

Development Regulations Assessment Steering Committee Meeting  
November 29, 2017 from 5:00 to 6:30 pm  
Ilchester Room, 2<sup>nd</sup> Floor

**Meeting Minutes**

*Note: These minutes must be approved by the committee to be the official approved minutes*

**Attendance:** Steering Committee Members

- Jane Dembner
- Susan Garber
- Steve Hunt
- Grace Kubofcik
- Joan Lancos
- Jun Lee \*
- Dick Lombardo \*
- Ted Mariani
- Lisa Markovitz
- Lynn Moore \*
- Drew Roth
- Cole Schnorf
- Paul Skalny \*

\*Absent

DPZ Staff: Valdis Lazdins, Amy Gowan

**Approval of July 24<sup>th</sup> Meeting Minutes:**

Grace Kubofcik made a motion to approve, Jane Dembner seconded the motion. Motion passed 7-0-1 (Drew Roth abstained).

**Presentation:** Don Elliott, Director of Clarion Associates, called the meeting to order and introduced himself and his associate Lisa Steiner. Ms. Steiner gave an overview of the project background and general explanation of the draft Diagnosis and Annotated Outline. The Diagnosis includes a section-by-section review of the zoning and land development regulations and the annotated outline shows how the current structure can be simplified through a Unified Development Ordinance (UDO).

Ms. Steiner reviewed the project status. Clarion has reviewed how districts are used, the amount of acreage and parcels in each district, the Final Development Plans (FDPs) and completed an analysis of codes and manuals. Clarion updates the database of comments on website monthly. Mr. Elliott then discussed the key emerging topics and clarified that Clarion is communicating what was heard from the comments and survey responses and not endorsing any specific topic. A general undertone was a desire to slow growth.

**Discussion Topics:** Mr. Elliott introduced four key topics for which Clarion is seeking public engagement: 1) Mixed Use Zoning, 2) Character-Based Zoning, 3) Floating and Overlay Zones, and 4) New Town.

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**1) Mixed use zoning-** Mr. Elliott explained the concept of mixed use zoning as allowing both residential and non-residential at various scales. Mixed use is commonly thought of as vertical development with residential on top of commercial. However, mixed use can look very different at different scales and can be accomplished horizontally as well. It does not equate to high density and can be compatible with different scales such as small, neighborhood areas or larger community centers. Currently, Howard County addresses mixed use through an overlay district. However most new codes look at the flavor and scale of mixed use and what types of uses should be allowed.

Steering Committee comments and questions:

- As most of our green fields are developed and Howard County is now looking at redevelopment, would a mixed use district allow residential into our commercial areas (for example strip centers along Route 1) or would it be focused at the neighborhood level? Mr. Elliott clarified that the locations of mixed use districts is a mapping question to be addressed at a later stage. This effort is looking at whether we need zone districts of this type. If so, we would likely start by looking at B-1 areas or obsolete commercial strips. Mr. Lazdins suggested that the Traditional Neighborhood Center (TNC) Overlay could be another option.
- Is the direction always from commercial to residential? Could we look at areas where we are losing commercial, industrial, research and go in that direction as opposed to residential? Mr. Elliott explained that mixed use implies shifting from non-residential to residential.
- When a mixed use zone is created, are the eventual number of units predictable? Mr. Elliott replied that it can be drafted different ways and the goals focus on the overall mix in the area, scale, size, height rather than limited units.
- We have a large amount of controversy over school capacity and have historically flawed projections of enrollment. As a result, enrollment is misaligned with capacity. Zoning that allows us to predict and provide more accurate projections (i.e. For APFO purposes) is needed.

**2) Character Based Zoning (CBZ)-** many new codes use contextual dimensional standards such as; setbacks, height, building volume. CBZ is often used for an area that is unique or where people feel strongly about neighborhood feel, but not all districts. By creating a menu of tailored standards, more regulations can be applied administratively. However, simplifying doesn't equate to homogeneous- some tailoring is needed.

