

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2009 Legislative Session

Legislative day # 15

BILL NO. 59 – 2009 (ZRA – 113)

**Introduced by: The Chair
at the request of General Growth Properties**

AN ACT amending the Howard County Zoning Regulations to create a new Downtown Columbia revitalization process in the New Town District; defining new terms; establishing a new residential density for Downtown Columbia; establishing new land use percentages for open space in Downtown Columbia; ~~establishing an affordable housing provision for Downtown Columbia revitalization; requiring that a certain~~ minimum percentage of the dwelling units permitted under the Downtown Columbia revitalization process be moderate income housing units; specifying the application of this Act to property currently improved pursuant to certain types of approved development plans; providing that the obligation to provide a Community Enhancement, Program or Public Amenity is not triggered by the development of arts, cultural, and community uses, or by development of a parcel consisting only of up to a certain size of commercial floor area; establishing new off-street parking requirements for Downtown Columbia revitalization; and generally relating to the New Town zoning district.

Introduced and read first time _____, 2009. Ordered posted and hearing scheduled.

By order _____
Stephen M. LeGendre, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2009 and concluded on _____, 2009.

By order _____
Stephen M. LeGendre, Administrator to the County Council

This Bill was read the third time _____, 2009 and Passed ___, Passed with amendments ___, Failed ___.

By order _____
Stephen M. LeGendre, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2009 at _____ a.m./p.m.

By order _____
Stephen M. LeGendre, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2009.

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law.
~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that subsection F*
2 *of Section 125 “NT (New Town) District”(as enacted by Council Bill 29-2009) of the Howard*
3 *County Zoning Regulations, is hereby renumbered to Subsection I.*

4
5 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that new*
6 *Numbers 38 through 60, of Subsection A, of Section 103 “Definitions” is hereby added; Section*
7 *125 “NT (New Town) District” is hereby amended; Subsection B “Layout and Location”, and*
8 *Subsection E. “Permitted Reductions in Off-Street Parking Requirements.” of Section 133 “Off-*
9 *Street Parking and Loading Facilities” of the Howard County Zoning Regulations, are hereby*
10 *amended to read as follows:*

Howard County Zoning Regulations

SECTION 103: Definitions

- 18 38. DOWNTOWN ARTS, CULTURAL AND COMMUNITY USE: LAND AREAS, USES AND FACILITIES
19 ESTABLISHED FOR CULTURAL, CIVIC, RECREATION, EDUCATIONAL, ENVIRONMENTAL,
20 ENTERTAINMENT OR COMMUNITY USE OR BENEFIT, WHETHER OR NOT ENCLOSED AND WHETHER
21 PUBLICLY OR PRIVATELY OWNED OR OPERATED FOR PROFIT, INCLUDING, BUT NOT LIMITED TO,
22 LIBRARIES, FIRE STATIONS, SCHOOLS, MUSEUMS, GALLERIES, ARTISTIC WORK, AND TRANSIT
23 FACILITIES. EATING, SEATING AND GATHERING AREAS THAT ARE ACCESSORY TO THESE USES
24 ARE PERMITTED.
- 26 39. DOWNTOWN ARTS AND ENTERTAINMENT PARK: A CONTIGUOUS AREA INCLUDING A LARGE
27 OUTDOOR AMPHITHEATER WHICH MAY BE SURROUNDED BY A VARIETY OF SMALLER INDOOR OR
28 OUTDOOR ARTISTIC AND PERFORMANCE SPACES, MUSEUMS, GALLERIES AND SIMILAR CULTURAL
29 OR EDUCATIONAL USES IN A PARK-LIKE SETTING. ANCILLARY USES SUCH AS FOOD VENDORS,
30 GIFT SHOPS, SMALL RESTAURANTS AND SUPPORTING INFRASTRUCTURE SUCH AS UTILITIES,
31 PUBLIC AND PRIVATE ROADWAYS, MULTI-MODAL CIRCULATION SYSTEMS ADJACENT TO PUBLIC
32 AND PRIVATE ROADWAYS, SURFACE PARKING LOTS, PARKING STRUCTURES, AND UNDERGROUND

PARKING ARE ALSO PERMITTED.

40. DOWNTOWN CEPPA IMPLEMENTATION CHART: THE CHART AND ASSOCIATED TEXT AND FLEXIBILITY PROVISIONS CONTAINED IN THE DOWNTOWN COLUMBIA PLAN WHICH IDENTIFY THE PHASING FOR DOWNTOWN COMMUNITY ENHANCEMENTS, PROGRAMS AND PUBLIC AMENITIES.
41. DOWNTOWN COLUMBIA: THE FOLLOWING RECORDED FINAL DEVELOPMENT PLAN PHASES: PHASE 4, PHASE 4-A-5, PHASE 21, PHASE 47-A-7, PHASE 52, PHASE 62-A-1, PHASE 95, PHASE 101-A, PHASE 105, PHASE 111-A-1, PHASE 115, PHASE 121, PHASE 122-A, PHASE 139-A-3, PHASE 140-A-1, PHASE 192-A, PHASE 211, PHASE 217-A-1, PHASE 219, PHASE 234, AND THE AREA WITHIN THE DESCRIBED LIMITS INCLUDED IN EXHIBIT A OF THE APPENDIX IN THESE REGULATIONS.
42. DOWNTOWN COLUMBIA PLAN: THE GENERAL PLAN AMENDMENT FOR DOWNTOWN COLUMBIA AS APPROVED BY THE COUNTY COUNCIL ON (APPROVAL DATE).
43. DOWNTOWN COMMUNITY COMMONS: AMENITY SPACES SUCH AS PLAZAS, PROMENADES, GREENS, GARDENS, SQUARES AND OTHER PEDESTRIAN-ORIENTED AREAS, WHETHER PUBLICLY OR PRIVATELY OWNED, THAT ARE INTENDED FOR COMMUNITY INTERACTION AND MAY INCLUDE SPACES FOR SEATING, WALKING, EATING, GATHERING, FOUNTAINS, PUBLIC ART, WAY-FINDING SIGNAGE, KIOSKS, OR OTHER SIMILAR PUBLIC AMENITIES. DOWNTOWN COMMUNITY COMMONS CAN ALSO INCLUDE WALKWAYS THAT ARE DESIGNED TO ENHANCE AND BE AN INTEGRAL PART OF THE ADJACENT AMENITY SPACE, BUT SHALL NOT INCLUDE ANY DRIVE LANE FOR VEHICULAR TRAFFIC SUCH AS PRIVATE STREETS, ALLEYS AND PUBLIC ROADWAYS FOR AUTOMOTIVE USE. DOWNTOWN COMMUNITY COMMONS MUST BE GENERALLY ACCESSIBLE BY THE PUBLIC WITHOUT CHARGE. INCLUDED IN THIS CATEGORY ARE DOWNTOWN NEIGHBORHOOD SQUARES. DOWNTOWN COMMUNITY COMMONS MAY BE INTEGRATED INTO OR DEVELOPED AS A PART OF OTHER USES AND MAY INCLUDE UNDERGROUND PARKING, UTILITIES AND OTHER INFRASTRUCTURE SUPPORTING DOWNTOWN REVITALIZATION.
44. DOWNTOWN COMMUNITY ENHANCEMENTS, PROGRAMS AND PUBLIC AMENITIES (CEPPA): THE SPECIFIC FEASIBILITY STUDIES, IMPROVEMENT AND MANAGEMENT ORGANIZATIONS, ENVIRONMENTAL ENHANCEMENT PROGRAMS, AND PHYSICAL IMPROVEMENTS IDENTIFIED IN THE DOWNTOWN CEPPA IMPLEMENTATION CHART CONTAINED IN THE DOWNTOWN COLUMBIA PLAN.
45. DOWNTOWN ENVIRONMENTAL ENHANCEMENT: ENVIRONMENTAL RESTORATION OR

1 ENHANCEMENT OF AN AREA WITHIN DOWNTOWN COLUMBIA COMPRISED OF AT LEAST ONE
2 CONTIGUOUS ACRE INCLUDING SUCH THINGS AS FOREST RESTORATION AND ENHANCEMENT,
3 REFORESTATION AND AFFORESTATION, WETLAND ENHANCEMENT, AND STREAM RESTORATION
4 ACTIVITIES.

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6 46. DOWNTOWN ENVIRONMENTALLY SENSITIVE LAND AREA: AN AREA WITHIN DOWNTOWN
7 COLUMBIA MEETING THE DEFINITION IN THE HOWARD COUNTY LAND DEVELOPMENT
8 REGULATIONS OF EITHER A FLOODPLAIN, STEEP SLOPE, STREAM OR WETLAND BUFFERS.

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10 47. DOWNTOWN MAXIMUM BUILDING HEIGHT PLAN: THE PLAN WHICH GRAPHICALLY REPRESENTS
11 THE MAXIMUM BUILDING HEIGHT REQUIREMENTS FOR ALL DOWNTOWN REVITALIZATION, AS
12 DEPICTED IN THE DOWNTOWN COLUMBIA PLAN.

13
14 48. DOWNTOWN MIXED-USE: A LAND-USE DESIGNATION THAT PERMITS ANY USE OR COMBINATION
15 OF USES PERMITTED UNDER SECTION 125.A.9.B. INCLUDING SUPPORTING INFRASTRUCTURE,
16 SUCH AS UTILITIES, PUBLIC AND PRIVATE ROADWAYS, MULTI-MODAL CIRCULATION SYSTEMS
17 ADJACENT TO PUBLIC AND PRIVATE ROADWAYS, SURFACE PARKING LOTS, PARKING STRUCTURES,
18 AND UNDERGROUND PARKING.

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20 49. DOWNTOWN NEIGHBORHOOD CONCEPT PLAN: A CONCEPT PLAN SHOWING AN INDIVIDUAL
21 NEIGHBORHOOD IDENTIFIED IN THE DOWNTOWN COLUMBIA PLAN THAT DEPICTS A GENERAL
22 LAYOUT FOR PROPOSED PUBLIC AND PRIVATE STREETS, BLOCK SIZES AND CONFIGURATIONS,
23 MAXIMUM BUILDING HEIGHTS AND PROPOSED DOWNTOWN COMMUNITY COMMONS.

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25 50. DOWNTOWN NEIGHBORHOOD DESIGN GUIDELINES: URBAN DESIGN GUIDELINES FOR AN
26 INDIVIDUAL NEIGHBORHOOD IDENTIFIED IN THE DOWNTOWN COLUMBIA PLAN.

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28 51. DOWNTOWN NEIGHBORHOOD SQUARE: AN OUTDOOR AMENITY SPACE COMPRISED OF NOT LESS
29 THAN 25,000 CONTIGUOUS SQUARE FEET, EXCLUSIVE OF BIKE PATHS AND REQUIRED SIDEWALKS
30 THAT MIGHT BE LOCATED ALONG ITS PERIMETER. A DOWNTOWN NEIGHBORHOOD SQUARE MAY
31 BE COVERED OR PARTIALLY COVERED.

32
33 52. DOWNTOWN NET NEW: AS APPLICABLE, THE NUMBER OF DWELLINGS, HOTEL AND MOTEL
34 ROOMS, AND THE AMOUNT OF GROSS FLOOR AREA OF COMMERCIAL OFFICE AND COMMERCIAL
35 RETAIL USES THAT ARE PERMITTED UNDER THE DOWNTOWN REVITALIZATION APPROVAL
36 PROCESS AFTER (EFFECTIVE DATE) IN EXCESS OF THE NUMBER OF DWELLINGS, HOTEL AND

MOTEL ROOMS, AND GROSS FLOOR AREA OF COMMERCIAL OFFICE AND COMMERCIAL RETAIL
USES THAT ARE SHOWN ON A SITE DEVELOPMENT PLAN FOR PROPERTY LOCATED WITHIN
DOWNTOWN COLUMBIA THAT WAS APPROVED PRIOR TO [EFFECTIVE DATE].

53. DOWNTOWN OPEN SPACE PRESERVATION PLAN: A PLAN INCLUDED IN THE DOWNTOWN
COLUMBIA PLAN DELINEATING ALL LAND IN DOWNTOWN COLUMBIA DESIGNATED AS OPEN
SPACE ON A FINAL DEVELOPMENT PLAN RECORDED PRIOR TO (EFFECTIVE DATE) THAT IS
REQUIRED TO RETAIN ITS EXISTING CHARACTER AS: DOWNTOWN ENVIRONMENTALLY SENSITIVE
LAND; DOWNTOWN PARKLAND; DOWNTOWN COMMUNITY COMMONS; OR A DOWNTOWN ARTS
AND ENTERTAINMENT PARK, AS SPECIFIED IN SECTION 125.A.9.H.

54. DOWNTOWN PARKLAND: AN AREA GENERALLY ACCESSIBLE BY THE PUBLIC WITHOUT CHARGE
FOR ACTIVE AND/OR PASSIVE RECREATION PURPOSES WHICH CONSISTS PRIMARILY OF
VEGETATED AREAS WITH A NATURAL CHARACTER, MORE FORMAL LAWNS, GARDENS AND
WALKS, PEDESTRIAN CONNECTIONS, MINOR ACTIVE STRUCTURED RECREATION USES SUCH AS
URBAN PLAYGROUNDS, PUBLIC ART, FOUNTAINS AND MINIMAL STRUCTURES SUCH AS CAFES AND
OUTDOOR DINING AREAS, GAZEBOS, PAVILIONS, OUTDOOR STAGES, AND KIOSKS.

55. DOWNTOWN PRIMARY AMENITY SPACE FRAMEWORK DIAGRAM: A PLAN AND ASSOCIATED
TEXT INCLUDED IN THE DOWNTOWN COLUMBIA PLAN DEPICTING EXISTING AND PROPOSED
PRIMARY AMENITY AND NATURAL SPACES IN DOWNTOWN COLUMBIA.

56. DOWNTOWN PUBLIC ART: ORIGINAL OUTDOOR ARTWORK WHICH IS ACCESSIBLE TO THE PUBLIC.

57. DOWNTOWN REVITALIZATION: A FORM OF DEVELOPMENT REQUIRED IN DOWNTOWN COLUMBIA
AFTER (EFFECTIVE DATE) IN COMPLIANCE WITH THE APPLICABLE PROVISIONS OF SECTION 125
THAT MUST BE CONSISTENT WITH THE RECOMMENDATIONS OF THE DOWNTOWN COLUMBIA
PLAN.

58. DOWNTOWN REVITALIZATION PHASING PLAN: A PHASING PLAN INCLUDED IN THE DOWNTOWN
COLUMBIA PLAN IDENTIFYING ADDITIONAL DEVELOPMENT RIGHTS BY PHASE FOR DOWNTOWN
REVITALIZATION.

59. DOWNTOWN SIGNATURE BUILDING: AN EXISTING OR PROPOSED STRUCTURE WHICH REQUIRES
PREMIERE ATTENTION TO ITS ARCHITECTURAL DESIGN BECAUSE OF ITS CULTURAL SIGNIFICANCE
OR PROMINENT LOCATION IN RELATIONSHIP TO THE PUBLIC REALM, SUCH AS ITS POSITION ON A

1 STREET OR OPEN SPACE, OR AS THE TERMINUS OF A VISTA.

2
3 60. DOWNTOWN-WIDE DESIGN GUIDELINES: GENERAL URBAN DESIGN GUIDELINES FOR DOWNTOWN
4 REVITALIZATION ADOPTED BY THE HOWARD COUNTY COUNCIL.
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6
7

8 **SECTION 125: NT (New Town) Districts**

9 10 A. Definitions, Requirements and Restrictions Applicable to NT Districts

11 1. As used herein, the term “New Town” means an unincorporated city, town or village
12 which:

13 a. Is designated and planned as an economically and culturally self-sufficient
14 community with a population of at least 20,000 inhabitants; and

15 b. Is so designed and planned as to meet all of the requirements specified in this Section
16 125.

17 2. As used herein, the terms “New Town District,” “NT District” or “the District” means the
18 land zoned for the erection of a New Town under the provisions of this Section 125.

19 3. No NT District shall be created except by the procedure set forth herein. Each NT District
20 must contain a total area of at least 2,500 contiguous acres. Lands which are divided by
21 streets, roads, ways, highways, transmission pipes, lines or conduits, or rights-of-way (in
22 fee or by easement) owned by third parties shall be deemed to be contiguous for purposes
23 of this Section 125. No NT District shall be established except upon land the beneficial
24 title to which is in the person, firm or corporation executing the petition referred to in
25 Section 125 thereof. The tenant under a lease having a term of not less than 75 years shall
26 be deemed to be the holder of the beneficial title to the land covered by the lease for the
27 purpose of this Section 125.

28 4. No NT District shall have a greater overall [[population]] RESIDENTIAL density than that
29 produced by the TOTAL COMBINED number of dwellings permitted [[herein.]] IN THIS

SECTION 125.A.4 AND IN SECTION 125.A.9. The maximum number of dwellings permitted [[within an NT District]] UNDER THE DOWNTOWN REVITALIZATION APPROVAL PROCESS IS ESTABLISHED IN SECTION 125.A.9. THE MAXIMUM NUMBER OF DWELLINGS PERMITTED THAT ARE NOT SUBJECT TO THE DOWNTOWN REVITALIZATION APPROVAL PROCESS IS ESTABLISHED BY THIS SECTION AND 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 with the NT District as specified in the “Final Development Plan,” as hereinafter defined; provided, however, that in no event shall the number of dwellings per acre permitted in any NT District exceed two and one half. Within each NT District the following additional density]] BY TWO AND ONE-HALF. FOR DEVELOPMENT THAT IS NOT SUBJECT TO THE DOWNTOWN REVITALIZATION APPROVAL PROCESS, THE FOLLOWING DEVELOPMENT 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 NT 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 permitted shall relate to the overall total number of apartments 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 15.

