

Introduced Jan. 3, 2012
Public hearing Jan. 17, 2012
Council action March 5, 2012
Executive action March 13, 2012
Effective date May 13, 2012

County Council of Howard County, Maryland

2012 Legislative Session

Legislative day # 1

BILL NO. 2 - 2012 (ZRA - 137)

**Introduced by:
Courtney Watson, Councilperson**

AN ACT amending the Howard County Zoning Regulations to permit Community Swimming Pools to send density under the Neighborhood Preservation Program in the R-ED, R-20, and R-12 zoning districts, under certain conditions; establish a reduced rear setback of 15 feet on R-ED zoned lots that adjoin an open space lot for sunrooms and room extensions; and generally related to Community Swimming Pools and rear setbacks.

Introduced and read first time January 3, 2012. Ordered posted and hearing scheduled.

By order Stephen LeGendre
Stephen LeGendre, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on January 17, 2012 and concluded on _____, 2012.

Tabled February 6, 2012

By order Stephen LeGendre
Stephen LeGendre, Administrator to the County Council

This Bill was read the third time March 5, 2012 and Passed , Passed with amendments , Failed .

By order Stephen LeGendre
Stephen LeGendre, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this 6th day of March, 2012 at 2:00 ~~a.m.~~ p.m.

By order Stephen LeGendre
Stephen LeGendre, Administrator to the County Council

Approved vetoed by the County Executive on March 13, 2012.

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. ~~Strikeout~~ 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 Howard
2 County Zoning Regulations are hereby amended to read as follows:

3

4 *By amending:*

5 *Section 103 "Definitions"*

6 *Subsection A.*

7 *Number 151. "Preservation Parcel, Neighborhood"*

8

9 *Section 107 "R-ED (Residential: Environmental Development) District"*

10 *~~Subsection D. "Bulk Regulations"~~*

11 *~~Number 4. "Minimum setback requirements"~~*

12 *~~Letter d~~*

13 *Subsection G. "Density Exchange for Preservation Parcels"*

14 *Number 1*

15 *Section 108 "R-20 (Residential: Single) District"*

16 *Subsection F. "Density Exchange for Preservation Parcels"*

17

18 *Section 109 "R-12 (Residential: Single) District"*

19 *Subsection F. "Density Exchange for Preservation Parcels"*

20

21 *Section 128 "Supplementary Zoning District Regulations" District*

22 *~~Subsection A. "Supplementary Bulk Regulations"~~*

23 *~~Number 1. "Exceptions to Setback Requirements"~~*

24 *~~Subsection L. "Density Exchange For Neighborhood Preservation Parcels"~~*

25 *Subsection L. "Density Exchange For Neighborhood Preservation Parcels"*

26

By Adding:

27 *Section 128 "Supplementary Zoning District Regulations" District*

28 *Subsection A. "Supplementary Bulk Regulations"*

29 *Number 1. "Exceptions to Setback Requirements"*

30 *Letter J. "Sunrooms and Room Extensions"*

31

32

Howard County Zoning Regulations

33

34

SECTION 103: Definitions

35

36

A. Except as provided for in Section 101 herein, terms used in these regulations shall have the

1 definition provided in any standard dictionary, unless specifically defined below or in any other
2 provision of these regulations:

3 151. Preservation Parcel, Neighborhood: A residential infill parcel in the R-20, R-12, or R-
4 ED zoning districts that existed on September 9, 2008 and is designated as a sending
5 parcel on a revision plat or a final plat or easement. A Neighborhood Preservation
6 Parcel shall be encumbered by a Neighborhood Preservation Parcel Easement, and is
7 either improved with A SWIMMING POOL, COMMUNITY AS DEFINED IN SECTION 103,
8 OR an existing dwelling unit, or if unimproved, must be owned and maintained by a
9 Homeowners Association or dedicated to the Howard County Department of
10 Recreation and[[p]]Parks. Any new structures placed on [[the]] AN IMPROVED site
11 shall not be larger than 50 percent of the building footprint of the [[dwelling unit]]
12 PRINCIPAL STRUCTURE existing at the time the Neighborhood Preservation Easement is
13 recorded, except as provided in Section 128.L.2.b.
14
15

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

17
18 **~~D.~~ Bulk Regulations**

19
20 **~~4. Minimum setback requirements~~**

21
22 ~~d. From lot lines structures and uses in all development projects except single family~~
23 ~~attached:~~

