

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

County Council of Howard County, Maryland

2016 Legislative Session

Legislative day #7

BILL NO. 34 – 2016 (ZRAs – 163 and 166)

Introduced by

Jon Weinstein

and

The Chairperson at the request of Binder Rock, LLC

AN ACT amending the Howard County Zoning Regulations' Transit Oriented Development (TOD) District to remove certain residential area restrictions on single-family attached dwellings and amenity areas, under certain conditions; and generally relating to the TOD District.

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 as follows:

3
4 *By amending:*

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6 *Section 127.4: “TOD (Transit Oriented Development) District”*

7 *Subsection A. “Purpose”*

8 *Subsection B. “Uses Permitted as a Matter of Right”*

9 *Subsection E. “Bulk Regulations”*

10 *and*

11 *Subsection F. “Requirements for TOD Development”*

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13
14 **Howard County Zoning Regulations**

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16 **SECTION 127.4: - TOD (Transit Oriented Development) District**

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18 **A. Purpose**

19 The TOD District provides for the development and redevelopment of key parcels of land within
20 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of
21 multi-use centers combining office and high-density residential development that are located and
22 designed for safe and convenient pedestrian access by commuters using the MARC Trains and
23 other public transit links. [[For sites of least 50 acres, well-designed multi-use centers combining
24 office, high-density residential development with a diversity of dwelling unit types, and retail
25 uses are encouraged.]] The requirements of this district, in conjunction with the Route 1 Manual
26 [[and the vehicular and pedestrian improvements that connect internally and with surrounding
27 developments,]] will result in WELL-DESIGNED MULTI-USE CENTERS COMBINING OFFICE, HIGH-
28 DENSITY RESIDENTIAL AND COMMERCIAL development that makes use of the commuting
29 potential of the MARC system.[[, creates attractive employment or multi-use centers, and
30 provides for safe and convenient pedestrian travel.]]

31 Many parcels in the TOD District were developed before this district was created. It is not the
32 intent of these requirements to disallow the continued use of sites developed prior to the TOD
33 District. Additionally, because TOD developments are most effective when comprehensively

1 planned for larger parcels of land surrounding a MARC Station, it is neither the intent of these
2 requirements to encourage smaller, piecemeal TOD developments nor disallow the beneficial use
3 of undeveloped TOD District parcels during the period of time prior to a larger TOD
4 development being assembled. The intent of this district will be achieved by bringing sites into
5 compliance with these requirements and the standards of the Route 1 Manual as a mix of
6 residential and nonresidential uses are redeveloped or expanded. Certain light industrial uses or
7 lower density residential units may also be appropriate with the mix of TOD uses if properly
8 located so as to not overly reduce the available land area for the more dense mix of uses at the
9 core of the TOD development, closer to the MARC Station.
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11 **B. Uses Permitted as a Matter of Right**

- 12 1. Ambulatory health care facilities, including pharmacies incidental to these uses.
- 13 2. Athletic facilities, commercial
- 14 3. Biomedical laboratories.
- 15 4. Commercial communication antennas.
- 16 5. Conservation areas, including wildlife and forest preserves, environmental management
17 areas, reforestation areas, and similar uses.
- 18 6. Data processing and telecommunication centers.
- 19 7. Dwellings, apartment.
- 20 8. Dwellings, single-family attached. [[, only within a TOD development project
21 encompassing at least 50 acres, not to exceed 30% of the total number of dwelling units
22 within the project and further subject to the requirement that such dwellings not occupy
23 more than 40% of the residential development area within the project.]]
- 24 [[9. Dwellings, single-family attached, within a TOD Development Project greater than 3 acres
25 and encompassing less than 50 acres that is entirely located more than 2,500 feet from a
26 MARC Station, provided that the minimum density shall not apply and that such dwellings
27 shall not occupy more than 40% of the gross development area of such a project.]]
- 28 [[10]] 9. Flex space.
- 29 [[11]] 10. Government structures, facilities and uses, including public schools and colleges.
- 30 [[12]] 11. Horse racetrack facilities.
- 31 [[13]] 12. Hotels, motels, country inns and conference centers.

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.....100 feet]]

100 FEET. HOWEVER THE PORTION OF THE BUILDING THAT EXCEEDS 80 FEET IN HEIGHT SHALL BE SET BACK 1 FOOT BEHIND THE FAÇADE THAT FACES A PUBLIC STREET RIGHT-OF-WAY FOR EVERY 2 FEET OF ADDITIONAL HEIGHT.

3. 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 structures20 feet

(b) All other structures and uses30 feet

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

(a) All structures and uses (except surface parking)10 feet

(b) Surface parking20 feet

b. Minimum setbacks from vicinal properties:

(1) From a residential district: All structures and uses30 feet

(2) From all other zoning districts:

(a) Structures containing residences30 feet

(b) All other structures and uses0 feet

(3) If a TOD District is separated from another zoning district by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

4. Minimum distances between residential buildings

The following minimum distances shall be maintained between any buildings containing residences (even if the buildings include other uses also):

a. Side to side15 feet

b. All other façade to façade relationships30 feet

5. Minimum setback requirements for sites not complying with the use provisions of the TOD District and the Route 1 Manual.

1 The following minimum setback requirements apply to sites developed prior to the creation
2 of the TOD District that do not comply or only partially comply with the Howard County
3 Landscape Manual and the Route 1 Manual:

- 4 a. From external public street right-of-way
 - 5 (1) Structures and uses50 feet
 - 6 (2) Except for parking uses and fences adjoining parking uses30 feet
- 7 b. From internal public street right-of-way
 - 8 (1) Structures and uses50 feet
 - 9 (2) Except for parking uses and fences adjoining parking uses10 feet
- 10 c. From any residential district: All structures and uses100 feet
- 11 d. If a residential district is separated from the TOD District by a public street right-
12 of-way, only the setbacks from a public street right-of-way shall apply.

14 **F. Requirements for TOD Development**

15 1. Amenity Area

16 TOD developments shall include an amenity area or areas that are a minimum of 10% of
17 the net site acreage. The amenity area shall include seating and trees. The number of
18 seating areas and trees shall increase proportionately to the increase in size of the amenity
19 area. No amenity area shall be smaller than 0.25 acre. Amenity areas on the site shall be
20 connected by pedestrian and bicycle improvements that link with existing and future
21 connections to surrounding developments.

22 Sites larger than 25 acres must provide well-designed recreational areas for both children's
23 and adult's activities. On sites larger than 25 acres, one amenity area must be designed as a
24 civic gathering place large enough to accommodate such activities as community picnics,
25 concerts, fairs and similar events.

26 2. Area Requirements for Residential Uses

- 27 a. Residences are permitted only within a development project encompassing at least
28 3 gross acres of TOD-zoned land.
- 29 b. No more than 50% of the [[developable]] NET acreage, excluding road right-of-
30 way and open space shall be [[devoted to]] OCCUPIED BY SURFACE PARKING LOTS

1 AND ~~[[residential]]~~ buildings WITH 75% OR MORE OF THE GROSS FLOOR AREA
2 DEVOTED TO RESIDENTIAL USES.~~[[, parking and amenity areas.]]~~

3 c. Moderate Income Housing Units.

4 At least 15% of the dwelling units shall be Moderate Income Housing Units.

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

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