

Introduced	<u>7/8/16</u>
Public Hearing	<u>7/18/16</u>
Council Action	<u>11/9/16</u>
Executive Action	<u>11/14/16</u>
Effective Date	<u>1/14/17</u>

## County Council Of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 8

### Bill No. 54-2016 (ZRA 170)

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

AN ACT requiring a new configuration of affordable housing in ~~Downton~~ Downtown Columbia under certain conditions with certain alternatives; amending and providing for certain parking requirements related to residential units in Downtown Columbia; providing certain requirements for certain plans; requiring that certain types of construction provide for art in the community; and generally relating to the Howard County Zoning Regulations.

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 9/16/16  
Extended & tabled 10/5/16  
 This Bill was read the third time on November 9, 2016 and Passed   , Passed with amendments    , Failed   .  
 By order Jessica Feldmark  
 Jessica Feldmark, Administrator

By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 10<sup>th</sup> 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  
Alan H. Kittleman  
 Alan 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 Sections 125 and 133 of the Howard County  
2 Zoning Regulations (“Zoning Regulations”) in order to align with amendments made to  
3 the Downtown Columbia Plan, a General Plan Amendment, that accomplish the goals of  
4 providing a broad spectrum of affordable housing in Downtown Columbia; and  
5

6           **WHEREAS**, on May 10, 2016, the Howard County Planning Board  
7 recommended approval of the Zoning Regulations amendments included in this Act with  
8 modifications and the Downtown Columbia Plan amendments with modifications.  
9

10           **NOW, THEREFORE,**  
11

12           ***Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the*  
13 *Howard County Zoning Regulations are amended as follows:*  
14

15           1. *By amending Section 125.0.A.9.c of the Howard County Zoning Regulations.*

16           ~~2.~~ *By amending Section 125.0.A.9.f(2) of the Howard County Zoning Regulations.*

17  
18           ~~23.~~ *By adding Section 125.0.A.9.f(3) to the Howard County Zoning Regulations*

19  
20           ~~34.~~ *By adding Section 125.0.A.9.f(4) to the Howard County Zoning Regulations*

21  
22           45. *By amending Section 125.0.H.3.g. of the Howard County Zoning Regulations*

23  
24           ~~56.~~ *By amending Section ~~133.0.F.3. Table 1~~ 133.0.B and F. of the Howard County*  
25 *Zoning Regulations*  
26

27   **Howard County Zoning Regulations.**

28   **Section 125.0. NT (New Town) District**

29  
30           A. Definitions, Requirements and Restrictions Applicable to NT Districts

31           9. Downtown Revitalization:

1           c. Development Levels: The following maximum development level limits apply  
2           to Downtown Columbia for Downtown Revitalization, except as qualified by  
3           Sections 125.0.A.9.f.(1), (2) and (3).

4           (1) The maximum number of Downtown Net New dwellings permitted is  
5           5,500 dwellings. The number of dwellings permitted under the Downtown  
6           Revitalization Approval Process, up to a maximum of 5,500 Downtown  
7           Net New dwellings, shall be in addition to the overall residential density  
8           established by Section 125.0.A.4.

9           (2) ANY DWELLING WITHIN A LOW INCOME HOUSING TAX CREDIT (LIHTC)  
10           PROJECT OWNED WHOLLY OR IN PARTNERSHIP BY THE HOWARD COUNTY  
11           HOUSING COMMISSION LOCATED IN DOWNTOWN COLUMBIA IS EXEMPT  
12           FROM THE MAXIMUM NUMBER OF DOWNTOWN NET NEW DWELLING UNITS  
13           ESTABLISHED BY SECTION 125.O.A.9.C(1). THE MAXIMUM NUMBER OF  
14           SUCH LIHTC DWELLINGS PERMITTED IN DOWNTOWN COLUMBIA IS 744.

15           ~~[(2)]~~(3) The maximum amount of Downtown Net New commercial office  
16           development permitted is 4,300,000 square feet of gross floor area.

17           ~~[(3)]~~(4) The maximum number of Downtown Net New hotel and motel  
18           rooms permitted is 640 rooms.

19           ~~[(4)]~~(5) The maximum amount of Downtown Net New commercial retail  
20           development permitted is 1,250,000 square feet of gross floor area.

21           ~~[(5)]~~(6) The maximum development levels permitted above for Downtown  
22           Revitalization shall be in addition to the number of dwellings and gross  
23           floor area of nonresidential uses shown on a Site Development Plan  
24           approved prior to April 6, 2010.

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

27           f. Additional Requirements.

28           (2) Any Downtown Revitalization Development shall provide for art in the  
29           community that is equivalent in value to 1% of the building construction  
30           cost.

31           (a) Art must be provided:

32           (i) On site;

1 (ii) On other property located within Downtown Revitalization  
2 development provided with the written consent of the owner of the  
3 fee simple property; or

4 (iii) The petitioner may pay a fee in-lieu of providing art on-site that is  
5 equivalent in value to 1% of the building construction cost.

6 (b) Art may be provided in combination with other Downtown  
7 Revitalization Developments.

8 (c) Each in-lieu fee must be paid prior to issuance of a use and occupancy  
9 permit for the first building in the project that generates the  
10 requirement, and the collected funds must be used to provide art on  
11 property within Downtown Revitalization Developments.

12 (d) If the value of the art provided on site or in combination with other  
13 projects exceeds 1% of the building construction cost, then the excess  
14 value beyond 1% can be credited towards the requirements of this  
15 subsection for a subsequent-Final Development Plan subject to the  
16 procedures and requirements set forth in this subsection.

17 (e) The following construction projects are not subject to the requirements  
18 of this section:

19 ~~[(i)]~~ Construction of Moderate Income Housing Units.]

20 ~~[(ii)]~~ (i) Construction of places of worship and their accessory uses.

21 ~~[(iii)]~~ (ii) Renovations to existing or construction of new cultural  
22 facilities which include facilities located within a Downtown Arts  
23 and Entertainment Park, Downtown Arts, Cultural and Community  
24 Uses, and Downtown Community Commons.

25 ~~[(iv)]~~ (iii) Parking Structures.

26 ~~[(v)]~~ (iv) Renovations to existing buildings or structures required by  
27 government mandated code compliance construction projects, such  
28 as projects exclusively designed for compliance with the  
29 Americans with Disabilities Act ("ADA"), the Maryland  
30 Accessibility Code, the National Fire Protection Association  
31 (NFPA) Life Safety Code, and/or fire sprinkler retrofits.

1           ~~(3) ANY AFFORDABLE DWELLING UNIT LOCATED IN DOWNTOWN COLUMBIA IS~~  
2           ~~EXEMPT FROM THE MAXIMUM NUMBER OF DOWNTOWN NET NEW~~  
3           ~~DWELLING UNITS ESTABLISHED BY SECTION 125.O.A.9.C(1). FOR PURPOSES~~  
4           ~~OF THIS SECTION, AN "AFFORDABLE DWELLING UNIT" IS ANY DWELLING~~  
5           ~~UNIT THAT IS RESTRICTED BY HOWARD COUNTY'S MODERATE INCOME~~  
6           ~~HOUSING UNIT PROGRAM SET FORTH IN TITLE 13, SUBTITLE 4 OF THE~~  
7           ~~HOWARD COUNTY CODE, A DEVELOPMENT RIGHTS AND RESPONSIBILITIES~~  
8           ~~AGREEMENT, OR RESTRICTIVE COVENANT THAT IS ENFORCEABLE BY THE~~  
9           ~~COUNTY FOR A TERM OF NOT LESS THAN 40 YEARS, SUCH THAT THE UNIT~~  
10           ~~MUST BE MADE AVAILABLE FOR OCCUPANCY BY A HOUSEHOLD WITH AN~~  
11           ~~INCOME OF NOT MORE THAN 80% OF THE HOWARD COUNTY AREA MEDIAN~~  
12           ~~INCOME.~~

