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TECHNICAL STAFF REPORT

November 13, 2008

*Planning Board Hearing of December 11, 2008
County Council Hearing to be scheduled*

Case No. /Petitioner: ZRA 113 with an addendum to the 2000 General Plan related to the revitalization of Downtown Columbia / submitted by the Honorable Mary Kay Sigaty at the request of General Growth Properties, Inc.

Location: Fourth Election District

Area roughly bounded by the western shore of Lake Kittamaqundi along the east, Broken Land Parkway along the south, southwest and west, the western perimeter of Columbia Mall along the west and portions of Governor Warfield Parkway and Wilde Lake tributary along the north.

Area of Site: 364 acres

Zoning: New Town

Department of Planning & Zoning Recommendation:

Approval, with Revisions

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INTRODUCTION

The Technical Staff Report comprises Howard County Government's response to Zoning Regulation Amendment 113 and the associated addendum to the *General Plan 2000* submitted by the Honorable Mary Kay Sigaty at the request of General Growth Properties, Inc. (GGP). This report provides guidance to citizens, the Planning Board, and the County Council as they review GGP's proposal. It is another key step in the community-wide master planning process for the future of Downtown Columbia, an effort that began with the October 2005 Charrette.

The TSR recommends approval of GGP's proposal with numerous suggested revisions detailed in this document and recognizes that further refinements are expected and necessary before final approval by the County Council.

The foundation of the Technical Staff Report's critical review of GGP's proposed GPA and ZRA is the *Downtown Columbia – A Community Vision* (DCCV) framework document published last year. The DCCV established a shared vision for Downtown based on several years of formal and informal community dialogue, and GGP's proposal sought to translate that vision into a master plan. This report evaluates GGP's proposal and offers numerous suggestions, to achieve greater conformity with the community's vision. Specifically, this report evaluates GGP's proposals for traffic and other infrastructure improvements, community amenities, environmental sustainability goals, development phasing and other features.

There is widespread agreement that phased development with clear benchmarks is necessary to ensure orderly development that enhances rather than overwhelms Downtown and the broader community. Therefore, this report recommends a phased approach to approval of development rights based on clear, enforceable standards and benchmarks. This approach would allow as a possibility the proposed 30-year development program, but since this timeframe presents many unknowns, it is unclear at present if such development levels actually can be accomplished in Downtown. Accordingly, this report recommends dividing the development program into several shorter-term phases that would restrict additional development unless specified benchmarks for a particular phase are achieved. Among the recommended benchmarks are the timely delivery of cultural and other community amenities, fulfillment of environmental, affordable housing and traffic mitigation goals, and completion of designated infrastructure improvements. Critical oversight of the Downtown development process over the coming decades with identifiable goals and standards is essential to achieving the community's complete vision for Downtown Columbia.

Howard County's Department of Planning and Zoning prepares Technical Staff Reports for each proposed General Plan Amendment and Zoning Regulation Amendment. Because of the complexity of GGP's submittal, this document is a composite Technical Staff Report that is divided into three sections. First, there is a review of the proposed GPA using the DCCV as a framework that makes recommendations at the end of each vision theme. Second, the ZRA staff report evaluates GGP's proposal and recommends specific revisions. Third, the Appendices provide a summary review of supplemental documents that address various implementation mechanisms to be considered via future action, such as legislation or formalization of partnerships.

Summary of Proposal

The overarching vision described in the package is of a sustainable, diverse, pedestrian-friendly, mixed-use downtown. Also included are descriptions of a new concept for a workforce housing strategy, multi-modal transportation, five distinct neighborhoods, green technology recommendations, environmental restoration

plans, proposed cultural facilities and programs, and public and private financing approaches in support of these concepts. The proposal is divided into three overall phases and calls for a variety of funding strategies that are often similar to Columbia's original covenant-based funding and oversight system. The package proposes a potential for new development up to 5,500 new dwelling units, 1.25 million square feet of new retail, 5 million square feet of new office uses, 1,000 new hotel rooms and a variety of new community and cultural uses to be constructed in Downtown over the next 30 years.

The package includes a traffic study that recommends construction of seven new streets or street connections, widening of four street segments, improvements to three existing intersections and construction of a new, full-movement interchange with Route 29 to replace the South Entrance Road access break. The study recommends amending the Adequate Public Facility regulations (APF) to replace the current exemption for constrained Downtown intersections with a new Downtown level-of-service standard that includes pedestrian improvements.

In addition to the General Plan amendment and Zoning Regulation Amendment, the submission includes the following supplemental documents: proposed Adequate Public Facilities (APF) amendment, proposed Design Guidelines, Generalized Traffic Study with Appendix, proposed Sustainability Framework, Merriweather and Crescent Environmental Enhancement Study, and Best Management Practices for Symphony Stream and Lake Kittamaqundi Watersheds. These supplemental documents are reviewed under the Appendices.

Evaluation of Proposal

The proposal sets forth a new vision for Downtown Columbia (referred to as Columbia Town Center in the GPA) that is artfully described and illustrated in the 835 pages of documentation submitted in the package. The supplemental documents such as the draft APF amendment and Design Guidelines mentioned above help shape the strategy for implementation of the plan.

GGP has made a substantial effort to respond to the County's vision framework, expending considerable time and funds on the services of high-quality consultants in preparing an interesting and innovative proposal. In addition, GGP is proposing to contribute \$5,000,000 towards the creation of affordable housing in Downtown and also to substantially renovate Merriweather Post Pavilion with the goal of donating it to the community in the future.

The DCCV envisioned a GPA proposal that would include financial information to show how proposed levels of new development would support specific amenities and also specific required infrastructure. The proposal does not explain how the new development relates financially to amenities and infrastructure that may be needed. Funding concepts are introduced without demonstrating whether they are sufficient to provide for the kinds of physical improvements illustrated in the GPA. Downtown levels of development program, amenities and infrastructure require sophisticated management. A series of private associations are proposed to oversee and manage specific processes, but they are not analyzed to determine if revenues from proposed funding mechanisms are adequate to support these organizations. It may also be preferable to develop an alternate proposal with fewer new groups or to utilize existing community resources.

The DCCV called for preservation and enhancement of Symphony Woods which deserves special design and conservation measures. The plan discusses locating major arts, cultural and community facilities in Symphony Woods and could include a number of multi-story buildings and underground parking garages. Alternative facility locations and replacement of lost parkland should be addressed.

The DCCV described a phasing plan which would include specific projects, their timing, responsible parties and funding sources. The proposal does include a phasing plan, but it is not specific enough to be measurable and enforceable.

The plan proposes an innovative affordable housing financing strategy. However, the affordable housing strategy seems insufficiently empowered to require compliance with targets and goals. Affordable housing strategies must be enforceable; therefore, minimum standards are recommended in the zoning regulations.

The DCCV recommended a role for the County's newly formed Design Advisory Panel in reviewing Downtown development proposals. Although the proposal did include Design Guidelines, no mention of Design Advisory Panel review was included.

Numerous formal partnerships with a variety of public and private organizations would be required to realize fully the vision set forth in the package. GGP is expected to spearhead the formation of these partnerships and to work in good faith to ensure support from all affected organizations.

Some elements of the plan are not coordinated among the various components of the submission package. For example, new construction materials and approaches suggested in the Sustainability Framework, as well as height limits and numbers associated with the intensity of the development program are not mentioned in the Design Guidelines.

Howard County has a unique opportunity to weave together all the essential elements of a downtown that it has long deserved. GGP's proposal is a bold and ambitious attempt to implement the vision described in the DCCV. Although there are areas where the proposal should be strengthened, it clearly reflects the substantial investment of time, effort and resources which GGP has already committed to preparing for Downtown Columbia's future. This significant milestone in the planning process for Downtown will help focus the public dialogue on further clarifying the shared vision for Columbia's future. Through continued review and refinement by citizens, the Planning Board and ultimately the County Council, the final master plan and zoning will ensure that the Downtown envisioned will be the Downtown that is achieved.

Adoption of the General Plan and Zoning Amendments – Opportunities for Public Input

This staff report will be presented to the Planning Board and the public at a public hearing that begins at 7 p.m. on December 11, 2008 at The Bain Center, 5470 Ruth Keeton Way, Columbia, Maryland. The Planning Board will also hear a presentation by GGP that evening.

Public testimony will begin on January 8, 2009, at 6 p.m. at The Bain Center, 5470 Ruth Keeton Way, Columbia, Maryland. Additional nights will be scheduled as needed. Citizens may also submit written testimony to the Planning Board by email (PlanningBoard@howardcountymd.gov) or mail (c/o the Department of Planning and Zoning, 3430 Courthouse Drive, Ellicott City, MD 21043).

After closing the public hearings, the Planning Board will prepare and submit its recommendations on both the General Plan and Zoning Regulation Amendments to the County Council. The Council will file separate Council bills for the General Plan and Zoning Regulation Amendments, and will hold public hearings on both prior to taking action on the legislation.

PROPOSED GENERAL PLAN AMENDMENT

The following sections summarize a comparison of the County’s vision framework, *Downtown Columbia – A Community Vision (DCCV)*, with the proposed *General Plan Amendment*. Comments with ✓ denote responses to the DCCV. Comments with + denote areas in need of further clarification, additional evaluation or revision. Staff recommendations follow each major theme. At the request of the Planning Board during its meeting of September 25, 2008, this section of the technical staff report is presented in matrix format to more easily compare and evaluate the proposal with the County’s framework.

THEME 1: MAKING A SPECIAL PLACE

| DCCV – VISION STATEMENTS | PROPOSED <i>GENERAL PLAN AMENDMENT</i> |
|---|--|
| <p>1.1 Rouse Vision Continue and enhance Jim Rouse’s vision of Columbia as a thriving, socially responsible and environmentally-friendly place for people of all ages, incomes and backgrounds.</p> | <ul style="list-style-type: none"> ✓ Proposes to design Downtown using all four of Jim Rouse’s goals towards a balanced city that respects the land, provides for all people and makes a profit ✓ Describes a vision where natural areas help shape and give character to the built environment |
| <p>1.2 Symbols Conserve symbols of Columbia’s past found throughout the Downtown area, recognizing that they contribute to the authentic character of Downtown and reinforce its qualities as a special place.</p> | <ul style="list-style-type: none"> ✓ Includes commitment to preserve specified works of public art ✓ Documents existing environment, symbols and values with text and images ✓ Describes potential for artisan-quality fixtures, lighting and benches ✓ Proposes redevelopment to highlight Lake Kittamaqundi and Merriweather Post Pavilion ✓ Recommends raising the design standards for Downtown to create a unique place <p>+ Does not address the preservation of the Rouse Company Headquarters</p> |
| <p>1.3 Districts Shape new development to form well-defined districts within Downtown; orient structures to the street, making them inviting to pedestrians; and establish bulk regulations, including height limits, appropriate to each district’s character.</p> | <ul style="list-style-type: none"> ✓ Describes a vision for five distinct neighborhoods within Downtown ✓ Shows a range of high-quality commercial, residential and natural settings ✓ Proposes unique development and redevelopment ideas for each neighborhood ✓ Proposes multiple, major “green” pedestrian links to connect all neighborhoods <p>+ Height limits described are excessive in some areas</p> <p>+ Permitted uses are described as varying but are uniform in ZRA</p> <p>+ Heights and permitted uses are inconsistent among documents</p> <p>+ Does not include or address the Columbia Mall as part of a neighborhood</p> <p>+ Does not explain how pedestrian link through Mall works outside business hours</p> <p>+ Does not define in text or delineate by map the extent of Lakefront core area</p> <p>+ Does not relate to existing residential areas adjacent to Warfield neighborhood</p> |
| <p>1.4 Commercial Balance Design a variety of Downtown commercial activities that complement the flexible evolution of neighboring Village Centers in Oakland Mills and Wilde Lake, recognizing each center’s identity and role.</p> | <ul style="list-style-type: none"> ✓ Describes positively the nearby village centers to be included for consideration ✓ Contains language and ideas to support village center revitalization efforts ✓ Proposes preserving the existing functions and core concepts of the village centers ✓ Includes specific, measurable recommendations to implement described vision <p>+ Does not address how to support local merchants in Downtown</p> <p>+ Does not evaluate how proposed development and programming in the Downtown would complement rather than compete with the two neighboring village centers</p> |

THEME 1: MAKING A SPECIAL PLACE

| DCCV – VISION STATEMENTS | PROPOSED <i>GENERAL PLAN AMENDMENT</i> |
|---|---|
| <p>1.5 Diverse Housing Provide a full spectrum and diverse mix of housing, ensuring that low-, moderate- and middle-income families have an opportunity to live in Downtown, thus continuing the original vision of Columbia as an inclusive community.</p> | <ul style="list-style-type: none"> ✓ Recommends contribution by GGP and innovative strategies towards affordable housing goals ✓ Recommends affordable housing construction standards with the goal that 10% of all new housing be affordable for families and individuals earning between 80% and 120% of the median income in Howard County ✓ Recommends that 10% of all new housing be affordable for families and individuals earning up to 80% of the median income in Howard County <hr/> <ul style="list-style-type: none"> + Lacks adequate provisions to require and enforce the specific percentages of affordable housing proposed + Does not address integration of units or external appearance of affordable versus market-rate units |
| <p>1.6 Economic Activity Support Downtown’s function as a major financial and economic center for Columbia and for Howard County.</p> | <ul style="list-style-type: none"> ✓ Recognizes Downtown as a major economic center in Howard County ✓ Proposes expanding Downtown’s many assets by adding new mixed uses ✓ Recommends enhancing Columbia Mall as existing, successful, retail component ✓ Proposes additional office and residential uses to create mixed-use environment <hr/> <ul style="list-style-type: none"> + Does not propose specific strategies to attract BRAC and other office tenants |
| <p>1.7 Civic Life Expand civic, community and educational facilities to augment Columbia’s nationally recognized quality of life.</p> | <ul style="list-style-type: none"> ✓ Envisions redevelopment to provide for new public facilities such as a new or renovated Fire Station, Police substation and new “Experience” Library ✓ Recommends expanding community facilities by designing and constructing a new Visitor’s Center, new Columbia Archives and new CA Headquarters ✓ Recognizes potential need for new or expanded educational capacity ✓ Recommends major (½ acre) community gathering spaces for each neighborhood <hr/> <ul style="list-style-type: none"> + Does not provide specific strategies for addressing the proposed improvements + Does not discuss a new Community Center or shuttle services to existing Centers |
| <p>1.8 Arts & Culture Enhance art and cultural offerings, providing new spaces and opportunities for an active arts community and for public art.</p> | <ul style="list-style-type: none"> ✓ Recommends renovation and donation of Merriweather Post Pavilion to the community ✓ Recommends innovative ideas for arts and culture ✓ Recognizes vital importance of key institutions such as Toby’s Dinner Theatre ✓ Envisions expanded roles for existing facilities such as a children’s theatre ✓ Suggests variety of potential cultural facilities, programs and enhancements ✓ Describes including public art and programming throughout the Downtown ✓ Recommends a new concept in The Center for Small Cities <hr/> <ul style="list-style-type: none"> + Does not address a “percent for art” program or alternate approach to supporting public art <p><i>Note:</i> Private covenants would generate a total of \$574,643 by end of 10 years and \$4,870,769 by end of 30 years if all development were built as proposed.</p> |

THEME 1: MAKING A SPECIAL PLACE

| DCCV – VISION STATEMENTS | PROPOSED <i>GENERAL PLAN AMENDMENT</i> |
|--|---|
| <p>1.9 Design Improve the design of Downtown development through flexible design guidelines and a design review panel to ensure that buildings, streets and public spaces will be aesthetically pleasing and contextually appropriate.</p> | <p>✓ Recognizes design as a critical aspect of creating a special and unique place ✓ Provides framework for design guidelines under Supplemental Documents ✓ Discusses neighborhood, site, street, building and amenity space design principles ✓ Includes examples in the document of visually attractive design</p> <hr/> <p>+ Does not include project review by County’s Design Advisory Panel (DAP) + Does not specify mechanism by which Design Guidelines would be publicly adopted + Does not provide for adequate differentiation among the neighborhoods</p> |

Key Recommendations for Making a Special Place

1. The Plan should address a strategy to preserve the former Rouse Company Headquarters.
2. The Plan should coordinate the proposed development program including heights, densities and number of hotel rooms in the General Plan amendment, Zoning Regulation amendment and Supplemental Documents.
3. The Illustrative Plans provided as exhibits should include all of the area covered by the Final Development Plans listed in the Zoning Regulation Amendment.
4. The Plan should provide for design guidelines for the Columbia Mall as part of one or more neighborhoods.
5. The Plan should delineate boundaries for the Lakefront core.
6. The Plan should provide for design guidelines to address how the Warfield neighborhood would provide pedestrian and multi-modal connections and design relationships with the existing residential communities.
7. The Plan should identify strategies to attract and support local merchants within the Downtown and to complement neighborhood retail uses in the nearby, neighboring village centers.
8. The Plan should include a 15-percent MIHU requirement consistent with other comparable zoning districts as well as the proposed 10-percent middle income housing requirement. These requirements should also be included within the Zoning Regulation Amendment and address concerns about external appearance.
9. The Plan should identify a suitable location for a new fire station so that construction may begin as soon as possible.
10. The Plan should include a revised phasing plan that ensures Merriweather Post Pavilion is renovated in the first phase of development in accordance with the General Plan Amendment.
11. The Plan should include a “percent for art” program for private development based on construction costs or an alternative commitment to support public art.
12. The Plan should include a strategy for County Council’s adoption of Downtown-wide design guidelines and review by the County’s Design Advisory Panel (DAP). DAP review and a strategy for the inclusion of more detailed neighborhood design guidelines at the Final Development Plan stage should be described in the Zoning Regulation Amendment.

THEME 2: MOVING AND CONNECTING PEOPLE

| DCCV – VISION STATEMENTS | PROPOSED <i>GENERAL PLAN AMENDMENT</i> |
|---|---|
| <p>2.1 Multimodal System Develop a multimodal transportation system through investment in transit programs and roads that will provide a pedestrian- and bike-friendly environment.</p> | <ul style="list-style-type: none"> ✓ Recommends creation of a Transportation Management Association (TMA) ✓ Recommends creation of a new private covenant-based funding mechanism ✓ Recommends construction of new, grade-separated interchange at Route 29 ✓ Recommends an improved street network with pedestrian improvements ✓ Recommends use of a complete streets model to include all types of users ✓ Provides a Generalized Traffic Study (see review in Appendix B) ✓ Recommends coordinated revisions to APF and Road Design Manual <p>+ Does not provide a bicycle circulation plan for use with complete streets model + Does not cross-reference street classification and street type on street framework + Does not address park-and-ride connections or other options for commuter needs</p> <p><i>Notes:</i> Private covenants would generate total of \$574,643 by end of 10 years and \$4,870,769 by end of 30 years if all development were built as proposed. Road Excise Taxes would generate \$3,388,761 based on Phase I target goals and \$11,683,588 by end of 30 years if all development were built as proposed.</p> |
| <p>2.2 Traffic Mitigate traffic congestion so that vehicles will be able to move smoothly into and around Downtown without impeding pedestrian flow; encourage outside traffic to bypass Downtown.</p> | <ul style="list-style-type: none"> ✓ Recommends removing the constrained facilities designation ✓ Recommends a new level-of-service (LOS) standard in Downtown ✓ Recommends pedestrian impact statements as part of APF traffic studies <p>+ Does not analyze potential traffic diversion onto surrounding roadways + Includes ambitious trip reduction assumptions (see review in Appendix B) + Proposes examining nearby intersections only on a project-by-project basis + Does not identify benchmarks or propose reassessments on a regular basis</p> |
| <p>2.3 Pedestrians Improve pedestrian connections throughout Downtown, to surrounding villages and to nearby destinations to encourage strolling and human interaction.</p> | <ul style="list-style-type: none"> ✓ Describes range of pedestrian improvements consistent with DCCV ✓ Recommends consultation with County’s Commission on Disability Issues <p>+ Does not address pedestrian, bicycle or multi-modal improvements across the existing pedestrian bridge and connecting to Oakland Mills Village Center or the connections to Wilde Lake Village Center</p> |
| <p>2.4 Transit Improve and expand transit service, reinforcing Downtown as the central hub for the local bus system, adding a Downtown shuttle and setting the stage for the possibility of future bus rapid transit and rail mass transit.</p> | <ul style="list-style-type: none"> ✓ Recommends creation of a Transportation Management Association (TMA) ✓ Recommends creation of a new private covenant-based funding mechanism ✓ Recommends a variety of improvements including bicycle facilities, signage, kiosks, bus stops, new transit hub, parking management and shared parking ✓ Proposes that a circulator route and transit vehicle(s) be funded by the TMA ✓ Proposes additional Howard Transit services into and within Downtown <p>+ Does not indicate location of transit hub and/or center on street framework + Does not show potential transit corridors supported by the proposal such as regional bus transit, commuter bus, bus rapid transit, or possible future light rail and/or Metro + Does not address the existing transit right-of-way on the street framework</p> <p><i>Notes:</i> Private covenants would generate total of \$574,643 by end of 10 years and \$4,870,769 by end of 30 years if all development were built as proposed.</p> |

THEME 2: MOVING AND CONNECTING PEOPLE

| DCCV – VISION STATEMENTS | PROPOSED <i>GENERAL PLAN AMENDMENT</i> |
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| <p>2.5 Parking Provide an appropriate level of parking, fostering a park-once approach, substantially reducing or eliminating surface parking lots and integrating well-designed structured parking into Downtown.</p> | <p>✓ Describes the goals of a park-once strategy in terms very similar to DCCV</p> <p>+ Does not discuss alternative mechanisms to be considered other than TIF</p> <p>+ Does not explain how accommodating peak parking demands corresponds with reducing auto trips and increasing multi-modal trips into Downtown</p> <p>+ Does not address how street level retail would relate to a park-once strategy</p> |

Key Recommendations for Moving and Connecting People

1. The Plan should provide for more fully developed bicycle accommodations for a *complete streets* approach.
2. The Plan should cross-reference street types described in the General Plan amendment, design guidelines and roadway classifications in County’s Roads Design Manual on Exhibit H: *Street Framework Diagram*.
3. The Plan should include a timetable for feasibility studies of transit and major transportation improvements.
4. The Plan should address requiring provisions in the *Adequate Public Facilities Act* for regular, five-year reassessments of transportation strategies, their successes or failures, and requiring further mitigation and adjustment of future projections as needed.
5. The Plan should recommend review (at the FDP stage) of proposals for design and funding of pedestrian, bicycle and transit improvements across the existing grade-separated pedestrian overpass at Route 29 and connecting to Oakland Mills Village Center.
6. The Plan should identify a strategy for locating the transit hub and potential transit corridors.
7. The Plan should include alternative strategies to address parking systems in Downtown.
8. The Plan should include specific Design Guidelines for the treatment of garages to include retail in the ground floor levels in order to support a successful park-once approach and improve the pedestrian experience.

