HOWARD COUNTY, MARYLAND

DEVELOPMENT REGULATIONS ASSESSMENT & ANNOTATED OUTLINE

CLARION

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INTRODUCTION

In January 2017, Howard County, Maryland, retained Clarion Associates to prepare an Assessment of the county's land development regulations. More specifically, Clarion was charged with evaluating the strengths and weaknesses of six different county regulatory documents:

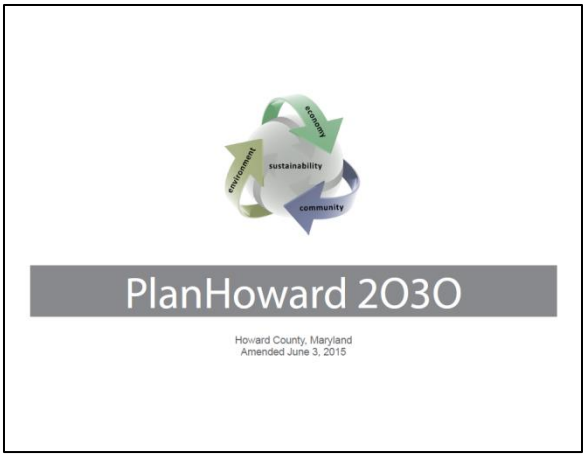
- The Zoning Regulations;
- The Planning, Zoning, Subdivision and Land Development Regulations;
- The Landscape Manual;
- The Forestry Conservation Manual;
- The Route 1 Manual; and
- The Route 40 Design Manual.

In addition, Clarion Associates was asked to make recommendations regarding how these six regulations might be made more user-friendly, internally consistent, streamlined, and better aligned with the county planning goals as articulated in the *PlanHoward 2030* plan adopted in 2012 and most recently amended in 2017. This document contains Clarion's findings and recommendations as a part of this process. Part 1 of the document includes a section-by-section review of the current regulations to identify strengths, weaknesses, and (in some cases) alternative approaches used by other complex counties containing a mix of urban, suburban, and rural areas. Part 2 contains our recommendations for how Howard County might improve and integrate those regulations.

The Development Regulations Assessment project began with extensive interviews with citizens and stakeholder groups and public meetings in March 2017. Following that initial round of public engagement, Howard County created a website to collect additional public comment, and approximately 300 comments have been received to date. Those comments were compiled with the comments from the initial meetings, summarized, and the summaries have been posted on the website on a monthly basis. During the spring and summer of 2017 the Clarion team also conducted an online survey and received over 550 responses identifying what the current regulations do (and do not do) well. Almost one-quarter of those surveys were from individuals who have firsthand experience with the county's land use system as a result of filing applications for some type of county approval. In July 2017, Clarion Associates made a second visit to Howard County to hold a second round of meetings with the public and stakeholder groups to identify and discuss some of the more challenging issues emerging though its review of the development regulations. Then, in November 2017, Clarion Associates returned to Howard County to hold another round of meetings with stakeholder groups and the public to discuss additional emerging topics. In total, 31 public or stakeholder meetings were held throughout the process. The results of these public and stakeholder engagement efforts are reflected in this document.

While many of the public comments received to date include detailed suggestions for specific changes to the regulations, the overarching theme of many comments is that development is happening in locations and intensities that citizens did not expect. A second significant theme was the adequacy of public facilities to serve new development – with a number of citizens stating that the location, size, and appearance of new development were less important than the county's ability to provide infrastructure (particularly streets and schools) to serve the new growth. Additional frequent concerns included long and unpredictable timelines for action by the Planning Board and Zoning Board. Finally, when asked what new types of land uses (if any) survey respondents would like to see accommodated in the county, respondents included small scale neighborhood commercial uses, artisan work/sales, food trucks, tiny houses, detached accessory dwelling units, and AirBnb/vacation rentals.

At the beginning of this document, four important points should be clarified.



First: This is not a planning project – it is a plan implementation project. The Howard County general plan, *PlanHoward 2030*, establishes the county's planning goals, and those goals are not being revisited. This Assessment focuses on how well the land development regulations implement those goals in a transparent and predictable way.

Second: It is not possible to simply "stop growth". Although many public and survey comments express a desire that Howard County "stop growth" – that cannot happen. The population of the U.S. is growing, the population of Maryland is growing, and Maryland law does not allow any of its counties to exempt themselves from those pressures. Not only does Maryland law obligate the county to accept population growth, it requires that most of that growth be accommodated in the more urban areas of the county, and that many types of agricultural, rural, and sensitive lands be protected from development. Howard County's adopted general plan is consistent with these state law requirements and the balance of citizen, property owner, and stakeholder desires that were accepted by the Howard County Council at the time the plan was adopted. This Assessment focuses on whether the current land development regulations could be revised to produce better results in implementing those adopted planning goals. As part of this effort, we examine how the regulations could better manage (and hopefully minimize) its impacts of growth on the enviable quality of life Howard County has created for its citizens.

Third: This is neither pro-growth nor anti-growth. This Assessment is not designed to make it easier – or harder – to develop in Howard County. Rather, the county has asked Clarion Associates to draw upon its experience in completing over 185 zoning reform projects in over 160 communities throughout the United States and Canada to recommend how the land development regulations could do their job better, more clearly, and more efficiently. While a large number of public comments and survey responses stated that the current regulations favor the interests of property owners and developers over the desires of Howard County citizens, there were also many responses stating that the current regulations over-empower citizens to object to and delay development that is clearly consistent with both the adopted general plan and applicable regulations. This Assessment identifies changes and tools to promote transparent decision-making that will implement the county's planning goals while improving understanding of the process and reducing citizen and builder frustration with unpredictable outcomes.

Fourth: This is not an APFO project. This Assessment does not include a review of Howard County's Adequate Public Facilities Ordinance (APFO). The county appointed a task force and completed a review of APFO in 2016, and the recommendations from that review are available in a report available on the county's website. Legislation is currently under review by the County Council to codify those recommendations. While many public and survey comments expressed frustration that the APFO does not adequately measure or require mitigation for the impacts of new development on existing roads, schools, and infrastructure, this Assessment will not revisit that review.

PART 1: DIAGNOSIS OF CURRENT REGULATIONS

Part 1 of this Assessment reviews each section of the six regulatory documents to identify strengths, weaknesses, and possible alternative approaches. Part 2 of this document is an Annotated Outline of a revised Unified Development Ordinance (UDO) structure that would reorganize the current Zoning, Subdivision, and Land Development Regulations and incorporate the recommended changes identified in Part 1. In general, the changes recommended in the Part 1 diagnosis are not repeated in Part 2; Part 2 simply cross-references where the changes recommended in Part 1 would appear in the new UDO structure.

ZONING REGULATIONS

General Comments

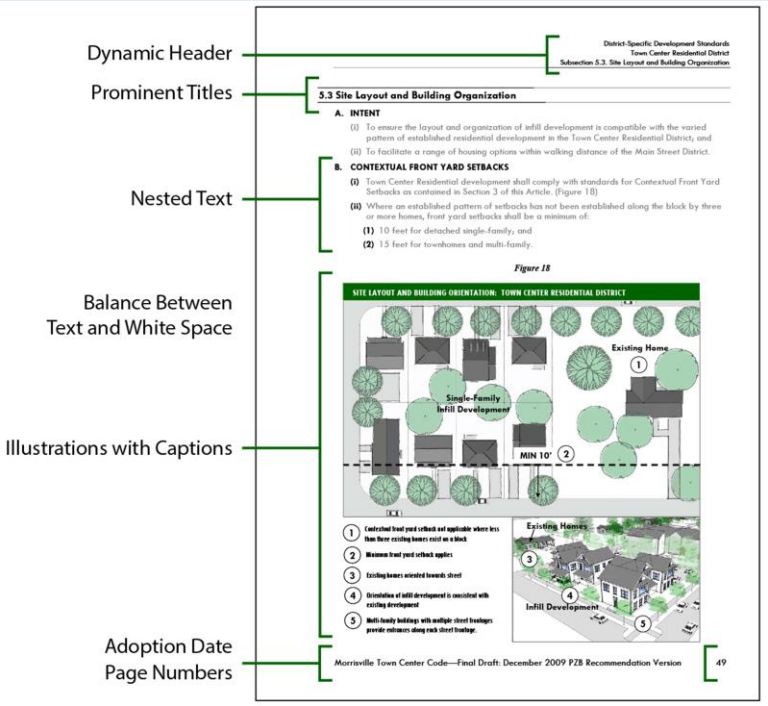
Organization and Formatting

The organization of the current Zoning Regulations is confusing. Even regular users are not sure whether to look in the Zoning Regulations or Title 16 (Planning, Zoning and Subdivisions and Land Development Regulations) for the answers to basic questions. The Zoning Regulations are divided into 53 different sections that focus largely on regulations for specific zoning districts but also include information on parking, lighting, and nonconforming uses. The Planning, Zoning and Subdivisions and Land Development Regulations (Title 16 of the Code of Ordinances) are divided into 17 subtitles that cover a wide range of topics from forest conservation to the Design Advisory Panel. Subtitle 1 includes design standards and commonly-used procedures for subdivisions and site development plans.

In general, effective land use regulations should be organized to emphasize frequently used information where it can be easily referenced, and should reduce repetition by consolidating related information. The related and overlapping information in the Zoning Regulations and Title 16 should be consolidated into a single document. A new, more logical organization should help ensure that ordinance users can quickly find the information they need, particularly those who do not use the ordinance on a regular basis. A more logical and integrated regulatory structure makes it easier to find overlaps and inconsistencies between related sections and makes it easier to ensure that future amendments are consistent with existing materials.

The current formatting of the regulations could also be improved to help make them easier to read and understand. Several types of revisions are necessary. Most importantly, the revised regulations should establish a clear and logical organization of materials that enables users to find the answers to specific questions more quickly. In addition, a document layout with dynamic section and sub-section headers (which automatically update), footers, and consistent indenting would make the code more user-friendly. Finally, the use of tables, illustrations, pictures, diagrams, and flowcharts would go a long way to help readers understand the required or intended outcomes of different regulations and the steps in each review and approval procedure.

PAGE LAYOUT



The sample page layout at the right, which illustrates how headers, text, graphics, and use of page numbers help to modernize a code and make it more user-friendly.

Types of Zone Districts

The differences between base, overlay, and floating zone districts are not clear, and they are presented in an unpredictable order. In a few cases, the word "overlay" is used but the regulations do not in fact create an overlay zone district. Clarifying the distinctions between these different types of zone districts, and their availability to property owners within and outside the state-mandated comprehensive rezoning cycles, would go a long way towards improving the user-friendliness of the land development regulations.

Permitted and Conditional Uses

Over time, the lists of permitted and conditional uses allowed in different zone districts has expanded to include many narrowly-defined "rifle shot" uses, and the titles of many uses now include conditions that limit their usability as functional use categories. We found that there were 267 different permitted or conditional uses identified throughout the zone district chapters and 55 additional accessory uses. Many newer zoning ordinances for complex communities include 100-140 broader uses that are more intuitive for code-users to understand. Generally, the Howard County lists of permitted and conditional uses should be consolidated into fewer categories. Some uses listed in the zone districts (such as zero lot line dwellings) should not be treated as specific land uses but as specific development layouts that are regulated through dimensional regulations. After consolidation of narrowly defined uses, the remaining list of land uses should be categorized within a logical system of larger use categories. For example, the "assisted living" use would fall within the category of "residential uses" and the subcategory of "group living." Development and layout standards for different land uses can then simply refer to a category of uses rather than listing each use individually.

Rather than listing each permitted use over and over again in each zone district chapter, and separating lists of conditional uses in a different section of the regulations, modern zoning ordinances typically include

a single table of allowed uses, with each row representing land use categories and specific uses, and columns representing each zoning district. This format allows quick comparison of the allowable uses in each zoning district, and reduces the potential for inconsistencies over time as uses are updated. Using a single consolidated table for both permitted and conditional uses will eliminate the need to repeat the lists of similar or identical uses within separate district regulations, ensure consistent terminology, and significantly reduce the length and complexity of the regulations.

Currently, a plethora of conditions and limitations on specific permitted and conditional uses are scattered throughout the document. For example, standards for age-restricted adult housing are dispersed throughout several different zoning districts, as well as in the conditional uses section. Rather than listing conditions in a use title or definition, or scattering them throughout the regulations, limitations that apply to particular locations should be organized into "use-specific standards" that can then be revised as the county's planning goals evolve in the future without the need to define a new use with new conditions each time.

100.0: General Provisions

- The Legislative Intent in 100.0.A should be updated to reflect key goals from the most recent updates to the General Plan.
- The list of zone districts in 100.0.B should be moved to appear in a separate chapter addressing the zone district structure and should be updated as discussed later in this Assessment.
- Provisions describing the district maps should be revised to clarify that the official map is the latest version of the electronic map approved by the Zoning Board, and no specific signature should be required.
- The materials on Construction and Effective Date in 100.0.E should be separated into (1) a section clearly listing the effective date of the revised regulations, and (2) a section describing the transition from the prior to the new regulations.
- The materials on Administrative Adjustments in 100.0.F and Amendments in 100.0.G really address two of the many procedures used in administering the regulations, and should be moved to a separate chapter consolidating all land use administration and enforcement procedures. In addition, the list of permitted administrative adjustments should be reviewed and revised if necessary. Many newer regulations allow a wider range of small adjustments to items beyond just bulk regulations and map boundaries, such as minor adjustments to parking and lot coverage requirements. The criteria for review and approval of these (and all other) land use procedures should be reviewed to ensure that they are as clear and objective as possible in order to reduce the number of unpredictable outcomes resulting from vague criteria.
- In addition, the specific requirements in 100.0.G for submission of a Site Plan Zoning Petition (and all specific application materials listed in the regulations) should be removed from the regulations and should instead be listed in a separate administrative document or on a website that can be amended without requiring a formal amendment of the development regulations. Because the technology required to accept and review land development applications will continue to evolve, the land development regulations should authorize the Planning Director to revise those requirements as needed from time to time, and the regulations should simply require that all applicants submit all required application materials.
- Similarly, the materials on public hearings in 100.0.H should be moved to a consolidated chapter listing all development review and approval procedures.

101.0: Rules of Construction

This section should be in a revised chapter listing rules of construction, rules of measurement, and definitions at the end of an integrated land development regulations document. The text should be revised to clarify the difference between advisory (e.g. "should" and "may") and mandatory (e.g. "shall" and "must") in both the regulations and any related manuals, and the impact of those differences in the development review process. Finally, this section should clarify that any reference to a county official (e.g. "director") includes any person to

whom that official has legally designated to make the decision, so that the phrase "or designee" does not need to be repeated throughout the regulations.

102.0: Violations, Enforcement, and Penalties

This section should be grouped with other procedures used to administer and enforce the land development regulations. As in many other counties, the citizens of Howard County appear to want stronger and more consistent enforcement of the land development regulations. While almost all zoning ordinances give the director or zoning administrator wide latitude to choose when and how enforcement action is taken, the current text could be improved in several ways that could reduce frustration surrounding this topic, including the following:

- The authority of the Department of Planning and Zoning (DPZ) to issue Stop Work Orders should be clarified;
- The list of possible enforcement actions, and a general list of the order in which they will generally be used for different types of complaints and violations, should be included;
- The County's policy for accepting anonymous complaints should be addressed, although this may be better located in a policy document rather than the regulations;
- The text of 102.0.B should be revised from "upon becoming aware of any violation" to "upon written notification of any violation" to align with current policy requiring submission of a Complaint Form/notification from other departments; and
- Vague language such as "If the violation does not cease within the time specified by the Department of Planning and Zoning, the Department of Planning and Zoning shall take whatever action necessary to end the violation" should be clarified.

103.0: Definitions

This is a standard chapter in all land development regulations. The existing definitions section should be carried forward and updated throughout the rewrite process. The definitions from this section should be consolidated with the definitions in Section 16.108 of Title 16 and other definitions scattered throughout the land development regulations and related manuals. In addition, each permitted and conditional use of property should be defined. Some definitions in this section conflict with definitions in Title 16, such as the definitions of "residential infill" in 16.108 and "neighborhood infill subdivision or resubdivision" in Section 103.0, which can result in conflicting interpretations of other important regulations.

Although most local governments prefer a single alphabetized list of all definitions, some prefer a separate alphabetized list of permitted and conditional uses, and a few prefer that list to appear in a separate chapter of allowable use controls. The county should consider which of these approaches would best promote the usability of the Howard County regulations.

Currently, this section has the following weaknesses:

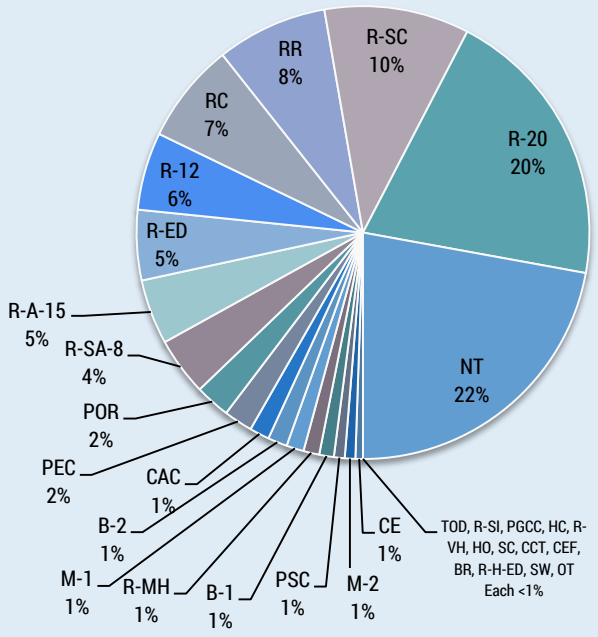
- Some terms are unclear and appear inconsistent;
- Many terms are outdated;
- Some terms contain substantive regulations, rather than just defining the term;
- Many land uses are not defined;
- Some defined terms are unused;
- Some terms include substantive regulations as to how the use is constructed or operated (e.g., the definition of flex-space states that "all principal activities of the various uses shall be conducted wholly within an enclosed building") which should generally be removed and placed in use-specific standards or general development standards; and

- Some definitions of land uses (and related terms) should be reviewed to ensure that they align with the requirements of Maryland and federal law (e.g., telecommunications, fair housing, and the First Amendment), as most recently interpreted by the courts. Key definitions to review include "family"; "housing"; "manufactured housing"; and "mobile home".
- In accordance with the federal National Manufactured Housing Construction and Safety Standards Act (NMHA), most modern codes clarify the distinction between manufactured homes (a permanent, single-family dwelling that meets HUD safety standards) and mobile homes (a manufactured home built prior to the NMHA standards becoming effective in 1976). In general, Manufactured Homes that meet NMHA standards are treated as single-family homes and are subject to the same types of design standards applicable to stick-built housing in that district.

Our preliminary review revealed that the following existing definitions (among others) should be reviewed for clarity, accuracy, and consistent use in the various regulatory documents: "adjoining"; "agricultural land preservation" (reference to "state" should probably be removed); "commercial vehicle"; "family"; "farming"; "farm tenant house"; "kitchen"; "Moderate Income Housing Unit" (assisted living and nursing homes should probably be excluded); "motor vehicle"; "outside storage"; "shopping center"; and "structure" (which may need to include an electric vehicle charging station).

In addition, the following terms currently used in the regulations (among others) should be defined: "agribusiness"; "quarry"; "transient"; "front yard"; "side yard"; "rear yard"; and "loading/unloading facility".

CURRENT ZONING



This chart shows the percentage of Howard County land currently zoned in each base district.

Note: Many of the following sections address individual zone districts, and include highly repetitive lists of permitted uses and bulk and dimensional standards. Most newer development codes consolidate materials on permitted and conditional uses into a single Allowed Use Table, and consolidate all bulk dimensional standards into a set of dimensional standard tables, which dramatically reduces the repetitiveness and length of the regulations and allows for comparisons of key use and development parameters across districts. This approach is discussed in more detail later in this Assessment.

104.0: RC Rural Conservation

Nearly 62,000 acres of land and 9,000 parcels are zoned RC in Howard County. We recommend that this zone district be carried forward with minor changes. This district is intended to conserve farmland and ensure the long-term viability of agriculture in Howard County and to preserve natural resources, while allowing low-density clustered residential development. However, this zone district could be improved in several ways. First, it is unusual to have a maximum lot size for a cluster lot, and that standard should probably be deleted. Second, the eligibility for subdivision provisions seem out of place or mistitled as it differentiates which parcels must be developed under cluster subdivision requirements. The different bulk requirements for Agricultural Land Preservation Program (ALPP) and potential flexibility in lot sizes should be reviewed for consistency with other bulk and dimensional requirements. Most newer codes relocate these types of provisions to a new chapter that consolidates all bulk standards for easy comparison across zone districts. The provisions in Section 103.0.G should address buffering of new residential lots adjacent to farms, and those standards should be reviewed and strengthened as discussed later in this Assessment. In light of recent controversies over some land uses (i.e. mulch production and trucking) in rural areas, the list of permitted and conditional uses in the RC district should be revisited, and the relationship between these provisions and the Special Farm Permit provisions in Section 128.I should be clarified.

105.0: RR Rural Residential

Nearly 33,000 acres of land and 10,000 parcels are zoned RR, and we recommend that this zone district be carried forward with minor changes. This district section has many of the same issues as noted above for the RC Rural Conservation zone district. Rather than repeat cluster subdivision requirements in multiple zone districts, cluster requirements should be consolidated with other development intensity, bulk, and size standards in a new chapter addressing those topics (and cross-referenced in this chapter).

106.0: DEO Density Exchange Option Overlay

This is an overlay district that covers nearly 18,000 parcels of land in the RC and RR districts, and allows the transfer of development rights between properties in those two districts, through either the Density Exchange Option or the Cluster Exchange Option. To be eligible for receiving development rights, parcels must meet the requirements for cluster subdivisions in the RC and RR District sections. The DEO does not add or remove land uses beyond those otherwise available in the RC and RR zone districts.

While density exchange provisions are not uncommon, it is relatively unusual to see them addressed through an overlay zone district, and we recommend that these exchanges be accomplished through simpler tools. In general, the regulation of density exchanges (between parcels) and cluster development (within a parcel) needs to be made more easily understandable. In addition:

- The objectives listed for the approval of a receiving subdivision mirror those of a cluster subdivision as listed in the RC and RR Districts and should not be repeated three times.
- Section 106.0.E(c) ties some standards to dates from 1992 that may no longer be relevant and should probably be removed.

In addition, we recommend inclusion of more detailed rural design standards that can better protect rural character when density is transferred.

106.1: County Preservation Easements

This is not a zone district, although it appears within the list of all zoning districts. This section focuses on the permitted, accessory, and conditional uses permitted on properties encumbered with a county preservation easement. The uses are differentiated between Agricultural Land Preservation Program (ALPP) easements and other types of easements. ALPP easements allow fewer permitted, accessory, and conditional uses than other types of easements. Use controls from this section should probably be consolidated with other permitted and conditional use provisions in order to promote consistency in terminology and use. The section should also be revised to clarify whether the conditional uses listed in 106.1.D.1.b must meet the criteria in 106.1.D.1.a.

107.0: R-ED Residential: Environmental Development

This district is intended to accommodate low density residential development while protecting environmental and historic resources. About 7,500 acres and 6,400 parcels are zoned R-ED, and we recommend that this district be carried forward with minor changes. This section incorporates its own process for approval of a preliminary equivalent sketch plan and site development plan, which are routine steps in one of the land subdivision options that do not need to be repeated here. Provisions allowing R-ED properties to develop under R-20 regulations are unusual, and potentially confusing. Like other bulk and dimensional standards, we recommend that these provisions instead be worded as maximum and minimum development standards in a consolidated chapter that allows comparison of these types of standards across zone districts.

108.0: R-20 Residential: Single

This district has a minimum lot size of 20,000 square feet. Although similar in some respects to the R-ED district, it does not include a focus on protecting historic and environmental resources. About 21,000 acres and 26,000 parcels are zoned R-20, and we recommend that the district be carried forward with minor changes. As with the R-ED district, the optional bulk standard provisions are confusing and, if still necessary, should be moved to a consolidated chapter addressing bulk and dimensional standards. In addition, based on public comments, the conditional uses possible in this district should be reviewed to ensure that they are appropriate for the intended character of the district. The county should consider consolidating the R-20 and R-ED zone districts if the only difference between them relates to site and lot layouts, rather than allowed land uses or intensities of development.

109.0: R-12 Residential: Single

The R-12 district is designed for residential development with a minimum lot size of 12,000 square feet. Approximately 2,500 acres and 7,000 parcels are zoned R-12, and we recommend the district be carried over without significant change.

110.0: R-SC Residential: Single Cluster

Nearly 4,000 acres and 13,000 parcels are zoned R-SC. Although the word "cluster" appears in the title and the intent statement includes "an opportunity" to cluster development, the district does not require clustered development; it simply allows residential development with a minimum lot size of 6,000 square feet. Our preliminary review of aerial imagery suggests that not much clustering has occurred in these districts to date. The name of the district should be changed to remove the word "cluster" and to follow the naming convention of the previous districts would be renamed as R-6. Similar to the R-ED and R-20 Districts, this section includes an option to develop under R-12 regulations, which should be clarified in a consolidated dimensional table.

111.0: R-SA-8 Residential Single Attached

Over 900 acres and 5,200 parcels are zoned R-SA-8, and we recommend that this district be carried over. This district is the first in the list of zone districts to allow apartments. The bulk regulations of the R-SA-8 District are fairly similar to the R-SC District in most respects, although the R-SA-8 permits higher maximum densities, slightly higher principal structures, and has more complex setback requirements. The R-SA-8 has six different sets of setback requirements, each with at least three subsets of requirements within them. This level of setback requirements is unnecessarily complex and should be simplified. In addition, we recommend that this district be renamed to reflect the fact that low-density multi-family residential development (not just attached townhouses) is also permitted.

