

Introduced 7/3/17
Public Hearing 7/17/17, 9/11/17, 9/18/17
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 10

Bill No. 61 -2017

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

AN ACT amending the Adequate Public Facilities Act requiring certain periodic review; specifying completion timelines for certain types of road remediation projects; requiring that certain agreements contain certain provisions with regard to the timing of road mitigation projects; amend the title of certain charts and other terminology; requiring certain waiting periods; clarifying certain exemptions; defining certain terms; amending certain definitions; making certain technical corrections; and generally relating to the Adequate Public Facilities Act of Howard County.

Introduced and read first time July 3, 2017. 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 17, 2017, continued 9/11/17 and 9/18/17

Tabled 7/26/17
Extended and tabled 9/5/17
Extended and tabled 10/2/17

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2017 and Passed _____, Passed with amendments _____, Failed _____ expired on November 5, 2017.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2017 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2017

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**, the Adequate Public Facilities Ordinance (“Ordinance”) is a land use policy
2 first recommended in Howard County, Maryland’s 1990 General Plan to manage the pace of
3 growth; and
4

5 **WHEREAS**, the Ordinance links residential construction to an elementary schools test, a
6 middle schools test, a school regions test, a roads test (both residential and commercial), and a
7 housing unit allocations test; and
8

9 **WHEREAS**, the 2015 Department of Planning and Zoning Transition Team Report
10 recommended the County Executive review the Ordinance to consider factors that have the
11 potential to influence growth in new ways; and
12

13 **WHEREAS**, the County Executive issued Executive Order 2015-05 establishing an
14 Adequate Public Facilities Review Task Force (“Task Force”) to review the current Act and
15 make recommendations for possible improvements; and
16

17 **WHEREAS**, the Task Force met over the course of 10 months to develop
18 recommendations; and
19

20 **WHEREAS**, the chair and vice chair of the Task Force presented the Task Force report,
21 which included recommendations, to the County Executive in April 2016; and
22

23 **WHEREAS**, the County Executive requested the Department of Planning and Zoning to
24 analyze the recommendations and submit a Technical Staff Report on them; and
25

26 **WHEREAS**, County Administration presented the recommendations to the County
27 Council on April 10, 2017 and the Howard County Board of Education on June 8, 2017; and
28
29

1 **WHEREAS**, this Act amends certain provisions of the Ordinance based on the County
2 Executive’s assessment of the Task Force report and Technical Staff Report in order to
3 accomplish the goal of improving growth management in Howard County.

4
5 **NOW, THEREFORE,**

6
7 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard*
8 *County Code is amended as follows:*

9
10 *1. By amending Title 16. Planning, Zoning and Subdivisions and Land Development*
11 *Regulations, Subtitle 1 “Subdivision and Land Development Regulations”.*

12
13 *a. Section 16.147 “Final subdivision plan and final plat”*

14 *Subsection (e)*

15
16 *b. Section 16.156 “Procedures”*

17 *Subsection (k)*

18
19 *2. By amending Title 16. Planning, Zoning and Subdivisions and Land Development*
20 *Regulations, Subtitle 11 “Adequate Public Facilities Act”:*

21
22 *a. Section 16.1100 “Short title; background; purpose; organization”*

23 *Subsection (b)(3)*

24
25 *b. Section 16.1101 “Adequate transportation facilities”*

26 *Subsection (d)*

27
28 *c. Section 16.1102 “Housing unit allocation concept; housing unit allocation chart”*

29 *Subsection (b)(3)*

30
31 *d. Section 16.1103 “Adequate school facilities”.*

1 *Subsection (b) and (c)*

2
3 *e. Section 16.1105 "Processing of plans subject to test for adequate transportation facilities*
4 *and/or tests for adequate school facilities and/or test for housing unit allocations"*
5 *Subsection (c)*

6
7 *f. Section 16.1110 "Definitions"*

8
9 3. *By adding paragraph (8) to subsection (b) of Section 16.1107 "Exemptions".*

10
11 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

12 **Subtitle 1. Subdivision and Land Development Regulations.**

13 **Article IV. Procedures for filing and processing subdivision applications.**

14
15 **Section 16.147. Final subdivision plan and final plat.**

16 (e) *[[Developer's Agreement]]DEVELOPER AGREEMENTS.* After final plan approval and signature
17 approval of all construction drawings and prior to the submission of the original final plat, the
18 developer shall post with the County all necessary monies and file a developer's agreement and if
19 required, a major facilities agreement and/or a shared sewage disposal facility developer
20 agreement. The developer's agreement(s) shall cover financial obligations with appropriate
21 security guaranteeing installation of all required improvements, installation and warranty of a
22 shared sewage disposal facility on a cluster subdivision in the RR or RC zoning district, and
23 fulfillment of the protection and management requirements of the approved forest conservation
24 plan. The agreement may provide that the developer may be partially released from the surety
25 requirements of the agreement upon partial completion of the work in accordance with criteria
26 established by the Department of Public Works. THE AGREEMENT SHALL PROVIDE WHEN THE
27 OFFSITE ROAD IMPROVEMENTS ARE REQUIRED TO BE STARTED IN THE SEQUENCE OF
28 CONSTRUCTION. THE SEQUENCE OF CONSTRUCTION, AS SET FORTH IN THE APPROVED PLANS AND
29 SPECIFICATIONS, SHALL BE INCORPORATED INTO THE AGREEMENT BY REFERENCE. FAILURE TO
30 CONSTRUCT ROAD IMPROVEMENTS IN ACCORDANCE WITH THE DEVELOPER AGREEMENT, AND
31 INCORPORATED APPROVED PLANS AND SPECIFICATIONS, MAY RESULT IN DEFAULT IN ACCORDANCE

1 WITH THE AGREEMENT AND BUILDING PERMITS SHALL NOT BE ISSUED. The Director of the
2 Department of Planning and Zoning may authorize submission of the original final plat if the
3 developer agreement is not complete, but is in process and can be fully executed in a timely
4 manner.

5
6 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

7 **Subtitle 1. Subdivision and Land Development Regulations.**

8 **Article V. Procedures for filing and processing site development plan applications.**

9
10 **Section 16.156. Procedures.**

11 (k) *Developer Agreements; Major Facilities Agreements.* Concurrent with the approval of the
12 site development *plan*, the developer shall execute the developer agreement(s) and major
13 facilities agreement, if any, for required improvements and, where applicable, for fulfillment of
14 the protection and management requirements of the approved forest conservation *plan*. The
15 agreement may provide that the developer may be partially released from the surety requirements
16 upon partial completion of the work in accordance with criteria established by the Department of
17 Public Works. THE AGREEMENT SHALL PROVIDE WHEN THE OFFSITE ROAD IMPROVEMENTS ARE
18 REQUIRED TO BE STARTED IN THE SEQUENCE OF CONSTRUCTION. THE SEQUENCE OF
19 CONSTRUCTION, AS SET FORTH IN THE APPROVED PLANS AND SPECIFICATIONS, SHALL BE
20 INCORPORATED INTO THE AGREEMENT BY REFERENCE. FAILURE TO CONSTRUCT ROAD
21 IMPROVEMENTS IN ACCORDANCE WITH THE DEVELOPER AGREEMENT, AND INCORPORATED
22 APPROVED PLANS AND SPECIFICATIONS, MAY RESULT IN DEFAULT IN ACCORDANCE WITH THE
23 AGREEMENT AND BUILDING PERMITS SHALL NOT BE ISSUED.

24
25 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

26 **Subtitle 11. Adequate Public Facilities.**

27
28 **Section 16.1100. Short title; background; purpose; organization.**

29 (b) *Background:*

30 (3) *Elements of the growth management process.* This subtitle is one of five interconnected
31 elements that constitute the growth management process. Each element has a part to play

1 in providing the predictability required for planning and implementing adequate public
2 facilities.

3 (i) *Establishing policy.* The general plan, the zoning plan, and the standards in this
4 subtitle constitute the policy base for the growth management process. This common
5 base is the platform from which data are generated and planning documents written.

6 (ii) *Capital planning.* Capital improvement master plans define the necessary public
7 school, road, solid waste, and water and sewerage infrastructure which supports the
8 land use and growth policies established in the general plan. Capital improvement
9 master plans will minimally contain planning assumptions, standards of service,
10 descriptions of additions and improvements, justification and priorities for additions
11 and improvements, and budget projections for each of the next ten years. The plans
12 will be reviewed and approved annually.

13 (iii) *Revenue allocation.* Limited resources will require coordinated allocation of funds
14 for roads, schools and other facilities. The Planning Board, the County Executive,
15 the County Council, and participating agencies and departments will work together
16 to review priorities and budget projections included in the capital improvement
17 master plans. The County Council will conduct a public hearing and, through
18 adoption of the capital budget and capital improvement program, will approve the
19 distribution of funds across capital improvement master plans.

20 The building excise tax (see title 20, subtitle 5 of the Howard County Code),
21 enhances the County's ability to provide adequate public road facilities.

22 (iv) *Adequate public facilities.* The general plan guides where and when growth occurs.
23 The adequate public facilities process and standards will manage growth so that
24 facilities can be constructed in a timely manner.

25 (v) *Monitoring growth.* The Department of Planning and Zoning will develop statistics
26 and other pertinent data which will be continually used to assess the growth
27 management process so that status reports can be prepared and adjustments
28 recommended regarding the growth management process.

29 (vi) *PERIODIC REVIEW.* AFTER REVISION OF THE GENERAL PLAN FOR THE COUNTY AS
30 REQUIRED BY SECTION 16.801 OF THIS CODE, AN ADEQUATE PUBLIC FACILITIES ACT
31 REVIEW COMMITTEE SHALL MEET AND PROVIDE A REPORT TO THE DEPARTMENT OF

1 PLANNING AND ZONING. THE REPORT SHALL INCLUDE ANY PROPOSED CHANGES TO
2 THIS ACT.
3

4 **Section 16.1101. Adequate transportation facilities.**

5 (d) *Road Facilities to Be Included in Determining Adequacy.* In determining whether a proposed
6 project passes the test for adequate road facilities, the following road facilities shall be considered
7 as existing in the scheduled completion year of the project:

8 (1) Road facilities in existence as of the date the developer submits the application for
9 approval of the project;

10 (2) New road facilities or improvements to existing road facilities for which sufficient funds
11 have been included in the Howard County Capital Program or Extended Capital Program
12 as defined in title 22 of the Howard County Code or the Maryland Consolidated
13 Transportation Program so that the facilities will be substantially completed before or
14 during the scheduled completion year of the project, unless the Director of Planning and
15 Zoning, after consultation with the Director of Public Works, demonstrates that such
16 facilities or improvements are not likely to be completed by that time.

17 (3) New road facilities or improvements to existing road facilities which:

18 (i) Have been included in developers' mitigation plans submitted for approval to the
19 Department of Planning and Zoning before the project which is being tested; [[and]]

20 (ii) Which are scheduled to be substantially completed before or during the scheduled
21 completion year of the proposed project[.]; AND

22 (iii) HAVE BEEN INCLUDED IN A DEVELOPER AGREEMENT WHICH SHALL INCLUDE THE
23 INFORMATION REQUIRED BY SECTION 16.147(E) AND SECTION 16.156 (K) OF THIS
24 CODE.

25 (4) The mitigation proposed by the developer.
26

27 **Section 16.1102. Housing unit allocation concept; housing unit allocation chart.**

28 (b) *Housing Unit Allocation Chart:*

29 (3) *Preparation and adoption.* The Department of Planning and Zoning shall prepare and
30 update the housing unit allocation chart for consideration and adoption by the County
31 Council. Once each year, and more often if the Council determines that amendments are

1 appropriate, the county council shall adopt the housing unit allocation chart by resolution,
2 after a public hearing. Whenever the housing unit allocation chart is adopted or amended,
3 the [[open/closed]]SCHOOL CAPACITY chart shall be adopted or amended concurrently to
4 be consistent.

5
6 **Section 16.1103. Adequate school facilities.**

7 (b) *The Tests for Adequate Public Schools.* A proposed residential project will pass the tests for
8 adequate public schools if the [[open/closed]]SCHOOL CAPACITY chart (see subsection (c),
9 "[[Open/Closed]]SCHOOL CAPACITY Chart," below) indicates that:

10 ([[i]]1) The elementary school region where the proposed project will be located will be
11 open for new residential development during the scheduled completion year of the project
12 and any phase of a project; and

13 ([[ii]]2) The elementary and middle schools which will serve the proposed project will be
14 open for new residential development during the scheduled completion year of the project
15 and any phase of a project.

16 (c) [[Open/Closed]]*SCHOOL CAPACITY Chart Preparation and Adoption:*

17 (1) *Definition.* The [[open/closed]]SCHOOL CAPACITY chart is a chart indicating which
18 elementary school regions and which elementary schools and middle schools are open for
19 new residential development and which are [[closed]] CONSTRAINED each year for each
20 of the following ten years.

21 (2) *Basis of chart.* The basis of the [[open/closed]]SCHOOL CAPACITY chart is the
22 assumptions used by the [[Department]]BOARD of Education in predicting enrollment,
23 such as school capacity, current enrollment, demographic and growth trends, and the
24 housing unit allocation chart.

25 (3) *Preparation and adoption of [[open/closed]]SCHOOL CAPACITY chart.* The
26 [[open/closed]]SCHOOL CAPACITY chart is designed to work in conjunction with the
27 housing unit allocation chart in order to provide consistency and predictability in the
28 planning process for schools. For that reason, the [[open/closed]]SCHOOL CAPACITY chart
29 shall be revised for consistency concurrent with any amendments to the housing unit
30 allocation chart.

1 The Department of Planning and Zoning shall receive the [[open/closed]]SCHOOL
2 CAPACITY chart, from the [[Department]]BOARD of Education. The
3 [[open/closed]]SCHOOL CAPACITY chart shall be submitted to the County Council for
4 adoption by resolution after a public hearing. Whenever the County Council adopts,
5 amends, or updates the housing unit allocation chart, it shall concurrently adopt the
6 [[open/closed]]SCHOOL CAPACITY chart.
7

8 **Section 16.1105. Processing of plans subject to test for adequate transportation facilities**
9 **and/or tests for adequate school facilities and/or test for housing unit allocations.**

10 (c) *Processing Applications for Approval of Residential Projects and Projects Containing*
11 *Residential and Nonresidential Uses:*

12 (1) *Adequate transportation facilities test.* Upon receipt of a complete application for
13 approval of a residential project or a project containing residential and nonresidential
14 uses, the project shall be tested for adequate transportation facilities.

15 (2) *Test for allocations:*

16 (i) *Conventional residential projects.* If the conventional residential project meets the
17 requirements of the subdivision regulations and passes the test for adequate
18 transportation facilities, the project will then be tested for availability of housing unit
19 allocations.

20 a. *Allocations available.* If housing unit allocations are available for the scheduled
21 completion year for unphased projects or for the scheduled completion year for
22 the initial and future phases for phased projects, the Director of Planning and
23 Zoning shall assign tentative housing unit allocations.

24 b. *Allocations not available.* If housing unit allocations are not available for the
25 scheduled completion year for unphased projects or for the scheduled
26 completion year for the initial or future phases for phased projects, the
27 application shall be placed on the bottom of a list of applications waiting for
28 housing unit allocations.

29 c. *Revised housing unit allocation chart adopted.* Whenever a revised housing unit
30 allocation chart is adopted, the Department of Planning and Zoning shall test
31 projects on the list of applications waiting for housing unit allocations. When

1 housing unit allocations become available to serve a project, the Director of
2 Planning and Zoning shall assign tentative allocations.

3 (ii) *Comprehensive projects*. Upon receipt of a complete initial plan stage application for
4 approval of a comprehensive project, the Department of Planning and Zoning shall
5 test the project for housing unit allocations.

6 a. *Allocations available*. If housing unit allocations are available for the scheduled
7 completion year for unphased projects or for the scheduled completion year for
8 the initial and future phases for phased comprehensive projects, the Director of
9 Planning and Zoning shall assign tentative housing unit allocations.

10 b. *Allocations not available*. Subject to subsection 16.1104(b)(2), if housing unit
11 allocations are not available for the scheduled completion year for unphased
12 projects or for the scheduled completion year for the initial or future phases for
13 phased comprehensive projects, the application shall be placed on the bottom of
14 a list of applications waiting for housing unit allocations.

