

Howard County Land Development Regulations Assessment

Comments Synopsis as of December 2017

This document provides a synopsis of comments that were received online and at the public meetings and stakeholder meetings on March 27-29, July 24-25, and November 28-29. Comments have been summarized and grouped by general topics.

Agriculture

- There are increasing conflicts and tension between agricultural operations and residential development.
- Use-specific controversies, unclear and unpredictable use regulations, need to determine scale of uses for agriculture, issue defining what is agricultural versus industrial.
- Some agricultural zoning regulations like setbacks are unrealistic for farming use.
- Need to make farming remain viable economically, may involve expanding allowed uses in agricultural areas. However, some uses shouldn't be allowed in agricultural areas, like megachurches. And some large industries are zoned agriculturally, but these are not acceptable for rural setting.
- Need better checks and controls over expansion of farming operations to industrial scale.
- Deer fences should not be subject to setbacks.
- Limit conversions of farms to other uses.
- Examine buffering requirements between residential and agricultural uses.
- Reevaluate limitations on agricultural preservation parcels.
- The DEO program works well because it is all in one place and is easy to find in the regulations, but it probably doesn't need to be an overlay district.
- Farms are commercial activities and would not be economically viable otherwise.

APFO

- Traffic studies should have broader radius used for their impact study and should have a broader scope.
- Infrastructure is lacking based on APFO, the ordinance is too reactionary and should be included in planning process.
- Concerns that APFO is not effective and is not adequately mitigating impact of development. Development is outpacing facilities, concerns about overcrowded schools.
- APFO should include flood testing, stormwater reduction, and flood mitigation requirements.
- Effect of new development on infrastructure such as schools, traffic, and transit, is a concern.

Boards/Commissions

- Process can take many months between meetings, part of the issue may be de novo review and repeated appeals.
- Rules of procedure for boards and commissions are outdated and inefficient, and there is a lack of training for commission and board members.
- There is too much discretion in board and commission approvals.
- The Design Advisory Panel and Historic Preservation Commission should be less advisory.
- Should require training for the various boards and commissions.
- Public perception that anything is on the table for discussion even though there are rules and criteria.
- Should be able to schedule multiple meetings in advance if it is likely the item will require more than one meeting/hearing.
- Should implement finish date for proceedings to reduce continuances and delays.
- Board of Appeals cases should be heard on the record and consider limiting time for testimony.
- More meeting dates should be available so that the process does not take as long.

Columbia/New Town

- Development process in Columbia is predictable but onerous and has too many steps compared to other areas of the county.
- Should streamline process as growth is encouraged by state land use policies and County plans.
- Should be making FDPs less individualized, more standardized/generalized.
- Housing stock is aging, need to have vision for Columbia's future and redevelopment, need criteria and regulations for the redevelopment of Columbia.
- New Town zoning has some room for improvement.
- Industrial area covenants should be enforced.
- Reevaluate "Master Developer" requirements.
- Reevaluate land use unit number restrictions and land use percentages.
- New Town only district without a purpose statement- should have one.
- Would like to see Columbia avant garde and cutting edge moving forward.
- There is an imbalance between NT parcels and out parcels. It is hard to determine the exact boundary but there is a certain feel to planned parts. We should be balancing the requirements across the County- incorporate changes to non-New Town properties adjacent to New Town.
- Comprehensive Sketch Plans (CSPs) have a role. Focus should be on a limited number to cover all of Columbia. The Downtown model is good and could be emulated for the rest of New Town.
- The Final Development Plan (FDPs) are all different –would be good to have template of a couple that we move toward similar FDPs.
- It is wonderful that the County digitized all of the FDPs. If you want to generalize districts in the future, that will help you understand what would be allowed.
- New Town proportions of use and counting of land uses hinders redevelopment. There is a need for more residential eventually.
- How schools were defined in New Town as well as credited vs noncredit open space.
- The Zoning Assessment should start with Columbia and take the successful parts of what made Columbia special and emulate them.
- Reexamine petitioner/original petitioner requirements in New Town.
- Evaluate land use percentages in NT.
- Consider sub-categories of NT to guide future development/redevelopment based on general land use.
- Because the language in the FDPs references other zoning districts, changes will affect New Town.
- Infill and redevelopment are main concerns.
- Consider incorporating Columbia.
- Evaluate covenants.
- Consider separate Columbia Planning Board.
- Importance of retaining green space when new, higher-density development occurs.
- Columbia is unique and should have separate regulations from the rest of the county.
- Affordable housing is a major issue in Columbia. Accessory dwelling units could help this in Columbia.

