



Zoning Regulation Amendment

Supplemental Document
General Plan Amendment

September 2008

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2008 Legislative Session

Legislative Day No. _____

Bill No. _____

Introduced by: _____

AN ACT amending the Howard County Zoning Regulations generally and establishing procedures and policies related to revitalization of Downtown Columbia specifically.

Introduced and read first time _____, 2008. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2008, and concluded on _____, 2008.

By order _____
Sheila M. Tolliver, Administrator to the County Council

This Bill was read the third time _____, 2008 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Sealed with the County and presented to the County Executive for approval this _____ day of _____, 2008 at ____ a.m./p.m..

By order _____
Sheila M. Tolliver, Administrator to the County Council

Approved/Vetoed by the County Executive _____, 2008

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; ~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County Zoning Regulations are hereby amended as follows:

SECTION 103.A

“Amenity Space”: Plazas, promenades, greens, gardens, parks and any associated artwork, seating and activity areas; pedestrian and bicycle circulation systems; enhanced streetscaping; and Arts, Cultural and Community uses. Amenity Space also includes the enhancement or rehabilitation of environmentally sensitive areas. Amenity Space must be generally accessible by the public and is not counted against the maximum net new development levels established in Section 125.A.9 for Downtown Revitalization.

“Arts, Cultural and Community Use”: Land areas, uses and facilities established for cultural, civic, recreation, educational, environmental, entertainment or community use or benefit, whether or not enclosed and whether publicly or privately owned or operated for profit, including, but not limited to, land areas, uses and facilities such as locations or facilities for libraries, fire stations, schools, museums, galleries, artistic work, transit facilities and eating, seating and gathering areas.

“Downtown Columbia”: Phase 4, Phase 4-A-5, Phase 21, Phase 47-A-7, Phase 52, Phase 62-A-1, Phase 95, Phase 101-A, Phase 105, Phase 111-A-1, Phase 115, Phase 121, Phase 122-A, Phase 139-A-3, Phase 140-A-1, Phase 192-A, Phase 211, Phase 217-A-1, Phase 219, Phase 234, and the area within the described limits included in Appendix A to these Regulations.

“Downtown Revitalization”: A form of development required in Downtown Columbia after [effective date] pursuant to the provisions of Section 125 that must be generally consistent with the recommendations of the Howard County General Plan.

“Net New”: As applicable, the number of dwellings, hotel and motel rooms, and the amount of net floor area of commercial office and commercial retail uses that are permitted under the Downtown Revitalization approval process in excess of the number of dwellings, hotel and motel rooms, and net floor area of commercial office and commercial retail uses that are shown on a Site Development Plan for property located within Downtown Columbia that was approved prior to [effective date].

“Signature Building”: A structure whose location in relationship to the public realm, such as a position on a street or open space, requires significant attention to its architectural design because of its prominent location.

“Significant Community Gathering Space”: An outdoor Amenity Space comprised of not less than 25,000 contiguous square feet, exclusive of bike paths and sidewalks that might be located along its perimeter. A Significant Community Gathering Space could be covered or partially covered.

“Student Housing”: Any building or portion of a building that contains individual sleeping accommodations and may contain either individual or shared cooking and sanitation facilities.

SECTION 125: NT (New Town) District

A. Definitions, Requirements and Restrictions Applicable to NT Districts

1. As used herein, the term “New Town” means an unincorporated city, town or village which:
 - a. Is designated and planned as an economically and culturally self-sufficient community with a population of at least 20,000 inhabitants; and
 - b. Is so designed and planned as to meet all of the requirements specified in this Section 125.
2. As used herein, the terms “New Town District,” “NT District” or “the District” means the land zoned for the erection of a New Town under the provisions of this Section 125.
3. No NT District shall be created except by the procedure set forth herein. Each NT District must contain a total area of at least 2,500 contiguous acres. Lands which are divided by streets, roads, ways, highways, transmission pipes, lines or conduits, or rights-of-way (in fee or by easement) owned by third parties shall be deemed to be contiguous for purposes of this Section 125. No NT District shall be established except upon land the beneficial title to which is in the person, firm or corporation executing the petition referred to in Section 125 thereof. The tenant under a lease having a term of not less than 75 years shall be deemed to be the holder of the beneficial title to the land covered by the lease for the purpose of this Section 125.
4. No NT District shall have a greater overall population density than that produced by the total combined number of dwellings permitted in this Section 125.A.4 and in Section 125.A.9. The maximum number of dwellings permitted under the Downtown Revitalization approval process is established in Section 125.A.9. The maximum number of dwellings permitted that are not subject to the Downtown Revitalization approval process shall be calculated by multiplying the total number of acres within the entire NT District, including Downtown Columbia (without excluding any areas regardless of their use) by two and one-half. For development that is not subject to the Downtown Revitalization approval process, the following development restrictions shall apply:

- a. In areas designated “single family -- low density” on the Final Development Plan, the maximum number of dwellings permitted shall relate to the overall total number of dwellings in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by two.
 - b. In areas designated “single family -- medium density” on the Final Development Plan, the maximum number of dwellings permitted shall relate to the overall total number of dwellings in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by four.
 - c. In areas designated “Apartments” on the Final Development Plan the maximum number of apartments permitted shall relate to the overall total number of apartments in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by 15.
5. The use of land within NT Districts shall be limited to those uses specified in the “Final Development Plan,” provided, however, that:
- a. No uses permitted only in the R-MH or M-2 Districts under these Regulations may be permitted in an NT District; and
 - b. Attached or semi-detached dwellings may be erected only in areas designated “Downtown Revitalization,” or “Apartments” on a Final Development Plan. Within areas designated “Downtown Revitalization” such units shall be subject to the provisions of Section 125.A.9. Within areas designated “Apartments” such units must be provided:
 - (1) In groups having no more than 10 dwellings attached to one another if attached on the sides, or 16 dwellings if attached back to back; and
 - (2) In such numbers so as not to exceed 10 dwellings for each acre of such use, calculated by multiplying the number of acres so designated by 10; and
 - (3) In such physical relation to each other and to other uses as may be specifically approved on a subdivision layout submitted as part of the Final Development Plan.
6. Except for accessory uses as hereinafter provided, no structure within an NT District shall be:
- a. Erected except in accordance with the Final Development Plan, or

