



January 11, 2018

## TECHNICAL STAFF REPORT

*Planning Board Meeting on January 25, 2018*

**Case No./Petitioner: ZRA-179 – David Moxley**

**Request: Zoning Regulation Amendments to Section 127.6 TNC Overlay District:**

Amend Section 127.6.C., Uses Permitted as a Matter of Right, to revise the drive-through criteria for two existing use categories and to add a new permitted use category for Nursing Homes and Residential Care Facilities;

Amend Section 127.6.E., Bulk Regulations, to specify that several bulk regulations are applicable to parcels within a Route 40 Corridor Development Project that adjoins Route 40, to apply the minimum building height requirement to new construction with provisions to exempt construction associated with existing one-story buildings under certain circumstances, and to revise the section on minimum structure and use setbacks from residential lots.

Amend Section 127.6.F.2, Requirements for Nonresidential Uses, to add a new Section 127.6.F.2.d. to exempt existing structures from first floor use and façade improvement requirements, when they are developed or redeveloped from compliance with the Route 40 Manual.

Amend Section 127.6.F.3, Requirements for Residential Uses, to reduce the amount of commercial space that must be developed or renovated for every dwelling unit developed, to increase the development size to be eligible for a DPZ reduction in the minimum commercial space requirement, and to reduce the Moderate-Income Dwelling Unit percentage requirement.

Amend Section 127.6.G., Compliance with Route 40 Manual, by adding a new Section 127.6.G.2., Alterations to Existing Uses Requiring Compliance with the Route 40 Manual, to establish provisions for expanding existing site and building improvements that do not alter buildings, and to establish exemptions for minor alterations or enlargements of existing uses (the “New Section 127.6.G.2 Proposals”)

### **I. BACKGROUND**

Section 127.6 TNC Overlay District was established in the 2005 Continuation of the Comprehensive Zoning Plan, effective on July 28, 2006. The purpose of this district is to encourage development of pedestrian-oriented, urban activity centers with a mix of retail, service, office, and residential uses. It is an overlay district that applies to three shopping centers in the county that were identified as potential sites for mixed use redevelopment. Two are located on Route 40 and one on Frederick Road. However, it also allows for development/redevelopment and continued use under the existing B-2 zoning district provisions. The requirements of Section 127.6

are voluntary and are triggered when a subdivision or site development plan is submitted that elects to develop under the TNC district.

In 2008, ZRA 87 added pet grooming and day cares as uses permitted by right. Also in 2008, ZRA 90, deleted a clause under Section 127.6.F pertaining to MIHU preferences for certain types of individuals.

In 2010, ZRA 129 added Small Wind Energy Systems as a permitted accessory use if a building is mounted, and as a Conditional Use if a tower mounted.

Both ZRA's 90 and 129 applied to a number of zoning districts, and not specifically to TNC.

In 2013, ZRA 143 amended the following sections of the TNC Overlay District:

Section 127.6.C Uses Permitted As A Matter Of Right

- Added a use category for Recreation Facility, Commercial;
- Amended the use categories for banks and other financial institutions and for drug and cosmetic stores, to allow drive-through service if the site is a Route 40 Corridor development 20 acres or larger and the drive-through is not visible from a public road and is buffered from adjoining residential property;
- Deleted the pick-up and delivery prohibition for laundry or dry cleaning businesses;
- Deleted the requirement that fast food restaurants must be in a multi-story building; and
- Increased the maximum size of blueprinting and similar service businesses from 2,000 square feet to 5,000 square feet.

Section 127.6.E Bulk Regulations:

- Revised the height limitations to allow a maximum height of 62 feet for structures with first floor retail or structured parking on parcels adjacent to Route 40;
- Permitted a height increase by one foot for every two additional feet of setback for sites within a Route 40 Corridor development that are 20 acres or larger;
- Reduced the minimum structure and use setbacks from residential lots for R-ED, R-20, R-12 or R-SC Districts from 100 feet to 75 feet;
- Added a new reduced setback of 30 feet for access drives, parking areas, retaining walls limited to 15 feet in height or less and walkways.

Section 127.6.F Requirements for TNC Development:

- Amended the requirements for nonresidential uses to apply to buildings closest to Route 40 or Frederick Road for lots adjoining the right-of-way of Route 40 or Frederick Road;
- Amended the first-floor façade requirement to delete the word "primary" pertaining to façade entrances.

Requirements for residential uses:

- Amended the requirement prohibiting residential uses on the first floor of buildings on lots adjoining an arterial or collector to lots adjoining the right-of-way of Route 40 or Frederick Road.
- Revised the commercial square foot requirement (300 ft.) per dwelling unit to allow existing space that is renovated to also count towards the commercial space requirement if it is compatible with the new development;
- Revised the phasing requirement that the residential and commercial construction should be proportional to specify that once building permits are issued for 50% of the residential

units, a proportional amount of commercial construction or renovation must occur before additional residential building permits can be issued.

In the 2013 Comprehensive Zoning Plan, there were only minor, non-substantive revisions to Section 127.6.

## II. DESCRIPTION AND EVALUATION OF PROPOSAL

The proposed text amendment is attached as Exhibit A – Petitioner’s Proposed Text.

The Petitioner proposes several amendments that have significant impacts on the TNC Overlay District. DPZ is in the process of conducting a comprehensive evaluation of the Zoning Regulations and has hired a consultant to assess the current development regulations and provide recommendations for re-writing them. DPZ believes that significant changes to the Zoning Regulations, such as many of those proposed, should occur through the code re-write process. However, the following evaluation identifies specific issues and concerns and recommends alternate amendments for minor portions that may warrant revising at an earlier time.

DPZ’s proposed text is attached as Exhibit B.

### 1. SECTION 127.6.B: Application of TNC District

**Section 127.6.B. – Delete “or alteration” to exempt alterations to development from the requirements of the TNC district.**

#### DPZ recommends denial

This section discusses when the TNC district can be elected. The Petitioner states that this amendment is “...to make it clear that minor alterations not amounting to development or re-development of a site do not require an election to be made regarding which set of requirements will be used (TNC vs. underlying zone)”. The term “alteration” is not defined in the Zoning Regulations, but the terms “Develop” or “Development” are defined:

Develop or Development: This term refers to the establishment of a principal use on a site; a change in a principal use of a site; or the improvement or alteration of a site by construction, enlargement, or relocation of a structure, the provision of storm water management or roads, the grading of existing topography, the clearing or grubbing of existing vegetation, or any other non-agricultural activity that results in a change in existing site conditions.