24
25 ~~(1) Principal structures~~

26 ~~(a) Front20 feet~~

27 ~~(b) Side7.5 feet~~

28 ~~Except zero lot line dwellings0 feet~~

29 ~~A minimum of 15 feet must be provided between structures~~

30 ~~(c) Rear25 feet~~

31 ~~EXCEPT LOTS RECORDED AFTER [EFFECTIVE DATE OF ZRA 137] WHICH ONLY~~
32 ~~ADJOIN OPEN SPACE ALONG A MAJORITY OF THE REAR LOT LINE~~

33 ~~.....15 feet~~

34
35 ~~(2) Detached accessory garages or sheds~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

- (a) Front 20 feet
- (b) Side 0 feet
- (c) Rear 0 feet

(3) Other accessory structures

- (a) Front 20 feet
- (b) Side 7.5 feet
- (c) Rear 5 feet

(4) Uses (other than structures) in all development projects except single-family detached or attached 20 feet

G. Density Exchange For Neighborhood Preservation Parcels

1. 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 parcels for neighborhood preservation in accordance with the requirements of Section 128.L of the zoning regulations.

SECTION 108: R-20 (Residential: Single) District

F. Density Exchange For Neighborhood Preservation Parcels

1. 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

1 [[a]] sending parcels for neighborhood preservation in accordance with the
2 requirements of Section 128.L of the zoning regulations.

3
4
5
6 **SECTION 109: R-12 (Residential: Single) District**

7
8 **F. Density Exchange For Neighborhood Preservation Parcels**

- 9
10 1. A parcel qualifying with the criteria for residential infill development as
11 defined in Section 16.108 (b) of the Subdivision and Land Development
12 Regulations OR PARCELS PRINCIPALLY USED FOR A SWIMMING POOL,
13 COMMUNITY, AS DEFINED IN SECTION 103 OF THE ZONING REGULATIONS may be
14 [[a]] sending parcels for neighborhood preservation in accordance with the
15 requirements of Section 128.L of the zoning regulations.

16
17
18 **SECTION 128: Supplementary Zoning District Regulations**

19
20 **A. Supplementary Bulk Regulations**

21
22 The following supplementary regulations shall apply in addition to the requirements of
23 the applicable zoning district.

- 24
25 1. Exceptions to Setback Requirements

26
27

Type of Building Feature Structure, or Land Use	Zoning District	Maximum Encroachment Into Setback
d. Open and enclosed porches and decks	All residential districts except NF	10 feet into a front or rear setback, a setback from a project boundary, a setback

		<p>from a different zoning district, or a required distance between buildings, EXCEPT THAT FOR R-ED LOTS RECORDED AFTER [THE EFFECTIVE DATE OF ZRA 137] WITH 15 FOOT REAR SETBACKS IN ACCORDANCE WITH SECTION 107.D.4.D(1)(C); OPEN AND ENCLOSED PORCHES AND DECKS SHALL NOT ENCROACH INTO A REAR SETBACK.</p>
--	--	--

1

<u>TYPE OF BUILDING FEATURE STRUCTURE, OR LAND USE</u>	<u>ZONING DISTRICT</u>	<u>MAXIMUM ENCROACHMENT INTO SETBACK</u>
<u>J. SUNROOMS AND ROOM EXTENSIONS</u>	<u>R-ED LOTS RECORDED AFTER [THE EFFECTIVE DATE OF COUNCIL BILL 2-2012]</u>	<u>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</u>

2

3

4

L. Density Exchange For Neighborhood Preservation Parcels

5

6

1. In the R-ED, R-20, and R-12 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

7

8

1 developed for additional residential lots, may be a sending parcel for
2 neighborhood preservation within the same planning district.

3
4 With this neighborhood preservation density exchange option, in the R-ED and
5 R-20 districts density may be exchanged from a Neighborhood Preservation
6 Parcel sending parcel to an eligible receiving parcel based on a rate of 2
7 development rights per net acre, up to a maximum of 3 development rights per
8 parcel. In the R-12 district density may be exchanged from a Neighborhood
9 Preservation Parcel sending parcel to an eligible receiving parcel based on a
10 rate of 3 development rights per net acre, up to a maximum of 3 development
11 rights per parcel.

12
13
14
15
16 2. Neighborhood Preservation Parcel Easement Requirements

17
18 a. The easement shall cover the entire sending parcel or lot that complies
19 with the definition of a Neighborhood Preservation Parcel in Section
20 103.

