

Introduced November 5, 2012  
Public Hearing November 19, Dec. 17, 2012  
Council Action February 4, 2013  
Executive Action February 8, 2013  
Effective Date April 10, 2013

## County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 14

### Bill No. 36 -2012 (ZRA 144)

Introduced by: The Chairperson at the request of the Marsha S. McLaughlin,  
Director, Department of Planning and Zoning

AN ACT creating a Community Enhancement Floating District; setting forth uses permitted as of right; excluding certain uses; allowing for certain accessory uses; requiring certain moderate income housing; requiring certain density be obtained through the density exchange option or through the neighborhood preservation density exchange option; requiring certain features or amenities as community enhancements; setting forth certain criteria and procedures for the establishment of a Community Enhancement Floating District; requiring certain plans; allowing certain modifications under certain conditions; and generally relating to the Howard County Zoning Regulations.

Introduced and read first time November 5, 2012. Ordered posted and hearing scheduled.

By order Stephen M LeGendre  
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on November 19, 2012. and December 17, 2012.  
Tabled December 3, 2012  
Extended 30 days and Tabled,  
January 7, 2013.

By order Stephen M LeGendre  
Stephen LeGendre, Administrator

This Bill was read the third time on February 4 and Passed ✓, Passed with amendments ✓, Failed \_\_\_\_\_.

By order Stephen M LeGendre  
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 5<sup>th</sup> February, 2013 at 3:00  
a.m./p.m.

By order Stephen M LeGendre  
Stephen LeGendre, Administrator

Approved Vetoed by the County Executive February 8, 2012

Ken Utman  
Ken Utman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the*  
2 *Howard County Zoning Regulations is amended as follows:*

3 (1) *Section 103 “Definitions” is amended;*

4 (2) *New subsection 121 “Community Enhancement Floating” District is added.*

5  
6 **Howard County Zoning Regulations.**

7 **Section 103. Definitions.**

8  
9 87. Floating District: A district of undetermined location which may only be placed on  
10 the zoning map upon petition of a property owner and not by government initiative. A  
11 floating district may only be applied to a specific property if stated criteria are satisfied, a  
12 finding of compatibility is made and a development plan is approved for the property. A  
13 finding of mistake in the existing zoning or a substantial change in the character of the  
14 neighborhood since the last ~~[[comprehensive zoning]]~~ COMPREHENSIVE ZONING PLAN is  
15 not required to apply a floating zone to a property. In these Zoning Regulations, only the  
16 CC, BR, CEF, SW, PSC, and NT districts are floating districts.

17  
18 **SECTION 121: CEF (COMMUNITY ENHANCEMENT FLOATING) DISTRICT**

19  
20 **A. PURPOSE**

21 ~~THE COMMUNITY ENHANCEMENT FLOATING (CEF) DISTRICT IS ESTABLISHED TO~~  
22 ~~ENCOURAGE THE CREATIVE DEVELOPMENT AND REDEVELOPMENT OF PROPERTIES~~  
23 ~~THROUGH THE PROVISION OF FLEXIBILITY IN ZONING REQUIREMENTS IN ORDER TO~~  
24 ~~MAKE THE PROPERTIES MORE ATTRACTIVE ASSETS AND TO IMPROVE THE~~  
25 ~~SURROUNDING COMMUNITY. APPROPRIATE LOCATIONS FOR THE CEF DISTRICT~~  
26 ~~DEPEND ON FACTORS WHICH ARE BEST EXAMINED THROUGH REVIEW OF A~~  
27 ~~PARTICULAR PROPERTY IN THE CONTEXT OF SURROUNDING PROPERTIES.~~

28 ~~THEREFORE, THE CEF DISTRICT IS A FLOATING ZONE WHICH REQUIRES THE~~  
29 ~~SUBMISSION OF A DEVELOPMENT CONCEPT PLAN AND DEVELOPMENT IN THE CEF~~  
30 ~~DISTRICT SHALL COMPLY WITH ALL OTHER DEVELOPMENT REGULATIONS~~  
31 ~~INCLUDING, WITHOUT LIMITATION, THE ADEQUATE PUBLIC FACILITIES ORDINANCE~~

1 AND THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. THE CEF  
2 DISTRICT ZONING BOARD APPROVAL FOR A PARTICULAR SITE. THE CEF DISTRICT IS  
3 NOT INTENDED TO ALLOW EXCEPTIONS TO OTHERWISE APPLICABLE REGULATIONS  
4 AND IS INTENDED TO:

