

SAMPLE SECTIONS OF ZONING REGULATIONS

SECTION 121.0: - CEF (Community Enhancement Floating) District

A. Purpose

The Community Enhancement Floating (CEF) District is established to encourage the creative development and redevelopment of commercial and residential properties through flexible zoning so that the proposed development complements and enhances the surrounding uses and creates a more coherent, connected development. While it is envisioned that the CEF District could place residential uses on land zoned for employment in some circumstances, it should not be viewed primarily as a way to convert land zoned for employment to residential.

The CEF District is intended to:

1. Allow greater design flexibility and a broader range of development alternatives than the existing zoning district;
2. Provide features and enhancements which are beneficial to the community in accordance with Section 121.0.G.
3. Provide a higher quality of site design and amenities than is possible to achieve under the standard provisions of existing zoning district requirements;
4. Encourage creative architectural design with the most favorable arrangement of site features, based on physical site characteristics and contextual sensitivity to surrounding developments;
5. Serve as a transitional area by providing a mix of uses compatible with the surrounding community or developments; and
6. Encourage aggregation of underutilized properties.

G. Enhancements

The CEF development must contain one or more design features or enhancements which are beneficial to the community as delineated in accordance with Section 121.0.J.2.A and that exceed minimum standards required by County Regulations, excluding bulk regulations. Such features or enhancements must be proportionate to the increase in development intensity and impacts associated with the CEF rezoning compared to the previously existing zoning. Enhancements shall be free and open to the general public, as opposed to a commercial use. Features or enhancements 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 general public;
2. Enhanced environmental open space which incorporates environmental restoration of streams, wetlands or forests, or 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.

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. A proposed CEF-C District shall have frontage on and access to an arterial or major collector road. A proposed CEF-R or CEF-M District shall have frontage on and access to an arterial or collector roadway, or a local road if access to the local road is safe based on road conditions and accident history and the local road is not internal to a residential development.
3. For all properties, the minimum development size for any CEF District shall be five acres.
4. The proposed CEF District is not located in an existing M-2, TOD, NT, MXD, or PGCC District.
5. A Proposed CEF-R District is not located in an existing non-residential zoning district unless the proposed CEF-R District adjoins a residential zoning district.
6. The proposed CEF District is not permitted within the interior of a neighborhood comprising only single-family detached dwellings.
7. A CEF development at the proposed location shall be compatible with surrounding residential neighborhoods, 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.
8. The proposed CEF development shall include enhancements as provided in Section 121.0.G. enhancements shall be proportionate to the scale of the CEF development.
9. The proposed CEF District shall meet the criteria of the purpose statement.
10. The proposed CEF Development does not comprise parcels which were added to the Planned Service Area to achieve Bay Restoration goals articulated in *Plan Howard 2030*.

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 to discuss the overall concept for the intended CEF District and its relationship to the purpose of the CEF District. The initial CEF plan shall include:
 - a. A map delineating the boundary of the community surrounding the 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 manmade features that define the character of the community;
 - (2) The location of the proposed CEF District in relation to the surrounding community; and
 - (3) An explanation of any key environmental, infrastructure or other relationships between the proposed CEF District and the surrounding community.
 - b. A conceptual plan that includes:
 - (1) Immediately adjoining parcels and uses;
 - (2) Existing on-site natural and development features, clarifying those to be retained or removed;

- (3) The proposed development envelope;
 - (4) Proposed permitted uses and their general locations, including the proposed square foot area of non-residential uses, the number of residential units, and the unit types;
 - (5) The general locations of road, pedestrian, and bicycle connections to the surrounding community;
 - (6) A description of proposed community enhancements; and
 - (7) A statement as to how the proposed Development Concept Plan conforms to the purpose statement for the CEF District and how the proposed CEF District will have a greater benefit to Howard County and the surrounding community than a conventional development of the property using the existing zoning district regulations. The Department of Planning and Zoning shall, as a result of this meeting, evaluate whether the proposal may potentially meet the objectives of the CEF District.
3. After the petitioner has conferred with the Department of Planning and Zoning and prior to the petitioner preparing a detailed CEF plan and application, the Zoning Board shall hold an initial meeting on the initial CEF plan.
 - a. The purpose of the initial meeting is to review the petitioner's initial CEF plan, review the Department of Planning and Zoning's preliminary evaluation, and to allow citizens and the Zoning Board to ask questions, raise concerns, and make suggestions regarding the initial CEF plan prior to the applicant preparing the detailed CEF plan.
 - b. At the meeting the petitioner shall present the initial CEF plan.
 - c. A summary of the questions, concerns and comments raised at the preliminary hearing shall be provided by the petitioner in accordance with Section 16.128(C), included in the application, and attached to the Technical Staff Report produced by the Department of Planning and Zoning.
 - d. The petitioner shall comply with all provisions of Section 16.128(C)—(J) before, during, and after the initial meeting.
4. Prior to filing an application for a CEF District, the petitioner shall present a detailed CEF plan to:
 - a. The community at a meeting in accordance with Section 16.128, presubmission community meetings; and
 - b. The design advisory panel for evaluation in accordance with the procedures established in Section 16.1500 of the Howard 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. If the CEF Development Concept Plan proposes the conversion of non-residentially zoned land to residential uses, the Technical Staff Report shall also include a fiscal note that evaluates the impact of the proposal on County tax revenues, as well as estimates of the future expenses to the county for providing public facilities and services for the residential uses.
5. The 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 enhancements which fulfill CEF District objectives in accordance with Sections 121.0.A and 121.0.G
 - (8) Landscaping
 - (9) Hardscaping including pedestrian and bicycle connections to off-site facilities
 - (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
 - (14) Presubmission community meeting minutes and a summary of design modifications made in response to interaction with the community
- 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 promote the policies established in the General Plan and any goals established in relevant corridor, community or small area plans, and will be of greater benefit to Howard County and more appropriate than the existing zoning.
 - (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.
6. The Technical Staff Report shall evaluate the application based on the "Criteria for a CEF District" in Section 121.0.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" in Section 121.0.I above.
 8. 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 petition.
 - b. In its evaluation of the proposed CEF District, the Zoning Board shall make findings on the following:
 - (1) Whether the petition will accomplish the purposes of the CEF District;
 - (2) Whether the petition complies with the criteria for a CEF District in Section 121.0.I; and

- (3) Whether the petition meets the Moderate Income Housing Unit requirements.
- c. If the petition is approved:
 - (1) The Zoning Board may modify or apply additional requirements to any part of the Development Concept Plan including, but not limited to, uses, bulk regulations, days and hours of business, or other operational issues including removal of facilities in the event of closure. The Board, at its discretion, may hold additional hearings on any modifications or additional requirements to the plan 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 Decision and Order of the Zoning Board shall:
 - (a) Create a CEF District covering the land in the petition;
 - (b) Approve the concept plan;
 - (c) Establish the bulk regulations, use categories, accessory uses and any restrictions or modifications; and
 - (d) Approve the community enhancements.
- d. 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.