projects of a nature similar to those proposed in the
38 application;
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- 40 3. Whether the proposed HC development, in conjunction with
41 existing and reasonably anticipated development in the
42 neighborhood surrounding the site for the proposed HC, will
43 not interfere with the adequate and orderly provision of public
44 services to the area;
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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 or hazards either in or near the site for the proposed HC development or elsewhere in the Town or Talbot County;
5. Whether the proposed HC development is planned in such a manner as to protect features of historical, cultural, or ecological importance;
6. Whether the proposed HC development is compatible with existing development in the surrounding neighborhood and with development reasonably anticipated to occur in the neighborhood in terms of size, scale, design, and appearance or, if the proposed HC development is not so compatible, the proposed HC design contains adequate screening, landscaping and similar features to protect the surrounding neighborhood; and
7. Whether the proposed HC development unreasonably adversely affects the value of property in the neighborhood surrounding the site.

In making findings of fact as to the issues set forth above, there shall be no general presumption that an application for a HC 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 specific development plan in its particular location.

- b. 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 HC application. The fact that an application for a HC Zoning Map Amendment 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. In determining whether or not to enact an ordinance, the Council may consider, in addition to the factors outlined above, other factors it deems appropriate including but not limited to the degree to which the proposed HC development;

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1. helps accomplish the coordinated, adjusted, and harmonious development of the Town and its environs in accordance with present and future needs;
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.

Approved HC Zoning Map Amendment applications shall require the execution of a Public Works Agreement outlining the standards and responsibilities associated with the public works for the proposed project. Such agreement shall be prepared in a format acceptable to the Town Attorney.

Town Council approval of HC projects shall expire after two (2) years if the applicant does not obtain the necessary site plan and/or subdivision approval, or if said approval itself expires. A property owner of a site subject to an approved HC District project may surrender such approval upon twenty (20) days written notice to

1 the Town Planner. In such cases the zoning of said property shall
2 revert to the Zoning it held prior to the HC Zoning Approval.
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- 4 4. Site Plan Review and Action. Upon Mayor and Town Council approval of a
5 HC District Zoning Map amendment, the applicant shall prepare and submit a
6 development/preliminary and a final site/subdivision plan in accordance with
7 the site plan requirements specified in Subsection 28 – 301.3.B. of this
8 Ordinance and/or the requirements of the Town of Easton Subdivision
9 Regulations. The design of the preliminary and final site plan and/or
10 subdivision shall be consistent with the ordinance granting the HC
11 application.
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13 I. AMMENDMENTS TO APPROVED HC APPLICATIONS
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15 A property owner of a site subject to a HC District may request an amendment to the
16 terms and conditions of the District. Any request for an amendment shall be in
17 writing and shall include the information specified in §28 – 901.G. If the Town
18 Planner determines that the proposed amendment (1) does not involve a material
19 change to the design approved by the Town Council and (2) otherwise complies with
20 the terms of this Ordinance, the amendment request shall be approved by the Town
21 Planner. Any other amendment shall be subject to review by the Planning
22 Commission and Town Council according to the procedures set forth in this §28 –
23 901.