PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA-162

Date Filed: 10-1-15

1. **Zoning Regulation Amendment Request**

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To amend Section 125.0 NT (New Town) District and the Downtown Columbia Plan to include Inclusionary Zoning provisions in the Downtown Columbia Revitalization process

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. **Petitioner's Name** Jennifer Terrasa, Councilperson

Address 3430 Courthouse Drive, Ellicott City, MD 21043

Phone No. (W) 410-313-2001 (H)

Email Address jterrasa@howardcountymd.gov

HOWARD COUNTY COUNCIL RECEIVED 2015 OCT -1 P 5: 14

3. **Counsel for Petitioner** Paul Johnson, Esq.

Counsel's Address 3450 Courthouse Drive, Ellicott City, MD 21043

Counsel's Phone No. 410-313-2101

Email Address PJohnson@howardcountymd.gov

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed To implement the Columbia Downtown Housing Corporation's (CDHC's) recommendations, which were requested by the County Council via Council Resolution 120-2014, to ensure that affordable housing units will be developed throughout the Downtown area in mixed-income projects and that the affordable units include a broad spectrum of incomes ranging from 40% to 80% of Howard County area median income.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County The General Plan's POLICY 9.2 – Expand full spectrum housing for residents at diverse income levels and life stages, and for individuals with disabilities, by encouraging high quality, mixed income, multigenerational, well designed, and sustainable communities. The General Plan goes further to state in "Implementing Action A - Range of Affordable Options. Continue to expand current options for full spectrum, affordable housing through affordable housing requirements in additional zoning districts; increased regulatory flexibility to provide low and middle alternatives to moderate income housing; institution of density or other incentives;…".

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A. According to the *Downtown Columbia Plan*, in the section entitled, "1.5 Diverse Housing", providing a full spectrum of housing is an important aspect of promoting the welfare of the community. The opening paragraph of that section states:

> "This Plan recognizes and celebrates the original vision of Jim Rouse to create a socially responsible city for people of all ages, incomes and backgrounds. The establishment of an ongoing mechanism to provide a full spectrum of housing into the future is an important social responsibility shared by us all. Of related but equal importance is encouraging within downtown Columbia itself the diversity of people that exists elsewhere in Columbia today. Realizing this diversity will be important to the social and economic success of the downtown, where the mixing of individuals with different backgrounds and incomes will result in an ongoing exchange of ideas in an environment where residents, workers and visitors will have an opportunity to learn from one another and grow together as a community."

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) . See numbers 5 and 6 above.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes.

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

The proposed Inclusionary Zoning provisions will impact any new residential development that occurs in Downtown Columbia found in the NT zoning district.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. The petitioner would like the Columbia Downtown Housing Corporation's *Report on Columbia Downtown Housing Corporation's Recommendations in Response to Howard County Council Resolution No. 120-2014* (dated February 27, 2015) to be considered as well. Also, there is a General Plan amendment that should be considered in conjunction with this proposed ZRA (See attachment B).

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in **[[** Double Bold Brackets **]]**. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.

12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Jennifer R Terrasa	Jen R Terrasa	9/30/15
Petitioner's name (Printed or typed)	Petitioner's Signature	Date
Petitioner's name (Printed or typed)	Petitioner's Signature	Date
Petitioner's name (Printed or typed)	Petitioner's Signature	Date

Paul T. Johnson 10/1/15

Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee .....$695.00. If the request is granted, the Petitioner shall pay $40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment ($40.00 minimum, $85.00 maximum)

Each additional hearing night..... $510.00*

* **The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.**

APPLICATIONS: One (1) original plus twenty (24) copies along with attachments.

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For DPZ office use only:

Hearing Fee $ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised: 02/14
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.

- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.

- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.

- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.

- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.

- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: _____

_____

AFFIDAVIT AS TO CONTRIBUTION

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

I, _____, the applicant in the above zoning matter

_____, HAVE _____ HAVE NOT

made any contribution or contributions having a cumulative value of $500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name:_____

Signature:_____

Date:_____

PETITIONER: _____

_____

DISCLOSURE OF CONTRIBUTION

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of $500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than $5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: _____

RECIPIENTS OF CONTRIBUTIONS:

Name	Date of Contribution	Amount

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: _____

Signature: _____

Date: _____

PETITIONER: _____

_____

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

I, _____, the applicant in the above zoning matter

_____, AM _____ AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name:_____

Signature:_____

Date:_____

Attachment A

SECTION 125.0: - NT (New Town) District

A. Definitions, Requirements and Restrictions Applicable to NT Districts

1. As used herein, the term "New Town" means an unincorporated city, town or village which:

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

   b. Is so designed and planned as to meet all of the requirements specified in this Section 125.0.

2. As used herein:

   a. The terms "New Town District," "NT District" and "The District" mean the land zoned for the erection of a New Town under the provisions of this Section 125.0.

   b. When a provision in this section requires that an action "will conform", "conform with", "conforms with", or "conforms to" the Downtown Columbia Plan or any part of the plan, the action being taken shall further, and not be contrary to, the following items in the Downtown Columbia Plan:

      (1) Policies;

      (2) Timing and implementation of the plan;

      (3) Timing of development;

      (4) Development patterns;

      (5) Land uses; and

      (6) Densities and intensities.

3. No NT District shall be created except by the procedure set forth herein. Each NT District must contain a total area of at least 2,500 contiguous acres. Lands which are divided by streets, roads, ways, highways, transmission pipes, lines or conduits, or rights-of-way (in fee or by easement) owned by third parties shall be deemed to be contiguous for purposes of this Section 125.0. No NT District shall be established except upon land the beneficial title to which is in the person, firm or corporation executing the petition referred to in Section 125.0 thereof. The tenant under a lease having a term of not less than 75 years shall be deemed to be the holder of the beneficial title to the land covered by the lease for the purpose of this Section 125.0.

4. No NT District shall have a greater overall residential density than that produced by the total combined number of dwellings permitted in this Section 125.0.A. The maximum number of dwellings permitted under the Downtown Revitalization Approval Process is established in Section 125.0.A. The maximum number of dwellings permitted that are not subject to the Downtown Revitalization Approval Process is established by this section and shall be calculated by multiplying the total number of acres within the NT District by two and one-half. For development that is not subject to the Downtown Revitalization Approval Process, the following development restrictions shall apply:

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

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

c. In areas designated "Apartments" on the Final Development Plan the maximum number of apartments permitted shall relate to the overall total number of apartments in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by 15.

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

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

   b. Attached or semi-detached dwellings may be erected only in areas designated "Downtown Revitalization," or "Apartments" on a Final Development Plan. Within areas designated "Downtown Revitalization" such units shall be subject to the provisions of Section 125.0.A. Within areas designated "apartments" such units must be provided:

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

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

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

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

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

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

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

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

   b. The off-street parking requirements of Section 133.0 of these Regulations shall be applicable.

   c. The accessory use provisions of Section 110.0 shall be applicable to all residential uses within the NT District.

   d. The provisions of Section 128.0 (Supplementary Zoning District Regulations) shall apply to the NT District except for those provisions which specifically exclude the NT District.

8. Subject to any additional specific permitted uses of land which may be designated on an approved Final Development Plan pursuant to Section 125.0.C. of these Regulations, if an approved Final Development Plan designates POR, B-1, B-2, SC or M-1 District uses or any combination thereof for a specific area, then the general permitted uses for such area shall be those uses permitted as a matter of right in those districts. However, the bulk regulations for those districts regulating the location of structures, height limitations, setback provisions, minimum lot sizes, and coverage requirements shall not apply

inasmuch as the controls therefore shall be included in the Final Development Plan approved by the Planning Board as provided under these Regulations.

a. Each New Town District must provide each of the following uses in the following proportions:

	(1) Minimum Percentage of Total Area of the District	(2) Maximum Percentage of Total Area of the District
Open Space Uses	36%	N/A
Single-family—Low Density	10%	N/A
Single-family—Medium Density	20%	N/A
Apartments	N/A	13%
Commercial (POR, B-1, B-2 and SC uses)	2%	10%
Industrial Uses (M-1 uses)	10%	20%
Other uses presently permitted in any zoning district other than those permitted only in R-MH or M-2 Districts	N/A	15%
	Note: N/A means Not Applicable	

b. Except as provided in Section 125.0.A.8.c. below, the land use percentages in Section 125.0.A.8.a. do not apply to Downtown Revitalization. However for purposes of determining and maintaining compliance with the land use percentages chart in Section 125.0.A.8. for areas in the New Town District outside of Downtown Columbia, land uses recorded on Final Development plans within Downtown Columbia prior to the effective date shall continue to be included when calculating the land use percentages in this chart.

