

GREEN TOWSON ALLIANCE  
WHITE PAPER - ZONING  
SEPTEMBER 15, 2015

## RECOMMENDATIONS ON

TOWSON URBAN CENTER OVERLAY

DRAFT LEGISLATION AND GUIDELINES

AS PREPARED BY BALTIMORE COUNTY PLANNING DEPARTMENT  
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## EXECUTIVE SUMMARY

The purpose of this paper is to suggest certain improvements to the Towson Urban Center (TUC) Overlay Draft Legislation and Guidelines recently released by the Baltimore County Planning Department at the request of the County Council<sup>1</sup>. The goal expressed by the Council was to simplify and update the zoning requirements of the TUC, in anticipation of the 2016 district-wide rezoning.

While the Planning Department's effort did stress a streamlined and simplified approach, the elimination of nearly all required standards and the lack of updating for today's urgent sustainability needs leaves the TUC and all of its stakeholders without adequate protection from the consequences of unrestricted development. If the legislation were passed, Towson and surrounding communities (including existing and in-process developments) would have no real checks and balances on the land use and development process in the TUC.

This paper starts by explaining the importance of zoning to environmental sustainability and a GENERAL COMMENT on the Proposed Legislation, defining remaining Problems and suggested Solutions. Then it has sections on the major areas where the Legislation needs more focus: URBAN DESIGN, STREET DESIGN, AMENITY SPACE, and ARCHITECTURE. Under each section, the paper first provides a description of the desirable outcomes according to accepted urban planning doctrine in 2015. Then it puts forth suggested additions and revisions to the proposed Legislation, referencing to the proposal by Section Number.

A final Appendix describes the urgent need for a TUC Master Plan and explains why it is so important. Urbanizing such a small area so densely and rapidly borders on recklessness in the expressed views of certain community design professionals. The County Council could protect the government from such criticism by requiring that a TUC Master Plan be completed promptly. The Appendix goes through each of the four major areas explored earlier, explaining exactly what a TUC Master Plan could be expected to contribute.

**The Green Towson Alliance unites Towson area environmentalists to achieve a greener, healthier, more beautiful community through collaboration and activism. We welcome comments on this white paper, in the interests of improving our community.**

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<sup>1</sup> An untitled, undated listing of changes made to the original TUC Overlay Draft legislation and Guidelines was posted to the County web site some time after the original public comment meeting. While attempting to address some of the citizen comments, these changes nevertheless are inadequate in the same manner as the original document: no enforceable standards, no process with checks and balances, and therefore no real protection for the community, including residents, businesses, and other developers.

In particular, the bullet point regarding environmental concerns is inadequate given that it is merely suggestive rather than specific and enforceable. By comparison, please refer to the specific legislative recommendations on pages 6-15. Further, at least one major in-process development has received environmental waivers from the Department of Environmental Protection and Sustainability. This only reinforces the need for checks and balances, such as a variance approved by the County Council, especially given the unprecedented scale of planned TUC development.

## **Why Zoning Is Important to the Success of the Towson Urban Center**

The residents of the Towson area want to live in a community that is safe for our families, provides a pleasant, attractive and clean environment for interacting with our neighbors, and encourages the physical and emotional health of people of all age groups.

We are faced with problems and barriers to achieving those goals. Many problems derive directly from ill-considered or unfortunate decisions made about development projects that have been carried out in the past 20 years or so.

Such problems can be avoided or lessened by clear, enforceable zoning requirements that use modern advances in the design of safe, healthy and environmentally sustainable communities. Here we list some of the more urgent problems and provide useful solutions. Specific, detailed recommendations are presented in the White Paper.

### **Problems:**

People often do not feel safe walking, biking, or socializing on many streets in Towson. Sidewalks and bike paths are too often narrow and close to speeding, noisy, dangerous traffic. Several major intersections are not designed for pedestrian safety.

