

1/05/09
 Introduced 1/05/09
 Public Hearing 2/02/09
 Council Action 2/11/09
 Executive Action 2/11/09
 Effective Date 4/9/09

County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 1

Bill No. 3 -2009 (ZRA 104)

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the Howard County Zoning Regulations to amend certain definitions related to setbacks; to amend certain setbacks from amenity areas in the Corridor Employment Zoning Districts; to add certain setbacks from Route 1 in the Corridor Activity Center Zoning District; to amend certain setbacks from certain principal structures in the Transit Oriented Development; to require that certain developments include an amenity area; and generally related to the Howard County Zoning Regulations.

Introduced and read first time Jan 5, 2009. Ordered posted and hearing scheduled.

By order Sheila M. Tolliver
 Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on Jan 21, 2009.

By order Sheila M. Tolliver
 Sheila M. Tolliver, Administrator

This Bill was read the third time on Feb 02, 2009 and Passed ✓, Passed with amendments ✓, Failed _____.

By order Sheila M. Tolliver
 Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 2nd day of Feb, 2009 at 2:30 a.m./p.m.

By order Sheila M. Tolliver
 Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive Feb 02, 2009

Ken Ulman
 Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that*
2 *paragraph (148) and paragraph (149) of subsection A of Section 103 "Definitions" are*
3 *amended; items a and b of paragraph 2 of subsection E and subsection F, all of Section*
4 *127.2 "CE (Corridor Employment) District" are amended; item a of paragraph 2 of*
5 *subsection E and paragraph 1 of subsection F, both of Section 127.4 "TOD (Transit*
6 *Oriented Development) District" are amended; and item a of paragraph 4 of subsection*
7 *D and paragraph 1 of subsection E, both of Section 127.5 "CAC (Corridor Activity*
8 *Center)" are amended; all of the Howard County Zoning Regulations to read as follows:*

9
10 **Howard County Zoning Regulations**

11 **SECTION 103: Definitions**

12
13 A. Except as provided for in Section 101 herein, terms used in these regulations shall
14 have the definition provided in any standard dictionary, unless specifically
15 defined below or in any other provision of these regulations:

16
17 148. Setback: The distance between a structure or use and a boundary such as a lot
18 line, project boundary, right-of-way line, or zoning district boundary. A setback is
19 measured as the shortest horizontal distance between the project boundary and the
20 nearest point of the use, structure or projection thereof. Where these regulations
21 require a minimum setback from a zoning district or right-of-way, and the
22 property subject to the setback does not abut or adjoin the zoning district or right-
23 of-way, the required setback is measured across the intervening properties. FOR
24 LOTS THAT FRONT DIRECTLY ON A PUBLIC ROAD, THE SETBACK IS MEASURED FROM
25 THE ULTIMATE RIGHT-OF-WAY OF THE PUBLIC ROAD AS DETERMINED BY THE
26 HOWARD COUNTY DESIGN MANUAL VOLUME III, ROADS AND BRIDGES, OR THE
27 STATE HIGHWAY ADMINISTRATION, HIGHWAY NEEDS INVENTORY.

28
29 149. Setback, Front: Extends across the full width of the lot, between the front public
30 street right-of-way or front lot line and the nearest line of the structure or enclosed
31 portion thereof:

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

12
13 **SECTION 127.2: CE (Corridor Employment) District**
14

15 **E. Bulk Regulations**

16 (Also see Section 128.A, Supplementary Bulk Regulations.)
17

18 2. **Minimum setbacks for development complying with the Route 1 Manual**
19 standards
20

21 The following minimum setback requirements apply to sites that comply fully
22 with the CE zoning regulations and the Route 1 Manual's requirements:
23

24 a. **From External Public Street Right-Of-Way:**

25 (1) All structures and uses, except those listed in (2) AND (3).....20 feet

26 (2) Parking, loading docks, outdoor storage, dumpsters and fencing used
27 to enclose or screen these uses40 feet

28 (3) AMENITY AREAS..... 0 FEET
29

30 b. **From Internal Public Street Right-Of-Way:**

31 (1) All structures and uses, except those listed in [[(2) and (3)]] (2),

32 (3) AND (4) 10 feet

- 1 (2) Parking, except truck parking 20 feet
2 (3) Truck parking, loading docks, outdoor storage areas, dumpsters,
3 and fencing used to enclose or screen these uses 40 feet
4 (4) AMENITY AREAS..... 0 FEET
5

6 **F. Amenity Area**

7 CE developments of 5 acres or more with any uses other than manufacturing shall
8 include [[a landscaped, outdoor]] AN amenity area [[such as a plaza, courtyard, or
9 garden, designed to comply with the Route 1 Manual]].
10

11 **SECTION 127.4: TOD (Transit Oriented Development) District.**
12

13 **E. Bulk Regulations**

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

15 2. Minimum setbacks for development complying with the Route 1 Manual
16

17 The following minimum setback requirements apply to sites that comply fully
18 with the Manual's requirements:
19

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

21 (1) From arterial

22 (a) Principal structures.....20 feet

23 (b) All other structures and uses30 feet

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

25 (a) Principal structures..... [[0]] 10 feet

26 (b) All other structures and uses30 feet
27

28 **F. Requirements for TOD Development**

29 1. Amenity Area

30 TOD developments shall include [[a landscaped, outdoor]] AN amenity area [[such
31 as a plaza, courtyard, or garden, designed to comply with the Route 1 Manual]].
32
33

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) FROM I-95 (PRINCIPAL ARTERIAL)

[[(1)] (A) Office STRUCTURES [[structure setback from I-95]] ... 75 feet

(B) All other structures and uses (except surface parking) [[setback from I-95]] 50 feet

(C) SURFACE PARKING ~~0~~ 10 FEET

(2) FROM ROUTE 1 (INTERMEDIATE ARTERIAL)

(A) PRINCIPAL STRUCTURES 10 FEET

(B) ALL OTHER STRUCTURES AND USES (EXCEPT SURFACE PARKING)
..... 0 FEET

(C) SURFACE PARKING 10 FEET

[[(2)] Other principal structures and amenity areas.

..... 0 feet]]

(3) FROM OTHER PUBLIC STREET RIGHT-OF-WAY

[[(3)] (A) All [[other]] structures and uses (EXCEPT SURFACE PARKING)

..... 0 feet

(B) SURFACE PARKING 10 FEET

E. Requirements for CAC Development

1. Amenity Area

CAC developments shall include [[a landscaped, outdoor]] AN amenity area[[, such as a plaza, courtyard, or garden that complies with the requirements of the Route 1 Manual]].

- 1 ***Section 2. And Be It Further Enacted by the County Council of Howard County,***
- 2 ***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 February 6, 2009.


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 _____, 2009.

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 _____, 2009.

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 _____, 2009.

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 _____, 2009.

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 _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

Amendment to Council Bill No. 3 - 2009

**BY: Chairperson at the request
of the County Executive**

**Legislative Day No. 2
Date: February 2, 2009**

Amendment No. 1

(This amendment restores the 10-foot setback for surface parking in the CAC Zoning District.)

1 On page 4, in line 12, strike "0" and substitute "10".

2

3 On page 4, in line 15, after "USES" insert "(EXCEPT SURFACE PARKING)".

4

5 On page 4, after line 15, insert:

6 "(C) SURFACE PARKING.....10 FEET".

7

8 On page 4, in line 19, after "USES" insert "(EXCEPT SURFACE PARKING)".

9

10 On page 4, after line 19, insert:

11 "(B) SURFACE PARKING.....10 FEET".

CLERKED 2/02/2009

FILED _____

SIGNATURE Stephen J. McElroy