



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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September 30, 2008

## TECHNICAL STAFF REPORT

*Petition Accepted on August 29, 2008  
Planning Board Meeting of October 16, 2008  
County Council Hearing to be scheduled*

**Case No./Petitioner: ZRA- 104 - Marsha S. McLaughlin, Director, Department of Planning and Zoning**

**Request:** Zoning Regulation Amendments to Sections 127.2 (CE: Corridor Employment District); 127.4 (TOD: Transit Oriented Development District); 127.5 (CAC: Corridor Activity Center District); and 103.A. (Definitions) to eliminate the setback from roads for amenity areas in the CE District; increase the setback from public roads for principal structures in the TOD District; increase the setback from Route 1 for principal structures in the CAC District; to create a definition in the Zoning Regulations for amenity areas; and to clarify the definition of setback.

**Department of Planning and Zoning Recommendation:**

**APPROVAL**

### I. DESCRIPTION OF PROPOSAL

- **The proposal is for several amendments to Sections 103.A, 127.2, 127.4 and 127.5 of the Zoning Regulations.**

The CE, TOD and CAC districts were created in 2004 to promote revitalization of Route 1. Based on experience to date, revisions are proposed to ensure appropriate setbacks from public roads and to improve pedestrian amenity areas.

- **The proposal would eliminate the setback from roads for amenity areas in the CE District; increase the setback for principal structures in the TOD District; increase the setback from Route 1 for principal structures in the CAC District; create a definition in the Zoning Regulations for amenity areas; and clarify the definition of setback as related to public roads.**

- (a) One goal in these zoning districts in the Route 1 corridor was to create opportunities for pedestrian use of outdoor spaces. The elimination of setbacks from roads for these amenity areas will result in greater visibility and public access to these outdoor spaces.
- (b) The proposed amendments to Section 103.A would clarify for all zoning districts that the right-of-way of a public road is to be measured using the ultimate right-of-way and not the existing right-of-way. This amendment is necessary to better clarify long-standing policy that setbacks are correctly measured from the ultimate right-of-way of any public road and to reflect increased right-of-way

widths in the Route 1 corridor required by the State Highway Administration (SHA).

- (c) The increased setback from US 1 in the CAC District is recommended by the US 1 Implementation Strategy prepared for the SHA by Kittelson and Associates, Inc., February, 2008.
  - (d) Increasing the setback from public roads for principal structures in the TOD and CAC Districts will provide some visual relief from multi-story buildings being placed directly on the road to promote a more pedestrian friendly environment.
- **The complete proposed amendment text is attached to this Technical Staff Report as Attachment A (CAPITALS indicates text to be added; [[brackets indicate text to be deleted]]).**

## **II. EXISTING REGULATIONS**

- **The CE, TOD and CAC District regulations in conjunction with the recommendations and requirements of the Route 1 Manual have been developed to guide development activity in the Route 1 redevelopment corridor. The proposed changes for each specific section have been outlined above.**
- **In the current CE regulations, amenity areas are required to be setback 20 feet from external roads and 10 feet from internal roads.**
- **In the current TOD regulations, there is no required set back for principal structures from a public street right-of-way other than an arterial road.**
- **In the current CAC regulations, there is no required set back for principal structures from a public street right-of-way.**

## **III. BACKGROUND INFORMATION**

### **A. Scope of Proposed Amendments**

- **The proposed amendments are applicable to the CE, TOD and CAC Districts.**
- **The proposed amendments to Section 103.A are applicable to all zoning districts.**

## **IV. EVALUATIONS AND CONCLUSIONS**

### **A. Relation to the General Plan**

- **The proposed amendments would further the policies of the Community Conservation and Enhancement chapter of General Plan 2000 which established the need for the revitalization of the County's older communities and recommends that future development regulations should be revised to address scale and orientation of buildings and parking lots, ensure adequate landscaping and buffers, and provide pedestrian amenities. The proposed ZRA 104 amendments are generally in harmony with the Community Conservation and Enhancement Policy No. 5.10 to "Improve the design of commercial areas."**

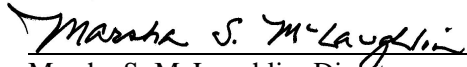
**B. Relation to the Zoning Regulations**

- The ZRA 104 amendments are in harmony with the Legislative Intent of the Zoning Regulations to "...protect the character, the social and economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the General Plan for Howard County...". The proposed amendments would be instrumental in furthering the intended purpose of creating the Route 1 zoning districts for revitalizing the Route 1 corridor.

**V. RECOMMENDATION**

**APPROVAL**

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-104, as noted above, be **APPROVED**.

	10/01/08
Marsha S. McLaughlin, Director	Date

MM//ZLK/zlk

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

# ATTACHMENT A

## Proposed Text

(CAPITALS indicates text to be added; [[brackets indicate text to be deleted]].)

