April 2007

## EXECUTIVE SUMMARY

Forty years ago visionary Jim Rouse launched the development of Columbia. He aimed to create a new kind of planned community, and he clearly succeeded. The Task Force believes it is necessary to update his plan to preserve what is best and to adapt it to changed circumstances. New issues have arisen and redevelopment is on the horizon. For example, residents ask these questions. What should Downtown look like? How should affordable housing fit into Columbia? Should density be increased? What role does mixed use have? What is the future role of village centers?

A master plan for Columbia Downtown is underway. We need a modified, written master plan for the rest of Columbia which creates a role for the residents in addressing new questions and in implementing solutions. Based on its review the Task Force has several recommendations.

### Recommendation 1: Update the Master Plan

The master plan should be updated and the community should be involved in the process. This plan should be a written document available to the public unlike the existing Rouse plan which is scattered among various documents.

### Recommendation 2: Retain New Town Zoning

New Town Zoning was the key tool in designing Columbia because of its flexibility. It should be preserved but enhanced to make it more responsive to the Columbia community. New Town Zoning is unusually adaptable because it is site specific, designating uses for individual lots rather than for large areas as in conventional zoning. This allows creativity and fine tuning.

### Recommendation 3: Modify the Enforcement Mechanism

Zoning changes requested for specific properties are currently submitted through HRD, Rouse's original company, now incorporated into General Growth Properties (GGP). The original intent was to have a gatekeeper which ensured changes were consistent with the master plan and that New Town Zoning requirements were met.

It may not be fair to expect GGP to carry this burden. Also, GGP could leave Columbia, be subject to a takeover or undergo a shift in corporate philosophy. A more permanent mechanism may be desirable, which involves the community. Any modified enforcement mechanism would need to ensure public

notice and input into the planning process and the villages should be allowed to contest zoning decisions.

Any gatekeeper must be a permanent, independent entity which can make decisions with community participation. An alternative to a gatekeeper would be an overlay district for all of New Town although it might be cumbersome and less flexible.

**Recommendation 4: Establish Procedures for Out parcels**

Those properties not acquired by Jim Rouse are out parcels both within and adjacent to Columbia. They are not under New Town Zoning; they come under the standard zoning of the rest of Howard County. Because they affect the properties around them mechanisms should be developed for coordination. At a minimum owners of out parcels should be required to give notice to the local community of any proposed zoning change.

We need to be proactive, planning now for Columbia's future. A written master plan which ensures community participation may be the best course, together with an effective implementation mechanism.

April 2007

# Introduction

This June, Columbia will be forty years old. Consider that forty years ago, James Rouse began the development of Columbia. He had a vision to create a community in a new way; to plan a new community. And he succeeded. Look at how successful Columbia is. One of the key tools that Mr. Rouse used to develop Columbia was New Town Zoning. He convinced the Howard County Commissioners to adopt New Town Zoning, a very unique zoning district for those times. There was nothing else like it in Howard County. Columbia would not have developed in the same way without New Town Zoning. The task force still considers New Town Zoning to be unique and valuable. Many who live in Columbia do not fully appreciate how unique New Town Zoning was 40 years ago and how unique it still remains. The task force has prepared a short overview of New Town Zoning to explain its features (see Overview of New Town Zoning document). Columbia's success in consideration of New Town Zoning leads to the first recommendation.

Recommendation 1: Keep New Town Zoning.

In fact, the task force suggests that a goal for Columbia should be *"to preserve and enhance New Town Zoning in order to make it more responsive to the Columbia community"*. This is the thrust of the report.

Fast forward forty years from the founding of Columbia. It is difficult to believe how much of Jim Rouse's vision has been turned into reality. Columbia is a successful planned community and the key word is **planned**. Columbia did not just happen; it was planned. Jim Rouse developed a master plan to guide Columbia development. In fact that plan continues today to guide Columbia development. But what about the future? Columbia is nearing final development. Are we done planning? The task force does not believe that planning is done. Columbia should continue to be a planned community. Columbia faces redevelopment. It faces questions such as: *What should the Downtown look like? How should affordable housing fit into Columbia? Should Columbia's density be increased? What is the role of Village Centers in the future? Does Mixed Use development have a role in Columbia?* Even though Columbia nears final development, planning cannot stop. This leads to the second recommendation.

Recommendation 2: Columbia needs an updated, written, publicly available master plan, a vision to guide the next forty years.

Columbia needs to understand the existing master plan and adjust it to handle the future. But the Columbia community needs to be involved in updating the master plan. Forty years ago, the Columbia community did not exist. Now over 90,000 people live in Columbia. The Columbia community needs to have a say in an updated master plan. The master plan needs to be a written, publicly available document. Just like for Mr. Rouse, New Town Zoning can continue to be a key tool in the future development or redevelopment of Columbia.

Having a master plan is crucial to being a successful planned community. But a master plan, by itself, does not work if there is **no method** to enforce adherence to the master plan. A master plan and an enforcement mechanism go hand-in-hand. It is great having a master plan, but if you can't insure that development occurs according to the master plan, what good is the master plan? Why spend countless hours developing an update master plan if no one is going to follow it? This leads to the third recommendation.

Recommendation 3: Columbia needs a mechanism to enforce adherence to the master plan.

New Town Zoning has both an ability/requirement to create a master plan and a method to enforce adherence to the master plan. This should not be a surprise as Mr. Rouse proposed New Town Zoning. He knew that he needed both a plan and a way to enforce adherence to the plan in order for Columbia to be successful. But what exactly is New Town Zoning? What concepts of New Town Zoning are important for the Columbia community to know?

New Town Zoning is not a traditional type of zoning. Because of this, it avoids some of the problems which occur with traditional zoning. Traditional zoning categories tend to be very broad and do not allow the zoning, particularly related to uses allowed, to be tailored to a specific site. New Town Zoning has several key concepts:

1. the ability to have site-specific "zoning" for parcels of land;
2. the ability to have a vision or plan to guide development;
3. the ability to enforce adherence to the vision or plan; and
4. the ability to have public input.

In New Town Zoning, the Final Development Plan (the FDP) provides the ability to have site-specific "zoning", to tailor a site's uses and structures to fit into the surrounding neighborhood. The ability to allow "zoning" to be tailored to an individual piece of property gives enormous flexibility. The FDP concept was crucial to the development of Columbia and will be even more important in the re-development of Columbia.

In New Town Zoning the ability to have a plan to guide development and the ability to enforce adherence to the plan is generally denoted as the "**gatekeeper**" function. Since the beginning of New Town Zoning, HRD/GGP has been the gatekeeper. As the gatekeeper, HRD/GGP developed the plan and insured that all development conformed to the plan. The plan was considered a living document. As time went by, changes were made to the plan. Having a plan and the ability to enforce adherence to the plan is crucial to the development of Columbia. That is why Columbia as a planned community, has developed so closely to Mr. Rouse's vision. But the question arises as to whether or not HRD/GGP is still the best organization to fulfill the gatekeeper role.