Commercial/Industrial

- Redevelopment of industrial areas is unguided, need to think about what the future of these areas should be, lots of industrial areas are changing to retail, commercial, or other uses.
- Need to re-envision business parks with other uses to make them more attractive.
- Should allow small neighborhood commercial uses in residential areas.
- Industrial parks are best for redevelopment opportunities and warehousing space is diminishing.

Conditional Uses

- What happens to 55+ communities 20-30 years from now? Who enforces the age restrictions? About 60% of new students come from sales of existing homes.

- Should review the regulations for 55+ communities because there are concentrations of this type of development, they are often not located near appropriate services, and should be subject to school tax requirement.
- Need more objective and consistent criteria for conditional use approval.

Corridors

- Dissatisfaction with Route 1 density and development without public facilities or amenities to support it. Inconsistent guidance for Route 1. Seems like different rules for Route 1 than other parts of County. Should be good economic development opportunity but struggling with redevelopment and how to revitalize Route 1.
- Route 216 Corridor and Route 29 soundproofing concerns and increased traffic volume concerns.
- Should revisit Route 1 and Route 40 revitalization plans.

Design

- Need to add more provisions for space for facilities, utilities, trash/recycling collection.
- Disallow flag lots, houses should not have 4 houses around it on all sides.
- Add ability to merge internal lot lines without variance.
- Issues with timing of amenities being installed and difficulty achieving connectivity between developments.
- County is too permissive.
- Small road right-of-ways for private roads are an issue.
- Sequencing of plan approvals issue – road development approved before rest of development.
- People want to be able to walk to places like retail, have shorter blocks.
- More attention should be paid to high-quality architecture.
- Building orientation should be evaluated during site design.
- Desire for innovative development approaches.

Enforcement

- Insufficient field enforcement of Site Development Plans.
- Concern that conditions of approval are not enforced.
- Need better property maintenance codes, issue with complaint-based enforcement system.

Environment & Open Space

- Regulations need to be more restrictive for fragile lands.
- Issue with steep slope definition in code and mass grading of sites, loss of topsoil
- Look at increasing buffer widths and increase standards to improve water quality and protect wetlands. Watersheds need to be part of review process, negatively impacted by development.
- Improve forest conservation regulations. Loss of trees to clear cutting, replacement trees are insufficient.
- Would like to see assessment focus on the protection of natural resources, current regulations do not emphasize preservation of green areas in particularly sensitive areas.
- Need better connectivity of green space and trails, and need more adequate distribution.
- Allow forest conservation easements on lots 3 acres or larger with some conditions.
- There is mass regrading and stripping nature from site before development.
- The recommendations should look at risk and resiliency or a vulnerability assessment of the county.

Flexibility/Predictability

- If anything the code is already too flexible and it is too easy to get variances. Code is too flexible in southeast part of county but is too rigid in Columbia.
- Some areas of code you want flexibility but some should have more stringent regulations and protection.
- Need predictable regulations, clarify contradictory areas of code, define terms, code should be clear so people can't take advantage of loopholes.
- Need flexibility in code in order to create the best project.

- County is not pro-business, too many public hearings, too much citizen engagement.
- Consistency is important, lack consistency in terms of setbacks and density, leads to public confusion.

