To: CA Board of Directors

From: Jane Dembner, Director, Community Building and Sustainability Bureau

Through: Milton Mathews, President/CEO

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Subject: New Town Zoning Work Session

Date: September 12, 2014

Attached is a New Town zoning briefing paper prepared by staff in preparation for the Board's upcoming work session on Thursday, September 18, 2014. The main body of the paper is brief (11 pages) and is presented in eight sections: seven that provide a concise overview of NT zoning and an eight section that highlights some issues that should be considered when the county undertakes the planned review and update of New Town regulations in 2015. The paper is supplemented by three short appendices

New Town Zoning Briefing Paper

Prepared by Columbia Association

for the

Columbia Association Board of Directors

for the

New Town Zoning Work Session, September 18, 2014

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New Town Zoning Briefing Paper

In FY 2015, the Columbia Association Board of Directors decided to hold periodic work sessions where there would be more time for discussion on specific topics of interest. Work sessions are less formal than board meetings and focus on discussion and do not include decision-making or policy-setting.

This paper was developed by Columbia Association planning staff in anticipation of the upcoming work session on the topic of Howard County's New Town zoning, the designation for much of Columbia. A future work session and associated background paper will address private covenants.

1. Introduction: Why Hold a Work Session on New Town Zoning? What are the Desired Outcomes?

On September 18, 2014, the Columbia Association Board of Directors will be holding a work session on Howard County's New Town zoning regulations. The purpose of this memo is twofold: to provide an overview of the New Town zoning regulations and to identify issues that should be considered when the county undertakes the planned review and update of New Town regulations in 2015.

The desired outcomes of the work session are for board members: (1) to acquire a better understanding of how the regulations work, including the review and approval process; and (2) to identify issues to be addressed and questions to be answered during the county's update process, anticipated to begin in 2015.

2. New Town Zoning Review Process: Why is Howard County Going to Review and Update New Town Zoning? When will this Occur?

In 2013, Howard County updated its zoning code following adoption of the new General Plan (*PlanHoward 2030*). At that time, the County Council chose to defer the review and update of New Town zoning because of its complexity and to allow the county to complete a comprehensive review of New Town zoning. That review, including a public process, is anticipated to begin in 2015. Given the upcoming elections and change in administration leadership, it is expected that the county will not announce the details of the review process until after the New Year.

3. Zoning Authority: Who is Responsible for Zoning and its Enforcement?

Promulgation of zoning regulations and their enforcement are government functions under Maryland law. As set forth in the Annotated Code of Maryland, the state's counties and municipalities have the power to control land use within their boundaries. This includes the power to prepare a comprehensive plan, zoning ordinances and subdivision regulations. The State of Maryland has delegated these planning and land use regulatory powers to the state's municipalities and counties, including Howard County.

As a result of the state's delegation of zoning powers to the county, the Howard County Code includes detailed rules and procedures related to the planning and zoning process, including the roles and authority of the County Council, Zoning Board, Planning Board and Department of

Planning and Zoning. See the text box below for a description of the authority for each of these government entities.

Overview of Zoning Authority By Key Government Entities *(source: Howard County Code)*

County Council: The Howard County Code gives the County Council authority for zoning. It states: "For the purpose of promoting the health, safety, morals and general welfare of Howard County, the County Council is hereby empowered to regulate and restrict the height, number of stories and size of buildings and other structures; the location, construction, alteration and use of buildings and other structures; the percentage of lot area that may be occupied by structures; the size of yards, courts and other open spaces; the density of population; and the location and use of land for trade, industry, government, residence or other purpose."

The code empowers the County Council to enact comprehensive zoning and for amendments to the text of the existing zoning regulations. The code also authorizes the establishment of the Zoning Board, a legislative agency of the County Council. The Zoning Board consists of the County Council members.

Zoning Board: The Howard County Code designates to the Zoning Board the authority to approve piecemeal zoning map amendments (those dealing with map changes only or zoning changes to a particular piece of property). In addition, the Zoning Board has decision-making powers on various development plans.

Planning Board: The Planning Board makes recommendations to the County Council and Zoning Board on all matters relating to county planning and zoning, including the adoption and amendment of planning and zoning regulations and amendments to the zoning map. In addition to its advisory duties and responsibilities related to recommendations, in certain cases the Planning Board also has decision-making powers.

