



**PETITION TO AMEND THE  
ZONING REGULATIONS OF  
HOWARD COUNTY**

DPZ Office Use Only:

Case No. ZRA-141

Date Filed: 8/8/12

**1. Zoning Regulation Amendment Request**

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To amend Section 103: Definitions, Section 107: R-ED (Residential: Environmental Development) District, and Section 128: Supplementary Zoning District Regulations of the Zoning Regulations in certain ways to augment and improve the Neighborhood Preservation Density Exchange Option, and to amend Section 128.A.1.j of the Supplementary Bulk Regulations to correct an omission in the ZRA 137 amendments. (Please refer to the attached Response to Section 1 for more details.)

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

**2. Petitioner's Name** Marsha S. McLaughlin, Director, Department of Planning and Zoning

Address 3430 Court House Drive, Ellicott City, Maryland 21043

Phone No. (W) 410-313-2350 (H) N/A

Email Address mmclaughlin@howardcountymd.gov

**3. Counsel for Petitioner** Paul Johnson, Deputy County Solicitor

Counsel's Address 3430 Court House Drive, Ellicott City, Maryland 21043

Counsel's Phone No. 410-313-2101

Email Address \_\_\_\_\_

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HOWARD COUNTY COUNCIL  
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**4.** Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed The proposed amendments are primarily intended to facilitate preservation of the historic Belmont property, which is zoned R-ED. The amendments will allow historic properties in the R-ED, R-20, and R-12 zoning districts to send density without limitation via the Neighborhood Preservation Density Exchange Option to a qualifying receiving site in any Planning Area. The Department of Recreation and Parks is purchasing the Belmont property, but will need funds for ongoing maintenance of this National Register Historic property. If approved, the amendments would allow the sale of density rights from the Belmont property, and the proceeds from the transfer of these development rights will be used to fund

renovation and maintenance through the capital budget. These amendments could also be of benefit to other historic properties in the R-ED, R-12, and R-20 Districts. The proposed amendments also expand the Neighborhood Preservation Density Exchange Option to allow for the receipt of development rights in the R-ED zoning district on parcels of at least 11 acres and establishes a maximum lot yield for such properties. This will afford greater flexibility with respect to how this density exchange option may be used. This amendment petition also includes a number of minor revisions and additions designed to make the regulations easier to comprehend and more consistent. It also corrects an omission to Section 128.A.1.j. from ZRA 137.

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5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County The proposed amendment concerning the transfer of density from historic sites is in harmony with Balanced and Phased Growth Policy 4.18 to “Enhance the County park system and recreational facilities”. It is also in precise harmony with one goal of Community Conservation and Enhancement Policy 5.18 concerning historic preservation to “Protect County-owned historic properties and maximize their potential by placing all such properties under the jurisdiction of a single department, such as the Department of Recreation and Parks. Provide adequate funds and seek grants to preserve these properties.” The other amendments included in this petition support the goals of allowing orderly and predictable development while protecting infill lots within developed communities. Additional justification may be provided at the Planning Board meeting and County Council hearing for this Zoning Regulation Amendment proposal.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled “Response to Section 5”]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of “...preserving and promoting the health, safety and welfare of the community.” Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. One directly related purpose is Section 100.A.6., which states “To provide open space that helps preserve natural, environmental, historic, architectural and other landscape resources of the County as well as providing adequate space for recreation.”

[You may attach a separate document to respond to Section 6. If so, this document shall be titled “Response to Section 6.”]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) . The response to Section 6 already addresses this issue.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes

If the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

The number of properties is much greater than 12, because the proposed amendments would potentially apply to all historic properties in the R-ED, R-12, and R-20 Districts and to parcels of greater than 11 acres in the R-ED District.

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition.

There are no other factors at this time, but more may be provided during the public meeting and public hearing processes for this Zoning Regulation amendment.