- b. Used for any purpose other than the use designated for it on the Final Development Plan.
7. Except as otherwise provided in the Final Development Plan, the following restrictions shall be applicable to NT Districts:
- a. Access shall be provided from every use site to a public street or to a system of common streets and ways connecting with the public street system.
 - b. The off-street parking requirements of Section 133 of these Regulations shall be applicable.
 - c. The accessory use provisions of Section 110 shall be applicable to all residential uses within the NT District.
 - d. The provisions of Section 128 (Supplementary Zoning District Regulations) shall apply to the NT District except for those provisions which specifically exclude the NT District.

Subject to any additional specific permitted uses of land which may be designated on an approved Final Development Plan pursuant to Section 125.C.2.c.4 of these Regulations, if an approved Final Development Plan designates POR, B-1, B-2, SC or M-1 District uses or any combination thereof for a specific area, then the general permitted uses for such area shall be those uses permitted as a matter of right in those districts. However, the bulk regulations for those districts regulating the location of structures, height limitations, setback provisions, minimum lot sizes, and coverage requirements shall not apply inasmuch as the controls therefore shall be included in the Final Development Plan approved by the Planning Board as provided under these Regulations.

8. a. Except as set forth in Section 125.A.9, each New Town District must provide each of the following uses in the following proportions:

	(1) Minimum Percentage of Total Area of the District	(2) Maximum Percentage of Total Area of the District
Open Space Uses	36%	N/A
Single Family – Low Density	10%	N/A
Single Family – Medium Density	20%	N/A
Apartments	N/A	13%
Commercial (POR B-1, B-2 and SC uses)	2%	10%
Industrial Uses (M-1 uses)	10%	20%
Other uses presently permitted in any zoning district other than those permitted only in	N/A	15%

	(1) Minimum Percentage of Total Area of the District	(2) Maximum Percentage of Total Area of the District
R-MH or M-2 Districts		
	Note: N/A means Not Applicable	

After [effective date], the land uses within Downtown Columbia that are shown on the October 23, 1995 Preliminary Development Plan shall be included when calculating the land use percentages in Section 125.A.8.a.

b. 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.

c. As used in this Section the term “open space uses” is defined as being those uses which do not involve any extensive coverage of land with structures, as, for example, all lands devoted to raising of crops, agricultural uses, parks, playing fields, golf courses and any other outdoor recreational uses (whether any such uses be publicly owned or privately owned or operated for profit), as well as all lands covered by lakes, rivers or streams, and all lands devoted to public or community uses. Open land designated for residential uses shall be considered qualified as “open space use” only if it is held for the common use of the public or persons residing in the particular locality within the community, and if it is larger than two acres in size. For the purpose of meeting the 36 percent requirement imposed above:

- (1) The term “open space uses” shall not include parking lots, streets, rights-of-way, amusement parks, golf driving ranges which are not ancillary to a golf course, or drive-in movies.
- (2) All lands approved and credited as open space use on the Final Development Plan of the NT District shall be conclusively presumed to satisfy the requirements of this section.

9. Downtown Revitalization.

a. To implement the recommendations of the General Plan for the revitalization of Downtown Columbia, development of any property located within Downtown Columbia regardless of its size that occurs pursuant to a Final Development Plan or Final Development Plan Amendment approved after [effective date] must comply with the following provisions for Downtown Revitalization. Downtown Revitalization shall require approval of a Final Development Plan or Final Development Plan Amendment and a Site Development Plan.

- b. The following uses are permitted under the Downtown Revitalization approval process: All uses permitted in the POR, B-1, B-2 and SC Zoning Districts, dwellings, Student Housing, and Amenity Space. Each of the uses shall be permitted anywhere within Downtown Columbia, and structures may be developed with individual or multiple uses. However, in areas designated open space under a previously approved Final Development Plan, only open space and Amenity Space uses and supporting infrastructure are permitted, unless an equivalent amount of non-environmentally sensitive open space (as defined in Section 125.A.8.c) is provided in exchange for the use of existing open space for something other than open space or Amenity Space (including supporting infrastructure) uses. The general mix of uses and the applicable bulk requirements shall be identified on the Final Development Plan or Final Development Plan Amendment.

- c. In areas designated “Downtown Revitalization” on a Final Development Plan approved under Section 125.E:
 - (1) the maximum number of net new dwellings permitted after [effective date] is 5,500 total net new dwellings. The number of dwellings permitted under the Downtown Revitalization approval process, up to a maximum 5,500 total net new dwellings, shall be in addition to the overall population established by Section 125.A.4;
 - (2) the maximum amount of net new commercial office development permitted after [effective date] is 5,000,000 square feet of net floor area;
 - (3) the maximum number of net new hotel and motel rooms permitted after [effective date] is 1,000 rooms;
 - (4) the maximum amount of net new commercial retail development permitted after [effective date] is 1,250,000 square feet of net floor area.
 - (5) the maximum development levels permitted above for Downtown Revitalization shall be in addition to (i) the number of dwellings and gross floor area of nonresidential uses shown on a site development plan approved prior to [effective date] and (ii) improvements allowed by Section 125.A.9.g and h.

