

Introduction

This June, Columbia will be forty years old. Consider that forty years ago, James Rouse began the development of Columbia. He had a vision to create a community in a new way; to plan a new community. And he succeeded. Look at how successful Columbia is. One of the key tools that Mr. Rouse used to develop Columbia was New Town Zoning. He convinced the Howard County Commissioners to adopt New Town Zoning, a very unique zoning district for those times. There was nothing else like it in Howard County. Columbia would not have developed in the same way without New Town Zoning. The task force still considers New Town Zoning to be unique and valuable. Many who live in Columbia do not fully appreciate how unique New Town Zoning was 40 years ago and how unique it still remains. The task force has prepared a short overview of New Town Zoning to explain its features (see Overview of New Town Zoning document). Columbia's success in consideration of New Town Zoning leads to the first recommendation.

Recommendation 1: Keep New Town Zoning.

In fact, the task force suggests that a goal for Columbia should be *"to preserve and enhance New Town Zoning in order to make it more responsive to the Columbia community"*. This is the thrust of the report.

Fast forward forty years from the founding of Columbia. It is difficult to believe how much of Jim Rouse's vision has been turned into reality. Columbia is a successful planned community and the key word is **planned**. Columbia did not just happen; it was planned. Jim Rouse developed a master plan to guide Columbia development. In fact that plan continues today to guide Columbia development. But what about the future? Columbia is nearing final development. Are we done planning? The task force does not believe that planning is done. Columbia should continue to be a planned community. Columbia faces redevelopment. It faces questions such as: *What should the Downtown look like? How should affordable housing fit into Columbia? Should Columbia's density be increased? What is the role of Village Centers in the future? Does Mixed Use development have a role in Columbia?* Even though Columbia nears final development, planning cannot stop. This leads to the second recommendation.

Recommendation 2: Columbia needs an updated, written, publicly available master plan, a vision to guide the next forty years.

Columbia needs to understand the existing master plan and adjust it to handle the future. But the Columbia community needs to be involved in updating the master plan. Forty years ago, the Columbia community did not exist. Now over 90,000 people live in Columbia. The Columbia community needs to have a say in an updated master plan. The master plan needs to be a written, publicly available document. Just like for Mr. Rouse, New Town Zoning can continue to be a key tool in the future development or redevelopment of Columbia.

Having a master plan is crucial to being a successful planned community. But a master plan, by itself, does not work if there is **no method** to enforce adherence to the master plan. A master plan and an enforcement mechanism go hand-in-hand. It is great having a master plan, but if you can't insure that development occurs according to the master plan, what good is the master plan? Why spend countless hours developing an update master plan if no one is going to follow it? This leads to the third recommendation.

Recommendation 3: Columbia needs a mechanism to enforce adherence to the master plan.

New Town Zoning has both an ability/requirement to create a master plan and a method to enforce adherence to the master plan. This should not be a surprise as Mr. Rouse proposed New Town Zoning. He knew that he needed both a plan and a way to enforce adherence to the plan in order for Columbia to be successful. But what exactly is New Town Zoning? What concepts of New Town Zoning are important for the Columbia community to know?

New Town Zoning is not a traditional type of zoning. Because of this, it avoids some of the problems which occur with traditional zoning. Traditional zoning categories tend to be very broad and do not allow the zoning, particularly related to uses allowed, to be tailored to a specific site. New Town Zoning has several key concepts:

1. the ability to have site-specific "zoning" for parcels of land;
2. the ability to have a vision or plan to guide development;
3. the ability to enforce adherence to the vision or plan; and
4. the ability to have public input.

In New Town Zoning, the Final Development Plan (the FDP) provides the ability to have site-specific "zoning", to tailor a site's uses and structures to fit into the surrounding neighborhood. The ability to allow "zoning" to be tailored to an individual piece of property gives enormous flexibility. The FDP concept was crucial to the development of Columbia and will be even more important in the re-development of Columbia.

