

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2016 Legislative Session

Legislative day # 7

BILL NO. 44 – 2016 (ZRA – 162)

Introduced by

Jennifer Terrasa

AN ACT amending the Howard County Zoning Regulations' New Town (NT) District
Downtown Revitalization regulations to include a 15 percent Affordable Housing
Inclusionary Zoning provision for Downtown Columbia, under certain conditions; and
generally relating to the NT District.

Introduced and read first time _____, 2016. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a
public hearing on _____, 2016.

By order _____
Jessica Feldmark, Administrator to the County Council

This Bill was read the third time _____, 2016 and Passed __, Passed with amendments __, Failed __.

By order _____
Jessica Feldmark, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2016 at _____ a.m./p.m.

By order _____
Jessica Feldmark, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2016.

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law.
~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Zoning Regulations are hereby amended as follows:

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4 By amending:

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6 Section 125.0: “NT (New Town) District”

7 Subsection A. “Definitions, Requirements and Restrictions Applicable to NT Districts”

8 Number 9. “Downtown Revitalization”;

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10 Subsection E. “Final Development Plan—Downtown Revitalization”

11 Number 4. “Planning Board Review and Approval Criteria”; and

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13 Subsection H. “Site Development Plan—Downtown Revitalization”

14 Number 3. “Planning Board Review and Approval Criteria”

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18 **Howard County Zoning Regulations**

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20 **SECTION 125.0: - NT (New Town) District**

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22 **A. Definitions, Requirements and Restrictions Applicable to NT Districts**

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24 **9. Downtown Revitalization:**

25 a. Applicability: To implement the recommendations of the Downtown
26 Columbia Plan, new development or redevelopment of any property
27 located within Downtown Columbia that is approved after April 6, 2010
28 must comply with all provisions applicable to Downtown Revitalization,
29 except as provided in Section 125.0.A.9.f. Downtown Revitalization
30 shall require approval of: (I), a Final Development Plan or Final
31 Development Plan Amendment, and (II), a Site Development Plan.

32 b. Uses: The following uses are permitted under the Downtown
33 Revitalization Approval Process: All uses permitted in the POR, B-1, B-
34 2, and SC Zoning Districts, Downtown Arts, Cultural and Community
35 Uses and Dwellings. Structures may be developed with individual or

1 multiples uses. Section 125.0.A.8. a. does not apply to Downtown
2 Revitalization.

3 c. Development Levels: The following maximum development level limits
4 apply to Downtown Columbia for Downtown Revitalization, except as
5 qualified by Sections 125.0.A.9.f.(1), (2) and (3).

6 (1) The maximum number of Downtown Net New dwellings
7 permitted is 5,500 dwellings. The number of dwellings permitted
8 under the Downtown Revitalization Approval Process, up to a
9 maximum of 5,500 Downtown Net New dwellings, shall be in
10 addition to the overall residential density established by Section
11 125.0.A.4. G.

12 (2) The maximum amount of Downtown Net New commercial
13 office development permitted is 4,300,000 square feet of gross
14 floor area.

15 (3) The maximum number of Downtown Net New hotel and motel
16 rooms permitted is 640 rooms.

17 (4) The maximum amount of Downtown Net New commercial retail
18 development permitted is 1,250,000 square feet of gross floor
19 area.

20 (5) The maximum development levels permitted above for
21 Downtown Revitalization shall be in addition to the number of
22 dwellings and gross floor area of nonresidential uses shown on a
23 Site Development Plan approved prior to April 6, 2010.

24 D. FULL SPECTRUM HOUSING: TO PROVIDE A FULL SPECTRUM OF HOUSING
25 AFFORDABILITY AS ENVISIONED IN THE DOWNTOWN COLUMBIA PLAN,
26 AT LEAST 15% OF THE RESIDENTIAL DWELLINGS IN EACH DOWNTOWN
27 COLUMBIA REVITALIZATION DEVELOPMENT SHALL BE AFFORDABLE AS
28 DESCRIBED BELOW:

29 (1) REQUIREMENTS.

30 (A) IN EACH RENTAL HOUSING PROJECT, AT LEAST 15%
31 OF THE UNITS MUST BE AFFORDABLE AS FOLLOWS:
32 5% AT 40% OF HOWARD COUNTY AREA MEDIAN

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INCOME (HC AMI), 5% AT 60% OF HC AMI, AND 5% AT 80% OF HC AMI.

(B) IN EACH FOR-SALE HOUSING PROJECT, AT LEAST 15% OF THE UNITS MUST BE AFFORDABLE AT 80% OF HC AMI.

(C) PROJECTS CONTAINING AFFORDABLE UNITS SHALL COMPLY WITH THE PROCEDURES SET FORTH IN THE MODERATE INCOME HOUSING UNIT (MIHU) LAW, SECTION 13.400 ET SEQ. OF THE HOWARD COUNTY CODE.

