

HOWARD COUNTY, MARYLAND

DEVELOPMENT REGULATIONS ASSESSMENT & ANNOTATED OUTLINE

Table of Contents

| | |
|---|----|
| INTRODUCTION | 1 |
| PART 1: DIAGNOSIS OF CURRENT REGULATIONS | 3 |
| Zoning Regulations | 3 |
| General Comments | 3 |
| <i>Organization and Formatting</i> | 3 |
| <i>Types of Zone Districts</i> | 4 |
| <i>Permitted and Conditional Uses</i> | 4 |
| 100.0: General Provisions | 5 |
| 101.0: Rules of Construction | 5 |
| 102.0: Violations, Enforcement, and Penalties | 6 |
| 103.0: Definitions | 6 |
| 104.0: RC Rural Conservation | 8 |
| 105.0: RR Rural Residential | 8 |
| 106.0: DEO Density Exchange Option Overlay | 8 |
| 106.1: County Preservation Easements | 9 |
| 107.0: R-ED Residential: Environmental Development | 9 |
| 108.0: R-20 Residential: Single | 9 |
| 109.0: R-12 Residential: Single | 10 |
| 110.0: R-SC Residential: Single Cluster | 10 |
| 111.0: R-SA-8 Residential Single Attached | 10 |
| 111.1: R-H-ED Residential: Historic – Environmental | 10 |
| 112.0: R-A-15 Residential: Apartments | 10 |
| 112.1: R-APT Residential: Apartments | 10 |
| 113.1: R-MH Residential: Mobile Home | 11 |
| 113.2: R-SI Residential: Senior Institutional | 11 |
| 113.3: I Institutional Overlay | 11 |
| 114.0: Historic District | 11 |
| 114.1: R-VH Residential: Village Housing | 12 |
| 114.2: HO Historic: Office | 12 |
| 114.3: HC Historic: Commercial | 12 |
| 115.0: POR Planned Office Research | 12 |
| 116.0: PEC Planned Employment Center | 12 |
| 117.0: BRX Business Rural Crossroads | 12 |
| 117.1: BR Business Rural | 13 |
| 117.3: OT Office Transition | 13 |
| 117.4: CCT Community Center Transition | 13 |
| 118.0: B-1 Business: Local | 13 |
| 119.0: B-2 Business: General | 13 |
| 120.0: SC Shopping Center | 14 |
| 121.0: CEF Community Enhancement Floating | 14 |
| 121.1: CR Commercial Redevelopment | 14 |
| 122.0: M-1 Manufacturing: Light | 14 |

| | |
|--|-----------|
| 123.0: M-2 Manufacturing: Heavy | 15 |
| 124.0: SW Solid Waste Overlay | 15 |
| 125.0: NT New Town | 15 |
| <i>A. Definitions, Requirements and Restrictions Applicable to NT Districts.....</i> | <i>16</i> |
| <i>B. Procedure for Creation of NT Districts.....</i> | <i>16</i> |
| <i>C. Comprehensive Sketch Plan</i> | <i>16</i> |
| <i>D. Final Development Plan – General Provisions</i> | <i>16</i> |
| <i>E. Final Development Plan – Downtown Revitalization</i> | <i>16</i> |
| <i>F. Amendments to a Comprehensive Sketch Plan or Final Development Plan</i> | <i>17</i> |
| <i>G. Site Development Plans – General Provisions.....</i> | <i>17</i> |
| <i>H. Site Development Plan – Downtown Revitalization</i> | <i>18</i> |
| <i>I. Site Development Plan—Downtown Environmental Restoration that is not part of a Final Development Plan.....</i> | <i>18</i> |
| <i>J. Village Center Redevelopment, Major.....</i> | <i>18</i> |
| <i>K. Village Center Redevelopment, Minor.....</i> | <i>18</i> |
| 126.0: PGCC Planned Golf Course Community | 18 |
| 127.0: MXD Mixed Use Districts | 18 |
| 127.1: PSC Planned Senior Community | 19 |
| 127.2: CE Corridor Employment District | 19 |
| 127.3: CLI Continuing Light Industrial Overlay | 19 |
| 127.4: TOD Transit Oriented Development..... | 19 |
| 127.5: CAC Corridor Activity Center | 20 |
| 127.6: TNC Traditional Neighborhood Center | 20 |
| 128.0: Supplementary Zoning District Regulations..... | 20 |
| <i>A. Supplementary Bulk Regulations.....</i> | <i>20</i> |
| <i>B. Noncomplying Structures and Uses.....</i> | <i>20</i> |
| <i>C. Home Businesses</i> | <i>21</i> |
| <i>D. Temporary, Seasonal and Other Uses.....</i> | <i>21</i> |
| <i>E. Communication Towers and Antennas.....</i> | <i>21</i> |
| <i>F. Private Use of Government Facilities.....</i> | <i>21</i> |
| <i>G. Traditional Residential Neighborhoods.....</i> | <i>21</i> |
| <i>H. Adult Entertainment Businesses.....</i> | <i>22</i> |
| <i>I. Permits for Special Farm Uses.....</i> | <i>22</i> |
| <i>J. Housing Commission Housing Developments.....</i> | <i>22</i> |
| <i>K. Neighborhood Preservation Density Exchange Option.....</i> | <i>22</i> |
| <i>L. Small Wind Energy Systems, Building Mounted.....</i> | <i>22</i> |
| <i>M. Small Wind Energy Systems, Freestanding Tower.....</i> | <i>23</i> |
| <i>N. Apiaries.....</i> | <i>23</i> |
| <i>O. Farm Winery – Class 1A or Farm Brewery – Class 1A</i> | <i>23</i> |
| 129.0: Nonconforming Uses | 23 |
| 130.0: Hearing Authority | 23 |
| 131.0: Conditional Uses..... | 23 |
| 132.0: Temporary Uses | 25 |
| 133.0: Off-Street Parking and Loading Facilities | 25 |
| 134.0: Outdoor Lighting | 25 |
| Title 3: Subtitle 5, Signs | 26 |
| Title 16: Planning, Zoning and Subdivisions and Land Development Regulations | 27 |
| General Comments..... | 27 |
| Subtitle 1: Subdivision and Land Development Regulations | 27 |
| Article I: General | 27 |

| | |
|---|-----------|
| Article II: Design Standards and Requirements | 27 |
| Article III: Required Improvements | 28 |
| Article IV: Procedures for Filing and Processing Subdivision Applications | 29 |
| Article V: Procedures for Filing and Processing Site Development Plan Applications | 29 |
| Subtitle 2: Zoning | 29 |
| Subtitle 3: Board of Appeals | 30 |
| Subtitle 4: Street Names and House Numbers | 30 |
| Subtitle 5: Mobile Home Development | 30 |
| Subtitle 6: Historic Preservation Commission | 30 |
| Subtitle 7: Floodplain | 30 |
| Subtitle 8: Department of Planning and Zoning | 31 |
| Subtitle 9: Planning Board | 31 |
| Subtitle 10: Zoning Counsel | 31 |
| Subtitle 11: Adequate Public Facilities | 31 |
| Subtitle 12: Forest Conservation | 32 |
| Subtitle 13: Cemetery Preservation | 32 |
| Subtitle 14: Scenic Roads | 32 |
| Subtitle 15: Design Advisory Panel | 32 |
| Subtitle 16: Enforcement of the Howard County Subdivision and Land Development Regulations and the Zoning Regulations | 33 |
| Subtitle 17: Development Rights and Responsibilities Agreements | 33 |
| The Manuals | 34 |
| General Comments | 34 |
| Landscape Manual | 34 |
| Forest Conservation Manual | 35 |
| Route 1 Manual | 35 |
| Route 40 Manual | 36 |
| PART 2: ANNOTATED OUTLINE | 37 |
| 16.1. General Provisions | 37 |
| 1.1. Authority | 37 |
| 1.2. Purpose | 37 |
| 1.3. Applicability | 37 |
| 1.4. Official Zoning Map | 38 |
| 1.5. Relationship to Other Regulations | 38 |
| 1.6. Relationship to Private Covenants and Conditions | 38 |
| 1.7. Effective Date | 38 |
| 1.8. Transition from Current Regulations to the UDO | 38 |
| 1.9. Severability | 38 |
| 16.2. Zone Districts | 39 |
| 2.1. General Provisions | 40 |
| 2.1.A. Districts Established | 40 |
| 2.1.B. Zone Districts Summary Table | 41 |
| 2.1.C. New Town Districts | 43 |
| 2.2. Base Zone Districts | 44 |

| | | |
|--------------|---|-----------|
| 2.2.A. | <i>Residential Districts</i> | 44 |
| 2.2.B. | <i>Mixed-Use Districts</i> | 45 |
| 2.2.C. | <i>Non-Residential Districts</i> | 47 |
| 2.2.D. | <i>New Town Districts</i> | 48 |
| 2.2.E. | <i>Floating Base Districts</i> | 48 |
| 2.3. | <i>Overlay Districts</i> | 49 |
| 2.3.A. | <i>General Overlay Districts</i> | 50 |
| 2.3.B. | <i>Floating Overlay Districts</i> | 50 |
| 16.3. | Land Use Regulations | 51 |
| 3.1. | <i>General</i> | 51 |
| 3.1.A. | <i>Types of Uses Allowed</i> | 51 |
| 3.1.B. | <i>Uses in PUD District</i> | 51 |
| 3.1.C. | <i>Multiple Uses</i> | 51 |
| 3.1.D. | <i>Unlisted Uses</i> | 51 |
| 3.1.E. | <i>Previously Permitted Uses</i> | 51 |
| 3.1.F. | <i>Required State Licenses or Permits</i> | 52 |
| 3.2. | <i>Land Use Table</i> | 52 |
| 3.2.A. | <i>Land Use Table</i> | 52 |
| 3.3. | <i>Use-Specific Standards</i> | 53 |
| 3.3.A. | <i>Residential Uses</i> | 53 |
| 3.3.B. | <i>Public, Institutional, Religious, and Civic Uses</i> | 54 |
| 3.3.C. | <i>Commercial and Industrial Uses</i> | 54 |
| 3.3.D. | <i>Accessory and Temporary Uses</i> | 55 |
| 16.4. | Development Standards | 56 |
| 4.1. | <i>Applicability Summary Table</i> | 56 |
| 4.1.A. | <i>Applicability Summary Table</i> | 56 |
| 4.2. | <i>Bulk and Dimensional Standards</i> | 57 |
| 4.2.A. | <i>Bulk and Dimensional Standard Summary Tables</i> | 57 |
| 4.2.B. | <i>Special Dimensional Standards</i> | 57 |
| 4.2.C. | <i>Exceptions and Encroachments</i> | 58 |
| 4.3. | <i>Subdivision Standards</i> | 59 |
| 4.3.A. | <i>Intent</i> | 59 |
| 4.3.B. | <i>Applicability</i> | 59 |
| 4.3.C. | <i>Compliance with Plans and Regulations</i> | 59 |
| 4.3.D. | <i>Avoidance of Sensitive Areas/ Forest Conservation</i> | 59 |
| 4.3.E. | <i>Access and Connectivity</i> | 60 |
| 4.3.F. | <i>Block and Lot Design and Layout</i> | 60 |
| 4.3.G. | <i>Streets and Alleys</i> | 61 |
| 4.3.H. | <i>Sidewalks, Trails, and Bicycle Paths</i> | 61 |
| 4.3.I. | <i>Designated Open Space</i> | 61 |
| 4.3.J. | <i>School and Park Lands</i> | 61 |
| 4.3.K. | <i>Utility Easements</i> | 61 |
| 4.3.L. | <i>Improvements Required</i> | 61 |
| 4.3.M. | <i>Grading</i> | 62 |
| 4.3.N. | <i>Monuments</i> | 62 |
| 4.4. | <i>Site Design</i> | 62 |
| 4.4.A. | <i>Intent</i> | 62 |
| 4.4.B. | <i>Applicability</i> | 62 |
| 4.4.C. | <i>Avoidance of Sensitive Lands</i> | 63 |
| 4.4.D. | <i>Access and Connectivity on Individual Platted Lots</i> | 63 |
| 4.4.E. | <i>Standards Applicable to Specific Areas</i> | 63 |

| | | |
|---------|--|----|
| 4.5. | Neighborhood Protection Standards | 63 |
| 4.5.A. | Intent..... | 63 |
| 4.5.B. | Applicability | 63 |
| 4.5.C. | Building Height and Setbacks | 63 |
| 4.5.D. | Outdoor Lighting Height | 64 |
| 4.5.E. | Buffering and Screening | 64 |
| 4.5.F. | Service Areas and Drive-Through Lanes | 64 |
| 4.6. | Parking, Loading, and Stacking | 64 |
| 4.6.A. | Intent..... | 65 |
| 4.6.B. | Applicability | 65 |
| 4.6.C. | Required Off-Street Automobile Parking..... | 65 |
| 4.6.D. | Parking Alternatives | 65 |
| 4.6.E. | Parking Design and Location | 65 |
| 4.6.F. | Off-Street Loading Areas..... | 66 |
| 4.6.G. | Drive-Through Stacking Areas | 66 |
| 4.6.H. | Standards Applicable to Specific Areas | 66 |
| 4.7. | Landscaping, Buffering, and Stormwater Management | 66 |
| 4.7.A. | Intent..... | 66 |
| 4.7.B. | Applicability | 66 |
| 4.7.C. | Role of Landscape Manual..... | 67 |
| 4.7.D. | General Landscaping Standards | 67 |
| 4.7.E. | Required Landscaping | 67 |
| 4.7.F. | Tree Preservation | 67 |
| 4.7.G. | Screening of Service Areas and Equipment..... | 67 |
| 4.7.H. | Fence and Wall Regulations..... | 67 |
| 4.8. | Building Design Standards | 68 |
| 4.8.A. | Intent..... | 68 |
| 4.8.B. | Applicability | 68 |
| 4.8.C. | Standards Applicable to Activity Centers..... | 68 |
| 4.8.D. | Standards Applicable to Key Corridors | 68 |
| 4.8.E. | Additional Standards for Large Format Retail Structures | 68 |
| 4.8.F. | Special Standards for Industrial Structures | 69 |
| 4.9. | Exterior Lighting | 69 |
| 4.9.A. | Intent..... | 69 |
| 4.9.B. | Applicability | 69 |
| 4.9.C. | Standards Applicable to All Development | 69 |
| 4.10. | Signs | 70 |
| 4.10.A. | Intent..... | 70 |
| 4.10.B. | Prohibited Signs..... | 70 |
| 4.10.C. | Signs That Do Not Require a Permit | 70 |
| 4.10.D. | General Sign Standards..... | 70 |
| 4.10.E. | Permitted Signs in Residential Zone Districts | 70 |
| 4.10.F. | Permitted Signs in Mixed-Use and Non-Residential Zone Districts..... | 70 |
| 4.10.G. | Electronic Message Boards | 71 |
| 4.10.H. | Standards Applicable to Specific Areas | 71 |
| 4.10.I. | Temporary Signs..... | 71 |
| 4.10.J. | Off-Premises Signs..... | 71 |
| 4.11. | Incentives..... | 71 |
| 4.12. | Operating and Maintenance Standards..... | 71 |
| 4.12.A. | Maintenance Requirements..... | 71 |
| 4.12.B. | Operating Standards | 72 |

