

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2016, Legislative Day No. 12

Bill No. 48-16

Mr. Todd Crandell, Councilman

By the County Council, July 5, 2016

A BILL
ENTITLED

AN ACT concerning

Fort Howard Overlay District

FOR the purpose of creating the Fort Howard Overlay District; stating the legislative intent of the District; providing for the application of the District; specifying the uses permitted and the restrictions on such uses in the District; specifying the uses prohibited; providing for density control; specifying standards for development and open space, and special regulations for the District; and generally relating to the Fort Howard Overlay District.

BY adding
Section 259.16
Baltimore County Zoning Regulations, as amended

WHEREAS, the North Point Peninsula, which includes the Fort Howard community and the former Veterans Hospital, has a rich military history and a legacy of service to veterans; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

WHEREAS, the peninsula was the beach-head location of the British marine force landing of 4,500 men as part of the campaign to capture and burn Baltimore on September 12, 1814 during the War of 1812, and was repelled by Maryland Militia; and

WHEREAS, the site was taken over by the U.S. Department of War in 1896 for construction of coastal artillery fortifications prior to the Spanish-American War and was renamed Fort Howard after Revolutionary War Colonel and philanthropist John Eager Howard in 1902; and

WHEREAS, the Fort Howard property was acquired by the Veterans Administration (now known as the Department of Veterans Affairs or “VA”) in 1940 and the hospital officially opened for patients in 1943, becoming a major health services research site for veterans in 1958, and which served veterans until its closing in 2002; and

WHEREAS, the VA is currently leasing the property for future redevelopment of the Fort Howard site; and

WHEREAS, the former Fort Howard Veterans Hospital campus is a unique waterfront site with existing historic landmarks from its military and hospital history, located at the southern end of the North Point Peninsula, bordered by the small residential community of Fort Howard to the north, Fort Howard Park to the southeast, with Resource Conservation (R.C.20) zoning to the northeast and west; and

WHEREAS, the County Council recognizes that Fort Howard is in need of an Overlay District that will allow for a residential development that integrates with the existing residential community, is compatible with the R.C. zoning and the County park, while providing veterans with housing opportunities and recreational or therapeutic amenities, and also honoring the historic nature of the site; now therefore,

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

3 SECTION 259

4 Districts

5 § 259.16. FORT HOWARD OVERLAY DISTRICT.

6 A. STATEMENT OF LEGISLATIVE INTENT FOR THE FORT HOWARD (F.H.)
7 OVERLAY DISTRICT. THE FORT HOWARD OVERLAY DISTRICT IS
8 ESTABLISHED TO PROMOTE THE REDEVELOPMENT OF THE FORT HOWARD
9 PROPERTY FROM A FORMER VETERANS HOSPITAL SITE TO A RESIDENTIAL
10 DEVELOPMENT THAT IS COMPATIBLE WITH THE EXISTING FORT HOWARD
11 COMMUNITY, AND INTEGRATES THE HISTORIC STRUCTURES ON THE SITE
12 AND THE ADJACENT RURAL PARK SETTING. DUE TO THE LIMITED ACCESS
13 TO THE SITE VIA NORTH POINT ROAD, THE CAPACITY OF THE EXISTING
14 INFRASTRUCTURE, AND THE PRESENCE OF THE AFOREMENTIONED
15 HISTORICAL STRUCTURES AND USE, IT IS THE INTENT OF THE DISTRICT TO
16 LIMIT THE RESIDENTIAL DENSITY, NOTWITHSTANDING THE UNDERLYING
17 ZONING CLASSIFICATION.

18 B. APPLICATION OF THE F.H. OVERLAY DISTRICT. THE F.H. OVERLAY DISTRICT
19 MAY BE APPLIED ONLY TO PROPERTY LOCATED ON THE NORTH POINT
20 PENINSULA, OWNED BY THE U.S. DEPARTMENT OF VETERANS AFFAIRS OR
21 ANY SUCCESSOR AGENCY OR OTHER ENTITY AS OF THE EFFECTIVE DATE OF

1 THIS ACT, AND ASSIGNED A DENSITY RESIDENTIAL (D.R.) OR R.C.20 ZONING
2 CLASSIFICATION. THE UNDERLYING ZONING CLASSIFICATION IS SUBJECT TO
3 THE ADDITIONS, MODIFICATIONS, AND EXCEPTIONS SET FORTH IN THIS
4 SECTION OF THE REGULATIONS.

