

# **Howard County Zoning Regulations**

**October 6, 2013**

**Department of Planning and Zoning**  
**Howard County, MD**





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## **SECTION 100.0: General Provisions**

### **A. Legislative Intent**

These Zoning Regulations and maps are being enacted for the purpose of preserving and promoting the health, safety and welfare of the community.

It is the intention of the Zoning Board to guide the future growth and development of the County in accordance with a General Plan which represents the most beneficial and convenient relationships among the residential, non-residential and public areas within the County considering the suitability of each area for such uses, as indicated by existing conditions, trends in population and modes of living, and future requirements; and considering such conditions, trends and requirements, both within the County and in relationship to areas outside thereof. It is further the intent of these regulations:

1. To provide adequate light, air and privacy; to secure safety from fire and other danger, and to prevent over-crowding of the land and undue congestion of population;
2. To protect the character, the social and economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the General Plan for Howard County, and by these comprehensive zoning regulations;
3. To promote the most beneficial relationship between the uses of land and structures, and the road system which serves these uses, having particular regard for the potential amount and intensity of such land and structure uses in relationship to the traffic capacity of the road system, so as to avoid congestion in the streets and roadways, and to promote safe and convenient vehicular and pedestrian traffic movements appropriate to the various uses of land and structures throughout the County;
4. To provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the County;
5. To provide for adequate housing choices in a suitable living environment within the economic reach of all citizens;
6. To provide open space that helps preserve natural, environmental, historic, architectural and other landscape resources of the County as well as providing adequate space for recreation;
7. To ensure that all development and land uses protect or enhance the natural, environmental, historic, architectural and other landscape resources of the County, especially highly fragile and environmentally important features such as floodplains, wetlands or steep slopes.
8. To preserve agricultural land.

**B. Zoning Districts**

For the purposes set forth above, Howard County is hereby divided into the following districts:

RC	-	Rural Conservation
RR	-	Rural Residential
DEO	-	Density Exchange Option
R-ED	-	Residential: Environmental Development
R-20	-	Residential: Single
R-12	-	Residential: Single
R-SC	-	Residential: Single Cluster
R-SA-8	-	Residential: Single Attached
R-H-ED	-	Residential: Historic – Environmental District
R-A-15	-	Residential: Apartments
R-APT	-	Residential: Apartments
R-MH	-	Residential: Mobile Home
R-SI	-	Residential: Senior Institutional
I	-	Institutional Overlay
HD	-	Historic District
R-VH	-	Residential: Village Housing
HO	-	Historic Office
HC	-	Historic Commercial
POR	-	Planned Office Research
PEC	-	Planned Employment Center
BRX	-	Business Rural Crossroads
BR	-	Business Rural
OT	-	Office Transition
CCT	-	Community Center Transition
B-1	-	Business, Local
B-2	-	Business, General
SC	-	Shopping Center
CEF	-	Community Enhancement Floating
CR	-	Commercial Redevelopment
M-1	-	Manufacturing, Light
M-2	-	Manufacturing, Heavy
SW	-	Solid Waste Overlay
NT	-	New Town
PGCC	-	Planned Golf Course Community
MXD	-	Mixed Use
PSC	-	Planned Senior Community
CE	-	Corridor Employment
CLI	-	Continuing Light Industrial
TOD	-	Transit-Oriented Development
CAC	-	Corridor Activity Center
TNC	-	Traditional Neighborhood Center

**C. District Maps**

The zoning districts shall be of the number, size and shape as shown on the Zoning Map of Howard County, and said map with the necessary symbols, legends and dimensions is hereby made a part of these regulations. As evidence of the authenticity of said map, it shall be signed by the County Council of Howard County upon the adoption of these regulations.

The following shall also be shown on the district maps: Preservation parcel easements as described in Sections 104.0 and 105.0 of these regulations, agricultural land preservation easements, Maryland Historical Trust easements, and Maryland Environmental Trust easements.

**D. Severability Clause**

Should any section or provision of these regulations or maps be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations or maps, or any part thereof, other than the part declared to be unconstitutional or invalid.

**E. Construction and Effective Date**

1. These regulations upon enactment shall be the sole Zoning Regulations of Howard County. The provisions of these regulations are minimum requirements and shall be in addition to any other requirements of law. Where higher standards are required by other regulations, the higher standards shall apply unless the particular provision of these regulations expressly provides otherwise.
2. However, the requirements of the Zoning Regulations effective on April 13, 2004 for the Comprehensive Zoning Plan and also effective on July 28, 2006 for the 2005 continuation of the Comprehensive Zoning Plan with respect to the bulk regulations shall apply to any lot described in a deed or on an approved subdivision plat and recorded in the land records of Howard County no later than five days after the enactment of these regulations, and unable to fulfill minimum requirements of these regulations.
3. Any amendment or change to the Zoning Regulations, whether previously or hereafter adopted, shall be applicable to all pending and future proceedings and actions of any Board, Hearing Authority or agency empowered to decide applications under these regulations, whether decided on original application or remand from Court, unless the amendment or change expressly provides that it only applies to future proceedings and actions.
  - a. Cases that require a Decision and Order are considered pending unless the Decision and Order is signed by the Board or the Hearing Authority for a case that is not appealed, or the Department of Planning and Zoning prior to the date the legislation becomes effective, except that any Conditional Use that would be prohibited by a map amendment is considered pending unless the Site Development Plan is technically complete prior to the date the zoning map amendment is adopted.
  - b. Applications for subdivision or Site Development Plan approval are considered pending unless the initial residential plan submittal, as defined in the Subdivision and Land Development Regulations, or the Site Development Plans for all other types of development is technically complete prior to the date the legislation is effective, except that development projects of over 300 units which have processed Site Development Plans on at least 50% of the overall site shall not be considered pending.
  - c. Applications for permits issued in accordance with Section 128.0 of these regulations are considered pending unless a written approval is issued by the Department of Planning and Zoning prior to the date the legislation is effective.
  - d. Applications for building permits issued in accordance with the Howard County Building Code are considered pending unless approval is granted by the Department of Inspections, Licenses and Permits prior to the effective date of the legislation.

## **F. Administrative Adjustments**

### **1. Bulk Regulation Adjustments**

Upon petition by the property owner, the Department of Planning and Zoning or the Director's Designee may grant an adjustment from the provisions of the bulk regulations in an amount not to exceed 20% of a stated bulk requirement, pursuant to the same limitations, guides and standards applicable to variances granted by the Board of Appeals. This authority to make adjustments does not apply to those portions of the bulk regulations which control density or minimum lot size.

### **2. District Map Line Adjustments: Drafting Errors and Other Corrections**

Upon petition by the property owner or the Department of Planning and Zoning, the Department of Planning and Zoning may adjust a district map line to follow a lot line, road, river or other clear boundary if the Director or the Director's Designee finds that:

- a. The district map line approximately follows a lot line or other boundary; and
- b. The district map line does not follow the lot line or other boundary because of drafting errors or because the information on the base map was corrected based on a new survey or other improved information.

### **3. Procedures**

The Department of Planning and Zoning shall hold a public hearing on Administrative Adjustment petitions in accordance with Section 100.0.H.

The decision of the Director of Planning and Zoning or the Director's Designee in Administrative Adjustment cases is appealable to the Howard County Board of Appeals in bulk regulation adjustment cases and to the Zoning Board in district map line adjustment cases. All appeals to the Board of Appeals or the Zoning Board shall be on a de novo basis.

Copies of the Decisions and Orders of the Department of Planning and Zoning in all Administrative Adjustment cases shall be sent to the Zoning Board as a matter of information.

### **4. Applicability**

The provisions of Section 100.0.F.1 shall not apply in the MXD, NT or PGCC Districts. Sections 100.0.F.2 and 100.0.F.3 shall not apply in the NT District.

### **5. District Map Line Adjustments: Digital Parcel Layer Corrections**

The Department of Planning and Zoning may make a minor adjustment to a district map line for a parcel if:

- a. The Department of Technology and Communications has corrected the County's digital parcel layer for the parcel; and
- b. The correction results in a district line falling inside or outside of the parcel boundary and the zoning map indicates that the County Council intended for the district line to follow the parcel boundary.



## G. Amendments

### 1. Applications

Application for an amendment to the zoning map or to the text of these regulations shall be filed and processed in accordance with the Zoning Enabling Act (Subtitle 2 of Title 16 of the Howard County Code) and the Rules of Procedure of the Zoning Board.

### 2. Site Plan Zoning Petitions

A site plan zoning petition is a petition for an amendment to the zoning district boundaries that includes documentation specifying the proposed development and use of the property under petition for such petitions, the following provisions shall apply in addition to the requirements of the Zoning Enabling Act and the Rules of Procedure of the Zoning Board:

- a. The petition for a property of less than fifty acres shall include a site plan or site plans with a scale of between 1" = 10' and 1" = 50' or as approved by the Department of Planning and Zoning. The site plan(s) must include the items listed below, but may show the location of a precise building envelope (a clearly delineated area within which a building is to be entirely located but which is larger than the area covered by the building itself) in lieu of the precise location of a building; may show precise minima and maxima in lieu of fixed values; may set forth lists of precisely described possible uses of a given space in lieu of specifying a single use, and may otherwise reasonably allow for flexibility or alternatives, provided that appropriate precise limits are set forth.
  - (1) Location, size, height, exterior materials, and character of all proposed structures and all existing structures to be retained, including relevant dimensions and distances to property lines and to structures on adjacent properties;
  - (2) Location and dimensions of proposed parking, driveway, and loading areas;
  - (3) Proposed landscaping, buffering and screening and existing landscaping to be retained;
  - (4) Elevation drawings of proposed structures on appropriate cross sections of the site as viewed from adjacent properties and roads, or other prominent points of visibility in the area;
  - (5) Existing and proposed topography;
  - (6) Adequate details of development on surrounding properties to enable the Zoning Board to evaluate the compatibility of the proposed development as required in Subsection d.(1);
  - (7) Existing historic resources and natural features, including bodies of water, water courses, 100-year floodplains, wetlands, wooded areas, and major trees, and proposed changes with respect to any of these;
  - (8) Computations and dimensions of open space areas, impervious surface coverage, and other calculations as needed to demonstrate that the proposed development would be able to comply with design and zoning requirements;
  - (9) Existing and proposed public utilities;
  - (10) Location and approximate size of proposed storm water management facilities;
  - (11) Information on the proposed use of the site including principal uses, hours of operation, and maximum number of employees; and
  - (12) Other information deemed necessary by the Department of Planning and Zoning for the particular site and development proposal.

- b. A petition for a property of fifty acres or more shall include a site plan or site plans with a scale of 1" = 100' or 1" = 200' or as approved by the Department of Planning and Zoning. The plan(s) must include:
- (1) The major environmental features of the site and immediate environs, including but not limited to steep slopes, ridge lines, wooded areas, streams, wetlands and floodplains, and impact of proposed development on these features.
  - (2) Analysis of existing vegetation on the site.
  - (3) Schematic grading plan.
  - (4) The approximate boundaries and acreage of proposed land uses.
  - (5) The location of existing and proposed public streets and utilities.
  - (6) The location of open space areas.
  - (7) Types and approximate number of proposed dwelling units.
  - (8) Other information deemed necessary by the Department of Planning and Zoning.
- c. After being accepted by the Department of Planning and Zoning, the petition shall be circulated to the agencies which comprise the Subdivision Review Committee (S.R.C.) and shall be considered at a regularly scheduled meeting of the S.R.C. The petition shall not be scheduled for review by the Planning Board until the Department of Planning and Zoning certifies that the development shown on the proposed site plan(s) has the potential to comply with all technical requirements of the reviewing agencies, without substantial changes to the plan, in subsequent subdivision and Site Development Plan stages of review.
- The certification of the Department of Planning and Zoning may note that certain waiver or variance approvals will be required in order for the plan to be implemented. Such a statement shall not be deemed to represent an evaluation of or a commitment by the approving agency to approve the necessary waiver or variance.
- d. The Zoning Board shall consider the following factors in reviewing the site plan(s);
- (1) The compatibility of the proposed development with the existing and potential land uses of the surrounding areas;
  - (2) Protection of the environmental integrity of the subject property and adjoining areas in the location and design of site improvements;
  - (3) The availability of safe road access for the proposed development; and
  - (4) Compatibility of the proposed development with the policies and objectives of the Howard County General Plan.
- e. If the site plan zoning petition is granted:
- (1) The Zoning Board may modify or apply additional requirements to the site plan(s), stating the reasons for such action. The Board, in its discretion, may hold such additional hearings on any modifications or additional requirements to the site plan as it deems appropriate.
  - (2) The site plan(s), subject to modifications or additional requirements imposed by the Zoning Board, shall be made part of the Decision and Order of the Zoning Board;
  - (3) A copy of the Decision and Order shall be 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; and
  - (4) The property shall be designated on the Howard County Zoning Map with the amended district boundary, the Zoning Board case number, and the suffix "S" to indicate that the site is subject to a site plan zoning petition approved by the Zoning Board.

- f. A property rezoned in accordance with a site plan zoning petition must be substantially complete in accordance with the site plan(s) approved by the Zoning Board. Minor deviations from the site plan(s) resulting from more detailed engineering and site design may be approved by the Department of Planning and Zoning as part of the plan review process. Minor modifications to the 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 20% 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% 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.

The Zoning Board shall be notified of minor changes approved by the Department of Planning and Zoning. Any significant changes must be approved by the Zoning Board in accordance with the procedures for the original Zoning Board petition. Zoning Board review shall be limited to consideration of the proposed changes to the site plan(s).

- g. A site plan zoning petition approved by the Zoning Board may include a use allowed as a Conditional Use in the zoning district to which the property is rezoned and a use or structure which would otherwise require a variance to the bulk regulations. If this occurs, the Conditional Use shall be permitted as a matter of right and the use or structure shall be permitted in the approved location, in accordance with the site plan approved by the Zoning Board, and shall not require approval by the Hearing Authority. The Zoning Board's authority to grant variances to the bulk regulations shall not apply to density requirements or to minimum or maximum lot sizes.
- h. If the property subject to the site plan zoning petition is not substantially complete and in use in accordance with the approved site plan(s) within the times set forth in Subsection (1) below, the site plan(s) shall be subject to review in accordance with the procedures in Subsections (2) and (3). To be substantially developed, the property must have an approved Site Development Plan, building permits approved for at least a portion of the site, and infrastructure such as roads, sewer, water and storm-water management facilities in place.
- (1) Development Schedule:
    - (a) For properties of less than 50 acres - 3 years from the date of the Decision and Order.
    - (b) For properties of 50 to 99 acres - 5 years from the date of the Decision and Order.
    - (c) For properties of 100 to 149 acres - 7 years from the date of the Decision and Order.
    - (d) For properties of 150 to 199 acres - 9 years from the date of the Decision and Order.
    - (e) For properties of 200 acres or more - 10 years from the date of the Decision and Order.

- (2) At least 90 days prior to the expiration of the designated period, the property owner may submit a written request to the Department of Planning and Zoning describing the progress which has been made on the project and requesting an extension of the time limit. The Department of Planning and Zoning shall forward the request to the Zoning Board, which may deny the request or may grant an extension for a specified period of time not to exceed two years, without holding a public hearing, if it finds that development in accordance with the approved site plan has been substantially undertaken and is being diligently pursued to completion.
- (3) If an extension is not requested or is denied by the Zoning Board, the site plan(s) shall be void at the expiration of the designated period. No further development shall occur until new site plans are submitted by the Petitioner and approved by the Zoning Board in accordance with the procedures for the original Zoning Board petition. Review shall be limited to consideration of the site plans, unless the Petitioner proposes a change in the zoning classification of the property. The Zoning Board may approve, modify, or attach additional requirements to the site plans, stating the reasons for such action. If substantial modifications are required, the Zoning Board may require that revised plans be submitted prior to issuance of a Decision and Order.

#### **H. Department of Planning and Zoning Public Hearings**

Where the Director of Planning and Zoning is authorized by these regulations to hold a public hearing and decide upon certain matters, the following requirements apply:

1. Applications

Applications shall be submitted to the Department of Planning and Zoning and shall include information required by the Department.

2. Public Hearings

The Director of Planning and Zoning, or the Director's Designee, shall hold at least one public hearing on the application in accordance with Rules of Procedure adopted by the Department. The property which is the subject of the application shall be posted with the date, time and place of the hearing for at least 15 days immediately before the hearing.

The Director of Planning and Zoning, or the Director's Designee, shall prepare and maintain an official record of the proceedings for each petition, including exhibits presented at the hearing. It shall not be necessary to transcribe the testimony unless requested.

3. Decision and Order

Following the public hearing, the Director of Planning and Zoning shall approve or deny the request. For Temporary Uses or Administrative Adjustments to bulk regulations, the Director may approve the request subject to appropriate conditions. The Decision and Order of the Director of Planning and Zoning shall be in writing and shall state the reasons for the decision.

Conditions of approval shall be incorporated in the building permit and use and occupancy permit. Failure to comply with such conditions shall constitute a violation of these regulations and may be grounds for denying or revoking a building permit or a use and occupancy permit.

## **I. Inactive Petitions**

1. For the purposes of this Subsection, an inactive petition is a petition submitted for hearing authority cases, Zoning Board cases, or Department of Planning and Zoning administrative hearing cases:
  - a. Which is not accepted for scheduling purposes due to a need for further information, clarifications and/or corrections as stated in a Department of Planning and Zoning written notification to the petitioner or the petitioner's representative, and the petitioner or the petitioner's representative has not provided the requested further information, clarifications and/or corrections within 180 days of the date of the Department of Planning and Zoning written notification; or
  - b. Which is placed on the "hearings unscheduled" docket of the Hearing Authority or Zoning Board upon a request from the petitioner or the petitioner's representative, and this petition remains on the "hearings unscheduled" docket for a period of 180 cumulative days.
2. Petition to the Zoning Board submitted under Section 100.0.G.2. for a zoning map amendment with site plan which is undergoing review by the subdivision review committee to meet the requirement for certification as required by Section 100.0.G.2.C. shall not be considered an inactive petition under Section 100.0.I.1.A. above.
3. After 180 cumulative days, an inactive petition shall be dismissed by the Hearing Authority, Zoning Board, or Department of Planning and Zoning, as applicable.

Reserved

## SECTION 101.0: Rules of Construction

The following rules of construction apply to the text of these regulations:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of these regulations and any caption, illustration, summary table or illustrative table, the text shall control.
- C. The words “shall” or “may not” are always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- G. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions “and,” “or,” or “either...or,” the conjunction shall be interpreted as follows:
  - 1. When used to connect a list of requirements or required conditions, “and” indicates that all the connected items shall apply.
  - 2. When used to connect a list of permitted items or events, “and” indicates that the items or events are permitted singly or in any combination.
  - 3. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - 4. “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. The word “includes” shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- J. All terms defined under various sections of the County Building Code, where occurring in these regulations, shall have the meanings specified in the Building Code except where specifically defined in these regulations; however, in case of a conflict, the more restrictive shall apply.
- K. All terms defined under various sections of the County Subdivision and Land Development Regulations, where occurring in these regulations, shall have the meanings specified in those Regulations, except where specifically defined in these regulations; however, in case of a conflict, the more restrictive shall apply.
- L. The word “State” means the State of Maryland. The word “County” means the County of Howard County, State of Maryland, and the term “County boundary” means any exterior boundary of the County or any boundary of incorporated territory within the County.

- M. The terms “County Council,” “Zoning Board,” “County Executive,” “Board of Appeals,” “Director of Planning and Zoning,” “Planning Board,” “County Solicitor,” “Director of Public Works,” “Director of Fire and Rescue Services,” “Director of Recreation and Parks,” “Board of Education,” and “County Health Officer” mean the respective council, boards and officers of Howard County.
- N. Section 16.302 of the Howard County Code authorizes the Hearing Examiner to hear and decide certain matters within the scope of these regulations. Wherever a power or duty is conferred upon the Board of Appeals and the matter is within the jurisdiction of the Hearing Examiner, the term “Board of Appeals” is deemed to include reference to the Hearing Examiner.
- O. All uses are prohibited unless specifically enumerated as a use permitted as a matter of right or as an accessory use in the various districts as provided by these regulations.
- P. Measurements or other numbers are not rounded up in order to meet a minimum requirement or rounded down in order to meet a maximum requirement.



## **SECTION 102.0: Violations, Enforcement, and Penalties**

### **A. Violations**

Any structure erected, constructed, altered, enlarged, converted, moved or used contrary to any of the provisions of these regulations by any person taking such action, or permitting such action, and any use of any land or any structure which is conducted, operated or maintained by any person using, or permitting the use thereof, contrary to any of the provisions of these regulations, shall be, and the same is hereby declared to be unlawful.

### **B. Enforcement**

Upon becoming aware of any violation of these regulations, the Department of Planning and Zoning may institute an injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such erection, construction, alteration, enlargement, conversion or use in violation of any of the provisions of these regulations. The Department of Planning and Zoning may give notice that activities on the premises are in violation of the Zoning Regulations and may order an end to these activities within 10 days, or a reasonable specified time. The Department of Planning and Zoning shall serve the notice personally, or by Registered Mail addressed to the premises of the violation, or to the person or corporation committing or permitting the violations, or by posting the premises. If the violation does not cease within the time specified by the Department of Planning and Zoning, the Department of Planning and Zoning shall take whatever action necessary to end the violation. A Zoning Violation Notice issued under this section is not appealable pursuant to Section 130.0.A.3 of these regulations.

The Department of Planning and Zoning may enforce the Zoning Regulations by issuing citations to alleged violators to be heard in Court or in Administrative Proceedings as provided by Law.

Any person who is aggrieved by an alleged violation of these regulations may request in writing that the Department of Planning and Zoning issue a Zoning Violation Notice. Such request shall include the complainant's address, the address of the violation, and a statement of the nature of the complaint so that the Department of Planning and Zoning can efficiently identify the property in question and to provide the complainant with the notification required herein. Provided the written complaint was not submitted anonymously, the Department of Planning and Zoning shall notify the complainant, in writing, it has received the written request within ten business days. If the Department of Planning and Zoning does not issue such a zoning violation notice within 60 days of receiving the written request, this shall be considered to be a final decision of the Department that the alleged violation does not exist, and the complainant shall have a right to appeal this decision to the Hearing Authority, provided that an appeal petition is filed with the Clerk of the Hearing Authority within 30 days after the final decision to not issue a Zoning Violation Notice. If such an appeal is taken, the Department of Planning and Zoning shall send a copy of the appeal petition to the owner and occupant of the premises.

Provided the complaint was not submitted anonymously, the Department of Planning and Zoning shall notify the complainant, in writing, if it determines the alleged violation exists and a violation notice is issued. Thereafter, the complainant shall receive written notice if a citation hearing before the Hearing Authority has been scheduled for the zoning violation case as provided in Section 16.1605 of the Howard County Code, or if the zoning violation case is closed. The written notice to a complainant about the closing of a zoning violation case shall briefly describe the reason(s) the case was closed, shall advise the complainant that the closed case file may be reviewed for more details; and shall advise the complainant of the right to appeal the decision to close the case to the Hearing Authority.

The remedies provided for herein are cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

**C. Penalties**

Failure to comply with the Zoning Regulations shall be a misdemeanor punishable by a fine not to exceed 500 dollars. Every day that such violation continues shall be a separate offense.

Alternatively or in addition to and concurrent with all other remedies, the Department of Planning and Zoning may enforce the provisions of the Zoning Regulations with civil penalties pursuant to the provisions of Title 24 "Civil Penalties" of the Howard County Code. A violation shall be a Class B offense.

**D. Permits**

No permit shall be issued for the construction, alteration or use of any structure or lot unless such construction, alteration or use and the related site improvements conform to all requirements of these regulations.

## SECTION 103.0: Definitions

Terms used in these Zoning Regulations shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of these Zoning Regulations:

### A

Access, Direct: Vehicular access from a proposed development or use to a public road where the access is not by way of an easement or a common driveway where the access is shared with other properties or uses.

Accessory Apartment: See “Dwelling, Accessory Apartment”.

Accessory Use or Accessory Structure: A use or structure which is customarily incidental to the principal use or structure, serving no other use or structure, and which is subordinate in area, intensity and purpose to the principal use or structure. An accessory use or accessory structure shall be located on the same lot or parcel as the principal use or structure, except where it is otherwise allowed in these Zoning Regulations.

Adjoining Property: Land which is touching or would be touching in the absence of an intervening utility or road right-of-way, other than a principal arterial highway.

Adult Entertainment Business: This term includes the following types of business:

- a. Adult Book or Video Store: A business establishment open to the public or to members that offers for sale or rental any printed, recorded, photographed, filmed or otherwise viewable material:
  - (1) Where at least 20% of the stock in trade of such material on the premises is characterized by an emphasis on matters depicting, describing or related to sexual activities; or
  - (2) Where at least 20% of the total usable floor area of the establishment is devoted to storage or display of such material that is characterized by an emphasis on matters depicting, describing or related to sexual activities; or
  - (3) Has on the premises one or more mechanical devices for viewing such materials.

As an accessory use to the sale or rental of such material such establishments may include film or slide projectors, videotape players, or other image-producing devices used on the premises for displaying material to individual viewers.

- b. Adult Movie Theater: A business establishment open to the public or to members that regularly and routinely offers for viewing on the premises films, videos or similar material characterized by an emphasis on matters depicting or describing sexual activities.
- c. Adult Live Entertainment Establishments: A business establishment open to the public or to members that regularly and routinely features employees or live performers who appear in a state of nudity or presents live entertainment, exhibits, displays or performances characterized by sexual activities, real or simulated, or nudity.

In this definition, “Sexual Activities” includes “Sexual Conduct”, “Sexual Excitement” or “Sodomasochistic Abuse” as these definitions occur in the criminal law provisions of the Annotated Code of Maryland; and “Nudity” means less than completely and opaquely covered human genitals,

pubic region, buttocks, or female breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Age-Restricted Adult Housing: A development that contains independent dwelling units, each with a full kitchen that is designed for and restricted to occupancy by households having at least one member who is 55 years of age or older. An exception is allowed for up to five years following the death or departure, due to incapacity, of a household member 55 years or older, provided a surviving household member who is at least 50 years old continues to live in the unit. Children less than 18 years of age shall not reside in a dwelling unit for more than a total of 90 days per calendar year. Age-restricted adult housing may include accessory structures or uses for the residents, such as social, recreational or educational facilities and housekeeping, security, transportation or personal services.

Agricultural Land Preservation Easement: An easement held by the Maryland Agricultural Land Preservation Foundation or the Howard County Agricultural Land Preservation Program.

Agricultural Processing Facility, Local: A facility on a farm that processes agricultural products grown or produced on the farm where it is located, supplemented by agricultural products grown elsewhere.

Agricultural Processing, Primary: Processing on the farm of an agricultural product grown on the farm in the course of preparing it for market. Primary processing is subordinate and incidental to the farm operation and includes the following uses:

- a. Basic Processing: Processing necessary to store and market farm products. Basic processing does not include treatment that changes the form of the product, but does include treatment such as cutting, drying and packaging.
- b. Value-added Processing: Treatment that changes the form of a farm product in order to increase its market value, including such processes as canning, milling, grinding, freezing, heating and fermenting.

Agritourism Enterprise: Activities conducted on a farm and offered to the public or to invited groups for the purpose of recreation, education or active involvement in the farm operation. These activities must be related to agriculture or natural resources and incidental to the primary operation on the site. This term includes farm tours, farm stays, hay rides, corn mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above, and similar uses.

Alley: A private street which provides access to the side or rear of two or more lots for service functions such as loading or deliveries, trash pick-up, or parking areas.

ALPP: Agricultural Land Preservation Program.

Ambulatory Health Care Facilities includes, but is not limited to, health maintenance organizations, out-patient clinics, diagnostic centers, ambulatory surgical facilities, physician offices, public health clinics, or community mental health centers.

Amenity Area: A usable outdoor landscaped or hardscaped area such as a plaza, courtyard, garden or similar area which is designed to be open to and used by the public, and to be easily accessible.

Animal Hospital: A building or portion of a building that is principally used by a licensed veterinarian for the practice of veterinary medicine. An animal hospital may include accessory boarding and grooming of animals and sale of pet supplies.

Animal Unit: A unit of measurement used to regulate the number of livestock on a residential lot or parcel that is not used as a farm. One Animal Unit equals the following:

- a. One horse, mule or cow
- b. Two ponies, miniature horses, donkeys or pigs.
- c. Four llamas, alpacas or emus.
- d. Ten sheep or goats.

Animal unit ratio requirements for other livestock or immature animals or fowl shall be made on a case by case basis using generally available information on animal unit equivalencies and the generally accepted ratio that one animal unit approximately equals 1,000 pounds of live animal weight. Fish and other aquatic animals in aquafarming facilities are not subject to animal unit requirements.

Antenna: A device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as whips and satellite dishes.

Assisted Living Facility: A residential care facility that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination of these services to at least nine persons who are unable to perform, or who need assistance in performing, the activities of daily living and is under a license or certificate issued by the State of Maryland as an assisted living facility.

Athletic Facility, Commercial: A commercial facility principally providing activities, services or training in sports or exercise related matters, including such uses as tennis centers, health centers, gyms, climbing centers, dance studios, weight training centers, martial arts centers, swimming pools and similar uses. Commercial athletic facility uses do not include commercial recreation facility uses as defined.

## **B**

**Bed and Breakfast Inn:** A historic building, or a building on a farm with an agricultural land preservation easement, in which, for compensation, sleeping accommodations are provided to transient guests in not more than six guest rooms. A bed and breakfast inn may include the provision of meals for overnight guests only.

**Breezeway:** A roofed passageway, the design and construction of which matches the design and construction of the principal structure, for the purpose of connecting the principal structure to another building or structure.

**Building:** A structure with exterior walls and a roof which combine to form a structure used for the occupancy or activities of persons, for the shelter of animals, or for the storage or protection of objects, including but not limited to apartments, barns, dwellings, garages, hotels, offices, restaurants and stores. Signs are not to be considered a building, or part of a building, and are regulated by the Howard County Code.

**Building Height:** The vertical distance from the mean elevation of the lowest and highest elevation points at grade adjoining the exterior walls of the building to the highest point of a flat roof; to the deck line of a mansard roof; and to the mean height between the eave and ridge of the highest roof section for a gable, hip or gambrel roof. Where the grade has been artificially raised above the natural or surrounding finished grade, the vertical distance will be measured by projecting the natural or surrounding finished grade onto the foundation wall.

**Building Restriction Line (BRL):** A line established on a lot to indicate the minimum structure setbacks required by the Zoning Regulations for the zoning district in which the lot is located or the setbacks required by the Subdivision and Land Development Regulations, if more restrictive.

## C

Cemetery: A place principally used for the permanent interment of human remains or the cremated remains thereof. A cemetery may include land used for grave sites, mausoleums, and/or columbariums but shall not include crematoriums. A mortuary is a separate use category defined in this Section.

Charitable or Philanthropic Institution: A private, nonprofit organization whose primary function is to provide health, social, environmental conservation, religious or benevolent services. This term does not include any commercial operation, or any organization whose purpose is to operate a trade or business or to promote the economic advancement of its members, such as a professional or trade association or a labor union. In addition, this term does not include any use category defined or listed in these Zoning Regulations, such as a child day care center, day treatment or care facility, residential care facility, nursing home, private club or lodge, private school, retreat center, museum or hospital.

Chicken Keeping, Residential: The care and raising of eight or fewer hens, on a residential parcel or lot improved with a single-family detached dwelling. This term does not apply to any other fowl animal, including but not limited to, ducks, geese, peafowl and turkeys. Roosters are not permitted.

Cluster Exchange Option: One of two options for transferring density from a sending parcel in the DEO Overlay District. The cluster exchange option allows density to be transferred from a qualifying sending parcel at a maximum rate of one development right per 4.25 gross acres of area within the sending parcel.

Cluster Subdivision: A type of subdivision allowed in the RC and RR Zoning Districts and consisting of cluster lots and a preserved area. The preserved area is the residual area of the parcel being subdivided and consists of one or more preservation parcels.

Commercial Use: Any use involving in part or in whole the sale or rental of merchandise, materials or services, but not including home occupations as defined in this section.

Commercial Vehicle: Every motor vehicle and trailer licensed by the State, designed or used for transporting goods or equipment in the furtherance of any commercial enterprise; a motor vehicle that is designed and used to carry people for compensation, including school buses but excluding taxicabs. Commercial vehicles, including trailers, box trailers and cargo containers, may not be used as a shelter for on-site storage.

Communication Tower: A structure principally designed and intended to support antennas. This term includes lattice-type structures, either guyed or self-supporting, and monopoles, which are self-supporting pole-type structures, tapering from base to top and supporting a fixture designed to hold one or more antennas.

Community Supported Agriculture (CSA): Partnership between consumers and farmers in which consumers pay for farm products in advance and farmers commit to supplying sufficient quantity, quality and variety of products throughout the growing season.

Composting Facility: A facility where organic material, specifically limited to vegetation, food waste, and manure, that is obtained principally from off-site locations is processed to generate a product through the microbiological degradation of this organic material under aerobic conditions.

Conditional Uses: Land uses and activities which require approval by the Hearing Authority for a specific location and site plan, based upon standards established in these Zoning Regulations. Formerly called special exceptions.

Conference Center: A facility principally used for conferences and seminars, limited to accommodations for conference attendees. In addition to meeting rooms, the accommodations may include dormitories, guest rooms or similar lodging facilities, cafeterias, dining rooms, recreational uses and supporting services. A conference center is not designed to be used by the general public for overnight accommodations.

Convenience Store: A commercial establishment which sells snack foods, packaged or prepared food and beverages, and other food and convenience items for consumption off the premises.

Country Inn: An historic building in which one or more of the following services is offered: lodging for transient guests on a daily, weekly or similar short term basis; a standard restaurant as defined in these Zoning Regulations; a banquet facility or catering service; or meeting rooms. A country inn may include related accessory uses such as:

- a. Antique shop, gift shop, Christmas shop, book, candle, card and similar specialty shops;
- b. Bakery, provided such use is limited to the retail sale from the premises of goods baked on the premises only;
- c. Arts and crafts exhibits and sale of products;
- d. Sale of packaged or canned food products special to the establishment;
- e. Museums and cultural exhibits;
- f. Recreational uses for the sole use of overnight guests or guests attending meetings or catered events at the inn;
- g. Any other uses similar to the foregoing and any use normally and customarily incidental to a country inn.

For the purpose of this definition, no boarding house, fast food restaurant, dormitory, fraternity or sorority house shall be considered a country inn.



## D

Day Care Center, Child: A commercial establishment that offers or provides child care to at least nine children on a regular schedule, at least twice a week, for part of a 24 hour period, under a license or registration issued by the State of Maryland for a child care center.

Day Treatment or Care Facility: A nonresidential facility which is licensed or certified by the State of Maryland to provide service including supervision, personal care, training or sheltered employment, during part of a 24 period, on a regular schedule, for two or more individuals in need of such services due to a medical handicap, physical or mental disability, advanced age, or addiction to drugs or alcohol. This term shall not include a child day care center, school, medical clinic or residential care facility as defined in these regulations.

Density: The number of principal dwelling units per unit of land area. Accessory dwelling units such as farm tenant houses, caretaker dwellings and accessory apartments are not included when calculating density.

Density Exchange Option: One of two options for transferring density from a sending parcel in the DEO Overlay District. The Density Exchange Option allows density to be transferred from a qualifying sending parcel at a maximum rate of one development right per three gross acres of area within the sending parcel.

Depth of Lot: The mean horizontal distance between the front line and rear lot line of a lot.

Detached Building: A building surrounded by yards or other open area on the same lot.

Develop or Development: This term refers to the establishment of a principal use on a site; a change in a principal use of a site; or the improvement or alteration of a site by construction, enlargement, or relocation of a structure, the provision of storm water management or roads, the grading of existing topography, the clearing or grubbing of existing vegetation, or any other non-agricultural activity that results in a change in existing site conditions.

Downtown Arts, Cultural and Community Use: Land areas, uses and facilities established for cultural, civic, recreation, educational, environmental, entertainment or community use or benefit, whether or not enclosed and whether publicly or privately owned or operated for profit, including, but not limited to, libraries, fire stations, schools, museums, galleries, artistic work, and transit facilities. Eating, seating and gathering areas that are accessory to these uses are permitted.

Downtown Arts and Entertainment Park: A contiguous area including a large outdoor amphitheater which may be surrounded by a variety of smaller indoor or outdoor artistic and performance spaces, museums, galleries and similar cultural or educational uses in a park-like setting. Ancillary uses such as food vendors, gift shops, small restaurants and supporting infrastructure such as utilities, public and private roadways, multi-modal circulation systems adjacent to public and private roadways, surface parking lots, parking structures, and underground parking are also permitted.

Downtown CEPPA Implementation Chart: The chart and associated text and flexibility provisions contained in the Downtown Columbia Plan which identify the phasing for Downtown Community Enhancements, Programs and Public Amenities.

Downtown Columbia: The following recorded Final Development Plan Phases: Phase 4, Phase 4-A-5, Phase 21, Phase 47-A-7, Phase 52, Phase 62-A-1, Phase 95, Phase 101-A, Phase 105, Phase 111-A-1, Phase 115, Phase 121, Phase 122-A, Phase 139-A-3, Phase 140-A-1, Phase 192-A, Phase 211, Phase 217-A-1, Phase 219, Phase 234, and the area within the described limits included in exhibit A of the Appendix in these Zoning Regulations.

Downtown Columbia Plan: The General Plan Amendment for Downtown Columbia approved by County Council Bill No. 58-2009.

Downtown Community Commons: Amenity spaces such as plazas, promenades, greens, gardens, squares and other pedestrian-oriented areas, whether publicly or privately owned, that are intended for community interaction and may include spaces for seating, walking, eating, gathering, fountains, public art, way-finding signage, kiosks, or other similar public amenities. Downtown Community Commons can also include walkways that are designed to enhance and be an integral part of the adjacent amenity space, but shall not include any drive lane for vehicular traffic such as private streets, alleys and public roadways for automotive use. Downtown Community Commons must be generally accessible by the public without charge. Included in this category are Downtown Neighborhood Squares. Downtown Community Commons may be integrated into or developed as a part of other uses and may include underground parking, utilities and other infrastructure supporting downtown revitalization.

Downtown Community Enhancements, Programs and Public Amenities (CEPPA): The specific feasibility studies, improvement and management organizations, environmental enhancement programs, and physical improvements identified in the Downtown CEPPA implementation chart contained in the Downtown Columbia Plan.

Downtown Environmental Restoration: Projects within Downtown Columbia that are identified in Columbia Towncenter Merriweather and Crescent Environmental Enhancements Study or Best Management Practices for Symphony Stream and Lake Kittamaqundi Watersheds involving forest restoration and enhancement, reforestation and afforestation, wetland enhancement, and stream restoration activities.

Downtown Environmentally Sensitive Land Area: An area within Downtown Columbia meeting the definition in the Howard County Land Development Regulations of either a floodplain, steep slope, stream or wetland buffers.

Downtown Maximum Building Height Plan: The plan which graphically represents the maximum building height requirements for all Downtown revitalization, as depicted in the Downtown Columbia Plan.

Downtown Mixed-Use: A land-use designation that permits any use or combination of uses permitted under Section 125.0.A.9.B. including supporting infrastructure, such as utilities, public and private roadways, multi-modal circulation systems adjacent to public and private roadways, surface parking lots, parking structures, and underground parking.

Downtown Neighborhood Concept Plan: A concept plan showing an individual neighborhood identified in the Downtown Columbia Plan that depicts a general layout for proposed public and private streets, block sizes and configurations, maximum building heights and proposed Downtown Community Commons as context for the evaluation of the Final Development Plans.

Downtown Neighborhood Design Guidelines: Urban design guidelines for an individual neighborhood identified in the Downtown Columbia Plan.

Downtown Neighborhood Square: An outdoor amenity space comprised of not less than 25,000 contiguous square feet, exclusive of bike paths and required sidewalks that might be located along its perimeter. A Downtown Neighborhood Square may be covered or partially covered

Downtown Net New: As applicable, the number of dwellings, hotel and motel rooms, and the amount of gross floor area of commercial office and commercial retail uses that are permitted under the Downtown Revitalization Approval Process after April 6, 2010 in excess of the number of dwellings, hotel and motel rooms, and gross floor area of commercial office and commercial retail uses that are shown on a Site Development Plan for property located within Downtown Columbia that was approved prior to April 6, 2010.

Downtown Open Space Preservation Plan: A plan included in the Downtown Columbia Plan delineating all land in Downtown Columbia designated as open space on a Final Development Plan recorded prior to April 6, 2010 that is required to retain its existing character as: Downtown Environmentally Sensitive Land; Downtown Parkland; Downtown Community Commons; or a Downtown Arts and Entertainment park, as specified in Section 125.0.A.9.H.

Downtown Parkland: An area generally accessible by the public without charge for active and/or passive recreation purposes which consists primarily of vegetated areas with a natural character, more formal lawns, gardens and walks, pedestrian connections, minor active structured recreation uses such as urban playgrounds, public art, fountains and minimal structures such as cafes and outdoor dining areas, gazebos, pavilions, outdoor stages, and kiosks.

Downtown Primary Amenity Space Framework Diagram: A plan and associated text included in the Downtown Columbia Plan depicting existing and proposed primary amenity and natural spaces in Downtown Columbia.

Downtown Public Art: Original outdoor artwork which is accessible to the public.

Downtown Revitalization: A form of development required in Downtown Columbia after April 6, 2010 in compliance with the applicable provisions of Section 125.0 that must conform with the recommendations of the Downtown Columbia Plan.

Downtown Revitalization Phasing Plan: A phasing plan included in the Downtown Columbia Plan identifying additional development rights by phase for Downtown Revitalization.

Downtown Signature Building: An existing or proposed structure which requires premiere attention to its architectural design because of its cultural significance or prominent location in relationship to the public realm, such as its position on a street or open space, or as the terminus of a vista.

Downtown-wide Design Guidelines: General urban design guidelines for Downtown Revitalization adopted by the Howard County Council.

Dwelling: A building, or portion thereof, which provides living facilities for one family. As used herein, the term "dwelling," or any combination thereof, shall not be deemed to include a hotel, motel, clubhouse, hospital or other accommodations used for more or less transient occupancy.

Dwelling, Accessory Apartment: A second dwelling unit located within a single-family detached dwelling which complies with the requirements for such uses within Section 128.0.A (See also the definition of Dwelling, Two-family)

Dwelling, Temporary Accessory Family: A Conditional Use category for a second dwelling unit on a lot which is used for the housing of an elderly or disabled family member of the resident of the principal dwelling unit and which complies with the requirements of Section 131.0.N. A temporary accessory family dwelling shall either be a removable modular building designed for this purpose or an alteration of an existing accessory building. A temporary accessory family dwelling shall not be a newly constructed building.

Dwelling, Apartment: A dwelling in a building containing three or more dwelling units separated by both vertical and horizontal party walls.

Dwelling, Manufactured: This term has the same meaning as "Mobile Home".

Dwelling, Modular: A dwelling unit that has a minimum floor area of 900 square feet and a gabled roof, is fabricated in an off-site manufacturing facility for installation or assembly at the building site, and bears insignia certifying that it is built in compliance with the standards for industrialized buildings contained in the Industrialized Building and Mobile Homes Act of the Annotated Code of Maryland, Article 83B, Sections 6-201, et. seq.

Dwelling, Multi-Family: This term includes apartments, whether rental units or condominiums, and single-family attached dwellings.

Dwelling, Multi-Plex: A dwelling unit in a multi-plex dwelling unit building that resembles a large, single-family detached dwelling, but is divided internally into three or four units. The dwelling units are separated by party walls, but are not arranged in line and the party walls are not parallel to each other. The dwellings may have a shared or separate exterior entrance.

Dwelling, Single-family Attached: One of a series of two or more dwelling units, separated either by vertical or horizontal party walls, with each unit having its own separate exterior entrance(s).

Dwelling, Single-family Detached: A building, including a modular dwelling, arranged or designed for use as a principal dwelling, and entirely separated from any other principal building by open area on all sides.

Dwelling, Single-family Semi-Detached: One of two attached dwelling units located on abutting lots, separated by one vertical party wall without openings extending from the basement floor to roof along the dividing lot line, with each unit having its own exterior entrance and its own adjacent ground level outdoor area for the exclusive use of its occupants.

Dwelling, Two-family: A building which contains two dwelling units, of which neither is an accessory apartment, and which is arranged, designed or used for occupancy by two families. The dwelling units in a two-family dwelling are not separated by an attached garage or by an open or enclosed breezeway. (See also the definition of Dwelling, Accessory Apartment.)

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking limited to one kitchen, and sanitation.

Dwelling, Zero Lot Line: A single-family detached dwelling unit located with one side less than seven and a half feet from one side lot line and designed to orient interior space to the other three yards.

## E

Electric Vehicle Charging Station: A facility that dispenses electricity to electric vehicles of the general public or vehicle fleets for a fee. This term does not include private electric vehicle charging stations that are accessory to a permitted principal use.

Executive Golf Training and Recreation Center: A golf teaching and practice facility of at least five acres. Such a facility shall consist of a predominantly natural turf golf course with shorter fairways and smaller greens than a regulation course, shall contain additional teaching and putting greens, and shall include features such as trees and sand and water hazards. The facility may also include customary accessory buildings containing recreational, training and maintenance or other facilities such as a shop for the sale or rental of golf equipment and clothing or a restaurant.

## F

Family:

- a. A single person occupying a dwelling and maintaining a household, or
- b. Two or more persons related by blood, marriage or adoption, occupying a dwelling, living together, and maintaining a common household, or
- c. Not more than eight unrelated persons occupying a dwelling, living together, and maintaining a common household.

Farm: A lot or parcel of land used for farming that is 3.0 acres or larger.

Farming: The use of land for agricultural purposes, including:

- a. Crop production, apiaries, horticulture, orchards, agricultural nurseries, viticulture, silviculture, aquaculture, and animal and poultry husbandry;
- b. The growing, harvesting and primary processing of agricultural products;
- c. The breeding, raising, training, boarding and general care of livestock for uses other than food, such as sport or show purposes, as pets or for recreation;
- d. The operation of agricultural machinery and equipment that is an accessory use to a principal farming function. Agricultural machinery and equipment may be used on farms that are not the farm on which the machinery and equipment is normally stored;
- e. The construction and maintenance of barns, silos and other similar structures subject to compliance with any applicable bulk regulations;
- f. **The transportation, storage, handling and application of fertilizer, soil amendments, pesticides and manure, subject to all Federal, State and Local laws;**
- g. The temporary, onsite processing of chickens or rabbits on a farm in accordance with the Agriculture Article of the Annotated Code of Maryland; and
- h. Other uses directly related to, or as an accessory use of, the premises for agricultural purposes including special farm uses permitted under Section 128.0.I.

Not included in this definition are those uses subject to Section 131.0 Conditional Use requirements.

Farm Stand: A structure or outdoor area located on a farm and used for the sale of farm products grown or produced on the farm on which the stand is located. Where permitted by these Zoning Regulations, sale of farm products grown or produced off-site may be part of the use.

Farm Tenant House: An accessory detached building or mobile home that is:

- a. Designed and arranged for use as a dwelling;
- b. Located on a parcel of land used for farming; and
- c. Occupied by at least one person who is employed by the owner or operator of the farm on which the dwelling is located to engage in farming on a full-time or part-time basis.

Farm Winery: An agricultural processing facility located on a farm with a vineyard, orchard, hives, or similar area, which consists of vinification equipment, components and supplies for the processing, production and packaging of wine and similar fermented beverages on the premises. Farm winery activities may include associated crushing, fermenting and refermenting, distilling, blending, bottling, storage, aging, shipping, receiving, and may also include accessory facilities for laboratory work, maintenance, and office functions.

Farm Winery-Class 1A: A Farm Winery which operates for purposes of wine tasting, wine sales, tours, educational programs, meetings and social events.

Farm Winery-Class 1B: A Class 1A Farm Winery that requires approval as a Conditional Use.

Farm Winery-Class 2: A Farm Winery which operates on at least 25 acres for the purposes of wine tasting, wine sales, tours, educational programs, meetings, social events and special events.

Final Development Plan: A drawing or series of drawings, at an appropriate scale, covering the same geographical area covered by the Comprehensive Sketch Plan or a portion thereof indicating the various land use areas with criteria which shall be the same as those approved by the Planning Board as part of the Comprehensive Sketch Plan, and intended for recordation among the Land Records of Howard County, Maryland.

Flea Market: A collection of stalls, booths or tables, either indoors or outdoors, operated by different individuals for the sale of used merchandise, collectibles, crafts, antiques, and other items.

Flex Space: A building that is designed with three or more modular bays to accommodate businesses of varying sizes, with the modular bays capable of being used for a variety of uses, including offices, research and development, light manufacturing, service agencies, and accessory storage and sales, provided that the uses are limited to those uses permitted by the zoning district or final development plan in which the flex space is located. All principal activities of the various uses shall be conducted wholly within an enclosed building, but accessory outdoor storage may be conducted as permitted by these regulations. Flex space buildings have rear loading.

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 Plan is not required to apply a floating zone to a property. The purpose statement of a district will specify whether the district is a floating zone.

Floodplain: That area which would be inundated by the storm water runoff equivalent to that which would occur from a rainfall of 100-year frequency, assuming total development of the watershed. Floodplain determination shall be in accordance with the Howard County Design Manual.

Floor Area, Gross: The sum of the areas of the several floors of the structure(s) as measured by the exterior faces of the walls.

Floor Area, NET: The sum of the areas of the areas of the several floors of the structure(s) as measured by the exterior faces of the walls, less any area within the structure(s) devoted to parking, vehicular driveways, atria, office building storage areas, or enclosed malls and similar areas.

Floor Area Ratio (FAR): The ratio of the gross floor area to the gross lot area.

Food Hub: A centrally located facility that facilitates the collection, storage, processing, distribution and/or marketing of locally produced food products.

Frontage: That portion of a lot or parcel of land which adjoins a public road that provides vehicular access to the property.

Funeral Home: A facility which principally provides space and facilities for conducting funeral services or pre-funeral visitation. A funeral home may include a chapel or similar space and a mortuary, but shall not include a crematorium.

## G

Gasoline Service Station: A facility offering retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aids, and minor automobile accessories. A gasoline service station may also provide motor vehicle service, repairs and maintenance, including painting and bodywork.

General Plan: A plan for the County, approved by resolution of the County Council, which includes but is not limited to a plan for land use and land conservation and multi-year development plans for transportation, public facilities, water, sewerage, park land, housing, human services, historic preservation, and environmental protection.

Government: Any department, commission, agency, or other instrumentality of the United States; the State of Maryland or Howard County; or the Howard County School System; or other special district, authority, or government entity.

Greenhouse, Farm: A structure located on a farm wherein plants are grown but not sold from the site to the general public.

Greenhouse, Retail: A structure where plants are grown and sold on-site to the general public.

Gross Area: The entire area within a development project.



# H

Hearing Authority: Either the Board of Appeals or Hearing Examiner.

Historic District: An area in the County which has significant historic or architectural value, the boundaries of which have been established in accordance with the provisions of Sections 100.0.G and 114.0 of these Zoning Regulations, or the previously established Ellicott City Historic District

Historic Structure: A structure or cluster of structures situated within the County which, together with its appurtenances and environmental setting, have significant historic or architectural value, and have been designated as such by resolution of the County Council.

Home-Based Contractor: The accessory use of a residential property for a contracting business which is operated by a person residing on the same lot and which includes at least one of the following activities: storage of equipment, regular visits to the lot by nonresident employees, or parking of more commercial vehicles than allowed under the provisions of the applicable zoning district for parking of commercial motor vehicles. Home-based contractors may include building maintenance, construction, electrical, excavation, heating/air conditioning, home improvement, landscaping, painting, paving, plumbing, septic system, snow removal, well drilling, or similar businesses.

Home Care: The keeping during part of a 24 hour period of not more than eight children at one time or not more than three elderly or medically handicapped individuals at one time in a residence, under a license or registration issued by the State of Maryland.

Home Occupation: The accessory use of a residential property for business purposes which are clearly incidental and secondary to the residential use.

Hospital: Any institution, including a sanitarium, that has a group of physicians who are organized as a medical staff for the institution, maintains facilities to provide medical diagnostic and treatment services for two or more unrelated individuals, and provides overnight care for the individuals.

Hotel or Motel: Any building or portion thereof or group of buildings containing guest rooms in which, for compensation, lodging is provided to transient guests on a daily, weekly, or similar short term basis.

Housing Commission Housing Development: A housing development, as defined in Section 13.1303 of the Howard County Code, that is either (I) wholly owned by the Howard County Housing Commission or (II) owned by a limited partnership or limited liability company formed solely for the purpose of obtaining the benefit of federal low income housing tax credits under Section 42 of the Internal Revenue Code and in which the commission is the general partner or managing member.

# I

Illegal Use: Any use, whether of a structure or of a tract of land, in which a violation of any provision of these Zoning Regulations has been committed or exists, or any use which is not specifically permitted by these regulations.

Incinerator: A facility using controlled flame combustion for the thermal destruction of solid waste. This term does not include a hazardous waste incinerator.

Industrial Uses, Light: Uses engaged in the manufacture, predominately from previously prepared materials, of finished products or parts which may include the processing, fabrication, assembly, treatment, packing, accessory storage, or distribution of such products, and can include uses such as the manufacture of electronic or optical instruments, equipment and components, the preparation of food products, the manufacture of pharmaceutical products, and similar uses. The principal activities shall be conducted wholly within an enclosed building but accessory outdoor storage may be conducted as permitted by law. Light manufacturing uses do not include any manufacturing use permitted as a matter of right solely in the M-2 District.

Institutional Use: A nonprofit or quasi-public use, such as a religious facility, library, public or private school, hospital, or government owned or government operated structure, or land used by or for similar purposes.

Intermediate Care Facility: A facility for the treatment of alcoholic or drug addicted persons which provides overnight care and is licensed as an intermediate care facility by the State of Maryland.

## **J**

Junk Yard: This term includes the following uses:

- a. A parcel of land used for the bailing, shredding, compacting and sale of salvage materials.
- b. A parcel of land used for the dismantling and storage of motor vehicles.

This term does not include a business in which dismantling, processing, storage of salvage material or storage of dismantled vehicles takes place inside a building.

## **K**

Kennel: Any establishment for the overnight boarding, breeding or training of dogs or cats for which a fee is charged. Such establishments may include incidental grooming or sale of pet supplies. The ownership of dogs or cats which are part of a household or are owned by the residents of the property and are kept for hunting, or for exhibiting in dog or cat shows or field or obedience trials, and the sale of not more than one litter per year shall not constitute the operation of a kennel.

Kitchen: Any room designed to principally be used for cooking and food preparation purposes. A room which includes a sink and a range or oven, or utility connections suitable for the operation of a range or oven, shall be considered as the establishment of a kitchen.

## L

Land Clearing Debris: Those materials resulting from land clearing operations which shall be limited to earthen material such as clays, sands, gravels and silts, topsoil, tree stumps, root mats, brush and limbs, logs, vegetation, and rock.

Land Clearing Debris Landfill Facility: Any facility where non-hazardous land clearing debris is received for disposal on the site.

Land Conservation Organization: A nonprofit organization which has been approved by resolution of the Howard County Council as a potential holder of preservation parcel easement agreements for cluster subdivisions in the RC and RR Districts and for sending parcels using the Neighborhood Density Exchange Option.

Landscape Contractor: A commercial business which is principally engaged in providing plant-based landscaping services to off-site locations, including designing, planting and maintaining landscaped areas, and conducting accessory grading activities to create these landscaped areas. Businesses which principally provide grading services, hardscape construction and services, or construction of yard features such as exterior fireplaces, fountains, patios or swimming pools are not landscape contractors.

Landscaped Area: An area improved by vegetation and other natural or decorative materials, established or maintained for enhancement of the appearance of the site, noise reduction, buffering or screening. Areas used for buffering or screening are intended to provide a visual separation between uses as described below:

- a. Screening is the use of landscape materials to substantially shield a structure or use from view, to the extent possible given the topographic and other features of a specific site.
- b. Buffering is the use of landscape materials to lessen the visual impact of a use, or to visually or physically separate uses, while not necessarily concealing a structure or use from view.

Livestock: Animals typically kept for farming purposes, such as, but not limited to, cows, goats, horses and other equus, poultry and other fowl, sheep, or swine. Fish and other aquatic animals raised by aquafarming are considered to be livestock. Cats, dogs, rabbits and other similar small animals often kept as pets are not considered to be livestock. Bees are not considered to be livestock.

Local: Within 100 miles of a specific point or property, as used in the context of farming.

Lot or Parcel: A piece of land described on a Final Plat or in a deed and recorded in the Land Records of Howard County in accordance with the laws and regulations in effect at the time of recordation.

Lot Coverage: That portion of a lot which, when viewed directly from above, would be covered by a structure or any part of a structure.

Lot Size, Maximum: The largest lot area allowed under the bulk requirements of the applicable zoning district, calculated based on the gross area of the lot. The pipe stem area of pipe stem lots shall not be included for purposes of calculating the maximum lot size.

Lot Size, Minimum: The smallest lot area allowed by the bulk regulations of the zoning district. The pipe stem area of pipe stem lots shall not be included in the required minimum lot size.

Low Income Housing Unit: A dwelling unit offered for sale or rent to households with incomes below 50% of the median income in the Baltimore region.

## M

Manufactured Dwelling: This term has the same meaning as "Mobile Home".

Material Recovery Facility: A facility where recyclable materials are separated, sorted, processed and packaged for distribution to other facilities where the materials will be used as raw materials or will otherwise be returned to the marketplace. Processing means the preparation of material for efficient shipment, or to a user's specifications, by such means as baling, briquetting, compacting, grinding, crushing, shredding and cleaning. There are two types of material recovery facilities:

- a. Material Recovery Facility - Source Separated: A facility accepting only recyclables which have been previously separated from the solid waste stream.
- b. Material Recovery Facility - Non-source Separated: a facility accepting solid waste containing recyclables which have not been previously separated from the solid waste stream.

Mixed Use Development: A development including residential, nonresidential, and open space land uses which has been approved on a Preliminary Development Plan.

Mobile Home: A dwelling unit that is fabricated in an off-site manufacturing facility for installation or assembly at the building site, which:

- a. Bears a label certifying that it complies with the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 as promulgated by the U.S. Department of Housing and Urban Development (HUD); or
- b. Was manufactured prior to the effective date of the National Manufactured Housing Construction and Safety Standards Act of 1974, is transportable in one or more sections, is built on a permanent chassis, and is designed to be used as a dwelling.

Mobile Home Development: Any lot, parcel or tract of land zoned as a Residential-Mobile Home (R-MH) District, which is used, designed or maintained to accommodate mobile homes, single-family detached dwellings, single-family attached dwellings or apartment units. A mobile home development does not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for inspection and sale. A mobile home development provides for the permanent or long-term location of mobile homes to be occupied as residences.

Mobile Home Park: A mobile home development consisting of one lot which is divided into individual sites and operated exclusively as a rental or condominium project.

Mobile Home Subdivision: A mobile home development which is subdivided into individual lots.

Mobile Home Park, Transitional: A development limited to mobile home dwelling units which:

- a. Complies with the requirements of Section 127.2.E.5; and
- b. Adjoins or is within 50 feet of an existing nonconforming mobile home park; and
- c. Existed as of April 30, 2008.

Moderate Income Housing Unit: A dwelling unit offered for sale or rent to households with incomes up to 80% of the median income in Howard County, in accordance with Title 13, Subtitle 4 of the Howard County Code and the Procedures of the Howard County Department of Housing and Community Development.

Modular Dwelling: See "Dwelling, Modular".

Mortuary: A facility which principally provides services for the embalming, preparation, or storage of human remains prior to burial or cremation, but does not include crematorium services. This term does not apply to morgues which are accessory uses to hospitals or similar institutional uses.

Motor Vehicle: Any self-propelled vehicle or trailer that is not operated on rails and which if designed to be driven, towed or used on a public street or highway would be required by the Maryland Vehicle Law to be registered and licensed. Motor vehicles, including trailers, box trailers and cargo containers may not be used as a shelter for on-site storage.

Mulch Manufacture: The manufacture of horticultural mulch from wood, wood products or similar materials. This term does not include the production of mulch as a by-product of on-site farming.

Multi-Family: See Dwelling, Multi-Family.

## N

Neighborhood Infill Subdivision or Resubdivision: Small subdivisions or resubdivisions which create four or fewer lots from R-20 or R-12 zoned land surrounded along 60% or more of the perimeter by recorded lots 20,000 square feet or greater (in R-20) or 12,000 square feet or greater (in R-12).

Neighborhood Preservation Density Exchange Option: An option for transferring density from a qualifying sending parcel in the R-ED, R-20, or R-12 District to a qualifying receiving parcel in the R-ED, R-20, R-12, R-SA-8, R-A-15, R-APT or CAC District.

Neighborhood Preservation Parcel: A residential infill parcel in the R-20, R-12, or R-ED Districts that existed on September 9, 2008 and is designated as a sending parcel on a Revision Plat or a Final Plat or easement. A Neighborhood Preservation Parcel shall be encumbered by a Neighborhood Preservation Parcel Easement, and is either improved with a Swimming Pool, Community as defined in Section 103.0 or an existing dwelling unit, or if unimproved, must be owned and maintained by a Homeowners Association or dedicated to the Howard County Department of Recreation and Parks as provided in Section 128.0.K. Any new structures placed on an improved site shall not be larger than 50 percent of the building footprint of the principal structure existing at the time the Neighborhood Preservation Easement is recorded, except as provided in Section 128.0.K.

Neighborhood Preservation Parcel Easement: A permanent easement that prohibits a preservation parcel from subdivision and most types of development, as specified in the requirements for the Neighborhood Preservation Density Exchange Option.

Neighborhood Preservation Receiving Parcel: A parcel in the R-ED, R-20, R-12, RSA-8, R-A-15, R-APT or CAC District which receives development rights from a sending parcel, in accordance with the requirements of the Neighborhood Preservation Density Exchange Option, and which, as a result, can be developed at a greater density than would otherwise be allowed in the underlying zoning district.

Neighborhood Preservation Sending Parcel: A parcel subject to a restrictive preservation parcel easement in the R-ED, R-20, or R-12 District and from which development rights are removed and transferred to a receiving parcel in accordance with the requirements of the Neighborhood Preservation Density Exchange Option.

Net Acre: An acre of land that includes no land in the 100-year floodplain and no steep slopes existing at the time of subdivision.

Nonresident Employee: Any person who works on a lot in conjunction with a home occupation or home-based business operating on that lot who does not reside on the lot. The term includes various workers who maintain a regular, scheduled pattern of working on the site.

Nursing Home: Any facility for the treatment and care of two or more persons suffering from illnesses, diseases, disabilities, or injuries not requiring the intensive care that is normally provided by hospitals; but who do require medical, nursing, convalescent or chronic care rendered by or under the supervision of a nurse.

## O

Open Space: A separate lot or area which provides for protection of the environment, for recreation or for public use, including public facilities such as schools, libraries, fire stations and parks as shown on the General Plan or hiking, biking and equestrian trails. Parking areas may be included within open space if accessory to an open space use.

Optional Design Project: The equivalent of a Planned Unit Development in a CR Zoning District, an Optional Design Project is an alternative development proposal wherein the permitted land uses, the associated land use regulations, the development design, and other intended characteristics for the development site are initially drafted through a deliberative planning process between the developer and the Department of Planning and Zoning, and ultimately subject to final approval by the Planning Board.

Outdoor Storage: The holding or storage in an unroofed area of merchandise, goods, equipment, materials, or junk in the same place for more than 24 hours. This term does not apply to areas used for the parking or storage of licensed, registered and operable vehicles.

Overlay District: A district established to respond to special features or conditions of a land area, such as historic value, physical characteristics, location, or other circumstances. An overlay district supplements or provides an alternative to the regulations of the underlying zoning district. The purpose statement and the title of a district will specify whether the district is an Overlay District.



## P

Parking Area, Parking Facility or Parking Use: Any area of a lot or structure used for off-street parking and circulation of motor vehicles, including the area occupied by parking spaces, driveways, and vehicle stacking lanes (e.g. for a car wash or drive-through window). The following are not part of a parking area or parking use: loading docks; areas designated to be occupied by a vehicle during loading operations; fuel servicing spaces at a gasoline service station; parking lot islands, any area used for outdoor display or storage of merchandise for sale or rent, including motor vehicles; and any area used for storage of inoperative motor vehicles.

Parking Garage: A structure occupied by a public, community, commercial or private establishment providing space for the temporary storage of six or more automobiles and other vehicles, where service or repair facilities are not permitted. A parking garage shall not be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

Parking Lot: An open lot serving the functions defined for a parking garage.

Parking Space: An off-street space available for the parking of one motor vehicle on a transient basis, conforming to the Howard County Design Manual specifications, and having direct usable access to the street. This term shall not include a space used for display of a motor vehicle which is available for sale or rental or a space used for storage of an inoperative motor vehicle.

Pawn Shop: A business that loans money on the security of personal property and the sale or resale of such property where any of the income received by the establishment is generated through these activities.

Personal Service Use: A commercial establishment in which the principal occupation is the repair, care, maintenance, styling, fashioning, or customizing of personal attributes that are a physical component of a person, or personal properties that are worn or carried about the person. Personal service establishments include such uses as barber shops, hair salons, nail salons, health spas, self-service laundromats, shoe cleaning or repair shops, and similar uses.

Pet Grooming Establishments: An establishment which for a fee trims, cleans or curries domestic pets such as dogs or cats, and which may sell pet supplies. This term does not include establishments which board pets.

Porch, Enclosed: An addition to a dwelling which is enclosed by walls and a roof but which is separated from the dwelling by an intervening exterior wall and door, and which is not heated or air conditioned.

Preliminary Equivalent Sketch Plan: A sketch plan which also provides the information required with a preliminary plan.

Preservation Easement, County: An easement held by Howard County which has been established through one of the following:

- a. The purchase of development rights by the Howard County Agricultural Land Preservation Program (ALPP Purchased Easement), or
- b. The dedication of a preservation parcel to the Howard County Agricultural Land Preservation Program (ALPP Dedicated Easement), or
- c. The dedication of a preservation parcel to an easement holder other than the ALPP (Other Dedicated Easement).

Preservation Parcel: A parcel in the RC or RR District that encompasses all or a portion of the preserved area of a cluster subdivision or receiving parcel subdivision, or that is designated as a sending parcel on a final plat of easement. A preservation parcel is encumbered by a preservation parcel easement and may be buildable or non-buildable depending on whether one of the housing units permitted by zoning will be located on the parcel.

Preservation Parcel Easement: A permanent easement that prohibits a preservation parcel from subdivision and most types of development, as specified in the requirements for the RC and RR Districts.

Principal Use or Structure: The main use of a lot or the structure used for the main function of a lot, as opposed to an accessory use or structure. Structures which are attached to the principal structure, either directly or by a breezeway not to exceed 15 feet in length, shall be considered part of the principal structure.

Project Boundary: When setbacks are required from a project boundary, this shall be based on the boundary established by the initial plan submission for the development as defined in the Subdivision and Land Development Regulations.

## R

Receiving Parcel: A parcel in the DEO Overlay District which receives development rights from a sending parcel, in accordance with the requirements of the DEO District, and as a result can be subdivided at a greater density than would otherwise be allowed in the underlying zoning district.

Receiving Parcel Subdivision or Receiving Subdivision: A subdivision of a receiving parcel in accordance with the requirements of the DEO Overlay District and the underlying district, using development rights that have been transferred to the receiving parcel from a sending parcel.

Recreation Facility, Commercial: A commercial facility providing activities or services that are typically associated with amusement. This use category includes such uses as bowling centers, billiard or pool centers, laser-tag facilities, computer gaming centers, golf driving ranges, miniature golf, water slides, paintball, and similar uses.

Recreational Vehicle: A vehicular-type unit which is designed for recreation, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle, and which, in general, is of such size and weight as not to require special highway movement permits when drawn by a passenger automobile or a pickup truck. A recreational vehicle is not permitted to be utilized as a dwelling unit.

Recycling Collection Facility: A facility where recyclable materials are accepted from the public for distribution to users who will accept and process the materials.

Recyclable Material: Reusable material, including metals, glass, plastic, paper, and other materials which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include hazardous materials but may include used motor oil and antifreeze.

Research and Development Laboratory: A structure or group of structures used primarily for applied and developmental research, where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation and test marketing.

Residence: A building or part of a building containing dwelling units, including single-family or two-family dwellings and apartments. Residences do not include:

- a. Such transient accommodations as hotels, motels, or country inns; or
- b. Dormitories, fraternity or sorority houses;
- c. In a mixed use structure, that part of the structure used for any non-residential uses, except accessory to residential uses;
- d. Recreational vehicles.

Residence, Single-family: A building containing only one principal dwelling unit.

Residential Care Facility: A residential facility that provides housing and supportive services to at least nine persons who are members of a population needing the services provided due to age or emotional, mental, physical, familial or social conditions. This term includes “assisted living facilities” as defined in these Zoning Regulations. Residential care facilities provide group housing in which capacity is measured in terms of the number of beds, rather than individual dwelling units equipped with living, sleeping, and full kitchen facilities.

Residential Lot or Parcel: A lot or parcel improved with a single-family residence as the principal use.

Residential Zoning District: This term includes:

- a. The RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-SI, R-VH, and PSC Districts;
- b. Residential land use areas of the NT and PGCC Districts as indicated by approved comprehensive sketch plans or, for areas where there is no approved comprehensive sketch plan, by the preliminary development plan;
- c. Residential land use areas of a MXD District as indicated by approved preliminary development plans or, if there is no approved preliminary development plan, MXD-zoned land for which the underlying zoning district is one of the districts listed above in this definition.
- d. Residential land use areas of a TOD, CAC, TNC or CCT District.

Restaurant, Carry-out: An establishment which prepares and sells food products intended for ready consumption, which are generally packaged in paper or served in other types of disposable plates, wrappers, or containers primarily for consumption off the premises, but which may provide thirty or fewer seats for use by eat-in customers.

Restaurant, Fast Food: An establishment which prepares and sells food products intended for ready consumption, which are generally packaged in paper or served in other types of disposable plates, wrappers, or containers, for consumption inside the building, on a patio, or off the premises, which provides more than 30 seats on the premises and which may include service directly to patrons in their motor vehicles. This term does not include retail grocery stores or other outlets selling food items primarily for home preparation and consumption, or pizza delivery services.

Restaurant, Standard: An establishment which primarily prepares food to be served on non-disposable tableware and consumed on the premises, but may provide incidental carry-out service. A standard restaurant may include an accessory brewery.

Retreat Center: A structure, a portion of a structure, or a group of structures utilized and maintained for educational and religious conclaves, seminars and similar activities by particular educational, religious, fraternal, social, service or other groups but not open to the general public.

Riding Academy and Stable: Any lot used primarily for the commercial hiring out of horses or ponies or instruction in riding where three or more horses are kept for these purposes.

Right-of-Way, R.O.W.: A strip or parcel of land designated for use as a street, highway, driveway, alley or walkway, or for any drainage or public utility purpose or other similar uses. For public streets, the right-of-way width shall be as required by the State for State roads and the Howard County Design Manual for County Roads.

Route 1 Corridor Development Project: One or more parcels developed under an integrated design that meets the standards of the Route 1 Manual. Compliance with the manual must be shown on the subdivision plan (where applicable) and on each Site Development Plan for parcels within the project. Where these Zoning Regulations conditionally permit certain uses if specific acreage, use or design requirements are met, a Site Development Plan demonstrating that all requirements will be met before the completion of the project must be approved prior to or concurrent with approval of the Site Development Plan for the conditionally permitted use. Construction may be phased, but the conditionally permitted use may not be developed until the acreage, use, or design requirements are met.

Route 40 Corridor Development Project: One or more parcels developed under an integrated design that meets the standards of the Route 40 Manual. Compliance with the Manual must be shown on the subdivision plan (where applicable) and on each Site Development Plan for parcels within the project.

Rubble: Those waste materials considered acceptable for disposal in rubble landfills as defined in these Zoning Regulations and shall include the following:

- a. Land clearing debris.
- b. Demolition debris.
- c. Construction debris and other material deemed acceptable for disposal according to State law and regulation.

Rubble Landfill Facility: Any facility where non-hazardous rubble waste material is received for disposal on the site.

## S

Scenic Road: A public road or road segment listed in the Scenic Roads Inventory adopted by the County Council in accordance with Section 16.1403 of the Howard County Code.

School, Academic: An institution which offers an academic course of instruction operated either by an established religious organization or under a certificate of approval issued by the Maryland State Department of Education.

School Bus Service, Commercial: A business which maintains, stores and operates school buses used to transport students in the Howard County Public School System or private schools within Howard County.

School, Commercial: A business establishment which principally offers instruction for a fee in the fine or performing arts, or for vocational and professional training purposes, or in special skills improvement such as, but not limited to, driving schools and test preparation centers.

Sending Parcel: A parcel in the DEO Overlay District from which development rights are removed and transferred to a receiving parcel in accordance with the requirements of the DEO District. A sending parcel is a type of preservation parcel and is subject to a preservation parcel easement.

Service agency: A business establishment which principally provides professional assistance in certain transactions or which carries out certain actions for a fee, rather than selling merchandise. This term includes such examples as real estate, insurance and travel agencies, and messenger and security service businesses. This term does not include other use categories specified elsewhere in these Zoning Regulations which include the word “service” in the use category title.

Setback: The distance between a structure or use and a boundary such as a lot line, project boundary, right-of-way line, or zoning district boundary. A setback is measured as the shortest horizontal distance between the project boundary and the nearest point of the use, structure or projection thereof. Where these Zoning Regulations require a minimum setback from a zoning district or right-of-way, and the property subject to the setback does not abut or adjoin the zoning district or right-of-way, the required setback is measured across the intervening properties. For lots that front directly on a public road, the setback is measured from the ultimate right-of-way of the public road as determined by the Howard County Design Manual Volume III, Roads and Bridges, or the State Highway Administration, Highway Needs Inventory.

Setback, Front: Extends across the full width of the lot, between the front public street right-of-way or front lot line and the nearest line of the structure or enclosed portion thereof:

- a. For lots that front directly on a public street, the front setback is measured from the ultimate public street right-of-way providing access to the lot and towards which the front of the house or structure is to be oriented. The ultimate right-of-way of the public road is determined by the Howard County Design Manual or the State Highway Administration, Highway Needs Inventory.
- b. For pipestem lots and lots with no frontage on a public street, the front setback is measured from the front lot line assigned when the lot is recorded. The front lot line is the lot line towards which the front of the house is to be oriented and shall be selected in order to provide the best utilization of the lot and greatest privacy for the adjacent lots.

Setback, Rear: Extends across the full width of the lot, between the rear lot line and the nearest line of the structure, porch or projection thereof. The rear lot line is opposite the lot line from which the front setback is measured. For a lot with more than four sides, the rear setback is measured from all segments of the lot boundary that are opposite the front lot line.

Setback, Side: Extends between the side lot line or side public street right-of-way and the nearest line of the structure or projection thereof, extending from the front setback to the rear setback, or, in the absence of either of such setbacks, to the front public street right-of-way and/or rear lot line.

Shopping Center: A group of six or more retail uses or retail and service uses that are designed, developed and managed as an integral entity and that share common vehicular access and parking.

Site Development Plan: A plan prepared in accordance with the Subdivision and Land Development Regulations indicating the location of existing and proposed structures, paved areas, trails, walkways, vegetative cover, existing and proposed grades, initial landscaping, screening and other required items within a site proposed for development.

Sketch Plan: A sketch indicating the general objectives and lay-out for development of a site. The basic role of the sketch plan is to allow the County to provide the developer with important information that may affect the project and to ensure that the plan complies with the Zoning Regulations and incorporates good planning and development principles.

Small Wind Energy System, Building Mounted: A small wind energy conversion system consisting of a vertical wind turbine and associated control or conversion electronics, which is to be located on a structure and has a rated capacity of not more than 100 kW.

Small Wind Energy System, Freestanding Tower: A wind energy conversion system consisting of a wind turbine, freestanding tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW.

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into electrical energy.

Solar Collector, Accessory: A building mounted or ground mounted solar collector which is an accessory use to a principal use and is used for the primary purpose of generating electrical power to be consumed primarily by the principal use. A ground mounted accessory solar collector may be located on a different lot than the principal use.

Solar Facility, Commercial: A series of ground mounted solar collectors used to generate photovoltaic power, where less than 50% of the power generated is consumed by the principal use on the site.

Solid Waste: Garbage, refuse, rubble, construction debris, demolition debris, land clearing debris, and other discarded materials. This term does not include hazardous waste.

Solid Waste Processing Facility: A combination of structures, machinery or devices used to reduce or alter the volume, chemical characteristics, or physical characteristics of solid waste. This term includes incinerators, solid waste transfer stations, material recovery facilities, and yard waste composting facilities as defined in these Zoning Regulations, enclosed sludge storage facilities, and any other use which meets this definition but is not specifically defined in these Zoning Regulations. This term does not include a landfill or a solid waste generator who processes his or her own solid waste at the site of generation and disposes of the processed waste at an approved disposal site in accordance with State or Federal regulations.

Specialty Store: A retail business that principally offers a specific type or category of merchandise for sale or rental. Examples include but are not limited to stores specializing in art supplies, bicycles, books, cards, electronics, fabrics, flowers, gifts, hobbies, house wares, jewelry, luggage, musical instruments, news publications, optical goods, pets, photographic supplies, radios and televisions, sewing machines, sporting goods, stationary, or works of art.

Steep Slope: A slope that averages 25% or greater over 10 vertical feet.

Street Right-of-Way, External: A public street which provides frontage to land that is part of a subdivision, but which is not contained entirely or predominantly within the subdivision and is not constructed primarily to serve the subdivision.

Street Right-of-Way, Internal: A public street which is contained entirely or predominantly within a subdivision and is constructed primarily to serve the subdivision.

Story: That part of a structure between the surface of a floor and the ceiling immediately above.

Structure: Anything constructed or built. The following shall not be considered structures for bulk regulation purposes:

- a. Accessory electric vehicle charging stations, awnings, bus shelters, exterior lighting fixtures, fire hydrants, mail boxes, telephone, electrical or cable equipment boxes, heating and air conditioning units, newspaper boxes and survey monuments;
- b. Gardens, driveways, walks, patios, and parking surfaces;
- c. Ground level decks, limited to decks elevated 18 inches or less above average grade and having no railing, walls or roofing;
- d. Outdoor barbecues and firepits if 18 inches or less high above average grade.
- e. Noise barriers or noise walls;
- f. Signs are not considered to be a structure or part of a structure, and are regulated by the Howard County Code.
- g. Stormwater management facilities;
- h. All structures exempt from setback compliance in Section 128.0.A
- i. Outdoor riding rings, wet weather pads, and run-in sheds or similar farm structures with a maximum of three walls and a maximum footprint of 500 square feet.
- j. Similar minor structures as determined by the Department of Planning and Zoning on a case-by-case basis.

Basketball hoops, fences, swimming pools and their ancillary equipment, above ground fuel tanks, vending machines, generators, compressors and play equipment that is permanently attached to the ground are considered to be structures.

Swimming Pool, Commercial: A swimming pool operated for profit and open to members or the general public.

Swimming Pool, Community: A swimming pool which is:

- a. owned and operated by members of a club, cooperative or association;
- b. not operated for profit; and
- c. restricted primarily to use by members and their guests.



## U

### Use:

- a. Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained or occupied; or
- b. Any activity, occupation, business or operation carried on, or intended to be carried on, in a structure, or on a tract of land; except that, wells, septic systems and storm water management systems are not considered uses for purposes of these Zoning Regulations.
- c. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
- d. See Section 128.0.A for uses which are exempt from setback compliance.

## V

Variance: A grant of relief to a zoning regulation in a specific case concerning parking requirements or the bulk regulations for a zoning district or bulk regulations in the supplementary zoning district regulations, except that variances may not be granted for density requirements, or minimum or maximum lot size requirements. Variances are not applicable in any district for which bulk regulations are controlled by a Final Development Plan. Unless otherwise specified in the Zoning Regulations, variances are not applicable to requirements that are conditions for allowing a specific use. An Administrative Adjustment to bulk regulations is considered to be a type of variance.

Village Center, New Town Amenity Area: A usable outdoor landscaped area such as a plaza, courtyard, garden or similar area which is designed to be open to the public and easily accessible.

Village Center Community Plan: An advisory plan which has been developed by the community and endorsed by the Village Board.

Village Center, New Town: A Mixed-Use Development in the New Town District which is in a location designated on the New Town Preliminary Development Plan as a "Village Center", which is designed to be a community focal point and gathering place for the surrounding village neighborhoods by including the following items:

- a. An outdoor, public, village green, plaza or square, which has both hardscape and softscape elements. This public space shall be designed to function as an accessible, primarily pedestrian-oriented promenade connecting the various village center buildings and shall include public seating features;
- b. Stores, shops, offices or other commercial uses which provide opportunities to fulfill the day-to-day needs of the village residents, such as food stores, specialty stores, service agencies, financial institutions, personal services, medical services, and restaurants;
- c. Space for community uses and/or institutional uses; and
- d. Residential uses, to the extent appropriate to support and enhance, but not overwhelm, other uses in the village center.

Village Center Redevelopment, Major: A redevelopment of a New Town Village Center that includes any proposal to add residential uses, or to make a change in the permitted land use categories set forth in the chart contained in Section 125.0.A.8 of the Zoning Regulations, within the boundaries of a New Town Village Center, for which an amendment to the New Town Preliminary Development Plan is required in accordance with Section 125.0.J.(see Errata pg. 255)

Village Center Redevelopment, Minor: A redevelopment of a New Town Village Center which is not a Major Village Center Redevelopment, in accordance with Section 125.0.K. and which requires approval in accordance with Sections 125.0.C. & D, 125.0.F., or 125.0.G. (see Errata pg. 255) as appropriate.

. Volunteer Fire Department: A facility operated by a volunteer fire company and used principally for fire protection services.

## W

Waste Transfer Station: A facility which accepts non-hazardous solid waste from loaded collection trucks and consolidates and transfers it to other vehicles for transportation to solid waste acceptance facilities. Such a facility may include a material recovery function to allow the selective separation of solid waste to recover recyclable materials and process them for sale.

Wine and Similar Fermented Beverages: Beverages containing alcohol which are produced from grapes, fruits, other plants, and/or honey through a natural fermentation or distillation process, but which are not beer, ale, porter, stout and similar malt-based or grain-based beverages.

## Z

Zero Lot Line Development: A development of single-family detached units in which one or more units are located less than seven and one-half feet from a side lot line, but no less than 15 feet from the nearest structure on another lot.

Zoning Confirmation: A letter issued by the Howard County Department of Planning and Zoning, Division of Public Service and Zoning Administration which affirms and verifies that a building, development, structure, or use of land is in compliance with all applicable criteria, procedures, requirements, or standards in these Regulations.

Zoning Maps: Maps incorporated into the provisions of these Zoning Regulations in accordance with the provisions of Section 100.0.C, "District Maps."

Zoning Permit: A document issued by the Howard County Department of Planning and Zoning authorizing an entity to begin certain activities or uses as required in Section 128.0 of these Zoning Regulations.

Reserved.

## **SECTION 104.0: RC (Rural Conservation) District**

### **A. Purpose**

The Rural Conservation District is established to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agriculture will continue as a long term land use and a viable economic activity within the County. The RC District is also established to preserve natural features and the rural landscape, while allowing low density, clustered residential development. Residential development is to be permitted only when it is located and designed to minimize its impact on agricultural land, farming operations, and sensitive environmental features; to create attractive rural developments; and to respect existing features of the rural landscape.

The preferred land use in the RC District is agriculture. The District is intended to permit a range of uses related to agriculture, to encourage the preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. Residential lots in the district are likely to be adjacent or close to agricultural land. Residents of property within the RC District should be prepared to accept the impacts associated with normal farming practices (see the Howard County Right-To-Farm Act in § 12.111 of the Howard County Code).

### **B. Uses Permitted as a Matter of Right**

The following uses are permitted as a matter of right in the RC District, except that only the uses listed in Section 106.1 shall be permitted on County Preservation Easements.

1. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
2. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
3. One single-family detached dwelling unit per lot.
4. Commercial feed mills and commercial grain processing or storage facilities, provided that all uses connected with such facilities shall be at least 200 feet from property lines.
5. Convents and monasteries used for residential purposes.
6. Governmental structures, facilities and uses including public schools and colleges.
7. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within neighborhoods and communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
8. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
9. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.

10. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.
11. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
12. Volunteer fire departments.

**C. Accessory Uses**

The following are permitted accessory uses in the RC District, except that only the uses listed in Section 106.1 shall be permitted on County Preservation Easements. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district. Accessory structures are subject to the requirements of Section 128.0.A.
2. Accessory houses, limited to the following:
  - a. Farm tenant houses and similar uses customarily accessory to agricultural uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and one unit shall be permitted for each 25 acres of that parcel; or
  - b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres and one unit shall be permitted for each 50 acres of that parcel.
3. Accessory apartments, subject to the requirements of Section 128.0.A.
4. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.

7. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
9. The following commercial services are permitted as accessory uses on farms, provided that the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an ALPP purchased or dedicated easement, the commercial service is conducted by persons residing on or operating the farm, and all uses are screened from public roads and adjacent lots:
  - a. Blacksmith shop
  - b. Farm machinery repair
  - c. Lawn and garden equipment repair
  - d. Welding
10. Farm stands, subject to the requirements of Section 128.0.I.
11. Snowball stands, subject to the requirements of Section 128.0.D.
12. Home-based contractors, subject to the requirements of Section 128.0.C.2.
13. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the requirements of Section 128.0.D.
14. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
15. Agritourism enterprises and pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
16. Farm Winery-Class 1A, subject to the requirements of Section 128.0.O.
17. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
18. Small Wind Energy System, freestanding tower on properties 5 acres or great or greater, subject to the requirements of Section 128.0.M.

19. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
20. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
21. Food Hubs, subject to the requirements of Section 128.0.I.
22. Accessory Solar Collectors.
23. Residential chicken keeping, subject to the requirements of Section 128.0.D.
24. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.

**D. Eligibility for Subdivision**

1. Parcels of less than 6 acres shall be subdivided in accordance with the non-cluster subdivision requirements of Section 104.0.E.
2. Parcels of 6 acres or greater but less than 20 acres may be subdivided either in accordance with the cluster subdivision requirements of Section 104.0.E (Bulk Requirements) and Section 104.0.G (Cluster Subdivision Requirements), or in accordance with the non-cluster subdivision requirements of Section 104.0.E.
3. Parcels of 20 acres or larger shall be subdivided in accordance with the cluster subdivision requirements of Section 104.0.E. and 104.0.F, except that parcels located within 2500 feet of the normal water level of a water supply reservoir, as determined by the appropriate state agency, may be subdivided in accordance with the non-cluster subdivision requirements of Section 104.0.E.
4. Parcels 100 acres or larger may be subdivided in accordance with the large parcel subdivision requirements of Section 104.0.E.
5. Tier IV Properties which are subject to Senate Bill 236 are only authorized for minor subdivisions of four or fewer buildable lots or parcels; however, sending of remaining density is permitted in accordance with the DEO provisions of Section 106.0.

**E. Bulk Requirements**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. Density and Lot Size Requirements
  - a. Density for Cluster Subdivisions  
Density requirements for cluster subdivisions are given in Section 104.0.G.
  - b. Minimum Lot Size



	<u>Cluster Subdivision</u>	<u>Non-Cluster Subdivision</u>	<u>Large Parcel Subdivision</u>
With shared septic system drainfield	33,000 sq. ft.	3 acres	Not applicable
With individual septic system drainfield	40,000 sq. ft.	3 acres	50 acres
Non-buildable preservation parcels	None	Not applicable	Not applicable

c. Maximum Lot Size

In cluster subdivisions, the maximum lot size for cluster lots shall be 50,000 square feet. However, the Department of Planning and Zoning may allow the size of specific lots to be increased up to a maximum of 60,000 square feet based on adequate justification from the developer regarding site limitations and setback restrictions for the location of the well, private septic system and storm water management devices. There shall be no maximum size for preservation parcels.

2. Maximum Height Limitations

- a. Principal structures with gable, hip or gambrel roofs ..... 40 feet
- b. Principal structures with other roof types ..... 34 feet
- c. Detached accessory houses ..... 34 feet
- d. Other Accessory structures ..... 25 feet

3. Minimum lot width at building restriction line

- a. Lots 3 acres or larger ..... 200 feet
- b. Lots less than 3 acres ..... 100 feet

4. Minimum setback requirements- structures

- a. Lots 3 acres or larger:
  - (1) Principal structures - from collector or arterial public street right-of-way ..... 75 feet
  - (2) Front..... 75 feet
  - (3) Side
    - (a) From public street right-of-way ..... 60 feet
    - (b) Principal structure from lot line ..... 30 feet
    - (c) Accessory structure from lot line
      - 1. 200 square feet or greater ..... 30 feet
      - 2. less than 200 square feet ..... 10 feet

- (4) Rear
  - (a) All structures -- from public street right-of-way..... 75 feet
  - (b) Principal structure..... 60 feet
  - (c) Accessory structure..... 10 feet

b. Lots less than 3 acres:

- (1) Principal structures - from collector or arterial public street right-of-way ..... 75 feet
- (2) Front..... 50 feet
- (3) Side
  - (a) From public street right-of-way ..... 30 feet
  - (b) Principal structure from lot line ..... 10 feet
  - (c) Accessory structure from lot line
    - 1. 200 square feet or greater ..... 10 feet
    - 2. less than 200 square feet ..... 5 feet
- (4) Rear
  - (a) All structures -- from public street right-of-way..... 50 feet
  - (b) Principal structure..... 30 feet
  - (c) Accessory structure..... 10 feet

5. Minimum setback requirements – uses

All uses (other than structures) not accessory to farming or single-family detached dwellings shall be at least 50 feet from public street rights-of-ways and 30 feet from all other lot lines.

