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 July 8, 2016. Ordered posted and hearing scheduled.

By order _____ Jessica Feldmark _____
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 July 18, 2016.

Tabled 7/29/16
Extended & Tabled 9/6/16,
Extended & Tabled 10/5/16

By order _____ Jessica Feldmark _____
Jessica Feldmark, Administrator

This Bill was read the third time on November, 2016 and Passed ___, Passed with amendments ✓, Failed ___.

By order _____ Jessica Feldmark _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 10th day of November, 2016 at 4 a.m./p.m.

By order _____ Jessica Feldmark _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive Nov 14, 2016

_____ Allan H. Kittleman _____
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~~ repealing 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

~~Title 28. Downtown Columbia.~~

~~Subtitle 1. Downtown Columbia Partnership.~~

~~Section 28.115. Payments required by CEPPAS.~~

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

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

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

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

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

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

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

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

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

BY: **Mary Kay Sigaty**
      Greg Fox

Legislative Day No: 1~~7~~8
Date: November 9, 2016

Amendment No. 1

(This amendment would add certain programs to the Downtown Columbia Housing Foundation)
(This amendment deletes the Affordable Housing—Residential Units section from the Howard County Code)

1   ~~On the title page, in the last line of the title, after the semi-colon, insert "adding certain~~

2   ~~programs to the Downtown Columbia Housing Foundation;".~~

3

4   ~~On page 1, in line 26, insert the following:~~

5   ~~"Section 28.205. "Program"~~

6

7   ~~On page 3, immediately following line 29, insert the following:~~

8   ~~"Sec. 28.205. - Program.~~

9   ~~The foundation shall develop and carry out a program of services and financial assistance that~~

10 ~~may include but is not limited to:~~

11 ~~(1) Creating a flexible model that aspires to make new housing in the district affordable to~~

12 ~~individuals earning across all income levels;~~

13 ~~(2) Creating an effective, flexible means of providing a full spectrum of housing for Downtown~~

14 ~~Columbia;~~

15 ~~(3) Conducting meaningful discussions with land purchasers in Downtown Columbia to~~

16 ~~encourage full spectrum housing in each and every neighborhood;~~

17 ~~(4) Funding new construction;~~

18 ~~(5) Acquiring housing units;~~

19 ~~(6) Preserving existing homes;~~

20 ~~(7) Financing rehabilitation of rental housing;~~

1   ~~(8)Developing senior, family or special needs housing;~~

2   ~~(9)Providing predevelopment, bridge, acquisition and permanent financing; and~~

3   ~~(10)Offering eviction prevention and foreclosure assistance.~~

4   ~~(11) SUPPORTING HOMEOWNERSHIP, REVITALIZATION, AND LIVE-WHERE-YOU-WORK PROGRAMS~~

5   ~~WITHIN OR WITHIN ONE MILE OF THE BOUNDARIES OF DOWNTOWN COLUMBIA.".~~

6   On page 1, in line 24, strike "*amending*" and substitute "*repealing*".

7

8   On page 3, strike lines 2 – 28, in their entirety.

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Amendment 3   to Amendment #1
Council Bill No. 55-2016

BY: **Mary Kay Sigaty**

Legislative Day No: 18
Date: November 9, 2016

Amendment No. 3   to Amendment #1

(This amendment deletes the Affordable Housing—Residential Units section from the Howard County Code).

1   On page 1, strike the explanation, and substitute *"(This amendment deletes the Affordable*

2   *Housing—Residential Units section from the Howard County Code)"*.

3

4   Strike lines 1 – 21 on page 1 and lines 1 - 4 on page 2, and substitute the following:

5   "On page 1, in line 24, strike "*amending*" and substitute "*repealing*".

6

7   On page 3, strike lines 2 – 28, in their entirety.".

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ADOPTED 11/9/16

FAILED

SIGNATURE *Jessica Feldmark*

Amendment 1 to Amendment #1
Council Bill No. 55-2016

BY: Jennifer Terrasa
Calvin Ball

Legislative Day No: 18
Date: November 9, 2016

Amendment No. 1 to Amendment #1

(This amendment removes the 1 mile provision from the amendment).

1   On page 2, in line 4, strike "OR WITHIN ONE MILE OF".
2
3
4
5
6

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Amendment 2 to Amendment #1
Council Bill No. 55-2016

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BY: **Mary Kay Sigaty**

Legislative Day No: 18
Date: November 9, 2016

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Amendment No. 2 to Amendment #1

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(This amendment clarifies that homeownership is a means of revitalization.)

1   On page 2, in line 3, strike "HOMEOWNERSHIP, REVITALIZATION," and substitute

2   "HOMEOWNERSHIP AS A MEANS OF COMMUNITY REVITALIZATION".

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ADOPTED
FAILED   *not introduced*
SIGNATURE   *Jessica Feldmark*