

AMENDED September 5 and 18, 2023 October 2 and 16, 2023

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 14

Bill No. 64-23

Introduced by Mr. Smith, Chair (by request of the County Executive)

By the County Council, July 17, 2023

Introduced and first read on July 17, 2023 Public Hearing set for and held on September 5, 2023 Public Hearing on AMENDED bill set for and held on September 18, 2023 Public Hearing on SECOND AMENDED bill set for and held on October 2, 2023 Public Hearing on THIRD AMENDED bill set for and held on October 16, 2023 Bill AMENDED and VOTED on October 16, 2023 Bill Expires October 20, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

AN ORDINANCE concerning: Subdivision and Development – Zoning – Boards,

Commissions, and Similar Bodies – Parole Town Center – Parole Town Center Master

2	Commissions, and Similar Bodies – Parole Town Center – Parole Town Center Master
3	Plan
4	
5	FOR the purpose of repealing the 1994 Parole Urban Design Concept Plan; renaming the
6	"Parole Town Center Growth Management Area" to the "Parole Town Center";
7	removing certain restrictions to granting a variance by the Administrative Hearing
8	Office and Board of Appeals in the Parole Town Center Growth Management Area;
9	adding certain definitions; modifying certain development requirements in the Parole
10	Town Center; adding grandfathering provisions applicable to certain development
11	applications; providing for the scope and applicability of certain provisions;
12	establishing certain bulk regulations; establishing certain allowed uses and conditions
13	and certain prohibited uses; requiring a certain percentage of inclusionary housing units
14	on certain sites; adding certain standards for reservation of land for public facilities,
15	parking, electric vehicle charging stations, bicycle, and pedestrian and facilities;
16	creating an incentive program for certain development; adding the process for applying
17	for and approving an incentive program request; establishing subareas within the Parole

EXPLANATION: CAPITALS indicate new matter added to existing law.

[[Brackets]] indicate matter deleted from existing law.

Captions and taglines in **bold** in this bill are catchwords and are not law.

Town Center; adopting the 2023 Parole Town Center Master Plan with amendments;

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

Underlining indicates matter added to bill by amendment. Strikeover indicates matter removed from bill by amendment.

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2 3	and similar bodies, and the County's Parole Town Center Master Plan.
4	BY repealing: §§ 3-1-207(f); 17-7-901 through 17-7-906 and the subtitle "Subtitle 9. Parole
5	Town Center Growth Management Area"; 18-14-401 and the subtitle "Subtitle 4.
6	Parole Town Center Growth Management Area"; and 18-16-305(g)
7	Anne Arundel County Code (2005, as amended)
8	
9	BY renumbering: § 3-1-207(g) to be § 3-1-207(f); §§ 17-1-101(71) through (103) to be §§
10	17-1-101(72) through (104), respectively; and § 18-16-305(h) to be § 18-16-305(g)
11	Anne Arundel County Code (2005, as amended)(and as amended by Bill No. 52-23)
12	
13	BY adding: §§ 17-1-101(71); 17-2-101(b)(17); 17-7-901 through 17-7-909 to be under the
14	new subtitle "Subtitle 9. Parole Town Center"; and 18-14-401 to be under the new
15	subtitle "Subtitle 4. Parole Town Center"
16	Anne Arundel County Code (2005, as amended)
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18	BY repealing and reenacting, with amendments: §§ 17-2-101(b)(2) (12), (15) and (16); 17-
19	5-201(b); 17-5-207(c)(4) and (5); 17-5-401(b); and 17-11-209(b)(3)
20	Anne Arundel County Code (2005, as amended)
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22	SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland.
23	That the 1994 Parole Urban Design Concept Plan is hereby repealed.
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25	SECTION 2. And be it further enacted, That §§ 3-1-207(f); 17-7-901 through 17-7-
26	906and the subtitle "Subtitle 9. Parole Town Center Growth Management Area"; 18-14-
27	401 and the subtitle "Subtitle 4. Parole Town Center Growth Management Area"; and 18-
28	16-305(g) of the Anne Arundel County Code (2005, as amended) are hereby repealed.
29 30	SECTION 3. And be it further enacted, That §§ 3-1-207(g); 17-1-101(71) through
31	(103); and 18-16-305(h), respectively, of the Anne Arundel County Code (2005, as
32	amended) (and as amended by Bill No. 52-23) are hereby renumbered to be §§ 3-1-207(f):
33	17-1-101(72) through (104); and 18-16-305(g), respectively.
34	17 1 101(72) unough (104), and 10 10 303(g), respectively.
35	SECTION 4. And be it further enacted, That Section(s) of the Anne Arundel County
36	Code (2005, as amended) (and as amended by Bill No. 52-23) read as follows:
37	Code (2002, as unicided) (and as unicided by Bir 100, 22 25) road as follows:
38	ARTICLE 17. SUBDIVISION AND DEVELOPMENT
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40	TITLE 1. DEFINITIONS
41	
42	17-1-101. Definitions.
43	
44	Unless defined in this article, the Natural Resources Article of the State Code, or
45	COMAR, the definitions of words defined elsewhere in this Code apply in this article. The
46	following words have the meanings indicated:
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(71) "MULTI-MODAL TRANSPORTATION CENTER" IS A FACILITY THAT JOINS INTO

ONE LOCATION, ALL MODES OF PUBLIC OR PRIVATE MOBILITY TRANSPORTATION,

and generally relating to subdivision and development, zoning, boards, commissions,

INCLUDING MOTORIZED TRANSPORTATION, PUBLIC TRANSIT, BICYCLING, WALKING, OR ANY COMBINATION THEREOF.

TITLE 2. GENERAL PROVISIONS

17-2-101. Scope; applicability.

(b) **Applicability to pending and future proceedings.** Subject to the grandfathering provisions of COMAR Title 27, this article applies to all pending and future proceedings and actions of any board, department, or agency empowered to decide applications under this Code, except that:

 (2) a site plan filed on or before April 4, 2005 for development in an open space district, town center district, industrial park district, maritime district, mixed use district, commercial revitalization area, Odenton Growth Management Area, Parole Town Center [[Growth Management Area]], or suburban community center shall be governed by the law as it existed prior to May 12, 2005 for the development shown on the approved site plan;

(12) for property located in the core in the Parole Town Center [[Growth Management Area]], an application for final approval of a sketch plan, a preliminary plan, a proposed record plat, or for recommendation of approval of an application for a building or grading permit in connection with a preliminary plan or site development plan, or for approval of a site development plan for development that does not require a permit, filed before December 6, 2018, shall be governed by § 17-5-201 as it existed prior to December 6, 2018;

(15) an application for sketch plan approval, final plan approval, preliminary plan approval, or approval of a building or grading permit associated with a BRAC Mixed Use Development plan that was filed before December 15, 2022 shall be governed by the law as it existed prior to June 27, 2022;[[and]]

(16) an application for approval of a sketch plan or final plan for a cluster development, and any building permit, grading permit, or other application associated with a cluster development, filed before November 25, 2022 shall be governed by the law as it existed prior to November 25, 2022[[.]]; AND

(17) FOR A PROPERTY LOCATED IN THE PAROLE TOWN CENTER, AN APPLICATION FOR APPROVAL OF A SKETCH PLAN, FINAL PLAN, A PRELIMINARY PLAN, SITE DEVELOPMENT PLAN, OR A BUILDING OR GRADING PERMIT FILED BEFORE THE EFFECTIVE DATE OF BILL NO. 64-23, SHALL BE GOVERNED BY SUBTITLE 9 OF TITLE 7 AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF BILL NO. 64-23, EXCEPT THAT AN APPLICANT MAY MAKE AN ELECTION, IN WRITING AND FILED WITH THE PLANNING AND ZONING OFFICER NO LATER THAN DECEMBER 31, 2023, TO BE GOVERNED BY THE LAW AS IT EXISTS AFTER THE EFFECTIVE DATE OF BILL NO. 64-23. THE FOLLOWING SHALL BE GOVERNED BY SUBTITLE 9 OF TITLE 7 AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF BILL NO. 64-23:

 (I) AN APPLICATION FOR APPROVAL OF OR REVISION TO A SKETCH PLAN, FINAL PLAN, PRELIMINARY PLAN, SITE DEVELOPMENT PLAN, OR ANY BUILDING OR GRADING PERMITS OR OTHER APPLICATIONS ASSOCIATED WITH THESE PLANS, FILED ON OR BEFORE THE EFFECTIVE DATE OF BILL NO. 64-23; AND

(II) AN APPLICATION FOR ANY BUILDING OR GRADING PERMITS NOT ASSOCIATED WITH A FINAL PLAN OR SITE DEVELOPMENT PLAN FILED ON OR BEFORE THE EFFECTIVE DATE OF BILL 64-23.

