

Introduced 6/6/16
Public hearing 6/20/16
Council action 7/29/16 *tabled 7/8/16*
Executive action _____
Effective date 10/19/16

County Council of Howard County, Maryland

2016 Legislative Session

Legislative day #7

BILL NO. 34 – 2016 (ZRAs – 163 and 166)

Introduced by

**Jon Weinstein
and**

The Chairperson at the request of Binder Rock, LLC

AN ACT amending the Howard County Zoning Regulations' Transit Oriented Development (TOD) District to remove certain residential area restrictions on single-family attached dwellings and amenity areas, under certain conditions; and generally relating to the TOD District.

Introduced and read first time June 6, 2016. Ordered posted and hearing scheduled.

By order Jessica Feldmark
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 June 20, 2016.

Tabled on July 8, 2016 By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

This Bill was read the third time July 29, 2016 and Passed Passed with amendments Failed

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this 29th day of July, 2016 at 4 a.m./p.m.

By order Jessica Feldmark
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:*

3
4 *By amending:*

5
6 *Section 127.4: "TOD (Transit Oriented Development) District"*

7 *Subsection A. "Purpose"*

8 *Subsection B. "Uses Permitted as a Matter of Right"*

9 *Subsection E. "Bulk Regulations"*

10 *and*

11 *Subsection F. "Requirements for TOD Development"*

12
13
14 **Howard County Zoning Regulations**

15
16 **SECTION 127.4: - TOD (Transit Oriented Development) District**

17
18 **A. Purpose**

19 The TOD District provides for the development and redevelopment of key parcels of land within
20 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of
21 multi-use centers combining office and high-density residential development that are located and
22 designed for safe and convenient pedestrian access by commuters using the MARC Trains and
23 other public transit links. ~~For sites of least 50 acres, well-designed multi-use centers combining~~
24 ~~office, high-density residential development with a diversity of dwelling unit types, and retail~~
25 ~~uses are encouraged.~~ The requirements of this district, in conjunction with the Route 1 Manual
26 ~~and the vehicular and pedestrian improvements that connect internally and with surrounding~~
27 ~~developments,~~ will result in ~~WELL-DESIGNED MULTI-USE CENTERS COMBINING OFFICE, HIGH-~~
28 ~~DENSITY RESIDENTIAL AND COMMERCIAL~~ development that makes use of the commuting
29 potential of the MARC system~~,~~ creates attractive employment or multi-use centers, and
30 provides for safe and convenient pedestrian travel.

31 Many parcels in the TOD District were developed before this district was created. It is not the
32 intent of these requirements to disallow the continued use of sites developed prior to the TOD
33 District. Additionally, because TOD developments are most effective when comprehensively

1 planned for larger parcels of land surrounding a MARC Station, it is neither the intent of these
2 requirements to encourage smaller, piecemeal TOD developments nor disallow the beneficial use
3 of undeveloped TOD District parcels during the period of time prior to a larger TOD
4 development being assembled. The intent of this district will be achieved by bringing sites into
5 compliance with these requirements and the standards of the Route 1 Manual as a mix of
6 residential and nonresidential uses are redeveloped or expanded. Certain light industrial uses or
7 lower density residential units may also be appropriate with the mix of TOD uses if properly
8 located so as to not overly reduce the available land area for the more dense mix of uses at the
9 core of the TOD development, closer to the MARC Station.
10

11 **B. Uses Permitted as a Matter of Right**

- 12 1. Ambulatory health care facilities, including pharmacies incidental to these uses.
- 13 2. Athletic facilities, commercial
- 14 3. Biomedical laboratories.
- 15 4. Commercial communication antennas.
- 16 5. Conservation areas, including wildlife and forest preserves, environmental management
17 areas, reforestation areas, and similar uses.
- 18 6. Data processing and telecommunication centers.
- 19 7. Dwellings, apartment.
- 20 8. Dwellings, single-family attached. [[, only within a TOD development project
21 encompassing at least 50 acres, not to exceed 30% of the total number of dwelling units
22 within the project and further subject to the requirement that such dwellings not occupy
23 more than 40% of the residential development area within the project.]]
- 24 [[9. Dwellings, single-family attached, within a TOD Development Project greater than 3 acres
25 and encompassing less than 50 acres that is entirely located more than 2,500 feet from a
26 MARC Station, provided that the minimum density shall not apply and that such dwellings
27 shall not occupy more than 40% of the gross development area of such a project.]]
- 28 [[10]] 9. Flex space.
- 29 [[11]] 10. Government structures, facilities and uses, including public schools and colleges.
- 30 [[12]] 11. Horse racetrack facilities.
- 31 [[13]] 12. Hotels, motels, country inns and conference centers.

- 1 [[14]]13. Industrial Uses, light, provided that: The property is at least 30 acres or greater
2 and fronts on and has direct access to an arterial or collector highway; adjoins
3 other properties developed with existing light industrial uses; the light industrial
4 use is principally conducted within a building with a maximum building height of
5 50 feet; the proposed industrial development does not include a proposal for any
6 dwelling units within the same project; and; the light industrial development is at
7 the periphery of the TOD District, well separated from the MARC Station.
- 8 [[15]]14. Offices, professional and business.
- 9 [[16]]15. Parking facilities that serve adjacent off-site uses in accordance with Section
10 133.0.B.
- 11 [[17]]16. Religious facilities, structures and land used primarily for religious activities.
- 12 [[18]]17. Research and development establishments.
- 13 [[19]]18. Restaurants, carryout, including incidental delivery services.
- 14 [[20]]19. Restaurants, standard, and beverage establishments, including those serving beer,
15 wine and liquor for consumption on premises only.
- 16 [[21]]20. Schools, commercial.
- 17 [[22]]21. Schools, private academic, including colleges and universities.
- 18 [[23]]22. Underground pipelines; electric transmission and distribution lines; telephone,
19 telegraph and CATV lines; mobile transformer units; telephone equipment boxes;
20 and other similar public utility uses not requiring a Conditional Use.
- 21 [[24]]23. Volunteer fire departments.
- 22

23 **E. Bulk Regulations**

24 (Also see Section 128.0.A, Supplementary Bulk Regulations.)

- 25 1. ~~[[Except as provided in Section 127.4.B, minimum]] MINIMUM~~ residential density is 20
26 units per net acre of residential development.
- 27 2. Maximum building height
- 28 [[a. Structure with minimum setback from a public street right-of-way.....60 feet
- 29 b. Structure with an additional 1 foot of setback from a public street right-of-way for
30 the portion of the structure over 60 feet for every 2 feet of additional height

.....100 feet}}

~~100 FEET. HOWEVER THE PORTION OF THE BUILDING THAT EXCEEDS 80 FEET IN HEIGHT SHALL BE SET BACK 1 FOOT BEHIND THE FAÇADE THAT FACES A PUBLIC STREET RIGHT-OF-WAY FOR EVERY 2 FEET OF ADDITIONAL HEIGHT.~~

3. Minimum setbacks for development complying with the Route 1 Manual

The following minimum setback requirements apply to sites that comply fully with the Manual's requirements:

a. Minimum setbacks from public street right-of-way

(1) From arterial

(a) Principal structures20 feet

(b) All other structures and uses30 feet

(2) From other public street right-of-way

(a) All structures and uses (except surface parking)10 feet

(b) Surface parking20 feet

b. Minimum setbacks from vicinal properties:

(1) From a residential district: All structures and uses30 feet

(2) From all other zoning districts:

(a) Structures containing residences30 feet

(b) All other structures and uses0 feet

(3) If a TOD District is separated from another zoning district by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

4. Minimum distances between residential buildings

The following minimum distances shall be maintained between any buildings containing residences (even if the buildings include other uses also):

a. Side to side15 feet

b. All other façade to façade relationships30 feet

5. Minimum setback requirements for sites not complying with the use provisions of the TOD District and the Route 1 Manual.

1 The following minimum setback requirements apply to sites developed prior to the creation
2 of the TOD District that do not comply or only partially comply with the Howard County
3 Landscape Manual and the Route 1 Manual:

- 4 a. From external public street right-of-way
- 5 (1) Structures and uses50 feet
- 6 (2) Except for parking uses and fences adjoining parking uses30 feet
- 7 b. From internal public street right-of-way
- 8 (1) Structures and uses50 feet
- 9 (2) Except for parking uses and fences adjoining parking uses10 feet
- 10 c. From any residential district: All structures and uses100 feet
- 11 d. If a residential district is separated from the TOD District by a public street right-
12 of-way, only the setbacks from a public street right-of-way shall apply.
- 13

14 **F. Requirements for TOD Development**

15 1. Amenity Area

16 TOD developments shall include an amenity area or areas that are a minimum of 10% of
17 the net site acreage. The amenity area shall include seating and trees. The number of
18 seating areas and trees shall increase proportionately to the increase in size of the amenity
19 area. No amenity area shall be smaller than 0.25 acre. Amenity areas on the site shall be
20 connected by pedestrian and bicycle improvements that link with existing and future
21 connections to surrounding developments.

22 Sites larger than 25 acres must provide well-designed recreational areas for both children's
23 and adult's activities. On sites larger than 25 acres, one amenity area must be designed as a
24 civic gathering place large enough to accommodate such activities as community picnics,
25 concerts, fairs and similar events.

26 2. Area Requirements for Residential Uses

- 27 a. Residences are permitted only within a development project encompassing at least
28 3 gross acres of TOD-zoned land.
- 29 ~~b. No more than 50% of the [[developable]] NET acreage, excluding road right-of-~~
30 ~~way and open space shall be [[devoted to]] OCCUPIED BY SURFACE PARKING LOTS~~

1 AND ~~[[residential]]~~ buildings WITH 75% OR MORE OF THE GROSS FLOOR AREA
2 DEVOTED TO RESIDENTIAL USES. ~~[[, parking and amenity areas.]]~~

3 B. NO MORE THAN 50% OF THE DEVELOPABLE ACREAGE, EXCLUDING ROAD RIGHT-
4 OF-WAY AND OPEN SPACE, SHALL BE DEVOTED TO RESIDENTIAL BUILDINGS AND
5 PARKING. FOR PARCELS THAT ARE 5 ACRES OR LESS, NO MORE THAN 50% OF
6 THE DEVELOPABLE ACREAGE, EXCLUDING ROAD-RIGHT-OF-WAYS, OPEN SPACE,
7 AND STRUCTURED PARKING, SHALL BE DEVOTED TO RESIDENTIAL BUILDINGS
8 AND SURFACE PARKING LOTS.