The above definition specifies that a site alteration that changes site conditions constitutes development. Therefore, deleting “or alteration” in Section 127.6.B. would not affect the requirement to choose either the underlying district or the TNC District requirements when site alterations are made. However, removing the term “alteration” could allow modifications that do not comply with TNC requirements after the site is developed under TNC regulations. DPZ believes that removing “or alteration” is unnecessary because the text as written is clear. It further creates ambiguity regarding modifications to sites developed under TNC requirements.

**2. SECTION 127.6.C: Uses Permitted as a Matter of Right**

**Section 127.6.C.7. and Section 127.6.C.17. – Revise the text for the use categories of “Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions” and “Drug and cosmetic stores” to allow drive-through service without limitations except that the drive-through must be buffered from adjoining public roads and residential property.**

DPZ recommends approval - with revisions

The proposal to allow drive-through service, if buffered from a public right-of-way, is not entirely consistent with the purpose of the TNC district, which is to promote pedestrian-oriented development adjacent to Route 40. Since drive-through service is important to banks and drug stores, which are permitted land uses, DPZ concurs that drive-throughs should be allowed if they are oriented away from both public roads **and** neighboring properties. The Route 40 Design Manual and project review by the Design Advisory Panel (DAP) will ultimately help guide their most appropriate location, orientation, and design.

**3. SECTION 127.6.C: Uses Permitted as a Matter of Right**

**Section 127.6.C.29 - Add “Nursing Homes and Residential Care Facilities” as a new use permitted as a matter of right, and renumber the subsequent Section 127.6.C. use categories accordingly.**

DPZ recommends approval

The proposal to add Nursing Homes and Residential Care Facilities as permitted uses is consistent with TNC district’s purpose “to create urban activity centers with a mix of retail, service, office, and residential uses”. These types of residential and service-oriented land uses are appropriate to integrate into other mixed-use developments.

**4. SECTION 127.6.E: Bulk Regulations**

**Section 127.6.E.2., Section 127.6.E.3., and Section 127.6.E.7. – Add the text “within a Route 40 Corridor Development that adjoins” to the requirements for maximum residential density, maximum height limitations, and minimum structure and use setbacks for residential lots for R-ED, R-20, R-12 or R-SC Districts to make these requirements applicable only to Route 40 Corridor Developments.**

DPZ recommends denial

The proposed amendment attempts to clarify that TNC provisions apply to all parcels within the overlay, not just those adjacent to Route 40/Frederick Rd. The Petitioner contends that the current text, “Parcel adjacent to Route 40/Frederick Road”, could prohibit residential development on parcels within the TNC that do not front on Route 40/Frederick Rd.

DPZ currently interprets the phrase “Parcel adjacent to Route 40/Frederick Road” to apply to all parcels within a TNC District on Route 40/Frederick Road. Therefore, the proposed amendment is unnecessary. However, if the County Council would like to clarify the intent, DPZ recommends replacing “Parcel” with “Route 40 TNC District”. However, DPZ does not recommended the Petitioner’s proposed text, as it could result in unintended

consequences such as; increased density, height and setbacks on parcels not mapped with a TNC overlay. For example, the text as proposed could be interpreted to allow an adjoining parcel to a “TNC development project” to developed under TNC provisions, if it was included in the Route 40 project, even though the parcel may not have the overlay.

## 5. SECTION 127.6.E: Bulk Regulations

**Section 127.6.E.4 – Revise the Minimum Building Height requirement and specify that it applies to new construction, that existing one-story buildings are exempt, and that additions to existing one-story buildings are also exempt, provided they legally existed before the TNC development was initiated and that the addition would not increase “ground coverage” by more than 25%.**

DPZ recommends approval - with revisions

The minimum building height for an existing one story building in a TNC is currently 25 feet. The amendment proposes to exempt existing buildings and additions that do not exceed 25% of the existing lot coverage from this requirement.

Establishing minimum building heights allows buildings to better fit the context of a traditional neighborhood shopping area and relate to human scale. Minimum building heights are typically required in traditional, urban shopping areas and downtowns, such as Ellicott City. These places often have a traditional block pattern, street grid, on-street parking and sidewalks, and active second floor uses, such as apartments or offices.

In this case, the TNC district applies to existing B-2 suburban, strip shopping centers, with one story buildings in automobile oriented areas. While the TNC district allows the reuse of existing buildings, it does not contain standards for, or require active second floor uses, minimum block sizes, or a grid of interconnected streets. Therefore, requiring a height increase for existing one story buildings, without the other urban design criteria in place, would not bolster the goals of this district.

Therefore, DPZ recommends deleting the term “for new construction”, since there are exemptions for existing buildings. Additionally, the text should be simplified and refer to “lot coverage” rather than “ground coverage” because “lot coverage” is a defined term. The recommended text is in Exhibit B.

## 6. SECTION 127.6.F: Requirements for TNC Development

**Section 127.6.F.2 - Add a new Section 127.6.F.2.d. that existing structures which are developed or redeveloped under Section 127.6.G., Compliance with Route 40 Design Manual, are exempt from Section 127.6.F.2.a-c.**

DPZ recommends denial

Section 127.6.f.2.d relates Section 127.6.G.2, therefore, DPZ recommends denial of both sections, as described in No. 9 below. Additionally, the amendment as proposed, contains an error, as it should refer to Section 127.6.G.2. rather than Section 127.6.G.

## 7. SECTION 127.6.F: Requirements for TNC Development

**Section 127.6.F.3.c. - Reduce the commercial space requirement (either developed or renovated), per dwelling unit from 300 square feet to 200 square feet, and the amount of proportional commercial space that DPZ may reduce from 200 square feet to 100 square feet.**

**Section 127.6.F.3.c.(1). - Increase size requirements for developments eligible for a DPZ commercial space reduction from 20 acres to 25 acres.**

DPZ recommends denial

Reducing the amount of required commercial space per dwelling unit is inconsistent with the TNC district's purpose to "provide for pedestrian-oriented urban activity centers with a mix of retail, service, office, and residential uses." The same amendment was proposed by ZRA-143 and denied for this reason. However, this section was amended in 2013 to allow the renovation of existing commercial space, in addition to new construction, to meet this requirement. DPZ finds that the current regulations are flexible and implement the purpose of the TNC district.