People fear becoming victims of burglary or assault when walking. Several major developments have failed, do not have businesses at street level, and were not designed to attract groups of people near them on foot. Almost no foot traffic occurs where people feel unsafe, so the few walkers and bicyclists are at increased risk.

People experience less of a sense of well-being outdoors in downtown Towson due in large part to the absence of big shade trees that would not only provide relief from the summer sun but also provide beauty throughout the changing seasons, muffle the noise of traffic and help clean pollutants from the air. People do not linger in bare, noisy, concrete environments.

For years, people have parked on the streets of residential neighborhoods surrounding Towson University and the Towson Urban Center, increasing traffic and decreasing the serenity in these neighborhoods. Without consideration for how to improve transit and encourage pedestrians or bicyclists to travel to and through the TUC as development increases, residents fear the situation will be much worse.

New residents in dense apartment complexes lack places to enjoy time outdoors within walking distance of their homes. They walk their dogs on private property, which will result in those being closed to everyone. The economic value of all our

properties declines when there are so few places where preschool children can play, adults can walk, sit, talk and enjoy nature and families can throw Frisbees or shoot baskets together.

People are worried that developers will continue to be allowed to build large projects with disregard for the residents in and around them, creating buildings that harm rather than help our community's safety, health and well-being.

## **Solutions:**

We must make it safe and healthy for those who live in the Towson Urban center to walk and bicycle to work and play. The buildings they live, work, eat, shop and play in must be designed for the health of the residents and the environment.

We want to attract pedestrians and bicyclists to Towson from surrounding neighborhoods. If people are to leave their cars behind and spend time together in a vibrant downtown, they must feel safe and happy there.

We must protect our existing shade trees, provide water, and decide not to take them down for the sake of more concrete and buildings. We must plant new shade trees and give their roots the good soil and space they need to sustain them so we will have large numbers of canopy shade trees, on every street and in every park. Trees and other greenery are needed to cool the heat from the new buildings and concrete, filter air pollution from more traffic, purify the water that picks up pollution when it rains, provide natural shade and beauty throughout the seasons, and create a setting in which people will linger in community.

We must create attractive public spaces, with plants, fountains, play spaces and seating, that will attract people to live, walk, socialize, and spend time in Towson. People together will make the area safer and more pleasant for us all.

## **Overall:**

Common sense tells us that building up a newly dense and yet vibrant, safe and healthy city requires well-considered and detailed regulations. Suggestions made without the force of law, however well-intentioned, do not serve to control the forces that could or would create more bleak, overcrowded, failed, or at best unappealing areas in Towson. Zoning regulations must be clear and binding.

Therefore, our White Paper contains specific advice for amending the draft Towson Urban Center Legislation and Guidelines. We ask for your careful attention to the concerns of the residents of Towson.

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Thank you to Dr. Carol Newill for her assistance with this section

## GENERAL COMMENTS

### Design Guidelines or Standards?

#### **Problems:**

Sustainability and unique neighborhood character will never be adequately protected without Standards. Rather than engendering efficiency and prompt achievement of urban goals, the development process will be primed for recurring legal and public policy disputes.

The current desire to create design driven standards is further undermined because the Design Review Panel findings are not binding. A single appointed “lawyer” makes the ultimate decisions regarding development. This Administrative Law Judge has no objective criteria on which to base his/her decision and no binding decision by a Design Review Panel on which to base his/her decision.

#### **Solution:**

Sustainability and unique neighborhood character would be created or preserved through Standards. *In addition*, Guidelines (non-prescriptive but goal-promoting) would elevate and integrate these desired characteristics, and Regulations would provide further detail, interpretation and examples.

The language of the TUC Guidelines for the Design Review Panel would replace “should”, “encouraged” and “suggested” with “shall”, “required” and “provide”. The term “Guidelines” would be replaced by “Standards and Criteria”. The language should state: All development shall comply with these Standards and Criteria.

Variances can be permitted on the basis of unusual programmatic requirements, peculiar site and economic restraints, architecture and design merit. The County Council would vote to approve variances.