9 c. Moderate Income Housing Units.

10 At least 15% of the dwelling units shall be Moderate Income Housing Units.

11
12
13 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act*
14 *shall become effective 61 days after its enactment.*

Amendment 1 to Council Bill No. 34-2016

BY: Jennifer Terrasa

Legislative Day No: 8

Date: July 8, 2016

Amendment No. 1

(This amendment would delete some of the proposed changes by the Department of Planning and Zoning and change the Area Requirements for Residential Uses.)

1 On page 1, in lines 23 through 30, strike all of the double brackets. On the same page, in
2 lines 27 and 28, strike “WELL-DESIGNED MULTI-USE CENTERS COMBINING OFFICE, HIGH-DENSITY
3 RESIDENTIAL AND COMMERCIAL”. On the same page, in line 29, after “system”, remove the
4 period.

5
6 ~~On page 2, in line 20, remove the double brackets. On the same page, in line 22, after
7 “project”, insert a period and opening double brackets. Also, on the same page, in lines 24 and
8 27, remove the double brackets. Lastly, on pages 2 and 3, strike the renumbering.~~

9
10 On page 3, in line 25, strike the double brackets and “MINIMUM”.

11
12 On page 3, in line 28, strike the double brackets.

13
14 On page 4, in line 1, strike the double brackets. On the same page, strike lines 2 through
15 4, in their entirety.

16
17 On pages 5 and 6, strike lines 29 through 30 and lines 1 through 2, and substitute the
18 following:

19 “B. NO MORE THAN 50% OF THE DEVELOPABLE ACREAGE, EXCLUDING ROAD RIGHT-OF-WAY
20 AND OPEN SPACE, SHALL BE DEVOTED TO RESIDENTIAL BUILDINGS AND PARKING. FOR
21 PARCELS THAT ARE 5 ACRES OR LESS, NO MORE THAN 50% OF THE DEVELOPABLE ACREAGE,

1 EXCLUDING ROAD-RIGHT-OF-WAYS, OPEN SPACE, AND STRUCTURED PARKING, SHALL BE DEVOTED
2 TO RESIDENTIAL BUILDINGS AND SURFACE PARKING LOTS.”.

3

4

ADOPTED 7/29/16
FAILED _____
SIGNATURE Jessica Feldman

Amendment 1 to Amendment 1 to Council Bill No. 34-2016

BY: Jennifer Terrasa

Legislative Day No. 8

Date: July 8, 2016

Amendment No. 1

(This amendment would restore the Department of Planning and Zoning's recommended changes to Uses Permitted as a Matter of Right.)

- 1 In the parenthetical description of the amendment, after "delete" insert "some of".
- 2 Strike lines 6 through 8 in their entirety.

ADOPTED

7/29/16

FAILED

SIGNATURE

Jessica Feldman

Amendment 2 to Amendment #1
Council Bill No. 34-2016

BY: Calvin Ball

Legislative Day No: 9
Date: July 29, 2016

Amendment No. 2 to Amendment #1

(This amendment proposes that there be more specific Area Requirements for Residential Uses on parcels five acres or less.)

1 On page 1, in line 20, after "PARKING", insert ". FOR PARCELS THAT ARE 5 ACRES OR LESS,
2 NO MORE THAN 50% OF THE DEVELOPABLE ACREAGE, EXCLUDING ROAD-RIGHT-OF-WAYS, OPEN
3 SPACE, AND STRUCTURED PARKING, SHALL BE DEVOTED TO RESIDENTIAL BUILDINGS AND SURFACE
4 PARKING LOTS.".

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8

ADOPTED 7/29/16
FAILED _____
SIGNATURE Jessica Adduat

Amendment 1 to Council Bill No. 34-2016

BY: Jennifer Terrasa

Legislative Day No: 8
Date: July 8, 2016

Amendment No. 1

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8 27, remove the double brackets. Lastly, on pages 2 and 3, strike the renumbering.

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10 On page 3, in line 25, strike the double brackets and “MINIMUM”.

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12 On page 3, in line 28, strike the double brackets.

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14 On page 4, in line 1, strike the double brackets. On the same page, strike lines 2 through
15 4, in their entirety.

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17 On pages 5 and 6, strike lines 29 through 30 and lines 1 through 2, and substitute the
18 following:

19 “B. NO MORE THAN 50% OF THE DEVELOPABLE ACREAGE, EXCLUDING ROAD RIGHT-OF-WAY
20 AND OPEN SPACE, SHALL BE DEVOTED TO RESIDENTIAL BUILDINGS AND PARKING”.

21
22

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
530 SOUTH EAST ASIAN AVENUE
CHICAGO, ILLINOIS 60607
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Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2016 Legislative Session

Legislative day #7

BILL NO. 34 – 2016 (ZRAs – 163 and 166)

Introduced by

**Jon Weinstein
and**

The Chairperson at the request of Binder Rock, LLC

AN ACT amending the Howard County Zoning Regulations' Transit Oriented Development (TOD) District to remove certain residential area restrictions on single-family attached dwellings and amenity areas, under certain conditions; and generally relating to the TOD 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 127.4: "TOD (Transit Oriented Development) District"*

7 *Subsection A. "Purpose"*

8 *Subsection B. "Uses Permitted as a Matter of Right"*

9 *Subsection E. "Bulk Regulations"*

10 *and*

11 *Subsection F. "Requirements for TOD Development"*

12
13
14 **Howard County Zoning Regulations**

15
16 **SECTION 127.4: - TOD (Transit Oriented Development) District**

17
18 **A. Purpose**

19 The TOD District provides for the development and redevelopment of key parcels of land within
20 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of
21 multi-use centers combining office and high-density residential development that are located and
22 designed for safe and convenient pedestrian access by commuters using the MARC Trains and
23 other public transit links. [[For sites of least 50 acres, well-designed multi-use centers combining
24 office, high-density residential development with a diversity of dwelling unit types, and retail
25 uses are encouraged.]] The requirements of this district, in conjunction with the Route 1 Manual
26 [[and the vehicular and pedestrian improvements that connect internally and with surrounding
27 developments,]] will result in WELL-DESIGNED MULTI-USE CENTERS COMBINING OFFICE, HIGH-
28 DENSITY RESIDENTIAL AND COMMERCIAL development that makes use of the commuting
29 potential of the MARC system. [[, creates attractive employment or multi-use centers, and
30 provides for safe and convenient pedestrian travel.]]

31 Many parcels in the TOD District were developed before this district was created. It is not the
32 intent of these requirements to disallow the continued use of sites developed prior to the TOD
33 District. Additionally, because TOD developments are most effective when comprehensively



1 planned for larger parcels of land surrounding a MARC Station, it is neither the intent of these
2 requirements to encourage smaller, piecemeal TOD developments nor disallow the beneficial use
3 of undeveloped TOD District parcels during the period of time prior to a larger TOD
4 development being assembled. The intent of this district will be achieved by bringing sites into
5 compliance with these requirements and the standards of the Route 1 Manual as a mix of
6 residential and nonresidential uses are redeveloped or expanded. Certain light industrial uses or
7 lower density residential units may also be appropriate with the mix of TOD uses if properly
8 located so as to not overly reduce the available land area for the more dense mix of uses at the
9 core of the TOD development, closer to the MARC Station.
10

11 **B. Uses Permitted as a Matter of Right**

- 12 1. Ambulatory health care facilities, including pharmacies incidental to these uses.
- 13 2. Athletic facilities, commercial
- 14 3. Biomedical laboratories.
- 15 4. Commercial communication antennas.
- 16 5. Conservation areas, including wildlife and forest preserves, environmental management
17 areas, reforestation areas, and similar uses.
- 18 6. Data processing and telecommunication centers.
- 19 7. Dwellings, apartment.
- 20 8. Dwellings, single-family attached. [[, only within a TOD development project
21 encompassing at least 50 acres, not to exceed 30% of the total number of dwelling units
22 within the project and further subject to the requirement that such dwellings not occupy
23 more than 40% of the residential development area within the project.]]
- 24 [[9. Dwellings, single-family attached, within a TOD Development Project greater than 3 acres
25 and encompassing less than 50 acres that is entirely located more than 2,500 feet from a
26 MARC Station, provided that the minimum density shall not apply and that such dwellings
27 shall not occupy more than 40% of the gross development area of such a project.]]
- 28 [[10]] 9. Flex space.
- 29 [[11]] 10. Government structures, facilities and uses, including public schools and colleges.
- 30 [[12]] 11. Horse racetrack facilities.
- 31 [[13]] 12. Hotels, motels, country inns and conference centers.

