

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 17-2

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BY: Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic and Purnell  
INTRODUCED: February 21, 2017

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A BILL ENTITLED

AN ACT Concerning

Zoning - Health Care Planned Unit Development District

For the purpose of amending the Zoning and Subdivision Control Article to create a floating zone district for the provision of health care and certain associated and compatible uses in appropriate zoning districts while allowing flexibility of design in a unified plan of development.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Section § ZS 1-348 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

**§ ZS 1-348. Health Care Planned Unit Developments.**

- (a) Purpose and intent. The purpose and intent of this section is to encourage comprehensively planned health care facilities and associated uses under a unified plan of development that allows for flexibility while also requiring unified design within the development and ensuring compatibility with and minimum impact upon existing and future development in the surrounding area. Although development of the entire health care planned unit development (HCPUD) may not occur at one time and may instead be phased, its development is intended to be accomplished in a manner which will ensure compatible, integrated development with provisions being made for safe internal traffic circulation, sufficient parking, appropriate access to public roadways, and adequate buffering and landscaping, as the lands are developed.
- (b) Location and area requirements. The HCPUD is permitted in the C-1 Neighborhood Commercial District, the C-2 General Commercial District, and the C-3 Highway Commercial District upon review and approval by the Planning Commission. The minimum required lot area for a health care planned unit development is ten acres in all districts which in no case may be reduced by action of the Board of Zoning Appeals notwithstanding the provisions of § ZS 1-116(c)(4) hereof.
- (c) Permitted uses and structures. The following uses and structures may be permitted in a health care planned unit development:
  - (1) Facilities for outpatient treatment, surgical, diagnostic, testing, and rehabilitation services.
  - (2) Hospitals and similar facilities which provide in-patient medical care, in accordance with the underlying zoning district regulations.
  - (3) Medical laboratories and testing facilities.

- (4) Professional offices of doctors, dentists, optometrists, and other medical professionals, including incidental sales of medical or dental aids.
  - (5) Drug stores and pharmacies, including drive-through service for delivery of prescriptions, medicines, and other therapeutic aids.
  - (6) Urgent care centers.
  - (7) Nursing facilities or homes and assisted living facilities.
  - (8) Adult and child day care centers.
  - (9) Limited retail and service establishments catering primarily to the needs of medical employees, patients, and patient families, including such uses as automatic teller machines, convenience goods stores, card and gift shops, bookstores, barber and beauty shops, florists, newsstands, and restaurants but excluding drive-through restaurants. Such retail and service establishments shall be clearly incidental to the development's purpose as a planned unit development centered on health care to the satisfaction of the Planning Commission and shall not exceed ten percent of the total gross floor area of the HCPUD.
- (d) Area limitations for uses. Within a HCPUD a minimum of ten percent of the total gross lot area [as defined in § ZS 1-305(a) hereof] but excluding state wetlands [as defined in § ZS 1-103(b) hereof] shall be devoted to common use open space. The term "open space" shall not include space devoted to buildings, roads and parking.
- (e) Permitted density. A HCPUD is intended to be designed and function as a unified development and as such may be comprised of multiple parcels or lots. Where multiple parcels or lots are consolidated for the purposes of establishing and developing a HCPUD, the gross square footage limitation of building size for each parcel or lot as imposed by the underlying zoning district may be combined to construct one or more buildings within the development larger than permitted by the underlying zoning district for an individual lot. For HCPUDs in the C-1 District, the total gross square footage of all buildings in the HCPUD may be increased by a maximum of twenty-five percent over that which would have been allowed as a permitted or special exception use as of January 1, 2016 on the individual lots or parcels that make up the HCPUD.
- (f) Lot and road frontage requirements. For individual structures, there shall be no minimum lot area, bulk, lot width, area or road frontage requirements. Such standards shall be as approved by the Planning Commission on a site plan prepared in accordance with § ZS 1-325 hereof. In no instance may a principal building be constructed closer than fifty feet to the perimeter property line of the HCPUD. Where adjoining the A-1, A-2, E-1, V-1, RP and all R Districts, such setback shall be increased to a minimum of seventy-five feet and such setback shall be provided with buffering in accordance with § ZS 1-322(e)(2) hereof.
- (g) Parking requirements. Parking for individual uses within the HCPUD shall be in accordance with the provisions of § ZS 1-320 hereof.
- (h) Landscaping, buffering and screening requirements. In addition to the requirements set forth in subsection (f) herein, the HCPUD shall comply with all pertinent landscaping, buffering and screening requirements set forth in § ZS 1-322 hereof.

- (i) Height. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no structure shall exceed either four stories or forty-five feet in height.
- (j) Review and approval procedure. The HCPUD application shall be reviewed by the Technical Review Committee and the Planning Commission pursuant to the provisions of § ZS 1-325 hereof and this section. Construction and development of the HCPUD shall be in accordance with the site plan as approved by the Planning Commission pursuant to § ZS 1-325 hereof.
- (k) Planning Commission criteria. The Planning Commission shall not approve a HCPUD until it shall find that each of the following criteria have been met:
  - (1) The proposed development is sufficient in size to provide adequate health care facilities and services and other associated or incidental facilities and services to the community which may be expected to use the development.
  - (2) The proposed development is at a location where traffic congestion does not exist on the roads to be used for access to the development or where such congestion can be obviated by committed public road improvement projects or by projects to be undertaken by the applicant at his expense.
  - (3) The proposed development will consist of structures of an integrated and harmonious design, provided with adequate vehicular, pedestrian and bicycle circulation, parking, service, utility services, and landscaping.
- (l) Other regulations. In regulating the development of health care planned unit developments, the provisions of this section shall first apply, but when a matter is not specifically regulated by this section, then the other provisions of this Title and of the district in which the development is located shall apply.
- (m) Site plan review and required information. The applicant shall prepare a site plan meeting the requirements of § ZS 1-325 hereof for submission to the Technical Review Committee and the Planning Commission for review of the proposed development. In addition, the applicant shall submit the following:
  - (1) An outline of the proposed protective covenants, lease and management and maintenance agreements by which the applicant proposes to operate the development.
  - (2) Evidence that the proposed development will not be detrimental to or endanger the public health, safety or general welfare and is consistent with the goals and objectives of the Comprehensive Plan. This evidence shall take the form of a community impact statement covering the following topics: highway capacity, traffic congestion and traffic safety, the capacity and availability of public services, including water and sewer service, air and water pollution, the effect on County revenues and expenditures, jobs created, and such additional information as may be requested by the Technical Review Committee or the Planning Commission to adequately understand and review the application.
- (n) Permits. No permit shall be issued for any work in connection with a HCPUD until the Planning Commission shall have reviewed and approved the HCPUD.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

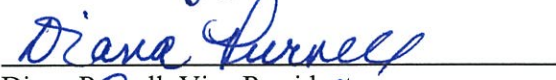
PASSED this 21<sup>st</sup> day of March, 2017.

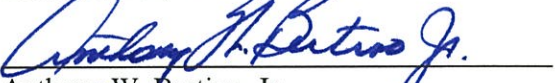
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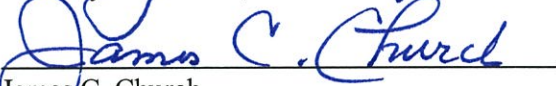
WORCESTER COUNTY COMMISSIONERS

  
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Harold L. Higgins  
Chief Administrative Officer

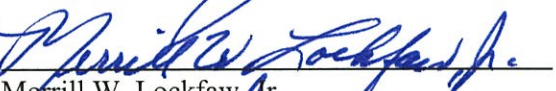
  
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Joseph M. Mitrecic