

Introduced Nov 5, 2012
Public hearing Nov. 19, 2012
Council action Dec. 3, 2012
Executive action Dec 5, 2012
Effective date Feb 4, 2013

County Council of Howard County, Maryland

2012 Legislative Session

Legislative day # 14

BILL NO. 38 – 2012 (ZRA – 140)

**Introduced by the Chairperson
at the request of
Kellogg CCP LLP, c/o Preston Scheffenacker Properties, Inc.**

AN ACT amending the Howard County Zoning Regulations to permit the TOD District regulations to allow multi-family dwellings as a permitted use subject to certain criteria; amending the commercial use requirements concerning the building-type; allowing drive-through services subject to certain criteria; generally relating to residential and commercial uses in the TOD zoning district; and generally relating to the Zoning Regulations.

Introduced and read first time November 5, 2012. Ordered posted and hearing scheduled.

By order Stephen M LeGendre
Stephen LeGendre, 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 November 19, 2012 and concluded on _____, 2012.

By order Stephen M LeGendre
Stephen LeGendre, Administrator to the County Council

This Bill was read the third time December 3, 2012 and Passed ☒, Passed with amendments ☐, Failed ☐.

By order Stephen M LeGendre
Stephen LeGendre, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this 4th day of December, 2012 at 12:00 a.m./p.m.

By order Stephen M LeGendre
Stephen LeGendre, Administrator to the County Council

Approved/vetoed by the County Executive on Dec 5, 2012.

Ken Ulman
Ken Ulman, County Executive

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

3
4 *By amending:*

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

6 *Subsection A. "Purpose"*

7 *Subsection B. "Uses Permitted as a Matter Of Right"*

8 *Subsection C. "Commercial Uses Permitted With Limitations"*
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12 **Howard County Zoning Regulations**
13

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

16 **A. Purpose**
17

18 This district provides for the development and redevelopment of key parcels of land within
19 3,500 feet of a MARC Station. The TOD district is intended to encourage the development of
20 multistory office centers that are located and designed for safe and convenient pedestrian access
21 by commuters using the MARC [[TRAINS]] TRAINS and other public transit links. For larger
22 sites of at least 3 acres, well-designed multi-use centers combining office and high-density
23 residential development are encouraged. FOR SITES OF AT LEAST 50 ACRES, WELL-DESIGNED
24 MULTI-USE CENTERS COMBINING OFFICE, HIGH-DENSITY RESIDENTIAL DEVELOPMENT WITH A
25 DIVERSITY OF DWELLING UNIT TYPES, AND RETAIL USES ARE ENCOURAGED. The requirements
26 of this district, in conjunction with the Route 1 Manual, will result in development that makes
27 use of the commuting potential of the MARC system, creates attractive employment or multi-
28 use centers, and provides for safe and convenient pedestrian travel.
29

30 Many parcels in the TOD district were developed before this district was created. it is not the
31 intent of these requirements to disallow the continued use of sites developed prior to the TOD
32 district. The intent of this district will be achieved by bringing sites into compliance with these
33 requirements and the standards of the Route 1 Manual as uses are redeveloped or expanded.

1 **B. Uses Permitted As A Matter Of Right**

- 2 1. Ambulatory health care facilities, including pharmacies incidental to these uses.
- 3 2. Athletic centers, health clubs, tennis clubs, and similar uses.
- 4 3. Biomedical laboratories.
- 5 4. Commercial communication antennas.
- 6 5. Conservation areas, including wildlife and forest preserves, environmental
7 management areas, reforestation areas, and similar uses.
- 8 6. Data processing and telecommunication centers.
- 9 7. Dwellings, apartment, only within developments encompassing at least 3 gross acres of
10 TOD zoned land within a Route 1 Corridor development project.
- 11 8. DWELLINGS, SINGLE-FAMILY ATTACHED, ONLY WITHIN A ROUTE 1 CORRIDOR
12 DEVELOPMENT PROJECT ENCOMPASSING AT LEAST 50 ACRES, NOT TO EXCEED THIRTY
13 (30) PERCENT OF THE TOTAL NUMBER OF DWELLING UNITS WITHIN THE PROJECT AND
14 FURTHER SUBJECT TO THE REQUIREMENT THAT SUCH DWELLINGS NOT OCCUPY MORE
15 THAN FORTY (40) PERCENT OF THE RESIDENTIAL DEVELOPMENT AREA WITHIN THE
16 PROJECT.
- 17 [[8]]9. Flex space.
- 18 [[9]]10. Government structures, facilities and uses, including public schools and colleges.
- 19 [[10]]11. Horse racetrack facilities.
- 20 [[11]]12. Hotels, motels, country inns and conference centers.
- 21 [[12]]13. Offices, professional and business.
- 22 [[13]]14. Parking facilities that serve adjacent off-site uses in accordance with Section 133.B.4.
- 23 [[14]]15. Research and development establishments.
- 24 [[15]]16. Restaurants, carryout, including incidental delivery services.
- 25 [[16]]17. Restaurants, standard, and beverage establishments, including those serving beer,
26 wine and liquor for consumption on premises only.
- 27 [[17]]18. Schools, commercial, limited to business schools and trade schools.
- 28 [[18]]19. Schools, private academic, including colleges and universities.
- 29 [[19]]20. Underground pipelines; electric transmission and distribution lines; telephone,
30 telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and
31 other similar public utility uses not requiring a conditional use.
- 32 [[20]]21. Volunteer fire departments.