TITLE 5. ADEQUATE PUBLIC FACILITIES

17-5-201. Requirement to pass adequacy of public facilities tests; exemptions.

(b) **General requirement.** The Planning and Zoning Officer may not give final approval to a proposed record plat, recommend approval of an application for a building or grading permit in connection with a preliminary plan or site development plan, or approve a site development plan for development that does not require a permit unless the development passes the tests for adequate public facilities set forth in this title if required by the chart in this section.

The chart uses the following key: S = subject to the test and E = exempted from the test.

Development Type	Fire Suppression	Roads	Schools	Sewage Disposal	Storm Drain	Water
Non-Residential:	Suppression			Disposai	Diam	Supply

Odenton Growth Management Area and Parole Town Center [[Growth Management Area]]: nonresidential building additions of less than 1,000 square feet and tenant improvements ***	Е	Е	E	S	Е	S
Residential:						

Parole Town Center [[Growth Management Area]]: all residential developments	S	S	E ⁴	S	S	S
Odenton Growth Management Area and Parole Town Center [[Growth Management Area]]:	Е	Е	Е	S	Е	S

residential building additions of less than 1,000 square feet			

17-5-207. Exemptions.

$(c) \ Exemptions \ within \ Parole \ Town \ Center \ [[Growth \ Management \ Area]].$

Residential development in the Parole Town Center [[Growth Management Area]], subject to an approved incentive program, is exempt from the adequate schools facilities test if the following conditions are met:

(4) The project includes enhancement elements for bicycle, pedestrian, and transit infrastructure within the Parole Town Center [[Growth Management Area]], as determined by the Office of Planning and Zoning;

(5) The project includes enhancement elements that will improve conveyance, roadway capacity, or vehicular traffic circulation within the Parole Town Center [[Growth Management Area]], as determined by the Office of Planning and Zoning;

17-5-401. Standards.

(b) Parole Town Center.

(1) In the Parole Town Center [[Growth Management Area]], a development passes the test for adequate road facilities if in the scheduled completion year of the development. <u>AFTER THE OFFSET PROVIDED FOR IN PARAGRAPH (2)</u>, it creates [[50]] 250 or fewer daily trips or if:

*** [[(1)]] (I) each intersection from site access points to and including the first intersection with an arterial or higher classification road operates with a peak hour [[critical lane volume of less than 1,450]] LEVEL OF SERVICE "D" OR BETTER, except that, at the discretion of the Planning and Zoning Officer, intersections LOCATED in the [[core]] CORE may operate with a peak hour [[critical lane volume of less than 1,600]] LEVEL OF SERVICE "E" OR BETTER; and

[[(2)]] (II) intersections as identified by the Office of Planning and Zoning operate with A peak hour [[critical lane volume of less than 1,450]] LEVEL OF SERVICE "D" OR BETTER, except that, at the discretion of the Planning and Zoning Officer, intersections located in the [[core]] CORE may operate with a peak hour [[critical lane volume of less than 1,600]] LEVEL OF SERVICE "E" OR BETTER; OR

(III) THE DEVELOPER HAS AN APPROVED MITIGATION PLAN UNDER §§ 17-5-901 ET SEO.

OF THE SITE.

 VEHICLE TRIPS GENERATED BY ANY PRIOR USES THAT ARE BEING REPLACED ON THE SITE THAT EXIST OR EXISTED WITHIN FIVE YEARS OF THE DATE OF THE DEVELOPMENT APPLICATION, SUBJECT TO THE FOLLOWING:

(I) THE DEVELOPER SHALL PROVIDE SUPPORTING INFORMATION TO JUSTIFY THE ASSUMPTIONS MADE REGARDING THE TRIP GENERATION OF THE PRIOR USES,

WAS PREVIOUSLY DEVELOPED, THE DEVELOPER MAY REQUEST AN OFFSET FOR THE

(2) NOTWITHSTANDING ANY PROVISION IN THIS CODE TO THE CONTRARY, IF A SITE

INCLUDING A TRAFFIC ANALYSIS THAT ILLUSTRATES THE PRIOR USES ON THE SITE, THE SQUARE FOOTAGE ATTRIBUTABLE TO THE PRIOR USES, AND THE DAILY TRIPS GENERATED BY THE PRIOR USES.

(II) IF THE INFORMATION AND ANALYSIS PROVIDED IN ACCORDANCE WITH SUBSECTION (B)(2)(I) IS ACCEPTED BY THE OFFICE OF PLANNING AND ZONING, THE

NUMBER OF TRIPS ATTRIBUTED TO THE PRIOR USES SHALL BE USED TO OFFSET THE TOTAL

NUMBER OF DAILY TRIPS GENERATED BY THE USES PROPOSED IN THE NEW DEVELOPMENT

(III) THE OFFSET ALLOWED BY SUBSECTION (B)(2)(II) APPLIES REGARDLESS OF WHETHER ANY STRUCTURES THAT CONTAINED THE PRIOR USES ARE DEMOLISHED FROM THE SITE.

TITLE 7. DEVELOPMENT REQUIREMENTS FOR PARTICULAR TYPES OF DEVELOPMENT

SUBTITLE 9. PAROLE TOWN CENTER

17-7-901. Definitions.

IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

- (1) (I) "ACTIVITY SPACE" MEANS AN AREA DESIGNED FOR STROLLING, GATHERING, PLAYING, CULTURAL ACTIVITY, COMMUNITY ACTIVITY, OR OTHER SOCIAL EVENT, AND MAY INCLUDE FEATURES SUCH AS A VILLAGE GREEN, PLAZA OR SQUARE, COURTYARD, POCKET PARK, ROOFTOP GARDEN, USEABLE LAWN OR TERRACE, POOL AREA, PLAYGROUND, BALLFIELD, AND OTHER SIMILAR SPACES.
- (II) "ACTIVITY SPACE" DOES NOT MEAN REQUIRED PUBLIC SIDEWALKS AND PEDESTRIAN OR BICYCLE FACILITIES, UNLESS DESIGNED AS INTEGRATED COMPONENTS OF AN ON-SITE OR ADJACENT ACTIVITY SPACE.
- (2) "GREEN AREA" MEANS PERVIOUS AREAS INCLUDING LAWNS, PLANTERS, GREEN ROOFS, LANDSCAPED AREAS, FOREST AND SENSITIVE PRESERVATION AREAS, BUFFERS, NONSTRUCTURAL STORMWATER MANAGEMENT FACILITY AREAS, PLANTED PARKING LOT STRIPS AND ISLANDS, FLOODPLAINS, STREAMS, WETLANDS, TREE PITS, EXTERIOR PLANTED AREAS THAT CONTRIBUTE TO CREATING GREEN RELIEF, INFILTRATION OR EVAPOTRANSPIRATION; AND OTHER SIMILAR AREAS REGARDLESS OF USABILITY OR ACCESSIBILITY.
- (3) "OPEN AREA" MEANS ALL AREAS ON A SITE NOT COVERED BY STRUCTURES, ROADWAYS, OR PARKING.
- (4) "PAROLE TOWN CENTER" MEANS THE AREA ESTABLISHED IN THE PAROLE TOWN CENTER MASTER PLAN, WHICH WAS FORMERLY TITLED AS THE PAROLE TOWN CENTER GROWTH MANAGEMENT AREA.

