

Howard County's Design Advisory Panel Rules of Procedure

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**Administered by
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RULES OF PROCEDURE

100. General

These rules are adopted pursuant to the authority of the Howard County Code, Title XVI "Planning, Zoning and Subdivisions and Land Use Regulations," Sub Title XV "Design Advisory Panel," Section 16.1506 "Rules of Procedure." The Design Advisory Panel (DAP) is specifically exempted from and not subject to the provisions of the Howard County Code, Title II "Administrative Procedures," Subtitle I "Administrative Procedures Act."

- A. At least four members of the DAP must be present to constitute a quorum. The DAP shall not meet in the absence of a quorum, and no applications may be reviewed, except for reasons of self-recusal by a member as addressed under section J below.
- B. At its first, regularly scheduled meeting on or after the fulfillment of the elected term of the Chair, the DAP shall elect from among its members a Chairperson and Vice Chairperson to serve for the term of one year each. An affirmative majority vote of a quorum of the DAP shall be necessary to elect members as officers. Officers may only serve for two consecutive terms, and in no case shall any officer serve for more than 24 months consecutively.
- C. The Chairperson shall preside over all meetings of the DAP; call special meetings as needed; interpret these Rules of Procedure as they apply to conduct of the DAP; and, in general preside over the conduct and proper decorum of the DAP while the DAP is in session.
- D. The Vice Chairperson shall have all of the powers, duties and responsibilities of the Chairperson in the Chairman's absence.
- E. A temporary Chairperson may be elected by affirmative majority vote of a quorum of the DAP to serve for a single meeting or as may be necessary during any absence of both the Chairperson and Vice Chairperson.
- F. The Director of Planning and Zoning or the Director's Designee shall act as the Executive Secretary to the DAP. The Executive Secretary shall notify all members of meetings, both regularly scheduled and special; prepare the agenda and notice; insert the necessary notice on the Internet; and, maintain records of meetings of the DAP, where a recommendation is being considered on an application before the DAP.
- G. The Legal Advisor shall be the County Solicitor or other member of the Office of Law, as designated by the County Solicitor. The Legal Advisor may attend and participate in the meetings of the DAP, as deemed necessary by the Office of Law.
- H. Unless excused by an affirmative majority vote of the DAP, any member of the DAP who is absent for three consecutive, regularly scheduled meetings, will be deemed as having vacated his or her position on the DAP. The Executive Secretary may then automatically submit a request to County Administration to appoint a replacement.
- I. No member of the DAP with a personal, financial or equity interest in the outcome of a decision on an application shall speak or vote upon the matter during the DAP's deliberations. Members may choose to leave the meeting at their own discretion. Members absent from meetings due to self-recusal shall be considered as excused.

- J. If the self-recusal of any member results in the loss of a quorum, the Executive Secretary may record the recommendation of the remaining members of the DAP. Such a recommendation may be forwarded to the Director on behalf of the DAP.
- K. Members of the DAP are required to file statements of financial interests per Howard County Code, Title XXII, "General provisions, penalties and rules of interpretation," Sub Title II "Public Ethics," Section 22.205 "Financial Disclosure."
- L. Except as may otherwise be provided by law or these Rules, prior to a meeting on an application to the DAP, a member of the DAP shall not communicate with any party on any matter relevant to the application. Following adoption of a recommendation by the DAP, members may choose to communicate with any party at their discretion.
- M. On-site inspections by DAP members are permitted. A DAP member may visit subject properties before the meeting. DAP members are not required to visit the properties. DAP members are expected to contact the applicant and/or owner prior to any visit to secure permission to enter private property. Unless otherwise posted or prohibited by law, DAP members may enter public property that is the subject of an application.