The idea behind the gatekeeper concept was to insure that development of all of Columbia was planned in advance, that the actual development met the master vision, that all requirements of New Town Zoning were met, and that any changes would be compatible with the master vision. The gatekeeper role was assigned to Columbia's developer HRD, now GGP. It made sense that the developer should be the gatekeeper as Columbia was developed. After all it was Jim Rouse, through HRD, who created the Columbia vision/plan and convinced Howard County to accept the Columbia vision. Now that Columbia is almost fully developed, should HRD/GGP remain as the gatekeeper for the New Town Zoning district in Columbia? Is it even fair to expect HRD/GGP to bear the gatekeeper burden? It cannot be assumed that HRD/GGP will be around for the next 40 years or that they will continue to be as interested in Columbia as they were in the past. The Columbia portion of GGP could be sold. There could be a takeover of GGP by another company. A shift in corporate philosophy could occur which would lessen GGP interest in Columbia. This leads to the fourth recommendation.

<u>Recommendation 4</u>: More Columbia community control of the gatekeeper function is required.

New Town Zoning provides for some public input in the overall process. However, additional public notice and input is desired. Public input should not be limited to just the master plan. Public notice and input into the New Town Zoning process also needs to be considered. Public notice is important. If one doesn't know, how can one provide input? This leads to the fifth recommendation.

<u>Recommendation 5</u>: Some changes to the New Town Zoning process are needed to improve public access and make the process more transparent and open.

But property under New Town Zoning is not the only property which impacts the Columbia community. There are many out parcels within the boundaries of the Columbia New Town Zoning district. There is also land bordering Columbia (i.e., adjacent parcels). Out parcels and adjacent parcels have standard zoning, but a zoning change to an out parcel or adjacent parcel does affect Columbia. At a minimum, should owners of out parcels and adjacent parcels be required to meet with the local Columbia community to explain the proposed zoning change? Shouldn't the Columbia community be notified if a proposed non-New Town development impacts Columbia? This leads to the sixth recommendation.

Recommendation 6: Owners of out parcels and adjacent parcels should be required to notify and meet with any Village within a 1 mile radius of the property subject to the zoning change.

Another issue which is tied into public notice and input is the ability to challenge / contest a zoning decision or change. Who should have the ability to challenge zoning decisions in the New Town Zoning district? No process is perfect. Sometimes mistakes occur. How can people who truly believe a mistake has occurred take action to correct the mistake? The Columbia Villages represent the residents of Columbia. Residents petition their Village to take action on a number of different issues. New Town Zoning should be one of these. This leads to the seventh recommendation.

Recommendation 7: Give each Columbia Village the ability (the right) to contest or challenge New Town Zoning decisions or changes.

The document entitled *Issues Concerning Columbia New Town Zoning* provides the rationale for the various recommendations made by the task force. In considering which recommendations to make, the task force believes that the New Town Zoning key concepts are still very important.

1. The FDP must be kept (site-specific zoning is crucial);
2. Additional public input into the process is required; and
3. The gatekeeper role should be kept and enhanced by public input or control (i.e., Columbia requires an updated master plan formed through community input and the ability to enforce adherence to the plan).

It has already been mentioned that having a master plan for Columbia requires also having a method to enforce adherence to the master plan. It makes no sense to have a plan and not have an enforcement mechanism. Similarly, it makes no sense to have an enforcement mechanism which isn't enforcing the master plan. Columbia needs a master plan with a mechanism to enforce adherence to the master plan. The document entitled *Keeping Columbia as a Planned Community* discusses having a master plan with an enforcement mechanism. Currently, New Town Zoning provides for this combination through the gatekeeper function.

If there is no gatekeeper, then another mechanism will have to be developed to enforce adherence to the master plan. One possibility is a large overlay district for all of New Town Zoning. This might work, but it would be cumbersome and not as flexible as the gatekeeper. Since New Town Zoning already has the gatekeeper (the enforcement mechanism) why try to create some other method? The current method has worked for 40 years. Let's just use what already exists. This leads to the eighth recommendation.

Recommendation 8: The gatekeeper function in New Town Zoning should be kept, but modified to meet the needs of the Columbia Community.

If the Columbia community decides to keep the gatekeeper function, consider what attributes would be required for a gatekeeper. The task force settled on the following attributes for a gatekeeper.

1. The gatekeeper has to be a permanent organization.
2. The gatekeeper has to be able to make decisions.
3. The gatekeeper has to operate independently.
4. The gatekeeper has to operate in an open, fair, impartial, and trustworthy manner.
5. The gatekeeper has to be answerable to the Columbia community.
6. The gatekeeper has to have its focus on all of Columbia.

The gatekeeper role is crucial. But how should it be modified to meet the requirements of the Columbia community? After considerable thought, the task force proposes three options.

Option 1: Work with GGP to add Columbia community involvement in the existing gatekeeper.

Option 2: Turn over the gatekeeper role to the ten Columbia Villages.

Option 3: Create a new gatekeeper.

Option 1 would be the most straight forward one to implement. GGP already has the gatekeeper role. But it would depend upon the cooperation of GGP. Would GGP be willing to share the gatekeeper role with the Columbia community and eventually allow the Columbia community to control the gatekeeper? Can an equitable sharing relationship be created, one that would meet the needs of both parties? This option could be implemented just with GGP concurrence.

Option 2 would treat the gatekeeper function just like the architectural covenants. Each Village oversees the enforcement of the architectural covenants. The Villages would assume a new responsibility, that of the enforcement mechanism (the gatekeeper). Would the Villages be willing to assume this role? Covenant enforcement costs money and so would the gatekeeper function. The Villages would have to charge fees for providing this service. Would the Villages act in a unified manner in order to preserve the unity of New Town Zoning? Would GGP or the County be willing to have the Villages assume this role? Implementing this option would require the agreement of the County and possibly GGP.

Option 3 involves the creation of a new gatekeeper. This definitely requires County involvement; actually it requires County agreement. Only the County could change the gatekeeper from GGP to another organization. It is not clear that the County would agree to make this change. GGP could oppose it. The new gatekeeper must oversee the updating of the master plan for Columbia, must itself adhere to the updated master plan, and must force all development to adhere to the updated master plan. The new gatekeeper would have to charge a fee for providing its services. There are several alternatives under this option.

1. The new gatekeeper could be a public board or agency;
2. The new gatekeeper could be an organization of all the Villages; or
3. The new gatekeeper could be a hybrid entity.

Each of these alternatives has advantages and disadvantages. The document entitled *Keeping Columbia as a Planned Community* contains a much more detailed discussion of the options and the option 3 alternatives. The task force has decided not to make a recommendation concerning these options. The task force believes that more discussion involving the Columbia community is needed. The Columbia community needs to **discuss** and **decide** this important issue. Once a direction has been chosen, then the task force can study and report on how to best implement the decision.

Forty years ago James Rouse had a vision; a vision of a planned community. That planned community now exists and must plan for the future. New Town Zoning was a key tool used by James Rouse to develop his vision into a reality. The Columbia community now needs to use the New Town Zoning tool to plan and direct its future. New Town Zoning worked for James Rouse and New Town Zoning can work for the Columbia community if we so chose.

# An Overview of New Town Zoning

**April 2007**

# An Introduction to New Town Zoning

New Town Zoning (NT) is just one of the many zoning districts in Howard County. The New Town Zoning District is the zoning classification for Columbia and Columbia is currently the only New Town Zoning district in Howard County. 14,272 acres of land are within the New Town Zoning district and the district covers all or portions of all ten Villages (Dorsey Search, Harpers Choice, Hickory Ridge, Kings Contrivance, Long Reach, Oakland Mills, Owen Brown, River Hill, Town Center, and Wilde Lake) and most industrial parks. The requirements for New Town Zoning are found in Section 125 of the Howard County Zoning Regulations (see web site: www.howardcountymd.gov).