- 5 1. ALLOW GREATER DESIGN FLEXIBILITY AND A BROADER RANGE OF  
6 DEVELOPMENT ALTERNATIVES THAN IN THE EXISTING ZONING DISTRICT  
7 WITH THE PROVISION OF FEATURES AND AMENITIES ENHANCEMENTS WHICH  
8 ARE BENEFICIAL TO THE COMMUNITY IN ACCORDANCE WITH SECTION  
9 121.J.4.B;
- 10 2. PROVIDE A HIGHER QUALITY OF SITE DESIGN AND AMENITY THAN IS  
11 POSSIBLE TO ACHIEVE UNDER THE STANDARD PROVISIONS OF EXISTING  
12 ZONING DISTRICT REQUIREMENTS;
- 13 3. ENCOURAGE CREATIVE ARCHITECTURAL DESIGN AND THE MOST  
14 FAVORABLE ARRANGEMENT OF SITE FEATURES WHICH ARE BASED ON  
15 PHYSICAL SITE CHARACTERISTICS AND CONTEXTUAL SENSITIVITY TO  
16 SURROUNDING DEVELOPMENTS;
- 17 4. SERVE AS THE APPROPRIATE TRANSITIONAL USE BUFFER TO PROVIDE  
18 COMPATIBLE TRANSITIONAL USES WITH THE SURROUNDING COMMUNITY OR  
19 DEVELOPMENTS; AND ENHANCE THE SURROUNDING COMMUNITY,  
20 PROVIDING APPROPRIATE TRANSITIONAL USES AND BUFFERS, WITH  
21 PARTICULAR CONCERN FOR COMPATIBILITY WITH AN ADJOINING  
22 RESIDENTIAL NEIGHBORHOOD; AND
- 23 5. ENCOURAGE CONSOLIDATION OF UNDERUTILIZED PROPERTIES.

24 THE COMMUNITY ENHANCEMENT FLOATING (CEF) DISTRICT IS ESTABLISHED TO  
25 ENCOURAGE THE CREATIVE DEVELOPMENT AND REDEVELOPMENT OF COMMERCIAL  
26 AND RESIDENTIAL PROPERTIES THROUGH FLEXIBLE ZONING SO THAT THE PROPOSED  
27 DEVELOPMENT COMPLEMENTS AND ENHANCES THE SURROUNDING USES AND  
28 CREATES A MORE COHERENT, CONNECTED DEVELOPMENT. IF WHILE IT IS  
29 ENVISIONED THAT THE CEF DISTRICT COULD PLACE RESIDENTIAL USES ON LAND  
30 ZONED FOR EMPLOYMENT IN SOME CIRCUMSTANCES, IT SHOULD NOT BE VIEWED  
31 PRIMARILY AS A WAY TO CONVERT LAND ZONED FOR EMPLOYMENT TO

1           RESIDENTIAL.

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3  
4           THE CEF DISTRICT IS INTENDED TO:

- 5           1. ALLOW GREATER DESIGN FLEXIBILITY AND A BROADER RANGE OF  
6           DEVELOPMENT ALTERNATIVES THAN THE EXISTING ZONING DISTRICT.  
7           2. PROVIDE FEATURES AND ENHANCEMENTS WHICH ARE BENEFICIAL TO THE  
8           COMMUNITY IN ACCORDANCE WITH SECTION 121.J.4.B;  
9           3. PROVIDE A HIGHER QUALITY OF SITE DESIGN AND AMENITIES THAN IS  
10          POSSIBLE TO ACHIEVE UNDER THE STANDARD PROVISIONS OF EXISTING  
11          ZONING DISTRICT REQUIREMENTS;  
12          4. ENCOURAGE CREATIVE ARCHITECTURAL DESIGN WITH THE MOST  
13          FAVORABLE ARRANGEMENT OF SITE FEATURES, BASED ON PHYSICAL SITE  
14          CHARACTERISTICS AND CONTEXTUAL SENSITIVITY TO SURROUNDING  
15          DEVELOPMENTS;  
16          5. SERVE AS A TRANSITIONAL AREA BY PROVIDING A MIX OF USES COMPATIBLE  
17          WITH THE SURROUNDING COMMUNITY OR DEVELOPMENTS; AND  
18          6. ENCOURAGE AGGREGATION OF UNDERUTILIZED PROPERTIES.

19  
20          THEREFORE, THE CEF DISTRICT IS A FLOATING ZONE WHICH REQUIRES THE  
21          SUBMISSION OF A DEVELOPMENT CONCEPT PLAN THAT INCLUDES BULK  
22          REGULATIONS, USE CATEGORIES, ACCESSORY USES AND COMMUNITY  
23          ENHANCEMENTS. A DECISION ON THE PROPOSED CEF DISTRICT WILL BE MADE BY  
24          THE ZONING BOARD AFTER A THOROUGH REVIEW OF A CEF PETITION.