101. Schedule and Notice

- A. A regularly scheduled meeting of the DAP shall be held on the second and fourth Wednesday of each month, at 7:30 p.m. unless otherwise moved by the affirmative majority vote of a quorum of the DAP. Meetings shall be in a place designated by the Executive Secretary and noticed on the Internet.
- B. The DAP may adopt limits to the length of regularly scheduled meetings as part of its procedures. If an application cannot be heard due to such a limit, the meeting shall be continued to a time mutually agreed upon by the DAP and the applicant, and such time shall be announced prior to the conclusion of the regularly scheduled meeting.
- C. Items on the DAP agenda are limited to a maximum of three applications for review. Additional applications in excess of three shall be held by the Executive Secretary for the next, regularly scheduled meeting. Also, the DAP may hold a special meeting.
- D. Special meetings of the DAP may be called by the Chairperson or Executive Secretary when it is necessary to prevent an undue delay to any application or to consider any matter that requires attention prior to the next, regularly scheduled meeting.
- E. Unless otherwise provided by law, a quorum of the DAP shall be present to conduct any regularly scheduled or special meeting. A tie vote shall be recorded as such. All motions shall be recorded and forwarded to the Director of Planning and Zoning.
- F. Notice of regularly scheduled meetings shall be placed on the Howard County web page seven calendar days prior to the meeting. Notice shall include the date, time, and place of the meeting, and the address, applicant's name and a brief description of each application to be reviewed. Applicants are also required to post notice of the meeting on the subject property, per the policies adopted by Planning and Zoning.

- G. At least seven days prior to regularly scheduled meetings or one day prior to special meetings, a copy of the agenda for such meeting shall be distributed to members. No application may be reviewed that has not been properly noticed.
- H. At least 15 calendar days prior to the date scheduled for a regular DAP meeting, applicants on the agenda shall post subject properties with signs provided by DPZ. Applicants will photograph these signs and submit copies of photographs to the DAP Executive Secretary within three calendar days of posting their subject properties.
- I. At least 20 calendar days prior to the date scheduled for a regular DAP meeting, applicants shall submit 8 identical copies of their proposal and a digital version in pdf format to the DAP Executive Secretary. Copies will be distributed to the DAP at least 7 calendar days prior to the meeting and will be available for public review.
- J. For special meetings, notice shall be placed on the Howard County web page at least three calendar days prior to the special meeting. Notice shall include the date, time, and place of the meeting, and the address, applicant's name and a brief description of each application to be reviewed. Applicants are also required to post notice of special meetings on the subject property at least three days prior to the special meeting. If possible, properties should be posted as many days prior as possible.

102. Conduct of the Meetings

- A. Applicants and their licensed architects must appear to present their applications to the DAP.
- B. The Chairperson shall preside over all DAP meetings and establish the order in which presentations, written comments and discussions are heard.
- C. The applicant, Architect, and other design professionals involved in the development and design of the proposal will present the proposal with supporting illustrations and respond to questions raised by DAP or the DAP Executive Secretary.
- D. Meetings are open to the public. Participation by members of the public is limited to submission of comments in writing on design issues in advance of the DAP meeting.
- E. Members of the public may submit comments in writing on design issues to the DAP Executive Secretary in advance of the DAP meeting. Copies of written comments will be presented to DAP members by the Executive Secretary in advance of the meeting. All comments, regardless of whether they relate to design issues, will be forwarded by the DAP Executive Secretary to the DAP. All comments will be forwarded to the members of the DAP regardless of the content of the comments [Section 16.1506].
- F. Members of the public may inspect applications, graphics, minutes and all materials online on the DAP website prior to the DAP meeting.
- G. The DAP Executive Secretary will prepare summary notes of the recommendations of DAP made by motion and including all votes (passed, failed and tie votes). These will be available within

ten calendar days of DAP meetings and will be provided to the DAP, the Applicant, DPZ and the Hearing Examiner, and all *interested parties*.

- H. For the purposes of this requirement, an *interested party* is any member of the public who requested a copy of meeting notes and who provided contact information such as e-mail or current mailing address where minutes may be sent [Section 16.1506].
- I. Applicants must submit to the DAP Executive Secretary written responses regarding the DAP's recommendations within 10 calendar days of distribution of meeting notes.

