

Respass, Charity

From: Ann von Lossberg <1089nights@gmail.com>
Sent: Friday, September 1, 2023 3:44 PM
To: CouncilMail
Subject: Affordable housing in Howard County

Follow Up Flag: Follow up
Flag Status: Flagged

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Sirs/Madam:

I have worked both with Bridges for Housing Stability and served on the board of Help End Homelessness, Howard County, so I know the population affected here well.

We can all see the changes going on in the job market, the cost of rent, the price of food, etc. and the underclass only grows. Many things haven't changed since the pandemic. You know this, it is not difficult to understand. Yes, it's happening everywhere BUT Howard County is a very affluent county, the third most affluent in the country. We are more in a position to address this need than many.

We need to shift our priorities in favor of developers to priorities in favor of people. Please please rethink our priorities for the next fiscal year!

Sincerely,
Ann von Lossberg
10073 Windstream Drive
Columbia Md

Respass, Charity

From: Thomas Nassau <nassaujt63@verizon.net>
Sent: Friday, September 1, 2023 2:04 PM
To: CouncilMail
Subject: Accessible Housing

Follow Up Flag: Follow up
Flag Status: Flagged

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

I have just learned about our neighbors with disabilities finding severe shortages of ADA-compliant housing accessible to them. There are 18,000 households in Howard County with at least one member with disabilities. 4,000 spend more than 30% of their income for housing, and that housing most often does not really meet their needs. Those are significant numbers of people in our midst, including people who work, go to school and volunteer in our community. I think our community has the resources to make such housing available. Please remember those with disabilities in your planning for housing in the future.

Judith L Nassau

Respass, Charity

From: Angela Volcy <guerdy_angela@hotmail.com>
Sent: Wednesday, September 6, 2023 3:33 PM
To: CouncilMail
Cc: Ball, Calvin
Subject: HoCo By Design & Village Center Apartment InFill Constituent Concerns

Follow Up Flag: Follow up
Flag Status: Flagged

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

To the Howard County Council,

I am writing as a long time African-American homeowner in zip code 21044 and as a concerned voting citizen. As you debate HoCo By Design and the possibility of infilling Columbia's village centers with apartments units, please consider the following:

1. The recent efforts to change village centers into apartments under "mixed use" language thinly veils corporate interest in profit over the express wishes of the affected constituents. As is well documented, zip code 21044 already has a plethora of low income apartments, a homeless shelter, and a mental health outreach center.
2. Columbia has worked well for so many years because the original design allows for well thought out coexistence of single family and townhomes with other forms of housing. Removing trees and infilling village centers with apartments despite clear evidence that the 21044 area is already burdened with more than its fair share of rental units as compared to other areas of the county is unhealthy for the long term viability of Columbia as a safe family destination.
3. Real estate agents are already quietly advising to move away from 21044 to areas like Maple Lawn given that Columbia's character is changing in a manner which lowers homeowners property values.
4. Columbia should not resemble nearby cities with high rises and very limited green space. Rather, a mix of well thought out housing choices, green safe open spaces, and village centers, which function as gathering places make Columbia so inviting.
5. Forcing low/mixed income unsightly high rises into village centers is not logical when: local schools are already over crowded; due to overcrowding our youngest residents are being bussed to elementary schools further away; 230 new apartment units in Hickory Ridge Village Center would result in 2000 more cars daily on local roads; accidents frequently occur on Cedar Lane due to speeding violations; stormwater runoff and soil erosion are already huge concerns; global warming linked to deforestation is on the uptick; and existing apartment vacancy rates in zip code 21044 remain high.
6. Crime is on the uptick in areas with an unequal mix of low income residents including the newly developed Wilde Lake Village complex where I lived for one miserable year when my home was being rebuilt. Drugs, dog feces in the hallway and along the building exterior, limited parking, and trash room overflow were the norm.
7. Similar to the past history of redlining and its negative impact on Black home ownership, the recent push to infill village centers with a disproportionate increase in high density apartments will lower the property values of homeowners in the surrounding areas.

8. The Hickory Ridge Village Center covenant, for example, prohibits residential use. Property owner's nearby including Clemens Crossing purchased with the promise of homes versus apartments. Hickory Ridge is also racially, age, income, and religiously diverse and thriving.

9. I am also aware that some council members who consistently vote in favor of village center infills are recipients of developer campaign funding. Corporate greed and political aspirations should not overshadow integrity and fairness. Property ownership is the bedrock of law and of society.

In closing, if you care about lifting persons out of poverty, please focus on viable paths to home ownership versus supporting a developer's interest in profits at the expense of Howard County citizens.

Sincerely,

Angela Crump-Volcy

Respass, Charity

From: lmarkovitz <lmarkovitz@comcast.net>
Sent: Thursday, September 7, 2023 5:23 PM
To: CouncilMail
Subject: Amendments to general plan

Follow Up Flag: Follow up
Flag Status: Flagged

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Thank you for your hard work on the general plan. I assume a lot of amendments are anticipated. I hope that any significant ones or even the notion of a large volume in total, will lead to scheduling public hearing on amendments.

Take care,
Lisa Markovitz

Sent from my Galaxy

Respass, Charity

From: STUART KOHN <stukohn@verizon.net>
Sent: Saturday, September 9, 2023 10:09 AM
To: via Howard-Citizen; CouncilMail
Subject: Re: [HOWARD-CITIZEN] Fwd: Amendments to the General Plan

Follow Up Flag: Follow up
Flag Status: Flagged

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

FYI,

The Howard County Citizens Association, HCCA continues to be proactive in trying to have the County Council conduct an additional Hearing to discuss any Amendments they introduce regarding the General Plan. Phone calls were made to both the Chair and Co-chair offices. We believe the public should be able to comment on such Amendments especially if one believes in transparency. The following is posted on the County website, "Amendments to the General Plan will be pre-filed at noon on September 25, 2023 and posted under CB28-2023." Thus five days after the Public's hearing regarding their suggested Amendments.

We have strongly suggested a Public Hearing be convened to discuss the Council's Amendments which we believe some will be substantive. We hope the Council will agree with our request.

Stu Kohn
HCCA President

PS - sent to Council Mail.

Sent from my iPhone

On Sep 6, 2023, at 9:44 AM, joel hurewitz <joelhurewitz@gmail.com> wrote:

There also is apparently going to be **HUNDREDS** of amendments.

Joel Hurewitz

On Wed, Sep 6, 2023 at 9:42 AM lisamarkovitz <lisamarkovitz@gmail.com> wrote:

That's unfortunate, especially since the County site, where you sign up to testify, actually defines this hearing as General Plan Amendments. Not being able to see any prior to the testimony date doesn't make much sense.

Also, it will be important to note if amendments are substantive and should have another public hearing.

Lisa Markovitz

Sent from my Galaxy

----- Original message -----

From: 'STUART KOHN' via Howard-Citizen <howard-citizen@googlegroups.com>

Date: 9/6/23 9:17 AM (GMT-05:00)

To: via Howard-Citizen <howard-citizen@googlegroups.com>

Subject: [HOWARD-CITIZEN] Fwd: Amendments to the General Plan

FYI,

The following email was sent to the County Council concerning the forthcoming scheduled 20 September General Plan Hearing to discuss proposed Amendments to the Plan. We are extremely disappointed that as of now the Public will not have an opportunity to directly voice any concerns and provide suggestions to the Council's Amendments.

Stu Kohn
HCCA President

Sent from my iPhone

Begin forwarded message:

From: STUART KOHN <stukohn@verizon.net>

Date: September 5, 2023 at 4:19:08 PM EDT

To: councilmail@howardcountymd.gov

Cc: Stu Kohn <StuKohn@verizon.net>

Subject: Fwd: Amendments to General Plan

Dear County Council Members,

Good Afternoon.

Please see the emails below regarding our inquiring as to the date any of your Amendments to the General Plan will be filed and the response received from Michelle Harrod.

We were hoping your Amendments would be included before the General Public's testimony on 20 September. Based on the response from Michelle this is not to be the case. The Public should have the opportunity to see your suggested Amendments in advance so comments can be made to establish the possibility of the best 20-year strategic plan possible.

Is there any consideration to establish a Hearing for the Public after ALL Amendments have been filed? We would think some of the Amendments filed will be substantive. If a meeting with the Public is not possible it will look as though you as our Council Representatives are unfortunately placating your constituents. The General Plan is too important to not have a final wrap up with the Public in order to receive the necessary feedback for a Plan we hope to be proud to call a vision for the future. Perhaps you might consider revising the 20 September Hearing date until after all your Amendments have been filed. We no doubt think it would be beneficial for all concerned parties.

We would appreciate your feedback.

Stu Kohn
HCCA President

Sent from my iPhone

Begin forwarded message:

From: "Harrod, Michelle R" <mrharrod@howardcountymd.gov>
Date: September 5, 2023 at 11:43:04 AM EDT
To: STUART KOHN <stukohn@verizon.net>
Subject: RE: Amendments to General Plan

Stu,

Amendments will be posted under the General Plan legislation CB28-2023. At this time, there is not a scheduled public hearing after September 26th.

Thank you,

Michelle R. Harrod

Howard County Government

Administrator to the County Council

410-313-3111 (office)

443-398-6013 (cell)

mrharrod@howardcountymd.gov

From: STUART KOHN <stukohn@verizon.net>
Sent: Monday, September 4, 2023 7:19 PM
To: Harrod, Michelle R <mrharrod@howardcountymd.gov>
Subject: Re: Amendments to General Plan

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Michelle,

Thanks for the response especially on your day off.

The General Plan Public Hearing as you know is scheduled for 20 September to discuss Amendments. Will there be a scheduled Public Hearing to discuss the Council Amendments after 26 September? Where will the Council's Amendments be posted on the County's website?

Stu

Sent from my iPhone

On Sep 4, 2023, at 6:19 PM, Harrod, Michelle R
<mrharrod@howardcountymd.gov> wrote:

Stu

Amendment prefile for General Plan is no later than September 25th. We will make amendments available no later than September 26th. If Council members approve making amendments public sooner we will post them as soon as authorized.

Get [Outlook for iOS](#)

From: STUART KOHN <stukohn@verizon.net>
Sent: Monday, September 4, 2023 11:11:59 AM
To: Harrod, Michelle R <mrharrod@howardcountymd.gov>
Subject: Amendments to General Plan

[Note: This email originated from outside of the organization.
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sender.]

Michelle,

Good Morning,

When is the Council's deadline for submitting Amendments to
the General Plan and when will the Public be notified?

Stu

Sent from my iPhone

--

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To send to one member, enter that address in the TO window.

NOTE 2: HCCA does not take responsibility for the content of messages posted on the listserv; assertions should
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Respass, Charity

From: Angie Boyter <angie.boyter@gmail.com>
Sent: Saturday, September 9, 2023 10:39 AM
To: CouncilMail
Cc: Royalty, Wendy
Subject: Amendments to the General Plan

Follow Up Flag: Follow up
Flag Status: Flagged

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Council members,

A LOT of work has been done by county employees, council members, and interested citizens on the proposed revised General Plan. I know the council plans to propose many amendments to what has been submitted, and I am sure many will be substantive. I have been looking forward to the opportunity to testify about the proposed amendments on September 20.

Unfortunately, if the information Stu Kohn has is accurate, the proposed amendments will not be available to the public until after the hearing. We do not need another general hearing on what we like or want changed in the original proposal. You have heard that already. We need to know how you responded to what we said.

Clearly if the proposed amendments are not available, it would only make sense to reschedule the hearing until at least 2 weeks or so after the public has access to the proposed amendments. Please do this to avoid wasting your time and ours.

Angie Boyter

----- Forwarded Message -----

Subject:Re: [HOWARD-CITIZEN] Fwd: Amendments to the General Plan
Date:Sat, 9 Sep 2023 10:09:05 -0400
From:'STUART KOHN' via Howard-Citizen <howard-citizen@googlegroups.com>
Reply-To:howard-citizen@googlegroups.com
To:via Howard-Citizen <howard-citizen@googlegroups.com>, councilmail@howardcountymd.gov

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Respass, Charity

From: F Keenan <chettyoak@gmail.com>
Sent: Wednesday, September 13, 2023 5:02 PM
To: CouncilMail; Ball, Calvin; boe@hcpss.org
Subject: Protect School and Infrastructure in Next General Plan

Follow Up Flag: Follow up
Flag Status: Flagged

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Elected Officials-

The current state of HCPSS is beyond disappointing. We have 200+ portable classrooms, redistricting happens every 2-3 years, there is a significant backlog of maintenance issues, school construction cannot keep pace with population growth, and transportation cannot get our kids to school safely.

Before finalizing the general plan it is critical that school planning and infrastructure protections become a priority. Loosening APFO would be a terrible disservice to HCPSS. Additionally, the council should reject elements of the general plan that could create a difficult to predict burden on the school system, such as by-right ADUs. (I'm also very concerned that by-right ADUs will increase the amount of private equity purchasing SFHs and exacerbate existing affordability issues throughout the county.)

Please, make sure the next general plan protects our school system and takes important steps to improve the ability of Howard County to deliver a first class education to all its children.

Frances Keenan
Ellicott City
District 1

Respass, Charity

From: larry Carson <karasov1@hotmail.com>
Sent: Wednesday, September 13, 2023 3:21 PM
To: CouncilMail
Subject: Age Friendly housing needs help!!

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

As I'm sure you are all aware, there is a tall, new complex of senior apartments on the West side of RT. 29 at Seneca Drive Bridge, Brightview Senior Housing.

At a time when the senior population is growing fast, along with the number of seniors with limited incomes, this bright new project does not have ONE UNIT of below market or "affordable" housing!

Why? Because Howard County does not require affordable housing in Columbia, outside the downtown redevelopment area, so the developers didn't include any.

This is something that should have been remedied years ago! Please remedy it now, by ZRA.

Village Centers may soon be redeveloped with more apartments. There should be some units for limited income people of all ages. How can we claim to be making any progress when we ignore this situation? Please ACT NOW!

Larry Carson, Columbia.

410-381-6506

Respass, Charity

From: Amy Oaks LoPresti <amyoakslopresti@yahoo.com>
Sent: Friday, September 15, 2023 3:00 PM
To: CouncilMail
Subject: School planning and zoning

Follow Up Flag: Follow up
Flag Status: Flagged

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Council Members,

I am concerned about the lack of adequate planning for schools and infrastructure in the new General Plan. Our school system is in absolute crisis, there is no excuse for the systemic failure of our buses, and this week Dr. Martirano has added insult to injury by rolling back (by 29%) the later school start times that took a decade to implement. HCPSS can, and must, do better. Dr. Martirano should resign as a result of this epic failure.

However, Dr. Martirano does not bear sole responsibility for this crisis. This failure comes at the heels of decades of underplanning in the county government. Decades of catering to developers at the expense of our children, our beautiful, historic Main Street, and the small town feel I grew up with here in the 80-90s. The overdevelopment and underfunding needs to end immediately. It is unacceptable that this new plan does not accurately project the school and infrastructure needs. It should not be adopted until it does so.

We do not want to be a more dense county. We do not want to be our own urban center. We want to be the suburban utopia, with a world class school system for our children, that drew us all in. We want resale value. We want to know our neighbors. We want to be assigned to the school a half mile away AND be able to get there during arrival and dismissal in under 15 minutes. Please get back to basics. Make this county great again.

Amy Oaks
8416 Elko Drive Ellicott City

Respass, Charity

From: Christopher J. Alleva <jens151@yahoo.com>
Sent: Friday, September 15, 2023 3:06 PM
To: Eisenberg, Lynda
Cc: CouncilMail; Kendall, Mary; O'Connor, Kristin
Subject: HoCO By Design (CB 28-2023) NT Zone: Zoning Law and Covenants and Restrictions 1 of 2
Attachments: COLUMBIA 1965 M & O.pdf; 1964 Howard County Commissioners Presentation Part 11 06122019.pdf; NT Zoning Case #412 1965.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hi Linda,

Chris Alleva here. I understand you tried to watch Mr. Healy's livestream talk at River Hill on Monday and it got cut off. Also, you advised the County Council to send along testimony as they receive it so I am including the Council on this email so they can add it to the testimony.

Not to worry, here he is giving the same talk to the CA Board on April 21, and last year to Hickory Ridge on November 1, 2022. Mr. Healy was on the Rouse Co. team of lawyers that created the covenant regime in Columbia.

Additionally, I am sending along copies of the actions of taken by County government that granted the NT Zone (the 1965 General Plan Supplement and 1965 M&O) and adopted the PDP (July 16, 1965 (D&O)).

I realize this is a lot of information, so I want to call your attention to the most important thing, **OVERALL DENSITY:**

The overall density (including downtown) of 2.5 units per acre was adopted as part of the 1965 General Plan Supplement and shortly thereafter incorporated into the Zoning Regulations and the PDP, and by extension the covenants. This created a **HARD CAP ON THE MAXIMUM UNITS** permitted at 35,680 (2.5X 14,272 acres) that can be enforced by any property owner in Columbia.

There are currently 35,629 units approved and built leaving only 51 unbuilt units in all of Columbia. If you include the 411 at Long Reach and Oakland Mills **Columbia already exceeds the cap.**

The General Plan shows 9,617 units planned for Columbia that cannot be built under the current declaration of covenants. Alternatively, the County can condemn the covenants and pay just compensation to every property owner or the developer can purchase 3,846 acres and annex them into Columbia. **As I testified at the Planning Board, this matter raises substantial doubt regarding the viability of the General Plan update currently being considered.** Also, this may be material fact that should be disclosed to Howard Hughes so they can include it in the DEVELOPER'S CONTINUING DISCLOSURE STATEMENT for the Downtown Columbia Bonds.

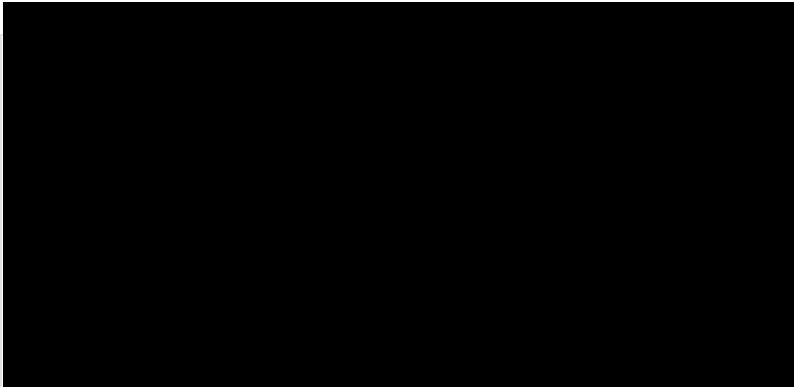
EXECUTIVE SUMMARY

Below in the body of the email is a written summation of the substance of his talk (I also attached the pdf file). He concludes: **The New Town Columbia development meets all of the requirements for a “common scheme of development.” That means that collectively the covenants and restriction are for the mutual benefit of all Columbia property owners, they can rely on them; and they have standing to enforce them.**

Columbia is a master planned community developed under a common scheme development. To restate: The scheme of development is set forth in the General Plan of Development for Columbia officially known as the Preliminary Plan of Development. As codified in August 1965, Howard County Case BCC 412 where the PDP was approved and in accordance with paragraph (c.) of exhibit B, the petitioner was directed to subject the land to vertical and horizontal covenants, thus imbuing the PDP with two functions: **1.) Zoning:** for mapping and a graphical representation of the plan showing the relationship of the various land uses in support of the County Zoning Regulations, and to document land use ratios and densities in support of, and consistent with: **2. The Covenants,** i.e. the vertical and horizontal covenants that all purchasers bought into can rely on.

<https://www.youtube.com/live/cmwNFuk-cdA?si=Y9SNKlmqIY1REPfX&t=2113>

[Columbia The Planned City and the Legal Operation of theCovenants](#)



Columbia The Planned City and the Legal Operation of theCovenants

Columbia NT Zoning Documents

1. Developer Presentation to the County Commissioners, for the New Town, November 11, 1964
2. Memorandum and Order, May 4, 1965 Granting the NT Zoning regulations, n/k/a Section 125
3. BCC 412 Decision and Order: Approving the PDP, and ordering that all land be subject to covenants (plural) enshrining in perpetuity that the New Town's overall density is capped at 2.5 units per acre in both the covenants and the Zoning Regulations.

Go to NT Zone: Zoning Law and Covenants and Restrictions 2 of 2

- 4.FDP Database Summary (DPZ Report)
5. Columbia and Howard County Current Unit Mix and Projected Unit Mix
6. 1965 General Plan Supplement in support of adoption of NT Zone
7. Alleva Testimony to Planning Board. RE: Applicability of General Plan Policies
8. Summary of Talk: "The Covenants and the People Tree; Reciprocal Negative Servitudes; and the Common Scheme of Development"
9. The Columbia PDP

November 1, 2022

The Covenants and the People Tree

A Talk by John Healy, Esq. regarding Columbia's Covenants and Restrictions

Restrictive covenants on property use are often utilized in developments to maintain the character of the neighborhood in accord with the development plan and to protect property values.[1] When restrictive covenants are created for the mutual benefit of all of the properties within a development, they may be enforced by each of the property owners against the other.[2] While at common law, restrictive covenants on land use were categorized as either “real covenants” or “equitable servitudes” depending on whether they were enforced in law or equity,

The modern trend, as represented by the Restatement (Third) of Property: Servitudes,[3] is to refer to both real covenants and equitable servitudes simply as servitudes. Columbia is a classic example of the application of reciprocal negative servitudes (restrictions) sometimes referred to as a “common scheme of development” that was created for the mutual benefit and protection of all property owners in the Columbia New Town. The mosaic of covenants that concern the land in Columbia are written to satisfy all the legal requirements to irrefutably vest these reciprocal rights and obligations to all owners. Below are five (5) of the legal requirements:

- (1) There is a common grantor (The Howard Research and Development Corporation in this case) of property who has a general plan or scheme of development (the Preliminary Development Plan) for the property;**
- (2) the common grantor conveys parcels or lots in the development subject to servitudes (restrictive covenants) designed to mutually benefit the properties in the development and advance the plan of development;**
- (3) it can be reasonably inferred, based on the common grantor's conduct, representations, and other oral and written materials such as slide shows or advertisements, that the grantor intended the property against which the servitude is imposed to be subject to the same servitudes imposed on all of the properties[4] within the plan of development against which the servitude is imposed to be subject to the same servitudes imposed on all of the properties within the plan of development (Numerous examples and evidence of this abound);**
- (4) the property owner against whom the restriction is enforced has actual or constructive notice of the imposed servitude (all declarations of covenants and restriction are recorded in the land records);**
- (5) the party seeking to enforce the restriction possesses an interest in property in the development that is subject to the servitude and has relied upon the representations or the express or implied representations of the common grantor that other properties within the general scheme of development will be subject to the servitude.**

Conclusion:

The New Town Columbia development meets all of the requirements for a “common scheme of development. “ That means that collectively the covenants and restriction are for the mutual benefit of all Columbia property owners and they can rely on them.

[1] See, generally, Restatement (Third) of Property: Servitudes § 2.14, comment a. (2000); Citizens for Cov. Comp. v. Anderson, 12 Cal. 4th 345, 352, 906 P.2d 1314, 1318, 47 Cal. Rptr. 2d 898, 902 (1995) (“[m]odern subdivisions are often built according to a general plan containing restrictions that each owner must abide by for the benefit of all”).

[2] See, Plumb v. Ruffin, 213 Neb. 335, 328 N.W.2d 792 (1983); Reed v. Williamson, 164 Neb. 99, 82 N.W.2d 18 (1957). See, generally, Restatement, Richard R. Powell & Michael Allan Wolf, Powell on Real Property § 60.01[5] at 60-11 See, generally, id., § 60.01[4] and [5]; Thompson on Real Property §§ 61.02(b) and (c) and 61.05 (David A. Thomas 2d ed. 2006); 1 Restatement, supra note 6, §§ 1.4 and 2.1, comment a.; Citizens for Cov. Comp. v. Anderson, 12 Cal. 4th at 348, 906 P.2d at 1316, 47 Cal. Rptr. 2d at 900 (referring to law of real covenants and equitable servitudes as “the most complex and archaic body of American property law remaining in the twentieth century” and as “an unspeakable quagmire”).

[3] See, 1 Restatement, supra note 6, §§ 1.3 and 1.4; 9 Powell & Wolf, supra note 8, § 60.01[6]. See, also, generally, Lawrence Berger, Integration of the Law of Easements, Real Covenants and Equitable Servitudes, 43 Wash. & Lee L. Rev. 337 (1986); Uriel Reichman, Toward a Unified Concept of Servitudes, 55 S. Cal. L. Rev. 1177 (1982); Ralph A. Newman & Frank R. Losey, Covenants Running with the Land, and Equitable Servitudes; Two Concepts, or One?, 21 Hastings L.J. 1319 (1970).