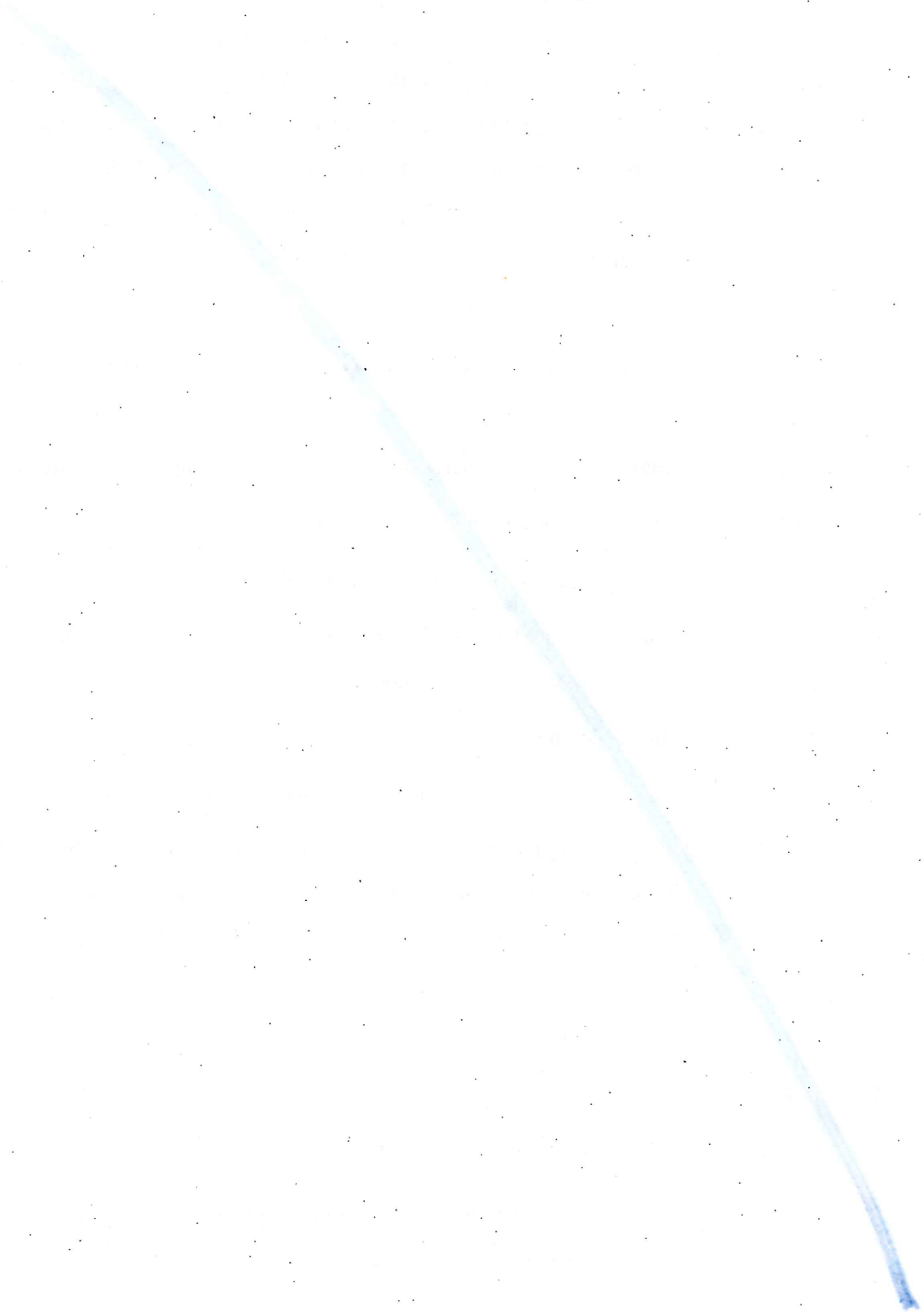


- 1 [[14]]13. Industrial Uses, light, provided that: The property is at least 30 acres or greater
2 and fronts on and has direct access to an arterial or collector highway; adjoins
3 other properties developed with existing light industrial uses; the light industrial
4 use is principally conducted within a building with a maximum building height of
5 50 feet; the proposed industrial development does not include a proposal for any
6 dwelling units within the same project; and; the light industrial development is at
7 the periphery of the TOD District, well separated from the MARC Station.
- 8 [[15]]14. Offices, professional and business.
- 9 [[16]]15. Parking facilities that serve adjacent off-site uses in accordance with Section
10 133.0.B.
- 11 [[17]]16. Religious facilities, structures and land used primarily for religious activities.
- 12 [[18]]17. Research and development establishments.
- 13 [[19]]18. Restaurants, carryout, including incidental delivery services.
- 14 [[20]]19. Restaurants, standard, and beverage establishments, including those serving beer,
15 wine and liquor for consumption on premises only.
- 16 [[21]]20. Schools, commercial.
- 17 [[22]]21. Schools, private academic, including colleges and universities.
- 18 [[23]]22. Underground pipelines; electric transmission and distribution lines; telephone,
19 telegraph and CATV lines; mobile transformer units; telephone equipment boxes;
20 and other similar public utility uses not requiring a Conditional Use.
- 21 [[24]]23. Volunteer fire departments.

23 **E. Bulk Regulations**

24 (Also see Section 128.0.A, Supplementary Bulk Regulations.)

- 25 1. [[Except as provided in Section 127.4.B, minimum]] MINIMUM residential density is 20
26 units per net acre of residential development.
- 27 2. Maximum building height
- 28 [[a. Structure with minimum setback from a public street right-of-way.....60 feet
- 29 b. Structure with an additional 1 foot of setback from a public street right-of-way for
30 the portion of the structure over 60 feet for every 2 feet of additional height



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.....100 feet[]

100 FEET. HOWEVER THE PORTION OF THE BUILDING THAT EXCEEDS 80 FEET IN HEIGHT SHALL BE SET BACK 1 FOOT BEHIND THE FAÇADE THAT FACES A PUBLIC STREET RIGHT-OF-WAY FOR EVERY 2 FEET OF ADDITIONAL HEIGHT.

3. Minimum setbacks for development complying with the Route 1 Manual
The following minimum setback requirements apply to sites that comply fully with the Manual's requirements:

- a. Minimum setbacks from public street right-of-way
 - (1) From arterial
 - (a) Principal structures20 feet
 - (b) All other structures and uses30 feet
 - (2) From other public street right-of-way
 - (a) All structures and uses (except surface parking)10 feet
 - (b) Surface parking20 feet
- b. Minimum setbacks from vicinal properties:
 - (1) From a residential district: All structures and uses30 feet
 - (2) From all other zoning districts:
 - (a) Structures containing residences30 feet
 - (b) All other structures and uses0 feet
 - (3) If a TOD District is separated from another zoning district by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

4. Minimum distances between residential buildings
The following minimum distances shall be maintained between any buildings containing residences (even if the buildings include other uses also):

- a. Side to side15 feet
- b. All other façade to façade relationships30 feet

5. Minimum setback requirements for sites not complying with the use provisions of the TOD District and the Route 1 Manual.



1 The following minimum setback requirements apply to sites developed prior to the creation
2 of the TOD District that do not comply or only partially comply with the Howard County
3 Landscape Manual and the Route 1 Manual:

- 4 a. From external public street right-of-way
- 5 (1) Structures and uses50 feet
- 6 (2) Except for parking uses and fences adjoining parking uses30 feet
- 7 b. From internal public street right-of-way
- 8 (1) Structures and uses50 feet
- 9 (2) Except for parking uses and fences adjoining parking uses10 feet
- 10 c. From any residential district: All structures and uses100 feet
- 11 d. If a residential district is separated from the TOD District by a public street right-
12 of-way, only the setbacks from a public street right-of-way shall apply.
- 13

14 **F. Requirements for TOD Development**

15 1. Amenity Area

16 TOD developments shall include an amenity area or areas that are a minimum of 10% of
17 the net site acreage. The amenity area shall include seating and trees. The number of
18 seating areas and trees shall increase proportionately to the increase in size of the amenity
19 area. No amenity area shall be smaller than 0.25 acre. Amenity areas on the site shall be
20 connected by pedestrian and bicycle improvements that link with existing and future
21 connections to surrounding developments.

22 Sites larger than 25 acres must provide well-designed recreational areas for both children's
23 and adult's activities. On sites larger than 25 acres, one amenity area must be designed as a
24 civic gathering place large enough to accommodate such activities as community picnics,
25 concerts, fairs and similar events.

26 2. Area Requirements for Residential Uses

- 27 a. Residences are permitted only within a development project encompassing at least
28 3 gross acres of TOD-zoned land.
- 29 b. No more than 50% of the [[developable]] NET acreage, excluding road right-of-
30 way and open space shall be [[devoted to]] OCCUPIED BY SURFACE PARKING LOTS



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AND ~~[[residential]]~~ buildings WITH 75% OR MORE OF THE GROSS FLOOR AREA
DEVOTED TO RESIDENTIAL USES. ~~[[, parking and amenity areas.]]~~

c. Moderate Income Housing Units.

At least 15% of the dwelling units shall be Moderate Income Housing Units.

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



BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on August 9, _____, 2016.

Cheryl Meyer (acting administrator)

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2016.

Jessica Feldmark, Administrator to the County Council

Amendment 2 to Amendment #1
Council Bill No. 34-2016

BY: Calvin Ball

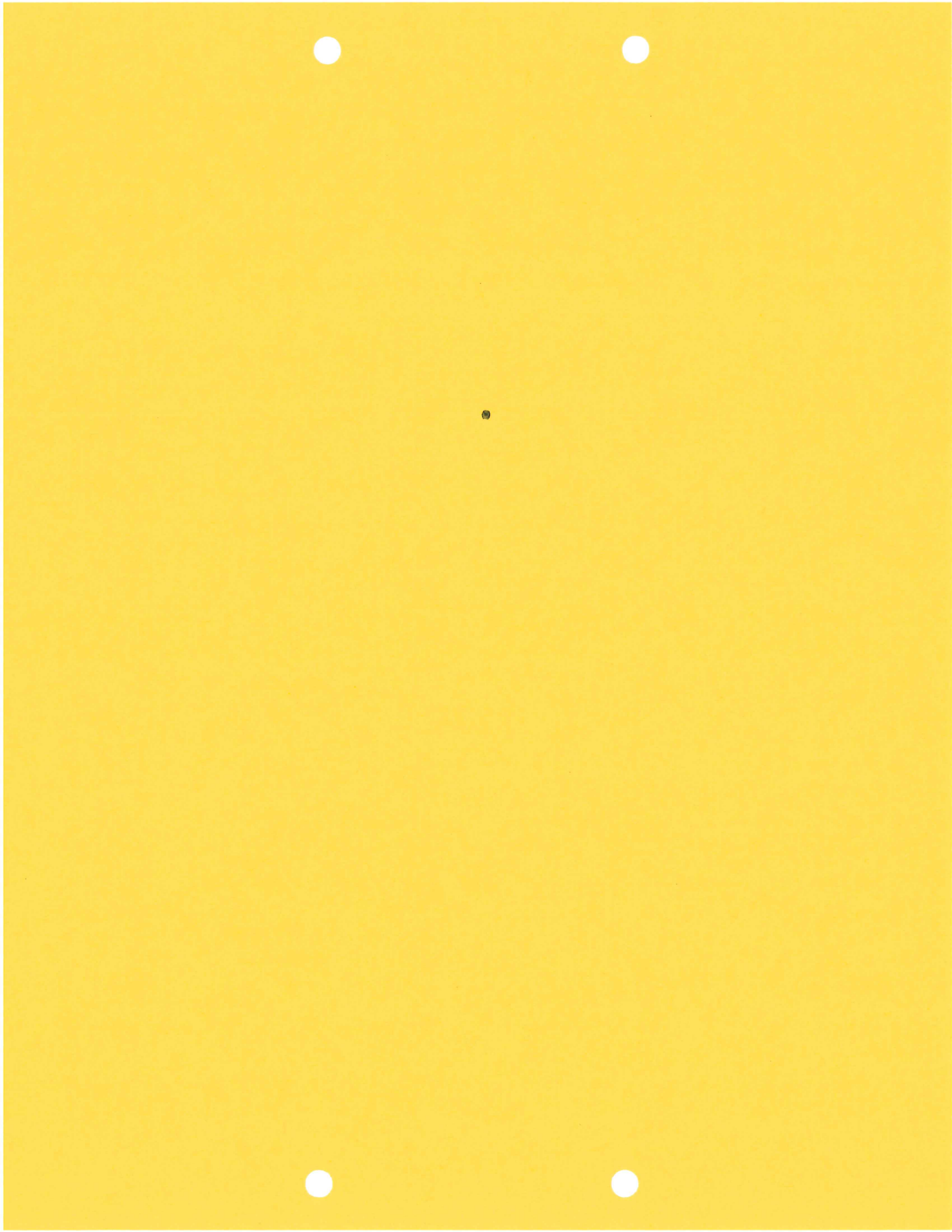
Legislative Day No: 9
Date: July 29, 2016