| | | |
|--------------|---|-----------|
| 16.5. | Zoning and Subdivision Procedures | 73 |
| 5.1. | Review and Decision-Making Bodies..... | 73 |
| 5.1.A. | County Council and Zoning Board | 73 |
| 5.1.B. | Zoning Counsel | 73 |
| 5.1.C. | Planning Board | 73 |
| 5.1.D. | Hearing Examiner..... | 73 |
| 5.1.E. | Board of Appeals | 74 |
| 5.1.F. | Historic Preservation Commission | 74 |
| 5.1.G. | Design Advisory Panel | 74 |
| 5.1.H. | Agricultural Land Preservation Board | 75 |
| 5.1.I. | Cemetery Preservation Advisory Board | 75 |
| 5.1.J. | Director of Planning and Zoning | 75 |
| 5.1.K. | Floodplain Administrator | 75 |
| 5.2. | Summary Table of Procedures | 75 |
| 5.2.A. | Summary Table of Procedures | 75 |
| 5.3. | Common Procedures | 76 |
| 5.3.A. | Pre-Application Technical Meeting..... | 76 |
| 5.3.B. | Presubmission Community Meeting..... | 76 |
| 5.3.C. | Who Can File an Application..... | 76 |
| 5.3.D. | Application Materials | 76 |
| 5.3.E. | Payment of Application Fees | 77 |
| 5.3.F. | Application Completeness..... | 77 |
| 5.3.G. | Simultaneous Review and Approval | 77 |
| 5.3.H. | Public Notice | 77 |
| 5.3.I. | Public Hearings..... | 77 |
| 5.3.J. | Criteria for Review and Decision..... | 77 |
| 5.3.K. | Referral to Planning Board..... | 78 |
| 5.3.L. | Conditions on Approval | 78 |
| 5.3.M. | Appeals | 78 |
| 5.3.N. | Lapsing of Approvals | 78 |
| 5.3.O. | Amendments of Existing Approvals..... | 78 |
| 5.3.P. | Adequate Public Facilities | 79 |
| 5.3.Q. | Completion of Improvements | 79 |
| 5.3.R. | Development Rights and Responsibilities Agreements..... | 79 |
| 5.4. | Specific Procedures | 80 |
| 5.4.A. | Permits and Approvals | 80 |
| 5.4.B. | Conditional Uses..... | 81 |
| 5.4.C. | Site Development Plan Approvals..... | 81 |
| 5.4.D. | Subdivision of Land..... | 82 |
| 5.4.E. | Flexibility and Relief..... | 82 |
| 5.4.F. | Major Development Plan Approvals..... | 83 |
| 5.4.G. | Amendments to UDO Text or Zoning Map | 84 |
| 5.4.H. | Adoption of Amendment of the General Plan..... | 85 |
| 5.5. | Pre-existing Development and Nonconformities | 85 |
| 5.5.A. | General Provisions | 85 |
| 5.5.B. | Nonconforming Use | 85 |
| 5.5.C. | Nonconforming Structure | 86 |
| 5.5.D. | Nonconforming Lot | 86 |
| 5.5.E. | Nonconforming Site Feature..... | 86 |
| 5.5.F. | Nonconforming Sign..... | 86 |
| 5.6. | Enforcement and Penalties | 86 |
| 5.6.A. | Violations | 86 |
| 5.6.B. | Enforcement | 87 |

| | |
|--|-----------|
| 5.6.C. Penalties..... | 87 |
| 16.6. Definitions and Rules of Construction | 88 |
| 6.1. Rules of Construction..... | 88 |
| 6.1.A. Technical Terms..... | 88 |
| 6.1.B. Lists and Examples | 88 |
| 6.1.C. Computation of Time | 88 |
| 6.1.D. Public Bodies, Documents, and Authority | 88 |
| 6.1.E. Mandatory and Discretionary Terms..... | 88 |
| 6.1.F. Conjunctions | 88 |
| 6.1.G. Tenses, Plurals, and Gender..... | 88 |
| 6.1.H. Maps, Coordinates, and Elevations | 88 |
| 6.1.I. Headings, Illustrations, and Text | 88 |
| 6.2. Definitions and Terms of Measurement | 88 |

INTRODUCTION

In January 2017, Howard County, Maryland, retained Clarion Associates to prepare an Assessment of the county's land development regulations. More specifically, Clarion was charged with evaluating the strengths and weaknesses of six different county regulatory documents:

- The Zoning Regulations;
- The Planning, Zoning, Subdivision and Land Development Regulations;
- The Landscape Manual;
- The Forestry Conservation Manual;
- The Route 1 Manual; and
- The Route 40 Design Manual.

In addition, Clarion Associates was asked to make recommendations regarding how these six regulations might be made more user-friendly, internally consistent, streamlined, and better aligned with the county planning goals as articulated in the *PlanHoward 2030* plan adopted in 2012 and most recently amended in 2017. This document contains Clarion's findings and recommendations as a part of this process. Part 1 of the document includes a section-by-section review of the current regulations to identify strengths, weaknesses, and (in some cases) alternative approaches used by other complex counties containing a mix of urban, suburban, and rural areas. Part 2 contains our recommendations for how Howard County might improve and integrate those regulations.

The Development Regulations Assessment project began with extensive interviews with citizens and stakeholder groups and public meetings in March 2017. Following that initial round of public engagement, Howard County created a website to collect additional public comment, and approximately 300 comments have been received to date. Those comments were compiled with the comments from the initial meetings, summarized, and the summaries have been posted on the website on a monthly basis. During the spring and summer of 2017 the Clarion team also conducted an online survey and received over 550 responses identifying what the current regulations do (and do not do) well. Almost one-quarter of those surveys were from individuals who have firsthand experience with the county's land use system as a result of filing applications for some type of county approval. In July 2017, Clarion Associates made a second visit to Howard County to hold a second round of meetings with the public and stakeholder groups to identify and discuss some of the more challenging issues emerging through its review of the development regulations. Then, in November 2017, Clarion Associates returned to Howard County to hold another round of meetings with stakeholder groups and the public to discuss additional emerging topics. In total, 31 public or stakeholder meetings were held throughout the process. The results of these public and stakeholder engagement efforts are reflected in this document.

While many of the public comments received to date include detailed suggestions for specific changes to the regulations, the overarching theme of many comments is that development is happening in locations and intensities that citizens did not expect. A second significant theme was the adequacy of public facilities to serve new development – with a number of citizens stating that the location, size, and appearance of new development were less important than the county's ability to provide infrastructure (particularly streets and schools) to serve the new growth. Additional frequent concerns included long and unpredictable timelines for action by the Planning Board and Zoning Board. Finally, when asked what new types of land uses (if any) survey respondents would like to see accommodated in the county, respondents included small scale neighborhood commercial uses, artisan work/sales, food trucks, tiny houses, detached accessory dwelling units, and AirBnb/vacation rentals.

At the beginning of this document, four important points should be clarified.

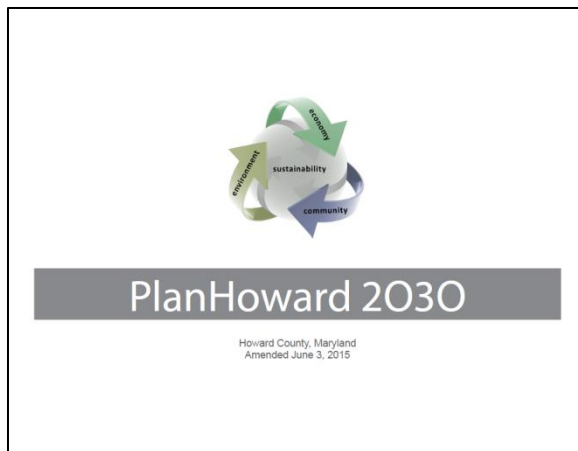
First: This is not a planning project – it is a plan implementation project. The Howard County general plan, *PlanHoward 2030*, establishes the county's planning goals, and those goals are not being revisited. This Assessment focuses on how well the land development regulations implement those goals in a transparent and predictable way.

Second: It is not possible to simply “stop growth”.

Although many public and survey comments express a desire that Howard County “stop growth” – that cannot happen. The population of the U.S. is growing, the population of Maryland is growing, and Maryland law does not allow any of its counties to exempt themselves from those pressures. Not only does Maryland law obligate the county to accept population growth, it requires that most of that growth be accommodated in the more urban areas of the county, and that many types of agricultural, rural, and sensitive lands be protected from development. Howard County's adopted general plan is consistent with these state law requirements and the balance of citizen, property owner, and stakeholder desires that were accepted by the Howard County Council at the time the plan was adopted. This Assessment focuses on whether the current land development regulations could be revised to produce better results in implementing those adopted planning goals. As part of this effort, we examine how the regulations could better manage (and hopefully minimize) its impacts of growth on the enviable quality of life Howard County has created for its citizens.

Third: This is neither pro-growth nor anti-growth. This Assessment is not designed to make it easier – or harder – to develop in Howard County. Rather, the county has asked Clarion Associates to draw upon its experience in completing over 185 zoning reform projects in over 160 communities throughout the United States and Canada to recommend how the land development regulations could do their job better, more clearly, and more efficiently. While a large number of public comments and survey responses stated that the current regulations favor the interests of property owners and developers over the desires of Howard County citizens, there were also many responses stating that the current regulations over-empower citizens to object to and delay development that is clearly consistent with both the adopted general plan and applicable regulations. This Assessment identifies changes and tools to promote transparent decision-making that will implement the county's planning goals while improving understanding of the process and reducing citizen and builder frustration with unpredictable outcomes.

Fourth: This is not an APFO project. This Assessment does not include a review of Howard County's Adequate Public Facilities Ordinance (APFO). The county appointed a task force and completed a review of APFO in 2016, and the recommendations from that review are available in a report available on the county's website. Legislation is currently under review by the County Council to codify those recommendations. While many public and survey comments expressed frustration that the APFO does not adequately measure or require mitigation for the impacts of new development on existing roads, schools, and infrastructure, this Assessment will not revisit that review.



PART 1: DIAGNOSIS OF CURRENT REGULATIONS

Part 1 of this Assessment reviews each section of the six regulatory documents to identify strengths, weaknesses, and possible alternative approaches. **Part 2** of this document is an Annotated Outline of a revised Unified Development Ordinance (UDO) structure that would reorganize the current Zoning, Subdivision, and Land Development Regulations and incorporate the recommended changes identified in Part 1. In general, the changes recommended in the Part 1 diagnosis are not repeated in Part 2; Part 2 simply cross-references where the changes recommended in Part 1 would appear in the new UDO structure.

ZONING REGULATIONS

General Comments

Organization and Formatting

The organization of the current Zoning Regulations is confusing. Even regular users are not sure whether to look in the Zoning Regulations or Title 16 (Planning, Zoning and Subdivisions and Land Development Regulations) for the answers to basic questions. The Zoning Regulations are divided into 53 different sections that focus largely on regulations for specific zoning districts but also include information on parking, lighting, and nonconforming uses. The Planning, Zoning and Subdivisions and Land Development Regulations (Title 16 of the Code of Ordinances) are divided into 17 subtitles that cover a wide range of topics from forest conservation to the Design Advisory Panel. Subtitle 1 includes design standards and commonly-used procedures for subdivisions and site development plans.

In general, effective land use regulations should be organized to emphasize frequently used information where it can be easily referenced, and should reduce repetition by consolidating related information. The related and overlapping information in the Zoning Regulations and Title 16 should be consolidated into a single document. A new, more logical organization should help ensure that ordinance users can quickly find the information they need, particularly those who do not use the ordinance on a regular basis. A more logical and integrated regulatory structure makes it easier to find overlaps and inconsistencies between related sections and makes it easier to ensure that future amendments are consistent with existing materials.

The current formatting of the regulations could also be improved to help make them easier to read and understand. Several types of revisions are necessary. Most importantly, the revised regulations should establish a clear and logical organization of materials that enables users to find the answers to specific questions more quickly. In addition, a document layout with dynamic section and sub-section headers (which automatically update), footers, and consistent indenting would make the code more user-friendly. Finally, the use of tables, illustrations, pictures, diagrams, and flowcharts would go a long way to help readers understand the required or intended outcomes of different regulations and the steps in each review and approval procedure.

recommend eliminating the retail center land use which has very detailed use-specific standards and is not a traditional use in these types of districts. Existing retail center lands can be remapped into a new mixed use activity center district.

123.0: M-2 Manufacturing: Heavy

Nearly 3,800 acres and 950 parcels are zoned M-2, and we recommend carrying it forward with minor changes. As in the M-2 district, the increased setback requirement for buildings over 50 feet should be reconsidered, and the retail center land use should probably be eliminated as not appropriate for this type of district. Existing retail center lands can be remapped into a new mixed use activity center district.

124.0: SW Solid Waste Overlay

This overlay and floating district can only be applied to land in the M-2 District and is intended to allow for solid waste processing facilities. Only 9 acres and 4 parcels are zoned into this single-use “rifle shot” overlay district. In general, newer development regulations avoid single-use districts because of their infrequent use. Rather than carrying forward a separate district, the solid waste facility use should be a conditional use (subject to use-specific standards) in the M-2 zone district. Procedural provisions should not be in this section, but relocated into a consolidated chapter on procedures and administration.

125.0: NT New Town

New Town zoning is the single most unique part of the Howard County zoning regulations. The more than 14,000 acres and 28,000 parcels in this district cover most of Columbia and has resulted in 268 contiguous approved Final Development Plans (FDPs). The FDPs guide the development of Columbia and have a hybrid character; they create a separate type of development approval only used in New Town, but they also often cross-reference other parts of the Howard County zoning regulations. Some of the uses listed in FDPs are individual and specific for that land, but some simply reference that the allowed uses are those in the M-1, M-2, SC, B-1, or B-2 districts. Some even reference districts that no longer exist, such as M-R or T-2.

The use of a single zone district to regulate land use in a community of over 100,000 people, and the use of the FDP tool, are by-products of the fact that Columbia was initiated by a single developer with a single vision to be completed over a long period of time. The detailed FDPs were an appropriate tool to ensure that the Rouse Company did not lose control of the development, but they are not a tool used in modern city land use management, because they include vague, poorly defined language in some cases, much too detailed language in other cases, and are too difficult to amend. Projects in downtown Columbia and the village centers – some of the most dynamic parts of Columbia with the greatest need for flexibility – are particularly hard to approve and amend. A system that requires multiple iterative rounds of approval to respond to new pressures and opportunities will put Columbia at a significant disadvantage in competing for desired investment. While there is a logical basis for each part of the current Downtown Revitalization process, the repetitious nature of FDP and SDP approval makes it significantly more complex than those used in many other major business centers. In addition, very specific percentage mixes of land uses in defined areas have also become very hard to administer and are very inflexible. In order to maintain the vision, scale, and balance of uses that makes Columbia great, but allow it to compete for redevelopment in a real estate market very different from the 1960s and 1970s, the NT zoning system should be changed in a number of ways outlined below.

Section 125 of the Zoning Regulations lists the requirements and procedure to create a NT district, including complex requirements for Preliminary Development Plan (PDP), Comprehensive Sketch Plan (CSP), and Final Development Plan (FDP) approval. Downtown Revitalization and Village Center projects have their own complex procedures that were added to the regulations in recent years. Among other issues, noticing requirements for pre-submission community meetings are repeated throughout this section. They should instead be stated once in a consolidated chapter on development review and approval procedures.

A. Definitions, Requirements and Restrictions Applicable to NT Districts

This subsection describes how many of the zoning regulations are reconciled with the NT requirements and approved FDP restrictions, such as parking requirements and the Section 128.0 supplementary regulations. There are also some additional regulations for uses listed as “apartments” on approved FDPs. There are minimum and maximum percentages allowed for particular uses in NT and a complex system for maintaining those percentages that need to be revisited and simplified if possible.



B. Procedure for Creation of NT Districts

Preliminary Development Plans are approved by the Zoning Board, while Comprehensive Sketch Plans and Final Development Plans are approved by the Planning Board. It is not clear why a different process is necessary for rezoning to NT than rezoning to any other district in the county. In addition, since the Preliminary Development Plans for most parcels in Columbia have already been adopted, and most future projects will be redevelopment projects, it may not be necessary to perpetuate this three-tiered plan approval process. Most communities use a two-tiered system in which (a) larger, more complex projects require approval of an intermediate-level plan and then a site plan, and (b) simpler projects that are completed within existing systems of streets and infrastructure require only site plan approval. Clear criteria to differentiate simpler projects from more complex projects are also typically included.

C. Comprehensive Sketch Plan

Comprehensive sketch plans were used to document and review early designs for larger areas during the initial construction of Columbia. Now that the vast majority of Columbia has been constructed and most future activity will involve redevelopment rather than raw land development, this tool is of very limited use. In addition, the previously approved New Town Comprehensive Sketch Plans were destroyed and references to those missing documents are inoperative. We recommend that this tool not be carried forward, and that early design concept review be incorporated into the Downtown or Village Center redevelopment procedures, or (for other areas) into the County subdivision procedures.

D. Final Development Plan – General Provisions

This section should be revisited, and the system of FDPs should probably be replaced by a more updated system of site plan approvals that are tied to a consolidated table of allowed uses and consolidated bulk and dimensional standards generally applicable to similar types of property. In general, the FDP system needs to be replaced by a system in which minor changes to existing site layouts and uses can be approved administratively, while more significant changes go through a more extensive review process. The existing FDPs should be thoroughly analyzed and similar standards and criteria could be carried forward as use-specific standards, development standards, or new zone districts. Instances where standards are vague or unclear, or where no standards to guide decisions were provided, should also be identified and addressed.

