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
Having been posted & notice of time & place of hearing and title of Bill having	g been published according to Charter, the Bill was read for a second time at a
public hearing on, 2016.	
This Bill was read the third time	By order Jessica Feldmark, Administrator to the County Council , Passed with amendments, Failed
	By order
Sealed with the County Seal and presented to the County Executive for appro	val 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. Vittlaman, County Evacutiva

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:
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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

## **Howard County Zoning Regulations**

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

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#### A. Purpose

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

Many parcels in the TOD 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 TOD District. Additionally, because TOD developments are most effective when comprehensively planned for larger parcels of land surrounding a MARC Station, it is neither the intent of these requirements to encourage smaller, piecemeal TOD developments nor disallow the beneficial use of undeveloped TOD District parcels during the period of time prior to a larger TOD development being assembled. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as a mix of residential and nonresidential uses are redeveloped or expanded. Certain light industrial uses or lower density residential units may also be appropriate with the mix of TOD uses if properly located so as to not overly reduce the available land area for the more dense mix of uses at the core of the TOD development, closer to the MARC Station.

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#### B. Uses Permitted as a Matter of Right

- 1. Ambulatory health care facilities, including pharmacies incidental to these uses.
- 2. Athletic facilities, commercial
- 14 3. Biomedical laboratories.
  - 4. Commercial communication antennas.
  - 5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
    - 6. Data processing and telecommunication centers.
- 19 7. Dwellings, apartment.
  - 8. Dwellings, single-family attached.[[, only within a TOD development project encompassing at least 50 acres, not to exceed 30% of the total number of dwelling units within the project and further subject to the requirement that such dwellings not occupy more than 40% of the residential development area within the project.]]
  - [[9. Dwellings, single-family attached, within a TOD Development Project greater than 3 acres and encompassing less than 50 acres that is entirely located more than 2,500 feet from a MARC Station, provided that the minimum density shall not apply and that such dwellings 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.

1	[[14]]13.	Industrial Uses, light, provided that: The property is at least 30 acres or greater
2		and fronts on and has direct access to an arterial or collector highway; adjoins
3		other properties developed with existing light industrial uses; the light industrial
4		use is principally conducted within a building with a maximum building height of
5		50 feet; the proposed industrial development does not include a proposal for any
6		dwelling units within the same project; and; the light industrial development is at
7		the periphery of the TOD District, well separated from the MARC Station.
8	[[15]]14.	Offices, professional and business.
9	[[16]]15.	Parking facilities that serve adjacent off-site uses in accordance with Section
10		133.0.B.
11	[[17]]16.	Religious facilities, structures and land used primarily for religious activities.
12	[[18]]17.	Research and development establishments.
13	[[19]]18.	Restaurants, carryout, including incidental delivery services.
14	[[20]]19.	Restaurants, standard, and beverage establishments, including those serving beer,
15		wine and liquor for consumption on premises only.
16	[[21]]20.	Schools, commercial.
17	[[22]]21.	Schools, private academic, including colleges and universities.
18	[[23]]22.	Underground pipelines; electric transmission and distribution lines; telephone,
19		telegraph and CATV lines; mobile transformer units; telephone equipment boxes;
20		and other similar public utility uses not requiring a Conditional Use.
21	[[24]]23.	Volunteer fire departments.
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23	E. Bulk Regulation	ons
24	(Also see Sec	ction 128.0.A, Supplementary Bulk Regulations.)
25	1. <del>[[</del> Exce	pt as provided in Section 127.4.B, minimum} MINIMUM residential density is 20
26	units per	net acre of residential development.
27	2. Maxim	num building height
28	<del>[[</del> a.	Structure with minimum setback from a public street right-of-way60 feet
29	b.	Structure with an additional 1 foot of setback from a public street right-of-way for
30		the portion of the structure over 60 feet for every 2 feet of additional height

1		100 feet <del>]]</del>	
2	100 FEET	T. HOWEVER THE PORTION OF THE BUILDING THAT EXCEEDS 80 FEET IN HEIGHT	
3	SHALL BI	SHALL BE SET BACK 1 FOOT BEHIND THE FAÇADE THAT FACES A PUBLIC STREET RIGHT-OF-	
4	<del>WAY FOI</del>	R EVERY 2 FEET OF ADDITIONAL HEIGHT.	
5	3. Minim	um setbacks for development complying with the Route 1 Manual	
6	The fo	llowing minimum setback requirements apply to sites that comply fully with the	
7	Manua	l's requirements:	
8	a.	Minimum setbacks from public street right-of-way	
9	(1)	From arterial	
10		(a) Principal structures20 feet	
11		(b) All other structures and uses30 feet	
12	(2)	From other public street right-of-way	
13		(a) All structures and uses (except surface parking)10 feet	
14		(b) Surface parking20 feet	
15	b.	Minimum setbacks from vicinal properties:	
16	(1)	From a residential district: All structures and uses30 feet	
17	(2)	From all other zoning districts:	
18		(a) Structures containing residences30 feet	
19		(b) All other structures and uses0 feet	
20	(3)	If a TOD District is separated from another zoning district by a public street right-	
21		of-way, only the setbacks from a public street right-of-way shall apply.	
22	4. Minim	um distances between residential buildings	
23	The fo	llowing minimum distances shall be maintained between any buildings containing	
24	resider	nces (even if the buildings include other uses also):	
25	a.	Side to side15 feet	
26	b.	All other façade to façade relationships30 feet	
27	5. Minim	um setback requirements for sites not complying with the use provisions of the	
28	TODI	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.
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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	<u>B.</u>	NO MORE THAN 50% OF THE DEVELOPABLE ACREAGE, EXCLUDING ROAD RIGHT-
4		OF-WAY AND OPEN SPACE, SHALL BE DEVOTED TO RESIDENTIAL BUILDINGS AND
5		PARKING. FOR PARCELS THAT ARE 5 ACRES OR LESS, NO MORE THAN 50% OF
6		THE DEVELOPABLE ACREAGE, EXCLUDING ROAD-RIGHT-OF-WAYS, OPEN SPACE,
7		AND STRUCTURED PARKING, SHALL BE DEVOTED TO RESIDENTIAL BUILDINGS
8		AND SURFACE PARKING LOTS.
9	c.	Moderate Income Housing Units.
10		At least 15% of the dwelling units shall be Moderate Income Housing Units.
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13	Section 2. Be it further	enacted by the County Council of Howard County, Maryland, that this Act
14	shall become effective (	61 days after its enactment.
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