MARSHA S. MCLAUGHLIN, DIRECTOR,	*	**BEFORE THE**
DEPARTMENT OF PLANNING	*	**PLANNING BOARD OF**
AND ZONING	*	**HOWARD COUNTY, MARYLAND**
ZRA 144	*	

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MOTION: ***To recommend approval of ZRA 144 with modifications to text in Sections 121.G, 121.H, 121.J.4.A, and 121.L.***

ACTION: ***Recommended approval; Vote 5 to 0.***

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On October 18 and November 1, 2012, the Planning Board of Howard County, Maryland, considered the petition of Marsha S. McLaughlin, Director, Department of Planning and Zoning for an amendment to the Zoning Regulations to create a new Section 121 in the Zoning Regulations to establish a new zoning district, the Community Enhancement Floating (CEF) District to provide flexibility to propose appropriate, well designed, context sensitive developments that reflect unique site, neighborhood and market conditions for certain properties within the Planned Service Area (PSA) for both Water and Server service.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation, and the comments of reviewing agencies, were presented to the Board for its consideration. The Department of Planning and Zoning recommended approval of the petition based on findings that the proposed amendments are in harmony with the General Plan policies.

Mr. Theodore Mariani spoke in favor of the proposal, but wanted to make sure surrounding communities was informed early in the process, before the developer is too invested. He thought the role of the Design Advisory Panel should be emphasized and only projects that have outstanding design be allowed. He requested that the 10% change after the concept plan is approved should be lowered, but fully supported the mandatory density exchange. Mr. Sang Oh also spoke in support stating that he thinks it is a challenge to developers to do something special and that if the developer can sell a plan to the community, there should be few restrictions as to what is built.

Mr. Stuart Kohn spoke in opposition to the proposal with concerns of too much infill and increased density in the East without adequate public facilities to support it. He also asked that much of the subjective language be better defined. He questioned why change or mistake was not needed, and what the basis of approval for the district would be. Ms. Susan Mazzoni spoke in opposition, stating that the proposal allows developers to violate zoning code and also had concerns about the subjectivity of the language. Ms. Lisa Markovitz spoke in opposition stating that there needs to be transition between existing communities and the CEF development to protect the integrity of a neighborhood. She had concerns that the bulk regulations were

not well defined, leaving neighboring properties without anything to appeal and suggested there be a percentage limit on how much height or setbacks could deviate from the original zoning. She also recommended that minor modifications that did not increase the amount or intensity of the CEF development could be reasonable. Ms. Grace Kubofcik spoke in opposition stating that the General Plan only calls for the "consideration" of a Planned Unit Development, and recommended deferral to Comprehensive Zoning. She also had concerns about the minimum lot size of only 2 acres, and questioned why certain zones are exempt. Ms. Bridget Muguane spoke in opposition with concerns about the subjectivity of the language and strains on infrastructure, specifically roads. Ms. Cathy Hudson shared concerns about the subjective language and strain on infrastructure, and added that the proposal complicates planning for schools, and the process is time consuming for citizens who want neighborhood stability so they can focus on other concerns. She does, however, like the idea of the community getting something in return from the developer. Mr. Marc Norman opposed the proposal sharing many concerns of the others and stating that there is minimal control and no citizen recourse. He had concerns with rushing this ZRA through rather than waiting for Comprehensive Zoning. Mr. Stephen Cohen also opposed stating that the zone will cause citizens to have uncertainty about what may be built next to them.

In its deliberations on ZRA 144, one Board member stated that the process should be community driven and any development should be something that is truly a community enhancement. This Board member stated that there is a need for this type of zone for parcels that are difficult to develop because of the current zoning, but it needs to be an enhancement to the people that live there. This Board member also questioned the minimum parcel size of 2 acres. Another Board member agreed, but stated that the County's zoning needs to be more flexible and there needs to be creative ways to import density to the East to keep the West rural. This Board member also noted that density and mixed-use is a good way to control traffic by increasing walkability. Another Board member stated that they liked the concept, but had concerns about the citizen's feelings of helplessness and suggested adding language to the bulk regulations to help protect them. Another Board member agreed that community support is necessary, but it would be hard to get 100% support. This Board member stated that there was a lot of good in this proposal and agreed with citizens that the language is very subjective, but also stated that it is hard to define what is appropriate under different circumstances. The last Board member stated the bulk regulations would be provided by the developer in the concept plan and expressed concern about the minor modifications from the concept plan being at 10%. This Board member also questioned what would define the community if the is no surrounding residential, but agreed with other Board members that flexibility to define the community boundary is needed. Board members agreed that community concurrence on the "community enhancements" proposed by the Petitioner should have significant weight.

The Board discussed and agreed on specific recommendations:

- In the first sentence of Section 121.G to remove "one or more";
- Add to the end of Section 121.H 'and shall demonstrate an orderly transition between the development and surrounding properties.';
- Add Section 122.J .4.A.(14) "A statement or documentation of design modifications made in response to interaction with the community, as well as the range of community support."; and
- To change Section 122.L.1 and L.3 from 10 to 5 percent.

Mr. Tzuker made the motion to recommend approval of the petition with changes to Section 121.G, 121.H, and 121.J.4.A., 121.L.1 and L.3. Mr. Santos seconded the motion. The motion passed by a vote of 5 to 0.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 15 th day of November, 2012, recommends that ZRA 144, as described above, be APPROVED.

HOWARD COUNTY PLANNING BOARD

David Grabowski YB
David Grabowski, Chairman

Paul Yelder YB
Paul Yelder

Josh Tzuker YB
Joshua Tzuker

Bill Santos YB
Bill Santos

Jacqueline Easley YB
Jacqueline Easley

ATTEST:

Marsha S. McLaughlin
Marsha S. McLaughlin, Executive Secretary

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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October 4, 2012

TECHNICAL STAFF REPORT

Petition Accepted on October 4, 2012
Planning Board Meeting of October 18, 2012
County Council Hearing to be scheduled

Case No./Petitioner: **ZRA 144 – Marsha S. McLaughlin, Director, Department of Planning and Zoning**

Request: To create a new Section 121 in the Zoning Regulations to establish a new zoning district, the Community Enhancement Floating (CEF) District to provide flexibility to propose appropriate, well designed, context sensitive developments that reflect unique site, neighborhood and market conditions for certain properties within the Planned Service Area (PSA) for both Water and Sewer service.

