

The New Town Zoning District

WHAT IS THE NEW TOWN ZONING DISTRICT?

The New Town (NT) Zoning District is the zoning classification for Columbia, an unincorporated, planned community located in Howard County, Maryland.

The NT District was created in 1965 with an initial area of 13,690 acres. Since 1965, additional acres have been placed in the NT District, bringing the total area to 14,272 acres. By July, 2001, approximately 94 percent of the NT District had been developed. The NT District includes approximately 31,600 dwellings, 5,200 acres of land committed to parkland and open space, and 21.8 million square feet of office, light industrial, and commercial space. Other land uses in the District include shopping centers, schools, libraries, and recreational facilities.

The requirements for the NT District are found in Section 125 of the Howard County Zoning Regulations.

HOW CAN I COMMENT ON DEVELOPMENT PLANS?

The Zoning Regulations establish the development planning and review process for the New Town District. There are four major steps: the Preliminary Development Plan, Comprehensive Sketch Plan, Final Development Plan, and Site Development Plan. In addition, New Town development is subject to the steps required by the County Code for subdivision of land: Sketch Plans, Preliminary Plans and Final Plans. The approved plans for different areas of the NT District are available for review at the Department of Planning and Zoning.

At each stage of the NT District development process, public meetings are held at which anyone can make comments on a proposed plan or listen to comments made by others. When attending such meetings, it is helpful to understand the type of plan being proposed, the decisions that will be made at the particular stage of development, and the criteria that will be used in deciding whether to approve, deny, or require modifications to the plan.

This brochure provides general information on the types of plans required at different stages of the development process. Detailed information on particular plans is available at the Department of Planning and Zoning prior to the public meeting or hearing.

WHAT IS THE DEVELOPMENT PROCESS?

The four steps in the New Town development process are as follows:

1. All petitions to create a NT District or add land to the NT District must include a **Preliminary Development Plan (PDP)**, which maps the general location of land uses, major roads and major public facilities. The land use categories shown on the Columbia PDP are Single Family Residential (Low Density and Medium Density); Apartments (this category includes townhouse areas); Employment Center - Commercial; Employment Center - Industrial; and Open Space.

In 1965, the County Commissioners approved the original PDP for Columbia. The PDP can be amended only by the Howard County Zoning Board following a public hearing.

2. The **Comprehensive Sketch Plan** is the second step in the development of the NT District. A Comprehensive Sketch Plan covers a portion of the NT District and establishes such items as the specific location and acreage of land use areas, the number and type of dwelling units, and the specific location of roads, open space, schools and other public or community uses.

The Comprehensive Sketch Plan also includes "criteria" establishing requirements for the area covered by the plan such as permitted uses, minimum lot sizes, parking requirements, setbacks, building heights, and other development regulations. In most other areas of the County, the Zoning Regulations establish these requirements. In the NT District, these requirements are tailored to fit a development plan for a particular area.

The Howard County Planning Board must approve the Comprehensive Sketch Plan. The Planning Board is made up of five County citizens, appointed by the County Executive and confirmed by the County Council, who volunteer to serve five-year terms.

The Planning Board holds either a public meeting or a public hearing on a proposed Comprehensive Sketch Plan. Both types of public forums allow the public to attend and comment on a proposal, but public hearings have more formal procedures and more rigorous advertising requirements than public meetings. Hearings must be advertised by posting a sign on the property and placing a legal notice in two newspapers. Meetings are advertised by being listed in the Planning Board's published agenda, which is available from the Department of Planning and Zoning.

A public hearing is required for most Comprehensive Sketch Plans. The Zoning Regulations require a public hearing in several situations; for example, a hearing is required if the Plan borders property not in the NT District (unless all owners of adjacent non-NT property sign a waiver of the public hearing requirement) or if the proposed acreage devoted to employment or residential uses deviates by more than ten percent from the acreage indicated in the PDP.

3. After the Comprehensive Sketch Plan is approved, the developer submits a **Final Development Plan (FDP)**. Generally, the subdivision Sketch Plan and Preliminary Plan are approved before the FDP is submitted. The FDP provides exact boundary descriptions and acreage for the land use areas shown on the Comprehensive Sketch Plan and must include the detailed development requirements (criteria) approved with

the Comprehensive Sketch Plan. The Planning Board holds a public meeting on the FDP, and approves the plan if it is consistent with the Comprehensive Sketch Plan. The FDP is recorded in the Howard County Land Records and becomes the permanent record of land use controls for NT properties.