[4] As was said in Skyline Woods Homeowners Assn. v. Broekemeier that a grantor’s intent to create a plan of development may be proved “from the conduct of parties or from the language used in deeds, plats, maps, or general building development plans” and by looking “to matters extrinsic to related written documents, including conduct, conversation, and correspondence.” Determining which properties are included within a plan of development is relatively easy where land is platted or subdivided, because “[i]n the absence of other evidence, the inference is normally justified that all of the land within a platted subdivision is subject to the general plan, and that land outside the subdivision is not included. Thus, where property is subdivided or platted pursuant to a plan of development, a presumption arises that the plan of development includes only those properties in the plat or subdivision

In contrast to the express multi-lateral imposition of reciprocal negative servitudes as one court explained: implied negative reciprocal easement or servitude doctrine arose before the **advent of comprehensive zoning** (which is not the case in Columbia) in order to provide a measure of protection for those who bought lots in what they reasonably expected was a general development in which all of the lots would be equally burdened and benefitted. In those early days, it was uncommon for the developer to evidence the development or impose uniform restrictions through a recorded Declaration that would later be incorporated in individual deeds. They often filed subdivision plats of one kind or another but did not take the extra step of using one instrument to impose the restrictions. The common, almost universal, practice, instead, was for the developer to place the restrictions in the deeds to individual lots and, sometimes, to represent to the purchasers of those lots that the same restrictions would be placed in subsequent deeds to the other lots. Litigation arose most frequently when the developer then neglected to include the restrictions in one or more of the subsequent deeds and those buyers proceeded or proposed to use their property in a manner that would not be allowed by the restrictions. Because developers historically restricted properties as part of their plan of development on a deed-by-deed basis, the doctrine was created to fill the gap where a property was conveyed without restrictions in the deed. But a common practice today is for developers to place restrictions on an entire development all at once as was done in 1965 in Columbia where the Preliminary Development plan adopted is clear and establishment of the servitude is necessary to **avoid injustice**. The implied-reciprocal-servitude doctrine comes into play **only** when the developer does not follow the practice of recording a declaration of servitudes applicable to the entire subdivision or other general-plan area. See Black’s Law Dictionary 495 (10th ed. 2014) (defining “declaration of restrictions” as “statement of all the covenants, conditions, and restrictions affecting a parcel of land, usu[ally] imposed and recorded by a developer of a subdivision. The restrictions usu[ally] promote a general plan of development by requiring **all lot owners to comply with the specified standards, especially for buildings**. The restrictions run with the land”

The industrial, institutional, retail, recreational and other facilities which Columbia will provide should add to the well being of the entire County. In the encouragement of well balanced, high quality, and comprehensive new communities such as Columbia, we mean to positively demonstrate our desire to see the County develop the best possible environment for all of its citizens.

In studying the Petition, we have considered the possibility of granting only a portion of the area sought to be rezoned. We have rejected this course of action, because we feel that Columbia is an entity.

We intend, then, to grant the rezoning in its entirety in order to give maximum assurance to the developers and the public of our intention to do all we can to see the project succeed.

From the evidence adduced at the hearing we find:

- a. That the Petition complies with Section 17.021 of the Zoning Regulations.
- b. That the proposed development, "Columbia", constitutes a New Town, meeting the requirements of Section 17.01 of the Zoning Regulations.
- c. That a New Town District should be located at the proposed site.
- d. That the Preliminary Development Plan constitutes a general land use plan for the area covered, thereby designed to meet the objectives set forth in Sections 1 and 2 of this Ordinance.

It is, therefore, this 10th day of August, 1965, by the Board of County Commissioners of Howard County; ORDERED that the Petition of The Howard Research and Development Corporation in Zoning Case #412 to reclassify from present Zoning classification 13,690.118 acres, more or less, in the Second, Fifth and Sixth Election Districts to a New Town (NT) Zoning District be,

RECEIVED

AUG 12 1965

HOWARD COUNTY
PLANNING COMMISSION

and the same is, hereby GRANTED.

THE BOARD OF COUNTY COMMISSIONERS
OF HOWARD COUNTY

CHARLES E. MILLER, Chairman

J. Hubert Black

J. HUBERT BLACK, Member

David W. Force

DAVID W. FORCE, Member

COUNTY
COMMISSIONERS
OF
HOWARD COUNTY

RECEIVED

AUG 12 1965

HOWARD COUNTY
PLANNING COMMISSION

TEXT OF PRELIMINARY DEVELOPMENT PLAN

1. The drawing to which this text material is attached sets forth the general location of the uses within the proposed New Town Site as required by Section 17.021(c)(4) of the Zoning Regulations of Howard County and contains those additional requirements of said Section which are appropriately presented in the form of a drawing.

2. The major planning assumptions and objectives proposed are as follows:

(a) The proposed New Town of Columbia is designed to be an economically and culturally self-sufficient community. Over the fifteen year period scheduled for development, the population of the New Town should become somewhat in excess of one hundred thousand. As planned, the New Town will consist of a central business and cultural area surrounded by a series of residential areas referred to as "villages". Each such village will have its own small commercial area as well as its own recreational facilities. A system of public transportation in the form of a minibus system will connect outlying areas with the central district in the manner shown on the attached drawing.

(b) The Proposed New Town Site lies in the path of expansion of two of the fastest growing cities of the United States. Market studies indicate that the population of this corridor region in which the Proposed New Town Site is located is now increasing by approximately 11,000 households per year, while the Baltimore - Washington area as a whole is increasing by approximately 45,000 per year. The existing population of the Baltimore Washington area is somewhat in excess of 4,000,000. Based upon these estimates and the projections which can be made therefrom, the planned development pace of the New Town of Columbia is as follows:

(i) During the first development year public water and sewer lines will be brought into the New Town District under arrangements between the petitioner and the Howard County Metropolitan Commission; work on the central business and cultural area and the first village will commence; effort will be made to bring in the first industries in several areas shown as employment center uses on the attached drawing; the construction of certain cultural facilities will commence.

(ii) It is proposed that the residential areas of the New Town will be erected with the greatest possible speed consistent with proper planning, architectural and construction standards, as well as the market demand. It is hoped that the number of residential units added during the first fifteen years of development will equal or exceed the following:

Development Year or Period	Dwelling Units Completed	Average DU/ Year
1.....	450	450
2.....	900	900
3.....	1,600	1,600
4.....	2,040	2,040
5.....	2,560	2,560
1-5.....	7,550	1,510
6-10.....	12,750	2,550
11-15.....	9,140	1,828

The industrial and commercial development will be designed so as to correspond with, and if possible exceed, the above pace of residential development.

(c) The areas shown for open space uses on the attached drawing will be developed in the manner permitted by, and subject to the requirements of, Section 17.018 of the Regulations. The method by which such open space areas will be permanently maintained and devoted to open space uses will vary with the type of use. Thus, in instances where it is considered appropriate, all development rights of the property except those specifically permitted as open space uses will be conveyed to a public body or citizens' association; in other cases, where appropriate, the land may be subjected to covenants running with the land imposing maintenance and use obligations; in yet other cases, such land may be leased upon the express condition that it be maintained and used for open space uses; in still other cases, the land may be conveyed to public agencies for particular open space uses. As the planning and development process continues, these methods will be finalized with respect to each particular open space area in question. From the standpoint of maintenance and operation, all land within the entire area of the Proposed New Town Site will be subjected in perpetuity, by covenants running with the land, to an annual charge calculated to provide sufficient funds for the perpetual operation and maintenance of the open spaces, as well as for other community purposes.

(d) It is proposed that a public transit system utilizing minibuses will be operated in the areas shown on the attached drawing. It is proposed that this transportation system be operated by a non-profit organization charging as low fares as is possible. The system will be implemented over the period of construction by the expansion of the minibus facilities as the population growth and demand require.

(e) As broad a range of cultural activities as is possible is planned for the New Town of Columbia. These will include libraries, theatres, museums and symphony facilities to the greatest extent feasible. The developers of Columbia are presently in negotiations with a symphony orchestra, and it is hoped that a symphony shell will be completed and a series of symphony programs commenced during the first or second development year.

(f) The proposed general layout of the major roads and highways is shown on the attached drawing. This layout was prepared in such a manner as to coordinate with existing and planned County and State highways.

(g) The number of acres within the proposed New Town devoted to the various uses are set forth as a legend to the attached drawing as required by Section 17.021(c)(3).

(h) The proposed New Town of Columbia will have public water, sewer and utility facilities. The water and sewer systems will be provided by the Metropolitan Commission of Howard County under arrangements with the developer of Columbia. Each developed tract will provide necessary drainage to an acceptable stream or other outlet. If economically feasible, all utility lines and conduits will be placed underground in the proposed New Town.

(i) The intended overall maximum density of population within the proposed New Town of Columbia will be 2.2 dwellings per gross acre.

3. Petitioner reserves the right to submit additional information and evidence relating to the proposed Preliminary Development Plan at the time of the public hearing thereon.

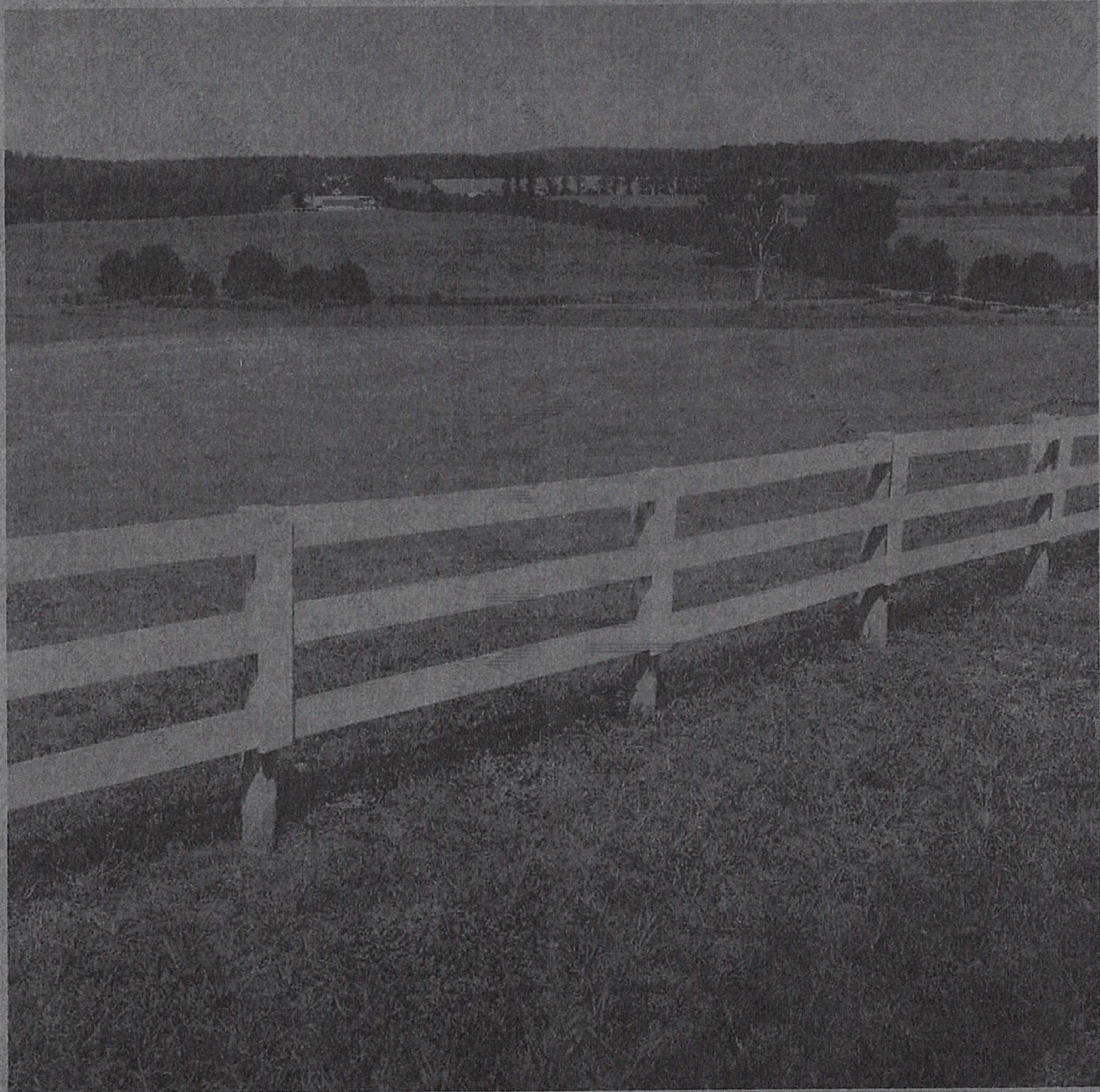
COLUMBIA

A NEW TOWN FOR HOWARD COUNTY

COMMUNITY RESEARCH AND DEVELOPMENT, INC.
Baltimore, Maryland
November 11, 1964

Officers
Directives

A PRESENTATION TO THE OFFICERS
AND CITIZENS OF HOWARD COUNTY



PROLOGUE

One year ago, Community Research and Development announced the acquisition of more than 14,000 acres of land in Eastern Howard County. The purchase of this land was the first step in a broadly conceived plan to build a complete new town which would accommodate a major share of the County's coming growth. ¶ Following years of thoughtful study and analysis of the problems of growth as they typically exist throughout the United States — the problems of spiralling taxes, wasted and abused land, monotonous suburbs, inconvenience, unsightly development — the conclusion was reached that through a comprehensive long range approach to all the needs of coming growth, a balanced and effective set of solutions could be achieved in the form of a complete, new town. ¶ By commencing early enough, and by setting and maintaining the highest possible standards in every phase of development, it was also considered not only possible, but highly desirable to bring into being a community that in every sense of the word would be a better environment for its residents and a clear asset to its neighbors. ¶ This plan for Columbia would not have been possible without the interested and helpful cooperation of officials, agencies and citizens throughout Howard County.

COLUMBIA A NEW OPPORTUNITY TO MEET THE CHALLENGES OF GROWTH

The United States is on the threshold of the greatest wave of population growth in its history. Between 1960 and 2000, the total number of Americans will almost double. This growth will occur almost entirely in the areas which today make up the thinly populated fringes of our major cities.

Because of its location, Howard County is destined for major growth. The Eastern half of the County lies directly in the path of expansion of not one but of two of the largest cities in the country. Nowhere else in the United States are two cities of such size and of such dynamic growth potential so close together. From center to center Baltimore and Washington are only 36 miles apart. The modern beltways ringed both cities are only 20 miles apart.

Washington is today the fastest growing large metropolitan area in the United States. No longer just the Federal Capital, Washington is adding new private business and industry at an astonishing rate. Among the top 30 cities in rate of growth, Baltimore ranks ninth. The entire Baltimore-Washington metropolitan area will double its population in the next 35 years, adding more than four million people to those already living in the region.

Howard County is already experiencing the leading edge of waves of growth from both directions. Neighboring Montgomery and Prince George's counties which together had a 1950 population of less than 360,000, have added more than half a million people in the past twelve years.

Anne Arundel County has already more than doubled its 1950 population of 117,000. In the past 14 years, Howard County's population has also doubled, and its *rate* of growth has continued to increase. Between 1950 and 1960, the County added 13,000. In just the four years since the census, it has already added nearly 11,000.

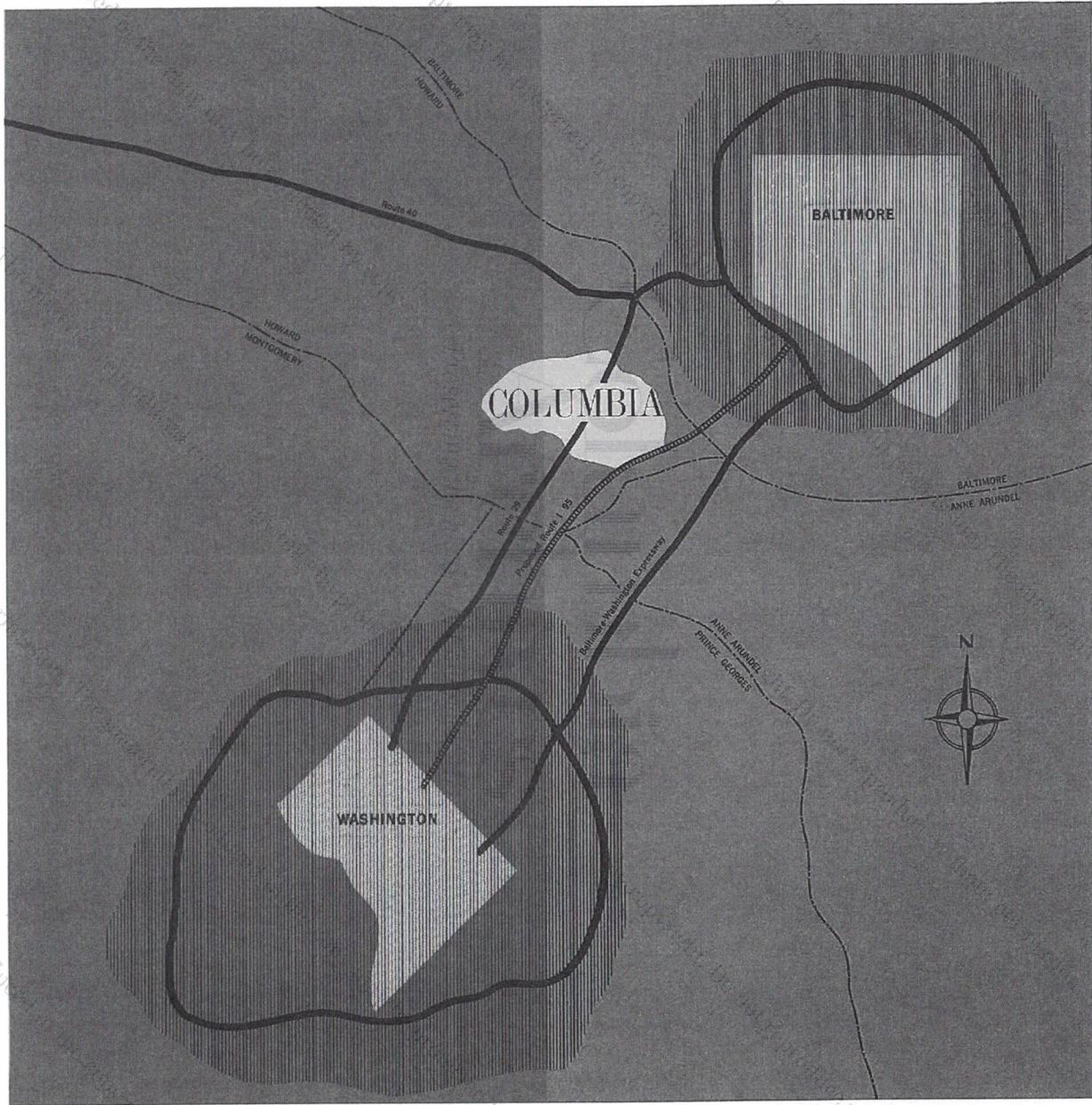
Existing regional and local trends, combined with long range projections make it clearly apparent that Howard County's growth is only beginning. The mounting pressure of rapidly increasing population in adjacent areas, the growing scarcity of land in the neighboring counties, the contrasting availability of it in Howard, and the completion of planned major highway improvements will combine in the years ahead to accelerate further the coming of new growth to the County.



POPULATION

	MARYLAND COUNTIES: BALTIMORE, WASHINGTON AREA*	METROPOLITAN BALTIMORE	METROPOLITAN WASHINGTON
1950	769,367	1,405,399	1,507,900
1960	1,433,000	1,727,023	2,314,310
1980	2,805,000	2,400,000	3,638,000

*Anne Arundel, Baltimore, Howard, Montgomery, Prince Georges



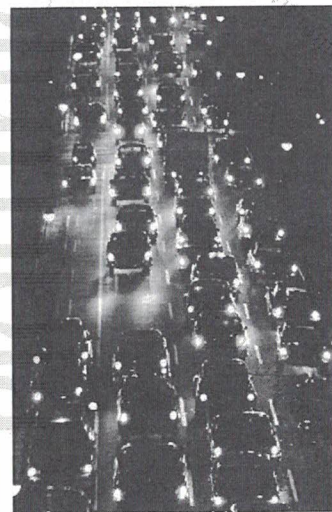
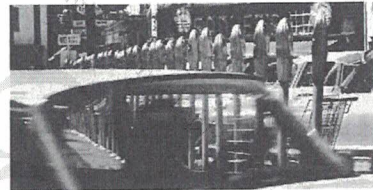
THE PROBLEMS OF GROWTH

A study of Howard's neighboring counties over the past fifteen years demonstrates many of the problems of growth, as well as solutions that have and have not worked. Rapidly rising taxes are characteristic of fast growing areas, because of the way in which development comes. First, single family residences are built on large lots. Most of the families who live in these homes have several children who must be educated. Large lots and scattered developments increase the cost of providing many services. Garbage trucks must drive greater distances, police must cover a wider area, sewer and water pipes must be extended over more miles and school bussing becomes a major factor in the education budget.

Those steps of development which have a favorable effect on taxes — apartments which contain fewer children, offices, indus-

tries and stores, are typically resisted until rising taxes and public demand make them necessary. But many of these uses are difficult to attract without complete services; the dilemma mounts.

Other problems of growth — crowded schools, obsolete facilities, inadequate fire protection, rural roads that are suddenly crowded with commuter traffic — are common to many rapidly urbanizing regions. In addition to the readily apparent ills are the inconveniences — the long drive to the doctor or to good shopping, the lack of parks or recreation, the constant need for the second car. As the new families continue to arrive, something of the real beauty of the country slips away and is lost forever. In place of hills and forests, green meadows and stream valleys, monotonous subdivisions appear to stretch in endless rows of similar dwellings, none singly or together able to enhance the landscape, all seeming somehow to be taking away.



COLUMBIA:

THE BEST OF
TOWN & COUNTRY

The idea that a whole new town might provide better and more complete answers to many of the problems of growth stems largely from a study of the way in which people live. In addition to houses, people need employment, education and transportation. They need shops and stores and goods and services of every kind. They need medical and dental care, churches, libraries and hospitals. They need restaurants, theatres and entertainment. And beyond necessities, people have a growing appetite for all the opportunities that are offered in culture and recreation, for human fulfillment and satisfaction. Safety and beauty, peace, quiet and protection — the list of needs, wishes and opportunities goes on.

In a large city, many of the listed opportunities are present. But for the convenience he enjoys, the city dweller often must sacrifice almost an equal list of advantages — the lack of open space, peace, quiet, beauty and safety. On the other hand, these amenities are abundant in the country. As rings of suburbs move out from the city, opportunities for good shopping, for recreation and culture, the convenience of nearby hospitals and other services are sacrificed. As people continue to move into the outlying areas, the beauty and serenity of the countryside gradually slip away, the city's advantages are remote, and opportunities for people become fewer. The great, sprawling metropolitan area becomes oppressively out of scale, and the suburbs become monotonous and dreary.

Through the scope and scale of its plan, Columbia has the opportunity to provide and support many advantages and institutions normally available only in large cities, such as a full service hospital, major shopping, entertainment and cultural facilities. Through careful design, Columbia also has the opportunity to preserve and enhance the natural beauty of the landscape, providing the attractiveness, quiet and safety characteristic of stable, high quality residential areas.

It is along these two fronts that planning has progressed. Last Fall, CRD's staff of designers, architects and engineers began a careful, thorough and sensitive study of the land, systematically noting every detail. Forest and stream valleys, views, slopes and vistas, meadows and roadways, existing structures and historic landmarks were studied and recorded. *The single purpose was to take advantage of every opportunity to preserve and enhance the land as a beautiful and useful asset of the community.*

At the same time, CRD began a parallel effort to explore systematically all the ways in which people live together in a community and as individuals with another clear objective: to insure that no opportunity was overlooked for providing a better, more efficient, more convenient, safer and more attractive environment for the growth of people.





COLUMBIA

GOALS

Before commencing the design of Columbia, Community Research and Development set certain specific goals which the plan would be required to meet:

Columbia would not create an additional tax burden on residents of the County.

Columbia's plan would respect the land, providing major areas of permanent open space, lakes, parks, and scenery. Trees, stream valleys and other natural amenities would be preserved, enhanced and cultivated to the maximum extent possible.

Columbia would be a complete and balanced community, providing a broad range of opportunities for housing and employment, and including major institutional, recreational and cultural facilities.

Columbia would set the highest possible standards of beauty, safety and convenience, including strict control of signs, commercial areas, architecture and landscaping.

Columbia would provide for its residents major utilities and services, including roads, sewers and water, at no additional cost to the County

Columbia would provide the best possible environment for the growth of people.

COLUMBIA:
A CLUSTER
OF SMALL TOWNS

Columbia will be a series of ten small towns, or villages, around a central core. Each village will contain widely varying types of residential neighborhoods; schools, parks, churches, shops necessary for the convenience of the residents, and other appropriate businesses and services.

Throughout Columbia, spacing the villages from one another and from adjacent properties will be an extensive system of permanent open areas. In some instances, these will be lakes, golf courses or playing fields; in others, landscaped stream valleys, woods or parks will separate elements of the town.

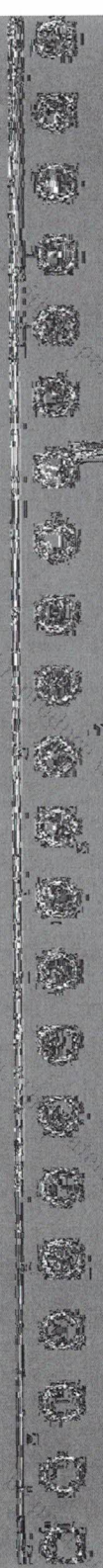
Centers of employment, largely in the form of research and development laboratories, offices and light manufacturing plants, will be both clustered and isolated in suitable locations. All of the villages, and some of the employment centers, will be linked together and to the town center by a transit system of small busses operating on their own roadways.