#### **8. SECTION 127.6.F: Requirements for TNC Development**

**Section 127.6.F.3.e. - Reduce the Moderate-Income Housing Unit requirement from 15% to 10%.**

DPZ recommends denial

Reducing moderate income housing requirements does not comport with General Plan Policy 9.2, which is to expand the spectrum of housing in the county. This amendment was proposed earlier by ZRA-143 and denied for this reason.

#### **9. SECTION 127.6.G: Compliance with Route 40 Design Manual**

**Section 127.6.G.2.a. - Add a new Section 127.6.G.2.a., Alterations to Existing Uses Requiring Compliance with the Route 40 Design Manual, to establish provisions for proportional compliance with the Route 40 Design Manual for expansions of existing improvements, for exempting site improvements that do not alter buildings from compliance with the Route 40 Design Manual, and for requiring building expansions to be brought into compliance with the Route 40 Design Manual "...to the extent possible."**

**Section 127.6.G.2.b. - Add a new Section 127.6.G.2.b, Exceptions, to allow certain "Minor alterations or enlargements" to be exempt from compliance with the Route 40 Design Manual, including expansions of a building by 10% or less of the floor area up to 5,000 square feet, building repairs, building demolition, repaving or restriping parking areas, other maintenance or repair that does not enlarge a building or use, removal or realignment of parking areas, driveways or other paved areas, changes in the use of an existing building to a use permitted in the district in which no changes to site improvements are required, minor alterations that do not require a Site Development Plan, and alterations that are approved through "waivers" or red-line revisions to an existing Site Development Plan.**

DPZ recommends denial

These amendments establish exemptions to the Route 40 Design Manual through the Zoning Regulations. However, the Route 40 Design Manual is a planning policy document that guides the Zoning Regulations and not the reverse. Additionally, the Route 40 Design Manual authorizes the DPZ Director to allow alternative compliance to the manual requirements. Therefore, the proposed amendments to specify exemptions and qualifications in the Zoning Regulations are unnecessary.

### III. GENERAL PLAN

#### Policy 5.9

**“Continue to enhance the vitality of the Route 40 Corridor.”**

DPZ supports three of the proposed amendments, as described in No. 2, No. 3, and No. 5 in the Description and Evaluation section above. Although these proposed changes are relatively minor, they comport with the General Plan and would benefit development and redevelopment along the Route 40 Corridor.

However, DPZ does not support some of the amendments, particularly those related to the Route 40 Design Manual. While there are no General Plan policies directly related to the Route 40 Design Manual, PlanHoward 2030 addresses development along the Route 40 Corridor in the following:

“In 2004, the Route 40 Corridor Enhancement Study was completed, followed by some rezoning, and adoption of the Route 40 Design Manual. In 2009, the County adopted new zoning for the revitalization of Village Centers in Columbia. *PlanHoward 2030* endorses implementation of these initiatives and supports the continued evolution of both the Village Centers and the Route 40 Corridor using the frameworks established under the Village Center Revitalization zoning process and Route 40’s Zoning, Design Manual, and Streetscape Master Plan, respectively.”

DPZ contends that the General Plan supports the purpose of the Route 40 Design Manual and the amendments that reduce its significance and application are, therefore, inconsistent with PlanHoward 2030.

#### Policy 9.2

**“Expand full spectrum housing for residents at diverse income levels and life stages, and for individuals with disabilities, by encouraging high quality, mixed income, multigenerational, well designed, and sustainable communities”.**

Amendment No. 8, the proposal to reduce the Moderate-Income Housing Unit requirement from 15% to 10% is not in harmony with Policy 9.2, since it removes the requirement for moderate income housing units.

### IV. AGENCY COMMENTS

Agency comments are attached.

**V. RECOMMENDATION**

For the reasons noted above, the Department of Planning and Zoning recommends that the proposed ZRA-179 amendments No. 2, No. 3, and No. 5 be approved, with the text revisions for No. 2 and No. 5 as shown in Exhibit B, be **APPROVED**, but that all the remaining amendments be **DENIED**, and that the text for those amendments be deleted as shown in Exhibit B.

Approved by:

 1/11/18  
Valdis Lazdins, Director Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.



## Exhibit A – Petitioner’s Proposed Text

CAPITALS indicates text to be added. [[Text in double brackets]] indicates text to be deleted.

### SECTION 127.6: TNC (Traditional Neighborhood Center) Overlay District

#### A. Purpose

The TNC District is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix. of retail, service, office and residential uses. These centers should be located near Route 40 and close to residential communities that will benefit from a pedestrian oriented local business area. The requirements of this district, in conjunction with the Route 40 Manual and the public improvements recommended by the Route 40 Enhancement Study, will result in development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 40 and intersecting roads.

Sites within the TNC Overlay may continue to be used, developed and redeveloped in accordance with the underlying zoning. The intent of this district is to provide an alternative method of development for property owners who choose to comply with the Route 40 Manual and the requirements of this district Development complying with the TNC District requirements will be permitted to include residential development and will have greater flexibility in some bulk requirements.

#### B. Application of TNC District

The TNC Overlay is established on a property through the action of the Zoning Board, either during Comprehensive Zoning or as a piecemeal rezoning request. Sites in the TNC District may be developed in accordance with either the underlying district or this overlay district. The initial subdivision plan or Site Development Plan for new development[[,]] OR redevelopment [[or alteration]] of a site must indicate which set of requirements will be used. For sites using the TNC District, the requirements of this district supersede the underlying district.

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

1. Age-restricted adult housing, if the additional requirements for age-restricted adult housing set forth in the FOR District are met.
2. Ambulatory health care facilities.
- 3 Animal hospitals, completely enclosed.
- 4 Antique shops, art galleries, craft shops.
5. Athletic Facilities, Commercial
6. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
7. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions [[, without a drive-through, except that one lane drive-through service shall be permitted on sites within a Route 40 corridor development project encompassing at least 20 gross acres of land in the TNC District provided that there shall be no portion of drive-through service visible from a public road and the]].  
[[d]] Drive-through service shall be appropriately buffered from adjoining PUBLIC ROADS AND residential property.
- 8 Bicycle repair shops.

