

AMENDED Amendment 1 to Council Bill No. 36 -2012

BY: Chairperson at the request of  
the County Executive

Legislative Day No. 15  
Date: December 3, 2012

Amendment No. 1

(This amendment:

1. Clarifies the purpose statement;
2. Clarifies that the purpose of serving as a transitional use and buffer is particularly focused on the compatibility with an adjoining residential neighborhood;
3. Clarifies that enhancements should be proportional to certain increases in development intensity and that enhancements should be free and open to the public;
4. Sets forth that the Zoning Board should consider certain criteria when considering setbacks and heights;
5. Clarifies that a CEF development should be compatible with surrounding residential neighborhoods;
6. Requires enhancements to be proportionate to the scale of the CEF development;
7. Amends the procedures for the creation of a CEF district;
8. For consistency, changes references to “amenities” to be references to “enhancements”; and
9. Allows the CAC district as a possible location for a CEF district.)

1 On page 1, in line 23, after “REQUIREMENTS” insert “IN ORDER TO MAKE THE PROPERTIES MORE  
2 ATTRACTIVE ASSETS AND TO IMPROVE THE SURROUNDING COMMUNITY”.

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4 On page 1, strike “THE CEF DISTRICT” in line 28 down through “AND” in line 29 and substitute  
5 “DEVELOPMENT IN THE CEF DISTRICT SHALL COMPLY WITH ALL OTHER DEVELOPMENT  
6 REGULATIONS INCLUDING, WITHOUT LIMITATION, THE ADEQUATE PUBLIC FACILITIES ORDINANCE  
7 AND THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. THE CEF DISTRICT”.

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9 On page 2, in line 3, strike “AMENITIES” and substitute “ENHANCEMENTS”.

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11 On page 2, strike lines 12 through 14, inclusive and in their entirety and substitute:

12 “4. ENHANCE THE SURROUNDING COMMUNITY, PROVIDING APPROPRIATE TRANSITIONAL USES”

1 AND BUFFERS, WITH PARTICULAR CONCERN FOR COMPATIBILITY WITH AN ADJOINING  
2 RESIDENTIAL NEIGHBORHOOD; AND".

3  
4 On page 4, in lines 17, 20 and 21, in each instance, strike "AMENITIES" and substitute  
5 "ENHANCEMENTS".

6  
7 On page 4, in line 20, strike "SIZE AND SCOPE OF THE" and substitute "INCREASE IN DEVELOPMENT  
8 INTENSITY AND IMPACTS ASSOCIATED WITH THE CEF REZONING COMPARED TO THE PREVIOUSLY  
9 EXISTING ZONING. ENHANCEMENTS SHALL BE FREE AND OPEN TO THE GENERAL PUBLIC, AS  
10 OPPOSED TO A COMMERCIAL USE.".

11  
12 On page 4, in line 21, strike "CEF DEVELOPMENT."

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14 On page 4, in line 25, strike "SURROUNDING" and in line 26, strike "COMMUNITY" and substitute  
15 "GENERAL PUBLIC".

16  
17 On page 5, in line 10, after "PLAN." insert "ZONING BOARD APPROVAL OF HEIGHT AND SETBACKS  
18 FROM ADJOINING PROPERTIES SHALL BE PROTECTIVE OF RESIDENTIAL NEIGHBORHOODS, BUT  
19 SHOULD ACKNOWLEDGE THE IMPACT OF TOPOGRAPHIC, ENVIRONMENTAL, OR LANDSCAPE  
20 BUFFERS, AS WELL AS THE DESIRABILITY OF OPEN SPACE AND PEDESTRIAN AND BICYCLE  
21 CONNECTIONS.".

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23 On page 5, in line 20, strike "CAC,".

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25 On page 5, in line 24, strike "WILL BE SENSITIVE TO".

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27 On page 5, in line 25, strike "EXISTING LAND USES IN THE VICINITY OF THE SITE" and substitute  
28 "SHALL BE COMPATIBLE WITH SURROUNDING RESIDENTIAL NEIGHBORHOODS".

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30 On page 5, in line 29, strike "A SITE AMENITY OR" and in line 30 strike "AMENITY AREA WITHIN  
31 THE DELINEATED COMMUNITY EXCEPT" and substitute "ENHANCEMENTS".

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On page 5, in line 31, after “121.G.” insert “ENHANCEMENTS SHALL BE PROPORTIONATE TO THE SCALE OF THE CEF DEVELOPMENT.”