(D) NOTWITHSTANDING THE PROVISIONS OF SECTION 100.0E OF THE ZONING REGULATIONS, ANY PROJECTS THAT HAVE FILED A SITE DEVELOPMENT PLAN ON OR AFTER OCTOBER 1, 2015 WILL COMPLY WITH THE REQUIREMENTS PROVIDED IN SUBSECTIONS (A). AND (B). OF THIS SECTION.

(E) THE PER-UNIT DEVELOPER CONTRIBUTIONS REQUIRED PREVIOUSLY UNDER THE DOWNTOWN COLUMBIA PLAN ARE ELIMINATED FOR ALL PROJECTS OTHER THAN THOSE PROJECTS THAT HAVE SITE DEVELOPMENT PLANS FILED BEFORE OCTOBER 1, 2015.

(2) FLEXIBILITY.

(A) *LOW-INCOME ALTERNATIVE.* A PROJECT MAY SATISFY THE AFFORDABILITY REQUIREMENT IN D(1) ABOVE BY PROVIDING AFFORDABLE UNITS IN ONE OF THE FOLLOWING ALTERNATIVES:

ALTERNATIVE	40% HCAMI UNITS	60% HCAMI UNITS	80% HCAMI UNITS
1	6%	4%	3%
2	7%	3%	1%
3	8%	2%	0%
4	9%	0%	0%

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(B) *LOW-INCOME UNIT CREDIT EXCHANGE.* IF A RENTAL HOUSING PROJECT IS A MIXED-INCOME PROJECT IN WHICH MORE THAN 15%, BUT NOT MORE THAN 45%, OF THE UNITS IN THE PROJECT ARE AFFORDABLE UNITS, THE DEVELOPER WILL RECEIVE A ONE-TO-ONE CREDIT FOR EACH AFFORDABLE UNIT THAT IS IN EXCESS OF THE REQUIRED 15% AND IS AFFORDABLE AT 60% OF HC AMI OR LESS. A ONE-TO-ONE CREDIT MAY BE APPLIED TO REDUCE THE NUMBER OF UNITS REQUIRED TO BE AFFORDABLE AT THE SAME LEVEL OF AFFORDABILITY IN ANOTHER RENTAL HOUSING PROJECT IN DOWNTOWN. PROVIDED, HOWEVER, THAT USE OF THIS LOW-INCOME UNIT CREDIT EXCHANGE SHALL NOT RESULT IN A RENTAL HOUSING PROJECT HAVING LESS THAN 5% OF ITS UNITS AS AFFORDABLE.

19 **E. Final Development Plan—Downtown Revitalization**

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4. Planning Board Review and Approval Criteria

The Planning Board shall consider the Final Development Plan or Final Development Plan Amendment (see Errata at end of Section 125.0) at a public

1 hearing. The Planning Board shall approve, approve with conditions, or deny the
2 petition based on whether the petition satisfies the following criteria:

3 a. The Downtown Neighborhood Concept Plan, the Neighborhood Specific
4 Design Guidelines, and the Neighborhood Specific Implementation Plan
5 conform with the Downtown-Wide Design Guidelines, the Downtown
6 Columbia Plan, the Street and Block Plan, the Neighborhoods Plan, the
7 Maximum Building Heights Plan, the Primary Amenity Space
8 Framework Diagram, the Street Framework Diagram, the Bicycle and
9 Pedestrian Plan, and the Open Space Preservation Plan, or that any
10 propose change(s) will not be detrimental to the overall design concept
11 and phasing for Downtown Revitalization. Limited change in building
12 heights may be approved based on compatibility, character and height of
13 nearby existing and planned development and redevelopment, and open
14 spaces in the area. However, in no event shall the maximum building
15 height for Downtown Revitalization exceed twenty stories;

16 b. The Neighborhood Design Guidelines submitted with the Final
17 Development Plan or Final Development Plan Amendment offer
18 sufficient detail to guide the appearance of the neighborhood over time,
19 and promote design features that are achievable and appropriate for
20 Downtown Revitalization in accordance with the Design Guidelines and
21 the Downtown Columbia Plan;

22 c. The Final Development Plan conforms with the Neighborhood
23 Documents, the Revitalization Phasing Plan, the Downtown Community
24 Enhancements, (see Errata at end of Section 125.0) Programs, and Public
25 Amenities Implementation Chart and Flexibility Provisions, the
26 Downtown-wide Design Guidelines, the Downtown Columbia Plan, the
27 Street and Block Plan, the Neighborhoods Plan, the Maximum Building
28 Heights Plan, the Primary Amenity Space Framework Diagram, the
29 Street Framework Diagram, the Bicycle and Pedestrian Plan, and the
30 Open Space Preservation Plan. Limited change in building heights may
31 be approved based on compatibility, character and height of nearby
32 existing and planned development and redevelopment, and open spaces
33 in the area. However, in no event shall the maximum building height for
34 Downtown Revitalization exceed twenty stories;