9. Blueprinting, printing, duplicating or engraving services limited to 5,000 square feet of net floor area.
10. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
11. Child day care centers and nursery schools.
12. Clothing and apparel stores with goods for sale or rent
13. Commercial communication antennas.
14. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
15. Convenience stores.
16. Day treatment or care facilities.
17. Drug and cosmetic stores[[, without a drive-through, except that one lane drive-through service shall be permitted on sites within a Route 40 corridor development project encompassing at least 20 gross acres of land in the TNC District provided that there shall be no portion of d]]. Drive-through service [[visible from a public road and the drive-through service]] shall be appropriately buffered from adjoining PUBLIC ROADS AND residential property.
18. Dwellings, apartment and single-family attached, only within a Route 40 corridor development project with at (east 2 gross acres of TNC-zoned land.
19. Farmers markets.
20. Food stores.
21. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
22. Government structures, facilities and uses, including public schools and colleges.
23. Hardware stores.
24. Hotels, motels, country inns and conference centers.
25. Laundry or dry cleaning establishments.
26. Liquor stores.
27. Museums and libraries.
28. Nonprofit clubs, lodges, community halls.
29. NURSING HOMES AND RESIDENTIAL CARE FACILITIES.
- [[29]]30. Offices, professional and business.
- [[30]]31. Parking facilities that serve adjacent off-site uses in accordance with Section 133.0.B.
- [[31]]32. Personal service establishments.
- [[32]]33. Pet grooming establishments and daycare, completely enclosed.
- [[33]]34. Recreation Facilities, Commercial including bowling centers, billiard or pool centers, children's party and play spaces, laser-tag facilities, computer gaming centers, golf driving ranges, miniature golf, water slides, paintball, and similar uses.
- [[34]]35. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
- [[35]]36. Restaurants, carryout, including incidental delivery service.
- [[36]]37. Restaurants, fast food, in a building without a drive-through.
- [[37]]38. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
- [[38]]39. Seasonal sale-of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
- [[39]]40. Schools, commercial.
- [[40]]41. Schools, private academic, including colleges and universities.
- [[41]]42. Service agencies.
- [[42]]43. Specialty stores.

- 44. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar
- 45. Volunteer fire departments.

D. Accessory Uses

- 1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
- 2. Home occupations, subject to the requirements of Section 128.0.C.
- 3. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
- 4. Retail sale of propane on the site of a principal retail business.
- 5. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L
- 6. Snowball stands, subject to the requirements of Section 128.0.D.
- 7. Accessory Solar Collectors.

E. Bulk Regulations

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

- 1. Minimum parcel size.....2 acres
- 2. Residential density, maximum
  - a. Parcel WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS [[adjacent to]] Route 40.....20 units per net acre
  - b. Parcel WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS [[adjacent to]] Frederick Road.....8 units per net acre
- 3. Maximum height limitations
  - a. Parcel WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS [[adjacent to]] Route 40.....55 feet
  - b. For structures incorporating either first floor retail or structured parking on parcels WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS [[adjacent to]] Route 40 [[on sites within a Route 40 corridor development project]] encompassing at least 20 gross acres of land in the TNC District, the maximum height limit for structures can increase an additional 1 foot in height for every 2 feet of additional setback above the minimum setback to a maximum height of.....62 feet
  - c. Parcel WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS [[adjacent to]] Frederick Road.....35 feet
- 4. Minimum building height FOR NEW CONSTRUCTION.....25 feet  
 THE MINIMUM BUILDING HEIGHT DOES NOT APPLY TO EXISTING ONE-STORY BUILDINGS OR ADDITIONS TO EXISTING ONE-STORY BUILDINGS PROVIDED THAT THE EXISTING BUILDING WAS LAWFULLY CONSTRUCTED BEFORE THE ELECTION TO DEVELOP UNDER THE TNC DISTRICT WAS MADE, AND FURTHER PROVIDED THAT THE ADDITION DOES NOT INCREASE THE GROUND COVERAGE OF THE BUILDING BY MORE THAN 25% OF THE AREA COVERED BY THE BUILDING AT THE TIME THE ELECTION TO DEVELOP UNDER TNC DISTRICT IS MADE.
- 5. Minimum structure or use setback from Route 40 right-of-way.....20 feet
- 6. Minimum setbacks from other public street right-of-way
  - a. Principal structures and amenity areas.....0 feet
  - b. All other structures and uses.....20 feet

7. Minimum structure and use setbacks from residential lots for R-ED, R-20, R-12 or R-SC Districts
  - a. FOR NEW CONSTRUCTION ON A Parcel WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS [[adjacent to]] Route 40.....75 feet  
 FOR EXISTING STRUCTURES OR ADDITIONS TO EXISTING STRUCTURES ON A PARCEL WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS ROUTE 40.....50 FEET  
 Except for accessory uses and structures, which are limited to access drives, parking areas, retaining walls 20[[15]] feet in height or less, walkways.....30 feet
  - b. Parcel WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS [[adjacent to]] Frederick Road.....50 feet
8. Minimum structure and use setbacks from open space, multi-family or non-residential uses in R-ED, R-20, R-12 or R-SC Districts..... 30 feet
9. Minimum structure and use setbacks from any other residential zoning district.....30 feet
10. If an R-ED, R-20, R-12, or R-SC District is separated from the TNC District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.
11. Minimum structure and use setbacks from all other districts..... 0 feet
12. Maximum structure setback from public street right-of-way
  - a. From Route 40.....100 feet
  - b. As provided in the Route 40 Manual, the building facade closest to a public street other than Route 40 should be located no more than 10 feet from the edge of the public street right-of-way unless topography, utilities or other physical constraints make a greater setback necessary. This 10-foot setback may be increased without a variance in accordance with the Route 40 Manual.

F. Requirements for TNC Development

1. Amenity area

TNC developments shall include a formal, landscaped, outdoor amenity area, such as a plaza, courtyard, square, or common that complies with the requirements of the Route 40 Manual.

2. Requirements for nonresidential uses

On a lot adjoining the right-of-way of Route 40 or Frederick Road, for the buildings closest to Route 40 or Frederick Road:

- a. At least 50% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.
- b. The first floor of the building facade facing the right-of-way must include storefronts and entrances for the first floor retail and service uses.
- c. The first floor facade shall be designed to provide pedestrian interest along sides of buildings that face the street in accordance with the Route 40 Manual

D. PROVISIONS OF SECTION 127.6(F)(2) SHALL NOT APPLY TO EXISTING STRUCTURES THAT ARE DEVELOPED OR REDEVELOPED PURSUANT TO SECTION 127.6(G).