4. A **Site Development Plan** (SDP) is the last stage before building permits are issued and construction begins in the NT District. An SDP must be prepared by a licensed professional (engineer or architect) and shows exactly how a site will be developed grading, utilities, buildings, driveways, parking areas, landscaping and other details.

Site Development Plans are required for all development in the NT District and at the Planning Board's discretion, may need to be approved by the Planning Board following a public meeting. When approving a Comprehensive Sketch Plan, the Planning Board decides whether the SDPs for that section of the NT District require Planning Board approval. Generally, the Planning Board reserves for itself the authority to approve all SDPs except those for single-family detached dwellings.

At the SDP stage, the Planning Board reviews and approves details such as adequacy of landscaping and the relationship of parking areas and driveways to streets and other properties. Land use decisions made at the PDP and Comprehensive Sketch Plan stages cannot be revisited by the Planning Board at this stage.

WHAT ARE THE ZONING REQUIREMENTS FOR A PARTICULAR PROPERTY?

The Final Development Plan is the primary source of zoning requirements for any specific property in the NT District. The FDP provides information on permitted land uses, setbacks, height limits, and other requirements that determine how a particular piece of land can be developed and used.

Copies of all recorded FDPs are available for review at the Public Service Desk of the Department of Planning and Zoning. The staff will help you find and understand the requirements of the FDP for a particular property. You may order copies of an FDP (a small fee is charged to cover printing costs). You can also receive answers to specific questions about the requirements for a NT property by calling the Department of Planning and Zoning.

Although the FDP will contain most of the zoning requirements for a NT property, the Zoning Regulations must often be consulted as well. The following sections of the Zoning Regulations are most often consulted for zoning questions regarding the NT District.

1. Section 125 establishes the NT District and contains the requirements summarized in this outline. Section 125 establishes the approval process for different types of plans, and the factors that the Planning Board must consider when reviewing plans.
2. Residents often need to know the types of *accessory uses* allowed on their residential property - uses such as home occupations, renting rooms to boarders, or parking commercial vehicles. The requirements for accessory uses listed in Section 110.C for the R-SC zoning district apply to all residences in the NT District.
3. Section 133 establishes the minimum number of parking spaces that must be provided for different land uses. If the FDP criteria do not provide a parking standard for a specific use, then the requirements of Section 133 must be used.

4. Section 128 contains specific requirements for several types of temporary or accessory land uses, ranging from home occupations to satellite dish antennas. Many of the requirements of Section 128 apply in the NT District.

HOW DO I GET APPROVAL FOR NEW CONSTRUCTION?

In the NT District, as in all areas of the County, a building permit is required for construction. Before applying for a building permit, visit the Department of Planning and Zoning to review the FDP and find the requirements for the property. Make sure that the project complies with the FDP before you submit a building permit application.

As noted above, a Site Development Plan must be approved before a building permit is issued for most new construction in the NT District. However, for detached residences and townhouses, the approved Site Development Plan does not need to be revised for many improvements made after the house is built, such as the construction of decks, additions, and sheds, as long as the improvements comply with the requirements established by the FDP (e.g., setbacks).

Nonresidential or apartment developments require a revised Site Development Plan for changes to the site. Except for minor changes that can be approved by the Department of Planning and Zoning, the Planning Board must approve changes to these Site Development Plans. Minor changes not requiring Planning Board approval include minor accessory structures, small building or parking lot additions, and clearing or grading that does not exceed 5,000 square feet in area (see Section 125.E.2 of the Zoning Regulations for specifics).

CAN THE FDP BULK REGULATIONS BE ADJUSTED?

Bulk requirements are numerical requirements such as building setbacks, building height, lot coverage, lot size, and number of parking spaces. A property owner wishing to make improvements that do not comply with the bulk requirements listed in the FDP may apply to the Planning Board for an adjustment to the requirement. For example, a homeowner may apply for a setback reduction or an increase in allowed building coverage. The Zoning Regulations authorize the Planning Board to approve such adjustments if it finds that:

- 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
- The adjustment is needed due to practical difficulties or unnecessary hardships, which arise in complying strictly with the Final Development Plan, and/or results in a better design than would be allowed by strict compliance with the development criteria.