The community will offer a full range of recreational, residential and business opportunities, in addition to primary employment. Columbia will be fully serviced with sewers, water, roads and other utilities.



COLUMBIA

Archives

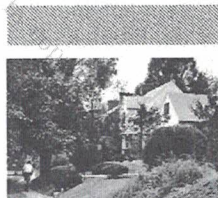




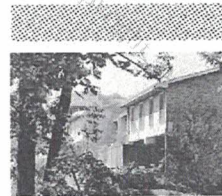
COLUMBIA: EIGHT BASIC USES OF THE LAND



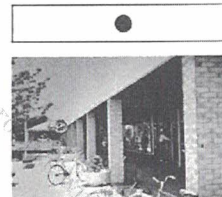
LOW DENSITY RESIDENTIAL: Homes on lots averaging two acres. In some cases, these will consist of estates on ten acre tracts. Total acres: 1420.



MEDIUM DENSITY RESIDENTIAL: Homes on lots from one quarter to one half acre. Many of these will border lakes, parks and golf courses. Total acres: 4099.

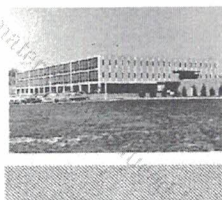


HIGH DENSITY RESIDENTIAL: Townhouses, garden and elevator apartments at an average density of 15 units per acre. These will provide housing opportunities for younger and older families and single persons. Total acres: 1220.

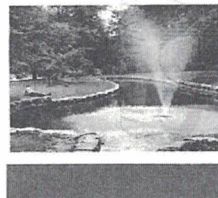


COMMERCIAL AREAS: Well designed and appropriately located stores, shops and business offices, including most of the town center. Total acres: 346.

EMPLOYMENT CENTERS: Research and science oriented industries, distribution centers, warehouses and offices will add to the tax base, as well as to the economic stability of the County. Total acres: 1674.



PERMANENT OPEN SPACES: Lakes, parks, stream valleys, playing fields, riding trails, recreation areas, golf courses, and pathways. Total acres: 3469.

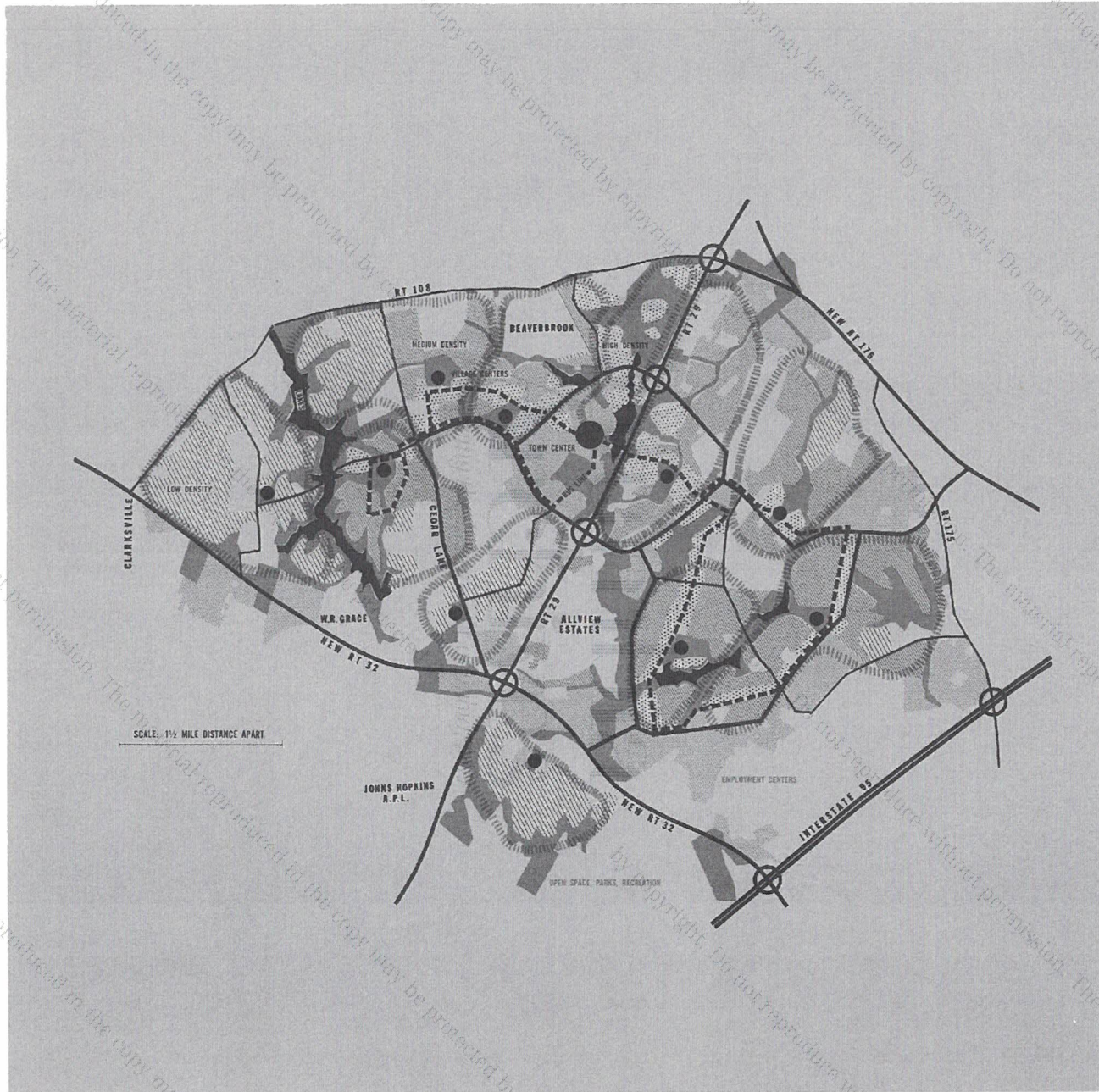


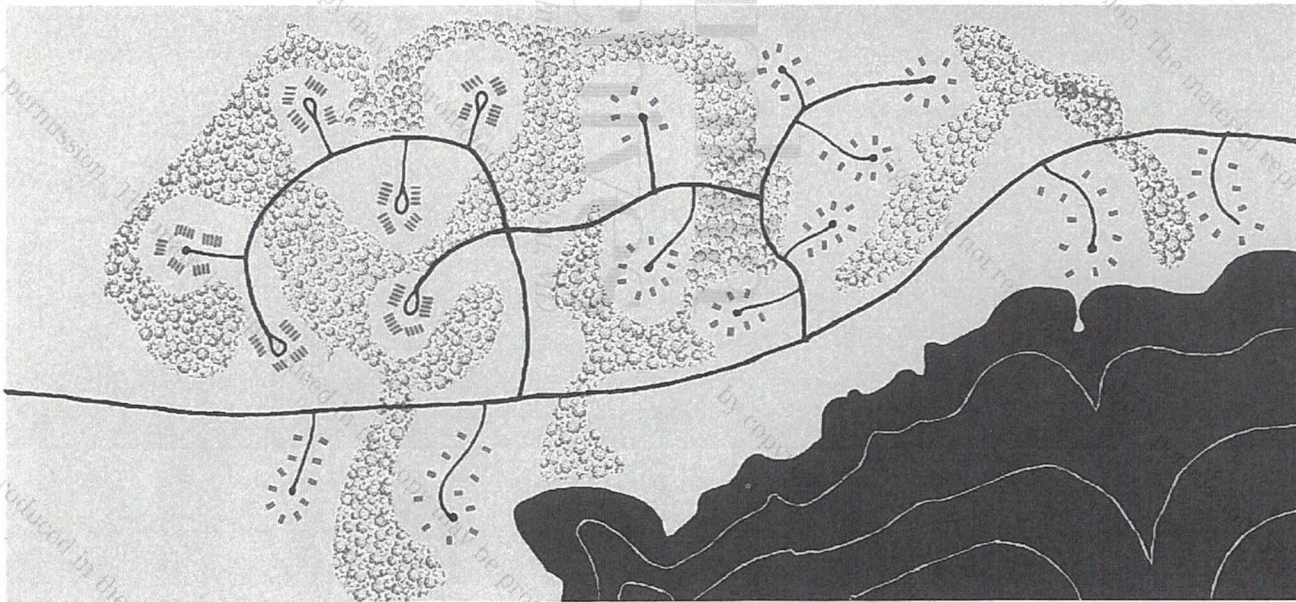
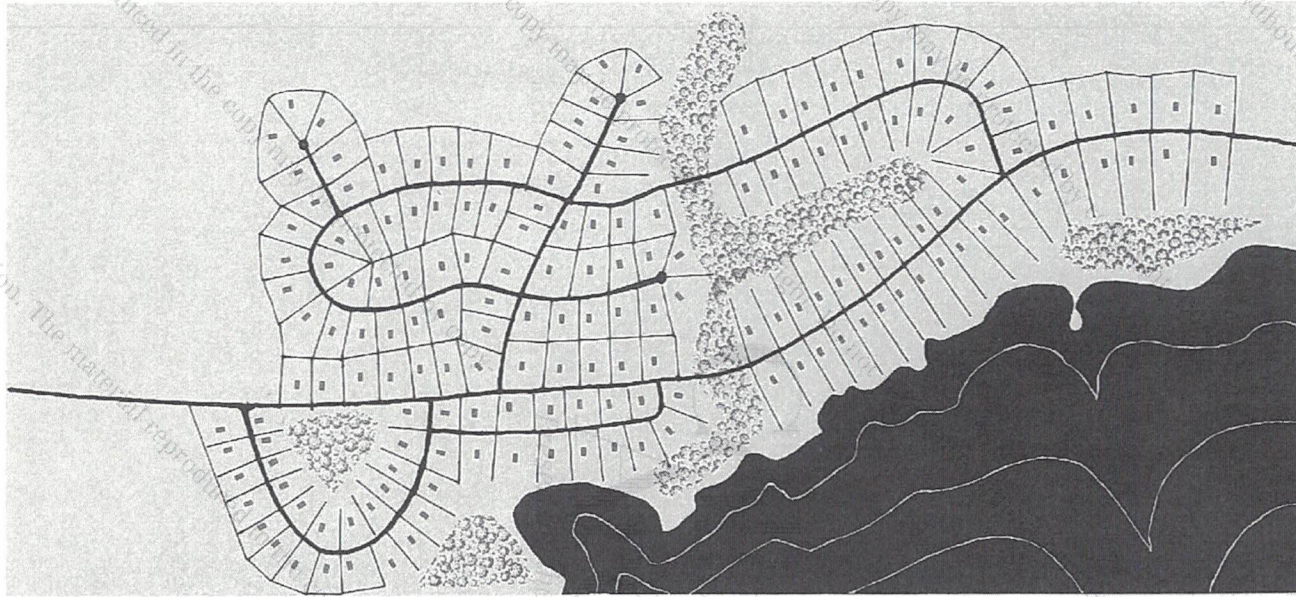
BUS SYSTEM: A landscaped roadway system for small busses will join most of the villages to each other, to the town center, to centers of employment and to connecting highway busses to Baltimore and Washington.



ROADS, STREETS, MISCELLANEOUS: Land that will be devoted to public, community, utility or other uses, not included in any of the above categories. This would include land for median strips, safe interchanges, and similar uses. Total acres: 1780.







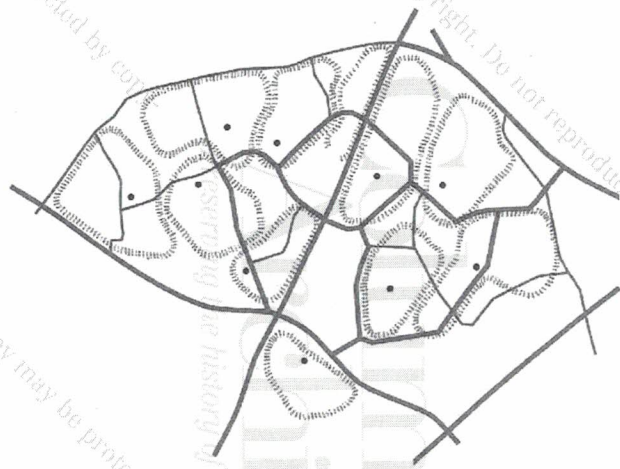
In the cluster development (*below*) the same number of families can be accommodated as in the conventional subdivision (*above*).

DENSITY OF DEVELOPMENT Columbia will provide homes for about 29,000 families, or approximately 110,000 people, over the next fifteen years. At completion, the average overall density of the community will be about two families per acre. Average income of Columbia's families, in terms of current dollars, is projected at about \$9,200 a year. Howard County's current *per household* income is about \$8,800.

Throughout the planning of Columbia, extensive use has been made of the principle of clustering, or grouping both townhouses and detached single family homes. By preserving a portion of the land from each lot that would, in normal development, be sold along with the house, the total acreage saved can be used for parks, lakes, golf courses, paths and riding trails and other

open spaces. Columbia will include three golf courses and more than six hundred acres of lakes.

Planning for garden apartments and townhouses has taken into consideration not only the needs and demands of today's growing population, but also those of the region as it will be in 1980. As a growing urban area, Eastern Howard County will need a variety of housing types for the changing requirements of families already in the County and for the attraction of business and industry. Long range planning and realistic allocation of the land will assure the stability of Columbia's 1980 density of two families per acre, and will guarantee the preservation of more than one acre out of four as permanent open space.



THE VILLAGES Each of Columbia's ten villages will be of a different size, character and appearance. Each will contain from 2500 to 3500 families. As individual communities of this size, the villages permit a scale of life reminiscent of the small towns which form such a rich heritage of America. In place of monotonous, sprawling suburbs stretching in endless ranks across much of the County, the villages of Columbia will offer a vitality and a scale of living too often sacrificed today.

Coming upon a village, the visitor will first be aware of a sense of quiet orderly neighborhoods, of attractive homes on lots ranging up to several acres. Others are clustered along lakefronts or golf courses. The road is clean and safe, its borders landscaped and planted.

Under or over the road pass pedestrian walkways. Private driveways do not open onto this road to the village; homes are grouped along quieter streets that serve only for parking and access. The visitor will be conscious of the continually attractive setting of the village. Trees are abundant and cared for; streams flow clear and fresh; even the sign which marks the road seems to complement the place.

Among the houses, he catches here and there the glimpse of a swimming pool, a playing field, a shaded bench. Along a lake, people fish or picnic. Sailboats and canoes dot the water. Ahead is a cluster of buildings, designed to fit into the landscape. The broad playing fields of a high school, the spires of churches, the peaceful stirring of activity, signal the arrival at the village center.



THE VILLAGE CENTERS Each village center is the heart of its community, providing a choice of services and activities for the families in and near the village. The design and atmosphere of the center will be in harmony with its surroundings and with its intent: to be a better place for people. Although each village center will contain many of the same elements, each will have a different appearance and layout.

The focal point will be the beautifully planted, parklike square around which the principal buildings are arranged. Along one side are attractive stores and shops for the day-to-day needs of the residents—a small supermarket, drug store, bakery, gift shop and others, limited in size and number to balance the requirements of the village.

Along another side of the square will be a medical office building, a library branch and the community hall. Churches of several

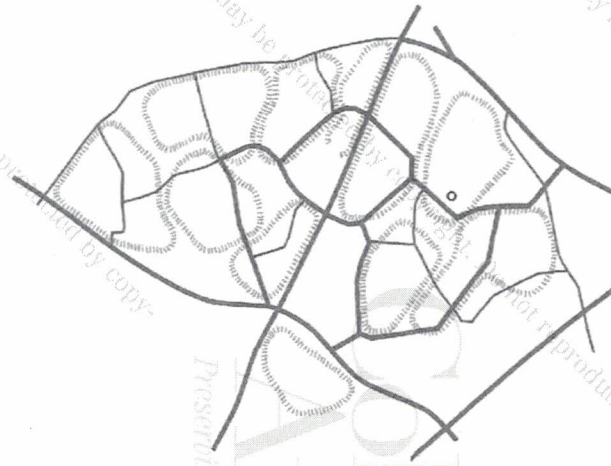
denominations will face the square, beyond which will be located the junior high and senior high schools and playing fields.

Convenient to the square will be landscaped parking lots which during the week will serve shopping and office needs and on Sunday the requirements of the churches. Throughout Columbia, careful design of parking for several uses or for peak hour sharing of spaces will add to both the attractiveness and the convenience of the community.

Each village square will be beautifully planted and maintained. Benches for relaxing in sunlight or shade, flower-bordered pathways, all will be inviting and attractive places for people. Here, within a few hundred feet of parking or of the bus stop, the resident will have the opportunity to shop for the family groceries, fill a prescription, keep a doctor's appointment, attend church, hear a lecture, select a book from the library or meet a child following a late afternoon at school.







THE NEIGHBORHOOD Columbia's typical village will consist of five or six neighborhoods of five to six hundred families each. Because the town will offer a wide variety of homes, some neighborhoods will cover much greater land areas than others. All of the neighborhoods will share a basic orientation to family life. Many of them will be close to existing developments within the perimeter of Columbia's land, and in these cases, special effort has been made to insure that neighborhoods of the new community will be compatible with those already in the area.

Apart from the similarity of Columbia's neighborhoods to many residential areas in housing type and value, a number of advantages will be apparent. The principle of clustering, or grouping, single family homes, both detached and of the townhouse design, will be applied. This will allow for the devotion of major areas of land to pathways and parks, to safer intersections and more meaningful spaces where children can play.

Throughout Columbia, neighborhoods will offer the surround-

ings and security of established, high quality residential areas. Residents can be certain that parks will remain parks, and that the location of every necessity and convenience will be sure. The roads leading to and around the neighborhood will be designed to the highest standards of safety, carefully planned and landscaped throughout.

Each neighborhood will be built essentially around the elementary school. In most cases, small children will be within easy walking distance of the school. In Columbia's residential areas, major effort has been directed to permitting children to walk to elementary schools without crossing a single street.

For the residents of the neighborhood and for people living nearby, Columbia's standards of safety, convenience and beauty will be a welcome asset. The variety of design, the careful siting of houses on the land to preserve and respect the natural amenities, and the shaded streets of the neighborhood will be in striking and happy contrast to what might have occurred in the normal development of the area.

IN THE MATTER OF
ZONING CASE NO. 398
HOWARD RESEARCH AND
DEVELOPMENT CORPORATION,
PETITIONER,

THE BOARD OF COUNTY
COMMISSIONERS OF
HOWARD COUNTY

*

MEMORANDUM AND ORDER

On May 4, 1965, the Board held a public hearing on this Petition to amend the Zoning Regulations so as to create a new New Town District within the Zoning Regulations. After due consideration the Board has determined that this is an appropriate amendment.

We find that the establishment of new town districts in areas of the County where a great increase in population appears imminent, and the adoption of the special zoning procedures in connection with such districts, will better promote the health, safety, morals and general welfare of the County by—

(a) permitting a more effective and harmonious blending of the various land uses than is possible through piecemeal development;

(b) enabling the utilization of modern town planning techniques which are possible only where a large area of land under unified ownership is developed pursuant to an overall plan designed to create a new town; and

(c) allowing such areas of land to be planned and developed as new towns in such a manner as to

(i) produce well located communities of desirable and stable character, in which various dwelling types and related uses are established in orderly relationship to appropriate institutional, commercial and industrial land uses,

thereby lessening the dependence of this County's residents upon employment centers in other counties and tending to prevent unemployment;

(ii) promote safety in the streets by the separation of pedestrian and automotive traffic to the greatest extent possible;

(iii) prevent needless waste of time, money and energy in useless traffic movement through the establishment of logical locations for residential areas, schools, churches, shopping areas and employment centers;

(iv) prevent wasteful duplication of services by providing facilities for the public which serve multiple uses;

(v) create a sense of spaciousness by the establishment of well located open spaces; and

(vi) encourage civic responsibility through the development of well planned neighborhoods in which the inhabitants can develop a sense of personal relationship with their communities.

It is believed that through the adoption of this more flexible approach to zoning the County will be benefited in having communities develop which are well planned, well controlled and which are able to attract desirable industrial uses within a community which is adapted to the accommodation of all of the needs of its citizens. We are mindful of the fact that Howard County is located between two of the largest metropolitan areas in the country and that we are bound to be profoundly effected by their development.

We believe that the growth and progress of the County is to a large measure dependent upon the manner in which we respond to the challenges created by our proximity and relation-

ship to these burgeoning metropolitan centers.

As we grow, as we respond to the demands for new and better governmental services, such as public water and sewerage, better schools and roads, we must strive to fit our development to the basic desires for our County. We would like to see the County retain as much of its rural beauty and charm. Gearing our growth to these demands is not going to be simple. We believe that this Regulation is one of the devices by which we can encourage bold and imaginative land development, development which is predicated upon the necessary economic realities and yet which seeks to preserve "open spaces" and the natural beauty of this county. We believe that intelligent, far-sighted development, as authorized by this amendment, can be a major factor in the future growth of Howard County.

It is, therefore, this 27th day of May, 1965 by the Board of County Commissioners of Howard County, Ordered that the Zoning Regulations of Howard County are hereby amended as follows:

1. Section 17 of these Regulations, as that Section existed immediately prior to the passage of this Resolution, is hereby renumbered and designated as a separate paragraph, to follow immediately after the first paragraph of Section 13. All references to these Regulations, or to Sections thereof, throughout the new Section 17 shall be deemed to refer to these Regulations, or to the appropriate Sections thereof, as they exist on the date of the passage of this Resolution.

2. A new Section, to be known as Section 17, is hereby adopted as follows:

SECTION 17--NT DISTRICTS

The County Commissioners hereby amend the comprehensive zoning plan of Howard County by establishing a new zoning district to be known as "New Town District" (and to be designated as "NT District") at such location or locations on the zoning map as may be designated by the County Commissioners under the procedure

and subject to the limitations set forth in this Section.

Section 17.01 Definitions, Requirements and Restrictions Applicable to NT Districts

17.011 (a) As used herein, the term "New Town" means an unincorporated city, town or village which

(i) is designed and planned as an economically and culturally self-sufficient community with a population of at least 20,000 inhabitants; and

(ii) is so designed and planned as to meet all of the requirements specified in this Section 17.01.

(b) As used herein, the terms "New Town District", "NT District" or "the District" mean the land zoned for the erection of a new town under the provisions of this Section 17.

17.012 No NT District shall be created except by the procedure set forth in Section 17.02 hereof. Each NT District must contain a total area of at least 2,500 contiguous acres. Lands which are divided by streets, roads, ways, highways, transmission pipes, lines or conduits, or rights of way (in fee or by easement) owned by third parties shall be deemed to be contiguous for purposes of this Section 17. No NT District shall be established except upon land the beneficial title to which is in the person, firm or corporation executing the petition referred to in Section 17.021

hereof. The tenant under a lease having a term of not less than seventy-five years shall be deemed to be the holder of the beneficial title to the land covered by the lease for the purpose of this Section 17.

17.013 No NT District shall have a greater overall population density than that produced by the number of "dwellings", as defined in Section 37.10 hereof, permitted under the provisions of this Section 17.013. The maximum number of dwellings permitted within a NT District shall be calculated by multiplying the total number of acres within the entire NT District (without excluding any areas regardless of their use) by the average number of dwellings per acre permitted within the NT District as specified in the "Final Development Plan", as hereinafter defined; provided, however, that in no event shall the average number of dwellings per acre permitted in any NT District exceed 2.5. Within each NT District the following additional density restrictions shall apply:

(a) In areas designated "single family -- low density" on the Final Development Plan, the maximum number of dwellings permitted shall relate to the overall total number of dwellings in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all

areas so designated by two.

(b) In areas designated "single family -- medium density" on the Final Development Plan the maximum number of dwellings permitted shall relate to the overall total number of dwellings in all areas so designated within the NE District and shall be calculated by multiplying the number of acres within all areas so designated by four.

(c) In areas designated "apartments" on the Final Development Plan the maximum number of "apartments", as defined in Section 37.04 hereof, permitted shall relate to the overall total number of apartments in all areas so designated within the NE District and shall be calculated by multiplying the number of acres within all areas so designated by fifteen.

17.014 The use of land within NE Districts shall be limited to those uses specified in the "Final Development Plan", provided, however, that in no event shall

(1) uses permitted only in T-2 and M-2 Districts under these Regulations be permitted in an NE District; and

(2) any attached or semi-detached houses be erected, except:

(a) in areas designated "Apartments" on the Final Development Plan;

(b) in groups having no more than 10 dwellings attached to one another;

(c) in such numbers as not to exceed

10 dwellings for each acre of such use, calculated by multiplying the number of acres so designated by 10; and

- (d) in such physical relation to each other and to other uses as may be specifically approved on a subdivision layout submitted as part of the Final Development Plan.

17.015 Except for accessory uses as hereinafter provided, no building or other structure within an NT District shall be:

(a) erected except at the general location shown for it on the Final Development Plan, or

(b) used for any purpose other than the use designated for it on the Final Development Plan.

17.016 Except as otherwise provided in the Final Development Plan, the following restrictions shall be applicable to NT Districts:

17.0161 Access shall be provided from every use site to a public street or to a system of common streets and ways connecting with the public street system.

