

Columbia Downtown

Frequently Asked Question Sheet # 19

Issued: April 28, 2006

ZONING AMENDMENTS FOR DOWNTOWN

Overview

This report is based on the zoning approach presented at the February 27, 2006 presentation of the Preliminary Draft Columbia Downtown Master Plan.

The 493 acres of land in Downtown are owned by a variety of entities that would be governed by the proposed Columbia Downtown Overlay district including General Growth Properties (GGP), Columbia Association, Howard County and other commercial and residential property owners.

Existing New Town (NT) Zoning Process

This process was discussed briefly in FAQ 13, Zoning, and is repeated here for comparison with the proposed process.

The current NT process requires that a Preliminary Development Plan (PDP) be approved for the overall community as part of the creation of the NT zoning district. This PDP is a conceptual plan for the entire community, designating general land uses and the maximum proposed overall development density for Columbia. In order to develop specific geographical areas within the community, a Comprehensive Sketch Plan (CSP), Final Development Plan (FDP) and Site Development Plan (SDP) are submitted successively. Each must comply with the PDP land uses and density. The PDP for Downtown is not very specific.

Zoning: Four Actions

The first two actions would be concurrent and are required to legally establish the proposed Columbia Downtown Overlay District which will have different requirements from the rest of New Town:

- 1. County Council adopts zoning text amendment that creates the new CDO (Columbia Downtown Overlay) District.**
 - Create a new district to overlay the Downtown area of the NT (New Town) zoning district
 - Authorize development consistent with Columbia Downtown Master Plan
 - Establish new requirements and procedures for Zoning Board and Planning Board approvals
- 2. County Council adopts initial text amendments to NT (New Town) District that allow the Downtown to be excluded from the remainder of the NT requirements and procedures when the CDO District is activated.** The amendments would also clarify that NT land use requirements have been met.
- 3. Zoning Board approves a zoning map amendment to impose the CDO district.** Once the first two actions have been accomplished, landowners can request a map amendment to establish the new CDO district on their property.
- 4. County Council adopts major amendments to NT district for the rest of Columbia.** Additional updates to the NT district are needed. A broad-based task force, representing all of Columbia would be formed to consider these amendments. Changes would reflect that the original petitioner (Rouse/GGP) no longer owns most of the property and creates the opportunity and procedures for property owners to propose changes. These changes would facilitate the ongoing evolution of Columbia after initial build-out.

Note: For more detailed information, please see attachment summarizing proposed legislation.

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PRELIMINARY DRAFT ZONING REGULATIONS CDO (COLUMBIA DOWNTOWN OVERLAY) DISTRICT

Purpose of the CDO District

The Columbia Downtown Overlay District is established to encourage the creation of a mixed-use downtown for Columbia. Development in the CDO District is to include multistory office, residential, retail and mixed use buildings in an urban setting characterized by attractive streetscapes, safe and convenient movement for pedestrians and motorists, and well-designed amenities such as parks and plazas. This district provides the zoning framework for implementing the land use and design guidelines of the Columbia Downtown Master Plan.

Because this district is intended to guide development within a portion of the established NT District, the CDO District is an overlay which may only be applied to NT-zoned land. It is a floating district which may be applied if the Zoning Board finds, upon review of a specific proposal, that placing the overlay district on a specific area of land will help implement the Columbia Downtown Master Plan.

Downtown Development Plan

A petition to rezone land to the CDO District shall include a Downtown Development Plan. The Downtown Development Plan must be approved by the Zoning Board and shall govern the use and development of land in the CDO District.

Subdistricts

The Downtown Development Plan for a CDO District shall divide the land covered by the petition into five subdistricts in accordance with the Columbia Downtown Master Plan. Subsequent petitions to rezone land to the CDO District shall assign the land included in the petition to one or more of the subdistricts. The five subdistricts are:

1. Warfield Triangle
2. Corporate Boulevard
3. Lakefront/Little Patuxent Parkway
4. The Crescent/Symphony Woods
5. The Columbia Mall

Development Limits

A Downtown Development Plan shall establish the minimum and maximum amount of new residential, office and retail development for each district. The amount of new development shall be in addition to the number of dwelling units and gross floor area of office, retail and service uses existing or shown on approved site development plans. The new development allowed within each subdistrict shall be within the range indicated in the following chart. The civic, cultural, institutional, open space and utility uses listed under Permitted Uses, below, are not included in the limits established in this subsection. These uses shall be permitted in accordance with the applicable Downtown Development Plan.