THEME 3: SUSTAINING THE ENVIRONMENT

| DCCV – VISION STATEMENTS | PROPOSED <i>GENERAL PLAN AMENDMENT</i> |
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| <p>3.1 Green Technology Include green technology to help build a sustainable environment, incorporating measures to reduce energy consumption and pollution while preserving the environment.</p> | <ul style="list-style-type: none"> ✓ Includes initial research and studies performed by Biohabitats, Inc. ✓ Provides a Sustainability Framework (see review in Appendix E) ✓ Recommends creation of a new private association to oversee implementation ✓ Recommends creation of a new private covenant-based funding mechanism ✓ Acknowledges emergence and importance of green technologies and green building standards with goal to integrate into overall fabric of community ✓ Describes ‘whole community’ model including ease of mobility, energy-efficient buildings, healthy environment and connectivity to natural places ✓ Provides flexible guidelines for energy, water, transportation, green jobs <p>+ Does not strongly encourage developers to exceed the County’s required standards related to green construction and operations</p> <p><i>Note:</i> Private covenants would generate total of \$574,643 by end of 10 years and \$4,870,769 by end of 30 years if all development were built as proposed.</p> |
| <p>3.2 Nature Protect the natural resources and natural beauty of Downtown’s lake, streams and woodlands, forming them into a greenway system.</p> | <ul style="list-style-type: none"> ✓ Notes importance of maintaining and restoring health to natural systems ✓ Includes studies and discussion of riparian corridors and forested areas ✓ Describes design concept of green fingers as preliminary greenway system ✓ Provides a detailed Environmental Study (see review in Appendix F) ✓ Provides BMP: Best Management Practices (see review in Appendix G) ✓ Discusses joint application for Maryland State grant to assist with initial funding <p>+ Does not address corridor between the Lake and Route 29, which connects two wooded areas and is a potential opportunity for ecological enhancement</p> <p>+ Indicates new road and building construction on areas identified as prime forest</p> <p>+ Does not address ongoing maintenance of BMP (see Appendix A, DPW)</p> |
| <p>3.3 Central Park Identify Symphony Woods as Columbia’s “Central Park” area, which deserves special design and conservation measures.</p> | <ul style="list-style-type: none"> ✓ Proposes ambitious reforestation and afforestation for Merriweather and Crescent ✓ Provides a detailed Environmental Study (see review in Appendix F) <p>+ Includes significant reduction of parkland in Symphony Woods</p> <p>+ Does not provide for sufficient preservation of existing trees</p> |
| <p>3.4 Outdoor Spaces Require additional open space and amenity areas so that Downtown will retain the character of a “city in a park” with plazas, greens, promenades, paths, public art, natural areas and street trees.</p> | <ul style="list-style-type: none"> ✓ Recommends continuing Columbia model of providing community spaces ✓ Recommends 18 amenity areas including a wide variety of outdoor plazas, squares, and other framed spaces ✓ Suggests framework of greens, promenades, playgrounds, parks and mews <p>+ Does not clarify whether larger amenity spaces are public or private property</p> <p>+ Does not clarify responsibilities for management</p> <p>+ Does not coordinate Sustainability Framework and Design Guidelines standards</p> <p>+ Does not address the potential for community gardens and local farmers’ markets</p> |

Key Recommendations for Sustaining the Environment

1. The Plan should include strategies for exceeding the County's required standards related to green construction and operations.
2. The Plan should provide a timetable for implementing environmental restoration and storm water management projects described in the Supplemental Documents. Environmental restoration and storm water management projects should be specifically described in the phasing plan and should include formal agreements for ongoing maintenance prior to completion of the phase.
3. The Plan should provide for an acre-to-acre replacement plan of parkland for each acre of Symphony Woods where new buildings are planned; or, the plan should suggest other locations for proposed arts, cultural and community facilities if the Columbia Association does not authorize such facilities on their land.
4. The Plan should discuss distinct (mutually exclusive) definitions and separate requirements for accounting of existing designated open space, new amenity areas and new arts, cultural and community uses and facilities.
5. The Plan should indicate a minimum required amount of total new amenity areas in acres per neighborhood.
6. The Plan should coordinate proposed Design Guidelines and proposed Sustainability Framework to provide for general Green Design Guidelines for all of Downtown Columbia for adoption by the County Council. These Green Design Guidelines could then be used as the basis for devising unique Green Design Guidelines for each neighborhood that could be included in each neighborhood-specific FDP amendment.
7. As the proposed master plan is refined, alternate designs should be pursued to minimize impacts on high-quality forest areas identified in Supplemental Documents.

THEME 4: BALANCING AND PHASING GROWTH

| DCCV – VISION STATEMENTS | PROPOSED <i>GENERAL PLAN AMENDMENT</i> |
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| <p>4.1 General Plan Recognize and implement the <i>General Plan 2000</i> policy to direct growth into Downtown as the largest of the County’s mixed-use centers.</p> | <ul style="list-style-type: none"> ✓ Discusses in detail Policy 5.5 and its related objectives for Downtown Columbia ✓ Recommends roughly ½ - acre community gathering spaces in each neighborhood ✓ Recommends signage plan for way-finding and helping to establish local identity <p>+ Does not address increased needs for County services (see Appendix A)</p> |
| <p>4.2 Phasing Establish targets for commercial and housing development for a balance of land uses and public services. This ensures that development does not place undue burdens on existing residents, infrastructure or service providers.</p> | <ul style="list-style-type: none"> ✓ Recommends pedestrian improvements projects within and into Downtown ✓ Recommends transportation improvements be phased via individual FDP <p>+ Does not address rationale for creation of new management-type associations</p> <p>+ Does not provide a phasing plan with measurable, objective, and enforceable benchmarks including immediate priorities in the first phase</p> <p>+ Does not require that a balance of uses (such as minimum levels of retail, office and residential) be built prior to commencing a subsequent phase</p> <p>+ Does not require benchmarks such as major transportation improvements to be completed prior to commencing a subsequent phase</p> |
| <p>4.3 Monitoring Monitor and evaluate implementation using a formal reporting process that will provide regular opportunity for public discussion and feedback, and that will allow for refinement as needed.</p> | <ul style="list-style-type: none"> ✓ Recommends individual developers submit annual progress reports to DPZ ✓ Recommends use of existing Development Monitoring System per DCCV ✓ Recommends use of existing General Plan Monitoring Report per DCCV <p>+ Does not include requirements for reporting by newly created associations</p> |

Key Recommendations for Balancing and Phasing Growth

1. The phasing plan shall consist of six increments that set maximum levels of new development for each land use category: residential, retail, office and hotel. The phasing plan shall also require minimum levels of development that shall be completed for each land use category before the next phase commences.
2. Each phase shall include a list of infrastructure, restoration and amenity projects to be completed before the next phase can commence. Each project shall be funded, in part or in its entirety, by a financial contribution from the original petitioner. Each phase shall include at least one project from each the following categories:
 - Transit and major transportation improvements not currently required by APF (such as additional lanes or interchange improvements, etc.)
 - **First phase** shall include completion of feasibility studies for all needed major transportation improvements
 - Environmental restoration projects for those watersheds that include the Downtown area
 - Downtown Neighborhood Community Gathering Space (to be included within the first five phases)
 - Arts, Cultural and Community or public/civic facility (Schools, Fire Station, Police sub-station, Library)
 - **First Phase** shall include renovations to Merriweather Post Pavilion as described in the GPA and identification of a location for a new Downtown Fire Station.
3. The Plan shall require each FDP amendment to include tracking of all previous and current phases, to ensure completion of required projects, to provide a comparison of currently completed projects with phasing plan, and provide strategies on how a proposed FDP amendment will implement and comply with current phase.
4. The Plan should include project monitoring in five-year increments with developer reporting, association reporting, and GGP cumulative reporting including the regular five-year re-assessment of traffic analyses.

THEME 5: INVOLVING EVERYONE

| DCCV – VISION STATEMENTS | PROPOSED <i>GENERAL PLAN AMENDMENT</i> |
|--|--|
| <p>5.1 Participation Enhance communication between citizens and County decision-makers through opportunities for public information and public participation, so that citizens are knowledgeable about the planning and development of Downtown and have multiple opportunities for input.</p> | <ul style="list-style-type: none"> ✓ Recounts the many meetings held by GGP as part of their vision series to present GGP’s consultants and their consultants’ plans to the community ✓ Proposes expanded submittals and new criteria for Planning Board review of new Final Development Plan amendments and Site Development Plans ✓ Includes DCCV envisioned pre-submission meeting with Village Board <p>+ Does not require amended FDP to contain at least one entire neighborhood for coordination of street network, infrastructure, open space and amenities</p> |
| <p>5.2 Collaboration Encourage a partnership in planning and implementation, realizing that many of the recommended strategies will depend on collaboration among the County, private property owners, residents, business owners and community organizations.</p> | <ul style="list-style-type: none"> ✓ Recommends creation of new Partnership group to oversee overall redevelopment ✓ Recommends creation of new private associations to oversee implementation <p>+ Does not provide for new associations’ composition, coordination, accountability or provisions for public participation</p> <p>+ Does not analyze or justify the strategies presented as the most effective to achieve the stated goals</p> |

Key Recommendations for Involving Everyone

1. The Plan should clarify that Final Development Plans will address an entire neighborhood at a minimum.
2. The Plan should discuss possible, alternative management strategies for Downtown including an alternative for fewer entities to manage Downtown. Alternative strategies should include an explanation of managing entities composition, public participation procedures, decision-making processes, and enforcement mechanisms.

ADDITIONAL INFORMATION

The following presents further detail on information included in the notes from the matrix above. These figures are based on annual absorption rates submitted by GGP to HCPSS. Calculations and results are in 2008 dollars.

Anticipated Affordable Housing Funding during Phase I

| Year | Dwelling Units | Retail in SF | Office in SF | Hotel in SF | MIHU Fee | GGP | Private Covenants | Covenant Cumulative |
|------------------|----------------|--------------|--------------|-------------|-------------|------|-------------------|---------------------|
| 2011 | 0 | 0 | 0 | 0 | \$0 | \$3M | \$0 | \$0 |
| 2012 | 114 | 80,635 | 93,142 | 268,250 | \$456,000 | \$0 | \$22,101 | \$22,101 |
| 2013 | 114 | 80,635 | 93,142 | 0 | \$456,000 | \$1M | \$8,689 | \$30,790 |
| 2014 | 114 | 80,635 | 93,142 | 0 | \$456,000 | \$0 | \$8,689 | \$39,479 |
| 2015 | 114 | 80,635 | 93,142 | 0 | \$456,000 | \$1M | \$8,689 | \$48,168 |
| 2016 | 164 | 20,000 | 108,142 | 0 | \$656,000 | \$0 | \$6,407 | \$54,575 |
| 2017 | 164 | 20,000 | 108,142 | 0 | \$656,000 | \$0 | \$6,407 | \$60,982 |
| 2018 | 214 | 20,000 | 123,142 | 0 | \$856,000 | \$0 | \$7,157 | \$68,139 |
| 2019 | 214 | 20,000 | 123,142 | 0 | \$856,000 | \$0 | \$7,157 | \$75,296 |
| 2020 | 214 | 40,318 | 123,142 | 0 | \$856,000 | \$0 | \$8,173 | \$83,469 |
| 2021 | 214 | 40,318 | 123,142 | 0 | \$856,000 | \$0 | \$8,173 | \$91,642 |
| Subtotals | 1,640 | 483,176 | 1,081,420 | 268,250 | \$6,560,000 | \$5M | Annual Only | \$574,643 |

Total \$12,134,643

Target Development Levels and Funds Generated by Type in Phase I

| Target Development Levels | | | | | | Funds Generated by Type | | | | |
|---------------------------|----------------|------------------------|--------------|--------------|-------------|-------------------------|-------------|--------------------|----------------------|------------------------|
| Year | Dwelling Units | Housing in square feet | Retail in SF | Office in SF | Hotel in SF | GGP | MIHU Fee | HC Road Excise Tax | HC School Excise Tax | Five Private Covenants |
| 2021 | | | | | | | | | | |
| Totals | 1,640 | 1,968,000 | 483,176 | 1,081,420 | 268,250 | \$5M | \$6,560,000 | \$3,338,763 | \$2,243,520 | \$2,873,214 |

Target Development Levels and Funds Generated by Type in Phase II

| Target Development Levels | | | | | | Funds Generated by Type | | | | |
|---------------------------|----------------|------------------------|--------------|--------------|-------------|-------------------------|-------------|--------------------|----------------------|------------------------|
| Year | Dwelling Units | Housing in square feet | Retail in SF | Office in SF | Hotel in SF | GGP | MIHU Fee | HC Road Excise Tax | HC School Excise Tax | Five Private Covenants |
| 2031 | | | | | | | | | | |
| Totals | 1,966 | 2,359,200 | 323,176 | 1,968,839 | 268,250 | \$0 | \$7,864,000 | \$4,329,219 | \$2,689,488 | \$7,793,643 |

Target Development Levels and Funds Generated by Type in Phase III

| Target Development Levels | | | | | | Funds Generated by Type | | | | |
|---------------------------|----------------|------------------------|--------------|--------------|-------------|-------------------------|-------------|--------------------|----------------------|------------------------|
| Year | Dwelling Units | Housing in square feet | Retail in SF | Office in SF | Hotel in SF | GGP | MIHU Fee | HC Road Excise Tax | HC School Excise Tax | Five Private Covenants |
| 2041 | | | | | | | | | | |
| Totals | 1,894 | 2,272,800 | 201,688 | 3,772,455 | 472,120 | \$0 | \$7,576,000 | \$4,015,606 | \$2,590,992 | \$13,686,989 |

ZONING TECHNICAL STAFF REPORT

I. DESCRIPTION OF PROPOSAL

Request

1. Zoning Regulation Amendments to amend Section 103.A. of the Definitions section to define eight new terms to be associated with certain proposed regulations concerning a new redevelopment and revitalization process for the predominantly Town Center designated area of the NT District (the “Downtown Revitalization Approval Process”).
2. To amend Section 125.A concerning Definitions, Requirements and Restrictions Applicable to NT Districts to revise the Section 125.A.4. maximum density regulations by establishing that the maximum allowable density is a combined total of a set density ratio based on the area of the entire NT District, plus a certain number of proposed dwelling units allowed only in areas eligible for the Downtown Revitalization Approval Process; to amend Section 125.A.5. concerning apartment dwelling limitations; to amend Section 125.A. to revise the Section 125.A.8 land use proportions requirements by establishing an exception for the proposed Downtown Revitalization Approval Process and a clarification on the land use percentage calculation; and to establish a new Section 125.A.9. concerning the regulations for the proposed Downtown Revitalization Approval Process.
3. To amend Section 125.C concerning the Comprehensive Sketch Plan and Final Development Plan processes to make them applicable only to the Comprehensive Sketch plan process.
4. To amend Section 125 by inserting a new Section 125.D. concerning provisions for Final Development Plan approvals that amend associated current regulations in terms of the applicability of these regulations to the Downtown Revitalization Approval Process.
5. To amend Section 125 by inserting a new Section 125.E. concerning new procedures and requirements for the evaluation and approval of Final Development Plans for developments subject to the Downtown Revitalization Approval Process.
6. To amend the current 125.D. concerning Amendments to a Comprehensive Sketch Plan or Final Development Plan so it will become Section 125.F. and will establish a new provision whereby owners of properties that are subject to the Downtown Revitalization Approval Process may propose amendments to existing approved Final Development Plans for new revitalization developments.
7. To amend the current Section 125.E. concerning Site Development Plans so it will become Section 125.G. and will establish; a requirement that all Site Development Plans for developments subject to the Downtown Revitalization Approval Process must be approved by the Planning Board; a provision granting the petitioner the right to withdraw the plan; and approval criteria to be used by the Planning Board in its evaluation of such a Site Development Plan; and to amend the current Section 125.E.3 concerning Minor Projects Not Requiring Planning Board approval so it will become Section 125.G.4 and will add a provision requiring the Department of Planning and Zoning to make a determination on compatibility with existing structures.
8. To amend Section 133.B.4 of the Off-street Parking and Loading Facilities regulations concerning the limitations on providing required parking on lots that are separate from the principal use to establish two exceptions for developments subject to the Downtown Revitalization Approval Process; and to amend Section 133.E concerning Permitted Reductions in Off-street Parking Requirements to establish an option for the calculation of shared parking spaces for developments subject to the Downtown Revitalization Approval Process.

I. DESCRIPTION OF PROPOSAL (continued)

- **The Petitioner proposes a number of significant amendments to the Zoning Regulations which are all related to an associated proposed General Plan Amendment for downtown Columbia entitled “Many Voices – One Vision” plus its supplementary documents (the “Downtown GPA”).**

In combination, the various ZRA 113 amendments intend to create an updated redevelopment and revitalization process for the predominantly Town Center designated area of the NT District, to be known as the Downtown Revitalization Approval Process, as a method of implementing the recommendations of the Downtown GPA. Each of the proposed amendments generally described above are given more detailed explanations below, in the same order.

1. Section 103.A Amendments

- **Eight new terms which are used within the bulk of ZRA 113 would have specific definitions added to the Section 103 Definitions section of the Zoning Regulations. These proposed new terms and definitions are for “Amenity Space”, “Arts, Cultural and Community Use”, “Downtown Columbia”, “Downtown Revitalization”, “Net New”, “Signature Building”, “Significant Community Gathering Space”, and “Student Housing”.**

The proposed definition for Amenity Space specifies examples of the general types of features, items and uses that can be considered to qualify under this special land use designation. This definition provides that improvements to environmental areas can be included as Amenity Space, that such spaces should be public, and that the land use areas of Amenity Spaces are excluded from a calculation of the maximum development limits described in general under the proposed definition of Net New, and more specifically in the proposed Section 125.A.9. Downtown Revitalization regulations.

- **The term Arts, Cultural and Community Use is another broadly defined land use category which could consist of sites for, or actual improvements for, certain types of non-residential and typically non-commercial civil-related uses, with libraries, fire stations, schools, museums, galleries, artistic work, transit facilities, and eating, seating, and gathering areas listed as potential examples. The definition essentially states that any Arts, Cultural and Community Use area may be open, enclosed, publicly owned, privately owned, and may be operated for profit.**
- **Downtown Columbia is a term relating the geographic boundaries of the area subject to the Downtown Revitalization Approval Process (the “Downtown”). These boundaries are expressed in two ways; a list of certain Final Development Plan phases for the general Town Center land use area, and a specific legal metes and bounds description given in an attached Appendix A.**

There is no accompanying plat graphically depicting this legal description so its precise meaning may be somewhat difficult to understand. However, it is presumed that the “Town Center Revitalization District” map in the principal Downtown GPA document, (Exhibit A on Page 72), gives a proper graphic depiction of the entire land area to be characterized by the terms “Downtown Columbia” or “Downtown”.

- **The term Downtown Revitalization is defined as a type of development that would be required in the Downtown after the effective date of ZRA 113 if it is approved (the “Effective Date”), and provides that such development must be in keeping with the NT District regulations and “...must be generally consistent with the recommendations of the Howard County General Plan.”**

Although the term Downtown Revitalization Approval Process is not given a specific definition itself, functionally it denotes all the proposed new Section 125 procedures necessary for achieving any particular Downtown Revitalization project.

I. DESCRIPTION OF PROPOSAL (continued)

1. Section 103.A Amendments (continued)

- **Net New is a term proposed to refer to those quantities of actual development items such as dwellings, rooms and floor area, that are to be allowed to be achieved in Downtown above the baseline totals of the same items as established in all the previously approved Site Development Plans in the Downtown.**
- **Signature Building is a term which appears to be intended to denote a building which due to some significance of its site, its architectural design is to be afforded special or a more unique consideration.**
- **The term Significant Community Gathering Space is defined as an Amenity Space, equal to or greater than 25,000 square feet, that is located outdoors, may be covered in whole or in part, and which would not include the area of any bike paths or sidewalks “...located along its perimeter.”**
- **The term Student Housing is defined as a building or portion thereof which does have individual “sleeping accommodations”, but which may provide cooking and sanitation facilities on either an individual basis or a shared basis.**

2. Section 125.A Amendments

- **The provisions of the current Section 125.A.4 of the NT Regulations are the basis upon which the overall maximum residential density for the entire NT District have been calculated since the first NT Regulations were established in 1965.**

Although these provisions are certainly familiar to many, basically they create a potentially achievable maximum number of dwelling units by multiplying the gross acreage of the entire NT District, regardless of the land use types, by 2.5.