## Development Steps

There are four major steps in the development and planning process for New Town Zoning, the Preliminary Development Plan (PDP), the Comprehensive Sketch Plan (CSP), the Final Development Plan (FDP), and the Site Development Plan (SDP). All plans are on file with the Howard County Department of Planning & Zoning and can be accessed by the public. These four steps move progressively from the large area development (the Preliminary Development Plan) to the smallest unit of development (the Site Development Plan).

The Preliminary Development Plan maps the general location of land uses, major roads, and major public facilities in the **entire** New Town Zoning district and defines specific acreage allocations for each of these land categories. The land categories in Columbia's Preliminary Development Plan are

- Single Family Residential (Low Density and Medium Density),
- Apartments (which includes townhouse areas),
- Employment Center (Commercial and Industrial), and
- Open Space.

A Comprehensive Sketch plan covers a **portion** of the New Town Zoning District and establishes items such as location and acreage of land use areas, the number and types of dwelling units, and specific locations of roads, open space, schools, and other public or community uses. The Comprehensive Sketch Plan also can include requirements such as minimum lot sizes, setbacks, parking requirements, building heights, permitted uses, and other development regulations. Unlike most other zoning districts in Howard County (where requirements are set in the Zoning Regulations), in the New Town Zoning district, these requirements are tailored in the Comprehensive Sketch Plan to fit the development plan for a particular area.

A Final Development Plan provides exact boundary descriptions and acreage for the land use shown on a Comprehensive Sketch Plan and must include the detailed development requirements (such as size of building, set-back requirements, height limits, what uses are allowed, etc.). Final Development Plans are very important because they are the primary source of zoning requirements for any specific property in the New Town Zoning district.

A Site Development Plan shows exactly how a site will be developed and includes items such as:

- grading,
- utilities,
- buildings,
- driveways,
- parking areas, and
- landscaping (and other details).

A Site Development Plan is the last stage before building permits are issued and construction can begin.

In New Town Zoning districts, the Howard County Zoning Regulations set the following percentage requirements for land use categories in terms of the total acreage in the district:

Open Space use - **Minimum** 36%
Single Family Low Density use - **Minimum** 10 %
Single Family Medium Density use - **Minimum** 20%
Apartments use - **Maximum** 13%
Employment Center-Commercial use - **Minimum** 2% and **Maximum** 10%
Employment Center-Industrial use - **Minimum** 10% and **Maximum** 20%
Other uses - **Maximum** 15%

The "Other uses" category allows other types of zoning to be used. The original developer of Columbia chose not to use this category. So no land in Columbia New Town Zoning district currently falls under the "Other uses" category. In the Columbia New Town Zoning district there are two types of Open Space, credited and non-credited. Credited Open Space counts toward the minimum 36% requirement. Non-credited Open Space does not count toward the minimum 36% requirement. The Howard County Department of Planning & Zoning monitors the development of the Columbia New Town Zoning district to insure that these percentages are met.

The most recent Preliminary Development Plan for the Columbia New Town Zoning district is dated 23 October 1995 and was approved by the Howard County Zoning Board in April 1996 (Zoning Case 969M). This Preliminary Development Plan shows the following breakdown of 14,272 acres of land.

| | | |
|---|---|---|
| Single Family Low density | 1,479 acres | 10.4% |
| Single Family medium density | 3,015 acres | 21.1 % |
| Apartments | 1,707 acres | 12.0% |
| Employment Centers | 2,711 acres | 18.9% |
| Open Space | 5,360 acres | 37.6% |
| | --- | --- |
| | 14,272 acres | 100% |

The Preliminary Development Plan allows 2.35 dwelling units per gross acre. Based on the acreage, the Columbia New Town Zoning district can have a maximum of 33,539 dwelling units. In February 2004, 96 age-restricted dwelling units for the former Exxon gas station site in Oakland Mills were added. In March 2004, 100 additional dwelling units for Non-Downtown Columbia Villages were added. This brings the density to 2.3643 dwelling units per gross acre. The Department of Planning & Zoning tracks all Final Development Plans to insure that the Preliminary Development Plan figures are being met. As of 8 January 2007, the Final Development Plan database showed the following.

| | |
|---|---|
| Single Family Low density | 1,478.161 acres |
| Single Family Medium density | 3,014.601 acres |
| Apartments | 1,706.955 acres |
| Employment Centers | 2,576.453 acres |
| Open Space | 5,391.521 acres |
| | --- |
| | 14,167.691 acres |

According to the database, there are 104.309 acres of land not yet placed in the Final Development Plan database (8 January 2007). Most of this remaining land is Employment Centers (potential of 134.547 acres), Single Family Medium density (potential of 0.399 acres) and Single Family Low density (potential of 0.839 acres). The database provides a further breakdown of some of these categories.

| | | |
|---|---|---|
| Apartments: | Single Family Attached | 756.534 acres |
| | Multi-family | 950.421 acres |
| | | --- |
| | Total | 1,706.955 acres |
| Employment Centers: | Commercial | 1,026.822 acres |
| | Industrial | 1,549.631 acres |
| | | --- |
| | Total | 2,576.453 acres |
| Open Space: | Credited | 5,124.349 acres |
| | Non-credited | 267.172 acres |
| | | --- |
| | Total | 5,391.521 acres |

As of 8 January 2007, the Dwelling Units breakdown is as follows.

| | |
|---|---|
| Single Family Low density | 2,712 |
| Single Family Medium density | 8,670 |
| Single Family Attached | 7,254 |
| Apartments | 13,841 |
| Employment, Single Family Attached | 287 |
| Employment, Apartment | 520 |
| | --- |
| Total Units | 33,284 |
| | |
| Total Units Allowed by PDP | 33,539 |
| | |
| PDP Remaining Units in New Town | 255 |
| Additional Units for OM Exxon site | 96 |
| Additional Units for Non-Downtown | 100 |
| | --- |
| Total remaining Dwelling Units | 451 |

As stated above, New Town Zoning is the major zoning district for Columbia. Columbia's Preliminary Development Plan was developed by Howard Research & Development (HRD), the original developer, in the 1960s and has been modified several times. HRD was acquired by General Growth Properties (GGP). New Town Zoning was created specifically to allow the development of Columbia in a consistent and unified way. In essence, it functions as a Master Plan for Columbia. As Columbia nears total development, is New Town Zoning still the appropriate zoning district for Columbia?

# Synopsis of the New Town Zoning Process

The development process in the New Town Zoning district varies from other zoning districts. At various stages, either public meetings or public hearings on the proposal under consideration may be required. Citizens may attend and comment on the proposal under consideration at both public meetings and public hearings. The difference between a public meeting and a public hearing is one of formality.

- **Public hearings** have more formal procedures and more rigorous advertising requirements than public meetings. They must be advertised by posting a sign on the property and by placing a notice in at least two newspapers.
- **Public meetings** are advertised in the Howard Country Planning Board agenda.

Only the Howard County Zoning Board may approve the petition to create a New Town Zoning district, may approve the petition to add land to an existing New Town Zoning district, or may approve a petition to make changes to an existing Preliminary Development Plan. The Zoning Board is required to hold a public hearing before voting on any of these cases. Currently, only the original developer (also referred to as the original petitioner) of the New Town Zoning district may submit these petitions or changes. Hearings are generally held at the Howard County government complex in Ellicott City.

