

# HOUSE BILL 1195

L6

Amend #1

2lr2495

By: **Delegate Holmes** Stein, Ross, Barve, Feldman, Hogan and Hubbard

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

## A BILL ENTITLED

1 AN ACT concerning

### 2 Land Use – Rail Station Overlay Districts

3 FOR the purpose of authorizing a local jurisdiction to establish a rail station overlay  
 4 district adjacent to a railroad station, metro station, or light rail station in the  
 5 local jurisdiction under certain standards and guidelines; requiring the  
 6 Department of Planning, in consultation with the Department of  
 7 Transportation, to establish standards and guidelines under which a local  
 8 jurisdiction may establish a rail station overlay district in certain areas and a  
 9 model ordinance for establishing the overlay district; requiring the standards  
 10 and guidelines to address the size of an overlay district, development in an  
 11 overlay district, outdoor public areas, ~~less restrictive height and density limits,~~  
 12 exemptions from adequate public facilities laws, accessibility for pedestrians  
 13 and bicyclists, streamlined review, approval, and appeals processes, financing  
 14 for development projects, the facilitation of access to certain local agencies, and  
 15 the creation and valuation of development rights; authorizing a local  
 16 jurisdiction that establishes an overlay district to implement certain revenue  
 17 generating mechanisms, providing that this Act applies to certain counties; and  
 18 generally relating to rail station overlay districts.

19 BY repealing and reenacting, without amendments,  
 20 Article – Land Use  
 21 Section 1–401(a)  
 22 Annotated Code of Maryland  
 23 (As enacted by Chapter \_\_\_\_ (H.B. \_\_\_\_)(2lr0396) of the Acts of the General  
 24 Assembly of 2012)

25 BY repealing and reenacting, with amendments,  
 26 Article – Land Use  
 27 Section 1–401(b)  
 28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (As enacted by Chapter \_\_\_\_ (H.B. \_\_\_\_)(2lr0396) of the Acts of the General  
2 Assembly of 2012)

3 BY adding to

4 Article – Land Use

5 Section 7–501 to be under the new subtitle “Subtitle 5. Rail Station Overlay  
6 Districts”

7 Annotated Code of Maryland

8 (As enacted by Chapter \_\_\_\_ (H.B. \_\_\_\_)(2lr0396) of the Acts of the General  
9 Assembly of 2012)

10 BY adding to

11 Article – State Finance and Procurement

12 Section 5–312

13 Annotated Code of Maryland

14 (2009 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Land Use**

18 1–401.

19 (a) Except as provided in this section, this division does not apply to charter  
20 counties.

21 (b) The following provisions of this division apply to a charter county:

22 (1) this subtitle, including Parts II and III (Charter county –  
23 Comprehensive plans);

24 (2) § 1–101(o) (Definitions – “Sensitive area”);

25 (3) § 1–201 (Visions);

26 (4) § 1–206 (Required education);

27 (5) § 1–207 (Annual report – In general);

28 (6) § 1–208 (Annual report – Measures and indicators);

29 (7) Title 1, Subtitle 3 (Consistency);

30 (8) § 4–104(b) (Limitations – Bicycle parking);

31 (9) § 4–208 (Exceptions – Maryland Accessibility Code);

- 1 (10) § 5–102(d) (Subdivision regulations – Burial sites);
- 2 (11) Title 7, Subtitle 1 (Development Mechanisms);
- 3 (12) Title 7, Subtitle 2 (Transfer of Development Rights);
- 4 (13) Except in Montgomery County or Prince George’s County, Title 7,
- 5 Subtitle 3 (Development Rights and Responsibilities Agreements);
- 6 (14) Title 7, Subtitle 4 (Inclusionary Zoning);
- 7 (15) **TITLE 7, SUBTITLE 5 (RAIL STATION OVERLAY DISTRICTS);**
- 8 (16) § 8–401 (Conversion of overhead facilities);
- 9 [(16)] (17) For Baltimore County only, Title 9, Subtitle 3
- 10 (Single–County Provisions – Baltimore County);
- 11 [(17)] (18) For Howard County only, Title 9, Subtitle 13 (Single–County
- 12 Provisions – Howard County); and
- 13 [(18)] (19) Title 11, Subtitle 2 (Civil Penalty).

**SUBTITLE 5. RAIL STATION OVERLAY DISTRICTS.**

**7–501.** 

**NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LOCAL JURISDICTION MAY ESTABLISH A RAIL STATION OVERLAY DISTRICT ADJACENT TO A RAILROAD STATION, METRO STATION, OR LIGHT RAIL STATION IN THE LOCAL JURISDICTION UNDER THE STANDARDS AND GUIDELINES ESTABLISHED BY THE DEPARTMENT OF PLANNING, IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF TRANSPORTATION, UNDER § 5–312 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.** THIS SUBTITLE 7-503

**Article – State Finance and Procurement**

**5–312.**

Nat Ctr for Smart Growth Dept of Planning,

(A) **THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, SHALL ESTABLISH:** *Create a RSOD ToolKit INCLUDING*

MACo, MML, AND THE MNCPPC

(1) **STANDARDS AND GUIDELINES UNDER WHICH A LOCAL JURISDICTION MAY ESTABLISH A RAIL STATION OVERLAY DISTRICT ADJACENT**

1 TO A RAILROAD STATION, METRO STATION, OR LIGHT RAIL STATION IN THE  
2 LOCAL JURISDICTION; AND

3 (2) A MODEL ORDINANCE FOR ESTABLISHING A RAIL STATION  
4 OVERLAY DISTRICT.

