

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 8

Bill No. 55-2016

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the County Code by clarifying that certain moderate income housing units are provided in certain Zoning Districts as required by the Howard County Zoning Regulations or when required by certain plans; exempting Downtown Columbia from a certain provision of the Adequate Public Facilities Ordinance; amending certain payments for affordable housing required by each developer of residential property within Downtown Columbia under certain conditions; and generally relating to development in Downtown Columbia.

Introduced and read first time _____, 2016. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2016.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2016 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2016 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2016

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, this Act amends Titles 13, 16, and 28 of the Howard County Code of
2 Ordinances in order to align with amendments made to the Downtown Columbia Plan, a General
3 Plan Amendment, that accomplish the goals of providing a broad spectrum of affordable housing
4 in Downtown Columbia; and

5
6 **WHEREAS**, on May 10, 2016, the Howard County Planning Board recommended
7 approval of the Downtown Columbia Plan amendments with modifications.

8
9 **NOW, THEREFORE,**

10
11 ***Section 1. Be It Enacted*** by the County Council of Howard County, Maryland, that the Howard
12 County Code is amended as follows:

13 1. *By amending Title 13 “Housing and Community Development”*
14 *Section 13.400 “Applicability”*

15
16 2. *By amending Title 16 “Planning, Zoning and Subdivisions and Land Development*
17 *Regulations”*
18 *Section 16.1104(f) “Housing unit allocation process”*

19
20 3. *By amending Title 16 “Planning, Zoning and Subdivisions and Land Development*
21 *Regulations”*
22 *Section 16.1110(h) “Definitions”*

23
24 4. *By amending Title 28 “Downtown Columbia”*
25 *Section 28.115(f) “Payments required by CEPPAS”*

26
27 **Title 13. Housing and Community Development.**

28 **Subtitle 4. Moderate Income Housing Units.**

29
30 **Section 13.400. Applicability.**

31 This subtitle applies to:

- 1 (a) ANY RESIDENTIAL ZONING DISTRICT, OR PORTION OF A ZONING DISTRICT, WHERE A
- 2 MODERATE INCOME HOUSING UNIT OBLIGATION IS REQUIRED BY THE ZONING REGULATIONS;
- 3 AND [[Age-restricted adult housing, in accordance with section 131.N.1.n of the Howard
- 4 County Zoning Regulations.
- 5 (b) Mixed-use developments, in accordance with subsection 127.C.6.b of the Howard County
- 6 Zoning Regulations.
- 7 (c) Planned senior communities, in accordance with subsection 127.1.B.8 of the Howard
- 8 County Zoning Regulations.
- 9 (d) Residential mobile home developments, in accordance with subsection 113.F.2 of the
- 10 Howard County Zoning Regulations.]]
- 11 ([[e]]B) Any development for which the provision of moderate income housing is proffered by
- 12 the petitioner and made a condition of approval in a preliminary development plan approved
- 13 by the Zoning Board[[]; and
- 14 (f) Residential developments in the R-SA-8, R-A-15, CCT, POR, R-SI, TOD, CAC, Zoning
- 15 Districts and any other zoning districts that may include a moderate income housing unit
- 16 requirement]].

17

18 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

19 **Subtitle 11. Adequate Public Facilities.**

20

21 **Section 16.1104. Housing unit allocation process.**

- 22 (f) *Limit on Allocations in a School District.* Except for projects exempt under subsection
- 23 16.1107(b) of this subtitle AND FOR UNITS IN DOWNTOWN COLUMBIA, the Department of
- 24 Planning and Zoning may not grant more than 300 allocations in one year in a single
- 25 elementary school district if the elementary school region within which the district is located
- 26 exceeds 100 percent of capacity.

27

28 **Section 16.1110. Definitions.**

- 29 (h) Downtown Columbia means the geographic area defined as Downtown Columbia in section
- 30 103[[.A.41]] of the Howard County Zoning Regulations.

1
2 **Title 28. Downtown Columbia.**

3 **Subtitle 1. Downtown Columbia Partnership.**
4

5 **Section 28.115. Payments required by CEPPAS.**

6 (f) *Affordable Housing—DWELLING* ~~[[Residential]]~~ *Units OFFERED FOR-SALE.* Pursuant to the
7 Downtown Columbia Plan:

8 (1) INSTEAD OF PROVIDING MODERATE INCOME HOUSING UNITS AS REQUIRED BY THE ZONING
9 REGULATIONS, EACH ~~[[Each]]~~ developer of DWELLING UNITS OFFERED FOR SALE
10 ~~[[residential property]]~~ in the District ~~[[shall]]~~ MAY provide a one-time, per unit payment
11 to be imposed on the issuance of any building permit for a building containing dwelling
12 units OFFERED FOR SALE as follows:

13 (i) TWO DOLLARS PER SQUARE FOOT ~~[[Two thousand dollars per unit]]~~ for each NET
14 NEW DWELLING unit up to and including the 1,500th NET NEW DWELLING unit;

15 (ii) SEVEN DOLLARS PER SQUARE FOOT ~~[[Seven thousand dollars per unit]]~~ for each NET
16 NEW DWELLING unit between the 1,501st unit up to and including the 3,500th NET
17 NEW DWELLING unit; and

18 (iii) NINE DOLLARS PER SQUARE FOOT ~~[[Nine thousand dollars per unit]]~~ for each NET
19 NEW DWELLING unit ~~[[between]]~~ ABOVE AND INCLUDING the 3,501st NET NEW
20 DWELLING unit ~~[[up to and including the 5,500th unit]]~~.

21 (2) Beginning April 6, 2011, the payment required by paragraph (1) of this subsection shall
22 annually adjust based on the Engineering News-Record Building Cost Index.

23 ~~[[~~(3) A developer of residential property in the District who provides affordable housing
24 units in the District as an alternative satisfaction of the affordable housing requirement
25 as provided in the zoning regulations, is not required to make the payments provided in
26 subsection (f)(1) above.]]

27 (3) AFFORDABLE DWELLING UNITS SHALL BE EXCLUDED FROM THE COMPUTATION SET FORTH
28 IN PARAGRAPH (1) OF THIS SUBSECTION.
29

30 **Section 2. And Be It Further Enacted** by the County Council of Howard County, Maryland that
31 *this Act shall become effective 61 days after its enactment.*