The Howard County Planning Board is the final approval authority for Comprehensive Sketch Plans and for changes to existing Comprehensive Sketch Plans. The Planning Board may hold either a public meeting or a public hearing. Currently, only the original developer (HRD/GGP) of the New Town Zoning district may submit Comprehensive Sketch Plans or changes to Comprehensive Sketch Plans. Hearings are generally held at the Howard County government complex in Ellicott City.

The Howard County Planning Board is the final approval authority for Final Development Plans and for changes to existing Final Development Plans. For new Final Development Plans, the Planning Board will hold a public meeting. Meetings are generally held at the Howard County government complex in Ellicott City. The Final Development Plan must be consistent with the corresponding Comprehensive Sketch Plan. Since the Final Development Plan will be considered at a public meeting, there is no requirement for the developer to post a sign on the property.

If any subdivision of land will occur, the Planning Board generally requires a developer to also submit a subdivision Sketch Plan and a subdivision Preliminary Plan before the Final Development Plan will be considered. A Sketch Plan displays information such as density, road network, lot layout, and an environmental analysis of the land. A Preliminary Plan addresses the lot and road arrangement, traffic and noise conditions, forest conservation, environmental impact, sewage disposal, water supply, drainage, storm water management, and proposed grading. Depending on the type of change requested, either the property owner or the original developer (HRD/GGP) of the New Town Zoning district must request the change. Changes to an Final Development Plan may require either a public hearing or a public meeting. Whether a public hearing or a public meeting is required depends on the type of change being requested.

At its discretion, the Howard County Planning Board may decide to approve a Site Development Plan after a public meeting is held or it may delegate authority to approve the Site Development Plan to the Department of Planning & Zoning. Many times, at the Comprehensive Sketch Plan meeting, the Planning Board will decide if it needs to approve future Site Development Plans associated with the Comprehensive Sketch Plan. Any required meetings would generally be held at the Howard County government complex in Ellicott City.

Only HRD (now GGP), through its role as gatekeeper, can request changes to New Town Zoning, and for Comprehensive Sketch Plans and Final Development Plans. Individual property owners, except in limited situations, can't request changes without having HRD/GGP agree with the changes. A property owner can request a change/adjustment to the bulk regulations (building setbacks, building height, lot coverage, lot size, and number of parking spaces) by applying to the Planning Board for approval. The Planning Board can approve the change/adjustment if it finds that:

- 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
- the adjustment is needed due to practical difficulties or unnecessary hardships, which arise in complying strictly with the Final Development Plan, and/or results in a better design than would be allowed by strict compliance with the development criteria.

A homeowner may apply to the Planning Board for a change to a Final Development Plan to allow a specific use so long as the property remains primarily residential and the allowed density is not increased. Except for this situation, only HRD (now GGP), through its role as the gatekeeper, can apply to change the uses listed in an Final Development Plan.

# Issues Concerning Columbia New Town Zoning

**April 2007**

# Issue #1

## *New Town Zoning versus Standard Zoning?*

ISSUE: The New Town Zoning district is the only zoning district for most of Columbia. This is quite different from the rest of Howard County. Most land in Howard County uses standard zoning districts such as M-1, M-2, B-1, B-2, R-20, R-12, etc. New Town Zoning served Columbia well as it was being developed, but perhaps a more standard type of zoning should be adopted. Should the New Town Zoning district for Columbia be replaced with standard zoning districts?

PRO: Using standard zoning districts would integrate Columbia into the rest of Howard County. It would give property owners more control over their land. The same zoning regulations and processes would apply county-wide. Parts of Dorsey Search (north of Route 108) already have standard zoning districts so it will work for the rest of Columbia. Why keep a zoning district whose primary purpose was to develop Columbia?

CON: Why change something that works? New Town Zoning is a key factor in establishing Columbia, in implementing the vision of Columbia, and has guided the development of all of Columbia. It treats Columbia as a whole; it unifies Columbia. It has guided the development of Columbia for almost 40 years. It serves like a Master Plan for Columbia. Clearly, Columbia would not be what it is today without New Town Zoning. It is very flexible and can serve us well into the future. Keep New Town Zoning.

Task Force Recommendation: Keep the New Town Zoning District.

Rationale: Columbia New Town Zoning works! The development of Columbia has turned out quite well. The task force's recommendation comes from our sense of New Town Zoning and how important it is in the overall development of Columbia. New Town Zoning was, and still is, a public/private partnership; a partnership between a public organization, Howard County, and a private company, HRD, now GGP. Howard County's role was as overseer, retaining ultimate control via the Zoning Board and the zoning regulations, and insuring that development met the agreed upon conditions. HRD was given the flexibility to create a vision of Columbia and using its authority as the **gatekeeper**, insure that all development conformed to the vision. New Town Zoning has four important features:

1. the Final Development Plan (FDP)
2. the vision or plan to guide development
3. the implementation of the gatekeeper role
4. Howard County's role as overseer and final authority (i.e., checks and balances)

The Final Development Plan concept was crucial to the development of Columbia and will be even more important in the re-development of Columbia. The Final Development Plan actually allows "zoning" to be tailored to an individual piece of property. In New Town Zoning, it's like every piece of property has its own zoning district with its own zoning regulations. One can take a piece of property and tailor its uses, the size and layout of the buildings, height limitations, etc. based upon the property, its location, the surrounding property, and the overall vision. For example, in the Columbia New Town Zoning district, one can take a piece of property, identify it as commercial, then restrict the size of the building and restrict uses because it borders a residential neighborhood. An adjacent parcel of land could also be commercial, but could have a totally different set of restrictions. This can not be done in the standard zoning which is used in the rest of Howard County. It is one of the reasons that zoning is so contentious in the rest of Howard County. The ability to allow "zoning" to be tailored to an individual piece of property gives enormous flexibility. It is a flexibility which will serve the Columbia community well into the future.

New Town Zoning allowed Mr. Rouse to put into place the vision or plan for Columbia without having to specify everything at once. New Town Zoning set the minimum amount of Open Space required throughout Columbia, specified how much land could be set aside for commercial development, single family housing, and multi-family housing. Five key concepts of the Columbia New Town Zoning district are as follows.

a. It treats Columbia as a whole. It allows a balanced picture across all of Columbia. It recognizes that a change in one part of Columbia can impact all of Columbia.

b. It sets a minimum amount of Open Space and insures that Open Space is spread across all of Columbia.

c. It broadly defines where activities such as commercial, industrial, and housing will occur and sets percentages so that there will be a balance between housing and commercial and industrial.

d. Only HRD/GGP, through its role as gatekeeper, can request changes to New Town Zoning and for Comprehensive Sketch Plans (CSPs) and Final Development Plans (FDPs). Individual property owners, except in limited situations, can't request changes without having HRD/GGP agree with the changes.

e. A process for public input was provided.

New Town Zoning goes hand-in-hand with the Columbia Village covenants. Both restrict an individual's use of his or her land. New Town Zoning and the Village covenants provide a balance between individual desires and community desires. All property owners in Columbia agree to abide by the covenants when purchasing property. Similarly property owners agree to abide by New Town Zoning. Both New Town Zoning and the Village covenants, unlike standard zoning, realize that an individual's desires for his or her property must be tempered by its impact on the surrounding community. Columbia is a planned community and both New Town Zoning and Village covenants help keep it a planned community.