5. The use of land within NT Districts shall be limited to those uses specified in the “Final Development Plan,” provided, however, that:

- a. No uses permitted only in the R-MH or M-2 Districts under these Regulations may be permitted in an NT District; and

b. Attached or semi-detached dwellings may be erected only in areas designated “DOWNTOWN REVITALIZATION,” OR “apartments” ON [[the]] A Final Development Plan[[, and]]. WITHIN AREAS DESIGNATED “DOWNTOWN REVITALIZATION” SUCH UNITS SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 125.A.9. WITHIN AREAS DESIGNATED “APARTMENTS” SUCH UNITS MUST BE PROVIDED:

(1) In groups having no more than 10 dwellings attached to one another if attached on the sides, or 16 dwellings if attached back to back; and

(2) In such numbers so as not to exceed 10 dwellings for each acre of such use, calculated by multiplying the number of acres so designated by 10; and

(3) 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.

6. Except for accessory uses as hereinafter provided, no structure within an NT District shall be:

a. Erected except in accordance with the Final Development Plan, or

b. Used for any purpose other than the use designated for it on the Final Development Plan.

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

a. 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.

b. The off-street parking requirements of Section 133 of these Regulations shall be applicable.

c. The accessory use provisions of Section 110 shall be applicable to all residential uses within the NT District.

- d. The provisions of Section 128 (Supplementary Zoning District Regulations) shall apply to the NT District except for those provisions which specifically exclude the NT District.

Subject to any additional specific permitted uses of land which may be designated on an approved Final Development Plan pursuant to Section 125.C.3.d of these Regulations, if an approved Final Development Plan designates POR, B-1, B-2, SC or M-1 District uses or any combination thereof for a specific area, then the general permitted uses for such area shall be those uses permitted as a matter of right in those districts. However, the bulk regulations for those districts regulating the location of structures, height limitations, setback provisions, minimum lot sizes, and coverage requirements shall not apply inasmuch as the controls therefore shall be included in the Final Development Plan approved by the Planning Board as provided under [[Section 125.C of]] these Regulations.

- [[8. Each New Town District must provide each of the following uses in the following proportions:

	(1) Minimum Percentage of Total Area of the District	(2) Maximum Percentage of Total Area of the District
Open Space Uses	36%	N/A
Single Family – Low Density	10%	N/A
Single Family – Medium Density	20%	N/A
Apartments	N/A	13%
Commercial (POR, B-1, B-2 and SC uses)	2%	10%
Industrial Uses (M-1 uses)	10%	20%
Other uses presently permitted in any zoning district other than those permitted only in R- MH or M-2 Districts	N/A	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 the term "open space uses" is defined as being those uses which do

1 not involve any extensive coverage of land with structures, as, for example, all lands
2 devoted to raising of crops, agricultural uses, parks, playing fields, golf courses and any
3 other outdoor recreational uses (whether any such uses be publicly owned or privately
4 owned or operated for profit), as well as all lands covered by lakes, rivers or streams, and
5 all lands devoted to public or community uses. Open land designated for residential uses
6 shall be considered qualified as "open space use" only if it is held for the common use of
7 the public or persons residing in the particular locality within the community, and if it is
8 larger than two acres in size. For the purpose of meeting the 36 percent requirement
9 imposed above:

10
11 a. The term "open space uses" shall not include parking lots, streets, rights-of-way,
12 amusement parks, golf driving ranges which are not ancillary to a golf course, or
13 drive-in movies.

14
15 b. All lands approved and credited as open space use on the Final Development
16 Plan of the NT District shall be conclusively presumed to satisfy the
17 requirements of this Section.

18
19 9. Anything in other Sections of these regulations to the contrary notwithstanding, there
20 shall be no restrictions upon the use of, or on the erection of structures on, land within an
21 NT District, other than such as are provided in the various subsections of this Section or
22 in such other Sections of these regulations as are expressly stated to be applicable by the
23 various provisions of this Section. Nothing herein shall render inapplicable any
24 regulation of the County relating to construction requirements and/or subdivision
25 approval to the extent that any of the same are not inconsistent with the provisions of this
26 Section.]]

27
28
29 8. A. EACH NEW TOWN DISTRICT MUST PROVIDE EACH OF THE FOLLOWING USES IN
30 THE FOLLOWING PROPORTIONS:

	(1) MINIMUM PERCENTAGE OF TOTAL AREA OF THE DISTRICT	(2) MAXIMUM PERCENTAGE OF TOTAL AREA OF THE DISTRICT
OPEN SPACE USES	36%	N/A
SINGLE FAMILY – LOW DENSITY	10%	N/A
SINGLE FAMILY – MEDIUM DENSITY	20%	N/A
APARTMENTS	N/A	13%
COMMERCIAL (POR B-1, B-2 AND SC USES)	2%	10%
INDUSTRIAL USES (M-1 USES)	10%	20%
OTHER USES PRESENTLY PERMITTED IN ANY ZONING DISTRICT OTHER THAN THOSE PERMITTED ONLY IN R-MH OR M-2 DISTRICTS	N/A	15%
	NOTE: N/A MEANS NOT APPLICABLE	

- 1 B. EXCEPT AS PROVIDED IN SECTION 125.A.8.C. BELOW, THE LAND USE
2 PERCENTAGES IN SECTION 125.A.8.A. DO NOT APPLY TO DOWNTOWN
3 REVITALIZATION.
- 4
- 5 C. UPON RECORDATION OF A FINAL DEVELOPMENT PLAN WITHIN DOWNTOWN
6 COLUMBIA, ENVIRONMENTALLY SENSITIVE LAND AREAS THAT ARE DESIGNATED
7 “OPEN SPACE” ON THE FINAL DEVELOPMENT PLAN WILL BE CREDITED TOWARDS
8 THE MINIMUM PERCENTAGE OF OPEN SPACE USES IN SECTION 125.A.8.A. ABOVE.
- 9 D. EACH NEW TOWN DISTRICT MUST ALSO PROVIDE ADEQUATE PUBLIC
10 TRANSPORTATION FACILITIES AND PUBLIC WATER AND SEWER SYSTEMS IN THE
11 AREAS SHOWN ON THE FINAL DEVELOPMENT PLAN.
- 12 E. AS USED IN THIS SECTION THE TERM “OPEN SPACE USES” IS DEFINED AS BEING
13 THOSE USES WHICH DO NOT INVOLVE ANY EXTENSIVE COVERAGE OF LAND WITH
14 STRUCTURES, AS, FOR EXAMPLE, ALL LANDS DEVOTED TO RAISING OF CROPS,
15 AGRICULTURAL USES, PARKS, PLAYING FIELDS, GOLF COURSES AND ANY OTHER
16 OUTDOOR RECREATIONAL USES (WHETHER ANY SUCH USES BE PUBLICLY OWNED
17 OR PRIVATELY OWNED OR OPERATED FOR PROFIT), AS WELL AS ALL LANDS

1 COVERED BY LAKES, RIVERS OR STREAMS, AND ALL LANDS DEVOTED TO PUBLIC
2 OR COMMUNITY USES. OPEN LAND DESIGNATED FOR RESIDENTIAL USES SHALL
3 BE CONSIDERED QUALIFIED AS "OPEN SPACE USE" ONLY IF IT IS HELD FOR THE
4 COMMON USE OF THE PUBLIC OR PERSONS RESIDING IN THE PARTICULAR
5 LOCALITY WITHIN THE COMMUNITY, AND IF IT IS LARGER THAN TWO ACRES IN
6 SIZE. FOR THE PURPOSE OF MEETING THE 36 PERCENT REQUIREMENT IMPOSED
7 ABOVE:

8
9 (1) THE TERM "OPEN SPACE USES" SHALL NOT INCLUDE PARKING LOTS,
10 STREETS, RIGHTS-OF-WAY, AMUSEMENT PARKS, GOLF DRIVING RANGES
11 WHICH ARE NOT ANCILLARY TO A GOLF COURSE, OR DRIVE-IN MOVIES.

12 (2) ALL LANDS APPROVED AND CREDITED AS OPEN SPACE USE ON THE FINAL
13 DEVELOPMENT PLAN OF THE NT DISTRICT SHALL BE CONCLUSIVELY
14 PRESUMED TO SATISFY THE REQUIREMENTS OF THIS SECTION.

15 9. DOWNTOWN REVITALIZATION.

16 aA. APPLICABILITY. TO IMPLEMENT THE RECOMMENDATIONS OF THE DOWNTOWN
17 COLUMBIA PLAN, NEW DEVELOPMENT OR REDEVELOPMENT OF ANY PROPERTY
18 LOCATED WITHIN DOWNTOWN COLUMBIA THAT ~~IS OCCURS PURSUANT TO A~~
19 ~~FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT~~
20 APPROVED AFTER (EFFECTIVE DATE) MUST COMPLY WITH ALL PROVISIONS
21 APPLICABLE TO DOWNTOWN ~~REVITALIZATION.~~ REVITALIZATION, EXCEPT AS
22 PROVIDED IN SECTION 125.A.9.F. DOWNTOWN REVITALIZATION SHALL REQUIRE
23 APPROVAL OF: (I). A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN
24 AMENDMENT, AND (II). A SITE DEVELOPMENT PLAN.

25 bB. USES. THE FOLLOWING USES ARE PERMITTED UNDER THE DOWNTOWN
26 REVITALIZATION APPROVAL PROCESS: ALL USES PERMITTED IN THE POR, B-1,
27 B-2 AND SC ZONING DISTRICTS, DOWNTOWN ARTS, CULTURAL AND COMMUNITY
28 USES AND DWELLINGS. STRUCTURES MAY BE DEVELOPED WITH INDIVIDUAL OR
29 MULTIPLE USES. SECTION 125.A.8.A. DOES NOT APPLY TO DOWNTOWN
30 REVITALIZATION.

31 cC. DEVELOPMENT LEVELS. THE FOLLOWING MAXIMUM DEVELOPMENT LEVEL

LIMITS APPLY TO DOWNTOWN COLUMBIA FOR DOWNTOWN REVITALIZATION,
EXCEPT AS QUALIFIED BY SECTIONS 125.A.9.F.(1), (2) AND (3).

(1) THE MAXIMUM NUMBER OF DOWNTOWN NET NEW DWELLINGS
PERMITTED IS 5,500 DWELLINGS. THE NUMBER OF DWELLINGS
PERMITTED UNDER THE DOWNTOWN REVITALIZATION APPROVAL
PROCESS, UP TO A MAXIMUM 5,500 DOWNTOWN NET NEW DWELLINGS,
SHALL BE IN ADDITION TO THE OVERALL RESIDENTIAL DENSITY
ESTABLISHED BY SECTION 125.A.4.

(2) THE MAXIMUM AMOUNT OF DOWNTOWN NET NEW COMMERCIAL OFFICE
DEVELOPMENT PERMITTED IS 4,300,000 SQUARE FEET OF GROSS FLOOR
AREA.

(3) THE MAXIMUM NUMBER OF DOWNTOWN NET NEW HOTEL AND MOTEL
ROOMS PERMITTED IS 640 ROOMS.

(4) THE MAXIMUM AMOUNT OF DOWNTOWN NET NEW COMMERCIAL RETAIL
DEVELOPMENT PERMITTED IS 1,250,000 SQUARE FEET OF GROSS FLOOR
AREA.

(5) THE MAXIMUM DEVELOPMENT LEVELS PERMITTED ABOVE FOR
DOWNTOWN REVITALIZATION SHALL BE IN ADDITION TO THE NUMBER OF
DWELLINGS AND GROSS FLOOR AREA OF NONRESIDENTIAL USES SHOWN
ON A SITE DEVELOPMENT PLAN APPROVED PRIOR TO (EFFECTIVE DATE).

dD. DOWNTOWN COMMUNITY COMMONS. DOWNTOWN COMMUNITY COMMONS
SHALL BE LOCATED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE
DOWNTOWN COLUMBIA PLAN AND SECTION 125.A.9.H. EACH NEIGHBORHOOD
IDENTIFIED ON A DOWNTOWN NEIGHBORHOOD CONCEPT PLAN AND THE
APPLICABLE FINAL DEVELOPMENT PLAN SHALL INCLUDE A DOWNTOWN
NEIGHBORHOOD SQUARE IN ADDITION TO OTHER APPROPRIATE DOWNTOWN
COMMUNITY COMMONS RECOMMENDED IN THE DOWNTOWN COLUMBIA PLAN
AND AS DETERMINED BY THE PLANNING BOARD. LAND ON WHICH DOWNTOWN
COMMUNITY COMMONS IS PROPOSED MUST BE DESIGNATED ON THE FINAL
DEVELOPMENT PLAN, AND THE FEE SIMPLE OWNER OF THE LAND MUST SIGN THE

1 FINAL DEVELOPMENT PLAN. DOWNTOWN COMMUNITY COMMONS MAY BE
2 LOCATED WITHIN AREAS DESIGNATED OPEN SPACE USE UNDER A PREVIOUSLY
3 APPROVED FINAL DEVELOPMENT PLAN.

4 ~~e~~E. OFF-STREET PARKING. OFF-STREET PARKING AND LOADING FACILITIES WITHIN
5 DOWNTOWN COLUMBIA MUST BE PROVIDED IN ACCORDANCE WITH THE
6 PROVISIONS FOR DOWNTOWN REVITALIZATION IN SECTION 133.E.3.

7 ~~f~~F. PREVIOUSLY DEVELOPED PROPERTIES.

8 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THESE REGULATIONS,
9 ~~ANY PREVIOUSLY DEVELOPED PROPERTY THAT IS THE SUBJECT OF A~~
10 ~~FINAL DEVELOPMENT PLAN APPROVED ON OR BEFORE (EFFECTIVE~~
11 ~~DATE) THAT AUTHORIZED DEVELOPMENT IN EXCESS OF THE FLOOR AREA~~
12 ~~OF IMPROVEMENTS THAT EXISTED ON THE PROPERTY ON (EFFECTIVE~~
13 ~~DATE) MAY CONTINUE TO BE DEVELOPED AND USED IN ACCORDANCE~~
14 ~~WITH THE TERMS AND REQUIREMENTS ON THE APPROVED FINAL~~
15 ~~DEVELOPMENT PLAN, SUBJECT TO THE APPROVAL OF A SITE~~
16 ~~DEVELOPMENT PLAN PURSUANT TO SECTION 125.H. BUILDINGS AND~~
17 ~~OTHER IMPROVEMENTS CONSTRUCTED OR TO BE CONSTRUCTED UNDER~~
18 ~~THIS PROVISION SHALL NOT BE DEEMED NONCONFORMING OR~~
19 ~~NONCOMPLYING AND MAY BE CONSTRUCTED, USED, MAINTAINED AND~~
20 ~~REPAIRED IN ACCORDANCE WITH THE TERMS AND REQUIREMENTS OF~~
21 ~~THE EXISTING FINAL DEVELOPMENT PLAN. ANY PROPERTY CURRENTLY~~
22 IMPROVED PURSUANT TO A RECORDED FINAL DEVELOPMENT PLAN AND
23 AN APPROVED SITE DEVELOPMENT PLAN AS OF (EFFECTIVE DATE), MAY
24 CONTINUE TO BE USED IN ACCORDANCE WITH THE TERMS AND
25 REQUIREMENTS ON THE FINAL DEVELOPMENT PLAN, BUT ONLY TO THE
26 SAME SIZE AND DIMENSIONS IN THE SAME LOCATION AS SHOWN ON THE
27 APPROVED SITE DEVELOPMENT PLAN, EXCEPT FOR MINOR CHANGES TO
28 THE SITE DEVELOPMENT PLAN, WHICH SHALL BE GOVERNED BY
29 SECTION 125G.

30 (2) DEMOLITION OF EXISTING IMPROVEMENTS THAT ARE LOCATED WITHIN
31 DOWNTOWN COLUMBIA THAT OCCURS AFTER [EFFECTIVE DATE] SHALL

1 RESULT IN THE CREATION OF A DEMOLITION DEVELOPMENT CREDIT
2 EQUAL TO THE NUMBER OF DWELLINGS AND GROSS FLOOR AREA
3 DEVOTED TO NONRESIDENTIAL USES THAT WERE DEMOLISHED. A
4 DEMOLITION DEVELOPMENT CREDIT: (I) MAY BE USED ANYWHERE
5 WITHIN DOWNTOWN COLUMBIA; AND (II) SHALL NOT BE LIMITED BY OR
6 COUNTED AGAINST RECOMMENDED DEVELOPMENT LEVELS IN THE
7 DOWNTOWN COLUMBIA PLAN OR THE MAXIMUM LEVEL OF
8 DEVELOPMENT PERMITTED BY SECTION 125.A.9.C.

