

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

County Council of Howard County, Maryland

2013 Legislative Session

Legislative day # 2

BILL NO. 6 – 2013 (ZRA – 143)

**Introduced by the Chairperson
at the request of Normandy Venture Limited Partnership**

AN ACT amending the Howard County Zoning Regulations' TNC (Traditional Neighborhood Center) overlay district to expand the permitted uses and change the bulk regulations; and generally related to the TNC overlay district.

Introduced and read first time _____, 2013. Ordered posted and hearing scheduled.

By order _____
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 _____, 2013 and concluded on _____, 2013.

By order _____
Stephen LeGendre, Administrator to the County Council

This Bill was read the third time _____, 2013 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 _____, 2013 at _____ a.m./p.m.

By order _____
Stephen LeGendre, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2013.

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.

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 127.6: “TNC (Traditional Neighborhood Center) Overlay District”
6

7
8 **Howard County Zoning Regulations**

9
10 **SECTION 127.6: TNC (TRADITIONAL NEIGHBORHOOD CENTER)**
11 **OVERLAY DISTRICT**

12
13 **A. PURPOSE**

14
15 This district is intended to provide for the development of pedestrian-oriented, urban activity
16 centers with a mix of retail, service, office and residential uses. These centers should be located
17 near Route 40 and close to residential communities that will benefit from a pedestrian-oriented
18 local business area. The requirements of this district, in conjunction with the Route 40 Manual
19 and the public improvements recommended by the Route 40 Enhancement Study, will result in
20 development that will strengthen nearby communities, provide for safe and convenient
21 pedestrian travel, and improve the streetscape of Route 40 and intersecting roads.
22

23 Sites within the TNC Overlay may continue to be used, developed and redeveloped in
24 accordance with the underlying zoning. The intent of this district is to provide an alternative
25 method of development for property owners who choose to comply with the Route 40
26 Manual and the requirements of this district. Development complying with the TNC district
27 requirements will be permitted to include residential development and will have greater
28 flexibility in some bulk requirements.
29

30 **B. APPLICATION OF TNC DISTRICT**

31
32 Sites in the TNC district may be developed in accordance with either the underlying district or
33 this overlay district. The initial subdivision plan or site development plan for new development,
34 redevelopment or alteration of a site must indicate which set of requirements will be used. For
35 sites using the TNC district, the requirements of this district supersede the underlying district.
36

1 **C. USES PERMITTED AS A MATTER OF RIGHT**

2 1. Age-restricted adult housing, if the additional requirements for age-restricted adult
3 housing set forth in the POR district are met.

4 2. Ambulatory health care facilities.

5 ~~3. AMUSEMENT FACILITIES.~~

6 ~~3~~4. Animal hospitals, completely enclosed.

7 ~~4~~5. Antique shops, art galleries, craft shops.

8 ~~5~~6. Athletic centers, health clubs, tennis clubs and similar uses.

9 ~~6~~7. Bakeries, provided all goods baked on the premises shall be sold at retail from the
10 premises.

11 ~~7~~8. Banks, savings and loan associations, investment companies, credit bureaus, brokers,
12 and similar financial institutions, without a drive-through, EXCEPT THAT ONE LANE
13 DRIVE-THROUGH SERVICE SHALL BE PERMITTED ON SITES WITHIN A ROUTE 40
14 CORRIDOR DEVELOPMENT PROJECT ENCOMPASSING AT LEAST 20 GROSS ACRES OF
15 LAND IN THE TNC DISTRICT PROVIDED THAT THERE SHALL BE NO PORTION OF DRIVE
16 THROUGH SERVICE VISIBLE FROM A PUBLIC ROAD AND THE DRIVE THROUGH
17 SERVICE SHALL BE APPROPRIATELY BUFFERED FROM ADJOINING RESIDENTIAL
18 PROPERTY.

19 ~~8~~9. Bicycle repair shops.

20 ~~9~~10. Blueprinting, printing, duplicating or engraving services limited to 5,000 [[2,000]]
21 square feet of net floor area.

22 ~~10~~11. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of
23 charitable, social, civic or educational organizations, subject to the requirements of
24 section 128.d.3.

25 ~~11~~12. Child day care centers and nursery schools.

26 ~~12~~13. Clothing and apparel stores with goods for sale or rent.