111.1: R-H-ED Residential: Historic – Environmental

Less than five acres and five parcels are zoned R-H-ED. There are no special standards to address "historic" character or preservation. We understand that the Historic Preservation Commission must make a finding that the design of new structures is compatible with the historic character of the area, but the criteria used to make this determination is unclear. We recommend that this district be eliminated and the existing R-H-ED lands be considered for inclusion in the R-ED district.

112.0: R-A-15 Residential: Apartments

Approximately 1,200 acres and 5,900 parcels are zoned R-A-15, which allows moderate density residential apartments as well as lower intensity housing types. Because a significant number of properties in this zone district are aging, the county should consider whether to offer development incentives to encourage the redevelopment or replacement of these structures with newer multi-family housing.

112.1: R-APT Residential: Apartments

While only about 11 acres and 100 parcels are zoned R-APT, the adopted general plan identifies some areas where developing moderate-to-high density apartments would help meet market demand for housing without impacting lower density residential areas. We recommend that this district be carried over.

113.1: R-MH Residential: Mobile Home

The intent of this district is to allow for "moderately priced housing." Although nearly 400 acres and 1,400 parcels are zoned R-MH, many are developed with structures other than mobile homes, and could more accurately be mapped into a different residential or mixed use zone district. The county has very few mobile home developments, and does not anticipate significant construction of new ones in the future. We recommend that the land in this district occupied by mobile home parks be remapped as a Planned Unit Development district, which can reflect the very unique layouts present in older mobile home developments. As noted above, we also recommend that the development regulations distinguish between mobile homes (i.e. pre-HUD safety standard homes) and manufactured homes (HUD compliant homes).

113.2: R-SI Residential: Senior Institutional

About 65 acres and 250 parcels are zoned R-SI. While the purpose of this district is to permit age-restricted adult housing and community-serving uses, a specific district is generally not needed to accommodate that use. Most newer land development regulations address age-restricted communities as a conditional use available in some zone districts (but not in others). We recommend that approach in Howard County, and to eliminate this little-used district. Standards and criteria for age-restricted adult housing – particularly those related to permitted development density - should be reviewed and revised.

113.3: I Institutional Overlay

Only about 12 acres and 12 parcels have this overlay, which is intended to permit community-serving institutional and cultural facilities. It is highly unusual to see this as an overlay district. It is also unusual that properties in this overlay district require Preliminary Development Plan approval by the Zoning Board. We recommend eliminating this overlay district, but that the county consider creating a Mixed Use - Institutional/Office base district that could accommodate the varying needs of larger institutional developments (as discussed in more detail later in this Assessment).

114.0: Historic District

This section describes the requirements and restrictions applicable to historic districts and the findings necessary to establish a historic district. In practice, these provisions only apply to Ellicott City and Lawyers Hill Historic Districts. Because this section does not address either allowable land uses or development standards, it is out of place in a list of zoning districts. Most newer development codes address historic controls in one of two ways. They either consolidate all historic materials in an overlay zone that can be applied over many different base districts, or they split that content between (a) an overlay district (for substantive controls) and (b) a chapter that includes historic review and approval procedures with other land use procedures.

If the county decides not to use an overlay district approach for historic controls, then the substantive content of Section 114.0 should be relocated into the requisite base districts. The majority of historic preservation-related procedures are found in Subtitle 6 of Title 16, and the procedures in this section should be consolidated with those historic procedures and located in a chapter that consolidates all land use review and approval procedures. Any zoning district is permitted within a historic district, but R-VH, HO, and HC are only permitted within historic districts and are only found in part of the Ellicott City Historic District.

114.1: R-VH Residential: Village Housing

Approximately 50 acres and 180 parcels are zoned R-VH, and we recommend that this district be carried forward without significant changes (except for consistency with the comments on Section 114.0 above and any changes necessary to implement key recommendations of the current Ellicott City master plan effort).

114.2: HO Historic: Office

About 36 acres and 100 parcels are zoned HO, and we recommend that this district be carried forward. We further recommend that the county consider whether separate districts for Historic Office and Historic Commercial districts are still needed. While many newer development regulations remove this distinction in order to accommodate new and innovative land uses (while addressing their impacts), the historic nature of Ellicott City may require that this distinction be preserved. Additional changes for consistency with the comments on Section 114.0 above and to implement key recommendations of the current Ellicott City master plan effort may also be needed.

114.3: HC Historic: Commercial

About 22 acres and 200 parcels are zoned HC, and we recommend that it be carried over. The comments related to the HO district in Section 114.2 also apply to this district. In addition, the county should consider expanding the list of permitted uses to include low-impact activities that are not addressed in the current regulations.

115.0: POR Planned Office Research

Approximately 1,000 acres and 3,000 parcels are zoned POR. Despite its name, there is no special "plan" approval required for properties within this district, and should be revised to reflect that fact. The fairly long list of narrowly defined non-residential uses allowed in this district should be combined in fewer, broader categories. The district itself should be consolidated with other districts accommodating low impact employment uses. While age-restricted adult housing is the only residential use currently permitted in this zone district (and is subject to very detailed standards repeated elsewhere in the regulations), the inclusion of that narrowly defined use is unusual in this district and the county should consider whether that specific use needs to be carried forward.

116.0: PEC Planned Employment Center

Over 1,600 acres and 2,600 parcels are zoned PEC. Like the POR district discussed above, this district does not require any additional plan approval and includes a wide range of employment uses. Unlike the POR district, it does not permit any residential uses. This district should be consolidated with the POR district into a general employment district. Almost one-half of the parcels zoned PEC also have an MXD overlay district, and those should be recategorized into a mixed-use base district.

117.0: BRX Business Rural Crossroads

Effective 7/5/17, BRX was repealed and Section 117.0 is now is "Reserved." While the BRX regulations will remain on file with the Department of Planning and Zoning, this district should be eliminated from the development regulations. Some of the BRX parcels might be recategorized into the BR zone district.

117.1: BR Business Rural

This overlay district is intended to allow businesses that support the agricultural and rural residential communities, but only 18 parcels of land covering 26 acres have been zoned into the district. Although this is a very small amount of land, we recommend carrying the district forward but revising it to include a limited range of low-intensity residential uses. Smaller minimum lot sizes for non-residential uses should be added, since the basic RC and RR minimum lot sizes are not designed for these types of business uses. The procedure for creating a BR District should be removed from this section and relocated with other procedures.

117.3: OT Office Transition

The OT is a floating overlay district intended as a transition area between residential areas and retail/ employment areas or arterial highways. While only four acres and two parcels have been zoned OT, we recommend carrying it forward as a useful tool to respond to public concerns about edge transitions between residential and other zone districts. As a variety of commercial uses are permitted in addition to office uses, we recommend renaming this district to "Commercial Transition" to more accurately reflect the district. We also recommend permitting a wider range of mixed uses in this district, including single-family residential, because some areas where this district could be appropriate already contain that use. This section includes material on approval and administration that should be simplified and relocated into a consolidated chapter covering all procedures.

117.4: CCT Community Center Transition

Only 32 acres and 52 parcels are zoned CCT. There have been few comments about the effectiveness of this mixed-use base zone district, and it should be consolidated with other districts designed to provide transitions between residential neighborhoods and adjacent uses.

118.0: B-1 Business: Local

Over 300 acres and 1,300 parcels are zoned B-1. This traditional low-density zone district contains a very long and outdated list of permitted uses, which should be broadened to serve as a neighborhood-serving mixed use district. The scale of this zone district and the size of uses permitted should be limited to preserve its neighborhood serving character, and to avoid encouraging larger, destination land uses. The bulk requirements are fairly suburban standards and may not support more compact development layouts that may be desired as the county urbanizes. We also recommend that the current limitation allowing nursing homes and residential care facilities only within the Non-Planned Service Area should be removed.

119.0: B-2 Business: General

Over 1,100 acres and 1,700 parcels are zoned B-2. Like the B-1 district, the list of permitted uses should be broadened so it can serve as a community-scale district (i.e. mid-way between a neighborhood serving activity center and a major shopping center with large format destination uses). Also, like the B-1 district, bulk standards should be reviewed to enable this zone to fit into both urban and suburban development contexts. As with the B-1 zoning district, we recommend that the current limitation allowing nursing homes and residential care facilities only within the Non-Planned Service Area should be removed.

120.0: SC Shopping Center

Only 11 acres and 98 parcels are zoned SC. While shopping center zoning districts are commonly found in older land development regulations, they are rarely carried forward in newer codes. Instead, they are converted into zoning to accommodate medium- or large-scale mixed-use activity centers, and we recommend that approach in Howard County. Unlike the other zone districts, the SC district currently includes a list of conditional uses, and those should be consolidated into a single allowed use table as described above.

121.0: CEF Community Enhancement Floating

The intent of the CEF floating base district is to allow for creative development through flexible zoning that is balanced with additional "enhancements" (such as parks, open spaces, and pedestrian improvements) provided by the builder. These enhancements "must be proportionate to the increase in development intensity and impacts associated with the CEF rezoning." There are three types of CEF districts: CEF-R (Residential), CEF-C (Commercial), and CEF-M (Mixed Use). Approximately 70 acres and 20 parcels are zoned CEF-R, and no properties have yet been rezoned to CEF-C or CEF-M, although there are pending proposals for CEF-M projects.

The district functions very similarly to a negotiated Planned Unit Development district. Like many PUD districts around the country, the approval process of a CEF District is complex. The Zoning Board must approve a Development Concept Plan to create a CEF district. Instead of a list of permitted uses, the CEF district allows any use that is not in a list of excluded uses. Although most large, complex communities need some form of flexible negotiated district, many governments have experienced problems with overly flexible PUDs and their over-use. We recommend that this district be carried forward but that vague standards be reviewed and revised to ensure that community enhancements are in fact proportionate to zoning benefits granted, and to avoid highly unpredictable outcomes. Some of the criteria for a CEF district are unclear and could also be eliminated, such as the requirement to "meet the criteria of the purpose statement," where there are no criteria in the purpose statement. Also, like many PUDs, the process for amending a CEF district is complex, and often requires the same procedural steps as the initial creation. The amendment process should be revised to clearly differentiate between minor and major modifications and to simplify the minor modification process.

121.1: CR Commercial Redevelopment

Only about 70 acres and 98 parcels are zoned with the CR overlay zone district. This is an overlay district used only on Route 1 that is intended to allow for flexible commercial redevelopment. Overall, the application process is overly complex, and the need for Optional Design Project approval in the CR overlay is unclear. We recommend eliminating this district and using one of the proposed mixed-use districts to achieve the same goals.

122.0: M-1 Manufacturing: Light

Approximately 2,700 acres and 1,500 parcels are zoned M-1, and we recommend carrying it forward with minor changes to reflect updated permitted and conditional use categories, and current approaches to screening and impact mitigation. In addition, nearly 40 M-1 parcels are already zoned with the MXD overlay to allow mixed use, and we recommend creating a new business park district that allows a limited range of residential uses to be mixed with light manufacturing and commercial uses, subject to Planning Board approval of a site plan. The list of permitted uses is overly detailed and should be consolidated into fewer, broader use categories. The county should also consider removing or revising the increased setback requirement for buildings over 50 feet, particularly when this district abuts lands with a higher maximum height limit. We also

recommend eliminating the retail center land use which has very detailed use-specific standards and is not a traditional use in these types of districts. Existing retail center lands can be remapped into a new mixed use activity center district.

123.0: M-2 Manufacturing: Heavy

Nearly 3,800 acres and 950 parcels are zoned M-2, and we recommend carrying it forward with minor changes. As in the M-2 district, the increased setback requirement for buildings over 50 feet should be reconsidered, and the retail center land use should probably be eliminated as not appropriate for this type of district. Existing retail center lands can be remapped into a new mixed use activity center district.

124.0: SW Solid Waste Overlay

This overlay and floating district can only be applied to land in the M-2 District and is intended to allow for solid waste processing facilities. Only 9 acres and 4 parcels are zoned into this single-use "rifle shot" overlay district. In general, newer development regulations avoid single-use districts because of their infrequent use. Rather than carrying forward a separate district, the solid waste facility use should be a conditional use (subject to use-specific standards) in the M-2 zone district. Procedural provisions should not be in this section, but relocated into a consolidated chapter on procedures and administration.

125.0: NT New Town

New Town zoning is the single most unique part of the Howard County zoning regulations. The more than 14,000 acres and 28,000 parcels in this district cover most of Columbia and has resulted in 268 contiguous approved Final Development Plans (FDPs). The FDPs guide the development of Columbia and have a hybrid character; they create a separate type of development approval only used in New Town, but they also often cross-reference other parts of the Howard County zoning regulations. Some of the uses listed in FDPs are individual and specific for that land, but some simply reference that the allowed uses are those in the M-1, M-2, SC, B-1, or B-2 districts. Some even reference districts that no longer exist, such as M-R or T-2.

The use of a single zone district to regulate land use in a community of over 100,000 people, and the use of the FDP tool, are by-products of the fact that Columbia was initiated by a single developer with a single vision to be completed over a long period of time. The detailed FDPs were an appropriate tool to ensure that the Rouse Company did not lose control of the development, but they are not a tool used in modern city land use management, because they include vague, poorly defined language in some cases, much too detailed language in other cases, and are too difficult to amend. Projects in downtown Columbia and the village centers – some of the most dynamic parts of Columbia with the greatest need for flexibility – are particularly hard to approve and amend. A system that requires multiple iterative rounds of approval to respond to new pressures and opportunities will put Columbia at a significant disadvantage in competing for desired investment. While there is a logical basis for each part of the current Downtown Revitalization process, the repetitious nature of FDP and SDP approval makes it significantly more complex than those used in many other major business centers. In addition, very specific percentage mixes of land uses in defined areas have also become very hard to administer and are very inflexible. In order to maintain the vision, scale, and balance of uses that makes Columbia great, but allow it to compete for redevelopment in a real estate market very different from the 1960s and 1970s, the NT zoning system should be changed in a number of ways outlined below.

Section 125 of the Zoning Regulations lists the requirements and procedure to create a NT district, including complex requirements for Preliminary Development Plan (PDP), Comprehensive Sketch Plan (CSP), and Final Development Plan (FDP) approval. Downtown Revitalization and Village Center projects have their own complex procedures that were added to the regulations in recent years. Among other issues, noticing requirements for pre-submission community meetings are repeated throughout this section. They should instead be stated once in a consolidated chapter on development review and approval procedures.

A. Definitions, Requirements and Restrictions Applicable to NT Districts

This subsection describes how many of the zoning regulations are reconciled with the NT requirements and approved FDP restrictions, such as parking requirements and the Section 128.0 supplementary regulations. There are also some additional regulations for uses listed as "apartments" on approved FDPs. There are minimum and maximum percentages allowed for particular uses in NT and a complex system for maintaining those percentages that need to be revisited and simplified if possible.

B. Procedure for Creation of NT Districts

Preliminary Development Plans are approved by the Zoning Board, while Comprehensive Sketch Plans and Final Development Plans are approved by the Planning Board. It is not clear why a different process is necessary for rezoning to NT than rezoning to any other district in the county. In addition, since the Preliminary Development Plans for most parcels in Columbia have already been adopted, and most future projects will be redevelopment projects, it may not be necessary to perpetuate this three-tiered plan approval process. Most communities use a two-tiered system in which (a) larger, more complex projects require approval of an intermediate-level plan and then a site plan, and (b) simpler projects that are completed within existing systems of streets and infrastructure require only site plan approval. Clear criteria to differentiate simpler projects from more complex projects are also typically included.

C. Comprehensive Sketch Plan

Comprehensive sketch plans were used to document and review early designs for larger areas during the initial construction of Columbia. Now that the vast majority of Columbia has been constructed and most future activity will involve redevelopment rather than raw land development, this tool is of very limited use. In addition, the previously approved New Town Comprehensive Sketch Plans were destroyed and references to those missing documents are inoperative. We recommend that this tool not be carried forward, and that early design concept review be incorporated into the Downtown or Village Center redevelopment procedures, or (for other areas) into the County subdivision procedures.

D. Final Development Plan – General Provisions

This section should be revisited, and the system of FDPs should probably be replaced by a more updated system of site plan approvals that are tied to a consolidated table of allowed uses and consolidated bulk and dimensional standards generally applicable to similar types of property. In general, the FDP system needs to be replaced by a system in which minor changes to existing site layouts and uses can be approved administratively, while more significant changes go through a more extensive review process. The existing FDPs should be thoroughly analyzed and similar standards and criteria could be carried forward as use-specific standards, development standards, or new zone districts. Instances where standards are vague or unclear, or where no standards to guide decisions were provided, should also be identified and addressed.

E. Final Development Plan – Downtown Revitalization

This recently added process is among the most complex we have reviewed, and needs to be simplified. As noted above, the downtown area is among the most dynamic and most quickly changing, in terms of uses

and potential redevelopment. The current multi-tiered plan approval process for downtown revitalization needs to be simplified and consolidated.

While many of the properties subject to this process are currently owned by a single entity (the Howard Hughes Corporation), that may not always be the case. Like many other aspects of NT zoning, this tool could operate well with only one or a few property owners, but has become cumbersome over time as ownership has changed and fragmented. In addition, the current process requires individual property owners to obtain the consent of surrounding property owners to create a prepare a Neighborhood Concept Plan, Neighborhood Design Guidelines, and Neighborhood Implementation Plan for all the land in that particular downtown neighborhood before the applicant can move forward with redevelopment. Various property owners will have differing timeframes for redevelopment and these requirements at the neighborhood level can create serious timing issues and barriers to reinvestment. Finally, the current process requires the approval of neighborhood design guidelines at a very early stage, which sometimes results in very vague design standards that have little practical effect. This process needs to be revised to operate more efficiently, even if the downtown properties are owned by multiple entities with competing interests in the future.

F. Amendments to a Comprehensive Sketch Plan or Final Development Plan

One issue consistently raised by stakeholders was the difficulty to administer the 268 FDPs. Almost all newer development regulations clearly distinguish between major and minor amendments, and simplify the process for minor amendments. One primary issue is that there are currently no criteria to review amendments. Another significant issue is that amendments to a Comprehensive Sketch Plan or Final Development Plan can only be proposed with the consent of the "original petitioner" for the district, except in Downtown Revitalization or Village Center redevelopment projects or in some residential areas with certain limitations. This is a remnant of the Rouse Company's original need to ensure that it did not lose control of the Columbia development project. However, the role of "original petitioner" designation is now held by the Howard Hughes Corporation, which makes it difficult for property owners to propose amendments for their own property, even though there are many owners of NT zoned land. This situation is very unusual for a large, complex community and is likely to prove a significant barrier to reinvestment. This process should be revisited and simplified as it has already been for Downtown and Village Center redevelopment.

G. Site Development Plans – General Provisions

As noted above, the current multi-tiered plan approval process needs to be simplified and consolidated into a modern site plan approval and amendment process.

H. Site Development Plan – Downtown Revitalization

Currently, the Design Advisory Panel and Planning Board each review a project during both the FDP stage and the SDP stage. The SDP requires very detailed engineering construction plans. In many jurisdictions, these types of plans would be administratively reviewed for technical compliance after an initial round of public engagement, rather than requiring a second approval from both the Planning Board and the Design Advisory Panel. As noted above, the current multi-tiered plan approval process needs to be simplified and consolidated into a modern site plan approval and amendment process.

I. Site Development Plan—Downtown Environmental Restoration that is not part of a Final Development Plan

It is unclear why this is a separate subsection of the regulations, rather than being included as a special case within the general Downtown Revitalization site development plan process.

J. Village Center Redevelopment, Major

The Major Village Center Redevelopment process is described in this section, and (like the Downtown Revitalization process) is among the more complex that we have reviewed. Other complex communities use simpler tools to plan and approve revitalization within a clear planning framework (like the Rouse Company framework), and a simpler approach to this process needs to be implemented in Columbia.

K. Village Center Redevelopment, Minor

It is unclear why this is a separate subsection of the regulations, rather than being simplified and then included as a special case within the general Village Center Redevelopment process in subsection J. This section should be revisited as part of the revised site plan approval process to avoid overlaps and inconsistencies.

126.0: PGCC Planned Golf Course Community

Over 900 acres and 441 parcels are zoned PGCC, but all of this land is part of a single development (Turf Valley) for which the zone district was created. It is unlikely that a second or third development will be able to use the highly-tailored provisions in this district, and it is generally not a good practice to create a separate zone district for a single development. Many residential portions of this district could potentially be consolidated with another district of similar density, such as R-20. If an overall "Planned Unit Development" district is created, the PGCC lands could be included into that district (with the existing uses and development standards carried over). The procedures for creating this district are also complex "one-off" procedures that could be eliminated if the general procedures for creating a Planned Unit Development district applied.

127.0: MXD Mixed Use Districts

Over 2,200 acres and 3,200 parcels are zoned with the MXD overlay district. The large amount of land in this district is evidence of the strong desire for mixed use development and the weakness of the current zoning regulations in not having a modern spectrum of low-, medium-, and high-intensity base mixed use districts available. We recommend that this overlay be eliminated and that a series of mixed-use base districts be

created to replace it. In addition, the complex procedures for creating it likely acts as an unnecessary barrier to mixed use development. The procedure for approving mixed use districts should be the same as that for creating or remapping other districts.

127.1: PSC Planned Senior Community

The PSC District is a floating overlay district intended to allow older adult housing. Over 300 acres and 950 parcels are zoned PSC. As noted earlier, it is unusual to have senior housing approved though the creation of a separate zoning district(s) for that use. The provisions for minor additions and modifications in subsection N are also unnecessarily complex. We recommend eliminating this district and instead allowing senior community living as a permitted or conditional use (subject to use-specific standards) in some of the residential and mixed use base districts. Unlike some other districts with the word "planned" in their title (like PEC and POR), this district does require approval of a preliminary development plan and site development plan, but it is not clear why that additional planning requirement is necessary for this use.

127.2: CE Corridor Employment District

The CE district is intended to encourage office, flex, and light industrial development and redevelopment near Route 1, and nearly 900 acres and 650 parcels have been mapped into this district. However, this district has not produced the types of development intended and has created numerous nonconforming uses. We recommend that it be eliminated, and that the Route 1 corridor instead be addressed through a non-residential employment base district as well as the various mixed use districts discussed above (perhaps with Route-1-specific development standards). The Department of Planning and Zoning will be initiating a Route 1 planning effort in early 2018 that will address many of these issues.

127.3: CLI Continuing Light Industrial Overlay

This district was created to allow continued use of warehousing and light industrial properties in the CE and CAC districts after the adoption of those districts made many properties nonconforming. Over 1,000 acres and 2,400 parcels are currently zoned with the CLI overlay. Nonconforming uses and structures along Route 1 should be addressed through more flexible low-, medium-, and high-intensity mixed use districts and more flexible nonconformities regulations, not through separate overlay or base district. We recommend that this overlay be eliminated.

127.4: TOD Transit Oriented Development

Although nearly 450 acres and 400 parcels are zoned TOD, this is another zone district created for the Route 1 corridor that has not produced the intended types of development and has been difficult to administer. We recommend that it be eliminated, and that TOD development be addressed through a high-intensity mixed use district (with Route-1-specific development standards).

127.5: CAC Corridor Activity Center

Almost 400 acres and 1800 parcels along the Route 1 corridor are zoned CAC but (like the other Route 1 corridor districts) it has proved difficult to administer and has had unintended consequences. Among other things, many stakeholders noted that the requirement for 50 percent of the first floor to be retail or service uses was problematic, in light of the retail market along the corridor. We recommend replacing this district with a high-intensity mixed use district (with Route-1-specific development standards). The requirements related to the neighborhood preservation density exchange option should be revisited and grouped with other density transfer provisions.

127.6: TNC Traditional Neighborhood Center

This district is another example of a "one-off" district created to accommodate specific development(s), and only about 16 acres and 100 parcels are zoned with the TNC overlay. Although the title suggests that this district might promote or require New Urbanist patterns of development that require sustainable, walkable, street-oriented, mixed-use development, that is not the case. We recommend that this zone district be eliminated and replaced by a consolidated community-scale mixed-use zone district.

128.0: Supplementary Zoning District Regulations

This section includes a wide array of randomly organized additional regulations – use regulations and permit requirements, bulk regulations, and alternative development regulations such as standards for Traditional Residential Neighborhoods and Neighborhood Protection Density Exchange Options. Most of these provisions should be relocated elsewhere as noted below, and with the changes described below.

A. Supplementary Bulk Regulations

Most of the materials in this section should be in a consolidated chapter on bulk and dimensional standards. In addition:

- Exceptions to setbacks should be revised to include several common types of encroachments missing from these provisions.
- Fence standards applicable to all zoning districts should be relocated to a new section that consolidates all provisions on landscaping, screening, and buffering.
- Regulations for maintenance of detached accessory structures related to single-family detached dwellings and for maintenance of accessory uses and outdoor accessory storage areas on residential lots or parcels less than one acre should be relocated to a new section that consolidates all requirements for property maintenance and operation. Alternatively, these property maintenance standards could be relocated to other areas of the Howard County regulations that address property maintenance. Additional flexibility should also be considered regarding the size of detached accessory structures.

B. Noncomplying Structures and Uses

These provisions should be consolidated with other regulations regarding nonconforming structures and uses, and should be expanded to also address nonconforming lots, nonconforming site features, and nonconforming signs. In addition, many newer codes are distinguishing between serious nonconformities (for which expansion, rebuilding, and restarting after closure are limited or prohibited) and technical

nonconformities (which are treated like conforming properties), and we recommend that Howard County consider this approach. The triggers to implement changes to non-conformities should be clearly defined, whether they are based on size, severity, or other factors.

C. Home Businesses

Since home businesses and home contractors are accessory uses to the residential use of property, these provisions should be grouped with other use-specific standards in a new consolidated chapter addressing all permitted and conditional uses in each zone district. In addition, the provisions should be updated to reflect the much broader range of home occupations that have emerged in recent years and that can be operated without impacts on surrounding properties. Most newer regulations list which home based activities are not permitted, rather than trying to list all that are permitted.