3. Requirements for residential uses

a. Residences are permitted only within Route 40 corridor development projects encompassing at least 2 gross acres of TNC-zoned land.

b. The first floor of buildings on lots adjoining the Route 40 or Frederick Road right-of-way shall not include residential uses in the building space closest to the right-of-way. Residences may occupy other portions of the first floor space.

c. For every dwelling unit developed, ~~[[300]]~~200 square feet of commercial space must be developed or renovated to be compatible in architectural character with new development on the site. The Director of the Department of Planning and Zoning may, however, reduce the commercial space requirement to ~~[[200]]~~100 square feet per dwelling unit under the following conditions:

- (1) The TNC Development is less than ~~[[20]]~~25 acres and is specially constrained in terms of size, shape, environmental factors or access in a manner that limits commercial development potential; or
- (2) The proposed design includes recreational, public, or non-profit uses on the first floor that benefit and are accessible to the general public.

d. The phasing of residential and commercial construction should be roughly proportional. Once building permits have been issued for 50% of the residential units, no more building permits for residential units will be issued until the developer obtains building permits for a proportional amount of commercial construction or renovation. This requirement may be satisfied by continuing presence of a proportional amount of existing commercial development that is intended to remain as part of the development project, provided that the existing commercial space is redeveloped ~~[[and the redevelopment is subject to the same requirements as new commercial construction in the]]~~ OR ALTERED IN ACCORDANCE WITH THE OTHER PROVISIONS OF THE TNC District.

e. At least ~~[[15]]~~10% of the dwelling units shall be Moderate Income Housing Units.

G. Compliance with Route 40 Manual

1. All sites developed under the TNC District requirements shall comply with the standards of the Route 40 Manual.

2. ALTERATIONS TO EXISTING USES REQUIRING COMPLIANCE WITH THE ROUTE 40 MANUAL

A. OTHER THAN THE EXCEPTIONS SET FORTH IN SUB-SECTION B. BELOW, ANY ALTERATIONS OR ENLARGEMENTS OF AN EXISTING USE MUST COMPLY WITH THE ROUTE 40 MANUAL. THE FOLLOWING STANDARDS DETERMINE THE EXTENT TO WHICH IMPROVEMENTS MUST BE BROUGHT INTO COMPLIANCE. ADDITIONAL GUIDANCE IS PROVIDED IN THE ROUTE 40 MANUAL.

- (1) EXPANSION OF EXISTING IMPROVEMENTS.

IF BUILDINGS AND/OR SITE IMPROVEMENTS ARE EXPANDED, THE SITE SHALL BE BROUGHT INTO COMPLIANCE WITH THE ROUTE 40 MANUAL IN EQUAL PROPORTION TO THE PERCENTAGE OF THE SITE IMPACTED BY THE EXPANSION. (FOR EXAMPLE, IF THE EXPANSION IMPACTS 20% OF THE SITE, 20% OF THE EXISTING IMPROVED AREA SHALL BE BROUGHT INTO COMPLIANCE WITH THE ROUTE 40 MANUAL.) THE AREA IMPACTED BY THE EXPANSION INCLUDES THE SQUARE FOOT AREA OF BUILDING ADDITIONS AND ADDITIONAL PARKING, LOADING, DRIVEWAYS OR INFRASTRUCTURE, AND LAND CLEARED OR GRADED.

- (2) SITE IMPROVEMENTS THAT DO NOT ALTER BUILDINGS.

IF ALTERATIONS OR ENLARGEMENTS ARE LIMITED TO SITE IMPROVEMENTS THAT DO NOT INVOLVE BUILDINGS, BUILDINGS ARE NOT REQUIRED TO BE BROUGHT INTO COMPLIANCE WITH THE ROUTE 40 MANUAL.

- (3) BUILDING EXPANSIONS.

BUILDINGS SHALL BE BROUGHT INTO COMPLIANCE WITH THE ROUTE 40 MANUAL TO THE EXTENT POSSIBLE, INCLUDING THE DESIGN AND LOCATION OF THE ADDITION. RELOCATION OR RECONSTRUCTION OR [sic] EXISTING BUILDINGS IS NOT REQUIRED.

B. EXCEPTIONS. THE FOLLOWING MINOR ALTERATIONS OR ENLARGEMENTS OF AN EXISTING USE ARE EXEMPT FROM COMPLYING WITH THE ROUTE 40 MANUAL.

- (1) EXPANSION OF A BUILDING BY 10% OR LESS OF THE FLOOR AREA OF THE BUILDING UP TO A MAXIMUM OF 5,000 SQUARE FEET OF FLOOR AREA.
- (2) BUILDING REPAIRS, BUILDING DEMOLITION, REPAVING OR RESTRIPIING PARKING AREAS, AND OTHER MAINTENANCE OR REPAIR THAT DOES NOT ENLARGE A BUILDING OR USE.
- (3) REMOVAL OR REALIGNMENT OF PARKING AREAS, DRIVEWAYS OR OTHER PAVED AREAS.
- (4) A CHANGE IN THE USE OF AN EXISTING BUILDING TO A USE PERMITTED IN THIS DISTRICT, IF THE DEPARTMENT OF PLANNING AND ZONING DETERMINES, IN ACCORDANCE WITH THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, THAT NO CHANGES TO SITE IMPROVEMENTS ARE REQUIRED.
- (5) OTHER MINOR ALTERATIONS TO A DEVELOPED SITE THAT DO NOT REQUIRE A SITE DEVELOPMENT PLAN. ALTERATIONS APPROVED THROUGH A WAIVER OF THE SITE DEVELOPMENT PLAN REQUIREMENT OR A RED-LINE REVISION TO AN EXISTING SITE DEVELOPMENT PLAN ARE ALSO EXEMPT FROM HAVING TO COMPLY WITH THE ROUTE 40 MANUAL.

#### H. Parking

The minimum off-street parking requirements of Section 133.0.D may be reduced by the number of on-street parking spaces available within a public street right-of-way or private service drive adjoining the parcel. On-street parking spaces used to meet the minimum parking requirement must be within the road section adjoining the parcel and on the same side of the street as the associated parcel.

#### I. Conditional Uses

Conditional Uses in the TNC district are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

## Exhibit B – DPZ’s Recommended Text

UNDERLINED CAPITALS indicates text to be added. ~~Text with double strikethrough~~ indicates text to be deleted.