- d. Amenity Space must be provided in accordance with the recommendations of the General Plan. Each neighborhood identified on a Final Development Plan or Final Development Plan Amendment must include a Significant Community Gathering Space in addition to other appropriate

Amenity Space as determined by the Planning Board. Land on which Amenity Space is proposed must be included in the Final Development Plan petition, and the fee simple owner of the land must sign the petition. Amenity Space and supporting infrastructure may be located within areas designated open space use under a previously approved Final Development Plan.

- e. Off-street parking and loading facilities within Downtown Columbia must be provided in accordance with the provisions for Downtown Revitalization in Section 133.E.3.
- f. Notwithstanding any other provision of these Regulations, any previously developed property that is the subject of a Final Development Plan approved on or before [effective date] that authorized development in excess of the net floor area of improvements that existed within the same Final Development Plan on [effective date] may continue to be developed and used in accordance with the terms and requirements thereof, subject to the approval of a site development plan pursuant to Section 125.G. Buildings and other improvements constructed or to be constructed under this provision shall not be deemed nonconforming and may be constructed, used, maintained and repaired in accordance with the terms and requirements of the existing Final Development Plan.
- g. Demolition of existing improvements that are located within Downtown Columbia that occur after [effective date] shall result in the creation of a demolition development credit equal to the number of dwellings and gross floor area devoted to nonresidential uses that were demolished. A demolition development credit: (i) may be used anywhere within Downtown Columbia; and (ii) shall not be limited by or counted against recommended development levels in the General Plan or the maximum level of development permitted by Section 125.A.9.c.
- h. Any existing structure that is located within Downtown Columbia that is destroyed by fire, flood or other calamity may be restored to the same size and dimensions in the same location as the destroyed structure in accordance with the previously approved Site Development Plan, provided that a building permit is issued within one (1) year from the date such structure was destroyed and reconstruction begins within six (6) months after issuance of the building permit. The Planning Board may approve an extension for good cause shown up to a maximum two additional years to obtain a building permit begin construction. Improvements constructed under this Section 125.A.9.h shall not be limited by or counted against recommended development levels in the General Plan or the maximum level of development permitted by Section 125.A.9.c.

10. Anything in other sections of these regulations to the contrary notwithstanding, there shall be no restrictions upon the use of, or on the erection of structures on, land within an NT District, other than such as are provided in the various subsections of this section or in such other sections of these regulations as are expressly stated to be applicable by the various provisions of this section. Nothing herein shall render inapplicable any regulation of the County relating to construction requirements and/or subdivision approval to the extent that any of the same are not inconsistent with the provisions of this Section.

B. Procedure for Creation of NT Districts

1. The beneficial owner of any tract of land in Howard County meeting the requirements of Section 125 may petition the Howard County Zoning Board to designate the property described in the petition as an NT District. The petition shall contain:
 - a. The exact name and address of the petitioner and a reference to the liber and folio of the Land Records of Howard County at which the deed conveying the property in question to the petitioner is recorded. If the petitioner is not the legal as well as beneficial owner of the property, the petition shall:
 - (1) So state;
 - (2) List the exact name and address of the legal title-holder and give a reference to the liber and folio of the Land Records of Howard County at which the deed conveying the property to the legal title holder is recorded; and
 - (3) Contain a written assent to the petition signed by the legal title holder.
 - b. A metes and bounds description of the property covered by the petition and a survey thereof demonstrating that the same meets the requirements of Section 125.A.3.
 - c. A Preliminary Development Plan of the property covered by the petition. As used in this Section the term "Preliminary Development Plan" shall mean a generalized drawing or series of drawings of the proposed New Town, with appropriate text materials, setting forth:
 - (1) The major planning assumptions and objectives, including the projected population, the planned development schedule, the method of assuring that all open space uses will be permanently maintained and devoted to open space uses, the proposed public

transit system routes and method of operation, and the facilities for the proposed cultural activities of the New Town;

- (2) The proposed general layout of major roads and highways stating projected average daily traffic flows;
 - (3) A statement of the number of acres within the proposed NT District intended to be devoted to:
 - (a) Residential uses, broken down into the number of acres to be used for each of the following specific residential uses:
Single-family -- low density areas;
Single-family -- medium density areas;
Apartment areas;
 - (b) Employment uses (i.e. any use involving the employment of individuals, including office buildings, private schools, hospitals, institutions, commercial undertakings, industrial enterprises, and all other forms of business, professional or industrial operations); and
 - (c) Open space uses.
 - (4) The general location of the uses referred to in subparagraph (3) above, including proposed sites for recreational uses, schools, parks and other public or community uses and, to the extent the petitioner has determined locations for commercial uses at the time of the filing of the Preliminary Development Plan, including a separate designation of commercial areas;
 - (5) A description of the proposed drainage, water supply, sewerage and other utility facilities including projected flows; and
 - (6) A statement of the intended overall maximum density of population of the proposed NT District, expressed in terms of the average number of dwellings per acre.
2. The Preliminary Development Plan shall indicate the location and nature of any commercial uses in relation to residential areas. All proposed and identified commercial or industrial uses shall be indicated on the drawings in areas marked "Employment Centers," defined as those areas shown on the Preliminary Development Plan which the petitioner proposes to develop for employment uses.
 3. The Zoning Board shall consider the following guides and standards in reviewing the petition: the appropriateness of the location of the NT District as evidenced by

the General Plan for Howard County; the effect of such District on properties in the surrounding vicinity; traffic patterns and their relation to the health, safety and general welfare of the County; the physical layout of the County; the orderly growth of the County; the availability of essential services; the most appropriate use of the land; the need for adequate open spaces for light and air; the preservation of the scenic beauty of the County; the necessity of facilitating the provision of adequate community utilities and facilities such as public transportation, fire fighting equipment, water, sewerage, schools, parks and other public requirements, population trends throughout the County and surrounding metropolitan areas and more particularly within the area considered; the proximity of large urban centers to the proposed NT District; the road building and road widening plans of the State and County, particularly for the area considered; the needs of the County as a whole and the reasonable needs of the particular area considered; the character of the land within the District and its peculiar suitability for particular uses; and such other matters relevant and pertinent to the relationship of the District to the comprehensive zoning plan of the area.