17.0162 The minimum residential floor area requirements of these Regulations shall be applicable to comparable residential uses within the NT District. However, each group home and/or town house

unit must contain a minimum of 1080 square feet of gross floor space, excluding the basement.

- 17.0163 The off-street parking requirements of Section 23 of these Regulations shall be applicable.
- 17.0164 The sign regulations of Sections 21.04, 19 and 14.16 shall be applicable. Sign regulations stated to be applicable by districts shall be applied, in the RT Districts, to the individual uses listed for those respective districts, so that Section 14.16 shall be applied to industrial uses, Section 21.049 shall be applied to B-2 uses other than B-1 uses, Section 21.0410 shall be applied to shopping centers, Section 21.0411 shall be applied to uses permitted by Section 9.012, and Section 21.0412 shall be applicable only in business and industrial areas shown as such on the Final Development Plan.
- 17.0165 The accessory use provisions of Section 4.02 shall be applicable to all residential uses within the RT District and Section 24 of these Regulations shall be applicable.
- 17.017 Subject to the more restrictive provisions of Section 17.024(d) relating

to specific uses, all provisions of these Regulations relating to T-1, B-1, B-2, SC, MR and M-1 Districts (except those restrictions relating to minimum lot size, height limitations, parking requirements, front, side and rear yard areas, set back provisions and coverage requirements, the controls afforded by the Final Development Plan set forth in Section 17.024(e) being substituted therefor) shall apply to those areas in the NT District designated on the approved Final Development Plan for uses corresponding to those permitted in the aforesaid districts, including, but not limited to, the following:

For all industrial uses, the performance standards and requirements of the following Sections of these Regulations shall be applicable:

- 14.08 NOISE CONTROL
- 14.09 VIBRATION CONTROL
- 14.10 SMOKE AND FLY ASH
- 14.11 FUMES, GASES AND ODORS
- 14.12 EMISSIONS AFFECTING PERSONS
- 14.13 EMISSIONS AFFECTING PROPERTY OR VEGETATION
- 14.14 DIRT AND DUST
- 14.15 POLLUTION OF STREAMS
- 15.07 NOISE CONTROL
- 15.08 VIBRATION CONTROL
- 15.09 SMOKE AND FLY ASH
- 15.10 ODORS, FUMES, GASES
- 15.11 POLLUTION OF STREAMS

17.018 Each New Town District must provide each

of the following uses in the following proportions:

	Minimum Percentage of Total Area of the District	Maximum Percentage of Total Area of the District
Open Space Uses..	20%	NA
Single Family ^{**} ---		
Low Density....	15%	NA
Single Family ---		
Medium Density..	25%	NA
Apartments.....	NA	10%
Commercial (B-1, B-2, T-1 and SC Uses)..	2%	10%
Industrial Uses		
(IR and M-1 Uses)..	10%	20%
Other uses presently permitted in any zoning district other than those permitted only in M-2 or T-2 districts	NA	15%

NOTE: N/A means Not applicable.
 Each New Town District must also provide adequate public transportation facilities and public water and sewer systems in the areas shown on the Final Development Plan. As used in this Section 17.013, the term "open space uses" is defined as being those uses which do not involve any extensive coverage of land with buildings, as, for example, all lands devoted to the raising of crops, agricultural uses, parks, playing fields,

golf courses and any other outdoor recreational uses (whether any such uses be publicly owned or privately owned or operated for profit), as well as all lands covered by lakes, rivers or streams, and all lands devoted to public or community uses. Open land designated for residential uses shall be considered qualified as "open space use" only if it is held for the common use of the public or persons residing in the particular locality within the community and if it is larger than two acres in size. For the purpose of meeting the 20% requirement imposed above,

(i) the term "open space uses" shall not include parking lots, vehicular rights-of-way, amusement parks, golf driving ranges or drive-in movies and

(ii) at least 50% of the land area so designated shall be available to the public at large.

17.019

All lands approved as open space use on the Final Development Plan of the NT District shall be conclusively presumed to satisfy the requirements of this Section 17.018

17.019

Anything in other Sections of these Regulations to the contrary notwithstanding, there shall be no restrictions upon the use of, or on the erection of buildings and structures on, land within an NT District other than such as are provided in the various subsections of this

of this Section 17, or in such other Sections of these Regulations as are expressly stated to be applicable by the various provisions of this Section 17. Nothing herein shall render inapplicable any regulation of the County relating to construction requirements and/or subdivision approval to the extent that any of the same are not inconsistent with the provisions of this Section 17.

Section 17.02 PROCEDURE FOR CREATION OF NF DISTRICTS

17.021 The beneficial owner of any tract of land in Howard County meeting the requirements of Section 17.012 may petition the County Commissioners to designate the property described in the petition as an NF District. The petition, or the petition together with any schedules attached thereto, shall contain:

(a) the exact name and address of the petitioner and a reference to the liber and folio of the Land Records of Howard County at which the deed conveying the property in question to the petitioner is recorded (if the petitioner is not the legal as well as beneficial owner of the property, the petition shall (i) so state, (ii) list the exact name and address of the legal title holder and give a reference to the liber and folio of the Land Records of Howard County at which the deed conveying the property to the legal title holder is recorded, and (iii) contain a written assent to the petition signed by the legal title holder);

(b) a metes and bounds description of the property covered by the petition and a survey thereof demonstrating that the same meets the requirements of Section 17.012.

(c) a Preliminary Development Plan of the property covered by the petition. As used in this Section 17, the term Preliminary Development Plan shall mean a generalized drawing or series of drawings of the proposed New Town, with appropriate text materials, setting forth:

(1) the major planning assumptions and objectives, including the projected population, the planned development pace, the method of assuring that all open space uses will be permanently maintained and devoted to open space uses, the proposed public transit system routes and method of operation, and the facilities for the proposed cultural activities of the New Town;

(2) the proposed general layout of major roads and highways;

(3) a statement of the number of acres within the proposed NT District intended to be devoted to--

- (1) residential uses, broken down into the number of acres to be used for each of the following specific residential uses:
- a. single family -- low density areas;
 - b. single family -- medium density areas;

c. apartment areas;

(ii) employment uses (i.e., any use involving the employment of individuals, including office buildings, private schools, hospitals, institutions, commercial undertakings, industrial enterprises, and all other forms of business, professional or industrial operations), and

(iii) open space uses;

(4) the general location of the uses referred to in subparagraph (2) above, including proposed sites for recreational uses, schools, parks and other public or community uses and, to the extent petitioner has determined locations for commercial uses at the time of the filing of the Preliminary Development Plan, including a separate designation of commercial areas;

(5) a description of the proposed drainage, water supply, sewage and other utility facilities; and

(6) a statement of the intended overall maximum density of population of the proposed NT District, expressed in terms of the average number of dwellings per acre.

The Preliminary Development Plan shall indicate the location and nature of any commercial uses to be included in residential areas. All proposed commercial and industrial uses, except for those limited number

of commercial uses which are proposed in residential areas, shall be indicated on the drawings in areas marked "Employment Centers", defined as those areas shown on the Preliminary Development Plan which the petitioner proposes to develop for employment uses. All intended uses which by Section 19 of these Regulations are permitted, with specific approval, only in residential districts, or in some residential districts and some non-residential districts, may be included in the Final Development Plan, either in the residential areas or Employment Centers shown on the Preliminary Development Plan. All intended uses which by Section 19 of these Regulations are permitted, with specific approval, only in non-residential districts, shall be included in areas marked Employment Centers on the Preliminary Development Plan.

17.022 The petitioner shall file fifteen copies of the above described petition and all schedules annexed thereto with the Zoning Commissioner who shall, in turn, transmit five sets of the same to the Planning Commission and to the Howard County Metropolitan Commission and each such agency shall within 30 days after receipt of the petition issue a written report and recommendation thereon to the County Commissioners. In considering the petition and in making its recommendation and report thereon, the Planning Commission shall consider the matters set forth in Sections 1 and 2 of these Regulations as well

as the Master Plan for the County, and the Howard County Metropolitan Commission shall consider the availability of water and sewage facilities.

17.023 After the Planning Commission and the Howard County Metropolitan Commission have issued their respective recommendations and reports, the County Commissioners shall schedule a public hearing at which parties in interest and citizens of Howard County shall have an opportunity to be heard. Public notice of the hearing and the posting of the property in question shall be subject to the provisions of Section 33.01 hereof. Following the public hearing, and after considering the reports and recommendations of the Planning Commission and the Howard County Metropolitan Commission, and after giving due regard to the matters set forth in Section 1, 2 and 33.03 hereof, the County Commissioners shall examine the Preliminary Development Plan in detail. In making this examination, the County Commissioners shall also consider the following guides and standards in passing on the petition: the appropriateness of the location of the RT District as evidenced by the General Plan of Howard County; the effect of such District on properties in the surrounding vicinity; traffic problems and their relation to the public safety and welfare; the physical layout of the County; the orderly growth of the County; the availability of essential services; the most appropriate use of the land; the need for adequate open spaces

for light and air; the preservation of the scenic beauty of the County; the necessity of facilitating the provision of adequate community utilities and facilities such as public transportation, fire fighting equipment, water, sewerage, schools, parks and other public requirements; population trends throughout the County and surrounding metropolitan areas and more particularly within the area considered; the proximity of large urban centers to the proposed NT District; the road building and road widening plans of the State and County, particularly for the area considered; the needs of the County as a whole and the reasonable needs of the particular area considered; the character of the land within the District and its peculiar suitability for particular uses; and such other matters relevant and pertinent to the relationship of the District to the comprehensive zoning plan of the area.

The petition shall be granted only if the County Commissioners affirmatively find---

(i) that the petition complies with the provisions of Section 17.021;

(ii) that the proposed development constitutes a New Town meeting the requirements of Section 17.01;

(iii) that a New Town District should be located at the proposed site; and

(iv) that the Preliminary Development Plan constitutes a general land use plan for the area covered thereby designed to meet the objectives set forth in Section 1 (VI) of this ordinance.

The action of the County Commissioners in the approval or disapproval of a petition for New Town District zoning, being legislative in nature, shall not be subject to appeal.

If the petition is granted, the County Commissioners shall by resolution approve the Preliminary Development Plan and shall create a New Town District covering all of the land included in the petition. If the proposed NT District contains more 2,500 acres, the creation of the District may be accomplished by rezoning all of the land included in the petition at one time or, in the discretion of the Commissioners, by rezoning the same in phases. If this latter course is taken:

(i) The area included in the first such phase shall be at least 2,500 acres, and each additional phase shall be of such size and at such location or locations as will permit effective and economic development of the portion so zoned as a part of the New Town shown on the Preliminary Development Plan; and

(ii) the overall density restriction, the density restrictions as to particular use areas, and the restrictions as to the maximum and minimum areas devoted to particular uses shall be applied with respect to the entire area shown on the Preliminary Development Plan and not merely with respect to the area of the phase so zoned.

If the petition is approved as above pro-

vided:

(a) a copy of the Preliminary Development Plan shall be certified as approved by the County Commissioners and a verified copy of the same shall be forwarded to the Planning Commission, the Howard County Metropolitan Commission, and the petitioner;

(b) the zoning map of the county shall be amended so as to designate the area of the new RF District or the phase thereof then being zoned;

(c) all prior existing zoning controls over the property so designated as being within the RF District which are inconsistent with the Preliminary Development Plan shall cease;

(d) no further permanent improvements involving any new primary uses shall thereafter be erected on, and no new primary uses made of, any part of the land within the new RF District prior to the approval of the Final Development Plan (or the phase thereof covering such development) as hereinafter provided, except for such as may be specifically approved by the Planning Commission, but petitioner shall discontinue any such use and demolish any such improvements so permitted by the Planning Commission if such use and such improvements are not ultimately permitted by the Final Development Plan.

17.024 As used herein, the term "Final Development Plan" shall mean a drawing, or series of drawings, at a scale of one inch equals 100 feet, with appropriate text material, setting

forth with respect to the entire NE District:

- (a) the permitted locations of all
 - (i) public streets and roads,
 - (ii) public easements and rights of way,
 - (iii) major lines and conduits supplying water, sewage, electrical and other utility services, and
 - (iv) drainage facilities, both on-site and off-site

(b) the permitted locations of all sites for recreational, school, park and other public or community use;

(c) the preliminary subdivision plats showing all proposed lot and parcel lines;

(d) the proposed general locations of all buildings and structures and the permitted "general use" or "specific use", as hereinafter defined, of each such building and structure, except that no uses shall be specified which are permitted only in R-2 and M-2 Districts. Where the Final Development Plan designates the use of particular building or structure as "uses permitted in a District" (e.g., "uses permitted in a B-1 District"), then the building or structure may be used for all uses permitted in the particular District by the several sections of these Regulations, the use so designated being herein referred to as a "general use". Where, however, the Final Development Plan designates a structure for a particular use (e.g., "retail store"), the building or structure must be used for

that particular use only, the use so designated being herein referred to as a "specific use"; and

(e) height limitations, parking requirements, front, side and rear yard areas, set back provisions, minimum lot sizes and coverage requirements, stated generally and/or specifically with respect to particular improvement or types of improvements.

17.025 Within thirty days following notification of the approval of the Preliminary Development Plan, the petitioner shall notify the Planning Commission of the target date for the presentation to the Planning Commission of a proposed Final Development Plan of the RT District, or of the first phase of a proposed Final Development Plan if the petitioner desires to develop the RT District in separate geographical segments.

17.026 Promptly following the giving of such notice to the Planning Commission, the petitioner shall commence the preparation of a proposed Final Development Plan. Upon completion of a proposed Final Development Plan, or upon completion of each phase thereof if the petitioner elects to develop the RT District in separate geographical segments, the petitioner shall deliver five copies of the same to the Planning Commission for its consideration. After review of the material submitted in light of the General Plan for the County, and after giving the petitioner an opportunity to be heard, the Planning Commission shall:

(a) approve the proposed Final Development Plan (or the particular phase thereof) as submitted by the petitioner;

(b) approve the proposed Final Development Plan (or the particular phase thereof) as changed by the Planning Commission; or

(c) reject the proposed Final Development Plan (or the particular phase thereof) in its entirety.

17.027 In acting upon a proposed Final Development Plan (or the particular phase thereof) the Planning Commission shall be guided by the provisions of Sections 1, 2, and 17.023 of these Regulations and shall particularly consider:

17.0271 The location and adequacy of all streets and ways, in relation to the highway plans of the County and State.

17.0272 The location and adequacy of public utility and community facilities, including transportation facilities and recreational uses and school properties, in relation to the density and distribution of population.

17.0273 The location, extent and potential use of open space in the form of greenbelts, walkways, pathways, parkland, etc., as it affects the general amenity of the community.

17.0274 The impact of the proposed commercial and industrial uses on the residential uses within the NE District or adjacent thereto.

17.028 In considering the matters set forth in Section 17.027, the Planning Commission shall be entitled to consult with, or request reports from, the Howard County Metropolitan Commission, the Health Department of Howard County, the Building Engineer and any other public departments or agencies of the County or State.

17.029 The Planning Commission shall not unreasonably disapprove or change a proposed Final Development Plan, or any phase thereof. The fact that the proposed Final Development Plan, or any phase thereof, is not in conformity with the Preliminary Development Plan shall be sufficient ground for disapproval or change. The Planning Commission shall approve no Final Development Plan which varies the areas of uses below the minimum or above the maximum percentages for particular uses specified in Section 17.018.

17.030 Prior to final approval of the proposed Final Development Plan (or any phase thereof if separately submitted), a public hearing thereon shall be had if the same deviates from the Preliminary Development Plan previously approved by the County Commissioners in any of the following particulars:

(a) if the overall maximum density of population within the NE District exceeds that stated in the Preliminary Development Plan; or

(b) if the number of acres to be devoted to the employment uses referred to in Section 17.021 (c) (5) (ii) hereof shall be

increased more than 10%, or the number of acres to be devoted to the uses referred to in Section 17.021 (c) (3) (iii) hereof shall be decreased by more than 10%, from that stated in the Preliminary Development Plan; or

(c) if the proposed Final Development Plan shows a use of land in the NT District within 300 feet of any outside boundary thereof which differs from that shown on the Preliminary Development Plan (unless the owners of all land abutting the NT District and within 300 feet of the land in the NT District the use of which is to be changed shall sign a written waiver of the right to be heard in connection with such change in use).

If a public hearing is required to be held under this Section 17.030, it shall be limited to the particular deviation (or deviations) which required the hearing, and the Planning Commission shall require publication and posting of the property, all as in the case of the hearing on the Preliminary Development Plan.

17.031 In applying the provisions of this Section 17, where the proposed Final Development Plan is submitted in phases, the overall population density and the acres devoted to particular uses shall be recomputed upon the consideration of each successive phase of the proposed Final Development Plan so as to include all prior phases, but in making these recomputations, the gross area of the entire

NT District covered the Preliminary Development Plan shall be considered and not merely the area of the segments covered by the prior phases of the proposed Final Development Plan and the current phase being submitted for approval.

17.032 If the Planning Commission shall disapprove the proposed Final Development Plan (or any phase thereof), or shall fail to approve or disapprove the same within sixty days after submission, then the petitioner, at his election, may take an appeal as permitted by law or may submit the proposed Final Development Plan (or the phase thereof in question) directly to the County Commissioners. If the petitioner pursues this latter course, the County Commissioners shall hold a public hearing on the proposed Final Development Plan (or the phase thereof in question), shall require publication and posting of the property, shall ask for recommendations from the Planning Commission and the Howard County Metropolitan Commission, all as in the case of the hearing on the Preliminary Development Plan. After such hearing and the receipt of such reports and recommendations as may be forthcoming within 30 days after such requests, the County Commissioners may approve, with or without changes, or disapprove the proposed Final Development Plan (or the phase thereof in question). In making this decision, the County Commissioners shall consider the matters set forth in Section 17.027 hereof.

17.033 Upon approval of the Final Development Plan (or upon the approval of each phase thereof if submitted on a separate segment basis) as above provided the same shall be recorded among the Land Records of Howard County and the provisions thereof as to land use shall bind the property covered thereby as provided in Section 17.01 with the full force and effect of specific Zoning Regulations. After such recordation, no new structure shall be built, no new additions to existing structures made, and no change in primary use effected, different from that shown on the Final Development Plan except by an amendment to the Final Development Plan. Such an amendment may be requested by any interested party and the proposed amendment shall be governed by all of the foregoing provisions relating to the approval of the Final Development Plan. Changes in accessory uses shall be permitted pursuant to applications for certificates of occupancy.

17.034 At any time before the County Commissioners have acted pursuant to Section 17.023 hereof, the original petitioner may amend his petition for an NE District so as to include additional land owned by him and adjacent to the land described in the original petition. If the County Commissioners have approved a petition under Section 17.023, then at any time thereafter the original petitioner may file a new petition to annex additional land to the NE District so as to include additional land owned by him and adjacent to the

existing NE District. Such new petition shall be subject to all of the provisions of this Section 17, except that the minimum area requirements under Section 17.012 shall not apply.

17.035 If construction has not been commenced and completed to the extent of 25% of the ground floor area of the buildings shown on the Final Development Plan within five years after the date of the approval thereof (or the date of the approval of the last phase thereof if submitted in phases), then the approval shall be void and the entire matter resubmitted to the Planning Commission for reconsideration in light of existing circumstances to the same extent as if the same were simply a proposed Final Development Plan; provided, however, that the County Commissioners may grant not more than two extensions of time of one year each to be added to said five year period if they consider such extension to be proper after the receipt and consideration of a report and recommendation from the Planning Commission with respect to such extension or extensions.

Any construction which has been commenced shall not be subject to reconsideration upon any resubmission of a Final Development Plan under this Section, and the County Commissioners shall make no changes in the Final Development Plan except in relation to areas where construction has not been commenced. During any such reconsideration the property covered by the Final Development Plan

Respass, Charity

From: Christopher J. Alleva <jens151@yahoo.com>
Sent: Friday, September 15, 2023 3:09 PM
To: Eisenberg, Lynda
Cc: Kendall, Mary; O'Connor, Kristin; CouncilMail
Subject: [WARNING: UNSCANNABLE EXTRACTION FAILED](CB 28-2023) NT Zone: Zoning Law and Covenants and Restrictions 2 of 2
Attachments: FDP Summary 10-5-2020 (5) (1).xlsx; Columbia - Howard County Unit Mix (1).pdf; General Plan 1965 NT Supplement.pdf; ALLEVA GENERAL PLAN TESTIMONY 2023 (2).pdf; Healy Talk Reciprocal Negative Servitudes.pdf; Columbia PDP Scan 2019 .pdf
Follow Up Flag: Follow up
Flag Status: Flagged

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Page 2 of 2 Additional Documents

- 4.FDP Database Summary (DPZ Report)
5. Columbia and Howard County Current Unit Mix and Projected Unit Mix
6. 1965 General Plan Supplement in support of adoption of NT Zone
7. Alleva Testimony to Planning Board
8. The Covenants and the People Tree; Reciprocal Negative Servitudes; and the Common Scheme of Development
9. Columbia PDP

Howard County and Columbia Unit Mix As Built 12/31/2022

	Single Fam Detached	Single Family Attached	Apartments*	Mobile Homes	Total
Columbia NT	12,446	7,254	14,258	-	33,958
Columbia Downtown (Blt)			1,671		1,671
Total NT	12,446	7,254	15,929	-	35,629
%	34.93%	20.36%	44.71%	0.00%	100.00%
Out Parcels	3,691	3,986	(770)	-	
Total Columbia	16,137	11,240	15,159	-	42,536
%	38%	26%	36%	0%	100%
Howard County	62,927	28,370	32,263	1,286	124,846
%	50.40%	22.72%	25.84%	1.03%	100.00%

Columbia Planned Units Proposed Gen Plan

Columbia Downtown	-	-	4,529	-	4,529
Columbia Village Centers			1,750		1,750
Columbia Residential Planned	-	-	6,279	-	6,279
Total Columbia Blt and Plan	12,446	7,254	22,208	-	41,908
%	29.70%	17.31%	52.99%	0.00%	100.00%

*Notes

1. There is a discrepancy between the Columbia FDP Report and the Cumulative Residential Report

Via email: planningboard@howardcountymd.gov

March 8, 2023

Mr. Edward Coleman, Chairperson
The Howard County Planning Board
3430 Courthouse Dr.
Ellicott City, MD 21043

Subject: Testimony Chris Alleva Ho Co General Plan Planning Board Review March 9, 2023

Dear Mr. Coleman:

As long time proponent of recycling I am submitting a copy of March 23, 2022 letter regarding General Plan Applicability.

Sincerely,



Christopher Alleva
10848 Harmel Dr.
Columbia, MD 21044
443 310 1974

March 23, 2022

Via email: planningboard@howardcountymd.gov and First Class Mail

Mr. Edward Coleman, Chairperson
The Howard County Planning Board
3430 Courthouse Dr.
Ellicott City, MD 21043

Subject: **The General Plan 1960-2012 and the Planning Board**

Dear Mr. Coleman:

I am writing today to clarify the definition and applicability of the General Plan under the Maryland code. There has been considerable confusion and inconsistency in how, what and when the policies and text of this foundational authoritative local planning tool are used. This letter is submitted to the Planning Board as official correspondence under the Board's rules of procedure.

The General Plan is a cumulative document, the Maryland code requires it to be updated every 10 years with amendments as needed. This means General Plan policies remain in full force and effect unless and until they are superseded in a subsequent update. The General Plan text and policies are the predicate for the Zoning Regulations. For example, the NT zoning district was adopted in 1965 and amended in 2010 and 2016 for Downtown Columbia, therefore the applicable General Plan policies and text is the 1960 General Plan and 1965 Supplement except for Downtown which is covered by the 2010 and 2016 amendments.

The General Plan of Howard County commenced in 1960 when the Planning Board then called the Planning Commission adopted "*A Planning Policy and Design Concept on February 17, 1960.*" This Plan was incorporated into the General Plan adopted on July 20, 1960. The policy against "strip zoning" was first adopted in the February 17, 1960, Policy and Design Concept. This policy remains in full force and effect having been affirmed for the last half century in 1971, 1982,

Attached to this letter is the timeline of General Plans source from the current update of the General Plan called "HoCo by Design." This timeline omitted the February 17, 1960, Policy and Design Concept as well as the 1965 New Town supplement so I added them accordingly. Also, I have attached the references to the strip zoning policy from February 17, 1960, Policy and Design Concept and the affirmations in 1971, 1982, 1990, 2000, and 2012.

Perhaps the Board can adopt a policy under their rules to ensure consistent application of General Plan policies in the future. I would be pleased to furnish additional information at your request.

[SIGNATURE AND COPY LIST ON PAGE2]

March 23, 2022
Howard County Planning Board, Edward Coleman, Chair

Sincerely,

Christopher Alleva
10848 Harmel Dr.
Columbia, MD 21044
443 310 1974

Michael Golibersuch: michealgolibersuch@gmail.com
Joel Hurewitz: joelhurwitz@gmail.com
David Moore, Deputy County Solicitor
Ms. Amy Gowan, DPZ Director
Ms. Mary Kendall, Deputy Director

Other Copies: Andy Stack and the Columbia Association Board of Directors; Owen Brown
Community Association Board of Directors

HISTORY & TIMELINE

HoCo By Design is the latest addition in Howard County's history of general planning efforts. The General Plan has been updated in Howard County approximately every ten years (1960, 1971, 1982, 1990, 2000, 2012) and each Plan has responded to the challenges and opportunities of its time. HoCo By Design starts from the baseline of the 2012 General Plan—PlanHoward 2030. HoCo By Design is character-based and focuses on redevelopment of a mature community that has a high housing demand and employment capacity but is constrained by limited remaining undeveloped land. HoCo By Design aims to define a path to 2040 that is more equitable, more predictable, more sustainable, and more achievable for the County.