For petitions to develop Columbia property zoned New Town other than in lands in Downtown and the village centers, the Planning Board has decision-making authority for Comprehensive Sketch Plans, Final Development Plans and Site Development Plans (steps 2 through 4 of the New Town zoning approval process). In 1965, the County Commission approved the original Preliminary Development Plan (PDP) for Columbia (step 1 of the New Town development process). The PDP can only be amended by the Zoning Board following a public hearing.

For Downtown Columbia Redevelopment, both Final Development Plans and the Site Development Plans require Planning Board approval. (*see note below*)

For petitions for Major Village Center Redevelopment, the Planning Board reviews and makes recommendations on the Preliminary Development Plan to the Zoning Board, which has the authority to approve or deny the petitioner's application for village center redevelopment. If approved, then the petitioner may proceed to the land development review process that includes amendments to the Comprehensive Sketch Plan, amendments to the Final Development Plan and a new Site Development Plan. The Planning Board has decision-making powers on all of these detailed plans. (*see note below*)

Department of Planning and Zoning: The Department of Planning is responsible for planning for the growth and development of the County including but not limited to the following functions: preparation of a comprehensive general plan; preparation of subdivision rules and regulations and their administration; preparation and enforcement of a comprehensive zoning plan (map and regulations) and enforcement; review and recommendations on petitions for amendment to the zoning map; assistance with public facility planning; responsibility for historic preservation; recommendations on the county's proposed capital program; and operation of the county's agricultural preservation program.

Hearing Examiner: The Hearing Examiner considers citations for violations of the subdivision and land development requirements. Also makes decisions on variances and conditional uses outside of the NT district.

Board of Appeals: A final order issued by the Hearing Examiner may be appealed by the alleged violator to the Board of Appeals.

(Note: Detailed flow charts for the Downtown Columbia and Village Center Redevelopment processes are included in the Appendix.)

Zoning Violations and Enforcement

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

Enforcement is the responsibility of the Department of Planning and Zoning. The regulations state that the "Department of Planning and Zoning may initiate a court order for 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 enforce the Zoning Regulations by issuing citations to alleged violators to be heard in Court or in Administrative Proceedings as provided by Law." If a zoning violation is found to exist, a citation is issued. Penalties include fines and/or civil penalties.

4. Overview of New Town Zoning and Process: What is the History of New Town Zoning?

The New Town regulations were adopted in 1965 and have been in place for decades with relatively few changes in the overall structure until 2009 and 2010. In 2009, changes were made related to village center redevelopment and in 2010, the changes to zoning for Downtown Columbia revitalization.

New Town is the primary zoning classification in Columbia. More than 14,270 acres are zoned New Town. Approximately ten percent of Columbia is not zoned New Town. These lands are predominantly located in three general areas: Dorsey's Search Village north of Route 108; the Gateway loop, and a portion of Snowden River Parkway near Robert Fulton Drive. There are other non-New Town zoned lands scattered throughout Columbia.

5. What are the Major Provisions of New Town Zoning?

The New Town zoning regulations have a number of distinctive features. These include:

- District size. A New Town zoning district must contain at least 2,500 contiguous acres. (Columbia is the county's only New Town district and comprises 14,272 acres.)
- Flexibility in land use. New Town permits all uses in other zoning districts with the exception of heavy manufacturing uses and mobile homes.
- Open space preservation: New Town zoning requires that 36 percent of the lands zoned New Town be for open space uses. This requirement combined with the design of Columbia, has resulted in a distinctive tight weave of Columbia's open space areas, residential neighborhoods and clustered housing sites. Columbia's open space is a defining and distinguishing feature of Columbia.

- Overall housing density. Overall density (gross density) may not exceed 2.5 dwelling units per acre of New Town zoned land. The maximum number of dwellings permitted by the Downtown Columbia redevelopment process is in addition to this density limit.
- Mixed use requirements. New Town requires a mix of various land uses, with minimum and maximum percentages and allows flexibility in the geographic placement of those uses. The table below is from the New Town regulations.

	(1) Minimum Percentage of Total Area of the District	(2) Maximum Percentage of Total Area of the District
Open Space Uses	36%	N/A
Single-family – Low Density	10%	N/A
Single-family – Medium Density	20%	N/A
Apartments	N/A	13%
Commercial (POR, B-1, B-2 and SC uses)	2%	10%
Industrial Uses (M-1 uses)	10%	20%
Other uses presently permitted in any zoning district other than those permitted only in R-MH or M-2 Districts	N/A	15%
	Note: N/A means Not Applicable	

Source: Howard County NT Zoning Regulations
Note: The last line of the table excludes mobile homes and heavy industrial uses.