Amendment No. 2 to Amendment #1

(This amendment proposes that there be more specific Area Requirements for Residential Uses on parcels five acres or less.)

1 On page 1, in line 20, after "PARKING", insert ". FOR PARCELS THAT ARE 5 ACRES OR LESS,
2 NO MORE THAN 50% OF THE DEVELOPABLE ACREAGE, EXCLUDING ROAD-RIGHT-OF-WAYS, OPEN
3 SPACE, AND STRUCTURED PARKING, SHALL BE DEVOTED TO RESIDENTIAL BUILDINGS AND SURFACE
4 PARKING LOTS.".

5
6
7
8



Amendment 1 to Council Bill No. 34-2016

BY: Jennifer Terrasa

Legislative Day No: 8
Date: July 8, 2016

Amendment No. 1

(This amendment would delete the proposed changes by the Department of Planning and Zoning and change the Area Requirements for Residential Uses.)

1 On page 1, in lines 23 through 30, strike all of the double brackets. On the same page, in
2 lines 27 and 28, strike “WELL-DESIGNED MULTI-USE CENTERS COMBINING OFFICE, HIGH-DENSITY
3 RESIDENTIAL AND COMMERCIAL”. On the same page, in line 29, after “system”, remove the
4 period.

5
6 On page 2, in line 20, remove the double brackets. On the same page, in line 22, after
7 “project”, insert a period and opening double brackets. Also, on the same page, in lines 24 and
8 27, remove the double brackets. Lastly, on pages 2 and 3, strike the renumbering.

9
10 On page 3, in line 25, strike the double brackets and “MINIMUM”.

11
12 On page 3, in line 28, strike the double brackets.

13
14 On page 4, in line 1, strike the double brackets. On the same page, strike lines 2 through
15 4, in their entirety.

16
17 On pages 5 and 6, strike lines 29 through 30 and lines 1 through 2, and substitute the
18 following:

19 “B. NO MORE THAN 50% OF THE DEVELOPABLE ACREAGE, EXCLUDING ROAD RIGHT-OF-WAY
20 AND OPEN SPACE, SHALL BE DEVOTED TO RESIDENTIAL BUILDINGS AND PARKING”.

21
22

FW: CB 34- follow up

Feldmark, Jessica

Sent: Wednesday, June 22, 2016 1:25 PM

To: Ball, Calvin B; Fox, Greg; Greg Fox (Greg.Fox@Constellation.com); Weinstein, Jon; Sigaty, Mary Kay; Terrasa, Jen

Cc: Wimberly, Theo; Sayers, Margery

Attachments: Response to CB 34 questions.docx (332 KB)

Additional info from DPZ on CB34-2016...please see below and attached.

Thanks,
Jess

Jessica Feldmark
Administrator
Howard County Council
410-313-3111
jfeldmark@howardcountymd.gov

From: Gowan, Amy
Sent: Wednesday, June 22, 2016 1:06 PM
To: Feldmark, Jessica
Cc: Sager, Jennifer; Lazdins, Valdis
Subject: CB 34- follow up

Hi Jessica,

Val asked me to provide some additional information in response to some of the questions that came up at the Public Hearing on Monday.

I have attached some examples with illustrations to help explain some different scenarios under the proposed ZRA.

We would greatly appreciate if you could forward this to the Council offices. We are happy to provide any additional information or answer any new questions that arise.

Thanks,

--Amy

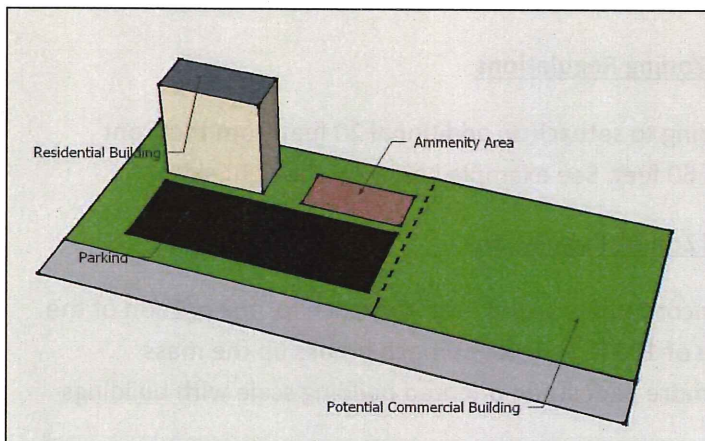
Amy Gowan, Deputy Director
Department of Planning and Zoning
3430 Courthouse Drive
Ellicott City, MD 21043
agowan@howardcountymd.gov
(410) 313-4340

Purpose of the Transit Oriented Development (TOD) Zoning District

The TOD district encourages multi-use centers that combine office and high-density residential development in proximity to MARC Stations. Currently, Section 127.4.F.2 of the Zoning Regulations restricts residential development and associated parking to no more than 50% of a TOD site. The remaining 50% can be developed for office, commercial, institutional, and in some instances light industrial uses.

Section 127.4.F.2- Existing Zoning Regulations

The existing regulations limit the area occupied by parking, amenities, and residential buildings in the TOD Zoning District to 50% of the property. The graphic below depicts in concept a multifamily residential building with surface parking and an amenity area. In this scenario, the amenity area and parking acreage are counted toward the 50% development area restriction. Since, the area devoted to parking and amenities significantly reduces the footprint of the residential building, less area is available for residential development.



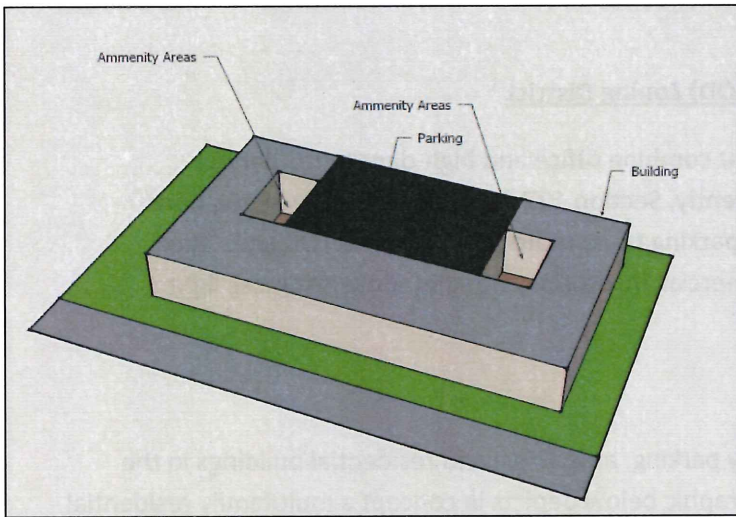
Surface Parking Example Under Existing Regulations

Dwelling Units (20/acre):	100
Lot Size:	5 Acres
50% Residential Lot Area Max:	2.5 Acres
Amenity Area (10%):	0.5 Acres
Parking Area (230 spaces):	1.5 Acres
Available Building Area:	0.5 Acres

Section 127.4.F.2- Proposed Zoning Regulations

The proposed Zoning Regulation Amendment removes structured parking and amenity areas from the 50% limitation. In the example above, the area dedicated to surface parking and the residential building would still count toward the 50% limitation, but the amenity area would not.

However, if surface parking is replaced with structured parking, as shown in the following illustration, both structured parking and the amenity areas would not count toward the 50% limitation. This would allow more room for residential development and result in a more efficient use of the land, design flexibility, encourage structured parking rather than large surface lots, and enhance opportunities for residential development and amenity areas.



Structured Parking Example (Texas Donut) Under Proposed Regulations

Dwelling Units (20/acre):	100
Lot Size:	5 Acres
50% Residential Lot Area Max:	2.5 Acres
Amenity Area (10%):	N/A
Parking Area (230 spaces):	N/A
Available Building Area:	2.5 Acres

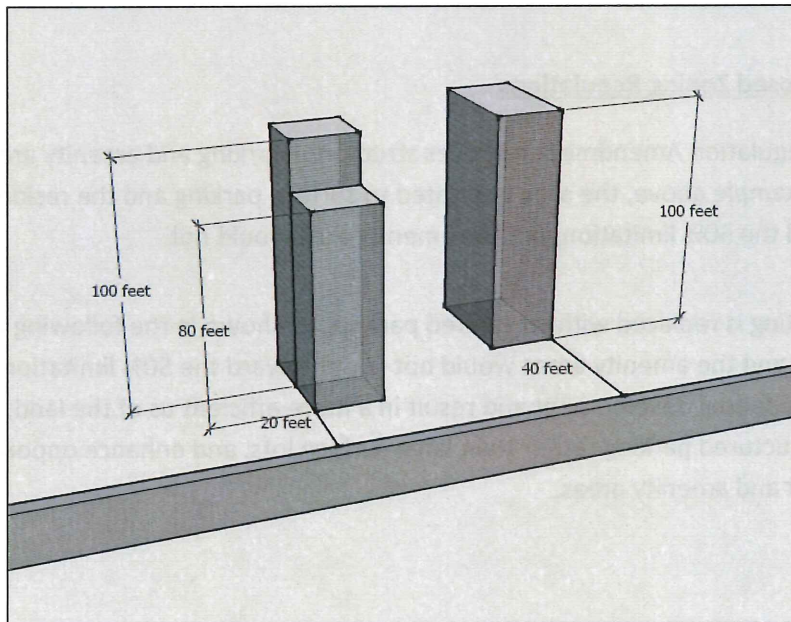
Sec. 127.4.E.2- Maximum Building Height

Existing Zoning Regulations

The existing regulations require the entire building to setback an additional 20 feet from the front property line when the building height exceeds 60 feet. See example below on the right side.