6. Bulk Requirements for ALPP Purchased Easements

On Howard County ALPP Purchased Easement properties, lots may be created pursuant to the applicable Howard County laws and regulations governing the easement, subject to the following requirements.

- a. The following requirements shall apply instead of the requirements of Section 104.0.E.
  - Lot size:           maximum -- 1 acre
  - minimum -- 40,000 square feet
- b. The 1 acre maximum lot size required by this section may be increased up to a maximum of 1.2 acres provided that:
  - (1) The location of the proposed lot has been approved by the Howard County Agricultural Land Preservation Board, and
  - (2) The Department of Planning and Zoning determines that:
    - (a) The increase in lot size is necessary to accommodate the Health Department approved locations for the sewage disposal easement and well; and
    - (b) The proposed lot is a regularly shaped lot in accordance with Section 16.120 (B) of the Howard County Code; and
  - (3) The increase in lot size shall be approved:
    - (a) By the Department of Planning and Zoning as an Administrative Adjustment pursuant to Section 100.0.F of the Zoning Regulations; or
    - (b) By the Hearing Authority as a Variance pursuant to Section 130.0.B of the Zoning Regulations.

- c. All bulk regulations of Section 104.0.E.2 through 104.0.E.5. remain applicable.

**F. Moderate Income Housing Units**

At least 10% of the dwellings in each RC development shall be Moderate Income Housing Units. Multi-plex units that are comparable in size to surround dwellings are permitted on a single-family detached lot.

**G. Cluster Subdivision Requirements**

1. Subdivision and Density Requirements

- a. A cluster subdivision consists of cluster lots, which are located on a portion or portions of the parcel being subdivided, and a preserved area, which is the entire residual area of the parcel being subdivided.
- b. The preserved area should be retained as a single preservation parcel whenever possible. It may be divided into more than one preservation parcel only at the time that the preserved area is originally recorded and only in accordance with the purposes of the RC District with the following exception:
  - (1) Subdivision of a preservation parcel after recordation of the preservation parcel easement may only be permitted if the subdivision is necessary to establish a boundary line respecting agricultural, historical, or environmental features or patterns of use; and
  - (2) Involves either:
    - (a) The transfer of land between adjoining parcels that are both entirely protected by an agricultural environmental or historic preservation easement held by Howard County or a State agency; or
    - (b) The exchange of equivalent acreage between adjoining parcels, one of which is a preservation parcel, created in accordance with section 104.0, 105.0 or 106.0 of these regulations, wherein the resulting configuration will better facilitate the purpose of the preservation parcel and better ensure its protection; and
  - (3) Such transfer may not:
    - (a) Result in a net increase in the number of farm tenant house rights for the parcel being enlarged; or
    - (b) Undermine the original agricultural, environmental, or historic preservation purpose for creating the preservation parcel; or
    - (c) Reduce the preservation parcel to less than 20 acres; and
  - (4) Such land transfer requires consent of all easement holders. All deed(s) of easements shall be amended to reflect the land transfer.
- c. The maximum number of cluster lots which may be created shall be the sum of the following:
  - (1) One cluster lot per 4.25 gross acres of area in the parcel being subdivided (the base density).
  - (2) If the cluster subdivision will create at least one preservation parcel larger than 25 acres, and the parcel being subdivided has not been reduced in size since September 18, 1992, one additional cluster lot may be created per 25 gross acres within the largest preservation parcel. The additional dwellings shall be placed on additional cluster lots, except that one principal dwelling unit may be placed on the preserved area.

- d. Only one preservation parcel within a cluster subdivision may be improved by a dwelling. If a dwelling unit is to be allowed on a preservation parcel, the number of permitted cluster lots shall be decreased by one. A non-buildable preservation parcel that cannot be improved with a dwelling shall be dedicated and deeded without charge to either Howard County or to the subdivision's homeowner's association, at the discretion of the County, unless the County approves the preservation parcel's ownership by a private entity solely for farming, environmental conservation or private recreation purposes in perpetuity.
- e. The maximum density of one dwelling unit per 4.25 gross acres refers to principal dwelling units and not to accessory uses such as farm tenant houses, caretaker dwellings or accessory apartments.
- f. A preservation parcel easement for the required preserved area of a cluster subdivision shall be recorded at the same time that the final plats are recorded for the cluster lots in the subdivision, except as permitted below.
- g. Cluster subdivisions may be recorded in phases as long as a preservation parcel easement for the required preserved area is recorded for each phase. Preservation parcel easements will normally encumber an entire preservation parcel. However, they may encumber a portion of a parcel as a temporary measure to allow phasing of the subdivision or the transfer of density. Bulk parcels of unencumbered land may be recorded for future sections of cluster lots.
- h. The restrictions and requirements for the preserved area shall not apply to the residual land of a minor subdivision (three or fewer lots plus a residual parcel) if the base density of one cluster lot per 4.25 acres is not exhausted, and if the property is not designated as Tier IV, subject to Senate Bill 236, but shall apply at the time that a major subdivision is recorded.

2. Design Standards

The design of a cluster subdivision shall reflect the intended principal use or uses of the preservation parcels. The Preliminary Equivalent Sketch Plan submission shall include a justification for the proposed design that explains how it accomplishes the following objectives:

- a. Locate and arrange cluster lots and subdivision roads to create consolidated preservation parcels appropriately shaped for one or more of the permitted uses listed in Section 106.1. Generally, most of the preserved area shall be within preservation parcels designed to be suitable for agricultural use, protection of environmental features, or provision of a buffer between cluster lots and adjacent non-cluster lots, a scenic road, a historic site, or farmland.
- b. Avoid fragmentation of the preserved area into small, irregularly shaped preservation parcels.
- c. Locate preservation parcels to be contiguous with adjacent preserved land, if any. Preserved land includes State or County parkland, land subject to a permanent preservation easement held by a governmental agency or land trust, and land held for protection of a water supply reservoir.
- d. Minimize potential adverse impacts on existing farm operations.

- e. Configure preservation parcels to provide frontage and public street access that will be suitable for potential agricultural and agribusiness uses, minimizing conflicts with residential traffic from cluster lots.
  - f. Avoid the need for removal of existing hedge rows or tree stands, particularly along public street rights-of-ways and between housing and farmland; and
  - g. Preserve the rural and scenic quality of the landscape, particularly as viewed from public roads.
3. Permitted Uses on Preservation Parcels – see Section 106.1, County Preservation Easements.
4. Requirements for Preservation Parcel Easements
- a. The easement agreement for each preservation parcel shall be approved by the County and executed by the property owner prior to recordation. The easement shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:
    - (1) The location and size of the preservation parcel.
    - (2) Existing improvements on the preservation parcel.
    - (3) A prohibition on future residential, commercial or industrial development of the preservation parcel, other than the uses listed in Section 106.1. The easement must specify the primary purpose of the preservation parcel, and prohibit the use of the preservation parcel for incompatible uses.
    - (4) A prohibition on future subdivision of the preservation parcel.
    - (5) Provisions for maintenance of the preservation parcel.
    - (6) Responsibility for enforcement of the easement.
    - (7) Provisions for succession in the event that one of the parties to an easement agreement ceases to exist.
  - b. Except as exempted below, at least two of the following entities shall be parties to the preservation easement in addition to the property owner:
    - (1) Howard County government;
    - (2) Maryland Environmental Trust or Maryland Historical Trust;
    - (3) A land conservation organization approved by the County Council; or
    - (4) A homeowners association comprised of a minimum of three lots which are directly associated with the preservation parcel.
  - c. Only one of the above parties is required for easements on preservation parcels that meet one of the following conditions:
    - (1) The preservation easement will be donated to the Agricultural Land Preservation Program;
    - (2) The preservation parcel is being created solely to encompass storm water management or shared sewage disposal facilities;
    - (3) The preservation parcel will be deeded to Howard County;
    - (4) The preservation parcel will be deeded to a homeowner’s association and the preservation easement will be held by Howard County; or
    - (5) The preservation parcel is a density sending parcel.
  - d. If the Preservation Easement is dedicated as an Agricultural Land Preservation Easement, the easement shall be held by Howard County.

- e. If a property owner selects Howard County as an easement holder for a preservation parcel, Howard County shall have the option of choosing whether the easement is dedicated to the Howard County Agricultural Land Preservation Program or held by the County under another type of preservation parcel easement, based on the characteristics and designated principal uses of the preservation parcel.

## **H. Conditional Uses**

Conditional Uses in the RC District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

## **SECTION 105.0: RR (Rural Residential) District**

### **A. Purpose**

The Rural Residential District is established to allow low density residential development within a rural environment. The Rural Residential District is intended for an area of the County which is already largely committed to low density residential subdivisions. Within the RR District, agriculture is permitted as well as residential development in both cluster and non-cluster forms. Cluster development is permitted in order to protect environmental and landscape resources and to preserve agricultural land.

### **B. Uses Permitted as a Matter of Right**

The following uses are permitted as a matter of right in the RR District, except that only the uses listed in Section 106.1 shall be permitted on County preservation easements.

1. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
2. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
3. One single-family detached dwelling unit per lot.
4. Convents and monasteries used for residential purposes.
5. Governmental structures, facilities and uses including public schools and colleges.
6. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within neighborhoods and communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
7. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
8. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
9. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.
10. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."

11. Volunteer fire departments.

**C. Accessory Uses**

The following are permitted accessory uses in the RR District, except that only the uses listed in Section 106.1 shall be permitted on County preservation easements. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district. Accessory structures are subject to the requirements of Section 128.0.A.
2. Accessory houses, limited to the following:
  - a. Farm tenant houses and similar uses customarily accessory to agricultural uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and one unit shall be permitted for each 25 acres of that parcel; or
  - b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres and one unit shall be permitted for each 50 acres of that parcel.
3. Accessory apartments, subject to the requirements of Section 128.0.A.
4. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.



8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
9. The following commercial services are permitted as accessory uses on farms, provided that the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an ALPP Purchased or ALPP Dedicated Easement, the commercial service is conducted by persons residing on or operating the farm, and all uses are screened from public roads and adjacent lots:
  - a. Blacksmith shop
  - b. Farm machinery repair
  - c. Lawn and garden equipment repair
  - d. Welding
10. Farm stands subject to the requirements of Section 128.0.I.
11. Farm Winery – Class 1A, subject to the requirements of Section 128.0.O.
12. Snowball stands, subject to the requirements of Section 128.0.D.
13. Home-based contractor, subject to the requirements of Section 128.0.C.2.
14. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the requirements of Section 128.0.D.
15. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
16. Agritourism enterprises and pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
17. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
18. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
19. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
20. Food Hubs, subject to the requirements of Section 128.0.I.
21. Accessory Solar Collectors.
22. Residential chicken keeping, subject to the requirements of section 128.0.D.
23. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.

**D. Eligibility for Subdivision**

1. Parcels of less than 6 acres shall be subdivided in accordance with the non-cluster subdivision requirements of Section 105.0.E.
2. Parcels of 6 acres or greater may be subdivided either in accordance with the cluster subdivision requirements of Section 105.0.E. (Bulk Requirements) and Section 105.0.G. (Cluster Subdivision Requirements), or in accordance with the non-cluster subdivision requirements of Section 105.0.E.

**E. Bulk Requirements**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. Density and Lot Size Requirements

- a. Density for Cluster Subdivisions  
Density requirements for cluster subdivisions are given in Section 105.0.G.1.
- b. Minimum Lot Size

	<u>Cluster Subdivision</u>	<u>Non-Cluster Subdivision</u>	<u>Large Parcel Subdivision</u>
With shared septic system drainfield	33,000 sq. ft.	3 acres	Not applicable
With individual septic system drainfield	40,000 sq. ft.	3 acres	50 acres
Non-buildable preservation parcels	None	Not applicable	Not applicable

c. Maximum Lot Size

In cluster subdivisions the maximum lot size for cluster lots shall be 50,000 square feet. However, the Department of Planning and Zoning may allow the size of specific lots to be increased up to a maximum of 60,000 square feet based on adequate justification from the developer regarding site limitations and setback restrictions for the location of the well, private septic system and storm water management devices. There shall be no maximum size for preservation parcels.

2. Maximum Height Limitations

- a. Principal structures with gable, hip or gambrel roofs ..... 40 feet
- b. Principal structures with other roof types ..... 34 feet
- c. Detached accessory houses ..... 34 feet
- d. Other Accessory structures ..... 25 feet

3. Minimum lot width at building restriction line
  - a. Lots 3 acres or larger ..... 200 feet
  - b. Lots less than 3 acres ..... 100 feet
  
4. Minimum setback requirements – structures
  - a. Lots 3 acres or larger:
    - (1) Principal structures - from collector or arterial public street right-of-way ..... 75 feet
    - (2) Front..... 75 feet
    - (3) Side
      - (a) From public street right-of-way ..... 60 feet
      - (b) Principal structure from lot line ..... 30 feet
      - (c) Accessory structure from lot line
        1. 200 square feet or greater ..... 30 feet
        2. less than 200 square feet ..... 10 feet
    - (4) Rear
      - (a) All structures - from public street right-of-way ..... 75 feet
      - (b) Principal structure..... 60 feet
      - (c) Accessory structure..... 10 feet
  - b. Lots less than 3 acres:
    - (1) Principal structures - from collector or arterial public street right-of-way ..... 75 feet
    - (2) Front..... 50 feet
    - (3) Side
      - (a) From public street right-of-way ..... 30 feet
      - (b) Principal structure from lot line ..... 10 feet
      - (c) Accessory structure from lot line
        1. 200 square feet or greater ..... 10 feet
        2. less than 200 square feet ..... 5 feet
    - (4) Rear
      - (a) All structures - from public street right-of-way ..... 50 feet
      - (b) Principal structure..... 30 feet
      - (c) Accessory structure..... 10 feet

5. Minimum setback requirements – uses

All uses (other than structures) not accessory to farming or single-family detached dwellings shall be at least 50 feet from public street rights-of-way and 30 feet from all other lot lines.

6. Bulk Requirements for ALPP Purchased Easements

On Howard County ALPP Purchased Easement properties, lots may be created pursuant to the applicable Howard County laws and regulations governing the easement, subject to the following requirements:

- a. The following requirements shall apply instead of the requirements of Section 105.0.E.1.

Lot size:           maximum -- 1 acre  
                           minimum -- 40,000 sq. ft.

- b. The 1 acre maximum lot size required by this section may be increased up to a maximum of 1.2 acres provided that:
  - (1) The location of the proposed lot has been approved by the Howard County Agricultural Land Preservation Board, and
  - (2) The Department of Planning and Zoning determines that:
    - (a) The increase in lot size is necessary to accommodate the Health Department approved locations for the sewage disposal easement and well; and
    - (b) The proposed lot is a regularly shaped lot in accordance with Section 16.120 (B) of the Howard County Code; and
  - (3) The increased in lot size shall be approved:
    - (a) By the Department of Planning and Zoning as an Administrative Adjustment pursuant to Section 100.0.F of the Zoning Regulations; or
    - (b) By the Hearing Authority as a Variance pursuant to Section 130.0.B of the Zoning Regulations.
  
- c. All bulk regulations of Section 105.0.E.2 through 105.0.E.5 remain applicable.

**F. Moderate Income Housing Units**

At least 10% of the dwellings in each RR development shall be Moderate Income Housing Units. Multi-plex units that are comparable in size to surround dwellings are permitted on a single-family detached lot.

**G. Cluster Subdivision Requirements**

1. Subdivision and Density Requirements

- a. A cluster subdivision consists of cluster lots, which are located on a portion or portions of the parcel subdivided, and a preserved area, which is the entire residual area of the parcel being subdivided.
  
- b. The preserved area should be retained as a single preservation parcel whenever possible. It may be divided into more than one preservation parcel only at the time that the preserved area is originally recorded and only in accordance with the purposes of the RC District with the following exception:
  - (1) Subdivision of a preservation parcel after recordation of the preservation parcel easement may only be permitted if the subdivision is necessary to establish a boundary line respecting agricultural, historical, or environmental features or patterns of use; and
  - (2) Involves either:
    - (a) The transfer of land between adjoining parcels that are both entirely protected by an agricultural, environmental or historic preservation easement held by Howard County or a State agency; or
    - (b) The exchange of equivalent acreage between parcels, one of which is a preservation parcel created in accordance with Section 104.0, 105.0 or 106.1 of these regulations, wherein the resulting configuration will better facilitate the purpose of the preservation parcel and better ensure its protection; and

- (3) Such transfer may not:
    - (a) Result in a net increase in the number of farm tenant house rights for the parcel being enlarged; or
    - (b) Undermine the original agricultural, environmental, or historic preservation purpose for creating the preservation parcel; or
    - (c) Reduce the preservation parcel to less than 20 acres; and
  - (4) Such land transfer requires consent of all easement holders. All deed(s) of easements shall be amended to reflect the land transfer.
- c. The maximum number of cluster lots which may be created shall be the sum of the following:
    - (1) One cluster lot per 4.25 gross acres of area in the parcel being subdivided (the base density).
    - (2) If the cluster subdivision will create at least one preservation parcel larger than 25 acres, and the parcel being subdivided has not been reduced in size since September 18, 1992, one additional cluster lot may be created per 25 gross acres within the largest preservation parcel. The additional dwellings shall be placed on additional cluster lots, except that one principal dwelling unit may be placed on the preserved area.
  - d. Only one preservation parcel within a cluster subdivision may be improved by a dwelling. If a dwelling unit is to be allowed on a preservation parcel, the number of permitted cluster lots shall be decreased by one. A non-buildable preservation parcel that cannot be improved with a dwelling shall be dedicated and deeded without charge to either Howard County or to the subdivision's homeowner's association, at the discretion of the County, unless the County approves the preservation parcel's ownership by a private entity solely for farming, environmental conservation or private recreation purposes in perpetuity.
  - e. The maximum density of one dwelling unit per 4.25 gross acres refers to principal dwelling units and not to accessory uses such as farm tenant houses, caretaker dwellings or accessory apartments.
  - f. A preservation parcel easement for the required preserved area of a cluster subdivision shall be recorded at the same time that the final plats are recorded for the cluster lots in the subdivision, except as permitted below.
  - g. Cluster subdivisions may be recorded in phases as long as a preservation parcel easement for the required preserved area is recorded for each phase. Preservation parcel easements will normally encumber an entire preservation parcel. However, they may encumber a portion of a parcel as a temporary measure to allow phasing of the subdivision or the transfer of density. Bulk parcels of unencumbered land may be recorded for future sections of cluster lots.
  - h. The restrictions and requirements for the preserved area shall not apply to the residual land of a minor subdivision (three or fewer lots plus a residual parcel) if the base density of one cluster lot per 4.25 acres is not exhausted, but shall apply at the time that a major subdivision is recorded.

## 2. Design Standards

The design of a cluster subdivision shall reflect the intended principal use or uses of the preservation parcel. The Preliminary Equivalent Sketch Plan submission shall include a justification for the proposed design that explains how it accomplishes the following objectives:

- a. Locate and arrange cluster lots and subdivision roads to create consolidated preservation parcels appropriately shaped for one or more of the permitted uses listed in Section 106.1. Generally, most of the preserved area shall be within preservation parcels designed to be suitable for agricultural use, protection of environmental features, or provision of a buffer between cluster lots and adjacent non-cluster lots, a scenic road, a historic site, or farmland.
  - b. Avoid fragmentation of the preserved area into small, irregularly shaped preservation parcels.
  - c. Locate preservation parcels to be contiguous with adjacent preserved land, if any. Preserved land includes State or County parkland, land subject to a permanent preservation easement held by a governmental agency or land trust, and land held for protection of a water supply reservoir.
  - d. Minimize potential adverse impacts on existing farm operations.
  - e. Configure preservation parcels to provide frontage and public street access that will be suitable for potential agricultural and agribusiness uses, minimizing conflicts with residential traffic from cluster lots.
  - f. Avoid the need for removal of existing hedge rows or tree stands, particularly along public street rights-of-way and between housing and farmland; and
  - g. Preserve the rural and scenic quality of the landscape, particularly as viewed from public roads.
3. Permitted Uses on Preservation Parcels – see Section 106.1, County Preservation Easements
4. Requirements for Preservation Parcel Easements
- a. The easement agreement for each preservation parcel shall be approved by the County and executed by the property owner prior to recordation. The easement shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:
    - (1) The location and size of the preservation parcel.
    - (2) Existing improvements on the preservation parcel.
    - (3) A prohibition on future residential, commercial or industrial development of the preservation parcel, other than the uses listed in Section 106.1. The easement must specify the primary purpose of the preservation parcel, and prohibit the use of the preservation parcel for incompatible uses.
    - (4) A prohibition on future subdivision of the preservation parcel.
    - (5) Provisions for maintenance of the preservation parcel.
    - (6) Responsibility for enforcement of the agreement.
    - (7) Provisions for succession in the event that one of the parties to an easement agreement ceases to exist.
  - b. Except as exempted below, at least two of the following entities shall be parties to the preservation easement in addition to the property owner:
    - (1) Howard County government;
    - (2) Maryland Environmental Trust or Maryland Historical Trust;
    - (3) A land conservation organization approved by the County Council; or
    - (4) A homeowners association comprised of a minimum of three lots which are directly associated with the preservation parcel.

- c. Only one of the above parties is required for easements on preservation parcels that meet one of the following conditions:
  - (1) The preservation easement will be donated to the Agricultural Land Preservation Program;
  - (2) The preservation parcel is being created solely to encompass stormwater management or shared sewage disposal facilities;
  - (3) The preservation parcel will be deeded to Howard County;
  - (4) The preservation parcel will be deeded to a homeowner's association and the preservation easement will be held by Howard County; or
  - (5) The preservation parcel is a density sending parcel.
- d. If the preservation easement is dedicated as an Agricultural Land Preservation Easement, the easement shall be held by Howard County.
- e. If a property owner selects Howard County as an easement holder for a preservation parcel, Howard County shall have the option of choosing whether the easement is dedicated to the Howard County Agricultural Land Preservation Program or held by the County under another type of preservation parcel easement, based on the characteristics and designated principal uses of the preservation parcel.

#### **H. Conditional Uses**

Conditional Uses in the RR District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.



## **SECTION 106.0: DEO (Density Exchange Option) Overlay District**

### **A. Purpose**

The DEO Overlay District is established to provide land owners in the RC and RR Districts with opportunity and incentive to preserve significant blocks of farmland in the rural area of the county. This district is also intended to encourage the clustering of residential development in areas where the development will not have an adverse impact on farm operations. To accomplish this, the DEO District allows residential density in the RC and RR Districts to be exchanged between parcels. Density exchanges in the District should result in large parcels being preserved in perpetuity, while residential development is directed toward parcels which are able to absorb the additional dwellings.

### **B. Criteria**

Residential density may be exchanged between properties which are eligible to be sending and receiving parcels based on the criteria given below.

#### **1. Sending Parcels**

Properties within the DEO Overlay District which meet the following criteria are eligible to be sending parcels:

- a. The underlying zoning shall be RC;
- b. The minimum preservation parcel easement area shall be 20 acres for all sending parcels;
- c. The sending area shall not be subject to a forest conservation easement, Agricultural Land Preservation Easement, gasoline easement or other recorded easement that reduces or removes its development rights. If a portion of a parcel is encumbered with such an easement, the encumbered area shall be subtracted from the acreage of the sending parcel for density calculations. After the encumbered acreage is deducted, the sending parcel must still fulfill the size criteria specified in paragraph 1.b of this subsection. When calculating density sending rights, floodplain easements and driveway/access easements do not need to be deducted.
- d. A property consisting of one or more contiguous parcels or lots may be eligible to be a sending parcel if the parcels, when combined meet the size criteria specified in paragraph 1.b. All parcels that do not meet the size criteria specified in paragraph 1.b of this subsection must be combined at the time that the preservation easement agreement for the sending parcel is recorded.

#### **2. Receiving Parcels - Density Exchange Option**

Parcels within the DEO Overlay District which are eligible for cluster subdivision and which meet the following criteria are eligible to be receiving parcels using the density exchange option as described in Subsection E., Bulk Requirements.

- a. The underlying zoning shall be RC or RR.
- b. The receiving parcel shall not be located within 2,500 feet of the normal water level of a water supply reservoir, as determined by the appropriate state agency according to state law and/or regulations; If a portion of a parcel is within this 2,500 foot

restricted area, that portion is ineligible to be a receiving area and shall be subtracted from the acreage of the parcel to determine potential receiving area and density.

- c. The receiving parcel shall not be subject to a forest conservation easement or other recorded easement that reduces or removes its development rights. If a portion of a parcel is encumbered with such an easement, the encumbered area shall be subtracted from the acreage of the parcel to determine the potential receiving area and density.
- d. If the underlying zoning is RC, the parcel shall be less than 50 acres in size and adjacent to lots or parcels of 10 acres or smaller along at least 60% of its perimeter within Howard County. For purposes of this section, parcels separated by a utility right-of-way or public street right-of-way, other than a principal arterial highway, shall be considered adjacent. The portion of the parcel perimeter adjacent to a principal arterial highway or the Howard County boundary shall not be included in this calculation.

### 3. Receiving Parcels - Cluster Exchange Option

Parcels within the DEO Overlay District which are eligible for cluster subdivision and which meet the following criteria are eligible to be receiving parcels using the cluster exchange option as described in Subsection E., Bulk Requirements.

- a. The underlying zoning shall be RC;
- b. The receiving parcel shall not be located within 2,500 feet of normal water level of a water supply reservoir, as determined by the appropriate state agency according to state law or regulations. If a portion of a parcel is within this 2,500 foot restricted area, that portion is ineligible to be a receiving area and shall be subtracted from the acreage of the parcel to determine potential receiving area and density.
- c. The receiving parcel shall not be subject to a forest conservation easement or other recorded easement that reduces or removes its development rights. If a portion of a parcel is encumbered with such an easement, the encumbered area shall be subtracted from the acreage of the parcel to determine the potential receiving area and density.
- d. If the property is designated as Tier IV, subject to Senate Bill 236, it may not receive density beyond that needed for a minor subdivision (a maximum of four buildable lots or parcels).

### **C. Uses Permitted as a Matter of Right**

Uses permitted as a matter of right shall be as permitted in the underlying district.

### **D. Accessory uses**

Accessory uses shall be as permitted in the underlying district.

### **E. Bulk Requirements**

#### 1. Density

The following density requirements shall apply to properties which are subdivided using the density exchange option or the cluster exchange option, in lieu of the density requirements of the underlying zoning district:

- a. Sending parcels
  - (1) Density Exchange Option  
If the density exchange option is used, density may be exchanged from a sending parcel at a maximum rate of one development right per three gross acres.
  - (2) Cluster Exchange Option  
If the cluster exchange option is used, density may be exchanged from a sending parcel at a maximum rate of one development right per 4.25 gross acres.
  - (3) Dwelling on Sending Parcel  
One development right must be retained on the sending parcel, to allow for the construction or continued existence of one principal dwelling unit, unless the Department of Planning and Zoning approves an alternate means of ensuring long term property management. The dwelling unit retained on the sending parcel shall be calculated at the rate of one development right per 4.25 gross acres.
  
- b. Receiving parcels
  - (1) Base Density  
Under both the density exchange option and the cluster exchange option, the base density of a receiving parcel shall be one dwelling unit per 4.25 gross acres. A receiving parcel may be developed at a higher density provided that one development right is acquired from a sending parcel for each additional dwelling unit beyond the base density. In receiving parcel subdivisions that include a preserved area, no additional dwelling unit shall be allowed for creation of a preservation parcel of at least 25 acres (see Sections 104.0.G and 105.0.G).
  - (2) Achieved Density  
A receiving parcel shall be developed at a density greater than one dwelling unit per 4.25 gross acres, but not exceeding one dwelling unit per two net acres. The actual density achieved shall be limited by the requirements of the Subdivision and Land Development Regulations.
  
- c. Density for Residual Land of Minor Subdivision.  
  
 If a minor subdivision (three or fewer lots plus the residual land) is recorded after September 18, 1992 and a preservation parcel easement agreement is not recorded (as allowed by section 104.0.G. 1.h), the residual land may be:
  - (1) A sending parcel. When calculating the number of development rights which may be sent from the residual land, 4.25 acres shall be subtracted from the acreage of the parcel which existed prior to subdivision for each cluster lot in the minor subdivision.
  - (2) A receiving parcel. When calculating the number of development rights which may be received, the lots created in the minor subdivision shall be included in the acreage and density calculations for receiving parcels at 1 development right per 2 net acres.

## 2. Lot Size

The minimum and maximum lot size requirements for cluster subdivisions in the underlying district shall apply to the subdivision of receiving parcels.

3. Other Bulk Requirements

All other bulk requirements shall be as required for the underlying district.

**F. Requirements for Use of the Density Exchange Option or Cluster Exchange Option**

1. Density Exchange

The exchange of density within the DEO Overlay District shall take place as a private exchange between property owners, subject to approval of sending and receiving parcels by the Department of Planning and Zoning in accordance with the procedures set forth below.

2. Application for Receiving Parcel

An application for use of the density exchange option or the cluster exchange option on a receiving parcel shall be made to the Department of Planning and Zoning and shall include the following:

- a. If a receiving parcel is in the RC District and the density exchange option is used, the size of all lots adjacent to the receiving parcel; and
- b. An initial calculation of the proposed density and the number of development rights to be obtained from a sending parcel.

3. Approval of Receiving Subdivision

The Department of Planning and Zoning shall tentatively approve the use of the density exchange option or the cluster exchange option on the receiving parcel, and allow the applicant to proceed with the subdivision process, if:

- a. The receiving parcel meets the criteria given in Section 106.0.B; and
- b. The Preliminary Equivalent Sketch Plan includes a justification for the proposed design that explains how it accomplishes the following objectives:
  - (1) Locate and arrange cluster lots and subdivision roads to create consolidated preservation parcels appropriately shaped for one or more of the permitted uses. Generally, most of the preserved area shall be within preservation parcels designed to be suitable for agricultural use, protection of environmental features, and/or provision of a buffer between cluster lots and adjacent non-cluster lots, a scenic road, a historic site or farmland.
  - (2) Avoid fragmentation of the preserved area into small, irregularly shaped preservation parcels.
  - (3) Locate preservation parcels to be contiguous with adjacent preserved land, if any. Preserved land includes State or County parkland, land subject to a permanent preservation easement held by a governmental agency or land trust, and land held for protection of a water supply reservoir.
  - (4) Minimize potential adverse impacts on existing farm operations.
  - (5) Provide frontage and public street access for preservation parcels that may be suitable for agricultural and agribusiness uses in a manner that minimizes conflicts with cluster lots.
  - (6) Avoid removal of existing tree stands or hedge rows, particularly along public street rights of way and between housing and farmland; and
  - (7) Preserve the rural and scenic quality of the landscape, particularly as viewed from public roads.

4. Phasing of Receiving Parcel Subdivisions

Receiving parcel subdivisions may be recorded in sections. A final subdivision plan shall not be approved for the receiving parcel until one or more sending parcels are approved which provide the necessary number of additional development rights for the lots shown on the final subdivision plan.

5. Application for Sending Parcel

An application for approval of the sending parcel may be made at any time after approval of the Preliminary Equivalent Sketch Plan for the receiving parcel subdivision and shall include the following:

- a. A boundary survey of the sending parcel or the preservation parcel easement area if it does not cover the entire parcel;
- b. Documentation that the sending parcel complies with the criteria given in Section 106.0.B.1; and
- c. A calculation of the maximum number of development rights which may be removed from the sending parcel.

6. Phasing of Sending Parcels

Sending parcels may exchange density with receiving parcels on a phased basis, but must comply with the following:

- a. The initial phase must record a preservation parcel easement, consisting of both a plat and a deed of preservation easement, that encumbers at least the minimum number of acres required by Section 106.0.B., must be recorded at the same time as a plat for the receiving parcel, and must involve the transfer of at least one development right.
- b. A revised plat of easement must be recorded for each succeeding phase to track the number of development rights exchanged and the location of receiving subdivisions until all development rights have been exhausted.

7. Combination of Sending Parcel and Cluster Subdivision.

Sending parcels may both send some development rights and cluster the remaining rights on a portion of the property. In such instances, the exchange of development rights must occur prior to recordation of the sending parcel cluster subdivision. The intent to use the exchange option must be declared prior to approval of the preliminary cluster subdivision plan for the sending parcel. The sending plat of easement must comply with Section 106.0.B and be recorded prior to recordation of the cluster subdivision plat for the property.

8. Sending and Receiving on the same Parcel Prohibited

If a portion of a parcel is a sending parcel, the remainder of the parcel shall not be used as a receiving parcel.

9. Recordation of Sending and Receiving Parcels

Following approval of the preliminary subdivision plan(s) for the receiving parcels, the following documents shall be recorded at one time in the Land Records of Howard County:

- a. A final plat of easement for each sending parcel, designating the property as a sending parcel and indicating the number of development rights that have been removed from the parcel, the location of the receiving parcel(s) and whether one development right has been retained for a single principal dwelling unit as provided for in Section 106.0.E.1.a.(3). If a sending parcel consists of two or more contiguous parcels less than the minimum size required under Section 106.0.B.1, a final subdivision plat to combine the parcels is required.
- b. A deed of easement for each sending parcel. The deed of easement shall comply with the requirements of the underlying district for preservation parcel easement agreements, as given in Section 104.0.G.4 or 105.0.G.4.
- c. Final plat for the receiving parcel. The following types of final plats shall be permitted for receiving parcels:
  - (1) Final subdivision plats dividing the receiving parcel into cluster lots.
  - (2) The final plat for a portion of a receiving parcel may consist of bulk parcels which cannot be further subdivided until the necessary development rights are received from additional sending parcels. Additional final plats dividing these bulk parcels may be recorded in accordance with Sections 106.0.F.4 through 106.0.F.6.
  - (3) A density receiving plat that records the number of development rights received from sending parcels but does not subdivide the parcel into cluster lots.
    - (a) Density recorded on a density receiving parcel may be used only on that receiving parcel. Final plats dividing the land into the number of lots allowed by the density receiving plat shall be recorded in accordance with these regulations and the Subdivision and Land Development Regulations.
    - (b) Density recorded on a density receiving parcel may only be sent elsewhere in the future if the Department of Planning and Zoning determines, based on a detailed justification by the developer, that there is a unique hardship created by an unforeseen impediment to Health Department approval of well or septic design or another health or safety problem that cannot reasonably be corrected. In such a case the Department of Planning may approve:
      - (i) Recording density sending and receiving plats to return all of the sent density to the sending parcel; or
      - (ii) Sending all of the received density either to another DEO or another CEO receiving parcel, consistent with how the density was received.
- d. A deed of preservation easement for the preservation parcel in receiving subdivisions under Subsections F.9.c. (1) and (2) of this subsection.

## **SECTION 106.1: County Preservation Easements**

### **A. Purpose**

This Section enumerates the uses permitted on property in the RC or RR Districts which has been encumbered with a County Preservation Easement through:

1. The purchase of development rights by the Howard County Agricultural Land Preservation Program (ALPP Purchased Easement).
2. The dedication of a preservation parcel to the Howard County Agricultural Land Preservation Program, via Sections 104.0.G, 105.0.G or 106.0 (ALPP Dedicated Easement).
3. The dedication of a preservation parcel to one or more of the entities identified in Sections 104.0.G and 105.0.G, via Sections 104.0.G, 105.0.G or 106.0 (other Dedicated Easements).

Most of the land subject to preservation easements in the RC and RR Districts falls into one of these three County Preservation Easement categories. However, there are a significant number of properties that are encumbered by State-held easements that are subject to the regulations as defined by each easement holder and the underlying zoning, whichever is more restrictive. The State easement holders are the Maryland Agricultural Land Preservation Foundation, the Maryland Historical Trust and the Rural Legacy Program.

For ALPP Purchased Easements and ALPP Dedicated Easements, as defined above, the uses identified within this Section may require prior approval by the Agricultural Land Preservation Board, per Section 15.518 of the Howard County Code. In addition, for all easements, these uses do not supersede or negate any use restrictions specified in the Deed of Easement for the specific property.

### **B. Uses Permitted as a Matter of Right**

1. ALPP Purchased Easements and ALPP Dedicated Easements
  - a. Farming.
  - b. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
  - c. One single-family detached principal dwelling unit, if provided for in the Deed of Easement.
  - d. Sales of Christmas trees or other seasonal decorative material, between December first and January first, subject to the requirements given in Section 128.0.D.
  - e. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar utility uses not requiring a Conditional Use.
  - f. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0. and Section 15.516 of the Howard County Code.
  - g. Bed and Breakfast Inns, provided that:
    - (1) The building existed at the time the easement was established.

- (2) The Inn is managed by persons residing on the same parcel or in a contiguous parcel that is under the same ownership and part of the same farm.
2. Other Dedicated Easements
- a. Farming.
  - b. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
  - c. One single-family detached dwelling unit on the preserved area of a cluster subdivision, if provided for as required by Sections 104.0.G and 105.0.G.
  - d. Private outdoor recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
  - e. Government uses, limited to public schools, conservation areas, parks, and recreational facilities.
  - f. Sales of Christmas trees or other seasonal decorative material, between December first and January first, subject to the requirements given in Section 128.0.D.
  - g. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar utility uses not requiring a Conditional Use.
  - h. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communications towers located on government property, excluding school board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provision for “government structures, facilities and uses”.

**C. Accessory Uses**

1. ALPP Purchased Easements and ALPP Dedicated Easements
- a. Any use normally and customarily incidental to any use permitted as a matter of right in the RC and/or RR Districts.
  - b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Agricultural Preservation Easement and approval by the Agricultural Land Preservation Board. the parcel on which the farm tenant house will be located must be improved with a principal dwelling unless, based on justification of need submitted by the applicant, the Director of the Department of Planning and Zoning authorizes an exception to this requirement.
  - c. Accessory apartments, subject to the requirements of Section 128.0.A.
  - d. Housing by a resident family of boarders and/or elderly persons subject to the requirements of Sections 104.0.C.4 or 105.0.C.4.



- e. Home occupations, subject to the requirements of Section 128.0.C.
- f. Home care, subject to the requirements of Sections 104.0.C.6 or 105.0.C.6
- g. Parking of commercial vehicles, subject to the requirements of Sections 104.0.C.7 or 105.0.C.7.
- h. Storage of recreational vehicles or boats, subject to the requirements of Sections 104.0.C.8 or 105.0.C.8.
- i. Commercial services, subject to the requirements of Sections 104.0.C.9 or 105.0.C.9.
  - (1) Blacksmith shop
  - (2) Farm machinery repair
  - (3) Lawn and garden equipment repair
  - (4) Welding
- j. Farm stands, subject to the requirements of Section 128.0.I.
- k. Snowball stands, subject to the requirements of Section 128.0. D.
- l. Value-added processing of agricultural products subject to the requirements of Section 128.0.I.
- m. Agritourism enterprises, subject to the requirements of Section 128.0.I.
- n. Pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
- o. Farm winery – Class 1A, subject to the requirements of Section 128.0.O.
- p. Small wind energy system, building mounted, subject to the requirements of Section 128.0.L.
- q. Small wind energy system, freestanding tower on properties 5 acres or greater, subject to the requirements of Section 128.0.M.
- r. Riding stables and academies, subject to the requirements of Section 128.0.I.
- s. Community Supported Agriculture (CSA), subject to the requirements of Section 128.0. I.
- t. Food hubs, subject to the requirements of Section 128.0.I.
- u. Accessory Solar Collectors.
- v. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- w. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.

2. Other Dedicated Easements

- a. Any use normally and customarily incidental to any use permitted as a matter of right in the RC and/or RR Districts.

- b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Easement. the parcel on which the farm tenant house will be located must be improved with a principal dwelling unless, based on justification of need submitted by the applicant, the director of the department of planning and zoning authorizes an exception to this requirement.
- c. Caretaker's dwellings on parcels greater than 50 acres and improved with a principal dwelling, subject to the Deed of Easement.
- d. Accessory apartments, subject to the requirements of Section 128.0.A.
- e. Housing by a resident family of boarders or elderly persons subject to the requirements of Sections 104.0.C or 105.0.C.
- f. Home occupations, subject to the requirements of Section 128.0.C.
- g. Home care, subject to the requirements of Section 104.0.C or 105.0.C.
- h. Parking of commercial vehicles, subject to the requirements of Section 104.0.C or 105.0.C.
- i. Storage of recreational vehicles or boats, subject to the requirements of Sections 104.0.C or 105.0.C.
- j. Commercial services, subject to the requirements of Sections 104.0.C. or 105.0.C.
  - (1) Blacksmith shop
  - (2) Farm machinery repair
  - (3) Lawn and garden equipment repair
  - (4) Welding
- k. Farm stands, subject to the requirements of Section 128.0.I.
- l. Snowball stands, subject to the requirements of Section 128.0.I.
- m. Disposal of off-site land clearing debris, subject to the requirements of Section 128.0.D.
- n. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
- o. Agritourism enterprises, subject to the requirements of Section 128.0.I.
- p. Pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
- q. Farm winery – class 1A, subject to the requirements of Section 128.0.O.
- r. Small wind energy system, building mounted, subject to the requirements of Section 128.0.L.
- s. Small wind energy system, freestanding tower on properties 5 acres or greater, subject to the requirements of Section 128.0.M.

- t. Riding stables and academies, subject to the requirements of Section 128.0.I.
- u. Community supported agriculture (CSA), subject to the requirements of Section 128.0.I.
- v. Food Hubs, subject to the requirements of Section 128.0.I.
- w. Accessory Solar Collectors.
- x. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- y. Livestock on residential lots or parcels, subject to the requirements for such a use in Section 128.0.D.

**D. Conditional Uses**

1. ALPP Purchased Easements and ALPP Dedicated Easements

- a. Conditional Uses shall not be allowed on agricultural preservation easements unless they support the primary agricultural purpose of the easement property, or are an ancillary business which supports the economic viability of the farm, and are approved by the hearing authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On an ALPP purchased or dedicated easement property, the area devoted to Conditional Uses may not exceed a cumulative use cap equal to 2% of the easement.

The following Conditional Uses may be allowed:

- (1) Animal hospitals
- (2) Barber shop, hair salon and similar personal services facilities
- (3) Bottling of spring or well water
- (4) Communication Towers
- (5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- (6) Historic building uses
- (7) Home based contractors
- (8) Home occupations
- (9) Kennels and/or pet grooming establishments
- (10) Landscape contractors
- (11) Limited outdoor social assemblies
- (12) Sawmills, bulk firewood, mulch manufacture and/or soil processing
- (13) School buses, commercial service
- (14) Small wind energy systems, freestanding tower
- (15) Solar Facilities, commercial

- b. In addition, the following Conditional Uses which may require additional land area may be permitted on agricultural preservation easements:

- (1) Agribusiness, limited to uses itemized in Section 131.0.N.
- (2) Farm winery – class 2
- (3) Composting Facility

2. Other Dedicated Easements

- a. Conditional Uses shall not be allowed on other dedicated easements unless they support the primary purpose of the easement property and are approved by the hearing

authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On these dedicated easements, the following Conditional Uses which do not require the construction of new principal structures or use of an outdoor area that is more than 2% of the preservation parcel acreage up to a maximum of 1 acre may be allowed:

- (1) Animal hospitals
- (2) Antique shops, art galleries and craft shops
- (3) Barber shop, hair salon and similar personal service facilities
- (4) Bottling of spring or well water
- (5) Child day care centers and nursery schools, day treatment and care facilities
- (6) Communication towers
- (7) Country inns
- (8) Historic building uses
- (9) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- (10) Home based contractors
- (11) Home occupations
- (12) Kennels and/or pet grooming establishments
- (13) Landscape contractors
- (14) Limited outdoor social assemblies
- (15) Museums and libraries
- (16) Retreats
- (17) Sawmills, bulk firewood, mulch manufacture and/or soil processing
- (18) School buses, commercial service
- (19) Shooting ranges – outdoor rifle, pistol, skeet and trap
- (20) Small wind energy systems, freestanding tower
- (21) Solar Facilities, commercial
- (22) Two family dwellings, accessory apartments and multi-plex dwellings

b. In addition, the following Conditional Uses which may require additional land area may be permitted on other dedicated easements:

- (1) Agribusiness, limited to uses itemized in Section 131.0.N.2
- (2) Charitable or philanthropic institutions dedicated to environmental conservation
- (3) Composting Facility
- (4) Farm winery – Class 2
- (5) Golf Courses

## **SECTION 107.0: R-ED (Residential: Environmental Development) District**

### **A. Purpose**

The R-ED District is established to accommodate residential development at a density of two dwelling units per net acre in areas with a high proportion of sensitive environmental and/or historic resources. Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance and directing development to the most appropriate areas of a site, away from sensitive resources. To accomplish this, the regulations allow site planning flexibility and require that development proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. One zero lot line dwelling unit per lot.
3. Single-family attached dwelling units.
4. Farming provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within condominium developments or within communities with recorded covenants and liens which govern and provide financial support for operation of the facilities.
7. Convents and monasteries used for residential purposes.
8. Government structures, facilities and uses, including public schools and colleges.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.
12. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
13. Volunteer fire departments.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-ED District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory Structures are subject to the requirements of Section 128.0.A.

2. Accessory apartments, subject to the requirements of Section 128.0.A., provided that:
  - a. The area of the lot is at least 12,000 square feet;
  - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
  - c. The accessory apartment shall have no more than two bedrooms.
3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
4. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
9. Farm stand, subject to the requirements of Section 128.0.I.
10. Snowball stands, subject to the requirements of Section 128.0.D.

11. Home-based contractors on lots larger than two acres, subject to the requirements of Section 128.0.C.2.
12. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.
13. Residential Chicken Keeping, subject to the requirements of Section 128.0.D
14. Accessory Solar Collectors.
15. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
16. Community Supported Agriculture, subject to the requirements of Section 128.0.I.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations, and 128.0.G., Alternative Regulations for Traditional Residential Neighborhoods.)

1. The following maximum limitations shall apply:
  - a. Height
    - (1) Principal structure..... 34 feet  
However, the maximum height for single-family attached  
Dwellings with gable, hip or gambrel roofs shall be ..... 40 feet
    - (2) Accessory structure..... 15 feet
  - b. Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot.....60%
  - c. Density .....2 dwelling units per net acre
  - d. Maximum units per structure - single-family attached ..... 8 units per structure
2. Minimum lot size requirements
  - a. Single-family detached dwellings..... 6,000 sq. ft.
  - b. Except zero lot line dwellings..... 4,000 sq. ft.
  - c. Single-family semi-detached dwellings ..... 4,000 sq. ft.
3. Minimum lot width at building restriction line
  - a. Single-family detached dwellings..... 50 feet
  - b. Except zero lot line dwellings..... 40 feet
  - c. Single-family semi-detached dwellings ..... 40 feet
4. Minimum setback requirements
  - a. From external public street right-of-way - all structures and uses..... 75 feet
  - b. From internal public street right-of-way – all structures and uses
    - (1) Front or side..... 20 feet

- (2) Rear
  - (a) Accessory structures on single-family detached lots ..... 10 feet
  - (b) Other ..... 20 feet
- (3) Uses (other than structures), excluding uses in single-family detached development projects and parking for single-family attached dwellings ..... 20 feet
- c. From project boundaries –
  - (1) Structures and uses in single-family attached development projects..... 50 feet  
except adjoining single-family detached developments ..... 75 feet
  - (2) Structures in single-family detached developments ..... 30 feet
  - (3) Other structures and uses ..... 50 feet
- d. From lot lines - structures and uses in all development projects except single-family attached:
  - (1) Principal structures
    - (a) Front..... 20 feet
    - (b) Side ..... 7.5 feet  
Except zero lot line dwellings..... 0 feet  
A minimum of 15 feet must be provided between structures
    - (c) Rear..... 25 feet
  - (2) Detached accessory garages or sheds
    - (a) Front..... 20 feet
    - (b) Side ..... 0 feet
    - (c) Rear..... 0 feet
  - (3) Other accessory structures
    - (a) Front..... 20 feet
    - (b) Side ..... 7.5 feet
    - (c) Rear..... 5 feet
  - (4) Uses (other than structures) in all development projects except single-family detached or attached ..... 20 feet
- 5. Minimum distances between single-family attached buildings, or between single-family attached buildings and single-family detached dwellings:
  - a. Face to face ..... 30 feet
  - b. Face to side/Rear to side ..... 30 feet
  - c. Side to side..... 15 feet
  - d. Rear to rear ..... 60 feet
  - e. Rear to face ..... 100 feet

**E. Moderate Income Housing Units**

At least 10% of the dwellings in each R-ED development shall be Moderate Income Housing Units. Multi-plex units that are comparable in size to surround dwellings are permitted on a single-family detached lot.

**F. Approval of the Preliminary Equivalent Sketch Plan by the Planning Board**

- 1. For developments in the R-ED District requiring a Sketch Plan, a preliminary equivalent sketch plan must be approved by the Planning Board.



2. The Planning Board, before acting upon the preliminary equivalent sketch plan, shall receive comments from the Department of Planning and Zoning and the Subdivision Review Committee and shall hold a public hearing.
3. A preliminary equivalent sketch plan submitted for review shall include all of the information required by the Subdivision and Land Development Regulations of the Howard County Code as well as the following information:
  - a. The existing environmental and historic resources of the site, including: streams, wetlands and their buffers; extent and quality of existing vegetation, especially tree cover, steep slopes; historic structures and their landscape setting; and the scenic qualities of the site.
  - b. The location of proposed improvements in relation to the resources cited above.
  - c. The location and amount of sensitive areas which will be disturbed by structures, paved surfaces, and infrastructure, if any, and plans for minimizing such disturbances.
  - d. The location and amount of grading and clearing.
  - e. Plans for minimizing site disturbance and preserving the existing topography, vegetation and landscape character.
  - f. Documentation indicating how the proposed development will comply with the requirements of the Howard County Forest Conservation Program.
  - g. The proposed construction practices and post-construction site maintenance strategies to minimize development impacts on forest and other resources.
  - h. Proposed open space, easements, and other forms of permanent protection for sensitive areas, forest conservation areas, or other on-site resources such as historic structures and settings.
4. The Planning Board may approve, approve with modifications and/or conditions attached, or disapprove the preliminary equivalent sketch plan, stating the reasons for its action. The Planning Board's decision shall be based upon the criteria given in Subsection F.6 below.
5. The Planning Board may, at the time of approval of the preliminary equivalent sketch plan, require the subsequent approval by the Board of a Site Development Plan for all or a portion of the development.
6. The following criteria shall be used in evaluating preliminary equivalent sketch plans:
  - a. The proposed lay-out of lots and open space effectively protects environmental and historic resources.
  - b. Buildings, parking areas, roads, storm water management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading.
  - c. Setbacks, landscaped buffers, or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts.

## **G. Approval of the Site Development Plan by the Planning Board**

1. Planning Board approval of a Site Development Plan is required if:
  - a. A sketch plan is not required for the development; or
  - b. The Board has reserved for itself the authority to approve the Site Development Plan; or
  - c. The Site Development Plan is for the development of buildings on an open space lot; or
  - d. The proposed development differs from the approved preliminary equivalent sketch plan in one of the following ways:
    - (1) The limits of clearing and grading are such that the development will impact a significantly larger area of the site than indicated on the sketch plan.
    - (2) The development will have a greater adverse impact on environmentally sensitive areas than indicated on the sketch plan.
2. The Planning Board may approve, approve with modifications and/or conditions attached, or disapprove the Site Development Plan, stating the reasons for its action. The Planning Board's decision shall be based upon the criteria listed in Section 107.0.F.6 above.
3. Minor additions and modifications to Site Development Plans approved by the Planning Board and meeting the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not require Planning Board approval. However, all changes of use which require exterior site alterations require Planning Board approval.

Minor projects not requiring Planning Board approval:

- a. Minor additions to structures, with a floor area no larger than 10% of the existing floor area of the structure, not to exceed 1,000 square feet.
- b. Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering.)
- c. Clearing or grading that does not exceed 2,000 square feet in area.
- d. House-type revisions to approved Site Development Plans for single-family detached developments and for no more than 25% of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
- e. Similar minor modifications as determined by the Department of Planning and Zoning.

## **H. Density Exchange for Neighborhood Preservation Parcels**

1. Sending Parcel for the Neighborhood Preservation Density Exchange Option:

A parcel qualifying with the criteria for residential infill development as defined in Section 16.108 (b) of the Subdivision and Land Development Regulations or parcels principally used for a Swimming Pool, Community, as defined in the Zoning Regulations may be sending

parcels for the Neighborhood Preservation Density Exchange Option in accordance with the requirements of Section 128.0.K of the Zoning Regulations.

2. Receiving Parcel for the Neighborhood Preservation Density Exchange Option:

A parcel may be developed as a receiving parcel under the Neighborhood Preservation Density Exchange Option at a bonus of up to 10% more dwelling units than would be achievable based on net density in the R-ED District , in accordance with the requirements of Section 128.0. of the Zoning Regulations.

**I. Other Provisions**

1. Development Under R-20 Regulations

a. Land in the R-ED District may be developed pursuant to the R-20 District regulations in their entirety, if the property to be developed is either:

- (1) A lot or group of contiguous lots with a combined total lot area of less than 100,000 square feet; or
- (2) A lot of any size which has not been subdivided since October 18, 1993 and which is improved or proposed to be improved by a single-family detached dwelling.

b. Land developed pursuant to this Section is not subject to the R-ED District regulations, including the requirement for Planning Board review.

2. A zero lot line dwelling unit, detached garage or shed may be located on the property line provided that no part of the building shall protrude onto the adjoining lot, and provided that at the time of recordation of the Final Subdivision Plan, easements shall be recorded to permit access to the adjoining lot for purposes of maintenance to the side of any zero lot line dwelling, garage or shed which faces a side yard of less than seven and one-half feet. Further, a maintenance agreement shall be included in the deed where appropriate.

3. Conservation Easements

a. Conservation easements used to protect environmentally sensitive land in the R-ED District shall be approved by the Department of Planning and Zoning and shall be recorded at the time of recordation of the final plat. Easements shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:

- (1) Location, size, and existing improvements on the parcel covered by the easement.
- (2) A prohibition on future use or development of the parcel for uses incompatible with the conservation easement.
- (3) A prohibition on future subdivision of the parcel.
- (4) Provisions for maintenance of the parcel.
- (5) Responsibility for enforcement of the easement agreement.
- (6) Provisions for succession in the event that one of the parties to an easement agreement ceases to exist.

b. At least one of the following entities shall be parties to the easement in addition to the property owner:

- (1) Howard County government;
- (2) Maryland Environmental Trust or Maryland Historical Trust;
- (3) A land conservation organization approved by the County Council.

**J. Conditional Uses**

Conditional Uses in the R-ED District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

## **SECTION 108.0: R-20 (Residential: Single) District**

### **A. Purpose**

The R-20 District is established to permit single-family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
3. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
4. Convents and monasteries used for residential purposes.
5. Government structures, facilities and uses, including public schools and colleges.
6. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities shall be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
7. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations subject to the requirements of Section 128.0.D.
8. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
9. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
10. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Sections 128.0.E.2 and 128.0.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
11. Volunteer fire departments.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-20 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory structures are subject to the requirements of Section 128.0.A.
2. Accessory apartments, subject to the requirements of Section 128.0.A., provided that:
  - a. The area of the lot is at least 12,000 square feet;

- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
  - c. The accessory apartment shall have no more than two bedrooms.
- 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
- 4. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
- 5. Home occupations, subject to the requirements of Section 128.0.C.
- 6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
- 7. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
- 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
- 9. Farm stand, subject to the requirements of Section 128.0.I
- 10. Snowball stands, subject to the requirements of Section 128.0.D.
- 11. Home based contractors on lots larger than two acres, subject to the requirements of Section 128.0.C.2.
- 12. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.

- 13. Residential Chicken Keeping, subject to the requirements of Section 128.0.D
- 14. Accessory Solar Collectors.
- 15. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

- 1. The following maximum height limitations shall apply:
  - a. Principal structure ..... 34 feet
  - b. Accessory structure..... 15 feet
- 2. Minimum lot size (except as provided in Section 108.0.F. of these regulations for mandatory open space) ..... 20,000 sq. ft.
- 3. Minimum lot width at building restriction line..... 60 feet
- 4. Minimum setback requirements
  - a. From arterial or collector public street right-of-way
    - (1) Structures
      - (a) Front or side
        - (i) Lots that front a public street constructed after October 18, 1993 ..... 40 feet
        - (ii) All other lots ..... 50 feet
      - (b) Rear
        - (i) Principal structure..... 50 feet
        - (ii) Accessory structure..... 10 feet
    - (2) Uses (other than structures) in all development projects except single-family detached ..... 20 feet
  - b. From other public street right-of-way
    - (1) Structures
      - (a) Front or side
        - (i) Lots that front a public street constructed after October 18, 1993 ..... 30 feet
        - (ii) All other lots ..... 50 feet
      - (b) Rear
        - (i) Principal structure..... 30 feet
        - (ii) Accessory structure..... 10 feet
    - (2) Uses (other than structures) in all development projects except single-family detached ..... 20 feet
  - c. From lot lines
    - (1) Structures
      - (a) Front..... 20 feet  
Except pipestem lots facing and adjoining the project boundary ..... 30 feet
      - (b) Side ..... 10 feet

- (c) Rear
  - (i) Principal structure ..... 30 feet
  - (ii) Accessory structure..... 10 feet
- (2) Uses (other than structures) in all development projects except single-family detached ..... 20 feet

**E. Moderate Income Housing Units**

At least 10% of the dwellings in each R-20 development shall be Moderate Income Housing Units. Multi-plex units that are comparable in size to surround dwellings are permitted on a single-family detached lot.

**F. Open Space and Lot Size**

- 1. Open space percentage and lot size shall be calculated pursuant to the Howard County Subdivision and Land Development Regulations. In accordance with those regulations, developments that are eligible and elect to use the option for a smaller minimum lot size shall provide the required higher percentage of open space.
- 2. Special requirements for neighborhood infill subdivisions or resubdivisions:
  - a. Density .....2 dwelling units per net acre
  - b. Minimum lot size .....20,000 square feet

**G. Density Exchange for Neighborhood Preservation Parcels**

- 1. Sending parcel for Neighborhood Preservation:  
A parcel qualifying with the criteria for residential infill development as defined in Section 16.108 (b) of the Subdivision and Land Development Regulations or parcels principally used for Swimming Pool, Community, as defined in of the Zoning Regulations may be sending parcels for neighborhood preservation in accordance with the requirements of Section 128.0.K of the Zoning Regulations.
- 2. Receiving Parcel for Neighborhood Preservation:  
A parcel may be developed as a receiving parcel in association with Neighborhood Preservation Parcel sending parcels at a bonus of up to 10% more dwelling units than would be achievable based on net density in the R-ED District if developed as single-family detached dwelling using the R-ED regulations, in accordance with Section G.3 below and Section 128.0.K requirements.
- 3. Development under R-ED Regulations
  - a. Land in the R-20 District may be developed pursuant to the R-ED District regulations in their entirety, if the property to be developed is:
    - (1) Subdivided for single-family detached units only; and
    - (2) A lot or group of contiguous lots with a combined total lot area of more than 100,000 square feet.
  - b. Land developed pursuant to this section is subject to the R-ED District regulations, including the requirement for Planning Board review, except that structures are required to be set back 75 feet from project boundaries adjoining single-family detached developments.



**H. Conditional Uses**

Conditional Uses in the R-20 District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.

## **SECTION 109.0: R-12 (Residential: Single) District**

### **A. Purpose**

The R-12 District is established to provide single-family detached and semi-detached residential uses. The district provides a choice of housing types typically on lots less than a half acre.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. One zero lot line dwelling unit per lot.
3. Single-family semi-detached dwellings.
4. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Convents and monasteries used for residential purposes.
7. Government structures, facilities and uses, including public schools and colleges.
8. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
12. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Sections 128.0.E.2 and 128.0.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
13. Volunteer fire departments.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-12 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory structures are subject to the requirements of section 128.0.A.
2. Accessory apartments, subject to the requirements of section 128.0.A., provided that:
  - a. The area of the lot is at least 12,000 square feet;
  - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,

- c. The accessory apartment shall have no more than two bedrooms.
3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
4. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
9. Farm stand, subject to the requirements of Section 128.0.I
10. Snowball stands, subject to the requirements of Section 128.0.D.
11. Home-based contractors on lots larger than two acres, subject to the requirements of Section 128.0.C.2.
12. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L
13. Residential chicken keeping, subject to the requirements of Section 128.0.D.

14. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A Supplementary Bulk Regulations.)

1. The following maximum height limitations shall apply:
  - a. Principal structure..... 34 feet
  - b. Accessory structure..... 15 feet
2. Minimum lot size (except as provided in Section 109.0.F of these regulations for mandatory open space)..... 12,000 sq. ft.
3. Minimum lot width at building restriction line..... 60 feet
4. Minimum setback requirements
  - a. From arterial or collector public street right-of-way
    - (1) All structures
      - (a) Front or side..... 30 feet
      - (b) Rear
        - (i) Principal structure..... 50 feet
        - (ii) Accessory Structure..... 10 feet
    - (2) Uses (other than structures) in all development projects except single-family detached or semi-detached..... 20 feet
  - b. From other public street right-of-way
    - (1) All structures
      - (a) Front or side..... 20 feet
      - (b) Rear
        - (i) Principal structure..... 30 feet
        - (ii) Accessory structure..... 10 feet
    - (2) Uses (other than structures) in all development projects except single-family detached or semi-detached..... 20 feet
  - c. From lot lines
    - (1) Principal structures
      - (a) Front..... 20 feet  
Except pipestem lots facing and adjoining the project boundary..... 30 feet
      - (b) Side ..... 7.5 feet  
Except:
        - (i) Zero lot line dwellings..... 0 feet  
At least 15 feet must be maintained between structures;
        - (ii) Single-family semi-detached dwelling ..... 15 feet one side
      - (c) Rear..... 30 feet
    - (2) Accessory structures
      - (a) Front..... 20 feet
      - (b) Side ..... 7.5 feet
      - (c) Rear..... 10 feet
    - (3) Uses (other than structures) in all development projects except

single-family detached ..... 20 feet

**E. Moderate Income Housing Units**

At least 10% of the dwellings in each R-12 development shall be Moderate Income Housing Units. Multi-plex units that are comparable in size to surround dwellings are permitted on a single-family detached lot.

**F. Open Space and Lot Size**

- 1. Open space percentage and lot size shall be calculated pursuant to the Howard County Subdivision and Land Development Regulations. In accordance with those regulations, developments that are eligible and elect to use the option for a smaller minimum lot size shall provide the required higher percentage of open space.
- 2. Special requirements for neighborhood infill subdivisions or resubdivisions:
  - (a) Density ..... 3 dwelling units per net acre
  - (b) Minimum lot size ..... 12,000 square feet

**G. Density Exchange for Neighborhood Preservation Parcels**

- 1. Sending parcel for Neighborhood Preservation:  
A parcel qualifying with the criteria for residential infill development as defined in Section 16.108 (b) of the Subdivision and Land Development Regulations or parcels principally used for a Swimming Pool, Community, as defined in of the Zoning Regulations may be sending parcels for neighborhood preservation in accordance with the requirements of Section 128.0.K of the Zoning Regulations.
- 2. Receiving Parcel for Neighborhood Preservation:  
A parcel may be developed as a receiving parcel in association with Neighborhood Preservation Parcel sending parcels at a bonus of up to 10% more dwelling units than would be achievable based on net density of 3 dwelling units per net acre, in accordance with Section 128.0.K requirements.

**H. Other Provisions**

A zero lot line dwelling unit may be located on the property line provided that no part of the building shall protrude onto the adjoining lot, and provided that at the time of recordation of the Final Subdivision Plan, easements shall be recorded to permit access to the adjoining lot for purposes of maintenance to the side of any zero lot line dwelling which faces a side yard of less than seven and one-half feet. Further, a maintenance agreement shall be included in the deed where appropriate.

**I. Conditional Uses**

Conditional Uses in the R-12 District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.

Reserved.



## **SECTION 110.0: R-SC (Residential: Single Cluster) District**

### **A. Purpose**

The R-SC District is established to provide the opportunity for clustering of single-family detached and attached dwellings to promote sensitive use for the land as well as to provide compatibility with other residential districts.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. One zero lot line dwelling unit per lot.
3. Single-family attached dwelling units.
4. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.D.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Convents and monasteries used for residential purposes.
7. Government structures, facilities and uses, including public schools and colleges.
8. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
12. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E.2 and 128.0.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
13. Volunteer fire departments.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-SC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory structures are subject to the requirements for Section 128.0.A.
2. Accessory apartments, subject to the requirements of Section 128.0.A., provided that:
  - a. The area of the lot is at least 12,000 square feet;

- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
  - c. The accessory apartment shall have no more than two bedrooms.
- 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
- 4. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
- 5. Home occupations, subject to the requirements of Section 128.0.C.
- 6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
- 7. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
- 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
- 9. Farm stand, subject to the requirements of Section 128.0.I.
- 10. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L
- 11. Snowball stands, subject to the requirements of Section 128.0.D.
- 12. Accessory Solar Collectors.

13. Residential chicken keeping, subject to the requirements of Section 128.0.D.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations, and 128.0.G, Alternative Regulations for Traditional Residential Neighborhoods.)

1. The following maximum limitations shall apply:

- a. Height
    - (1) Principal structure..... 34 feet  
However, the maximum height for single-family attached dwellings with gable, hip or gambrel roofs shall be 40 feet.
    - (2) Accessory structures ..... 15 feet
  - b. Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot.....60%
  - c. Density .....4.0 dwelling units per net acre
  - d. Units per structure - single-family attached dwelling units 8 units per structure
  - e. Building length - single-family attached..... 120 feet  
However, the Director of the Department of Planning and Zoning may approve a greater length, up to a maximum of 200 feet, based on a determination that the design of the building will mitigate the visual impact of the increased length.
2. Minimum lot size - single-family detached dwellings..... 6,000 sq. ft.
3. Minimum lot width at building restriction line single-family detached dwellings..... 60 feet
4. Minimum setback requirements
- a. From arterial or collector public street right-of-way
    - (1) Structures
      - (a) Front or side..... 30 feet
      - (b) Rear
        - (i) Accessory structures on single-family detached lot ..... 10 feet
        - (ii) Other ..... 50 feet
    - (2) Uses (other than structures) in all development projects except single-family detached..... 30 feet
  - b. From other public street right-of-way
    - (1) Structures
      - (a) Front or side..... 20 feet
      - (b) Rear
        - (i) Accessory structures on single-family detached lot ..... 10 feet
        - (ii) Other ..... 40 feet
    - (2) Uses (other than structures) excluding uses in single-family detached development projects and parking for single-family attached dwellings ..... 20 feet
  - c. From vicinal properties - for all structures and uses in single-family attached development projects

- (1) From an RC, RR, R-ED, R-20, or R-12 District or a single-family detached area of a PGCC, NT or MXD District
  - (a) Dwellings..... 75 feet
  - (b) Other structures and uses ..... 50 feet
- (2) From any other zoning district or, if land adjacent to project is zoned R-SC, from the project boundary
  - (a) Dwellings..... 50 feet
  - (b) Other structures and uses ..... 20 feet
- (3) If another residential zoning district is separated from the R-SC District by a public street, only the setbacks from the public street right-of-way apply.

d. From lot lines

- (1) Structures in all development projects except single-family attached
  - (a) Front..... 20 feet
  - (b) Side
    - (i) Development other than zero lot line..... 7.5 feet
    - (ii) Zero lot line development..... 0 feet

A minimum of 15 feet must be provided between residential structures
  - (c) Rear
    - (i) Principal structure..... 30 feet
    - (ii) Accessory structure..... 10 feet
- (2) Uses (other than structures) in all development projects except single-family detached or attached..... 20 feet

5. Minimum distances between single-family attached buildings, or between single-family attached buildings and single-family detached dwellings:

- a. Face to face ..... 30 feet
- b. Face to side/Rear to side ..... 30 feet
- c. Side to side..... 15 feet
- d. Rear to rear ..... 60 feet
- e. Rear to face ..... 100 feet

**E. Moderate Income Housing Units**

At least 10% of the dwellings in each R-SC development shall be Moderate Income Housing Units. Multi-plex units that are comparable in size to surrounding dwellings are permitted on a single-family detached lot.

**F. Density Exchange for Neighborhood Preservation Parcels**

Sending parcel for Neighborhood Preservation:

A parcel qualifying with the criteria for residential infill development as defined in Section 16.108 (b) of the Subdivision and Land Development Regulations or parcels principally used for a Swimming Pool, Community, as defined in of the Zoning Regulations may be sending parcels for neighborhood preservation in accordance with the requirements of Section 128.0.K of the Zoning Regulations.

Receiving Parcel for Neighborhood Preservation:

A parcel may be developed as a receiving parcel in association with Neighborhood Preservation Parcel sending parcels at a bonus of up to 10% more dwelling units than would be achievable based on net density of 3 dwelling units per net acre, in accordance with Section 128.0.K requirements.

**G. Other Provisions**

1. On a lot or group of contiguous lots in the R-SC District with a combined total lot area of less than 100,000 square feet, uses permitted in the R-12 District may be developed pursuant to the bulk regulations and other provisions of the R-12 District.
2. A zero lot line dwelling unit may be located on the property line provided that no part of the building shall protrude onto the adjoining lot, and provided that at the time of recordation of the Final Subdivision Plan, easements shall be recorded to permit access to the adjoining lot for purposes of maintenance to the side of any zero lot line dwelling which faces a side yard of less than seven and one-half feet. Further, a maintenance agreement shall be included in the deed where appropriate.

**H. Conditional Uses**

Conditional Uses in the R-SC District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.

## **SECTION 111.0: R-SA-8 (Residential: Single Attached) District**

### **A. Purpose**

The R-SA-8 District is established to provide clustered attached dwelling units. It is the intent of this district that the attached dwellings be compatible with adjacent residential zones.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. One zero lot line dwelling unit per lot.
3. Single-family attached dwelling units.
4. Apartment units.
5. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
6. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
7. Convents and monasteries used for residential purposes.
8. Government structures, facilities and uses, including public schools and colleges.
9. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
10. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
11. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
12. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
13. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E.2 and Section 128.0.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
14. Volunteer fire departments.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-SA-8 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory structures are subject to the requirements of Section 128.0.A.
2. Accessory apartments, subject to the requirements of Section 128.0.A., provided that:
  - a. The area of the lot is at least 12,000 square feet;

- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
    - c. The accessory apartment shall have no more than two bedrooms.
  3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
  4. The housing by a resident family of:
    - a. Not more than four non-transient roomers or boarders; or
    - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
    - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
  5. Home occupations, subject to the requirements of Section 128.0.C.
  6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
  7. Parking:
    - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
    - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
  8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
    - a. One recreational vehicle with a length of 30 feet or less; and
    - b. One boat with a length of 20 feet or less.
  9. Snowball stands, subject to the requirements of Section 128.0.D.
  10. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L
  11. Accessory Solar Collectors.



**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations, and 128.0.G, Alternative Regulations for Traditional Residential Neighborhoods.)

1. The following maximum limitations shall apply:
  - a. Height
    - (1) Principal structure ..... 40 feet
    - (2) Accessory structures ..... 15 feet
  - b. Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot ..... 60%
  - c. Density ..... 8.0 dwelling units per net acre
  - d. Maximum units per structure –  
Single-family attached dwelling units ..... 8 units per structure
  - e. Building length - single-family attached or apartments ..... 120 feet  
  
However, the Director of the Department of Planning and Zoning may approve a greater length, up to a maximum of 300 feet, based on a determination that the design of the building will mitigate the visual impact of the increased length.
2. Minimum lot size - single-family detached dwellings ..... 6,000 sq. ft.
3. Minimum lot width at building restriction line single-family detached dwellings ..... 60 feet
4. Minimum setback requirements
  - a. From arterial or major collector public street right-of-way
    - (1) Structures
      - (a) Front or side ..... 30 feet
      - (b) Rear ..... 50 feet
    - (2) Uses (other than structures) in all development projects except single-family detached ..... 30 feet
  - b. From other public street right-of-way or private street
    - (1) Structures
      - (a) Apartments front or side ..... 20 feet
      - (b) Single-family attached front or side ..... 20 feet
      - (c) Rear to public street ..... 40 feet
      - (d) Rear to private street ..... 20 feet
      - (e) Rear to internal alley ..... 5 feet
    - (2) Uses (other than structures) excluding uses in single-family detached development projects and parking for single-family attached dwellings ..... 20 feet
  - c. From vicinal properties - for all structures and uses in single-family attached or apartment development projects
    - (1) From an RC, RR, R-20, R-12, R-ED or R-SC District or a single-family land use area of a NT, PGCC or MXD District
      - (a) Single-family attached dwellings ..... 50 feet
      - (b) Apartment dwellings ..... 100 feet
      - (c) Other structures or uses ..... 50 feet

- (2) From any other zoning district or, if land adjacent to project is zoned R-SA-8, from the project boundary
  - (a) Apartment dwellings..... 50 feet
  - (b) Single-family attached ..... 25 feet
  - (c) Other structures or uses ..... 20 feet
- (3) If another residential zoning district is separated from the R-SA-8 District by a public street, only the setbacks from the public street right-of-way apply.

d. From lot lines

- (1) Structures in all development projects except single-family attached or apartment
  - (a) Front..... 20 feet
  - (b) Side
    - (i) Development other than zero lot line..... 7.5 feet
    - (ii) Zero lot line development..... 0 feet

A minimum of 15 feet must be provided between residential structures.
  - (c) Rear
    - (i) Principal structures ..... 30 feet
    - (ii) Accessory structures ..... 10 feet
- (2) Uses (other than structures) in all development projects except single-family detached, attached or apartment ..... 20 feet

5. Minimum distances between multi-family buildings, or between single-family attached buildings and single-family detached dwellings:

- a. Face to face ..... 30 feet
- b. Face to side/Rear to side ..... 30 feet
- c. Side to side..... 15 feet
- d. Rear to rear ..... 60 feet
- e. Rear to face ..... 100 feet

6. Minimum distances between apartment buildings and single-family detached dwellings:

- a. Face to face ..... 30 feet
- b. Face to side/rear to side ..... 30 feet
- c. Side to side..... 30 feet
- d. Rear to rear ..... 60 feet
- e. Rear to face ..... 100 feet

**E. Usable outdoor space**

Single-family attached units shall have usable outdoor space equal to a 15 foot deep yard. Alternatively the recreation open space requirement in Section 16.121(a)(4) of the Subdivision and Land Development Regulations shall be increased by 300 square feet per unit.

**F. Moderate Income Housing Units**

At least 10% of the dwellings in each R-SA-8 development shall be Moderate Income Housing Units.

**G. Receiving Parcel for Neighborhood Preservation**

A parcel may be developed as a receiving parcel in association with Neighborhood Preservation Parcel sending parcels at a bonus density of up to 10% more dwelling units than permitted by the standard maximum density in the district, in accordance with Section 128.0. K requirements.

**H. Other Provisions**

Zero Lot Line Dwellings

A zero lot line dwelling unit may be located on the property line provided that no part of the building shall protrude onto the adjoining lot, and provided that at the time of recordation of the Final Subdivision Plan, easements shall be recorded to permit access to the adjoining lot for purposes of maintenance to the side of any zero lot line dwelling which faces a side yard of less than seven and one-half feet. Further, a maintenance agreement shall be included in the deed where appropriate.

**I. Conditional Uses**

Conditional Uses in the R-SA-8 District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.

## **SECTION 111.1: R-H-ED (Residential: Historic – Environmental District)**

### **A. Purpose**

The R-H-ED District is established to provide requirements for single-family attached dwelling units on certain properties determined to contribute to the historic character of areas designated on the National Register of Historic Places. It is the intent of this district that the attached dwellings be compatible with the historic character of the area, and be developed with sensitivity to the natural environment. Protection of historic and environmental resources is to be achieved by requiring Historic District Commission review and directing development away from sensitive resources.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. One zero lot line dwelling unit per lot.
3. Single-family attached dwelling units.
4. Farming.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Convents and monasteries used for residential purposes.
7. Government structures, facilities and uses, including public schools and colleges.
8. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
12. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E.2 and Section 128.0.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for “Government structures, facilities and uses.”
13. Volunteer fire departments.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-H-ED District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory structures are subject to the requirements of Section 128.0.A.

2. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
3. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
4. Home occupations, subject to the requirements of Section 128.0.C.
5. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
6. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
7. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
8. Snowball stands, subject to the requirements of Section 128.0.D.
9. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations, and 128.0.G, Alternative Regulations for Traditional Residential Neighborhoods.)

1. The following maximum limitations shall apply:
  - a. Height
    - (1) Principal structure ..... 40 feet

- (2) Accessory structures .....15 feet
- b. Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot.....60%
- c. Density ..... 10.0 dwelling units per net acre
- d. Maximum units per structure – Single-family attached dwelling units..... 8 units per structure
- e. Building length - single-family attached ..... 120 feet

However, the Director of the Department of Planning and Zoning may approve a greater length, up to a maximum of 300 feet, based on a determination that the design of the building will mitigate the visual impact of the increased length.

- 2. Minimum lot size - single-family detached dwellings ..... 6,000 sq. ft.
- 3. Minimum lot width at building restriction line single-family detached dwellings ..... 60 feet
- 4. Minimum setback requirements
  - a. From arterial or major collector public street right-of-way
    - (1) Structures
      - (a) Front or side ..... 30 feet
      - (b) Rear ..... 50 feet
    - (2) Uses (other than structures) in all development projects except single-family detached ..... 30 feet
  - b. From other public street right-of-way or private street
    - (1) Structures
      - (a) Single family attached front or side ..... 20 feet
      - (b) Single family attached front or side with detached garages..... 20 feet
      - (c) Single family attached front or side without detached garages... 15 feet
      - (d) Rear to public street ..... 40 feet
      - (e) Rear to private street ..... 20 feet
      - (f) Rear to internal alley ..... 5 feet
    - (2) Uses (other than structures) excluding uses in single-family detached development projects and parking for single-family attached dwellings..... 20 feet
  - c. From vicinal properties - for all structures and uses in single-family attached or apartment development projects
    - (1) From an RC, RR, R-20, R-12, R-ED or R-SC District or a single-family land use area of a NT, PGCC or MXD District
      - (a) Single-family attached dwellings..... 50 feet
      - (b) Other structures or uses..... 50 feet
    - (2) From any other zoning district or, if land adjacent to project is zoned R-H-ED, from the project boundary
      - (a) Single Family Attached ..... 25 feet
      - (b) Other structures or uses ..... 20 feet

- (3) If another residential zoning district is separated from the R-H-ED district by a public street, only the setbacks from the public street right-of-way apply.

d. From lot lines

- (1) Structures in all development projects except single-family attached
  - (a) Front..... 20 feet
  - (b) Side
    - (i) Development other than zero lot line ..... 7.5 feet
    - (ii) Zero lot line development..... 0 feet
 A minimum of 15 feet must be provided between residential structures.
  - (c) Rear
    - (i) Principal structures..... 30 feet
    - (ii) Accessory structures..... 10 feet
- (2) Uses (other than structures) in all development projects except single-family detached or attached..... 20 feet

- e. From streams, notwithstanding Section 16.116 of the County Code, structures and uses ..... 250 feet

5. Minimum distances between single-family attached buildings and single-family detached dwellings:

- a. Face to face ..... 30 feet
- b. Face to side/Rear to side ..... 30 feet
- c. Side to side..... 15 feet
- d. Rear to rear..... 60 feet
- e. Rear to face ..... 100 feet

**E. Usable Outdoor Space**

Single family attached units shall have usable outdoor space equal to a 15 foot deep yard. Alternatively the recreation open space requirement in Section 16.121(A)(4) of the Subdivision and Land Development Regulations shall be increased by 300 square feet per unit.

**F. Approval of the Preliminary Equivalent Sketch Plan by Planning Board**

- 1. For developments in the R-H-ED District requiring a Sketch Plan, a preliminary equivalent sketch plan must be approved by the Planning Board.
- 2. Prior to Planning Board approval, the Preliminary Sketch Plan will be evaluated by the Design Advisory Panel 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 of its consideration.
- 3. The Planning Board, before acting upon the preliminary equivalent sketch plan, shall review comments from the Department of Planning and Zoning and the Subdivision Review Committee and shall hold a public meeting.
- 4. A preliminary equivalent sketch plan submitted for review shall include all of the information required by the Subdivision and Land Development Regulations of the Howard County Code as well as the following information:



- a. The existing environmental and historic resources of the site, including: streams, wetlands and their buffers; extent and quality of existing vegetation, especially tree cover, steep slopes; historic structures and their landscape setting; and the scenic qualities of the site.
  - b. The location of proposed improvements in relation to the resources cited above.
  - c. The location and amount of sensitive areas which will be disturbed by structures, paved surfaces, and infrastructure, if any, and plans for minimizing such disturbances.
  - d. The location and amount of grading and clearing.
  - e. Plans for minimizing site disturbance and preserving the existing topography, vegetation and landscape character.
  - f. Documentation indicating how the proposed development will comply with the requirements of the Howard County Forest Conservation Program.
  - g. The proposed construction practices and post-construction site maintenance strategies to minimize development impacts on forest and other resources.
  - h. Proposed open space, easements, and other forms of permanent protection for sensitive areas, forest conservation areas, or other on-site resources such as historic 36 structures and settings.
5. The Planning Board may approve, approve with modifications and/or conditions attached, or disapprove the preliminary equivalent sketch plan, stating the reasons for its action. The Planning Board's decision shall be based upon the criteria given in Subsection 111.1.F.7 below.
6. The Planning Board may, at the time of approval of the preliminary equivalent sketch plan, require the subsequent approval by the Board of a site development plan for all or a portion of the development.
7. The following criteria shall be used in evaluating preliminary equivalent sketch plans:
- a. The proposed lay-out of lots and open space effectively protects environmental and historic resources.
  - b. Buildings, parking areas, roads, storm water management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading.
  - c. Setbacks, landscaped buffers, or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts.

**G. Approval of the Site Development Plan by the Planning Board**

1. Planning Board approval of a Site Development Plan is required if:
- a. A sketch plan is not required for the development; or
  - b. The Board has reserved for itself the authority to approve the site development plan; or
  - c. The site development plan is for the development of buildings on an open space lot; or
  - d. The proposed development differs from the approved preliminary equivalent sketch plan in one of the following ways:
    - (1) The limits of clearing and grading are such that the development will impact a significantly larger area of the site than indicated on the sketch plan.
    - (2) The development will have a greater adverse impact on environmentally sensitive areas than indicated on the sketch plan.
2. The Planning Board may approve, approve with modifications and/or conditions attached, or disapprove the site development plan, stating the reasons for its action. The Planning Board's decision shall be based upon the criteria listed in Section 111.1.F.7 above.

3. Minor additions and modifications to Site Development Plans approved by the Planning Board and meeting the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not require Planning Board approval. However, all changes of use which require exterior site alterations require Planning Board approval.

## **H. MODERATE INCOME HOUSING UNITS**

At least 10% of the dwellings in each R-H-ED development shall be Moderate Income Housing Units.

### **I. Other Provisions**

1. Historic District Commission

The design of new structures shall be determined by the Historic District Commission to be compatible with the historic character of the area.

2. Zero Lot Line Dwellings

Zero lot line dwelling unit may be located on the property line provided that no part of the building shall protrude onto the adjoining lot, and provided that at the time of recordation of the Final Subdivision Plan, easements shall be recorded to permit access to the adjoining lot for purposes of maintenance to the side of any zero lot line dwelling which faces a side yard of less than seven and one-half feet. Further, a maintenance agreement shall be included in the deed where appropriate.

3. Lot Disturbance and Walkability

The design and construction of the community shall limit site disturbance and encourage walkability in historic areas.

### **J. Conditional Uses**

Conditional Uses in the R-H-ED District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

## **SECTION 112.0: R-A-15 (Residential: Apartments) District**

### **A. Purpose**

The R-A-15 District is established to provide for moderate density apartment and single-family attached dwelling unit developments in appropriate locations which generally adjoin or are adjacent to an arterial or collector highway, or adjoin a non-residential zoning district, and provide a land use transition between the public road or non-residential district and another residential district.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. Single-family attached dwelling units.
3. Apartment units.
4. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Convents and monasteries used for residential purposes.
7. Government structures, facilities and uses, including public schools and colleges.
8. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations subject to the requirements of Section 128.0.D.
10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
12. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E.2 and Section 128.0.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
13. Volunteer fire departments.

### **C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.

3. The housing by a resident family of
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
4. Home occupations, subject to the requirements of Section 128.0.C.
5. Home care, provided that if home care is combined with housing of mentally or physically disabled persons, or persons 62 years of age or older, as allowed by Subsection 3.b above, the total number of persons receiving home care at one time plus the number of persons being housed shall not exceed eight.
6. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
7. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
8. Snowball stands, subject to the requirements of Section 128.0.D.
9. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L
10. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations, and 128.0.G, Alternative Regulations for Traditional Residential Neighborhoods.)

1. For all uses, the following maximum limitations shall apply:
  - a. Height
 

(1) Principal structure .....	55 feet
(2) Accessory structures .....	15 feet
  - b. Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot .....60%

- c. Density ..... 15 dwelling units per net acre
- d. Maximum units per structure  
Single-family attached dwelling units ..... 8 units per structure
- e. Building length - single-family attached or apartment ..... 120 feet

However, the Director of the Department of Planning and Zoning may approve a greater length, up to a maximum of 300 feet, based on a determination that the design of the building will mitigate the visual impact of the increased length.

- 2. Minimum lot size - single-family detached dwellings.....6,000 square feet
- 3. Minimum lot width at the building restriction line - single-family detached dwellings.... 60 feet
- 4. Minimum setback requirements

- a. From arterial or major collector public street right-of-way
  - (1) Structures
    - (a) Front or side..... 30 feet
    - (b) Rear..... 50 feet
  - (2) Uses (other than structures) in all development projects except single-family detached..... 30 feet

- b. From any other public street right-of-way or private street.
  - (1) Structures
    - (a) Apartments, front or side with garages..... 20 feet
    - (b) Single-family attached, front or side..... 20 feet
    - (c) Rear to public street..... 40 feet
    - (d) Rear to private street ..... 20 feet
    - (e) Rear to internal alley..... 5 feet
  - (2) Uses (other than structures), excluding uses in single-family detached development projects and parking for single-family attached dwellings ..... 20 feet

- c. From vicinal properties - in all development projects except single-family detached
  - (1) From an RC, RR, R-20, R-12, R-ED or R-SC District or a single-family land use area of a NT, PGCC or MXD District
    - (a) Single-family attached dwellings..... 75 feet
    - (b) Apartment dwellings..... 100 feet
    - (c) Other structures or uses ..... 50 feet
  - (2) From any other zoning district or, if land adjacent to project is zoned R-A-15, from the project boundary
    - (a) Apartment dwellings..... 50 feet
    - (b) Single-family attached ..... 25 feet
    - (c) Other structures or uses ..... 20 feet
  - (3) If another residential zoning district is separated from the R-A-15 District by a public street, only the setbacks from the public street right-of-way apply.

- d. From lot lines - all structures in single-family detached developments
  - (1) Front..... 20 feet
  - (2) Side ..... 7.5 feet
  - (3) Rear
    - (a) Principal structures ..... 30 feet
    - (b) Accessory structures ..... 10 feet
  
- 5. Minimum distances between multi-family buildings, or between single-family attached buildings and single-family detached dwellings:
  - a. Face to face ..... 30 feet
  - b. Face to side/Rear to side ..... 30 feet
  - c. Side to side..... 15 feet
  - d. Rear to rear ..... 60 feet
  - e. Rear to face ..... 100 feet
  
- 6. Minimum distances between apartment buildings and single-family detached dwellings:
  - a. Face to face ..... 30 feet
  - b. Face to side/Rear to side ..... 30 feet
  - c. Side to side..... 30 feet
  - d. Rear to rear ..... 60 feet
  - e. Rear to face ..... 100 feet

**E. Usable Outdoor Space**

Single-family attached units shall have a usable outdoor space equal to a 15 foot deep yard. Alternatively the recreational open space requirement in Section 16.121(a)(4) of the Subdivision and Land Development Regulations shall be increased by 300 square feet per unit.

**F. Receiving Parcel for Neighborhood Preservation**

A parcel may be developed as a receiving parcel in association with Neighborhood Preservation Parcel sending parcels at a bonus density of up to 10% more dwelling units than permitted by the standard maximum density in the district, in accordance with the Section 128.0.K requirements.

**G. Moderate Income Housing Units**

At least 10% of the dwellings in each R-A-15 development shall be Moderate Income Housing Units.

**H. Conditional Uses**

Conditional Uses in the R-A-15 District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.

Reserved.



## **SECTION 112.1: R-APT (Residential: Apartments) District**

### **A. Purpose**

The R-APT district is established to provide the opportunity for higher density apartments to support adjacent retail areas and services, enhance transportation hubs and provide a land use transition between more intense uses and lower density residential districts. It is intended that R-APT districts will adjoin arterial roadways and should have opportunities for pedestrian and bicycle access to the surrounding areas.

### **B. Use Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. Apartment units.
3. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
4. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
5. Convents and monasteries used for residential purposes.
6. Government structures, facilities and uses, including public schools and colleges.
7. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
8. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations subject to the requirements of Section 128.0.D.
9. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
10. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
11. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
12. Volunteer fire departments.

### **C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.

3. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
4. Home occupations, subject to the requirements of Section 128.0.C.
5. Home care, provided that if home care is combined with housing of mentally or physically disabled persons, or persons 62 years of age or older, as allowed by Subsection 3.b above, the total number of persons receiving home care at one time plus the number of persons being housed shall not exceed eight.
6. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
7. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
8. Snowball stands, subject to the requirements of Section 128.0.D.
9. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L
10. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations, and 128.0.G, Alternative Regulations for Traditional Residential Neighborhoods.)