15 c. *Revised housing unit allocation chart adopted*. Whenever a revised housing unit
16 allocation chart is adopted, the Director of Planning and Zoning shall test
17 projects on the list of applications waiting for housing unit allocations. When
18 housing unit allocations become available to serve a project, or phase of a
19 project, the Director of Planning and Zoning shall assign tentative allocations.

20 (3) *[[Open/closed]]SCHOOL CAPACITY test*. Upon assignment of tentative housing unit
21 allocations, the project shall be tested for adequate public schools.

22 (i) *Projects passing [[open/closed]]SCHOOL CAPACITY test*. Once a project has passed
23 the *[[open/closed]]SCHOOL CAPACITY test*, no further approval for adequate public
24 facilities for that project is required during the subdivision or site development plan
25 approval process, except as provided in subsection 16.1105(d).

26 (ii) *Projects failing [[open/closed]]SCHOOL CAPACITY test*. PARAGRAPH (7) OF THIS
27 SUBSECTION SHALL APPLY IF *[[If]]* a project fails one or more components of the
28 *[[open/closed]]SCHOOL CAPACITY test* for the scheduled completion year for
29 unphased projects or for the scheduled completion year for the initial or future phases
30 for phased projects~~[[, the project or phase of the project failing the open/closed test~~
31 shall be retested for each of the next three consecutive years. If the project or phase

1 of the project passes the test in any of those years it shall be permitted to proceed
2 with processing three years prior to the year in which it passes the open/closed test.
3 If the project or phase of the project fails the test for each of the next three
4 consecutive years, it shall be deemed to have passed the open/closed test in the fourth
5 year and shall be permitted to proceed with processing three years prior to the year
6 it is deemed to have passed the test]].

7 [[(iii) *Projects failing open/closed test due to incorrect advisory comments.* If a project
8 has failed the November 6, 2001 open/closed test due to reliance on incorrect
9 Department of Planning and Zoning advisory comments regarding that project's
10 elementary school region prior to a determination by the Board of Education, the
11 project may be permitted to retake the schools test once retroactively to November
12 6, 2001 based on an amended subdivision sketch plan without losing its allocations.]]

13 (4) *Revised [[open/closed]]SCHOOL CAPACITY chart adopted.* Whenever a revised
14 [[open/closed]]SCHOOL CAPACITY chart is adopted, the Department of Planning and
15 Zoning shall test projects which have previously failed the [[open/closed]]SCHOOL
16 CAPACITY test. If a project or phase of a project passes the [[open/closed]]SCHOOL
17 CAPACITY test in an earlier year than provided in subsection (c)(3)(ii) above, the project
18 shall be permitted to proceed with processing three years prior to the year in which it passes
19 the [[open/closed]]SCHOOL CAPACITY test.

20 (5) *Wait on processing.* Any project not passing the test for allocations and the
21 [[open/closed]]SCHOOL CAPACITY test shall complete the initial plan stage, but shall not
22 proceed further through the subdivision or site development plan process until housing
23 unit allocations are granted and the [[open/closed]]SCHOOL CAPACITY test is passed. Once
24 allocations are granted and the [[open/closed]]SCHOOL CAPACITY test is passed, the
25 project shall be permitted to proceed with processing three years prior to the year in which
26 it passes the [[open/closed]]SCHOOL CAPACITY test.

27 (6) *Extension of milestone dates.* The Director of Planning and Zoning shall extend the next
28 milestone for projects failing the allocations test or [[open/closed]]SCHOOL CAPACITY test
29 to correspond to the delay in processing of the project. The Department of Planning and
30 Zoning shall notify the applicant, in writing, of the next milestone prior to the starting
31 date of the milestone.

1 (7) *WAITING PERIOD.*

2 (I) IF A PROJECT OR PHASE OF A PROJECT WAS NEVER ON THE LIST OF APPLICATIONS WAITING
3 FOR HOUSING UNIT ALLOCATIONS AND HAS RECEIVED HOUSING UNIT ALLOCATIONS,
4 THEN DEVELOPMENT MAY PROCEED AS FOLLOWS:

5 A. IF THE PROJECT OR PHASE OF THE PROJECT PASSES THE SCHOOL CAPACITY TEST IN
6 ANY YEAR BETWEEN AND INCLUSIVE OF THE FIRST CONSECUTIVE RETEST AND THE
7 FOURTH CONSECUTIVE RETEST, THEN THE PROJECT OR PHASE OF THE PROJECT MAY
8 PROCEED.

9 B. IF A PROJECT OR PHASE OF A PROJECT FAILS THE SCHOOL CAPACITY TEST:

10 I. FOR EACH OF THE NEXT FOUR CONSECUTIVE YEARS, THE PROJECT OR PHASE OF
11 THE PROJECT SHALL BE RETESTED EACH TIME THE COUNTY COUNCIL ADOPTS
12 NEW ANNUAL HOUSING UNIT ALLOCATIONS AND SCHOOL CAPACITY CHARTS;
13 AND

14 II. IN THE FOURTH RETESTING YEAR, THE PROJECT SHALL BE DEEMED TO HAVE
15 PASSED THE SCHOOL CAPACITY TEST.

16 (II) IF A PROJECT OR PHASE OF A PROJECT IS ON THE LIST OF APPLICATIONS WAITING FOR
17 HOUSING UNIT ALLOCATIONS AND RECEIVES HOUSING UNIT ALLOCATIONS WITHIN FIVE
18 YEARS, THEN SUBPARAGRAPH (I) OF PARAGRAPH (7) OF THIS SUBSECTION APPLIES.
19 HOWEVER, IN NO CASE SHALL A PROJECT OR PHASE OF A PROJECT BE ON HOLD MORE
20 THAN FIVE YEARS TOTAL INCLUDING THE TIME THE PROJECT OR PHASE OF THE PROJECT
21 WAS ON THE LIST OF APPLICATIONS WAITING FOR HOUSING UNIT ALLOCATIONS.

22 (III) IF A PROJECT OR PHASE OF A PROJECT IS ON THE ALLOCATION WAITING LIST AND
23 RECEIVES ALLOCATIONS AFTER FIVE YEARS OF BEING ON THE LIST, THEN THE PROJECT OR
24 PHASE OF A PROJECT DOES NOT HAVE TO TAKE THE SCHOOL CAPACITY TEST.

25
26 **Section 16.1107. Exemptions.**

27 (b) *Residential Projects:*

28 (8) *PARTIALLY EXEMPT RESIDENTIAL SUBDIVISION PLANS.* EXCEPT IN DOWNTOWN COLUMBIA,
29 MODERATE INCOME HOUSING UNITS DO NOT REQUIRE HOUSING UNIT ALLOCATIONS.
30 HOWEVER, PLANS WITH MODERATE INCOME HOUSING UNITS ARE REQUIRED TO PASS THE
31 TEST FOR ADEQUATE ROAD FACILITIES AND ADEQUATE PUBLIC SCHOOLS AS A CONDITION

1 OF APPROVAL. THE NUMBER OF MODERATE INCOME HOUSING UNITS IN EACH PLAN THAT
2 DO NOT REQUIRE HOUSING UNIT ALLOCATIONS SUBJECT TO THIS EXEMPTION SHALL NOT
3 EXCEED THE NUMBER OF MODERATE INCOME HOUSING UNITS AS REQUIRED IN THE
4 HOWARD COUNTY ZONING REGULATIONS.
5

6 **Section 16.1110. Definitions.**

7 (a) *Affordable housing unit* means a moderate or middle income housing unit as defined in the
8 Howard County Zoning Regulations.

9 (a-1) *Available housing unit allocations* are the number of housing unit allocations that the
10 Department of Planning and Zoning may grant in any year, based on the housing unit allocation
11 chart adopted by the County Council less housing unit allocations already granted for that year.

12 (b) *Background traffic growth* is the traffic, other than traffic existing at the time of application,
13 which will be generated by:

14 (1) Regional pass-through users; and

15 (2) Projects which are not subject to the test for adequate road facilities.

16 (c) *Bulk parcel—Residential* means a residential parcel recorded for the purpose of development
17 of apartments, single-family attached, single-family detached or mobile home units on a single lot
18 where tentative housing unit allocations have been granted.

19 (d) *Capacity* means when used in relation to road facilities, capacity means the total number of
20 vehicles that can be accommodated by a road facility during a specified time period under
21 prevailing roadway operating conditions.

22 (e) *Comprehensive project* means a project in the following zoning districts:

23 (1) New Town (NT)

24 (2) Planned Golf Course Community (PGCC)

25 (3) Mixed Use (MXD)

26 (4) Residential: Apartments (R-A-15)

27 (f) *Constrained road facility* means in the planned service area for water and sewerage, a
28 constrained road facility means the intersection of a major collector or higher classified road with
29 a major collector or higher classified road which has historic or environmental value which would
30 be adversely affected by certain road improvements.
31

1 In the no-planned service area for water and sewerage, a constrained road facility means the
2 intersection of a minor collector or higher classified road with a minor collector or higher classified
3 road which has historic or environmental value which would be adversely affected by certain road
4 improvements.

5
6 The County Council, by resolution, declares a road facility constrained and identifies the feature(s)
7 which form the basis for its decision to declare the road facility constrained.

8 (g) *Conventional project* means a project other than a comprehensive project.

9 (h) *Downtown Columbia* means the geographic area defined as Downtown Columbia in section
10 103.A.41 of the Howard County Zoning Regulations.

11 (i) *Exempt governmental facility* means:

12 (1) A facility to be owned or operated by the Federal Government, State Government, Howard
13 County Public Schools, or any agency thereof;

14 (2) A facility owned by Howard County or any agency thereof where essential County
15 Government services are provided, [[including]] LIMITED TO police services, fire
16 prevention and suppression services, emergency medical services, highway maintenance,
17 detention facilities, water treatment and supply, sewage disposal and treatment and solid
18 waste disposal.

19 (j) *Final development plan proposing Downtown Columbia Revitalization* means a drawing or
20 series of drawings, at an appropriate scale, and related text covering all or a portion of Downtown
21 Columbia that proposes development pursuant to section 125.E of the zoning regulations.

22 (k) *Floor area ratio* means the ratio of the floor area of a structure to the lot area, where:

23 (1) The floor area is calculated by measuring the exterior faces of the walls of the structure
24 minus any area within the structure devoted to parking, driveways, atria, enclosed malls
25 and similar areas; and

26 (2) The lot area is calculated including any adjoining lots used for required parking for the
27 structure.

28 (l) *General plan target; general plan residential growth target* means for the purposes of this
29 subtitle, the general plan target and general plan residential growth target mean the housing unit
30 projections established in the general plan for each planning area including the senior east set aside,
31 and in addition 250 housing units per year for Route 1 revitalization.

1 (m) *Governmental action* means the action or inaction of a governmental agency in relation to a
2 timely filed action by a developer. For the purposes of this subtitle, governmental agency means
3 an agency of the Federal, State, or local government, including, but not limited to, the U.S. Corps
4 of Engineers, the Maryland Department of the Environment, the Zoning Board, and the Board of
5 Appeals.

6 (n) *Housing unit allocation* or *allocation* means an approval to build a housing unit.

7 (1) *Tentative housing unit allocation* or *tentative allocation* means the temporary approval,
8 granted during the subdivision plan process, to build a housing unit in a project which
9 requires housing unit allocations as a condition of project approval.

10 (2) *Permanent housing unit allocation* or *permanent allocation* means a permanent approval,
11 granted at recordation of a subdivision or at site development plan approval, to build a
12 housing unit in a project which requires housing unit allocations as a condition of project
13 approval.

14 (o) *Housing unit allocation chart* means a chart indicating the projected number of housing unit
15 allocations available to be granted in the County each year for a ten-year period. The chart divides
16 the available housing unit allocations into geographic areas and may provide for green
17 neighborhood and Downtown Columbia units. In a given year, no more than 35 percent of the
18 allocations available in the growth and revitalization region may be granted to projects in a
19 particular planning area, as established by PlanHoward 2030, Map 6-2 "Designated Place Types".
20 The number of housing unit allocations on the chart shall be as follows:

21 (1) In the first year after the effective date of this subtitle the number of housing unit allocations
22 on the chart for that year and each of the next two years shall equal the general plan annual
23 target for residential completions for those years.

24 (2) In the second year after the effective date of this subtitle, the number of housing unit
25 allocations on the chart for that year and for each of the next two years, based on the rolling
26 average, shall be the general plan target for residential completions for the year in question
27 minus one-third of the difference between:

28 (i) The number of housing unit allocations granted during the prior year plus the number
29 of housing units in projects approved during the prior year which were exempt from
30 the provisions of this subtitle pursuant to subsections 16.1107(b)(1) and (5) of this
31 subtitle; and

1 (ii) The prior year's general plan target.

2 (3) In the third and later years after the effective date of this subtitle, the number of housing
3 unit allocations on the chart for the current year and for each of the next two years, based
4 on the rolling average, shall be the general plan target for residential completions for the
5 year in question minus one-third of the difference between:

6 (i) The housing unit allocations granted during the two preceding years plus the housing
7 units in projects approved during two preceding years which were exempt from the
8 provisions of this subtitle pursuant to subsections 16.1107(b)(1) and (5) of this subtitle;
9 and

10 (ii) The sum of the general plan targets for the two preceding years.

11 [[(4) In order to provide flexibility for development in areas designated in the general plan as
12 established communities or growth and revitalization areas, any unused annual allocations
13 for these areas may be combined and redistributed, using the rolling average, into a single
14 allocation category that may be used by development projects in either geographic area.]]

15 (p) *Howard County Design Manual* means Chapter 4 of Volume III (Roads and Bridges) of the
16 Howard County Design Manual which specifies requirements for adequate transportation
17 facilities.

18 (q) *Impact area*:

19 (1) In planned service area for public water and sewer. In that portion of the County in the
20 planned service area for public water and sewer, excluding Downtown Columbia, an
21 impact area means an area up to one and one-half road miles in all directions from the
22 entrance to the project on an existing County or State road or a planned roadway or
23 intersection identified in the capital budget or capital program, but not beyond the
24 intersection of a major collector or higher classified road with a major collector or higher
25 classified road. For Downtown Columbia the impact area shall be determined in
26 accordance with the Howard County Design Manual.

27 (2) In no-planned service area for public water and sewer. In that portion of the County in the
28 no planned service area for public water and sewer, an impact area means an area up to two
29 road miles in all directions from the entrance to a project on an existing County or State
30 road or a planned roadway or intersection identified in the capital budget or capital

1 program, but not beyond the intersection of a minor collector or higher classified road with
2 a minor collector or higher classified road.

3 (r) *Initial plan stage*. An initial plan stage means either (i) a sketch plan or preliminary equivalent
4 sketch plan under the Subdivision and Land Development Regulations; (ii) a final development
5 plan proposing downtown revitalization under the zoning regulations; or (iii) a site development
6 plan if subdivision is not required.

7 (s) *Major collector* or *major collector highway* means a road classified as a major collector
8 highway on the Howard County general plan, except that in determining the impact area for site
9 development plans, major collector also means a road, not classified as a major collector highway
10 on the Howard County general plan, but constructed to the physical specifications set forth in the
11 design manual for construction of a road so classified.

12 (t) *Major facilities agreement* means an agreement between the County, the State, if appropriate,
13 and the developer of a project incorporating the developer's approved mitigation plan and covering
14 the developer's financial obligations for mitigation.

15 (u) *Milestone* means the date, unless delayed by governmental action, by which a developer must
16 submit the next plan stage of a subdivision to the Department of Planning and Zoning for approval.

17 (v) *Minimum level of service for Howard County road facilities, excluding Downtown Columbia*
18 means level of service D. minimum level of service of a State road facility means level of service
19 E. for Downtown Columbia, the intersection standard is established in the Howard County Design
20 Manual.

21 (w) *Minor collector* or *minor collector highway* means a road classified as a minor collector
22 highway on the Howard County general plan.

23 (x) *MINOR SUBDIVISION* MEANS THE DIVISION OF A RESIDENTIAL OR AGRICULTURAL PARCEL THAT
24 HAS NOT BEEN PART OF A PREVIOUSLY RECORDED SUBDIVISION, INTO FOUR OR FEWER RESIDENTIAL
25 LOTS (INCLUDING BUILDABLE PRESERVATION PARCELS BUT EXCLUDING OPEN SPACE AND
26 NONBUILDABLE PRESERVATION PARCELS), EITHER ALL AT ONE TIME OR LOT BY LOT.