E. Final Development Plan – Downtown Revitalization

This recently added process is among the most complex we have reviewed, and needs to be simplified. As noted above, the downtown area is among the most dynamic and most quickly changing, in terms of uses

and potential redevelopment. The current multi-tiered plan approval process for downtown revitalization needs to be simplified and consolidated.

While many of the properties subject to this process are currently owned by a single entity (the Howard Hughes Corporation), that may not always be the case. Like many other aspects of NT zoning, this tool could operate well with only one or a few property owners, but has become cumbersome over time as ownership has changed and fragmented. In addition, the current process requires



individual property owners to obtain the consent of surrounding property owners to create a prepare a Neighborhood Concept Plan, Neighborhood Design Guidelines, and Neighborhood Implementation Plan for all the land in that particular downtown neighborhood before the applicant can move forward with redevelopment. Various property owners will have differing timeframes for redevelopment and these requirements at the neighborhood level can create serious timing issues and barriers to reinvestment. Finally, the current process requires the approval of neighborhood design guidelines at a very early stage, which sometimes results in very vague design standards that have little practical effect. This process needs to be revised to operate more efficiently, even if the downtown properties are owned by multiple entities with competing interests in the future.

F. Amendments to a Comprehensive Sketch Plan or Final Development Plan

One issue consistently raised by stakeholders was the difficulty to administer the 268 FDPs. Almost all newer development regulations clearly distinguish between major and minor amendments, and simplify the process for minor amendments. One primary issue is that there are currently no criteria to review amendments. Another significant issue is that amendments to a Comprehensive Sketch Plan or Final Development Plan can only be proposed with the consent of the “original petitioner” for the district, except in Downtown Revitalization or Village Center redevelopment projects or in some residential areas with certain limitations. This is a remnant of the Rouse Company’s original need to ensure that it did not lose control of the Columbia development project. However, the role of “original petitioner” designation is now held by the Howard Hughes Corporation, which makes it difficult for property owners to propose amendments for their own property, even though there are many owners of NT zoned land. This situation is very unusual for a large, complex community and is likely to prove a significant barrier to reinvestment. This process should be revisited and simplified as it has already been for Downtown and Village Center redevelopment.

G. Site Development Plans – General Provisions

As noted above, the current multi-tiered plan approval process needs to be simplified and consolidated into a modern site plan approval and amendment process.

H. Site Development Plan – Downtown Revitalization

Currently, the Design Advisory Panel and Planning Board each review a project during both the FDP stage and the SDP stage. The SDP requires very detailed engineering construction plans. In many jurisdictions, these types of plans would be administratively reviewed for technical compliance after an initial round of public engagement, rather than requiring a second approval from both the Planning Board and the Design Advisory Panel. As noted above, the current multi-tiered plan approval process needs to be simplified and consolidated into a modern site plan approval and amendment process.



I. Site Development Plan—Downtown Environmental Restoration that is not part of a Final Development Plan

It is unclear why this is a separate subsection of the regulations, rather than being included as a special case within the general Downtown Revitalization site development plan process.

J. Village Center Redevelopment, Major

The Major Village Center Redevelopment process is described in this section, and (like the Downtown Revitalization process) is among the more complex that we have reviewed. Other complex communities use simpler tools to plan and approve revitalization within a clear planning framework (like the Rouse Company framework), and a simpler approach to this process needs to be implemented in Columbia.

K. Village Center Redevelopment, Minor

It is unclear why this is a separate subsection of the regulations, rather than being simplified and then included as a special case within the general Village Center Redevelopment process in subsection J. This section should be revisited as part of the revised site plan approval process to avoid overlaps and inconsistencies.

126.0: PGCC Planned Golf Course Community

Over 900 acres and 441 parcels are zoned PGCC, but all of this land is part of a single development (Turf Valley) for which the zone district was created. It is unlikely that a second or third development will be able to use the highly-tailored provisions in this district, and it is generally not a good practice to create a separate zone district for a single development. Many residential portions of this district could potentially be consolidated with another district of similar density, such as R-20. If an overall “Planned Unit Development” district is created, the PGCC lands could be included into that district (with the existing uses and development standards carried over). The procedures for creating this district are also complex “one-off” procedures that could be eliminated if the general procedures for creating a Planned Unit Development district applied.

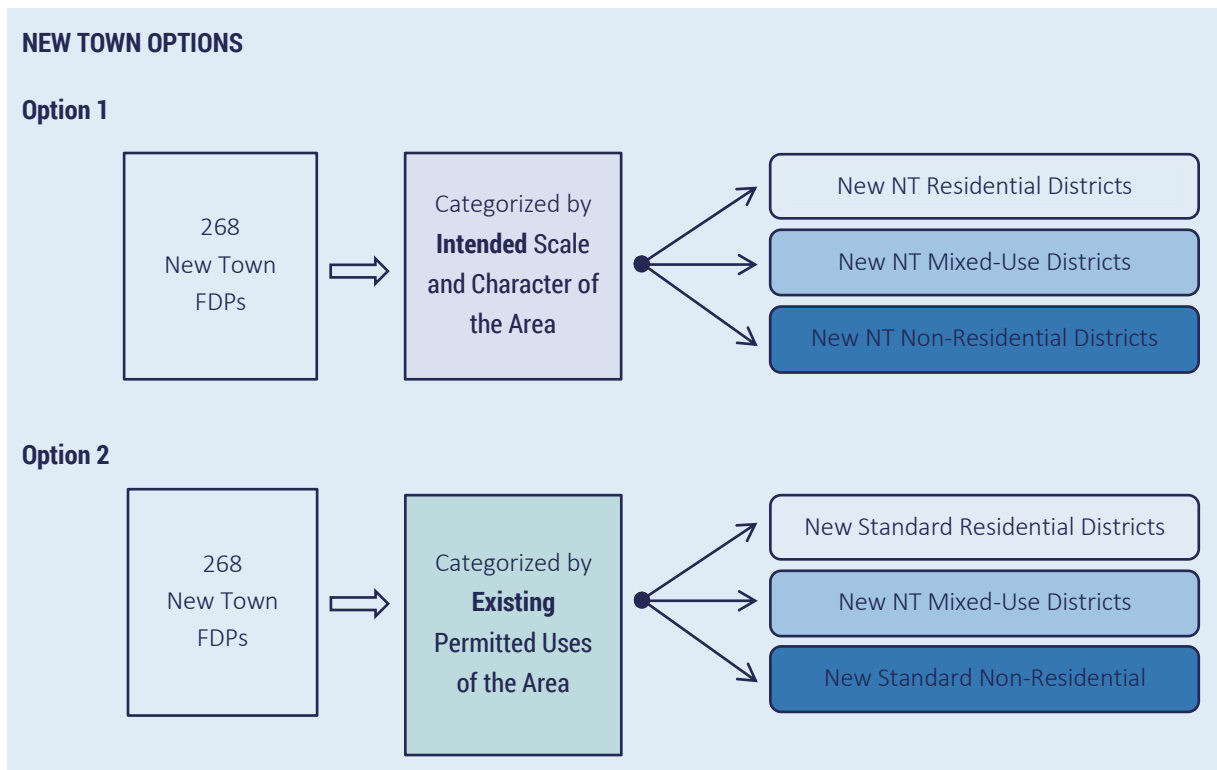
127.0: MXD Mixed Use Districts

Over 2,200 acres and 3,200 parcels are zoned with the MXD overlay district. The large amount of land in this district is evidence of the strong desire for mixed use development and the weakness of the current zoning regulations in not having a modern spectrum of low-, medium-, and high-intensity base mixed use districts available. We recommend that this overlay be eliminated and that a series of mixed-use base districts be

2.1.C. New Town Districts

The Assessment documents several challenges with the continued use of the current NT zone district. If this zone district is not revisited and revised, redevelopment in Columbia (and particularly in Downtown and the Village Centers) will remain very complicated, approvals will remain very time consuming, and significant code interpretations (with little regulatory guidance) would continue to be required as markets change. To allow for context-sensitive reinvestment to occur within an efficient and predictable system that can adapt to the needs of a mature developed area, we recommend that many if not all of the current FDPs should be converted into a menu of zoning districts. Because of the wide variety of FDPs and the complexity of the required conversion process, it may need to occur over time in a series of phases.

There are a number of different ways that conversion of the current 268 New Town FDPs could be accomplished. While the final choices of whether to convert the FDPs, how many of them need to be converted, and how to convert them should be made during the Phase 2 drafting effort, two possible options are illustrated below. These options are presented as approaches for consideration, and to illustrate that there are many different ways to make this type of conversion in ways that would preserve the intended uses, character, and scale, for the area covered by each FDP.



In these examples, existing FDPs would be reviewed and categorized based on either (a) intended scale and character (for redevelopment areas) or (b) existing permitted uses (for stable areas), but several other criteria could be used to filter and categorize the existing FDPs. For example, FDPs could be categorized through a combination of use, scale, and form factors. Likewise, in these examples, the outcome is shown as a mix of newly created or existing zone districts, but other options and combinations are available.

2.2.C(2) Non-Residential -- Light Industrial (NR-LI)

This district would carry over but rename the current Section 122.0 (M-1 Manufacturing: Light) district, with minor changes as noted previously in the Assessment.

| | |
|---------------------|---|
| 122.0 | M-1 Manufacturing: Light |
| Relevant Provisions | |
| 127.3 | CLI Continuing Light Industrial Overlay |
| Relevant Provisions | |

2.2.C(3) Non-Residential -- General Industrial (NR-GI)

This district would carry over but rename the current Section 123.0 (M-1 Manufacturing: Heavy) district, with minor changes as noted in the Assessment. This would permit solid waste facilities as a conditional use, rather than requiring a separate overlay district for these types of uses.

| | |
|---------------------|--------------------------|
| 123.0 | M-2 Manufacturing: Heavy |
| Relevant Provisions | |
| 124.0 | SW Solid Waste Overlay |
| Relevant Provisions | |

2.2.C(4) Non-Residential -- Open Space (NR-OS)

The new section would be used to zone designated open spaces and would be intended to protect public parks throughout the County. The district would be available for use both outside and within the NT district.

2.2.D. New Town Districts

This section would establish new districts for the Columbia area, based on decisions about the FDP conversion process made during the Phase 2 drafting effort. Two options for the conversion process are shown in Section 2.1.C above, but several other options may be explored during the drafting process.

| | |
|---|-------------|
| 125.0 | NT New Town |
| Definitions, Requirements and Restrictions Applicable to NT Districts | |

2.2.E. Floating Base Districts

This section would describe those zone districts that could be applied for and considered by the Zoning Board outside the required, periodic General Plan update and comprehensive zoning update schedule.

2.2.E(1) Business Rural (B-R)

This section would carry forward the current BR Business: Rural district (Section 117.1) and could be applied to allow a limited range of rural/agricultural business uses in the Tier III and Tier IV areas of western Howard County. The existing permitted and conditional uses would be reviewed to ensure the uses maintain rural character.

| | |
|---------------------|-------------------|
| 117.1 | BR Business Rural |
| Relevant Provisions | |

2.2.E(2) Commercial Transition (C-T)

This section would carry forward the current OT Office Transition district (Section 117.3), but be renamed. This could be applied to allow a limited range of office and low-intensity commercial uses at

3.1.F. Required State Licenses or Permits

This section would clarify that all activities that are required to have a license, permit, or approval from the state or federal governments (for example, child care facilities, or facilities using hazardous materials) are required to have valid license, permit, or approval in effect at all times, and that failure to keep the license, permit, or approval in effect is a violation of the UDO. This avoids the need to repeat similar language for each listed use that requires state or federal authorization, and reduces the need for the UDO to include regulations designed to address the same public health, safety, or operational factors already being considered by state or federal regulators of the use.

3.2. Land Use Table

Instead of the highly repetitive lists of permitted uses found in each of the zoning districts, all land uses available in the County –including the NT zone district– would be listed in one table (similar to the existing conditional use table) with each row representing land use categories and specific uses, and columns representing each zoning district. This one table would include all Permitted, Conditional, Accessory and Temporary uses for each zoning district. This format allows quick comparison of the allowable uses in each zoning district, and reduces the potential for inconsistencies over time as uses are updated.

3.2.A. Land Use Table

| | |
|---|------------------|
| 131.0 | Conditional Uses |
| Conditional Uses and Permissible Zoning Districts | |
| New Conditional Use Categories | |

A portion of a Land Use Table from another community – including a column cross referencing specific limitations or conditions on specific uses – is shown below. As noted in the Assessment, this is a chance to review the range of land uses allowed in different zone districts for internal consistency, and to consolidate “rifle-shot” narrowly defined uses into broader categories. The right hand column of the table cross-references additional use-specific standards applicable to particular uses, and could include new use-specific standards for uses that have proven problematic in Howard County. This table would also reconcile the terminology and use titles used in the NT zone district and FDPs with terminology used for land use controls elsewhere in the County. During the drafting process, each proposed change in designation of a P, C, A, or T use should be footnoted for careful review by readers. Some survey respondents noted that they would like to see small scale neighborhood commercial uses, artisan work/sales, food trucks, tiny houses, detached accessory dwelling units, and AirBnb/vacation rentals addressed in the regulations.

| LAND USE TABLE | | P = Permitted use C = Conditional use | | | | | | | | | | | | | | A = Accessory use T = Temporary use | | | | | | | | | | | |
|---|--|--|-----|-----|-----|-----|-----|-----|-------|-----|-----|-----|-----|-----|-----|--|------|------|------|---------|---------|---------|---------|-------|-------|-------|--------------------------------------|
| Zone District | | D-A | D-S | D-1 | D-2 | D-3 | D-4 | D-5 | D-5II | D-6 | C-1 | C-3 | C-4 | C-5 | C-7 | MU-1 | MU-2 | MU-3 | MU-4 | I-1-U&S | I-2-U&S | I-3-U&S | I-4-U&S | CBD-1 | CBD-2 | CBD-3 | Use-Specific Standards (Article III) |
| LAND USE CATEGORY | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Stock Yards and Processing of Stock | | | | | | | | | | | | | | | | | | | | | | | | C | | | |
| COMMERCIAL and INDUSTRIAL USES | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Business, Home, and Personal Services or Repair | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Auctioneering and Liquidating Services | | | | | | | | | | | | | | P | | | | | | P | P | | | | | | |
| Check Cashing or Validation Service | | | | | | | | | | | | P | P | P | P | | P | P | P | | | | | | | | Article III. Section 05.K |
| Crematorium | | | | | | | | | | | | | | | | | | | | | | C | P | | | | |
| Dry Cleaning Plant or Industrial Laundry | | | | | | | | | | | | | | | P | | | | | P | P | P | P | | | | Article III. Section 05.L |

3.3. Use-Specific Standards

This section would carry forward and consolidate all of the use-specific standards that are currently scattered throughout the document in the specific districts, in conditions attached to the title of a use, in Section 128.0, in definitions of the use, and elsewhere in the current Zoning Regulations and Subdivision and Land Development Regulations. The existing use-specific standards would be revised as necessary as described in the Assessment. In most newer land development regulations, the use-specific regulations apply to a listed use regardless of whether it is a Permitted, Conditional, Accessory, or Temporary use in a particular zone district. Conditional use hearings are opportunities to hear testimony as to whether the particular use – as limited by the use-specific standards – meets the UDO criteria for approval based on its “fit” into the surrounding area. The use-specific standards are generally not subject to modification or variance through a conditional use hearing – they require application and approval of a variance. The focus in conditional use hearings is fit and impact on the surrounding area, while the focus in variance hearings is whether formal standards of “hardship” have been met. However, some communities do allow conditional use standards to be varied in the course of conditional use hearings. Given significant public comment about the current impacts of conditional uses and unpredictability of the process, we recommend that the use-specific standards not be adjustable through the conditional use approval process.²

3.3.A. Residential Uses

This section would include residential use-specific standards consolidated from several different areas of the existing regulations, including the various provisions for Moderate Income Housing Units, county preservation easements, mobile home parks, age restricted adult housing, and others. Additional residential use standards found throughout each district would also be incorporated in this section.

| | |
|-------|--|
| 104.0 | RC Rural Conservation |
| | Moderate Income Housing Units |
| 105.0 | RR Rural Residential |
| | Moderate Income Housing Units |
| 106.1 | County Preservation Easements |
| | Purpose |
| | Uses Permitted as a Matter of Right |
| | Accessory Uses |
| | Conditional Uses |
| 107.0 | R-ED Residential: Environmental Development |
| | Moderate Income Housing Units |
| 108.0 | R-20 Residential: Single |
| | Moderate Income Housing Units |
| 109.0 | R-12 Residential: Single |
| | Moderate Income Housing Units |
| 110.0 | R-SC Residential: Single Cluster |
| | Moderate Income Housing Units |
| 111.1 | R-SA-8 Residential Single Attached |
| | Moderate Income Housing Units |
| 112.0 | R-H-ED Residential: Historic – Environmental |
| | Moderate Income Housing Units |
| 112.1 | R-A-15 Residential: Apartments |
| | Moderate Income Housing Units |

² Note that 128.F, Private Use of Government Facilities has not been carried forward based on recommendations in the Assessment.

| | |
|----------------------|--|
| 112.1 | R-APT Residential: Apartments |
| | Moderate Income Housing Units |
| 113.1 | R-MH Residential: Mobile Home |
| | Noncompliance with Setback Requirements in Existing Mobile Home Parks |
| | Additional Requirements for Single-Family Attached and Apartment Development |
| 113.2 | R-SI Residential: Senior Institutional |
| | Additional Requirements for Age-Restricted Adult Housing |
| 115.0 | POR Planned Office Research |
| | Additional Requirements for Age-Restricted Adult Housing |
| 117.4 | CCT Community Center Transition |
| | Additional Requirements for Age-Restricted Adult Housing |
| 128.0 | Supplementary Zoning District Regulations |
| | Housing Commission Housing Developments |
| 131.0 | Conditional Uses |
| | Additional Standards Required in Certain Residential Districts |
| | Compliance with Specific Requirements for a Conditional Use |
| | District Requirements |
| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
| | Design Standards and Requirements |
| | <i>Sec. 16.127. - Residential infill development.</i> |

3.3.B. Public, Institutional, Religious, and Civic Uses

This section would consolidate all standards related to public, institutional, religious, and civic uses, which are currently located throughout the various districts, in use titles, in Section 128.0, in definitions, and within the conditional use criteria in Section 131.0.N.