Subdistrict	Number of dwellings	Gross square feet of office and hotel space	Gross square feet of retail/service space
Warfield Triangle	At least _ and no more than _	At least _ and no more than _	At least _ and no more than _
Corporate Blvd	At least _ and no more than _	At least _ and no more than _	At least _ and no more than _
Lakefront/LPP	At least _ and no more than _	At least _ and no more than _	At least _ and no more than _
The Crescent/ Symphony Woods	At least _ and no more than _	At least _ and no more than _	At least _ and no more than _
Columbia Mall	At least _ and no more than _	At least _ and no more than _	At least _ and no more than _

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Moderate and Middle Income Housing

At least 10 percent of the dwellings in the CDO District shall be moderate-income housing units and at least 5 percent shall be middle-income housing units.

Urban Amenity Areas and Open Space

- At least 5 percent of the developable land within each subdistrict shall be used for “urban amenity areas” as described in the Design Guidelines.
- Any land placed in a CDO District that is designated as open space by a Final Development Plan shall remain open space. Land in the CDO District shall be included in the gross area of the NT District for the purpose of calculating the minimum 36 percent open space required in the NT District.

Other Zoning Provisions

Except as otherwise provided in the Downtown Development Plan, the requirements for off-street parking, accessory uses and supplementary regulations in the Howard County Zoning Regulations shall apply to the CDO District.

Downtown Development Plan Components

A Downtown Development Plan for a CDO District must include the following:

1. Map showing the area and major features:

- Boundary survey of the property covered by the petition.
- Existing topography, woodlands, and 100-year floodplain areas.
- Proposed division or designation of the land among the five subdistricts.
- Acreage proposed for inclusion in the Columbia Downtown District and each subdistrict.
- Location of developed parcels and undeveloped land.
- Summary of existing development, including number of dwelling units, square footage of office space and square footage of retail/service space.
- Location and use of existing and proposed open spaces and major urban amenity areas.
- General location of existing and proposed civic, cultural and signature buildings and buildings that would terminate a vista.
- Preliminary vehicular circulation system showing existing and proposed streets and the approximate location of any proposed transit routes and facilities.
- General layout of the pedestrian circulation system, including sidewalks and pathways.
- A context plan showing road connections, pedestrian networks, land uses and major open space areas in the entire area covered by the Columbia Downtown Master Plan and adjoining land within 500 feet.

2. Text material regulating the following by subdistrict:

- Permitted uses.
- Maximum number of proposed additional dwelling units.
- Percentage of proposed dwellings that will be moderate-income dwelling units and percentage that will be middle-income dwelling units.
- Gross area of proposed additional office and retail/service development.
- Single use, shared use and on-street parking requirements.
- Minimum percentage of the land covered by the plan to be devoted to open space and urban amenity areas.

3. Text and graphic materials establishing the Design Criteria that regulate the following:

- Urban design standards addressing the following elements: block configuration; primary building entrances; parking and service; civic, cultural and signature buildings; location of drive-through lanes; street lighting and furniture; and bulk regulations.
- Street and streetscape design criteria, including road types, sections, street lighting and street furniture.

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- Open space design criteria for urban amenity areas, plazas, promenades, greens, paths, parks and natural areas.
- Architectural standards.
- Treatment of civic, cultural and signature buildings, including buildings identified in the Downtown Development Plan as being at a location that terminates a street or important vista.

4. *Development Staging Plan and APF Phasing*

- The staging plan shall demonstrate how a mix of land uses generally consistent with the Columbia Downtown Master Plan will be established at the earliest reasonable point in the development of the CDO District and maintained over time. The staging plan shall include anticipated milestones for the provision of residential units, office and retail space, Urban amenity areas, and moderate income housing units shall be provided at all stages of development.
- A phasing plan shall establish the sequence of development to ensure that infrastructure improvements will be completed as needed for development. Phasing should take into consideration the availability of schools and utilities, the timing for construction of road improvements, the provision of urban amenity areas, and the market for residential and employment uses.

Permitted Uses

Permitted uses shall be established by the Downtown Development Plan. The uses may be developed as “mixed use” with vertical or horizontal combination of two or more categories of permitted uses within a single structure, within connected structures, or within separate structures on a single parcel.

Residential uses; office uses; retail and service uses; and civic, cultural, institutional uses, open space and utility uses are detailed in the appendix at the end of this document.