1. For all uses, the following maximum limitations shall apply:
  - a. Height
    - (1) Structure with minimum setback ..... 65 feet
    - (2) Structure with an additional 1 foot in height for every 2 feet of setback above the minimum ..... 80 feet

- b. Density .....25 dwelling units per net acre
- c. Building length ..... 120 feet

However, the Director of the Department of Planning and Zoning may approve a greater length, up to a maximum of 300 feet, based on a determination that the design of the building will mitigate the visual impact of the increased length.

- 2. Minimum lot size - single-family detached dwellings .....6,000 square feet
- 3. Minimum lot width at the building restriction line - single-family detached dwellings ... 60 feet
- 4. Minimum setback requirements

- a. From arterial or major collector public street right-of-way
  - (1) Structures
    - (a) Front or side ..... 30 feet
    - (b) Rear ..... 50 feet
  - (2) Uses (other than structures) in all development projects except single-family detached ..... 30 feet

- b. From any other public street right-of-way or private street
  - (1) Structures
    - (a) Apartments, front or side ..... 20 feet
    - (b) Rear to public street ..... 40 feet
    - (c) Rear to private street..... 20feet
  - (2) Uses (other than structures), excluding uses in single-family detached development projects ..... 20 feet

- c. From vicinal properties - in all development projects except single-family detached
  - (1) From an RC, RR, R-20, R-12, R-ED or R-SC District or a single-family land use area of a NT, PGCC or MXD District
    - (a) Apartment dwellings ..... 100 feet
    - (b) Other structures or uses ..... 50 feet
  - (2) From any other zoning district or, if land adjacent to project is zoned R-APT, from the project boundary
    - (a) Apartment dwellings ..... 50 feet
    - (b) Other structures or uses ..... 20 feet
  - (3) If another residential zoning district is separated from the R-APT District by a public street, only the setbacks from the public street right-of-way apply.

- d. From lot lines - all structures in single-family detached developments
  - (1) Front ..... 20 feet
  - (2) Side ..... 7.5 feet
  - (3) Rear
    - (a) Principal structures ..... 30 feet
    - (b) Accessory structures ..... 10 feet

- 5. Minimum distances between apartment buildings:
  - a. Face to face ..... 30 feet
  - b. Face to side/Rear to side ..... 30 feet
  - c. Side to side..... 30 feet
  - d. Rear to rear ..... 60 feet
  - e. Rear to face ..... 100 feet

**E. Receiving Parcel for Neighborhood Preservation**

A parcel may be developed as a receiving parcel in association with Neighborhood Preservation Parcel sending parcels at a bonus density of up to a maximum of 35 units per net acre in accordance with the Section 128.0.K requirements.

**F. Moderate Income Housing Units**

At least 15% of the dwellings in each R-APT development shall be Moderate Income Housing Units.

**G. Amenity Areas**

R-APT developments shall include an amenity area or areas. A minimum of 10% of the net acreage shall be provided as open space which must be designed as an amenity area. No amenity area shall be smaller than 0.25 acre. The amenity area shall include seating and trees proportional to the size of the amenity area. Amenity areas shall be connected by pedestrian and bicycle improvements that link with existing and future connections to surrounding developments.

**H. Design Advisory Panel**

Residential developments shall be reviewed by the Design Advisory Panel in accordance with Title 16, Subtitle 15 of the Howard County Code. The property owner shall provide documentation with the site plan to show compliance with this criterion prior to site plan approval.

**I. Conditional Uses**

Conditional Uses in the R-APT District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

## **SECTION 113.1: R-MH (Residential: Mobile Home) District**

### **A. Purpose**

The R-MH District is established to provide the opportunity for moderately priced housing. It is the intent of the district that opportunities for home ownership and rental sites be maintained.

### **B. Uses Permitted as a Matter of Right**

1. Mobile homes within mobile home developments.
2. Single-family detached dwellings.
3. Single-family attached dwellings within R-MH Districts of at least 25 acres.
4. Apartment units within R-MH Districts of at least 25 acres. Apartment units are also permitted on sites of less than six acres, if any property adjacent to the site is also developed as apartment units.
5. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
6. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities shall be located within condominium developments or within neighborhoods and communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
7. Underground pipelines; electric transmission and distribution lines; telephone telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
8. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Sections 128.0.E.2 and 128.0.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
9. Volunteer fire departments.
10. Government structures, facilities and uses, including public schools and colleges.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-MH District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. The housing of not more than four non-transient roomers or boarders by a resident family.
3. Home occupations, subject to the requirements of Section 128.0.C.
4. Home care.
5. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres.

Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.

- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
- 6. Management office and maintenance facilities in mobile home parks.
- 7. Central common laundry facilities in mobile home parks.
- 8. Convenience establishments of a commercial nature, not including gasoline service stations but including stores, day care centers, coin-operated laundries and dry cleaners, beauty and barber shops, may be permitted in mobile home parks, provided that such establishments and the parking areas primarily related to their operations:
  - a. May occupy up to 5% of the area of the park, but in any case, not more than two and one-half acres,
  - b. Shall be subordinate to the residential use and character of the park,
  - c. Shall be located, designed and intended to serve frequent trade or service needs of the residents of the park and
  - d. Shall present no visible evidence of their commercial character from any portion of any residential district outside the park.
- 9. Snowball stands, subject to the requirements of Section 128.0.D.
- 10. Temporary storage of abandoned mobile homes in mobile home parks, provided that:
  - a. This use shall be limited to storage of mobile homes which were occupied and subsequently abandoned by their owners within the mobile home park.
  - b. An abandoned mobile home shall be stored for a period of time not to exceed six months.
  - c. Storage areas shall meet the bulk requirements of Section 113.1.D.3.b, except that the minimum required distance between mobile homes shall not apply to the distance between abandoned mobile homes.
  - d. Prior to moving an abandoned mobile home from its site to a storage area, a permit shall be obtained from the Department of Planning and Zoning. The permit application shall include a plan showing the storage area and documentation that the park owner has begun the necessary proceedings in accordance with State law to take possession of and remove the mobile home from the premises.
- 11. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations and Section 128.0.G, Alternative Regulations for Traditional Residential Neighborhoods.)

- 1. Minimum District Size..... 10 acres

2. For single-family attached or apartment unit developments, including single-family attached or apartment unit buildings that are part of a development with one or more of the other residential uses permitted in the R-MH District, the bulk regulations in Section 112.0.D. of the Zoning

Regulations for the R-A-15 District shall apply. For all other permitted uses, the following maximum limitations shall apply:

- a. Height
  - (1) Principal structure ..... 34 feet
  - (2) Accessory structures ..... 15 feet
- b. Lot coverage - by structures in mobile home subdivisions.....60%
- c. Density .....8 dwelling units per net acre

3. The following minimum requirements shall be observed for mobile home subdivisions:

- a. Area of subdivision ..... 10 acres
- b. Lot size
  - (1) Subdivisions designed as Traditional Residential Neighborhoods under Section 128.0.G .....2,000 square feet
  - (2) All other mobile home subdivisions .....4,000 square feet
- c. Lot width at front building restriction line
  - (1) Subdivisions designed as Traditional Residential Neighborhoods under Section 128.0.G ..... 20 feet
  - (2) All other mobile home subdivisions ..... 45 feet
- d. Setbacks - structures, including mobile homes but not including multi-family residences:
  - (1) From external public street right-of-way ..... 50 feet
  - (2) From a different zoning district ..... 50 feet
  - (3) Front - from internal street right-of-way ..... 5 feet
  - (4) Side ..... 10 feet
  - (5) Rear..... 10 feet

4. The following minimum requirements shall be observed for mobile home parks:

- a. Area of park ..... 10 acres
- b. Setbacks - structures, including mobile homes but not including multi-family residences:
  - (1) From external public street right-of-way ..... 50 feet
  - (2) From a different zoning district ..... 50 feet
  - (3) Between structures..... 20 feet
 Except that:
  - (a) Extensions or additions which abut and are affixed or attached to a mobile home or single-family detached dwelling, such as steps, decks, open or enclosed porches, or attached carports may be added to a mobile home provided that a distance of at least 10 feet is maintained between the extension or addition and other mobile homes or extensions thereof.

- (b) Detached buildings which are accessory to, and do not abut, nor are affixed nor attached to a mobile home or single-family detached dwelling, such as sheds, storage buildings or garages, may be located any distance from the dwelling on the same site and at least 10 feet from other dwellings or extensions thereof.

(4) Across an internal private drive between structures ..... 40 feet

5. Other Development

The setback and lot coverage requirements of the R-A-15 District shall apply to:

- a. Apartments and single-family attached dwellings, even if developed as part of a mobile home development.
- b. Other uses on parcels that do not meet the minimum acreage required for a mobile home development.

**E. Noncompliance with Setback Requirements in Existing Mobile Home Parks**

In existing mobile home parks, mobile homes that do not comply with minimum setback requirements (Section 113.1.D.3.b) may remain in place and may be replaced, subject to the following requirements.

1. Approval of Location Survey

- a. The provisions of this subsection shall apply only to mobile home parks for which a location survey is submitted to the Department of Planning and Zoning within 180 days of October 18, 1993. The location survey shall be prepared by a licensed surveyor or engineer at a scale between 1" = 20' and 1" = 50' and shall show existing mobile homes and additions or extensions to mobile homes within the mobile home park.
- b. Within 30 days of submission, the location survey shall be reviewed by the Department of Planning and Zoning (DPZ) and the Department of Inspections, Licenses and Permits (DILP) for accuracy, completeness and compliance with the approved license for the mobile home park. Upon approval by DPZ and DILP, a reproducible mylar copy of the approved location survey shall be submitted to DPZ by the mobile home park owner.

2. Replacement of Mobile Homes

- a. Structures shown on the approved location survey which do not comply with the minimum setback requirements of this section may remain in place without variances.
- b. A mobile home or an addition or extension to a mobile home may be removed and replaced in accordance with an approved building permit if:
  - (1) The setback distances from external public street rights-of-way, different zoning districts, and other structures either meet the requirements of these regulations or are not decreased to less than the distance shown on the approved location survey; and
  - (2) The mobile home is at least 10 feet from any other mobile home, and at least five feet from an addition or extension to any other mobile home. A proposed addition or extension to the mobile home must be at least five feet from any other mobile home or additions or extensions thereof.



- c. A building permit shall not be issued unless an administrative adjustment or variance is granted in accordance with Section 100.0.F or 130.0.B. of these regulations for a mobile home or an addition or extension to a mobile home which either:
  - (1) Does not comply with minimum setback requirements and is closer to a lot line or other structure than indicated on the approved location survey; or
  - (2) Is less than 10 feet from the main body of any other mobile home.

In addition, no building permit shall be issued for any other type of structure which does not comply with minimum setback requirements unless a variance is granted.

**F. Additional Requirements for Single-Family Attached and Apartment Development**

1. Moderate Income Housing Units

For any development that includes single-family attached or apartment dwelling units, Moderate Income Housing Units must be provided in an amount equal to 15% of the number of single-family attached units plus 20% of the number of apartment units within the development.

- 2. If single-family attached dwellings or apartment units are built on land within a mobile home park or subdivision, the mobile home development must meet the minimum 10-acre area requirement of Section 113.1.D without including the multi-family development area, provided, however, that this requirement shall not apply to noncomplying mobile home parks of under six acres, developed for apartments under the Section 113.1.B.4 requirements.

**G. Conditional Uses**

Conditional Uses in the R-MH District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.

## **SECTION 113.2: R-SI (Residential: Senior - Institutional) District**

### **A. Purpose**

The Residential: Senior - Institutional (R-SI) District is established to permit age-restricted adult housing, as well as community-serving institutional and cultural facilities that serve the surrounding residential community.

### **B. Uses Permitted As a Matter Of Right**

1. Age-Restricted Adult Housing.
2. Ambulatory health care facilities, including pharmacies incidental to these uses.
3. Athletic Facilities, Commercial
4. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Day treatment or care facilities.
7. Government structures, facilities and uses, including public schools and colleges.
8. Museums and libraries.
9. Non-profit clubs, lodges, community halls, and camps.
10. Nursing homes and residential care facilities.
11. Religious facilities, structures and land used primarily for religious activities.
12. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use .
13. Volunteer fire departments.

### **C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Sections 128.0.E.2 and 128.0.E.3.
3. Retail and service businesses which are located within and primarily serve the residents of a nursing home, residential care facility, or age-restricted adult housing, provided such businesses do not occupy more than 2% of the total floor area of the building or buildings within the development.
4. Private parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.
5. Accessory Solar Collectors.

### **D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. Maximum Building Height:

- a. Age-Restricted Adult Apartments..... 50 feet and no more than four stories tall
  - b. All other uses ..... 40 feet
2. Minimum Structure Or Use Setback:
- a. All Structures
    - (1) From residential lots in RC, RR, R-ED, R-20, R-12 and R-SC Districts 75 feet
    - (2) From open space and other uses in RC, RR, R-ED, R-20, R-12 and R-SC Districts ..... 30 feet
    - (3) From any other zoning district..... 30 feet
    - (4) From public street right-of-way ..... 30 feet
  - b. Uses (other than structures) in all development projects from project boundaries..... 20 feet
  - c. If a residential district is separated from the R-SI District by a public street right-of-way, only the setback from the public street right-of-way shall apply.
3. Minimum distances between buildings for attached and apartment units within an age-restricted adult housing development:
- a. Face to face ..... 30 feet
  - b. Face to side/rear to side ..... 20 feet
  - c. Side to side..... 15 feet
  - d. Rear to rear ..... 40 feet
  - e. Rear to face between single-family units..... 75 feet
  - f. Rear to face between apartment buildings ..... 40 feet
4. Maximum Density .....25 units per net acre

**E. Additional Requirements For Age-Restricted Adult Housing**

1. Design for Older Adults

The development must incorporate universal design features from the department of planning and zoning guidelines which identify required, recommended and optional features. Plan submittals must include descriptions of the design features of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted must indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

2. Enforcement of Age Restrictions

If the development will not be a rental community under single ownership, it must be subject to covenants or other legal restrictions enforcing the age restrictions for this use. Plan submittals must include the proposed covenants and other legal means of enforcing the age restrictions. The legal entity that will implement and maintain the age restrictions must be

clearly identified and able to provide effective enforcement to supplement county enforcement of zoning regulations.

3. Moderate Income Housing Units

At least 10% of the dwellings units shall be Moderate Income Housing Units.

4. Community Center

At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

- a. 20 square feet of floor area per dwelling unit, for the first 99 dwelling units with a minimum area of 500 square feet, and
- b. 10 square feet of floor area per dwelling unit for each additional dwelling unit above 99.

5. Open Space

- a. Open space shall constitute at least 25% of the gross acreage used for an age-restricted adult development in the R-SI District.
- b. The community shall include recreation and common areas for residents, including at least pathways and seating areas.

**F. Conditional Uses**

Conditional Uses in the R-SI District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.

## **SECTION 113.3: I (Institutional) Overlay District**

### **A. Purpose**

The Institutional District (I) is established to permit community-serving institutional and cultural facilities. These uses benefit the surrounding residential community and may in some locations provide a transition between residential neighborhoods and retail activity centers. The Institutional District is an Overlay District. Uses allowed in the underlying district may be established prior to approval of a Preliminary Development Plan for institutional district development.

### **B. General Provisions**

1. An I District requires a Preliminary Development Plan be approved by the Zoning Board in accordance with the procedures established in Section 113.3.F prior to the submission and consideration of development plans for institutional district development.
2. The minimum size of any I District shall be 5 contiguous acres. Land which is divided by utility rights-of-way or street rights-of-way shall be considered contiguous for purposes of this section.
3. Any development in an I District must be served by public water and public sewer.
4. Development within the I District shall be consistent with the Subdivision and Land Development Regulations as approved by the Department of Planning and Zoning.
5. Prior to approval of a Preliminary Development Plan, use or development of I-zoned land shall be subject to all regulations applicable to the underlying zoning district. After a Preliminary Development Plan is approved, existing uses which were established pursuant to the underlying zoning district may continue. Such uses shall not be expanded to occupy additional land area, and principal structures related to such uses shall not be constructed or expanded. No new principal use shall be established after a Preliminary Development Plan is approved except in accordance with the requirements of the I District.

### **C. Uses Permitted as a Matter of Right**

1. Athletic facilities, commercial.
2. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
3. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
4. Government structures, facilities and uses, including public schools and colleges.
5. Housing Commission Housing Developments, subject to the requirements of Section 128.0.J
6. Museums and libraries.
7. Nonprofit clubs, lodges and community halls.
8. Religious facilities, structures and land used primarily for religious activities.
9. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
10. Volunteer fire departments.

**D. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Sections 128.0.E.2 and 128.0.E.3.
3. Private parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.
4. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
5. Accessory solar collectors.

**E. Bulk Regulations**

(Also See Section 128.0.A, Supplementary Bulk Regulations.)

1. Maximum building height ..... 40 feet
2. Minimum structure or use setback:
  - a. From residential districts ..... 75 feet
  - b. From any other zoning district..... 30 feet
  - c. From public street right-of-way ..... 30 feet
  - d. If a residential district is separated from the I District by a public street right-of-way, only the setback from the public street right-of-way shall apply.

**F. Preliminary Development Plan**

1. Petitions

A petition for approval of a Preliminary Development Plan shall be submitted by person(s) owning an interest in the land included in the plan.

2. Pre-Submission Community Meeting

Prior to the submission of the Preliminary Development Plan, the petitioner shall hold a pre-submission community meeting in accordance with the requirements in Section 16.128 of the Subdivision and Land Development Regulations.

3. Submission Requirements

The Preliminary Development Plan shall consist of a generalized layout plan of the I Development, as well as other supporting drawings, giving the following information:

- a. A boundary survey of the property covered by the petition.
- b. A vicinity map showing the context of the I Development including existing land uses, the off-site road network, parks, streams, and open space corridors.



- c. The major existing built and environmental features of the site and its immediate environs within 500 feet from the site (including existing topography, 100-year floodplain, wetlands, streams and required environmental buffers).
- d. The location of proposed development, landscaping and green spaces, including the approximate acreage of each.
- e. If outside of the PSA, the general location of proposed wells and septic system percolation areas.
- f. The proposed circulation system, including the general location of proposed points of access to existing roads, and any existing or proposed public transit facilities.
- g. The major planning assumptions and development phasing.
- h. A generalized traffic analysis for the proposed I Development.

4. Decision by the Zoning Board

The Zoning Board shall hold a public hearing on the petition and may approve, approve with modifications or deny the Preliminary Development Plan, stating the reasons for its Decision. The Zoning Board's Decision shall be based on the Criteria for Approval given below.

5. Criteria for Approval of Preliminary Development Plan

The Preliminary Development Plan shall be approved if the Zoning Board concludes that it will satisfy all of the following criteria:

- a. The plan will allow community serving uses consistent with the purposes of the I District.
- b. Adequate sight distance along roads can be provided at proposed points of access to the site;
- c. The roads providing access to the site are appropriate to serve the traffic generated by the proposed uses;
- d. The plan is consistent with applicable environmental policies and requirements.
- e. The intensity and scale of the proposed institutional uses will be appropriate in relation to the environmental constraints of the site and the character of development in the vicinity.
- f. The development will be compatible with vicinal land uses based on site lay-out, building design and landscaping.

**G. Conformance with Preliminary Development Plan**

No Site Development Plan shall be approved for the I District unless the Site Development Plan conforms substantially to the Preliminary Development Plan. The Department of Planning and Zoning may approve minor modifications to the configuration of buildings or other improvements as long as they do not move closer to abutting properties that might be adversely impacted, unless the Zoning Board revokes this administrative authority in the Decision and Order. More significant modifications

to the uses or the development area shown on the Preliminary Development Plan must be approved by the Zoning Board.

**H. Conditional Uses**

Conditional Uses in the I District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

## **SECTION 114.0: Historic District**

### **A. Requirements and Restrictions Applicable to Historic Districts**

1. Upon the adoption of any amendment to which creates a Historic District, the official Zoning Map of Howard County shall be amended to show the boundaries of said District. The provisions of Title 16, Subtitle 6 of the Howard County Code as amended shall be applicable to said District.
2. The zoning regulations and zoning district boundaries, as amended, shall remain in full force and effect within an Historic District hereafter established.
3. The zoning districts established in Section 100.0.B of these regulations shall be permitted within the boundary of an Historic District; however, the following zoning districts shall be permitted only within an Historic District.

R-VH -	Residential: Village Housing
HO -	Historic Office
HC -	Historic Commercial

### **B. Findings Necessary to Establish an Historic District**

A petition may be granted if the Howard County Council finds affirmatively that the establishment of an Historic District will:

1. Serve to safeguard the heritage of the County by preserving elements of its cultural, social, economic, political and architectural history;
2. Stabilize and improve property values;
3. Foster civic beauty;
4. Strengthen the local economy; and/or
5. Promote the use and preservation of the area.

Reserved.

## **SECTION 114.1: R-VH (Residential: Village Housing) District**

### **A. Purpose**

The R-VH District is established to permit infill development compatible with the historic lot patterns within an Historic District. The district is intended to encourage the use and redevelopment of residential enclaves consistent with the character of existing development.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. Single-family attached dwelling units.
3. Apartment units.
4. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
5. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities shall be located within condominium developments or within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
6. Convents and monasteries used for residential purposes.
7. Government structures, facilities and uses, including public schools and colleges.
8. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
9. Underground pipelines; underground electric transmission and distribution lines; underground telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
10. Volunteer fire departments.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-VH District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
3. Home occupations, subject to the requirements of Section 128.0.C.

4. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 2.b above, the total number of persons receiving home care plus persons being housed shall not exceed eight.
5. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
6. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
7. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. The following maximum limitations shall apply:
  - a. Height
 

(1) Principal structure .....	34 feet
(2) Accessory structures .....	15 feet
(3) Except spires, belfries, chimneys, flag poles, monuments, observation towers, steeples, antennas, outdoor athletic structures.....	45 feet
  - b. Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot.....60%
  - c. Density .....8 dwelling units per net acre
2. Minimum lot size single-family detached..... 6,000 sq. ft.

**E. Other Provisions**

The minimum off-street parking requirements for specific uses contained in Section 133.0.D of these Regulations shall not be applicable in the Residential-Village Housing District, but reasonable and appropriate off-street parking requirements shall be determined by the Department of Planning and Zoning, which shall consider comments from other County agencies regarding the parking needs of the proposed use and the availability of parking in the area of the use. Off-street parking spaces serving any structures or land uses in existence at the time of adoption of these Regulations shall not in the future be reduced.

**F. Conditional Uses**

Conditional Uses in the R-VH District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.



## **SECTION 114.2: HO (Historic: Office) District**

### **A. Purpose**

The Historic Office District is established to permit a mix of offices and residences with supporting cultural and commercial uses which will encourage new development and reuse of existing structures consistent with the existing character of the area.

### **B. Uses Permitted as a Matter of Right**

1. Single-family attached dwelling units.
2. Single-family detached dwelling units.
3. Apartment units, only in existing historic structures.
4. Banks, savings and loan associations, investment companies, credit unions, brokers and similar financial institutions.
5. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
6. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
7. Conference centers and bed and breakfast inns.
8. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
9. Convents and monasteries used for residential purposes.
10. Funeral homes and mortuaries.
11. Government structures, facilities and uses, including public schools and colleges.
12. Museums and libraries.
13. Nonprofit clubs, lodges and community halls.
14. Offices, professional and business.
15. Religious facilities, structures, and land used primarily for religious activities.
16. Service agencies
17. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
18. Schools, commercial
19. Underground pipelines; underground electric transmission and distribution lines; underground telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.
20. Volunteer fire departments.

### **C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Community meeting houses, commercial establishments for receptions and parties.
3. Antennas accessory to a principal use on the lot.
4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
5. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. The following maximum limitations shall apply:
  - a. Height
    - (1) Principal structure..... 40 feet
    - (2) Accessory structures ..... 15 feet
    - (3) Except spires, belfries, chimneys, flag poles, monuments, observation towers, steeples, antennas, outdoor athletic structures ..... 45 feet
  - b. Floor area ratio..... 3 to 1
  - c. Density ..... 15 dwelling units per net acre
  - d. Cornices and eaves may project not more than three feet beyond the face of the structure.
  - e. A bay window, oriel, vestibule or balcony may project not more than four feet beyond the face of the structure.
2. The following minimum requirements shall be observed:
  - a. Lot size for single-family detached..... 6,000 sq. ft.
  - b. A lot area of 2,000 square feet per dwelling unit shall be required for new single-family attached structures or for additions or extensions to existing residential structures which result in the creation of additional dwelling units.
  - c. New structures erected shall be required to provide a front yard equal in depth to the front yard of the main part of the nearest structure on the same side of the street.

**E. Other Provisions**

The minimum off-street parking requirements for specific uses contained in Section 133.0.D of these Regulations shall not be applicable in the Historic Office District, but reasonable and appropriate off-street parking requirements shall be determined by the Department of Planning and Zoning, which shall consider comments from other County agencies regarding the parking needs of the proposed use and the availability of parking in the area of the use. Off-street parking spaces serving any structures or land uses in existence at the time of adoption of these Regulations shall not in the future be reduced.

**F. Conditional Uses**

Conditional Uses in the HO District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

## SECTION 114.3: HC (Historic: Commercial) District

### A. Purpose

The Historic Commercial District is established to permit and encourage a diverse but compatible and complementary mix of commercial, office, cultural and residential activities. The district is intended to encourage development of a pedestrian environment consistent with the overall development concept for the Historic District.

### B. Uses Permitted as a Matter of Right

1. Single-family attached dwelling units.
2. Apartment units.
3. Antique shops, art galleries, craft shops.
4. Bakeries.
5. Banks, savings and loan associations, investment companies, credit unions, brokers and similar financial institutions.
6. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
7. Building cleaning, painting, roofing, exterminating and similar establishments, provided that all equipment and supplies are enclosed in a building.
8. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
9. Carpet and floor covering stores.
10. Catering establishments and banquet facilities.
11. Clothing and apparel stores with goods for sale or rent.
12. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
13. Convenience stores.
14. Department stores, appliance stores.
15. Drug and cosmetic stores.
16. Food stores.
17. Funeral homes and mortuaries.
18. Furniture stores.
19. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
20. Government structures, facilities and uses, including public schools and colleges.
21. Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and building materials and supplies related to home improvements, provided that all materials and supplies are enclosed in a building.
22. Hotels, motels, country inns and conference centers.
23. Laundry and dry cleaning establishments, except that pickup and delivery services shall not be provided.
24. Liquor stores.
25. Movie theaters, legitimate theaters and dinner theaters.
26. Museums and libraries.
27. Nonprofit clubs, lodges, community halls.
28. Offices, professional and business.
29. Personal service establishments
30. Religious facilities, structures and land used primarily for religious activities.
31. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry and similar items.

32. Restaurants, carryout, including incidental delivery services.
33. Restaurants, fast food.
34. Restaurants, standard, and beverage establishments, including those selling beer, wine and liquor.
35. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
36. Schools, commercial.
37. Service agencies.
38. Specialty stores.
39. Taxidermy.
40. Underground pipelines; underground electric transmission and distribution lines; underground telephone, telegraph and CATV lines; mobile transformers units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
41. Volunteer fire departments.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Antennas accessory to a principal use on the lot.
3. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
4. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. The following maximum limitations shall apply:
  - a. Height
    - (1) Principal structure..... 40 feet
    - (2) Accessory structures ..... 15 feet
    - (3) Except spires, belfries, chimneys, flag poles, monuments, observation towers, steeples, antennas, outdoor athletic structures ..... 45 feet
  - b. Floor area ratio..... 3 to 1
  - c. Cornices and eaves may project not more than three feet beyond the face of the structure.
  - d. A bay window, oriel, vestibule or balcony may project not more than four feet beyond the face of the structure.
2. The following minimum requirements shall be observed:
  - a. New structures erected shall be required to provide a front yard equal in depth to the front yard of the main part of the nearest structure on the same side of the street.
  - b. A lot area of 2,000 square feet per dwelling unit shall be required for new residential structures or for additions or extensions to existing structures which result in the creation of additional dwelling units.

- c. Conversion or alteration of existing structures to accommodate dwelling units within the existing structure shall not be subject to lot area requirements.

**E. Other Provisions**

The minimum off-street parking requirements for specific uses contained in Section 133.0.D of these regulations shall not be applicable in the Historic Commercial District, but reasonable and appropriate off-street parking requirements shall be determined by the Department of Planning and Zoning, which shall consider comments from other County agencies regarding the parking needs of the proposed use and the availability of parking in the area of the use. Off-street parking spaces serving any structures or land uses in existence at the time of adoption of these regulations shall not in the future be reduced.

**F. Conditional Uses**

Conditional Uses in the HC District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.

## SECTION 115.0: POR (Planned Office Research) District

### A. Purpose

The Planned Office Research District is established to permit and encourage diverse institutional, commercial, office research and cultural facilities.

### B. Uses Permitted as a Matter of Right

1. Adult live entertainment establishments, subject to the requirements of Section 128.0.H.
2. Age-restricted adult housing, including retail and personal services uses subject to the requirements of Subsection E.6.
3. Ambulatory health care facilities, including pharmacies incidental to these uses.
4. Animal Hospitals, completely enclosed.
5. Athletic Facilities, Commercial.
6. Banks, savings and loan associations, investment companies, credit unions, brokers and similar financial institutions.
7. Bio-medical laboratories.
8. Blueprinting, printing, duplicating or engraving services.
9. Business machine sales, rental and service establishments.
10. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
11. Catering establishments and banquet facilities.
12. Child day care centers and nursery schools.
13. Commercial communication antennas.
14. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E.2. and 128.0.E.3.
15. Concert halls.
16. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
17. Convents and monasteries used for residential purposes.
18. Data processing and telecommunication center.
19. Day treatment or care facilities.
20. Executive golf training and recreation centers.
21. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
22. Flex space, provided the property is within 1800 feet by road of an interstate highway ramp, and provided that the light manufacturing uses are limited to those uses permitted in the PEC District.
23. Funeral homes and mortuaries.
24. Government structures, facilities and uses, including public schools and colleges.
25. Hospitals, intermediate care facilities and residential treatment centers.
26. Hotels, motels, conference centers and country inns.
27. Housing Commission Housing Developments, subject to the requirements of Section 128.0.J
28. Legitimate theaters and dinner theaters.
29. Museums and libraries.
30. Nonprofit clubs, lodges and community halls.
31. Nursing homes and residential care facilities.
32. Offices, professional and business.
33. Private parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.

34. Radio and television broadcasting facilities and studios. Primary broadcasting transmitting antenna shall not be located on site.
35. Religious facilities, structures and land used primarily for religious activities.
36. Research and development establishments.
37. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
38. Retail and personal service uses limited to the following, provided that (1) such uses shall be located within a building used primarily for offices or research and development establishments and shall occupy no more than 25% of the floor area of the building or (2) such uses are part of a development of at least 25 acres containing 100,000 square feet or more of office or research and development space and provided that such uses constitute no more than 10% of the floor area of the total development:
  - a. Adult book or video stores, subject to the requirements of Section 128.0.H.
  - b. Personal service establishments.
  - c. Retail stores, limited to food stores, drug and cosmetic stores, convenience stores and specialty stores.
  - d. Restaurants, carryout, including incidental delivery services.
  - e. Restaurants, fast food with no more than a single drive-through lane.
  - f. Laundry and/or dry cleaning.
39. Riding academies and stables.
40. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
41. Schools, commercial
42. Schools, private academic, including colleges and universities.
43. Service agencies.
44. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
45. Volunteer fire departments.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Section 128.0.E.
3. Light manufacturing, assembly, repair, servicing, and/or warehousing of electronic, communications, computer, medical, scientific, optical, photographic or technical instruments, equipment and components. Such uses must be accessory to research and development laboratories and may not exceed 50% of the floor area of all buildings located on a lot.
4. Housing for hospital or intermediate care facility employees and domiciliary care facilities related to a hospital use.
5. Retail and service businesses which are located within and primarily serve the residents of a nursing home, residential care facility, or age-restricted adult housing, provided such businesses do not occupy more than 2% of the total floor area of the building or buildings within the development.
6. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts, and similar private, non-commercial recreation facilities.



7. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
8. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. Maximum height limitations:
  - a. Structure with minimum setback ..... 50 feet
  - b. Structure with an additional 1 foot in height for every 2 feet of setback above the minimum ..... 80 feet
2. Minimum district size, not to prohibit the sale or lease of lots therein ..... 2 acres
3. Minimum structure or use setback:
  - a. From residential districts or uses ..... 75 feet  
 except age-restricted housing from R-SA-8 or R-A-15 ..... 50 feet  
 except restaurants ..... 100 feet
  - b. From any other zoning district ..... 0 feet  
 except from adjoining open space ..... 10 feet
  - c. From public street right-of-way ..... 30 feet
  - d. If a residential district is separated from the POR District by a public street right-of-way, only the setback from the public street right-of-way shall apply.
4. Minimum distances between buildings for attached and apartment units within an age-restricted adult housing development
  - a. Face to face ..... 30 feet
  - b. Face to side/Rear to side ..... 20 feet
  - c. Side to side ..... 15 feet
  - d. Rear to rear ..... 50 feet
  - e. Rear to face ..... 75 feet

**E. Additional Requirements for Age-Restricted Adult Housing**

1. Design for Older Adults

The development shall incorporate universal design features from the Department of Planning and Zoning guidelines which identify required, recommended and optional features. Plan submittals shall include descriptions of the design features of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

2. Enforcement of Age Restrictions

If the development will not be a rental community under single ownership, it shall be subject to covenants or other legal restrictions enforcing the age restrictions for this use. Plan submittals shall include the proposed covenants and other legal means of enforcing the age restrictions. The legal entity that will implement and maintain the age restrictions must be clearly identified and able to provide effective enforcement to supplement county enforcement of zoning regulations.

3. Moderate Income Housing Units

At least 10% of the dwelling units shall be Moderate Income Housing Units.

4. Community Center

At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

- a. 20 square feet of floor area per dwelling unit, for the first 99 dwelling units with a minimum area of 500 square feet, and
- b. 10 square feet of floor area per dwelling unit for each additional dwelling unit above 99.

5. Open Space

- a. Open space shall constitute at least 20% of the gross acreage used for an age-restricted adult development in the POR District.
- b. The community shall include recreation and common areas for residents, including at least pathways and seating areas.

6. Retail and Personal Service Uses

- a. Retail and personal services uses are permitted on a lot that is part of a project proposing or containing a minimum of 100 age-restricted adult housing units and a POR District of at least 10 acres.
- b. Retail and personal service uses are limited to the following uses permitted in the B-1 District:
  - (1) Personal service establishments
  - (2) Drug and cosmetic stores.
  - (3) Convenience stores.
  - (4) Specialty stores.
  - (5) Restaurants, carryout, including incidental delivery services.
  - (6) Antique shops, art galleries, craft shops.
  - (7) Bakeries, provided all good baked on the premises shall be sold at retail from the premises.
  - (8) Carpet and floor covering stores.
  - (9) Clothing and apparel stores with goods for sale or rent.
  - (10) Farmers markets and farm produce stands.
  - (11) Laundry and/or dry cleaning establishments, except that pickup and delivery services shall not be provided.
  - (12) Liquor stores.

- (13) Pet grooming establishments.
  - (14) Repair or electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
  - (15) Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
  - (16) Service agencies
- c. The design of structures shall be compatible with other structures in the vicinity.
  - d. Occupancy of a building for B-1 uses shall not be approved until at least 100 building permits have been issued for age-restricted adult housing units within the project.
  - e. Gross square feet of retail shall not exceed 200 square-feet of floor area per dwelling unit for the first 100 dwelling units. An additional 50 square-feet of retail shall be permitted for each unit over the first 100 units with a maximum of 40,000 square-feet of retail within the project.
  - f. For the purpose of this section, a project shall include all property included on a sketch plan or a record plat or under a common master homeowners association.

**F. Conditional Uses**

Conditional Uses in the POR District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.

## **SECTION 116.0: PEC (Planned Employment Center) District**

### **A. Purpose**

The PEC District is established to provide for comprehensively planned employment centers combining research and development, office, light manufacturing and assembly, limited commercial and other enumerated uses. It is intended that this district provide higher standards of development and a more flexible approach to design and development than could be achieved under conventional zoning districts. It is further the purpose of this district to:

1. Provide for orderly development of large-scale, comprehensively planned employment centers;
2. Provide for open areas to act as buffers between incompatible uses and as design elements which will achieve the physical and aesthetic integration of the uses and activities within each development; and
3. Provide a landscaped, campus-like setting for employment in which the various uses relate compatibly with one another according to a comprehensive plan of development for an entire district.

### **B. Uses Permitted as a Matter of Right**

1. Ambulatory health care facilities, including pharmacies incidental to these uses.
2. Athletic Facilities, Commercial
3. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions.
4. Biomedical laboratories.
5. Blueprinting, printing, duplicating or engraving services.
6. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
7. Catering establishments and banquet facilities.
8. Child day care centers and nursery schools.
9. Commercial communication antennas.
10. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E.
11. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
12. Data processing and telecommunication centers.
13. Day treatment or care facilities.
14. Executive golf training and recreation centers.
15. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
16. Flex space, provided that light manufacturing uses are limited to uses permitted in this district.
17. Golf courses.
18. Government structures, facilities and uses, including public schools and colleges.
19. Hospitals.
20. Hotels, motels, country inns and conference centers.
21. Housing Commission Housing Developments, subject to the requirements of Section 128.0.J.
22. Light Industrial Uses.
23. Museums, art galleries, and libraries.
24. Printing, lithography, bookbinding or publishing plants.

25. Radio and television broadcasting facilities and studios.
26. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only;
27. Riding academies and stables.
28. Schools, commercial
29. Schools, private academic, including colleges and universities.
30. Service agencies, such as real estate agencies, insurance and financial services, security services, messenger services, computer services, travel agencies, and mailing services.
31. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
32. Volunteer fire departments.
33. The following commercial uses shall be allowed as a matter of right, provided that the lots on which these uses are located shall not occupy more than 4% of the gross acreage of the development project. In addition, these commercial uses may be located on a lot used primarily for business or professional offices, or for research and development establishments, provided that they occupy no more than 20% of the floor area of any building.
  - a. Adult book or video stores, subject to the requirements of Section 128.0.H.
  - b. Business machine sales, rental and service establishments;
  - c. Convenience stores;
  - d. Drug and cosmetic stores;
  - e. Laundry and dry cleaning establishments without delivery services;
  - f. Liquor stores;
  - g. Personal service establishments;
  - h. Restaurants, carryout, including incidental delivery services;
  - i. Specialty stores;
  - j. The retail sale of products manufactured on the site or parts or accessories to products manufactured on the site.
34. The following retail and personal uses permitted in the B-1 District shall be allowed on lots in a planned development containing a minimum of 500 dwelling units. The gross floor area of retail uses developed under this section shall not exceed 40,000 square feet. For the purpose of this section, a planned development shall include all property under a common master homeowners association.
  - a. Animal hospitals, completely enclosed;
  - b. Antique shops, art galleries, craft shops;
  - c. Bakeries, provided all good baked on the premises shall be sold at retail from the premises;
  - d. Bicycle repair shops;
  - e. Carpet and floor covering stores
  - f. Clothing and apparel stores with goods for sale or rent;
  - g. Convenience stores;
  - h. Drug and cosmetic stores;
  - i. Farmers markets and farm produce stands;
  - j. Food stores;
  - k. Laundry and dry cleaning establishments without delivery services;
  - l. Liquor stores
  - m. Personal service establishments
  - n. Pet grooming establishments;
  - o. Repair or electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items;
  - p. Restaurants, carryout, including incidental delivery services;
  - q. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.4;
  - r. Service agencies
  - s. Specialty stores.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Section 128.0.E.
3. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.
4. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L
5. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. At least 25% of the gross area of the PEC District shall be open space.
2. The following maximum height limitations shall apply:
  - a. Structure with minimum setback from a public street ..... 80 feet
  - b. Structure with minimum setback from a residential district ..... 50 feet
  - c. Structure with an additional one foot in height for every 2 feet of setback above the minimum from a residential district..... 80 feet
3. The following minimum requirements shall be observed:
  - a. District size ..... 50 contiguous acres
    - (1) Development projects of less than 50 acres permitted if contiguous to an existing Planned Employment Center.
    - (2) For the purposes of this section, lands which are divided by streets, roadways, highways, transmission pipes, lines or conduits, or rights-of-way in fee or by easement, owned by third parties, shall be considered to be contiguous, but such items shall not be included in determining the minimum area of the district.
  - b. Setbacks -- structures and uses
    - (1) From residential districts, except for residential districts within a site plan approved under Section 100.0.G.2 ..... 75 feet
    - (2) From all other districts, except non-residential districts within the same project ..... 30 feet
    - (3) From a public street right-of-way ..... 30 feet  
Except for parking uses..... 10 feet
    - (4) If a residential district is separated from the PEC District by a public street right-of-way, only the setback from the public street right-of-way shall apply.

**E. Other Provisions**

Golf courses shall be permitted uses on open space land in the PEC District.

**F. Conditional Uses**

Conditional Uses in the PEC District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.



## **SECTION 117.0: BRX (Business Rural Crossroads) District**

### **A. Purpose**

The BRX District is established to provide opportunities for the expansion of commercial businesses located within specific rural crossroad areas and to sustain and enhance these existing rural crossroad areas.

Appropriate locations for the land uses allowed in the BRX district depend on factors which are best examined through review of a site specific development proposal. Therefore, the BRX district is a floating zone, which requires the submission of a preliminary development plan for a particular site.

### **B. Criteria**

The BRX district may be established at a particular location if the following criteria are met:

1. The proposed BRX District is located within the Dayton, Highland, Lisbon, and Glenwood Rural Crossroads. The Dayton Rural Crossroads includes any property a portion of which is located within 1,000 feet of the centerline of the intersection of Ten Oaks Road and Greenbridge Road. The Highland Rural Crossroads includes any property a portion of which is located within 1,000 feet of the centerline of the intersection of MD 108 and MD 216; The Lisbon Rural crossroads include any property a portion of which is located within: 550 feet of MD 94 to the north of the centerline of the intersection of MD 144 and MD 94; 375 feet of MD 94 to the south of the centerline of the intersection of MD 144 and MD 94; 560 feet of MD 144 to the west of the centerline of the intersection of MD 144 and MD 94; and 2,500 feet of MD 144 to the east of the centerline of the intersection of MD 1444 and MD 94. The Glenwood Rural crossroads include any property a portion of which is located within: 930 feet of MD 97 to the north of the centerline of the intersection of MD 97 and Carrs Mill and McKendree Roads; 1,200 feet of MD 97 to the south of the centerline of the intersection of MD 97 and Carrs Mill and McKendree Roads; 325 feet of Carrs Mill Road to the west of the centerline of the intersection of MD 97 and Carrs Mill and McKendree Roads; and 300 feet of McKendree Road to the east of the centerline aof the intersection of MD 97 and Carrs Mill and McKendree Roads; and.
2. The parcel or parcels comprising the proposed BRX District must entirely or partially adjoin an existing BR, BRX, B-1, B-2, or CCT District; and
3. A BRX District at the proposed location will be compatible with traditional rural architectural character of existing commercial land uses in the vicinity of the site.

### **C. Uses Permitted as a Matter of Right**

1. Animal hospitals, completely enclosed.
2. Antique shops, art galleries, craft shops.
3. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
4. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions without drive-through lanes.
5. Bicycle sales and repairs.
6. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
7. Catering establishments and banquet facilities.
8. Child day care centers and nursery schools.

9. Clothing and apparel stores with goods for sale or rent.
10. Convenience stores, not to exceed 4,000 square feet.
11. Drug and cosmetic stores, not to exceed 7,500 square feet.
12. Farmers markets and farm produce stands.
13. Food stores, not to exceed 7,500 square feet.
14. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
15. Government structures, facilities and uses, including public schools and colleges.
16. Hardware stores, not to exceed 7,500 square feet.
17. Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and building materials and supplies related to home improvements, not to exceed 7,500 square feet, provided such building materials and supplies are enclosed in a building.
18. Liquor stores.
19. Multi-plex Dwellings
20. Nursing homes and residential care facilities.
21. Nonprofit clubs, lodges, community halls.
22. Offices, professional and business.
23. One square foot of residential space is permitted for each square foot of commercial space and must be located within the same structure.
24. Personal service establishments.
25. Pet grooming establishments and daycare, completely enclosed.
26. Religious facilities, structures and land used primarily for religious activities.
27. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
28. Restaurants, carryout, including incidental delivery service.
29. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
30. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
31. Service agencies.
32. Specialty stores.

**D. Modifications to nonconforming uses**

Commercial uses other than those listed in Section 117.0.C may be permitted in the BRX District subject to the following requirements:

1. The Zoning Board finds that the use is a nonconforming use that legally existed on the site prior to the property's designation as a BRX District.
2. The use is defined and described by the approved preliminary development criteria.
3. The site may be redeveloped to accommodate a redesign of the existing use, including demolition of existing buildings, construction of new buildings, and alterations to parking or driveways. The redevelopment must be shown on the approved Preliminary Development Plan.

**E. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Section 128.0.E.

3. Small wind energy system, building mounted, subject to the requirements of Section 128.0.L.
4. Accessory solar collectors.

**F. Bulk Regulations**

(Also see section 128.0.A, supplementary bulk regulations.)

1. The following maximum limitations shall apply:
  - a. Height ..... 40 feet
2. The following minimum structure and use setbacks shall apply:
  - a. From a public street right-of-way ..... 10 feet
  - b. From all RC or RR zoned property..... 30 feet
  - c. From a business district ..... 0 feet
  - d. If a BRX District is separated from a different zoning district by a public street, only the setback from a public street right-of-way shall apply.
3. In its approval of a BRX District, the Zoning Board may grant an increase in the maximum height or maximum lot coverage, and reductions in minimum structure and use setbacks, upon a finding that these proposed revisions will still ensure that the development is compatible with the neighboring land uses.

**G. Procedure for Creation of a BRX 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 BRX District.
2. The Preliminary Development Plan and the architectural design of proposed building(s) shall have been reviewed by the Design Advisory Panel in accordance with Title 16, Subtitle 15 of the Howard County Code, prior to the submission of the zoning petition to the Department of Planning and Zoning. The petitioner shall provide documentation with the petition to show compliance with this criterion. The panel shall assess and make recommendations regarding the compatibility of the proposal with the traditional rural character of existing commercial uses in the vicinity.
3. The petition shall include:
  - a. A boundary survey of the property covered by the petition.
  - b. A Preliminary Development Plan of the property covered by the petition. The Preliminary Development Plan shall show:
    - (1) Existing topography, 100-year floodplain areas and wetland areas.
    - (2) The location of proposed points of access to the site.
    - (3) The location of proposed landscaped areas and development areas, including the approximate acreage of each.
    - (4) The location of proposed wells and septic system percolation areas.
4. The petition may also include preliminary development criteria that includes the following:
  - a. Permitted uses. The preliminary development criteria may, but is not required to, limit the uses permitted by right to a subset of those permitted by Section 117.0.C.
  - b. Text defining an existing commercial use on the site that will continue to be allowed as permitted by Section 117.0.D.
  - c. Additional bulk or design requirements.

5. The Zoning Board may grant a petition for a BRX District based upon findings that:
  - a. The proposed district will accomplish the purposes of the BRX District; and
  - b. The site meets the criteria listed in Subsection B of this Section; and
  - c. The proposed landscaping provides appropriate buffering of the permitted uses from existing land uses in the vicinity in accordance with the requirements of the Howard County Landscape Manual.
6. If the petition is granted:
  - a. The zoning board shall, by decision and order, approve the preliminary development plan and criteria and shall create a BRX District covering the land in the petition. The Zoning Board may restrict the uses permitted in the Preliminary Development Plan.
  - b. The Zoning Board may in its Decision and Order modify or attach conditions to the Preliminary Development Plan or criteria, stating the reasons for its actions. The Zoning Board may approve Variances in conjunction with the Preliminary Development Plan or documented site plan.
  - c. A copy of the Preliminary Development Plan and criteria shall be 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.

#### **H. Conformance with Preliminary Development Plan**

No Site Development Plan shall be approved for a BRX District unless the Site Development Plan conforms substantially to the Preliminary Development Plan. The Department of Planning and Zoning may approve minor modifications to the configuration of buildings or other improvements as long as they do not move closer to abutting residential properties or other uses that might be adversely impacted, unless the Zoning Board revokes this administrative authority in the Decision and Order. More significant modifications to the uses or the development area shown on the Preliminary Development Plan must be approved by the Zoning Board, following the same procedures used for a petition to create a BRX District.

## **SECTION 117.1: BR (Business: Rural) District**

### **A. Purpose**

The BR District is established to allow the development of businesses which will support the agricultural industry, serve the needs of the rural residential and farming communities, and provide opportunity for a combination of business and industrial uses not otherwise permitted in the rural areas of the County.

Appropriate locations for the land uses allowed in the BR District depend on factors, which are best examined through review of a particular site. Therefore, the BR District is a floating zone, which requires the submission of a Preliminary Development Plan for a particular site. It is intended that the BR District be applied at a particular location only if found to be appropriate with respect to road access and compatibility with neighboring land uses.

### **B. Criteria**

The BR District may be established at a particular location if the following criteria are met:

1. The proposed BR District is within the No Planned Service Area of the Howard County Water and Sewerage Master Plan.
2. The proposed BR District has safe road access and at least 60 feet of frontage on:
  - a. A collector or arterial highway or
  - b. A local road provided the subject property adjoins a collector or arterial highway and the local road access point is within 400 feet of the collector or arterial highway and there are no intervening residential parcels on the same side of the local road.
3. A BR District at the proposed location will be compatible with existing land uses in the vicinity of the site.

### **C. Uses Permitted as a Matter of Right**

The following uses are permitted as a matter of right, subject to limitations imposed by the preliminary development criteria.

1. Animal hospital, completely enclosed.
2. Auction facility.
3. Bicycle sales and repairs.
4. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
5. Contractor's office and indoor or outdoor storage facility, provided that the maximum lot size for such use shall be ten acres. The types of contractors permitted shall include the following: carpentry, construction, electrical, excavating, exterminating, heating/air conditioning, home improvement, landscaping, masonry, painting, paving, plumbing, roofing, septic system installation and maintenance, snow removal, well drilling, and similar uses.
6. Convenience stores, not to exceed 4,000 square feet.
7. Farm machinery and equipment maintenance, repair and painting facilities.
8. Farm machinery and equipment sales.
9. Farm supply store.
10. Farmer's markets and farm produce stands.

11. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
12. Feed or grain mills.
13. Firewood sales.
14. Gasoline service station, provided the use is indicated on the Preliminary Development Plan approved by the Zoning Board.
15. Government structures, facilities and uses, including public schools and colleges.
16. Horse tack and saddlery shop.
17. Lawn and garden equipment sales, service and repair.
18. Livestock sales and auction markets.
19. Mulch manufacture.
20. Nonprofit clubs, lodges or community halls.
21. One square foot of residential space is permitted for each square foot of commercial space and must be located within the same structure.
22. Processing and storage of agricultural products, including grain, fruit, vegetables, meat or animal products.
23. Religious facilities, structures and land used primarily for religious activities.
24. Restaurant, standard, and beverage establishments including those serving beer, wine, and liquor provided the site has direct access to and frontage on a collector or arterial road designated in the General Plan.
25. Retail greenhouse, garden center or nursery.
26. Sawmills.
27. School bus storage.
28. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
29. Underground pipelines; electric transmission and distribution lines and transformers; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
30. Volunteer fire departments.
31. Welding service.

**D. Other Principal Permitted Uses**

Commercial uses other than those listed in Section 117.1.C may be permitted in the BR District subject to the following requirements:

1. The Zoning Board finds that the use is a nonconforming use that legally existed on the site prior to the property's designation as a BR District.
2. The use is defined and described by the approved Preliminary Development criteria.
3. The site may be redeveloped to accommodate a redesign of the existing use, including demolition of existing buildings, construction of new buildings, and alterations to parking or driveways. The redevelopment must be shown on the approved Preliminary Development Plan.
4. The gross floor area of the existing use shall not be expanded by more than 50% over the floor area that legally existed at the time the BR District was created.

**E. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.

2. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Section 128.0.e.
3. Retail sale of propane on the site of a principal retail business.
4. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
5. Accessory Solar Collectors.

**F. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. The following maximum limitations shall apply:
  - a. Height ..... 34 feet
  - b. Lot coverage by structures ..... 30%
2. The following minimum structure and use setbacks shall apply:
  - a. From a public street right-of-way or from agricultural parcels of at least 25 acres which are subject to a Preservation Parcel Easement or an Agricultural Land Preservation Program Easement ..... 50 feet
  - b. From all other residentially zoned property ..... 100 feet
  - c. From a business or industrial district ..... 30 feet
  - d. If a BR District is separated from a different zoning district by a public street, only the setback from a public street right-of-way shall apply.
3. In its approval of a BR District, the Zoning Board may grant an increase in the maximum height or maximum lot coverage, and reductions in minimum structure and use setbacks, upon a finding that these proposed revisions will still ensure that the development is compatible with the neighboring land uses.

**G. Procedure for Creation of a BR 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 BR District. The petition shall include:
  - a. A boundary survey of the property covered by the petition.
  - b. A Preliminary Development Plan of the property covered by the petition. The Preliminary Development Plan shall show:
    - (1) Existing topography, 100-year floodplain areas and wetland areas.
    - (2) The location of proposed points of access to the site.
    - (3) The location of proposed landscaped areas and development areas, including the approximate acreage of each.
    - (4) The location of proposed wells and septic system percolation areas.
2. The petition may also include preliminary development criteria that include the following:
  - a. Permitted uses. The preliminary development criteria may limit the uses permitted by right to a subset of those permitted by Section 117.1.C.
  - b. Text defining an existing commercial use on the site that will continue to be allowed as permitted by Section 117.1.D.
  - c. Additional bulk or design requirements.

3. The Zoning Board may grant a petition for a BR District based upon findings that:
  - a. The proposed district will accomplish the purposes of the BR District;
  - b. The site meets the criteria listed in Subsection B of this Section.
  - c. The roads providing access to the site are appropriate for serving the business-related traffic generated by the proposed district;
  - d. Adequate sight distance along roads can be provided at proposed points of access to the site;
  - e. The proposed landscaped area can provide adequate buffering of the permitted uses from existing land uses in the vicinity.
4. If the petition is granted:
  - a. The Zoning Board shall, by Decision and Order, approve the Preliminary Development Plan and criteria and shall create a BR District covering the land in the petition.
  - b. The Zoning Board may in its Decision and Order modify or attach conditions to the Preliminary Development Plan or criteria, stating the reasons for its actions.
  - c. A copy of the Preliminary Development Plan and criteria shall be 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.

**H. Conformance with Preliminary Development Plan**

No Site Development Plan shall be approved for a BR District unless the Site Development Plan conforms substantially to the Preliminary Development Plan. The Department of Planning and Zoning may approve minor modifications to the configuration of buildings or other improvements as long as they do not move closer to abutting residential properties or other uses that might be adversely impacted, unless the Zoning Board revokes this administrative authority in the Decision and Order. More significant modifications to the uses or the development area shown on the Preliminary Development Plan must be approved by the Zoning Board, following the same procedures used for a petition to create a BR District.

**I. Other Provisions**

All activities related to the repair and maintenance of motor vehicles or equipment shall take place within a building.

**J. Conditional Uses**

Conditional Uses in the BR District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.



## **SECTION 117.3: OT (Office Transition) District**

### **A. Purpose**

The OT District is established to allow low-impact office uses adjacent to areas of residential zoning. The OT District is a floating district that will provide a transition along the edges of residential areas impacted by nearby retail/employment areas or arterial highways carrying high volumes of traffic. The standards of this district should result in small-scale office buildings on attractively-designed sites that are compatible with neighboring residential uses.

### **B. Requirements for OT District**

The OT District may be established at a particular location if the following requirements are met:

1. The site has frontage on and direct access to an arterial road.
2. The site abuts or is directly across a public street from
  - a. A nonresidential zoning district that is zoned for commercial or employment uses, but not another OT District, or
  - b. A government building or use, including public schools, that adjoins a non-residential district.
3. Reference standards for approvals in Subsection G of this Section.

### **C. Uses Permitted as a Matter of Right**

1. Animal hospitals, completely enclosed.
2. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4.
3. One dwelling unit per business establishment within the same structure, provided the dwelling unit does not exceed 50% of the floor area of the structure.
4. Government structures, facilities and uses, including public schools and colleges.
5. Offices, professional and business.
6. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use .

### **D. Accessory Uses**

Any use normally and customarily incidental to any use permitted as a matter of right in this district.

### **E. Bulk Regulations**

1. Parcel Size
  - a. Within the planned service area for public water and sewer, the gross area of an OT District shall be at least 20,000 square feet and no more than 2 acres.
  - b. Outside the planned service area for public water and sewer, the gross area of an OT District shall be at least 2 acres and no more than 5 acres.

2. Maximum Building Height
  - a. Principal structure..... 34 feet
  - b. Accessory structure..... 15 feet
3. Minimum setback requirements – structures and uses
  - a. For sites within the Planned Service Area for public water and sewer:
    - (1) From arterial or major collector public street rights-of-way..... 20 feet
    - (2) From other public street rights-of-way ..... 40 feet
    - (3) From residential zoning districts..... 30 feet
  - b. For sites outside the Planned Service Area for public water and sewer:
    - (1) From arterial or major collector public street rights-of-way..... 30 feet
    - (2) From other public street rights-of-way and residentially zoned property..... 50 feet

**F. Petition Requirements**

A petition for designation of an OT District shall include the following:

1. A boundary survey of the property covered by the petition.
2. A preliminary development plan for the property showing the following:
  - a. Existing topography, 100-year floodplain areas, wetlands, forests, and other significant vegetation.
  - b. The availability and adequacy of utilities or the general location of proposed wells and septic system percolation areas, as applicable.
  - c. The location of proposed points of access to the site.
  - d. Sight distance analysis.
  - e. Proposed development of the site, including the general location of buildings, parking areas, landscaped areas, and accessory uses.
  - f. A detailed lighting and landscaping plan which indicates proposed landscape buffer types, existing vegetation, and topography. The plan should indicate how buffering will be provided along the perimeters of the site adjacent to residentially-zoned land.
  - g. Architectural elevations and renderings indicating the scale and character of proposed buildings.
  - h. Proposed hours of operation.

**G. Standards for Approval Of A Petition**

The Zoning Board may grant a petition for an OT District based upon findings that:

1. The district will accomplish the purposes of the OT District.

2. The site meets the requirements of Subsection b.
3. Adequate sight distance and safe access can be provided at proposed points of access to the site.
4. The site layout and landscaping will buffer neighboring residences from business uses.
5. Parking areas and driveways are oriented towards neighboring non-residential land uses and screened from residential land uses.
6. No more than 50% of the site may be covered by impervious surfaces.
7. The design of new structures or additions to existing structures will be generally compatible in scale and character with residential structures in the vicinity. Generally, no building should be larger than 5,000 square feet of gross floor area, although the zoning board may allow larger buildings if it finds that the design is such that the building will be compatible with the general character of neighboring residential structures.
8. The hours of operation and site lighting will not adversely impact the adjoining residential neighborhood.

**H. Planning Board Recommendation**

The Planning Board shall hold a public meeting on the petition and make a recommendation to the zoning board based on the above “Standards for Approval of a Petition”.

**I. Zoning Board Decision**

1. The Zoning Board shall hold a public hearing on the petition and may approve, approve with modifications or deny the preliminary development plan, stating the reasons for its decision. The Zoning Board’s decision shall be based on the “Standards for Approval” given in Subsection G.
2. If the petition is approved, a reproducible copy of the preliminary development plan including building renderings and elevations shall be provided by the petitioner and certified as approved by the Zoning Board. A verified copy of the same shall be forwarded to the Department of Planning and Zoning and the petitioner.

**J. Amendments to Preliminary Development Plan**

1. A petition to amend a preliminary development plan may be submitted by the developer.
2. The petition shall be reviewed in accordance with the procedures established in Subsection G.

**K. Site Development Plan**

1. Planning Board Approval

Planning Board approval of the Site Development Plan is required. The Planning Board shall consider a Site Development Plan at a public meeting.

2. Site Development Plan Submission

In addition to all other Site Development Plan submission requirements, the submission shall include detailed architectural elevations and renderings of proposed buildings, including materials to be used.

3. The Planning Board shall approve the Site Development Plan if it finds that the plan:

- a. Is substantially in conformance with the approved preliminary development plan.
- b. Makes effective use of landscaping to provide buffers where needed and to enhance the site design.
- c. Provides a building design that is substantially in conformance with the architectural plans approved by the Zoning Board.

4. Minor Additions and Modifications

- a. Minor modifications and additions not requiring Planning Board approval:
  - (1) Minor additions to structures, with a floor area no larger than 10% of the existing floor area of the main floor.
  - (2) Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, stormwater management facilities, open space, landscaping or buffering).
  - (3) Minor additions to parking lots comprising no more than 10% of the original number of parking spaces required.
  - (4) Clearing or grading that does not exceed 2,000 square feet in area.
  - (5) Similar minor modifications as determined by the Department of Planning and Zoning.
- b. All changes of use which require exterior site alterations shall require Planning Board approval.

5. Appeal of Planning Board Decisions

Appeals of decisions of the Planning Board shall be made to the hearing authority in accordance with the Howard County Code.

## **SECTION 117.4: CCT (Community Center Transition) District**

### **A. Purpose**

The CCT (Community Center Transition) District is established to permit community serving office, institutional, service and cultural facilities, as well as age-restricted adult housing. These uses serve the community and provide a transition between residential neighborhoods and non-residential development or an arterial highway.

### **B. Uses Permitted As a Matter Of Right**

1. Age-restricted adult housing.
2. Ambulatory health care facilities, including pharmacies incidental to these uses.
3. Athletic Facilities, Commercial
4. Banks, saving and loan associations, investment companies, credit unions, brokers, and similar financial institutions.
5. Bio-medical laboratories.
6. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
7. Child day care centers and nursery schools.
8. Commercial communication antennas.
9. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E.
10. Concert halls.
11. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
12. Data processing and telecommunication center.
13. Day treatment or care facilities.
14. Funeral homes and mortuaries.
15. Government structures, facilities and uses, including public schools and colleges.
16. Legitimate theaters and dinner theaters.
17. Museums and libraries.
18. Nonprofit clubs, lodges, community halls, and camps.
19. Nursing homes and residential care facilities.
20. Offices, professional and business.
21. Religious facilities, structures and land used primarily for religious activities.
22. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of section 128.0.D.
23. Schools, commercial
24. Schools, private academic, including colleges and universities.
25. Service agencies.
26. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
27. Volunteer fire departments.

### **C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.

2. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Sections 128.0.E.2 and 128.0.E.3.
3. Retail and service businesses which are located within and primarily serve the residents of a nursing home, residential care facility, or age-restricted adult housing, provided such businesses do not occupy more than 2% of the total floor area of the building or buildings within the development.
4. Private parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.
5. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
6. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. Maximum Building Height:
  - a. Age-restricted adult apartments ..... 50 feet
  - b. All other uses ..... 40 feet
2. Minimum Structure or Use Setback:
  - a. From RC, RR, R-ED, R-20, R-12 and R-SC Districts..... 50 feet
  - b. From any other zoning district..... 30 feet
  - c. From public street right-of-way ..... 30 feet
  - d. If a residential district is separated from the CCT District by a public street right-of-way, only the setback from the public street right-of-way shall apply.
3. Minimum distances between buildings for attached and apartment units within an age-restricted adult housing development:
  - a. Face to face ..... 30 feet
  - b. Face to side/rear to side ..... 20 feet
  - c. Side to side..... 15 feet
  - d. Rear to rear ..... 50 feet
  - e. Rear to face ..... 75 feet

## **E. Additional Requirements for Age-Restricted Adult Housing**

### **1. Design for Older Adults**

The development shall incorporate universal design features from the Department of Planning and Zoning guidelines which identify required, recommended and optional features. Plan submittals shall include descriptions of the design features of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

### **2. Enforcement of Age Restrictions**

If the development will not be a rental community under single ownership, it shall be subject to covenants or other legal restrictions enforcing the age restrictions for this use. Plan submittals must include the proposed covenants and other legal means of enforcing the age restrictions. The legal entity that will implement and maintain the age restrictions must be clearly identified and able to provide effective enforcement to supplement county enforcement of zoning regulations.

### **3. Moderate Income Housing Units**

At least 10% of the dwellings units shall be Moderate Income Housing Units.

### **4. Community Center**

At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

- a. 20 square feet of floor area per dwelling unit, for the first 99 dwelling units with a minimum area of 500 square feet, and
- b. 10 square feet of floor area per dwelling unit for each additional dwelling unit above 99.

### **5. Open Space**

- a. Open space shall constitute at least 25% of the gross acreage used for an age-restricted adult development in the CCT District.
- b. The community shall include recreation and common areas for residents, including at least pathways and seating areas.

## **F. Conditional Uses**

Conditional Uses in the CCT District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.



## SECTION 118.0: B-1 (Business: Local) District

### A. Purpose

The B-1 District is established to provide areas of local business that can directly serve the general public with retail sales and services.

### B. Uses Permitted as a Matter of Right

1. Adult book or video stores, subject to the requirements of Section 128.0.H
2. Ambulatory health care facilities.
3. Animal hospitals, completely enclosed.
4. Antique shops, art galleries, craft shops.
5. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
6. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions.
7. Bicycle repair shops.
8. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
10. Carpet and floor covering stores.
11. Catering establishments and banquet facilities.
12. Child day care centers and nursery schools.
13. Clothing and apparel stores with goods for sale or rent.
14. Commercial communication antennas.
15. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E.2. and 128.0.E.3.
16. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
17. Convenience stores.
18. Convents and monasteries used for residential purposes.
19. Day treatment or care facilities.
20. Drug and cosmetic stores.
21. Farmers markets and farm produce stands.
22. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
23. Food stores.
24. Funeral homes and mortuaries.
25. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
26. Government structures, facilities and uses, including public schools and colleges.
27. Hardware stores.
28. Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and building materials and supplies related to home improvements, provided such building materials and supplies are enclosed in a building.
29. Laundry and/or dry cleaning establishments, except that pickup and delivery services shall not be provided.
30. Lawn and garden sheds and equipment sales, maintenance and repair.
31. Liquor stores.

32. Mobile home and modular home sales and rentals, but not including occupancy, provided that any such use is located on a lot which adjoins a lot zoned R-MH pursuant to Section 113.1 of these Regulations.
33. Motor vehicle parts or tire stores, without installation facilities.
34. Museums and libraries.
35. Nonprofit clubs, lodges, community halls.
36. Nursing homes and residential care facilities, in the Non-Planned Service Area for Water and Sewerage.
37. Offices, professional and business.
38. One square foot of residential space is permitted for each square foot of commercial space and must be located within the same structure.
39. Personal service establishments.
40. Pet grooming establishments and daycare, completely enclosed.
41. Religious facilities, structures and land used primarily for religious activities.
42. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
43. Restaurants, carryout, including incidental delivery service.
44. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
45. Retail greenhouses, garden centers and nurseries, including incidental sale of firewood.
46. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
47. Schools, private academic, including colleges and universities.
48. Service agencies.
49. Specialty stores.
50. Swimming pools, commercial or community.
51. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
52. Volunteer fire departments.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Sections 128.0.E.2 and 128.0.E.3.
3. Retail sale of propane on the site of a principal retail business.
4. Snowball stands, subject to the requirements of Section 128.0.D.
5. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.
6. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
7. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. The following maximum height for structures shall be observed:
  - a. Maximum height..... 40 feet
  - b. Maximum height for a structure with a pitched roof ..... 48 feet
  
2. The following minimum structure and use setback requirements shall be observed:
  - a. From public street right-of-way ..... 30 feet  
Except for parking uses ..... 10 feet
  
  - b. From a residential district other than a public street right-of-way ..... 30 feet

**E. Conditional Uses**

Conditional Uses in the B-1 District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.

## SECTION 119.0: B-2 (Business: General) District

### A. Purpose

The B-2 District is established to provide for commercial sales and services that directly serve the general public.

### B. Uses Permitted as a Matter of Right

1. Adult entertainment business (including adult book or video stores, movie theaters and live entertainment establishments), subject to the requirements of Section 128.0.H.
2. Ambulance services.
3. Ambulatory health care facilities.
4. Amusement facilities.
5. Animal hospitals, completely enclosed.
6. Antique shops, art galleries, craft shops.
7. Athletic Facilities, Commercial
8. Auction facilities.
9. Bakeries.
10. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions.
11. Bicycle repair shops.
12. Blueprinting, printing, duplicating or engraving services.
13. Building cleaning, painting, roofing, exterminating and similar establishments, provided that all supplies and equipment are enclosed within a building.
14. Bulk retail stores.
15. Bus terminals.
16. Business machine sales, rental and service establishments.
17. Car wash facilities.
18. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
19. Carpet and floor covering stores.
20. Carpet and rug cleaning.
21. Catering establishments and banquet facilities.
22. Child day care centers and nursery schools.
23. Clothing and apparel stores with goods for sale or rent.
24. Commercial communication antennas.
25. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E.2. and 128.0.E.3.
26. Concert halls.
27. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
28. Convents and monasteries used for residential purposes.
29. Convenience stores.
30. Day treatment or care facilities.
31. Department stores, appliance stores.
32. Drug and cosmetic stores.
33. Fairgrounds.
34. Farmers markets and farm produce stands.
35. Farm supply stores.

36. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
37. Firewood sales.
38. Flea markets, indoor.
39. Food stores.
40. Funeral homes and mortuaries.
41. Furniture stores.
42. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
43. Government structures, facilities and uses, including public schools and colleges.
44. Hardware stores.
45. Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and building materials and supplies related to home improvements.
46. Hotels, motels, country inns and conference centers.
47. Kennels.
48. Laundry and/or dry cleaning establishments.
49. Lawn and garden sheds and equipment sales, maintenance and repair.
50. Liquor stores.
51. Livestock sales and auction markets.
52. Lumber yard for the retail sale of lumber and other building materials and supplies.
53. Mobile home and modular home sales and rentals, but not including occupancy.
54. Motor vehicle, construction equipment and farm equipment maintenance, repair and painting facilities, including full body repairs and incidental sales of parts.
55. Motor vehicle, construction equipment and farm equipment sales and rentals.
56. Motor vehicle inspections stations.
57. Motor vehicle parts or tire store, including installation facilities.
58. Movie theaters, legitimate theaters, dinner theaters.
59. Museums and libraries.
60. Nonprofit clubs, lodges, community halls.
61. Nursing homes and residential care facilities, in the Non-Planned Service Area for Water and Sewerage.
62. Offices, professional and business.
63. One square foot of residential space is permitted for each square foot of commercial space and must be located within the same structure.
64. Personal service establishments
65. Pet grooming establishments and daycare, completely enclosed.
66. Pizza delivery service and other services for off-site delivery of prepared food.
67. Recreation Facilities, Commercial
68. Recreational vehicle, marine equipment and boat sales, maintenance and repair facilities.
69. Recycling collection facilities.
70. Religious facilities, structures and land used primarily for religious activities.
71. Rental centers which rent a variety of goods including equipment and tools.
72. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
73. Restaurants, carryout.
74. Restaurants, fast food.
75. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
76. Retail greenhouses, garden centers and nurseries.
77. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
78. Schools, commercial.
79. Schools, private academic, including colleges and universities.
80. Service agencies.

- 81. Specialty stores.
- 82. Taxicab businesses, including facilities for dispatch and maintenance of related vehicles.
- 83. Taxidermies.
- 84. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
- 85. Volunteer fire departments.
- 86. Wholesale sales, made from retail sales establishments and limited to products permitted to be sold at retail in this district, provided sales and storage incidental to the sales use are conducted wholly within an enclosed building and all loading and unloading of merchandise is conducted on private property.

**C. Accessory Uses**

- 1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
- 2. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Sections 128.0.E.2 and 128.0.E.3.
- 3. Retail sale of propane on the site of a principal retail business.
- 4. Snowball stands, subject to the requirements of section 128.0.D.5.
- 5. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.
- 6. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
- 7. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

- 1. The following maximum height for structures shall be observed:
  - a. Maximum height..... 40 feet
  - b. Maximum height for a structure with a pitched roof ..... 48 feet
- 2. The following minimum structure and use setback requirements shall be observed:
  - a. From public street right-of-way ..... 30 feet  
 Except for parking uses..... 10 feet  
 Except for the display of for-sale passenger cars, pick-up trucks,  
 and passenger vans from the right-of-way of a local road ..... 10 feet
  - b. From residential districts other than public street right-of-way ..... 30 feet

**E. Conditional Uses**

Conditional Uses in the B-2 District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.



## SECTION 120.0: SC (Shopping Center) District

### A. Purpose

The SC District is established to permit local retail and office use areas. The Shopping Center District permits the opportunity for one stop shopping for a neighborhood and community.

### B. Uses Permitted as a Matter of Right

1. Adult entertainment business (including adult book or video stores, movie theaters and live entertainment establishments), subject to the requirements of Section 128.0.H.
2. Ambulatory health care facilities.
3. Animal hospitals, completely enclosed.
4. Antique shops, art galleries, craft shops.
5. Bakeries, provided all goods baked on the premises shall be sold retail from the premises.
6. Banks, savings and loan association, investment companies, credit bureaus, brokers, and similar financial institutions.
7. Bicycle repair shops.
8. Blueprinting, printing, duplicating or engraving services, limited to 2,000 square feet of net floor area.
9. Business machine sales, rental and service establishments.
10. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.3.
11. Carpet and floor covering stores.
12. Catering establishments and banquet facilities.
13. Child day care centers and nursery schools.
14. Clothing and apparel stores with goods for sale or rent.
15. Commercial communication antennas.
16. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E.2. and 128.0.E.3.
17. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
18. Day treatment or care facilities.
19. Department stores, appliance stores.
20. Drug and cosmetic stores.
21. Farmers markets and farm produce stands.
22. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
23. Food stores.
24. Funeral homes.
25. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
26. Furniture stores.
27. Government structures, facilities and uses, including public schools and colleges.
28. Hardware stores.
29. Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper and building materials and supplies related to home improvements, provided such building materials and supplies are enclosed in a building.
30. Housing Commission Housing Developments, subject to the requirements of Section 128.0.K.
31. Laundry and/or dry cleaning establishments, except that pickup and delivery services shall not be provided.
32. Lawn and garden equipment sales, maintenance and repair.

33. Liquor stores.
34. Motor vehicle maintenance, repair and painting facilities, including full body repairs and incidental sales of parts.
35. Motor vehicle parts or tire store, including installation facilities.
36. Movie theaters, legitimate theaters, dinner theaters.
37. Museums and libraries.
38. Nonprofit clubs, lodges, community halls.
39. Offices, professional and business.
40. One dwelling unit per business establishment within the same structure, provided the dwelling unit does not exceed 50 percent of the floor area of the structure.
41. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
42. Pet grooming establishments and daycare, completely enclosed.
43. Pizza delivery services and other services for off-site delivery of prepared food.
44. Recycling collection facilities.
45. Religious activities, structures used primarily for.
46. Rental centers which rent a variety of goods including equipment and tools.
47. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
48. Restaurants, carryout.
49. Restaurants, fast food.
50. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
51. Retail greenhouses, garden centers and nurseries.
52. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.4.
53. Service agencies, such as real estate agencies, insurance agencies, security services, mailing services, messenger services, computer services, and travel agencies.
54. Specialty stores.
55. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
56. Volunteer fire departments.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.0.E.2 and 128.0.E.3.
3. Retail sale of propane on the site of a principal retail business.
4. Snowball stands, subject to the requirements of Section 128.0.D.5.
5. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.
6. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.M.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

- 1. Maximum height..... 40 feet
- 2. The following minimum requirements shall be observed:
  - a. District size, not to prohibit the sale or lease of lots therein..... 10 acres
  - b. Structure or use setbacks:
    - (1) From public street right-of-way ..... 100 feet  
Except that for parking uses..... 30 feet
    - (2) From residential districts other than public street right-of-way ..... 100 feet

**E. Approval of Sketch Plans**

The following requirements shall apply to any subdivision of land within an SC District:

- 1. A Sketch Plan shall be submitted which shows the entire area of the SC District. In addition to the information required by the Subdivision and Land Development Regulations, the Sketch Plan shall include the following:
  - a. Approximate location of each building and approximate setback distances from streets, property lines, and other buildings;
  - b. Approximate location of parking areas, loading areas, open space, and street access;
  - c. Total number of parking spaces within the district, the number of spaces on each proposed lot, and proposed arrangements for common parking facilities.
- 2. All lots within the SC District shall have shared driveway access to public streets.
- 3. The Sketch Plan shall be approved only if the Director of Planning and Zoning determines that the plan provides a unified arrangement of lots, buildings, parking and service areas, and open space.

**F. Conditional Uses**

The following are Conditional Uses in the SC District, subject to the detailed requirements for Conditional Uses given in Section 131.0. If there is a conflict between this Section and Section 131.0, Section 131.0 shall prevail.

- 1. Cemeteries and Mausoleums
- 2. Communication Towers (Commercial)
- 3. Gasoline Service Stations
- 4. Small Wind Energy System, freestanding tower
- 5. Utility Uses, Public

Reserved.

## **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.

Three CEF Districts are established: CEF-R, CEF-C and CEF-M. A CEF-R District may be established when the uses proposed in the Development Concept Plan are exclusively residential. A CEF-C District may be established when the uses proposed in the Development Concept Plan are exclusively commercial. A CEF-M District may be established when the uses proposed in the Development Concept Plan contain a mix of residential and commercial uses. A CEF District is a floating zone which requires the submission of a Development Concept Plan that includes bulk regulations, use categories, accessory uses and community enhancements. A decision on the proposed CEF District will be made by the Zoning Board after a thorough review of a CEF petition.

### **B. Uses Permitted as a Matter of Right in the CEF District**

1. Except for those excluded uses listed in Section 121.0.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:
  - a. Are authorized in an approved Development Concept Plan; and
  - b. Are not uses listed in Section 121.0.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. Contractor storage facility.
7. Flea markets.
8. Funeral homes and mortuaries.
9. Gasoline, fuel oil, liquefied petroleum, and compressed natural gas, bulk storage of.
10. Kennels.
11. Lawn and garden sheds and equipment sales, maintenance and repair.
12. Lumber yards.
13. Mobile home and modular home sales and rentals.
14. Motor vehicle, construction equipment and farm equipment maintenance, repair and painting facilities, including full body repair and incidental sale of parts.
15. Motor vehicle, construction equipment and farm equipment sales.
16. Motor vehicle inspections station.
17. Motor vehicle towing and storage facility.
18. Recreational vehicle, marine equipment and boat sales, maintenance and repair facilities.
19. Recycling collection facilities.
20. Retail and commercial service uses which include more than a single drive-through lane.
21. School bus, board or recreational vehicle storage facilities.
22. Taxicab businesses, including facilities for dispatch and maintenance of related vehicles.
23. Utility uses, public.
24. Wholesale sales.
25. Wrecked vehicle storage (temporary).

**D. Accessory Uses in a CEF District**

Only accessory uses established with the approval of the Development Concept Plan are permitted.

**E. Moderate Income Housing**

The CEF petition shall comply with the Moderate Income Housing Unit requirements that were in effect for the zoning district for the property immediately before the CEF District was established on the property. If there were no Moderate Income Housing Unit requirements for the previous zoning district, a minimum of 10% of the total number of dwelling units shall be Moderate Income Housing Units.

**F. Residential Density**

The Zoning Board may require that an appropriate percentage of the residential density authorized for the CEF development be acquired by the developer through the neighborhood preservation density exchange option.

**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.

## **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. The CEF petition's building heights shall not exceed five stories. Zoning Board approval of height and setbacks from adjoining properties shall be protective of residential neighborhoods, but should acknowledge the impact of topographic, environmental, or landscape buffers, as well as the desirability of open space and pedestrian and bicycle connections.

## **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.

**K. Site Development Plan Conformance with the Development Concept Plan and Howard County Regulations**

1. The Department of Planning and Zoning shall not approve a Site Development Plan for a CEF District unless the Site Development Plan:
  - a. Conforms substantially to all exhibits of the Development Concept Plan approved by the Zoning Board; and
  - b. Complies with all other development regulations including, without limitation, the Adequate Public Facilities Ordinance and Subdivision and Land Development Regulations.
2. Except as provided in Section 121.0.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 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 20% 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 20% 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.

Reserved.

## **SECTION 121.1: CR (Commercial Redevelopment) Overlay District**

### **A. Purpose**

The CR Overlay District is a flexible voluntary alternative zoning district that encourages commercial redevelopment of specifically designated properties on or near US Route 1. The CR Overlay District is intended to promote the following:

1. Redevelopment that benefits the surrounding residential and business areas by creating and enhancing well designed centers that help create a vibrant marketplace.
2. The encouragement of the most favorable arrangement of building, parking, vehicle circulation, pedestrian circulation, public areas, landscaped areas and other site features based on the physical site characteristics and the character of the surrounding developments. This arrangement is subject to and required to meet the design standards of the Route 1 Manual.
3. The provision of creative high-quality architectural and site design that minimizes isolated buildings or pad sites and presents a positive image along or near the U.S. Route 1 corridor.
4. The development of a mixture of commercial land uses based on market conditions, the site characteristics, and the current or intended future character of the surrounding developments.
5. The encouragement of projects which involve the assembly and redevelopment of the greatest number of adjoining properties, and the discouragement of smaller projects that obstruct the assembly and redevelopment of adjoining properties.

The goals of the CR Overlay District will be accomplished with high-quality, new Optional Design Projects that are pre-planned and approved through a deliberative process.

Appropriate locations near major US 1 intersections, for the CR Overlay District depend on various factors for specific targeted properties which have been determined to have high visibility, good access, or other advantages for furthering US Route 1 redevelopment and Howard County economic development. Therefore, the CR Overlay District is a mapped district which only may be proposed during the Comprehensive Zoning Plan process.

### **B. Uses Permitted as a Matter of Right in an Optional Design Project Only**

1. Except for those excluded uses listed in Section 121.1.D below, all other use categories permitted as a matter of right in the POR, B-1, and B-2 Districts are permitted as a matter of right, provided that the use categories are authorized in an approved Optional Design Project.
2. Special use categories that are not specifically permitted as a matter of right in the POR, B-1, and B-2 Districts, but are considered to be equivalent to and/or compatible with the permitted use categories, provided that the special use categories are authorized in an approved Optional Design Project and provided that the special use categories are not uses listed in Section 121.1.D below.

### **C. Uses Permitted as a Matter of Right if Not in an Optional Design Project**

Uses and accessory uses permitted in the underlying zoning district.

#### **D. Excluded Uses**

The following principal uses are specifically excluded from the CR Overlay District and are not permitted:

1. Adult live entertainment establishments.
2. Bus terminals.
3. Dwellings, except as may be permitted under Section 121.1.E.
4. Funeral homes and mortuaries.
5. Motor vehicle, construction equipment and farm equipment maintenance, repair and painting facilities, including full body repair and incidental sale of parts.
6. Motor vehicle, construction equipment and farm equipment sales.
7. Motor vehicle inspection stations.
8. Motor vehicle parts or tire stores, including installation facilities.
9. Motor vehicle towing and storage facilities.
10. Nursing homes and residential care facilities.
11. Private parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.
12. Religious facilities, structures and land used primarily for religious activities.
13. Retail and commercial service uses which include drive-through service, except as may be permitted under 121.1.E.
14. Schools, private academic, including colleges and universities, except as may be permitted under Section 121.1.E.
15. Volunteer fire departments.

#### **E. Integrated-Design Uses Subject to Authorization**

The following uses may be authorized as permitted uses in an Optional Design Project provided that it is found that they are creatively integrated into the project's architectural and site design and are specifically approved in the Optional Design Project.

1. Gasoline service stations.
2. Retail and commercial service uses which include drive-through service.
3. Schools, private academic, including colleges and universities.

#### **F. Accessory Uses in an Optional Design Project**

Only as specifically established with the approval of the Optional Design Project.

#### **G. Optional Design Project Bulk Regulations**

As specifically established with the approval of the Optional Design Project. With the exception that the maximum height of any structures in a CR District shall not exceed 65 feet.

#### **H. Procedure for Approval of an Optional Design Project**

1. The owner of an interest in a tract of land zoned with the CR Overlay District constituting a minimum of one acre of land or a minimum of three acres of land in the event that a gasoline service station is proposed as a use in the Optional Design Project may submit an application for an Optional Design Project. Prior to preparing a specific plan and submitting an application, the Petitioner is encouraged to meet with the Department of Planning and Zoning on an informal basis to discuss the overall concept for the intended Optional Design Project.

2. Prior to filing a formal application for an Optional Design Project, the Petitioner shall present the Optional Design Project Plan to 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 Optional Design Project.
3. The formal application shall be submitted to the Department of Planning and Zoning and shall include:
  - a. An optional Design Project Plan which includes sheets depicting all existing natural and current development features of the CR Overlay District land area to be included in the Optional Design Project, and also depicting and/or listing, as may be appropriate, the following for the proposed Optional Design Project:
    - (1) A boundary survey
    - (2) Permitted uses
    - (3) Accessory uses
    - (4) Buildings
    - (5) Structures
    - (6) Parking areas and number of parking spaces
    - (7) Points and widths of vehicular ingress and egress
    - (8) On-site pedestrian-related features and connections to off-site pedestrian-related features
    - (9) Landscaping
    - (10) Hardscaping
    - (11) Retained natural features such as wetlands, steep slopes, and tree and forest color
    - (12) Architectural elevations of all sides of all buildings and significant structures with exterior materials specified
    - (13) Exterior lighting plan with lighting structures and light sources given on specific lighting product information sheets.
    - (14) Information on the adjoining properties, including the owner name, zoning, existing use, and existing site improvements.
  - b. A written justification statement that expresses in detail:
    - (1) How the proposed Optional Design Project conforms to the Purpose Statement for the CR Overlay District.
    - (2) How the proposed Optional Design Project will enhance and not overwhelm the surrounding community.
    - (3) How the proposed Optional Design Project will be of a benefit to Howard County that is greater than a conventional development on the property using the underlying zoning district regulations.
    - (4) Supporting documentation, including but not limited to market studies and traffic studies.
4. The submitted Optional Design Project application will be assigned an Optional design Project case number and the application shall be subject to the standard preliminary review process conducted for all zoning-related cases to determine if the information in the application materials is sufficient to adequately evaluate the proposal. If the Department of Planning and Zoning determines that it needs additional information and/or clarifications, it shall so notify the applicant in writing within 14 days of receiving the application. Once the Optional Design

Project application information is determined to be sufficient for the initial formal evaluation, the case shall be considered officially accepted for scheduling purposes.

5. Within 14 days of officially accepting the case for scheduling purposes, the Department of Planning and Zoning shall schedule a required formal project meeting with the Petitioner and/or the Petitioner's project team if;
  - a. The Petitioner has not held informal meetings with the Department of Planning and Zoning to discuss the overall concept for the intended Optional Design Project prior to submitting the formal application, or
  - b. The Department of Planning and Zoning has concerns regarding the use, design, and or scope of the Optional Design Project that have changed from what was discussed, indicated, and/or shown during the informal meeting(s).
6. Once the Optional Design Project is determined by the Department of Planning and Zoning to be suitably in conformance with the Purpose of the CR Overlay District, at the discretion of the Petitioner, the Petitioner may schedule to have the Optional Design Project be reviewed by the Subdivision Review Committee (SRC) at a regularly scheduled meeting of the SRC. The purpose of this optional SRC review would be for the Petitioner to have advance notice of any issues in the Optional Design Project that would not comply with all technical requirements of any of the reviewing agencies.
7. At the point that the Petitioner decides to proceed with the Optional Design Project and so notifies the Department of Planning and Zoning, the Department of Planning and Zoning shall schedule the Optional Design Project for a Planning Board hearing. The Department of Planning and Zoning shall prepare a Technical Staff Report on the Optional Design Project, and formally issue this Technical Staff Report at least two weeks prior to the scheduled Planning Board hearing.
8. The Planning Board shall hold its public hearing on the Optional Design Project and may take into consideration any comments presented at that public meeting. The Planning Board may;
  - a. Approve the Optional Design Project as proposed, based upon findings that the proposed Optional Design Project will accomplish the purposes of the CR Overlay District;
  - b. Approve the Optional Design Project with revisions or conditions, based upon findings that the revised Optional Design Project will accomplish the purposes of the CR Overlay District, or
  - c. Deny the Optional Design Project.
9. The Planning Board shall issue its formal decision on the Optional Design Project in a Decision and Order. If the Optional Design Project is approved, all approved exhibits of the Optional Design Project shall be stamped as approved by the Planning Board and signed by the Planning Board Chairperson.

#### **I. Site Development Plan Conformance with Optional Design Project Plan**

No Site Development Plan shall be approved for an Optional Design Project unless the Site Development Plan conforms substantially to all exhibits of the Optional Design Project as approved by the Planning Board. Except as provided below in Section 121.1.J. below for pre-authorized minor modifications, any modifications to any Planning Board approved features of the Optional Design Project must be approved by the Planning Board.



**J. Minor Additions and Modifications to the Optional Design Project Plan**

Minor additions and modifications to the Optional Design Project Plan approved by the Planning Board and meeting the criteria below shall not require Planning Board approval.

1. Minor additions to structures, with a floor area no larger than 10% of the existing floor area of the main floor, not to exceed 5,000 square feet.
2. Minor new accessory structures 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 additions to parking lots comprising no more than 25% of the original number of parking spaces required, not to exceed 25 spaces.
4. Clearing or grading that does not exceed 5,000 square feet in area.
5. 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.

Reserved.

## SECTION 122.0: M-1 (Manufacturing: Light) District

### A. Purpose

The M-1 District is established to permit a mix of manufacturing, warehousing and business uses with provisions for limited retail sales.