25       **B.    USES PERMITTED AS A MATTER OF RIGHT IN THE CEF DISTRICT**

- 26          1.       EXCEPT FOR THOSE EXCLUDED USES LISTED IN SECTION 121.C BELOW, ALL  
27               OTHER USES PERMITTED AS A MATTER OF RIGHT IN RESIDENTIAL ZONING  
28               DISTRICTS AND THE POR, B-1, AND B-2 DISTRICTS MAY BE PERMITTED AS A  
29               MATTER OF RIGHT, PROVIDED THAT THE USE CATEGORIES ARE AUTHORIZED  
30               IN AN APPROVED DEVELOPMENT CONCEPT PLAN.

- 1           2.     NEW INNOVATIVE USE CATEGORIES THAT ARE NOT CURRENTLY PERMITTED
- 2                     AS A MATTER OF RIGHT IN THE POR, B-1, AND B-2 DISTRICTS BUT ARE
- 3                     CONSIDERED TO BE COMPATIBLE WITH THE PERMITTED USE CATEGORIES,
- 4                     PROVIDED THAT THE INNOVATIVE USE CATEGORIES:
- 5                 A.     ARE AUTHORIZED IN AN APPROVED DEVELOPMENT CONCEPT PLAN;
- 6                     AND
- 7                 B.     ARE NOT USES LISTED IN SECTION 121.C BELOW.

8

9     **C.   EXCLUDED USES**

10           THE FOLLOWING USES ARE SPECIFICALLY EXCLUDED FROM THE CEF DISTRICT AND

11           ARE NOT PERMITTED.

- 12           1.     ADULT LIVE ENTERTAINMENT ESTABLISHMENTS.
- 13           2.     BUILDING CLEANING, PAINTING, ROOFING, EXTERMINATING AND SIMILAR
- 14                     ESTABLISHMENTS.
- 15           3.     BULK RETAIL STORES.
- 16           4.     BUS TERMINALS.
- 17           5.     COMMERCIAL COMMUNICATION TOWERS.
- 18           6.     CONTRACTOR STORAGE FACILITY.
- 19           ~~7.~~    FLEA MARKETS.
- 20           ~~8.~~    FUNERAL HOMES.
- 21           9.     GASOLINE, FUEL OIL AND LIQUEFIED PETROLEUM, BULK STORAGE OF.
- 22           ~~10.~~   KENNELS.
- 23           ~~11.~~   LAWN AND GARDEN SHEDS AND EQUIPMENT SALES, MAINTENANCE AND
- 24                     REPAIR.
- 25           ~~12.~~   LUMBER YARDS.
- 26           ~~13.~~   MOBILE HOME AND MODULAR HOME SALES AND RENTALS.
- 27           ~~14.~~   MOTOR VEHICLE, CONSTRUCTION EQUIPMENT AND FARM EQUIPMENT
- 28                     MAINTENANCE, REPAIR AND PAINTING FACILITIES, INCLUDING FULL BODY
- 29                     REPAIR AND INCIDENTAL SALE OF PARTS.
- 30           ~~15.~~   MOTOR VEHICLE, CONSTRUCTION EQUIPMENT AND FARM EQUIPMENT SALES.
- 31           ~~16.~~   MOTOR VEHICLE INSPECTIONS STATION.

- 1        ~~15~~17. MOTOR VEHICLE TOWING AND STORAGE FACILITY.
- 2        ~~16~~18. RECREATIONAL VEHICLE, MARINE EQUIPMENT AND BOAT SALES,
- 3                MAINTENANCE AND REPAIR FACILITIES.
- 4        ~~17~~19. RECYCLING COLLECTION FACILITIES.
- 5        ~~18~~20. RETAIL AND COMMERCIAL SERVICE USES WHICH INCLUDE MORE THAN A
- 6                SINGLE DRIVE-THROUGH LANE.
- 7        ~~19.~~ SCHOOLS, PRIVATE ACADEMIC, INCLUDING COLLEGES AND UNIVERSITIES.
- 8        21. SCHOOL BUS, BOARD OR RECREATIONAL VEHICLE STORAGE FACILITIES.
- 9        ~~20~~22. TAXICAB BUSINESSES, INCLUDING FACILITIES FOR DISPATCH AND
- 10               MAINTENANCE OF RELATED VEHICLES.
- 11        23. UTILITY USES, PUBLIC.
- 12        ~~21~~24. WHOLESALE SALES.
- 13        25. WRECKED VEHICLE STORAGE (TEMPORARY).
- 14