This potential maximum number of dwelling units is as allowed by the zoning itself, but the New Town Preliminary Development Plan (the "NT PDP") has always set a dwelling-units-to-gross-acres factor lower than the zoning-permissible 2.5, and it is this lower NT PDP factor that has been used to calculate available density since the 1960s. Once the maximum available density is set, the available density can then be used in any type of residential project anywhere in the NT District, and the number of dwelling units constructed in that project is then subtracted from the total available density figure.

- **The available density under the current NT PDP is almost used up, although a PDP amendment to increase the available density to the 2.5 dwelling units per gross acres as permitted by the zoning could increase that available density slightly. However, the Downtown GPA envisions a more urban concentration of dwelling units in numbers that would exceed the density amounts that could be gained by such a PDP amendment. Therefore, the Petitioner proposes to amend Section 125.A.4. to accomplish three purposes:**

The proposed amendment would set a new maximum overall residential density for the entire NT District as a total of the number of dwelling units permitted by the longstanding 2.5 dwelling units per gross acres for all NT zoned land, including Downtown land, plus the number of dwelling units proposed in the proposed new Section 125.A.9. for Downtown Revitalization. This maintains the integrity of the residential density calculations for the considerable area outside of the Downtown, while allowing an increase in residential density within the Downtown that is separate from, and not subject to, the standard 2.5 dwelling units per gross acres calculation.

I. DESCRIPTION OF PROPOSAL (continued)

2. Section 125.A Amendments (continued)

The proposed amendment establishes that the maximum number of dwelling units in the Downtown is specified in the new Section 125.A.9.

The proposed amendment adds new text so that the more specific density limitations based on the land use types of low density, medium density, and apartments in subsections 125.A.4.a., b., and c. only apply to NT areas outside of the Downtown, which of course also means that the land within the Downtown is not subject to these limitations.

- **A relatively minor amendment is proposed to Section 125.A.5.b. to specify that in addition to being permitted in areas designated Apartments on a Final Development Plan, attached and semi-attached dwellings may also be permitted in areas designated Downtown Revitalization".**

The amendment then provides that these attached and semi-detached dwellings in the Downtown Revitalization area are subject to the new provisions in the new Section 125.A.9., while such units in areas designated Apartments are subject to the established standard requirements in Subsection 125.A.5.b.(1), (2), and (3).

- **Section 125.A.8. begins with the land use chart which sets the minimum and maximum percentages of the entire NT District land area that can be designated for each of the land use categories for open space, residential uses, commercial uses, industrial uses, and other unspecified uses (the "Land Use Chart"), and then continues with requirements concerning infrastructure and open space issues.**

The Petitioner proposes to amend this section by dividing it up into Subsections 128.A.8.a., b., and c. and then adding text to the new Subsection 128.A.8.a., which would contain the Land Use Chart, that essentially exempts land subject to the new Downtown Revitalization regulations from the chart requirements.

The Petitioner also adds text which specifies that after the Effective Date, the land uses in the Downtown boundaries as shown on the most recently approved NT PDP amendment are still to be used to calculate the land use percentages in the Land Use Chart.

This revision would maintain the integrity of the overall land use percentages as established to date, but would allow development in the Downtown to be realized outside the limitations of the Land Use Chart.

- **Along with the new Section 125.E concerning the proposed new procedures and requirements for the evaluation and approval of Final Development Plans for developments, the proposed new Section 125.A.9 is one of the major amendments proposed in ZRA 113.**

Section 125.A.9 establishes the foundations of the Downtown Revitalization process, setting the applicability of the regulations, the permitted use categories and restrictions for the use of previously designated open space land, the maximum numerical limits of the various types of development, and several provisions for existing developments in the Downtown, concerning the continued use, demolition, and reconstruction rights of such existing developments.

- **Section 125.A.9.a. serves as a basic purpose statement, with its beginning "To implement the recommendations of the General Plan for the Revitalization of Downtown Columbia", and then establishes the requirement that after the Effective Date, any property in the boundaries of Downtown to be approved for development with a new Final Development Plan or a Final Development Plan amendment must comply with the Downtown Revitalization regulations.**

I. DESCRIPTION OF PROPOSAL (continued)

2. Section 125.A Amendments (continued)

It specifies that all such development must be approved with a Final Development Plan or a Final Development Plan amendment, and a Site Development Plan.

- **Section 125.A.9.b. establishes that the permitted uses for developments "...under the Downtown Revitalization Approval Process" are all uses permitted in the POR, B-1, B-2, and SC Districts, and Dwellings, Student Housing and Amenity Space.**

Any permitted use may be located in any area of the Downtown. Multiple uses may be located in a structure, or a structure may have a single use.

- **This section contains a significant provision on the use of existing Open Space designated on a previously recorded Final Development Plan ("Preexisting Open Space"). It provides that, ordinarily, the use of such Preexisting Open Space is strictly limited to Open Space uses or Amenity Space uses and associated infrastructure.**

However, other uses may be permitted if "...an equivalent amount of non-environmentally sensitive Open Space is provided in exchange for the use..." of the Preexisting Open Space.

- **Section 125.A.9.b. concludes by stating that the Final Development Plan or a Final Development Plan amendment approving a Downtown Revitalization development shall "identify" the "...general mix of uses and the applicable bulk requirements..."**
- **Section 125.A.9.c. contains the maximum potentially achievable new development limits within the Downtown, expressed in terms of Net New items.**

To repeat the explanation of Net New, it is a defined term proposed to refer to those quantities of actual development items such as dwellings, rooms and floor area, that are to be allowed to be achieved in Downtown above the existing baseline totals of the same items as established in all the previously approved Site Development Plans in the Downtown.

- **The proposed Net New items amounts are:**

5,500 New New dwellings.
5,000,000 square feet net floor area of Net New commercial office space.
1,000 rooms of Net New hotel and motel rooms.
1,250,000 square feet net floor area of Net New commercial retail space.

- **Section 125.A.9.c. concludes with a statement that the Net New amounts are in addition to the total dwellings and total non-residential floor area approved on Site Development Plans prior to the Effective Date, and also in addition to the improvements specified in the proposed Section 125.A.9.g. (concerning demolition credits for preexisting development) and Section 125.A.9.h. (concerning rights to rebuild following destruction by calamities).**
- **Section 129.A.9.e. would establish that all Amenity Space "...must be provided in accordance with the recommendations of the General Plan." The Downtown GPA refers to five distinct areas of the Downtown (the "Crescent", the "Lakefront", "Merriweather", "Symphony Overlook", and "Warfield") as the "Neighborhoods". This section proposes that each neighborhood "...identified on a Final Development Plan or Final Development Plan amendment..." must include a Significant Community Gathering Space, in addition to other Amenity Space as approved by the Planning Board.**

I. DESCRIPTION OF PROPOSAL (continued)

2. Section 125.A Amendments (continued)

To repeat the explanation of the term Significant Community Gathering Space, it is defined as an Amenity Space, equal to or greater than 25,000 square feet, that is located outdoors, may be covered in whole or in part, and which would not include the area of any bike paths or sidewalks "...located along its perimeter."

Section 125.A.9.d. requires Amenity Space areas and areas of associated infrastructure to be included in a Final Development Plan and requires the fee simple owner of the land upon which the Amenity Space areas and areas of associated infrastructure will be located to sign the Final Development Plan petition.

Section 125.A.9.d. concludes by stating that Amenity Space areas and areas of associated infrastructure may be located within Preexisting Open Space.

- **Section 129.A.9.e. requires that the off-street parking and loading requirements applicable to the Downtown are as specified in the proposed amendment to Section 133 that concerns shared parking in the Downtown Revitalization area.**
- **Section 125.A.9.f. appears to concern properties with existing developments that were approved on a Final Development Plan on or before the Effective Date, and were approved on that Final Development Plan for a specified gross floor area, but have an existing net floor area on or before the Effective Date that is lower than the gross floor area permitted by the approved Final Development Plan ("Preexisting Uncompleted Development").**

This section provides that such Preexisting Uncompleted Developments may continue to be developed and used as authorized by the approved Final Development Plan after the Effective Date, subject to Site Development Plan approval.

This section also declares that such Preexisting Uncompleted Developments are not nonconforming uses, and can be "...constructed, used, maintained and repaired..." in accordance with the approved Final Development Plan.

- **Section 129.A.9.g. provides that any demolition of any existing dwellings or existing non-residential floor area within Downtown after the Effective Date automatically creates a "Demolition Development Credit" equal to the number of dwellings or amount of non-residential floor area that are demolished.**

Such Demolition Development Credits are intended to be applicable for use as additional dwelling units or non-residential floor area for any development in the Downtown after the Effective Date. The section emphasizes that the use of these Demolition Development Credits cannot be limited by any development levels in the Downtown GPA, or by the Net New development amounts of Section 129.A.9.c.

- **Section 129.A.9.h. expresses the rights for and limitations to reconstructing any existing structure in the Downtown if the structure is destroyed by calamity. It states that such reconstruction must be in accordance with the applicable approved Site Development Plan, provided that a building permit is issued within one year of the destruction, and reconstruction begins within 6 months of the building permit approval, and gives the Planning Board the authority to grant extensions.**

Similar to Section 129.A.9.g., the reconstructed development cannot be limited by any development levels in the Downtown GPA, or by the Net New development amounts of Section 129.A.9.c.

I. DESCRIPTION OF PROPOSAL (continued)

3. Section 125.C Amendments

- **As stated above, the minor additions and additions of the amendments to Section 125.C. are only to make this section applicable only to Comprehensive Sketch Plans. This is done because the Petitioner proposes that Downtown Revitalization projects would only be subject to the Final Development Plan and Site Development Plan approval processes.**

The Final Development Plan requirements as applicable to Downtown Revitalization developments are then specified in two new sections;

Section 125.D. which contains existing text that is added to or deleted so some requirements are still applicable to all NT areas including Downtown, and some requirements are not applicable to the Downtown; and

Section 125.E. which contains all new text setting forth very detailed requirements for Final Development Plans and Final Development Plan amendments for Downtown Revitalization.

4. Section 125.D Amendments

- **The Section 125.D. amendments take existing text and revise it in order to accomplish the following purposes in relation to the establishment of the new Final Development Plan process for Downtown Revitalization:**

Section 125.D.1 is made to apply only to Final Development Plans submitted in cases in which a Comprehensive Sketch Plan or Comprehensive Sketch Plan amendment is required, so because Comprehensive Sketch Plans and Comprehensive Sketch Plan amendments are not required for Downtown Revitalization, this is made inapplicable to Downtown Revitalization.

Section 125.D.2. concerns the Planning Board consideration of a Final Development Plan following Comprehensive Sketch Plan approval, and this section is is made inapplicable to Downtown Revitalization.

Section 125.D.3 concerns Planning Board approval of Site Development Plans if that is required by the Planning Board with its approval of a Final Development Plan. The new proposed text appears to intend that Site Development Plan approval by the Planning Board is required for all Downtown Revitalization, and that land use decisions made by the Planning Board for Final Development Plan amendments are also not subject to review or further consideration by the Planning Board in its evaluation of a Site Development Plan, similarly to what is now required for original Final Development Plan approvals.

Section 125.D.4. includes the existing text that requires the recalculation of the overall residential density and land use percentages as Final Development Plans are submitted in phases, and this section is is made inapplicable to Downtown Revitalization.

Section 125.D.5 includes the existing text that sets forth the right of a petitioner to submit an appeal to the Zoning Board if the Planning Board either denies a Final Development Plan or fails to approve it within a specific period. The proposed new text would make this section applicable to Final Development Plan amendments as well.

Section 125.D.6. contains the existing text requiring a Final Development Plan to be recorded following approval, and specifies that any new development or use not included in that recorded Final Development Plan can only be realized subject to an amendment to the Final Development Plan. The proposed new text would make this section applicable to Final Development Plan amendments as well.

I. DESCRIPTION OF PROPOSAL (continued)

4. Section 125.D Amendments (continued)

Section 125.D.7. contains the existing text that requires an approved Final Development Plan to be void if the associated construction has not commenced and completed to an extent of 25 percent within five years. The proposed new text would make this section inapplicable in cases in which the Final Development Plan or Final Development Plan amendment includes an approved staging plan.

Section 125.D.8. contains the existing text which specifies that in cases when a Final Development Plan approval becomes void if the associated construction has commenced but not completed to an extent of 25 percent within five years, the Planning Board may not revisit the issue of the completed portion(s), but may only evaluate the uncompleted portions. This existing text is amended in such a fashion that it would not apply to its original purpose, but would instead provide that for Final Development Plan amendments, the Planning Board could make no changes to the approved Final Development Plan except in relation to what is proposed in the Final Development Plan amendment.

Section 125.D.9. contains the existing text that requires in instances when the Planning Board denies a land use on a Final Development Plan, and that land use is one that would be a Conditional Use in any other zoning district, a petition for the same land use on the same parcel is not allowed to be submitted in the 12 months following the denial, with provisions for Planning Board reconsideration. The new text is to make this section also applicable to Final Development Plan amendments.

Section 125.D.10. is all new text specifying that the Section 125.D. requirements apply also to Downtown Revitalization, except where they are made inapplicable.

5. Section 125.E Amendments

- **The proposed Section 125.E is all new text which concerns Final Development Plan and Final Development Plan amendment proposals for all Downtown Revitalization (the "Revitalization FDP" or "Revitalization FDPs").**
- **Section 125.E.1 requires that all Downtown Revitalization must comply with the Section 125.E procedures. It provides that a petitioner for a Revitalization FDP may submit such a petition at any time.**

No amendment to the NT PDP or to any applicable Comprehensive Sketch Plan is necessary prior to submitting the petition for a Revitalization FDP.

Section 125.E.1 states that such a petition "...may cover all or a portion of Downtown Columbia" and that such a petition must include all the information specified in Section 125.E.3.

- **Section 125.E.2. requires the petitioner to follow the same procedures as given in Sections 16.128(b) through 16.128(g) of the Subdivision and Land Development Regulations concerning giving notice for and conducting a Presubmission Community Meeting, prior to submitting a petition for a Revitalization FDP.**

In addition to the noted Presubmission Community Meeting procedures, Section 125.E.2 also requires that the petitioner notify each Village Board and the Columbia Association about to the meeting.

I. DESCRIPTION OF PROPOSAL (continued)

5. Section 125.E Amendments (continued)

- **Section 125.E.3 repeats the requirement given in Section 125.E.1 that a Revitalization FDP petition must include the following information:**
 1. The boundaries of the property for the Revitalization FDP.
 2. The existing topography, woodlands and floodplain areas.
 3. A Context Plan showing certain existing features and uses within the Revitalization FDP area and within 500 feet of the boundary.
 4. The "...general location of any Neighborhoods that provide variety in character, height, density and intensity..." as given in the Downtown GPA.
 5. The total acreage covered by the Revitalization FDP and each Neighborhood.
 6. The location of developed and undeveloped land.
 7. A summary of the existing development and development on approved Site Development Plans. This summary would provide the number of existing dwelling units and the amounts of existing commercial floor area.
 8. The "general location and use of existing and proposed major amenity space."
 9. The general location of existing and proposed Signature Building sites, with the qualification that such a building site "...would terminate a vista."
 10. The existing and proposed streets and transit routes and facilities.
 11. The pedestrian circulation system.
 12. A conceptual plan for storm water management.
 13. Text material, on an entire plan basis or a Neighborhood basis, specifying the maximum Net New dwellings, Net New commercial floor area, Net New hotel rooms, the maximum size of a retail use footprint, and that maximum building height(s). For developments including dwellings, the percentage of the dwellings that are part of a "mixed income housing program" must be stated. This category also requires information on a phasing plan covering the sequence of development and the Amenity Space, a traffic study, and a text description of the Amenity Space within the proposed development.
 14. Design guidelines covering the proposed urban design features, street design, Amenity Space(s), and architecture.
 15. Information on the amount of development approved and built to date, and the "status" of required Amenity Space and of any "community enhancements, programs or amenities" of the Downtown GPA.
- **Section 125.E.4 requires that a Revitalization FDP must be considered by the Planning Board at a public hearing. It then gives a list of approval criteria, upon which the Planning Board would have to make positive findings in order for the Revitalization FDP to be approved.**

I. DESCRIPTION OF PROPOSAL (continued)

5. Section 125.E Amendments (continued)

The criteria required for a Revitalization FDP, as proposed by the Petitioner, are general consistency with the Downtown GPA, the provision of a balanced mix of uses, the provision of a variety of housing choices in terms of pricing, the provision of a convenient pedestrian network with connections to the existing and planned pedestrian network, the protection of environmentally sensitive features, the provisions of connections to existing and planned Open Space, the provision of "...appropriate land for Amenity Space", the compatibility of the proposed development with existing and planned vicinal land uses, and that the development will be served by adequate public facilities.

- **Section 125.E.5 provides that the Petitioner may withdraw a petition for a Revitalization FDP at any time prior to final action by the Planning Board.**
- **Section 125.E.6. somewhat repeats the requirement stated previously in Section 125.D.3. that Site Development Plan approval is required for all Downtown Revitalization, but for some reason does not state that this would be approval by the Planning Board.**

6. Section 125.F Amendments

- **The new Section 125.F. contains amendments to the former Section 125.D which concerns amendments to Comprehensive Sketch Plans and Final Development Plans. The first proposed amendment is to what was Section 125.D.1. which specified that only the original petitioner for the NT District can submit amendment to these plans, with certain minor exceptions.**

The minor revisions would specify that the exception for additional uses on individual lots in residential land use areas would continue, but creates a new Section 125.F.3. as an exception. It also deletes entirely the requirement that such amendments must be reviewed as required in Section 125.C (the "Section 125.O" shown is a typo.)

- **The proposed Section 125.F.3 contains new text providing an exception that any owner of a property located in the Downtown has the right to propose a Revitalization FDP as an amendment to a previously approved FDP.**

7. Section 125.G Amendments

- **The new Section 125.G. contains amendments to the former Section 125.E which concerns Site Development Plan approval by the Planning Board and minor exceptions to that requirement.**

The initial amendment is to the current Section 125.E.1 is intended to accomplish three things; to again require Planning Board approval of all Site Development Plans for all Downtown Revitalization proposals; to maintain an exception for minor additions and modifications while deleting what is apparently an old public hearing requirement provision, because the section it refers to concerns minor projects not requiring Planning Board approval; and to provide that a petitioner for Site Development Plan approval may withdraw the petition at any time.

- **The proposed Section 125.G.2 is new text which specifies the criteria for which the Planning Board must make positive findings in order to approve a Site Development Plan for Downtown Revitalization developments.**

I. DESCRIPTION OF PROPOSAL (continued)

7. Section 125.G Amendments (continued)

The criteria as proposed by the Petitioner are that the Site Development Plan; is generally consistent with the Town Center PDP; conforms with the approved Revitalization FDP, but only in terms of the bulk regulations and design guidelines, as written; is compatible with existing and planned adjacent land uses; is "logical and efficient: in terms of the location(s) of buildings, structures, Amenity Space(s), landscaping, and pedestrian and vehicular circulation systems; and provides Amenity Space that are reasonable and appropriate.

- **An amendment to the section providing for Minor Projects Not Requiring Planning Board Approval, the new Section 125.G.4, adds a requirement for a determination by the Department of Planning and Zoning that any modification allowed under this section is compatible with existing structures.**

8. Section 133 Amendments

- **This section concerns the Off-street Parking and Loading Facilities requirements. The initial amendment is to the Section 133.B.4. regulations for the approval of parking on a separate lot from the principal use, if certain criteria are met.**

Section 133.B.4.b. currently requires that for nonresidential uses, the off-site parking facility must be within 400 feet of the principal use building. Section 133.B.4.d. requires that the off-site parking facility is not separated from the principal use by a public street. New text is proposed to exempt all Downtown Revitalization development from these requirements.

- **Section 133.E. concerns Permitted Reductions in Off-street Parking Requirements, and Section 133.E.1. provides a chart and calculation requirements for developments with shared parking. The function of the proposed amendment is to allow an option for a Downtown Revitalization development to use a different shared parking methodology as established by the Urban Land Institute.**
- **The sections proposed to be amended and the amendment text is attached as Exhibit - Petitioner's Proposed Text (CAPITALS indicates text to be added; text in [single brackets] indicates text to be deleted).**

II. EVALUATIONS AND CONCLUSIONS

Preface

- **As previously noted, ZRA 113 was submitted in conjunction with the associated Downtown GPA as defined above. The Downtown GPA and its evaluation by the Department of Planning and Zoning contain broad concepts, goals, issues and recommendations for the Downtown which are of an unusual scope and complexity.**
- **One useful way to view ZRA 113 is that it is similar in many ways to the NT District regulation concepts that enabled Columbia to begin and to grow, but on a micro rather than a macro level.**

Columbia is of course many thousands of acres, and it has taken over 40 years to achieve its current form. The very basic foundations of the NT District idea, put into the NT District regulations in as elegant and concise a manner that legal writing in the 1960s could devise, is to allow the creation of an area of land where the special laws would apply, establish maximum development limits that cover that area overall, establish a very generalized overall development concept plan, and create a development review process which allows flexibility and creativity over time to achieve the purposes of this development concept plan, but always under the established development limitations.