Proposed Zoning Regulations

The proposed Zoning Regulation Amendment incorporates a step back approach for the portion of the building that exceeds 80 feet, up to a maximum of 100 feet. This approach breaks up the mass associated with taller buildings and provides a more pedestrian oriented building scale with buildings near the front property line.



CB34-2016

I want to thank and congratulate the DPZ for their comprehensive analysis of the TOD zone's history and deficiencies—and their attempt to make it conform more to the concept of TOD shared by the rest of the world. Only the ill-conceived CAC zone has had more revisions.

In fact, the five rounds of changes that were made to the TOD regulations between 2004 and 2016 amount to basically 12 years of the county making changes to respond to specific property owner and developers who are chasing the market.

I first became aware of the TOD zone at a pre-submission meeting for the Annapolis Junction at Savage TOD site. Like most locals I was skeptical of the plans to plop a high density residential, commercial, retail center and hotel by a cement plant and junk autos, across busy Route 32 from a recycling processing center. I was skeptical when the plans called for a county funded garage. I was skeptical when no additional road improvements to gain access to the site were included. I was skeptical when all the expensive improvements based on a train station still did not include an actual train station—something folks who commute from Savage really desired. They did not desire the large number of apartments with no room in our local schools. They did not believe the zero-children assertion. But the real absurdity was hearing the developers brag that the apartment complex would ask the highest rents of any Maryland TOD—including Montgomery County's Symphony Station.

Imagine my incredulity when Mr. Oh at the Planning Board meeting wrung his hands and said things just can't be done as envisioned because there really isn't sufficient transportation at the location to draw the commercial/office/ hotel component. (Gosh, if there isn't enough transportation there—and virtually none at Laurel Race course TOD—what are we doing???? Was this just another plot to allow high density residential development conversion in our dwindling supply of manufacturing and industrial land.

The significant issues motivating the actions of the proponents and the responses of the Council and DPZ are emblematic of a larger problem. Howard County has up to this time failed to create a larger vision for its future and incorporate that vision into its Planning and Zoning process. James Rouse provided Howard County with a possible vision for its future. What has the county done with that vision? Patching holes in the ship will only help you to complete your journey if you know where you're going.

CB34-2016



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

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Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

April 14, 2016

TECHNICAL STAFF REPORT

Planning Board Meeting on April 28, 2016

Case No: ZRA-163

Petitioner: Jonathan Weinstein, Councilperson

Request: To amend Section 127.4.B.8 of the Transit Oriented Development (TOD) District regulations to delete the requirement that single-family attached dwellings may not occupy more than 40% of the residential development area within a TOD District encompassing at least 50 acres.

Case No: ZRA-166

Petitioner: Binder Rock, LLC

Request: To amend Section 127.4.F.2. of the TOD District regulations concerning Area Requirements for Residential Uses to remove amenity areas from the items in Section 127.4.F.2.b. that may not take up more than 50% of the developable acreage.

L BACKGROUND

The original TOD District regulations were proposed and adopted during the 2004 Comprehensive Zoning Plan (CZP) process. Along with the CAC District and the CE District, the TOD District was created in response to a Route 1 Corridor Revitalization Study, conducted around that time. The first TOD regulations were intended to encourage multi-story office centers located near MARC stations and mixed-use developments on larger sites, with apartments as the only allowable residential type. In the initial draft, apartments were only permitted in TODs of at least 15 acres. During the 2004 CZP process, the minimum land area was reduced to 10 acres and subsequently 5 acres in later drafts. Ultimately, the TOD District regulations were adopted allowing apartments "only within development encompassing at least 3 gross acres of TOD zoned land within a Route 1 Corridor development project."

Zoning Regulation Amendment ZRA-140 was submitted in 2012 and proposed a number of revisions. One revision allowed single family attached (SFA) dwelling units in larger TODs provided that: they were within a Route 1 Corridor transit oriented development project that encompassed at least 50 acres; the SFA units did not exceed 30% of all dwellings; and the SFA units did not consume more than 40% of the land area in the development. ZRA-140 was approved December 3, 2012 with the County Council

adding an amendment limiting one-story commercial uses to a maximum of 20,000 square feet.

During the 2013 CZP process, amendments to the TOD District were again proposed. Although most amendments were minor, two substantive ones were proposed. The first included a minimum density requirement of 20 dwelling units per net acre, which was intended to achieve higher residential densities. The second concerned amenity area requirements. Although regulations at that time addressed amenity areas, they lacked specifications. CZP 2013 amended Section 127.4.F.1, adding amenity area requirements that addressed minimum size, design, pedestrian and bicycle connections, and TODs larger than 25 acres.

The 2013 CZP Regulations became effective October 6, 2013, but in November, DPZ proposed an amendment (ZRA-147). It modified the Purpose Statement, clarifying that the intent of the district was not to preclude the use of smaller TOD parcels prior to their assemblage into a larger TOD development. The proposal also included light industrial uses as part of the nonresidential use mix. "Industrial Uses, Light" was added as a permitted use, subject to criteria listed in Section 127.4.B.14. During the Planning Board hearing for ZRA-147, a second permitted-use category for single-family attached dwellings in TODs was discussed and recommended. The single family attached use category applied to TODs greater than 3 acres, but less than 50 acres and they had to be located more than 2,500 feet from a MARC station. The recommendation was adopted and became Section 127.4.B.9.

II. DESCRIPTION AND EVALUATION OF PROPOSALS

Since both ZRA-163 and ZRA-166 propose changes to the TOD District, DPZ's evaluation is consolidated into a single staff report. The two ZRA proposals prompted DPZ to conduct an evaluation of the entire TOD Zoning District regulations to ensure they are achieving the intended results. This evaluation has revealed some aspects of the regulations that are ambiguous and/or contrary to the intent of the district. Therefore, DPZ is proposing amendments that incorporate the two ZRA requests, but also address unintended consequences and provide clarity.

Each ZRA is evaluated below and followed by DPZ's recommended revisions in Section III. The proposed amendments for both ZRA-163 and ZRA-166 are included in the attached Exhibit A – Petitioners' Proposed Text. DPZ's proposed text is included in the attached Exhibit B. (The text in [[brackets]] indicates text to be deleted).

ZRA-163 - Jonathan Weinstein

Section. 127.4.B.8

This section permits single-family attached dwellings in TODs 50 acres or larger, provided they do not exceed 30% of the total dwelling units and do not occupy more than 40% of the residential land area. The Petitioner proposes to delete the 40% limit.

DPZ recommends approval with revisions

DPZ agrees with the Petitioner that the 40% limit is unnecessary and duplicates the 30% dwelling unit

limit. It also favors one unit type over another, is arbitrary, and does not consider market demand.

The emphasis of the zoning district should be to achieve TOD supportive development, regardless of housing type; therefore, DPZ recommends deleting this requirement. However, DPZ recommends an additional amendment to this section to further address these conflicts. The description and evaluation can be found in Section III- DPZ RECOMMENDED REVISIONS.

ZRA 166 - Binder Rock, LLC

Section 127.4.F.2.

ZRA-166 would apply to a residential TOD three acres or larger. The Petitioner proposes deleting amenity areas from the list of items that cannot occupy more than 50% of developable land in a TOD.

DPZ recommends approval with revisions

This section limits the land area occupied by a residential building, parking lot, or amenity area in a TOD project to 50%. The Petitioner asserts that by "...including amenity space in the 50% limitation on developable acreage, developers must choose between building amenity areas or using that space for structures and parking,...the latter being important to the profitability and function of the project as a whole." The Petitioner also notes that the current regulation "...treats amenity space as a solely residential use, even though the amenity areas can be used people who are associated with the non-residential uses in the development."

DPZ agrees and contends that including amenity areas in the cap creates disincentives for public spaces and, therefore, recommends deleting this requirement. DPZ also recommends additional clarifications to conflicting and vague language, the description and evaluation of which can be found in Section III- DPZ RECOMMENDED REVISIONS.

III. DPZ RECOMMENDED REVISIONS

Overview of TOD Deficiencies

Comparison of the Howard County TOD District to TOD Districts Generally

Approaches to transit-oriented development (TOD) differ throughout the United States, given the diversity in transportation networks and the varied land use goals of state and local governments. However, as identified in a November 2014 report from the United States Government Accountability Office (GAO) entitled "Multiple Factors Influence Extent of Transit-Oriented Development" (the "GAO Report"), there are certain "common features" that are typically part of a TOD:

- Rail-based transit station such as a subway system, light-rail, or railroad.
- Public open spaces such as parks and transit-plazas.
- High quality streetscapes that encourage and enable walking and biking.
- Moderate to high mix of residential, commercial, civic and cultural uses.

-
- Residential buildings that can vary from small lot single-family, duplex, and townhome units to high-rise apartments.
 - Mixed use and employment developments.

A common approach to encourage TODs is to identify and plan for such uses in specific locations, often guided by small area plans or design guidelines. A common feature of such plans specifies minimum and maximum building heights, based on the desired development character. This approach helps guarantee the intensity and character of development - promoting more intensity near transit and “stepping-down” at perimeters, to be more compatible with surrounding development. Additionally, a TOD plan may not specify the location of certain land uses, but rather require a minimum and maximum level of residential and non-residential development. However, when a TOD is surrounded by existing residential development outside the TOD, it is more likely that compatible residential development will occur along the edges.