The petition shall be granted only if the Zoning Board affirmatively finds:

- a. That the petition complies with the provisions of these Regulations;
 - b. That a New Town District should be located at the proposed site; and
 - c. That the Preliminary Development Plan constitutes a general land use plan for the area covered thereby, designed to meet the objectives set forth in these Regulations.
4. If the petition is granted, the Zoning Board shall by Decision and Order approve the Preliminary Development Plan and shall create a New Town District covering all of the land included in the petition. If the proposed NT District contains more than 2,500 acres, the creation of the District may be accomplished by rezoning all of the land included in the petition at one time or, in the discretion of the Zoning Board, by rezoning the same in phases. If this latter course is taken:
- a. The area included in the first such phase shall be at least 2,500 acres, and each additional phase shall be of such size and at such location or locations as will permit effective and economic development of the portion so zoned as a part of the New Town shown on the Preliminary Development Plan; and
 - b. The overall density restrictions, the density restrictions as to particular use areas, and the restrictions as to the maximum and minimum areas devoted to particular uses shall be applied with respect to the entire area shown on the Preliminary Development Plan and not merely with respect to the area of the phase so zoned.

5. If the petition is granted as above provided:
 - a. A copy of the Preliminary Development Plan shall be certified as approved by the Zoning Board and a verified copy of the same shall be forwarded to the Department of Planning and Zoning and the petitioner;
 - b. No further permanent improvements involving any new primary uses shall thereafter be erected on and no new primary uses made of, any part of the land within the new NT District prior to the approval of the Final Development Plan (or the phase thereof covering such development) as hereinafter provided, except for such as may be specifically approved by the Planning Board, but the petitioner shall discontinue any such use and demolish any such improvements so permitted by the Planning Board if such use and such improvements are not ultimately permitted by the Final Development Plan.
6. If the Zoning Board has approved a petition to create a NT District, then at any time thereafter the original petitioner may file a new petition to add to the NT District additional land which is owned by the petitioner and adjacent to the existing NT District. The new petition shall be subject to all the provisions of this Section, except that the minimum area requirement of Section 125.A.3 shall not apply.

C. Comprehensive Sketch Plan

- a. Within 30 days following notification of the approval of the Preliminary Development Plan, the petitioner shall notify the Planning Board of the target date for the presentation to the Planning Board of a proposed Final Development Plan of the NT District pursuant to Section D below, or of the first phase of a proposed Final Development Plan, if the petitioner desires to develop the NT District in separate geographical segments.
- b. Promptly following the giving of such notice to the Planning Board, the petitioner shall file with the Department of Planning and Zoning for Planning Board approval of a Comprehensive Sketch Plan for that geographical phase of the NT District which the petitioner elects to develop.
- c. 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:
 - (1) 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.

- (2) The location of all existing and proposed public streets, roads, and utilities.
- (3) The location of open space within which recreational, school, park and other public or community uses are permitted.
- (4) Text material (criteria) regulating the following:
 - (a) The general locations for all structures.
 - (b) The permitted “general use” or “specific use” as hereinafter defined, for each land use area, except that no uses shall be specified which are permitted only in R-MH or M-2 Districts.

Where the criteria designate the use for a particular structure, lot or parcel, as “uses permitted in a District” (e.g., “uses permitted in a B-1 District”), then the structure, lot or parcel may be used for all uses permitted in the particular district by the several sections of these regulations, the use so designated being herein referred to as a “general use.” Where, however, the criteria designate a structure, lot or parcel for a specific use or uses (e.g., “gasoline station”) the structure, lot or parcel must be used for those specific uses only, the use(s) so designated being herein referred to as “specific use(s).”

- (c) 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.
- d. The Planning Board shall hold a public hearing prior to the approval of a Comprehensive Sketch Plan under the following conditions:
- (1) 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).
 - (2) If the Comprehensive Sketch Plan deviates from the approved Preliminary Development Plan in any of the following particulars:

- (a) If the overall maximum density of population within the NT District exceeds that stated in the Preliminary Development Plan; or
- (b) 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
- (c) If the proposed Comprehensive Sketch Plan shows a use of land in the NT District within 300 feet of any outside boundary thereof which differs from that shown on the Preliminary Development Plan, unless the owners of all land abutting the NT District and within 300 feet of the land in the NT District, the use of which is to be changed, sign a written waiver of the right to be heard in connection with such change in use.

If a public hearing is required to be held for any of the above three deviations from the Preliminary Development Plan, such hearing shall be limited to the particular deviation(s) which required the hearing, and the Planning Board shall require publication of Notice of Hearing and posting of the property.

- (3) If the criteria submitted as a part of the Comprehensive Sketch Plan include a gasoline service station among the specified land uses.
- e. In acting upon a Comprehensive Sketch Plan, the Planning Board shall be guided by Section 125 of these Regulations and shall particularly consider:
- (1) The adequacy of the roads serving the proposed development and any proposed mitigation, in accordance with the Adequate Public Facilities Ordinance (Title 16, Subtitle 11 of the Howard County Code).
 - (2) The location and adequacy of public utility and community facilities, including recreational uses and school properties, in relation to the density and distribution of population.
 - (3) 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.