27 (y) *Open*:

28 (1) School region—Open means that the projected enrollment of a school region is below 115
29 percent of the program capacity of the elementary schools within the region.

30 (2) Elementary school—Open means that the projected enrollment of the elementary school
31 is below 115 percent of the program capacity of the school.

1 (3) Middle school—Open means that the projected enrollment of the middle school is below
2 115 percent of the program capacity of the school.

3 *Open/closed chart* means a chart indicating which elementary school regions and which
4 elementary and middle schools are open to new residential development and which are closed
5 to new residential development for the each of the following ten years.

6 (aa) *Open/closed test* means a test to determine whether the elementary school region and
7 elementary school and middle school serving a proposed project are open to new residential
8 development in the scheduled completion year of the project or the phases of the project.]]

9 *Phased project* means a project utilizing phasing.

10 *Phasing* means the sequential development of portions of a subdivision pursuant to a
11 sketch plan which includes a schedule for submission of preliminary and final plan applications
12 for the various phases of the project and a schedule for completion of these phases.

13 *Plan stage* means one of the three levels of a subdivision plan—sketch plan, preliminary
14 plan, and final plan.

15 *Planning region* means a geographic area of the County identified in the general plan
16 that is used for forecasting housing growth.

17 *Program capacity* means the capacity, as defined by the Howard County Board of
18 Education, for grades kindergarten through grade 8. Program capacity does not include special
19 education and relocatable capacity.

20 *Road facilities:*

21 (1) In planned service area for public water and sewer. In that portion of the County in the
22 planned service area for public water and sewer, road facilities means at grade
23 intersections of major collectors or higher classified roads which are beyond the
24 boundaries of the proposed project.

25 (2) In no planned service area for public water and sewer. In that portion of the County in the
26 no planned service area for public water and sewer, road facilities means at grade
27 intersections of minor collectors or higher classified roads which are beyond the
28 boundaries of the proposed project.

29 (3) Road facilities does not include road improvements which a developer is required to
30 provide pursuant to the provisions of Section 16.119, "Highways, Streets, and Roads," of
31 the subdivision regulations.

1 ([[ah]]AF) *Rolling average* means to recalculate the number of available housing unit allocations
2 for a given year in order to maintain and achieve the general plan residential growth targets.

3 ([[ai]]AG) *Scheduled completion year*:

4 (1) *Road facilities*:

5 (i) *Nonresidential projects* means when used in relation to road facilities serving
6 nonresidential projects, "scheduled completion year" means the year as approved on
7 the subdivision or site development plan, for scheduled completion of the project or
8 phases of the project.

9 (ii) *Residential projects*:

10 a. When used in relation to road facilities serving unphased residential projects,
11 "scheduled completion year" means the third year following the year the
12 application is submitted.

13 b. When used in relation to road facilities serving phased conventional residential
14 projects, "scheduled completion year" of the initial phase of the project means
15 the third year following the year the application is submitted. The scheduled
16 completion year of subsequent phases of the project are the years indicated for
17 scheduled completion of the phases of the project as approved on the subdivision
18 or site development plan.

19 c. When used in relation to road facilities serving phased comprehensive
20 residential projects, "scheduled completion year" of the phases of the project
21 means the years indicated for scheduled completion of the phases of the project
22 as approved on the subdivision or site development plan.

23 (2) *Schools*:

24 (i) When used in relation to schools, "scheduled completion year" of an unphased
25 project means the third year following approval of the project for adequate school
26 facilities.

27 (ii) When used in relation to schools, "scheduled completion year" of the initial phase of
28 a phased conventional project means the third year following approval of the project
29 for adequate school facilities.

1 (iii) When used in relation to schools, "scheduled completion year" of a phase of a phased
2 conventional project beyond the initial phase means the year for completion of the
3 phase, as shown in the application for sketch plan approval of the project.

4 (iv) When used in relation to schools, "scheduled completion year" of a phase of a
5 comprehensive project, means the year, at least three years following the year the
6 sketch plan application is submitted, for completion of the phase, as shown in the
7 application for sketch plan approval of the project.

8 (AH) *SCHOOL CAPACITY CHART* MEANS A CHART INDICATING WHICH ELEMENTARY SCHOOL REGIONS
9 AND WHICH ELEMENTARY SCHOOLS AND MIDDLE SCHOOLS ARE OPEN TO NEW RESIDENTIAL
10 DEVELOPMENT AND WHICH ARE CONSTRAINED TO NEW RESIDENTIAL DEVELOPMENT FOR EACH OF
11 THE FOLLOWING TEN YEARS.

12 (AI) *SCHOOL CAPACITY TEST* MEANS A TEST TO DETERMINE WHETHER THE ELEMENTARY SCHOOL
13 REGION AND ELEMENTARY SCHOOL AND MIDDLE SCHOOL SERVING A PROPOSED PROJECT ARE OPEN
14 TO NEW RESIDENTIAL DEVELOPMENT IN THE SCHEDULED COMPLETION YEAR OF THE PROJECT OR THE
15 PHASES OF THE PROJECT.

16 ([[aj]]AJ) *School region* means a geographic area, determined by the Howard County Board of
17 Education, containing a group of contiguous elementary school service areas.

18 ([[ak]]AK) *Unphased project* means a project which does not utilize phasing.

19
20 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland,***
21 ***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 _____, 2017.

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 _____, 2017.

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 _____, 2017.

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 November 5, 2017.



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 _____, 2017.

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 _____, 2017.

Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill No. 61-2017

BY: Chairperson at the request
of the County Executive

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 1

(This amendment corrects terminology to clarify that improvements are the responsibility of the developer.)

- 1 On page 3, in line 21, after “improvements,” insert “INCLUDING APFO IMPROVEMENTS,”.
- 2
- 3 On page 3, in line 26, after “WHEN” insert “EITHER” and, in the same line, after the last “THE”
- 4 insert “ONSITE OR”.
- 5
- 6 On page 3, in line 27, after “IMPROVEMENTS” insert “THAT ARE THE RESPONSIBILITY OF THE
- 7 DEVELOPER TO BUILD”.
- 8
- 9 On page 4, in line 13, after “improvements” insert “, INCLUDING APFO IMPROVEMENTS,”.
- 10
- 11 On page 4, in line 17:
- 12 1. After “WHEN” insert “EITHER”;
- 13 2. Before “OFFSITE” insert “ONSITE OR”; and
- 14 3. After “IMPROVEMENTS” insert “THAT ARE THE RESPONSIBILITY OF THE DEVELOPER TO
- 15 BUILD”.

ADOPTED 11/6/17
FAILED _____
SIGNATURE _____

Amendment 2 to Council Bill 61-2017

BY: Calvin Ball
Jennifer Terrasa
Jon Weinstein

Legislative Day No: 14
Date: 11/6/17

Amendment No. 2

1 (This amendment proposes that an APFO Review Committee be convened within 1 year of a
2 comprehensive general plan revision and again after 5 additional years.)
3

4
5 On pages 5 - 6, strike beginning in line 29 on page 5 through line 2 on page 6, in their
6 entirety and substitute:

7 “(VI) PERIODIC REVIEW.

8 A. WITHIN ONE YEAR OF THE ENACTMENT DATE OF THE GENERAL PLAN, AS
9 REQUIRED BY SECTION 16.801 OF THIS CODE, AN ADEQUATE PUBLIC FACILITIES
10 ACT REVIEW COMMITTEE SHALL BE CONVENED. THE REVIEW COMMITTEE
11 SHALL MEET, CONDUCT AT LEAST TWO PUBLIC HEARINGS, AND, WITHIN ONE
12 YEAR OF ITS FIRST MEETING, SUBMIT A REPORT WITH RECOMMENDATIONS ON
13 THE ADEQUATE PUBLIC FACILITIES ACT TO THE COUNTY EXECUTIVE AND THE
14 COUNTY COUNCIL. THE COMMITTEE SHALL BE STAFFED BY THE DEPARTMENT
15 OF PLANNING AND ZONING.

16 B. FIVE YEARS AFTER THE REVIEW COMMITTEE HAS ISSUED ITS
17 RECOMMENDATIONS, ANOTHER REVIEW COMMITTEE SHALL BE CONVENED TO
18 EVALUATE THE IMPACT OF THE PREVIOUS RECOMMENDATIONS WHICH HAVE
19 BEEN IMPLEMENTED AND MAKE ANY ADDITIONAL RECOMMENDATIONS.”.
20

ADOPTED as amended 11/6/17
FAILED _____
SIGNATURE _____

Amendment 1 to Amendment 2 to Council Bill No. 61 - 2017

BY: Jon Weinstein
Jennifer Terrasa
Calvin Ball
Greg Fox

Legislative Day No: 14
Date: Nov. 6, 2017

Amendment No. 1

(This amendment proposes the composition of the APFO Review Committee.)

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On page 1, in line 4, insert:

“On page 5, immediately following line 24, insert the following:

“A. WITHIN ONE YEAR OF THE ENACTMENT DATE OF THE GENERAL PLAN, AS

REQUIRED BY SECTION 16.801 OF THIS CODE, AN ADEQUATE PUBLIC

FACILITIES ACT REVIEW COMMITTEE SHALL BE CONVENED. THE

REVIEW COMMITTEE SHALL MEET, CONDUCT AT LEAST TWO PUBLIC

HEARINGS, AND, WITHIN ONE YEAR OF ITS FIRST MEETING, SUBMIT A

REPORT WITH RECOMMENDATIONS ON THE ADEQUATE PUBLIC

FACILITIES ACT TO THE COUNTY EXECUTIVE AND THE COUNTY

COUNCIL. THE COMMITTEE SHALL BE STAFFED BY THE DEPARTMENT

OF PLANNING AND ZONING.

B. FIVE YEARS AFTER THE REVIEW COMMITTEE HAS ISSUED ITS

RECOMMENDATIONS, ANOTHER REVIEW COMMITTEE SHALL BE

CONVENED TO EVALUATE THE IMPACT OF THE PREVIOUS

RECOMMENDATIONS WHICH HAVE BEEN IMPLEMENTED AND MAKE ANY

ADDITIONAL RECOMMENDATIONS.

C. EACH REVIEW COMMITTEE SHALL BE COMPRISED OF:

1. TWO APPOINTEES FROM EACH MEMBER OF THE COUNTY COUNCIL;

2. THREE APPOINTEES FROM THE COUNTY EXECUTIVE; AND

3. ONE APPOINTEE FROM THE BOARD OF EDUCATION; AND

4. ONE APPOINTEE FROM THE HOWARD COUNTY PUBLIC SCHOOL

SYSTEM SUPERINTENDENT.”.

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On page 1, in line 6, strike “and substitute:” and substitute a period.

On page 1, strike lines 7 – 19 in their entirety.

ADOPTED 11/10/17
FAILED _____
SIGNATURE _____

Amendment 2 to Amendment No. 2 to Council Bill No. 61-2017

BY: Chairperson at the request
of the County Executive

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 2 to Amendment No. 2

(This amendment adds reference to the inclusion of other agencies and the public when planning growth management in order to provide predictability.)

1 On page 1, in line 4, insert:

2 “On page 2, in line 12, after “Subsection” insert “(b)(1) and”.

3

4 On page 4, after line 29, insert:

5 “(1) Growth management process. Underlying this subtitle is the need to provide a growth
6 management process that will enable the County to provide adequate public roads, schools, and
7 other facilities in a timely manner and achieve general plan growth objectives AND TO PROVIDE
8 INFORMATION TO OTHER AGENCIES OF THE COUNTY AND STATE, AS WELL AS TO THE PUBLIC, SO
9 THAT THEY CAN PLAN ACCORDINGLY. This process is designed TO PROVIDE PREDICTABILITY TO
10 ALL PARTIES AND TO direct growth to areas where adequate infrastructure exists or will exist.””.

ADOPTED 11/6/17
FAILED _____
SIGNATURE _____

Amendment 3 to Council Bill 61-2017

BY: Mary Kay Sigaty

Legislative Day No: 14
Date: 11/6/17

Amendment No. 3

1 (This amendment proposes to create Housing Unit Allocation flexibility for
2 developments in Downtown Columbia.)

3
4 On page 2, in line 29, strike “Subsection (b)(3)” and substitute “Subsections (b)(3) and
5 (6)”.

6
7 On page 7, in line 5, insert:

8 “(6) Downtown Columbia Housing allocations. To encourage the revitalization of
9 Downtown Columbia, beginning in fiscal year 2011 the number of housing unit
10 allocations shall be increased to provide allocations consistent with the phasing
11 progression in the adopted Downtown Columbia Plan as follows:

12 (VI) REDISTRIBUTION OF HOUSING UNIT ALLOCATIONS WITHIN AN APPROVED
13 FINAL DEVELOPMENT PLAN IS PERMITTED WITHIN THE FIRST FOUR YEARS OF
14 THE FINAL DEVELOPMENT PLAN PHASING WITHOUT BEING SUBJECT TO
15 SECTION 16.1104(B) OR RETESTING FOR HOUSING UNIT ALLOCATIONS AND
16 ADEQUATE SCHOOL FACILITIES PROVIDED:

- 17 a. THE TOTAL NUMBER OF HOUSING UNIT ALLOCATIONS APPROVED BY
18 THE FINAL DEVELOPMENT PLAN IS NOT EXCEEDED;
19 b. MILESTONES ARE SATISFIED FOR ALL PLAN PROCESSING;
20 c. THE REDISTRIBUTION OF UNITS COMPLIES WITH THE DOWNTOWN
21 REVITALIZATION PHASING PROGRESSION REQUIREMENTS; AND
22 d. ALL NECESSARY CEPPA REQUIREMENTS HAVE BEEN MET.
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THE REDISTRIBUTION OF UNITS MAY BE SUBJECT TO RETESTING FOR ADEQUATE TRANSPORTATION FACILITIES IF THE DEPARTMENT OF PLANNING AND ZONING, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC WORKS, FINDS IT APPROPRIATE TO RETEST BASED ON THE NUMBER OF UNITS BEING REDISTRIBUTED AND EXISTING CRITICAL LANE VOLUME.

AFTER THE FIRST FOUR YEARS OF THE FINAL DEVELOPMENT PLAN PHASING, ANY REDISTRIBUTION OF HOUSING UNIT ALLOCATIONS WILL REQUIRE REPHASING UNDER SECTION 16.1104.(B).

([[vi]]VII) Allocations will become permanent upon the recordation of the approved final development plan, and will remain valid provided the developer continues to meet all required milestones.”

ADOPTED 11/6/17
FAILED _____
SIGNATURE _____

Amendment 7 to Council Bill 61-2017

BY: Calvin Ball

Legislative Day No: 14
Date: 11/6/17

Amendment No. 7

1 (This amendment proposes to define APFO capacity consistently with HCPSS policies.)
2
3

4 On page 7, in line 20, strike the period and substitute “, AND SHALL BE BASED ON THE
5 DEFINITION OF PROGRAM CAPACITY DEFINED BY HCPSS POLICY.”
6

7 On page 17, in line 18, after “Education”, insert “POLICIES”. In the same line, after
8 “include”, insert “PREKINDERGARTEN.”
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ADOPTED 11/6/17
FAILED _____
SIGNATURE _____

Amendment 8 to Council Bill No. 61-2017

BY: Chairperson at the request
of the County Executive

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 8

(This amendment defines the term “capacity utilization” and substitutes “capacity utilization” for “projected enrollment”.)

1 On page 7, in line 22, strike “enrollment” and substitute “CAPACITY UTILIZATION”.

2

3 On page 12, after line 21, insert:

4 “(D-1) CAPACITY UTILIZATION MEANS THE RATIO OF A FACILITY’S ENROLLMENT TO ITS PROGRAM
5 CAPACITY.”

6

7 Strike “projected enrollment” and substitute “CAPACITY UTILIZATION” in the following instances:

- 8 1. On page 16, in line 28;
9 2. On page 16, in line 30; and
10 3. On page 17, in line 1.

11

12 Strike “of the program capacity” in the following instances:

- 13 1. On page 16, in line 29;
14 2. On page 16, in line 31; and
15 3. On page 17, in line 2.