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[ Double Bold Brackets ]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

**After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.**

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
9. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Marsha S. McLaughlin, Director  
 Petitioner's name (Printed or typed)

Marsha S. McLaughlin - 8/8/12  
 Petitioner's Signature Date

Paul T. Johnson 8/16/12  
 Counsel for Petitioner's Signature

**FEE**

The Petitioner agrees to pay all fees as follows:

Filing fee .....\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00\*

**The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.**

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**For DPZ office use only:**

Hearing Fee \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_

**PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION**

## ZRA 141 – Response to Section 1

**The proposed amendments are intended for the following purposes:**

1. To allow properties within the R-ED zoning district to both send and receive development density via the Neighborhood Preservation Density Exchange Option.
2. To establish the maximum receiving lot yield for R-ED receiving parcels at 10% above the normal R-ED yield.
3. For a Neighborhood Preservation Sending Parcel that contains a historic structure, to eliminate the requirement that development density which is exchanged via the Neighborhood Preservation provision be sent to the same Planning District.
4. For a Neighborhood Preservation Sending Parcel that contains a historic structure, to remove the cap for the maximum number of development rights which can be sent.
5. To clarify that the 11 acre minimum size for receiving sites in R-20, R-12 and R-ED applies to the size of the development project overall.
6. To make reference in Section 128 to information currently contained only in Section 103 in the definition of Preservation Parcel, Neighborhood.
7. To make minor clean-up changes to ensure consistency in how references are made to the Neighborhood Preservation Density Exchange Option.
8. To add clarifying definitions to Section 103.A and revise definition 115 for Land Conservation Organization to reference residential infill and neighborhood preservation parcel easements not just cluster subdivisions in RR and RC.
9. To amend Section 128.A.1.j to indicate that this setback allowance also applies to R-20 lots developed under the R-ED regulations, in order to fix an oversight in the ZRA 137 amendments.

**ZRA 141 – Exhibit A**  
**Petitioner’s Proposed Text**

**SECTION 103.A: Definitions**

115. Land Conservation Organization: A nonprofit organization which has been approved by resolution of the Howard County Council as a potential holder of preservation parcel easement agreements for cluster subdivisions in the RC and RR ZONING Districts[[],] AND FOR SENDING PARCELS UTILIZING THE NEIGHBORHOOD DENSITY EXCHANGE OPTION.
138. NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION: AN OPTION FOR TRANSFERRING DENSITY FROM A QUALIFYING SENDING PARCEL IN THE R-ED, R-20 OR R-12 ZONING DISTRICT TO A QUALIFYING RECEIVING PARCEL IN THE R-ED, R-20, R-12, RSA-8, R-A-15 OR CAC ZONING DISTRICT.
139. NEIGHBORHOOD PRESERVATION PARCEL EASEMENT: A PERMANENT EASEMENT THAT PROHIBITS A PRESERVATION PARCEL FROM SUBDIVISION AND MOST TYPES OF DEVELOPMENT, AS SPECIFIED IN THE REQUIREMENTS FOR THE NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION.
140. NEIGHBORHOOD PRESERVATION RECEIVING PARCEL: A PARCEL IN THE R-ED, R-20, R-12, RSA-8, R-A-15 OR CAC ZONING DISTRICT WHICH RECEIVES DEVELOPMENT RIGHTS FROM A SENDING PARCEL, IN ACCORDANCE WITH THE REQUIREMENTS OF THE NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION, AND WHICH, AS A RESULT CAN BE DEVELOPED AT A GREATER DENSITY THAN WOULD OTHERWISE BE ALLOWED IN THE UNDERLYING ZONING DISTRICT.
141. NEIGHBORHOOD PRESERVATION SENDING PARCEL: A PARCEL SUBJECT TO A RESTRICTIVE NEIGHBORHOOD PRESERVATION PARCEL EASEMENT IN THE R-ED, R-20 OR R-12 ZONING DISTRICT AND FROM WHICH DEVELOPMENT RIGHTS ARE REMOVED AND TRANSFERRED TO A RECEIVING PARCEL IN ACCORDANCE WITH THE REQUIREMENTS OF THE NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION.