D. Temporary, Seasonal and Other Uses

The content of this section should be consolidated with other permitted and conditional uses in an Allowed Use Table and related use-specific standards. In addition, some of these provisions are very narrowly defined (such as snowball stands), and could be included in less product-specific regulations. In addition:

- The allowance for the conversion of nonconforming uses to permitted uses in the CLI overlay district are buried in this section, and may not be needed based on our recommendation to eliminate that district. If these provisions are retained, they should be relocated and grouped with other nonconformity standards and procedures.
- The county should clarify the standards for allowing refuse containers at active construction projects.
- Based on public comments received, standards for motor vehicle storage in residential districts should be revisited and strengthened.

E. Communication Towers and Antennas

These provisions should be relocated as use-specific standards in a consolidated chapter on permitted and conditional uses. In addition, the standards should be reviewed for efficient compliance with recent federal rule-making (including the FCC's rules "shot clock" and co-location rules). Demand for related micro-cells equipment is expected to rise significantly in coming years, and the standards should be updated to address those types of facilities.

F. Private Use of Government Facilities

We recommend that the distinction between government and private facilities be eliminated from the county's use regulations, because leasing of private facilities by government (and vice versa) is very common and because (with few exceptions) the land use impacts are the same for a given type of facility. The exceptions are police, fire, and public safety facilities, which should be addressed as distinct land uses. This short section could then be deleted.

G. Traditional Residential Neighborhoods

This addresses an alternative way to lay out development to achieve Traditional Neighborhood Development principles, but its relationship to the Traditional Neighborhood Center district or other residential zone districts is unclear. This tool has been used only four times, and (although it describes a de facto zone district) we do not recommend that it be carried forward as a district. Instead, we recommend that the use-related standards be consolidated with other use regulations, and that the standards for site design be recast as alternative bulk, dimensional, and development standards available in some zone districts. In addition, it is not clear how the process for approval of a TNR development relates to the typical zoning or other development approval process and this should be clarified. As an alternative, these provisions could be deleted and the four existing projects treated as approved Planned Unit Developments; future similar developments would then go through the Planned Unit Development approval process.

H. Adult Entertainment Businesses

This subsection should be reviewed for consistency with case law and state and federal requirements. In addition, the county should consider whether the new land development regulations should distinguish between adult entertainment and adult retail uses. Adult business regulations are defended because of the secondary impacts of these facilities (e.g. loitering, trash, vandalism), and those impacts appear to differ between adult entertainment and adult retail uses.

I. Permits for Special Farm Uses

These provisions should be included in a new consolidated chapter on permitted and conditional uses (with the use-specific standards carried over). In light of recent controversies over some land uses (i.e. mulch production and trucking) in rural areas, the list of special farm uses and the relationship between these provisions and the conditional use approval procedure should be clarified. Procedural standards for the issuance of permits should be consolidated into a single chapter covering all administrative and land development procedures. We also recommend that the maximum size of farm stands be reviewed in light of generally increasing acceptability of fresh food sales.

J. Housing Commission Housing Developments

This section contains default bulk and dimensional standards for Housing Commission Development projects. Most newer development codes do not distinguish between development standards based on the owner or project sponsor, and we recommend that this distinction be removed. If these are necessary because Housing Commission projects frequently occur in non-residential districts, these provisions should be recast as a special case within a consolidated chapter containing all bulk and dimensional standards for all districts. Procedures for site plan approval should be integrated with other site plan approval procedures in a procedures and administration chapter.

K. Neighborhood Preservation Density Exchange Option

These provisions should be consolidated with other density exchange options and standards (including the materials in current Section 106: DEO Density Exchange Option Overlay) as part of a consolidated bulk and dimensional standards. The number and complexity of different density transfer options in the Howard County land development regulations is unusual, and should be simplified if possible. The applicability of these standards to the R-SC zone district should also be clarified. This section refers to "criteria for neighborhood infill development in Section 16.108(b) of the Subdivision and Land Development Regulations," although that cross-reference is not accurate, as no criteria for neighborhood infill development exist in Section 16.108(b). It is not clear whether this is intended to refer to:

- The definition of "Residential Infill" in Section 16.108, which means a residential development in the area planned for both water and sewer service that creates one or more units on a property that adjoins an existing residential unit; or
- The definition of "Neighborhood Infill Subdivision or Resubdivision" in Section 103.0 of the Zoning Regulations, which means small subdivisions or resubdivisions which create four or fewer lots from R-20 or R-12 zoned land surrounded along 60% or more of the perimeter by recorded lots 20,000 square feet or greater (in R-20) or 12,000 square feet or greater (in R-12).

This ambiguity needs to be resolved.

L. Small Wind Energy Systems, Building Mounted

These provisions appear current, but should address permitted encroachments through district height limits (if any) and should be relocated as use-specific standards for this accessory use.

M. Small Wind Energy Systems, Freestanding Tower

These provisions appear current, but should address permitted encroachments through district height limits (if any) and should be relocated as use-specific standards for this accessory use and structure. In addition, the county should consider when (if ever) these types of structures should be permitted as primary uses in the RC district.

N. Apiaries

These provisions should be relocated as use-specific standards in a consolidated chapter addressing all permitted and conditional uses in all zone districts.

O. Farm Winery – Class 1A or Farm Brewery – Class 1A

These provisions should be relocated as use-specific standards in a consolidated chapter addressing all permitted and conditional uses in all zone districts.

129.0: Nonconforming Uses

The relationship between this section and Section 128.B Noncomplying Uses and Structures is unclear. The materials in this section should be consolidated with other provisions addressing nonconforming structures, lots, site features, and signs. It should also clarify the treatment of nonconforming structures with conforming uses and conforming structures with nonconforming uses. As noted earlier, many newer land development regulations distinguish between serious and minor nonconformities. In addition, many newer regulations allow limited expansions of nonconforming uses and structures and some allow certain types of nonconforming structures to be reconstructed in substantially similar way following damage or destruction (regardless of whether they comply with current regulations) to avoid the loss of affordable or other housing units. Determinations of nonconforming status should be administrative to the greatest degree possible.

130.0: Hearing Authority

The Hearing Authority refers to both the Hearing Examiner and the Board of Appeals. The Hearing Examiner reviews variances, nonconforming use expansions, and conditional uses. This section should be consolidated with the similar information related to the Board of Appeals and Hearing Examiner procedures in Subtitle 3 of Title 16. In addition, these materials should be consolidated with information about all other decision-makers in the land development process in a separate chapter on administration and procedures.

In our stakeholder meetings and in the survey, we heard several comments that the Hearing Authority process is lengthy and repetitive because the Board of Appeals conducts de novo hearings on appeals from the Hearing Examiner. This is an unusual provision, and we recommend that the Board of Appeals review be conducted as a review on the record presented to the Hearing Examiner. We also heard several complaints that resolution of individual appeal cases can require multiple hearings and up to six month to reach a conclusion. The length of these appeal procedures is unusual and inefficient, and the appeal procedures should be reviewed and streamlined if possible. Finally, use-specific hours of operations and dimensional standards should be removed from conditional use approval criteria and relocated to use-specific standards. The conditional use approval criteria would then be simpler and more generally applicable, and the text should clarify that the Hearing Authority may not grant variances to those general conditional use approval criteria. Variances are generally limited to variations in objective or measurable standards in the land development regulations, not the criteria for decision-making or time periods by which a development approval must be acted upon.

131.0: Conditional Uses

The approval of conditional uses has been one of the more contentious issues noted throughout our various forms of public engagement. Many citizens believe that too many uses are available as conditional uses in or near residential areas, and find the process and related outcomes to be unpredictable. Survey results showed that people feel conditional uses are one of the most challenging or confusing parts of the current regulations.

In addition, conditional uses were noted as one of the main areas where the quality of development could be improved and limits on conditional uses were identified as a part of the regulations that are not enforced well.

Conditional uses are an important tool in newer land development regulations, and we do not recommend that Howard County abandon this tool. Instead, we recommend that the conditional uses listed in this section be integrated into a consolidated table listing all permitted and conditional uses in each zone district, and the appropriateness of and limits on conditional uses in each district be carefully reviewed to reduce their impacts on nearby residential uses. Age-restricted adult housing is one of the main conditional uses that stakeholders noted to cause problems, particularly because developers can obtain significantly higher intensities for this use than are otherwise allowed in some base districts. As an example, in the R-20 District, the allowed density for a development of over 50 units of age-restricted adult housing is 6 units per acre, but the purpose statement of the district is "to establish single-family detached dwelling units at approximately two units per acre" and the minimum lot size is typically 20,000 square feet (which may be reduced if open space is increased).

In addition, it is not clear why the minimum quality and development standards for each these uses are only applicable if the use is a conditional use. A more common approach is to develop use-specific standards that apply to particular uses (in order to improve their quality or reduce their impacts) and have those standards apply to both permitted and conditional uses. In addition, the conditional use approval criteria (particularly criteria 1, 3c, and 3e) should be reevaluated and made more objective, if possible. The director's ability to approve minor modifications to existing approved conditional uses should be consolidated with other administrative adjustment provisions.

The timing of conditional use approval should also be reviewed. Currently, conditional use approval is required before a site and technical plan review. If changes are required as a result of that technical review, the conditional use approval must be revisited. This is inefficient procedurally and likely contributes to the unpredictability of conditional uses noted through our community engagement.

Based on our experience and responses to the online survey, the following conditional uses and related conditions are in particular need of review and updating:

- The bulk regulations for **age-restricted adult housing** (particularly multiplex);
- **Agribusiness** farm uses not addressed in the regulations;
- The availability of **bed and breakfast** and **country inn** uses in different districts;
- **Wrecked vehicle storage**– which is often treated as a permitted use subject to screening requirements in heavy manufacturing districts.
- Inconsistencies between the **kennels/pet grooming** and **pet daycare facility uses**;
- The size of **nursing homes** in relation to the size of the lot;
- The size limits on **private schools, colleges, and universities**;
- The availability of detached accessory apartments for **two family dwellings**;
- The outdated standards for **fast food restaurants** and **home occupations**;
- The inclusion of **historic building uses** as a form of conditional use (many newer regulations include these as permitted uses (subject to limitations) in historic structures;
- The availability of **catering uses** in different zone districts;
- Consistency between the standards for **religious facilities** and **limited social assemblies** as generally required under the federal Religious Land Use and Institutionalized Persons Act;
- Standards related to the levels of care from **nursing homes** and **residential care,** because these change over time and the differences in levels of care inside a facility have few land use impacts outside a facility;
- The definition and treatment of **used merchandise** sales;
- The very detailed standards for a **yard waste composting facility**;

- **Aircraft landing and storage areas**;
- **Mobile home for security purposes**;
- **Movie theaters, legitimate theaters, dinner theaters, museums, and libraries** (which many newer regulations list as permitted uses subject to use-specific standards in several zone districts);
- Standards that distinguish between sales of new versus **used goods**, which are relatively unusual and difficult to enforce;
- Standards that distinguish between **governmental agencies, non-profits, and private entities facilities**, because leases between these types of entities – leading to occupancy by the another type – are common, and land use impacts are almost always the same;
- Treatment of **minor public utility** uses, which most newer regulations list as permitted uses; and
- The availability and standards for **major public utility** uses.

All provisions about lapsing of approvals should be consolidated with the land development regulations chapter on administration and procedures. Finally, the complex process for extending a conditional use approval should be simplified if possible. Conditional use approval procedures should be consolidated with other land development approval procedures to promote internal consistency.

132.0: Temporary Uses

It is unclear how these provisions relate to the multiple other sections on temporary uses throughout the code, including those in Section 128.0. All temporary and accessory use provisions (and related use-specific standards) should be consolidated into a chapter addressing permitted and conditional uses. In addition, the county should consider listing some minor, short-term, temporary uses of property as permitted uses that do not require a separate permit or approval. In addition, provisions should be added to address temporary uses that are extended for less than a year.

133.0: Off-Street Parking and Loading Facilities

These standards should be aligned with the modernized list of broader, more flexible categories of permitted and conditional uses discussed above. However, even if land use categories are consolidated for purposes of permitted and conditional use controls, different parking standards can apply to different types or sizes of facilities within a single use category. Many stakeholders noted that some of the parking requirements are unnecessarily high (particularly for apartments in downtown Columbia). These standards should be reviewed against minimum requirements used by communities of similar size throughout the country, and should be reduced if possible. Based on our experience, a few parking standards may also need to be increased. The very complicated shared parking table can and should be simplified and reductions in required parking should be offered for parcels near bus lines, and for providing van pool, carpool, and electric/alternative fuel spaces without the need for approval of a specific parking reduction plan. Based on public comments, the limitations on commercial vehicle parking as an accessory use in residential districts should also be revisited.

134.0: Outdoor Lighting

No comments about the performance of this section have been received to date. Although the standards appear fairly current, they should be revised and might be improved by provisions addressing the minimum energy efficiency of lighting fixtures and by addressing the different characteristics of LED lighting.

TITLE 3: SUBTITLE 5, SIGNS

Most newer development codes include these standards in a consolidated land development regulation document, rather than in a separate title of the county code. Doing so ensures the use of consistent terminology and land use or property categories, and allows the procedures for approvals of signs to be consolidated with other land use approvals. We also heard that enforcement of signs in Columbia is particularly difficult due to a lack of consistency between individual New Town FDP sign procedures and between New Town provisions and those applicable in other portions of the county. We recommend that these provisions be included as a separate section in a chapter on development standards. Three specific changes to this section should be considered:

- The sign standards need to be reviewed in light of the U.S. Supreme Court's 2015 decision in Reed v. Town of Gilbert, which significantly limits local government authority to govern at least temporary signs (and perhaps other signs) based on the type or content of the sign involved. We understand that the county's sign code is being updated to address compliance with the Reed v. Town of Gilbert decision. Any updates made as part of that process should be incorporated.
- Electronic sign provisions should be reviewed in light of emerging national trends.
- Nonconforming sign provisions should be grouped with standards for other types of nonconformities (uses, structures, lots, and site features) for internal consistency.

TITLE 16: PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS

General Comments

The distinction between the content of Title 16 and the zoning regulations is very unclear, and the content of the two documents overlaps and contain inconsistencies. While the first sections of Title 16 appear to have been drafted to cover only subdivisions of land (which are often found in a separate document from zoning controls in older codes), the middle and end of Title 16 address development standards and site planning standards that could easily have been included in the zoning regulations. We recommend that these controls be consolidated into a single Unified Development Ordinance (UDO) to avoid these weaknesses. Among other content, the general applicability provisions, intent statements, definitions, rules of construction, review and approval procedures, provisions for deviations from development standards, and the substantive development standards in Title 16 need to be fully integrated and reconciled with the content of the zoning regulations and sign regulations. Repetitive clauses on enforcement and severability should be deleted; they can be stated once for the entire UDO document. In addition, the alignment of these standards with Plan Howard goals, and the quality of development they require, should be revisited. Importantly, only about one-quarter of online survey respondents agreed that the current regulations result in high quality development.

Subtitle 1: Subdivision and Land Development Regulations

Article I: General

Most of the content of this section relates only to subdivisions of land. The procedures in this section should be consolidated with other land development review and approval procedures (including provisions for appeals, waivers, and amendments). The provisions of Section 16.115 regarding floodplains may need to be revised to reflect the outcome of the Ellicott City Master Plan currently in progress. Enforcement provisions should be consolidated with zoning enforcement provisions. These provisions should be reviewed for clarity and simplified if possible. Some aspects of these regulations are unclear, including:

- Whether there is a separate process for approval of waivers from subdivision standards, or whether they are approved concurrently with other aspects of subdivision applications; and
- What types of "comprehensive development" are excluded from the applicability of this section, since this is not a term defined or used anywhere else in the regulations.

Article II: Design Standards and Requirements

The Howard County subdivision design standards were frequently mentioned during our stakeholder engagement efforts. Two-thirds of online survey respondents do not think that the subdivision regulations are working well to control the size and location of new buildable lots. While some respondents indicated that their main concern was related to the Adequate Public Facilities Ordinance, others thought the standards for avoiding development on sensitive lands, environmental protections, infill development in established communities, and preservation of agricultural lands need to be improved. The majority of survey respondents believe that the site development standards are too flexible. A small minority believed they were too restrictive, and about one-quarter of respondents were neutral.

The subjects covered in this article and the order they are presented in makes this difficult to navigate. There are several discrete issues to note with this section:

- Although there is a whole subtitle devoted to floodplain, there are additional floodplain standards located in this article that need to be consolidated and reconciled;
- The "necessary disturbance" regulations could be made more objective;

- The standards do not effectively address **pedestrian, bicycle, or automobile connectivity** (a major new focus area in most subdivision controls), which could be addressed through maximum block dimensions, limits on cul-de-sacs, or a connectivity index;
- The ability to plat, and the design and access standards for, **"pipestem" lots** (i.e. lots that are largely located behind other lots, with only a narrow access to the public road or street) should be reviewed and clarified if possible;
- Requirements for **pre-submission community meetings** should be consolidated with zoning regulation requirements for early meetings;
- **Golf course redevelopment standards** in Section 16.129 should be consolidated with other use-specific standards in a chapter consolidating all standards for permitted and conditional uses and related use-specific standards.
- The relationship between **subdivision open space requirements** and open space requirements in the zoning regulations should be clarified (For example, there are several conflicting regulations regarding "residential infill" and "neighborhood infill subdivision" between the Zoning Regulations and Title 16 which impact the interpretation of the open space requirements);
- Optional lot size standards for the R-12 district should be consolidated and reconciled with zoning regulations bulk and dimensional standards;
- **Lot and street design standards** should be reviewed and updated, and the county should consider making alternative types of smaller streets and blocks available to promote improved walkability and pedestrian-friendly development in more urbanized or redeveloping areas of the county;
- The **landscaping standards** and requirements in Section 16.124 should not contain specific landscape plan submittal requirements (they should be in an administrative manual or on a County website), and the relationship between these standards and the Landscape Manual needs to be clarified;
- The **agricultural land protection standards** and buffers in Section 16.126 should be revisited and strengthened if possible, to reduce the significant levels of friction currently generated between residential and agricultural uses in rural areas of the county.

Another important area for clarification is whether the provisions for floodplain protections in Section 16.115, the avoidance of sensitive lands provisions in Section 16.116, and the protection of historic resources provisions in Section 16.118 are only applied during the subdivision approval process, or whether they also apply at the site plan approval process (particularly when new flood risk or sensitive land data has become available since the approval of the subdivision plat). Finally, it is unclear how the forest conservation materials in Section 16.117 relate to the standards and guidance in the freestanding Forest Conservation Manual. The information in Section 16-117 needs to be revised to avoid any inconsistency with the more detailed information in the manual.

Article III: Required Improvements

These provisions (as well as the provisions for street and right-of-way dedications in Section 16.119 and the provisions for reservations of land for public facilities in Section 16.122) should be reviewed for consistency

with the county's current practices, and for consistency with the U.S. Supreme Court's decisions in Nollan v. California Coastal Commission, Dolan v. Tigard, and Koontz v. St. Johns River Water Management District, which limit local governments' ability to require dedications of land or payments of money to those required to mitigate the impacts of the proposed development. Sidewalk and walkway standards and requirements should be strengthened to help achieve Plan Howard 2030's goals for improved walkability and connectivity, and to respond to numerous public comments about the current weaknesses of these networks. Most newer subdivision regulations also allow new types of Low Impact Development (LID) design that use open spaces to help treat stormwater and reduce the need for "hard" infrastructure to convey stormwater off-site. Again, it is not clear whether these provisions can be applied only to subdivisions of land, or can also be applied at the site design stages of approval, where more information about required improvements may be available.

Article IV: Procedures for Filing and Processing Subdivision Applications

This article describes the procedure for subdivision applications and describes the stage at which the subdivision is tested for adequate public facilities in accordance with Subtitle 11. These procedures should be consolidated with the other procedures scattered throughout the zoning regulations. We recommend removing specific lists of application requirements and specific language for plat notes from the UDO and placing those in an administrative manual or on a county website that could be updated without requiring a text amendment. Some stakeholders and other respondents have also questioned the value of having the Design Advisory Panel review subdivision layouts, and that topic should be revisited. The Environmental Concept Plan (ECP) is only mentioned once in Title 16, but plays an important role in ensuring early understanding of potential stormwater management issues. The role of the ECP in subdivision design should be clarified.

Article V: Procedures for Filing and Processing Site Development Plan Applications

This section describes the procedure for site development plan applications. Improvements to the development application processes were among the improvements online survey respondents were most interested in seeing (second only to improvements in residential development standards). Development review procedures were also identified in the survey to be the most confusing or challenging parts of the ordinance. However, the majority of respondents who had applied for a permit or approval believed that it was clear or somewhat clear what was required for approval of their application and what criteria would be used for evaluation.

Again, these procedures should be consolidated with other procedures in the zoning regulations. Public notice procedures and requirements should also be consolidated rather than repeated in both the zoning regulations and Title 16. Consolidating this information with similar information in the zoning regulations will also help clarify why some site development plans require Planning Board approval and some do not. The differences between site development plan approval inside and outside the NT district should be reduced and a single procedure used if possible. Specific lists of submittal requirements should be removed from the UDO and listed on the county's website or in an administrative manual that can be updated regularly without the need for Zoning Board approval.

Subtitle 2: Zoning

This subtitle focuses on comprehensive zoning, text amendments, piecemeal map amendments and decisions of development plans. It is unclear why this section about rezoning procedures is located outside of the zoning regulations, and a Unified Development Ordinance structure would avoid that confusion. Procedures should be relocated into a consolidated chapter covering all types of zoning, subdivision, and land development approvals and repetitious materials on public notice and hearing procedures should be removed. Purpose statements and definitions should also be integrated with other land development related definitions. In addition, many stakeholders objected to what they perceived as the overuse of the zoning regulations amendment (ZRA) process to approve specific projects rather than requiring applicants to request variances that would allow

greater citizen participation in a quasi-judicial process. The criteria for petition and approval of ZRAs should be revisited.

Subtitle 3: Board of Appeals

Despite its title, the content of this section actually addresses both the Hearing Examiner and the Board of Appeals. Since many decisions become final through action of the Hearing Examiner, and only a relatively small percentage are appealed, we suggest that content regarding the authorities of the Examiner and the Board be addressed separately in the UDO. The description of the membership, responsibilities, and authority of the Board of Appeals should be consolidated with similar information about other Howard County land development review and decision-making bodies in a chapter addressing administration and enforcement of the UDO. We recommend that details such as compensation for board members be relocated to an administrative manual or the county website, and should be able to be amended by resolution of the council rather than requiring an amendment to the UDO. As noted earlier, this section should be reviewed to simplify the procedures and shorten the timelines for completion of the appeal process.

Subtitle 4: Street Names and House Numbers

This section should be carried over without significant change.

Subtitle 5: Mobile Home Development

Mobile home developments generally need specific site development standards, but the content of this section should be recast as use-specific standards applicable to this type of development, and should appear in a consolidated chapter addressing all permitted and conditional uses and related standards. As noted earlier, these standards should also be updated to distinguish between developments for manufactured homes (i.e. the vast majority that comply with HUD safety standards) and mobile homes (i.e. the minority of very old homes that do not), and the construction of new developments to accommodate non-HUD compliant mobile homes should be prohibited. Definitions should be integrated into a single list of land development related definitions. We also recommend that materials in this section that are related to licensing of these developments (as opposed to design, development, and operation) should be relocated outside the UDO and grouped with other types of county business licenses required for specific activities. Similarly, provisions related to taxes and charges should be grouped with other county code materials regarding special taxes and charges on specific activities.

Subtitle 6: Historic Preservation Commission

As noted earlier, descriptions of the county land development decision-makers and their functions and authorities should be grouped together in a single chapter on administration and enforcement, and that applies to the materials in this section. Procedures should be integrated with other land development review and approval procedures and criteria. As with other Title 16 topics, definitions should be integrated into a single list with other land development definitions. Many newer regulations include maps of the designated historic districts (in addition to showing them on the county zoning map) to better inform the public and prospective investors of the boundaries of these areas. We recommend that Howard County follow this emerging practice. The county may also want to consider describing these defined districts as zoning overlay districts, which is another emerging best practice that helps the public and property owners understand how historic preservation controls function in relation to zoning and subdivision controls. To date, no substantive comments requesting changes to the powers, functions, or procedures of the Historic Preservation Commission have been received, so those materials can be generally carried forward, except for changes required for consistency with other UDO provisions.

Subtitle 7: Floodplain

As with historic preservation controls, the definitions and procedures in this section should be consolidated with similar materials applicable to land development and redevelopment. The duties and authorities of the

floodplain administrator should be grouped with similar materials about other land use reviewers and decision-makers. Although no specific comments have been received to date suggesting changes to this section, there have been numerous comments that the county's development standards related to steep slopes and stream setbacks should be strengthened. These issues have also been raised in the Ellicott City Master Plan effort, and it is likely that it will result in recommendations that should be incorporated into this section. In addition, the substantive standards in this section should be reviewed to ensure that they are consistent with the latest versions of Maryland and Federal Emergency Management Agency (FEMA) laws and standards. In addition, the county should consider whether it wants to include changes to these standards to improve the county's flood risk rating under FEMA's Community Rating System (CRS) program. In some cases, inclusion of standards or incentives in the county's ordinances and regulations can earn credits that work to reduce the flood risk rating and related flood insurance rates. Finally, several newer land development codes treat floodplain controls as an overlay zoning district (again, to make their operation clearer to the public, property owners, and potential investors), and we recommend that Howard County follow this approach.

Subtitle 8: Department of Planning and Zoning

This section should be consolidated with other provisions addressing with land use decision-makers and their functions in a chapter addressing all aspects of administration and enforcement. In addition, the contents of this section should be simplified, and materials regarding specific processing deadlines should be relocated to an administrative manual or to the county's website. As technology changes and review and approval procedures change over time, the workflow timing of the department will change, and those changes should not require amendments of the UDO.