13           ~~(4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, DEPENDING~~  
14           ~~ON THE NUMBER OF STORIES IN A BUILDING, A DEVELOPER SHALL PROVIDE~~  
15           ~~THE FOLLOWING MINIMUM UNITS AS AFFORDABLE AS DEFINED BY HOWARD~~  
16           ~~COUNTY'S MODERATE INCOME HOUSING UNIT PROGRAM, OF WHICH 3%~~  
17           ~~SHALL BE SET ASIDE FOR HOUSEHOLDS WHO WORK WITHIN 5 MILES OF THE~~  
18           ~~LIMITS OF DOWNTOWN COLUMBIA AS DETERMINED BY REGULATIONS OF~~  
19           ~~THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT:~~

20           ~~— (A) — 13% OF ALL NET NEW DWELLING UNITS IN BUILDINGS WITH 5 OR~~  
21           ~~FEWER STORIES; AND~~

22           ~~— (B) — 10% IN BUILDINGS WITH GREATER THAN 5 STORIES.~~

23           ~~(5) PARAGRAPH (4) SHALL NOT APPLY IF:~~

24           ~~(A) A DEVELOPER OF DWELLING UNITS OFFERED FOR SALE, AT ITS OPTION,~~  
25           ~~PAYS A PER UNIT PAYMENT TO THE DOWNTOWN COLUMBIA~~  
26           ~~COMMUNITY HOUSING FOUNDATION ("DCCHF") IN THE AMOUNTS SET~~  
27           ~~FORTH IN TITLE 28, SUBTITLE 1 OF THE HOWARD COUNTY CODE AND~~  
28           ~~THIS PAYMENT SHALL BE:~~

29           ~~— I. — IMPOSED UPON THE ISSUANCE OF ANY BUILDING PERMIT FOR A~~  
30           ~~BUILDING CONTAINING DWELLING UNITS OFFERED FOR SALE;~~

31           ~~AND~~

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~~II. ADDITIONAL TO ANY OTHER FEES REQUIRED TO BE PAID BY THE DEVELOPER; OR~~

~~(B) THE COUNTY DETERMINES THAT THE PURPOSES OF THE AFFORDABLE HOUSING REQUIREMENTS OF THE ZONING REGULATIONS AND TITLE 13, SUBTITLE 4 OF THE HOWARD COUNTY CODE WILL BE SERVED TO A GREATER EXTENT BY ENTERING INTO A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT WITH THE DEVELOPER IN ACCORDANCE WITH TITLE 16, SUBTITLE 17 OF THE HOWARD COUNTY CODE.~~

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

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

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

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

- (i) ON THE SITE OF THE DEVELOPMENT PROJECT;
- (ii) IN THE SAME RATIO OF UNIT TYPES AS PROPOSED FOR THE DEVELOPMENT; AND
- (iii) EVENLY DISTRIBUTED WITHIN EACH PHASE OF DEVELOPMENT; AND

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

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

26 **H. Site Development Plan—Downtown Revitalization**

27       3. Planning Board Review and Approval Criteria.

28       The Planning Board shall approve, approve with conditions, or deny a  
29       Site Development Plan that proposes Downtown Revitalization based on whether  
30       the petition satisfies the following criteria:

- 1 g. The Site Development Plan satisfies the affordable housing requirements in  
2 accordance with the approved Final Development Plan AND SUBSECTION  
3 A.9.F(43) OF THIS SECTION.  
4

5 **Howard County Zoning Regulations.**

6 **Section 133.0: - Off-Street Parking and Loading Facilities.**

7  
8 B. Layout and Location

- 9 1. Off-street parking and loading facilities required by these Regulations  
10 shall be provided on the same lot with such structure or land use, unless  
11 parking is provided on a different lot in accordance with this section.
- 12 2. Off-street parking and loading spaces required for structures or land uses  
13 on two or more adjoining lots may be provided in a single common  
14 facility on one or more of said lots; provided said lots are in the same  
15 zoning district and are owned in common, or are subject to recorded  
16 covenants or easements for parking. For purposes of this section, lots  
17 which are divided by a public street right-of-way are not deemed to be  
18 adjoining.
- 19 3. The location of parking for multifamily residences shall be in accordance  
20 with Section 16.120(b) of the Subdivision and Land Development  
21 Regulations.
- 22 4. Required minimum parking may be provided on a separate lot from the  
23 principal use if:
- 24 a. For residential uses, the location and distribution of parking spaces  
25 complies with the Subdivision and Land Development Regulations;
- 26 b. For nonresidential uses, the major point of pedestrian access to the parking  
27 facility is within 400 feet of the entrance to the building. This requirement  
28 does not apply to Downtown Revitalization;



1           c. The parking facility is within a zoning district in which the use being  
2           served by the parking facility is permitted;

3           d. The parking facility is not separated from the use being served by a public  
4           street. This requirement does not apply to Downtown Revitalization;

5           e. The parking facility is subject to recorded covenants or easements for  
6           parking, or other proof is provided that the continued use of the parking  
7           area is guaranteed throughout the life of the land use.

8           5. IN DOWNTOWN COLUMBIA, NO MORE THAN 10% OF THE REQUIRED OFF-  
9           STREET PARKING SHALL BE SATISFIED WITH SURFACE PARKING. HOWEVER,  
10           THE PLANNING BOARD MAY APPROVE EXCEPTIONS FOR TEMPORARY  
11           PARKING AS PART OF A PHASED DEVELOPMENT PLAN. THE PLANNING  
12           BOARD MAY APPROVE EXTENSIONS UPON SUBMISSION OF A REVISED  
13           PHASING PLAN.

14

15 F. Permitted Reductions in Off-street Parking Requirements

16       3. Downtown Revitalization

17       Off-street parking and loading facilities for Downtown Revitalization shall be  
18       provided in accordance with the following shared parking methodology and  
19       parking ratios:

20       a. The methodology for determining the shared parking demand consists of the  
21       following steps and is described in the following paragraphs:

22           (1) Determine individual weekday and weekend peak parking ratios for each  
23           land use.

24           (2) Determine the number of reserved parking spaces for each use.

25           (3) Select time-of-day and monthly parking variation factors.

26           (4) Adjust parking ratios for modal split, auto occupancy, and captive market  
27           effects.

28           (5) Calculate the hourly parking demand for weekdays and weekends for each  
29           month.

1 Step 1: Determine individual weekday and weekend peak parking rations  
2 for each land use.

3 Table 1 presents the base parking ratios for weekdays and weekends.

4 These ratios must be used unless the petitioner provides reasonable  
5 justification for use of alternative ratio(s) that will not be detrimental to  
6 the public welfare. A DEVELOPER MAY SUBMIT A PARKING STUDY AS  
7 JUSTIFICATION FOR ALTERNATIVE RATIO(S) FOR APPROVAL BY THE  
8 DEPARTMENT OF PLANNING AND ZONING PRIOR TO SUBMISSION OF A SITE  
9 DEVELOPMENT PLAN. For land uses not listed in Table 1, data from the  
10 current edition of "Parking Generation" (ITE), "Shared Parking" (ULI),  
11 the Howard County Zoning Regulations, or other applicable sources may  
12 be used.

13 Step 2: Determine the number of reserved parking spaces for each use.

14 A significant proportion of residential parking spaces are typically  
15 reserved, due to market and security requirements. Some portion of office,  
16 retail, hotel, or other uses may require reserved spaces for some portion of  
17 the day. These reserved spaces should be outlined and specified by land  
18 use on an hourly basis.