- 9 (3) ANY EXISTING STRUCTURE OR IMPROVEMENT THAT IS LOCATED WITHIN
10 DOWNTOWN COLUMBIA THAT IS DESTROYED BY FIRE, FLOOD OR OTHER
11 CALAMITY MAY BE RESTORED TO THE SAME SIZE AND DIMENSIONS IN
12 THE SAME LOCATION AS THE DESTROYED STRUCTURE IN ACCORDANCE
13 WITH THE PREVIOUSLY APPROVED SITE DEVELOPMENT PLAN, PROVIDED
14 THAT A BUILDING PERMIT IS ISSUED WITHIN TWO (2) YEARS FROM THE
15 DATE SUCH STRUCTURE WAS DESTROYED AND RECONSTRUCTION BEGINS
16 WITHIN SIX (6) MONTHS AFTER ISSUANCE OF THE BUILDING PERMIT. THE
17 PLANNING BOARD MAY APPROVE AN EXTENSION FOR GOOD CAUSE
18 SHOWN UP TO A MAXIMUM TWO ADDITIONAL YEARS TO OBTAIN A
19 BUILDING PERMIT AND BEGIN CONSTRUCTION. STRUCTURES AND
20 IMPROVEMENTS CONSTRUCTED UNDER THIS SECTION 125.A.9.F(3)
21 SHALL NOT BE LIMITED BY OR COUNTED AGAINST DEVELOPMENT LEVELS
22 IN THE DOWNTOWN COLUMBIA PLAN OR THE MAXIMUM DOWNTOWN
23 NET NEW LEVEL OF DEVELOPMENT PERMITTED BY SECTION 125.A.9.C.

24 GG. ADDITIONAL REQUIREMENTS

- 25 (1) AT LEAST 15% OF THE DWELLING UNITS PERMITTED UNDER THE
26 DOWNTOWN REVITALIZATION PROCESS SHALL BE MODERATE
27 INCOME HOUSING UNITS.

- 28 (~~12~~) THE MAXIMUM BUILDING HEIGHT PERMITTED FOR DOWNTOWN
29 REVITALIZATION SHALL BE CONSISTENT WITH THE BUILDING HEIGHT
30 SHOWN ON THE DOWNTOWN MAXIMUM BUILDING HEIGHT PLAN AND
31 SHALL NOT EXCEED TWENTY STORIES.

- (23) ANY DOWNTOWN REVITALIZATION DEVELOPMENT SHALL INCLUDE A SPECIFIC PROGRAM FOR PROVIDING DOWNTOWN PUBLIC ART, WHICH IS FUNDED BY THE DEVELOPER BASED ON THE FOLLOWING SCHEDULE:
- (A) RESIDENTIAL CONSTRUCTION: THREE HUNDRED TWENTY-FIVE DOLLARS (\$325.00) PER DOWNTOWN NET NEW DWELLING UNIT.
- (B) COMMERCIAL CONSTRUCTION: TWENTY-FIVE CENTS (\$.25) PER SQUARE FOOT OF DOWNTOWN NET NEW GROSS FLOOR AREA.
- (C) THE FOLLOWING CONSTRUCTION PROJECTS ARE NOT SUBJECT TO THE REQUIREMENTS OF THIS SECTION:
1. CONSTRUCTION OF MODERATE INCOME HOUSING UNITS.
 2. CONSTRUCTION OF PLACES OF WORSHIP AND THEIR ACCESSORY USES.
 3. RENOVATIONS TO EXISTING OR CONSTRUCTION OF NEW CULTURAL FACILITIES WHICH INCLUDE FACILITIES LOCATED WITHIN A DOWNTOWN ARTS AND ENTERTAINMENT PARK, DOWNTOWN ARTS, CULTURAL AND COMMUNITY USES, AND DOWNTOWN COMMUNITY COMMONS.
 4. PARKING STRUCTURES.
 5. RENOVATIONS TO EXISTING BUILDINGS OR STRUCTURES REQUIRED BY GOVERNMENT MANDATED CODE COMPLIANCE CONSTRUCTION PROJECTS, SUCH AS PROJECTS EXCLUSIVELY DESIGNED FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (“ADA”), THE MARYLAND ACCESSIBILITY CODE, THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) LIFE SAFETY CODE, AND/OR FIRE SPRINKLER RETROFITS.
- (D) THE DOWNTOWN PUBLIC ART PROGRAM REQUIRED BY THIS

SECTION MAY PROVIDE FOR (I) THE INSTALLATION OF DOWNTOWN PUBLIC ART IN PUBLICLY ACCESSIBLE LOCATIONS IN DOWNTOWN COLUMBIA; (II) A MONETARY DONATION TO THE COLUMBIA TOWN CENTER PARTNERSHIP RECOMMENDED BY THE DOWNTOWN COLUMBIA PLAN FOR THE PURPOSE OF PROVIDING AND COORDINATING THE PROVISION OF DOWNTOWN PUBLIC ART; OR (III) A COMBINATION OF THE ABOVE. DOWNTOWN PUBLIC ART MAY BE PROVIDED BY COMBINING THE DOWNTOWN PUBLIC ART EXPENDITURE REQUIREMENTS OF TWO OR MORE DOWNTOWN REVITALIZATION PROJECTS.

- (E) THE DOWNTOWN PUBLIC ART EXPENDITURE REQUIRED BY THIS SECTION SHALL BE ADJUSTED ANNUALLY TO REFLECT THE INCREASE OR DECREASE IN THE BUILDER’S COST INDEX (BCI) AS PUBLISHED BY ENGINEERING NEWS RECORD, PUBLISHED BY THE MCGRAW HILL COMPANIES.

HH. OPEN SPACE PRESERVATION AND ENHANCEMENT

- (1) FOR THE PURPOSE OF ENHANCING, PRESERVING, CONSERVING AND INCREASING OPEN SPACE FOR ENJOYMENT BY THE PUBLIC, ALL LAND DESIGNATED AS CREDITED OPEN SPACE ON A FINAL DEVELOPMENT PLAN RECORDED PRIOR TO (EFFECTIVE DATE) AND DEPICTED ON THE DOWNTOWN OPEN SPACE PRESERVATION PLAN SHALL, EXCEPT AS PROVIDED WITHIN THIS SECTION, RETAIN ITS CHARACTER AS ONE OF THE FOLLOWING FOUR LAND TYPES, AS DEPICTED ON THE DOWNTOWN OPEN SPACE PRESERVATION PLAN:

- (A) DOWNTOWN ENVIRONMENTALLY SENSITIVE LAND AREA.
- (B) DOWNTOWN PARKLAND.
- (C) DOWNTOWN COMMUNITY COMMONS.
- (D) DOWNTOWN ARTS AND ENTERTAINMENT PARK.

1 (2) CONSTRUCTION OF IMPROVEMENTS THAT ARE INCLUDED WITHIN ONE OF
2 THE FOUR ABOVE LAND TYPE DEFINITIONS IN SECTION 103.A IS DEEMED
3 TO BE CONSISTENT WITH AND DOES NOT CHANGE THE CHARACTER OF
4 THE LAND TYPE AS DESIGNATED ON THE DOWNTOWN OPEN SPACE
5 PRESERVATION PLAN.

6 (3) THERE SHALL BE NO NET LOSS OF EXISTING DOWNTOWN COMMUNITY
7 COMMONS AS DEPICTED ON THE DOWNTOWN OPEN SPACE
8 PRESERVATION PLAN AND NEW DOWNTOWN COMMUNITY COMMONS
9 SHALL BE PROVIDED IN ACCORDANCE WITH THE FOLLOWING
10 REQUIREMENTS:

11 (A) A MINIMUM OF 5 PERCENT OF THE LAND LOCATED WITHIN
12 DOWNTOWN COLUMBIA THAT HAS NOT PREVIOUSLY BEEN
13 DESIGNATED AS EITHER (I) OPEN SPACE OR (II) PUBLIC RIGHT OF
14 WAY AS SHOWN ON THE DOWNTOWN OPEN SPACE
15 PRESERVATION PLAN SHALL BE PROVIDED AS NEW DOWNTOWN
16 COMMUNITY COMMONS LAND.

17 (B) LAND COUNTED TOWARD THE MINIMUM REQUIREMENT FOR NEW
18 DOWNTOWN COMMUNITY COMMONS LAND SHALL NOT INCLUDE
19 ANY ENVIRONMENTALLY SENSITIVE LAND OR LAND DESIGNATED
20 AS CREDITED OPEN SPACE ON A RECORDED FINAL
21 DEVELOPMENT PLAN FOR THE PURPOSE OF FULFILLING THE 36
22 PERCENT MINIMUM OPEN SPACE REQUIREMENT IN THE NT
23 DISTRICT.

24 (C) NEW DOWNTOWN COMMUNITY COMMONS SHALL BE OF A
25 CHARACTER AND LOCATION THAT IS GENERALLY CONSISTENT
26 WITH THE AMENITY SPACES SHOWN ON THE DOWNTOWN
27 PRIMARY AMENITY SPACE FRAMEWORK DIAGRAM.

28 (D) AT LEAST ONE DOWNTOWN COMMUNITY COMMONS THAT MEETS
29 THE DEFINITION OF DOWNTOWN NEIGHBORHOOD SQUARE IN
30 SECTION 103.A. AND ALL THE PROVISIONS OF THIS SECTION
31 SHALL BE DEEDED TO HOWARD COUNTY FOR PUBLIC LAND AS

DESCRIBED IN THE DOWNTOWN COLUMBIA PLAN; AND

(E) THE BOUNDARIES OF ALL EXISTING AND NEW DOWNTOWN COMMUNITY COMMONS SHALL BE DELINEATED ON THE PROPOSED FINAL DEVELOPMENT PLAN WITH THE TOTAL LAND AREA OF EACH.

(4) EXCEPT AS PROVIDED BELOW, THERE SHALL BE NO NET LOSS IN THE TOTAL AREA OF EXISTING DOWNTOWN PARKLAND AS DEPICTED ON THE DOWNTOWN OPEN SPACE PRESERVATION PLAN AND ONLY DOWNTOWN PARKLAND USES ARE PERMITTED:

(A) IN EXCHANGE FOR THE USE OF DOWNTOWN PARKLAND FOR ANY OTHER USE, INCLUDING OTHER OPEN SPACE USES, EACH ACRE OF DOWNTOWN PARKLAND OR PORTION THEREOF BEING DEVELOPED MUST BE REPLACED WITH ONE ACRE OF NEWLY DESIGNATED DOWNTOWN PARKLAND, OR SHALL REQUIRE THE DOWNTOWN ENVIRONMENTAL ENHANCEMENT OF EITHER:

(I) ONE-HALF ACRE OF NEWLY DESIGNATED DOWNTOWN PARKLAND; OR

(II) TWO ACRES OF NON-DOWNTOWN PARKLAND THAT IS DESIGNATED OPEN SPACE ON A FINAL DEVELOPMENT PLAN RECORDED PRIOR TO (EFFECTIVE DATE).

(B) ANY AREA NEWLY DESIGNATED AS DOWNTOWN PARKLAND IN EXCHANGE FOR EXISTING DOWNTOWN PARKLAND MUST CONSIST OF AT LEAST ONE CONTIGUOUS ACRE.

(C) DOWNTOWN ENVIRONMENTALLY SENSITIVE LAND AREA RECORDED AFTER (EFFECTIVE DATE) MAY NOT BE EXCHANGED TO REPLACE DOWNTOWN PARKLAND.

(5) LAND DESIGNATED AS OPEN SPACE ON A FINAL DEVELOPMENT PLAN RECORDED PRIOR TO (EFFECTIVE DATE) ON WHICH A PUBLIC FACILITY SUCH AS A LIBRARY OR FIRE STATION HAS BEEN CONSTRUCTED MAY BE

DESIGNATED AS DOWNTOWN MIXED-USE ON AN AMENDED FINAL DEVELOPMENT PLAN, BUT MAY ONLY BE REDEVELOPED AFTER A REPLACEMENT PUBLIC FACILITY IS OPERATING AT AN ALTERNATIVE LOCATION WITHIN DOWNTOWN COLUMBIA.

- (6) ALL TYPES OF DOWNTOWN OPEN SPACE SHOULD BE DESIGNED AND MAINTAINED TO FURTHER THE SUSTAINABILITY GOALS FOR DOWNTOWN COLUMBIA, AS DESCRIBED IN THE DESIGN GUIDELINES AND SUSTAINABILITY FRAMEWORK, THROUGH INNOVATIVE DESIGN, CONSTRUCTION AND ENVIRONMENTAL ENHANCEMENTS AND REHABILITATION.

4. PHASING AND IMPLEMENTATION.

- (1) NO PERMIT FOR LAND DISTURBANCE ACTIVITY IN PHASE 2 OR PHASE 3 OF THE DOWNTOWN REVITALIZATION PHASING PLAN SHALL BE ISSUED FOR DOWNTOWN REVITALIZATION UNLESS (I) THE COMMUNITY ENHANCEMENTS, PROGRAMS AND PUBLIC AMENITIES (CEPPAS) HAVE BEEN PROVIDED IN ACCORDANCE WITH THE DOWNTOWN CEPPA IMPLEMENTATION CHART AND CEPPA FLEXIBILITY PROVISIONS, EXCEPT AS PROVIDED IN SECTION 125 I.2. AND (II) SITE DEVELOPMENT PLANS HAVE BEEN APPROVED FOR AT LEAST THE MINIMUM LEVELS OF DEVELOPMENT IDENTIFIED IN THE DOWNTOWN REVITALIZATION PHASING PLAN FOR THE PRECEDING PHASE FOR RETAIL, OFFICE, RESIDENTIAL AND HOTEL LAND USE TYPES.

- (2) IN NO CASE SHALL THE OBLIGATION TO PROVIDE A COMMUNITY ENHANCEMENT, PROGRAM OR PUBLIC AMENITY (CEPPA) BE TRIGGERED:

(A) BY THE DEVELOPMENT OR CONSTRUCTION OF DOWNTOWN ARTS, CULTURAL AND COMMUNITY USES; OR

(B) WHEN THE DEVELOPMENT OF A PARCEL OF RECORD AS OF (EFFECTIVE DATE) CONSISTS ONLY OF UP TO 10,000 SQUARE FEET OF COMMERCIAL FLOOR AREA.

- ~~(2)~~(3) IF A SPECIFIC COMMUNITY ENHANCEMENT, PROGRAM OR PUBLIC

1 AMENITY (CEPPA) IDENTIFIED IN THE DOWNTOWN CEPPA
2 IMPLEMENTATION PHASING CHART CANNOT BE PROVIDED BECAUSE (I)
3 THE CONSENT OF THE OWNER OF THE LAND ON WHICH THE CEPPA IS TO
4 BE LOCATED CANNOT REASONABLY BE OBTAINED; (II) ALL NECESSARY
5 PERMITS OR APPROVALS CANNOT BE OBTAINED FROM APPLICABLE
6 GOVERNMENTAL AUTHORITIES; OR (III) OTHER FACTORS EXIST THAT ARE
7 BEYOND THE REASONABLE CONTROL OF THE PETITIONER, THEN
8 FLEXIBILITY SHALL BE GRANTED TO EITHER (I) REQUIRE THE PETITIONER
9 TO POST SECURITY WITH THE COUNTY IN AN AMOUNT SUFFICIENT TO
10 COVER THE COST OF THE CEPPA; (II) APPROVE ALTERNATE PHASING FOR
11 THE CEPPA; (III) IDENTIFY AN ALTERNATIVE COMPARABLE COMMUNITY
12 AMENITY AND APPROPRIATE PHASING FOR ITS IMPLEMENTATION; OR (IV)
13 TAKE OTHER APPROPRIATE ACTION CONSISTENT WITH THE
14 IMPLEMENTATION OF THE DOWNTOWN COLUMBIA PLAN AND THE
15 REALIZATION OF THE VISION EXPRESSED THEREIN.

16 ~~(3)~~(4) A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN
17 AMENDMENT MAY ALSO PROPOSE ADJUSTMENTS TO THE DOWNTOWN
18 REVITALIZATION PHASING PLAN AND/OR THE DOWNTOWN CEPPA
19 IMPLEMENTATION CHART TO TAKE ADVANTAGE OF A MAJOR OR UNIQUE
20 EMPLOYMENT, ECONOMIC DEVELOPMENT OR EVOLVING LAND USE
21 CONCEPT OR OPPORTUNITY. THE PLANNING BOARD MAY APPROVE A
22 REQUEST TO ADJUST THE DOWNTOWN REVITALIZATION PHASING PLAN
23 OR THE DOWNTOWN CEPPA IMPLEMENTATION CHART UNDER THIS
24 PROVISION ONLY IF SUCH APPROVAL WOULD (I) NOT BE DETRIMENTAL
25 TO THE OVERALL VISION FOR DOWNTOWN COLUMBIA EXPRESSED IN THE
26 DOWNTOWN COLUMBIA PLAN; (II) NOT CREATE AN ADVERSE
27 COMMUNITY OR ECONOMIC IMPACT; AND (III) ESTABLISH A REASONABLE
28 SCHEDULE FOR COMPLETION OF ANY REQUESTED COMPARABLE
29 ALTERNATIVE CEPPA.