Subtitle 9: Planning Board

This section should be consolidated with other provisions addressing with decision-makers and their functions. Detailed provisions about the internal operations of the Board (including materials on required meetings and records) should be relocated to an administrative manual or website. Materials on the conduct of public hearings should be consolidated into a UDO section addressing how different types of land use hearings are conducted. In addition, a growing number of newer development codes include required qualifications for Planning Board members (beyond just residency in the county) to ensure that there is a mix of skills and backgrounds on the Board. The county should consider whether this would be helpful in assisting the Board to carry out its various functions.

Subtitle 10: Zoning Counsel

This post is relatively uncommon in U.S. development codes, but we have received no comments to date suggesting that it is unnecessary or that substantive changes to the responsibilities of this post should be changed. The materials in this section should be consolidated with other provisions addressing the various land use decision-makers and their functions, within a single chapter on procedures and enforcement.

Subtitle 11: Adequate Public Facilities

Howard County operates a fairly detailed Adequate Public Facility Ordinance (APFO) to evaluate whether adequate facilities are available to serve proposed development. The standards, criteria, and procedures used in the APFO process were recently reviewed by a task force and revisions to those regulations are currently under consideration by the County Council. Any changes approved by the County Council should be incorporated into the APFO standards, criteria, and procedures. Although there were significant public and stakeholder comments expressing dissatisfaction with the current APFO process, the Development Regulations Assessment project will not be conducting a second review of APFO or making additional recommendations beyond those proposed by the task force. The county should consider whether the procedures, standards, and approval criteria in this section should be consolidated with similar materials applicable to land development review and approval. In our experience, most communities that operate an APFO system do not integrate those provisions with other land development regulations. Because of the length, complexity, and technical nature of

the APFO, it is retained as a separate ordinance that is then cross-referenced in the different land development review and approval procedures to which it applies.

Subtitle 12: Forest Conservation

This section is designed to implement the Maryland Forest Conservation Act of 1991, and is a required type of land use control under Maryland law. However, forest conservation is simply a special instance of the general planning goal of protecting different types of sensitive lands from development and related impacts. The materials in this section should be integrated with other zoning and site development standards addressing the protection of different types of sensitive lands (e.g. steep slopes and streams) during the development review process. As with other portions of Title 16, definitions, procedures, standards, and criteria should be consolidated with similar materials from other land development regulations. The relationship between this section and the Forestry Conservation Manual is fairly clear. As with other types of applications, we recommend that specific application materials be removed from the regulations and located in an administrative manual or on the county's website where they can be more easily revised as technology changes, if that is permitted under Maryland law. Materials on waivers and appeals should be consolidated with similar materials applicable to other types of development approval.

Subtitle 13: Cemetery Preservation

Materials related to the Cemetery Preservation Advisory Board should be consolidated with other descriptions of membership, qualifications, responsibilities, and authorities of other land use decision-makers. Materials related to the creation of subdivisions in or around cemeteries should be located or cross-referenced in the subdivision review and approval procedures. This section should likely be consolidated with other procedures. It appears that the procedures are solid but there are weak advisory statements.

Subtitle 14: Scenic Roads

There have been very few public and stakeholder comments about the effectiveness of these standards, and they can be carried over with only those changes necessary to align with proposed changes to other land development regulations. Several newer land development regulations treat these types of controls as overlay zoning districts, so the procedures and criteria for approving or amending them are consistent with those used for other types of zone district changes. We understand that these standards are generally applied through a resolution of County Council, and there have been no objections to this approach.

Subtitle 15: Design Advisory Panel

The Design Advisory Panel (DAP) was created in 2008 and is reviews development and redevelopment proposals in certain areas in or along nine specific geographic areas of the county. Materials on membership, qualifications, duties, and authority should be consolidated with similar materials for other review and decision-making bodies. Materials on meetings and records should be relocated to an administrative manual or website outside the UDO. Procedures and related review and recommendation criteria should be consolidated with other land use review procedures in a consolidated administration and enforcement chapter.

We heard widely diverging views of the DAP from the public and stakeholder groups. Many felt that the DAP is useful and provides good insights, but should be given more regulatory (rather than advisory) authority. Others felt that DAP reviews only add time and expense to projects, and that those costs outweigh the value of the advice provided. The role of the DAP should be reviewed and clarified. In our experience, the larger the community, the more likely it is to have some sort of design advisory group for large, highly visible, or complex projects. We recommend that the DAP's review role continue for those types of projects (particularly along the Route 1 and Route 40 corridors) and we recommend strengthening their role in large or complex projects along these two corridors.

The role of the DAP in Downtown Columbia and Columbia Village Center redevelopment should be evaluated as part of an overall review and simplification of those unusually complex processes. Additionally, the point at

which the DAP reviews a project should be revisited. DAP review should take place when the detailed design of a project is available for review (generally during site plan review). In general, we do not recommend a continued role for the DAP for specific uses (such as age-restricted communities) or entire zone districts or plan areas. A well-written development code should include clear, objective development standards and menus of options that will result in high quality development design without the need for individualized project review for specific uses and zone districts. Advisory design review should be the exception, rather than the norm, and it is fairly unusual to see an advisory design review process applied to some of the uses, zone districts, and plan areas listed in this subtitle. Revisions should be made to reduce the number of meetings and the amount of time for each required review.

Subtitle 16: Enforcement of the Howard County Subdivision and Land Development Regulations and the Zoning Regulations

The materials in this section should be consolidated with those in Section 102.0 of the Zoning Regulations for clarity and consistency, and should be reviewed for consistency with Maryland law. Materials related to the roles of the Hearing Examiner and Board of Appeals should be consolidated with the other duties and procedures applicable to those bodies. Because there have been numerous public comments requesting improved enforcement of zoning and land development regulations, the section should be updated to include a detailed list of the various actions that can constitute a violation of the UDO. In addition, to avoid violations during the construction process, the county should consider adding provisions relating to interim site inspections during the construction period, and clarifying the responsibilities for making those inspections, and the actions that can be taken to prevent an emerging violation before a structure or site feature has been completed.

Subtitle 17: Development Rights and Responsibilities Agreements

Increasingly, complex communities rely on these types of agreements to carry out commitments that have been made in the course of land development review and approvals, and we predict they will be used more in the future. The substance of these procedures appears current, and we received no public comment suggesting that changes are necessary. We recommend that they be carried forward with only those changes necessary to align with other revisions to the land development regulations. However, the substantive provisions should be consolidated into the UDO chapter on administration and procedures, and definitions should be consolidated with other definitions.

THE MANUALS

The Howard County Zoning Regulations and Subdivision and Land Development Regulations are implemented in part through four manuals that are cross-referenced in the regulations:

- Landscape Manual;
- Forest Conservation Manual;
- Route 1 Manual; and
- Route 40 Manual.

The use of design manuals for key centers and corridors is common throughout the U.S. The use of a landscape manual is also fairly common, although a number of communities put most or all of this content in the regulations. A Forest Conservation Manual is not common except for in those states that mandate one.

General Comments

The use of cross-referenced manuals can help simplify the regulations (by removing more advisory or technical materials that are not of interest to most readers), but can also create ambiguities. Most seriously, and most commonly, the use of cross-referenced manuals results in situations where (a) the regulations say you "shall" follow the manual, but the manual says you "should" do something, or (b) the regulations say you "should" follow the manual, but the manual says you "shall" do something. In both cases, it is not clear whether the manual requirements are advisory or regulatory. To avoid these issues, it is important that both the Landscape Manual and Forest Conservation Manual be reviewed to ensure a clear understanding of which provisions are advisory and which are mandatory. As a general rule, a provision is mandatory if the county can deny an application because of failure to meet that manual provision (or condition the approval of the application on complying with that manual provision). If that is not true – i.e. the county intends to request compliance, but cannot deny or condition the approval on based on compliance – then the provision is advisory. In addition, both manuals should be reviewed for inadvertent inconsistencies with regulatory provisions.

In addition to the comments above, we have the following recommendations regarding each of the four manuals.

Landscape Manual

The materials in Chapter II addressing applicability of the manual, and installation and surety for required landscaping should appear in the UDO. Most newer development regulations also include requirements for maintaining of landscaping in a regulatory chapter addressing all required maintenance and operating standards for approved development. Specific application requirements and other materials in Chapter III should be kept in this manual or on the county's website. While some communities include the basic types of landscaping required (e.g. street trees, edge buffering, parking lot landscaping, and sometimes building foundation landscaping) in the regulations, it is also fine to keep those materials in this manual. Drawings 1 through 11 and related text in Chapters IV and V appear very detailed, but if the level of detail does not create problems in their administration (or those challenges can be overcome through the alternative compliance provisions) then they should remain. In addition, some of the standards for required landscaping appear excessive when applied to centers, corridors, or areas of the county where the approved plans call for creating a more urban environment. In some cases, the standards appear designed to buffer visibility of buildings from passing automobile traffic, even when more recent plans call for more walkable, street-oriented, and visible development patterns. The inclusion of alternative compliance provisions in Chapter VI is good. In light of public comments about adequate landscape buffers along residential/commercial and residential/agricultural edges, those standards should be reviewed and strengthened.

Forest Conservation Manual

Because of the lengthy and detailed requirements of the Maryland Forest Protection Act of 1991, this manual is necessary, and most of its content is too detailed to include in land use regulations. Although we understand that complying with the state and county forest conservation requirements can be challenging, we did not receive comments suggesting that this manual made compliance more burdensome than necessary. However, the manual needs to be updated to ensure that it complies with more recent updates to the state law. We understand that in the past, compliance with these changes has been achieved through policy memos rather than amendments to the manual, but the substance of those policy decisions should now be integrated into the manual. While we did receive numerous comments requesting wider or more substantial buffers along residential/commercial and residential/agricultural edges, those areas may not coincide with the areas required to be protected under the Forest Protection Act. We recommend that standards and guidelines for general buffer widths and intensities be addressed under the county's landscape standards rather than the forest protection standards. However, land use regulation procedures for subdivisions, site plans, and grading permits should be reviewed so that the requirement for complying with this manual, and the point in each process where compliance is necessary, are clearly described in text and flowcharts. Definitions from this manual that are also used in the UDO should appear in the UDO list of definitions.

Route 1 Manual

This type of design manual is often a helpful complement to regulatory provisions applicable to a key center or corridor, and the cross-references to other code requirements and the summary matrix in the appendix are useful features of this document. However, there is significant overlap between the contents of this manual and the requirements of the Zoning Regulations and Subdivision and Land Development Regulations, which needs to be reviewed and corrected. Because of our recommendations for significant changes to the CE, CAC, CLI, and TOD districts, substantial changes to this manual will be required. Among the issues that need to be addressed are the following:

- Differences between the zone district purpose statements in the regulations and the manual;
- Clarification of how the general "primary land use objectives" and "key design concepts," and the district-specific "land use goals" and "design concepts" are applied during the review of development projects (i.e. whether are they advisory or mandatory);
- Relocation of the "application of these standards" from the end to the beginning of the manual;
- Relocation of bicycle parking requirements to the UDO;
- Consolidation of materials on nonconforming uses and noncomplying designs with other nonconformity provisions in the UDO;
- Clarification of how the streetscape and street furniture design standards and guidelines relate to the county's public works standards for streets and roads (i.e. are these materials advisory, or do they supersede inconsistent materials in the public right-of-way standards);
- Clarification of how the street tree standards and guidelines in Chapter 3 and the landscape planting and screening materials in Chapter 4 relate to similar provisions in the Landscape Manual;
- Clarification of how the building location and parking area location and design materials in Chapter 4 relate to (potentially inconsistent) bulk and dimensional standards in the Zoning Regulations;
- Clarification of how the stormwater management provisions in Chapter 4 relate the county's general stormwater management standards (i.e. are these materials advisory, or do they supersede inconsistent materials in the general stormwater standards);
- Clarification of how sign standards and guidelines relate to general sign regulations;

Route 40 Manual

As a newer document (adopted 2010), this manual makes a clearer distinction between what content is advisory and what is mandatory. The distinctions between items labeled as "requirements-all districts," "recommendations-TNC districts," "recommendations (all other districts)," and "recommendations (all districts)" help clarify the applicability of the content. In addition, the numerous drawings, diagrams, illustrations, and pictures are very helpful. However, if the recommendations in this Assessment regarding the TNC overlay district are implemented, those provisions of this manual applicable to that district will need to be revised. As with the Route 1 Manual, it is not clear when the "corridor-wide principles and design concepts" and "defensible space/CPTED" principles or the "land use goals" and "design intents" for specific districts are to be implemented in specific cases (or when they conflict with other guidelines or regulations). In addition, the references to existing zone districts throughout the manual will need to be revised to reflect the new district structure. Overall, this manual is very detailed, and many factors to be considered for TNC parcels and for other parcels along the corridor can easily be in tension with each other on a given site. Since all of these materials are to be considered and balanced by the Design Advisory Panel for each development proposal along the Route 40 corridor, the number of different principles and goals to be considered could make the task quite burdensome. In many cases, the site design standards applicable to specific areas appear to duplicate the types of standards that would be applicable to general development of that type in modern development regulations. As the UDO is created, building and site design standards for different zone districts and types of development will be included, and any repetitive content in this manual should be deleted. Our comments on streets and streetscapes in the Route 1 Manual also apply here; overlaps and inconsistencies with public works standards should be avoided, and the advisory or mandatory nature of these regulations of public rights-of-way and adjacent areas should be clarified

PART 2: ANNOTATED OUTLINE

This part of the report provides an overview of what the proposed structure and general content of new Unified Development Ordinance (UDO) for Howard County might look like if the recommendations in this report are implemented. Each proposed section indicates (with blue shading) those articles and sections from the current Development Regulations that should be reviewed and considered when drafting the proposed new articles and sections, either intact or with modifications. Based on the Assessment in Part 1 of this document, in some cases the changes may be so significant that most or all of the content indicated in the blue shaded texts will be modified or eliminated. The identified sections in blue are for discussion purposes only and may not be a comprehensive list of all sections to be included in the updated regulations.

16.1. GENERAL PROVISIONS

This article would include all general background provisions currently in the Zoning Regulations, the Sign Regulations, and Title 16 of the Municipal Code. These are collectively referred to as the "Development Regulations" throughout this outline.

1.1. Authority

This section would recite and update the provisions of Maryland law and the County's Charter that provide authority for adoption of the UDO.

Title 16, Subtitle 2 Zoning
Sec. 16.201. - Authority.

1.2. Purpose

This section would incorporate the intent and purpose statements in Section 100.0, Section 16.101, and Section 16.202, as well as some of the purpose statements in the four manuals. Those materials would be updated to reflect key goals from the most recent update to the Plan Howard General Plan.

100.0 General Provisions
Legislative Intent
Title 3, Subtitle 5 Signs
Sec. 3.500. - Purpose and scope.
Title 16, Subtitle 1 Subdivision and Land Development Regulations
General
Sec. 16.100. - Short title.
Sec. 16.101. - Legislative Intent.
Title 16, Subtitle 2 Zoning
Sec. 16.202. - Purpose; establishment of zoning districts and regulations.

1.3. Applicability

This section would carry forward the administration and applicability sections 16.102 and 16.103, and require all development to comply with the regulations, unless exempted by the terms of the regulations. In addition, this section would clarify that the applicability of certain development standards is addressed in the applicability table in Section 16.4 (Development Standards).

Title 16, Subtitle 1	Subdivision and Land Development Regulations
General	
Sec. 16.102. - Applicability.	
Sec. 16.103. - Administration.	

1.4. Official Zoning Map

This section would revise section 100.0 to adopt a revised zoning map that reflects the revised menu of zone districts in the UDO. In addition, it would remove current requirements for specific signatures.

100.0	General Provisions
District Maps	

1.5. Relationship to Other Regulations

This new section would specify that in the event of conflict between the UDO and other County regulations the stricter shall govern, except for standards in overlay zoning districts, which shall govern regardless of whether they are stricter or more lenient than the standards in the base zoning districts they modify.

1.6. Relationship to Private Covenants and Conditions

The existing Development Regulations do not address third-party agreements, such as private restrictive covenants. This new section would clarify the relationship between the UDO controls and those in private covenants – particularly the covenants in Columbia currently held by Hughes Corporation (the successor to the "original petitioner"). It would also clarify that zoning, subdivision and land development are not required to be consistent with private covenants or agreements, and that the County is not responsible for enforcing third-party agreements unless (a) that role is specifically stated in the covenants, and (b) the County accepts that role.

1.7. Effective Date

This section would state the date on which the revised UDO becomes effective.

100.0	General Provisions
Construction and Effective Date	

1.8. Transition from Current Regulations to the UDO

This section would clarify that completed applications pending on the effective date would be controlled by the current regulations and manuals – unless the applicant prefers that all provisions of the new UDO apply. It would also clarify that outstanding violations on the effective date remain in effect, and may be enforced pursuant to the ordinance that applied at the time of the violation, unless the UDO makes the condition that gave rise to the violation legal.

100.0	General Provisions
Construction and Effective Date	

1.9. Severability

This section would clarify that if any portion or section of the UDO is held to be invalid or unconstitutional by state or federal laws or decisions, the remainder of the UDO shall remain valid and in full force and effect. This would consolidate a variety of existing severability clauses found throughout the regulations.

100.0	General Provisions
Severability Clause	

Title 16, Subtitle 1	Subdivision and Land Development Regulations
General	
Sec. 16.107. - Severability.	
Title 3, Subtitle 5 Signs	
Sec. 3.517. - Severability.	
Title 16, Subtitle 2	Zoning
Sec. 16.210. - Severability.	
Title 16, Subtitle 6	Historic Preservation Commission
Sec. 16.612. - Severability.	
Title 16, Subtitle 7	Floodplain
Sec. 16.714. - Severability.	
Title 16, Subtitle 12	Forest Conservation
Sec. 16.1217. - Severability.	
Title 16, Subtitle 13	Cemetery Preservation
Sec. 16.1309. - Severability.	

16.2. ZONE DISTRICTS

This article would consolidate most of the sections currently in the Zoning Regulations and include a new structure of districts organized by general categories. The general categories of zone districts are shown below:

Base Zone Districts

- Residential
- Mixed Use
- Non-residential
- Floating (i.e. districts for which petitions can be approved between general zoning updates)

Overlay Zone Districts

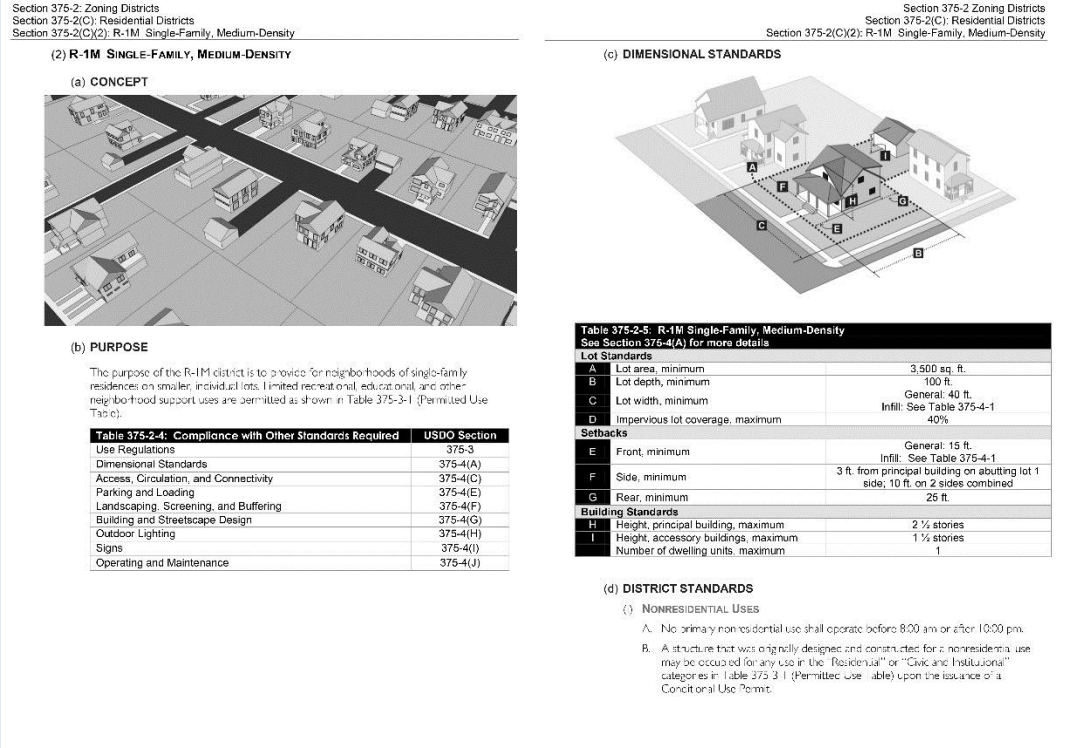
A second layer of zoning controls that supersede inconsistent controls in the base districts over which they are applied:

- General
- Floating (i.e. districts for which petitions can be approved between general zoning updates)

Unlike the current Zoning Regulations, the sections in this article would not contain lists of permitted uses or bulk and dimensional standards. To reduce repetition in the current Zoning Regulations, and to reduce the tendency for repetition to give rise to unintended inconsistencies over time, all materials related to permitted and conditional uses in all zone districts would appear in article 3, and all bulk and dimensional standards applicable in all zone districts would appear in article 4, as discussed in more detail below.

Each base zone district would be described in a two-page spread including a purpose statement, a conceptual drawing of intended scale and character, diagrams showing key parameters and building size and placement, and a section for additional standards that apply only to that district. An example of a two-page zoning district spread from another community is shown below.

ZONING DISTRICT EXAMPLE



Section 375-2: Zoning Districts
Section 375-2(C): Residential Districts
Section 375-2(C)(2): R-1M Single-Family, Medium-Density

(2) **R-1M SINGLE-FAMILY, MEDIUM-DENSITY**

(a) **CONCEPT**

(b) **PURPOSE**

The purpose of the R-1M district is to provide for neighborhoods of single-family residences on smaller, individual lots. Limited recreational, educational, and other neighborhood support uses are permitted as shown in Table 375-3-1 (Permitted Use Table).

Table 375-2-4: Compliance with Other Standards Required	USDO Section
Use Regulations	375-3
Dimensional Standards	375-4(A)
Access, Circulation, and Connectivity	375-4(C)
Parking and Loading	375-4(E)
Landscaping, Screening, and Buffering	375-4(F)
Building and Streetscape Design	375-4(G)
Outdoor Lighting	375-4(H)
Signs	375-4(I)
Operating and Maintenance	375-4(J)

Section 375-2 Zoning Districts
Section 375-2(C): Residential Districts
Section 375-2(C)(2): R-1M Single-Family, Medium-Density

(c) **DIMENSIONAL STANDARDS**

Table 375-2-5: R-1M Single-Family, Medium-Density See Section 375-4(A) for more details		
Lot Standards		
A	Lot area, minimum	3,500 sq. ft.
B	Lot depth, minimum	100 ft.
C	Lot width, minimum	General: 40 ft. Infill: See Table 375-4-1
D	Impervious lot coverage, maximum	40%
Setbacks		
E	Front, minimum	General: 15 ft. Infill: See Table 375-4-1
F	Side, minimum	3 ft. from principal building on abutting lot 1 side; 10 ft. on 2 sides combined
G	Rear, minimum	25 ft.
Building Standards		
H	Height, principal building, maximum	2 ½ stories
I	Height, accessory buildings, maximum	1 ½ stories
	Number of dwelling units, maximum	1

(d) **DISTRICT STANDARDS**

(1) **NONRESIDENTIAL USES**

A. No primary nonresidential use shall operate before 8:00 am or after 10:00 pm.

B. A structure that was originally designed and constructed for a nonresidential use may be occupied for any use in the "Residential" or "Civic and Institutional" categories in Table 375-3-1 (Permitted Use Table) upon the issuance of a Conditional Use Permit.

This example from another jurisdiction shows how the key district-specific standards can be displayed in a user-friendly manner on a two-page spread.

2.1. General Provisions

2.1.A. Districts Established

This section would carry forward the provisions of Section 100.0 related to zoning districts, with revisions as noted in the sections below. The zoning districts would be updated as indicated in the table below. The recommendations below strike a balance between the competing goals of user-friendliness and simplicity (which tend to favor fewer/broader/more flexible districts) and protection of stable residential neighborhoods (which may require retaining existing districts and/or creating new districts). This is a preliminary list, based on initial reviews of the Howard County development regulations, and it may be revised as the drafting process continues. Green shading indicates a new district, and red shading indicates a district that is being eliminated (and the land within it re-designated to another zone district).

The primary goal of this Annotated Outline is to identify the list of zones needed to implement PlanHoward2030, to guide redevelopment, and to protect stable neighborhoods. Property owners should not assume that the replacement for the current zone district listed in the table below would be applied to their property. Once an initial draft of the UDO has been drafted, the County will evaluate the character of different areas of the county and identify which of these districts should be applied to specific areas. Where the UDO includes a district better able to protect stable areas or better able to implement the redevelopment and reinvestment goals in Plan Howard 2030, that district may be applied.

100.0 General Provisions
Zoning Districts

2.1.B. Zone Districts Summary Table

Based on the Assessment, we recommend the following changes in the Howard County zone district structure. Red shading indicates zone districts that would be eliminated, and green shading indicates new districts to be created – in some cases to replace or consolidate districts recommended for elimination. Purple shading indicates that an existing zone district will be carried forward with significant changes discussed in the Assessment. No shading in the proposed district column means the existing district will be carried forward (possibly with minor changes), but may be renamed. This table does not address recommended revisions to the New Town zone district; those changes are discussed in the following section.