## SPECIFIC RECOMMENDATIONS

Sustainability would be integrated throughout development in the following five areas:

### 1. URBAN DESIGN

\*called Block Configuration/Site Design in the TUC Overlay Document 3.1 and the proposed legislation Section 259.2.A.2.F.6.a\*

The primary **sustainability** features in urban design include:

- promoting non-vehicular transportation by creating inviting walkable/bikeable neighborhoods, civic, and commercial districts through design of the public realm and developments that minimize the impact of and conflict with vehicles,
- creating and connecting open amenity spaces,
- preserving and protecting neighborhoods, buildings and sites of historic or unique character,
- and
- protecting water quality and controlling the movement of storm water throughout the urban area.

**These proposed standards should be added to the TUC Zoning Legislation for Urban Design:**

**Section 259.2.A.2.F.6.a would add:**

- Transit – the project shall connect to existing and planned transit systems, bike paths, and pedestrian paths
- The urban ecology shall be supported through an integrated green infrastructure network of trees, vegetation and amenity spaces. *(Provide Regulations prescribing minimum green borders, quantities of trees and other types of plantings.)*
- Setbacks shall accommodate outdoor seating, gathering and landscape plantings. *(Provide Regulations prescribing minimum green borders, quantities of trees and other types of plantings)*
- Driveways shall not cut through a block to provide “drop-off” type zones for vehicles when facing primary facades, pedestrian paths and amenity spaces.
- Spaces for active and passive recreation shall be provided to promote human health and well-being. Examples of active recreation that can be provided include splash parks on top of parking garages, connections with existing bike and pedestrian pathways, etc.

- New development shall have integrated storm water management such as minimizing impervious surfaces with green roofs, cisterns with solids separation, rain gardens, etc. Storm water management waivers shall not be available without fees in kind for improving storm water management downtown. Water quality needs shall be integrated into every project.
- Any open space waiver fees paid to the county in association with a development project in the T.U.C. shall be utilized by the county for open space amenities within the T.U.C<sub>2</sub>
- Allow land banking of green spaces for future parking uses only if proven to be needed.

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2 This would help to mitigate recent developments which escaped without open space requirements and ensure that the TUC would become, over time, an extremely attractive and economically valuable green city. Alternatively, open space fees might be used for entire projects that begin in the TUC, although they may terminate outside it's boundaries. Examples would be local bicycle trails, pedestrian bridges, or linear parks.

**These proposed standards would revise the TUC Zoning Legislation for Urban design:**

**Revise Section 259.2.A.2.F.6.a.ii to read:**

Primary Building facades shall be oriented toward the street and the pedestrian realm. Service corridors/drives internal to the block that are not in the public view from the street shall provide access to functions such as deliveries and trash removal.

**Revise Section 259.2.A.2.F.6.a.iv to read:**

Parking shall be internal to the block (example of Towson Commons) and shall be screened by architectural and landscape treatments as specified. *(Provide Regulations for landscaped buffer zones including width, length, types and quantities of plantings.)*

**Revise Section 259.2.A.2.F.6.d.xv. to read:**

Mixed-use development shall be provided by activating the ground floor with commercial, civic, or other public use. The street front design shall be flexible to accommodate changing market demands for retail spaces. *(Provide Regulations specifying the percentage of transparency and sill height for windows on the first level on street front to facilitate activation of and engagement with those spaces. 70% transparency with a 2.5' maximum sill height are common regulations for commercial street front uses.)*

## **2. STREET DESIGN**

\*called outdoor Site Design and Streetscape in the TUC Overlay Document 3.3 and Section 259.2.A.2.F.6.c of the Legislative Proposal\*

The primary **sustainability** features for streets are:

- creating walkable neighborhoods, civic, and commercial districts for healthy lifestyles,
- providing shading with the use of street trees and preservation of existing mature trees,
- designing to accommodate a diverse network of transportation options,
- providing appropriate landscaping and furnishing,
- and
- improving storm water run-off quality and recharge through the use of vegetative buffer areas, rainwater planters, tree pits, and porous pavement.

