



April 14, 2016

TECHNICAL STAFF REPORT

Planning Board Meeting on April 28, 2016

Case No: ZRA-163

Petitioner: Jonathan Weinstein, Councilperson

Request: To amend Section 127.4.B.8 of the Transit Oriented Development (TOD) District regulations to delete the requirement that single-family attached dwellings may not occupy more than 40% of the residential development area within a TOD District encompassing at least 50 acres.

Case No: ZRA-166

Petitioner: Binder Rock, LLC

Request: To amend Section 127.4.F.2. of the TOD District regulations concerning Area Requirements for Residential Uses to remove amenity areas from the items in Section 127.4.F.2.b. that may not take up more than 50% of the developable acreage.

I. BACKGROUND

The original TOD District regulations were proposed and adopted during the 2004 Comprehensive Zoning Plan (CZP) process. Along with the CAC District and the CE District, the TOD District was created in response to a Route 1 Corridor Revitalization Study, conducted around that time. The first TOD regulations were intended to encourage multi-story office centers located near MARC stations and mixed-use developments on larger sites, with apartments as the only allowable residential type. In the initial draft, apartments were only permitted in TODs of at least 15 acres. During the 2004 CZP process, the minimum land area was reduced to 10 acres and subsequently 5 acres in later drafts. Ultimately, the TOD District regulations were adopted allowing apartments “only within development encompassing at least 3 gross acres of TOD zoned land within a Route 1 Corridor development project.”

Zoning Regulation Amendment ZRA-140 was submitted in 2012 and proposed a number of revisions. One revision allowed single family attached (SFA) dwelling units in larger TODs provided that: they were within a Route 1 Corridor transit oriented development project that encompassed at least 50 acres; the SFA units did not exceed 30% of all dwellings; and the SFA units did not consume more than 40% of the land area in the development. ZRA-140 was approved December 3, 2012 with the County Council

adding an amendment limiting one-story commercial uses to a maximum of 20,000 square feet.

During the 2013 CZP process, amendments to the TOD District were again proposed. Although most amendments were minor, two substantive ones were proposed. The first included a minimum density requirement of 20 dwelling units per net acre, which was intended to achieve higher residential densities. The second concerned amenity area requirements. Although regulations at that time addressed amenity areas, they lacked specifications. CZP 2013 amended Section 127.4.F.1, adding amenity area requirements that addressed minimum size, design, pedestrian and bicycle connections, and TODs larger than 25 acres.

The 2013 CZP Regulations became effective October 6, 2013, but in November, DPZ proposed an amendment (ZRA-147). It modified the Purpose Statement, clarifying that the intent of the district was not to preclude the use of smaller TOD parcels prior to their assemblage into a larger TOD development. The proposal also included light industrial uses as part of the nonresidential use mix. "Industrial Uses, Light" was added as a permitted use, subject to criteria listed in Section 127.4.B.14. During the Planning Board hearing for ZRA-147, a second permitted-use category for single-family attached dwellings in TODs was discussed and recommended. The single family attached use category applied to TODs greater than 3 acres, but less than 50 acres and they had to be located more than 2,500 feet from a MARC station. The recommendation was adopted and became Section 127.4.B.9.

II. DESCRIPTION AND EVALUATION OF PROPOSALS

Since both ZRA-163 and ZRA-166 propose changes to the TOD District, DPZ's evaluation is consolidated into a single staff report. The two ZRA proposals prompted DPZ to conduct an evaluation of the entire TOD Zoning District regulations to ensure they are achieving the intended results. This evaluation has revealed some aspects of the regulations that are ambiguous and/or contrary to the intent of the district. Therefore, DPZ is proposing amendments that incorporate the two ZRA requests, but also address unintended consequences and provide clarity.

Each ZRA is evaluated below and followed by DPZ's recommended revisions in Section III. The proposed amendments for both ZRA-163 and ZRA-166 are included in the attached Exhibit A – Petitioners' Proposed Text. DPZ's proposed text is included in the attached Exhibit B. (The text in [[brackets]] indicates text to be deleted).

ZRA-163 - Jonathan Weinstein

Section. 127.4.B.8

This section permits single-family attached dwellings in TODs 50 acres or larger, provided they do not exceed 30% of the total dwelling units and do not occupy more than 40% of the residential land area. The Petitioner proposes to delete the 40% limit.

DPZ recommends approval with revisions

DPZ agrees with the Petitioner that the 40% limit is unnecessary and duplicates the 30% dwelling unit

limit. It also favors one unit type over another, is arbitrary, and does not consider market demand.