3.3.C. Commercial and Industrial Uses

This section would consolidate all standards related to commercial and industrial uses, which are currently located throughout the various districts, in use titles, in Section 128.0, in Subtitle 1 of Title 16, and in the conditional use criteria in Section 131.0.N. This would be divided into several subsections focusing on commercial agricultural uses, retail uses, office/research and development uses, lodging uses, vehicle related uses, and employment/industrial uses (and possibly others). The agricultural land protection standards and buffers in Section 16.126 should be revisited and strengthened as described earlier in the Assessment, with increased setbacks, buffers, and other protections. This will also clarify that buffers are required to be created on the residential property side when a residential use comes after an agricultural use. Use-specific standards for other uses in this category should also be reviewed and updated.

| | |
|-------|---|
| 107.0 | R-ED Residential: Environmental Development |
| | Regulations for ALPP Purchased Easements |
| 116.0 | PEC Planned Employment Center |
| | Other Provisions |
| 117.1 | BR Business Rural |
| | Conformance with Preliminary Development Plan |
| | Other Provisions |
| 127.2 | CE Corridor Employment District |
| | Commercial Uses Permitted in Multistory Buildings |
| | Outdoor Storage Areas |
| 128.0 | Supplementary Zoning District Regulations |
| | Communication Towers and Antennas |

| |
|---|
| Adult Entertainment Businesses |
| Small Wind Energy Systems, Building Mounted |
| Small Wind Energy Systems, Freestanding Tower |
| Apiaries |
| Farm Winery—Class 1A or Farm Brewery—Class 1A |
| Permits for Special Farm Uses |
| Title 16, Subtitle 1 Subdivision and Land Development Regulations |
| Design Standards and Requirements |
| <i>Sec. 16.126. - Protection of agricultural land and rural character.</i> |
| <i>Sec. 16.129. - Golf course redevelopment.</i> |

3.3.D. Accessory and Temporary Uses

This section would incorporate all of the accessory and temporary use standards from each zoning district and other sections of the regulations such as Section 128.0 and 132.0.

| |
|---|
| 128.0 Supplementary Zoning District Regulations |
| Home Businesses |
| Temporary, Seasonal and Other Uses |
| 132.0 Temporary Uses |
| Authorization of Temporary Uses |
| Special Authorization for Annually Recurring Temporary Uses |
| Criteria for Approval |
| Procedures |

16.4. DEVELOPMENT STANDARDS

This article would consolidate, reorganize, and update all content in the Zoning Regulations and Subdivision and Land Development Regulations regarding the physical layout and quality of lots and parcels in Howard County. It is intended to answer the question: “Now that article 16.3 has indicated what land uses can occur on my land, how big can it be, how do I have to lay it out, and what quality level does it have to achieve to get an approval from the County?” Some of this content is currently found in the zone district sections, much of it in Section 128.0, some of it in the Sign Regulations in Title 3, Subtitle 5 and some of it in the Route 1, Route 40, Landscape, and Forest Conservation Manuals. Additionally, some standards from the engineering design manuals should be relocated here. To the degree possible, the content of this article should focus on mandatory standards and requirements, while advisory text should be located in one of the four manuals or otherwise outside the UDO.

4.1. Applicability Summary Table

4.1.A. Applicability Summary Table

This table would identify the applicability of the different development standards to different types of development applications. For example, it would clarify which development standards Howard County would review for a subdivision of land (where many of the details of future development are not known) versus those that would apply at the time of site plan approval.

A portion of a development standards applicability table from another community is shown below:

| DEVELOPMENT STANDARD APPLICABILITY TABLE | | | | | |
|--|-------------|------------------|-----------|-------------------|-------------------|
| Standard | Section | Development Plan | Site Plan | Major Subdivision | Minor Subdivision |
| Access | §157.404(D) | ✓ | ✓ | ✓ | ✓ |
| Block and lot layout | §157.404(F) | | | ✓ | ✓ |
| Easements | §157.404(G) | ✓ | ✓ | ✓ | ✓ |
| Floodplain | §157.404(H) | ✓ | ✓ | ✓ | ✓ |
| Landscape | §157.404(I) | ✓ | ✓ | | |
| Natural site features | §157.404(K) | ✓ | | ✓ | |
| Open space and recreation amenities | §157.404(L) | | | ✓ | |
| Parking | §157.404(M) | ✓ | ✓ | | |
| Pedestrian circulation | §157.404(N) | ✓ | ✓ | ✓ | |
| Residential impact mitigation | §157.404(O) | ✓ | ✓ | | |
| Signs | §157.404(Q) | ✓ | ✓ | ✓ | ✓ |
| Site lighting | §157.404(R) | ✓ | ✓ | | |
| Storm drainage | §157.404(S) | ✓ | ✓ | ✓ | ✓ |
| Vehicle circulation and streets | §157.404(U) | ✓ | ✓ | ✓ | ✓ |
| Zoning district standards | §157.404(W) | ✓ | ✓ | ✓ | ✓ |
| Design standards (downtown) | §157.404(X) | ✓ | ✓ | | |

In addition, this section would also clarify that all development standards in or applicable to an approved NT zone district FDP shall apply until such time the property owner chooses to complete a significant redevelopment of the property. When that occurs, the development standards applicable to the proposed use and the zone district in which the property is located will apply. Significant redevelopment is generally defined in terms of the percentage of the floor area of primary buildings, or the percentage of site area, that is being repurposed or modified, measured cumulatively from the adoption date of the UDO.

4.2. Bulk and Dimensional Standards

This section would include all of the bulk regulations from each zoning district section as well as the supplementary bulk regulations in Section 128.0. It would consolidate most UDO regulations for minimum and maximum lot sizes and shapes, building sizes, permitted density/intensity of development, lot coverage, and similar standards. Introductory text would notify the reader that additional use-specific bulk and dimensional standards may apply through the use-specific standards in Article 16.3.

4.2.A. Bulk and Dimensional Standard Summary Tables

Most of the dimensional standards would be consolidated into a table, or a series of tables (e.g. one for Residential districts, one for Mixed-Use Districts, and one for Non-residential districts) that allows comparisons of bulk and dimensional standards across all base zone districts and reduces the potential for inconsistent amendments in the future. This table would be informed by the lists of bulk regulations currently contained in the individual zoning districts.

A sample part of a residential bulk and dimensional standards table from another community is shown below:

| RESIDENTIAL ZONING DISTRICT DIMENSIONS | | | | | | | | | |
|--|--------------------------------|-----------------------------|------------------|------------------|--------|-------------|---------|---------------------|-------------|
| District | Min. Lot Area / D.U. (Sq. Ft.) | Min. Required Setback (Ft.) | | | | Max. Height | | Min. Lot Dimensions | |
| | | Front | At Least One | Total of Two | Rear | Ft. | Stories | Area (Sq. Ft.) | Width (Ft.) |
| AG | 100,000 | 40 [1] | 10% of lot width | 20% of lot width | 50 | 30 | | 100,000 | 200 |
| R1A | 20,000 | 40 | 7 | 18 | 50 | 30 | | 20,000 | 90 |
| R1B | 10,000 | 30 | 5 | 14 | 40 | 30 | | 10,000 | 70 |
| R1C | 7,200 | 25 | 5 | 10 | 30 | 30 | | 7,200 | 60 |
| R1D | 5,000 | 25 | 3 | 6 | 20 | 30 | | 5,000 | 40 |
| R2A | 4,250 | 25 [4] | 5 [4] | 10 [4] | 30 [4] | 30 | - | 8,500 | 60 |

This section would also consolidate standards related to the amount of open space required in different zone districts. The design of required open spaces would be addressed in Section 4.7 Landscaping, Buffering, and Stormwater Management.

| | |
|-------|--------------------------|
| 108.0 | R-20 Residential: Single |
| | Open Space and Lot Size |
| 109.0 | R-12 Residential: Single |
| | Open Space and Lot Size |

4.2.B. Special Dimensional Standards

This section would incorporate special dimensional standards for cluster subdivisions, density exchanges, the site design standards for traditional residential neighborhoods and Housing Commission housing developments, scenic road setbacks, and any other specialized dimensional standards that cannot be clearly or efficiently listed in table format. We recommend incorporating character-based zoning tools for some areas of the county that differ based on their context. These tools can require development to “fit in” with their surrounding area through tailored building heights, setbacks, bulk, lot coverage, building orientation, parking location, or any number of other features.

| | |
|-------|----------------------------------|
| 104.0 | RC Rural Conservation |
| | Cluster Subdivision Requirements |
| 105.0 | RR Rural Residential |
| | Cluster Subdivision Requirements |

| | |
|-----------------------|--|
| 106.0 | DEO Density Exchange Option |
| | Purpose |
| | Criteria |
| | Uses Permitted as a Matter of Right |
| | Accessory uses |
| | Bulk Requirements |
| | Requirements for Use of the Density Exchange Option or Cluster Exchange Option |
| 107.0 | R-ED Residential: Environmental Development |
| | Density Exchange for Neighborhood Preservation Parcels |
| 108.0 | R-20 Residential: Single |
| | Density Exchange for Neighborhood Preservation Parcels |
| 109.0 | R-12 Residential: Single |
| | Density Exchange for Neighborhood Preservation Parcels |
| 110.0 | R-SC Residential: Single Cluster |
| | Density Exchange for Neighborhood Preservation Parcels |
| 111.1 | R-SA-8 Residential Single Attached |
| | Receiving Parcel for Neighborhood Preservation |
| 112.1 | R-A-15 Residential: Apartments |
| | Receiving Parcel for Neighborhood Preservation |
| 112.1 | R-APT Residential: Apartments |
| | Receiving Parcel for Neighborhood Preservation |
| 127.5 | CAC Corridor Activity Center |
| | Receiving Parcel for Neighborhood Preservation |
| 128.0 | Supplementary Zoning District Regulations |
| | Supplementary Bulk Regulations |
| | Neighborhood Preservation Density Exchange Option |
| | Traditional Residential Neighborhoods |
| 111.1 | R-SA-8 Residential Single Attached |
| | Usable outdoor space |
| 112.0 | R-H-ED Residential: Historic – Environmental |
| | Usable Outdoor Space |
| 112.1 | R-A-15 Residential: Apartments |
| | Usable Outdoor Space |
| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
| | Design Standards and Requirements |
| | <i>Sec. 16.125. - Protection of scenic roads.</i> |
| Title 16, Subtitle 14 | Scenic Roads |
| | <i>Sec. 16.1401. - Short title; purpose; components.</i> |
| | <i>Sec. 16.1402. - Characteristics of scenic roads.</i> |
| | <i>Sec. 16.1403. - Scenic roads inventory.</i> |
| | <i>Sec. 16.1404. - Alterations to scenic road rights-of-way.</i> |

4.2.C. Exceptions and Encroachments

This section would describe the permitted encroachments and exceptions to bulk regulations from Section 128.0, which would be revised to include several common types of encroachments that are currently missing. For example, newer regulations generally allow some encroachments through height and setback requirements for accessory solar and geothermal equipment (and sometimes wind energy equipment in

more intense Mixed-Use and Non-Residential districts). This information would be organized into a table, and gaps and inconsistencies in the current regulations would be addressed.

4.3. Subdivision Standards

One characteristic of a Unified Development Ordinance is that it consolidates regulations related to zoning, subdivision, and land development in order to reduce the potential for inconsistent standards, use a common terminology, and illustrates for the reader how the different types of land use approval relate to each other. The separation of zoning from subdivision regulations often results in confusion as to whether given standards apply to only zoning or only the subdivision of land, when in fact the community's practice is to apply the standard to all land development applications. This section would include the substantive standards applied to the creation of new lots, or the replatting of existing lots, with those changes discussed in this Assessment or otherwise needed to help implement Plan Howard 2030. Procedures for reviewing and approving subdivisions of land would be described in Section 5.4.D, alongside other land development procedures.

4.3.A. Intent

This new section would consolidate general intent language for subdivision controls with updates necessary to reflect the land development pattern goals in Plan Howard 2030.

4.3.B. Applicability

This section would clarify the applicability of the subdivision standards to different types of applications (e.g. raw land subdivision, re-subdivision of existing lots, and lot line adjustments that do not create new lots).

| | |
|-------|-----------------------------|
| 104.0 | RC Rural Conservation |
| | Eligibility for Subdivision |
| 105.0 | RR Rural Residential |
| | Eligibility for Subdivision |

4.3.C. Compliance with Plans and Regulations

This section would clarify that all new or replatted lots must meet the lot size and shape standards listed in Section 4.2 above for the zone district where the land is located, as well as any previous plans identified in the UDO and applicable to the property. It will also clarify whether any deviations from the standards in this Section 4.3 or any minor deviations from the zone district requirements require a separate variance procedure, or whether (as in many communities) they can be considered during the subdivision approval process.