**These proposed standards should be added to the TUC Zoning Legislation for Street Design:**

**Section 259.2.A.2.F.6.c would add:**

- Pervious paving shall be required for drives, plazas and pedestrian paths/sidewalks to slow storm water runoff and promote recharge. [*this comment applies to **3. Amenity Spaces** in this document as well*]
- Where existing on-site mature trees are eligible for removal, replacement trees must be planted on site. [*this comment applies to **3. Amenity Spaces** in this document as well*] (*Provide Regulations for size, number, location and replacement trees and timing for when they must be planted*)
- Incentives shall be provided for projects that exceed State requirements for storm water remediation in street design in the following areas [*this comment applies to **3. Amenity Spaces** in this document as well*]:
  - reducing run-off by increasing infiltration with pervious paving,
  - detaining run-off temporarily to allow infiltration after peak run-off rates,

- Bio-retention methods that reduce constituents that cause water pollution. (*Provide specific goals for water quality improvement and/or incentive programs such as those listed in the EPA's publication [Managing Wet Weather with Green Infrastructure Municipal Handbook Incentive Mechanisms](#)<sup>3)</sup>*)
- Street trees and landscaping shall refer to Baltimore County Landscape Manual for approved tree species and landscape materials, which prohibit the use of invasive species and promote the use of native species. [*this comment applies to **3. Amenity Spaces** in this document as well*]
- If streetscaping has already been provided, the applicant shall pay a fee, not to exceed the cost of providing the streetscape area, to be used for the maintenance of the streetscape in the T.U.C.
- Structural soils shall be provided for all new street trees and parking lot island or buffer zone plantings.

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<sup>3</sup><http://nepis.epa.gov/Exe/ZyPDF.cgi/P1007BYL.PDF?Dockey=P1007BYL.PDF>

**These proposed standards would revise the TUC Zoning Legislation for Street Design:**

**Revise TUC Overlay document 3.2 Parking and Section 259.2.A.2.F.6.b.ii.2) to include:**

Vegetative buffer areas shall be provided between vehicular circulation, parking lots and pedestrian seating, walking paths, sidewalks, bicycle paths and plazas and other pedestrian amenity spaces. *(Provide Regulations for vegetative buffer size, location, and either quantity of plantings or percentage of shading.)*

**Revise Section 295.2.A.2.F.6.c.xi. to read:**

Trees shall be provided that will shade at least 40% of the sidewalk or amenity space within 10 years.

**Revise Section 259.2.A.2.F.6.c.x. to read** *[this comment applies to 3. Amenity Spaces in this document as well]:*

Paving material of varied physical texture, color and pattern shall be used to guide movement and define functional areas. Heat island effect from paving shall be reduced by using lightly colored or high albedo materials for paved services.

**Revise Section 295.2.A.2.F.6.c.xii. to read:**

All existing and proposed development must conserve on-site mature trees *(Provide Regulations defining the minimum size of a mature tree)* except where a tree removal permit is approved. *(Provide Regulations for determining if an on-site mature tree removal permit may be approved for reasons such as conflict with new development, disease or hazardous conditions.)*

### **3. AMENITY SPACE**

\*called Outdoor Site Design and Streetscape in the TUC Overlay Document 3.3 and Section 259.2.A.2.F.6.c of the Legislative Proposal\*

The primary sustainability features for amenity design are:

- creating refuge, gathering and recreation spaces for human use that reduce the heat island effect through landscaping,
  - creating spaces that increase habitat for native species,
  - providing design for storm water recharge and improved water quality through use of porous materials and landscaping,
  - maximizing the use of landscaping to mitigate airborne and particulate pollutants from the urban environment,
  - providing water-efficient landscaping,
- and
- enhancing urban livability for human health and well-being by creating a variety of landscaped outdoor experiences.

