

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2013, Legislative Day No. 38

Bill No. 81-13

Introduced by Mr. Walker, Chairman
(by request of the County Executive)

By the County Council, October 7, 2013

Introduced and first read on October 7, 2013
Public Hearing set for and held on November 4, 2013
Public Hearing on AMENDED BILL set for and held on November 18, 2013
Bill AMENDED December 2, 2013
Public Hearing on SECOND AMENDED BILL set for and held on December 16, 2013
Public Hearing on THIRD AMENDED BILL set for January 6, 2014
Bill Expires January 10, 2014

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Multifamily dwellings and townhouse
2 dwellings
3
4 FOR the purpose of ~~adding townhouses as a conditional use in a C2 zoning district;~~
5 allowing certain multifamily developments within two miles of a United States
6 Military Facility with road frontage on Maryland Route 295 or a ~~commercial complex~~
7 business complex, regional commercial complex or suburban community center
8 consisting of at least 1,000,000 square feet to have reduced non-residential use
9 requirements if certain requirements are met; allowing certain townhouse
10 developments within two miles of a ~~commercial complex~~ business complex, regional
11 commercial complex or suburban community center consisting of at least 1,000,000
12 square feet to have increased maximum net density if certain requirements are met;
13 adding certain multifamily and townhouse dwellings as a conditional and special
14 exception use in certain commercial districts and providing for conditional and
15 special exception requirements and generally relating to multifamily dwellings and
16 townhouse dwellings.

EXPLANATION: CAPITALS indicate new matter added to existing law.

[Brackets] indicate matter stricken from existing law.

Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

Underlining indicates amendments to bill.

~~Strikeover~~ indicates matter stricken from bill by amendment.

1 BY repealing and reenacting, with amendments: §§ 18-5-102; and 18-10-115; 18-10-
2 116(1); and 18-10-116(1)
3 Anne Arundel County Code (2005, as amended)

4
5 BY renumbering: §§ 18-11-124 through 18-11-160 to be §§ 18-11-126 through 18-11-
6 162, respectively
7 Anne Arundel County Code (2005, as amended)

8
9 BY adding: ~~§ 18-10-116(5) and (6)~~ §§ 18-10-116(5) and (6); 18-11-124 and 18-11-125;
10 Anne Arundel County Code (2005, as amended)

11
12 ~~SECTION 1. Be it enacted by the County Council of Anne Arundel County,~~
13 ~~Maryland, That Section(s) of the Anne Arundel County Code (2005, as amended) read as~~
14 ~~follows:~~

15
16 SECTION 1. Be it enacted by the County Council of Anne Arundel County,
17 Maryland, That §§ 18-11-124 through 18-11-160 of the Anne Arundel County Code
18 (2005, as amended) are hereby renumbered to be §§ 18-11-126 through 18-11-162,
19 respectively.

20
21 SECTION 2. And be it further enacted, That Section(s) of the Anne Arundel County
22 Code (2005, as amended) read as follows:

23
24 **ARTICLE 18 ZONING**

25
26 **TITLE 5. COMMERCIAL DISTRICTS**

27
28 **18-5-102. Permitted, conditional, special exception, and business complex auxiliary**
29 **uses.**

30
31 The permitted, conditional, and special exception uses allowed in each of the
32 commercial districts, and uses auxiliary to a business complex, are listed in the chart in
33 this section using the following key: P = permitted use; C = conditional use; SE = special
34 exception use; and A = auxiliary to a business complex use. A blank means that the use is
35 not allowed in the district. Except as provided otherwise in this article, uses and
36 structures customarily accessory to permitted, conditional, and special exception uses
37 also are allowed.

Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4

Dwellings, townhouses	€	€	€	

1

<u>Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>C4</u>

<u>DWELLINGS, MULTIFAMILY WITH REDUCED NON-RESIDENTIAL USE REQUIREMENT, WITHIN 2 MILES OF THE BOUNDARY OF A UNITED STATES MILITARY FACILITY WITH ROAD FRONTAGE ON MARYLAND ROUTE 295 OR A BUSINESS COMPLEX, REGIONAL COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY CENTER CONSISTING OF AT LEAST 1,000,000 SQUARE FEET OF FLOOR AREA</u>	<u>SE</u>	<u>SE</u>	<u>SE</u> <u>C</u>	
<u>Dwellings, townhouses</u>	<u>C</u>		<u>C</u>	
<u>DWELLINGS, TOWNHOUSES WITH INCREASED MAXIMUM NET DENSITY, WITHIN 2 MILES OF THE BOUNDARY OF A UNITED STATES MILITARY FACILITY WITH ROAD FRONTAGE ON MARYLAND ROUTE 295 OR A BUSINESS COMPLEX, REGIONAL COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY CENTER CONSISTING OF AT LEAST 1,000,000 SQUARE FEET OF FLOOR AREA</u>	<u>SE</u>		<u>SE</u> <u>C</u>	

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TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

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18-10-115. Dwellings, multifamily.

6

Multifamily dwellings shall comply with all of the following requirements.

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8

9

(1) Net density may not exceed 12 units per acre in a C1 district, 22 units per acre in a C2 district, or 15 units per acre in a C3 district.

