

Introduced 01/05/09
Public hearing 01/21/09
Council action 02/02/09
Executive action 03/05/09
Effective date 05/06/09

County Council of Howard County, Maryland

2009 Legislative Session

Legislative day # 1

BILL NO. 5 - 2009 (ZRA - 106)

Introduced by: The Chair
at the request of James R. Buch and Robert M. Buch

AN ACT amending the Howard County Zoning Regulations' CAC zoning district to add a provision to permit apartment and single-family attached uses within a Route 1 Corridor development project of less than two acres, ~~if the property is contiguous to a CAC development which has received an approved sketch plan or site development plan,~~ under certain ~~circumstances~~ conditions; and generally relating to the CAC zoning district.

Introduced and read first time Jan 05, 2009. Ordered posted and hearing scheduled.

By order Sheila M. Tolliver (SMC)
Sheila M. Tolliver, 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 Jan 21, 2009 and concluded on _____, 2009.

Tabled 02-02-09
By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator to the County Council

This Bill was read the third time March 2, 2009 and Passed ☐ Passed with amendments ☒ Failed ☐

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this 3rd day of March, 2009 at 12:00 a.m./p.m.

By order Ken Ulman
Sheila M. Tolliver, Administrator to the County Council

Approved/Vetoed by the County Executive on March 5, 2009.

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law, TEXT IN ALL CAPITALS indicates additions to existing law. Strikethrough indicates material deleted by amendment, Underlining indicates material added by amendment.

~~Section 1. Be it enacted by the County Council of Howard County, Maryland, that Subsection A "Purpose" of Section 127.5 "CAC (Corridor Activity Center) District" is being reenacted without changes; and Number 17, of Subsection B "Uses Permitted as a Matter of Right", of Section 127.5 "CAC (Corridor Activity Center) District" of the Howard County Zoning Regulations is hereby amended to read as follows:~~

Section 1. Be it enacted by the County Council of Howard County, Maryland, that Subsection A "Purpose" of Section 127.5 "CAC (Corridor Activity Center) District" is being reenacted without changes; and Number 17, of Subsection B "Uses Permitted as a Matter of Right", Number 1, of Subsection D "Bulk Regulations", and Letter A, of Number 3 "Requirements for Residential Uses", of Subsection E "Requirements for CAC Development", of Section 127.5 "CAC (Corridor Activity Center) District" of the Howard County Zoning Regulations are hereby amended to read as follows:

Howard County Zoning Regulations

SECTION 127.5: CAC (Corridor Activity Center) District

A. Purpose

This district is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. These centers should be located near to Route 1 and close to residential communities that will benefit from a pedestrian-oriented local business area. The requirements of this district, in conjunction with the Route 1 Manual and the public improvements recommended by the Route 1 Corridor Revitalization Study, will result in development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 1 and intersecting roads.

Many parcels in the CAC 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 CAC district. The intent of this district will be achieved by bringing the sites into compliance with these requirements and the standards of the Route 1 Manual as uses are expanded or redeveloped.

1
2 **B. Uses Permitted as a Matter of Right**
3

4 ~~17. Dwellings, apartment and single family attached, only within a Route 1 Corridor~~
5 ~~development project with at least 2 gross acres of CAC-zoned land OR LESS THAN 2~~
6 ~~GROSS ACRES IF THE PROPERTY IS CONTIGUOUS TO A CAC DEVELOPMENT WHICH HAS~~
7 ~~RECEIVED FINAL APPROVAL OF A SKETCH PLAN OR SITE DEVELOPMENT PLAN.~~

8 17. Dwellings, apartment and single-family attached, only within a Route 1 Corridor
9 development project with at least 2 gross acres of CAC-zoned land OR LESS THAN 2 GROSS ACRES
10 IF: (1) THE SUBJECT PROPERTY IS CONTIGUOUS ALONG AT LEAST 75% OF ITS PERIMETER TO A CAC
11 DEVELOPMENT THAT HAS RECEIVED FINAL APPROVAL OF A SKETCH PLAN OR SITE DEVELOPMENT
12 PLAN; (2) NO ADDITIONAL CAC-ZONED LAND DIRECTLY ADJOINS THE SUBJECT PROPERTY; AND (3)
13 THE DEVELOPMENT OF THE SUBJECT PROPERTY SHALL BE COMPATIBLE WITH THE LAND USE, SITE
14 PLANNING AND ARCHITECTURAL CHARACTER OF THE CONTIGUOUS CAC DEVELOPMENT.
15