The emphasis of the zoning district should be to achieve TOD supportive development, regardless of housing type; therefore, DPZ recommends deleting this requirement. However, DPZ recommends an additional amendment to this section to further address these conflicts. The description and evaluation can be found in Section III- DPZ RECOMMENDED REVISIONS.

ZRA 166 - Binder Rock, LLC

Section 127.4.F.2.

ZRA-166 would apply to a residential TOD three acres or larger. The Petitioner proposes deleting amenity areas from the list of items that cannot occupy more than 50% of developable land in a TOD.

DPZ recommends approval with revisions

This section limits the land area occupied by a residential building, parking lot, or amenity area in a TOD project to 50%. The Petitioner asserts that by "...including amenity space in the 50% limitation on developable acreage, developers must choose between building amenity areas or using that space for structures and parking,...the latter being important to the profitability and function of the project as a whole." The Petitioner also notes that the current regulation "...treats amenity space as a solely residential use, even though the amenity areas can be used people who are associated with the non-residential uses in the development."

DPZ agrees and contends that including amenity areas in the cap creates disincentives for public spaces and, therefore, recommends deleting this requirement. DPZ also recommends additional clarifications to conflicting and vague language, the description and evaluation of which can be found in Section III- DPZ RECOMMENDED REVISIONS.

III. DPZ RECOMMENDED REVISIONS

Overview of TOD Deficiencies

Comparison of the Howard County TOD District to TOD Districts Generally

Approaches to transit-oriented development (TOD) differ throughout the United States, given the diversity in transportation networks and the varied land use goals of state and local governments. However, as identified in a November 2014 report from the United States Government Accountability Office (GAO) entitled "Multiple Factors Influence Extent of Transit-Oriented Development" (the "GAO Report"), there are certain "common features" that are typically part of a TOD:

- Rail-based transit station such as a subway system, light-rail, or railroad.
- Public open spaces such as parks and transit-plazas.
- High quality streetscapes that encourage and enable walking and biking.
- Moderate to high mix of residential, commercial, civic and cultural uses.

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- Residential buildings that can vary from small lot single-family, duplex, and townhome units to high-rise apartments.
 - Mixed use and employment developments.

A common approach to encourage TODs is to identify and plan for such uses in specific locations, often guided by small area plans or design guidelines. A common feature of such plans specifies minimum and maximum building heights, based on the desired development character. This approach helps guarantee the intensity and character of development - promoting more intensity near transit and “stepping-down” at perimeters, to be more compatible with surrounding development. Additionally, a TOD plan may not specify the location of certain land uses, but rather require a minimum and maximum level of residential and non-residential development. However, when a TOD is surrounded by existing residential development outside the TOD, it is more likely that compatible residential development will occur along the edges.

Disadvantages of the Howard County TOD Districts

The Howard County TOD District regulations are not based on an area plan; rather, they are governed by the TOD Zoning District requirements. A current disadvantage of Howard County’s TOD is that it contains prescriptive requirements dictating the mix of land uses. According to the GAO Report, under the section about Local Government Policies that Support Transit-Oriented Development, one important TOD policy is “responsiveness to market demand.” This was emphasized in the Charlotte, North Carolina case study of TOD development along a light-rail line. Unfortunately, the Howard County TOD regulations do not provide the flexibility needed to address market fluctuations and consequently may inhibit redevelopment.

TODs that have access to higher-volume transit stations, such as subway and light-rail, are generally more successful than lower volume transit stations. TODs in Howard County are located in close proximity to MARC stations on the Camden Line, which is predominantly a commuter line. There are five morning trains that run from Baltimore to Washington between 5:00 a.m. and 9:12 a.m. and four evening trains between 3:40 p.m. and 7:23 p.m. From Washington to Baltimore there are four morning trains between 6:32 a.m. and 9:08 a.m. and seven evening trains between 3:30 p.m. and 8:55 p.m. There is no midday, late night, or weekend service.

Given that a commuter line anchors the Howard County TODs, they will likely become more successful as residential and employment centers develop as transit origins and destinations. Some small retail and service uses may occur to serve the needs of residents and workers, but it is unlikely that the market will support a greater amount of commercial in these areas.

With respect to office uses, Howard County TODs are likely to compete with the Camden Line end points of Baltimore and Washington. Both destinations have large, healthy office and job markets, extensive shopping and entertainment uses, robust internal transit systems, and many cultural attractions. Therefore, office users in Howard County TODs need to consider the Baltimore and Washington as potential competitive markets.