This is not to say that New Town Zoning is perfect. Although the current New Town Zoning district has served Columbia well for 40 years, there are concerns/problems. Now that Columbia is almost completed, the focus should change from development to re-development and maintenance. Realistically, there aren't going to be any other New Town Zoning districts in Howard County. So Columbia and New Town Zoning are equivalent. Any changes to New Town Zoning should only come from Columbia and should conform to the needs and requirements of the residents of Columbia. New Town Zoning may need changes, but that is very different from a wholesale replacement.

New Town Zoning, with its concept of a vision/plan, a gatekeeper to enforce the vision/plan, the Final Development Plan (which in essence allows site-specific zoning), and county oversight, is unique, versatile, flexible, and well-positioned to serve Columbia. Keep what works and just make the necessary changes to improve New Town Zoning.

# Issue #2

## *An Updated Master Vision for Columbia?*

ISSUE: New Town Zoning allowed Mr. Rouse to put into place his vision, his master plan, for Columbia. This master vision has guided the development of Columbia. However, Columbia is 40 years old and almost fully developed. Many changes to society have occurred. We need to consider the future. Is the current master vision still viable? Should there be an updated master vision to guide the future development of Columbia?

PRO: The world is not the same as it was when Columbia was planned in the 1960s. In addition, Columbia is almost fully developed and now faces redevelopment. How should this redevelopment occur? What should Columbia look like in the future? Mr. Rouse's master vision, his master plan, was fine for development, but does it still apply? Times have changed. New issues and concerns have arisen. How should they be addressed? Doesn't the vision need to be more detailed? The original master vision was developed without input from Columbia residents. Shouldn't Columbia residents have a say in the future of Columbia? Shouldn't Columbia have an updated master vision?

CON: HRD/GGP has guided Columbia for 40 years. They have a vision, a master plan, which has turned out well. Why change? HRD/GGP has done a good job. They are a private company which is more attuned to the market and can react quicker that a governmental body can. Look at how successful Columbia is. Why not let HRD/GGP continue to guide Columbia? If we open the planning to the public, won't it become very political? Developing a master plan, will cost money. Who is going to pay for it?

Task Force Recommendation: Columbia needs an updated vision, an updated master plan.

Rationale: Columbia is a planned community. Back in the 1960s a lot of time and effort was spent developing a plan (master vision) for Columbia. Mr. Rouse's master vision has worked. The development of Columbia has turned out quite well. But Columbia needs an updated master vision, one that is written and available to the public. It needs an updated master vision developed in conjunction with the residents of Columbia. It needs an updated master vision for future development. It needs a written, publicly-available updated master vision so that people can judge whether or not a proposed development fits into the master vision. Columbia developed according to a vision and its future success also requires a vision to guide development/redevelopment. The vision must be adjusted as time passes. We cannot assume that HRD/GGP will be around for the next 40 years or that they will continue to be as interested in Columbia as they were in the past. The Columbia portion of GGP could be sold. There could be a takeover of GGP by another company. A shift in corporate philosophy could occur which would lessen GGP interest in Columbia. The Columbia community needs to prepare for the future. Is it even fair to place the entire burden for the master vision on HRD/GGP? Columbia needs to develop an updated master vision. Call it the Columbia New Town Vision.

The Columbia New Town Vision would be based upon the original vision, the master plan, for Columbia as proposed by Mr. Rouse. It would update that vision. It would tie into the Howard County General Plan. The Vision would be revised at least every 10 years. The Vision would have broad goals as well as specific criteria. The Vision can have sections dealing specifically with areas in the Columbia New Town Zoning district such as a section on Downtown Columbia, a section on a particular Village, a section on village centers, a section on industrial parks, etc. As an example, the Vision could incorporate the Columbia Downtown Master Plan. The Vision could be as specific or as general as needed. The Vision would guide the future development of Columbia. All development would have to conform to the Vision. If Columbia had a Vision, there would be no need for Overlay Districts in the New Town Zoning district. Howard County uses the concept of an overlay district to get around some legal and regulatory restrictions. If you have a Columbia New Town Vision and require all development to conform to the Vision, the need for overlay districts disappears. If you don't have a Columbia New Town Vision, then overlay districts would be needed.

# Issue #3

## *New Town Zoning Regulation Changes?*

ISSUE: New Town Zoning is 40 years old. Many changes have occurred in the past 40 years. Columbia has grown from very few residents to 90,000 residents. Do we need changes to the New Town Zoning regulations/process to reflect the growth of Columbia and the fact that Columbia now has a substantial population?

PRO: Columbia is almost fully developed. The current New Town Zoning process was acceptable for when development first occurred, but Columbia is facing redevelopment. The existing process for New Town Zoning goes through the Preliminary Development Plan, Comprehensive Sketch Plan, Final Development Plan, and the Site Development Plan. This was acceptable when Columbia was being developed, but it needs modification to better serve the redevelopment of Columbia. The process must allow for additional public notice and public input. 40 years ago, the Columbia community didn't exist. Now they do and they should have input into the process.

CON: The current process has worked well. People understand it. Are the changes really desirable and workable? Will the changes improve residential input into the process? Will the changes create too much of a burden on developers or petitioners?

Task Force Recommendation: Some changes to the New Town Zoning process are needed to improve public access and make the process more transparent and open.

Rationale: Any one of the 10 Villages should be allowed to submit to the New Town Zoning gatekeeper a change proposal to the New Town Zoning regulations or a change proposal to the Preliminary Development Plan. The gatekeeper must be required to hold a public meeting on the change proposal. The change proposal should be evaluated against the Columbia New Town Vision. If the gatekeeper agrees that the change proposal is in the best interests of Columbia, then the gatekeeper will file a petition with the Howard Country Zoning Board requesting approval of the change to either the zoning regulations or to the Preliminary Development Plan. The Howard County Zoning Board will make the final determination as to whether or not a change should be approved. This will allow for more openness and public input. Right now there is no method to have a public discussion on such a change unless HRD/GGP wants the change.

The existing process for New Town Zoning goes through the Preliminary Development Plan, Comprehensive Sketch Plan, Final Development Plan, and the Site Development Plan. This was acceptable when Columbia was being developed, but it needs modification to better serve the redevelopment of Columbia. Almost all land in Columbia is under a Final Development Plan. So the focus should be on the process to change an Final Development Plan. All changes to an existing Comprehensive Sketch Plan, Final Development Plan, or Site Development Plan must be submitted to the New Town Zoning gatekeeper. Appropriate notification must be given to any Village within a 1 mile radius of the property to which the change applies. Better public notification is a must. No change to a Comprehensive Sketch Plan should be allowed without a change to a Final Development Plan under that Comprehensive Sketch Plan.

A proposed change to a Final Development Plan or Site Development Plan must be submitted by the property owner to the New Town Zoning gatekeeper. Only property owners can request changes to Final Development Plans/Site Development Plans. Appropriate notification must be given to any Village within a 1 mile radius of the property to which the change applies. Any Village within a 1 mile radius of the property to which the change applies can request that the petitioner attend a public meeting hosted by the Village or Villages to discuss the change proposal. If requested, the petitioner must attend such meeting. No further action by either the New Town Zoning gatekeeper or the Department of Planning & Zoning will occur until proof is submitted that the requested meeting was held. Changes to a Final Development Plan and Site Development Plan for the same property can be combined into one submission. Any changes will be evaluated against the Columbia New Town Vision. Should the change request be of the type which would require approval from the Department of Planning & Zoning (such as Subdivision plans), then the submission for the change must include the same information or documentation which would be required by the Department of Planning & Zoning. The property owner will bear the burden of any costs associated with this submittal.