***Department of Planning and Zoning Recommendation*:** **APPROVAL**

I. DESCRIPTION OF PROPOSAL

- To create a new Section 121 of the Zoning Regulations. The Petitioner proposes one amendment to the Zoning Regulations which would create a new floating district, the CEF District that may be applied to certain properties within the Planned Service Area for both Water and Sewer service.

- To amend Section 103.A.87: Definitions. Amend the definition of Floating District to add the CEF District to the list of floating districts in the Zoning Regulations.

- The zoning regulation amendment would implement *PlanHoward 2030*, and specifically adopted Policy 6.1, Action F, adopted Policy 6.5, Action C and adopted Policy 10.4, Action C (Attachment B).

II. EXISTING AND PROPOSED REGULATIONS

- *PlanHoward 2030* proposes the creation of floating or overlay zoning districts to accommodate future growth through the provision of flexibility that allows for well designed, context sensitive development.

- New restrictions on the development of major subdivisions using septic systems in rural areas were adopted by the Maryland General Assembly in April 2012 through the Sustainable Growth and Agricultural Preservation Act (Senate Bill 236). This act requires local jurisdictions to classify land into one of four "Growth Tiers". The intent of this legislation is to prohibit major subdivisions or five or more lots in Tier IV areas, which are areas dominated by farms and forests. Proposed Growth Tier designations will be considered by the Howard County Council in November and must be adopted by December 31, 2012. To moderate the impact of prohibiting new major subdivisions in Tier IV areas, SB 236 allows density transfer of development rights.

PlanHoward 2030 proposes amending the density exchange provisions of the Density Exchange Option zoning district during the Comprehensive Zoning process to help mitigate subdivision restrictions (Attachment B). Density transfer provisions are included in the proposed CEF district.

- The current Zoning Regulations include zoning overlay districts, such as the Mixed-Use Development (MXD) District, and floating districts such as the Planned Senior Community (PSC) and Business: Rural (BR) Districts which can be utilized as models for the CEF District.

- The proposed process for applying the CEF District to specific properties requires Zoning Board approval. The Zoning Board may approve, approve with modification or deny such a petition.

- The complete proposed amendment text is attached to this Technical Staff Report as Attachment A (Proposed Text).

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

The proposed amendment could potentially apply to any property within the Planned Service Area for both Water and Sewer service which also meets the criteria for establishment of such a district as enumerated in Section 121.I (Attachment A).

B. Agency Comments

Comments from all applicable agencies were received and incorporated into the County's general plan during formulation of *PlanHoward 2030*. This Zoning Regulation Amendment implements that plan.

IV. EVALUATIONS AND CONCLUSIONS

- The proposed amendment would implement *PlanHoward 2030*, and specifically adopted Policy 6.1, Action F, adopted Policy 6.5, Action C and adopted Policy 10.4, Action C. The proposed amendment would afford greater design and market flexibility to property owners within the County's Targeted Growth and Revitalization areas to develop and redevelop properties.

- The policies and actions in *PlanHoward 2030* are in accord with goals for Smart Growth and together act to further and support the sustainability of Howard County.

V. RECOMMENDATION — APPROVAL

The Department of Planning and Zoning recommends that ZRA-144 be **APPROVED.**

Marsha S. McLaughlin, Director — Date 10/4/12

Note: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

ZRA 144 - Attachment A
Proposed Text

(CAPITALS or UNDERLINED CAPTIALS indicate text to be added; [[brackets]] indicate text to be deleted.)

SECTION 103: DEFINITIONS

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

SECTION 121: CEF (COMMUNITY ENHANCEMENT FLOATING) DISTRICT

A. PURPOSE

THE COMMUNITY ENHANCEMENT FLOATING (CEF) DISTRICT IS ESTABLISHED TO ENCOURAGE THE CREATIVE DEVELOPMENT AND REDEVELOPMENT OF PROPERTIES THROUGH THE PROVISION OF FLEXIBILITY IN ZONING REQUIREMENTS. THE CEF DISTRICT IS NOT INTENDED SIMPLY TO ALLOW EXCEPTIONS TO OTHERWISE APPLICABLE REGULATIONS AND IS INTENDED TO:

1. ALLOW GREATER DESIGN FLEXIBILITY AND A BROADER RANGE OF DEVELOPMENT ALTERNATIVES THAN IN THE EXISTING ZONING DISTRICT WITH THE PROVISION OF FEATURES AND AMENITIES WHICH ARE BENEFICIAL TO THE COMMUNITY IN ACCORDANCE WITH SECTION 121.J.4.B;

2. PROVIDE A HIGHER QUALITY OF SITE DESIGN AND AMENITY THAN IS POSSIBLE TO ACHIEVE UNDER THE STANDARD PROVISIONS OF EXISTING ZONING DISTRICT REQUIREMENTS;

3. ENCOURAGE CREATIVE ARCHITECTURAL DESIGN AND THE MOST FAVORABLE ARRANGEMENT OF SITE FEATURES WHICH ARE BASED ON PHYSICAL SITE CHARACTERISTICS AND CONTEXTUAL SENSITIVITY TO SURROUNDING DEVELOPMENTS;

4. THE CEF DISTRICT WOULD SERVE AS THE APPROPRIATE TRANSITIONAL USE BUFFER TO PROVIDE COMPATIBLE TRANSITIONAL USES WITH THE SURROUNDING COMMUNITY OR DEVELOPMENTS;

5. ENCOURAGE CONSOLIDATION OF UNDERUTILIZED PROPERTIES. APPROPRIATE LOCATIONS FOR THE CEF DISTRICT DEPEND ON FACTORS WHICH ARE BEST EXAMINED THROUGH REVIEW OF A PARTICULAR PROPERTY IN THE CONTEXT OF SURROUNDING PROPERTIES. THEREFORE, THE CEF DISTRICT IS A FLOATING ZONE WHICH REQUIRES THE SUBMISSION OF A DEVELOPMENT CONCEPT PLAN AND ZONING BOARD APPROVAL FOR A PARTICULAR SITE.