15        **D. ACCESSORY USES IN A CEF DISTRICT**

16        ACCESSORY USES ESTABLISHED WITH THE APPROVAL OF THE DEVELOPMENT

17        CONCEPT PLAN ARE PERMITTED.

18

19        **E. MODERATE INCOME HOUSING**

20        A THE CEF PETITION SHALL COMPLY WITH THE MODERATE INCOME HOUSING UNIT

21        REQUIREMENTS THAT WERE IN EFFECT FOR THE ZONING DISTRICT FOR THE

22        PROPERTY IMMEDIATELY BEFORE THE CEF DISTRICT WAS ESTABLISHED ON THE

23        PROPERTY. IF THERE WERE NO MODERATE INCOME HOUSING UNIT REQUIREMENTS

24        FOR THE PREVIOUS ZONING DISTRICT, A MINIMUM OF 10 PERCENT OF THE TOTAL

25        NUMBER OF DWELLING UNITS SHALL BE MODERATE INCOME HOUSING UNITS.

26

27        **F. RESIDENTIAL DENSITY**

28        ~~A MINIMUM OF 10 PERCENT OF THE RESIDENTIAL DENSITY AUTHORIZED BY THE~~

29        ~~ZONING BOARD FOR THE CEF DEVELOPMENT MUST~~ THE ZONING BOARD MAY

30        REQUIRE THAT AN APPROPRIATE PERCENT OF THE RESIDENTIAL DENSITY

31        AUTHORIZED FOR THE CEF DEVELOPMENT BE ACQUIRED BY THE DEVELOPER

1 THROUGH THE ~~DENSITY EXCHANGE OPTION OR THE NEIGHBORHOOD PRESERVATION~~  
2 DENSITY EXCHANGE OPTION.

3  
4 **G. ENHANCEMENTS**

5 THE CEF DEVELOPMENT MUST CONTAIN ONE OR MORE DESIGN FEATURES OR  
6 ~~AMENITIES~~ ENHANCEMENTS WHICH ARE BENEFICIAL TO THE COMMUNITY AS  
7 DELINEATED IN ACCORDANCE WITH SECTION 121.J.4.B AND THAT EXCEED MINIMUM  
8 STANDARDS REQUIRED BY COUNTY REGULATIONS, EXCLUDING BULK  
9 REGULATIONS. SUCH FEATURES OR ~~AMENITIES~~ ENHANCEMENTS MUST BE  
10 PROPORTIONATE TO THE ~~SIZE AND SCOPE OF THE~~ INCREASE IN DEVELOPMENT  
11 INTENSITY AND IMPACTS ASSOCIATED WITH THE CEF REZONING COMPARED TO THE  
12 PREVIOUSLY EXISTING ZONING. ENHANCEMENTS SHALL BE FREE AND OPEN TO THE  
13 GENERAL PUBLIC, AS OPPOSED TO A COMMERCIAL USE CEF DEVELOPMENT.  
14 FEATURES OR ~~AMENITIES~~ ENHANCEMENTS MAY BE PROVIDED ON A VICINAL SITE  
15 WITHIN THE DELINEATED COMMUNITY PURSUANT TO EVALUATION ON A CASE BY  
16 CASE BASIS. ENHANCEMENTS MAY INCLUDE:

- 17 1. COMMUNITY PARKS OR GATHERING SPACES, PLAYGROUNDS, DOG PARKS, OR  
18 RECREATION FACILITIES THAT ARE OPEN TO THE ~~SURROUNDING COMMUNITY~~  
19 GENERAL PUBLIC;
- 20 2. ENHANCED ENVIRONMENTAL OPEN SPACE WHICH INCORPORATES  
21 ENVIRONMENTAL RESTORATION OF STREAMS, WETLANDS OR FORESTS, OR  
22 ENHANCED LANDSCAPING;
- 23 3. BICYCLE, PEDESTRIAN, OR TRANSIT IMPROVEMENTS WHICH PROVIDE  
24 CONNECTIONS TO OFF-SITE DESTINATIONS OR BICYCLE, PEDESTRIAN, OR  
25 TRANSIT FACILITIES; OR
- 26 4. OTHER COMMUNITY ENHANCEMENTS IDENTIFIED ON THE DEVELOPMENT  
27 CONCEPT PLAN.