Flood Controls/Stormwater Management

- Development should have to do flood modeling before impacts occur, and mitigation should be required, since flooding is more likely.
- Regulations should specify how much run off is allowed per development.
- Address stormwater management with redevelopment, integrate state and county requirements.
- Regulations should incentivize storm water management and low density development.
- Consider effect on larger area than one site and adjacent properties when considering stormwater impact.
- Stormwater management standards for new development in existing neighborhoods are poor.

Historic/Cemetery

- Historic resources in jeopardy. Historic landscapes and sites are important in addition to historic buildings.
- Cemetery Advisory Board is only advisory, needs threshold for what type of cemetery is important, should require developers to develop around known cemeteries.
- Historic Preservation Commission is largely advisory, and infill is negatively impacting historic character.
- Preservation regulations are scattered throughout code, and often preservation is considered late in the process. The regulations are weak because part of the process is only advisory and is easily ignored.
- Should have more incentives for preservation of historic properties.
- Frustration with alternative compliance granted to developers building in historic district, historic properties are also at environmental risk.
- Need to stop development in historic districts.
- Historic district zoning should be flexible to deal with new realities.
- We have historic commercial centers with small lots that are unable to be redeveloped due to current regulations.

Manuals

- Manuals tell you much more about what development will look like than the regulations, but also aren't consistent with plans and policies.
- Manuals are dated and inconsistent with zoning, need to be reevaluated, their language is not clear.
- Forest conservation manual is very outdated and the landscape manual is too weak.

Land Development Regulations Assessment

- Make sure that surveys are available through the mail instead of only online.
- Want periodic summaries of project progress.
- Review manuals and subdivision regulations in addition to zoning code.
- Will policies and interpretations be included in review?
- How will you include community input in assessment project?
- Term "stakeholders" is more for builders, developers, attorneys, process is too tailored to their concerns.
- Will the redline revision process be evaluated?

Miscellaneous

- Interest in increasing affordable housing.
- Cell tower regulation should be addressed.
- Protection of residential areas is most important.
- Process is about community and sustainability, quality of life.
- Nonconforming uses need to be evaluated.
- Evaluate land uses affecting schools.
- Rewrite the sign code.
- Encourage sustainability and create solar energy incentives.

- Review urban renewal code issues.
- Concerns about Airbnb and other vacation rental uses.
- Review recreational vehicle regulations, particularly in New Town.
- There are definitions missing in the regulations; all important terms should be defined.
- Development process should include sustainability tools and renewable energy.
- Concerns about “mixed use” meaning high density housing.

Neighborhoods

- Existing character vs intended character- should incorporate both. Code should acknowledge that some neighborhoods want to change and some do not want to change.
- Ellicott City: Zoning needs to be reconsidered due to flood impacts, remove from highest growth tier in PlanHoward 2030, preserve historic nature, better connectivity and issues with parking requirements, allow bed & breakfasts- upscale B&B would encourage high-end business; allow for adaptive reuse, make Main Street a destination without increasing density (cohesive district).
- Fragmented ownership of properties – owners are stymied by the process (i.e. change of use requirements) and consequently don’t reinvest.
- Highland: see letter dated April 19, 2017 from Highlands Crossroads Association
- Allow more apartments in existing homes to allow for multiple generations and demographic changes.
- Establish a new settled neighborhood category which allows no future subdivisions, requires compatible design, protects mature landscaping, and considers public facilities more carefully.
- Protect established residential neighborhoods from nearby industrial uses.

Non-Regulatory

- Easier access to information is needed.
- What is the vision for Howard County?
- Concerns about equal application of regulations, how to anticipate development.
- Look at nearby counties or other case studies to help analysis.
- Combine the zoning and subdivision and land development regulations.

Parking

- Parking requirement issues for schools with shared uses.
- Evaluate parking requirements.