5 C. USES PERMITTED BY RIGHT.

6 1. DWELLINGS ONLY AS SET FORTH IN SECTION 1B01.1.A.1 OF THESE
7 REGULATIONS.

8 2. VETERANS PREFERRED ASSISTED-LIVING FACILITY AND
9 CONVALESCENT CARE IN AN EXISTING BUILDING FOR UP TO 100
10 PERSONS.

11 3. LOCAL OPEN SPACE TRACTS OR OTHER COMMON AMENITY OPEN
12 SPACE.

13 4. COMMUNITY BUILDINGS AND OTHER SIMILAR CIVIC, SOCIAL,
14 RECREATIONAL, OR EDUCATIONAL STRUCTURES LESS THAN 3,000
15 SQUARE FEET IN SIZE OR USES, INCLUDING SWIMMING POOLS AND
16 TENNIS FACILITIES WITH UP TO FOUR COURTS.

17 5. CHURCHES, OTHER BUILDINGS FOR RELIGIOUS WORSHIP OR OTHER
18 RELIGIOUS INSTITUTIONS.

19 6. CLASS A GROUP CHILD CARE CENTERS, SUBJECT TO THE
20 REQUIREMENTS OF SECTION 424.

21 7. HOME OCCUPATIONS, AS DEFINED IN SECTION 101.1, INCLUDING HOME
22 OCCUPATIONS OF DISABLED PERSONS AS PERMITTED AND LIMITED IN

1 SECTION 1B01.1.C.11.

2 8. PEDESTRIAN AND BICYCLE PATHS.

3 9. U.S. POST OFFICE.

4 D. USES PERMITTED BY SPECIAL EXCEPTION. THE FOLLOWING USES ONLY ARE
5 PERMITTED BY SPECIAL EXCEPTION:

6 1. CLASS B GROUP CHILD CARE CENTERS AND FAMILY CHILD CARE
7 HOMES, SUBJECT TO THE REQUIREMENTS OF SECTION 424.

8 2. COMMUNITY BUILDINGS AND OTHER SIMILAR CIVIC, SOCIAL,
9 RECREATIONAL, OR EDUCATIONAL STRUCTURES MORE THAN 3,000
10 SQUARE FEET IN SIZE.

11 3. OFFICES OR STUDIOS OF PHYSICIANS, DENTISTS, LAWYERS,
12 ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS, OR OTHER
13 PROFESSIONAL PERSONS AS PERMITTED AND LIMITED IN SECTION
14 1B01.1.C.12.

15 4. PUBLIC PIER AND BOAT RAMP MAINTAINED BY A HOMEOWNERS
16 ASSOCIATION.

17 E. USES PROHIBITED. APARTMENTS ARE PROHIBITED UNLESS OTHERWISE
18 SPECIFIED OR REQUIRED IN AN ENHANCED USE LEASE WITH THE VA.
19 DEVELOPMENT IS PROHIBITED ON THE R.C.20 ZONED AREA OF THE
20 PROPERTY. NOTWITHSTANDING ANY PROVISION OF THE ZONING
21 REGULATIONS TO THE CONTRARY, COMMERCIAL USES ARE PROHIBITED.

22 F. DENSITY CONTROL. ON LAND ASSIGNED WITH THE F.H. OVERLAY DISTRICT,

1 NO MORE THAN 400 TOTAL DWELLING UNITS ARE PERMITTED, AND THESE
2 DWELLING UNITS SHALL BE MARKETED AS VETERANS PREFERRED HOUSING.

3 G. DEVELOPMENT STANDARDS.

4 1. DEVELOPMENT WITHIN THE F.H. OVERLAY DISTRICT SHALL COMPLY
5 WITH ALL DEVELOPMENT PROCESSES, POLICIES, RULES,
6 REGULATIONS, AND STATUTES APPLICABLE TO THE UNDERLYING D.R.
7 ZONE, INCLUDING THE GENERAL DEVELOPMENT STANDARDS AND
8 REQUIREMENTS SET FORTH IN ARTICLE 32, TITLE 4, SUBTITLE 4 OF THE
9 COUNTY CODE, THE RESIDENTIAL PERFORMANCE STANDARDS SET
10 FORTH IN SECTION 260 OF THESE REGULATIONS, AND THE
11 COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES (CMDP).