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1 2 3	(5) "SITE" MEANS ANY LOT OR PARCEL OF LAND, OR COMBINATION OF LOTS OR PARCELS OF LAND, THAT ARE CONTIGUOUS AND BEING DEVELOPED AS PART OF A COMMON SUBDIVISION OR SITE DEVELOPMENT PLAN.
4 5 6	(6) "SUBAREA" MEANS A PART OF THE PAROLE TOWN CENTER AS DELINEATED IN THE PAROLE TOWN CENTER MASTER PLAN.
7 8	17-7-902. Scope; applicability.
9 10 11 12 13 14	(A) When applicable. EXCEPT AS PROVIDED IN SUBSECTION (B), THIS SUBTITLE APPLIES IN THE PAROLE TOWN CENTER TO AN APPLICATION FOR APPROVAL OF A SKETCH PLAN, FINAL PLAN, A PRELIMINARY PLAN, SITE DEVELOPMENT PLAN, OR A BUILDING OR GRADING PERMIT.
15 16	(B) When inapplicable. THIS SUBTITLE DOES NOT APPLY IN THE PAROLE TOWN CENTER TO THE FOLLOWING:
17 18 19	(1) A BUILDING PERMIT TO÷
20 21	(I) DEMOLISH AND RECONSTRUCT LESS THAN 1,000 SQUARE FEET OF AN EXISTING STRUCTURE;
22 23 24	(II) ADD A CUMULATIVE FLOOR AREA OF LESS THAN 1,000 SQUARE FEET; OR
25 26 27	——————————————————————————————————————
28 29 30	(2) A LIMIT OF DISTURBANCE OF LESS THAN 5,000 SQUARE FEET ANYTHING EXEMPTED FROM THE SITE DEVELOPMENT PROVISIONS OF TITLE 4, AS SET FORTH IN § 17-4-101; OR
31 32 33 34	(3) A HOSPITAL LICENSED UNDER TITLE 19 OF THE HEALTH-GENERAL ARTICLE OF THE STATE CODE.
35 36	17-7-903. Compliance with other laws and manuals.
37 38 39 40	(A) Site design and architectural requirements. DEVELOPMENT SHALL COMPLY WITH THE SITE DESIGN AND ARCHITECTURAL REQUIREMENTS SET FORTH IN THE PAROLE TOWN CENTER MASTER PLAN.
41 42 43 44 45	(B) Landscape requirements. DEVELOPMENT SHALL COMPLY WITH THE LANDSCAPE MANUAL, EXCEPT THAT WHEN A SPECIFIC LANDSCAPING REQUIREMENT IN THE PAROLE TOWN CENTER MASTER PLAN DIFFERS FROM THE LANDSCAPE MANUAL, THE LANDSCAPING REQUIREMENT IN THE PAROLE TOWN CENTER MASTER PLAN SHALL APPLY
46 47 48 49 50	(C) Design requirements. DEVELOPMENT SHALL COMPLY WITH THE DPW DESIGN MANUAL, EXCEPT THAT WHEN A SPECIFIC DESIGN REQUIREMENT IN THE PAROLE TOWN CENTER MASTER PLAN DIFFERS FROM THE DPW DESIGN MANUAL, THE PAROLE TOWN CENTER MASTER PLAN DESIGN REQUIREMENT SHALL APPLY.
51 52	(D) Conflicts.
53 54 55	(1) IF ANY PROVISION OF THIS SUBTITLE CONFLICTS WITH A PROVISION OF THE PAROLE TOWN CENTER MASTER PLAN, THE STRICTER PROVISION APPLIES.

(2) EXCEPT FOR DEVELOPMENT IN THE CRITICAL AREA, IF ANY PROVISION OF THIS SUBTITLE OR THE PAROLE TOWN CENTER MASTER PLAN CONFLICTS WITH ANOTHER

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(A) **Exemptions.** DEVELOPMENT IS EXEMPT FROM §§ 17-6-110(A)(3) AND 17-6-111, AND ANY OTHER BULK REGULATIONS REQUIRED BY THIS CODE, UNLESS SPECIFICALLY STATED IN THIS SUBTITLE.

PROVISION OF THIS CODE OR ANY COUNTY MANUALS, THE STRICTER PROVISION OF THIS

SUBTITLE OR THE PAROLE TOWN CENTER MASTER PLAN APPLIES.

(B) **Maximum height and minimum open area.** MAXIMUM HEIGHT AND MINIMUM OPEN AREA REQUIREMENTS SHALL APPLY AS FOLLOWS:

SUBAREA	MAXIMUM HEIGHT (BUILDING STORIES)	MAXIMUM HEIGHT, IF ADJACENT TO AND WITHIN 100 FEET OF PROPERTY NOT IN THE PAROLE TOWN CENTER AND IN THE RA, RLD, R1, R2 OR R5 ZONING DISTRICTS AND IS A RESIDENTIAL USE (BUILDING STORIES)	MINIMUM OPEN AREA
CORE	8	8	15%
PAROLE NORTH DISTRICT	6	6	15%
CHURCH CREEK DISTRICT	6	5	20%
HUDSON STREET TRANSITION	6	5	20%
HOUSLEY ROAD VILLAGE	5	3	20%
GATEWAY BUSINESS MIX	5	3	20%
DEFENSE HIGHWAY CORRIDOR	5	3	20%

(C) Building height.

(1) ONLY BUILDING STORIES AT STREET LEVEL OR HIGHER ARE INCLUDED WHEN CALCULATING THE NUMBER OF BUILDING STORIES.

(2) UNOCCUPIED ROOFTOP MECHANICAL SPACE, DECORATIVE ROOFTOP TREATMENTS WITHOUT ACCESS FROM MAIN STAIRWELLS, AND ANY EXPOSED WALK-OUT BASEMENTS BELOW THE GRADE OF THE PRIMARY ENTRANCE AT STREET LEVEL ARE NOT INCLUDED WHEN CALCULATING THE NUMBER OF BUILDING STORIES.

(3) IN THE CORE, A MINIMUM HEIGHT OF TWO BUILDING STORIES IS REQUIRED FOR ALL STRUCTURES, EXCEPT FOR BUILDABLE LOTS OR PARCELS LESS THAN TWO ACRES IN SIZE EXISTING AS OF THE EFFECTIVE DATE OF BILL NO. 64-23.

(4) STRUCTURED PARKING MAY NOT BE THE TALLEST STRUCTURE ON THE SITE.

(4) UNENCLOSED ROOFTOP AMENITY AREAS AND ENCLOSED ROOFTOP SPACES STEPPED BACK AT LEAST 20 FEET FROM THE BUILDING FACADE AND COMPRISING LESS THAN 25% OF A FULL STORY FLOOR AREA ARE NOT INCLUDED WHEN CALCULATING THE NUMBER OF BUILDING STORIES.

(D) Open area requirements.

(1) OPEN AREA IS CALCULATED BASED ON THE GROSS AREA OF THE SITE.

(2) A MINIMUM OF 50% OF THE REQUIRED OPEN AREA SHALL BE GREEN AREA.

(E) Activity space requirements.

(1) ACTIVITY SPACE AND OPEN AREA MAY OVERLAP.

(2) FOR NONRESIDENTIAL USES:

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(I) ONE SQUARE FOOT OF ACTIVITY SPACE PER FIVE 10 SQUARE FEET OF NONRESIDENTIAL STRUCTURE FLOOR AREA SHALL BE PROVIDED.

(II) ALL <u>PUBLIC</u> OUTDOOR ACTIVITY SPACE SHALL BE DESIGNED AND IMPROVED TO ENHANCE PEDESTRIAN CIRCULATION AREAS AND TO PROVIDE EFFECTIVE BUFFERS AND VISUAL RELIEF BETWEEN ROADS, PARKING, AND BUILDINGS. WHERE POSSIBLE, ACTIVITY SPACE SHOULD CONNECT TO ANY ADJACENT PUBLIC PEDESTRIAN NETWORK.

(III) WHERE POSSIBLE, OUTDOOR ACTIVITY SPACE SHOULD BE DESIGNED TO PROVIDE EFFECTIVE BUFFERS AND VISUAL RELIEF BETWEEN ROADS, PARKING, AND BUILDINGS.

(3) FOR RESIDENTIAL USES, EXCLUDING SINGLE-FAMILY DETACHED DWELLINGS, ONE SQUARE FOOT OF ACTIVITY SPACE PER FOUR SQUARE FEET OF RESIDENTIAL FLOOR AREA SHALL BE PROVIDED.

(4) ACTIVITY SPACE MAY INCLUDE UP TO 50% OF PUBLICLY ACCESSIBLE INTERIOR CONCOURSES OR WALKWAYS WITHIN AN ENCLOSED SHOPPING MALL.

(F) Setbacks.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE FOLLOWING SETBACKS APPLY TO ALL BUILDINGS:

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SUBAREA	FR	ONT	SIDE	DEAD
SUBAREA	MINIMUM	MAXIMUM	SIDE	REAR
CORE	NONE	35 FEET	NONE	NONE
PAROLE NORTH DISTRICT	NONE	35 FEET	NONE	NONE
CHURCH CREEK DISTRICT	NONE	35 FEET	NONE	NONE
HUDSON STREET TRANSITION	NONE	35 FEET	NONE	NONE
HOUSLEY ROAD VILLAGE	NONE	35 FEET	NONE	NONE
GATEWAY BUSINESS MIX	15 FEET	60 FEET	NONE	NONE
DEFENSE HIGHWAY CORRIDOR	15 FEET	60 <u>75</u> FEET	NONE	NONE

(2) ANY SETBACK FROM U.S. ROUTE 50 OR MARYLAND ROUTE 665 SHALL BE 35 FEET.

(3) IN DETERMINING THE MEASUREMENTS FOR SETBACKS, THE FOLLOWING APPLIES:

(I) FRONT SETBACKS ARE CALCULATED FROM THE PROPERTY LINE IN THE LOCATION AS IT WILL EXIST AFTER ANY REQUIRED DEDICATION OF RIGHT-OF-WAY.