In New Town Zoning the ability to have a plan to guide development and the ability to enforce adherence to the plan is generally denoted as the "**gatekeeper**" function. Since the beginning of New Town Zoning, HRD/GGP has been the gatekeeper. As the gatekeeper, HRD/GGP developed the plan and insured that all development conformed to the plan. The plan was considered a living document. As time went by, changes were made to the plan. Having a plan and the ability to enforce adherence to the plan is crucial to the development of Columbia. That is why Columbia as a planned community, has developed so closely to Mr. Rouse's vision. But the question arises as to whether or not HRD/GGP is still the best organization to fulfill the gatekeeper role.

The idea behind the gatekeeper concept was to insure that development of all of Columbia was planned in advance, that the actual development met the master vision, that all requirements of New Town Zoning were met, and that any changes would be compatible with the master vision. The gatekeeper role was assigned to Columbia's developer HRD, now GGP. It made sense that the developer should be the gatekeeper as Columbia was developed. After all it was Jim Rouse, through HRD, who created the Columbia vision/plan and convinced Howard County to accept the Columbia vision. Now that Columbia is almost fully developed, should HRD/GGP remain as the gatekeeper for the New Town Zoning district in Columbia? Is it even fair to expect HRD/GGP to bear the gatekeeper burden? It cannot be assumed that HRD/GGP will be around for the next 40 years or that they will continue to be as interested in Columbia as they were in the past. The Columbia portion of GGP could be sold. There could be a takeover of GGP by another company. A shift in corporate philosophy could occur which would lessen GGP interest in Columbia. This leads to the fourth recommendation.

Recommendation 4: More Columbia community control of the gatekeeper function is required.

New Town Zoning provides for some public input in the overall process. However, additional public notice and input is desired. Public input should not be limited to just the master plan. Public notice and input into the New Town Zoning process also needs to be considered. Public notice is important. If one doesn't know, how can one provide input? This leads to the fifth recommendation.

Recommendation 5: Some changes to the New Town Zoning process are needed to improve public access and make the process more transparent and open.

But property under New Town Zoning is not the only property which impacts the Columbia community. There are many out parcels within the boundaries of the Columbia New Town Zoning district. There is also land bordering Columbia (i.e., adjacent parcels). Out parcels and adjacent parcels have standard zoning, but a zoning change to an out parcel or adjacent parcel does affect Columbia. At a minimum, should owners of out parcels and adjacent parcels be required to meet with the local Columbia community to explain the proposed zoning change? Shouldn't the Columbia community be notified if a proposed non-New Town development impacts Columbia? This leads to the sixth recommendation.

Recommendation 6: Owners of out parcels and adjacent parcels should be required to notify and meet with any Village within a 1 mile radius of the property subject to the zoning change.

Another issue which is tied into public notice and input is the ability to challenge / contest a zoning decision or change. Who should have the ability to challenge zoning decisions in the New Town Zoning district? No process is perfect. Sometimes mistakes occur. How can people who truly believe a mistake has occurred take action to correct the mistake? The Columbia Villages represent the residents of Columbia. Residents petition their Village to take action on a number of different issues. New Town Zoning should be one of these. This leads to the seventh recommendation.

Recommendation 7: Give each Columbia Village the ability (the right) to contest or challenge New Town Zoning decisions or changes.

The document entitled *Issues Concerning Columbia New Town Zoning* provides the rationale for the various recommendations made by the task force. In considering which recommendations to make, the task force believes that the New Town Zoning key concepts are still very important.

1. The FDP must be kept (site-specific zoning is crucial);
2. Additional public input into the process is required; and
3. The gatekeeper role should be kept and enhanced by public input or control (i.e., Columbia requires an updated master plan formed through community input and the ability to enforce adherence to the plan).