1 C. Commercial Uses Permitted With Limitations

2
3 The following commercial uses are permitted as a matter of right in any building or parking
4 structure having ~~[[four or more]]~~ MULTIPLE stories OR IN A SINGLE-STORY BUILDING OR
5 PARKING STRUCTURE HAVING A MINIMUM HEIGHT OF 20 FEET. ONE-STORY COMMERCIAL
6 USES SHALL BE LIMITED TO A MAXIMUM ~~LAND AREA OF EIGHT PERCENT OF THE TOD GROSS~~
7 ~~ACREAGE, NOT TO EXCEED 25,000 SQUARE FEET OF BUILDING AND SURFACE PARKING OF~~
8 20,000 SQUARE FEET OF TOTAL BUILDING AREA. ~~[[These uses shall be restricted to a~~
9 cumulative area not exceeding 15 percent of the floor area of the building.

10
11 The maximum floor area for these uses increases to 25 percent of each building within a Route
12 1 Corridor development project that includes at least 15 gross acres of land in the TOD
13 district.]]

- 14
15 1. Banks, savings and loan associations, investment companies, credit bureaus, brokers,
16 and similar financial institutions without a drive-through~~[[.]],~~ EXCEPT THAT SINGLE
17 LANE DRIVE-THROUGH SERVICE SHALL BE PERMITTED PROVIDED THAT THERE SHALL
18 BE NO PORTION OF DRIVE THROUGH SERVICE VISIBLE FROM A PUBLIC ROAD.
19 2. Blueprinting, printing, duplicating or engraving services.
20 3. Child day care centers and nursery schools.
21 4. Laundry and dry cleaning establishments without delivery services.
22 5. Personal service establishments such as barber and beauty shops, opticians,
23 photographers, tailors.
24 6. Pizza delivery services and other services for off-site delivery of prepared food.
25 7. Restaurants, fast food without a drive-through~~[[.]],~~ EXCEPT THAT SINGLE LANE DRIVE-
26 THROUGH SERVICE SHALL BE PERMITTED PROVIDED THAT THERE SHALL BE NO
27 PORTION OF DRIVE THROUGH SERVICE VISIBLE FROM A PUBLIC ROAD.
28 8. Retail establishments, limited to convenience stores, food stores, drug and cosmetic
29 stores, liquor stores and specialty stores.
30 9. Service agencies, such as real estate agencies, insurance and financial services, security
31 services, messenger services, computer services, travel agencies, and mailing services.
32
33

1 **Section 2. Be it further enacted** by the County Council of Howard County, Maryland, that the Director of
2 the Department of Planning and Zoning is authorized to publish this Act, to correct obvious errors in
3 section references, numbers and references to existing law, capitalization, spelling, grammar, headings
4 and similar matters.

5

6 **Section 3. And be it further enacted** by the County Council of Howard County, Maryland, that the
7 provisions of this act shall become effective 61 days after enactment.

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Amendment 1 to Council Bill No. 38 -2012

BY: Chairperson at the request
of the County Executive

Legislative Day No. 15
Date: December 3, 2012

Amendment No. 1

(This amendment:

- (1) Changes the maximum size requirement for commercial uses within a proposed TOD district; and*
- (2) Removes an exception that would allow single lane, drive-through restaurant service under certain conditions.)*

- 1 On page 3, strike beginning with "LAND" in line 6 down through "PARKING" in line 7 and
- 2 substitute "OF 20,000 SQUARE FEET OF TOTAL BUILDING AREA"
- 3
- 4 On page 3, in line 25, strike the brackets around the period and strike beginning with ", EXCEPT"
- 5 down through "ROAD." in line 27.

ADOPTED December 3, 2012
FAILED _____
SIGNATURE Stephen M. Bender

Introduced _____
Public hearing _____
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Executive action _____
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By order _____
Stephen LeGendre, Administrator to the County Council

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By order _____
Stephen LeGendre, Administrator to the County Council

This Bill was read the third time _____, 2012 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Stephen LeGendre, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2012 at _____ a.m./p.m.

By order _____
Stephen LeGendre, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2012.

Ken Ulman, 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.

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7 provisions of this act shall become effective 61 days after enactment.

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BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on December 5, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council