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11

12

(2) ~~EXCEPT AS SET FORTH IN SUBSECTION (4),~~ [The] development shall include commercial uses that equal at least 25% of the [floor]-NET SITE area [in a C1 district, 50% of the floor area in a C2 district, and 50% of the floor area in a C3 district].

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(3) If commercial uses are included within a multifamily dwelling, the dwelling units shall have entrances that are separate from the entrances to the commercial uses.

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19

(4) IF AT LEAST 51% OF THE PARCEL OR COMBINED PARCELS FOR THE DEVELOPMENT IS LOCATED WITHIN TWO MILES OF A BUSINESS COMPLEX, REGIONAL COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY CENTER CONSISTING OF AT LEAST 1,000,000 SQUARE FEET OF FLOOR AREA, THE PLANNING AND ZONING OFFICER MAY REDUCE THE NON-RESIDENTIAL USE REQUIREMENT IF:

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(I) THE LOT SIZE OF THE PROPOSED DEVELOPMENT IS AT LEAST 4 ACRES;

(II) THE DENSITY OF THE PROPOSED DEVELOPMENT DOES NOT EXCEED 22 UNITS PER ACRE;

(III) THE DEVELOPER SUBMITS TO THE COUNTY A MARKET STUDY DEMONSTRATING THAT THE MIX OF COMMERCIAL ACTIVITY IN THE BUSINESS COMPLEX, REGIONAL COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY CENTER IS SATISFACTORY TO SUPPORT THE POPULATION WITHIN A TWO-MILE RADIUS OF THE BUSINESS COMPLEX, REGIONAL COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY CENTER; AND

36

1 (IV) THE DEVELOPER ENTERS AN INCENTIVE PROGRAM PURSUANT TO
2 SUBSECTION (5).

3
4 (5) THE INCENTIVE PROGRAM REQUIRED BY SUBSECTION (4)(IV) SHALL HAVE THE
5 FOLLOWING REQUIREMENTS:

6
7 (I) AN APPLICATION FOR THE USE OF INCENTIVES SHALL BE MADE BY THE
8 DEVELOPER AND SHALL INCLUDE A DESCRIPTION OF THE PROPOSED PROJECT THAT
9 REFLECTS EXCEPTIONAL DESIGN QUALITY, ARCHITECTURAL FEATURES, AND
10 ENVIRONMENTAL SENSITIVITY. THE DESCRIPTION ALSO SHALL REFLECT LAND AND
11 STREETSCAPING IMPROVEMENTS AND ENHANCEMENT OF OPEN SPACE THAT EXCEED
12 THE STANDARDS SET FORTH IN THE LANDSCAPE MANUAL. THE APPLICATION ALSO
13 SHALL INCLUDE A STUDY SHOWING THE FEASIBILITY, NEED, AND BENEFIT TO THE
14 COMMUNITY, AND A SITE DEVELOPMENT PLAN.

15
16 (II) THE OFFICE OF PLANNING AND ZONING SHALL EVALUATE THE
17 APPLICATION BASED ON THE FOLLOWING CRITERIA:

- 18 1. PUBLIC ACCESS TO USES AND AMENITIES;
- 19 2. COMMUNITY BENEFIT;
- 20 3. CONSISTENCY WITH THE PURPOSE OF THIS TITLE;
- 21 4. CONFORMANCE WITH THE GENERAL DEVELOPMENT PLAN;
- 22 5. COMPATIBILITY AND QUALITY OF DESIGN;
- 23 6. PEDESTRIAN AND VEHICULAR ACCESS AND CIRCULATION; AND
- 24 7. ENVIRONMENTAL ENHANCEMENT AND MITIGATION.

25
26
27 (III) INCENTIVES TO BE CONSIDERED MAY INCLUDE, BUT ARE NOT LIMITED
28 TO, THE FOLLOWING:

- 29 1. USES SUCH AS CHILD OR SENIOR CARE CENTERS PROVIDED AS PART OF
30 THE PROJECT AND AVAILABLE TO THE PUBLIC;
- 31 2. PUBLIC TRANSPORTATION SUCH AS SHUTTLE BUSES TO A PARK-AND-
32 RIDE LOT IF NOT OTHERWISE REQUIRED BY THIS CODE;
- 33 3. ADDITIONAL OPEN AREAS;
- 34 4. REGIONAL STORM WATER MANAGEMENT OR REGIONAL WATER
35 QUALITY IMPROVEMENTS;
- 36 5. ADDITION OF PUBLIC ART TO THE PROJECT;
- 37 6. 10% OF THE RESIDENTIAL UNITS IN THE DEVELOPMENT ARE
38 AFFORDABLE HOUSING UNITS AS DEFINED BY THE MARYLAND DEPARTMENT OF
39 HOUSING AND COMMUNITY DEVELOPMENT;
- 40 7. PRESERVATION OF NATURALLY VEGETATED AREAS BY DEDICATION
41 OR EASEMENT IN ORDER TO FURTHER PROTECT THE ENVIRONMENTAL INTEGRITY OF
42 RECEIVING SURFACE WATERS;

1 8. PRESERVATION AND ENHANCEMENT OF ARCHAEOLOGICAL OR
 2 HISTORICAL RESOURCES FOR PUBLIC ENJOYMENT; AND

3
 4 9. SITE LANDSCAPING WITH NATIVE SPECIES BEYOND WHAT IS REQUIRED
 5 IN THE LANDSCAPE MANUAL.