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

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

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

C. EXCLUDED USES

THE FOLLOWING USES ARE SPECIFICALLY EXCLUDED FROM THE CEF DISTRICT AND ARE NOT PERMITTED.

1. ADULT LIVE ENTERTAINMENT ESTABLISHMENTS.
2. BUILDING CLEANING, PAINTING, ROOFING, EXTERMINATING AND SIMILAR ESTABLISHMENTS.
3. BULK RETAIL STORES.
4. BUS TERMINALS.
5. COMMERCIAL COMMUNICATION TOWERS.
6. FLEA MARKETS.
7. FUNERAL HOMES.
8. KENNELS.
9. LAWN AND GARDEN SHEDS AND EQUIPMENT SALES, MAINTENANCE AND REPAIR.
10. LUMBER YARDS.
11. MOBILE HOME AND MODULAR HOME SALES AND RENTALS.
12. MOTOR VEHICLE, CONSTRUCTION EQUIPMENT AND FARM EQUIPMENT MAINTENANCE, REPAIR AND PAINTING FACILITIES, INCLUDING FULL BODY REPAIR AND INCIDENTAL SALE OF PARTS.

13. MOTOR VEHICLE, CONSTRUCTION EQUIPMENT AND FARM EQUIPMENT SALES.
14. MOTOR VEHICLE INSPECTIONS STATION.
15. MOTOR VEHICLE TOWING AND STORAGE FACILITY.
16. RECREATIONAL VEHICLE, MARINE EQUIPMENT AND BOAT SALES, MAINTENANCE AND REPAIR FACILITIES.
17. RECYCLING COLLECTION FACILITIES.
18. RETAIL AND COMMERCIAL SERVICE USES WHICH INCLUDE MORE THAN A SINGLE DRIVE-THROUGH LANE.
19. SCHOOLS, PRIVATE ACADEMIC, INCLUDING COLLEGES AND UNIVERSITIES.
20. TAXICAB BUSINESSES, INCLUDING FACILITIES FOR DISPATCH AND MAINTENANCE OF RELATED VEHICLES.
21. WHOLESALE SALES.

D. ACCESSORY USES IN A CEF DISTRICT

ACCESSORY USES ESTABLISHED WITH THE APPROVAL OF THE DEVELOPMENT CONCEPT PLAN ARE PERMITTED.

E. MODERATE INCOME HOUSING

A MINIMUM OF 10 PERCENT OF THE TOTAL NUMBER OF DWELLING UNITS SHALL BE MODERATE INCOME HOUSING UNITS.

F. RESIDENTIAL DENSITY

A MINIMUM OF 10 PERCENT OF THE RESIDENTIAL DENSITY AUTHORIZED BY THE ZONING BOARD FOR THE CEF DEVELOPMENT MUST BE ACQUIRED BY THE DEVELOPER THROUGH THE DENSITY EXCHANGE OPTION OR THE NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION.

G. ENHANCEMENTS

THE CEF DEVELOPMENT MUST CONTAIN ONE OR MORE DESIGN FEATURES OR AMENITIES WHICH ARE BENEFICIAL TO THE COMMUNITY AS DELINEATED IN ACCORDANCE WITH SECTION 121.J.4.B AND THAT EXCEED MINIMUM STANDARDS REQUIRED BY COUNTY REGULATIONS, EXCLUDING BULK REGULATIONS. SUCH FEATURES OR AMENITIES MUST BE PROPORTIONATE TO THE SIZE AND SCOPE OF THE CEF DEVELOPMENT. FEATURES OR AMENITIES MAY BE PROVIDED ON A VICINAL SITE WITHIN THE DELINEATED COMMUNITY PURSUANT TO EVALUATION ON A CASE BY CASE BASIS. ENHANCEMENTS MAY INCLUDE:

1. COMMUNITY PARKS OR GATHERING SPACES, PLAYGROUNDS, DOG PARKS, OR RECREATION FACILITIES THAT ARE OPEN TO THE SURROUNDING COMMUNITY;

2. ENHANCED ENVIRONMENTAL OPEN SPACE WHICH INCORPORATES ENVIRONMENTAL RESTORATION OF STREAMS, WETLANDS OR FORESTS, ENHANCED LANDSCAPING;

3. BICYCLE, PEDESTRIAN OR TRANSIT IMPROVEMENTS WHICH PROVIDE CONNECTIONS TO OFF-SITE DESTINATIONS OR BICYCLE, PEDESTRIAN OR TRANSIT FACILITIES; OR

4. OTHER COMMUNITY ENHANCEMENTS IDENTIFIED ON THE DEVELOPMENT CONCEPT PLAN.

H. BULK REGULATIONS

REQUIREMENTS REGARDING SETBACKS, LOT COVERAGE, LOT SIZES, BUILDING HEIGHTS AND ALL OTHER BULK REGULATIONS FOR THE CEF DISTRICT SHALL BE ESTABLISHED WITH THE APPROVAL OF THE DEVELOPMENT CONCEPT PLAN.

I. CRITERIA FOR A CEF DISTRICT

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

1. THE PROPOSED CEF DISTRICT IS LOCATED WITHIN THE PLANNED SERVICE AREA FOR BOTH PUBLIC WATER AND SEWER SERVICE.

2. THE PROPOSED CEF DISTRICT SHALL HAVE FRONTAGE ON AND ACCESS TO AN ARTERIAL OR MAJOR COLLECTOR ROAD.

3. THE MINIMUM DEVELOPMENT SIZE SHALL BE TWO ACRES.

4. THE PROPOSED CEF DISTRICT IS NOT LOCATED IN AN EXISTING M-2, CAC, TOD, NT, MXD, OR PGCC DISTRICT.

5. THE PROPOSED CEF DISTRICT IS NOT PERMITTED WITHIN THE INTERIOR OF A NEIGHBORHOOD COMPRISING ONLY SINGLE FAMILY DETACHED DWELLINGS.