19 Step 3: Select time-of-day and monthly parking variation factors.

20 The time-of-day adjustment factors for weekdays and weekends are shown  
21 in Tables 2 and 3, respectively. Table 4 shows the monthly adjustment  
22 factors for customer and visitor parking, while Table 5 includes the  
23 monthly adjustment factors for employees. These typical factors are taken  
24 from the ULI Shared Parking Manual and may be modified based on other  
25 published data or independent studies to ensure accuracy for specific land  
26 uses or circumstances.

27 Step 4: Adjust parking ratios for modal split, auto occupancy, and captive  
28 market effects.

29 Modal split, auto occupancy, and captive market effects will be different  
30 for each Downtown Revitalization development. Modal splits and auto  
31 occupancy can be determined through U.S. Census journey-to-work data,

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patron surveys, or other local data, and can be adjusted to reflect future conditions.

Non-captive adjustments reflect the proportion of users that are not already parked nearby for a primary purpose. These adjustments for captive market effects should only be applied to simultaneous trips, not sequential trips. For example, an office worker who walks across the street for a snack during the day is part of the captive market, while a couple who has dinner before a movie is not. Table 6 includes sample non-captive adjustment factors for weekdays and can be modified based on the characteristics of the land use and surroundings.

Step 5: Calculate the hourly parking demand for weekdays and weekends for each month.

The individual parking demands for each land use during each time period are then computed by multiplying the parking ratios (adjusted for modal split, auto occupancy, and captive market effects) by the time-of-day and monthly variation factors. No adjustment factors or variation factors are applied to reserved parking spaces.

The sum of the adjusted parking demands for each land use are then compared for each scenario (each hour of each day of each month), and the maximum total parking demand represents the shared parking requirement for the project.

**Table 1**  
Howard County Shared Parking Methodology  
Base Parking Ratios

Land Use	Weekday		Weekend		Unit
	Visitor	Employee	Visitor	Employee	
General Retail/Personal Service	2.90	0.70	3.20	0.80	/ksf GLA
Shopping Center	3.20	0.80	3.60	0.90	/ksf

					GLA
Restaurants, standard, and beverage establishments	15.25	2.75	17.00	3.00	
Fast Food Restaurant	12.75	2.25	12.00	2.00	/ksf GLA
Cinema	0.19	0.01	0.26	0.01	/seat
Performing Arts Theater	0.30	0.07	0.33	0.07	/seat
Health Club	6.60	0.40	5.50	0.25	/ksf GLA
Hotel	0.90	0.25	1.00	0.18	/room
Restaurant/Lounge	10.00		10.00		/ksf GLA
Conference Ctr./Banquet (20 to 50 sq ft/guest room)	30.00		30.00		/ksf GLA
Convention Space (>50 sq ft/guest room)	20.00		10.00		/ksf GLA
<del>Residential UNIT (1) — STUDIO AND ONE-BEDROOM UNITS</del>	0.15	<del>[[1.50]]</del> 1.15	0.15	<del>[[1.50]]</del> 1.15	/unit
<u>Residential(1)</u>	<u>0.15</u>	<u>1.50</u>	<u>0.15</u>	<u>1.50</u>	<u>/unit</u>
<del>RESIDENTIAL UNIT (1) — TWO OR MORE BEDROOMS</del>	0.15	1.50	0.15	1.50	/UNIT
General Office up to 100 ksf	0.275	3.30	0.028	0.33	/ksf GLA
General Office over 100 ksf	0.20	2.60	0.02	0.26	/ksf

					GLA
Medical/Dental Office	3.00	1.50	3.00	1.50	/ksf GLA

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Note(s):	(1) 1.0 space reserved for residents' sole use; remainder may be shared.
	(2) For all other land uses, data from the current edition of "Parking Generation" (ITE), "Shared Parking" (ULI), the Howard County Zoning Regulations or other applicable sources may be used.

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**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.

Amendment 1 to Council Bill No. 54-2016

BY: Mary Kay Sigaty

Legislative Day No: 18  
Date: November 9, 2016

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.O.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.”.

10  
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.”.

17  
18 On page 4, in line 23, strike “4” and substitute “3”.

19  
20  
21  
22  
23  
ADOPTED as amended 11/9/16  
FAILED  
SIGNATURE Jessica Feldman



Amendment 3 to Amendment #1  
Council Bill No. 54-2016

BY: Mary Kay Sigaty

Legislative Day No: 18  
Date: November 9, 2016

Amendment No. 3 to Amendment #1

*(This amendment adjusts the number of units in LIHTC buildings and specifies the impact of the termination of a DRRA on pending development plans.)*

1 On page 1, in line 21, strike “900” and substitute “744”.

2  
3 On page 3, in line 3, after “CODE” insert “IF THE PROPERTY IS IDENTIFIED FOR THE  
4 DEVELOPMENT OF AFFORDABLE HOUSING IN AN APPROVED DEVELOPMENT RIGHTS AND  
5 RESPONSIBILITIES AGREEMENT”.

6  
7 On page 3, strike line 6, in its entirety and substitute:

8 “DEVELOPMENT FOR WHICH A SITE DEVELOPMENT PLAN HAS NOT RECEIVED TECHNICALLY  
9 COMPLETE APPROVAL PRIOR TO THE DATE ON WHICH THE DEVELOPMENT RIGHTS AND  
10 RESPONSIBILITIES AGREEMENT IS TERMINATED SHALL COMPLY FULLY WITH THE”.

11  
12 On page 3, in line 8, after the first period insert:

13 “DEVELOPMENT PURSUANT TO A SITE DEVELOPMENT PLAN WHICH RECEIVED TECHNICALLY  
14 COMPLETE APPROVAL BEFORE THE TERMINATION OF THE DEVELOPMENT RIGHTS AND  
15 RESPONSIBILITIES AGREEMENT SHALL BE SUBJECT TO THE DEVELOPMENT RIGHTS AND  
16 RESPONSIBILITIES AGREEMENT.”.

ADOPTED 11/9/16  
FAILED  
SIGNATURE Jessica Edwards

Amendment 1 to Amendment #1  
Council Bill No. 54-2016

BY: Mary Kay Sigaty

Legislative Day No: 18  
Date: November 9, 2016

Amendment No. 1 to Amendment #1

*(This amendment adjusts the number of LIHTC units and replaces the optional methods/alternative compliance section of providing for-sale affordable housing with a fee-in-lieu set forth in Title 28, Subtitle 1 of the Howard County Code).*

1 On page 1, in line 21, strike "900" and substitute "774".

2

3 On page 2, strike in line 29, after the first comma, through line 31 and substitute "AS AN  
4 ALTERNATIVE, PROVIDE A ONE-TIME, PER UNIT PAYMENT TO THE DOWNTOWN COLUMBIA COMMUNITY  
5 HOUSING FOUNDATION IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN TITLE 28, SUBTITLE 1 OF  
6 THE HOWARD COUNTY CODE."

7

8

9

10

~~ADOPTED~~  
~~FAILED~~ *not introduced*  
SIGNATURE *Jessica Feldman*

Amendment <sup>2</sup> to Amendment #1  
Council Bill No. 54-2016

BY: Jennifer Terrasa

Legislative Day No: 18  
Date: November 9, 2016

Amendment No. <sup>2</sup> to Amendment #1

*(This amendment requires that there is a 15 percent affordable housing requirement for all dwelling units, removes the alternative compliance provision, and removes DRRA language).*

1 On page 2, in lines 15 and 16, strike "IN BUILDINGS WITH GREATER THAN 5 STORIES OF  
2 RESIDENTIAL UNITS". On the same page, strike lines 19 – 22 and lines 29 - 33, in their entirety.  
3 On the same page, in line 23, strike "RENTAL" and substitute "RESIDENTIAL".