- **By comparison, the area of the Downtown GPA is much smaller; approximately 364 acres of land. It has complex issues as an existing, mostly developed, more urban area of Columbia that surpass many of the less complicated issues of the mostly undeveloped rural land that comprised early Columbia.**

But ZRA 113 is fundamentally very similar to the original NT idea; it defines an area of land in which the various Downtown Revitalization regulations apply; it establishes maximum development limits that cover that area overall; by reference to the Downtown GPA it makes use of a more detailed overall development concept plan; and, it creates a development review process which will allow for much flexibility and creativity over time to achieve the purposes of the Downtown GPA.

- **The evaluations of ZRA 133 are presented in the same beginning-to-end sequence as the Description of Proposal section above.**

1. Section 103.A Amendments

- **The definition of the term Amenity Space must be made more specific to Downtown Revitalization purposes because the same term is used elsewhere in the Zoning Regulations, and the concepts of what such spaces should include in the Downtown differ from other areas in the County. It is recommended that a replacement definition be established for "Downtown Community Commons", and the term Amenity Space revised accordingly throughout ZRA 113.**

Similarly, most of the other proposed defined terms also need to be made specific to Downtown Columbia so that they are only applicable to Downtown Revitalization development. For this purpose, the Recommended Text for these terms adds the preface of "Downtown" to each proposed definition, and revises the rest of the text throughout ZRA 113 accordingly.

- **There are two minor comments on the proposed definition for Downtown Columbia. The Petitioner may have definite reasons, but it should be pointed out that the list of approved Town Center FDPs does not include Phase 233, nor does it include the reserved FDP Phase 225.**

II. EVALUATIONS AND CONCLUSIONS (continued)

1. Section 103.A Amendments (continued)

Merely making reference to an "Appendix A" will not suffice for documenting the metes and bounds description of Downtown Columbia on a zoning basis. It is recommended that a new Section 103.B. be created for Downtown Columbia Definition Details, and the definition revised to refer to this new Section 103.B.

- **In the definition for the term Downtown Revitalization, it is defined as a form of development required in Downtown Columbia (as defined) that "...must be generally consistent with the recommendations of the Howard County General Plan. There are several issues with the underlined text.**

The Howard County General Plan is the planning document covering the entire County, and the Downtown GPA, if approved, would become one new segment of that plan. Any type of development in the County is expected to be in harmony with the Howard County General Plan, but it is much more important for new development in the Downtown to follow the more precise concepts of the Downtown GPA, because of the specific purposes and much smaller area involved.

Therefore, it is recommended that a definition be added to Section 103.A. to define the term "Downtown General Plan Amendment", and to add this term throughout ZRA 113 to any mention of the General Plan in reference to Downtown Revitalization, or to replace the term "General Plan" with this term in the same instances.

Due to the relatively small area of the Downtown, to the extensive complexities involved in redeveloping this area, and mostly to the complex nature of the intended image and character of the Downtown Revitalization as envisioned by the Downtown GPA, it is recommended that the definition be revised to state "...must be in conformance with", rather than generally consistent. The Petitioner may believe this would be too exacting a test, but because the Petitioner is also the entity proposing the Downtown GPA, and it is assumed the Petitioner is well aware of the details of that proposal, the Petitioner should be able to achieve substantial consistency with that proposal.

- **The term Net New should become Downtown Net New and the amounts of floor area of the various non-residential uses should be changed from "net floor area" to "gross floor area".**
- **Minor revisions of the definition of the term Signature Building are recommended to make this term Downtown Signature Building and to delete "significant" and to replace it with "premiere".**

As noted later in this Technical Staff Report, it is recommended that all Downtown Revitalization developments be reviewed by the Design Advisory Panel (DAP) so that the Planning Board can have the benefit of the DAP recommendations on architectural design issues. This Signature Building definition stresses that such buildings require a more exacting design evaluation.

- **Later in ZRA 113, in Section 125.A.9.d., is a requirement that each Neighborhood identified on a Revitalization FDP must include a Significant Community Gathering Space. It is recommended that this term be made simpler and more descriptive by changing it to "Downtown Neighborhood Square".**

II. EVALUATIONS AND CONCLUSIONS (continued)

1. Section 103.A Amendments (continued)

- **The definition for the term "Student Housing" is unusual because the body of the definition does not relate the term in any way to students, and the body of the proposed ZRA 113 does not address how this type of housing relates to residential density, affordable housing, or other requirements. Student housing could be an appropriate use in Downtown; however, more information is needed before including it in ZRA 113. The Petitioner should provide more information on this issue.**

2. Section 125.A Amendments

- **The proposed amendment to Section 125.A.4. continues to include the acreage of Downtown land to calculate the maximum residential density for the overall NT District, while the Downtown itself is not bound by that calculation, but instead has its own limits established in Section 125.A.9. This could allow the density of the area outside Downtown to exceed 2.5 units per acre.**

The intent to maintain the integrity of the longstanding overall, Columbia-wide residential density calculations has merit. However, to better reflect the fact that Downtown Revitalization is a new stage in the evolution of Columbia and to avoid confusing about acreage accounting, it may be preferable to subtract the gross acreage of Downtown from the total NT acreage that is multiplied times 2.5 to establish the maximum potential density of Columbia outside of Downtown.

- **In the proposed amendment to Section 125.A.8. it states that the 1995 NT PDP would be used to establish the Downtown land uses for the purpose of calculating the overall land use percentages in the land use percentage chart.**

The intent of this section is to clarify land use compliance for Columbia as a whole. Compliance is tracked using precise land use acreage from recorded Final Development Plans, thus the Downtown land use areas must be determined using the recorded Town Center Final Development Plans. In addition, because there is land within the defined boundaries of Downtown Columbia that is not currently recorded on any Final Development Plan, this provision must be revised to account for that land. All of this information should be established in the format of a chart on the Final Development Plans.

- **For the first sentence in the proposed Section 125.A.9.a., which begins "To implement the recommendations of the General Plan for the revitalization of Downtown Columbia", please refer to the comments made above at the bottom of Page 15 concerning the definition of Downtown Revitalization. These comments should be considered to apply to any similar instances of the use of "General Plan", throughout the remainder of ZRA 113.**
- **In the Section 125.A.9.b., the proposed text concerning the potential conversion of existing open space to non-open space uses is far too basic a method for what is actually a very complex issue. It does not properly consider that there are areas of existing Open Space in Downtown Columbia, such as Symphony Woods and the Lakefront, that need to be specifically protected from development and preserved. There should also be more detailed provisions and restrictions covering the exchange and replacement of Open Space that may be appropriate for redevelopment.**

Importantly, as expressed in the Technical Staff Report for the Downtown General Plan Amendment, not only must there be no net loss of existing land used for parks, but there also must be a requirement for a minimum amount of new Open Space on land in Downtown Columbia that was not previously recorded as Open Space. Some currently developed Open Space such as the library and fire station might be appropriate for redevelopment, but it is necessary that regulations be established covering the replacement of such public facilities if the current land is used for other purposes.

II. EVALUATIONS AND CONCLUSIONS (continued)

2. Section 125.A Amendments (continued)

- **For these reasons, the Section 125.A.9.b. proposed text concerning the potential conversion of existing open space to non-open space uses is deleted, and is replaced with a much more detailed set of regulations added as a new Open Space Preservation subsection at the end of Section 125.A.9.**

In association with the proposed new Open Space Preservation regulations for Downtown Revitalization, there is a need to add three new definitions to Section 103.A. These proposed new definitions are for the terms “Downtown Parkland”, Downtown Mixed-Use” and “Downtown Arts and Entertainment Park”. These proposed definitions are fairly self-explanatory, and the use of these terms is made plain in the proposed new Open Space Preservation regulations.

Also for Section 125.A.9.b, the last sentence should be deleted here and the intent of this sentence moved to become part of the Revitalization FDP requirements of the new Section 125.E.

- **The beginning phrase of Section 125.A.9.c. seems to refer to the term Downtown Revitalization as a land use category, because it refers to Final Development Plans that would have such a designation.**

This may or may not be intentional. However, it would be much clearer to state that the following maximum development level requirements apply to Downtown Columbia, except as may be qualified by Sections 125.A.9.f., g., and h.

- **In subsections 129.A.9.c. (1) through (5), rather than repeat the same "...after [Effective Date] for each case, it would be better to simply revise the Net New definition to make the "after [Effective Date]" be an integral part of the definition. Also, the term would now become “Downtown Net New”.**
- **The Downtown Net New development amounts in Section 125.A.9.c. are considered to be the maximum limits in terms of the ultimate potential for such development. Because Downtown Revitalization will be realized over a long period of time, because of changes in development conditions that may occur, and because of the phasing standards recommended by this report, having such numbers established in the Zoning Regulations does not imply 'this will happen', but rather that the Downtown Net New numbers are more accurately 'what may happen'.**
- **There are some discrepancies between the maximum development target levels of the Downtown GPA and the Downtown Net New numbers in ZRA 113. These discrepancies are addressed in the Downtown GPA report, and ZRA 113 may need to be amended to reflect the amounts ultimately approved by the Downtown GPA.**
- **With the specific exceptions given in Section 125.A.9.g. and h. regarding not being limited by or counted against the Section 125.A.9.c. Net New levels, the end “(II)” statement of Section 125.A.9.c.(5) is unnecessary.**
- **There are no major substantive comments on Section 125.A.9.d., but there are many recommended revisions mostly related to changes in the defined terms that are reflected in the Department of Planning and Zoning Recommended Text.**

II. EVALUATIONS AND CONCLUSIONS (continued)

2. Section 125.A Amendments (continued)

- **The reference number given for the parking regulations section should be changed to Section 133.E.2.**
- **As written, Section 125.A.9.f. is somewhat confusing, so to simplify the intent of this section, it is to "grandfather" the development rights of approved but not yet built development, so that it does not count against the Net New development.**

The Department revises this section in the Recommended Text in order to make it somewhat clearer.

Section 125.A.9.f. does not appear to address the continued use of previously developed property for which the development permitted by the Final Development Plan was completed fully to the amount allowed by the Final Development Plan. It may be unnecessary to do so, but this should be noted.

The use of the word "nonconforming" in the fourth-to-last line in the paragraph may not be correct based on what the Petitioner is actually intending. "Nonconforming" as used in Zoning Regulations refers to "uses", in the context of uses that previously had been permitted uses by the Zoning Regulations but are no longer permitted because of a change in zoning or of a change to the Zoning Regulations.

The uses proposed to be permitted in the Downtown appear to encompass any of the existing uses in the Downtown, so it is highly unlikely that the proposed regulation changes would cause any existing uses to become nonconforming. It is more likely that the Downtown Revitalization approvals of new Revitalization FDPs could cause some buildings or other improvements to become "noncomplying", which refers to instances where a development complied with the bulk requirements (i.e., setbacks, maximum height...) in effect when it was constructed, but no longer complies with the bulk requirements because of a change in zoning or of a change to the Zoning Regulations. In its Recommended Text, the Department includes both terms.

- **Section 125.A.9.g., proposes a Demolition Development Credit whereby existing development that is demolished is granted a replacement credit for the number of dwellings or the commercial floor area demolished that may be applied in any new Downtown Development without counting towards the amount of new development under the Downtown Revitalization limits.**

The Demolition Development Credits amounts would have to be verified by the County prior to the approval of the demolition permit(s) for the development, and then officially recorded and tracked in some fashion. The Petitioner needs to supply more details about how such a demolition credit system would function, and the proposed regulations may need to be expanded accordingly.

- **There is an issue with a "dwelling unit credit" based on the number of dwelling units alone. There is no control ensuring that the unit type or size of the replacement dwelling unit is comparable to the unit type or size of the dwelling unit demolished.**

The dwelling unit credit may need to be based on unit type or floor area, and not simply the number of dwellings.

- **Section 125.A.9.h. contains reasonably standard text concerning the destruction of existing structures by calamity, and the rights to reconstruct to the original approved level within a certain time limit.**

II. EVALUATIONS AND CONCLUSIONS (continued)

2. Section 125.A Amendments (continued)

This issue is really already covered in the Zoning Regulations in sections dealing with the destruction by calamity of nonconforming uses, and with the destruction by calamity of noncomplying structures and uses. There are no concerns with repeating a provision of this type here, but there is a minor recommended revision.

As noted above, it is more likely that existing development in the Downtown will become noncomplying than becoming nonconforming. The time limit given in the noncomplying regulations to obtain a building permit for reconstruction is two years, so it is recommended that this section be revised to also allow two years to obtain a building permit.

- **Although the proposed Downtown GPA addresses the issue of a mixed-income housing program in considerable length, the proposed ZRA 113 regulations are somewhat silent on the issue except for one Revitalization FDP approval criteria requiring a finding on a “variety of housing choices”.**

The need for affordable housing is well recognized, and all of the districts which allow higher density residential development, include definite minimum moderate income housing unit requirements in the Zoning Regulations. The Downtown Revitalization regulations should be no different. It is recommended that Section 125.A.9. be revised to include a new Section 125.A.9.i, titled “Additional Requirements”, and this new section should contain the requirement that for all Downtown Revitalization projects that propose dwelling units, 15 percent of the dwelling units shall be moderate income housing units. This would be similar to what is required for some of the US 1 Corridor Districts.

In addition, as proposed by the Downtown General Plan Amendment, to address the issue of providing more mixed income housing options in Downtown Columbia, it is recommended that a definition be added for the term “Middle Income Housing Unit” that defines these as dwellings offered for sale or rent to households with incomes of 80 percent to 120 percent of the median income in Howard County. Then, the new Section 125.A.9.i. should also contain a minimum requirement of 10 percent of any Downtown Net New Dwellings must be middle income housing units.

- **One important issue brought forth in the Downtown Columbia – Community Vision Report is the recommendation that public art be promoted in Downtown Columbia in association with the revitalization of the Downtown.**

This issue is not addressed in the proposed ZRA 113. In some communities, there are requirements related to the provision of public art which are often placed upon new development on the basis of a percentage of the construction costs of the new development. Such public art programs may be private programs proposed by a developer in association with a particular development, or they may be public programs administered by a jurisdiction, either directly or through a group such as a public arts committee.

It is recommended that ZRA 113 be revised to include a new requirement concerning public art in the new Section 125.A.9.i. Also, a definition for “Downtown Public Art” should be added to Section 130.A.

- **The Downtown GPA addresses the issue of new building height limits in the Downtown only in a very general manner, and even though there is a plan included as Exhibit F entitled “Building Height Zone Plan”, this plan is only a recommendation and as such, it does not establish legally enforceable maximum height requirements for Downtown Revitalization developments.**

II. EVALUATIONS AND CONCLUSIONS (continued)

2. Section 125.A Amendments (continued)

Recommendations on maximum building height limits are only guidelines, and would be subject to interpretation in any Downtown Revitalization development proposal. This creates the potential for proposed development in some areas of the Downtown that could be inappropriate in height in relation to the envisioned character of certain Neighborhoods, and in relation to existing development located adjacent to, but outside, Downtown Columbia.

For this reason, it is important that ZRA 113 include definite maximum height limitations, that are enforceable through the Zoning Regulations. The recommended method to achieve this is to do something which is new to the Howard County Zoning Regulations, but which is fairly common in the zoning regulations or ordinances of some other jurisdictions, and that is to include a graphic item: a map of Downtown Columbia that shows the maximum height limits, which would be an actual, enforceable part of the Zoning Regulations. To achieve this, a new definition to Section 103.A. is proposed, and a new maximum height requirement provision is added to Section 125.A.9.i. that relates the requirement to the added maximum heights plan. The Maximum Building Height Plan needs additional review and refinement to better distinguish the character of different neighborhoods and to ensure compatibility with vicinal property.

3. Section 125.C Amendments

- **There are no substantive comments concerning Section 125.C.**

4. Section 125.D Amendments

- **The proposed amendments in 125.D.1 through Section 125.D.7 are relatively minor, and the Department finds no substantive issues in these sections, but recommends extending the 60-day time limit for Planning Board action to 120 days.**
- **To repeat the description of the next section, Section 125.D.8. contains the existing text which specifies that in cases when a Final Development Plan approval becomes void if the associated construction has commenced but not completed to an extent of 25 percent within five years (as covered in Section 125.D.7. above), the Planning Board may not revisit the issue of the completed portion(s), but may only evaluate the uncompleted portions. This existing text is amended in such a fashion that it would not apply to its original purpose, but would instead provide that for Final Development Plan amendments, the Planning Board could make no changes to the approved Final Development Plan except in relation to what is proposed in the Final Development Plan amendment.**

The proposed amendments in Section 125.D.8. should be deleted entirely and the section returned to its original intended purpose. The intentions of the Petitioner's changes are unclear. The Petitioner should provide more details on the purposes of this proposed revision, and if these are found to be acceptable, it appears that this type of provision more properly belongs in Section 125.E than in Section 125.D.

5. Section 125.E Amendments

- **Again, Section 125.E. is all new text which covers the Revitalization FDP process, including various basic application procedures, the required information categories, and the Planning Board approval criteria. There is only one substantive issue with the proposed Section 125.E.1., but it is an important one.**

II. EVALUATIONS AND CONCLUSIONS (continued)

5. Section 125.E Amendments (continued)

As proposed, the text states "...the petition may cover all or a portion of Downtown Columbia...". This means that a proposed Revitalization FDP for an individual, relatively small site could be a valid submission. Evaluating such small sites becomes analogous to a jigsaw puzzle, because it would be more difficult to assess how such small sites fit into the greater context of the vision for the Downtown, and also how they relate to the ultimate, overall issues such as connections for vehicular and pedestrian circulation systems.

Therefore, in order to guarantee a more appropriate, broad analysis of a Revitalization FDP, it is recommended that the smallest area covered by any single Revitalization FDP should be that of a Neighborhood area. Consideration could be given to slightly smaller sub-neighborhood areas if such sub-neighborhoods can be clearly defined through the Downtown GPA process.

- **The last portion of Section 125.E.1. stating "...and must include all the information required under Section 125.E.3. is unnecessary and should be deleted.**
- **There are several wording changes recommended for the proposed Section 125.E.2, but essentially, this provision to require a pre-submission community meeting with additional notice to the Village Board and to the Columbia Association is sound.**
- **One issue not addressed in ZRA 113 concerns the potential future role of the Design Advisory Panel (DAP) in providing recommendations to the Planning Board on Downtown Revitalization design-related issues. Such recommendations could be quite beneficial to the Planning Board in its evaluation of a Revitalization FDP or a Site Development Plan.**

The Downtown GPA report recommends that there be a required DAP review as a pre-submission requirement for Final Development Plans and Site Development Plans for Downtown Revitalization. It is recommended that a subsection be added to the proposed Section 125.E.2. which would require DAP review of more detailed, Neighborhood-based design guidelines, that are derived from the Design Manual included as part of the Downtown General Plan, prior to the submission of the associated Revitalization FDP and Site Development Plan. The DAP regulations in the County Code will also need to be revised to establish such a procedure, but it is important to include this new requirement in Section 125.E. at this time.

- **Section 125.E.3. specifies all the information that is required to be submitted initially with any petition for a Revitalization FDP. There are a number of important issues with this section.**

As addressed above in the evaluation of Section 125.A.9.b., there are several new proposed land use categories that need to be established in order to make the Open Space Preservation concept function correctly. Therefore, the locations of and the sizes of these Downtown Columbia land uses need to be included as part of the required information for a Revitalization FDP.

The summary of the existing development needs to be more detailed regarding the development types and amounts.

- **The Department of Planning and Zoning evaluation of the Downtown General Plan Amendment emphasizes that as part of the Downtown General Plan Amendment, there must be an established implementation phasing plan that governs the pace of allowable Downtown Revitalization development in relation to the provision of**

II. EVALUATIONS AND CONCLUSIONS (continued)

5. Section 125.E Amendments (continued)

Downtown Community Commons space, infrastructure, and similar items. To implement this concept as part of the Zoning Regulation requirements, a new definition is proposed to be added to Section 103.A. for the term "Downtown Implementation Phasing Plan."

This relates to Section 125.E. because although there may be an overall Downtown Implementation Phasing Plan, it is important to also reflect the intent of such an overall plan in a much more detailed manner as part of the evaluation of a Final Development Plan or a Final Development Plan amendment. For this purpose, it is recommended that the proposed Section 125.E.3.m.(7) concerning a "phasing plan" be revised to include a requirement for a neighborhood-specific implementation plan, and also to greatly expand on the types and details of the information that is required to be provided with this plan.

Such a neighborhood-specific implementation plan must also distinctly relate the intended proposed balance of uses within each phasing period, the phasing of the required infrastructure, the phasing of circulation facilities if that is not covered elsewhere, the phasing of Downtown Mixed Use development, the phasing of Downtown Community Commons, environmental restoration, and the phasing of Arts, Cultural and Community Uses, within the area of the proposed Revitalization FDP.

- **There needs to be an added required information category for an explanation on how the development proposed in the Revitalization FDP addresses the environmental concepts put forth in Chapter 3 - Sustaining the Environment portion of "Downtown Columbia - A Community Vision".**

Most importantly, this required information should relate how and to what extent the proposed development will offer Green Buildings and Green Site Design improvements within the area of the Revitalization FDP.