*[Renumber the remainder of Section 103.A. accordingly.]*

**SECTION 107: R-ED (Residential: Environmental Development) District**

**G. Density Exchange For Neighborhood Preservation Parcels**

1. SENDING PARCEL FOR THE NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION:  
A parcel qualifying with the criteria for residential infill development as defined in Section 16.108 (b) of the Subdivision and Land Development Regulations or parcels principally used for a Swimming Pool, Community as defined in Section 103 of the

Zoning Regulations may be a sending parcel for THE [[n]]Neighborhood [[p]]Preservation DENSITY EXCHANGE OPTION in accordance with the requirements of Section 128.L of the zoning regulations.

2. RECEIVING PARCEL FOR THE NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION:  
 A PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH THE NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION AT A BONUS OF UP TO 10% MORE DWELLING UNITS THAN WOULD BE ACHIEVABLE BASED ON NET DENSITY IN THE R-ED ZONING DISTRICT, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 128.L OF THE ZONING REGULATIONS.

**SECTION 128: Supplementary Zoning District Regulations**

**A. Supplementary Bulk Regulations**

The following supplementary regulations shall apply in addition to the requirements of the applicable zoning district.

1. Exceptions to Setback Requirements

j. Sunrooms and Room Extensions	R-ED lots AND R-20 LOTS BEING DEVELOPED UNDER R-ED REGULATIONS WHICH ARE recorded after May 13, 2012.	10 feet into a rear setback, along not more than 60 percent of the rear face of a dwelling on a lot which adjoins open space along a majority of the rear lot line.
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**L. [[Density Exchange For Neighborhood Preservation Parcels]] NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION**

1. In the R-ED, R-20, and R-12 ZONING districts, a parcel that qualifies under the criteria for neighborhood infill development as defined in Section 16.108.(b) of the Subdivision and Land Development Regulations and is eligible to be developed for additional residential lots, may be a sending parcel for THE [[n]]Neighborhood [[p]]Preservation DENSITY EXCHANGE OPTION within the same planning district. HOWEVER, SENDING PARCELS THAT CONTAIN A HISTORIC STRUCTURE AS PROVIDED IN SECTION L.1.B BELOW MAY EXCHANGE DENSITY WITH A RECEIVING PARCEL IN ANY PLANNING DISTRICT.
  - A. With this [[n]]Neighborhood [[p]]Preservation [[d]]Density [[e]]Exchange [[o]]Option, in the R-ED and R-20 ZONING districts density may be exchanged from a Neighborhood Preservation [[Parcel]] sending parcel to an eligible receiving parcel based on a rate of 2 development rights per net acre[, up to a maximum of 3 development rights per parcel]]. EXCEPT AS PROVIDED BELOW, UP TO A

MAXIMUM OF 3 DEVELOPMENT RIGHTS MAY BE EXCHANGED FROM A SENDING PARCEL LOCATED IN EITHER THE R-ED OR R-20 ZONING DISTRICT. In the R-12 ZONING district density may be exchanged from a Neighborhood Preservation [[Parcel]] sending parcel to an eligible receiving parcel based on a rate of 3 development rights per net acre[[, up to a maximum of 3 development rights per parcel]]. EXCEPT AS PROVIDED BELOW, UP TO A MAXIMUM OF 3 DEVELOPMENT RIGHTS MAY BE EXCHANGED FROM A SENDING PARCEL LOCATED IN THE R-12 ZONING DISTRICT.

- B. A PARCEL IN THE R-ED, R-20 OR R-12 ZONING DISTRICT THAT QUALIFIES AS A NEIGHBORHOOD PRESERVATION SENDING PARCEL AND ALSO CONTAINS A HISTORIC STRUCTURE MAY SEND DENSITY WITHOUT LIMITATION ON THE MAXIMUM NUMBER OF DEVELOPMENT RIGHTS EXCHANGED, PROVIDED THAT A SINGLE DEVELOPMENT RIGHT IS RETAINED IN ACCORDANCE WITH SECTION 4.A BELOW.