### SECTION 127.6: TNC (Traditional Neighborhood Center) Overlay District

#### A. Purpose

The TNC District is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix. of retail, service, office and residential uses. These centers should be located near Route 40 and close to residential communities that will benefit from a pedestrian oriented local business area. The requirements of this district, in conjunction with the Route 40 Manual and the public improvements recommended by the Route 40 Enhancement Study, will result in development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 40 and intersecting roads.

Sites within the TNC Overlay may continue to be used, developed and redeveloped in accordance with the underlying zoning. The intent of this district is to provide an alternative method of development for property owners who choose to comply with the Route 40 Manual and the requirements of this district. Development complying with the TNC District requirements will be permitted to include residential development and will have greater flexibility in some bulk requirements.

#### B. Application of TNC District

The TNC Overlay is established on a property through the action of the Zoning Board, either during Comprehensive Zoning or as a piecemeal rezoning request. Sites in the TNC District may be developed in accordance with either the underlying district or this overlay district. The initial subdivision plan or Site Development Plan for new development ~~[[,]]~~ ~~OR~~ redevelopment ~~[[or~~ alteration~~]]~~ of a site must indicate which set of requirements will be used. For sites using the TNC District, the requirements of this district supersede the underlying district.

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

1. Age-restricted adult housing, if the additional requirements for age-restricted adult housing set forth in the FOR District are met.
2. Ambulatory health care facilities.
3. Animal hospitals, completely enclosed.
4. Antique shops, art galleries, craft shops.
5. Athletic Facilities, Commercial
6. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
7. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions ~~[[, without a drive-through, except that one lane drive-through service shall be permitted on sites within a Route 40 corridor development project encompassing at least 20 gross acres of land in the TNC District provided that there shall be no portion of drive-through service visible from a public road and the]].~~ ~~[[d]]~~ Drive-through service shall be ORIENTED AWAY FROM PUBLIC ROADS AND appropriately buffered from adjoining ~~PUBLIC ROADS AND~~ residential property.
8. Bicycle repair shops.



9. Blueprinting, printing, duplicating or engraving services limited to 5,000 square feet of net floor area.
10. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
11. Child day care centers and nursery schools.
12. Clothing and apparel stores with goods for sale or rent
13. Commercial communication antennas.
14. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
15. Convenience stores.
16. Day treatment or care facilities.
17. Drug and cosmetic stores[[, without a drive-through, except that one lane drive-through service shall be permitted on sites within a Route 40 corridor development project encompassing at least 20 gross acres of land in the TNC District provided that there shall be no portion of d]]. Drive-through service [[visible from a public road and the drive-through service]] shall be ORIENTED AWAY FROM PUBLIC ROADS AND appropriately buffered from adjoining ~~PUBLIC ROADS AND~~ residential property.
18. Dwellings, apartment and single-family attached, only within a Route 40 corridor development project with at (east 2 gross acres of TNC-zoned land.
19. Farmers markets.
20. Food stores.
21. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
22. Government structures, facilities and uses, including public schools and colleges.
23. Hardware stores.
24. Hotels, motels, country inns and conference centers.
25. Laundry or dry cleaning establishments.
26. Liquor stores.
27. Museums and libraries.
28. Nonprofit clubs, lodges, community halls.
29. NURSING HOMES AND RESIDENTIAL CARE FACILITIES.
- [[29]]30. Offices, professional and business.
- [[30]]31. Parking facilities that serve adjacent off-site uses in accordance with Section 133.0.B.
- [[31]]32. Personal service establishments.
- [[32]]33. Pet grooming establishments and daycare, completely enclosed.
- [[33]]34. Recreation Facilities, Commercial including bowling centers, billiard or pool centers, children's party and play spaces, laser-tag facilities, computer gaming centers, golf driving ranges, miniature golf, water slides, paintball, and similar uses.
- [[34]]35. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
- [[35]]36. Restaurants, carryout, including incidental delivery service.
- [[36]]37. Restaurants, fast food, in a building without a drive-through.
- [[37]]38. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
- [[38]]39. Seasonal sale-of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
- [[39]]40. Schools, commercial.
- [[40]]41. Schools, private academic, including colleges and universities.
- [[41]]42. Service agencies.
- [[42]]43. Specialty stores.

- 44. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar
- 45. Volunteer fire departments.

D. Accessory Uses

- 1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
- 2. Home occupations, subject to the requirements of Section 128.0.C.
- 3. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
- 4. Retail sale of propane on the site of a principal retail business.
- 5. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L
- 6. Snowball stands, subject to the requirements of Section 128.0.D.
- 7. Accessory Solar Collectors.

E. Bulk Regulations

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

- 1. Minimum parcel size.....2 acres
- 2. Residential density, maximum
  - a. Parcel ~~WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS~~ ~~[[adjacent to]]~~ Route 40.....20 units per net acre
  - b. Parcel ~~WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS~~ ~~[[adjacent to]]~~ Frederick Road.....8 units per net acre
- 3. Maximum height limitations
  - a. Parcel ~~WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS~~ ~~[[adjacent to]]~~ Route 40.....55 feet
  - b. For structures incorporating either first floor retail or structured parking on parcels ~~WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS~~ ~~[[adjacent to]]~~ Route 40 ~~[[on sites within a Route 40 corridor development project]]~~ encompassing at least 20 gross acres of land in the TNC District, the maximum height limit for structures can increase an additional 1 foot in height for every 2 feet of additional setback above the minimum setback to a maximum height of.....62 feet
  - c. Parcel ~~WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS~~ ~~[[adjacent to]]~~ Frederick Road.....35 feet
- 4. Minimum building height ~~FOR NEW CONSTRUCTION~~.....25 feet  
~~THE MINIMUM BUILDING HEIGHT DOES NOT APPLY TO EXISTING ONE-STORY BUILDINGS OR ADDITIONS TO EXISTING ONE-STORY BUILDINGS PROVIDED THAT THE EXISTING BUILDING WAS LAWFULLY CONSTRUCTED BEFORE THE ELECTION TO DEVELOP UNDER THE TNC DISTRICT WAS MADE, AND FURTHER PROVIDED THAT THE ADDITION DOES NOT~~

~~INCREASE THE GROUND COVERAGE OF THE BUILDING BY MORE THAN 25% OF THE AREA COVERED BY THE BUILDING AT THE TIME THE ELECTION TO DEVELOP UNDER TNC DISTRICT IS MADE.~~

PROVIDED THAT ONE-STORY BUILDINGS THAT LEGALLY EXISTED PRIOR TO THE SUBMITTAL OF THE TNC DEVELOPMENT AND ADDITIONS THAT DO NOT EXCEED 25% OF THE BUILDING LOT COVERAGE ARE EXEMPT FROM THIS REQUIREMENT.

