

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 14

Bill No. 36 -2012 (ZRA 144)

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

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

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

By order _____
Stephen LeGendre, Administrator

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

By order _____
Stephen LeGendre, Administrator

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

By order _____
Stephen LeGendre, Administrator

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

Approved/Vetoed by the County Executive _____, 2012

Ken Ulman, County Executive

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

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

- 3 (1) *Section 103 “Definitions” is amended;*
- 4 (2) *New subsection 121 “Community Enhancement Floating” District is added.*

5
6 **Howard County Zoning Regulations.**
7 **Section 103. Definitions.**
8

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

17
18 **SECTION 121: CEF (COMMUNITY ENHANCEMENT FLOATING) DISTRICT**
19

20 **A. PURPOSE**

21 ~~THE COMMUNITY ENHANCEMENT FLOATING (CEF) DISTRICT IS ESTABLISHED TO~~
22 ~~ENCOURAGE THE CREATIVE DEVELOPMENT AND REDEVELOPMENT OF PROPERTIES~~
23 ~~THROUGH THE PROVISION OF FLEXIBILITY IN ZONING REQUIREMENTS IN ORDER TO~~
24 ~~MAKE THE PROPERTIES MORE ATTRACTIVE ASSETS AND TO IMPROVE THE~~
25 ~~SURROUNDING COMMUNITY. APPROPRIATE LOCATIONS FOR THE CEF DISTRICT~~
26 ~~DEPEND ON FACTORS WHICH ARE BEST EXAMINED THROUGH REVIEW OF A~~
27 ~~PARTICULAR PROPERTY IN THE CONTEXT OF SURROUNDING PROPERTIES.~~
28 ~~THEREFORE, THE CEF DISTRICT IS A FLOATING ZONE WHICH REQUIRES THE~~
29 ~~SUBMISSION OF A DEVELOPMENT CONCEPT PLAN AND DEVELOPMENT IN THE CEF~~
30 ~~DISTRICT SHALL COMPLY WITH ALL OTHER DEVELOPMENT REGULATIONS~~
31 ~~INCLUDING, WITHOUT LIMITATION, THE ADEQUATE PUBLIC FACILITIES ORDINANCE~~

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

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

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

1 RESIDENTIAL.

2

3

4 THE CEF DISTRICT IS INTENDED TO:

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

19

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

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

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

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

8

9 **C. EXCLUDED USES**

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

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

- 1 ~~45~~17. MOTOR VEHICLE TOWING AND STORAGE FACILITY.
- 2 ~~46~~18. RECREATIONAL VEHICLE, MARINE EQUIPMENT AND BOAT SALES,
- 3 MAINTENANCE AND REPAIR FACILITIES.
- 4 ~~47~~19. RECYCLING COLLECTION FACILITIES.
- 5 ~~48~~20. RETAIL AND COMMERCIAL SERVICE USES WHICH INCLUDE MORE THAN A
- 6 SINGLE DRIVE-THROUGH LANE.
- 7 ~~19. — SCHOOLS, PRIVATE ACADEMIC, INCLUDING COLLEGES AND UNIVERSITIES.~~
- 8 21. SCHOOL BUS, BOARD OR RECREATIONAL VEHICLE STORAGE FACILITIES.
- 9 ~~20~~22. TAXICAB BUSINESSES, INCLUDING FACILITIES FOR DISPATCH AND
- 10 MAINTENANCE OF RELATED VEHICLES.
- 11 23. UTILITY USES, PUBLIC.
- 12 ~~21~~24. WHOLESALE SALES.
- 13 25. WRECKED VEHICLE STORAGE (TEMPORARY).

14

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

16 ACCESSORY USES ESTABLISHED WITH THE APPROVAL OF THE DEVELOPMENT

17 CONCEPT PLAN ARE PERMITTED.

18

19 **E. MODERATE INCOME HOUSING**

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

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

22 PROPERTY IMMEDIATELY BEFORE THE CEF DISTRICT WAS ESTABLISHED ON THE

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

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

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

26

27 **F. RESIDENTIAL DENSITY**

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

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

30 REQUIRE THAT AN APPROPRIATE PERCENT OF THE RESIDENTIAL DENSITY

31 AUTHORIZED FOR THE CEF DEVELOPMENT BE ACQUIRED BY THE DEVELOPER

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

3
4 **G. ENHANCEMENTS**

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

14 FEATURES OR ~~AMENITIES~~ ENHANCEMENTS MAY BE PROVIDED ON A VICINAL SITE
15 WITHIN THE DELINEATED COMMUNITY PURSUANT TO EVALUATION ON A CASE BY
16 CASE BASIS. ENHANCEMENTS MAY INCLUDE:

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

28
29 **H. BULK REGULATIONS**

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

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

7
8 **I. CRITERIA FOR A CEF DISTRICT**

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

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

- 1 78. THE PROPOSED CEF DEVELOPMENT SHALL INCLUDE ~~A SITE AMENITY OR~~
2 ~~AMENITY AREA WITHIN THE DELINEATED COMMUNITY EXCEPT~~
3 ENHANCEMENTS AS PROVIDED IN SECTION 121.G. ENHANCEMENTS SHALL BE
4 PROPORTIONATE TO THE SCALE OF THE CEF DEVELOPMENT.
- 5 89. THE PROPOSED CEF DISTRICT SHALL MEET THE CRITERIA OF THE PURPOSE
6 STATEMENT.

7
8 **J. PROCEDURE FOR CREATION OF A CEF DISTRICT**

- 9 1. THE OWNER OF AN INTEREST IN A TRACT OF LAND IN HOWARD COUNTY
10 MAY PETITION THE ZONING BOARD TO DESIGNATE THE PROPERTY AS A CEF
11 DISTRICT.
- 12 2. PRIOR TO PREPARING A SPECIFIC PLAN AND SUBMITTING AN APPLICATION
13 FOR A CEF DISTRICT, THE PETITIONER IS REQUIRED TO MEET WITH THE
14 DEPARTMENT OF PLANNING AND ZONING TO DISCUSS THE OVERALL
15 CONCEPT FOR THE INTENDED CEF DISTRICT AND ITS RELATIONSHIP TO THE
16 PURPOSE OF THE CEF DISTRICT. THE INITIAL CEF PLAN SHALL INCLUDE:
- 17 A. A MAP DELINEATING THE BOUNDARY OF THE COMMUNITY SURROUNDING
18 THE PROPOSED CEF DISTRICT, WHICH INCLUDES:
- 19 (1) A JUSTIFICATION FOR SUCH BOUNDARY AND A SUMMARY DESCRIPTION
20 OF THE COMMUNITY IN TERMS OF LAND-USE MIX AND INTENSITY AND
21 ANY IMPORTANT NATURAL OR MAN MADE FEATURES THAT DEFINE THE
22 CHARACTER OF THE COMMUNITY;
- 23
- 24 (2) THE LOCATION OF THE PROPOSED CEF DISTRICT IN RELATION TO THE
25 SURROUNDING COMMUNITY; AND
- 26
- 27 (3) AN EXPLANATION OF ANY KEY ENVIRONMENTAL, INFRASTRUCTURE OR
28 OTHER RELATIONSHIPS BETWEEN THE PROPOSED CEF DISTRICT AND
29 THE SURROUNDING COMMUNITY.
- 30
- 31 B. A CONCEPTUAL PLAN THAT INCLUDES:

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

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

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

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

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

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

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

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

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

23 B. THE DESIGN ADVISORY PANEL FOR EVALUATION IN ACCORDANCE WITH THE
24 PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE.

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

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

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

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

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

- 1 (13) INFORMATION ON THE ADJOINING PROPERTIES, INCLUDING
 2 THE OWNER NAME, ZONING, EXISTING USE, AND EXISTING
 3 SITE IMPROVEMENTS.
- 4 (14) PRE-SUBMISSION COMMUNITY MEETING MINUTES AND A
 5 SUMMARY OF DESIGN MODIFICATIONS MADE IN RESPONSE TO
 6 INTERACTION WITH THE COMMUNITY.
- 7 B. A MAP DELINEATING THE BOUNDARY OF THE COMMUNITY
 8 SURROUNDING THE CEF DISTRICT AND WRITTEN JUSTIFICATION FOR
 9 SUCH BOUNDARY.
- 10 C. A WRITTEN JUSTIFICATION STATEMENT THAT EXPRESSES IN DETAIL:
- 11 (1) HOW THE PROPOSED DEVELOPMENT CONCEPT PLAN CONFORMS
 12 TO THE PURPOSE STATEMENT FOR THE CEF DISTRICT.
- 13 ~~(2) HOW THE PROPOSED CEF DISTRICT WILL BE OF A BENEFIT TO~~
 14 ~~HOWARD COUNTY THAT IS GREATER THAN A CONVENTIONAL~~
 15 ~~DEVELOPMENT ON THE PROPERTY USING THE EXISTING ZONING~~
 16 ~~DISTRICT REGULATIONS.~~
- 17 (2). HOW THE PROPOSED CEF DISTRICT WILL PROMOTE THE
 18 POLICIES ESTABLISHED IN THE GENERAL PLAN AND ANY
 19 GOALS ESTABLISHED IN RELEVANT CORRIDOR, COMMUNITY
 20 OR SMALL AREA PLANS, AND WILL BE OF GREATER BENEFIT
 21 TO HOWARD COUNTY AND MORE APPROPRIATE THAN THE
 22 EXISTING ZONING.
- 23 (3) SUPPORTING DOCUMENTATION, INCLUDING BUT NOT LIMITED TO
 24 MARKET STUDIES AND TRAFFIC STUDIES AS REQUIRED BY THE
 25 DEPARTMENT OF PLANNING AND ZONING BASED ON THE SCALE
 26 OF THE PROJECT AND THE TYPE AND LOCATION OF PROPOSED
 27 USES.
- 28 6. THE TECHNICAL STAFF REPORT SHALL EVALUATE THE APPLICATION BASED ON
 29 THE “CRITERIA FOR A CEF DISTRICT” IN SECTION 121.I ABOVE AND NOTE ANY
 30 UNRESOLVED COMMUNITY COMMENTS RELEVANT TO THESE CRITERIA.
- 31 7. THE PLANNING BOARD SHALL HOLD A PUBLIC MEETING ON THE
 32 APPLICATION AND SHALL MAKE A RECOMMENDATION TO THE ZONING