- 1 d. The Final Development Plan, when considered in the context of
2 surrounding planned or existing development, provides a balanced mix of
3 housing, employment, and commercial and arts and cultural uses
4 throughout each phase;
- 5 e. The Final Development Plan satisfies the affordable housing requirement
6 IN ACCORDANCE WITH SECTION 125 A.9.D OF THESE ZONING
7 REGULATIONS;
- 8 f. The bicycle, pedestrian, and transit network creates convenient
9 connections throughout the subject area and connect, wherever possible,
10 to existing and planned sidewalks, path, and routes adjoining the
11 development;
- 12 g. The Final Development Plan protects land covered by lakes, streams or
13 rivers, flood plains and steep slopes, and provides connections, where
14 possible to existing and planned open space within the neighborhood and
15 in surrounding area;
- 16 h. The Final Development Plan provides the location of Downtown
17 Community Commons required under Section 125.0.A.9.h as indicated
18 in the Neighborhood Concept Plan;
- 19 i. The Final Development Plan is in harmony with existing and planned
20 vicinal land uses. In making this determination, the Planning Board shall
21 consider, if appropriate:
- 22 (1) Landscape features on the boundary of the plan area, which may
23 include protection of existing vegetation or grade changes that
24 provide a natural separation, or landscape planting;
- 25 (2) The size of buildings along the edges of the plan area through
26 limits on building height or other requirements;
- 27 (3) The use and design of nearby properties and
- 28 (4) The adopted Downtown Columbia Plan recommendations for
29 height, building massing and scale, and neighborhood
30 connectivity;
- 31 j. The development proposed by Final Development Plan is served by
32 adequate public facilities, including any proposed mitigation or

1 development staging in accordance with the Adequate Public Facilities
2 Ordinances (Title 16, Subtitle 11 of the Howard County Code);

3 k. The Final Development Plan protects environmentally sensitive features
4 and provides environmental restoration in accordance with the
5 Downtown Columbia Plan;

6 l. The Final Development Plan protects any historic or culturally significant
7 existing sites, buildings or structures, and public art;

8 m. The Final Development Plan proposes any appropriate plan to satisfy the
9 requirement for art in the community;

10 n. The Final Development Plan provides a plan to hold, own, and maintain
11 in perpetuity land intended for common, quasi-public amenity use and
12 public art that is not publically owned, including, without limitation, any
13 Downtown Community Commons, Downtown Parkland, Downtown
14 Arts, Cultural and Community Use, and Downtown Neighborhood
15 Square shown on the Final Development Plan; and

16 o. To better ensure conformance with the Community Enhancements,
17 Programs and Public Amenities provisions, the Final Development Plan
18 provides for a plan to establish membership in the Downtown Columbia
19 Partnership and payment of the annual charges. Each Final Development
20 Plan shall show a consistent means of calculating and providing the
21 required annual charges.

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23 **H. Site Development Plan—Downtown Revitalization**

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25 3. Planning Board Review and Approval Criteria.

26 The Planning Board shall approve, approve with conditions, or deny a Site
27 Development Plan that proposes Downtown Revitalization based on whether the
28 petition satisfies the following criteria:

29 a. The development conforms with the adopted Downtown Columbia Plan.

- 1 b. The development implements and conforms to the approved Final
2 Development Plan or Final Development Plan Amendment including all
3 applicable Final Development Plan approval criteria and conditions.
- 4 c. The development is well-organized in terms of the location of buildings
5 and structures, downtown community commons, landscaping, pedestrian
6 and vehicular circulation systems, and other Downtown Revitalization
7 features.
- 8 d. If the development provides Downtown Community Commons and/or
9 Downtown Parkland, they are reasonable and appropriate given the
10 location, scale and anticipated intensity of adjacent uses in accordance
11 with the Downtown Columbia Plan.
- 12 e. The maximum building heights will conform to the Final Development
13 Plan.
- 14 f. The development satisfies the Downtown Public Art Program approved
15 with the Final Development Plan or Final Development Plan Amendment
16 approval.
- 17 g. The Site Development Plan satisfies the affordable housing requirements
18 in accordance with SECTION 125 A.9.D OF THESE ZONING REGULATIONS
19 AND the approved Final Development Plan.
- 20 h. The development satisfies the Adequate Public Facilities Ordinance, if
21 applicable.
- 22 i. The development indicates the manner in which any land intended for
23 common or quasi-public use, but not proposed to be in public ownership,
24 will be held, owned and maintained in perpetuity for the indicated
25 purposes.
- 26 j. The petition is accompanied by documentation demonstrating
27 membership in the Downtown Columbia Partnership including the
28 required annual charges.

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31 ***Section 2. Be it further enacted*** by the County Council of Howard County, Maryland, that this Act
32 *shall become effective 61 days after its enactment.*