6
 7 **18-10-116. Dwellings, townhouses.**

8
 9 Townhouses shall comply with all of the following requirements.

10
 11 (1) The bulk regulations contained in the following chart shall be met:

12

Maximum net density	<u>EXCEPT AS SET FORTH IN SUBSECTION (5) SUBSECTIONS (5) AND (6), C3, 5 units per acre and, in all other districts, in accordance with the requirements of the district in which the development is located</u>

13
 14 (5) IF AT LEAST 51% OF THE PARCEL OR COMBINED PARCELS FOR THE
 15 DEVELOPMENT IS LOCATED WITHIN TWO MILES OF A BUSINESS COMPLEX, REGIONAL
 16 COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY CENTER CONSISTING OF AT LEAST
 17 1,000,000 SQUARE FEET OF FLOOR AREA, THE PLANNING AND ZONING OFFICER MAY
 18 INCREASE THE MAXIMUM NET DENSITY UP TO 15 UNITS PER ACRE IN A C3 DISTRICT IF:

19
 20 (I) THE LOT SIZE OF THE PROPOSED DEVELOPMENT IS AT LEAST 4 ACRES;

21
 22 (II) THE DEVELOPER SUBMITS TO THE COUNTY A MARKET STUDY
 23 DEMONSTRATING THAT THE MIX OF COMMERCIAL ACTIVITY IN THE BUSINESS
 24 COMPLEX, REGIONAL COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY CENTER IS
 25 SATISFACTORY TO SUPPORT THE POPULATION WITHIN A TWO-MILE RADIUS OF THE
 26 BUSINESS COMPLEX, REGIONAL COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY
 27 CENTER; AND

28
 29 (III) THE DEVELOPER ENTERS AN INCENTIVE PROGRAM PURSUANT TO
 30 SUBSECTION (6) OF THIS SECTION.

31
 32 (6) THE INCENTIVE PROGRAM REQUIRED BY SUBSECTION (5)(III) SHALL HAVE
 33 THE FOLLOWING REQUIREMENTS:

34
 35 (I) AN APPLICATION FOR THE USE OF INCENTIVES SHALL BE MADE BY THE
 36 DEVELOPER AND SHALL INCLUDE A DESCRIPTION OF THE PROPOSED PROJECT THAT
 37 REFLECTS EXCEPTIONAL DESIGN QUALITY, ARCHITECTURAL FEATURES, AND
 38 ENVIRONMENTAL SENSITIVITY. THE DESCRIPTION ALSO SHALL REFLECT LAND AND
 39 STREETSCAPING IMPROVEMENTS AND ENHANCEMENT OF OPEN SPACE THAT EXCEED
 40 THE STANDARDS SET FORTH IN THE LANDSCAPE MANUAL. THE APPLICATION ALSO
 41 SHALL INCLUDE A STUDY SHOWING THE FEASIBILITY, NEED, AND BENEFIT TO THE
 42 COMMUNITY, AND A SITE DEVELOPMENT PLAN.

43
 44 (II) EVALUATION OF APPLICATION. THE OFFICE OF PLANNING AND ZONING
 45 SHALL EVALUATE THE APPLICATION BASED ON THE FOLLOWING CRITERIA:

46
 47 1. PUBLIC ACCESS TO USES AND AMENITIES;

48
 49 2. COMMUNITY BENEFIT;

1 3. CONSISTENCY WITH THE PURPOSE OF THIS TITLE;

2
3 4. CONFORMANCE WITH THE GENERAL DEVELOPMENT PLAN;

4
5 5. COMPATIBILITY AND QUALITY OF DESIGN;

6
7 6. PEDESTRIAN AND VEHICULAR ACCESS AND CIRCULATION; AND

8
9 7. ENVIRONMENTAL ENHANCEMENT AND MITIGATION.

10
11 (III) INCENTIVES TO BE CONSIDERED MAY INCLUDE, BUT ARE NOT LIMITED

12 TO:

13
14 1. USES SUCH AS CHILD OR SENIOR CARE CENTERS PROVIDED AS PART OF
15 THE PROJECT AND AVAILABLE TO THE PUBLIC;

16
17 2. PUBLIC TRANSPORTATION SUCH AS SHUTTLE BUSES TO A PARK-AND-
18 RIDE LOT IF NOT OTHERWISE REQUIRED BY THIS CODE;

19
20 3. ADDITIONAL OPEN AREAS;

21
22 4. REGIONAL STORM WATER MANAGEMENT OR REGIONAL WATER
23 QUALITY IMPROVEMENTS;

24
25 5. ADDITION OF PUBLIC ART TO THE PROJECT;

26
27 6. 10% OF THE RESIDENTIAL UNITS IN THE DEVELOPMENT ARE
28 AFFORDABLE HOUSING UNITS AS DEFINED BY THE MARYLAND DEPARTMENT OF
29 HOUSING AND COMMUNITY DEVELOPMENT;