### SECTION 103.A (Definitions)

117. PEDESTRIAN AMENITY AREA: A USABLE OUTDOOR LANDSCAPED AREA SUCH AS A PLAZA, COURTYARD, GARDEN OR SIMILAR AREA WHICH IS DESIGNED TO BE OPEN TO THE PUBLIC, EASILY ACCESSIBLE , AND COMPLIES WITH THE ROUTE 1 MANUAL.

[[147.]] 148. Setback: The distance between a structure or use and a boundary such as a lot line, project boundary, right-of-way line, or zoning district boundary. A setback is measured as the shortest horizontal distance between the project boundary and the nearest point of the use, structure or projection thereof. Where these regulations require a minimum setback from a zoning district or right-of-way, and the property subject to the setback does not abut or adjoin the zoning district or right-of-way, the required setback is measured across the intervening properties. FOR LOTS THAT FRONT DIRECTLY ON A PUBLIC ROAD, THE SETBACK IS MEASURED FROM THE ULTIMATE RIGHT-OF-WAY OF THE PUBLIC ROAD AS DETERMINED BY THE HOWARD COUNTY DESIGN MANUAL VOLUME III, ROADS AND BRIDGES, OR THE STATE HIGHWAY ADMINISTRATION HIGHWAY NEEDS INVENTORY.

[[148.]] 149. Setback, Front: Extends across the full width of the lot, between the front public street right-of-way or front lot line and the nearest line of the structure or enclosed portion thereof:

- a. For lots that front directly on a public street, the front setback is measured from the ULTIMATE public street right-of-way providing access to the lot and towards which the front of the house OR STRUCTURE is to be oriented. THE ULTIMATE RIGHT-OF-WAY OF THE PUBLIC ROAD IS DETERMINED BY THE HOWARD COUNTY DESIGN MANUAL OR THE STATE HIGHWAY ADMINISTRATION HIGHWAY NEEDS INVENTORY
- b. For pipestem lots and lots with no frontage on a public street, the front setback is measured from the front lot line assigned when the lot is recorded. The front lot line is the lot line towards which the front of the house is to be oriented and shall be selected in order to provide the best utilization of the lot and greatest privacy for the adjacent lots.

(The remainder of Section 103.A should be renumbered accordingly.)

## SECTION 127.2 CE (Corridor Employment) District

### E. Bulk Regulations

(Also see Section 128.A, Supplementary Bulk Regulations.)

#### 2. Minimum setbacks for development complying with the Route 1 Manual standards

The following minimum setback requirements apply to sites that comply fully with the CE zoning regulations and the Route 1 Manual's requirements:

##### a. From External Public Street right-of-way:

- (1) All structures and uses, except those listed in (2) AND (3).....20 feet
- (2) Parking, loading docks, outdoor storage, dumpsters and fencing used to enclose or screen these uses.....40 feet
- (3) PEDESTRIAN AMENITY AREAS.....0 FEET

##### b. From Internal Public Street right-of-way:

- (1) All structures and uses, except those listed in (2), [[and]](3), AND (4).....10 feet
- (2) Parking, except truck parking.....20 feet
- (3) Truck parking, loading docks, outdoor storage areas, dumpsters and fencing used to enclose or screen these uses.....40 feet
- (4) PEDESTRIAN AMENITY AREAS .....0 FEET

### F. PEDESTRIAN Amenity Area

CE developments of 5 acres or more with any uses other than manufacturing shall include a PEDESTRIAN AMENITY AREA [[landscaped, outdoor amenity area such as a plaza, courtyard, or garden, designed to comply with the Route 1 Manual]].

There are no proposed changes to the remainder of this section.

## SECTION 127.4 TOD (Transit Oriented Development) District

### E. Bulk Regulations

(Also see Section 128.A, Supplementary Bulk Regulations.)

#### 2. 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 structures.....20 feet
    - (b) All other structures and uses.....30 feet
  - (2) From other public street right-of-way
    - (a) Principal structures.....[[0]] 10 feet
    - (b) All other structures and uses.....30 feet

### F. Requirements for TOD Development

#### 1. PEDESTRIAN Amenity Area

TOD developments shall include a PEDESTRIAN AMENITY AREA [[landscaped, outdoor amenity area such as a plaza, courtyard, or garden, designed to comply with the Route 1 Manual]].

There are no proposed changes to the remainder of this section.

## SECTION 127.5 CAC (Corridor Activity Center) District

### D. Bulk Regulations

(Also see Section 128.A, Supplementary Bulk Regulations.)

#### 4. For sites that comply fully with the Route 1 Manual:

- a. Minimum setbacks from public street right-of-way
  - (1)Principal structures SETBACK FROM ROUTE 1 [[and amenity areas]].....[[0]] 10 feet
  - [[2]](2)All other structures and uses except those listed in (3) .....10 feet
  - [[1]](3)PEDESTRIAN AMENITY AREAS. .... 0 FEET

### E. Requirements for CAC Development

#### 1. PEDESTRIAN Amenity Area

CAC developments shall include a PEDESTRIAN AMENITY AREA [[landscaped, outdoor amenity area such as a plaza, courtyard, or garden, designed to comply with the Route 1 Manual]].

There are no proposed changes to the remainder of this section.