- **There also needs to be an added required information category requiring a description of, and locations of, any existing sites, public art, and buildings or structures that have special significance on an historic or cultural basis.**
- **Finally, information must be submitted which addresses the issue of public art in association with the proposed Downtown Revitalization development.**
- **Section 125.E.4 concerns the criteria that would be evaluated by the Planning Board, for which the Board would have to reach positive findings in order to approve a Revitalization FDP. Again, aside from several minor revisions, there are a few more substantive recommendations. First, in the proposed 125.E.4.b. criteria regarding a finding on a balanced mix of uses, text should be added that requires this balanced-mix to be appropriate throughout all phase periods and consistent with the Downtown GPA phasing plan in terms of the infrastructure and amenities.**

Also, there is no need to require an evaluation of pedestrian access because that issue is covered later in the Section 125.E.4. approval criteria.

- **The Section 125.E.4.c. criteria should be revised to include an additional criteria that the proposed development complies with the minimum requirement of providing 15 percent moderate income housing units and for 10 percent middle income dwelling units.**
- **The last sentence of the proposed Section 125.E.4.e. states, "Vehicular, pedestrian and utility crossings of environmentally sensitive areas shall be permitted provided all applicable governmental permits and approvals are obtained."**

II. EVALUATIONS AND CONCLUSIONS (continued)

5. Section 125.E Amendments (continued)

First, this is not a criteria, and does not properly belong in Section 125.E.4. at all. Second, it is not prudent to allow an overall pre-acceptance of such environmentally sensitive crossings; instead, such crossings must be considered on a detailed case-by-case basis and determined on the merits of each proposal. The Department recommends that this sentence be deleted.

- **In the determination as to whether the proposed development will be compatible with the existing and planned vicinal development, an approval criteria must be added which requires a specific finding on the building height(s) and how this relates to the Downtown General Plan Amendment.**
- **An approval criteria should be added that requires a finding on whether the proposed development is protective of environmental features, and provides environmental corrections and/or enhancements to the redevelopment areas.**
- **An approval criteria should be added that requires a finding on whether the proposed development is protective of public art, and buildings or structures that have special significance on an historic or cultural basis.**
- **Approval criteria should be added that require a finding on whether the Design Guidelines for the proposed development offer sufficient detail and are consistent with the Design Manual approved as part of the Downtown GPA, and also a finding on the issue of Downtown Public Art.**
- **Section 125.E.5. proposes that the Petitioner have the right to withdraw the Revitalization FDP at any time prior to final action by the Planning Board. There is no issue with this proposal.**

6. Section 125.F Amendments

- **Section 125.F revises the text of the former Section 125.D concerning amendments to Comprehensive Sketch Plans and Final Development Plans. The initial revisions are in the new Section 125.F.1., which contains an existing provision that only the original petitioner for the NT District can propose amendments to such plans, with certain exceptions.**

The revisions change the reference numbers for the exceptions, but the Petitioner also deletes the last sentence of this section. This sentence, as shown is, "A proposed amendment shall be reviewed in accordance with Section 125.O above."

The Section 125.O is an error as it should be Section 125.C., but more importantly, the sentence does need to be retained for Comprehensive Sketch Plan amendments. So it is recommended that the sentence remain, with a revision that the review in accordance with Section 125.C is only for Comprehensive Sketch Plan amendments, and that proposed Final Development Plan amendments shall be reviewed in accordance with Section 125.D or Section 125.E, as applicable.

- **Except for a minor text change, there are no issues with the new Section 125.F.3.**

7. Section 125.G Amendments

- **Section 125.G revises the text of the former Section 125.E concerning Site Development Plan approval by the Planning Board. The only substantive issues with the proposed revisions are about the proposed 125.G.1., and about the proposed 125.G.2 which would have the Site Development Plan approval criteria for Downtown Revitalization proposals.**

II. EVALUATIONS AND CONCLUSIONS (continued)

7. Section 125.G Amendments (continued)

- **In the initial 125.G.1, the Petitioner makes a revision which would state “The Site Development Plan shall be considered at a public meeting, except where specified by Section 125.G.3.” if approved. The problem is that the proposed Section 125.G.3 doesn’t mention anything about what Planning Board process is required for the consideration of a Downtown Revitalization Site Development Plan.**

The Planning Board must meet as a body in order to make decisions. This must occur at public meetings or public hearings. The approval of a Downtown Revitalization Site Development Plan must be accomplished at a public meeting at least. So this section must be revised accordingly.

The deletion of “...a public hearing is required by Section 125.E.3. below” is correct because the current Section 125.E.3 concerns minor projects not requiring Planning Board approval, and there is no public hearing requirement for these.

- **The proposed new Section 125.G.2. concerns the proposed new Site Development Plan approval criteria for which the Planning Board must make positive findings in order to approve a Site Development Plan for a Downtown Revitalization development proposal. Due to the next comment, the title must be changed to “Site Development Plans Proposing Downtown Development.”**
- **One of the proposed criteria in Section 125.G.2. requires a finding that the Site Development Plan conforms to the Design Guidelines. As mentioned previously concerning the evaluation of Revitalization FDPs, it would be desirable for the Planning Board to have the benefit of a Design Advisory Panel recommendation on this issue, prior to its consideration of a Site Development Plan.**

Therefore, it is recommended that a new Section 125.G.2.a. be established which would include a provision requiring DAP review of the Site Development Plan prior to the Planning Board consideration of the Site Development Plan. The details of that process would be in the DAP regulations in the County Code.

- **The only other substantive comment on Section 125.G.2 concerns the current proposed Section 125.G.2.a.(2), which states “Conforms to the bulk regulations and Design Guidelines as established by the Final Development Plan.” This is a rather narrow perspective of the Final Development Plan, and the criteria should be revised to require a finding that the Site Development Plan complies with all aspects of the Final Development Plan, including the bulk regulations, the Neighborhood-specific Design Guidelines, and the Neighborhood-specific implementation plan.**
- **There are several word revisions and editing issues throughout Section 125.G.2, and these are reflected in the Recommended Text.**
- **The criteria concerning the evaluation of compatibility of the Site Development Plan with the existing and planned adjacent development needs to be expanded in terms of the items that are used for the evaluation.**
- **There also needs to be Site Development Plan approval criteria that address the issues of the provision of moderate income housing units and middle income housing units, of building height compliance with the Section 103.C plan, and of the provision for Downtown Public Art.**

II. EVALUATIONS AND CONCLUSIONS (continued)

8. Section 133 Amendments

- **The Department prefers to use specific shared parking requirements in the Zoning Regulations rather than permit the use of an outside source, which may change in unknown, and uncontrolled, ways over time. Therefore, the proposed amendment to allow the use of the Urban Land Institute shared parking calculations should be deleted.**

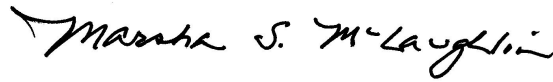
Shared parking is critical to the “park once” approach recommended in Downtown Columbia: A Community Vision. The Petitioner should propose specific shared parking requirements as part of the Zoning Regulations.

- **Based on the evaluations given above, the Department of Planning and Zoning Recommended Text is attached as Exhibit – Petitioner’s Proposed Text with DPZ’s Recommended Revisions. (Petitioner’s proposed text to be added is shown a CAPITALS and text in [brackets] is to be deleted. DPZ’s proposed text to be added is shown as UNDERLINED CAPITALS and ~~double strikethrough~~ indicates text to be deleted.**

III. RECOMMENDATION

APPROVAL, WITH REVISIONS

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-113 as noted above, be APPROVED, with the Recommended Text attached as Exhibit.



11/13/2008

Marsha S. McLaughlin, Director

Date

MM/JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

EXHIBIT – PETITIONER’S PROPOSED TEXT WITH DPZ’S RECOMMENDED REVISIONS

SECTION 103.A

~~AMENITY SPACE”: PLAZAS, PROMENADES, GREENS, GARDENS, PARKS AND ANY ASSOCIATED ARTWORK, SEATING AND ACTIVITY AREAS; PEDESTRIAN AND BICYCLE CIRCULATION SYSTEMS; ENHANCED STREETSCAPING; AND DOWNTOWN ARTS, CULTURAL AND COMMUNITY USES. AMENITY SPACE ALSO INCLUDES THE ENHANCEMENT OR REHABILITATION OF ENVIRONMENTALLY SENSITIVE AREAS. AMENITY SPACE MUST BE GENERALLY ACCESSIBLE BY THE PUBLIC, AND IS NOT COUNTED AGAINST THE MAXIMUM NET NEW DEVELOPMENT LEVELS ESTABLISHED IN SECTION 125.A.9 FOR DOWNTOWN REVITALIZATION.~~

DOWNTOWN COMMUNITY COMMONS: AMENITY SPACES SUCH AS PLAZAS, PROMENADES, GREENS, GARDENS, SQUARES AND OTHER PEDESTRIAN-ORIENTED AREAS THAT ARE INTENDED FOR COMMUNITY INTERACTION AND MAY INCLUDE SPACES FOR SEATING, EATING, GATHERING, FOUNTAINS, PUBLIC ART, WAY-FINDING SIGNAGE AND KIOSKS, OR OTHER SIMILAR PUBLIC AMENITIES. DOWNTOWN COMMUNITY COMMONS MUST BE GENERALLY ACCESSIBLE BY THE PUBLIC WITHOUT CHARGE. INCLUDED IN THIS CATEGORY ARE DOWNTOWN NEIGHBORHOOD SQUARES.

DOWNTOWN ARTS, CULTURAL AND COMMUNITY USE”: LAND AREAS, USES AND FACILITIES ESTABLISHED FOR CULTURAL, CIVIC, RECREATION, EDUCATIONAL, ENVIRONMENTAL, ENTERTAINMENT OR COMMUNITY USE OR BENEFIT, WHETHER OR NOT ENCLOSED AND WHETHER PUBLICLY OR PRIVATELY OWNED OR OPERATED FOR PROFIT, INCLUDING, BUT NOT LIMITED TO, LAND AREAS, USES AND FACILITIES SUCH AS LOCATIONS OR FACILITIES FOR LIBRARIES, FIRE STATIONS, SCHOOLS, MUSEUMS, GALLERIES, ARTISTIC WORK, **AND** TRANSIT FACILITIES. ~~AND~~ EATING, SEATING AND GATHERING AREAS **THAT ARE ACCESSORY TO THESE USES ARE PERMITTED.**

“DOWNTOWN COLUMBIA”: PHASE 4, PHASE 4-A-5, PHASE 21, PHASE 47-A-7, PHASE 52, PHASE 62-A-1, PHASE 95, PHASE 101-A, PHASE 105, PHASE 111-A-1, PHASE 115, PHASE 121, PHASE 122-A, PHASE 139-A-3, PHASE 140-A-1, PHASE 192-A, PHASE 211, PHASE 217-A-1, PHASE 219, PHASE 234, AND THE AREA WITHIN THE DESCRIBED LIMITS INCLUDED IN ~~APPENDIX A TO THESE REGULATIONS.~~ **SECTION 103.B.**

“DOWNTOWN REVITALIZATION”: A FORM OF DEVELOPMENT REQUIRED IN DOWNTOWN COLUMBIA AFTER (EFFECTIVE DATE) ~~PURSUANT TO~~ **IN COMPLIANCE WITH THE PROVISIONS OF SECTION 125 THAT MUST BE GENERALLY CONSISTENT IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE HOWARD COUNTY GENERAL PLAN. DOWNTOWN GENERAL PLAN AMENDMENT**

DOWNTOWN NET NEW”: AS APPLICABLE, THE NUMBER OF DWELLINGS, HOTEL AND MOTEL ROOMS, AND THE AMOUNT OF ~~NET~~ **GROSS** FLOOR AREA OF COMMERCIAL OFFICE AND COMMERCIAL RETAIL USES THAT ARE PERMITTED UNDER THE DOWNTOWN REVITALIZATION APPROVAL PROCESS **AFTER (EFFECTIVE DATE)** IN EXCESS OF THE NUMBER OF DWELLINGS, HOTEL AND MOTEL ROOMS, AND ~~NET~~ **GROSS** FLOOR AREA OF COMMERCIAL OFFICE AND COMMERCIAL RETAIL USES THAT ARE

SHOWN ON A SITE DEVELOPMENT PLAN FOR PROPERTY LOCATED WITHIN DOWNTOWN COLUMBIA THAT WAS APPROVED PRIOR TO [EFFECTIVE DATE].

DOWNTOWN SIGNATURE BUILDING”: A STRUCTURE WHICH REQUIRES PREMIERE ATTENTION TO ITS ARCHITECTURAL DESIGN BECAUSE OF ITS PROMINENT ~~WHOSE~~ LOCATION IN RELATIONSHIP TO THE PUBLIC REALM, SUCH AS ~~A ITS~~ POSITION ON A STREET OR OPEN SPACE, ~~OR AS THE TERMINUS OF A VISTA. REQUIRES SIGNIFICANT ATTENTION TO ITS ARCHITECTURAL DESIGN BECAUSE OF ITS PROMINENT LOCATION.~~

~~“SIGNIFICANT COMMUNITY GATHERING SPACE~~ **DOWNTOWN NEIGHBORHOOD SQUARE**”: AN OUTDOOR AMENITY SPACE COMPRISED OF NOT LESS THAN 25,000 CONTIGUOUS SQUARE FEET, EXCLUSIVE OF BIKE PATHS AND **REQUIRED** SIDEWALKS THAT MIGHT BE LOCATED ALONG ITS PERIMETER. A ~~SIGNIFICANT COMMUNITY GATHERING SPACE~~ **DOWNTOWN NEIGHBORHOOD SQUARE** ~~COULD~~ **MAY** BE COVERED OR PARTIALLY COVERED.

~~“STUDENT HOUSING”~~: ANY BUILDING OR PORTION OF A BUILDING THAT CONTAINS INDIVIDUAL SLEEPING ACCOMMODATIONS AND MAY CONTAIN EITHER INDIVIDUAL OR SHARED COOKING AND SANITATION FACILITIES.

DOWNTOWN GENERAL PLAN AMENDMENT: THE GENERAL PLAN AMENDMENT FOR DOWNTOWN COLUMBIA AS APPROVED BY THE COUNTY COUNCIL ON (APPROVAL DATE).

DOWNTOWN MAXIMUM BUILDING HEIGHT PLAN: THE PLAN WHICH GRAPHICALLY REPRESENTS THE MAXIMUM BUILDING HEIGHT REQUIREMENTS FOR ALL DOWNTOWN REVITALIZATION DEVELOPMENT, IN THE VARIOUS SECTORS OF DOWNTOWN COLUMBIA, AS DEPICTED IN SECTION 103.C.

MIDDLE INCOME HOUSING UNIT: A DWELLING UNIT OFFERED FOR SALE OR RENT TO HOUSEHOLDS WITH INCOMES OF BETWEEN 80 AND 120 PERCENT OF THE MEDIAN INCOME IN HOWARD COUNTY

DOWNTOWN PUBLIC ART: ORIGINAL OUTDOOR ARTWORK WHICH IS ACCESSIBLE TO THE PUBLIC.

DOWNTOWN IMPLEMENTATION PHASING PLAN: A DOCUMENT OF STEPS AND BENCHMARKS AND AN ACTION PLAN TO ENSURE ATTAINMENT OF DOWNTOWN REVITALIZATION DEVELOPMENT, INFRASTRUCTURE, DOWNTOWN COMMUNITY COMMONS, PARKLAND AND ENVIRONMENTAL RESTORATION WITHIN APPROXIMATE TIME PERIODS, INCLUDED AS PART OF THE DOWNTOWN GENERAL PLAN AMENDMENT

DOWNTOWN OPEN SPACE PRESERVATION PLAN: A PLAN DELINEATING ALL LAND IN NEW TOWN DESIGNATED AS OPEN SPACE ON A FINAL DEVELOPMENT PLAN RECORDED PRIOR TO (EFFECTIVE DATE) THAT IS REQUIRED TO RETAIN ITS EXISTING CHARACTER AS: ENVIRONMENTALLY SENSITIVE LAND AREAS; DOWNTOWN PARKLAND; DOWNTOWN COMMUNITY COMMONS; OR A DOWNTOWN

ARTS AND ENTERTAINMENT PARK, AS SPECIFIED IN SECTION 125.A.9.J. AND AS DEPICTED IN SECTION 103.D.

DOWNTOWN PARKLAND: AN AREA GENERALLY ACCESSIBLE BY THE PUBLIC WITHOUT CHARGE FOR ACTIVE AND/OR PASSIVE RECREATION PURPOSES WHICH CONSISTS PRIMARILY OF VEGETATED AREAS WITH A NATURAL CHARACTER, MORE FORMAL LAWNS, GARDENS AND WALKS, AND/OR ACCESSORY, MINOR ACTIVE STRUCTURED RECREATION USES SUCH AS URBAN PLAYGROUNDS AND TOT LOTS. PARKLAND MAY ALSO INCLUDE FEATURES SUCH AS PUBLIC ART AND FOUNTAINS AND MINIMAL STRUCTURES SUCH AS GAZEBOS, PAVILIONS, AND KIOSKS.

DOWNTOWN MIXED-USE: A LAND-USE DESIGNATION THAT PERMITS ANY USE OR COMBINATION OF USES PERMITTED UNDER SECTION 125.A.9.B. INCLUDING SUPPORTING INFRASTRUCTURE, UTILITIES, PUBLIC AND PRIVATE ROADWAYS, MULTI-MODAL CIRCULATION SYSTEMS ADJACENT TO PUBLIC AND PRIVATE ROADWAYS, SURFACE PARKING LOTS, PARKING STRUCTURES, AND UNDERGROUND PARKING.

DOWNTOWN ARTS AND ENTERTAINMENT PARK: A CONTIGUOUS AREA INCLUDING A LARGE OUTDOOR AMPHITHEATER WHICH MAY BE SURROUNDED BY A VARIETY OF SMALLER INDOOR OR OUTDOOR ARTISTIC AND PERFORMANCE SPACES IN A PARK-LIKE SETTING. ANCILLARY USES SUCH AS FOOD VENDORS AND SMALL RESTAURANTS MAY BE PERMITTED.

SECTION 125: NT (New Town) District

A. Definitions, Requirements and Restrictions Applicable to NT Districts

1. As used herein, the term “New Town” means an unincorporated city, town or village which:
 - a. Is designated and planned as an economically and culturally self-sufficient community with a population of at least 20,000 inhabitants; and
 - b. Is so designed and planned as to meet all of the requirements specified in this Section 125.
2. As used herein, the terms “New Town District,” “NT District” or “the District” means the land zoned for the erection of a New Town under the provisions of this Section 125.
3. No NT District shall be created except by the procedure set forth herein. Each NT District must contain a total area of at least 2,500 contiguous acres. Lands which are divided by streets, roads, ways, highways, transmission pipes, lines or conduits, or rights-of-way (in fee or by easement) owned by third parties shall be deemed to be contiguous for purposes of this Section 125. No NT District shall be established except upon land the beneficial title to which is in the person, firm or corporation executing the petition referred to in Section 125 thereof. The tenant under a lease having a term of not less than 75 years

shall be deemed to be the holder of the beneficial title to the land covered by the lease for the purpose of this Section 125.

4. No NT District shall have a greater overall ~~population~~ **RESIDENTIAL** density than that produced by the TOTAL COMBINED number of dwellings permitted [herein] IN THIS SECTION 125.A.4 AND IN SECTION 125.A.9. The maximum number of dwellings permitted [within an NT District] UNDER THE DOWNTOWN REVITALIZATION APPROVAL PROCESS IS ESTABLISHED IN SECTION 125.A.9. THE MAXIMUM NUMBER OF DWELLINGS PERMITTED THAT ARE NOT SUBJECT TO THE DOWNTOWN REVITALIZATION APPROVAL PROCESS shall be calculated by multiplying the total number of acres within the ~~entire~~ NT District [.] ~~INCLUDING EXCLUDING DOWNTOWN COLUMBIA (without excluding any areas regardless of their use)~~ [by the average number of dwellings per acre permitted with the NT District as specified in the “Final Development Plan,” as hereinafter defined; provided, however, that in no event shall the number of dwellings per acre permitted in any NT District exceed two and one half. within each NT District the following additional density] **BY TWO AND ONE-HALF. FOR DEVELOPMENT THAT IS NOT SUBJECT TO THE DOWNTOWN REVITALIZATION APPROVAL PROCESS, THE FOLLOWING DEVELOPMENT restrictions shall apply:**
 - a. In areas designated “single family -- low density” on the Final Development Plan, the maximum number of dwellings permitted shall relate to the overall total number of dwellings in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by two.
 - b. In areas designated “single family -- medium density” on the Final Development Plan, the maximum number of dwellings permitted shall relate to the overall total number of dwellings in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by four.
 - c. In areas designated “Apartments” on the Final Development Plan the maximum number of apartments permitted shall relate to the overall total number of apartments in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by 15.
5. The use of land within NT Districts shall be limited to those uses specified in the “Final Development Plan,” provided, however, that:
 - a. No uses permitted only in the R-MH or M-2 Districts under these Regulations may be permitted in an NT District; and
 - b. Attached or semi-detached dwellings may be erected only in areas designated “DOWNTOWN REVITALIZATION,” OR “Apartments” on [the] A Final Development Plan[,and]. WITHIN AREAS DESIGNATED “DOWNTOWN REVITALIZATION” SUCH UNITS SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 125.A.9. WITHIN AREAS DESIGNATED “APARTMENTS” SUCH UNITS MUST BE PROVIDED:

- (1) In groups having no more than 10 dwellings attached to one another if attached on the sides, or 16 dwellings if attached back to back; and
 - (2) In such numbers so as not to exceed 10 dwellings for each acre of such use, calculated by multiplying the number of acres so designated by 10; and
 - (3) In such physical relation to each other and to other uses as may be specifically approved on a subdivision layout submitted as part of the Final Development Plan.
6. Except for accessory uses as hereinafter provided, no structure within an NT District shall be:
- a. Erected except in accordance with the Final Development Plan, or
 - b. Used for any purpose other than the use designated for it on the Final Development Plan.
7. Except as otherwise provided in the Final Development Plan, the following restrictions shall be applicable to NT Districts:
- a. Access shall be provided from every use site to a public street or to a system of common streets and ways connecting with the public street system.
 - b. The off-street parking requirements of Section 133 of these Regulations shall be applicable.
 - c. The accessory use provisions of Section 110 shall be applicable to all residential uses within the NT District.
 - d. The provisions of Section 128 (Supplementary Zoning District Regulations) shall apply to the NT District except for those provisions which specifically exclude the NT District.