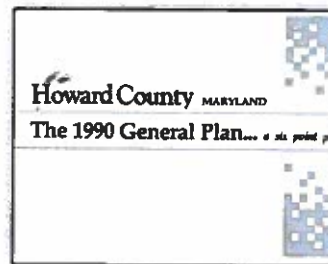
1960
Howard County's first General Plan envisioned accommodating its growing population of 36,000 residents through a largely suburban, large lot development pattern. This Plan was adopted in an era when major highway connections were being planned across the region.



1990
In the 1990 Plan, policies were adopted to better manage growth, calling for the establishment of an adequate public facilities ordinance, and density sending and cluster development options in the Rural West. The Planned Service Area (PSA) boundary was introduced that bifurcated land development patterns between east and west.



1971 & 1982
By the second General Plan's adoption in 1971, James Rouse's vision for Columbia as a planned city of 100,000 was well underway, with Columbians comprising nearly 15 percent of the County's population in 1970. Both the 1971 and 1982 Plans responded to the rapidly growing Columbia; they guided land development to locations with planned infrastructure, and established policies for agriculture and environmental preservation in the rural western portion of the County.

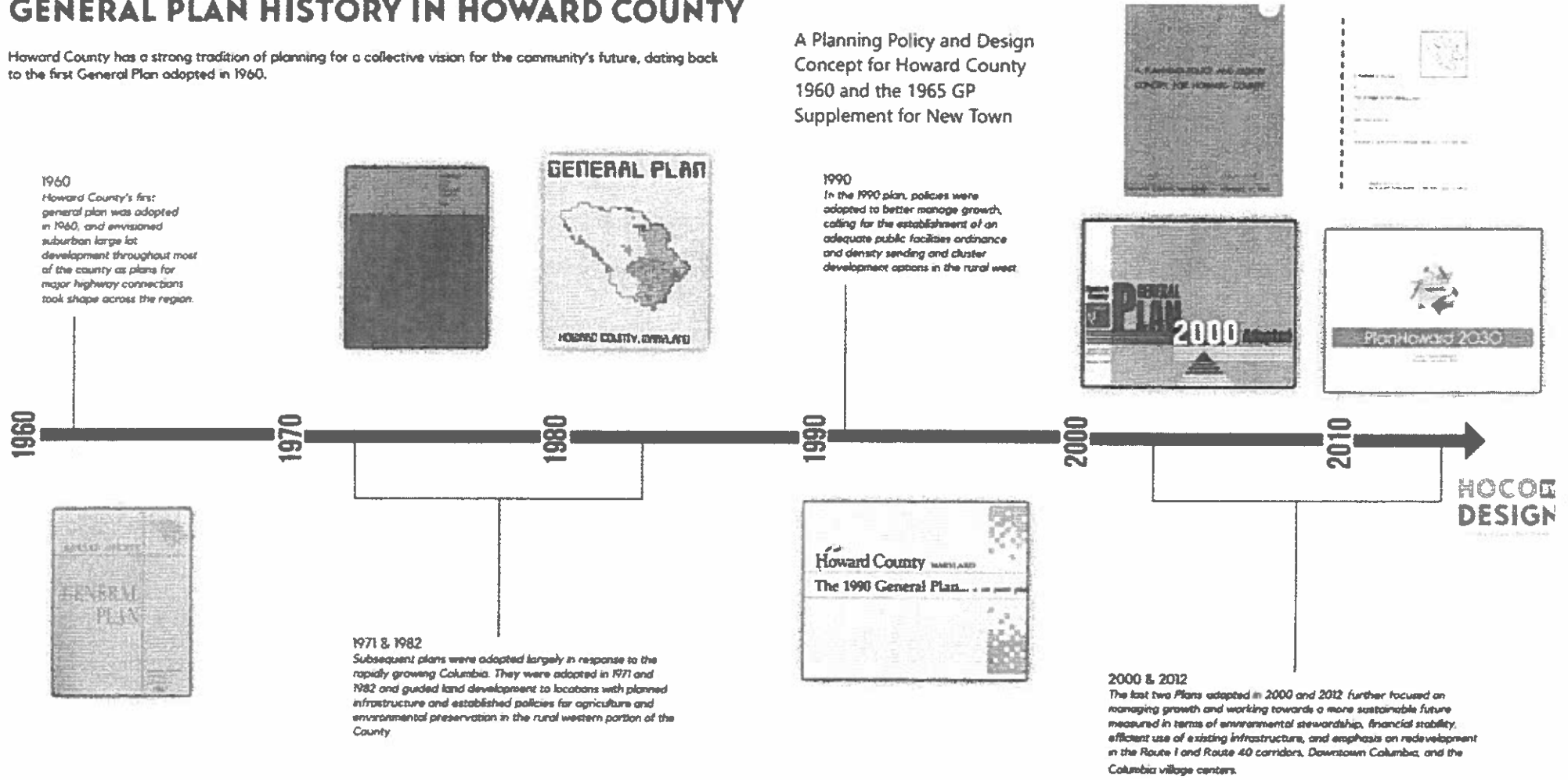


2000 & 2012
The last two Plans—adopted in 2000 and 2012—further focused on managing growth and working toward a more sustainable future measured in terms of environmental stewardship, financial stability, efficient use of existing infrastructure, and emphasis on redevelopment in the Route 1 and Route 40 Corridors, Downtown Columbia, and the Columbia village centers.



GENERAL PLAN HISTORY IN HOWARD COUNTY

Howard County has a strong tradition of planning for a collective vision for the community's future, dating back to the first General Plan adopted in 1960.



HOWARD COUNTY PLANNING COMMISSION

**A PLANNING POLICY AND DESIGN
CONCEPT FOR HOWARD COUNTY**

HOWARD COUNTY, MARYLAND — FEBRUARY 17, 1960

COUNTY COMMISSIONERS

Charles M. Scott, President
Norman E. Moxley
Arthur K. Pickett

HOWARD COUNTY PLANNING COMMISSION

COMMISSION MEMBERS

Wilmer M. Sanner, Chairman
Doris S. Thompson
Norman E. Moxley
Frank S. Parlett
Samuel L. Pfefferkorn

COUNSEL

Daniel M. Murray, Jr.

PLANNING STAFF

Eugene D. Wheeler	Planning Director
Thomas G. Harris, Jr.	Senior Planner
Theodore H. Schaefer, Jr.	Planning Draftsman
Gerald W. Von Mayer	Geographer (Part time)
Carol A. Bareckson	Secretary

The Planning Commission would like to thank the many persons and organizations who have helped in developing the Planning Policy and Design Concept for Howard County.

A PLANNING POLICY AND DESIGN CONCEPT FOR HOWARD COUNTY

INTRODUCTION

It has been popular recently for certain authors to write in glowing terms of our future cities and the technical improvements soon to come. Such items as domes covering entire cities to provide uniform weather, monorail trains zooming about at 100 miles an hour, a helicopter for every family, and so on, have been suggested. These same authors, however, seldom mention solutions to social, economic, physical and aesthetic problems now existing in cities and communities. The elimination of slums, sign-cluttered highways, traffic congestion and other obvious problems is lightly skimmed over. Effective methods for obtaining parks and open space in advance of need are also not often found in these overly optimistic articles.

The costs or need for atmospheric controlled cities and other gadgets proposed in these dream cities are seldom discussed. Many of the facilities described would be nice to have, and in many cases could be made available, but the cost would be so great as to force citizens to sacrifice more essential facilities or services to pay for the improvements.

With our American cities littered with slums, unhealthy housing conditions, traffic congestion, etc., it becomes of primary importance to take a soul-searching look at existing communities and their futures. It becomes imperative that we give more thought to preventing future problems and solving existing fundamental problems of communities by making adequate plans for future growth and renewal than thinking of more ways of spending the public's money on unnecessary luxuries.

When the growth and development of our western civilization in the last 50 years is reviewed, one cannot help but be impressed with the tremendous advances and changes that have taken place in scientific and technical development. The automobile, radar,

television, rockets, atomic energy, etc., are now discussed in conversations as if they have always been with us. If one reviews the development of cities in the first half of this century, one is equally impressed with the lack of progress in the design and livability of our cities and neighborhoods. Some progress has been made but at a painfully slow pace.

American cities have become notorious for being dangerous, gaudy, unpleasant, and ugly places in which to live. Evidence is growing, however, by the action of city, county, and regional planners, architects, engineers, civic leaders, etc., in various American cities that new concepts of community planning and civic design are emerging that can make our cities and communities more livable and attractive.

One of the reasons so little progress has been made in creating pleasant and interesting environments is because there has been too little or no effective leadership, public and private, in presenting a concept of design for cities and communities to the public by the professionals in the fields. Far too many of our city, county and regional planners have no planning goals or concept as to what kind of community is desirable. There is no guide for the public to approve, disapprove, or amend. As a consequence, builders, bankers, developers, and government agencies concerned with financing building projects are actually making decisions affecting the growth pattern of communities because of the existing vacuum, which is bringing about the development of our communities in their present form. The elected officials, commissions, planners and other professions involved in guiding growth must be able to present to the public a clear concept of what kind of community is desired. It is felt people in cities and counties will follow the goals of the planners and officials if there are imaginative, achievable goals before them. Naturally any planning goals would change with time and would need to be adjusted to new developments. Planning goals must be made that reflect knowledge of a community's unique problems. Thus any concept of physical development must be adapted to local conditions before it can be fostered and devel-

oped. It is important, however, that planners, officials and civic leaders develop goals and a physical concept for development at an early date.

COMMUNITIES OF TOMORROW

What kind of communities do we want? What is achievable? These are not easy questions to answer in view of the many rapid technical advances of today. There have been numerous concepts proposed for the "cities of tomorrow". A French architect, Le Corbusier, has recommended that cities be constructed housing people in superhigh apartment houses, sixty stories high, with shops and community facilities located within or very close to the residential towers. Large elevated super highways would carry traffic between the building concentrations. There would be large open spaces between each tower. Frank Lloyd Wright, in his broad-acre city concept, proposed that cities be spread out and that each home be of a single-detached type and have a minimum of one acre of ground assigned to it. A subdivision following very closely the principles of Broad Acre was actually built near Pleasantville, New York, called Usonia. Wright's concept has probably come closer to the present pattern of development in the United States than any other theories. Other ideas have been proposed, but the two above represent the two extremes. Howard County should be developed along a pattern somewhere between the two types described above. At what point between the two extremes is the desirable pattern for Howard County to develop as its goal? There will be many pressures and forces operating to influence the development in various directions, of which many will be unfavorable to the interest of the general public.

It is therefore the purpose of this paper to present a planning policy and a design concept for the future development of Howard County that will be in a desirable and achievable direction and greatly benefit the general public. Because Howard County has a strategic location between two metropolitan areas, certain planning decisions must be made concerning the growth and development of the

function and aids in reducing the tendency to spread single-family homes over a large area, blotting out the countryside. Single-family dwellings should be located away from major centers of activity and in more quiet surroundings conducive for family life.

It is strongly felt that some limited high density in certain locations will help reduce the destruction of the countryside brought about by too much low density housing. Detroit and Los Angeles are unfortunate examples of what can happen if low density residential development is carried to the extreme.

Parks and Recreation

Large river valleys should be planned for parks, conservation and watershed control use, and the location of future utility rights-of-way. By reserving the streams throughout the regional area and adjacent rural areas as a park reserve the basic framework for a good park system can be developed. As stream valleys are frequently subject to flooding, the low land is not normally very useable for building purposes and is thus easier to acquire for park purposes if done at an early stage.

Large rivers and their bank area, sections of bay and ocean frontage, and areas having very interesting terrain should be established as regional or state parks. These parks should be planned to preserve sites of scenic significance, provide future recreation facilities and create a greenbelt between regions and large cities or communities. As it is anticipated that there will be more and more leisure time available to people in the future, there is great need now for planning and acquiring adequate space for recreational facilities for present and future generations.

Commercial Facilities

Adequate commercial facilities should be provided that are well located, designed for maximum convenience to the public, and developed in relation to the population and purchasing power of the people in an area to be served.

Shopping facilities and professional services should be adjacent to communities and neighborhoods and should be placed in convenient locations which are easily and safely reached by vehicles or pedestrians.

Regional, community and neighborhood shopping centers should all be developed within the regional area as centers of activity, not only for shopping, but for certain community and cultural activities. The centers should contain libraries, restaurants, with sidewalk or outdoor eating facilities where shoppers can view and be viewed, post office, bank, meeting rooms and a plaza or square where concerts and exhibitions can be given.

Careful thought should be given to the landscaping and screening of shopping centers and to relating the adjoining land uses to the shopping centers. As stated above, the shopping center should be designed as an active community center, with activity taking place during the evening as well as during the day.

Community Facilities and Services

Community facilities and services, public and private, should be provided for the social, cultural, religious and recreational needs of people. These include water, sewerage, schools, roads, libraries, garbage collection, police and fire protection, etc. The cultural activities should be distributed in a manner to best serve the public.

Water and Sewerage

As water and sewerage facilities are of fundamental importance to a metropolitan area's welfare and development, studies and plans for their development should be made thirty to forty years in advance of need. In order to do this properly some type of metropolitan water and sewerage advisory board, commission or authority with representation from all local jurisdictions should be established within the Baltimore region. This board or authority should be responsible for the following:

1. Coordination of the planning activities of all agencies

fairly short lengths and designed to serve local traffic of a few neighborhoods. The right-of-way should have a width of eighty to one hundred feet and permit four lanes with a short median strip of ten to sixteen feet. Where possible, existing roads should be utilized with modification of curves and grades.

Collector Roads

Collector roads should connect residential streets to each other and to community facilities. They should carry traffic to freeways, primary and secondary roads. They should have a right-of-way of sixty to eighty feet and have two to four moving lanes.

Collector roads, when acting in the capacity of a service road for a freeway, should be located generally parallel to and several hundred feet from the freeway being served. Residential structures, as well as some types of commercial properties, should back on to freeways and primary roads and front on the collector road.

Residential Streets

Residential streets should have, in general, a winding, complex and quiet character. They should carry only local residential traffic and necessary service vehicles needed in residential areas. The right-of-way should be from fifty to sixty feet. They should feed into the collector street.

Residential streets should blend into the natural terrain, and not look like small freeways. Where possible, they should have the appearance of country lanes with grass running to the edge of the pavement. Off-street parking, of at least two cars per dwelling unit, should be required to keep the roads clear of parked cars except in the case of important occasions and large gatherings. Curbs should be used only where necessary to facilitate the flow of storm water or for the protection of pedestrians.

Roads, Commercial Activities and Aesthetics

Strip or ribbon type commercial and industrial developments

along highways should be discouraged and prevented. Existing strip zoning should be eliminated whenever possible. Commercial centers should be developed on a planned basis, in small groupings, with each grouping separated from residential properties by buffers. Billboards should not be permitted along major freeways and only along primary and secondary highways at certain appropriate locations where there is a planned commercial development. Where billboards are permitted they should be heavily taxed as they do much to spoil the beauty and character of an area. Billboards should not be permitted on or adjacent to any federal or state highways of a non-access nature.

Gas stations and other commercial facilities should be carefully integrated with the natural pattern and not stand out as a garish, over-sized juke box with gas pumps, as vast numbers of stations are presently displayed. Identification signs should be small and simple and need not be flashing and blinking to catch the motorist's attention. The gas station structure, if part of a large shopping center or commercial development, should be of similar building material, texture and design, and be unobtrusive.

Road Signs

Road signs should be simple, of an abstract nature, easily understood, pleasing in appearance and sensible in scale, and be acceptable in any residential or commercial setting, as well as in the countryside. Signs containing lengthy instructions to motorists are not practical nor safe for motorists moving at great speeds on well travelled highways. Signs must be very quickly comprehended, which can be accomplished better by abstract symbols. Experience has shown that abstract symbols best meet the need of immediate comprehension.

Wherever possible, the surface of roads should be used for various road signs; directional, speed limit, etc. Signs placed on posts should be kept to a minimum. Where signs are necessary to advertize churches and various civic organizations, they should be grouped and be of standard size and shape.



HOWARD COUNTY

G. W. 2001 map



GENERAL PLAN

HOWARD COUNTY
PLANNING
COMMISSION

Community Renewal Program

As there are several sections of the County that have deteriorated physically, it is important that a community renewal program be initiated soon. By adhering to certain requirements, it is possible to obtain Federal funds for clearing slum structures and rehabilitating deteriorated areas. A renewal program could eliminate or greatly improve problem areas and prevent future ones from occurring.

A sign and bill board regulation should be prepared which would make it possible to remove non-conforming signs and billboards. This will greatly aid in making U.S. Route 1 a more desirable area for industry and other land uses. It will also do much to prevent many parts of the County from being littered with unnecessary signs.

There are indications that there is a need for strict enforcement of zoning regulations in the County. There should be active and aggressive enforcement of regulations, to maintain the attractive appearance and character of the County.

Conclusion

The General Plan has been prepared, reviewed with the public, adjustments made and finally adopted by the Planning Commission on July 20, 1960. An important task is now before the citizens and the officials of Howard County. With the assistance and support of citizens and officials the Plan can be implemented, with adjustments now and then to improve it. The County has a wonderful opportunity to grow in an orderly manner, preserve much of its natural beauty, have fine residential, commercial and industrial developments and in general, become one of the most outstanding counties in the State. The chaotic results of not planning and developing properly can be seen in many nearby jurisdictions. The choice is before all Howard Countians. What will it be?

U.S. 29 at Gorman Road and at Route 32, much too close for shopping districts of their land areas. Both districts have been in the process of developing for approximately four years, but an automobile service station at U.S. 29 and Route 32 and a small vacant structure at U.S. 29 and Gorman Road are the only commercial activities to have developed at either location. A large area is actually under development as a shopping center at Route 40 and Rogers Avenue, but is zoned B-2.

There were approximately forty-two acres zoned B-1, the more restrictive of the two business districts. This district occurs primarily along both sides of Maryland Route 144 for a depth of 100 feet, with some exceptions, from the Patapsco River to Rogers Avenue. B-1 districts also are found on all four corners of road intersections in many areas of the County.

There were 486 acres zoned B-2, the least restrictive commercial district. The district occurs predominately on both sides of U.S. 40 in scattered locations for a distance of approximately four miles in the northeastern section of the County. B-2 districts are found also at many road intersections, predominately along Md. 144, U.S. 29 and U.S. 40.

There are three zoning districts, M-1 (light manufacturing), M-2 (heavy manufacturing), and T-2 (tourist accommodations), where certain commercial uses are permitted. The existing M-1 and M-2 districts permit all commercial uses allowed in the B-2 district which amount to 913 and 4,768 acres, respectively. There were fifty-six acres zoned T-2, which is primarily for trailer coach parks and any use normally associated with them. Special permits allowing certain commercial uses had been granted for approximately eighteen acres in the County.

Of the total land area zoned for commercial activities, 597 acres, only 142 acres were actually used for commercial purposes. As can be seen, 65% of the zoned land area within the four "commercial" districts has yet to be developed, allowing possibly, for large population increases before additional commercial zoning is needed.

The zoning districts, M-1, M-2, T-2 and special permits, S-P, which permit all or specific types of commercial uses contained 149 acres of land used by commercial activities. Within the M-1 and M-2 districts 153 acres were used for an automobile speedway, a harness raceway and a race track. There were seventy-eight acres of land in commercial uses that are non-conforming or in districts where commercial activities are not permitted to operate unless having existed before zoning regulations were established.

Much of the County's existing zoning for commercial uses is in what is commonly called "strip" or "ribbon" zoning, where commercial development clutters the frontage along major highways for great distances. The results of "strip" development are:

The loss of views and vistas of the countryside to the automobile traveler

The reduction in carrying capacity of the highways by

STRIP ZONING

continual interference of through traffic with cars moving in and out from any point along the ribbon of commercial establishments

The blighting influence on adjoining residential areas because of the excessive traffic and noise

The possible damage to businesses themselves, who can not compete with well-planned commercial and shopping centers in providing customers with a variety of goods and services within walking distance of each other.

FOUR CORNER ZONING

This type of zoning may not create problems in areas of low population densities or in places where the traffic volume is very low. This pattern of commercial zoning does present serious problems when the traffic volumes on the two intersecting roads increase. Howard County has many "four-corner" commercial zoning districts that have not caused serious problems, but may in the future if not guided in their development.

COMMERCIAL LAND USE PROJECTION METHODS

Before a commercial land use plan can be made, certain assumptions and projections must be made.

Given a specific population estimate, it is possible to determine with some accuracy:

The future gross floor area of retail and service facilities;
The anticipated population's purchasing power for retail sales;

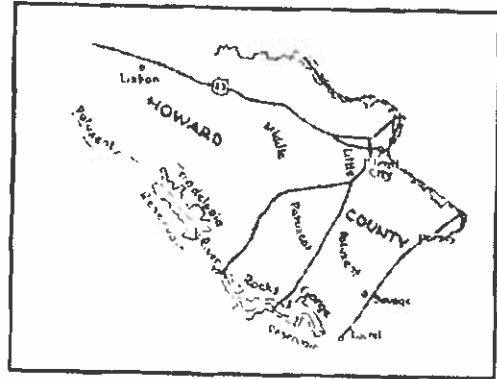
The number, type and size of planned shopping centers;
The amount of parking area required; and

The total amount of commercial land needed to provide space for necessary commercial facilities.

There are many methods for estimating the future commercial land area required for a jurisdiction. Several methods were used to determine Howard County's future needs, based on a projected population size and an estimated number of families. Studies were made of the existing land use pattern in Howard County. Commercial studies and findings in other jurisdictions were also reviewed and analyzed. After these methods were evaluated, the commercial land use plan was prepared.

Gross Floor Area Method

The gross floor area method of projecting commercial needs for the future was accomplished through comparison of commercial development in similar nearby communities. Gross floor area per person in major types of business uses was determined by an analysis of data from eight commercial trade areas in the Maryland Suburban Area of Washington, D.C., and evaluated in relation to the existing stage of development in each type of commercial use in Howard County. The resulting total of 20.7 square feet per person for commercial retail sales and services was derived. An additional 5.6 square feet



A Supplement To The Text

of

THE HOWARD COUNTY GENERAL PLAN

to

Guide The Construction

of

NEW TOWNS, NEW COMMUNITIES AND LARGE-SCALE NEIGHBORHOODS

ADOPTED ON MAY 17, 1985

HOWARD COUNTY PLANNING COMMISSION/55 COURT AVENUE/ELLICOTT CITY, MARYLAND

Howard County, Maryland

COUNTY COMMISSIONERS

CHARLES E. MILLER, *Chairman*

J. HUBERT BLACK

DAVID W. FORCE

PLANNING COMMISSION

WILMER M. SANNER, *Chairman*

DORIS S. THOMPSON, *Vice-Chairman*

WILLIAM P. BRENDDEL (*Appointment expired on May 1, 1965*)

RALPH P. GREENE

E. MARCUM LYNCH

CHARLES E. MILLER

ROBERT E. WIEDER, *Counsel*

PLANNING COMMISSION STAFF

THOMAS G. HARRIS, JR., *Planning Director*

MICHAEL R. CIRINO, JR., *Senior Planner*

MARION J. McCOY, *Senior Planning Engineer (Resigned April 21, 1965)*

J. HERBERT CLAWSON, JR., *Senior Planning Engineer*

GERALD W. VONMAYER, *Assistant Planner*

LESLIE C. WADDELL, *Planning Technician*

B. GREGG COSTER, *Planning Draftsman*

MAXINE R. MULLICAN, *Secretary II*

MARY L. EDMONDSON, *Secretary I*

MARY E. ALLEN, *Secretary I*

Introduction

Pursuant to the provisions of Chapter 184 of the Acts of the Maryland General Assembly of 1953, the Planning Commission prepared an amendment to the General Plan of Howard County, which was originally adopted July 20, 1960. On May 17, 1965, after a public hearing had been held, the Commission adopted a Supplement to the Text of the General Plan, seeking to guide the construction of New Towns, New Communities, and Large-Scale Neighborhoods.

The Supplement to the Text was prepared to take full advantage of the opportunity for an outstanding development presented to the County by the Howard Research and Development Corporation. Proposed was a complete, balanced community on approximately 14,000 acres of land, providing a broad range of opportunities for housing and employment, and including major institutional, recreational, and cultural facilities.

The Planning Commission would like to thank those persons and organizations that helped in the formulation of the Supplement to the Text, especially the following: Walter H. Blucher, Malcolm H. Dill, George E. Gavrelis, George E. Kostritsky, Franz J. Vidor, Howard Research and Development Corporation, Howard County Citizens' Association, The League of Women Voters of Howard County, Donleigh Civic Association, and Lawyers Hill-Rockburn Association. The Planning Commission would also like to recognize the County Commissioners, Charles E. Miller, Chairman; J. Hubert Black; and David W. Force; for their aid and cooperation in developing a Supplement to the Text of the General Plan for Howard County.