c. Upon recordation of a Final Development Plan within Downtown Columbia, environmentally sensitive land areas that are designated "open space" on the Final

Development Plan will be credited towards the minimum percentage of open space uses in Section 125.0.A.8.a. above.

d. Each New Town District must also provide adequate public transportation facilities and public water and sewer systems in the areas shown on the Final Development Plan.

e. As used in this Section the term "open space uses" is defined as being those uses which do not involve any extensive coverage of land with structures, as, for example, all lands devoted to raising of crops, agricultural uses, parks, playing fields, golf courses and any other outdoor recreational uses (whether any such uses be publicly owned or privately owned or operated for profit), as well as all lands covered by lakes, rivers or streams, and all lands devoted to public or community uses. Open land designated for residential uses shall be considered qualified as "open space use" only if it is held for the common use of the public or persons residing in the particular locality within the community, and if it is larger than two acres in size. For the purpose of meeting the 36% requirement imposed above:

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

(2) All lands approved and credited as open space use on the Final Development Plan of the NT District shall be conclusively presumed to satisfy the requirements of this section.

9. Downtown Revitalization:

a. Applicability: To implement the recommendations of the Downtown Columbia Plan, new development or redevelopment of any property located within Downtown Columbia that is approved after April 6, 2010 must comply with all provisions applicable to Downtown Revitalization, except as provided in Section 125.0.A.9.f. Downtown Revitalization shall require approval of: (I), a Final Development Plan or Final Development Plan Amendment, and (II), a Site Development Plan.

b. Uses: The following uses are permitted under the Downtown Revitalization Approval Process: All uses permitted in the POR, B-1, B-2, and SC Zoning Districts, Downtown Arts, Cultural and Community Uses and Dwellings. Structures may be developed with individual or multiples uses. Section 125.0.A.8. a. does not apply to Downtown Revitalization.

c. Development Levels: The following maximum development level limits apply to Downtown Columbia for Downtown Revitalization, except as qualified by Sections 125.0.A.9.f.(1), (2) and (3).

(1) The maximum number of Downtown Net New dwellings permitted is 5,500 dwellings. The number of dwellings permitted under the Downtown Revitalization Approval Process, up to a maximum of 5,500 Downtown Net New dwellings, shall be in addition to the overall residential density established by Section 125.0.A.4. G.

(2) The maximum amount of Downtown Net New commercial office development permitted is 4,300,000 square feet of gross floor area.

(3) The maximum number of Downtown Net New hotel and motel rooms permitted is 640 rooms.

(4) The maximum amount of Downtown Net New commercial retail development permitted is 1,250,000 square feet of gross floor area.

(5) The maximum development levels permitted above for Downtown Revitalization shall be in addition to the number of dwellings and gross floor area of

nonresidential uses shown on a Site Development Plan approved prior to April 6, 2010.

D. FULL SPECTRUM HOUSING: TO PROVIDE A FULL SPECTRUM OF HOUSING AFFORDABILITY AS ENVISIONED IN THE DOWNTOWN COLUMBIA PLAN, AT LEAST 15% OF THE RESIDENTIAL DWELLINGS IN EACH DOWNTOWN COLUMBIA REVITALIZATION DEVELOPMENT SHALL BE AFFORDABLE AS DESCRIBED BELOW:

(1) REQUIREMENTS.

(A). IN EACH RENTAL HOUSING PROJECT, AT LEAST 15% OF THE UNITS MUST BE AFFORDABLE AS FOLLOWS: 5% AT 40% OF HC AMI, 5% AT 60% OF HC AMI, AND 5% AT 80% OF HC AMI.

(B). IN EACH FOR-SALE HOUSING PROJECT, AT LEAST 15% OF THE UNITS MUST BE AFFORDABLE AT 80% OF HC AMI.