28  
29 **H. BULK REGULATIONS**

30 REQUIREMENTS REGARDING SETBACKS, LOT COVERAGE, LOT SIZES, BUILDING  
31 HEIGHTS AND ALL OTHER BULK REGULATIONS FOR THE CEF DISTRICT SHALL BE

1 ESTABLISHED WITH THE APPROVAL OF THE DEVELOPMENT CONCEPT PLAN. THE CEF  
2 PETITION'S BUILDING HEIGHTS SHALL NOT EXCEED FIVE STORIES. ZONING BOARD  
3 APPROVAL OF HEIGHT AND SETBACKS FROM ADJOINING PROPERTIES SHALL BE  
4 PROTECTIVE OF RESIDENTIAL NEIGHBORHOODS, BUT SHOULD ACKNOWLEDGE THE  
5 IMPACT OF TOPOGRAPHIC, ENVIRONMENTAL, OR LANDSCAPE BUFFERS, AS WELL AS  
6 THE DESIRABILITY OF OPEN SPACE AND PEDESTRIAN AND BICYCLE CONNECTIONS.  
7

8 **I. CRITERIA FOR A CEF DISTRICT**

9 THE CEF DISTRICT MAY BE ESTABLISHED AT A PARTICULAR LOCATION IF THE  
10 FOLLOWING CRITERIA ARE MET:

- 11 1. THE PROPOSED CEF DISTRICT IS LOCATED WITHIN THE PLANNED SERVICE  
12 AREA FOR BOTH PUBLIC WATER AND SEWER SERVICE.
- 13 2. THE PROPOSED CEF DISTRICT SHALL HAVE FRONTAGE ON AND ACCESS TO  
14 AN ARTERIAL OR MAJOR COLLECTOR ROAD.
- 15 ~~3. THE MINIMUM DEVELOPMENT SIZE SHALL BE TWO ACRES.~~
- 16 3. EXCEPT FOR PROPERTIES THAT HAVE FRONTAGE ON AND ACCESS TO ROUTE  
17 1 OR ROUTE 40, THE MINIMUM DEVELOPMENT SIZE SHALL BE FIVE ACRES.  
18 FOR PROPERTIES THAT HAVE FRONTAGE ON AND ACCESS TO ROUTE 1 OR  
19 ROUTE 40, THE MINIMUM DEVELOPMENT SIZE SHALL BE TWO ACRES.
- 20 4. THE PROPOSED CEF DISTRICT IS NOT LOCATED IN AN EXISTING M-2, ~~CAC~~,  
21 TOD, NT, MXD, OR PGCC DISTRICT.
- 22 5. THE PROPOSED CEF DISTRICT IS MORE APPROPRIATE THAN THE EXISTING  
23 ZONING.
- 24 56. THE PROPOSED CEF DISTRICT IS NOT PERMITTED WITHIN THE INTERIOR OF A  
25 NEIGHBORHOOD COMPRISING ONLY SINGLE FAMILY DETACHED DWELLINGS.
- 26 67. A CEF DEVELOPMENT AT THE PROPOSED LOCATION ~~WILL BE SENSITIVE TO~~  
27 SHALL BE COMPATIBLE WITH SURROUNDING RESIDENTIAL NEIGHBORHOODS  
28 EXISTING LAND USES IN THE VICINITY OF THE SITE IN TERMS OF PROVIDING A  
29 TRANSITIONAL USE BETWEEN DIFFERENT ZONING DISTRICTS AND/OR LAND  
30 USES AND THE SCALE, HEIGHT, MASS, AND ARCHITECTURAL DETAIL OF  
31 PROPOSED STRUCTURES.





- 1 (1) IMMEDIATELY ADJOINING PARCELS AND USES;  
2  
3 (2) EXISTING ON-SITE NATURAL AND DEVELOPMENT FEATURES,  
4 CLARIFYING THOSE TO BE RETAINED OR REMOVED;  
5  
6 (3) THE PROPOSED DEVELOPMENT ENVELOPE;  
7 (4) PROPOSED PERMITTED USES AND THEIR GENERAL LOCATIONS,  
8 INCLUDING THE PROPOSED SQUARE FOOT AREA OF NON-RESIDENTIAL  
9 USES, THE NUMBER OF RESIDENTIAL UNITS, AND THE UNIT TYPES;  
10  
11 (5) THE GENERAL LOCATIONS OF ROAD, PEDESTRIAN, AND BICYCLE  
12 CONNECTIONS TO THE SURROUNDING COMMUNITY;  
13  
14 (6) A DESCRIPTION OF PROPOSED COMMUNITY ENHANCEMENTS; AND  
15  
16 (7) A STATEMENT AS TO HOW THE PROPOSED DEVELOPMENT CONCEPT PLAN  
17 CONFORMS TO THE PURPOSE STATEMENT FOR THE CEF DISTRICT AND  
18 HOW THE PROPOSED CEF DISTRICT WILL HAVE A GREATER BENEFIT TO  
19 HOWARD COUNTY AND THE SURROUNDING COMMUNITY THAN A  
20 CONVENTIONAL DEVELOPMENT OF THE PROPERTY USING THE EXISTING  
21 ZONING DISTRICT REGULATIONS. THE DEPARTMENT OF PLANNING AND  
22 ZONING SHALL, AS A RESULT OF THIS MEETING, ~~DETERMINE~~ EVALUATE  
23 WHETHER THE PROPOSAL MAY POTENTIALLY MEET THE OBJECTIVES OF  
24 THE CEF DISTRICT.

