


Updating Town Center Ordinances



The Purposes of a Zoning Ordinance

- To implement the Comprehensive Plan and its related special area plans, such as town center plans (as per Article 66B, section 4.03 of the Maryland Annotate code.)

All counties are required to have a comprehensive plan and zoning tools to implement the plan.



- To promote health, safety, and welfare.


- By encouraging (or if necessary requiring) new development that promotes adequate light, air, recreation, etc.
- By requiring safe access for pedestrians, cars, cyclists; safe community design, etc.
- By promoting sustainable development, economic growth, jobs, and education.



- To allow communities the tools to do together that which they can't do for themselves

- By protecting the environment,
- By protecting or enhancing the county's economic viability, and
- By giving incentives for good development






Who Prepares and Approves a Zoning Ordinance?

- In a 'county commissioner' form of government, the Board of County Commissioners prepares the Ordinance.
- It is approved after a public hearing is held and after receiving a recommendation from the Planning Commission.



Town Center Ordinances – *General Principles*

- Zoning regulations should be designed to implement the goals of the master plans.
- The format should replicate the Calvert County Zoning Ordinance.
- Public safety and engineering standards should be consistent throughout the County.
- Environmental standards should be consistent for all town centers.
- Architectural standards may be tailored for each town Center.
- Parking regulations may be tailored for each town center depending on opportunities for public transit, cycling or walking and shared parking.



How Should Town Center Ordinances Be Different from the Calvert County Zoning Ordinance?

- Where the town center plans call for it, the ordinances should facilitate mixed use development.
- The ordinances should facilitate walking and cycling.
- At key locations and centers, the ordinances should give priority to commercial development.




Two Approaches to Ordinance Design


- Provide specific rules and apply them the same way in all cases (**certainty**) or
- Provide flexibility to give incentives for good design or to fit unusual circumstances (**flexibility**)



Opinions Vary About Which is Best



Why don't your regulations allow my business the flexibility to create a project that works?



Why don't your regulations just tell me exactly what I must do?



Advantages Of 'Certainty'

- Creates uniformity.
- Provides some assurance to the public and applicants that all applicants are treated the same way.
- Simplifies and streamlines the development review process.
- Gives applicants more confidence in evaluating costs before a project is submitted.



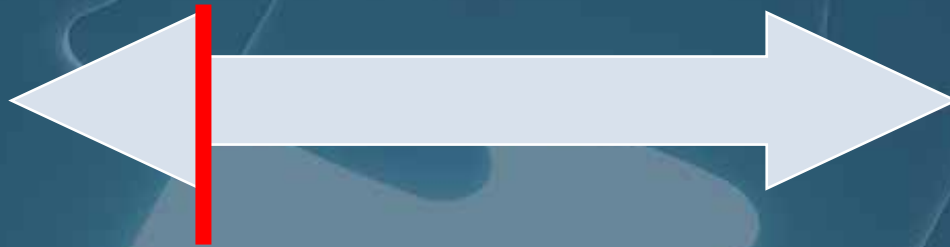
Advantages of 'Flexibility'

- Encourages site sensitive and innovative design.
- Allows county to trade off bonuses in exchange for public benefits.
- Avoids unnecessary variance requests.



Ordinances Vary in Levels of Certainty vs. Flexibility

Certainty



Flexibility




If There is Flexibility, Who Decides?

- The Planning Commission (or its designee) approves all site plans and subdivisions.
- The Zoning Officer approves all permits.



If there is flexibility in the Regulations,
then there need to be guidelines.

- What is the purpose of the regulation?
- Under what circumstances is flexibility appropriate?
- How much can the regulation be varied?
- Who has the authority to vary the regulations?



If there is flexibility in the Regulations, then there needs to be a very open process.

- Staff reports need to be available to all who request.
- Decision makers must be able to explain the reasons why 'flexibility' is granted or denied.
- Those disagreeing with the decision need to have opportunities for appeal.



Example Of Regulations Portraying 'Flexibility'

All non-residential developments shall provide a minimum of a 20-ft. landscaped buffer adjacent to an existing residentially used property. The Planning Commission may reduce the buffer to a minimum of 12 ft. through the use of a landscaped berm at least 3 ft. in height.



Examples of Regulations Portraying 'Certainty'

- 25' front setback
- 36' maximum building height
- A 100' roadway buffer for all new development on Rte. 4



Action Requested

- Direct staff to organize all the town center ordinances to match the organization of the Calvert County Zoning Ordinance.
- Direct staff to have uniform standards for engineering principles and environmental protection within all town centers.
- Direct staff to allow for flexibility for architectural design, parking, residential density, and a mix of land uses.
- Direct staff to only use 'flexible' standards when the reason for flexibility is given, limits are established, and decisions are clearly articulated.