6. A CEF DEVELOPMENT AT THE PROPOSED LOCATION WILL BE SENSITIVE TO EXISTING LAND USES IN THE VICINITY OF THE SITE IN TERMS OF PROVIDING A TRANSITIONAL USE BETWEEN DIFFERENT ZONING DISTRICTS AND/OR LAND USES AND THE SCALE, HEIGHT, MASS, AND ARCHITECTURAL DETAIL OF PROPOSED STRUCTURES.

7. THE PROPOSED CEF DEVELOPMENT SHALL INCLUDE A SITE AMENITY OR AMENITY AREA WITHIN THE DELINEATED COMMUNITY EXCEPT AS PROVIDED IN SECTION 121.G.

8. THE PROPOSED CEF DISTRICT SHALL MEET THE CRITERIA OF THE PURPOSE STATEMENT.

J. PROCEDURE FOR CREATION OF A CEF DISTRICT

1. THE OWNER OF AN INTEREST IN A TRACT OF LAND IN HOWARD COUNTY MAY PETITION THE ZONING BOARD TO DESIGNATE THE PROPERTY AS A CEF DISTRICT.

2. PRIOR TO PREPARING A SPECIFIC PLAN AND SUBMITTING AN APPLICATION FOR A CEF DISTRICT, THE PETITIONER IS REQUIRED TO MEET WITH THE DEPARTMENT OF PLANNING AND ZONING ON AN INFORMAL BASIS TO DISCUSS THE OVERALL CONCEPT FOR THE INTENDED CEF DISTRICT AND ITS RELATIONSHIP TO THE PURPOSE OF THE CEF DISTRICT. THE DEPARTMENT OF PLANNING AND ZONING SHALL AS A RESULT OF THIS MEETING DETERMINE WHETHER THE PROPOSAL MAY POTENTIALLY MEET THE OBJECTIVES OF THE CEF DISTRICT.

3. PRIOR TO FILING A FORMAL APPLICATION FOR A CEF DISTRICT, THE PETITIONER SHALL PRESENT A DEVELOPMENT CONCEPT PLAN TO THE DESIGN ADVISORY PANEL FOR EVALUATION IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE. THE DESIGN ADVISORY PANEL RECOMMENDATIONS SHALL BE INCLUDED IN THE TECHNICAL STAFF REPORT PRODUCED BY THE DEPARTMENT OF PLANNING AND ZONING AND FORWARDED TO THE PLANNING BOARD FOR ITS CONSIDERATION OF THE CEF DISTRICT.

4. THE FORMAL APPLICATION SHALL BE SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING AND SHALL INITIALLY INCLUDE:

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

      (1) A BOUNDARY SURVEY
      (2) PERMITTED USES
      (3) ACCESSORY USES
      (4) BUILDINGS AND OTHER STRUCTURES
      (5) PARKING AREAS AND NUMBER OF PARKING SPACES
      (6) POINTS AND WIDTHS OF VEHICULAR INGRESS AND EGRESS

(7) SITE AMENITIES WHICH FULFILL CEF DISTRICT OBJECTIVES IN ACCORDANCE WITH SECTIONS 121.A AND 121.G
(8) LANDSCAPING
(9) HARDSCAPING INCLUDING PEDESTRIAN AND BICYCLE CONNECTIONS TO OFF-SITE FACILITES
(10) RETAINED NATURAL FEATURES SUCH AS WETLANDS, STEEP SLOPES, AND TREE AND FOREST COVER
(11) ARCHITECTURAL ELEVATIONS OF ALL SIDES OF ALL BUILDINGS AND SIGNIFICANT STRUCTURES, WITH EXTERIOR MATERIALS SPECIFIED
(12) EXTERIOR LIGHTING PLAN WITH LIGHTING STRUCTURES AND LIGHT SOURCES GIVEN ON SPECIFIC LIGHTING PRODUCT INFORMATION SHEETS
(13) INFORMATION ON THE ADJOINING PROPERTIES, INCLUDING THE OWNER NAME, ZONING, EXISTING USE, AND EXISTING SITE IMPROVEMENTS.

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.

(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.

5. DECISION BY THE ZONING BOARD:

A. THE ZONING BOARD SHALL HOLD A PUBLIC HEARING ON THE PETITION AND MAY APPROVE, APPROVE WITH MODIFICATIONS OR DENY THE DEVELOPMENT CONCEPT PLAN AND CRITERIA, STATING THE REASONS FOR ITS DECISION IN A DECISION AND ORDER.

B. THE ZONING BOARD'S DECISION SHALL BE BASED ON FINDINGS THAT THE PROPOSED DISTRICT WILL ACCOMPLISH THE PURPOSES

OF THE CEF DISTRICT AND THE CRITERIA FOR A CEF DISTRICT IN SECTION 121.I.

C. IF THE PETITION IS APPROVED:

(1) THE ZONING BOARD MAY MODIFY OR APPLY ADDITIONAL REQUIREMENTS TO THE DEVELOPMENT CONCEPT PLAN OR CRITERIA, STATING THE REASONS FOR SUCH ACTION. THE BOARD, IN ITS DISCRETION, MAY HOLD ADDITIONAL HEARINGS ON ANY MODIFICIATIONS OR ADDITIONAL REQUIREMENTS TO THE PLAN AS IT DEEMS APPROPRIATE.

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

(3) THE ZONING BOARD SHALL APPROVE THE DEVELOPMENT CONCEPT PLAN AND CRITERIA AND SHALL CREATE A CEF DISTRICT COVERING THE LAND IN THE PETITION.