21
22 b. A Neighborhood Preservation Parcel Easement improved with an
23 existing dwelling unit OR A SWIMMING POOL, COMMUNITY shall not have
24 any new structures placed on the site that are larger than 50 percent of
25 the building footprint of the [[dwelling unit]] STRUCTURE existing at the
26 time the neighborhood preservation easement is recorded. However, if
27 the average footprint size of the nearest six dwellings is greater than the
28 footprint of [[the]] AN existing building, the Director may approve a
29 footprint that does not exceed this average.

30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

- 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

- (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 Districts.
- b. Residential development rights derived from neighborhood preservation sending parcels may be received as bonus density for developments on parcels at least 11 acres in size in the 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

23
24
25

- d. Any parcel with the main stem of either the Patapsco River, the Patuxent River, the Little Patuxent River, the Middle Patuxent River, or

1 the Deep Run running through the property shall be excluded for
2 consideration as a receiving parcel for development of single-family
3 attached or multi-family housing.
4

5 4. Additional Requirements

6
7 a. Sending Parcels

8
9 (1) ON IMPROVED PARCELS, ~~[[One]]~~ ONE development right ~~[[must]]~~
10 SHALL be retained on the sending parcel to allow for the
11 continued existence of the existing dwelling unit.
12

13 (2) ON PARCELS IMPROVED WITH SWIMMING POOLS, COMMUNITY,
14 ONE DEVELOPMENT RIGHT MAY BE RETAINED ON THE SENDING
15 PARCEL TO ALLOW FOR A POTENTIAL FUTURE DWELLING UNIT.
16

17 b. Density Exchange

18
19 The exchange of density shall take place as a private exchange between
20 property owners, subject to the approval of the sending and receiving
21 parcels by the Department of Planning and Zoning in accordance with
22 the procedures set forth below.
23

24 c. Approval of Sending Parcel

25
26 An application for approval of the sending parcel shall be made at any
27 time before the initial plan for the receiving development is technically
28 complete and tentative housing unit allocations have been granted by
29 the Department of Planning and Zoning, and shall include the
30 following:
31

32 (1) A final plat of the sending parcel.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

(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.

1 g. Recordation of Sending Parcels and Receiving Developments.

2
3 Following the approval of the initial plan for the receiving
4 development, the following documents shall be recorded together in the
5 land records of Howard County.

- 6
7 (1) A revision plat or a final plat of easement for each sending
8 parcel, designating the property as a neighborhood preservation
9 sending parcel and indicating the number of development rights
10 that have been removed from the parcel, the location of the
11 receiving development, and that one development right has been
12 retained for the existing OR A POTENTIAL FUTURE dwelling unit
13 on the neighborhood preservation sending parcel.
14
- 15 (2) A deed of Neighborhood Preservation Parcel Easement for each
16 neighborhood preservation sending parcel that complies with
17 Section 128.L.2.
18
- 19 (3) A final plat for the receiving development parcel which may be
20 a final subdivision plat dividing the receiving development
21 parcel into lots, or may be a density-receiving plat that records
22 the number of development rights received from sending parcels
23 but does not subdivide the receiving development parcel.
24 Density recorded on the final plat for the receiving development
25 parcel shall only be used on that receiving development parcel.

1
2
3
4
5
6
7
8
9
10
11
12
13
14

Section 2. 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 the provisions of this act shall become effective 61 days after enactment.

Amendment to Council Bill No. 2-2012

BY: Courtney Watson

Legislative Day No: 2
Date: February 6, 2012

Amendment No. 1

(This amendment would allow Neighborhood Preservation Parcel Program development rights to be received in the R-ED zoning district).

On the title page, in line 4 of the title, after the semicolon, insert "to allow Neighborhood Preservation Parcel Development rights to be received in the R-ED Zoning District;".

On page 8, in line 1, after "the", insert "R-ED".

ACCEPTED
DATED March 5, 2012
SIGNATURE Stephen M. Legendre

1 Amendment 2 to Council Bill No. 2-2012

2
3 BY: Courtney Watson

Legislative Day No: 2
Date: February 6, 2012

6 Amendment No. 2

7
8 (This amendment would provide a maximum setback encroachment provision in the bill for
9 sunrooms and room extensions).

10
11
12
13 On the title page, in line 4 of the title, after "lot", insert "for sunrooms and room
14 extensions".

15
16 On page 1, strike lines 10-12, in their entirety.

17
18 On page 1, immediately following line 13, insert "Number 1".