A request for an adjustment to the bulk regulations requires a public meeting if requested as part of the Site Development Plan for development of an unimproved property. A public hearing is required if the request is for an addition or alteration to a developed property. For more information, please refer to the topic entitled "Adjusting the Bulk Regulations for Developed Property in Columbia."

WHAT IF MY PROPOSED PROPERTY USE IS NOT PERMITTED BY THE FDP?

Only uses listed in the FDP are permitted on a property. Other uses are permitted only if an amendment to the FDP is approved by the Planning Board.

For most properties, only the developer of the NT District can request an amendment to a Final Development Plan. However, the Zoning Regulations allow homeowners in the NT District to apply for approval of such uses as in-home businesses that would not otherwise be allowed in a residence. (Home businesses that meet the requirements listed in Section 128.C.1 of the Zoning Regulations are allowed in all residences and do not require such approval).

A homeowner may apply to the Planning Board for amendment of the FDP to allow a specific use in a specific residence as long as the land use designation remains primarily residential and the allowed density (i.e., number of dwellings) is not increased.

The Planning Board must hold a public hearing on an application for an additional use on a residential property and may approve the request only if it finds that:

- The use is consistent with the land use designation of the property established on the recorded Final Development Plan and compatible with existing or proposed development in the vicinity; and
- The use will not adversely affect vicinal properties.

HOW DO I APPLY FOR A BULK REGULATION ADJUSTMENT OR ADDITIONAL USE?

Planning Board applications are available at the Department of Planning and Zoning. Applications must be completely and accurately filled out and must include a plan showing all of the information listed on the application checklist. Filing fees are established by the County Council and are listed on the application form. Department personnel are available to explain the process and ensure that petitions are properly filed.

Please call the Department of Planning and Zoning for an appointment when you are ready to submit an application. Department staff will check the application for completeness.

HOW ARE APPLICATIONS PROCESSED?

After an application has been accepted, a Planning Board meeting or hearing date is assigned based on the mandated advertising requirements as well as the number of items already scheduled for upcoming Planning Board meetings.

For public hearings, the property must be posted at least 30 days immediately prior to the Planning Board meeting. The Department of Planning and Zoning supplies the posters, but the applicant is responsible for installing and maintaining them. Prior to the hearing, the applicant must sign an affidavit attesting that the property has been posted in accordance with the requirements.

The applicant must also bear the expense of advertising the date, time and place of the hearing at least 30 days prior to the hearing, in at least two newspapers of general circulation in Howard County. The Department of Planning and Zoning provides the applicant with wording for the advertisement and instructions for delivering it to the newspapers.

The applicant should attend the Planning Board hearing and be prepared to present the application and answer questions. Applicants may represent themselves or engage an attorney or other competent professional to present the case. Any other party of interest may also attend the hearing and present testimony in accord with the Planning Board's Rules of Procedure.

The Planning Board's decision is often made immediately following the public hearing, but is not effective until a written Decision and Order is issued.

COVENANTS

In addition to the requirements of the Zoning Regulations, most properties in Columbia are subject to detailed private covenants that further restrict the allowed improvements and land uses. Covenants are instituted by the New Town developer as part of its terms for selling land in the NT District and are not administered or enforced by the Department of Planning and Zoning.

Having zoning approval for a proposed structure or use provides no guarantee that it will be permitted by the covenants applicable to the property. Information concerning covenants may be obtained by contacting the covenant advisor for a specific village of Columbia.

An important note...

This outline provides only general information on the New Town development planning and review process and is not to be considered legal advice. Additional information on the NT District is contained in Section 125 of the Zoning Regulations. Applications for the processes mentioned are available through the Department of Planning and Zoning.

For more information:

The Howard County
Department of Planning and
Zoning, 410-313-2350, TTY
410-313-2323, or
www.co.ho.md.us
or visit Planning and Zoning's
Public Service Desk on the
First floor of the George Howard
Building, 3430 Court House Drive,
Ellicott City, MD 21043.

Office hours are: Monday
through Friday, 8:00 a.m. to
5:00 p.m.

Written inquiries may also be
Sent to our office at the above
address.