(4) A COPY OF THE DEVELOPMENT CONCEPT PLAN AND CRITERIA SHALL BE PROVIDED BY THE PETITIONER AND CERTIFIED AS APPROVED BY THE ZONING BOARD AND A VERIFIED COPY OF THE SAME SHALL BE FORWARDED TO THE DEPARTMENT OF PLANNING AND ZONING AND THE PETITIONER.

K. SITE DEVELOPMENT PLAN CONFORMANCE WITH THE DEVELOPMENT CONCEPT PLAN

THE DEPARTMENT OF PLANNING AND ZONING SHALL NOT APPROVE A SITE DEVELOPMENT PLAN FOR A CEF DISTRICT UNLESS THE SITE DEVELOPMENT PLAN CONFORMS SUBSTANTIALLY TO ALL EXHIBITS OF THE DEVELOPMENT CONCEPT PLAN APPROVED BY THE ZONING BOARD.

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 DEVELOPMENT CONCEPT PLAN APPROVED BY THE ZONING BOARD WHICH DO NOT INCREASE THE

NUMBER OF RESIDENTIAL UNITS AND MEETING THE CRITERIA BELOW SHALL NOT REQUIRE ZONING BOARD APPROVAL.

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.

ZRA 144 – Attachment B

PlanHoward 2030

Chapter 6 - Excerpt

Smarter Growth

Under *General Plan 2000*, Howard County designated areas for increased compact, mixed-use development. These included planned new communities such as Maple Lawn, Emerson, Waverly, and Turf Valley, as well as the redevelopment of Downtown Columbia, Route 1, and Route 40. In 2004 comprehensive rezoning established mixed-use zones along the Route 1 Corridor. In 2006 the Route 40 Study resulted in a mixed-use overlay zone for that corridor. In 2010 the Downtown Columbia Plan established the strategy for mixed-use revitalization in the County's urban center. The earliest mixed-use zones in the Route 1 Corridor should now be reevaluated and revised, if necessary, based on experience gained over the last eight years. Because Howard County's population will continue to increase while the amount of land available for development in the Priority Funding Area will continue to decrease, more compact development will be needed to accommodate future growth.

Challenges and Opportunities

Current challenges for redevelopment that have been recognized, particularly along the Route 1 Corridor, include assembly of smaller parcels, business relocation, zoning impediments, land use incompatibility issues, higher costs of multifamily development with structured parking, and financing and infrastructure needs. These challenges need to be addressed to facilitate new growth and capitalize on redevelopment opportunities.

On the other hand, opportunities exist in select locations within both Existing Communities and Targeted Growth and Revitalization areas for well-designed, compact development that enhances the surrounding community. In both types of areas new development needs to be context sensitive so that it fits well into the surrounding area in terms of uses and design. More flexibility is needed within the Zoning Regulations to allow and promote context sensitive design rather than uniform approaches. Planned Unit Development (PUD) zoning allows for such flexibility and should be included as a zoning strategy during the Comprehensive Zoning process.

Policies and Implementing Actions

POLICY 6.1 – Maintain adequate facilities and services to accommodate growth.

Implementing Actions

b. **Place Types and Tiers.** Obtain State concurrence on *PlanHoward 2030* place designations and tiers in accordance with *PlanMaryland's* final criteria and procedures and the Sustainable Growth and Agricultural Preservation Act on or before December 31, 2012.

f. **Density Exchange Option.** Review and, as appropriate, amend the density exchange provisions of the DEO zoning district during the Comprehensive Zoning process to help mitigate subdivision restrictions.

POLICY 6.5 – Plan compact, well designed, and complete communities through the Comprehensive Zoning process.

Implementing Actions

a. **Zoning Regulations.** Revise the Zoning Regulations to better promote compact redevelopment and appropriate infill including consideration of connectivity and safe routes to school.

b. **Development Opportunities.** Designate appropriate additional areas within the County's Priority Funding Area for well-designed, compact development in order to accommodate future job and housing growth.

c. **Planned Unit Development.** Consider Planned Unit Development (PUD) zoning to allow increased flexibility for unique, well-designed, site specific developments, which provide benefits and protections to surrounding communities.

d. **Compact development.** Encourage compact development with adequate green spaces and connectivity within and between developments which provide residents with a high quality of life and allows residents to take advantage of the benefits of the compact development.

Chapter 10- Excerpt

Context Sensitive Zoning

With the exception of Columbia, Maple Lawn, Turf Valley, and a few mixed-use districts, most of Howard County has developed under standard single-use "Euclidian" zoning provisions that are typical of post-World War II suburban development patterns. However, as the County is faced with redevelopment opportunities, a one-size-fits-all standard zoning approach is no longer desirable. Redevelopment must be contextually sensitive in terms of uses, intensity, heights, setbacks, and design in order to be compatible with surrounding, existing developments.

"Planned Unit Development" zoning districts, which can be either floating districts or overlay districts, provide land-use and design flexibility in exchange for greater design quality and community enhancements such as affordable housing, open space amenities, pedestrian and bike connections, or environmental restoration. Flexibility to address changing market conditions and to be context sensitive is critical for redevelopment that is both financially viable and a good neighbor to the surrounding community.

The County has some existing experience with overlay and floating zones that require approval of a preliminary development concept as a condition of using the zoning option. For example, the current Mixed Use District (MXD) allows flexible combinations of housing, employment, commercial, and open space uses via a mapped overlay zone which is restricted to a minimum of 25 acres and a maximum density of three to six dwelling units per acre depending on which district is used. The Planned Senior Community (PSC) district is a floating zone that requires at least two types of senior housing and allows supporting services. *PlanHoward 2030* envisions creating one or more new overlay or floating zones, which can be initiated by property owners to capture redevelopment opportunities in either designated areas or under defined circumstances.

Policies and Implementing Actions

POLICY 10.4 – Review and update all County development regulations to respond to County General Plan development goals and changing market conditions, and to improve the efficiency of the County's review process.