Disadvantages of the Howard County TOD Districts

The Howard County TOD District regulations are not based on an area plan; rather, they are governed by the TOD Zoning District requirements. A current disadvantage of Howard County’s TOD is that it contains prescriptive requirements dictating the mix of land uses. According to the GAO Report, under the section about Local Government Policies that Support Transit-Oriented Development, one important TOD policy is “responsiveness to market demand.” This was emphasized in the Charlotte, North Carolina case study of TOD development along a light-rail line. Unfortunately, the Howard County TOD regulations do not provide the flexibility needed to address market fluctuations and consequently may inhibit redevelopment.

TODs that have access to higher-volume transit stations, such as subway and light-rail, are generally more successful than lower volume transit stations. TODs in Howard County are located in close proximity to MARC stations on the Camden Line, which is predominantly a commuter line. There are five morning trains that run from Baltimore to Washington between 5:00 a.m. and 9:12 a.m. and four evening trains between 3:40 p.m. and 7:23 p.m. From Washington to Baltimore there are four morning trains between 6:32 a.m. and 9:08 a.m. and seven evening trains between 3:30 p.m. and 8:55 p.m. There is no midday, late night, or weekend service.

Given that a commuter line anchors the Howard County TODs, they will likely become more successful as residential and employment centers develop as transit origins and destinations. Some small retail and service uses may occur to serve the needs of residents and workers, but it is unlikely that the market will support a greater amount of commercial in these areas.

With respect to office uses, Howard County TODs are likely to compete with the Camden Line end points of Baltimore and Washington. Both destinations have large, healthy office and job markets, extensive shopping and entertainment uses, robust internal transit systems, and many cultural attractions. Therefore, office users in Howard County TODs need to consider the Baltimore and Washington as potential competitive markets.

Recommended Revisions

Section 127.4(A)

The current Purpose Statement contains contradictory language and lacks clarity of intent. DPZ recommends that it be simplified and amended to read as follows:

A. Purpose

The TOD District encourages the development and redevelopment of key parcels within 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of multi-use centers combining office and high-density residential developments that are located and designed for safe and convenient pedestrian access by commuters using MARC trains and other public transit links. The requirements of this district, in conjunction with the Route 1 Manual, will result in well-designed multi-use centers; combining office, high-density residential and commercial development that makes use of the commuting potential of the MARC system.

Section 127.4.B.8 and 127.4.B.9

DPZ believes that the percentage limitations on single-family attached development in Section 127.4.B.8. and Section 127.4.B.9. inhibit current market demand for residential development and are contrary to the intent of the district. The TOD Zoning District requires a minimum residential density of 20 dwelling units per net acre. The allocation of density to a specific residential housing type is not material to achieving the goals of a TOD. Rather, unit types should be determined by market conditions, not mandated by arbitrary restrictions. DPZ recommends that Section 127.4.B.8 be amended to delete the percentage requirements and permit single-family attached dwellings as a matter of right without restrictions. Section 127.4.B.9. is recommended to be deleted entirely.

Section 127.4.E

DPZ recommends two revisions in Section 127.4.E. Bulk Regulations. First, as described above, delete the percent limitations on single-family attached development in Section 127.4.B, thus an exception to the minimum residential density requirement in Section 127.4.E.1 should also be deleted. Second, amend the maximum building height in Section 127.4.E.2. Currently, the maximum height is 60 feet, but an increase up to 100 feet is allowed if the building is setback from the street an additional one foot for every two feet in height above 60 feet. The language as written does not reflect the intent to step the portion of the building over 60 feet back, as measured from the façade.

DPZ recommends keeping the 100 foot height maximum and requiring that the portion of the building above 80 feet be stepped back one foot from the front façade for every two feet of additional height. This allows the front of the building to remain at the desired setback and reduces the perceived bulk of the building. Additionally, changing the step back height from 60 feet to 80 feet in line with height limitations associated with stick built products.

Section 127.4.E

As noted in the evaluation of ZRA-166, DPZ agrees that including the amenity area in the 50% maximum residential area calculation is contrary to the intent of a TOD - to provide public spaces. Therefore, it should be deleted. DPZ proposes two other revisions to Section 127.4.F.2.b. The first addresses the inclusion of "parking" in the 50% maximum residential area calculation. The proposed revision applies surface parking to the residential area calculation rather than all parking types. This amendment is intended to provide an incentive for structured parking, which is preferred over surface parking.

The second revision is related to the inclusion of mixed-use residential developments in the 50% maximum area. The current text could be interpreted to include a mixed-use residential development, since it contains residential dwelling units. Mixed-use residential developments are encouraged in TOD developments. Therefore, to clarify the intent of these two provisions, DPZ recommends that Section 127.4.F.2.b. be amended as follows

- b. No more than 50% of the net acreage, excluding road right-of-way and open space shall be occupied by surface parking lots and residential buildings with 75% or more of the gross floor area devoted to residential uses.

IV. AGENCY COMMENTS

Comments from all other applicable agencies have not yet been received. Any comments received from these agencies before the Planning Board Public Hearing will be forwarded to the Planning Board members before the hearing date.

V. GENERAL PLAN

ZRA-163 - Jonathan Weinstein

The petitioner asserts that ZRA 163 is in harmony with the following *PlanHoward 2030* (General Plan) policy:

Policy 9.2 Housing

"Expand full spectrum housing for residents of diverse income levels and life stages, and for individuals with disabilities, by encouraging high quality, mixed income, multigenerational, well designed, and sustainable communities."

Eliminating the restriction on single family attached dwellings would result in more diverse mixes of housing types that are available to different income levels and, therefore, DPZ agrees that ZRA-163 is in harmony with Policy 9.2 of *PlanHoward 2030*.

ZRA 166 - Binder Rock, LLC

DPZ does not agree with the Petitioner's assertion that *PlanHoward 2030* does not address amenity spaces. Section 10 of the General Plan - Creating More Complete Communities, clearly states that a Complete Community should "Contain vibrant public spaces and activity-filled destinations as well as access to green space and natural areas." DPZ does agree the current restriction is a disincentive to provide public spaces, and by eliminating that requirement, TODs will be more likely to provide quality public amenities and spaces.

DPZ's Recommended Revisions and ZRAs

The revisions to zoning regulations described in this report are in harmony with Policy 10.4, Implementation Action A, and Policy 10.2:

Policy 10.4 Community Design

"Review and update all County development regulations to respond to County General Plan development goals and changing market conditions, and to improve the efficiency of the County's review process."

Implementation Action A

"Develop Zoning Regulations that better address infill and redevelopment goals and issues."

Policy 10.2 Community Design

"Focus growth in Downtown Columbia, Route 1 and Route 40 Corridors, and some Columbia Village Centers, as well as some older commercial or industrial areas which have redevelopment potential."

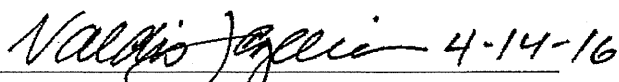
The proposed zoning regulations amendment address current market demand for single family attached housing and eliminate requirements that inhibit infill and redevelopment in underutilized areas. The current 50% cap on land devoted to amenity areas and structured parking reduces the building envelope for residential land uses and inhibits the redevelopment potential of properties within TODs. The revisions to the zoning regulations will aid the success of TODs in Targeted Growth areas by allowing for more market-driven development, rather than arbitrary restrictions based on housing types.

VI. RECOMMENDATION

APPROVAL WITH REVISIONS

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-163 and ZRA-166 be **APPROVED WITH REVISIONS** as identified in Section III.

Approved by:


Valdis Lazdins, Director 4-14-16
Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

Exhibit A – Petitioners’ Proposed Text

ZRA-163 – Jonathan Weinstein, Councilperson

Section 127.4.B.8.

8. Dwellings, single-family attached, only within a TOD development project encompassing at least 50 acres, not to exceed 30% of the total number of dwelling units within the project. [[and further subject to the requirement that such dwellings not occupy more than 40% of the residential development area within the project.]]

ZRA-166 – Binder Rock, LLC

Section 127.4.F.2.b.

- b. No more than 50% of the developable acreage, excluding road right-of-way and open space shall be devoted to residential buildings[[,]] AND parking [[and amenity areas]].

Exhibit B – DPZ’s Recommended Text

SECTION 127.4: - TOD (Transit Oriented Development) District

A. Purpose

The TOD District provides for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of multi-use centers combining office and high-density residential development that are located and designed for safe and convenient pedestrian access by commuters using the MARC Trains and other public transit links. [[For sites of least 50 acres, well-designed multi-use centers combining office, high-density residential development with a diversity of dwelling unit types, and retail uses are encouraged.]] The requirements of this district, in conjunction with the Route 1 Manual [[and the vehicular and pedestrian improvements that connect internally and with surrounding developments,]] will result in WELL-DESIGNED MULTI-USE CENTERS COMBINING OFFICE, HIGH-DENSITY RESIDENTIAL AND COMMERCIAL development that makes use of the commuting potential of the MARC system. [[, creates attractive employment or multi-use centers, and provides for safe and convenient pedestrian travel.]]

Many parcels in the TOD District were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the TOD District. Additionally, because TOD developments are most effective when comprehensively planned for larger parcels of land surrounding a MARC Station, it is neither the intent of these requirements to encourage smaller, piecemeal TOD developments nor disallow the beneficial use of undeveloped TOD District parcels during the period of time prior to a larger TOD development being assembled. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as a mix of residential and nonresidential uses are redeveloped or expanded. Certain light industrial uses or lower density residential units may also be appropriate with the mix of TOD uses if properly located so as to not overly reduce the available land area for the more dense mix of uses at the core of the TOD development, closer to the MARC Station. {Council Bill 1-2014(ZRA-147) Effective 4/7/2014}

B. Uses Permitted as a Matter of Right

1. Ambulatory health care facilities, including pharmacies incidental to these uses.
2. Athletic facilities, commercial
3. Biomedical laboratories.
4. Commercial communication antennas.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Data processing and telecommunication centers.
7. Dwellings, apartment.
8. Dwellings, single-family attached. [[, only within a TOD development project encompassing at least 50 acres, not to exceed 30% of the total number of dwelling units within the project and further subject to the requirement that such dwellings not occupy more than 40% of the residential development area within the project.]]

[[9. Dwellings, single-family attached, within a TOD Development Project greater than 3 acres and encompassing less than 50 acres that is entirely located more than 2,500 feet from a MARC Station, provided that the minimum density shall not apply and that such dwellings shall not occupy more than 40% of the gross development area of such a project.]]

