

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

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

9 (2) ANY DWELLING WITHIN A LOW INCOME HOUSING TAX CREDIT (LIHTC)
10 PROJECT OWNED WHOLLY OR IN PARTNERSHIP BY THE HOWARD COUNTY
11 HOUSING COMMISSION LOCATED IN DOWNTOWN COLUMBIA IS EXEMPT
12 FROM THE MAXIMUM NUMBER OF DOWNTOWN NET NEW DWELLING UNITS
13 ESTABLISHED BY SECTION 125.O.A.9.C(1). THE MAXIMUM NUMBER OF
14 SUCH LIHTC DWELLINGS PERMITTED IN DOWNTOWN COLUMBIA IS 744.

15 ~~[(2)]~~(3) The maximum amount of Downtown Net New commercial office
16 development permitted is 4,300,000 square feet of gross floor area.

17 ~~[(3)]~~(4) The maximum number of Downtown Net New hotel and motel
18 rooms permitted is 640 rooms.

19 ~~[(4)]~~(5) The maximum amount of Downtown Net New commercial retail
20 development permitted is 1,250,000 square feet of gross floor area.

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

25 (7) ARTS CENTERS, PUBLIC LIBRARIES, AND GOVERNMENT USES ARE NOT
26 COUNTED TOWARD ANY OF THE DEVELOPMENT LEVELS LISTED ABOVE.

27 f. Additional Requirements.

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

31 (a) Art must be provided:

32 (i) On site;

1 (ii) On other property located within Downtown Revitalization
2 development provided with the written consent of the owner of the
3 fee simple property; or

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

6 (b) Art may be provided in combination with other Downtown
7 Revitalization Developments.

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

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

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

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

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

21 [[(iii)](II) Renovations to existing or construction of new cultural
22 facilities which include facilities located within a Downtown Arts
23 and Entertainment Park, Downtown Arts, Cultural and Community
24 Uses, and Downtown Community Commons.

25 [[(iv)](III) Parking Structures.

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

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

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

20 ~~—(A)— 13% OF ALL NET NEW DWELLING UNITS IN BUILDINGS WITH 5 OR~~
21 ~~FEWER STORIES; AND~~

22 ~~—(B)— 10% IN BUILDINGS WITH GREATER THAN 5 STORIES.~~

23 ~~(5) PARAGRAPH (4) SHALL NOT APPLY IF:~~

24 ~~(A) A DEVELOPER OF DWELLING UNITS OFFERED FOR SALE, AT ITS OPTION,~~
25 ~~PAYS A PER UNIT PAYMENT TO THE DOWNTOWN COLUMBIA~~
26 ~~COMMUNITY HOUSING FOUNDATION ("DCCHF") IN THE AMOUNTS SET~~
27 ~~FORTH IN TITLE 28, SUBTITLE 1 OF THE HOWARD COUNTY CODE AND~~
28 ~~THIS PAYMENT SHALL BE:~~

29 ~~— I. — IMPOSED UPON THE ISSUANCE OF ANY BUILDING PERMIT FOR A~~
30 ~~BUILDING CONTAINING DWELLING UNITS OFFERED FOR SALE ;~~
31 ~~AND~~

1 ~~II. ADDITIONAL TO ANY OTHER FEES REQUIRED TO BE PAID BY THE~~
2 ~~DEVELOPER; OR~~

3 ~~(B) THE COUNTY DETERMINES THAT THE PURPOSES OF THE AFFORDABLE~~
4 ~~HOUSING REQUIREMENTS OF THE ZONING REGULATIONS AND TITLE 13,~~
5 ~~SUBTITLE 4 OF THE HOWARD COUNTY CODE WILL BE SERVED TO A~~
6 ~~GREATER EXTENT BY ENTERING INTO A DEVELOPMENT RIGHTS AND~~
7 ~~RESPONSIBILITIES AGREEMENT WITH THE DEVELOPER IN ACCORDANCE~~
8 ~~WITH TITLE 16, SUBTITLE 17 OF THE HOWARD COUNTY CODE.~~

9 (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A
10 DEVELOPER OF RESIDENTIAL UNITS SHALL PROVIDE AFFORDABLE UNITS AS
11 FOLLOWS:

12 (A) 15% OF ALL NET NEW DWELLING UNITS IN BUILDINGS WITH 5 OR
13 FEWER STORIES OF RESIDENTIAL UNITS SHALL BE AFFORDABLE AS
14 DEFINED BY HOWARD COUNTY'S MODERATE INCOME HOUSING
15 UNIT PROGRAM SET FORTH IN TITLE 13, SUBTITLE 4 OF THE
16 HOWARD COUNTY CODE;

