

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 8

Bill No. 54-2016 (ZRA 170)

Introduced by: The Chairperson at the request of the County Executive

AN ACT requiring a new configuration of affordable housing in Downton Columbia under certain conditions with certain alternatives; amending and providing for certain parking requirements related to residential units in Downtown Columbia; providing certain requirements for certain plans; requiring that certain types of construction provide for art in the community; and generally relating to the Howard County Zoning Regulations.

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

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & 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

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

By order _____
Jessica Feldmark, Administrator

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

Approved/Vetoed by the County Executive _____, 2016

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, this Act amends Sections 125 and 133 of the Howard County
2 Zoning Regulations (“Zoning Regulations”) in order to align with amendments made to
3 the Downtown Columbia Plan, a General Plan Amendment, that accomplish the goals of
4 providing a broad spectrum of affordable housing in Downtown Columbia; and
5

6 **WHEREAS**, on May 10, 2016, the Howard County Planning Board
7 recommended approval of the Zoning Regulations amendments included in this Act with
8 modifications and the Downtown Columbia Plan amendments with modifications.
9

10 **NOW, THEREFORE,**
11

12 ***Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the*
13 *Howard County Zoning Regulations are amended as follows:*
14

- 15 1. *By amending Section 125.0.A.9.f(2) of the Howard County Zoning Regulations.*
16
- 17 2. *By adding Section 125.0.A.9.f(3) to the Howard County Zoning Regulations*
18
- 19 3. *By adding Section 125.0.A.9.f(4) to the Howard County Zoning Regulations*
20
- 21 4. *By amending Section 125.0.H.3.g. of the Howard County Zoning Regulations*
22
- 23 5. *By amending Section 133.0.F.3. Table 1 of the Howard County Zoning Regulations*
24

25 **Howard County Zoning Regulations.**

26 **Section 125.0. NT (New Town) District**
27

28 A. Definitions, Requirements and Restrictions Applicable to NT Districts

29 9. Downtown Revitalization:

30 f. Additional Requirements.

1 (2) Any Downtown Revitalization Development shall provide for art in the
2 community that is equivalent in value to 1% of the building construction
3 cost.

4 (a) Art must be provided:

5 (i) On site;

6 (ii) On other property located within Downtown Revitalization
7 development provided with the written consent of the owner of the
8 fee simple property; or

9 (iii) The petitioner may pay a fee in-lieu of providing art on-site that is
10 equivalent in value to 1% of the building construction cost.

11 (b) Art may be provided in combination with other Downtown
12 Revitalization Developments.

13 (c) Each in-lieu fee must be paid prior to issuance of a use and occupancy
14 permit for the first building in the project that generates the
15 requirement, and the collected funds must be used to provide art on
16 property within Downtown Revitalization Developments.

17 (d) If the value of the art provided on site or in combination with other
18 projects exceeds 1% of the building construction cost, then the excess
19 value beyond 1% can be credited towards the requirements of this
20 subsection for a subsequent-Final Development Plan subject to the
21 procedures and requirements set forth in this subsection.

22 (e) The following construction projects are not subject to the requirements
23 of this section:

24 [[(i) Construction of Moderate Income Housing Units.]]

25 [[(ii)](i) Construction of places of worship and their accessory uses.

26 [[(iii)](ii) Renovations to existing or construction of new cultural
27 facilities which include facilities located within a Downtown Arts
28 and Entertainment Park, Downtown Arts, Cultural and Community
29 Uses, and Downtown Community Commons.

30 [[(iv)](iii) Parking Structures.

1 [[v)](IV) Renovations to existing buildings or structures required by
2 government mandated code compliance construction projects, such
3 as projects exclusively designed for compliance with the
4 Americans with Disabilities Act ("ADA"), the Maryland
5 Accessibility Code, the National Fire Protection Association
6 (NFPA) Life Safety Code, and/or fire sprinkler retrofits.