27 ~~13~~14. Commercial communication antennas.

28 ~~14~~15. Conservation areas, including wildlife and forest preserves, environmental
29 management areas, reforestation areas, and similar uses.

30 ~~15~~16. Convenience stores.

31 ~~16~~17. Day treatment or care facilities.

32 ~~17~~18. Drug and cosmetic stores, WITHOUT A DRIVE-THROUGH , EXCEPT THAT ONE LANE
33 DRIVE-THROUGH SERVICE SHALL BE PERMITTED ON SITES WITHIN A ROUTE 40
34 CORRIDOR DEVELOPMENT PROJECT ENCOMPASSING AT LEAST 20 GROSS ACRES OF

1 LAND IN THE TNC DISTRICT PROVIDED THAT THERE SHALL BE NO PORTION OF DRIVE
2 THROUGH SERVICE VISIBLE FROM A PUBLIC ROAD AND THE DRIVE THROUGH
3 SERVICE SHALL BE APPROPRIATELY BUFFERED FROM ADJOINING RESIDENTIAL
4 PROPERTY.

5 ~~18~~~~19~~Dwellings, apartment and single-family attached, only within a Route 40 corridor
6 development project with at least 2 gross acres of TNC-zoned land.

7 ~~19~~~~20~~Farmers markets.

8 ~~20~~~~21~~Food stores.

9 ~~21~~~~22~~Furniture, appliance and business machine and repair, furniture upholstery, and
10 similar services.

11 ~~22~~~~23~~Government structures, facilities and uses, including public schools and colleges.

12 ~~23~~~~24~~Hardware stores.

13 ~~24~~~~25~~Hotels, motels, country inns and conference centers.

14 ~~25~~~~26~~Laundry or dry cleaning establishments [, except that pickup and delivery services
15 shall not be provided]].

16 ~~26~~~~28~~Liquor stores.

17 ~~28~~~~27~~Museums and libraries.

18 ~~29~~~~30~~28Nonprofit clubs, lodges, community halls.

19 ~~30~~~~31~~29Offices, professional and business.

20 ~~31~~~~32~~30Parking facilities that serve adjacent off-site uses in accordance with Section
21 133.b.4.

22 ~~32~~~~33~~31Personal service establishments such as barber shops, beauty shops, opticians,
23 photographers, tailors.

24 ~~33~~~~34~~32Pet grooming establishments and daycare, completely enclosed. [Council Bill 70-
25 2007 (ZRA-87) Effective 1/10/08]

26 33. RECREATION FACILITY, COMMERCIAL INCLUDING BOWLING CENTERS, BILLIARD
27 OR POOL CENTERS, CHILDREN’S PARTY AND PLAY SPACES, LASER-TAG FACILITIES,
28 COMPUTER GAMING CENTERS, GOLF DRIVING RANGES, MINIATURE GOLF, WATER SLIDES,
29 PAINTBALL, AND SIMILAR USES.

30 ~~34~~~~35~~35Repair of electronic equipment, radios, televisions, computers, clocks, watches,
31 jewelry, and similar items.

32 ~~35~~~~36~~36Restaurants, carryout, including incidental delivery service.

33 ~~36~~~~37~~37Restaurants, fast food, in a ~~[[multi-story]]~~ building without a drive-through.

34

1 **D. ACCESSORY USES**

- 2
- 3 1. Any use normally and customarily incidental to any use permitted as a matter of right
- 4 in this district.
- 5 2. Home occupations, subject to the requirements of Section 128.C.1.
- 6 3. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts,
- 7 basketball courts and similar private, non-commercial recreation facilities.
- 8 4. Retail sale of propane on the site of a principal retail business.
- 9 5. Small Wind Energy System, building mounted, subject to the requirements of Section
- 10 128.M.
- 11 6. Snowball stands, subject to the requirements of Section 128.D.5.