17 (B) 12% OF ALL NET NEW DWELLING UNITS IN BUILDINGS WITH
18 GREATER THAN 5 STORIES OF RESIDENTIAL UNITS SHALL BE
19 AFFORDABLE AS DEFINED BY HOWARD COUNTY'S MODERATE
20 INCOME HOUSING UNIT PROGRAM SET FORTH IN TITLE 13, SUBTITLE
21 4 OF THE HOWARD COUNTY CODE;

22 (C) A DEVELOPER OF RENTAL UNITS MAY NOT UTILIZE OPTIONAL
23 METHODS OR ALTERNATIVE COMPLIANCE AS DESCRIBED IN SECTION
24 13.402 OF THE HOWARD COUNTY CODE AND SHALL PROVIDE ALL OF
25 THE AFFORDABLE UNITS:

26 (I) ON THE SITE OF THE DEVELOPMENT PROJECT;

27 (II) IN THE SAME RATIO OF UNIT TYPES AS PROPOSED FOR THE
28 DEVELOPMENT; AND

29 (III) EVENLY DISTRIBUTED WITHIN EACH PHASE OF
30 DEVELOPMENT; AND

1 (D) A DEVELOPER OF UNITS OFFERED FOR SALE MAY, IF APPROVED,
2 UTILIZE OPTIONAL METHODS OR ALTERNATIVE COMPLIANCE AS
3 DESCRIBED IN SECTION 13.402 OF THE HOWARD COUNTY CODE.

4 (4) PARAGRAPH (3) SHALL NOT APPLY IF THE COUNTY DETERMINES THAT THE
5 PURPOSES OF THE AFFORDABLE HOUSING REQUIREMENTS OF THE ZONING
6 REGULATIONS AND TITLE 13, SUBTITLE 4 OF THE HOWARD COUNTY CODE
7 WILL BE SERVED TO A GREATER EXTENT BY ENTERING INTO A
8 DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT WITH THE
9 DEVELOPER IN ACCORDANCE WITH TITLE 16, SUBTITLE 17 OF THE HOWARD
10 COUNTY CODE IF THE PROPERTY IS IDENTIFIED FOR THE DEVELOPMENT OF
11 AFFORDABLE HOUSING IN AN APPROVED DEVELOPMENT RIGHTS AND
12 RESPONSIBILITIES AGREEMENT AND APPROPRIATE COVENANTS ARE
13 RECORDED AGAINST THE PROPERTY CONSISTENT WITH THE AGREEMENT. IF
14 A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT IS APPROVED
15 AND SUBSEQUENTLY TERMINATED, ALL DEVELOPMENT FOR WHICH A SITE
16 DEVELOPMENT PLAN HAS NOT RECEIVED TECHNICALLY COMPLETE
17 APPROVAL PRIOR TO THE DATE ON WHICH THE DEVELOPMENT RIGHTS AND
18 RESPONSIBILITIES AGREEMENT IS TERMINATED SHALL COMPLY FULLY WITH
19 THE REQUIREMENTS SET FORTH IN PARAGRAPH (3) REGARDLESS OF THE
20 NUMBER OF AFFORDABLE UNITS DEVELOPED UNDER THE DEVELOPMENT
21 RIGHTS AND RESPONSIBILITIES AGREEMENT. DEVELOPMENT PURSUANT TO
22 A SITE DEVELOPMENT PLAN WHICH RECEIVED TECHNICALLY COMPLETE
23 APPROVAL BEFORE THE TERMINATION OF THE DEVELOPMENT RIGHTS AND
24 RESPONSIBILITIES AGREEMENT SHALL BE SUBJECT TO THE DEVELOPMENT
25 RIGHTS AND RESPONSIBILITIES AGREEMENT.

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

27 3. Planning Board Review and Approval Criteria.