103. Recommendations

- A. The DAP will make recommendations by motion and all motions will be recorded and presented to the DPZ Director and/or Hearing Examiner as applicable.
- B. The DAP may require one subsequent submittal by the applicant to be reviewed at a subsequent DAP meeting before the proposal may be submitted to DPZ.
- C. The DAP shall make recommendations on proposed subdivisions, site development plans, conditional use applications or design guidelines consistent with the requirements of the County's adopted Zoning Code, the Route 1 Manual, Route 40 Design Manual, compatibility criteria for age-restricted adult housing, New Town Village Center design guidelines or Downtown-wide Design Guidelines or Downtown Neighborhood Design Guidelines for Downtown Columbia Revitalization regarding [Section 16.1504]:
 - 1. The design for buildings, vehicular circulation and access, pedestrian access and linkages, parking, loading, dumpsters, external mechanical units, existing trees, landscaping, hardscape, conceptual designs for graphic elements, and walls and fences;
 - 2. Building scale and massing in relation to and compatible with the surrounding area and with significant and contextual adjacencies, and appropriate responses to existing site conditions, grading, and storm water management;
 - 3. Building architectural style, materials, entrances, windows, roof design, and colors;
 - 4. Open space on the site including pathways, public spaces, street furniture, amenity areas, and similar features;
 - 5. The design of exterior lighting devices and potential disturbances to the public and adjacent properties; and
 - 6. Principles of sustainability and green design.
- D. Recommendations shall correspond with the type of application under review:
 - 1. Subdivision applications (sketch plan, preliminary plan, or final plan)
 - 2. Site Development Plan applications
 - 3. Conditional Use applications
 - 4. Proposed Design Guidelines
 - 5. Other applications pursuant to the requirements of the Zoning Code

Note: Refer to Section 106. E. of this document for required submittals for types of application above.

- E. Unless a delay was caused by the failure of an applicant to submit information requested by the Panel, the Panel shall make a recommendation within 45 days of acceptance of a plan. If a delay was not caused by the applicant and the Panel fails to make a recommendation within 45 days of acceptance of the plan, further Panel review is not required. A development plan may then be submitted to the Department of Planning and Zoning in accordance with the subdivision and land development regulations [Section 16.1505, sub-section B].
- F. The Panel may require the applicant to provide up to one subsequent submittal for review and advice. Subsequent review shall be completed and a recommendation shall be made within 30 days of the Panel's receipt of the subsequent submittal [Section 16.1505, sub-section C].
- G. In its recommendations, the DAP may request that Applicants provide DPZ with greater detail or more information to be submitted for Subdivision Review Committee (SRC) review and approval.
- H. For proposals where applicants have requested to submit in phases, DAP may make recommendations regarding issues and documents to be submitted in future phases.

104. Pre-Application Advice

- A. Applicants, their licensed architects and other consultants are encouraged to contact the DAP Executive Secretary in advance of any submission to ensure that the project is subject to DAP review, to request an introduction to the DAP process and, if desired, to discuss the requirements of the project area's manual or guidelines. This is a courtesy meeting with staff, prior to submitting materials and/or drafting conceptual or any other kinds of drawings. This early contact may save the applicant substantial time, effort and cost.
- B. Individual members of the DAP do not meet with applicants or architects in advance of meetings or applications in accordance with adoption of these Rules of Procedure.
- C. Members of the DAP should refer applicants, architects and any member of the public who may contact them in advance of any meeting to either the DAP Executive Secretary or the Chairperson with reference to these adopted Rules of Procedure.

105. Types of Review / Applicability

A. *Projects subject to review under various requirements of the **County's adopted Zoning Code***

Review by the DAP is required under various provisions of the adopted Zoning Code as stipulated in those provisions.

B. *Projects subject to the **Route 1 Manual***

Review by the DAP is determined by the requirements for review and the exemptions thereto as set forth in the *Route 1 Manual* under Chapter 6, *Application of These Standards*, for parcels located within the Route 1 Corridor that are zoned CE, CAC, or TOD, or that adjoin the Route 1 right-of-way.

