

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

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
This Bill was read the third time on November 9, 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
2 **Title 28. Downtown Columbia.**

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

4
5 **Section 28.115. Payments required by CEPPAS.**

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

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

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

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

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

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

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

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

29
30 **Section 2. And Be It Further Enacted** by the County Council of Howard County, Maryland that
31 *this Act shall become effective 61 days after its enactment.*

Amendment 1 to Council Bill No. 55-2016

BY: Mary Kay Sigaty
Greg Fox

Legislative Day No: 18
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.

9

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

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 Feldman

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".

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~~ADOPTED~~
~~FAILED~~
SIGNATURE Jessica Feldman

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

BY: Mary Kay Sigaty

Legislative Day No: 18
Date: November 9, 2016

Amendment No. ² to Amendment #1

(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~~
~~SIGNATURE~~
not introduced
Jessica Jaldman

Amendment 1 to Council Bill No. 55-2016

BY: Mary Kay Sigaty
Greg Fox

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

Amendment No. 1

(This amendment would add certain programs to the Downtown Columbia Housing Foundation)

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:

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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;

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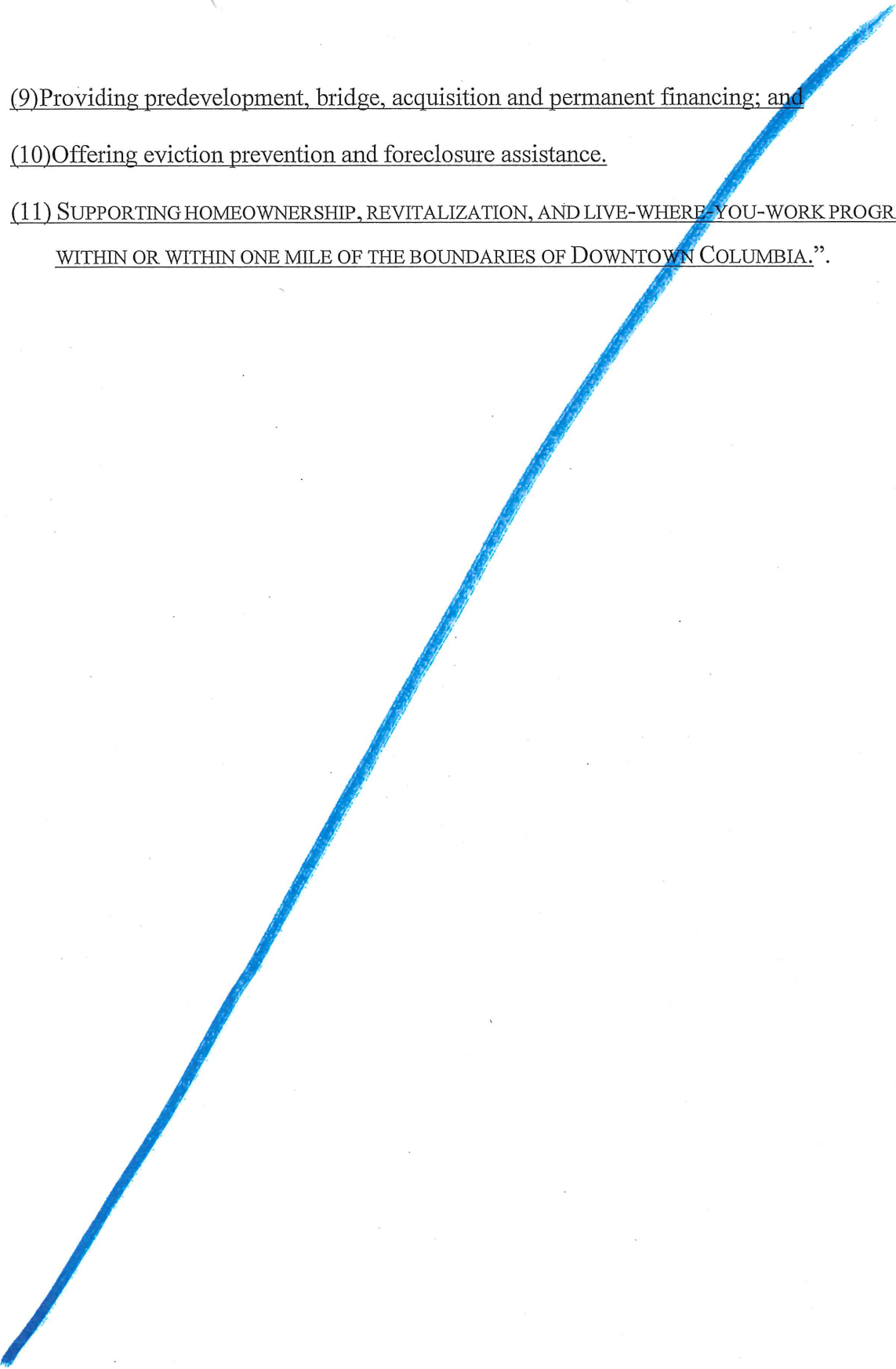
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(9) Providing predevelopment, bridge, acquisition and permanent financing; and