4

5 On page 3, strike lines 1 – 8, in their entirety.

6

7 Renumber the section accordingly.

8

9

10

ADOPTED \_\_\_\_\_  
FAILED \_\_\_\_\_  
SIGNATURE Jessica Feldman 11/9/16

Amendment 1 to Council Bill No. 54-2016

BY: Mary Kay Sigaty

Legislative Day No: 18  
Date: 11/9/16

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.O.A.9.C(1). THE MAXIMUM NUMBER OF SUCH LIHTC DWELLINGS PERMITTED  
21 IN DOWNTOWN COLUMBIA IS 900.

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.”.~~

10  
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 AND APPROPRIATE COVENANTS ARE  
4 RECORDED AGAINST THE PROPERTY CONSISTENT WITH THE AGREEMENT. IF A DEVELOPMENT RIGHTS  
5 AND RESPONSIBILITIES AGREEMENT IS APPROVED AND SUBSEQUENTLY TERMINATED, ALL  
6 DEVELOPMENT PROCEEDING AFTER THE TERMINATION SHALL COMPLY FULLY WITH THE  
7 REQUIREMENTS SET FORTH IN PARAGRAPH (3) REGARDLESS OF THE NUMBER OF AFFORDABLE UNITS  
8 DEVELOPED UNDER THE DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT.”.

9  
10 On page 4, in line 23, strike “4” and substitute “3”.

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Amendment 2 to Council Bill 54-2016

BY: Mary Kay Sigaty

Legislative Day No: 18  
Date: 11/9/16

Amendment No. 2

1 *(This amendment would require that developers in Downtown Columbia participate in the park*  
2 *once environment that was envisioned in the Downtown Columbia Plan.)*

3  
4  
5

6 On page 1, in line 23, strike “133.0.F.3. Table I” and substitute “133.0.B and F.”.

7

8 On page 4, immediately following line 27, insert the following:

9

“B. Layout and Location”

10

1. Off-street parking and loading facilities required by these Regulations shall be provided on the same lot with such structure or land use, unless parking is provided on a different lot in accordance with this section.

11  
12

13

2. Off-street parking and loading spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots; provided said lots are in the same zoning district and are owned in common, or are subject to recorded covenants or easements for parking. For purposes of this section, lots which are divided by a public street right-of-way are not deemed to be adjoining.

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19

3. The location of parking for multifamily residences shall be in accordance with Section 16.120(b) of the Subdivision and Land Development Regulations.

20

21

4. Required minimum parking may be provided on a separate lot from the principal use if:

22

23

a. For residential uses, the location and distribution of parking spaces complies with the Subdivision and Land Development Regulations;

24

- 1            b. For nonresidential uses, the major point of pedestrian access to the parking facility is  
2            within 400 feet of the entrance to the building. This requirement does not apply to  
3            Downtown Revitalization;
- 4            c. The parking facility is within a zoning district in which the use being served by the  
5            parking facility is permitted;
- 6            d. The parking facility is not separated from the use being served by a public street. This  
7            requirement does not apply to Downtown Revitalization;
- 8            e. The parking facility is subject to recorded covenants or easements for parking, or  
9            other proof is provided that the continued use of the parking area is guaranteed  
10           throughout the life of the land use.

11           5. IN DOWNTOWN COLUMBIA: COLUMBIA, NO MORE THAN 10% OF THE REQUIRED OFF-STREET  
12           PARKING SHALL BE SATISFIED WITH SURFACE PARKING. HOWEVER, THE PLANNING  
13           BOARD MAY APPROVE EXCEPTIONS FOR TEMPORARY PARKING AS PART OF A PHASED  
14           DEVELOPMENT PLAN. THE PLANNING BOARD MAY APPROVE EXTENSIONS UPON  
15           SUBMISSION OF A REVISED PHASING PLAN.

16           A. ~~NO MORE THAN 10% OF THE REQUIRED OFF-STREET PARKING SHALL BE~~  
17           ~~SATISFIED WITH SURFACE PARKING; AND~~

18           B. ~~NO MORE THAN 10% OF ALL REQUIRED OFF-STREET PARKING FOR NON-~~  
19           ~~RESIDENTIAL USES SHALL BE RESERVED FOR SPECIFIC TENANTS.”.~~

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ADOPTED *as amended 11/9/16*  
FAILED  
SIGNATURE *Jessica Feldman*



**Amendment 3 to Amendment #2  
Council Bill No. 54-2016**

**BY: Mary Kay Sigaty**

**Legislative Day No: 18  
Date: November 9, 2016**

**Amendment No. 3 to Amendment #2**

*(This amendment creates an exception to surface parking requirements for temporary parking situations and eliminates the restriction on reserved parking).*

1           On page 2, in line 11, strike "COLUMBIA:" and substitute the following:  
2           "COLUMBIA, NO MORE THAN 10% OF THE REQUIRED OFF-STREET PARKING SHALL BE SATISFIED WITH  
3           SURFACE PARKING. HOWEVER, THE PLANNING BOARD MAY APPROVE EXCEPTIONS FOR TEMPORARY  
4           PARKING AS PART OF A PHASED DEVELOPMENT PLAN. THE PLANNING BOARD MAY APPROVE EXTENSIONS  
5           UPON SUBMISSION OF A REVISED PHASING PLAN."

6  
7           Also on page 2, strike lines 12 through 15 in their entirety.

8  
9

ADOPTED 11/9/16  
FAILED  
SIGNATURE Jessica Feldman

Amendment 1 to Amendment #2  
Council Bill No. 54-2016

BY: Mary Kay Sigaty

Legislative Day No: 18  
Date: November 9, 2016

Amendment No. 1 to Amendment #2

*(This amendment creates an exception to surface parking requirements for temporary parking situations).*

- 1 On page 2, in line 13, strike “PARKING;” and substitute the following:  
2 “PARKING. HOWEVER, THE PLANNING BOARD MAY APPROVE AN EXCEPTION FOR TEMPORARY PARKING,  
3 NOT TO EXCEED 5 YEARS, AS PART OF A PHASED DEVELOPMENT PLAN. THE PLANNING BOARD MAY  
4 APPROVE AN EXTENSION OF UP TO 5 YEARS UPON SUBMISSION OF A REVISED PHASING PLAN;”  
5  
6  
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~~ADOPTED~~  
~~FAILED~~  
SIGNATURE *not introduced*  
*Cristina Toddman*

Amendment <sup>2</sup> to Amendment #2  
Council Bill No. 54-2016

BY: Jennifer Terrasa

Legislative Day No: 18  
Date: November 9, 2016

Amendment No. <sup>2</sup> to Amendment #2

*(This amendment removes the surface parking limitation).*

1           On page 2, beginning in line 11, strike the colon through “NO” in line 14 and substitute  
2   “NO”.  
3  
4  
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ADOPTED \_\_\_\_\_  
FAILED \_\_\_\_\_  
SIGNATURE Jessica Zeldman 11/9/16

- 1        b. For nonresidential uses, the major point of pedestrian access to the parking facility is  
2        within 400 feet of the entrance to the building. This requirement does not apply to  
3        Downtown Revitalization;
- 4        c. The parking facility is within a zoning district in which the use being served by the  
5        parking facility is permitted;
- 6        d. The parking facility is not separated from the use being served by a public street. This  
7        requirement does not apply to Downtown Revitalization;
- 8        e. The parking facility is subject to recorded covenants or easements for parking, or  
9        other proof is provided that the continued use of the parking area is guaranteed  
10       throughout the life of the land use.