- 30 10. ANYTHING IN OTHER SECTIONS OF THESE REGULATIONS TO THE CONTRARY
31 NOTWITHSTANDING, THERE SHALL BE NO RESTRICTIONS UPON THE USE OF, OR ON THE
32 ERECTION OF STRUCTURES ON, LAND WITHIN AN NT DISTRICT, OTHER THAN SUCH AS ARE
33 PROVIDED IN THE VARIOUS SUBSECTIONS OF THIS SECTION OR IN SUCH OTHER SECTIONS

1 OF THESE REGULATIONS AS ARE EXPRESSLY STATED TO BE APPLICABLE BY THE VARIOUS
2 PROVISIONS OF THIS SECTION. NOTHING HEREIN SHALL RENDER INAPPLICABLE ANY
3 REGULATION OF THE COUNTY RELATING TO CONSTRUCTION REQUIREMENTS AND/OR
4 SUBDIVISION APPROVAL TO THE EXTENT THAT ANY OF THE SAME ARE NOT INCONSISTENT
5 WITH THE PROVISIONS OF THIS SECTION.

6 B. Procedure for Creation of NT Districts

7 1. The beneficial owner of any tract of land in Howard County meeting the requirements of
8 Section 125 may petition the Howard County Zoning Board to designate the property
9 described in the petition as an NT District. The petition shall contain:

10 a. The exact name and address of the petitioner and a reference to the liber and folio
11 of the Land Records of Howard County at which the deed conveying the property
12 in question to the petitioner is recorded. If the petitioner is not the legal as well as
13 beneficial owner of the property, the petition shall:

14
15 (1) So state;

16
17 (2) List the exact name and address of the legal title-holder and give a
18 reference to the liber and folio of the Land Records of Howard County at
19 which the deed conveying the property to the legal title holder is
20 recorded; and

21
22 (3) Contain a written assent to the petition signed by the legal title holder.
23

24 b. A metes and bounds description of the property covered by the petition and a survey
25 thereof demonstrating that the same meets the requirements of Section 125.A.3.
26

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

31
32 (1) The major planning assumptions and objectives, including the projected

1 population, the planned development schedule, the method of assuring
2 that all open space uses will be permanently maintained and devoted to
3 open space uses, the proposed public transit system routes and method of
4 operation, and the facilities for the proposed cultural activities of the
5 New Town;

6
7 (2) The proposed general layout of major roads and highways stating
8 projected average daily traffic flows;

9
10 (3) A statement of the number of acres within the proposed NT District
11 intended to be devoted to:

12
13 (a) Residential uses, broken down into the number of acres to be
14 used for each of the following specific residential uses:

15 Single-family -- low density areas;

16 Single-family -- medium density areas;

17 Apartment areas;

18
19 (b) Employment uses (i.e. any use involving the employment of
20 individuals, including office buildings, private schools, hospitals,
21 institutions, commercial undertakings, industrial enterprises, and
22 all other forms of business, professional or industrial operations);
23 and

24
25 (c) Open space uses.

26
27 (4) The general location of the uses referred to in subparagraph (3) above,
28 including proposed sites for recreational uses, schools, parks and other
29 public or community uses and, to the extent the petitioner has determined
30 locations for commercial uses at the time of the filing of the Preliminary
31 Development Plan, including a separate designation of commercial areas;

32
33 (5) A description of the proposed drainage, water supply, sewerage and other
34 utility facilities including projected flows; and

1
2 (6) A statement of the intended overall maximum density of population of
3 the proposed NT District, expressed in terms of the average number of
4 dwellings per acre.

5 2. The Preliminary Development Plan shall indicate the location and nature of any
6 commercial uses in relation to residential areas. All proposed and identified commercial
7 or industrial uses shall be indicated on the drawings in areas marked "Employment
8 Centers," defined as those areas shown on the Preliminary Development Plan which the
9 petitioner proposes to develop for employment uses.

10 3. The Zoning Board shall consider the following guides and standards in reviewing the
11 petition: the appropriateness of the location of the NT District as evidenced by the
12 General Plan for Howard County; the effect of such District on properties in the
13 surrounding vicinity; traffic patterns and their relation to the health, safety and general
14 welfare of the County; the physical layout of the County; the orderly growth of the
15 County; the availability of essential services; the most appropriate use of the land; the
16 need for adequate open spaces for light and air; the preservation of the scenic beauty of
17 the County; the necessity of facilitating the provision of adequate community utilities and
18 facilities such as public transportation, fire fighting equipment, water, sewerage, schools,
19 parks and other public requirements, population trends throughout the County and
20 surrounding metropolitan areas and more particularly within the area considered; the
21 proximity of large urban centers to the proposed NT District; the road building and road
22 widening plans of the State and County, particularly for the area considered; the needs of
23 the County as a whole and the reasonable needs of the particular area considered; the
24 character of the land within the District and its peculiar suitability for particular uses; and
25 such other matters relevant and pertinent to the relationship of the District to the
26 comprehensive zoning plan of the area.

27 The petition shall be granted only if the Zoning Board affirmatively finds:
28

- 29 a. That the petition complies with the provisions of these Regulations;
30 b. That a New Town District should be located at the proposed site; and
31 c. That the Preliminary Development Plan constitutes a general land use plan for the

1 area covered thereby, designed to meet the objectives set forth in these Regulations.

- 2 4. If the petition is granted, the Zoning Board shall by Decision and Order approve the
3 Preliminary Development Plan and shall create a New Town District covering all of the
4 land included in the petition. If the proposed NT District contains more than 2,500 acres,
5 the creation of the District may be accomplished by rezoning all of the land included in
6 the petition at one time or, in the discretion of the Zoning Board, by rezoning the same in
7 phases. If this latter course is taken:

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

12 b. The overall density restrictions, the density restrictions as to particular use areas, and
13 the restrictions as to the maximum and minimum areas devoted to particular uses
14 shall be applied with respect to the entire area shown on the Preliminary
15 Development Plan and not merely with respect to the area of the phase so zoned.

- 16 5. If the petition is granted as above provided:

17 a. A copy of the Preliminary Development Plan shall be certified as approved by the
18 Zoning Board and a verified copy of the same shall be forwarded to the Department
19 of Planning and Zoning and the petitioner;

20 b. No further permanent improvements involving any new primary uses shall thereafter
21 be erected on and no new primary uses made of, any part of the land within the new
22 NT District prior to the approval of the Final Development Plan (or the phase thereof
23 covering such development) as hereinafter provided, except for such as may be
24 specifically approved by the Planning Board, but the petitioner shall discontinue any
25 such use and demolish any such improvements so permitted by the Planning Board if
26 such use and such improvements are not ultimately permitted by the Final
27 Development Plan.

- 28
29 6. If the Zoning Board has approved a petition to create a NT District, then at any time
30 thereafter the original petitioner may file a new petition to add to the NT District

1 additional land which is owned by the petitioner and adjacent to the existing NT District.
2 The new petition shall be subject to all the provisions of this Section, except that the
3 minimum area requirement of Section 125.A.3 shall not apply.
4
5

6 C. Comprehensive Sketch Plan [[and Final Development Plan]]

7 1. EXCEPT AS PROVIDED IN SECTION 125.E.1.(A), WITHIN [[within]] 30 days following
8 notification of the approval of the preliminary development plan, the petitioner shall
9 notify the Planning Board of the target date for the presentation to the Planning Board of
10 a proposed Final Development Plan of the NT district PURSUANT TO SECTION 125.D
11 BELOW, or of the first phase of a proposed Final Development Plan, if the petitioner
12 desires to develop the NT district in separate geographical segments.

13 2. Promptly following the giving of such notice to the Planning Board, the petitioner shall
14 [[commence the preparation of a proposed Final Development Plan. The Final
15 Development Plan process shall be initiated by the filing]] FILE with the Department of
16 Planning and Zoning for Planning Board approval of a Comprehensive Sketch Plan for
17 that geographical phase of the NT District which the petitioner elects to develop.

18 3. As used herein, the term “Comprehensive Sketch Plan” shall mean a drawing or series of
19 drawings, at an appropriate scale, of generally either one inch equals 200 feet or one inch
20 equals 100 feet, setting forth:

21 a. The approximate boundaries and approximate acreage for each of the proposed
22 land uses in sufficient detail to graphically illustrate the application of the
23 adopted master Final Development Plan criteria to the area encompassed by the
24 Comprehensive Sketch Plan.

25 b. The location of all existing and proposed public streets, roads, and utilities.

26 c. The location of open space within which recreational, school, park and other
27 public or community uses are permitted.

28 d. Text material (criteria) regulating the following:

29 (1) The general locations for all structures.

30 (2) The permitted “general use” or “specific use” as hereinafter defined, for

1 each land use area, except that no uses shall be specified which are
2 permitted only in R-MH or M-2 Districts.

3 Where the criteria designate the use for a particular structure, lot or
4 parcel, as “uses permitted in a District” (e.g., “uses permitted in a B-1
5 District”), then the structure, lot or parcel may be used for all uses
6 permitted in the particular district by the several Sections of these
7 regulations, the use so designated being herein referred to as a “general
8 use.”

9 Where, however, the criteria designate a structure, lot or parcel for a
10 specific use or uses (e.g., “gasoline station”) the structure, lot or parcel
11 must be used for those specific uses only, the use(s) so designated being
12 herein referred to as “specific use(s).”

- 13 (3) Height limitations, parking requirements, front, side and rear yard areas,
14 setback provisions, minimum lot sizes and coverage requirements, stated
15 generally and/or specifically with respect to particular improvements or
16 types of improvements.

17 4. The Planning Board shall hold a public hearing prior to the approval of a Comprehensive
18 Sketch Plan under the following conditions:

- 19 a. If the Comprehensive Sketch Plan includes land which borders on property not
20 within the New Town District (unless the owners of all lands abutting the New
21 Town District land covered by the Comprehensive Sketch Plan shall sign a
22 written waiver of the right to be heard in connection with the request for approval
23 of said plan).

- 24 b. If the Comprehensive Sketch Plan deviates from the approved Preliminary
25 Development Plan in any of the following particulars:

- 26 (1) If the overall maximum density of population within the NT District
27 exceeds that stated in the Preliminary Development Plan; or

- 28 (2) If the number of acres to be devoted to the permitted employment uses
29 shall be increased more than 10 percent, or the number of acres to be
30 devoted to permitted residential uses shall be decreased by more than 10

1 percent, from that stated in the Preliminary Development Plan; or

2 (3) If the proposed Comprehensive Sketch Plan shows a use of land in the
3 NT District within 300 feet of any outside boundary thereof which
4 differs from that shown on the Preliminary Development Plan, unless the
5 owners of all land abutting the NT District and within 300 feet of the
6 land in the NT District, the use of which is to be changed, sign a written
7 waiver of the right to be heard in connection with such change in use.
8 If a public hearing is required to be held for any of the above three
9 deviations from the Preliminary Development Plan, such hearing shall
10 be limited to the particular deviation(s) which required the hearing,
11 and the Planning Board shall require publication of Notice of Hearing
12 and posting of the property.

13 c. If the criteria submitted as a part of the Comprehensive Sketch Plan include a
14 gasoline service station among the specified land uses.

15 5. In acting upon a Comprehensive Sketch Plan, the Planning Board shall be guided by
16 Section 125 of these Regulations and shall particularly consider:

17 a. The adequacy of the roads serving the proposed development and any proposed
18 mitigation, in accordance with the Adequate Public Facilities Ordinance (Title
19 16, Subtitle 11 of the Howard County Code).

20 b. The location and adequacy of public utility and community facilities, including
21 recreational uses and school properties, in relation to the density and distribution
22 of population.

23 c. The location, extent and potential use of open space in the form of greenbelts,
24 walkways, parkways, park land, etc., as it affects the general amenity of the
25 community.

26 d. The impact of the proposed commercial and industrial uses on the residential
27 uses within the NT District or adjacent thereto.

28 6. After review of the material submitted in light of the General Plan, and after carefully
29 considering public agency comments, petitioner's testimony, public hearing testimony
30 and the factors set forth in Section 125.C.5 above, the Planning Board shall:

- a. Approve the Comprehensive Sketch Plan as submitted by the petitioner; or
- b. Approve the Comprehensive Sketch Plan as changed by the Planning Board; or
- c. Reject the Comprehensive Sketch Plan in its entirety.

7. The Planning Board shall not unreasonably disapprove or change a proposed Comprehensive Sketch Plan. The fact that the proposed Comprehensive Sketch Plan is not in conformity with the Preliminary Development Plan shall be sufficient ground for disapproval or change. The Planning Board shall approve no Comprehensive Sketch Plan which varies the areas of uses below the minimum or above the maximum percentages for particular uses specified herein.

D. FINAL DEVELOPMENT PLAN – GENERAL PROVISIONS.

1. [[8. Upon arrival of]] IF a comprehensive sketch plan[,] OR COMPREHENSIVE SKETCH PLAN AMENDMENT IS REQUIRED, UPON ITS APPROVAL, the petitioner may submit a Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT to the Department of Planning and Zoning for approval by the Planning Board [[covering]]. THE PETITION MAY COVER all or a portion of the land covered by the comprehensive sketch plan.

The drawings shall delineate the various land use areas by courses and distances. The text (criteria) shall be that which was approved by the Planning Board as part of the Comprehensive Sketch Plan.

2. [[9.]] The Final Development Plan shall be considered by the Planning Board at a public meeting. In acting upon the Final Development Plan, the Planning Board shall be guided by the approved Comprehensive Sketch Plan, and comments received from the various public agencies which reviewed the Final Development Plan, and shall not unreasonably disapprove or change the Final Development Plan. THE PROVISIONS OF THIS SECTION 125.D.2 DO NOT APPLY TO DOWNTOWN REVITALIZATION.

3. [[10.]] At the time of the approval of the Final Development Plan, the Planning Board may provide for the subsequent approval by it of a Site Development Plan pertaining to the property which is the subject matter of such Final Development Plan. SITE DEVELOPMENT PLAN APPROVAL IS ALSO REQUIRED FOR ALL DOWNTOWN REVITALIZATION. SITE DEVELOPMENT PLAN [[such subsequent]] approval shall not be a condition precedent to the approval and recordation of the Final Development Plan with

respect to which a Site Development Plan is to be submitted, but shall be in addition to any administrative approvals required by the subdivision and land development regulations. Land use decisions made by the Planning Board as part of the approval of a Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT shall not be subject to review or further consideration as part of the subsequent Site Development Plan process.

4. [[11.]] In applying the provisions of this Section, where the proposed Final Development Plan is submitted in phases, the overall population density and the acres devoted to particular uses shall be recomputed by the Department of Planning and Zoning upon the consideration of each successive phase of 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 by 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. THE PROVISIONS OF THIS SECTION 125.D.4 DO NOT APPLY TO DOWNTOWN REVITALIZATION.

5. [[12.]] If the Planning Board shall disapprove the proposed Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT (or any phase thereof) or shall fail to approve or disapprove the same within [[60]] 120 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 FINAL DEVELOPMENT PLAN AMENDMENT (or the phase thereof in question) directly to the zoning board. If the petitioner pursues the latter course, the zoning board shall hold a public hearing on the proposed Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT (or the phase thereof in question), shall require publication and posting of the property and shall ask for recommendations from the Planning Board, all as in the case of the hearing on the preliminary development plan. After such hearing, the zoning board may approve, with or without changes, or disapprove the proposed Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT (or the phase, thereof in question). In making this decision, the zoning board shall consider the matters set forth herein.

6. [[13.]] Upon approval of the Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT (or upon the approval of each phase thereof if submitted on a separate segment basis) the same shall be recorded among the land records of Howard County and

1 the provisions thereof as to land use shall bind the property covered with the full force
2 and effect of specific zoning regulations. After such recordation, no new structure shall
3 be built, no new additions to existing structures made, and no change in primary use
4 effected different from that permitted in the Final Development Plan OR FINAL
5 DEVELOPMENT PLAN AMENDMENT except by an amendment to the Final Development
6 Plan.

- 7 7. [[14.]] UNLESS OTHERWISE PROVIDED IN A DOWNTOWN IMPLEMENTATION PHASING
8 PLAN APPROVED AS PART OF A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT
9 PLAN AMENDMENT, [[if]] IF construction has not been commenced and completed to the
10 extent of 25 percent of the ground floor area of a structure shown on the final
11 development plan within five years after the date of the approval thereof (or the date of
12 the approval of the last phase thereof if submitted in phases), then the approval shall be
13 void and the entire matter resubmitted to the Planning Board for reconsideration in light
14 of existing circumstances to the same extent as if the same were simply a proposed final
15 development plan; provided, however, that the zoning board may grant not more than two
16 extensions of time of one year each to be added to said five year period if it considers
17 such extension to be proper after the receipt and consideration of a report and
18 recommendation from the Planning Board with respect to such extension or extensions.

- 19 8. [[15.]] Any construction which has been commenced shall not be subject to
20 reconsideration upon any resubmission of a final development plan under this Section,
21 and the [[zoning]] PLANNING Board shall make no changes in the final development plan
22 except in relation to areas where construction has not been commenced. During any such
23 reconsideration, the property covered by the final development plan shall continue to be
24 bound until such plan is changed or disapproved in the manner described above.

- 25 9. [[16.]] If the Planning Board has denied a land use which was shown on a final
26 development plan OR FINAL DEVELOPMENT PLAN AMENDMENT and which would be a
27 conditional use in any other zoning district, a petition for the same land use on the same
28 parcel shall not be accepted for consideration by the Planning Board for a period of 12
29 months from the date of said denial except on grounds of new evidence or proof of
30 changed conditions found to be valid by the Planning Board.