5. Minimum structure or use setback from Route 40 right-of-way.....20 feet
6. Minimum setbacks from other public street right-of-way
  - a. Principal structures and amenity areas.....0 feet
  - b. All other structures and uses.....20 feet
7. Minimum structure and use setbacks from residential lots for R-ED, R-20, R-12 or R-SC Districts
  - a. ~~FOR NEW CONSTRUCTION ON A Parcel WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS~~ ~~adjacent to~~ Route 40.....75 feet  
~~FOR EXISTING STRUCTURES OR ADDITIONS TO EXISTING STRUCTURES ON A PARCEL WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS ROUTE 40.....50 FEET~~  
Except for accessory uses and structures, which are limited to access drives, parking areas, retaining walls 20~~15~~ feet in height or less, walkways.....30 feet
  - b. Parcel ~~WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT THAT ADJOINS~~ ~~adjacent to~~ Frederick Road.....50 feet
8. Minimum structure and use setbacks from open space, multi-family or non-residential uses in R-ED, R-20, R-12 or R-SC Districts..... 30 feet
9. Minimum structure and use setbacks from any other residential zoning district.....30 feet
10. If an R-ED, R-20, R-12, or R-SC District is separated from the TNC District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.
11. Minimum structure and use setbacks from all other districts..... 0 feet
12. Maximum structure setback from public street right-of-way
  - a. From Route 40.....100 feet
  - b. As provided in the Route 40 Manual, the building facade closest to a public street other than Route 40 should be located no more than 10 feet from the edge of the public street right-of-way unless topography, utilities or other physical constraints make a greater setback necessary. This 10-foot setback may be increased without a variance in accordance with the Route 40 Manual.

F. Requirements for TNC Development

1. Amenity area

TNC developments shall include a formal, landscaped, outdoor amenity area, such as a plaza, courtyard, square, or common that complies with the requirements of the Route 40 Manual.

2. Requirements for nonresidential uses

On a lot adjoining the right-of-way of Route 40 or Frederick Road, for the buildings closest to Route 40 or Frederick Road:

- a. At least 50% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.
- b. The first floor of the building facade facing the right-of-way must include storefronts and entrances for the first floor retail and service uses.
- c. The first floor facade shall be designed to provide pedestrian interest along sides of buildings that face the street in accordance with the Route 40 Manual

~~D. PROVISIONS OF SECTION 127.6(F)(2) SHALL NOT APPLY TO EXISTING STRUCTURES THAT ARE DEVELOPED OR REDEVELOPED PURSUANT TO SECTION 127.6(G).~~

3. Requirements for residential uses

- a. Residences are permitted only within Route 40 corridor development projects encompassing at least 2 gross acres of TNC-zoned land.
- b. The first floor of buildings on lots adjoining the Route 40 or Frederick Road right-of-way shall not include residential uses in the building space closest to the right-of-way. Residences may occupy other portions of the first floor space.
- c. For every dwelling unit developed, ~~300~~200 square feet of commercial space must be developed or renovated to be compatible in architectural character with new development on the site. The Director of the Department of Planning and Zoning may, however, reduce the commercial space requirement to ~~200~~100 square feet per dwelling unit under the following conditions:
  - (1) The TNC Development is less than ~~20~~25 acres and is specially constrained in terms of size, shape, environmental factors or access in a manner that limits commercial development potential; or
  - (2) The proposed design includes recreational, public, or non-profit uses on the first floor that benefit and are accessible to the general public.
- d. The phasing of residential and commercial construction should be roughly proportional. Once building permits have been issued for 50% of the residential units, no more building permits for residential units will be issued until the developer obtains building permits for a proportional amount of commercial construction or renovation. This requirement may be satisfied by continuing presence of a proportional amount of existing commercial development that is intended to remain as part of the development project, provided that the existing commercial space is redeveloped ~~and the redevelopment is subject to the same requirements as new commercial construction in the~~ ~~OR ALTERED IN ACCORDANCE WITH THE OTHER PROVISIONS OF THE~~ TNC District.
- e. At least ~~15~~10% of the dwelling units shall be Moderate Income Housing Units.

G. Compliance with Route 40 Manual

1. All sites developed under the TNC District requirements shall comply with the standards of the Route 40 Manual.

~~2. ALTERATIONS TO EXISTING USES REQUIRING COMPLIANCE WITH THE ROUTE 40 MANUAL~~

~~A. OTHER THAN THE EXCEPTIONS SET FORTH IN SUB-SECTION B. BELOW, ANY ALTERATIONS OR ENLARGEMENTS OF AN EXISTING USE MUST COMPLY WITH THE ROUTE 40 MANUAL. THE FOLLOWING STANDARDS DETERMINE THE EXTENT TO WHICH IMPROVEMENTS MUST BE BROUGHT INTO COMPLIANCE. ADDITIONAL GUIDANCE IS PROVIDED IN THE ROUTE 40 MANUAL.~~

~~(1) EXPANSION OF EXISTING IMPROVEMENTS:~~

~~IF BUILDINGS AND/OR SITE IMPROVEMENTS ARE EXPANDED, THE SITE SHALL BE BROUGHT INTO COMPLIANCE WITH THE ROUTE 40 MANUAL IN EQUAL PROPORTION TO THE PERCENTAGE OF THE SITE IMPACTED BY THE EXPANSION. (FOR EXAMPLE, IF THE EXPANSION IMPACTS 20% OF THE SITE, 20% OF THE EXISTING IMPROVED AREA SHALL BE BROUGHT INTO COMPLIANCE WITH THE ROUTE 40 MANUAL.) THE AREA IMPACTED BY THE EXPANSION INCLUDES THE SQUARE FOOT AREA OF BUILDING ADDITIONS AND ADDITIONAL PARKING, LOADING, DRIVEWAYS OR INFRASTRUCTURE, AND LAND CLEARED OR GRADED.~~

~~(2) SITE IMPROVEMENTS THAT DO NOT ALTER BUILDINGS.~~

~~IF ALTERATIONS OR ENLARGEMENTS ARE LIMITED TO SITE IMPROVEMENTS THAT DO NOT INVOLVE BUILDINGS, BUILDINGS ARE NOT REQUIRED TO BE BROUGHT INTO COMPLIANCE WITH THE ROUTE 40 MANUAL.~~