### B. Uses Permitted as a Matter of Right

1. Ambulance services.
2. Ambulatory health care facilities.
3. Athletic facilities, commercial
4. Banks, savings and loan associations, investment companies, credit unions, brokers and similar financial institutions.
5. Biodiesel fuel manufacturing from vegetable-based oils.
6. Biomedical laboratories.
7. Blueprinting, printing, duplicating or engraving services.
8. Breweries that manufacture 22,500 barrels or less of fermented malt beverages per year.
9. Bus terminals.
10. Carpet and floor covering stores.
11. Car wash facilities.
12. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
13. Carpet and rug cleaning.
14. Catering establishments and banquet facilities.
15. Child day care centers and nursery schools.
16. Concert halls.
17. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
18. Contractor's office and outdoor or indoor storage facility, including carpentry, cleaning, construction, electrical, excavation, exterminating, heating/air conditioning, home improvement, landscaping, masonry, painting, paving, plumbing, roofing, septic system, snow removal, well drilling, and other contractors.
19. Data processing and telecommunication centers
20. Day treatment or care facilities.
21. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
22. Flex- space
23. Funeral homes and mortuaries.
24. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
25. Furniture stores.
26. Government structures, facilities and uses, including public schools and colleges.
27. Hotels, motels, conference centers and country inns.
28. Kennels.
29. Laundry or dry cleaning establishments or plants.
30. Light Industrial Uses.
31. Material recovery facilities - source separated.
32. Mobile home and modular home sales and rentals, but not including occupancy.
33. Motor vehicle, construction equipment and farm equipment maintenance, repair and painting facilities, including full body repair and incidental sale of parts.

34. Motor vehicle, construction equipment and farm equipment sales and rentals.
35. Motor vehicle inspections station.
36. Motor vehicle towing and storage facility.
37. Nonprofit clubs, lodges, community halls.
38. Offices, professional and business.
39. Pawn Shops.
40. Pet grooming establishments and daycare, completely enclosed.
41. Photographic processing plants.
42. Pizza delivery services and other services for off-site delivery of prepared food.
43. Printing, lithography, bookbinding or publishing.
44. Public utility uses, limited to the following:
  - a. Utility substations, provided that all uses are set back at least 50 feet from lot lines.
  - b. Above ground pipelines.
  - c. Pumping stations and compression stations.
  - d. Telecommunication equipment facilities.
  - e. Commercial communications antennas.
  - f. Commercial communication towers, subject to the requirements of Section 128.0.E.2. and 128.0.E.3.
45. Recreation facilities, commercial
46. Recycling collection facilities.
47. Religious facilities, structures and land used primarily for religious activities.
48. Research and development establishments.
49. Restaurants, carryout.
50. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
51. Retail centers. Retail centers to serve the employees and users of projects within this zoning district are permitted within projects of at least 200 acres when such centers conform to the requirements set forth below.
  - a. Purpose: The purpose of such retail centers is to provide employees and users of development in this zoning district with conveniently located commercial, retail and personal services; to reduce the need for vehicle trips off and onto the site to obtain such services; to provide employees and users with the useable open space and amenities associated with such services (e.g., outdoor eating areas); and to make more efficient use of the site by clustering together related retail, commercial and service activities in retail centers which typically would not exceed 40,000 square feet of gross floor area.
  - b. Uses permitted by right in such retail centers include any combination of the retail, commercial or service uses permitted by right in this district plus the following uses:
    - (1) Newsstand.
    - (2) Convenience store.
    - (3) Personal service establishments.
    - (4) Specialty stores.
    - (5) Telegraph offices, express mail, and messenger services.
    - (6) Travel bureaus.
    - (7) Drug and cosmetic stores.
  - c. Minimum requirements and conditions: Retail centers incorporating the uses cited in paragraph b. above shall be permitted within this zoning district when they meet the following conditions:
    - (1) Minimum project size shall be 200 gross acres and such projects shall have a continuous internal road system.
    - (2) The retail center(s) lot shall not occupy, in the aggregate, more than 2% of the gross acreage of the project.
    - (3) Development of the retail center(s) shall be phased in with the development of permitted uses within the project so that at no time shall the aggregate floor

area of the improvements in the retail center(s) exceed 10% of the total aggregate floor area of improvements for permitted uses either constructed or being constructed pursuant to approved Site Development Plans.

- (4) Retail center(s) may not be located on a lot that fronts on or abuts any street or highway unless such street or highway is internal to the project. All access to the retail center(s) shall be from interior streets within the project. The distance from any lot line of the retail center lot to the nearest street or highway right-of-way external to the project shall be no less than 500 feet and signage for the center shall not be oriented to such external streets.

52. Retail, limited:

For any manufacturing plant or warehouse permitted in the M-1 District, retail sales may be permitted, provided that:

- a. The products sold are either manufactured on the site, sold as parts or accessories to products manufactured on the site, or stored or distributed on the site;
- b. Not more than 30% of the floor space of the first floor of the main structure may be devoted to the retail sales of articles made, stored or distributed on the premises; and
- c. Any service facilities are limited to the repair and/or service of products manufactured, stored or distributed by the owner or lessee of the site.

Nothing herein contained shall be construed to permit the operation of general retail sales businesses.

53. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.

54. Sawmills.

55. School bus, boat and recreational vehicle storage facilities.

56. Schools, commercial.

57. Schools, private academic, including colleges and universities.

58. Self storage facilities.

59. Sign making shops.

60. Special Hospitals – Psychiatric.

61. Taxicab businesses, including facilities for dispatch and maintenance of related vehicles.

62. Taxidermies.

63. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units, telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.

64. Volunteer fire departments.

65. Warehouses, truck terminals, and moving and storage establishments.

66. Wholesale sale and storage of building materials and supplies, including storage yards for lumber, bricks, masonry blocks, construction equipment, plumbing and electrical supplies.

### C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Sections 128.0.E.2 and 128.0.E.3.
3. The following retail and service uses, on a lot used primarily for multistory business or professional offices, provided the total gross floor area of all such establishments on a lot shall not exceed 2,000 square feet and shall not exceed 10% of the total floor space of the principal use:

- a. Personal service establishments.
  - b. Service agencies.
  - c. Retail establishments, limited to the following: convenience stores, food stores, drug and cosmetic stores and specialty stores.
4. Flea markets, provided that: a permit is issued by the Department of Planning and Zoning; sufficient parking exists on the site; the site has direct access to a major collector or arterial highway; and the flea market use is limited to weekends and national holidays.
  5. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.
  6. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. The following maximum height limitations shall apply:
  - a. Structure with minimum setback ..... 50 feet
  - b. Structure with an additional 1 foot in height for every 2 feet of setback above the minimum ..... 100 feet
2. The following minimum structure and use setback requirements shall be observed:
  - a. From any external public street right-of-way ..... 50 feet  
 Except for parking uses and fences adjoining parking uses..... 30 feet
  - b. From any internal public street right-of-way ..... 50 feet  
 Except for parking uses and fences adjoining parking uses..... 10 feet
  - c. From any residential district ..... 100 feet  
 Except residential uses in a CAC or TOD District ..... 75 feet  
 However, if the residential district is separated from the M-1 District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

**E. Conditional Uses**

Conditional Uses in the M-1 District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

## SECTION 123.0: M-2 (Manufacturing: Heavy) District

### A. Purpose

The M-2 District is established to permit a mix of manufacturing, warehousing, industrial and business uses with provisions for limited retail sales.

### B. Uses Permitted as a Matter of Right

1. All uses permitted as a matter of right in the M-1 District.
2. Biodiesel Fuel Manufacturing
3. Breweries that manufacture more than 22,500 barrels per year.
4. Crematoriums.
5. Feed and grain mills.
6. Go-cart tracks, provided that outdoor go-cart tracks are subject to the following requirements:
  - a. The go-cart track must be part of a sports or recreation complex including at least two other uses permitted by Section 122.0.B.3; and
  - b. The go-cart track must be at least 500 feet from residential districts and 500 feet from existing residences in nonresidential districts.
  - c. A sports or recreation complex containing a go-cart track must be at least 2500 feet from any other sports or recreation complex containing a go-cart track.
7. Manufacture and assembly of vehicles, equipment and machinery. Includes parts manufacture and repair services.
8. Manufacture and processing of natural or synthetic rubber.
9. Manufacture of clay, ceramic and porcelain products.
10. Manufacture of concrete, asphalt and related products, and concrete and asphalt batching.
11. Manufacture of chemicals and allied products, including paints, varnishes, pesticides, soaps, polishes, bleaches, detergents, inks, dyes, gum and wood chemicals, plastics and synthetic fibers, organic and inorganic chemicals, and similar uses.
12. Motor vehicle dismantling, provided that:
  - a. Dismantling and processing takes place within a building;
  - b. Outdoor storage is limited to no more than one acre of non-dismantled vehicles; and
  - c. Outdoor vehicle storage areas are screened from public streets and residential zoning districts by solid walls or fences.
13. Storage, loading and transfer sites for sand, gravel, coal or stone.
14. Topsoil storage for commercial purposes.

### C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Sections 128.0.E.2 and 128.0. E.3.
3. The following retail and service uses, on a lot used primarily for multistory business or professional offices, provided the total gross floor area of all such establishments on a lot shall not exceed 2,000 square feet and shall not exceed 10% of the total floor space of the principal use:
  - a. Personal service establishments.

- b. Service agencies.
  - c. Retail establishments, limited to the following: convenience stores, food stores, drug and cosmetic stores and specialty stores.
4. Child day care centers.
  5. Retail establishments for the sale of items directly related to a principal manufacturing use, provided that the floor area of the retail establishments shall not exceed 2,000 square feet or 10% of the total floor area of the related principal use, whichever is less.
  6. Flea markets, provided that: a permit is issued by the Department of Planning and Zoning; sufficient parking exists on the site; the site has direct access to a major collector or arterial highway; and the flea market use is limited to weekends and national holidays.
  7. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
  8. Small Wind Energy System, building mounted, subject to the requirement of Section 128.0. L.
  9. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. The following maximum height limitations shall apply:
  - a. Structure with minimum setback ..... 50 feet
  - b. Structure with an additional 1 foot in height for every 2 feet of setback above the minimum ..... 100 feet
2. The following minimum structure and use setback requirements shall be observed:
  - a. From any external public street right-of-way ..... 50 feet  
 Except for parking uses and fences adjoining parking uses..... 30 feet
  - b. From any internal public street right of way..... 50 feet  
 Except for parking uses and fences adjoining parking uses..... 10 feet
  - c. From any residential district ..... 150 feet  
 Except residential uses in a CAC or TOD District ..... 100 feet

However, if the residential district is separated from the M-2 District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

**E. Conditional Uses**

Conditional Uses in the M-2 District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.



Reserved.

Reserved.

## **SECTION 124.0: SW (Solid Waste) Overlay District**

### **A. Purpose**

The Solid Waste District is established to provide opportunity for solid waste processing facilities not allowed in other zoning districts and to encourage re-use and recycling of solid waste in lieu of disposal at a landfill. Because of changing technology, it is not possible to identify and adopt specific Zoning Regulations for all types of solid waste processing uses which may be proposed in Howard County. However, it is essential to provide opportunity for viable, constructive alternatives to disposal of solid waste in landfills. The Solid Waste District permits processing facilities for non-hazardous solid waste which are not covered elsewhere in the Zoning Regulations, while requiring detailed review of each proposal to evaluate its land use impacts and its potential contribution to the County's solid waste management system.

Because many solid waste processing facilities are of a heavy industrial nature, the SW District is an overlay district which may be applied only to land in the M-2 District. The Zoning Board may also apply the SW District to land in the M-1 District, provided there is a compelling reason and the use in the SW District shall be limited to a waste transfer station or material recovery facility.

The SW District is a floating district which may be applied if the Zoning Board finds, upon review of a specific proposal and Preliminary Development Plan, that application of the District at a proposed location will meet the requirements established in this Section.

### **B. Uses Permitted as a Matter of Right if the Underlying District is M-2:**

1. Land clearing debris landfills.
2. Rubble landfills.
3. Solid waste processing facilities.
4. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.

### **C. Uses Permitted as a Matter of Right if the Underlying District is M-1:**

1. Material recovery facilities.
2. Waste transfer stations.
3. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.

### **D. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Retail sale of items produced on the site.
3. Recycling collection facilities.

4. Accessory Solar Collectors.

**E. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. The following maximum height requirements shall apply:
  - a. Structure with minimum setback ..... 50 feet
  - b. Structure with an additional 1 foot in height for every 2 feet of setback above the minimum ..... 100 feet
  - c. Except stacks and chimneys, with an additional 1 foot in height for every 2 feet of setback above the minimum..... no limit
2. The following minimum structure and use setback requirements shall apply:
  - a. From adjacent residentially-zoned lots ..... 300 feet
  - b. From public street rights-of-way ..... 100 feet
  - c. From existing streams and wetlands with respect to those uses only permitted in the underlying M-2 District ..... 100 feet
  - d. From lot lines ..... 50 feet
  - e. Where a petition proposes the expansion of an existing permitted use, the foregoing setback requirements shall apply only to the expansion proposed by the petition.

**F. Procedure for Creation of a SW 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 SW District. The petition shall include the following items:
  - a. A boundary survey of the property covered by the petition.
  - b. An Operations Plan which includes:
    - (1) A description of the specific proposed use or uses of the SW District, including the waste handling, processing and recycling methods to be used, approximate processing capacity, and material storage requirements.
    - (2) A description of the types and capacities of equipment or machinery which will be used within the district.
    - (3) The types and approximate quantities of waste which will be processed and products or materials which will be generated.
    - (4) A description of the methods by which solid waste will be delivered to the facility, including an estimate of the size and frequency of solid waste delivery vehicles.
    - (5) A description of storage and disposal methods for unacceptable materials delivered to the site and for nonmarketable residues and materials produced or separated from the processed solid waste.
    - (6) A description of storage and delivery methods for marketable materials or products which are separated or produced from the processed solid waste.

- (7) Methods of controlling odors, smoke, dust, litter, noise, and insect or rodent infestation; methods of preventing, and, if necessary, controlling fire and explosions; methods of collecting and treating liquids generated by the use; methods of maintaining clean and sanitary conditions.
  - (8) Approximate quantities of water usage and waste water generation.
  - (9) Procedures for cleaning and maintaining the appearance of the facility and for collecting waste which falls from transport vehicles in the vicinity of the site.
  - (10) A description of alternative solid waste processing or disposal arrangements in the event the proposed facility, or a portion of the facility, becomes inoperative due to unforeseen events such as equipment breakdown or power failure. Included shall be a description of stand-by equipment or anticipated solid waste diversions to other facilities.
- c. A Preliminary Development Plan which shows:
- (1) Existing topography, woodlands, 100-year floodplain areas and wetland areas.
  - (2) If a rubble or land clearing debris landfill is proposed, the proposed fill area and the portion of the site to be excavated. Areas to be used for fill shall be identified either as non-buildable areas or as future building sites.
  - (3) The general location of proposed points of access to the site.
  - (4) The general location of proposed improvements and uses, including:
    - (a) building and structure envelopes;
    - (b) outdoor receiving, loading, treatment and storage areas;
    - (c) indoor or outdoor areas to be used for major equipment, machinery or processing operations;
    - (d) storm water management facilities;
    - (e) parking areas and driveways; and
    - (f) landscaped areas.
  - (5) The location and type of landscaping or fencing which will be used to screen outdoor uses from public roads or residential zoning districts.
  - (6) If applicable, the proposed sales area and customer parking area for retail sales of products or materials produced on the site.
  - (7) Public water and public sewer facilities which will serve the facility.
- d. A description of available markets and intended users of the products and materials.
- e. If a rubble landfill or land clearing debris landfill is proposed, a rehabilitation plan which includes the following information:
- (1) A contour plan showing contour intervals of two feet, indicating the general grades and slopes to which excavated or filled areas are to be graded, and demonstrating that all disturbed land will be regraded so that no slope exceeds a 25% grade.
  - (2) A plan for vegetatively stabilizing disturbed areas.
  - (3) A schedule for removal of machinery or structures, closure of access roads, regrading, and planting after the landfill operation ceases.
- f. A summary of other local, State and Federal requirements that will apply to the proposed facility.
2. The Zoning Board may grant a petition for a SW District based upon findings that:
- a. The SW District will overlay land in the M-1 or M-2 District.
  - b. The proposed uses will accomplish the purposes of the SW District.

- c. Safe road access is available to the site.
  - d. Setbacks and landscaped areas will provide adequate buffering of the proposed uses from existing land uses in the vicinity.
  - e. Outdoor uses will be screened from roads and residential districts.
  - f. The facility will not result in odors, noise, smoke, dust, litter, rodent or insect infestation, or other substance or condition which will adversely affect the surrounding area.
  - g. The operation will be conducted in an environmentally sound and sanitary manner.
  - h. If applicable, the area to be used for retail sales will provide safe ingress and egress for retail customers and will be clearly accessory to the principal use.
  - i. The proposed facility is consistent with the Howard County Solid Waste Management Plan.
3. If the petition is granted:
- a. The Zoning Board shall, by Decision and Order, approve the Preliminary Development Plan and the Operations Plan, and shall create a Solid Waste Overlay District covering the land in the petition.
  - b. The Zoning Board may in its Decision and Order modify or attach conditions to the Preliminary Development Plan or Operations Plan, stating the reasons for its actions. The Board may, in its discretion, hold additional hearings on any modifications or conditions as it deems appropriate.
  - c. A copy of the Preliminary Development Plan and Operations Plan shall be certified as approved by the Zoning Board and a verified copy of the same shall be forwarded to the Department of Planning and Zoning, the Department of Public Works, and the Petitioner.
  - d. The provisions of the underlying M-1 or M-2 District shall no longer apply within the SW District.
4. Conformance with Preliminary Development Plan and Operations Plan
- a. A Site Development Plan shall not be approved for a SW District unless the plan conforms substantially to the Preliminary Development Plan and Operations Plan.
  - b. All uses within the SW District shall conform to the Preliminary Development Plan and Operations Plan.
  - c. The Preliminary Development Plan and Operations Plan may only be amended by the Zoning Board, following the same procedures used for a petition to create a Solid Waste Overlay District.

**G. Reversion of SW District**

Upon petition by the owner(s), and following the procedures for a zoning map amendment, the Zoning Board may remove the Solid Waste Overlay District from a property. The property shall revert to the underlying M-1 or M-2 District as appropriate.

Reserved.



## **SECTION 125.0: NT (New Town) District**

### **A. Definitions, Requirements and Restrictions Applicable to NT Districts**

1. As used herein, the term "New Town" means an unincorporated city, town or village which:
  - a. Is designated and planned as an economically and culturally self-sufficient community with a population of at least 20,000 inhabitants; and
  - b. Is so designed and planned as to meet all of the requirements specified in this Section 125.0.
2. As used herein:
  - a. The terms "New Town District," "NT District" and "The District" mean the land zoned for the erection of a New Town under the provisions of this Section 125.0.
  - b. When a provision in this section requires that an action "will conform", "conform with", "conforms with", or "conforms to" the Downtown Columbia Plan or any part of the plan, the action being taken shall further, and not be contrary to, the following items in the Downtown Columbia Plan:
    - (1) Policies;
    - (2) Timing and implementation of the plan;
    - (3) Timing of development;
    - (4) Development patterns;
    - (5) Land uses; and
    - (6) Densities and intensities.
3. No NT District shall be created except by the procedure set forth herein. Each NT District must contain a total area of at least 2,500 contiguous acres. Lands which are divided by streets, roads, ways, highways, transmission pipes, lines or conduits, or rights-of-way (in fee or by easement) owned by third parties shall be deemed to be contiguous for purposes of this Section 125.0. No NT District shall be established except upon land the beneficial title to which is in the person, firm or corporation executing the petition referred to in Section 125.0 thereof. The tenant under a lease having a term of not less than 75 years shall be deemed to be the holder of the beneficial title to the land covered by the lease for the purpose of this Section 125.0.
4. No NT District shall have a greater overall residential density than that produced by the total combined number of dwellings permitted in this Section 125.0.A. The maximum number of dwellings permitted under the Downtown Revitalization Approval Process is established in Section 125.0.A. The maximum number of dwellings permitted that are not subject to the Downtown Revitalization Approval Process is established by this section and shall be calculated by multiplying the total number of acres within the NT District by two and one-half. For development that is not subject to the Downtown Revitalization Approval Process, the following development restrictions shall apply:
  - a. In areas designated "single-family -- low density" on the Final Development Plan, the maximum number of dwellings permitted shall relate to the overall total number of dwellings in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by two.

- b. In areas designated “single-family -- medium density” on the Final Development Plan, the maximum number of dwellings permitted shall relate to the overall total number of dwellings in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by four.
  - c. In areas designated “Apartments” on the Final Development Plan the maximum number of apartments permitted shall relate to the overall total number of apartments in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by 15.
- 5. The use of land within NT Districts shall be limited to those uses specified in the “Final Development Plan,” provided, however, that:
  - a. No uses permitted only in the R-MH or M-2 Districts under these Regulations may be permitted in an NT District; and
  - b. Attached or semi-detached dwellings may be erected only in areas designated “Downtown Revitalization,” or “Apartments” on a Final Development Plan. Within areas designated “Downtown Revitalization” such units shall be subject to the provisions of Section 125.0.A. Within areas designated “apartments” such units must be provided:
    - (1) In groups having no more than 10 dwellings attached to one another if attached on the sides, or 16 dwellings if attached back to back; and
    - (2) In such numbers so as not to exceed 10 dwellings for each acre of such use, calculated by multiplying the number of acres so designated by 10; and
    - (3) In such physical relation to each other and to other uses as may be specifically approved on a subdivision layout submitted as part of the Final Development Plan.
- 6. Except for accessory uses as hereinafter provided, no structure within an NT District shall be:
  - a. Erected except in accordance with the Final Development Plan, or
  - b. Used for any purpose other than the use designated for it on the Final Development Plan.
- 7. Except as otherwise provided in the Final Development Plan, the following restrictions shall be applicable to NT Districts:
  - a. Access shall be provided from every use site to a public street or to a system of common streets and ways connecting with the public street system.
  - b. The off-street parking requirements of Section 133.0 of these Regulations shall be applicable.
  - c. The accessory use provisions of Section 110.0 shall be applicable to all residential uses within the NT District.
  - d. The provisions of Section 128.0 (Supplementary Zoning District Regulations) shall apply to the NT District except for those provisions which specifically exclude the NT District.

Subject to any additional specific permitted uses of land which may be designated on an approved Final Development Plan pursuant to Section 125.0.C. of these Regulations, if an

approved Final Development Plan designates POR, B-1, B-2, SC or M-1 District uses or any combination thereof for a specific area, then the general permitted uses for such area shall be those uses permitted as a matter of right in those districts. However, the bulk regulations for those districts regulating the location of structures, height limitations, setback provisions, minimum lot sizes, and coverage requirements shall not apply inasmuch as the controls therefore shall be included in the Final Development Plan approved by the Planning Board as provided under these Regulations.

8. a. Each New Town District must provide each of the following uses in the following proportions:

	(1) Minimum Percentage of Total Area of the District	(2) Maximum Percentage of Total Area of the District
Open Space Uses	36%	N/A
Single-family – Low Density	10%	N/A
Single-family – Medium Density	20%	N/A
Apartments	N/A	13%
Commercial (POR, B-1, B-2 and SC uses)	2%	10%
Industrial Uses (M-1 uses)	10%	20%
Other uses presently permitted in any zoning district other than those permitted only in R-MH or M-2 Districts	N/A	15%
Note: N/A means Not Applicable		

- b. Except as provided in Section 125.0.A.8.c. below, the land use percentages in Section 125.0.A.8.a. do not apply to Downtown Revitalization. However for purposes of determining and maintaining compliance with the land use percentages chart in Section 125.0.A.8. for areas in the New Town District outside of Downtown Columbia, land uses recorded on Final Development plans within Downtown Columbia prior to the effective date shall continue to be included when calculating the land use percentages in this chart.
- c. Upon recordation of a Final Development Plan within Downtown Columbia, environmentally sensitive land areas that are designated “open space” on the Final Development Plan will be credited towards the minimum percentage of open space uses in Section 125.0.A.8.a. above.
- d. Each New Town District must also provide adequate public transportation facilities and public water and sewer systems in the areas shown on the Final Development Plan.
- e. As used in this Section the term "open space uses" is defined as being those uses which do not involve any extensive coverage of land with structures, as, for example, all lands devoted to raising of crops, agricultural uses, parks, playing fields, golf courses and any other outdoor recreational uses (whether any such uses be publicly owned or privately owned or operated for profit), as well as all lands covered by lakes, rivers or streams, and all lands devoted to public or community uses. Open land designated for residential uses shall be considered qualified as "open space use" only if it is held for the common use of the public or persons residing in the particular locality within the community, and if it is larger than two acres in size. For the purpose of meeting the 36% requirement imposed above:

- (1) The term “open space uses” shall not include parking lots, streets, rights-of-way, amusement parks, golf driving ranges which are not ancillary to a golf course, or drive-in movies.
- (2) All lands approved and credited as open space use on the Final Development Plan of the NT District shall be conclusively presumed to satisfy the requirements of this section.

9. Downtown Revitalization:

- a. **Applicability:** To implement the recommendations of the Downtown Columbia Plan, new development or redevelopment of any property located within Downtown Columbia that is approved after April 6, 2010 must comply with all provisions applicable to Downtown Revitalization, except as provided in Section 125.0.A.9.f. Downtown Revitalization shall require approval of: (I), a Final Development Plan or Final Development Plan Amendment, and (II), a Site Development Plan.
- b. **Uses:** The following uses are permitted under the Downtown Revitalization Approval Process: All uses permitted in the POR, B-1, B-2, and SC Zoning Districts, Downtown Arts, Cultural and Community Uses and Dwellings. Structures may be developed with individual or multiples uses. Section 125.0.A.8. a. does not apply to Downtown Revitalization.
- c. **Development Levels:** The following maximum development level limits apply to Downtown Columbia for Downtown Revitalization, except as qualified by Sections 125.0.A.9.f.(1), (2) and (3).
  - (1) The maximum number of Downtown Net New dwellings permitted is 5,500 dwellings. The number of dwellings permitted under the Downtown Revitalization Approval Process, up to a maximum of 5,500 Downtown Net New dwellings, shall be in addition to the overall residential density established by Section 125.0.A.4.
  - (2) The maximum amount of Downtown Net New commercial office development permitted is 4,300,000 square feet of gross floor area.
  - (3) The maximum number of Downtown Net New hotel and motel rooms permitted is 640 rooms.
  - (4) The maximum amount of Downtown Net New commercial retail development permitted is 1,250,000 square feet of gross floor area.
  - (5) The maximum development levels permitted above for Downtown Revitalization shall be in addition to the number of dwellings and gross floor area of nonresidential uses shown on a Site Development Plan approved prior to April 6, 2010.
- d. **Off-Street Parking:** Off-street parking and loading facilities within Downtown Columbia must be provided in accordance with the provisions for Downtown Revitalization in Section 133.0.E.3.
- e. **Previously Developed Properties.**
  - (1) Notwithstanding any other provision of these regulations, any property currently improved with a building and any associated parking lots pursuant to a recorded Final Development Plan and an approved Site Development Plan as of April 6, 2010, may continue to be used in accordance with the terms and requirements on the Final Development Plan, but only to the same size and dimensions in the same location as shown on the approved Site

- Development Plan, except for minor changes to the Site Development Plan, which shall be governed by Section 125.0.G.
- (2) Demolition of existing improvements that are located within Downtown Columbia that occurs after April 6, 2010 shall result in the creation of a Demolition Development Credit equal to the number of dwellings and gross floor area devoted to nonresidential uses that were demolished. A Demolition Development Credit: (I) may be used anywhere within Downtown Columbia; and (II) shall not be limited by or counted against recommended development levels in the Downtown Columbia Plan or the maximum level of development permitted by Section 125.0.A.9.c.
  - (3) Any existing structure or improvement that is located within Downtown Columbia that is destroyed by fire, flood or other calamity may be restored to the same size and dimensions in the same location as the destroyed structure in accordance with the previously approved Site Development Plan, provided that a building permit is issued with two (2) years from the date such structure was destroyed and reconstruction begins within six (6) months after issuance of the building permit. The Planning Board may approve an extension for good cause shown up to a maximum two additional years to obtain a building permit and begin construction. Structures and improvements constructed under this Section 125.0.A.9.f.(3) shall not be limited by or counted against development levels in the Downtown Columbia Plan or the maximum Downtown Net New level of development permitted by Section 125.0.A.9.c.

f. Additional Requirements.

- (1) The maximum building height permitted for Downtown Revitalization shall conform to the building height shown on the Downtown Maximum Building Height Plan and shall not exceed twenty stories.
- (2) Any Downtown Revitalization Development shall provide for art in the community that is equivalent in value to 1% of the building construction cost.
  - (a) Art must be provided:
    - (i) On site;
    - (ii) On other property located within Downtown Revitalization development provided with the written consent of the owner of the fee simple property; or
    - (iii) The petitioner may pay a fee in-lieu of providing art on-site that is equivalent in value to 1% of the building construction cost.
  - (b) Art may be provided in combination with other Downtown Revitalization Developments.
  - (c) Each in-lieu fee must be paid prior to issuance of a use and occupancy permit for the first building in the project that generates the requirement, and the collected funds must be used to provide art on property within Downtown Revitalization Developments.
  - (d) If the value of the art provided on site or in combination with other projects exceeds 1% of the building construction cost, then the excess value beyond 1% can be credited towards the requirements of this subsection for a subsequent-Final Development Plan subject to the procedures and requirements set forth in this subsection.
  - (e) The following construction projects are not subject to the requirements of this section:
    - (i) Construction of Moderate Income Housing Units.
    - (ii) Construction of places of worship and their accessory uses.
    - (iii) Renovations to existing or construction of new cultural facilities which include facilities located within a Downtown

Arts and Entertainment Park, Downtown Arts, Cultural and Community Uses, and Downtown Community Commons.

- (iv) Parking Structures.
- (v) Renovations to existing buildings or structures required by government mandated code compliance construction projects, such as projects exclusively designed for compliance with the Americans with Disabilities Act (“ADA”), the Maryland Accessibility Code, the National Fire Protection Association (NFPA) Life Safety Code, and/or fire sprinkler retrofits.

g. Open Space Preservation and Enhancement.

- (1) For the purpose of enhancing, preserving, conserving and increasing open space for enjoyment by the public, all land designated as credited open space on a Final Development Plan recorded prior to April 6, 2010 and depicted on the Downtown Open Space Preservation Plan shall, except as provided within this section, retain its character as one of the following four land types, as depicted on the Downtown Open Space Preservation Plan:
  - (a) Downtown Environmentally Sensitive Land Area.
  - (b) Downtown Parkland.
  - (c) Downtown Community Commons.
  - (d) Downtown Arts and Entertainment Park.
- (2) Construction of improvements that are included within one of the four above land type definitions in these regulations is deemed to conform to and does not change the character of the land type as designated on the Downtown Open Space Preservation Plan.
- (3) There shall be no net loss of existing Downtown Community Commons as depicted on the Downtown Open Space Preservation Plan.
- (4) New Downtown Community Commons shall be provided in accordance with the following requirements:
  - (a) A minimum of 5% of the land located within Downtown Columbia that has not previously been designated as either (I) open space or (II) public right of way as shown on the Downtown Open Space Preservation Plan shall be provided as new Downtown Community Commons land.
  - (b) Downtown Community Commons may be located within areas designated as open space under a previously approved Final Development Plan. However, land counted toward the minimum requirement for new Downtown Community Commons land shall not include any environmentally sensitive land or land designated as credited open space on a recorded Final Development Plan for the purpose of fulfilling the 36% minimum open space requirement in the NT District.
  - (c) New Downtown Community Commons shall include sites of a character and location that are generally consistent with the amenity spaces shown on the Downtown Primary Amenity Space Framework Diagram and other sites which shall be identified and improved to enhance neighborhood development.
  - (d) Except for any neighborhood comprised entirely of land recorded as open space prior to April 6, 2010, each neighborhood shall include at least one Downtown Neighborhood Square. At least one Downtown Community Commons that meets the definition of Downtown Neighborhood Square in these regulations and all the provisions of this section shall be completed and deeded to Howard County for public land as described in the Downtown Columbia Plan.

- (e) The boundaries of all existing and new Downtown Community Commons shall be delineated on the proposed Final Development Plan with the total land area of each.
  - (f) New Downtown Community Commons must be constructed prior to occupancy of more than 50% of all existing and proposed buildings having a façade adjacent to the space, or in accordance with a phasing plan approved as part of the Final Development Plan.
  - (g) Each Final Development Plan shall designate 5% of the area that has not been previously designated as either open space or public right-of-way as Downtown Community Commons; except that if more than 5% is designated as Downtown Community Commons on any given Final Development Plan, the excess beyond 5% can be credited towards the Downtown Community Commons obligation on a subsequent Final Development Plan with the written consent of the fee simple owner of the land on which the Downtown Community Commons to be credited is located.
- (5) Except as provided below, there shall be no net loss in the total area of existing Downtown Parkland as depicted on the Downtown Open Space Preservation Plan and only Downtown Parkland uses are permitted:
- (a) In exchange for the use of Downtown Parkland for any other use, including other open space uses, each acre of Downtown Parkland or portion thereof being developed must be replaced with one acre of newly designated Downtown Parkland.
  - (b) Any area newly designated as Downtown Parkland in exchange for existing Downtown Parkland must consist of at least one contiguous acre.
  - (c) Downtown Environmentally Sensitive Land Area recorded after April 6, 2010 may not be exchanged to replace Downtown Parkland.
- (6) Land designated as open space on a Final Development Plan recorded prior to April 6, 2010 on which a public facility such as a library or fire station has been constructed may be designated as Downtown Mixed-Use on an amended Final Development Plan, but may only be redeveloped after a replacement public facility is operating at an alternative location within Downtown Columbia.
- (7) All types of Downtown open space should be designed and maintained to further the sustainability goals for Downtown Columbia, as described in the Design Guidelines and Sustainability Framework, through innovative design, construction and environmental enhancements and rehabilitation.

h. Phasing and Implementation.

- (1) No permit for land disturbance activity in any phase of the Downtown Revitalization Phasing Plan shall be issued for Downtown Revitalization unless (I) the Community Enhancements, Programs and Public Amenities (CEPPAS) have been provided in accordance with the Downtown CEPPA Implementation Chart and CEPPA Flexibility Provisions, except as provided in Section 125.0.A.9.I.2 [this section reference in CB59-2009 is incorrect, should be Section 125.0.A.9.h(2)] and (II) building permits have been approved for at least the minimum levels of development identified in the Downtown Revitalization Phasing Plan for the preceding phase for retail, office, residential and hotel land use types.
- (2) In no case shall the obligation to provide a Community Enhancement, Program or Public Amenity (CEPPA) be triggered:

- (a) By the development or construction of Downtown Arts, Cultural and Community Uses, Downtown Community Commons, or Downtown Parkland; or
  - (b) When the development of an individual parcel of land shown on a plat or deed recorded among the County Land Records as of April 6, 2010 consists only of up to a total of 10,000 square feet of commercial floor area and no other development.
- (3) If a specific CEPPA identified in the Downtown CEPPA Implementation Chart cannot be provided because: (I) the consent of the owner of the land which the CEPPA is to be located or from whom access is required cannot reasonably be obtained; (II) all necessary permits or approvals cannot reasonably be obtained from applicable governmental authorities; or (III) factors exist that are beyond the reasonable control of the petitioner, then the Planning Board shall (I) require the petitioner to post security with the County in an amount sufficient to cover the cost of the original CEPPA; or (II) approve an alternate CEPPA comparable to the original and appropriate timing for such alternate CEPPA or alternative timing for the original CEPPA. In approving an alternate comparable CEPPA or timing, the Planning Board must conclude the alternate comparable CEPPA or timing: (I) does not result in piecemeal development inconsistent with the plan; (II) advances the public interest; and (III) conforms with the goals of the Downtown Plan.
- (4) A Final Development Plan or Final Development Plan Amendment may also propose adjustments to the Downtown Revitalization Phasing Plan and/or the Downtown CEPPA Implementation Chart to take advantage of a major or unique employment, economic development or evolving land use concept or opportunity. The Planning Board may approve a request to adjust the Downtown Revitalization Phasing Plan or the Downtown CEPPA Implementation Chart under this provision only if such approval would (I) not be detrimental to the overall vision for Downtown Columbia expressed in the Downtown Columbia Plan; (II) not create an adverse community or economic impact; and (iii) establish a reasonable schedule for completion of any requested comparable alternative CEPPA.

10. Anything in other sections of these regulations to the contrary notwithstanding, there shall be no restrictions upon the use of, or on the erection of structures on, land within an NT District, other than such as are provided in the various subsections of this section or in such other sections of these regulations as are expressly stated to be applicable by the various provisions of this section. Nothing herein shall render inapplicable any regulation of the County relating to construction requirements and/or subdivision approval to the extent that any of the same are not inconsistent with the provisions of this section.

**B. Procedure for Creation of NT Districts**

- 1. The beneficial owner of any tract of land in Howard County meeting the requirements of Section 125.0 may petition the Howard County Zoning Board to designate the property described in the petition as an NT District. The petition shall contain:
  - a. The exact name and address of the petitioner and a reference to the liber and folio of the Land Records of Howard County at which the deed conveying the property in question to the petitioner is recorded. If the petitioner is not the legal as well as beneficial owner of the property, the petition shall:
    - (1) So state;



- (2) List the exact name and address of the legal title holder and give a reference to the liber and folio of the Land Records of Howard County at which the deed conveying the property to the legal title holder is recorded, and
    - (3) Contain a written assent to the petition signed by the legal title holder.
  - b. A metes and bounds description of the property covered by the petition and a survey thereof demonstrating that the same meets the requirements of Section 125.0.A.3.
  - c. A Preliminary Development Plan of the property covered by the petition. As used in this Section the term "Preliminary Development Plan" shall mean a generalized drawing or series of drawings of the proposed New Town, with appropriate text materials, setting forth:
    - (1) The major planning assumptions and objectives, including the projected population, the planned development schedule, the method of assuring that all open space uses will be permanently maintained and devoted to open space uses, the proposed public transit system routes and method of operation, and the facilities for the proposed cultural activities of the New Town;
    - (2) The proposed general layout of major roads and highways stating projected average daily traffic flows;
    - (3) A statement of the number of acres within the proposed NT District intended to be devoted to:
      - (a) Residential uses, broken down into the number of acres to be used for each of the following specific residential uses:  
Single-family -- low density areas;  
Single-family -- medium density areas;  
Apartment areas;
      - (b) Employment uses (i.e. any use involving the employment of individuals, including office buildings, private schools, hospitals, institutions, commercial undertakings, industrial enterprises, and all other forms of business, professional or industrial operations); and
      - (c) Open space uses.
    - (4) The general location of the uses referred to in subparagraph (3) above, including proposed sites for recreational uses, schools, parks and other public or community uses and, to the extent the petitioner has determined locations for commercial uses at the time of the filing of the Preliminary Development Plan, including a separate designation of commercial areas;
    - (5) A description of the proposed drainage, water supply, sewerage and other utility facilities including projected flows; and
    - (6) A statement of the intended overall maximum density of population of the proposed NT District, expressed in terms of the average number of dwellings per acre.
2. The Preliminary Development Plan shall indicate the location and nature of any commercial uses in relation to residential areas. All proposed and identified commercial or industrial uses shall be indicated on the drawings in areas marked "Employment Centers," defined as those areas shown on the Preliminary Development Plan which the petitioner proposes to develop for employment uses.
  3. The Zoning Board shall consider the following guides and standards in reviewing the petition: the appropriateness of the location of the NT District as evidenced by the General Plan for Howard County; the effect of such District on properties in the surrounding vicinity; traffic patterns and their relation to the health, safety and general welfare of the County; the physical layout of the County; the orderly growth of the County; the availability of essential services; the most appropriate use of the land; the need for adequate open spaces for light and air; the

preservation of the scenic beauty of the County; the necessity of facilitating the provision of adequate community utilities and facilities such as public transportation, fire-fighting equipment, water, sewerage, schools, parks and other public requirements, population trends throughout the County and surrounding metropolitan areas and more particularly within the area considered; the proximity of large urban centers to the proposed NT District; the road building and road widening plans of the State and County, particularly for the area considered; the needs of the County as a whole and the reasonable needs of the particular area considered; the character of the land within the District and its peculiar suitability for particular uses; and such other matters relevant and pertinent to the relationship of the District to the comprehensive zoning plan of the area.

The petition shall be granted only if the Zoning Board affirmatively finds:

- a. That the petition complies with the provisions of these Regulations;
  - b. That a New Town District should be located at the proposed site; and
  - c. That the Preliminary Development Plan constitutes a general land use plan for the area covered thereby, designed to meet the objectives set forth in these Regulations.
4. If the petition is granted, the Zoning Board shall by Decision and Order approve the Preliminary Development Plan and shall create a New Town District covering all of the land included in the petition. If the proposed NT District contains more than 2,500 acres, the creation of the District may be accomplished by rezoning all of the land included in the petition at one time or, in the discretion of the Zoning Board, by rezoning the same in phases. If this latter course is taken:
- a. The area included in the first such phase shall be at least 2,500 acres, and each additional phase shall be of such size and at such location or locations as will permit effective and economic development of the portion so zoned as a part of the New Town shown on the Preliminary Development Plan; and
  - b. The overall density restrictions, the density restrictions as to particular use areas, and the restrictions as to the maximum and minimum areas devoted to particular uses shall be applied with respect to the entire area shown on the Preliminary Development Plan and not merely with respect to the area of the phase so zoned.
5. If the petition is granted as above provided:
- a. A copy of the Preliminary Development Plan shall be 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;
  - b. No further permanent improvements involving any new primary uses shall thereafter be erected on and no new primary uses made of, any part of the land within the new NT District prior to the approval of the Final Development Plan (or the phase thereof covering such development) as hereinafter provided, except for such as may be specifically approved by the Planning Board, but the petitioner shall discontinue any such use and demolish any such improvements so permitted by the Planning Board if such use and such improvements are not ultimately permitted by the Final Development Plan.
6. If the Zoning Board has approved a petition to create a NT District, then at any time thereafter the original petitioner may file a new petition to add to the NT District additional land which

is owned by the petitioner and adjacent to the existing NT District. The new petition shall be subject to all the provisions of this Section, except that the minimum area requirement of Section 125.0.A.3 shall not apply.

### **C. Comprehensive Sketch Plan**

1. Except as provided in Section 125.0.E.1.a, within 30 days following notification of the approval of the Preliminary Development Plan, the petitioner shall notify the Planning Board of the target date for the presentation to the Planning Board of a proposed Final Development Plan of the NT District, pursuant to Section 125.0.D below, or of the first phase of a proposed Final Development Plan, if the petitioner desires to develop the NT District in separate geographical segments.
2. Promptly following the giving of such notice to the Planning Board, the petitioner shall file with the Department of Planning and Zoning for Planning Board approval of a Comprehensive Sketch Plan for that geographical phase of the NT District which the petitioner elects to develop.
3. As used herein, the term "Comprehensive Sketch Plan" shall mean a drawing or series of drawings, at an appropriate scale, of generally either one inch equals 200 feet or one inch equals 100 feet, setting forth:
  - a. The approximate boundaries and approximate acreage for each of the proposed land uses in sufficient detail to graphically illustrate the application of the adopted master final development plan criteria to the area encompassed by the Comprehensive Sketch Plan.
  - b. The location of all existing and proposed public streets, roads, and utilities.
  - c. The location of open space within which recreational, school, park and other public or community uses are permitted.
  - d. Text material (criteria) regulating the following:
    - (1) The general locations for all structures.
    - (2) The permitted "general use" or "specific use" as hereinafter defined, for each land use area, except that no uses shall be specified which are permitted only in R-MH or M-2 Districts.

Where the criteria designate the use for a particular structure, lot or parcel, as "uses permitted in a District" (e.g., "uses permitted in a B-1 District"), then the structure, lot or parcel may be used for all uses permitted in the particular district by the several sections of these regulations, the use so designated being herein referred to as a "general use."

Where, however, the criteria designate a structure, lot or parcel for a specific use or uses (e.g., "gasoline station") the structure, lot or parcel must be used for those specific uses only, the use(s) so designated being herein referred to as "specific use(s)."
    - (3) Height limitations, parking requirements, front, side and rear yard areas, setback provisions, minimum lot sizes and coverage requirements, stated generally and/or specifically with respect to particular improvements or types of improvements.
4. The Planning Board shall hold a public hearing prior to the approval of a Comprehensive Sketch Plan under the following conditions:

- a. If the Comprehensive Sketch Plan includes land which borders on property not within the New Town District (unless the owners of all lands abutting the New Town District land covered by the Comprehensive Sketch Plan shall sign a written waiver of the right to be heard in connection with the request for approval of said plan).
  - b. If the Comprehensive Sketch Plan deviates from the approved Preliminary Development Plan in any of the following particulars:
    - (1) If the overall maximum density of population within the NT District exceeds that stated in the Preliminary Development Plan; or
    - (2) If the number of acres to be devoted to the permitted employment uses shall be increased more than 10%, or the number of acres to be devoted to permitted residential uses shall be decreased by more than 10%, from that stated in the Preliminary Development Plan; or
    - (3) If the proposed Comprehensive Sketch Plan shows a use of land in the NT District within 300 feet of any outside boundary thereof which differs from that shown on the Preliminary Development Plan, unless the owners of all land abutting the NT District and within 300 feet of the land in the NT District, the use of which is to be changed, sign a written waiver of the right to be heard in connection with such change in use.  
If a public hearing is required to be held for any of the above three deviations from the Preliminary Development Plan, such hearing shall be limited to the particular deviation(s) which required the hearing, and the Planning Board shall require publication of Notice of Hearing and posting of the property.
  - c. If the criteria submitted as a part of the Comprehensive Sketch Plan include a gasoline service station among the specified land uses.
5. In acting upon a Comprehensive Sketch Plan, the Planning Board shall be guided by Section 125.0 of these Regulations and shall particularly consider:
- a. The adequacy of the roads serving the proposed development and any proposed mitigation, in accordance with the Adequate Public Facilities Ordinance (Title 16, Subtitle 11 of the Howard County Code).
  - b. The location and adequacy of public utility and community facilities, including recreational uses and school properties, in relation to the density and distribution of population.
  - c. The location, extent and potential use of open space in the form of greenbelts, walkways, parkways, park land, etc., as it affects the general amenity of the community.
  - d. The impact of the proposed commercial and industrial uses on the residential uses within the NT District or adjacent thereto.
6. After review of the material submitted in light of the General Plan, and after carefully considering public agency comments, petitioner's testimony, public hearing testimony and the factors set forth in Section 125.0.C.5 above, the Planning Board shall:
- a. Approve the Comprehensive Sketch Plan as submitted by the petitioner; or
  - b. Approve the Comprehensive Sketch Plan as changed by the Planning Board; or
  - c. Reject the Comprehensive Sketch Plan in its entirety.

7. The Planning Board shall not unreasonably disapprove or change a proposed Comprehensive Sketch Plan. The fact that the proposed Comprehensive Sketch Plan is not in conformity with the Preliminary Development Plan shall be sufficient ground for disapproval or change. The Planning Board shall approve no Comprehensive Sketch Plan which varies the areas of uses below the minimum or above the maximum percentages for particular uses specified herein.

**D. Final Development Plan – General Provisions**

1. If a Comprehensive Sketch Plan or Comprehensive Sketch Plan Amendment is required, upon its approval, the petitioner may submit a Final Development Plan or Final Development Plan Amendment to the Department of Planning and Zoning for approval by the Planning Board. The petition may cover all or a portion of the land covered by the Comprehensive Sketch Plan. The drawings shall delineate the various land use areas by courses and distances. The text (criteria) shall be that which was approved by the Planning Board as part of the Comprehensive Sketch Plan.
2. The Final Development Plan shall be considered by the Planning Board at a public meeting. In acting upon the Final Development Plan, the Planning Board shall be guided by the approved Comprehensive Sketch Plan, and comments received from the various public agencies which reviewed the Final Development Plan, and shall not unreasonably disapprove or change the Final Development Plan. The provisions of this Section 125.0.D.2 do not apply to Downtown Revitalization.
3. At the time of the approval of the Final Development Plan, the Planning Board may provide for the subsequent approval by it of a Site Development Plan pertaining to the property which is the subject matter of such Final Development Plan. Site Development Plan approval is also required for all Downtown Revitalization. Site Development Plan approval shall not be a condition precedent to the approval and recordation of the Final Development Plan with respect to which a Site Development Plan is to be submitted, but shall be in addition to any administrative approvals required by the Subdivision and Land Development Regulations. Land use decisions made by the Planning Board as part of the approval of a Final Development Plan or Final Development Plan Amendment shall not be subject to review or further consideration as part of the subsequent Site Development Plan process.
4. In applying the provisions of this Section, where the proposed Final Development Plan is submitted in phases, the overall population density and the acres devoted to particular uses shall be recomputed by the Department of Planning and Zoning upon the consideration of each successive phase of proposed Final Development Plan so as to include all prior phases, but in making these recomputations, the gross area of the entire NT District covered by the Preliminary Development Plan shall be considered and not merely the area of the segments covered by the prior phases of the proposed Final Development Plan and the current phase being submitted for approval. The provisions of this Section 125.0.D.4 do not apply to Downtown Revitalization.
5. If the Planning Board shall disapprove the proposed Final Development Plan or Final Development Plan Amendment (or any phase thereof) or shall fail to approve or disapprove the same within 120 days after submission, then the petitioner, at his election, may take an appeal as permitted by law or may submit the proposed Final Development Plan or Final Development Plan Amendment (or the phase thereof in question) directly to the Zoning Board. If the petitioner pursues the latter course, the Zoning Board shall hold a public hearing on the proposed Final Development Plan or Final Development Plan Amendment (or the phase thereof in question), shall require publication and posting of the property and shall ask for recommendations from the Planning Board, all as in the case of the hearing on the

Preliminary Development Plan. After such hearing, the Zoning Board may approve, with or without changes, or disapprove the proposed Final Development Plan or Final Development Plan Amendment (or the phase thereof in question). In making this decision, the Zoning Board shall consider the matters set forth herein.

6. Upon approval of the Final Development Plan or Final Development Plan Amendment (or upon the approval of each phase thereof if submitted on a separate segment basis) the same shall be recorded among the Land Records of Howard County and the provisions thereof as to land use shall bind the property covered with the full force and effect of specific Zoning Regulations. After such recordation, no new structure shall be built, no new additions to existing structures made, and no change in primary use effected different from that permitted in the Final Development Plan or Final Development Plan Amendment except by an amendment to the Final Development Plan.
7. Unless otherwise provided in a Downtown Implementation Phasing Plan approved as part of a Final Development Plan or Final Development Plan Amendment, if construction has not been commenced and completed to the extent of 25% of the ground floor area of a structure shown on the Final Development Plan within five years after the date of the approval thereof (or the date of the approval of the last phase thereof if submitted in phases), then the approval shall be void and the entire matter resubmitted to the Planning Board for reconsideration in light of existing circumstances to the same extent as if the same were simply a proposed Final Development Plan; provided, however, that the Zoning Board may grant not more than two extensions of time of one year each to be added to said five year period if it considers such extension to be proper after the receipt and consideration of a report and recommendation from the Planning Board with respect to such extension or extensions.
8. Any construction which has been commenced shall not be subject to reconsideration upon any resubmission of a Final Development Plan under this Section, and the Planning Board shall make no changes in the Final Development Plan except in relation to areas where construction has not been commenced. During any such reconsideration the property covered by the Final Development Plan shall continue to be bound until such Plan is changed or disapproved in the manner described above.
9. If the Planning Board has denied a land use which was shown on a Final Development Plan or Final Development Plan Amendment and which would be a Conditional Use in any other zoning district, a petition for the same land use on the same parcel shall not be accepted for consideration by the Planning Board for a period of 12 months from the date of said denial except on grounds of new evidence or proof of changed conditions found to be valid by the Planning Board.
10. Except where expressly made inapplicable, the provisions of this Section 125.0.D also apply to Downtown Revitalization.

#### **E. Final Development Plan – Downtown Revitalization**

1. Required Process for Downtown Revitalization and Relation to Prior Adopted New Town Document.

The following development review process is required for all Downtown Revitalization, with the exception of Downtown Environmental Restoration Projects that are not part of a plan that includes other uses. The fee simple owner of any property located in Downtown Columbia using the Downtown Revitalization process shall submit a Final Development Plan or Final Development Plan Amendment to the Department of Planning and Zoning for approval by the Planning Board. An amendment to the Preliminary Development Plan or any previously

approved applicable Comprehensive Sketch Plan or Final Development Plan is not required because Final Development Plans for Downtown Revitalization will supersede previous New Town documents.

2. Pre-Submission Requirements.

Prior to filing a Final Development Plan or Final Development Plan Amendment in each neighborhood for Downtown Revitalization:

- a. A Pre-submission Community Meeting is required using the same procedures established in Section 16.128(b) – (g) of the Subdivision and Land Development Regulations. In addition, notice in accordance with Sections 16.128(b)-(g) must also be given to:
- (1) Each Village Board;
  - (2) The Columbia Association; and
  - (3) Each property located within the same Downtown Columbia Plan neighborhood as reflected on the Maryland State Department of Assessments and Taxation Public Records. For condominium properties, one copy to the Condominium Association shall be deemed to meet this requirement.

The concept plans and materials required under Section 125.0.E.4.a. must be presented at the pre-submission community meeting.

- b. The petition is required to submit proposed Downtown Neighborhood Design Guidelines for review by the Design Advisory Panel, for its recommendations in accordance with the applicable provisions in Title 16, Subtitle 15 of the Howard County Code. The Design Advisory Panel shall base its review and recommendations on the Downtown-Wide Design Guidelines. For neighborhoods with approved Design Guidelines, subsequent Final Development Plans or Final Development Plan Amendments that do not propose modifications to the guidelines do not require further Design Advisory Panel review.

3. Final Development Plan Submission Requirements.

The Petitioner for a Final Development Plan or Final Development Plan Amendment shall include the following information, as applicable, for the land area covered by the plan:

- a. The following neighborhood documents are only binding on property included within the boundaries of the Final Development Plan and are intended to provide a context for evaluation of the initial Final Development Plan and guidance for future Final Development Plan petitions:
- (1) A Neighborhood Concept Plan covering an entire neighborhood of Downtown Columbia as depicted on Exhibit E. The Neighborhoods:
    - (a) A Neighborhood Concept Plan must show how the plan conforms with the neighborhood as described in the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Height Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Circulation Plan, and the Downtown Open Space Preservation Plan of the Downtown Columbia Plan;
    - (b) The Neighborhood Concept Plan must reflect any previously approved Final Development Plan for Downtown Revitalization, and any approved Site Development Plan for Downtown Environmental Restoration within the same Downtown Neighborhood; and

- (c) Each Neighborhood Concept Plan that is part of an approved Final Development Plan must be recorded with the Final Development Plan.
  
- (2) Neighborhood Specific Design Guidelines.  
 For new development or redevelopment, neighborhood specific Design Guidelines must be submitted for an individual neighborhood with the Final Development Plan and shall address the following:
  - (a) Urban design, including scale and massing, block configuration, parking and service functions, building entrances, and street lighting and furniture;
  - (b) Street design and framework;
  - (c) Downtown Community Commons and Downtown Parkland;
  - (d) Architectural design;
  - (e) Green building and green site design;
  - (f) Pedestrian and bicycle circulation features; and
  - (g) Signage.
  
- (3) Neighborhood Specific Implementation Document.  
 A Neighborhood-Specific Implementation Plan, in conformance with the Downtown Revitalization Phasing Plan and the Downtown Community Enhancements, Programs and Public Amenities Implementation Chart approved as part of the Downtown Columbia Plan, which addresses the implementation schedule and benchmarks for the following:
  - (a) The balance of uses within each implementation phase;
  - (b) The phasing of Downtown Mixed-Use Development;
  - (c) The phasing of Downtown Community Commons Spaces;
  - (d) The phasing of the transportation and circulation facilities;
  - (e) The phasing of the required infrastructure including public water and sewer;
  - (f) Transportation and circulation facilities;
  - (g) Environmental restoration;
  - (h) Downtown Arts, Cultural and Community Uses; and
  - (i) Any other items as specified in the Downtown Community Enhancements, Programs and Public Amenities Implementation Chart.
  
- b. An explanation and rationale for any change from the Downtown Columbia Plan exhibits or any neighborhood documents and materials that were part of a previously approved Final Development Plan. Limited change to building height is allowed based on compatibility, character and height of nearby existing and planned development and redevelopment, and open spaces in the area. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories;
- c. Boundaries of the property covered by the Final Development Plan;
- d. Existing topography, woodlands, and 100-year floodplain areas;
- e. A context plan showing existing road connections, major pedestrian networks, land uses and major storm water management facilities, and open space within the entire plan area and adjoining land within 500 feet;



- f. Total acreage within the area covered by the plan;
- g. Location of developed and undeveloped land and parcels;
- h. From approved Site Development Plans for the area covered by the plan:
  - (1) Summary of all existing and approved development;
  - (2) The square footage of proposed office, retail, and hotel space;
  - (3) The square footage of any other non-residential uses;
  - (4) The number of proposed hotel and motel rooms; and
  - (5) The number of proposed dwelling units.
- i. The approximate location and total land area of the following existing and/or proposed land uses:
  - (1) Downtown Arts and Entertainment Parks;
  - (2) Downtown Community Commons;
  - (3) Downtown Environmentally Sensitive Land Areas; (see Errata pg. 255)
  - (4) Downtown public facilities;
  - (5) Downtown Parklands; and
  - (6) Downtown Mixed-Uses.
- j. The general location of existing and proposed Downtown signature buildings;
- k. Traffic and transit circulation systems showing existing and proposed streets, routes and facilities;
- l. A traffic study as specified in the Howard County Adequate Public Facilities Ordinance for the evaluation of the adequacy of transportation facilities;
- m. An explanation of how the proposed development addresses the environmental concepts of the Downtown Columbia Plan, and specifically addressing the concepts of green buildings and green site design;
- n. The locations and descriptions of historic and culturally significant existing sites, buildings or structures, and public art and an explanation of the methods proposed to retain and preserve these items;
- o. A statement describing how the petitioner proposes to fulfill the art in the community requirement;
- p. A statement describing how the petitioner proposes to fulfill the affordable housing requirement;
- q. Layout of the existing and proposed bicycle and pedestrian circulation systems;
- r. Conceptual storm water management plan;
- s. A proposed plan for fulfilling required community enhancements, programs and public amenities applicable to the Final Development Plan; and
- t. Text material regulating the following:
  - (1) Maximum number and unit types of net new dwellings;
  - (2) Maximum gross floor area of net new commercial office uses and commercial retail uses;

- (3) Maximum number of net new hotel rooms;
- (4) Maximum building heights;
- (5) Maximum size of a retail-use footprint;
- (6) A description of the Community Commons that will be included in the development;
- (7) A statement identifying (I) the cumulative amount of development approved and built to date under Section 125.0.A.9 and (II) the status of any Downtown Community Enhancements, (see Errata pg. 255) Programs and Public Amenities, Downtown Parkland, Downtown Community Commons, and infrastructure as addressed in the Downtown Columbia Plan;
- (8) Proposed location for environmental restoration; and
- (9) Proposed restrictions, agreements or other documents indicating a plan to hold, own, and maintain in perpetuity land intended for common, quasi-public amenity use and public art but not proposed to be in public ownership.

#### 4. Planning Board Review and Approval Criteria

The Planning Board shall consider the Final Development Plan or Final Development Plan Amendment (see Errata pg. 255) at a public hearing. The Planning Board shall approve, approve with conditions, or deny the petition based on whether the petition satisfies the following criteria:

- a. The Downtown Neighborhood Concept Plan, the Neighborhood Specific Design Guidelines, and the Neighborhood Specific Implementation Plan conform with the Downtown-Wide Design Guidelines, the Downtown Columbia Plan, the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan, or that any propose change(s) will not be detrimental to the overall design concept and phasing for Downtown Revitalization. Limited change in building heights may be approved based on compatibility, character and height of nearby existing and planned development and redevelopment, and open spaces in the area. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories;
- b. The Neighborhood Design Guidelines submitted with the Final Development Plan or Final Development Plan Amendment offer sufficient detail to guide the appearance of the neighborhood over time, and promote design features that are achievable and appropriate for Downtown Revitalization in accordance with the Design Guidelines and the Downtown Columbia Plan;
- c. The Final Development Plan conforms with the Neighborhood Documents, the Revitalization Phasing Plan, the Downtown Community Enhancements, (see Errata pg. 255) Programs, and Public Amenities Implementation Chart and Flexibility Provisions, the Downtown-wide Design Guidelines, the Downtown Columbia Plan, the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan. Limited change in building heights may be approved based on compatibility, character and height of nearby existing and planned development and redevelopment, and open spaces in the area. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories;

- d. The Final Development Plan, when considered in the context of surrounding planned or existing development, provides a balanced mix of housing, employment, and commercial and arts and cultural uses throughout each phase;
- e. The Final Development Plan satisfies the affordable housing requirement;
- f. The bicycle, pedestrian, and transit network creates convenient connections throughout the subject area and connect, wherever possible, to existing and planned sidewalks, path, and routes adjoining the development;
- g. The Final Development Plan protects land covered by lakes, streams or rivers, flood plains and steep slopes, and provides connections, where possible to existing and planned open space within the neighborhood and in surrounding area;
- h. The Final Development Plan provides the location of Downtown Community Commons required under Section 125.0.A.9.h as indicated in the Neighborhood Concept Plan;
- i. The Final Development Plan is in harmony with existing and planned vicinal land uses. In making this determination, the Planning Board shall consider, if appropriate:
  - (1) Landscape features on the boundary of the plan area, which may include protection of existing vegetation or grade changes that provide a natural separation, or landscape planting;
  - (2) The size of buildings along the edges of the plan area through limits on building height or other requirements;
  - (3) The use and design of nearby properties and
  - (4) The adopted Downtown Columbia Plan recommendations for height, building massing and scale, and neighborhood connectivity;
- j. The development proposed by Final Development Plan is served by adequate public facilities, including any proposed mitigation or development staging in accordance with the Adequate Public Facilities Ordinances (Title 16, Subtitle 11 of the Howard County Code);
- k. The Final Development Plan protects environmentally sensitive features and provides environmental restoration in accordance with the Downtown Columbia Plan;
- l. The Final Development Plan protects any historic or culturally significant existing sites, buildings or structures, and public art;
- m. The Final Development Plan proposes any appropriate plan to satisfy the requirement for art in the community;
- n. The Final Development Plan provides a plan to hold, own, and maintain in perpetuity land intended for common, quasi-public amenity use and public art that is not publically owned, including, without limitation, any Downtown Community Commons, Downtown Parkland, Downtown Arts, Cultural and Community Use, and Downtown Neighborhood Square shown on the Final Development Plan; and
- o. To better ensure conformance with the Community Enhancements, Programs and Public Amenities provisions, the Final Development Plan provides for a plan to establish membership in the Downtown Columbia Partnership and payment of the annual charges. Each Final Development Plan shall show a consistent means of calculating and providing the required annual charges.

5. Withdrawal

At any time prior to final action and within 30 days after final action by the Planning Board on a Final Development Plan or Final Development Plan Amendment, the petitioner may withdraw the petition.

6. Recordation of Final Development Plan and Neighborhood Concept Plan

The approved Final Development Plan containing the Neighborhood Concept Plan, the Neighborhood Specific Design Guidelines and the Neighborhood Specific Implementation Plan shall be recorded in the Land Records of Howard County.

7. Site Development Plan Required

Planning Board Approval of a Site Development Plan shall be required for all Downtown Revitalization.

**F. Amendments to a Comprehensive Sketch Plan or Final Development Plan**

1. Amendments Submitted by Original Petitioner

Except as allowed by Sections 125.0.F.2 and 125.0.F.3 below, only the original petitioner for the New Town District may propose amendments to an approved Comprehensive Sketch Plan or Final Development Plan. A proposed Comprehensive Sketch Plan Amendment shall be reviewed in accordance with Section 125.0.C above. A proposed Final Development Plan Amendment shall be reviewed in accordance with Section 125.0.D or 125.0.E. as applicable.

2. Additional Uses on Individual Lots in Residential Land Use Areas

Within areas designated on a Comprehensive Sketch Plan for residential land use, any property owner may propose amendments to the Final Development Plan to allow a particular use on his or her property which is not allowed by the Final Development Plan criteria. No amendment shall be proposed which would either alter the land use designation established by the Comprehensive Sketch Plan or allow an increase in residential density. The proposed amendment shall be considered in accordance with the following procedures:

- a. The property owner shall submit the number of copies of the complete Final Development Plan as required by the Department of Planning and Zoning, with the proposed criteria amendments clearly noted on each copy, accompanied by an explanation of the request.
- b. The proposal shall be considered by the Planning Board at a public hearing.
- c. The Planning Board shall approve, approve with modifications or deny the proposed amendments to the Final Development Plan, stating the reasons for its action. The Planning Board shall approve the request only if it finds that:
  - (1) The use is consistent with the land use designation of the property as established on the recorded Final Development Plan and compatible with existing or proposed development in the vicinity.
  - (2) The use will not adversely affect vicinal properties.
- d. If the use is approved:

- (1) The Planning Board may provide for the subsequent approval by it of a Site Development Plan for the property which is the subject of the proposal; and
  - (2) Revised text for the Final Development Plan indicating the additional allowed use of the particular property shall be submitted by the applicant and recorded in the Land Records of Howard County.
3. The fee simple owner of any property located within Downtown Columbia may propose amendments to an approve Final Development Plan in accordance with Downtown Revitalization requirements.

**G. Site Development Plans – General Provisions**

1. Planning Board Approval

If the Planning Board reserved for itself the authority to approve a Site Development Plan and for all Downtown Revitalization, except as provided in “2” and “3” below, no permit shall be issued for any use until the Site Development Plan is approved by the Planning Board. The Site Development Plan shall be considered at a public meeting. The Petitioner, two weeks prior to the meeting, shall post the property in a prominent location and provide electronic notification to all Columbia Village Boards, the Columbia Association, Howard County Council members and pre-submission meeting attendees who provided email addresses.

2. Minor Additions and Modifications

Minor additions and modifications to Site Development Plans approved by the Planning Board and meeting the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not require Planning Board approval. However, all changes of use which require exterior site alterations shall require Planning Board approval.

3. Minor Projects Not Requiring Planning Board Approval:

- a. Minor additions to structures, with a floor area no larger than 10% of the existing floor area of the main floor, not to exceed 5,000 square feet.
- b. Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering).
- c. Minor additions to parking lots comprising no more than 25% of the original number of parking spaces required, not to exceed 25 spaces.
- d. Clearing or grading that does not exceed 5,000 square feet in area.
- e. House-type revisions to approved Site Development Plans for single-family detached developments and for no more than 25% of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
- f. Similar minor modifications as determined by the Department of Planning and Zoning.

4. Adjustments to Bulk Regulations for Individual Lots

Upon the request of the owner of a particular lot, the Planning Board may approve parking, setback, height, lot coverage, or other bulk requirements for such lot or parcel which differ from those required by the applicable Final Development Plan, in accordance with the following procedures:

- a. A public meeting shall be held on the Site Development Plan requiring the adjustment. If no Site Development Plan is available, an accurate plot plan drawn to scale shall be submitted for Planning Board review at the public meeting.
- b. A Site Development Plan or plot plan submitted for review shall clearly indicate the requirement from which relief is sought and the requested relief, and shall be accompanied by a written statement explaining the reasons for the requested adjustment.
- c. In addition to the notice for public meetings required by the Planning Board's Rules of Procedure, the property that is the subject of the application shall be posted with the date, time, and place of the meeting for at least 15 days immediately before the public meeting.
- d. The requested adjustment to the parking or bulk requirements shall be granted if the Planning Board finds that:
  - (1) The adjustment will not alter the character of the neighborhood or area in which the property is located, will not impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and
  - (2) The adjustment a) is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the Final Development Plan; and/or b) results in better design than would be allowed by strict compliance with the development criteria.
- e. The Planning Board may approve, approve with conditions, or deny a requested adjustment.

## **H. Site Development Plan – Downtown Revitalization**

1. Pre-submission Requirements.
  - a. Prior to filing a Site Development Plan for Downtown Revitalization that proposes any use, a pre-submission community meeting is required using the same procedures established in Sections 16.128(b)-(g) of the Subdivision and Land Development Regulations. In addition, notice in accordance with Sections 16.128(b)-(g) must also be given to each Village Board and the Columbia Association.
  - b. The Petitioner is required to submit the Site Development Plan for review by the Design Advisory Panel, for its recommendations in accordance with the applicable provisions in Title 16, Subtitle 15 of the Howard County Code. The Design Advisory Panel shall base its review and recommendations on the Neighborhood Design Guidelines.
2. Site Development Plan – Submission Requirements.

In addition to the submission requirements in Section 16.157 of the Howard County Code, the petition for a Site Development Plan (see Errata pg. 255) or Site Development Plan

Amendment shall include the following information, as applicable, for the land area covered by the plan:

- a. The applicable approved Final Development Plan.
- b. A demonstration of how the Site Development Plan or Site Development Plan Amendment will implement and conform to the approved Final Development Plan or Final Development Plan Amendment, including provision of any required documentation relating to how the applicable Final Development Plan approval criteria and any imposed conditions are met by the submitted Site Development Plan or Site Development Plan Amendment.
- c. Each Site Development Plan for Downtown Revitalization shall include a statement identifying (I) the cumulative amount of development approved and built, and (II) the status of any Community Enhancements, Programs and Public Amenities, Downtown Parkland, Downtown Community Commons and infrastructure as addressed in the Downtown Columbia Plan.

3. Planning Board Review and Approval Criteria.

The Planning Board shall approve, approve with conditions, or deny a Site Development Plan that proposes Downtown Revitalization based on whether the petition satisfies the following criteria:

- a. The development conforms with the adopted Downtown Columbia Plan.
- b. The development implements and conforms to the approved Final Development Plan or Final Development Plan Amendment including all applicable Final Development Plan approval criteria and conditions.
- c. The development is well-organized in terms of the location of buildings and structures, downtown community commons, landscaping, pedestrian and vehicular circulation systems, and other Downtown Revitalization features.
- d. If the development provides Downtown Community Commons and/or Downtown Parkland, they are reasonable and appropriate given the location, scale and anticipated intensity of adjacent uses in accordance with the Downtown Columbia Plan.
- e. The maximum building heights will conform to the Final Development Plan.
- f. The development satisfies the Downtown Public Art Program approved with the Final Development Plan or Final Development Plan Amendment approval.
- g. The Site Development Plan satisfies the affordable housing requirements in accordance with the approved Final Development Plan.
- h. The development satisfies the Adequate Public Facilities Ordinance, if applicable.
- i. The development indicates the manner in which any land intended for common or quasi-public use, but not proposed to be in public ownership, will be held, owned and maintained in perpetuity for the indicated purposes.
- j. The petition is accompanied by documentation demonstrating membership in the Downtown Columbia Partnership including the required annual charges.

4. Minor adjustments to the general pedestrian, bicycle, and transit circulation system, road network, block configuration, and Downtown Community Commons shown on the Final Development Plan and Neighborhood Concept Plan may be approved as a part of the Site Development Plan, provided the adjustment(s) generally conforms with the Final Development Plan and will not be detrimental to the overall design concept and phasing for Downtown Revitalization.
5. At any time prior to final action and within 30 days after final action by the Planning Board on a Site Development Plan, the petitioner may withdraw the petition.

**I. Site Development Plan – Downtown Environmental Restoration that is not part of a Final Development Plan.**

1. The petition for a Site Development Plan for a Downtown Environmental Restoration Project that is not part of a Final Development Plan shall meet the submission requirements in Section 16.157 of the Howard County Code.
2. Planning Board Review and Approval Criteria.

The Planning Board shall approve, approve with conditions, or deny a Site Development Plan that proposes a Downtown Environmental Restoration project based on whether the petition satisfies the following criteria:

- a. The project conforms with the adopted Downtown Columbia Plan; and
- b. The project conforms with the Downtown-Wide Design Guidelines pertaining to environmental restoration.

**J. Village Center Redevelopment, Major**

1. A proposal for a Major Village Center Redevelopment is not eligible for consideration under the process provided by Subsection B, C and D of this Section 125.0 and shall be filed only in accordance with the procedures of this Subsection F. The owner of any portion of a Village Center may propose a Major Village Center Redevelopment by filing a petition to amend an approved Preliminary Development Plan, Comprehensive Sketch Plan, or Final Development Plan for the owner’s property in the Village Center. The owner (“petitioner”) may propose amendments to allow any use or density, subject to the following limitations:
  - a. The amendment shall comply with Section 125.0.A.5.a. concerning M-2 and R-MH uses;
  - b. Uses not currently permitted by the Zoning Regulations are prohibited;
  - c. The amendment shall comply with Section 125.0.A.4. concerning the maximum residential density of 2.5 dwelling units per acre in the NT District; and
  - d. Any Major Village Center mixed-use Redevelopment shall be considered to be a “Commercial” use in the chart contained in Section 125.0.A.8. of the Regulations for purposes of calculating compliance with the chart’s requirements as to the minimum and maximum percentage of “Commercial” in the total area of the New Town District. The Village Center Redevelopment shall not result in a net loss of open space.



2. Village Center Community Planning Process
  - a. Notice of Intent to Develop – At least 60 days prior to the required initial pre-submission meeting, the petitioner shall deliver to the Board of Directors of the Community Association (The “Village Board”) of said Village Center and the Department of Planning and Zoning a Notice of Intent to Develop.
  - b. Village Center Community Plan – Within the ensuing 60 day period from the Notice of Intent to Develop, the Village Board may create or update a Village Center Community Plan, as follows:
    - (1) A Village Center Community Plan may include but is not limited to:
      - (a) The boundaries of the Village Center;
      - (b) Planning and design concepts;
      - (c) Minima, maxima, precise values, and specific requirements concerning, but not limited to, Village Center Amenity Areas, building heights, bulk requirements, parking, density, and permitted uses;
      - (d) Whether the Village Board has architectural review as designated in the village covenants; and
      - (e) Identification of any historical or signature aspects of the Village Center.
    - (2) The Village Board may request assistance from Howard County Government.
    - (3) A Village Center Community Plan may be submitted to the Department of Planning and Zoning and, if submitted, is available to the public in accordance with the Maryland Public Information Act.
  - c. Village Center Concept Planning Workshop – At least one week after the Notice of Intent to Develop and at least 30 days before the first pre-submission community meeting, the petitioner shall initiate and participate in a Village Center Concept Planning Workshop, as follows:
    - (1) The workshop will be held in accordance with the procedural and notice provisions of Howard County Code Section 16.128; and
    - (2) The purpose of the Village Center Concept Planning Workshop is to facilitate a collaborative planning discussion which may include but not limited to the following:
      - (a) Village Center boundaries;
      - (b) Any community redevelopment visions or existing Village Center Community Plans;
      - (c) Planning and design concepts; and
      - (d) Appropriate uses.
  - d. The results of the workshop should be used by the petitioner to create the Concept Plan and by the Village Board to create or update its Village Center Community Plan.
  - e. Nothing in this section shall be interpreted to preclude a Village Board from adopting a Village Center Community Plan prior to the filing of a Notice of Intent to Develop.
3. Pre-submission community meetings and requests for Community Response Statements:
  - a. Prior to petitioning to amend the Preliminary Development Plan, the petitioner is required to hold a pre-submission community meeting in accordance with Howard County Code Section 16.128. In addition to the written notice requirements of Howard County Section 16.128(c), the petitioner shall also notify in writing:

- (1) All property owners identified in the records of the State Department of Assessments and Taxation of properties within the geographic boundaries of the Village Center as proposed by the petitioner; and
- (2) The Board of Directors of the Community Association (The “Village Board”) of all Village Centers.

Although Section 16.205 ordinarily requires only one pre-submission community meeting, a petitioner for a Major Village Center Redevelopment proposal is required to hold a minimum of two such meetings, the second of which shall be held at least 30 days after the initial meeting, allowing the petitioner to address any concerns or suggestions expressed at the initial meeting.

Subsequent to the first pre-submission community meeting and prior to filing the petition, the petitioner shall present the Concept Plan and Proposed Design Guidelines to 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 forwarded to the Planning Board and the Zoning Board for their consideration of the Major Village Center Redevelopment.

- b. Within two days after its acceptance of a petition for a Major Village Center Redevelopment, the Department of Planning and Zoning shall send a notice to the Village Board of the village in which the Village Center petitioning for redevelopment is located. The notice shall request that the Village Board submit a Community Response Statement outlining its comments on the redevelopment proposal. The notice shall direct the Village Board to:
  - (1) Provide its responses to the Section 125.0.J.4.a. (8) criteria; (see Errata pg. 255)
  - (2) Address its comments in terms of any other specific approval criteria the Village Board recommends be considered by the Zoning Board in its decision on the Major Village Center Redevelopment; and
  - (3) Provide a response regarding:
    - (a) The boundary of the Village Center proposed by the petitioner;
    - (b) Planning and Design Concepts, including but not limited to how it fits into the surrounding area;
    - (c) Whether the petition is in harmony with a Village Center Community Plan, if one exists;
    - (d) Minima, maxima, precise values, and/or specific requirements concerning, but not limited to, Village Center Amenity Areas, building heights, bulk requirements, parking, density, and/or permitted uses; and
    - (e) Whether the Village Board has architectural review as designated in the village covenants.
- c. If the Community Response Statement is submitted to the Department of Planning and Zoning within 45 days after the date of the notice, the Community Response Statement shall be considered by the Department as the Technical Staff Report is being prepared. A submitted Community Response Statement becomes part of the public record for the Major Village Center Redevelopment case, and will be forwarded to the Planning Board prior to its initial meeting on the Zoning Board case.

#### 4. Petition Information

- a. The petition for amendment of the Preliminary Development Plan shall be to the Zoning Board and shall contain the following information:
- (1) The information set forth in Howard County Zoning Regulations Sections 125.0.B.1.a, b and c and 125.0.B.2.
  - (2) A general description of the geographic boundaries, as proposed by the petitioner, of the Village Center which is the subject matter of the petition.
  - (3) A copy of any covenants and/or deed restrictions of record.
  - (4) A description of the Village Center including, the names of all property owners within the Village Center, the existing buildings and uses within the Village Center, and the proposed buildings and uses.
  - (5) A concept plan that sets forth an informative, conceptual and schematic representation of the proposed redevelopment in a simple, clear and legible manner that provides information including, but not limited to the general site layout, proposed building types and uses, proposed number of dwelling units, square footage for non-residential projects, parking and traffic, pedestrian/bicycle circulation, proposed Village Center Amenity Area(s), exterior lighting and public transportation opportunities, general location and size of signage, landscape concept, any significant changes to topography and surface drainage, and the general location of natural features. In addition, the concept plan shall also comply with the plan information requirements specified in Section 100.0.G.2.a of the Zoning Regulations.
  - (6) Proposed design guidelines which will be imposed upon the Major Village Center redevelopment and Village Center;
  - (7) Comment on whether the proposed redevelopment is in harmony with the Village Center Community Plan; and
  - (8) A justification statement which identifies the impacts of the proposed Major Village Center Redevelopment on the nature and purpose of the Village Center and its relation to the surrounding community. The justification statement shall demonstrate how the Village Center Redevelopment meets the following criteria:
    - (a) The Village Center Redevelopment will foster orderly growth and promote the purposes of the Village Center in accordance with the planned character of the NT District;
    - (b) The amount of commercial business floor area contained in the Village Center Redevelopment is appropriate to provide retail and commercial service to the village as a location for convenient, diverse commercial business uses which serve the local neighborhoods of the village and surrounding local community;
    - (c) The Village Center Redevelopment will foster the purpose of a Village Center as a community focal point providing good opportunities for community interaction and communication;
    - (d) The location and the relative proportions of the permitted uses for commercial businesses, dwellings, and open space uses, and the project design will enhance the existing development surrounding the Village Center Redevelopment;
    - (e) The Village Center Redevelopment provides accessible useable landscaped areas such as courtyards, plazas or squares;
    - (f) The Village Center Redevelopment is compliant with all applicable environmental policies and requirements, and provides new environmental improvements to the redevelopment area through the use of methods such as, but not limited to, green building standards, water conservation, natural drainage systems, the planting of native

vegetation, the removal of existing invasive plants, the improvement of stormwater deficiencies, and following low impact development practices;

- (g) The Village Center Redevelopment fosters pedestrian and bicycle access;
- (h) Public transit opportunities are appropriately incorporated into the Village Center Redevelopment;
- (i) The Village Center Redevelopment is compatible with the surrounding community; and
- (j) The Village Center will continue to meet the definition of a New Town Village Center.

## 5. Zoning Board Action

- a. In its evaluation of the proposed Major Village Center Redevelopment, the Zoning Board shall make findings on the following:
  - (1) Whether the petition complies with the applicable general guides and standards set forth in Howard County Zoning Regulations Section 125.0.B.3;
  - (2) Whether the proposed Major Village Center Redevelopment complies with the specific definition for a New Town Village Center;
  - (3) Whether the petition complies with the Major Village Center Redevelopment criteria in Section 125.0.J.4.a.(8); and (see Errata pg. 255)
  - (4) Regardless of the Zoning Board's findings on Subsections 5.a. (1) through (3) above, whether the petitioner's property is within the appropriate boundaries of the New Town Village Center.
- b. Regardless of whether the Zoning Board conditionally approves or denies the petition, it shall make a decision on the Village Center boundaries.
- c. The petition shall be granted only if the Zoning Board finds that the petition complies with these regulations and that the amendment to the Preliminary Development Plan shall be permitted at the proposed site.
- d. If the Zoning Board approves the petition, the Decision and Order of the Zoning Board shall:
  - (1) Approve design guidelines for the village center;
  - (2) Approve a concept plan;
  - (3) Establish minima, maxima, precise values and specific requirements concerning, but not limited to, Village Center Amenity Areas, building heights, bulk requirements, parking, density and permitted uses; and
  - (4) Establish the Village Center boundaries
- e. In the Decision and Order, the Zoning Board may make any amendments or modifications to the proposed boundaries of the Village Center, the proposed design guidelines and the proposed concept plan and may establish any other criteria which it deems to be appropriate. All later approvals and decisions for the properties included in the concept plan are bound by and must be consistent with the Decision and Order of the Zoning Board.
- f. If the petition is granted, reproducible copies of all approved plans, and copies of all approved supporting documents such as any development guidelines and standards and the design guidelines, shall be certified as approved by the Zoning Board and verified copies of the same shall be forwarded to the Department of Planning and

Zoning, the Village Board, and the petitioner. All parties notified pursuant to Section 125.0.J.2, (see Errata pg. 255) and any other property owner within the boundaries decided by the Zoning Board, shall be provided with notice of the Zoning Board's Decision.

- g. If the Zoning Board denies the petition, it may make a decision on the Village Center boundaries.
6. If the amendment to the Preliminary Development Plan is approved by the Zoning Board, then the petitioner is authorized to submit the amendments to the Comprehensive Sketch Plan and Final Development Plan in accordance with Howard County Zoning Regulations Section 125.0.C & D. (see Errata pg. 255)
7. If the Comprehensive Sketch Plan and Final Development Plan are approved in accordance with Howard County Zoning Regulations Section 125.0.J.5, (see Errata pg. 255) then the Petitioner is authorized to submit a Site Development Plan in accordance with the Howard County Zoning Regulations Section 125.0.G. (see Errata pg. 255)
8. Additional Planning Board Review Criteria for Major Village Center Redevelopments

In addition to the established criteria used by the Planning Board in its evaluation and approval of Comprehensive Sketch Plans, Final Development Plans, and Site Development Plans, for Major Village Center Redevelopment proposals the Planning Board shall make findings on whether the Comprehensive Sketch Plan, Final Development Plan, and Site Development Plan is in conformance with all the findings and conclusions of the Zoning Board Decision and Order for the Major Village Center Redevelopment.

#### **K. Village Center Redevelopment, Minor**

1. For a Minor Village Center Redevelopment, if the Village Center boundaries have not been established by the Zoning Board in a Major Village Center Redevelopment or by the County Council in a General Plan Amendment, then the property owner may develop using the provisions of Subsection C, D or E, as appropriate, of this section.
2. For a Minor Village Center Redevelopment, if the Village Center boundaries have been established by the Zoning Board or the County Council, then a village center property owner shall comply with Section 125.0.K.2.c, d or e. (see Errata pg. 255) If Planning Board approval is required, then the petitioner shall also comply with the following provisions:
  - a. The petitioner is required to hold a pre-submission community meeting in accordance with Howard County Code Section 16.128. In addition to the written notice requirements of Howard County Section 16.128(c), the petitioner shall also notify in writing:
    - (1) All property owners identified in the records of the State Department of Assessments and Taxation of properties within the geographic boundaries of the Village Center as previously established; and
    - (2) The Board of Directors of the Community Association (The "Village Board") of all Village Centers.
  - b. Subsequent to the pre-submission community meeting and prior to filing the petition, the Petitioner shall present the concept plan and the design guidelines to 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 forwarded to the Planning Board for their consideration of the Minor Village Center Redevelopment.

- c. Within two days after its acceptance of a petition for a Minor Village Center Redevelopment, the Department of Planning and Zoning shall send a notice to the Village Board of the village in which the Village Center petitioning for redevelopment is located. The notice shall request that the Village Board submit a Community Response Statement outlining its comments on the redevelopment proposal. The notice shall direct the Village Board to:
- (1) Provide its responses to the Section 125.0.J.4.a.(8) criteria; (see Errata pg. 255)
  - (2) Address its comments in terms of any other specific approval criteria the Village Board recommends be considered by the Planning Board in its Decision on the Minor Village Center Redevelopment; and
  - (3) Provide a response regarding:
    - (a) Planning and design concepts, including but not limited to how it fits into the surrounding area;
    - (b) Whether the petition is in harmony with a Village Center Community Plan, if one exists;
    - (c) Minima, maxima, precise values, and specific requirements concerning, but not limited to, Village Center Amenity Areas, building heights, bulk requirements, parking, density, and permitted uses; and
    - (d) Whether the Village Board has architectural review as designated in the village covenants.

- d. If the Community Response Statement is submitted to the Department of Planning and Zoning within 45 days after the date of the notice, the Community Response Statement shall be considered by the Department as the Technical Staff Report is being prepared. A submitted Community Response Statement becomes part of the public record for the Minor Village Center Redevelopment case, and will be forwarded to the Planning Board prior to its initial meeting or hearing on the case.

- e. Procedures and Approval Criteria

A request for an amendment to an approved Comprehensive Sketch Plan or an approved Final Development Plan for a Minor Village Center Redevelopment shall be reviewed in accordance with the Section 125.0.C requirements, except that the criteria to be used in the Planning Board evaluation shall be the same as those in Section 125.0.J.4.a. (8), (a) through (j) (see Errata pg. 255) that are not related to residential uses.

## ERRATA PAGE

Page #	Incorrect Reference Sections in CB 59-2009	Correct Reference Sections
250	125.F.4.a(8)	125.0.J.4.a(8)
252	125.F.4.a(8)	125.0.J.4.a(8)
253	125.F.2	125.0.J.2
253	125.C	125.0.C & D
253	125.F.5	125.0.J.5
253	125.E	125.0.G
253	125.G.2.c,d or e	125.0.K.2.c,d or e
254	125.F.4.a(8)	125.0.J.4.a(8)
254	125.F.4.a(8), (a) thru (h)	125.0.J.4.a(8),(a) thru (j)

Page #		
241	i. (3) Downtown Environmentally Sensitive Areas Downtown Environmentally Sensitive Land Areas	(error in CB59-2009) (error corrected)
242	(7) Community Enhancements Downtown Community Enhancements	(error in CB 59-2009) (error corrected)
242	4. Development Amendment Development Plan Amendment	(error in CB 59-2009) (error corrected)
242	4. c. Community Enhancements Downtown Community Enhancements	(error in CB 59-2009) (error corrected)
49	CB 29-2009 referenced Section 125.0.F in number 195. The adoption of CB 59-2009 outdated that reference and it is now Section 125.0.J.	
50	CB 29-2009 referenced Section 125.0.G in number 196. The adoption of CB 59-2009 outdated that reference and it is now Section 125.0.K. The three sections cited in number 195: Sections 125.0.C; 125.0.D and 125.0.E have been outdated by CB 59-2009 and now read as: Sections 125.0.C&D, 125.0.F and 125.0.G respectively.	

Reserved.



## **SECTION 126.0: PGCC (Planned Golf Course Community) District**

### **A. Purpose**

The Planned Golf Course Community District is established to permit mixed use development combining recreation, residential, commercial and conference center uses while preserving 50% of the district as open space. It is the purpose of the PGCC District to integrate recreational uses, including at least two eighteen-hole golf courses, with residential development and to provide a variety of housing choices.

### **B. Uses Permitted as a Matter of Right**

There shall be two subdistricts in the PGCC District: The PGCC-1 or Residential Subdistrict and the PGCC-2 or Multi-use Subdistrict. Delineation of the subdistrict boundaries shall be determined by the Zoning Board and shall be shown on the zoning map of Howard County.

1. The following uses shall be permitted as a matter of right in both the Residential Subdistrict and in the Multi-use Subdistrict.
  - a. One single-family detached unit per lot.
  - b. One zero lot line unit per lot.
  - c. Single-family attached dwelling units.
  - d. Apartment units.
  - e. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
  - f. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
  - g. Government buildings, facilities and uses, including public schools and colleges.
  - h. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within condominium developments or within communities with recorded covenants and liens which govern and provide financial support for operation of the facilities.
  - i. Golf courses and country clubs.
  - j. Riding academies and stables.
  - k. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
  - l. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
  - m. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.
  - n. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.
  - o. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
  - p. Volunteer fire departments.

2. Multi-use Subdistrict

The following uses shall be permitted only in the Multi-use Subdistrict.