ADOPTED 11/6/17
FAILED _____
SIGNATURE _____

Amendment 9 to Council Bill 61-2017

BY: Jon Weinstein
Jennifer Terrasa
Calvin Ball

Legislative Day No: 14
Date: 11/6/17

Amendment No. 9

1 (This amendment proposes that additional information be submitted to the County to assist
2 with its annual consideration of the School Capacity chart.)
3
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5 On page 8, in line 2, before the period, insert “, ACCOMPANIED BY A REPORT THAT
6 CONTAINS THE FOLLOWING INFORMATION FOR EACH SCHOOL:

7 (I) STATE AND LOCAL CAPACITIES OF THE FACILITY;

8 (II) THE DATE OF THE LAST REDISTRICTING WHICH IMPACTED THE ATTENDANCE
9 AREA OF THAT SCHOOL;

10 (III) FOR ANY PROJECTED INCREASE IN ENROLLMENT, AN INDICATION OF WHAT
11 PORTIONS OF THE INCREASE ARE ATTRIBUTED TO SALES OR RENTAL TURNOVER
12 OF EXISTING RESIDENTIAL UNITS, NEW DEVELOPMENT, AND OTHER FACTORS;
13 AND

14 (IV) FOR ANY SCHOOL DESIGNATED AS OPEN ON THE SCHOOL CAPACITY CHART
15 BASED ON A CAPITAL IMPROVEMENT PROJECT OR PROPOSED REDISTRICTING
16 ASSOCIATED WITH A CAPITAL IMPROVEMENT PROJECT:

17 a. CURRENT AND FUTURE FUNDING ASSUMPTIONS FOR THE CAPITAL
18 IMPROVEMENT PROJECT(S); AND

19 b. FUTURE REDISTRICTING ASSUMPTIONS ASSOCIATED WITH THE CAPITAL
20 IMPROVEMENT PROJECT”.
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ADOPTED

FAILED

SIGNATURE

as amended 11/6/17

Amendment 1 to Amendment 9 to Council Bill No. 61 - 2017

BY: Jennifer Terrasa

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 1

(This amendment proposes to require an explanation of capacity utilization changes.)

1 On page 1, in line 18, strike "AND".

2

3 On page 1, in line 20, strike the quotation mark and the period, and substitute ";
4 AND".

5

6 On page 1, in line 21, insert the following:

7 "C. AN EXPLANATION OF ANY CAPACITY UTILIZATION CHANGES BASED ON (A)
8 OR (B).".

9

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ADOPTED 11/6/17
FAILED _____
SIGNATURE _____

Amendment 10 to Council Bill 61-2017

BY: Jennifer Terrasa
Calvin Ball
Jon Weinstein

Legislative Day No: 14
Date: 11/6/17

Amendment No. 10

1 (This amendment proposes including a requirement for a public meeting on school
2 facilities that reach a capacity of 95 percent with a projection of more than 110 percent
3 within five years.)
4
5

6 On page 8, immediately following line 7, insert the following:

7 (D) JOINT SPECIAL WORK MEETING ON SCHOOLS NEARING CAPACITY.

8 UPON RECEIVING WRITTEN NOTIFICATION FROM THE HOWARD COUNTY PUBLIC SCHOOL

9 SYSTEM THAT A SCHOOL OR SCHOOL REGION HAS REACHED 95% CAPACITY

10 UTILIZATION AND IS PROJECTED TO EXCEED 110% CAPACITY UTILIZATION WITHIN FIVE

11 YEARS AS WELL AS THE BOARD OF EDUCATION'S PROPOSED SOLUTION TO ADDRESS THE

12 PROJECTED OVERCROWDING, THE COUNTY COUNCIL SHALL HOLD A JOINT SPECIAL

13 WORK MEETING. THE COUNCIL SHALL INVITE THE COUNTY EXECUTIVE AND THE

14 BOARD OF EDUCATION TO ATTEND THE MEETING AND PARTICIPATE IN A

15 COLLABORATIVE WORKING DISCUSSION OF SCHOOL CAPACITY NEEDS AND THE BOARD'S

16 PROPOSED SOLUTION. THE COUNCIL SHALL GIVE THE GENERAL PUBLIC THREE WEEKS'

17 NOTICE BEFORE THE MEETING TO ALLOW THE PUBLIC TO PROVIDE WRITTEN COMMENT.?"
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ADOPTED 11/6/17
FAILED _____
SIGNATURE _____

Amendment 13 to Council Bill 61-2017

BY: Jennifer Terrasa
Calvin Ball
Jon Weinstein

Legislative Day No: 14
Date: 11/6/17

Amendment No. 13

1 (This amendment would adjust the maximum combined wait time for certain projects and
2 require that all projects take a school capacity test.)
3
4

5 On page 11, in line 17, strike "FIVE" and substitute "SIX"
6

7 Also on page 11, in line 18, after "APPLIES" insert "SUBJECT TO THE FOLLOWING
8 MAXIMUM WAITING PERIODS:

9 A. IF A PROJECT OR PHASE OF A PROJECT HAS WAITED FOR THREE YEARS OR FEWER TO
10 RECEIVE HOUSING ALLOCATIONS, THE COMBINED NUMBER OF YEARS THE PROJECT
11 OR PHASE OF A PROJECT WAITS TO RECEIVE HOUSING UNIT ALLOCATIONS AND
12 PASS THE SCHOOL CAPACITY TEST SHALL NOT EXCEED FIVE YEARS.

13 B. IF A PROJECT OR PHASE OF A PROJECT HAS WAITED FOR FOUR OR FIVE YEARS TO
14 RECEIVE HOUSING ALLOCATIONS, THE COMBINED NUMBER OF YEARS THE PROJECT
15 OR PHASE OF A PROJECT WAITS TO RECEIVE HOUSING UNIT ALLOCATIONS AND
16 PASS THE SCHOOL CAPACITY TEST SHALL NOT EXCEED SEVEN YEARS."
17

18 Also on page 11, strike lines 19-21 in their entirety.
19

20 Also on page 11, in line 23, strike "FIVE" and substitute "SIX" and after "YEARS"
21 insert "OR MORE".
22

23 Also on page 11, in line 24, after "PROJECT", strike the remainder of the sentence and
24 substitute the following: "MAY PROCEED UPON PASSING A SCHOOL CAPACITY TEST. IF THE
25 PROJECT FAILS THE SCHOOL CAPACITY TEST, THEN IT MUST WAIT ONE ADDITIONAL YEAR TO BE

1 RETESTED. AFTER BEING RETESTED, THE PROJECT SHALL BE DEEMED TO HAVE PASSED THE
2 SCHOOL CAPACITY TEST.”.

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Amendment 1 to Amendment 13 to Council Bill No. 61 - 2017

BY: Jennifer Terrasa

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 1

(This amendment would adjust the maximum combined wait time for certain projects.)

1 On page 1, in line 12, strike "FIVE" and substitute "SIX".

2

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ADOPTED

FAILED

SIGNATURE

11/6/17

Amendment 18 to Council Bill 61-2017

BY: Mary Kay Sigaty

Legislative Day No: 14
Date: 11/6/17

Amendment No. 18

1 (This amendment proposes to exempt urban renewal developments from the School Capacity
2 test.)

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On page 12, immediately following line 5, insert the following:

“9. PARTIALLY EXEMPT URBAN RENEWAL RESIDENTIAL SUBDIVISION OR SITE
DEVELOPMENT PLANS; TEST FOR ADEQUATE SCHOOL FACILITIES. RESIDENTIAL UNITS
THAT ARE PART OF AN URBAN RENEWAL PROJECT, AS DESIGNATED BY TITLE 13,
SUBTITLE 11 OF THIS CODE, ARE EXEMPT FROM THE REQUIREMENT TO PASS THE TEST
FOR ADEQUATE SCHOOL FACILITIES AS A CONDITION OF SUBDIVISION OR SITE
DEVELOPMENT PLAN APPROVAL.”.

ADOPTED

11/6/17

FAILED

SIGNATURE

Amendment 19 to Council Bill 61-2017

BY: Jon Weinstein
Calvin Ball

Legislative Day No: 14
Date: 11/6/17

Amendment No. 19

1 (This amendment proposes to redefine the impact area to be studied for the APFO roads test
2 based on trip generation.)
3

4 On page 15, strike lines 19-30, and substitute the following:

5 “(1) IMPACT AREA MEANS THE SET OF INTERSECTIONS TO BE STUDIED. IN ACCORDANCE
6 WITH THE TABLE BELOW, THE PROJECTED TRIP GENERATION OF A PROJECT SHALL
7 DETERMINE THE MINIMUM NUMBER OF INTERSECTIONS TO BE INCLUDED IN THE IMPACT
8 AREA.
9

<u>NET PEAK HOUR SITE TRIPS</u>	<u>MINIMUM NUMBER OF INTERSECTIONS IN EACH DIRECTION</u>
<u>5 – 99</u>	<u>1</u>
<u>100 – 499</u>	<u>2</u>
<u>500 – 799</u>	<u>3</u>
<u>800 – 1500</u>	<u>4</u>
<u>>1500</u>	<u>5</u>

10
11 (2) FOR PROJECTS IN THE PLANNED SERVICE AREA FOR PUBLIC WATER AND SEWER,
12 EXCLUDING DOWNTOWN COLUMBIA, AND FOR PROJECTS OUTSIDE THE PLANNED SERVICE
13 AREA FOR PUBLIC WATER AND SEWER, THE STANDARD IMPACT AREA IS LIMITED TO
14 INTERSECTIONS WITHIN TWO ROAD MILES IN ALL DIRECTIONS FROM EACH ENTRANCE TO
15 THE PROJECT. INSIDE THE PLANNED SERVICE AREA FOR PUBLIC WATER AND SEWER, THE
16 MINIMUM NUMBER OF INTERSECTIONS IN EACH DIRECTION REFERS TO SIGNALIZED
17 INTERSECTIONS FOR THE STANDARD IMPACT AREA. OUTSIDE THE PLANNED SERVICE AREA

ADOPTED as amended 11/6/17
FAILED _____
SIGNATURE _____

1 FOR PUBLIC WATER AND SEWER, THE MINIMUM NUMBER OF INTERSECTIONS IN EACH
2 DIRECTION REFERS TO INTERSECTIONS OF A MINOR COLLECTOR OR HIGHER CLASSIFIED
3 ROAD WITH A MINOR COLLECTOR OR HIGHER CLASSIFIED ROAD FOR THE STANDARD
4 IMPACT AREA.

5
6 (3) THE DEPARTMENT OF PLANNING AND ZONING MAY EXTEND THE DISTANCE OF THE
7 IMPACT AREA OR INCLUDE ADDITIONAL SIGNALIZED OR NON-SIGNALIZED INTERSECTIONS
8 IF, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC WORKS, IT FINDS THAT SUCH AN
9 EXPANSION IS APPROPRIATE BASED ON INTERSECTION LOCATION, ANTICIPATED TRIP
10 DISTRIBUTION, EXISTING LEVEL OF SERVICE, OR KNOWN OPERATIONAL COMPLAINTS.

11 FOR DOWNTOWN COLUMBIA THE IMPACT AREA SHALL BE DETERMINED IN
12 ACCORDANCE WITH THE HOWARD COUNTY DESIGN MANUAL.”

13
14
15
16

On page 16, strike lines 1 and 2 in their entirety.

Amendment 1 to Amendment 19 to Council Bill No. 61 - 2017

BY: Greg Fox

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 1

(This amendment adds a sponsor.)

1 In the list of sponsors, on the next line following “Calvin Ball” insert “Greg
2 Fox”.
3
4
5
6

ADOPTED 11/6/17
FAILED _____
SIGNATURE _____

Amendment 2 to Amendment 19 to Council Bill No. 61 - 2017

BY: Jennifer Terrasa
Jon Weinstein

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 2

(This amendment proposes to adjust trip generation thresholds and specify that an intersection at the entrance to a project does not count toward the minimum number of intersections to be studied.)

1 On page 1, in the table that appears between lines 9 and 10:

- 2 • In the second row, strike “99” and substitute “50”;
- 3 • In the third row, strike “100-499” and substitute “51-399”; and
- 4 • In the fourth row, strike “500” and substitute “400”.

5

6 On page 2, in line 4, after the period insert:

7 “INSIDE OR OUTSIDE THE PLANNED SERVICE AREA FOR PUBLIC WATER AND SEWER,
8 IF AN INTERSECTION AT AN ENTRANCE TO THE PROJECT IS INCLUDED IN THE IMPACT
9 AREA, IT SHALL NOT COUNT TOWARD THE MINIMUM NUMBER OF INTERSECTIONS IN
10 EACH DIRECTION.”.

11

12

13

14

ADOPTED 11/6/17
FAILED _____
SIGNATURE _____

Amendment 20 to Council Bill 61-2017

BY: Jon Weinstein

Legislative Day No: 14
Date: 11/6/17

Amendment No. 20

1 (This amendment proposes to add a high school capacity test, set the school capacity chart
2 capacity utilization threshold to 105 percent for elementary schools and regions, 110 percent
3 for middle schools, and 115 percent for high schools, and phase implementation to allow the
4 Board of Education to incorporate changes to the school capacity tests into its planning for
5 its next capital budget process.)
6
7

8 On page 16, immediately following line 27, insert:

9 “(1) FOR A SCHOOL CAPACITY CHART ADOPTED PRIOR TO JANUARY 1, 2019, OPEN HAS
10 THE FOLLOWING MEANINGS:”
11

12 On the same page, in line 28, strike “1” and substitute “I”.

13
14 On the same page, in line 30, strike “2” and substitute “II”.

15
16 On 17 page, in line 1, strike “3” and substitute “III”.

17
18 Also on page 17, immediately following line 2, insert:

19 “(2) FOR A SCHOOL CAPACITY CHART ADOPTED AFTER JANUARY 1, 2019, OPEN HAS
20 THE FOLLOWING MEANINGS:

21 (i) SCHOOL REGION—OPEN MEANS THAT THE PROJECTED ENROLLMENT OF A SCHOOL
22 REGION IS BELOW 105 PERCENT OF THE PROGRAM CAPACITY OF THE ELEMENTARY
23 SCHOOLS WITHIN THE REGION.

24 (ii) ELEMENTARY SCHOOL—OPEN MEANS THAT THE PROJECTED ENROLLMENT OF THE
25 ELEMENTARY SCHOOL IS BELOW 105 PERCENT OF THE PROGRAM CAPACITY OF THE
26 SCHOOL.

1 (III) MIDDLE SCHOOL—OPEN MEANS THAT THE PROJECTED ENROLLMENT OF THE
2 MIDDLE SCHOOL IS BELOW 110 PERCENT OF THE PROGRAM CAPACITY OF THE
3 SCHOOL.

4 (IV) HIGH SCHOOL—OPEN MEANS THAT THE PROJECTED ENROLLMENT OF THE HIGH
5 SCHOOL IS BELOW 115 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL.’’.

6
7 On page 17, in line 18, strike “8” and substitute “12”.

8
9 On page 19, in line 9, strike “SCHOOLS AND” and substitute a comma. In the same line,
10 immediately following “middle” insert “, AND HIGH”.

11
12 Also on page 19, in line 13, strike “SCHOOL AND” and substitute a comma. In the same
13 line, immediately following “MIDDLE” insert “, AND HIGH”.

Amendment 1 to Amendment 20 to Council Bill No. 61 - 2017

BY: Jon Weinstein

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 1

(This amendment corrects a drafting error by adding references to the high school capacity test.)

1 On page 1, in line 7, insert the following:

2 “On page 7, in line 13, strike “and” and substitute a comma. In the same
3 line, immediately following “middle” insert “, AND HIGH”.

4

5 On page 7, in line 18, strike “schools and” and substitute a comma. Also
6 in the same line, immediately following “middle” insert “, AND HIGH”.

7

8

9

ADOPTED 11/6/17
FAILED _____
SIGNATURE _____

Amendment 23 to Council Bill 61-2017

BY: Jon Weinstein

Legislative Day No: 14
Date: Nov. 6, 2017

Amendment No. 23

1 (This amendment inserts references to existing Code provisions for adequate water, sewer,
2 stormwater, and solid waste facilities.)
3
4

5 On page 3, strike line 9 and substitute the following:

6 “By adding:

7 a. Paragraph (8) to subsection (b) of Section 16.1107 “Exemptions”; and

8 b. Section 16.1111. “Adequate water, sewer, stormwater, and solid waste facilities.”