- 31 10. EXCEPT WHERE EXPRESSLY MADE INAPPLICABLE, THE PROVISIONS OF THIS SECTION

125.D ALSO APPLY TO DOWNTOWN REVITALIZATION.

E. FINAL DEVELOPMENT PLAN – DOWNTOWN REVITALIZATION.

1. A. THE FOLLOWING DEVELOPMENT REVIEW PROCESS IS REQUIRED FOR ALL DOWNTOWN REVITALIZATION. THE FEE SIMPLE OWNER OF ANY PROPERTY LOCATED IN DOWNTOWN COLUMBIA MAY SUBMIT A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT TO THE DEPARTMENT OF PLANNING AND ZONING FOR APPROVAL BY THE PLANNING BOARD AT ANY TIME. AN AMENDMENT TO THE PRELIMINARY DEVELOPMENT PLAN OR ANY APPLICABLE COMPREHENSIVE SKETCH PLAN IS NOT REQUIRED, AND ANY PREVIOUSLY APPROVED PRELIMINARY DEVELOPMENT PLAN AND COMPREHENSIVE SKETCH PLAN DO NOT APPLY.

B. THE PETITION SHALL INCLUDE A DOWNTOWN NEIGHBORHOOD CONCEPT PLAN COVERING AN ENTIRE NEIGHBORHOOD OF DOWNTOWN COLUMBIA AS DEPICTED IN THE DOWNTOWN COLUMBIA PLAN. THE NEIGHBORHOOD CONCEPT PLAN MUST SHOW HOW THE DEVELOPMENT PROPOSED IN THE FINAL DEVELOPMENT PLAN IS CONSISTENT WITH THE OVERALL PLAN FOR THE NEIGHBORHOOD AS DESCRIBED IN THE DESIGN GUIDELINES AND DEPICTED ON THE STREET AND BLOCK PLAN; EXHIBIT F: DOWNTOWN MAXIMUM BUILDING HEIGHT PLAN; EXHIBIT G: PRIMARY AMENITY SPACE FRAMEWORK DIAGRAM; AND EXHIBIT H: STREET FRAMEWORK DIAGRAM OF THE DOWNTOWN COLUMBIA PLAN. THE FINAL DEVELOPMENT PLAN MUST INCLUDE AN EXPLANATION AND RATIONALE FOR ANY CHANGE FROM THE ABOVE DOWNTOWN COLUMBIA PLAN EXHIBITS OR ANY PREVIOUSLY APPROVED NEIGHBORHOOD CONCEPT PLAN. LIMITED CHANGE TO BUILDING HEIGHT IS ALLOWED BASED ON COMPATIBILITY, CHARACTER AND HEIGHT OF NEARBY EXISTING AND PLANNED DEVELOPMENT AND OPEN SPACES IN THE AREA. IN NO EVENT SHALL THE MAXIMUM BUILDING HEIGHT FOR DOWNTOWN REVITALIZATION EXCEED TWENTY STORIES.

C. NOT LATER THAN TEN DAYS AFTER THE FILING OF A PETITION, THE PETITIONER MUST MAIL NOTICE OF THE FILING OF THE PETITION AND A COPY OF THE PROPOSED NEIGHBORHOOD CONCEPT PLAN TO THE OWNER OF EACH PROPERTY LOCATED WITHIN THE SAME DOWNTOWN COLUMBIA PLAN NEIGHBORHOOD AS

1 REFLECTED ON THE MARYLAND STATE DEPARTMENT OF ASSESSMENTS AND
2 TAXATION PUBLIC RECORDS. ANY FAILURE TO RECEIVE THE PROPOSED
3 NEIGHBORHOOD CONCEPT PLAN SHALL NOT BE CAUSE FOR POSTPONEMENT OF
4 THE HEARING IF THE PETITION HAS BEEN PROPERLY ADVERTISED.

5
6 D. EACH APPROVED NEIGHBORHOOD CONCEPT PLAN MUST BE RECORDED WITH THE
7 FINAL DEVELOPMENT PLAN.
8

9 2. PRIOR TO FILING A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN
10 AMENDMENT FOR DOWNTOWN REVITALIZATION THAT PROPOSES ANY USE:

11 A. A PRESUBMISSION COMMUNITY MEETING IS REQUIRED USING THE SAME
12 PROCEDURES ESTABLISHED IN SECTIONS 16.128(B) – (G) OF THE
13 SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. IN ADDITION,
14 NOTICE IN ACCORDANCE WITH SECTIONS 16.128(B)-(G) MUST ALSO BE
15 GIVEN TO EACH VILLAGE BOARD AND THE COLUMBIA ASSOCIATION.

16 B. THE PETITIONER IS REQUIRED TO SUBMIT MORE DETAILED PROPOSED
17 DOWNTOWN NEIGHBORHOOD DESIGN GUIDELINES FOR REVIEW BY THE
18 DESIGN ADVISORY PANEL, FOR ITS RECOMMENDATIONS IN
19 ACCORDANCE WITH THE APPLICABLE PROVISIONS IN TITLE 16, SUBTITLE
20 15 OF THE COUNTY CODE. THE DESIGN ADVISORY PANEL SHALL BASE
21 ITS REVIEW AND RECOMMENDATIONS ON THE DOWNTOWN-WIDE DESIGN
22 GUIDELINES.

23 3. THE PETITION SHALL INCLUDE THE FOLLOWING INFORMATION, AS APPLICABLE, FOR THE
24 LAND AREA COVERED BY THE PLAN:

25 A. BOUNDARIES OF THE PROPERTY COVERED BY THE PLAN.

26 B. EXISTING TOPOGRAPHY, WOODLANDS, AND 100-YEAR FLOODPLAIN AREAS.

27 C. A CONTEXT PLAN SHOWING EXISTING ROAD CONNECTIONS, MAJOR PEDESTRIAN
28 NETWORKS, LAND USES AND MAJOR STORM WATER MANAGEMENT FACILITIES
29 AND OPEN SPACE WITHIN THE ENTIRE PLAN AREA AND ADJOINING LAND WITHIN
30 500 FEET.

31 D. TOTAL ACREAGE WITHIN THE AREA COVERED BY THE PLAN.

32 E. LOCATION OF DEVELOPED PARCELS AND UNDEVELOPED LAND.

33 F. SUMMARY OF ALL EXISTING DEVELOPMENT AND ALL DEVELOPMENT SHOWN ON
34 APPROVED SITE DEVELOPMENT PLANS FOR THE AREA COVERED BY THE PLAN;

1 THE SQUARE FOOTAGE OF PROPOSED OFFICE SPACE, RETAIL/SERVICE SPACE, AND
2 ANY OTHER NON-RESIDENTIAL USES; THE NUMBER OF PROPOSED HOTEL AND
3 MOTEL ROOMS; AND THE NUMBER OF PROPOSED DWELLING ~~UNITS~~ UNITS, BOTH
4 MARKET RATE AND MODERATE INCOME HOUSING.

5 G. THE APPROXIMATE LOCATION AND TOTAL LAND AREA OF THE FOLLOWING
6 EXISTING AND/OR PROPOSED LAND USES:

- 7 (1) DOWNTOWN COMMUNITY COMMONS.
8 (2) DOWNTOWN PARKLAND.
9 (3) DOWNTOWN ARTS AND ENTERTAINMENT PARK.
10 (4) ENVIRONMENTALLY SENSITIVE AREAS.
11 (5) DOWNTOWN MIXED-USE.

12 H. THE GENERAL LOCATION OF EXISTING AND PROPOSED DOWNTOWN SIGNATURE
13 BUILDINGS.

14 I. GENERAL VEHICULAR CIRCULATION SYSTEM SHOWING EXISTING AND PROPOSED
15 STREETS AND THE APPROXIMATE LOCATION OF ANY PROPOSED TRANSIT ROUTES
16 AND FACILITIES.

17 J. LAYOUT OF THE EXISTING AND PROPOSED PEDESTRIAN AND BICYCLE
18 CIRCULATION SYSTEMS.

19 K. CONCEPTUAL STORM WATER MANAGEMENT PLAN.

20 L. TEXT MATERIAL REGULATING THE FOLLOWING:

- 21 (1) MAXIMUM NUMBER AND UNIT TYPES OF DOWNTOWN NET NEW
22 DWELLINGS.
23 (2) MAXIMUM GROSS FLOOR AREA OF DOWNTOWN NET NEW COMMERCIAL
24 OFFICE USES AND COMMERCIAL RETAIL USES.
25 (3) MAXIMUM NUMBER OF DOWNTOWN NET NEW HOTEL ROOMS.

- 1 (4) MAXIMUM BUILDING HEIGHTS.
- 2 (5) MAXIMUM SIZE OF A RETAIL-USE FOOTPRINT.
- 3 (6) A NEIGHBORHOOD-SPECIFIC IMPLEMENTATION PLAN, CONSISTENT WITH
4 THE DOWNTOWN REVITALIZATION PHASING PLAN AND THE DOWNTOWN
5 CEPPA IMPLEMENTATION CHART APPROVED AS PART OF THE
6 DOWNTOWN COLUMBIA PLAN, WHICH ADDRESSES THE
7 IMPLEMENTATION SCHEDULE AND BENCHMARKS FOR THE FOLLOWING:
- 8 (A) THE BALANCE OF USES WITHIN EACH IMPLEMENTATION PHASE.
- 9 (B) THE PHASING OF DOWNTOWN MIXED-USE DEVELOPMENT.
- 10 (C) THE PHASING OF DOWNTOWN COMMUNITY COMMONS SPACES.
- 11 (D) THE PHASING OF THE TRANSPORTATION AND CIRCULATION
12 FACILITIES.
- 13 (E) THE PHASING OF THE REQUIRED INFRASTRUCTURE INCLUDING
14 PUBLIC WATER AND SEWER.
- 15 (F) TRANSPORTATION AND CIRCULATION FACILITIES.
- 16 (G) ENVIRONMENTAL RESTORATION.
- 17 (H) DOWNTOWN ARTS, CULTURAL AND COMMUNITY USES.
- 18 (I) ANY OTHER ITEMS AS SPECIFIED IN THE DOWNTOWN CEPPA
19 IMPLEMENTATION CHART.
- 20 (7) A TRAFFIC STUDY AS SPECIFIED IN THE HOWARD COUNTY ADEQUATE
21 PUBLIC FACILITIES ACT FOR THE EVALUATION OF THE ADEQUACY OF
22 TRANSPORTATION FACILITIES.
- 23 (8) A DESCRIPTION OF THE DOWNTOWN COMMUNITY COMMONS THAT WILL
24 BE INCLUDED IN THE DEVELOPMENT.
- 25 (9) AN EXPLANATION OF HOW THE PROPOSED DEVELOPMENT ADDRESSES
26 THE ENVIRONMENTAL CONCEPTS OF CHAPTER 3 OF THE DOWNTOWN
27 COLUMBIA – A COMMUNITY VISION REPORT, AND SPECIFICALLY

1 ADDRESSING THE CONCEPTS OF GREEN BUILDINGS AND GREEN SITE
2 DESIGN.

3 (10) THE LOCATIONS AND DESCRIPTIONS OF EXISTING SITES, PUBLIC ART,
4 AND BUILDINGS OR STRUCTURES WHICH MAY HAVE SPECIAL
5 SIGNIFICANCE ON AN HISTORIC OR CULTURAL BASIS, AND AN
6 EXPLANATION OF THE METHODS EMPLOYED TO RETAIN AND PRESERVE
7 THESE ITEMS.

8 (11) A DESCRIPTION OF THE DOWNTOWN PUBLIC ART PROGRAM THAT IS IN
9 COMPLIANCE WITH SECTION 125.A.9.G.(2), AND ANY PROPOSED PUBLIC
10 ART.

11 (12) A STATEMENT IDENTIFYING (I) THE CUMULATIVE AMOUNT OF
12 DEVELOPMENT APPROVED AND BUILT TO DATE UNDER SECTION 125.A.9;
13 AND (II) THE STATUS OF ANY DOWNTOWN COMMUNITY ENHANCEMENTS,
14 PROGRAMS AND PUBLIC AMENITIES, DOWNTOWN PARKLAND,
15 DOWNTOWN COMMUNITY COMMONS AND INFRASTRUCTURE AS
16 ADDRESSED IN THE DOWNTOWN COLUMBIA PLAN.

17 (13) A DESCRIPTION OF THE PLAN FOR PROVIDING THE REQUIRED
18 MODERATE INCOME HOUSING UNITS. THE PLAN SHALL PROPOSE:
19 (A) THAT AT LEAST 15% OF THE DWELLING UNITS SHALL BE
20 MODERATE INCOME HOUSING UNITS PROVIDED ON-SITE; OR
21 (B) AN ALTERNATE METHOD OF PROVIDING MODERATE INCOME
22 HOUSING UNITS, AS PERMITTED BY SECTION 13.402 OF THE
23 HOWARD COUNTY CODE.

24 M. DOWNTOWN NEIGHBORHOOD DESIGN GUIDELINES THAT ADDRESS THE
25
26 FOLLOWING MUST BE SUBMITTED FOR AN INDIVIDUAL NEIGHBORHOOD WITH THE
27 FIRST FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT
28 PROPOSING NET NEW DEVELOPMENT WITHIN THAT NEIGHBORHOOD:

29
30 (1) URBAN DESIGN, INCLUDING SCALE AND MASSING, BLOCK
31 CONFIGURATION, PARKING AND SERVICE FUNCTIONS, BUILDING

ENTRANCES, AND STREET LIGHTING AND FURNITURE.

(2) STREET DESIGN AND FRAMEWORK.

(3) DOWNTOWN COMMUNITY COMMONS AND DOWNTOWN PARKLAND.

(4) ARCHITECTURAL DESIGN.

(5) GREEN BUILDING AND GREEN SITE DESIGN; AND

N. DOWNTOWN NEIGHBORHOOD CONCEPT PLAN.

3. THE PLANNING BOARD SHALL CONSIDER THE FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT AT A PUBLIC HEARING. THE PLANNING BOARD SHALL APPROVE, APPROVE WITH CONDITIONS, OR DENY THE PETITION BASED ON WHETHER THE PETITION SATISFIES THE FOLLOWING CRITERIA:

~~A~~A. THE DOWNTOWN NEIGHBORHOOD CONCEPT PLAN IS CONSISTENT WITH THE DOWNTOWN-WIDE DESIGN GUIDELINES AND THE DOWNTOWN COLUMBIA PLAN STREET AND BLOCK PLAN, DOWNTOWN MAXIMUM BUILDING HEIGHTS PLAN, DOWNTOWN PRIMARY AMENITY SPACE FRAMEWORK DIAGRAM, DOWNTOWN OPEN SPACE PRESERVATION PLAN, AND STREET FRAMEWORK DIAGRAM OR THAT ANY PROPOSED CHANGE(S) WILL NOT BE DETRIMENTAL TO THE OVERALL DESIGN CONCEPT AND PHASING FOR DOWNTOWN REVITALIZATION. LIMITED CHANGE TO BUILDING HEIGHT IS ALLOWED BASED ON COMPATIBILITY, CHARACTER AND HEIGHT OF NEARBY EXISTING AND PLANNED DEVELOPMENT AND OPEN SPACES IN THE AREA. IN NO EVENT SHALL THE MAXIMUM BUILDING HEIGHT FOR DOWNTOWN REVITALIZATION EXCEED TWENTY STORIES.

~~b~~B. THE FINAL DEVELOPMENT PLAN IS CONSISTENT WITH THE DOWNTOWN REVITALIZATION PHASING PLAN, THE DOWNTOWN MAXIMUM BUILDING HEIGHTS PLAN, THE DOWNTOWN CEPPA IMPLEMENTATION CHART AND FLEXIBILITY PROVISIONS, THE DOWNTOWN OPEN SPACE PRESERVATION PLAN, THE DOWNTOWN PRIMARY AMENITY SPACE FRAMEWORK DIAGRAM, AND THE

1 AFFORDABLE HOUSING PROVISIONS OF THE DOWNTOWN COLUMBIA PLAN.

2 ~~eC.~~ THE FINAL DEVELOPMENT PLAN, WHEN CONSIDERED IN THE CONTEXT OF
3 SURROUNDING PLANNED OR EXISTING DEVELOPMENT, PROVIDES A BALANCED
4 MIX OF HOUSING, JOBS, COMMERCIAL SERVICES AND ENTERTAINMENT USES
5 THROUGHOUT EACH PHASE.

6 ~~d.~~ ~~IF HOUSING IS PROPOSED, A VARIETY OF HOUSING CHOICES WILL BE PROVIDED~~
7 ~~AT DIFFERING PRICE LEVELS WHEN CONSIDERED IN THE CONTEXT OF~~
8 ~~SURROUNDING EXISTING OR PLANNED DEVELOPMENT.~~

9 D. IF HOUSING IS PROPOSED THE PLAN INCLUDES :

10 (A) AT LEAST 15% OF THE DWELLING UNITS SHALL BE MODERATE

11 INCOME HOUSING UNITS PROVIDED ON-SITE; OR

12 (B) AN ALTERNATE METHOD OF PROVIDING MODERATE INCOME

13 HOUSING UNITS, AS PERMITTED BY SECTION 13.402 OF THE HOWARD

14 COUNTY CODE.

15
16 ~~eE.~~ THE PEDESTRIAN NETWORK WILL CREATE CONVENIENT CONNECTIONS
17 THROUGHOUT THE SUBJECT AREA AND CONNECT, WHEREVER POSSIBLE, TO
18 EXISTING AND PLANNED SIDEWALKS AND PATHS ADJOINING THE DEVELOPMENT.
19

20 ~~fF.~~ THE FINAL DEVELOPMENT PLAN WILL PROTECT LAND COVERED BY LAKES,
21 STREAMS OR RIVERS, FLOOD PLAINS AND STEEP SLOPES, PROVIDE CONNECTIONS,
22 WHERE POSSIBLE, TO EXISTING AND PLANNED OPEN SPACE WITHIN THE
23 NEIGHBORHOOD AND IN SURROUNDING AREAS, AND PROVIDE APPROPRIATE
24 LAND FOR DOWNTOWN COMMUNITY COMMONS.