**These proposed standards should be added to the TUC Zoning Legislation for Amenity Space:**

**Section 259.2.A.2.F.6.c would add:**

- Existing trees and vegetation shall be retained on steep slopes or other means shall be used to prevent destabilization.
- Trees and plants on development sites shall be selected to respond to site-specific problems:
  - Vegetation should be used on west and south facing facades to reduce cooling loads.
  - Stabilize slopes with aggressive, fibrous-rooting shrubs and ground covers.
  - Use evergreens to shield ground floor occupants from the glare of vehicle headlights.
  - Plant trees to shade pavement and reduce the urban heat island effect.
  - Plant trees on northern site exposures to provide wind breaks.
- Planting designs should have four season interest.
- Planting design should enhance natural habitats for wildlife and native species.
- Minimize turf areas and use alternative ground covers or herbaceous plants wherever possible.
- Improve the structure of poor soils using amendments and prevent soil compaction during construction to allow for optimum root penetration so that plants will be resistant to drought.
- Incentives will be provided for projects using grey water to irrigate plantings.
- Provide continuous soil zones to support the growth and lifespan of vegetation wherever possible.
- There shall be a minimum ratio of planted to hardscape areas of 40/60.

**These proposed standards would revise the TUC Zoning Legislation for Amenity Space:**

**Revise Section 259.2.A. 2.F.6.c.ii to read:**

Each development shall provide an open space/gathering area appropriate to the scale and character of the development. Incentives will be provided to residential developments that provide amenity spaces for pet owners, recreation space and urban agriculture. *(Provide Regulations for dog parks and community garden plots.)*

**Revise Section 259.2.A.2.F.6.c.iv to read:**

Plazas and courtyards shall be made comfortable by using architectural and landscape elements to create a sense of place, enclosure and security. *(Provide Regulations for minimum percentage of plantings in plazas and courtyards.)*

**Revise Section 259.2.A.2.F.6.c.v to read:**

Blank walls shall be limited and plazas and courtyards shall be considered an integrated part of the design. Incentives will be provided to developments that provide living wall designs on blank facades.

## **4. ARCHITECTURE**

\*called Building Principles/Architecture, Building Materials & Lighting in the TUC Overlay Document 3.4 and 3.5 and Section 259.2.A.2.F.6.d, e & f of the Legislative Proposal\*

The primary sustainability features of buildings are:

- conserving energy consumption or generating on site energy sources,
  - specifying materials based on the life-cycle assessment of their embodied energy,
  - conservation of resources during construction and operation of the building through reduce, reuse and recycle programs,
  - designing to maximize indoor and outdoor water use efficiency,
- and
- designing for optimal indoor air quality.

**These proposed standards should be added to the TUC Zoning Legislation and Overlay document 3.4 and 3.5 for Architecture:**

**Section 259.2.A.2.F.6.d, e and f would add:**

- Any new construction, or any substantial rehabilitation of an existing building for an existing or new use of at least 10,000 square feet in the TUC shall be minimum LEED Silver. Higher levels of LEED compliance shall be incentivized with, for instance, height and density bonuses.<sup>4</sup>
- A LEED accredited professional shall be on the project team.
- A construction waste management plan detailing where waste will be sent for recycling, re-use, re-processing or disposal is required on all projects.
- Multi-family residential projects shall use the US EPAs Energy STAR appliances and fixtures.
- Regulations should remove any barriers to the use of solar and wind energy on buildings.
- Developments shall be designed to limit the negative impact on adjacent buildings in terms of sunlight and daylight access.