POPULATION TRENDS AND GROWTH FORECASTS

The population of the Washington, D.C. metropolitan area increased by 35.6 percent during the 1950-1960 decade and it has continued to grow at a rapid pace since that time. The population of the Baltimore metropolitan area increased 22.4 percent during the same decade. Howard County, lying between the cities of Washington, D.C. and Baltimore, has felt the effect of this growth and will continue to do so at an accelerating rate as buildable areas are consumed and development pushes outward from both cities.

Howard County has almost doubled its population between 1950 and 1964 with an estimated population of 45,000 in 1964. At the present rate of growth, it is estimated that by 1968 its population will be in excess of 57,000 people.

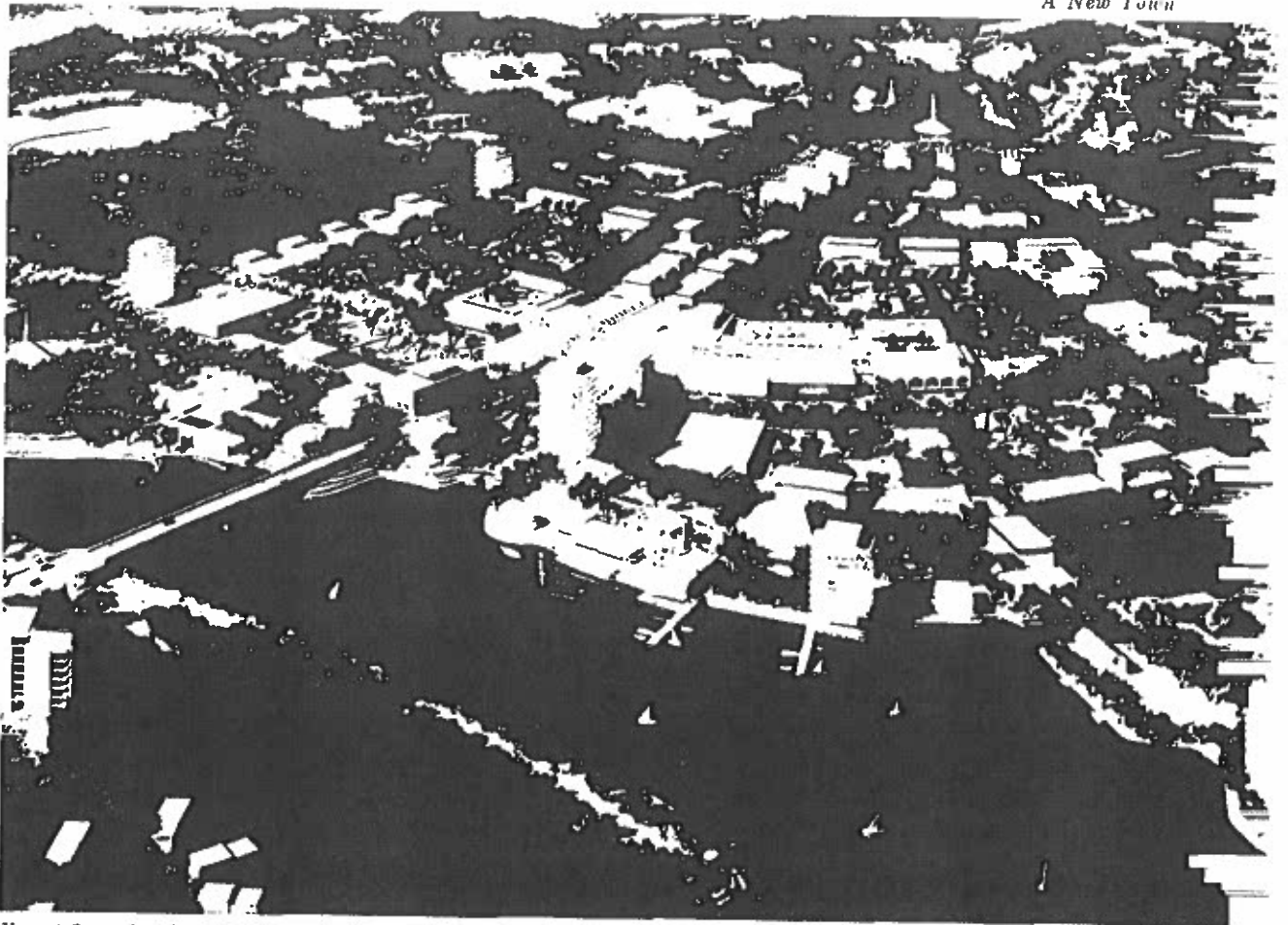
The nature of that growth has left something to be desired, with much of the residential building depending upon septic tanks and private wells. With the provision that in the near future of sanitary facilities and water for large areas suitable for development, it is anticipated that building will take place at an even faster rate than is presently being experienced.

History has shown that the provision of public facilities is economically feasible if done on the basis of large-scale development.

The County now has the choice, to continue growth on the current scattered basis or to encourage the development of New Towns, New Communities and Large-Scale Neighborhoods. These projects offer many advantages, mainly they afford better use of and less waste of land; all public facilities including schools, libraries, transportation facilities as well as sanitary and water facilities can be supplied; a sounder tax base is achieved through distribution of the tax load on industrial and commercial as well as residential property; lands suitable for parks and recreation can be reserved and dedicated to public use during the development stage; houses can be so arranged as to provide high living standards while reserving a greater portion of the land for private or community open spaces. Even in the case of projects at a scale smaller than a new community, many of the facilities mentioned above can be provided with a better use of the land than is achieved through scattered development.

Such large scale developments in the form of New Towns, New Communities and Large-Scale Neighborhood projects should be encouraged provided they are constructed under standards and conditions which will insure proper development, the provision of adequate public facilities, protection for the residents of the community, protection for surrounding properties and the general well-being of the County.

On petition to the Howard County Planning Commission, and after public hearing, the General Plan map may be amended to show the areas allocated to New Towns, to New Communities or to Large-Scale Neighborhoods, if such standards and conditions as are listed hereafter are provided or assured.



Howard Research and Development Corporation

Town Center of Columbia

For the purposes of this supplement, the following general definitions and criteria set forth in detail elsewhere in this text are applicable:

A self-contained community of residential, commercial and industrial areas containing a maximum of 10,000 acres of land and having an overall maximum density of 2.5 dwelling units per gross acre. (a) New Town Sector—a segment of a New Town containing a minimum of 2500 acres of land and permitted only when in conformance with the approved general development plan for a New Town. As the plan for each successive sector is submitted, the proposed sector should be recomputed so that the number of dwelling units within the New Town should never, at anytime, exceed the permitted number of dwelling units within the entire New Town.

NEW TOWN

A self-contained area of residential, commercial and industrial uses consisting of a minimum of 2500 acres of land with a maximum overall density of 2.5 dwelling units per gross acre.

NEW COMMUNITY

**GENERAL
PLAN
FOR
HOWARD
COUNTY**

1971



Recreation in the Planned Golf Course Community should include a minimum of two 18-hole championship golf courses. A variety of other recreational amenities should also be provided. At least fifty percent of the land in the planned community should be devoted to open space to secure a park-like atmosphere.

Sound fiscal planning requires that commercial and industrial growth be sufficient to create the tax base needed to fund the public facilities and services a growing population requires. Economic development is also needed to make jobs available to the local population and to make commercial retail and service centers convenient to residential areas.

The basic policy governing the location, scale, and level of commercial development in Howard County is to maximize such convenience yet hold in check the trend toward "strip commercial" development along major access roads. This policy provides for a system of commercial service centers designed and located to fit the size and density of the area being served.

At the neighborhood level, a small commercial convenience center of one acre or less could include a drugstore, a small food store, a barber shop, a beauty shop and other such uses.

A convenience center would be permitted in some low-density areas subject to approval or an amendment to the Zoning Map by the Zoning Board for commercial land use subject to criteria to be set forth in the Zoning Regulations.

A second level of commercial activity would be at the community or village level. At this level, a commercial center serving a retail market population of between 15,000 and 20,000 residents would provide such uses as a branch bank office, small retail stores, a supermarket, medical offices and restaurants.

This second level of commercial activity may be permitted in some medium and high density areas subject to amendment to the Zoning Map by the Zoning Board.

The design, access, size and function of the community commercial center would be subject to review by the Planning Board and its recommendations forwarded to the Zoning Board.

Not all neighborhood and community commercial centers are located on the General Plan Map.

NON-RESIDENTIAL DEVELOPMENT

COMMERCIAL

The specific location of commercial centers will be determined in accordance with the location of the low, medium and high density development and the distances from existing or proposed commercial areas as shall be set forth in the Zoning Regulations.

The design of each center should respond to the physical organization of the specific neighborhood or community. One goal of the method outlined in these regulations is to provide designers of these centers with greater site planning flexibility, yet also give the County more control over the design, scale and location of commercial development than normally occurs under conventional zoning methods.

Sub-regional and regional shopping centers are the third level of commercial activity. The sub-regional centers correspond to four of the five development centers in the General Plan. The fifth center is the regional commercial center in downtown Columbia.

The sub-regional centers are primarily within the existing commercial zoning which provides for commercial activity in the Route 1 industrial corridor, in the North Laurel area, the Waterloo area, and in the Greater Ellicott City area.

The commercial functions of the sub-regional centers are expected to grow in relation to the growth of population in their retail service areas. The new sub-regional centers are expected to develop at a relatively slow pace during the first years of development and increase more rapidly during the later part of the development period. Additional commercially zoned land in the existing commercial areas may be needed in the future to strengthen the ability of these commercial areas to serve the public.

Downtown Columbia has a retail trade area of 500,000 people and is one of the major commercial centers in the Baltimore-Washington region. Downtown Columbia commercial activities are structured to provide a balance of local, community and regional needs within the development framework of the County.

Interstate 95 (an eight-lane highway) and the upgrading of U.S. 29 have greatly improved transportation connections between the Baltimore and Washington areas and accelerated growth within the corridor. The improvements to the Interstate 70 - U.S. 40 corridor have also created new economic development opportunities

INDUSTRIAL

**GENERAL PLAN
FOR
HOWARD COUNTY
1982**

Adopted May 3, 1982

and

August 2, 1982

Non-Residential Development

Sound fiscal planning requires that a sufficient level of commercial and industrial growth be maintained in order to provide a sufficient county tax base to support the level of public facilities and services required by a growing population. In addition, economic development is required to make jobs available to the local population and to enhance residential livability through the convenience of commercial retail and service centers.

The basic policy governing the location, scale and level of commercial development in Howard County is designed to maximize convenience while minimizing the trend toward "strip commercial" development along major access roads. This policy provides for a system of commercial service centers designed and located on the basis of functional relationships relevant to the size and density of the area being served.

At the neighborhood level, a small commercial convenience center of not more than one acre in size could include such uses as a drugstore, a small food store, a barber shop and a beauty shop.

A convenience center would be permitted subject to approval or an amendment to the Zoning Map by the Zoning Board for commercial land use subject to criteria to be set forth in the Zoning Regulations. Prior to action by the Zoning Board, the site plan would be reviewed by the Planning Board, and its recommendations forwarded to the Zoning Board.

A second level of commercial activity would be at the community level. At this level, a commercial center serving a retail market population of between 15,000 and 20,000 residents would provide such uses as a branch bank office, small retail stores, a community size food store, medical offices and restaurants.

A second level of commercial activity may be permitted in some medium and high density areas subject to amendment to the Zoning Map by the Zoning Board. Prior to action by the Zoning Board, the site plan would be reviewed by the Planning Board and its recommendations forwarded to the Zoning Board.

The design, access, size and function of the community commercial center would be subject to review by the Planning Board and its recommendations forwarded to the Zoning Board. In addition, the site development for the center would have to meet performance criteria as set forth in the zoning regulations. Both the neighborhood and community commercial centers are not specifically located on the General Plan Map. The location of Commercial centers will be determined as relative to the location of the low, medium and high density development areas and the distances from existing or zoned commercial areas as shall be set forth in the Zoning Regulations. The design of each

COMMERCIAL, INDUSTRIAL AND BASIC EMPLOYMENT

COMMERCIAL

Howard County, Maryland

**The 1990
General Plan**

... a six point plan for the future.

Adopted July 2, 1990

of homes. The detailed zoning regulations for mixed-use centers will include high standards for design quality including urban design, quality and extent of public space and green spaces, and relationship to adjacent areas. Controls on the intensity and scale of development will include such techniques as Floor Area Ratio (FAR) limits, performance standards for the amount of paved areas and roof areas, and significant requirements for open space or common public areas. In addition, a process of review similar to that for the current Planned Employment Center (PEC) or Planned Development (PD) Zoning Districts would be required to guarantee such quality. Public meetings before the Planning Board would be part of the review process at the initial and later phases of such developments. The zoning regulations for such a mixed-use zone would be considered through a public hearing process before the Planning Board and the Zoning Board prior to the adoption of such zoning.

These mixed-use centers should not be confused with the major commercial centers described in Chapter 7: *Community Enhancement* (Box 7-1). These mixed-use developments will not be sites for regional shopping centers or strip commercial type development. However, some limited commercial activity geared to the needs of the residents and businesses within the mixed-use center should be permitted.

In addition to not allowing regional shopping centers or strip commercial development, the regulations for mixed-use centers also would not permit any heavy industrial uses.

The following policies are based on this review of housing and employment area opportunities, constraints and trade-offs.

Policies and Actions

Where these Policies and Actions can be mapped, they are reflected on Map 5-21.

Howard County, in order to balance its extensive employment base with housing, will:

5.1 Increased Housing Intensities

Designate specific areas for housing at somewhat higher intensities than currently shown, allowing for small lot, attached and multi-family units to be built over the next twenty years; approximately 4,500 to 6,000 additional units will result from this action.

5.2 Substitution of Housing for Employment Areas

Designate housing in areas currently identified for employment which have good potential to accommodate housing including small lot, attached and multi-family units over the next twenty years; approximately 3,500 to 4,000 additional units will result from this action.

(Policies relating to low and moderate income housing are addressed in the Housing section of this Chapter)

Howard County, in order to optimize its employment potential and to balance its supply of employment land, will:

5.3 Retention of Strong Employment Areas

Reaffirm the designation of current undeveloped areas with strong potential for employment.

5.4 Reduction of Problematic Employment Areas

Reduce the extent of employment areas with very problematic access; where these have good potential for housing, a new mixed-use development category will be developed. Approximately 350 acres are withdrawn from employment use through this action, significantly reducing potential site-specific traffic congestion problems.

**Howard
County**



P GENERAL **PLAN**

2000

Adopted

James N. Robey,
County Executive

November 8, 2000

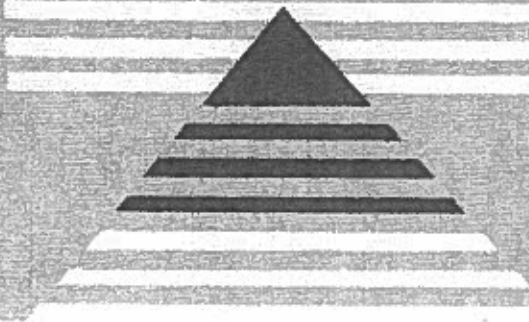
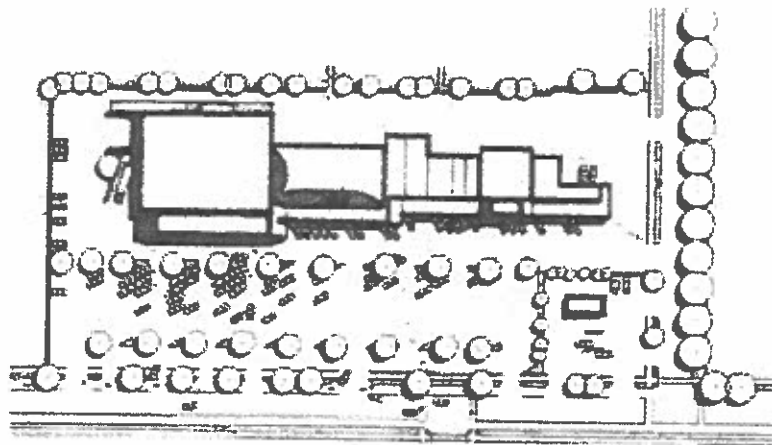
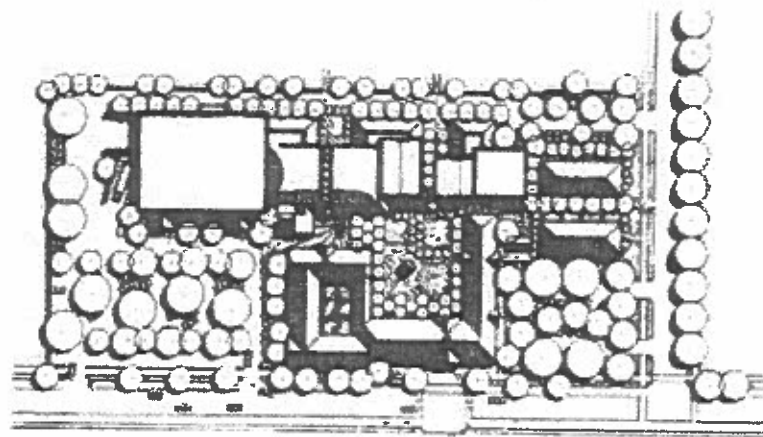


Figure 5-9
Redevelopment of Strip Commercial Site
into Mixed Use Center



Existing Strip Commercial Shopping Center



Redeveloped Mixed Use Shopping Center

Source: Corbett, M.N. A Better Place to Live, 1981.

an impetus for redevelopment of obsolete warehouse and manufacturing properties. When such sites are large or numerous, they offer the opportunity for redevelopment to be well-planned and attractive.

To address the economic development and community enhancement potential of Route 1 and Route 40, Corridor Revitalization Studies must be developed. Additional revitalization or redevelopment plans could be developed for older business parks in other parts of the County, if needed. Planning for the Route 1 and Route 40 corridors will be closely related to the Community Master Plan process, because major communities, such as Elkridge, Savage, North Laurel and Ellicott City, include portions of the Route 1 and Route 40 corridors. The planning process is described in more detail at the end of this chapter.

Factors that make development difficult within sections of the Route 1 and Route 40 corridors, as discussed in Chapter 4, *Balanced and Phased Growth*, are the limited availability of large parcels, the need for land consolidation, problematic highway access, zoning or building code provisions, obsolete older buildings, environmental concerns, aging infrastructure and utilities, and lack of stormwater management.

Incentives for revitalization/redevelopment may include additional permitted uses, increased flexibility in bulk regulations, expedited processing, lower development review fees, and tax or development financing incentives. Local business improvement associations could help to implement and manage coordinated improvements in landscaping, access, signs and facades. County or State capital projects to improve infrastructure can encourage and support private investment.

Policies and Actions

POLICY 5.9: Allow for the appropriate size, location and purpose of commercial centers.

- ◆ **Definition of Centers.** Use the categories of commercial centers defined in Box 5-6 to guide land use decisions affecting existing and future commercial needs. Ensure that the size and location of new, ex-

panded or redeveloped commercial centers will be in keeping with the road capacities and their surroundings.

- ◆ **No Extension of Commercial Strips.** Reaffirm the policy of past General Plans to not extend strip commercial development areas on major roads beyond their present limits.

POLICY 5.10: Improve the design of commercial areas.

- ◆ **Scale of Buildings.** Adopt standards that require commercial structures to be in scale with adjacent residences. Reduce the scale and uniform appearance of commercial buildings, by using techniques such as articulating facades and roof lines, having multiple entrances and locating smaller retail stores in larger centers for variety.
- ◆ **Multiple Facades.** Require that all facades of a commercial building that are visible from surrounding roads, residential or public properties be similar in design to the front facade. Prohibit the use of blank rear or side walls in locations visible from roads.
- ◆ **Parking Locations.** Encourage the dispersal of parking into small, heavily landscaped lots and discourage large parking lots in locations that dominate the public image of the site along the main roads leading to the site. Increase the requirements for internal parking lot landscaping to visually break up large parking lots, provide more shade and improve the pedestrian environment.
- ◆ **Landscaping.** Improve landscape design standards and strengthen enforcement to better mitigate the visual impacts of commercial properties. Require heavily landscaped buffers along the sides and backs of commercial structures and along the perimeters of commercial centers to screen large parking lots, provide shade along sidewalks and offer an attractive streetscape. Apply, where feasible, new landscape design standards to commercial properties that are undergoing renovation.
- ◆ **Pedestrian Improvements.** Install sidewalks along roads that provide access to commercial centers and connect store entrances to street

crossings, transit stops and focal points for increased safety and convenience for pedestrians. Adopt standards that encourage provision of pedestrian-scale features and spaces, such as landscaped plazas and sitting areas.

- ◆ **Sign Code.** Review the County Sign Code for possible revisions to commercial signs.

POLICY 5.11: Make existing commercial centers and strip commercial-industrial corridors more efficient and attractive, and give them a more positive role in communities.

- ◆ **Older Commercial Properties.** Develop strategies to encourage renovation or redevelopment of older commercial centers, particularly those showing indications of decline. Make local commercial centers more positive community focal points through design improvements and renovation.
- ◆ **Corridor Revitalization Studies.** Develop Corridor Revitalization Studies for Route 1 and Route 40 in partnership with representatives of affected businesses, industries and communities.
- ◆ **Redevelopment Strategies.** Define potential redevelopment sites through the corridor planning process. Identify planning goals, potential barriers and strategies to promote redevelopment for these sites. Establish appropriate, cost effective incentive mechanisms, including incentives to encourage consolidation of small properties for more effective redevelopment.
- ◆ **Redevelopment Standards.** Assess current zoning and land development standards as they apply to strip commercial and industrial areas. Provide revised or alternative standards to encourage redevelopment with improved building, site and landscape design.
- ◆ **Public Environment.** Improve the public environment along the right-of-way through consolidation of access driveways, screening of exposed storage, unified designs of signs and landscaping, and other means. Promote joint improvements (for example, shared entrance



PlanHoward 2030

Howard County, Maryland
Adopted July 26, 2012
Amended February 9, 2021

A government partnership in pursuing the goals of the Sustainable Communities program will provide opportunities to leverage increasingly scarce resources for public and private investment.

Policies and Implementing Actions

POLICY 10.5 – Adjust County funding programs to reflect community investment needs and partnership opportunities.

Implementing Actions

- a. **Community Plans.** Refine the County's capital budget process using place types, geographic planning areas, and priorities established by community-based plans.
- b. **Sustainable Communities.** Seek State support through its Sustainable Communities program by developing action plans for identified areas and convening community work groups to guide planning and implementation.

Design of Commercial Centers and Corridors

Part of maintaining a high quality of life is providing residents and workers easy access to the goods and services they need as part of their normal activities. The amount of commercial property must be reasonably in balance with the need for commercial services. Excess commercial space within a community can lead to deterioration of some commercial properties, which can impact surrounding areas. New trends, such as Internet shopping, will affect consumer shopping habits. Existing

centers need to respond to changing consumer demands to remain competitive. Promoting the redevelopment and renovation of existing commercial centers is important and may in some instances be addressed by community plans that examine ways to encourage renovation or redevelopment.

The appearance of commercial centers and their relation to adjacent communities are important community enhancement issues. Redevelopment or renovation of aging commercial centers can lead to significant improvements in design and appearance. Attention to building and landscaping design, to green areas or plazas that offer seating and other amenities, and to neighborhood bike and pedestrian connections can strengthen a center's role as a community focal point.

Route 1 and Route 40 are Howard County's primary commercial corridors, although strip commercial development occurs along sections of other roads. Residential neighborhoods generally abut the narrow strip of commercial zoning along these highways. In a few locations, office/retail parks extend further back from Route 40. Route 1 is more varied, with a mix of commercial and industrial uses. The commercial strip sections of the Route 1 corridor are most concentrated near the communities of Elkridge, North Laurel, and Savage.

Commercial corridors across the country generally have a negative image associated with unplanned and uncoordinated development. These corridors are automobile-oriented and were seldom planned to accommodate any civic

buildings or public spaces. For these reasons, the policies reflected in this section also apply to existing and proposed strip commercial development along roads throughout the County, not solely in the Route 1 and Route 40 Corridors.

The County's commercial corridors will not be expanded but will remain an important part of the County's commercial land uses. Both the Route 1 and Route 40 Corridors have been subjects of significant revitalization planning since the adoption of General Plan 2000. Zoning amendments and design guidelines have been adopted for these two corridors. Additionally, review of proposed plans by the County's Design Advisory Panel is provided to assist designers and property owners in applying the design guidelines for new projects and redevelopment. Streetscape studies and improvements have also been undertaken. Revitalization of both commercial corridors will continue to be County priorities to improve their economic viability, appearance, and ability to serve the surrounding communities.

Policies and Implementing Actions

POLICY 10.6 – Improve the competitiveness and design of commercial areas.

Implementing Actions

- a. **No Extension of Commercial Strips.** Reaffirm the policy of past General Plans to not extend strip commercial development into residential areas along major roads beyond their present limits or allow new areas of strip centers on these roads unless there are adjacent strip centers on both sides.

- b. **Older Commercial Properties.** Promote renovation or redevelopment of older commercial centers, particularly those showing indications of decline. Develop strategies to encourage older commercial centers to become stronger community focal points through design improvements.
- c. **Building Design.** Adopt standards that require commercial structures to be in scale with adjacent residences and to enhance design by articulating facades and roof lines. Require all facades that are visible from surrounding roads or properties to be similar to the front façade. Prohibit the use of blank rear or side walls in visible locations.
- d. **Parking Design.** Discourage large parking lots in locations that dominate the public image of the site along main



Highland is an example of a commercial crossroads in the County's Rural West.