2. Neighborhood Preservation Parcel Easement Requirements

- a. The easement shall cover the entire sending parcel or lot that complies with the definition of a Neighborhood Preservation Parcel in Section 103.
- b. A Neighborhood Preservation Parcel Easement improved with an existing dwelling unit or a Swimming Pool, Community shall not have any new structures placed on the site that are larger than 50 percent of the building footprint of the structure existing at the time the neighborhood preservation easement is recorded. However, if the average footprint size of the nearest six dwellings is greater than the footprint of an existing building, the Director may approve a footprint that does not exceed this average.
- c. The easement shall be approved by the Department of Planning and Zoning and shall be recorded at the time of recordation of the final plat for the Neighborhood Preservation Parcel.
- d. The easement shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:
  - (1) The location and size of all existing improvements on the parcel covered by the easement.
  - (2) A prohibition on future subdivision of the Neighborhood Preservation Parcel.
  - (3) A prohibition on future use or development of the parcel for uses incompatible with the [[n]]Neighborhood [[p]]Preservation [[p]]Parcel [[e]]Easement. Only principal or accessory residential uses or principal or accessory Swimming Pool, Community uses are permitted in accordance with the zoning regulations.



- (4) The provisions for maintenance of the [[n]]Neighborhood [[p]]Preservation [[p]]Parcel.
- (5) The responsibility for enforcement of the deed of Neighborhood Preservation Parcel Easement.
- (6) The provisions for succession in the event that one of the parties to the deed of [[n]]Neighborhood [[p]]Preservation [[p]]Parcel [[e]]Easement ceases to exist.

- e. One of the following entities shall be a party to the deed of Neighborhood Preservation Parcel Easement in addition to the property owner:
  - (1) Howard County Government; or
  - (2) Maryland Environmental Trust or Maryland Historical Trust; or
  - (3) A land conservation organization approved by the County Council.

3. Receiving Development Requirements

- a. Residential development rights derived from [[n]]Neighborhood [[p]]Preservation sending parcels may be received as bonus density for developments on parcels in the RSA-8, R-A-15 and CAC ZONING Districts.
- b. Residential development rights derived from [[n]]Neighborhood [[p]]Preservation sending parcels may be received as bonus density [[for developments]] on parcels IN THE R-ED, R-20 AND R-12 ZONING DISTRICTS FOR WHICH THE TOTAL DEVELOPMENT PROJECT SIZE IS at least 11 acres [[in size in the R-ED, R-20 and R-12 Districts]].
- c. Development rights shall be received in accordance with the following ratios:

Type of Dwelling unit to be constructed	Number of Development Rights needed per Dwelling Unit
Single-Family Dwelling	1
Townhouse Dwelling	.5
Apartment	.33

- d. Any parcel with the main stem of [[either]] the Patapsco River, the Patuxent River, the Little Patuxent River, the Middle Patuxent River, or the Deep Run running through the property shall be excluded for consideration as a receiving parcel for development of single-family attached or multi-family housing.

4. Additional Requirements

- a. Sending Parcels

- (1) On improved RESIDENTIAL parcels, one development right shall be retained on the sending parcel to allow for the continued existence of the existing dwelling unit. AN UNIMPROVED NEIGHBORHOOD PRESERVATION PARCEL MUST BE OWNED AND MAINTAINED BY A HOMEOWNERS ASSOCIATION OR DEDICATED TO HOWARD COUNTY.
- (2) On parcels improved with Swimming Pools, Community, one development right may be retained on the sending parcel to allow for a potential future dwelling unit.

b. Density Exchange

The exchange of density shall take place as a private exchange between property owners, subject to the approval of the sending and receiving parcels by the Department of Planning and Zoning in accordance with the procedures set forth below.