6. What is the Development Process Under New Town Zoning?

The New Town zoning regulations set forth three different processes for development depending on the location of development: one for Downtown Columbia; another for village center redevelopment; and one for all other New Town zoned lands. These three processes are outlined below. Additional details are provided in Appendix A.

A. General – New Town Zoning (not in Downtown or part of Village Center Redevelopment)

Step 1: Preliminary Development Plan (PDP).

- The original PDP for Columbia was approved in 1965. The regulations state that a PDP is to include a generalized drawing or set of drawings with associated text that establish the general location of land uses, major roads and public facilities. Also included in the requirements are the following:
    - Listing of major planning assumptions and objectives
    - Number of acres devoted to residential, employment and open space uses
    - Overall density (dwelling units per acre)
    - Overview of proposed drainage, water supply and discharge
- Only the original petitioner may file a new petition to add additional land to the New Town District or propose amendments to the PDP. That means that only Howard Research and Development (HRD), the original petitioner, can propose these changes.

- Changes to the approved PDP must be approved by the Howard County Zoning Board.

Step 2: Comprehensive Sketch Plan

- The Comprehensive Sketch Plan is comprised of a drawing or set of more detailed drawings and must include:
    - Boundaries and acreage of proposed land use categories (single family low and medium density, apartments, employment commercial and industrial, and open space); location of all existing and proposed public streets, roads and utilities; location of open space, recreation, school, park and other public and community uses.
- Associated text (criteria) for the general location of all structures; height limitations; parking, setbacks, front/side/rear yard areas, minimum lot sizes.
- Only HRD, the original petitioner for the New Town District, may propose amendments to an approved Comprehensive Sketch Plan.
- The Planning Board has decision-making authority for Comprehensive Sketch Plans.

Step 3: Final Development Plan (FDP)

- The FDP confirms or refines the Comprehensive Sketch Plan. It must provide the exact boundary descriptions and acreage of the permitted uses shown on the approved Comprehensive Sketch Plan and detail the permitted uses, setbacks, height limits and other requirements.
- The Planning Board has decision-making powers for Final Development Plans. If approved, they are recorded in the land records of Howard County prescribe the development of the property. Proposals to change or add primary uses require an amendment to the FDP.
- For single family residential lands, any property owner may propose amendments to the FDP but cannot alter the land use designation established by the Comprehensive Sketch Plan or increase the residential density. For all other lands, only the original New Town District petitioner, HRD, may propose amendments to an approved Final Development Plan.

Step 4: Site Development Plan

- The Site Development Plan is the last stage before building permits are issued and construction may begin.
- Detailed site engineering drawings must show exactly how a site will be used and developed including grading, utilities, buildings, driveways, parking areas, landscaping and other site details.
- Site Development Plans are required for all development in the New Town District.
- At this stage, the Planning Board may not revisit land use designations or criteria shown on the Final Development Plan. However, the Planning Board may grant variances to bulk regulations for a specific SDP.
- At the Planning Board's discretion, Site Development Plans may be reviewed and approved by the Planning Board or by the Department of Planning and Zoning (administrative review and approval).

- Minor additions or modifications to approved Site Development Plans do not need Planning Board approval. Minor new accessory structures, minor additions to parking, small areas of grading or clearing and other similar minor changes do not need Planning Board approval and can be reviewed and approved administratively.

B. Downtown Columbia Revitalization Process

This process is different from that for non-downtown New Town areas in that it permits any fee simple owner of any property located in Downtown Columbia to propose development. In addition, an amendment to the Preliminary Development Plan or any previously approved applicable Comprehensive Sketch Plan or Final Development Plan is not required because Final Development Plans for Downtown Revitalization supersede previous New Town documents.

- Steps 1-8 include submission of a Final Development Plan, Neighborhood Concept Plan, Neighborhood Specific Design Guidelines, and a Neighborhood Specific Implementation Document along with a number of technical studies and engineering documents. The steps also include a pre-submission community meeting and review by the Design Advisory Panel.
- The Planning Board has approval authority. Approved Final Development Plans and their associated Neighborhood Concept Plans, Neighborhood Specific Design Guidelines and Neighborhood Specific Implementation Plan are recorded in the land records of Howard County.
- Steps 9-16 of the Downtown Revitalization process relate to the Site Development Plan, and include a pre-submission community meeting and review by the Design Advisory Panel.
- The Planning Board has approval authority for the Site Development Plan.