(II) SETBACKS FOR A CORNER LOT ARE SUBJECT TO § 18-2-304 OF THIS CODE, AND A SIDE SETBACK MAY BE INCREASED TO ACCOMMODATE A CLEAR SIGHT TRIANGLE.

(4) THE PLANNING AND ZONING OFFICER MAY APPROVE A SETBACK OTHER THAN ONE SET FORTH IN THIS SUBSECTION IN ACCORDANCE WITH §§ 17-2-108 OR 17-7-909 TO ACCOMMODATE ROADWAY IMPROVEMENTS, PEDESTRIAN OR BICYCLE FACILITIES,

UTILITIES, BUFFERS, PRESERVATION OF NATURAL ENVIRONMENTAL FEATURES, STORMWATER MANAGEMENT FACILITIES, OPEN AREA AMENITIES, OR OTHER ELEMENTS IN CONFORMANCE WITH THE PAROLE TOWN CENTER MASTER PLAN. FRONT SETBACKS MAY NOT BE EXPANDED BEYOND THE MAXIMUM SOLELY TO ACCOMMODATE ADDITIONAL SURFACE PARKING BETWEEN A BUILDING AND A ROADWAY.

(G) **Noise mitigation; U.S. Route 50 and Maryland Route 665.** FOR <u>RESIDENTIAL</u> DEVELOPMENT <u>OR NONRESIDENTIAL DEVELOPMENT WITH ACTIVITY SPACES</u> ADJACENT TO U.S. ROUTE 50 OR MARYLAND ROUTE 665, THE DEVELOPER SHALL:

(1) CONDUCT A NOISE STUDY USING FEDERAL HIGHWAY ADMINISTRATION PREDICTION METHODS TO IDENTIFY THE NOISE MITIGATION MEASURES THAT ARE NECESSARY TO REDUCE HIGHWAY TRAFFIC SOUND LEVEL: TO BE AT OR BELOW 66 DBA IN ACTIVITY AREAS AND AT OR BELOW 45 DBA IN INDOOR RESIDENTIALLY OCCUPIED BUILDING SPACES: AND

(I) TO BE AT OR BELOW 66 DBA IN RESIDENTIAL ACTIVITY SPACES AND AT OR BELOW 45 DBA IN INDOOR RESIDENTIALLY OCCUPIED BUILDING SPACES; OR

(II) WHERE POSSIBLE, TO BE AT OR BELOW 66 DBA IN NONRESIDENTIAL ACTIVITY SPACES; AND

(2) SUBJECT TO THE RESULTS OF THE NOISE STUDY, IF NOISE MITIGATION IS REQUIRED:

(I) INCLUDE ANY REQUIRED INDOOR NOISE MITIGATION MEASURES ON THE BUILDING ARCHITECTURAL PLANS; AND

(II) PROVIDE OUTDOOR NOISE MITIGATION MEASURES TO MEET THE NOISE LEVELS SET FORTH IN ITEM (1) IN AN OPEN AREA MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMUNITY ASSOCIATION, OR COUNCIL OF CONDOMINIUM UNIT OWNERS AND NOTED ON THE FINAL PLAN OR THE FINAL RECORD PLAT TO BE RECORDED IN THE LAND RECORDS, OR IN THE ABSENCE OF AN OPEN AREA, PROVIDE A NOISE MITIGATION MAINTENANCE EASEMENT THAT SHALL BE NOTED ON THE FINAL PLAN OR THE FINAL RECORD PLAT TO BE RECORDED IN THE LAND RECORDS.

17-7-905. Allowed uses; prohibited uses; conditions.

(A) Uses allowed.

 $(1) \ EXCEPT \ AS \ PROVIDED \ IN \ THIS \ SECTION, THE \ USES \ ALLOWED \ ON \ A \ PROPERTY:$

 (I) ARE THE PERMITTED, CONDITIONAL, AND SPECIAL EXCEPTION USES ALLOWED IN THE UNDERLYING ZONING DISTRICT AS SET FORTH IN ARTICLE 18 OF THIS CODE.

(II) IN THE C2, C3, C4, TC, W1, W2, OR W3 ZONING DISTRICTS, ARE ANY USE ALLOWED IN THE R22 DISTRICT NOT OTHERWISE ALLOWED IN THOSE DISTRICTS, AS ALLOWED IN THE R22 DISTRICT.

(2) REGARDLESS OF WHETHER ALLOWED IN THE UNDERLYING ZONING DISTRICT, THE FOLLOWING USES ARE:

(I) PERMITTED USES:

1. DWELLING, TOWNHOUSE;

1	2. CIVIC FACILITIES, COMMUNITY CENTERS, LIBRARIES, AND MUSEUMS;
2	3. CONFERENCE CENTERS;
4	
5 6	4. COUNTRY CLUBS, PRIVATE CLUBS, AND SERVICE AND NONPROFIT CHARITABLE ORGANIZATIONS;
7 8	5. CULTURAL CENTERS AND EXHIBITS;
9 10 11	6. PARKS, PUBLIC OR PRIVATE;
12 13	7. RESTAURANTS, TAVERNS, RETAIL SALES, AND CONSUMER SERVICES IN A MULTIFAMILY STRUCTURE;
14	
15 16	8. SOLAR ENERGY GENERATING FACILITY – COMMUNITY, ROOFTOP-MOUNTED, OR SOLAR CANOPIES OVER PARKING LOTS OR GARAGES; AND
17	
18 19	9. MULTI-MODAL TRANSPORTATION CENTERS.
20 21	(II) CONDITIONAL USES, SUBJECT TO THE CONDITIONS SET FORTH:
22	1. HOUSING FOR ELDERLY OF MODERATE MEANS SHALL CONSIST OF
23	RENTAL DWELLING UNITS ONLY; SHALL COMPLY WITH THE CONDITIONS SET FORTH IN §
24	18-10-138(8) OF THIS CODE; AND SHALL BE ENCUMBERED BY A RECORDED COVENANT,
25	ENFORCEABLE BY THE COUNTY OR ITS DESIGNEE, THAT SHALL COMPLY WITH THE
26 27	CONDITIONS SET FORTH IN § 18-10-138(1)(I) THROUGH (III) OF THIS CODE.
28	2. WORKFORCE HOUSING CONSISTING OF DWELLING UNITS OF ANY TYPE
29	OR MIXTURE SHALL:
30	A DE ENGLIMBEDED DY A DECORDED COVENANT EVEDDOEADLE DY
31 32	A. BE ENCUMBERED BY A RECORDED COVENANT ENFORCEABLE BY THE COUNTY OR ITS DESIGNEE THAT SHALL COMPLY WITH THE CONDITIONS SET FORTH
33	IN § 18-10-170(2)(I) THROUGH (V) OF THIS CODE;
34 35	B. COMPLY WITH THE CONDITIONS SET FORTH IN § 18-10-170(8) OF THIS
36 37	CODE; AND
38	C. HAVE HOME PRICES SET AT RATES CERTIFIED BY THE COUNTY OR ITS
39	DESIGNEE TO BE AFFORDABLE TO A HOUSEHOLD WITH AN INCOME THAT DOES NOT
40	EXCEED 80% OF THE MEDIAN INCOME ADJUSTED FOR HOUSEHOLD SIZE FOR THE
41	BALTIMORE PRIMARY METROPOLITAN STATISTICAL AREA, AS DEFINED AND PUBLISHED
42	ANNUALLY BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
43	DEVELOPMENT.
44	
45	3. DWELLINGS, SEMI-DETACHED SHALL BE PART OF DEVELOPMENT WITH
46	TOWNHOUSES, AND SHALL CONSTITUTE NO MORE THAN 10% OF THE TOTAL NUMBER OF
47	<u>DWELLING UNITS.</u>
48	
49 50	(3) WHEN THE FOLLOWING CONDITIONAL OR SPECIAL EXCEPTION USES ARE
50	ALLOWED IN THE UNDERLYING ZONING DISTRICT, THE FOLLOWING CONDITIONS APPLY
51	IN ADDITION TO ANY CONDITIONS IN ARTICLE 18 OF THIS CODE.
52	(I) FOR AUTOMORUE GLOOLINE OFLENOVO AND GLOOVINE BY THE
53	(I) <u>FOR</u> AUTOMOBILE GASOLINE STATIONS, <u>AND</u> GASOLINE PUMPS AND
54 55	ELECTRIC VEHICLE CHARGING STATIONS SHALL BE LOCATED TO THE SIDE OR REAR OF A
55 56	BUILDING- FOR PROPERTIES IN THE CORE, PAROLE NORTH DISTRICT, AND CHURCH CREEK DISTRICT, EXISTING OR REDEVELOPED GASOLINE STATIONS ARE NOT REQUIRED TO

LOCATE GASOLINE PUMPS, ELECTRIC VEHICLE CHARGING STATIONS, OR LOADING AREAS TO THE SIDE OR REAR OF THE SITE.