9. Flex space.
10. Government structures, facilities and uses, including public schools and colleges.
11. Horse racetrack facilities.
12. Hotels, motels, country inns and conference centers.
13. Industrial Uses, light, provided that: The property is at least 30 acres or greater and fronts on and has direct access to an arterial or collector highway; adjoins other properties developed with existing light industrial uses; the light industrial use is principally conducted within a building with a maximum building height of 50 feet; the proposed industrial development does not include a proposal for any dwelling units within the same project; and; the light industrial development is at the periphery of the TOD District, well separated from the MARC Station.
14. Offices, professional and business.
15. Parking facilities that serve adjacent off-site uses in accordance with Section 133.0.B.
16. Religious facilities, structures and land used primarily for religious activities.
17. Research and development establishments.
18. Restaurants, carryout, including incidental delivery services.
19. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
20. Schools, commercial.
21. Schools, private academic, including colleges and universities.
22. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
23. Volunteer fire departments.
{Council Bill 1-2014(ZRA-147) Effective 4/7/2014}

C. Commercial Uses Permitted With Limitations

The following commercial uses are permitted as a matter of right in any multistory building or parking structure or in a single-story building or parking structure having a minimum height of 20 feet. One-story commercial uses shall be limited to a maximum of 20,000 square feet of total building area.

1. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions without a drive-through, except that single lane drive-through service shall be permitted provided that there shall be no portion of drive-through service visible from a public road.
2. Blueprinting, printing, duplicating or engraving services.
3. Child day care centers and nursery schools.
4. Laundry and dry cleaning establishments.
5. Personal service establishments.

6. Pizza delivery services and other services for off-site delivery of prepared food.
7. Restaurants, fast food without a drive-through.
8. Retail establishments, limited to convenience stores, food stores, drug and cosmetic stores, liquor stores and specialty stores.
9. Service agencies.

D. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
3. Home occupations, subject to the requirements of Section 128.C.
4. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
5. Accessory Solar Collectors.

E. Bulk Regulations

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. [[Except as provided in Section 127.4.B, m]] Minimum residential density is 20 units per net acre of residential development. {Council Bill 1-2014(ZRA-147)Effective 4/7/2014}
2. Maximum building height
 - [[a. Structure with minimum setback from a public street right-of-way.....60 feet
 - b. Structure with an additional 1 foot of setback from a public street right-of-way for the portion of the structure over 60 feet for every 2 feet of additional height100 feet]]

100 FEET. HOWEVER THE PORTION OF THE BUILDING THAT EXCEEDS 80 FEET IN HEIGHT SHALL BE SET BACK 1 FOOT BEHIND THE FAÇADE THAT FACES A PUBLIC STREET RIGHT-OF-WAY FOR EVERY 2 FEET OF ADDITIONAL HEIGHT.
3. Minimum setbacks for development complying with the Route 1 Manual

The following minimum setback requirements apply to sites that comply fully with the Manual's requirements:

- a. Minimum setbacks from public street right-of-way
 - (1) From arterial
 - (a) Principal structures20 feet
 - (b) All other structures and uses30 feet
 - (2) From other public street right-of-way
 - (a) All structures and uses (except surface parking)10 feet
 - (b) Surface parking20 feet
- b. Minimum setbacks from vicinal properties:
 - (1) From a residential district: All structures and uses30 feet
 - (2) From all other zoning districts:

(a) Structures containing residences30 feet

(b) All other structures and uses0 feet

(3) If a TOD District is separated from another zoning district by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

4. Minimum distances between residential buildings

The following minimum distances shall be maintained between any buildings containing residences (even if the buildings include other uses also):

a. Side to side15 feet

b. All other façade to façade relationships30 feet

5. Minimum setback requirements for sites not complying with the use provisions of the TOD District and the Route 1 Manual.

The following minimum setback requirements apply to sites developed prior to the creation of the TOD District that do not comply or only partially comply with the Howard County Landscape Manual and the Route 1 Manual:

a. From external public street right-of-way

(1) Structures and uses50 feet

(2) Except for parking uses and fences adjoining parking uses30 feet

b. From internal public street right-of-way

(1) Structures and uses50 feet

(2) Except for parking uses and fences adjoining parking uses10 feet

c. From any residential district: All structures and uses100 feet

d. If a residential district is separated from the TOD District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

F. Requirements for TOD Development

1. Amenity Area

TOD developments shall include an amenity area or areas that are a minimum of 10% of the net site acreage. The amenity area shall include seating and trees. The number of seating areas and trees shall increase proportionately to the increase in size of the amenity area. No amenity area shall be smaller than 0.25 acre. Amenity areas on the site shall be connected by pedestrian and bicycle improvements that link with existing and future connections to surrounding developments.

Sites larger than 25 acres must provide well-designed recreational areas for both children's and adult's activities. On sites larger than 25 acres, one amenity area must be designed as a civic gathering place large enough to accommodate such activities as community picnics, concerts, fairs and similar events.

2. Area Requirements for Residential Uses

a. Residences are permitted only within a development project encompassing at least 3 gross acres of TOD-zoned land.

b. No more than 50% of the [[developable]] NET acreage, excluding road right-of-way and open space shall be [[devoted to]] OCCUPIED BY SURFACE PARKING LOTS

AND [[residential]] buildings WITH 75% OR MORE OF THE GROSS FLOOR AREA DEVOTED TO RESIDENTIAL USES. [[, parking and amenity areas.]]

c. Moderate Income Housing Units.

At least 15% of the dwelling units shall be Moderate Income Housing Units.

G. Compliance with Route 1 Manual

1. New Development

New development in the TOD District shall comply with the standards of the Route 1 Manual.

2. Alterations to Existing Uses Requiring Compliance with the Route 1 Manual

a. The following minor alterations or enlargements are exempt from complying with the Route 1 Manual:

- (1) Expansion of a building by 10% or less of the floor area of the building on April 13, 2004, up to a maximum of 5,000 square feet of floor area.
- (2) Building repairs, repaving or restriping parking areas, and other maintenance or repair that does not enlarge a building or use.
- (3) Removal of parking areas, driveways or other paved areas.
- (4) A change in the use of an existing building to a use permitted in this district, if the department of planning and zoning determines, in accordance with the Subdivision and Land Development Regulations, that no changes to site improvements are required.
- (5) Other minor alterations to a developed site that do not require a Site Development Plan or a revision to an approved Site Development Plan. This includes alterations approved through a waiver of the Site Development Plan requirement or a red-line revision to an existing Site Development Plan.

b. Other than the above exceptions, any alteration or enlargement of an existing use must comply with the Route 1 Manual. The following standards determine the extent to which improvements must be brought into compliance with the Route 1 Manual. Additional guidance is provided in the Manual.

(1) Expansion Of Existing Improvements

If buildings and/or site improvements are expanded, the site shall be brought into compliance with the Route 1 Manual in equal proportion to the percentage of the site impacted by the expansion. (For example, if the expansion impacts 20% of the site, 20% of the existing improved area shall be brought into compliance with the manual.) The area impacted by the expansion includes the square foot area of building additions and additional parking, loading, driveways or infrastructure, and land cleared or graded.

(2) Site Improvements That Do Not Alter Buildings

If alterations or enlargements are limited to site improvements that do not involve buildings, existing buildings are not required to be brought into compliance with the Route 1 Manual.

(3) Building Expansions

Expanded buildings shall be brought into compliance with the Route 1 Manual to the extent possible, including design and location of the addition. Relocation or reconstruction of existing buildings is not required.

- c. A site that does not fully comply with the Route 1 Manual is subject to the bulk requirements in Subsection E.4 above.

H. Conditional Uses

Conditional Uses in the TOD district are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

Subject: Planning Board Recommendations

**ZRA-163 & ZRA 166 (Jonathan Weinstein, Councilperson and Binder Rock, LLC)
ZRA-164 (Calvin Ball, Councilperson)**

To: Recipients of Planning Board Recommendations

From: Toni Sieglein 
Division of Public Service and Zoning Administration

Date: May 23, 2016

Attached are the Planning Board Recommendations for ZRA-164, ZRA-163 and ZRA-166. Should you have any questions, please contact this office at 2350.

cc: Diane Wilson, Chief of Staff
Gary Kuc, County Solicitor
Paul Johnson, Deputy County Solicitor
Howard County Council
Robin Regner, Administrative Assistant to Zoning Board
Jennifer Sager, Legislative Coordinator
Theodore Wimberly – Legislative Assistant

:tms
Attachment

1 JONATHAN WEINSTEIN, COUNCILPERSON * BEFORE THE
2 AND BINDER ROCK, LLC * PLANNING BOARD OF
3 ZRA-163 AND ZRA-166 * HOWARD COUNTY, MARYLAND

4 * * * * *

5 MOTION: *To recommend approval for the Petitioners' Zoning Regulation*
6 *Amendments and the additional revisions to the TOD District regulations as*
7 *recommended by the Department of Planning and Zoning.*

8 ACTION: *Recommended approval; Vote 4 to 0.*

9 * * * * *

10 On April 28, 2016, the Planning Board of Howard County, Maryland, considered the petition of
11 Jonathan Weinstein, Councilperson to amend Section 127.4.B.8 to delete the requirement that single-family
12 attached dwellings may not occupy more than 40% of the residential development area within a TOD District
13 encompassing at least 50 acres and the petition of Binder Rock, LLC to amend Section 127.4.F.2.b to remove
14 amenity areas from the items that may not take up more than 50% of the developable acreage in the TOD
15 District. Furthermore, DPZ proposed amendments to the TOD District to make the regulations more
16 responsive to market demand and to clarify language that did not achieve the District's purpose.

17 The Planning Board reviewed and considered both ZRA Petitions, the Department of Planning and
18 Zoning ("DPZ") Technical Staff Report, and comments of reviewing agencies as well as members of the
19 public. DPZ recommended approval of the petitions and approval of the additional amendments proposed by
20 DPZ staff.


21 Binder Rock, LLC was represented by Sang Oh. Mr. Oh stated that his client supports all the
22 recommendations made by DPZ in the Technical Staff Report. There was no testimony in opposition to the
23 petitions or the additional amendments proposed by DPZ.