4.3.D. Avoidance of Sensitive Areas/ Forest Conservation

This section would consolidate standards for avoidance or protection of various sensitive areas, such as floodplains, steep slopes, protected forests, designated wildlife habitat, and cemeteries, and would carry forward the standards requiring avoidance of those areas as required by state law, or to the maximum extent practicable. This section would also clarify how these standards are applied during the subdivision process, while their applicability at the site plan stage would be covered in proposed new Section 4.4.C below. Forest conservation provisions that are in several different sections of the current regulations would be reconciled and the relationship to the Forest Conservation Manual would be explained.

| | |
|----------------------|--|
| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
| | Design Standards and Requirements |
| | <i>Sec. 16.115. - Floodplain preservation.</i> |
| | <i>Sec. 16.116. - Protection of wetlands, streams, and steep slopes.</i> |
| | <i>Sec. 16.117. - Forest conservation and preservation of natural cover.</i> |

| | |
|---|-----------------------|
| <i>Sec. 16.118. - Protection of historic resources.</i> | |
| Title 16, Subtitle 7 | Floodplain |
| Sec. 16.700. - Statutory authority; purpose; abrogation and greater restrictions. | |
| Sec. 16.701. - Definitions. | |
| Sec. 16.702. - Floodplain delineation. | |
| Sec. 16.703. - Basis for establishing special flood hazard areas and base flood elevations. | |
| Sec. 16.704. - Use and interpretations of FIRMs. | |
| Sec. 16.705. - Requirements and restrictions applicable to the floodplain. | |
| Sec. 16.706. - Permits. | |
| Sec. 16.707. - Warning and disclaimer of liability. | |
| Sec. 16.709. - Development that affects flood-carrying capacity of nontidal waters. | |
| Sec. 16.710. - Subdivision proposals and development proposals. | |
| Title 16, Subtitle 7 | Floodplain |
| Sec. 16.713. - References to the 100-year floodplain. | |
| Title 16, Subtitle 12 | Forest Conservation |
| Sec. 16.1200. - Short title; background; purpose. | |
| Sec. 16.1202. - Applicability; exemptions; declaration of intent. | |
| Sec. 16.1203. - Forest Conservation Manual. | |
| Sec. 16.1204. - Forest conservation plan. | |
| Sec. 16.1205. - Forest retention priorities. | |
| Sec. 16.1206. - Reforestation. | |
| Sec. 16.1207. - Afforestation. | |
| Sec. 16.1208. - Reforestation and afforestation location priorities and preferred methods. | |
| Sec. 16.1209. - Financial security for reforestation and afforestation. | |
| Sec. 16.1210. - Fee-in-lieu of afforestation or reforestation. | |
| Sec. 16.1211. - Forest conservation fund. | |
| Sec. 16.1213. - Mitigation by County. | |
| Sec. 16.1216. - Forest mitigation banking. | |
| Title 16, Subtitle 13 | Cemetery Preservation |
| Sec. 16.1300. - Short title; background; purpose. | |
| Sec. 16.1303. - Inventory of cemeteries. | |
| Sec. 16.1304. - Development or subdivision in a cemetery. | |
| Sec. 16.1305. - Discovery of cemetery. | |
| Sec. 16.1306. - Removal prior to development. | |

4.3.E. Access and Connectivity

This new section would include all requirements for access to subdivisions and access to individual lots within the subdivision. Because of the importance of internal connectivity to promote walking, bicycling, transit service, and shorter automobile trips, it would also address required levels of connectivity within subdivisions. Finally, in light of public comment on the issue, this section would revisit current standards regarding “pipestem” access to lots and parcels, keeping in mind that local land use regulations must allow each property owner a “reasonable economic use” of their property.

4.3.F. Block and Lot Design and Layout

This section would carry forward the lot layout design standards currently located in Section 16.120 of Title 16. The standards should be reviewed and updated and the County should consider making smaller streets and blocks available to improve walkability and connectivity.

| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
|-----------------------------------|--|
| Design Standards and Requirements | |
| <i>Sec. 16.120. - Lot layout.</i> | |

4.3.G. Streets and Alleys

This section would carry forward the highway, street, and road design standards that currently located in Section 16.119 of Title 16 and cross-reference other street design manuals currently used by the County. These standards would be revisited and may be updated in order to implement the County's goals to promote Complete Streets.

| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
|---|--|
| Design Standards and Requirements | |
| <i>Sec. 16.119. - Highways, streets, and roads.</i> | |

4.3.H. Sidewalks, Trails, and Bicycle Paths

Many public comments addressed the absence of sidewalks, trails, and bicycle paths – or lack of connections between existing facilities – in different areas of the county. This new section would include standards to provide these types of non-motorized connections in different areas of the county to help implement related goals in Plan Howard 2030 and the County's pedestrian and bicycle plans.

4.3.I. Designated Open Space

This section should clarify the relationship between subdivision open space requirements and open space requirements applicable to individual lots through the zoning regulations. Recreational open space requirements should be revised and incorporate the various policy memos that have been developed over time to address the design, character, and location of required open spaces. It would also encourage or require subdivision open spaces to be designed to serve as more effective buffers from commercial or agricultural uses and to align with open space on neighboring parcels to the maximum extent practicable in order to improve the quality of visual buffers and the potential to serve as habitat corridors or recreational opportunities.

| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
|--|--|
| Design Standards and Requirements | |
| <i>Sec. 16.121. - Public sites and open space.</i> | |

4.3.J. School and Park Lands

This section would carry forward or cross-reference the County's current standards and practices regarding the designation, dedication, or reservation of school and park lands during the subdivision process.

4.3.K. Utility Easements

This section would carry forward existing requirements for granting utility easements, and would cross-reference any technical manuals describing the required dimensions, locations, and connectivity of those easements.

4.3.L. Improvements Required

This section would describe the various improvements that may be required during the subdivision approval process. The existing provisions from Subtitle 1 of Title 16 would be carried forward after being reviewed for consistency with current practice and consistency with court decisions.

| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
|-----------------------------------|--|
| Design Standards and Requirements | |

Sec. 16.122. - Reservations of land for public facilities.

Required Improvements

Sec. 16.130. - General.

Sec. 16.131. - Sewage disposal and water supply.

Sec. 16.132. - Road construction.

Sec. 16.133. - Storm drainage.

Sec. 16.134. - Sidewalks and walkways.

Sec. 16.135. - Street lighting.

Sec. 16.136. - Street trees and landscaping requirements.

Sec. 16.137. - Street name signs and traffic-control devices.

Sec. 16.138. - Gas, electric, and communication facilities.

Sec. 16.139. - Monuments and markers.

4.3.M. Grading

This section would carry forward the requirements of Subtitle 1 of Title 16 regarding grading and soils and sediment controls. It would also cross-reference any technical manuals used by the County to manage these types of land use impacts. These standards may be updated based on the outcome of the current Ellicott City Master Plan process.

| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
|--|--|
| Design Standards and Requirements | |
| <i>Sec. 16.123. - Grading, soils and sediment control.</i> | |

4.3.N. Monuments

This section would carry forward or cross-reference County or state standards regarding the placement of survey monuments to ensure the accuracy of subdivision plat documents.

4.4. Site Design

While Section 4.3 consolidates current materials regarding the creation of new lots and parcels for development, Section 4.4 would consolidate the County's standards for how development or redevelopment is organized and laid out within the boundaries of platted lots. Some types of development standards are relevant at both the subdivision and site design stage (although the standards applied at each stage may differ). Some cross-references between standards used in Section 4.3 and 4.4 may be used to avoid repetition.

4.4.A. Intent

This section would describe the intent of the site design standards, carrying forward language from Section 16.114 and incorporating any updates necessary to reflect goals in Plan Howard 2030.

| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
|-----------------------------------|--|
| Design Standards and Requirements | |
| <i>Sec. 16.114. - General.</i> | |

4.4.B. Applicability

This new section would clarify that new development must comply with the standards in this Section, and that redevelopment of existing properties must comply if the site alteration is substantial (e.g. more than 25 percent of the site is being disturbed by the project) and to the degree that the redevelopment affects that part of the site.

4.4.C. Avoidance of Sensitive Lands

This section would list or cross-reference County standards for avoidance of sensitive lands at the site design stage, and would clarify how these sensitive lands standards, outlined in proposed new Section 4.3.D, are applied at the site planning stage. Although this topic is generally addressed primarily during subdivision of land, some existing lots predate subdivision standards designed to achieve this goal, and there is often opportunity to further protect sensitive lands through careful site design. Because the flexibility available to avoid these lands is narrower than at the subdivision stage, some newer regulations clarify that these standards apply to the maximum extent practicable.

4.4.D. Access and Connectivity on Individual Platted Lots

This section would carry forward and clarify requirements for safe access to lots, and (as for subdivisions) would clarify when “pipestems” can be used to access property. In addition, it would include County standards for automobile, pedestrian, and bicycle connectivity and circulation between buildings when multiple buildings are constructed on a single lot or parcel (for example, as an integrated campus or as a site condominium).

4.4.E. Standards Applicable to Specific Areas

This section would consolidate existing site design standards applicable to specific areas (such as the Route 1 or Route 40 corridors). Mandatory standards from the Route 1 and Route 40 design manuals that are intended to supersede standard site design principles would be brought into the UDO, while advisory materials would remain in the manuals and be cross-referenced in the UDO as advisory guidance. This section would also incorporate improved rural design standards that apply when density has been transferred or when clustered rural development is proposed. These can help ensure that the rural character is protected in circumstances where greater density is permitted through the transfer system.

4.5. Neighborhood Protection Standards

This new section would consolidate specific standards designed to protect low-density residential zone districts from the impacts of adjacent multi-family, institutional, commercial, industrial, agricultural, or mixed-use development. Generally, these provisions would apply to the use that arrives second in time (i.e. the use that decided to locate in an area where impacts from the adjacent uses could be anticipated). Some of these standards would come from the current content of the Zoning Regulations and Title 16, while others may reflect design, landscaping, buffering or other conditions commonly used by the Planning Board to mitigate these impacts in the past. The text would clarify that these standards supersede other standards applicable in these adjacency situations.

4.5.A. Intent

This section would state the intent of this section to protect residents of low-density residential development from the impacts of adjacent dissimilar development.

4.5.B. Applicability

This section would clarify that the standards in Section 4.6 apply any time multi-family, institutional, commercial, industrial, agricultural, or mixed use development obtains development approval for land adjacent to low-density residential development, and that the standards would apply to the site that creates the adjacency condition.

4.5.C. Building Height and Setbacks

This section would require that building heights within a stated distance of the adjacency line not exceed the height of a typical single-family house (usually 35 feet) and that taller portions of buildings must be located farther from the adjacency line.

4.5.D. Outdoor Lighting Height

This section would require that the height of outdoor light fixtures within a stated distance of the adjacency line be shielded to prevent glare and not exceed a stated height (usually 20 or 35 feet).

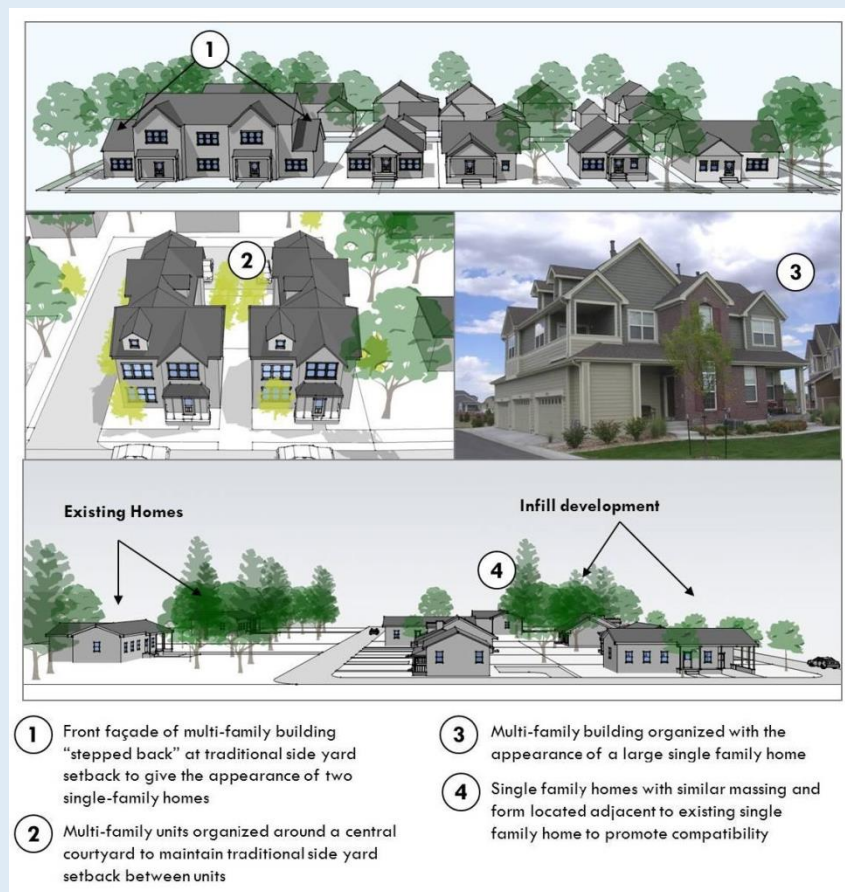
4.5.E. Buffering and Screening

This section would require that the second-in-time use (that creates the adjacency condition) install a higher level of screening and buffering to mitigate impacts of noise, dust, or glare from the adjacent use.

4.5.F. Service Areas and Drive-Through Lanes

This section would require that vehicle parking, circulation, and drive-through areas not be located on any portion of a multi-family, institutional, commercial, agricultural, industrial, or mixed use site adjacent to the low-density residential district boundary to the maximum extent practicable.

SAMPLE GRAPHIC: NEIGHBORHOOD PROTECTION STANDARDS



This example from another community shows how neighborhood protection standards can be displayed graphically in a user-friendly way.

4.6. Parking, Loading, and Stacking

This section would carry forward and update Howard County's standards for off-street parking, loading, and drive-through/stacking areas, with those changes identified in the Assessment. It would also incorporate some of the parking standards that are currently located in the engineering design manual.

4.6.A. Intent

This section would describe the intent of the parking, loading, and stacking regulations, including updates based on guidance from Plan Howard 2030.

4.6.B. Applicability

This section would carry forward the applicability provisions from Section 133.0.

133.0 Off-Street Parking and Loading Facilities

Applicability

4.6.C. Required Off-Street Automobile Parking

This section would carry forward and revise the off-street parking requirements currently located in Section 133.0. The current tables would be consolidated, reorganized, and updated to align with the new categories of land uses identified in the new Land Use Table. For purposes of discussion and comparison, early drafts of the UDO made available for public review should include the current off-street parking standards alongside the proposed standards, although the current standards column should be deleted before the UDO is adopted.

133.0 Off-Street Parking and Loading Facilities

Minimum Parking Requirements for Specific Uses

4.6.D. Parking Alternatives

This section would describe the various alternatives available to the parking requirements in specific zone districts or areas (e.g. lots located near bus routes) and would consolidate other permitted reductions in parking requirements currently listed in Section 133.0. This section would also simplify the shared parking provisions to avoid detailed analyses of combined peak hour demands, because those often change as tenants and users change, and because many communities find a simpler approach based on combinations of the land use categories sharing the parking an equally effective way to manage parking. Some newer land use codes include reductions in parking to consider include reductions based on provision of valet or tandem parking, provision of additional bicycle parking, proximity to public transit, provision of electric vehicle charging stations, availability of on-street parking, or use of pervious pavement, and we recommend that the County consider including some of these additional adjustments.

114.1 R-VH Residential: Village Housing

Other Provisions

114.2 HO Historic: Office

Other Provisions

114.3 HC Historic: Commercial

Other Provisions

127.5 CAC Corridor Activity Center

Parking

127.6 TNC Traditional Neighborhood Center

Parking

133.0 Off-Street Parking and Loading Facilities

Permitted Reductions in Off-street Parking Requirements

4.6.E. Parking Design and Location

This section would carry forward the layout, location, and design features in Section 133.0. In addition, some of the design standards that are currently in the engineering design manuals would be brought into this section of the zoning regulations. Parking lot landscaping and buffering would not appear in this

section, but would instead appear in Section 4.7 to encourage more integrated approaches to landscaping and buffering throughout the site.

133.0 Off-Street Parking and Loading Facilities

Layout and Location

Design and Use of Off-Street Parking Facilities

4.6.F. Off-Street Loading Areas

This section would describe the requirements for off-street loading facilities, starting with the provisions of Section 133.0, but updating those provisions. The update should recognize the fact that more deliveries are now being made by smaller vans, which may not require as many, or as large, off-street loading areas when large or semi-truck deliveries were the norm.

133.0 Off-Street Parking and Loading Facilities

Off-street Loading Facilities

4.6.G. Drive-Through Stacking Areas

This new section would establish standards for the number of stacking spaces needed for different types of areas for drive-through facilities, as well as standards for their design and location. These standards should be coordinated with existing standards in the engineering design manuals. In activity centers where significant pedestrian activity occurs or is anticipated, the standards would ensure that drive-through lanes do not interfere with pedestrian movements.

4.6.H. Standards Applicable to Specific Areas

This section would consolidate existing parking, loading, and drive-through standards applicable to specific areas (such as the Route 1 or Route 40 corridors). Mandatory standards from the Route 1 and Route 40 design manuals that are intended to supersede standard site design principles would be brought into the UDO, while advisory materials would remain in the manuals and be cross-referenced in the UDO as advisory guidance. The section could be expanded in the future if design manuals are adopted for additional areas of the county.