- (4) The impact of the proposed commercial and industrial uses on the residential uses within the NT District or adjacent thereto.
- f. After review of the material submitted in light of the General Plan, and after carefully considering public agency comments, petitioner's testimony, public hearing testimony and the factors set forth in Section 125.C.5 above, the Planning Board shall:
 - (1) Approve the Comprehensive Sketch Plan as submitted by the petitioner; or
 - (2) Approve the Comprehensive Sketch Plan as changed by the Planning Board; or
 - (3) Reject the Comprehensive Sketch Plan in its entirety.
- g. The Planning Board shall not unreasonably disapprove or change a proposed Comprehensive Sketch Plan. The fact that the proposed Comprehensive Sketch Plan is not in conformity with the Preliminary Development Plan shall be sufficient ground for disapproval or change. The Planning Board shall approve no Comprehensive Sketch Plan which varies the areas of uses below the minimum or above the maximum percentages for particular uses specified herein.

D. Final Development Plan – General Provisions.

- 1. If a Comprehensive Sketch Plan or Comprehensive Sketch Plan Amendment is required, upon its approval, the petitioner may submit a Final Development Plan or Final Development Plan Amendment to the Department of Planning and Zoning for approval by the Planning Board. The petition may cover all or a portion of the land covered by the Comprehensive Sketch Plan. The drawings shall delineate the various land use areas by courses and distances. The text (criteria) shall be that which was approved by the Planning Board as part of the Comprehensive Sketch Plan.
- 2. The Final Development Plan shall be considered by the Planning Board at a public meeting. In acting upon the Final Development Plan, the Planning Board shall be guided by the approved Comprehensive Sketch Plan, and comments received from the various public agencies which reviewed the Final Development Plan, and shall not unreasonably disapprove or change the Final Development Plan. The provisions of this Section 125.D.2 do not apply to Downtown Revitalization.
- 3. At the time of the approval of the Final Development Plan, the Planning Board may provide for the subsequent approval by it of a Site Development Plan pertaining to the property which is the subject matter of such Final Development Plan. Site Development Plan approval is also required for all Downtown

Revitalization. Site Development Plan approval shall not be a condition precedent to the approval and recordation of the Final Development Plan with respect to which a Site Development Plan is to be submitted, but shall be in addition to any administrative approvals required by the Subdivision and Land Development Regulations. Land use decisions made by the Planning Board as part of the approval of a Final Development Plan or Final Development Plan Amendment shall not be subject to review or further consideration as part of the subsequent Site Development Plan process.

4. In applying the provisions of this Section, where the proposed Final Development Plan is submitted in phases, the overall population density and the acres devoted to particular uses shall be recomputed by the Department of Planning and Zoning upon the consideration of each successive phase of proposed Final Development Plan so as to include all prior phases, but in making these recomputations, the gross area of the entire NT District covered by the Preliminary Development Plan shall be considered and not merely the area of the segments covered by the prior phases of the proposed Final Development Plan and the current phase being submitted for approval. The provisions of this Section 124.D.4 do not apply to Downtown Revitalization.
5. If the Planning Board shall disapprove the proposed Final Development Plan or Final Development Plan Amendment (or any phase thereof) or shall fail to approve or disapprove the same within 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 Final Development Plan Amendment (or the phase thereof in question) directly to the Zoning Board. If the petitioner pursues the latter course, the Zoning Board shall hold a public hearing on the proposed Final Development Plan or Final Development Plan Amendment (or the phase thereof in question), shall require publication and posting of the property and shall ask for recommendations from the Planning Board, all as in the case of the hearing on the Preliminary Development Plan. After such hearing, the Zoning Board may approve, with or without changes, or disapprove the proposed Final Development Plan or Final Development Plan Amendment (or the phase, thereof in question). In making this decision, the Zoning Board shall consider the matters set forth herein.
6. Upon approval of the Final Development Plan or Final Development Plan Amendment (or upon the approval of each phase thereof if submitted on a separate segment basis) the same shall be recorded among the Land Records of Howard County and the provisions thereof as to land use shall bind the property covered with the full force and effect of specific Zoning Regulations. After such recordation, no new structure shall be built, no new additions to existing structures made, and no change in primary use effected different from that permitted in the Final Development Plan or Final Development Plan Amendment except by an amendment to the Final Development Plan.

7. Unless otherwise provided in a staging program approved as part of a Final Development Plan or Final Development Plan Amendment, if construction has not been commenced and completed to the extent of 25 percent of the ground floor area of a structure shown on the Plan within five years after the date of the approval thereof (or the date of the approval of the last phase thereof if submitted in phases), then the approval shall be void and the entire matter resubmitted to the Planning Board for reconsideration in light of existing circumstances to the same extent as if the same were simply a proposed Final Development Plan; provided, however, that the Zoning Board may grant not more than two extensions of time of one year each to be added to said five year period if it considers such extension to be proper after the receipt and consideration of a report and recommendation from the Planning Board with respect to such extension or extensions.
8. Planning Board review of any proposed amendment to a Final Development Plan shall be limited to the subject of the amendment, and the Planning Board shall make no changes in the Final Development Plan except in relation to the subject of the amendment request. During any such review, the property covered by the existing Final Development Plan shall continue to be bound until such Plan is changed or disapproved in the manner described above.
9. If the Planning Board has denied a land use which was shown on a Final Development Plan or Final Development Plan Amendment and which would be a conditional use in any other zoning district, a petition for the same land use on the same parcel shall not be accepted for consideration by the Planning Board for a period of 12 months from the date of said denial except on grounds of new evidence or proof of changed conditions found to be valid by the Planning Board.
10. Except where expressly made inapplicable, the provisions of this Section 125.D also apply to Downtown Revitalization.