Zoning Board Approval of the CDO District

The owner of land in the NT District may submit a petition for a CDO District. The initial petition must apply to at least 200 acres. The Zoning Board may approve, approve with conditions or reject a petition for a CDO District. Petitions shall be considered at a public hearing. To be granted approval, the proposed CDO District and accompanying Downtown Development Plan, with any modifications required by the Zoning Board, must satisfy the following criteria:

1. The Downtown Development Plan conforms to the Columbia Downtown Master Plan. Refinements and deviations from the Master Plan may be approved if they promote the objectives of the plan to provide housing, jobs, commercial services and entertainment uses within pedestrian access of each other.
2. The Downtown Development Plan implements the objectives of the Columbia Downtown Master Plan:
 - Provide a variety of uses, services and building types that serve the needs of residents, workers and visitors;
 - Provide a variety of housing choices including affordable housing;
 - Provide an environment in which buildings generally line streets and parking is located behind buildings, treated architecturally to be compatible with adjacent uses or screened from public view.
 - Create a network of streets that provide alternatives for traveling.
 - Provide block lengths that are generally short and walkable.
 - On pedestrian-oriented streets where retail uses are to be concentrated, provide appropriate ground level treatment of buildings, to include shops, restaurants and similar uses or treatments such as windows, awnings and public entranceways.
 - Provide open space, urban amenity areas, and civic, cultural and community facilities at appropriate locations throughout the CDO District.

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3. The development will be compatible with existing and planned vicinal land uses by:
 - Use of an existing or planned road on the edge of the CDO District to separate different uses.
 - Control of the size of buildings along the edges of the CDO District through limits on building height or other requirements.
 - Protect or establish landscape features or natural boundaries of the CDO District.
4. Facilities to support public transit will be integrated into the development.
5. Create convenient pedestrian connections throughout the Columbia Downtown and connect, wherever possible, to existing and planned sidewalks and paths adjoining the development.
6. If the plan is for a portion of a subdistrict, the plan and design standards will be consistent with any approved Downtown Development Plans for the same subdistrict.
7. If the number of dwellings or the amount of office and retail space proposed to be allowed within any subdistrict is greater than the lowest number allowed, the Downtown Development Plan and the proposed staging of development shall ensure the following for the subdistrict:
 - Construction of the infrastructure, facility and service priorities of the Master Plan Implementation Strategies section at an appropriate rate to keep pace with the proposed development;
 - Provision of additional facilities and amenities such as open space, urban amenity areas, public art, transit improvements, and pedestrian improvements, connections and promenades to serve the proposed development.

Amendments to Downtown Development Plans

- The Director of Planning and Zoning and the original petitioner for a Downtown Development Plan, or its heirs or assigns, may propose an amendment to a Downtown Development Plan for significant changes in land use mix, development potential, road network, or development phasing or staging as it affects their property.
- Other property owners in the area covered by a Downtown Development Plan may propose amendments to the Downtown Development Plan and Design Criteria to allow a particular use on their property or to amend a specific design criterion as it affects their property.
- The Planning Board may authorize deviations from the Downtown Development Plan or Design Criteria for individual Site Development Plans that would not be considered DDP amendments.

Grandfathering Existing Development

Development constructed or approved under existing FDPs would be grandfathered. Minor renovation and expansion would be allowed. Grandfathering would also accommodate the anchor department stores' contractual expansion rights. Major additions and redevelopment of all parcels would be required to comply with CDO regulations.

Planning Board Approval of Site Development Plans

The owner of land in the CDO District may submit a Site Development Plan (SDP) for Planning Board review. The Planning Board may approve, approve with conditions or reject a proposed SDP. SDPs shall be considered at a public meeting. To be granted approval, the proposed SDP, with any modifications required by the Planning Board, must satisfy the following criteria:

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Presubmission Community Meeting

Site development plans shall be presented by the applicant at a public meeting of the Town Center Village Board before the plan has been submitted to the Department of Planning and Zoning. The Village Board may submit written comments to the Planning Board.

Design Advisory Panel Presubmission Meeting

Site development plans shall be presented by the applicant at a public meeting of the Design Advisory Panel after the Presubmission Community Meeting and before the plan has been submitted to the Department of Planning and Zoning. The Panel will submit written comments to DPZ.

Criteria for Approval of Site Development Plans

The Planning Board shall approve a Site Development Plan if it finds that the plan:

1. Is generally consistent with the Downtown Development Plan.
2. Will meet the phasing requirements of the Adequate Public Facilities tests (allocations and school and road tests) for the proposed development pursuant to the section of the Howard County Code applicable to the Columbia Downtown.
3. Will implement the development staging requirements and middle- and moderate-income housing unit requirements established by the Downtown Development Plan.
4. Meets the Design Criteria of the approved Downtown Development Plan to implement the Columbia Downtown Master Plan.
5. For sites bordering land outside a CDO District, makes effective use of the methods to ensure compatibility with adjoining land uses outside the development.

