

1992

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SECTION 100

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 an adequate housing choice 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;
(Amended by ZB Case No. 882R - 8/1/89)

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.
(Amended by ZB Case No. 882R - 8/1/89)

8. To preserve agricultural land.

B. Zoning Districts

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

R - Rural
R-ED - Residential: Environmental Development
R-20 - Residential: Single
R-12 - Residential: Single
R-SC - Residential: Single Cluster
R-SA-8 - Residential: Attached
R-A-15 - Residential: Apartments
R-MH - Residential: Mobile Home
HD - Historic District
R-HR - Residential: Historic Residential
R-VH - Residential: Village Housing
HO - Historic Office
HC - Historic Commercial
POR - Planned Office Research
CC - Convenience Center
B-1 - Business, Local
B-2 - Business, General
SC - Shopping Center
M-1 - Manufacturing, Light
M-2 - Manufacturing, Heavy
ID - Industrial Development
PEC - Planned Employment Center
NT - New Town
PGCC - Planned Golf Course Community
PD - Planned Development District
(Amended by ZB Case No. 882R - 8/1/89)

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 Zoning Board of Howard County upon the adoption of these regulations.

Agricultural preservation district boundaries shall be shown on the district maps in accordance with the requirements of the Howard County Code, Subtitle 6, Section 15.602, "Official Maps." In addition, boundaries of parcels for which easements have been donated to either the Historical or Environmental Trust of Maryland shall also be shown on district maps.

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

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.

However, the requirements of the Zoning Regulations adopted October 3, 1977, 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, with the following exceptions:

1. The requirements of the Zoning Regulations adopted August 2, 1985, with respect to bulk regulations shall apply to any lot in the RC or RR districts 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 adoption of Zoning Board Case 928 and unable to fulfill the minimum requirements of these regulations.
2. In addition, the density bulk requirements for the R-ED zoning district in effect prior to the adoption of Zoning Board Case 882R shall apply to any lot proposed in an R-ED subdivision which has received preliminary plan approval as of the effective date of Zoning Board Case 882R, provided that the subdivision is recorded within the time limits required in the Subdivision and Land Development Regulations.
(Amended by ZB Case No. 808 - 2/10/86, ZB Case No. 882R - 8/1/89, and ZB Case No. 928 - 9/18/92)

F. Administrative Adjustments

1. Bulk Regulations

Upon petition by the property owner, the Department of Planning and Zoning may, when the Director or the Director's designee determines that extraordinary hardships or practical difficulties may result from strict

compliance with the bulk regulations hereof, grant an adjustment from the provisions of the bulk regulations in an amount not to exceed 10 percent of the bulk requirements stated for each specific district, 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. (Amended by ZB Case No. 853R - 11/30/87 and ZB Case No. 882R - 8/1/89)

2. **District Map Line Adjustments**

Upon petition by the property owner, the Department of Planning and Zoning may adjust the district map line to coincide with the property line for a parcel which was previously bisected into two separate zoning districts, if the Director or the Director's designee determines that the bisection of the parcel acts to deny the property owner all reasonable use of a portion of the parcel. The adjustment may only be made to allow the smaller portion of the parcel to be placed in the same zoning district as that previously given to the larger portion, and in no event may such adjustments be made on bisected parcels exceeding five acres.

(Amended by ZB Case No. 853R - 11/30/87 and ZB Case No. 882R - 8/1/89)

3. All public hearings on administrative adjustments shall be conducted in accordance with the rules of procedure adopted by the Department of Planning and Zoning, provided that no hearing on any administrative adjustment shall be had unless the property subject of the administrative adjustment application shall be posted, with the time and date of the hearing, for at least 15 days prior to said hearing. The Director of the Department of Planning and Zoning, or the Director's designee, shall prepare an official record of the proceedings in each case, which shall include testimony and exhibits, but it shall not be necessary to transcribe the testimony unless required for review. The Decision and Order of the Department of Planning and Zoning Director or the Director's designee shall be in writing and shall be accompanied by findings of fact and conclusions of law and shall be made a part of the record of the proceedings. The decision of the Department of Planning and Zoning's Director or the Director's designee in administrative adjustment cases is appealable to the Howard County Board of Appeals on the record in bulk regulation adjustment cases, and is appealable to the Zoning Board on a de novo basis in district map line adjustment cases.

(Amended by ZB Case No. 853R - 11/30/87)

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. The provisions of Section 100 F.1. shall not apply in the PEC, CC, NT or PGCC Districts; and Section 100 F.2 shall not apply in the NT District.

G. Amendments

1. 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. If a petition for an amendment to the zoning district boundaries includes documentation specifying the proposed development and use of the property under petition, 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 between 1" = 10' and 1" = 50' or as approved by the Department of Planning and Zoning. The site plan(s) must include:
 - (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 e.(1) of this section;

- (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. The site plan(s) for a property of less than fifty acres 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.
- c. 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.
- d. 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 site plan(s) will be able to comply with all technical requirements of the reviewing agencies.
- e. The Zoning Board shall consider the following factors in reviewing the site plans(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) Adequacy of road access; and
 - (4) Compatibility of the proposed development with the policies and objectives of the Howard County General Plan.
- f. If the 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 or site plans approved by the Zoning Board.

g. If the property which is subject to the approved site plan(s) is not substantially developed 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).

- (1)
 - (a) For properties of less than 50 acres - three 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.

(Section 100.G.2 was added to the Zoning Regulations by ZB Case No. 882R - 8/1/89 and amended by ZB Case No. 877R&M - 5/3/90)

SECTION 101

RULES OF CONSTRUCTION

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

1. The particular shall control the general.
2. 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.
3. The words "shall" or "may not" are always mandatory and not discretionary. The word "may" is permissive.
4. 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,
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. 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:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. 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.

10. 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.
11. 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.
12. 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.
13. The terms "County Council," "Zoning Board," "County Executive," "Board of Appeals," "Director of Planning and Zoning," "Planning Board," "County Solicitor," "Director of Public Works," "Fire Administrator," "Director of Recreation and Parks," "Board of Education," and "County Health Officer" mean the respective council, boards and officers of Howard County.
14. 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.

SECTION 102

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, and any use of any land or any structure which is conducted, operated or maintained 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.

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. If the Department does not issue such a notice within 60 days of receiving the written request, such failure shall be considered to be a final decision of the Department that the alleged violation does not exist, and the complaining person shall have a right to appeal such decision to the Board of Appeals, provided that such petition of appeal is filed with the Clerk of the Board of Appeals within 30 days after such failure to issue such Zoning Violation Notice. If such an appeal is taken, the Department of Planning and Zoning shall send a copy of the petition to the owner and occupant of the premises.

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

(Amended by ZB Case No. 882R - 8/1/89)

C. Penalties

Failure to comply with the Zoning Regulations shall be a misdemeanor punishable by a fine not to exceed 100 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.

(Amended by ZB Case No. 882R - 8/1/89)

D. Perm.its

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 (Amended by ZB Case No. 882R - 8/1/89)

**SECTION 103
DEFINITIONS**

A Except as provided for in Section 101 herein, terms used in these regulations shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of these regulations:
(Amended by ZB Case No. 928 - 9/18/92)

1. Access, Direct: Access from a proposed development to a major road which does not pass through any development of a density or intensity less than that of the proposed development. For these purposes, commercial and industrial uses shall be deemed to be of a higher intensity than any residential use.
2. Accessozy Use Or Accessozy Structure: A use or structure which is incidental to, subordinate to, and customarily found in connection with a principal use or structure and which is situated on the same lot as the principal use or structure, except that where specifically provided in the applicable regulations, accessory off-street parking or loading facilities or private recreational facilities need not be located on the same lot.
3. Acre, Net: An acre of land not to include any land in the 100-year floodplain or land with slopes of 25 percent or greater.
4. Alterations, Incidental: All changes or replacements in the non-structural parts of a structure, without limitation to the following examples; and changes or replacements in the structural parts of a structure, limited to the following examples and others of similar character or extent:
 - a. Alteration of interior partitions to improve livability in a residential building, provided that no additional dwelling units are created thereby;
 - b. A minor addition on the exterior of a residential building to provide an open porch or similar structure;
 - c. Alteration of interior partitions in all other types of structures;
 - d. Making windows or doors in exterior walls;
 - e. Increasing the load-bearing capacity in not more than 10 percent of the total floor area to permit the accommodation of a specialized unit of machinery or equipment;

- f. Replacement of, or minor changes in, the capacity of utility pipes, ducts or conduits.
5. Ambulatory Health Care Facilities includes, but is not limited to, the following:
 - a. Health maintenance organizations,
 - b. Out-patient clinics,
 - c. Diagnostic centers
 - d. Ambulatory surgical facilities,
 - e. Physician offices,
 - f. Public health clinics,
 - g. Community mental health centers.
 6. Animal Hospital: A building used by a licensed veterinarian solely for the practice of veterinary medicine, not as a kennel..
 7. Approved Street (Public or Private): Any street dedicated and accepted by Howard County; or any street approved at any time by the Office of Planning and Zoning. The word "street" shall include the words "road," "highway," "boulevard," "avenue," and similar terms as defined in the Subdivision and Land Development Regulations.
 8. Bed and Breakfast Inn: A dwelling in which, for compensation, sleeping accommodations are provided to transient guests in not more than six guest rooms under the management of the occupants of the dwelling. A bed and breakfast inn may include the provision of meals for overnight guests only. (Amended by ZB Case No. 882R - 8/1/89)
 9. Boarding House: A building in which, for compensation, lodging is offered either with or without meals to more than 4 but fewer than 20 non-transient residents. This term does not include hotels, motels, country inns, bed and breakfast inns or other establishments offering lodging to guests on a daily, weekly or similar short-term basis. A boarding house shall not be deemed a home occupation. (Amended by ZB Case No. 882R - 8/1/89)

10. **Buildable Area:** The portion of a lot remaining after required easements and setbacks from lot lines, proposed public road right-of-way land designated as a public street or highway, and/or from the 100-year floodplain, have been provided.
11. **Building:** A structure with exterior walls which combine to form an occupiable structure, 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.
12. **Building Group:** A group of two or more main structures and any structures accessory thereto, occupying a single lot.
13. **Building Height of:** The vertical distance from the average grade adjoining the walls of the structure to the average of the highest points of a roof surface of a flat roof; and to the deck line of a mansard roof; and the mean height level between eaves and ridge for a gable, hip or gambrel roof.
14. **Building Main:** The structure in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.
15. **Building Profile:** A drawing showing the maximum horizontal and vertical limits of the structure.
16. **Building Restriction Tfoe:** A line drawn parallel to a lot line or public road right-of-way line at a distance equal to the depth of a required setback.
(Amended by ZB Case No. 882R - 8/1/89)
17. **Cemetery:** A place used for the permanent interment of dead bodies or the cremated remains thereof. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for incinerary interments, or a combination thereof.
18. **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.
(Amended by ZB Case No. 882R - 8/1/89)
19. **Commercial Vehicle:** Every motor vehicle and every trailer designed and used for carrying freight, merchandise 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.
(Amended by ZB Case No. 928 - 9/18/92)

20. **Common Walls, Overlapping:** Walls between structures which do not exceed 80 percent of the length of the shorter wall.
21. **Conference Center:** A facility used for service organizations business or professional conferences and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating and recreation. A conference center is not designed to be only utilized by the general public for overnight accommodations.
22. **Country Inn:** An historic building(s) in which for compensation, lodging and meals are offered to transient guests on a daily, weekly, or similar short term basis; and which 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. Public restaurant;
 - g. Restaurant for guests only;
 - h. Recreational uses for the sole use of overnight guests;
 - i. 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.
(Amended by ZB Case No. 882R - 8/1/89)

23. **Criteria:-** Text material accompanying a map of the Final Development Plan for any district which requires submission of final development plans as part of the development approval process.

24. **Day Care Center, Adult:** A facility operated to provide care and temporary supervision to four or more elderly or medically handicapped individuals in a designated group day care facility, with or without charge, during part or all of the day on a regular schedule. Elderly means an individual age 60 years old or older and medically handicapped means an individual who is 16 years old or older, having a disability that is a reasonably chronic physical impairment, or a permanent or recurrent mental impairment that prevents gainful employment or the accomplishment of the routine of normal daily activities outside of an institutional or sheltered environment or without assistance.
(Amended by ZB Case No. 882R - 8/1/89)
25. **Day Care Center, Child:** An agency, institution, or establishment for individuals under the age of 16, that for part or all of a day, on a regular schedule, at least twice a week, offers or provides group day care, programs, or activities, with or without charge, to at least nine children who are not children of the day-care center operator.
(Amended by ZB Case No. 882R - 8/1/89)
(Amended by ZB Case No. 907R - 2/21/91)
26. **Depth of Lot:** The mean horizontal distance between the front line and rear lot line of a lot.
27. **Detached Building:** A building surrounded by yards or other open area on the same lot.
28. **Development Agent:** Any person who represents, or acts for or on behalf of, a residential developer in selling, leasing or developing, or offering to sell, lease or develop any interest, lot, plot, parcel, site or unit for residential development use, except an attorney-at-law whose representation of another person consists of rendering legal services.
29. **Development 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.
(Amended by ZB Case No. 882R - 8/1/89)
30. **District Coverage:** That portion of a single development project within the PEG District which, when viewed directly from above, would be covered by a structure or any part of a structure. However, any portion of such structure covered by a roof which qualifies as open area shall not be included in district

coverage.

31. **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, club house, hospital or other accommodations used for more or less transient occupancy.
(Amended by ZB Case No. 882R - 8/1/89)
- 31A. **Dwelling, Accessory Apartment:** A second dwelling unit which is located within an owner-occupied, single-family detached dwelling and which occupies no more than 800 square feet of floor area or one-third of the total floor area of the building, whichever is less. The floor area of attached garages are excluded from the total floor area of the building. The property owner shall occupy either the principal dwelling or the accessory apartment.
(Amended by ZB Case No. 928 - 9/18/92)
32. **Dwelling, Apartment:** A dwelling in a building containing three or more dwelling units separated by both vertical and horizontal party walls.
(Amended by ZB Case No. 825R - 8/22/86)
33. **Dwelling, Manufactured:** A dwelling built and transported on two or more separate chassis, designed to be joined together at the building lot of use to form a single dwelling. Such a dwelling has minimum dimensions of 24 by 40 feet, a gabled roof, and is permanently affixed to a foundation supporting the load bearing framework of the unit and a foundation wall enclosing its entire perimeter. Such a unit shall not be included under this definition unless and until its wheels, axles, transportation light and removable towing apparatus have been removed.
34. **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).
(Amended by ZB Case No. 825R - 8/22/86)
35. **Dwelling, Single-family Detached:** A building, including a manufactured dwelling, arranged or designed for use as a principal dwelling, and entirely separated from any other principal building by open area on all sides.
(Amended by ZB Case No. 928 - 9/18/92)
36. **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.

37. **Dwellin&, Two-family:** One of two dwelling units, other than an accessory apartment, in a building arranged, designed or used for occupancy by two families, either one above the other or side by side on a single lot.
(Amended by ZB Case No. 928 - 9/18/92)
38. **DwelHn&Unit:** One or more rooms in a residential building or in a structure, which are arranged, designed, used or intended for use by one family, for living and sleeping purposes, and having only one kitchen or kitchenette.
39. **Dwellin&, 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.
- 39 A **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.
(Amended by ZB Case No. 934R - 7/29/92)
40. **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.
41. **Fannini:** This term shall mean the use of land for agricultural purposes, including dairying, pasturage, agriculture, apiaries, horticulture, floriculture, orchards, agricultural nurseries, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, processing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities; and provided further, that the above uses shall not include the acceptance or disposal of land clearing debris or rubble which originates off-site or the commercial feeding of garbage or offal to swine or other animals. The breeding, raising, training and general care of livestock for uses other than for food, such as

sport or show purposes, as pets, or for family recreation, shall be considered a normal farming function, but kennels are excluded from this definition.
(Amended by ZB Case No. 859R - 6/17/88)

42. **Fast Food Restaurant:** An establishment used for the preparation and sale of food products intended for ready consumption, which are generally packaged in paper or served in other types of disposable plates, wrappers, or containers, to be eaten inside the building at tables provided for such purpose, or on a patio, or to be carried away by the purchaser to parked cars and there eaten, or otherwise carried away by the purchaser and may include a portion of such service directly to patrons in their motor vehicles. This term does not include a retail grocery store, dairy store, candy store, or other outlet selling food items primarily for home preparation and consumption; and does not include a restaurant which serves food primarily on nondisposable tableware, but provides incidental carry-out service, where the space or facilities allocated and used for carry-out service does not exceed five percent of the area allocated and used for seating of patrons of the restaurant, or 80 square feet, whichever is the lesser.
43. **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.
44. **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 as shown on the General Plan of the County.
(Amended by ZB Case No. 882R - 8/1/89)
45. **Floor Area:** The sum 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 or enclosed malls and similar areas.
46. **Floor Area Ratio:** The ratio of the floor area to the lot area.
47. **Frontage:** The length of the front lot line of a lot abutting on an approved private or public street, road or highway.
48. **Garden Apartment:** See "Dwelling, Apartment."

49. **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 body work.
(Amended by ZB Case No. 882R - 8/1/89)
50. **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.
(Amended by ZB Case No. 882R - 8/1/89)
- SOA **Golf Drivin R3.JliC:** Facility at which patrons may hit golf balls to a specific area from stationary positions for amusement and/or practice, but which does not necessarily provide golf teaching services.
(Amended by ZB Case No. 934R - 7/29/92)
51. **Grade:** The level from which the height of a structure is measured, as defined herein.
52. **Greenhouse Farm:** A structure located on a farm wherein plants are grown but not sold from the site to the general public.
53. **Greenhouse, Retail:** A structure where plants are grown and sold to the general public from the site.
55. **Gross Area:** The entire area within a development project.
(Amended by ZB Case No. 882R - 8/1/89)
56. **Ground Area of a Structure:** The number of square feet of horizontal surface covered by a structure, including covered porches and accessory structures. All measurements shall be made between exterior faces of walls, foundations, piers, or other means of support.
57. **Group Care Facility:** A group housing facility which provides board, shelter, and personal services to at least nine persons who are 62 years of age or over, and/or who have physical and/or mental disabilities. Group care facilities shall include group sheltered housing for the elderly and domiciliary care homes as licensed or certified by the State of Maryland.
(Amended by ZB Case No. 849R - 6/2/88)

58. **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 G. and 112 of these regulations, or the previously established Ellicott City Historic District.
59. **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 so designated by resolution of the County Council.
- 59A **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, visits to the lot by non-resident employees, or parking of more commercial vehicles than allowed under the provisions of the applicable zoning district for parking of commercial or unregistered 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.
60. **Home Care:** The keeping during part of the day of not more than eight children or not more than three elderly or medically handicapped individuals in a residence. Home care is deemed to be a home occupation.
(Amended by ZB Case No. 882R • 8/1/89)
(Amended by ZB Case No. 907R - 2/21/91)
61. **Home Occupation:**
The accessory use of a residential property for business purposes, other than home-based contractors, which are clearly incidental and secondary to the residential use.
(Amended by ZB Case No. 928 • 9/18/92)
62. **Hospital:** Any institution, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two or more nonrelated persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent or nursing home, as previously defined.
63. **Hotel or Motel:** Any building or portion thereof or group of buildings containing guest rooms in which, for compensation, lodging is offered to transient guests on a daily, weekly, or similar short term basis.
(Amended by ZB Case 882R - 8/1/89)

64. Housini: for Elderly and/or Handicapped Persons: A building or buildings containing dwelling units, a common dining area, and related facilities, such as recreational and educational services, therapy areas, health services, and business services. The occupancy of the dwelling units shall be restricted to elderly and/or handicapped persons. For the purpose of these regulations, elderly or handicapped persons are:
- a. Persons who are sixty years of age or over;
 - b. Families where either the husband or wife is sixty years of age or older; or
 - c. Handicapped persons under sixty if determined to have physical impairments which
 - (1) are expected to be of long and continued duration,
 - (2) substantially impede their ability to live independently, and
 - (3) are of such a nature that the ability to live independently could be improved by more suitable housing conditions.(Amended by ZB Case No. 849R - 6/2/88)
65. Illegal Use: Any use, whether of a structure or of a tract of land, in which a violation of any provision of these regulations has been committed or shall exist.
66. Junk Yard: A parcel of land used for the commercial dismantling, storage, and sale of salvage material, including scrap metal, vehicles, paper and rags. The bailing, shredding or compacting of or sale of salvage material are permitted.
67. Kennels:
- a. Commercial kennels shall include any animal boarding place or other establishment for the commercial breeding of dogs and/or cats, or the boarding, grooming, sale or training of dogs and/or cats for which a fee is charged.
 - b. Non-commercial kennels shall be defined as any establishment where four or more dogs are kept within or adjoining a private residence for the non-commercial purpose of hunting or exhibition in shows or field trials or obedience training. Surplus offspring bred at such kennels to enhance or perpetuate any given breed may be sold by such kennels

and shall not be considered a commercial activity for the purpose of this section.

68. **Land Clearing Debris:** Those materials resulting from land clearing operations which shall be limited to the following:
- a. Earthen material such as clays, sands, gravels and silts;
 - b. Topsoil;
 - c. Tree stumps;
 - d. Root mats;
 - e. Brush and limbs;
 - f. Logs;
 - g. Vegetation; and
 - h. Rock.
- (Amended by ZB Case No. 859R - 6/17/88)
69. **Land Clearing Debris Landfill Facility:** Any facility where non-hazardous land clearing debris is received for disposal on the site.
(Amended by ZB Case No. 859R - 6/17/88)
- 69A **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.
(Amended by ZB Case No. 928 - 9/18/92)
70. **Landscape Contractor:** A business which is engaged in providing landscaping services to off-site locations, including designing, grading, planting and maintaining landscaped areas.
(Amended by ZB Case No. 928 - 9/18/92)
71. **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.
(Amended by ZB Case No. 882R - 8/1/89)

72. **Lm**: A piece of land described in a Final Plat or Deed and recorded in the Land Records of Howard County in accordance with the laws and regulations in effect at the time of recordation.
(Amended by ZB Case No. 882R - 8/1/89)
- 72A **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.
(Amended by ZB Case No. 928 - 9/18/92)
73. **Lot Size. Minimum**: The area of a lot, not including land in the 100-year floodplain or areas with slopes of 25 percent or greater, that meets the bulk regulations of the zoning district. However, in the RC, RR AND R Districts, up to 50 percent of the land either in the 100-year floodplain or land of 25 percent slope or greater may be included in computing minimum lot size.
(Amended by ZB Case No. 882R - 8/1/89)
(Amended by ZB Case No. 928 - 9/18/92)
74. **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. However, any portion of such structures covered by a roof which qualifies as open space shall not be included in lot coverage.
75. **LOW Income Housin& Unit**: A dwelling unit offered for sale or rent to households with incomes below 50 percent of the median income in the Baltimore Region.
(Amended by ZB Case No. 882R - 8/1/89)
76. **Medical or Dental Clinics**: Any structure or group of structures occupied by two or more medical or dental practitioners for the purpose of providing health services to people on an out-patient basis. See also "Hospital", "Sanitarium" and "Nursing Home".
- 76A **Miniature Golf Course**: An amusement facility which contains a series of artificially surfaced golf putting greens including various structures through which the ball must pass, or obstacles the ball must avoid in order to reach the hold.
(Amended by ZB Case No. 934R - 7/29/92)

77. **Mobile Home:** A structure, transportable in one or more sections, which when erected on site is 320 or more square feet, and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it. This term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the federal act.
78. **Mobile Home Development:** Any lot, parcel or tract of land zoned as a residential mobile home district, together with required open spaces, used, designed, maintained or held out to accommodate mobile *homes, whether by rental or ownership, and all buildings and structures intended as accessory uses. 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.
79. **Mobile Home Park:** A mobile home development consisting of one lot which is divided into individual sites and operated exclusively as a rental project.
(Amended by ZB Case No. 882R - 8/1/89)
80. **Mobile Home Subdivision:** A mobile home development which is subdivided into individual lots.
81. **Moderate Income Housing Unit:** A dwelling unit offered for sale or rent to households with incomes between 50 and 80 percent of the median income in the Baltimore Region.
(Amended by ZB Case No. 882R - 8/1/89)
82. **Motor Vehicle:** A vehicle that is self-propelled and is not operated on rails. Motor vehicle does not include a motorcycle or a bicycle that is equipped with an assisting motor.
- 82A **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 fanning.
(Amended by ZB Case No. 928 - 9/18/92)
83. **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 care in excess of room and board, including medical, nursing, convalescent or

chronic care. Such institutions include those for the treatment and care of mentally ill patients, alcoholics and drug addicts.
(Amended by ZB Case 882R - 8/1/89)

84. Open Space: A separate lot which is either:
- a. Dedicated to the County for public use, including public facilities such as parks, schools, libraries, and fire stations as shown on the General Plan and hiking, biking and equestrian trails, provided that the Department of Planning and Zoning determines that there is sufficient open space for the common use of the residents; or
 - b. Reserved for the common use by the residents of the subdivision or neighborhood. Open space reserved for common use shall be open and unobstructed from its lowest level to the sky, except that roofed areas for open space uses may be included to a total of not more than ten percent (10%) of the open space area. Parking areas may be included in the open space if its primary purpose is to accommodate open space uses.
(Amended by ZB Case No. 882R - 8/1/89)
85. Orchard: A fanning operation, devoted to the growing of fruit and/or nut trees.
86. Parkin& Area: An off-street area containing one or more parking spaces, with passageways and driveways appurtenant thereto.
87. Parkin& Gara&e: 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, for a consideration, 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.
88. Parkin& Lot: An open lot serving the functions defined above for a parking garage.
89. Parkin& 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 10 the street.
90. 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, shall be considered part of the principal structure.

(Amended by ZB Case No. 882R - 8/1/89)

91. **Project Coverage:** That portion of a single family attached development project, excluding parking areas and driveways, which when viewed directly from above would be covered by a structure or any part of a structure. However, any portion of such structure covered by a roof which qualifies as open space and cornices and eaves not more than three feet in width, shall not be included in project coverage.
92. **Recreational Vehicle:** A vehicular-type unit which is designed for recreation, camping or travel use, which either has its own motive 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. The basic vehicle categories are:
 - a. **Motor Home:** A vehicular unit built on a self-propelled motor vehicle chassis.
 - b. **Travel Trailer:** A vehicular portable unit mounted on wheels, designed to be towed by a motor vehicle.
 - c. **Fifth-Wheel Trailer:** A vehicular portable unit mounted on wheels, designed and constructed to be towed by a passenger automobile or pickup truck fitted with a fifth-wheel hitch.
 - d. **Truck Camper:** A portable unit designed to be loaded onto, or affixed to, the bed or chassis of a truck or automobile.
 - e. **Camping Trailer:** A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold down for towing by another vehicle and which fold up at campsite to provide temporary living quarters.
 - f. **Pickup Camper:** A portable structure made of durable material which is mounted over the bed of a pickup truck and used for utility or camping purposes.
 - g. **Trailer Boat:** A recreational boat and trailer in combination, normally towed by a vehicle.
93. **Research 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.

94. Residence or Residential: A structure or part of a structure containing dwelling units, including single-family or two-family houses, boarding houses, or apartments. Residences do not include:
- a. Such transient accommodations as transient hotels, motels, tourist cabins or trailer courts; 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.
(Amended by ZB Case No. 882R - 8/1/89)
95. Residence, Single Family: A building containing only one principal dwelling unit.
(Amended by ZB Case No. 928 - 9/18/92)
96. 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.
97. Riding Stable and Academy: Any lot used primarily for the commercial hiring out of horses or ponies, whether with or without instruction in riding.
98. 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.
99. Rubble: Those waste materials considered acceptable for disposal in rubble landfills as defined in these 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. Scrap appliances, pipes, asbestos waste or tires are unacceptable.
{Amended by ZB Case No. 859R • 6/17/88)

100. **Rubble Landfill Facility:** Any facility where non-hazardous rubble waste material is received for disposal on the site.
(Amended by ZB Case No. 859R • 6/17/88)
101. **Sanitarium:** An institution for the treatment and care of the chronically ill or for patients requiring long-term therapy, rest and recuperation. Examples are institutions-primarily for the treatment and care of feeble-minded and mental patients, epileptics, alcoholics or drug addicts. See also "Hospital", "Nursing Home", and "Medical Clinic".
102. **School:** An institution which is operated either by an established religious organization or under a certificate of approval issued by the Maryland State Department of Education.
103. **Secondary Agricultural Processing:** Commercial and industrial processing of an agricultural product which causes a change in the form of the natural product, not including those uses described in Section 103A42, Farming.
104. **Setback:** Open area, located on the same lot with a structure or group of structures, between the structure or outer structure of a group and the nearest lot line or public street right-of-way, unoccupied and unobstructed from the ground upward, except as provided in these regulations.
- a. **Setback, Front:** Extends across the full width of the lot, between the front public street right-of-way and the nearest line of the structure or enclosed portion thereof. The depth of the setback is the shortest horizontal distance between the front public street right-of-way and the nearest point of the structure or enclosed portion thereof.
 - b. **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 depth of the setback is the shortest horizontal distance between the rear lot line and the nearest point of a structure, porch or projection. When the rear lot line is less than ten feet long, or if the lot comes to a point at the rear, the depth of the setback is measured to an assumed rear lot line.
 - c. **Setback, Side:** Extends between the side lot line or side public street right-of-way and the nearest line of the structure, porch 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. The width of side setback is the shortest distance between the side lot line and the nearest point of a structure, porch or projection.
(Amended by ZB Case No. 882R - 8/1/89)

105. **Sheltered Housing:** Includes group care facilities and housing for the elderly and handicapped as defined herein.
(Amended by ZB Case No. 849R - 6/2/88)
106. **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, and screening within a site proposed for development.
(Amended by ZB Case No. 882R - 8/1/89)
107. **Sketch Plan:** A plan done in accordance with the Subdivision and Land Development Regulations indicating the developer's general objectives and desires in regard to the future development of land.
(Amended by ZB Case No. 882R - 8/1/89)
108. **Special Exception Uses:** Land uses and activities which require special approval as to location and standards, depending upon their characteristics.
109. **Steep Slopes:** Slopes of 25 percent grade or greater.
(Amended by ZB Case No. 882R - 8/1/89)
110. **Roof:** That part of a structure between the surface of a floor and the ceiling immediately above.
111. **Structure:** Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground. The following shall not be considered structures for bulk regulation purposes: antenna; awnings; driveways; exterior lighting fixtures; fire hydrants; gardens; fences such as wire, post and rail, or paddock fences not more than five feet in height; fences of any type not more than six feet in height if located in a side or rear yard that does not adjoin a road right-of-way; mail boxes; parking surfaces; required noise barriers or noise walls; retaining walls less than three feet in height; survey monuments; temporary storage areas; walks; and similar minor structures. In addition, unenclosed ground level decks, and unenclosed elevated decks which project no more than ten (10) feet from the principal structure, shall not be considered structures for lot coverage purposes when constructed onto a single-family attached dwelling. Determination of whether similar minor structures are structures for bulk regulation purposes shall be made by the Department of Planning and Zoning on a case-by-case basis. A sign is not considered to be a structure, or part of a structure, and is regulated by the Howard County Code.
(Amended by ZB Case No. 808 - 2/10/86 & ZB Case No. 882R - 8/1/89))

112. **Tourist Home:** A dwelling, in which for compensation, sleeping accommodations in fewer than six rooms, with not more than four persons per room, are provided or offered for transient guests, under the management of the occupants of that dwelling for dwelling purposes. A tourist home shall not be deemed a home occupation.

113. **Truck Farm:** A farming operation devoted to the cultivation of the types of garden vegetables commonly found in local retail markets.

114. **=**

-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,

c. Wells, septic systems and underground storm water management systems are not considered uses for purposes of these regulations.

d. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

(Amended by ZB Case No. 928 - 9/18/92)

116. **Variance:** A grant of relief to a zoning regulation in a specific case concerning bulk, area or other dimensional requirements. Variances are not applicable in any district for which bulk regulations are controlled by a final development plan.

116A **Waste Transfer/Material Recovery Station:**

A Waste Transfer/Material Recovery Station is 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.

(Amended by ZB Case No. 886R - 1/10/90)

116B. **Yard Waste Composting Facility:** A facility at which yard waste is received and processed to produce compost for off-site use.

(Amended by ZB Case No. 928 - 9/18/92)

117. **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 to a side lot line, but no less than 15 feet to the nearest structure on another lot.
118. **Zonin& Maps:** Maps incorporated into the provisions of these regulations in accordance with the provisions of Section 100 C, "District Maps."

SECTION 104

R District
RURAL

A. Purpose

The R District is established to permit agriculture uses, to encourage the maintenance of the rural countryside and to protect agricultural land. The preferred land use in the district is agriculture. however single-family dwellings are permitted with a maximum density of one dwelling unit per three acres.

B, Uses Permitted as a Matter of Right

1. One single-family detached dwelling unit per lot,
- 2, Farming, including necessary and customary uses. and accessory structures including farm greenhouses. provided. however. that no building for housing animals or fowl shall be erected, nor any manure stored, within 100 feet of a dwelling, except that household pets shall be allowed to be housed within 100 feet of a dwelling, but in no case in the front or side setbacks of a dwelling nor within 25 feet of the side lines of a lot. 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.
3. Non-commercial parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts and similar recreation facilities.
4. Convents and monasteries used for residential purposes.
5. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable. social, civic or educational organizations operating under a permit issued pursuant to the Maryland state law for a period of time not to exceed 16 consecutive calendar days per event, provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic or educational purposes.
6. Government structures, facilities and uses, including public schools and colleges.
7. Private colleges or universities chartered by the Maryland General Assembly and holding a current certificate of approval issued by the Maryland State Board for Higher Education. including their research and development laboratories and related supporting and recreational facilities.

8. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area. (Amended by ZB Case No. 882R - 8/1/89)

c. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. Caretakers' cottages 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 further provided that one unit shall be allowed for each 50 acres.
(Amended by ZB Case No. 904R and 905R - 2/6/91)
- 2a. Farm tenant houses or mobile homes and similar uses customarily accessory to agricultural 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 25 acres. (Amended by ZB Case No. 904R and 905R - 2/6/91)
3. Private off-street parking of not more than two commercial vehicles, or unregistered motor vehicles on lots of three or more acres, and not more than one commercial or unregistered motor 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.
(Amended by ZB Case No. 882R - 8/1/89)
4. 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.
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 may be located within condominium developments as well as 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.
6. The housing of not more than four non-transient roomers or boarders by a resident family.
7. The housing by a resident family of not more than eight mentally and/or physically disabled persons or person 62 years of age or older, provided the use is licensed or certified by the State of Maryland.
(Amended by ZB Case No. 882R - 8/1/89)

8. Home occupations.
9. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.
10. A farm produce stand may be permitted, exceeding 300 square feet but not to exceed 500 square feet in floor area, for any lot of 50 acres or greater for the retail sale of crops, produce, flowers, livestock and poultry products grown or produced on the lot or by the owner of the lot on which such structure is located. An additional 500 square feet of floor area shall be permitted for each additional 25 acres of lot area beyond 50 acres up to a maximum of 3,000 square feet of floor area. No such farm produce stand shall be permitted unless and until the Director of the Department of Planning and Zoning approves a permit for the produce stand, on which the location and dimensions of any structures shall be shown. In acting on a submitted produce stand permit application, the Director of the Department of Planning and Zoning shall determine that appropriate on-site parking spaces are provided, and that sight distance, access to roads and the entrance design are adequate to accommodate expected traffic.
(Amended by ZB Case No. 848R - 12/7/87)
11. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the following conditions:
 - 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 120 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 special exception approval.
(Amended by ZB Case No. 859R - 6/17/88)

12. Snowball stands, 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 sq1Jare feet;
 - c. The use shall operate only between May 1 and October 1;
 - d. Appropriate off-street parking shall be provided;
 - e. Notwithstanding the minimum front setback requirement of this district, the minimum front setback requirement for snowball stands shall be 25 feet; and
 - f. A permit for the use is approved 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. (Amended by ZB Case No. 922R - 3/9/92)

D. Bulk Regulations

I. The following maximum limitations shall apply:

- a. Height
 - (1) Principal structure 34 feet
 - (2) Accessory structures:
 - (a) Spires, belfries, chimneys, flag poles, monuments, stacks, steeples, radio or television antennae, observation towers, windmills, barns, water and grain storage facilities, silos, outdoor athletic structures no limit
 - (b) Other 25 feet
- b. Lot Coverage - Structures 20 percent

2. The following minimum requirements shall be observed:

- a. Int size 3 acres
- b. Lot width at building restriction line 200 feet
- c. Setbacks:
(Amended by ZB Case No. 882R - 8/1/89)
 - (1) Front -- from public street right-of-way 75 feet
 - (2) Side:
 - (a) From public street right-of-way 60 feet
 - (b) Other 30 feet
(Amended by ZB Case No. 808 - 2/10/86)
 - (3) Rear:
 - (a) Principal structure or use 60 feet
Except agricultural uses 0 feet
 - (b) Accessory structures or uses 10 feet

3. The following bulk regulations shall apply, instead of those required in Section 104.D.2.a. and b., to those parcels in the R zoning District which are also contained within an established Agricultural Preservation District, or to those parcels which are also contained within an easement area donated to either the Maryland Historical or the Maryland Environmental Trusts, and which meet all the criteria of a parcel contained within an established Agricultural Preservation District, as determined by the Agricultural Land Preservation Advisory Board, pursuant to applicable State and Howard County laws and regulations, and which are used only for the purpose of construction of one dwelling for the owner who originally established the district and for each of his/her children, on a one-time basis only:

- a. Lot Size - maximum 1 acre
- minimum 40,000 sq.ft.
(Amended by ZB Case No. 808 • 2/10/86)
- b. Int width at building restriction line 125 feet

All other bulk regulations contained in Section 104.D shall remain applicable.

E. Other Provisions

(Amended by ZB Case No. 882R - 8/1/89)

1. Radio or television towers/antennae, flag poles, stacks, observation towers, water tanks and silos shall be set back a distance from all property lines, equal to the height as measured from ground level. On application to the Department of Planning and Zoning, a permit may be issued for the placement of a dish antenna, one meter or larger in diameter, in a particular location on a site. The antenna shall be screened from adjoining properties by means of one or a combination of the following: a landscaped earth mound, privacy fence, evergreen plant material or comparable means approved by the Department of Planning and Zoning. No such antennae shall be located in any front yard or on any roof of a structure.

(Amended by ZB Case No. 808 - 2/10/86)

2. On application to the Department of Planning and Zoning, a permit may be issued (a.) for the parking of a trailer, or (b.) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 104.1

RC DISTRICT RURAL CONSERVATION

(Section 104.1 was added to the Zoning Regulations by ZB Case No. 928 - 9/18/92)

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.

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 104.1.F.6.A Shall be permitted on the preserved area of cluster subdivisions.

1. 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 shall be permitted.
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 colleges or universities chartered by the Maryland General Assembly and holding a current certificate of approval issued by the Maryland State Board of Education, including their research and development laboratories and related supporting and recreational facilities.**
8. **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.**
9. **Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, provided that:**
 - a. **The operator shall obtain all permits required by County and 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.**
10. **Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, 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 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 driveways.**
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 special exception.**

c. Accessozy Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Accessory houses, limited to the following;
 - a. Farm tenant houses or mobile homes 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; 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.
3. Accessory apartments.
4. The housing of not more than four non-transient roomers or boarders by a resident family.
5. The housing by a resident family of not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is licensed or certified by the State of Maryland.
6. Home Occupations.
7. Private off-street parking of not more than two commercial or unregistered motor vehicles on lots of three or more acres and not more than one commercial or unregistered motor 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.
8. 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, 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

9. **Farm produce stands for the retail sale of crops, produce, flowers, livestock and poultry products and similar items, most of which are grown or produced on the lot or by the owner of the lot on which the use is located, provided that:**
- a. **Notwithstanding the front setback requirements of Section 104.1.E.3, The minimum front setback for farm produce stands shall be 25 feet.**
 - b. **A produce stand of up to 300 square feet of floor area shall be permitted on a lot of any size, provided that adequate off-street parking is provided.**
 - c. **A produce stand with more than 300 square feet of floor area shall be permitted, provided that**
 - (1) **The lot size is at least 50 acres;**
 - (2) **The floor area of the produce stand shall 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 floor area;**
 - (3) **Adequate off-street parking is provided;**
 - (4) **Sight distance and the design of driveway entrances are adequate to accommodate expected traffic; and**
 - (5) **A permit is approved by the Department of Planning and Zoning, based upon compliance with the conditions listed above. The permit application shall include a plot plan showing the location and dimensions of structures, parking areas and driveways.**
10. **Snowball stands, 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;**
 - c. **The use shall operate only between May 1 and October 1;**
 - d. **Appropriate off-street parking shall be provided;**

- e. Notwithstanding the minimum front setback requirement of Section 104.1.E.3., the minimum front setback for snowball stands shall be 25 feet; and
 - f. A permit for the use is approved 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.
11. Home-based contractors, 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 in accordance with the requirements of Section 104.1.C.7 above, one additional commercial vehicle may be parked on lots larger than one acre.
 - c. Employees who do not live on the lot may visit the lot for the sole purpose of picking up or returning vehicles or equipment. The number of trips per day generated by such employee visits shall be no more than four trips for lots one acre or less, eight trips for lots larger than one and less than three acres, and twelve trips for lots of three or more acres.
 - d. In addition to the employee visits allowed by paragraph 11.C, two full-time equivalent employees not residing on the lot, not to exceed four individuals, may work in an office located in the principal dwelling or an accessory building on the lot.
 - e. No clients, customers or suppliers shall visit the lot.
 - f. 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.
 - g. Parking and storage of commercial vehicles, equipment and supplies, whether exterior or interior, shall occupy no more than two percent of the lot area or 5,000 square feet, whichever is less.
 - h. All supplies shall be stored within a building. All equipment shall be either stored within a building or screened from surrounding properties and roads by vegetation, fencing or other appropriate means.

- i. All storage areas shall meet the accessory structure setback requirements, except that structures or outdoor areas 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.
 - j. No major repairs of vehicles or equipment shall be permitted on the lot. Major repairs include body work, engine rebuilding, painting, and similar activities.
 - 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.
12. The acceptance or disposal of off-site land clearing debris 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. The permit issued by the Department of Planning and Zoning shall be for a specific period of time; and
 - 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 special exception approval.

D. Eligibility for Subdivision

- 1. Parcels of less than 20 acres may be subdivided either in accordance with the cluster subdivision requirements of Section 104.1.E (Cluster Requirements) and Section 104.1.F (Cluster Subdivision Requirements), or in accordance with the

non-cluster subdivision requirements of Section 104.1.E.

2. Parcels of 20 acres or larger may only be subdivided in accordance with the cluster subdivision requirements of Sections 104.1.B and 104.1.F or (for parcels 100 acres or larger) the large parcel subdivision requirements of Section 104.1.E.

E. Bulle Requirements

1. **Density and lot size requirements**

- a. **Maximum density for cluster subdivisions**

The maximum density for cluster subdivisions shall be one dwelling unit per 4.25 gross acres. However, for parcels which are the subject of a preliminary subdivision plan approved on or before September 18, 1992, the maximum density shall be one dwelling unit per 4.25 gross acres or the density achieved on the preliminary subdivision plan, whichever is greater.

- b. **Minimum Lot Size**

	Cluster Subdivision	Non-Ouster Subdivision	Large Parcel Subdivision
(1) With Shared Septic System Drainfield	33,000 sq.ft.	3 Acres	Not Applicable
(2) With Individual Septic System Drainfield	40,000 sq.ft.	3 Acres	50 Acres

- c. **Maximum Lot Size**

In cluster subdivisions, the maximum lot size shall be 60,000 square feet, except that there shall be no maximum size for preservation parcels.

2. **The following maximum limitations shall apply to all lots:**

- a. **Height**

- (1) Spires, belfries, chimneys, flagpoles, monuments, stacks, steeples, radio or television towers or antennae, communication towers, observation towers, windmills, barns, water and grain storage facilities, silos, outdoor athletic structures, lines and poles or other supporting structures for electric, telephone, telegraph and CAT V transmission or distribution lines no limit
- (2) Other principal structures 34 feet
- (3) Other accessory structures 25 feet

b. Lot coverage by structures

- (1) Lots 40,000 square feet or larger 20 percent
- (2) Lots smaller than 40,000 square feet 30 percent

3. The following minimum limitations shall apply to all lots:

a. Lot width at building restriction line

- (1) Lots 3 acres or larger 200 feet
- (2) Lots less than 3 acres 100 feet

b. Setbacks - structures

- (1) Principal structure -- from collector or arterial public street right-of-way 75 feet
- (2) Lots 3 acres or larger:
 - (a) Front 75 feet
 - (b) Side
 - (i) From public street right-of-way 60 feet
 - (ii) Other 30 feet
 - (c) Rear
 - (i) All structures -- from public street right-of-way 75 feet
 - (ii) Principal structure 60 feet

- (iii) Accessory structure 10 feet
- (3) Lots at least 40,000 square feet but less than 3 acres:
 - (a) Front 60 feet
 - (b) Side
 - (i) From public street right-of-way 40 feet
 - (ii) Other 15 feet
 - (c) Rear
 - (i) All structures • from public street right-of-way 60 feet
 - (ii) Principal structure 50 feet
 - (iii) Accessory structure 10 feet
- (4) Lots less than 40,000 square feet:
 - (a) Front 50 feet
 - (b) Side
 - (i) From public street right-of-way 30 feet
 - (ii) Other 10 feet
 - (c) Rear
 - (i) All structures • from public street right-of-way 50 feet
 - (ii) Principal structure 30 feet
 - (iii) Accessory structure 10 feet

4. Bulk requirements for Agricultural Land Preservation districts thin Agricultural Land Preservation districts, other than districts which are the preserved area of a cluster subdivision, lots may be created pursuant to applicable State and Howard County laws and regulations for the sole purpose of constructing one dwelling for the owner who originally established the district or easement and one dwelling for each of his or her children, subject to the following requirements.

- a. The following requirements shall apply instead of the requirements of Section 104.1.E.1.

Lot size: maximum -- 1 acre
 minimum -- 40,000 square feet

- b. All bulk regulations of Section 104.1.E.2. and 104.1.E.3. remain applicable.

5. Other bulk requirements

- a. No building for housing animals other than household pets shall be constructed and no manure shall be stored within 200 feet of an existing dwelling on a different lot. Buildings for housing household pets shall be at least 25 feet from the side lot lines.
- b. Radio or television towers or antennae, flag poles, stacks, observation towers, water tanks and silos shall be set back from all property lines a distance equal to their height as measured from ground level.

F. Cluster Subdivision Requirements

1. This type of 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.
2. The maximum number of cluster lots which may be created shall be calculated by dividing the gross acreage of the parcel being subdivided by 4.25, or, for parcels which are subject to a preliminary subdivision plan approved on or before September 18, 1992, by the maximum density allowed by Section 104.1.E.1.a. One additional principal dwelling unit shall be allowed on the preserved area, provided the preserved area is at least 25 acres. If a dwelling unit is to be allowed on the preserved area, and the preserved area is less than 25 acres, the number of permitted cluster lots shall be decreased by one.
3. 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.
4. The final plat(s) for the entire preserved area of a cluster subdivision shall be recorded at the same time that final plats are recorded for all cluster lots or the first section of cluster lots in the subdivision. Bulle parcels may be recorded for future sections of cluster lots, provided such parcels are unbuildable until subdivided into cluster lots.

5. The restrictions and requirements for the preserved area given in Section 104.1.F.7 below shall not apply to the residual land of a minor subdivision (three or fewer lots plus a residual lot) if the potential density is not exhausted, but shall apply at the time that a major subdivision is recorded or the maximum number of permitted cluster lots are recorded.
6. -- The design of a cluster subdivision shall reflect the -intended principal use or uses of the preserved area (ie. farming, conservation area or other allowed uses as listed in Section 104.1.F.7). As applicable, and to the extent feasible, cluster subdivisions shall be designed to accomplish the following objectives:
 - a. Result in a preserved area which is functional for its intended uses;
 - b. Cluster new lots in an arrangement which minimizes adverse impacts on the functioning of the preserved area;
 - c. Minimize disturbance of existing farm operations;
 - d. 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
 - e. Preserve the rural and scenic quality of the landscape, particularly as viewed from public roads.
7. The following requirements and restrictions shall apply to the preserved area of a cluster subdivision.
 - a. The preserved area may be divided into more than one lot only at the time that the preserved area is originally recorded and only if the lots are design_nated for different principal uses in accordance with the purposes of the RC district. The lot or lots which constitute the preserved area of a cluster subdivision shall be referred to as preservation parcels.
 - b. Only the following uses may be permitted as a matter of right on preservation parcels:
 - (1) Farming.
 - (2) Conservation areas, including wildlife and forest preserves, --environmental management areas, reforestation areas, and similar uses.
 - (3) One single-family detached dwelling unit on the preserved area for a cluster subdivision, if provided for as required by Section

104.1.F.2.

- (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 lot lines.**
 - (5) **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.**
 - (6) **Government uses, limited to public schools, conservation areas, parks, and recreational facilities.**
 - (7) **Sales of Christmas trees or other seasonal decorative plant material, between December first and January first, subject to the requirements given in Section 104.1.B.10.**
 - (8) **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 special exception.**
- c. All of the accessory uses listed in Section 104.1.C may be permitted as accessory uses on preservation parcels, provided that farm tenant houses and caretaker dwellings shall only be permitted on preservation parcels which are improved by a principal dwelling unit.**
- d. Special exception uses which do not require construction of new structures or use of more than .25 acres of outdoor area may be allowed on preservation parcels, provided the land area used is not suitable for agriculture. In addition, the following special exception uses which may require additional structures or land area may be permitted on preservation parcels:**
- (1) **Agribusiness, limited to the uses itemized in Section 126.F.1**
 - (2) **Country clubs and golf courses**
 - (3) **Farm tenant houses on lots of at least 25 but less than 50 acres**
 - (4) **Riding academies and stables**

Special exception uses shall not be allowed on preservation parcels unless they support the primary purpose of the preservation parcel and are approved by the Board of Appeals in accordance with the applicable provisions of Sections 125 and 126 of these regulations.

- e. Only one preservation parcel within a cluster subdivision may be improved by a dwelling.
- f. For each preservation parcel, a preservation parcel easement agreement shall be recorded in the Land Records of Howard County at the time of recordation of the final plat. The easement agreement shall be approved by the Department of Planning and Zoning 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 paragraphs 7.B, 7.C and 7.D above. 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.
- g. If a preservation parcel is viable for farming and is either larger than 50 acres or adjacent to an existing agricultural land preservation easement, an easement for the parcel may be donated to the agricultural land preservation program. This option shall satisfy the requirement for a preservation parcel easement agreement.
- h. Regardless of who the owner of a preservation parcel is or will be, if an easement is not donated to the agricultural land preservation program, at least two 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; or
- (3) A land conservation organization.

G. Other Provisions

1. On application to the Department of Planning and Zoning, a permit may be issued for the use of a trailer or building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.
2. On application to the Department of Planning and Zoning, a permit may be issued for the placement of a dish antenna, one meter or larger in diameter, in a particular location on a site. The antenna shall be buffered from adjoining properties by means of a privacy fence, evergreen plant material, or comparable means approved by the Department of Planning and Zoning. No such antennae shall be located in any front yard or on the roof of a structure unless no other option exists which would allow reception of signals.

SECTION 104.2

RR DISTRICT RURAL RESIDENTIAL

(Section 104.2 was added to the Zoning Regulations by ZB Case No. 928 - 9/18/92)

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 104.2.F.6A shall be permitted on the preserved area of a cluster subdivision.

1. 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 shall be permitted.
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 colleges or universities chartered by the Maryland General Assembly and holding a current certificate of approval issued by the Maryland State Board of Education, including their research and development laboratories and related supporting and recreational facilities.
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 non-profit basis for the benefit of charitable, social, civic or educational organizations, provided that:

- a. The operator shall obtain all permits required by County and 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.

9. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, 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 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 driveways.

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 special exception.

c. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Accessory houses, limited to the following:
 - a. Farm tenant houses or mobile homes 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; 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.
 3. Accessory apartments.
 4. The housing of not more than four non-transient roomers or boarders by a resident family.
 5. The housing by a resident family of not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is licensed or certified by the State of Maryland.
 6. Home occupations.
 7. Private off-street parking of not more than two commercial or unregistered motor vehicles on lots of three or more acres and not more than one commercial or unregistered motor 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.
 8. 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, 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
 9. Farm produce stands for the retail sale of crops, produce, flowers, livestock and poultry products and similar items, most of which are grown or produced on the lot or by the owner of the lot on which the use is located, provided that:
 - a. Notwithstanding the front setback requirements of Section 104.2.E.3, the minimum front setback requirement for farm produce stands shall be 25 feet.

- b. A produce stand of up to 300 square feet of floor area shall be permitted on a lot of any size, provided that adequate off-street parking is provided.
- c. A produce stand with more than 300 square feet of floor area shall be permitted, provided that:
 - (1) The lot size is at least 50 acres;
 - (2) The floor area of the produce stand shall 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 floor area;
 - (3) Adequate off-street parking is provided;
 - (4) Sight distance and the design of driveway entrances are adequate to accommodate expected traffic; and
 - (5) A permit is approved by the Department of Planning and Zoning, based upon compliance with the conditions listed above. The permit application shall include a plot plan showing the location and dimensions of structures, parking areas and driveways.

10. Snowball stands, 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;
- c. The use shall operate only between May 1 and October 1;
- d. Appropriate off-street parking shall be provided;
- e. Notwithstanding the minimum front setback requirement of Section 104.2.E.3, the ~~minimum~~ front setback requirement for snowball stands shall be 25 feet; and
- f. A permit for the use is approved 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.

11. Home-based contractor, including the maintenance of an office and storage of related equipment and supplies, 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 in accordance with the requirements of Section 104.2.C.7 above, one additional commercial vehicle may be parked on lots larger than one acre.
 - c. Employees who do not live on the lot may visit the lot for the sole purpose of picking up or returning vehicles or equipment. The number of trips per day generated by such employee visits shall be no more than four trips for lots one acre or less, eight trips for lots larger than one and less than three acres, and twelve trips for lots of three or more acres.
 - d. In addition to the employee visits allowed by paragraph 11.C, two full-time equivalent employees not residing on the lot, not to exceed four individuals, may work in an office located in a principal dwelling or accessory building on the lot in connection with the home-based contracting business.
 - e. No clients, customers or suppliers shall visit the lot.
 - f. 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.
 - g. Parking and storage of commercial vehicles, equipment and supplies, whether exterior or interior, shall occupy no more than two percent of the lot area or 5,000 square feet, whichever is less.
 - h. All supplies shall be stored within a building. All equipment shall be either stored within a building or screened from surrounding properties and roads by vegetation, fencing or other appropriate means.
 - i. All storage areas shall meet the accessory structure setback requirements, except that structures or outdoor areas 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.
 - j. No major repairs of vehicles or equipment shall be permitted on the lot. Major repairs include body work, engine rebuilding, painting and similar activities.

- 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.

12. -The acceptance or disposal of off-site land clearing debris 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. The permit issued by the Department of Planning and Zoning shall be for a specific period of time; and
- 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 special exception approval.

D. Eligibility for Subdivision

Lots may be subdivided either in accordance with the cluster subdivision requirements of Section 104.2.E. (Bulk requirements) and Section 104.2.F. (Ouster subdivision requirements), or in accordance with the non-cluster subdivision requirements of Section 104.2.E.

E. Bulk ReQYirements

1. Density and Lot Size Requirements

a. Maximum Density for Ouster Subdivisions

The maximum density for cluster subdivisions shall be one dwelling unit per 4.25 gross acres. However, for parcels which are the subject of a preliminary subdivision plan approved on or before September 18, 1992, the maximum density shall be one dwelling unit per 4.25 gross acres or the density achieved on the preliminary subdivision plan, whichever is greater.

b. Minimum Lot Size

	Cluster Subdivision	Non-Cluster Subdivision
(1) With Shared Septic System Drain.field	33,000 sq.ft.	3 Acres
(2) With Individual Septic System Drain.field	40,000 sq.ft.	3 Acres

c. Maximum Lot Size

In cluster subdivisions, the maximum lot size shall be 60,000 square feet, except that there shall be no maximum size for preservation parcels.

2. The following maximum limitations shall apply to all lots:

a. Height

- (1) Spires, belfries, chimneys, flagpoles, monuments, stacks, steeples, radio or television towers or antennae, communication towers, observation towers, windmills, barns, water and grain storage facilities, silos, outdoor athletic structures, lines and poles or other supporting structures for electric, telephone, telegraph and CATV transmission or distribution lines no limit
- (2) Other principal structures 34 feet
- (3) Other accessory structures 25 feet

b. Lot Coverage by Structures

- (1) --Lots--40,000 square feet or larger 20 percent
- (2) Lots smaller than 40,000 square feet 30 percent

3. The following minimum limitations shall apply to all lots:

a. Lot width at building restriction line

- (1) lots 3 acres or larger 200 feet
- (2) Lots less than 3 acres 100 feet

b. Setbacks - Structures

- (1) Principal structure - from collector or arterial public street right-of-way 75 feet
- (2) lots 3 acres or larger:
 - (a) Front 75 feet
 - (b) Side
 - (i) From public street right-of-way 60 feet
 - (ii) Other 30 feet
 - (c) Rear
 - (i) All structures - from public street right of way 75 feet
 - (ii) Principal structure 60 feet
 - (iii) Accessory structure 10 feet
- (3) Lots at least 40,000 square feet but less than 3 acres:
 - (a) Front 60 feet
 - (b) Side
 - (i) From public street right-of-way 40 feet
 - (ii) Other 15 feet
 - (c) Rear
 - (i) All structures – from public street right-of-way 60 feet

- (ii) Principal structure 50 feet
- (iii) Accessory structure 10 feet
- (4) Lots less than 40,000 square feet:
 - (a) Front 50 feet
 - (b) Side
 - (i) From public street right-of-way 30 feet
 - (ii) Other 10 feet
 - (c) Rear
 - (i) All structures – from public street right-of-way 50 feet
 - (ii) Principal structure 30 feet
 - (iii) Accessory structure 10 feet

4. Bulk requirements for Agricultural Land Preservation Districts

Within Agricultural Land Preservation Districts, other than districts which are the preserved area of a cluster subdivision, lots may be created pursuant to applicable State and Howard County laws and regulations for the sole purpose of constructing one dwelling unit for the owner who originally established the district or easement and one dwelling for each of his or her children, subject to the following requirements:

- a. The following requirements shall apply instead of the requirements of Section 104.2.E.1.

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

- b. All bulk regulations of Section 104.2.E.2 and 104.2.E.3 remain applicable.

5. Other bulk requirements

- a. No building for housing animals other than household pets shall be constructed and no manure shall be stored within 200 feet of an existing dwelling on a different lot. Buildings for housing household pets shall be at least 25 feet from the side lot lines.

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- b. Radio or television towers or antennae, flag poles, stacks, observation towers, water tanks and silos shall be set back from all property lines a distance equal to their height as measured from ground level.

F. Cluster Subdivision Requirements

1. This type of 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.
2. The maximum number of cluster lots which may be created shall be calculated by dividing the gross acreage of the original parcel by 4.25, or for parcels which are subject to a preliminary subdivision plan adopted on or before September 18, 1992, by the maximum density allowed by Section 104.2.E.1.a. e additional principal dwelling unit shall be allowed on the preserved area, provided the preserved area is at least 25 acres. If a dwelling unit is to be allowed on the preserved area, and the preserved area is less than 25 acres, the number of permitted cluster lots shall be decreased by one.
3. 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 dwellin or accessory apartments.
4. The final plat(s) for the entire preserved area of a cluster subdivision shall be recorded at the same time that final plats are recorded for all cluster lots or the first section of cluster lots in the subdivision. Bulk parcels may be recorded for future sections of cluster lots, provided such parcels are unbuildable until subdivided into cluster lots.
5. The restrictions and requirements for the preserved area given in Section 104.2.F.7 below shall not apply to the residual land of a minor subdivision (three or fewer lots plus a residual lot) if the potential density is not exhausted, but shall apply at the time that a major subdivision is recorded or the maximum number of permitted cluster lots are recorded.
6. The design of a cluster subdivision shall reflect the intended principal use or uses of the preserved arear(ie. farming, conservation area, or other allowed use as listed in Section 104?1_F.7). As applicable, and to the extent feasible, cluster subdivisions shall be designed to accomplish the following objectives:
 - a. Result in a preserved area which is functional for its intended uses;
 - b. Ouster lots in an arrangement which minimizes adverse impacts on the functioning of the preserved area;

- c. **Minimize disturbance of existing farm operations;**
 - d. **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**
 - e. **Preserve the rural and scenic quality of the landscape, particularly as viewed from public roads.**
7. **The following requirements and restrictions shall apply to the preserved area of a cluster subdivision:**
- a. **The preserved area may be divided into more than one lot only at the time that the preserved area is initially recorded and only if the lots are designated for different principal uses in accordance with the purposes of the RR district. The lot or lots which constitute the preserved area of a cluster subdivision shall be referred to as preservation parcels.**
 - b. **Only the following uses may be permitted as a matter of right on preservation parcels:**
 - (1) **Farming.**
 - (2) **Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.**
 - (3) **One single-family detached dwelling unit on the preserved area of a cluster subdivision, if provided as required by Section 104.2.F.2.**
 - (4) **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.**
 - (5) **Government uses, limited to public schools, conservation areas, parks, and recreational facilities.**
 - (6) **Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, subject to the requirements given in Section 104.2.B.10.**

- (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 special exception.**
- c. **All of the accessory uses listed in Section 104.2.C may be permitted as accessory uses on preservation parcels, provided that farm tenant houses and caretaker dwellings shall only be permitted on preservation parcels which are improved by a principal dwelling unit.**
- d. **Special exception uses which do not require construction of new structures or use of more than .25 acres of outdoor area may be allowed on preservation parcels, provided the land area used is not suitable for agriculture. In addition, the following special exception uses which may require additional structures or land area may be permitted on preservation parcels:**
- (1) **Country clubs and golf courses**
 - (2) **Farm tenant houses on lots of at least 25 but less than 50 acres**
 - (3) **Riding academies and stables**
 - (4) **Wineries**
- Special exception uses shall not be allowed on preservation parcels unless they support the primary purpose of the preservation parcel and are approved by the Board of Appeals in accordance with the applicable provisions of Sections 125 and 126 of these regulations.**
- e. **Only one preservation parcel within a cluster subdivision may be improved by a dwelling.**
- f. **For each preservation parcel, a preservation parcel easement agreement shall be recorded in the Land Records of Howard County at the time of recordation of the final plat. The easement agreement shall be approved by the Department of Planning and Zoning 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 paragraphs 7.B, 7.C and 7.D above. 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.
- g. If a preservation parcel is viable for farming and is either larger than 50 acres or adjacent to an existing Agricultural Land Preservation Easement, an easement for the parcel may be donated to the Agricultural Land Preservation Program. This option shall satisfy the requirement for a preservation parcel easement agreement.
- h. Regardless of who the owner of a preservation parcel is or will be, if an easement is not donated to the agricultural land preservation program, at least two 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;
or
 - (3) A land conservation organization

G. Other Provisions

1. On application to the Department of Planning and Zoning, a permit may be issued for the use of a trailer or building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

2. **On application to the Department of Planning and Zoning, permit may be issued for the placement of a dish antenna, one meter or larger in diameter, in a particular location on a site. The antenna shall be buffered from adjoining properties by means of a privacy fence, evergreen plant material, or comparable means approved by the Department of Planning and Zoning. No such antennae shall be located in any front yard or on the roof of a structure unless no other option exists which would allow reception of signals.**

SECTION 104.3

DEO OVERLAY DISTRICT DENSITY EXCHANGE OPTION

(Section 104.3 was added to the Zoning Regulations by ZB Case No. 928 • 9/18/92)

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 towards 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 area shall be 20 contiguous acres for a sending parcel adjacent to an existing Agricultural Land Preservation Easement or preservation parcel and 50 contiguous acres for all other sending parcels;
- c. All parcels or lots to be included in a sending parcel shall be at least 20 acres in size;
- d. The property shall not be subject to any recorded easement or other agreement which restricts its subdivision or development.

A property consisting of one or more contiguous parcels or lots may be eligible to be a sending parcel; however, all lots must be combined into one at the time that the final plat and easement agreement for the

sending parcel are recorded.

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

Lots within the DEO Overlay District 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 lot shall not be subject to any recorded Conservation Easement or other agreement which restricts its subdivision or development; and
- c. If the underlying zoning is RC, the lot shall be less than 50 acres in size and adjacent to lots of 10 acres or smaller along at least 60 percent of its perimeter within Howard County. For purposes of this section, lots 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 lot 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**

Lots within the DEO Overlay District 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; and
- b. The lot shall not be subject to any recorded conservation easement or other agreement which restricts its subdivision or development.

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) **No more than one development right may be retained on the sending parcel to allow the construction or continued existence of one principal dwelling unit.**

(4) **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 104.1.F.5), the residual land may be a sending parcel. However, 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 original parcel for each cluster lot in the minor subdivision.**

An original parcel is a parcel which legally existed on September 18, 1992, or a parcel of at least 50 acres created after that date in accordance with the bulk requirements of Section 104.1.E.1 for large parcel subdivision.

b. **Receiving Parcels**

(1) **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.

- (2) A receiving parcel may be developed with no more than one dwelling unit per two gross 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. Procedures for use of the Density Exchange Option or Cluster Exchange Option

1. The exchange of density within the DE0 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. An application for use of the Density Exchange Option or the Ouster Exchange Option on a receiving parcel shall be made to the Department of Planning and Zoning and shall include the following:
 - a. A sketch plan of the proposed subdivision;
 - b. 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
 - c. An initial calculation of the proposed density and the number of development rights to be obtained from a sending parcel.
3. The Department of Planning and Zoning shall tentatively approve the use of the Density Exchange Option or the Ouster 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 104.3.B; and

- c. **Final plats for the receiving parcels. The final plat for a portion of a receiving parcel may consist of bulk parcels which are unbuildable until further subdivision occurs. Additional final plats dividing the bulk parcels may be recorded in accordance with Sections 104.3.F.4 through 104.3.F.6 herein.**

Section 105

R-ED District
RESIDENTIAL: ENVIRONMENTAL DEVELOPMENT

A. Purpose

The R-ED District is established to permit a diverse but compatible and complementary mix of residential uses at a low density which will preserve the environmental integrity of the land in the district.

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, including necessary and customary uses, and accessory structures including farm greenhouses, provided, however, that no building for housing animals or fowl shall be erected, nor any manure stored within 100 feet of a dwelling, except that household pets shall be allowed to be housed within 100 feet of a dwelling but in no case in the front or side setbacks of a dwelling nor within 25 feet of the side lines of a lot. 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.
5. Non-commercial parks, playgrounds, athletic fields, tennis courts, swimming pools, basketball courts and similar recreational facilities.
6. Convents and monasteries used for residential purposes.
7. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations operating under a permit issued pursuant to the Maryland state law for a period of time not to exceed 16 consecutive calendar days per event, provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic or educational purposes.
8. Government structures, facilities and uses, including public schools and colleges.
9. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the

site has adequate off-street parking and access for a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.

(Amended by ZB Case No. 882R - 8/1/89)

10. Uses permitted in the R-20 District, subject to development pursuant to the regulations contained in the R-20 District on a lot or group of contiguous lots with a combined total lot area of less than 100,000 square feet.

(Amended by ZB Case No. 882R - 8/1/89)

C. Accessory Uses

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

2. Farm tenant houses or mobile homes, 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.

3. Private off-street parking of not more than two commercial or unregistered motor vehicles on lots of three or more acres and not more than one commercial or unregistered 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.

(Amended by ZB Case No. 808 - 2/10/86 and ZB Case No. 882R - 8/1/89)

4. 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.

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 may be located within apartment or condominium developments as well as 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.

6. The keeping of not more than four non-transient roomers or boarders by a resident family.

7. The housing by a resident family of not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is licensed or certified by the State of Maryland.

(Amended by ZB Case No. 882R - 8/1/89)

8. **Home occupations.**
9. **Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.**
10. **The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the following conditions:**
 - 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 special exception approval.