12

13 **E. BULK REGULATIONS**

- 14
- 15 1. Minimum parcel size 2 acres
- 16 2. Residential density, maximum
- 17 a. Parcel adjacent to Route 40..... 20 units per net acre
- 18 b. Parcel adjacent to Frederick road 8 units per net acre
- 19
- 20 3. Maximum height limitations
- 21 a. Parcel adjacent to Route 40..... 55 feet

22 B. ~~PARCELS~~ FOR STRUCTURES INCORPORATING EITHER FIRST FLOOR RETAIL
 23 OR STRUCTURED PARKING ON PARCELS ADJACENT TO ROUTE 40 ON SITES
 24 WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT ENCOMPASSING AT
 25 LEAST 20 GROSS ACRES OF LAND IN THE TNC DISTRICT, THE MAXIMUM
 26 HEIGHT LIMIT FOR STRUCTURES CAN INCREASE AN ADDITIONAL 1 FOOT IN
 27 HEIGHT FOR EVERY 2 FEET OF ADDITIONAL SETBACK ABOVE THE MINIMUM
 28 SETBACK TO A MAXIMUM HEIGHT
 29 OF.....6562 FEET

30

31 [[b]]C. Parcel adjacent to Frederick road35 feet

32

- 1 4. Minimum building height25 feet
- 2
- 3 5. Minimum structure or use setback from Route 40 right-of-way20 feet
- 4
- 5 6. Minimum setbacks from other public street right-of-way
- 6 a. Principal structures and amenity areas.0 feet
- 7 b. All other structures and uses20 feet
- 8
- 9 7. Minimum structure and use setbacks from residential lots for R-ED, R-20, R-12 or R-
- 10 SC districts
- 11 a. Parcel adjacent to Route 40..... [[100]] 75 feet.
- 12 EXCEPT FOR ACCESSORY USES AND STRUCTURES, WHICH ARE LIMITED TO
- 13 ACCESS DRIVES, PARKING AREAS, RETAINING WALLS 15 FEET IN HEIGHT OR
- 14 LESS, ~~DUMPSTERS, WALKWAYS, UTILITIES,~~
- 15 ~~TRANSFORMERS~~30 FEET
- 16 b. Parcel adjacent to Frederick road50 feet
- 17
- 18 8. Minimum structure and use setbacks from open space, multi-family or non-residential
- 19 uses in R-ED, R-20, R-12 or R-SC districts30
- 20 feet
- 21
- 22 9. Minimum structure and use setbacks from any other residential zoning district30 feet
- 23
- 24 10. If a R-ED, R-20, R-12, or R-SC district is separated from the TNC District by a public
- 25 street right-of-way, only the setbacks from a public street right-of-way shall apply.
- 26
- 27 11. Minimum structure and use setbacks from all other districts0 feet
- 28
- 29 12. Maximum structure setback from public street right-of-way
- 30 a. From Route 40100 feet
- 31 b. As provided in the Route 40 Manual, the building facade closest to a public
- 32 street other than Route 40 should be located no more than 10 feet from the

1 edge of the public street right-of-way unless topography, utilities or other
2 physical constraints make a greater setback necessary. This 10-foot setback
3 may be increased without a variance in accordance with the Route 40 Manual.

4
5 **F. REQUIREMENTS FOR TNC DEVELOPMENT**

6
7 1. Amenity area

8
9 TNC developments shall include a formal, landscaped, outdoor amenity area, such as a
10 plaza, courtyard, square, or common that complies with the requirements of the Route
11 40 Manual.

12
13 2. Requirements for nonresidential uses

14
15 On a lot adjoining the right-of-way of [[an arterial or collector public street]] ROUTE 40
16 OR FREDERICK ROAD, for the buildings closest to [[the arterial or collector public
17 street]] ROUTE 40 OR FREDERICK ROAD:

- 18
19 a. At least 50% of the first floor of the building must be designed for retail or
20 service uses. Service uses include personal service, service agency, restaurants,
21 and similar uses serving the public.
- 22 b. The first floor of the building façade facing the right-of-way must include
23 storefronts and [[primary]] entrances for the first floor retail and service uses.
- 24 c. The first floor façade shall be designed to provide pedestrian interest along
25 sides of buildings that face the street in accordance with the Route 40 Manual.

26
27 3. Requirements for residential uses

- 28
29 a. Residences are permitted only within Route 40 corridor development projects
30 encompassing at least 2 gross acres of TNC-zoned land.
- 31
32 b. The first floor of buildings on lots adjoining [[intermediate arterial or major
33 collector]] THE ROUTE 40 OR FREDERICK ROAD right-of way shall not include

1 residential uses in the building space closest to the right-of-way. Residences
2 may occupy other portions of the first floor space.