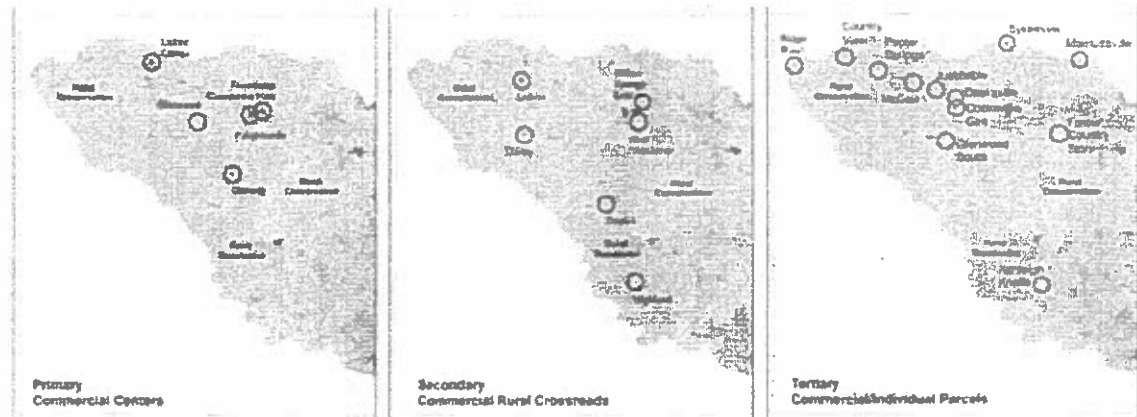


Figure 10-4. Rural Commercial Inventory.

- e. **Pedestrian Improvements.** Install sidewalks along roads that provide access to commercial centers and connect store entrances to street crossings and transit stops for increased pedestrian safety and convenience. Consider the needs of seniors and individuals with disabilities in locating transit stops to offer greater accessibility. Adopt standards that encourage provision of pedestrian-scale spaces, such as landscaped plazas and sitting areas.
- f. **Sign Code.** Review the County Sign Code for possible revisions to commercial signs.
- g. **Design Advisory Panel.** Explore an expanded role for the Design Advisory Panel (DAP) to include other commercial areas of the County, which, like the Route 1 and Route 40 Corridors, exhibit the need for improved design and would benefit from the adaptation of appropriate design manuals or guidelines for the DAP to utilize in its reviews.

Rural Commercial Crossroads

The County has varying types and scales of businesses throughout the Rural West that serve the needs of both agricultural and residential communities. Many are located at traditional rural crossroads. Rural residential growth and the changing character of agriculture have impacted how commercial crossroad areas function. There is a need to reassess the role and ability of rural commercial crossroads to serve farmers' and

Major Evaluation Criteria for Mixed-Use Area Designation

- Reduction of future traffic congestion compared to employment-only development
- Good regional access (existing or future)
- Good visibility to major highways
- Good relationship to primary employment corridors and axes (e.g., DC, BWI, I-95)
- Part of an existing employment concentration/critical mass
- Potential for residential development because of location, adjacencies, access, buffering, environmental quality
- Special or unique environmental features (e.g., wetlands, extensive woodlands, etc.)

Figure 5-19

This General Plan proposes several mixed-use centers within the urban East. These mixed-use centers are proposed as a way to plan efficient use of the land at key locations by combining housing, employment and even certain public facilities and services such as schools and recreation. Such centers can be especially effective in providing sites to meet the current and future needs in affordable housing. Mixed-use centers also are logical stops or transfer points for a true network of public transit since the mix of activities enables transit to be based on a larger potential ridership than only peak hour commuters (See Box 5-5).

The mixed-use centers vary in size, and the scale and intensity of development will have to vary with specific local conditions. Mixed-use areas within existing employment corridors could have a higher proportion of offices and services. Those near residential areas might, more appropriately, have a higher proportion

Benefits of Mixed-Use Centers

Mixed-use centers make more efficient use of increasingly limited land resources by:

- allowing different but compatible uses to share the same property.
- substituting housing for employment land that cannot be properly served by existing roads.
- creating more opportunities for affordable housing by absorbing land costs for such housing within a larger development and by the ability to share the same infrastructure (roads, utilities, transit, etc.).
- creating opportunities to eliminate home-to-work commuter trips by providing housing and jobs within easy pedestrian access.
- mixing of housing, employment and public facilities to create a more balanced pattern of traffic generated; this is easier on the local road network than peak hour crunches typical of large employment only developments.
- providing needed sites for public facilities such as schools, libraries, and social services in areas of the County where available land is increasingly hard to find.
- ensuring that sites at prime locations are not limited to only one type of use (e.g., housing only or employment only) which make development of such sites more vulnerable to market fluctuations.
- requiring generous open space requirements, F.A.R. limits, and better concentration and mixing of uses to protect environmental and landscape resources in areas where current zoning allows up to 80% impervious surface coverage and creating proper buffering between mixed-use centers and adjacent neighborhoods.

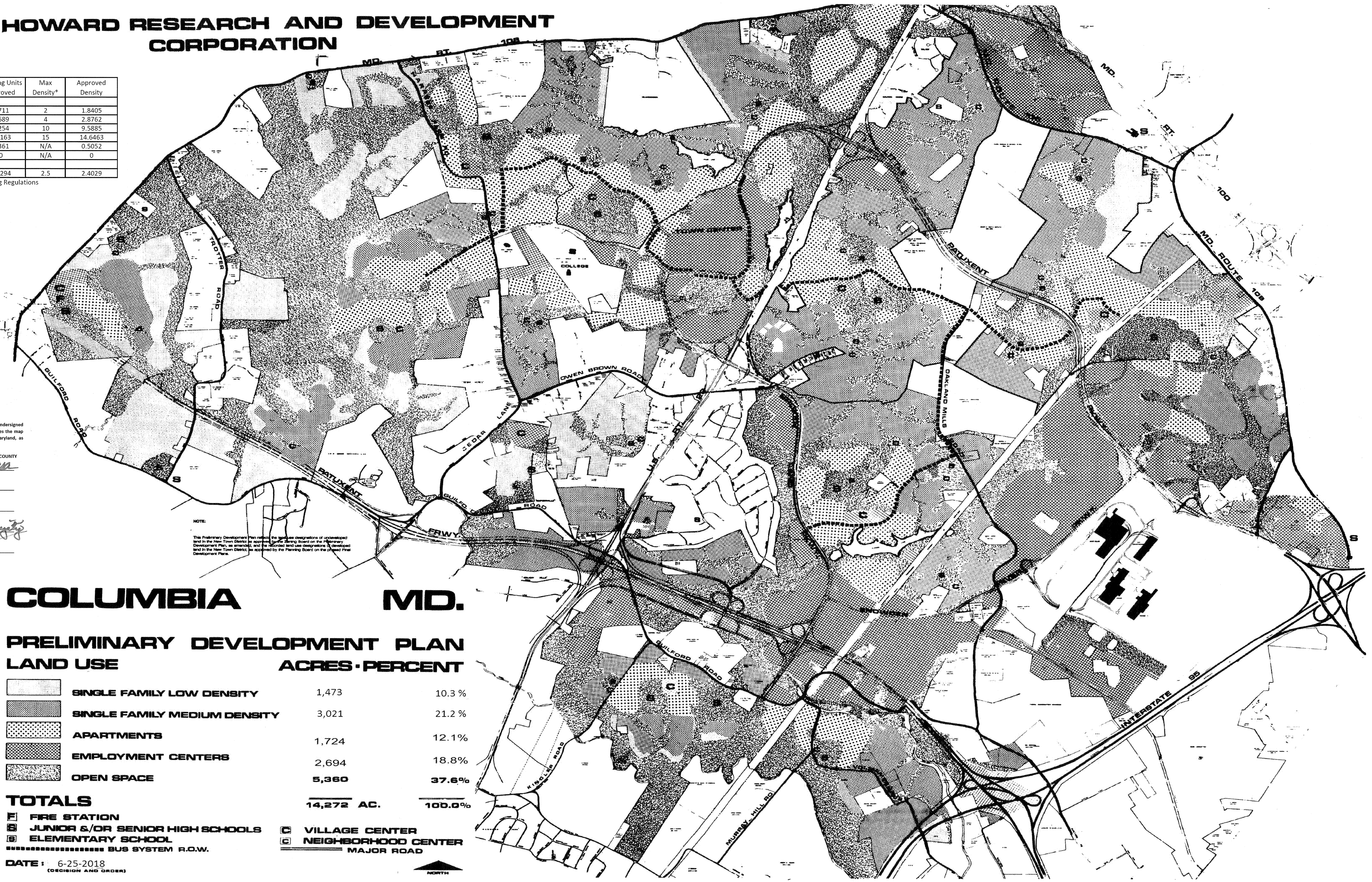
Box 5-5

HOWARD RESEARCH AND DEVELOPMENT CORPORATION

Density Chart

Land Use	Acres	Dwelling Units Approved	Max Density*	Approved Density
Single Family Low Density	1,473	2,711	2	1.8405
Single Family Medium Density	3,021	8,689	4	2.8762
Apartments - Single Family Attached	757	7,254	10	9.5885
Apartments - Multifamily	967	14,163	15	14.6463
Employment	2,694	1,361	N/A	0.5052
Open Space	5,360	0	N/A	0
Total NT District	14,272	34,294	2.5	2.4029

*Pursuant to Sections 125.0.A.4 and 5 of the Howard County Zoning Regulations



Howard County Zoning Board Case 1121M

Certificate of Zoning Board

Pursuant to Sec. 125.0.B.5.a of the Zoning Regulations of Howard County, Maryland, the undersigned members of the Zoning Board of Howard County hereby certify that this document constitutes the map portion of the Preliminary Development Plan for the New Town District of Columbia, Maryland, as approved by Resolution of the Zoning Board in Zoning Board Case No. 1121M on June 25, 2018.

ATTEST:
Robin L. Regner
 Robin L. Regner
 Zoning Board Administrative Assistant

ZONING BOARD OF HOWARD COUNTY

Jeff Traversa
 Jeff Traversa, Chairperson
Calvin Ball
 Calvin Ball, Vice Chairperson
Greg Fox
 Greg Fox
Mary Kay Sling
 Mary Kay Sling
 Jon Weinstein

NOTE:
 This Preliminary Development Plan is subject to the zoning regulations of Howard County, Maryland. The zoning board has approved the preliminary development plan, as amended, and the rezoned land use designations for the New Town District as approved by the Planning Board on the attached Preliminary Development Plan.

COLUMBIA MD.

PRELIMINARY DEVELOPMENT PLAN LAND USE ACRES · PERCENT

	SINGLE FAMILY LOW DENSITY	1,473	10.3 %
	SINGLE FAMILY MEDIUM DENSITY	3,021	21.2 %
	APARTMENTS	1,724	12.1 %
	EMPLOYMENT CENTERS	2,694	18.8 %
	OPEN SPACE	5,360	37.6 %

TOTALS
14,272 AC. 100.0%

- F** FIRE STATION
- S** JUNIOR &/OR SENIOR HIGH SCHOOLS
- E** ELEMENTARY SCHOOL
- BUS SYSTEM R.O.W.
- C** VILLAGE CENTER
- C** NEIGHBORHOOD CENTER
- MAJOR ROAD

DATE: 6-25-2018
 (DECISION AND ORDER)



A Supplement To The Text

of

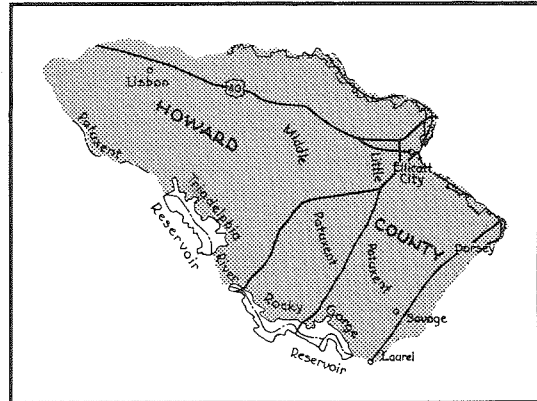
THE HOWARD COUNTY GENERAL PLAN

to

Guide The Construction

of

NEW TOWNS, NEW COMMUNITIES AND LARGE-SCALE NEIGHBORHOODS



ADOPTED ON MAY 17, 1965

HOWARD COUNTY PLANNING COMMISSION/55 COURT AVENUE/ELLICOTT CITY, MARYLAND

Howard County, Maryland

COUNTY COMMISSIONERS

CHARLES E. MILLER, *Chairman*

J. HUBERT BLACK

DAVID W. FORCE

PLANNING COMMISSION

WILMER M. SANNER, *Chairman*

DORIS S. THOMPSON, *Vice-Chairman*

WILLIAM P. BRENDEL (Appointment expired on May 1, 1965)

RALPH P. GREENE

E. MARCUM LYNCH

CHARLES E. MILLER

ROBERT E. WIEDER, *Counsel*

PLANNING COMMISSION STAFF

THOMAS G. HARRIS, JR., *Planning Director*

MICHAEL R. CIRINO, JR., *Senior Planner*

MARION J. McCOY, *Senior Planning Engineer* (Resigned April 21, 1965)

J. HERBERT CLAWSON, JR., *Senior Planning Engineer*

GERALD W. VONMAYER, *Assistant Planner*

LESLIE C. WADDELL, *Planning Technician*

B. GREGG COSTER, *Planning Draftsman*

MAXINE R. MULLICAN, *Secretary II*

MARY L. EDMONDSON, *Secretary I*

MARY E. ALLEN, *Secretary I*

Introduction

Pursuant to the provisions of Chapter 184 of the Acts of the Maryland General Assembly of 1953, the Planning Commission prepared an amendment to the General Plan of Howard County, which was originally adopted July 20, 1960. On May 17, 1965, after a public hearing had been held, the Commission adopted a Supplement to the Text of the General Plan, seeking to guide the construction of New Towns, New Communities, and Large-Scale Neighborhoods.

The Supplement to the Text was prepared to take full advantage of the opportunity for an outstanding development presented to the County by the Howard Research and Development Corporation. Proposed was a complete, balanced community on approximately 14,000 acres of land, providing a broad range of opportunities for housing and employment, and including major institutional, recreational, and cultural facilities.

The Planning Commission would like to thank those persons and organizations that helped in the formulation of the Supplement to the Text, especially the following: Walter H. Blucher, Malcolm H. Dill, George E. Gavrelis, George E. Kostritsky, Franz J. Vidor, Howard Research and Development Corporation, Howard County Citizens' Association, The League of Women Voters of Howard County, Donleigh Civic Association, and Lawyers Hill-Rockburn Association. The Planning Commission would also like to recognize the County Commissioners, Charles E. Miller, Chairman; J. Hubert Black; and David W. Force; for their aid and cooperation in developing a Supplement to the Text of the General Plan for Howard County.

POPULATION TRENDS AND GROWTH FORECASTS

The population of the Washington, D.C. metropolitan area increased by 35.6 percent during the 1950-1960 decade and it has continued to grow at a rapid pace since that time. The population of the Baltimore metropolitan area increased 22.4 percent during the same decade. Howard County, lying between the cities of Washington, D.C. and Baltimore, has felt the effect of this growth and will continue to do so at an accelerating rate as buildable areas are consumed and development pushes outward from both cities.

Howard County has almost doubled its population between 1950 and 1964 with an estimated population of 45,000 in 1964. At the present rate of growth, it is estimated that by 1968 its population will be in excess of 57,000 people.

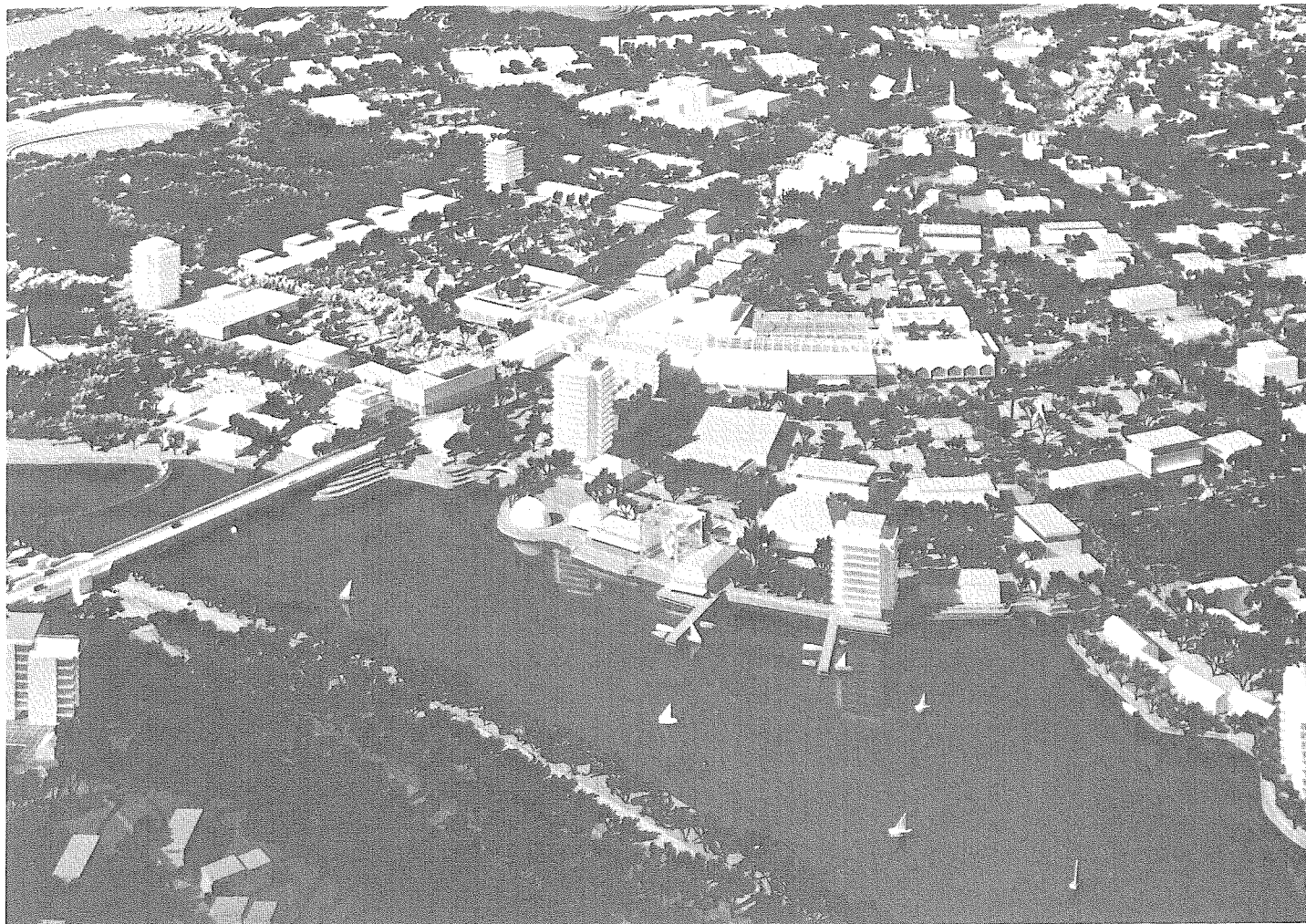
The nature of that growth has left something to be desired, with much of the residential building depending upon septic tanks and private wells. With the provision that in the near future of sanitary facilities and water for large areas suitable for development, it is anticipated that building will take place at an even faster rate than is presently being experienced.

History has shown that the provision of public facilities is economically feasible if done on the basis of large-scale development.

The County now has the choice, to continue growth on the current scattered basis or to encourage the development of New Towns, New Communities and Large-Scale Neighborhoods. These projects offer many advantages, mainly they afford better use of and less waste of land; all public facilities including schools, libraries, transportation facilities as well as sanitary and water facilities can be supplied; a sounder tax base is achieved through distribution of the tax load on industrial and commercial as well as residential property; lands suitable for parks and recreation can be reserved and dedicated to public use during the development stage; houses can be so arranged as to provide high living standards while reserving a greater portion of the land for private or community open spaces. Even in the case of projects at a scale smaller than a new community, many of the facilities mentioned above can be provided with a better use of the land than is achieved through scattered development.

Such large scale developments in the form of New Towns, New Communities and Large-Scale Neighborhood projects should be encouraged provided they are constructed under standards and conditions which will insure proper development, the provision of adequate public facilities, protection for the residents of the community, protection for surrounding properties and the general well-being of the County.

On petition to the Howard County Planning Commission, and after public hearing, the General Plan map may be amended to show the areas allocated to New Towns, to New Communities or to Large-Scale Neighborhoods, if such standards and conditions as are listed hereafter are provided or assured.



Howard Research and Development Corporation

Town Center of Columbia

For the purposes of this supplement, the following general definitions and criteria set forth in detail elsewhere in this text are applicable:

A self-contained community of residential, commercial and industrial areas containing a maximum of 10,000 acres of land and having an overall maximum density of 2.5 dwelling units per gross acre. (a) New Town Sector—a segment of a New Town containing a minimum of 2500 acres of land and permitted only when in conformance with the approved general development plan for a New Town. As the plan for each successive sector is submitted, the proposed sector should be recomputed so that the number of dwelling units within the New Town should never, at anytime, exceed the permitted number of dwelling units within the entire New Town.

A self-contained area of residential, commercial and industrial uses consisting of a minimum of 2500 acres of land with a maximum overall density of 2.5 dwelling units per gross acre.

NEW TOWN

Maximum Density 2.5 units per acre

NEW COMMUNITY

LARGE-SCALE NEIGHBORHOOD

An independent residential unit, with limited local commercial uses, consisting of a minimum of 400 acres of land having a maximum density of 2.5 dwelling units per gross acre. **Village Center Concept**

NEW TOWN STANDARDS

In creating a New Town:

1. The New Town plan should be in accord with any Regional or Metropolitan Plan that has been adopted.

2. A minimum of eighty (80) percent of the land to be included in the New Town should be in single ownership.

3. The New Town plan should be presented to the Howard County Planning Commission in stages:

a. *First Stage:* A general plan for the development of the New Town showing generally the lands to be used for residential, commercial, industrial and public purposes including lands to be dedicated or reserved as permanent open spaces. This first stage plan may be used to amend the General Plan for Howard County.

b. *Second Stage:* A preliminary development plan in sufficient detail to permit the rezoning of that portion of the New Town proposed for immediate development.

c. *Third Stage:* A final development plan showing in detail the location and character of all residential, commercial and industrial structures as well as open spaces, including plans showing elevations of all proposed structures.

4. Assurances should be provided as shown by the plans that the properties within as well as contiguous to, the New Town, not owned by the developer, will be adequately protected from incompatible uses.

5. Not more than twelve (12) percent nor less than five (5) percent of the total land area should be designated as used for industrial purposes and not more than seven (7) percent nor less than two (2) percent should be designated as used for commercial or retail purposes within the New Town.

6. A minimum of twenty (20) percent of the total land area, exclusive of streets, should be shown as permanent open space, of which not less than half should be public open space.

7. There should be in existence, or there should be assurance given (through a performance bond or comparable assurance) that all required public facilities will be provided to meet the needs of the New Town. These include, but are not limited to:

- a. adequate public water supply,
- b. public sewerage and disposal facilities,
- c. storm drainage facilities,
- d. highways and streets,
- e. sidewalks, and
- f. street lighting facilities.

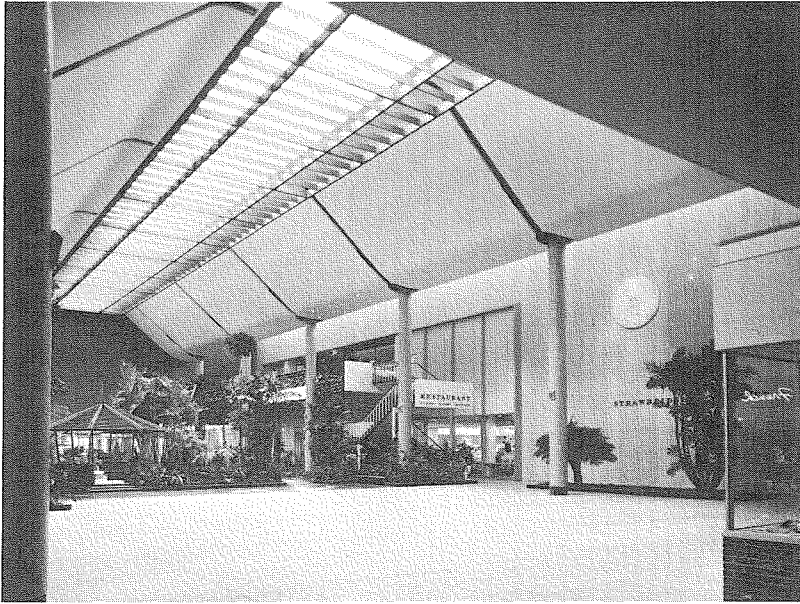
This general plan of development is a required precursor to any redevelopment

This is the approved governing Preliminary Development Plan ("PDP") of Columbia.