(Amended by ZB Case No. 859R - 8/17/88)

11. **Snowball stands, 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;**
 - c. **The use shall operate only between May 1 and October 1;**
 - d. **Appropriate off-street parking shall be provided;**
 - e. **Notwithstanding the minimum front setback requirement of this district, the minimum front setback requirement for snowball stands shall be 25 feet; and**

- f. A permit for the use is approved 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. (Amended by ZB Case No. 922R • 3/9/92)

D. Bulk Regulations

- 1. The following maximum limitations shall apply:

- a. Height

- (1) Principal structure 34 feet
- (2) Accessory structures:
 - (a) Spires, belfries, chimneys, flag poles, monuments, stacks, steeples, radio or television antennae, observation towers, windmills, barns, water and grain storage facilities, silos; outdoor athletic structures no limit
 - (b) Other 15 feet

- b. Coverage by structures:

- (1) Lot coverage for structures other than in single-family attached development projects 40 percent
- (2) Project coverage for structures within single-family attached development projects 35 percent
- (3) Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot 60 percent
(Amended by ZB Case No. 840R - 5/27/87)

- c. Density 2 dwelling units per net acre
(Amended by ZB Case No. 882R - 8/1/89)

- d. Maximum units per structure

- (1) Single-family dwelling, attached 4 units per structure

- 2. The following minimum requirements shall be observed:
(Amended by ZB Case No. 882R - 8/1/89)

- a. Lot size single-family detached 6,000 sq. ft.
- b. Lot width at building restriction line
-Single-family detached 60 feet
- c. Setbacks
 - (1) For all structures:
(Amended by ZB Case No. 882R - 8/1/89)
 - (a) For residential structures - from arterial or collector street right-of-way
 - (i) Rear 50 feet
 - (ii) Front or side 30 feet
(Amended by ZB Case No. 808 - 2/10/86)
 - (b) From any other street right-of-way 20 feet
 - (2) For single-family detached structures:
 - (a) Side
 - (i) Development other than zero lot line 7 1/2 feet
 - (ii) Zero lot line development none
A minimum of 15 feet must be provided between residential structures.
 - (b) Rear
 - (i) Principal structure or use 30 feet
except agricultural uses 0 feet
 - (ii) Accessory structure or use 10 feet
 - (3) For attached structures from any district which is not part of the same project 50 feet
- d. Distances between attached buildings
 - (1) Rear to rear 80 feet
 - (2) Rear to face 50 feet
 - (3) Face to face 30 feet

- (4) End to face or rear 30 feet
- (5) End to end 15 feet

E. Other Provisions

(Amended by ZB Case No. 882R - 8/1/89)

- 1. Radio-or television towers/antennae, flag poles, stacks, observation towers, water tanks and silos shall be set back a distance from all property lines, equal to the height as measured from ground level. On application to the Department of Planning and Zoning, a permit may be issued for the placement of a dish antenna one meter or larger in diameter in a particular location on a site. The antenna shall be screened from adjoining properties by means of one or a combination of the following: a landscaped earth mound, privacy fence, evergreen plant material or comparable means approved by the Department of Planning and Zoning. No such antenna shall be located in any front yard or on any roof of a structure.
(Amended by ZB Case No. 808 - 2/10/86)
- 2. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.
- 3. Approval of the sketch plan by the Planning Board.
 - a. The Planning Board, before acting on the sketch plan, shall hold a public bearing and shall give consideration to the following:
 - (1) The environmental characteristics of the subject property including but not limited to streams, steep slopes, or ridge lines;
 - (2) Protection of the environmental integrity of the subject property and adjoining areas in the design of street, parking lot and building locations;
 - (3) The relationship between proposed dwelling units and existing and proposed public roads so as to minimize wherever possible the backing of dwelling units onto public roads;
 - (4) The relationship between the location of proposed dwelling units, required open space and existing dwelling units on adjoining properties;

SECTION 106

R-20 District

RESIDENTIAL: SINGLE

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, including necessary and customary uses, and accessory structures including farm greenhouses, provided, however, that no building for housing animals or fowl shall be erected, nor any manure stored, within 100 feet of a dwelling, except that household pets shall be allowed to be housed within 100 feet of a dwelling, but in no case in the front or side setbacks of a dwelling nor within 25 feet of the side lines of a lot. 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.
3. Non-commercial parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts and similar recreation facilities.
4. Convents and monasteries used for residential purposes.
5. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations operating under a permit issued pursuant to the Maryland state law for a period of time not to exceed 16 consecutive calendar days per event, provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic or educational purposes.
6. Government structures, facilities and uses, including public schools and colleges.
7. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.

(Amended by ZB Case No. 882R - 8/1/89)

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 or mobile homes, 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.
3. Private off-street parking of not more than two commercial or unregistered motor vehicles on lots of three or more acres, and not more than one commercial or unregistered motor 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.
(Amended by ZB Case No. 882R - 8/1/89)
4. 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.
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 may 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.
6. The keeping of not more than four non-transient roomers or boarders by a resident family.
7. The housing by a resident family of not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is licensed or certified by the State of Maryland.
(Amended by ZB Case No. 882R - 8/1/89)
8. Home occupations.
9. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.
10. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the following conditions:
 - 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 special exception approval.

(Amended by ZB Case No. 859R - 8/17/88)

11. Snowball stands, 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;
- c. The use shall operate only between May 1 and October 1;
- d. Appropriate off-street parking shall be provided;
- e. Notwithstanding the minimum front setback requirement of this district, the minimum front setback requirement for snowball stands shall be 25 feet; and
- f. A permit for the use is approved 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.

(Amended by ZB Case No. 922R - 3/9/92)

D. Bulk Reations

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

- (1) Principal structure 34 feet
- (2) Accessory structures:
 - (a) Spires, belfries, chimneys, flag poles, monuments, stacks, steeples, radio or television antennae, observation towers, windmills, barns, water and grain storage facilities, silos, outdoor athletic structures no limit
 - (b) Other 15 feet

b. Lot coverage - structures 30 percent

2. The following minimum requirements shall be observed

a. Lot size (except as provided in Section 106 E.2. of these regulations for mandatory open space) 20,000 sq.ft.

b. Lot width at building restriction line

- (1) Lots 18,000 square feet or greater 80 feet
- (2) Lots less than 18,000 square feet 60 feet

c. Setbacks
(Amended by ZB Case No. 882R - 8/1/89)

(1) Front:

- (a) Lots 20,000 square feet or greater 50 feet
- (b) Lots less than 20,000 square feet 40 feet

(2) Side:

- (a) From public street right-of-way 30 feet
- (b) Other 10 feet

(3) Rear:

- (a) Principal structure or use 30 feet
Except agricultural uses 0 feet
- (b) Accessory structure or use 10 feet

E. Other Provisions
(Amended by ZB Case No. 882R - 8/1/89)

1. Lots adjoining an existing district of developed 20,000 square-foot lots or greater shall be a minimum of 20,000 square feet or a 100 foot wide open space or a 100 foot setback shall be provided.
2. Open space percentage and lot size shall be calculated pursuant to the Howard County Subdivision and Land Development Regulations and developments electing the smaller lots shall contain the following minimums:

<u>Lot Size</u>	<u>Mandatory Open Space Provisions</u>
20,000 sq. ft.	6 percent
18,000 sq. ft.	10 percent
16,000 sq. ft.	20 percent
14,000 sq. ft.	30 percent

(Amended by ZB Case No. 882R - 8/1/89)

3. Radio or television towers/antennae, flag poles, stacks, observation towers, water tanks and silos shall be set back a distance from all property lines, equal to the height as measured from ground level. On application to the Department of Planning and Zoning, a permit may be issued for the placement of a dish antenna, one meter or larger in diameter in a particular location on a site. The antenna shall be screened from adjoining properties by means of one or a combination of the following: a landscaped earth mound, privacy fence, evergreen plant material or comparable means approved by the Department of Planning and Zoning. No such antenna shall be located in any front yard or on any roof of a structure.
(Amended by ZB Case No. 808 - 2/10/86)
4. On application to the Department of Planning and Zoning, a permit may be issued for (a) the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 107

R-12 District
RESIDENTIAL: SINGLE

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 dwelling.
4. Farming, including necessary and customary uses, and accessory structures including farm greenhouses, provided, however, that no building for housing animals or fowl shall be erected, nor any manure stored, within 100 feet of a dwelling, except that household pets shall be allowed to be housed within 100 feet of a dwelling, but in no case in the front or side setbacks of a dwelling nor within 25 feet of the side lines of lot. 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.
5. Non-commercial parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts and similar recreation facilities.
6. Convents and monasteries used for residential purposes.
7. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations operating under a permit issued pursuant to the Maryland State Law for a period of time not to exceed 16 consecutive calendar days per event, provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic or educational purposes.
8. Government structures, facilities and uses, including public schools and colleges.
9. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.
(Amended by ZB Case No. 882R - 8/1/89)

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 or mobile homes, 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 acre, and further provided that one unit shall be allowed for each 50 acres.
3. Private off-street parking of not more than two commercial or unregistered motor vehicles on lots of three or more acres, and not more than one commercial or unregistered motor 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.
(Amended by ZB Case No. 882R - 8/1/89)
4. 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.
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 may be located within condominium developments as well as within neighborhoods and communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
6. The keeping of not more than four non-transient roomers or boarders by a resident family.
7. The housing by a resident family of not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is licensed or certified by the State of Maryland.
(Amended by ZB Case No. 882R - 8/1/89)
8. Home occupations.
9. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.
10. The acceptance or disposal of off-site land clearing debris under a permit issued by the Office of Planning and Zoning, subject to the following conditions:
 - 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 special exception approval.

(Amended by ZB Case No. 859R - 8/17/88)

11. Snowball stands, 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;
- c. The use shall operate only between May 1 and October 1;
- d. Appropriate off-street parking shall be provided;
- e. Notwithstanding the minimum front setback requirement of this district, the minimum front setback requirement for snowball stands shall be 25 feet; and
- f. A permit for the use is approved 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.

(Amended by ZB Case No. 922R - 3/9/92)

D. Bulletin Revisions

I The following maximum limitations shall apply:

a. Height

- (I) Principal structure 34 feet

(2) Accessory structures

- (a) Spires, belfries, chimneys, flag poles, monuments, stacks, steeples, radio or television antennae, observation towers, windmills, barns, water and grain storage facilities, silos, outdoor athletic structures no limit
- (b) Other 15 feet

b. Lot coverage - structures 30 percent

2. The following minimum requirements shall be observed

a. Lot size (except as provided in Section 107.E.2 of these regulations for mandatory open space) 12,000 sq. ft.

b. Lot width at building restriction line

(1) Lots 12,000 square foot or greater 75 feet

(2) Lots less than 12,000 square feet 60 feet

c. Setbacks
(Amended by ZB Case No. 882R - 8/1/89)

(1) Front:

(a) 12,000 square foot lots 30 feet

(b) Lots less than 12,000 square feet 20 feet

(2) Side:

(a) Single-family detached

(i) Development other than zero lot line 7-1/2 feet

(ii) Zero lot line development none
A minimum of 15 feet must be provided between residential structures

(b) Single family semi-detached units .. 15 feet one side

(c) From public street right-of-way 20 feet

(3) Rear:

- (a) Principal structure or use 30 feet
 Except agricultural uses 0 feet
- (b) Accessory structure or use 10 feet

E. Other Provisions

(Amended by ZB Case No. 882R - 8/1/89)

- 1. Lots adjoining an existing district of developed 12,000 square foot lots or greater shall be a minimum of 12,000 square feet or a 100 foot wide open space strip or 100 foot setback provided.
- 2. Open space percentage and lot size shall be calculated pursuant to the Howard County Subdivision and Land Development Regulations and developments electing the smaller lots shall contain the following minimums:

<u>Lot Size</u>	<u>Mandatory Open Space Provisions</u>
12,000 sq. ft.	8 percent
10,800 sq. ft.	10 percent
9,600 sq. ft.	20 percent
8,400 sq. ft.	30 percent

(Amended by ZB Case No. 882R - 8/1/89)

- 3. Radio or television towers/antennae, flag poles, stacks, observation towers, water tanks and silos shall be set back a distance from all property lines, equal to the height as measured from ground level. On application to the Office of Planning and Zoning, a permit may be issued for the placement of a dish antenna, one meter or larger in diameter in a particular location on a site. The antenna shall be screened from adjoining properties by means of one or a combination of the following: a landscaped earth mound, privacy fence, evergreen plant material or comparable means approved by the Office of Planning and Zoning. No such antenna shall be located in any front yard or on any roof of a structure.

(Amended by ZB Case No. 808 - 2/10/86)

- 4. On application to the Department of Planning and Zoning, a permit may be issued for (a) the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor, the building shall be used for living or sleeping purposes for overnight security purposes.

- 5. Approval of the Sketch Plan by the Planning Board

- a. For any project involving semi-detached or zero lot line dwelling units, a sketch plan for the entire project must be approved by the Planning Board.
(Amended by ZB Case No. 808 - 2/10/86)
- b. The Planning Board, before acting on the sketch plan, shall hold a public hearing and shall give consideration to the following:
 - (1) - The environmental characteristics of the subject property including but not limited to streams, steep slopes, or ridge lines;
 - (2) Protection of the environmental integrity of the subject property and adjoining areas in the design of street, parking lot and building locations;
 - (3) The relationship between proposed dwelling units and existing and proposed public roads so as to minimize wherever possible the backing of dwelling units onto public roads;
 - (4) - The relationship between the location of proposed dwelling units, required open space and existing dwelling units on adjoining properties;
 - (5) Any other factors which may prevent the orderly growth of the immediate vicinity of the subject property or would adversely affect the completion of the general use and development plans of the county or state.
- c. After carefully considering the above guides and standards the Planning Board shall approve, approve with modifications and/or conditions attached, or disapprove the sketch plan, stating the reason for its action.

6. Approval of the Site Development Plan by the Planning Board

- a. No permit shall be issued for any semi-detached or zero lot line dwelling unit in the R-12 District until the site development plan has been approved by the Planning Board after the consideration of the recommendation of the Department of Planning and Zoning.
{Amended by ZB Case No. 808 - 2/10/86}
- b. The Planning Board, before acting upon the site development plan, shall give consideration to the items listed in Section 107 E.6.b., reviewing agency comments and to the approved sketch plan for the project.

SECTION 108

R-SC District
RESIDENTIAL: SINGLE CLUSTER

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, including necessary and customary uses, and accessory structures including farm greenhouses, provided, however, that no building for housing animals or fowl shall be erected, nor any manure stored, within 100 feet of a dwelling, except that household pets shall be allowed to be housed within 100 feet of a dwelling, but in no case in the front or side setbacks of a dwelling nor within 25 feet of the side lines of a lot. 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.
5. Non-commercial parks, playgrounds, athletic fields, tennis courts, swimming pools, basketball courts and similar recreational facilities.
6. Convents and monasteries used for residential purposes.
7. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations operating under a permit issued pursuant to the Maryland state law for a period of time not to exceed 16 consecutive calendar days per event, provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic or educational purposes.
8. Government structures, facilities and uses, including public schools and colleges.
9. Uses permitted in the R-12 District, subject to development pursuant to the regulations contained in the R-12 District on a lot or group of contiguous lots with a combined total lot area of less than 100,000 square feet.

10. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.
(Amended by ZB Case No. 882R - 8/1/89)

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 or mobile homes, 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.
3. Private off-street parking of not more than two commercial or unregistered motor vehicles on lots of three or more acres and not more than one commercial or unregistered 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.
(Amended by ZB Case No. 808 - 2/10/86 and ZB Case No. 882R - 8/1/89)
4. 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.
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 may be located within condominium developments as well as 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.
6. The keeping of not more than four non-transient roomers or boarders by a resident family.
7. The housing of not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is licensed or certified by the State of Maryland.
(Amended by ZB Case No. 882R - 8/1/89)
8. Home occupations.
9. Underground pipelines, electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.

10. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the following conditions:
 - 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 special exception approval.
(Amended by ZB Case No. 859R - 6/17/88)
11. Snowball stands, 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;
 - c. The use shall operate only between May 1 and October 1;
 - d. Appropriate off-street parking shall be provided;
 - e. Notwithstanding the -minimum front setback requirement of this district, the minimum front setback requirement for snowball stands shall be 25 feet; and
 - f. A permit for the use is approved 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.
(Amended by ZB Case No. 922R - 3/9/92)

D. Bulk Regulations

1. The following maximum limitations shall apply:

a. Height

- (1) Principal structure 34 feet
- (2) Accessory structures:
 - (a) Spires, belfries, chimneys, flag poles, monuments, stacks, steeples, radio or television antennae, observation towers, windmills, barns, water and grain storage facilities, silos, outdoor athletic structures no limit
 - (b) Other 15 feet

b. Coverage by structures:

- (1) Lot coverage for structures other than in single-family attached development projects 40 percent
- (2) Project coverage for structures within single-family attached development projects 35 percent
- (3) Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot 60 percent (Amended by ZB Case No. 840R - 5/27/87)

c. Density 4.0 dwelling units per net acre

d. Single-family dwelling units, attached 8 units per structure

e. Building length

- (1) Single structure 120 feet
- (2) Structures with overlapping common walls 200 feet

**2. The following minimum requirements shall be observed:
(Amended by ZB Case No. 882R - 8/1/89)**

- a. Lot-size single-family detached 6,000 sq. ft.
- b. Lot width at building restriction line
- single-family detached 60 feet

c. Setbacks

**(1) -For all structures:
(Amended by ZB Case No. 882R - 8/1/89)**

(a) For residential structures - from arterial or collector right-of-way

(i) Rear 50 feet

(ii) Front or side 30 feet

(b) From any other street right-of-way 20 feet

(2) For single-family detached structures:

(a) Side

(i) Development other than zero lot line 7-1/2 feet

**(ii) Zero lot line development none
minimum of 15 feet must be provided between
residential structures**

(b) Rear

(i) Principal structure or use 30 feet

(ii) Accessory structure or use 10 feet

(3) For attached structures:

(a) From an R, R-ED, R-20, R-12, R-SC, single-family land use area of a NT District or PGCC District no semi-detached or attached structure shall be permitted within 200 feet of said districts other than a public road right-of-way; except, however, that such setback may be reduced to 50 feet if a specific design for the location of structures is approved on the sketch plan by the Planning Board after a public hearing. Semi-detached or attached structures within two hundred feet of an R, R-ED, R-20, R-12, R-SC, single-family land use area of a NT District or PGCC District other than a public road right-of-way, shall meet the following minimum design criteria:

(i) All lots or structures shall adjoin open space areas;

(ii) Off-street parking areas, service drives or public roads shall not be located between the structures and the R, R-ED, R-20, R-12, R-SC, single-family land use area of a NT District or PGCC District. (Amended by ZB Case 882R - 8/1/89)

(b) From any district except R, R-ED, R-20, R-12, R-SC, single-family land use area of a NT District or PGCC District which is not part of the same project . 50 feet

d. Distances between attached buildings with four units per structure.

(1) Rear to rear 80 feet

(2) Rear to face 50 feet

(3) Face to face 30 feet

(4) End to face or rear 30 feet

(5) End to end 15 feet

(6) For each additional unit per structure up to eight, the above distances shall be increased 10 percent per additional unit per structure.

E. Other Provisions

(Amended by ZB Case No. 882R - 8/1/89)

1. Radio or television towers/antennae, flag poles, stacks, observation towers, water tanks and silos shall be set back a distance from all property lines, equal to the height as measured from ground level. On application to the Department of Planning and Zoning, a permit may be issued for the placement of a dish antenna, one meter or larger in diameter in a particular location on a site. The antenna shall be screened from adjoining properties by means of one or a combination of the following: a landscaped earth mound, privacy fence, evergreen plant material or comparable means approved by the Department of Planning and Zoning. No such antenna shall be located in any front yard or on any roof of a structure.

(Amended by ZB Case No. 808 - 2/10/86)

2. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development.

Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

3. Approval of the Sketch Plan by the Planning Board

- a. For any project involving attached or zero lot line dwelling units, a sketch plan for the entire project must be approved by the Planning Board.
- b. The Planning Board, before acting on the sketch plan, shall hold a public hearing and shall give consideration to the following:
 - (1) The environmental characteristics of the subject property including but not limited to streams, steep slopes, or ridge lines;
 - (2) Protection of the environmental integrity of the subject property and adjoining areas in the design of street, parking lot and building locations;
 - (3) The relationship between proposed dwelling units and existing and proposed public roads so as to minimize wherever possible the backing of dwelling units onto public roads;
 - (4) The relationship between the location of proposed dwelling units, required open space and existing dwelling units on adjoining properties;
 - (5) Any other factors which may prevent the orderly growth of the immediate vicinity of the subject property or would adversely affect the completion of the general use and development plans of the county or state.
- c. After carefully considering the above guides and standards the Planning Board shall approve, approve with modifications and/or conditions attached, or disapprove the sketch plan, stating the reason for its action.

4. Approval of the Site Development Plan by the Planning Board

- a. No permit shall be issued for any attached or zero lot line dwelling unit in the R-SC District until the site development plan has been approved by the Planning Board after the consideration of the recommendation of the Department of Planning and Zoning.

b. The Planning Board, before acting upon the site development plan, shall give consideration to the items listed in Section 108 E.5.b., reviewing agency comments and to the approved sketch plan for the project.

c. After carefully considering the above guides and standards, including the approved sketch plans, the Planning Board shall approve, approve with modifications and/or conditions attached, or disapprove the site development plan, stating the reasons for its action..

5. A zero lot line dwelling unit may be located on the property line provided that no part of the building shall protrude over the adjoining lot, and provided that at the time of recordation of the Final Subdivision Plan, easements shall be recorded on every lot in a zero lot line development to permit access to the lot for purposes of maintenance to the side of an adjoining 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.

SECTION 109

R-SA-8 District
RESIDENTIAL: SINGLE ATTACHED

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, including necessary and customary uses, and accessory structures including farm greenhouses, provided, however, that no building for housing animals or fowl shall be erected, nor any manure stored within 100 feet of a dwelling, except that household pets shall be allowed to be housed within 100 feet of a dwelling, but in no case in the front or side setbacks of a dwelling nor within 25 feet of the side lines of a lot. 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.
6. Non-commercial parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts and similar recreational facilities.
7. Convents and monasteries used for residential purposes.
8. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations operating under a permit issued pursuant to the Maryland State Law for a period of time not to exceed 16 consecutive calendar days per event > provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic or educational purposes.
9. Government structures, facilities and uses, including public schools and colleges.

10. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.
(Amended by ZB Case No. 882R - 8/1/89)

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 or mobile homes, 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.
3. Private off-street parking of not more than two commercial or unregistered motor vehicles on lots of three or more acres, and not more than one commercial or unregistered motor 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.
(Amended by ZB Case No. 882R - 8/1/89)
4. 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 apartment or condominium developments as well as within neighborhoods or communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
5. The keeping of not more than four non-transient roomers or boarders by a resident family.
6. The housing by a resident family of not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is licensed or certified by the State of Maryland.
(Amended by ZB Case No. 882R - 8/1/89)
7. Home occupations.
8. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.
9. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the following conditions:

- 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 special exception approval.
(Amended by ZB Case No. 859R - 6/17/88)

10. Snowball stands, 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;
- c. The use shall operate only between May 1 and October 1;
- d. Appropriate off-street parking shall be provided;
- e. Notwithstanding the minimum front setback requirement of this district, the minimum front setback requirement for snowball stands shall be 25 feet; and
- f. A permit for the use is approved 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.
(Amended by ZB Case No. 922R - 3/9/92)

D. Bulk Reclamations

- 1. The following maximum limitations shall apply:

a. Height

- (1) Principal structure 34 feet
- (2) Accessory structures:
 - (a) Spires, belfries, chimneys, flag poles, monuments, stacks, steeples, radio or television antennae, observation towers, windmills, barns, water and grain storage facilities, silos, outdoor athletic structures no limit
 - (b) Other 15 feet

b. Coverage by structures:

- (1) Lot coverage for structures other than in single-family attached development projects 40 percent
- (2) Project coverage for structures within single-family attached development projects 35 percent
- (3) Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot 60 percent (Amended by ZB Case No. 840R - 5/27/87)

c. Density 8.0 dwelling units per net acre

d. Maximum units per structure

- (1) Single-family attached dwelling units 8 units per structure
- (2) Apartments 16 units per structure

e. Building length:

- (1) Single structure 120 feet
- (2) Structures with overlapping common walls 200 feet

f. Floor area ratio -- apartments 0.4:1 (Amended by ZB Case No. 825R - 8/22/86)

2. -- Toe following minimum requirements shall be observed: (Amended by ZB Case No. 882R - 8/1/89)

- a. Lot-size single-family detached 6,000 sq. ft.
- b. Lot width at building restriction line
-single-family detached 60 feet
- c. Setbacks
 - (1) For all buildings:
(Amended by ZB Case No. 882R - 8/1/89)
 - (a) For residential structures - from arterial or collector
right-of-way
 - (i) Rear 50 feet
 - (ii) Front or side 30 feet
 - (b) From any other street right-of-way 20 feet
 - (2) For single-family detached buildings:
 - (a) Side
 - (i) Development other than zero lot
line 7-1/2 feet
 - (ii) Zero lot line development none
A minimum of 15 feet must be provided between
residential structures.
 - (b) Rear
 - (i) Principal buildings 30 feet
Except agricultural uses , 0 feet
 - (ii) Accessory buildings 10 feet
 - (3) For all residential units
 - (a) From an R, R-ED, R-20 or PGCC district .. 150 feet
 - (b) From an R-12, or single-family land use area of
a NT District 100 feet
 - (c) From any other district which is not part of the same
project 50 feet

d. Distances between structures, attached dwelling units and apartments

- (1) Rear to rear 80 feet
- (2) Rear to face 50 feet
- (3) Face to face 30 feet
- (4)** End to face or rear 30 feet
- (5) End to end 15 feet

e. Floor space requirements--apartment units

- (1) Efficiency apartments, consisting of kitchen, bathroom, and combination living room, dining space and bedroom. 400 sq. ft.
- (2)** One-bedroom apartments 530 sq. ft.
- (3)** Two-bedroom apartments 660 sq. ft.
- (4) Three-bedroom apartments 800 sq. ft.

Each additional bedroom shall increase the minimum floor space by 120 square feet.

E. Other Provisions

(Amended by ZB Case No. 882R - 8/1/89)

- 1. Radio or television towers/antennae, flag poles, stacks, observation towers, water tanks and silos shall be set back a distance from all property lines, equal to the height as measured from ground level. On application to the Department of Planning and Zoning, a permit may be issued for the placement of a dish antenna one meter or larger in diameter, in a particular location on a site. The antenna shall be screened from adjoining properties by means of one or a combination of the following: A landscaped earth mound, privacy fence, evergreen plant material or comparable means approved by the Department of Planning and Zoning. No such antenna shall be located in any front yard or on the roof of a principal structure.
(Amended by ZB Case No. 808 - 2/10/86)
- 2. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.
- 3. No permit shall be issued for a zero lot line dwelling unit in the R-SA-8 district until the site development plan for the entire project has been approved by the Department of Planning and Zoning.

4. A zero lot line dwelling unit may be located on the property line provided that no part of the building shall protrude over the adjoining lot, and provided that at the time of recordation of the Final Subdivision Plan, easements shall be recorded on every lot in a zero lot line development to permit access to the lot for purposes of maintenance to the side of an adjoining 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.

Section 110

R-A-15 District:
RESIDENTIAL: APARTMENTS

A. Purpose

The R-A-15 District is established to provide the opportunity for high density apartments and single-family attached dwelling units.

B. Uses Permitted as a Matter of Right

1. Single-family attached dwelling units.
2. Apartment units.
3. Farming, including necessary and customary uses, and accessory structures including farm greenhouses, provided, however, that no building for housing animals or fowl shall be erected, nor any manure stored, within 100 feet of a dwelling, except that household pets shall be allowed to be housed within one hundred feet of a dwelling; but in no case in the front or side setbacks of a dwelling nor within 25 feet of the side lines of a lot. 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.
4. Non-commercial parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts and similar recreation facilities.
5. Convents and monasteries used for residential purposes.
6. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations operating under a permit issued pursuant to the Maryland state law for a period of time not to exceed 16 consecutive calendar days per event, provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic or educational purposes.
7. Government structures, facilities and uses, including public schools and colleges.
8. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.
(Amended by ZB Case 882R - 8/1/89)

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 or mobile homes, 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.
3. Private off-street parking of not more than two commercial or unregistered motor vehicles on lots of three or more acres and not more than one commercial or unregistered 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.
(Amended by ZB Case No. 808 - 2/10/86 and ZB Case No. 882R - 8/1/89)
4. 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 apartment or condominium developments as well as 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.
5. The keeping of not more than four non-transient roomers or boarders by a resident family.
6. The housing by a resident family of not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is licensed or certified by the State of Maryland.
(Amended by ZB Case No. 882R - 8/1/89)
7. Home occupations.
8. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.
9. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the following conditions:
 - 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 special exception approval.
(Amended by ZB Case No. 859R - 6/17/88)

10. Snowball stands, 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;
- c. The use shall operate only between May 1 and October 1;
- d. Appropriate off-street parking shall be provided;
- e. Notwithstanding the minimum front setback requirement of this district, the minimum front setback requirement for snowball stands shall be 25 feet; and
- f. A permit for the use is approved 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.

(Amended by ZB Case No. 922R • 3/9/92)

D. Bulletin Revisions

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

a. Height

(1) Principal structure 34 feet

(2) Accessory structures:

- (a) Spires, belfries, chimneys, flag poles, monuments, stacks, steeples, radio or television antennae, observation towers, windmills, barns, water and grain

storage facilities, silos, outdoor athletic
structures no limit

(b) Other 15 feet

b. Coverage by structures

(1) Lot coverage by apartments 20 percent

(2) Project coverage for structures within single-family attached
development projects 35 percent

(3) Lot coverage for structures within single-family attached
projects developed with one dwelling unit per lot 60 percent
(Amended by ZB Case No. 840R - 5/27/87)

c. Density

(1) Apartments 15 dwelling units per net acre

(2) Single-family attached 8 dwelling units per net acre

d. Maximum units per structure

(1) Single-family attached dwellings
units 8 units per structure

(2) Apartments 16 units per structure

e. Structure length

(1) Single structure 120 feet

(2) Structures with overlapping common walls 200 feet

f. Floor area ratio--apartments 0.4:1
(Amended by ZB Case No. 825R - 8/22/86)

**2. The following minimum requirements shall be observed:
(Amended by ZB Case No. 882R - 8/1/89)**

**a. Setbacks
(Amended by ZB Case No. 882R - 8/1/89)**

(1) For residential structures -from arterial or collector right-of-way

(a) Rear 50 feet

- (b) Front or side 30 feet
- (2) From any other street right-of-way 20 feet
- (3) From an R, R-ED, R-20, R-12, or PGCC district .. 150 feet
- (4) From an R-SC district 100 feet
(Amended by ZB Case No. 808 - 2/10/86)
- (5) From any other district which is not part of the
same project 50 feet

b. Distances between structures

- (1) Rear to rear 80 feet
- (2) Rear to face 50 feet
- (3) Face to face 30 feet
- (4) End to face or rear 30 feet
- (5) End to end 15 feet

c. Floor space requirements - apartment units

- (1) Efficiency apartments, consisting of kitchen, bathroom, a
combination living room, dining space and bedroom 400 sq. ft.
- (2) One-bedroom apartments 530 sq. ft.
- (3) Two-bedroom apartments 660 sq. ft.
- (4) Three-bedroom apartments 800 sq. ft.

Each additional bedroom shall increase the minimum floor space by 120 square feet.

E. Other Provisions

(Amended by ZB Case No. 882R - 8/1/89)

- 1. Radio or television towers/antennae, flag poles, stacks, observation towers, water tanks and silos shall be set back a distance from all property lines, equal to the height as measured from ground level. On application to the Department of Planning and Zoning, a permit may be issued for the placement of a dish antenna one meter or larger in diameter in a particular location on a site. The antenna shall be screened from adjoining properties

by means of one or a combination of the following: a landscaped earth mound, privacy fence, evergreen plant material or comparable means approved by the Department of Planning and Zoning. No such antenna shall be located in any front yard or on any roof of a structure.
(Amended by ZB Case No. 808 - 2/10/86)

2. On application to the Department of Planning and Zoning, a permit may be issued for (a) the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

Section 111

R-MH District
RESIDENTIAL; MOBILE HOME

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 units be maintained. The maximum density of the district is eight dwelling units per net acre.

B. Uses Permitted as a Matter of Right

- I Mobile homes in mobile home developments.
2. Manufactured dwellings in mobile home subdivisions.
3. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.
(Amended by ZB Case No. 882R - 8/1/89)

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. Private off-street parking of not more than two commercial or unregistered motor vehicles on lots of three or more acres, and not more than one commercial or unregistered motor 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.
(Amended by ZB Case No. 882R - 8/1/89)
3. 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 neighborhoods and communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
4. The housing of not more than four non-transient roomers or boarders by a resident family.
5. Home occupations.
6. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.

7. **Management office and maintenance facilities.**
8. **Central common laundry facilities in mobile home parks.**
9. **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, subject to the following restrictions: such establishments and the parking areas primarily related to their operations:**
 - a. **May occupy up to five percent 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.**
10. **Snowball stands, 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;**
 - c. **The use shall operate only between May 1 and October 1;**
 - d. **Appropriate off-street parking shall be provided;**
 - e. **Notwithstanding the minimum front setback requirement of this district, the minimum front setback requirement for snowball stands shall be 25 feet; and**
 - f. **A permit for the use is approved 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.
(Amended by ZB Case No. 922R - 3/9/92)**

D. Bulk Reations

1. The following maximum limitations shall apply:

a. Height

(1) Principal structure 34 feet
(Amended by ZB Case No. 882R - 8/1/89)

(2) Accessory structures:

(a) Flag poles, radio or television antennae, outdoor athletic structures, chimneys no limit

(b) Other 15 feet

b. Lot coverage - mobile home 40 percent

c. Density 8 dwelling units per net acre

2. The following minimum requirements shall be observed:

(Amended by ZB Case No. 882R - 8/1/89)

a. Area

(1) Mobile home park 10 acres

(2) Mobile home subdivision 10 acres

(3) Mobile home site or lot 4,000 sq. feet

b. Mobile home site or lot width average of 45 feet
at mobile home location

c. Setbacks

(Amended by ZB Case No. 882R - 8/1/89)

(1) From external public street right-of-way 50 feet

(2) From internal public street right-of-way 5 feet

(3) From centerline of interior private street 30 feet

- (4) Side yard setback
 - (a) Mobile home park 5 feet
 - (b) Mobile home subdivision 10 feet
- (5) Rear yard setback 10 feet
- (6) Distance from a differently-zoned district 50 feet
- (7) From another building 20 feet

E. Other Provisions
 (Amended by ZB Case No. 882R - 8/1/89)

- 1. All the mobile home park requirements of this regulation and of the County Health Officer must be satisfied before the Department of Public Works issues the applicant a permit to operate a mobile home park.
- 2. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 112

HISTORIC DISTRICT

A. Requirements and restrictions applicable to Historic Districts

1. Upon the adoption of any amendment to these regulations which creates an Historic District, the official Zoning Map of Howard County shall be amended to show the boundaries of said district. The provisions of Title 16, Section 16.600 and 16.601 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 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-HR - Residential: Historic Residential
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 Zoning Board 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.