It has already been mentioned that having a master plan for Columbia requires also having a method to enforce adherence to the master plan. It makes no sense to have a plan and not have an enforcement mechanism. Similarly, it makes no sense to have an enforcement mechanism which isn't enforcing the master plan. Columbia needs a master plan with a mechanism to enforce adherence to the master plan. The document entitled *Keeping Columbia as a Planned Community* discusses having a master plan with an enforcement mechanism. Currently, New Town Zoning provides for this combination through the gatekeeper function.

If there is no gatekeeper, then another mechanism will have to be developed to enforce adherence to the master plan. One possibility is a large overlay district for all of New Town Zoning. This might work, but it would be cumbersome and not as flexible as the gatekeeper. Since New Town Zoning already has the gatekeeper (the enforcement mechanism) why try to create some other method? The current method has worked for 40 years. Let's just use what already exists. This leads to the eighth recommendation.

Recommendation 8: The gatekeeper function in New Town Zoning should be kept, but modified to meet the needs of the Columbia Community.

If the Columbia community decides to keep the gatekeeper function, consider what attributes would be required for a gatekeeper. The task force settled on the following attributes for a gatekeeper.

1. The gatekeeper has to be a permanent organization.
2. The gatekeeper has to be able to make decisions.
3. The gatekeeper has to operate independently.
4. The gatekeeper has to operate in an open, fair, impartial, and trustworthy manner.
5. The gatekeeper has to be answerable to the Columbia community.
6. The gatekeeper has to have its focus on all of Columbia.

The gatekeeper role is crucial. But how should it be modified to meet the requirements of the Columbia community? After considerable thought, the task force proposes three options.

Option 1: Work with GGP to add Columbia community involvement in the existing gatekeeper.

Option 2: Turn over the gatekeeper role to the ten Columbia Villages.

Option 3: Create a new gatekeeper.

Option 1 would be the most straight forward one to implement. GGP already has the gatekeeper role. But it would depend upon the cooperation of GGP. Would GGP be willing to share the gatekeeper role with the Columbia community and eventually allow the Columbia community to control the gatekeeper? Can an equitable sharing relationship be created, one that would meet the needs of both parties? This option could be implemented just with GGP concurrence.

Option 2 would treat the gatekeeper function just like the architectural covenants. Each Village oversees the enforcement of the architectural covenants. The Villages would assume a new responsibility, that of the enforcement mechanism (the gatekeeper). Would the Villages be willing to assume this role? Covenant enforcement costs money and so would the gatekeeper function. The Villages would have to charge fees for providing this service. Would the Villages act in a unified manner in order to preserve the unity of New Town Zoning? Would GGP or the County be willing to have the Villages assume this role? Implementing this option would require the agreement of the County and possibly GGP.

Option 3 involves the creation of a new gatekeeper. This definitely requires County involvement; actually it requires County agreement. Only the County could change the gatekeeper from GGP to another organization. It is not clear that the County would agree to make this change. GGP could oppose it. The new gatekeeper must oversee the updating of the master plan for Columbia, must itself adhere to the updated master plan, and must force all development to adhere to the updated master plan. The new gatekeeper would have to charge a fee for providing its services. There are several alternatives under this option.

1. The new gatekeeper could be a public board or agency;
2. The new gatekeeper could be an organization of all the Villages; or
3. The new gatekeeper could be a hybrid entity.

Each of these alternatives has advantages and disadvantages. The document entitled *Keeping Columbia as a Planned Community* contains a much more detailed discussion of the options and the option 3 alternatives. The task force has decided not to make a recommendation concerning these options. The task force believes that more discussion involving the Columbia community is needed. The Columbia community needs to **discuss** and **decide** this important issue. Once a direction has been chosen, then the task force can study and report on how to best implement the decision.

Forty years ago James Rouse had a vision; a vision of a planned community. That planned community now exists and must plan for the future. New Town Zoning was a key tool used by James Rouse to develop his vision into a reality. The Columbia community now needs to use the New Town Zoning tool to plan and direct its future. New Town Zoning worked for James Rouse and New Town Zoning can work for the Columbia community if we so chose.