c. Approval of Sending Parcel

An application for approval of the sending parcel shall be made at any time before the initial plan for the receiving development is technically complete and tentative housing unit allocations have been granted by the Department of Planning and Zoning, and shall include the following:

- (1) A final plat of the sending parcel.
- (2) Documentation that the sending parcel complies with the criteria in Section 128.L.1.
- (3) A calculation of the maximum number of development rights which may be removed from the sending parcel.

d. Application for Receiving Development

An application for the use of the bonus density on a receiving parcel shall be made to the Department of Planning and Zoning and shall include a calculation of the proposed density and the number of development rights to be obtained from one or more sending parcels.

e. Approval of Receiving Development

The Department of Planning and Zoning shall tentatively approve the transfer of receiving bonus density to the receiving development when the initial plan submission for the development is technically complete and before tentative housing unit allocations are granted.

f. Phasing of Receiving Developments

Density for receiving developments may be recorded in sections. A Final Subdivision Plan or Site Development Plan shall not be approved for the receiving development until one or more sending parcels are approved which provide the necessary number of additional development rights for the lots shown on the Final Subdivision Plan, or the dwelling units indicated on the Site Development Plan.

g. Recordation of Sending Parcels and Receiving Developments

Following the approval of the initial plan for the receiving development, the following documents shall be recorded together in the land records of Howard County.

- (1) A revision plat or a final plat of easement for each sending parcel, designating the property as a [[n]]Neighborhood [[p]]Preservation sending parcel and indicating the number of development rights that have been removed from the parcel, the location of the receiving development, and that one development right has been retained for the existing or a proposed future dwelling unit on the [[n]]Neighborhood [[p]]Preservation sending parcel.
- (2) A deed of Neighborhood Preservation Parcel Easement for each [[n]]Neighborhood [[p]] Preservation sending parcel that complies with Section 128.L.2.
- (3) A final plat for the receiving development parcel which may be a final subdivision plat dividing the receiving development parcel into lots, or may be a density-receiving plat that records the number of development rights received from sending parcels but does not subdivide the receiving development parcel. Density recorded on the final plat for the receiving development parcel shall only be used on that receiving development parcel.

**ZRA 141 – Exhibit B**  
**Proposed Text – As It Would Appear**

**SECTION 103.A: Definitions**

115. Land Conservation Organization: A nonprofit organization which has been approved by resolution of the Howard County Council as a potential holder of preservation parcel easement agreements for cluster subdivisions in the RC and RR zoning districts and for sending parcels utilizing the Neighborhood Density Exchange Option.
138. Neighborhood Preservation Density Exchange Option: An option for transferring density from a qualifying sending parcel in the R-ED, R-20 or R-12 zoning district to a qualifying receiving parcel in the R-ED, R-20, R-12, RSA-8, R-A-15 or CAC zoning district.
139. Neighborhood Preservation Parcel Easement: A permanent easement that prohibits a Preservation Parcel from subdivision and most types of development, as specified in the requirements for the Neighborhood Preservation Density Exchange Option.
140. Neighborhood Preservation Receiving Parcel: A parcel in the R-ED, R-20, R-12, RSA-8, R-A-15 or CAC zoning district which receives development rights from a sending parcel, in accordance with the requirements of the Neighborhood Preservation Density Exchange Option, and which, as a result can be developed at a greater density than would otherwise be allowed in the underlying zoning district.
141. Neighborhood Preservation Sending Parcel: A parcel subject to a restrictive Neighborhood Preservation Parcel Easement in the R-ED, R-20 or R-12 zoning district and from which development rights are removed and transferred to a receiving parcel in accordance with the requirements of the Neighborhood Preservation Density Exchange Option.

