

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

County Council of Howard County, Maryland

2016 Legislative Session

Legislative day # 1

BILL NO. 2 – 2016 (ZRA – 156)

**Introduced by the Chairperson
at the request of ATAPCO Howard Square I Business Trust**

AN ACT amending the Howard County Zoning Regulations' CAC (Corridor Activity Center) Zoning District to allow for the reduction of the commercial space requirement in residential developments, if determined appropriate by the Department of Planning and Zoning; imposing a fee and establishing other conditions for approval of further reductions in commercial space for a development; and generally relating to CAC developments.

Introduced and read first time _____, 2016. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, 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 _____, 2016.

By order _____
Jessica Feldmark, Administrator to the County Council

This Bill was read the third time _____, 2016 and Passed ___, Passed with amendments ___, Failed ___.

By order _____
Jessica Feldmark, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2016 at _____ a.m./p.m.

By order _____
Jessica Feldmark, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2016.

Allan H. Kittleman, 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 127.5: “CAC (Corridor Activity Center) District”
6 Subsection E. “Requirements for CAC Development”
7 Number 3 “Requirements for Residential Uses”
8 Letters C and D

9
10
11 **Howard County Zoning Regulations**

12
13 **SECTION 127.5: “CAC (Corridor Activity Center) District”**

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

16
17 **3. Requirements for Residential Uses**

18 c. For every dwelling unit that is developed, [[300]] 70 square feet of
19 commercial space must be developed on the site: PROVIDED,
20 HOWEVER, THAT FOR PARCELS PROVIDING MODERATE INCOME
21 HOUSING UNDER SECTION 127.5.E.3.F.(1), THE COMMERCIAL SPACE
22 REQUIREMENT AS SET FORTH IN SECTION 127.5.E.3.C. SHALL BE
23 DETERMINED BASED ON EIGHTY-FIVE PERCENT OF RESIDENTIAL
24 UNITS DEVELOPED AND FOR PARCELS PROVIDING MODERATE INCOME
25 HOUSING UNDER SECTION 127.5.E.3.F.(2), THE COMMERCIAL SPACE
26 REQUIREMENT AS SET FORTH IN SECTION 127.5.E.3.C. SHALL BE
27 DETERMINED BASED ON SEVENTY-FIVE PERCENT OF RESIDENTIAL
28 UNITS DEVELOPED. [[The Director of the Department of Planning and
29 Zoning may, however, reduce the commercial space requirement to
30 100 square feet per residential unit under the following conditions:

- 31 (1) The site is constrained in terms of size, shape, environmental
32 factors, access, or proximity to existing vicinal commercial
33 development in a manner that limits commercial development
34 potential; or

1 (2) The proposed design includes recreational, public, or non-
2 profit uses on the first floor that benefit and are accessible to
3 the general public.]]

4
5 [[d. Based on documented hardship, the Planning Director may further
6 reduce the commercial space requirement to 70 square feet per acre for
7 parcels that have 800 units or more, provided the criteria listed in b (1)
8 and (2) are used in the evaluation.]]

9
10 D. FOR PARCELS THAT HAVE 800 UNITS OR MORE, ~~THE~~ DEPARTMENT
11 OF PLANNING AND ZONING SHALL PERMIT A REDUCTION IN THE
12 COMMERCIAL SPACE REQUIREMENT TO NOT LESS THAN ~~25~~ 20 SQUARE
13 FEET PER DWELLING UNIT PROVIDED THAT A FEE OF 50 DOLLARS, OR
14 AS SPECIFIED IN THE FEE SCHEDULE, FOR EACH SQUARE FOOT OF THE
15 TOTAL REDUCTION IN COMMERCIAL SPACE BELOW THE BASELINE 70
16 SQUARE FEET PER DWELLING UNIT AMOUNT IS PAID INTO A FUND
17 ADMINISTERED BY THE HOWARD COUNTY ECONOMIC DEVELOPMENT
18 AUTHORITY TO PROMOTE COMMERCIAL DEVELOPMENT IN
19 APPROPRIATE LOCATIONS OF THE US ROUTE 1 CORRIDOR, AS
20 ALLOWED UNDER SECTION 26.106 OF THE HOWARD COUNTY CODE.