9 to Subtitle 11 “Adequate Public Facilities.”.
10

11 On page 19, immediately following line 19, insert the following:

12 **“SECTION 16.1111. – ADEQUATE WATER, SEWER, STORMWATER, AND SOLID WASTE**
13 **FACILITIES.**

14 NO DEVELOPMENT SHALL BE APPROVED UNTIL PLANS ARE REVIEWED BY THE DEPARTMENT OF
15 PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS TO ENSURE THAT THE DEVELOPMENT
16 WILL BE SERVED BY ADEQUATE WATER, SEWER, STORMWATER, AND SOLID WASTE FACILITIES IN
17 ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS INCLUDING, BUT NOT LIMITED TO, THE
18 FOLLOWING PROVISIONS:

19 (A) WATER AND SEWER. WATER AND SEWER FACILITIES SHALL BE CONSIDERED ADEQUATE IF THE
20 APPROVED SUBDIVISION PLANS AND SITE DEVELOPMENT PLANS COMPLY WITH ALL APPLICABLE
21 REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, THE STANDARDS ESTABLISHED IN THE
22 FOLLOWING CODE PROVISIONS FOR WATER AND SEWER SERVICES:

23 (1) SECTION 16.131. - SEWAGE DISPOSAL AND WATER SUPPLY.

24 (2) SECTION 18.100A. - CAPITAL IMPROVEMENT MASTER PLAN (C.I.M.P.) FOR WATER AND
25 SEWERAGE.

26 (3) SECTION 18.122B. - ALLOCATION OF WATER AND WASTEWATER CAPACITY.

APPROVED 11/6/17
FAILED _____
SIGNATURE _____

1 (B) **STORMWATER.** STORMWATER FACILITIES SHALL BE CONSIDERED ADEQUATE IF APPROVED
2 SUBDIVISION PLANS AND SITE DEVELOPMENT PLANS COMPLY WITH ALL APPLICABLE
3 REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, THE STANDARDS ESTABLISHED IN SECTION
4 16.133 (“STORM DRAINAGE”) AND TITLE 18 (“PUBLIC WORKS”), SUBTITLES 5 (“STORM
5 DRAINAGE SYSTEMS”) AND 9 (“STORMWATER MANAGEMENT”) OF THE COUNTY CODE.

6 (C) **SOLID WASTE.** SOLID WASTE FACILITIES SHALL BE CONSIDERED ADEQUATE IF APPROVED
7 SUBDIVISION PLANS AND SITE DEVELOPMENT PLANS COMPLY WITH ALL APPLICABLE
8 REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, THE CAPITAL IMPROVEMENT MASTER PLAN
9 FOR SOLID WASTE AS DEFINED IN SECTION 18.600A OF THE COUNTY CODE.”.

10

Amendment 1 to Amendment No. 1 to Council Bill No. 61-2017

BY: Greg Fox

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 1 to Amendment No. 1

(This amendment further clarifies those improvements that are the responsibility of the developer.)

1 On page 1, strike lines 3 through 7, inclusive and in their entirety and substitute:

2 “On page 3, strike beginning with “THE AGREEMENT” in line 26, down through and including
3 “CONSTRUCTION.” in line 28 and substitute “THE AGREEMENT SHALL PROVIDE WHEN THE
4 REQUIRED ONSITE AND OFFSITE ROAD IMPROVEMENTS ARE REQUIRED TO BE STARTED IN THE
5 SEQUENCE OF CONSTRUCTION, WHICH ALSO INDICATES THOSE IMPROVEMENTS THAT ARE THE
6 RESPONSIBILITY OF THE DEVELOPER TO BUILD.

7
8 On page 4, in line 1, after “ISSUED.”, insert “THOSE IMPROVEMENTS THAT ARE NOT THE
9 RESPONSIBILITY OF THE DEVELOPER SHALL NOT RESTRICT THE SEQUENCE OF CONSTRUCTION IF THE
10 IMPROVEMENT’S EXPECTED COMPLETION DATE HAS PASSED AND THE IMPROVEMENT HAS NOT BEEN
11 COMPLETED.””.

12
13 On page 1, strike lines 11 through 15, inclusive and in their entirety and substitute:
14 “On page 4, in line 17 strike beginning with “THE AGREEMENT”, down through and including
15 “CONSTRUCTION.” in line 18 and substitute “THE AGREEMENT SHALL PROVIDE WHEN THE
16 REQUIRED ONSITE AND OFFSITE ROAD IMPROVEMENTS ARE REQUIRED TO BE STARTED IN THE
17 SEQUENCE OF CONSTRUCTION, WHICH ALSO INDICATES THOSE IMPROVEMENTS THAT ARE THE
18 RESPONSIBILITY OF THE DEVELOPER TO BUILD.

19
20 On page 4, in line 23, after “ISSUED.”, insert “THOSE IMPROVEMENTS THAT ARE NOT THE
21 RESPONSIBILITY OF THE DEVELOPER SHALL NOT RESTRICT THE SEQUENCE OF CONSTRUCTION IF THE
22 IMPROVEMENT’S EXPECTED COMPLETION DATE HAS PASSED AND THE IMPROVEMENT HAS NOT BEEN
23 COMPLETED.””.

ADOPTED _____
FILED 11/6/17
SIGNATURE _____

Amendment 1 to Amendment 3 to Council Bill No. 61 - 2017

BY: Jennifer Terrasa

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 1

(This amendment proposes to limit the redistribution of residential units to those FDPs which are not utilizing CEPPA flexibility provisions.)

- 1 On page 1, in line 22, after “MET”, insert “WITHOUT UTILIZING THE DOWNTOWN
- 2 COLUMBIA PLAN’S FLEXIBILITY PROVISIONS FOR AN ALTERNATE COMPARABLE CEPPA,
- 3 ALTERNATIVE TIMING, OR POSTING OF SECURITY TO FULFILL ANY REQUIRED CEPPA
- 4 APPLICABLE TO THE FINAL DEVELOPMENT PLAN”.
- 5
- 6
- 7

ADOPTED _____
FAILED 11/6/17
SIGNATURE _____

Amendment 1 to Amendment 4 to Council Bill No. 61 - 2017

BY: Jennifer Terrasa

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 1

(This amendment proposes to maintain the elementary school regions test and adjust capacity utilization thresholds.)

1 On page 1, strike lines 10 and 11, in their entirety.

2

3 On page 1, in line 16, strike beginning with “strike” through the comma at the end of
4 the line.

5

6 On page 2, immediately following line 5, insert:

7 “(I) ELEMENTARY SCHOOL REGION – OPEN MEANS THAT THE
8 PROJECTED ENROLLMENT OF THE PROJECTED ENROLLMENT OF THE
9 ELEMENTARY SCHOOL REGION IS BELOW 105 PERCENT OF THE PROGRAM
10 CAPACITY OF THE ELEMENTARY SCHOOLS WITHIN THE REGION.”.

11

12 On page 2, in line 6, strike “(I)” and substitute “(II)”.

13

14 On page 2, in line 7, strike “105” and substitute “100”.

15

16 On page 2, in line 9, strike “110” and substitute “105”.

17

18 On page 2, in line 13, strike “(II)” and substitute “(III)”.

19

20 On page 2, in line 14, strike “105” and substitute “100”.

ADOPTED _____
FAILED *not introduced*
SIGNATURE _____

1

On page 2, in line 16, strike "110" and substitute "105".

3

4

On page 2, in line 20, strike "(III)" and substitute "(IV)".

5

6

On page 2, in line 21, strike "110" and substitute "105".

7

8

On page 2, strike lines 25 and 26, in their entirety.

9

10

On page 2, strike line 31, in its entirety.

11

12

13

14

Amendment 2 to Amendment 4 to Council Bill No. 61 - 2017

BY: Jon Weinstein

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 2

(This amendment proposes to adjust certain capacity utilization thresholds.)

1

2 On page 2, in line 14, strike "105" and substitute "110".

3

4 On page 2, in line 16, strike "110" and substitute "115".

5

6 On page 2, in line 18, strike "100" and substitute "105".

7

8 On page 2, strike lines 20-21 and substitute:

9

"(III) HIGH SCHOOL – OPEN MEANS THAT:

10

A. THE PROJECTED ENROLLMENT OF THE HIGH SCHOOL IS BELOW 110

11

PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL; OR

12

B. THE PROJECTED ENROLLMENT OF THE HIGH SCHOOL IS BELOW 115

13

PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL AND THE

14

PROJECTED ENROLLMENT OF THE HIGH SCHOOL REGION IS BELOW 105

15

PERCENT OF THE PROGRAM CAPACITY OF THE HIGH SCHOOLS WITHIN

16

THE REGION."

17

18

19

20

ADOPTED _____

FAILED not introduced

SIGNATURE _____

Amendment 3 to Amendment 4 to Council Bill No. 61 - 2017

BY: Greg Fox

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 3

(This amendment proposes to require that each individual school facility have a separate and distinct regions.)

1 On page 3, strike line 4, and insert the following:

2 “On page 19, strike lines 16 – 17, and substitute the following:

3 “(AJ) SCHOOL REGION:

4 (1) ELEMENTARY SCHOOL REGION MEANS THE ELEMENTARY SCHOOL TO BE
5 TESTED AND THE NEAREST FIVE ADDITIONAL ELEMENTARY SCHOOLS.

6 (2) MIDDLE SCHOOL REGION MEANS THE MIDDLE SCHOOL TO BE TESTED
7 AND THE NEAREST THREE ADDITIONAL MIDDLE SCHOOLS.

8 (3) HIGH SCHOOL REGION MEANS THE HIGH SCHOOL TO BE TESTED AND THE
9 NEAREST TWO ADDITIONAL HIGH SCHOOLS.

10

11

ADOPTED _____
FAILED not introduced
SIGNATURE _____

Amendment 4 to Council Bill 61-2017

BY: Calvin Ball

Legislative Day No: 14
Date: 11/6/17

Amendment No. 4

1 (This amendment proposes to:

- 2 1. Add the high school level to the schools test;
- 3 2. Set the school capacity chart capacity utilization threshold at 105 percent or up
- 4 to 110% for school facilities where regional capacity utilization is under 100
- 5 percent;
- 6 3. Eliminate a separate elementary school region capacity test; and
- 7 4. Phases implementation to allow the Board of Education to incorporate changes
- 8 in the school capacity test into its planning for its next capital budget process.)
- 9

10 On page 7, strike beginning in line 9 with the colon and continuing through “([[ii]]2

11 The” in line 13 and substitute “THE”.

12

13 On page 7, in line 13, strike “and” and substitute a comma. In the same line,

14 immediately following “middle” insert “, AND HIGH”.

15

16 On page 7, in line 18, strike “elementary school regions and which”. On the same line,

17 strike “schools and” and substitute a comma. Also in the same line, immediately following

18 “middle” insert “, AND HIGH”.

19

20 On page 16, immediately following line 27, insert:

21 “(1) FOR A SCHOOL CAPACITY CHART ADOPTED PRIOR TO JANUARY 1, 2019, OPEN HAS

22 THE FOLLOWING MEANINGS:”.

23

24 On the same page, in line 28, strike “1” and substitute “I”.

25

26 On the same page, in line 30, strike “2” and substitute “II”.

27

ADOPTED _____
FAILED not introduced
SIGNATURE _____

1 On page 17, in line 1, strike “3” and substitute “III”.

2
3 On page 17, immediately following line 2, insert:

4 “(2) FOR A SCHOOL CAPACITY CHART ADOPTED AFTER JANUARY 1, 2019, OPEN HAS
5 THE FOLLOWING MEANINGS:

6 (I) ELEMENTARY SCHOOL – OPEN MEANS THAT:

7 A. THE PROJECTED ENROLLMENT OF THE ELEMENTARY SCHOOL IS BELOW 105
8 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL; OR

9 B. THE PROJECTED ENROLLMENT OF THE ELEMENTARY SCHOOL IS BELOW 110
10 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL AND THE PROJECTED
11 ENROLLMENT OF THE ELEMENTARY SCHOOL REGION IS BELOW 100 PERCENT OF
12 THE PROGRAM CAPACITY OF THE ELEMENTARY SCHOOLS WITHIN THE REGION.

13 (II) MIDDLE SCHOOL – OPEN MEANS THAT:

14 A. THE PROJECTED ENROLLMENT OF THE MIDDLE SCHOOL IS BELOW 105 PERCENT
15 OF THE PROGRAM CAPACITY OF THE SCHOOL; OR

16 B. THE PROJECTED ENROLLMENT OF THE MIDDLE SCHOOL IS BELOW 110 PERCENT
17 OF THE PROGRAM CAPACITY OF THE SCHOOL AND THE PROJECTED ENROLLMENT
18 OF THE MIDDLE SCHOOL REGION IS BELOW 100 PERCENT OF THE PROGRAM
19 CAPACITY OF THE MIDDLE SCHOOLS WITHIN THE REGION.

20 (III) HIGH SCHOOL – OPEN MEANS THAT THE PROJECTED ENROLLMENT OF THE HIGH
21 SCHOOL IS BELOW 110 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL.”.

22
23 On page 17, in line 18, strike “8” and substitute “12”.

24
25 On page 19, in lines 8-9, strike “WHICH ELEMENTARY SCHOOL REGIONS AND” and
26 substitute “REGIONAL UTILIZATION CAPACITIES AND”.

27
28 Also on page 19, in line 9, strike “SCHOOLS AND” and substitute a comma. In the same
29 line, immediately following “middle” insert “, AND HIGH”.

30
31 Also on page 19, in lines 12-13, strike “ELEMENTARY SCHOOL REGION AND”.

1 Also on page 19, in line 13, strike "SCHOOL AND" and substitute a comma. In the same
2 line, immediately following "MIDDLE" insert ", AND HIGH".

3

4 Also on page 19, in line 17, after "ELEMENTARY" INSERT ", MIDDLE, OR HIGH".

5

Amendment 1 to Amendment 5 to Council Bill No. 61 - 2017

BY: Jon Weinstein

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 1

(This amendment proposes to adjust certain capacity utilization thresholds.)

1 On page 2, in line 22, strike "115" and substitute "110".

2

3 On page 2, strike lines 24 - 28, and substitute the following:

4 "B. THE PROJECTED ENROLLMENT OF THE HIGH SCHOOL IS BELOW 115 PERCENT OF THE
5 PROGRAM CAPACITY OF THE SCHOOL AND THE PROJECTED ENROLLMENT OF THE HIGH
6 SCHOOL REGION IS BELOW 105 PERCENT OF THE PROGRAM CAPACITY OF THE HIGH
7 SCHOOLS WITHIN THE REGION."

8

9

10

ADOPTED _____
FAILED not introduced
SIGNATURE _____

Amendment 2 to Amendment 5 to Council Bill No. 61 - 2017

BY: Mary Kay Sigaty

Legislative Day No. 14

Date: November 6, 2017

Amendment No. 2

(This amendment proposes to adjust certain capacity utilization thresholds.)

- 1 On page 2, in line 8, strike "105" and substitute "110".
- 2
- 3 On page 2, in line 12, strike "100" and substitute "105".
- 4
- 5 On page 2, in line 19, strike "100" and substitute "105".
- 6
- 7 On page 2, in line 27, strike "105" and substitute "110".
- 8
- 9
- 10
- 11

ADOPTED _____

FAILED not introduced

SIGNATURE _____

Amendment 3 to Amendment 5 to Council Bill No. 61 - 2017

BY: Greg Fox

Legislative Day No. 14

Date: November 6, 2017

Amendment No. 3

(This amendment proposes to require that each individual school facility have a separate and distinct regions.)

1

2 On page 2, in lines 26 -27, strike “TESTED SCHOOL AND THE TWO HIGH SCHOOLS
3 CLOSEST TO THE DEVELOPMENT, OTHER THAN THE TWO TESTED SCHOOL,” and substitute “HIGH
4 SCHOOL REGION.”

5

6 On page 3, strike line 13, and insert the following:

7 “On page 19, strike lines 16 – 17, and substitute the following:

8 “(AJ) SCHOOL REGION:

9 (1) ELEMENTARY SCHOOL REGION MEANS THE ELEMENTARY SCHOOL TO BE
10 TESTED AND THE NEAREST FIVE ADDITIONAL ELEMENTARY SCHOOLS.

11 (2) MIDDLE SCHOOL REGION MEANS THE MIDDLE SCHOOL TO BE TESTED
12 AND THE NEAREST THREE ADDITIONAL MIDDLE SCHOOLS.

13 (3) HIGH SCHOOL REGION MEANS THE HIGH SCHOOL TO BE TESTED AND THE
14 NEAREST TWO ADDITIONAL HIGH SCHOOLS.