SECTION 112.1

R-HR District RESIDENTIAL: HISTORIC RESIDENTIAL

A. Purpose

The R-HR District is established to permit infill development compatible with the existing lot patterns within an Historic District. The district is intended to provide for both residential and office use 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. Non-commercial parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts and similar recreational facilities.
5. Convents and monasteries used for residential purposes.
6. Government structures, facilities and uses, including public schools and colleges.
7. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.
(Amended by ZB Case No. 882R - 8/1/89)

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. Private off-street parking of not more than one commercial vehicle. 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.
(Amended by ZB Case No. 882R - 8/1/89)
3. 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 apartment or condominium developments as well as 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.

4. The keeping of not more than four non-transient roomers or boarders by a resident family.
5. The housing by a resident family of not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is licensed or certified by the State of Maryland. (Amended by ZB Case No. 882R - 8/1/89)
6. Home occupations.
7. Underground pipelines; underground electric transmission and distribution lines designed to carry less than 69,000 volts; underground telephone, telegraph and CATV lines; and other similar underground public utility uses not requiring a special exception.

D. Bulk Regulations

1. The following maximum limitations shall apply:

a. Height

- (1) Principal structure. 34 feet
- (2) Accessory structures:
 - (a) Spires, belfries, chimneys, flag poles, monuments, observation towers, steeples, radio or television antennae, outdoor athletic structures 45 feet
 - (b) Other 15 feet

b. Coverage by structures:

- (1) Lot coverage for structures other than in single-family attached development projects . . . 40 percent
- (2) Project coverage for structures within single-family attached development projects . . . 35 percent
- (3) Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot 60 percent
(Amended by ZB Case No. 840R - 5/27/87)

c. Density 8 dwelling units per net acre

2. The following minimum requirements shall be observed:
(Amended by ZB Case No. 882R - 8/1/89)

a. Lot **size** single-family detached 6,000 sq. ft.

b. Floor space requirements - apartment units

- (1) Efficiency apartments, consisting of kitchen, bathroom, and combination living room, dining space, and bedroom 400 sq. ft.

- (2) One-bedroom apartments 530 sq. ft.
- (3) Two-bedroom apartments 660 sq. ft.
- (4) Three-bedroom apartments 800 sq. ft.

Each additional bedroom shall increase the minimum floor space by 120 square feet.

E. Other Provisions

(Amended by ZB Case No. 882R - 8/1/89)

1. The minimum off-street parking requirements for specific uses contained in Section 127 B.2. of these regulations shall not be applicable in the Residential-Historic Residential 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.

2. Radio or television towers/antennae, flag poles, stacks, observation towers, water tanks and silos shall be set back a distance from all property lines equal to the height, as measured from ground level. On application to the Office of Planning and Zoning, a permit may be issued for the placement of a dish antenna one meter or larger in diameter, in a particular location on a site. The antenna shall be screened from adjoining properties by means of one or a combination of the following: a landscaped earth mound, privacy fence, evergreen plant material or comparable means approved by the Department of Planning and Zoning. No such antenna shall be located in any front yard or on any roof of a structure.
(Amended by ZB Case No. 808 - 2/10/86)

3. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 112.2

R-VH District
RESIDENTIAL: VILLAGE HOUSING

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. Non-commercial parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts and similar recreational facilities.
5. Convents and monasteries used for residential purposes.
6. Government structures, facilities and uses, including public schools and colleges.
7. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.
(Amended by ZB Case No. 882R - 8/1/89)

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. Private off-street parking of not more than one commercial vehicle. 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.
(Amended by ZB Case No. 882R - 8/1/89)
3. 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 apartment or condominium developments as well as 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.

4. The keeping of not more than four non-transient roomers or boarders by a resident family.
5. The housing by a resident family of not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is licensed or certified by the State of Maryland.
(Amended by ZB Case No. 882R - 8/1/89)
6. Home occupations.
7. Underground pipelines; underground electric transmission and distribution lines designed to carry less than 69,000 volts; underground telephone, telegraph and CATV lines; and other similar underground public utility uses not requiring a special exception.

D. Bulk Regulations

1. The following maximum limitations shall apply:

a. Height

- (1) Principal structure. 34 feet
- (2) Accessory structures:
 - (a) Spires, belfries, chimneys, flag poles, monuments, observation towers, steeples, radio or television antennae, outdoor athletic structures 45 feet
 - (b) Other 15 feet

b. Coverage by structures:

- (1) Lot coverage for structures other than in single-family attached development projects . . . 40 percent
- (2) Project coverage for structures within single-family attached development projects . . . 35 percent
- (3) Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot 60 percent

(Amended by ZB Case No. 840R - 5/27/87)

c. Density 8 dwelling units per net acre

2. The following minimum requirements shall be observed:

(Amended by ZB Case No. 882R - 8/1/89)

a. Lot size single-family detached 6,000 sq. ft.

b. Floor space requirements - apartment units

- (1) Efficiency apartments, consisting of kitchen, bathroom and combination living room, dining space and bedroom 400 sq. ft.
- (2) One-bedroom apartments 530 sq. ft.
- (3) Two-bedroom apartments 660 sq. ft.
- (4) Three-bedroom apartments 800 sq. ft.

Each additional bedroom shall increase the minimum floor space by 120 square feet.

E, Other Provisions

(Amended by ZB Case No. 882R - 8/1/89)

- 1. The minimum off-street parking requirements for specific uses contained in Section 127 B.2. 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.
(Amended by ZB Case No. 808 - 2/10/86)
- 2. Radio or television towers/antennae, flag poles, stacks, observation towers, water tanks and silos shall be set back a distance from all property lines equal to the height, as measured from ground level. On application to the Office of Planning and Zoning, a permit may be issued for the placement of a dish antenna, one meter or larger in diameter in a particular location on a site. The antenna shall be screened from adjoining properties by means of one or a combination of the following: A landscaped earth mound, privacy fence, evergreen plant material or comparable means approved by the Office of Planning and Zoning. No such antenna shall be located in any front yard or on any roof of a structure.
(Amended by ZB Case No. 808 - 2/10/86)
- 3. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 112.3

HO District
HISTORIC: OFFICE

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.
(Amended by ZB Case No. 874R - 3/16/89)
4. Banks, savings and loan associations, investment companies, credit bureaus, 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 operating under a permit issued pursuant to the Maryland state law for a period of time not to exceed 16 consecutive calendar days per event, provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic, or educational purposes.
7. Conference centers.
8. Convents and monasteries used for residential purposes
9. Funeral homes.
10. Government structures, facilities and uses, including public schools and colleges,
11. Museums, art galleries and libraries.
12. Nonprofit clubs, lodges and community halls.

13. Offices, professional and business.
14. Non-commercial parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts and similar recreational facilities.
15. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies.
16. Structures used primarily for religious activities.
17. Trade schools, art schools and commercially operated schools.
18. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.
(Amended by ZB Case No. 882R - 8/1/89)

• 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. Underground pipelines; underground electric transmission and distribution lines designed to carry less than 69,000 volts; underground telephone, telegraph and CATV lines; and other similar underground public utility uses not requiring a special exception.

D. Bulk Regulations

1. The following maximum limitations shall apply:

a. Height

(1) Principal structure 40 feet

(2) Accessory structures:

(a) Spires, belfries, chimneys, flag poles, monuments, observation towers, steeples, radio or television antenna, outdoor athletic structures 45 feet

(b) Other 15 feet

b. Floor area ratio 3 to 1

- c. Density 15 dwelling units per net acre
(Amended by ZB Case No. 874R - 3/16/89)
 - 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:
(Amended by ZB Case No. 882R - 8/1/89)
- 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.
 - c. New structures erected shall be required to provide a front yard equal in depth to the main part of the structure of the nearest structure on the same side of the street.

E. Other Provisions

- 1. The minimum off-street parking requirements for specific uses contained in Section 127 B. 2 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 Office 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.
(Amended by ZB Case No. 808 - 2/10/86)
- 2. Radio or television towers/antennae, flag poles, stacks, observation towers, water tanks and silos shall be set back a distance from all property lines equal to the height, as measured from ground level. On application to the Department of Planning and Zoning, a permit may be issued for the placement of a dish antenna, one meter or larger in diameter in a particular location on a site. The antenna shall be screened from adjoining properties by means of one or a combination of the following: a landscaped earth mound, privacy fence, evergreen plant material or comparable means approved by the Department of Planning and Zoning. No such antenna shall be located in any front yard or on any roof of a structure.
(Amended by ZB Case No. 808 - 2/10/86)
- 3. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 112.4

HC District
HISTORIC: COMMERCIAL

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 bureaus, 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 structure.
8. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations operating under a permit issued pursuant to the Maryland state law for a period of time not to exceed 16 consecutive calendar days per event, provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic, or educational purposes.
9. Clothing and apparel stores with goods for sale or rent.
10. Department stores, furniture stores, appliance stores.
11. Drug and cosmetic stores.
12. Fast food restaurants, restaurants and beverage establishments, including those serving beer, wine and liquor.

13. Food stores.
14. Funeral homes.
15. Furniture and appliance repair.
16. Government structures, facilities and uses, including public schools and colleges.
17. Home improvement stores and lumberyards for retail sales including, but not limited to, the following: floor coverings, glass, garden supplies, hardware, wallpaper, and building materials and supplies, provided that all materials and supplies are enclosed in a structure.
18. Hotels, motels and conference centers.
19. Liquor stores.
20. Museums, art galleries and libraries.
21. Nonprofit clubs, lodges, community halls.
22. Offices, professional and business.
23. Parks, playgrounds, athletic fields, tennis courts, basketball courts and similar recreational facilities.
24. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
25. Self-service laundry and laundry and/or dry cleaning establishments, except that pickup and delivery services shall not be provided.
26. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies.
27. Specialty stores selling or renting goods including, but not limited to the following: art supplies, bicycles, books, cards, fabrics, flowers, gifts, hobbies, jewelry, musical instruments, news publications, optical goods, pets, photographic supplies, records, radio and television sales and repairs, sewing machines, sporting goods, stationery, works of art.
28. Structures used primarily for religious activities.
29. Taxidermy.
30. Trade schools, art schools and commercially operated schools.
31. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.
(Amended by ZB Case No. 882R - 8/1/89)

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Underground pipelines; underground electric transmission and distribution lines designed to carry less than 69,000 volts; underground telephone, telegraph and *CATV* lines; and other similar underground public utility uses not requiring a special exception.

D. Bulk Regulations

1. The following maximum limitations shall apply:

a. Height

(1) Principal structure. 40 feet

(2) Accessory structures:

(a) Spires, belfries, chimneys, flag poles, monuments, observation towers, steeples, radio or television antennae, outdoor athletic structures 45 feet

(b) Other. 15 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:
(Amended by ZB Case No. 882R - 8/1/89)

a. New structures erected shall be required to provide a front yard equal in depth to the main part of the structure 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 residential structures.

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

1. The minimum off-street parking requirements for specific uses contained in Section 127.B.2 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.
2. Radio or television towers/antennae, flag poles, stacks, observation towers, water tanks and silos shall be set back a distance from all property lines equal to the height, as measured from ground level. On application to the Department of Planning and Zoning, a permit may be issued for the placement of a dish antenna, one meter or larger in diameter in a particular location on a site. The antenna shall be screened from adjoining properties by means of one or a combination of the following: a landscaped earth mound, privacy fence, evergreen plant material or comparable means approved by the Department of Planning and Zoning. No such antenna shall be located in any front yard or on any roof of a structure.
(Amended by ZB Case No. 808 - 2/10/86)
3. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 113

POR District **PLANNED OFFICE RESEARCH**

A. Purpose

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

B. Uses Permitted as a Matter of Right

1. Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
2. Bio-medical laboratories.
3. Buildings used primarily for religious activities.
4. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations operating under a permit issued pursuant to the Maryland State Law for a period of time not to exceed 16 consecutive calendar days per event, provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic or educational purposes.
5. Convents and monasteries used for residential purposes.
6. Nursing homes, group care facilities, housing for elderly and/or handicapped persons, children's homes and similar institutions, and their related and supporting facilities.
(Amended by ZB Case No. 849R - 6/2/88 and ZB Case No. 882R - 8/1/89)
7. Farming, including necessary and customary uses, and accessory structures including farm greenhouses, provided, however, that no building for housing animals or fowl shall be erected, nor any manure stored, within 100 feet of a dwelling, except that household pets shall be allowed to be housed within 100 feet of a dwelling, but in no case in the front or side setbacks of a dwelling nor within 25 feet of the side lines of a lot. 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.
8. Funeral homes.
9. Government structures, facilities and uses, including public schools and colleges.

10. Hospitals, including cafeterias and snack bars designed for use of the hospital visitors and employees, and ambulatory health care facilities.
11. Hotels, motels, conference centers and country inns.
12. Medical and dental offices, including pharmacies, clinics and laboratories incidental to these uses.
13. Museums, art galleries and libraries.
14. Offices, professional and business, provided that no merchandise, material or equipment is stored outside of the structures, and no more than 25 percent of the main floor may be used for retail sales.
15. Parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, executive golf training and recreation centers, and similar recreation facilities.
(Amended by ZB Case No. 934R - 7/29/92)
16. Private colleges and universities, trade schools, art schools and commercially-operated schools and day care centers.
17. Radio and television broadcasting facilities and studios. Primary broadcasting transmitting antenna shall not be located on site.
18. Research laboratories.
19. Restaurants and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
20. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies.
21. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use, would not cause traffic problems in the surrounding area.
(Amended by ZB Case No. 882R - 8/1/89)

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. light manufacturing, assembly, service, repair and/or warehousing associated with research laboratories provided they do not exceed 50 percent of the developed floor area of all buildings located on any lot, including but not limited to the following:
 - a. Communication equipment including radio and TV receiving equipment and telephone and telegram apparatus,
 - b. Computers and peripheral equipment relating thereto,
 - c. Dental equipment, accessories and supplies,
 - d. Electrical or mechanical calculating and accounting machines,
 - e. Electronic components and accessories,
 - f. Electronic measuring instruments, electrical control devices,
 - g. Instruments, accessories and supplies used in medical diagnoses or treatment,
 - h. Mechanical measuring and control devices,
 - i. Office business machines,
 - j. Optical instruments and lenses,
 - k. Photographic equipment, accessories and supplies,
 - l. Precision instruments used in scientific or engineering research,
 - m. Solar energy devices,
 - n. Temperature controls.

4. Housing for hospital employees and domiciliary care facilities related to a hospital use.
5. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.
6. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the following conditions:
 - 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 special exception approval.
 (Amended by ZB Case No. 859R - 6/17/88)

D. Bulle Reillations

I. The following maximum limitations shall apply;

a. Height

- (1) Structure with minimum setback 40 feet
- (2) . . . Structure with an additional 1 foot in height
for every 10 feet of setback above the minimum . . . 80 feet

- b. Lot coverage -- structure 35 percent
- 2. The following minimum requirements shall be observed:
(Amended by ZB Case No. 882R - 8/1/89)
 - a. District size, not to prohibit the sale or lease
of lots therein 4 acres
 - b. Structure or use setback:
 - (1) From residential districts 50 feet
 - (2) From all other districts
or public street right-of-way 30 feet
(Amended by ZB Case No. 882R • 8/1/89)

E. Other ReQuirements
(Amended by ZB Case No. 882R - 8/1/89)

- 1. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.
- 2. Approval of the Sketch Plan by the Planning Board.
 - a. No permit shall be issued for any use in the POR District until the sketch plan has been approved by the Planning Board.
 - b. The Planning Board, before acting on the sketch plan, shall hold a public hearing and shall give consideration to the following:
 - (1) The adequacy and location of roads within the district, access roads to the district from arterial highways and whether or not adequate roads or highways are available to protect nearby residential property.
 - (2) The locations, layout and adequacy of parking, loading and unloading facilities.
 - (3) General traffic conditions in or near the property.
 - (4) The highway plans of the county and state.

(5) Any other factors which may prevent the orderly growth of the immediate vicinity of the subject property or would adversely affect the completion of the general use and development plans of the county or state.

c. After carefully considering the above guides and standards the Planning Board shall approve, approve with modifications and/or conditions attached, or disapprove the sketch plan, stating the reasons for its action.

3. Approval of the Site Development Plan by the Planning Board.

a. No permit shall be issued for any use in the POR District until the site development plan has been approved by the Planning Board after the consideration of the recommendation of the Department of Planning and Zoning.

b. The Planning Board, before acting upon the site development plan shall give consideration to the items listed in Section 113 E.3.b., comments of reviewing agencies, and to the approved sketch plan for the project.

c. After carefully considering the above guides and standards including the approved 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.

SECTION 114

CC District
CONVENIENCE CENTER

A. Purpose

The Convenience Center District is established to permit the development of small scale retail stores and services conveniently located within residential areas. The purpose of the Convenience Center District is to permit the concurrent and coordinated development of commercial uses in conjunction with residential development. The convenience center district is intended to permit small, low-impact uses which are designed as an integral part of a residential development.

(Amended by ZB Case No. 882R - 8/1/89)

The Convenience Center District is intended to be a "floating zone." In order to enable the Zoning Board to evaluate the accomplishment of the purposes set forth herein, a Preliminary Development Plan is required for each Convenience Center District.

B. Criteria

(Amended by ZB Case No. 882R - 8/1/89)

The Convenience Center district may be established in a particular location if all of the following criteria are satisfied:

1. The site is part of a residential development with at least 100 dwelling units left to develop and a gross area of 25 or more acres;
2. The site has direct access to a minor collector highway or is located at the intersection of a local road and a highway classified as major collector or higher,
3. Public water and public sewer are available,
4. A Convenience center district at the proposed location is compatible with the existing and proposed residential development of adjacent properties;
5. The gross area of the district does not exceed one acre.

C. Uses permitted as a matter of right

1. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
2. Banking, limited to automatic teller machines, either freestanding or as a part of another structure.
3. Barber shops.
4. Beauty shops.

5. Convenience stores.
(Amended by ZB Case No. 882R - 8/1/89)
6. Day care centers.
(Amended by ZB Case No. 882R - 8/1/89)
7. Drug and cosmetic stores.
8. Food stores.
(Amended by ZB Case No. 882R - 8/1/89)
9. Hardware stores.
10. Laundry and dry cleaning establishments not having delivery services.
11. Liquor stores.
12. Locksmith shops.
13. Shoe repair shops.
14. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.
(Amended by ZB Case No. 882R - 8/1/89)

D. Accessory uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.

E. Bulk regulations

1. The following maximum limitations shall apply:.

- a. Height 34 feet
- b. Lot coverage -- structures 30 percent
(Amended by ZB Case No. 882R - 8/1/89)
- c. No establishment permitted as a matter of right under Section 114.C shall exceed a gross floor area of 2,000 square feet, with the exception of food stores and convenience stores, which shall not exceed a gross floor area of 3,500 square feet, and day care centers, which shall have no maximum floor area.
(Amended by ZB Case No. 882R - 8/1/89)

2. The following minimum requirements shall be observed:

a. Structure or use setback:

- (1) From public street right-of-way 30 feet
except that for parking uses 15 feet
(Amended by ZB Case No. 882R - 8/1/89)
- (2) From residential districts other than public
street right-of-way 30 feet

F. Procedure for Creation of the CC District
(Amended by ZB Case No. 882R - 8/1/89)

1. The owner of an interest in any tract of land in Howard County meeting the requirements of Section 114 may petition the Howard County Zoning Board to designate the property described in the petition as a Convenience Center District. The petition shall contain:

a. 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 114.B.5.

b. A preliminary development plan of the property covered by the petition. The preliminary development plan shall set forth:

- (1) Existing topography and major drainage areas;
- (2) The general location of open space and development areas including the quantities proposed;
- (3) The general location of points of access to the site;
- (4) The availability and adequacy of utilities;
- (5) The relationship of the site to the existing and proposed residential development which the proposed CC District is intended to serve; and,
- (6) Existing and proposed development within 200 feet of the site.

2. In considering the petition, the Zoning Board shall consider the following:

- a. The purpose of the CC District and the criteria listed in Sect.114.B;
- b. The appropriateness of the location of the CC District as evidenced by the General Plan;

- c. Traffic conditions and the adequacy of the road network in the vicinity of the site;
- d. County and State road construction and improvement plans;
- e. The relationship of the site to existing and proposed residential and commercial uses; and
- f. Other matters pertinent to the relationship of the site to the Comprehensive Zoning Plan for the area.

3. If the petition is granted:

- a. The Zoning Board may modify or attach conditions to the Preliminary Development Plan, stating the reasons for its actions;
- b. The Zoning Board shall, by decision and order, approve the Preliminary Development Plan and shall create a CC District covering all the land in the petition;
- c. 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 Planning Board, the Department of Planning and Zoning and the petitioner; and
- d. The zoning map of the county shall be amended so as to designate the area of the new CC District.

G. Approval of the Site Development Plan by the Planning Board
 (Amended by ZB Case No. 882R - 8/1/89)

- 1. No permit shall be issued for any use in the CC District until the Site Development Plan has been approved by the Planning Board and the Department of Planning and Zoning.
- 2. A Site Development Plan submitted for approval must generally conform to the approved Preliminary Development Plan for the CC District.
- 3. The Planning Board, before acting upon the Site Development Plan, shall hold a public hearing and shall consider the approved Preliminary Development Plan, the Department of Planning and Zoning's technical comments, and any additional public comments for the project.
- 4. After carefully considering the Site Development 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.

H. Other Provisions

(Amended by ZB Case No. 882R - 8/1/89)

1. If the CC district is not developed and in use in accordance with an approved Site Development Plan within three years of the date of the Final Order granting the Petition, it shall be subject to the actions described in (a) and (b) below.
 - a. At least 90 days prior to the expiration of the three year 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 three years, without holding a public hearing, if it finds that development in accordance with the approved Preliminary Development Plan has been substantially undertaken and is being diligently pursued to completion.
 - b. If an extension is not requested or is denied by the Zoning Board, the Department of Planning and Zoning shall inspect the property within 30 days of the expiration of the three year period and shall initiate the following action if the property is not fully developed and in use in accordance with an approved Site Development Plan:
 - (1) The Department of Planning and Zoning shall notify the Zoning Board and the property owner in writing that a *new* public hearing on the petition is required;
 - (2) Review of the petition shall proceed as if it were a new petition in accordance with the requirements of this section;
 - (3) After the public hearing on the petition, the Zoning Board may grant an extension of the time limit for a specified period of time not to exceed three years, or may rezone the property to its previous zoning district, or to the most similar existing district in the event that its previous district no longer exists.
2. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of an existing building for use as a temporary field of sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 115

B-1 District
BUSINESS, LOCAL

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. Animal hospitals, completely enclosed.
2. Antique shops, art galleries, craft shops.
3. Banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions.
4. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
5. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations operating under a permit issued pursuant to the Maryland state law for a period of time not to exceed 16 consecutive calendar days per event, provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic or educational purposes.
6. Clothing and apparel stores with goods for sale or rent.
7. Convents and monasteries used for residential purposes.
8. Day care centers. (Amended by ZB Case No. 882R - 8/1/89)
9. Drug and cosmetic stores.
10. Farm produce stands.
11. Farming, including necessary and customary uses, and accessory structures including farm greenhouses, provided, however, that no building for housing animals or fowl shall be erected, nor any manure stored, within 100 feet of a dwelling, except that household pets shall be allowed to be housed within 100 feet of a dwelling, but in no case in the front or side setbacks of a dwelling nor within 25 feet of the side lines of a lot. 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.

12. Food stores, including a bakery, provided all goods baked on the premises shall be sold retail from the premises.
13. Funeral homes.
14. Furniture and appliance repair facilities.
15. Government structures, facilities and uses, including public schools and colleges.
16. Home improvement stores including, but not limited to, the following: floor coverings, glass, garden supplies, hardware, wallpaper. and building materials and supplies, provided such building materials and supplies are enclosed in a structure.
17. Laundry and/or dry cleaning establishments, except that pickup and delivery services shall not be provided**
18. Liquor stores
19. Museums, art galleries and libraries.
20. Nonprofit clubs, lodges, colllllllUnity halls.
- 21. Offices, professional and business.
22. 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.
(Amended by ZB Case No. 882R - 8/1/89)
23. Parks, playgrounds, athletic fields, tennis courts, basketball courts and similar recreation facilities.
24. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
25. Restaurants and beverage establishments, including those serving beer, wine and liquor.
26. Retail greenhouses, garden centers and nurseries.
27. Self-service laundries.
28. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies.
29. Specialty stores selling or renting goods including, but not limited to the following: art supplies, bicycles, books, cards, fabrics. flowers, gifts, hobbies, jewelry, luggage, musical instruments, news publications, optical goods. pets, photographic supplies, records, radio and television sales and repairs, sewing machines, sporting goods, stationery, works of art.

30. Structures used primarily for religious activities.
31. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.
(Amended by ZB Case No. 882R - 8/1/89)

C. Accessory Use

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.
3. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the following conditions:
 - 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 special exception approval.
(Amended by ZB Case No. 859R - 6/17/88)

D. Bulk Regulations

1. The following maximum limitations shall apply:
 - a. Height 40 feet
 - b. Lot coverage, - structure 50 percent

2. The following minimum requirements shall be observed:
(Amended by ZB Case No. 882R - 8/1/89)

a. Structure or use setback

- (1) From public street right-of-way 30 feet
except that for parking uses 10 feet
- (2) From a residential district other than
public street right-of-way 30 feet

E. Other Provisions

(Amended by ZB Case No. 882R - 8/1/89)

- 1. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 116

B-2 District
BUSINESS: GENERAL

A. Purpose

The **B-2** District is established to provide for commercial sales and services that directly serve the general public.
(Amended by ZB Case No. 794R - 1/21/86)

B. Uses Permitted as a Matter of Right

1. Animal hospitals, completely enclosed.
2. Antique shops, art galleries, craft shops.
3. Bakeries.
4. Banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions.
5. Blueprinting, printing, duplicating or engraving services.
6. Bowling alleys, tennis barns or clubs, roller skating, ice skating, commercial gymnasiums, dance halls, athletic centers, indoor swimming, miniature golf and similar uses.
7. Building cleaning, painting, roofing, exterminating and similar establishments.
8. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations operating under a permit issued pursuant to the Maryland state law for a period of time not to exceed 16 consecutive calendar days per event, provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic or educational purposes.
9. Clothing and apparel stores with goods for sale or rent.
10. Convents and monasteries used for residential purposes.
11. Department stores, furniture stores, appliance stores.
12. Drug and cosmetic stores.
13. Farm produce stands.

14. Farming, including necessary and customary uses, and accessory structures including farm greenhouses, provided, however, that no building for housing animals or fowl shall be erected, nor any manure stored, within 100 feet of a dwelling, except that household pets shall be allowed to be housed within 100 feet of a dwelling; but in no case in the front or side setbacks of a dwelling nor within 25 feet of the side lines of a lot. 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.
15. Fast food restaurants, restaurants and beverage establishments, including those serving beer, wine and liquor.
16. Food stores.
17. Funeral homes.
18. Furniture and appliance repair facilities.
19. Government structures, facilities and uses, including public schools and colleges.
20. Home improvement stores including, but not limited to, the following: floor coverings, glass, garden supplies, hardware, wallpaper, and building materials and supplies.
21. Hotels, motels and conference centers.
22. Kennels.
23. Laundry and/or dry cleaning establishments.
24. Liquor stores.
25. Livestock auction markets and fairgrounds.
26. Lumber yard, building materials and supplies.
27. Mobile home and prefabricated home sales and rentals, but not including occupancy.
28. Motor vehicle maintenance, repair and painting facilities, including full body repairs and incidental sales of parts such as mufflers, transmissions, etc.
29. Movie theaters, legitimate theaters, dinner theaters.
30. Museums, art galleries and libraries.
31. Nonprofit clubs, lodges, community halls.
32. Offices, professional and business.

33. 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.
(Amended by ZB Case 882R - 8/1/89)
34. Parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts and similar recreation facilities.
35. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
36. Private colleges and universities, trade schools, art schools and commercially operated schools, and day care centers.
37. Retail greenhouses, garden centers and nurseries.
38. Sales, repair and service of motor vehicles, construction equipment and farm equipment.
39. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies.
40. Specialty stores selling or renting goods including, but not limited to, the following: art supplies, bicycles, books, cards, fabrics, flowers, gifts, hobbies, jewelry, luggage, musical instruments, news publications, optical goods, pets, photographic supplies, records, radio and television sales and repairs, sewing machines, sporting goods, stationery, works of art.
41. Structures used primarily for religious activities.
42. Taxicab businesses, dispatch, and maintenance of related vehicles.
43. Taxidermies.
44. 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.
(Amended by ZB Case No. 794R - 1/21/86)

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception,

3. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the following conditions:

- 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 special exception approval.

(Amended by ZB Case No. 859R - 6/17/88)

D. Bulk Regulations

1. The following maximum limitations shall apply:

- a. Height 40 feet
- b. Lot coverage--structure 50 percent

2. The following minimum requirements shall be observed:

(Amended by ZB Case No. 882R - 8/1/89)

a. Structure or use setback

- (1) From public street right-of-way. 30 feet
except that for parking uses 10 feet
- (2) From residential districts
other than public street right-of-way 30 feet

E. Other Provisions

(Amended by ZB Case No. 882R - 8/1/89)

1. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 117

SC District
SHOPPING CENTER

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. Animal hospitals, completely enclosed.
2. Antique shops, art galleries, craft shops.
3. Bakeries provided all goods baked on the premises shall be sold retail from the premises.
4. Banks, savings and loan association, investment companies, credit bureaus, 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 operating under a permit issued pursuant to the Maryland state law for a period of time not to exceed 16 consecutive calendar days per event, provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic or educational purposes.
7. Clothing and apparel stores with goods for sale or rent.
8. Convents and monasteries used for residential purposes.
9. Day care centers. (Amended by ZB Case No. 882R -8/1/89)
10. Department stores, furniture stores, appliance stores.
11. Drug and cosmetic stores.
12. Farm produce stands.

13. Farming, including necessary and customary uses, and accessory structures including farm greenhouses, provided, however, that no building for housing animals or fowl shall be erected, nor any manure stored, within 100 feet of a dwelling, except that household pets shall be allowed to be housed within 100 feet of a dwelling; but in no case in the front or side setbacks of a dwelling nor within 25 feet of the side lines of a lot, 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.
14. Fast food restaurants, restaurants and beverage establishments, including those serving beer, wine and liquor.
15. Food stores.
16. Funeral homes.
17. Furniture and appliance repair.
18. Government structures, facilities and uses, including public schools and colleges.
19. Home improvement stores for sales including, but not limited to, the following: floor coverings, glass, garden supplies, hardware, wallpaper and building materials and supplies.
20. Laundry and/or dry cleaning establishments, except that pickup and delivery services shall not be provided.
21. Liquor stores,
22. Lumber yards, hardware stores, building material and supplies stores.
23. Motor vehicle repair facilities.
24. Movie theaters, legitimate theaters, dinner theaters.
25. Museums, art galleries and libraries,
26. Nonprofit clubs, lodges, community halls, community meeting houses, commercial establishments for receptions and parties.
27. Offices, professional and business.
28. 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.
(Amended by ZB Case No. 882R - 8/1/89)
29. Parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts and similar recreation facilities.
30. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.

31. Retail greenhouses. garden centers and nurseries.
32. Self-service laundries.
33. Service agencies. such as real estate agencies, insurance agencies, security services, messenger services. computer services. travel agencies.
34. Specialty stores selling or renting goods including. but not limited to the following: art supplies. bicycles. books. cards, fabrics. flowers. gifts. hobbies. jewelry. luggage• musical instruments. news publications. optical goods, pets. photographic supplies. recorders, radio and television sales and repairs, sewing machines, sporting goods, stationery, works of art.
35. Structures used primarily for religious activities.

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Underground pipelines; electric transmission and distribution lines designed to carry less than **69,000** volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.
3. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the following conditions:
 - 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 special exception approval.

(Amended by ZB Case No. 859R - 6/17/88)

D. Bulk Regulations

1. The following maximum limitations shall apply:

- a. Height 40 feet
- b. Lot coverage - structure 30 percent

2. The following minimum requirements shall be observed:
(Amended by ZB Case No. 882R - 8/1/89)

- a. District size, not to prohibit the sale or lease of lots therein
..... 10 acres
(Amended by ZB Case No. 876R - 3/16/89)
- 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 right-of-way. 100 feet

E. Other Provisions

(Amended by ZB Case No. 882R -8/1/89)

1. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

2. The following requirements shall apply to any subdivision of land within an SC District:

- a. 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:
 - (1) Approximate location of each building and approximate setback distances from streets, property lines, and other buildings;
 - (2) Approximate location of parking areas, loading areas, open space, and street access;
 - (3) Total number of parking spaces within the district, the number of spaces on each proposed lot, and proposed arrangements for common parking facilities.
- b. All lots within the SC District shall have shared driveway access to public streets.
- c. The sketch plan shall be approved only if the Director of the Department of Planning and Zoning determines that the plan provides a unified arrangement of lots, buildings, parking and service areas, and open space.

(Amended by ZB Case 876R - 3/16/89)

SECTION 117.1

BR DISTRICT BUSINESS: RURAL

...(Section-117.1 was added to the Zoning Regulations by ZB Case No. 928- 9/18/92)

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 adequate road access and at least 60 feet of frontage on a collector or arterial highway.
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

1. Animal hospital.
2. Auction facility.
3. Blacksmith shop.
4. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, provided that:

- a. The operator shall obtain all permits required by County and 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.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
 6. Contractor's office and 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.
 7. Farm and garden supply store.
 8. Farm machinery and equipment sales, service, and repair.
 9. Farmer's market or farm produce stand.
 10. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the use of the family residing on the lot and no livestock shall be permitted.
 11. Feed or grain mills.
 12. Firewood sales.
 13. Government structure, facility or use.
 14. Horse tack and saddlery shop.
 15. Lawn and garden equipment sales, service and repair.
 16. Livestock sales
 17. Mulch manufacture.

18. Nonprofit club, lodge or community ball.
19. One dwelling unit per lot improved by a business establishment. A dwelling which is not within the same structure as the business shall be permitted only on a lot of five or more acres.
20. Processing and storage of agricultural products, including grain, fruit, vegetables, meat or animal products.
21. Retail greenhouse or nursery.
22. Sale of Christmas trees or other seasonal decorative plant materials between December first and January first, 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 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 driveways.
23. Sawmills.
24. School bus storage.
25. Structures used primarily for religious activities
25. Taxidermy
26. 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 special exception.
27. Welding service.

D. Accessory Uses

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

E. Bulle Re ations

1. -The following majnum limitations shall apply:
 - a Height 34 feet
 - b. Lot coverage by structures ... --30 percent
2. The following mjinmnm 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

F. 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 preUminacy development plan of the property covered by the petition. The Preliminary Development Plan shall show:
 - (1) Existing topography, 100-year floodplain areas and wetland aras .
 - (2) The general location of proposed points of access to the site.
 - (3) The general location of proposed landscaped areas and development areas, including the approximate acreage of each.
 - (4) The general location of proposed wells and septic system percolation areas.
2. 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 Section 117.1.B.

