

Introduced 6/6/16  
Public hearing 6/20/16 tabled 7/8/16  
Council action 7/29/16  
Executive action \_\_\_\_\_  
Effective date 10/1/16

## 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.

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Introduced and read first time June 6, 2016. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
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 June 20, 2016.

Tabled on July 8, 2016 By order Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

This Bill was read the third time July 29, 2016 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this 29th day of July, 2016 at 4 a.m./p.m.

By order Jessica Feldmark  
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 I. 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:

5  
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"

12  
13  
14 **Howard County Zoning Regulations**

15  
16 **SECTION 127.4: - TOD (Transit Oriented Development) District**

17  
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.  
10

### 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.



1                                   .....100 feet}}

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

5                   3.     Minimum setbacks for development complying with the Route 1 Manual

6                   The following minimum setback requirements apply to sites that comply fully with the  
7                   Manual's requirements:

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

9                   (1) From arterial

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

11                   (b)     All other structures and uses .....30 feet

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

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

14                   (b)     Surface parking .....20 feet

15                   b.     Minimum setbacks from vicinal properties:

16                   (1) From a residential district: All structures and uses .....30 feet

17                   (2) From all other zoning districts:

18                   (a)     Structures containing residences .....30 feet

19                   (b)     All other structures and uses .....0 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.     Minimum distances between residential buildings

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

25                   a.     Side to side .....15 feet

26                   b.     All other façade to façade relationships .....30 feet

27                   5.     Minimum setback requirements for sites not complying with the use provisions of the  
28                   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 uses .....50 feet
  - 6 (2) Except for parking uses and fences adjoining parking uses .....30 feet
- 7 b. From internal public street right-of-way
  - 8 (1) Structures and uses .....50 feet
  - 9 (2) Except for parking uses and fences adjoining parking uses .....10 feet
- 10 c. From any residential district: All structures and uses .....100 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 B. 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.

11  
12  
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.*

**Amendment 1 to Council Bill No. 34-2016**

**BY: Jennifer Terrasa**

**Legislative Day No: 8**

**Date: July 8, 2016**

**Amendment No. 1**

*(This amendment would delete some of the proposed changes by the Department of Planning and Zoning and change the Area Requirements for Residential Uses.)*

1 On page 1, in lines 23 through 30, strike all of the double brackets. On the same page, in  
2 lines 27 and 28, strike “WELL-DESIGNED MULTI-USE CENTERS COMBINING OFFICE, HIGH-DENSITY  
3 RESIDENTIAL AND COMMERCIAL”. On the same page, in line 29, after “system”, remove the  
4 period.

5  
6 ~~On page 2, in line 20, remove the double brackets. On the same page, in line 22, after  
7 “project”, insert a period and opening double brackets. Also, on the same page, in lines 24 and  
8 27, remove the double brackets. Lastly, on pages 2 and 3, strike the renumbering.~~

9  
10 On page 3, in line 25, strike the double brackets and “MINIMUM”.

11  
12 On page 3, in line 28, strike the double brackets.

13  
14 On page 4, in line 1, strike the double brackets. On the same page, strike lines 2 through  
15 4, in their entirety.

16  
17 On pages 5 and 6, ~~strike~~ lines 29 through 30 and lines 1 through 2, and substitute the  
18 following:

19 “B. NO MORE THAN 50% OF THE DEVELOPABLE ACREAGE, EXCLUDING ROAD RIGHT-OF-WAY  
20 AND OPEN SPACE, SHALL BE DEVOTED TO RESIDENTIAL BUILDINGS AND PARKING. FOR  
21 PARCELS THAT ARE 5 ACRES OR LESS, NO MORE THAN 50% OF THE DEVELOPABLE ACREAGE,



1 EXCLUDING ROAD-RIGHT-OF-WAYS, OPEN SPACE, AND STRUCTURED PARKING, SHALL BE DEVOTED  
2 TO RESIDENTIAL BUILDINGS AND SURFACE PARKING LOTS.”.

3

4

ADOPTED 7/29/16  
FAILED \_\_\_\_\_  
SIGNATURE Jessica Feldman

**Amendment 1 to Amendment 1 to Council Bill No. 34-2016**

**BY: Jennifer Terrasa**

**Legislative Day No. 8**

**Date: July 8, 2016**

**Amendment No. 1**

*(This amendment would restore the Department of Planning and Zoning's recommended changes to Uses Permitted as a Matter of Right.)*

- 1 In the parenthetical description of the amendment, after "delete" insert "some of".
- 2 Strike lines 6 through 8 in their entirety.

**ADOPTED** 7/29/16  
**FAILED** \_\_\_\_\_  
**SIGNATURE** Jessica Feldman

Amendment 2 to Amendment #1  
Council Bill No. 34-2016

BY: Calvin Ball

Legislative Day No: 9  
Date: July 29, 2016

Amendment No. 2 to Amendment #1

*(This amendment proposes that there be more specific Area Requirements for Residential Uses on parcels five acres or less.)*

1           On page 1, in line 20, after "PARKING", insert ". FOR PARCELS THAT ARE 5 ACRES OR LESS,  
2 NO MORE THAN 50% OF THE DEVELOPABLE ACREAGE, EXCLUDING ROAD-RIGHT-OF-WAYS, OPEN  
3 SPACE, AND STRUCTURED PARKING, SHALL BE DEVOTED TO RESIDENTIAL BUILDINGS AND SURFACE  
4 PARKING LOTS.".

5  
6  
7  
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ADOPTED 7/29/16  
FAILED \_\_\_\_\_  
SIGNATURE Jessica Aldred