C. Village Center Redevelopment Process

This process was established in 2009 via County Council approved amendments to the New Town zoning regulations related to the redevelopment of New Town Village Centers. As with the Downtown Columbia-related New Town regulations, any owner of village center property may propose land use changes without gaining permission from HRD. The village center redevelopment process includes the following:

- Permits an owner of any portion of a New Town Village Center to petition to amend existing development plans for their own property;
- Establishes standards for zoning board evaluation;
- Establishes a public notification and involvement process; and
- Defines a role for village associations including the development of a Village Center Community Plan and a Community Response Statement.

The process includes two stages and 14 steps for the petitioner, the county and the village association. Steps include Notice of Intent from the petitioner, a pre-submission meeting, the submission of a concept plan, review by the Design Advisory Panel, and the submission of a Final Development Plan amendment for recommendation by the Planning Board and approval by the Zoning Board. Only after the petitioner gains Zoning Board approval may he/she move on to the development process including submission of a detailed Site Development Plan.

7. What does the General Plan (*PlanHoward 2030*) say about New Town Zoning?

There are a few references to the need to update NT zoning. One of the most relevant discussions is on pages 139-140 as follows:

"With the adoption of the Downtown Columbia Plan, the corresponding zoning regulation amendments, and the new regulations to promote revitalization of older Columbia Village Centers, there needs to be revisions to the New Town (NT) Regulations to discourage scattered, uncoordinated redevelopment."

"When the existing zoning regulations were enacted, the original petitioner of the NT District, Howard Research and Development Corporation (HRD), owned all the land in the NT District and actively controlled development through Final Development Plans and private covenants. The zoning regulations gave the original petitioner control over an extensive development plan that currently only it can petition to amend. Now, however, property owners within the NT District do not have the right to access the zoning directly, they are forced to seek permission from the original petitioner. To ensure coordinated, well planned redevelopment and allow property owners access to the zoning, the NT Zoning Regulations need to be revised to establish clear criteria for redevelopment in New Town, including amendments to Final Development Plans."

"POLICY 10.2 – Focus growth in Downtown"

"Columbia, Route 1 and Route 40 Corridors, and some Columbia Village Centers, as well as some older commercial or industrial areas which have redevelopment potential."

"Implementing Action:

> c. Comprehensive Review of NT Zoning. Revise the NT Zoning Regulations to provide clear criteria for redevelopment of older residential, commercial, or industrial areas outside of Downtown Columbia and the Village Centers."

8. What are Some of the Issues that Should be Considered or Addressed During the County's New Town Zoning Update Process?

This section provides a preliminary identification of issues and questions that should be addressed as part of the county's review and update process. This also can serve as a framework for discussion at the CA Board Work Session on September 18.

A. Issue: Definition of "Petitioner"

<u>Background</u>

- In Downtown Columbia and the Village Centers, the petitioner is defined as the fee-simple owner of a property that is seeking and requesting use changes. In all the other areas of New Town, only the original petitioner (HRD) can request a change to New Town zoned land (with the exception of single family land owners who may request limited changes). This means that land owners of non-residential lands who wish to make land use changes to their property that

are not in accord with the approved Preliminary Development Plan, Comprehensive Sketch Plan and FDP, need to get permission from HRD to move ahead.

- When the regulations were created, HRD owned all of Columbia, so this definition of the petitioner made sense. Today, there are many apartment and non-residential land owners.
- In addition, originally HRD was the master developer and thus had the incentive to make sure that its development proposals fit together and were in alignment. However, since ownership is now dispersed, the role of HRD has changed from overall developer and owner of land in Columbia to one of many developers and land owners.
- HRD, in addition to its role as the petitioner for most New Town-zoned lands, also holds enforcement authority over more than 40 sets of separate and private covenants for non-residential development areas in Columbia. Most of these covenants were executed as part of the terms for HRD's sale of New Town-zoned lands to enable HRD to control the use and architectural characteristics of the development. Covenants are private agreements and are not administered or enforced by Howard County.
- Some community members refer to HRD the original New Town District petitioner, as the "gatekeeper" because of the singular controls granted to HRD as described above. "Gatekeeper" is not a defined term used in the zoning regulations.