(C). PROJECTS CONTAINING AFFORDABLE UNITS SHALL COMPLY WITH THE PROCEDURES SET FORTH IN THE MODERATE INCOME HOUSING UNIT (MIHU) LAW, SECTION 13.400 ET SEQ. OF THE HOWARD COUNTY CODE.

(D). NOTWITHSTANDING THE PROVISIONS OF SECTION 100.0E OF THE ZONING REGULATIONS, ANY PROJECTS THAT HAVE FILED A SITE DEVELOPMENT PLAN ON OR AFTER OCTOBER 1, 2015 WILL COMPLY WITH THE REQUIREMENTS PROVIDED IN SUBSECTIONS (A). AND (B). OF THIS SECTION.

(E) THE PER-UNIT DEVELOPER CONTRIBUTIONS REQUIRED PREVIOUSLY UNDER THE DOWNTOWN COLUMBIA PLAN ARE ELIMINATED FOR ALL PROJECTS OTHER THAN THOSE PROJECTS THAT HAVE SITE DEVELOPMENT PLANS FILED BEFORE OCTOBER 1, 2015.

(2). FLEXIBILITY.

(A) *LOW-INCOME ALTERNATIVE.* A PROJECT MAY SATISFY THE AFFORDABILITY REQUIREMENT IN D(1) ABOVE BY PROVIDING AFFORDABLE UNITS IN ONE OF THE FOLLOWING ALTERNATIVES:

ALTERNATIVE	40% HCAMI UNITS	60% HCAMI UNITS	80% HCAMI UNITS
1	6%	4%	3%
2	7%	3%	1%
3	8%	2%	0%
4	9%	0%	0%

(B). *LOW-INCOME UNIT CREDIT EXCHANGE.* IF A RENTAL HOUSING PROJECT IS A MIXED-INCOME PROJECT IN WHICH MORE THAN 15%, BUT NOT MORE THAN 45%, OF THE UNITS IN THE PROJECT ARE AFFORDABLE UNITS, THE DEVELOPER WILL RECEIVE A "ONE-

TO-ONE CREDIT" FOR EACH AFFORDABLE UNIT THAT IS IN EXCESS OF THE REQUIRED 15% AND IS AFFORDABLE AT 60% OF HC AMI OR LESS. A "ONE-TO-ONE CREDIT" MAY BE APPLIED TO REDUCE THE NUMBER OF UNITS REQUIRED TO BE AFFORDABLE AT THE SAME LEVEL OF AFFORDABILITY IN ANOTHER RENTAL HOUSING PROJECT IN DOWNTOWN. PROVIDED, HOWEVER, THAT USE OF THIS LOW-INCOME UNIT CREDIT EXCHANGE SHALL NOT RESULT IN A RENTAL HOUSING PROJECT HAVING LESS THAN 5% OF ITS UNITS AS AFFORDABLE.

E. Final Development Plan—Downtown Revitalization

4. Planning Board Review and Approval Criteria

The Planning Board shall consider the Final Development Plan or Final Development Plan Amendment (see Errata at end of Section 125.0) at a public hearing. The Planning Board shall approve, approve with conditions, or deny the petition based on whether the petition satisfies the following criteria:

a. The Downtown Neighborhood Concept Plan, the Neighborhood Specific Design Guidelines, and the Neighborhood Specific Implementation Plan conform with the Downtown-Wide Design Guidelines, the Downtown Columbia Plan, the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan, or that any propose change(s) will not be detrimental to the overall design concept and phasing for Downtown Revitalization. Limited change in building heights may be approved based on compatibility, character and height of nearby existing and planned development and redevelopment, and open spaces in the area. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories;

b. The Neighborhood Design Guidelines submitted with the Final Development Plan or Final Development Plan Amendment offer sufficient detail to guide the appearance of the neighborhood over time, and promote design features that are achievable and appropriate for Downtown Revitalization in accordance with the Design Guidelines and the Downtown Columbia Plan;

c. The Final Development Plan conforms with the Neighborhood Documents, the Revitalization Phasing Plan, the Downtown Community Enhancements, (see Errata at end of Section 125.0) Programs, and Public Amenities Implementation Chart and Flexibility Provisions, the Downtown-wide Design Guidelines, the Downtown Columbia Plan, the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan. Limited change in building heights may be approved based on compatibility, character and height of nearby existing and planned development and redevelopment, and open spaces in the area. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories;