25 3. AFTER THE PETITIONER HAS CONFERRED WITH THE DEPARTMENT OF  
26 PLANNING AND ZONING AND PRIOR TO THE PETITIONER PREPARING A  
27 DETAILED CEF PLAN AND APPLICATION, THE ZONING BOARD SHALL HOLD  
28 AN INITIAL MEETING ON THE INITIAL CEF PLAN.

29 A. THE PURPOSE OF THE INITIAL MEETING IS TO REVIEW THE  
30 PETITIONER'S INITIAL CEF PLAN, REVIEW THE DEPARTMENT OF

1 PLANNING AND ZONING'S PRELIMINARY EVALUATION, AND TO  
2 ALLOW CITIZENS AND THE ZONING BOARD TO ASK QUESTIONS,  
3 RAISE CONCERNS, AND MAKE SUGGESTIONS REGARDING THE INITIAL  
4 CEF PLAN PRIOR TO THE APPLICANT PREPARING THE DETAILED CEF  
5 PLAN.

6  
7 B. AT THE MEETING THE PETITIONER SHALL PRESENT THE INITIAL CEF  
8 PLAN.

9 C. A SUMMARY OF THE QUESTIONS, CONCERNS AND COMMENTS RAISED  
10 AT THE PRELIMINARY HEARING SHALL BE PROVIDED BY THE  
11 PETITIONER IN ACCORDANCE WITH SECTION 16.128(C), INCLUDED IN  
12 THE APPLICATION, AND ATTACHED TO THE TECHNICAL STAFF  
13 REPORT PRODUCED BY THE DEPARTMENT OF PLANNING AND  
14 ZONING.

15 D. THE PETITIONER SHALL COMPLY WITH ALL PROVISIONS OF SECTION  
16 16.128 (C) – (J) BEFORE, DURING, AND AFTER THE INITIAL MEETING.

17 34. PRIOR TO FILING AN APPLICATION FOR A CEF DISTRICT, THE PETITIONER SHALL  
18 PRESENT A DEVELOPMENT CONCEPT DETAILED CEF PLAN TO: THE DESIGN  
19 ADVISORY PANEL FOR EVALUATION IN ACCORDANCE WITH THE PROCEDURES  
20 ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE.

21 A. THE COMMUNITY AT A MEETING IN ACCORDANCE WITH SECTION 16.128  
22 PRESUBMISSION COMMUNITY MEETINGS; and

23 B. THE DESIGN ADVISORY PANEL FOR EVALUATION IN ACCORDANCE WITH THE  
24 PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE.  
25 THE DESIGN ADVISORY PANEL RECOMMENDATIONS SHALL BE INCLUDED IN  
26 THE TECHNICAL STAFF REPORT PRODUCED BY THE DEPARTMENT OF  
27 PLANNING AND ZONING AND FORWARDED TO THE PLANNING BOARD FOR  
28 ITS CONSIDERATION OF THE CEF DISTRICT. IF THE CEF DEVELOPMENT  
29 CONCEPT PLAN PROPOSES THE CONVERSION OF NON-RESIDENTIALLY ZONED  
30 LAND TO RESIDENTIAL USES, THE TECHNICAL STAFF REPORT SHALL ALSO

1 INCLUDE A FISCAL NOTE THAT EVALUATES THE IMPACT OF THE PROPOSAL  
2 ON COUNTY TAX REVENUES, AS WELL AS ESTIMATES OF THE FUTURE  
3 EXPENSES TO THE COUNTY FOR PROVIDING PUBLIC FACILITIES AND  
4 SERVICES FOR THE RESIDENTIAL USES.