<u>To be Addressed During the New Town Update Process</u>

- The limitation of the permitted petitioner is inappropriate in the current context of property ownership and development in Columbia and should be revisited. For property located in Downtown Columbia and the Village Center Redevelopment areas, the issue has already been addressed by amending the New Town regulations to redefine who may be a petitioner.
- While there is a need to allow petitioners other than HRD, it remains important to coordinate the overall design and planning for Columbia. Under state and county statues, it is Howard County that is responsible for planning, zoning regulations and zoning enforcement. During the New Town update process, consideration should be given to the question of how the founding characteristics will be retained, enhanced or modified as it evolves over its next 50 years. (See also, Issue F below)

B. Issue: Land Use Minimums/Maximums

<u>Background</u>

- Land use minimum and maximum percentages in New Town zoning were established to assure the implementation of the mixed use nature of Columbia envisioned by James Rouse.
- DPZ tracks current land use percentages in relation to the New Town zoning thresholds.

<u>To be Addressed During the New Town Update Process</u>

- There is a need to evaluate whether the minimum and maximum land use percentages should be amended to address current development trends and projected development needs or to encourage/discourage land use changes.

C. Issue: Overall Residential Density

Background

- The New Town regulations establish the overall maximum residential density at 2.5 dwelling units per acre gross (total units divided by the total acres zoned New Town).
- While not all of this potential density has been used, Columbia's residential lands are essentially built-out.

To be Addressed During the New Town Update Process

- The potential impacts (positive and negative) of increasing the residential density should be evaluated.

D. Issue: Moderate Income Housing Unit Provisions

Background

- A "Moderate Income Housing Unit" (MIHU) is defined in the zoning regulations as a dwelling unit offered for sale or rent to households with incomes up to 80% of the median income in Howard County.
- The zoning regulations were amended in 2004 to require that in most zoning districts any development that includes single-family attached or apartment dwelling units must provide Moderate Income Housing Units in an amount equal to 15% of the number of units within the development.
- These regulations do not apply to New Town-zoned lands. The rationale for this exclusion was that Columbia was founded on the principle of providing mixed-income housing and thus the MIHU program was not needed for New Town-zoned properties. There was also a concern that Columbia already had more than its "fair share" of moderate-income housing.

To be Addressed During the New Town Update Process

- There is a need to determine the demand for moderate income housing units versus the supply of such units throughout the county and in the sub-county planning areas including Columbia.
- If that analysis demonstrates a need for additional moderate income housing in Columbia and in Howard County, the issue of the MIHU requirements should be discussed.

E. Issue: Process Review

Background

- It is Howard County and state land use policy to encourage and promote growth in centers, redevelopment areas and areas served by infrastructure such as sanitary sewer, water, roads, etc. However, development and re-development review processes and standards for those areas are often more time-consuming and elaborate than those for new development proposed for greenfields.
- The approved 2009 legislation for the village center redevelopment process states that the process be reviewed after the first new village center development comes on line. The bill

stipulates that "an evaluation be conducted within a year of the issuance of the first occupancy permits for a village center redevelopment process."

To be Addressed During the New Town Update Process

- Since reinvestment in areas in need of revitalization is a recognized desire in Columbia, the current regulations should be reviewed to ensure they provide a balance between the need for a deliberate and public process and the need for a predictable and timely development process. This review should include the overall New Town process as well as those for Downtown Columbia and the village centers.

F. Issue: Guidelines/Criteria/Performance Standards

Background

- New Town zoning regulations do not include guidelines or performance standards that many mixed use zoning districts have in place today.
- Such standards could be helpful to evaluate new/redevelopment proposals within the framework of the planned community of Columbia and to evaluate potential proposed changes to the Preliminary Development Plan, Comprehensive Sketch Plan and Final Development Plans.

To be Addressed During the New Town Update Process

- Consider including guidelines or criteria to inform decision-making on redevelopment proposals for areas outside Downtown Columbia and the village centers.

G. Issue: Understanding how all the Approved FDPs Fit Together

Background

- There are 264 recorded New Town Final Development Plans. These approved plans establish the land use designations, as well as the specific uses permitted for all the New Town zoned land in Columbia.
- While the details of these plans are recorded in the land records and are used to guide the approval of Site Development Plans and amendments to these plans, there is no easy way to understand how they all fit together.

To be Addressed During the New Town Update Process

- There is a need to document the uses permitted by each New Town Final Development Plan and display them on a map or series of maps. This will create a comprehensive visual or plan for the approved land use framework for Columbia.

H. Issue: Administrative Review

Background

- As with almost all development codes, Howard County zoning regulations delegate certain decisions to the professional planning and development staff. This is done to streamline development review and provide flexibility in the application of standards based on criteria.

- Across the country, communities that are modernizing their development codes are also granting additional authority to professional planning and zoning staff (usually the planning director) to make decisions and to review and approve minor adjustments subject to compliance with clear development standards. These adjustments are generally referred to as administrative review or adjustments.
- Administrative review is especially valuable in redevelopment areas.
- To be effective, administrative review and adjustment should be guided by enumerated criteria.