25 ~~gG.~~ THE FINAL DEVELOPMENT PLAN WILL BE COMPATIBLE WITH EXISTING AND
26 PLANNED VICINAL LAND USES. IN MAKING THIS DETERMINATION, THE
27 PLANNING BOARD SHALL CONSIDER:

28 (1) THE USE OF AN EXISTING OR PLANNED ROAD ON THE EDGE OF THE PLAN
29 AREA AS A SEPARATION BETWEEN DIFFERENT LAND USES;

30 (2) THE SIZE OF BUILDINGS ALONG THE EDGES OF THE PLAN AREA THROUGH

1 LIMITS ON BUILDING HEIGHT OR OTHER REQUIREMENTS;

2 (3) THE PROTECTION OR ESTABLISHMENT OF LANDSCAPE FEATURES ON THE
3 BOUNDARY OF THE PLAN AREA. THIS MAY INCLUDE PROTECTION OF
4 EXISTING VEGETATION OR GRADE CHANGES THAT PROVIDE A NATURAL
5 SEPARATION, OR LANDSCAPE DESIGN STANDARDS APPLICABLE TO AN
6 EDGE WHERE SPECIFIED TYPES OF LAND USES ABUT;

7 (4) THE CHARACTER OF NEARBY PROPERTIES AS ENVISIONED BY THE
8 ADOPTED GENERAL PLAN FOR THE AREA; AND

9 (5) THE ADOPTED DOWNTOWN COLUMBIA PLAN RECOMMENDATIONS FOR
10 HEIGHT, BUILDING MASSING AND SCALE.

11 h. THE FINAL DEVELOPMENT PLAN WILL BE SERVED BY ADEQUATE PUBLIC
12 FACILITIES, INCLUDING ANY PROPOSED MITIGATION OR DEVELOPMENT STAGING
13 IN ACCORDANCE WITH THE ADEQUATE PUBLIC FACILITIES ACT (TITLE 16,
14 SUBTITLE 11 OF THE HOWARD COUNTY CODE).

15 i. THE FINAL DEVELOPMENT PLAN IS PROTECTIVE OF ENVIRONMENTALLY
16 SENSITIVE FEATURES AND PROVIDES A PROPORTIONAL LEVEL OF
17 ENVIRONMENTAL RESTORATION IN ACCORDANCE WITH THE DOWNTOWN
18 COLUMBIA PLAN.

19 j. IF APPLICABLE, THE FINAL DEVELOPMENT PLAN IS PROTECTIVE OF EXISTING
20 SITES, PUBLIC ART, AND BUILDINGS OR STRUCTURES WHICH MAY HAVE SPECIAL
21 SIGNIFICANCE ON AN HISTORIC OR CULTURAL BASIS.

22 k. IF APPLICABLE, THE NEIGHBORHOOD DESIGN GUIDELINES SUBMITTED WITH THE
23 FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT OFFER
24 SUFFICIENT DETAIL TO GUIDE THE APPEARANCE OF THE NEIGHBORHOOD OVER
25 TIME, AND PROMOTE DESIGN FEATURES THAT ARE ACHIEVABLE AND
26 APPROPRIATE FOR DOWNTOWN REVITALIZATION IN ACCORDANCE WITH THE
27 DESIGN MANUAL OF THE DOWNTOWN COLUMBIA PLAN.

28 l. KEY LOCATIONS FOR DOWNTOWN PUBLIC ART ARE IDENTIFIED, IN COMPLIANCE
29 WITH SECTION 125.A.9.G.(2); AND

1 m. THE FINAL DEVELOPMENT PLAN IS CONSISTENT WITH THE NEIGHBORHOOD
2 CONCEPT PLAN.

3 2. AT ANY TIME PRIOR TO FINAL ACTION AND WITHIN 30 DAYS AFTER FINAL ACTION BY THE
4 PLANNING BOARD ON A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN
5 AMENDMENT, THE PETITIONER MAY WITHDRAW THE PETITION.

6 3. PLANNING BOARD APPROVAL OF A SITE DEVELOPMENT PLAN SHALL BE REQUIRED FOR
7 ALL DOWNTOWN REVITALIZATION.

8 F. [[D.]] Amendments to a Comprehensive Sketch Plan or Final Development Plan

9 1. Amendments Submitted by Original Petitioner

10 Except as allowed by Section [[125.D.2 AND 125.E.3]] 125.F.2 and 125.F.3 below, only
11 the original petitioner for the new town district may propose amendments to an
12 approved comprehensive sketch plan or Final Development Plan. A proposed
13 COMPREHENSIVE SKETCH PLAN amendment shall be reviewed in accordance with
14 Section 125.C above. A PROPOSED FINAL DEVELOPMENT PLAN AMENDMENT SHALL
15 BE REVIEWED IN ACCORDANCE WITH SECTION 125.D. OR 125.E. AS APPLICABLE.
16

17 2. Additional Uses on Individual Lots in Residential Land Use Areas

18 Within areas designated on a Comprehensive Sketch Plan for residential land use, any
19 property owner may propose amendments to the Final Development Plan to allow a
20 particular use on his or her property which is not allowed by the Final Development Plan
21 criteria. No amendment shall be proposed which would either alter the land use
22 designation established by the Comprehensive Sketch Plan or allow an increase in
23 residential density. The proposed amendment shall be considered in accordance with the
24 following procedures:
25

26 a. The property owner shall submit the number of copies of the complete Final
27 Development Plan as required by the Department of Planning and Zoning, with
28 the proposed criteria amendments clearly noted on each copy, accompanied by
29 an explanation of the request.

- 1 b. The proposal shall be considered by the Planning Board at a public hearing.
- 2 c. The Planning Board shall approve, approve with modifications or deny the
- 3 proposed amendments to the Final Development Plan, stating the reasons for its
- 4 action. The Planning Board shall approve the request only if it finds that:
- 5
- 6 (1) The use is consistent with the land use designation of the property as
- 7 established on the recorded Final Development Plan and compatible with
- 8 existing or proposed development in the vicinity.
- 9
- 10 (2) The use will not adversely affect vicinal properties.
- 11 d. If the use is approved:
- 12
- 13 (1) The Planning Board may provide for the subsequent approval by it of a
- 14 Site Development Plan for the property which is the subject of the
- 15 proposal; and
- 16 (2) Revised text for the Final Development Plan indicating the additional
- 17 allowed use of the particular property shall be submitted by the applicant
- 18 and recorded in the Land Records of Howard County.
- 19 3. THE FEE SIMPLE OWNER OF ANY PROPERTY LOCATED WITHIN DOWNTOWN
- 20 COLUMBIA MAY PROPOSE AMENDMENTS TO AN APPROVED FINAL DEVELOPMENT
- 21 PLAN IN ACCORDANCE WITH DOWNTOWN REVITALIZATION REQUIREMENTS.
- 22
- 23 G. [[E.]] Site Development Plans – GENERAL PROVISIONS
- 24 1. Planning Board Approval
- 25 If the Planning Board reserved for itself the authority to approve a Site Development
- 26 Plan AND for [[an area]] ALL DOWNTOWN REVITALIZATION, EXCEPT AS PROVIDED IN “2”
- 27 AND “3” BELOW, no permit shall be issued for any use until the Site Development Plan is
- 28 approved by the Planning Board. The Site Development Plan shall be considered at a
- 29 public meeting [[, except where a public hearing is required by Section 125.E.3 below]].
- 30

2. Minor Additions and Modifications.

Minor additions and modifications to Site Development Plans approved by the Planning Board and meeting the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not require Planning Board approval. However, all changes of use which require exterior site alterations shall require Planning Board approval.

3. Minor Projects Not Requiring Planning Board Approval:

- a. Minor additions to structures, with a floor area no larger than 10 percent of the existing floor area of the main floor, not to exceed 5,000 square feet.
- b. Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering).
- c. Minor additions to parking lots comprising no more than 25 percent of the original number of parking spaces required, not to exceed 25 spaces.
- d. Clearing or grading that does not exceed 5,000 square feet in area.
- e. House-type revisions to approved Site Development Plans for single-family detached developments and for no more than 25 percent of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
- f. Similar minor modifications as determined by the Department of Planning and Zoning.

4. Adjustments to Bulk Regulations for Individual Lots

Upon the request of the owner of a particular lot, the Planning Board may approve parking, setback, height, lot coverage, or other bulk requirements for such lot or parcel which differ from those required by the applicable Final Development Plan, in accordance with the following procedures:

- a. A public meeting shall be held on the Site Development Plan requiring the adjustment. If no Site Development Plan is available, an accurate plot plan drawn to scale shall be submitted for Planning Board review at the public meeting[[]];
- b. A Site Development Plan or plot plan submitted for review shall clearly indicate the requirement from which relief is sought and the requested relief, and shall be accompanied by a written statement explaining the reasons for the requested adjustment.
- c. In addition to the notice for public meetings required by the Planning Board's Rules of Procedure, the property that is the subject of the application shall be posted with the date, time, and place of the meeting for at least 15 days immediately before the public meeting.
- d. The requested adjustment to the parking or bulk requirements shall be granted if the Planning Board finds that:
 - (1) The adjustment will not alter the character of the neighborhood or area in which the property is located, will not impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and
 - (2) The adjustment a) is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the Final Development Plan; and/or b) results in better design than would be allowed by strict compliance with the development criteria.
- e. The Planning Board may approve, approve with conditions, or deny a requested adjustment.

H. SITE DEVELOPMENT PLAN - DOWNTOWN REVITALIZATION.

1. EACH SITE DEVELOPMENT PLAN FOR DOWNTOWN REVITALIZATION SHALL INCLUDE A STATEMENT IDENTIFYING (I) THE CUMULATIVE AMOUNT OF DEVELOPMENT APPROVED AND BUILT, INCLUDING MODERATE INCOME HOUSING UNITS TO DATE UNDER SECTION 125.A.9; AND (II) THE STATUS OF ANY COMMUNITY ENHANCEMENTS, PROGRAMS AND

1 PUBLIC AMENITIES, DOWNTOWN PARKLAND, DOWNTOWN COMMUNITY COMMONS AND
2 INFRASTRUCTURE AS ADDRESSED IN THE DOWNTOWN COLUMBIA PLAN.

3
4 2. THE PLANNING BOARD SHALL APPROVE, APPROVE WITH CONDITIONS, OR DENY A SITE
5 DEVELOPMENT PLAN THAT PROPOSES DOWNTOWN REVITALIZATION BASED ON WHETHER
6 THE PETITION SATISFIES THE FOLLOWING CRITERIA:

7 A. THE DEVELOPMENT WILL BE CONSISTENT WITH THE ADOPTED DOWNTOWN
8 COLUMBIA PLAN.

9 B. THE DEVELOPMENT WILL BE CONSISTENT WITH THE APPROVED FINAL
10 DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT INCLUDING
11 THE BULK REGULATIONS, DOWNTOWN NEIGHBORHOOD DESIGN GUIDELINES AND
12 THE NEIGHBORHOOD-SPECIFIC IMPLEMENTATION PLAN.

13 C. THE DEVELOPMENT WILL BE COMPATIBLE WITH EXISTING AND PLANNED
14 ADJACENT LAND USES AS ESTABLISHED IN THE FINAL DEVELOPMENT PLAN OR
15 FINAL DEVELOPMENT PLAN AMENDMENT, WITH CONSIDERATION OF THE FINAL
16 LOCATION AND USE OF BUILDINGS AND STRUCTURES, BUILDING HEIGHT,
17 MASSING, LANDSCAPING, DOWNTOWN COMMUNITY COMMONS, DOWNTOWN
18 PARKLAND, PEDESTRIAN, BICYCLE AND VEHICULAR CIRCULATION SYSTEMS.

19 D. THE DEVELOPMENT WILL BE WELL-ORGANIZED IN TERMS OF THE LOCATION OF
20 BUILDINGS AND STRUCTURES, DOWNTOWN COMMUNITY COMMONS,
21 LANDSCAPING, PEDESTRIAN AND VEHICULAR CIRCULATION SYSTEMS, AND
22 OTHER DOWNTOWN REVITALIZATION FEATURES.

23 E. IF THE DEVELOPMENT PROVIDES DOWNTOWN COMMUNITY COMMONS AND/OR
24 DOWNTOWN PARKLAND, THEY ARE REASONABLE AND APPROPRIATE GIVEN THE
25 LOCATION, SCALE AND ANTICIPATED INTENSITY OF ADJACENT USES IN
26 ACCORDANCE WITH THE DOWNTOWN COLUMBIA PLAN.

27 F. THE MAXIMUM BUILDING HEIGHTS WILL BE CONSISTENT WITH THE FINAL
28 DEVELOPMENT PLAN.

29 G. FOR ANY SITE DEVELOPMENT PLAN PROPOSING DOWNTOWN PUBLIC ART, THE
30 DOWNTOWN PUBLIC ART WILL BE CONSISTENT WITH THE DOWNTOWN PUBLIC
31

ART PROGRAM APPROVED WITH THE FINAL DEVELOPMENT PLAN OR FINAL
DEVELOPMENT PLAN AMENDMENT APPROVAL.

H. IF HOUSING IS INCLUDED THE DEVELOPMENT PROVIDES THE REQUIRED
MODERATE INCOME HOUSING UNITS ONSITE OR IN ACCORDANCE WITH
SECTION 13.402 OF THE HOWARD COUNTY CODE.

3. MINOR ADJUSTMENTS TO THE GENERAL PEDESTRIAN CIRCULATION SYSTEM, ROAD
NETWORK, BLOCK CONFIGURATION, AND DOWNTOWN COMMUNITY COMMONS SHOWN
ON THE FINAL DEVELOPMENT PLAN AND NEIGHBORHOOD CONCEPT PLAN MAY BE
APPROVED AS A PART OF THE SITE DEVELOPMENT PLAN, PROVIDED THE ADJUSTMENT(S)
ARE GENERALLY CONSISTENT WITH THE FINAL DEVELOPMENT PLAN AND WILL NOT BE
DETRIMENTAL TO THE OVERALL DESIGN CONCEPT AND PHASING FOR DOWNTOWN
REVITALIZATION.

4. AT ANY TIME PRIOR TO FINAL ACTION AND WITHIN 30 DAYS AFTER FINAL ACTION BY THE
PLANNING BOARD ON A SITE DEVELOPMENT PLAN, THE PETITIONER MAY WITHDRAW
THE PETITION.

SECTION 133: OFF-STREET PARKING AND LOADING FACILITIES

B. Layout and Location

4. Required minimum parking may be provided on a separate lot from the principal use if:
- a. For residential uses, the location and distribution of parking spaces complies
with the Subdivision and Land Development Regulations.
 - b. For nonresidential uses that are not a part of downtown revitalization, the major
point of pedestrian access to the parking facility is within 400 feet of the
entrance to the building [[:]]. THIS REQUIREMENT DOES NOT APPLY TO
DOWNTOWN REVITALIZATION;
 - c. The parking facility is within a zoning district in which the use being served by
the parking facility is permitted;
 - d. The parking facility is not separated from the use being served by a public street

1 [[:]]. THIS REQUIREMENT DOES NOT APPLY TO DOWNTOWN REVITALIZATION;
2 AND

- 3 e. The parking facility is subject to recorded covenants or easements for parking,
4 or other proof is provided that the continued use of the parking area is
5 guaranteed throughout the life of the land use.

6 E. PERMITTED REDUCTIONS IN OFF-STREET PARKING REQUIREMENTS.

7 3. DOWNTOWN REVITALIZATION

8 OFF-STREET PARKING AND LOADING FACILITIES FOR DOWNTOWN REVITALIZATION
9 SHALL BE PROVIDED IN ACCORDANCE WITH THE FOLLOWING SHARED PARKING
10 METHODOLOGY AND PARKING RATIOS:

11 A. THE METHODOLOGY FOR DETERMINING THE SHARED PARKING DEMAND
12 CONSISTS OF THE FOLLOWING STEPS AND IS DESCRIBED IN THE FOLLOWING
13 PARAGRAPHS:

- 14 (1) DETERMINE INDIVIDUAL WEEKDAY AND WEEKEND PEAK PARKING
15 RATIOS FOR EACH LAND USE.
- 16 (2) DETERMINE THE NUMBER OF RESERVED PARKING SPACES FOR EACH USE.
- 17 (3) SELECT TIME-OF-DAY AND MONTHLY PARKING VARIATION FACTORS.
- 18 (4) ADJUST PARKING RATIOS FOR MODAL SPLIT, AUTO OCCUPANCY, AND
19 CAPTIVE MARKET EFFECTS.
- 20 (5) CALCULATE THE PARKING DEMAND FOR EACH SCENARIO.