EXISTING DISTRICT	PROPOSED DISTRICT
BASE DISTRICTS	
Residential	
RC Rural Conservation	R-C: Rural Conservation
RR Rural Residential	R-R: Rural Residential
R-20 Residential: Single	R-20: Residential - Single-Household
R-12 Residential: Single	R-12: Residential - Single-Household
R-SC Residential: Single Cluster	R-6: Residential - Single-Household
R-VH Residential: Village Housing	R-H: Residential - Historic
R-MH Residential: Mobile Home	Remap as PUD: Planned Unit Development or R-ED Residential - Environmental Development
R-ED Residential: Environmental Development	R-ED: Residential - Environmental Development
R-SA-8 Residential Single Attached	R-ML: Residential - Multi-Household Low Density
R-H-ED Residential: Historic - Environmental	Remap as R-ED: Residential - Environmental Development
R-A-15 Residential: Apartments	R-MM: Residential - Multi-Household Medium Density
R-APT Residential: Apartments	R-MH: Residential - Multi-Household High Density
R-SI Residential: Senior Institutional	Remap as R-MH: Multi-Household High Density
NT New Town	To be determined
Mixed Use	
B-1 Business: Local	MX-N: Mixed Use - Neighborhood Scale
HO Historic: Office	MX-HO: Mixed Use - Historic Office
B-2 Business: General	MX-C: Mixed Use - Community Scale
HC Historic: Commercial[1]	MX-HC: Mixed Use - Historic Commercial
CCT Community Center Transition	Remap as MX-IO: Mixed Use - Institutional/Office
PGCC Planned Golf Course Community	Remap as PUD: Planned Unit Development
POR Planned Office Research	Remap as MX-BP: Mixed Use - Business Park
SC Shopping Center	Remap as

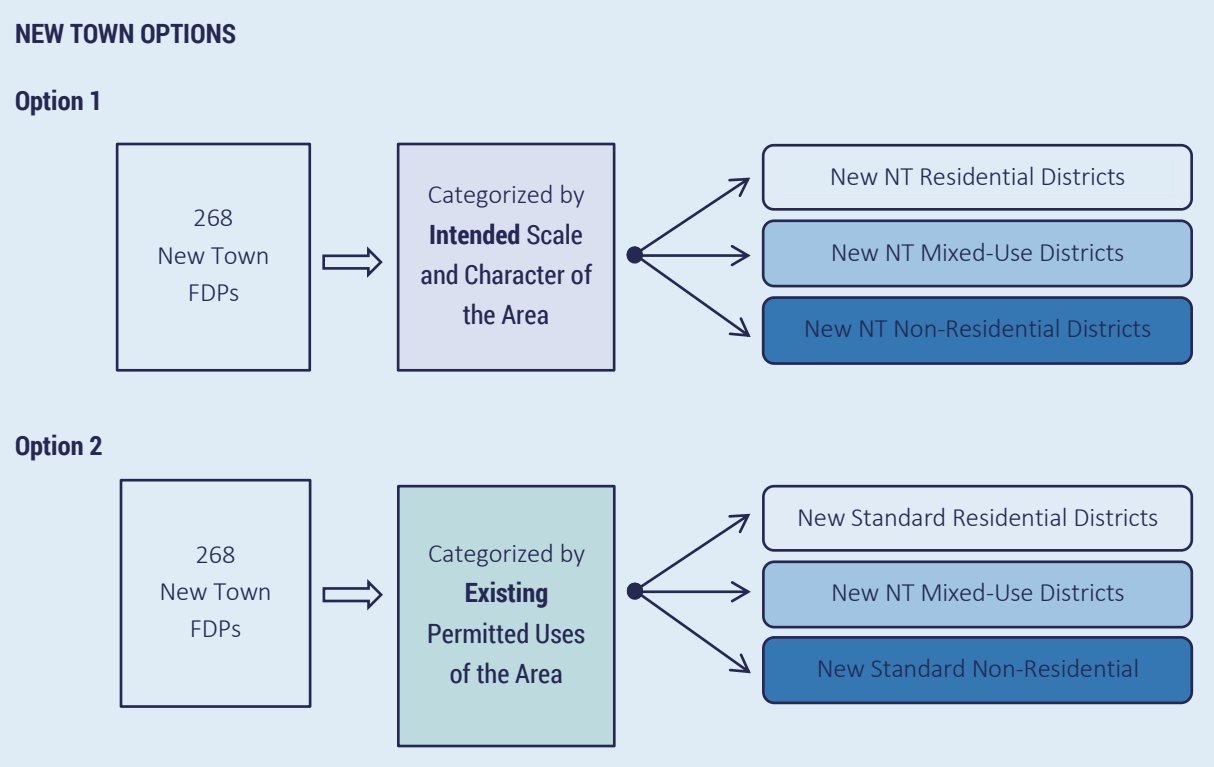
[1] Possible consolidation of the current HO and HC districts is still under discussion. The Ellicott City Master Plan is expected to provide more guidance on this issue.

EXISTING DISTRICT	PROPOSED DISTRICT
	MX-AM: Mixed Use - Activity Center Medium Density
CAC Corridor Activity Center	Remap as MX-AM: Mixed Use - Activity Center Medium Density
TOD Transit Oriented Development	Remap as MX-AM: Mixed Use - Activity Center Medium Density
NT New Town	To be determined
[No current district]	MX-BP: Mixed Use - Business Park
Non-Residential	
CE Corridor Employment District	Remap as NR-E: Non-Residential Employment
PEC Planned Employment Center	Remap as NR-E: Non-Residential Employment
M-1 Manufacturing: Light	NR-LI: Non-Residential - Light Industrial
M-2 Manufacturing: Heavy	NR-GI: Non-Residential - General Industrial
[No current district]	NR-OS: Non-Residential - Open Space
OVERLAY DISTRICTS	
DEO Density Exchange Option Overlay	Retain density exchange option in RC and RR base zones but address in dimensional standards
TNC Traditional Neighborhood Center	Remap as MX-C: Mixed Use Community Scale
MXD Mixed Use Districts	Remap into base district based on character: MX-N: Mixed Use – Neighborhood Scale; MX-C: Mixed Use – Community Scale; MX-IO: Mixed Use – Institutional/Office; or MX-AM: Mixed Use – Activity Center Medium Density
CR Commercial Redevelopment	Remap as MX-C: Mixed Use – Community Scale
I Institutional Overlay	Remap as MX-IO: Mixed Use – Institutional/ Office base district
CLI Continuing Light Industrial Overlay	Remap as NR-LI: Nonresidential: Light Industrial or others
Historic District	--PO: Preservation Overlay
[No current district]	--FO: Floodplain Overlay
FLOATING BASE DISTRICTS	
BR Business Rural	B-R: Business Rural
OT Office Transition	C-T: Commercial Transition
CEF Community Enhancement Floating	Remap as PUD: Planned Unit Development
FLOATING OVERLAY DISTRICTS	
PSC Planned Senior Community	Remap as R-MH: Residential - Multi-Household High Density base district
SW Solid Waste Overlay	Remap as conditional use in NR-GI: Nonresidential - General Industrial base district

2.1.C. New Town Districts

The Assessment documents several challenges with the continued use of the current NT zone district. If this zone district is not revisited and revised, redevelopment in Columbia (and particularly in Downtown and the Village Centers) will remain very complicated, approvals will remain very time consuming, and significant code interpretations (with little regulatory guidance) would continue to be required as markets change. To allow for context-sensitive reinvestment to occur within an efficient and predictable system that can adapt to the needs of a mature developed area, we recommend that many if not all of the current FDPs should be converted into a menu of zoning districts. Because of the wide variety of FDPs and the complexity of the required conversion process, it may need to occur over time in a series of phases.

There are a number of different ways that conversion of the current 268 New Town FDPs could be accomplished. While the final choices of whether to convert the FDPs, how many of them need to be converted, and how to convert them should be made during the Phase 2 drafting effort, two possible options are illustrated below. These options are presented as approaches for consideration, and to illustrate that there are many different ways to make this type of conversion in ways that would preserve the intended uses, character, and scale, for the area covered by each FDP.



In these examples, existing FDPs would be reviewed and categorized based on either (a) intended scale and character (for redevelopment areas) or (b) existing permitted uses (for stable areas), but several other criteria could be used to filter and categorize the existing FDPs. For example, FDPs could be categorized through a combination of use, scale, and form factors. Likewise, in these examples, the outcome is shown as a mix of newly created or existing zone districts, but other options and combinations are available.

2.2. Base Zone Districts

2.2.A. Residential Districts

2.2.A(1) Rural Conservation (R-C)

This district would carry over the current Section 104.0 (RC Rural Conservation) district, with minor changes as noted earlier in the Assessment. This section would also cross-reference the standards for county preservation easements.

104.0 RC Rural Conservation
Relevant Provisions

2.2.A(2) Rural Residential (R-R)

This district would carry over the current Section 105.0 (RC Rural Residential) district, with minor changes as noted previously in the Assessment. This section would also cross-reference the standards for county preservation easements.

105.0 RR Rural Residential
Relevant Provisions

2.2.A(3) Residential -- Single-Household (R-20)

This district would carry over the current Section 108.0 (R-20 Residential: Single) district, unless the County chooses to combine this with the R-ED zone district as described previously in the Assessment.

108.0 R-20 Residential: Single
Relevant Provisions

2.2.A(4) Residential -- Single-Household (R-12)

This district would carry over the current Section 109.0 (R-12 Residential: Single) district.

109.0 R-12 Residential: Single
Relevant Provisions

2.2.A(5) Residential -- Single-Household (R-6)

This district would carry over but rename the current Section 110.0 (R-SC Residential: Single Cluster) district, with minor changes as noted previously in the Assessment.

110.0 R-SC Residential: Single Cluster
Relevant Provisions

2.2.A(6) Residential -- Historic (R-H)

This district would carry over but rename current Section 114.1 (R-VH Residential: Village Housing) district, with minor changes as noted earlier in the Assessment. Because the Ellicott City area has a very defined historic form, this district may include form-based controls to ensure that new and redeveloped buildings reinforce the historic fabric of that community.

114.1 R-VH Residential: Village Housing
Relevant Provisions

2.2.A(7) Residential -- Environmental Development (R-ED)

This district would carry over the current Section 107.0 (R-ED Residential: Environmental Development) district, with minor changes as noted previously in the Assessment. Because the differences between the current R-ED and R-H-ED districts are minor, the current R-H-ED District should also be folded into this district.

107.0 R-ED Residential: Environmental Development
Relevant Provisions
112.0 R-H-ED Residential: Historic – Environmental
Relevant Provisions

2.2.A(8) Residential -- Multi-Household Low Density (R-ML)

This district would carry over the current Section 111.0 (R-SA-8 Residential: Single Attached) district, but renamed to better reflect the types of low-density multi-household development permitted. Although the current title suggests that townhouses might be the highest density form of housing permitted, the district in fact already permits low-density multi-family uses. The setback requirements are relatively complex and could be simplified.

111.1 R-SA-8 Residential Single Attached
Relevant Provisions

2.2.A(9) Residential -- Multi-Household Medium Density (R-MM)

This district would carry over the current Section 112.0 (R-A-15 Residential: Apartments) district, but the district would be renamed to better reflect the types of medium-density multi-household development permitted.

112.1 R-A-15 Residential: Apartments
Relevant Provisions

2.2.A(10) Residential -- Multi-Household High Density (R-MH)

This district would carry over the highest density residential district, currently Section 112.1 (R-APT Residential: Apartments) district. The other current high-density residential districts, Section 113.2 (R-SI Residential: Senior Institutional) and Section 127.1 (PSC Planned Senior Community), would be eliminated and age-restricted communities would be addressed as a conditional use in this district.

112.1 R-APT Residential: Apartments
Relevant Provisions
113.2 R-SI Residential: Senior Institutional
Relevant Provisions
127.1 PSC Planned Senior Community
Relevant Provisions

2.2.B. Mixed-Use Districts

This section would carry over, update, or create seven zone districts in a new mixed-use category. Each of these zone districts would allow both residential and non-residential land uses as primary uses. Some are entirely new districts, intended to implement desired development patterns, while others would be carried forward based on existing commercial districts. The current MXD Mixed Use overlay district would be eliminated and the land currently located in that district re-allocated to the most similar district in this category.

127.0 MXD Mixed Use Districts
Relevant Provisions

2.2.B(1) Mixed-Use -- Neighborhood Scale (MX-N)

This district would carry forward the existing Section 118.0 (B-1 Business: Local) district, but as a mixed-use district also allowing a limited range of low-intensity residential uses. This district may require that a certain amount of commercial uses that must be attained before residential uses are allowed. In addition, this district may include alternative sets of development standards; one allowing more street- and pedestrian-oriented development for older areas where that is the character of the surrounding area, and another allowing more auto-oriented development where that is the norm.

118.0 B-1 Business: Local
Relevant Provisions
127.0 MXD Mixed Use
Relevant Provisions

2.2.B(2) Mixed-Use -- Historic Office (MX-HO)

This district would carry forward the existing Section 114.2 (HO Historic: Office) district with minor changes as noted earlier in the Assessment. Based on the Ellicott City Master Plan process, this zone district may be combined with the Mixed-Use – Historic Commercial district. Because the Ellicott City area has a very defined historic form, this district may include form-based controls to ensure that new and redeveloped buildings reinforce the historic fabric of that community.

114.2 HO Historic: Office
Relevant Provisions

2.2.B(3) Mixed-Use -- Community Scale (MX-C)

This new district would allow for a medium-scale mixed-use development (i.e. development larger than neighborhood-serving uses, but smaller than destination activity centers. The TNC Traditional Neighborhood Center district (Section 127.6) currently intended for use along Route 40 would be rolled into this district. This district may require a certain amount of commercial uses that must be attained before residential uses are allowed. As with the MX-N district, this district may include alternative sets of development standards; one allowing more street- and pedestrian-oriented development for older areas where that is the character of the surrounding area, and another allowing more auto-oriented development where that is the norm.

119.0 B-2 Business: General
Relevant Provisions
121.1 CR Commercial Redevelopment
Relevant Provisions
127.0 MXD Mixed Use
Relevant Provisions
127.6 TNC Traditional Neighborhood Center
Relevant Provisions

2.2.B(4) Mixed-Use -- Historic Commercial (MX-HC)

This district would carry forward the existing Section 114.3 (HO Historic: Commercial) district with minor changes as noted in the Assessment. Because the Ellicott City area has a very defined historic form, this district may include form-based controls to ensure that new and redeveloped buildings reinforce the historic fabric of that community.

114.3 HC Historic: Commercial
Relevant Provisions

2.2.B(5) Mixed-Use -- Institutional/Office (MX-IO)

This new district would allow a mix of uses focused on larger institutional uses and office uses as well as residential uses.

113.3 I Institutional Overlay
Relevant Provisions
117.4 CCT Community Center Transition
Relevant Provisions
127.0 MXD Mixed Use
Relevant Provisions

2.2.B(6) Mixed-Use -- Activity Center Medium Density (MX-AM)

This new district would replace the current SC Shopping Center zone district and accommodate walkable medium density mixed-use activity centers. This district may include alternative sets of development standards; one allowing more street-, pedestrian-, and transit-oriented development patterns for areas where that is the character of the surrounding area or Plan Howard 2030 calls for the creation of transit-oriented development, and another allowing more auto-oriented development where that is the norm.

120.0 SC Shopping Center
Relevant Provisions
127.0 MXD Mixed Use
Relevant Provisions
127.4 TOD Transit Oriented Development
Relevant Provisions
127.5 CAC Corridor Activity Center
Relevant Provisions

2.2.B(7) Mixed Use -- Business Park (MX-BP)

This new district would allow a limited range of residential uses to be mixed with light manufacturing and commercial uses, subject to Planning Board approval of a plan for the site.

115.0 POR Planned Office Research
Relevant Provisions

2.2.C. Non-Residential Districts

2.2.C(1) Non-Residential -- Employment (NR-E)

This new district would allow for an office or business park environment without opportunities for residential uses. This should also allow some small-scale supporting commercial uses to provide retail and restaurant amenities to the business parks.

116.0 PEC Planned Employment Center
Relevant Provisions
127.2 CE Corridor Employment
Relevant Provisions

2.2.C(2) Non-Residential -- Light Industrial (NR-LI)

This district would carry over but rename the current Section 122.0 (M-1 Manufacturing: Light) district, with minor changes as noted previously in the Assessment.

122.0 M-1 Manufacturing: Light
Relevant Provisions
127.3 CLI Continuing Light Industrial Overlay
Relevant Provisions

2.2.C(3) Non-Residential -- General Industrial (NR-GI)

This district would carry over but rename the current Section 123.0 (M-1 Manufacturing: Heavy) district, with minor changes as noted in the Assessment. This would permit solid waste facilities as a conditional use, rather than requiring a separate overlay district for these types of uses.

123.0 M-2 Manufacturing: Heavy
Relevant Provisions
124.0 SW Solid Waste Overlay
Relevant Provisions

2.2.C(4) Non-Residential -- Open Space (NR-OS)

The new section would be used to zone designated open spaces and would be intended to protect public parks throughout the County. The district would be available for use both outside and within the NT district.

2.2.D. New Town Districts

This section would establish new districts for the Columbia area, based on decisions about the FDP conversion process made during the Phase 2 drafting effort. Two options for the conversion process are shown in Section 2.1.C above, but several other options may be explored during the drafting process.

125.0 NT New Town
Definitions, Requirements and Restrictions Applicable to NT Districts

2.2.E. Floating Base Districts

This section would describe those zone districts that could be applied for and considered by the Zoning Board outside the required, periodic General Plan update and comprehensive zoning update schedule.

2.2.E(1) Business Rural (B-R)

This section would carry forward the current BR Business: Rural district (Section 117.1) and could be applied to allow a limited range of rural/agricultural business uses in the Tier III and Tier IV areas of western Howard County. The existing permitted and conditional uses would be reviewed to ensure the uses maintain rural character.

117.1 BR Business Rural
Relevant Provisions

2.2.E(2) Commercial Transition (C-T)

This section would carry forward the current OT Office Transition district (Section 117.3), but be renamed. This could be applied to allow a limited range of office and low-intensity commercial uses at

the edges of residential areas to form a transition between residential neighborhoods and mixed use areas or activity centers.

117.3 OT Office Transition
Relevant Provisions

2.2.E(3) Planned Unit Development Floating District (PUD)

This district would carry forward provisions from some existing districts that require a negotiated plan approval, such as the CEF District, the PGCC District, and the R-MH District, with fairly significant modifications as noted in the Assessment. This text would clarify that this is a floating district.

113.1 R-MH Residential: Mobile Home
Purpose
Uses Permitted as a Matter of Right
Accessory Uses
Bulk Regulations
Noncompliance with Setback Requirements in Existing Mobile Home Parks
Additional Requirements for Single-Family Attached and Apartment Development
Conditional Uses
121.0 CEF Community Enhancement Floating
Purpose
Uses Permitted as a Matter of Right in the CEF District
Excluded Uses
Accessory Uses in a CEF District
Moderate Income Housing
Residential Density
Enhancements
Bulk Regulations
Criteria for a CEF District
Procedure for Creation of a CEF District
Site Development Plan Conformance with the Development Concept Plan and Howard County Regulations
Minor Modifications to the Development Concept Plan
126.0 PGCC Planned Golf Course Community
Other Provisions
Final Development Plan and Comprehensive Sketch Plan
Amendments to a Comprehensive Sketch Plan or Final Development Plan

2.3. Overlay Districts

Although many of the current zone districts are listed as overlay districts – i.e. as a second layer of zoning controls that supersedes but does not replace the base zoning over which it is applied – most communities use base zone districts to accomplish those land use results. Examples include the following:

- **DEO Density Exchange Option** – which is normally addressed through dimensional standards that allow certain transfers of density, but do not require an overlay zone district or zoning action to implement the transfer.
- **TNC Traditional Neighborhood Center** – which functions as a medium-scale activity center. Because of their unique nature and impacts, activity centers are usually implemented as base rather than an overlay zone districts.

- **MXD Mixed Use Districts** – which has been used as a way to allow mixed use development in areas where uses would otherwise be more limited. The proposed menu of several mixed-use base zone districts of different intensities and scales (described above) makes it unnecessary to carry forward an overlay zone to accomplish the same purpose.
- **CR Commercial Redevelopment** – which (like the TNC overlay) functions as the type of medium-scale activity center that is generally implemented through a base zone district.
- **I Institutional Overlay** – most newer land development regulations address institutional uses of different sizes and scales through the use of a base zone district or by simply listing institutional uses as permitted or conditional uses in some zone districts.
- **CLI Continuing Light Industrial Overlay** – which was created to avoid making current light industrial uses along Route 1 nonconforming after rezoning to CE, CAC, or TOD. Nonconformity issues are generally addressed in the nonconformity regulations themselves (which can state that certain type of uses will not be considered nonconforming) or by revising tables of permitted and conditional uses to avoid making some uses nonconforming. It is unusual to see nonconformities addressed through an overlay district.

For all of these reasons, almost all of the Howard County zone districts currently listed as overlays are proposed to be merged into or replaced by base zone districts or their intended impacts addressed through changes to (a) lists of permitted and conditional uses, (b) bulk and dimensional standards, and/or (c) nonconformity provisions.

2.3.A. General Overlay Districts

2.3.A(1) Preservation Overlay (-PO)

This new overlay district would carry forward the general information and substantive controls contained in Section 114.0, unrelated to the specific controls applicable to the current H-VR, HO, and HC districts, and excluding procedural controls (which would appear with other procedures in Article 16.5). It would identify those historic preservation controls that will apply if Howard County decides to designate other historic districts in the future.

2.3.A(2) Floodplain Overlay (-FO)

One overlay zone that is often found in newer codes – because it needs to supersede base zoning controls without replacing them, is floodplain controls. This new overlay district would make the operation of the floodplain regulations currently in Subtitle 7 of Title 16 part of the Unified Development Ordinance, which would make their operation clearer to the public, property owners, and potential investors.

Title 16, Subtitle 7	Floodplain
Relevant Provisions	

2.3.B. Floating Overlay Districts

The PSC Planned Senior Community and SW Solid Waste Overlay zone districts are currently treated as floating overlay districts, but both senior living and solid waste uses are generally addressed as permitted or conditional uses (that are often subject to use-specific standards to mitigate their impacts) rather than through single-use or single-purpose zone districts. The land uses addressed by the PSC and SW overlays would be addressed within the R-MH and NR-GI zone districts as discussed above – rather than as floating overlay zones. At this point there are no floating overlay zones designated in this category, but we recommend retaining the category in case new districts of this type are needed in the future.

16.3. LAND USE REGULATIONS

This article would consolidate all – or almost all – regulations addressing permitted and conditional uses in all areas of Howard County, and would replace both the individual lists of permitted uses currently found in the zone district chapters of the Zoning Regulations (Sections 104.0 through 127.6) and the regulations on conditional uses found in current Section 131.0. The intent of this article is to answer the questions "what land uses can occur on my (or his, or her, or a potential investor's) land, and under what conditions?"

3.1. General

This section would orient the reader to the types of use designations in the County, their abbreviations in the Land Use Table, and the role and applicability of use-specific standards.

3.1.A. Types of Uses Allowed

This section would list the different types of uses shown in the Land Use Table, including "P" permitted, "C" conditional, "A" accessory, and "T" temporary uses. In addition, an "L" limited category would be added to indicate when a use-specific standard limits the size, design, layout, availability, or operation of a use in a particular zone district.

3.1.B. Uses in PUD District

This section would clarify that "P", "C", "A", and "T" uses in a PUD zone district are those listed in the PUD zoning documents approved by the Zoning Board. Current permitted and conditional uses in the CEF, PGCC, and R-MH districts – which are proposed to be recategorized as PUD districts – would carry forward.

3.1.C. Multiple Uses

This section would clarify that multiple primary uses of land are permitted in the Mixed-Use and Non-Residential zone districts (and can also be permitted in the overlay and floating districts), but that each lot in a Residential zone district must contain a single primary use. It would also clarify that when a question about the primary use of a parcel of land arises, the Planning Director has authority to make that determination based on the size and impacts of different uses on the property, but that those decisions are subject to appeal to the Hearing Examiner.

3.1.D. Unlisted Uses

This section would clarify that the Planning Director has authority to determine whether a proposed use of land that is not listed in the UDO is (a) so like an existing listed use that it should be permitted in the same locations, and subject to the same conditions, or (b) so unlike any listed use that it is not permitted in Howard County unless and until the Zoning Board amends the UDO to list that use (and any related use-specific standards). The Director's determination would be subject to appeal, but if not appealed would be listed on the County website as an interpretation of the UDO and would be binding on the County (to promote consistency in decision-making) until a different determination is made in the future.

3.1.E. Previously Permitted Uses

This section would clarify that any use formerly categorized as a permitted use in the Zoning Regulations, but now listed as a conditional use will be treated as an approved conditional use subject to any conditional or limitations that currently apply to the land use. It would also clarify that all uses permitted under an approved NT zone district FDP are permitted until such time the property owner chooses to change the use of the property, at which time the P, T, A, and C uses applicable to that NT district would apply.

3.1.F. Required State Licenses or Permits

This section would clarify that all activities that are required to have a license, permit, or approval from the state or federal governments (for example, child care facilities, or facilities using hazardous materials) are required to have valid license, permit, or approval in effect at all times, and that failure to keep the license, permit, or approval in effect is a violation of the UDO. This avoids the need to repeat similar language for each listed use that requires state or federal authorization, and reduces the need for the UDO to include regulations designed to address the same public health, safety, or operational factors already being considered by state or federal regulators of the use.

3.2. Land Use Table

Instead of the highly repetitive lists of permitted uses found in each of the zoning districts, all land uses available in the County –including the NT zone district– would be listed in one table (similar to the existing conditional use table) with each row representing land use categories and specific uses, and columns representing each zoning district. This one table would include all Permitted, Conditional, Accessory and Temporary uses for each zoning district. This format allows quick comparison of the allowable uses in each zoning district, and reduces the potential for inconsistencies over time as uses are updated.

3.2.A. Land Use Table

131.0 Conditional Uses

Conditional Uses and Permissible Zoning Districts

New Conditional Use Categories

A portion of a Land Use Table from another community – including a column cross referencing specific limitations or conditions on specific uses – is shown below. As noted in the Assessment, this is a chance to review the range of land uses allowed in different zone districts for internal consistency, and to consolidate "rifle-shot" narrowly defined uses into broader categories. The right hand column of the table cross-references additional use-specific standards applicable to particular uses, and could include new use-specific standards for uses that have proven problematic in Howard County. This table would also reconcile the terminology and use titles used in the NT zone district and FDPs with terminology used for land use controls elsewhere in the County. During the drafting process, each proposed change in designation of a P, C, A, or T use should be footnoted for careful review by readers. Some survey respondents noted that they would like to see small scale neighborhood commercial uses, artisan work/sales, food trucks, tiny houses, detached accessory dwelling units, and AirBnb/vacation rentals addressed in the regulations.