30
31 7. PRESERVATION OF NATURALLY VEGETATED AREAS BY DEDICATION
32 OR EASEMENT IN ORDER TO FURTHER PROTECT THE ENVIRONMENTAL INTEGRITY OF
33 RECEIVING SURFACE WATERS;

34
35 8. PRESERVATION AND ENHANCEMENT OF ARCHAEOLOGICAL OR
36 HISTORICAL RESOURCES FOR PUBLIC ENJOYMENT; AND

37
38 9. SITE LANDSCAPING WITH NATIVE SPECIES BEYOND WHAT IS REQUIRED
39 IN THE LANDSCAPE MANUAL.

40
41 ~~(4) FOR A DEVELOPMENT IN A C2 ZONING DISTRICT THAT IS LOCATED WITHIN A~~
42 ~~PENINSULA IMPACT AREA AND ABUTS A PENINSULA ROAD AS IDENTIFIED IN § 17-5-403(B)~~
43 ~~OF THIS CODE, WHETHER OR NOT SUCH ROAD IS USED AS THE SOLE ROUTE OUT OF THE~~
44 ~~PENINSULA, THE DEVELOPMENT SHALL INCLUDE COMMERCIAL USES THAT EQUAL AT~~
45 ~~LEAST 50% OF THE FLOOR AREA IN THE DEVELOPMENT.~~

46
47 ~~(4) (5) IF THE ENTIRE DEVELOPMENT IS LOCATED WITHIN TWO MILES OF A~~
48 ~~BUSINESS COMPLEX CONSISTING OF AT LEAST 1,000,000 SQUARE FEET OF FLOOR AREA,~~
49 ~~THE PLANNING AND ZONING OFFICER MAY REDUCE THE NON RESIDENTIAL USE~~
50 ~~REQUIREMENT IF:~~

51
52 ~~(I) THE LOT SIZE OF THE PROPOSED DEVELOPMENT IS AT LEAST 4 ACRES;~~

53
54 ~~(II) THE DENSITY OF THE PROPOSED DEVELOPMENT DOES NOT EXCEED 22~~
55 ~~UNITS PER ACRE;~~

56

1 ~~(III) THE DEVELOPER SUBMITS TO THE COUNTY A MARKET STUDY~~
2 ~~DEMONSTRATING THAT THE MIX OF COMMERCIAL ACTIVITY IN THE BUSINESS COMPLEX~~
3 ~~IS SATISFACTORY TO SUPPORT THE POPULATION WITHIN A TWO MILE RADIUS OF THE~~
4 ~~BUSINESS COMPLEX; AND~~

5
6 ~~(IV) THE DEVELOPER ENTERS AN INCENTIVE PROGRAM PURSUANT TO~~
7 ~~SUBSECTION (5) OF THIS SECTION.~~

8
9 ~~(5) (6) THE INCENTIVE PROGRAM REQUIRED BY SUBSECTION (4)(IV) SHALL HAVE~~
10 ~~THE FOLLOWING REQUIREMENTS:~~

11
12 ~~(I) AN APPLICATION FOR THE USE OF INCENTIVES SHALL BE MADE BY THE~~
13 ~~DEVELOPER AND SHALL INCLUDE A DESCRIPTION OF THE PROPOSED PROJECT THAT~~
14 ~~REFLECTS EXCEPTIONAL DESIGN QUALITY, ARCHITECTURAL FEATURES, AND~~
15 ~~ENVIRONMENTAL SENSITIVITY. THE DESCRIPTION ALSO SHALL REFLECT LAND AND~~
16 ~~STREETSCAPING IMPROVEMENTS AND ENHANCEMENT OF OPEN SPACE THAT EXCEED~~
17 ~~THE STANDARDS SET FORTH IN THE LANDSCAPE MANUAL. THE APPLICATION ALSO~~
18 ~~SHALL INCLUDE A STUDY SHOWING THE FEASIBILITY, NEED, AND BENEFIT TO THE~~
19 ~~COMMUNITY, AND A SITE DEVELOPMENT PLAN.~~

20
21 ~~(II) THE OFFICE OF PLANNING AND ZONING SHALL EVALUATE THE~~
22 ~~APPLICATION BASED ON THE FOLLOWING CRITERIA:~~

- 23 ~~1. PUBLIC ACCESS TO USES AND AMENITIES;~~
- 24 ~~2. COMMUNITY BENEFIT;~~
- 25 ~~3. CONSISTENCY WITH THE PURPOSE OF THIS TITLE;~~
- 26 ~~4. CONFORMANCE WITH THE GENERAL DEVELOPMENT PLAN;~~
- 27 ~~5. COMPATIBILITY AND QUALITY OF DESIGN;~~
- 28 ~~6. PEDESTRIAN AND VEHICULAR ACCESS AND CIRCULATION; AND~~
- 29 ~~7. ENVIRONMENTAL ENHANCEMENT AND MITIGATION.~~