11       5. IN DOWNTOWN COLUMBIA:

- 12            A. NO MORE THAN 10% OF THE REQUIRED OFF-STREET PARKING SHALL BE  
13            SATISFIED WITH SURFACE PARKING; AND
- 14            B. NO MORE THAN 10% OF ALL REQUIRED OFF-STREET PARKING FOR NON-  
15            RESIDENTIAL USES SHALL BE RESERVED FOR SPECIFIC TENANTS.”.
- 16  
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Amendment 9 to Council Bill No. 54-2016

BY: Greg Fox  
Mary Kay Sigaty  
Jon Weinstein

Legislative Day No: 18  
Date: 11/9/16

Amendment No. 9

*(This amendment would clarify that a parking study can be submitted to justify alternative ratios provision for parking in Downtown and delete the proposed residential parking ratio changes)*

1 On page 5, in line 19, after the period, insert "A developer may submit a parking study as  
2 justification for alternative ratio(s) for approval by the Department of Planning and Zoning prior  
3 to submission of a Site Development Plan.".

4  
5 On page 7, strike the last row of the chart and substitute the following:

<u>Residential(1)</u>	<u>0.15</u>	<u>1.50</u>	<u>0.15</u>	<u>1.50</u>	<u>/unit</u>
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6  
7 On page 8, strike the first row of the chart, in its entirety.

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9  
10  
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ADOPTED 11/9/16  
FAILED  
SIGNATURE Jessica Feldmark

Amendment 3 to Council Bill No. 54-2016

BY: Jennifer Terrasa

Legislative Day No: 18  
Date: 11/9/16

Amendment No. 3

*(This amendment would delete the proposed affordable housing exemption from the dwelling unit cap for Downtown)*

- 1 On page 3, strike lines 7 through 9, except for the "3" in line 7 and "FOR PURPOSES" in
- 2 line 9.
- 3
- 4
- 5
- 6

~~ADOPTED~~  
~~FAILED~~ *not introduced*  
SIGNATURE *Jessica Jeddman*

Amendment 4 to Council Bill No. 54-2016

BY: Jennifer Terrasa

Legislative Day No: 18  
Date: 11/9/16

Amendment No. 4

*(This amendment would remove references to the DRRRA)*

1 On page 3, in lines 13 and 14, strike “, A DEVELOPMENT RIGHTS AND RESPONSIBILITIES  
2 AGREEMENT,”.

3

4 On page 3, strike lines 29 and 30 and substitute the following:

5 “(5) PARAGRAPH (4) SHALL NOT APPLY IF A DEVELOPER OF DWELLING UNITS OFFERED FOR  
6 SALE, AT ITS OPTION,”.

7 On page 4, strike lines 9 through 14, in their entirety.

8

ADOPTED

FAILED

SIGNATURE

11/9/16  
Jessica Feldman



Amendment 5 to Council Bill No. 54-2016

BY: Jennifer Terrasa

Legislative Day No: 18

Date: 11/9/14

Amendment No. 5

*(This amendment would require that affordable housing units remain affordable in to perpetuity in Downtown)*

1 On page 3, in line 15, strike "FOR A TERM OF NOT LESS THAN 40 YEARS" and substitute "IN  
2 PERPETUITY".  
3  
4  
5  
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ADOPTED \_\_\_\_\_

FAILED not introduced

SIGNATURE Jessica Feldman

Amendment 6 to Council Bill No. 54-2016

BY: Jennifer Terrasa

Legislative Day No: 18  
Date: 11/9/16

Amendment No. 6

*(This amendment would require 15% MIHU for new residential developments)*

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On page 3, strike lines 19-28, and substitute the following:

“(4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, A DEVELOPER SHALL PROVIDE AT LEAST 15% OF NET NEW DWELLING UNITS AS AFFORDABLE AS DEFINED BY HOWARD COUNTY’S MODERATE INCOME HOUSING UNIT PROGRAM SET FORTH IN TITLE 13, SUBTITLE 4 OF THE HOWARD COUNTY CODE.”

On page 3, strike lines 29 through line 8 on page 4. On page 4, in line 9, strike “(B) The” and substitute “(5) PARAGRAPH (4) SHALL NOT APPLY IF THE”.

ADOPTED \_\_\_\_\_  
FAILED not introduced  
SIGNATURE Jessica Feldman

Amendment 1 to Amendment #6  
Council Bill No. 54-2016

BY: Jennifer Terrasa

Legislative Day No: 18  
Date: November 9, 2016

Amendment No. 1 to Amendment #6

*(This amendment adds a provision prohibiting optional methods/alternative compliance).*

1 On page 1, in line 2, strike "5" and substitute "6".

2  
3 On page 1, in line 5, immediately following the first period, continue the numbering  
4 sequence on the next line as follows:

5 " (5) A DEVELOPER OF RESIDENTIAL UNITS MAY NOT UTILIZE OPTIONAL METHODS OR  
6 ALTERNATIVE COMPLIANCE AS DESCRIBED IN SECTION 13.402 OF THE HOWARD COUNTY  
7 CODE AND SHALL PROVIDE ALL OF THE AFFORDABLE UNITS:  
8 (I) ON THE SITE OF THE DEVELOPMENT PROJECT;  
9 (II) IN THE SAME RATIO OF UNIT TYPES AS PROPOSED FOR THE DEVELOPMENT; AND  
10 (III) EVENLY DISTRIBUTED WITHIN EACH PHASE OF DEVELOPMENT."

11  
12 On page 1, in line 8, strike "5" and substitute "6".

13  
14 On page 1, in line 10, insert the following:

15 "On page 4, in line 15, insert the following:

16 "7. IF A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT IS APPROVED AND  
17 SUBSEQUENTLY TERMINATED, ALL DEVELOPMENT PROCEEDING AFTER THE TERMINATION SHALL  
18 COMPLY FULLY WITH THE REQUIREMENTS SET FORTH IN PARAGRAPH (4) REGARDLESS OF THE  
19 NUMBER OF AFFORDABLE UNITS DEVELOPED UNDER THE DEVELOPMENT RIGHTS AND  
20 RESPONSIBILITIES AGREEMENT."".

21  
22 Renumber the section accordingly.

23  
ADOPTED

FAILED

SIGNATURE

*not introduced*  
*Jessica Feldman*

Amendment 7 to Council Bill 54-2016

BY: Jennifer Terrasa

Legislative Day No: 18

Date: 11/9/16

Amendment No. 7

1 (This amendment would require that a fee-in-lieu be paid for developers using public parking to  
2 satisfy their off-street parking requirements).  
3  
4  
5

6 On page 1, in line 23, strike "Table 1".  
7

8 On page 4, immediately following line 29, insert the following:

9 "A. FEE FOR PUBLIC PARKING.

10 (1) A DEVELOPER OF A COMMERCIAL DEVELOPMENT THAT THE DEPARTMENT OF PLANNING AND  
11 ZONING ALLOWS TO USE PUBLIC PARKING TO SATISFY ITS OFF-STREET PARKING REQUIREMENT SHALL  
12 PAY A FEE TO THE COUNTY OF \$20,000 PER SPACE, WHICH SHALL BE USED SOLELY TO OPERATE AND  
13 MAINTAIN THE MULTI-LEVEL PARKING GARAGE IN DOWNTOWN COLUMBIA.

14 (2) THE FEE MAY NOT BE WAIVED.

15 (3) UPON APPROVAL OF THE HOWARD COUNTY DEPARTMENT OF FINANCE, THE FEE MAY BE  
16 PAID TO THE COUNTY IN ANNUAL INSTALLMENTS OVER A PERIOD NOT TO EXCEED TWENTY YEARS. THIS  
17 INSTALLMENT OPTION MAY NOT BE USED UNLESS A LIEN IS PLACED AGAINST THE PROPERTY THAT IS  
18 UTILIZING THE PUBLIC SPACES TO SATISFY THE PARKING REQUIREMENT."

19  
20 Renumber the remainder of the Section accordingly.