15

16

~~ADOPTED~~
~~FAILED~~ *not introduced*
~~SIGNATURE~~

Amendment 4 to Amendment 5 to Council Bill No. 61 - 2017

BY: Jennifer Terrasa

Legislative Day No. 14

Date: November 6, 2017

Amendment No. 4

(This amendment proposes to maintain the elementary school regions test and adjust capacity utilization thresholds.)

1 On page 1, strike lines 11 and 12, in their entirety.

2

3 On page 1, in line 17, strike beginning with “strike” through the comma at the end
4 of the line.

5

6 On page 2, immediately following line 6, insert:

7 “(I) ELEMENTARY SCHOOL REGION – OPEN MEANS THAT THE
8 PROJECTED ENROLLMENT OF THE PROJECTED ENROLLMENT OF THE
9 ELEMENTARY SCHOOL REGION IS BELOW 105 PERCENT OF THE PROGRAM
10 CAPACITY OF THE ELEMENTARY SCHOOLS WITHIN THE REGION.”

11

12 On page 2, in line 7, strike “(I)” and substitute “(II)”.

13

14 On page 2, in line 8, strike “105” and substitute “100”.

15

16 On page 2, in line 10, strike “110” and substitute “105”.

17

18 On page 2, in line 14, strike “(II)” and substitute “(III)”.

19

ADOPTED _____
FAILED not introduced
SIGNATURE _____

1 On page 2, in line 15, strike “110” and substitute “105”.

2

3 On page 2, in line 17, strike “115” and substitute “110”.

4

5 On page 2, in line 21, strike “(III)” and substitute “(IV)”.

6

7 On page 2, in line 22, strike “115” and substitute “110”.

8

9 On page 2, in line 24, strike “120” and substitute “115”.

10

11 On page 2, in line 28, after “PERCENT” insert “FOR THREE CONSECUTIVE YEARS ON
12 THE SCHOOL CAPACITY CHART, INCLUDING THE INITIAL TEST YEAR”.

13

14 On page 2, strike line 32, in its entirety.

15

16 On page 3, strike line 8, in its entirety.

17

18

19

20

Amendment 5 to Council Bill 61-2017

BY: Jon Weinstein

Legislative Day No: 14

Date: 11/6/17

Amendment No. 5

1 (This amendment proposes to:

- 2 1. Add the high school level to the schools test;
- 3 2. Set the school capacity chart capacity utilization threshold at 105 percent for
- 4 elementary schools, 110 percent for middle schools, and 115 percent for high
- 5 schools percent or up to 110%, 115%, and 120%, respectively, under specified
- 6 conditions;
- 7 3. Eliminate a separate elementary school region capacity test; and
- 8 4. Phase implementation to allow the Board of Education to incorporate changes
- 9 in the school capacity test into its planning for its next capital budget process.)

10

11 On page 7, strike beginning in line 9 with the colon and continuing through “[i]2

12 The” in line 13 and substitute “THE”.

13

14 On page 7, in line 13, strike “and” and substitute a comma. In the same line,

15 immediately following “middle” insert “, AND HIGH”.

16

17 On page 7, in line 18, strike “elementary school regions and which”. On the same line,

18 strike “schools and” and substitute a comma. Also in the same line, immediately following

19 “middle” insert “, AND HIGH”.

20

21 On page 16, immediately following line 27, insert:

22 “(1) FOR A SCHOOL CAPACITY CHART ADOPTED PRIOR TO JANUARY 1, 2019, OPEN HAS

23 THE FOLLOWING MEANINGS:”.

24

25 On the same page, in line 28, strike “1” and substitute “I”.

26

27 On the same page, in line 30, strike “2” and substitute “II”.

ADOPTED _____

FAILED not introduced

SIGNATURE _____

1
2 On page 17, in line 1, strike “3” and substitute “III”.

3
4 On page 17, immediately following line 2, insert:

5 “(2) FOR A SCHOOL CAPACITY CHART ADOPTED AFTER JANUARY 1, 2019, OPEN HAS
6 THE FOLLOWING MEANINGS:

7 (I) ELEMENTARY SCHOOL – OPEN MEANS THAT:

8 A. THE PROJECTED ENROLLMENT OF THE ELEMENTARY SCHOOL IS BELOW 105
9 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL; OR

10 B. THE PROJECTED ENROLLMENT OF THE ELEMENTARY SCHOOL IS BELOW 110
11 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL AND THE PROJECTED
12 ENROLLMENT OF THE ELEMENTARY SCHOOL REGION IS BELOW 100 PERCENT OF
13 THE PROGRAM CAPACITY OF THE ELEMENTARY SCHOOLS WITHIN THE REGION.

14 (II) MIDDLE SCHOOL – OPEN MEANS THAT:

15 A. THE PROJECTED ENROLLMENT OF THE MIDDLE SCHOOL IS BELOW 110 PERCENT
16 OF THE PROGRAM CAPACITY OF THE SCHOOL; OR

17 B. THE PROJECTED ENROLLMENT OF THE MIDDLE SCHOOL IS BELOW 115 PERCENT
18 OF THE PROGRAM CAPACITY OF THE SCHOOL AND THE PROJECTED ENROLLMENT
19 OF THE MIDDLE SCHOOL REGION IS BELOW 100 PERCENT OF THE PROGRAM
20 CAPACITY OF THE MIDDLE SCHOOLS WITHIN THE REGION.

21 (III) HIGH SCHOOL – OPEN MEANS THAT:

22 A. THE PROJECTED ENROLLMENT OF THE HIGH SCHOOL IS BELOW 115 PERCENT OF
23 THE PROGRAM CAPACITY OF THE SCHOOL; OR

24 B. THE PROJECTED ENROLLMENT OF THE HIGH SCHOOL IS BELOW 120 PERCENT OF
25 THE PROGRAM CAPACITY OF THE SCHOOL AND THE AVERAGE PROJECTED
26 ENROLLMENT OF THE TESTED SCHOOL AND THE TWO HIGH SCHOOLS CLOSEST TO
27 THE DEVELOPMENT, OTHER THAN THE TESTED SCHOOL, IS BELOW 105
28 PERCENT.”

29
30 On page 17, in line 18, strike “8” and substitute “12”.

31
32 On page 19, in lines 8-9, strike “WHICH ELEMENTARY SCHOOL REGIONS AND”.

1 Also on page 19, in line 9, strike “SCHOOLS AND” and substitute a comma. In the same
2 line, immediately following “middle” insert “, AND HIGH”.

3

4 Also on page 19, in line 10, after “RESIDENTIAL DEVELOPMENT” insert “AND REGIONAL
5 CAPACITY UTILIZATION RATES BASED ON THE TOTAL ENROLLMENT OF ALL SCHOOLS IN THE
6 REGION AND THE COMBINED PROGRAM CAPACITY FOR ALL SCHOOLS IN THE REGION”.

7

8 Also on page 19, in lines 12-13, strike “ELEMENTARY SCHOOL REGION AND”.

9

10 Also on page 19, in line 13, strike “SCHOOL AND” and substitute a comma. In the same
11 line, immediately following “MIDDLE” insert “, AND HIGH”.

12

13 Also on page 19, in line 17, after “ELEMENTARY” INSERT “, MIDDLE, OR HIGH”.

14

Amendment 6 to Council Bill 61-2017

BY: Jennifer Terrasa

Legislative Day No: 14
Date: 11/6/17

Amendment No. 6

1 (This amendment proposes adding the high school level to the schools test.)

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On page 7, in line 13, strike “and” and substitute a comma. In the same line, immediately following “middle” insert “, AND HIGH”.

On the same page, in line 18, after “elementary schools”, strike “and” and substitute a comma. In the same line, immediately following “middle schools” insert “, AND HIGH SCHOOLS”.

On page 16, in line 30, strike the first “Elementary” and substitute “INDIVIDUAL”. In the same line, strike the second “elementary”.

On page 17, line 18, strike “8” and substitute “12”.

On page 17, strike lines 1 and 2 in their entirety.

On page 19, in line 9, strike the second “AND” and substitute a comma. In the same line, immediately following “middle schools” insert “, AND HIGH SCHOOLS”.

On the same page, in line 13, after “ELEMENTARY SCHOOL”, strike “AND” and substitute a comma. In the same line, immediately following “MIDDLE SCHOOL” insert “, AND HIGH SCHOOL”.

ADOPTED _____
FAILED not introduced
SIGNATURE _____

Amendment 11 to Council Bill 61-2017

BY: Jennifer Terrasa

Legislative Day No: 14

Date: 11/6/17

Amendment No. 11

1 (This amendment proposes to change the School Capacity wait time to 7 years.)

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On page 11, in line 2, strike "(I) If" and substitute "AFTER".

5

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On the same page, in lines 2 and 3, strike "WAS NEVER ON THE LIST OF APPLICATIONS

7

WAITING FOR HOUSING UNIT ALLOCATION AND".

8

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On the same page, in lines 7 and 14, strike "FOURTH" and substitute "SIXTH".

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On the same page, in line 10, strike "FOUR" and substitute "SIX".

12

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On the same page, strike lines 16 - 24, in their entirety.

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ADOPTED _____
FAILED not introduced
SIGNATURE _____

Amendment 12 to Council Bill 61-2017

BY: Jennifer Terrasa

Legislative Day No: 14
Date: 11/6/17

Amendment No. 12

1 (This amendment proposes to remove the combined cap on housing allocation and school
2 capacity wait times.)
3

4
5 On page 11, in line 2, strike "(I) If" and substitute "AFTER".
6

7 On the same page, in lines 2 and 3, strike "WAS NEVER ON THE LIST OF APPLICATIONS
8 WAITING FOR HOUSING UNIT ALLOCATION AND".
9

10 On the same page, strike lines 16 - 24, in their entirety.
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ADOPTED _____
FAILED not introduced
SIGNATURE _____

Amendment 14 to Council Bill No. 61-2017

BY: Chairperson at the
request of the County Executive

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 14

(This amendment clarifies language related to the five-year waiting period.)

- 1 On page 11, strike lines 19, 20 and 21, inclusive and in their entirety and substitute:
2 “HOWEVER, IN CASES WHERE A PROJECT OR PHASE OF A PROJECT RECEIVES HOUSING UNIT
3 ALLOCATIONS WITHIN FIVE YEARS, THE COMBINED NUMBER OF YEARS A PROJECT OR PHASE OF A
4 PROJECT WAITS TO RECEIVE HOUSING UNIT ALLOCATIONS AND TAKES THE SCHOOL CAPACITY
5 TEST SHALL NOT EXCEED FIVE YEARS.”.
6
7 On page 11, in line 23, after “YEARS” insert “OR MORE”.

ADOPTED _____
FAILED not introduced
SIGNATURE _____

Amendment 15 to Council Bill 61-2017

BY: Mary Kay Sigaty

Legislative Day No: 14
Date: 11/6/17

Amendment No. 15

1 (This amendment proposes to create an exception for affordable housing developments that
2 leverage State and Federal funds.)
3

4 On page 11, immediately following line 25, insert the following:

5 "8. SCHOOL CAPACITY TEST EXCEPTION FOR SPECIAL AFFORDABLE HOUSING
6 OPPORTUNITIES.

7 IF A PROJECT OR PHASE OF A PROJECT IS SEEKING OR HAS OBTAINED STATE OR
8 FEDERAL FUNDING THAT ADVANCES THE COUNTY'S AFFORDABLE HOUSING GOALS
9 AND IS LOCATED IN A SCHOOL AREA THAT IS CLOSED FOR DEVELOPMENT DUE TO
10 PROJECTED ENROLLMENT IN THE SCHOOL CAPACITY CHART:

11 (I) THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING SHALL
12 AUTHORIZE THE SPECIAL AFFORDABLE HOUSING PROJECT TO PROCEED SUBJECT
13 TO ALL OTHER PROVISIONS OF THIS SUBTITLE, PROVIDED THAT:

14 (A) THE PROJECT OR PHASE OF A PROJECT CONSISTS OF 100 UNITS OR FEWER;

15 (B) AT LEAST 40% OF THE UNITS SHALL BE AFFORDABLE TO HOUSEHOLDS
16 EARNING 60% OR LESS OF THE METROPOLITAN STATISTICAL AREA MEDIAN
17 INCOME;

18 (C) THE PROJECT OR PHASE OF A PROJECT HAS RECEIVED A RESERVATION OF
19 LOW-INCOME HOUSING TAX CREDITS OR A LETTER FROM THE COMMUNITY
20 DEVELOPMENT ADMINISTRATION OF THE MARYLAND DEPARTMENT OF
21 HOUSING AND COMMUNITY DEVELOPMENT IN ACCORDANCE WITH 26 USC
22 42(M); AND

23 (D) THE AUTHORIZATION SHALL BE CONTINGENT UPON THE RECEIPT OF AN
24 ALLOCATION OF LOW-INCOME HOUSING TAX CREDITS.

25 (II) THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING MAY
26 AUTHORIZE THE SPECIAL AFFORDABLE HOUSING PROJECT TO PROCEED SUBJECT
27 TO ALL OTHER PROVISIONS OF THIS SUBTITLE, PROVIDED THAT:

ADOPTED _____
FAILED 11/6/17
SIGNATURE _____

- 1 (A) THE PROJECT OR PHASE OF A PROJECT CONSISTS OF 100 UNITS OR FEWER;
2 (B) AT LEAST 40% OF THE UNITS SHALL BE AFFORDABLE TO HOUSEHOLDS
3 EARNING 60% OR LESS OF THE METROPOLITAN STATISTICAL AREA MEDIAN
4 INCOME;
5 (C) THE PROJECT OR PHASE OF A PROJECT IS SEEKING AN ALLOCATION OF LOW-
6 INCOME HOUSING TAX CREDITS THROUGH A COMPETITIVE OR NON-
7 COMPETITIVE PROCESS; AND
8 (D) THE AUTHORIZATION SHALL BE CONTINGENT UPON RECEIPT OF ALLOCATION
9 OF THE LOW-INCOME HOUSING TAX CREDITS OR A LETTER FROM THE
10 COMMUNITY DEVELOPMENT ADMINISTRATION OF THE MARYLAND
11 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN
12 ACCORDANCE WITH 26 USC 42(M); OR

13 (III) FOR A PROJECT OR PHASE OF A PROJECT THAT CONSISTS OF MORE THAN 100
14 UNITS, THE COUNTY COUNCIL MAY, BY RESOLUTION, AFTER PUBLIC HEARING,
15 AUTHORIZE THE SPECIAL AFFORDABLE HOUSING PROJECT TO PROCEED SUBJECT
16 TO ALL OTHER PROVISIONS OF THIS SUBTITLE, PROVIDED THAT:

- 17 (A) AT LEAST 40% OF THE UNITS SHALL BE AFFORDABLE TO HOUSEHOLDS
18 EARNING 60% OR LESS OF THE METROPOLITAN STATISTICAL AREA MEDIAN
19 INCOME;
20 (B) THE PROJECT OR PHASE OF A PROJECT IS SEEKING OR HAS RECEIVED AN
21 ALLOCATION OF LOW-INCOME HOUSING TAX CREDITS THROUGH A
22 COMPETITIVE OR NON-COMPETITIVE PROCESS; AND
23 (C) THE AUTHORIZATION SHALL BE CONTINGENT UPON RECEIPT OF AN
24 ALLOCATION OF THE LOW-INCOME HOUSING TAX CREDITS OR A LETTER
25 FROM THE COMMUNITY DEVELOPMENT ADMINISTRATION OF THE
26 MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
27 IN ACCORDANCE WITH 26 USC 42(M).

28 IN EXERCISING DISCRETIONARY AUTHORIZATION IN ACCORDANCE WITH PARAGRAPH

29 (II) OR (III) ABOVE, THE DIRECTOR SHALL OR THE COUNCIL MAY CONSIDER:

- 30 (I) THE SEVERITY OF OVERCROWDING AT THE SCHOOL OR SCHOOLS WHICH
31 CREATED THE NEED FOR THE EXCEPTION;
32 (II) CAPACITY UTILIZATION LEVELS AT ADJACENT SCHOOLS;
33 (III) ESTIMATED STUDENT GENERATION FROM THE PROJECT; AND

1 (IV) THE NEED FOR AFFORDABLE HOUSING IN THE COUNTY.”

Amendment 16 to Council Bill 61-2017

BY: Jennifer Terrasa

Legislative Day No: 14
Date: 11/6/17

Amendment No. 16

1 (This amendment proposes to remove the Housing Unit Allocation exemption for MIHUs.)