- c. The road network in the vicinity of the site is adequate to serve the potential development of the site;
- d. Adequate sight distance along roads can be provided at proposed points of access to the site;
- e. The proposed -landscaped areas can provide adequate buffering of the permitted uses from existing land uses in the vicinity.

3. If the petition is granted:

- a. The Zoning Board shall, by decision and order, approve the preliminary development plan 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, stating the reasons for its actions; and
- c. 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.

G. 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 Preliminary Development Plan may only be amended by the Zoning Board, following the same procedures used for a petition to create a BR district.

H. Other Provisions

- 1. All activities related to the repair and maintenance of motor vehicles or equipment shall take place within a building.
- 2. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 118

M-1 District
MANUFACTURING, LIGHT

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. Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
2. Blueprinting, printing, duplicating or engraving services.
3. Bowling alleys, tennis barns and clubs, roller skating and ice skating rinks, commercial gymnasiums, dance halls, athletic centers, indoor swimming pools, miniature golf courses and similar uses.
4. Building cleaning, painting, roofing, exterminating and similar establishments.
5. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations operating under a permit issued pursuant to the Maryland State Law for a period of time not to exceed 16 consecutive calendar days per event, provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic or educational purposes.
6. Clothing and apparel manufacture.
7. Drive-in theaters.
(Amended by ZB Case No. 839R - 11/29/86)
8. Farming, including necessary and customary uses, and accessory structures including farm greenhouses, provided, however, that no building for housing animals or fowl shall be erected, nor any manure stored, within 100 feet of a dwelling, except that household pets shall be allowed to be housed within 100 feet of a dwelling; but in no case in the front or side setbacks of a dwelling nor within 25 feet of the side lines of a lot. 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.

9. Food and drink production, processing, packaging and distribution for dairy products, food products, bakery products, non-alcoholic beverages, spices, ice and meats, excluding slaughtering.
10. Full-service laundry and/or dry cleaning establishments.
11. Furniture and appliance repair.
12. General light manufacturing, including photographic equipment, precision instruments, ceramic products, electrical equipment, musical instruments, optical equipment, medical supplies, toys, novelties, wrought iron products, sporting goods, rubber and metal stamps.
13. Golf driving ranges.
14. Government structures, facilities and uses, including public schools and colleges.
15. Home goods and furniture manufacture facilities for the production of brooms, brushes, holiday decorations, jewelry, silverware, stationery, television sets, radios, household appliances and leather goods, but excluding tanning.
16. Hotels, motels, conference centers and country inns.
17. Limited Retail Sales:
For any manufacturing plant or warehouse permitted in the M-1 District, retail sales may be permitted, provided that 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 and further provided that not more than 30 percent 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 that 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 except where such sales are in compliance with Section 118.B.35. of these zoning regulations.
(Amended by ZB Case No. 858R - 6/14/88 and ZB Case 882R - 8/1/89)
18. Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously-prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, pipe, plastics, precious or semi-precious metals or stones. sheet metal (excluding large stampings such as motor vehicle fenders and bodies), shells, textiles, tobacco, wax, wire, wood and yarns.
19. Mobile home and prefabricated home sales and rentals, but not including occupancy.
20. Motor vehicle, construction equipment and farm equipment sales, repairs and service facilities.

21. Nonprofit clubs, lodges, community halls.
22. Offices, professional and business.
- 23.** Parks, swimming pools, playgrounds, tennis courts, basketball courts and similar recreation facilities.
24. Printing, lithography, bookbinding or publishing plants.
25. Private business colleges and universities, trade schools and similar commercially operated schools and day care centers.
(Amended by ZB Case No. 811R - 6/5/86)
26. Research laboratories.
27. Restaurants and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
- 28.** Sawmills.
29. School bus and recreational vehicle storage facilities.
30. Taxicab businesses, including facilities for dispatch and maintenance of related vehicles.
31. Taxidermies.
- 32.** Warehouses, truck terminals, moving and storage establishments and cold storage facilities, provided that all loading and unloading shall be done entirely on private property, and that no part of any vehicle shall extend into a street while loading or unloading,
- 33.** Wholesale building materials, supplies and installation contractors facilities with storage yards for lumber, bricks, masonry blocks, construction equipment, plumbing and electrical supplies.
34. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.
(Amended by ZB Case 882R - 8/1/89)
- 35.** Retail centers. Retail centers to serve the employees and users of projects within this zoning district are permitted 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 such as barber and beauty shops, opticians, and photographic stores.
- (4) Specialty stores selling and/or renting goods and/or services, including florists, bakeries, office supply and video 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; and
- (2)** The retail center(s) lot shall not occupy, in the aggregate, more than (2%) of the gross acreage of the project with no more than one percent of the gross acreage of the project on any one retail center lot within said project; and
- (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 ten percent (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.

(Amended by ZB Case No. 858R - 6/14/88)

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.
3.
 - a. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
(Amended by ZB Case No. 811R - 6/5/86)
 - b. Service agencies such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies.
(Amended by ZB Case No. 882R - 8/1/89)
 - c. Retail establishments, limited to the following: food stores, drug and cosmetic stores and specialty stores provided the total gross floor area of all such establishments shall not exceed 2,000 square feet and shall not exceed 10 percent of the total floor space of the principal use.
 - d. On application to the Department of Planning and Zoning, approval may be given for the operation of a flea market, provided: sufficient parking exists on the *site*, the site has direct access to an intermediate arterial undivided highway and the flea market use is limited to weekends and national holidays.
4. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the following conditions:
 - 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 special exception approval.
(Amended by ZB Case No. 859R - 6/17/88)

D. Bulk Regulations

1. The following maximum limitations shall apply:

a. Height

- (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. 100 feet

2. The following minimum requirements shall be observed:
(Amended by ZB Case No. 882R - 8/1/89)

a. Setbacks, structures or use:

- (1) From any external public street right-of-way 50 feet
except for fences and parking uses 30 feet
- (2) From any internal public street right-of-way 50 feet
except for fences and parking uses 10 feet
- (3) From any residential district other than public street right-of-way 150 feet

E. Other Provisions

(Amended by ZB Case No. 882R - 8/1/89)

1. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 119

M-2 District
MANUFACTURING, HEAVY

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. Aircraft parts and subassemblies manufacturing facilities.
2. Asphalt or asphalt products manufacturing facilities.
3. Automobile, truck, construction equipment or farm equipment assembly plants.
4. Automobile, truck, construction equipment or farm equipment parts manufacturing facilities.
5. Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
6. Blueprinting, printing, duplicating or engraving services.
7. Bowling alleys, tennis barns and clubs, roller skating and ice skating rinks, commercial gymnasiums, dance halls, athletic centers, indoor swimming pools, miniature golf courses, and similar uses.
8. Building cleaning, painting, roofing, exterminating and similar establishments.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations operating under a permit issued pursuant to the Maryland state law for a period of time not to exceed 16 consecutive calendar days per event, provided that all of its structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair; and provided further that said carnival or fair shall not be held more than once in any 30-day period on such lot. Nonprofit shall mean that no part of the net earnings inure to the benefit of any private shareholder or individual, but said net earnings are exclusively devoted to charitable, social, civic or educational purposes.
10. Clay and ceramic products manufacture.
11. Clothing and apparel manufacture.
12. Coal storage.
13. Concrete batching.

14. Concrete products manufacture.
15. Construction machinery manufacture and repair.
16. Cotton mill, cloth manufacture.
17. Disinfectants manufacture.
18. Drive-in theaters and movie theaters.
(Amended by ZB Case No. 808 - 2/10/86)
19. Excelsior manufacture.
20. Farming, including necessary and customary uses, and accessory structures including farm greenhouses, provided, however, that no building for housing animals or fowl shall be erected, nor any manure stored, within 100 feet of a dwelling, except that household pets shall be allowed to be housed within 100 feet of a dwelling; but in no case in the front or side setbacks of a dwelling nor within 25 feet of the side lines of a lot. 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.
21. Floor covering manufacture.
22. Food and drink production, processing, packaging and distribution for dairy products, food products, bakery products, non-alcoholic beverages, spices, ice and meats, excluding slaughtering.
23. Food manufacturing, packing or processing plants.
24. Foundries.
25. Full-service laundry and/or dry cleaning establishments.
26. Furniture and appliance repair.
27. General light manufacturing, including photographic equipment, precision instruments, ceramic products, electrical equipment, musical instruments, optical equipment, medical supplies, toys, novelties, wrought iron products, sporting goods, rubber and metal stamps.
28. Glass manufacture.
29. Golf driving ranges.
30. Government structures, facilities and uses, including public schools and colleges.
31. Grain storage, milling, or processing.
32. Heavy machinery manufacture or repair.

33. Home goods and furniture manufacture facilities for the production of brooms, brushes, Christmas decorations, jewelry, silverware, stationery, television sets, radios, household appliances and leather goods, but excluding tanning.
34. Hotels, motels, conference centers and country inns.
35. Ice factories.
36. Kennels, commercial and non-commercial.
37. Limited Retail Sales:

For any manufacturing plant or warehouse permitted in the M-2 District, retail sales may be permitted provided that 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 and further provided that not more than 30 percent 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 that 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 except where such sales are in compliance with Section 119.B.68. of these zoning regulations.

(Amended by ZB Case No. 858R - 6/14/88 and ZB Case No. 882R - 8/1/89)

38. Livestock slaughtering or preparation for packing.
39. Machine shops, including manufacture of precision instruments.
40. Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously-prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, pipe, plastics, precious or semi-precious metals or stones, sheet metal, textiles, shells, tobacco, wax, wire, wood and yarns.
41. Manufacturing of metal alloys or foils.
42. Mobile home and prefabricated home manufacture, sales and rentals, but not including occupancy.
43. Motor vehicle, construction equipment and farm equipment sales, repair and service facilities.
44. Natural or synthetic rubber processing or manufacture.
45. Non-alcoholic beverage manufacturing and bottling.
46. Nonprofit clubs, lodges, community halls.
47. Offices, professional and business.

48. Packing or processing of fish products, fruit or vegetables.
49. Parks, playgrounds, tennis courts. basket.ball courts and similar recreation facilities.
50. Porcelain products manufacture.
51. Printing, lithography, bookbinding or publishing plants.
52. Private business colleges and universities, trade schools and similar commercially operated schools.
53. Railroad equipment manufacture and repair.
54. Research laboratories.
55. Restaurants and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
56. Sawmills,
57. School bus and recreational vehicle storage facilities.
58. Size manufacture.
59. Soap or detergent manufacture.
60. Stone or stone products manufacture.
61. Taxidermies.
62. Topsoil storage for commercial purposes.
63. Warehouses, truck terminals• moving and storage establishments and cold storage facilities, provided that all loading and unloading shall be done entirely on private property and that no part of any vehicle shall extend into a street while loading or unloading.
64. Wholesale building materials, supplies and installation contractors facilities with storage yards for lumber. bricks, masonry blocks, construction equipment, plumbing and electrical supplies.
65. Woodworking plants.
66. Wool scouring or pulling.
67. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.
(Amended by ZB Case No. 882R - 8/1/89)

68. Retail centers. Retail centers to serve the employees and users of projects within this zoning district are permitted 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 such as barber and beauty shops, opticians, and photographic stores.
 - (4) Specialty stores selling and/or renting goods and/or services. including florists, bakeries. office supply and video 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; and
 - (2) The retail center(s) lot shall not occupy, in the aggregate, more than (2%) of the gross acreage of the project with no more than one percent of the gross acreage of the project on any one retail center lot within said project; and
 - (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 ten percent (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.

(Amended by ZB Case No. 858R - 6/14/88)

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.
3.
 - a. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors, day care centers.
 - b. Service agencies such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies.
(Amended by ZB Case No. 882R - 8/1/89)
 - c. Retail establishments limited to the following: Food stores, drug and cosmetic stores and specialty stores, provided the total gross floor area of all such establishments shall not exceed 2,000 square feet and shall not exceed ten percent of the total floor space of the principal use.
 - d. On application to the Department of Planning and Zoning, approval may be given for the operation of a flea market, provided: sufficient parking exists on the site, the site has direct access to an intermediate arterial undivided highway and the flea market use is limited to weekends and national holidays.
4. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the following conditions:
 - 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 special exception approval.
(Amended by ZB Case No. 859R - 6/17/88)

D. Bulk Regulations

1. The following maximum limitations shall apply:

a. Height

- (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. 100 feet

2, The following minimum requirements shall be observed:
(Amended by ZB Case No. 882R - 8/1/89)

a. Structure or use setbacks:

- (1) From any external public street
right-of-way 50 feet
except for fences and parking uses 30 feet
- (2) From any internal public street
right of way 50 feet
except for fences and parking uses 10 feet
- (3) From any residential district other
than public street right of-way 150 feet

E. Other Provisions

(Amended by ZB Case No. 882R - 8/1/89)

1. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 120

ID District
INDUSTRIAL DEVELOPMENT

A. Purpose

The ID District is established to provide for the development of a large industrial complex under single ownership.

B. Uses Permitted as a Matter of Right

1. All business, commercial and retail uses permitted under these regulations (except uses permitted only in R-MH Districts) are permitted in ID Districts, provided that such uses are restricted to services, products and facilities made available to agents, officers or employees actually working on the site, or business invitees of the owner of the site and are not made available to the public generally.
2. All retail uses permitted in B-1 Districts under these regulations are permitted in ID Districts, provided that:
 - a. The products sold are either manufactured on the site or are sold as parts or accessories to products manufactured by the owner on the site or elsewhere; and
 - b. Any service facilities are limited to the repair and/or service of products manufactured by the owner on the site or elsewhere.
3. Aircraft parts and subassemblies manufacturing facilities.
4. Automobile, truck, construction equipment or farm equipment assembly plants and parts manufacturing facilities.
5. Clothing and apparel manufacture.
6. Coal storage.
7. Concrete batching.
8. Concrete products manufacture.
9. Construction equipment manufacture and repair.
10. Cotton mill, cloth manufacture.
11. Disinfectants manufacture.
12. Excelsior manufacture.
13. Floor covering manufacture.

14. Food and drink production, processing, packaging and distribution for dairy products• food products• bakery products, non-alcoholic beverages, spices, ice and meats but excluding slaughtering, fish canning, curing, grinding or smoking and flour, grain or grist mills.
15. General light manufacturing including photographic equipment precision instruments. ceramic products. electrical equipment• musical instruments, optical equipment, medical supplies, toys, novelties. wrought iron products. sporting goods• rubber and metal stamps.
16. Glass manufacture.
17. Grain storage.
18. Heavy machinery manufacture or repair.
19. Home goods and furniture manufacture facilities for the production of brooms, brushes, Christmas decorations, jewelry, silverware, stationery, television sets, radios, household appliances and leather goods, but excluding tanning.
20. Ice factories.
21. Incineration or reduction of garbage, salvage and waste disposal in connection with manufacturing operations conducted on the site, provided such uses shall not be located within 300 feet of any property line.
22. Iron, steel or copper works or foundries in connection with manufacturing, provided such uses shall not be located within 300 feet of any property line.
23. Machine shops.
24. Manufacturing. compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane. cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, pipe, plastics, precious or semi-precious metals or stones, sheet metal, shells, textiles, tobacco, **wax**, wire, wood, and yarns.
25. Manufacturing of metal alloys and foils.
26. Mobile home and prefabricated home manufacture.
27. Plastic, pyroxylyene, including celluloid manufacture, in connection with manufacturing operations conducted on the site, provided such uses shall not be located within 300 feet of any property line.
28. Porcelain products manufacture.
29. Printing, lithography, bookbinding, or publishing plants.

30. Railroad equipment manufacture and repair.
31. Refining of metals in connection with manufacturing operations conducted on the site, provided such uses shall not be located within 300 feet of any property line.
32. Research laboratories.
33. Sawmills, excluding planing mills, paper or pulp manufacture.
34. Steam or drop hammer forge plants in connection with manufacturing operations conducted on the site, provided such uses shall not be located within three hundred feet of any property line.
35. Topsoil storage for commercial purposes.
36. Warehouses, truck terminals, moving and storage establishments and cold storage facilities, provided that all loading and unloading shall be done entirely on private property and that no part of any vehicle shall extend into a street while loading or unloading.
37. Wholesale building materials, supplies and installation contractors facilities with storage yards for lumber, bricks, masonry blocks, construction equipment, plumbing and electrical supplies.
38. Woodworking plants excluding planing mills.
39. Sales of Christmas trees or other seasonal decorative plant materials between December first and January first, provided: an application for such use is approved by the Department of Planning and Zoning, the site has adequate off-street parking and access to a public road, and the Department of Planning and Zoning determines that such use would not cause traffic problems in the surrounding area.
(Amended by ZB Case No. 882R - 8/1/89)

C. Accessory Uses

1. Any use customarily incidental to any use permitted as a matter of right in this district.
2. Underground pipelines; electrical transmission and distribution lines designed to carry less than 69,900 volts; telephone, telegraph and CATV lines; other similar public utility uses not requiring a special exception.

D. Bulk Regulations

1. The following maximum limitation shall apply:

Height--structures 150 feet

2. The following minimum requirements shall be observed:
(Amended by ZB Case No. 882R - 8/1/89)

a. Lot size single ownership 300 contiguous acres

For the purpose of this section the term "single ownership" shall include corporations and their wholly-owned subsidiaries, individuals, partnerships. Joint ventures and other associations involving joint ownership, and tenants under a lease or leases having a term of at least 75 years. For the purpose of this section, lands which are divided by streets, roads, ways, highways, transmission pipe lines or conduits or rights-of-way, in fee or by easement, owned by third parties, shall be considered to be contiguous.

b. Structure or use setbacks:

(1) From any property line 150 feet

(2) From any residential district other than
a public street right-of-way 300 feet

c. Setback from property line or public street right-of-way if the structure height

(1) Is over 50 feet but less than 100 feet 200 feet

(2) Is over 100 feet but no more than 150 feet 250 feet

E. Other Provisions

1. Landscaping

All parking areas located within 300 feet of the right-of-way of a public road or highway, not including interior roads, shall be landscaped with screen plantings not less than six feet in height at time of planting. Such landscaped areas shall be maintained at all times.

2. Approval of the Sketch Plan by the Planning Board

a. No permit shall be issued for any use in the ID district until the sketch plan has been approved by the Planning Board.

b. The Planning Board, before acting on the Sketch Plan, shall hold a public hearing and shall give consideration to the following:

(1) The adequacy and location of roads within the district, access roads to the district from arterial highways and whether or not adequate roads or highways are available to protect nearby residential property.

- (2) The locations, layout and adequacy of parking, loading and unloading facilities.
 - (3) General traffic conditions in or near the property.
 - (4) The highway plans of the County and State.
 - (5) Any other factors which may prevent the orderly growth of the immediate vicinity of the subject property or would adversely affect the completion of the general use and development plans of the county or state.
- c. After carefully considering the above guides and standards the Planning Board shall approve, approve with modifications and/or conditions attached, or disapprove the sketch plan, stating the reasons for its actions.
3. Approval of the Site Development Plan by the Planning Board
 - a. No permit shall be issued for any use in the ID District until the site development plan has been approved by the Planning Board and the Department of Planning and Zoning.
 - b. The Planning Board, before acting upon the site development plan, shall give consideration to the items listed in Section 120 E.2.b. comments of reviewing agencies, and to the approved sketch plan for the project.
 - c. After carefully considering the above guides and standards including the approved 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.
 4. Surplus land over and above the minimum amount may be sold by the owner provided, however, that land so sold and conveyed shall be. at the time legal title is transferred, deemed to be zoned M-1 as defined in these regulations; and its development shall be controlled by and in accordance with these regulations. Any such sale shall be reported to the Department of Planning and Zoning, so that the Zoning Map may be changed to reflect the zoning change.
 5. On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 121

PEC District
PLANNED EMPLOYMENT CENTER

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. Data processing and computer services
2. Day care centers (Amended by ZB Case No. 871R - 2/9/89)
3. Engineering and scientific research or development facilities.
4. Farming, including necessary and customary uses and accessory structures, including farm greenhouses; provided, however, that no building for housing animals or fowl shall be erected, nor any manure stored, within 100 feet of a dwelling except that household pets shall be allowed to be housed within 100 feet of a dwelling, but in no case in the front or side setbacks of a dwelling nor within 25 feet of the side lot lines of a lot.
5. Government structures, facilities and uses, including public schools and colleges.
6. Hotels, motels and conference centers.
7. Offices, professional and business.
8. Private colleges and universities, trade schools.

9. Private parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts and similar private non-commercial recreation facilities.
10. Radio and television broadcasting facilities and studios.
11. Riding academies and stables.
12. The following commercial uses shall be allowed as a matter of right, but shall not occupy more than four percent of the gross area of the district. Development of the commercial uses shall be phased in with development of the above 11 enumerated uses as a matter of right so that at no time shall the following commercial uses exceed 25 percent of the total developed floor area:
 - a. Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions;
 - b. Blueprinting, printing and duplicating services;
 - c. Business machine sales, rental and service establishments;
(A.mended by ZB Case No. 808 - 2/10/86)
 - d. Drug and cosmetic stores;
 - e. Laundry and dry cleaning establishments without delivery services;
 - f. Liquor stores;
 - g. Museums, art galleries, and libraries;
 - h. New ands;
 - i. Personal service establishments such as barber and beauty shops, opticians, photographers;
 - j. Restaurants and beverage establishments including those serving beer, wine and liquor for consumption on premises only;
 - k. Security services;
 - l. Service agencies;
 - m. Specialty stores selling or renting goods;
 - n. Telegraph offices and messenger services;
 - o. The retail sale of products manufactured on the site or parts or accessories to products manufactured on the site; and
 - p. Travel bureaus.

(Amended by ZB Case No. 871R - 2/9/89)

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph, and CATV lines; and other similar public utility uses not requiring a special exception.
3. Light manufacturing, assembly, service, repair and/or warehousing associated with and incidental to uses permitted under Section 121.B.1 and B.2, provided they do not exceed 70 percent of the developed floor area of all structures located in the district, including but not limited to the following:
 - a. Communication equipment including radio and TV receiving equipment and telephone and telegraph apparatus,
 - b. Computers and peripheral equipment relating thereto,
 - c. Dental equipment, accessories and supplies,
 - d. Electrical or mechanical calculating and accounting machines,
 - e. Electronic components and accessories,
 - f. Electronic measuring instruments and electrical control devices,
 - g. Instruments, accessories and supplies used in medical diagnosis or treatment,
 - h. Mechanical measuring and control devices,
 - i. Office business machines,
 - j. Optical instruments and lenses,
 - k. Photographic equipment, accessories- and supplies,
 - l. Precision instruments used in scientific or engineering research,
 - m. Solar energy devices,
 - n. Temperature controls, and
 - o. Any products not listed above which are consistent and compatible with the purposes set forth in this district.
4. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the following conditions:

- 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 special exception approval.

(Amended by ZB Case No. 859R - 6/17/88)

D. Bulk Regulations

1. At least 30 percent of the gross area of the PEC district shall be open space.
 - a. Parking area may be included if its primary purpose is to accommodate open space uses. The right-of-way of roads, the primary purpose of which is to serve the PEC district, may be included in open space, except that the paved roadway shall be excluded.
(Amended by ZB Case 882R - 8/1/89)
2. At least 28 percent of each lot in the PEC district shall be devoted to private open areas, except however that the amount of private open area on a lot may be reduced below the required 28 percent if the equivalent amount of reduced private open area is provided as open space contiguous to the same lot. The increased open space shall be in addition to the open space and private open areas required for the lot.
(Amended by ZB Case No. 882R - 8/1/89)
 - a. Private open area is land, either landscaped or in a natural state, which is open and unobstructed from its lowest level to the sky, and which is privately owned and maintained and included within a building lot in the PEC district.
 - b. Paved, non-roofed, recreational uses are not permitted to cover more than 10 percent of a private open area. Roofed area for private open area uses may be included to a total of not more than five percent of the private open area. Parking and roads are not permitted within private open areas.

3. The following maximum limitations shall apply:
 - a. Height
 - (1) Structure with minimum setback 40 feet
 - (2)** Structure with an additional one foot in height for every 10 feet of setback above the minimum 80 feet
 - b. District coverage--structures 30 percent gross area of district

4. The following minimum requirements shall be observed:
 - a. District size 50 contiguous acres
 - (1) Districts of less than 50 acres are 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
 - (1) From residential districts 100 feet
 - (2)** From all other districts 30 feet
 - (3) From public street right-of-way 25 feet
 - (4) From internal public street right-of-way 10 feet

E. Comprehensive Sketch Plan and Final Development Plan

1. No development of land in the PEC 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 all the open space areas will be permanently maintained and devoted to open space uses.
 - (5)** The approximate boundaries and approximate acreage for each of the permitted land use classifications;
 - (6)** The permitted location of all:
 - (a) Public streets, roads and pedestrian systems;
 - (b) Employment, commercial and retail uses by general classification;
 - (c)** Open areas.
 - (7)** Text material (criteria) covering the following:
 - (a) The criteria regulating the location of all structures and the permitted land use classifications. (Uses may be designated either generally as "any use permitted in the PEC district" or specific uses may be enumerated for specific areas),
 - (b) Other bulk regulations,
 - (c) Parking and landscaping requirements, and
 - (d) Screening requirements for outside storage of merchandise, material or equipment.
3. The Planning Board, before acting upon the Comprehensive Sketch Plan, shall receive comments thereon from the Department of Planning and Zoning, Department of Public Works and such other County or State agencies as it deems necessary and shall hold a public hearing. Notice of the public hearing shall be published in two newspapers with general circulation in Howard County for two weeks, at least one of which shall occur at least 30 days in advance of the established date of the hearing. In addition, notice of the public hearing shall be posted on the property covered by the Comprehensive Sketch Plan using posters prepared by and at locations specified by the Department of Planning and Zoning.

4. In acting upon the Comprehensive Sketch Plan, the Planning Board shall consider the following factors:
 - a. The adopted General Plan for Howard County.
 - b. The arrangement of land uses within the district.
 - c. The adequacy and location of roads within the subject PEC district and access roads to the development area covered by the Comprehensive Sketch Plan from nearby existing and planned county and state roads.
 - d. Any other factors which affect the orderly growth of the County.
 - e. The availability of public utilities.
5. After carefully considering agency comments, public hearing testimony, the 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 by 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.
7. The Final Development Plan shall be considered by the Planning Board at a public meeting after having received comments from the various review agencies.
8. At the time of the approval of a Final Development Plan, the Planning Board will provide for the subsequent approval of it of a Site Development Plan pertaining to the property which is the subject matter of such Final Development Plan. However, the Site Development Plan shall not alter any land uses as set forth in the Final Development Plan.
9. Approval of the Final Development Plan by the Planning Board and Rec9rdation 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.

10. No administrative adjustments shall be allowed in a PEC District. Any changes in the Final Development Plan criteria shall be made only by an amendment to the Final Development Plan unless the Planning Board has reserved in the Final Development Plan the right to approve such changes in the Site Development Plan.
(Amended by ZB Case No. 808 - 2/10/86)

F. Approval of the Site Development Plan by the Planning Board

1. No permit shall be issued for any use in the PEC district until the Site Development Plan has been approved by the Planning Board and the Department of Planning and Zoning.
2. A Site Development Plan submitted for approval must conform to the recorded Final Development Plan for the PEC district.
3. The Planning Board, before acting upon the Site Development Plan, shall give consideration to the guides and standards listed in Section 121 E. 4. and to the following:
 - a. The locations, layout and adequacy of parking, loading and unloading facilities,
 - b. The Site Development Plan shall not be approved unless sewerage and water facilities have been approved by the Howard County Department of Public Works.
4. 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.

G. Other Requirements

On application to the Department of Planning and Zoning, a permit may be issued (a) for the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.

SECTION 122

NT District
NEW TOWN

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 122.
2. As used herein, the terms "New Town District," "NT District" or "the District" mean the land zoned for the erection of a New Town under the provisions of this Section 122.
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 122. 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 122 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 122.
4. No NT District shall have a greater overall population density than that produced by the number of dwellings permitted herein. The maximum number of dwellings permitted within an NT District shall be calculated by multiplying the total number of acres within the entire NT District (without excluding any areas regardless of their use) by the average number of dwellings per acre permitted with the NT District as specified in the "Final Development Plan," as hereinafter defined; provided, however, that in no event shall the number of dwellings per acre permitted in any NT District exceed two and one half. Within each NT District the following additional density 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 RMH, M-2 or ID 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 "Apartments" on the Final Development plan, and:
 - (1) In groups having no more than 10 dwellings attached to one another;
 - (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. Each single-family attached unit must contain a minimum of 1,080 square feet of gross floor space, excluding the basement.
 - c. The off-street parking requirements of Section 127 of these Regulations shall be applicable.
(Amended by ZB Case No. 808 - 2/10/86)
 - d. The accessory use provisions of Section 108 shall be applicable to all residential uses within 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 122.C.3.ci. of these regulations, if an approved Final Development Plan designates POR, B-1, B-2, S-C 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 regulation for those districts regulating the location of structures, height limitations, parking requirements, setback provisions, minimum lot sizes, coverage requirements, landscaping and open space requirements shall not apply inasmuch as the controls therefor shall be included in the Final Development Plan approved by the Planning Board as provided under Section 122.C. of these regulations,

8. Each New Town District must provide each of the following uses in the following proportions:

	(1)	(2)
	Minimum	Maximum
	Percentage	Percentage
	of Total	of Total
	Area of the	Area of the
	<u>District</u>	<u>District</u>
Open Space Uses	36%	NA
Single Family--Low Density	10%	NA
Single Family--Medium Density	20%	NA
Apartments	NA	12%
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 RMH, ID or M-2 Districts	NA	15%

Note: NA means Not Applicable

(Amended by ZB Case No. 817R&M - 9/9/86)

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. 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 **30** percent requirement imposed above:

- a. The term "open space uses" shall not include parking lots, streets, rights-of-way, amusement parks, golf driving ranges or drive-in movies.
 - b. 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. 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 122 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 122.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 petitioner shall file 15 copies of the above described petition and all schedules annexed thereto with the Department of Planning and Zoning who shall, in turn, transmit five sets of the same to the Planning Board and each reviewing agency. Each reviewing agency shall within 30 calendar days after receipt of the petition, issue a written report and recommendation thereon to the Planning Board. In considering the petition and in making its recommendation and report to the Zoning Board, the Planning Board shall consider the matters set forth in Section 100 of these Regulations as well as the General Plan for the County.
4. After the Planning Board has forwarded the reports of the reviewing agencies along with its recommendations and reports, the Zoning Board shall schedule a public hearing at which parties in interest and citizens of Howard County shall have an opportunity to be heard. Public notice of the hearing and the posting of the property in question shall be subject to the provisions of these Regulations. Following the public hearing, and after considering the reports and recommendations of the Planning Board, the Zoning Board shall examine the Preliminary Development Plan in detail.

In making this examination, the Zoning Board shall also consider the following guides and standards in passing on 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.

5. 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.

6. 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 Planning Board, the Department of Planning and Zoning and the petitioner;
 - b. The zoning map of the County shall be amended so as to designate the area of the new NT District or the phase thereof then being zoned;
 - c. All prior existing zoning controls over the property so designated as being within the NT District which are inconsistent with the Preliminary Development Plan shall cease;
 - d. 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 of 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.

C. Comprehensive Sketch Plan and Final Development Plan

1. 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, 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 commence the preparation of a proposed Final Development Plan. The Final Development Plan process shall be initiated by the filing 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 ID, 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 percent, or the number of acres to be devoted to permitted residential uses shall be decreased by more than 10 percent, 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, shall 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, all as in the case of the hearing of the Preliminary Development Plan.
 - 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 122 of these regulations and shall particularly consider:
 - a. The location and adequacy of all streets and ways, in relation to the highway plans of the County and State.
 - b. The location and adequacy of public utility and community facilities, including transportation facilities and 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. In considering the matters set forth above, the Planning Board may consult with, or request reports from, the Department of Public Works, the Health Department of Howard County, and any other public departments or agencies of the County or State.
7. 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 122.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.
8. 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.
9. Upon approval of a Comprehensive Sketch Plan, the petitioner may submit a Final Development Plan to the Office of Planning and Zoning for approval by 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 courses and distances. The text (criteria) shall be that which was approved by the Planning Board as part of the Comprehensive Sketch Plan.

10.a. 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.

b. The Final Development Plan shall be considered by the Planning Board at a public hearing prior to approval under the following conditions:

- (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 percent, or the number of acres to be devoted to permitted residential uses shall be decreased by more than 10 percent, from that stated in the Preliminary Development Plan; or
- (3) **If** the Proposed Final Development 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, shall 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, all as in the case of the hearing of the Preliminary Development Plan.

11. 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. Such subsequent 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 shall not be subject to review or further consideration as part of the subsequent Site Development Plan process.

12. 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.
13. If the Planning Board shall disapprove the proposed Final Development Plan (or any phase thereof) or shall fail to approve or disapprove the same within 60 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 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 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 and the receipt of such reports and recommendations as may be forthcoming within 30 days after such request, the Zoning Board may approve, with or without changes, or disapprove the proposed Final Development Plan (or the phase thereof in question). In making this decision, the Zoning Board shall consider the matters set forth herein.
14. Upon approval of the Final Development Plan (or upon the approval of each phase thereof if submitted on a separate segment basis) as above provided 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 thereby as provided herein 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 except by an amendment to the Final Development Plan. Such an amendment may be requested by an interested party and the proposed amendment shall be governed by all of the foregoing provisions relating to the approval of the Final Development Plan. Changes in accessory uses shall be allowed pursuant to applications for certificates of occupancy.
15. At any time before the Zoning Board has acted pursuant to Section 122 B.4. hereof, the original petitioner may amend the petition for an NT District so as to include additional land owned by the petitioner and adjacent to the land described in the original petition. If the Zoning Board has approved a petition under Section 122 B.4. hereof, then at any time thereafter the original petitioner may file a new petition to annex additional land to the NT District so as to include additional land owned by the petitioner and adjacent to the existing NT District. Such new petition shall be subject to all of the provisions of this Section, except that the minimum area requirements under Section 122.A.3 shall not apply.

16. If construction has not been commenced and completed to the extent of 25 percent 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.
17. .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 Zoning 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.
18. If the Planning Board has denied a land use which was shown on a Final Development Plan and which would be a special exception use in any other zoning district, a petition for such land use on such parcel shall not be accepted for consideration by the Planning Board for a period of 12 months from the date of said denial for same use on same site except on grounds of new evidence or proof of changed conditions found to be valid by the Planning Board.