(II) SELF-SERVICE STORAGE FACILITIES IN THE CORE, PAROLE NORTH DISTRICT, AND CHURCH CREEK DISTRICT, SHALL BE AUXILIARY TO A PERMITTED USE, LOCATED WITHIN AN ENCLOSED CONTROLLED STRUCTURE WITH NO EXTERNAL ACCESS TO INDIVIDUAL STORAGE UNITS, AND WITH ON-SITE LOADING AND UNLOADING FACILITIES SHALL BE LOCATED AT THE REAR OF A BUILDING. EXISTING SELF-STORAGE FACILITIES ARE NOT REQUIRED TO LOCATE LOADING AREAS TO THE REAR OF THE SITE.

(III) AUTOMOBILE, TRUCK, AND RECREATIONAL VEHICLE SALES IN THE CORE AND PAROLE NORTH DISTRICTS SHALL BE LOCATED WITHIN AN ENCLOSED SHOWROOM WITH LIMITED OUTDOOR DISPLAY OF VEHICLES TO THE SIDE OR REAR OF THE SITE AND SCREENED FROM THE PUBLIC RIGHT-OF-WAY.

(4) WHEN THE FOLLOWING ARE ALLOWED AS A CONDITIONAL OR SPECIAL EXCEPTION USE IN THE UNDERLYING ZONING DISTRICT, THE FOLLOWING CONDITIONS APPLY IN LIEU OF ANY CONDITIONS IN ARTICLE 18 OF THIS CODE:

(I) AN ASSISTED LIVING FACILITY SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

1. THE MINIMUM SETBACK FROM ALL PROPERTY LINES SHALL BE 35 FEET;

2. AN ASSISTED LIVING FACILITY MAY BE OPERATED IN CONJUNCTION WITH A NURSING HOME OR ADULT INDEPENDENT DWELLING UNITS OR BOTH, WHETHER OR NOT OWNED BY THE SAME ENTITY;

3. A NURSING HOME OR ADULT INDEPENDENT DWELLING UNITS MAY BE LOCATED ON THE SAME LOT AS THE ASSISTED LIVING FACILITY OR ON ONE OR MORE ABUTTING LOTS, AND, IF LOCATED ON ONE OR MORE ABUTTING LOTS, SUBPARAGRAPH (I)1. DOES NOT APPLY TO THE LOT LINES SHARED BY SUCH ABUTTING LOTS;

4. COMPREHENSIVE CARE UNITS MAY BE PROVIDED; AND

 $\,$ 5. ACTIVITY SPACES SHALL BE LOCATED IN A MANNER TO SHIELD SURROUNDING RESIDENTIAL PROPERTY FROM THE EFFECTS OF NOISE, HAZARDS, OR OTHER OFFENSIVE CONDITIONS.

(II) A CHILD CARE CENTER OTHER THAN AS A HOME OCCUPATION SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

1. THE FACILITY SHALL BE LOCATED ON A LOT OF AT LEAST ONE ACRE FOR A CENTER WITH LESS THAN 60 CHILDREN AND ON A LOT OF AT LEAST TWO ACRES FOR A CENTER WITH 60 CHILDREN OR MORE;

2. OUTDOOR PLAY AREAS OR ACTIVITY SPACES SHALL BE FENCED AND LOCATED TO THE SIDE OR REAR OF THE PRINCIPAL STRUCTURE, EXCEPT WHEN ADJACENT TO U.S. ROUTE 50; AND

3. ACTIVITY SPACES SHALL BE LOCATED IN A MANNER TO SHIELD SURROUNDING RESIDENTIAL PROPERTY FROM THE EFFECTS OF NOISE, HAZARDS, OR OTHER OFFENSIVE CONDITIONS.

(III) A NURSING HOME SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

1. THE MINIMUM SETBACK FROM ALL PROPERTY LINES SHALL BE 35 FEET;

1 2 3	2. A NURSING HOME MAY BE OPERATED IN CONJUNCTION WITH AN ASSISTED LIVING FACILITY OR ADULT INDEPENDENT DWELLING UNITS OR BOTH, WHETHER OR NOT OWNED BY THE SAME ENTITY;
4 5 6 7 8 9	3. AN ASSISTED LIVING FACILITY OR ADULT INDEPENDENT DWELLING UNITS MAY BE LOCATED ON THE SAME LOT AS THE NURSING HOME OR ON ONE OR MORE ABUTTING LOTS, AND, IF LOCATED ON ONE OR MORE ABUTTING LOTS, SUBPARAGRAPH (III)1. DOES NOT APPLY TO THE LOT LINES SHARED BY SUCH ABUTTING LOTS;
10 11 12	4. EACH ACCESS DRIVE SHALL BE LOCATED AT LEAST 40 FEET FROM ANY RESIDENTIALLY ZONED PROPERTY; AND
13 14 15	5. ACTIVITY SPACE SHALL BE LOCATED IN A MANNER TO SHIELD SURROUNDING RESIDENTIAL PROPERTY FROM THE EFFECTS OF NOISE, HAZARDS, OR OTHER OFFENSIVE CONDITIONS.
17 18 19 20 21	(B) Mix of uses. A DEVELOPMENT MAY CONTAIN A MIX OF ANY ALLOWED RESIDENTIAL, COMMERCIAL, LIGHT INDUSTRIAL, AND CIVIC OR INSTITUTIONAL USES. THE MIX OF USES MAY BE IN A SINGLE BUILDING OR THROUGHOUT THE PROPERTY AND ARE NOT REQUIRED TO COMPLY WITH ANY OTHER REQUIREMENTS FOR MIX OF USES IN THIS CODE.
23 24 25 26	(C) Prohibited uses. The following uses are prohibited, regardless of whether allowed in the underlying zoning district, unless the use was lawfully in existence prior to the effective date of bill no. 64-23:
27 28 29 30 31 32 33 34	(1) HEAVY MANUFACTURING, INDUSTRIAL MATERIALS STORAGE OR PROCESSING, INCLUDING BONE DISTILLATION, CEMENT MANUFACTURING, CLAY AND BORROW PITS AND SAND AND GRAVEL OPERATIONS, COKE OR COKE PRODUCTS MANUFACTURING, FERTILIZER MANUFACTURING, LATEX FABRICATION, LUMBER YARDS, ORE STORAGE, PETROLEUM PRODUCT, STORAGE IN EXCESS OF 1,000,000 GALLONS FOR USE BY W3 DISTRICT USES OR PUBLIC UTILITIES, PROCESSING SITES FOR CLAY, SAND, AND SIMILAR MATERIALS, RENDERING PLANTS, RUBBLE PROCESSING FACILITIES, AND STORAGE OF ATMOSPHERIC GAS, COAL, OR GRAIN;
36 37	(2) OUTSIDE STORAGE AS A PRINCIPAL USE;
38 39 40	(3) AGRITOURISM, BULK STORAGE FOR AGRICULTURAL PRODUCTS, AND FARM TENANT HOUSES;
41 42	(4) ADULT BOOKSTORES OR ADULT MOVIE THEATERS;
43 44	(5) AIRPORTS AND AIRFIELDS;
45 46	(6) CONTRACTOR AND CONSTRUCTION SHOPS AND YARDS;
47 48 49	(7) DWELLINGS, DUPLEX AND SEMI-DETACHED , DWELLINGS, SINGLE-FAMILY DETACHED, AND MOBILE HOME PARKS;
50 51	(8) KENNELS, COMMERCIAL;
52 53	(9) AUTOMOBILE AND TRUCK DISMANTLING AND RECYCLING FACILITIES;
54 55	(10) AUTOMOBILE AND TRUCK TOWING STORAGE YARDS;
56	(11) TRUCK STOPS:

1 2	(12) BUS STORAGE FACILITIES THAT ARE NOT PART OF A MULTI-MODAL TRANSPORTATION CENTER;
3 4	(13) GOLF COURSES OR GOLF COURSE FACILITIES;
5 6 7	(14) RIFLE, PISTOL, SKEET, AND ARCHERY RANGES, INDOOR OUTDOOR;
8 9	(15) STABLES, COMMERCIAL OR COMMUNITY, AND RIDING CLUBS;
10 1	(16) EXCEPT FOR ROOFTOP-MOUNTED OR SOLAR CANOPIES OVER PARKING LOTS OR GARAGES, SOLAR ENERGY GENERATING SYSTEM – UTILITY SCALE AND COMMUNITY;
12 13 14	(17) COMPOSTING FACILITIES;
15 16	(18) NATURAL WOOD WASTE RECYCLING FACILITIES;
17 18	(19) RECYCLABLES RECOVERY FACILITIES; AND
19 20	(20) SOLID WASTE TRANSFER STATIONS.
21 22	17-7-906. Inclusionary housing.
23 24	FOR DEVELOPMENT ON A SITE WITH 20 OR MORE DWELLING UNITS, 10% OF THE DWELLING UNITS SHALL:
25 26	(1) BE ENCUMBERED BY A RECORDED RESTRICTIVE COVENANT ENFORCEABLE BY
27 28	THE COUNTY OR ITS DESIGNEE THAT SHALL:
29 30 31 32 33	(I) REQUIRE HOME OWNERSHIP UNITS BE OCCUPIED BY A HOUSEHOLD WITH AN INCOME THAT DOES NOT EXCEED 100% OF THE MEDIAN INCOME ADJUSTED FOR HOUSEHOLD SIZE FOR THE BALTIMORE PRIMARY METROPOLITAN STATISTICAL AREA, AS DEFINED AND PUBLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;
35 36 37 38 39	(II) REQUIRE RENTAL UNITS BE OCCUPIED BY A HOUSEHOLD WITH AN INCOME THAT DOES NOT EXCEED 60% OF THE MEDIAN INCOME ADJUSTED FOR HOUSEHOLD SIZE FOR THE BALTIMORE PRIMARY METROPOLITAN STATISTICAL AREA, AS DEFINED AND PUBLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND
10 11 12 13	(III) COMPLY WITH THE CONDITIONS SET FORTH IN \S 18-10-170(2)(I) (IV), AND (V), OF THIS CODE;
14 15	(2) COMPLY WITH THE CONDITIONS SET FORTH IN § 18-10-170(8) OF THIS CODE; AND
16 17 18 19 50	(3) HAVE HOME PRICES SET AT RATES CERTIFIED BY THE COUNTY OR ITS DESIGNEE TO BE AFFORDABLE TO A HOUSEHOLD WITH AN INCOME THAT DOES NOT EXCEED 80% OF THE MEDIAN INCOME ADJUSTED FOR HOUSEHOLD SIZE FOR THE BALTIMORE PRIMARY METROPOLITAN STATISTICAL AREA, AS DEFINED AND PUBLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
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17-7-907. Reservation of land for public facilities.

LAND IN A PROPOSED DEVELOPMENT APPLICATION SHALL BE RESERVED AS FUTURE RIGHTS-OF-WAY FOR TRANSPORTATION INFRASTRUCTURE OR OTHER PUBLIC FACILITIES NOT RELATED TO THE DEVELOPMENT IF THERE IS AN APPROPRIATION OF AT LEAST 30% OF THE CONSTRUCTION COST FOR THE FACILITIES OR IMPROVEMENTS A COUNTY OR STATE PROJECT HAS BEEN FUNDED FOR DESIGN IN THE COUNTY'S CURRENT APPROVED

CAPITAL BUDGET, WITH THE REMAINDER PROGRAMMED FOR CONSTRUCTION IN THE COUNTY'S CURRENT ADOPTED CAPITAL IMPROVEMENT AND PROGRAM OR THE CURRENT STATE CONSOLIDATED TRANSPORTATION PROGRAM, AND AT LEAST 60% OF THE PROJECT IS DESIGNED.

17-7-908. Parking; modes of transportation; site access.

(A) Parking requirements.

(1) EXCEPT AS PROVIDED IN THIS SECTION, THE NUMBER OF REQUIRED PARKING SPACES SHALL BE IN ACCORDANCE WITH TITLE 3 OF ARTICLE 18 OF THIS CODE.

(2) A DEVELOPER MAY REQUEST REDUCED PARKING REQUIREMENTS OR A JOINT USE PARKING ARRANGEMENT IN ACCORDANCE WITH § 18-3-105 OF THIS CODE.

(2) (3) AN ENCLOSED SHOPPING MALL MAY BE EXEMPT FROM SUBSECTION (A)(1) IF A PARKING PROGRAM IS SUBMITTED TO AND APPROVED BY THE PLANNING AND ZONING OFFICER. A PARKING PROGRAM FOR AN ENCLOSED SHOPPING MALL SHALL INCLUDE A PARKING NEEDS STUDY THAT INCLUDES AN ESTIMATE OF THE PARKING NEEDS FOR THE USE, A THOROUGH EXPLANATION OF THE BASIS FOR THE ESTIMATE, AND DATA USED IN CALCULATING THE ESTIMATE, INCLUDING PARKING GENERATION STUDIES AND PREVIOUS EXPERIENCE WITH SIMILAR USES, AND AN EXPLANATION OF ANY OTHER RELEVANT CONSIDERATIONS.

(B) Structured parking requirements.

 (1) ON SITES GREATER THAN $1.5\,$ TWO ACRES, PARKING FOR PROFESSIONAL AND GENERAL OFFICES OR RETAIL AND SERVICE BUSINESSES IN EXCESS OF 1 CAR PER 200 SQUARE FEET OF FLOOR AREA SHALL BE IN A GARAGE STRUCTURE, UNLESS OTHERWISE AUTHORIZED UNDER § 17-7-909.

(2) EXCEPT FOR A LIMITED NUMBER OF SHORT-TERM SPACES OR HANDICAPPED PARKING SPACES, PARKING FOR MULTIFAMILY DWELLINGS WITH 100 DWELLING UNITS OR MORE SHALL BE IN A GARAGE STRUCTURE, UNLESS OTHERWISE AUTHORIZED UNDER § 17-7-909.

(C) **Electric vehicle charging stations** FOR MULTIFAMILY DWELLINGS AND MIXED USE DEVELOPMENT, AN ELECTRIC VEHICLE CHARGING STATION SHALL BE REQUIRED AT A RATE OF ONE ELECTRIC VEHICLE CHARGING STATION FOR EVERY 50 VEHICLE PARKING SPACES REQUIRED. FOR A BUSINESS COMPLEX WITH THREE OR MORE USES, AN ELECTRIC VEHICLE CHARGING STATION SHALL BE REQUIRED AT A RATE OF ONE ELECTRIC VEHICLE CHARGING STATION FOR EVERY 75 VEHICLE PARKING SPACES REQUIRED. ELECTRIC VEHICLE CHARGING STATION SPACES SHALL COUNT TOWARDS THE TOTAL NUMBER OF PARKING SPACES.

(D) Bicycle and pedestrian facilities.

(1) A DEVELOPER SHALL PROVIDE THE NECESSARY ON-SITE IMPROVEMENTS TO ACCOMMODATE THE PEDESTRIAN AND BICYCLE AMENITIES AS REQUIRED IN THE DPW DESIGN MANUAL AND ADDITIONAL RIGHTS-OF-WAY OR PEDESTRIAN EASEMENTS SHALL BE DEDICATED TO THE COUNTY AS NEEDED TO ACCOMMODATE THESE IMPROVEMENTS.

(2) IN ADDITION TO ANY DPW DESIGN MANUAL REQUIREMENTS, THE DEVELOPER SHALL:

(I) AT THE DISCRETION OF THE PLANNING AND ZONING OFFICER, PROVIDE ADDITIONAL WIDTH FOR PEDESTRIAN EASEMENTS WHERE REQUIRED ON-STREET

SIDEWALK SECTION WIDTHS EXCEED FIVE FEET, WITH A MINIMUM OF FIVE FEET COMPLETELY CLEAR OF OBSTRUCTIONS; AND

(II) INCLUDE ONE BICYCLE PARKING SPACE FOR EVERY 20 PARKING SPACES.

(E) Site access points; interconnectivity. WHEN DETERMINED TO BE FEASIBLE BY THE OFFICE OF PLANNING AND ZONING, SITE ACCESS SHALL BE FROM ALLEYS, SHARED ACCESS BETWEEN ADJACENT SITES, OR LOCAL SERVICE ROADS TO MINIMIZE DIRECT ACCESS POINTS ALONG MAJOR ROADWAYS. ADJOINING PROPERTIES MAY BE REQUIRED TO SHARE OR COORDINATE IMPROVEMENTS FOR ACCESS TO ACHIEVE THE REQUIREMENT OF THIS SUBSECTION.

17-7-909. Incentive program.