30
31 ~~(III) INCENTIVES TO BE CONSIDERED MAY INCLUDE, BUT ARE NOT LIMITED~~
32 ~~TO, THE FOLLOWING:~~

- 33 ~~1. USES SUCH AS CHILD OR SENIOR CARE CENTERS PROVIDED AS PART OF~~
34 ~~THE PROJECT AND AVAILABLE TO THE PUBLIC;~~
- 35 ~~2. PUBLIC TRANSPORTATION SUCH AS SHUTTLE BUSES TO A PARK AND~~
36 ~~RIDE LOT IF NOT OTHERWISE REQUIRED BY THIS CODE;~~
- 37 ~~3. ADDITIONAL OPEN AREAS;~~
- 38 ~~4. REGIONAL STORM WATER MANAGEMENT OR REGIONAL WATER~~
39 ~~QUALITY IMPROVEMENTS;~~
- 40 ~~5. ADDITION OF PUBLIC ART TO THE PROJECT;~~
- 41 ~~6. 10% OF THE RESIDENTIAL UNITS IN THE DEVELOPMENT ARE~~
42 ~~AFFORDABLE HOUSING UNITS AS DEFINED BY THE MARYLAND DEPARTMENT OF~~
43 ~~HOUSING AND COMMUNITY DEVELOPMENT;~~

1 ~~7. PRESERVATION OF NATURALLY VEGETATED AREAS BY DEDICATION~~
2 ~~OR EASEMENT IN ORDER TO FURTHER PROTECT THE ENVIRONMENTAL INTEGRITY OF~~
3 ~~RECEIVING SURFACE WATERS;~~

4
5 ~~8. PRESERVATION AND ENHANCEMENT OF ARCHAEOLOGICAL OR~~
6 ~~HISTORICAL RESOURCES FOR PUBLIC ENJOYMENT; AND~~

7
8 ~~9. SITE LANDSCAPING WITH NATIVE SPECIES BEYOND WHAT IS REQUIRED~~
9 ~~IN THE LANDSCAPE MANUAL.~~

10
11 **18-10-117. Dwellings, townhouses.**

12 Townhouses shall comply with all of the following requirements.

13 (1) The bulk regulations contained in the following chart shall be met:

Maximum net density	EXCEPT AS SET FORTH IN SUBSECTION (5) SUBSECTIONS (5) AND (6), C1, C2 and C3, 5 units per acre and, in all other districts, in accordance with the requirements of the district in which the development is located

17
18 ~~(5) TOWNHOUSES MAY NOT BE ALLOWED AS A CONDITIONAL USE IN A~~
19 ~~DEVELOPMENT IN A C2 ZONING DISTRICT IF THE DEVELOPMENT IS LOCATED WITHIN A~~
20 ~~PENINSULA IMPACT AREA AND ABUTS A PENINSULA ROAD AS IDENTIFIED IN § 17-5-403(B)~~
21 ~~OF THIS CODE, WHETHER OR NOT SUCH ROAD IS USED AS THE SOLE ROUTE OUT OF THE~~
22 ~~PENINSULA.~~

23
24 ~~(5) (6) IF THE ENTIRE DEVELOPMENT IS LOCATED WITHIN TWO MILES OF A~~
25 ~~BUSINESS COMPLEX CONSISTING OF AT LEAST 1,000,000 SQUARE FEET OF FLOOR AREA,~~
26 ~~THE PLANNING AND ZONING OFFICER MAY INCREASE THE MAXIMUM NET DENSITY UP~~
27 ~~TO 15 UNITS PER ACRE IN A C1, C2, OR C3 DISTRICT IF:~~

28
29 ~~(I) THE LOT SIZE OF THE PROPOSED DEVELOPMENT IS AT LEAST 4 ACRES;~~

30
31 ~~(II) THE DEVELOPER SUBMITS TO THE COUNTY A MARKET STUDY~~
32 ~~DEMONSTRATING THAT THE MIX OF COMMERCIAL ACTIVITY IN THE BUSINESS COMPLEX~~
33 ~~IS SATISFACTORY TO SUPPORT THE POPULATION WITHIN A TWO MILE RADIUS OF THE~~
34 ~~BUSINESS COMPLEX; AND~~

35
36 ~~(III) THE DEVELOPER ENTERS AN INCENTIVE PROGRAM PURSUANT TO~~
37 ~~SUBSECTION (6) OF THIS SECTION.~~

38
39 ~~(6) THE INCENTIVE PROGRAM REQUIRED BY SUBSECTION (5)(III) SHALL HAVE~~
40 ~~THE FOLLOWING REQUIREMENTS:~~

41
42 ~~(I) AN APPLICATION FOR THE USE OF INCENTIVES SHALL BE MADE BY THE~~
43 ~~DEVELOPER AND SHALL INCLUDE A DESCRIPTION OF THE PROPOSED PROJECT THAT~~
44 ~~REFLECTS EXCEPTIONAL DESIGN QUALITY, ARCHITECTURAL FEATURES, AND~~
45 ~~ENVIRONMENTAL SENSITIVITY. THE DESCRIPTION ALSO SHALL REFLECT LAND AND~~
46 ~~STREETSCAPING IMPROVEMENTS AND ENHANCEMENT OF OPEN SPACE THAT EXCEED~~
47 ~~THE STANDARDS SET FORTH IN THE LANDSCAPE MANUAL. THE APPLICATION ALSO~~