- a. Ambulatory health care facilities.
- b. Animal hospitals, completely enclosed.
- c. Antique shops, art galleries and craft shops.
- d. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions.
- e. Bicycle repair shops.
- f. Blueprinting, printing, duplicating or engraving services limited to 2000 square feet of net floor area.
- g. Catering establishments and banquet facilities.
- h. Child day care centers.
- i. Clothing and apparel stores with goods for sale or rent.
- j. Convenience stores.
- k. Day treatment and care facilities.
- l. Drug and cosmetic stores.
- m. Executive golf training and recreation centers.
- n. Farmers markets and farm produce stands.
- o. Food stores, not to exceed a gross floor area of 55,000 square feet, including a bakery, provided all goods baked on the premises shall be sold retail from the premises.
- p. Funeral homes and mortuaries.
- q. Health clubs, tennis clubs, athletic centers, commercial or community swimming pools.
- r. Hotels, motels, conference centers and country inns.
- s. Kennels, enclosed.
- t. Laundry and dry cleaning establishments without delivery services.
- u. Liquor stores.
- v. Museums, art galleries and libraries.
- w. Nonprofit clubs, lodges and community halls.
- x. Nursing homes, group care facilities, housing for elderly or handicapped, children's homes and similar institutions, and their related and supporting facilities.
- y. Offices, professional and business.
- z. Personal service establishments.
- aa. Pet grooming establishments.
- bb. Private parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, and similar private, noncommercial recreational facilities.
- cc. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry and similar items.
- dd. Restaurants, carryout.
- ee. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
- ff. Schools, private academic, including colleges and universities.
- gg. Service agencies.
- hh. Specialty stores.

**C. Accessory Uses**

1. The following are permitted as accessory uses to residential uses in the PGCC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.
  - a. Any use normally and customarily incidental to any use permitted as a matter of right.
  - b. Accessory apartments, provided that:

- (1) The area of the lot is at least 12,000 square feet.
  - (2) Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment.
  - (3) The accessory apartment shall have no more than two bedrooms.
- c. The housing by a resident family of:
- (1) Not more than four non-transient roomers or boarders; or
  - (2) Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - (3) A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
- d. Home occupations, subject to the requirements of Section 128.0.C.
- e. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection c.(2) above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
- f. Parking:
- (1) Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - (2) Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
- g. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
- (1) One recreational vehicle with a length of 30 feet or less; and
  - (2) One boat with a length of 20 feet or less.
- h. Farm produce stand, not to exceed 300 square feet in floor area, for the retail sale of crops, produce, flowers, livestock and poultry products, etc, grown or produced on the lot or by the owner of the lot on which such structure is located. Appropriate on-site parking spaces shall be provided.
- i. Snowball stands, subject to the requirements of Section 128.0.D.
- j. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L
- k. Accessory solar collectors.
2. The following are permitted as accessory uses to nonresidential uses in the PGCC District:
- a. Any use normally and customarily incidental to any use permitted as a matter of right.
  - b. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Sections 128.E.0.2 and 128.0.E.3.

- c. Accessory solar collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

- 1. For all uses, the following maximum limitations shall apply.
  - a. Height
    - (1) Principal Structures:
      - (a) Single-family detached ..... 34 feet
      - (b) Single-family attached ..... 34 feet  
except units with gable, hip or gambrel roofs..... 40 feet
      - (c) Apartment buildings in Residential Subdistrict ..... 40 feet
      - (d) Apartment buildings in Multi-use Subdistrict ..... 80 feet
      - (e) Commercial structures ..... 120 feet
      - (f) Other ..... 15 feet
      - (g) Accessory structures ..... 15 feet
  - b. Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot.....60%
  - c. Density
    - (1) For PGCC District .....2.0 dwelling units per gross acre of the PGCC District
    - (2) For Residential Subdistrict..... 1.75 dwelling units per gross acre
  - d. Maximum units per structure
    - (1) Single-family attached dwelling units ..... 8 units per structure
    - (2) Apartments less than 40 feet in height..... 24 units per structure
    - (3) Apartments 40 feet or greater in height ..... 120 units per structure
  - e. Building length – residential structure ..... 120 feet

However, the Planning Board may approve a greater length, up to a maximum of 300 feet, based on a determination that the design of the building will mitigate the visual impact of the increased length.

**E. Other Provisions**

- 1. No less than 5% and no more than 12% of the total net acreage of land in the PGCC District shall be non-residential or non-open space.
- 2. Retail businesses shall not exceed 20,000 square feet of floor area for any individual business, except for grocery stores as provided in Subsection B of this section.
- 3. Open Space
 

At least 50% of the PGCC District shall be devoted to open space or golf course uses, and at least two eighteen-hole golf courses shall be provided. Open space and golf course uses shall be arranged so that each sub-district shall include at least 15% open space including landscaped areas.
- 4. The minimum district size shall be 500 contiguous acres. For the purposes of this section, lands which are divided by streets, roadways, highways, transmission pipes, lines or conduits, or rights-of-way in fee or by easement, owned by third parties, shall be considered to be

contiguous, but such items shall not be included in determining the minimum area of the district.

5. Additional bulk and design regulations including, but not limited to, lot sizes, building setbacks, parking requirements, height and coverage requirements for non-residential uses, minimum lot widths, distances between buildings, and landscaping requirements shall be specified as part of the Final Development Plan. Bulk regulations specified in the Final Development Plan shall be in addition to the requirements of Section 126.0.D.
6. The provisions of Section 128.0 (Supplementary Zoning District Regulations) and Section 133.0 (Off-Street Parking and Loading Facilities) shall apply in the PGCC District unless different requirements are specifically approved in the Final Development Plan.
7. Connection to the public water facilities shall be made when the Howard County Department of Public Works determines that such public facilities are available to the property.

**F. Final Development Plan and Comprehensive Sketch Plan**

1. No development of land in the PGCC District shall be permitted until a Final Development Plan has been approved by the Planning Board and the same recorded among the Land Records of Howard County.
2. The Final Development Plan process shall be initiated by the submission of a Comprehensive Sketch Plan for approval by the Planning Board.
  - a. As used herein, the term "Comprehensive Sketch Plan" shall mean a drawing, or series of drawings, at an appropriate scale generally either one inch equals 200 feet or one inch equals 100 feet setting forth:
    - (1) Existing topography and major drainage areas;
    - (2) The general location of points of access to the site;
    - (3) The availability and adequacy of public utilities;
    - (4) The method of assuring that the open space areas, including the golf courses, will be permanently maintained and devoted to open space uses;
    - (5) The approximate boundaries and approximate acreage for proposed land use areas, including single-family detached, attached, apartment, employment, and retail areas;
    - (6) The proposed location of all public streets and open space; and
    - (7) Text material (criteria) covering the following:
      - (a) Permitted uses within each land use area, drawn from the uses listed in Section 126.0.B.
      - (b) Bulk regulations including but not limited to densities within residential land use areas, lot sizes, lot width, building coverage, setbacks, distances between buildings, and height limitations, stated either generally or specifically with respect to particular improvements or types of improvement,
      - (c) Landscaping requirements,
      - (d) Screening requirements for outside storage of merchandise, material or equipment, and
      - (e) Other requirements for the proposed development.
3. The Planning Board, before acting upon the Comprehensive Sketch Plan, shall receive comments thereon from the Department of Planning and Zoning and the Subdivision Review Committee and shall hold a public hearing.

4. In acting upon the Comprehensive Sketch Plan, the Planning Board shall consider the following factors:
  - a. Whether the plan is consistent with the Howard County General Plan;
  - b. Whether the plan results in an appropriate arrangement of land uses within the district;
  - c. Whether the relationship between the location of proposed dwelling units, required open space, landscape design requirements, setback requirements and existing dwelling units on adjoining properties is such that the existing dwelling units will be buffered from the proposed development;
  - d. Whether the roads serving the PGCC District will be adequate, as determined by the capacity and mitigation standards of the Adequate Public Facilities Ordinance (Title 16, Subtitle 11 of the Howard County Code);
  - e. Whether necessary water and sewer facilities are available to serve the proposed development; and
  - f. Any other factors which affect the orderly growth of the County.
5. After carefully considering agency comments, public hearing testimony, petitioner's testimony, and the above factors, the Planning Board shall approve, approve with modifications and/or conditions, or disapprove the Comprehensive Sketch Plan, stating the reasons for its action.
6. Upon approval of a Comprehensive Sketch Plan, the petitioner may submit a Final Development Plan for approval of the Planning Board covering all or a portion of the land covered by the Comprehensive Sketch Plan. The drawings shall delineate the various land use areas by metes and bounds. The text (criteria) shall be that approved by the Planning Board as a part of the Comprehensive Sketch Plan.
8. The Final Development Plan shall be considered by the Planning Board at a public meeting after having received comments from the various review agencies.
9. For any type of land use other than single-family detached residences, the Planning Board may, at the time of the approval of a Final Development Plan, require the subsequent approval by it of a Site Development Plan for the property which is the subject of the Final Development Plan. However, the Site Development Plan shall not alter any land uses as set forth in the Final Development Plan.
10. Approval of the Final Development Plan by the Planning Board and recordation thereof among the Land Records of Howard County and the provisions of said Final Development Plan, shall bind the lands covered by the Final Development Plan with the full force and effect of specific Zoning Regulations. After such recordation, no new structure shall be built, no new additions to existing structures made and no change in primary use made different from that permitted in the Final Development Plan, except by an amendment of the Final Development Plan according to the process established herein for the approval of Final Development Plans.

**G. Amendments to a Comprehensive Sketch Plan or Final Development Plan**

1. The developer of a PGCC development may propose revisions to a previously approved Comprehensive Sketch Plan or Final Development Plan, provided that the entire Comprehensive Sketch Plan, with revisions, is submitted for review.
2. Any proposed addition or amendment to the Comprehensive Sketch Plan or Final Development Plan shall be reviewed in accordance with Section 126.0.F above.

**H. Approval of the Site Development Plan by the Planning Board**

1. Planning Board Approval
  - a. Planning Board approval of a Site Development Plan is required if the Board reserved that authority when approving the Final Development Plan. However, Planning Board approval shall not be required for Site Development Plans for single-family detached dwellings.
  - b. A Site Development Plan submitted for approval must conform to the recorded Final Development Plan for the PGCC District.
  - c. The Planning Board, before acting upon the Site Development Plan, shall hold a public meeting and shall give consideration to the guides and standards listed in Section 126.0.F. and to the following:
    - (1) The locations, layout and adequacy of parking, loading and unloading facilities.
    - (2) The Site Development Plan shall not be approved unless water facilities and public sewerage facilities have been approved by all required county, state and federal agencies. In instances where a connection will not be made initially to a public water facility, provisions must be made in the initial Site Development Plan to provide for a connection to public water facilities when they become available, and to require periodic monitoring of the safety and adequacy of the groundwater in the PGCC District and surrounding areas by the appropriate state and county health agencies during the period of private water facility utilization.
  - d. After carefully considering the above guides and standards, including the approved Comprehensive Sketch Plan, the Planning Board shall approve, approve with modifications and/or conditions attached, or disapprove the Site Development Plan, stating the reasons for its action.
2. Minor Additions and Modifications

Minor additions and modifications to approved Site Development Plan meeting the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not require Planning Board approval. However, all changes of use which require exterior site alterations shall require Planning Board approval.

Minor projects not requiring Planning Board approval:

- a. Minor additions to structures, with a floor area no larger than 10% of the existing floor area of the main floor, not to exceed 5,000 square feet.

- b. Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering).
- c. Minor additions to parking lots comprising no more than 25% of the original number of parking spaces required, not to exceed 25 spaces.
- d. Clearing or grading that does not exceed 5,000 square feet in area.
- e. House-type revisions to approved Site Development Plans for single-family detached developments and for no more than 25% of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
- f. Similar minor modifications as determined by the Department of Planning and Zoning.

### 3. Adjustments to Bulk Regulations for Individual Lots

The Planning Board may approve parking, setback, height, lot coverage, or other bulk requirements for a particular lot or parcel which differ from those required by the applicable Final Development Plan, in accordance with the following procedures:

- a. If the adjustment is requested as part of a Site Development Plan for a nonresidential property or for the initial development of an unimproved residential property, a public meeting shall be required.
- b. If an adjustment is requested for an addition or alteration to a developed residential property, a public hearing shall be held on the Site Development Plan requiring the adjustment. If no Site Development Plan is required for the proposed improvements, an accurate plot plan drawn to scale shall be submitted for Planning Board review at the public hearing.
- c. A Site Development Plan or plot plan submitted for review shall clearly indicate the requirement from which relief is sought and the requested relief, and shall be accompanied by a written statement explaining the reasons for the requested adjustment.
- d. The requested adjustment to the parking or bulk requirements shall be granted if the Planning Board finds that:
  - (1) The adjustment will not alter the character of the neighborhood or area in which the property is located, will not impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and
  - (2) The adjustment a) is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the Final Development Plan; and/or b) results in better design than would be allowed by strict compliance with the development criteria.
- e. The Planning Board may approve, approve with conditions, or deny a requested adjustment.

## I. Conditional Uses

Conditional Uses in the PGCC District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.



Reserved.

Reserved.

## **SECTION 127.0: MXD (Mixed Use) Districts**

### **A. Purpose**

The Mixed Use Districts are established to permit flexible and efficient use of large parcels at key locations by combining housing, employment, local commercial and open space uses in accordance with a unified design. Appropriate locations for the MXD Districts will be characterized by availability of public utilities, good access to collector or arterial highways, and potential access to public transit facilities. The phasing of development in the MXD Districts is to be concurrent with the phasing of required road improvements and is to result in a mix of land uses at the earliest feasible stage of development.

The MXD Districts provide for well-designed communities which are compatible with surrounding neighborhoods and protective of the natural elements of the landscape. A Mixed Use Development is intended to include a planned network of open space which includes environmental areas, recreation areas, and public plazas or squares; a diversity of housing types at medium to high densities; and convenient pedestrian access between uses.

Two MXD Districts are established: the MXD-3 and MXD-6 Districts. The two districts allow differing intensities of land use in order to ensure that mixed use developments are compatible with surrounding land uses.

A Mixed Use Development shall contain at least one focal point: an area of diverse, integrated land uses, designed to create a distinct focus for the development. Focal points should be scaled and oriented to pedestrian movement and should incorporate public transit access if available.

The MXD District regulations promote and allow planning innovation and design flexibility. Each plan submission for an MXD District must incorporate design considerations at an appropriate level of detail for the submission stage. A public hearing is required at the Preliminary Development Plan and Comprehensive Sketch Plan stages of the plan review process, to ensure adequate opportunity for public comment.

In order to allow appropriate uses prior to the approval of a Mixed Use Development, the MXD-3 and MXD-6 Districts are Overlay Districts. Uses allowed in the underlying district may be established prior to the approval of a Preliminary Development Plan for Mixed Use Development.

### **B. General Provisions**

1. An MXD District must be approved by the Zoning Board prior to the submission and consideration of the Preliminary Development Plan and Criteria for that district required by this section.
2. The minimum size of any MXD District shall be 25 contiguous acres. The maximum size of an MXD-6 District shall be 75 contiguous acres. Land which is divided by utility rights-of-way or street rights-of-way shall be considered contiguous for purposes of Section 127.0.
3. Development within the MXD Districts shall be guided by a Preliminary Development Plan and Preliminary Development Criteria approved by the Zoning Board in accordance with the procedures established in Section 127.0.D. Except as allowed by Section 127.0.B.4 below, no development shall occur within an MXD District prior to approval of the Preliminary Development Plan.

4. Prior to approval of a Preliminary Development Plan, use or development of MXD-zoned land shall be subject to all regulations applicable to the underlying zoning district. After a Preliminary Development Plan is approved, existing uses which were established pursuant to the underlying zoning district may continue. Such uses shall not be expanded to occupy additional land area, and principal structures related to such uses shall not be constructed or expanded. No new principal use shall be established after a Preliminary Development Plan is approved except in accordance with the Preliminary Development Plan and the requirements of the MXD-3 or MXD-6 District provided, however, an amendment to the preliminary development plan shall not prevent development in accordance with the original preliminary development plan and/or prior approved amendments thereto, until the current amendment is implemented with development.

### **C. Requirements for Mixed Use Development**

The requirements given below apply to land in the MXD-3 and MXD-6 Districts at the Preliminary Development Plan stage and subsequent stages of plan processing and development.

#### **1. Water and Sewer Service**

All development shall be served by public water and public sewer. However, parcels that were added to the Planned Service Area to achieve Bay Restoration goals articulated in *Plan Howard 2030* which are zoned MXD-3 overlay, are subject to the following development limitations which are in addition to regulations in the proportions of uses in Section 127.0.C.3.a. and density in Section 127.0.C.6.a and supersede any conflicting regulations of those sections:

- a. The residential density allowed to be constructed on the parcel shall be limited to the density of the underlying zoning of the parcel.
- b. The minimum percentage of open space on the parcel is 50% of the gross area of the parcel;
- c. The maximum percentage of Employment land use on the parcel is 20% of the gross area of the parcel. The minimum percentage of Employment land use on the parcel is 15% of the gross area of the parcel; and
- d. If the parcel is included within an amendment to a preliminary development plan of a contiguous MXD development, neither the density nor commercial/employment of that contiguous development may be transferred to the parcel as part of that amendment.

#### **2. Minimum Area of Preliminary Development Plan**

The area encompassed by a Preliminary Development Plan is referred to in these regulations as a Mixed Use Development. An MXD District may be developed as one or more Mixed Use Developments, subject to the following:

- a. The first Preliminary Development Plan approved for an MXD District must encompass at least 40% of the area of all contiguous MXD-zoned parcels or at least 25 acres, whichever is greater. Subsequent Preliminary Development Plans by a different petitioner for the same MXD District must encompass at least 25 acres. A petition to amend the plan for an existing Mixed Use Development may add areas of any size to the Mixed Use Development.

- b. Where there are two or more contiguous MXD-zoned lots or parcels under single ownership, the Preliminary Development Plan shall include the petitioner's entire contiguous acreage.

3. Proportions of Uses

- a. Each Mixed Use Development shall provide the following land uses in the following proportions. The term “Mixed Use Development” refers to all land shown on one Preliminary Development Plan.

Land Use	Minimum % of Gross Area of Mixed Use Development
Open Space	35%
Residential	20%
Employment	15%

- b. Areas of a Mixed Use Development in which residential and employment uses are mixed within a single site or building may be used to satisfy the minimum percentage requirements, based on the projected proportions of building area (e.g., if 30% of the floor area of buildings will be devoted to residential use, then 30% of the site acreage shall be applied to residential land use acreage.)
- c. The first Mixed Use Development approved within an MXD District shall include at least one focal point which shall have an integrated mix of land uses. The focal points may include land uses such as office and/or residential buildings, retail stores and services, civic or public uses, open space, including features such as plazas, squares, or other useable landscaped areas. Subsequent Mixed Use Developments within the same MXD District are not required to have a focal point, however, the land-use mix for all MXD Developments must cumulatively meet the requirements of Section 127.0.C.3.a.
- d. The Preliminary Development Plan for a Mixed Use Development shall include a staging plan establishing the timing or sequence of development. The staging plan shall establish the earliest reasonable time frame for the recordation of subdivision plats for a proportionate mix of land uses. Staging should take into consideration: extension of water and sewer service; efficient use of road network capacity; and the market for residential and employment uses.

The staging plan shall allow no more than 50% of the acreage designated for residential land use to be recorded prior to commencing plat recordation for employment areas. After plats have been recorded for half of the designated residential acreage, each succeeding stage of development must make substantial progress toward recording the approved mix of land uses.

- e. Recorded open space parcels must always constitute at least 35% of the total recorded land within a Mixed Use Development. At least 10% of the gross open space shall be usable for active recreation facilities. Active recreation facility includes but is not limited to ball fields, indoor sports facilities, play meadows, tot lots, and pedestrian, biking pathway system.

#### 4. Permitted Uses

- a. The use of land in a Mixed Use Development shall be limited to the permitted uses specified in the approved Preliminary Development Plan and Preliminary Development Criteria. The uses permitted by the Preliminary Development Plan shall be limited to the uses listed in this Subsection and shall comply with the restrictions given in Subsections 5 through 9 below. The permitted uses allowed by the Preliminary Development Plan may be limited to a portion of the uses listed below.
- b. For Mixed Use Developments larger than 75 acres, the permitted uses shall be drawn from the following list:
  - (1) Uses permitted as a matter of right in the POR, B-1 and M-1 Districts, excluding Housing Commission Housing Developments on non-residential land.
  - (2) One single-family detached dwelling unit per lot.
  - (3) One zero lot line dwelling unit per lot.
  - (4) Single-family attached dwelling units.
  - (5) Apartments.
  - (6) Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
  - (7) Two-family dwellings.
  - (8) Cemeteries and mausoleums.
  - (9) Country clubs and golf courses.
  - (10) Fast food restaurants.
  - (11) Gasoline service stations, provided the use is indicated on the Preliminary Development Plan approved by the Zoning Board and criteria for the use are specified in the Preliminary Development Criteria approved by the Zoning Board. A Site Development Plan for a gasoline service station shall be subject to Planning Board approval in accordance with Section 127.0.G.
  - (12) Movie theaters, legitimate theaters, dinner theaters.
  - (13) Public utility uses, including substations and commercial communication towers.
  - (14) Other uses, similar to those above, approved by the Zoning Board on the Preliminary Development Plan.
- c. For Mixed Use Developments of 75 acres or smaller, the permitted uses shall be drawn from the following list:
  - (1) Uses permitted as a matter of right in the POR and B-1 Districts, excluding Housing Commission Housing Developments on non-residential land.
  - (2) One single-family detached dwelling unit per lot.
  - (3) One zero lot line dwelling unit per lot.
  - (4) Single-family attached dwelling units.
  - (5) Apartments.
  - (6) Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
  - (7) Two-family dwellings.

- (8) Movie theaters, legitimate theaters, dinner theaters.
- (9) Other uses, similar to those above, approved by the Zoning Board on the Preliminary Development Plan.

- d. Uses permitted only in the R-MH or M-2 District shall not be permitted in the MXD-3 or MXD-6 District.
- e. The Preliminary Development Criteria may specify that particular uses are permitted only if certain stated conditions or criteria are met. The Preliminary Development Criteria shall authorize the Planning Board to determine whether the required conditions or criteria are met following a public hearing, according to the procedures established in Section 127.0.G.

5. Accessory Uses

Unless different accessory uses are indicated in the Preliminary Development Criteria, accessory uses shall be as follows.

- a. The accessory use provisions of Section 109.0 (the R-12 District) shall be applicable to all residential uses in the MXD-3 and MXD-6 Districts.
- b. The accessory use provisions of Section 115.0 (the POR District) and Section 122.0 (the M-1 District) shall be applicable to all employment uses in the MXD-3 and MXD-6 Districts.

6. Residential Density

- a. The number of dwelling units permitted within a Mixed Use Development shall be as established in the Preliminary Development Plan and Preliminary Development Criteria, but shall be limited to the following density:

Type of MXD District	Maximum Density
MXD-3	3.0 dwelling units per gross acre of the Mixed Use Development
MXD-6	6.0 dwelling units per gross acre of the Mixed Use Development

In the MXD-6 District, a density bonus of up to 1.25 units per acre shall be allowed for the purpose of providing those additional units as age restricted adult housing units which meet all requirements of the POR District for such units. If this bonus density is utilized, the minimum percentage of gross area set forth for employment uses under Section 127.0.C.3.a shall be reduced to 7% and the maximum shall be no greater than 11%.

- b. Moderate Income Housing Units

At least 10 % of the dwellings in each MXD development shall be Moderate Income Housing Units.

- c. The number of apartment dwelling units allowed by a Preliminary Development Plan for a Mixed Use Development in an MXD-3 District shall be limited to no more than 30% of the total number of dwelling units allowed in the development.

7. Requirements for Employment Uses

a. Floor Area Ratio (F.A.R.)

The Preliminary Development Plan and Preliminary Development Criteria shall establish a cap on the total square footage of floor area which may be devoted to employment uses in the Mixed Use Development. The maximum allowed F.A.R., calculated by dividing the maximum gross floor area by the total net square footage of land area designated for employment land use, shall be limited to the following:

Zoning District	Maximum F.A.R.
MXD-3	0.35
MXD-6	0.50

b. Warehouse and Manufacturing

In Mixed Use Developments larger than 75 acres, warehouses and light manufacturing may be allowed as principal permitted uses, provided that the acreage devoted to such uses shall be no more than 15% of the area designated for employment land use. Warehouse and manufacturing uses which are accessory to research and development laboratories shall not be included in the area calculation.

c. Retail Centers

A portion of the employment land in a Mixed Use Development may be used for one or more retail centers which provide opportunity for clusters of retail and service uses. Retail centers shall be subject to the following requirements.

- (1) The general location of retail centers must be established on the Preliminary Development Plan. Uses permitted in retail centers shall be as established in the Preliminary Development Criteria, and may include retail stores, personal service establishments, and similar uses, as well as fast food restaurants and gasoline service stations. Retail centers may be integrated with other uses such as residences, offices and open space.
- (2) Retail centers must be designed to service a community or neighborhood, rather than a regional market.
- (3) For all retail centers in a Mixed Use Development, the total gross floor area which may be used for retail and personal service businesses shall not exceed the following limits:

Zoning District	Gross Acreage of Mixed Use Development	Maximum Retail Floor Area Per Gross Acre
MXD-3	Less than 400 acres	150 square feet
	400 or more acres	300 square feet
MXD-6	Any acreage	250 square feet

The floor area limit shall not apply to retail or service businesses which are permitted accessory uses to a manufacturing, warehousing or office facility. In a retail center which is integrated with other uses, the floor area designed to be devoted to residences, business or professional offices, or institutional uses shall not be included in the floor area limit.



- (4) No single retail center shall contain more than 150,000 square feet of gross floor area designated for use by retail and personal service businesses.

d. Retail Establishments

No individual retail establishment within a MXD-3 or MXD-6 District shall have a gross floor area greater than 65,000 square feet, except as allowed by Paragraph e below.

e. Redevelopment of Shopping Centers

To allow the redevelopment of existing shopping centers in the MXD District, such centers shall be permitted to retain or redevelop existing retail and personal service space in an amount not to exceed the existing gross square footage of floor area devoted to such uses, even if the floor area exceeds the limits established in Paragraphs c and d above. Such developments may not add additional space for retail and personal service businesses unless the proposed Mixed Use Development meets the requirements of Paragraphs c and d.

Such Mixed Use Developments shall comply with all other MXD District requirements.

8. Requirements for Open Space

Open space lots designated for public uses which require a building or buildings to accommodate the principal use shall constitute a maximum of 30% of the gross acreage of open space within the Mixed Use Development.

9. Bulk Regulations

Requirements regarding setbacks, lot coverage, lot sizes, building heights and all other bulk regulations for the MXD District not established in this section shall be established by the Planning Board through approval of a Comprehensive Sketch Plan and Development Criteria, in addition to any requirements imposed by the Zoning Board in the Preliminary Development Plan and Preliminary Development Criteria.

10. Other Requirements

The provisions of Section 128.0 (Supplementary Zoning District Regulations) and Section 133.0 (Off Street Parking and Loading Facilities) shall apply in the MXD-3 and MXD-6 Districts unless different requirements are specifically approved in the Comprehensive Sketch Plan and Development Criteria.

**D. Preliminary Development Plan and Criteria**

1. Petitions

A petition for approval of a Preliminary Development Plan and Criteria shall be submitted by person(s) owning an interest in the land included in the plan.

2. Community Meetings

Prior to submission of the petition, the petitioner shall make a good faith effort to identify community associations and homeowners associations which represent neighborhoods

adjoining the development. The petitioner shall send a notice to the presidents of the associations by certified mail, using the most recent available address. The notice shall include a brief description of the proposed Mixed Use Development and an invitation for the association to meet with the petitioner's representatives to discuss the project.

### 3. Submission Requirements

The Preliminary Development Plan and Criteria shall consist of a generalized plan of the Mixed Use Development, as well as text and other drawings, giving the following information:

- a. The major existing built and environmental features of the site and its immediate environs. Immediate environs shall mean all land within a distance of at least 500 feet from the boundary of the development.
- b. The major planning assumptions and objectives including the projected number of households and number of jobs.
- c. A generalized traffic analysis for the Mixed Use Development in relation to major road improvements proposed in the General Plan, and a plan for the staged recordation of subdivision plats for the Mixed Use Development in relation to the road improvements.
- d. The approximate boundaries and approximate acreage of proposed residential, employment, focal point, and major open space land use areas, and, if applicable, of existing interim land uses which will continue after Preliminary Development Plan approval. The initial Preliminary Development Plan for an MXD District shall include a conceptual land-use master plan for the entire MXD District. This conceptual master plan is not binding on other property owners, but is intended to provide both a probable context for evaluating the initial petition and direction for future petitions.
- e. The general location of proposed retail centers.
- f. The proposed circulation system, including the general location of proposed major roads and points of access to existing roads, and any existing or proposed public transit facilities.
- g. A description of public facilities that will serve the proposed development, including any major public facilities for which land may be provided within the Mixed Use Development.
- h. Preliminary Development Criteria that establish:
  - (1) The maximum allowed density for each residential land use area and the maximum overall density of residential development based on the gross acreage of the Mixed Use Development.
  - (2) The maximum allowed F.A.R. for each employment land use area and the maximum F.A.R. for employment development based on the total net acreage of employment areas.
  - (3) Uses permitted within each land use area. The permitted uses for a specific area of a Preliminary Development Plan may be designated as uses permitted in a specific zoning district, as a list of itemized uses, as one specific use, or any combination thereof.
  - (4) Other requirements for the proposed development.

- i. A vicinity map showing the context of the Mixed Use Development including existing land uses, the off-site road network, parks, streams, and open space corridors.
- j. Proposed ownership and responsibility for maintenance of open space areas.
- k. If the site includes multiple parcels under different ownership, a long term management plan for the development, including identification of the parties responsible for implementing each phase of the Preliminary Development Plan and a description of the legal agreements which will enforce the management plan.
- l. Evidence of compliance with Subsection D.2 above, and a report on any meetings held by the petitioner with community associations or homeowners associations for the surrounding neighborhoods.

4. Subdivision Review Committee (S.R.C.) Review

The agencies comprising the S.R.C. shall review the Preliminary Development Plan and Criteria and submit comments to the Department of Planning and Zoning. The Director of Planning and Zoning may require the petitioner to submit additional information or analyses, as necessary to allow a thorough evaluation of the proposal, before scheduling a Planning Board meeting. The Department of Planning and Zoning shall review the petition and shall prepare a Technical Staff Report and make a recommendation to the Planning Board. The Technical Staff Report shall include a fiscal impact analysis which compares the projected tax revenue generated by the proposed residential and employment uses to the cost of providing public services and infrastructure for the MXD District. This analysis shall document the cost benefit ratios from the proposed development on an annual basis over 10 and 20 year periods, beginning at the commencement of construction. The Department of Planning and Zoning shall provide the methodology and guidelines for the fiscal impact analysis for County Council review and public testimony within 90 days of the effective date of this act.

5. Recommendation of Planning Board

The Planning Board shall hold a public meeting on the petition and make a recommendation to the Zoning Board, based on the "Criteria for Approval" given in Section 127.0.D.7 below.

6. 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 Preliminary Development Plan and Criteria, stating the reasons for its Decision. The Zoning Board's Decision shall be based on the "Criteria for Approval" given in Section 127.0.D.7 below.
- b. If the Petition is approved:
  - (1) The Zoning Board may modify or apply additional requirements to the Preliminary Development Plan or Preliminary Development Criteria, stating the reasons for such action. The Board, in its discretion, may hold such additional hearings on any modifications 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) A reproducible copy of the Preliminary Development Plan and Criteria, including all text material, shall be provided by the Petitioner and certified as approved by the Zoning Board. A verified copy of the same shall be forwarded to the Department of Planning and Zoning and the Petitioner.

7. Criteria for Approval of Preliminary Development Plan

The Preliminary Development Plan and Criteria shall be approved if the Zoning Board concludes that the plan and criteria, subject to any final modifications required by the Board, will satisfy all of the following criteria:

- a. The plan and criteria will foster orderly growth, integration of uses, and development consistent with the purposes of the MXD District.
- b. The Mixed Use Development will be phased to conform to the phasing of road improvements that are needed to serve the proposed development, including improvements to road links, intersections and interchanges for both State and County roads.
- c. The staging plan establishes the earliest reasonable time frame for development of the focal point and recordation of subdivision plats for a proportionate mix of land uses in accordance with Section 127.0.C.3.d.
- d. The plan and criteria are consistent with all applicable environmental policies and requirements.
- e. The minimum area, proportions of uses and the density or intensity of development will be consistent with the requirements of Section 127.0.C.
- f. The relative proportions of residential, employment, and open space uses will be appropriate to the area surrounding the MXD District.
- g. If required, the development will include at least one integrated focal point of sufficient size and variety of land uses to be a distinct focus for the community. A focal point is required only for the first Preliminary Development Plan within an MXD District.
- h. The location of land designated for retail centers is appropriate for retail and personal service uses which will serve the local neighborhood or community.
- i. The development will provide a mix of housing types.
- j. When feasible, public transit facilities and routes will be integrated into the development.
- k. The intensity and scale of land use, as determined by proposed densities, F.A.R. limits and other requirements, will be appropriate in relation to the environmental constraints of the site and the character of existing and planned development in the vicinity of the site.

1. The development will be compatible with existing and planned vicinal land uses. One or more of the following methods may be used to ensure an appropriate relationship between the Mixed Use Development and surrounding land:
  - (1) Protection and enhancement of a natural feature on the boundary of the Mixed Use Development, such as a forest, wooded stream valley or grade change, to provide a natural edge to the Mixed Use Development.
  - (2) Creation of open space to provide a transition or a connection between the Mixed Use Development and adjacent land uses, including off-site open space areas.
  - (3) Use of an existing or planned major road on the edge of the Mixed Use Development as a separation between different uses.
  - (4) Establishment of landscape design concepts applicable to the edges of the MXD District where specified types of land uses abut. Such standards may include the use of vegetation, berms, walls or fences.
  - (5) Establishment of setback requirements, accompanied by landscape design standards, along the edges of the Mixed Use Development where different land uses will meet.
  - (6) Control of the size of buildings along the edges of the mixed use development through limits on building height, F.A.R. or other requirements.
  - (7) Provision of a transition in land uses such that uses on the edge of the Mixed Use Development are similar to adjacent land uses outside the development.
  
- m. The proposed major open space network will accomplish the following:
  - (1) Connect, wherever possible, to existing and planned open space adjoining the development.
  - (2) Protect major environmental features such as large forest stands or stream valleys; and
  - (3) Provide adequate useable land in appropriate locations for parks or recreational facilities. The determination of compliance with this criterion shall be based on a finding that at least 10% of the gross open space shall be usable for active recreation facilities. Active recreation facility includes but is not limited to ball fields, indoor sports facilities, play meadows, tot lots, and pedestrian, biking pathway system.
  - (4) Provide appropriate sites for needed public facilities such as schools and libraries.
  
- n. The proposed development will provide housing and jobs within pedestrian access of each other.

## 8. Amendments to Preliminary Development Plan and Criteria

- a. A petition to amend a Preliminary Development Plan or Criteria may be submitted by the persons indicated below:
  - (1) A petition to amend either a Preliminary Development Plan or the Preliminary Development Criteria which govern the density of residential development, the allowed F.A.R. for employment areas, or the phasing of development, shall only be submitted by the developer of the Mixed Use Development.
  - (2) A petition to add contiguous MXD-zoned land to a Preliminary Development Plan shall be submitted jointly by the owner(s) of the land to be added and the developer of the existing mixed use development.
  - (3) A petition to amend the Preliminary Development Criteria to revise the permitted uses within a certain land use area may be submitted by any person(s) owning an interest in land governed by the criteria to be amended.

Such a petition shall not change the density of residential development or the land use designation indicated on the Preliminary Development Plan.

- b. A petition to amend the Preliminary Development Plan, the Preliminary Development Criteria, or both, shall include the following:
  - (1) The Preliminary Development Plan for the entire Mixed Use Development, with any proposed changes clearly indicated; and,
  - (2) The complete text of the Preliminary Development Criteria, with any proposed changes clearly indicated.
- c. The petition shall be reviewed in accordance with the procedures established in Section 127.0.D.4. through 127.0.D.6. The petition may be approved if the Zoning Board determines that the Mixed Use Development, with the proposed amendments, will:
  - (1) Satisfy the criteria given in Section 127.0.D.7; and
  - (2) Be characterized by a unified design.

## **E. Comprehensive Sketch Plan and Development Criteria**

### **1. Community Meetings**

Prior to submission of the Comprehensive Sketch Plan and Criteria, the petitioner shall make a good faith effort to identify community associations and homeowners associations which represent neighborhoods adjoining the development. The petitioner shall send a notice to the presidents of the associations by certified mail, using the most recent available address. The notice shall include a brief description of the proposed Mixed Use Development and an invitation for the association to meet with the petitioner's representatives to discuss the project.

### **2. Submission Requirements**

A Comprehensive Sketch Plan shall encompass an area of at least 75 acres, or the entire area shown on the Preliminary Development Plan if the Mixed Use Development is less than 75 acres. The Comprehensive Sketch Plan and Development Criteria shall consist of a plan or series of plans at an appropriate scale, as well as text and drawings, setting forth:

- a. The environmental and landscape features of the site and immediate environs, including topography, steep slopes, forests, streams, floodplains, wetlands, historic sites, cemeteries, and other features. Immediate environs shall mean a distance of at least 200 feet from the boundary of the Mixed Use Development.
- b. The boundaries and acreage of each land use area.

For areas of the mixed use development containing mixed employment and residential land uses, the Comprehensive Sketch Plan shall state the approximate proportions of land uses, expressed in terms of acreage and building floor area.
- c. The location and use of all open space land, including the location of any schools, recreational facilities, and other public uses.
- d. The location of existing and proposed public roads, transit routes, and utilities.
- e. The location of proposed regional storm water management facilities.

- f. The general layout of the pedestrian circulation system, including sidewalks and pathways.
  - g. A traffic impact analysis, prepared in accordance with the Howard County Design Manual, and including an analysis of relevant road links, intersections and interchanges indicated in the General Plan which are not subject to the Design Manual analysis requirements. The traffic analysis shall indicate the proposed phasing of development.
  - h. Development criteria for each type of land use area. The development criteria shall include the Preliminary Development Criteria approved by the Zoning Board and the following additions:
    - (1) Bulk regulations specifying residential densities, F.A.R. for employment areas, setbacks, lot area, building height, parking requirements and other bulk requirements.
    - (2) Landscaping standards, parking lot design standards and streetscape design standards.
    - (3) The criteria may include more specific use, design or bulk requirements for a particular area.
  - i. A report on any meetings held by the petitioner with community associations or homeowners associations for the surrounding neighborhoods.
3. Decision by the Planning Board
- a. Planning Board approval of the Comprehensive Sketch Plan and Development Criteria shall be required. Before acting upon the Comprehensive Sketch Plan and Development Criteria, the Planning Board shall receive comments from the Department of Planning and Zoning and the Subdivision Review Committee and shall hold a public hearing.
  - b. The Planning Board may approve, approve with modifications or disapprove the Comprehensive Sketch Plan and Development Criteria, stating the reasons for its action. The Planning Board's decision shall be based on the "Criteria for Approval" given in Section 127.0.E.4 below.
  - c. The Planning Board may, at the time of approval of the Comprehensive Sketch Plan, require the subsequent approval by it of a Site Development Plan, for any portion of the development or category of land use.
  - d. If the plan is approved, the petitioner shall provide a reproducible copy of the approved Comprehensive Sketch Plan and, on a separate sheet, the development criteria. The plan and criteria shall be certified as approved by the Planning Board.
  - e. Approval of the Comprehensive Sketch Plan and Development Criteria shall bind the lands covered with the full force and effect of specific Zoning Regulations.
4. Criteria for Approval of Comprehensive Sketch Plan and Development Criteria
- The Planning Board shall approve the Comprehensive Sketch Plan if it concludes that the plan, subject to any modifications required by the Board, will satisfy the following criteria:
- a. The Comprehensive Sketch Plan and Development Criteria are consistent with the approved Preliminary Development Plan and Preliminary Development Criteria.

Minor deviations between the Comprehensive Sketch Plan /Development Criteria and the approved Preliminary development Plan /Preliminary Development Criteria may be approved by the Planning Board provided there is no increase the number of residential units and provided the deviation complies with the following:

- (1) Minor modifications to structures, with a floor area no larger than 20% 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 20% of the original number of parking spaces required.
- (4) Similar minor modifications as determined by the Planning Board, including reductions in the number of residential units and the intensity of the unit mix.

- b. The proportions of land use and the density and intensity of development are consistent with the requirements of Section 127.0.C.
- c. The phasing of development is consistent with the phasing schedule indicated in the Preliminary Development Plan and the schedule for the opening of General Plan road improvements needed to serve the development. General Plan road improvements needed for the development must be:
  - (1) Existing;
  - (2) Funded for construction in the current adopted County Capital Improvement Master Plan (CIMP) or Maryland Consolidated Transportation Program (CTP) prior to the acceptance for processing by the Department of Planning and Zoning of the Preliminary Plan of subdivision for that stage, or portion thereof, for which such roads are needed. A funding test shall take place three years prior to the scheduled completion year approved on the Preliminary Development Plan for the applicable section. Provided, however, if a project fails this funding test for the completion year of any stage, the stage of the project failing the funding test shall be tested in each of the next three consecutive years. If the stage of the project passes the funding test in any of those years the Department of Planning and Zoning shall accept for processing the Preliminary Plan of subdivision for that stage. If the stage of the project fails the test in each of those years, it shall be deemed to have passed the funding test in the fourth year and the Department of Planning and Zoning shall accept for processing the Preliminary Plan of subdivision for that stage; or
  - (3) Funded by the petitioner.
- d. The roads serving the Mixed Use Development will be adequate, as determined by the capacity and mitigation standards of the Adequate Public Facilities Ordinance (Title 16, Subtitle 11 of the Howard County Code.)
- e. The pedestrian circulation system will provide convenient pedestrian access between employment, residential, commercial, public and open space land uses.
- f. The open space areas:
  - (1) Create a cohesive network and connect, wherever possible, to existing and planned open space adjoining the development;
  - (2) Protect and, where possible, enhance natural or man-made features such as historic and cultural resources, stream valleys, ponds, wetlands, forests, steep slopes and storm water management facilities;



- (3) Provide active and passive recreation areas for residents of the Mixed Use Development;
  - (4) Provide useable open space for employment areas; and
  - (5) Are located so as to be accessible to both the residential and non-residential components of the development.
  - (6) At least 10% of the gross open space must be usable for active recreation facilities including but not limited to ball fields, indoor sports facilities, play meadows, tot lots, and pedestrian, biking pathway system as determined by the Department of Planning and Zoning.
- g. Effective use is made of the methods described in Section 127.0.D.7.1 to ensure compatibility with adjoining land uses outside the development.
  - h. The Development Criteria will result in appropriate relationships between land uses within the development.
  - i. Appropriate sites are provided for public facilities.
5. Additions and Amendments to Comprehensive Sketch Plan
- a. The developer of a Mixed Use Development may propose revisions to a previously approved Comprehensive Sketch Plan, provided that the entire Comprehensive Sketch Plan, with revisions, is submitted for review.
  - b. If a Preliminary Development Plan is amended to incorporate additional land after a Comprehensive Sketch Plan has been approved for the area of the initial Preliminary Development Plan, a Comprehensive Sketch Plan may be submitted which encompasses only the additional land.
  - c. Any proposed addition or amendment to the Comprehensive Sketch Plan or Development Criteria shall be reviewed in accordance with Section 127.0.E.1 through 127.0.E.3 above.

**F. Site Development Plan**

- 1. Approval by the Planning Board
  - a. Planning Board approval of a Site Development Plan is required if the Planning Board has reserved that authority for itself when approving the Comprehensive Sketch Plan.
  - b. The Planning Board shall consider a proposed Site Development Plan at a public meeting, unless a public hearing is required by Sections 127.0.F.4 and 127.0.G below.
- 2. Criteria for Approval of Site Development Plan
 

The Planning Board shall approve a Site Development Plan if it finds that the plan:

  - a. Is consistent with the approved Preliminary Development Plan, Comprehensive Sketch Plan and Development Criteria;
  - b. Satisfies the applicable requirements of Section 127.0.E.3.
  - c. Makes effective use of landscaping to provide buffers where needed and to enhance the site design;

- d. Provides squares, plazas, or other useable landscaped areas within apartment developments, office developments or focal points; and
- e. Implements the pedestrian circulation system for the Mixed Use Development.

3. Minor Additions and Modifications

Minor additions and modifications to Site Development Plans approved by the Planning Board and meeting the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not require Planning Board approval. However, all changes of use which require exterior site alterations shall require Planning Board approval.

Minor Projects not requiring Planning Board Approval:

- a. Minor additions to structures, with a floor area no larger than 10% of the existing floor area of the main floor, not to exceed 5,000 square feet.
- b. Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering).
- c. Minor additions to parking lots comprising no more than 25% of the original number of parking spaces required, not to exceed 25 spaces.
- d. Clearing or grading that does not exceed 5,000 square feet in area.
- e. House-type revisions to approved Site Development Plans for single-family detached developments and for no more than 25% of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
- f. 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.

4. Adjustments to Bulk Requirements

The Planning Board may approve parking or bulk requirements for a particular lot or parcel which differ from those required by the applicable development criteria in accordance with the following procedures:

- a. A public meeting shall be held on the Site Development Plan requiring the adjustment. If no Site Development Plan is available, an accurate plot plan drawn to scale shall be submitted for Planning Board review at the public meeting.
- b. The plan submitted for review shall clearly indicate the requirement from which relief is sought and the requested relief, and shall be accompanied by a written statement explaining the reasons for the requested adjustment.
- c. In addition to the notice for public meetings required by the Planning Board's Rules of Procedure, the property which is the subject of the application shall be posted with the date, time and place of the meeting for at least 15 days immediately before the public meeting.

- d. The proposed adjustment shall be granted if the Planning Board finds that:
  - (1) The adjustment is in harmony with the purpose of the MXD District;
  - (2) The adjustment will not alter the essential character of the neighborhood or district in which the lot is located; will not impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare; and
  - (3) The adjustment either:
    - (a) Is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the development criteria; or
    - (b) Results in better design than would be allowed by strict compliance with the Development Criteria.
- e. The Planning Board shall approve, approve with conditions, or deny the requested adjustment, stating the reasons for its actions.

**G. Uses Requiring a Public Hearing**

The Preliminary Development Criteria may provide that particular uses are allowed within specified areas of the Mixed Use Development if the Planning Board determines that certain conditions are met. The Planning Board shall approve a Site Development Plan for such uses only after holding a public hearing and determining that the required conditions are satisfied. The Planning Board shall issue a written decision on such proposals, stating the reasons for its action.

**H. Appeal of Planning Board Decision**

Appeals from decisions of the Planning Board shall be made to the Board of Appeals in accordance with Section 16.900(J)(2) of the Howard County Code.

Reserved.

## **SECTION 127.1: PSC (Planned Senior Community) District**

### **A. Purpose**

The Planned Senior Community District is established to permit the development of housing designed for older adults and elderly persons. This floating and overlay district provides opportunity for housing that meets the diverse needs of Howard County's growing senior population. Each Planned Senior Community District will provide independent living units for seniors within either single-family or multi-family dwellings, and may also include assisted living or nursing care facilities. The communities developed within the PSC District will be characterized by careful site planning that allows them to be compatible with eastern Howard County's residential neighborhoods.

### **B. Requirements for Planned Senior Community**

The Planned Senior Community District may be established at a particular location if the following requirements are met:

1. At the preliminary development plan stage and subsequent stages of plan processing and development, the site shall be served by both public water and public sewer.
2. The site has direct access to a collector or arterial road designated in the General Plan.
3. The development shall contain at least 50 dwelling units.
4. The development shall contain at least two of the following types of housing: single-family detached dwellings, single-family attached dwellings, apartments, assisted living facilities, and nursing homes. At least one of the housing types shall be independent single-family or multi-family dwellings.
5. Open space shall constitute at least 35% of the gross acreage of the planned senior community.
6. The community shall include recreation and common areas for residents, including at least pathways and seating areas.
7. At least 10% of the dwelling units shall be Moderate Income Housing Units.
8. At least one on-site community building or interior community space shall be provided that contains a minimum of:
  - a. 20 square feet of floor area per dwelling unit, for the first 99 dwelling units with a minimum area of 500 square feet, and
  - b. 10 square feet of floor area per dwelling unit for each additional dwelling unit above 99.
9. The proposed PSC does not comprise parcels which were added to the Planned Service Area to achieve Bay Restoration goals articulated in *Plan Howard 2030*.

### **C. Uses permitted as a Matter of Right prior to the final approval of all required Comprehensive Sketch Plans and/or Site Development Plans and Development Criteria by the Planning Board**

1. Uses allowed in the underlying district, provided all provisions of the underlying district are used.

**D. Additional uses permitted as a Matter of Right subsequent to the Final Approval of all required Comprehensive Sketch Plans and/or Site Development Plans and Development Criteria by the Planning Board**

1. Age-restricted adult housing
2. Assisted living facilities for residents 55 years of age or older.
3. Nursing homes

**E. Accessory Uses**

1. Services and businesses that serve the residents of the PSC District, including recreational, educational, health, personal, professional and business services and retail stores.
2. Home occupations, subject to the requirements of Section 128.0.C.
3. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
4. Accessory Solar Collectors.

**F. Bulk Regulations**

1. Maximum Density
  - a. Developments providing at least 10% of the dwelling units as Moderate Income Housing Units ..... 8 dwelling units per net acre.
  - b. Developments providing an additional 33% of all units over 8 dwelling units per net acre as Moderate Income Housing Units ..... 12 dwelling units per net acre.
  - c. Assisted living and nursing home beds shall be included in density calculations. One bed equals 0.25 dwelling units for the purpose of determining density only. Assisted living and nursing home beds are not subject to MIHU requirements.
2. Minimum structure and use setbacks:
  - a. From arterial or collector public street right-of-way ..... 50 feet
  - b. From other public street right-of-way ..... 40 feet
  - c. From residential lots in RC, RR, R-ED, R-20, R-12 or R-SC Districts ..... 50 feet  
Except structures containing apartments,  
assisted living facilities or nursing facilities ..... 75 feet
  - d. From open space and other uses in RC, RR, R-ED, R-20, R-12 or R-SC Districts 30 feet
  - e. From zoning districts other than RC, RR, R-ED, R-20, R-12 or R-SC ..... 30 feet
  - f. If a PSC District is separated from another zoning district by a public street, only the setbacks from a public street right-of-way shall apply.

3. Maximum height shall not exceed:
  - a. Apartments..... 60 feet
  - b. Other principal structures..... 34 feet
  - c. Accessory structures ..... 15 feet
4. Requirements regarding lot sizes, setbacks, distances between structures not located on individual lots, building heights and all other bulk regulations for the PSC District not established in this Section shall be established by the Planning Board through approval of a Comprehensive Sketch Plan and Development Criteria, in addition to any requirements imposed by the Zoning Board in the Preliminary Development Plan and Preliminary Development Criteria. The development criteria may also establish setback and height requirements that are more restrictive than the requirements given in this section.
5. The provisions of Section 128.0 (Supplementary Zoning District Regulations) and Section 133.0 (Off Street Parking and Loading Facilities) shall apply in the PSC District unless different requirements are specifically approved in the Comprehensive Sketch Plan and Development Criteria.

**G. Petition Requirements**

A petition for designation of a PSC District shall include the following:

1. A boundary survey of the property covered by the petition.
2. A Preliminary Development Plan and Preliminary Development Criteria for the property showing the following:
  - a. Existing topography, 100-year floodplain areas, wetlands, forests and other significant vegetation.
  - b. The availability and adequacy of utilities.
  - c. The location of proposed points of access to the site.
  - d. Existing development within 200 feet of the site.
  - e. Proposed development of the site, including the general location of buildings, parking areas, open space, recreation areas, pathways, community buildings and other accessory uses.
  - f. Proposed vehicular and pedestrian circulation pattern.
  - g. Preliminary Development Criteria that establish the maximum density based on the net acreage of the PSC District and the maximum number and types of dwelling units and/or beds for each housing type.
  - h. A generalized landscaping plan which indicates proposed landscape buffer types, existing vegetation, topography and other buffering features along the perimeters of the site adjacent to other residentially-zoned land.
  - i. Proposed number of parking spaces for residents and visitors.

- j. A phasing plan if the development is to be built in phases.
3. Design analysis to demonstrate the relationship of the development to surrounding land uses, with cross sections, renderings or elevation drawings showing the scale and character of development.
4. Proposed covenants and other legal means of enforcing the age restrictions and ensuring the ongoing maintenance of open space, recreation facilities and common areas.
5. Descriptions of the design features and general size and layout of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted must indicate how the use of universal design features will make individual dwelling units adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

#### **H. Standards for Approval of a Petition**

The Zoning Board may grant a petition for a PSC District based upon findings that:

1. The proposed district will accomplish the purposes of the PSC District.
2. The site meets the requirement of Section 127.1.B.
3. Safe public road access is available to and from the site. This includes a determination that roads serving the proposed development have the capacity to handle the increased use which is likely to result from the volume and density of the proposed development as well as development on surrounding properties. The width, curvature, sight distance, and general conditions of surrounding roads shall be considered in making this finding.
4. Proposed buildings and site design are compatible with residential development in the vicinity. To achieve this:
  - a. Grading and landscaping shall retain and enhance elements that allow the site to blend with the existing neighborhood.
  - b. The project shall be designed to be compatible with residential development in the vicinity by providing:
    - (1) An architectural transition, with buildings near the perimeter that are similar in scale, architectural style, materials and details to neighboring dwellings as demonstrated by architectural elevations or renderings submitted with the petition, or
    - (2) Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms or increased setbacks.
5. Sufficient area is set aside as open space to provide green area and recreational amenities for the residents and transition areas and buffering for adjacent neighborhoods.
6. Suitable common areas and amenities are provided for residents, including pathways, seating areas, and an adequately sized community building or interior space.



7. Business uses which are permitted as accessory uses will be sized for use solely by residents of the PSC District. Such uses are integrated with the dwelling units and oriented towards the interior of the project. No signs or other evidence of business facilities will be visible from the periphery of the zoning district.
8. For a development that will be built in phases, open space areas will be provided in each phase to meet the needs of the residents unless otherwise provided in an earlier phase.
9. The development incorporates universal design features from the Department of Planning and Zoning guidelines that identify the required, recommended and optional features. The petition shall include descriptions of the design features of proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to person with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.
10. The development will be subject to covenants or other legal restrictions enforcing the age restrictions required for this zoning district. The legal entity that will implement and maintain the age restrictions, as well the open space and common facilities, is clearly identified. The legal entity shall be able to provide effective enforcement to supplement County enforcement of Zoning Regulations.
11. The location of the proposed site is in conformity with the General Plan.

**I. Recommendation of Planning Board**

The Planning Board shall hold a public meeting on the petition and make a recommendation to the Zoning Board, based on the “Standards for Approval of a Petition” given in Section 127.1.G.

**J. Decision by the Zoning Board**

1. The Zoning Board shall hold a public hearing on the petition and may approve, approve with modifications or deny the preliminary development plan and criteria, stating the reasons for its decision. The Zoning Board’s Decision shall be based on the “Standards for Approval” given in Section 127.1.G.
2. If the petition is approved a reproducible copy of the Preliminary Development Plan and Criteria including all text material, shall be provided by the petitioner and certified as approved by the Zoning Board. A verified copy of the same shall be forwarded to the Department of Planning and Zoning and the petitioner.

**K. Amendments to Preliminary Development Plan and Criteria**

1. A petition to amend either a Preliminary Development Plan or the Preliminary Development Criteria which govern the residential density, housing types, and the phasing of development, may be submitted by the developer.
2. The petition shall be reviewed in accordance with the procedures established in Section 127.1. I. and J. The petition may be approved if the Zoning Board determines that the Planned Senior Community, with the proposed amendments, will satisfy the standards given in Section 127.1.H.

## **L. Initial Plan Submission and Development Criteria**

1. The initial plan submission shall encompass the entire area shown on the Preliminary Development Plan. The initial plan submission will be a comprehensive sketch plan for a subdivision or a Site Development Plan for a condominium or rental development. The initial plan submission and Development Criteria shall consist of a plan or series of plans at an appropriate scale, as well as text and drawings, setting forth:
  - a. The environmental and landscape features of the site and immediate environs, including topography, steep slopes, forests, streams, floodplains, wetlands, historic sites, cemeteries, and other features. Immediate environs shall mean a distance of at least 200 feet from the boundary of the Planned Senior Community.
  - b. The boundaries and acreage of each housing type.
  - c. The location and use of all open space land, including the location of any community space, paths, outdoor seating and any recreational facilities and other public uses.
  - d. The location of existing and proposed public roads, stormwater management and utilities.
  - e. Development criteria for each type of housing and common areas. The development criteria shall include the preliminary development criteria approved by the Zoning Board and the following additions:
    - (1) bulk regulations specifying lot sizes, setbacks, distances between buildings not on individual lots, structure height, and other bulk requirements; and
    - (2) landscaping and parking standards.
2. Decision by the Planning Board
  - a. Planning Board approval of the initial plan submission and Development Criteria shall be required. Before acting upon the Comprehensive Sketch Plan or Site Development Plan and Development Criteria, the Planning Board shall receive comments from the Department of Planning and Zoning and the Subdivision Review Committee and shall hold a Public Hearing.
  - b. The Planning Board may approve, approve with modifications or disapprove the Comprehensive Sketch plan or Site Development Plan and Development Criteria, stating the reasons for its action. The Planning Board's Decision shall be based on the standards for approval in Section 127.1.L.
  - c. The Planning Board may, at the time of approval of the Comprehensive Sketch Plan, require the subsequent approval by it of a Site Development Plan, for any portion of the development or category of land use.
  - d. If the plan is approved, the petitioner shall provide a reproducible copy of the approved initial plan submission and, on a separate sheet, the Development Criteria. The plan and criteria shall be certified as approved by the Planning Board.
  - e. Approval of the initial plan submission and Development Criteria shall bind the lands covered with the full force and effect of specific Zoning Regulations.

3. Standards for Approval of initial plan submission and Development Criteria

The Planning Board shall approve the Comprehensive Sketch Plan or Site Development Plan if it concludes that the plan, subject to any modifications required by the Board, will satisfy the following criteria:

- a. The Comprehensive Sketch Plan or Site Development Plan and Development Criteria are consistent with the approved Preliminary Development Plan and Preliminary Development Criteria.
- b. The phasing of development is consistent with the phasing schedule indicated in the Preliminary Development Plan.
- c. The Comprehensive Sketch Plan or Site Development Plan and Development Criteria specify how the standards in Section 127.1.G will be met.
- d. Minor deviations between the Comprehensive Sketch Plan/Development Criteria and the approved Preliminary Development Plan/Preliminary Development Criteria may be approved by the Planning Board provided there is no increase the number of residential units and provided the deviation complies with the following:
  - (1) Minor modifications to structures, with a floor area no larger than 20% 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 20% of the original number of parking spaces required.
  - (4) Similar minor modifications as determined by the Planning Board, including reductions in the number of residential units and the intensity of the unit mix.

4. Additions and amendments to the initial plan submission

- a. The developer of a Planned Senior Community may propose revisions to a previously approved Comprehensive Sketch Plan or Site Development Plan, provided that the entire plan, with revisions, is submitted for review.
- b. Any proposed addition or amendment to the Comprehensive Sketch Plan or Site Development Plan and Development Criteria shall be reviewed in accordance with this Section.

**M. Site Development Plan**

1. Approval by the Planning Board

- a. Planning Board approval of a Site Development Plan is required if the Planning Board has reserved that authority for itself when approving the Comprehensive Sketch Plan for a subdivision.
- b. The Planning Board shall consider a proposed Site Development Plan at a public meeting.

2. Standards for Approval of Site Development Plan

The Planning Board shall approve a Site Development Plan if it finds that the plan:

- a. Is consistent with the approved Preliminary Development Plan, Comprehensive Sketch Plan and Development Criteria;
- b. Satisfies the requirements of Section 127.1.K.
- c. Makes effective use of landscaping to provide buffers where needed and to enhance the site design.

**N. Minor Additions and Modifications**

Minor additions and modifications to Site Development Plans previously approved by the Planning Board that meet the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a Waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not need Planning Board approval. However, all changes of use involving exterior site alterations require Planning Board approval.

1. Minor projects not requiring Planning Board approval:

- a. Minor additions to structures, with a floor area no larger than 10% of the existing floor area of the main floor, not to exceed 5,000 square feet.
- b. Minor new accessory structures if the location does not interfere with the site layout (e.g. circulation, parking, loading, stormwater management facilities, open space, landscaping or buffering).
- c. Minor additions to parking lots comprising no more than 25% of the original number of parking spaces required, not to exceed 25 spaces.
- d. Clearing or grading that does not exceed 5,000 square feet in area.
- e. House model revisions to approved Site Development Plans for single-family detached developments and for no more than 25% of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
- f. 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.

2. Adjustments to Bulk Requirements

The Planning Board may approve parking or bulk requirements for a particular lot or parcel which differ from those required by the applicable development criteria in accordance with the following procedures:

- a. The Planning Board shall hold a public meeting on the proposed Site Development Plan.

- b. If no Site Development Plan is available, an accurate plot plan drawn to scale shall be submitted for Planning Board review at the public meeting. The plan shall clearly indicate the requirement from which relief is sought and the requested relief.
- c. In addition to the notice for public meetings required by the Planning Board's Rules of Procedure, the property which is the subject of the application shall be posted with the date, time and place of the meeting for at least 15 days immediately before the public meeting.
- d. The proposed adjustment shall be granted if the Planning Board finds that:
  - (1) The adjustment is in harmony with the purpose of the PSC District;
  - (2) The adjustment will not alter the essential character of the neighborhood or district in which the lot is located; will not impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare; and
  - (3) The adjustment either:
    - (a) Is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the development criteria; or
    - (b) Results in better design than would be allowed by strict compliance with the Development Criteria.
- e. The Planning Board shall approve, approve with conditions, or deny the requested adjustment, stating the reasons for its actions.

**O. Appeal of Planning Board Decision**

Appeals from decisions of the Planning Board shall be made to the Board of Appeals in accordance with Section 16.900(j)(2) of the Howard County Code.

Reserved.

## **SECTION 127.2: CE (Corridor Employment) District**

### **A. Purpose**

The CE District is intended to encourage the development and redevelopment of employment land near U.S. Route 1. Development in the CE District should provide for new office, flex, and light industrial uses, while reducing the spread of strip commercial development and encouraging consolidation of fragmented parcels. The requirements of this district, in conjunction with the Route 1 Manual and required vehicular and pedestrian improvements, will result in development that improves the appearance of the Route 1 streetscape, enhances traffic safety and better accommodates public transit and pedestrian travel.

Many parcels in the CE District were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the CE District. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as uses are redeveloped or expanded.

### **B. Uses Permitted as a Matter Of Right**

1. Ambulatory health care facilities.
2. Animal hospitals, completely enclosed.
3. Athletic facilities, commercial.
4. Banks, savings and loan associations, investment companies, credit unions, brokers and similar financial institutions without drive-through lanes.
5. Biomedical laboratories.
6. Blueprinting, printing, duplicating or engraving services.
7. Breweries that manufacture 22,500 barrels or less of fermented malt beverages per year.
8. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
9. Catering establishments and banquet facilities.
10. Child day care centers and nursery schools.
11. Commercial communication antennas.
12. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E.2 and 128.0.E.3.
13. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
14. Data processing and telecommunication centers.
15. Day treatment or care facility.
16. Flex space.
17. Food and drink production, processing, packaging and distribution for dairy products, food products, bakery products, nonalcoholic beverages, spices, ice and meats, excluding slaughtering.
18. Furniture, appliance and business machine repair, furniture upholstery and similar services.
19. Government structures, facilities and uses, including public schools and colleges.
20. Hotels, motels, conference centers, and country inns.
21. Housing Commission Housing Developments, subject to the requirements of Section 128.0.J
22. Laundry or dry cleaning establishments.
23. Light industrial uses.
24. Nonprofit clubs, lodges, community halls.
25. Offices, professional and business.
26. Parking facilities that serve adjacent off-site uses in accordance with Section 133.0.B.4.
27. Pet grooming establishments and day care, completely enclosed.

28. Photographic processing plants.
29. Printing, lithography, bookbinding or publishing.
30. Recreation facilities, commercial.
31. Religious facilities, structures and land used primarily for religious activities.
32. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
33. Research and development establishments.
34. Restaurants, carryout.
35. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
36. Schools, commercial
37. Schools, private academic, including colleges and universities.
38. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
39. Service agencies.
40. Sign-making shops
41. Transitional Mobile Home Parks which meet the requirements of Section 127.2.
42. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
43. Volunteer fire departments.

**C. Commercial Uses Permitted in Multistory Buildings**

1. All uses listed in B. above.
2. Banks, savings and loan associations, investments companies, credit unions, brokers and similar financial institutions with a single drive-through lane, provided the drive-through service shall be permitted for one establishment in the project and the drive-through service area is not visible from Route 1.
3. Personal Services.
4. Restaurants, fast food with or without a single drive-through lane, provided the drive-through service shall be permitted for one establishment in the project and the drive-through service area is not visible from Route 1.

**D. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas which are accessory to a principal use on the lot and which exclusively serve that use. Towers are subject to the requirements of Sections 128.0.E.2 and 128.0.E.3.
3. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
4. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
5. Accessory Solar Collectors.

**E. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)



1. Maximum Height Limitation
  - a. Structure with minimum setback from a public street right-of-way ..... 60 feet
  - b. Structure with an additional 1 foot of setback from a public street right-of-way for the portion of the structure over 60 feet for every 2 feet of additional height ..... 100 feet
2. Minimum setback requirements for sites complying fully with the use provisions of the CE District and the Route 1 Manual standards

The following minimum setback requirements apply to sites that comply fully with the CE zoning regulations and the Route 1 Manual's requirements:

- a. From Route 1 Right-Of-Way:
  - (1) All structures and uses, except those listed in (2), (3) and (4) ..... 10 feet
  - (2) Parking ..... 40 feet  
 Except if a greater maximum structure setback for industrial or flex buildings is approved under section 127.2.E.3 ..... 10 feet
  - (3) Loading docks, outdoor storage areas, dumpsters and fencing used to enclose or screen these uses ..... 60 feet
  - (4) Amenity Areas ..... 0 feet
- b. From Internal Public Street Right-Of-Way:
  - (1) All structures and uses, except those listed in (2), (3) and (4) ..... 10 feet
  - (2) Parking, except truck parking ..... 20 feet
  - (3) Truck parking, loading docks, outdoor storage areas, dumpsters, and fencing used to enclose or screen these uses ..... 40 feet
  - (4) Amenity Areas ..... 0 feet
- c. From Residential Districts
  - (1) For manufacturing, processing and assembly uses, communication towers, and any other uses that have truck parking areas, loading docks or outdoor storage areas:  
 All structures and uses ..... 100 feet
  - (2) For all other uses:
    - (a) Structures and uses ..... 30 feet
    - (b) Except parking, driveways, dumpsters and fencing used to enclose or screen these uses ..... 50 feet
  - (3) If a residential district is separated from the CE District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

3. Maximum Structure Setback

As provided in the Route 1 Manual, for lots abutting U.S. Route 1, the building facade closest to Route 1 shall be located no more than 50 feet from the public right-of-way unless the presence of rear loaded truck docks for industrial or flex buildings uses requires a greater building setback to allow for a separate auto parking area along the Route 1 frontage. In this case, the 50 foot setback may be increased to a maximum of 80 feet without a variance in accordance with the Route 1 Manual.

4. Minimum Setback Requirements for Sites Not Complying with the Use Provisions of the CE District and the Route 1 Manual standards.

The following minimum setback requirements apply to sites developed prior to the creation of the CE District that do not comply or only partially comply with the Howard County landscape manual and the Route 1 Manual:

- a. From Route 1 right-of-way
    - (1) Structures and uses ..... 30 feet
    - (2) Parking uses and fences adjoining parking uses ..... 30 feet
  - b. From other public street right-of-way
    - (1) Structures and uses ..... 50 feet
    - (2) Except for parking uses and fences adjoining parking uses..... 30 feet
  - c. From any residential district:
    - All structures and uses ..... 100 feet
  - d. If a residential district is separated from the CE District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.
5. Minimum requirements for Transitional Mobile Home Parks:

The following minimum provisions apply to mobile home parks which existed as of April 30, 2008 and which may be developed and operated as described below, on land within the CE District and within 50 feet of existing nonconforming mobile home parks.

- a. Area of Park ..... 5 Acres Minimum
- b. Density ..... 15 Mobile Home Units per Acre
- c. Setbacks – Mobile Homes:
  - (1) From external public street right-of-way ..... 50 feet
  - (2) From a different zoning district other than R-MH ..... 50 feet
  - (3) From a R-MH District..... 10 feet
  - (4) Between structures ..... 10 feet  
Including steps, decks, and open porches.
  - (5) Across an internal private drive between structures ..... 30 feet

**F. Amenity Area**

CE developments of 3 acres or more with any uses other than manufacturing shall include an amenity area. The amenity area, or areas, shall be a minimum of 5% of the net acreage. The amenity area shall include seating and trees proportional to the size of the amenity area. Amenity areas shall have pedestrian and bicycle improvements that link with existing and future connections to surrounding developments.

**G. Outdoor Storage Areas**

The cumulative square footage of outdoor storage areas associated with permitted uses shall not exceed 5% of the site, must be screened in accordance with the Route 1 Manual, and may not be located between a building and the Route 1 right-of-way.

**H. Compliance With Route 1 Manual**

1. New Development

New development in the CE District shall comply with the standards of the Route 1 Manual.

2. Alterations to Existing Uses Requiring Compliance with the Route 1 Manual
  - a. The following minor alterations or enlargements are exempt from complying:
    - (1) Expansion of a building by 10% or less of the floor area of the building on April 13, 2004, up to a maximum of 5,000 square feet of floor area.
    - (2) Building repairs, repaving or restriping parking areas, and other maintenance or repair that does not enlarge a building or use.
    - (3) Removal of parking areas, driveways or other paved areas.
    - (4) A change in the use of an existing building to a use permitted in this district, if the Department of Planning and Zoning determines, in accordance with the Subdivision and Land Development Regulations, that no changes to site improvements are required.
    - (5) Other minor alterations to a developed site that do not require a Site Development Plan or a revision to an approved Site Development Plan. This includes alterations approved through a waiver of the Site Development Plan requirement or a red-line revision to an existing Site Development Plan.
  - b. Other than the above exceptions, any alteration or enlargement of an existing use must comply with the Route 1 Manual. The following standards determine the extent to which improvements must be brought into compliance. Additional guidance is provided in the Manual.
    - (1) Expansion of Existing Improvements
 

If buildings and/or site improvements are expanded, the site shall be brought into compliance with the Route 1 Manual in equal proportion to the percentage of the site impacted by the expansion. (For example, if the expansion impacts 20% of the site, 20% of the existing improved area shall be brought into compliance with the manual.) The area impacted by the expansion includes the square foot area of building additions and additional parking, loading, driveways, infrastructure, and land cleared or graded.
    - (2) Site Improvements That Do Not Alter Buildings
 

If alterations or enlargements are limited to site improvements that do not involve buildings, buildings are not required to be brought into compliance with the Route 1 Manual.
    - (3) Building Expansions
 

Expanded buildings shall be brought into compliance with the Route 1 Manual to the extent possible, including design and location of the addition. Relocation or reconstruction of existing buildings is not required.
    - (4) Route 1 Right-of-way Improvements
 

All alterations, both major and minor, comply with the streetscape standards of the Route 1 Manual in proportion to the proposed alterations.
  - c. A site that does not fully comply with the Route 1 Manual is subject to the bulk requirements in Subsection E.4 above.

## **H. Conditional Uses**

Conditional Uses in the CE district are subject to the detailed requirements for Conditional Uses given in Section 131. For the list of permitted Conditional Uses, refer to the chart in Section 131.

Reserved

## **SECTION 127.3: CLI (Continuing Light Industrial) Overlay District**

### **A. Purpose**

The Continuing Light Industrial (CLI) Overlay District is established to allow continuing use of existing warehousing and light industrial buildings in the Corridor Employment (CE) District and the Corridor Activity Center District (CAC) that were developed for these uses prior to creation of these districts. By allowing these uses to continue, the CLI District protects and promotes owner investment in the existing buildings and site improvements.

### **B. Criteria**

The CLI Overlay District shall be utilized at a particular location if the following requirements are met:

1. The property is in the Corridor Employment (CE) or the Corridor Activity Center (CAC) Districts.
2. The property is developed with single or multiple tenant warehousing or light industrial buildings and site improvements. The buildings and site improvements must either exist or be shown on a Site Development Plan that was technically complete prior to April 13, 2004.
3. Use of the property for warehousing or light industrial operations has not ceased for a period exceeding two years since April 13, 2004.

### **C. Uses Permitted as a Matter Of Right**

The following uses are permitted as a matter of right in the CLI Overlay District:

1. Warehouse, manufacturing, assembly or processing uses permitted in the M-1 District and accessory uses thereto.
2. Uses allowed in the underlying district.
3. Furniture stores.
4. Retail, limited accessory:

For any manufacturing or warehouse use permitted in the M-1 District, accessory retail sales may be permitted, provided that:

- a. The products sold are either manufactured or distributed on the site;
- b. Not more than 30% of the floor space of the first floor of the main structure may be devoted to the retail sales of articles made or distributed on the premises; and
- c. Any service facilities are limited to the repair and/or service of products manufactured or distributed by the owner or lessee of the site.

Nothing herein shall be construed to permit the operation of general retail sales businesses.

5. Material recovery facilities – source separated.

6. Recycling collection facilities.

**D. Other Requirements**

1. The requirements of the underlying CE district for accessory uses, bulk requirements, and compliance with the Route 1 Manual shall apply to improvements to properties utilizing the CLI Overlay District provisions.
2. Building and site improvement expansions of up to 50% of the square foot area existing or approved on April 13, 2004 are permitted for warehouse and industrial uses. Greater expansions may be authorized under the nonconforming use provision of Section 129.0. Expansions for uses permitted in the CE District are not restricted, but shall conform to the CE District regulations.
3. Outdoor storage areas shall not exceed 5% of the site and all outdoor storage must be screened in accordance with the Route 1 Manual.

**E. Procedures for Documenting Pre-Existing Warehouse or Industrial Use**

If there is no Site Development Plan approved by Howard County for a warehouse or industrial building constructed prior to April 13, 2004, or the approved Site Development Plan does not accurately reflect site improvements existing on that date, additional documentation shall be submitted to the Department of Planning and Zoning. Such documentation may include photographs of the structure and site improvements, aerial photography, or other materials that provide clear evidence of the scope of warehouse or industrial development on the property prior to April 13, 2004. This provision, however, does not apply to any property which is the subject of a zoning enforcement case. Such properties may only be confirmed as nonconforming uses if they are processed in accordance with Section 129.0.D.2 of these regulations.

**F. Provisionally permitted Uses - Expansions**

Other existing uses which do not conform with the uses permitted as a matter of right in the underlying district may become permitted uses and be approved for building or site improvement expansions beyond the square foot area existing or approved on April 13, 2004, subject to the approval of a permit as provided in Section 128.0.D.

## **1. SECTION 127.4: TOD (Transit Oriented Development) District**

### **A. Purpose**

The TOD District provides for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of multi-use centers combining office and high-density residential development that are located and designed for safe and convenient pedestrian access by commuters using the MARC Trains and other public transit links. For sites of least 50 acres, well-designed multi-use centers combining office, high-density residential development with a diversity of dwelling unit types, and retail uses are encouraged. The requirements of this district, in conjunction with the Route 1 Manual and the vehicular and pedestrian improvements that connect internally and with surrounding developments, will result in development that makes use of the commuting potential of the MARC system, creates attractive employment or multi-use centers, and provides for safe and convenient pedestrian travel.

Many parcels in the TOD District were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the TOD District. Additionally, because TOD developments are most effective when comprehensively planned for larger parcels of land surrounding a MARC Station, it is neither the intent of these requirements to encourage smaller, piecemeal TOD developments nor disallow the beneficial use of undeveloped TOD District parcels during the period of time prior to a larger TOD development being assembled. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as a mix of residential and nonresidential uses are redeveloped or expanded. Certain light industrial uses or lower density residential units may also be appropriate with the mix of TOD uses if properly located so as to not overly reduce the available land area for the more dense mix of uses at the core of the TOD development, closer to the MARC Station.  
{ Council Bill 1-2014(ZRA-147)Effective 4/7/2014 }

### **B. Uses Permitted as a Matter of Right**

1. Ambulatory health care facilities, including pharmacies incidental to these uses.
2. Athletic facilities, commercial
3. Biomedical laboratories.
4. Commercial communication antennas.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Data processing and telecommunication centers.
7. Dwellings, apartment.
8. Dwellings, single-family attached, only within a TOD development project encompassing at least 50 acres, not to exceed 30% of the total number of dwelling units within the project and further subject to the requirement that such dwellings not occupy more than 40% of the residential development area within the project.
9. Dwellings, single-family attached, within a TOD Development Project greater than 3 acres and encompassing less than 50 acres that is entirely located more than 2,500 feet from a MARC Station, provided that the minimum density shall not apply and that such dwellings shall not occupy more than 40% of the gross development area of such a project.
10. Flex space.
11. Government structures, facilities and uses, including public schools and colleges.
12. Horse racetrack facilities.
13. Hotels, motels, country inns and conference centers.
14. Industrial Uses, light, provided that: The property is at least 30 acres or greater and fronts on and has direct access to an arterial or collector highway; adjoins other properties developed with existing light industrial uses; the light industrial use is principally conducted within a

building with a maximum building height of 50 feet; the proposed industrial development does not include a proposal for any dwelling units within the same project; and; the light industrial development is at the periphery of the TOD District, well separated from the MARC Station.

15. Offices, professional and business.
16. Parking facilities that serve adjacent off-site uses in accordance with Section 133.0.B.
17. Religious facilities, structures and land used primarily for religious activities.
18. Research and development establishments.
19. Restaurants, carryout, including incidental delivery services.
20. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
21. Schools, commercial.
22. Schools, private academic, including colleges and universities.
23. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
24. Volunteer fire departments.  
{ *Council Bill 1-2014(ZRA-147)Effective 4/7/2014*}

### **C. Commercial Uses Permitted With Limitations**

The following commercial uses are permitted as a matter of right in any multistory building or parking structure or in a single-story building or parking structure having a minimum height of 20 feet. One-story commercial uses shall be limited to a maximum of 20,000 square feet of total building area.

1. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions without a drive-through, except that single lane drive-through service shall be permitted provided that there shall be no portion of drive-through service visible from a public road.
2. Blueprinting, printing, duplicating or engraving services.
3. Child day care centers and nursery schools.
4. Laundry and dry cleaning establishments.
5. Personal service establishments.
6. Pizza delivery services and other services for off-site delivery of prepared food.
7. Restaurants, fast food without a drive-through.
8. Retail establishments, limited to convenience stores, food stores, drug and cosmetic stores, liquor stores and specialty stores.
9. Service agencies.

### **D. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
3. Home occupations, subject to the requirements of Section 128.C.
4. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
5. Accessory Solar Collectors.



**E. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

- 1. Except as provided in Section 127.4.B, minimum residential density is 20 units per net acre of residential development. { *Council Bill 1-2014(ZRA-147)Effective 4/7/2014*}
- 2. Maximum building height
  - a. Structure with minimum setback from a public street right-of-way ..... 60 feet
  - b. Structure with an additional 1 foot of setback from a public street right-of-way for the portion of the structure over 60 feet for every 2 feet of additional height ..... 100 feet
- 3. Minimum setbacks for development complying with the Route 1 Manual

The following minimum setback requirements apply to sites that comply fully with the Manual's requirements:

- a. Minimum setbacks from public street right-of-way
    - (1) From arterial
      - (a) Principal structures ..... 20 feet
      - (b) All other structures and uses ..... 30 feet
    - (2) From other public street right-of-way
      - (a) All structures and uses (except surface parking) ..... 10 feet
      - (b) Surface parking ..... 20 feet
  - b. Minimum setbacks from vicinal properties:
    - (1) From a residential district: All structures and uses ..... 30 feet
    - (2) From all other zoning districts:
      - (a) Structures containing residences ..... 30 feet
      - (b) All other structures and uses ..... 0 feet
    - (3) If a TOD District is separated from another zoning district by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.
4. Minimum distances between residential buildings

The following minimum distances shall be maintained between any buildings containing residences (even if the buildings include other uses also):

- a. Side to side ..... 15 feet
  - b. All other façade to façade relationships ..... 30 feet
5. Minimum setback requirements for sites not complying with the use provisions of the TOD District and the Route 1 Manual.

The following minimum setback requirements apply to sites developed prior to the creation of the TOD District that do not comply or only partially comply with the Howard County Landscape Manual and the Route 1 Manual:

- a. From external public street right-of-way
  - (1) Structures and uses ..... 50 feet
  - (2) Except for parking uses and fences adjoining parking uses ..... 30 feet

- b. From internal public street right-of-way
  - (1) Structures and uses ..... 50 feet
  - (2) Except for parking uses and fences adjoining parking uses..... 10 feet
- c. From any residential district: All structures and uses ..... 100 feet
- d. If a residential district is separated from the TOD District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

**F. Requirements for TOD Development**

1. Amenity Area

TOD developments shall include an amenity area or areas that are a minimum of 10% of the net site acreage. The amenity area shall include seating and trees. The number of seating areas and trees shall increase proportionately to the increase in size of the amenity area. No amenity area shall be smaller than 0.25 acre. Amenity areas on the site shall be connected by pedestrian and bicycle improvements that link with existing and future connections to surrounding developments.

Sites larger than 25 acres must provide well-designed recreational areas for both children’s and adult’s activities. On sites larger than 25 acres, one amenity area must be designed as a civic gathering place large enough to accommodate such activities as community picnics, concerts, fairs and similar events.

2. Area Requirements for Residential Uses

- a. Residences are permitted only within a development project encompassing at least 3 gross acres of TOD-zoned land.
- b. No more than 50% of the developable acreage, excluding road right-of-way and open space shall be devoted to residential buildings, parking and amenity areas.
- c. Moderate Income Housing Units.

At least 15% of the dwelling units shall be Moderate Income Housing Units.

**G. Compliance with Route 1 Manual**

1. New Development

New development in the TOD District shall comply with the standards of the Route 1 Manual.

2. Alterations to Existing Uses Requiring Compliance with the Route 1 Manual

- a. The following minor alterations or enlargements are exempt from complying with the Route 1 Manual:
  - (1) Expansion of a building by 10% or less of the floor area of the building on April 13, 2004, up to a maximum of 5,000 square feet of floor area.
  - (2) Building repairs, repaving or restriping parking areas, and other maintenance or repair that does not enlarge a building or use.
  - (3) Removal of parking areas, driveways or other paved areas.

- (4) A change in the use of an existing building to a use permitted in this district, if the department of planning and zoning determines, in accordance with the Subdivision and Land Development Regulations, that no changes to site improvements are required.
  - (5) Other minor alterations to a developed site that do not require a Site Development Plan or a revision to an approved Site Development Plan. This includes alterations approved through a waiver of the Site Development Plan requirement or a red-line revision to an existing Site Development Plan.
- b. Other than the above exceptions, any alteration or enlargement of an existing use must comply with the Route 1 Manual. The following standards determine the extent to which improvements must be brought into compliance with the Route 1 Manual. Additional guidance is provided in the Manual.
- (1) **Expansion Of Existing Improvements**  
If buildings and/or site improvements are expanded, the site shall be brought into compliance with the Route 1 Manual in equal proportion to the percentage of the site impacted by the expansion. (For example, if the expansion impacts 20% of the site, 20% of the existing improved area shall be brought into compliance with the manual.) The area impacted by the expansion includes the square foot area of building additions and additional parking, loading, driveways or infrastructure, and land cleared or graded.
  - (2) **Site Improvements That Do Not Alter Buildings**  
If alterations or enlargements are limited to site improvements that do not involve buildings, existing buildings are not required to be brought into compliance with the Route 1 Manual.
  - (3) **Building Expansions**  
Expanded buildings shall be brought into compliance with the Route 1 Manual to the extent possible, including design and location of the addition. Relocation or reconstruction of existing buildings is not required.
- c. A site that does not fully comply with the Route 1 Manual is subject to the bulk requirements in Subsection E.4 above.

## **H. Conditional Uses**

Conditional Uses in the TOD district are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.

## **SECTION 127.5: CAC (Corridor Activity Center) District**

### **A. Purpose**

The CAC District is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix of uses which may include retail, service, office and residential uses. These centers should be located near to Route 1 and close to residential communities that will benefit from a pedestrian-oriented local business area. The requirements of this district, in conjunction with the Route 1 Manual and the public improvements recommended by the Route 1 Corridor Revitalization Study, vehicular and pedestrian improvements that connect internally and with surrounding developments will result in development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 1 and intersecting roads.

Many parcels in the CAC District were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the CAC District. The intent of this district will be achieved by bringing the sites into compliance with these requirements and the standards of the Route 1 Manual as uses are expanded or redeveloped.

### **B. Uses Permitted as a Matter of Right**

1. Ambulatory health care facilities.
2. Animal hospitals, completely enclosed.
3. Antique shops, art galleries, craft shops.
4. Athletic facilities, commercial
5. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
6. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions without a drive-through except that single lane drive-through service shall be permitted for one establishment within the project if the drive-through service area is not visible from Route 1.
7. Bicycle repair shops.
8. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.3.
10. Child day care centers and nursery schools.
11. Clothing and apparel stores with goods for sale or rent.
12. Commercial communication antennas.
13. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
14. Convenience stores.
15. Day treatment or care facilities.
16. Drug and cosmetic stores.
17. Dwellings, apartment and single-family attached, only within a Route 1 Corridor development project with at least 2 gross acres of CAC-zoned land or less than 2 gross acres if: (1) the subject property is contiguous along at least 75% of its perimeter to a CAC development that has received final approval of a Sketch Plan or Site Development Plan; (2) no additional CAC-zoned land directly adjoins the subject property; and (3) the development of the subject property shall be compatible with the land use, site planning and architectural character of the contiguous CAC development. If the project site is 2 gross acres or greater of CAC zoned land, then the project must include more than one residential unit type.
18. Farmers markets.
19. Flex Space.

20. Food stores.
21. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
22. Government structures, facilities and uses, including public schools and colleges.
23. Hardware stores.
24. Hotels, motels, country inns and conference centers.
25. Laundry and/or dry cleaning establishments.
26. Liquor stores.
27. Museums and libraries.
28. Nonprofit clubs, lodges, community halls.
29. Nursing homes and residential care facilities.
30. Offices, professional and business.
31. Parking facilities that serve adjacent off-site uses in accordance with Section 133.0.B.4.
32. Personal service establishments.
33. Pet grooming establishments and daycare, completely enclosed.
34. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
35. Restaurants, carryout, including incidental delivery service.
36. Restaurants, fast food without a drive-through.
37. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
38. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.4.
39. Schools, commercial.
40. Schools, private academic, including colleges and universities.
41. Service agencies.
42. Specialty stores.
43. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
44. Volunteer fire departments.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Home occupations, subject to the requirements of Section 128.0.C.
3. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
4. Retail sale of propane on the site of a principal retail business.
5. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
6. Snowball stands, subject to the requirements of Section 128.D.5.
7. Accessory Solar Collectors.

**D. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. Residential density:
  - a. For CAC Developments of at least 5 gross acres within 2,000 feet of a MARC Station and at least 1,000 feet of frontage on the Route 1 right-of-way .....50 units per net acre
  - b. For CAC Developments of at least 2 gross acres .....25 units per net acre

- c. For CAC Developments of less than 2 gross acres..... 15 units per net acre
- 2. Maximum building height:
  - a. CAC Development abuts Route 1..... 55 feet  
With the following exceptions:
    - (1) For hotels and for structures incorporating either first floor retail or structured parking, if an additional 1 foot in height is provided for every 2 feet of additional setback above the minimum from an adjoining residential district excluding residential uses in the CAC District ..... 65 feet
    - (2) For office structures on parcels adjoining I-95 ..... 100 feet
    - (3) For office structures on parcels adjoining I-95 if an additional 2 foot in height is provided for every 1 foot of additional setback above the minimum from the I-95 right-of-way ..... 120 feet
  - b. CAC Development does not adjoin Route 1..... 40 feet
- 3. Minimum building height ..... 25 feet

The minimum building height does not apply to additions to existing, one-story buildings, provided that the existing building was lawfully constructed before the property was rezoned to the CAC District, and the addition does not increase the ground coverage of the building by more than 25% of the area covered by the building when the property was rezoned to CAC.

- 4. For sites that comply fully with the Route 1 Manual:
  - a. Minimum setbacks from public street right-of-way
    - (1) From I-95
      - (a) Office structures..... 75 feet
      - (b) All other structures and uses (except surface parking) ..... 50 feet
      - (c) Surface parking ..... 10 feet
    - (2) From Route 1
      - (a) Structures and parking ..... 10 feet
      - (b) Fences, walls and amenity areas ..... 0 feet
      - (c) Surface parking ..... 10 feet
    - (3) From other public street right-of-way
      - (a) All structures and uses (except surface parking) ..... 0 feet
      - (b) Surface parking ..... 10 feet
  - b. Minimum setbacks from vicinal properties
    - (1) From residential districts:
      - (a) Nonresidential structures and associated uses ..... 30 feet
      - (b) Structures containing residences and associated uses..... 20 feet
    - (2) From any other zoning district:
      - All structures and uses ..... 0 feet
    - (3) If a residential district is separated from the CAC District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.
  - c. Maximum Structure Setback from Public Street Right-Of-Way
    - (1) As provided in the Route 1 Manual, the building facade closest to a public street should be located no more than 10 feet from the edge of the public street right-of-way unless topography, utilities or other physical constraints

make a greater setback necessary. This 10-foot setback may be increased without a variance in accordance with the Route 1 Manual.