d. The Final Development Plan, when considered in the context of surrounding planned or existing development, provides a balanced mix of housing, employment, and commercial and arts and cultural uses throughout each phase;

e. The Final Development Plan satisfies the affordable housing requirement IN ACCORDANCE WITH SECTION 125 A.9.D OF THESE ZONING REGULATIONS;

f. The bicycle, pedestrian, and transit network creates convenient connections throughout the subject area and connect, wherever possible, to existing and planned sidewalks, path, and routes adjoining the development;

g. The Final Development Plan protects land covered by lakes, streams or rivers, flood plains and steep slopes, and provides connections, where possible to existing and planned open space within the neighborhood and in surrounding area;

h. The Final Development Plan provides the location of Downtown Community Commons required under Section 125.0.A.9.h as indicated in the Neighborhood Concept Plan;

i. The Final Development Plan is in harmony with existing and planned vicinal land uses. In making this determination, the Planning Board shall consider, if appropriate:

(1) Landscape features on the boundary of the plan area, which may include protection of existing vegetation or grade changes that provide a natural separation, or landscape planting;

(2) The size of buildings along the edges of the plan area through limits on building height or other requirements;

(3) The use and design of nearby properties and

(4) The adopted Downtown Columbia Plan recommendations for height, building massing and scale, and neighborhood connectivity;

j. The development proposed by Final Development Plan is served by adequate public facilities, including any proposed mitigation or development staging in accordance with the Adequate Public Facilities Ordinances (Title 16, Subtitle 11 of the Howard County Code);

k. The Final Development Plan protects environmentally sensitive features and provides environmental restoration in accordance with the Downtown Columbia Plan;

l. The Final Development Plan protects any historic or culturally significant existing sites, buildings or structures, and public art;

m. The Final Development Plan proposes any appropriate plan to satisfy the requirement for art in the community;

n. The Final Development Plan provides a plan to hold, own, and maintain in perpetuity land intended for common, quasi-public amenity use and public art that is not publically owned, including, without limitation, any Downtown Community Commons, Downtown Parkland, Downtown Arts, Cultural and Community Use, and Downtown Neighborhood Square shown on the Final Development Plan; and

o. To better ensure conformance with the Community Enhancements, Programs and Public Amenities provisions, the Final Development Plan provides for a plan to establish membership in the Downtown Columbia Partnership and payment of the annual charges. Each Final Development Plan shall show a consistent means of calculating and providing the required annual charges.

H. Site Development Plan—Downtown Revitalization

3. Planning Board Review and Approval Criteria.

The Planning Board shall approve, approve with conditions, or deny a Site Development Plan that proposes Downtown Revitalization based on whether the petition satisfies the following criteria:

a. The development conforms with the adopted Downtown Columbia Plan.

b. The development implements and conforms to the approved Final Development Plan or Final Development Plan Amendment including all applicable Final Development Plan approval criteria and conditions.

c. The development is well-organized in terms of the location of buildings and structures, downtown community commons, landscaping, pedestrian and vehicular circulation systems, and other Downtown Revitalization features.

d. If the development provides Downtown Community Commons and/or Downtown Parkland, they are reasonable and appropriate given the location, scale and anticipated intensity of adjacent uses in accordance with the Downtown Columbia Plan.

e. The maximum building heights will conform to the Final Development Plan.

f. The development satisfies the Downtown Public Art Program approved with the Final Development Plan or Final Development Plan Amendment approval.

g. The Site Development Plan satisfies the affordable housing requirements in accordance with SECTION 125 A.9.D OF THESE ZONING REGULATIONS AND the approved Final Development Plan.

h. The development satisfies the Adequate Public Facilities Ordinance, if applicable.

i. The development indicates the manner in which any land intended for common or quasi-public use, but not proposed to be in public ownership, will be held, owned and maintained in perpetuity for the indicated purposes.

j. The petition is accompanied by documentation demonstrating membership in the Downtown Columbia Partnership including the required annual charges.