1 ~~SHALL INCLUDE A STUDY SHOWING THE FEASIBILITY, NEED, AND BENEFIT TO THE~~
2 ~~COMMUNITY, AND A SITE DEVELOPMENT PLAN.~~

3
4 ~~(II) EVALUATION OF APPLICATION. THE OFFICE OF PLANNING AND ZONING~~
5 ~~SHALL EVALUATE THE APPLICATION BASED ON THE FOLLOWING CRITERIA:~~

- 6
7 ~~1. PUBLIC ACCESS TO USES AND AMENITIES;~~
- 8
9 ~~2. COMMUNITY BENEFIT;~~
- 10
11 ~~3. CONSISTENCY WITH THE PURPOSE OF THIS TITLE;~~
- 12
13 ~~4. CONFORMANCE WITH THE GENERAL DEVELOPMENT PLAN;~~
- 14
15 ~~5. COMPATIBILITY AND QUALITY OF DESIGN;~~
- 16
17 ~~6. PEDESTRIAN AND VEHICULAR ACCESS AND CIRCULATION; AND~~
- 18
19 ~~7. ENVIRONMENTAL ENHANCEMENT AND MITIGATION.~~

20
21 ~~(III) INCENTIVES TO BE CONSIDERED MAY INCLUDE, BUT ARE NOT LIMITED~~
22 ~~TO:~~

- 23
24 ~~1. USES SUCH AS CHILD OR SENIOR CARE CENTERS PROVIDED AS PART OF~~
25 ~~THE PROJECT AND AVAILABLE TO THE PUBLIC;~~
- 26
27 ~~2. PUBLIC TRANSPORTATION SUCH AS SHUTTLE BUSES TO A PARK AND~~
28 ~~RIDE LOT IF NOT OTHERWISE REQUIRED BY THIS CODE;~~
- 29
30 ~~3. ADDITIONAL OPEN AREAS;~~
- 31
32 ~~4. REGIONAL STORM WATER MANAGEMENT OR REGIONAL WATER~~
33 ~~QUALITY IMPROVEMENTS;~~
- 34
35 ~~5. ADDITION OF PUBLIC ART TO THE PROJECT;~~
- 36
37 ~~6. 10% OF THE RESIDENTIAL UNITS IN THE DEVELOPMENT ARE~~
38 ~~AFFORDABLE HOUSING UNITS AS DEFINED BY THE MARYLAND DEPARTMENT OF~~
39 ~~HOUSING AND COMMUNITY DEVELOPMENT;~~
- 40
41 ~~7. PRESERVATION OF NATURALLY VEGETATED AREAS BY DEDICATION~~
42 ~~OR EASEMENT IN ORDER TO FURTHER PROTECT THE ENVIRONMENTAL INTEGRITY OF~~
43 ~~RECEIVING SURFACE WATERS;~~
- 44
45 ~~8. PRESERVATION AND ENHANCEMENT OF ARCHAEOLOGICAL OR~~
46 ~~HISTORICAL RESOURCES FOR PUBLIC ENJOYMENT; AND~~
- 47
48 ~~9. SITE LANDSCAPING WITH NATIVE SPECIES BEYOND WHAT IS REQUIRED~~
49 ~~IN THE LANDSCAPE MANUAL.~~

50
51 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**

52
53 **18-11-124. Dwellings, multifamily.**

54
55 MULTIFAMILY DWELLINGS WITH REDUCED NON-RESIDENTIAL USE REQUIREMENT,
56 WITHIN TWO MILES OF THE BOUNDARY OF A UNITED STATES MILITARY FACILITY WITH
57 ROAD FRONTAGE ON MARYLAND ROUTE 295 OR A BUSINESS COMPLEX, REGIONAL
58 COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY CENTER CONSISTING OF AT LEAST

1 1,000,000 SQUARE FEET OF FLOOR AREA SHALL COMPLY WITH ALL OF THE FOLLOWING
2 REQUIREMENTS.

3
4 (1) IF THE ENTIRE AT LEAST 51% OF THE PARCEL OR COMBINED PARCELS FOR THE
5 DEVELOPMENT IS LOCATED WITHIN TWO MILES OF THE BOUNDARY OF A BUSINESS
6 COMPLEX, REGIONAL COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY CENTER
7 CONSISTING OF AT LEAST 1,000,000 SQUARE FEET OF FLOOR AREA, THE PLANNING AND
8 ZONING OFFICER MAY REDUCE THE NON-RESIDENTIAL USE REQUIREMENT IF:

9
10 (I) THE LOT SIZE OF THE PROPOSED DEVELOPMENT IS AT LEAST 4 ACRES;

11
12 (II) THE DENSITY OF THE PROPOSED DEVELOPMENT DOES NOT EXCEED 15
13 UNITS PER ACRE IN A C1 DISTRICT AND 22 UNITS PER ACRE IN C2 AND C3 DISTRICTS;

14
15 (III) THE DEVELOPER SUBMITS TO THE COUNTY A MARKET STUDY
16 DEMONSTRATING THAT THE MIX OF COMMERCIAL ACTIVITY IN THE BUSINESS
17 COMPLEX, REGIONAL COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY CENTER IS
18 SATISFACTORY TO SUPPORT THE POPULATION WITHIN A TWO-MILE RADIUS OF THE
19 BUSINESS COMPLEX, REGIONAL COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY
20 CENTER; AND

21
22 (IV) THE DEVELOPER ENTERS AN INCENTIVE PROGRAM PURSUANT TO
23 SUBSECTION (5) OF THIS SECTION.