Steering Committee comments and questions:

- Use of the term zoning is misleading- it is really protection
- Can CBZ address infill development? Where is it appropriate? Mr. Elliot explained that it directly addresses infill, both the fit and preservation of character in an area. It is most appropriate where there is a pushback to infill.
- How fine grained will it need to be? Mr. Elliott replied that it would not get into architectural styles, colors or material.

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**3) Floating and Overlay-** Mr. Elliott commented that Howard County's use of floating zones is overly complicated and most newer codes achieve character and land use goals in more basic categories of zoning and land use standards. Clarion will likely recommend eliminating many of the floating and overlay zones. Mr. Elliott discussed the current Community Enhancement Floating (CEF) Zone and use of Planned Unit Developments (PUD) as negotiated zoning districts. PUDs have proven to be problematic to implement over the years. New codes include some type of negotiated district that sets well defined parameters but it not too narrowly focused that it becomes outdated.

Steering Committee comments and questions:

- Seems like overlay zones provide more flexibility instead of taking a hard look at base zones? It is typically more difficult to make changes to a base zone that affects a large number of people as opposed to one person that wants an overlay.
- The CEF district needs to be more tightly written, sooner than later, before it is overused.
- PUDs have been used extensively in DC and communities challenge them in court. Now DC got rid of all the PUDs and now developers are flocking to this new approach.
- The CEFs were created to allow large increases in density in exchange for amenities but as a project moves through the process, density stays static and amenities decrease.

**Newtown-** James Rouse used a land developer system to build a city and retain control. This strategy was largely successful, however some case standards have proven to be too tight and others too vague. The use of site-specific text to cross-references other tools doesn't work well moving into future. The Village Center and Downtown processes are very complicated and more flexibility is needed for redevelopment. Difficult processes limit developers' willingness to go through it. Goal is to encourage good products. Mr. Elliott explained the general approach Clarion is proposing, to transfer FDPs in modern system of zoning districts, and reviewed conceptual options for change.

- How do covenants get in way or how do you work through? Several choices are available: 1) ignore 2) try to get state legislative authority to change 3) try to get agreement to modify
- There are different types of covenants; such as village covenants that require the need to negotiate with original developer and/or commercial covenants in industrial parks and throughout Columbia where each is unique and between different parties.
- The reaction to this approach so far has been generally positive. There was some confusion between covenants and land development standards. Many New Town citizens are concerned about out parcels so if they are included, it would address current disparity.
- We hear about the original petitioner? Couldn't the rewritten NT regulations and the clear criteria take the place of that original petitioner that holds the vision rather than a gatekeeper?

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- Original Petitioner is written into zoning (commonly called gatekeeper) and is distinct from covenants. HRD is common in some covenants but not all, however for zoning purposes the Original Petitioner is always HRD.
- Not appropriate to have to obtain permission from HRD.
- New Town doesn't have mandatory affordable housing- this should be included in the analysis. Affordable housing should be addressed county-wide.

The New Town discussion concluded and the Steering Committee offered the following general comments:

- The county has a practice of ignoring Soil Conservation District and Department of Natural Resources. This can be addressed by clarifying "should vs. shall" requirements.
- A potential open space district may be a tool to consider and a starting point could be county owned land.
- If we go through a very long process and develop a code, do you think that significant level will result in something that will carry us through for a generation? Mr. Elliott replied that the structure will be robust and likely usable for about 20 years. It will need to be amended over time to address future issues (i.e. autonomous vehicles) but the bones should avoid the need to haphazardly add/modify over time.
- Request for a schedule of meetings so they can attend if desired.

**Adjourn:** Don Elliott closed the meeting at 6:30 p.m. by thanking the Committee members for their involvement, reiterating that comments are still being accepted and explained Clarion Associates next steps.

*Note – To comply with the Maryland Open Meetings Act any information or comments received outside of the meeting cannot be included in the official meeting minutes.*