4.7. Landscaping, Buffering, and Stormwater Management

This section would consolidate and integrate Howard County's current regulations regarding the location, design, and installation of landscaping, buffering, and stormwater management. Although many land use regulations treat stormwater management as a separate topic, an emerging best practice is to design landscaping and buffering areas so those areas can serve as stormwater management features. An integrated approach to these topics avoids a common situation in which landscaping and buffering features are sized, designed, and located to meet county standards for visual appearance and mitigation of impacts, only to find that they cannot serve as stormwater management features. Changes identified in the Assessment would be included.

4.7.A. Intent

This section would state the intent to design landscaping, buffering, and stormwater management features as integrated systems.

4.7.B. Applicability

This section would carry forward the County's current requirements that new development and significant site redevelopment comply with the standards in this Section 4.7.

4.7.C. Role of Landscape Manual

The role of the landscape manual would be clarified as described previously. Mandatory requirements related to the size, location, and basic design of required landscaping features from the manual would be included or cross-referenced in Sections 4.7.D. Technical engineering standards and advisory design guidance would remain in the manual.

4.7.D. General Landscaping Standards

This section would consolidate standards applicable to many types of required landscaping, such as minimum plant sizes, amounts of ground cover, any requirements for soil amendments or preparation, prohibited plant species, minimum planting bed dimensions, requirements or limitations on irrigation, vegetation for stormwater management, requirements or incentives for Low Impact Development, interpretation of overlapping landscaping standards, and similar topics. This avoids repeating requirements for different types of landscaping and stormwater management areas.

4.7.E. Required Landscaping

This section would carry forward the landscaping requirements currently found in Section 16.124, but would not include the specific landscape plan requirements, which should be relocated to an administrative manual or the county website. This material would be reorganized to address:

- Street trees and frontage landscaping;
- Edge buffering between different types and scales of land uses;
- Parking lot landscaping; and
- Building foundation landscaping.

| | |
|------------------------------------|--|
| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
| Design Standards and Requirements | |
| <i>Sec. 16.124. - Landscaping.</i> | |

4.7.F. Tree Preservation

This section would include incentives for preservation of existing mature trees, by clarifying that those trees may be counted towards landscaped area requirements. Because mature trees are much more effective at absorbing carbon dioxide, reducing heat islands, and buffering impacts of nearby uses than small replacement trees, some newer regulations go further to allow extra credit (i.e. they reduce the landscaping otherwise required) in return for preserving larger trees. Among other issues, inconsistencies between the tree preservation standards and the ability to timber harvest or cut trees before or after development need to be reconciled. This section should also cross-reference more detailed standards in the Forest Conservation Manual.

4.7.G. Screening of Service Areas and Equipment

This section would consolidate standards requiring that rooftop and ground-mounted mechanical equipment, as well as commercial and industrial service and loading areas, be effectively screened from public streets and adjacent lands. Specific requirements from the Route 1 and Route 40 corridors would appear in this section as well.

4.7.H. Fence and Wall Regulations

This section would include the fence standards that are currently in Section 128.0.

4.8. Building Design Standards

This section would consolidate all standards and requirements related to individual building design, and would clearly distinguish between mandatory requirements and advisory guidance.

4.8.A. Intent

This section would draw on existing regulations, NT zone district standards, Plan Howard 2030, and the Route 1 and Route 40 manuals to articulate building design intent for different areas of the County.

4.8.B. Applicability

This section would clarify that all new development and significant redevelopment (measured in terms of the percentage of site area being disturbed or the percentage of building square footage being rebuilt) in medium and large-scale activity centers, along the Route 1 and Route 40 corridors, in business parks and industrial areas (the NR-E, NR-LI, and NR-GI districts) and large format retail buildings must comply with all mandatory standards in this Section 4.8. The section would also clarify that if these areas or buildings are subject to a system of architectural and building design standards in place –either through a prior CSP approval (such as a CSP) or through Restrictive Covenants applicable to the property or some other means– those existing standards and design review procedures would supersede the more general standards in this Section 4.8.

4.8.C. Standards Applicable to Activity Centers

This section would list the building design standards applicable to the proposed activity center zone districts if no other building design standards and procedures apply to the property. Standards would include building orientation and spacing, massing and articulation, four-sided building design in key locations, and would differ based on the type and scale of activity center.

4.8.D. Standards Applicable to Key Corridors

This section would include mandatory building design standards and requirements from the Route 1 and Route 40 manuals, and would cross-reference and encourage compliance with advisory design guidance contained in those manuals. Although the CE, CAC, and TOD districts along Route 1, and the TNC zone district along Route 40, are proposed for significant changes, the building design principles in current Section 127 would inform these standards.

| | |
|-------|-------------------------------------|
| 127.2 | CE Corridor Employment District |
| | Compliance with Route 1 Manual |
| 127.4 | TOD Transit Oriented Development |
| | Compliance with Route 1 Manual |
| 127.5 | CAC Corridor Activity Center |
| | Compliance with Route 1 Manual |
| 127.6 | TNC Traditional Neighborhood Center |
| | Compliance with Route 40 Manual |

4.8.E. Additional Standards for Large Format Retail Structures

This new section would include standards to address the massing and articulation of retail structures containing over 100,000 square feet of gross floor area, as well as requirements for outdoor sitting/gathering area and safe and efficient pedestrian and bicycle connections from adjacent public streets to primary building entrances. Additional requirements for parking location to avoid large, highly visible parking areas would also be incorporated in this section.

4.8.F. Special Standards for Industrial Structures

This section would address building design standards for the exterior massing and appearance of industrial structures.

SAMPLE GRAPHIC: DESIGN STANDARD



This sample graphic illustrates an important concept (roof form) in another ordinance.

4.9. Exterior Lighting

This section would consolidate and update existing standards regarding the design, location, shielding, and impacts of outdoor site lighting, with those changes identified in the Assessment.

4.9.A. Intent

This section would carry forward the intent expressed in Section 134.0 update those materials to include energy conservation and general guidance from Plan Howard 2030.

| | |
|---------|------------------|
| 134.0 | Outdoor Lighting |
| Purpose | |

4.9.B. Applicability

This section would carry forward the applicability statement in Section 134.0.

| | |
|---------------|------------------|
| 134.0 | Outdoor Lighting |
| Applicability | |

4.9.C. Standards Applicable to All Development

Few public or stakeholder comments were received regarding the County's current outdoor lighting standards, so this section would carry forward the existing standards from Section 134.0. Because outdoor lighting consumes large amounts of electricity, a new subsection would address the minimum energy efficiency rating for outdoor light fixtures installed after the effective date of the UDO.

| | |
|--------------------------|------------------|
| 134.0 | Outdoor Lighting |
| Applicability | |
| Allowed Outdoor Lighting | |

Light Trespass
Approval of Alternative Lighting Plans
Exceptions

4.10. Signs

This section would bring the provisions of Title 3, Subtitle 5 (Signs) into the UDO. Definitions used in sign regulations would be coordinated with land use definitions, and consolidated into a single definitions list in Section 6.2. Changes identified in the Assessment, including a review for compliance with the U.S. Supreme Court's decision in Reed v. Gilbert, would be incorporated.

4.10.A. Intent

This section would carry forward the purpose and scope language in Section 3.500 and strengthen text expressing the County's intent to avoid content-based regulation or other violations of state or federal laws concerning free speech and the First Amendment.

Title 3, Subtitle 5 Signs
Sec. 3.500. - Purpose and scope.
Sec. 3.503. - Exemptions.

4.10.B. Prohibited Signs

This section would carry forward the prohibited signs provisions in Section 3.505.

Title 3, Subtitle 5 Signs
Sec. 3.505. - Prohibited signs.

4.10.C. Signs That Do Not Require a Permit

This section would consolidate and update regulations for signs that are limited in number, size, height, or location, but for which the property owner does not need to obtain a permit. The text would clarify that all signs not listed in this subsection are only permitted after a sign permit has been issued by the County.

4.10.D. General Sign Standards

This section would include all standards applicable to many or all types of signs, so they do not need to be repeated in specific sign regulations that follow. Standards would include those related to sign illumination, design quality, structural requirements, and requirements for identification and marking to identify the company or individual that erected the sign.

Title 3, Subtitle 5 Signs
Sec. 3.508. - Illumination.
Sec. 3.510. - Structural requirements.
Sec. 3.511. - Inspection; removal; safety.
Sec. 3.512. - Administration and penalties.

4.10.E. Permitted Signs in Residential Zone Districts

This section would carry forward the sign standards for the residential districts from Section 3.501.

Title 3, Subtitle 5 Signs
Sec. 3.501. - Sign standards by district.

4.10.F. Permitted Signs in Mixed-Use and Non-Residential Zone Districts

This section would carry forward the sign standards for the remaining districts from Section 3.501.

Title 3, Subtitle 5 Signs

Sec. 3.502. - Signs permitted in all districts.

4.10.G. Electronic Message Boards

This section would carry forward the standards for digital displays in downtown Columbia in Section 3.502A.

Title 3, Subtitle 5 Signs

Sec. 3.502A. - Digital displays in Downtown Columbia.

4.10.H. Standards Applicable to Specific Areas

This section would describe sign regulations for special areas such as historic districts and Downtown Columbia, carrying forward Sections 3.515 and 3.516.

Title 3, Subtitle 5 Signs

Sec. 3.515. - Historic districts.

Sec. 3.516. - Signs in Downtown Columbia; compliance and compatibility.

4.10.I. Temporary Signs

This section would consolidate all Howard County regulations of temporary signs that require a sign permit. Because temporary signs were at the heart of the dispute in Reed v. Gilbert, special care would be taken to avoid the type of inadvertent content-based regulation that the Court found to be unconstitutional in that case.

4.10.J. Off-Premises Signs

This section would carry forward the provisions for billboards from Section 3.507.

Title 3, Subtitle 5 Signs

Sec. 3.507. - Billboards.

4.11. Incentives

This new placeholder section would list any development incentives offered by the County in return for development that goes beyond the Land Development Regulation standards to further promote specific, listed County planning goals. In light of pressures on agriculture, rural character, and open space, incentives are sometimes offered for exceptional (not required) contributions to those goals. In addition, many newer regulations include incentives for the creation and maintenance of attainable and workforce housing affordable to households at specific income levels. Finally, an increasing number of land development codes include incentives for “green development” that conserves energy, manages stormwater, or promotes local food production systems in ways not otherwise required by county regulations.

4.12. Operating and Maintenance Standards

This new section of the UDO would consolidate all standards related to required maintenance of building or site features.

4.12.A. Maintenance Requirements

This section would consolidate all existing County standards on required maintenance, and clarify that building or site features (including landscaping and stormwater treatment features) required by the UDO or by a condition attached to a County land use decision must be maintained in good condition. It would also clarify that required landscaping that dies or is damaged must be replaced.

4.12.B. Operating Standards

This section would bring together all general (not use-specific) standards related to the operation of activities in the county, including standards related to noise, odors, vibration, smoke, glare, and the use of parking lots and vacant lots for unauthorized sales activities. Although the UDO would contain standards to reduce or prevent these types of operating impacts in the future, this section can make those general “good neighbor” and public health and safety requirements generally applicable to existing properties as well.

16.5. ZONING AND SUBDIVISION PROCEDURES

This article would address how Howard County reviews development proposals, makes development decisions, enforces the UDO, and treats uses and buildings that were legally created, but that for some reason do not comply with the standards and requirements of the UDO. This article answers the question: “Whose approval do I need to develop or redevelop my property, and what criteria will they use to make that decision?” Specific changes identified previously in the Assessment would be integrated into this article.

5.1. Review and Decision-Making Bodies

This section would describe each of the review and decision-making bodies involved in the land development process in Howard County.

5.1.A. County Council and Zoning Board

This section would describe the duties and powers of the County Council and the Zoning Board related to the UDO.

| Title 16, Subtitle 2 | Zoning |
|--|--------|
| Sec. 16.200. - Zoning authority; definitions; short title. | |
| Sec. 16.211. - Councilmanic election years. | |

5.1.B. Zoning Counsel

This section would describe the duties and powers of the Zoning Counsel, as carried over from Section 16.1000.

| Title 16, Subtitle 10 | Zoning Counsel |
|---------------------------------|----------------|
| Sec. 16.1000. - Zoning Counsel. | |

5.1.C. Planning Board

This section would describe the duties and powers of the Planning Board, carrying forward a simplified version of Section 16.900. Provisions regarding processing deadlines would be located in an administrative manual or on the County’s website.

| Title 16, Subtitle 9 | Planning Board |
|--------------------------------|----------------|
| Sec. 16.900. - Planning Board. | |

5.1.D. Hearing Examiner

This section would describe the role of Hearing Examiner, and separate that information from the description of the Board of Appeals. To the degree permitted by Maryland law, these provisions would be updated to reduce the confrontational, trial-like nature of current proceedings before the Examiner.

| 130.0 | Hearing Authority |
|--|-------------------|
| General | |
| Powers of the Hearing Authority | |
| Limitations, Guides and Standards | |
| Court Review | |
| Title 16, Subtitle 3 | Board of Appeals |
| Sec. 16.302. - Jurisdiction of Hearing Examiner. | |
| Sec. 16.303. - Hearing examiner procedures. | |

5.1.E. Board of Appeals

This section would describe the duties and powers of the Board of Appeals from current Subtitle 3 of Title 16 that refer to the Board of Appeals. To the degree permitted by Maryland law, these provisions would be updated to reduce the confrontational, trial-like nature of current proceedings before the Board, and would restructure the Board's procedures to follow general principles of appellate review rather than a de novo hearing. Details such as compensation should not appear in the UDO, but should be subject to establishment and amendment by the County Council by resolution from time to time.

| Title 16, Subtitle 3 | Board of Appeals |
|--|-------------------|
| Sec. 16.301. - Powers. | |
| Sec. 16.304. - Appeal to Board of Appeals. | |
| Sec. 16.305. - Terms of service. | |
| Sec. 16.306. - Termination of service. | |
| 130.0 | Hearing Authority |
| General | |
| Powers of the Hearing Authority | |
| Limitations, Guides and Standards | |
| Court Review | |

5.1.F. Historic Preservation Commission

This section would describe the duties and powers of the Historic Preservation Commission, carrying forward the provisions of Subtitle 6 of Title 16.

| Title 16, Subtitle 6 | Historic Preservation Commission |
|--|----------------------------------|
| Sec. 16.600. - Purpose. | |
| Title 16, Subtitle 6 | Historic Preservation Commission |
| Sec. 16.604. - Historic Preservation Commission. | |
| Sec. 16.605. - Procedures of the Commission. | |
| Sec. 16.606. - Powers of the Commission. | |
| Sec. 16.607. - Standards for review. | |
| Sec. 16.609. - Powers of Howard County. | |

5.1.G. Design Advisory Panel

This section would carry forward Subtitle 15 of Title 16, revised as described previously in the Assessment. Material on meetings and records would be relocated to an administrative manual or county website. The role of the Design Advisory Panel would be clarified, strengthened in some cases, and reduced in other cases, as detailed in the Assessment.

| Title 16, Subtitle 15 | Design Advisory Panel |
|---|-------------------------------|
| Sec. 16.1501. - Duties. | |
| Sec. 16.1502. - Membership; staff, records; meetings. | |
| Sec. 16.1503. - Guidelines and principles. | |
| Sec. 16.1504. - Review required; recommendations; condition of decision. | |
| Sec. 16.1505. - Timing of recommendations; subsequent submittals; further review; appeal. | |
| Sec. 16.1506. - Rules of procedure. | |
| 112.1 | R-APT Residential: Apartments |
| Design Advisory Panel | |

5.1.H. Agricultural Land Preservation Board

This section would describe the duties and powers of the Agricultural Land Preservation Board, carrying forward Section 15.518 and other relevant provisions of Title 15, Subtitle 5.

| | |
|---|--------------------------------|
| Title 15, Subtitle 5 | Agricultural Land Preservation |
| Sec. 15.518. - Agricultural Land Preservation Board | |

5.1.I. Cemetery Preservation Advisory Board

This section would describe the duties and powers of the Cemetery Preservation Advisory Board, carrying forward Section 16.1302.

| | |
|---|-----------------------|
| Title 16, Subtitle 13 | Cemetery Preservation |
| Sec. 16.1302. - Cemetery Preservation Advisory Board. | |

5.1.J. Director of Planning and Zoning

This section would describe the duties and powers of the Director of Planning and Zoning, carrying forward Sections 16.800 and 16.801. The authority of the Director to interpret the UDO, subject to appeal to the Hearing Examiner, would be clarified.

| | |
|---|-----------------------------------|
| Title 16, Subtitle 8 | Department of Planning and Zoning |
| Sec. 16.800. - General provisions. | |
| Sec. 16.801. - The Department of Planning and Zoning. | |

5.1.K. Floodplain Administrator

This section would describe the duties and powers of the Floodplain Administrator, carrying forward Sections 16.708.

| | |
|--|------------|
| Title 16, Subtitle 7 | Floodplain |
| Sec. 16.708. - Floodplain administrator. | |

5.2. Summary Table of Procedures

5.2.A. Summary Table of Procedures

This section would consolidate information about each type of application, permit, or approval required by the UDO, the type of public notice required for that type of decision, which department or body reviews the application, who makes the decision, and who hears the appeal (if any) from the decision, and would cross-reference the section providing more detail on that specific type of application.