SECTION 123

PGCC District
PLANNED GOLF COURSE COMMUNITY

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 percent 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.
(Amended by ZB Case No. 808 - 2/10/86)

B. Uses Permitted as a Matter of Right

There shall be five subdistricts in the planned golf course community: residential-low, residential-medium, residential-high, commercial, and recreational services. Delineation of the subdistrict boundaries shall be determined by the Zoning Board at the time of original approval and shall be shown on the zoning map of Howard County.
(Amended by ZB Case No. 808 - 2/10/86)

1. Residential - Low Subdistrict

- a. One single-family detached unit per lot,
- b. One zero lot line unit per lot.
- c. Government buildings, facilities and uses, including public schools and colleges.
- d. Parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, golf courses, equestrian centers and similar recreational facilities.

2. Residential - Medium Subdistrict

- a. One single-family detached unit per lot.
- b. Single-family attached dwelling units.
- c. One zero lot line unit per lot.
- d. Apartment buildings not greater than 34 feet in height.
(Amended by ZB Case No. 808 - 2/10/86)
- e. Government buildings, facilities and uses, including public schools and colleges.
- f. Parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, golf courses, equestrian centers and similar recreational facilities.

3. Residential - High Subdistrict

- a. Single-family attached dwelling units
- b. Apartment units
- c. Antique shops, boutiques and craft shops.
- d. Buildings used primarily for religious activities.
- e. Hotels, motels.
- f. Museums, art galleries and libraries.
- g. Nonprofit clubs, lodges, community halls.
- h. Personal service establishments, such as barber shops, beauty shops, opticians, pharmacies and similar services provided that these services are located in apartment structures or hotels/motels.
- l. Government structures, facilities and uses, including public schools and colleges.
- j. Parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, golf courses and similar recreational facilities.

4. Commercial Subdistrict

- a. Antique shops and craft shops.
- b. Banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions.
- c. Blueprinting, printing, duplicating or engraving services limited to 2000 square feet of net floor area.
- d. Clothing and apparel stores with goods for sale or rent.
- e. Drug and cosmetic stores.
- f. Hotels, motels.
- g. Laundry and drycleaning establishments without delivery services.
- h. Liquor stores
- i. Museums, art galleries and libraries.
- j. Offices, professional and business.
- k. Personal service establishments, such as barber shops, beauty shops, opticians, photographers, tailors.

1. Restaurants and beverage establishments, including those serving beer, wine and liquor.
- m. Retail food stores, each not to exceed a gross floor area of 3000 square feet, including a bakery, provided all goods baked on the premises shall be sold retail from the premises.
- n. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies.
- o. Specialty stores selling or renting goods including, but not limited to, the following: art supplies, bicycles, books, cards, fabrics, flowers, gifts, hobbies, jewelry, luggage, musical instruments, newspapers, optical goods, pets, photographic supplies, records, radio and television sales and repairs, sewing machines, sporting goods, stationery, or works of art.
- p. Government structures, facilities and uses, including public schools and colleges.
- q. Parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, golf courses, equestrian centers and similar recreational facilities.
- r. Day care centers.
(Amended by ZB Case No. 882R - 8/1/89)

5. Recreational Services Subdistrict

The recreational services subdistrict serves to delineate the area for those uses which are commercial and necessary or incidental to the operation of a comprehensive recreational program.
(Amended by ZB Case No. 808 - 2/10/86)

- a. Conference centers.
- b. Country clubs.
- c. Health and fitness centers.
(Amended by ZB Case No. 808 - 2/10/86)
- d. Hotels, motels.
- e. Incidental specialty shops and personal services including apparel, clothing, pharmacies, boutiques, arts and crafts, and similar services serving the customary needs of conference center and resort patrons.
- f. Maintenance and equipment storage facilities.
- g. Sports and recreation equipment shops.
(Amended by ZB Case No. 808 - 2/10/86)

- h. Restaurants and beverage establishments including those serving beer, wine and liquor.
- i. Parks, swimming pools, tennis facilities, golf courses, equestrian centers and similar recreational facilities.

C. Accessory Uses

- 1. The following are permitted as accessory uses to uses permitted as a matter of right in the residential sub-districts Section 123 B.1., B.2. and B.3.
 - a. Any use normally and customarily incidental to any use permitted as a matter of right in the residential sub-districts Section 123 B.1., B.2., or B.3.
 - b. Private, off-street parking of not more than two commercial or unregistered motor vehicles on lots of three or more acres, and not more than one commercial or unregistered motor 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.
(Amended by ZB Case No. 882R - 8/1/89)
 - c. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests.
 - d. The keeping of not more than four non-transient roomers or boarders by a resident family.
 - e. The housing by a resident family of not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is licensed or certified by the State of Maryland.
(Amended by ZB Case No. 882R - 8/1/89)
 - f. Home occupations.
 - g. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses not requiring a special exception.
- 2. The following are permitted as accessory uses to uses permitted as a matter of right in the commercial sub-district Section 123 B.4.:
 - a. Any use normally and customarily incidental to any use permitted as a matter of right in the commercial sub-district Section 123 B.4.
 - b. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volt.a; telephone, telegraph and CAW lines; and other similar public utility uses not requiring a special exception.

3. The following are permitted as accessory uses to uses permitted as a matter of right in the recreational services sub-district, Section 123 B.5:

a. Any use normally and customarily incidental to any use permitted as a matter of right in the recreational services sub-district Section 123 B.5.

b. Underground pipelines; electric transmission and distribution lines designed to carry less than 69,000 volts; telephone, telegraph and CATV lines; and other similar public utility uses.

(Amended by ZB Case No. 808 - 2/10/86)

D. Bulk Regulations

1. For all uses, the following maximum limitations shall apply.

(Amended by ZB Case No. 808 - 2/10/86)

a. Height

(1) Principal structures:

- (a) Single family detached and attached 34 feet
- (b) Apartment buildings in residential-medium sub-district 34 feet
- (c) Apartment buildings in residential-high sub-district 80 feet
- (d) Commercial structures 120 feet
- (e) Other 34 feet

(2) Accessory structures:

- (a) Spires, belfries, chimneys, flag poles, monuments, stacks, steeples, radio and television antennae, observation towers, windmills, barns, water and grain storage facilities, silos, outdoor athletic structures no limit
- (b) Other 15 feet

b. Coverage by structures:

- (1) Lot coverage for structures other than in single-family attached development projects . . 40 percent
- (2) Project coverage for structures within single-family attached development projects . . 35 percent
- (3) Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot 60 percent

(Amended by ZB Case No. 840R - 5/27/87)

c. Density 2.0 dwelling units per gross acre of the PGCC District

(Amended by ZB Case No. 808 - 2/10/86)

d. Maximum units per structure
(Amended by ZB Case No. 808 - 2/10/86)

- (1) Single-family attached dwelling units 8 units
per structure
- (2) Apartments less than 40 feet in height 16 units
per structure
- (3) Apartments 40 feet or greater in height 120 units
per structure

e. Building length

- (1) Single residential structure 120 feet
- (2) Residential Structures with overlapping common walls
. 250 feet
(Amended by ZB Case No. 882R - 8/1/89)

2. For all uses, the following minimum limitations shall apply:
(Amended by ZB Case No. 808 - 2/10/86)

- a. Lot size residential-low 20,000 square feet
- b. Lot size residential-medium detached 8,000 square feet
- c. Lot width single-family detached at building
restriction line 60 feet

d. Setbacks

- (1) For all structures:
(Amended by ZB Case No. 882R - 8/1/89)
 - (a) From arterial or collector right-of-way
(Amended by ZB Case No. 808 - 2/10/86)
 - (i) Rear 50 feet
 - (ii) Front or side 30 feet
 - (b) From any other street right-of-way 20 feet
 - (c) From residential districts other than PGCC 100 feet
 - (d) From structures located in subdistricts
B3, B4 and BS 200 feet
- (2) For single family detached structures:
 - (a) Front
 - (i) Lots 20,000 square feet or greater 50 feet
 - (ii) Lots less than 20,000 square feet 40 feet

- (b) Side
 - (i) Development other than zero lot line . 7 1/2 feet
 - Zero lot line development none

A minimum of 15 feet must be provided between residential structures
- (c) Rear
 - (1) Principal structure or use **30** feet
 - Accessory structure or use **10** feet

3. Minimum floor space requirements -- apartment units

- a. Efficiency apartments, consisting of kitchen, bathroom, and combination living room/dining space/bedroom . . 400 square feet
- b. One-bedroom apartments 530 square feet
- c. Two-bedroom apartments. 660 square feet
- d. Three-bedroom apartments •• 800 square feet
- e. Each additional bedroom shall increase the minimum floor space by 120 square feet.

E. Other Provisions

(Amended by ZB Case No. 808 - 2/10/86)

- 1. No more than 10 percent of the land in the PGCC District shall be non-residential or non-open space.
- 2. Open Space
 - a. At least 50 percent 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 percent open space including landscaped areas.
 - b. Any lots within 100 feet of a district or sub-district of developed lots of 20,000 square feet or greater shall be at least 20,000 square feet in area.

(Amended by ZB Case No. 808 - 2/10/86)
- 3. 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.
- 4. Additional bulk regulations including, but not limited to, building setbacks, parking requirements, height and coverage requirements for non-residential uses, and minimum lot widths and distances between buildings, shall be specified as part of the Final Development Plan. Additional bulk regulations shall be generally in conformance with Section 123.D.

5. Radio or television towers/antenna, flag poles, stacks, observation towers, water tanks and silos shall be set back a distance from all property lines, equal to the height as measured from ground level. On application to the Department of Planning and Zoning, a permit may be issued for the placement of a dish antenna, three meters or larger in diameter in a particular location on a site. The antenna shall be screened from adjoining properties by the means of one or a combination of the following: a landscaped earth mound, privacy fence, evergreen plant material or comparable means approved by the Department of Planning and Zoning. No such antenna shall be located in any front yard. Screening shall be provided for roof antennas.
6. On application to the Department of Planning and Zoning, a permit may be issued for (a) the parking of a trailer, or (b) for the use of a building as a temporary field or sales office in connection with building development. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes.
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.
(Amended by ZB Case No. 819R - 8/19/86)

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 each of the permitted land uses;

- (6) The proposed location of all:
 - (a) Public streets and roads,
 - (b) Employment and retail uses by general classification,
 - (c) Open space;
- (7) Text material (criteria) covering the following:
 - (a) The criteria regulating the location of all non-residential buildings and structures and the permitted land use classifications,
 - (b) Bulk regulations for non-residential structures including but not limited to building coverage, setbacks and height limitations, stated either generally or specifically with respect to particular improvements or types of improvement,
 - (c) Parking and landscaping requirements, and
 - (d) Screening requirements for outside storage of merchandise, material or equipment.

3. The Planning Board, before acting upon the Comprehensive Sketch Plan, shall receive comments thereon from the Department of Planning and Zoning, Department of Public Works and such other county or state agencies as it deems necessary and shall hold a public hearing. Notice of the public hearing shall be published in two newspapers with general circulation in Howard County for two weeks, at least one of which shall occur at least 30 days in advance of the established date of the hearing. In addition, notice of the public hearing shall be posted on the property covered by the Comprehensive Sketch Plan using posters prepared by and at locations specified by the Department of Planning and Zoning.

4. In acting upon the Comprehensive Sketch Plan, the Planning Board shall consider the following factors:

- a. The adopted General Plan for Howard County;
- b. The arrangement of land uses within the district;
- c. The relationship between the location of proposed dwelling units, required open space and existing dwelling units on adjoining properties;
- d. The adequacy and location of roads within the district and access roads to the development area covered by the Comprehensive Sketch Plan from nearby existing and planned county and state roads;

e. Any other factors which affect the orderly growth of the County; and

f. The availability of public utilities.

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.

7. The Final Development Plan shall be considered by the Planning Board at a public meeting after having received comments from the various review agencies.

8. At the time of the approval of a Final Development Plan, the Planning Board will 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. However, the Site Development Plan shall not alter any land uses as set forth in the Final Development Plan.

9. 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.

10. No administrative adjustments shall be allowed in a PGCC District. Any changes in the Final Development Plan criteria shall be made only by an amendment to the Final Development Plan unless the Planning Board has reserved in the Final Development Plan the right to approve such changes in the Site Development Plan.

(Amended by ZB Case No. 808 - 2/10/86)

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

1. No permit shall be issued for any use in the PGCC District until the Site Development Plan has been approved by the Planning Board and the Department of Planning and Zoning.
2. A Site Development Plan submitted for approval must conform to the recorded Final Development Plan for the PGCC district.
3. 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 123 F.4. and to the following:
 - a. The locations, layout and adequacy of parking, loading and unloading facilities.
 - b. 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.
(Amended by ZB Case No. 819R - 8/19/86)
4. 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.

SECTION 123.1

PD DISTRICT
PLANNED DEVELOPMENT

A. Purpose

The PD District is established as an overlay district to be permitted pursuant to the findings set forth in Section C.3 below. It is the purpose of the PD District to foster the establishment of developments characterized by site planning and design excellence; to encourage the assembly of land into tracts suitably large to accommodate such developments; to foster efficient patterns of growth which preserve the significant environmental features of a site; and to provide a range of housing types and prices. To further these goals, the PD District provides for uses and levels of land use intensity not otherwise permitted in the underlying zoning district and allows flexibility in bulk regulations. Additional administrative and review procedures provide safeguards for the authorization of uses and intensity of development not otherwise permitted.

B. Requirements and restrictions applicable to Planned Development Districts.

1. Upon the adoption of any zoning map amendment which creates a PD District, the official zoning map of Howard County shall be amended to show the boundaries of said district.
2. The underlying zoning district boundaries shall remain in effect within a PD District.
3. Each of the zoning districts established in Section 100.B of these regulations shall be permitted within the boundary of a PD District; however, only the following zoning districts shall be subject to the provisions set forth in Sections 123.1.E through 123.LK of these regulations:

R-20 - Residential: Single
R-12 - Residential: Single
R-SC - Residential: Single Cluster
R-SA-8 - Residential: Attached

C. Procedure for creation of a PD District

- i. The beneficial owner of any tract of land in Howard County meeting the requirements of Section 123.1.C.3.g. may petition the Zoning Board to designate the property described in the Petition as a PD District.
2. The following shall accompany the petition for establishment of a PD District:

- a. A Comprehensive Sketch Plan for the entire area of the PD District. As used herein, the term "Comprehensive Sketch Plan" shall mean a series of drawings of an appropriate scale setting forth:
- (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.
 - (2) Drawings illustrating the visual and environmental quality of the development.
 - (3) The approximate boundaries and approximate acreage and density of proposed land uses within the PD District in sufficient detail to graphically illustrate application of the proposed criteria.
 - (4) The location of all existing and proposed public streets and utilities.
 - (5) The location and proposed uses of open space, including recreational, school and other public or community uses.
 - (6) The location and nature of any proposed commercial uses.
 - (7) The context of the PD District within the neighborhood, including: the off-site road network, schools, water and sewer facilities and other public facilities required to serve the proposed development, together with an analysis of the capacity of these facilities.
- b. Text material (criteria) regulating the following:
- (1) Height limitations, front, side and rear yard areas, setback provisions, minimum lot sizes and acreage requirements, and other hulk requirements, including the maximum proposed density of the PD District.
 - (2) The specific use or uses proposed for each of the proposed land use areas shown on the Comprehensive Sketch Plan, together with the proposed density of development.
- c. A statement setting forth the major planning assumptions and objectives, including the planned development schedule; the method of assuring that required moderate and low income housing will be provided; an evaluation of the adequacy of public facilities, including roads, schools, police and fire services and public water and sewer facilities, existing or planned to serve the proposed PD District.

I. Open Space - Minimum

35 percent of the gross area of the PD District zoned R-20, R-12, R-SC or R-SA-8.

J. Moderate and Low Income Housing Units -

Each PD District must provide 15 percent of the total housing units within the district as low and moderate income housing units in accordance with guidelines established by the Howard County Office of Housing and Community Development.

K, Commercial Uses -

1. Each PD District may contain commercial use areas as shown on the Comprehensive Sketch Plan in accordance with the following:

<u>Gross Acres in the PD District Zoned R-20, R-12, R-SC OR R-SA-8</u>	<u>Maximum Acres of Commercial Area</u>
Less than 100 Acres	1 Percent
100 Acres but less than 150 Acres	2 Percent
150 Acres but less than 200 Acres	3 Percent
200 Acres or more	4 Percent

2. Uses permitted as a matter of right in commercial use areas:

<u>Gross Acres in the PD District Zoned R-20, R-12, R-SC OR R-SA-8</u>	<u>Permitted Uses</u>
Less than 100 Acres	Same as CC District
100 Acres or more	Same as B-1 District

(Section 123,1 was added to the Zoning Regulations in ZB Case No. 882R - 8/1/89)

3. Findings necessary to establish a PD District.

A petition may be granted if the Zoning Board affirmatively finds that, as a floating zone, the establishment of a PD District will:

- a. Through adoption of the Comprehensive Sketch Plan and criteria by the Zoning Board, foster the establishment of a development exhibiting planning and design excellence.
- b. Through application of the Comprehensive Sketch Plan and text material, produce a development which will be harmonious with the existing community.
- c. Provide for a wider range of housing types than would be achieved in the underlying zoning district.
- d. Provide appropriately located open space of sufficient quantity and quality to accommodate the need for recreational and other public or community facilities and to protect sensitive environmental features.
- e. Establish a development of an appropriate density for the particular site.
- f. Foster the provision of moderately and low priced housing.
- g. Provide an integrated and coordinated development design within which at least 25 contiguous acres are zoned R-20, R-12, R-SC, R-SA-8 or a combination thereof.
- h. Be consistent with the objectives stated in the purpose of the PD District.

4. If the petition is granted:

- a. The Zoning Board shall by Decision and Order approve or approve with modifications, the Comprehensive Sketch Plan and criteria.
- b. The Zoning Map of the County shall be amended so as to designate the area of the PD District.

D. Approval of the Site Development Plan by the Planning Board.

1. No permit shall be issued within the PD District until the Site Development Plan has been approved by the Planning Board and the Department of Planning and Zoning.
2. A Site Development Plan submitted for approval must be in reasonable conformance with the approved Comprehensive Sketch Plan and criteria.
3. The Planning Board, before acting upon the Site Development Plan, shall hold a public meeting and shall make the following findings:

- a. The arrangement of land uses are consistent with the approved Comprehensive Sketch Plan.
- b. The proposed development is consistent with the approved criteria.
- c. Existing facilities, including roads, schools, police and fire service, and public water and public sewer facilities are adequate to serve the proposed development.
- d. Moderate and low income housing units are provided for within the development.

E. Uses permitted as a matter of right

In addition to the uses permitted as a matter of right in the underlying district, the following uses are permitted within the PD District:

- 1. R-20 District:
 - a. One zero lot line unit per lot
 - b. One single-family semi-detached unit per lot
 - c. Commercial uses as provided in Section 123.1.K
- 2. R-12 District:
 - a. Single-family attached dwelling units
 - b. Commercial uses as provided in Section 123.1.K
- 3. R-SC District:
 - a. Apartment units
 - b. Commercial uses as provided in Section 123.1.K
- 4. R-SA-8 District:
 - a. Commercial uses as provided in Section 123.1.K

F. Accessory uses -

Accessory uses are permitted as provided in the underlying district.

G. Special exception uses -

Special exception uses are permitted as provided in Section 126 for the underlying district.

H. Density -

The maximum number of dwelling units which may be permitted within each underlying district in a PD District shall be as provided for in the approved criteria, but shall not exceed the following:

R-20	District	2.5 units per net acre
R-12	District	4.0 units per net acre
R-SC	District	6.0 units per net acre
R-SA-8	District	12.0 units per net acre

SECTION 124

NONCONFORMING USES

A. General

A nonconforming use is any lawful existing use, whether of a structure or of a tract of land, which does not conform to the use regulations of the district in which it is located, either on the effective date of these regulations or as a result of any subsequent amendment thereto. No existing use shall be deemed nonconforming solely because of the existence of less than the required accessory off-street parking spaces or loading berths, or the existence of nonconforming accessory signs.

B. Nonconforming Use of Land with Minor Improvements

Where no structure is involved, the nonconforming use of land with minor improvements may be continued, subject to the following:

1. Except as provided in Section 124 F.2., no such nonconforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of these regulations;
2. That no such nonconforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of the adoption of these regulations;
3. That if such nonconforming use of land, or any portion thereof, ceases for any reason for any continuous period of more than two years or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of these regulations;
4. That no nonconforming use of land shall be changed to another nonconforming use.

C. Nonconforming Use of Structures

The nonconforming use of structures may be continued, subject to the following:

1. Except as provided in Section 124 F.2., a structure the use of which does not conform to the use regulations for the District in which it is situated, shall not be enlarged or extended unless the use therein is changed to a conforming use or the use extended is a conforming use.
2. Such nonconforming structure shall not 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.

3. If any nonconforming use of a structure ceases for any reason for a continuous period of more than two years, or is changed to a conforming use, or if the structure in or on which such use is conducted or maintained is moved for any distance by act of the owner or his/her assignee, then any future use of such structure shall be in conformity with the standards specified by these regulations for the District in which such structure is located.

D. Nonconformance to Bulk Regulations

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.

E. Replacement of Destroyed Structures

If any nonconforming structure 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 general location as the destroyed building on the same lot, subject to the provisions of Section 124.B, without application to the Board of Appeals, 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 substantially completed within one year. These conditions not being met, the building permit shall be revoked. Nothing contained herein shall be deemed to permit the intentional demolition and reconstruction of any nonconforming building by the 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 Public Works.

F. Board of Appeals Authority

1. To determine and confirm existence of a nonconforming use in the exercise of its original jurisdiction.
 - a. The factual existence of a nonconforming use shall be decided by the Board of Appeals upon review of a petition filed by the property owner containing the following:
 - (1) A statement fully describing the magnitude and extent of the nonconforming use.
 - (2) A statement identifying the date the subject use became nonconforming to the use provisions and effective date of the Zoning Regulations, supported by documentation clearly demonstrating the continued and uninterrupted use or operation thereof from the specified date to the time of filing an application, except as provided in Section 124 C.3.

- (3) A statement containing documentation of County, State, or other official government agency or certified records and/or permits substantiating the existence of the subject use on the date the use became nonconforming.
 - (4) The requirements of Section 2.206 of the Howard County Code have been met.
- b. Whenever the Department of Planning and Zoning issues a Cease and Desist Order alleging the illegal use of property, the owner may raise as a defense the fact that the alleged illegal use is a nonconforming use. Such matter shall be heard by the Board of Appeals under its procedures for hearing administrative appeals. In addition, the Board of Appeals may determine the existence or non-existence of a nonconforming use in the exercise of its original jurisdiction based upon a petition for a public hearing filed by the property owner. The burden of proof shall be on the property owner to establish the existence of a nonconforming use. The casual, temporary or illegal use of land is insufficient to establish said existence.
2. To authorize the extension or enlargement of a nonconforming use with or without conditions provided:
- a. That the use does not change in any substantial way;
 - b. That the extension may not exceed 100 percent of the gross floor area of structures or 100 percent of the gross acreage in the case of nonconforming land, above that which legally existed at the time the use became nonconforming;
 - c. That the extension would not cause a violation of the bulk regulations for the district in which the parcel is located;
 - d. That the extension would not cause an adverse effect on vicinal properties;
 - e. As used in Section 124 F, "extension" means either the extension or enlargement of an existing structure or the construction of an additional structure on the same lot.

SECTION 125

BOARD OF APPEALS

A. General

1. The Board of Appeals has been established pursuant to Section 501 of the Howard County Charter.
2. Appeals to the Board of Appeals 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 days from the date of the action of the Office of Planning and Zoning and shall state the reasons for the appeal.
3. Except as herein provided, if an application is disapproved by the Board of Appeals, thereafter the Board 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 as to the same proposal and premises 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 Board 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.
4. The Board may adopt rules for the efficient administration of these regulations and shall make them available to the public. However, such rules shall in no wise contravene the provisions of these regulations or the enabling act.

B. Powers of the Board of Appeals

The Board of Appeals shall have the following powers related to zoning:

1. Nonconforming Uses

As provided in Section 124.

2. Variances (See Section 103.A.112):

- a. To authorize variances from these regulations where all of the following determinations are made:

- (1) That there are unique physical conditions including irregularity, narrowness or shallowness of lot or shape, or exceptional topographical or other physical conditions peculiar to and inherent in 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; and
- (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 126 for special exception 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 126 except as provided therein.

(Amended by ZB Case No. 822R - 8/19/86)

b. Limitations, Guidelines and Standards for Variances

(1) Application

Applications for variances shall be submitted to the Department of Planning and Zoning, and shall be transmitted to the Board of Appeals for **review**. The Board of Appeals may approve, disapprove or modify the application. Each decision by the Board shall be accompanied by a report stating the reasons for the decision.

(2) Authorized Variances

Variances from these regulations shall be granted by the Board of Appeals only in accordance with the standards set out in Section 125.B.2.a. and may be granted only to vary off-street parking requirements and the applicable bulk regulations, including setback, lot size and height requirements.

(3) Conditions or Restrictions

The Board of Appeals may prescribe such conditions or restrictions applying to the grant of a variance as it may deem necessary in the specific case in order to minimize the adverse effects of such 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.

(4) Lapse of Variances

Whenever the Board of Appeals has granted a variance of the provisions of these regulations to permit new construction, it shall become void unless a Building Permit conforming to plans for which the variance was granted is obtained within two years, and thereafter substantial construction in accordance therewith is completed within three years from the date the decision is filed in the Department of Planning and Zoning.

3. To authorize temporary uses of land, in any district, for a period not exceeding 60 days, provided the land shall be entirely cleared of such use within five days after such temporary authority expires.
4. To hear and decide appeals where it is alleged the Department of Planning and Zoning has erred in the interpretation or application of any of these regulations.
5. To approve special exceptions as to location as provided in Section 126, subject to the following:
 - a. Applications for special exceptions shall be submitted to the Department of Planning and Zoning. The Department of Planning and Zoning shall transmit the application to the Planning Board for general and sketch plan review. The Planning Board shall make a recommendation for approval, approval with conditions or disapproval to the Board of Appeals.

The Board of Appeals shall hold at least one public hearing on the application in accordance with these regulations, and the Board of Appeals shall approve, disapprove or approve with conditions, the proposed development or use. Each decision by the Board of Appeals shall be accompanied by a report stating the reasons for the decision.

b. Term of Years

If a maximum term of years is specified in the applicable section, the Board of Appeals shall establish a term of years not to exceed such maximum.

c. Renewals

On an application for renewal of any such special exception authorized in this section, the Board of Appeals shall make all of the required findings as if the application were made for the initial term, in order to determine whether the circumstances warranting the original grant still exist. In addition, the Board of Appeals shall ascertain whether the applicant has complied with the conditions and safeguards theretofore prescribed by the Board of Appeals during the prior term. In the event that the Board of Appeals shall find that the applicant has been in substantial violation thereof, it shall deny the application for renewal.

d. Enlargement or Extensions

The Board of Appeals may permit the enlargement or extension of any existing use, which, if new, would be permitted by special exception in the specified districts under the provisions of these regulations provided that before granting any such exception for enlargement or extension within the permitted districts, the Board of Appeals shall make all of the required findings applicable to the special exception use. No such enlargement or extension shall create a new noncompliance with the applicable bulk regulations.

e. Burden of Proof

The applicant for a special exception 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 Board of Appeals or are required to meet any provisions of these regulations.

f. Lapse of Special Exception

Whenever the Board of Appeals has granted an approval of a special exception use under the provisions of these regulations, it shall become void unless a building permit conforming to the plans for which the approval was granted is obtained within two years, and thereafter substantial construction in accordance therewith is completed within three years from the date the decision is filed in the Department of Planning and Zoning.

g. Abandonment

If any special exception use is discontinued for a continuous period of at least two years, the special exception approval shall become void and a new application to the Board of Appeals shall be required prior to the re-establishment of the use.

(Amended by ZB Case No. 882R - 8/1/89)

C. Limitations, Guides and Standards

Where in these regulations certain powers are conferred upon the Board of Appeals, or the approval of the Board of Appeals is required before a permit may be issued, or the Board is called upon to decide certain issues. such Board shall examine the specific property involved and the immediate neighborhood, cause the property to be posted, hold a public hearing, and consider all testimony and data submitted, and shall hear any person for or against the issuance of the permit. However, the application shall not be approved where the Board 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 Board 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 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, architectural or landscape resources of the site and adjacent sites, including such resources or features as historic resources, floodplains, wetlands, steep slopes and vegetation.
(Amended by ZB Case No. 882R - 8/1/89)

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** days from the day upon which the Board decides the matter from which the appeal is taken.
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 126

SPECIAL EXCEPTIONS

A. Statement of Legislative Intent

In order to accomplish the general purposes of these regulations, certain unusual uses need special consideration. They require special regulations to achieve compatibility with existing or planned development. Often the effects of these uses on the surrounding environment cannot be foreseen and evaluated until a specific site has been proposed. They must be given special consideration and located relative to the existing and planned development pattern. They are not permitted automatically, but are subject to the regulations of this section and the conditions imposed in a Special Exception Permit issued upon approval of the proposed development by the Board of Appeals.

B. General Standards Required for Approval

The Board of Appeals shall have the power to permit special exception uses, provided the following general standards are met:

1. The location and size of the use, the nature and intensity of the operation involved in (or conducted in connection with) 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 use will be in harmony with the land uses indicated in the General Plan for Howard County in the district in which it is located.
2. The use will not adversely affect vicinal properties.
3. The location, nature and height of structures, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the development and use of adjacent land and structures.
4. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the ingress and egress drives shall be laid out so as to achieve maximum safety.

C. Conformance with Special Exception Plan

1. A petition for a special exception shall include a special exception plan which shows all existing and proposed uses, structures, parking areas, points of egress, natural features, and landscaping. The petition shall also include supporting documentation, such as traffic studies, market studies, and noise studies, if required by the Department of Planning and Zoning or by these regulations.

2. If the special exception is approved, the Board of Appeals may modify or attach conditions to the special exception plan as it deems necessary to meet the standards set forth in these regulations. The plan, subject to such modifications and conditions, shall be made part of the decision and order of the Board of Appeals.
3. If required by the Department of Planning and Zoning, a site development plan must be approved subsequent to the approval of a special exception by the Board of Appeals. The site development plan must conform substantially to the special exception plan.
4. An approved special exception use shall not commence until:
 - a. The site development plan is approved, if required;
 - b. All required building permits are issued; and
 - c. The site conforms substantially to the special exception plan, including but not limited to structures, landscaping, parking areas, points of egress, lighting, and special conditions unless an alternative schedule for completion of improvements is approved by the Board of Appeals.

(Amended by ZB Case No. 882R - 8/1/89)

D. District Requirements

All regulations of the district in which a special exception use is located shall apply to such uses, except where specific, more stringent requirements of any section of these regulations apply, or where requirements are specifically amended by the conditions under which the special exception is granted, or reduced in accordance with Section **125.B,2.**

E. Conditions of Approval

1. The Planning Board may recommend and the Board of Appeals may attach such conditions to the special exception as are necessary to assure continuous conformance to all applicable standards and requirements.
2. The Board of Appeals may place a time limit on a special exception use as a condition of approval.
3. The use, development or maintenance of a special exception site in violation of the special exception plan, or of any conditions imposed by the Board of Appeals, shall constitute a violation of these regulations and shall be grounds for revocation of the special exception.
4. If a special exception site is used, developed or maintained in violation of these regulations, the Department of Planning and Zoning may initiate action to revoke the special exception as set forth below, in addition to other enforcement procedures authorized by these regulations and the County Code.

- a. 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 Board of Appeals and request a revocation hearing.
 - b. The Board of Appeals shall schedule a public hearing to consider revoking the special exception. The hearing shall be advertised as required by Section 2.207, "Notice to the Public", and Section 16.303, "Conduct of Hearings", 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 special exception holder.
 - c. The public hearing shall be limited to consideration of issues relating to the alleged violations.
 - d. After holding a public hearing, the Board of Appeals shall issue a written decision as required in Section 2.216, "Decision and Order", of the Howard County Code revoking or reaffirming the special exception. If the special exception is reaffirmed, the Board may amend, add to, or delete any of the existing conditions of approval. The Board may also reaffirm the special exception subject to a schedule for abatement of specified violations, with provision for automatic revocation if the abatement schedule is not met.
5. The Department of Planning and Zoning may at any time request clarification of a Decision and Order of the Board of Appeals granting a special exception petition, in accordance with the following procedures:
- a. The Department of Planning and Zoning shall submit a written request to the Board of Appeals listing the portions of the Decision and Order which require clarification and the reason for the request.
 - b. The Board of Appeals shall schedule a public hearing to consider the request for clarification. The hearing shall be advertised as required by Section 2.207, "Notice to the Public", and Section 16.303, "Conduct of Hearings", 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 special exception holder.
 - c. The public hearing shall be limited to consideration of issues related to the request for clarification.
 - d. After holding a public hearing, the Board of Appeals shall issue a written decision as required in Section 2.216, "Decision and Order", of the Howard County Code, amending the original Decision and Order to provide clarification as deemed necessary by the Board.

(Amended by ZB Case No. 882R - 8/1/89)

F. **Special Exception Uses and Permissible Zoning Districts**
(Section 126.F was amended by ZB Case No. 928 • 9/18/92)

The Board of Appeals may grant special exception uses in the specified districts in accordance with the following minimum criteria.

1. **A&I Business**

a. A special exception may be granted in the RC District for the following commercial and industrial uses:

- (1) Secondary agricultural processing, except that processing of grain is permitted as a matter of right;
- (2) Farm supply and machinery sales, storage and services,
- (3) Fuel production as an agricultural by-product;
- (4) Bulk produce storage facilities including cooperatives, except that bulk grain storage is permitted as a matter of right; and
- (5) livestock slaughtering.

All structures and uses associated with these facilities shall be limited to an area not greater than 50 acres and located no nearer than 500 feet to an existing residence on a different lot. In addition, for meat and dairy processing facilities or livestock slaughtering facilities, all structures and uses shall be at least 300 feet from lot lines.

b. A special exception may be granted in the RC, RR or R district for wineries, provided that:

- (1) The minimum lot size shall be 5 acres.
- (2) Structures and all principal or accessory uses except the growing of crops shall be at least 75 feet from property lines.
- (3) Public tours and retail sales shall be permitted, provided such uses are clearly accessory and incidental to the winery and bottling operations and are approved by the Board of Appeals.

- (4) Festivals shall be permitted as accessory uses if approved by the Board of Appeals, provided the site has direct access to a road classified as a collector or higher classification. Festivals shall be limited to no more than 4 per year and no more than 8 days per year.