12 2. OPEN SPACE.

13 A. DEVELOPMENT WITHIN THE F.H. OVERLAY DISTRICT SHALL
14 COMPLY WITH ALL OPEN SPACE STANDARDS AND
15 REQUIREMENTS APPLICABLE TO THE UNDERLYING D.R. ZONE,
16 INCLUDING COMPLIANCE WITH THE RECREATIONAL SPACE
17 REQUIREMENTS SET FORTH IN SECTION 32-6-108 OF THE COUNTY
18 CODE, THE LOCAL OPEN SPACE MANUAL, AND RESOLUTIONS OF
19 THE COUNTY COUNCIL ESTABLISHING OPEN SPACE FEES.

20 B. NOTWITHSTANDING THE PROVISIONS OF SECTION 32-6-108(D) OF
21 THE COUNTY CODE, AN APPLICANT MAY NOT OBTAIN A WAIVER
22 OF OPEN SPACE BY PAYING A FEE IN LIEU OF PROVIDING THE

1 REQUIRED OPEN SPACE UNDER THAT SECTION.

2 C. THERAPEUTIC AMENITIES FOR D DISABLED VETERANS SHALL BE
3 PROVIDED, AND MAY BE CREDITED TO FULFILL THE OPEN SPACE
4 REQUIREMENTS. THESE AMENITIES MAY INCLUDE, BUT ARE
5 NOT LIMITED TO, A FITNESS CENTER, GYMNASIUM, SWIMMING
6 POOL AND AQUATIC CENTER, LIBRARY, AND BALLFIELDS.

7 H. SPECIAL REGULATIONS FOR THE F.H. DISTRICT.

8 1. A HOMEOWNERS ASSOCIATION SHALL BE ESTABLISHED AND
9 MAINTAINED IN ACCORDANCE WITH THE PROVISIONS OF THE
10 MARYLAND HOMEOWNERS ASSOCIATION ACT, AND ALL DWELLING
11 UNITS WITHIN THE F.H. OVERLAY DISTRICT SHALL BE SUBJECT TO THE
12 DECLARATION AND ANY RECORDED COVENANTS AND RESTRICTIONS
13 OF THE HOMEOWNERS ASSOCIATION.

14 2. SIGNS ARE PERMITTED, SUBJECT TO SECTION 450.

15 3. THE AMENITIES PROVIDED IN SUBPARAGRAPH G.2.C MAY BE USED BY
16 ANY HONORABLY DISCHARGED DISABLED VETERAN REGARDLESS OF
17 THEIR PLACE OF RESIDENCE, AND SHALL BE PROVIDED FREE OF
18 CHARGE OR AT A REDUCED MEMBERSHIP RATE TO THE DISABLED
19 VETERAN.

20 4. ARCHITECTURALLY OR HISTORICALLY SIGNIFICANT BUILDINGS AND
21 THEIR SETTINGS, AS IDENTIFIED BY THE MARYLAND HISTORICAL
22 TRUST AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,

1 SHALL BE PRESERVED AND INTEGRATED INTO A DEVELOPMENT PLAN.

2 5. ANY DEVELOPMENT WITHIN THE F.H. OVERLAY DISTRICT SHALL
3 PRESERVE, AND PROVIDE FOR, UNINTERRUPTED PUBLIC ACCESS TO
4 FORT HOWARD PARK VIA ROADS, PATHS OR OTHER MEANS OF
5 INGRESS AND EGRESS IN EXISTENCE ON THE EFFECTIVE DATE OF THIS
6 ACT.

7 6. THE LOCATION AND RESTORATION OF A COMMUNITY PIER AND
8 KAYAK LAUNCH AREA AT DENTON COVE SHALL BE A CONDITION OF
9 AN APPROVED DEVELOPMENT PLAN.

10 7. AN INDEPENDENT TRAFFIC STUDY SHALL BE SUBMITTED WITH THE
11 DEVELOPMENT PLAN BY THE APPLICANT AND CONSIDERED BY THE
12 ADMINISTRATIVE LAW JUDGE ALONG WITH ANY OTHER COMPETENT
13 EVIDENCE PERTAINING TO TRAFFIC ISSUES AT A HEARING.

14 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the
15 affirmative vote of five (5) members of the County Council, shall take effect on August 15, 2016.