E. Final Development Plan – Downtown Revitalization.

1. The following development review process is required for all Downtown Revitalization. The petitioner may submit a Final Development Plan or Final Development Plan Amendment to the Department of Planning and Zoning for approval by the Planning Board at any time, and an amendment to the Preliminary Development Plan or any applicable Comprehensive Sketch Plan is not required. The petition may cover all or a portion of Downtown Columbia and must include all the information required under Section 125.E.3 below.
2. Prior to filing a Final Development Plan or Final Development Plan Amendment for Downtown Revitalization that proposes any use, a presubmission community meeting is required according to the procedures established in Sections 16.128(b) – (g) of the Subdivision and Land Development Regulations. Notice in accordance with Sections 16.128(b)-(g) must also be given to [each Village Board and the Columbia Association].

3. The petition must include the following information for the land area covered by the Plan:
 - a. Boundaries of the property covered by the plan.
 - b. Existing topography, woodlands, and 100-year floodplain areas.
 - c. A context plan showing existing road connections, major pedestrian networks, land uses and major storm water management facilities within the entire plan area and adjoining land within 500 feet.
 - d. The general location of any proposed neighborhoods that provide variety in character, height, density and intensity in accordance with the General Plan.
 - e. Total acreage within the area covered by the plan and each neighborhood.
 - f. Location of developed parcels and undeveloped land.
 - g. Summary of existing development and development shown on approved site development plans, including number of dwelling units, square footage of office space and square footage of retail/service space.
 - h. The general location and use of existing and proposed major Amenity Space.
 - i. The general location of existing and proposed signature building sites that would terminate a vista.
 - j. General vehicular circulation system showing existing and proposed streets and the approximate location of any proposed transit routes and facilities.
 - k. General layout of the pedestrian circulation system, including sidewalks and pathways.
 - l. Conceptual storm water management plan.
 - m. Text material regulating the following for the entire plan or by neighborhood:
 - (1) Maximum number of net new dwellings.
 - (2) Percentage of any proposed dwellings that will be provided in accordance with a mixed income housing program.
 - (3) Maximum gross area of net new commercial office uses and commercial retail uses.

- (4) Maximum number of net new hotel rooms.
 - (5) Maximum building height for each neighborhood.
 - (6) Maximum size of a retail-use footprint.
 - (7) A phasing plan indicating the sequence of development and the sequence for the provision of Amenity Space.
 - (8) A traffic study as specified in the Howard County Adequate Public Facilities Act for the evaluation of the adequacy of transportation facilities.
 - (9) A description of the Amenity Space that will be included in the development.
- n. Design guidelines that address the following:
- (1) Urban design, including scale and massing, block configuration, parking and service functions, building entrances, and street lighting and furniture.
 - (2) Street design and framework.
 - (3) Amenity Space.
 - (4) Architectural design.
- o. A statement identifying (i) the cumulative amount of development approved and built to date under Section 125.A.9; (ii) the status of any Amenity Space required under Section 125.A.9; and (iii) the status of any community enhancements, programs or amenities recommended by the General Plan.
4. The Planning Board shall consider the Final Development Plan or Final Development Plan Amendment at a public hearing. The Planning Board shall approve the petition if:
- a. The plan is generally consistent with the adopted General Plan, including General Plan phasing.
 - b. The proposal, when considered in the context of surrounding planned or existing development, provides a balanced mix of housing, jobs, commercial services and entertainment uses within pedestrian access of each.

- c. If housing is proposed, a variety of housing choices will be provided at differing price levels when considered in the context of surrounding existing or planned development.
 - d. The pedestrian network will create convenient connections throughout the subject area and connect, wherever possible, to existing and planned sidewalks and paths adjoining the development.
 - e. The development will protect land covered by lakes, streams or rivers, flood plains and steep slopes, provide connections, where possible, to existing and planned open space within the subject area and in surrounding areas, and provide appropriate land for Amenity Space. Vehicular, pedestrian and utility crossings of environmentally sensitive areas shall be permitted provided all applicable governmental permits and approvals are obtained.
 - f. The development will be compatible with existing and planned vicinal land uses. In making this determination, the Planning Board may consider:
 - (1) The use of an existing or planned road on the edge of the plan area as a separation between different land uses;
 - (2) The size of buildings along the edges of the plan area through limits on building height or other requirements;
 - (3) The protection or establishment of landscape features on the boundary of the plan area. This may include protection of existing vegetation or grade changes that provide a natural separation, or landscape design standards applicable to an edge where specified types of land uses abut;
 - (4) The character of nearby properties as envisioned by the adopted General Plan for the area; and
 - (5) The adopted General Plan recommendations for building massing and scale.
 - g. The development will be served by adequate public facilities, including any proposed mitigation or development staging in accordance with the Adequate Public Facilities Act (Title 16, Subtitle 11 of the Howard County Code).
5. At any time prior to final action by the Planning Board on a Final Development Plan or Final Development Plan Amendment, the petitioner may withdraw the petition.

6. Approval of a Site Development Plan shall be required for all Downtown Revitalization.

F. Amendments to a Comprehensive Sketch Plan or Final Development Plan

1. Amendments Submitted by Original Petitioner

Except as allowed by Section 125.F.2 and 3 below, only the original petitioner for the New Town District may propose amendments to an approved Comprehensive Sketch Plan or Final Development Plan.