19
20 On page 1, strike lines 22 through 24, in their entirety, and insert the following:

21
22 "Subsection L. "Density Exchange For Neighborhood Preservation Parcels"

23
24 By Adding:

25 Section 128 "Supplementary Zoning District Regulations" District

26 Subsection A. "Supplementary Bulk Regulations"

27 Number 1. "Exceptions to Setback Requirements"

28 Letter J. "Sunrooms and Room Extensions"

29
30 On pages 2 and 3, strike beginning with line 12 on page 2 thorough line 8 on page 3, in
31 their entirety.

32
33 On pages 4 and 5, strike after line 22 on page 4 through line 1 on page 5, inclusive of the
34 table, in their entirety and substitute the following Subsection J to be included in the table:

ADOPTED March 5, 2012

FAILED

SIGNATURE Stephen M. Henderson

“

<u>TYPE OF BUILDING FEATURE STRUCTURE, OR LAND USE</u>	<u>ZONING DISTRICT</u>	<u>MAXIMUM ENCROACHMENT INTO SETBACK</u>
<u>J. SUNROOMS AND ROOM EXTENSIONS</u>	<u>R-ED LOTS RECORDED AFTER [THE EFFECTIVE DATE OF COUNCIL BILL 2-2012]</u>	<u>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</u>

Amendment 1 to Amendment #2
Council Bill No. 2-2012

BY: Courtney Watson

Legislative Day No: 3
Date: March 5, 2012

Amendment No. 1 to Amendment No. 2

(This technical amendment would clarify that a new letter J is being added to the Exceptions to Setback Requirements table in the Supplementary Zoning District Regulations).

1 On page 1, immediately following line 19, insert:

2 “On page 1, strike lines 22 through 24, in their entirety, and insert the following:

3

4

“Subsection L. “Density Exchange For Neighborhood Preservation Parcels”

5

6

By Adding:

7

Section 128 “Supplementary Zoning District Regulations” District

8

Subsection A. “Supplementary Bulk Regulations”

9

Number 1. “Exceptions to Setback Requirements”

10

Letter J. “Sunrooms and Room Extensions””.

11

12

13

ADOPTED March 5, 2012
FILED _____
SIGNATURE Stephen M. Gendron

1 **Amendment to Council Bill No. 2-2012**

2
3 **BY: Courtney Watson**

Legislative Day No: 2
Date: February 6, 2012

4
5
6 **Amendment No. 2**

7
8 *(This amendment would provide a maximum setback encroachment provision in the bill for*
9 *sunrooms and room extensions).*

10
11
12
13 On the title page, in line 4 of the title, after “lot”, insert “for sunrooms and room
14 extensions”.

15
16 On page 1, strike lines 10-12, in their entirety.

17
18 On page 1, immediately following line 13, insert “Number 1”.

19
20 On pages 2 and 3, strike beginning with line 12 on page 2 thorough line 8 on page 3, in
21 their entirety.

22
23 On pages 4 and 5, strike after line 22 on page 4 through line 1 on page 5, inclusive of the
24 table, in their entirety and substitute the following Subsection J to be included in the table:

25 “

<u>TYPE OF BUILDING FEATURE STRUCTURE, OR LAND USE</u>	<u>ZONING DISTRICT</u>	<u>MAXIMUM ENCROACHMENT INTO SETBACK</u>
<u>J. SUNROOMS AND ROOM EXTENSIONS</u>	<u>R-ED LOTS RECORDED AFTER [THE EFFECTIVE DATE OF COUNCIL BILL 2-2012]</u>	<u>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</u>

		<u>THE REAR LOT LINE</u>
--	--	--------------------------

1



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Amendment to Council Bill No. 2-2012

BY: Mary Kay Sigaty

Legislative Day No: 2
Date: February 6, 2012

Amendment No. 3

(This amendment would remove the reduced R-ED rear setback provision).

On the Title Page, in line 3 of the title, after the semi-colon, strike “establish a reduced rear setback of 15 feet on R-ED zoned lots that adjoin an open space lot;”. In the last line of the title, strike “and rear setbacks”.

On page 1, strike lines 10-12, in their entirety.

On page 1, immediately following line 13, insert “Number 1”.

On page 1, strike lines 22 and 23, in their entirety.

On pages 2 and 3, strike beginning with line 12 on page 2 thorough line 8 on page 3, in their entirety.

On pages 4 and 5, strike beginning with line 15 in on page 4 through line 1 on page 5, inclusive of the table, in their entirety.