Recommended Revisions

Section 127.4(A)

The current Purpose Statement contains contradictory language and lacks clarity of intent. DPZ recommends that it be simplified and amended to read as follows:

A. Purpose

The TOD District encourages the development and redevelopment of key parcels within 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of multi-use centers combining office and high-density residential developments that are located and designed for safe and convenient pedestrian access by commuters using MARC trains and other public transit links. The requirements of this district, in conjunction with the Route 1 Manual, will result in well-designed multi-use centers; combining office, high-density residential and commercial development that makes use of the commuting potential of the MARC system.

Section 127.4.B.8 and 127.4.B.9

DPZ believes that the percentage limitations on single-family attached development in Section 127.4.B.8. and Section 127.4.B.9. inhibit current market demand for residential development and are contrary to the intent of the district. The TOD Zoning District requires a minimum residential density of 20 dwelling units per net acre. The allocation of density to a specific residential housing type is not material to achieving the goals of a TOD. Rather, unit types should be determined by market conditions, not mandated by arbitrary restrictions. DPZ recommends that Section 127.4.B.8 be amended to delete the percentage requirements and permit single-family attached dwellings as a matter of right without restrictions. Section 127.4.B.9. is recommended to be deleted entirely.

Section 127.4.E

DPZ recommends two revisions in Section 127.4.E. Bulk Regulations. First, as described above, delete the percent limitations on single-family attached development in Section 127.4.B, thus an exception to the minimum residential density requirement in Section 127.4.E.1 should also be deleted. Second, amend the maximum building height in Section 127.4.E.2. Currently, the maximum height is 60 feet, but an increase up to 100 feet is allowed if the building is setback from the street an additional one foot for every two feet in height above 60 feet. The language as written does not reflect the intent to step the portion of the building over 60 feet back, as measured from the façade.

DPZ recommends keeping the 100 foot height maximum and requiring that the portion of the building above 80 feet be stepped back one foot from the front façade for every two feet of additional height. This allows the front of the building to remain at the desired setback and reduces the perceived bulk of the building. Additionally, changing the step back height from 60 feet to 80 feet in line with height limitations associated with stick built products.

Section 127.4.E

As noted in the evaluation of ZRA-166, DPZ agrees that including the amenity area in the 50% maximum residential area calculation is contrary to the intent of a TOD - to provide public spaces. Therefore, it should be deleted. DPZ proposes two other revisions to Section 127.4.F.2.b. The first addresses the inclusion of “parking” in the 50% maximum residential area calculation. The proposed revision applies surface parking to the residential area calculation rather than all parking types. This amendment is intended to provide an incentive for structured parking, which is preferred over surface parking.

The second revision is related to the inclusion of mixed-use residential developments in the 50% maximum area. The current text could be interpreted to include a mixed-use residential development, since it contains residential dwelling units. Mixed-use residential developments are encouraged in TOD developments. Therefore, to clarify the intent of these two provisions, DPZ recommends that Section 127.4.F.2.b. be amended as follows

- b. No more than 50% of the net acreage, excluding road right-of-way and open space shall be occupied by surface parking lots and residential buildings with 75% or more of the gross floor area devoted to residential uses.

IV. AGENCY COMMENTS

Comments from all other applicable agencies have not yet been received. Any comments received from these agencies before the Planning Board Public Hearing will be forwarded to the Planning Board members before the hearing date.

V. GENERAL PLAN

ZRA-163 - Jonathan Weinstein

The petitioner asserts that ZRA 163 is in harmony with the following *PlanHoward* 2030 (General Plan) policy:

Policy 9.2 Housing

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

Eliminating the restriction on single family attached dwellings would result in more diverse mixes of housing types that are available to different income levels and, therefore, DPZ agrees that ZRA-163 is in harmony with Policy 9.2 of *PlanHoward* 2030.

ZRA 166 - Binder Rock, LLC

DPZ does not agree with the Petitioner's assertion that *PlanHoward* 2030 does not address amenity spaces. Section 10 of the General Plan - Creating More Complete Communities, clearly states that a Complete Community should "Contain vibrant public spaces and activity-filled destinations as well as access to green space and natural areas." DPZ does agree the current restriction is a disincentive to provide public spaces, and by eliminating that requirement, TODs will be more likely to provide quality public amenities and spaces.

DPZ's Recommended Revisions and ZRAs

The revisions to zoning regulations described in this report are in harmony with Policy 10.4, Implementation Action A, and Policy 10.2:

Policy 10.4 Community Design

"Review and update all County development regulations to respond to County General Plan development goals and changing market conditions, and to improve the efficiency of the County's review process."