To be Addressed During the New Town Update Process

- As part of the New Town update process, existing administrative review and adjustments should be reviewed both to confirm that current procedures and regulations are in keeping with best practices and also to consider any items that could be decided administratively that currently are delegated to other bodies for review and decision-making.

I. Issue: Lack of a Purpose Statement for New Town Regulations

Background

- In most modern zoning ordinances, the first section of the regulations for each zoning district is the "Intent" or "Purpose" section.
- All of the other Howard County zoning districts have purpose sections that state the district's purpose or intent and the reasons for its establishment.
- The New Town zoning district regulations lack such a section.

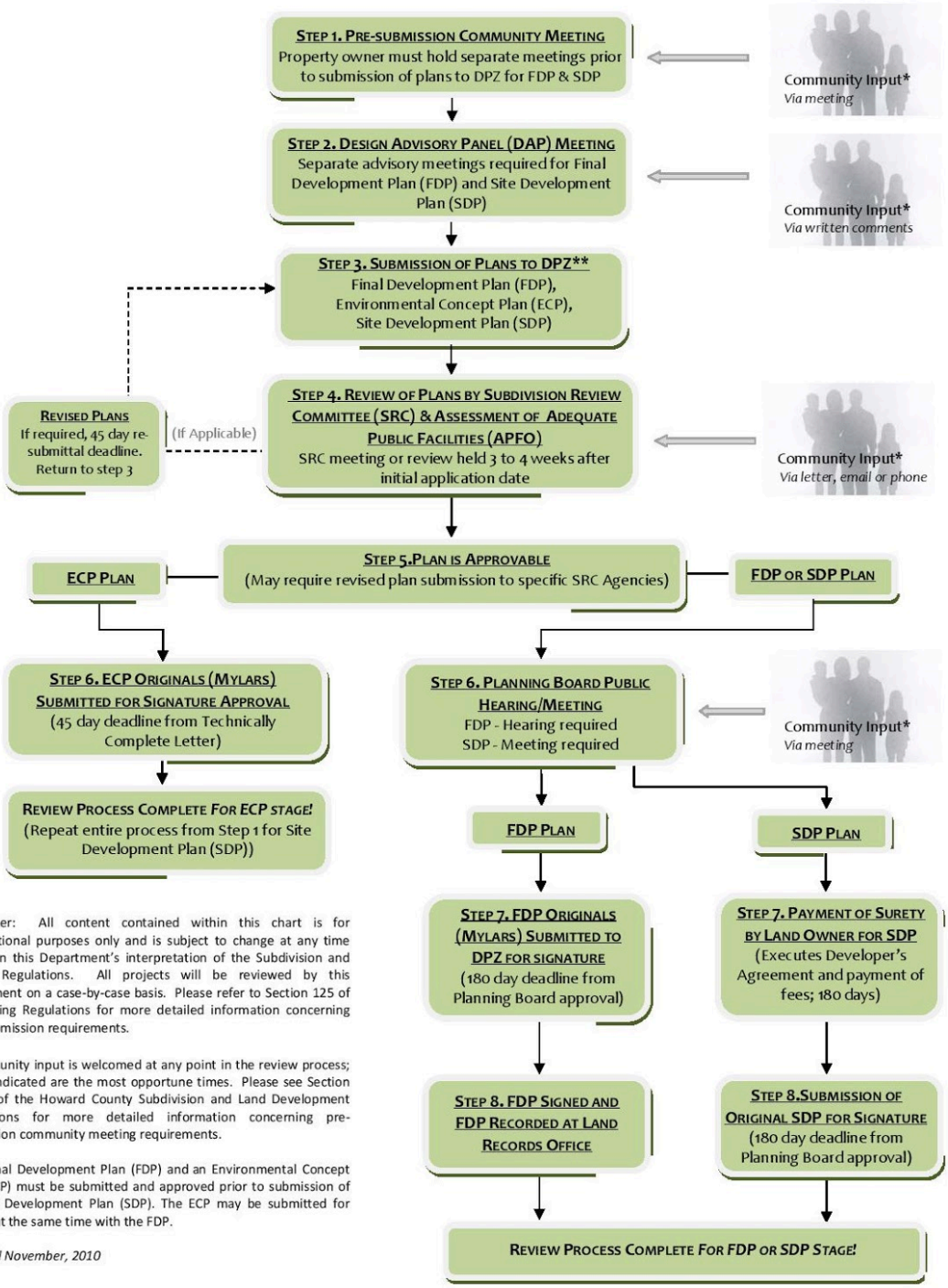
To be Addressed During the New Town Update Process

- A Purpose section should be considered. It could include a statement of the purposes of the New Town district, reference the General Plan and the county's goals regarding land use regulation, and espouse the continued development and redevelopment of the planned community of Columbia in alignment with its founding ideals.