5 (B) THE STANDARDS AND GUIDELINES ESTABLISHED UNDER THIS  
6 SECTION SHALL INCLUDE:

7 (1) STANDARDS FOR THE SIZE OF A RAIL STATION OVERLAY  
8 DISTRICT THAT SHALL PRIORITIZE THE INCLUSION OF AREAS WITHIN WALKING  
9 DISTANCE OF THE RAIL STATION;

10 (2) GUIDELINES FOR THE CONSTRUCTION, ALTERATION,  
11 RECONSTRUCTION, AND DEMOLITION OF STRUCTURES IN THE RAIL STATION  
12 OVERLAY DISTRICT;

13 (3) GUIDELINES FOR THE INCLUSION OF OUTDOOR PUBLIC  
14 AREAS, INCLUDING STREETS, SIDEWALKS, PARKS, AND OTHER OPEN AREAS, IN  
15 THE RAIL STATION OVERLAY DISTRICT;

16 (4) STANDARDS FOR THE ~~ESTABLISHMENT OF LESS RESTRICTIVE~~  
17 HEIGHT AND DENSITY LIMITS IN A RAIL STATION OVERLAY DISTRICT ~~THAN MAY~~  
18 EXIST FOR THE UNDERLYING ZONING CLASSIFICATION; ~~THAT~~

*REPLACEMENT*  
*WITH PROVISIONS FOR A DESIGN REVIEW PROCESS AND SALE OF ADDITIONAL DEVELOPMENT RIGHTS IN ACCORDANCE WITH THE STANDARDS*  
*ESTABLISHED UNDER ITEM (10) OF THIS SUBSECTION*

19 (5) STANDARDS FOR EXEMPTING AREAS WITHIN A RAIL STATION  
20 OVERLAY DISTRICT FROM ANY APPLICABLE ADEQUATE PUBLIC FACILITIES LAW  
21 OR OTHER PROVISIONS OF LAW;

22 (6) GUIDELINES FOR MAXIMIZING THE NUMBER OF PEDESTRIANS  
23 AND BICYCLISTS WITH ACCESS TO A RAIL STATION;

24 (7) GUIDELINES FOR ESTABLISHING A STREAMLINED AND  
25 EXPEDITED REVIEW AND APPROVAL PROCESS FOR DEVELOPMENT PROJECTS IN  
26 A RAIL STATION OVERLAY DISTRICT, AND A STREAMLINED AND EXPEDITED  
27 APPEALS PROCESS;

28 (8) GUIDELINES FOR FINANCING DEVELOPMENT PROJECTS IN A  
29 RAIL STATION OVERLAY DISTRICT, INCLUDING THE USE OF PUBLIC-PRIVATE  
30 PARTNERSHIPS;

1           **(9) GUIDELINES FOR FACILITATING ACCESS TO RELEVANT LOCAL**  
2 **AGENCIES FOR A PROSPECTIVE DEVELOPER IN A RAIL STATION OVERLAY**  
3 **DISTRICT; AND**

4           **(10) STANDARDS UNDER WHICH A LOCAL JURISDICTION MAY:**

5                   **(I) CREATE DEVELOPMENT RIGHTS ABOVE THE BASE**  
6 **STANDARD ESTABLISHED FOR THE UNDERLYING ZONING CLASSIFICATION; AND**

7                   **(II) CALCULATE THE VALUE OF AND SET THE PRICE FOR**  
8 **THE ADDITIONAL DEVELOPMENT RIGHTS.**

9           <sup>7-504</sup>  
10           ~~(c)~~ **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LOCAL**  
11 **JURISDICTION THAT ESTABLISHES A RAIL STATION OVERLAY DISTRICT MAY**  
12 **ESTABLISH, WITH BORDERS THAT COINCIDE WITH THE BORDERS OF THE**  
13 **OVERLAY DISTRICT:**

14                   **(1) A TAX INCREMENT FINANCING DISTRICT; OR**

15                   **(2) A SPECIAL TAXING DISTRICT TO FUND INFRASTRUCTURE**  
16 **IMPROVEMENTS IN THE OVERLAY DISTRICT.**

17           <sup>7-505</sup>           <sup>AMENITY FUND ...</sup>  
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
October 1, 2012.

see page 5, 6, 7 of Amendment #2 HB1195 / 283523 / 3

(tab 51 c on Woodmont Triangle web page)  
[http://www.virtualadjacency.com/?page\\_id=6](http://www.virtualadjacency.com/?page_id=6)