- (2) The Department of Planning and Zoning may also approve a setback of no more than 65 feet if the service road option is proposed and meets the following requirements:
  - (a) Creates a service road of at least 300 linear feet parallel to Route 1; and
  - (b) Meets the access and spacing requirements of the State Highway Administration and the Howard County Design Manual.

- 5. For sites developed prior to the creation of the CAC District that do not comply or only partially comply with the Landscape Manual and Route 1 Manual:

All structures and uses, minimum setback from public street right-of-way and residential districts ..... 30 feet

**E. Requirements for CAC Development**

1. Amenity Area

CAC developments shall include an amenity area or areas. No amenity area shall be smaller than 0.25 acre. The amenity area shall include seating and trees proportional to the size of the amenity area. Amenity areas shall be connected by pedestrian and bicycle improvements that link with existing and future connections to surrounding developments. In accordance with Section 16.121 (B) of the Code, at the discretion of the County, all or a portion of the open space area shall be dedicated and deeded without charge to Howard County for recreation or for public use, including but not limited to, community centers and libraries along Route 1.

- a. For CAC Developments 20 acres or larger, provide 20% of the net acreage as open space of which at least 50% must be designed as an amenity area open to the public. Provide well-designed recreational areas for both children’s and adults’ activities. Provide on amenity area that is designated as a civic gathering place large enough to accommodate such activities as community picnics, concerts, fairs and similar events.
- b. For CAC Developments less than 20 acres, provide 10% of the net acreage as open space which must be designed as an amenity area open to the public.

2. Requirements for Nonresidential Uses

- a. On a lot adjoining the Route 1 right-of-way, for the buildings closest to Route 1:
  - (1) At least 50% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.
  - (2) The first floor of the building facade facing Route 1 must include storefronts and primary entrances for the first floor retail and service uses.
  - (3) The first floor facade shall be designed to provide pedestrian interest along Route 1 in accordance with the Route 1 Manual.
- b. The gross floor area for any individual commercial use shall not exceed:
  - (1) On parcels less than 20 acres in size..... 20,000 sq. ft.
  - (2) In developments on parcels 20 or more acres in size:
    - (a) A maximum of one food store if a portion of the façade is wrapped with smaller stores or contains architectural features to simulate smaller retail storefronts ..... 70,000 sq. ft.



- (b) A maximum of one commercial use with a maximum footprint of 20,000 sq. ft. and a maximum floor area of 40,000 sq. ft., and located in a mixed use building.
- (c) All other commercial uses ..... 20,000 sq. ft

3. Requirements for Residential Uses

- a. Residences are permitted only within Route 1 Corridor development projects encompassing at least two gross acres of CAC-zoned land or less than 2 gross acres if: (1) the subject property is contiguous along at least 75% of its perimeter to a CAC development that has received final approval of a Sketch Plan or Site Development Plan; (2) no additional CAC-zoned land directly adjoins the subject property; and (3) the development of the subject property shall be compatible with the land use, site planning and architectural character of the contiguous CAC development.
- b. The first floor of buildings adjoining the right-of-way of Route 1 shall not include residential uses in the building space closest to the right-of-way of Route 1, with the exception that if the Director of the Department of Planning and Zoning finds that the building and streetscape design are in compliance with Chapter 5 of the Route 1 Manual concerning building design, particularly the sections concerning mass and articulation and door and window openings, such units may be approved in a development site that has 1,000 feet or greater frontage on the Route 1 right-of-way and is:
  - (1) 20 acres or greater and residences occupy no more than 50% of the Route 1 frontage, or
  - (2) 5 acres or greater and within 2,000 feet of a MARC Station.

Residences may occupy other portions of the first floor space.

- c. For every dwelling unit that is developed, 300 square feet of commercial space must be developed on the site. The Director of the Department of Planning and Zoning may, however, reduce the commercial space requirement to 100 square feet per residential unit under the following conditions:
  - (1) The site is constrained in terms of size, shape, environmental factors, access, or proximity to existing vicinal commercial development in a manner that limits commercial development potential; or
  - (2) The proposed design includes recreational, public, or non-profit uses on the first floor that benefit and are accessible to the general public.
- d. Based on documented hardship, the Planning Director may further reduce the commercial space requirement to 70 square feet per acre for parcels that have 800 units or more, provided the criteria listed in b(1) and (2) are used in the evaluation.
- e. The phasing of residential and commercial construction and open space amenity areas should be roughly proportional. No more than 50% of the residential units shall be constructed prior to commencing a roughly proportional amount of commercial construction and open space amenity areas. For developments of 800 units or more, no more than 60% of the residential units shall be constructed prior to commencing the construction of the non-residential portions of the development.
- f. Moderate Income Housing
  - (1) At least 15% of the dwelling units shall be Moderate Income Housing Units, except that

- (2) At least 25% of the dwelling units shall be Moderate Income Housing Units if the CAC Development requires closing of a mobile home park existing on the property when CAC rezoning occurs.

**F. Receiving Parcel for Neighborhood Preservation**

A parcel may be developed as a receiving parcel in association with Neighborhood Preservation Parcel sending parcels at a bonus density of up to 10% more dwelling units than permitted by the standard maximum density in the district, in accordance with the Section 128.0.K requirements.

**G. Compliance with Route 1 Manual**

1. New Development

New development in the CAC District shall comply with the standards of the Route 1 Manual.

2. Alterations to Existing Uses Requiring Compliance with the Route 1 Manual

a. The following minor alterations or enlargements of an existing use are exempt from complying with the Route 1 Manual.

- (1) Expansion of a building by 10% or less of the floor area of the building on (Insert the effective date of this legislation) up to a maximum of 5,000 square feet of floor area.
- (2) Building repairs, repaving or re-striping parking areas, and other maintenance or repair that does not enlarge a building or use.
- (3) Removal of parking areas, driveways or other paved areas.
- (4) A change in the use of an existing building to a use permitted in this district, if the Department of Planning and Zoning determines, in accordance with the Subdivision and Land Development Regulations, that no changes to site improvements are required.
- (5) Other minor alterations to a developed site that do not require a Site Development Plan or a revision to an approved Site Development Plan. This includes alterations approved through a waiver of the Site Development Plan requirement or a red-line revision to an existing Site Development Plan.

b. Other than the above exceptions, any alterations or enlargements of an existing use must comply with the Route 1 Manual. The following standards determine the extent to which improvements must be brought into compliance. Additional guidance is provided in the Manual.

- (1) **Expansion of Existing Improvements**  
If buildings and/or site improvements are expanded, the site shall be brought into compliance with the Route 1 Manual in equal proportion to the percentage of the site impacted by the expansion. (For example, if the expansion impacts 20 percent of the site, 20% of the existing improved area shall be brought into compliance with the Manual.) The area impacted by the expansion includes the square foot area of building additions and additional parking, loading, driveways or infrastructure, and land cleared or graded.
- (2) **Site Improvements That Do Not Alter Buildings**  
If alterations or enlargements are limited to site improvements that do not involve buildings, buildings are not required to be brought into compliance with the Route 1 Manual.
- (3) **Building Expansions**

Expanded buildings shall be brought into compliance with the Route 1 Manual to the extent possible, including the design and location of the addition. Relocation or reconstruction of existing buildings is not required.

(4) **Route 1 Right-of-Way Improvements**

All alterations, both major and minor, shall comply with Chapter 3 of the Route 1 Manual in proportion to the proposed alterations.

- c. A site that does not fully comply with the Route 1 Manual is subject to the Bulk Requirements in Subsection D.5 above

**H. Parking**

The minimum off-street parking requirements of Section 133.0.D may be reduced by the number of on-street parking spaces available within a public street right-of-way or private service drive abutting the lot. On-street parking spaces used to meet the minimum parking requirement must be within the road section abutting the lot and on the same side of the street as the lot needing the parking

**I. Conditional Uses**

Conditional Uses in the CAC District are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved.

## **SECTION 127.6: TNC (Traditional Neighborhood Center) Overlay District**

### **A. Purpose**

The TNC District is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. These centers should be located near Route 40 and close to residential communities that will benefit from a pedestrian-oriented local business area. The requirements of this district, in conjunction with the Route 40 Manual and the public improvements recommended by the Route 40 Enhancement Study, will result in development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 40 and intersecting roads.

Sites within the TNC Overlay may continue to be used, developed and redeveloped in accordance with the underlying zoning. The intent of this district is to provide an alternative method of development for property owners who choose to comply with the Route 40 Manual and the requirements of this district. Development complying with the TNC District requirements will be permitted to include residential development and will have greater flexibility in some bulk requirements.

### **B. Application of TNC District**

The TNC Overlay is established on a property through the action of the Zoning Board, either during Comprehensive Zoning or as a piecemeal rezoning request. Sites in the TNC District may be developed in accordance with either the underlying district or this overlay district. The initial subdivision plan or Site Development Plan for new development, redevelopment or alteration of a site must indicate which set of requirements will be used. For sites using the TNC District, the requirements of this district supersede the underlying district.

### **C. Uses Permitted as a Matter of Right**

1. Age-restricted adult housing, if the additional requirements for age-restricted adult housing set forth in the POR District are met.
2. Ambulatory health care facilities.
3. Animal hospitals, completely enclosed.
4. Antique shops, art galleries, craft shops.
5. Athletic Facilities, Commercial
6. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
7. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions, without a drive-through, except that one lane drive-through service shall be permitted on sites within a Route 40 corridor development project encompassing at least 20 gross acres of land in the TNC District provided that there shall be no portion of drive-through service visible from a public road and the drive-through service shall be appropriately buffered from adjoining residential property.
8. Bicycle repair shops.
9. Blueprinting, printing, duplicating or engraving services limited to 5,000 square feet of net floor area.
10. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
11. Child day care centers and nursery schools.
12. Clothing and apparel stores with goods for sale or rent.
13. Commercial communication antennas.

14. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
15. Convenience stores.
16. Day treatment or care facilities.
17. Drug and cosmetic stores, without a drive-through, except that one lane drive-through service shall be permitted on sites within a Route 40 corridor development project encompassing at least 20 gross acres of land in the TNC District provided that there shall be no portion of drive-through service visible from a public road and the drive-through service shall be appropriately buffered from adjoining residential property.
18. Dwellings, apartment and single-family attached, only within a Route 40 corridor development project with at least 2 gross acres of TNC-zoned land.
19. Farmers markets.
20. Food stores.
21. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
22. Government structures, facilities and uses, including public schools and colleges.
23. Hardware stores.
24. Hotels, motels, country inns and conference centers.
25. Laundry or dry cleaning establishments.
26. Liquor stores.
27. Museums and libraries.
28. Nonprofit clubs, lodges, community halls.
29. Offices, professional and business.
30. Parking facilities that serve adjacent off-site uses in accordance with Section 133.0.B.
31. Personal service establishments.
32. Pet grooming establishments and daycare, completely enclosed.
33. Recreation Facilities, Commercial including bowling centers, billiard or pool centers, children's party and play spaces, laser-tag facilities, computer gaming centers, golf driving ranges, miniature golf, water slides, paintball, and similar uses.
34. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
35. Restaurants, carryout, including incidental delivery service.
36. Restaurants, fast food, in a building without a drive-through.
37. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
38. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
39. Schools, commercial.
40. Schools, private academic, including colleges and universities.
41. Service agencies.
42. Specialty stores.
44. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar
45. Volunteer fire departments.

**D. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Home occupations, subject to the requirements of Section 128.0.C.
3. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
4. Retail sale of propane on the site of a principal retail business.

5. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
6. Snowball stands, subject to the requirements of Section 128.0.D.
7. Accessory Solar Collectors.

**E. Bulk Regulations**

(Also see Section 128.0.A, Supplementary Bulk Regulations.)

1. Minimum parcel size ..... 2 acres
2. Residential density, maximum
  - a. Parcel adjacent to Route 40 ..... 20 units per net acre
  - b. Parcel adjacent to Frederick Road ..... 8 units per net acre
3. Maximum height limitations
  - a. Parcel adjacent to Route 40 ..... 55 feet
  - b. For structures incorporating either first floor retail or structured parking on parcels adjacent to Route 40 on sites within a Route 40 corridor development project encompassing at least 20 gross acres of land in the TNC District, the maximum height limit for structures can increase an additional 1 foot in height for every 2 feet of additional setback above the minimum setback to a maximum height of ..... 62 feet
  - c. Parcel adjacent to Frederick Road ..... 35 feet
4. Minimum building height ..... 25 feet
5. Minimum structure or use setback from Route 40 right-of-way ..... 20 feet
6. Minimum setbacks from other public street right-of-way
  - a. Principal structures and amenity areas ..... 0 feet
  - b. All other structures and uses ..... 20 feet
7. Minimum structure and use setbacks from residential lots for R-ED, R-20, R-12 or R-SC Districts
  - a. Parcel adjacent to Route 40 ..... 75 feet  
 Except for accessory uses and structures, which are limited to access drives, parking areas, retaining walls 15 feet in height or less, walkways ..... 30 feet
  - b. Parcel adjacent to Frederick Road ..... 50 feet
8. Minimum structure and use setbacks from open space, multi-family or non-residential uses in R-ED, R-20, R-12 or R-SC Districts ..... 30 feet
9. Minimum structure and use setbacks from any other residential zoning district ..... 30 feet
10. If an R-ED, R-20, R-12, or R-SC District is separated from the TNC District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.
11. Minimum structure and use setbacks from all other districts ..... 0 feet
12. Maximum structure setback from public street right-of-way
  - a. From Route 40 ..... 100 feet
  - b. As provided in the Route 40 Manual, the building facade closest to a public street other than Route 40 should be located no more than 10 feet from the edge of the public street right-of-way unless topography, utilities or other physical constraints

make a greater setback necessary. This 10-foot setback may be increased without a variance in accordance with the Route 40 Manual.

## **F. Requirements for TNC Development**

### **1. Amenity area**

TNC developments shall include a formal, landscaped, outdoor amenity area, such as a plaza, courtyard, square, or common that complies with the requirements of the Route 40 Manual.

### **2. Requirements for nonresidential uses**

On a lot adjoining the right-of-way of Route 40 or Frederick Road, for the buildings closest to Route 40 or Frederick Road:

- a. At least 50% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.
- b. The first floor of the building façade facing the right-of-way must include storefronts and entrances for the first floor retail and service uses.
- c. The first floor façade shall be designed to provide pedestrian interest along sides of buildings that face the street in accordance with the Route 40 Manual

### **3. Requirements for residential uses**

- a. Residences are permitted only within Route 40 corridor development projects encompassing at least 2 gross acres of TNC-zoned land.
- b. The first floor of buildings on lots adjoining the Route 40 or Frederick Road right-of-way shall not include residential uses in the building space closest to the right-of-way. Residences may occupy other portions of the first floor space.
- c. For every dwelling unit developed, 300 square feet of commercial space must be developed or renovated to be compatible in architectural character with new development on the site. The Director of the Department of Planning and Zoning may, however, reduce the commercial space requirement to 200 square feet per dwelling unit under the following conditions:
  - (1) The TNC Development is less than 20 acres and is specially constrained in terms of size, shape, environmental factors or access in a manner that limits commercial development potential; or
  - (2) The proposed design includes recreational, public, or non-profit uses on the first floor that benefit and are accessible to the general public.
- d. The phasing of residential and commercial construction should be roughly proportional. Once building permits have been issued for 50% of the residential units, no more building permits for residential units will be issued until the developer obtains building permits for a proportional amount of commercial construction or renovation. This requirement may be satisfied by continuing presence of a proportional amount of existing commercial development that is intended to remain as part of the development project, provided that the existing commercial space is redeveloped and the redevelopment is subject to the same requirements as new commercial construction in the TNC District.



- e. At least 15% of the dwelling units shall be Moderate Income Housing Units.

**G. Compliance with Route 40 Manual**

All sites developed under the TNC District requirements shall comply with the standards of the Route 40 Manual.

**H. Parking**

The minimum off-street parking requirements of Section 133.0.D may be reduced by the number of on-street parking spaces available within a public street right-of-way or private service drive adjoining the parcel. On-street parking spaces used to meet the minimum parking requirement must be within the road section adjoining the parcel and on the same side of the street as the associated parcel.

**I. Conditional Uses**

Conditional Uses in the TNC district are subject to the detailed requirements for Conditional Uses given in Section 131.0. For the list of permitted Conditional Uses, refer to the chart in Section 131.0.

Reserved

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## SECTION 128.0: Supplementary Zoning District Regulations

### A. Supplementary Bulk Regulations

The following supplementary regulations shall apply in addition to the requirements of the applicable zoning districts.

#### 1. Exceptions to Setback Requirements

Exceptions to Setback Requirements		
Type of Building Feature, Structure, or Land Use	Zoning District	Maximum Encroachment Into Setback
a. Cornices, eaves and cantilevered building features which do not contain any floor area or extension of interior living space	All districts except NT	3 feet into any setback
b. Bay windows, window wells, oriels, vestibules, balconies and chimneys.	All districts except NT	4 feet into any setback or a required distance between buildings, provided the feature has a maximum width of 16 feet as measured horizontally along the wall from which the feature extends
c. Exterior stairways or ramps, above or below ground level	All non-residential districts except NT	4 feet into any setback, provided the feature has a maximum width of 16 feet as measured horizontally along the wall from which the feature extends
d. Exterior stairways or ramps, above or below ground level excluding those attached to a porch or deck (see e)	All residential districts except NT	10 feet into a front setback or a setback from a project boundary or different zoning district; 16 feet into a rear setback; 4 feet into a side setback or a required distance between buildings
e. Open and enclosed porches and decks, and the stairways or ramps attached thereto	All residential districts except NT	10 feet into a front or rear setback, a setback from a project boundary, a setback from a different zoning district, or a required distance between buildings
f. Walls, fences, pillars and gates which serve as entrance features for a lot, subdivision or development	All districts	Setback requirements do not apply, provided the entrance feature is no more than 8 feet high, and does not interfere with sight distance along public roads. If visible from a scenic road, the entrance feature shall be no more than 4 feet high and 12 feet long.
g. Flagpoles	All districts	Setback requirements do not apply
h. Pathways	All districts	Pathways are not subject to the use setback requirements from a public street right-of-way
i. Transmission lines	All non-residential districts	Setbacks from abutting residentially zoned properties may be reduced to 10 feet if the abutting property is an overhead or underground transmission line right-of-way that is 100 feet or more in width

j. Room extensions and building additions	R-ED lots and R-20 lots being developed under R-ED regulations which are recorded after May 13, 2012	10 feet into a rear setback, along not more than 60% of the rear face of a dwelling on a lot which adjoins open space along a majority of the rear lot line.
k. Accessory deer fences up to a maximum height of 8 feet, on farms as defined in these regulations	All districts	Setback requirements do not apply
L. All features cited within the definition of "structure" as being exempt from setbacks	All districts	Setback requirements do not apply

2. Exceptions to Lot Coverage Requirements

In residential districts and residential land use areas of the PGCC and MXD Districts, but not in the NT District, open decks (decks without roof or walls) shall not be considered structures for lot coverage purposes when constructed onto a single-family attached dwelling.

3. Exceptions to Height Requirements

- a. In any district, parapet walls may extend not more than four feet above the maximum allowed height.
- b. In any district, height limitations shall not apply to bulkheads, elevators, one-story penthouses, water tanks, air conditioning units, and similar utility or mechanical structures not covering more than 25% of the roof area of a building, nor to architectural screening for such structures.
- c. The following are exempt from height limitations in all nonresidential districts except the HO and HC Districts, including employment areas of the NT, MXD and PGCC Districts: antennas, communication towers, and lines, poles and other supporting structures for electric, telephone or cable television transmission or distribution. (See Section 128.0.E for additional requirements for antennas and communication towers.)
- d. The following are exempt from height limitations in all residential districts except the R-VH District, including residential areas of the NT, MXD and PGCC Districts: spires, steeples, belfries, chimneys, stacks, flag poles, monuments, observation towers, barns, silos, water storage structures, antennas, communication towers, and lines, poles and other supporting structures for electric, telephone or cable television transmission or distribution. Observation towers, silos and ground-mounted antennas (not including satellite dish antennas) shall be set back from lot lines a distance equal to their height as measured from ground level. (See Section 128.0.E for additional requirements for antennas and communication towers.)
- e. In any district, outdoor athletic structures are exempt from the height limits for accessory structures.

4. Animal Shelter Setback Requirements

Structures used for the housing, boarding, or sheltering of animals, including but not limited to barns, buildings, hutches, sheds, roofed structures, and prefabricated moveable animal houses, and any areas used for the storage of animal excrement, shall comply with the accessory structure setback requirement for the applicable zoning district. In addition animal shelters measuring larger than 500 square feet in size shall be located a minimum of 200 feet from any existing dwelling on a different lot and animal shelters 500 square feet or smaller shall be located a minimum 100 feet from any existing dwelling on a different lot. The following are exempted from this requirement:

- a. Shelters used for household pets.
- b. Shelters used for residential chicken keeping which comply with the requirements for such structures as provided in Section 128.0.D.
- c. Apiaries which comply with the requirements as provided in Section 128.0.N.
- d. Structures as defined in Section 103.0.

5. Bulk Regulations Specific to Ellicott City

Notwithstanding other requirements of these regulations, new structures erected on Main Street between Rogers Avenue and the Historic District boundary shall be required to provide a minimum front yard equal in depth to the front yard of the main part of the nearest structure on the same side of the street. However, nothing in this section requires setbacks greater than those in the zoning district.

6. Bulk Regulations Specific to Lisbon and Elkridge

- a. The provisions of Subsection 6.b below shall apply to:
  - (1) B-1 or B-2 zoned properties in Lisbon which are located between North Avenue and South Alley, beginning at the center line of MD 94 and extending 1850 feet to the east on the north side of MD 144; extending 1,350 feet to the east on the south side of MD 144; and extending 225 feet to the west on the south side of MD 144; and
  - (2) B-1 zoned properties in Elkridge which have frontage on either side of Main Street and are located north of the B&O Railroad tracks or on Railroad Avenue.
- b. The following provisions shall apply:
  - (1) Structures or land uses shall not be required to meet the minimum setback requirements of the applicable zoning district.
  - (2) The minimum off-street parking requirements for specific uses contained in Section 133.0.D of these regulations shall not be applicable, but reasonable and appropriate off-street parking requirements shall be determined by the Department of Planning and Zoning, which shall consider comments from other County agencies regarding the parking needs of the proposed use and the availability of parking in the area of the use. Off-street parking spaces serving any structures or land uses in existence at the time of adoption of these Regulations shall not be reduced.

7. Bulk Regulations Specific to Highland

The following requirements apply to B-1, B-2 and CCT zoned property located within 1,000 feet of the centerline of the intersection of MD Route 108 and MD Route 216.

- a. The minimum structure and use setbacks from the public street right-of-way shall be as follows:
  - (1) For additions to existing structures, a distance equal to 10 feet or the setback of the existing structure, whichever is less.
  - (2) For new structures, a distance equal to 10 feet or the front setback of structures on the property or on an adjoining property, including any existing structures that are being replaced, whichever is less.
  - (3) In the CCT District, for uses other than parking uses, a distance equal to 10 feet.
  - (4) No additions to existing structure(s) or new structure(s) shall be permitted within an existing or proposed public road right-of-way.
- b. All other requirements of the B-1, B-2 and CCT Districts shall apply.

8. Setbacks from Paper Streets

The required setback from a street right-of-way shall not be applied to a street which is shown on a plat recorded prior to March 7, 1961, and has not been built, if the Directors of Planning and Zoning and Public Works determine that the street will not be built or dedicated as a public street.

9. Setback Requirements for Fences, Walls and Retaining Walls

a. General

The following regulations shall apply to fences and retaining walls in all zoning districts.

- (1) Fences shall be classified in the following categories:
  - (a) Open fences which include wire, chain link, post and rail, paddock, picket, or any other fences in which more than 50 % of the fence area is visibly open.
  - (b) Closed fences which include board on board, privacy or stockade fences, or any other fences in which 50% or less of the fence area is visibly open. Masonry walls that serve the same purpose as a closed fence are considered closed fences.
- (2) The fence area is the surface area from the bottom to the top of the fence section, including stringers supporting the section but not the post area above or below the fence section.
- (3) The following are exempt from all structure or use setback requirements, including the setbacks given in individual zoning districts which apply specifically to fences and the provisions of B.3 below which applies to corner lots:
  - (a) Closed fences, walls and individual retaining walls three feet or less in height.
  - (b) Open fences six feet or less in height.
  - (c) Noise walls of any height.
- (4) Where the ground is higher on one side of a fence, wall or retaining wall than another, the height shall be measured on the side where the ground is lower.



- (5) Other than the exceptions noted above, fences must comply with all accessory structure bulk requirements of the applicable zoning district.
- (6) A series of retaining walls must be set back from property lines in accordance with engineering requirements in the engineering design manual, but are not permitted to be closer than 10 feet from the property line if adjoining residentially zoned property.

b. Setbacks and exemptions for closed fences, walls and retaining walls:

- (1) For properties where the side or rear yard adjoins another lot line and not a public road:

Closed fences, walls and retaining walls over three feet and up to six feet in height are exempt from structure or use setback requirements if located in a side or rear yard. Such fences and walls are subject to front setbacks from a public road right-of-way or from a front property line.

- (2) For properties where the side or rear yard adjoins a public road:

Closed fences, walls and retaining walls over three feet and up to six feet in height are exempt from setback requirements if located in a side or rear yard which adjoins a public road right-of-way, provided the property is not a corner lot. Such fences and walls are subject to front setbacks from a public road right-of-way or from a front property line.

- (3) For properties which are corner lots:

- (a) Closed fences, walls and retaining walls over three feet and up to six feet in height shall not be subject to setback requirements if located in a side or rear yard which adjoins a public road right-of-way, except for the portion of the lot as provided in (b) below.

- (b) On a corner lot closed fences, walls, and retaining walls over three feet in height shall not be located within a triangle formed by straight lines joining points 25 feet back from the point where the roads intersect. Such fences and walls are subject to front setbacks from a public road right-of-way.

- (c) Closed fences, walls and retaining walls over three feet and up to six feet in height are subject to setbacks from a public road right-of-way.

- (4) For properties which are pipestem lots:

Closed fences, walls and retaining walls over three feet and up to six feet in height shall not be subject to a front setback as measured from the front property line. Such fences and walls must comply with the setback required from the public road right-of-way if it extends onto the property.

10. Setbacks from lot lines internal to a development:

When two or more contiguous lots or parcels are treated as a single parcel for development purposes, the zoning structure and use setbacks from lot lines internal to the development shall not apply provided that:

- a. A plan is approved for the development showing an integrated design for the contiguous lots or there are two adjoining projects by the same developer that have integrated design elements such as roads, utilities or open space;
- b. The lots are developed and maintained as an integrated development;
- c. All of the lots are integral and necessary to the project; and
- d. Improvements are planned and constructed without regard to the internal lot lines.
- e. In all instances, perimeter setbacks to adjoining parcels shall be maintained.
- f. This section applies only to the setbacks specified within these Zoning Regulations and not to building and fire code regulations administered by the Fire Department or the Department of Inspections, Licenses and Permits.

11. Setbacks for Zoning Boundaries Internal to a Development

In a development with a plan showing an integrated design that incorporates more than one zoning district, there is no required setback from an internal zoning district boundary. In all instances perimeter setbacks to adjoining parcels shall be maintained.

12. Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

a. Size restrictions

(1) The maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling is:

- (a) 600 square feet for a lot in the planned public water and sewer service area.
- (b) 1,200 square feet for a lot in the RC or RR district which is 2 acres or less
- (c) 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres.

(2) The cumulative lot coverage restrictions cited above shall apply to all accessory structures on any residentially zoned lot developed with a single-family detached dwelling, excepting only legitimate farm buildings located on properties meeting the definition of “farm” and swimming pools. Farm structures and swimming pools are not subject to size restrictions; **however, they must be subordinate and incidental to the principal use.**

b. Restrictions for accessory structures

Full baths, full kitchens, residential habitation and commercial uses are not permitted in accessory structures.

13. Regulations for Accessory Apartments

The following shall apply to all accessory apartments:

- a. The accessory apartment must be located within an owner occupied dwelling. The owner may occupy either the principal dwelling or the accessory apartment.
- b. If the accessory apartment is within an addition to the existing dwelling it must share a common wall overlap of at least 50% of the length of the shared wall. The apartment cannot be separated from the principal dwelling by an attached garage or a breezeway.
- c. In all dwellings, an accessory apartment shall occupy no more than one-third of the net floor area of the building, up to a maximum of 1,500 square feet. The boundaries of the accessory apartment must encompass at a minimum areas devoted to sleeping, food preparation, sanitary facilities and the intervening areas which link these. The floor area of the accessory apartment includes one-third of the area of shared storage or utility areas.

Accessory apartments which exceed 1,500 square feet or more than one-third of the net floor area of the building may be permissible in the RC, RR, R-ED, R-20, or R-12 Districts if a Conditional Use for a two-family dwelling is approved by the Hearing Authority.

- d. An accessory apartment shall operate only upon approval of a permit issued by the Department of Planning and Zoning based on compliance with the requirements of this section and those of the applicable zoning district. With the permit application, the owner must submit a floor plan drawn to scale which delineates the boundaries of the accessory apartment and identifies all of the living spaces as specified in (c) above.

14. Regulations for Accessory Uses and Outdoor Accessory Storage on Residential Lots or Parcels less than one acre.

- a. The cumulative size and intensity of accessory uses, including outdoor accessory storage areas, located on any given residential lot or parcel less than one acre may not collectively exceed the residential use. They must be of minor significance when compared to the principal use and they must be customarily incidental to that use.
- b. On any individual residential lot or parcel less than one acre, outdoor accessory storage areas may not total more than two areas and may not cumulatively occupy more than a square footage equivalent to 10% of the gross floor area of the dwelling or a maximum of 200 square feet, whichever is less. This storage limit does not include the square footage of areas upon which registered vehicles are parked. Such storage areas must be screened by a fence, wall, landscaping, landscaped berm, or other suitable treatment, must not be visible at ground level from any adjacent properties or public street rights-of-way, and must be confined to the rear yard. The use of tarps, tents or other similar covers is not considered an acceptable method of screening.
- c. No permanent parking area shall exceed 50% of the area of the front yard, and not more than four motor vehicles may be parked therein. In the front yard, registered and operable motor vehicles must be parked on asphalt, concrete, pervious pavers or another hard surfaced, dustless material.

## **B. Noncomplying Structures and Uses**

1. A structure or use which does not comply with current bulk requirements, but which complied with the requirements in effect when it was constructed, may remain in place and may be maintained or repaired as necessary.
2. Any additions to the structure or use must comply with current bulk requirements unless a variance is granted with the following exceptions:
  - a. An addition to a single-family detached dwelling may encroach into a setback without a variance, provided that the addition encroaches no further into the setback than the existing dwelling.
  - b. A vertical addition to a single-family detached dwelling may encroach into the setback to which it is legally noncomplying without the need for a variance, provided the addition does not extend farther into the setback than the existing dwelling, and provided that the addition complies with the required height restrictions.
  - c. The architectural features listed in Sections 128.0.A.1.a through 128.0.A.1.c. may be added to a building without a variance, provided the features does not extend further out from the current building than the maximum setback encroachment allowed by those sections.
  - d. A previously unoccupied but reserved burial plot in a cemetery may encroach into a setback without a variance, provided that plot encroaches no further into the setback than an occupied burial plot along the same property boundary
3. If a noncomplying structure is destroyed by fire, flood or other calamity, it may be replaced without a variance, without complying with current bulk requirements, provided that:
  - a. It may be replaced with a structure of the same or lesser size and dimensions in the same location as the destroyed structure, provided the Director of Planning and Zoning determines that it is not feasible to replace the structure in a location closer to compliance with current bulk requirements.
  - b. It may be replaced with a structure of the same or lesser size and dimensions in a location which is closer to compliance with current bulk requirements than the original location, provided that the Director of Planning and Zoning determines that it is not possible to replace the structure in a location fully in compliance with current bulk requirements.
4. The provisions of Subsection 2 above shall not apply if the structure was vacant for more than one year immediately prior to being destroyed. Subsection 2 shall apply only if a building permit is obtained within two years of the date the structure was destroyed, construction pursuant to the building permit begins within six months of the issuance of the permit, and construction is substantially completed within one year. The building permit shall be revoked and a variance shall be required if these conditions are not met.
5. These provisions shall not be deemed to permit the intentional demolition and replacement of a structure which does not comply with current bulk requirements.

## C. Home Businesses

### 1. Home Occupations

Home occupations which meet the following requirements are permitted accessory uses in all residential zoning districts and in residential land use areas of the multi-use districts. If more than one home occupation is located within a residence or on a residential lot, the requirements given below apply to the cumulative total of all home occupations on the lot.

- a. The total area devoted to home occupations shall not exceed 33% of the gross floor area of the dwelling.
- b. The home occupation shall be located entirely within a dwelling, an existing accessory building, or both.
- c. The home occupation shall not alter the residential appearance and character of the dwelling, accessory building or the lot.
- d. There shall be no exterior evidence, other than a permitted sign, to indicate that the lot is being used for any purpose other than that of a dwelling. Exterior evidence shall include outdoor display or storage, noise, dust, vibration, glare, fumes, odors or extensive parking area.
- e. The unrestricted sale or rental of commodities may not take place on the lot.

Allowed sales related activities include: processing orders by mail, telephone or computer; receiving and mailing merchandise (subject to the limitation on truck deliveries); storage of catalogues, samples, previously ordered merchandise and inventory; office functions such as telephone, computer, and record keeping. In addition, occasional, small volume sales associated with home parties held for the purposes of the display and sale of goods such as cookware, fashion accessories, skin care products, etc. may occur on the site no more than once a month.

- f. A home occupation shall be principally conducted by persons residing in the dwelling. In addition, the following number of nonresident employees and clients may be present on the lot in connection with the home occupation:
  - (1) On a lot 20,000 square feet or larger, no more than three nonresident employees or clients shall be permitted at the same time.
  - (2) On a lot smaller than 20,000 square feet which is improved by a single-family detached dwelling, no more than two nonresident employees or clients shall be permitted at the same time.
  - (3) Within a single-family attached or apartment dwelling, no more than two nonresident employees or clients shall be permitted at the same time. The nonresident employees shall work only between 9:00 a.m. and 5:00 p.m. Monday through Friday.
- g. No business-related deliveries by trucks with more than two axles shall be permitted. Parcel post and other similar delivery trucks are permitted.
- h. Home occupations may include the uses listed below. All repair and refinishing items must be picked up from and delivered to customers.

- (1) Art or hand craft studios involving the small scale production of non-edible commodities for off-site sales.
- (2) Business services including record transcription, clerical and computer services.
- (3) Direct sale product distribution (e.g., Amway, Avon, Tupperware, etc.).
- (4) Internet, mail-order or telephone sales.
- (5) Dressmaker, seamstress, or tailor.
- (6) Repair services for products including, but not limited to: computer hardware, clocks, jewelry, cameras, guns, bicycles, small electronics, musical instruments and tools which can be transported in a standard passenger vehicle.
- (7) Individual or group instruction of up to 6 students at one time in an academic or non-academic subject.
- (8) Business or professional offices including administrative offices associated with an offsite business.
- (9) Furniture refinishing of items which can be transported in a standard passenger vehicle.
- (10) In the RC and RR Districts only, lawn mower, scooter and small engine repair on lots of five acres or larger.

i. Uses which require a Conditional Use in any residential zoning district are prohibited as accessory home occupations.

j. On an ALPP purchased or dedicated easement property, the following additional criteria are required:

- (1) The use shall not interfere with the farming operations or limit future farming production.
- (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2 % of the easement.

k. Certain home occupations which do not comply with the requirements of this section may be permitted as a Conditional Use, subject to the provisions of Section 131.0.N.29 and other applicable regulations.

l. For home occupations which require Department of Planning and Zoning approval of a federal, state or local permit or license, a home occupation confirmation must be approved by the Department of Planning and Zoning based on the requirements of this section. The confirmation request shall include a plot plan showing the location and dimensions of structures, parking areas and driveways and a floor plan showing the dimensions and boundaries of the home occupation.

## 2. Home-Based Contractors

In the RC and RR Districts, and on lots larger than two acres in the R-ED, R-20, and R-12 Districts, a home-based contractor shall be a permitted accessory use, provided that:

a. The site shall have at least 60 feet of frontage on a public road.

b. In addition to the commercial or unregistered vehicles which may be parked on the lot according to the accessory use requirements of the applicable zoning district, the following is allowed:

- (1) In the RC and RR Districts, one additional commercial vehicle may be parked on lots larger than two acres.
  - (2) In the R-ED, R-20, and R-12 Districts, one additional commercial vehicle may be parked on lots larger than three acres.
- c. Nonresident employees may visit the lot for the sole purpose of picking up or returning vehicles or equipment. Such trips shall be limited to:
  - (1) In the RC and RR Districts, no more than four trips per day for lots two acres or less, eight trips for lots larger than two and less than three acres, and twelve trips for lots of three or more acres.
  - (2) In the R-ED, R-20, and R-12 Districts, no more than eight trips per day
- d. In addition to the employee visits allowed by Paragraph 2.c, one nonresident, full-time equivalent office employee, not to exceed two individuals, may work on site. Nonresident employees are not permitted to perform non-office functions (e.g. equipment repair, loading, etc.).
- e. No nonresident employees shall be on the lot and no commercial vehicles or equipment shall be taken from or returned to the lot between 7:00 p.m. and 6:30 a.m.
- f. The total area used for parking and storage of commercial vehicles, equipment and supplies, whether outdoors or indoors, shall be limited to the following:
  - (1) In the RC and RR Districts, no more than two percent of the gross lot area or 5,000 square feet, whichever is less.
  - (2) In the R-ED, R-20, and R-12 Districts, no more than two percent of the gross lot area or 1,000 square feet, whichever is less.
- g. Parking and storage areas shall be restricted as follows:
  - (1) In the RC and RR Districts, supplies shall be stored within a building, except that mulch, compost, soil, sand, stone and other natural materials may be stored outdoors. Supplies stored outdoors must be screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the Howard County Landscape Manual.
  - (2) In the RC and RR Districts, equipment shall be either stored within a building or screened from surrounding properties and roads by vegetation, fencing or other appropriate means.
  - (3) In the R-ED, R-20, and R-12 Districts, vehicles, supplies and equipment shall be parked or stored within a building, except that one commercial vehicle may be parked outdoors on lots of less than three acres, and two commercial vehicles may be parked outdoors on lots of three or more acres. Equipment and supplies may be stored on the commercial vehicles.
- h. All storage areas shall meet the accessory structure setback requirements, except that structures used for parking, storage or loading of commercial vehicles larger than 5.0 tons gross vehicle weight, or excavating, paving or similar construction equipment shall be at least 50 feet from all property lines and outdoor parking or storage areas for these items shall be at least 100 feet from property lines.
- i. No major repairs of vehicles or equipment shall be permitted on the lot. Major repairs include body work, engine rebuilding, painting, and similar activities.

- j. Where two or more adjacent lots are under common ownership and used as a single home site, home-based contracting uses may be located on a different lot than the principal dwelling, if the Director of Planning and Zoning determines that this will allow more effective screening to be provided by using existing features of the site, or will result in decreased impacts on neighboring lots due to noise, dust or fumes. Parking surfaces, fencing and landscaping may be installed; however, no new accessory building shall be constructed and no existing accessory building shall be enlarged unless located on the same lot as the principal dwelling.
- k. A home-based contractor shall operate only upon approval of a permit by the Department of Planning and Zoning, based upon compliance with the requirements listed above. The permit application shall include a plot plan showing the location and dimensions of structures, parking and storage areas, screening, and driveways, and a description of the proposed use.
- l. Certain home-based contractors which do not comply with the requirements of this section may be permitted as Conditional Uses, subject to the provisions of Section 131.0.N.28, Section 131.0.N.32 and other applicable regulations.

**D. Temporary, Seasonal and Other Uses**

1. Temporary Storage Trailers and Field or Sales Offices Related to Ongoing Construction

In all zoning districts, on application to the Department of Planning and Zoning, a permit may be issued for the use of storage trailers that are directly related to ongoing construction, or a trailer or building to be used as a temporary field or sales office in connection with development for which construction plans have been signed and all developer's agreements have been executed, a final plat has been recorded, a Site Development Plan has been approved or a building permit has been issued. Neither the trailers nor the building shall be used for living or sleeping, unless for overnight security purposes. A trailer or building approved under this section may not remain on the site unless there are active permits for the project, and the trailer or building must be removed before the last active permit for the project receives its final inspection. A trailer approved under this section and accessory parking may encroach into a required front setback from a street that has not yet been dedicated to the County. The trailer and parking must be removed or relocated to comply with the front setback before the street is dedicated.

The use of a trailer for office or sales purposes shall be permitted only in accordance with this Section. Modular office buildings, however, are allowed in zoning districts in which offices are a permitted use.

2. Temporary Storage or Refuse Containers

- a. In all zoning districts, a storage or refuse container not directly associated with construction activity for which a permit is required may be used on a temporary basis provided it complies with all applicable setbacks and bulk regulations for the zoning district in which it is located. Such a container may not exceed a maximum size of 8 feet in width by 16 feet in length by 8 feet in height and may not remain on the site for more than 60 days. No more than one storage container and one refuse container may be located on the property at any time.
- b. Upon application, the Director of Planning and Zoning may extend the time permitted for no more than 30 days, upon a showing of need and no history of violations regarding this use.



- c. For purposes of this section, the period of use is calculated from the first day of actual use and includes the time the application is pending and any appeal if the use continues during that time.
- d. No more than one 90 day use of temporary storage or refuse containers may be permitted for a property in any calendar year.
- e. The Director of Planning and Zoning may grant an exception only to the size of containers, but in no event may permit a use beyond the time period specified in this section.

3. Temporary Mobile Homes

In all residential districts and in residential land use areas of the NT, PGCC and MXD Districts, a permit may be issued for the use of a mobile home as a temporary residence on a lot where a dwelling was destroyed by fire or natural calamity. The mobile home may be used for a period of time not to exceed one year. This provision shall not apply to a lot where a dwelling was intentionally demolished.

4. Carnivals and Fairs

In districts where it is enumerated as a use permitted as a matter of right, a carnival or fair sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations shall be permitted, provided that:

- a. The operator shall obtain all permits required by County or State law;
- b. Such use shall operate for a period of time not to exceed 16 days per event;
- c. All structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair;
- d. A carnival or fair shall not be held more than once in any 30 day period at the same location.
- e. Nonprofit shall mean that no part of the net earnings inure to the benefit of a private individual, but all net earnings are exclusively devoted to charitable, social, civic or educational purposes.

5. Sale of Christmas Trees

In districts where the use is permitted as a matter of right, sale of cut Christmas trees or other seasonal decorative plant materials between Thanksgiving and January first shall be permitted, provided that:

- a. Adequate off-street parking is provided;
- b. The use will not cause traffic problems in the surrounding area; and
- c. A permit for the use is approved each year by the Department of Planning and Zoning, based upon compliance with the requirements listed above. The permit application shall include a plot plan showing the location and dimensions of structures, parking areas and points of access.

6. Snowball Stands

In districts where it is enumerated as an accessory use, a snowball stand shall be permitted provided that:

- a. The use shall be limited solely to the sale of snowballs;
- b. The floor area of the structure shall be no greater than 200 square feet in a nonresidential zoning district, 100 in the RC and RR Districts and 50 square feet in all other residential zoning districts;
- c. The use shall operate only between May 1 and October 1;
- d. In addition to the parking required for the dwelling, at least one off-street parking space shall be provided for each 25 square feet of the snowball stand;
- e. Notwithstanding the minimum front setback requirement of the district, the minimum front setback requirement for snowball stands shall be 25 feet;
- f. There shall be no outside storage of materials or equipment related to the operation; and,
- g. An annual permit for the use is obtained and approved each year by the Department of Planning and Zoning prior to the beginning of operation and sales, based upon compliance with the requirements listed above. The permit application shall include a plot plan showing the location and dimensions of structures, parking areas and points of access.
- h. All snowball stands established prior to April 13, 2004, shall not be deemed a lawful, nonconforming use.

7. Acceptance of Off-site Land Clearing Debris for Farmland Reclamation

In districts where it is enumerated as an accessory use, the acceptance or disposal of land clearing debris shall be permitted under a permit issued by the Department of Planning and Zoning, provided that:

- a. The disposal of land clearing debris shall be for the purpose of farmland reclamation only;
- b. The Howard Soil Conservation District shall verify in writing that the proposed use is for farmland reclamation purposes, and said reclamation shall be done in conformance with a Soil Conservation and Water Quality Management Plan for the farm approved by the Howard Soil Conservation District;
- c. Any temporary use permit issued by the Department of Planning and Zoning shall be for a specific period of time;
- d. The area so reclaimed shall consist of natural gullies and erosion scars, typically not more than 50 feet in width and 1200 feet in length.

The Department of Planning and Zoning shall evaluate the site and may impose limits upon the total planned fill area to be reclaimed, and the daily volume of debris to be accepted or

disposed of. Any use which requires a permit under State regulations shall not be considered an accessory use and shall require Conditional Use approval.

8. Motor Vehicle Storage in Residential Districts

In residential districts, off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except that:

- a. Parking or storage of such vehicles shall be permitted provided the vehicles are within a completely enclosed building or are not visible from ground level from any adjacent properties or public street rights-of-way. An unregistered, inoperable, wrecked, dismantled, or destroyed motor vehicle placed under a tarp or car cover shall not be considered to be screened.
- b. In addition, one such vehicle per calendar year may be parked or stored outside, in a location visible from adjacent properties or streets, provided the vehicle is:
  - (1) Recently purchased, pending inspection, for up to 180 days; or
  - (2) Being advertised for sale, for up to 180 days; or
  - (3) Being actively repaired or restored for up to 180 days, or for an extension of this period approved in writing by the Department of Planning and Zoning after an application is received showing good cause; or
  - (4) Being held pending settlement of insurance, estate or similar claims.
- c. All such vehicles must be owned by a resident of the property and used in connection with or in relation to a principal use permitted as a matter of right in the district.
- d. Vehicles made nonconforming by Zoning Board Case No. 954R shall be removed within six months of August 22, 1994. Historic vehicles as defined under Section 13-936 of the Transportation Article of the Annotated Code of Maryland and made nonconforming by ZRA-5, shall be removed by November 6, 1996.
- e. Vehicles designed or utilized for farming operations, as defined in Section 13-935 of the Transportation Article of the Annotated Code of Maryland as amended, shall be exempt from these provisions.

9. Residential Chicken Keeping

Only in residential districts where it is enumerated as an accessory use, the keeping of hens is permitted provided it is in compliance with the criteria below.

- a. The lot size shall be 10,000 square feet or larger.
- b. The lot shall be improved with a single-family detached dwelling which is occupied as a residence.
- c. The maximum number of chickens is eight hens. Roosters are prohibited.
- d. A hen house/chicken coop shall be provided. This shelter shall be located in the rear yard and shall be located 15 feet from all lot lines at a minimum, except if the property is within the Planned Service Area the shelter shall be at least 15 feet from all lot lines, 50 feet from a neighboring dwelling and shall not create a nuisance. This minimum distance cannot be reduced through variance procedures. This hen house shall allow adequate air circulation to prevent the concentration of odors. Any chicken

coop that has not been actively used to house chickens for a year must be taken down and removed from the property.

- e. The area in which the chickens forage on the property and in which the shelter is located shall be fenced in such a manner that the chickens are confined to the property. This fence shall comply with all requirements for fences as noted elsewhere in Section 128.0.
- f. The owner(s) shall conduct proper litter management practices within the shelter so that odors are not detectable from adjoining properties.
- g. Chickens kept in accordance with this regulation must also be registered with the Maryland Department of Agriculture as required by section 3-804 of the Agriculture Article of the Maryland Code.

10. Livestock on Residential Lots or Parcels

In residential districts where it is enumerated as an accessory use, livestock are permitted on residential lots or parcels subject to the criteria below.

- a. The lot or parcel size shall be 40,000 square feet or larger.
- b. The maximum number of livestock animals is one animal unit or fraction thereof for each 1.0 acre of lot area, provided, however, that a higher ratio shall be allowed upon a finding by the Department of Planning and Zoning that the property owner has obtained and implemented a nutrient management plan and a land and water conservation plan endorsed by the Howard Soil Conservation District that adequately manages the property for the higher ratio being approved.
- c. The animal shelter location(s) shall comply with the animal shelter setback requirements in section 128.0.A. Setback variances, however, may be approved by the Hearing Authority.

11. Temporary Seasonal Sales of Flowers and Plants

The temporary seasonal sales of flowers and plants may be permitted in nonresidential districts in which general retail sales are permitted, subject to the following criteria:

- a. The use shall only be permitted to operate from April 1 through October 31 on properties that are developed with an existing commercial development, and are not permitted on undeveloped vacant properties.
- b. The shelter(s) and sales display fixtures shall be of a temporary character, such as tents, canopies, portable tables and platforms, and shall not cause permanent changes to the existing commercial development.
- c. The use shall not cause an inappropriate reduction of the available parking spaces on the property.
- d. A permit for the use is approved each year by the Department of Planning and Zoning, based upon compliance with the requirements listed above.

12. Conversion of nonconforming uses to permitted uses in the CLI overlay district  
Existing uses in the CLI overlay district which do not conform with the uses permitted as a matter of right in the underlying district can become permitted uses and may have building or site improvement expansions beyond the square foot area existing or approved on April 13, 2004, subject to the following criteria:
  - a. The use is a contractor or storage yard use, or a use which is principally associated with motor vehicles, construction equipment or farm equipment, and similar uses.
  - b. The property shall have frontage on US Route 1 or shall be readily visible from US Route 1.
  - c. The expansion shall appreciably improve the visual appearance of the structures and outdoor areas on the property as viewed from US Route 1, through the use of improvements such as building renovations, fences, landscaping, or walls.
  - d. For properties fronting directly on US Route 1, streetscape improvements in conformance with the US Route 1 Manual and other subdivision and land development regulations as may be applicable to the proposed improvements shall be provided to the greatest extent possible, with consideration of the limitations which may be caused by the specific site characteristics.
  - e. For properties fronting on and having direct access on US Route 1, but having substandard entrances on US Route 1, the site improvements may include a new commercial access as approved by the State Highway Administration.
  - f. For the purpose of determining compliance with the criteria noted above, draft plans shall be submitted which depict the details of all the proposed improvements. This plan shall be evaluated by the Design Advisory Panel so its recommendations may be taken into consideration prior to the approval of the plan and the permit.
  - g. Once a permit is approved, it remains valid permanently unless it is revoked by the Department of Planning and Zoning upon a finding of noncompliance with the approved improvements plan.

#### **E. Communication Towers and Antennas**

1. Satellite Dish Antennas
  - a. No zoning requirements are imposed on satellite dish antennas with a diameter of one meter or less.
  - b. One satellite dish antenna per lot shall be allowed as an accessory use in all residential zoning districts and in residential areas of the PGCC, NT and MXD Districts. The following requirements apply to antennas with a diameter greater than one meter.
    - (1) The location of a satellite dish antenna shall be dependent on the reception of usable satellite signals. Usable satellite signals shall be those signals from the major communication satellites which, when viewed on a conventional television set, are at least equal in picture quality to that received from local commercial television or cable television.
    - (2) Where usable signals can be obtained, the antenna shall be ground-mounted and located in the rear yard. If usable signals cannot be

obtained from a rear yard location, the antenna shall be ground-mounted and located in a side yard. If usable signals cannot be obtained from a side yard location, the antenna may be mounted on a pole or any other structure which is set back a minimum distance from all property lines equal to the height of the total structure as measured from ground level. In no event shall a satellite dish antenna be located in the front yard.

- (3) A satellite dish antenna shall comply with the required side and rear setbacks for the zoning district in which the antenna is located, except that for single-family attached lots the minimum side and rear setback shall be five feet.
- (4) Screening, consisting of a privacy fence, evergreen plantings, landscaped earth mound or comparable means approved by the Department of Planning and Zoning, shall be provided along the rear and sides of any ground-mounted satellite dish antenna, when such antenna is visible from the street or surrounding property as viewed from ground level.

## 2. Supplementary Regulations for Communication Towers

The following requirements are in addition to the requirements of the applicable zoning districts. The setback requirements given below are subject to the provisions of these regulations for variances and administrative adjustments.

- a. Setbacks for communication towers in residential districts:
  - (1) From public street rights-of-way and other residentially-zoned lots: a minimum distance equal to the tower height (including antennas) measured from ground level.
  - (2) From non-residentially-zoned lots: a minimum distance equal to 50 feet or one-third of the tower height (including antennas) measured from ground level, whichever is greater.
  
- b. Setbacks for communication towers in the POR, PEC, CCT, B-1, B-2, SC, I, BRX, BR, M-1, M-2, and CE Districts, and in employment land use areas of the PGCC and MXD Districts:
  - (1) From residential districts: a minimum distance equal to half the tower height (including antennas) measured from ground level.
  - (2) From public street rights-of-way: a minimum distance equal to 50 feet or one-third of the tower height (including antennas) measured from ground level, whichever is greater.

## 3. Additional Requirements for Communication Towers Permitted as a Matter of Right

- a. Communication towers shall be gray or a similar color that minimizes visibility, unless a different color is required by the Federal Communications Commission or the Federal Aviation Administration.
- b. No signals or lights shall be permitted on towers unless required by the Federal Communications Commission or the Federal Aviation Administration.
- c. A communication tower that is no longer used shall be removed from the site within one-year of the date that the use ceases.

4. Commercial Communications Antennas Attached to Structures

In the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, OT, NT, PGCC, and MXD Districts, antennas for commercial communications and associated unmanned equipment buildings are permitted as a matter of right subject to the following standards:

- a. The antenna is attached to the roof or sides of a building at least 35 feet in height, an existing communication tower, a water tank or a similar structure provided that the antenna shall be gray or a color that minimizes visibility consistent with Federal Communication Commission or Federal Aviation Administration Regulations.
- b. The following antennas are permitted under the provisions of this Section:
  - (1) Omnidirectional or whip antennas no more than 7 inches in diameter and extending no more than 20 feet above the structure to which they are attached:  
or
  - (2) Panel antennas no more than 2 feet wide and 6.5 feet long, extending above the structure to which they are attached by no more than 20 feet: or
  - (3) Microwave dish antennas, not exceeding eight feet in diameter.
- c. Dish antennas mounted on a building shall be located or screened so as not to be visible from abutting public streets.
- d. The standards for the equipment buildings are as follows:
  - (1) The maximum floor area is 600 square feet and the maximum height is 12 feet.
  - (2) Ground-level buildings shall be screened from adjacent properties by landscape plantings, fencing or other appropriate means.
  - (3) Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antennas may also be located within the building on which the antennas are mounted.
- e. Equipment buildings, antennas and related equipment shall occupy no more than 25% of the total roof area of a building.
- f. No signals or lights are permitted unless required by the Federal Communications Commission or the Federal Aviation Administration.
- g. Antennas or equipment buildings not meeting these standards require a Conditional Use in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-APT, R-MH and PGCC Districts pursuant to Section 131.0.N. In the NT and MXD Districts, the use must be approved on a Comprehensive Sketch Plan or Final Development Plan, as applicable.

5. Amateur Radio Communication Towers

Communication towers for amateur (ham) radio are permitted accessory uses in residential districts. Amateur radio communication towers are subject to all requirements of Section 128.0.E.2 and 128.0.E.3

## **F. Private Use of Government Facilities**

In all districts, government facilities may be made available for non-government uses such as community meetings, recreation or day care programs, religious activities, and similar uses, provided such uses are secondary to the government use.

## **G. Traditional Residential Neighborhoods**

### **1. Purpose**

This section is intended to allow the concepts of the traditional neighborhood design (TND) approach to be applied to developments which are entirely or primarily residential. The MXD District provides opportunity for the creation of full-fledged TND developments, which incorporate residential, retail, service, employment and civic land uses. However, many TND elements can also be applied to residential developments to produce attractive, livable neighborhoods. The alternative bulk regulations and use provisions established in this section provide the flexibility necessary for traditional neighborhood design.

### **2. General Criteria**

a. All Traditional Residential Neighborhood developments are required to be characterized by all of the following elements:

- (1) A range of house types and/or lot sizes are provided.
- (2) Streets are laid out in a grid or network with multiple links between points.
- (3) Streets serve the needs of pedestrians and automobiles equitably.
- (4) Building facades form a visual edge along streets and squares.
- (5) The streetscape is defined and enclosed through small setbacks, a consistent treatment of architecture and other design elements, and extensive tree planting.
- (6) Formal open space areas such as squares and parks, which are visually prominent and clearly defined by roads or other physical boundaries, provide a community focus and places for social activity and recreation.
- (7) Civic buildings may be used to reinforce the identity of the neighborhood, providing places of assembly for social, cultural or religious activities.
- (8) Off-street parking areas and garages are visually unobtrusive and shall be located to the side or rear of the principal structure. In the R-ED District some exceptions may be approved for garage locations if required to accommodate historic, environmental, or scenic resources.
- (9) A minimum of 20% of the required open space shall be devoted to squares and small, formal parks. At least 25% of the perimeter of each square or formal park shall front on a street or private drive, provided that public access shall be provided along the entire distance of such required frontage on a private drive. For the R-ED zone, the minimum required open space devoted to squares and small formal parks shall not be less than 5% of the required open space, and alternate frontage may be approved on a case by case basis, provided there is sufficient public access.

b. The following regulations shall be applied to developments in the R-ED, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT and R-MH Districts which are Traditional Residential Neighborhoods of at least 20 acres. These regulations may also be applied to areas of



POR or B-1 zoning that abut and are an integral part of the design of a Traditional Residential Neighborhood.

- (1) Traditional Residential Neighborhood Regulations may also be applied to developments which are at least six acres in size and meet the following criteria:
  - (a) It is located in an R-ED zoned historic district that was originally developed with the characteristics of a Traditional Residential Neighborhood or within 2,000 feet of an historic district that was originally developed with the characteristics of a Traditional Residential Neighborhood; and
  - (b) Access is gained from a scenic road; and
  - (c) The Traditional Residential Neighborhood design is determined by the Department of Planning and Zoning and the Planning Board to result in a better design in terms of:
    - (i) Compatibility with surrounding development; and
    - (ii) Protection of historic, scenic, and environmental resources.

### 3. Permitted Uses

Uses permitted as a matter of right, accessory uses, and Conditional Use shall be as indicated in the applicable section of these regulations, except that accessory apartments shall be permitted accessory uses in any Traditional Residential Neighborhood subject to the following conditions:

- a. The area of the lot shall be at least 8,000 square feet, unless the accessory apartment is located in a Traditional Residential Neighborhood within a R-MH (Residential: Mobile Home) District.
- b. The accessory apartment shall have no more than two bedrooms.

### 4. Bulk Regulations for all Traditional Residential Neighborhood Developments

All bulk requirements for the R-ED, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, POR and B-1 Districts shall remain applicable, with the following exceptions:

- a. Except as provided in subparagraphs E(1) and F, the minimum setback for structures in single-family detached subdivisions within Traditional Residential Neighborhoods shall be 30 feet from the project boundary or from an external public street right-of-way, in lieu of the required setbacks from project boundaries or public street rights-of-way indicated in the applicable zoning district.
- b. The required front or side setback from any internal public street right-of-way, regardless of the classification of the street, shall be 0 feet for all residential structures. For commercial, office, open space and civic structures, the setback from an internal public street right-of-way shall be 10 feet.
- c. The required side or rear setback from an alley right-of-way shall be 0 feet for accessory structures, and for the rear of the principal structure if the garage is integral to the principal structure. The minimum rear to rear distance for structures on opposite sides of an alley may be reduced to 30 feet.

- d. Except as provided in subparagraph E(1), the required setbacks from lot lines for principal structures in all development projects except single-family attached residential developments shall be as follows:
  - (1) Side ..... 5 feet  
 Except zero lot line dwellings..... 0 feet  
 A minimum of 10 feet must be provided between structures.
  - (2) Rear..... 10 feet
  
- e. The required bulk regulations for an R-MH mobile home development developed as a Traditional Residential Neighborhood, having irredeemable ground leases, proposed for subdivision, and subdivided are as follows:
  - (1) The lot size, lot coverage, lot width, setback requirements for existing structures from the project boundary, setback requirements from proposed lot lines prior to subdivision, setback requirements from lot lines after subdivision, and the minimum distance between structures shall be in accordance with an as-built Site Development Plan. The as-built Site Development Plan shall be filed in conjunction with the record plat and shall be:
    - (a) Signed and sealed by the registered professional preparer as required by the Department of Planning and Zoning for original Site Development Plans; and
    - (b) Approved by the Department of Planning and Zoning.
  - (2) After the record plat is recorded, the construction of any enclosed addition which increases the gross floor area of the building shall be subject to the side and rear setback requirement listed in subparagraph D.
  - (3) After the record plat is recorded, the construction of any unenclosed porch or deck shall be subject to a determination by the Department of Planning and Zoning, on a case-by-case basis, as to whether the addition increases the gross floor area. If the Department determines that the gross floor area will not increase, the addition shall be subject to setback requirements as set forth in the Building Code at Title 3, Subtitle 1 of the Howard County Code and shall not be subject to the specific setback requirements of this section.
  
- f. The required setbacks from side or rear lot lines for accessory structures on lots improved by single-family detached dwellings shall be as follows:
  - (1) Detached accessory garages or sheds ..... 0 feet
  - (2) Other accessory structures
    - (a) Side ..... 5 feet
    - (b) Rear..... 10 feet
  
- g. There shall be no limits on the maximum lot coverage for attached units.

**H. Adult Entertainment Businesses**

1. Purpose

These requirements are intended to allow suitable locations for adult entertainment uses while limiting their adverse secondary impacts on the community. Studies from other jurisdictions in the United States have demonstrated that adult entertainment uses, particularly when clustered in a particular area, are associated with increased crime levels, depreciation of property values, neighborhood deterioration and negative perceptions of neighborhood character. To lessen and control these impacts, to limit exposure to adult entertainment uses by children, and to control the spread of sexually transmitted diseases, these requirements require dispersal of adult entertainment uses and place certain other restrictions on their location and arrangement.

## 2. Location

Adult entertainment businesses are permitted in districts where they are listed as a use permitted as a matter of right, or in the NT or MXD Districts where allowed by the applicable approved preliminary development plan, comprehensive sketch plan or final development plan. The building containing an adult entertainment business shall be located:

- a. At least 1,000 feet from any other building containing an adult entertainment business. Only one adult entertainment business is allowed per building.
- b. At least 300 feet from residential or PGCC District, provided the zoning district existed prior to establishment of the adult entertainment business.
- c. At least 300 feet from residential areas of the NT District and from NT open space lots that abut or are separated only by a street right-of-way from a residential district or a residential area of the NT District. This requirement applies if the residential or open space land is shown a final development plan recorded prior to establishment of the adult entertainment business.
- d. At least 300 feet from residential areas of the MXD, TOD or CAC Districts and from open space areas that abut or are separated only by a street right-of-way from a residential district or a residential area of the MXD, TOD or CAC District. This requirement applies if the residential or open space land is shown on a sketch plan or Site Development Plan approved prior to establishment of the adult entertainment business.
- e. At least 300 feet from the boundary of a parcel or lot occupied by an academic school (nursery through high school level), child day care center, religious facility as the principal use, public library, public park or public recreational facility, provided the use existed prior to the establishment of the adult entertainment business.
- f. Measurements shall be made in a straight line between the building containing the adult entertainment business and:
  - (1) The building containing the other adult entertainment business pursuant to Subsection a above; or
  - (2) The zoning district pursuant to Subsection b above; or
  - (3) The land use area shown on the final development plan or the Site Development Plan pursuant to Subsections c and d above; or
  - (4) The boundary of the parcel or lot occupied by the particular uses pursuant to Subsections e above.

## 3. Interior Arrangement

The interior of the establishment shall be arranged so that employees and customers can observe all areas open to customers. Viewing booths shall not be equipped with curtains, doors, or any other device that allows a booth's interior to be screened from the view of employees or other customers.

## 4. Outside Display or Visibility

No merchandise, material or performance depicting or describing sexual activity or nudity, as defined in these regulations, shall be visible from outside the adult entertainment business.

5. Amortization

- a. Except as provided in Subsection b below, an adult entertainment business lawfully established prior to the effective date of these requirements shall conform to all of the requirements set forth herein on or before thirty days after the effective date of these requirements.
- b. An adult entertainment business lawfully established prior to the effective date of these requirements must conform to the permitted use and locational requirements set forth in Section 128.0.H.2. on or before one year after the effective date of these requirements.

6. Required Permit

- a. A zoning permit is required for any adult entertainment business prior to commencing operation of the business. The business owner(s) must apply for a zoning permit from the Department of Planning and Zoning. The permit application shall indicate the address and location of the building to be occupied by the business as well as floor plans or other information that will enable the Director of Planning and Zoning to determine whether the use will comply with paragraphs H.3 and H.4 of this section. The permit application shall also include the name and address of an owner of the business. If the owner of the business is not a natural person, the permit application shall also include the name and address of a resident agent or other individual authorized to accept service of process for the applicant.
- b. The Director of Planning and Zoning shall act on the permit application within 30 days of receipt of the application by the Department of Planning and Zoning. The permit shall be approved if the use complies with paragraphs H.2 through H.4 of this section.

The applicant may, at his or her own risk, commence operation of the adult entertainment business after applying for the zoning permit but before the permit is approved. However, if the Director of Planning and Zoning subsequently denies the permit because the business does not comply with paragraph H.2 of this section, the business must cease operating. If the Director of Planning and Zoning denies the permit because the use does not comply with the requirements of paragraphs H.3 or H.4, the applicant must cease operating or bring the use into compliance with those requirements. If the applicant files a legal challenge in any administrative or judicial forum, the business may continue to operate pending the outcome of the legal challenge.

**I. Permits for Special Farm Uses**

The Department of Planning and Zoning may approve permits for the following categories of uses, which are related to farming and agriculture. A permit shall only be approved if the Department of Planning and Zoning finds that the proposed use conforms with the criteria given below and that are listed for each category.

Except for the value-added agricultural processing category, the Pick-Your-Own Enterprises category, and the small farm stand category, all other categories above shall comply with the requirement that the lot or parcel upon which the operation is located shall have frontage on and direct access to a road classification as an arterial or collector public road, or may front on and have direct access to a local road, if:

- (1) Access to an arterial or collector public road right-of-way is not feasible;
- (2) The access to the local road is safe based on road conditions and accident history;
- (3) That the use of the local road for access will not unduly conflict with other uses that access the local road.

The petitioner shall submit a request for a permit in writing, either in a letter or using a form provided by the Department of Planning and Zoning. The request shall specify the proposed permit category and provide a written description of the use and justification addressing how the proposed use compiles with the criteria applicable to the use. The petitioner shall specify the address of the property for the proposed use, and shall provide a mailing address, if different, a phone number and an email address if used, for purposes of future communication about the request.

For categories which will include visits to the property by customers or participants, the request shall specify the requested hours of operation of the use. In approving a permit, the Department of Planning and Zoning may reduce the hours of operation if it determines that this will reduce adverse impacts on adjacent properties.

The permit request shall include a plan of the property depicting the location and dimensions of structures, parking areas, driveways and landscaping used to buffer any adjacent residential development.

If the Department of Planning and Zoning determines that the proposed use is not in compliance with the applicable criteria, it shall inform the petitioner as to what is necessary to achieve compliance.

Once a permit is approved and is issued, the permit shall be valid indefinitely provided that the operation of the approved use remains in full conformance with all aspects of the use as it was approved. The permit holder shall apply for a renewal of the permit if significant changes to the operation are being proposed, including but not limited to new uses or structures, in which case the originally approved plan must be revised to indicate the proposed changes and submitted for a new approval.

1. Value-Added Agricultural Processing

Value-added processing of agricultural products is permitted as an accessory use to farming in the RC and RR Districts, provided that:

- a. The primary product being processed is grown on the farm where the processing occurs. Necessary secondary ingredients that are not farm grown, however, may be obtained from other sources.
- b. The processing use is subordinate to and will support the agricultural use of the property, and will not have significant adverse impacts on neighboring properties. For purposes of this section, adverse impact shall not include any impact normally associated with farms following generally accepted agricultural management practices or farms operating permitted uses under this section.
- c. Any outdoor processing operation shall be located at least 100 feet from property lines.

2. Value-Added Agricultural Processing with On-Site Sales

Value-Added processing of Agricultural products with on-site sales is permitted as an accessory use to farming in the RC and RR Districts, provided that:

- a. The primary product being processed is grown or produced on the farm where the processing occurs. Necessary secondary ingredients that are not farm grown or produced, however, may be obtained from other sources.
- b. The processing use will support the agricultural use of the property, and will not have significant adverse impacts on neighboring properties. For purposes of this section, adverse impact shall not include any impact normally associated with farms following generally accepted agricultural management practices or farms operating permitted uses under this section.
- c. Any outdoor processing operation shall be located at least 100 feet from property lines.
- d. Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.
- e. Sight distance, the design of driveway entrances, and directional signage are adequate to accommodate expected traffic.
- f. Where the areas open to customers are close to the property boundaries, boundaries are clearly marked through fencing or landscaping to protect neighboring properties from unintentional trespassing by visitors.

### 3. Farm Stands

- a. Small farm stands (smaller than 300 square feet) are permitted as an accessory use to farming in the RC, RR, R-ED, R-20, R-12 and R-SC Districts, provided that:
  - (1) The minimum lot size is 3 acres.
  - (2) The use may include the retail sale of crops, produce, flowers, plants, livestock and poultry products and similar items grown or produced on-site. Items produced through value-added processing of products grown on the farm may also be sold.
  - (3) The farm stand use will support the agricultural use of the property, and will not have significant adverse impacts on neighborhood properties.
  - (4) Notwithstanding the front setback requirements of the applicable zoning district, the minimum front setback for farm stands is 25 feet.
  - (5) Adequate off-street parking is provided.
- b. Large farm stands (larger than 300 square feet) are permitted as an accessory use to farming in the RC or RR District, provided that:
  - (1) The use is located on a parcel of at least 50 acres or a parcel of any size if subject to an ALPP purchased or dedicated easement or other dedicated easement.
  - (2) The use may include the retail sale of crops, produce, flowers, plants, livestock and poultry products and similar items grown or produced on-site or on other local farms. Items produced through value-added processing of products grown on the farm or on other local farms may also be sold.

- (3) The farm stand use will support the agricultural use of the property, and will not have significant adverse impacts on the neighboring properties. For purposes of this section, adverse impact shall not include any impact normally associated with farms following generally accepted agricultural management practices or farms operating permitted uses under this section.
- (4) The area of the farm stand does not exceed 500 square feet, plus an additional 500 square feet for each additional 25 acres of lot area beyond 50 acres, up to a maximum of 3,000 square feet of area.
- (5) Notwithstanding the front setback requirements of the applicable zoning district, the minimum front setback for farm stands is 25 feet.
- (6) Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.
- (7) Sight distance and the design of driveway entrances are adequate to accommodate expected traffic.
- (8) Where the areas open to customers are close to the property boundaries, boundaries are clearly marked through fencing or landscaping to protect neighboring properties from unintentional trespassing by visitors.

#### 4. Pick-Your-Own Enterprises

Pick-your-own produce operations and cut-your-own Christmas tree or flower operations are permitted as accessory uses to farming in the RC and RR Districts, provided that:

- a. Pick-your-own uses may also include the sale of pre-picked produce grown on the farm or on other local farms. Items produced through value-added processing of products grown on the farm or on other local farms may also be sold.
- b. The pick-your-own use will support the agricultural use of the property, and will not have significant adverse impacts on neighboring properties. For purposes of this section, adverse impact shall not include any impact normally associated with farms following generally accepted agricultural management practices or farms operating permitted uses under this section.
- c. Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.
- d. Sight distance, the design of driveway entrances, and directional signage are adequate to accommodate expected traffic.
- e. Where the areas open to customers are close to the property boundaries, boundaries are clearly marked through fencing or landscaping to protect neighboring properties from unintentional trespassing by visitors.
- f. Incidental uses such as snack sales or hayrides to the produce fields are permitted.

5. Agritourism Enterprises

Agritourism enterprises are permitted as accessory uses to farming in the RC and RR Districts, provided that:

- a. The use is located on a parcel of at least 50 acres, or on a parcel of any size if subject to an ALPP purchased or dedicated easement or other dedicated easement.
- b. The use supports the agricultural use of the property and will not have significant adverse impacts on neighboring properties. For purposes of this section, adverse impact shall not include any impact normally associated with farms following generally accepted agricultural management practices or farms operating permitted uses under this section.
- c. Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.
- d. Sight distance and the design of driveway entrances are adequate to accommodate expected traffic.
- e. Where the areas open to customers are close to the property boundaries, boundaries are clearly marked through fencing or landscaping to protect neighboring properties from unintentional trespassing by visitors.
- f. The use will operate only between the hours of 6 a.m. and 10 p.m. Any outdoor lighting shall comply with the requirements of Section 134.0.
- g. Agritourism uses may include festivals or similar events held for the purpose of marketing products grown on the farm or farm-related education or recreation, provided that festivals are limited to no more than 4 per year and no more than 8 days per year.

6. Community Supported Agriculture (CSA)

A CSA is permitted as an accessory use to farming in the RC, RR and R-ED Districts, Provided that:

- a. The use may include the retail sale of crops, produce, flowers, plants, livestock and poultry products and similar items grown or produced on-site or on other local farms. Items produced through value-added processing of products grown on the farm or on other local farms may also be sold.
- b. The CSA use will support the agricultural use of the property, and will not have significant adverse impacts on neighboring properties. For purposes of this section, adverse impact shall not include any impact normally associated with farms following generally accepted agricultural management practices or farms operating permitted uses under this section.
- c. The use is located on a lot or parcel of at least 3 acres.
- d. Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.



- e. Sight distance, the design of driveway entrances, and directional language are adequate to accommodate expected traffic.
- f. Where the areas open to customers are close to the property boundaries, boundaries are clearly marked through fencing or landscaping to protect neighboring properties from unintentional trespassing by visitors.

7. Food Hubs

A Food Hub is permitted as an accessory use to farming in the RC and RR Districts, provided that:

- a. The use may include the retail sale of crops, produce, flowers, plants, livestock and poultry products and similar items grown or produced on-site or on other local farms. Items produced through value-added processing of products grown on the farm or on other local farms may also be sold.
- b. The Food Hub use will support the agricultural use of the property, and will not have significant adverse impacts on neighboring properties. For purposes of this section, adverse impact shall not include any impact normally associated with farms following generally accepted agricultural management practices or farms operating permitted uses under this section.
- c. The use is located on a parcel of at least 50 acres, or on a parcel of any size if subject to an ALPP purchased or dedicated or other dedicated easement.
- d. Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.
- e. Sight distance, the design of driveway entrances, and directional signage are adequate to accommodate expected traffic.
- f. Where the areas open to customers are close to the property boundaries, boundaries are clearly marked through fencing or landscaping to protect neighboring properties from unintentional trespassing by visitors.

8. Riding Academies and Stables

Riding Academies and Stables are permitted as an accessory use to farming in the RC and RR Districts, provided that:

- a. Adequate areas for horseback riding shall be available on the site. If the operation will include off-site horseback riding, the petition must indicate the location of off-site trails and include written permission from the property owners.
- b. Minimum required setbacks:
  - (1) For an indoor or outdoor riding arena from an existing dwelling on a different lot ..... 100 feet
  - (2) For a stable from an existing dwelling on a different lot ..... 200 feet
 The Department of Planning and Zoning may reduce the 200 foot setback from an existing dwelling on a different lot to a distance no less than 100 feet upon a finding that the setback reduction will not adversely affect neighboring properties due to visual impact, noise, dust, odors or other causes.

- c. The site has a minimum area of five acres.
- d. Parking areas, driveways and outdoor riding areas will be located and designed to shield neighboring properties from noise, dust and odors.

**J. Housing Commission Housing Developments**

Housing Commission Housing Developments located in a non-residential zone shall adhere to the regulations which are most restrictive, either the bulk regulations found in its zoning district or the supplementary bulk regulations below.

- 1. A Housing Commission Housing Development located in a non-residential zone shall meet the following requirements:
  - a. Maximum Height Limitations:
    - (1) Structure with minimum setback ..... 50 feet
    - (2) Structure with an additional 1 foot in height for every 2 feet of setback above the minimum ..... 80 feet
    - (3) Structure adjacent to a residentially zoned district ..... 50 feet
  - b. Minimum Development size, not to prohibit the sale or lease of lots therein ..... 3 acres
  - c. Minimum Structure or use setbacks:
    - (1) From residential districts or uses ..... 75 feet  
Except from R-SA-8 or R-A-15..... 50 feet
    - (2) From any other zoning district..... 25 feet
    - (3) From adjoining open space ..... 35 feet
    - (4) From public street right-of-way ..... 30 feet
    - (5) If a residential district is separated by a public street right-of-way from a district where a housing development is permitted use, only the setback from the public street right-of-way shall apply.
  - d. Minimum distances between buildings for attached and apartment units:
    - (1) Face to face ..... 30 feet
    - (2) Face to side/rear to side ..... 20 feet
    - (3) Side to side..... 15 feet
    - (4) Rear to rear ..... 50 feet
    - (5) Rear to face ..... 75 feet
  - e. Shall comply with universal design requirements of Section 115.0.E.1 of the Zoning Regulations.
  - f. Shall provide perimeter buffering along adjacent residential zoning district through the retention or planting of forest or providing a Type C landscape buffer.
  - g. Shall provide a minimum of 25% of the gross acreage for passive, recreational and/or amenity open space in proximity to the residential units.
- 2. Approval of the Site Development Plan by the Planning Board.

- a. For Housing Commission Housing Developments located in non-residential zones, the Site Development Plan must be approved by the Planning Board. The Planning Board, before acting upon the Site Development Plan, shall receive comments from the Department of Planning and Zoning and the Subdivision Review Committee and shall hold a public hearing.
- b. A Site Development Plan submitted for review shall include all the information required by the Subdivision and Land Development Regulations of the Howard County Code.
- c. The Planning Board may approve up to a maximum of 12 acres of Housing Commission Housing Developments on non-residentially zoned land in a three calendar year period.
- d. In acting upon the Site Development Plan, the Planning Board shall consider the following factors:
  - (1) Whether the plan is consistent with the Howard County General Plan;
  - (2) Whether the plan results in a logical arrangement of land uses within the development;
  - (3) Whether there is convenient pedestrian access between uses and pedestrian connection to the surrounding community;
  - (4) Whether the relationship between the location of proposed dwelling units, required open space, landscape design requirements, setback requirements and existing dwelling units on adjoining properties is such that the existing dwelling units will be buffered from the proposed development;
  - (5) Whether the roads serving the development will be adequate, as determined by the capacity and mitigation standards of the adequate public facilities ordinance (Title 16, Subtitle 11 of the Howard County Code); Whether necessary water and sewer facilities are available to serve the proposed development; and
  - (6) Any other factors which affect the orderly growth of the county.
- e. After carefully considering agency comments, public hearing testimony, petitioner's testimony, and the above factors, the Planning Board shall approve, approve with modifications and/or conditions, or disapprove the Site Development Plan, stating the reasons for its action.
- f. Minor additions and modifications to site developments plans approved by the Planning Board and meeting the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not require Planning Board approval. However, all changes of use which require exterior site alterations require Planning Board approval.

Minor projects not requiring Planning Board Approval:

- (1) Minor additions to structures, with a floor area no larger than 10% of the existing floor area of the structure, not to exceed 1,000 square feet.
- (2) Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering.)
- (3) Clearing or grading that does not exceed 2,000 square feet in area.

- (4) House-type revisions to approved Site Development Plans for single-family detached developments and for no more than 25% of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments. Similar minor modifications as determined by the Department of Planning and Zoning.

**K. Neighborhood Preservation Density Exchange Option**

1. In the R-ED, R-20, R-12 and R-SC Districts, a parcel that qualifies under the criteria for neighborhood infill development as defined in Section 16.108.(b) of the Subdivision and Land Development Regulations or a parcel principally used for a Swimming Pool, Community, as defined in the Zoning Regulations and is eligible to be developed for additional residential lots, may be a sending parcel for the Neighborhood Preservation Density Exchange Option within the same planning district or within a two-mile radius regardless of the planning district. However, sending parcels that contain a historic structure, as provided in Subsection 1.b below, may exchange density with a receiving parcel in any planning district.
  - a. With this Neighborhood Preservation Density Exchange Option, in the R-ED and R-20 zoning districts density may be exchanged from a Neighborhood Preservation sending parcel to an eligible receiving parcel based on a rate of 2 development rights per net acre, or fraction thereof. Except as provided below, up to a maximum of 3 development rights may be exchanged from a sending parcel located in either the R-ED, R-20, and R-SC district. In the R-12 District density may be exchanged from a Neighborhood Preservation sending parcel to an eligible receiving parcel based on a rate of 3 development rights per net acre, or fraction thereof. Except as provided below, up to a maximum of 3 development rights may be exchanged from a sending parcel located in the R-12 District.
  - b. A parcel that is either County-owned or encumbered with a Maryland Historic Trust Easement located in the R-ED, R-20, R-12, and R-SC District that qualifies as a Neighborhood Preservation sending parcel and that contains a historic structure which is open and accessible to the public may send density without limitation on the maximum number of development rights exchanged, provided that a single development right is retained in accordance with Subsection 4.a below.
2. Neighborhood Preservation Parcel Easement Requirements
  - a. The easement shall cover the entire sending parcel or lot that complies with the definition of a Neighborhood Preservation Parcel in the Zoning Regulations.
  - b. A Neighborhood Preservation Parcel Easement improved with an existing dwelling unit or a Swimming Pool, Community shall not have any new structures placed on the site that are larger than 50% of the building footprint of the structure existing at the time the neighborhood preservation easement is recorded. However, if the average footprint size of the nearest six dwellings is greater than the footprint of an existing building, the Director may approve a footprint that does not exceed this average.
  - c. The easement shall be approved by the Department of Planning and Zoning and shall be recorded at the time of recordation of the final plat for the Neighborhood Preservation Parcel.

- d. The easement shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:
  - (1) The location and size of all existing improvements on the parcel covered by the easement.
  - (2) A prohibition on future subdivision of the Neighborhood Preservation Parcel.
  - (3) A prohibition on future use or development of the parcel for uses incompatible with the Neighborhood Preservation Parcel Easement. Only principal or accessory residential uses or principal or accessory Swimming Pool, Community uses are permitted in accordance with the Zoning Regulations.
  - (4) The provisions for maintenance of the neighborhood preservation parcel.
  - (5) The responsibility for enforcement of the deed of Neighborhood Preservation Parcel Easement.
  - (6) The provisions for succession in the event that one of the parties to the deed of Neighborhood Preservation Parcel Easement ceases to exist.
- e. One of the following entities shall be a party to the deed of Neighborhood Preservation Parcel Easement in addition to the property owner:
  - (1) Howard County Government; or
  - (2) Maryland Environmental Trust or Maryland Historical Trust; or
  - (3) A land conservation organization approved by the County Council.

3. Receiving Development Requirements

- a. Residential development rights derived from Neighborhood Preservation sending parcels may be received as bonus density for developments on parcels in the R-SA-8, R-A-15, R-APT and CAC Districts.
- b. Residential development rights derived from Neighborhood Preservation sending parcels may be received as bonus density on parcels in the R-ED, R-20 and R-12 Districts for which the total development project size is at least 5 acres.
- c. Development rights shall be received in accordance with the following ratios:

Type of Dwelling Unit to be Constructed	Number of Development Rights needed per Dwelling Unit
Single-Family Dwelling	1
Townhouse Dwelling	.5
Apartment	.33

- d. Any parcel with the main stem of the Patapsco River, the Patuxent River, the Little Patuxent River, the Middle Patuxent River, or the Deep Run running through the property shall be excluded for consideration as a receiving parcel for development of single-family attached or multi-family housing.

4. Additional Requirements

- a. Sending Parcels
  - (1) On improved residential parcels, one development right shall be retained on the sending parcel to allow for the continued existence of the existing dwelling unit. An unimproved Neighborhood Preservation Parcel must be

owned and maintained by a homeowner's association or dedicated to Howard County.

- (2) On parcels improved with Swimming Pools, Community, one development right may be retained on the sending parcel to allow for a potential future dwelling unit.

b. Density Exchange

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

c. Approval of Sending Parcel

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

- (1) A final plat of the sending parcel.
- (2) Documentation that the sending parcel complies with the criteria in Section 128.0.K.
- (3) A calculation of the maximum number of development rights which may be removed from the sending parcel.

d. Application for Receiving Development

An application for the use of the bonus density on a receiving parcel shall be made to the Department of Planning and Zoning and shall include a calculation of the proposed density and the number of development rights to be obtained from one or more sending parcels.

e. Approval of Receiving Development

The Department of Planning and Zoning shall tentatively approve the transfer of receiving bonus density to the receiving development when the initial plan submission for the development is technically complete and before tentative housing unit allocations are granted.

f. Phasing of Receiving Developments

Density for receiving developments may be recorded in sections. A Final Subdivision Plan or Site Development Plan shall not be approved for the receiving development until one or more sending parcels are approved which provide the necessary number of additional development rights for the lots shown on the Final Subdivision Plan, or the dwelling units indicated on the Site Development Plan.

g. Recordation of Sending Parcels and Receiving Developments.

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

- (1) A revision plat or a final plat of easement for each sending parcel, designating the property as a Neighborhood Preservation sending parcel and indicating the number of development rights that have been removed from the parcel, the location of the receiving development, and that one development right has been retained for the existing or a potential future dwelling unit on the Neighborhood Preservation sending parcel.
- (2) A deed of Neighborhood Preservation Parcel Easement for each Neighborhood Preservation sending parcel that complies with Section 128.0.L.2.
- (3) A final plat for the receiving development parcel which may be a final subdivision plat dividing the receiving development parcel into lots, or may be a density-receiving plat that records the number of development rights received from sending parcels but does not subdivide the receiving development parcel. Density recorded on the final plat for the receiving development parcel shall only be used on that receiving development parcel.

**L. Small Wind Energy Systems, Building Mounted**

The following requirements apply to Small Wind Energy Systems, Building Mounted located in the following districts as an accessory use: RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, I, POR, PEC, BRX, BR, CCT, B-1, B-2, SC, CEF, CR, M-1, M-2, PGCC, CE, TOD, CAC, MXD, PSC, TNC, and NT provided:

1. The systems shall be primarily intended to reduce the on-site consumption of utility power.
2. The systems are permitted only on the principal structure in residential zoning districts.
3. The systems shall be located on the roof or sides of a structure that are at least 25 feet in height.
4. The systems shall comply with the principal building setbacks.
5. The height of the system shall not extend more than 15 feet above the ridge of the highest roof section.
6. Only one system per lot is permitted as an accessory use on properties less than 3 acres in area.
7. Only one system is permitted per building side as an accessory use on properties 3 acres or greater in area.
8. The systems shall not exceed 60 DBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
9. All systems shall be gray or a similar color that minimizes visibility.
10. No exterior lighting is permitted.
11. The systems shall comply with all applicable local, state, and federal laws and provisions.
12. Meteorological towers, solely for the measurement of wind, temporary or otherwise, are not permitted.

13. A system that is no longer used shall be removed from the site within one year of the date that the use ceases.
14. No variances or administrative adjustments shall be granted to any of the provisions.
15. In the NT District, systems are not permitted on single-family attached or multi-family dwelling unless allowed by the FDP.

**M. Small Wind Energy Systems, Freestanding Tower**

The following requirements apply to Small Wind Energy Systems, Freestanding Tower, located in the RC District as an accessory use provided:

1. The systems shall be primarily intended to reduce the on-site consumption of utility power.
2. The maximum height for the tower mounted systems, including blades, shall not exceed 60 feet from grade. However, on farms greater than 25 acres the maximum height for tower mounted systems, including blades, shall not exceed 120 feet from grade.
3. The minimum lot size shall be at least 5 acres.
4. The system shall not be located within the front yard between the principal structure and the front property line.
5. The minimum setback for a system shall equal its total height, plus 10% from any property line.
6. The systems shall not exceed 60 DBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
7. Temporary meteorological towers, solely for the measurement of wind, are permitted for an initial period not to exceed 90 days, provided they meet the height and setback requirement of this section and achieve a Temporary Use Permit in accordance with Section 132.0, except that there shall be no further extensions of or new petition for a Temporary Use permit which has already been extended to the one year limit.
8. The blade of any wind turbine shall, at its lowest point, have a ground clearance of no less than 15 feet, as measured at the lowest point of the arc of the blades.
9. No other equipment unrelated to the operation of the system shall be attached to the structure.
10. No exterior lighting is permitted, unless required by the Federal Aviation Administration.
11. The system shall comply with all applicable local, state, and federal laws and provisions.
12. A system that is no longer used shall be removed from the site within one year of the date that the use ceases.
13. No variances or administrative adjustments shall be granted to any of the provisions.

**N. Apiaries**

1. Apiaries are permitted as an accessory use on lots containing community gardens, sites where apiaries will form part of an educational program, and on single-family residential lots; and



2. An apiary that is a permitted accessory use under this Subsection shall meet the following requirements:
  - a. The minimum side and rear setbacks are 25 feet from the lot line, except that the minimum setbacks are 10 feet if the apiary is located as to direct the entrances away from neighboring properties and located:
    - (1) At least 6 feet above the ground; or
    - (2) Behind a solid fence, hedge, or other barrier that is at least 6 feet in height and runs parallel to the property line, and extends 10 feet beyond the apiary in each direction.
  - b. Bee flyways shall be at least 6 feet above any deck or other open outdoor structure that is located on an adjoining property within 25 feet of the apiary;
  - c. The minimum front setback is 50 feet from the front lot line;
  - d. A water supply shall be provided to minimize honeybees from seeking water off-site; and
  - e. Apiaries shall comply with Maryland Department of Agriculture Regulations as they pertain to beekeeping, and be operated and maintained in accordance with Best Management Practices; and
3. An apiary use may not unreasonably interfere with the proper enjoyment of the property of others, with the comfort of the public, or with the use of any public right-of-way.