2. Additional Uses on Individual Lots in Residential Land Use Areas

Within areas designated on a Comprehensive Sketch Plan for residential land use, any property owner may propose amendments to the Final Development Plan to allow a particular use on his or her property which is not allowed by the Final Development Plan criteria. No amendment shall be proposed which would either alter the land use designation established by the Comprehensive Sketch Plan or allow an increase in residential density. The proposed amendment shall be considered in accordance with the following procedures:

- a. The property owner shall submit the number of copies of the complete Final Development Plan as required by the Department of Planning and Zoning, with the proposed criteria amendments clearly noted on each copy, accompanied by an explanation of the request.
- b. The proposal shall be considered by the Planning Board at a public hearing.
- c. The Planning Board shall approve, approve with modifications or deny the proposed amendments to the Final Development Plan, stating the reasons for its action. The Planning Board shall approve the request only if it finds that:
 - (1) The use is consistent with the land use designation of the property as established on the recorded Final Development Plan and compatible with existing or proposed development in the vicinity.
 - (2) The use will not adversely affect vicinal properties.
- d. If the use is approved:
 - (1) The Planning Board may provide for the subsequent approval by it of a Site Development Plan for the property which is the subject of the proposal; and

- (2) Revised text for the Final Development Plan indicating the additional allowed use of the particular property shall be submitted by the applicant and recorded in the Land Records of Howard County.
3. The fee simple owner of any property located within Downtown Columbia may propose amendments to an approved Final Development Plan for Downtown Revitalization.

G. Site Development Plans

1. Planning Board Approval

If the Planning Board reserved for itself the authority to approve a Site Development Plan and for all Downtown Revitalization, no permit shall be issued for any use until the Site Development Plan is approved by the Planning Board. The Site Development Plan shall be considered at a public meeting, except where specified by Section 125.G.3 below. At any time prior to final action by the Planning Board on a Site Development Plan or Site Development Plan Amendment, the petitioner may withdraw the petition.

2. Criteria for Approval of a Site Development Plan proposing Downtown Revitalization.

a. The Planning Board shall approve a Site Development Plan that proposes Downtown Revitalization if it finds that the plan:

- (1) Is generally consistent with the adopted General Plan, including General Plan phasing;
- (2) Conforms to the bulk regulations and design guidelines established by the Final Development Plan;
- (3) Will be compatible with existing and planned adjacent land uses, considering the final location and use of buildings and structures, building height, massing, landscaping, Amenity Space and pedestrian and vehicular circulation systems; and
- (4) The location of buildings and structures, Amenity Space, landscaping, and pedestrian and vehicular circulation systems is logical and efficient.
- (5) Provides Amenity Spaces that are reasonable and appropriate given the location, scale and anticipated intensity of adjacent uses.

b. Minor adjustments to the general pedestrian circulation system, road network and Amenity Space shown on the Final Development Plan may

be approved as a part of the Site Development Plan, provided the adjustment(s) are generally consistent with the Final Development Plan and will not be detrimental to the public welfare.

3. Minor Additions and Modifications

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

4. Minor Projects Not Requiring Planning Board Approval provided the Department of Planning and Zoning determines the proposed modification is compatible with existing structures:

- a. Minor additions to structures, with a floor area no larger than 10 percent of the existing floor area of the main floor, not to exceed 5,000 square feet.
- b. Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering).
- c. Minor additions to parking lots comprising no more than 25 percent of the original number of parking spaces required, not to exceed 25 spaces.
- d. Clearing or grading that does not exceed 5,000 square feet in area.
- e. House-type revisions to approved Site Development Plans for single-family detached developments and for no more than 25 percent of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
- f. Similar minor modifications as determined by the Department of Planning and Zoning.

5. Adjustments to Bulk Regulations for Individual Lots

Upon the request of the owner of a particular lot, the Planning Board may approve parking, setback, height, lot coverage, or other bulk requirements for such lot or parcel which differ from those required by the applicable Final Development Plan, in accordance with the following procedures:

- a. A public meeting shall be held on the site development plan requiring the adjustment. If no site development plan is available, an accurate plot plan

drawn to scale shall be submitted for Planning Board review at the public meeting.

- b. A Site Development Plan or plot plan submitted for review shall clearly indicate the requirement from which relief is sought and the requested relief, and shall be accompanied by a written statement explaining the reasons for the requested adjustment.
- c. In addition to the notice for public meetings required by the Planning Board's Rules of Procedure, the property that is the subject of the application shall be posted with the date, time, and place of the meeting for at least 15 days immediately before the public meeting.
- d. The requested adjustment to the parking or bulk requirements shall be granted if the Planning Board finds that:
 - (1) The adjustment will not alter the character of the neighborhood or area in which the property is located, will not impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and
 - (2) The adjustment a) is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the Final Development Plan; and/or b) results in better design than would be allowed by strict compliance with the development criteria.
- e. The Planning Board may approve, approve with conditions, or deny a requested adjustment.

SECTION 133: Off-Street Parking and Loading Facilities

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B. Layout and Location

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4. Required minimum parking may be provided on a separate lot from the principal use if:
 - a. For residential uses, the location and distribution of parking spaces complies with the Subdivision and Land Development Regulations.
 - b. For nonresidential uses, the major point of pedestrian access to the parking facility is within 400 feet of the entrance to the building. This requirement does not apply to Downtown Revitalization;
 - c. The parking facility is within a zoning district in which the use being served by the parking facility is permitted;
 - d. The parking facility is not separated from the use being served by a public street. This requirement does not apply to Downtown Revitalization; and
 - e. The parking facility is subject to recorded covenants or easements for parking, or other proof is provided that the continued use of the parking area is guaranteed throughout the life of the land use.

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E. **Permitted Reductions in Off-Street Parking Requirements.**

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3. **DOWNTOWN REVITALIZATION**

Off-street parking and loading facilities for Downtown Revitalization must be provided in accordance with Section 133. However, at the petitioner's option, the minimum number of required parking spaces may be calculated either in accordance with the requirements of Sections 133.E.1.a and b or using the methodology set forth in the most recent addition of "Shared Parking" published by the Urban Land Institute (ULI). In either event, the conditions of approval provisions in Section 133.E.1.c shall apply.