A pre-subdivision meeting must be held for any subdivision change request. The pre-subdivision meeting must be in held in a Village within a 1 mile radius of the property to which the change would apply. Appropriate notice of the meeting must be given to all Villages within a 1 mile radius of the property to which the change applies. If the New Town Zoning gatekeeper believes that the change is in the best interests of Columbia, then it will submit the change, on behalf of the property owner, to the Planning Board for approval. The property owner will bear the burden of any costs associated with this submittal.

# Issue #4

## *Who Can Challenge?*

ISSUE: Who should have the ability to challenge New Town Zoning decisions? Right now challenging zoning decisions is difficult. Many times citizens must band together to challenge zoning decisions. Columbia Villages represent the local community. Should Columbia Villages be able to challenge New Town Zoning decisions and changes?

PRO: The ability to challenge decisions is a fundamental check on power. The power residing within zoning has a major impact on people in the community to which a zoning change is being contemplated. There must be a check on this power. Right now it is very difficult to challenge zoning decisions. Look at the recent court cases. People in the community should have the right to challenge zoning decisions which they perceive to be detrimental to their interests.

CON: Currently, only people who can show that they are especially aggrieved and participated in the zoning case have the ability to challenge a zoning decision. This should remain the standard. Only those individuals who can demonstrate a serious problem with a zoning decision should be able to challenge the decision. People have a right to use their property without having to please every one of their neighbors. People don't like change even when it is in the best interest of the entire county. The interest of the county and the state should outweigh the interests of a local community. The current zoning process gives people an opportunity to express their views on a zoning case. Once the decision is made, only especially aggrieved people who participated in the zoning case should be able to challenge the decision.

Task Force Recommendation: Give each Columbia Village the ability to challenge New Town Zoning decisions and changes.

Rationale: The ability to challenge is a very important concept in zoning. Recent court cases show how important this ability is. Some court cases never get to the stage where one can argue over the merits or demerits of a particular zoning decision. Instead time and effort is spent on determining whether one has the right to challenge the zoning decision. Yet zoning decisions have a major impact on the local community. The New Town Zoning regulations should be changed to give each Columbia Village the ability to challenge zoning/planning board decisions related to the Columbia New Town Zoning district. Villages should be given this right as their primary purpose is to represent residents. The local community needs to be heard. The local community is more than just the people living adjacent to the property. Changes can have a ripple impact. For Columbia, the local community is represented by the Village. Perhaps, if developers understood that they could no longer use the requirement on who can challenge zoning decisions to push aside community interests, then the developers would try much harder to involve the local community and arrive at a mutually acceptable position regarding a proposed zoning change.

# Issue #5

## *Out parcels and Adjacent Parcels?*

ISSUE: There are many out parcels within the boundaries of the Columbia New Town Zoning district. There is also land bordering Columbia, call these parcels adjacent parcels. Out parcels and adjacent parcels have standard zoning, but a zoning change to an out parcel or adjacent parcel does affect Columbia. At a minimum, should owners of out parcels and adjacent parcels be required to meet with the local Columbia community to explain the proposed zoning change?

PRO: Columbia has a master vision for its future. What occurs on out parcels and adjacent parcels can have a major impact on Columbia's vision. At a minimum, owners of such parcels should be required to meet beforehand with the local Village to explain what is being proposed. The local Village could then decide what action, if any, to pursue.

CON: The zoning process requires notification of certain proposed zoning changes. If a village is interested, it should follow the appropriate web sites or notices to determine if any changes are being proposed to out parcels or adjacent parcels. The Villages can then testify at the appropriate hearing.

Task Force Recommendation: Owners of out parcels and adjacent parcels should be required to notify and meet with Villages within a 1 mile radius of the property subject to the zoning change.

Rationale: There are many out parcels within the boundaries of Columbia. Since we are considering changes to New Town zoning, we should also address out parcels as well as adjacent parcels bordering the Columbia New Town Zoning district. Out parcels and adjacent parcels have standard zoning, but a change to an out parcel or adjacent parcel does impact Columbia. The Villages, as representing the local community, need to be aware of proposed zoning changes. There should be some rules placed upon out parcels and adjacent parcels in terms of requiring a petitioner with a significant change to meet with Villages within a 1 mile radius of the property subject to the zoning change. This is particularly true in terms of re-zoning requests and pre-subdivision meetings. Villages are ideal places to hold county-required pre-subdivision meetings as they have space, they conduct open meetings, and they can communicate with residents. Every petitioner should also be required to formally notify any Village within a 1 mile radius of the petitioner's property of the proposed change.

Meetings can head off problems. Meetings at least allow interested parties to see what is being planned or proposed. Meetings should also be required if a significant change has been made to a proposal already presented to the Village. Mandatory meetings enforce the sense of openness in the overall zoning process. It gives citizens confidence that someone isn't trying to slip something by. When Columbia was being developed, HRD required developers (even though they didn't always want to) to meet with the local Village to explain their proposal. This actually worked very well. The local community could find out what was being planned. Since the developers knew they had to meet with the local community, they carefully considered how their proposals would be received by the local community. Many times, small changes were made in the proposals which made them acceptable to the local community. It actually was a win-win situation for both developers and citizens. Sometimes openness works.

# Issue #6

## *The New Town Zoning District Gatekeeper?*

ISSUE: One of the main features of New Town Zoning district is that of a gatekeeper or controlling authority. The idea behind the gatekeeper concept was to insure that development of all of Columbia was planned in advance, that the actual development met the vision/plan, that all requirements of New Town Zoning were met, and that any changes would be compatible with the vision/plan. The gatekeeper role was assigned to Columbia's developer HRD, now GGP. It made sense that the developer should be the gatekeeper as Columbia was developed. After all it was Jim Rouse, through HRD, who created the Columbia vision/plan and convinced Howard County to accept the Columbia vision. Now that Columbia is almost fully developed, should HRD/GGP remain as the "gatekeeper" for the New Town Zoning district in Columbia?

PRO: HRD/GGP has done a good job in being the gatekeeper. Look at how well Columbia has developed. They have the resources to fulfill the gatekeeper role. The gatekeeper function is crucial to the success of New Town Zoning. Who has the expertise to handle this function? Why risk an unknown entity? Would another entity do any better of a job than HRD/GGP has done?

CON: HRD/GGP should not continue in the role of gatekeeper. HRD/GGP is a private, for-profit corporation which has developed Columbia. But development is almost done. HRD/GGP no longer owns all the land in Columbia. The gatekeeper function is very important to New Town Zoning and should be beholden to the residents of Columbia and not HRD/GGP.

Task Force Recommendation: The gatekeeper role should be retained, but the Columbia community should have more input/control.

Rationale: The gatekeeper concept is a good idea. It is one of the key ideas in New Town Zoning. It is crucial to the success of New Town Zoning. A gatekeeper can insure that changes, particularly in regard to Final Development Plans (FDP), are compatible with the Columbia vision/plan, the local neighborhood, and residents' desires. Change is necessary, but change should be planned and fit into a vision of a Columbia for the future. The primary role of the gatekeeper should be to insure that there is a vision/plan of Columbia for the future and that changes/development/redevelopment match that vision/plan.

The original developer has done a good job, but Columbia's future focus is redevelopment and not development. At the beginning of Columbia, the original developer owned all the land. It made sense for HRD/GGP (the original developer) to be the gatekeeper. Now, 40 years later, the original developer owns less than 5% of the land. The largest landowner in Columbia is the Columbia Association (CA). Does it make sense for the original developer (HRD/GGP) to continue in the role of gatekeeper?