LAND USE TABLE	P = Permitted use C = Conditional use															A = Accessory use T = Temporary use										
Zone District **LAND USE CATEGORY**	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1-U&S	I-2-U&S	I-3-U&S	I-4-U&S	CBD-1	CBD-2	CBD-3	Use-Specific Standards (Article III)
Stock Yards and Processing of Stock																						C				
COMMERCIAL and INDUSTRIAL USES																										
Business, Home, and Personal Services or Repair																										
Auctioneering and Liquidating Services														P					P	P						
Check Cashing or Validation Service											P	P	P	P		P	P	P								Article III. Section 05.K
Crematorium																					C	P				
Dry Cleaning Plant or Industrial Laundry														P					P	P	P	P				Article III. Section 05.L

3.3. Use-Specific Standards

This section would carry forward and consolidate all of the use-specific standards that are currently scattered throughout the document in the specific districts, in conditions attached to the title of a use, in Section 128.0, in definitions of the use, and elsewhere in the current Zoning Regulations and Subdivision and Land Development Regulations. The existing use-specific standards would be revised as necessary as described in the Assessment. In most newer land development regulations, the use-specific regulations apply to a listed use regardless of whether it is a Permitted, Conditional, Accessory, or Temporary use in a particular zone district. Conditional use hearings are opportunities to hear testimony as to whether the particular use – as limited by the use-specific standards – meets the UDO criteria for approval based on its "fit" into the surrounding area. The use-specific standards are generally not subject to modification or variance through a conditional use hearing – they require application and approval of a variance. The focus in conditional use hearings is fit and impact on the surrounding area, while the focus in variance hearings is whether formal standards of "hardship" have been met. However, some communities do allow conditional use standards to be varied in the course of conditional use hearings. Given significant public comment about the current impacts of conditional uses and unpredictability of the process, we recommend that the use-specific standards not be adjustable through the conditional use approval process. [2]

3.3.A. Residential Uses

This section would include residential use-specific standards consolidated from several different areas of the existing regulations, including the various provisions for Moderate Income Housing Units, county preservation easements, mobile home parks, age restricted adult housing, and others. Additional residential use standards found throughout each district would also be incorporated in this section.

104.0 RC Rural Conservation
Moderate Income Housing Units
105.0 RR Rural Residential
Moderate Income Housing Units
106.1 County Preservation Easements
Purpose
Uses Permitted as a Matter of Right
Accessory Uses
Conditional Uses
107.0 R-ED Residential: Environmental Development
Moderate Income Housing Units
108.0 R-20 Residential: Single
Moderate Income Housing Units
109.0 R-12 Residential: Single
Moderate Income Housing Units
110.0 R-SC Residential: Single Cluster
Moderate Income Housing Units
111.1 R-SA-8 Residential Single Attached
Moderate Income Housing Units
112.0 R-H-ED Residential: Historic – Environmental
Moderate Income Housing Units
112.1 R-A-15 Residential: Apartments
Moderate Income Housing Units

[2] Note that 128.F, Private Use of Government Facilities has not been carried forward based on recommendations in the Assessment.

112.1 R-APT Residential: Apartments
Moderate Income Housing Units
113.1 R-MH Residential: Mobile Home
Noncompliance with Setback Requirements in Existing Mobile Home Parks
Additional Requirements for Single-Family Attached and Apartment Development
113.2 R-SI Residential: Senior Institutional
Additional Requirements for Age-Restricted Adult Housing
115.0 POR Planned Office Research
Additional Requirements for Age-Restricted Adult Housing
117.4 CCT Community Center Transition
Additional Requirements for Age-Restricted Adult Housing
128.0 Supplementary Zoning District Regulations
Housing Commission Housing Developments
131.0 Conditional Uses
Additional Standards Required in Certain Residential Districts
Compliance with Specific Requirements for a Conditional Use
District Requirements
Title 16, Subtitle 1 Subdivision and Land Development Regulations
Design Standards and Requirements
Sec. 16.127. - Residential infill development.

3.3.B. Public, Institutional, Religious, and Civic Uses

This section would consolidate all standards related to public, institutional, religious, and civic uses, which are currently located throughout the various districts, in use titles, in Section 128.0, in definitions, and within the conditional use criteria in Section 131.0.N.

3.3.C. Commercial and Industrial Uses

This section would consolidate all standards related to commercial and industrial uses, which are currently located throughout the various districts, in use titles, in Section 128.0, in Subtitle 1 of Title 16, and in the conditional use criteria in Section 131.0.N. This would be divided into several subsections focusing on commercial agricultural uses, retail uses, office/research and development uses, lodging uses, vehicle related uses, and employment/industrial uses (and possibly others). The agricultural land protection standards and buffers in Section 16.126 should be revisited and strengthened as described earlier in the Assessment, with increased setbacks, buffers, and other protections. This will also clarify that buffers are required to be created on the residential property side when a residential use comes after an agricultural use. Use-specific standards for other uses in this category should also be reviewed and updated.

107.0 R-ED Residential: Environmental Development
Regulations for ALPP Purchased Easements
116.0 PEC Planned Employment Center
Other Provisions
117.1 BR Business Rural
Conformance with Preliminary Development Plan
Other Provisions
127.2 CE Corridor Employment District
Commercial Uses Permitted in Multistory Buildings
Outdoor Storage Areas
128.0 Supplementary Zoning District Regulations
Communication Towers and Antennas

Adult Entertainment Businesses
Small Wind Energy Systems, Building Mounted
Small Wind Energy Systems, Freestanding Tower
Apiaries
Farm Winery—Class 1A or Farm Brewery—Class 1A
Permits for Special Farm Uses

Title 16, Subtitle 1 Subdivision and Land Development Regulations

Design Standards and Requirements
Sec. 16.126. - Protection of agricultural land and rural character.
Sec. 16.129. - Golf course redevelopment.

3.3.D. Accessory and Temporary Uses

This section would incorporate all of the accessory and temporary use standards from each zoning district and other sections of the regulations such as Section 128.0 and 132.0.

128.0 Supplementary Zoning District Regulations

Home Businesses
Temporary, Seasonal and Other Uses

132.0 Temporary Uses

Authorization of Temporary Uses
Special Authorization for Annually Recurring Temporary Uses
Criteria for Approval
Procedures

16.4. DEVELOPMENT STANDARDS

This article would consolidate, reorganize, and update all content in the Zoning Regulations and Subdivision and Land Development Regulations regarding the physical layout and quality of lots and parcels in Howard County. It is intended to answer the question: "Now that article 16.3 has indicated what land uses can occur on my land, how big can it be, how do I have to lay it out, and what quality level does it have to achieve to get an approval from the County?" Some of this content is currently found in the zone district sections, much of it in Section 128.0, some of it in the Sign Regulations in Title 3, Subtitle 5 and some of it in the Route 1, Route 40, Landscape, and Forest Conservation Manuals. Additionally, some standards from the engineering design manuals should be relocated here. To the degree possible, the content of this article should focus on mandatory standards and requirements, while advisory text should be located in one of the four manuals or otherwise outside the UDO.

4.1. Applicability Summary Table

4.1.A. Applicability Summary Table

This table would identify the applicability of the different development standards to different types of development applications. For example, it would clarify which development standards Howard County would review for a subdivision of land (where many of the details of future development are not known) versus those that would apply at the time of site plan approval.

A portion of a development standards applicability table from another community is shown below:

DEVELOPMENT STANDARD APPLICABILITY TABLE					
Standard	Section	Development Plan	Site Plan	Major Subdivision	Minor Subdivision
Access	§157.404(D)	✓	✓	✓	✓
Block and lot layout	§157.404(F)			✓	✓
Easements	§157.404(G)	✓	✓	✓	✓
Floodplain	§157.404(H)	✓	✓	✓	✓
Landscape	§157.404(I)	✓	✓		
Natural site features	§157.404(K)	✓		✓	
Open space and recreation amenities	§157.404(L)			✓	
Parking	§157.404(M)	✓	✓		
Pedestrian circulation	§157.404(N)	✓	✓	✓	
Residential impact mitigation	§157.404(O)	✓	✓		
Signs	§157.404(Q)	✓	✓	✓	✓
Site lighting	§157.404(R)	✓	✓		
Storm drainage	§157.404(S)	✓	✓	✓	✓
Vehicle circulation and streets	§157.404(U)	✓	✓	✓	✓
Zoning district standards	§157.404(W)	✓	✓	✓	✓
Design standards (downtown)	§157.404(X)	✓	✓		

In addition, this section would also clarify that all development standards in or applicable to an approved NT zone district FDP shall apply until such time the property owner chooses to complete a significant redevelopment of the property. When that occurs, the development standards applicable to the proposed use and the zone district in which the property is located will apply. Significant redevelopment is generally defined in terms of the percentage of the floor area of primary buildings, or the percentage of site area, that is being repurposed or modified, measured cumulatively from the adoption date of the UDO.

4.2. Bulk and Dimensional Standards

This section would include all of the bulk regulations from each zoning district section as well as the supplementary bulk regulations in Section 128.0. It would consolidate most UDO regulations for minimum and maximum lot sizes and shapes, building sizes, permitted density/intensity of development, lot coverage, and similar standards. Introductory text would notify the reader that additional use-specific bulk and dimensional standards may apply through the use-specific standards in Article 16.3.

4.2.A. Bulk and Dimensional Standard Summary Tables

Most of the dimensional standards would be consolidated into a table, or a series of tables (e.g. one for Residential districts, one for Mixed-Use Districts, and one for Non-residential districts) that allows comparisons of bulk and dimensional standards across all base zone districts and reduces the potential for inconsistent amendments in the future. This table would be informed by the lists of bulk regulations currently contained in the individual zoning districts.

A sample part of a residential bulk and dimensional standards table from another community is shown below:

RESIDENTIAL ZONING DISTRICT DIMENSIONS									
District	Min. Lot Area / D.U. (Sq. Ft.)	Min. Required Setback (Ft.)				Max. Height		Min. Lot Dimensions	
		Front	At Least One	Total of Two	Rear	Ft.	Stories	Area (Sq. Ft.)	Width (Ft.)
AG	100,000	40 [1]	10% of lot width	20% of lot width	50	30		100,000	200
R1A	20,000	40	7	18	50	30		20,000	90
R1B	10,000	30	5	14	40	30		10,000	70
R1C	7,200	25	5	10	30	30		7,200	60
R1D	5,000	25	3	6	20	30		5,000	40
R2A	4,250	25 [4]	5 [4]	10 [4]	30 [4]	30	-	8,500	60

This section would also consolidate standards related to the amount of open space required in different zone districts. The design of required open spaces would be addressed in Section 4.7 Landscaping, Buffering, and Stormwater Management.

108.0 R-20 Residential: Single
Open Space and Lot Size
109.0 R-12 Residential: Single
Open Space and Lot Size

4.2.B. Special Dimensional Standards

This section would incorporate special dimensional standards for cluster subdivisions, density exchanges, the site design standards for traditional residential neighborhoods and Housing Commission housing developments, scenic road setbacks, and any other specialized dimensional standards that cannot be clearly or efficiently listed in table format. We recommend incorporating character-based zoning tools for some areas of the county that differ based on their context. These tools can require development to "fit in" with their surrounding area through tailored building heights, setbacks, bulk, lot coverage, building orientation, parking location, or any number of other features.

104.0 RC Rural Conservation
Cluster Subdivision Requirements
105.0 RR Rural Residential
Cluster Subdivision Requirements

106.0 DEO Density Exchange Option
Purpose
Criteria
Uses Permitted as a Matter of Right
Accessory uses
Bulk Requirements
Requirements for Use of the Density Exchange Option or Cluster Exchange Option
107.0 R-ED Residential: Environmental Development
Density Exchange for Neighborhood Preservation Parcels
108.0 R-20 Residential: Single
Density Exchange for Neighborhood Preservation Parcels
109.0 R-12 Residential: Single
Density Exchange for Neighborhood Preservation Parcels
110.0 R-SC Residential: Single Cluster
Density Exchange for Neighborhood Preservation Parcels
111.1 R-SA-8 Residential Single Attached
Receiving Parcel for Neighborhood Preservation
112.1 R-A-15 Residential: Apartments
Receiving Parcel for Neighborhood Preservation
112.1 R-APT Residential: Apartments
Receiving Parcel for Neighborhood Preservation
127.5 CAC Corridor Activity Center
Receiving Parcel for Neighborhood Preservation
128.0 Supplementary Zoning District Regulations
Supplementary Bulk Regulations
Neighborhood Preservation Density Exchange Option
Traditional Residential Neighborhoods
111.1 R-SA-8 Residential Single Attached
Usable outdoor space
112.0 R-H-ED Residential: Historic – Environmental
Usable Outdoor Space
112.1 R-A-15 Residential: Apartments
Usable Outdoor Space
Title 16, Subtitle 1 Subdivision and Land Development Regulations
Design Standards and Requirements
Sec. 16.125. - Protection of scenic roads.
Title 16, Subtitle 14 Scenic Roads
Sec. 16.1401. - Short title; purpose; components.
Sec. 16.1402. - Characteristics of scenic roads.
Sec. 16.1403. - Scenic roads inventory.
Sec. 16.1404. - Alterations to scenic road rights-of-way.

4.2.C. Exceptions and Encroachments

This section would describe the permitted encroachments and exceptions to bulk regulations from Section 128.0, which would be revised to include several common types of encroachments that are currently missing. For example, newer regulations generally allow some encroachments through height and setback requirements for accessory solar and geothermal equipment (and sometimes wind energy equipment in

more intense Mixed-Use and Non-Residential districts). This information would be organized into a table, and gaps and inconsistencies in the current regulations would be addressed.

4.3. Subdivision Standards

One characteristic of a Unified Development Ordinance is that it consolidates regulations related to zoning, subdivision, and land development in order to reduce the potential for inconsistent standards, use a common terminology, and illustrates for the reader how the different types of land use approval relate to each other. The separation of zoning from subdivision regulations often results in confusion as to whether given standards apply to only zoning or only the subdivision of land, when in fact the community's practice is to apply the standard to all land development applications. This section would include the substantive standards applied to the creation of new lots, or the replatting of existing lots, with those changes discussed in this Assessment or otherwise needed to help implement Plan Howard 2030. Procedures for reviewing and approving subdivisions of land would be described in Section 5.4.D, alongside other land development procedures.

4.3.A. Intent

This new section would consolidate general intent language for subdivision controls with updates necessary to reflect the land development pattern goals in Plan Howard 2030.

4.3.B. Applicability

This section would clarify the applicability of the subdivision standards to different types of applications (e.g. raw land subdivision, re-subdivision of existing lots, and lot line adjustments that do not create new lots.

104.0 RC Rural Conservation
Eligibility for Subdivision
105.0 RR Rural Residential
Eligibility for Subdivision

4.3.C. Compliance with Plans and Regulations

This section would clarify that all new or replatted lots must meet the lot size and shape standards listed in Section 4.2 above for the zone district where the land is located, as well as any previous plans identified in the UDO and applicable to the property. It will also clarify whether any deviations from the standards in this Section 4.3 or any minor deviations from the zone district requirements require a separate variance procedure, or whether (as in many communities) they can be considered during the subdivision approval process.

4.3.D. Avoidance of Sensitive Areas/ Forest Conservation

This section would consolidate standards for avoidance or protection of various sensitive areas, such as floodplains, steep slopes, protected forests, designated wildlife habitat, and cemeteries, and would carry forward the standards requiring avoidance of those areas as required by state law, or to the maximum extent practicable. This section would also clarify how these standards are applied during the subdivision process, while their applicability at the site plan stage would be covered in proposed new Section 4.4.C below. Forest conservation provisions that are in several different sections of the current regulations would be reconciled and the relationship to the Forest Conservation Manual would be explained.

Title 16, Subtitle 1 Subdivision and Land Development Regulations
Design Standards and Requirements
Sec. 16.115. - Floodplain preservation.
Sec. 16.116. - Protection of wetlands, streams, and steep slopes.
Sec. 16.117. - Forest conservation and preservation of natural cover.

Sec. 16.118. - Protection of historic resources.
Title 16, Subtitle 7 Floodplain
Sec. 16.700. - Statutory authority; purpose; abrogation and greater restrictions.
Sec. 16.701. - Definitions.
Sec. 16.702. - Floodplain delineation.
Sec. 16.703. - Basis for establishing special flood hazard areas and base flood elevations.
Sec. 16.704. - Use and interpretations of FIRMs.
Sec. 16.705. - Requirements and restrictions applicable to the floodplain.
Sec. 16.706. - Permits.
Sec. 16.707. - Warning and disclaimer of liability.
Sec. 16.709. - Development that affects flood-carrying capacity of nontidal waters.
Sec. 16.710. - Subdivision proposals and development proposals.
Title 16, Subtitle 7 Floodplain
Sec. 16.713. - References to the 100-year floodplain.
Title 16, Subtitle 12 Forest Conservation
Sec. 16.1200. - Short title; background; purpose.
Sec. 16.1202. - Applicability; exemptions; declaration of intent.
Sec. 16.1203. - Forest Conservation Manual.
Sec. 16.1204. - Forest conservation plan.
Sec. 16.1205. - Forest retention priorities.
Sec. 16.1206. - Reforestation.
Sec. 16.1207. - Afforestation.
Sec. 16.1208. - Reforestation and afforestation location priorities and preferred methods.
Sec. 16.1209. - Financial security for reforestation and afforestation.
Sec. 16.1210. - Fee-in-lieu of afforestation or reforestation.
Sec. 16.1211. - Forest conservation fund.
Sec. 16.1213. - Mitigation by County.
Sec. 16.1216. - Forest mitigation banking.
Title 16, Subtitle 13 Cemetery Preservation
Sec. 16.1300. - Short title; background; purpose.
Sec. 16.1303. - Inventory of cemeteries.
Sec. 16.1304. - Development or subdivision in a cemetery.
Sec. 16.1305. - Discovery of cemetery.
Sec. 16.1306. - Removal prior to development.

4.3.E. Access and Connectivity

This new section would include all requirements for access to subdivisions and access to individual lots within the subdivision. Because of the importance of internal connectivity to promote walking, bicycling, transit service, and shorter automobile trips, it would also address required levels of connectivity within subdivisions. Finally, in light of public comment on the issue, this section would revisit current standards regarding "pipestem" access to lots and parcels, keeping in mind that local land use regulations must allow each property owner a "reasonable economic use" of their property.

4.3.F. Block and Lot Design and Layout

This section would carry forward the lot layout design standards currently located in Section 16.120 of Title 16. The standards should be reviewed and updated and the County should consider making smaller streets and blocks available to improve walkability and connectivity.

Title 16, Subtitle 1	Subdivision and Land Development Regulations
Design Standards and Requirements	
Sec. 16.120. - Lot layout.	

4.3.G. Streets and Alleys

This section would carry forward the highway, street, and road design standards that currently located in Section 16.119 of Title 16 and cross-reference other street design manuals currently used by the County. These standards would be revisited and may be updated in order to implement the County's goals to promote Complete Streets.

Title 16, Subtitle 1	Subdivision and Land Development Regulations
Design Standards and Requirements	
Sec. 16.119. - Highways, streets, and roads.	

4.3.H. Sidewalks, Trails, and Bicycle Paths

Many public comments addressed the absence of sidewalks, trails, and bicycle paths – or lack of connections between existing facilities – in different areas of the county. This new section would include standards to provide these types of non-motorized connections in different areas of the county to help implement related goals in Plan Howard 2030 and the County's pedestrian and bicycle plans.

4.3.I. Designated Open Space

This section should clarify the relationship between subdivision open space requirements and open space requirements applicable to individual lots through the zoning regulations. Recreational open space requirements should be revised and incorporate the various policy memos that have been developed over time to address the design, character, and location of required open spaces. It would also encourage or require subdivision open spaces to be designed to serve as more effective buffers from commercial or agricultural uses and to align with open space on neighboring parcels to the maximum extent practicable in order to improve the quality of visual buffers and the potential to serve as habitat corridors or recreational opportunities.

Title 16, Subtitle 1	Subdivision and Land Development Regulations
Design Standards and Requirements	
Sec. 16.121. - Public sites and open space.	

4.3.J. School and Park Lands

This section would carry forward or cross-reference the County's current standards and practices regarding the designation, dedication, or reservation of school and park lands during the subdivision process.

4.3.K. Utility Easements

This section would carry forward existing requirements for granting utility easements, and would cross-reference any technical manuals describing the required dimensions, locations, and connectivity of those easements.

4.3.L. Improvements Required

This section would describe the various improvements that may be required during the subdivision approval process. The existing provisions from Subtitle 1 of Title 16 would be carried forward after being reviewed for consistency with current practice and consistency with court decisions.

Title 16, Subtitle 1	Subdivision and Land Development Regulations
Design Standards and Requirements	

Sec. 16.122. - Reservations of land for public facilities.
Required Improvements
Sec. 16.130. - General.
Sec. 16.131. - Sewage disposal and water supply.
Sec. 16.132. - Road construction.
Sec. 16.133. - Storm drainage.
Sec. 16.134. - Sidewalks and walkways.
Sec. 16.135. - Street lighting.
Sec. 16.136. - Street trees and landscaping requirements.
Sec. 16.137. - Street name signs and traffic-control devices.
Sec. 16.138. - Gas, electric, and communication facilities.
Sec. 16.139. - Monuments and markers.

4.3.M. Grading

This section would carry forward the requirements of Subtitle 1 of Title 16 regarding grading and soils and sediment controls. It would also cross-reference any technical manuals used by the County to manage these types of land use impacts. These standards may be updated based on the outcome of the current Ellicott City Master Plan process.

Title 16, Subtitle 1	Subdivision and Land Development Regulations
Design Standards and Requirements	
Sec. 16.123. - Grading, soils and sediment control.	

4.3.N. Monuments

This section would carry forward or cross-reference County or state standards regarding the placement of survey monuments to ensure the accuracy of subdivision plat documents.

4.4. Site Design

While Section 4.3 consolidates current materials regarding the creation of new lots and parcels for development, Section 4.4 would consolidate the County's standards for how development or redevelopment is organized and laid out within the boundaries of platted lots. Some types of development standards are relevant at both the subdivision and site design stage (although the standards applied at each stage may differ). Some cross-references between standards used in Section 4.3 and 4.4 may be used to avoid repetition.

4.4.A. Intent

This section would describe the intent of the site design standards, carrying forward language from Section 16.114 and incorporating any updates necessary to reflect goals in Plan Howard 2030.

Title 16, Subtitle 1	Subdivision and Land Development Regulations
Design Standards and Requirements	
Sec. 16.114. - General.	

4.4.B. Applicability

This new section would clarify that new development must comply with the standards in this Section, and that redevelopment of existing properties must comply if the site alteration is substantial (e.g. more than 25 percent of the site is being disturbed by the project) and to the degree that the redevelopment affects that part of the site.

4.4.C. Avoidance of Sensitive Lands

This section would list or cross-reference County standards for avoidance of sensitive lands at the site design stage, and would clarify how these sensitive lands standards, outlined in proposed new Section 4.3.D, are applied at the site planning stage. Although this topic is generally addressed primarily during subdivision of land, some existing lots predate subdivision standards designed to achieve this goal, and there is often opportunity to further protect sensitive lands through careful site design. Because the flexibility available to avoid these lands is narrower than at the subdivision stage, some newer regulations clarify that these standards apply to the maximum extent practicable.

4.4.D. Access and Connectivity on Individual Platted Lots

This section would carry forward and clarify requirements for safe access to lots, and (as for subdivisions) would clarify when "pipestems" can be used to access property. In addition, it would include County standards for automobile, pedestrian, and bicycle connectivity and circulation between buildings when multiple buildings are constructed on a single lot or parcel (for example, as an integrated campus or as a site condominium).

4.4.E. Standards Applicable to Specific Areas

This section would consolidate existing site design standards applicable to specific areas (such as the Route 1 or Route 40 corridors). Mandatory standards from the Route 1 and Route 40 design manuals that are intended to supersede standard site design principles would be brought into the UDO, while advisory materials would remain in the manuals and be cross-referenced in the UDO as advisory guidance. This section would also incorporate improved rural design standards that apply when density has been transferred or when clustered rural development is proposed. These can help ensure that the rural character is protected in circumstances where greater density is permitted through the transfer system.

4.5. Neighborhood Protection Standards

This new section would consolidate specific standards designed to protect low-density residential zone districts from the impacts of adjacent multi-family, institutional, commercial, industrial, agricultural, or mixed-use development. Generally, these provisions would apply to the use that arrives second in time (i.e. the use that decided to locate in an area where impacts from the adjacent uses could be anticipated). Some of these standards would come from the current content of the Zoning Regulations and Title 16, while others may reflect design, landscaping, buffering or other conditions commonly used by the Planning Board to mitigate these impacts in the past. The text would clarify that these standards supersede other standards applicable in these adjacency situations.

4.5.A. Intent

This section would state the intent of this section to protect residents of low-density residential development from the impacts of adjacent dissimilar development.

4.5.B. Applicability

This section would clarify that the standards in Section 4.6 apply any time multi-family, institutional, commercial, industrial, agricultural, or mixed use development obtains development approval for land adjacent to low-density residential development, and that the standards would apply to the site that creates the adjacency condition.

4.5.C. Building Height and Setbacks

This section would require that building heights within a stated distance of the adjacency line not exceed the height of a typical single-family house (usually 35 feet) and that taller portions of buildings must be located farther from the adjacency line.

4.5.D. Outdoor Lighting Height

This section would require that the height of outdoor light fixtures within a stated distance of the adjacency line be shielded to prevent glare and not exceed a stated height (usually 20 or 35 feet).