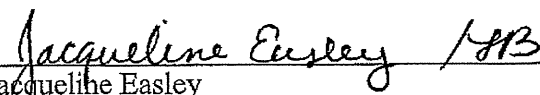
24 During the worksession on the proposals, the Planning Board expressed that it found all the
25 amendments to be straightforward and reasonable. The Board was especially supportive of the revision to the
26 building height requirement and the revision to provide an incentive for structured parking. Members of the
27 Board expressed hope that the recommended amendments are sufficiently comprehensive so the TOD District
28 regulations will not need additional changes in the future.

29 Ms. Adler made the motion to recommend approval of the petitions and the DPZ amendments as
30 recommended by DPZ in the Technical Staff Report. Ms. Roberts seconded the motion. The motion passed by
31 a vote of 4 to 0.

1 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this ^{23rd} ~~19th~~ day of
2 May, 2016, recommends that ZRA-163, ZRA-166, and the DPZ recommended amendments to the TOD
3 District, as described above, be APPROVED.

4
5 HOWARD COUNTY PLANNING BOARD

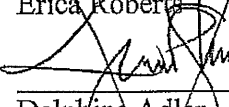
6 
7 _____
8 Bill Santos, Chairman

9 
10 _____
11 Jacqueline Easley

12 ABSENT

13 _____
14 Phillips Engelke

15 
16 _____
17 Erica Roberts

18 
19 _____
20 Delphine Adler

21 ATTEST:

22 
23 _____
24 Valdis Lazdins, Executive Secretary



**PETITION TO AMEND THE
ZONING REGULATIONS OF
HOWARD COUNTY**

DPZ Office Use Only:
Case No. ZRA- 163
Date Filed: 10-8-15

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: Amend Section 127.4.B.8., to remove requirement that single-family attached dwellings may not occupy more than 40% of the residential development area within a project in the TOD zone.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Jonathan Weinstein, Councilperson

Address 3430 Courthouse Drive, Ellicott City, MD 21043

Phone No. (W) (410) 313-2001 (H) _____

Email Address jweinstein@howardcountymd.gov

3. Counsel for Petitioner Paul Johnson, Esq.

Counsel's Address 3430 Courthouse Drive, Ellicott City, MD 21043

Counsel's Phone No. (410) 313-2100

Email Address pjohnson@howardcountymd.gov

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed

To remove the restriction on TOD projects that limits the construction of single-family attached dwelling units to 40% of the total residential development area. This restriction is duplicative of the requirement that single-family attached units will not exceed 30% of the total number of dwelling units built and precludes projects in the TOD zone from constructing single-family attached units in proportion to the required apartments.

2015 OCT -8 PM 3:15
HOWARD COUNTY DEPARTMENT OF ZONING

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County _____

The proposed amendment is consistent with Plan Howard 2030 Policy 9.2 – *Expand full spectrum housing for residents of diverse income levels and life stages, and for individuals with disabilities, by encouraging high quality, mixed income, multigenerational, well designed, and sustainable communities.* Diversity of housing is essential to the creation of stable communities. By removing the area restriction on single-family attached units, this amendment will allow residents in TOD projects to have housing options within their community. In order to provide mixed income and multigenerational communities in the TOD zone, it will be necessary to diversify the housing stock available. While apartments will continue to be the predominant housing unit in TOD, increased flexibility in the construction of single-family attached units will bolster the diversity goals set forth in Policy 9.2. Similarly, the proposed amendment is consistent with the goal of providing the full spectrum of housing described in Policy 9.2. While the original intent of the TOD zone may have been to provide proportionate single-family attached units to a majority of apartments, the area restriction has drastically, and arbitrarily, limited the former, creating projects that are almost exclusively apartment buildings. This amendment clarifies the targeted proportionality of apartments and single-family attached units for the TOD zone (70% and 30% respectively) and broadens the spectrum of housing available within TOD communities.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. _____

The purpose of this amendment is to create stable communities with proportional apartments and single-family attached units in the TOD zone. Apartments, in the absence of single-family attached units, tend to have high turn-over amongst residents. Single-family attached units are more commonly owner-occupied with less turn-over. A sufficient balance between the two would allow residents to stay within their own neighborhood through multiple life stages, provide stability amongst residents, and foster community development.

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s). Same as above

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes.

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

There is only one TOD project in Howard County at this time, but this amendment will be beneficial to all future TOD projects for the reasons stated above.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. _____

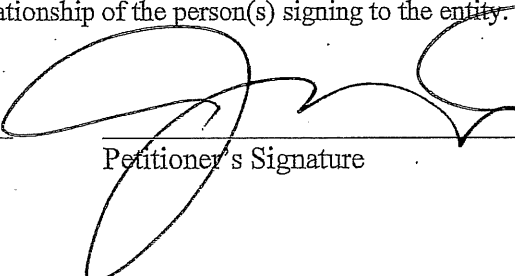
[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in **[[Double Bold Brackets]]**. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Jonathan Weinstein, Councilperson
Petitioner's name (Printed or typed)


Petitioner's Signature

10/6/15
Date

Paul T. Johnson
Paul T. Johnson, Counsel for Petitioner

10/6/15

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee.....\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night.....\$510.00*

The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty four (24) copies along with attachments.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised:07/12
T:\Shared\Public Service and Zoning\Applications\County Council\ ZRA Application

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: Jonathan Weinstein

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, _____, the applicant in the above zoning matter
_____, HAVE _____, HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: _____

Signature: _____

Date: _____

PETITIONER: Jonathan Weinstein

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: _____

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: _____

Signature: _____

Date: _____

PETITIONER: Jonathan Weinstein

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, _____, the applicant in the above zoning matter
_____, AM _____, AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: _____

Signature: _____

Date: _____

Attachment A

Section 127.4.B.8.

8. Dwellings, single-family attached, only within a TOD development project encompassing at least 50 acres, not to exceed 30% of the total number of dwelling units within the project. [[and further subject to the requirement that such dwellings not occupy more than 40% of the residential development area within the project.]]



**PETITION TO AMEND THE
ZONING REGULATIONS OF
HOWARD COUNTY**

DPZ Office Use Only:
Case No. ZRA- 166
Date Filed: 2-26-16

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: Amend Section 127.4.F.2.b., to remove "amenity areas" from 50% limitation on developable acreage.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Binder Rock, LLC

Address 6800 Deerpath Road, Suite 100, Elkridge, Maryland 21075

Phone No. (W) 0 (H) _____

Email Address _____

3. Counsel for Petitioner Sang W. Oh, Esq.

Counsel's Address 5100 Dorsey Hall Drive, Ellicott City, MD 21042

Counsel's Phone No. (410) 964-0300

Email Address soh@talkin-oh.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed _____

This amendment removes the disincentive for amenity space in the TOD zone. As currently written, Section 127.4.F.2.b. deters developers in the TOD from exceeding the minimum amenity space required under Section 127.4.F.1. By including amenity space in the 50% limitation on developable acreage, developers must choose between building amenity areas or using that space for structures and parking, and; the latter being important to the profitability and function of the project as a whole. Furthermore, amenity areas are used by both residential and commercial components of TOD projects. Section 127.4.F.2.b., does not reflect this fact and instead treats amenity space as a solely residential use. The proposed amendment corrects this incongruity by removing it from the 50% limitation on residential uses.

2016 FEB 26 AM 10:15

RECEIVED
HOWARD COUNTY COUNCIL

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County _____
PlanHoward 2030 (“PlanHoward”) does not address amenity space specifically, but there is general encouragement of the creation of “amenity-rich” developments. PlanHoward also explicitly states that future updates of the Howard County Zoning Regulations should consider “redevelopment flexibility and amenity requirements” as a possible area in need of amendment. PlanHoward at 142. The proposed amendment would be entirely consistent and in harmony with PlanHoward 2030 by removing the disincentive on amenity space in the TOD.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled “Response to Section 5”]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of “...preserving and promoting the health, safety and welfare of the community.” Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. _____
Amenity areas are intended for the use and enjoyment of the public. By removing amenity areas from the 50% limitation on developable area, the criteria would allow, and even encourage, developers to exceed the minimum amenity space required under Section 127.4.F.1.

[You may attach a separate document to respond to Section 6. If so, this document shall be titled “Response to Section 6.”]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) Same as above

[You may attach a separate document to respond to Section 7. If so, this document shall be titled “Response to Section 7.”]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes.

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

There is only one TOD project in Howard County at this time, but this amendment will be beneficial to all future TOD projects for the reasons stated above.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. _____

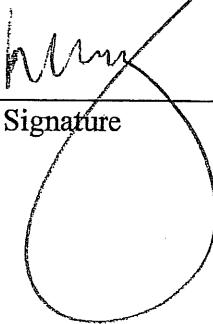
[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[Double Bold Brackets]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Binder Rock, LLC
Petitioner's name (Printed or typed)


Petitioner's Signature

2/26/16
Date

Sang W. Oh/TGC
Sang W. Oh, Counsel for Petitioner

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee.....\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night.....\$510.00*

The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty four (24) copies along with attachments.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised:07/12

T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the **AFFIDAVIT AS TO CONTRIBUTION** that is attached, and if you have made a contribution as described in the Affidavit, please complete the **DISCLOSURE OF CONTRIBUTION** that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the **DISCLOSURE OF CONTRIBUTION** that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: Binder Rock, LLC

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Binder Rock, LLC, the applicant in the above zoning matter
_____, HAVE X _____, HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Miguel Lopez
Signature: [Handwritten Signature]
Date: 2/20/16

PETITIONER: Binder Rock, LLC

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR PARTY OF RECORD: Binder Rock, LLC

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>N/A</u>		

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: Michael Long
Signature: [Signature]
Date: 2/26/16

PETITIONER: Binder Rock, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Binder Rock, LLC, the applicant in the above zoning matter

_____, AM

X, AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: _____
Signature: _____
Date: 2/26/16

**Proposed Text
TOD ZRA**

Amend Section 127.4.F.2.b. as follows:

- b. No more than 50% of the developable acreage, excluding road right-of-way and open space shall be devoted to residential buildings[,] **AND** parking [and amenity areas].

Example of How Text of Section 127.4.F.2.b. Would Appear Normally if Adopted:

- b. No more than 50% of the developable acreage, excluding road right-of-way and open space shall be devoted to residential buildings and parking.