A portion of a Summary Table of Procedures from another community is shown below:

| SUMMARY TABLE OF PROCEDURES | | | | | |
|--|----------------------------|--------------|----------------|----------------|--|
| R = Recommendation D = Decision A = Appeal Decider < > = Public Hearing O = Optional M = Mandatory | | | | | |
| Procedure | Pre-Application Conference | Staff Review | Planning Board | County Council | NOTICE REQUIRED M = Mailed N = published (newspaper) P = Posted |
| Amendments | | | | | |
| Rezoning | O | R | <R> | <D> | M, N, P |
| Code Text Amendment | O | R | <R> | <D> | N |

| SUMMARY TABLE OF PROCEDURES | | | | | |
|--|----------------------------|--------------|----------------|----------------|--|
| R = Recommendation D = Decision A = Appeal Decider < > = Public Hearing O = Optional M = Mandatory | | | | | |
| Procedure | Pre-Application Conference | Staff Review | Planning Board | County Council | NOTICE REQUIRED M = Mailed N = published (newspaper) P = Posted |
| Development Permits and Approvals | | | | | |
| Conditional Use Application | M | R | <D> | <A> | M, N, P |
| Site Plan Review, Administrative | O | D | <A> | <A> | |
| Site Plan Review, Major | M | R | <D> | <A> | M, N, P |
| Major Modification to Approved Site Plan | O | R | <D> | <A> | |
| Minor Modification to Approved Site Plan | O | D | <A> | <A> | |

5.3. Common Procedures

This section would consolidate general procedural material that apply to several types of zoning, subdivision, and land development approvals, which would allow repetitious materials on public notice and hearing procedures to be removed from many sections of the UDO.

5.3.A. Pre-Application Technical Meeting

This new section would list the types of major development applications for which the applicant is required to have a pre-meeting with Department of Planning and Zoning staff before proceeding to community meetings and a formal application. These types of pre-meeting requirements are increasingly common in order to avoid misunderstandings about the types of materials and studies that need to be submitted with an application, the criteria that will be applied to the review and decision, and the likelihood of success.

5.3.B. Presubmission Community Meeting

This section would carry forward Section 16.128, which describes the presubmission community meeting procedure and when it is required. We recommend rethinking the current process and potentially customizing the requirements of the meeting for different types of applications.

Title 16, Subtitle 1 Subdivision and Land Development Regulations
Design Standards and Requirements
Sec. 16.128. - Presubmission community meetings; exceptions.

5.3.C. Who Can File an Application

This section would carry forward current County practices regarding who is authorized to file different types of land use applications. This section would also clarify who may submit a general plan amendment and address challenges related to the current references to the “original petitioner” in New Town zoning. Ideally, the current restriction stating that only amendments in New Town may only be proposed with the consent of the original petitioner should be removed, as it already has been for Downtown and Village Center redevelopment.

5.3.D. Application Materials

This section would provide a cross-reference to the administrative manual or County website page that would list all requirements for application materials and clarify that all applications must include all required application materials before the County will begin processing the application.

5.3.E. Payment of Application Fees

This section would provide a cross-reference to the administrative manual or County website page where the fee schedule for applications would be located, and where they can be revised over time by resolution of the County Council without amending the UDO. It would require that all required application fees must be paid before the County will begin processing the application.

| | |
|----------------------|--------|
| Title 16, Subtitle 2 | Zoning |
| Sec. 16.212. - Fees. | |

5.3.F. Application Completeness

This new section would state that the County would not process incomplete applications, the time within which the County would notify the applicant that an application is incomplete, the time within which an applicant must provide any missing materials, and the time after which the County will return incomplete application materials to the applicant and discontinue the application.

5.3.G. Simultaneous Review and Approval

This section would clarify that an applicant whose project requires two or more approvals may request that the County process those applications simultaneously (rather than sequentially). It would also clarify that if simultaneous processing is requested, any approvals by the review body for one application shall not be considered final until the review body on the last (generally the most complex) part of the application has been made.

5.3.H. Public Notice

This section would consolidate requirements for public notice of applications, hearings and decisions, in order to avoid unnecessarily repetition throughout out the regulations (such as in Section 125.0). It would clarify what type of notice (e.g. mailed, published, posted, or electronic) is required for different types of applications and would cross-reference an administrative manual or County website page that lists the specific content that needs to be included in different types of public notice. In general, most newer regulations decrease reliance on mailed and published notice because of the time and costs involved, and increasingly rely on thorough requirements for posted and electronic notice to citizens and citizens' organizations.

5.3.I. Public Hearings

This section would describe the procedural requirements for public hearings, carrying forward content from Section 100.0. To the degree permitted by Maryland law, these provisions would be updated to reduce the confrontational, trial-like nature of current public hearing procedures.

| | |
|---|--------------------|
| 100.0 | General Provisions |
| Department of Planning and Zoning Public Hearings | |
| Inactive Petitions | |
| Title 16, Subtitle 2 | Zoning |
| Sec. 16.206. - Conduct of hearings. | |

5.3.J. Criteria for Review and Decision

This section would clarify that in the event that Section 5.3 (Specific Procedures) or other sections of the UDO do not identify specific criteria to guide a land use decision, the criteria in this section would apply. Those criteria would generally include compliance with the UDO and other regulations adopted by the County and, in some cases, consistency with the adopted planning goals in Plan Howard 2030.

5.3.K. Referral to Planning Board

This new section would clarify that where the UDO authorizes the Planning Director to make a decision, but the Director determines that the proposed project is unusually large or complex, or may create impacts that were not considered when the UDO was drafted, the Director may refer the application to the Planning Board for decision.

5.3.L. Conditions on Approval

This section would consolidate various provisions in the current Zoning Regulations and Subdivision and Land Development Regulations authorizing the decision-maker to approve an application with conditions to mitigate its impacts on surrounding areas, which would reduce repetition of similar provisions throughout the UDO. In the case of decisions to be made by Planning and Zoning staff, conditions may only include those required to bring the application into alignment with UDO standards. In the case of decisions by another decision-making body, conditions may address any matter necessary to bring the application into compliance with the criteria to be applied by that decision-making body.

5.3.M. Appeals

This section would describe the process for appeals of different types of land development decisions, and would consolidate information from many different areas of the existing regulations.

| | |
|-----------------------------------|--|
| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
| General | |
| Sec. 16.105. - Appeals. | |
| 127.0 | MXD Mixed Use Districts |
| Appeal of Planning Board Decision | |
| Title 16, Subtitle 6 | Historic Preservation Commission |
| Sec. 16.611. - Appeals. | |
| Title 16, Subtitle 12 | Forest Conservation |
| Sec. 16.1214. - Appeals. | |
| Title 16, Subtitle 13 | Cemetery Preservation |
| Sec. 16.1307. - Appeal. | |

5.3.N. Lapsing of Approvals

Most newer land development regulations recognize that land development approvals should be used within a reasonable time after approval, and that “stale” approvals create challenges when applicants attempt to move forward with development after the standards for that type of development have been changed. This new section would consolidate existing materials and practices regarding the lapsing of development approvals.

5.3.O. Amendments of Existing Approvals

This section would clarify the general procedures for amending an existing development approval when market conditions, property users, financing, or other factors lead the property owner to change their plans. It would list the types of minor amendments to existing approvals that can be approved administratively by Planning and Zoning staff (subject to appeal), and clarify that other types of amendments that might have significant impacts on surrounding properties would have to go through the same process used for the original approval decision (including public notice and public hearing requirements, if applicable). This section should also codify the existing “redline” process for amending or correcting development plans.

| | |
|---|-------------|
| 125.0 | NT New Town |
| Amendments to a Comprehensive Sketch Plan or Final Development Plan | |

| Title 16, Subtitle 17 | Development Rights and Responsibilities Agreements |
|--|--|
| Sec. 16.1705. - Amendments to executed agreements. | |

5.3.P. Adequate Public Facilities

This section would state that all types of proposed development subject to the Adequate Public Facilities Ordinance (APFO) will need to complete that process and receive a determination that adequate public facilities to support the development exist (or obtain approval of a plan to provide needed facilities) before the project will be allowed to obtain final land use approval. This would also carry forward the existing provisions of Subtitle 11, with only those changes that are a result of the APFO review process currently underway separately from this Assessment.

| Title 16, Subtitle 11 | Adequate Public Facilities |
|--|----------------------------|
| Sec. 16.1100. - Short title; background; purpose; organization. | |
| Sec. 16.1101. - Adequate transportation facilities. | |
| Sec. 16.1102. - Housing unit allocation concept; housing unit allocation chart. | |
| Sec. 16.1103. - Adequate school facilities. | |
| Sec. 16.1104. - Housing unit allocation process. | |
| Sec. 16.1105. - Processing of plans subject to test for adequate transportation facilities and/or tests for adequate school facilities and/or test for housing unit allocations. | |
| Sec. 16.1106. - Milestones. | |
| Sec. 16.1107. - Exemptions. | |
| Sec. 16.1108. - Development monitoring system. | |
| Sec. 16.1109. - Appeals. | |
| Sec. 16.1110. - Definitions. | |

5.3.Q. Completion of Improvements

This section would carry forward and clarify Howard County's current policy that the property owner or applicant is responsible for all costs of required infrastructure and improvements for a subdivision, site plan, or other proposed development, unless the County has approved an agreement to share those costs or agreed that a different entity will be responsible for those costs. In addition, it would clarify the County's authority to require that improvements required to serve a new development or redevelopment be completed – or an agreement for an extension of time to complete those improvements be signed with the County – before certificates of occupancy for structures within the development will be issued.

5.3.R. Development Rights and Responsibilities Agreements

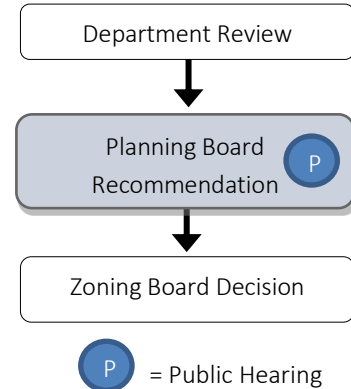
This section would carry forward much of the substantive text from Subtitle 17 of Title 16 regarding Development Rights and Responsibilities Agreements.

| Title 16, Subtitle 17 | Development Rights and Responsibilities Agreements |
|---|--|
| Sec. 16.1700. - Purpose. | |
| Sec. 16.1702. - Applicability. | |
| Sec. 16.1703. - Contents of development rights and responsibilities agreements. | |
| Sec. 16.1704. - Procedures. | |
| Sec. 16.1706. - Termination of agreements; suspension; time limitations. | |
| Sec. 16.1707. - Applicable laws, regulations, and policies. | |
| Sec. 16.1708. - Recording. | |
| Sec. 16.1709. - Enforcement by interested parties. | |

5.4. Specific Procedures

This section would outline the process for reviewing each type of application for a permit or approval that may be issued under the UDO. A subsection for each specific procedure would describe the steps in the review and approval process, identify the reviewers and decision-maker involved, and state the criteria to be used in making the decision. As discussed in the Assessment, criteria for making each type of decision would be reviewed to make them as clear, objective, and predictable as possible. Specific procedures are generally ordered beginning with the least complex (and more frequently used) procedures and ending with the more complex (and infrequently used) procedures. Each process would also include a simple flowchart of the procedural steps. An example of a flowchart from another community is shown at the right.

Conditional Use Permit



5.4.A. Permits and Approvals

This section would group together those procedures generally used for approval of a specific minor structure, street name change, or modification of a historic structure.

5.4.A(1) Permits

This section would describe the procedures for administrative review and approval of general permits, including sign permits and fence permits.

| |
|---|
| Title 3, Subtitle 5 Signs |
| Sec. 3.509. - Permits and fees. |
| 128.0 Supplementary Zoning District Regulations |
| Permits for Special Farm Uses |
| 132.0 Temporary Uses |
| Procedures |

5.4.A(2) Street Name Changes

This section would carry forward without significant change the procedures for changing street names currently located in Title 16, Subtitle 4.

| | |
|--|--------------------------------|
| Title 16, Subtitle 4 | Street Names and House Numbers |
| Sec. 16.400. - Street names and house numbers. | |
| Sec. 16.401. - Enforcement | |

5.4.A(3) Certificate of Approval for Historic Districts and Structures

This section would describe the historic preservation review processes, including the establishment of historic districts and the Certificate of Approval process for modifications to designated properties, currently located in Subtitle 6 of Title 16.

| Title 16, Subtitle 6 | Historic Preservation Commission |
|---|----------------------------------|
| Sec. 16.602. - Establishment of historic districts. | |
| Sec. 16.603. - Certificates of approval. | |
| Sec. 16.603A. - Review of development plans. | |
| Sec. 16.608. - Structures of unusual importance. | |

5.4.B. Conditional Uses

This section would describe the conditional use process currently described in Section 131.0, highlighting where the process differs from the common procedures. Current sections of Section 131.0 addressing conditions on approval and enlargements or alterations to an approved conditional use would be addressed in Section 5.3 (Common Procedures) above. Current Section 131.0 provisions for revocation of a conditional use would appear in Section 5.6 (Enforcement, and Penalties).

| 131.0 | Conditional Uses |
|-------|---|
| | Pre-Submission Community Meeting, Petition and Public Hearing |
| | General Standards Required for Approval |
| | Burden of Proof |
| | Establishment of Conditional Use |
| | Abandonment |
| | Clarification of Decision and Order |

5.4.C. Site Development Plan Approvals

The County reviews Site Development Plans of many residential and non-residential proposals before issuing a building or grading permit. All projects in some zoning districts and certain conditional uses also require approval of a Site Development Plan. Although not currently well described in the regulations, this process includes the submittal of an Environmental Concept Plan for proposed stormwater management facilities, which includes a conceptual design for stormwater management and the delineation of environmental features.

The section would also describe the Site Development Plan approval process outside of any New Town-specific districts. It would carry forward the provisions from Article V of Subtitle 1, Title 16, as described in the Assessment and would replace the current SDP and FDP processes in the current NT districts. Additional procedural requirements that are district-specific, such as those in the R-ED district, would also be relocated to this section. In the UDO, there would be only one standard process for review and approval of Site Development Plans.

| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
|----------------------|---|
| | Procedures for Filing and Processing Site Development Plan Applications |
| | <i>Sec. 16.154. - Purpose.</i> |
| | <i>Sec. 16.155. - Applicability.</i> |
| | <i>Sec. 16.156. - Procedures.</i> |
| | <i>Sec. 16.157. - Required information for site development plans.</i> |
| 107.0 | R-ED Residential: Environmental Development |
| | Approval of the Site Development Plan by the Planning Board |
| 112.0 | R-H-ED Residential: Historic – Environmental |
| | Approval of the Site Development Plan by the Planning Board |
| 117.3 | OT Office Transition |
| | Site Development Plan |
| 125.0 | NT New Town |
| | Final Development Plan—General Provisions |
| | Site Development Plans—General Provisions |
| 126.0 | PGCC Planned Golf Course Community |
| | Approval of the Site Development Plan by the Planning Board |
| 127.0 | MXD Mixed Use Districts |
| | Site Development Plan |

5.4.D. Subdivision of Land

Currently, an applicant for a major subdivision must submit either:

- (1) An Environmental Concept Plan, (2) a Sketch Plan, (3) a Preliminary Plan, (4) a Final Plan, and then (5) a Site Development Plan; or
- (1) An Environmental Concept Plan; (2) a Preliminary Equivalent Sketch Plan; (3) a Final Plan, and (4) a Site Development Plan.