Attachment B

Proposed General Plan Amendments

I. Proposed Changes to Section 1.5 of the Downtown Columbia Plan

1.5 DIVERSE HOUSING

This Plan recognizes and celebrates the original vision of Jim Rouse to create a socially responsible city for people of all ages, incomes and backgrounds. The establishment of an ongoing mechanism to provide a full spectrum of housing into the future is an important social responsibility shared by us all. Of related but equal importance is encouraging within downtown Columbia itself the diversity of people that exists elsewhere in Columbia today. Realizing this diversity will be important to the social and economic success of the downtown, where the mixing of individuals with different backgrounds and incomes will result in an ongoing exchange of ideas in an environment where residents, workers and visitors will have an opportunity to learn from one another and grow together as a community.

Downtown Columbia: A Community Vision recaptures the spirit of the Rouse vision for a complete city in which different types of people live together to create a fully realized community. In such respect, this Plan also recognizes the enrichment a community can experience through the diversity of its people. This Plan strives to achieve this objective through the provision of expanded residential opportunities for in-town living in both housing form and affordability, and through the establishment of a community housing fund **AND INCLUSIONARY ZONING POLICIES** which will be used to help meet the affordable housing needs of the community.

BACKGROUND

The need for affordable housing exists today and will likely continue to grow into the future. Significantly, however, what at times can be overlooked is the important relationship between reasonable opportunities for affordable housing and the economic health of the County. *General Plan 2000* recognized this significance and identified the important relationship between the need for affordable housing and the County's employment growth, and its demand for low and moderate income workers. In this regard, *General Plan 2000* recognized that to the degree low- and moderate- income workers can be housed in the County, the County's economic development prospects are improved. In addition, General Plan 2000 further recognized that by providing more affordable housing it becomes possible for residents' children and parents, as well as teachers, firemen and policemen to live in the County. The accommodation of work force housing is a goal shared by all.

General Plan 2000 (Policy 4.2) recommends providing affordable housing for existing low- and moderate-income residents and for the diverse labor force needed for continuing economic growth. Policy 4.2 also recommends that new funding sources be identified to enable the Office

of Housing and Community Development to expand the supply of affordable housing to serve low-or moderate-income households,including seniors and persons with disabilities. In a similar context,*Downtown Columbia: A Community* Vision expands upon these objectives and suggests that new models for developing affordable housing in combination with mixed-use development should generate new and innovative techniques for achieving these objectives. It is with these policy statements in mind that this Plan proposes a means of providing a full spectrum of housing for Downtown Columbia.

DOWNTOWN COLUMBIA COMMUNITY HOUSING FOUNDATION

A full spectrum housing program for Downtown Columbia should establish a flexible model that aspires to make new housing in downtown affordable to individuals earning across all income levels. In order to create an effective, flexible means of providing a full spectrum of housing for Downtown Columbia, GGP will establish the Downtown Columbia Community Housing Foundation ("DCCHF"),as detailed below. The intent of this full spectrum housing program, **INCLUDING THE DCCHF FUND AND INCLUSIONARY ZONING** for **MIXED-INCOME DEVELOPMENT IN** Downtown Columbia, is to satisfy all affordable housing requirements for downtown.

Initial Source Fund

GGP will establish the DCCHF at its expense and will contribute $1.5 million to the DCCHF upon issuance of the first building permit for new housing in Downtown Columbia. GGP will contribute an additional $1.5 million upon issuance of a building permit for the 400th new residential unit in Downtown Columbia. Each payment will be contingent on expiration of all applicable appeal periods associated with each building permit without an appeal being filed, or if an appeal is filed upon the issuance of a final decision of the courts upholding the issuance of the permit.

Ongoing Developer Contributions

FOR PROJECTS THAT HAVE A SITE DEVELOPMENT PLAN FILED PRIOR TO OCTOBER 1, 2015, EACH [[Each]] developer will provide a one-time, per unit payment to the DCCHF in the following amounts, to be imposed upon the issuance of any building permit for a building containing dwelling units. Payment will be contingent upon the expiration of all applicable appeal periods associated with each building permit without an appeal being filed, or if an appeal is filed upon the issuance of a final decision of the courts upholding the issuance of the permit:

1. $2,000/unit for each unit up to and including the 1,500th unit.