(A) **Creation and purpose.** FOR DEVELOPMENT THAT PROVIDES A PUBLIC BENEFIT THAT ACHIEVES A MIXTURE OF DESIRABLE LAND USES, QUALITY DESIGN, AND PUBLIC AMENITIES THAT CREATE THE SENSE OF A UNIFIED COMMUNITY AND AN ENHANCED QUALITY OF LIFE IN THE PAROLE TOWN CENTER, THERE IS AN INCENTIVE PROGRAM TO ALLOW FOR ADDITIONAL DEVELOPMENT CAPACITY OR OTHER RELIEF FROM THE REQUIREMENTS OF THIS ARTICLE OTHER THAN THOSE CONTAINED IN TITLES 5 OR 8, ARTICLE 18 OF THIS CODE OTHER THAN THOSE CONTAINED IN TITLE 13, THE PAROLE TOWN CENTER MASTER PLAN, THE LANDSCAPE MANUAL, OR THE DPW DESIGN MANUAL.

(B) **Application.** BEFORE SUBMITTING AN INCENTIVE PROGRAM APPLICATION, A DEVELOPER MAY REQUEST TO MEET WITH THE OFFICE OF PLANNING AND ZONING TO REVIEW THE PROPOSED PUBLIC BENEFITS AND INCENTIVES. IF REQUESTED, A PREAPPLICATION MEETING SHALL BE SCHEDULED. AN INCENTIVE PROGRAM APPLICATION MAY BE MADE BY A PROPERTY OWNER OR DEVELOPER AND SHALL INCLUDE A DESCRIPTION OF THE PROPOSED PUBLIC BENEFITS AND THE SPECIFIC INCENTIVES REQUESTED, A SITE PLAN WITH CALCULATIONS, DRAWINGS, AND DOCUMENTATION TO DEMONSTRATE HOW EACH PUBLIC BENEFIT AND EACH REQUESTED INCENTIVE WILL BE MET.

(C) **Evaluation of application.** THE OFFICE OF PLANNING AND ZONING SHALL EVALUATE THE APPLICATION BASED ON THE FOLLOWING CRITERIA:

(1) CONSISTENCY WITH THE PAROLE TOWN CENTER MASTER PLAN, REGION PLAN, GENERAL DEVELOPMENT PLAN, OTHER ADOPTED PLANS AND STUDIES BY COUNTY OR STATE AGENCIES, AND CURRENT COUNTY CAPITAL PROGRAM.

(2) PUBLIC ACCESS TO USES AND AMENITIES:

(3) COMMUNITY BENEFIT;

 $(4) \ COMPATIBILITY \ AND \ QUALITY \ OF \ DESIGN;$

 (5) PEDESTRIAN AND VEHICULAR ACCESS AND CIRCULATION; AND

(6) ENVIRONMENTAL ENHANCEMENT AND MITIGATION-: AND

(7) WHETHER THE PROPOSED PUBLIC BENEFITS ARE COMPARABLE IN SCOPE AND COST TO THE INCENTIVE REQUESTED.

(D) **Public benefits.** Public benefits may include site design, architectural features, streetscape improvements, open area, community amenities, environmental restoration projects, or other elements that exceed the requirements set forth in this code or the parole town center master plan. The following list serves as a guide, and applicants may propose other

INNOVATIVE PUBLIC BENEFIT ITEMS THAT ASSIST IN ACHIEVING THE VISION OF THE 1 PAROLE TOWN CENTER MASTER PLAN: 2 3 4 (1) LAND USE PUBLIC BENEFITS MAY INCLUDE: (I) QUASI-PUBLIC AND INSTITUTIONAL USES, INCLUDING CHILD OR SENIOR 6 CARE CENTERS, COMMUNITY CENTERS, AND PUBLIC LIBRARIES PROVIDED AS PART OF 7 8 THE DEVELOPMENT: 9 10 (II) LAND FOR, SIGNIFICANT CONTRIBUTION TOWARD, OR DEVELOPMENT OF A HIGH QUALITY PUBLIC AMENITY, INCLUDING GATHERING SPACE, RECREATIONAL 11 AMENITY, AMPHITHEATER, GARDEN, PLAZA, NATURAL RESOURCE PROTECTION, 12 COMMUNITY LANDMARK, OR SIMILAR AMENITY; 13 14 15 (III) LAND FOR, SIGNIFICANT CONTRIBUTION TOWARD, OR DEVELOPMENT OF A 16 MULTI-MODAL TRANSPORTATION CENTER; OR 17 18 (IV) WORKFORCE OR OTHER AFFORDABLE HOUSING ABOVE ANY MINIMUM SET 19 BY COUNTY, STATE, OR FEDERAL REQUIREMENTS. 20 21 (2) TRANSIT AND PARKING PUBLIC BENEFITS MAY INCLUDE: 22 (I) CONTRIBUTION TO A BICYCLE, PEDESTRIAN, ROAD, OR TRANSIT NETWORK 23 24 OR FACILITY ABOVE ANY REQUIREMENT IN THIS CODE OR CONSISTENT WITH ADOPTED 25 PLANS AND STUDIES BY COUNTY OR STATE AGENCIES. OR WITH THE COUNTY'S CAPITAL IMPROVEMENT PROGRAM. CONTRIBUTIONS MAY BE IN THE FORM OF RIGHT-OF-WAY 26 DEDICATION, CONSTRUCTION OF A PLANNED NETWORK SEGMENT WITH A LOGICAL 27 START AND END POINT AND LYING EITHER WITHIN OR ON THE APPROACH TO THE PAROLE 28 TOWN CENTER, OR A FINANCIAL CONTRIBUTION TO A FUND DESIGNATED FOR SPECIFIED 29 30 **IMPROVEMENTS:** 31 32 (II) PUBLIC TRANSPORTATION, INCLUDING SHUTTLE BUSES TO A PARK-AND-33 RIDE LOT, IF NOT OTHERWISE REQUIRED BY THIS CODE; 34 35 (III) STRUCTURED PARKING BEYOND THE MINIMUM REQUIRED BY THIS CODE. OR CONTRIBUTION TOWARD THE CONSTRUCTION OF STRUCTURED PARKING: OR 36 37 (IV) PUBLIC PARKING AMENITIES, INCLUDING ELECTRIC VEHICLE CHARGING 38 STATIONS BEYOND THE REQUIREMENTS OF THIS SUBTITLE OR ENHANCED BICYCLE 39 40 PARKING AMENITIES, INCLUDING STORAGE LOCKERS, CHANGING ROOMS, AND SHOWERS. 41 42 (3) CONSERVATION PUBLIC BENEFITS MAY INCLUDE: 43 44 (I) ADDITIONAL OPEN AREAS ALLOWING FOR PUBLIC ACCESS OR PROVIDING 45 ENVIRONMENTAL ENHANCEMENT OR OTHER PUBLIC BENEFIT; 46 (II) REGIONAL STORMWATER MANAGEMENT, STREAM OR OUTFALL 47 48 RESTORATION, OR REGIONAL WATER OUALITY IMPROVEMENTS BEYOND THE MINIMUM 49 REQUIRED BY CURRENT STORMWATER MANAGEMENT REQUIREMENTS; 50 (III) PRESERVATION OF NATURALLY VEGETATED AREAS BY DEDICATION OR 51 52 EASEMENT TO PROTECT SURFACE WATERS; OR 53 54 (IV) <u>SITE DESIGN TO MEET THE CRITERIA TO OBTAIN</u> LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN ("LEED") CERTIFICATION OR EQUIVALENT CERTIFICATION 55

(4) IN THE CORE AND THE PAROLE NORTH DISTRICT, PUBLIC BENEFITS SHALL BE CONSIDERED SIGNIFICANT IF:

AS ACCEPTED BY THE OFFICE OF PLANNING AND ZONING.

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58 59

(I) THE APPLICANT MAKES A FINANCIAL COMMITMENT FOR THE SUPPORT OF PUBLIC INSTITUTIONS, SUCH AS CHILD CARE CENTERS, SENIOR CARE CENTERS, HOSPITAL OR MEDICAL CLINICS, DRUG TREATMENT CENTERS OR PROGRAMS, SOCIAL SERVICES CENTERS, COMMUNITY CENTERS, PUBLIC LIBRARIES, PUBLIC SCHOOLS, MULTI-MODAL TRANSPORTATION CENTERS, OR OTHER INSTITUTIONAL USES;

(II) THE DEVELOPMENT INCLUDES SIGNIFICANT TRANSPORTATION AND ENVIRONMENTAL ENHANCEMENTS; OR

(III) THE DEVELOPMENT EXHIBITS EXEMPLARY QUALITY OF DESIGN AND ARCHITECTURE ABOVE THE REQUIREMENTS OF THIS CODE OR THE PAROLE TOWN CENTER MASTER PLAN, ESTABLISHES A POSITIVE IMAGE AS A GATEWAY TO THE CITY OF ANNAPOLIS, AND IS IN HARMONY WITH THE OVERALL DESIGN CONCEPT FOR THE PAROLE TOWN CENTER.