7 (3) ANY AFFORDABLE DWELLING UNIT LOCATED IN DOWNTOWN COLUMBIA IS
8 EXEMPT FROM THE MAXIMUM NUMBER OF DOWNTOWN NET NEW
9 DWELLING UNITS ESTABLISHED BY SECTION 125.O.A.9.C(1). FOR PURPOSES
10 OF THIS SECTION, AN "AFFORDABLE DWELLING UNIT" IS ANY DWELLING
11 UNIT THAT IS RESTRICTED BY HOWARD COUNTY'S MODERATE INCOME
12 HOUSING UNIT PROGRAM SET FORTH IN TITLE 13, SUBTITLE 4 OF THE
13 HOWARD COUNTY CODE, A DEVELOPMENT RIGHTS AND RESPONSIBILITIES
14 AGREEMENT, OR RESTRICTIVE COVENANT THAT IS ENFORCEABLE BY THE
15 COUNTY FOR A TERM OF NOT LESS THAN 40 YEARS, SUCH THAT THE UNIT
16 MUST BE MADE AVAILABLE FOR OCCUPANCY BY A HOUSEHOLD WITH AN
17 INCOME OF NOT MORE THAN 80% OF THE HOWARD COUNTY AREA MEDIAN
18 INCOME.

19 (4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, DEPENDING
20 ON THE NUMBER OF STORIES IN A BUILDING, A DEVELOPER SHALL PROVIDE
21 THE FOLLOWING MINIMUM UNITS AS AFFORDABLE AS DEFINED BY HOWARD
22 COUNTY'S MODERATE INCOME HOUSING UNIT PROGRAM, OF WHICH 3%
23 SHALL BE SET ASIDE FOR HOUSEHOLDS WHO WORK WITHIN 5 MILES OF THE
24 LIMITS OF DOWNTOWN COLUMBIA AS DETERMINED BY REGULATIONS OF
25 THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT:

- 26 (A) 13% OF ALL NET NEW DWELLING UNITS IN BUILDINGS WITH 5 OR
27 FEWER STORIES; AND
- 28 (B) 10% IN BUILDINGS WITH GREATER THAN 5 STORIES.

29 (5) PARAGRAPH (4) SHALL NOT APPLY IF:

- 30 (A) A DEVELOPER OF DWELLING UNITS OFFERED FOR SALE, AT ITS OPTION,
31 PAYS A PER UNIT PAYMENT TO THE DOWNTOWN COLUMBIA

1 COMMUNITY HOUSING FOUNDATION (“DCCHF”) IN THE AMOUNTS SET
2 FORTH IN TITLE 28, SUBTITLE 1 OF THE HOWARD COUNTY CODE AND
3 THIS PAYMENT SHALL BE:

4 I. IMPOSED UPON THE ISSUANCE OF ANY BUILDING PERMIT FOR A
5 BUILDING CONTAINING DWELLING UNITS OFFERED FOR SALE ;
6 AND

7 II. ADDITIONAL TO ANY OTHER FEES REQUIRED TO BE PAID BY THE
8 DEVELOPER; OR

9 (B) THE COUNTY DETERMINES THAT THE PURPOSES OF THE AFFORDABLE
10 HOUSING REQUIREMENTS OF THE ZONING REGULATIONS AND TITLE 13,
11 SUBTITLE 4 OF THE HOWARD COUNTY CODE WILL BE SERVED TO A
12 GREATER EXTENT BY ENTERING INTO A DEVELOPMENT RIGHTS AND
13 RESPONSIBILITIES AGREEMENT WITH THE DEVELOPER IN ACCORDANCE
14 WITH TITLE 16, SUBTITLE 17 OF THE HOWARD COUNTY CODE.
15

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

17 3. Planning Board Review and Approval Criteria.

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

21 g. The Site Development Plan satisfies the affordable housing requirements in
22 accordance with the approved Final Development Plan AND SUBSECTION
23 A.9.F(4) OF THIS SECTION.
24

25 **Howard County Zoning Regulations.**

26 **Section 133.0: - Off-Street Parking and Loading Facilities.**
27

28 F. Permitted Reductions in Off-street Parking Requirements

29 3. Downtown Revitalization

1 Off-street parking and loading facilities for Downtown Revitalization shall be
2 provided in accordance with the following shared parking methodology and
3 parking ratios:

4 a. The methodology for determining the shared parking demand consists of the
5 following steps and is described in the following paragraphs:

6 (1) Determine individual weekday and weekend peak parking ratios for each
7 land use.

8 (2) Determine the number of reserved parking spaces for each use.

9 (3) Select time-of-day and monthly parking variation factors.

10 (4) Adjust parking ratios for modal split, auto occupancy, and captive market
11 effects.

12 (5) Calculate the hourly parking demand for weekdays and weekends for each
13 month.