1 BOARD, BASED ON THE "CRITERIA FOR A CEF DISTRICT" GIVEN IN SECTION
2 121.I ABOVE.

3 §8. DECISION BY THE ZONING BOARD:

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

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

12 C. ~~IF THE PETITION IS APPROVED:~~

13 (1) ~~THE ZONING BOARD MAY MODIFY OR APPLY ADDITIONAL~~
14 ~~REQUIREMENTS TO THE DEVELOPMENT CONCEPT PLAN OR~~
15 ~~CRITERIA, STATING THE REASONS FOR SUCH ACTION. THE~~
16 ~~BOARD, IN ITS DISCRETION, MAY HOLD ADDITIONAL HEARINGS~~
17 ~~ON ANY MODIFICATIONS OR ADDITIONAL REQUIREMENTS TO THE~~
18 ~~PLAN AS IT DEEMS APPROPRIATE.~~

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

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

31 (4) ~~A COPY OF THE DEVELOPMENT CONCEPT PLAN AND CRITERIA~~
32 ~~SHALL BE PROVIDED BY THE PETITIONER AND CERTIFIED AS~~
33 ~~APPROVED BY THE ZONING BOARD AND A VERIFIED COPY OF~~

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

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

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

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

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

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

13 C. IF THE PETITION IS APPROVED:

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

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

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

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

30 2. APPROVE THE CONCEPT PLAN;

31 3. ESTABLISH THE BULK REGULATIONS, USE CATEGORIES,

1 ACCESSORY USES AND ANY RESTRICTIONS OR
2 MODIFICATIONS; AND

3 4. APPROVE THE COMMUNITY ENHANCEMENTS.

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

8
9 ~~**K. SITE DEVELOPMENT PLAN CONFORMANCE WITH THE DEVELOPMENT CONCEPT**~~
10 ~~**PLAN**~~

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

15
16 ~~EXCEPT AS PROVIDED IN SECTION 121.L. BELOW FOR PRE-AUTHORIZED MINOR~~
17 ~~MODIFICATIONS, ANY MODIFICATIONS TO ANY ZONING BOARD APPROVED FEATURES~~
18 ~~OF THE DEVELOPMENT CONCEPT PLAN MUST BE APPROVED BY THE ZONING BOARD,~~
19 ~~FOLLOWING THE SAME PROCEDURES USED FOR A PETITION TO CREATE A CEF~~
20 ~~DISTRICT.~~

21 ~~**K. SITE DEVELOPMENT PLAN CONFORMANCE WITH THE DEVELOPMENT CONCEPT**~~
22 ~~**PLAN AND HOWARD COUNTY REGULATIONS**~~
23

24 ~~A. THE DEPARTMENT OF PLANNING AND ZONING SHALL NOT APPROVE A SITE~~
25 ~~DEVELOPMENT PLAN FOR A CEF DISTRICT UNLESS THE SITE DEVELOPMENT~~
26 ~~PLAN:~~

27 ~~1. CONFORMS SUBSTANTIALLY TO ALL EXHIBITS OF THE DEVELOPMENT~~
28 ~~CONCEPT PLAN APPROVED BY THE ZONING BOARD; AND~~

29 ~~2. COMPLIES WITH ALL OTHER DEVELOPMENT REGULATIONS INCLUDING,~~
30 ~~WITHOUT LIMITATION, THE ADEQUATE PUBLIC FACILITIES ORDINANCE~~
31 ~~AND SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.~~

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

L. MINOR MODIFICATIONS TO THE DEVELOPMENT CONCEPT PLAN

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

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

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

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