Appendix A: Downtown Columbia and Village Center Redevelopment Process Flow Charts

This appendix includes the county process flow charts that illustrate the land development review process for Downtown Columbia redevelopment and Major Village Center Redevelopment.

LAND DEVELOPMENT REVIEW PROCESS FOR DOWNTOWN COLUMBIA REVITALIZATION



Disclaimer: All content contained within this chart is for informational purposes only and is subject to change at any time based on this Department's interpretation of the Subdivision and Zoning Regulations. All projects will be reviewed by this Department on a case-by-case basis. Please refer to Section 125 of the Zoning Regulations for more detailed information concerning plan submission requirements.

* Community input is welcomed at any point in the review process; points indicated are the most opportune times. Please see Section 16.128 of the Howard County Subdivision and Land Development Regulations for more detailed information concerning pre-submission community meeting requirements.

** A Final Development Plan (FDP) and an Environmental Concept Plan (ECP) must be submitted and approved prior to submission of the Site Development Plan (SDP). The ECP may be submitted for review at the same time with the FDP.

Updated November, 2010

MAJOR VILLAGE CENTER REDEVELOPMENT PROCESS

Council Bill No. 29-2009 (ZRA-102) Effective 11/5/09

STEP 1 – VILLAGE CENTER COMMUNITY PLANNING PROCESS

(See Zoning Regulation Section 125.0.J.2 for Details)

STEP 1A. NOTICE OF INTENT (NOI) TO DEVELOP
Petitioner delivers NOI to applicable Village Board and DPZ (At least 60 days prior to first pre-submission community meeting)

↓

STEP 1B. VILLAGE CENTER COMMUNITY PLAN
Village Board may create or update VCCP
(See Zoning Regulation Section 125.0.J.2.b for details)
(Within 60 days of receiving NOI)

↓

STEP 1C. VILLAGE CENTER CONCEPT PLANNING WORKSHOP
The Petitioner shall initiate and participate in a Village Center Concept Planning Workshop.
(See Zoning Regulations Section 125.0.J.2.c. for details)
(At least 1 week from NOI and at least 30 days before first pre-submission community meeting)

⇐ Community Input*
Via meeting

↓

STEP 1D. RESULTS OF WORKSHOP
The petitioner creates a Concept Plan and the Village Board creates or updates the Village Center Community Plan

↓

STEP 1E. FIRST PRE-SUBMISSION COMMUNITY MEETING
(See Zoning Regulations Section 125.0.J.3 for details)

⇐ Community Input*
Via meeting

↓

STEP 1F. SECOND PRE-SUBMISSION COMMUNITY MEETING
(To be held at least 30 days after the first pre-submission community meeting)

⇐ Community Input*
Via meeting

↓

STEP 1G. DESIGN ADVISORY PANEL (DAP) MEETING
Petitioner presents concept plan and design guidelines to DAP
(To be held prior to PDP amendment submission to DPZ)

⇐ Community Input*
Via written comments

Disclaimer: All content contained within this chart is for informational purposes. All projects will be reviewed by this Department on a case-by-case basis. Please refer to Section 125.0 of the Zoning Regulations for more detailed information concerning requirements for Major Village Center redevelopment.

* Community input is welcomed at any time; points indicated are the most opportune times.

June, 2014

MAJOR VILLAGE CENTER REDEVELOPMENT PROCESS

Council Bill No. 29-2009 (ZRA-102) Effective 11/05/09

STEP 2 - ZONING PROCESS TO AMEND PRELIMINARY DEVELOPMENT PLAN (PDP)

(See Zoning Regulation Section 125.0.J.3, 4 and 5 for Details)

STEP 2A. PETITIONER SUBMITS PDP AMENDMENT PETITION TO DPZ

↓

STEP 2B. NOTICE SENT TO VILLAGE BOARD
Within 2 days of acceptance of a Major Village Center redevelopment petition, DPZ sends a notice to the Village Board requesting a Community Response Statement (See Section 125.0.J.3.b. for details)

↓

STEP 2C. COMMUNITY RESPONSE STATEMENT
Within 45 days from notice, the Village Board sends a Community Response Statement to DPZ