Implementing Actions

a. **Zoning Regulation Review.** Develop Zoning Regulations that better address infill and redevelopment goals and issues.

b. **Streamlining Processes.** Amend development regulations and manuals to streamline the review process to the maximum extent possible.

c. **Updated Conditional Use Regulations.** Review and, as appropriate, amend the County's conditional use regulations to reflect updated land use policies. The regulations should reflect current best practices and policies to minimize the impact of development on the environment. For example, the regulations regarding gasoline service stations need to reflect changes in the gasoline industry in the last decade and the challenges of blight and environmental mitigation required for redevelopment of abandoned gasoline stations.

PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA- 144

Date Filed: _____

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 create a new Section 121 in the Zoning Regulations to establish a new zoning district, the Community Enhancement Floating (CEF) District that provides flexibility to propose appropriate, well designed, context sensitive developments that reflect unique site, neighborhood and market conditions for certain properties within the Planned Service Area (PSA) for both Water and Sewer service.

[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 MD 21043

Phone No. (W) 410-313-2350

Email Address mmclaughlin@howardcountymd.gov

3. Counsel for Petitioner Paul Johnson, Esq., Deputy County Solicitor, Office of Law

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

Counsel's Phone No. _____

Email Address Pjohnson@howardcountymd.gov

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed to implement Policy 6.1, Action F, Policy 6.5, Action C and Policy 10.4, Action A of *PlanHoward 2030*, the adopted general plan of Howard County, Maryland.

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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 Zoning Regulation Amendment would implement *PlanHoward 2030*, and specifically adopted Policy 6.1, Action F, Policy 6.5, Action C, and adopted Policy 10.4, Action A.

[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. See Attachment A.

[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) . See Attachment A

[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 yes, and 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 proposed amendment could potentially apply to any property within the Planned Service Area (PSA) for both Water and Sewer service which also meets the criteria for establishment of such a district as enumerated in Section 121.I.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

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. _____

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

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.

12. 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 — Petitioner's name (Printed or typed)

Marsha S. McLaughlin — Petitioner's Signature — Date: 10/4/12

_____ — Petitioner's name (Printed or typed)

_____ — Petitioner's Signature — Date

_____ — Petitioner's name (Printed or typed)

_____ — Petitioner's Signature — Date

Paul T Johnson 10/4/12

Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

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.

APPLICATIONS: One (1) original plus twenty (20) copies along with attachments.

****

For DPZ office use only:

Hearing Fee $ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised:10/09
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

Proposed Text

(CAPITALS or UNDERLINED CAPTIALS indicate text to be added; [[brackets]] indicate text to be deleted.)

SECTION 103: DEFINITIONS

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

SECTION 121: CEF (COMMUNITY ENHANCEMENT FLOATING) DISTRICT

A. PURPOSE

THE COMMUNITY ENHANCEMENT FLOATING (CEF) DISTRICT IS ESTABLISHED TO ENCOURAGE THE CREATIVE DEVELOPMENT AND REDEVELOPMENT OF PROPERTIES THROUGH THE PROVISION OF FLEXIBILITY IN ZONING REQUIREMENTS. THE CEF DISTRICT IS NOT INTENDED SIMPLY TO ALLOW EXCEPTIONS TO OTHERWISE APPLICABLE REGULATIONS AND IS INTENDED TO:

1. ALLOW GREATER DESIGN FLEXIBILITY AND A BROADER RANGE OF DEVELOPMENT ALTERNATIVES THAN IN THE EXISTING ZONING DISTRICT WITH THE PROVISION OF FEATURES AND AMENITIES WHICH ARE BENEFICIAL TO THE COMMUNITY IN ACCORDANCE WITH SECTION 121.J.4.B;

2. PROVIDE A HIGHER QUALITY OF SITE DESIGN AND AMENITY THAN IS POSSIBLE TO ACHIEVE UNDER THE STANDARD PROVISIONS OF EXISTING ZONING DISTRICT REQUIREMENTS;

3. ENCOURAGE CREATIVE ARCHITECTURAL DESIGN AND THE MOST FAVORABLE ARRANGEMENT OF SITE FEATURES WHICH ARE BASED ON PHYSICAL SITE CHARACTERISTICS AND CONTEXTUAL SENSITIVITY TO SURROUNDING DEVELOPMENTS;

4. THE CEF DISTRICT WOULD SERVE AS THE APPROPRIATE TRANSITIONAL USE BUFFER TO PROVIDE COMPATIBLE TRANSITIONAL USES WITH THE SURROUNDING COMMUNITY OR DEVELOPMENTS;

5. ENCOURAGE CONSOLIDATION OF UNDERUTILIZED PROPERTIES. APPROPRIATE LOCATIONS FOR THE CEF DISTRICT DEPEND ON FACTORS WHICH ARE BEST EXAMINED THROUGH REVIEW OF A PARTICULAR PROPERTY IN THE CONTEXT OF SURROUNDING PROPERTIES. THEREFORE, THE CEF DISTRICT IS A FLOATING ZONE WHICH REQUIRES THE SUBMISSION OF A DEVELOPMENT CONCEPT PLAN AND ZONING BOARD APPROVAL FOR A PARTICULAR SITE.

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

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

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

C. EXCLUDED USES

THE FOLLOWING USES ARE SPECIFICALLY EXCLUDED FROM THE CEF DISTRICT AND ARE NOT PERMITTED.

1. ADULT LIVE ENTERTAINMENT ESTABLISHMENTS.
2. BUILDING CLEANING, PAINTING, ROOFING, EXTERMINATING AND SIMILAR ESTABLISHMENTS.
3. BULK RETAIL STORES.
4. BUS TERMINALS.
5. COMMERCIAL COMMUNICATION TOWERS.
6. FLEA MARKETS.
7. FUNERAL HOMES.
8. KENNELS.
9. LAWN AND GARDEN SHEDS AND EQUIPMENT SALES, MAINTENANCE AND REPAIR.
10. LUMBER YARDS.
11. MOBILE HOME AND MODULAR HOME SALES AND RENTALS.