2. $7,000/unit for each unit between the 1,501st unit up to and including the 3,500th unit.

3. $9,000/unit for each unit between the 3,501st unit up to and including the 5,500th unit.

The amounts to be paid under 1, 2 and 3 above will be subject to annual adjustment based on a builder's index, land value or other index provided in the implementing legislation.

Each owner of property developed with commercial uses pursuant to the Downtown Revitalization Zoning Regulations shall provide an annual payment to the DCCHF in the amount of five cents ($0.05) per square foot of Gross Leasable Area for office and retail uses, and five cents ($0.05) per square foot of net floor area for hotels. The payment will be made annually by the property owner, with the initial payment being made prior to the issuance of an occupancy permit for net new commercial development on the property. The amount of the charge will be subject to annual adjustment based on a builder's index, land value, or other index provided in the implementing legislation.

DCCHF Notice of Sale

The DHCCF should be notified by the developer or joint venture, via first class mail, of land for or all residential units offered for initial sale in each new residential or mixed use building in Downtown Columbia. No later than 10 days after the sale of rental housing, the owner must provide written notice of the sale. The DCCHF also should be notified by the developer, via first-class mail, of all apartment units offered for rental in each new residential or mixed-use building containing rental units. In support of these objectives, GGP should involve DCCHF in meaningful discussion with land purchasers in Downtown Columbia in order to encourage full spectrum housing in each and every neighborhood.

DCCHF Organizational Structure

It is anticipated that Howard County, in consultation with GGP, will determine, by legislation, the organizational entity, organizational structure, membership, functions, and implementation of the DCCHF. The legislation should provide that, in order to be eligible to receive the funds provided for in this Plan, the DCCHF must be a non-pro fit entity organized for the purpose of providing full spectrum, below market housing in Downtown Columbia. Use of DCCHF funds is limited to providing full spectrum, below market housing in Downtown Columbia, which may include, but is not limited to, funding new construction; acquiring housing units; preserving existing homes; financing rehabilitation of rental housing; developing senior, family or special needs housing; providing predevelopment, bridge, acquisition and permanent financing; offering eviction prevention and foreclosure assistance.'

MIXED-INCOME HOUSING

THE INTENT OF THIS PLAN IS TO ENSURE THAT AFFORDABLE HOUSING UNITS WILL BE DEVELOPED THROUGHOUT THE DOWNTOWN AREA IN MIXED-INCOME PROJECTS AND THAT THE UNITS BE AFFORDABLE AT A BROAD SPECTRUM OF INCOMES. IN ADDITION, THE DEVELOPERS ARE PROVIDED OPTIONS TO FACILITATE MORE LOW INCOME UNITS AND TO PROVIDE FLEXIBILITY WITHIN CERTAIN PARAMETERS IN THE MIX OF AFFORDABLE UNITS AND MARKET RATE UNITS. THE INCLUSIONARY ZONING REQUIREMENT WILL APPLY TO EACH RESIDENTIAL PROJECT IN DOWNTOWN COLUMBIA WITH A SITE DEVELOPMENT PLANS SUBMITTED ON OR AFTER OCTOBER 1, 2015 IN ACCORDANCE WITH SECTION 125 OF THE ZONING REGULATIONS.

II. Proposed Change to CEPPA #26

26. **FOR ANY SITE DEVELOPMENT PLAN FILED PRIOR TO OCTOBER 1, 2015, TO**[[To]] fulfill an affordable housing obligation, each developer will provide a one-time, per unit payment to the DCCHF in the following amounts, to be imposed upon the issuance of any building permit for a building containing dwelling units. Payment will be contingent upon the expiration of all applicable appeal periods associated with each building permit without an appeal being filed, or if an appeal is filed upon the issuance of a final decision of the courts upholding the issuance of the permit:

1). $2,000/unit for each unit up to and including the 1,500th unit.

2). $7,000/unit for each unit between the 1,501th unit up to and including the 3,500th unit.

3). $9,000/unit for each unit between the 3,501st unit up to and including the 5,500th unit.

The amounts to be paid under 1), 2) and 3) above will be subject to annual adjustment based on a builder's index, land value or other index provided in the implementing legislation.