C. *Projects subject to the **Route 40 Manual***

Review by DAP is required for all development and redevelopment projects involving new building construction (including reconstruction or replacement structures), building additions, or façade renovations; or any other project that impacts two (2) or more of the following elements (per Figure 32 in the *Route 40 Enhancement Study*, page 31):

- Building Location and/or Relocation
- Freestanding Signs
- Landscape Plantings
- Lighting, Site Furniture and/or Site Amenities
- On-Site Pedestrian Circulation
- Open Space / Amenity Area / Gathering Area
- Parking Areas – Location and/or Screening
- Trash Enclosures – Location and/or Screening
- Utilities or Storm Water Management
- Vehicular Access

Note: A project that does not meet the thresholds indicated above may be permitted to proceed to application without DAP review, if it is determined by DPZ that the effects of the project are not visible from public rights-of-way on or adjacent to the property, or the project has minimal impact relative to the purpose of the *Route 40 Design Manual*.

D. *Projects subject to conditional uses for **Age Restricted Adult Housing (ARAH)***

Review by DAP is required for all projects on parcels on which age-restricted adult housing is to be constructed pursuant to a conditional use.

E. *Projects related to **Village Center Revitalization***

Review by DAP is required for all projects on redevelopment parcels located in New Town Village Centers with boundaries proposed by a property owner or established by the Zoning Board or County Council.

F. *Projects related to **Downtown Columbia Revitalization***

Review by DAP is required on parcels in the Downtown Columbia Revitalization process.

Review by DAP is required for all proposed Neighborhood Design Guidelines, Final Development Plans, and Final Development Plan Amendments. Per Section 125.E. (2)(B), DAP shall base its review and recommendations on the Downtown-wide Design Guidelines. For neighborhoods with approved Design Guidelines, subsequent Final Development Plans or Final Development Plan Amendments that do not propose modifications to approved Neighborhood Design Guidelines do not require further DAP review.

Review by DAP is required for all Site Development Plans related to the Downtown Columbia Revitalization process. Per Section 125.H.(1)(B), DAP shall base its review and recommendations on the Neighborhood Design Guidelines.

106. Required Submittals for Applications

Applicants are asked to submit graphics and other materials to facilitate a discussion among the proposal's design professionals and the Panel's design professionals. The submitted documents must be large enough to be easily read and reviewed. The Panel prefers the submitted documents be 11 inches by 17 inches in size. The Panel requires the submitted documents also be in a larger scale presentation, such as 24 inches by 36 inches easel boards, or else be part of a PowerPoint Presentation, to be available during the architect's presentation. The submitted documents must show the scale of the drawings and must include the North arrow, if applicable. The specific documents, drawings and submission materials are therefore the choice of the design professionals preparing the application subject to the following:

- A. Building plans, building elevations and building perspectives must be prepared by the licensed Architect who will appear before DAP to present the project for DAP review.
- B. Illustrations, sketches and concept drawings are encouraged to explain the proposal.
- C. Photographs, aerials/pictometry and other materials that indicate context are highly encouraged. At a minimum, materials locating existing structures on all adjacent properties and major landmarks in the vicinity should be included for the discussion.
- D. Materials that permit a discussion of the proposed design in relationship to the existing and any change to topography are essential for the Panel's consideration.
- E. Applicants and architects are expected to submit written, graphic and photographic materials to inform the discussion of the following issues regarding their proposal, including the following required materials:
 1. **For Subdivision applications** (sketch plan, preliminary plan, final plan if initial submittal)
 - Project goals and design philosophy including LEED or other green building design elements
 - Conceptual site plan in color with North arrow
 - Conceptual site section with topography line
 - Aerial color photograph, such as a Google image, with the project site plan inserted in order to give the context of the site
 - Conceptual elevations, or elevation studies, in color
 - Massing diagram or axonometric drawing
 - Frontage sidewalk and streetscape elements , if applicable
 - Right-of-way, median, travel lane and bike lane configuration
 2. **For Site Development Plan applications**
 - Project goals and design philosophy including LEED or other green building design elements
 - Project integration with the existing context and County requirements
 - Building elevations in color
 - Site plan in color with North arrow
 - Site section with topography line