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2011 Legislative Session

Legislative day # 1

BILL NO. 2 - 2011 (ZRA - 137)

**Introduced by:
Courtney Watson, Councilperson**

AN ACT amending the Howard County Zoning Regulations to permit Community Swimming Pools to send density under the Neighborhood Preservation Program in the R-ED, R-20, and R-12 zoning districts, under certain conditions; establish a reduced rear setback of 15 feet on R-ED zoned lots that adjoin an open space lot; and generally related to Community Swimming Pools and rear setbacks.

Introduced and read first time _____, 2011. Ordered posted and hearing scheduled.

By order _____
Stephen LeGendre, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2012 and concluded on _____, 2012.

By order _____
Stephen LeGendre, Administrator to the County Council

This Bill was read the third time _____, 2012 and Passed ____, Passed with amendments ____, Failed __.

By order _____
Stephen LeGendre, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2012 at _____ a.m./p.m.

By order _____
Stephen LeGendre, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2012.

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law.
~~Strikeout~~ 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 Howard
2 County Zoning Regulations are hereby amended to read as follows:

3
4 By amending:

5 Section 103 "Definitions"

6 Subsection A.

7 Number 151. "Preservation Parcel, Neighborhood"

8
9 Section 107 "R-ED (Residential: Environmental Development) District"

10 Subsection D. "Bulk Regulations"

11 Number 4. "Minimum setback requirements"

12 Letter d

13 Subsection G. "Density Exchange for Preservation Parcels"

14
15 Section 108 "R-20 (Residential: Single) District"

16 Subsection F. "Density Exchange for Preservation Parcels"

17
18 Section 109 "R-12 (Residential: Single) District"

19 Subsection F. "Density Exchange for Preservation Parcels"

20
21 Section 128 "Supplementary Zoning District Regulations" District

22 Subsection A. "Supplementary Bulk Regulations"

23 Number 1. "Exceptions to Setback Requirements"

24 Subsection L. "Density Exchange For Neighborhood Preservation Parcels"

25
26
27 **Howard County Zoning Regulations**

28
29 **SECTION 103: Definitions**

30
31 **A.** Except as provided for in Section 101 herein, terms used in these regulations shall have the
32 definition provided in any standard dictionary, unless specifically defined below or in any other
33 provision of these regulations:

34 151. Preservation Parcel, Neighborhood: A residential infill parcel in the R-20, R-12, or R-
35 ED zoning districts that existed on September 9, 2008 and is designated as a sending
36 parcel on a revision plat or a final plat or easement. A Neighborhood Preservation
37 Parcel shall be encumbered by a Neighborhood Preservation Parcel Easement, and is

1 either improved with A SWIMMING POOL, COMMUNITY AS DEFINED IN SECTION 103,
2 OR an existing dwelling unit, or if unimproved, must be owned and maintained by a
3 Homeowners Association or dedicated to the Howard County Department of
4 Recreation and[[p]]Parks. Any new structures placed on [[the]] AN IMPROVED site
5 shall not be larger than 50 percent of the building footprint of the [[dwelling unit]]
6 PRINCIPAL STRUCTURE existing at the time the Neighborhood Preservation Easement is
7 recorded, except as provided in Section 128.L.2.b.
8
9

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

11
12 **D. Bulk Regulations**

13
14 4. Minimum setback requirements

15
16 d. From lot lines - structures and uses in all development projects except single-family
17 attached:

18
19 (1) Principal structures

20 (a) Front20 feet

21 (b) Side.....7.5 feet

22 Except zero lot line dwellings0 feet

23 A minimum of 15 feet must be provided between structures

24 (c) Rear25 feet

25 EXCEPT LOTS RECORDED AFTER [EFFECTIVE DATE OF ZRA 137] WHICH ONLY
26 ADJOIN OPEN SPACE ALONG A MAJORITY OF THE REAR LOT LINE

2715 feet
28

29 (2) Detached accessory garages or sheds

30
31 (a) Front20 feet

32 (b) Side.....0 feet

33 (c) Rear0 feet
34
35

- 1 (3) Other accessory structures
- 2
- 3 (a) Front20 feet
- 4 (b) Side.....7.5 feet
- 5 (c) Rear5 feet
- 6
- 7 (4) Uses (other than structures) in all development projects except
- 8 single-family detached or attached.....20 feet
- 9
- 10