The design and construction of such facilities should be submitted for approval to the respective authorities such as, but not necessarily limited to, the Planning Commission, the Public Works Department (Roads Department), the Health Department, the Metropolitan Commission, the Board of Education and the State Roads Commission.

8. Assurance should be given that adequate storm drainage facilities will be provided within the site of the New Town, and that off-site drainage problems will not be created, but if they are created, necessary off-site drainage facilities will be provided.

Regional Shopping Center



Community Research and Development Corporation

9. It is desirable that a New Town be served by a limited or controlled access highway (Freeway or Expressway) facility either existing or scheduled for construction within a reasonable amount of time.

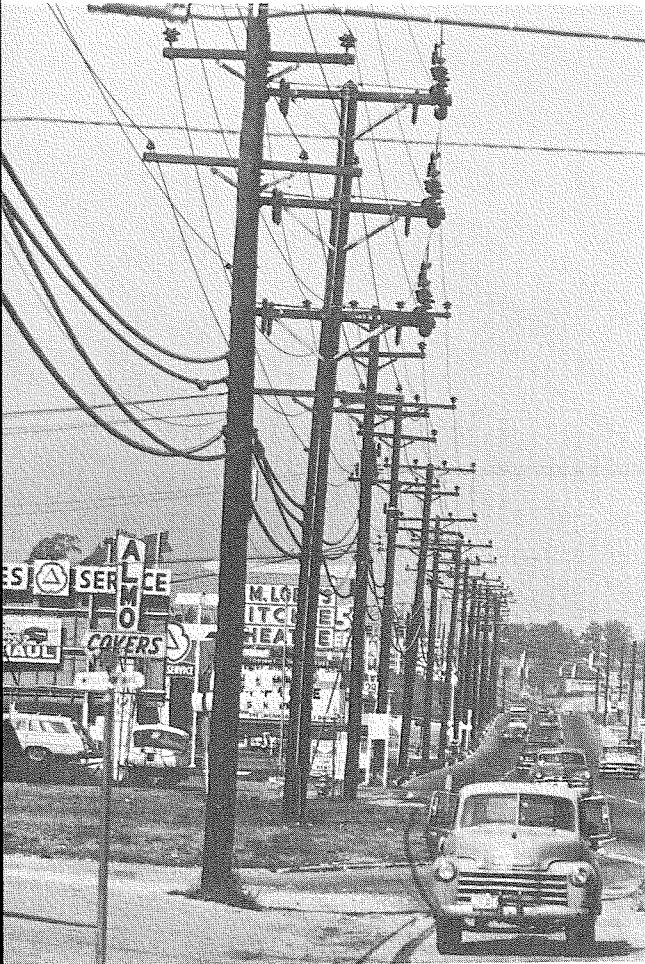
10. It is desirable in the creation of a New Town that boundaries thereof be established at major highways, streams and/or other natural barriers to insure a proper development within the New Town and adequate protection for the surrounding areas.

11. All utility lines and appurtenances constructed to serve the New Town should be placed underground, including but not limited to electric, communications, street lighting and cable television.

12. Land area within the New Town determined by the County Board of Education to be needed for public school sites should be dedicated to the County.

13. A public transportation system should be provided within the New Town.

Above ground Utilities



Underground Utilities



NEW COMMUNITY STANDARDS

In creating a New Community:

1. The New Community should be in accord with any Regional or Metropolitan plan that has been adopted.
2. Ninety (90) percent of the land to be included in the New Community should be in single ownership.
3. The New Community plan should be presented to the Howard County Planning Commission in stages:

a. *First Stage:* A general plan for the development of the New Community showing generally the lands to be used for residential, commercial, industrial and public purposes including lands to be dedicated or reserved as permanent open spaces. The first stage plan may be used to amend the General Plan for Howard County.

b. *Second Stage:* A preliminary development plan in sufficient detail to permit the rezoning of that portion of the New Community proposed for immediate development.

c. *Third Stage:* A final development plan showing in detail the location and character of all residential, commercial and industrial structures as well as open spaces, including plans showing elevation of all proposed structures.

Assurance should be provided as shown by the plans that the properties within, as well as contiguous to, the New Community, not owned by the developer, will be adequately protected from incompatible uses.

5. Not more than four (4) percent nor less than two (2) percent of the total land area within the New Community should be designated as used for commercial or retail purposes.

6. Not more than six (6) percent nor less than three (3) percent of the total land area of the New Community should be designated as used for industrial purposes.

7. A minimum of twenty (20) percent of the total land area, exclusive of streets, should be shown as permanent open space, of which not less than half should be public open space.

8. There should be in existence, or there should be assurance given (through a performance bond or comparable assurance) that all required public facilities will be provided to meet the needs of the New Community. These include, but are not limited to:

- a. adequate public water supply,
- b. public sewerage and disposal facilities,
- c. storm drainage facilities,
- d. highways and streets,
- e. sidewalks, and
- f. street lighting facilities.

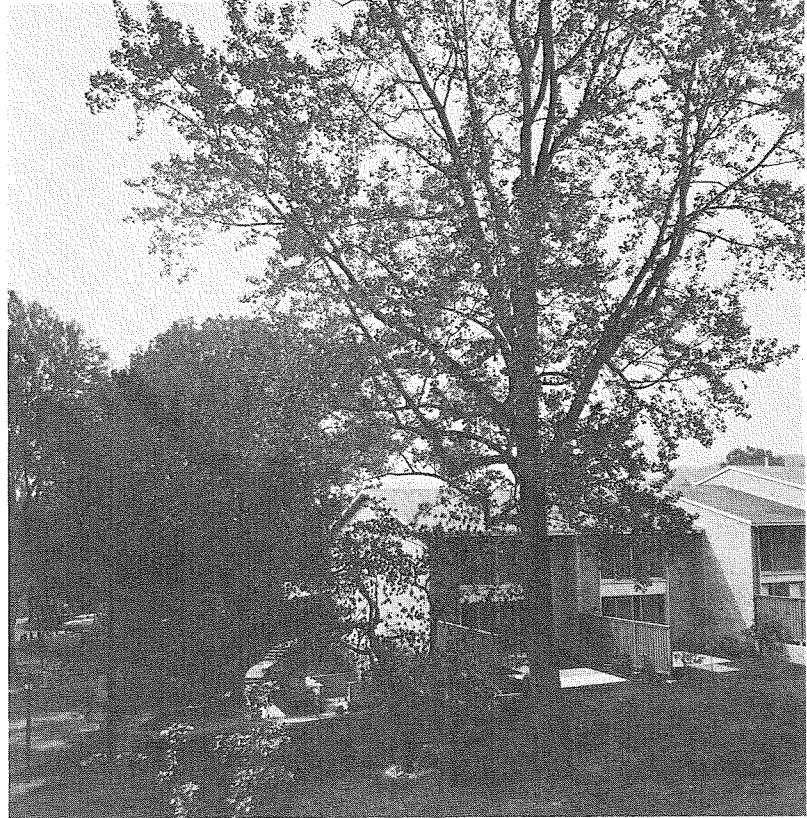
The design and construction of such facilities should be submitted for approval to the respective authorities such as, but not necessarily limited to, the Planning Commission, the Public Works Department (Road Department), the Health Department, the Metropolitan Commission, the Board of Education and the State Roads Commission.

9. Assurance should be given that adequate storm drainage facilities will be provided within the site of the New Community and that off-site drainage problems will not be created, but if they are created, necessary off-site drainage facilities will be provided.

10. It is desirable that a New Community be served by a limited or controlled access highway (Freeway and Expressway) facility either existing or scheduled for construction within a reasonable amount of time.

11. It is desirable in the creation of a New Community that boundaries thereof be established at major highways, streams and/or other natural barriers to insure proper development within the New Community and adequate protection for the surrounding areas.

12. All utility lines and appurtenances constructed to serve the New Community should be placed underground, including but not limited to electric, communications, street lighting and cable television.



Community Research and Development Corporation

13. Land area within the New Community determined by the County Board of Education to be needed for public school sites should be dedicated to the County.

14. A public transportation system should be provided within the New Community.

LARGE-SCALE NEIGHBORHOOD STANDARDS

In creating a Large-Scale Neighborhood:

1. The Large-Scale Neighborhood should be in accord with any Regional or Metropolitan plan that has been adopted.

2. All of the land to be included in the Large-Scale Neighborhood should be in single ownership.

3. The Large-Scale Neighborhood plan should be presented to the Howard County Planning Commission in stages:

a. *First Stage:* A general plan for the development of the Large-Scale Neighborhood showing generally the lands to be used for single-family residential-low density, single-family residential-medium density, apartments, commercial and public purposes, including lands to be dedicated or reserved as permanent open spaces. The first stage plan may be used to amend the General Plan for Howard County.

b. *Second Stage:* A preliminary development plan in sufficient detail to permit the rezoning of that portion of the Large-Scale Neighborhood proposed for immediate development.

Implementation of the Village
Center concept.

c. *Third Stage*: A final development plan showing in detail the location and character of all residential and commercial structures as well as open spaces, including plans showing elevations of all proposed structures.

4. Assurance should be provided as shown by the plans that the contiguous properties not owned by the developer will be adequately protected from incompatible uses.

5. No industrial uses should be permitted within a Large-Scale Neighborhood.

6. Not more than one and one-half (1½) percent of the land area within the Large-Scale Neighborhood should be designated as used for commercial or retail purposes.

7. A minimum of twenty (20) percent of the land area, exclusive of streets, should be shown as permanent open space, of which not less than half should be public open space.

8. There should be in existence, or there should be assurance given (through a performance bond or comparable assurance) that all required public facilities will be provided to meet the needs of the entire Large-Scale Neighborhood. These include, but are not limited to:

- a. adequate public water supply,
- b. public sewerage and disposal facilities,
- c. storm drainage facilities,
- d. highways and streets,
- e. sidewalks, and
- f. street lighting facilities.

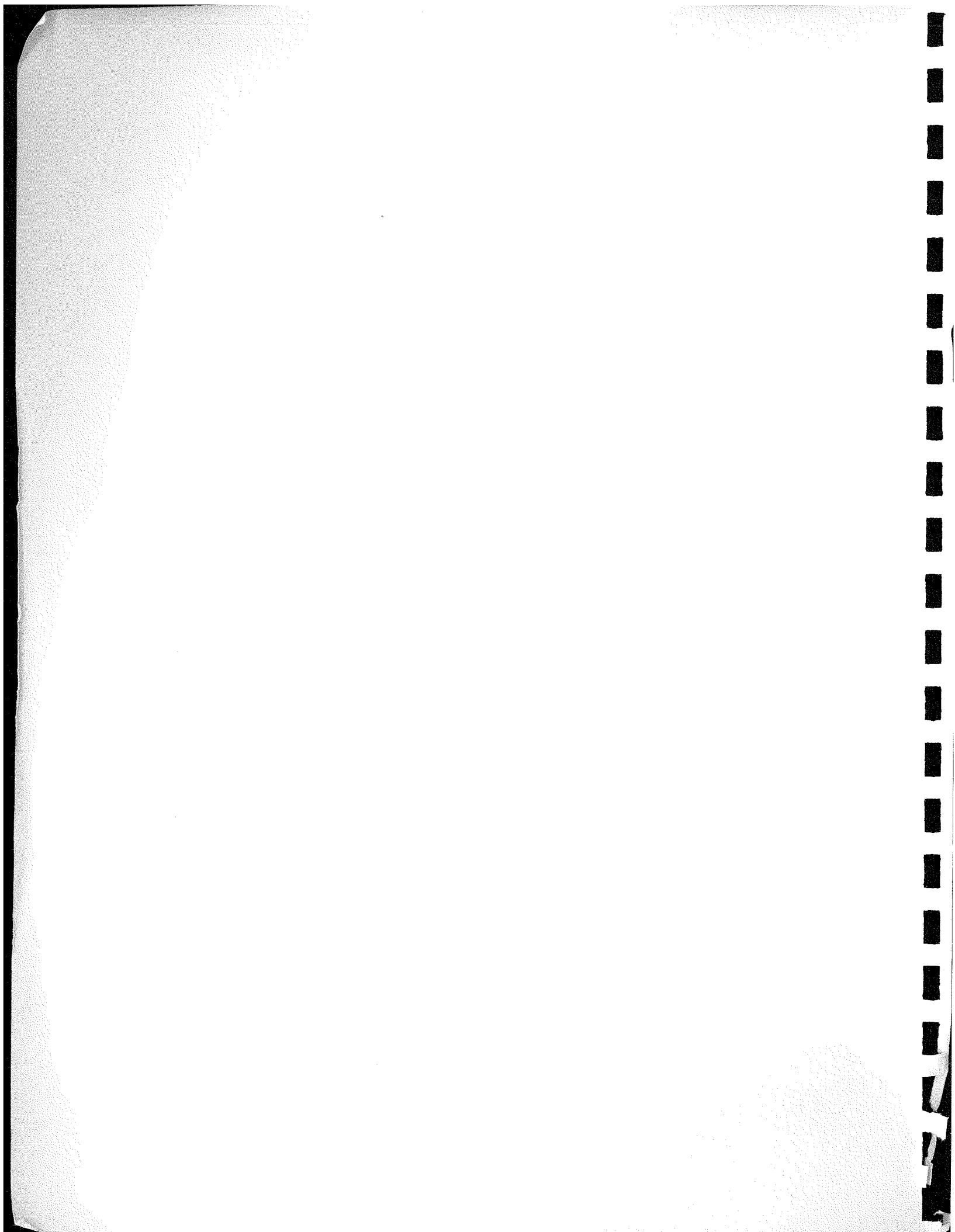
The design and construction of such facilities should be submitted for approval to the respective authorities such as, but not necessarily limited to, the Planning Commission, the Public Works Department (Road Department), the Health Department, the Metropolitan Commission, the Board of Education and the State Roads Commission.

9. A Large-Scale Neighborhood should be served by a major or primary highway facility.

10. Assurance should be given that adequate storm drainage facilities will be provided within the site of the Large-Scale Neighborhood and that off-site drainage problems will not be created, but if they are created, necessary off-site drainage facilities will be provided.

11. All utility lines and appurtenances constructed to serve the Large-Scale Neighborhood should be placed underground, including but not limited to electric, communications, street lighting and cable television.

12. Land area determined by the County Board of Education to be needed for public school sites should be dedicated to the County.



FINAL DEVELOPMENT PLAN DATABASE SUMMARY AS OF OCTOBER 5, 2020

ACRES

	Single Family Low Density	Single Family Medium Density	Apartments		Employment		Open Space		Total Zoned Acres
			Single Family Attached	Multi-Family	Commercial	Industrial	Credited	Non-Credited	
<u>Total To Date</u>	1,471.450	3,015.938	756.534	967.023	1,058.762	1,549.631	5,169.186	254.447	14,242.971
<u>Combined Total</u>	1,471.450	3,015.938	Total APT =	1,723.557	Total Emp. =	2,608.393	Total OS =	5,423.633	14,242.971
<u>Total Allowed In PDP</u>	1,473	3,021		1,724		2,694		5,360	14,272
<u>Remaining FDP Acres</u>	1.550	5.062		0.443		85.607		-63.633	29.029

UNITS

SFLD	SFMD	SFA	APT	EMP. SFA	EMP. APT
2,711	8,689	7,254	14,258	287	759
<u>Total Units</u>			33,958		
				<u>Total Allowed</u>	<u>Remaining Units</u>
<u>Total Allowed Units in PDP per 2.4239 Max Density</u>				34,594	0
<u>Specified Units - Old Exxon Site</u>				96	96
<u>Specified Units - Wilde Lake Village Center</u>				250	20
<u>Specified Units - Long Reach Village Center</u>				315	315
<u>Specified Units - 5 properties as indicated in ZB-1120M</u>				300	205
				636	

Per Zoning Board Case 1031M, Decision & Order dated February 5, 2004, 96 additional units are reserved for age-restricted, moderate-income housing units on the old Exxon site in the Village of Oakland Mills. PDP density increase to 2.3571 units per gross acre.

Per Zoning Board Case 1031M, Decision & Order dated March 24, 2004, 100 additional units are reserved for Non-Downtown Columbia Village(s) in accordance with the procedures outlined in the petition. PDP density increase to 2.3643 units per gross acre.

Per Zoning Board Case 1095M, Decision & Order dated April 19, 2012, increase the allowable acreage for Apartment Land Uses from 1,707 to 1,724 acres and decrease the allowable acreage for Employment Center Land Uses from 2,711 to 2,694 acres. PDP density increase to 2.3695 units per gross acre.

Per Zoning Board Case 1096M, Decision & Order dated July 1, 2012, 100 reserved units for Non-Downtown Columbia Village(s) are dedicated to Wilde Lake Village Center. PDP density increase to 2.3800 units per gross acre enabling an additional 150 units for Wilde Lake Village Center in accordance with the procedures outlined in the petition.

Per Zoning Board Case 1112M, Decision & Order dated November 6, 2017, increase the allowable acreage for Single Family Medium Land Uses from 3,015 to 3,021 acres and decrease the allowable acreage for Single Family Low Land Uses from 1,479 to 1,473 acres. PDP density increase to 2.3809 units per gross acre.

Per Zoning Board Case 1121M, Decision & Order dated June 25, 2018, PDP density increase to 2.4029 units per gross acre.

Per Zoning Board Case 1120M, Decision & Order dated October 5, 2020, PDP density increase to 2.4239 units per gross acre.

NOTES:

ACREAGE TOTAL = ALL RECORDED FDP'S

UNIT TOTAL = EXISTING, UNDER CONSTRUCTION AND PROPOSED UNITS.

REPORT NAME: T:\RESEARCH\FDP SUMMARY\FDP Summary 10-5-2020.xlsx

The below comes from the detailed FDP database speradsheet in this same folder:

Sum(Sfld)	Sum(Sfmd)	Sum(Sfa)	Sum(Mfapt)	Sum(Empcom)	Sum(Empind)	Sum(Opsprd)	Sum(Opsnocr)	Sum(Sfld_lots)	Sum(Sfmd_lots)	Sum(Sfaunits)	Sum(Aptunits)	Sum(Empcomsfa+Empindsfa)	Sum(Empcomapt)
1,471.450	3,015.938	756.534	967.023	1,058.762	1,549.631	5,169.186	254.447	2,711	8,689	7,254	14,258	287	759
ACOL1	ACOL2	ACOL3	ACOL4	ACOL5	ACOL6	ACOL7	ACOL8	ACOL9	ACOL10	ACOL11	ACOL12	ACOL13	ACOL14
1471.450000000	3015.938000000	756.534000000	967.023000000	1058.762000000	1549.631000000	5172.037000000	241.596000000	2711.000000000	8689.000000000	7254.000000000	14258.000000000	287.000000000	759.000000000

<== 95 additional units approved on Roslyn Rise (SDP-21-030 as part of FDP-41-A-2). Remaining reserved for additional 4 Enterprise Homes properties. Note that Roslyn Rise Units are not yet built and is under appeal, so TBD

November 1, 2022

The Covenants and the People Tree
A Talk by John Healy, Esq. regarding Columbia's Covenants and Restrictions

Restrictive covenants on property use are often utilized in developments to maintain the character of the neighborhood in accord with the development plan and to protect property values.¹ When restrictive covenants are created for the mutual benefit of all of the properties within a development, they may be enforced by each of the property owners against the other.² While at common law, restrictive covenants on land use were categorized as either “real covenants” or “equitable servitudes” depending on whether they were enforced in law or equity,

The modern trend, as represented by the Restatement (Third) of Property: Servitudes,³ is to refer to both real covenants and equitable servitudes simply as servitudes. Columbia is a classic example of the application of reciprocal negative servitudes (restrictions) sometimes referred to as a “common scheme of development” that was created for the mutual benefit and protection of all property owners in the Columbia New Town. The mosaic of covenants that concern the land in Columbia are written to satisfy all the legal requirements to irrefutably vest these reciprocal rights and obligations to all owners. Below are five (5) of the legal requirements:

- (1) There is a common grantor (The Howard Research and Development Corporation in this case) of property who has a general plan or scheme of development (the Preliminary Development Plan) for the property;**

- (2) the common grantor conveys parcels or lots in the development subject to servitudes (restrictive covenants) designed to mutually benefit the properties in the development and advance the plan of development;**

¹ See, generally, Restatement (Third) of Property: Servitudes § 2.14, comment a. (2000); Citizens for Cov. Comp. v. Anderson, 12 Cal. 4th 345, 352, 906 P.2d 1314, 1318, 47 Cal. Rptr. 2d 898, 902 (1995) (“[m]odern subdivisions are often built according to a general plan containing restrictions that each owner must abide by for the benefit of all”).

² See, Plumb v. Ruffin, 213 Neb. 335, 328 N.W.2d 792 (1983); Reed v. Williamson, 164 Neb. 99, 82 N.W.2d 18 (1957). See, generally, Restatement, Richard R. Powell & Michael Allan Wolf, Powell on Real Property § 60.01[5] at 60-11 See, generally, id., § 60.01[4] and [5]; Thompson on Real Property §§ 61.02(b) and (c) and 61.05 (David A. Thomas 2d ed. 2006); 1 Restatement, supra note 6, §§ 1.4 and 2.1, comment a.; Citizens for Cov. Comp. v. Anderson, 12 Cal. 4th at 348, 906 P.2d at 1316, 47 Cal. Rptr. 2d at 900 (referring to law of real covenants and equitable servitudes as “the most complex and archaic body of American property law remaining in the twentieth century” and as “an unspeakable quagmire”).

³ See, 1 Restatement, supra note 6, §§ 1.3 and 1.4; 9 Powell & Wolf, supra note 8, § 60.01[6]. See, also, generally, Lawrence Berger, Integration of the Law of Easements, Real Covenants and Equitable Servitudes, 43 Wash. & Lee L. Rev. 337 (1986); Uriel Reichman, Toward a Unified Concept of Servitudes, 55 S. Cal. L. Rev. 1177 (1982); Ralph A. Newman & Frank R. Losey, Covenants Running with the Land, and Equitable Servitudes; Two Concepts, or One?, 21 Hastings L.J. 1319 (1970).

(3) **it can be reasonably inferred, based on the common grantor’s conduct, representations, and other oral and written materials such as slide shows or advertisements, that the grantor intended the property against which the servitude is imposed to be subject to the same servitudes imposed on all of the properties⁴ within the plan of development against which the servitude is imposed to be subject to the**

⁴ As was said in *Skyline Woods Homeowners Assn. v. Broekemeier* that a grantor’s intent to create a plan of development may be proved “from the conduct of parties or from the language used in deeds, plats, maps, or general building development plans” and by looking “to matters extrinsic to related written documents, including conduct, conversation, and correspondence.” Determining which properties are included within a plan of development is relatively easy where land is platted or subdivided, because “[i]n the absence of other evidence, the inference is normally justified that all of the land within a platted subdivision is subject to the general plan, and that land outside the subdivision is not included. Thus, where property is subdivided or platted pursuant to a plan of development, a presumption arises that the plan of development includes only those properties in the plat or subdivision

In contrast to the express multi-lateral imposition of reciprocal negative servitudes as one court explained: implied negative reciprocal easement or servitude doctrine arose before the **advent of comprehensive zoning** (which is not the case in Columbia) in order to provide a measure of protection for those who bought lots in what they reasonably expected was a general development in which all of the lots would be equally burdened and benefitted. In those early days, it was uncommon for the developer to evidence the development or impose uniform restrictions through a recorded Declaration that would later be incorporated in individual deeds. They often filed subdivision plats of one kind or another but did not take the extra step of using one instrument to impose the restrictions. The common, almost universal, practice, instead, was for the developer to place the restrictions in the deeds to individual lots and, sometimes, to represent to the purchasers of those lots that the same restrictions would be placed in subsequent deeds to the other lots. Litigation arose most frequently when the developer then neglected to include the restrictions in one or more of the subsequent deeds and those buyers proceeded or proposed to use their property in a manner that would not be allowed by the restrictions. Because developers historically restricted properties as part of their plan of development on a deed-by-deed basis, the doctrine was created to fill the gap where a property was conveyed without restrictions in the deed. But a common practice today is for developers to place restrictions on an entire development all at once as was done in 1965 in Columbia where the Preliminary Development plan adopted is clear and establishment of the servitude is necessary to **avoid injustice**. The implied-reciprocal-servitude doctrine comes into play **only** when the developer does not follow the practice of recording a declaration of servitudes applicable to the entire subdivision or other general-plan area. See Black’s Law Dictionary 495 (10th ed. 2014) (defining “declaration of restrictions” as “statement of all the covenants, conditions, and restrictions affecting a parcel of land, usu[ally] imposed and recorded by a developer of a subdivision. The restrictions usu[ally] promote a general plan of development by requiring all lot owners to comply with the specified standards, esp[ecially] for buildings. The restrictions run with the land”

same servitudes imposed on all of the properties within the plan of development (Numerous examples and evidence of this abound);

(4) the property owner against whom the restriction is enforced has actual or constructive notice of the imposed servitude (all declarations of covenants and restriction are recorded in the land records);

(5) the party seeking to enforce the restriction possesses an interest in property in the development that is subject to the servitude and has relied upon the representations or the express or implied representations of the common grantor that other properties within the general scheme of development will be subject to the servitude.

Conclusion:

The New Town Columbia development meets all of the requirements for a “common scheme of development. “ That means that collectively the covenants and restriction are for the mutual benefit of all Columbia property owners and they can rely on them.