21 STEP 1: DETERMINE INDIVIDUAL WEEKDAY AND WEEKEND PEAK PARKING RATIOS FOR
22 EACH LAND USE

23 TABLE 1 PRESENTS THE BASE PARKING RATIOS FOR WEEKDAYS AND WEEKENDS. THESE
24 RATIOS MUST BE USED UNLESS THE PETITIONER PROVIDES REASONABLE JUSTIFICATION
25 FOR USE OF ALTERNATIVE RATIO(S) THAT WILL NOT BE DETRIMENTAL TO THE PUBLIC
26 WELFARE.

27 STEP 2: DETERMINE THE NUMBER OF RESERVED PARKING SPACES FOR EACH USE

28 A SIGNIFICANT PROPORTION OF RESIDENTIAL PARKING SPACES ARE TYPICALLY

RESERVED, DUE TO MARKET AND SECURITY REQUIREMENTS. SOME PORTION OF OFFICE, RETAIL, HOTEL, OR OTHER USES MAY REQUIRE RESERVED SPACES FOR SOME PORTION OF THE DAY. THESE RESERVED SPACES SHOULD BE OUTLINED AND SPECIFIED BY LAND USE ON AN HOURLY BASIS.

STEP 3: SELECT TIME-OF-DAY AND MONTHLY PARKING VARIATION FACTORS

THE TIME-OF-DAY ADJUSTMENT FACTORS FOR WEEKDAYS AND WEEKENDS ARE SHOWN IN TABLES 2 AND 3, RESPECTIVELY. TABLE 4 SHOWS THE MONTHLY ADJUSTMENT FACTORS FOR CUSTOMER AND VISITOR PARKING, WHILE TABLE 5 INCLUDES THE MONTHLY ADJUSTMENT FACTORS FOR EMPLOYEES. THESE TYPICAL FACTORS ARE TAKEN FROM THE ULI SHARED PARKING MANUAL AND MAY BE MODIFIED BASED ON OTHER PUBLISHED DATA OR INDEPENDENT STUDIES TO ENSURE ACCURACY FOR SPECIFIC LAND USES OR CIRCUMSTANCES.

STEP 4: ADJUST PARKING RATIOS FOR MODAL SPLIT, AUTO OCCUPANCY, AND CAPTIVE MARKET EFFECTS

MODAL SPLIT, AUTO OCCUPANCY, AND CAPTIVE MARKET EFFECTS WILL BE DIFFERENT FOR EACH DOWNTOWN REVITALIZATION DEVELOPMENT. MODAL SPLITS AND AUTO OCCUPANCY CAN BE DETERMINED THROUGH U.S. CENSUS JOURNEY-TO-WORK DATA, PATRON SURVEYS, OR OTHER LOCAL DATA, AND CAN BE ADJUSTED TO REFLECT FUTURE CONDITIONS.

NON-CAPTIVE ADJUSTMENTS REFLECT THE PROPORTION OF USERS THAT ARE NOT ALREADY PARKED NEARBY FOR A PRIMARY PURPOSE. THESE ADJUSTMENTS FOR CAPTIVE MARKET EFFECTS SHOULD ONLY BE APPLIED TO SIMULTANEOUS TRIPS, NOT SEQUENTIAL TRIPS. FOR EXAMPLE, AN OFFICE WORKER WHO WALKS ACROSS THE STREET FOR A SNACK DURING THE DAY IS PART OF THE CAPTIVE MARKET, WHILE A COUPLE WHO HAS DINNER BEFORE A MOVIE IS NOT. TABLE 6 INCLUDES SAMPLE NON-CAPTIVE ADJUSTMENT FACTORS FOR WEEKDAYS AND CAN BE MODIFIED BASED ON THE CHARACTERISTICS OF THE LAND USE AND SURROUNDINGS.

STEP 5: CALCULATE THE PARKING DEMAND FOR EACH SCENARIO

THE INDIVIDUAL PARKING DEMANDS FOR EACH LAND USE DURING EACH TIME PERIOD ARE THEN COMPUTED BY MULTIPLYING THE PARKING RATIOS (ADJUSTED FOR MODAL SPLIT, AUTO OCCUPANCY, AND CAPTIVE MARKET EFFECTS) BY THE TIME-OF-DAY AND

MONTHLY VARIATION FACTORS. NO ADJUSTMENT FACTORS OR VARIATION FACTORS ARE APPLIED TO RESERVED PARKING SPACES.

THE SUM OF THE ADJUSTED PARKING DEMANDS FOR EACH LAND USE ARE THEN COMPARED FOR EACH SCENARIO (EACH HOUR OF EACH DAY OF EACH MONTH), AND THE MAXIMUM TOTAL PARKING DEMAND REPRESENTS THE SHARED PARKING REQUIREMENT FOR THE PROJECT.

TABLE 1
HOWARD COUNTY SHARED PARKING METHODOLOGY
BASE PARKING RATIOS

LAND USE	WEEKDAY		WEEKEND		UNIT
	VISITOR	EMPLOYEE	VISITOR	EMPLOYEE	
COMMUNITY SHOPPING CENTER (<400 KSF)	2.90	0.70	3.20	0.80	/KSF GLA
REGIONAL SHOPPING CENTER (400 TO 600 KSF)	3.05	0.76	3.37	0.87	/KSF GLA
SUPER REGIONAL SHOPPING CENTER (>600 KSF)	3.20	0.80	3.60	0.90	/KSF GLA
FINE/CASUAL DINING RESTAURANT	15.25	2.75	17.00	3.00	/KSF GLA
FAMILY RESTAURANT	9.00	1.50	12.75	2.25	/KSF GLA
FAST FOOD RESTAURANT	12.75	2.25	12.00	2.00	/KSF GLA
NIGHTCLUB	15.25	1.25	17.50	1.50	/KSF GLA
CINEPLEX	0.19	0.01	0.26	0.01	/SEAT
PERFORMING ARTS THEATER	0.30	0.07	0.33	0.07	/SEAT
ARENA	0.27	0.03	0.30	0.03	/SEAT
PRO FOOTBALL STADIUM	0.30	0.01	0.30	0.01	/SEAT
PRO BASEBALL STADIUM	0.31	0.01	0.34	0.01	/SEAT
HEALTH CLUB	6.60	0.40	5.50	0.25	/KSF GLA
CONVENTION CENTER	5.50	0.50	5.50	0.50	/KSF GLA
HOTEL-BUSINESS	1.00	0.25	0.90	0.18	/ROOM
HOTEL-LEISURE	0.90	0.25	1.00	0.18	/ROOM
RESTAURANT/LOUNGE	10.00		10.00		/KSF GLA
CONFERENCE CTR/BANQUET (20 TO 50 SQ FT/GUEST ROOM)	30.00		30.00		/KSF GLA
CONVENTION SPACE (>50 SQ FT/GUEST ROOM)	20.00		10.00		/KSF GLA
RESIDENTIAL, RENTAL, SHARED SPACES *	0.15	1.50	0.15	1.50	/UNIT
RESIDENTIAL, OWNED, SHARED SPACES *	0.15	1.7	0.15	1.7	/UNIT
OFFICE <25 KSF	0.30	3.5	0.03	0.35	/UNIT
OFFICE 25 TO 100 KSF	0.275	3.30	0.028	0.33	/KSF GLA
OFFICE 100 TO 500 KSF	0.225	2.81	0.023	0.28	/KSF GLA
OFFICE >500 KSF	0.20	2.60	0.02	0.26	/KSF GLA
DATA PROCESSING OFFICE	0.25	5.75	0.03	0.58	/KSF GLA
MEDICAL/DENTAL OFFICE	3.00	1.50	3.00	1.50	/KSF GLA
BANK (BRANCH) WITH DRIVE-IN	3.00	1.60	3.00	1.60	/KSF GLA

NOTE(S): (1) * 1.0 SPACE RESERVED FOR RESIDENTS' SOLE USE; REMAINDER MAY BE SHARED.

(2) SOURCE: *SHARED PARKING, SECOND EDITION*.

(3) RANGES WERE CONVERTED TO AVERAGE RATIOS, WHERE APPLICABLE.

TABLE 2
HOWARD COUNTY SHARED PARKING METHODOLOGY
TIME-OF-DAY FACTORS FOR WEEKDAY DEMAND

		6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM
SHOPPING CENTER-TYPICAL	CUSTOMER	1%	5%	15%	35%	65%	85%	95%	100%	95%	90%	90%	95%	95%	95%	80%	50%	30%	10%	0%
	DECEMBER	CUSTOMER	1%	5%	15%	30%	55%	75%	90%	100%	100%	100%	95%	85%	80%	75%	65%	50%	30%	10%
	LATE DECEMBER	CUSTOMER	1%	5%	10%	20%	40%	65%	90%	100%	100%	100%	95%	85%	70%	55%	40%	25%	15%	5%
FINE/CASUAL DINING RESTAURANT	EMPLOYEE	10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	95%	95%	90%	75%	40%	15%	0%
	CUSTOMER	0%	0%	0%	0%	15%	40%	75%	75%	65%	40%	50%	75%	95%	100%	100%	100%	95%	75%	25%
FAMILY RESTAURANT	EMPLOYEE	0%	20%	50%	75%	90%	90%	90%	90%	90%	75%	75%	100%	100%	100%	100%	100%	100%	85%	35%
	CUSTOMER	25%	50%	60%	75%	85%	90%	100%	90%	50%	45%	45%	75%	80%	80%	80%	60%	55%	50%	25%
FAST FOOD RESTAURANT	EMPLOYEE	50%	75%	90%	90%	100%	100%	100%	100%	100%	75%	75%	95%	95%	95%	95%	80%	65%	65%	35%
	CUSTOMER	5%	10%	20%	30%	55%	85%	100%	100%	90%	60%	55%	60%	85%	80%	50%	30%	20%	10%	5%
NIGHTCLUB	EMPLOYEE	15%	20%	30%	40%	75%	100%	100%	100%	95%	70%	60%	70%	90%	90%	60%	40%	30%	20%	20%
	CUSTOMER	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	25%	50%	75%	100%	100%	100%	100%
CINEPLEX - TYPICAL	EMPLOYEE	0%	0%	0%	5%	5%	5%	5%	10%	10%	10%	20%	45%	70%	100%	100%	100%	100%	100%	100%
	CUSTOMER	0%	0%	0%	0%	0%	0%	20%	45%	55%	55%	55%	60%	60%	80%	100%	100%	80%	65%	40%
LATE DECEMBER	CUSTOMER	0%	0%	0%	0%	0%	0%	35%	60%	75%	80%	80%	80%	70%	80%	100%	100%	85%	70%	55%
	EMPLOYEE	0%	0%	0%	0%	0%	0%	50%	60%	60%	75%	75%	100%	100%	100%	100%	100%	100%	70%	50%
PERFORMING ARTS THEATER	CUSTOMER	0%	0%	0%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	25%	100%	100%	0%	0%	0%
	EMPLOYEE	0%	10%	10%	20%	20%	20%	30%	30%	30%	30%	30%	30%	100%	100%	100%	100%	30%	10%	5%
ARENA	CUSTOMER	0%	0%	0%	1%	1%	1%	1%	1%	1%	1%	1%	1%	10%	25%	100%	100%	85%	0%	0%
	EMPLOYEE	0%	10%	10%	20%	20%	20%	30%	30%	30%	30%	30%	30%	100%	100%	100%	100%	30%	10%	5%
STADIUM - 8 PM START	CUSTOMER	0%	0%	0%	1%	1%	1%	5%	5%	5%	5%	5%	5%	10%	50%	100%	100%	85%	25%	0%
	EMPLOYEE	0%	10%	10%	20%	20%	20%	30%	30%	30%	30%	30%	30%	100%	100%	100%	100%	100%	25%	10%
HEALTH CLUB	CUSTOMER	70%	40%	40%	70%	70%	80%	60%	70%	70%	70%	80%	90%	100%	90%	80%	70%	35%	10%	0%
	EMPLOYEE	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	100%	100%	75%	50%	20%	20%	20%	0%
CONVENTION CENTER	CUSTOMER	0%	0%	50%	100%	100%	100%	100%	100%	100%	100%	100%	100%	50%	30%	30%	10%	0%	0%	0%
	EMPLOYEE	5%	30%	33%	33%	100%	100%	100%	100%	100%	100%	90%	70%	40%	25%	20%	20%	5%	0%	0%
HOTEL-BUSINESS	GUEST	95%	90%	80%	70%	60%	60%	55%	55%	60%	60%	65%	70%	75%	75%	80%	85%	95%	100%	100%
HOTEL-LEISURE	GUEST	95%	95%	90%	80%	70%	70%	65%	65%	70%	70%	75%	80%	85%	85%	90%	95%	95%	100%	100%
RESTAURANT/LOUNGE	CUSTOMER	0%	10%	30%	10%	10%	5%	100%	100%	33%	10%	10%	30%	55%	60%	70%	67%	60%	40%	30%
CONFERENCE CTR/BANQUET (20 TO 50 SQ FT/GUEST ROOM)	CUSTOMER	0%	0%	30%	60%	60%	60%	65%	65%	65%	65%	65%	100%	100%	100%	100%	100%	50%	0%	0%
CONVENTION SPACE (>50 SQ FT/GUEST ROOM)	CUSTOMER	0%	0%	50%	100%	100%	100%	100%	100%	100%	100%	100%	100%	50%	30%	30%	10%	0%	0%	0%
	EMPLOYEE	5%	30%	90%	90%	100%	100%	100%	100%	100%	100%	90%	70%	40%	20%	20%	20%	20%	10%	5%
	RESIDENT	100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%
RESIDENTIAL	RESERVED	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	GUEST	0%	10%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%
	VISITOR	0%	1%	20%	60%	100%	45%	15%	45%	100%	45%	15%	10%	5%	2%	1%	0%	0%	0%	0%
OFFICE	EMPLOYEE	3%	30%	75%	95%	100%	100%	90%	90%	100%	100%	100%	50%	25%	10%	7%	3%	1%	0%	0%
	CUSTOMER	0%	0%	90%	90%	100%	100%	30%	90%	100%	100%	90%	80%	67%	30%	15%	0%	0%	0%	0%
MEDICAL/DENTAL OFFICE	EMPLOYEE	0%	0%	60%	100%	100%	100%	100%	100%	100%	100%	100%	100%	67%	30%	15%	0%	0%	0%	0%
	CUSTOMER	0%	0%	50%	90%	100%	50%	50%	50%	70%	50%	80%	100%	0%	0%	0%	0%	0%	0%	0%
BANK (BRANCH) WITH DRIVE-IN	EMPLOYEE	0%	0%	60%	100%	100%	100%	100%	100%	100%	100%	100%	100%	0%	0%	0%	0%	0%	0%	0%
	CUSTOMER	0%	0%	50%	90%	100%	50%	50%	50%	70%	50%	80%	100%	0%	0%	0%	0%	0%	0%	0%