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

- 12
- 13 1. A parcel qualifying with the criteria for residential infill development as
- 14 defined in Section 16.108 (b) of the Subdivision and Land Development
- 15 Regulations OR PARCELS PRINCIPALLY USED FOR A SWIMMING POOL,
- 16 COMMUNITY, AS DEFINED IN SECTION 103 OF THE ZONING REGULATIONS may be
- 17 [[a]] sending parcels for neighborhood preservation in accordance with the
- 18 requirements of Section 128.L of the zoning regulations.
- 19
- 20

21 **SECTION 108: R-20 (Residential: Single) District**

22

23 **F. Density Exchange For Neighborhood Preservation Parcels**

- 24
- 25 1. A parcel qualifying with the criteria for residential infill development as
- 26 defined in Section 16.108 (b) of the Subdivision and Land Development
- 27 Regulations OR PARCELS PRINCIPALLY USED FOR A SWIMMING POOL,
- 28 COMMUNITY, AS DEFINED IN SECTION 103 OF THE ZONING REGULATIONS may be
- 29 [[a]] sending parcels for neighborhood preservation in accordance with the
- 30 requirements of Section 128.L of the zoning regulations.
- 31
- 32
- 33

1 SECTION 109: R-12 (Residential: Single) District

2
3 **F. Density Exchange For Neighborhood Preservation Parcels**

- 4
5 1. A parcel qualifying with the criteria for residential infill development as
6 defined in Section 16.108 (b) of the Subdivision and Land Development
7 Regulations OR PARCELS PRINCIPALLY USED FOR A SWIMMING POOL,
8 COMMUNITY, AS DEFINED IN SECTION 103 OF THE ZONING REGULATIONS may be
9 [[a]] sending parcels for neighborhood preservation in accordance with the
10 requirements of Section 128.L of the zoning regulations.
11

12
13 **SECTION 128: Supplementary Zoning District Regulations**

14
15 **A. Supplementary Bulk Regulations**

16
17 The following supplementary regulations shall apply in addition to the requirements of
18 the applicable zoning district.

- 19
20 1. Exceptions to Setback Requirements
21
22

Type of Building Feature Structure, or Land Use	Zoning District	Maximum Encroachment Into Setback
d. Open and enclosed porches and decks	All residential districts except NT	10 feet into a front or rear setback, a setback from a project boundary, a setback from a different zoning district, or a required distance between buildings, EXCEPT THAT FOR R-ED LOTS RECORDED AFTER [THE

		EFFECTIVE DATE OF ZRA 137] WITH 15 FOOT REAR SETBACKS IN ACCORDANCE WITH SECTION 107.D.4.D(1)(C), OPEN AND ENCLOSED PORCHES AND DECKS SHALL NOT ENCROACH INTO A REAR SETBACK.
--	--	--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

L. Density Exchange For Neighborhood Preservation Parcels

1. In the R-ED, R-20, and R-12 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 neighborhood preservation within the same planning district.

With this neighborhood preservation density exchange option, in the R-ED and R-20 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. In the R-12 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

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 [[dwelling unit]] 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 [[the]] 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

1 PRINCIPAL OR ACCESSORY SWIMMING POOL, COMMUNITY USES
2 are permitted in accordance with the zoning regulations.

- 3
4 (4) The provisions for maintenance of the neighborhood
5 preservation parcel.
6
7 (5) The responsibility for enforcement of the deed of Neighborhood
8 Preservation Parcel Easement.
9
10 (6) The provisions for succession in the event that one of the parties
11 to the deed of neighborhood preservation parcel easement
12 ceases to exist.

13
14 e. One of the following entities shall be a party to the deed of
15 Neighborhood Preservation Parcel Easement in addition to the property
16 owner:

- 17
18 (1) Howard County Government; or
19
20 (2) Maryland Environmental Trust or Maryland Historical Trust; or
21
22 (3) A land conservation organization approved by the County
23 Council.

24
25 3. Receiving Development Requirements

- 26
27 a. Residential development rights derived from neighborhood
28 preservation sending parcels may be received as bonus density for
29 developments on parcels in the RSA-8, R-A-15 and CAC Districts.
30
31 b. Residential development rights derived from neighborhood
32 preservation sending parcels may be received as bonus density for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

developments on parcels at least 11 acres in size in the 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 PARCELS, [[One]] ONE development right [[must]] SHALL be retained on the sending parcel to allow for the continued existence of the existing dwelling unit.
- (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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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 POTENTIAL FUTURE dwelling unit on the neighborhood preservation sending parcel.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(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.

Section 2. 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 the provisions of this act shall become effective 61 days after enactment.

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on March 13, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2012.

Stephen M. LeGendre, Administrator to the County Council