Process

- Suspicion of administrative process, staff needs more predictable criteria for approval.
- Administrative process could be simplified, some things shouldn’t need hearings, just need good standards and criteria.
- Should simplify all processes, shorten timelines, too many steps in process, especially for smaller projects.
- Conditional use permits, waivers, and alternative compliance are overused and should be eliminated.
- Stop alternative compliance of environmental rules, especially in flood zones.
- Concerns about waivers on steep slopes, regulations need to limit waivers and alternative compliance.
- Concerns with conditional use process, undermine predictability, allow higher densities.
- Issue that code amendments made by the Council not the Planning & Zoning department.
- There is too much public input in current system.
- Should simplify the requirements for pre-submission community meetings.
- Representatives from Planning & Zoning should attend every pre-submission community meeting.
- Community meetings are too late in process, developers have invested a lot into project by the meeting.
- Historic review should take place before site development plan review, could possibly address concerns if public input came earlier in process.
- Issues with order of review steps between departments, codifying overall development review process.

- Transparency of approval process is severely lacking, often surprised by waivers, conditional uses, alternatives, want increased communication and simplicity.
- Citizens don't understand the process.
- Developers should be held to same standards as everyone else.
- The rights of citizens to appeal decisions, with set limitations, should be defined.
- Downtown Columbia process should be used throughout county, with the process replacing covenants.
- Revert Conditional Uses to term "Special Exception" so it is not presumed to be suitable.
- Reevaluate pre-submission meeting requirements and timing.
- Provide more clarity on how administrative decisions are made.
- There are too many text amendments too often. Some petitioners request text amendments rather than variances because it is easier to get County Council approval than Hearing Authority approval.
- Hearing Examiner Decision & Order language is overly complex.
- Concern about decisions being made at a staff level regarding sensitive natural areas.
- Consider reducing the role of the Planning Board in design reviews.

Redevelopment

- Want to be proactive with infill and redevelopment design, want infill to be compatible with existing mature neighborhoods.
- Need regulations to guide redevelopment, existing rules are for greenfield development. Process and existing rules discourage compatibility.
- Think about how to repurpose older commercial redevelopment, often creates unexpected outcomes.
- Infill is often discouraged by neighbor input and the existing regulations.
- County is mostly built out, so we need a code that focuses on and fosters redevelopment, because the complicated code discourages redevelopment.
- There should be ability to rezone property outside of comprehensive rezoning process to allow underutilized properties to be redeveloped.
- Redevelopment needs to also preserve the character and ecology of the county.
- See a lot of value in character-based zoning.
- Concern that character-based zoning would be too subjective and would be unpredictable.

Transportation/Traffic

- Street layout leads to circuitous public transit system and leaves few options but to drive.
- Transportation isn't considered in the development regulations, no concern for bicycles or pedestrians, need to increase number of sidewalks.
- There are opportunities for Transit Oriented Development.
- Parking is a problem because people have more cars than the regulations envision, and it is difficult to calculate shared parking scenarios.
- Need more thorough review of traffic studies.
- The county is lacking in mass transit.
- Concerns about requirements to connect public streets, particularly cul-de-sacs and other dead end streets.
- Amendments to the regulations should leverage the connection between land development and transportation.
- Complete Streets should be implemented.
- New development should be allowed only where the existing and improved network can serve the development with multi-modal transportation.

Zone Specific

- R-20 has many conditional uses permissible, but should be a density zone instead of open space controlled zone.
- R-ED zone is allowing too much intensity, and density bonuses are too great.

- TNC zone is not any different than a commercial district, but is supposed to be buffer.
- Remove BR-X and amend BR.
- Amend DEO and cluster provisions and allow one unit for each 3 acres.
- Eliminate specialized districts obviously only created for one specific project.
- Eliminate CEF zone because it is too subjective.
- Eliminate PSC District because age restriction will eventually be lifted.
- Remove floating zones.
- Too many zoning districts.
- Need a zone to address other residential building types.
- Allow detached accessory dwelling units on large parcels in western Howard County.
- Remove floating zones because uses are not predictable.
- Base zones need to be more predictable.
- If zoning districts are eliminated, how will replacement zoning district be decided?
- Concerns about mixed use zoning, especially vertical mixed use on Route 1.