16 **D. Bulk Regulations**

17 (Also see Section 128.A, Supplementary Regulations)
18

19 1. Residential density: [[, maximum.....25 units per net acre]]
20

21 A. FOR CAC DEVELOPMENTS OF AT LEAST 2 GROSS ACRES.....25 UNITS PER
22 NET ACRE
23

24 B. FOR CAC DEVELOPMENTS OF LESS THAN 2 GROSS ACRES.....15 UNITS PER
25 NET ACRE
26
27

28 **E. Requirements for CAC Development**
29

30
31 3. Requirements for Residential Uses
32

33 a. Residences are permitted only within Route 1 Corridor development projects
34 encompassing at least two gross acres of CAC-zoned land[[.]] OR LESS THAN 2 GROSS
35 ACRES IF: (1) THE SUBJECT PROPERTY IS CONTIGUOUS ALONG AT LEAST 75% OF ITS
36 PERIMETER TO A CAC DEVELOPMENT THAT HAS RECEIVED FINAL APPROVAL OF A

1 SKETCH PLAN OR SITE DEVELOPMENT PLAN; (2) NO ADDITIONAL CAC-ZONED LAND
2 DIRECTLY ADJOINS THE SUBJECT PROPERTY; AND (3) THE DEVELOPMENT OF THE
3 SUBJECT PROPERTY SHALL BE COMPATIBLE WITH THE LAND USE, SITE PLANNING AND
4 ARCHITECTURAL CHARACTER OF THE CONTIGUOUS CAC DEVELOPMENT.
5

6 *Section 2. And be it further enacted by the County Council of Howard County, Maryland, that*
7 *the provisions of this act shall become effective 61 days after enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on March 5, 2009.

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 _____, 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 5-2009

BY: The Chair at the request of
James R. Buch and Robert M. Buch

Legislative Day No: 3
Date: March 2, 2009

Amendment No. 1

(This amendment would add additional criteria to the proposed legislation that would apply specifically to CAC properties that are less than 2 gross acres in area).

On the title page, in line 3 of the title, after the comma, strike the remainder of the line.
On the same page, in line 4 of the title, strike "development which has received an approved sketch plan or site development plan,". On the same page, in line 5 of the title, strike "circumstance" and substitute "conditions".

On page 1, strike lines 1 – 5, in their entirety, and substitute:
"Section 1. Be it enacted by the County Council of Howard County, Maryland, that Subsection A "Purpose" of Section 127.5 "CAC (Corridor Activity Center) District" is being reenacted without changes; and Number 17, of Subsection B "Uses Permitted as a Matter of Right", Number 1, of Subsection D "Bulk Regulations", and Letter A, of Number 3 "Requirements for Residential Uses", of Subsection E "Requirements for CAC Development", of Section 127.5 "CAC (Corridor Activity Center) District" of the Howard County Zoning Regulations are hereby amended to read as follows:".

On page 1, strike lines 29 – 32, in their entirety, and substitute:
"17. Dwellings, apartment and single-family attached, only within a Route 1 Corridor development project with at least 2 gross acres of CAC-zoned land OR LESS THAN 2 GROSS ACRES IF: (1) THE SUBJECT PROPERTY IS CONTIGUOUS ALONG AT LEAST 75% OF ITS PERIMETER TO A CAC DEVELOPMENT THAT HAS RECEIVED FINAL APPROVAL OF A SKETCH PLAN OR SITE DEVELOPMENT PLAN; (2) NO ADDITIONAL CAC-ZONED LAND DIRECTLY ADJOINS THE SUBJECT PROPERTY; AND (3) THE DEVELOPMENT OF THE SUBJECT PROPERTY SHALL BE COMPATIBLE WITH THE LAND USE. SITE

1 PLANNING AND ARCHITECTURAL CHARACTER OF THE CONTIGUOUS CAC DEVELOPMENT.

2
3 **D. Bulk Regulations**

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

5
6 1. Residential density: [[, maximum.....25 units per net acre]]

7
8 A. FOR CAC DEVELOPMENTS OF AT LEAST 2 GROSS ACRES.....25 UNITS PER
9 NET ACRE

10
11 B. FOR CAC DEVELOPMENTS OF LESS THAN 2 GROSS ACRES.....15 UNITS PER
12 NET ACRE

13
14
15 **E. Requirements for CAC Development**

16
17
18 3. Requirements for Residential Uses

19
20 a. Residences are permitted only within Route 1 Corridor development projects
21 encompassing at least two gross acres of CAC-zoned land[[.]] OR LESS THAN 2
22 GROSS ACRES IF: (1) THE SUBJECT PROPERTY IS CONTIGUOUS ALONG AT LEAST 75%
23 OF ITS PERIMETER TO A CAC DEVELOPMENT THAT HAS RECEIVED FINAL APPROVAL
24 OF A SKETCH PLAN OR SITE DEVELOPMENT PLAN; (2) NO ADDITIONAL CAC-ZONED
25 LAND DIRECTLY ADJOINS THE SUBJECT PROPERTY; AND (3) THE DEVELOPMENT OF
26 THE SUBJECT PROPERTY SHALL BE COMPATIBLE WITH THE LAND USE, SITE PLANNING
27 AND ARCHITECTURAL CHARACTER OF THE CONTIGUOUS CAC DEVELOPMENT.”.