SOURCE: *SHARED PARKING, SECOND EDITION*

TABLE 3
HOWARD COUNTY SHARED PARKING METHODOLOGY
TIME-OF-DAY FACTORS FOR WEEKEND DEMAND

		6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM
SHOPPING CENTER-TYPICAL	CUSTOMER	1%	5%	10%	30%	50%	65%	80%	90%	100%	100%	95%	90%	80%	75%	65%	50%	35%	15%	0%
DECEMBER	CUSTOMER	1%	5%	10%	35%	60%	70%	85%	95%	100%	100%	95%	90%	80%	75%	65%	50%	35%	15%	0%
LATE DECEMBER	CUSTOMER	1%	5%	10%	20%	40%	60%	80%	95%	100%	100%	95%	85%	70%	60%	50%	30%	20%	10%	0%
	EMPLOYEE	10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	85%	80%	75%	65%	45%	15%	0%
FINE/CASUAL DINING RESTAURANT	CUSTOMER	0%	0%	0%	0%	0%	15%	50%	55%	45%	45%	45%	60%	90%	95%	100%	90%	90%	90%	50%
	EMPLOYEE	0%	20%	30%	60%	75%	75%	75%	75%	75%	75%	75%	100%	100%	100%	100%	100%	100%	85%	50%
FAMILY RESTAURANT	CUSTOMER	10%	25%	45%	70%	90%	90%	100%	85%	65%	40%	45%	60%	70%	70%	65%	30%	25%	15%	10%
	EMPLOYEE	50%	75%	90%	90%	100%	100%	100%	100%	100%	75%	75%	95%	95%	95%	95%	80%	65%	65%	35%
FAST FOOD RESTAURANT	CUSTOMER	5%	10%	20%	30%	55%	85%	100%	100%	90%	60%	55%	60%	85%	80%	50%	30%	20%	10%	5%
	EMPLOYEE	15%	20%	30%	40%	75%	100%	100%	100%	95%	70%	60%	70%	90%	90%	60%	40%	30%	20%	20%
NIGHTCLUB	CUSTOMER	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	25%	50%	75%	100%	100%	100%	100%
	EMPLOYEE	0%	0%	0%	5%	5%	5%	5%	10%	10%	10%	20%	45%	70%	100%	100%	100%	100%	100%	100%
CINEPLEX - TYPICAL	CUSTOMER	0%	0%	0%	0%	0%	0%	20%	45%	55%	55%	55%	60%	60%	80%	100%	100%	100%	80%	50%
LATE DECEMBER	CUSTOMER	0%	0%	0%	0%	0%	0%	35%	60%	75%	80%	80%	80%	70%	80%	100%	100%	100%	85%	70%
	EMPLOYEE	0%	0%	0%	0%	0%	0%	50%	60%	60%	75%	75%	100%	100%	100%	100%	100%	100%	70%	50%
PERFORMING ARTS THEATER	CUSTOMER	0%	0%	0%	1%	1%	1%	1%	17%	67%	67%	1%	1%	1%	25%	100%	100%	0%	0%	0%
	EMPLOYEE	0%	10%	10%	20%	20%	20%	30%	100%	100%	100%	30%	30%	100%	100%	100%	100%	30%	10%	5%
ARENA	CUSTOMER	0%	0%	0%	1%	1%	1%	1%	25%	95%	95%	81%	1%	1%	25%	100%	100%	0%	0%	0%
	EMPLOYEE	0%	10%	10%	20%	20%	20%	30%	100%	100%	100%	100%	30%	100%	100%	100%	100%	30%	10%	5%
STADIUM - 1 PM START; SEE	CUSTOMER	0%	0%	1%	1%	5%	5%	50%	100%	100%	85%	25%	0%	0%	0%	0%	0%	0%	0%	0%
WEEKDAY FOR EVENING START	EMPLOYEE	0%	5%	10%	20%	30%	30%	100%	100%	100%	100%	25%	10%	5%	0%	0%	0%	0%	0%	0%
HEALTH CLUB	CUSTOMER	80%	45%	35%	50%	35%	50%	50%	30%	25%	30%	55%	100%	95%	60%	30%	10%	1%	1%	0%
	EMPLOYEE	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	75%	100%	100%	75%	50%	20%	20%	20%	0%
CONVENTION CENTER	CUSTOMER	0%	0%	50%	100%	100%	100%	100%	100%	100%	100%	100%	100%	50%	30%	30%	10%	0%	0%	0%
	EMPLOYEE	5%	30%	33%	33%	100%	100%	100%	100%	100%	100%	90%	70%	40%	25%	20%	20%	5%	0%	0%
HOTEL-BUSINESS	GUEST	95%	90%	80%	70%	60%	60%	55%	55%	60%	60%	65%	70%	75%	75%	80%	85%	95%	100%	100%
HOTEL-LEISURE	GUEST	95%	95%	90%	80%	70%	70%	65%	65%	70%	70%	75%	80%	85%	85%	90%	95%	95%	100%	100%
RESTAURANT/LOUNGE	CUSTOMER	0%	10%	30%	10%	10%	5%	100%	100%	33%	10%	10%	30%	55%	60%	70%	67%	60%	40%	30%
CONFERENCE CTR/BANQUET (20 TO 50 SQ FT/GUEST ROOM)	CUSTOMER	0%	0%	30%	60%	60%	60%	65%	65%	65%	65%	65%	100%	100%	100%	100%	100%	50%	0%	0%
CONVENTION SPACE (>50 SQ FT/GUEST ROOM)	CUSTOMER	0%	0%	50%	100%	100%	100%	100%	100%	100%	100%	100%	100%	50%	30%	30%	10%	0%	0%	0%
	EMPLOYEE	5%	30%	90%	90%	100%	100%	100%	100%	100%	100%	100%	90%	75%	60%	55%	55%	55%	45%	30%
RESIDENTIAL	RESIDENT	100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%
	RESERVED	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	GUEST	0%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%
OFFICE	VISITOR	0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%
	EMPLOYEE	0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%
MEDICAL/DENTAL OFFICE	CUSTOMER	0%	0%	90%	90%	100%	100%	30%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	EMPLOYEE	0%	0%	60%	100%	100%	100%	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
BANK (BRANCH) WITH DRIVE-IN	CUSTOMER	0%	0%	25%	40%	75%	100%	90%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	EMPLOYEE	0%	0%	90%	100%	100%	100%	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

SOURCE: SHARED PARKING, SECOND EDITION

TABLE 4

HOWARD COUNTY SHARED PARKING METHODOLOGY

MONTHLY ADJUSTMENTS FOR CUSTOMER/VISITOR PARKING

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	LATE DEC
SHOPPING CENTER	56%	57%	64%	63%	66%	67%	64%	69%	64%	66%	72%	100%	80%
RESTAURANTS	85%	86%	95%	92%	96%	95%	98%	99%	91%	96%	93%	100%	95%
FAST FOOD RESTAURANT	85%	86%	95%	92%	96%	95%	98%	99%	91%	96%	93%	100%	95%
NIGHTCLUB	84%	86%	98%	90%	90%	91%	94%	96%	92%	98%	96%	100%	95%
CINEPLEX WEEKDAYS	27%	21%	20%	19%	27%	41%	55%	40%	15%	15%	25%	23%	100%
CINEPLEX WEEKENDS	71%	59%	67%	58%	71%	82%	92%	75%	51%	62%	78%	67%	100%
PERFORMING ARTS THEATER	90%	90%	90%	90%	90%	90%	90%	90%	90%	90%	90%	100%	100%
ARENA	90%	100%	100%	100%	100%	75%	0%	0%	60%	65%	90%	95%	95%
PRO FOOTBALL STADIUM	0%	0%	0%	0%	0%	0%	0%	67%	0%	0%	0%	100%	100%
PRO BASEBALL STADIUM	0%	0%	0%	100%	100%	100%	100%	100%	100%	100%	0%	0%	0%
HEALTH CLUB	100%	95%	85%	70%	65%	65%	65%	70%	80%	85%	85%	90%	95%
CONVENTION CENTER	75%	100%	90%	55%	60%	50%	45%	75%	80%	85%	100%	60%	0%
HOTEL-BUSINESS	71%	85%	91%	90%	92%	100%	98%	92%	93%	93%	81%	67%	50%
HOTEL-LEISURE	90%	100%	100%	100%	90%	90%	100%	100%	75%	75%	75%	50%	100%
RESTAURANT/LOUNGE	85%	86%	95%	92%	96%	95%	98%	99%	91%	96%	93%	100%	95%
CONFERENCE CTR/BANQUET (20 TO 50 SQ FT/GUEST ROOM)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
CONVENTION SPACE (>50 SQ FT/GUEST ROOM)	75%	100%	90%	55%	60%	50%	45%	75%	80%	85%	100%	60%	0%
RESIDENTIAL	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
OFFICE, BANK	100%	100%	100%	100%	100%	100%	95%	95%	100%	100%	100%	100%	80%

SOURCE: SHARED PARKING, SECOND EDITION

TABLE 5

HOWARD COUNTY SHARED PARKING METHODOLOGY

MONTHLY ADJUSTMENTS FOR EMPLOYEE/RESIDENT PARKING

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	LATE DEC
SHOPPING CENTER	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	90%	100%	90%
RESTAURANTS	95%	95%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
FAST FOOD RESTAURANT	95%	95%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
NIGHTCLUB	90%	90%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
CINEPLEX WEEKDAYS	50%	50%	50%	50%	50%	75%	75%	75%	50%	50%	50%	50%	100%
CINEPLEX WEEKENDS	80%	80%	80%	80%	80%	100%	100%	90%	80%	80%	80%	80%	100%
PERFORMING ARTS THEATER	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
ARENA	100%	100%	100%	100%	100%	75%	10%	10%	75%	75%	100%	100%	100%
PRO FOOTBALL STADIUM	10%	10%	10%	10%	10%	10%	10%	100%	10%	10%	10%	100%	100%
PRO BASEBALL STADIUM	10%	10%	10%	10%	100%	100%	100%	100%	100%	100%	10%	10%	10%
HEALTH CLUB	100%	100%	95%	80%	75%	75%	75%	80%	90%	95%	95%	100%	100%
CONVENTION CENTER	85%	100%	100%	65%	70%	60%	55%	85%	90%	95%	100%	70%	10%
HOTEL	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
RESIDENTIAL	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
OFFICE, BANK	100%	100%	100%	100%	100%	100%	95%	95%	100%	100%	100%	100%	80%

SOURCE: SHARED PARKING, SECOND EDITION

TABLE 6
HOWARD COUNTY SHARED PARKING METHODOLOGY
NON-CAPTIVE ADJUSTMENT FACTORS FOR WEEKDAYS

	NON-CAPTIVE DAYTIME
COMMUNITY SHOPPING CENTER	90%
EMPLOYEE	100%
FINE/CASUAL DINING	90%
EMPLOYEE	100%
FAMILY RESTAURANT	85%
EMPLOYEE	100%
FAST FOOD RESTAURANT	50%
EMPLOYEE	100%
HOTEL-BUSINESS	100%
MEETING/BANQUET	60%
EMPLOYEE	100%
OFFICE	100%
EMPLOYEE	100%
MEDICAL/DENTAL OFFICE	100%
EMPLOYEE	100%
BANK	90%
EMPLOYEE	100%

SOURCE: *SHARED PARKING, SECOND EDITION*

1 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that
2 *the remainder of Section 103 of the Zoning Regulations be renumbered accordingly.*

3
4 ***Section 4. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that
5 *the attached Exhibit A “Metes and Bounds Description for Area Without a Recorded Final*
6 *Development Plan Reference” be inserted to the Appendix of the Zoning Regulations.*

7
8 ***Section 5. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that
9 *the provisions of this Act shall become effective 61 days after enactment.*

10

EXHIBIT A

**METES AND BOUNDS DESCRIPTION FOR AREA WITHOUT A RECORDED FINAL
DEVELOPMENT PLAN REFERENCE**

ALL OF THOSE LOTS OR PARCELS OF LAND LOCATED IN HOWARD COUNTY, MARYLAND
AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE RESIDUE OF THE 801.198 ACRE PARCEL OF LAND
CONVEYED BY G & S ENTERPRISES, INC. TO THE HOWARD
RESEARCH AND DEVELOPMENT CORPORATION BY DEED DATED
OCTOBER 14, 1963 AND RECORDED AMONG THE LAND RECORDS OF
HOWARD COUNTY IN LIBER 409, FOLIO 8, AND THE 53 ACRE PARCEL
OF LAND CONVEYED BY SEBRING, INC. TO THE HOWARD RESEARCH
AND DEVELOPMENT CORPORATION BY DEED DATED NOVEMBER 7,
1963 AND RECORDED AMONG THE AFORESAID LAND RECORDS IN
LIBER 409, FOLIO 549.

MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
FOLLOWS:

BEGINNING AT A POINT ON THE EASTERN RIGHT-OF-WAY LINE
OF BROKEN LAND PARKWAY, AS RECORDED IN PLAT NO. 6598
AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND,
SAID POINT BEING ON THE SOUTHERN RIGHT-OF-WAY LINE OF
LITTLE PATUXENT PARKWAY, ROUTE 175, WIDTH VARIES, AS
RECORDED IN PLAT BOOK 12, PLAT NO. 60; THENCE DEPARTING SAID
BROKEN LAND PARKWAY AND RUNNING WITH THE SOUTHERN
LINES OF SAID LITTLE PATUXENT PARKWAY

174.04 FEET ALONG THE ARC OF A CURVE TO THE LEFT,
HAVING A RADIUS OF 676.29 FEET AND A CHORD BEARING AND
DISTANCE OF SOUTH 87°37'00" EAST 173.56 FEET TO A POINT; THENCE

NORTH 85°00'39" EAST 665.90 FEET TO A POINT ON THE
EASTERN LINE OF LOT 9B, AS RECORDED IN PLAT BOOK 15, PLAT NO.
32; THENCE DEPARTING SAID LITTLE PATUXENT PARKWAY AND
RUNNING WITH THE WESTERN LINE OF SAID LOT 9B

SOUTH 04°59'21" EAST 27.00 FEET TO A POINT BEING THE
NORTHWEST CORNER OF THE EXTERIOR BOUNDARY OF LOT 23,
COLUMBIA, TOWN CENTER, SECTION 1, AS RECORDED IN PLAT
BOOKS 13535 AND 13536; THENCE DEPARTING SAID LOT 9B AND
RUNNING WITH THE LINES OF SAID LOT 23

1 200.24 FEET ALONG THE ARC OF A CURVE TO THE RIGHT,
2 HAVING A RADIUS OF 260.75 FEET AND A CHORD BEARING AND
3 DISTANCE OF SOUTH 17°00'39" WEST 195.36 FEET TO A POINT;
4 THENCE
5 SOUTH 39°00'39" WEST 20.04 FEET TO A POINT; THENCE
6 358.03 FEET ALONG THE ARC OF A CURVE TO THE RIGHT,
7 HAVING A RADIUS OF 905.00 FEET AND A CHORD BEARING AND
8 DISTANCE OF SOUTH 50°20'39" WEST 355.70 FEET TO A POINT;
9 THENCE
10 SOUTH 61°40'39" WEST 102.79 FEET TO A POINT; THENCE
11 251.98 FEET ALONG THE ARC OF A CURVE TO THE LEFT,
12 HAVING A RADIUS OF 225.00 FEET AND A CHORD BEARING AND
13 DISTANCE OF SOUTH 29°35'39" WEST 239.02 FEET TO A POINT;
14 THENCE
15 SOUTH 02°29'21" EAST 272.12 FEET TO A POINT; THENCE
16 SOUTH 82°37'23" EAST 315.92 FEET TO A POINT; THENCE
17 SOUTH 16°14'58" EAST 275.00 FEET TO A POINT; THENCE
18 SOUTH 65°24'27" EAST 516.84 FEET TO A POINT; THENCE WITH
19 THE LINE OF SAID LOT 23, AND THE TERMINUS LINE OF SYMPHONY
20 WOODS ROAD, A PUBLIC RIGHT-OF-WAY, UNIMPROVED, AS
21 RECORDED IN PLAT BOOK 30, PLAT NO. 45, AND THE SOUTHERN LINE
22 OF LOT 11C, RECORDED IN PLAT BOOK 30, PLAT NO. 45
23 NORTH 79°40'05" EAST 891.63 FEET TO A POINT ON A WESTERN
24 LINE OF LOT 1, COLUMBIA TOWN CENTER, SECTION 5, AREA 4, AS
25 RECORDED IN PLAT NO. 14054; THENCE DEPARTING SAID LOT 11C
26 AND RUNNING WITH THE LINES OF SAID LOT 1
27 SOUTH 08°22'37" WEST 199.80 FEET TO A POINT; THENCE
28 SOUTH 56°51'37" EAST 133.42 FEET TO A POINT; THENCE
29 SOUTH 21°05'06" WEST 924.51 FEET TO A POINT ON THE
30 NORTHERN RIGHT-OF-WAY LINE OF BROKEN LAND PARKWAY, AS
31 RECORDED ON MARYLAND STATE HIGHWAY ADMINISTRATION
32 RIGHT-OF-WAY MAPS 51703, 51704, 51705 & 52147; THENCE
33 DEPARTING SAID LOT 1 AND RUNNING WITH THE RIGHT-OF-WAY OF
34 SAID BROKEN LAND PARKWAY
35 SOUTH 76°02'42" WEST 239.27 FEET TO A POINT; THENCE
36 SOUTH 86°19'11" WEST 75.00 FEET TO A POINT; THENCE
37 NORTH 39°13'05" WEST 86.02 FEET TO A POINT; THENCE
38 SOUTH 86°19'11" WEST 234.41 FEET TO A POINT; THENCE
39 SOUTH 39°28'56" WEST 53.89 FEET TO A POINT; THENCE
40 339.06 FEET ALONG THE ARC OF A CURVE TO THE RIGHT,
41 HAVING A RADIUS OF 536.62 FEET AND A CHORD BEARING AND
42 DISTANCE OF NORTH 77°37'57" WEST 333.45 FEET TO A POINT;
43 THENCE
44 NORTH 60°39'20" WEST 378.19 FEET TO A POINT; THENCE
45 425.83 FEET ALONG THE ARC OF A CURVE TO THE RIGHT,
46 HAVING A RADIUS OF 1,350.00 FEET AND A CHORD BEARING AND

1 DISTANCE OF NORTH 49°20'57" WEST 424.07 FEET TO A POINT;
2 THENCE
3 SOUTH 47°39'26" WEST 33.45 FEET TO A POINT ON THE EASTERN
4 RIGHT-OF-WAY LINE OF BROKEN LAND PARKWAY AS RECORDED IN
5 PLAT NO. 6598; THENCE RUNNING WITH SAID BROKEN LAND
6 PARKWAY
7 346.21 FEET ALONG THE ARC OF A CURVE TO THE RIGHT,
8 HAVING A RADIUS OF 1,070.92 FEET AND A CHORD BEARING AND
9 DISTANCE OF NORTH 23°00'44" WEST 344.70 FEET TO A POINT;
10 THENCE
11 NORTH 13°45'03" WEST 972.71 FEET TO A POINT; THENCE
12 524.31 FEET ALONG THE ARC OF A CURVE TO THE RIGHT,
13 HAVING A RADIUS OF 806.47 FEET AND A CHORD BEARING AND
14 DISTANCE OF NORTH 04°52'27" EAST 515.13 FEET TO A POINT; THENCE
15 NORTH 23°29'57" EAST 147.00 FEET TO A POINT; THENCE
16 NORTH 61°35'15" EAST 123.74 FEET TO THE POINT OF
17 BEGINNING CONTAINING 2,843,633 SQUARE FEET OR 65.2808 ACRES,
18 MORE OR LESS.
19
20
21