5 4.5. THE APPLICATION SHALL BE SUBMITTED TO THE DEPARTMENT OF PLANNING  
6 AND ZONING AND SHALL INITIALLY INCLUDE:

7 A. A DEVELOPMENT CONCEPT PLAN WHICH INCLUDES SHEETS DEPICTING  
8 ALL EXISTING NATURAL AND CURRENT DEVELOPMENT FEATURES OF THE  
9 COMMUNITY ENHANCEMENT FLOATING DISTRICT LAND AREA, AND ALSO  
10 DEPICTING AND/OR LISTING, AS MAY BE APPROPRIATE, THE FOLLOWING:

- 11 (1) A BOUNDARY SURVEY
- 12 (2) PERMITTED USES
- 13 (3) ACCESSORY USES
- 14 (4) BUILDINGS AND OTHER STRUCTURES
- 15 (5) PARKING AREAS AND NUMBER OF PARKING SPACES
- 16 (6) POINTS AND WIDTHS OF VEHICULAR INGRESS AND EGRESS
- 17 (7) SITE AMENITIES ENHANCEMENTS WHICH FULFILL CEF  
18 DISTRICT OBJECTIVES IN ACCORDANCE WITH SECTIONS 121.A  
19 AND 121.G
- 20 (8) LANDSCAPING
- 21 (9) HARDSCAPING INCLUDING PEDESTRIAN AND BICYCLE  
22 CONNECTIONS TO OFF-SITE FACILITIES
- 23 (10) RETAINED NATURAL FEATURES SUCH AS WETLANDS, STEEP  
24 SLOPES, AND TREE AND FOREST COVER
- 25 (11) ARCHITECTURAL ELEVATIONS OF ALL SIDES OF ALL  
26 BUILDINGS AND SIGNIFICANT STRUCTURES, WITH EXTERIOR  
27 MATERIALS SPECIFIED
- 28 (12) EXTERIOR LIGHTING PLAN WITH LIGHTING STRUCTURES AND  
29 LIGHT SOURCES GIVEN ON SPECIFIC LIGHTING PRODUCT  
30 INFORMATION SHEETS

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(13) INFORMATION ON THE ADJOINING PROPERTIES, INCLUDING THE OWNER NAME, ZONING, EXISTING USE, AND EXISTING SITE IMPROVEMENTS.

(14) PRE-SUBMISSION COMMUNITY MEETING MINUTES AND A SUMMARY OF DESIGN MODIFICATIONS MADE IN RESPONSE TO INTERACTION WITH THE COMMUNITY.

B. A MAP DELINEATING THE BOUNDARY OF THE COMMUNITY SURROUNDING THE CEF DISTRICT AND WRITTEN JUSTIFICATION FOR SUCH BOUNDARY.

C. A WRITTEN JUSTIFICATION STATEMENT THAT EXPRESSES IN DETAIL:

(1) HOW THE PROPOSED DEVELOPMENT CONCEPT PLAN CONFORMS TO THE PURPOSE STATEMENT FOR THE CEF DISTRICT.

~~(2) HOW THE PROPOSED CEF DISTRICT WILL BE OF A BENEFIT TO HOWARD COUNTY THAT IS GREATER THAN A CONVENTIONAL DEVELOPMENT ON THE PROPERTY USING THE EXISTING ZONING DISTRICT REGULATIONS.~~

(2). HOW THE PROPOSED CEF DISTRICT WILL PROMOTE THE POLICIES ESTABLISHED IN THE GENERAL PLAN AND ANY GOALS ESTABLISHED IN RELEVANT CORRIDOR, COMMUNITY OR SMALL AREA PLANS, AND WILL BE OF GREATER BENEFIT TO HOWARD COUNTY AND MORE APPROPRIATE THAN THE EXISTING ZONING.

(3) SUPPORTING DOCUMENTATION, INCLUDING BUT NOT LIMITED TO MARKET STUDIES AND TRAFFIC STUDIES AS REQUIRED BY THE DEPARTMENT OF PLANNING AND ZONING BASED ON THE SCALE OF THE PROJECT AND THE TYPE AND LOCATION OF PROPOSED USES.

6. THE TECHNICAL STAFF REPORT SHALL EVALUATE THE APPLICATION BASED ON THE "CRITERIA FOR A CEF DISTRICT" IN SECTION 121.I ABOVE AND NOTE ANY UNRESOLVED COMMUNITY COMMENTS RELEVANT TO THESE CRITERIA.

7. THE PLANNING BOARD SHALL HOLD A PUBLIC MEETING ON THE APPLICATION AND SHALL MAKE A RECOMMENDATION TO THE ZONING



1 THE SAME SHALL BE FORWARDED TO THE DEPARTMENT OF  
2 PLANNING AND ZONING AND THE PETITIONER.

3 A. THE ZONING BOARD SHALL HOLD A PUBLIC HEARING ON THE PETITION AND  
4 MAY APPROVE, APPROVE WITH MODIFICATIONS, OR DENY THE PETITION.