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4 On page 3, strike line 9, in its entirety.

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6 On pages 11 and 12, strike line 26 on page 11 through line 4 on page 12, in their entirety.

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ADOPTED _____
FAILED 11/6/17 _____
SIGNATURE _____

Amendment 17 to Council Bill No. 61-2017

BY: Chairperson at the request
of the County Executive

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 17

(This amendment clarifies that resubdivision plans that create four or fewer lots are exempt from the test for adequate road facilities. Such resubdivision plans are required to pass the allocations and adequate public school facilities tests.)

1 On page 3, in line 9, after “By” insert “amending paragraph (2) and by” and, in that same line
2 strike “to” and substitute “both to”.

3

4 On page 11, after line 27, insert:

5 “(2) Partially exempt residential subdivision plans. Minor subdivision plans AND
6 RESUBDIVISION PLANS THAT CREATE FOUR OR FEWER LOTS are exempt from the requirement to
7 pass the test for adequate road facilities as a condition of plan approval. However, minor
8 subdivision plans AND RESUBDIVISION PLANS THAT CREATE FOUR OR FEWER LOTS are required
9 to pass the tests for allocations and adequate public school facilities as a condition of
10 subdivision approval. FOR PURPOSES OF THIS PARAGRAPH, A SUBDIVISION OR RESUBDIVISION
11 CAN HAVE NO FURTHER SUBDIVISION POTENTIAL THAT COULD CREATE MORE THAN A TOTAL OF
12 FOUR LOTS.”.

13

ADOPTED _____
FAILED not introduced
SENT TO _____

Amendment 21 to Council Bill 61-2017

BY: Jennifer Terrasa

Legislative Day No: 14
Date: 11/6/17

Amendment No. 21

1 (This amendment proposes to reduce the school capacity chart capacity utilization to 100
2 percent.)
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5 On page 16, in lines 28 and 31, strike "115" and substitute "100".
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ADOPTED _____
FAILED not introduced
SIGNATURE _____

Amendment 22 to Council Bill 61-2017

BY: Jennifer Terrasa

Legislative Day No: 14

Date: 11/6/17

Amendment No. 22

1 (This amendment proposes to reduce the school capacity chart capacity utilization to 100
2 percent.)

3

4

5 On page 16, in lines 28 and 31, strike "115" and substitute "100".

6

7 On page 17, in line 2, strike "115" and substitute "100".

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~~ADOPTED~~

~~FAILED~~

~~SIGNATURE~~

not introduced

Amendment 1 to Amendment 23 to Council Bill No. 61 - 2017

BY: Jennifer Terrasa
Calvin Ball

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 1

(This amendment proposes that DPZ ensure that there is adequate Police, Fire and Health serves prior to plan approval.)

1 On page 1, in line 8, strike "and". In the same line, strike the period and insert ",
2 police, fire, and health.".

3

4 On page 1, in line 12, strike "AND". In the same line, after "WASTE" insert ",
5 POLICE, FIRE, AND HEALTH.".

6

7 On page 1, in line 18, strike "AND". In the same line, after "WASTE" insert ",
8 POLICE, FIRE, AND HEALTH.".

9

10 On page 2, in line 9, strike the quotation mark and the period.

11

12 On page 2, in line 10, insert the following:

13 "(D). POLICE, FIRE, AND HEALTH. THE DEPARTMENT OF PLANNING AND
14 ZONING MAY NOT APPROVE A SUBDIVISION PLAN UNTIL ADEQUACY CHECKS
15 ARE DONE BY APPROPRIATE COUNTY AGENCIES FOR POLICE, FIRE, AND
16 HEALTH PURSUANT TO APPLICABLE GENERAL PLAN POLICIES AND
17 IMPLEMENTING ACTIONS.".

18

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ADOPTED _____
FAILED 11/6/17
SIGNATURE _____

Amendment 1 to Council Bill No. 61-2017

BY: Chairperson at the request
of the County Executive

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 1

(This amendment corrects terminology to clarify that improvements are the responsibility of the developer.)

1 On page 3, in line 21, after “improvements,” insert “INCLUDING APFO IMPROVEMENTS,”.

2

3 On page 3, in line 26, after “WHEN” insert “EITHER” and, in the same line, after the last “THE”
4 insert “ONSITE OR”.

5

6 On page 3, in line 27, after “IMPROVEMENTS” insert “THAT ARE THE RESPONSIBILITY OF THE
7 DEVELOPER TO BUILD”.

8

9 On page 4, in line 13, after “improvements” insert “, INCLUDING APFO IMPROVEMENTS,”.

10

11 On page 4, in line 17:

- 12 1. After “WHEN” insert “EITHER”;
- 13 2. Before “OFFSITE” insert “ONSITE OR”; and
- 14 3. After “IMPROVEMENTS” insert “THAT ARE THE RESPONSIBILITY OF THE DEVELOPER TO
15 BUILD”.

Amendment 1 to Amendment 2 to Council Bill No. 61 - 2017

BY: Jon Weinstein
Jennifer Terrasa
Calvin Ball
Greg Fox

Legislative Day No: 14
Date: Nov. 6, 2017

Amendment No. 1

(This amendment proposes the composition of the APFO Review Committee.)

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On page 1, in line 4, insert:

“On page 5, immediately following line 24, insert the following:

“A. WITHIN ONE YEAR OF THE ENACTMENT DATE OF THE GENERAL PLAN, AS REQUIRED BY SECTION 16.801 OF THIS CODE, AN ADEQUATE PUBLIC FACILITIES ACT REVIEW COMMITTEE SHALL BE CONVENED. THE REVIEW COMMITTEE SHALL MEET, CONDUCT AT LEAST TWO PUBLIC HEARINGS, AND, WITHIN ONE YEAR OF ITS FIRST MEETING, SUBMIT A REPORT WITH RECOMMENDATIONS ON THE ADEQUATE PUBLIC FACILITIES ACT TO THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL. THE COMMITTEE SHALL BE STAFFED BY THE DEPARTMENT OF PLANNING AND ZONING.

B. FIVE YEARS AFTER THE REVIEW COMMITTEE HAS ISSUED ITS RECOMMENDATIONS, ANOTHER REVIEW COMMITTEE SHALL BE CONVENED TO EVALUATE THE IMPACT OF THE PREVIOUS RECOMMENDATIONS WHICH HAVE BEEN IMPLEMENTED AND MAKE ANY ADDITIONAL RECOMMENDATIONS.

C. EACH REVIEW COMMITTEE SHALL BE COMPRISED OF:
1. TWO APPOINTEES FROM EACH MEMBER OF THE COUNTY COUNCIL;
2. THREE APPOINTEES FROM THE COUNTY EXECUTIVE; AND
3. ONE APPOINTEE FROM THE BOARD OF EDUCATION; AND
4. ONE APPOINTEE FROM THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM SUPERINTENDENT.”.

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On page 1, in line 6, strike “and substitute:” and substitute a period.

On page 1, strike lines 7 – 19 in their entirety.

Amendment 2 to Council Bill 61-2017

BY: Calvin Ball
Jennifer Terrasa
Jon Weinstein

Legislative Day No: 14
Date: 11/6/17

Amendment No. 2

1 (This amendment proposes that an APFO Review Committee be convened within 1 year of a
2 comprehensive general plan revision and again after 5 additional years.)
3
4

5 On pages 5 - 6, strike beginning in line 29 on page 5 through line 2 on page 6, in their
6 entirety and substitute:

7 “(VI) PERIODIC REVIEW.

8 A. WITHIN ONE YEAR OF THE ENACTMENT DATE OF THE GENERAL PLAN, AS
9 REQUIRED BY SECTION 16.801 OF THIS CODE, AN ADEQUATE PUBLIC FACILITIES
10 ACT REVIEW COMMITTEE SHALL BE CONVENED. THE REVIEW COMMITTEE
11 SHALL MEET, CONDUCT AT LEAST TWO PUBLIC HEARINGS, AND, WITHIN ONE
12 YEAR OF ITS FIRST MEETING, SUBMIT A REPORT WITH RECOMMENDATIONS ON
13 THE ADEQUATE PUBLIC FACILITIES ACT TO THE COUNTY EXECUTIVE AND THE
14 COUNTY COUNCIL. THE COMMITTEE SHALL BE STAFFED BY THE DEPARTMENT
15 OF PLANNING AND ZONING.

16 B. FIVE YEARS AFTER THE REVIEW COMMITTEE HAS ISSUED ITS
17 RECOMMENDATIONS, ANOTHER REVIEW COMMITTEE SHALL BE CONVENED TO
18 EVALUATE THE IMPACT OF THE PREVIOUS RECOMMENDATIONS WHICH HAVE
19 BEEN IMPLEMENTED AND MAKE ANY ADDITIONAL RECOMMENDATIONS.”.
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Amendment 3 to Council Bill 61-2017

BY: Mary Kay Sigaty

Legislative Day No: 14
Date: 11/6/17

Amendment No. 3

1 (This amendment proposes to create Housing Unit Allocation flexibility for
2 developments in Downtown Columbia.)
3

4 On page 2, in line 29, strike "Subsection (b)(3)" and substitute "Subsections (b)(3) and
5 (6)".
6

7 On page 7, in line 5, insert:

8 "(6) Downtown Columbia Housing allocations. To encourage the revitalization of
9 Downtown Columbia, beginning in fiscal year 2011 the number of housing unit
10 allocations shall be increased to provide allocations consistent with the phasing
11 progression in the adopted Downtown Columbia Plan as follows:

12 (VI) REDISTRIBUTION OF HOUSING UNIT ALLOCATIONS WITHIN AN APPROVED
13 FINAL DEVELOPMENT PLAN IS PERMITTED WITHIN THE FIRST FOUR YEARS OF
14 THE FINAL DEVELOPMENT PLAN PHASING WITHOUT BEING SUBJECT TO
15 SECTION 16.1104(B) OR RETESTING FOR HOUSING UNIT ALLOCATIONS AND
16 ADEQUATE SCHOOL FACILITIES PROVIDED:

- 17 a. THE TOTAL NUMBER OF HOUSING UNIT ALLOCATIONS APPROVED BY
18 THE FINAL DEVELOPMENT PLAN IS NOT EXCEEDED;
19 b. MILESTONES ARE SATISFIED FOR ALL PLAN PROCESSING;
20 c. THE REDISTRIBUTION OF UNITS COMPLIES WITH THE DOWNTOWN
21 REVITALIZATION PHASING PROGRESSION REQUIREMENTS; AND
22 d. ALL NECESSARY CEPPA REQUIREMENTS HAVE BEEN MET.
23

1 THE REDISTRIBUTION OF UNITS MAY BE SUBJECT TO RETESTING FOR ADEQUATE
2 TRANSPORTATION FACILITIES IF THE DEPARTMENT OF PLANNING AND ZONING, IN
3 CONSULTATION WITH THE DEPARTMENT OF PUBLIC WORKS, FINDS IT APPROPRIATE
4 TO RETEST BASED ON THE NUMBER OF UNITS BEING REDISTRIBUTED AND EXISTING
5 CRITICAL LANE VOLUME.

6 AFTER THE FIRST FOUR YEARS OF THE FINAL DEVELOPMENT PLAN PHASING, ANY
7 REDISTRIBUTION OF HOUSING UNIT ALLOCATIONS WILL REQUIRE REPHASING UNDER
8 SECTION 16.1104.(B).

9 (~~vi~~VII) Allocations will become permanent upon the recordation of the
10 approved final development plan, and will remain valid provided the
11 developer continues to meet all required milestones.”.

12
13

Amendment 1 to Amendment 4 to Council Bill No. 61 - 2017

BY: Jennifer Terrasa

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 1

(This amendment proposes to maintain the elementary school regions test and adjust capacity utilization thresholds.)

1 On page 1, strike lines 10 and 11, in their entirety.

2

3 On page 1, in line 16, strike beginning with “strike” through the comma at the end of
4 the line.

5

6 On page 2, immediately following line 5, insert:

7 “(i) ELEMENTARY SCHOOL REGION – OPEN MEANS THAT THE
8 PROJECTED ENROLLMENT OF THE PROJECTED ENROLLMENT OF THE
9 ELEMENTARY SCHOOL REGION IS BELOW 105 PERCENT OF THE PROGRAM
10 CAPACITY OF THE ELEMENTARY SCHOOLS WITHIN THE REGION.”

11

12 On page 2, in line 6, strike “(i)” and substitute “(ii)”.

13

14 On page 2, in line 7, strike “105” and substitute “100”.

15

16 On page 2, in line 9, strike “110” and substitute “105”.

17

18 On page 2, in line 13, strike “(ii)” and substitute “(iii)”.

19

20 On page 2, in line 14, strike “105” and substitute “100”.

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On page 2, in line 16, strike "110" and substitute "105".

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4

On page 2, in line 20, strike "(III)" and substitute "(IV)".

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On page 2, in line 21, strike "110" and substitute "105".

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On page 2, strike lines 25 and 26, in their entirety.

9

10

On page 2, strike line 31, in its entirety.

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14

Amendment 4 to Council Bill 61-2017

BY: Calvin Ball

Legislative Day No: 14
Date: 11/6/17

Amendment No. 4

1 (This amendment proposes to:

- 2 1. Add the high school level to the schools test;
- 3 2. Set the school capacity chart capacity utilization threshold at 105 percent or up
- 4 to 110% for school facilities where regional capacity utilization is under 100
- 5 percent;
- 6 3. Eliminate a separate elementary school region capacity test; and
- 7 4. Phases implementation to allow the Board of Education to incorporate changes
- 8 in the school capacity test into its planning for its next capital budget process.)
- 9

10 On page 7, strike beginning in line 9 with the colon and continuing through “([[ii]]2

11 The” in line 13 and substitute “THE”.

12

13 On page 7, in line 13, strike “and” and substitute a comma. In the same line,

14 immediately following “middle” insert “, AND HIGH”.

15

16 On page 7, in line 18, strike “elementary school regions and which”. On the same line,

17 strike “schools and” and substitute a comma. Also in the same line, immediately following

18 “middle” insert “, AND HIGH”.

19

20 On page 16, immediately following line 27, insert:

21 “(1) FOR A SCHOOL CAPACITY CHART ADOPTED PRIOR TO JANUARY 1, 2019, OPEN HAS

22 THE FOLLOWING MEANINGS:”.

23

24 On the same page, in line 28, strike “1” and substitute “I”.

25

26 On the same page, in line 30, strike “2” and substitute “II”.

27

1 On page 17, in line 1, strike “3” and substitute “III”.

2
3 On page 17, immediately following line 2, insert:

4 “(2) FOR A SCHOOL CAPACITY CHART ADOPTED AFTER JANUARY 1, 2019, OPEN HAS
5 THE FOLLOWING MEANINGS:

6 (I) ELEMENTARY SCHOOL – OPEN MEANS THAT:

7 A. THE PROJECTED ENROLLMENT OF THE ELEMENTARY SCHOOL IS BELOW 105
8 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL; OR

9 B. THE PROJECTED ENROLLMENT OF THE ELEMENTARY SCHOOL IS BELOW 110
10 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL AND THE PROJECTED
11 ENROLLMENT OF THE ELEMENTARY SCHOOL REGION IS BELOW 100 PERCENT OF
12 THE PROGRAM CAPACITY OF THE ELEMENTARY SCHOOLS WITHIN THE REGION.

13 (II) MIDDLE SCHOOL – OPEN MEANS THAT:

14 A. THE PROJECTED ENROLLMENT OF THE MIDDLE SCHOOL IS BELOW 105 PERCENT
15 OF THE PROGRAM CAPACITY OF THE SCHOOL; OR

16 B. THE PROJECTED ENROLLMENT OF THE MIDDLE SCHOOL IS BELOW 110 PERCENT
17 OF THE PROGRAM CAPACITY OF THE SCHOOL AND THE PROJECTED ENROLLMENT
18 OF THE MIDDLE SCHOOL REGION IS BELOW 100 PERCENT OF THE PROGRAM
19 CAPACITY OF THE MIDDLE SCHOOLS WITHIN THE REGION.

20 (III) HIGH SCHOOL – OPEN MEANS THAT THE PROJECTED ENROLLMENT OF THE HIGH
21 SCHOOL IS BELOW 110 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL.”.

22
23 On page 17, in line 18, strike “8” and substitute “12”.

24
25 On page 19, in lines 8-9, strike “WHICH ELEMENTARY SCHOOL REGIONS AND” and
26 substitute “REGIONAL UTILIZATION CAPACITIES AND”.