We can not assume that HRD/GGP will be around for the next 40 years or that they will continue to be as interested in Columbia as they were in the past. The Columbia portion of GGP could be sold. There could be a takeover of GGP by another company. A shift in corporate philosophy could occur which would lessen GGP interest in Columbia. Why should the role of gatekeeper continue to reside with a for-profit corporation? Why shouldn't the residents of Columbia have a say in the gatekeeper function?

New Town Zoning is structured to have only the gatekeeper submit proposals to the Planning Board and Zoning Board. The gatekeeper has no zoning authority; it can't approve anything. Its power lies in the ability to say no. If the gatekeeper doesn't agree to submit the proposal, it can't happen. The gatekeeper has a plan/vision and won't submit any proposal which does not conform to the plan. It isn't denying anything, it's just refusing to submit a proposal.

It is true that ultimately, the Zoning Board makes the final decisions on changes to New Town zoning. But the Zoning Board can't realistically function as the gatekeeper. Their role is really that of overseer. The Zoning Board focus is Howard County and not just Columbia. More Columbia community involvement in the gatekeeper is needed. The gatekeeper should operate in a more publicly assessable manner.

# Keeping Columbia as a Planned Community

**April 2007**

From the very beginning of its existence, Columbia has been a planned community. It is a very successful planned community. New Town Zoning has been a key element in allowing Columbia to be planned. Although Columbia is almost at full build out, planning does not stop. Columbia faces redevelopment in the future and this also requires planning. For planning under New Town Zoning to be successful, two things are required: a plan and a method of enforcing adherence to the plan. If you don't have a plan, then how do you know what is to be achieved? If you don't have a method to enforce adherence to the plan, how can you achieve the plan? New Town Zoning has both. It required a plan to be created and it provided a method of enforcing adherence to the plan (the gatekeeper). These two things go together.

For New Town Zoning to continue and be successful in guiding Columbia forward into the future, an update master plan and a gatekeeper are needed. Right now both the master plan and the gatekeeper role are handled by HRD/GGP. This has worked as Columbia was being developed. However, the current situation does not allow the Columbia community adequate input or oversight of the master plan and gatekeeper role. The Columbia community, through some organization, needs to take responsibility for producing an updated master vision and for handling the gatekeeper function.

1. A Columbia New Town Vision is needed, an updated master plan to guide Columbia development and redevelopment. It has to be Columbia-wide to preserve the unity of Columbia. This is not a trivial task.
2. Howard County, CA, and the Villages all have to be involved. Howard County has a vested interested in the success of Columbia and insuring that the master plan is compatible with the Howard County General Plan. CA has Columbia-wide interests and is the largest land owner in Columbia. The Villages represent the residents. Villages are the tool envisioned by Mr. Rouse to have Columbia residents assume responsibility for their community.
3. Resident input and oversight of the updated master plan and gatekeeper are crucial.
4. Someone (some organization) has to be responsible for the updated master plan and the gatekeeper. It cannot be done on an ad hoc basis. That someone has to be able to make decisions for Columbia as a whole. But that someone doesn't have to do everything. Responsibilities can be assigned to different organizations.
5. Producing a master vision and performing the gatekeeper role will cost money. Even through volunteers will be needed, day-to-day activities involving the gatekeeper role and the master vision will have to be handled by a paid staff. At times, zoning can be contentious and at some point a legal disagreement will occur. How will the lawyers be paid?

Columbia faces some serious issues which need to be addressed (examples: the fate of village centers, affordable housing, mixed use development). These issues should be addressed through the updated master plan. The Columbia New Town Vision, the updated master plan, is more than just the Preliminary Development Plan. An example is gas stations. In Columbia, one does not see gas stations located near each other. They are scattered through out Columbia and no two gas stations are adjacent to each other. This did not just happen. It was planned. It is part of the overall plan for Columbia. The work which has come out of the Downtown process is an example of what should be included in the updated master plan. Work on an updated master plan needs to begin as soon a possible and the Columbia community must be involved. The Columbia community does respond; look at all the people who participated in the Downtown process and in the development of the Oakland Mills revitalization effort. There are five areas which need to be addressed in the updated master plan. Others will certainly occur in the future.

1. Building heights - what should the skyline of Columbia look like; should it match Washington DC which has a height limit or should it look like New York City with a mixture of building heights?
2. Affordable housing - how to implement affordable housing into the Columbia New Town Vision and insure that it occurs Columbia-wide;
3. Density - what is an appropriate increase in density and how should a density increase (if appropriate) be implemented within the Columbia New Town Vision;
4. Mixed use development - how should the concept of a mixed use development be implemented within the Columbia New Town Vision; and
5. Village centers - how should village centers be re-developed; what is the role of village centers for the future.

The gatekeeper enforces adherence to the master plan. It is a very important role in New Town Zoning and in ensuring that Columbia remains a planned community. The gatekeeper needs to be more open and accessible to the Columbia community. It needs to be somewhat quasi-public in nature and answerable to the residents of Columbia (just like the Villages in Columbia). The gatekeeper should be required to

a. Hold public meetings;
b. Prepare and distribute agendas for public meetings to all 10 Villages, CA, and the Department of Planning & Zoning;
c. Maintain a database accessible to the public of all proposals submitted;
d. Allow public (including Columbia residents, Columbia property owners, CA, or a Village) input, testimony, and questions at meetings;
e. Prepare and distribute (to the Villages, CA, and the Department of Planning & Zoning) quarterly reports listing activities and actions; and
f. Vote only at public meetings.

The task force considered the idea of not having a gatekeeper, however it was rejected. The gatekeeper is viewed as the method to enforce adherence to the master plan. If you don't have a gatekeeper (i.e., if there is no enforcement mechanism), there why bother producing a plan? Why spend all this time and effort to develop an updated master plan, if there is no mechanism to require adherence to the plan? Columbia is successful because it had both a plan and an enforcement mechanism. Both are needed for future success. An enforcement mechanism and a gatekeeper are one and the same. No gatekeeper means no enforcement mechanism.

Consider some important attributes of a potential gatekeeper.

1. The gatekeeper has to be a permanent organization.
2. The gatekeeper has to be able to make decisions.
3. The gatekeeper has to operate independently.
4. The gatekeeper has to operate in an open, fair, impartial, and trustworthy manner.
5. The gatekeeper has to be answerable to the Columbia community.
6. The gatekeeper has to have its focus on all of Columbia.

The gatekeeper role is crucial. But how should it be modified to meet the requirements of the Columbia community? After considerable thought, the task force proposes three options.

Option 1: Work with GGP to add Columbia community involvement in the existing gatekeeper.

Option 2: Turn over the gatekeeper role to the ten Columbia Villages.

Option 3: Create a new gatekeeper.

Option 3 involves the creation of a new gatekeeper. Only the County could change the gatekeeper from GGP to another organization. It is not clear that the County would agree to make this change. GGP could oppose it. The new gatekeeper must oversee the updating of the master plan for Columbia, must itself adhere to the updated master plan, and must force all development to adhere to the updated master plan. The new gatekeeper would have to charge a fee for providing its services. There are several alternatives under this option.

A. The new gatekeeper could be a public board or agency;
B. The new gatekeeper could be an organization of all the Villages; or
C. The new gatekeeper could be a hybrid entity.