24
25 (2) THE INCENTIVE PROGRAM REQUIRED BY SUBSECTION (1)(IV) SHALL HAVE
26 THE FOLLOWING REQUIREMENTS:

27
28 (I) AN APPLICATION FOR THE USE OF INCENTIVES SHALL BE MADE BY THE
29 DEVELOPER AND SHALL INCLUDE A DESCRIPTION OF THE PROPOSED PROJECT THAT
30 REFLECTS EXCEPTIONAL DESIGN QUALITY, ARCHITECTURAL FEATURES, AND
31 ENVIRONMENTAL SENSITIVITY. THE DESCRIPTION ALSO SHALL REFLECT LAND AND
32 STREETSCAPING IMPROVEMENTS AND ENHANCEMENT OF OPEN SPACE THAT EXCEED
33 THE STANDARDS SET FORTH IN THE LANDSCAPE MANUAL. THE APPLICATION ALSO
34 SHALL INCLUDE A STUDY SHOWING THE FEASIBILITY, NEED, AND BENEFIT TO THE
35 COMMUNITY, AND A SITE DEVELOPMENT PLAN.

36
37 (II) THE OFFICE OF PLANNING AND ZONING SHALL EVALUATE THE
38 APPLICATION BASED ON THE FOLLOWING CRITERIA:

39
40 1. PUBLIC ACCESS TO USES AND AMENITIES;

41
42 2. COMMUNITY BENEFIT;

43
44 3. CONSISTENCY WITH THE PURPOSE OF THIS TITLE;

45
46 4. CONFORMANCE WITH THE GENERAL DEVELOPMENT PLAN;

47
48 5. COMPATIBILITY AND QUALITY OF DESIGN;

49
50 6. PEDESTRIAN AND VEHICULAR ACCESS AND CIRCULATION; AND

51
52 7. ENVIRONMENTAL ENHANCEMENT AND MITIGATION.

53
54 (III) INCENTIVES TO BE CONSIDERED MAY INCLUDE, BUT ARE NOT LIMITED
55 TO, THE FOLLOWING:

56

1 1. USES SUCH AS CHILD OR SENIOR CARE CENTERS PROVIDED AS PART OF
2 THE PROJECT AND AVAILABLE TO THE PUBLIC;

3
4 2. PUBLIC TRANSPORTATION SUCH AS SHUTTLE BUSES TO A PARK-AND-
5 RIDE LOT IF NOT OTHERWISE REQUIRED BY THIS CODE;

6
7 3. ADDITIONAL OPEN AREAS;

8
9 4. REGIONAL STORM WATER MANAGEMENT OR REGIONAL WATER
10 QUALITY IMPROVEMENTS;

11
12 5. ADDITION OF PUBLIC ART TO THE PROJECT;

13
14 6. 10% OF THE RESIDENTIAL UNITS IN THE DEVELOPMENT ARE
15 AFFORDABLE HOUSING UNITS AS DEFINED BY THE MARYLAND DEPARTMENT OF
16 HOUSING AND COMMUNITY DEVELOPMENT;

17
18 7. PRESERVATION OF NATURALLY VEGETATED AREAS BY DEDICATION
19 OR EASEMENT IN ORDER TO FURTHER PROTECT THE ENVIRONMENTAL INTEGRITY OF
20 RECEIVING SURFACE WATERS;

21
22 8. PRESERVATION AND ENHANCEMENT OF ARCHAEOLOGICAL OR
23 HISTORICAL RESOURCES FOR PUBLIC ENJOYMENT; AND

24
25 9. SITE LANDSCAPING WITH NATIVE SPECIES BEYOND WHAT IS REQUIRED
26 IN THE LANDSCAPE MANUAL.

27
28 **18-11-125. Dwellings, townhouses.**

29
30 TOWNHOUSE DWELLINGS WITH INCREASED MAXIMUM NET DENSITY, WITHIN TWO
31 MILES OF THE BOUNDARY OF A UNITED STATES MILITARY FACILITY WITH ROAD
32 FRONTAGE ON MARYLAND ROUTE 295 OR A BUSINESS COMPLEX, REGIONAL
33 COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY CENTER CONSISTING OF AT LEAST
34 1,000,000 SQUARE FEET OF FLOOR AREA SHALL COMPLY WITH ALL OF THE FOLLOWING
35 REQUIREMENTS.