**O. Farm Winery – Class 1A**

1. A Farm Winery – Class 1A is permitted as an accessory use to farming in the RC and RR Districts, provided that it complies with the following criteria:
  - a. The use is located on a lot or parcel of at least 5 acres. This use is permitted on any such parcel, including parcels with agricultural preservation easements and preservation parcels, excluding cluster preservation parcels in the RR District existing on July 4, 2011 for which easements have not been donated to the Agricultural Land Preservation Program.
  - b. The lot or parcel upon which the farm winery is located shall have frontage on and direct access to:
    - (1) A road classified as an arterial or collector public road; or
    - (2) A local road, provided that:
      - (a) Access to an arterial or collector public road right-of-way is not feasible;
      - (b) The access to the local road is safe based on road conditions and accident history;
      - (c) If the local road is internal to a residential cluster subdivision, the subject property adjoins an arterial or collector highway, the local road access point is within 400 feet of its intersection with the arterial or collector highway, and there are no intervening driveways between the arterial or collector highway and the access to the winery along the local road; and

- (d) That the use of the local road for access to the winery will not unduly conflict with other uses that access the local road.
  - c. The driveway providing access to the proposed site shall not be shared with other properties; however the Director of Planning and Zoning may waive this criteria if the petitioner provides affidavits from all persons who also share the driveway that they do not object to the use of the driveway for the Farm Winery. If the use of a shared driveway is allowed, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway. The Director of Planning and Zoning shall prescribe appropriate conditions and safeguards to ensure the Farm Winery owner's responsibility for repair of any damage or deterioration of the shared driveway caused by the winery use.
  - d. All winery related structures and uses excluding cultivation areas shall be at least 75 feet from all lot lines and where possible minimize the impact on surrounding properties.
  - e. Planting of at least two acres of grapes or other fruit on the property shall be initiated upon approval and successfully established within two years of approval.
  - f. Appropriate screening of adjoining parcels shall be provided, which may include a solid fence, wall, landscaping or a combination that presents an attractive and effective buffer.
  - g. The Farm Winery shall be consistent with and support the farm and its production, shall not interfere with the implementation of soil conservation and water quality best management practices, and shall not impact floodplains, wetlands, stream buffers, steep slopes or other environmental features on the farm winery property.
  - h. The Farm Winery shall be compatible with the rural character of the farm and the surrounding area.
  - i. A Farm Winery may produce, serve and sell food to complement wine tasting in accordance with Article 2B of Maryland State Code.
  - j. Any accessory retail sales within the Farm Winery, other than the wine and similar fermented beverages produced at the Farm Winery, are limited to items promoting the same Farm Winery, such as glassware, clothing, and wine-related items such as wine openers. A Farm Winery may sell plants and/or produce grown on-site.
  - k. Farm Winery visitor hours shall be restricted to between 10:00 a.m. and 7:00 p.m., Sunday through Thursday; and 10:00 a.m. and 10:00 p.m., Friday and Saturday. DPZ may reduce the hours for visitors, but shall not increase them. The hours for winery processing and production operations are not limited.
  - l. At any one time, the number of visitors to the winery shall not exceed 50 visitors.
2. The owner of a Farm Winery – Class 1A shall obtain approval of the use by a permit to be issued by DPZ. As part of the approval process, the owner shall submit a site layout, which includes acreage, screening, parking, and building locations. The owner shall also provide documentation to DPZ proving compliance with Section 128.0.O. If approved, the owner shall provide documentation to DPZ proving compliance with Section 128.0.O and that it remains in compliance with all the other approval criteria. Thereafter, permit renewal is not

required unless a violation occurs. It is the responsibility of the Farm Winery owner to obtain any other required Federal, State and County approvals required prior to operating the use.

Reserved.

## **SECTION 129.0: Nonconforming Uses**

### **A. General**

A nonconforming use is any lawful existing use, whether of a structure or a tract of land, which does not conform to the use regulations of the zoning district in which it is located, either on the effective date of these regulations or as a result of any subsequent amendment thereto. A structure that is conforming in use but which does not conform to the height, setback, land coverage, parking, loading space or other bulk requirements of these regulations, shall not be considered to be nonconforming within the meaning of these regulations. No existing use shall be deemed nonconforming solely because of the existence of nonconforming accessory signs. The casual, temporary or illegal use of land is insufficient to establish the existence of a nonconforming use.

For the purposes of these regulations, "enlargement" shall mean the increase in size of any structure containing a nonconforming use, the construction of an additional structure on the same lot, or an increase in the land area occupied by a nonconforming use. "Extension" shall mean any change in the types of activities taking place in connection with the nonconforming use.

### **B. Restrictions on Nonconforming Uses**

The nonconforming use of land or structures may be continued, subject to the following:

1. Except as provided in Sections 129.0.B.3 and 129.0.E:
  - a. No nonconforming use shall be extended or enlarged to occupy more land area or more area within a building than that occupied by the use at the time it became nonconforming;
  - b. No structure which contains a nonconforming use shall be enlarged unless the use therein is changed to a conforming use or the new portion of the structure is used for a conforming use; and
  - c. No structure which contains a nonconforming use shall be structurally altered unless such alterations are required by law; provided however, that such maintenance and repair work as is required to keep a nonconforming structure in sound condition shall be permitted.
2. In no event shall a nonconforming use be:
  - a. Relocated to an adjacent lot, or
  - b. Changed to another nonconforming use.
3. The following exceptions shall be permitted if approved by the Department of Planning and Zoning:
  - a. A nonconforming single-family dwelling, located on a lot recorded prior to the effective date of the zoning text or map amendment that made it nonconforming, may be altered, renovated or enlarged under the provisions of the zoning regulations in effect for the lot immediately prior to the date on which the dwelling became nonconforming.

- b. A structure which contains a nonconforming use may be altered or enlarged in order to provide restrooms or other facilities required by the Americans with Disabilities Act.
  - c. The relocation or construction of minor structures which are part of a lawful nonconforming use is permitted if such relocation or construction does not significantly affect the function, dimensions or value of the nonconforming use. No such relocation or construction may create a new nonconforming use or violation of the bulk regulations.
  - d. Within a nonconforming mobile home park, mobile homes may be replaced and additions or extensions to mobile homes may be built subject to the following provisions:
    - (1) The number of mobile homes in the park shall not be increased above the number existing on the date the use became nonconforming unless an enlargement of the use is approved by the Hearing Authority.
    - (2) The mobile home park shall be subject to the bulk requirements of the R-MH District for mobile home parks (Section 113.1.D) rather than the bulk requirements of the district in which it is located.
    - (3) Mobile homes and other structures that existed on May 6, 1996, but do not meet the minimum bulk requirements of the R-MH District, are subject to the requirements of Section 113.1.E, "Noncompliance with Setback Requirements in Existing Mobile Home Parks."
4. If any nonconforming use of land or structure, or any portion thereof, either ceases for any reason for a period of more than two years, or is changed to a conforming use, then any future use of such land or structures shall be in conformity with the standards specified by these regulations for the zoning district in which such land or structure is located.

**C. Replacement of Destroyed Nonconforming Structures**

If any structure containing a nonconforming use is destroyed by fire, flood or other calamity, it may be immediately restored and the nonconforming use continued as a matter of right to the same size and dimensions and in the same location as the destroyed building on the same lot, subject to the provisions of Section 129.0.B.1.a and b, without application to the Hearing Authority, provided that a building permit for restoration is issued within one year from the date upon which such building was destroyed, and further provided that construction pursuant to said building permit begins within six months after the date of issuance of such permit, and is substantially completed within one year. The building permit shall be revoked if these conditions are not met.

If there is no Site Development Plan approved by Howard County for the nonconforming structure, or the approved Site Development Plan does not accurately reflect site improvements existing prior to the calamity, additional documentation shall be submitted to the Department of Planning and Zoning. Such documentation may include photographs of the structure and site improvements, aerial photography, or other materials that provide clear evidence of the scope the development on the property. This provision, however, does not apply to any property which is the subject of a zoning enforcement case. Such properties may only be confirmed as nonconforming uses if they are processed in accordance with Section 129.0.D.2 of these regulations.

Nothing contained herein shall be deemed to permit the intentional demolition and reconstruction of any building containing a nonconforming use by owner or occupant. Nothing in these regulations shall prevent the strengthening of or restoring to a safe condition any building declared to be unsafe by the Department of Inspections, Licenses and Permits.

The provisions of this section do not exempt the owner from compliance with other applicable laws and regulations.

**D. Confirmation of Nonconforming Uses**

1. The factual existence of a nonconforming use may be confirmed by the Director of Planning and Zoning, or the Director's Designee, upon review of a petition filed by the property owner. The petition shall contain the following:
  - a. A statement and plans or other illustrations fully describing the magnitude and extent of the nonconforming use.
  - b. A statement identifying the date the use became nonconforming to the use provisions of the Zoning Regulations.
  - c. Documentation substantiating the existence of the use on the date it became nonconforming and clearly demonstrating the continued and uninterrupted use or operation thereof from the specified date to the time of filing the application. The burden shall be on the property owner to establish the existence of the nonconforming use.
2. Whenever the Department of Planning and Zoning issues a zoning violation notice alleging the illegal use of property, the owner may raise as a defense the fact that the alleged illegal use is a nonconforming use. If such a defense is raised, the owner shall also seek confirmation that the use is nonconforming and shall submit a petition which includes all of the information required by Subsection a above. At the property owner's discretion, such a petition may be filed with either the Department of Planning and Zoning as provided herein or the Hearing Authority.

If the owner chooses to file the petition with the Hearing Authority, the petition shall be advertised and the property posted with the time, date and place of the initial hearing for at least 30 days immediately before the hearing, in accordance with the advertising and posting requirements of Section 2.203 of the Howard County Code. In its Decision on such a petition, the Hearing Authority may determine and confirm the existence of the nonconforming use pursuant to its original jurisdiction.
3. Petitions for confirmation of a nonconforming use filed with the Department of Planning and Zoning shall be heard in accordance with the procedures given in Section 100.0.H.
4. The decision of the Director of Planning and Zoning or the Director's Designee is appealable to the Hearing Authority on a de novo basis.

**E. Extension, Enlargement or Alteration of Nonconforming Uses**

1. The Hearing Authority may authorize the extension or enlargement of a nonconforming use or the alteration of outdoor use areas or of a structure containing a nonconforming use, with or without conditions, provided:
  - a. That any changes or additions to the activities taking place in connection with the nonconforming use will not change the use in any substantial way;
  - b. That an enlargement may not exceed 100% of the gross floor area of structures or 100% of the gross acreage in the case of nonconforming land, above that which legally existed at the time the use first became nonconforming;

- c. That the boundaries of a nonconforming use may be enlarged only to provide additional parking area;
  - d. That an enlargement would not cause a violation of the bulk regulations for the zoning district in which the property is located;
  - e. That the extension, enlargement or structural alteration would not cause an adverse effect on vicinal properties.
2. A Decision and Order approving an extension or enlargement of a nonconforming use shall become void unless a building permit conforming to the plans for which the approval was granted is obtained within two years, and substantial construction in accordance therewith is completed within three years from the date of the decision. An approval for which a building permit is not required shall become void unless the extension or enlargement is implemented within two years from the date of the decision. If a decision is appealed, the time period shall be measured from the date of the last decision.



## **SECTION 130.0: Hearing Authority**

### **A. General**

1. The Hearing Authority has been established pursuant to Section 501 of the Howard County Charter.
2. Section 16.302 of the Howard County Code authorizes the Hearing Examiner to hear and decide certain matters within the scope of these regulations. The Howard County Code specifies which matters are within the jurisdiction of the Hearing Examiner. The term “Hearing Authority” is used in these regulations to refer to both the Board of Appeals and the Hearing Examiner.
3. Appeals to the Hearing Authority may be taken by any person aggrieved, or by any officer, department, Board or bureau of the County affected by any decisions of the Department of Planning and Zoning. Such appeal shall be filed not later than 30 calendar days from the date of the action of the Department of Planning and Zoning and shall state the reasons for the appeal. Appeals with a deadline falling on a weekend or holiday must be filed prior to that deadline.
4. Except as herein provided, if an application is disapproved by the Hearing Authority, thereafter the Hearing Authority shall take no further action on another application for the same or substantially the same proposal on the same premises until after 24 months from the date of the last disapproval; provided however, that a subsequent application for the same or substantially the same proposal on the same premises may be filed at the expiration of six months of the date of the hearing last held if accompanied by an affidavit setting forth new and different grounds, which the applicant believes would be sufficient for the approval of the proposal contained in the application. After having considered the said application and the facts alleged in the accompanying affidavit, the Hearing Authority may, after the notice required herein, grant another hearing, provided it is satisfied that new and different grounds or conditions exist which would have a bearing on the consideration of said proposal and would justify another hearing.

### **B. Powers of the Hearing Authority**

The Hearing Authority shall have the following powers related to zoning:

1. Nonconforming Uses  
As provided in Section 129.0.
2. Variances
  - a. The Hearing Authority shall have the authority to grant variances from the parking requirements and bulk regulations established in these regulations, excluding density and minimum or maximum lot size requirements, where all of the following determinations are made:
    - (1) That there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography, or other existing features peculiar to the particular lot; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.

- (2) That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.
- (3) That such practical difficulties or hardships have not been created by the owner provided, however, that where all other required findings are made, the purchase of a lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.
- (4) That within the intent and purpose of these regulations, the variance, if granted, is the minimum variance necessary to afford relief.
- (5) That no variance be granted to the minimum criteria established in Section 131.0 for Conditional Uses except where specifically provided therein or in an historic district. Nothing herein shall be construed to prevent the granting of variances in any zoning district other than to the minimum criteria established in Section 131.0.

b. Application and Public Hearing

- (1) Applications for variances shall be submitted to the Department of Planning and Zoning.
- (2) The Hearing Authority shall hold at least one public hearing on the application in accordance with Section 2.203 of the Howard County Code and may approve, disapprove or approve with conditions the requested variance. Each decision by the Hearing Authority shall be in writing and shall state the reasons for the decision.

c. Conditions or Restrictions

The Hearing Authority may attach conditions or restrictions to a variance as it deems necessary in the specific case, in order to minimize the adverse effects of the variance upon other property in the neighborhood. Such conditions or restrictions shall be incorporated in the Building Permit and Use and Occupancy permit. Failure to comply with such conditions or restrictions shall constitute a violation of these regulations, and may constitute the basis for denial or revocation of a Building Permit or a Use and Occupancy Permit.

d. Petition to Modify Conditions of Approval of a Variance

A property owner may petition the Hearing Authority for modification of a condition imposed in a Decision and Order approving a variance in accordance with the following procedures:

- (1) A petition for modification of conditions shall be submitted in the same format and include the same information as a variance petition. The petition shall clearly indicate the approved variance, the requested modifications, and the reasons for the request.
- (2) The Hearing Authority shall hold a public hearing in accordance with the procedures for a hearing on a variance petition. The public hearing shall be limited to consideration of the modification requested by the petitioner.
- (3) The Hearing Authority shall issue a written decision either modifying or upholding the condition(s) imposed in the original Decision and Order.
- (4) After a decision is made, a new petition requesting modification of any of the conditions of approval shall not be accepted for at least 24 months after the date of the decision modifying or upholding the conditions of the original Decision and Order.

e. Lapse of Variances

- (1) Except as provided in Subsection e.(2), below, a variance shall become void unless the required permits conforming to plans for which the variance was granted are obtained within two years, and substantial construction in accordance therewith is completed within three years from the date of the Decision and Order.
- (2) Subsection e.(1) above, shall not apply to any project for which plans are being actively processed in compliance with the procedures in Title 16, Subtitles I and II of the Howard County Code or where being actively processed in compliance with those subtitles when the applicable time period established by Subsection 1 above, expired.

3. Temporary Uses

The Hearing Authority shall hear appeals from decisions of the Director of Planning and Zoning on temporary use petitions. Appeals must be made no later than 30 calendar days after the date of the decision of the Director of Planning and Zoning. Appeals with a deadline falling on a weekend or holiday must be filed prior to that deadline. Appeals shall be heard by the Hearing Authority on a de novo basis.

4. Appeals of Administrative Decisions

To hear and decide appeals where it is alleged the Department of Planning and Zoning has erred in the interpretation or application of any provisions of the Zoning Regulations.

5. Conditional Uses

To approve Conditional Uses as to location as provided in Section 131.0.

**C. Limitations, Guides and Standards**

Where in these regulations certain powers are conferred upon the Hearing Authority, or the Hearing Authority is called upon to decide certain issues, such Hearing Authority shall examine the specific property involved and the immediate neighborhood. The application shall not be approved where the Hearing Authority finds that the proposed structure, addition, extension of structure or use, use or change of use, would menace the public health, safety, security, or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Hearing Authority shall give consideration, among other things, to the following:

1. The number of people residing, working or studying in the immediate areas.
2. Traffic conditions including facilities for pedestrians, such as sidewalks and safety zones and parking facilities and the access of cars to highways.
3. The orderly growth of the community.
4. The reasonable needs of the entire community and particular neighborhoods.
5. The legislative intent of these regulations as provided in Section 100.0.A.
6. The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.

7. Facilities for sewers, water supply, solid waste collection and disposal and the ability of the County to supply such services.
8. Availability of fire-fighting equipment.
9. Decisions of the Circuit Court for Howard County and the Court of Appeals of Maryland.
10. The effect of such use upon the peaceful enjoyment of people in their homes.
11. The most appropriate use of land and structures.
12. The type and kind of structures in the vicinity where people are apt to gather in large numbers such as schools, churches, theaters, hospitals and the like.
13. The General Plan for Howard County including master plans for land use, highways, recreation and parks, schools, sewers, water, conservation and the like.
14. The effect of the proposed use or development on the natural, environmental or landscape resources of the site and adjacent sites, including such resources or features as historic resources, floodplains, wetlands, steep slopes and vegetation.

**D. Court Review**

1. Any person, persons, taxpayer, officer, department, board or office of the County, jointly or severally aggrieved by any decision of the Board of Appeals, may appeal to the Circuit Court for Howard County by petition, duly verified, setting forth that such decision of the Board is illegal, in whole or in part, and specifying the ground of the illegality.
2. Appeals to the Circuit Court shall be filed within 30 calendar days from the day upon which the Board decides the matter from which the appeal is taken and in compliance with the requirements set forth in the MD Rules.
3. The Court shall grant the Board of Appeals and other proper parties a reasonable time to answer and shall require either the original papers or certified copies thereof, which constituted the entire record before the Board, to be filed with the Board's answer.
4. The Court may hear the appeal on the record, or if, in the opinion of the Court, additional testimony is required for the proper disposition of the case, the court may permit either or both sides to present additional testimony.
5. The Court shall hear the case without the intervention of a jury.
6. The Court may modify, reverse, or affirm, wholly or partly, or may remand for further consideration, any decision of the Board of Appeals. When a case is remanded for further consideration, the testimony, if any taken in court, shall be made available to the Board. The costs of preparing a printed record of such testimony shall be made a part of the costs of the case.
7. An appeal may be taken from the determination of the Circuit Court to the Court of Special Appeals of Maryland.

## SECTION 131.0: Conditional Uses

### A. Statement of Legislative Intent

Conditional Uses are authorized in specified zoning districts based on the presumption that they are generally appropriate and compatible in the specified districts. However, particular uses in particular locations may have characteristics or impacts that are not typical. Conditional Uses are not permitted automatically, but are subject to the regulations of this section and the conditions imposed by the Hearing Authority upon its approval of the proposed Conditional Use.

### B. General Standards Required for Approval

The Hearing Authority shall have the power to permit Conditional Uses, provided the following general standards are met:

1. The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.
2. The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use(s) are appropriate for the site.
3. The proposed use at the proposed location will not have adverse effects on vicinal properties above and beyond those ordinarily associated with such uses. In evaluating the proposed use under this standard, the Hearing Authority shall consider whether or not:
  - a. The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning districts.
  - b. The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.
  - c. The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.
  - d. The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the convenience or safety of shared use of the driveway.
  - e. The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.
  - f. The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

**C. Additional Standards Required in Certain Residential Districts**

The following standards shall apply to Conditional Uses proposed on land within residential developments in the R-ED, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH or R-VH Districts:

1. The Hearing Authority shall not approve a Conditional Use on land which was included in the density calculation for a residential development and which has no remaining residential development potential, based on the maximum density allowed in the zoning district.
2. The Hearing Authority may approve a Conditional Use on land which was included in the density calculation for a residential development, and which has development potential for at least one dwelling unit, if the Hearing Authority finds that:
  - a. The combination of uses within the development, including the residential, Conditional Use and open space uses, will result in an overall intensity of development which is in harmony with vicinal land uses and the policies of the Howard County General Plan.
  - b. The Conditional Use will not infringe on open space or result in damage or lack of protection for environmentally sensitive areas of the development.
  - c. No more than 30% of the parcel on which the Conditional Use is located will be covered by structures or impervious surface, including roads, parking lots, loading or storage areas, and sidewalks.

**D. Compliance with Specific Requirements for a Conditional Use**

1. A Conditional Use shall comply with the requirements for the specific use given in Section 131.0.N. Variances may not be granted to the requirements of Section 131.0.N except for modifications or expansions of existing Conditional Uses in accordance with Section 131.0.D.4 below.
2. Where a minimum lot size is given in Section 131.0.N for a Conditional Use, such a requirement shall not be deemed to prohibit the establishment of the Conditional Use on a lot which complies with the minimum area requirement and is also used for other Conditional Uses or uses permitted as a matter of right.
3. If more than one Conditional Use is located on a lot and the specific requirements of Section 131.0.N for the Conditional Uses are in conflict, the more stringent requirements shall apply to all Conditional Uses on the site.
4. The Hearing Authority may approve variances to the bulk regulations in Section 131.0.N, in accordance with the variance provisions of Section 130.0.B. for modifications and expansions of:
  - a. Existing Conditional Uses that were approved prior to July 12, 2001; and
  - b. Conditional Uses filed on or before March 5, 2001, and approved after July 12, 2001.

**E. District Requirements**

All regulations of the zoning district in which a Conditional Use is located shall apply to such uses, except where:

1. The requirements for a Conditional Use given in Section 131.0.N specifically amend the zoning district requirements or are more stringent than the zoning district requirements; or
2. A variance to the zoning district requirements is granted in accordance with Section 130.0.B.2; or
3. The Hearing Authority as a condition of approval imposes requirements which are more stringent than the requirements of the zoning district.

**F. Pre-Submission Community Meeting, Petition and Public Hearing**

1. A pre-submission community meeting is required prior to the initial submittal of a petition for a Conditional Use subject to the same procedures for such meetings as specified in Section 16.128 of the Subdivision and Land Development Regulations, and the following additional provisions:
  - a. Citizens may request a meeting with a staff member of the Department of Planning and Zoning to review the development proposal after the petition has been formally submitted to the Department.
  - b. The purposes of the pre-submission community meeting are to allow the petitioner to provide information to the community regarding the proposed Conditional Use and to allow community residents to ask questions and discuss any issues they have concerning the proposal.
  - c. If the petitioner does not submit the petition to the Department of Planning and Zoning within 1 year of the pre-submission community meeting, the petitioner shall hold another pre-submission community meeting, subject to the same notification and posting requirements as the first pre-submission community meeting.
2. A petition for Conditional Use shall be submitted to the Department of Planning and Zoning and shall include:
  - a. A Conditional Use plan which shows all existing and proposed uses, structures, parking areas, points of ingress and egress, landscaping, and the approximate location of relevant natural features which shall include wetlands, steep slopes, and tree and forest cover.
  - b. Information regarding noise, dust, fumes, odors, lighting levels, vibrations, non-sewage solid waste, hazards or other physical conditions resulting from the use which may adversely impact vicinal properties.
  - c. A statement that indicates:
    - (1) Whether the property is served by public or private water and sewage disposal;
    - (2) That additional information can be obtained from the Howard County Health Department; and
    - (3) The current address of the Howard County Health Department.
  - d. Supporting documentation, such as traffic studies, market studies, and noise studies, may be required by the Department of Planning and Zoning at its discretion or by these regulations.

- e. For expansion or modification of an existing Conditional Use, the Department of Planning and Zoning may require information regarding compliance with previous requirements and conditions.
  - f. After a petition for a Conditional Use has been determined to be officially accepted by the Department of Planning and Zoning and a hearing date has been scheduled, the petition materials shall not be revised or replaced prior to the hearing. The technical staff report shall be based upon the materials in the petition at the time of acceptance. Supplemental materials may only be presented in testimony to the Hearing Authority.
3. Department of Planning and Zoning's Findings and Recommendations.
- a. The Department of Planning and Zoning shall transmit its findings and recommendations concerning a Conditional Use petition to the Hearing Authority at least 7 days prior to the public hearing on a petition, provided, however, the Hearing Authority may reduce or waive this requirement in advance.
  - b. At any time any individual may submit a question to the staff of the Department of Planning and Zoning and related agencies concerning the findings and recommendations of the Department or related agencies. If a written response is requested, the question should be submitted in writing to the Department or Agency.
4. During the hearing either party may direct a question concerning the findings and recommendations of the Department of Planning and Zoning or related agencies to the Hearing Authority, and the Hearing Authority shall determine whether staff of the Department or related agencies shall respond and the form of the response.
5. A response by the Department of Planning and Zoning and related agencies to a question concerning the Technical Staff Report may be considered by the Hearing Authority only if the response is in writing.
6. The Hearing Authority shall hold at least one public hearing on the petition in accordance with Section 2.203 of the Howard County Code, and shall approve, disapprove or approve with conditions, the proposed development or use. Each decision by the Hearing Authority shall be in writing and shall state the reasons for the decision.

**G. Burden of Proof**

The applicant for a Conditional Use shall have the burden of proof, which shall be by a preponderance of the evidence and which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Hearing Authority or are required to meet any provisions of these regulations.

**H. Conditions of Approval**

- 1. If the Conditional Use is approved, the Hearing Authority may attach conditions to the proposed use or plan as it deems necessary to ensure continuous conformance with all applicable standards and requirements. The Conditional Use plan, subject to such conditions, shall be made part of the decision and order of the Hearing Authority.
- 2. The Hearing Authority may place a time limit on a Conditional Use or may require renewal of the use after a certain time period as a condition of approval. On an application for renewal of a Conditional Use, the Hearing Authority shall determine whether the applicant has complied with the conditions and safeguards required by the Hearing Authority during the prior term. If



the Hearing Authority finds that the applicant has been in substantial violation thereof, it shall deny the application for renewal. The Hearing Authority shall use the procedures given in Section 131.0.I.3.c(1) through (3) below in considering requests for renewal.

3. The use, development or maintenance of a Conditional Use site in violation of the Conditional Use plan, or of any conditions imposed by the Hearing Authority, shall constitute a violation of these regulations and shall be grounds for revocation of the Conditional Use.
4. The property owner or Conditional Use holder may petition the Hearing Authority for modification of conditions imposed in a Decision and Order approving a Conditional Use, in accordance with the following procedures:
  - a. A petition for modification of conditions shall be submitted in the same format and include the same information as a Conditional Use petition, clearly indicating the approved Conditional Use, the requested modifications, and the reasons for the request.
  - b. A petitioner shall certify that a copy of a request for modification of a condition to a Conditional Use Decision and Order has been sent by certified mail to adjoining property owners identified in the records of the Maryland Department of Assessments and Taxation and the parties of record, whose addresses shall be maintained by the secretary to the Hearing Authority.
  - c. The Hearing Authority shall hold a public hearing in accordance with the procedures for a Conditional Use petition. The public hearing shall be limited to consideration of the modification requested by the petitioner.
  - d. The Hearing Authority shall issue a written decision either upholding or modifying a condition imposed in the original Decision and Order.
  - e. After a decision is made, a new petition requesting modification of any of the conditions of approval shall not be accepted for at least 24 months after the date of the decision modifying or upholding the conditions of the original Decision and Order.

## **I. Establishment of Conditional Use**

### **1. Site Development Plan Requirement**

If required by the Department of Planning and Zoning, a Site Development Plan must be approved subsequent to the approval of a Conditional Use. The Site Development Plan must conform substantially to the Conditional Use plan.

### **2. Conformance with Conditional Use Plan**

An approved Conditional Use shall not commence until:

- a. The Site Development Plan is approved, if required;
- b. All required building permits are issued; and
- c. The development significantly conforms with the Conditional Use plan, including but not limited to structures, landscaping, parking areas, points of access, and lighting, unless an alternative schedule for completion of improvements is approved by the Hearing Authority. The Department of Planning and Zoning may approve minor

modifications to the configuration of buildings or other improvements as long as they do not move closer to abutting residential properties or other uses that might be adversely impacted, unless the Hearing Authority revokes this administrative authorization in the Decision and Order.

3. Lapse of Decision Approving a Conditional Use

- a. Except as provided in Subsections b, c, d and e below, a Decision and Order approving a Conditional Use shall become void unless a building permit conforming to the plans for which the approval was granted is obtained within two years, and substantial construction in accordance therewith is completed within three years from the date of the decision. A Decision and Order approving a Conditional Use for which a building permit is not necessary shall become void unless the use commences within two years from the date of the decision. If a decision is appealed, the time period for the use being appealed shall be measured from the date of the last decision.
- b. The Hearing Authority may approve a phasing plan, in which only the first phase of a Conditional Use plan is subject to the time limits given above. The approval for future phases shall become void unless such phases are completed within a time period specified in the Hearing Authority's Decision and Order.
- c. The Hearing Authority may grant as many as two extensions of the time limits given above. The extensions shall be for a period of time not to exceed three years each, and may be granted in accordance with the following procedures:
  - (1) A request for an extension shall be submitted by the property owner prior to the expiration of the Conditional Use approval, explaining in detail the steps that have been taken to establish the use.
  - (2) The property owner shall certify that a copy of the request for an extension has been sent by certified mail to adjoining property owners and to the addresses given in the official record of the Conditional Use case for all persons who testified at the public hearing on the petition.
  - (3) The Hearing Authority shall provide opportunity for oral argument on the request at a work session if requested by any person receiving notice of the request. If no response is received within 15 days of the date of the written notification, a decision on the request may be made by the Hearing Authority without hearing oral argument.
  - (4) The Hearing Authority may grant the request if it finds that establishment of the use in accordance with the approved Conditional Use plan has been diligently pursued. If oral argument is presented on the request, the Hearing Authority may deny the request if any of the oral arguments allege that changes have taken place in the circumstances which led to the original decision to approve the Conditional Use.
- d. Notwithstanding that approval for a Conditional Use may have become void under Subsection c above, the Hearing Authority may grant a third extension of not more than two years from the date of lapse provided that:
  - (1) The property owner submits a request for an extension that explains the steps taken to obtain a building permit and cause of delay;
  - (2) Procedures in Subsections 131.0.I.3.c(2) and (3) are followed; and
  - (3) The Hearing Authority finds that obtaining the building permit in accordance with the approved Conditional Use has been diligently pursued and has been delayed by a change in Federal, State, or local law or policy or by the delay of

any State or Federal agencies in issuance of any permits or approvals required for the Conditional Use.

- e. Subsections a. and c. above shall not apply to any project for which plans are being actively processed in compliance with the procedures in Title 16, Subtitles 1 and 11 of the Howard County Code or were being actively processed in compliance with those subtitles when the applicable time period established by Section a. above expired.
- f. If a condition of a previously granted special exception or Conditional Use is or has been previously modified, a petitioner may request and be granted one extension of time to obtain a building permit and complete substantial construction in addition to the two extensions that may be requested and granted pursuant to Section 131.0.I.3.c. above. Any extension of time granted pursuant to this subsection shall extend the deadline for obtaining a building permit by an additional two years and for completing substantial construction by an additional three years, and shall be measured from the date of the existing deadline. The Hearing Authority's consideration of a condition modification – related extension request pursuant to this subsection shall be governed by the procedures in Section 131.0.I.3.c.(1) through (4) above.

**J. Enlargement or Alterations**

The Hearing Authority may permit the enlargement or alteration of any existing use which is permitted by Conditional Use in the specified districts under the provisions of these regulations, provided that in evaluating the enlargement or alteration, the Hearing Authority shall make all of the required findings applicable to the entire Conditional Use.

**K. Abandonment**

If any Conditional Use is discontinued for a continuous period of at least two years, the Conditional Use approval shall become void and a new application to the Hearing Authority shall be required prior to the re-establishment of the use.

**L. Revocation of Conditional Use**

If a Conditional Use site is used, developed or maintained in violation of these regulations, the Department of Planning and Zoning may initiate action to revoke the Conditional Use as set forth below, in addition to other enforcement procedures authorized by these regulations and the Howard County Code.

1. If a violation is not corrected within 30 days of the issuance of a violation notice the Department of Planning and Zoning may forward a copy of the violation notice to the Hearing Authority and request a revocation hearing.
2. The Hearing Authority shall schedule a public hearing to consider revoking the Conditional Use. The hearing shall be advertised as required by Section 2.203, "Notice to the Public" and Section 2.209, "Conduct of Board of Appeals Hearings; Original Jurisdiction" of the Howard County Code. In addition, at least 30 days written notice of the hearing shall be y registered mail to the property owner and the Conditional Use.
3. The public hearing shall be limited to consideration of issues relating to the alleged violations.
4. After holding a public hearing, the Hearing Authority shall issue a written decision as required in Section 2.211, "Decision and Order", of the Howard County Code revoking or reaffirming the Conditional Use. If the Conditional Use is reaffirmed, the Board may amend, add to, or

delete any of the existing conditions of approval. The Board may also reaffirm the Conditional Use subject to a schedule for abatement of specified violations, with provision for automatic revocation if the abatement schedule is not met.

**M. Clarification of Decision and Order**

The Department of Planning and Zoning may at any time request clarification of a Decision and Order of the Hearing Authority granting a Conditional Use petition, in accordance with the following procedures:

1. The Department of Planning and Zoning shall submit a written request to the Hearing Authority, listing the portions of the Decision and Order which require clarification and the reason for the request.
2. The Hearing Authority shall schedule a public hearing to consider the request for clarification. The hearing shall be advertised as required by Section 2.203, "Notice to the Public" and Section 2.209, "Conduct of Board of Appeals Hearings; Original Jurisdiction" of the Howard County Code. In addition, at least 30 days written notice of the hearing shall be issued by registered mail to the property owner and the Conditional Use holder.
3. The public hearing shall be limited to consideration of issues related to the request for clarification.
4. After holding a public hearing, the Hearing Authority shall issue a written decision as required in Section 2.211, "Decision and Order", of the Howard County Code, amending the original Decision and Order to provide clarification as deemed necessary by the Board.

**N. Conditional Uses and Permissible Zoning Districts**

Conditional Use	Zoning Districts																																
	RC	RR	R-ED	R-20	R-12	R-SC	R-SA-8	R-H-ED	R-A-15	R-APT	R-MH	R-SI	R-VH	CCT	TOD	CAC	TNC	PGCC	HO	HC	POR	PEC	BR	OT	B-1	B-2	SC	M-1	M-2	CE	I		
Age-Restricted Adult Housing			✓	✓	✓	✓	✓	✓	✓	✓																✓	✓						
Agribusiness	✓	✓																															
Aircraft Landing and Storage Areas (Private Ownership)	✓																																
Animal Hospitals	✓	✓																															
Antique Shops, Art Galleries and Craft Shops	✓	✓																															
Athletic Facilities, Outdoor	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																						
Barber Shop, Hair Salon, and Similar Personal Service Facilities	✓	✓		✓																													
Bed and Breakfast Inns	✓	✓	✓	✓	✓	✓							✓																				
Bottling of Spring or Well Water	✓	✓																															
Buses, Boats, or Recreational Vehicles (Commercial Storage Lots)																											✓						
Cemeteries and Mausoleums	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						✓	✓	✓				✓	✓	✓	✓	✓		✓	
Charitable or Philanthropic Institutions: Offices and Educational Programs	✓	✓	✓	✓	✓																												
Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓							✓	✓												
Communication Towers	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓								✓			✓	✓	✓		✓	✓	✓				✓	
Composting Facility	✓																																
Contractor Storage Facility																											✓						
Country Inn	✓	✓	✓	✓	✓	✓																											
Dwelling, Accessory Family	✓	✓	✓	✓	✓																												
Farm Tenant House	✓	✓																															
Fast Food Restaurant																											✓			✓	✓		
Funeral Homes and Mortuaries	✓	✓	✓	✓																													
Gases, Non-Toxic Industrial (Manufacture, Sale, Storage, and Distribution)																																✓	
Gasoline, Fuel Oil, Liquified Petroleum, and Compressed Natural Gas, Bulk Storage of																											✓		✓	✓			
Gasoline Service Stations																											✓	✓	✓	✓			
Golf Courses	✓	✓	✓	✓	✓	✓	✓																										
Guest House					✓																												
Historic Building Uses	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓										✓				✓	✓		✓	✓				
Home Based Contractors	✓	✓																															
Home Occupations	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓															
Junk Yard																															✓		
Kennels and Pet Grooming Establishments	✓	✓		✓																							✓						
Landscape Contractors	✓	✓																															
Limited Outdoor Social Assemblies	✓																																

Conditional Use	Zoning Districts																																
	RC	RR	R-ED	R-20	R-12	R-SC	R-SA-8	R-H-ED	R-A-15	R-APT	R-MH	R-SI	R-VH	CCT	TOD	CAC	TNC	PGCC	HO	HC	POR	PEC	BR	OT	B-1	B-2	SC	M-1	M-2	CE	I		
Mobile Homes for Security Purposes																													✓	✓			
Movie Theaters, Legitimate Theaters, Dinner Theaters																														✓	✓	✓	
Museums and Libraries	✓	✓	✓	✓																													
Nonprofit Clubs, Lodges, Community Halls and Camps	✓	✓	✓	✓	✓	✓	✓	✓																									
Nursing Homes and Residential Care Facilities			✓	✓	✓	✓	✓	✓	✓	✓	✓		✓																				
Pet Day Care Facilities	✓	✓		✓																													
Produce Stands				✓																													
Quarries – or Rock, Stone, Sand Excavations	✓																													✓	✓		
Religious Facilities, Structures and Land Used Primarily for Religious Activities	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓																				
Residential/Commercial Buildings																						✓				✓	✓						
Retreat Center	✓	✓	✓	✓																													
Rubble Landfill and Land Clearing Debris Landfill Facilities																															✓		
Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing	✓	✓																															
School Buses, Commercial Service	✓	✓		✓	✓																												
Schools, Colleges, Universities – Private (Academic)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓																				
Shooting Ranges - Outdoor Rifle, Pistol, Skeet and Trap	✓																																
Small Wind Energy Systems, Building Mounted			✓		✓	✓	✓	✓	✓	✓																							
Small Wind Energy Systems, Freestanding Tower	✓	✓	✓											✓	✓	✓	✓	✓				✓	✓					✓	✓	✓	✓	✓	
Solar Facility, Commercial	✓	✓																															
Spa, Country	✓	✓																															
Two-family Dwellings, Accessory Apartments	✓	✓	✓	✓	✓	✓																											
Used Merchandise, Retail Sale by Non-Profit Organizations																														✓	✓		
Utility Uses, Public	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	
Winery, Farm – Class 1B		✓																															
Winery, Farm – Class 2	✓	✓																															
Wrecked Vehicle Storage (Temporary)																														✓	✓		

The Hearing Authority may grant Conditional Uses in the specified districts in accordance with the following minimum criteria.

1. **Age-restricted Adult Housing**

a. Age-Restricted Adult Housing, General

A Conditional Use may be granted in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, or R-APT District, for age-restricted adult housing, provided that:

- (1) Single-family detached, semi-detached, multi-plex, attached and apartment dwelling units shall be permitted, except that only detached, semi-detached, multi-plex and single-family attached units are permitted in developments with less than 50 dwelling units in the R-ED, R-20 and R-12 districts.
- (2) In the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, or R-APT Districts the development shall have a minimum of 20 dwelling units.
- (3) The maximum density shall be as follows:

Zoning District	Number of Dwelling Units in Development	Maximum Units Per Net Acre
R-ED and R-20	20-49	4
	50 or more	5
R-12	20-49	5
	50 or more	6
R-SC	20-49	7
	50 or more	8
R-SA-8	20 or more	12
R-H-ED	20 or more	10
R-A-15	20 or more	25
R-APT	20 or more	35

(4) Site Design:

The landscape character of the site must blend with adjacent residential properties. To achieve this:

- (a) Grading and landscaping shall retain and enhance elements that allow the site to blend with the existing neighborhood.
- (b) The project shall be compatible with residential development in the vicinity by providing either:
  - (i) An architectural transition, with buildings near the perimeter that are similar in scale, materials and architectural details to neighboring dwellings as demonstrated by architectural elevations or renderings submitted with the petition; or
  - (ii) Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms or increased setbacks.
- (c) For projects with less than 50 dwelling units in the R-ED, R-20 and R-12 Districts, setbacks from existing public streets shall be the same as the setback required for residential uses on adjacent properties.

(5) Bulk Requirements

- (a) Maximum Height:
  - (i) Apartments ..... 40 feet  
Except in R-SA-8, R-A-15 and R-APT ..... 55 feet
  - (ii) Other Principal Structures ..... 34 feet

- (iii) Accessory Structures ..... 15 feet
  - (b) Minimum Structure and Use Setback:
    - (i) From Public Street Right-of-way ..... 40 feet
    - (ii) From residential lots in RC, RR, R-ED, R-20, R-12 or R-SC Districts:
      - Apartments ..... 100 feet
      - Single-family attached ..... 75 feet
      - Single-family detached, semi-detached, and multi-plex 40 feet
    - (iii) From open space, multi-family or non-residential uses in RC, RR, R-ED, R-20, R-12 or R-SC ..... 30 feet
    - (iv) From zoning districts other than RC, RR, R-ED, R-20, R-12 or R-SC ..... 20 feet
  - (c) Minimum structure setback from interior roadway or driveway for units with garages ..... 20 feet
  - (d) Minimum structure setback from lot lines for single-family detached or multi-plex units
    - (i) Side ..... 10 feet  
 Except zero lot line dwellings ..... 0 feet  
 A minimum of 10 feet must be provided between structures
    - (ii) Rear ..... 20 feet
  - (e) Minimum distance between single-family detached and/or attached dwellings:
    - (i) For units oriented face-to-face ..... 30 feet
    - (ii) For units oriented side-to-side ..... 15 feet
    - (iii) For units oriented face-to-side or rear-to-side .. 20 feet
    - (iv) For units oriented rear-to-rear ..... 40 feet
    - (v) For units oriented face-to-rear ..... 100 feet
  - (f) Minimum distance between apartment buildings or between apartment buildings and single-family dwellings:
    - (i) For units oriented face-to-face ..... 30 feet
    - (ii) For units oriented side-to-side ..... 15 feet
    - (iii) For units oriented face-to-side or rear-to-side .. 30 feet
    - (iv) For units oriented rear-to-rear ..... 60 feet
    - (v) For units oriented face-to-rear ..... 100 feet
  - (g) Apartment buildings and groups of single-family attached units may not exceed 120 feet in length. However, the Hearing Authority may approve a greater length, up to a maximum of 300 feet in R-SA-8, R-A-15 and R-APT, or 200 feet in other districts, based on architectural design that mitigates the visual impact of the increased length.
- (6) At least 50% of the gross site area in the R-ED Districts, at least 35% in the R-20, R-12, and R-SC Districts, and at least 25% in R-SA-8, R-H-ED, R-A-15 and R-APT Districts, shall be open space or open area in accordance with the Subdivision and Land Development Regulations. The open space or open area shall provide amenities such as pathways, seating areas and recreation areas for the residents, and shall be protective of natural features.
  - (7) Accessory uses may include social, recreational, educational, housekeeping, security, transportation or personal services, provided that use of these services is limited to on-site residents and their guests.
  - (8) At least one on-site community building or interior community space shall be provided that contains a minimum of:
    - (a) 20 square feet of floor area per dwelling unit, for the first 99 units with a minimum area of 500 square feet, and
    - (b) 10 square feet of floor area per dwelling unit for each additional unit above 99.



- (9) Loading and trash storage areas shall be adequately screened from view.
- (10) For a development that will be built in phases, open space areas, recreational facilities and other accessory facilities shall be provided in each phase to meet the needs of the residents. The developer shall provide a schedule for the installation of facilities at the time the Conditional Use is approved.
- (11) The petition shall establish how the age restrictions required under the definition of this use will be implemented and maintained over times. If the development will not be a rental community under single ownership, an entity such as a condominium association or homeowners association shall be established to maintain and enforce the age restrictions in addition to County enforcement of zoning regulations.
- (12) All open space, common areas and related improvements shall be managed and maintained by a common entity, either the owner of the development, a condominium association, or a homeowners association.
- (13) The development shall incorporate universal design features from the Department of Planning and Zoning guidelines that identify required, recommended and optional features. The petition shall include descriptions of the design features of proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.
- (14) At least 10% of the dwelling units in the R-ED, R-20, R-12 and R-SC Districts, and at least 15% in the R-SA-8, R-H-ED, R-A-15 and R-APT Districts, shall be Moderate Income Housing Units.
- (15) Housing for the elderly special exceptions uses approved by the Board of Appeals on or prior to July 12, 2001 and constructed under the zoning regulations in effect at that time, may convert the existing dwelling units to age-restricted adult housing uses, with respect to minimum age restrictions only, without being subject to further hearing authority review and approval under current Conditional Use requirements, provided that the dwelling units are made subject to the new covenants and other legal means of enforcing the age-restricted adult housing minimum age restrictions, and that a copy of the recorded new covenants is submitted to the Department of Planning and Zoning to be filed in the original special exception case file.
- (16) The Conditional Use plan and the architectural design of the building(s) shall have been reviewed by the Design Advisory Panel, in accordance with Title 16, Subtitle 15 of the Howard County Code, prior to the submission of the Conditional Use petition to the Department of Planning and Zoning. The Petitioner shall provide documentation with the petition to show compliance with this criterion.

b. Age-Restricted Adult Housing, Multi-Plex

A Conditional Use may be granted in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, B-1 or B-2 Districts for age-restricted multi-plex adult housing, provided that:

- (1) The landscape character of the site must blend with adjacent residential development. To achieve this:
  - (a) Grading and all landscaping shall retain and enhance elements that allow the site to blend and be compatible with adjacent residential development.
  - (b) The project shall be compatible with adjacent residential development by providing either:

- (i) An architectural transition with buildings near the perimeter that are similar to neighboring dwellings in scale, materials and architectural detail as demonstrated by architectural elevations or renderings submitted with the petition, or
- (ii) Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms or increased setbacks.

(2) The following criteria shall be met:

- (a) In the residential districts, one multi-plex dwelling unit building is permitted per acre. There shall be no more than five multi-plex dwelling unit buildings in a development. In the B-1 and B-2 Districts, the density shall be determined by available water and septic facilities.
- (b) The net floor area of a multi-plex dwelling unit building is limited to 5,000 square feet.
- (c) The multi-plex dwellings are limited to age-restricted adult housing. The petition must include copies of proposed deed restrictions or covenants that establish how the age restrictions required under the definition of age-restricted adult housing will be implemented and maintained.
- (d) The dwellings will incorporate universal design features from the Department of Planning and Zoning Guidelines that identify required, recommended, and optional features. The petition shall include descriptions of the design features of proposed dwellings to demonstrate their appropriateness for the age-restricted populations. The materials submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between driveways, sidewalks, common areas and dwelling units.
- (e) Properties in the B-1 and B-2 Districts shall be outside of the Planned Service Area and adjoin, or be within 200 yards of a community shopping center development with a food store greater than 15,000 square feet.
- (f) The development has frontage on and direct access to a public road.
- (g) The minimum lot size is one gross acre in R-ED and R-20 and 20,000 square feet in R-12.

(3) The development shall comply with the following bulk requirements:

- (a) Maximum Height
  - (i) Principal Structures ..... 34 feet
  - (ii) Accessory Structures ..... 15 feet
- (b) Minimum structure and use setback from perimeter of development:
  - (i) From public street right-of-way ..... 40 feet
  - (ii) From RC, RR, R-ED, R-20 or R-SC Districts, the setback applicable in the underlying zoning district.
  - (iii) From Zoning districts other than RC, RR, R-ED, R-20 or R-SC..... 20 feet
- (c) Minimum structure setback from interior roadway or driveway for units with garages ..... 20 feet
- (d) Minimum structure setback from lot lines:
  - (i) Side..... 10 feet  
Except zero lot line dwellings ..... 0 feet  
A minimum of 10 feet must be provided between structures
  - (ii) Rear ..... 10 feet

- (e) Minimum distance between principal structures ..... 10 feet
- (4) At least 35% of the gross site area shall be open space or open area in accordance with the Subdivision and Land Development Regulations. The open space or open area shall provide amenities such as pathways, seating areas and outdoor recreation areas for the residents, and shall be protective of natural features.
- (5) Accessory uses may include social, recreational, educational, housekeeping, security, transportation or personal services, provided that the use of these services is limited to on-site residents and their guests.
- (6) For developments with more than five multi-plex dwelling unit buildings, at least one on-site community building or interior community space shall be provided that contains a minimum of 500 square feet.
- (7) The Conditional Use plan and the architectural design of the building(s) shall have been reviewed by the Design Advisory Panel, in accordance with Title 16, Subtitle 15 of the Howard County Code, prior to the submission of the Conditional Use petition to the Department of Planning and Zoning. The Petitioner shall provide documentation with the petition to show compliance with this criterion.

**2. Agribusiness**

- a. A Conditional Use may be granted in the RC and RR District for the following commercial and industrial uses:
  - (1) Farm supply and machinery repair sales, storage and services.
  - (2) Biofuel production.
  - (3) Bulk produce storage facilities including cooperatives, except that bulk grain storage is permitted as a matter of right.
  - (4) Livestock slaughtering.
- b. These uses are subject to the following:
  - (1) The use shall be located on a parcel of at least 50 acres in the RC District only, or on a parcel of any size in the RC or RR District if it is an ALPP purchased or dedicated easement property.
  - (2) All facilities, structures and uses shall be at least 200 feet from parcels principally used as residential lots, and the standard structure and use setbacks from adjoining farms or nonresidential land uses.

**3. Aircraft Landing and Storage Areas (Private Ownership)**

- a. Private Use-storage of Three or Fewer Aircraft
 

A Conditional Use may be granted in the RC District, on properties that are not ALPP purchased or dedicated easement properties for private aircraft landing and storage areas where storage is limited to three or fewer aircraft, provided that:

  - (1) The minimum area shall be 50 acres. Petitions where the minimum area comprises more than one lot must contain all property owners as petitioners.
  - (2) The application for Conditional Use under this subsection shall be referred to the appropriate State and Federal aviation agencies for comments.
  - (3) Areas used by fixed wing aircraft during take-off or landing shall be located at least 100 feet from any property line, at least 1,000 feet from any public or private institution, such as schools, hospitals, and churches, and at least 500 feet from any property line on the approach or departure ends of the runway. Areas used by helicopters during take-off and landing shall be at least 700 feet from any property line and at least 1,000 feet from any public or private institution, such as schools, hospitals, and churches.

- (4) Hangars shall be at least 200 feet from any property line. Other structures related to the Conditional Use shall be at least 150 feet from any property line, and no parking of aircraft shall be allowed within 100 feet of any property line. All setbacks provided for herein are to be measured from property lines.
- (5) Where feasible, all or part of the 500 feet "clear zone" from the approach or departure ends of the runway may be satisfied by properly certified navigational easements.
- (6) The use shall be limited to the storage of three or fewer aircraft, each having a gross weight of 12,500 pounds or less, and at least one of the aircraft shall be owned and principally used by a bona fide resident of the property.
- (7) No use granted herein shall allow instruction by or to any person in the operation or maintenance of aircraft.
- (8) Jet fixed wing aircraft may not use this facility.

b. Public or Private Use - Storage of 12 or Fewer Aircraft

A Conditional Use may be granted in the RC District on properties that are not ALPP purchased or dedicated easement properties for aircraft landing and storage areas where storage is limited to 12 or fewer aircraft, provided that:

- (1) The minimum area shall be 45 acres. Petitions where the minimum area comprises more than one lot must contain all property owners as petitioners.
- (2) The application for Conditional Use under this subsection shall be referred to the appropriate State and Federal aviation agencies for comments.
- (3) Areas used by fixed wing aircraft during take-off or landing shall be located at least 200 feet from any property line, at least 1,000 feet from any public or private institution, such as schools, hospitals, and churches, and at least 500 feet from any property line on the approach or departure ends of the runway. Areas used by helicopters during take-off and landing shall be at least 700 feet from any property line and at least 1,000 feet from any public or private institution, such as schools, hospitals, and churches.
- (4) Hangars shall be at least 200 feet from any property line. Other structures related to the Conditional Use shall be at least 150 feet from any property line, and no parking of aircraft shall be allowed within 100 feet of any property line.
- (5) Where feasible, all or part of the 500 feet "clear zone" from the approach or departure ends of the runway may be satisfied by properly certified navigational easements.
- (6) The use shall be limited to the storage of 12 or fewer aircraft each having a gross weight of 12,500 pounds or less, and at least one of the aircraft shall be owned and principally used by a bona fide resident of the property.
- (7) Jet fixed wing aircraft may not use this facility.
- (8) No use granted herein shall allow instruction by or to any person in the operation or maintenance of aircraft.

c. Public or Private Use - Storage of 13 or More Aircraft

A Conditional Use may be granted in the RC District on properties that are not ALPP purchased or dedicated easement properties for an aircraft landing and storage area with storage area for 13 or more aircraft, provided that:

- (1) The minimum lot size is 150 acres.
- (2) The application for Conditional Use under this subsection shall be referred to the appropriate State and Federal aviation agencies for comments.
- (3) The operation of the airport in accordance with the standards and requirements of the State and Federal aviation agencies will not require limitation of the heights of structures on adjacent land to less than the height limit specifically prescribed for the district in which such land is situated.

- (4) The use shall be limited to the storage of fifty non-jet aircraft for which a current airworthiness certificate has been issued by the Federal Aviation Administration, each having a gross weight of 6,000 pounds or less. All airport take-off and landing areas shall be provided with a dustless surface.
- (5) Areas used by fixed wing aircraft during take-off or landing shall be located at least 500 feet from any residential property line, 350 feet from any non-residential property line, 1,000 feet from any public or private institution, including schools, hospitals, and churches, and 1,000 feet, measured along an extension of the runway centerline, from any adjacent residential or commercial zones on the approach or departure ends of the runway. Areas used by helicopters during take-off and landing shall be at least 700 feet from any property line and at least 1,000 feet from any public or private institution, such as schools, hospitals, and churches.

Structures, including hangars, shall be at least 200 feet from any residential property line, and 100 feet from any non-residential property line, and no parking of aircraft or vehicles shall be allowed within 100 feet from any property line.

- (6) No commercial accessory uses are permitted except that tie-down fees may be charged by the owner and the sale of navigation charts and equipment is permitted.
- (7) Every airplane operator based at the airfield must register with the airport manager the following information:
  - (a) aircraft registration number
  - (b) owner's name, address and telephone number(s)
  - (c) names, addresses and phone numbers of all pilots authorized to fly registered planes
  - (d) type of plane and airplane colors or paint scheme
- (8) The airfield shall not be used for take-off and landing instruction or practice.

#### 4. **Animal Hospitals**

A Conditional Use may be granted for an animal hospital in the RC or RR Districts, provided that:

- a. The following criteria apply if outside pens or runs for dogs are included. They do not apply to paddocks for horses or other farm animals:
  - (1) They will be at least 200 feet from any lot line and screened from roads and residential properties, except that an outdoor exercise area may be established adjoining the principal animal hospital building provided that it is of a reasonable size, is enclosed by a solid privacy fence, is at least 30 feet from any lot line, and is only operated when there is an employee in attendance within the outdoor exercise area; and
  - (2) The hours of operation of the pens, runs, and/or outdoor exercise area will be established by the Hearing Authority.
- b. Buildings where dogs are sheltered overnight will be located or soundproofed so that inordinate noises are not detectible at the lot lines overnight.
- c. Disposal of wastes will be such that odors or other emissions are not perceptible at lot lines.
- d. The road access to the use shall not be from a local road internal to a cluster subdivision and the driveway access to the use shall not be a shared driveway.
- e. The use is located on a lot or parcel that is three acres or larger.

- f. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with farming operations or limit future farming production.
  - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

**5. Antique Shops, Art Galleries and Craft Shops (Commercial)**

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties for antique shops, art galleries and craft shops in existing structures, provided that:

- a. No merchandise will be stored outside of structures, except outside displays during store hours only. Such displays may not extend into minimum required structure or use setback areas.
- b. The road access to the use shall not be from a local road internal to a cluster subdivision and the driveway access to the use shall not be a shared driveway.

**6. Athletic Facilities, Outdoor**

Except where permitted as a matter of right, a Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT or R-MH Districts for the following outdoor athletic facilities: athletic fields; swimming pools, community; swimming pools, commercial; tennis courts; disk golf courses; ropes courses; and archery ranges provided that:

- a. A Conditional Use shall not be required for facilities which are reserved for use by residents of a community and their guests, and which are located within neighborhoods or communities where all properties are included within recorded covenants and liens which provide for the operation and maintenance of the facilities.
- b. Other athletic or recreational uses accessory to these principal uses are permitted if approved by the Hearing Authority.
- c. Buildings, parking areas, and outdoor activity areas will be at least 100 feet from adjoining residentially-zoned properties other than public road right-of-ways. This buffer area shall not be available for athletic or recreational activities.
- d. Adequate landscaping or other acceptable forms of buffering will be provided to screen outdoor uses from residential properties.
- e. Reasonable standards for hours of operation and a detailed lighting plan in strict compliance with Section 134.0 shall be proposed by the petitioner and established by the Hearing Authority for each use. Based upon the scale of the facility, the Hearing Authority may also require a traffic study, a septic study, and/or a noise study.
- f. Outdoor sound amplification will be permitted only if the source of the sound is a minimum 200 feet from adjoining residential property lines and it will not constitute a nuisance for residential properties in the vicinity. The petition must indicate the purposes of proposed amplification (such as announcing sports events, safety

announcements, or entertainment), hours of use and the maximum anticipated noise level at the property lines.

7. **Barber Shop, Hair Salon and Similar Personal Service Facilities**

A Conditional Use may be granted in RC, RR or R-20 Districts for a barber shop, hair salon or similar personal service facilities provided that:

- a. The use shall be located within a residence and conducted by the person or persons residing in said residence.
- b. On lots less than one acre in size, the use shall be limited to one resident operator, with no other employees. On lots of one acre or larger, one additional operator or other employee may be permitted.
- c. The road access to the use shall not be from a local road internal to a cluster subdivision and the driveway access to the use shall not be a shared driveway.
- d. On the ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with farming operations or limit future farming production.
  - (2) The use shall operate within the principal dwelling unit. The dwelling and the parking associated with the proposed new facility shall count towards the cumulative use cap of 2% of the easement.

8. **Bed and Breakfast Inns**

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, and R-VH Districts for a bed and breakfast inn, provided that:

- a. The building is a dwelling which is a historic structure as defined in these regulations.
- b. The inn is managed and operated by the owner(s) of the dwelling and the dwelling must be the principal residence of the owner(s).
- c. No public reception or public restaurant facilities are provided.
- d. Exterior alterations to the historic dwelling shall be architecturally compatible with the historic structure as determined by the Historic District Commission prior to the approval of the Condition Use.
- e. Extension or enlargement of the principal historical structure and all accessory structures may not exceed 50% of the gross floor area of each individual building above that which existed on August 1, 1989, when ZB 882R was adopted adding the Conditional Use for bed and breakfast inns to these regulations.
- f. Bed and Breakfast Inns are permitted as a matter of right in the RC and RR Districts on farms that are subject to ALPP purchased or dedicated Easements provided that the building existed at the time the easement was established and the use is managed by persons residing on the same parcel. If these criteria are met, Conditional Use approval is not required.

9. **Bottling of Spring or Well Water**

A Conditional Use may be granted in the RC or RR Districts for bottling of spring or well water, provided that:

- a. The minimum lot size shall be 50 acres. The lot shall have frontage on, and direct access to, an arterial or collector public road.
- b. All structures and uses related to the bottling operation shall be at least 100 feet from property lines.
- c. Public tours and retail sales shall be permitted provided such uses are clearly accessory and incidental to the bottling operation and are approved by the Hearing Authority.
- d. The petitioner shall demonstrate that the proposed use will not adversely affect existing wells in the vicinity and the availability of water for potential future wells in the vicinity.
- e. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with farming operations or limit future farming production.
  - (2) Although the spring or well site(s) may be located elsewhere, any new building addition and any outdoor storage and/or parking areas associated with the proposed new facility shall count towards the cumulative use cap of 2% of the easement.

10. **Buses, Boats or Recreational Vehicles (Commercial Storage Lots)**

A Conditional Use may be granted in the B-2 District for commercial storage lots for buses, boats, recreational vehicles and similar items provided that:

- a. The minimum lot size shall be five acres;
- b. The parcel is located within the no Planned Service Area of the Howard County Water and Sewerage Master Plan;
- c. All such vehicles parked or stored outside of a structure shall be screened from adjoining properties;
- d. No such vehicles shall be parked or stored within 200 feet from a residential district, otherwise the vehicle parking and storage shall comply with the use setback requirements of the B-2 District.
- e. Any parking spaces occupied by such vehicles shall be provided in addition to all other required parking spaces.

11. **Cemeteries and Mausoleums**

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH R-SI, I, R-VH, HO, HC, POR, CCT, B-1, B-2, SC, M-1 or M-2 Districts for cemeteries and mausoleums provided that:



- a. Graves with headstones or permanent markers greater than 3 feet in height shall not be located within 30 feet of the property lines of adjacent residentially zoned lots in residential use.
- b. The Hearing Authority may require walls, fences and/or planting of shrubbery, trees or vines as may be reasonable and proper to afford adequate screening.
- c. When approving a cemetery, the Hearing Authority may authorize future construction of accessory structures not requiring further Hearing Authority approval, such as mausoleums, vaults, columbaria, and sheds. The area boundary within which the future changes are authorized must be delineated on the Conditional Use plan and located at least 50 feet from all property lines.

**12. Charitable or Philanthropic Institutions: Offices and Educational Programs**

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20 and R-12 Districts for a charitable or philanthropic institution, provided that:

- a. The minimum lot size in the R-ED, R-20 and R-12 Districts shall be one acre. The minimum lot size in the RC and RR Districts shall be three acres.
- b. The facility shall be limited to office functions and areas for meetings and educational programs related to the organization's primary purpose. The Hearing Authority must specify the allowed capacity and frequency of educational programs.
- c. Outdoor uses are limited to necessary parking and access, with the exception of nonprofit organizations whose primary purpose is environmental conservation, in which case the use may include outdoor areas used to demonstrate principals and methods of environmental conservation.
- d. All parking areas and outdoor activity areas shall be screened from surrounding properties and roads by landscaping or other appropriate means and located and designed to shield residential property from noise or nuisance.
- e. The design of new structures or additions to existing structures shall be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- f. Buildings, parking areas and outdoor activity areas shall be at least 50 feet from adjoining residentially zoned properties other than public road right-of-ways.
- g. At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.

**13. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities**

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-VH, HO, or HC Districts for day treatment and care facilities, child day care centers and nursery schools provided that:

- a. On-site circulation and parking areas shall be designed to minimize vehicular/pedestrian conflicts and to provide safe areas for dropping off and picking up passengers.
- b. The minimum lot size in the RC and RR Districts shall be three acres and the minimum lot size in the R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-APT, R-VH, HO or HC Districts shall be one acre, except that uses approved prior to October 6, 2013 shall not be subject to this criteria.
- c. Outdoor play areas or activity areas shall be fenced, located to the side or rear of the principal structure, and buffered from adjoining residential properties by landscaping or adequate distance or both.
- d. Parking areas shall be located and landscaped to minimize their visibility from roads and adjacent residential properties.
- e. The design and massing of proposed structures or additions to existing structures shall be generally compatible in scale and character with residential properties in the vicinity of the site, as demonstrated by architectural elevations or renderings submitted with the petition. Additional setbacks from property lines and landscape buffering shall be required if necessary to make the appearance of the site compatible with surrounding residential properties.
- f. For facilities with a capacity of more than 30 children or adult clients at one time, the following standards apply:
  - (1) The site has frontage on and direct access to a collector or arterial road designated in the General Plan, except that expansions of a Conditional Use that was approved prior to July 12, 2001 are permitted.
  - (2) Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways.
  - (3) At least 20% of the area within the building envelope shall be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.

**14. Communication Towers**

- a. A Conditional Use may be granted for commercial communication towers in the following districts (provisions for permitted commercial communication antennas are in Section 128.0.E):
  - (1) In the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, or PGCC Districts, except that antennas meeting the requirements of Section 128.0.E.4., and commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, are permitted as a matter of right.
  - (2) In the POR, PEC, B-1, B-2, SC, BR and CE Districts for towers with a height of 200 feet or greater (including antennas) measured from ground level.
- b. Conditional Use Criteria:
  - (1) An applicant for a new communication tower shall demonstrate that a diligent effort has been made to locate the proposed communication facilities on a government structure or, on an existing structure or within a non-residential zoning district, and that due to valid considerations, including physical constraints, and economic or technological feasibility, no appropriate location is available. The information submitted by the applicant shall include a map of

the area to be served by the tower, its relationship to other antenna sites in the area and, an evaluation of all existing structures taller than 50 feet, within one mile of the proposed tower.

- (2) New communication towers shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons. Unless collocation has been demonstrated to be infeasible, the Conditional Use plan shall delineate an area near the base of the tower to be used for the placement of additional equipment buildings and cabinets for other users.
- (3) Ground level equipment and buildings and the tower base shall be screened from public streets and residentially-zoned properties.
- (4) Communication towers shall be grey or a similar color that minimizes visibility, unless a different color is required by the Federal Communications Commission or the Federal Aviation Administration.
- (5) No signals or lights shall be permitted on a tower unless required by the Federal Communications Commission or the Federal Aviation Administration.
- (6) A communication tower that is no longer used shall be removed from the site within one year of the date that the use ceases.
- (7) The communication tower shall comply with the setbacks for such structures as specified in Section 128.0.E.
- (8) On an ALPP purchased easement property, the use is not permitted except as a release of one acre for a public interest use per Section 15.516 of the Howard County Code.
- (9) On an ALPP dedicated easement property, the use is permitted, provided that the use shall not interfere with farming operations or limit future farming production, shall operate within a specified area, which shall be no larger than necessary for the tower and the ground mounted equipment structures, and the parking shall be within this same area. The tower, the ground mounted equipment and parking shall count towards the cumulative use cap of 2% of the easement.

**15. Composting Facility**

A Conditional Use may be granted in the RC District for a waste composting facility provided that:

- a. All materials received on the site meet the definition of compost as defined in these regulations.
- b. In addition to the bulk regulations of the applicable zoning district, the following structure and use setbacks shall apply:
  - (1) From adjacent residential lots or parcels .....300 feet
  - (2) From public street rights-of-way .....100 feet
  - (3) From existing streams and wetlands.....100 feet
  - (4) From existing farms.....50 feet
- c. A landscaped buffer area with a minimum width of 100 feet shall be maintained around the perimeter of the site except adjoining a farm. The landscaped buffer shall be used only for planting, fencing, and driveways for ingress and egress to the site.
- d. The operation shall not result in odors which are detectable on surrounding properties.
- e. The operation shall be conducted in a safe and environmentally sound manner, as prescribed by law or regulations and with respect to the likelihood of hazard to persons or damage to lands, natural resources, streets, bridges, and public rights-of-way.

- f. The operation shall be conducted in a manner which will prevent insect and/or rodent infestation.
- g. The facility shall be maintained in a clean and sanitary condition.
- h. All liquid, including leachate and storm water runoff, generated from the composting facility shall be collected and treated prior to disposal, in accordance with applicable regulations.
- i. The hours of operations shall be restricted to between 7:00 a.m. and 6:00 p.m., and no operation shall be permitted on Sundays except repairs to equipment and improvements, unless other days and hours are approved by the Hearing Authority.
- j. On-site retail sales of finished compost shall be permitted if specifically approved by the Hearing Authority.
- k. The structural elements of the roads serving the site shall be adequate for the truck traffic to be generated by the composting facility. The petition shall include a road condition study to allow the Hearing Authority to make this determination.
- l. The Conditional Use plan submitted with the petition shall show the following:
  - (1) Survey boundaries of the subject property.
  - (2) Existing natural features including streams, ponds, springs, and wetlands.
  - (3) Existing and proposed topography.
  - (4) Setback and buffer area, including type of screening and fencing.
  - (5) Portion of tract to be used for composting operations, including the location and layout of:
    - (a) Waste unloading, receiving and storage areas;
    - (b) Waste processing areas, including areas for grinding, screening, mixing and other operations to prepare waste for composting;
    - (c) Composting areas;
    - (d) Compost curing areas;
    - (e) Compost final product preparation areas (screening and other operations); and
    - (f) Finished compost storage and loading areas.
  - (6) Existing and proposed structures and major mechanical equipment.
  - (7) Existing and proposed access driveways
  - (8) Water supply (including quantity requirements) and sewage disposal.
  - (9) Stormwater management for quantity and quality control.
  - (10) Facilities for storage and treatment for leachate and any other liquids generated by the operation.
  - (11) Other existing or proposed uses on the site
- m. The operations plan shall be submitted by the applicant to enable the Hearing Authority to evaluate the potential impacts of the proposed use. If the petition is approved, substantial changes to the operations plan shall not be implemented without prior approval of the Hearing Authority. The plan shall provide the following information:
  - (1) Types, anticipated quantities and sources of waste.
  - (2) Methods by which unacceptable wastes delivered to the facility will be identified, segregated, and handled for removal and disposal.
  - (3) Off-site location where unacceptable wastes delivered to the composting facility will be disposed of.
  - (4) Methods by which waste quantities delivered will be determined including weighing facilities to be provided.

- (5) A description of major items of equipment and associated capacities.
  - (6) A description of proposed buildings and pads for storage, composting and processing.
  - (7) A description of delivery methods and requirements.
  - (8) A description of incoming material handling and processing methods including processing capacity and storage volume to be provided.
  - (9) A description of the composting process to be utilized including composting capacity to be provided, composting technology, required composting time, and assurance of acceptable level of pathogen reduction.
  - (10) A description of compost curing, handling and processing methods including processing capacity and storage volume to be provided.
  - (11) A description of finished compost storage, distribution and delivery methods and requirements.
  - (12) Methods of controlling odors, dust, litter, noise, and insect or rodent infestation; methods of insuring public safety; methods of preventing and, if necessary, controlling fires; and methods of collecting and treating liquids generated by the use.
  - (13) Procedures for cleaning and maintaining the appearance of the facility, including collection of litter and waste which falls from transport vehicles in the vicinity of the site, including adjacent private properties and public roads.
- n. A rehabilitation plan shall be submitted at the time of the Conditional Use application for approval by the Hearing Authority. The plan shall provide for the following minimum rehabilitation program:
- (1) All structures and machinery shall be completely removed and underlying excavations filled to grade and planted in grass except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.
  - (2) All impervious surfaces shall be removed and properly disposed of. The areas from which the surfaces are removed shall be backfilled with suitable soil and regraded as necessary to provide adequate drainage. All such areas shall be planted in grass which shall be maintained through one year's growth.
  - (3) All waste, composting material, and finished compost shall be removed from the site and shall be disposed of in conformance with applicable laws or regulations.

16. **Contractor Storage Facility**

A Conditional Use may be granted in the B-2 District for a contractor storage facility provided that:

- a. The minimum lot size shall be five acres and the maximum lot size shall be 10 acres.
- b. All outdoor storage uses, commercial vehicle and equipment parking shall be located a minimum of 100 feet from an adjacent residential district, 30 feet from other adjacent non-residentially zoned properties, and 50 feet from the public street rights-of-way of all public roads.
- c. All outdoor storage uses, commercial vehicle and equipment parking shall be screened from all adjacent properties and public street rights-of-way with a Type D landscape screen as defined in the Subdivision and Land Development Regulations, and expressly
- d. in addition, a 6-foot tall opaque fence. The fence shall comply with the setbacks set forth in Section B above.

- e. If the contractor storage facility adjoins a residential zoning district, the Hearing Authority shall set the hours of operation.

**17. Country Inn**

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, and R-SC Districts for the conversion of an historic structure to a country inn, provided that:

- a. The building is a historic structure as defined in these regulations;
- b. Principal and accessory uses shall be identified on the site plan submitted with the application. Accessory uses, not including outdoor recreational areas for use by guests of the inn, shall be limited to an area no greater than 25% of the total floor area of all buildings;
- c. The minimum lot size shall be 5 acres in the RC and RR districts, and 3 acres in the R-ED, R-20, R-12, and R-SC Districts. If a public restaurant is part of the country inn, the minimum lot size shall be 10 acres in the RC and RR Districts, and 5 acres in the R-ED, R-20, R-12 and R-SC Districts.
- d. Extension or enlargement of the principal historical structure and all accessory structures may not exceed 50% of the gross floor area of each individual building above that which Existed on February 8, 1982, when the category for country inns was added to these regulations.
- e. Exterior alterations to the historic structure shall be architecturally compatible with the historic structure as determined by the Historic District Commission, prior to the approval of the Conditional Use.
- f. Outdoor uses, including loading and refuse storage areas and outdoor reception or restaurant areas, will be located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.
- g. For properties not served by public water and/or sewer, the petitioner shall demonstrate that the well and/or septic facilities will be sufficient to serve the facility.
- h. Proposals for a use with a public restaurant shall include a traffic study.
- i. An existing Country Inn use approved prior to October 6, 2013, Shall be considered conforming under the conditions of the original approval. Enlargements and/or extensions to this previously approved Country Inn shall not be subject to Section C above.

**18. Dwelling, Temporary Accessory Family**

A Conditional Use may be granted in the RC, RR, R-ED, R-20 or R-12 Districts for a temporary accessory family dwelling provided that:

- a. The minimum lot size shall be 2 acres.
- b. The temporary accessory family dwelling shall be accessory to a single-family detached dwelling on the same lot.

- c. If the temporary accessory family dwelling is a removable modular building, the maximum gross floor area of the use shall be less than 1,000 square feet. If the temporary accessory family dwelling is proposed as an alteration to an existing accessory building, the Hearing Authority may increase the maximum gross floor area of the use to 1,000 square feet or greater, provided that the use clearly remains subordinate to the principal dwelling on the lot. A temporary accessory family dwelling is not subject to the standard lot coverage regulations for accessory structures in Section 128.0.A.
- d. For newly constructed or installed temporary accessory family dwellings, the petition shall include a plan for appropriate screening as necessary to provide an attractive buffering for neighboring residential properties.
- e. A resident of the temporary accessory family dwelling shall be a relative of at least one resident of the principle dwelling and shall either be:
  - (1) 62 years of age or older; or
  - (2) 18 years of age or older and determined by a qualified medical authority to have physical, mental, or developmental impairments that:
    - (a) Are expected to be of a long, continued and indefinite duration;
    - (b) Substantially impede the ability to live independently or are of such a nature that the ability to live independently is facilitated by more suitable living conditions.
- f. If determined necessary by a qualified medical authority, a long-term caregiver shall also be permitted to reside in the temporary accessory family dwelling.
- g. No more than one temporary accessory family dwelling or accessory apartment shall be permitted per lot.
- h. The name of the elderly or disabled family member who will reside in the temporary accessory family dwelling shall be documented with the Conditional Use approval. The temporary accessory family dwelling shall only be used as a dwelling unit for the housing of this elderly or disabled family member of the resident of the principal dwelling unit and a long-term caregiver as provided above, and shall not be used as a dwelling unit by any other person(s).
- i. A Conditional Use for a temporary accessory family dwelling shall become void unless an owner of the property provides an affidavit to the Hearing Authority once a year from the date of approval attesting under penalties of perjury that the accessory family dwelling continues to comply with the specific requirements of this section.
- j. If the temporary accessory family dwelling is a removable modular building, it shall be removed from the property within 60 days after the documented elderly or disabled family member no longer resides in this dwelling. If the temporary accessory family dwelling is established as an alteration to an existing accessory building, 60 days after the documented elderly or disabled family member no longer resides in this building , the alterations authorized by the Conditional Use shall be removed and the accessory building shall no longer be used as a dwelling.

19. **Farm Tenant House**

A Conditional Use may be granted in the RC and RR Districts for a farm tenant house as defined in these regulations, provided that:

- a. The house is to be occupied by at least one person involved in a bona fide farming operation of the owner. The petitioner shall provide documentation substantiating this requirement.
- b. The house shall be located on a parcel which is principally used for farming and is at least 25 acres but less than 50 acres in area.
- c. The parcel on which the farm tenant house will be located must be improved with a principal dwelling unless, based on justification of need submitted by the petitioner, the hearing authority authorizes an exception to this requirement based on the nature of farming activities on the property.
- d. In the event farming ceases to be the principal use on the property, the house shall either be removed or converted to no longer be used for residential purposes, or the property subdivided so that the house becomes a principal single-family detached dwelling on a legal lot, except that a farm tenant house approved prior to October 6, 2013 shall not be subject to this criteria.

20. **Fast Food Restaurant**

A Conditional Use may be granted for a fast food restaurant in the B-1, M-1 or M-2 Districts, provided that:

- a. At least 20% of the site area will be landscaped. The petitioner shall submit a specific landscaping plan, which if approved becomes binding on the development of the facility. The landscaping plan must include plantings which enhance the appearance of the site from public roads and provide buffering for adjacent uses.
- b. The petitioner shall demonstrate that the noise generated by speakers for drive-through service lanes will not be audible from residentially-zoned land and residential uses.
- c. If the site borders a residential district:
  - (1) A detailed lighting plan must be approved by the Hearing Authority.
  - (2) Solid walls such as masonry or wood and masonry may be required by the Hearing Authority. When solid walls are required, landscape planting is required between the wall and the property line.

21. **Funeral Homes and Mortuaries**

A Conditional Use may be granted in the RC, RR, R-ED or R-20 Districts for funeral homes or mortuaries provided that:

- a. The area of the lot shall be not less than three acres.
- b. The site has frontage on and direct access to a collector or arterial highway designated in the General Plan.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways. The



Hearing Authority may reduce this setback to no less than 20 feet or the minimum setback required by the zoning district, whichever is greater, if:

- (1) The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development or;
- (2) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring properties.

e. At least 20% of the area within the building envelope shall be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.

22. **Gases, Non-Toxic Industrial (Manufacture, Sale, Storage and Distribution)**

A Conditional Use may be granted in the M-2 District for the manufacture, sale, storage and distribution of acetylene and other non-toxic industrial gases provided that:

- a. Maximum above-ground storage shall not exceed 10,000 gallons or its equivalent in pounds or cubic feet for each 20,000 square feet of lot area;
- b. When the use is closed or not operated for a continuous period of twelve months, the gas storage facilities shall be dismantled and removed from the site;
- c. The minimum structure and use setback from all property lines shall be 75 feet.

23. **Gasoline, Fuel Oil, Liquefied Petroleum and Compressed Natural Gas, Bulk Storage of**

A Conditional Use may be granted in the B-2, M-1 or M-2 Districts for the bulk storage of gasoline, fuel oil, liquefied petroleum or compressed natural gas, provided that:

- a. Maximum storage above ground shall not exceed 10,000 gallons or its equivalent in pounds or cubic feet, for each 20,000 square feet of lot area. Except that total storage of liquefied petroleum or compressed natural gas in the B-2 District shall not exceed 2,000 gallons and no single container may contain more than 1,000 gallons of liquefied petroleum or compressed natural gas. Total storage above ground shall not exceed 20,000 gallons in the M-1 District but shall not be limited in the M-2 District.
- b. If the use is closed or not operated for a continuous period of twelve months, the storage facilities shall be dismantled and removed from the site.
- c. Solid walls such as masonry or wood and masonry may be required by the Hearing Authority when the site adjoins a residential district. When solid walls are required, landscape planting is required between the outside of the wall and the property line.
- d. The minimum structure and use setback from all property lines shall be 75 feet.

24. **Gasoline Service Stations**

A Conditional Use may be granted in the B-2, SC, M-1, M-2, or PEC Districts for gasoline service stations, provided that:

- a. The use will not adversely affect the general welfare or logical development of the neighborhood or area in which the station is proposed and will not have a blighting

influence as a result of a proliferation of gasoline service stations within a particular area.

- b. The minimum lot size for a gasoline service station is 20,000 square feet. If a gasoline service station is combined with another use on the same lot, the minimum lot size shall be increased in accordance with the provisions of Section 131.0.N.24.i.
- c. The lot shall have at least 120 feet of frontage on a public road. If at the intersection of two public roads, the total of the frontage along both roads may be used if ingress or egress is provided to both roads.
- d. At least 20 percent of the site area shall be landscaped. The landscaping plan shall include plantings which enhance the appearance of the site from public roads and provide appropriate buffering for adjacent uses.
- e. Solid walls such as masonry or wood and masonry may be required by the Hearing Authority when the site borders a residential district. When solid walls are required, landscape planting is required on the outside of the wall.
- f. Refuse areas shall be fenced or screened from view. The plan shall indicate the disposal methods to be used for all waste material generated by vehicle repair operations.
- g. Access driveways and on-site paved areas shall be designed and located to ensure safe and efficient movement of traffic and pedestrians.
- h. Operation
  - (1) Outside operations shall be limited to the dispensing of gasoline, oil, water, pressurized air, the changing of tires and minor servicing. Storage of all automotive supplies shall be within the main structure.
  - (2) Vending machines and the sale of propane are permitted as accessory uses, provided these uses are screened or enclosed if required by the Hearing Authority.
  - (3) The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the gasoline service station.
  - (4) Where a gasoline service station is adjacent to a residential district, its hours of operation and a detailed lighting plan shall be approved by the Hearing Authority.
- i. Other Uses
  - (1) Other uses may be located on the same lot as a gasoline service station, including uses permitted in the zoning district as well as car washes and convenience stores, provided that all uses are approved by the Hearing Authority and the
  - (2) Minimum lot area is increased to accommodate the combination of uses. At a minimum, the minimum lot size of 20,000 square feet must be increased by an area equal to the gross square footage of floor area, parking area and loading or stacking areas required for the additional uses.
  - (3) In the PEC, M-1 and M-2 Districts, the gross floor area of convenience stores shall not exceed 3,500 feet.

- j. **Abandonment**
- (1) The premises (including landscaping) of any gasoline service station which is not in continuous operation or is abandoned shall be maintained in the same manner as is required under these regulations for operating gasoline service stations.
  - (2) A Conditional Use for a gasoline service station shall become void upon notice of abandonment by the owner. If notice of abandonment is not received, but it is determined by the Department of Planning and Zoning that a gasoline service station has not been in continuous operation for a period of twelve months, a revocation hearing shall be initiated by the Department of Planning and Zoning in accordance with the procedures set forth in Section 131.0.L. For purposes of this subsection, "continuous operation" shall mean operation as a gasoline service station at least eight hours per day, five days per week.
  - (3) If a gasoline service station is abandoned and the Conditional Use becomes void as provided above, all gasoline pumps, pump island canopies and other improvements (not including buildings) shall be removed from the site within six months of the date the Conditional Use becomes void.

25. **Golf Courses**

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC or R-SA-8 Districts for country clubs with golf courses, provided that:

- a. A minimum setback of 50 feet is required for all structures and uses from all adjoining properties. This may be reduced by the Hearing Authority if the adjoining property is a farm.
- b. A separation distance of at least 100 feet will be provided between the edge of golf course fairways and existing residential structures. The design of the fairways shall minimize the potential of errant golf shots from causing damage or hazards on adjoining properties to the greatest extent possible.
- c. Outdoor uses will be located and designed to shield residential property from noise or nuisance.
- d. Other athletic, recreational or social uses accessory to the principal use, such as typical country club uses, are permitted if approved by the Hearing Authority.
- e. For an existing golf course approved prior to October 6, 2013, compliance with Section A and Section B above is only necessary for significant redevelopment of the facility.
- f. An existing use approved under the former Special Exception and Conditional Use category for "Country Clubs and Golf Courses" prior to October 6, 2013, shall be considered conforming under the conditions of the original approval. Enlargements and/or extensions to this previously approved use shall only be subject to the general standards and to Section A, Section C and Section D above.

26. **Guest House**

A Conditional Use may be granted in the R-12 District for a guest house provided that:

- a. The minimum lot size shall be 1 acre. The maximum lot size shall be 2 acres. The parcel shall have frontage on and direct access to an arterial road designated in the General Plan.
- b. Accessory limited outdoor social assembly uses are not permitted.
- c. The Hearing Authority shall establish limitations on the size and frequency of indoor events with food and drink, considering the size, design and location of the facility in relation to neighboring properties. The guest house shall post rules to prevent guest noise from disturbing neighbors.
- d. The Hearing Authority shall establish limitations on the hours for trash collection and deliveries.
- e. The front setback for parking shall be the same as the front setback for structures.
- f. The owner of the guest house shall reside on the property. The Hearing Authority may permit the owner to reside off-site and allow a specific owner's agent if the Hearing Authority finds that such an arrangement will ensure that the use will be properly maintained and managed in accordance with all criteria and conditions.
- g. The maximum floor area ratio ("FAR") for the guest house shall be 0.5 FAR.
- h. The use shall have a minimum of 15 guest rooms and a maximum of 19 guest rooms.
- i. On-site parking shall meet, but not exceed, minimum parking requirements for hotel and motel uses. Parking shall be limited to approved paved parking spaces and there shall be no off-site or valet parking.
- j. Meals may be served to guests residing on the premises only and there shall be no public restaurant use.

27. **Historic Building Uses**

A Conditional Use may be granted for the conversion of a historic building in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, POR, B-1, B-2, M-1, and M-2 Districts to apartments and in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-APT and R-MH Districts to business and professional offices, specialty stores, standard restaurants, arts and crafts classes, antiques shops, art galleries, craft shops; bakeries (provided all goods baked on the premises shall be sold at retail from the premises); furniture upholstery, and similar services; personal service establishments; seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.4; service agencies; or community meeting halls, provided that:

- a. The building is a historic structure as defined in these regulations.
- b. The maximum number of dwelling units permitted shall be one dwelling unit for every 800 square feet of building area.

- c. Extension or enlargement of the principal historical structure and all accessory structures may not exceed 50% of the gross floor area of each individual building above that which existed on August 1, 1989, when ZB 882R was adopted adding the historic building use category to these regulations.
- d. Exterior alterations to the historic structure shall be architecturally compatible with the historic structure as determined by the Historic District Commission, prior to the approval of the Conditional Use.
- e. A historic building converted into a community meeting hall or offices shall be subject to the following standards:
  - (1) No material or equipment shall be stored outside of structures.
  - (2) Parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of-way and screened from the roadway and adjacent properties.
  - (3) The site shall have frontage on and direct access onto a collector or arterial road designated in the General Plan.
- f. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with the farming operations or limit future farming production.
  - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

**28. Home-Based Contractors**

A Conditional Use may be granted in the RC and RR Districts for home-based contractors, subject to the following requirements, except that landscape contractors have separate requirements elsewhere in Section 131.0.N., and home-based contractors meeting the requirements of Section 128.0.C.2 are permitted accessory uses:

- a. The minimum lot size is three acres.
- b. The number of commercial vehicles parked on the site shall be limited to three commercial vehicles for lots up to six acres, and five commercial vehicles for lots larger than six acres and not more than 20 acres.  
  
On lots larger than 20 acres, the Hearing Authority may approve additional commercial vehicles, as is determined to be appropriate based upon the character of the property and its relation to the surrounding area.
- c. On lots six acres or fewer, the area used for parking and storage of commercial vehicles, equipment and supplies, whether exterior or interior, shall be limited to no more than 50% of the area of the lot or 10,000 square feet, whichever is less. On lots larger than six acres, the area used for these purposes shall be limited to no more than 5% of the lot or one acre, whichever is less.
- d. Structures used for the Conditional Use shall be at least 50 feet from lot lines and all outdoor parking or storage areas shall be at least 100 feet from lot lines.
- e. The location and design of the operation shall be such that the use will not be a nuisance to residents of neighboring properties due to noise, dust or fumes. Particular

consideration shall be given to the location of loading areas, parking and circulation areas, and driveways in relation to neighboring properties.

- f. If the driveway providing access to the proposed site is shared with other properties, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway.
- g. Parking and storage areas shall be restricted as follows:
  - (1) Supplies shall be stored within a building, except that mulch, compost, soil, sand, stone and other natural materials may be stored outdoors. Supplies stored outdoors must be fully screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the County Landscape Manual.
  - (2) Equipment shall be either stored within a building or screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the Howard County Landscape Manual.
- h. The Hearing Authority shall establish the maximum number of employees permitted on the lot and the maximum allowable number of employee trips per day.
- i. The Hearing Authority shall establish the days and hours of operation.
- j. New structures or additions to existing structures shall be designed to be compatible in appearance and scale with other residential or agricultural structures in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.
- k. Minor repairs to vehicles or equipment shall be permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities shall not be permitted.
- l. Where two or more adjacent lots are under common ownership and used as a single homesite, home-based contracting uses may be located on a different lot than the principal dwelling, if the Hearing Authority determines that this will provide a more compatible location in relation to vicinal properties that effective screening will be provided by using existing site features, or that it will result in decreased impacts on neighboring lots.
- m. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with the farming operations or limit future farming production.
  - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

## 29. **Home Occupations**

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED R-A-15, R-APT, R-MH, R-VH, PGCC, TOD, CAC and TNC Districts for home occupations subject to the following requirements. Home occupations meeting all requirements of Section 128.0.C.1 are permitted accessory uses:

- a. Home occupations approved under this section include the following uses:
- (1) Those listed in Section 128.0.C. which exceed the floor area restrictions or the nonresident employee or client visitation limitations of that Section;
  - (2) Home Occupations which plan to construct a new detached accessory structure;
  - (3) Individual or group instruction of more than 6 students at one time in an academic or non-academic subject;
  - (4) Catering, subject to health department approval; and
  - (5) Other home occupations may be approved by the Hearing Examiner for single-family detached properties 12,000 square feet or greater in area, excluding specific home based businesses that are allowed under other Conditional Use categories listed at the beginning of Section 131.0.N.
- b. The total area devoted to the home occupation may exceed 33% of the gross floor area of the dwelling.
- c. The petition shall include a plot plan showing the location and dimensions of structures, parking areas and driveways and a floor plan showing the dimensions and boundaries of the home occupation.
- d. The home occupation shall be located entirely within the dwelling, an accessory building, or both.
- e. The home occupation shall not alter the residential character or appearance of the dwelling or the lot. An existing or proposed accessory building used for the home occupation must be compatible in scale, character and appearance with the residential character of the site and the neighborhood.
- f. There shall be no exterior evidence, other than a permitted sign, to indicate that the site is being used for any purpose other than that of a dwelling. Exterior evidence shall include outdoor display or storage, noise, dust, vibration, glare, fumes or odors or extensive parking area.
- g. The unrestricted sale or rental of commodities may not take place on the lot.
- Allowed sales related activities include: processing orders by mail, telephone or computer; receiving and mailing merchandise (subject to the limitation on truck deliveries); storage of catalogues, samples, previously ordered merchandise and inventory; office functions such as telephone, computer, and record keeping. In addition, occasional, small volume sales associated with home parties held for the purposes of the display and sale of goods such as cookware, fashion accessories, skin care products, etc. may occur on the site at a frequency determined by the hearing authority.
- h. Prohibited home occupations include, but are not limited to the following uses:
- (1) Vehicle repair, sales or rentals.
  - (2) Restaurants.
  - (3) Laundry and dry cleaning services.
  - (4) Firearm sales.
- i. The home occupation shall be principally conducted by persons residing in the dwelling. In addition, not more than five nonresident employees may work on the lot at one time in connection with the home occupation.