This section would carry forward the procedures for subdivisions of land currently located in Article IV of Subtitle 1, Title 16, as well as the procedural requirements for Sketch Plans and Preliminary Equivalent Sketch Plans in several zone districts. These procedures would be reviewed for potential to increase efficiency and predictability in the review process. Specific lists of application requirements and language for plat notes would be removed from the UDO and placed in an administrative manual or on the County's website. The role of the Environmental Concept Plan in subdivision design would also be clarified. This section would also clarify that preliminary plans for subdivisions differ from preliminary development plans that are used as a basis for zoning and use parameters in the districts that require PDPs.

| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
|----------------------|---|
| | Procedures for Filing and Processing Subdivision Applications |
| | <i>Sec. 16.144. - General procedures regarding the subdivision process.</i> |
| | <i>Sec. 16.145. - Sketch plan; preliminary equivalent sketch plan.</i> |
| | <i>Sec. 16.146. - Preliminary plan.</i> |
| | <i>Sec. 16.147. - Final subdivision plan and final plat.</i> |
| 120.0 | SC Shopping Center |
| | Approval of Sketch Plans |
| 107.0 | R-ED Residential: Environmental Development |
| | Approval of the Preliminary Equivalent Sketch Plan by the Planning Board |
| 112.0 | R-H-ED Residential: Historic – Environmental |
| | Approval of the Preliminary Equivalent Sketch Plan by Planning Board |

5.4.E. Flexibility and Relief

This section would group together and describe the various ways (other than administrative amendments) that the development standards in the UDO can be modified to accommodate unique conditions and circumstances.

5.4.E(1) Administrative Adjustments

Most newer development codes allow the Planning Director limited authority to approve minor adjustments to technical zoning and subdivision standards for an individual lot when the need for those adjustments is due to the size, shape, or topography of the lot, or some other factor beyond the control of the applicant. This section would include a table of administrative adjustments that can be approved by the Director (e.g. an adjustment of parking or lot coverage standards of 5 percent or less) without the need for a variance or other formal adjustment process. Approval of an administrative adjustment occurs during the course of staff review, and does not require a separate procedure. This section would carry forward the provisions in Section 100.0 but may be updated to include additional minor adjustments based emerging experience around the U.S.

| | |
|-------|----------------------------|
| 100.0 | General Provisions |
| | Administrative Adjustments |

5.4.E(2) Alternative Compliance

This section would outline the procedures and criteria for approval of alternative compliance with a development standard (formerly referred to as obtaining a waiver).

| | |
|--------------------------|--|
| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
| General | |
| Sec. 16.104. - Waivers. | |
| Title 16, Subtitle 12 | Forest Conservation |
| Sec. 16.1215. - Waivers. | |

5.4.E(3) Variance

This section would describe the procedures for obtaining a variance from different types of development standards.

| | |
|---------------------------|------------|
| Title 3, Subtitle 5 Signs | |
| Sec. 3.513. - Variances. | |
| Title 16, Subtitle 7 | Floodplain |
| Sec. 16.711. - Variances. | |

5.4.F. Major Development Plan Approvals

This section would describe the various procedures for review of plans required in certain zone districts and for certain types of development between the time of zone district approval and detailed Site Development Plan approval.

5.4.F(1) Preliminary Development Plan for Zoning

This section would describe the process for approving Preliminary Development Plans for floating districts, as described in the Assessment, up to the point of Site Development Plan approval, where the standard provisions of Section 5.4.C (Site Development Plan Approval) would apply.

| | |
|-------|---|
| 113.3 | I Institutional Overlay |
| | Preliminary Development Plan |
| | Conformance with Preliminary Development Plan |
| 117.1 | BR Business Rural |
| | Conformance with Preliminary Development Plan |
| 117.3 | OT Office Transition |
| | Amendments to Preliminary Development Plan |
| 124.0 | SW Solid Waste Overlay |
| | Procedure for Creation of a SW District |
| 125.0 | NT New Town |
| | Procedure for Creation of NT Districts |
| 127.0 | MXD Mixed Use Districts |
| | Preliminary Development Plan and Criteria |
| 127.1 | PSC Planned Senior Community |
| | Amendments to Preliminary Development Plan and Criteria |

5.4.F(2) NT Village Center Redevelopment

This section would describe a simplified process for approving NT Village Center redevelopment plans, as described in the Assessment, up to the point of Site Development Plan approval, where the

standard provisions of Section 5.4.C Site Development Plan Approval would apply. The current procedures appear to have been designed in part to compensate for fairly vague development standards and criteria in some original Columbia development documents by inserting multiple points at which public meetings and hearings are necessary. In contrast, many high-quality activity center redevelopment procedures simplify and shorten the time needed for design, review, and approval of redevelopment applications by replacing vague language with more objective and predictable development standards and criteria closely tied to preferred uses, scale, height, quality, circulation patterns, and character of the center. We recommend reviewing and revising the Village Center Redevelopment procedures based on this approach.

| | |
|-------|-------------------------------------|
| 125.0 | NT New Town |
| | Village Center Redevelopment, Major |
| | Village Center Redevelopment, Minor |

5.4.F(3) NT Downtown Redevelopment

This section would describe a simplified process for approving NT Downtown redevelopment plans, as described earlier in the Assessment, up to the point of Site Development Plan approval, where the standard provisions of Section 5.4.C Site Development Plan Approval would apply. The comments on length, delay, and unpredictability of the Village Center Redevelopment process apply here as well, and we recommend a similar approach to address those weaknesses. Although much of the downtown Columbia land is now under the control of a single property owner (the Howard Hughes Corporation), the redevelopment process needs to be designed to work even if ownership changes or becomes more fragmented in the future.

| | |
|-------|---|
| 125.0 | NT New Town |
| | Final Development Plan—Downtown Revitalization |
| | Site Development Plan—Downtown Revitalization |
| | Site Development Plan—Downtown Environmental Restoration that is not part of a Final Development Plan |

5.4.G. Amendments to UDO Text or Zoning Map

This section would carry forward the County's current procedures for adopting amendments to text of the UDO or the Zoning Map. In addition, it would clarify the different procedures and criteria applicable to text amendments for comprehensive rezonings and Zoning Regulation Amendments (ZRAs). In particular, the allowed applicants for ZRAs and the time limits for public applications for ZRAs should be reconsidered. The protocol for ZRAs that change significantly at County Council should also be revisited; significant changes should be required to go back to the Planning Board for review, with additional staff analysis of the changes. A clear definition of the type of changes that are considered significant should also be included to reduce ambiguity. Because of the new zone districts and development standards in the UDO, there should be significantly fewer needs for Zoning Regulation Amendments, and the criteria for consideration and approval of ZRAs would be tightened up and made more objective.

| | |
|----------------------|---|
| Title 16, Subtitle 2 | Zoning |
| | Sec. 16.203. - Comprehensive zoning. |
| | Sec. 16.204. - Piecemeal map amendments and development plan approvals. |
| | Sec. 16.205. - Procedure. |
| | Sec. 16.207. - Judicial review. |
| | Sec. 16.208. - Zoning regulation text amendments. |
| 100.0 | General Provisions |
| | Amendments |

| | |
|-------|--|
| 114.0 | Historic District |
| | Requirements and Restrictions Applicable to Historic Districts |
| | Findings Necessary to Establish an Historic District |
| 117.1 | BR Business Rural |
| | Criteria |
| | Procedure for Creation of a BR District |
| 117.3 | OT Office Transition |
| | Requirements for OT District |
| | Petition Requirements |
| | Standards for Approval of a Petition |
| | Amendments to Preliminary Development Plan |
| | Planning Board Recommendation |
| | Zoning Board Decision |
| 125.0 | NT New Town |
| | Comprehensive Sketch Plan |
| | Procedure for Creation of NT Districts |
| 127.0 | MXD Mixed Use Overlay Districts |
| | General Provisions |
| | Requirements for Mixed Use Development |
| | Preliminary Development Plan and Criteria |
| | Comprehensive Sketch Plan and Development Criteria |
| | Title 16, Subtitle 6 Historic Preservation Commission |
| | Sec. 16.602. - Establishment of historic districts. |

5.4.H. Adoption of Amendment of the General Plan

This section would describe the process for adopting or amending the General Plan for Howard County, as required by Maryland law.

5.5. Pre-existing Development and Nonconformities

5.5.A. General Provisions

Nonconformities are situations when a property was developed or a land use was started in compliance with the County's development regulations, but that no longer conform to those regulations—usually because the County amended the zoning regulations or a public body purchased a portion of the site or adopted a new regulation after the property was developed. This would consolidate regulations for nonconforming situations that are currently scattered throughout several different sections of the Zoning, Subdivision, and Land Development Regulations. Substantive updates to this section would clarify the treatment of nonconforming lots, uses, buildings, and signs as noted in the following sections.

| | |
|-------|---|
| 128.0 | Supplementary Zoning District Regulations |
| | Noncomplying Structures and Uses |
| 129.0 | Nonconforming Uses |
| | General |

5.5.B. Nonconforming Use

This section would carry forward provisions from 129.0 regarding the confirmation, restriction, and expansion or change of nonconforming uses. We recommend making confirmations of nonconforming uses an administrative approval that is subject to appeal.

| | |
|-------|--|
| 129.0 | Nonconforming Uses |
| | Restrictions on Nonconforming Uses |
| | Confirmation of Nonconforming Uses |
| | Extension, Enlargement or Alteration of Nonconforming Uses |

5.5.C. Nonconforming Structure

This section would carry forward and expand upon the existing provisions related to nonconforming structures in Section 129.0.

| | |
|-------|---|
| 129.0 | Nonconforming Uses |
| | Replacement of Destroyed Nonconforming Structures |

5.5.D. Nonconforming Lot

This section would clarify that legally created lots that have become nonconforming, due to changes in minimum lot dimensions or sensitive land controls, may be improved with uses and structures permitted in their respective zoning districts, provided that the all applicable development standards are met.

5.5.E. Nonconforming Site Feature

This section would confirm that lots and parcels that have nonconforming parking, landscaping, lighting, or other site features may continue to be used, and that the nonconforming site features do not create an additional nonconformity or prevent the building or site from being used as otherwise permitted under Sections 5.5.C and 5.5.D.

| | |
|-------|-------------------------------|
| 134.0 | Outdoor Lighting |
| | Noncomplying Outdoor Lighting |

5.5.F. Nonconforming Sign

This section would consolidate the provisions on nonconforming signs that are currently located in Section 3.504 with the other nonconforming situations.

| | |
|---------------------|------------------------|
| Title 3, Subtitle 5 | Signs |
| Sec. 3.504. | - Nonconforming signs. |

5.6. Enforcement and Penalties

This section would carry forward and consolidate Section 102.0 and Subtitle 16 of Title 16, as well as various other repetitive sections in the Zoning, Subdivision, and Land Development Regulations that specify other violations, enforcement, or penalty provisions. The sections that are carried forward would be cleaned up and improved significantly.

5.6.A. Violations

This section would describe what constitutes a violation of the UDO, carrying forward language from several sections of the existing regulations.

| | |
|-----------------------|--|
| 102.0 | Violations, Enforcement, and Penalties |
| | Violations |
| Title 16, Subtitle 16 | Enforcement of the Howard County Subdivision and Land Development Regulations and the Zoning Regulations |
| Sec. 16.1600. | - Definitions. |
| Sec. 16.1601. | - Authority of the County; nature of equitable relief. |
| Sec. 16.1602. | - Notice of violation. |

| |
|--------------------------------------|
| Sec. 16.1603. - Citation. |
| Title 16, Subtitle 7 Floodplain |
| Sec. 16.712. - Violation. |
| Title 24, Civil Penalties |
| Sec. 24.106 Issuance of Citation |

5.6.B. Enforcement

This section would describe the enforcement processes for violations, currently located in several different sections of the regulations.

| |
|---|
| 102.0 Violations, Enforcement, and Penalties |
| Enforcement |
| Title 16, Subtitle 1 Subdivision and Land Development Regulations |
| General |
| Sec. 16.106. - Enforcement. |
| Title 16, Subtitle 2 Zoning |
| Sec. 16.209. - Enforcement. |
| Title 16, Subtitle 4 Street Names and House Numbers |
| Sec. 16.401. - Enforcement |
| Title 16, Subtitle 6 Historic Preservation Commission |
| Sec. 16.610. - Enforcement. |
| Title 16, Subtitle 12 Forest Conservation |
| Sec. 16.1212. - Enforcement; penalties. |
| Title 16, Subtitle 13 Cemetery Preservation |
| Sec. 16.1308. - Enforcement. |
| Title 16, Subtitle 16 Enforcement of the Howard County Subdivision and Land Development Regulations and the Zoning Regulations |
| Sec. 16.1604. - Authority of the Hearing Examiner; Board of Appeals. |
| Sec. 16.1605. - Hearing. |
| Sec. 16.1606. - Inspections. |
| Sec. 16.1607. - Final order. |
| [Title 16, Subtitle 17 Development Rights and Responsibilities Agreements |
| Sec. 16.1709. - Enforcement by interested parties. |

5.6.C. Penalties

This section would describe the penalties for violations of the UDO, currently located in Section 102.0 and Subtitle 16 of Title 16.

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|---|
| 102.0 Violations, Enforcement, and Penalties |
| Penalties |
| Title 16, Subtitle 16 Enforcement of the Howard County Subdivision and Land Development Regulations and the Zoning Regulations |
| Sec. 16.1608. - Civil fines. |
| Sec. 16.1609. - Appeal to the Board of Appeals. |
| Sec. 16.1610. - Security. |
| Sec. 16.1611. - Failure to comply with a final order. |
| Sec. 16.1612. - County to secure compliance. |

16.6. DEFINITIONS AND RULES OF CONSTRUCTION

6.1. Rules of Construction

This section would carry over and consolidate the rules of construction provisions of Sections 101.0 and Section 16.108. The text would be revised as noted in the Assessment. The rules of construction could be organized in the following subsections.

| | |
|---|--|
| 101.0 | Rules of Construction |
| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
| General | |
| <i>Sec. 16.108. - Rules of construction; definitions.</i> | |

6.1.A. Technical Terms

6.1.B. Lists and Examples

6.1.C. Computation of Time

6.1.D. Public Bodies, Documents, and Authority

6.1.E. Mandatory and Discretionary Terms

6.1.F. Conjunctions

6.1.G. Tenses, Plurals, and Gender

6.1.H. Maps, Coordinates, and Elevations

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|---|--|
| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
| General | |
| <i>Sec. 16.109. - Maps; coordinates; elevations, etc.</i> | |

6.1.I. Headings, Illustrations, and Text

6.2. Definitions and Terms of Measurement

This section would carry over the definitions in Section 103.0 and Section 16.108, as well as the definitions spread throughout several other sections of the Zoning, Subdivision, and Land Development Regulations and the related manuals. All definitions would be reviewed and revised, with additional definitions created and outdated definitions removed as noted in the Assessment. Specific items to be defined, or where existing definitions need to be revisited or revised are found in Part 1 of this Assessment.

| | |
|---|--|
| 103.0 | Definitions |
| Title 16, Subtitle 1 | Subdivision and Land Development Regulations |
| General | |
| <i>Sec. 16.108. - Rules of construction; definitions.</i> | |
| Title 3, Subtitle 5 | Signs |
| <i>Sec. 3.514. - Definitions.</i> | |

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|--|--|
| Title 16, Subtitle 2 | Zoning |
| Sec. 16.200. - Zoning authority; definitions; short title. | |
| Title 16, Subtitle 6 | Historic Preservation Commission |
| Sec. 16.601. - Definitions. | |
| Title 16, Subtitle 12 | Forest Conservation |
| Sec. 16.1201. - Definitions. | |
| Title 16, Subtitle 13 | Cemetery Preservation |
| Sec. 16.1301. - Definitions. | |
| Title 16, Subtitle 16 | Enforcement of the Howard County Subdivision and Land Development Regulations and the Zoning Regulations |
| Sec. 16.1600. - Definitions. | |
| Title 16, Subtitle 17 | Development Rights and Responsibilities Agreements |
| Sec. 16.1701. - Definitions. | |