2. Aircraft Landing and Storage Areas (private)

a. Private Use-Private Ownership

A special exception may be granted in the RC, RR, M-1, M-2 or ID Districts for private aircraft landing areas and storage, provided that:

- (1) The minimum area shall be 25 acres. Petitions where the minimum area comprises more than one lot must contain all property owners as petitioners.
- (2) The facilities shall comply with all standards and regulations of Federal and State aviation agencies relating to the flight operations and design of facilities.
- (3) No area used by any aircraft during take-off shall be located within a minimum distance of 100 feet from any property line, or a minimum of 1,000 feet from any public or private institution, such as public schools, hospitals, sanitariums and churches, or a minimum of 500 feet from any property line on the approach or departure ends of the runway. Hangars shall be at least 200 feet from any property line.

Other structures related to the special exception use shall be at least 150 feet from any residential property line, and no parking of aircraft shall be allowed within 100 feet of any residential property line and 50 feet of any non-residential property line. All setbacks provided for herein are to be measured from property lines or buildings on property not owned by any of the petitioners.

- (4) Where feasible, all or part of the 500-foot "clear zone" from the approach or departure ends of the runway may be satisfied by properly certified navigational easements.
- (5) The use of a private aircraft landing and storage area shall be limited to the storage of three or fewer aircraft, each having a gross weight of 12,500 pounds or less, and in the RC and RR

Districts at least one of the aircraft shall be owned and principally used by a bona fide resident of the property.

(6) No use granted herein shall allow instruction by or to any person in the operation or maintenance of aircraft.

(7) Jet fixed-wing aircraft may not use this facility.

b. limited Public Use-Private Ownership

A special exception may be granted in the RC, RR, M-1, M-2 or ID Districts for aircraft landing and storage areas for limited public use but under private ownership, 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 facilities shall comply with all standards and regulations of Federal and State Aviation agencies relating to the flight operations and design of facilities.

(3) No area used by any aircraft during take-off shall be located within a minimum distance of 200 feet from any property line, or a minimum of 1,000 feet from any public or private institution, such as public schools, hospitals, sanitariums and churches, or a minimum of 500 feet from any property line on the approach or departure ends of the runway. Hangars shall be at least 200 feet from any existing residential property line. Other structures related to the special exception use shall be at least 150 feet from any existing residential property line, and no parking of aircraft shall be allowed within 100 feet of any residential property line. All setbacks provided for herein are to be measured from property lines or buildings on property not owned by any of the petitioners.

(4) Where feasible, all or part of the 500 feet "fear zone" from the approach or departure ends of the runway may be satisfied by properly certified navigational easements.

(5) The use of an aircraft landing and storage area for limited public use but under private ownership shall be limited to the storage of 12 or fewer aircraft each having a gross weight of 12,500 pounds or less, and in the R district, at least one of the

aircraft shall be owned and principally used by a bona fide resident of the property.

(6) Jet fixed wing aircraft may not use this facility.

c. Aircraft Landing and Storage Area - Public Use, Private Ownership

A special exception may be granted in the RC, RR, M-1, M-2 or ID Districts for the construction and operation of an aircraft landing and storage area, public use - private ownership, provided that:

(1) The minimum lot size is 150 acres.

(2) The proposed facility will meet the standards and requirements of all State and Federal Aviation agencies. The application for special exception under this subsection shall be referred to the appropriate State and Federal Aviation agencies for the report of such agencies.

(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 of an aircraft landing and storage area, public use-private ownership, 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. Helicopters may not be used at this type of facility.

(5) No area used by any aircraft during take off shall be located within a minimum distance of 500 feet from any residential property line, or 350 feet from any non-residential property line, or a minimum of 1,000 feet from any public or private institution, including schools, hospitals, sanitariums and churches, or a minimum of 1000 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. Structures, including 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) The Department of Planning and Zoning shall require that adequate off-street parking and loading spaces be provided to service airport activities and accessory uses. The number of parking and loading spaces to be required shall be determined by the Department of Planning and Zoning.
- (8) 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
- (9) The airfield shall not be used for take-off and landing instruction or practice.
- (10) The aircraft landing and storage area must meet a need of the residents of Howard County for such a facility.

3. Animal Hospitals

A special exception may be granted for an animal hospital in the RC, RR, R or R-20 Districts, provided that all pens and runs must be enclosed within buildings.

4. AntiQUE Shops, Art Galleries and Craft Shops (cnmmercial)

A special exception may be granted in the RC, RR, R or R-20 Districts for antique shops, art galleries and craft shops in existing structures, provided that:

- a. Off-street parking will be provided which will meet the requirements of these regulations. Adequate ingress and egress shall be provided.

- b. No storage of merchandise will be located outside of structures.
- c. The design of structures will be compatible with that of other structures in the vicinity.
- d. The use shall be operated by the person or persons residing in a residence located on the same lot.

6. Auditoriums or expositions

A special exception may be granted in the POR, M-1 or M-2 Districts for auditoriums or expositions provided that:

- a. The principal vehicular access for such use shall be located on an arterial highway or on a collector street near a freeway or arterial highway.
- b. Such use shall not draw vehicular traffic to and through local streets in nearby residential areas.
- c. No structure shall be located within 200 feet of a residential district.
- d. Adequate storage space at the vehicular entrance, and sufficient capacity for vehicular ingress and egress shall be provided to prevent traffic congestion.
- e. Vehicular ingress and egress for such use shall be provided separately, and shall be in accordance with the requirements of the Department of Public Works.
- f. Due consideration shall be given to the proximity of bus and rapid transit facilities to serve such use.
- g. No structure shall be located at a distance of less than 100 feet from any lot line or 50 feet from a public street right-of-way.
- h. Off-street parking and loading facilities requirements shall be:
 - (1) One parking space per two spectator seats;
 - (2) One parking space per ten square feet of additional vantage places for spectators provided by the establishment;
 - (3) One parking space per employee; and

(4) Loading facilities as required in accordance with the use.

No automobile parking space shall be located within any required setback area for the district in which it is located or within fifty feet of any lot line.

7. Beaun, Parlor/Barber Shop

A special exception may be granted in RC, RR, R, R-20, R-12 or R-SC for a beauty parlor or barber shop provided that:

- a. The use shall be located within a structure actually occupied as a residence and conducted by the person or persons residing in said residence.
- b. Not more than two operators shall practice at said residence.
- c. One non-illuminated sign conforming with State and County regulations may be permitted.
- d. The Board shall find such a use is desirable for the public convenience.
- e. Off-street parking shall be provided in the amount of one off-street parking space per operator, plus two additional spaces.

7A Bed and Breakfast Inns:

A special exception may be granted in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-HR, R-VH and HO Districts for a bed and breakfast inn, provided that:

- a. The building is an historic structure as defined in these regulations;
- b. Adequate public road access is available;
- c. Landscaping is provided to screen parking areas from adjoining residential properties; and
- d. No public reception or restaurant facilities are provided.

8. Blueprinting, Printing, Duplicating or Engraving Services

A special exception may be granted in the HC or HO Districts for blueprinting, printing, duplicating or engraving services with more than 2,000

square feet of net floor area, provided that off-street loading facilities are provided on the site.

9. Boarding Houses

A special exception may be granted in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, RMH, R-HR or R-VH Districts for a boarding house.

9.1. Bottling of Spring or Well Water

A special exception 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 5 acres.
- b. All structures and uses related to the bottling operation shall be at least 75 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 Board of Appeals.

10. Storage of Gasoline, Fuel Oil and Liquefied Petroleum

A special exception may be granted in the B-2 or M-2 Districts for the storage or sale of gasoline, fuel oil, bottled gas or liquefied petroleum, provided that:

- a. No tank shall be permitted above ground within three hundred feet of any school, hospital or church.
- b. 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.
- c. For storage area which is closed or not operated for a continuous period of twelve months, the site shall be restored to its previous condition.
- d. Applicable Federal and State Health codes shall be followed.

11. Cemeteries and Mausoleums or Crematoriums

A special exception may be granted in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-HR, R-VH, H-0, H-C, POR, B-1, B-2, SC

M-1, M-2 or ID Districts for cemeteries, and mausoleums or crematoriums provided that:

- a. Graves shall be considered as structures for the purpose of determining setbacks from property lines and in no case located closer than seven and a half feet from the property lines.
- b. Walls, fences and/or planting of shrubbery, trees or vines as may be reasonable and proper to afford adequate screening may be required.

12. County Clubs and Golf Courses

A special exception may be granted in the RC, RR, R, R-ED, R-20, R-12, R-SC or R-SA-8 Districts for country clubs and/or golf courses, including:

- a. All necessary and incidental recreational facilities and uses, as well as accessory uses, normally and customarily considered as constituting a part of the operation of a country club or golf course.
- b. Clubhouses may be permitted as accessory uses to a golf course.

13. County Inn

A special exception may be granted in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, or R-MH Districts for the conversion of an historic structure to an country inn, provided that:

- a. The building is an 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 shall be limited to an area no greater than 50 percent of the total floor area of all buildings;
- c. The minimum lot size shall be three acres if a public restaurant is part of the inn;
- d. Meals shall be served only at tables, indoors, or on an outdoor terrace, or in guest room; fast food restaurants are not permitted;
- e. Extension or enlargement of the principal historical structure and all accessory structures may not exceed fifty percent of the gross floor area of each individual building above that which existed at the time of the adoption of these regulations. The exterior design of any conversion, extension, enlargement or new construction shall be architecturally

compatible with the original building and approved by the Historic District Commission;

- f. Adequate vehicular access shall be provided between a county inn and a road owned or maintained by the County or State; and
- g. Adequate landscaping shall be provided to screen all parking areas from adjoining residential properties.

14. Day Care Centers

A special exception may be granted in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-HR, R-VH, HO, HC, M-2 or ID Districts for day care centers provided that, in addition to all State and County regulations, the following requirements are met:

- a. Lot coverage by building shall not exceed 20 percent of lot area; except that if a day care center is combined with any other use on the same lot, the maximum lot coverage shall be as required by the applicable district regulations.
- b. 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.
- c. For day care centers in industrial or commercial-districts, outdoor play areas shall be fenced, screened and located to minimize exposure to noise and other emissions from roads, parking areas, and industrial activities.
- d. The following standards shall apply to day care centers in residential districts:
 - (1) The minimum lot size for child day care centers shall be 500 square feet of lot area per child.
 - (2) Outdoor play areas shall be fenced, located to the side or rear of the principal structure, and buffered from adjoining residential properties by a landscaped edge or adequate distance or both.

(3) Parking areas shall be located and landscaped to minimize their visibility from roads and adjacent residential properties and shall be set back a minimum of ten feet from all property lines and public street rights-of-way.

(4) The design and massing of structures shall be generally compatible with properties in the vicinity of the site. Additional setbacks from property lines and landscape buffering shall be required if necessary to make the appearance of the site compatible with surrounding properties.

15. Electric Power or Steam Generating Plants

A special exception may be granted for an electric power or steam generating plant in an M-2 District.

16. Explosives, Storage of

A special exception may be granted in the RC, RR, or M-2 District for the storage of explosives, provided that:

a. All safety requirements as established by the Department of Treasury of the United States Government, the Office of the Fire Marshall and the Bureau of Fire Prevention of the Howard County Fire Department be met;

b. The explosives be handled under the supervision of a duly licensed individual authorized to handle and/or use explosives;

c. No storage be permitted within 300 feet of any school, hospital or church; and

d. The minimum setbacks for the district shall be applicable; however, no storage of explosives shall be permitted within 50 feet of a property line.

17. Farm Tenant Home or Mobile Home

A special exception may be granted in the RC, RR, R and R-20 districts for a farm tenant house or mobile home, provided that:
(Amended by ZB Case No. 904R and 905R - 2/6/91)

a. The house is to be occupied by at least one person involved in a bona fide farming operation of the owner;

- b. The house shall be located on a parcel of at least 25 acres but less than 50 acres in area.

18. Fast Food Restaurant

A special exception may be granted for a fast food restaurant in the B-1, M-1 or M-2 Districts.

19. Funeral Homes and Mortuaries

A special exception may be granted in the RC, RR, R or R-20 Districts for funeral homes or mortuaries provided that:

- a. The area of the lot shall be not less than three acres; and
- b. The site is directly accessible to at least one minor collector highway; and
- c. That design of structures will be compatible with that of other structures in the vicinity.

20. Gasoline Service Stations

Statement of Legislative Intent.

It is the purpose of this section to permit the development of service stations only in accordance with the planning goals of the County: to regulate motor vehicle access to such uses so as to cause minimum disruption of traffic; to regulate appearance of such lots in a manner consistent with reasonable standards; to require that certain operations of such uses be conducted within enclosed structures or effectively screened and, where appropriate, to require that all services be enclosed or screened; to provide for appropriate limitations on noise commonly generated by service station operations; to permit and regulate appropriate uses ancillary to or in conjunction with service stations; and to assign, where necessary, responsibility for conducting service station operations in compliance with these regulations. It is, further, the purpose of this section to prevent such concentration of automobile service stations as would tend to create blight and congestion, allowing clusters of such uses to be established only in appropriate areas and within a normal competitive environment.

Because of the recognized tendency toward excessive service station development, these regulations require a finding of definite need in determining whether a service station should be permitted by special

exception. It is not the intent of these regulations, however, to act in restraint of trade.

A petition for a gasoline service station must be sufficiently detailed to indicate compliance with all standards set forth in this section. Market data indicating the probability of a reasonable public need for the use must be submitted with any petition for a new gasoline service station.

A special exception may be granted in the B-2, SC, M-1, M-2, ID or PEC Districts for gasoline service stations, provided that the requirements set forth below are met:

a. Before granting a special exception for a gasoline service station, the Board of Appeals must find that:

(1) There is a probability of a reasonable public need for the proposed gasoline service station. In making this determination for a new service station, the Board shall take into account market data submitted by the Petitioner and the proximity of other gasoline service stations.

(2) The use will not create a traffic hazard or congestion because of its location to the following:

(a) A vehicular or pedestrian entrance or crossing for a school, park, playground, or hospital, or other public use or place of public assembly.

(b) Turning movements and traffic patterns generated by public road intersections or by driveways providing access to properties in the vicinity of the site.

(3) The use will not adversely affect the general welfare or logical development of the neighborhood or area in which the station is proposed, including nearby areas within adjacent political jurisdictions.

(4) The plans for the use have been reviewed and commented upon by those appropriate County and State agencies, including, but not limited to those listed below:

Department of Public Works
Planning Board
State Highway Administration

**Fire Administration
Department of Health
Department of Education**

b. Site Development

The special exception plan shall indicate general compliance with the following site development standards. If the special exception is granted, the Planning Board shall approve a site development plan in accordance with the these standards;

- (1) The minimum lot size for a gasoline service station is 20,000 square feet, provided this size is adequate to accommodate the proposed use while complying with the buffering and design standards required by these regulations. 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 126.F.20.d. In unsewered areas, the lot area must be sufficient to accommodate an individual sewage disposal system approved by the Howard County Health Officer.
- (2) 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.
- (3) The design, materials, textures and colors of structures, pump islands, fences and walls shall be compatible with the on-site development and surrounding properties. Reflective and fluorescent materials shall not be permitted. The main building shall include restroom facilities for the public.
- (4) At least 20 percent of the site area shall be landscaped. The Planning Board shall approve a landscaping plan showing the location, size and species of all proposed materials.
- (5) Solid walls such as masonry or wood and masonry may be required by the Board of Appeals when the site borders a residential district. When solid walls are required, a planting strip is required on the outside of the wall.

- (6) Hydraulic racks and service pits shall be located within the main structure. Outdoor storage or refuse areas shall be fenced or screened from view and approved by the planning board as to location and design. The plan shall indicate the disposal methods to be used for all waste material, including waste oil generated by the service station operation.
- (7) Access driveways shall be designed and located to ensure safe and efficient movement of traffic on and off the site. The paved areas on-site shall provide for safe movement of vehicles and pedestrians. At least one waiting space in line shall be provided on site for each fuel servicing space (in addition to the servicing spaces themselves). Three parking spaces shall be provided for each grease rack or working bay plus one space for each employee on duty, plus a separate space for each accessory vehicle, such as tow trucks, etc.
- (8) Lighting shall be shielded and directed so that it does not shine or reflect onto residential properties, does not shine directly onto any adjacent properties, and does not produce glare which would cause a hazard for motor vehicle operators in the vicinity of the site.

c. Operation

- (1) The operation shall be confined to normal gasoline service station activities, except as provided for in subsection D below. 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 are permitted as an accessory use, provided they are screened, or enclosed so as to be integrated with the design of the site.
- (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 and screening 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 shall be established by the Board of Appeals.

d. Other Uses

The uses listed under Subsection (3) below may be located on the same lot as a gasoline service station, provided that the following conditions are met:

- (1) The special exception plan approved by the Board of Appeals must indicate the location and nature of all uses proposed for the site.
- (2) The minimum lot area shall be increased to accommodate the combination of uses on the site, including adequate space for buffering, parking, and circulation. As a minimum requirement, 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 on the site.
- (3) The following uses shall be permitted under the provisions of this section:
 - (a) Rental of automobiles, two-wheeled vehicles, trucks, boats, trailers, tractors, mowers, and other vehicles, provided that the storage areas for such uses are clearly noted on the special exception plan and are separate from parking and circulation areas and are screened from adjacent residentially zoned properties.
 - (b) Convenience stores, provided that the gross floor area does not exceed 3,500 square feet.
 - (c) Car washes, provided that on-site stacking area clear of the circulation area for the gas station is provided for at least 15 automobiles.
 - (d) Other uses which are permitted as a matter of right in the district in which the site is located.

e. Abandonment

- (1) Whenever the owner of any gasoline service station has ceased or terminated the use of the premises as a gasoline service station, the owner shall notify the Department of Planning and Zoning within 30 days after the termination. Notwithstanding the failure of the owner to so notify the Department of Planning and Zoning, any gasoline service station which has not been in continuous operation for a period of twelve continuous months shall be presumed to be abandoned and the use terminated. 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.
- (2) 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.
- (3) A special exception 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 126.E.4.
- (4) Within six months of a notice of abandonment by the owner, or of revocation of the special exception by the Board of Appeals, all site improvements shall be razed and removed, including all underground storage tanks. However, if a site development plan is submitted to the Department of Planning and Zoning within the six month period for a permitted use of the property, the site improvements may be converted to the permitted use.

21. Athletic Facilities

Except where permitted as a matter of right, a special exception may be granted in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15 or R-MH Districts for athletic fields, swimming pools for public use, swim clubs, tennis clubs and similar uses, provided that:

- a. A special exception 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. Reasonable standards for hours of operation and lighting shall be proposed by the petitioner and established by the Board of Appeals for each use.

22. Retail Greenhouses, Retail Nurseries, Farm and Garden Supply Stores, Landscape Contractors, and Florists

A special exception may be granted in the RC, RR, R, R-ED, or R-20 Districts for retail greenhouses, retail nurseries, farm and garden supply stores, landscape contractors or florists, provided that:

- a. All structures and uses which are part of the special exception use, including parking, storage, and areas open to retail customers, shall be at least 50 feet from lot lines, unless the Board of Appeals finds that a lesser setback is more appropriate and will not adversely affect neighboring properties due to visual impact, activity, noise, dust, fumes or other cause.
- b. The sale of plants, seeds, fertilizers, plant food, firewood, hand tools, hand spraying and watering equipment, and other equipment directly related to farming, residential gardening or lawn care, shall be permitted.
- c. Tools and equipment used in whole or in part for the special exception operation shall not be stored outdoors.
- d. At least one off-street parking space shall be provided per 100 square feet of floor area used for sales purposes, plus one parking space per employee.
- e. The minimum lot size for florists and farm and garden supply stores shall be two acres.
- f. The minimum lot size for landscape contractors, retail nurseries and retail greenhouses shall be five acres.
- g. Adequate landscaping shall be provided to screen all structures, parking, storage and other activity areas related to the special exception use from residential properties.

- h. Sight distance at the access to roads shall be adequate to accommodate expected traffic.
- i. 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.
- j. A landscape contractor which is a home-based contractor as defined in these regulations and meets the requirements of Section 104.1.C.11 or 104.2.C.11 is a permitted accessory use in the RC or RR district and does not require a special exception.

23. Historic Building Uses

A special exception may be granted for the conversion of a historic building in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, POR, B-1, B-2, M-1, M-2 and ID districts to apartments and community meeting houses and in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, and R-A-15 districts for business and professional offices, provided that:

- a. No conversion pursuant to this section shall be permitted unless the building has been identified on the historic sites inventory supplement to the General Plan for Howard County;
- b. The maximum number of dwelling units permitted on a residentially zoned parcel shall be as follows:

<u>Zoning District</u>	<u>Maximum Dwelling Units Per Acre of Lot Area</u>
RC, RR or R	1 per gross acre
R-ED	3 per gross acre
R-20	3 per gross acre
R-12	4.5 per gross acre
R-SC	6 per gross acre
R-SA-8	12 per gross acre
R-A-15	22 per gross acre

- c. The maximum number of dwelling units permitted in a historic building on a non-residential zoned parcel shall be one dwelling unit per 5,000 square feet of lot area.
- d. No new exterior construction shall be permitted. However, minor exterior repairs and external changes required by health or safety regulations may be permitted. All permitted exterior repairs must be

approved by the Historic District Commission as architecturally compatible with the original building.

- e. Private sewage disposal and water supply facilities shall be approved by the Department of Health.
- f. All apartments shall have a floor area of 530 square feet or greater.
- g. No conversion pursuant to this section shall be permitted unless the Board determines that such use will not adversely affect the use and development of adjoining properties.
- h. Any exterior changes to the site, such as alterations to existing landscaping or the addition of driveways and parking areas, shall be designed to have minimal impact on the environmental setting of the historic site.
- i. A historic building converted into a community meeting house 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. Parking areas shall be screened from the roadway and adjacent properties by a three-foot high landscaped earth mound unless alternative elements are approved as part of the special exception plan.
- (3) The site shall have direct access onto a public road.

23A. Home-Based Contractors

A special exception may be granted in the RC and RR districts for home-based contractors, subject to the following requirements, except that landscape contractors are permitted by Section 126.F.22:

- a. The number of commercial vehicles parked on the site shall be limited to one vehicle for lots one acre or smaller, two vehicles for lots between one and three acres, and three vehicles for lots at least three and not more than five acres. The Board of Appeals shall determine the maximum number of commercial vehicles which may be parked on lots larger than five acres.

- b. Parking and storage of commercial vehicles, equipment and supplies, whether exterior or interior, shall occupy no more than five percent of the area of the lot.
- c. All structures and uses which are part of the special exception operation shall be at least 50 feet from lot lines, unless the Board of Appeals finds that a lesser setback is more appropriate and will not adversely affect neighboring properties due to visual impact, activity, noise, dust, fumes, or other cause.
- d. 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.
- e. 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.
- f. Parking and other outdoor uses shall be screened from adjoining properties and public roads by landscaping or other appropriate means.
- g. Structures shall be designed to be compatible in appearance with other residential or agricultural structures in the vicinity.
- h. 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.
- i. A home-based contractor which meets the requirements of Section 104.1.C.11 or 104.2.C.11 is a permitted accessory use in the RC and RR districts and does not require a special exception.

23B. Home Occupations

A special exception may be granted in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-VH, R-HR, and PGCC districts for home occupations, provided that:

- a. Home occupations meeting all requirements of Section 128.B are permitted accessory uses and do not require special exception approval.
- b. The total area devoted to a home occupation shall not exceed 33% of the gross floor area of the dwelling.
- c. The home occupation shall be located entirely within the dwelling, an accessory building, or both, except that a home office which may be visited by clients shall be located within the principal dwelling.
- d. The home occupation shall not alter the residential character or appearance of the dwelling or the lot. An 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.
- e. 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.
- f. No sale or rental of commodities shall take place on site.
- g. The home occupation shall be conducted by persons residing in the dwelling. In addition, not more than three full-time equivalent employees not residing in the dwelling may work on site in connection with the home occupation.
- h. No business-related deliveries by trucks with more than two axles shall be permitted. Parcel post and other similar delivery trucks are permitted.
- i. Off-street parking areas for employees, customers or clients shall be screened from public roads and neighboring properties.
- j. Home occupations approved under this section shall be limited to the following uses:
 - (1) Art or hand craft studios;
 - (2) Dressmaker, seamstress, tailor and similar uses;
 - (3) Typing or computer services;

- (4) Tutoring for groups of two or more students; and
- (5) Business or professional offices.

24. Homes - Nursing, Children's and Group Care Facilities

A special exception may be granted in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-HR, or R-VH Districts, for Nursing and Children's Homes, and Group Care Facilities provided that:

- a. The lot for which the home is proposed is at least one acre in size and the lot coverage shall not exceed 25 percent.
- b. The home shall meet all requirements of Federal, State and other public agencies.
- c. All relevant requirements of these regulations including those for off-street parking and loading are met.
- d. The proposed site shall have road access adequate for the traffic expected to be generated by the proposed development.
- e. The design of the facility is such that no sounds, smell, or any other noxious emissions from such activities as kitchens or loading areas, can be detected beyond the lot line.

25. Housing for Elderly and/or Handicapped Persons:

A special exception may be granted in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, or R-A-15 districts for housing for elderly and/or handicapped persons, subject to the following standards:

- a. Single-family detached, attached, semi-detached and apartment dwelling units shall be permitted.
- b. Accessory uses may include recreational and education services, therapy areas, retail stores, personal and professional services, and health services, provided that use of these facilities is limited to on-site residents and their guests.
- c. The uses shall not produce adverse effects on the use or development of the surrounding area due to noise, odor, traffic, lights, or any other reason.

- d. Adequate access to medical services, shopping areas, recreational and other community services often desired by elderly and handicapped persons shall be available to residents or provided on the site for residents.
- e. The site shall have access to roads adequate for the traffic expected to be generated by the development.
- f. The following development standards shall apply:

(1) The minimum lot size shall be three acres in the RC, RR, and R district, one acre in the R-ED and R-20 district, and 1/2 acre in all other permitted districts.

(2) The maximum density and lot coverage by structures shall be as follows:

<u>Zoning District</u>	<u>Maximum Dwelling Units per Acre</u>	<u>Maximum Lot Coverage by Structures</u>
RC, RR or R	2 per gross acre	15 percent
R-ED	5 per gross acre	20 percent
R-20	5 per gross acre	20 percent
R-12	6 per gross acre	20 percent
R-SC	8 per net acre	25 percent
R-SA-8	12 per net acre	35 percent
R-A-15	15 per net acre	35 percent

(3) A minimum of 50 percent of the gross site area shall be open space. The open space shall be generally continuous, accessible to the residents, and protective of natural features.

(4) Business uses which are permitted as accessory uses shall be integrated with the dwelling units and oriented towards the interior of the project. No exterior signs or other evidence of business facilities shall be visible from the periphery of the site.

(5) Loading and trash storage areas shall be adequately screened from view.

(6) The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping, or by designing the buildings near the periphery to be harmonious in density and type with the surrounding neighborhood.

- (7) Open space areas, recreational facilities and other accessory facilities shall be developed in each phase of development to meet the needs of the residents. The developer shall provide a schedule for the installation of facilities at the time the special exception is approved.

25. Junk Yard

A special exception 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. No automobile or vehicle not in running condition, no machinery or other junk or scrap shall be located, either for storage or dismantling within 300 feet of any other zone, within 50 feet of any public street or highways, right-of-way nor within 30 feet of any property line.
- c. The Board of Appeals shall require the location and erection of such walls or fences, or require the planting of such shrubbery or trees, as may be reasonable and proper to afford adequate screening of the junk yard.
- d. No stock piling of tires shall be permitted in a junk yard.

26. Kennels

A special exception may be granted in the RC, RR, R, R-20, BR or B-1 Districts for commercial and non-commercial kennels, provided that:

- a. The permit shall be for a period of three years, and shall be renewed every two years thereafter without a hearing, absent written complaint. However, if at any time the Board of Appeals receives written complaints from the Health Department, the Department of Planning and Zoning, or at least three vicinal property owners, alleging noncompliance with special exception conditions, the Board of Appeals shall schedule a revocation hearing in accordance with the procedures set forth in Section 126.E.4.b. through d. of these regulations.
- b. The minimum lot size shall be five acres;
- c. No outside pen or run may be located within 200 feet of any lot line;

- d. No structure shall be located within 200 feet of any side or rear lot line or within 100 feet of any street right-of-way line;
- e. Screening, as specified in these regulations, shall be provided at all lot lines;
- f. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines;
- g. Outside lighting must be shielded so that direct light does not shine beyond lot lines;
- h. A permit for a kennel, or a renewal of a permit, shall not be issued without approval of the Health Department of Howard County. The Health Department shall inspect every kennel permitted by special exception every two years and issue a report to the Board of Appeals as to the results of its inspection.

28. Manufacture, Sale, Storage and Distribution of Acetylene and Other Non-toxic Industrial Gases

A special exception may be granted in the M-2 Zoning District for the manufacture, sale, storage and distribution of acetylene and other non-toxic industrial gases provided that:

- a. No manufacture or above-ground storage be permitted within three hundred feet of any school, hospital or church;
- b. 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;
- c. When the site is closed or not operated for a continuous period of twelve months, the gas storage facilities thereon shall be dismantled;
- d. Applicable Federal, State and County Health, Fire and Environmental Codes shall be followed;
- e. The setback requirements for the structure or use as provided in Section 119, shall be applicable; however, the minimum setback from all property lines shall be fifty feet.

29. Mobile Homes for Security Purposes

A special exception may be granted in the M-2 district for one mobile home to be used for security purposes, provided that:

a. The property shall be at least 10 acres in size and contain one or more of the following uses:

- (1) Asphalt or asphalt products manufacturing facilities;
- (2) Concrete batching;
- (3) Concrete products manufacture; and
- (4) Stone or stone products manufacture.

b. Any mobile home or trailer to be used for residential purposes shall meet either the BOCA code requirements for "manufactured housing"; or those standards of the United States Department of Housing and Urban Development (HUD) for modular buildings.

30. Movie Theaters, Legitimate Theaters, Dinner Theaters

A special exception may be granted in the HC and M-1 Districts for movie theaters, legitimate theaters and dinner theaters, provided that a determination is made by the Board of Appeals 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, that adequate off-street parking facilities are available in close proximity to the proposed use, and that there is a reasonable need for the proposed use within the historic district (HC) or the Light Manufacturing District (M-1).

31. Museums, Art Galleries and Libraries

A special exception may be granted in the RC, RR, R, R-20 or R-12 Districts for museums, art galleries and libraries, provided that a determination is made by the Board of Appeals 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.

32. Nonprofit Clubs, Lodges, Community Halls and Camps

A special exception may be granted in the RC, RR, R or R-20 Districts for non-profit clubs and similar organizations, provided that:

- a. Any structure shall be located at a distance of not less than 100 feet from any lot line, except that not less than 50 feet at commercial or industrial lot lines shall be allowed. The front setback shall be at least 100 feet, except when bordering highways of 80 foot rights-of-way or more, where the setback shall be 50 feet.
- b. Total building coverage shall not be more than 20 percent of the area of the site.
- c. No parking space shall be located in any required front setback from any residential property line.
- d. **Off-street Parking Space and Loading Facilities Requirements:**
 - 1 parking space per employee
 - 1 parking space per site resident
 - 10 parking spaces per 1,000 square feet of floor space
 - 1 loading facility for service vehicles.
- e. One mobile home or caretaker's dwelling for security purposes for day and overnight camps may be permitted on parcels of 25 acres or greater.

33. Offices, Professional and Business

A special exception may be granted in the R-HR District for professional and business offices, provided that:

- a. The office is located within a residential dwelling actually used for residential dwelling purposes; and
- b. No commodity is kept for sale on the premises in connection with the office use; and
- c. No merchandise, material or equipment is stored outside of any structure; and
- d. The office does not have any exterior evidence, other than a permitted sign, to indicate that the building is being used for any purpose other than that of a dwelling unit; and

- e. The combination of a permitted home occupation use and an office use permitted under this subsection shall not occupy more than 50 percent of total floor area of any dwelling unit; and
- f. Adequate parking facilities are available in close proximity to the proposed use; and
- g. Such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity, and
- h. There is a reasonable need for the proposed use; and
- i. Such use will not adversely affect the use of other property in the immediate neighborhood.

34. Parking Facilities Adjacent to Historic Structures

A special exception may be granted to allow the establishment of parking facilities adjacent to historic structures in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-HR, R-VH, HO, HC, POR, B-1, B-2, SC, M-1, M-2 or ID Districts if the Board affirmatively finds that:

- a. The historic structure does not have the capability to provide adequate parking completely upon its site; and
- b. The parking will be used solely for the accommodation of the historic structure.

35. Parking Lots - Commercial

A special exception may be granted in the HC or HO Districts for commercial parking lots.

36. Public School Building Uses

A special exception may be granted in all districts except NT, PEC, PGCC and CC for the temporary conversion of a public school building to antique shops, private schools, facilities including galleries and studios for artists and craftsmen, museums, libraries, community meeting houses, nonprofit human service agencies, and community recreational facilities provided that:

- a. The building(s), continue to be necessary for future public educational purposes.

- b. At least 10 percent of the gross floor area shall be devoted to and made available for community use. The gym in a public school building shall be used for community recreational use.
- c. The proposed use(s) is located within the building and no merchandise, material or equipment is stored outside of the building. No extension, enlargement, or exterior alteration of the building is permitted except for public agencies' requirements.
- d. Adequate vehicular access and parking and adequate utilities is provided.
- e. Any other condition(s) negotiated between the owner and the prospective user is complied with.
- f. The special exceptions granted under this provision shall terminate at the time the public school building is declared to be no longer needed for public school purposes and is conveyed to the County.

37. Public Utility Uses

A special exception may be granted in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-HR, R-VH, HO, POR, B-1, B-2, SC, BR, M-1, M-2, ID or HC Districts for the following public utility uses, subject to certain conditions:

a. Permitted Uses:

- (1) Transmission lines designed to carry 69,000 volts or more of electricity.
- (2) Utility substations.
- (3) Above ground pipelines.
- (4) Pumping stations.
- (5) Telephone exchanges.
- (6) Commercial communications stations or towers.

b. Special Conditions:

- (1) Utility substations or pumping stations that the site for such use has a minimum access of 20 feet when adjacent to public street right-of-way.
- (2) 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.
- (3) The architectural and landscaping treatment of such use will be in harmony with the area.
- (4) All required bulk requirements of the district are met.
- (5) The Board finds a need for the proposed use.
- (6) The special exception 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 all access roads and driveways, for shielding of floodlights or other artificial illumination, and/or for landscaping or screening.