~~(3) BUILDING EXPANSIONS.~~

~~BUILDINGS SHALL BE BROUGHT INTO COMPLIANCE WITH THE ROUTE 40 MANUAL TO THE EXTENT POSSIBLE, INCLUDING THE DESIGN AND LOCATION OF THE ADDITION, RELOCATION OR RECONSTRUCTION OR [sic] EXISTING BUILDINGS IS NOT REQUIRED.~~

~~B. EXCEPTIONS. THE FOLLOWING MINOR ALTERATIONS OR ENLARGEMENTS OF AN EXISTING USE ARE EXEMPT FROM COMPLYING WITH THE ROUTE 40 MANUAL.~~

~~(1) EXPANSION OF A BUILDING BY 10% OR LESS OF THE FLOOR AREA OF THE BUILDING UP TO A MAXIMUM OF 5,000 SQUARE FEET OF FLOOR AREA.~~

~~(2) BUILDING REPAIRS, BUILDING DEMOLITION, REPAVING OR RESTRIPIING PARKING AREAS, AND OTHER MAINTENANCE OR REPAIR THAT DOES NOT ENLARGE A BUILDING OR USE.~~

~~(3) REMOVAL OR REALIGNMENT OF PARKING AREAS, DRIVEWAYS OR OTHER PAVED AREAS.~~

~~(4) A CHANGE IN THE USE OF AN EXISTING BUILDING TO A USE PERMITTED IN THIS DISTRICT, IF THE DEPARTMENT OF PLANNING AND ZONING DETERMINES, IN ACCORDANCE WITH THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, THAT NO CHANGES TO SITE IMPROVEMENTS ARE REQUIRED.~~

~~(5) OTHER MINOR ALTERATIONS TO A DEVELOPED SITE THAT DO NOT REQUIRE A SITE DEVELOPMENT PLAN. ALTERATIONS APPROVED THROUGH A WAIVER OF THE SITE DEVELOPMENT PLAN REQUIREMENT OR A RED LINE REVISION TO AN EXISTING SITE DEVELOPMENT PLAN ARE ALSO EXEMPT FROM HAVING TO COMPLY WITH THE ROUTE 40 MANUAL.~~

#### H. Parking

The minimum off-street parking requirements of Section 133.0.D may be reduced by the number of on-street parking spaces available within a public street right-of-way or private service drive adjoining the parcel. On-street parking spaces used to meet the minimum parking requirement must be within the road section adjoining the parcel and on the same side of the street as the associated parcel.

#### I. Conditional Uses

Conditional Uses in the TNC district are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

**Department of Planning and Zoning  
Howard County, Maryland  
Recommendations/Comments**

Date: April 27, 2017

Planning Board 08/03/17 Board of Appeals \_\_\_\_\_ Hearing Examiner \_\_\_\_\_ Zoning Board \_\_\_\_\_

Petition No. ZRA-179 Map No. \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Petitioner: David Moxley

Petitioner's Address: \_\_\_\_\_

Address of Property: \_\_\_\_\_

Return Comments by June 5, 2017 to Public Service and Zoning Administration

Owner: (if other than applicant) \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Petition: SEE APPLICATION

\*\*\*\*\*

- To:
- \_\_\_\_\_ MD Department of Education – Office of Child Care  
3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
  - \_\_\_\_\_ Bureau of Environmental Health
  - \_\_\_\_\_ Development Engineering Division
  - \_\_\_\_\_ Department of Inspections, Licenses and Permits
  - \_\_\_\_\_ Department of Recreation and Parks
  - \_\_\_\_\_ Department of Fire and Rescue Services
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  - \_\_\_\_\_ Land Development - (Religious Facility & Age-Restricted  
Adult Housing)
  - \_\_\_\_\_ Housing and Community Development
  - \_\_\_\_\_ Resource Conservation Division – Beth Burgess
  - \_\_\_\_\_ Route 1 Cases – DCCP – Kristen O'Connor
  - \_\_\_\_\_ Telecommunication Towers – (Comm. Dept.)
  - \_\_\_\_\_ Division of Transportation – Dave Cookson

COMMENTS:

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Department of Planning and Zoning  
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COMMENTS: no comment

[Signature]  
SIGNATURE



Department of Planning and Zoning  
Howard County, Maryland  
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COMMENTS: None  
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[Signature]

Department of Planning and Zoning  
Howard County, Maryland  
Recommendations/Comments

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  - \_\_\_\_\_ Division of Transportation – Dave Cookson



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APR 28 2017

PLAN REVIEW DIVISION

COMMENTS:

*No Comment*

*J. Wilson 5-30-17*

SIGNATURE

Department of Planning and Zoning  
Howard County, Maryland  
Recommendations/Comments

Date: April 27, 2017

Hearing Examiner \_\_\_\_\_  
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\_\_\_\_\_ Land Development - (Religious Facility & Age-Restricted  
Adult Housing)  
\_\_\_\_\_ Housing and Community Development  
\_\_\_\_\_ Resource Conservation Division – Beth Burgess  
\_\_\_\_\_ Route 1 Cases – DCCP – Kristen O'Connor  
\_\_\_\_\_ Telecommunication Towers – (Comm. Dept.)  
\_\_\_\_\_ Division of Transportation – Dave Cookson



COMMENTS:  
WE HAVE NO COMMENTS.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Paul Walsh  
SIGNATURE





# Howard County

Department of Planning and Zoning

**Subject:** Planning Board Case No: ZRA-179  
**Applicant:** David Moxley  
**Petition:** To amend Section 127.6 of the Zoning Regulations of Howard County (Traditional Neighborhood Center) in order to provide for expansion of certain permitted uses; and to modify and clarify the bulk regulations applicable to properties located within the Rt. 40 corridor; and to provide appropriate regulations for the redevelopment of properties with substantial existing structures and uses.


**To:** Division of Public Service and Zoning Administration  
Department of Planning and Zoning

**From:** Development Engineering Division  
Department of Planning and Zoning

**Date:** April 28, 2017

The Development Engineering Division has reviewed the above referenced petition and has no objection.

If you have any questions concerning this matter please contact me at extension 2420.



Chad Edmondson, P.E.  
Chief

CE/pmt

cc: Valdis Lazdins, Director, Department of Planning and Zoning  
Philip M. Thompson, Development Engineering Division  
Tom Butler, Chief, Bureau of Engineering  
Reading File  
File

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