Subject to any additional specific permitted uses of land which may be designated on an approved Final Development Plan pursuant to Section 125.C.3.d of these Regulations, if an approved Final Development Plan designates POR, B-1, B-2, SC or M-1 District uses or any combination thereof for a specific area, then the general permitted uses for such area shall be those uses permitted as a matter of right in those districts. However, the bulk regulations for those districts regulating the location of structures, height limitations, setback provisions, minimum lot sizes, and coverage requirements shall not apply inasmuch as the controls therefore shall be included in the Final Development Plan approved by the Planning Board as provided under [Section 125.0 of] these Regulations.

8. A. [Each]EXCEPT AS SET FORTH IN SECTION 125.A.9, EACH New Town District must provide each of the following uses in the following proportions:

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

AFTER (EFFECTIVE DATE), THE LAND USES WITHIN DOWNTOWN COLUMBIA THAT ARE SHOWN ON ~~THE OCTOBER 23, 1995 PRELIMINARY DEVELOPMENT PLAN~~ **ALL THE PRIOR RECORDED FINAL DEVELOPMENT PLANS WITHIN DOWNTOWN COLUMBIA, AND ANY LAND LOCATED WITHIN THE BOUNDARIES OF DOWNTOWN COLUMBIA, AS DESCRIBED IN SECTION 130.B., WHICH WAS NOT RECORDED ON A FINAL DEVELOPMENT PLAN PRIOR TO (EFFECTIVE DATE) WHICH SUBSEQUENTLY BECOMES RECORDED ON A FINAL DEVELOPMENT PLAN** SHALL BE INCLUDED WHEN CALCULATING THE LAND USE PERCENTAGES IN SECTION 125.A.8.a.

- b. Each New Town District must also provide adequate public transportation facilities and public water and sewer systems in the areas shown on the Final Development Plan.
- c. As used in this Section the term “open space uses” is defined as being those uses which do not involve any extensive coverage of land with structures, as, for example, all lands devoted to raising of crops, agricultural uses, parks, playing fields, golf courses and any other outdoor recreational uses (whether any such uses be publicly owned or privately owned or operated for profit), as well as all lands covered by lakes, rivers or streams, and all lands devoted to public or community uses. Open land designated for residential uses shall be considered qualified as “open space use” only if it is held for the common use of the public or persons residing in the particular locality within the community, and if it is larger than two acres in size. For the purpose of meeting the 36 percent requirement imposed above:
 - (1) [a.]The term “open space uses” shall not include parking lots, streets, rights-of-way, amusement parks, golf driving ranges which are not ancillary to a golf course, or drive-in movies.
 - (2) [b.]All lands approved and credited as open space use on the Final Development Plan of the NT District shall be conclusively presumed to satisfy the requirements of this section.

9. DOWNTOWN REVITALIZATION.

- a. TO IMPLEMENT THE RECOMMENDATIONS OF THE ~~GENERAL PLAN FOR THE REVITALIZATION OF DOWNTOWN COLUMBIA~~ **DOWNTOWN GENERAL PLAN AMENDMENT, NEW DEVELOPMENT OR REDEVELOPMENT** OF ANY PROPERTY LOCATED WITHIN DOWNTOWN COLUMBIA ~~REGARDLESS OF ITS SIZE~~ THAT OCCURS PURSUANT TO A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT APPROVED AFTER (EFFECTIVE DATE) MUST COMPLY WITH ~~THE FOLLOWING~~ **ALL** PROVISIONS ~~FOR~~ **APPLICABLE TO** DOWNTOWN REVITALIZATION. DOWNTOWN REVITALIZATION SHALL REQUIRE APPROVAL OF A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT AND A SITE DEVELOPMENT PLAN.
- b. THE FOLLOWING USES ARE PERMITTED UNDER THE DOWNTOWN REVITALIZATION APPROVAL PROCESS: ALL USES PERMITTED IN THE POR, B-1, B-2 AND SC ZONING DISTRICTS, **AND DWELLINGS, STUDENT HOUSING** EACH OF THE USES SHALL BE PERMITTED ANYWHERE WITHIN **DOWNTOWN MIXED USE AREAS OF DOWNTOWN COLUMBIA, BUT NOT IN DOWNTOWN COMMUNITY COMMONS, DOWNTOWN PARKLAND AND DOWNTOWN ARTS AND ENTERTAINMENT PARK AREAS.** ~~AND~~ STRUCTURES MAY BE DEVELOPED WITH INDIVIDUAL OR MULTIPLE USES. ~~HOWEVER, IN AREAS DESIGNATED OPEN SPACE UNDER A PREVIOUSLY APPROVED FINAL DEVELOPMENT PLAN, ONLY OPEN SPACE AND AMENITY SPACE USES AND SUPPORTING INFRASTRUCTURE ARE PERMITTED, UNLESS AN EQUIVALENT AMOUNT OF NON-ENVIRONMENTALLY SENSITIVE OPEN SPACE (AS DEFINED IN SECTION 125.A.8.C) IS PROVIDED IN EXCHANGE FOR THE USE OF EXISTING OPEN SPACE FOR SOMETHING OTHER THAN OPEN SPACE OR AMENITY SPACE (INCLUDING SUPPORTING INFRASTRUCTURE. THE GENERAL MIX OF USES AND THE APPLICABLE BULK REQUIREMENTS SHALL BE IDENTIFIED ON THE FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT.~~
- c. ~~IN AREAS DESIGNATED "DOWNTOWN REVITALIZATION" ON A FINAL DEVELOPMENT PLAN APPROVED UNDER SECTION 125.E:~~ **THE FOLLOWING MAXIMUM DEVELOPMENT LEVEL LIMITS APPLY TO DOWNTOWN COLUMBIA FOR DOWNTOWN REVITALIZATION, EXCEPT AS QUALIFIED BY SECTIONS 125.A.9.F., G, AND H.**
- (1) THE MAXIMUM NUMBER OF **DOWNTOWN NET NEW DWELLINGS** PERMITTED ~~AFTER [EFFECTIVE DATE]~~ IS 5,500 ~~TOTAL NET NEW~~ DWELLINGS. THE NUMBER OF DWELLINGS PERMITTED UNDER THE DOWNTOWN REVITALIZATION APPROVAL PROCESS, UP TO A MAXIMUM 5,500 ~~TOTAL~~ DOWNTOWN NET NEW DWELLINGS, SHALL BE IN ADDITION

TO THE OVERALL ~~POPULATION~~ **RESIDENTIAL DENSITY** ESTABLISHED BY SECTION 125.A.4;

- (2) THE MAXIMUM AMOUNT OF **DOWNTOWN** NET NEW COMMERCIAL OFFICE DEVELOPMENT PERMITTED ~~AFTER [EFFECTIVE DATE]~~ IS 5,000,000 SQUARE FEET OF ~~NET~~ **GROSS** FLOOR AREA;
- (3) THE MAXIMUM NUMBER OF **DOWNTOWN** NET NEW HOTEL AND MOTEL ROOMS PERMITTED ~~AFTER [EFFECTIVE DATE]~~ IS 1,000 ROOMS;
- (4) THE MAXIMUM AMOUNT OF **DOWNTOWN** NET NEW COMMERCIAL RETAIL DEVELOPMENT PERMITTED ~~AFTER [EFFECTIVE DATE]~~ IS 1,250,000 SQUARE FEET OF ~~NET~~ **GROSS** FLOOR AREA.
- (5) THE MAXIMUM DEVELOPMENT LEVELS PERMITTED ABOVE FOR DOWNTOWN REVITALIZATION SHALL BE IN ADDITION TO ~~(I) THE NUMBER OF DWELLINGS AND GROSS FLOOR AREA OF NONRESIDENTIAL USES SHOWN ON A SITE DEVELOPMENT PLAN APPROVED PRIOR TO (EFFECTIVE DATE) AND (II) IMPROVEMENTS ALLOWED BY SECTION 125.A.9.g AND h.~~

- d. ~~AMENITY SPACE MUST~~ **DOWNTOWN COMMUNITY COMMONS** ~~SHALL BE PROVIDED LOCATED~~ IN ACCORDANCE WITH THE RECOMMENDATIONS ~~OF THE GENERAL PLAN. OF THE~~ **DOWNTOWN GENERAL PLAN AMENDMENT AND SECTION 125.A.9.J.** EACH NEIGHBORHOOD IDENTIFIED ON A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT ~~MUST~~ **SHALL** INCLUDE A ~~SIGNIFICANT COMMUNITY GATHERING SPACE~~ **DOWNTOWN NEIGHBORHOOD SQUARE** IN ADDITION TO OTHER APPROPRIATE ~~AMENITY SPACE~~ **DOWNTOWN COMMUNITY COMMONS** ~~AMENITY SPACE RECOMMENDED IN~~ **THE DOWNTOWN GENERAL PLAN AMENDMENT AND AS** DETERMINED BY THE PLANNING BOARD. LAND ON WHICH DOWNTOWN **COMMUNITY COMMONS** IS PROPOSED ~~MUST BE INCLUDED IN~~ **DESIGNATED ON** THE FINAL DEVELOPMENT PLAN ~~PETITION~~, AND THE FEE SIMPLE OWNER OF THE LAND MUST SIGN THE ~~PETITION~~ **FINAL DEVELOPMENT PLAN.** ~~AMENITY SPACE AND SUPPORTING INFRASTRUCTURE~~ **DOWNTOWN COMMUNITY COMMONS** MAY BE LOCATED WITHIN AREAS DESIGNATED OPEN SPACE USE UNDER A PREVIOUSLY APPROVED FINAL DEVELOPMENT PLAN.
- e. OFF-STREET PARKING AND LOADING FACILITIES WITHIN DOWNTOWN COLUMBIA MUST BE PROVIDED IN ACCORDANCE

WITH THE PROVISIONS FOR DOWNTOWN REVITALIZATION IN SECTION ~~133.E.3.~~ **133.E.2**

- f. NOTWITHSTANDING ANY OTHER PROVISION OF THESE REGULATIONS, ANY PREVIOUSLY DEVELOPED PROPERTY THAT IS THE SUBJECT OF A FINAL DEVELOPMENT PLAN APPROVED ON OR BEFORE (EFFECTIVE DATE) THAT AUTHORIZED DEVELOPMENT IN EXCESS OF THE ~~NET~~ FLOOR AREA OF IMPROVEMENTS THAT EXISTED ~~WITHIN THE SAME FINAL DEVELOPMENT PLAN~~ **ON THE PROPERTY** ON (EFFECTIVE DATE) MAY CONTINUE TO BE DEVELOPED AND USED IN ACCORDANCE WITH THE TERMS AND REQUIREMENTS ~~THEREOF~~ **ON THE APPROVED FINAL DEVELOPMENT PLAN**, SUBJECT TO THE APPROVAL OF A SITE DEVELOPMENT PLAN PURSUANT TO SECTION 125.G. BUILDINGS AND OTHER IMPROVEMENTS CONSTRUCTED OR TO BE CONSTRUCTED UNDER THIS PROVISION SHALL NOT BE DEEMED NONCONFORMING **OR NONCOMPLYING** AND MAY BE CONSTRUCTED, USED, MAINTAINED AND REPAIRED IN ACCORDANCE WITH THE TERMS AND REQUIREMENTS OF THE EXISTING FINAL DEVELOPMENT PLAN.
- g. DEMOLITION OF EXISTING IMPROVEMENTS THAT ARE LOCATED WITHIN DOWNTOWN COLUMBIA THAT OCCUR AFTER [EFFECTIVE DATE] SHALL RESULT IN THE CREATION OF A DEMOLITION DEVELOPMENT CREDIT EQUAL TO THE NUMBER OF DWELLINGS AND GROSS FLOOR AREA DEVOTED TO NONRESIDENTIAL USES THAT WERE DEMOLISHED. A DEMOLITION DEVELOPMENT CREDIT: (I) MAY BE USED ANYWHERE WITHIN DOWNTOWN COLUMBIA; AND (II) SHALL NOT BE LIMITED BY OR COUNTED AGAINST RECOMMENDED DEVELOPMENT LEVELS IN THE GENERAL PLAN OR THE MAXIMUM LEVEL OF DEVELOPMENT PERMITTED BY SECTION 125.A.9.c.
- h. ANY EXISTING STRUCTURE **OR IMPROVEMENT** THAT IS LOCATED WITHIN DOWNTOWN COLUMBIA THAT IS DESTROYED BY FIRE, FLOOD OR OTHER CALAMITY MAY BE RESTORED TO THE SAME SIZE AND DIMENSIONS IN THE SAME LOCATION AS THE DESTROYED STRUCTURE IN ACCORDANCE WITH THE PREVIOUSLY APPROVED SITE DEVELOPMENT PLAN, PROVIDED THAT A BUILDING PERMIT IS ISSUED WITHIN ~~ONE (1) YEAR~~ **TWO (2) YEARS** FROM THE DATE SUCH STRUCTURE WAS DESTROYED AND RECONSTRUCTION BEGINS WITHIN SIX (6) MONTHS AFTER ISSUANCE OF THE BUILDING PERMIT. THE PLANNING BOARD MAY APPROVE AN EXTENSION FOR GOOD CAUSE SHOWN UP TO A MAXIMUM TWO ADDITIONAL YEARS TO OBTAIN A BUILDING PERMIT **AND** BEGIN CONSTRUCTION. **STRUCTURES AND IMPROVEMENTS** CONSTRUCTED UNDER THIS SECTION 125.A.9.h SHALL NOT BE LIMITED BY OR COUNTED AGAINST ~~RECOMMENDED~~ DEVELOPMENT LEVELS IN THE ~~GENERAL PLAN~~ **DOWNTOWN GENERAL PLAN AMENDMENT** OR THE MAXIMUM

DOWNTOWN NET NEW LEVEL OF DEVELOPMENT PERMITTED BY SECTION 125.A.9.c.

I. ADDITIONAL REQUIREMENTS

- (1.) FOR ANY DOWNTOWN REVITALIZATION DEVELOPMENT THAT INCLUDES DOWNTOWN NET NEW DWELLINGS, AT LEAST 15 PERCENT OF THE DOWNTOWN NET NEW DWELLINGS SHALL BE MODERATE INCOME HOUSING UNITS.**

- (2.) FOR ANY DOWNTOWN REVITALIZATION DEVELOPMENT THAT INCLUDES DOWNTOWN NET NEW DWELLINGS, AT LEAST 10 PERCENT OF THE DOWNTOWN NET NEW DWELLINGS SHALL BE MIDDLE INCOME HOUSING UNITS.**

- (3.) ANY DOWNTOWN REVITALIZATION DEVELOPMENT SHALL INCLUDE A SPECIFIC PROGRAM FOR PROVIDING DOWNTOWN PUBLIC ART, WHICH IS FUNDED BY THE DEVELOPER BASED ON 1 PERCENT OF THE CONSTRUCTION COSTS OF EACH DOWNTOWN REVITALIZATION DEVELOPMENT PROJECT.**

- (4.) ANY DOWNTOWN REVITALIZATION DEVELOPMENT SHALL BE IN COMPLIANCE WITH THE MAXIMUM BUILDING HEIGHT REQUIREMENTS AS REPRESENTED BY THE DOWNTOWN MAXIMUM BUILDING HEIGHT PLAN IN SECTION 103.C.**

J. OPEN SPACE PRESERVATION

- 1. FOR THE PURPOSE OF PRESERVING, CONSERVING AND INCREASING OPEN SPACE FOR ENJOYMENT BY THE PUBLIC, ALL LAND DESIGNATED AS CREDITED OPEN SPACE ON A FINAL DEVELOPMENT PLAN RECORDED PRIOR TO (EFFECTIVE DATE) SHALL, EXCEPT AS PROVIDED WITHIN THIS SECTION, RETAIN ITS EXISTING CHARACTER AS ONE OF THE FOLLOWING FOUR LAND TYPES, AS ARE ALSO DEPICTED ON THE DOWNTOWN OPEN SPACE PRESERVATION PLAN IN SECTION 103.D.:**
 - (A) ENVIRONMENTALLY SENSITIVE LAND AREAS WITH FLOODPLAINS, WETLANDS, STREAMS, BUFFERS AND STEEP SLOPES AS DESCRIBED IN SECTION**

16.115 AND SECTION 16.116 OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.

- (B) DOWNTOWN PARKLAND**
- (C) DOWNTOWN COMMUNITY COMMONS.**
- (D) DOWNTOWN ARTS AND ENTERTAINMENT PARK.**

(2) THERE SHALL BE NO NET LOSS OF EXISTING DOWNTOWN COMMUNITY COMMONS, AND NEW DOWNTOWN COMMUNITY COMMONS SHALL BE PROVIDED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

- (A) A MINIMUM OF 22 ACRES OF LAND NOT PREVIOUSLY DESIGNATED AS OPEN SPACE SHALL BE PROVIDED AS NEW DOWNTOWN COMMUNITY COMMONS LAND.**
- (B) LAND COUNTED TOWARD THE MINIMUM REQUIREMENT FOR NEW DOWNTOWN COMMUNITY COMMONS LAND SHALL NOT INCLUDE ANY ENVIRONMENTALLY SENSITIVE LAND OR LAND DESIGNATED AS CREDITED OPEN SPACE ON A RECORDED FINAL DEVELOPMENT PLAN FOR THE PURPOSE OF FULFILLING THE 36 PERCENT MINIMUM OPEN SPACE REQUIREMENT IN THE NT DISTRICT.**
- (C) NEW DOWNTOWN COMMUNITY COMMONS SHALL BE OF A CHARACTER AND LOCATION THAT IS GENERALLY CONSISTENT WITH THE PROPOSED AMENITY SPACES DESCRIBED IN THE DOWNTOWN GENERAL PLAN AMENDMENT AS SHOWN ON EXHIBIT G: AMENITY SPACE FRAMEWORK DIAGRAM.**
- (D) AT LEAST ONE DOWNTOWN COMMUNITY COMMONS THAT MEETS THE DEFINITION OF DOWNTOWN NEIGHBORHOOD SQUARE IN SECTION 103.A. AND ALL THE PROVISIONS OF THIS SECTION SHALL BE DEEDED TO HOWARD COUNTY FOR PUBLIC LAND.**

(E) THE BOUNDARIES OF ALL EXISTING AND NEW DOWNTOWN COMMUNITY COMMONS SHALL BE DELINEATED ON THE PROPOSED FINAL DEVELOPMENT PLAN WITH THE TOTAL LAND AREA OF EACH.

(3) THERE SHALL BE NO NET LOSS OF EXISTING DOWNTOWN PARKLAND AS DEPICTED ON THE DOWNTOWN OPEN SPACE PRESERVATION PLAN IN SECTION 103.D. IN AREAS DESIGNATED AS CREDITED OPEN SPACE UNDER A PREVIOUSLY APPROVED FINAL DEVELOPMENT PLAN WHICH EXIST AS DOWNTOWN PARKLAND AS OF (EFFECTIVE DATE), ONLY DOWNTOWN PARKLAND USES ARE PERMITTED, UNLESS AN EQUIVALENT AMOUNT OF LAND OTHERWISE AVAILABLE FOR DOWNTOWN MIXED-USE DEVELOPMENT IS PRESERVED AS DOWNTOWN PARKLAND IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

(A) IN EXCHANGE FOR THE USE OF EXISTING DOWNTOWN PARKLAND FOR ANY OTHER USE, INCLUDING OTHER OPEN SPACE USES, NEW DOWNTOWN PARKLAND MUST BE PROVIDED AS AN ACRE-FOR-ACRE REPLACEMENT.

(B) ANY AREA DESIGNATED AS DOWNTOWN PARKLAND IN EXCHANGE FOR EXISTING DOWNTOWN PARKLAND MUST CONSIST OF AT LEAST ONE CONTIGUOUS ACRE.

(C) ENVIRONMENTALLY SENSITIVE LAND AREAS MAY NOT BE EXCHANGED TO REPLACE EXISTING DOWNTOWN PARKLAND.

(D) LAND DESIGNATED AS OPEN SPACE ON A RECORDED FINAL DEVELOPMENT PLAN FOR THE PURPOSE OF FULFILLING THE 36 PERCENT MINIMUM OPEN SPACE REQUIREMENT IN THE NT DISTRICT MAY NOT BE EXCHANGED TO REPLACE EXISTING DOWNTOWN PARKLAND.