12. MOTOR VEHICLE, CONSTRUCTION EQUIPMENT AND FARM EQUIPMENT MAINTENANCE, REPAIR AND PAINTING FACILITIES, INCLUDING FULL BODY REPAIR AND INCIDENTAL SALE OF PARTS.
13. MOTOR VEHICLE, CONSTRUCTION EQUIPMENT AND FARM EQUIPMENT SALES.
14. MOTOR VEHICLE INSPECTIONS STATION.
15. MOTOR VEHICLE TOWING AND STORAGE FACILITY.
16. RECREATIONAL VEHICLE, MARINE EQUIPMENT AND BOAT SALES, MAINTENANCE AND REPAIR FACILITIES.
17. RECYCLING COLLECTION FACILITIES.
18. RETAIL AND COMMERCIAL SERVICE USES WHICH INCLUDE MORE THAN A SINGLE DRIVE-THROUGH LANE.
19. SCHOOLS, PRIVATE ACADEMIC, INCLUDING COLLEGES AND UNIVERSITIES.
20. TAXICAB BUSINESSES, INCLUDING FACILITIES FOR DISPATCH AND MAINTENANCE OF RELATED VEHICLES.
21. WHOLESALE SALES.

D. ACCESSORY USES IN A CEF DISTRICT

ACCESSORY USES ESTABLISHED WITH THE APPROVAL OF THE DEVELOPMENT CONCEPT PLAN ARE PERMITTED.

E. MODERATE INCOME HOUSING

A MINIMUM OF 10 PERCENT OF THE TOTAL NUMBER OF DWELLING UNITS SHALL BE MODERATE INCOME HOUSING UNITS.

F. RESIDENTIAL DENSITY

A MINIMUM OF 10 PERCENT OF THE RESIDENTIAL DENSITY AUTHORIZED BY THE ZONING BOARD FOR THE CEF DEVELOPMENT MUST BE ACQUIRED BY THE DEVELOPER THROUGH THE DENSITY EXCHANGE OPTION OR THE NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION.

G. ENHANCEMENTS

THE CEF DEVELOPMENT MUST CONTAIN ONE OR MORE DESIGN FEATURES OR AMENITIES WHICH ARE BENEFICIAL TO THE COMMUNITY AS DELINEATED IN ACCORDANCE WITH SECTION 121.J.4.B AND THAT EXCEED MINIMUM STANDARDS REQUIRED BY COUNTY REGULATIONS, EXCLUDING BULK REGULATIONS. SUCH FEATURES OR AMENITIES MUST BE PROPORTIONATE TO THE SIZE AND SCOPE OF THE CEF DEVELOPMENT. FEATURES OR AMENITIES MAY BE PROVIDED ON A VICINAL SITE WITHIN THE DELINEATED COMMUNITY PURSUANT TO EVALUATION ON A CASE BY CASE BASIS. ENHANCEMENTS MAY INCLUDE:

1. COMMUNITY PARKS OR GATHERING SPACES, PLAYGROUNDS, DOG PARKS, OR RECREATION FACILITIES THAT ARE OPEN TO THE SURROUNDING COMMUNITY;

2. ENHANCED ENVIRONMENTAL OPEN SPACE WHICH INCORPORATES ENVIRONMENTAL RESTORATION OF STREAMS, WETLANDS OR FORESTS, ENHANCED LANDSCAPING;

3. BICYCLE, PEDESTRIAN OR TRANSIT IMPROVEMENTS WHICH PROVIDE CONNECTIONS TO OFF-SITE DESTINATIONS OR BICYCLE, PEDESTRIAN OR TRANSIT FACILITIES; OR

4. OTHER COMMUNITY ENHANCEMENTS IDENTIFIED ON THE DEVELOPMENT CONCEPT PLAN.

H. BULK REGULATIONS

REQUIREMENTS REGARDING SETBACKS, LOT COVERAGE, LOT SIZES, BUILDING HEIGHTS AND ALL OTHER BULK REGULATIONS FOR THE CEF DISTRICT SHALL BE ESTABLISHED WITH THE APPROVAL OF THE DEVELOPMENT CONCEPT PLAN.

I. CRITERIA FOR A CEF DISTRICT

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

1. THE PROPOSED CEF DISTRICT IS LOCATED WITHIN THE PLANNED SERVICE AREA FOR BOTH PUBLIC WATER AND SEWER SERVICE.

2. THE PROPOSED CEF DISTRICT SHALL HAVE FRONTAGE ON AND ACCESS TO AN ARTERIAL OR MAJOR COLLECTOR ROAD.

3. THE MINIMUM DEVELOPMENT SIZE SHALL BE TWO ACRES.

4. THE PROPOSED CEF DISTRICT IS NOT LOCATED IN AN EXISTING M-2, CAC, TOD, NT, MXD, OR PGCC DISTRICT.

5. THE PROPOSED CEF DISTRICT IS NOT PERMITTED WITHIN THE INTERIOR OF A NEIGHBORHOOD COMPRISING ONLY SINGLE FAMILY DETACHED DWELLINGS.

6. A CEF DEVELOPMENT AT THE PROPOSED LOCATION WILL BE SENSITIVE TO EXISTING LAND USES IN THE VICINITY OF THE SITE IN TERMS OF PROVIDING A TRANSITIONAL USE BETWEEN DIFFERENT

ZONING DISTRICTS AND/OR LAND USES AND THE SCALE, HEIGHT, MASS, AND ARCHITECTURAL DETAIL OF PROPOSED STRUCTURES.

7. THE PROPOSED CEF DEVELOPMENT SHALL INCLUDE A SITE AMENITY OR AMENITY AREA WITHIN THE DELINEATED COMMUNITY EXCEPT AS PROVIDED IN SECTION 121.G.