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Section 2. *Be it further enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.*

Appendix A – Downtown Columbia

ALL OF THOSE LOTS OR PARCELS OF LAND LOCATED IN HOWARD COUNTY, MARYLAND AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE RESIDUE OF THE 801.198 ACRE PARCEL OF LAND CONVEYED BY G & S ENTERPRISES, INC. TO THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION BY DEED DATED OCTOBER 14, 1963 AND RECORDED AMONG THE LAND RECORDS OF HOWARD COUNTY IN LIBER 409, FOLIO 8, AND THE 53 ACRE PARCEL OF LAND CONVEYED BY SEBRING, INC. TO THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION BY DEED DATED NOVEMBER 7, 1963 AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 409, FOLIO 549.

MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF BROKEN LAND PARKWAY, AS RECORDED IN PLAT NO. 6598 AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND, SAID POINT BEING ON THE SOUTHERN RIGHT-OF-WAY LINE OF LITTLE PATUXENT PARKWAY, ROUTE 175, WIDTH VARIES, AS RECORDED IN PLAT BOOK 12, PLAT NO. 60; THENCE DEPARTING SAID BROKEN LAND PARKWAY AND RUNNING WITH THE SOUTHERN LINES OF SAID LITTLE PATUXENT PARKWAY

174.04 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 676.29 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 87°37'00" EAST 173.56 FEET TO A POINT; THENCE

NORTH 85°00'39" EAST 665.90 FEET TO A POINT ON THE EASTERN LINE OF LOT 9B, AS RECORDED IN PLAT BOOK 15, PLAT NO. 32; THENCE DEPARTING SAID LITTLE PATUXENT PARKWAY AND RUNNING WITH THE WESTERN LINE OF SAID LOT 9B

SOUTH 04°59'21" EAST 27.00 FEET TO A POINT BEING THE NORTHWEST CORNER OF THE EXTERIOR BOUNDARY OF LOT 23, COLUMBIA, TOWN CENTER, SECTION 1, AS RECORDED IN PLAT BOOKS 13535 AND 13536; THENCE DEPARTING SAID LOT 9B AND RUNNING WITH THE LINES OF SAID LOT 23

200.24 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 260.75 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 17°00'39" WEST 195.36 FEET TO A POINT; THENCE

SOUTH 39°00'39" WEST 20.04 FEET TO A POINT; THENCE

358.03 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 905.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 50°20'39" WEST 355.70 FEET TO A POINT; THENCE

SOUTH 61°40'39" WEST 102.79 FEET TO A POINT; THENCE

251.98 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 225.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 29°35'39" WEST 239.02 FEET TO A POINT; THENCE

SOUTH 02°29'21" EAST 272.12 FEET TO A POINT; THENCE

SOUTH 82°37'23" EAST 315.92 FEET TO A POINT; THENCE

SOUTH 16°14'58" EAST 275.00 FEET TO A POINT; THENCE

SOUTH 65°24'27" EAST 516.84 FEET TO A POINT; THENCE WITH THE LINE OF SAID LOT 23, AND THE TERMINUS LINE OF SYMPHONY WOODS ROAD, A PUBLIC RIGHT-OF-WAY, UNIMPROVED, AS RECORDED IN PLAT BOOK 30, PLAT NO. 45, AND THE SOUTHERN LINE OF LOT 11C, RECORDED IN PLAT BOOK 30, PLAT NO. 45

NORTH 79°40'05" EAST 891.63 FEET TO A POINT ON A WESTERN LINE OF LOT 1, COLUMBIA TOWN CENTER, SECTION 5, AREA 4, AS RECORDED IN PLAT NO.

14054; THENCE DEPARTING SAID LOT 11C AND RUNNING WITH THE LINES OF SAID LOT 1

SOUTH 08°22'37" WEST 199.80 FEET TO A POINT; THENCE
SOUTH 56°51'37" EAST 133.42 FEET TO A POINT; THENCE
SOUTH 21°05'06" WEST 924.51 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY LINE OF BROKEN LAND PARKWAY, AS RECORDED ON MARYLAND STATE HIGHWAY ADMINISTRATION RIGHT-OF-WAY MAPS 51703, 51704, 51705 & 52147; THENCE DEPARTING SAID LOT 1 AND RUNNING WITH THE RIGHT-OF-WAY OF SAID BROKEN LAND PARKWAY

SOUTH 76°02'42" WEST 239.27 FEET TO A POINT; THENCE
SOUTH 86°19'11" WEST 75.00 FEET TO A POINT; THENCE
NORTH 39°13'05" WEST 86.02 FEET TO A POINT; THENCE
SOUTH 86°19'11" WEST 234.41 FEET TO A POINT; THENCE
SOUTH 39°28'56" WEST 53.89 FEET TO A POINT; THENCE
339.06 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 536.62 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 77°37'57" WEST 333.45 FEET TO A POINT; THENCE
NORTH 60°39'20" WEST 378.19 FEET TO A POINT; THENCE
425.83 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,350.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 49°20'57" WEST 424.07 FEET TO A POINT; THENCE
SOUTH 47°39'26" WEST 33.45 FEET TO A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF BROKEN LAND PARKWAY AS RECORDED IN PLAT NO. 6598; THENCE RUNNING WITH SAID BROKEN LAND PARKWAY

346.21 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,070.92 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 23°00'44" WEST 344.70 FEET TO A POINT; THENCE
NORTH 13°45'03" WEST 972.71 FEET TO A POINT; THENCE
524.31 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 806.47 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 04°52'27" EAST 515.13 FEET TO A POINT; THENCE
NORTH 23°29'57" EAST 147.00 FEET TO A POINT; THENCE
NORTH 61°35'15" EAST 123.74 FEET TO THE POINT OF BEGINNING CONTAINING 2,843,633 SQUARE FEET OR 65.2808 ACRES, MORE OR LESS.

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