(4) LAND DESIGNATED AS OPEN SPACE ON A FINAL DEVELOPMENT PLAN RECORDED PRIOR TO (EFFECTIVE DATE) ON WHICH A PUBLIC FACILITY SUCH AS A LIBRARY OR FIRE STATION HAS BEEN CONSTRUCTED MAY BE DESIGNATED AS DOWNTOWN MIXED-USE ON AN AMENDED FINAL DEVELOPMENT PLAN ONLY AFTER A REPLACEMENT PUBLIC FACILITY HAS BEEN

CONSTRUCTED AND IS OPERATING AT AN ALTERNATIVE LOCATION WITHIN DOWNTOWN COLUMBIA.

(5) ALL TYPES OF DOWNTOWN OPEN SPACE SHOULD BE DESIGNED AND MAINTAINED TO FURTHER THE SUSTAINABILITY GOALS FOR DOWNTOWN COLUMBIA, AS DESCRIBED IN THE DESIGN GUIDELINES AND SUSTAINABILITY FRAMEWORK, THROUGH INNOVATIVE DESIGN, CONSTRUCTION AND ENVIRONMENTAL ENHANCEMENTS AND REHABILITATION.

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

B. Procedure for Creation of NT Districts

1. The beneficial owner of any tract of land in Howard County meeting the requirements of Section 125 may petition the Howard County Zoning Board to designate the property described in the petition as an NT District. The petition shall contain:
- a. The exact name and address of the petitioner and a reference to the liber and folio of the Land Records of Howard County at which the deed conveying the property in question to the petitioner is recorded. If the petitioner is not the legal as well as beneficial owner of the property, the petition shall:
 - (1) So state;
 - (2) List the exact name and address of the legal title-holder and give a reference to the liber and folio of the Land Records of Howard County at which the deed conveying the property to the legal title holder is recorded; and
 - (3) Contain a written assent to the petition signed by the legal title holder.
 - b. A metes and bounds description of the property covered by the petition and a survey thereof demonstrating that the same meets the requirements of Section 125.A.3.
 - c. A Preliminary Development Plan of the property covered by the petition. As used in this Section the term "Preliminary Development Plan" shall mean a

generalized drawing or series of drawings of the proposed New Town, with appropriate text materials, setting forth:

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

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

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

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

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

C. Comprehensive Sketch Plan [and Final Development Plan]

1. Within 30 days following notification of the approval of the Preliminary Development Plan, the petitioner shall notify the Planning Board of the target date for the presentation to the Planning Board of a proposed Final Development Plan of the NT District PURSUANT TO SECTION 125.D BELOW, or of the first phase of a proposed Final Development Plan, if the petitioner desires to develop the NT District in separate geographical segments.
2. Promptly following the giving of such notice to the Planning Board, the petitioner shall [commence the preparation of a proposed Final Development Plan. The Final Development Plan process shall be initiated by the filing] FILE with the Department of Planning and Zoning for Planning Board approval of a Comprehensive Sketch Plan for that geographical phase of the NT District which the petitioner elects to develop.
3. As used herein, the term “Comprehensive Sketch Plan” shall mean a drawing or series of drawings, at an appropriate scale, of generally either one inch equals 200 feet or one inch equals 100 feet, setting forth:
 - a. The approximate boundaries and approximate acreage for each of the proposed land uses in sufficient detail to graphically illustrate the application of the adopted master final development plan criteria to the area encompassed by the Comprehensive Sketch Plan.
 - b. The location of all existing and proposed public streets, roads, and utilities.
 - c. The location of open space within which recreational, school, park and other public or community uses are permitted.

- d. Text material (criteria) regulating the following:
- (1) The general locations for all structures.
 - (2) The permitted “general use” or “specific use” as hereinafter defined, for each land use area, except that no uses shall be specified which are permitted only in R-MH or M-2 Districts.

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

- (3) Height limitations, parking requirements, front, side and rear yard areas, setback provisions, minimum lot sizes and coverage requirements, stated generally and/or specifically with respect to particular improvements or types of improvements.
 - (4) The Planning Board shall hold a public hearing prior to the approval of a Comprehensive Sketch Plan under the following conditions:
 - a. If the Comprehensive Sketch Plan includes land which borders on property not within the New Town District (unless the owners of all lands abutting the New Town District land covered by the Comprehensive Sketch Plan shall sign a written waiver of the right to be heard in connection with the request for approval of said plan).
 - b. If the Comprehensive Sketch Plan deviates from the approved Preliminary Development Plan in any of the following particulars:
 - (1) If the overall maximum density of population within the NT District exceeds that stated in the Preliminary Development Plan; or
 - (2) If the number of acres to be devoted to the permitted employment uses shall be increased more than 10 percent, or the number of acres to be devoted to permitted residential uses shall be decreased by more than 10 percent, from that stated in the Preliminary Development Plan; or
 - (3) If the proposed Comprehensive Sketch Plan shows a use of land in the NT District within 300 feet of any outside boundary thereof which differs from that shown on the Preliminary Development Plan, unless the owners of all land abutting the NT District and within 300 feet of the

land in the NT District, the use of which is to be changed, sign a written waiver of the right to be heard in connection with such change in use.

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

- c. If the criteria submitted as a part of the Comprehensive Sketch Plan include a gasoline service station among the specified land uses.
5. In acting upon a Comprehensive Sketch Plan, the Planning Board shall be guided by Section 125 of these Regulations and shall particularly consider:
- a. The adequacy of the roads serving the proposed development and any proposed mitigation, in accordance with the Adequate Public Facilities Ordinance (Title 16, Subtitle 11 of the Howard County Code).
 - b. The location and adequacy of public utility and community facilities, including recreational uses and school properties, in relation to the density and distribution of population.
 - c. The location, extent and potential use of open space in the form of greenbelts, walkways, parkways, park land, etc., as it affects the general amenity of the community.
 - d. The impact of the proposed commercial and industrial uses on the residential uses within the NT District or adjacent thereto.
6. After review of the material submitted in light of the General Plan, and after carefully considering public agency comments, petitioner's testimony, public hearing testimony and the factors set forth in Section 125.C.5 above, the Planning Board shall:
- a. Approve the Comprehensive Sketch Plan as submitted by the petitioner; or
 - b. Approve the Comprehensive Sketch Plan as changed by the Planning Board; or
 - c. Reject the Comprehensive Sketch Plan in its entirety.
7. The Planning Board shall not unreasonably disapprove or change a proposed Comprehensive Sketch Plan. The fact that the proposed Comprehensive Sketch Plan is not in conformity with the Preliminary Development Plan shall be sufficient ground for disapproval or change. The Planning Board shall approve no Comprehensive Sketch Plan which varies the areas of uses below the minimum or above the maximum percentages for particular uses specified herein.

D. Final Development Plan – General Provisions.

1. [8. Upon approval of]IF a Comprehensive Sketch Plan OR COMPREHENSIVE SKETCH PLAN AMENDMENT IS REQUIRED, UPON ITS APPROVAL, the petitioner may submit a Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT to the Department of Planning and Zoning for approval by the Planning Board [covering]. THE PETITION MAY COVER all or a portion of the land covered by the Comprehensive Sketch Plan. THE DRAWINGS SHALL DELINEATE THE VARIOUS LAND USE AREAS BY COURSES AND DISTANCES. THE TEXT (CRITERIA) SHALL BE THAT WHICH WAS APPROVED BY THE PLANNING BOARD AS PART OF THE COMPREHENSIVE SKETCH PLAN.

[The drawings shall delineate the various land use areas by courses and distances. The text (criteria) shall be that which was approved by the Planning Board as part of the Comprehensive Sketch Plan.]

2. [9.]The Final Development Plan shall be considered by the Planning Board at a public meeting. In acting upon the Final Development Plan, the Planning Board shall be guided by the approved Comprehensive Sketch Plan, and comments received from the various public agencies which reviewed the Final Development Plan, and shall not unreasonably disapprove or change the Final Development Plan. THE PROVISIONS OF THIS SECTION 125.D.2 DO NOT APPLY TO DOWNTOWN REVITALIZATION.
3. [10.]At the time of the approval of the Final Development Plan, the Planning Board may provide for the subsequent approval by it of a Site Development Plan pertaining to the property which is the subject matter of such Final Development Plan. [Such subsequent]SITE DEVELOPMENT PLAN APPROVAL IS ALSO REQUIRED FOR ALL DOWNTOWN REVITALIZATION. SITE DEVELOPMENT PLAN approval shall not be a condition precedent to the approval and recordation of the Final Development Plan with respect to which a Site Development Plan is to be submitted, but shall be in addition to any administrative approvals required by the Subdivision and Land Development Regulations. Land use decisions made by the Planning Board as part of the approval of a Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT shall not be subject to review or further consideration as part of the subsequent Site Development Plan process.
4. [11.]In applying the provisions of this Section, where the proposed Final Development Plan is submitted in phases, the overall population density and the acres devoted to particular uses shall be recomputed by the Department of Planning and Zoning upon the consideration of each successive phase of proposed Final Development Plan so as to include all prior phases, but in making these recomputations, the gross area of the entire NT District covered by the Preliminary Development Plan shall be considered and not merely the area of the segments covered by the prior phases of the proposed Final Development Plan and the current phase being submitted for approval. THE PROVISIONS OF THIS SECTION 124.D.4 DO NOT APPLY TO DOWNTOWN REVITALIZATION.
5. [12.]If the Planning Board shall disapprove the proposed Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT (or any phase thereof) or shall fail to approve or disapprove the same within ~~60~~ 120 days after submission, then the petitioner, at his election, may take an appeal as permitted by law or may submit the proposed Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT (or the phase

thereof in question) directly to the Zoning Board. If the petitioner pursues the latter course, the Zoning Board shall hold a public hearing on the proposed Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT (or the phase thereof in question), shall require publication and posting of the property and shall ask for recommendations from the Planning Board, all as in the case of the hearing on the Preliminary Development Plan. After such hearing, the Zoning Board may approve, with or without changes, or disapprove the proposed Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT (or the phase thereof in question). In making this decision, the Zoning Board shall consider the matters set forth herein.

6. [13.] Upon approval of the Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT (or upon the approval of each phase thereof if submitted on a separate segment basis) the same shall be recorded among the Land Records of Howard County and the provisions thereof as to land use shall bind the property covered with the full force and effect of specific Zoning Regulations. After such recordation, no new structure shall be built, no new additions to existing structures made, and no change in primary use effected different from that permitted in the Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT except by an amendment to the Final Development Plan.

7. [14. If] ~~UNLESS OTHERWISE PROVIDED IN A STAGING PROGRAM~~ **DOWNTOWN IMPLEMENTATION PHASING PLAN** APPROVED AS PART OF A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT, IF construction has not been commenced and completed to the extent of 25 percent of the ground floor area of a structure shown on the [Final Development] Plan within five years after the date of the approval thereof (or the date of the approval of the last phase thereof if submitted in phases), then the approval shall be void and the entire matter resubmitted to the Planning Board for reconsideration in light of existing circumstances to the same extent as if the same were simply a proposed Final Development Plan; provided, however, that the Zoning Board may grant not more than two extensions of time of one year each to be added to said five year period if it considers such extension to be proper after the receipt and consideration of a report and recommendation from the Planning Board with respect to such extension or extensions.

8. ~~[15. Any construction which has been commenced shall not be subject to reconsideration upon any resubmission of] PLANNING BOARD REVIEW OF ANY PROPOSED AMENDMENT TO a Final Development Plan [under this Section] SHALL BE LIMITED TO THE SUBJECT OF THE AMENDMENT, and the [Zoning] PLANNING Board shall make no changes in the Final Development Plan except in relation to [areas where construction has not been commenced] THE SUBJECT OF THE AMENDMENT REQUEST. During any such [reconsideration] REVIEW, the property covered by the EXISTING Final Development Plan shall continue to be bound until such Plan is changed or disapproved in the manner described above.~~

[15]. Any construction which has been commenced shall not be subject to reconsideration upon any resubmission of a Final Development Plan under this Section, and the [Zoning] PLANNING Board shall make no changes in the Final Development Plan except in relation to areas where construction has not been commenced. During any such reconsideration, the property covered by the Final Development Plan shall continue to be bound until such Plan is changed or disapproved in the manner described above.

9. [16.]If the Planning Board has denied a land use which was shown on a Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT and which would be a conditional use in any other zoning district, a petition for the same land use on the same parcel shall not be accepted for consideration by the Planning Board for a period of 12 months from the date of said denial except on grounds of new evidence or proof of changed conditions found to be valid by the Planning Board.
10. EXCEPT WHERE EXPRESSLY MADE INAPPLICABLE, THE PROVISIONS OF THIS SECTION 125.D ALSO APPLY TO DOWNTOWN REVITALIZATION.

E. FINAL DEVELOPMENT PLAN – DOWNTOWN REVITALIZATION.

1. THE FOLLOWING DEVELOPMENT REVIEW PROCESS IS REQUIRED FOR ALL DOWNTOWN REVITALIZATION. THE PETITIONER MAY SUBMIT A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT TO THE DEPARTMENT OF PLANNING AND ZONING FOR APPROVAL BY THE PLANNING BOARD AT ANY TIME, AND AN AMENDMENT TO THE PRELIMINARY DEVELOPMENT PLAN OR ANY APPLICABLE COMPREHENSIVE SKETCH PLAN IS NOT REQUIRED. THE PETITION ~~MAY~~ **SHALL COVER ALL OR A PORTION AN ENTIRE NEIGHBORHOOD OF DOWNTOWN COLUMBIA AS DEPICTED IN EXHIBIT E OF THE DOWNTOWN GENERAL PLAN AMENDMENT AND MUST INCLUDE ALL THE INFORMATION REQUIRED UNDER SECTION 125.E.3 BELOW.**
2. PRIOR TO FILING A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT FOR DOWNTOWN REVITALIZATION THAT PROPOSES ANY USE:
 - (A) A PRESUBMISSION COMMUNITY MEETING IS REQUIRED ~~ACCORDING TO~~ **USING THE SAME PROCEDURES** ESTABLISHED IN SECTIONS 16.128(b) – (g) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. **IN ADDITION,** NOTICE IN ACCORDANCE WITH SECTIONS 16.128(b)-(g) MUST ALSO BE GIVEN TO EACH VILLAGE BOARD AND THE COLUMBIA ASSOCIATION.
 - (B) **THE PETITIONER IS REQUIRED TO SUBMIT MORE DETAILED PROPOSED NEIGHBORHOOD DESIGN GUIDELINES, WHICH ARE BASED UPON THE APPROVED DOWNTOWN DESIGN MANUAL, FOR REVIEW BY THE DESIGN ADVISORY PANEL, FOR ITS RECOMMENDATIONS IN ACCORDANCE WITH THE APPLICABLE PROVISIONS IN TITLE 16, SUBTITLE 15 OF THE COUNTY CODE.**
3. THE PETITION ~~MUST~~ **SHALL** INCLUDE THE FOLLOWING INFORMATION FOR THE LAND AREA COVERED BY THE PLAN:
 - a. BOUNDARIES OF THE PROPERTY COVERED BY THE PLAN.

- b. EXISTING TOPOGRAPHY, WOODLANDS, AND 100-YEAR FLOODPLAIN AREAS.
- c. A CONTEXT PLAN SHOWING EXISTING ROAD CONNECTIONS, MAJOR PEDESTRIAN NETWORKS, LAND USES AND MAJOR STORM WATER MANAGEMENT FACILITIES AND OPEN SPACE WITHIN THE ENTIRE PLAN AREA AND ADJOINING LAND WITHIN 500 FEET.

~~THE GENERAL LOCATION OF ANY PROPOSED NEIGHBORHOODS THAT PROVIDE VARIETY IN CHARACTER, HEIGHT, DENSITY AND INTENSITY IN ACCORDANCE WITH THE GENERAL PLAN.~~

- d. TOTAL ACREAGE WITHIN THE AREA COVERED BY THE PLAN ~~AND EACH NEIGHBORHOOD.~~
- e. LOCATION OF DEVELOPED PARCELS AND UNDEVELOPED LAND.
- f. SUMMARY OF ALL EXISTING DEVELOPMENT AND ALL DEVELOPMENT SHOWN ON APPROVED SITE DEVELOPMENT PLANS FOR THE AREA COVERED BY THE PLAN , THE SQUARE FOOTAGE OF OFFICE SPACE AND, THE SQUARE FOOTAGE OF RETAIL/SERVICE SPACE, THE SQUARE FOOTAGE OF ANY OTHER NON-RESIDENTIAL USES, THE NUMBER OF HOTEL AND MOTEL ROOMS, AND THE NUMBER OF DWELLING UNITS.
- g. ~~THE GENERAL LOCATION AND USE OF EXISTING AND PROPOSED MAJOR AMENITY SPACE.~~

THE APPROXIMATE LOCATION AND TOTAL LAND AREA OF THE FOLLOWING EXISTING AND/OR PROPOSED LAND USES:

- (1) DOWNTOWN COMMUNITY COMMONS
- (2) DOWNTOWN PARKLAND
- (3) DOWNTOWN ARTS AND ENTERTAINMENT PARK
- (4) ENVIRONMENTALLY SENSITIVE AREAS
- (5) DOWNTOWN MIXED-USE

- h. THE GENERAL LOCATION OF EXISTING AND PROPOSED DOWNTOWN SIGNATURE BUILDINGS ~~SITES THAT WOULD TERMINATE A VISTA.~~
- i. GENERAL VEHICULAR CIRCULATION SYSTEM SHOWING EXISTING AND PROPOSED STREETS AND THE APPROXIMATE LOCATION OF ANY PROPOSED TRANSIT ROUTES AND FACILITIES.

- j. GENERAL LAYOUT OF THE **EXISTING AND PROPOSED PEDESTRIAN AND BICYCLE CIRCULATION SYSTEMS INCLUDING SIDEWALKS AND PATHWAYS.**
- k. CONCEPTUAL STORM WATER MANAGEMENT PLAN.
- l. TEXT MATERIAL REGULATING THE FOLLOWING FOR THE ENTIRE PLAN OR BY NEIGHBORHOOD:
 - (1) MAXIMUM NUMBER **AND UNIT TYPES** OF DOWNTOWN NET NEW DWELLINGS.
 - (2) ~~PERCENTAGE OF ANY PROPOSED DWELLINGS THAT WILL BE PROVIDED IN ACCORDANCE WITH A MIXED INCOME HOUSING PROGRAM.~~ **THE NUMBER OF MODERATE INCOME HOUSING UNITS AND MIDDLE INCOME HOUSING UNITS.**
 - (3) MAXIMUM GROSS **FLOOR** AREA OF DOWNTOWN NET NEW COMMERCIAL OFFICE USES AND COMMERCIAL RETAIL USES.
 - (4) MAXIMUM NUMBER OF DOWNTOWN NET NEW HOTEL ROOMS.
 - (5) MAXIMUM BUILDING HEIGHTS ~~FOR EACH NEIGHBORHOOD.~~
 - (6) MAXIMUM SIZE OF A RETAIL-USE FOOTPRINT.
 - (7) ~~A PHASING PLAN~~ **NEIGHBORHOOD-SPECIFIC IMPLEMENTATION PLAN, COMPLYING WITH THE DOWNTOWN IMPLEMENTATION PHASING PLAN APPROVED AS PART OF THE DOWNTOWN GENERAL PLAN AMENDMENT, WHICH ADDRESSES THE IMPLEMENTATION SCHEDULE AND BENCHMARKS FOR THE FOLLOWING: INDICATING THE SEQUENCE OF DEVELOPMENT, AND THE SEQUENCE FOR THE PROVISION OF AMENITY SPACE,**
 - (a) **THE BALANCE OF USES WITHIN EACH IMPLEMENTATION PLAN PERIOD.**
 - (b) **THE PHASING OF DOWNTOWN MIXED-USE DEVELOPMENT.**
 - (c) **THE PHASING OF DOWNTOWN COMMUNITY COMMONS SPACES .**
 - (d) **THE PHASING OF THE TRANSPORTATION AND CIRCULATION FACILITIES.**

- (e) **THE PHASING OF THE REQUIRED INFRASTRUCTURE INCLUDING PUBLIC WATER AND SEWER.**
 - (f) **TRANSPORTATION AND CIRCULATION FACILITIES.**
 - (g) **ENVIRONMENTAL RESTORATION**
 - (h) **DOWNTOWN ARTS, CULTURAL AND COMMUNITY USES**
 - (i) **ANY OTHER ITEMS AS SPECIFIED IN THE DOWNTOWN IMPLEMENTATION PLAN.**
- (8) A TRAFFIC STUDY AS SPECIFIED IN THE HOWARD COUNTY ADEQUATE PUBLIC FACILITIES ACT FOR THE EVALUATION OF THE ADEQUACY OF TRANSPORTATION FACILITIES.
- (9) A DESCRIPTION OF THE ~~AMENITY SPACE~~ **DOWNTOWN COMMUNITY COMMONS** THAT WILL BE INCLUDED IN THE DEVELOPMENT.
- (10) **AN EXPLANATION OF HOW THE PROPOSED DEVELOPMENT ADDRESSES THE ENVIRONMENTAL CONCEPTS OF CHAPTER 3 OF THE DOWNTOWN COLUMBIA – A COMMUNITY VISION REPORT, AND SPECIFICALLY ADDRESSING THE CONCEPTS OF GREEN BUILDINGS AND GREEN SITE DESIGN.**
- (11) **THE LOCATIONS AND DESCRIPTIONS OF EXISTING SITES, PUBLIC ART, AND BUILDINGS OR STRUCTURES WHICH MAY HAVE SPECIAL SIGNIFICANCE ON AN HISTORIC OR CULTURAL BASIS, AND AN EXPLANATION OF THE METHODS EMPLOYED TO RETAIN AND PRESERVE THESE ITEMS.**
- (13) **A DESCRIPTION OF THE DOWNTOWN PUBLIC ART PROGRAM THAT IS IN COMPLIANCE WITH SECTION 125.A.9.i.(3), AND ANY PROPOSED PUBLIC ART.**
- m. **NEIGHBORHOOD** DESIGN GUIDELINES THAT ADDRESS THE FOLLOWING:
- (1) URBAN DESIGN, INCLUDING SCALE AND MASSING, BLOCK CONFIGURATION, PARKING AND SERVICE FUNCTIONS, BUILDING ENTRANCES, AND STREET LIGHTING AND FURNITURE.
 - (2) STREET DESIGN AND FRAMEWORK.