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<sup>4</sup> Baltimore City Green Building Standards can be found at [http://www.godowntownbaltimore.com/Publications/green\\_building.pdf](http://www.godowntownbaltimore.com/Publications/green_building.pdf)

- Green Roofs that are provided for access and enjoyment of the occupants of a building or the public and are designed to retain rainwater and absorb heat from sunlight shall not count against the building's gross floor area if they are designed to withstand the use intended and are permitted if they do not pose visual, noise and privacy impacts on the use of neighbors.
- Additional gross floor area required for exterior walls built with additional insulation or wall-based mechanical systems that can improve the energy-efficiency of a building shall be exempt from the building's total gross floor area calculation.
- Additional gross floor area required for solar shading devices intended to reduce the impact of solar heat gain on a building or lot shall be exempt from the building's total gross floor area calculation.
- Night sky illumination from buildings and building signage shall be regulated by a lighting ordinance. *(Provide a lighting ordinance as recommended by the Illuminating Engineering Society's [Joint IDA-IES Model Lighting Ordinance 6/15/2011](#)<sup>5</sup>)*

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<sup>5</sup> <http://darksky.org/our-work/public-policy/mlo/>

## **APPENDIX: Master Plan: Urgent and Compelling Need**

A sustainable Master Plan would provide a vision and outline the general requirements for sustainable practices that will respect the environment in which citizens will live, work and play. Developing this vision of the TUC is of great concern to all stakeholders. The existence of a Master Plan and the process of creating one will guide all development and help to minimize controversy, misunderstandings, delays, and unsuccessful outcomes.

### **Problem:**

The Towson Urban Center Overlay as proposed suffers from the absence of a Master Plan for the new TUC district. Without a TUC Master Plan, individual developments will be reviewed on a case-by-case basis without an overarching framework to guide all aspects of design, including sustainability.

### **Proposed Solution:**

The County would engage a consultant to engage all the stakeholders in preparing a TUC Master Plan. Such a comprehensive document would then guide and inform the zoning regulations for the area. Design guidelines would then be revised or reissued to ensure that all new development fulfills the Master Plan vision for design excellence.

Among other things, a sustainable Master Plan would address:

- how much development and population the infrastructure and location will be able to support,
- where developments will be arranged by use and scale,
- how pedestrians, bicyclists, transit and cars will move throughout the TUC,
- types and locations of open space and how they are connected,
- a vision of a healthy, beautiful and vital community.

## KEY ELEMENTS: Proposed TUC Master Plan

### *Urban Design*

- *A Green Infrastructure would be created through a TUC Master Plan that creates and preserves open space. These spaces shall be connected by developments that include small pocket parks, plazas and green (vegetative) areas and are connected with publicly accessible sidewalks and bike paths.*
  
- *Zones would be identified for various densities of development throughout the TUC. Zones are identified with setbacks, height, FAR, and night lighting restrictions that provide protections to preserve the character of:*
  - *Adjacent residential neighborhoods outside the TUC*
  
  - *Buildings with historic significance as listed on the Maryland Inventory of Historic Properties, the Landmarks List, Baltimore County Historic Districts and the National Register of Historic Properties and Districts. The TUC Master Plan shall identify additional historic structures and spaces that should be included for protection.*
  
  - *Existing successful low scale commercial areas such as Allegheny Avenue between Washington and York Road.*
  
- *A TUC Master Plan should incorporate **complete street** components that include on-street bike lanes or shared use paths connecting them to major parks and amenity spaces, residential neighborhoods and commercial centers.*

## ***Street Design***

- *Zones shall be created throughout the TUC with appropriate setbacks that allow for the following:*
  - *activation of pedestrian corridors enhanced by amenities such as outdoor seating, vegetative buffers, and shade trees;*
  - *integration of a variety of transportation options and connections to mass transit,*
  - *on street parking,*

*and*

  - *connections to character defining qualities of specific historic or otherwise significant buildings or neighborhoods.*

## ***Amenity Space***

- *The TUC Master Plan shall identify existing and new open spaces, plazas, promenades and pocket parks in the public realm and pedestrian bicycle and pedestrian connections that will provide a framework for open space design in developments. Amenity spaces associated with particular uses shall be defined. The TUC Master Plan will also identify existing or new biological corridors and coordinate open spaces to encourage movement of native species within the corridor.*

## ***Architecture***

- *A TUC Master Plan would consider solar and climate orientation for buildings and associated amenity spaces.*