

Development Regulations Assessment Steering Committee Meeting
February 12, 2018 from 4:30 to 6:00 pm
Columbia/Ellicott Room, 1st 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, Peter Conrad, Julia Boone

Approval of November 29th Meeting Minutes:

Julia Boone noted a drafting change to the minutes. Grace Kubofcik made a motion to approve, Joan Lancos seconded the motion. Motion passed 8-0-1 (Lynn Moore abstained and Steven Hunt was not present for the vote).

Presentation:

Introduction: 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 scope and general explanation of Phases I and II and the Assessment and Annotated Outline. The assessment 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 discussed the project timeline and public input statistics.

Assessment/Diagnosis of the Current Regulations: Ms. Steiner and Mr. Elliott discussed nine assessment components of the current regulations: 1) General Comments, 2) Little Used or Obsolete Districts, 3) Rural Zone Districts, 4) Historic Zone Districts, 5) New Town, 6) Route 1, 7) Conditional Uses, 8) Design Advisory Panel, and 9) The Manuals.

- 1) General Comments-** Ms. Steiner explained the recommendations for the general format and organization of a new UDO.

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- 2) **Little Used or Obsolete Districts-** Ms. Steiner discussed the recommendation to remove or consolidate the little used or obsolete districts.
- 3) **Rural Zone Districts-** Ms. Steiner discussed that rural districts could be improved by updating the list of permitted and conditional uses, improve buffering of new residential lots adjacent to farms, clarify the density exchange overlay tool and provide more detailed rural design standards to protect rural character.
- 4) **Historic Zone Districts-** Ms. Steiner discussed Howard County's unique approach to historic zoning districts and that most newer codes provide a historic overlay district that are applied to a base district.
- 5) **New Town-** Mr. Elliott discussed the New Town zoning district and that it is very unusual to have a 100,000-person community regulated by a single zoning district. He explained that the Final Development plans were effective in developing Columbia, but can complicate future redevelopment. He stated the Downtown and Village Center revitalization procedures need to be simplified and consolidated and that multiple iterative rounds of approval puts Columbia at a disadvantage in competing for quality redevelopment of older areas.
- 6) **Route 1-** Mr. Elliott discussed the Route 1 zoning districts did not produce the intended outcomes and should be replaced with updated districts of varying intensities.
- 7) **Conditional Uses-** Mr. Elliott discussed that Conditional Use regulations are an important tool in almost all land development regulations and that the tool should be revised rather than abandoned. He stated the list of available conditional uses and their limits should be reviewed to reduce impacts on residential uses.
- 8) **Design Advisory Panel (DAP)-** Mr. Elliott discussed the role of the DAP needs to be clarified and strengthened for large, visible or complex projects and simplified in the Downtown Columbia and Village Center redevelopment projects.
- 9) **The Manuals-** Mr. Elliott discussed the landscape, forest conservation, Route 1 and Route 40 Manuals. He stated that text in the Manuals can create ambiguities and the Manuals should be reviewed for inconsistencies with the regulations.

Annotated Outline of New Unified Development Code: Mr. Elliott stated the new UDO should be reorganized into six chapters: 1) General Provisions, 2) Zone Districts, 3) Land Use Regulations, 4) Development Standards, 5) Zoning and Subdivision Procedures, and 6) Definitions and Rules of Construction. He stated chapters 2-6 are the meat of the structure and will implement PlanHoward2030; chapter 3 is can you do it, chapter 4 is how you must do it and chapter 5 is whose permission do you need to do it. Mr. Elliott stated the zoning districts need to be clearer and categorized into residential, mixed use, non-residential, New Town and floating zones. Mr. Elliott discussed the proposed options for conversion of the New Town Final Development Plans to a menu of zoning districts. Mr. Elliott stated floating zones need to be labeled correctly and lessened. He discussed using a land use table to consolidate all information about permitted and conditional uses available in each zoning district and any limitations. He discussed consolidating, reorganizing and updating all content regarding physical

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layout of lots. And Mr. Elliott discussed using tables and flow charts to summarize zoning and subdivision procedures.

Questions and Discussion: Mr. Elliott opened the meeting to questions and discussions.

- Valdis Lazdins discussed neighborhood protection standards and if someone rebuilds it should not be significantly different than the existing neighborhood.
- Mr. Elliott discussed contextual building design including contextual volume, height and setbacks.
- Joan Lancos asked if other zones, particularly out parcels, would be annexed into New Town. She stated the intended use of New Town was not to have out parcels and if the out parcels were incorporated how would you differentiate between those who pay the lien and those who do not.
- Ted Mariani asked how the off-cycle rezoning fits into the scheme for Maryland State law and comprehensive zoning. He stated the new regulations and zoning map have no official status until approved by the County Council.
- Susan Garber stated that the UDO would not be implemented until 2022 and asked what can be done in the interim to change Route 1 and the CAC, CE and TOD zoning districts. Ms. Garber asked if there is a danger in developing a Route 1 redevelopment plan prior to the rewrite since the zones will be changed. Mr. Lazdins stated the implementation strategy may be more general to comport with the zoning rewrite. He stated that staff would analyze the timing and implementation.
- Grace Kubofcik stated the outline has strong recommendations about removing certain zones. She asked what impact grandfathering will have on zones that are recategorized and how we make sure we don't have major exceptions if we convert a development to another district. Ms. Kubofcik asked how you suggest incentives. Mr. Elliott stated incentives will be in the Development Standards section of the code and will be clearly noted. Examples of incentives could be an increase in density, lot coverage, etc. in return for "x" amount.
- Lisa Markovitz asked if projects in the pipeline will be grandfathered. She stated it is understandable that neighborhood protection standards will not make existing buildings demolish stories, but smaller changes should require some development standard changes. She asked what type of redevelopment will trigger the new code requirements.
- Jun Lee asked how property rights will be affected when condensing zones. Mr. Elliott responded you generally try to consolidate up so properties are not losing anything. For example, lost building height, but gained density. The County does not want a potential law suit against property rights.
- Drew Roth stated he was impressed with the document. He likes the structure and order and believes it will discourage one-off developments. Mr. Roth stated there has been "flavor of the year" zoning districts and uses, such as CAC, CE, CEF, TOD and age-restrictive adult housing.

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- Steve Hunt asked if the new code will address, eliminate or have a new process for zoning regulation amendments. Mr. Elliott responded that process is generally discussed after development standards and land use regulations are organized.
- Susan Garber stated there will be less need for administrative discretion because criteria will be more objective and the code needs more predictable standards.
- Drew Roth stated the Village Centers are over constrained and questioned the notion of mixed use and predictability. He stated mixed use can make a more dynamic community and flexibility can be good; however, Route 1 is an example of mixed use gone wrong because developers can buy out of non-residential components in favor of all residential development. Mr. Elliott responded transit oriented development and mixed use developments are the hardest problems in zoning.
- Lisa Markovitz stated mix use zones should have separate categories to apply to different areas of the county to recognize differences in areas such as Route 40 and Route 1.
- Grace Kubofcik stated she is concerned about the length of time it will take to complete the rewrite.

Adjourn: Don Elliott closed the meeting at 6:00 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.