(E) **Granting of application.** AFTER REVIEWING AN APPLICATION AND CONSIDERING THE CRITERIA IN SUBSECTION (C), THE PLANNING AND ZONING OFFICER MAY GRANT VARIOUS INCENTIVES TO A DEVELOPER BASED ON THE PROPOSED PUBLIC BENEFIT, INCLUDING:

(1) INCREASED RESIDENTIAL DENSITY UP TO 44 DWELLING UNITS PER ACRE, BASED ON THE SIZE OF THE ENTIRE DEVELOPMENT;

(2) RELIEF FROM ANY REQUIREMENTS OF THIS TITLE, ARTICLE 17 OTHER THAN THOSE CONTAINED IN TITLES 5 AND 8, ARTICLE 18 OF THIS CODE OTHER THAN THOSE CONTAINED IN TITLE 13, THE PAROLE TOWN CENTER MASTER PLAN, THE LANDSCAPE MANUAL, OR THE DPW DESIGN MANUAL;

(3) ADDITIONAL BUILDING HEIGHT, IF DETERMINED BY THE PLANNING AND ZONING OFFICER TO BE COMPATIBLE WITH SURROUNDING DEVELOPMENT, UP TO THE MAXIMUM PROVIDED FOR IN ITEM (5);

(4) REDUCTION IN OPEN AREA REQUIREMENTS, DOWN TO THE MINIMUM PROVIDED FOR IN ITEM (5); AND

(5) APPLICATION OF THE FOLLOWING MAXIMUM HEIGHT AND MINIMUM OPEN AREA REQUIREMENTS:

SUBAREA	MAXIMUM HEIGHT (BUILDING STORIES)	MAXIMUM HEIGHT, IF ADJACENT TO PROPERTY NOT IN THE PAROLE TOWN CENTER AND IN THE RA, RLD, R1, R2 OR R5 ZONING DISTRICTS (BUILDING STORIES)	MINIMUM OPEN AREA
CORE	12; OR 16 IF SIGNIFICANT		12.5%; OR 10% IF MIXED USE
PAROLE NORTH DISTRICT	8; OR 10 IF SIGNIFICANT	6	12.5%
CHURCH CREEK DISTRICT	8	5	12.5%
HUDSON STREET TRANSITION	8	5	12.5%
HOUSLEY ROAD VILLAGE	6	3	18.75%
GATEWAY BUSINESS MIX	6	3	18.75%

DEFENSE HIGHWAY CORRIDOR	6	3	18.75%
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TITLE 11. FEES AND SECURITY

17-11-209. Use of funds.

(b) Use.

(3) Priority consideration for the use of funds collected from development impact fees shall be given to the expansion of facilities in the Odenton GROWTH MANAGEMENT AREA DISTRICT, [[and]] THE Parole [[Growth Management Area Districts]] TOWN CENTER, and [[in]] the Glen Burnie Town Center Enhancement Area designated by the Office.

ARTICLE 18. ZONING

TITLE 14. OTHER OVERLAYS

SUBTITLE 4. PAROLE TOWN CENTER

18-14-401. General criteria.

 (A) **Plan.** WITHIN THE PAROLE TOWN CENTER, SUBAREAS ARE SHOWN IN THE PAROLE TOWN CENTER MASTER PLAN ADOPTED BY THE COUNTY COUNCIL AND ARE DIVIDED INTO THE CORE, PAROLE NORTH DISTRICT, CHURCH CREEK DISTRICT, HUDSON STREET TRANSITION, HOUSLEY ROAD VILLAGE, GATEWAY BUSINESS MIX, AND DEFENSE HIGHWAY CORRIDOR.

(B) **Uses.** USES ALLOWED BY EXISTING ZONING CLASSIFICATIONS ARE ALLOWED IN THE PAROLE TOWN CENTER. IN ADDITION, THE USES SET FORTH IN SUBTITLE 9 OF TITLE 7 OF ARTICLE 17 OF THIS CODE ARE ALLOWED TO THE EXTENT PERMITTED BY THAT SUBTITLE.

<u>SECTION 5. And be it further enacted</u>, That the "Parole Town Center Master Plan", dated July 17, 2023, is hereby amended as follows:

1. On page 7 of the Plan, under the heading "Introduction and Purpose", in the second line, strike "1,482" and substitute "1,492".

(Amendment No. 2)

 2. On page 8 of the Plan, under the heading "Major Framework Recommendations", in the first bullet, after the second sentence insert: "The boundary is further refined to include four parcels on the west side of General's Highway, from the current Town Center boundary north to the southern property line of a County-owned parcel containing a water tank."

(Amendment No. 2)

3. On page 15 of the Plan, strike in their entirety the two maps located at the top of the page, and substitute the two maps attached hereto as Exhibit A, respectively.

(Amendment No. 2)

4. On page 17 of the Plan, strike in its entirety the map at the top of the page and substitute the map attached hereto as Exhibit B.

(Amendment No. 2)

5. On pages 18, 20, 22, 26, 28, 38, 41, 42, 47, 50, 52 and 56 of the Plan, strike in their entirety the following: "Figure 1: Green Infrastructure", "Figure 2: Watersheds", "Figure 3: Environmental Restoration Efforts", "Figure 4: Recent Development Projects", "Figure 5: Road Network and Functional Classification", "Figure 6: Subareas", "Figure 7: Urban Form", "Figure 8: Active Frontage Corridors", "Figure 9: Roadway Network and Recommendations", "Figure 10: Bicycle and Pedestrian Network Recommendations", "Figure 11: Transit Network Recommendations" and "Figure 12: Parks and Green Space Concept", respectively and substitute with the following: "Figure 1: Green Infrastructure", "Figure 2: Watersheds", "Figure 3: Environmental Restoration Efforts", "Figure 4: Recent Development Projects", "Figure 5: Road Network and Functional Classification", "Figure 6: Subareas", "Figure 7: Urban Form", "Figure 8: Active Frontage Corridors", "Figure 9: Roadway Network and Recommendations", "Figure 10: Bicycle and Pedestrian Network Recommendations", "Figure 11: Transit Network Recommendations" and "Figure 12: Parks and Green Space Concept", respectively, as shown on Exhibits C-1 through C-12, respectively.

(Amendment No. 2)

6. On page 37 of the Plan, under the heading "3.2.1.2.1. Core", in the second line, after "heights" insert "permitted"; and in the second and third line, strike "This area" and substitute "The Core is being expanded to the north of Jennifer Road to include a large portion of the Westfield Annapolis Mall and the entirety of the Annapolis Plaza property. The Core"; in the third line, strike "office" and substitute "entertainment"; and in the same line, after "hotel" insert ", office".

(Amendment No. 21)

7. On page 37 of the Plan, under the heading "3.2.1.2.2. Parole North District", in the first column, in the second and third lines, strike "surrounding the north side of' and substitute "bordering"; in the fourth line, strike "is"; strike the fifth line in its entirety and substitute "includes Sam's Club on the west side and a small portion of the Westfield Annapolis Mall property"; in the sixth line, after "Center" insert "on the east side"; and in the second column, in the fifth line, strike the first "with" and substitute "from".

(Amendment No. 21)

8. On page 38 of the Plan, strike in its entirety "Figure 6: Subareas" and substitute with "Figure 6: Subareas", as shown on Exhibit D.

(Amendment No. 21)

SECTION 5. 6. And be it further enacted, That the "Parole Town Center Master Plan", dated July 17, 2023, as amended by this Ordinance, is hereby adopted.

SECTION 6. 7. And be it further enacted, That a certified copy of the Parole Town Center Master Plan, dated July 17, 2023, as amended by this Ordinance, shall be

permanently kept on file in the Office of the Administrative Officer to the County Council and in the Office of Planning and Zoning.

SECTION 7-8. And be it further enacted, That all references in this Ordinance to "the

effective date of Bill No. 64-23", or words to that effect, shall, upon codification, be replaced with the actual date on which this Ordinance takes effect under Section 307 of the County Charter as certified by the Administrative Officer to the County Council.

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SECTION 8. 9. And be it further enacted, That this Ordinance shall take effect 45 days from the date it becomes law.

AMENDMENTS ADOPTED: September 5 and 18 and October 2 and 16, 2023

READ AND PASSED this 16th day of October, 2023

By Order:

Laura Corby *O*Administrative Officer

PRESENTED to the County Executive for his approval this 17th day of October, 2023

Laura Corby O Administrative Officer

APPROVED AND ENACTED this 24th day of October, 2023

Steuart Pittman
County Executive

EFFECTIVE DATE: December 8, 2023

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO. 64-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.

Laura Corby

Administrative Officer