- Image or photo boards for lighting, landscaping, walls, fences and screening for loading areas, service uses, dumpsters and utilities
- Preservation and integration of existing trees and natural features
- Sidewalk and streetscape improvements, if applicable
- Image or photo boards for locations, orientation, designs, colors and materials for sign package
- Massing diagram or axonometric drawing
- Perspectives are encouraged but not required

3. For Conditional Use applications

- Project goals and design philosophy including sustainability
- Project integration with the existing context and County requirements
- Building elevations in color
- Site plan in color with North arrow
- Site section with topography line
- Image or photo boards for lighting, landscaping, walls, fences and screening for loading areas, service uses, dumpsters and utilities
- Preservation and integration of existing trees and natural features
- Route 1 Manual sidewalk and streetscape elements, if applicable
- Image or photo boards for locations, orientation, designs, colors and materials for sign package
- Massing diagram or axonometric drawing
- Perspectives are encourage but not required
- Design that addresses the criteria for age-restricted adult housing per Section 131.N.1, Zoning Regulations, with a focus on the following :
- Site Design [excerpted from Section 131.N.1(4), Zoning Regulations]

The landscape character of the site must blend with adjacent residential properties. To achieve this:

- (a) Grading and landscaping shall retain and enhance elements that allow the site to blend with the existing neighborhood.
- (b) The project shall be compatible with residential development in the vicinity by providing either:
 - (i) An architectural transition, with buildings near the perimeter that are similar in scale, materials and architectural details to neighboring dwellings as demonstrated by architectural elevations or renderings submitted with the petition; or
 - (ii) Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms or increased setbacks.

- Compliance with bulk Requirements, Section 131.N.1, Zoning Regs
- Design of community buildings and/or interior community space
- Loading and trash storage areas adequately screened from view
- Open space areas, recreational facilities and accessory facilities
- Amenities such as pathways, seating areas and recreational areas
- Protection of natural features (including existing trees and landscape)

- Universal design features appropriate for age-restricted adult housing

4. **Proposed Design Guidelines**

- Draft guidelines in a standard-size and format that may be easily reproduced
- Any applicable Council Bills and their attachments containing related standards
- Required submittals as outlined in the applicable Council Bills and attachments
- Any previously adopted design guidelines that relate to the subject parcel(s)

5. **Other applications pursuant to the requirements of the Zoning Code**

- Summary written materials to explain the project and its relation to the Zoning Code
- All requirements in the above sub-sections (E.1 through E.4) for applicable type of review(s) required (e.g., sketch plan, site development plan, conditional use, etc.)
- For CEF-related applications, submittals shall include all of the materials submitted at the initial meeting before the County's Zoning Board as part of the submittal to the DAP.
- For Optional Design Project in CR districts, applications shall include select requirements in Section 121.1 H. 3.a. per below, which comprise sub-sections(4) through (14) only:

(4) Buildings; (5) Structures; (6) Parking areas and number of parking spaces; (7) Points and widths of vehicular ingress and egress; (8) On-site pedestrian-related features and connections to off-site pedestrian-related features; (9) Landscaping; (10) Hardscaping; (11) Retained natural features such as wetlands, steep slopes, and tree and forest color; (12) Architectural elevations of all sides of all buildings and significant structures with exterior materials specified; (13) Exterior lighting plan with lighting structures and light sources given on specific lighting product information sheets; (14) Information on the adjoining properties, including the owner name, zoning, existing use, and existing site improvements.

- For conversion of nonconforming uses to permitted uses in the CLI overlay district, applications shall include a summary of the criteria required in Section 120.0 D.12.