Adjustments to Downtown Development Plan Criteria

Upon request by the petitioner, the Planning Board shall hold a public meeting on a Site Development Plan requiring adjustments from the Downtown Development Plan.

1. The Planning Board may approve adjustments to parking, setback, lot coverage, frontage coverage, build-to-lines, building separations, block length and other numerical design criteria required by the applicable Downtown Development Plan. Adjustments must be based on unusual programmatic requirements or peculiar site or economic constraints. The adjustments to the proposed site plan or architectural design must meet the objectives of the Columbia Downtown Master Plan and the Design Guidelines by producing a better design solution or offering additional design enhancements.
2. The Planning Board may approve a specific use for a particular parcel not permitted by the applicable Downtown Development Plan if the modification is consistent with the residential, office, retail/service or civic/cultural use designated on the Downtown Development Plan. The proposed use must be similar in character and impact to uses permitted by the Downtown Development Plan and the proposed use will not adversely affect neighboring properties.
3. The Planning Board may not approve adjustments to the following criteria: maximum number of dwellings or square footage of office; maximum ground floor footprint of retail or service uses; maximum building height; minimum percentage of land devoted to open space and amenities; percentage of moderate and middle income dwellings; or size of a retail use footprint.

APPENDIX OF PERMITTED USES

Residential uses:

1. Age-restricted adult housing
2. Dwelling units, single-family attached and apartments.
3. Nursing homes and residential care facilities.

Office uses:

1. Bio-medical laboratories.
2. Data processing and telecommunication center.
3. Offices, professional and business.
4. Radio and television broadcasting facilities and studios. Primary broadcasting transmitting antenna shall not be located on site.
5. Research and development establishments.

Retail and service uses:

1. Ambulatory health care facilities.
2. Animal hospitals, completely enclosed.
3. Antique shops, art galleries, craft shops.
4. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
5. Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
6. Bicycle repair shops.
7. Blueprinting, printing, duplicating or engraving services.
8. Business machine sales, rental and service establishments.
9. Carpet and floor covering stores.
10. Carpet and rug cleaning.
11. Catering establishments and banquet facilities.
12. Child day care centers and nursery schools.
13. Clothing and apparel stores with goods for sale or rent.
14. Commercial athletic centers, health clubs, tennis clubs.
15. Commercial communication antenna.
16. Convenience stores.
17. Day treatment or care facilities.
18. Department stores, appliance stores.
19. Drug and cosmetic stores.
20. Farmers markets.
21. Food stores.
22. Funeral homes.
23. Furniture stores.
24. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
25. Gasoline stations.
26. Hardware stores.
27. Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper and building materials and supplies related to home improvements.
28. Hospitals, intermediate care facilities and residential treatment centers.
29. Hotels, motels, conference centers and country inns.
30. Laundry and/or dry cleaning establishments.
31. Liquor stores.
32. Motor vehicle parts or tire store, including installation facilities.
33. Movie theaters.
34. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
35. Pet grooming establishments.

APPENDIX OF PERMITTED USES

36. Pizza delivery service and other services for off-site delivery of prepared food.
37. Rental centers which rent a variety of goods including equipment and tools.
38. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry and similar items.
39. Restaurants, carryout.
40. Restaurants, fast food, without drive-through lanes.
41. Restaurants, standard, and beverage establishments.
42. Seasonal sale of Christmas trees or other decorative plant materials.
43. Schools, commercial, including driving schools, business schools, trade schools, art schools and other commercially operated schools.
44. Schools, private academic, including colleges and universities.
45. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, mailing services.
46. Specialty stores.
47. Taxicab businesses, including facilities for dispatch and maintenance of related vehicles.

Civic, cultural, institutional, open space and utility uses:

These uses are not included in the limits on residential, office, retail and service development.

1. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
2. Concert halls, festival halls and amphitheatres.
3. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas and similar uses.
4. Government structures, facilities and uses, including public schools and colleges.
5. Legitimate theaters and dinner theaters.
6. Museums and libraries.
7. Nonprofit clubs, lodges and community halls.
8. Private parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.
9. Structures primarily used for religious activities.
10. Recycling collection facilities.
11. Swimming pools, commercial or community.
12. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
13. Volunteer fire departments.