Implementation Action A

"Develop Zoning Regulations that better address infill and redevelopment goals and issues."

Policy 10.2 Community Design

"Focus growth in Downtown Columbia, Route 1 and Route 40 Corridors, and some Columbia Village Centers, as well as some older commercial or industrial areas which have redevelopment potential."

The proposed zoning regulations amendment address current market demand for single family attached housing and eliminate requirements that inhibit infill and redevelopment in underutilized areas. The current 50% cap on land devoted to amenity areas and structured parking reduces the building envelope for residential land uses and inhibits the redevelopment potential of properties within TODs. The revisions to the zoning regulations will aid the success of TODs in Targeted Growth areas by allowing for more market-driven development, rather than arbitrary restrictions based on housing types.

VI. RECOMMENDATION

APPROVAL WITH REVISIONS

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-163 and ZRA-166 be **APPROVED WITH REVISIONS** as identified in Section III.

Approved by:


Valdis Lazdins, Director

4-14-16
Date

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

Exhibit A – Petitioners’ Proposed Text

ZRA-163 – Jonathan Weinstein, Councilperson

Section 127.4.B.8.

8. Dwellings, single-family attached, only within a TOD development project encompassing at least 50 acres, not to exceed 30% of the total number of dwelling units within the project. [[and further subject to the requirement that such dwellings not occupy more than 40% of the residential development area within the project.]]

ZRA-166 – Binder Rock, LLC

Section 127.4.F.2.b.

- b. No more than 50% of the developable acreage, excluding road right-of-way and open space shall be devoted to residential buildings[[,]] AND parking [[and amenity areas]].

Exhibit B – DPZ’s Recommended Text

SECTION 127.4: - TOD (Transit Oriented Development) District

A. Purpose

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

Many parcels in the TOD District were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the TOD District. Additionally, because TOD developments are most effective when comprehensively planned for larger parcels of land surrounding a MARC Station, it is neither the intent of these requirements to encourage smaller, piecemeal TOD developments nor disallow the beneficial use of undeveloped TOD District parcels during the period of time prior to a larger TOD development being assembled. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as a mix of residential and nonresidential uses are redeveloped or expanded. Certain light industrial uses or lower density residential units may also be appropriate with the mix of TOD uses if properly located so as to not overly reduce the available land area for the more dense mix of uses at the core of the TOD development, closer to the MARC Station. {Council Bill 1-2014(ZRA-147) Effective 4/7/2014}

B. Uses Permitted as a Matter of Right

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

[[9. Dwellings, single-family attached, within a TOD Development Project greater than 3 acres and encompassing less than 50 acres that is entirely located more than 2,500 feet from a MARC Station, provided that the minimum density shall not apply and that such dwellings shall not occupy more than 40% of the gross development area of such a project.]]

9. Flex space.
10. Government structures, facilities and uses, including public schools and colleges.
11. Horse racetrack facilities.
12. Hotels, motels, country inns and conference centers.
13. Industrial Uses, light, provided that: The property is at least 30 acres or greater and fronts on and has direct access to an arterial or collector highway; adjoins other properties developed with existing light industrial uses; the light industrial use is principally conducted within a building with a maximum building height of 50 feet; the proposed industrial development does not include a proposal for any dwelling units within the same project; and; the light industrial development is at the periphery of the TOD District, well separated from the MARC Station.
14. Offices, professional and business.
15. Parking facilities that serve adjacent off-site uses in accordance with Section 133.0.B.
16. Religious facilities, structures and land used primarily for religious activities.
17. Research and development establishments.
18. Restaurants, carryout, including incidental delivery services.
19. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
20. Schools, commercial.
21. Schools, private academic, including colleges and universities.
22. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
23. Volunteer fire departments.
{Council Bill 1-2014(ZRA-147) Effective 4/7/2014}

C. Commercial Uses Permitted With Limitations

The following commercial uses are permitted as a matter of right in any multistory building or parking structure or in a single-story building or parking structure having a minimum height of 20 feet. One-story commercial uses shall be limited to a maximum of 20,000 square feet of total building area.

1. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions without a drive-through, except that single lane drive-through service shall be permitted provided that there shall be no portion of drive-through service visible from a public road.
2. Blueprinting, printing, duplicating or engraving services.
3. Child day care centers and nursery schools.
4. Laundry and dry cleaning establishments.
5. Personal service establishments.

6. Pizza delivery services and other services for off-site delivery of prepared food.
7. Restaurants, fast food without a drive-through.
8. Retail establishments, limited to convenience stores, food stores, drug and cosmetic stores, liquor stores and specialty stores.
9. Service agencies.

D. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
3. Home occupations, subject to the requirements of Section 128.C.
4. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
5. Accessory Solar Collectors.

E. Bulk Regulations

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

1. [[Except as provided in Section 127.4.B, m]] Minimum residential density is 20 units per net acre of residential development. {Council Bill 1-2014(ZRA-147)Effective 4/7/2014}

2. Maximum building height

[[a. Structure with minimum setback from a public street right-of-way.....60 feet

b. Structure with an additional 1 foot of setback from a public street right-of-way for the portion of the structure over 60 feet for every 2 feet of additional height100 feet]]

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

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

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

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

- (1) From arterial

- (a) Principal structures20 feet

- (b) All other structures and uses30 feet

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

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

- (b) Surface parking20 feet

- b. Minimum setbacks from vicinal properties:

- (1) From a residential district: All structures and uses30 feet

- (2) From all other zoning districts:

- (a) Structures containing residences30 feet
- (b) All other structures and uses0 feet
- (3) If a TOD District is separated from another zoning district by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

4. Minimum distances between residential buildings

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

- a. Side to side15 feet
- b. All other façade to façade relationships30 feet

5. Minimum setback requirements for sites not complying with the use provisions of the TOD District and the Route 1 Manual.

The following minimum setback requirements apply to sites developed prior to the creation of the TOD District that do not comply or only partially comply with the Howard County Landscape Manual and the Route 1 Manual:

- a. From external public street right-of-way
 - (1) Structures and uses50 feet
 - (2) Except for parking uses and fences adjoining parking uses30 feet
- b. From internal public street right-of-way
 - (1) Structures and uses50 feet
 - (2) Except for parking uses and fences adjoining parking uses10 feet
- c. From any residential district: All structures and uses100 feet
- d. If a residential district is separated from the TOD District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

F. Requirements for TOD Development

1. Amenity Area

TOD developments shall include an amenity area or areas that are a minimum of 10% of the net site acreage. The amenity area shall include seating and trees. The number of seating areas and trees shall increase proportionately to the increase in size of the amenity area. No amenity area shall be smaller than 0.25 acre. Amenity areas on the site shall be connected by pedestrian and bicycle improvements that link with existing and future connections to surrounding developments.

Sites larger than 25 acres must provide well-designed recreational areas for both children's and adult's activities. On sites larger than 25 acres, one amenity area must be designed as a civic gathering place large enough to accommodate such activities as community picnics, concerts, fairs and similar events.

2. Area Requirements for Residential Uses

- a. Residences are permitted only within a development project encompassing at least 3 gross acres of TOD-zoned land.
- b. No more than 50% of the [[developable]] NET acreage, excluding road right-of-way and open space shall be [[devoted to]] OCCUPIED BY SURFACE PARKING LOTS

AND [[residential]] buildings WITH 75% OR MORE OF THE GROSS FLOOR AREA DEVOTED TO RESIDENTIAL USES. [[, parking and amenity areas.]]

c. Moderate Income Housing Units.

At least 15% of the dwelling units shall be Moderate Income Housing Units.

G. Compliance with Route 1 Manual

1. New Development

New development in the TOD District shall comply with the standards of the Route 1 Manual.

2. Alterations to Existing Uses Requiring Compliance with the Route 1 Manual

a. The following minor alterations or enlargements are exempt from complying with the Route 1 Manual:

- (1) Expansion of a building by 10% or less of the floor area of the building on April 13, 2004, up to a maximum of 5,000 square feet of floor area.
- (2) Building repairs, repaving or restriping parking areas, and other maintenance or repair that does not enlarge a building or use.
- (3) Removal 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 or a revision to an approved Site Development Plan. This includes alterations approved through a waiver of the Site Development Plan requirement or a red-line revision to an existing Site Development Plan.

b. Other than the above exceptions, any alteration or enlargement of an existing use must comply with the Route 1 Manual. The following standards determine the extent to which improvements must be brought into compliance with the Route 1 Manual. Additional guidance is provided in the Manual.

(1) Expansion Of Existing Improvements

If buildings and/or site improvements are expanded, the site shall be brought into compliance with the Route 1 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 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, existing buildings are not required to be brought into compliance with the Route 1 Manual.

(3) Building Expansions

Expanded buildings shall be brought into compliance with the Route 1 Manual to the extent possible, including design and location of the addition. Relocation or reconstruction of existing buildings is not required.

- c. A site that does not fully comply with the Route 1 Manual is subject to the bulk requirements in Subsection E.4 above.

H. Conditional Uses

Conditional Uses in the TOD 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.