36
37 (1) IF ~~THE ENTIRE~~ AT LEAST 51% OF THE PARCEL OR COMBINED PARCELS FOR
38 THE DEVELOPMENT IS LOCATED WITHIN TWO MILES OF THE BOUNDARY OF A BUSINESS
39 COMPLEX, REGIONAL COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY CENTER
40 CONSISTING OF AT LEAST 1,000,000 SQUARE FEET OF FLOOR AREA, THE PLANNING AND
41 ZONING OFFICER MAY INCREASE THE MAXIMUM NET DENSITY UP TO 10 UNITS PER ACRE
42 IN A C1 DISTRICT AND UP TO 15 UNITS PER ACRE IN A C3 DISTRICT IF:

43
44 (I) THE LOT SIZE OF THE PROPOSED DEVELOPMENT IS AT LEAST 4 ACRES;

45
46 (II) THE DEVELOPER SUBMITS TO THE COUNTY A MARKET STUDY
47 DEMONSTRATING THAT THE MIX OF COMMERCIAL ACTIVITY IN THE BUSINESS
48 COMPLEX, REGIONAL COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY CENTER IS
49 SATISFACTORY TO SUPPORT THE POPULATION WITHIN A TWO-MILE RADIUS OF THE
50 BUSINESS COMPLEX, REGIONAL COMMERCIAL COMPLEX, OR SUBURBAN COMMUNITY
51 CENTER; AND

52
53 (III) THE DEVELOPER ENTERS AN INCENTIVE PROGRAM PURSUANT TO
54 SUBSECTION (2) OF THIS SECTION.

55
56 (2) THE INCENTIVE PROGRAM REQUIRED BY SUBSECTION (1)(III) SHALL HAVE
57 THE FOLLOWING REQUIREMENTS:

1 (I) AN APPLICATION FOR THE USE OF INCENTIVES SHALL BE MADE BY THE
2 DEVELOPER AND SHALL INCLUDE A DESCRIPTION OF THE PROPOSED PROJECT THAT
3 REFLECTS EXCEPTIONAL DESIGN QUALITY, ARCHITECTURAL FEATURES, AND
4 ENVIRONMENTAL SENSITIVITY. THE DESCRIPTION ALSO SHALL REFLECT LAND AND
5 STREETSCAPING IMPROVEMENTS AND ENHANCEMENT OF OPEN SPACE THAT EXCEED
6 THE STANDARDS SET FORTH IN THE LANDSCAPE MANUAL. THE APPLICATION ALSO
7 SHALL INCLUDE A STUDY SHOWING THE FEASIBILITY, NEED, AND BENEFIT TO THE
8 COMMUNITY, AND A SITE DEVELOPMENT PLAN.

9
10 (II) EVALUATION OF APPLICATION. THE OFFICE OF PLANNING AND ZONING
11 SHALL EVALUATE THE APPLICATION BASED ON THE FOLLOWING CRITERIA:

- 12 1. PUBLIC ACCESS TO USES AND AMENITIES;
- 13 2. COMMUNITY BENEFIT;
- 14 3. CONSISTENCY WITH THE PURPOSE OF THIS TITLE;
- 15 4. CONFORMANCE WITH THE GENERAL DEVELOPMENT PLAN;
- 16 5. COMPATIBILITY AND QUALITY OF DESIGN;
- 17 6. PEDESTRIAN AND VEHICULAR ACCESS AND CIRCULATION; AND
- 18 7. ENVIRONMENTAL ENHANCEMENT AND MITIGATION.

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26
27 (III) INCENTIVES TO BE CONSIDERED MAY INCLUDE, BUT ARE NOT LIMITED
28 TO:

- 29 1. USES SUCH AS CHILD OR SENIOR CARE CENTERS PROVIDED AS PART OF
30 THE PROJECT AND AVAILABLE TO THE PUBLIC;
 - 31 2. PUBLIC TRANSPORTATION SUCH AS SHUTTLE BUSES TO A PARK-AND-
32 RIDE LOT IF NOT OTHERWISE REQUIRED BY THIS CODE;
 - 33 3. ADDITIONAL OPEN AREAS;
 - 34 4. REGIONAL STORM WATER MANAGEMENT OR REGIONAL WATER
35 QUALITY IMPROVEMENTS;
 - 36 5. ADDITION OF PUBLIC ART TO THE PROJECT;
 - 37 6. 10% OF THE RESIDENTIAL UNITS IN THE DEVELOPMENT ARE
38 AFFORDABLE HOUSING UNITS AS DEFINED BY THE MARYLAND DEPARTMENT OF
39 HOUSING AND COMMUNITY DEVELOPMENT;
 - 40 7. PRESERVATION OF NATURALLY VEGETATED AREAS BY DEDICATION
41 OR EASEMENT IN ORDER TO FURTHER PROTECT THE ENVIRONMENTAL INTEGRITY OF
42 RECEIVING SURFACE WATERS;
 - 43 8. PRESERVATION AND ENHANCEMENT OF ARCHAEOLOGICAL OR
44 HISTORICAL RESOURCES FOR PUBLIC ENJOYMENT; AND
 - 45 9. SITE LANDSCAPING WITH NATIVE SPECIES BEYOND WHAT IS REQUIRED
46 IN THE LANDSCAPE MANUAL.
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1 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
2 from the date it becomes law.