↓

STEP 2D. DPZ SCHEDULES A PLANNING BOARD MEETING DATE

↓

STEP 2E. DPZ PREPARES TECHNICAL STAFF REPORT
DPZ prepares technical staff report to be issued to Planning Board two weeks prior to the PB meeting date (Approximately 3 weeks)

← Community Input*
Via meeting

↓

STEP 2F. DPZ PRESENTS THE PDP AMENDMENT PETITION TO THE PLANNING BOARD
The Planning Board reviews the DAP recommendations, Community Response Statement from the Village Board, and the DPZ Staff Report Recommendation. Then the Planning Board issues their recommendation. (Approximately 2 to 3 weeks)

← Community Input*
Via meeting

↓

STEP 2G. ZONING BOARD ACTION
The Zoning Board evaluates the Major Village Center redevelopment plan based on DPZ Staff Report, Planning Board recommendations and compliance with Section 125.0.J.5 of the Zoning Regulations.
THE ZONING BOARD ISSUES A DECISION AND ORDER

← Community Input*
Via meeting

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IF APPROVED, THE PETITIONER PROCEEDS TO STEP 3 – LAND DEVELOPMENT REVIEW PROCESS

Disclaimer: All content contained within this chart is for informational purposes. All projects will be reviewed by this Department on a case-by-case basis. Please refer to Section 125.0 of the Zoning Regulations for more detailed information concerning requirements for Major Village Center redevelopment.

* Community input is welcomed at any time; points indicated are the most opportune times.

June, 2014

Appendix B: Community Reports

In the last few years, there have been two community-generated reports that address New Town zoning as well as other issues related to development review. The most recent (2014) is by the Howard County Citizen's Association. The other is from a task force that completed its work in 2007. Highlights of these reports are summarized below.

"New Town Columbia – Preserving the Vision", Howard County Citizen's Association, 2014.

This report highlights the need to redefine the role of the petitioner – which is referred to as the "gatekeeper" and the need for overall monitoring of development in Columbia including enforcement of the private covenants. The report recommends a new, non-governmental organization called the "Columbia Planning Commission" that would have the responsibility to review and evaluate zoning changes in New Town-zoned areas (outside of Downtown Columbia) and also would review and enforce covenants. The report recommends that this organization would have decision-making powers but also states that the county's Department of Planning and Zoning would still have responsibility for zoning. This report also recommends that a Columbia Master Plan be developed.

Untitled, 2007 Task Force Report

Related to New Town, this report recommends that the zoning be retained and that changes be made to the definition of the petitioner (called "gatekeeper" in the report) and that a new master plan is needed for Columbia. It also includes a recommendation for a mechanism for ensuring that proposed changes to land use are in accord with the master plan, a role historically undertaken by the master developer, HRD. The report also documents options considered and recommends that the villages play a role in assessment of New Town zoning proposals including being able to challenge New Town zoning decisions and propose changes. It also recommended that notification be given to NT zoned property owners within one mile of the proposed development of out-parcels.

Note: The original community reports are posted separately as part of the Board's work session back-up materials.

Appendix C: Zoning Comparison Columbia, Reston and Montgomery Village

Comparative Zoning Analysis Columbia, Reston & Montgomery Village

	Columbia	Reston	Montgomery Village
Zoning Jurisdiction	**Howard County**	**Fairfax County**	**Montgomery County**
Zoning District	New Town	Planned Residential Community	Town Sector
Intention of Self Sufficiency (mixed of uses)	Y	Y	Y
Density	Gross Density measurement. Multiply number of NT acres by 2.5 dwelling units per acre overall; additional density maximums by type of residential.	13 persons per gross acre. This is calculated by assuming the following persons per residential unit type: SF--3; SFA--2.7; APT--2.1.	15 persons per gross acre. This is calculated by assuming the following persons per residential unit type: SF--3.7; SF--3; APT (building hgt less than 50'--3; APT (Building hgt 50' or greater)--2.
Total Acreage	14,272 acres	6,200	2,500
Building Height	Dependent on FDP except for Downtown Columbia, where heights may not exceed 20 stories.	No regulation.	Must be consistent with limits set in other zoning classes for areas of similar density or use.
Land Use	Minimums and maximums percent by land use category. Only heavy industrial and mobile homes are not permitted.	The zoning code has a list of allowable uses in each area (residential, neighborhood convenience center, village center, town center and convention/conference center).	List of permitted uses. Greater restrictions in residential district

Columbia Association