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

- 1 g. The Site Development Plan satisfies the affordable housing requirements in
2 accordance with the approved Final Development Plan AND SUBSECTION
3 A.9.F(43) OF THIS SECTION.
4

5 **Howard County Zoning Regulations.**

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

7
8 B. Layout and Location

- 9 1. Off-street parking and loading facilities required by these Regulations
10 shall be provided on the same lot with such structure or land use, unless
11 parking is provided on a different lot in accordance with this section.
- 12 2. Off-street parking and loading spaces required for structures or land uses
13 on two or more adjoining lots may be provided in a single common
14 facility on one or more of said lots; provided said lots are in the same
15 zoning district and are owned in common, or are subject to recorded
16 covenants or easements for parking. For purposes of this section, lots
17 which are divided by a public street right-of-way are not deemed to be
18 adjoining.
- 19 3. The location of parking for multifamily residences shall be in accordance
20 with Section 16.120(b) of the Subdivision and Land Development
21 Regulations.
- 22 4. Required minimum parking may be provided on a separate lot from the
23 principal use if:
- 24 a. For residential uses, the location and distribution of parking spaces
25 complies with the Subdivision and Land Development Regulations;
- 26 b. For nonresidential uses, the major point of pedestrian access to the parking
27 facility is within 400 feet of the entrance to the building. This requirement
28 does not apply to Downtown Revitalization;

1 c. The parking facility is within a zoning district in which the use being
2 served by the parking facility is permitted;

3 d. The parking facility is not separated from the use being served by a public
4 street. This requirement does not apply to Downtown Revitalization;

5 e. The parking facility is subject to recorded covenants or easements for
6 parking, or other proof is provided that the continued use of the parking
7 area is guaranteed throughout the life of the land use.

8 5. IN DOWNTOWN COLUMBIA, NO MORE THAN 10% OF THE REQUIRED OFF-
9 STREET PARKING SHALL BE SATISFIED WITH SURFACE PARKING. HOWEVER,
10 THE PLANNING BOARD MAY APPROVE EXCEPTIONS FOR TEMPORARY
11 PARKING AS PART OF A PHASED DEVELOPMENT PLAN. THE PLANNING
12 BOARD MAY APPROVE EXTENSIONS UPON SUBMISSION OF A REVISED
13 PHASING PLAN.

14
15 F. Permitted Reductions in Off-street Parking Requirements

16 3. Downtown Revitalization

17 Off-street parking and loading facilities for Downtown Revitalization shall be
18 provided in accordance with the following shared parking methodology and
19 parking ratios:

- 20 a. The methodology for determining the shared parking demand consists of the
21 following steps and is described in the following paragraphs:
- 22 (1) Determine individual weekday and weekend peak parking ratios for each
23 land use.
 - 24 (2) Determine the number of reserved parking spaces for each use.
 - 25 (3) Select time-of-day and monthly parking variation factors.
 - 26 (4) Adjust parking ratios for modal split, auto occupancy, and captive market
27 effects.
 - 28 (5) Calculate the hourly parking demand for weekdays and weekends for each
29 month.

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

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

4 These ratios must be used unless the petitioner provides reasonable
5 justification for use of alternative ratio(s) that will not be detrimental to
6 the public welfare. A DEVELOPER MAY SUBMIT A PARKING STUDY AS

7 JUSTIFICATION FOR ALTERNATIVE RATIO(S) FOR APPROVAL BY THE
8 DEPARTMENT OF PLANNING AND ZONING PRIOR TO SUBMISSION OF A SITE
9 DEVELOPMENT PLAN. For land uses not listed in Table 1, data from the

10 current edition of "Parking Generation" (ITE), "Shared Parking" (ULI),
11 the Howard County Zoning Regulations, or other applicable sources may
12 be used.

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

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

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

20 The time-of-day adjustment factors for weekdays and weekends are shown
21 in Tables 2 and 3, respectively. Table 4 shows the monthly adjustment
22 factors for customer and visitor parking, while Table 5 includes the
23 monthly adjustment factors for employees. These typical factors are taken
24 from the ULI Shared Parking Manual and may be modified based on other
25 published data or independent studies to ensure accuracy for specific land
26 uses or circumstances.

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

29 Modal split, auto occupancy, and captive market effects will be different
30 for each Downtown Revitalization development. Modal splits and auto
31 occupancy can be determined through U.S. Census journey-to-work data,

patron surveys, or other local data, and can be adjusted to reflect future conditions.

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

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

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

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

Table 1
Howard County Shared Parking Methodology
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
<u>Residential(1)</u>	<u>0.15</u>	<u>1.50</u>	<u>0.15</u>	<u>1.50</u>	<u>/unit</u>
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.

3

4 **Section 2. And Be It Further Enacted** by the County Council of Howard County,

5 *Maryland, that this Act shall become effective 61 days after its enactment.*