21
22 HOWEVER, FOR CAC DEVELOPMENTS WITH NO FRONTAGE ON US
23 ROUTE 1 AND WHICH ADJOIN A DEVELOPMENT OF 800 UNITS OR MORE,
24 THIS FEE MAY BE REDUCED TO 25 DOLLARS, OR AS SPECIFIED IN THE
25 FEE SCHEDULE, FOR EACH SQUARE FOOT OF THE TOTAL REDUCTION IN
26 COMMERCIAL SPACE BELOW THE BASELINE 70 SQUARE FEET PER
27 DWELLING UNIT, INCLUDING A FULL REDUCTION OF THE COMMERCIAL
28 SPACE REQUIREMENT IF THE DEPARTMENT OF PLANNING AND ZONING
29 FINDS BASED ON A MARKET STUDY SUBMITTED BY THE DEVELOPER
30 THAT THE REDUCTION IS NECESSARY FOR THE FINANCIAL VIABILITY OF
31 THE PROJECT.

1 THE FEE AS PROVIDED FOR IN THIS SUBSECTION SHALL BE PAID AT THE
2 TIME OF APPROVAL OF A SITE DEVELOPMENT PLAN FOR THE NON-
3 RESIDENTIAL PORTIONS OF THE DEVELOPMENT. THE FEE MAY BE
4 REDUCED AS FOLLOWS:

5
6 (1) THE FEE SHALL BE REDUCED ONE DOLLAR PER SQUARE FOOT
7 FOR EVERY PERCENTAGE POINT OF AMENITY AREA PROVIDED
8 IN EXCESS OF THAT REQUIRED FOR THE PROJECT LIMITED TO
9 A MAXIMUM OF FIVE PERCENT.

10 (2) THE TOTAL FEE SHALL BE REDUCED DOLLAR-PER-DOLLAR
11 FOR ANY AMOUNT OF CONTRIBUTIONS PAID BY THE
12 DEVELOPER FOR PUBLIC IMPROVEMENTS IN EXCESS OF THE
13 PROPORTIONAL SHARE REQUIRED BY HOWARD COUNTY.

14 (3) THE FEE SHALL BE REDUCED TWO DOLLARS PER SQUARE
15 FOOT FOR PROJECTS IN WHICH OVER TWENTY-FIVE PERCENT
16 OF THE RESIDENTIAL UNITS ARE LEED CERTIFIED, FOUR
17 DOLLARS PER SQUARE FOOT FOR PROJECTS IN WHICH OVER
18 TWENTY-FIVE PERCENT OF THE RESIDENTIAL UNITS ARE
19 LEED SILVER CERTIFIED, SIX DOLLARS PER SQUARE FOOT
20 FOR PROJECTS IN WHICH OVER TWENTY-FIVE PERCENT OF THE
21 RESIDENTIAL UNITS ARE LEED GOLD CERTIFIED, AND EIGHT
22 DOLLARS PER SQUARE FOOT FOR PROJECTS IN WHICH OVER
23 TWENTY-FIVE PERCENT OF THE RESIDENTIAL UNITS ARE
24 LEED PLATINUM CERTIFIED.

25
26 IN THE EVENT THAT THE DEVELOPER PAYS THE FEE AS
27 PROVIDED FOR IN THIS SUBSECTION, NO ADDITIONAL
28 RESIDENTIAL UNITS MAY BE RECEIVED OR CONSTRUCTED ON
29 THE PROPERTY PURSUANT TO SECTION 127.5.F.

30
31 E. THE PHASING OF RESIDENTIAL AND COMMERCIAL CONSTRUCTION
32 AND OPEN SPACE AMENITY AREAS SHOULD BE PROPORTIONAL. NO
33 MORE THAN 50% OF THE RESIDENTIAL UNITS SHALL BE
34 CONSTRUCTED PRIOR TO COMMENCING A PROPORTIONAL AMOUNT
35 OF COMMERCIAL CONSTRUCTION AND OPEN SPACE AMENITY

1 AREAS. FOR DEVELOPMENTS OF 800 UNITS OR MORE OR
2 DEVELOPMENTS ADJOINING SUCH LARGER DEVELOPMENTS, NO
3 MORE THAN 70% OF THE RESIDENTIAL UNITS SHALL BE
4 CONSTRUCTED PRIOR TO COMMENCING THE CONSTRUCTION OF THE
5 NON-RESIDENTIAL PORTIONS OF THE DEVELOPMENT UNLESS THE
6 FEE AS SPECIFIED IN SUBSECTION (D) ABOVE IS PROVIDED.

7 [[e. The phasing of residential and commercial construction and open
8 space amenity areas should be roughly proportional. No more than
9 50% of the residential units shall be constructed prior to
10 commencing a roughly proportional amount of commercial
11 construction and open space amenity areas. For developments of
12 800 units or more, no more than 60% of the residential units shall
13 be constructed prior to commencing the construction of the non-
14 residential portions of the development.]]

15
16 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act*
17 *shall become effective 61 days after its enactment.*
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