3
4 c. For every dwelling unit developed, ~~300~~200300 square feet of commercial
5 space must be developed OR RENOVATED TO BE COMPATIBLE IN
6 ARCHITECTURAL CHARACTER WITH NEW DEVELOPMENT on the site. The
7 Director of the Department of Planning and Zoning may, however, reduce the
8 commercial space requirement to ~~200~~100 200 square feet per dwelling
9 unit under the following conditions:

- 10
11 (1) The ~~[[site]]~~ TNC DEVELOPMENT is LESS THAN 20 ACRES AND IS
12 SPECIALLY constrained in terms of size, shape, environmental factors
13 or access in a manner that limits commercial development potential; or
14 (2) The proposed design includes recreational, public, or non-profit uses
15 on the first floor that benefit and are accessible to the general public.

16 d. The phasing of residential and commercial construction should be roughly
17 proportional. ~~No more than 50% of the residential units shall be constructed~~
18 ~~prior to commencing the proportional amount of commercial construction.~~
19 ONCE BUILDING PERMITS HAVE BEEN ISSUED FOR 50% OF THE
20 RESIDENTIAL UNITS, NO MORE BUILDING PERMITS FOR RESIDENTIAL UNITS
21 WILL BE ISSUED UNTIL THE DEVELOPER OBTAINS BUILDING PERMITS FOR A
22 PROPORTIONAL AMOUNT OF COMMERCIAL CONSTRUCTION OR
23 RENOVATION. THIS REQUIREMENT MAY BE SATISFIED BY THE CONTINUING
24 PRESENCE OF A PROPORTIONAL AMOUNT OF EXISTING COMMERCIAL
25 DEVELOPMENT THAT IS INTENDED TO REMAIN AS PART OF THE DEVELOPMENT
26 PROJECT, PROVIDED THAT THE EXISTING COMMERCIAL SPACE IS
27 REDEVELOPED AND THE REDEVELOPMENT IS SUBJECT TO THE SAME
28 REQUIREMENTS AS NEW COMMERCIAL CONSTRUCTION IN THE TNC
29 DISTRICT.

30
31 e. At least 15 percent of the dwelling units shall be moderate income housing
32 units. ~~THIS REQUIREMENT MAY BE MET BY AN ALTERNATE METHOD AS~~
33 ~~PERMITTED BY TITLE 13, SUBTITLE 4 OF THE HOWARD COUNTY CODE IF IT IS~~
34 ~~DETERMINED THAT THE NEED FOR MODERATE INCOME HOUSING UNITS IN THE~~

1 ~~SURROUNDING NEIGHBORHOOD IS REASONABLY SATISFIED WITHOUT~~
2 ~~MODERATE INCOME HOUSING UNITS ON SITE.~~

3
4 **G. COMPLIANCE WITH ROUTE 40 MANUAL**

5
6 All sites developed under the TNC district requirements shall comply with the standards of the
7 Route 40 Manual.

8
9 **H. PARKING**

10
11 The minimum off-street parking requirements of Section 133.d may be reduced by the
12 number of on-street parking spaces available within a public street right-of-way or private
13 service drive adjoining the parcel. On-street parking spaces used to meet the minimum
14 parking requirement must be within the road section adjoining the parcel and on the same
15 side of the street as the associated parcel.

16
17 **I. CONDITIONAL USES**

18
19 The following are conditional uses in the TNC district, subject to the detailed requirements for
20 conditional uses given in Section 131. If there is a conflict between this section and Section
21 131, section 131 shall prevail.

- 22 1. Home occupations
- 23 2. Nursing homes and residential care facilities
- 24 3. Small Wind Energy System, freestanding tower [*Council Bill 41-2010 (ZRA-129)*
25 *Effec. 10/5/10*]
- 26 4. Utility uses, public

27
28
29
30 **Section 2. *Be it further enacted*** by the County Council of Howard County, Maryland, that the Director
31 *of the Department of Planning and Zoning is authorized to publish this Act, to correct obvious errors*

1 *in section references, numbers and references to existing law, capitalization, spelling, grammar,*
2 *headings and similar matters.*

3

4 ***Section 3. And Be It Further Enacted*** *by the County Council of Howard County, Maryland, that this Act*
5 *shall become effective 61 days after its enactment.*

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10