- c. Public utility uses allowed by special exception in residential or commercial districts shall not include any of the following: power generating plants; incinerators; non-local area telephone and telegraph dial or repeater stations; public transit or railroad car barns, garages, yards or shops; construction or building material yards.

38. Quarries - Rock, Stone, Sand, and Barrow Pits

A special exception may be granted in the RC, RR, M-1, M-2 or ID Districts for quarries and barrow pits and other similar excavations for sand, rock, stone and minerals, provided that:

- a. All applicable local, state or federal laws, regulations or permitting requirements shall be adhered to.
- b. The approved portion of the tract shall have a peripheral area which shall be retained in its natural topographic condition, undisturbed by excavation of mining, 100 feet in width. 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 Board of Appeals.**
- 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 Board of Appeals 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 granted by the special exception.**
- 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 area shall be maintained thoroughly drained, except for draining and ponding areas which are used for production.**
- h. **Roads in the permit area for ingress and egress from excavation areas to public roads shall not be less than 20 feet wide, and shall be hard-surfaced and maintained for a distance of 150 feet from the public road into the excavation area. All other roads shall be treated as needed with a preventative to control dust. For any roads which cross a utility right-of-way, the applicant shall obtain a permit for the crossing from the utility company and shall submit copies of the permit with the special exception petition.**
- i. **The Board of Appeals shall limit the permit to operate such quarry to a specific expiration date.**
- j. **Operation hours for excavation processing and filling operations 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. A site development plan shall be submitted for approval to the Board of Appeals at the time of the permit applications, showing 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 traffic and road condition study to determine the adequacy of the road network and the structural elements serving the site for truck traffic to be generated by the quarry.

l. **Rehabilitation Plan**

A rehabilitation plan at a scale of 1" = 200' shall be submitted at the time of the permit application for approval to the Board of Appeals setting forth a plan for rehabilitation of the permit area. A rehabilitation 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 top soil shall be specified. The rehabilitation schedule shall include specific information relating to regrading, drainage, landscaping, erosion backfilling, removal of machinery and structures, and closing of access roads. No rehabilitation plan shall be approved unless it provides for the

following minimum rehabilitation program as to the permit area:

- (1) **Regrading** - All disturbed land shall be regraded so that no slope exceeds a maximum of 30 percent except, whenever the site of an excavation for a quarry is greater than 50 percent 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. Whenever erosion will cause silting of streams or wash onto public roads or will cause erosion or silting on adjoining property, the area causing erosion or wash shall be graded, covered with suitable soil to sustain growth and then sodded or seeded. All such areas not sodded shall be landscaped by planting of grass and trees where soil conditions permit. Seedling trees of a minimum 6 feet in height shall be planted at a rate of 200 per acre and maintained through one year's growth.
- (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 Board of Appeals. 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. Evidence shall be submitted indicating that the proposed operation has been approved by all applicable regulatory agencies.

n. No excavation or processing operations shall be commenced on land in the permit area until all persons having 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 Board of Appeals,

(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.

o. 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 special exception 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 costs for corrective action which exceed the bond or collateral amount.

39. Race Tracks (Animal or Motor Vehicle)

A special exception may be granted in the M-1 or M-2 Districts for race tracks for either animals or motor vehicles, provided that:

- a. Any lot, parcel or tract used for this purpose shall not be less than 75 acres.
- b. No structure or enclosed racing area shall be located within 500 feet of any residential lot line.

40. Recreational Vehicle Camps

A special exception may be granted in the RC or RR district for campgrounds designed for overnight use by tourists and travelers equipped with their own recreational vehicles or tents, provided that:

- a. No patron shall be allowed to use the camping sites or facilities of any camp permitted under this section for a period longer than 16 consecutive nights.
- b. Adequate public sanitary facilities shall be provided for the use of the camp patrons as approved by the Howard County Health Department.
- c. The site shall contain at least 20 acres.
- d. The minimum width of camp roads shall be 15 feet for one-way roads and 20 feet for two-way roads.
- e. Each individual campsite shall have at least 1,000 square feet of area, including one off-street parking space, and a minimum width of 25 feet.
- f. Each individual camping site shall be accessible from a camp road.
- g. All campsites and other facilities shall be at least 200 feet from lot lines.
- h. Screening shall be provided between areas used for campsites or other facilities and lot lines.
- i. The Board of Appeals shall have continuing jurisdiction in such cases and may, from time to time, impose additional safeguards in the interest of public safety and security; or the Board may revoke the use granted and the permit issued where it finds such use endangers the lives and safety of people living in the community; provided, however, no such permit shall be revoked, nor additional conditions imposed, without public notice and hearing.

41. Religious Activities, Structures Used Primarily for

A special exception may be granted in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-HR, R-VH, M-1, M-2 or ID Districts for structures used primarily for religious activities provided that:

- a. Lot coverage shall not exceed 25 percent of lot area.
- b. Structures used primarily for religious activities 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 established for the District in which such structure is located.

42. Rendering Plants

A special exception may be granted for a rendering plant in the M-2 District if the Board affirmatively finds that:

- a. The need generated within Howard County for rendering exceeds the capacity of existing local facilities; and
- b. The plant is designed and constructed to prevent perceptible odors at the property line.

43. Research Laboratories

A special exception may be granted in the RC, RR, R or R-20 Districts for research laboratories operated by business or research organizations, provided that:

- a. The lot area for such use shall not be less than 25 acres;
- b. Structures erected or to be used shall not be less than 200 feet from any external property line;
- c. Such use shall be confined to a structure(s);
- d. Off-street parking shall not be less than 100 feet from any external property line;
- e. Goods or products may be manufactured only to the extent necessary for testing, evaluation and test marketing, to reach a commercialization decision and permit transfer to full scale manufacturing facilities.

44. Retreat Center

A special exception may be granted in the RC, RR, R, R-ED, R-20, R-12, R-SC, or R-SA-8 districts for a retreat center provided that:

- a. The minimum lot area for such use shall be six acres.
- b. The use shall not produce adverse impacts on the use or development of the surrounding area due to noise, odor, traffic, lights or any other reason.
- c. The property shall have direct access to a public road, and access drives shall be located so as to minimize adverse impacts on adjacent properties.
- d. Road access shall be safe and adequate for the anticipated traffic to be generated by the proposed use.
- e. Adequate landscaping or other acceptable forms of buffering shall be provided to screen all parking and outdoor activity areas, and, if appropriate, all structures from residential properties.
- f. No retail or wholesale sales of any kind shall be permitted.
- g. All parking shall be located on site.
- h. The type of activity on the site is specified including frequency, number and length of meetings.

45. Riding Academies and Stables

A special exception may be granted in the RC, RR, R or R-20 Districts for riding academies and stables, provided that:

- a. Adequate trails or areas for horseback riding shall be available;
- b. No stable shall be located within 200 feet of any property line;
- c. If three or more horses are kept, riding academies and stables shall be located on a tract of not less than five acres.

45A. Rubble Landfill and Land Clearing Debris Landfill Facilities

A special exception may be granted in the RC, RR, M-1, M-2 or ID Districts (or in any other district with respect to land which has been previously mined or excavated pursuant to the grant of a special exception specifically for mining, quarrying or barrow pit 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 Board of Appeals, 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 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 percent 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 percent 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 the following materials from land clearing operations:

- (1) Earthen material such as clays, sands, gravels, and silts;
- (2) Topsoil;
- (3) Tree stumps;
- (4) Root mats;
- (5) Brush and limbs;
- (6) Logs;
- (7) Vegetation; and
- (8) Rock.

- d. The Board of Appeals 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 Board of Appeals 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. Waste materials delivered to the land clearing debris fill or rubble fill facility shall be recycled to the maximum extent feasible in accordance with a recycling plan approved by the Department of Public Works. The recycling plan shall be submitted with the special exception application and approved by the Department of Public Works prior to special exception approval. The plan shall address the following:
 - (1) Equipment, structures and other site improvements which will be installed or constructed for waste recycling including equipment processing capacity and materials storage requirements.
 - (2) The materials handling and operations methods which will be utilized to accomplish recycling.
 - (3) The types and quantities of waste which will be processed for recycling.
 - (4) Available markets and intended users of the products.
- f. All applicable local, state or federal laws, regulations or permitting requirements shall be adhered to.
- g. 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 Board of Appeals 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

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.

- h. 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.
- i. The height of structures and any man-made land forms may be limited by the Board of Appeals.
- j. 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 Board of Appeals 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.
- k. All operations shall be conducted in 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.
- l. The operation shall not result in noise, smoke, dust, litter, odors or other substance or condition in a manner which would adversely affect the surrounding area.
- m. Any area under excavation shall be maintained and thoroughly drained. Fill areas shall be maintained at all times by burial of material received for disposal.
- n. 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.
- o. The special exception plan submitted with the special exception 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 traffic and road condition study to determine the adequacy of the road network and 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 daily truck traffic expected to be generated by the facility;
- (16) The length of time the facility is expected to be in operation.

p. Rehabilitation Plan

A rehabilitation plan at a scale of 1" = 200' shall be submitted at the time of the special exception application for approval by the Board of Appeals setting forth a plan for rehabilitation of all areas 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. The rehabilitation schedule shall include specific information relating to regrading, drainage, landscaping, erosion backfilling, removal of machinery and structures, and closing of access roads. No rehabilitation plan shall be approved unless it provides for the following minimum rehabilitation program as to the permit area:

- (1) **Regrading** - All disturbed land shall be regraded so that no slope exceeds a maximum of 25 percent 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 special exception 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.
- (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. A financial guarantee shall be provided in the form of a bond, adequate collateral kept in escrow and drawing interest to the benefit of the petitioner, or a comparable financial guarantee, 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.

q. No excavation, filling, or processing operation shall be commenced on land in an area by a special exception approved under this section until all persons having 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 special exception area;
- (2) The application number and the date the special exception was granted by the Board of Appeals;
- (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, filling and processing operations cease and rehabilitation of the land is completed.

r. The County and the applicant shall enter into an agreement providing that, should the rubble/land clearing debris landfill be operated in violation of any of the provisions or conditions of the special exception 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 costs for corrective action which exceed the bond or collateral amount.

46. Sawmills and Mulch Manufacture

A special exception may be granted in the RC or RR district for sawmills or mulch manufacture, provided that:

- a. The Board shall have continuing jurisdiction in such cases and may, from time to time, impose additional conditions or limitations, in order to carry out the purpose and intent of the zoning regulations. No additional conditions or limitations shall be imposed without public notice and hearing.
- b. All structures and uses shall be at least 500 feet from existing residences on different lots and at least 300 feet from property lines.

- c. Sight distance at the driveway access shall be adequate to allow safe ingress and egress for vehicles.
- d. Parking, storage areas and equipment shall be screened from adjoining properties and public roads by landscaping or other appropriate means.
- e. Hours of operation shall be established by the Board of Appeals.
- f. Retail sales of materials produced on-site may be permitted if specifically approved by the Board of Appeals.

47. School Buses (Parking and Storage)

A special exception may be granted in the RC, RR, R, R-20 or R-12 Districts for the parking and storage of more school buses than allowed by these regulations, provided that:

- a. All such vehicles parked or stored outside of a structure shall be screened from adjoining properties;
- b. No such vehicles shall be parked or stored within the structure 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. 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 R, R-20 and or R-12 Districts on the effective date of this amendment, shall be deemed valid nonconforming uses in those districts.

48. Schools, Colleges, Universities - Private (Academic)

A special exception may be granted in the RC, RR, R, R-20, R-ED, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-HR, or R-VH Districts for private academic schools, colleges and universities, provided that:

- a. Area, frontage, and setback requirements are met, as follows:

- (1) Maximum density permitted is 60 pupils per acre.

(2) Sufficient frontage on a public road must be available to provide safe ingress and egress to the site.

(3) Schools with residence accommodations:

In addition to meeting the area requirements of Section 126.F.48.a.1., schools with residence accommodations shall provide an additional 500 square feet of lot area per site resident. Residents shall include students, whether housed in dormitories or other living quarters, staff members and their families, and the caretakers and their families who reside on the site.

(4) Access drives shall be located so as to minimize adverse effects on adjacent properties.

(5) In any district, 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 established for the district in which such structure is located.

b. Off-Street Parking and Loading Facility Requirements

(1) Elementary or Middle Schools:

- One parking space per 20 pupil seats for staff members.
- One parking space per five seats in all-purpose rooms.
- Five parking spaces for visitors.
- One loading facility per two school buses.

(2) High Schools:

- One parking space per 20 pupil seats for staff members.
- 10 parking spaces for visitors.
- One parking space for 15 pupil seats for student drivers.
- One parking space per three permanent auditorium seats, or one space per four square feet of seating area where fixed seating is not used, as in gymnasiums.

Plus:

- One loading berth per 20 pupils arriving by private transportation which will not be parked.
- One loading berth per school bus.

Two loading berths per service vehicles.

(3) Colleges, Junior Colleges, Universities:

Two parking spaces per three students.

One parking space per staff member.

20 parking spaces for visitors.

One parking space per three auditorium seats, and/or one space per 40 square feet of seating area where fixed seating is not used, as in gymnasiums. Pooling of spaces between auditoriums and gymnasiums will be allowed only if, in the judgment of the Office of Planning and Zoning, both facilities will not be used for spectator activities simultaneously. One loading berth per principal structure.

49. Shooting Ranges--Outdoor Rifle, Pistol, Skeet and Trap

A special exception may be granted in the RC, RR, R, M-1 or M-2 Districts for commercial 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.
- 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. Such range shall conform in all respects to any regulations specified by Federal and State Law, the provision of these regulations, or other County regulations.
- e. The manner and times of operation thereof shall be so stated in the special exception that there will be no resulting detrimental disturbances to normal neighborhood tranquility or neighboring residences, and that the topographic features of the site are such that firing ranges projectiles are controlled, while at the same time, the travel distance or noises emanating from firearms is minimized.

50. Taxidermy

A special exception may be granted in the RC, RR, R or R-20 Districts for taxidermy provided that:

- a. The application shall contain complete site plans and architectural plans showing design, layout, ingress and egress;
- b. Off-street parking shall be provided for one car space for each 100 square feet of floor space used for sales area;
- c. The height and area regulations of the district in which the taxidermy practice is located must be complied with;
- d. No display of any kind shall be allowed, except that one sign not to exceed two square feet in area may be displayed on the premises, advertising only the name of the taxidermy practice and the proprietor's name and address;
- e. Disposal of any animal waste shall be under the supervision and jurisdiction of the Howard County Health Department; and before the practice can be commenced, a permit from the Howard County Health Department shall be acquired;
- f. No structure housing the practice of taxidermy shall be within 100 feet of any adjacent residential property line.

50A. Waste Transfer/Material Recovery Station:

A special exception may be granted in the M-1 and M-2 Districts for a waste transfer/material recovery facility for non-hazardous solid waste transfer and recovery operations provided that:

- a. The site of the proposed facility shall be at least five acres.
- b. The facility shall not cause any dangerous, injurious, noxious or other hazardous condition; nor shall it result in smoke, dust, odor or other substance, condition or elements in an amount which would adversely affect the surrounding area.
- c. All applicable local, state or federal laws, regulations or permitting requirements shall be adhered to, including requirements for the acquisition of an operating permit from the State prior to constructing or operating the waste transfer/material recovery facility.

- d. All waste transfer/material recovery facility operations shall be conducted in a safe manner as prescribed by law or regulations, and with respect to the likelihood of hazard to persons, lands, natural resources and improvements, and damage to any street, bridge, or public right-of-way as a result of the operation of the waste transfer/material recovery facility.
- e. Solid waste accepted for transfer at the waste transfer/material recovery facility shall be limited as specified by the facility's State operating permit and shall be further limited to waste material categories which, by law, regulation, or permit are accepted at solid waste acceptance facilities operated by Howard County. Hazardous, infectious, liquid or explosive wastes shall not be accepted at the waste transfer/material recovery facility. The Board of Appeals may further limit the type of waste material categories as determined by the Maryland Department of Environment which may be accepted at a waste transfer/material recovery facility upon a finding of a specific adverse effect associated with the acceptance of such waste material at the site.
- f. All waste transfer/material recovery facility operations shall be confined within enclosed buildings with the exception of employee and public parking spaces, scales, accessory fuel storage, and the storage or temporary parking of equipment or vehicles related to the waste transfer/material recovery facility operation. A fence, wall, or natural hedge shall screen all outdoor uses from any residentially zoned property.
- g. The waste transfer/material recovery facility will accept and process for sale aluminum cans, glass bottles and jars, newspapers, cardboard and any other material brought to the facility which is economically feasible to process for recycling. The waste transfer/materials recovery facility will provide a citizen drop-off/buy back center to encourage voluntary recycling efforts.
- h. In addition to all other required setbacks, the following use setbacks shall apply:
 - (1) Required use setbacks from existing residences on adjacent property 100 feet
 - (2) Required use setbacks from existing public roads and utility rights-of-way 100 feet

- i. A landscaped buffer 50 feet wide shall be provided around the property. The buffer shall not be used for any purpose except for planting, fencing, and roads or driveways which provide necessary access to the waste transfer/material recovery facility.
- j. Roads used for ingress and egress to the waste transfer/material recovery facility shall be at least 30 feet wide, and shall be hard-surfaced and maintained for the entire distance from the waste transfer/material recovery facility to a public road, and shall be designed to withstand anticipated loads.
- k. The queue area for trucks shall not extend onto any public road or block ingress/egress to any public road.
- l. All liquid generated from the waste transfer/material recovery facility operation shall be collected and transported for off-site disposal according to State Regulations.
- m. At the close of each work day no solid waste shall be left on the floor of the waste transfer/material recovery facility building. All solid waste shall be contained in appropriate receptacles.
- n. Hours of operation shall be restricted to between 7:00 a.m. and 6:00 p.m. No operation shall be permitted on Sundays, except for repairs to equipment and to the waste transfer/material recovery facility.
- o. All waste transfer/material recovery facility operations shall be conducted in such a manner which will:
 - (1) Prevent creating a public nuisance;
 - (2) Prevent insect and/or rodent infestation;
 - (3) Protect the environment by preventing pollution of the air and waters of State.
- p. The waste transfer/material recovery facility shall be maintained in a clean and sanitary condition, including proper sanitary facilities for employees. Areas where solid waste is processed, loaded, or unloaded shall be designed and constructed using readily cleanable impervious materials which drain freely to prevent the accumulation of standing liquid.
- q. The quantity of waste transported from the waste transfer/material recovery facility and disposed of at solid waste acceptance facilities operated by Howard County shall be limited to that quantity of waste

brought to the waste transfer/material recovery facility and originating from sources in Howard County.

r. A site development plan shall be submitted by the applicant for approval by the Board of Appeals at the time of the special exception application, showing the following:

- (1) Setback and buffer area, including materials to be used for screening and buffering;
- (2) Existing and proposed structures, and major mechanical equipment;
- (3) Existing and proposed access roads and other existing or proposed points of access to the site;
- (4) Existing and proposed parking areas for permanent or temporary use;
- (5) Water supply and sewage disposal;
- (6) Other uses and their extent on the property;
- (7) The daily truck traffic expected to be generated by the facility and the same traffic converted to passenger car equivalencies;
- (8) A traffic and road condition study to determine the adequacy of the road network and the structural elements serving the site for truck traffic to be generated by the waste transfer/material recovery facility;
- (9) Temporary sediment control and permanent storm water management facilities for quantity and quality control.

s. An operations plan shall be submitted by the applicant for approval by the Board of Appeals at the time of the special exception application, providing the following:

- (1) A description of waste handling and material recovery/recycling processes and methods to be used.
- (2) A description of major items of equipment.
- (3) Types and anticipated quantities of solid waste to be accepted and types of solid waste which will not be accepted.

- (4) Area to be served by the facility.
- (5) Measures to be taken to prevent or control odors, explosions, fire, water or air pollution and vectors.
- (6) Methods of handling liquid wastes generated from waste transfer/material recovery facility operations.
- (7) Methods by which unacceptable wastes delivered to the waste transfer/material recovery facility will be identified, segregated, and handled for removal and disposal.
- (8) Procedures and methods for cleaning and maintaining the appearance of the waste transfer/material recovery facility, as well as any proposed mitigation measures, including collection and disposal of litter and waste which falls from collection or transport vehicles in the vicinity of the waste transfer/material recovery facility, including adjacent private properties, public road and public rights-of-way.
- (9) Methods to be utilized to control dust.
- (10) Methods to be utilized for the handling of bulky wastes.
- (11) Methods and procedures to ensure adherence with item 1. above, specifically, methods and procedures required to ensure that the quantity of waste transported from the waste transfer/material recovery facility and disposed of at solid waste acceptance facilities operated by Howard County, does not exceed the quantity of waste brought to the waste transfer/material recovery facility and originating from sources in Howard County.

51. **Two-family Dwellings**

A special exception may be granted in the RC, RR, R, R-ED, R-20 or R-12 Districts for the conversion of any single-family detached dwelling unit to a two-family dwelling unit or for the construction of a two-family dwelling unit on an individual site provided that the Board of Appeals determines 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.

52. Wrecked Vehicle Storage (temporary)

A special exception may be granted in the B-2, BR, 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 at least eight feet in height. All surfaces of such walls or fences facing residential zones or premises shall be finished or, in the discretion of the Board of Appeals, vine-covered or otherwise improved by the use of planting;
- 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.

53. Yard Waste Composting Facility

A special exception may be granted in the RC, RR, M-1 or M-2 districts for a yard waste composting facility, provided that:

- a. Only yard waste (leaves, grass, brush, yard trimmings) shall be received for composting on the site.
- b. All applicable Local, State or Federal laws, regulations or permitting requirements shall be adhered to, including the acquisition of an operating permit from the State for construction and operation of the facility, if required.
- c. In addition to the bulk regulations of the applicable zoning district, the following structure and use setbacks shall apply:

- (1) From an existing residence on a different lot 500 feet
- (2) From adjacent residentially-zoned lots 300 feet
- (3) From public street rights-of-way 100 feet
- (4) From existing streams and wetlands 100 feet

- d. A landscaped buffer area with a minimum width of 100 feet shall be maintained around the perimeter of the site. The landscaped buffer shall be used only for planting, fencing, and driveways for ingress and egress to the site.
- e. The operation shall not result in odors which are detectable on surrounding properties.
- f. The operation shall not result in noise, smoke, dust, litter, or other substance or condition in a manner which would adversely affect the surrounding area.
- g. 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.
- h. The operation shall be conducted in a manner which will prevent insect and/or rodent infestation.
- i. The facility shall be maintained in a clean and sanitary condition. Areas where yard waste or compost is processed, loaded, or unloaded shall be designed and constructed to drain freely to prevent the accumulation of standing liquid.
- j. 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.
- k. In the RC and RR districts, the hours of operation 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.
- l. On-site retail sales of finished compost shall be permitted if specifically approved by the Board of Appeals.
- m. The road network and 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 traffic impact analysis and road condition study to allow the Board of Appeals to make this determination.
- n. The special exception 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:
 - (i) Yard waste unloading, receiving and storage areas;
 - (ii) Yard waste processing areas, including areas for grinding, screening, mixing and other operations to prepare yard waste for composting;
 - (iii) Composting areas;
 - (iv) Compost curing areas;
 - (v) Compost final product preparation areas (screening and other operations); and
 - (vi) 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) Storm water management facilities for quantity and quality control.
 - (10) Facilities for storage and treatment of leachate and any other liquids generated by the operation.
 - (11) Other existing or proposed uses on the site.
- o. An operations plan shall be submitted by the applicant to enable the Board of Appeals 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 Board of Appeals...The plan shall provide the following information:
- (1) Types, anticipated quantities and sources of yard 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 yard waste delivery methods and requirements.**
 - (8) **A description of incoming yard waste 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.**
- p. **To determine whether an adequate market exists for the compost to be produced, a compost marketing and distribution plan shall be submitted with the special exception application and approved by the Department of Public Works prior to approval of the special exception petition by the Board of Appeals. The plan shall include:**

- (1) The approach to be used in marketing finished compost.
- (2) Available and intended markets and users of the finished compost.
- (3) If available, existing and tentative contractual arrangements and purchase agreements for the finished compost, including quantities committed.
- (4) Compost quality requirements of intended markets or users (maturity, texture, nutrient content, etc).
- (5) Maximum quantity of finished compost to be stored at the composting facility and maximum storage period.

q. A rehabilitation plan shall be submitted at the time of the special exception application for approval by the Board of Appeals. 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 yard waste, composting material, and finished compost shall be removed from the site and shall be disposed of in conformance with applicable laws or regulations.
- (4) 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 used in rehabilitation work, until the plan for rehabilitation has been completed and a different use necessitating access has commenced on the property.
- (5) If the special exception is approved, studies shall be provided by the petitioner setting forth the estimated cost of the rehabilitation plan. A financial guarantee shall be provided in the form of a bond, adequate collateral kept in escrow and drawing interest to the benefit of the petitioner, or a comparable financial guarantee, to cover the estimated cost of the rehabilitation plan. Such bond or money shall only be released upon completion of the rehabilitation program.

- r. A composting operation approved under this section shall not commence until all persons having an interest of record in the site shall cause to be recorded among the Land Records of Howard County:
- (1) A description of the land included within the special exception area.
 - (2) The application number and the date the special exception was granted by the Board of Appeals.
 - (3) A statement indicating that use of the land will be in accordance with an approved site development plan and rehabilitation plan.
 - (4) A declaration binding their heirs and assigns to utilize the land in accordance with said site development plan and rehabilitation plan until composting operations cease and rehabilitation of the land is completed.
- s. The County and the applicant shall enter into an agreement providing that, should the composting facility be operated in violation of any of the provisions or conditions of the special exception, 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, 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 costs for corrective action which exceed the bond or collateral amount.

SECTION 127

OFF-STREET PARKING AND LOADING FACILITIES

A. Layout and Location

Off-street parking and loading facilities required by these regulations shall be provided on the same lot or premises with such structure or land use, except that 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 owned in common, or are subject to recorded covenants or easements for parking.

B. Off-Street Parking Facilities

1. Specifications

a. Required off-street parking facilities may be enclosed in a structure or may be open. Enclosed structures and carports containing off-street parking shall be subject to the setback requirements applicable to the district in which located. No part of any parking area shall be situated within any setback adjacent to a street unless specifically permitted by regulations governing a specific district, or as a condition of approval through the grant of a special exception as contained herein.

b. 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, except off-street parking spaces contained in the zoning regulations shall prevail over conflicting spaces in the Howard County Design Manual.

c. Any lighting used to illuminate off-street parking areas shall be so arranged as to reflect the light away from the adjoining lots in residential districts and any public street right-of-way.

2. Minimum Parking Requirements for Specific Uses

The following are minimum requirements and may be increased as part of approval of a Site Development Plan:

a. <u>Use</u>	<u>Minimum Required Spaces</u>
Accessory uses, require additional spaces as follows:	
(1) Roomers or Boarders	One per room so occupied.
(2) Professional Offices	Four per professional person keeping office hours.

- (3) Home Occupation Two.
- (4) Recreational Vehicle One space per residence for parking or storage purposes only.

b. Specific uses, as follows:

<u>Use</u>	<u>Minimum Required Spaces</u>
(1) Bowling Alleys	Four per bowling lane.
(2) Day Care Centers	One space per 400 sq. ft. of usable floor area.
(3) Clubs, Lodges, and Similar Recreational Structures	One space per 100 sq. ft. of usable floor area.
(4) Gasoline Filling Stations	As determined by Special Exception, or by Final Development Plan criteria for those districts controlled by a Final Development Plan and within which special exceptions are not applicable.
(5) Hospitals	One per two beds and one per employee on the major shift plus four per doctor treating outpatients on the major shift.
(6) Housing for Elderly and/or Handicapped (Amended by ZB Case No. 849R - 6/2/88)	As determined by special exception approval, or by the Department of Planning and Zoning in the POR District
(7) Manufacturing Uses	One per two employees per major shift, or one per 500 sq. ft., whichever is greater.
(8) Mobile Home Development	Two per mobile home site or lot. Interior court parking may be provided in the immediate area of lots or sites to be served.

- (9) Motels and Hotels One space per unit plus one space per two employees.
- (10) Motor Vehicle Sales-rooms, Repair Shops, and Public Garages One per 500 square feet of floor area.
- (11) Museums, Art Galleries and Libraries One per 200 square feet of floor area available to the public plus one per two employees.
- (12) Offices for Professional Use in a Residential District One per 200 square feet of floor area, exclusive of storage and utility areas.
- (13) Offices and Research Laboratories Seven for each 10 persons customarily working at one time.
- (14) Nursing Homes and Homes for the Aged and Group Care Facilities One per three beds for occupants and one per two staff or service employees.
(Amended by ZB Case No. 849R - 6/2/88)
- (15) Other Types of Recreational Facilities As determined by the Department of Planning and Zoning.
- (16) Structures Used Primarily for Religious Activities One for each three fixed seats. Benches shall be deemed to have a capacity of one seat per two feet of length or one for each 100 square feet of floor area of assembly space open to the public whichever is greater.
- (17) Residences - Apartments 1.0 per efficiency
1.5 per one or two bedroom units
2.0 per unit larger than 800 sq.ft.
(Amended by ZB Case No. 825R - 8/22/86)
- (18) Residences - Single-Family Detached Semi-detached, and Attached Two per dwelling unit. (On lots fronting on roads with 60-foot or greater rights-of-way, each parking space shall have independent access to the public street.

- (19) Restaurants or Other Places Serving Food, Beverages or Other Refreshments (other than fast food restaurants) One per four seats, plus one per two employees customarily working at the same time on the major shift, or one per 200 square feet of floor area so used, whichever is greater.
- (20) Retail Food Stores (over 4,000 square feet) One per 150 square feet of floor area available to the public.
- (21) Retail or Service Businesses, Including Laundries and Laundry Pickup Stations One per 200 square feet of floor area.
- (22) Private Schools, Colleges, and Universities As determined in approval of a Special Exception, or by final development plan criteria for those districts controlled by a final development plan.
- (23) Telephone Exchanges One per two employees.
- (24) Theaters, Motion Picture Theaters or Other Places of Public Assembly or Amusement One per three seats. Where there are no fixed seats, one per 100 square feet of floor area available to the public.
- (25) Funeral Homes 10 spaces per public room, plus one space per employee.
- (26) Shopping Centers One per 200 square feet of floor space designed to be used for business purposes. Where movie theaters, motion picture theaters, or other places of public assembly are included, the requirement of "(24)" shall be provided in addition to the above.
- (27) Fast Food Restaurants One per three seats, plus one per two employees, however, in no case shall less than 20 spaces be provided.
- (28) Tennis Barns and Clubs Four per tennis court, plus one per two employees.

3. Other Uses

Reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed above shall be determined in each case by the Department of Planning and Zoning, which shall consider comments from other County agencies and all factors entering into the parking needs of each such use.

C. 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.

D. Vehicular Access

In all districts, the entrances and exits for all permitted or required accessory group parking facilities with 10 or more spaces, and all permitted and required accessory off-street loading facilities and the centerline of entrances and exits thereto shall not be located less than 50 feet from the intersection of any two street rights-of-way.

E. Provisions For the Physically Handicapped and Aged

Provisions for the physically handicapped and aged shall be provided pursuant to the provisions of Article 41, Section 257JK of the Annotated Code of Maryland (1971 Replacement Volume, as amended from time to time.)

SECTION 128

SUPPLEMENTARY DISTRICT REGULATIONS

A. Area Regulations

1. The following area regulations shall apply in addition to the requirements of the applicable zoning district:
(Amended by ZB Case No. 928 - 9/18/92)
 - a. Cornices and eaves may project not more than three feet into any required yard.
 - b. A bay window, oriel, vestibule, balcony or chimney which is not more than 10 feet in width may project not more than four feet into any required yard.
 - c. Porches or decks, open or enclosed, may project not more than 10 feet into any required front or rear yard.
 - d. The minimum setback requirements shall not apply to walls and fences which serve as entrance features to a subdivision or development, provided such features are no more than eight feet high, provide identification of the subdivision or development, and do not interfere with sight distance along public roads.
(Amended by ZB Case No. 928 - 9/18/92)
 - e. In residential zoning districts, the minimum required side and rear setback requirements shall not apply to sheds or playhouses with a cumulative total area of less than 100 square feet per lot.
(Amended by ZB Case No. 928 - 9/18/92)
 - f. The area regulations noted in Section 128.A.1 cannot be further modified by any administrative variance or administrative adjustment.
 - g. These regulations do not apply to those areas covered by a final development plan.
2. 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 main part of the structure on the same side of the street. However, nothing in this section requires setbacks greater than those in the zoning district.

3. The following provisions shall apply to 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:

- a. New structures or land uses shall not be required to meet the minimum setback or maximum lot coverage requirements of the applicable zoning district.
- b. The minimum off-street parking requirements for specific uses contained in Section 127.B.2 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.
(Amended by ZB Case No. 928 - 9/18/92)

B. Use Regulations
(Amended by ZB Case No. 928 - 9/18/92)

1. Home Occupations

Home occupations which meet the following requirements are permitted accessory uses in all residential zoning 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 site.

- a. The total area devoted to home occupations shall not exceed 33% of the gross floor area of the dwelling or 800 square feet, whichever is less.
- b. A home occupation shall be located entirely within a dwelling, an accessory building, or both, except that a home office which may be visited by clients shall be located within a dwelling.
- c. A home occupation shall not alter the residential appearance and character of the dwelling, accessory building or 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. No sale or rental of commodities shall take place on the lot.
- f. A home occupation shall be conducted by persons residing in the dwelling. In addition, two full-time equivalent employees not residing in the dwelling, not to exceed four individuals, may work on the lot in connection with the home occupation.
- 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, as well as other uses which comply with all requirements of this section.
 - (1) Art or hand craft studios.
 - (2) Direct sale product distribution (eg. Amway, Avon, Tupperware, etc).
 - (3) Mail-order or telephone sales.
 - (4) Dressmaker, seamstress, tailor, and similar uses.
 - (5) Typing or computer services.
 - (6) Repair services for computer hardware, clocks, jewelry, cameras, guns, and similar items.
 - (7) Tutoring of individual students.
 - (8) Business or professional offices which have no more than two vehicles visiting the home occupation at any one time.
 - (9) Home care, as defined in Section 103.A.60.
 - (10) Catering, subject to Health Department approval.
 - (11) In the RC and RR districts only, lawn mower and small engine repair on lots of three acres or larger.

i. **The following uses are not permitted as home occupations:**

- (1) Vehicle repair, sales or rental.**
- (2) Restaurants.**
- (3) Manufacturing and processing operations, other than production of handcrafts and similar activities.**
- (4) Furniture refinishing.**
- (5) Uses which require a special exception in any residential zoning district.**

j. **Certain home occupations which do not comply with the requirements of this section may be permitted as special exceptions, subject to the provisions of Section 126.F.23b and other applicable regulations.**