Each of these options and alternatives has advantages and disadvantages which are discussed in the following pages.

## Option 1: Work with GGP to add Columbia community involvement in the existing gatekeeper.

PRO: Option 1 would be the most straight forward one to implement. GGP already has the gatekeeper role. But it would depend upon the cooperation of GGP. This option could be implemented just with GGP concurrence

CON: Implementing this option would require the agreement of GGP. Would GGP be willing to share the gatekeeper role with the Columbia community and eventually allow the Columbia community to control the gatekeeper? Can an equitable sharing relationship be created, one that would meet the needs of both parties?

## Option 2: The gatekeeper as the individual Villages

PRO: Option 2 would treat the gatekeeper function just like the architectural covenants. Each Village oversees the enforcement of the architectural covenants. The Villages would assume a new responsibility, that of the enforcement mechanism (the gatekeeper). Each Village already has a role in covenant enforcement, which goes hand-in-hand with the vision of Columbia and with New Town Zoning. Each Village has a "vision" of itself and uses the covenants to enforce that vision. Each Village deals with "zoning" issues. Each Village has staff, newsletters/residential contact, and meeting places. Note that the individual Villages represent their residents. Finally, each Village, by its mission, seeks to provide for the welfare of Columbia residents and property owners. Each Village has a stake in preserving the vision of Columbia and guiding its future.

CON: This would be a major commitment for each Village. It will not be easy to do. Would the Villages be willing to assume this role? How will the Villages pay for their gatekeeper role? Covenant enforcement costs money and so would the gatekeeper function. The Villages would have to charge fees for providing this service. With each Village being a gatekeeper, there will be no unifying vision across all of Columbia. Would the Villages act in a unified manner in order to preserve the unity of New Town Zoning? What about all the property in Columbia which doesn't fall within a village? Who gets to be the gatekeeper for the industrial parks in Columbia? How do you handle the situation where what one Village desires has a negative impact on other Villages? How will Columbia-wide issues be handled? Would GGP or the County be willing to have the Villages assume this role? Implementing this option would require the agreement of the County and possibly GGP.

## Option 3A: The gatekeeper as a Public Board or Agency.

PRO: The gatekeeper could be a public board or agency just like the Planning Board, the Appeals Board, or the Board of Health. Certainly the county has the capability to provide the resources needed to adequately support to the gatekeeper (staff, supplies, legal counsel, office space). The County Executive could nominate citizens to serve on the gatekeeper and the County Council could approve citizens to sit on the gatekeeper. All the resources of the County, and in particular, the Department of Planning & Zoning would be available to the gatekeeper.

CON: The County's role in New Town Zoning was that of overseer. Planning and the gatekeeper role were given to the HRD/GGP, a private organization. If the gatekeeper is a county board, then the county role significantly changes. The county basically assumes total control over New Town Zoning. What about resident input and control of the gatekeeper? One would simply be exchanging a county board for a private developer. How much realistic control would the Columbia community have over a county board? New Town Zoning was in essence a partnership between a public organization (Howard County) and a private organization (HRD/GGP). That partnership should continue and the gatekeeper should be a private organization the Villages. If the County would create the gatekeeper, would other areas of the County (like Elkridge or Ellicott City) also demand a similar gatekeeper?

## Option 3B: The gatekeeper as an organization of all the Villages

PRO: Villages are those strange hybrid entities; which stand between a truly private corporation and a truly public corporation. Villages are private corporations controlled by Columbia residents and property owners. A Village Board of Directors is elected by the residents and property owners and is answerable to them. Villages were created by Mr. Rouse to represent the residents and property owners. Villages are the tool envisioned by Mr. Rouse to have Columbia residents assume responsibility for their community. The gatekeeper would be an organization created and controlled by the Villages which are in turn controlled by the residents and property owners. With 10 Villages, no one part of Columbia would dominate the gatekeeper. Another reason to involve the Villages is that the Villages already do some of this work via the covenants. Each Village already has a role in covenant enforcement, which goes hand-in-hand with the vision of Columbia and with New Town Zoning. Each Village has a "vision" of itself and uses the covenants to enforce that vision. They already deal with "zoning" issues. The Villages have staff, newsletters/residential contact, and meeting places, which could support the gatekeeper. Finally, the Villages, by their very mission, seek to provide for the welfare of Columbia residents and property owners. They have a stake in preserving the vision of Columbia and guiding its future.

CON: Are the Villages capable of coming together and creating the gatekeeper? Funding would be a major concern. The Villages rely on CA for most of their funding. The Villages would have to charge a fee for providing the gatekeeper services. But would that raise enough funds to operate the gatekeeper?

## Option 3C: The gatekeeper as a hybrid organization

PRO: Each of the solutions previously mentioned have pros and cons. None, by itself seems to be the appropriate solution. What about a combination? Perhaps a hybrid organization could have most of the positives while avoiding some of the negatives.

CON: Can it be done? It would take a concerted effort by all parties involved to create the hybrid organization. What would a hybrid organization look like?

An Example of a Potential Hybrid Organization: The gatekeeper would be a non-profit private corporation chartered by CA and the 10 Villages. The Commission would have 5 members, one member selected by CA, two members selected by five Villages (DS, KC, LR, OM, and OB), and 2 members selected by the other five Villages (HC, HR, RH, TC, and WL). This would give the gatekeeper its independence. Each member would have a five year term of office. A method for removal of members which would involve all the Villages and CA would be included in the gatekeeper's charter. Funding, office space, and other services would be provided by CA. The County could also help fund the gatekeeper and insure that the Department of Planning & Zoning works closely with the gatekeeper. Both CA and the Villages would have to agree to work with the gatekeeper. Villages must agree to provide meeting space for the gatekeeper and allow use of their communication sources to allow the gatekeeper to inform the Columbia community. This is only one example of a hybrid organization. There are other ways to form a hybrid organization.

# Conclusion

Keeping Columbia a planned community requires an effort by the Columbia community. New Town Zoning is one important tool in this planning effort. The Columbia community needs to give serious thought and discussion to the Columbia New Town Vision and the gatekeeper role. How does the Columbia community want to handle the gatekeeper role and how does it want to produce the updated master plan?

The task force believes that more discussion involving the Columbia community is needed. The Columbia community needs to **discuss** and **decide** this important issue. Once a direction has been chosen, then the task force can study and report on how to best implement the decision.

Once the Columbia community settles on a solution to the gatekeeper question, there still is a lot of work to be done. There is a big difference between concept and reality. Many details would have to be decided and implemented. Legal issues would have to be explored. The task force hopes that once the Columbia community decides upon a solution that Howard County, CA and the Villages together work together to make the concept a reality!

One last thought; if a new organization (be it county, Villages, or some hybrid) does get created to handle the gatekeeper function, the task force suggests that this organization be called the Columbia Planning Commission. The name is symbolic.

a. *Columbia* Planning Commission - its focus is Columbia, not a Village, not the county.

b. Columbia *Planning* Commission - its purpose is planning; ensuring that Columbia remains a "planned" community and is prepared for the future.

c. Columbia Planning *Commission* - it is a permanent organization, not a committee, not a task force.

Forty years ago James Rouse had a vision; a vision of a planned community. That planned community now exists and must plan for the future. New Town Zoning was a key tool used by James Rouse to develop his vision into a reality. The Columbia community now needs to use the New Town Zoning tool to plan and direct its future. New Town Zoning worked for James Rouse and New Town Zoning can work for the Columbia community if we so chose.