*[Renumber the remainder of Section 103.A. accordingly.]*

**SECTION 107: R-ED (Residential: Environmental Development) District**

**G. Density Exchange For Neighborhood Preservation Parcels**

1. **Sending Parcel for the Neighborhood Preservation Density Exchange Option:**  
A parcel qualifying with the criteria for residential infill development as defined in Section 16.108 (b) of the Subdivision and Land Development Regulations or parcels principally used for a Swimming Pool, Community as defined in Section 103 of the Zoning Regulations may be a sending parcel for the Neighborhood Preservation Density Exchange Option in accordance with the requirements of Section 128.L of the zoning regulations.
2. **Receiving Parcel for the Neighborhood Preservation Density Exchange Option:**  
A parcel may be developed as a receiving parcel in association with the Neighborhood

Preservation Density Exchange Option at a bonus of up to 10% more dwelling units than would be achievable based on net density in the R-ED zoning district, in accordance with the requirements of section 128.1 of the zoning regulations.

## **SECTION 128: Supplementary Zoning District Regulations**

### **A. Supplementary Bulk Regulations**

The following supplementary regulations shall apply in addition to the requirements of the applicable zoning district.

#### **1. Exceptions to Setback Requirements**

j. Sunrooms and Room Extensions	R-ED lots and R-20 lots being developed under R-ED regulations which are recorded after May 13, 2012.	10 feet into a rear setback, along not more than 60 percent of the rear face of a dwelling on a lot which adjoins open space along a majority of the rear lot line.
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### **L. Neighborhood Preservation Density Exchange Option**

1. In the R-ED, R-20, and R-12 zoning districts, a parcel that qualifies under the criteria for neighborhood infill development as defined in Section 16.108.(b) of the Subdivision and Land Development Regulations and is eligible to be developed for additional residential lots, may be a sending parcel for the Neighborhood Preservation Density Exchange Option within the same planning district. However, sending parcels that contain a historic structure as provided in section 1.1.b below may exchange density with a receiving parcel in any planning district.
  - a. With this Neighborhood Preservation Density Exchange Option, in the R-ED and R-20 zoning districts density may be exchanged from a Neighborhood Preservation sending parcel to an eligible receiving parcel based on a rate of 2 development rights per net acre. Except as provided below, up to a maximum of 3 development rights may be exchanged from a sending parcel located in either the R-ED or R-20 zoning district. In the R-12 district density may be exchanged from a Neighborhood Preservation sending parcel to an eligible receiving parcel based on a rate of 3 development rights per net acre. Except as provided below, up to a maximum of 3 development rights may be exchanged from a sending parcel located in the R-12 zoning district.
  - b. A parcel in the R-ED, R-20 or R-12 zoning district that qualifies as a neighborhood preservation sending parcel and also contains a historic structure is eligible to send density without limitation on the maximum number of development rights exchanged, provided that a single development right is retained in accordance with Section 4.a below.

2. Neighborhood Preservation Parcel Easement Requirements

- a. The easement shall cover the entire sending parcel or lot that complies with the definition of a Neighborhood Preservation Parcel in Section 103.
- b. A Neighborhood Preservation Parcel Easement improved with an existing dwelling unit or a Swimming Pool, Community shall not have any new structures placed on the site that are larger than 50 percent of the building footprint of the structure existing at the time the neighborhood preservation easement is recorded. However, if the average footprint size of the nearest six dwellings is greater than the footprint of an existing building, the Director may approve a footprint that does not exceed this average.
- c. The easement shall be approved by the Department of Planning and Zoning and shall be recorded at the time of recordation of the final plat for the Neighborhood Preservation Parcel.
- d. The easement shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:
  - (1) The location and size of all existing improvements on the parcel covered by the easement.
  - (2) A prohibition on future subdivision of the Neighborhood Preservation Parcel.
  - (3) A prohibition on future use or development of the parcel for uses incompatible with the Neighborhood Preservation Parcel Easement. Only principal or accessory residential uses or principal or accessory Swimming Pool, Community uses are permitted in accordance with the zoning regulations.
  - (4) The provisions for maintenance of the Neighborhood Preservation Parcel.
  - (5) The responsibility for enforcement of the deed of Neighborhood Preservation Parcel Easement.
  - (6) The provisions for succession in the event that one of the parties to the deed of Neighborhood Preservation Parcel Easement ceases to exist.
- e. One of the following entities shall be a party to the deed of Neighborhood Preservation Parcel Easement in addition to the property owner:
  - (1) Howard County Government; or
  - (2) Maryland Environmental Trust or Maryland Historical Trust; or
  - (3) A land conservation organization approved by the County Council.