8. THE PROPOSED CEF DISTRICT SHALL MEET THE CRITERIA OF THE PURPOSE STATEMENT.

J. PROCEDURE FOR CREATION OF A CEF DISTRICT

1. THE OWNER OF AN INTEREST IN A TRACT OF LAND IN HOWARD COUNTY MAY PETITION THE ZONING BOARD TO DESIGNATE THE PROPERTY AS A CEF DISTRICT.

2. PRIOR TO PREPARING A SPECIFIC PLAN AND SUBMITTING AN APPLICATION FOR A CEF DISTRICT, THE PETITIONER IS REQUIRED TO MEET WITH THE DEPARTMENT OF PLANNING AND ZONING ON AN INFORMAL BASIS TO DISCUSS THE OVERALL CONCEPT FOR THE INTENDED CEF DISTRICT AND ITS RELATIONSHIP TO THE PURPOSE OF THE CEF DISTRICT. THE DEPARTMENT OF PLANNING AND ZONING SHALL AS A RESULT OF THIS MEETING DETERMINE WHETHER THE PROPOSAL MAY POTENTIALLY MEET THE OBJECTIVES OF THE CEF DISTRICT.

3. PRIOR TO FILING A FORMAL APPLICATION FOR A CEF DISTRICT, THE PETITIONER SHALL PRESENT A DEVELOPMENT CONCEPT PLAN TO THE DESIGN ADVISORY PANEL FOR EVALUATION IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE. THE DESIGN ADVISORY PANEL RECOMMENDATIONS SHALL BE INCLUDED IN THE TECHNICAL STAFF REPORT PRODUCED BY THE DEPARTMENT OF PLANNING AND ZONING AND FORWARDED TO THE PLANNING BOARD FOR ITS CONSIDERATION OF THE CEF DISTRICT.

4. THE FORMAL APPLICATION SHALL BE SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING AND SHALL INITIALLY INCLUDE:

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

      (1) A BOUNDARY SURVEY

(2) PERMITTED USES
(3) ACCESSORY USES
(4) BUILDINGS AND OTHER STRUCTURES
(5) PARKING AREAS AND NUMBER OF PARKING SPACES
(6) POINTS AND WIDTHS OF VEHICULAR INGRESS AND EGRESS
(7) SITE AMENITIES WHICH FULFILL CEF DISTRICT OBJECTIVES IN ACCORDANCE WITH SECTIONS 121.A AND 121.G
(8) LANDSCAPING
(9) HARDSCAPING INCLUDING PEDESTRIAN AND BICYCLE CONNECTIONS TO OFF-SITE FACILITES
(10) RETAINED NATURAL FEATURES SUCH AS WETLANDS, STEEP SLOPES, AND TREE AND FOREST COVER
(11) ARCHITECTURAL ELEVATIONS OF ALL SIDES OF ALL BUILDINGS AND SIGNIFICANT STRUCTURES, WITH EXTERIOR MATERIALS SPECIFIED
(12) EXTERIOR LIGHTING PLAN WITH LIGHTING STRUCTURES AND LIGHT SOURCES GIVEN ON SPECIFIC LIGHTING PRODUCT INFORMATION SHEETS
(13) INFORMATION ON THE ADJOINING PROPERTIES, INCLUDING THE OWNER NAME, ZONING, EXISTING USE, AND EXISTING SITE IMPROVEMENTS.

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.

(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.

5. DECISION BY THE ZONING BOARD:

A. THE ZONING BOARD SHALL HOLD A PUBLIC HEARING ON THE PETITION AND MAY APPROVE, APPROVE WITH MODIFICATIONS OR DENY THE DEVELOPMENT CONCEPT PLAN AND CRITERIA, STATING THE REASONS FOR ITS DECISION IN A DECISION AND ORDER.

B. THE ZONING BOARD'S DECISION SHALL BE BASED ON FINDINGS THAT THE PROPOSED DISTRICT WILL ACCOMPLISH THE PURPOSES OF THE CEF DISTRICT AND THE CRITERIA FOR A CEF DISTRICT IN SECTION 121.I.

C. IF THE PETITION IS APPROVED:

(1) THE ZONING BOARD MAY MODIFY OR APPLY ADDITIONAL REQUIREMENTS TO THE DEVELOPMENT CONCEPT PLAN OR CRITERIA, STATING THE REASONS FOR SUCH ACTION. THE BOARD, IN ITS DISCRETION, MAY HOLD ADDITIONAL HEARINGS ON ANY MODIFICIATIONS OR ADDITIONAL REQUIREMENTS TO THE PLAN AS IT DEEMS APPROPRIATE.

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

(3) THE ZONING BOARD SHALL APPROVE THE DEVELOPMENT CONCEPT PLAN AND CRITERIA AND SHALL CREATE A CEF DISTRICT COVERING THE LAND IN THE PETITION.

(4) A COPY OF THE DEVELOPMENT CONCEPT PLAN AND CRITERIA SHALL BE PROVIDED BY THE PETITIONER AND CERTIFIED AS APPROVED BY THE ZONING BOARD AND A VERIFIED COPY OF THE SAME SHALL BE FORWARDED TO THE DEPARTMENT OF PLANNING AND ZONING AND THE PETITIONER.

K. SITE DEVELOPMENT PLAN CONFORMANCE WITH THE DEVELOPMENT CONCEPT PLAN

THE DEPARTMENT OF PLANNING AND ZONING SHALL NOT APPROVE A SITE DEVELOPMENT PLAN FOR A CEF DISTRICT UNLESS THE SITE DEVELOPMENT PLAN CONFORMS SUBSTANTIALLY TO ALL EXHIBITS OF THE DEVELOPMENT CONCEPT PLAN APPROVED BY THE ZONING BOARD.

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 DEVELOPMENT CONCEPT PLAN APPROVED BY THE ZONING BOARD WHICH DO NOT INCREASE THE NUMBER OF RESIDENTIAL UNITS AND MEETING THE CRITERIA BELOW SHALL NOT REQUIRE ZONING BOARD APPROVAL.

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.