ADOPTED \_\_\_\_\_  
FAILED 11/9/16  
SIGNATURE Jessica Edmond

Amendment 8 to Council Bill No. 54-2016

BY: Jennifer Terrasa

Legislative Day No: 18  
Date: 11/9/14

Amendment No. 8

*(This amendment would remove the alternative ratios provision for parking in Downtown)*

1           On page 5, in lines 17 through 19, strike “unless the petitioner provides reasonable  
2 justification for use of alternative ratio(s) that will not be detrimental to the public welfare”.  
3  
4  
5  
6

ADOPTED \_\_\_\_\_  
FAILED 11/9/14  
SIGNATURE Jessica Feldman

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 8

Bill No. 54 -2016 (ZRA 170)

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

AN ACT requiring a new configuration of affordable housing in Downton Columbia under certain conditions with certain alternatives; amending and providing for certain parking requirements related to residential units in Downtown Columbia; providing certain requirements for certain plans; requiring that certain types of construction provide for art in the community; and generally relating to the Howard County Zoning Regulations.

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 Sections 125 and 133 of the Howard County  
2 Zoning Regulations (“Zoning Regulations”) in order to align with amendments made to  
3 the Downtown Columbia Plan, a General Plan Amendment, that accomplish the goals of  
4 providing a broad spectrum of affordable housing in Downtown Columbia; and  
5

6           **WHEREAS**, on May 10, 2016, the Howard County Planning Board  
7 recommended approval of the Zoning Regulations amendments included in this Act with  
8 modifications and the Downtown Columbia Plan amendments with modifications.  
9

10           **NOW, THEREFORE,**

11  
12           ***Section 1. Be It Enacted*** by the County Council of Howard County, Maryland, that the  
13 *Howard County Zoning Regulations are amended as follows:*

- 14  
15           1. *By amending Section 125.0.A.9.f(2) of the Howard County Zoning Regulations.*  
16  
17           2. *By adding Section 125.0.A.9.f(3) to the Howard County Zoning Regulations*  
18  
19           3. *By adding Section 125.0.A.9.f(4) to the Howard County Zoning Regulations*  
20  
21           4. *By amending Section 125.0.H.3.g. of the Howard County Zoning Regulations*  
22  
23           5. *By amending Section 133.0.F.3. Table 1 of the Howard County Zoning Regulations*  
24

25                           **Howard County Zoning Regulations.**

26                           **Section 125.0. NT (New Town) District**

27  
28           A. Definitions, Requirements and Restrictions Applicable to NT Districts

29                   9. Downtown Revitalization:

30                           f. Additional Requirements.

1 (2) Any Downtown Revitalization Development shall provide for art in the  
2 community that is equivalent in value to 1% of the building construction  
3 cost.

4 (a) Art must be provided:

5 (i) On site;

6 (ii) On other property located within Downtown Revitalization  
7 development provided with the written consent of the owner of the  
8 fee simple property; or

9 (iii) The petitioner may pay a fee in-lieu of providing art on-site that is  
10 equivalent in value to 1% of the building construction cost.

11 (b) Art may be provided in combination with other Downtown  
12 Revitalization Developments.

13 (c) Each in-lieu fee must be paid prior to issuance of a use and occupancy  
14 permit for the first building in the project that generates the  
15 requirement, and the collected funds must be used to provide art on  
16 property within Downtown Revitalization Developments.

17 (d) If the value of the art provided on site or in combination with other  
18 projects exceeds 1% of the building construction cost, then the excess  
19 value beyond 1% can be credited towards the requirements of this  
20 subsection for a subsequent-Final Development Plan subject to the  
21 procedures and requirements set forth in this subsection.

22 (e) The following construction projects are not subject to the requirements  
23 of this section:

24 ~~[[i) Construction of Moderate Income Housing Units.]]~~

25 ~~[[ii)](i) Construction of places of worship and their accessory uses.~~

26 ~~[[iii)](ii) Renovations to existing or construction of new cultural~~  
27 ~~facilities which include facilities located within a Downtown Arts~~  
28 ~~and Entertainment Park, Downtown Arts, Cultural and Community~~  
29 ~~Uses, and Downtown Community Commons.~~

30 ~~[[iv)](iii) Parking Structures.~~



1                   [[v]](IV) Renovations to existing buildings or structures required by  
2                   government mandated code compliance construction projects, such  
3                   as projects exclusively designed for compliance with the  
4                   Americans with Disabilities Act ("ADA"), the Maryland  
5                   Accessibility Code, the National Fire Protection Association  
6                   (NFPA) Life Safety Code, and/or fire sprinkler retrofits.

7                   (3) ANY AFFORDABLE DWELLING UNIT LOCATED IN DOWNTOWN COLUMBIA IS  
8                   EXEMPT FROM THE MAXIMUM NUMBER OF DOWNTOWN NET NEW  
9                   DWELLING UNITS ESTABLISHED BY SECTION 125.O.A.9.C(1). FOR PURPOSES  
10                  OF THIS SECTION, AN "AFFORDABLE DWELLING UNIT" IS ANY DWELLING  
11                  UNIT THAT IS RESTRICTED BY HOWARD COUNTY'S MODERATE INCOME  
12                  HOUSING UNIT PROGRAM SET FORTH IN TITLE 13, SUBTITLE 4 OF THE  
13                  HOWARD COUNTY CODE, A DEVELOPMENT RIGHTS AND RESPONSIBILITIES  
14                  AGREEMENT, OR RESTRICTIVE COVENANT THAT IS ENFORCEABLE BY THE  
15                  COUNTY FOR A TERM OF NOT LESS THAN 40 YEARS, SUCH THAT THE UNIT  
16                  MUST BE MADE AVAILABLE FOR OCCUPANCY BY A HOUSEHOLD WITH AN  
17                  INCOME OF NOT MORE THAN 80% OF THE HOWARD COUNTY AREA MEDIAN  
18                  INCOME.

19                  (4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, DEPENDING  
20                  ON THE NUMBER OF STORIES IN A BUILDING, A DEVELOPER SHALL PROVIDE  
21                  THE FOLLOWING MINIMUM UNITS AS AFFORDABLE AS DEFINED BY HOWARD  
22                  COUNTY'S MODERATE INCOME HOUSING UNIT PROGRAM, OF WHICH 3%  
23                  SHALL BE SET ASIDE FOR HOUSEHOLDS WHO WORK WITHIN 5 MILES OF THE  
24                  LIMITS OF DOWNTOWN COLUMBIA AS DETERMINED BY REGULATIONS OF  
25                  THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT:

- 26                  (A) 13% OF ALL NET NEW DWELLING UNITS IN BUILDINGS WITH 5 OR  
27                  FEWER STORIES; AND  
28                  (B) 10% IN BUILDINGS WITH GREATER THAN 5 STORIES.

29                  (5) PARAGRAPH (4) SHALL NOT APPLY IF:

- 30                  (A) A DEVELOPER OF DWELLING UNITS OFFERED FOR SALE, AT ITS OPTION,  
31                  PAYS A PER UNIT PAYMENT TO THE DOWNTOWN COLUMBIA

1 COMMUNITY HOUSING FOUNDATION (“DCCHF”) IN THE AMOUNTS SET  
2 FORTH IN TITLE 28, SUBTITLE 1 OF THE HOWARD COUNTY CODE AND  
3 THIS PAYMENT SHALL BE:

- 4 I. IMPOSED UPON THE ISSUANCE OF ANY BUILDING PERMIT FOR A  
5 BUILDING CONTAINING DWELLING UNITS OFFERED FOR SALE ;  
6 AND  
7 II. ADDITIONAL TO ANY OTHER FEES REQUIRED TO BE PAID BY THE  
8 DEVELOPER; OR

9 (B) THE COUNTY DETERMINES THAT THE PURPOSES OF THE AFFORDABLE  
10 HOUSING REQUIREMENTS OF THE ZONING REGULATIONS AND TITLE 13,  
11 SUBTITLE 4 OF THE HOWARD COUNTY CODE WILL BE SERVED TO A  
12 GREATER EXTENT BY ENTERING INTO A DEVELOPMENT RIGHTS AND  
13 RESPONSIBILITIES AGREEMENT WITH THE DEVELOPER IN ACCORDANCE  
14 WITH TITLE 16, SUBTITLE 17 OF THE HOWARD COUNTY CODE.  
15

16 **H. Site Development Plan—Downtown Revitalization**

17 3. Planning Board Review and Approval Criteria.