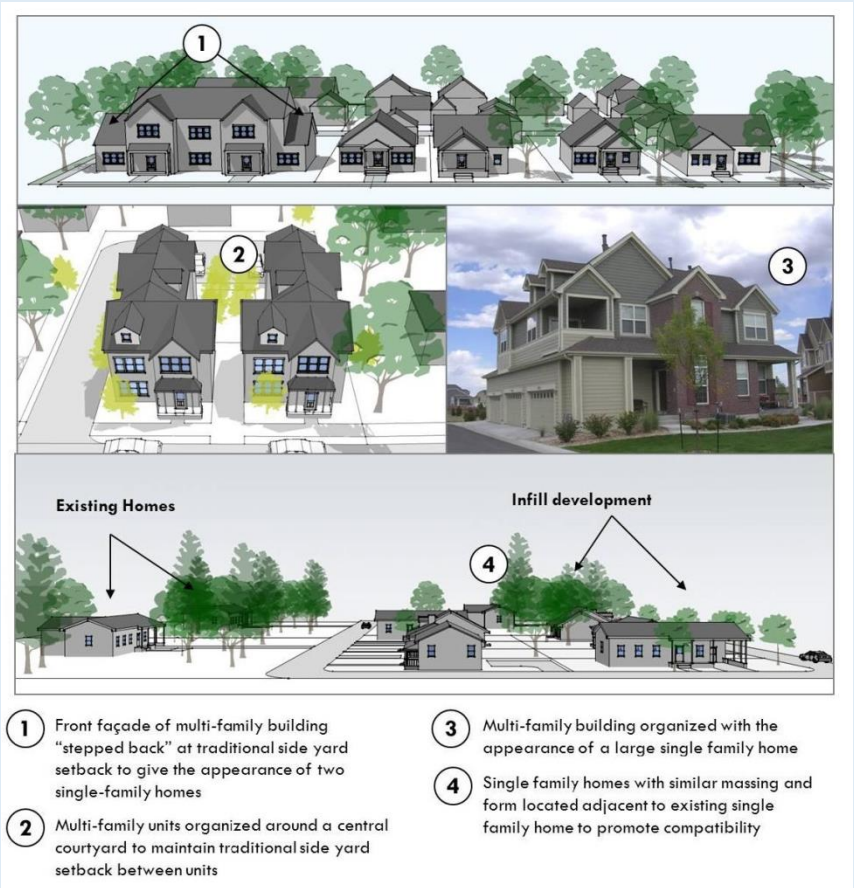
4.5.E. Buffering and Screening

This section would require that the second-in-time use (that creates the adjacency condition) install a higher level of screening and buffering to mitigate impacts of noise, dust, or glare from the adjacent use.

4.5.F. Service Areas and Drive-Through Lanes

This section would require that vehicle parking, circulation, and drive-through areas not be located on any portion of a multi-family, institutional, commercial, agricultural, industrial, or mixed use site adjacent to the low-density residential district boundary to the maximum extent practicable.

SAMPLE GRAPHIC: NEIGHBORHOOD PROTECTION STANDARDS



This example from another community shows how neighborhood protection standards can be displayed graphically in a user-friendly way.

4.6. Parking, Loading, and Stacking

This section would carry forward and update Howard County's standards for off-street parking, loading, and drive-through/stacking areas, with those changes identified in the Assessment. It would also incorporate some of the parking standards that are currently located in the engineering design manual.

4.6.A. Intent

This section would describe the intent of the parking, loading, and stacking regulations, including updates based on guidance from Plan Howard 2030.

4.6.B. Applicability

This section would carry forward the applicability provisions from Section 133.0.

133.0 Off-Street Parking and Loading Facilities
Applicability

4.6.C. Required Off-Street Automobile Parking

This section would carry forward and revise the off-street parking requirements currently located in Section 133.0. The current tables would be consolidated, reorganized, and updated to align with the new categories of land uses identified in the new Land Use Table. For purposes of discussion and comparison, early drafts of the UDO made available for public review should include the current off-street parking standards alongside the proposed standards, although the current standards column should be deleted before the UDO is adopted.

133.0 Off-Street Parking and Loading Facilities
Minimum Parking Requirements for Specific Uses

4.6.D. Parking Alternatives

This section would describe the various alternatives available to the parking requirements in specific zone districts or areas (e.g. lots located near bus routes) and would consolidate other permitted reductions in parking requirements currently listed in Section 133.0. This section would also simplify the shared parking provisions to avoid detailed analyses of combined peak hour demands, because those often change as tenants and users change, and because many communities find a simpler approach based on combinations of the land use categories sharing the parking an equally effective way to manage parking. Some newer land use codes include reductions in parking to consider include reductions based on provision of valet or tandem parking, provision of additional bicycle parking, proximity to public transit, provision of electric vehicle charging stations, availability of on-street parking, or use of pervious pavement, and we recommend that the County consider including some of these additional adjustments.

114.1 R-VH Residential: Village Housing
Other Provisions
114.2 HO Historic: Office
Other Provisions
114.3 HC Historic: Commercial
Other Provisions
127.5 CAC Corridor Activity Center
Parking
127.6 TNC Traditional Neighborhood Center
Parking
133.0 Off-Street Parking and Loading Facilities
Permitted Reductions in Off-street Parking Requirements

4.6.E. Parking Design and Location

This section would carry forward the layout, location, and design features in Section 133.0. In addition, some of the design standards that are currently in the engineering design manuals would be brought into this section of the zoning regulations. Parking lot landscaping and buffering would not appear in this

section, but would instead appear in Section 4.7 to encourage more integrated approaches to landscaping and buffering throughout the site.

133.0 Off-Street Parking and Loading Facilities
Layout and Location
Design and Use of Off-Street Parking Facilities

4.6.F. Off-Street Loading Areas

This section would describe the requirements for off-street loading facilities, starting with the provisions of Section 133.0, but updating those provisions. The update should recognize the fact that more deliveries are now being made by smaller vans, which may not require as many, or as large, off-street loading areas when large or semi-truck deliveries were the norm.

133.0 Off-Street Parking and Loading Facilities
Off-street Loading Facilities

4.6.G. Drive-Through Stacking Areas

This new section would establish standards for the number of stacking spaces needed for different types of areas for drive-through facilities, as well as standards for their design and location. These standards should be coordinated with existing standards in the engineering design manuals. In activity centers where significant pedestrian activity occurs or is anticipated, the standards would ensure that drive-through lanes do not interfere with pedestrian movements.

4.6.H. Standards Applicable to Specific Areas

This section would consolidate existing parking, loading, and drive-through standards applicable to specific areas (such as the Route 1 or Route 40 corridors). Mandatory standards from the Route 1 and Route 40 design manuals that are intended to supersede standard site design principles would be brought into the UDO, while advisory materials would remain in the manuals and be cross-referenced in the UDO as advisory guidance. The section could be expanded in the future if design manuals are adopted for additional areas of the county.

4.7. Landscaping, Buffering, and Stormwater Management

This section would consolidate and integrate Howard County's current regulations regarding the location, design, and installation of landscaping, buffering, and stormwater management. Although many land use regulations treat stormwater management as a separate topic, an emerging best practice is to design landscaping and buffering areas so those areas can serve as stormwater management features. An integrated approach to these topics avoids a common situation in which landscaping and buffering features are sized, designed, and located to meet county standards for visual appearance and mitigation of impacts, only to find that they cannot serve as stormwater management features. Changes identified in the Assessment would be included.

4.7.A. Intent

This section would state the intent to design landscaping, buffering, and stormwater management features as integrated systems.

4.7.B. Applicability

This section would carry forward the County's current requirements that new development and significant site redevelopment comply with the standards in this Section 4.7.

4.7.C. Role of Landscape Manual

The role of the landscape manual would be clarified as described previously. Mandatory requirements related to the size, location, and basic design of required landscaping features from the manual would be included or cross-referenced in Sections 4.7.D. Technical engineering standards and advisory design guidance would remain in the manual.

4.7.D. General Landscaping Standards

This section would consolidate standards applicable to many types of required landscaping, such as minimum plant sizes, amounts of ground cover, any requirements for soil amendments or preparation, prohibited plant species, minimum planting bed dimensions, requirements or limitations on irrigation, vegetation for stormwater management, requirements or incentives for Low Impact Development, interpretation of overlapping landscaping standards, and similar topics. This avoids repeating requirements for different types of landscaping and stormwater management areas.

4.7.E. Required Landscaping

This section would carry forward the landscaping requirements currently found in Section 16.124, but would not include the specific landscape plan requirements, which should be relocated to an administrative manual or the county website. This material would be reorganized to address:

- Street trees and frontage landscaping;
- Edge buffering between different types and scales of land uses;
- Parking lot landscaping; and
- Building foundation landscaping.

Title 16, Subtitle 1	Subdivision and Land Development Regulations
Design Standards and Requirements	
Sec. 16.124. - Landscaping.	

4.7.F. Tree Preservation

This section would include incentives for preservation of existing mature trees, by clarifying that those trees may be counted towards landscaped area requirements. Because mature trees are much more effective at absorbing carbon dioxide, reducing heat islands, and buffering impacts of nearby uses than small replacement trees, some newer regulations go further to allow extra credit (i.e. they reduce the landscaping otherwise required) in return for preserving larger trees. Among other issues, inconsistencies between the tree preservation standards and the ability to timber harvest or cut trees before or after development need to be reconciled. This section should also cross-reference more detailed standards in the Forest Conservation Manual.

4.7.G. Screening of Service Areas and Equipment

This section would consolidate standards requiring that rooftop and ground-mounted mechanical equipment, as well as commercial and industrial service and loading areas, be effectively screened from public streets and adjacent lands. Specific requirements from the Route 1 and Route 40 corridors would appear in this section as well.

4.7.H. Fence and Wall Regulations

This section would include the fence standards that are currently in Section 128.0.

4.8. Building Design Standards

This section would consolidate all standards and requirements related to individual building design, and would clearly distinguish between mandatory requirements and advisory guidance.

4.8.A. Intent

This section would draw on existing regulations, NT zone district standards, Plan Howard 2030, and the Route 1 and Route 40 manuals to articulate building design intent for different areas of the County.

4.8.B. Applicability

This section would clarify that all new development and significant redevelopment (measured in terms of the percentage of site area being disturbed or the percentage of building square footage being rebuilt) in medium and large-scale activity centers, along the Route 1 and Route 40 corridors, in business parks and industrial areas (the NR-E, NR-LI, and NR-GI districts) and large format retail buildings must comply with all mandatory standards in this Section 4.8. The section would also clarify that if these areas or buildings are subject to a system of architectural and building design standards in place –either through a prior CSP approval (such as a CSP) or through Restrictive Covenants applicable to the property or some other means– those existing standards and design review procedures would supersede the more general standards in this Section 4.8.

4.8.C. Standards Applicable to Activity Centers

This section would list the building design standards applicable to the proposed activity center zone districts if no other building design standards and procedures apply to the property. Standards would include building orientation and spacing, massing and articulation, four-sided building design in key locations, and would differ based on the type and scale of activity center.

4.8.D. Standards Applicable to Key Corridors

This section would include mandatory building design standards and requirements from the Route 1 and Route 40 manuals, and would cross-reference and encourage compliance with advisory design guidance contained in those manuals. Although the CE, CAC, and TOD districts along Route 1, and the TNC zone district along Route 40, are proposed for significant changes, the building design principles in current Section 127 would inform these standards.

127.2 CE Corridor Employment District
Compliance with Route 1 Manual
127.4 TOD Transit Oriented Development
Compliance with Route 1 Manual
127.5 CAC Corridor Activity Center
Compliance with Route 1 Manual
127.6 TNC Traditional Neighborhood Center
Compliance with Route 40 Manual

4.8.E. Additional Standards for Large Format Retail Structures

This new section would include standards to address the massing and articulation of retail structures containing over 100,000 square feet of gross floor area, as well as requirements for outdoor sitting/gathering area and safe and efficient pedestrian and bicycle connections from adjacent public streets to primary building entrances. Additional requirements for parking location to avoid large, highly visible parking areas would also be incorporated in this section.

4.8.F. Special Standards for Industrial Structures

This section would address building design standards for the exterior massing and appearance of industrial structures.

SAMPLE GRAPHIC: DESIGN STANDARD

This sample graphic illustrates an important concept (roof form) in another ordinance.

4.9. Exterior Lighting

This section would consolidate and update existing standards regarding the design, location, shielding, and impacts of outdoor site lighting, with those changes identified in the Assessment.

4.9.A. Intent

This section would carry forward the intent expressed in Section 134.0 update those materials to include energy conservation and general guidance from Plan Howard 2030.

134.0 Outdoor Lighting
Purpose

4.9.B. Applicability

This section would carry forward the applicability statement in Section 134.0.

134.0 Outdoor Lighting
Applicability

4.9.C. Standards Applicable to All Development

Few public or stakeholder comments were received regarding the County's current outdoor lighting standards, so this section would carry forward the existing standards from Section 134.0. Because outdoor lighting consumes large amounts of electricity, a new subsection would address the minimum energy efficiency rating for outdoor light fixtures installed after the effective date of the UDO.

134.0 Outdoor Lighting
Applicability
Allowed Outdoor Lighting

Light Trespass
Approval of Alternative Lighting Plans
Exceptions

4.10. Signs

This section would bring the provisions of Title 3, Subtitle 5 (Signs) into the UDO. Definitions used in sign regulations would be coordinated with land use definitions, and consolidated into a single definitions list in Section 6.2. Changes identified in the Assessment, including a review for compliance with the U.S. Supreme Court's decision in Reed v. Gilbert, would be incorporated.

4.10.A. Intent

This section would carry forward the purpose and scope language in Section 3.500 and strengthen text expressing the County's intent to avoid content-based regulation or other violations of state or federal laws concerning free speech and the First Amendment.

Title 3, Subtitle 5 Signs
Sec. 3.500. - Purpose and scope.
Sec. 3.503. - Exemptions.

4.10.B. Prohibited Signs

This section would carry forward the prohibited signs provisions in Section 3.505.

Title 3, Subtitle 5 Signs
Sec. 3.505. - Prohibited signs.

4.10.C. Signs That Do Not Require a Permit

This section would consolidate and update regulations for signs that are limited in number, size, height, or location, but for which the property owner does not need to obtain a permit. The text would clarify that all signs not listed in this subsection are only permitted after a sign permit has been issued by the County.

4.10.D. General Sign Standards

This section would include all standards applicable to many or all types of signs, so they do not need to be repeated in specific sign regulations that follow. Standards would include those related to sign illumination, design quality, structural requirements, and requirements for identification and marking to identify the company or individual that erected the sign.

Title 3, Subtitle 5 Signs
Sec. 3.508. - Illumination.
Sec. 3.510. - Structural requirements.
Sec. 3.511. - Inspection; removal; safety.
Sec. 3.512. - Administration and penalties.

4.10.E. Permitted Signs in Residential Zone Districts

This section would carry forward the sign standards for the residential districts from Section 3.501.

Title 3, Subtitle 5 Signs
Sec. 3.501. - Sign standards by district.

4.10.F. Permitted Signs in Mixed-Use and Non-Residential Zone Districts

This section would carry forward the sign standards for the remaining districts from Section 3.501.

Title 3, Subtitle 5 Signs
Sec. 3.502. - Signs permitted in all districts.

4.10.G. Electronic Message Boards

This section would carry forward the standards for digital displays in downtown Columbia in Section 3.502A.

Title 3, Subtitle 5 Signs
Sec. 3.502A. - Digital displays in Downtown Columbia.

4.10.H. Standards Applicable to Specific Areas

This section would describe sign regulations for special areas such as historic districts and Downtown Columbia, carrying forward Sections 3.515 and 3.516.

Title 3, Subtitle 5 Signs
Sec. 3.515. - Historic districts.
Sec. 3.516. - Signs in Downtown Columbia; compliance and compatibility.

4.10.I. Temporary Signs

This section would consolidate all Howard County regulations of temporary signs that require a sign permit. Because temporary signs were at the heart of the dispute in Reed v. Gilbert, special care would be taken to avoid the type of inadvertent content-based regulation that the Court found to be unconstitutional in that case.

4.10.J. Off-Premises Signs

This section would carry forward the provisions for billboards from Section 3.507.

Title 3, Subtitle 5 Signs
Sec. 3.507. - Billboards.

4.11. Incentives

This new placeholder section would list any development incentives offered by the County in return for development that goes beyond the Land Development Regulation standards to further promote specific, listed County planning goals. In light of pressures on agriculture, rural character, and open space, incentives are sometimes offered for exceptional (not required) contributions to those goals. In addition, many newer regulations include incentives for the creation and maintenance of attainable and workforce housing affordable to households at specific income levels. Finally, an increasing number of land development codes include incentives for "green development" that conserves energy, manages stormwater, or promotes local food production systems in ways not otherwise required by county regulations.

4.12. Operating and Maintenance Standards

This new section of the UDO would consolidate all standards related to required maintenance of building or site features.

4.12.A. Maintenance Requirements

This section would consolidate all existing County standards on required maintenance, and clarify that building or site features (including landscaping and stormwater treatment features) required by the UDO or by a condition attached to a County land use decision must be maintained in good condition. It would also clarify that required landscaping that dies or is damaged must be replaced.

4.12.B. Operating Standards

This section would bring together all general (not use-specific) standards related to the operation of activities in the county, including standards related to noise, odors, vibration, smoke, glare, and the use of parking lots and vacant lots for unauthorized sales activities. Although the UDO would contain standards to reduce or prevent these types of operating impacts in the future, this section can make those general "good neighbor" and public health and safety requirements generally applicable to existing properties as well.

16.5. ZONING AND SUBDIVISION PROCEDURES

This article would address how Howard County reviews development proposals, makes development decisions, enforces the UDO, and treats uses and buildings that were legally created, but that for some reason do not comply with the standards and requirements of the UDO. This article answers the question: "Whose approval do I need to develop or redevelop my property, and what criteria will they use to make that decision?" Specific changes identified previously in the Assessment would be integrated into this article.

5.1. Review and Decision-Making Bodies

This section would describe each of the review and decision-making bodies involved in the land development process in Howard County.

5.1.A. County Council and Zoning Board

This section would describe the duties and powers of the County Council and the Zoning Board related to the UDO.

Title 16, Subtitle 2	Zoning
Sec. 16.200. - Zoning authority; definitions; short title.	
Sec. 16.211. - Councilmanic election years.	

5.1.B. Zoning Counsel

This section would describe the duties and powers of the Zoning Counsel, as carried over from Section 16.1000.

Title 16, Subtitle 10	Zoning Counsel
Sec. 16.1000. - Zoning Counsel.	

5.1.C. Planning Board

This section would describe the duties and powers of the Planning Board, carrying forward a simplified version of Section 16.900. Provisions regarding processing deadlines would be located in an administrative manual or on the County's website.

Title 16, Subtitle 9	Planning Board
Sec. 16.900. - Planning Board.	

5.1.D. Hearing Examiner

This section would describe the role of Hearing Examiner, and separate that information from the description of the Board of Appeals. To the degree permitted by Maryland law, these provisions would be updated to reduce the confrontational, trial-like nature of current proceedings before the Examiner.

130.0	Hearing Authority
General	
Powers of the Hearing Authority	
Limitations, Guides and Standards	
Court Review	
Title 16, Subtitle 3	**Board of Appeals**
Sec. 16.302. - Jurisdiction of Hearing Examiner.	
Sec. 16.303. - Hearing examiner procedures.	

5.1.E. Board of Appeals

This section would describe the duties and powers of the Board of Appeals from current Subtitle 3 of Title 16 that refer to the Board of Appeals. To the degree permitted by Maryland law, these provisions would be updated to reduce the confrontational, trial-like nature of current proceedings before the Board, and would restructure the Board's procedures to follow general principles of appellate review rather than a de novo hearing. Details such as compensation should not appear in the UDO, but should be subject to establishment and amendment by the County Council by resolution from time to time.

Title 16, Subtitle 3	Board of Appeals
Sec. 16.301. - Powers.	
Sec. 16.304. - Appeal to Board of Appeals.	
Sec. 16.305. - Terms of service.	
Sec. 16.306. - Termination of service.	
130.0	Hearing Authority
General	
Powers of the Hearing Authority	
Limitations, Guides and Standards	
Court Review	

5.1.F. Historic Preservation Commission

This section would describe the duties and powers of the Historic Preservation Commission, carrying forward the provisions of Subtitle 6 of Title 16.

Title 16, Subtitle 6	Historic Preservation Commission
Sec. 16.600. - Purpose.	
Title 16, Subtitle 6	Historic Preservation Commission
Sec. 16.604. - Historic Preservation Commission.	
Sec. 16.605. - Procedures of the Commission.	
Sec. 16.606. - Powers of the Commission.	
Sec. 16.607. - Standards for review.	
Sec. 16.609. - Powers of Howard County.	

5.1.G. Design Advisory Panel

This section would carry forward Subtitle 15 of Title 16, revised as described previously in the Assessment. Material on meetings and records would be relocated to an administrative manual or county website. The role of the Design Advisory Panel would be clarified, strengthened in some cases, and reduced in other cases, as detailed in the Assessment.

Title 16, Subtitle 15	Design Advisory Panel
Sec. 16.1501. - Duties.	
Sec. 16.1502. - Membership; staff, records; meetings.	
Sec. 16.1503. - Guidelines and principles.	
Sec. 16.1504. - Review required; recommendations; condition of decision.	
Sec. 16.1505. - Timing of recommendations; subsequent submittals; further review; appeal.	
Sec. 16.1506. - Rules of procedure.	
112.1	R-APT Residential: Apartments
Design Advisory Panel	

5.1.H. Agricultural Land Preservation Board

This section would describe the duties and powers of the Agricultural Land Preservation Board, carrying forward Section 15.518 and other relevant provisions of Title 15, Subtitle 5.

Title 15, Subtitle 5	Agricultural Land Preservation
Sec. 15.518. - Agricultural Land Preservation Board	

5.1.I. Cemetery Preservation Advisory Board

This section would describe the duties and powers of the Cemetery Preservation Advisory Board, carrying forward Section 16.1302.

Title 16, Subtitle 13	Cemetery Preservation
Sec. 16.1302. - Cemetery Preservation Advisory Board.	

5.1.J. Director of Planning and Zoning

This section would describe the duties and powers of the Director of Planning and Zoning, carrying forward Sections 16.800 and 16.801. The authority of the Director to interpret the UDO, subject to appeal to the Hearing Examiner, would be clarified.

Title 16, Subtitle 8	Department of Planning and Zoning
Sec. 16.800. - General provisions.	
Sec. 16.801. - The Department of Planning and Zoning.	

5.1.K. Floodplain Administrator

This section would describe the duties and powers of the Floodplain Administrator, carrying forward Sections 16.708.

Title 16, Subtitle 7	Floodplain
Sec. 16.708. - Floodplain administrator.	

5.2. Summary Table of Procedures

5.2.A. Summary Table of Procedures

This section would consolidate information about each type of application, permit, or approval required by the UDO, the type of public notice required for that type of decision, which department or body reviews the application, who makes the decision, and who hears the appeal (if any) from the decision, and would cross-reference the section providing more detail on that specific type of application.

A portion of a Summary Table of Procedures from another community is shown below:

SUMMARY TABLE OF PROCEDURES
R = Recommendation D = Decision A = Appeal Decider < > = Public Hearing O = Optional M = Mandatory

Procedure	Pre-Application Conference	Staff Review	Planning Board	County Council	NOTICE REQUIRED M = Mailed N = published (newspaper) P = Posted
Amendments					
Rezoning	O	R	<R>	<D>	M, N, P
Code Text Amendment	O	R	<R>	<D>	N

SUMMARY TABLE OF PROCEDURES R = Recommendation D = Decision A = Appeal Decider < > = Public Hearing O = Optional M = Mandatory					
Procedure	Pre-Application Conference	Staff Review	Planning Board	County Council	NOTICE REQUIRED M = Mailed N = published (newspaper) P = Posted
Development Permits and Approvals					
Conditional Use Application	M	R	<D>	<A>	M, N, P
Site Plan Review, Administrative	O	D	<A>	<A>	
Site Plan Review, Major	M	R	<D>	<A>	M, N, P
Major Modification to Approved Site Plan	O	R	<D>	<A>	
Minor Modification to Approved Site Plan	O	D	<A>	<A>	

5.3. Common Procedures

This section would consolidate general procedural material that apply to several types of zoning, subdivision, and land development approvals, which would allow repetitious materials on public notice and hearing procedures to be removed from many sections of the UDO.

5.3.A. Pre-Application Technical Meeting

This new section would list the types of major development applications for which the applicant is required to have a pre-meeting with Department of Planning and Zoning staff before proceeding to community meetings and a formal application. These types of pre-meeting requirements are increasingly common in order to avoid misunderstandings about the types of materials and studies that need to be submitted with an application, the criteria that will be applied to the review and decision, and the likelihood of success.

5.3.B. Presubmission Community Meeting

This section would carry forward Section 16.128, which describes the presubmission community meeting procedure and when it is required. We recommend rethinking the current process and potentially customizing the requirements of the meeting for different types of applications.

Title 16, Subtitle 1	Subdivision and Land Development Regulations
Design Standards and Requirements	
Sec. 16.128. - Presubmission community meetings; exceptions.	

5.3.C. Who Can File an Application

This section would carry forward current County practices regarding who is authorized to file different types of land use applications. This section would also clarify who may submit a general plan amendment and address challenges related to the current references to the "original petitioner" in New Town zoning. Ideally, the current restriction stating that only amendments in New Town may only be proposed with the consent of the original petitioner should be removed, as it already has been for Downtown and Village Center redevelopment.

5.3.D. Application Materials

This section would provide a cross-reference to the administrative manual or County website page that would list all requirements for application materials and clarify that all applications must include all required application materials before the County will begin processing the application.

5.3.E. Payment of Application Fees

This section would provide a cross-reference to the administrative manual or County website page where the fee schedule for applications would be located, and where they can be revised over time by resolution of the County Council without amending the UDO. It would require that all required application fees must be paid before the County will begin processing the application.