- F. At the time of plan submittal and depending on the scale and phasing of the proposed development, an applicant may request that the Panel review a plan in a series of two or more steps [Section 16.1505, sub-section D].
- G. An applicant must make an appointment with the DAP Executive Secretary in order to submit an application for review. The DAP Executive Secretary will determine if an application is required and if an application is generally complete; applications must be submitted and determined complete prior to DAP adopted submission deadlines.
- H. An applicant who submits an incomplete application and who has not resubmitted a complete application by the deadline cannot have his proposal scheduled for review at the corresponding DAP meeting. Deadlines are based on notice requirements.
- I. At least 20 days prior to the date scheduled for a DAP meeting, applicants may submit an application for the review of a proposal to the DAP Executive Secretary.

- J. Applications that are submitted after any deadline and that are determined by the DAP Executive Secretary to be generally complete may be scheduled for the next, regularly scheduled meeting of the DAP based upon the next, scheduled deadline.

107. Amendments to Rules of Procedure

- A. The DAP or any person may petition for amendments to the Rules of Procedure.
- B. Meeting and Notice
 - 1. Amendments may be considered at any regular or special meeting, where an amendment to the Rules of Procedures has been noticed at least three days.
 - 2. Amendments must be adopted by the affirmative majority of the DAP.
 - 3. Any adopted amendments to the Rules of Procedure shall become effective at the next, regularly scheduled Meeting, or at the time specified by the DAP
 - 4. The adopted Rules of Procedure will be maintained as a public record by DPZ.

108. Guidelines

- A. The DAP adopts the following as general design guidelines:
 - 1. Principles established by Council Bill 24-2008;
 - 2. Route 1 Manual;
 - 3. Age Restricted Adult Housing (ARAH) conditional use criteria; and,
 - 4. Principles of Sustainability and green design are also encouraged.
- B. The DAP shall apply architectural, landscape architecture, and urban design principles in order to achieve the following objectives in a proposed plan [Section 16.1503]:
 - 1. *Site Planning* which creates attractive visual and functional relationships of the on-site design elements and between the site and surrounding area;
 - 2. *Buildings* and other structures which are spatially and visually integrated into and suitable for the site and surrounding area;
 - 3. *Architectural features* which articulate the structures, create an identity for the development while being in harmony with the adjacent and surrounding built environment, and are consistent with the:
 - a. Design requirements and recommendations of the Route 1 Manual;
 - b. Design requirements and recommendations of the Route 40 Design Manual;

- c. Criteria of a conditional use, as applicable;
 - d. New Town Village Center design guidelines, as applicable; or
 - e. Downtown Neighborhood Design Guidelines, as applicable.
- 4. *Open Space* which provides visual functional integration of the streetscape, public spaces, and pedestrian connections and transportation connections;
 - 5. *Landscaping* which enhances the architectural and site design, works with the natural features of the site, provides adequate screening, and defines spaces on the site; and,
 - 6. *Design Objectives* in the Route 1 Manual, the Route 40 Design Manual, compatibility criteria for age-restricted adult housing set forth in Section 131.N.1 of the Howard County Zoning Regulations, the design guidelines for the appropriate New Town Village Center, or the Downtown-wide Design Guidelines or the Downtown Neighborhood Design Guidelines for Downtown Columbia Revitalization.
- C. For reviews pursuant to the requirements of the Zoning Code, the DAP may utilize principles and general guidelines above, and any principle or guideline as set forth in the Zoning Code provisions, as may be applicable, and general professional principles and practices current within the industry.

As the DAP process is collegial and advisory, Panel members are encouraged to draw from a wide array of principles and practices in formulating design advice and making formal recommendations, especially for those applications that are not the subject of an adopted design manual or guidelines.

- N.B.* The DAP hereby recognizes that the DPZ Director may forego any requirement within these procedures when the County's interests would be adversely affected by the application of a procedure to a specific project, condition or situation. If such an action by the DPZ Director follows a meeting of the DAP, then the Applicant, the DAP, any *interested parties* and/or the Hearing Examiner, if applicable, would be notified in writing by the DAP Executive Secretary.