On page 6, after line 14, insert:

~~“3. PRIORITY TO FILING AN APPLICATION FOR A CEF DISTRICT, THE PETITIONER SHALL HOLD A PRE-SUBMISSION COMMUNITY MEETING USING THE SAME PROCEDURES ESTABLISHED IN SECTION 16.128(B) – (G) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. THE DEVELOPMENT CONCEPT PLAN AND MATERIALS REQUIRED UNDER SUBSECTION 4 OF THIS SECTION MUST BE PRESENTED AT THE PRESUBMISSION COMMUNITY MEETING. THE MEETING MINUTES, WHICH INCLUDE WRITTEN RESPONSES TO QUESTIONS RAISED AT THE MEETING, SHALL BE TRANSMITTED TO THE DEPARTMENT OF PLANNING AND ZONING AND SHALL BE INCLUDED IN THE TECHNICAL STAFF REPORT PRODUCED BY THE DEPARTMENT OF PLANNING AND ZONING.”~~

On page 6, in line 15, strike “3” and substitute “4”.

On page 6, in line 23, strike “4” and substitute “5”.

In page 6, line 12, after the period, insert “THE INITIAL CEF PLAN SHALL INCLUDE:”

A. A MAP DELINEATING THE BOUNDARY OF THE COMMUNITY SURROUNDING THE PROPOSED CEF DISTRICT, WHICH INCLUDES:

(1) A JUSTIFICATION FOR SUCH BOUNDARY AND A SUMMARY DESCRIPTION OF THE COMMUNITY IN TERMS OF LAND-USE MIX AND INTENSITY AND ANY IMPORTANT NATURAL OR MAN MADE FEATURES THAT DEFINE THE CHARACTER OF THE COMMUNITY;

(2) THE LOCATION OF THE PROPOSED CEF DISTRICT IN RELATION TO THE SURROUNDING COMMUNITY; AND

1                   (3) AN EXPLANATION OF ANY KEY ENVIRONMENTAL, INFRASTRUCTURE OR  
2                   OTHER RELATIONSHIPS BETWEEN THE PROPOSED CEF DISTRICT AND THE  
3                   SURROUNDING COMMUNITY.

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5           B. A CONCEPTUAL PLAN THAT INCLUDES:

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

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28    On page 6, line 13, delete “DETERMINE” and insert “EVALUATE”.

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30    On page 6, after line 14, insert:

1 “3. AFTER THE PETITIONER HAS CONFERRED WITH THE DEPARTMENT OF PLANNING AND  
2 ZONING AND PRIOR TO THE PETITIONER PREPARING A DETAILED CEF PLAN AND  
3 APPLICATION, THE ZONING BOARD SHALL HOLD AN INITIAL MEETING ON THE INITIAL CEF  
4 PLAN.

5 A. THE PURPOSE OF THE INITIAL MEETING IS TO REVIEW THE PETITIONER’S INITIAL CEF  
6 PLAN, REVIEW THE DEPARTMENT OF PLANNING AND ZONING’S PRELIMINARY  
7 EVALUATION, AND TO ALLOW CITIZENS AND THE ZONING BOARD TO ASK  
8 QUESTIONS, RAISE CONCERNS, AND MAKE SUGGESTIONS REGARDING THE INITIAL  
9 CEF PLAN PRIOR TO THE APPLICANT PREPARING THE DETAILED CEF PLAN.

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11 B. AT THE MEETING THE PETITIONER SHALL PRESENT THE INITIAL CEF PLAN.

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

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

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21 On page 6, line 16 delete “DEVELOPMENT CONCEPT” and insert “DETAILED CEF PLAN”.

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23 On page 6, line 16 following the word “TO” insert a colon, and strike the remainder of the  
24 sentence and substitute the following:

25 “A. THE COMMUNITY AT A MEETING IN ACCORDANCE WITH SECTION 16.128  
26 PRESUBMISSION COMMUNITY MEETINGS; and

27 B. THE DESIGN ADVISORY PANEL FOR EVALUATION IN ACCORDANCE WITH THE  
28 PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE.”.

29 Renumber the section accordingly.

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On page 7, in line 3, strike “AMENITIES” and substitute “ENHANCEMENTS”.

On page 7, after line 18, insert:

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

On page 8, after line 2 insert:

- “6. THE TECHNICAL STAFF REPORT SHALL EVALUATE THE APPLICATION BASED ON THE  
“CRITERIA FOR A CEF DISTRICT” IN SECTION 121.I ABOVE AND NOTE ANY UNRESOLVED  
COMMUNITY COMMENTS RELEVANT TO THESE CRITERIA.
- 7. THE PLANNING BOARD SHALL HOLD A PUBLIC MEETING ON THE APPLICATION AND  
SHALL MAKE A RECOMMENDATION TO THE ZONING BOARD, BASED ON THE  
"CRITERIA FOR A CEF DISTRICT" GIVEN IN SECTION 121.I ABOVE.”

On page 8, in line 3, strike “5” and substitute “8”.