18 The Planning Board shall approve, approve with conditions, or deny a  
19 Site Development Plan that proposes Downtown Revitalization based on whether  
20 the petition satisfies the following criteria:

- 21 g. The Site Development Plan satisfies the affordable housing requirements in  
22 accordance with the approved Final Development Plan AND SUBSECTION  
23 A.9.F(4) OF THIS SECTION.  
24

25 **Howard County Zoning Regulations.**

26 **Section 133.0: - Off-Street Parking and Loading Facilities.**

27  
28 **F. Permitted Reductions in Off-street Parking Requirements**

29 3. Downtown Revitalization

1 Off-street parking and loading facilities for Downtown Revitalization shall be  
2 provided in accordance with the following shared parking methodology and  
3 parking ratios:

4 a. The methodology for determining the shared parking demand consists of the  
5 following steps and is described in the following paragraphs:

- 6 (1) Determine individual weekday and weekend peak parking ratios for each  
7 land use.
- 8 (2) Determine the number of reserved parking spaces for each use.
- 9 (3) Select time-of-day and monthly parking variation factors.
- 10 (4) Adjust parking ratios for modal split, auto occupancy, and captive market  
11 effects.
- 12 (5) Calculate the hourly parking demand for weekdays and weekends for each  
13 month.

14 Step 1: Determine individual weekday and weekend peak parking ratios  
15 for each land use.

16 Table 1 presents the base parking ratios for weekdays and weekends.  
17 These ratios must be used unless the petitioner provides reasonable  
18 justification for use of alternative ratio(s) that will not be detrimental to  
19 the public welfare. For land uses not listed in Table 1, data from the  
20 current edition of "Parking Generation" (ITE), "Shared Parking" (ULI),  
21 the Howard County Zoning Regulations, or other applicable sources may  
22 be used.

23 Step 2: Determine the number of reserved parking spaces for each use.  
24 A significant proportion of residential parking spaces are typically  
25 reserved, due to market and security requirements. Some portion of office,  
26 retail, hotel, or other uses may require reserved spaces for some portion of  
27 the day. These reserved spaces should be outlined and specified by land  
28 use on an hourly basis.

29 Step 3: Select time-of-day and monthly parking variation factors.

30 The time-of-day adjustment factors for weekdays and weekends are shown  
31 in Tables 2 and 3, respectively. Table 4 shows the monthly adjustment

1 factors for customer and visitor parking, while Table 5 includes the  
2 monthly adjustment factors for employees. These typical factors are taken  
3 from the ULI Shared Parking Manual and may be modified based on other  
4 published data or independent studies to ensure accuracy for specific land  
5 uses or circumstances.

6 Step 4: Adjust parking ratios for modal split, auto occupancy, and captive  
7 market effects.

8 Modal split, auto occupancy, and captive market effects will be different  
9 for each Downtown Revitalization development. Modal splits and auto  
10 occupancy can be determined through U.S. Census journey-to-work data,  
11 patron surveys, or other local data, and can be adjusted to reflect future  
12 conditions.

13 Non-captive adjustments reflect the proportion of users that are not  
14 already parked nearby for a primary purpose. These adjustments for  
15 captive market effects should only be applied to simultaneous trips, not  
16 sequential trips. For example, an office worker who walks across the street  
17 for a snack during the day is part of the captive market, while a couple  
18 who has dinner before a movie is not. Table 6 includes sample non-captive  
19 adjustment factors for weekdays and can be modified based on the  
20 characteristics of the land use and surroundings.

21 Step 5: Calculate the hourly parking demand for weekdays and weekends  
22 for each month.

23 The individual parking demands for each land use during each time period  
24 are then computed by multiplying the parking ratios (adjusted for modal  
25 split, auto occupancy, and captive market effects) by the time-of-day and  
26 monthly variation factors. No adjustment factors or variation factors are  
27 applied to reserved parking spaces.

28 The sum of the adjusted parking demands for each land use are then  
29 compared for each scenario (each hour of each day of each month), and  
30 the maximum total parking demand represents the shared parking  
31 requirement for the project.

1 **Table 1**  
 2 Howard County Shared Parking Methodology  
 3 Base Parking Ratios

Land Use	Weekday		Weekend		Unit
	Visitor	Employee	Visitor	Employee	
General Retail/Personal Service	2.90	0.70	3.20	0.80	/ksf GLA
Shopping Center	3.20	0.80	3.60	0.90	/ksf GLA
Restaurants, standard, and beverage establishments	15.25	2.75	17.00	3.00	
Fast Food Restaurant	12.75	2.25	12.00	2.00	/ksf GLA
Cinema	0.19	0.01	0.26	0.01	/seat
Performing Arts Theater	0.30	0.07	0.33	0.07	/seat
Health Club	6.60	0.40	5.50	0.25	/ksf GLA
Hotel	0.90	0.25	1.00	0.18	/room
Restaurant/Lounge	10.00		10.00		/ksf GLA
Conference Ctr./Banquet (20 to 50 sq ft/guest room)	30.00		30.00		/ksf GLA
Convention Space (>50 sq ft/guest room)	20.00		10.00		/ksf GLA
Residential UNIT (1) – STUDIO AND ONE-BEDROOM UNITS	0.15	[[1.50]] 1.15	0.15	[[1.50]] 1.15	/unit

RESIDENTIAL UNIT (1) – TWO OR MORE BEDROOMS	0.15	1.50	0.15	1.50	/UNIT
General Office up to 100 ksf	0.275	3.30	0.028	0.33	/ksf GLA
General Office over 100 ksf	0.20	2.60	0.02	0.26	/ksf GLA
Medical/Dental Office	3.00	1.50	3.00	1.50	/ksf GLA

1

2

Note(s):	(1) 1.0 space reserved for residents' sole use; remainder may be shared.
	(2) For all other land uses, data from the current edition of "Parking Generation" (ITE), "Shared Parking" (ULI), the Howard County Zoning Regulations or other applicable sources may be used.

3

4 **Section 2. And Be It Further Enacted** by the County Council of Howard County,

5 *Maryland, that this Act shall become effective 61 days after its enactment.*



BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on November 14, 2016.

Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council



Amendment 1 to Amendment #1  
Council Bill No. 54-2016

BY: Mary Kay Sigaty

Legislative Day No: 17  
Date: November 7, 2016

Amendment No. 1 to Amendment #1

*(This amendment adjusts the number of LIHTC units and replaces the optional methods/alternative compliance section of providing for-sale affordable housing with a fee-in-lieu set forth in Title 28, Subtitle 1 of the Howard County Code).*

1 On page 1, in line 21, strike “900” and substitute “774”.

2  
3 On page 2, strike in line 29, after the first comma, through line 31 and substitute “AS AN  
4 ALTERNATIVE, PROVIDE A ONE-TIME, PER UNIT PAYMENT TO THE DOWNTOWN COLUMBIA COMMUNITY  
5 HOUSING FOUNDATION IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN TITLE 28, SUBTITLE 1 OF  
6 THE HOWARD COUNTY CODE.”