Title 16, Subtitle 2	Zoning
Sec. 16.212. - Fees.	

5.3.F. Application Completeness

This new section would state that the County would not process incomplete applications, the time within which the County would notify the applicant that an application is incomplete, the time within which an applicant must provide any missing materials, and the time after which the County will return incomplete application materials to the applicant and discontinue the application.

5.3.G. Simultaneous Review and Approval

This section would clarify that an applicant whose project requires two or more approvals may request that the County process those applications simultaneously (rather than sequentially). It would also clarify that if simultaneous processing is requested, any approvals by the review body for one application shall not be considered final until the review body on the last (generally the most complex) part of the application has been made.

5.3.H. Public Notice

This section would consolidate requirements for public notice of applications, hearings and decisions, in order to avoid unnecessarily repetition throughout out the regulations (such as in Section 125.0). It would clarify what type of notice (e.g. mailed, published, posted, or electronic) is required for different types of applications and would cross-reference an administrative manual or County website page that lists the specific content that needs to be included in different types of public notice. In general, most newer regulations decrease reliance on mailed and published notice because of the time and costs involved, and increasingly rely on thorough requirements for posted and electronic notice to citizens and citizens' organizations.

5.3.I. Public Hearings

This section would describe the procedural requirements for public hearings, carrying forward content from Section 100.0. To the degree permitted by Maryland law, these provisions would be updated to reduce the confrontational, trial-like nature of current public hearing procedures.

100.0	General Provisions
Department of Planning and Zoning Public Hearings	
Inactive Petitions	
Title 16, Subtitle 2	Zoning
Sec. 16.206. - Conduct of hearings.	

5.3.J. Criteria for Review and Decision

This section would clarify that in the event that Section 5.3 (Specific Procedures) or other sections of the UDO do not identify specific criteria to guide a land use decision, the criteria in this section would apply. Those criteria would generally include compliance with the UDO and other regulations adopted by the County and, in some cases, consistency with the adopted planning goals in Plan Howard 2030.

5.3.K. Referral to Planning Board

This new section would clarify that where the UDO authorizes the Planning Director to make a decision, but the Director determines that the proposed project is unusually large or complex, or may create impacts that were not considered when the UDO was drafted, the Director may refer the application to the Planning Board for decision.

5.3.L. Conditions on Approval

This section would consolidate various provisions in the current Zoning Regulations and Subdivision and Land Development Regulations authorizing the decision-maker to approve an application with conditions to mitigate its impacts on surrounding areas, which would reduce repetition of similar provisions throughout the UDO. In the case of decisions to be made by Planning and Zoning staff, conditions may only include those required to bring the application into alignment with UDO standards. In the case of decisions by another decision-making body, conditions may address any matter necessary to bring the application into compliance with the criteria to be applied by that decision-making body.

5.3.M. Appeals

This section would describe the process for appeals of different types of land development decisions, and would consolidate information from many different areas of the existing regulations.

Title 16, Subtitle 1 Subdivision and Land Development Regulations
General
Sec. 16.105. - Appeals.
127.0 MXD Mixed Use Districts
Appeal of Planning Board Decision
Title 16, Subtitle 6 Historic Preservation Commission
Sec. 16.611. - Appeals.
Title 16, Subtitle 12 Forest Conservation
Sec. 16.1214. - Appeals.
Title 16, Subtitle 13 Cemetery Preservation
Sec. 16.1307. - Appeal.

5.3.N. Lapsing of Approvals

Most newer land development regulations recognize that land development approvals should be used within a reasonable time after approval, and that "stale" approvals create challenges when applicants attempt to move forward with development after the standards for that type of development have been changed. This new section would consolidate existing materials and practices regarding the lapsing of development approvals.

5.3.O. Amendments of Existing Approvals

This section would clarify the general procedures for amending an existing development approval when market conditions, property users, financing, or other factors lead the property owner to change their plans. It would list the types of minor amendments to existing approvals that can be approved administratively by Planning and Zoning staff (subject to appeal), and clarify that other types of amendments that might have significant impacts on surrounding properties would have to go through the same process used for the original approval decision (including public notice and public hearing requirements, if applicable). This section should also codify the existing "redline" process for amending or correcting development plans.

125.0 NT New Town
Amendments to a Comprehensive Sketch Plan or Final Development Plan

Title 16, Subtitle 17	Development Rights and Responsibilities Agreements
Sec. 16.1705. - Amendments to executed agreements.	

5.3.P. Adequate Public Facilities

This section would state that all types of proposed development subject to the Adequate Public Facilities Ordinance (APFO) will need to complete that process and receive a determination that adequate public facilities to support the development exist (or obtain approval of a plan to provide needed facilities) before the project will be allowed to obtain final land use approval. This would also carry forward the existing provisions of Subtitle 11, with only those changes that are a result of the APFO review process currently underway separately from this Assessment.

Title 16, Subtitle 11	Adequate Public Facilities
Sec. 16.1100. - Short title; background; purpose; organization.	
Sec. 16.1101. - Adequate transportation facilities.	
Sec. 16.1102. - Housing unit allocation concept; housing unit allocation chart.	
Sec. 16.1103. - Adequate school facilities.	
Sec. 16.1104. - Housing unit allocation process.	
Sec. 16.1105. - Processing of plans subject to test for adequate transportation facilities and/or tests for adequate school facilities and/or test for housing unit allocations.	
Sec. 16.1106. - Milestones.	
Sec. 16.1107. - Exemptions.	
Sec. 16.1108. - Development monitoring system.	
Sec. 16.1109. - Appeals.	
Sec. 16.1110. - Definitions.	

5.3.Q. Completion of Improvements

This section would carry forward and clarify Howard County's current policy that the property owner or applicant is responsible for all costs of required infrastructure and improvements for a subdivision, site plan, or other proposed development, unless the County has approved an agreement to share those costs or agreed that a different entity will be responsible for those costs. In addition, it would clarify the County's authority to require that improvements required to serve a new development or redevelopment be completed – or an agreement for an extension of time to complete those improvements be signed with the County – before certificates of occupancy for structures within the development will be issued.

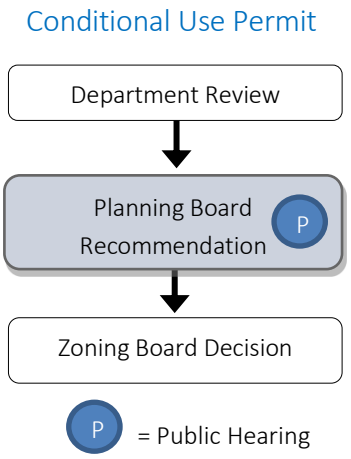
5.3.R. Development Rights and Responsibilities Agreements

This section would carry forward much of the substantive text from Subtitle 17 of Title 16 regarding Development Rights and Responsibilities Agreements.

Title 16, Subtitle 17	Development Rights and Responsibilities Agreements
Sec. 16.1700. - Purpose.	
Sec. 16.1702. - Applicability.	
Sec. 16.1703. - Contents of development rights and responsibilities agreements.	
Sec. 16.1704. - Procedures.	
Sec. 16.1706. - Termination of agreements; suspension; time limitations.	
Sec. 16.1707. - Applicable laws, regulations, and policies.	
Sec. 16.1708. - Recording.	
Sec. 16.1709. - Enforcement by interested parties.	

5.4. Specific Procedures

This section would outline the process for reviewing each type of application for a permit or approval that may be issued under the UDO. A subsection for each specific procedure would describe the steps in the review and approval process, identify the reviewers and decision-maker involved, and state the criteria to be used in making the decision. As discussed in the Assessment, criteria for making each type of decision would be reviewed to make them as clear, objective, and predictable as possible. Specific procedures are generally ordered beginning with the least complex (and more frequently used) procedures and ending with the more complex (and infrequently used) procedures. Each process would also include a simple flowchart of the procedural steps. An example of a flowchart from another community is shown at the right.



5.4.A. Permits and Approvals

This section would group together those procedures generally used for approval of a specific minor structure, street name change, or modification of a historic structure.

5.4.A(1) Permits

This section would describe the procedures for administrative review and approval of general permits, including sign permits and fence permits.

Title 3, Subtitle 5 Signs
Sec. 3.509. - Permits and fees.
128.0 Supplementary Zoning District Regulations
Permits for Special Farm Uses
132.0 Temporary Uses
Procedures

5.4.A(2) Street Name Changes

This section would carry forward without significant change the procedures for changing street names currently located in Title 16, Subtitle 4.

Title 16, Subtitle 4 Street Names and House Numbers
Sec. 16.400. - Street names and house numbers.
Sec. 16.401. - Enforcement

5.4.A(3) Certificate of Approval for Historic Districts and Structures

This section would describe the historic preservation review processes, including the establishment of historic districts and the Certificate of Approval process for modifications to designated properties, currently located in Subtitle 6 of Title 16.

Title 16, Subtitle 6 Historic Preservation Commission
Sec. 16.602. - Establishment of historic districts.
Sec. 16.603. - Certificates of approval.
Sec. 16.603A. - Review of development plans.
Sec. 16.608. - Structures of unusual importance.

5.4.B. Conditional Uses

This section would describe the conditional use process currently described in Section 131.0, highlighting where the process differs from the common procedures. Current sections of Section 131.0 addressing conditions on approval and enlargements or alterations to an approved conditional use would be addressed in Section 5.3 (Common Procedures) above. Current Section 131.0 provisions for revocation of a conditional use would appear in Section 5.6 (Enforcement, and Penalties).

131.0 Conditional Uses
Pre-Submission Community Meeting, Petition and Public Hearing
General Standards Required for Approval
Burden of Proof
Establishment of Conditional Use
Abandonment
Clarification of Decision and Order

5.4.C. Site Development Plan Approvals

The County reviews Site Development Plans of many residential and non-residential proposals before issuing a building or grading permit. All projects in some zoning districts and certain conditional uses also require approval of a Site Development Plan. Although not currently well described in the regulations, this process includes the submittal of an Environmental Concept Plan for proposed stormwater management facilities, which includes a conceptual design for stormwater management and the delineation of environmental features.

The section would also describe the Site Development Plan approval process outside of any New Town-specific districts. It would carry forward the provisions from Article V of Subtitle 1, Title 16, as described in the Assessment and would replace the current SDP and FDP processes in the current NT districts. Additional procedural requirements that are district-specific, such as those in the R-ED district, would also be relocated to this section. In the UDO, there would be only one standard process for review and approval of Site Development Plans.

Title 16, Subtitle 1 Subdivision and Land Development Regulations
Procedures for Filing and Processing Site Development Plan Applications
Sec. 16.154. - Purpose.
Sec. 16.155. - Applicability.
Sec. 16.156. - Procedures.
Sec. 16.157. - Required information for site development plans.
107.0 R-ED Residential: Environmental Development
Approval of the Site Development Plan by the Planning Board
112.0 R-H-ED Residential: Historic – Environmental
Approval of the Site Development Plan by the Planning Board
117.3 OT Office Transition
Site Development Plan
125.0 NT New Town
Final Development Plan—General Provisions
Site Development Plans—General Provisions
126.0 PGCC Planned Golf Course Community
Approval of the Site Development Plan by the Planning Board
127.0 MXD Mixed Use Districts
Site Development Plan

5.4.D. Subdivision of Land

Currently, an applicant for a major subdivision must submit either:

- (1) An Environmental Concept Plan, (2) a Sketch Plan, (3) a Preliminary Plan, (4) a Final Plan, and then (5) a Site Development Plan; or
- (1) An Environmental Concept Plan; (2) a Preliminary Equivalent Sketch Plan; (3) a Final Plan, and (4) a Site Development Plan.

This section would carry forward the procedures for subdivisions of land currently located in Article IV of Subtitle 1, Title 16, as well as the procedural requirements for Sketch Plans and Preliminary Equivalent Sketch Plans in several zone districts. These procedures would be reviewed for potential to increase efficiency and predictability in the review process. Specific lists of application requirements and language for plat notes would be removed from the UDO and placed in an administrative manual or on the County's website. The role of the Environmental Concept Plan in subdivision design would also be clarified. This section would also clarify that preliminary plans for subdivisions differ from preliminary development plans that are used as a basis for zoning and use parameters in the districts that require PDPs.

Title 16, Subtitle 1 Subdivision and Land Development Regulations
Procedures for Filing and Processing Subdivision Applications
Sec. 16.144. - General procedures regarding the subdivision process.
Sec. 16.145. - Sketch plan; preliminary equivalent sketch plan.
Sec. 16.146. - Preliminary plan.
Sec. 16.147. - Final subdivision plan and final plat.
120.0 SC Shopping Center
Approval of Sketch Plans
107.0 R-ED Residential: Environmental Development
Approval of the Preliminary Equivalent Sketch Plan by the Planning Board
112.0 R-H-ED Residential: Historic – Environmental
Approval of the Preliminary Equivalent Sketch Plan by Planning Board

5.4.E. Flexibility and Relief

This section would group together and describe the various ways (other than administrative amendments) that the development standards in the UDO can be modified to accommodate unique conditions and circumstances.

5.4.E(1) Administrative Adjustments

Most newer development codes allow the Planning Director limited authority to approve minor adjustments to technical zoning and subdivision standards for an individual lot when the need for those adjustments is due to the size, shape, or topography of the lot, or some other factor beyond the control of the applicant. This section would include a table of administrative adjustments that can be approved by the Director (e.g. an adjustment of parking or lot coverage standards of 5 percent or less) without the need for a variance or other formal adjustment process. Approval of an administrative adjustment occurs during the course of staff review, and does not require a separate procedure. This section would be carry forward the provisions in Section 100.0 but may be updated to include additional minor adjustments based emerging experience around the U.S.

100.0 General Provisions
Administrative Adjustments

5.4.E(2) Alternative Compliance

This section would outline the procedures and criteria for approval of alternative compliance with a development standard (formerly referred to as obtaining a waiver).

Title 16, Subtitle 1	Subdivision and Land Development Regulations
General	
Sec. 16.104. - Waivers.	
Title 16, Subtitle 12	Forest Conservation
Sec. 16.1215. - Waivers.	

5.4.E(3) Variance

This section would describe the procedures for obtaining a variance from different types of development standards.

Title 3, Subtitle 5 Signs	
Sec. 3.513. - Variances.	
Title 16, Subtitle 7	Floodplain
Sec. 16.711. - Variances.	

5.4.F. Major Development Plan Approvals

This section would describe the various procedures for review of plans required in certain zone districts and for certain types of development between the time of zone district approval and detailed Site Development Plan approval.

5.4.F(1) Preliminary Development Plan for Zoning

This section would describe the process for approving Preliminary Development Plans for floating districts, as described in the Assessment, up to the point of Site Development Plan approval, where the standard provisions of Section 5.4.C (Site Development Plan Approval) would apply.

113.3	I Institutional Overlay
Preliminary Development Plan	
Conformance with Preliminary Development Plan	
117.1	BR Business Rural
Conformance with Preliminary Development Plan	
117.3	OT Office Transition
Amendments to Preliminary Development Plan	
124.0	SW Solid Waste Overlay
Procedure for Creation of a SW District	
125.0	NT New Town
Procedure for Creation of NT Districts	
127.0	MXD Mixed Use Districts
Preliminary Development Plan and Criteria	
127.1	PSC Planned Senior Community
Amendments to Preliminary Development Plan and Criteria	

5.4.F(2) NT Village Center Redevelopment

This section would describe a simplified process for approving NT Village Center redevelopment plans, as described in the Assessment, up to the point of Site Development Plan approval, where the

standard provisions of Section 5.4.C Site Development Plan Approval would apply. The current procedures appear to have been designed in part to compensate for fairly vague development standards and criteria in some original Columbia development documents by inserting multiple points at which public meetings and hearings are necessary. In contrast, many high-quality activity center redevelopment procedures simplify and shorten the time needed for design, review, and approval of redevelopment applications by replacing vague language with more objective and predictable development standards and criteria closely tied to preferred uses, scale, height, quality, circulation patterns, and character of the center. We recommend reviewing and revising the Village Center Redevelopment procedures based on this approach.

125.0 NT New Town
Village Center Redevelopment, Major
Village Center Redevelopment, Minor

5.4.F(3) NT Downtown Redevelopment

This section would describe a simplified process for approving NT Downtown redevelopment plans, as described earlier in the Assessment, up to the point of Site Development Plan approval, where the standard provisions of Section 5.4.C Site Development Plan Approval would apply. The comments on length, delay, and unpredictability of the Village Center Redevelopment process apply here as well, and we recommend a similar approach to address those weaknesses. Although much of the downtown Columbia land is now under the control of a single property owner (the Howard Hughes Corporation), the redevelopment process needs to be designed to work even if ownership changes or becomes more fragmented in the future.

125.0 NT New Town
Final Development Plan—Downtown Revitalization
Site Development Plan—Downtown Revitalization
Site Development Plan—Downtown Environmental Restoration that is not part of a Final Development Plan

5.4.G. Amendments to UDO Text or Zoning Map

This section would carry forward the County's current procedures for adopting amendments to text of the UDO or the Zoning Map. In addition, it would clarify the different procedures and criteria applicable to text amendments for comprehensive rezonings and Zoning Regulation Amendments (ZRAs). In particular, the allowed applicants for ZRAs and the time limits for public applications for ZRAs should be reconsidered. The protocol for ZRAs that change significantly at County Council should also be revisited; significant changes should be required to go back to the Planning Board for review, with additional staff analysis of the changes. A clear definition of the type of changes that are considered significant should also be included to reduce ambiguity. Because of the new zone districts and development standards in the UDO, there should be significantly fewer needs for Zoning Regulation Amendments, and the criteria for consideration and approval of ZRAs would be tightened up and made more objective.

Title 16, Subtitle 2 Zoning
Sec. 16.203. - Comprehensive zoning.
Sec. 16.204. - Piecemeal map amendments and development plan approvals.
Sec. 16.205. - Procedure.
Sec. 16.207. - Judicial review.
Sec. 16.208. - Zoning regulation text amendments.
100.0 General Provisions
Amendments

114.0 Historic District
Requirements and Restrictions Applicable to Historic Districts
Findings Necessary to Establish an Historic District
117.1 BR Business Rural
Criteria
Procedure for Creation of a BR District
117.3 OT Office Transition
Requirements for OT District
Petition Requirements
Standards for Approval of a Petition
Amendments to Preliminary Development Plan
Planning Board Recommendation
Zoning Board Decision
125.0 NT New Town
Comprehensive Sketch Plan
Procedure for Creation of NT Districts
127.0 MXD Mixed Use Overlay Districts
General Provisions
Requirements for Mixed Use Development
Preliminary Development Plan and Criteria
Comprehensive Sketch Plan and Development Criteria
Title 16, Subtitle 6 Historic Preservation Commission
Sec. 16.602. - Establishment of historic districts.

5.4.H. Adoption of Amendment of the General Plan

This section would describe the process for adopting or amending the General Plan for Howard County, as required by Maryland law.

5.5. Pre-existing Development and Nonconformities

5.5.A. General Provisions

Nonconformities are situations when a property was developed or a land use was started in compliance with the County's development regulations, but that no longer conform to those regulations—usually because the County amended the zoning regulations or a public body purchased a portion of the site or adopted a new regulation after the property was developed. This would consolidate regulations for nonconforming situations that are currently scattered throughout several different sections of the Zoning, Subdivision, and Land Development Regulations. Substantive updates to this section would clarify the treatment of nonconforming lots, uses, buildings, and signs as noted in the following sections.

128.0 Supplementary Zoning District Regulations
Noncomplying Structures and Uses
129.0 Nonconforming Uses
General

5.5.B. Nonconforming Use

This section would carry forward provisions from 129.0 regarding the confirmation, restriction, and expansion or change of nonconforming uses. We recommend making confirmations of nonconforming uses an administrative approval that is subject to appeal.

129.0 Nonconforming Uses
Restrictions on Nonconforming Uses
Confirmation of Nonconforming Uses
Extension, Enlargement or Alteration of Nonconforming Uses

5.5.C. Nonconforming Structure

This section would carry forward and expand upon the existing provisions related to nonconforming structures in Section 129.0.

129.0 Nonconforming Uses
Replacement of Destroyed Nonconforming Structures

5.5.D. Nonconforming Lot

This section would clarify that legally created lots that have become nonconforming, due to changes in minimum lot dimensions or sensitive land controls, may be improved with uses and structures permitted in their respective zoning districts, provided that the all applicable development standards are met.

5.5.E. Nonconforming Site Feature

This section would confirm that lots and parcels that have nonconforming parking, landscaping, lighting, or other site features may continue to be used, and that the nonconforming site features do not create an additional nonconformity or prevent the building or site from being used as otherwise permitted under Sections 5.5.C and 5.5.D.

134.0 Outdoor Lighting
Noncomplying Outdoor Lighting

5.5.F. Nonconforming Sign

This section would consolidate the provisions on nonconforming signs that are currently located in Section 3.504 with the other nonconforming situations.

Title 3, Subtitle 5 Signs
Sec. 3.504. - Nonconforming signs.

5.6. Enforcement and Penalties

This section would carry forward and consolidate Section 102.0 and Subtitle 16 of Title 16, as well as various other repetitive sections in the Zoning, Subdivision, and Land Development Regulations that specify other violations, enforcement, or penalty provisions. The sections that are carried forward would be cleaned up and improved significantly.

5.6.A. Violations

This section would describe what constitutes a violation of the UDO, carrying forward language from several sections of the existing regulations.

102.0 Violations, Enforcement, and Penalties
Violations
Title 16, Subtitle 16 Enforcement of the Howard County Subdivision and Land Development Regulations and the Zoning Regulations
Sec. 16.1600. - Definitions.
Sec. 16.1601. - Authority of the County; nature of equitable relief.
Sec. 16.1602. - Notice of violation.

Sec. 16.1603. - Citation.
Title 16, Subtitle 7 Floodplain
Sec. 16.712. - Violation.
Title 24, Civil Penalties
Sec. 24.106 Issuance of Citation

5.6.B. Enforcement

This section would describe the enforcement processes for violations, currently located in several different sections of the regulations.

102.0 Violations, Enforcement, and Penalties
Enforcement
Title 16, Subtitle 1 Subdivision and Land Development Regulations
General
Sec. 16.106. - Enforcement.
Title 16, Subtitle 2 Zoning
Sec. 16.209. - Enforcement.
Title 16, Subtitle 4 Street Names and House Numbers
Sec. 16.401. - Enforcement
Title 16, Subtitle 6 Historic Preservation Commission
Sec. 16.610. - Enforcement.
Title 16, Subtitle 12 Forest Conservation
Sec. 16.1212. - Enforcement; penalties.
Title 16, Subtitle 13 Cemetery Preservation
Sec. 16.1308. - Enforcement.
Title 16, Subtitle 16 Enforcement of the Howard County Subdivision and Land Development Regulations and the Zoning Regulations
Sec. 16.1604. - Authority of the Hearing Examiner; Board of Appeals.
Sec. 16.1605. - Hearing.
Sec. 16.1606. - Inspections.
Sec. 16.1607. - Final order.
[Title 16, Subtitle 17 Development Rights and Responsibilities Agreements
Sec. 16.1709. - Enforcement by interested parties.

5.6.C. Penalties

This section would describe the penalties for violations of the UDO, currently located in Section 102.0 and Subtitle 16 of Title 16.

102.0 Violations, Enforcement, and Penalties
Penalties
Title 16, Subtitle 16 Enforcement of the Howard County Subdivision and Land Development Regulations and the Zoning Regulations
Sec. 16.1608. - Civil fines.
Sec. 16.1609. - Appeal to the Board of Appeals.
Sec. 16.1610. - Security.
Sec. 16.1611. - Failure to comply with a final order.
Sec. 16.1612. - County to secure compliance.

16.6. DEFINITIONS AND RULES OF CONSTRUCTION

6.1. Rules of Construction

This section would carry over and consolidate the rules of construction provisions of Sections 101.0 and Section 16.108. The text would be revised as noted in the Assessment. The rules of construction could be organized in the following subsections.

101.0 Rules of Construction	
Title 16, Subtitle 1	Subdivision and Land Development Regulations
General	
Sec. 16.108. - Rules of construction; definitions.	

6.1.A. Technical Terms

6.1.B. Lists and Examples

6.1.C. Computation of Time

6.1.D. Public Bodies, Documents, and Authority

6.1.E. Mandatory and Discretionary Terms

6.1.F. Conjunctions

6.1.G. Tenses, Plurals, and Gender

6.1.H. Maps, Coordinates, and Elevations

Title 16, Subtitle 1	Subdivision and Land Development Regulations
General	
Sec. 16.109. - Maps; coordinates; elevations, etc.	

6.1.I. Headings, Illustrations, and Text

6.2. Definitions and Terms of Measurement

This section would carry over the definitions in Section 103.0 and Section 16.108, as well as the definitions spread throughout several other sections of the Zoning, Subdivision, and Land Development Regulations and the related manuals. All definitions would be reviewed and revised, with additional definitions created and outdated definitions removed as noted in the Assessment. Specific items to be defined, or where existing definitions need to be revisited or revised are found in Part 1 of this Assessment.

103.0 Definitions	
Title 16, Subtitle 1	Subdivision and Land Development Regulations
General	
Sec. 16.108. - Rules of construction; definitions.	
Title 3, Subtitle 5 Signs	
Sec. 3.514. - Definitions.	

Title 16, Subtitle 2	Zoning
Sec. 16.200. - Zoning authority; definitions; short title.	
Title 16, Subtitle 6	Historic Preservation Commission
Sec. 16.601. - Definitions.	
Title 16, Subtitle 12	Forest Conservation
Sec. 16.1201. - Definitions.	
Title 16, Subtitle 13	Cemetery Preservation
Sec. 16.1301. - Definitions.	
Title 16, Subtitle 16	Enforcement of the Howard County Subdivision and Land Development Regulations and the Zoning Regulations
Sec. 16.1600. - Definitions.	
Title 16, Subtitle 17	Development Rights and Responsibilities Agreements
Sec. 16.1701. - Definitions.	