5 B. IN ITS EVALUATION OF THE PROPOSED CEF DISTRICT, THE ZONING BOARD  
6 SHALL MAKE FINDINGS ON THE FOLLOWING:

7 1. WHETHER THE PETITION WILL ACCOMPLISH THE PURPOSES OF THE  
8 CEF DISTRICT;

9 2. WHETHER THE PETITION COMPLIES WITH THE CRITERIA FOR A CEF  
10 DISTRICT IN SECTION 121.I.; AND

11 3. WHETHER THE PETITION MEETS THE MODERATE INCOME HOUSING  
12 UNIT REQUIREMENTS.

13 C. IF THE PETITION IS APPROVED:

14 (1) THE ZONING BOARD MAY MODIFY OR APPLY ADDITIONAL REQUIREMENTS  
15 TO ANY PART OF THE DEVELOPMENT CONCEPT PLAN INCLUDING, BUT NOT  
16 LIMITED TO, USES, BULK REGULATIONS, DAYS AND HOURS OF BUSINESS, OR  
17 OTHER OPERATIONAL ISSUES INCLUDING REMOVAL OF FACILITIES IN THE  
18 EVENT OF CLOSURE. THE BOARD, AT ITS DISCRETION, MAY HOLD  
19 ADDITIONAL HEARINGS ON ANY MODIFICATIONS OR ADDITIONAL  
20 REQUIREMENTS TO THE PLAN IT DEEMS APPROPRIATE.

21 (2) SHOULD THE BOARD APPROVE ANY MODIFICATIONS OR ADDITIONS, THEN,  
22 AT THE PETITIONER'S REQUEST, THE BOARD SHALL HOLD A HEARING ON  
23 SUCH MODIFICATIONS OR ADDITIONAL REQUIREMENTS. AT THE CONCLUSION  
24 OF SUCH HEARING, THE BOARD MAY CHANGE ANY OF THE MODIFICATIONS  
25 OR ADDITIONAL REQUIREMENTS. IF THE PETITIONER DOES NOT ACCEPT THE  
26 FINAL MODIFICATIONS OR ADDITIONAL REQUIREMENTS, THE PETITIONER  
27 MAY WITHDRAW THE PETITION WITHOUT PREJUDICE.

28 (3) THE DECISION AND ORDER OF THE ZONING BOARD SHALL:

29 1. CREATE A CEF DISTRICT COVERING THE LAND IN THE PETITION;

30 2. APPROVE THE CONCEPT PLAN;

31 3. ESTABLISH THE BULK REGULATIONS, USE CATEGORIES,





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B. EXCEPT AS PROVIDED IN SECTION 121.L. BELOW FOR PRE-AUTHORIZED MINOR MODIFICATIONS, ANY MODIFICATIONS TO ANY ZONING BOARD APPROVED FEATURES OF THE DEVELOPMENT CONCEPT PLAN MUST BE APPROVED BY THE ZONING BOARD, FOLLOWING THE SAME PROCEDURES USED FOR A PETITION TO CREATE A CEF DISTRICT.

**L. MINOR MODIFICATIONS TO THE DEVELOPMENT CONCEPT PLAN**

MINOR MODIFICATIONS TO THE APPROVED DEVELOPMENT CONCEPT PLAN WHICH DO NOT INCREASE THE NUMBER OF RESIDENTIAL UNITS AND MEET THE CRITERIA BELOW SHALL NOT REQUIRE RECONSIDERATION BY THE ZONING BOARD.

- 1. MINOR MODIFICATIONS TO STRUCTURES, WITH A FLOOR AREA NO LARGER THAN 10 PERCENT OF THE EXISTING FLOOR AREA OF THE MAIN FLOOR.
- 2. MINOR NEW ACCESSORY STRUCTURES OR ACCESSORY USES IF THE LOCATION DOES NOT INTERFERE WITH THE EXISTING APPROVED SITE LAYOUT (E.G. CIRCULATION, PARKING, LOADING, STORM WATER MANAGEMENT FACILITIES, OPEN SPACE, LANDSCAPING OR BUFFERING).
- 3. MINOR MODIFICATIONS TO PARKING LOTS COMPRISING NO MORE THAN 10 PERCENT OF THE ORIGINAL NUMBER OF PARKING SPACES REQUIRED.
- 4. SIMILAR MINOR MODIFICATIONS AS DETERMINED BY THE DEPARTMENT OF PLANNING AND ZONING, INCLUDING REDUCTIONS IN THE NUMBER OF RESIDENTIAL UNITS AND THE INTENSITY OF THE UNIT MIX.

*Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that the Director of the Department of Planning and Zoning is authorized to publish this Act, to correct obvious errors in section references, numbers and references to existing law, capitalization, spelling, grammar, headings and similar matters.*

*Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.*