7  
8  
9  
10



**Amendment 3 to Amendment #1  
Council Bill No. 54-2016**

**BY: Mary Kay Sigaty**

**Legislative Day No:  
Date: November 7, 2016**

**Amendment No. 3 to Amendment #1**

*(This amendment adjusts the number of units in LIHTC buildings and specifies the impact of the termination of a DRRA on pending development plans.)*

1           On page 1, in line 21, strike "900" and substitute "744".

2  
3           On page 3, in line 3, after "CODE" insert "IF THE PROPERTY IS IDENTIFIED FOR THE  
4 DEVELOPMENT OF AFFORDABLE HOUSING IN AN APPROVED DEVELOPMENT RIGHTS AND  
5 RESPONSIBILITIES AGREEMENT".

6  
7           On page 3, strike line 6, in its entirety and substitute:

8           "DEVELOPMENT FOR WHICH A SITE DEVELOPMENT PLAN HAS NOT RECEIVED TECHNICALLY  
9 COMPLETE APPROVAL PRIOR TO THE DATE ON WHICH THE DEVELOPMENT RIGHTS AND  
10 RESPONSIBILITIES AGREEMENT IS TERMINATED SHALL COMPLY FULLY WITH THE".

11  
12          On page 3, in line 8, after the first period insert:

13          "DEVELOPMENT PURSUANT TO A SITE DEVELOPMENT PLAN WHICH RECEIVED TECHNICALLY  
14 COMPLETE APPROVAL BEFORE THE TERMINATION OF THE DEVELOPMENT RIGHTS AND  
15 RESPONSIBILITIES AGREEMENT SHALL BE SUBJECT TO THE DEVELOPMENT RIGHTS AND  
16 RESPONSIBILITIES AGREEMENT.".



Amendment   1   to Council Bill No. 54-2016

BY: Mary Kay Sigaty

Legislative Day No: 17  
Date: 11/7/16

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.". Renumbe  
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.

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.”.

10  
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 AND APPROPRIATE COVENANTS ARE  
4           RECORDED AGAINST THE PROPERTY CONSISTENT WITH THE AGREEMENT. IF A DEVELOPMENT RIGHTS  
5           AND RESPONSIBILITIES AGREEMENT IS APPROVED AND SUBSEQUENTLY TERMINATED, ALL  
6           DEVELOPMENT PROCEEDING AFTER THE TERMINATION SHALL COMPLY FULLY WITH THE  
7           REQUIREMENTS SET FORTH IN PARAGRAPH (3) REGARDLESS OF THE NUMBER OF AFFORDABLE UNITS  
8           DEVELOPED UNDER THE DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT.”.

9  
10           On page 4, in line 23, strike “4” and substitute “3”.

11  
12  
13  
14  
15





Amendment 1 to Amendment #2  
Council Bill No. 54-2016

BY: Mary Kay Sigaty

Legislative Day No: 17  
Date: November 7, 2016

Amendment No. 1 to Amendment #2

*(This amendment creates an exception to surface parking requirements for temporary parking situations).*

- 1 On page 2, in line 13, strike "PARKING;" and substitute the following:
- 2 "PARKING. HOWEVER, THE PLANNING BOARD MAY APPROVE AN EXCEPTION FOR TEMPORARY PARKING,
- 3 NOT TO EXCEED 5 YEARS, AS PART OF A PHASED DEVELOPMENT PLAN. THE PLANNING BOARD MAY
- 4 APPROVE AN EXTENSION OF UP TO 5 YEARS UPON SUBMISSION OF A REVISED PHASING PLAN;"
- 5
- 6
- 7
- 8



**Amendment 3 to Amendment #2  
Council Bill No. 54-2016**

**BY: Mary Kay Sigaty**

**Legislative Day No:  
Date: November 7, 2016**

**Amendment No. 3 to Amendment #2**

*(This amendment creates an exception to surface parking requirements for temporary parking situations and eliminates the restriction on reserved parking).*

1           On page 2, in line 11, strike "COLUMBIA:" and substitute the following:  
2           "COLUMBIA, NO MORE THAN 10% OF THE REQUIRED OFF-STREET PARKING SHALL BE SATISFIED WITH  
3           SURFACE PARKING. HOWEVER, THE PLANNING BOARD MAY APPROVE EXCEPTIONS FOR TEMPORARY  
4           PARKING AS PART OF A PHASED DEVELOPMENT PLAN. THE PLANNING BOARD MAY APPROVE EXTENSIONS  
5           UPON SUBMISSION OF A REVISED PHASING PLAN."

6  
7           Also on page 2, strike lines 12 through 15 in their entirety.

8  
9



Amendment 2 to Council Bill 54-2016

BY: Mary Kay Sigaty

Legislative Day No: 17  
Date: 11/7/16

Amendment No. 2

1 (This amendment would require that developers in Downtown Columbia participate in the park  
2 once environment that was envisioned in the Downtown Columbia Plan.)  
3  
4  
5

6 On page 1, in line 23, strike "133.0.F.3. Table I" and substitute "133.0.B and F."  
7

8 On page 4, immediately following line 27, insert the following:

9 "B. Layout and Location

10 1. Off-street parking and loading facilities required by these Regulations shall be  
11 provided on the same lot with such structure or land use, unless parking is provided  
12 on a different lot in accordance with this section.

13 2. Off-street parking and loading spaces required for structures or land uses on two or  
14 more adjoining lots may be provided in a single common facility on one or more of  
15 said lots; provided said lots are in the same zoning district and are owned in  
16 common, or are subject to recorded covenants or easements for parking. For purposes  
17 of this section, lots which are divided by a public street right-of-way are not deemed  
18 to be adjoining.

19 3. The location of parking for multifamily residences shall be in accordance with  
20 Section 16.120(b) of the Subdivision and Land Development Regulations.

21 4. Required minimum parking may be provided on a separate lot from the principal use  
22 if:

23 a. For residential uses, the location and distribution of parking spaces complies with the  
24 Subdivision and Land Development Regulations;

- 1            b. For nonresidential uses, the major point of pedestrian access to the parking facility is  
2            within 400 feet of the entrance to the building. This requirement does not apply to  
3            Downtown Revitalization;
- 4            c. The parking facility is within a zoning district in which the use being served by the  
5            parking facility is permitted;
- 6            d. The parking facility is not separated from the use being served by a public street. This  
7            requirement does not apply to Downtown Revitalization;
- 8            e. The parking facility is subject to recorded covenants or easements for parking, or  
9            other proof is provided that the continued use of the parking area is guaranteed  
10           throughout the life of the land use.

11           5. IN DOWNTOWN COLUMBIA:

- 12           A. NO MORE THAN 10% OF THE REQUIRED OFF-STREET PARKING SHALL BE  
13           SATISFIED WITH SURFACE PARKING; AND
- 14           B. NO MORE THAN 10% OF ALL REQUIRED OFF-STREET PARKING FOR NON-  
15           RESIDENTIAL USES SHALL BE RESERVED FOR SPECIFIC TENANTS.”.
- 16  
17  
18  
19  
20  
21

Amendment 9 to Council Bill No. 54-2016

BY: Greg Fox  
Mary Kay Sigaty  
Jon Weinstein

Legislative Day No: 17  
Date: 11/7/16

Amendment No. 9

*(This amendment would clarify that a parking study can be submitted to justify alternative ratios provision for parking in Downtown and delete the proposed residential parking ratio changes)*

1 On page 5, in line 19, after the period, insert "A developer may submit a parking study as  
2 justification for alternative ratio(s) for approval by the Department of Planning and Zoning prior  
3 to submission of a Site Development Plan.".

4

5 On page 7, strike the last row of the chart and substitute the following:

<u>Residential(1)</u>	<u>0.15</u>	<u>1.50</u>	<u>0.15</u>	<u>1.50</u>	<u>/unit</u>
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7 On page 8, strike the first row of the chart, in its entirety.

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