- (3) ~~AMENITY SPACE~~, **DOWNTOWN COMMUNITY COMMONS AND DOWNTOWN PARKLAND**
- (4) ARCHITECTURAL DESIGN.
- (5) **GREEN BUILDING AND GREEN SITE DESIGN**.
- (6) A STATEMENT IDENTIFYING (I) THE CUMULATIVE AMOUNT OF DEVELOPMENT APPROVED AND BUILT TO DATE UNDER SECTION 125.A.9; (II) THE STATUS OF ANY ~~AMENITY SPACE REQUIRED UNDER SECTION 125.A.9~~; **ANY REQUIRED DOWNTOWN COMMUNITY COMMONS AND DOWNTOWN PARKLAND** AND (III) THE STATUS OF ANY COMMUNITY ENHANCEMENTS, PROGRAMS OR ~~AMENITIES RECOMMENDED BY THE GENERAL PLAN~~, **INFRASTRUCTURE AS ADDRESSED IN THE DOWNTOWN GENERAL PLAN AMENDMENT**.

4. **BASED ON THE FOLLOWING CRITERIA** THE PLANNING BOARD SHALL CONSIDER THE FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT AT A PUBLIC HEARING. THE PLANNING BOARD SHALL APPROVE, **APPROVE WITH CONDITIONS, OR DENY** THE PETITION IF:

- a. THE PLAN IS ~~GENERALLY CONSISTENT~~ **IN COMPLIANCE** WITH THE ADOPTED ~~GENERAL PLAN~~ **DOWNTOWN GENERAL PLAN AMENDMENT**, INCLUDING ~~GENERAL PLAN PHASING~~ **THE DOWNTOWN IMPLEMENTATION PHASING PLAN**.
- b. THE PROPOSAL, WHEN CONSIDERED IN THE CONTEXT OF SURROUNDING PLANNED OR EXISTING DEVELOPMENT, PROVIDES A BALANCED MIX OF HOUSING, JOBS, COMMERCIAL SERVICES AND ENTERTAINMENT USES ~~WITHIN PEDESTRIAN ACCESS OF EACH~~, **THROUGHOUT EACH PHASE**.
- c. IF HOUSING IS PROPOSED, A VARIETY OF HOUSING CHOICES WILL BE PROVIDED AT DIFFERING PRICE LEVELS WHEN CONSIDERED IN THE CONTEXT OF SURROUNDING EXISTING OR PLANNED DEVELOPMENT, **AND AT LEAST 15 PERCENT OF THE DOWNTOWN NET NEW DWELLING UNITS ARE MODERATE INCOME HOUSING UNITS AND AT LEAST 10 PERCENT OF THE DOWNTOWN NET NEW DWELLING UNITS ARE MIDDLE INCOME HOUSING UNITS**.
- d. THE PEDESTRIAN NETWORK WILL CREATE CONVENIENT CONNECTIONS THROUGHOUT THE SUBJECT AREA AND CONNECT, WHEREVER POSSIBLE, TO EXISTING AND PLANNED SIDEWALKS AND PATHS ADJOINING THE DEVELOPMENT.
- e. THE DEVELOPMENT WILL PROTECT LAND COVERED BY LAKES, STREAMS OR RIVERS, FLOOD PLAINS AND STEEP SLOPES, PROVIDE

CONNECTIONS, WHERE POSSIBLE, TO EXISTING AND PLANNED OPEN SPACE WITHIN THE ~~SUBJECT AREA~~ **NEIGHBORHOOD** AND IN SURROUNDING AREAS, AND PROVIDE APPROPRIATE LAND FOR ~~AMENITY SPACE~~ **DOWNTOWN COMMUNITY COMMONS**.
~~VEHICULAR, PEDESTRIAN AND UTILITY CROSSINGS OF ENVIRONMENTALLY SENSITIVE AREAS SHALL BE PERMITTED PROVIDED ALL APPLICABLE GOVERNMENTAL PERMITS AND APPROVALS ARE OBTAINED.~~

- f. THE DEVELOPMENT **PLAN** WILL BE COMPATIBLE WITH EXISTING AND PLANNED VICINAL LAND USES. IN MAKING THIS DETERMINATION, THE PLANNING BOARD ~~MAY~~ **SHALL** CONSIDER:
 - (1) THE USE OF AN EXISTING OR PLANNED ROAD ON THE EDGE OF THE PLAN AREA AS A SEPARATION BETWEEN DIFFERENT LAND USES;
 - (2) THE SIZE OF BUILDINGS ALONG THE EDGES OF THE PLAN AREA THROUGH LIMITS ON BUILDING HEIGHT OR OTHER REQUIREMENTS;
 - (3) THE PROTECTION OR ESTABLISHMENT OF LANDSCAPE FEATURES ON THE BOUNDARY OF THE PLAN AREA. THIS MAY INCLUDE PROTECTION OF EXISTING VEGETATION OR GRADE CHANGES THAT PROVIDE A NATURAL SEPARATION, OR LANDSCAPE DESIGN STANDARDS APPLICABLE TO AN EDGE WHERE SPECIFIED TYPES OF LAND USES ABUT;
 - (4) THE CHARACTER OF NEARBY PROPERTIES AS ENVISIONED BY THE ADOPTED GENERAL PLAN FOR THE AREA; AND
 - (5) THE ADOPTED ~~GENERAL PLAN RECOMMENDATIONS~~ **DOWNTOWN GENERAL PLAN AMENDMENT RECOMMENDATIONS** FOR **HEIGHT**, BUILDING MASSING AND SCALE.
- g. THE DEVELOPMENT WILL BE SERVED BY ADEQUATE PUBLIC FACILITIES, INCLUDING ANY PROPOSED MITIGATION OR DEVELOPMENT STAGING IN ACCORDANCE WITH THE ADEQUATE PUBLIC FACILITIES ACT (TITLE 16, SUBTITLE 11 OF THE HOWARD COUNTY CODE)
- h. **THE DEVELOPMENT PLAN IS PROTECTIVE OF ENVIRONMENTALLY SENSITIVE FEATURES AND MAY PROVIDE SOME ENVIRONMENTAL RESTORATION WITHIN THE PLAN AREA AND DOWNTOWN COLUMBIA.**
- i. **THE DEVELOPMENT IS PROTECTIVE OF EXISTING SITES, PUBLIC ART, AND BUILDINGS OR STRUCTURES WHICH MAY HAVE SPECIAL SIGNIFICANCE ON AN HISTORIC OR CULTURAL BASIS.**

- j. **THE NEIGHBORHOOD DESIGN GUIDELINES SUBMITTED WITH THE FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT OFFER SUFFICIENT DETAIL TO GUIDE THE APPEARANCE OF THE NEIGHBORHOOD OVER TIME, AND PROMOTE DESIGN FEATURES THAT ARE ACHIEVEABLE AND APPROPRIATE FOR DOWNTOWN REVITALIZATION IN ACCORDANCE WITH THE DESIGN MANUAL OF THE DOWNTOWN GENERAL PLAN AMENDMENT.**

K. KEY LOCATIONS FOR DOWNTOWN PUBLIC ART ARE IDENTIFIED, IN COMPLIANCE WITH SECTION 125.A.9.I.(3).

- 5. AT ANY TIME PRIOR TO FINAL ACTION BY THE PLANNING BOARD ON A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT, THE PETITIONER MAY WITHDRAW THE PETITION.
- 6. **PLANNING BOARD** APPROVAL OF A SITE DEVELOPMENT PLAN SHALL BE REQUIRED FOR ALL DOWNTOWN REVITALIZATION.

F. [D.]Amendments to a Comprehensive Sketch Plan or Final Development Plan

- 1. Amendments Submitted by Original Petitioner

Except as allowed by Section[s] 125.[D]F.2 and [125.E.]3 below, only the original petitioner for the New Town District may propose amendments to an approved Comprehensive Sketch Plan or Final Development Plan. A proposed **COMPREHENSIVE SKETCH PLAN** amendment shall be reviewed in accordance with Section 125.C above. **A PROPOSED FINAL DEVELOPMENT PLAN AMENDMENT SHALL BE REVIEWED IN ACCORDANCE WITH SECTION 125.D. OR 125.E. AS APPLICABLE.**

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

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

- a. The property owner shall submit the number of copies of the complete Final Development Plan as required by the Department of Planning and Zoning, with the proposed criteria amendments clearly noted on each copy, accompanied by an explanation of the request.
- b. The proposal shall be considered by the Planning Board at a public hearing.

- c. The Planning Board shall approve, approve with modifications or deny the proposed amendments to the Final Development Plan, stating the reasons for its action. The Planning Board shall approve the request only if it finds that:
 - (1) The use is consistent with the land use designation of the property as established on the recorded Final Development Plan and compatible with existing or proposed development in the vicinity.
 - (2) The use will not adversely affect vicinal properties.
- d. If the use is approved:
 - (1) The Planning Board may provide for the subsequent approval by it of a Site Development Plan for the property which is the subject of the proposal; and
 - (2) Revised text for the Final Development Plan indicating the additional allowed use of the particular property shall be submitted by the applicant and recorded in the Land Records of Howard County.

3. THE FEE SIMPLE OWNER OF ANY PROPERTY LOCATED WITHIN DOWNTOWN COLUMBIA MAY PROPOSE AMENDMENTS TO AN APPROVED FINAL DEVELOPMENT PLAN ~~FOR~~ **IN ACCORDANCE WITH** DOWNTOWN REVITALIZATION **REQUIREMENTS.**

G. [E.]**Site Development Plans**

1. Planning Board Approval

If the Planning Board reserved for itself the authority to approve a Site Development Plan AND for [an area]ALL DOWNTOWN REVITALIZATION, no permit shall be issued for any use until the Site Development Plan is approved by the Planning Board. The Site Development Plan shall be considered at a public meeting, ~~except where [a public hearing is required by Section 125.E.3 below]~~**SPECIFIED BY SECTION 125.G.3 BELOW.** AT ANY TIME PRIOR TO FINAL ACTION BY THE PLANNING BOARD ON A SITE DEVELOPMENT PLAN OR SITE DEVELOPMENT PLAN AMENDMENT, THE PETITIONER MAY WITHDRAW THE PETITION.

2. ~~CRITERIA FOR APPROVAL OF A~~ **SITE DEVELOPMENT PLAN** PROPOSING DOWNTOWN REVITALIZATION.

A **PRIOR TO THE SUBMISSION OF A SITE DEVELOPMENT PLAN FOR DOWNTOWN REVITALIZATION, THE PETITIONER SHALL SUBMIT THE PROPOSED SITE DEVELOPMENT PLAN FOR REVIEW BY THE DESIGN ADVISORY PANEL, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS IN TITLE 16, SUBTITLE 15 OF THE COUNTY CODE. THE PLANNING BOARD SHALL CONSIDER ANY DESIGN ADVISORY PANEL RECOMMENDATIONS IN THE EVALUATION OF THE SITE DEVELOPMENT PLAN.**

- B. THE PLANNING BOARD SHALL APPROVE, **APPROVE WITH CONDITIONS, OR DENY** A SITE DEVELOPMENT PLAN THAT PROPOSES DOWNTOWN REVITALIZATION IF IT FINDS THAT THE PLAN:
- (1) ~~IS GENERALLY CONSISTENT~~ **IN COMPLIANCE** WITH THE ADOPTED ~~GENERAL PLAN~~ **DOWNTOWN GENERAL PLAN AMENDMENT.**
 - (2) ~~CONFORMS TO THE~~ **COMPLIES WITH THE APPROVED FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT INCLUDING THE BULK REGULATIONS AND NEIGHBORHOOD-SPECIFIC DESIGN GUIDELINES ESTABLISHED BY THE FINAL DEVELOPMENT PLAN. AND THE NEIGHBORHOOD-SPECIFIC IMPLEMENTATION PLAN**
 - (3) WILL BE COMPATIBLE WITH EXISTING AND PLANNED ADJACENT LAND USES **AS ESTABLISHED IN THE FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT, CONSIDERING WITH CONSIDERATION OF** THE FINAL LOCATION AND USE OF BUILDINGS AND STRUCTURES, BUILDING HEIGHT, MASSING, LANDSCAPING, ~~AMENITY SPACE AND~~, **DOWNTOWN COMMUNITY COMMONS, DOWNTOWN PARKLAND. PEDESTRIAN, BICYCLE** AND VEHICULAR CIRCULATION SYSTEMS;~~AND~~
 - (4) **IS WELL-ORGANIZED IN TERMS OF** THE LOCATION OF BUILDINGS AND STRUCTURES, ~~AMENITY SPACE~~ **DOWNTOWN COMMUNITY COMMONS, LANDSCAPING, AND PEDESTRIAN AND VEHICULAR CIRCULATION SYSTEMS IS LOGICAL AND EFFICIENT, AND OTHER DOWNTOWN REVITALIZATION FEATURES.**
 - (5) PROVIDES ~~AMENITY SPACES~~ **DOWNTOWN COMMUNITY COMMONS AND DOWNTOWN PARKLAND** THAT ARE REASONABLE AND APPROPRIATE GIVEN THE LOCATION, SCALE AND ANTICIPATED INTENSITY OF ADJACENT USES.
 - (6) **PROVIDES MODERATE INCOME HOUSING UNITS AND MIDDLE INCOME HOUSING UNITS IN COMPLIANCE WITH SECTION 125.A.9.I.**
 - (7) **THE MAXIMUM BUILDING HEIGHTS ARE IN COMPLIANCE WITH THE DOWNTOWN MAXIMUM BUILDING HEIGHT PLAN IN SECTION 103.C.**

(8) FOR ANY SITE DEVELOPMENT PLANS PROPOSING DOWNTOWN PUBLIC ART, THE DOWNTOWN PUBLIC ART IS PROVIDED IN COMPLIANCE WITH THE DOWNTOWN PUBLIC ART PROGRAM APPROVED WITH THE FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT APPROVAL.

C. MINOR ADJUSTMENTS TO THE GENERAL PEDESTRIAN CIRCULATION SYSTEM, ROAD NETWORK AND ~~AMENITY SPACE~~ **DOWNTOWN COMMUNITY COMMONS** SHOWN ON THE FINAL DEVELOPMENT PLAN MAY BE APPROVED AS A PART OF THE SITE DEVELOPMENT PLAN, PROVIDED THE ADJUSTMENT(S) ARE GENERALLY CONSISTENT WITH THE FINAL DEVELOPMENT PLAN AND WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE.

3. [2.]Minor Additions and Modifications

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

4. [3.]Minor Projects Not Requiring Planning Board Approval PROVIDED THE DEPARTMENT OF PLANNING AND ZONING DETERMINES THE PROPOSED MODIFICATION IS COMPATIBLE WITH EXISTING STRUCTURES:

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

5. [4.]Adjustments to Bulk Regulations for Individual Lots

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

- a. A public meeting shall be held on the site development plan requiring the adjustment. If no site development plan is available, an accurate plot plan drawn to scale shall be submitted for Planning Board review at the public meeting.
- b. A Site Development Plan or plot plan submitted for review shall clearly indicate the requirement from which relief is sought and the requested relief, and shall be accompanied by a written statement explaining the reasons for the requested adjustment.
- c. In addition to the notice for public meetings required by the Planning Board's Rules of Procedure, the property that is the subject of the application shall be posted with the date, time, and place of the meeting for at least 15 days immediately before the public meeting.
- d. The requested adjustment to the parking or bulk requirements shall be granted if the Planning Board finds that:
 - (1) The adjustment will not alter the character of the neighborhood or area in which the property is located, will not impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and
 - (2) The adjustment a) is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the Final Development Plan; and/or b) results in better design than would be allowed by strict compliance with the development criteria.
- e. The Planning Board may approve, approve with conditions, or deny a requested adjustment.

SECTION 133: OFF-STREET PARKING AND LOADING FACILITIES

B. Layout and Location

4. Required minimum parking may be provided on a separate lot from the principal use if:
 - f. For residential uses, the location and distribution of parking spaces complies with the Subdivision and Land Development Regulations.
 - g. For nonresidential uses, the major point of pedestrian access to the parking facility is within 400 feet of the entrance to the building. THIS

REQUIREMENT DOES NOT APPLY TO DOWNTOWN
REVITALIZATION;

- h. The parking facility is within a zoning district in which the use being served by the parking facility is permitted;
- i. The parking facility is not separated from the use being served by a public street. THIS REQUIREMENT DOES NOT APPLY TO DOWNTOWN REVITALIZATION; AND
- j. The parking facility is subject to recorded covenants or easements for parking, or other proof is provided that the continued use of the parking area is guaranteed throughout the life of the land use.

E. PERMITTED REDUCTIONS IN OFF-STREET PARKING REQUIREMENTS.

3. DOWNTOWN REVITALIZATION

OFF-STREET PARKING AND LOADING FACILITIES FOR DOWNTOWN REVITALIZATION ~~MUST~~ **SHALL** BE PROVIDED IN ACCORDANCE WITH SECTION 133. ~~HOWEVER, AT THE PETITIONER'S OPTION, THE MINIMUM NUMBER OF REQUIRED PARKING SPACES MAY BE CALCULATED EITHER IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 133.E.1.a AND b OR USING THE METHODOLOGY SET FORTH IN THE MOST RECENT ADDITION OF "SHARED PARKING" PUBLISHED BY THE URBAN LAND INSTITUTE (ULI). IN EITHER EVENT, THE CONDITIONS OF APPROVAL PROVISIONS IN SECTION 133.E.1.c SHALL APPLY.~~

SECTION 103.B.

B. DOWNTOWN COLUMBIA

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

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

MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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

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

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

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

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

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

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

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

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

SOUTH 02°29'21" EAST 272.12 FEET TO A POINT; THENCE
SOUTH 82°37'23" EAST 315.92 FEET TO A POINT; THENCE
SOUTH 16°14'58" EAST 275.00 FEET TO A POINT; THENCE
SOUTH 65°24'27" EAST 516.84 FEET TO A POINT; THENCE WITH THE
LINE OF SAID LOT 23, AND THE TERMINUS LINE OF SYMPHONY WOODS
ROAD, A PUBLIC RIGHT-OF-WAY, UNIMPROVED, AS RECORDED IN PLAT
BOOK 30, PLAT NO. 45, AND THE SOUTHERN LINE OF LOT 11C, RECORDED
IN PLAT BOOK 30, PLAT NO. 45

NORTH 79°40'05" EAST 891.63 FEET TO A POINT ON A WESTERN LINE
OF LOT 1, COLUMBIA TOWN CENTER, SECTION 5, AREA 4, AS RECORDED IN
PLAT NO. 14054; THENCE DEPARTING SAID LOT 11C AND RUNNING WITH
THE LINES OF SAID LOT 1

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

SOUTH 76°02'42" WEST 239.27 FEET TO A POINT; THENCE
SOUTH 86°19'11" WEST 75.00 FEET TO A POINT; THENCE
NORTH 39°13'05" WEST 86.02 FEET TO A POINT; THENCE
SOUTH 86°19'11" WEST 234.41 FEET TO A POINT; THENCE
SOUTH 39°28'56" WEST 53.89 FEET TO A POINT; THENCE
339.06 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A
RADIUS OF 536.62 FEET AND A CHORD BEARING AND DISTANCE OF NORTH
77°37'57" WEST 333.45 FEET TO A POINT; THENCE

NORTH 60°39'20" WEST 378.19 FEET TO A POINT; THENCE
425.83 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A
RADIUS OF 1,350.00 FEET AND A CHORD BEARING AND DISTANCE OF
NORTH 49°20'57" WEST 424.07 FEET TO A POINT; THENCE

SOUTH 47°39'26" WEST 33.45 FEET TO A POINT ON THE EASTERN
RIGHT-OF-WAY LINE OF BROKEN LAND PARKWAY AS RECORDED IN PLAT
NO. 6598; THENCE RUNNING WITH SAID BROKEN LAND PARKWAY

346.21 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A
RADIUS OF 1,070.92 FEET AND A CHORD BEARING AND DISTANCE OF
NORTH 23°00'44" WEST 344.70 FEET TO A POINT; THENCE

NORTH 13°45'03" WEST 972.71 FEET TO A POINT; THENCE
524.31 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A
RADIUS OF 806.47 FEET AND A CHORD BEARING AND DISTANCE OF NORTH
04°52'27" EAST 515.13 FEET TO A POINT; THENCE

NORTH 23°29'57" EAST 147.00 FEET TO A POINT; THENCE
NORTH 61°35'15" EAST 123.74 FEET TO THE POINT OF BEGINNING
CONTAINING 2,843,633 SQUARE FEET OR 65.2808 ACRES, MORE OR LESS.

Note: GGP should provide a map delineating the boundary for Downtown Columbia to be inserted here following this metes and bounds description.