14 Step 1: Determine individual weekday and weekend peak parking ratios
15 for each land use.

16 Table 1 presents the base parking ratios for weekdays and weekends.

17 These ratios must be used unless the petitioner provides reasonable
18 justification for use of alternative ratio(s) that will not be detrimental to
19 the public welfare. For land uses not listed in Table 1, data from the
20 current edition of "Parking Generation" (ITE), "Shared Parking" (ULI),
21 the Howard County Zoning Regulations, or other applicable sources may
22 be used.

23 Step 2: Determine the number of reserved parking spaces for each use.

24 A significant proportion of residential parking spaces are typically
25 reserved, due to market and security requirements. Some portion of office,
26 retail, hotel, or other uses may require reserved spaces for some portion of
27 the day. These reserved spaces should be outlined and specified by land
28 use on an hourly basis.

29 Step 3: Select time-of-day and monthly parking variation factors.

30 The time-of-day adjustment factors for weekdays and weekends are shown
31 in Tables 2 and 3, respectively. Table 4 shows the monthly adjustment

1 factors for customer and visitor parking, while Table 5 includes the
2 monthly adjustment factors for employees. These typical factors are taken
3 from the ULI Shared Parking Manual and may be modified based on other
4 published data or independent studies to ensure accuracy for specific land
5 uses or circumstances.

6 Step 4: Adjust parking ratios for modal split, auto occupancy, and captive
7 market effects.

8 Modal split, auto occupancy, and captive market effects will be different
9 for each Downtown Revitalization development. Modal splits and auto
10 occupancy can be determined through U.S. Census journey-to-work data,
11 patron surveys, or other local data, and can be adjusted to reflect future
12 conditions.

13 Non-captive adjustments reflect the proportion of users that are not
14 already parked nearby for a primary purpose. These adjustments for
15 captive market effects should only be applied to simultaneous trips, not
16 sequential trips. For example, an office worker who walks across the street
17 for a snack during the day is part of the captive market, while a couple
18 who has dinner before a movie is not. Table 6 includes sample non-captive
19 adjustment factors for weekdays and can be modified based on the
20 characteristics of the land use and surroundings.

21 Step 5: Calculate the hourly parking demand for weekdays and weekends
22 for each month.

23 The individual parking demands for each land use during each time period
24 are then computed by multiplying the parking ratios (adjusted for modal
25 split, auto occupancy, and captive market effects) by the time-of-day and
26 monthly variation factors. No adjustment factors or variation factors are
27 applied to reserved parking spaces.

28 The sum of the adjusted parking demands for each land use are then
29 compared for each scenario (each hour of each day of each month), and
30 the maximum total parking demand represents the shared parking
31 requirement for the project.

1 **Table 1**
 2 Howard County Shared Parking Methodology
 3 Base Parking Ratios

Land Use	Weekday		Weekend		Unit
	Visitor	Employee	Visitor	Employee	
General Retail/Personal Service	2.90	0.70	3.20	0.80	/ksf GLA
Shopping Center	3.20	0.80	3.60	0.90	/ksf GLA
Restaurants, standard, and beverage establishments	15.25	2.75	17.00	3.00	
Fast Food Restaurant	12.75	2.25	12.00	2.00	/ksf GLA
Cinema	0.19	0.01	0.26	0.01	/seat
Performing Arts Theater	0.30	0.07	0.33	0.07	/seat
Health Club	6.60	0.40	5.50	0.25	/ksf GLA
Hotel	0.90	0.25	1.00	0.18	/room
Restaurant/Lounge	10.00		10.00		/ksf GLA
Conference Ctr./Banquet (20 to 50 sq ft/guest room)	30.00		30.00		/ksf GLA
Convention Space (>50 sq ft/guest room)	20.00		10.00		/ksf GLA
Residential UNIT (1) – STUDIO AND ONE-BEDROOM UNITS	0.15	[[1.50]] 1.15	0.15	[[1.50]] 1.15	/unit

RESIDENTIAL UNIT (1) – TWO OR MORE BEDROOMS	0.15	1.50	0.15	1.50	/UNIT
General Office up to 100 ksf	0.275	3.30	0.028	0.33	/ksf GLA
General Office over 100 ksf	0.20	2.60	0.02	0.26	/ksf GLA
Medical/Dental Office	3.00	1.50	3.00	1.50	/ksf GLA

1
2

Note(s):	(1) 1.0 space reserved for residents' sole use; remainder may be shared.
	(2) For all other land uses, data from the current edition of "Parking Generation" (ITE), "Shared Parking" (ULI), the Howard County Zoning Regulations or other applicable sources may be used.

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Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.