3. Receiving Development Requirements

- a. Residential development rights derived from Neighborhood Preservation sending parcels may be received as bonus density for developments on parcels in the RSA-8, R-A-15 and CAC zoning districts.
- b. Residential development rights derived from Neighborhood Preservation sending parcels may be received as bonus density on parcels in the R-ED, R-20 and R-12 zoning districts for which the total development project size is at least 11 acres.
- c. Development rights shall be received in accordance with the following ratios:

Type of Dwelling unit to be constructed	Number of Development Rights needed per Dwelling Unit
Single-Family Dwelling	1
Townhouse Dwelling	.5
Apartment	.33

- d. Any parcel with the main stem of the Patapsco River, the Patuxent River, the Little Patuxent River, the Middle Patuxent River, or the Deep Run running through the property shall be excluded for consideration as a receiving parcel for development of single-family attached or multi-family housing.

4. Additional Requirements

a. Sending Parcels

- (1) On improved residential parcels, one development right shall be retained on the sending parcel to allow for the continued existence of the existing dwelling unit. An unimproved neighborhood preservation parcel must be owned and maintained by a homeowners association or dedicated to Howard County.
- (2) On parcels improved with Swimming Pools, Community, one development right may be retained on the sending parcel to allow for a potential future dwelling unit.

b. Density Exchange

The exchange of density shall take place as a private exchange between property owners, subject to the approval of the sending and receiving parcels by the Department of Planning and Zoning in accordance with the procedures set forth below.

c. Approval of Sending Parcel

An application for approval of the sending parcel shall be made at any time before the initial plan for the receiving development is technically complete and tentative housing unit allocations have been granted by the Department of Planning and Zoning, and shall include the following:

- (1) A final plat of the sending parcel.
- (2) Documentation that the sending parcel complies with the criteria in Section 128.L.1.
- (3) A calculation of the maximum number of development rights which may be removed from the sending parcel.

d. Application for Receiving Development

An application for the use of the bonus density on a receiving parcel shall be made to the Department of Planning and Zoning and shall include a calculation of the proposed density and the number of development rights to be obtained from one or more sending parcels.

e. Approval of Receiving Development

The Department of Planning and Zoning shall tentatively approve the transfer of receiving bonus density to the receiving development when the initial plan submission for the development is technically complete and before tentative housing unit allocations are granted.

f. Phasing of Receiving Developments

Density for receiving developments may be recorded in sections. A Final Subdivision Plan or Site Development Plan shall not be approved for the receiving development until one or more sending parcels are approved which provide the necessary number of additional development rights for the lots shown on the Final Subdivision Plan, or the dwelling units indicated on the Site Development Plan.

g. Recordation of Sending Parcels and Receiving Developments

Following the approval of the initial plan for the receiving development, the following documents shall be recorded together in the land records of Howard County.

- (1) A revision plat or a final plat of easement for each sending parcel, designating the property as a Neighborhood Preservation sending parcel and indicating the number of development rights that have been removed from the parcel, the location of the receiving development, and that one



development right has been retained for the existing or a proposed future dwelling unit on the Neighborhood Preservation sending parcel.

- (2) A deed of Neighborhood Preservation Parcel Easement for each Neighborhood Preservation sending parcel that complies with Section 128.L.2.
- (3) A final plat for the receiving development parcel which may be a final subdivision plat dividing the receiving development parcel into lots, or may be a density-receiving plat that records the number of development rights received from sending parcels but does not subdivide the receiving development parcel. Density recorded on the final plat for the receiving development parcel shall only be used on that receiving development parcel.