

Amendment 1 to Council Bill No. 54-2016

BY: Mary Kay Sigaty

**Legislative Day No: 17
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Amendment No. 1

(This amendment would make several changes to the affordable housing development program)

- 1 On the title page, in line 1 of the title, strike “Downton” and substitute “Downtown”.
- 2
- 3 On page 1, immediately following line 14, insert the following:
- 4 “1. By amending Section 125.0.A.9.c of the Howard County Zoning Regulations.”. Renumber
- 5 the remainder of the section accordingly.
- 6
- 7 On page 1, immediately following line 29, insert the following:
- 8 “c. Development Levels: The following maximum development level limits apply to
- 9 Downtown Columbia for Downtown Revitalization, except as qualified by Sections
- 10 125.0.A.9.f.(1), (2) and (3).
- 11 (1) The maximum number of Downtown Net New dwellings permitted is 5,500
- 12 dwellings. The number of dwellings permitted under the Downtown
- 13 Revitalization Approval Process, up to a maximum of 5,500 Downtown Net New
- 14 dwellings, shall be in addition to the overall residential density established by
- 15 Section 125.0.A.4.
- 16 (2) ANY DWELLING WITHIN A LOW INCOME HOUSING TAX CREDIT (LIHTC) PROJECT
- 17 OWNED WHOLLY OR IN PARTNERSHIP BY THE HOWARD COUNTY HOUSING
- 18 COMMISSION LOCATED IN DOWNTOWN COLUMBIA IS EXEMPT FROM THE MAXIMUM
- 19 NUMBER OF DOWNTOWN NET NEW DWELLING UNITS ESTABLISHED BY SECTION
- 20 125.0.A.9.C(1). THE MAXIMUM NUMBER OF SUCH LIHTC DWELLINGS PERMITTED
- 21 IN DOWNTOWN COLUMBIA IS ~~900~~744.
- 22 [(2)](3) The maximum amount of Downtown Net New commercial office
- 23 development permitted is 4,300,000 square feet of gross floor area.
- 24 [(3)](4) The maximum number of Downtown Net New hotel and motel rooms

1 permitted is 640 rooms.

2 ~~[(4)](5)~~ The maximum amount of Downtown Net New commercial retail
3 development permitted is 1,250,000 square feet of gross floor area.

4 ~~[(5)](6)~~ The maximum development levels permitted above for Downtown
5 Revitalization shall be in addition to the number of dwellings and gross floor area
6 of nonresidential uses shown on a Site Development Plan approved prior to April
7 6, 2010.

8 (7) ARTS CENTERS, PUBLIC LIBRARIES, AND GOVERNMENT USES ARE NOT COUNTED
9 TOWARD ANY OF THE DEVELOPMENT LEVELS LISTED ABOVE.”.

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11 On pages 3 and 4, beginning on page 3 in line 7 through line 14 on page 4, and
12 substitute the following:

13 ~~“(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A DEVELOPER OF RESIDENTIAL UNITS~~
14 ~~SHALL PROVIDE AFFORDABLE UNITS AS FOLLOWS:~~

15 ~~(A) 15% OF ALL NET NEW DWELLING UNITS IN BUILDINGS WITH 5 OR FEWER STORIES OF~~
16 ~~RESIDENTIAL UNITS SHALL BE AFFORDABLE AS DEFINED BY HOWARD COUNTY’S~~
17 ~~MODERATE INCOME HOUSING UNIT PROGRAM SET FORTH IN TITLE 13, SUBTITLE 4 OF THE~~
18 ~~HOWARD COUNTY CODE;~~

19 ~~(B) 12% OF ALL NET NEW DWELLING UNITS IN BUILDINGS WITH GREATER THAN 5 STORIES OF~~
20 ~~RESIDENTIAL UNITS SHALL BE AFFORDABLE AS DEFINED BY HOWARD COUNTY’S~~
21 ~~MODERATE INCOME HOUSING UNIT PROGRAM SET FORTH IN TITLE 13, SUBTITLE 4 OF THE~~
22 ~~HOWARD COUNTY CODE;~~

23 ~~(C) A DEVELOPER OF RENTAL UNITS MAY NOT UTILIZE OPTIONAL METHODS OR ALTERNATIVE~~
24 ~~COMPLIANCE AS DESCRIBED IN SECTION 13.402 OF THE HOWARD COUNTY CODE AND~~
25 ~~SHALL PROVIDE ALL OF THE AFFORDABLE UNITS:~~

26 ~~(I) ON THE SITE OF THE DEVELOPMENT PROJECT;~~

27 ~~(II) IN THE SAME RATIO OF UNIT TYPES AS PROPOSED FOR THE DEVELOPMENT; AND~~

28 ~~(III) EVENLY DISTRIBUTED WITHIN EACH PHASE OF DEVELOPMENT; AND~~

29 ~~(D) A DEVELOPER OF UNITS OFFERED FOR SALE MAY, IF APPROVED, UTILIZE OPTIONAL METHODS~~
30 ~~OR ALTERNATIVE COMPLIANCE AS DESCRIBED IN SECTION 13.402 OF THE HOWARD COUNTY~~
31 ~~CODE.~~

32 ~~(4) PARAGRAPH (3) SHALL NOT APPLY IF THE COUNTY DETERMINES THAT THE PURPOSES OF THE~~
33 ~~AFFORDABLE HOUSING REQUIREMENTS OF THE ZONING REGULATIONS AND TITLE 13, SUBTITLE 4 OF~~

1 THE HOWARD COUNTY CODE WILL BE SERVED TO A GREATER EXTENT BY ENTERING INTO A
2 DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT WITH THE DEVELOPER IN ACCORDANCE
3 WITH TITLE 16, SUBTITLE 17 OF THE HOWARD COUNTY CODE IF THE PROPERTY IS IDENTIFIED FOR
4 THE DEVELOPMENT OF AFFORDABLE HOUSING IN AN APPROVED DEVELOPMENT RIGHTS AND
5 RESPONSIBILITIES AGREEMENT AND APPROPRIATE COVENANTS ARE RECORDED AGAINST THE
6 PROPERTY CONSISTENT WITH THE AGREEMENT. IF A DEVELOPMENT RIGHTS AND RESPONSIBILITIES
7 AGREEMENT IS APPROVED AND SUBSEQUENTLY TERMINATED, ALL DEVELOPMENT PROCEEDING
8 AFTER THE TERMINATION SHALL COMPLY FULLY WITH THE DEVELOPMENT FOR WHICH A SITE
9 DEVELOPMENT PLAN HAS NOT RECEIVED TECHNICALLY COMPLETE APPROVAL PRIOR TO THE DATE ON
10 WHICH THE DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT IS TERMINATED SHALL
11 COMPLY FULLY WITH THE REQUIREMENTS SET FORTH IN PARAGRAPH (3) REGARDLESS OF THE
12 NUMBER OF AFFORDABLE UNITS DEVELOPED UNDER THE DEVELOPMENT RIGHTS AND
13 RESPONSIBILITIES AGREEMENT. DEVELOPMENT PURSUANT TO A SITE DEVELOPMENT PLAN WHICH
14 RECEIVED TECHNICALLY COMPLETE APPROVAL BEFORE THE TERMINATION OF THE DEVELOPMENT
15 RIGHTS AND RESPONSIBILITIES AGREEMENT SHALL BE SUBJECT TO THE DEVELOPMENT RIGHTS AND
16 RESPONSIBILITIES AGREEMENT.”.

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18 On page 4, in line 23, strike “4” and substitute “3”.

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