(10) Offering eviction prevention and foreclosure assistance.

(11) SUPPORTING HOMEOWNERSHIP, REVITALIZATION, AND LIVE-WHERE-YOU-WORK PROGRAMS
WITHIN OR WITHIN ONE MILE OF THE BOUNDARIES OF DOWNTOWN COLUMBIA.”.



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

County Council Of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 8

Bill No. 55-2016

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

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

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

By order _____
Jessica Feldmark, Administrator

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

By order _____
Jessica Feldmark, Administrator

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

By order _____
Jessica Feldmark, Administrator

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

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2016

Allan H. Kittleman, County Executive

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

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

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11 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard*
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- 16 2. *By amending Title 16 "Planning, Zoning and Subdivisions and Land Development*
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18 *Section 16.1104(f) "Housing unit allocation process"*
19
- 20 3. *By amending Title 16 "Planning, Zoning and Subdivisions and Land Development*
21 *Regulations"*
22 *Section 16.1110(h) "Definitions"*
23
- 24 4. *By amending Title 28 "Downtown Columbia"*
25 *Section 28.115(f) "Payments required by CEPPAS"*
26

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

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

29
30 **Section 13.400. Applicability.**

31 This subtitle applies to:

- 1 (a) ANY RESIDENTIAL ZONING DISTRICT, OR PORTION OF A ZONING DISTRICT, WHERE A
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4 County Zoning Regulations.
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6 Zoning Regulations.
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8 County Zoning Regulations.
9 (d) Residential mobile home developments, in accordance with subsection 113.F.2 of the
10 Howard County Zoning Regulations.]]
11 ([[e]]B) Any development for which the provision of moderate income housing is proffered by
12 the petitioner and made a condition of approval in a preliminary development plan approved
13 by the Zoning Board[[]; and
14 (f) Residential developments in the R-SA-8, R-A-15, CCT, POR, R-SI, TOD, CAC, Zoning
15 Districts and any other zoning districts that may include a moderate income housing unit
16 requirement]].

17
18 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

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

20
21 **Section 16.1104. Housing unit allocation process.**

- 22 (f) *Limit on Allocations in a School District.* Except for projects exempt under subsection
23 16.1107(b) of this subtitle AND FOR UNITS IN DOWNTOWN COLUMBIA, the Department of
24 Planning and Zoning may not grant more than 300 allocations in one year in a single
25 elementary school district if the elementary school region within which the district is located
26 exceeds 100 percent of capacity.
27

28 **Section 16.1110. Definitions.**

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

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

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

4
5 **Section 28.115. Payments required by CEPPAS.**

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

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

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

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

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

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

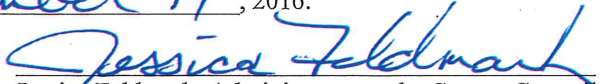
23 ~~[[~~(3) A developer of residential property in the District who provides affordable housing
24 units in the District as an alternative satisfaction of the affordable housing requirement
25 as provided in the zoning regulations, is not required to make the payments provided in
26 subsection (f)(1)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

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

29
30 **Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that**
31 *this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on November 19, 2016.


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

BY: Mary Kay Sigaty

Legislative Day No: 17
Date: November 7, 2016

Amendment No. ² to Amendment #1

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

BY: Mary Kay Sigaty

**Legislative Day No:
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.”.

8

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Amendment 1 to Council Bill No. 55-2016

BY: Mary Kay Sigaty
Greg Fox

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

Amendment No. 1

(This amendment would add certain programs to the Downtown Columbia Housing Foundation)

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;

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

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