- j. Business-related off-street parking areas shall be screened from public roads and neighboring properties.
- k. No business-related deliveries by trucks with more than two axles shall be permitted. Parcel post and other similar delivery trucks are permitted.
- l. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with the farming operations or limit future farming production.
  - (2) Any new building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

30. **Junk Yard**

A Conditional Use may be granted for a junk yard in the M-2 District, provided that:

- a. The lot for the proposed junk yard shall be not less than one but not more than five acres.
- b. Outdoor areas used for the processing, dismantling, cleaning or storage of parts, material or motor vehicles will be:
  - (1) At least 300 feet from any other zoning district, at least 50 feet from public street rights-of-way and at least 30 feet from property lines; and
  - (2) Enclosed by a solid wood or masonry wall or fence, 6 to 8 feet high, of a design approved by the Hearing Authority. Building walls may form part of the enclosure.
- c. No storage of tires shall be permitted.
- d. All toxic materials shall be properly disposed of in accordance with established Federal, State and County regulations.

31. **Kennels and Pet Grooming Establishments**

A Conditional Use may be granted in the RC, RR or R-20 Districts for kennels or pet grooming establishments, and in the B-1 District for kennels, provided that:

- a. For kennels housing or training eleven or more animals at one time, the following requirements shall apply:
  - (1) Minimum lot size ..... 5 acres
  - (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line ..... 200 feet
  - (3) Minimum structure setback
    - (a) From public street right-of-way ..... 100 feet
    - (b) From any other lot line ..... 200 feet
  - (4) The Hearing Authority may reduce the 200 foot setback from lot lines for structures and outdoor training and exercise areas and outside pens or runs to a distance no less than 150 feet if it finds that the setback reduction will not adversely affect neighboring properties due to visual impact, noise, dust, odors or other causes, and that the outdoor training area, pen, run or structure will be located at least 200 feet from existing dwellings on different lots.



Outside pens and runs and outdoor training and exercise areas for which this setback reduction is approved shall be enclosed by solid fences or walls.

- b. For pet grooming establishments not located completely within a residence, or for kennels housing or training no more than eight animals at any one time, the following requirements shall apply:
  - (1) Minimum lot size ..... 3 acres
  - (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line ..... 150 feet
  - (3) Minimum structure setback:
    - (a) From public street right-of-way ..... 75 feet
    - (b) From any other lot line ..... 100 feet
- c. For pet grooming establishments in which all business activities take place within a residence, the minimum lot size shall be one acre.
- d. All parking areas and outside pens and runs, and as appropriate, all buildings shall be screened by landscaping or other suitable means from adjoining properties and public street rights-of-ways.
- e. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines;
- f. The lot shall have frontage on and direct access to a collector or arterial road designated in the General Plan.
- g. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with farming operation or limit future farming production.
  - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

**32. Landscape Contractors**

A Conditional Use may be granted in the RC and RR Districts for landscape contractors, provided that:

- a. The site is at least 5 acres in area.
- b. Buildings and outdoor areas to be used for parking, loading and storage of vehicles, equipment and tools and supplies shall be delineated on the Conditional Use plan and located at least 100 feet from lot lines and public roads.
- c. The location and design of the operation shall be such that the use will not be a nuisance to neighboring properties due to noise, dust or fumes.
- d. Buildings used for storage or offices will be screened or compatible in scale and character with other residential or agricultural structures in the vicinity. If new structures or additions to structures are proposed, architectural elevations or renderings must be submitted with the petition.

- e. Outdoor parking and storage areas shall be screened from neighboring properties and roads.
- f. Minor repairs to vehicles or equipment are permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities are not permitted.
- g. The area used for parking and storage of commercial vehicles, equipment, materials and supplies, whether exterior or interior, shall be limited to no more than 5% of the area of the lot.
- h. The Hearing Authority shall set limits on the maximum number of employees and shall set the days and hours of operation.
- i. A snow removal service shall not be conducted as an accessory use unless specifically authorized by the Hearing Authority, upon a finding that the noise and level of activity of such a service will not be a nuisance to the neighborhood.
- j. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with farming operations or limit future farming production.
  - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

**33. Limited Outdoor Social Assemblies**

A Conditional Use may be granted for limited outdoor social assemblies in the RC District, provided that:

- a. The lot is the site of a historic structure as defined in these regulations.
- b. The minimum lot size is 5 acres or greater.
- c. If the driveway providing access to the proposed site is shared with other properties or has direct access to and frontage on a local road, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway or local road. The Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Conditional Use operator's responsibility for repair of any damage or deterioration of the shared driveway caused by the Conditional Use, including requirements for surfacing of access driveways.
- d. The petitioner shall provide a traffic management plan and a sight distance analysis.
- e. The limited outdoor social assemblies are the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.
- f. With the exception of restroom facilities if required by the Health Department, no permanent structures, including catering or restaurant facilities shall be constructed on site.

- g. The outdoor assembly area is located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.
- h. Limited social assembly events shall have the following limitations:
  - (1) Maximum capacity is not to exceed 150 attendees;
  - (2) No more than 25 of these events shall be held within a one year period.
  - (3) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Monday thru Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and between 12:00 p.m. and 10:00 p.m., Sunday.
- i. All event activities shall occur outdoors. Event activities within enclosed tents are permitted, however.
- j. Special events with catered food or food prepared on-site are subject to review by the food protection program of the Howard County Department of Health and may require a special events permit. The Conditional Use may not commence until the applicant has obtained approval of all necessary permits for its operation.
- k. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with farming operations or limit future farming production.
  - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

**34. Mobile Homes for Security Purposes**

A Conditional Use may be granted in the M-1 or M-2 District for one mobile home to be used for security purposes, provided that the property contains an outdoor storage facility for equipment, supplies or products in connection with a use permitted in the M-1 or M-2 District. The petitioner shall demonstrate that there is a need for the mobile home as a security measure.

**35. Movie Theaters, Legitimate Theaters, Dinner Theaters**

A Conditional Use may be granted in the M-1, M-2 or CE Districts for movie theaters, legitimate theaters and dinner theaters, provided that a determination is made by the Hearing Authority that such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity, that such use will not adversely affect the use of adjoining properties, and that adequate off-street parking facilities are available in close proximity to the proposed use.

**36. Museums and Libraries**

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED or R-20 Districts for museums, art galleries, and libraries, provided that a determination is made by the Hearing Authority that such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity, and that such use will not tend to adversely affect the use and development of adjoining properties.

**37. Nonprofit Clubs, Lodges, Community Halls and Camps**

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8 and R-H-ED Districts for non-profit clubs, including health or athletic clubs, and similar nonprofit organizations, provided that:

- a. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of ways.
- b. At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.
- c. Outdoor uses will be located and designed to shield residential property from noise or nuisance. The Hearing Authority may set the days and hours of operation for outdoor uses.
- d. The site has frontage on and direct access to a collector or arterial road designated in the General Plan.
- e. In the RC and RR Districts, the minimum lot size is three acres. In the R-ED, R-20, R-12, R-SC, R-SA-8, and R-H-ED Districts, the minimum lot size is one acre.

**38. Nursing Homes and Residential Care Facilities**

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-VH, CAC and TNC Districts for nursing homes and residential care facilities, provided that:

- a. The facility shall have 16 or fewer beds.
- b. The minimum lot size for a new facility is one acre. An existing facility does not have to comply with this criteria.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.
- d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways.
- e. At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.

**39. Pet Day Care Facilities**

A Conditional Use may be granted in the RC, RR or R-20 Districts for pet day care facilities, provided that:

- a. The minimum lot size shall be one acre.

- b. All day care business functions must be completely enclosed within a building. Noise must not be perceptible at lot lines.
- c. The Hearing Authority may set hours of operation and limitations on the number and type of pets cared for.
- d. The facility shall not be located on a shared driveway.
- e. Parking areas shall be located and landscaped to minimize visibility from roads and adjacent residential properties.
- f. There shall be no overnight boarding of pets.
- g. Outdoor areas for walking or exercising pets may be permitted provided that pets shall not be left unattended in such an area. The Hearing Authority may set a limit on the number of pets permitted simultaneously in the outdoor area. The perimeter of this outdoor area shall be fenced and landscaped to ensure that animals are confined to the property and to minimize the visibility of the enclosure. All fencing shall comply with all requirements for fences as noted elsewhere in Section 128.0. The petitioner must clearly delineate the outdoor area on the Conditional Use plan.
- h. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines.
- i. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with farming operations or limit future farming production.
  - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

40. **Produce Stands**

A Conditional Use may be granted in the R-20 District for a produce stand, provided that:

- a. The use may not be located on a lot less than one acre nor larger than two acres.
- b. The produce stand shall be the sole use on the property.
- c. The use may include the retail sale of crops, produce, flowers, plants and seasonal displays, baked goods, dairy products and bottled/package food products.
- d. The site has frontage on and direct access to a minor arterial road as designated in the General Plan.

41. **Quarries - or Rock, Stone, Sand Excavations**

A Conditional Use may be granted in the RC District, on properties that are not ALPP purchased or dedicated easement properties, and in the M-1 or M-2 Districts for quarries and similar excavations for sand, rock, stone and minerals, provided that:

- a. In the M-1 District, accessory processing uses such as concrete manufacture may be permitted if approved by the Hearing Authority.
- b. The approved portion of the tract shall have a peripheral buffer area 100 feet in width which shall be retained in its natural topographic condition, undisturbed by excavation or mining or other associated uses. The setback area shall not be used for any purpose except planting, fencing and roads for ingress and egress to the tract.
- c. The height of structures and any man-made land forms may be limited by the Hearing Authority.
- d. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading, weighing, screening, sizing or similar operations shall not be located within three hundred feet of a property line, except that the Hearing Authority may permit sedimentation ponds to be closer than 300 feet, but not closer than 100 feet to such property line if the applicant demonstrates the topographic necessity of such a location and that sufficient safeguards will be provided for the protection of neighboring residents and uses.
- e. All operations shall be conducted in a safe manner with respect to the likelihood of hazard to persons, physical or environmental damage to lands and improvements and damage to any street, bridge or public right-of-way as a result of the development or operation of the quarry.
- f. Existing trees and ground cover along public road frontage and lot lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and ground cover.
- g. Excavated areas shall be maintained thoroughly drained, except for draining and ponding areas which are used for production.
- h. All driveways serving the facility shall be treated or surfaced as necessary to control dust.
- i. The Hearing Authority shall limit the permit to operate such quarry to a specific expiration date.
- j. Operation hours shall be restricted to between 7:00 a.m. and 6:00 p.m. No blasting shall be permitted between the hours of 6:00 p.m. and 7:30 a.m. No operation shall be permitted on Sundays except for repairs to equipment. Only sales and deliveries may be permitted on Saturdays.
- k. The Conditional Use plan submitted with the Conditional Use application shall show the following:
  - (1) Setback area, including screening and fencing.
  - (2) Portion of tract, if any, actually being excavated, and proposed excavation areas;
  - (3) Existing and proposed structures and major mechanical equipment;
  - (4) Existing and proposed access roads;
  - (5) Water supply and sewage disposal;
  - (6) All necessary pollution control measures;
  - (7) Stockpile area;
  - (8) Points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter;

- (9) Survey boundaries of the subject property and proposed operation based on the Maryland State Plane Coordinate System.
- (10) A road condition study to determine the adequacy of the structural elements serving the site for truck traffic to be generated by the quarry.

1. Reclamation Plan

A reclamation plan at a scale of 1" = 200' shall be submitted at the time of the Conditional Use application setting forth a plan for reclamation of the permit area. A reclamation contour plan showing contour intervals of 2 feet shall be included, indicating the general grades and slopes to which excavated or filled areas are to be graded. A description of the methods and materials proposed for rehabilitation of topsoil shall be specified. The reclamation schedule shall include specific information relating to regrading, drainage, landscaping, erosion backfilling, removal of machinery and structures, and closing of access roads. No reclamation plan shall be approved unless it provides for the following minimum program:

- (1) Regrading - All disturbed land shall be regraded as required by the Maryland Department of Natural Resources. Whenever the site of an excavation for a quarry is greater than 50% grade, the excavated area shall be fenced with a durable galvanized fence six feet high, located not less than 20 feet from the edge of excavation. The County shall have the right to enter and repair or maintain such fence whenever the property owner shall fail to do so. The property owner shall be liable to the County for the cost of the repairs or maintenance.
- (2) Landscaping, Erosion, Backfilling - All piles of disturbed earth or material resulting from the excavating or filling operation shall be graded to a smooth contour to control erosion and to prevent ponding and undrained water pockets. The graded area shall be covered with suitable soil to sustain growth, then vegetatively stabilized using a perennial cover species as recommended by the County Soil Conservation District.
- (3) Removal of Machinery and Structures - All machinery and structures shall be completely removed and underlying excavations filled to grade, except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.
- (4) Access Roads - Upon the abandonment of excavation operations on any site or portion thereof in the permit areas, all access roads shall be suitably barricaded to prevent the passage of vehicles either into or out of the abandoned area, except such access as needed for vehicles engaged in rehabilitation work, until the plan for rehabilitation has been completed and other use necessitating access has been commenced on the property.
- (5) Adequate Collateral or Bonds - Detailed engineering studies shall be provided by the petitioner setting forth the estimated cost of the accepted plan for rehabilitation. Such studies shall be submitted for the approval and periodic review of the Hearing Authority. A bond shall be provided or adequate collateral shall be kept in escrow, drawing interest to the benefit of the petitioner, to cover the estimated cost of the accepted plan for rehabilitation. Such bond or money shall only be released upon completion of the rehabilitation program.

m. No excavation or processing operations shall be commenced on land in the permit area until all persons having an interest of record in said land shall cause to be recorded among the land records of the County:

- (1) A description of the area included within the permit area,

- (2) The application number and the date the permit was granted by the Hearing Authority,
  - (3) A statement indicating that use of the land will be in accordance with an approved Site Development Plan and an approved rehabilitation plan, and
  - (4) A declaration binding their heirs and assigns to utilize the land in accordance with said Site Development Plan and rehabilitation plan until excavation processing or filling operations cease and rehabilitation of the land is completed.
- n. The County and the applicant shall enter into an agreement providing that, should the quarry have been operated in violation of any of the provisions or conditions of the Conditional Use including failure to comply with an approved rehabilitation plan, in such a way as to require corrective action, the applicant shall cause the corrective action to be taken. The agreement shall further stipulate that, should the applicant fail to take the necessary corrective action within 30 days of written notice from the County to do so, the required bonds or collateral will be forfeited and the County may cause corrective actions to be commenced. In addition, the applicant shall agree to pay the cost for corrective action which exceed the bond or collateral amount.
- o. In the RC District, the minimum lot size is 25 acres.

42. **Religious Facilities, Structures and Land Used Primarily for Religious Activities**

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for structures and land used primarily for religious activities provided that:

- a. The minimum lot size in the RC and RR Districts is three acres and the minimum lot size in the other districts is one acre, however, existing religious facilities previously approved as a Special Exception or a Conditional Use are exempted from this requirement. Lot coverage shall not exceed 25% of the lot area.
- b. Structures may be erected to a greater height than permitted in the district in which it is located, provided that the front, side and rear setbacks shall be increased one foot for each foot by which such structure exceeds the height limitation.
- c. The access to the facility shall not be on a driveway or private road shared with other uses.
- d. The Hearing Authority may approve parking facilities which are accessory to a religious facility, and are located on a separate lot, but do not meet the location requirements of Section 133.0.B.4.d of the parking regulations by being separated from the religious facility by a public street, if the Hearing Authority finds that the accessory parking facility complies with the following criteria:
  - (1) The accessory parking facility is not separated from the lot containing the principal use by an arterial highway of any category.
  - (2) A pedestrian street crossing connecting the accessory parking facility lot to the principal use lot is provided and is made clearly noticeable to drivers by means of both pavement marking and signs
  - (3) The pedestrian street crossing is safe, based upon such factors as, but not limited to: traffic volume at the times(s) of the use of the accessory parking facility; practical traffic speeds; sight distance; length of the crossing; and adequate markings and signage.



- (4) The entire pedestrian pathway from the accessory parking facility to the principal religious facility is a durable, paved, no-step path.

43. **Residential/Commercial Buildings**

- a. A Conditional Use may be granted in the POR, B-1 and B-2 Districts in the planned public water and sewer service area for residential/commercial buildings, provided that:
  - (1) The site is at least 5 acres but not more than 15 acres.
  - (2) Two square feet of residential space is permitted for each square foot of commercial space and must be located within the same structure.
  - (3) All residential units shall be located above the first floor.
  - (4) Appropriate landscape buffering from adjacent land-uses shall be provided.
  - (5) Proposed residential/commercial buildings shall be compatible with on and off site commercial development.
- b. A Conditional Use may be granted in the B-1 and B-2 Districts located outside of the planned public water and sewer service area for residential/commercial buildings, provided that:
  - (1) The site is at least 1 acre but not more than 5 acres.
  - (2) Two square feet of residential space is permitted for each square foot of commercial space and must be located within the same structure.
  - (3) All residential units shall be located above the first floor.
  - (4) Appropriate landscape buffering from adjacent land-uses shall be provided.
  - (5) Proposed residential/commercial buildings shall be compatible with on and off site commercial development.

44. **Retreat Center**

A Conditional Use may be granted in the RC and RR Districts, on properties that are not on ALPP purchased or dedicated easement properties, and in the R-ED or R-20 Districts for a retreat center provided that:

- a. The minimum lot area shall be six acres.
- b. A buffer area at least 50 feet wide shall be maintained between structures or uses and adjacent residentially-zoned land other than a public road right-of-way.
- c. Adequate landscaping or other acceptable forms of buffering shall be provided to screen all parking and, if appropriate, structures and outdoor activity areas from residential properties.
- d. No retail or wholesale sales of any kind shall be permitted.

- e. All parking shall be located on site.
- f. The types of principal and accessory uses and the level of activity on the site are specified including but not limited to the frequency and length of meetings or events, the maximum number of day and overnight guests, and uses of outdoor areas.
- g. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- h. The access to the facility shall not be on a driveway or private road shared with other uses.

45. **Rubble Landfill and Land Clearing Debris Landfill Facilities**

A Conditional Use may be granted in the M-1 District (or in any other district with respect to land which has been previously mined or excavated pursuant to the grant of a Conditional Use specifically for quarrying or excavations for sand, rock, stone and minerals uses) for a land clearing debris landfill facility or rubble landfill facility, provided that:

- a. Only non-hazardous material shall be received for disposal on the site.
- b. The waste materials which may be accepted at the rubble fill facility, unless specifically prohibited by the Hearing Authority, are:
  - (1) Land Clearing Debris, as defined in these regulations.
  - (2) Demolition Debris - The types of demolition debris that may be accepted for disposal are as follows:
    - (a) Acceptable demolition debris associated with the razing of buildings, roads, bridges, and other structures includes structural steel, concrete, bricks (excluding refractory type), lumber, plaster and plasterboard, insulation material, cement shingles and roofing material, floor and wall tile, asphalt, pipes and wires, and other items physically attached to the structure, including appliances if they have been or will be compacted to their smallest practical volume.
    - (b) Unacceptable demolition debris includes industrial waste or byproducts, any waste materials contained within the structure or on the grounds of the structure being demolished that are not physically part of the structure, or which are comprised of or contain materials that pose an undue risk to public health or the environment.
  - (3) Construction Debris - The types of construction debris that may be accepted for disposal are as follows:
    - (a) Acceptable construction debris is structural building materials including cement, concrete, bricks (excluding refractory type), lumber, plaster and plasterboard, insulation, shingles, floor, wall and ceiling tile, pipes, glass, wires, carpet, wallpaper, roofing, felt, or other structural fabrics. Paper or cardboard packaging, spacing, or building materials, provided that they do not exceed 10% by volume of the waste, may be accepted at the rubble landfill. Paint containers, caulk containers, or glaze containers, provided that they are empty, and any residual material which is dried before acceptance at the rubble fill, and further provided that this waste category does not exceed 1% by volume of the waste accepted at the rubble fill.
    - (b) Unacceptable construction debris includes commercial, domestic, or industrial wastes or by-products, paint, tar or tar containers, caulking

compounds, glazing compounds, paint thinner or other solvents or their containers, creosote or other preservatives or their containers, tile, paneling, or carpet cement or other adhesives, and other solid waste which may contain an unacceptable waste or substance as may be determined by the approving authority to be unacceptable.

- (4) Tires, asbestos waste and appliances may be accepted for disposal in accordance with the requirements of the State of Maryland Department of the Environment for proper disposal of these materials.
- c. The waste materials which may be accepted at the land clearing debris fill facility are restricted to land clearing debris as defined in these regulations.
- d. The Hearing Authority may further limit the waste materials which may be accepted at or disposed of in a land clearing debris landfill facility or a rubble landfill facility upon a finding of a specific adverse effect associated with the acceptance or disposal of such waste materials on the proposed site. The Hearing Authority shall approve the method by which unacceptable materials, which are delivered to the site, will be segregated and handled for final removal and disposal.
- e. In addition to all other required setbacks, the following use setbacks shall apply, except for landfill facilities on permitted quarry sites, in which case the Hearing Authority shall establish setback requirements on a case-by-case basis:
  - (1) From an existing residence on a different lot..... 500 feet
  - (2) From adjacent residentially zoned lots ..... 300 feet
  - (3) From public street and utility rights-of-way ..... 100 feet
  - (4) From existing streams and wetlands ..... 100 feet
- f. The approved portion of the tract shall have a surrounding landscaped buffer at least 100 feet wide which shall be retained in its existing topographic condition and undisturbed by excavation or fill. The buffer area shall not be used for any purpose except planting, fencing and roads for ingress and egress to the tract. In the event that the provision of a 100-foot buffer is not feasible, the applicant shall provide for alternative means of buffering in concert with a Site Development Plan. Within the approved portion of the tract, all land within 50 feet of a stream or wetland shall be retained in its existing topographic condition and undisturbed by excavation or fill.
- f. Existing trees and ground cover along public road frontage and lot lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and ground cover.
- g. The height of structures and any man-made land forms may be limited by the Hearing Authority.
- h. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading, weighing, screening, sizing or other operations associated with a land clearing debris landfill facility or a rubble landfill facility shall not be located within one hundred feet of a property line. Sedimentation ponds shall not normally be located closer than 300 feet from a property line. However, the Hearing Authority may permit sedimentation ponds to be closer than 300 feet, but not closer than 100 feet from a property line, if the applicant demonstrates the topographic necessity of such a location and that sufficient safeguards will be provided for the protection of neighboring residents and uses.

- i. All operations shall be conducted in a safe and environmentally sound manner with respect to the likelihood of hazard to persons or damage to lands, natural resources, improvements, streets, bridges, or public rights-of-way as a result of the development or operation of the facility.
- j. Any area under excavation shall be maintained in a thoroughly drained condition. Fill areas shall be maintained at all times by burial of material received for disposal.
- k. Operation hours for excavation, processing and filling operations shall be restricted to between 7:00 a.m. and 6:00 p.m. No operation shall be permitted on Sundays except emergency repairs to equipment and the fill site.
- l. The Conditional Use plan submitted with the Conditional Use application shall show the following:
  - (1) Setback and buffer area, including type of screening and fencing;
  - (2) Portion of tract, if any, actually being excavated, and proposed fill areas;
  - (3) Portion of tract, separate from fill areas, to be used for recycling operations including areas for unloading, storage, processing, and loading.
  - (4) Existing and proposed structures and major mechanical equipment;
  - (5) Existing and proposed access roads;
  - (6) Water supply and sewage disposal including any liquid waste generated by processing and filling operations;
  - (7) Stockpile area;
  - (8) Other uses and their extent on the property;
  - (9) Existing or proposed points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter;
  - (10) Areas to be used for rubble and/or land clearing debris disposal shall be identified either as non-buildable areas or as future building sites;
  - (11) Survey boundaries of the subject property and proposed operation based on the Maryland State Plane Coordinate System;
  - (12) A road condition study to determine the adequacy of the structural elements serving the site for truck traffic to be generated by the landfill;
  - (13) A noise, litter and dust control plan;
  - (14) Storm water management facilities for quantity and quality control;
  - (15) The length of time the facility is expected to be in operation.

m. Rehabilitation Plan

A rehabilitation plan at a scale of 1" = 200' shall be submitted with the Conditional Use application for all areas to be filled with land clearing debris or rubble or used for processing and recycling operations. A rehabilitation contour plan showing contour intervals of two feet shall be included, indicating the general grades and slopes to which excavated or filled areas are to be graded. A description of the methods and materials proposed for rehabilitation to top cover shall be specified. No rehabilitation plan shall be approved unless it provides for the following minimum rehabilitation program:

- (1) Regrading - All disturbed land shall be regraded so that no slope exceeds a maximum of 50% grade.
- (2) Landscaping, Erosion, Backfilling - All piles of disturbed earth or material resulting from the excavating or filling operation shall be graded to a smooth contour to control erosion and to prevent ponding and undrained water pockets. The disturbed area shall be graded, covered with suitable soil to

- sustain growth, and then vegetatively stabilized using a perennial cover species as recommended by the County Soil Conservation District.
- (3) Removal of Machinery and Structures - All machinery and structures shall be completely removed and underlying excavations filled to grade, except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.
  - (4) Access Roads - Upon the abandonment of filling operations on any site or portion thereof in the area covered by a Conditional Use approved under this section, all access roads shall be suitably barricaded to prevent the passage of vehicles either into or out of the abandoned area, except such access as needed for vehicles engaged in rehabilitation work, until the plan for rehabilitation has been completed and other use necessitating access has been commenced on the property.

**46. Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing**

A Conditional Use may be granted in the RC or RR Districts for sawmills, the cutting of firewood in bulk, mulch manufacture, or soil processing provided that:

- a. Buildings and structures used for processing activities, equipment and outdoor uses associated with the operation shall be at least 500 feet from existing residences on different lots and at least 300 feet from property lines. Buildings or structures which are principally used for storage and which are not used for processing activities shall be at least 100 feet from property lines.
- b. Parking, storage areas and equipment shall be screened from adjoining properties and public roads by landscaping or other appropriate means.
- c. Hours of operation shall be established by the Hearing Authority.
- d. Retail sales of materials produced on-site may be permitted if specifically approved by the Hearing Authority.
- e. The minimum lot size is 10 acres.
- f. The vehicular access to the use shall be from an arterial or collector highway and not from a local road unless authorized by the Hearing Examiner.
- g. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with farming operations or limit future farming production.
  - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap 2% of the easement.

**47. School Buses, Commercial Service**

A Conditional Use may be granted in the RC, RR, R-20 or R-12 Districts for commercial school bus service businesses, as defined in these regulations, provided that:

- a. All vehicles parked or stored outside of a building shall be screened from adjoining properties;

- b. No vehicles shall be parked or stored within the structure or use setback requirements of the district in which they are located;
- c. Any parking spaces occupied by such vehicles shall be provided in addition to all other required parking spaces;
- d. Only minor repairs to such vehicles shall be permitted and such minor repairs may only be done in a building. In no case shall body work, engine rebuilding, engine reconditioning or collision services be permitted;
- e. The storage or parking of the number of vehicles registered as school buses on lots or parcels in the RC, RR, R-20 and R-12 Districts on the effective date of this amendment (Zoning Board Case 715, effective July 25, 1978) shall be deemed valid nonconforming uses in those districts.
- f. The minimum lot size in the RC and RR Districts for a new commercial school bus service business is three acres. The minimum lot size in the R-20 and R-12 Districts for a new commercial school bus service business is one acre. An existing commercial school bus service business is not required to comply with this criteria.
- g. For a new commercial school bus service business, the area used for vehicle parking shall be at least 200 feet from an existing dwelling on a different lot. An existing commercial school bus service business is not required to comply with this criteria.
- H. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
  - (1) The use shall not interfere with farming operations or limit future farming production.
  - (2) The use shall operate within a one-half acre area specified on the Conditional Use plan.
  - (3) Any parking areas shall count towards the cumulative use cap of 2% of the easement.

48. **Schools, Colleges, Universities – Private (Academic)**

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-20, R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for private academic schools, colleges and universities, (not including nursery schools) provided that:

- a. The maximum density permitted is 60 pupils per acre for lots less than three acres, and 100 pupils per acre for lots three acres or greater.
- b. In addition to meeting the minimum area requirements above, schools with residence accommodations shall provide an additional 500 square feet of lot area per site resident. Residents shall include students, staff members, caretakers and their families who reside on the site.
- c. A private school may be erected to a greater height than permitted in the respective district, provided that no structure is more than three stories in height and the front, side and rear setbacks shall be increased two feet for each foot by which such structure exceeds the height limitation.

- d. Sufficient off-street school bus loading areas shall be provided if bus service is provided for students.
- e. Outdoor uses will be located and designed to shield residential property from noise or nuisance. Play areas, athletic fields and similar uses shall be buffered from residential properties by fencing, landscaping, adequate distance or other appropriate means.
- f. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than a public road right-of-way.
- g. At least 20% of the area within the building envelope will be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.
- h. The site has frontage on and direct access to a collector or arterial road designated in the General Plan, except that expansions of a Conditional Use that was approved prior to July 12, 2001 are permitted.
- i. The minimum lot size in the RC and RR Districts for a new private academic facility is three acres. The minimum lot size in the R-20, R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for a new private academic facility is one acre. An existing private academic facility is not required to comply with this criteria.

49. **Shooting Ranges - Outdoor Rifle, Pistol, Skeet and Trap**

A Conditional Use may be granted in the RC District, on properties that are not ALPP purchased or dedicated easement properties for shooting ranges, provided that:

- a. Discharging of firearms shall not be permitted within 500 feet of any property line.
- b. Such range is constructed in such a manner as to eliminate all danger to persons or property from flying projectiles. The area between the firing point and target shall be baffled, fenced or otherwise shielded so that fired projectiles cannot escape the range area. Safety design should be in accordance with accepted standards and practices.
- c. A minimum lot area of 75 acres is provided for all rifle and pistol ranges. A minimum of 25 acres shall be provided for all skeet and trap shooting ranges.
- d. The manner and times of operation, the design of the range and the topographic features of the site shall be such that noise and activity from the use will not disturb neighboring residential uses.
- e. The applicant shall demonstrate that the use complies with the requirements of the Department of Inspections, Licenses and Permits for such uses.
- f. The Hearing Authority shall set the days and hours of operation.

50. **Small Wind Energy Systems, Building Mounted**

A Conditional Use may be granted in the R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, and R-APT Districts for building mounted small wind energy systems as defined in these regulations, provided:

- a. The systems shall be primarily intended to reduce the on-site consumption of utility power.
- b. The systems are permitted only on the principal structure.
- c. The systems shall be located on the roof or sides of a structure that are at least 25 feet in height.
- d. The systems shall comply with the principal building setbacks.
- e. The height of the system shall not extend more than 15 feet above the ridge of the highest roof section.
- f. In the R-ED and R-SC Districts, systems are only permitted on single-family attached dwellings.
- g. In the R-12 District, systems are only permitted on semi-detached dwellings.
- h. Only one system per lot is permitted on properties less than 3 acres in area.
- i. Only one system is permitted per building side on properties 3 acres or greater in area.
- j. The systems shall not exceed 60 DBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- k. All systems shall be gray or a similar color that minimizes visibility.
- l. No exterior lighting is permitted.
- m. The systems shall comply with all applicable local, state, and federal laws and provisions.
- n. Meteorological towers, solely for the measurement of wind, temporary or otherwise, are not permitted.
- o. A system that is no longer used shall be removed from the site within one year of the date that the use ceases.

**51. Small Wind Energy Systems, Freestanding Tower**

A Conditional Use may be granted in the RC, RR, R-ED, I, POR, PEC, CCT, SC, M-1, M-2, PGCC, CE, TOD, TNC, and CAC Districts for small wind energy systems, freestanding tower as defined in these regulations, provided:

- a. The systems shall be primarily intended to reduce the on-site consumption of utility power.
- b. Maximum height for tower mounted systems, including blades, shall not exceed 60 feet from grade. However, on farms greater than 25 acres the maximum height for tower mounted systems, including blades, shall not exceed 120 feet from grade.
- c. The minimum lot size shall be at least 2 acres, except in the R-ED District where the minimum lot size shall be 5 acres.



- d. The system shall not be located within the front yard between the principal structure and the front property line.
- e. The minimum setback for a system shall equal its total height, plus 10% from any property line.
- f. The systems shall not exceed 60 DBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- g. Temporary meteorological towers, solely for the measurement of wind, are permitted for an initial period not to exceed 90 days, provided they meet the height and setback requirements of this section and achieve a Temporary Use permit in accordance with Section 132.0, except that there shall be no further extensions of, or new petition for, a Temporary Use permit which has already been extended to the one year limit.
- h. The blade of any wind turbine shall, at its lowest point, have a ground clearance of no less than 15 feet, as measured at the lowest point of the arc of the blades.
- i. No other equipment unrelated to the operation of the system shall be attached to the structure.
- j. No exterior lighting is permitted, unless required by the Federal Aviation Administration.
- k. The system shall comply with all applicable local, state, and federal laws and provisions.
- l. A system that is no longer used shall be removed from the site within one year of the date that use ceases.
- m. On an ALPP purchased or dedicated easement property, the following additional criteria are required.
  - (1) The use shall not interfere with farming operations or limit future farming production.
  - (2) Any new building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

**52. Solar Facility, Commercial**

A Conditional Use may be granted in the RC or RR District for a commercial solar facility, provided that:

- a. The land on which the commercial solar facility is proposed may not be in the Agricultural Land Preservation Program and it may not be encumbered by any environmental preservation easements.
- b. The maximum size of a solar facility shall be 75 acres notwithstanding the size of the parcel. The parcel on which the commercial solar facility is proposed must be a minimum of 10 acres in size.
- c. All structures and uses must meet a minimum 50 foot setback from all property lines.

- d. No structure or use may be more than 20 feet in height.
- e. A 'Type D' landscaping buffer must be provided around the perimeter of the proposed commercial solar facility unless the hearing authority determines that an alternative buffer is sufficient.
- f. All security fencing must be located between the landscaping buffer and the commercial solar facility.
- g. The systems shall comply with all applicable local, state, and federal laws and provisions.
- h. A commercial solar facility that is no longer used shall be removed from the site within one year of the date that the use ceases.
- i. The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the commercial solar facility. The applicant shall provide the hearing authority with details regarding maintenance and access for the site.
- j. A solar collector or combination of solar collectors shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- k. The applicant shall agree to register all solar collectors with the Department of Fire and Rescue Services. The registration shall include a map of the solar facility noting the location of the solar collectors and the panel disconnect.
- l. Tree removal shall be minimized and reforestation shall be done in accordance with Section 16.1026 of the Howard County Code.
- m. The applicant shall demonstrate that the solar facility does not harm the scenic characteristics of the view of or from:
  - (1) A public park;
  - (2) A national or state designated scenic byway;
  - (3) A road listed in the Scenic Roads Inventory adopted under Section 16.1403 of the Howard County Code; or
  - (4) A historic structure as defined in Section 16.601 of the Howard County Code.

53. **Spa, Country**

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, for a country spa provided that:

- a. The facility shall principally have the purpose of providing health and wellness services to individuals and groups. Documentation shall establish that the proposed

facility generally is "...devoted to overall well-being through a variety of professional services that encourage the renewal of mind, body and spirit."

- b. The minimum lot area shall be 20 acres.
- c. A buffer area at least 50 feet wide shall be maintained between structures or uses and adjacent residentially-zoned land other than a public road right-of-way.
- d. Adequate landscaping or other acceptable forms of buffering shall be provided to screen all parking and, if appropriate, structures and outdoor activity areas from residential properties.
- e. All parking shall be located on site.
- f. The types of principal and accessory uses and the level of activity on the site are specified including, but not limited to, the maximum number of day and overnight guests, and uses of outdoor areas.
- g. The design of new structures or additions to existing structures will be compatible in character with the rural character in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- h. The access to the facility shall not be on a driveway or private road shared with other off-site residential uses.

**54. Two-family Dwellings and Accessory Apartments**

A Conditional Use may be granted for two-family dwellings or accessory apartments in the following districts, provided that any new structures or additions will be designed to be compatible in scale and character with the surrounding residential neighborhood. Compatibility of character may be in architectural style, materials or details. Compatibility shall be demonstrated by architectural elevations or renderings submitted with the petition.

- a. Two-family dwellings: in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20 or R-12 Districts, provided that the two-family dwelling is on an individual lot, with only one two-family dwelling permitted on one lot, and the lot is an existing recorded lot at the time of the Conditional Use application. The minimum lot size shall be at least 16,000 square-feet for two-family dwelling structures in the R-ED and R-12 Districts.
- b. Accessory apartments: on lots of less than 12,000 square feet in the R-ED, R-20, R-12 and R-SC Districts. (On lots of 12,000 square feet or larger, this is a permitted use in these districts).

**55. Used Merchandise, Retail Sale by Non-Profit Organizations**

A Conditional Use may be granted in the M-1 and M-2 Districts for the collection, repair, refurbishment, retail sale and distribution of used and/or donated merchandise, provided that:

- a. The facility shall be operated by a non-profit, tax exempt organization;
- b. Sales shall be limited to previously-used and/or donated clothing, furniture, household furnishings, small appliances, books or similar items;

- c. Outdoor drop-off and collection areas shall be screened from surrounding properties and roads by landscaping or other appropriate means; and
- d. All sales and storage areas shall be located inside a building.

**56. Utility Uses, Public**

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-SI, I, R-VH, HO, HC, POR, CCT, B-1, B-2, SC, BR, PEC, PGCC, CE, TOD, CAC and TNC Districts for the following public utility uses, subject to certain conditions:

- a. Permitted Uses:
  - (1) Utility substations.
  - (2) Above ground pipelines.
  - (3) Pumping stations and compression stations.
  - (4) Telecommunication equipment facilities.
- b. Special Conditions:
  - (1) The proposed location, design and method of operation will not have a detrimental effect on the privacy and quiet of the neighborhood and the safety of its inhabitants.
  - (2) The design of proposed buildings and the landscaping treatment of the site will be in harmony with the area.
  - (3) The Hearing Authority may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing, for the construction of fences, barriers or other safety devices, for surfacing of access driveways, for shielding of lighting, and/or for landscaping or screening.
  - (4) When approving a public utility use, in its discretion, the Hearing Authority may authorize future changes not requiring further Hearing Authority approval. Such changes shall be limited to the addition, relocation, or modification of foundations or equipment, or additions to existing buildings, within a fence line approved by the Hearing Authority.
  - (5) When approving a public utility use, the Hearing Authority may approve an accessory commercial communications tower to serve that use.
- c. For a new public utility use, the use would be located on property which is not an ALPP purchased or dedicated easement property. An existing public utility is not required to comply with this criteria.

**57. Winery, Farm – Class 1B**

A Conditional Use may be granted for a Farm Winery-Class 1B for a cluster preservation parcel in the RR District existing on July 4, 2011 for which easements have not been donated to the Agricultural Land Preservation Program, that is five acres or more provided that it complies with the following criteria:

- a. The lot or parcel upon which the Farm Winery is located shall have frontage and direct access to:
  - (1) A road classified as an arterial or collector public road; or
  - (2) A local road, provided that:
    - (a) Access to an arterial or collector public road right-of-way is not feasible;

- (b) If the local road is internal to a residential cluster subdivision, the subject property adjoins an arterial or collector highway, the local road access point is within 400 feet of its intersection with the arterial or collector highway, and there are no intervening driveways between the arterial or collector highway and the access to the winery along the local road;
  - (c) The access to the local road is safe based on road conditions and accident history, and
  - (d) That the use of the local road for access to the winery will not unduly conflict with other uses that access the local road.
- b. The driveway providing access to the proposed site shall not be shared with other properties; however the Hearing Authority may waive this criteria if the petitioner provides affidavits from all persons who also share the driveway that they do not object to the use of the driveway for the farm winery. If the use of a shared driveway is allowed, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway. The Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Farm Winery owner's responsibility for repair of any damage or deterioration of the shared driveway caused by the Conditional Use.
- c. All winery related structures and uses excluding cultivation areas shall be at least 75 feet from all lot lines.
- d. Planting of at least two acres of grapes or other fruit on the property shall be initiated upon approval and successfully established within two years of approval.
- e. The Farm winery shall be consistent with and support the farm and its production, shall not interfere with the implementation of soil conservation and water quality best management practices, and shall not impact floodplains, wetlands, stream buffers, steep slopes or other environmental features on the Farm Winery property.
- f. The Farm Winery shall be compatible with the rural character of the farm and the surrounding area.
- g. The Hearing Authority may require appropriate screening of adjoining parcels, which may include a solid fence, wall, landscaping, or a combination that presents an attractive and effective buffer.
- h. Any accessory retail sales within the Farm Winery, other than the wine and similar fermented beverages produced at the Farm Winery, are limited to items promoting the same Farm Winery, such as glassware, clothing, and wine-related items such as wine openers. A Farm Winery may sell plants and/or produce grown on-site.
- i. Farm Winery visitor hours shall be restricted to between 10:00 a.m. and 7:00 p.m. Sunday through Thursday; and 10:00 a.m. and 10:00 p.m. Friday and Saturday. The Hearing Authority may reduce the hours for visitors, but shall not increase them. The hours for winery processing and production operations are not limited.
- j. At any one time, the number of visitors to the winery shall not exceed 50 visitors.
- k. A Farm Winery may produce, serve and sell food to complement wine tasting in accordance with Article 2B of Maryland State Code.

- l. If approved, the owner shall provide documentation to the Department of Planning and Zoning proving compliance with Section 131.0.N.57.d. It is the responsibility of the Farm Winery owner to obtain any other required Federal, State and County approvals required prior to operating the use.

58. **Winery, Farm – Class 2**

A Conditional Use may be granted for a Farm Winery – Class 2 in the RC and RR Districts, provided that it complies with the following criteria:

- a. The use is located on a parcel of at least 25 acres. The use is permitted on any such parcel, including parcels with Agricultural Land Preservation Easements and preservation parcels.
- b. The lot or parcel upon which the Farm Winery is located shall have frontage on and direct access to a road classified as an arterial or collector public road. Unless the hearing Authority approves access to a local road as provided in Section 131.0.N.56.c, the sole access to and from the site shall be from the arterial or collector public road.
- c. The Hearing Authority may approved access to a local road upon findings that access to an arterial or collector public road right-of-way is not feasible, the local road is not internal to a residential cluster subdivision unless the residential cluster subdivision was originally designed, constructed, and marketed as a winery community organized around a winery parcel, the access to the local road is safe based on road conditions and accident history, and that the use of the local road for access to the winery will not unduly conflict with other uses that access the local road.
- d. The driveway providing access to the proposed site shall not be shared with other properties; however the Hearing Authority may waive this criteria if the petitioner provides affidavits from all persons who also share the driveway that they do not object to the use of the driveway for the Farm Winery. If the use of a shared driveway is allowed, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway. The Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Farm Winery owner’s responsibility for repair of any damage or deterioration of the shared driveway caused by the Conditional Use.
- e. All winery related structures and uses excluding cultivation areas shall be at least 75 feet from a public road right-of-way and 150 feet from all other lot lines. The Hearing Authority may reduce the setback of 150 feet from the lot lines, but only to a minimum of 75 feet, if:
  - (1) The adjoining land is committed to an agricultural or environmental preservation easement or a long term institutional or open space use that provides an equivalent or better buffer; or
  - (2) The petition includes detailed plans for screening. The Hearing Authority may require appropriate screening of adjoining parcels, which may include a solid fence, wall, landscaping, or a combination, that presents an attractive and effective buffer.
- f. Planting of at least two acres of grapes or other fruit on the property shall be initiated upon approval and successfully established within two years of approval.
- g. The Farm Winery shall be consistent with and support the farm and its production, shall not interfere with the implementation of soil conservation and water quality best

management practices, and shall not impact floodplains, wetlands, stream buffers, steep slopes or other environmental features on the Farm Winery property.

- h. The Farm Winery shall be compatible with the rural character of the farm and the surrounding area.
- i. Farm Winery visitor hours shall be restricted to between 10:00 a.m. and 10:00 p.m. daily. The Hearing Authority may reduce the hours for visitors, but shall not increase them. The hours for winery processing and production operations are not limited.
- j. The Farm Winery shall be limited to two categories of attendee events; Everyday Events and Special Events, each with specific limitations as follows:
  - (1) An Everyday Event is one that may occur each day of operation within a calendar year, or as may be further limited by the Hearing Authority, and the number of attendees at any single time shall be as specified by the Hearing Authority, but only up to a maximum of 50 persons at any given time. The most common type of activity in an everyday event is that of customers visiting a tasting room at the Farm Winery to sample or purchase the products produced therein, but may include other low-intensity activities such as individual or small group tours, educational programs, meetings, and social events; and
  - (2) A Special Event is an indoor and/or outdoor event that may be approved by the Hearing Authority for up to fifteen (15) days within a calendar year. The maximum number of attendees at any given time on a 25 acre farm shall be 150 persons, provided, however, that the Hearing Authority may increase this maximum number of attendees in accordance with Section 131.0.58.k if the property qualifies for such an increase. For a Special Event that occurs on more than one calendar day, each calendar day is counted as one event.
- k. The standard maximum number of persons permitted to visit the property at any one time for Special Events shall be 150 attendees. The Hearing Authority may increase the maximum number of Special Event attendees by 5 people for every acre of land area above the minimum 25 acre parcel size, based upon the gross acreage of the parcel, up to a total maximum of 500 attendees.

If the Farm Winery is located on a farm which is comprised of more than one parcel under the same ownership (the "Overall Farm"), the Hearing Authority may base this potential attendee increase on the gross acreage of the Overall Farm as long as there is a condition to decrease the number of attendees if for any reason the land area of the Overall Farm is reduced after the initial Conditional Use approval.
- l. A Farm Winery may produce, serve and sell food to complement wine tasting in accordance with Article 2B of Maryland State Code.
- m. Any accessory retail sales within the Farm Winery, other than the wine and similar fermented beverages produced at the Farm Winery, are limited to items promoting the same Farm Winery, such as glassware, clothing, and wine-related items such as wine openers. A Farm Winery may sell plants and/or produce grown on-site.
- n. If approved, the owner shall provide documentation to the Department of Planning and Zoning proving compliance with Section 131.0.N.58.f. It is the responsibility of the Farm Winery owner to obtain any other required Federal, State and County approvals required prior to operating the use.

**59. Wrecked Vehicle Storage (Temporary)**

A Conditional Use may be granted in the M-1 or M-2 Districts for the temporary storage of wrecked vehicles, provided that:

- a. Title to the vehicle does not transfer to the operators and owners of the site;
- b. All such vehicles shall be screened from off-site view by walls (including building walls) or fences six to eight feet high, of a design approved by the Hearing Authority. At the Hearing Authority's discretion, landscape planting may be required between the wall and the property line.
- c. The storage area shall be treated as needed to control dust and minimize the runoff of oils and greases;
- d. Dismantling of wrecked vehicles shall not be permitted.

**O. New Conditional Use Categories**

Completely new Conditional Use categories established after the effective date of the current Zoning Regulations are listed below along with the zoning districts in which the Conditional Use category is permitted and the specific criteria required for approval.



## **SECTION 132.0: Temporary Uses**

### **A. Authorization of Temporary Uses**

The Director of the Department of Planning and Zoning shall have the authority to authorize a temporary use of land in any district. A temporary use may not be approved for a use which is expressly prohibited by these regulations or one for which Conditional Use approval is required in the corresponding zoning district. Except as provided in Subsection b. below, a temporary use may be authorized for a period not exceeding 90 days, provided the land shall be entirely cleared of such use within five days after such temporary authority expires. Up to four extensions of the temporary use may be granted by the Director of the Department of Planning and Zoning for periods not exceeding 90 days each, up to a maximum total limit of one year. The Department of Planning and Zoning may approve such extensions upon written request if there are no modifications of the use and no complaints regarding the temporary use have been received.

For a temporary use which has already been extended up to the one year limit, a new Temporary Use petition may be processed in accordance with the procedures for the original petition. Such a petition will only be granted if the applicant is able to document that the continuation of the use is required to meet Federal, State, or County requirements.

### **B. Special Authorization for Annually Recurring Temporary Uses**

The Director of the Department of Planning and Zoning may authorize an annually recurring temporary use for a specified annual time period not to exceed 90 days. Provided that the location, scope and nature of the use do not change (other than the dates of operation) and provided that written complaints have not been received by the Department, the temporary use authorization will remain valid for a period of up to 5 years. The conditions of approval and the period of validity shall be stipulated within the Decision and Order. Should a written complaint be received by the Department subsequent to the issuance of the Decision and Order, the Department will notify the petitioner that the use may not continue beyond the current year until a new petition has been submitted and processed in accordance with the procedures for the original temporary use approval.

### **C. Criteria for Approval**

A temporary use may be approved if the Director of the Department of Planning and Zoning determines that:

1. The use will not adversely affect vicinal properties.
2. The use does not require significant or permanent changes to the existing topography, vegetation, structures, or other features of the site.

### **D. Procedures**

The Department of Planning and Zoning shall hold a public hearing on Temporary Use applications in accordance with Section 100.0.H. Appeals from the decision of the Director of the Department of Planning and Zoning shall be to the Hearing Authority on a de novo basis. Appeals must be filed within 30 days of the date of the Decision and Order.

Reserved.

## **SECTION 133.0: Off-Street Parking and Loading Facilities**

### **A. Applicability**

1. Accessory off-street parking and loading facilities shall be provided in accordance with the following regulations for any new structure built or any new use established.
2. An existing structure or use shall not be enlarged and an existing use shall not be changed to another use unless off-street parking and loading spaces are provided in accordance with the following requirements for the area or capacity of such enlargement.

### **B. Layout and Location**

1. Off-street parking and loading facilities required by these regulations shall be provided on the same lot with such structure or land use, unless parking is provided on a different lot in accordance with this section.
2. Off-street parking and loading spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots; provided said lots are in the same zoning district and are owned in common, or are subject to recorded covenants or easements for parking. For purposes of this section, lots which are divided by a public street right-of-way are not deemed to be adjoining.
3. The location of parking for multifamily residences shall be in accordance with Section 16.120(b) of the Subdivision and Land Development Regulations.
4. Required minimum parking may be provided on a separate lot from the principal use if:
  - a. For residential uses, the location and distribution of parking spaces complies with the Subdivision and Land Development Regulations;
  - b. For nonresidential uses, the major point of pedestrian access to the parking facility is within 400 feet of the entrance to the building. This requirement does not apply to Downtown Revitalization;
  - c. The parking facility is within a zoning district in which the use being served by the parking facility is permitted;
  - d. The parking facility is not separated from the use being served by a public street. This requirement does not apply to Downtown Revitalization;
  - e. The parking facility is subject to recorded covenants or easements for parking, or other proof is provided that the continued use of the parking area is guaranteed throughout the life of the land use.

### **C. Design and Use of Off-Street Parking Facilities**

1. Design
  - a. Required off-street parking facilities may be enclosed in a structure or may be open. Structures containing off-street parking shall be subject to the structure setback requirements applicable to the district in which located. Garages and other parking

structures shall not be converted to another use unless the minimum parking space requirements of this section are satisfied without the parking structure.

- b. All outdoor parking areas shall comply with the minimum parking setback requirements of the applicable zoning district unless a variance is granted. If there is no setback requirement specifically for parking, parking areas shall comply with the required setback for uses.
- c. The design of aisle widths, stall lengths and widths, entrance widths, turning radii, flow patterns, paving, etc., shall conform with standards set forth in the Howard County Design Manual.
- d. Parking provisions for the physically handicapped shall be provided pursuant to the provisions of the Americans with Disabilities Act and the Maryland Accessibility Code.

2. Use of Off-Street Parking Facilities

The minimum requirements of Subsection D. below shall be provided in addition to any area used for parking of vehicles owned by or used in a business. Required off-street parking facilities shall not be used for the display or storage of vehicles which are for sale or rent or are being stored while awaiting repair.

4. Parking Spaces in Single-family Residential Driveways

Driveways that serve individual single-family dwelling units must provide space for at least one vehicle to park without blocking the adjacent sidewalk or street. To accomplish this, driveways that provide access to an individual dwelling unit shall be at least 18 feet long as measured from the garage or end of the parking pad to the edge of the sidewalk. If there is no sidewalk, the driveway shall be measured to the flowline of the street curb.

**D. Minimum Parking Requirements for Specific Uses**

In the following text, “sf” refers to gross square feet of floor area unless net floor area is approved by the Department of Planning and Zoning. “DPZ” refers to the Department of Planning and Zoning. The parking for multiple uses shall be calculated cumulatively unless otherwise noted or unless approved in accordance with Section 133.0.F.

1. **Accessory Uses to Residences**

The following parking requirements for accessory uses shall be provided in addition to the required parking for the principal residence

- a. Accessory apartment 1.0 per apartment
- b. Home-based contractors 1.0 space per nonresident employee working on the premises at the time of peak usage, plus 1.0 space for each visitor potentially present at the time of peak usage.
- c. Housing by a resident of one to eight persons who are physically or mentally disabled or 62 years or age or older One or two persons (other than family members): no spaces; 3 to 5 persons (other than family members): 1.0 space; 6 to 8 persons (other than family members) 2.0 spaces

2. **Residential Uses**

- |   |  |
|---|--|
| a. Single-family detached, single-family attached, and mobile homes                                 | 2.0 spaces per du in all residential zoning districts. An additional 0.5 spaces per dwelling unit must be provided for visitor parking in all residential zoning districts except RC and RR Districts. |
| b. Apartments   | 2.0 spaces per du plus 0.3 spaces per dwelling unit for visitors.  |
| c. Age-restricted Adult Housing:<br>(1) Single-family detached and Single-family attached dwellings | 2.0 spaces per du in all residential zoning districts. An additional 0.3 spaces per dwelling unit must be provided for visitor parking in all residential zoning districts except RC and RR Districts. |
| (2) Apartments and Multi-Plexes   | 1.0 space per du plus 0.3 space per dwelling unit for visitors.  |

3. **Office Uses**

- |   |                         |
|---|-------------------------|
| a. General office   | 3.3 spaces per 1,000 sf |
| b. Medical clinic or medical office building in which more than 50% of the floor area is used for medical offices | 5.0 spaces per 1,000 sf |

4. **Commercial Uses**

- |   |  |
|---|--|
| a. Animal hospitals   | 4.0 spaces per 1,000 sf  |
| b. Banks and similar financial institutions                                   | 3.3 spaces per 1,000 sf  |
| c. Car washes (principal or accessory use)                                    | 1 space per employee and 1 space for customers. Must always provide a minimum of 2 spaces total. |
| d. Commercial schools (driving, trade, business, etc.)                        | 5 spaces per 1,000 sf  |
| e. Convenience stores   | 5.0 spaces per 1,000 sf  |
| f. Day spas and similar uses  | 3.3 spaces per 1,000 sf  |
| g. Furniture or carpet store  | 2.5 spaces per 1,000 sf  |
| h. Gasoline service stations without service bays, with or without car washes | 3.0 spaces without car wash; 4.0 spaces with car wash.   |
| i. Gasoline service stations with service bays                                | 3.0 spaces plus 3.0 spaces per service bay   |

h. Hotels, motels, bed and breakfast inns, guest houses, and country inns	1.0 space per guest room. Additional spaces provided shall be as required by this section or as determined by the Director of Planning and Zoning based on a parking needs study provided with the Site Development Plan submission (see Subsection D.8.).
i. Personal service establishments	5.0 spaces per 1,000 sf
j. Restaurants, carryout	6.0 spaces per 1,000 sf
k. Restaurants, fast food	14.0 spaces per 1,000 sf
l. Restaurants, standard, and beverage establishments	14.0 spaces per 1,000 sf
m. Restaurants, outdoor seating area	7.0 spaces per 1,000 sf for standard or carry out restaurants, 3 spaces per 1,000 for fast food
n. Retail nurseries and gardens	6.0 spaces per 1,000 sf plus 1.0 space per 1,000 sf of outdoor display area or greenhouse area - the requirement for outdoor display area shall also apply to outdoor display areas for plants or garden supplies which are accessory to a home improvement or other store.
o. Retail, general (any retail use other than those specifically listed in this section)	5.0 spaces per 1,000 sf
p. Shopping Centers	For retail areas meeting the definition of shopping center as defined in these regulations, 6.0 spaces per 1,000 sf for all uses within the shopping center, regardless of the standards for specific uses listed in this section, except that parking for theaters and other public assembly uses and parking for any freestanding buildings on the shopping center site shall be calculated separately.
q. Vehicle sales, rental and ancillary uses	2.0 spaces per 1,000 sf of building area excluding service bays, plus 1.0 space per 1,000 sf of outdoor display area, plus 3.0 spaces per service bay
5. <b>Industrial Uses</b>	
a. Warehouse and distribution	0.75 spaces per 1,000 sf
b. Flex Space Hybrid industrial/office space	For buildings meeting the definition of flex space as defined in these regulations, 3.3 spaces per 1,000 sf
c. Manufacturing uses	2.0 spaces per 1,000 sf
d. Self-storage facility	4.0 spaces per 1,000 sf of office area
e. Research laboratories	3.3 spaces per 1,000 sf
6. <b>Recreational Uses</b>	

- |   |   |
|---|---|
| a. Athletic centers, health clubs, or similar indoor uses   | 10 spaces per 1,000 sf of assembly area(s)  |
| b. Clubs, lodges and similar uses   | 10.0 spaces per 1,000 sf of assembly area(s)  |
| c. Golf courses   | 8.0 spaces per hole. Calculate spaces for ancillary uses separately.  |
| d. Golf driving range, miniature golf course, baseball batting cages, and go-carts  | 1.5 spaces per tee, hole, cage, or go-cart  |
| e. Indoor commercial recreation use   | 5.0 spaces per 1,000 sf   |
| f. Swimming pool, commercial  | 1.0 space per 4 persons permitted in the pool at one time by the Health Department                          |
| g. Swimming pool, community – operated by a community association or nonprofit organization and open only to members and their guests | 1.0 space per 7 persons permitted in the pool at one time by the Health Department                          |
| h. Swimming pool, private – in a townhouse or apartment complex   | 1.0 space per 10 persons permitted in the pool at one time by the Health Department                         |
| i. Theater, auditorium, stadium, conference center, banquet halls, night clubs, or other place of assembly or amusement               | 1.0 space per three fixed seats. If there are no fixed seats, 10.0 spaces per 1,000 sf of assembly area(s). |

**7. Institutional and Other Uses**

- |  |  |
|--|--|
| a. Day care centers  | 3.0 spaces per 1,000 sf  |
| b. Funeral homes   | 10.0 spaces per public viewing room, or 1 space per 50 square feet of floor area in public rooms (chapel, reception rooms, visitation rooms, and any flexible space adjacent to these rooms that can be used as overflow when necessary), whichever is greater, based upon a required floor plan of the proposed facility submitted with a Conditional Use petition or a Site Development Plan |
| c. Hospitals   | 7 spaces per bed   |
| d. Museums, art galleries, and similar uses                    | 3.3 spaces per 1,000 sf  |
| e. Nursing homes, residential care facilities and similar uses | 1.0 space per 2 beds   |
| f. Post offices  | 7.0 spaces per 1,000 sf  |

- |  |   |
|--|---|
| g. Religious facilities, structures and land used primarily for religious activities | 10.0 spaces per 1,000 sf in the assembly area(s). The requirement may be reduced by up to 33% if the use is located within 500 feet of the parking facility where sufficient spaces are available by permission of the owner during the time of services. The distance shall be measured between the entrance to the structure and the parking space closest to the entrance. |
| h. Schools, private academic – elementary and middle                                 | 1.0 space per 6 students. The Director of DPZ may require additional spaces based on the capacity of assembly areas or other facilities.  |
| i. Schools, private academic – secondary, colleges, universities                     | 1.0 space per 3 students. The Director of DPZ may require additional spaces based on the capacity of assembly areas or other facilities.  |

**8. Other Uses**

Reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories enumerated above or parking requirements which are different from the requirements listed above may be determined in writing on a case by case basis by the Department of Planning and Zoning if a proposed use is deemed to be logically similar to one of the enumerated uses in terms of parking needs.

An applicant for a Site Development Plan for a use not included in the categories enumerated above, or for a use for which the applicant proposes a parking standard different from the requirement enumerated above, shall submit a parking needs study as part of the site development application as justification for the parking quantity proposal. The parking needs study shall include:

- a. An estimate of the parking needs for the use;
- b. A thorough explanation of the basis of the estimate;
- c. Any data used in calculating the estimate, including parking generation studies, previous experience with similar uses, or other information.
- d. An assessment of the impacts attributable to the availability of public transit, vicinal employment resources, and/or pedestrian accessibility.

**E. Off-street Loading Facilities**

Off-street loading and unloading facilities as defined in these regulations and located on the same site with the use to be served, shall be provided for retail and service business establishments, restaurants and other places serving food and beverages, manufacturing, wholesale business, storage warehouses and other commercial establishments. Loading facilities shall be:

- 1. Separate from parking spaces and driveways serving parking spaces;
- 2. Located and designed so as not to impede vehicular or pedestrian circulation; and



3. Located in compliance with the structure and use setback requirements for the applicable zoning district, unless a variance is granted.

**F. Permitted Reductions in Off-street Parking Requirements**

**1. Shared Parking Adjustment**

- a. Two or more uses shall be permitted to share their off-street parking spaces in a common facility if the hours or days of peak parking are so different that a lower total will provide adequately for all uses served by the facility, without conflict or encroachment. To ensure that no conflict or encroachment occurs, shared parking spaces for such uses shall be provided according to the following table.

	Weekday				Weekend		Nighttime
	Morning 6am-8am	Mid-day 8am-3pm	Afternoon 3pm-5pm	Evening 5pm-mid	Daytime 6am-6pm	Evening 6pm-mid	Mid- 6am
Residential	80%	60%	60%	100%	100%	100%	100%
Office or industrial	80%	100%	100%	10%	10%	5%	5%
Retail	20%	60%	60%	90%	100%	70%	5%
Hotel or Motel	75%	75%	75%	100%	75%	100%	100%
Restaurant (not fast food)	50%	50%	50%	100%	100%	100%	10%
Theater, commercial recreation, nightclub, or restaurant with entertainment	40%	40%	40%	100%	80%	100%	10%

Shared parking for uses not included in categories listed above shall be as determined by the Department of Planning and Zoning, based on a parking needs study submitted by the applicant for a Site Development Plan as described in paragraph D.8 above.

- b. Method of calculation

Step 1) - For each of the 7 time periods, multiply the minimum number of parking spaces required by Section 133.0.D for each use (including any ride sharing adjustments) by the corresponding percentage in the table.

Step 2) - Add the result of each column. The required number of off-street parking spaces shall equal the highest column total.

- c. Conditions of approval
  - (1) Reserved or otherwise restricted parking spaces shall not be shared.
  - (2) The land uses served by the shared parking facility shall be in single ownership, or may be approved for multiple ownership by the Director of Planning and Zoning based on satisfactory guarantees for the continued operation and proper maintenance of the shared parking facility.
  - (3) Penalties for non-compliance - Failure to maintain off-street parking spaces in accordance with the requirements of (1) and (2) above is a violation of these regulations.

## 2. **Trip Reduction Plans**

The required number of off-street parking spaces for an office or industrial use may be reduced according to either Subsection a or b below if all employers occupying a site have at least 100 employees on the site.

- a. The number of required spaces may be reduced by 20% if all employers occupying the site are subject to trip reduction plans which have been approved by the Maryland Department of the Environment.
- b. If a trip reduction plan has not been approved by the Maryland Department of the Environment, the number of required spaces may be reduced by 10% if all employers occupying the site participate in a ride sharing program which includes the following elements:
  - (1) Active participation in a regional ridesharing program administered by the State of Maryland or Howard County.
  - (2) Designation of an in-house Ride Sharing Coordinator to periodically interact with the regional ridesharing program and to promote the program internally to the employees.
  - (3) Establishment of an in-house carpool promotion and matching program and provision of maps, displays and materials as are necessary to inform employees of its availability.
  - (4) Reservation of at least 10% of all parking spaces for car pools or van pools in a location indicated on the approved Site Development Plan.
- c. The parking space reductions allowed by this section shall not be granted unless the property owner demonstrates that, in the event that a trip reduction plan or ride sharing plan becomes inoperative, it will be feasible to construct or lease the additional required spaces.
- d. If the criteria for reduction of the parking requirements are not being met, the property owner or lessee shall construct or lease additional parking spaces equal in number to the reduction granted.

## 3. **Downtown Revitalization**

Off-street parking and loading facilities for Downtown Revitalization shall be provided in accordance with the following shared parking methodology and parking ratios:

- a. The methodology for determining the shared parking demand consists of the following steps and is described in the following paragraphs:
  - (1) Determine individual weekday and weekend peak parking ratios for each land use.
  - (2) Determine the number of reserved parking spaces for each use.
  - (3) Select time-of-day and monthly parking variation factors.
  - (4) Adjust parking ratios for modal split, auto occupancy, and captive market effects.
  - (5) Calculate the hourly parking demand for weekdays and weekends for each month.

Step 1: Determine individual weekday and weekend peak parking ratios for each land use. Table 1 presents the base parking ratios for weekdays and weekends. These ratios must be used unless the petitioner provides reasonable justification for use of alternative ratio(s) that will not be detrimental to the public welfare. For land uses not listed in Table 1, data from the current edition of “Parking Generation” (ITE), “Shared Parking” (ULI), the Howard County Zoning Regulations, or other applicable sources may be used.

Step 2: Determine the number of reserved parking spaces for each use. A significant proportion of residential parking spaces are typically reserved, due to market and security requirements. Some portion of office, retail, hotel, or other uses may require reserved spaces for some portion of the day. These reserved spaces should be outlined and specified by land use on an hourly basis.

Step 3: Select time-of-day and monthly parking variation factors. The time-of-day adjustment factors for weekdays and weekends are shown in Tables 2 and 3, respectively. Table 4 shows the monthly adjustment factors for customer and visitor parking, while Table 5 includes the monthly adjustment factors for employees. These typical factors are taken from the ULI Shared Parking Manual and may be modified based on other published data or independent studies to ensure accuracy for specific land uses or circumstances.

Step 4: Adjust parking ratios for modal split, auto occupancy, and captive market effects. Modal split, auto occupancy, and captive market effects will be different for each Downtown Revitalization development. Modal splits and auto occupancy can be determined through U.S. Census journey-to-work data, patron surveys, or other local data, and can be adjusted to reflect future conditions.

Non-captive adjustments reflect the proportion of users that are not already parked nearby for a primary purpose. These adjustments for captive market effects should only be applied to simultaneous trips, not sequential trips. For example, an office worker who walks across the street for a snack during the day is part of the captive market, while a couple who has dinner before a movie is not. Table 6 includes sample non-captive adjustment factors for weekdays and can be modified based on the characteristics of the land use and surroundings.

Step 5: Calculate the hourly parking demand for weekdays and weekends for each month. The individual parking demands for each land use during each time period are then computed by multiplying the parking ratios (adjusted for modal split, auto occupancy, and captive market effects) by the time-of-day and monthly variation factors. No adjustment factors or variation factors are applied to reserved parking spaces.

The sum of the adjusted parking demands for each land use are then compared for each scenario (each hour of each day of each month), and the maximum total parking demand represents the shared parking requirement for the project.

**Table 1**  
Howard County Shared Parking Methodology  
Base Parking Ratios

Land Use	Weekday		Weekend		Unit
	Visitor	Employee	Visitor	Employee	
General Retail/Personal Service	2.90	0.70	3.20	0.80	/ksf GLA
Shopping Center	3.20	0.80	3.60	0.90	/ksf GLA
Restaurants, standard, and beverage establishments	15.25	2.75	17.00	3.00	
Fast Food Restaurant	12.75	2.25	12.00	2.00	/ksf GLA
Cinema	0.19	0.01	0.26	0.01	/seat
Performing Arts Theater	0.30	0.07	0.33	0.07	/seat
Health Club	6.60	0.40	5.50	0.25	/ksf GLA
Hotel	0.90	0.25	1.00	0.18	/room
Restaurant/Lounge	10.00		10.00		/ksf GLA
Conference Ctr./Banquet (20 to 50 sq ft/guest room)	30.00		30.00		/ksf GLA
Convention Space (>50 sq ft/guest room)	20.00		10.00		/ksf GLA
Residential(1)	0.15	1.50	0.15	1.50	/unit
General Office up to 100 ksf	0.275	3.30	0.028	0.33	/ksf GLA
General Office over 100 ksf	0.20	2.60	0.02	0.26	/ksf GLA
Medical/Dental Office	3.00	1.50	3.00	1.50	/ksf GLA

Note(s): (1) 1.0 space reserved for residents' sole use; remainder may be shared.

(2) For all other land uses, data from the current edition of "Parking Generation" (ITE), "Shared Parking" (ULI), the Howard County Zoning Regulations or other applicable sources may be used.

**Table 2**  
Howard County Shared Parking Methodology  
Time-of-Day Factors for Weekday Demand

		6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM
Retail/Shopping Center	Customer	1%	5%	15%	35%	65%	85%	95%	100%	95%	90%	90%	95%	95%	95%	80%	50%	30%	10%	0%
	Employee	10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	95%	95%	90%	75%	40%	15%	0%
Restaurants, standard and beverage establishments	Customer	0%	0%	0%	0%	15%	40%	75%	75%	65%	40%	50%	75%	95%	100%	100%	100%	95%	75%	25%
	Employee	0%	20%	50%	75%	90%	90%	90%	90%	90%	75%	75%	100%	100%	100%	100%	100%	100%	85%	35%
Fast Food Restaurant	Customer	5%	10%	20%	30%	55%	85%	100%	100%	90%	60%	55%	60%	85%	80%	50%	30%	20%	10%	5%
	Employee	15%	20%	30%	40%	75%	100%	100%	100%	95%	70%	60%	70%	90%	90%	60%	40%	30%	20%	20%
Cinema	Customer	0%	0%	0%	0%	0%	0%	20%	45%	55%	55%	55%	60%	60%	80%	100%	100%	80%	65%	40%
	Employee	0%	0%	0%	0%	0%	0%	50%	60%	60%	75%	75%	100%	100%	100%	100%	100%	100%	70%	50%
Performing Arts Theater	Customer	0%	0%	0%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	25%	100%	100%	0%	0%	0%
	Employee	0%	10%	10%	20%	20%	20%	30%	30%	30%	30%	30%	30%	100%	100%	100%	100%	30%	10%	5%
Health Club	Customer	70%	40%	40%	70%	70%	80%	60%	70%	70%	70%	80%	90%	100%	90%	80%	70%	35%	10%	0%
	Employee	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	100%	100%	75%	50%	20%	20%	20%	0%
Hotel	Guest	95%	95%	90%	80%	70%	70%	65%	65%	70%	70%	75%	80%	85%	85%	90%	95%	95%	100%	100%
Restaurant/Lounge	Customer	0%	10%	30%	10%	10%	5%	100%	100%	33%	10%	10%	30%	55%	60%	70%	67%	60%	40%	30%
Conference Ctr./Banquet (20 to 50 sq ft/guest room)	Customer	0%	0%	30%	60%	60%	60%	65%	65%	65%	65%	65%	100%	100%	100%	100%	100%	50%	0%	0%
Convention Space (>50 sq ft/guest room)	Customer	0%	0%	50%	100%	100%	100%	100%	100%	100%	100%	100%	100%	50%	30%	30%	10%	0%	0%	0%
	Employee	5%	30%	90%	90%	100%	100%	100%	100%	100%	100%	90%	70%	40%	20%	20%	20%	20%	10%	5%
Residential	Resident	100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%
	Reserved	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	Guest	0%	10%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%
General Office	Visitor	0%	1%	20%	60%	100%	45%	15%	45%	100%	45%	15%	10%	5%	2%	1%	0%	0%	0%	0%
	Employee	3%	30%	75%	95%	100%	100%	90%	90%	100%	100%	90%	50%	25%	10%	7%	3%	1%	0%	0%
Medical/Dental Office	Customer	0%	0%	90%	90%	100%	100%	30%	90%	100%	100%	90%	80%	67%	30%	15%	0%	0%	0%	0%
	Employee	0%	0%	60%	100%	100%	100%	100%	100%	100%	100%	100%	100%	67%	30%	15%	0%	0%	0%	0%

Source: Shared Parking, Second Edition

**Table 3**  
Howard County Shared Parking Methodology  
Time-of-Day Factors for Weekend Demand

		6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM
Retail/Shopping Center	Customer	1%	5%	10%	30%	50%	65%	80%	90%	100%	100%	95%	90%	80%	75%	65%	50%	35%	15%	0%
	Employee	10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	85%	80%	75%	65%	45%	15%	0%
Restaurants, standard, and beverage establishments	Customer	0%	0%	0%	0%	0%	15%	50%	55%	45%	45%	45%	60%	90%	95%	100%	90%	90%	90%	50%
	Employee	0%	20%	30%	60%	75%	75%	75%	75%	75%	75%	75%	100%	100%	100%	100%	100%	100%	85%	50%
Fast Food Restaurant	Customer	5%	10%	20%	30%	55%	85%	100%	100%	90%	60%	55%	60%	85%	80%	50%	30%	20%	10%	5%
	Employee	15%	20%	30%	40%	75%	100%	100%	100%	95%	70%	60%	70%	90%	90%	60%	40%	30%	20%	20%
Cinema	Customer	0%	0%	0%	0%	0%	0%	20%	45%	55%	55%	55%	60%	60%	80%	100%	100%	100%	80%	50%
	Employee	0%	0%	0%	0%	0%	0%	50%	60%	60%	75%	75%	100%	100%	100%	100%	100%	100%	70%	50%
Performing Arts Theater	Customer	0%	0%	0%	1%	1%	1%	1%	17%	67%	67%	1%	1%	1%	25%	100%	100%	0%	0%	0%
	Employee	0%	10%	10%	20%	20%	20%	30%	100%	100%	100%	30%	30%	100%	100%	100%	100%	30%	10%	5%
Health Club	Customer	80%	45%	35%	50%	35%	50%	50%	30%	25%	30%	55%	100%	95%	60%	30%	10%	1%	1%	0%
	Employee	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	75%	100%	100%	75%	50%	20%	20%	20%	0%
Hotel	Guest	95%	95%	90%	80%	70%	70%	65%	65%	70%	70%	75%	80%	85%	85%	90%	95%	95%	100%	100%
Restaurant/Lounge	Customer	0%	10%	30%	10%	10%	5%	100%	100%	33%	10%	10%	30%	55%	60%	70%	67%	60%	40%	30%
Conference Ctr./Banquet (20 to 50 sq ft/guest room)	Customer	0%	0%	30%	60%	60%	60%	65%	65%	65%	65%	65%	100%	100%	100%	100%	100%	50%	0%	0%
Convention Space (>50 sq ft/guest room)	Customer	0%	0%	50%	100%	100%	100%	100%	100%	100%	100%	100%	100%	50%	30%	30%	10%	0%	0%	0%
	Employee	5%	30%	90%	90%	100%	100%	100%	100%	100%	100%	90%	75%	60%	55%	55%	55%	45%	45%	30%
Residential	Resident	100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%
	Reserved	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	Guest	0%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%
Office	Visitor	0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%
	Employee	0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%
Medical/Dental Office	Customer	0%	0%	90%	90%	100%	100%	30%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Employee	0%	0%	60%	100%	100%	100%	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

Source: Shared Parking, Second Edition

Table 4  
Howard County Shared Parking Methodology  
Monthly Adjustments for Customer/Visitor Parking

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Late Dec
Retail/Shopping Center	56%	57%	64%	63%	66%	67%	64%	69%	64%	66%	72%	100%	80%
Restaurants, standard, and beverage establishments	85%	86%	95%	92%	96%	95%	98%	99%	91%	96%	93%	100%	95%
Fast Food Restaurant	85%	86%	95%	92%	96%	95%	98%	99%	91%	96%	93%	100%	95%
Cinema - Weekdays	27%	21%	20%	19%	27%	41%	55%	40%	15%	15%	25%	23%	100%
Cinema - Weekends	71%	59%	67%	58%	71%	82%	92%	75%	51%	62%	78%	67%	100%
Performing Arts Theater	90%	90%	90%	90%	90%	90%	90%	90%	90%	90%	90%	100%	100%
Health Club	100%	95%	85%	70%	65%	65%	65%	70%	80%	85%	85%	90%	95%
Hotel	90%	100%	100%	100%	90%	90%	100%	100%	75%	75%	75%	50%	100%
Restaurant/Lounge	85%	86%	95%	92%	96%	95%	98%	99%	91%	96%	93%	100%	95%
Conference Ctr./Banquet (20 to 50 sq ft/guest room)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Convention Space (>50 sq ft/guest room)	75%	100%	90%	55%	60%	50%	45%	75%	80%	85%	100%	60%	0%
Residential	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
General Office, Medical/Dental Office	100%	100%	100%	100%	100%	100%	95%	95%	100%	100%	100%	100%	80%

**Table 5**  
Howard County Shared Parking Methodology  
Monthly Adjustments for Employee/Resident Parking

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Late Dec
Retail/Shopping Center	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	90%	100%	90%
Restaurants, standard, and beverage establishments	95%	95%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Fast Food Restaurant	95%	95%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Cinema - Weekdays	50%	50%	50%	50%	50%	75%	75%	75%	50%	50%	50%	50%	100%
Cinema - Weekends	80%	80%	80%	80%	80%	100%	100%	90%	80%	80%	80%	80%	100%
Performing Arts Theater	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Health Club	100%	100%	95%	80%	75%	75%	75%	80%	90%	95%	95%	100%	100%
Hotel	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Residential	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
General Office, Medical/Dental Office	100%	100%	100%	100%	100%	100%	95%	95%	100%	100%	100%	100%	80%
Retail/Shopping Center	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	90%	100%	90%
Restaurants, standard, and beverage establishments	95%	95%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Fast Food Restaurant	95%	95%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%



**Table 6**  
Howard County Shared Parking Methodology  
Non-Captive Adjustment Factors for Weekdays

	Non-captive Daytime
Retail/Shopping Center	90%
Employee	100%
Restaurants, standard, and beverage establishments	90%
Employee	100%
Fast Food Restaurant	50%
Employee	100%
Hotel	100%
Meeting/Banquet	60%
Employee	100%
General Office	100%
Employee	100%
Medical/Dental Office	100%
Employee	100%

Source: Shared Parking, Second Edition

Reserved.

## SECTION 134.0: Outdoor Lighting

### A. Purpose

This Section is intended to minimize the problems caused by improperly designed and installed outdoor lighting.

Improperly designed outdoor lighting can cause glare, defined as light emitted with an intensity great enough to reduce a viewer's ability to see and, in extreme cases, causing momentary blindness. Glare can create a nuisance or hazard for users of neighboring properties and for motorists or pedestrians on public streets. In addition, light that crosses a property boundary, particularly from a nonresidential to a residential property, can cause a nuisance by reducing nighttime privacy. These requirements are adopted to minimize glare from outdoor lighting and reduce the spillover of light beyond the area for which it is intended.

### B. Applicability

The requirements of this Section apply to lighting in the following locations, not including lighting of public streets:

1. Outdoor lighting of land in the HO, HC, POR, PEC, OT, CCT, B-1, B-2, SC, BRX, BR, CR, TNC, CEF, M-1, M-2, SW, CE, CLI, TOD and CAC Districts; and
2. Outdoor lighting of land designated for commercial, industrial, employment or open space uses in the NT, PGCC or MXD Districts; and
3. In residential districts:
  - a. Outdoor lighting of parking or loading areas; and
  - b. On the site of an approved Conditional Use, outdoor lighting for parking or loading areas as well as other areas for which the decision of the Hearing Authority requires that these lighting standards be applied.

### C. Allowed Outdoor Lighting

Any lighting used to illuminate off-street parking areas shall be so arranged as to direct the light down, towards the parking area, and away from the adjoining lots in residential districts and any public street right-of-way.

Outdoor lighting shall be limited to the following types of fixtures. In these requirements, the term "lamp" refers to the component of the light fixture that produces the light.

#### 1. Shielded Lights

With the exception of spotlights and low intensity lights as defined below, all light fixtures shall be fully or partially shielded.

- a. A fully shielded fixture is constructed and installed in such a manner that no light is emitted above a horizontal plane through the lowest part of the lamp, as certified by the lighting manufacturer or a photometric test report.

- b. A partially shielded fixture is constructed and installed in such a manner that less than 2.5% of the light is projected above a horizontal plane through the lowest part of the lamp, as certified by the lighting manufacturer or a photometric test report.

2. Spotlights

A spotlight concentrates the light into a directed beam aimed in a particular direction. Spotlights are allowed subject to the following:

- a. The light shall be directed only onto the facade of a building or sign on the same lot.
- b. Facades and signs located less than 50 feet from a residential district shall not be illuminated by a spotlight.
- c. The lamp shall be shielded on the rear and sides by a material that fully blocks light. This shield shall extend at least 6 inches in front of the lamp.
- d. The width of the front opening of the light shield shall be no more than the length of the shield.

3. Low Intensity Lights

Light fixtures with the following characteristics are permitted without cutoff shields:

- a. The lamp(s) housed by the fixture do not emit a total of more than 16,000 lumens for freestanding fixtures, or 10,000 lumens for fixtures attached to structures, based on the manufacturer's lumen rating for the initial light output of the lamp(s).
- b. The lamp is no more than 14 feet above ground level for freestanding fixtures, or 8 feet above ground level for fixtures attached to structures.
- c. For fixtures with shields or other design features to direct the light, the light is not directed toward adjacent properties or public streets.
- d. The surface of either the lamp or the fixture enclosing the lamp is frosted or translucent rather than transparent.

**D. Light Trespass**

Light trespass from a property subject to the requirements of this section shall be limited as provided below. Light trespass shall be measured in vertical foot-candles three feet above ground level at the property line.

- 1. Light trespass onto a property in the RC, RR, R-ED, R-20, R-12, or R-SC District, or onto a property in the NT, PGCC or MXD Districts designated for development of equivalent land uses and densities, shall be limited to 0.1 foot candles.
- 2. Light trespass onto any other property zoned or used for residential purposes shall be limited to 0.5 foot candles.
- 3. The light trespass limits shall not apply to land within a public street right-of-way or developed for non-residential uses.

**E. Approval of Alternative Lighting Plans**

Designs or locations for light fixtures that do not comply with the requirements of Subsections C and D above but fulfill the purposes of this section may be approved by the Director of Planning and Zoning. A request for such approval may be part of a Site Development Plan submittal, must indicate the type, location, lumen rating and height of the fixture, and must demonstrate how the purposes outlined in Section 134.0.A. will be met. Alternatives that may be approved as meeting the purposes of this section include:

1. Fixtures that will not be visible at any point along the boundaries of the lot on which they are located due to the location of buildings or walls, topography, or similar visual barriers;
2. Lighting that will have minimal off-site impact due to the distance of the fixtures from roads and neighboring properties;
3. Fixtures that incorporate additional shielding or other features to prevent off-site impacts; or
4. Lighting plans demonstrating other factors that will prevent glare and light spillover.

**F. Exceptions**

The following types of lighting are exempt from Section 134.0:

1. Hazard warning lights required by local, state and federal regulatory agencies.
2. Temporary emergency lighting for use by fire, police or other emergency service agencies.

**G. Noncomplying Outdoor Lighting**

1. Existing lighting that complied with the requirements in effect at the time it was installed may remain.
2. When Site Development Plan approval is required for alterations to existing improvements, lighting fixtures on the portion of the site impacted by the alterations must be brought into compliance with Section 134.0 to the extent possible.
3. When existing lighting is moved or replaced, the installed fixture must comply with the requirements of Section 134.0.

Reserved.

## APPENDIX A

### METES AND BOUNDS DESCRIPTION FOR AREA WITHOUT A RECORDED FINAL DEVELOPMENT PLAN REFERENCE

All of those lots or parcels of land located in Howard County, Maryland and more particularly described as follows:

A portion of the residue of the 801.198 acre parcel of land conveyed by G & S Enterprises, Inc. To the Howard Research and Development Corporation by deed dated October 14, 1963 and recorded among the Land Records of Howard County in liber 409, folio 8, and the 53 acre parcel of land conveyed by Sebring, Inc. To the Howard Research and Development Corporation by deed dated November 7, 1963 and recorded among the aforesaid land records in liber 409, folio 549.

More particularly described by metes and bounds as follows:

Beginning at a point on the eastern right-of-way line of Broken Land Parkway, as recorded in plat no. 6598 among the Land Records of Howard County, Maryland, said point being on the southern right-of-way line of Little Patuxent Parkway, Route 175, width varies, as recorded in plat book 12, plat no. 60; thence departing said Broken Land Parkway and running with the southern lines of said Little Patuxent Parkway 174.04 feet along the arc of a curve to the left, having a radius of 676.29 feet and a chord bearing and distance of south 87°37'00" east 173.56 feet to a point; thence north 85°00'39" east 665.90 feet to a point on the eastern line of lot 9b, as recorded in plat book 15, plat no. 32; thence departing said Little Patuxent Parkway and running with the western line of said lot 9b south 04°59'21" east 27.00 feet to a point being the northwest corner of the exterior boundary of lot 23, Columbia, Town Center, section 1, as recorded in plat books 13535 and 13536; thence departing said lot 9b and running with the lines of said lot 23 200.24 feet along the arc of a curve to the right, having a radius of 260.75 feet and a chord bearing and distance of south 17°00'39" west 195.36 feet to a point; thence south 39°00'39" west 20.04 feet to a point; thence 358.03 feet along the arc of a curve to the right, having a radius of 905.00 feet and a chord bearing and distance of south 50°20'39" west 355.70 feet to a point; thence south 61°40'39" west 102.79 feet to a point; thence 251.98 feet along the arc of a curve to the left, having a radius of 225.00 feet and a chord bearing and distance of south 29°35'39" west 239.02 feet to a point; thence south 02°29'21" east 272.12 feet to a point; thence south 82°37'23" east 315.92 feet to a point; thence south 16°14'58" east 275.00 feet to a point; thence south 65°24'27" east 516.84 feet to a point; thence with the line of said lot 23, and the terminus line of Symphony Woods Road, a public right-of-way, unimproved, as recorded in plat book 30, plat no. 45, and the southern line of lot 11c, recorded in plat book 30, plat no. 45 north 79°40'05" east 891.63 feet to a point on a western line of lot 1, Columbia Town Center, section 5, area 4, as recorded in plat no. 14054; thence departing said lot 11c and running with the lines of said lot 1 south 08°22'37" west 199.80 feet to a point; thence south 56°51'37" east 133.42 feet to a point; thence south 21°05'06" west 924.51 feet to a point on the northern right-of-way line of Broken Land Parkway, as recorded on Maryland State Highway Administration right-of-way maps 51703, 51704, 51705 & 52147; thence departing said lot 1 and running with the right-of-way of said Broken Land Parkway south 76°02'42" west 239.27 feet to a point; thence south 86°19'11" west 75.00 feet to a point; thence north 39°13'05" west 86.02 feet to a point; thence south 86°19'11" west 234.41 feet to a point; thence south 39°28'56" west 53.89 feet to a point; thence

339.06 feet along the arc of a curve to the right, having a radius of 536.62 feet and a chord bearing and distance of north  $77^{\circ}37'57''$  west 333.45 feet to a point; thence  
north  $60^{\circ}39'20''$  west 378.19 feet to a point; thence  
425.83 feet along the arc of a curve to the right, having a radius of 1,350.00 feet and a chord bearing and distance of north  $49^{\circ}20'57''$  west 424.07 feet to a point; thence  
south  $47^{\circ}39'26''$  west 33.45 feet to a point on the eastern right-of-way line of Broken Land Parkway as recorded in plat no. 6598; thence running with said Broken Land Parkway  
346.21 feet along the arc of a curve to the right, having a radius of 1,070.92 feet and a chord bearing and distance of north  $23^{\circ}00'44''$  west 344.70 feet to a point; thence  
north  $13^{\circ}45'03''$  west 972.71 feet to a point; thence  
524.31 feet along the arc of a curve to the right, having a radius of 806.47 feet and a chord bearing and distance of north  $04^{\circ}52'27''$  east 515.13 feet to a point; thence  
north  $23^{\circ}29'57''$  east 147.00 feet to a point; thence  
north  $61^{\circ}35'15''$  east 123.74 feet to the point of beginning containing 2,843,633 square feet or 65.2808 acres, more or less