27
28 Also on page 19, in line 9, strike “SCHOOLS AND” and substitute a comma. In the same
29 line, immediately following “middle” insert “, AND HIGH”.

30
31 Also on page 19, in lines 12-13, strike “ELEMENTARY SCHOOL REGION AND”.

1 Also on page 19, in line 13, strike "SCHOOL AND" and substitute a comma. In the same
2 line, immediately following "MIDDLE" insert ", AND HIGH".

3

4 Also on page 19, in line 17, after "ELEMENTARY" INSERT ", MIDDLE, OR HIGH".

5

Amendment 4 to Amendment 5 to Council Bill No. 61 - 2017

BY: Jennifer Terrasa

Legislative Day No. 14

Date: November 6, 2017

Amendment No. 4

(This amendment proposes to maintain the elementary school regions test and adjust capacity utilization thresholds.)

1 On page 1, strike lines 11 and 12, in their entirety.

2

3 On page 1, in line 17, strike beginning with “strike” through the comma at the end
4 of the line.

5

6 On page 2, immediately following line 6, insert:

7 “(I) ELEMENTARY SCHOOL REGION – OPEN MEANS THAT THE
8 PROJECTED ENROLLMENT OF THE PROJECTED ENROLLMENT OF THE
9 ELEMENTARY SCHOOL REGION IS BELOW 105 PERCENT OF THE PROGRAM
10 CAPACITY OF THE ELEMENTARY SCHOOLS WITHIN THE REGION.”

11

12 On page 2, in line 7, strike “(I)” and substitute “(II)”.

13

14 On page 2, in line 8, strike “105” and substitute “100”.

15

16 On page 2, in line 10, strike “110” and substitute “105”.

17

18 On page 2, in line 14, strike “(II)” and substitute “(III)”.

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On page 2, in line 15, strike "110" and substitute "105".

On page 2, in line 17, strike "115" and substitute "110".

On page 2, in line 21, strike "(III)" and substitute "(IV)".

On page 2, in line 22, strike "115" and substitute "110".

On page 2, in line 24, strike "120" and substitute "115".

On page 2, in line 28, after "PERCENT" insert "FOR THREE CONSECUTIVE YEARS ON THE SCHOOL CAPACITY CHART, INCLUDING THE INITIAL TEST YEAR".

On page 2, strike line 32, in its entirety.

On page 3, strike line 8, in its entirety.

Amendment 5 to Council Bill 61-2017

BY: Jon Weinstein

Legislative Day No: 14

Date: 11/6/17

Amendment No. 5

1 (This amendment proposes to:

- 2 1. Add the high school level to the schools test;
- 3 2. Set the school capacity chart capacity utilization threshold at 105 percent for
- 4 elementary schools, 110 percent for middle schools, and 115 percent for high
- 5 schools percent or up to 110%, 115%, and 120%, respectively, under specified
- 6 conditions;
- 7 3. Eliminate a separate elementary school region capacity test; and
- 8 4. Phase implementation to allow the Board of Education to incorporate changes
- 9 in the school capacity test into its planning for its next capital budget process.)

10

11 On page 7, strike beginning in line 9 with the colon and continuing through “[ii]2)

12 The” in line 13 and substitute “THE”.

13

14 On page 7, in line 13, strike “and” and substitute a comma. In the same line,

15 immediately following “middle” insert “, AND HIGH”.

16

17 On page 7, in line 18, strike “elementary school regions and which”. On the same line,

18 strike “schools and” and substitute a comma. Also in the same line, immediately following

19 “middle” insert “, AND HIGH”.

20

21 On page 16, immediately following line 27, insert:

22 “(1) FOR A SCHOOL CAPACITY CHART ADOPTED PRIOR TO JANUARY 1, 2019, OPEN HAS

23 THE FOLLOWING MEANINGS:”.

24

25 On the same page, in line 28, strike “1” and substitute “I”.

26

27 On the same page, in line 30, strike “2” and substitute “II”.

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On page 17, in line 1, strike “3” and substitute “III”.

On page 17, immediately following line 2, insert:

“(2) FOR A SCHOOL CAPACITY CHART ADOPTED AFTER JANUARY 1, 2019, OPEN HAS THE FOLLOWING MEANINGS:

(I) ELEMENTARY SCHOOL – OPEN MEANS THAT:

- A. THE PROJECTED ENROLLMENT OF THE ELEMENTARY SCHOOL IS BELOW 105 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL; OR
- B. THE PROJECTED ENROLLMENT OF THE ELEMENTARY SCHOOL IS BELOW 110 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL AND THE PROJECTED ENROLLMENT OF THE ELEMENTARY SCHOOL REGION IS BELOW 100 PERCENT OF THE PROGRAM CAPACITY OF THE ELEMENTARY SCHOOLS WITHIN THE REGION.

(II) MIDDLE SCHOOL – OPEN MEANS THAT:

- A. THE PROJECTED ENROLLMENT OF THE MIDDLE SCHOOL IS BELOW 110 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL; OR
- B. THE PROJECTED ENROLLMENT OF THE MIDDLE SCHOOL IS BELOW 115 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL AND THE PROJECTED ENROLLMENT OF THE MIDDLE SCHOOL REGION IS BELOW 100 PERCENT OF THE PROGRAM CAPACITY OF THE MIDDLE SCHOOLS WITHIN THE REGION.

(III) HIGH SCHOOL – OPEN MEANS THAT:

- A. THE PROJECTED ENROLLMENT OF THE HIGH SCHOOL IS BELOW 115 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL; OR
- B. THE PROJECTED ENROLLMENT OF THE HIGH SCHOOL IS BELOW 120 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL AND THE AVERAGE PROJECTED ENROLLMENT OF THE TESTED SCHOOL AND THE TWO HIGH SCHOOLS CLOSEST TO THE DEVELOPMENT, OTHER THAN THE TESTED SCHOOL, IS BELOW 105 PERCENT.”

On page 17, in line 18, strike “8” and substitute “12”.

On page 19, in lines 8-9, strike “WHICH ELEMENTARY SCHOOL REGIONS AND”.

1 Also on page 19, in line 9, strike "SCHOOLS AND" and substitute a comma. In the same
2 line, immediately following "middle" insert ", AND HIGH".

3
4 Also on page 19, in line 10, after "RESIDENTIAL DEVELOPMENT" insert "AND REGIONAL
5 CAPACITY UTILIZATION RATES BASED ON THE TOTAL ENROLLMENT OF ALL SCHOOLS IN THE
6 REGION AND THE COMBINED PROGRAM CAPACITY FOR ALL SCHOOLS IN THE REGION".

7
8 Also on page 19, in lines 12-13, strike "ELEMENTARY SCHOOL REGION AND".

9
10 Also on page 19, in line 13, strike "SCHOOL AND" and substitute a comma. In the same
11 line, immediately following "MIDDLE" insert ", AND HIGH".

12
13 Also on page 19, in line 17, after "ELEMENTARY" INSERT ", MIDDLE, OR HIGH".
14

Amendment 6 to Council Bill 61-2017

BY: Jennifer Terrasa

Legislative Day No: 14
Date: 11/6/17

Amendment No. 6

1 (This amendment proposes adding the high school level to the schools test.)

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On page 7, in line 13, strike “and” and substitute a comma. In the same line, immediately following “middle” insert “, AND HIGH”.

On the same page, in line 18, after “elementary schools”, strike “and” and substitute a comma. In the same line, immediately following “middle schools” insert “, AND HIGH SCHOOLS”.

On page 16, in line 30, strike the first “Elementary” and substitute “INDIVIDUAL”. In the same line, strike the second “elementary”.

On page 17, line 18, strike “8” and substitute “12”.

On page 17, strike lines 1 and 2 in their entirety.

On page 19, in line 9, strike the second “AND” and substitute a comma. In the same line, immediately following “middle schools” insert “, AND HIGH SCHOOLS”.

On the same page, in line 13, after “ELEMENTARY SCHOOL”, strike “AND” and substitute a comma. In the same line, immediately following “MIDDLE SCHOOL” insert “, AND HIGH SCHOOL”.

Amendment 7 to Council Bill 61-2017

BY: Calvin Ball

Legislative Day No: 14
Date: 11/6/17

Amendment No. 7

1 *(This amendment proposes to define APFO capacity consistently with HCPSS policies.)*

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4 On page 7, in line 20, strike the period and substitute “, AND SHALL BE BASED ON THE

5 DEFINITION OF PROGRAM CAPACITY DEFINED BY HCPSS POLICY.”.

6

7 On page 17, in line 18, after “Education”, insert “POLICIES”. In the same line, after

8 “include”, insert “PREKINDERGARTEN,”.

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Amendment 8 to Council Bill No. 61-2017

BY: Chairperson at the request
of the County Executive

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 8

(This amendment defines the term “capacity utilization” and substitutes “capacity utilization” for “projected enrollment”.)

1 On page 7, in line 22, strike “enrollment” and substitute “CAPACITY UTILIZATION”.

2

3 On page 12, after line 21, insert:

4 “(D-1) CAPACITY UTILIZATION MEANS THE RATIO OF A FACILITY’S ENROLLMENT TO ITS PROGRAM
5 CAPACITY.”

6

7 Strike “projected enrollment” and substitute “CAPACITY UTILIZATION” in the following instances:

- 8 1. On page 16, in line 28;
- 9 2. On page 16, in line 30; and
- 10 3. On page 17, in line 1.

11

12 Strike “of the program capacity” in the following instances:

- 13 1. On page 16, in line 29;
- 14 2. On page 16, in line 31; and
- 15 3. On page 17, in line 2.

Amendment 9 to Council Bill 61-2017

BY: Jon Weinstein
Jennifer Terrasa
Calvin Ball

Legislative Day, No: 14
Date: 11/16/17

Amendment No. 9

1 (This amendment proposes that additional information be submitted to the County to assist
2 with its annual consideration of the School Capacity chart.)
3
4

5 On page 8, in line 2, before the period, insert “, ACCOMPANIED BY A REPORT THAT
6 CONTAINS THE FOLLOWING INFORMATION FOR EACH SCHOOL:

- 7 (I) STATE AND LOCAL CAPACITIES OF THE FACILITY;
8 (II) THE DATE OF THE LAST REDISTRICTING WHICH IMPACTED THE ATTENDANCE
9 AREA OF THAT SCHOOL;
10 (III) FOR ANY PROJECTED INCREASE IN ENROLLMENT, AN INDICATION OF WHAT
11 PORTIONS OF THE INCREASE ARE ATTRIBUTED TO SALES OR RENTAL TURNOVER
12 OF EXISTING RESIDENTIAL UNITS, NEW DEVELOPMENT, AND OTHER FACTORS;
13 AND
14 (IV) FOR ANY SCHOOL DESIGNATED AS OPEN ON THE SCHOOL CAPACITY CHART
15 BASED ON A CAPITAL IMPROVEMENT PROJECT OR PROPOSED REDISTRICTING
16 ASSOCIATED WITH A CAPITAL IMPROVEMENT PROJECT:
17 a. CURRENT AND FUTURE FUNDING ASSUMPTIONS FOR THE CAPITAL
18 IMPROVEMENT PROJECT(S); AND
19 b. FUTURE REDISTRICTING ASSUMPTIONS ASSOCIATED WITH THE CAPITAL
20 IMPROVEMENT PROJECT”.
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Amendment 10 to Council Bill 61-2017

BY: Jennifer Terrasa
Calvin Ball
Jon Weinstein

Legislative Day No: 14
Date: 11/6/17

Amendment No. 10

1 (This amendment proposes including a requirement for a public meeting on school
2 facilities that reach a capacity of 95 percent with a projection of more than 110 percent
3 within five years.)
4
5

6 On page 8, immediately following line 7, insert the following:

7 (D) JOINT SPECIAL WORK MEETING ON SCHOOLS NEARING CAPACITY.

8 UPON RECEIVING WRITTEN NOTIFICATION FROM THE HOWARD COUNTY PUBLIC SCHOOL

9 SYSTEM THAT A SCHOOL OR SCHOOL REGION HAS REACHED 95% CAPACITY

10 UTILIZATION AND IS PROJECTED TO EXCEED 110% CAPACITY UTILIZATION WITHIN FIVE

11 YEARS AS WELL AS THE BOARD OF EDUCATION'S PROPOSED SOLUTION TO ADDRESS THE

12 PROJECTED OVERCROWDING, THE COUNTY COUNCIL SHALL HOLD A JOINT SPECIAL

13 WORK MEETING. THE COUNCIL SHALL INVITE THE COUNTY EXECUTIVE AND THE

14 BOARD OF EDUCATION TO ATTEND THE MEETING AND PARTICIPATE IN A

15 COLLABORATIVE WORKING DISCUSSION OF SCHOOL CAPACITY NEEDS AND THE BOARD'S

16 PROPOSED SOLUTION. THE COUNCIL SHALL GIVE THE GENERAL PUBLIC THREE WEEKS'

17 NOTICE BEFORE THE MEETING TO ALLOW THE PUBLIC TO PROVIDE WRITTEN COMMENT.'"
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Amendment 11 to Council Bill 61-2017

BY: Jennifer Terrasa

Legislative Day No: 14

Date: 11/6/17

Amendment No. 11

1 *(This amendment proposes to change the School Capacity wait time to 7 years.)*

2

3

4 On page 11, in line 2, strike "(I) If" and substitute "AFTER".

5

6 On the same page, in lines 2 and 3, strike "WAS NEVER ON THE LIST OF APPLICATIONS
7 WAITING FOR HOUSING UNIT ALLOCATION AND".

8

9 On the same page, in lines 7 and 14, strike "FOURTH" and substitute "SIXTH".

10

11 On the same page, in line 10, strike "FOUR" and substitute "SIX".

12

13 On the same page, strike lines 16 - 24, in their entirety.

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Amendment 12 to Council Bill 61-2017

BY: Jennifer Terrasa

Legislative Day No: 14
Date: 11/16/17

Amendment No. 12

1 *(This amendment proposes to remove the combined cap on housing allocation and school*
2 *capacity wait times.)*

3
4

5 On page 11, in line 2, strike "(I) If" and substitute "AFTER".

6

7 On the same page, in lines 2 and 3, strike "WAS NEVER ON THE LIST OF APPLICATIONS
8 WAITING FOR HOUSING UNIT ALLOCATION AND".

9

10 On the same page, strike lines 16 - 24, in their entirety.

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Amendment 13 to Council Bill 61-2017

BY: Jennifer Terrasa
Calvin Ball
Jon Weinstein

Legislative Day No:
Date: 11/6/17

14

Amendment No. 13

1 (This amendment would adjust the maximum combined wait time for certain projects and
2 require that all projects take a school capacity test.)
3

4
5 On page 11, in line 17, strike "FIVE" and substitute "SIX"
6

7 Also on page 11, in line 18, after "APPLIES" insert "SUBJECT TO THE FOLLOWING
8 MAXIMUM WAITING PERIODS:

9 A. IF A PROJECT OR PHASE OF A PROJECT HAS WAITED FOR THREE YEARS OR FEWER TO
10 RECEIVE HOUSING ALLOCATIONS, THE COMBINED NUMBER OF YEARS THE PROJECT
11 OR PHASE OF A PROJECT WAITS TO RECEIVE HOUSING UNIT ALLOCATIONS AND
12 PASS THE SCHOOL CAPACITY TEST SHALL NOT EXCEED FIVE YEARS.

13 B. IF A PROJECT OR PHASE OF A PROJECT HAS WAITED FOR FOUR OR FIVE YEARS TO
14 RECEIVE HOUSING ALLOCATIONS, THE COMBINED NUMBER OF YEARS THE PROJECT
15 OR PHASE OF A PROJECT WAITS TO RECEIVE HOUSING UNIT ALLOCATIONS AND
16 PASS THE SCHOOL CAPACITY TEST SHALL NOT EXCEED SEVEN YEARS."
17

18 Also on page 11, strike lines 19-21 in their entirety.
19

20 Also on page 11, in line 23, strike "FIVE" and substitute "SIX" and after "YEARS"
21 insert "OR MORE".
22

23 Also on page 11, in line 24, after "PROJECT", strike the remainder of the sentence and
24 substitute the following: "MAY PROCEED UPON PASSING A SCHOOL CAPACITY TEST. IF THE
25 PROJECT FAILS THE SCHOOL CAPACITY TEST, THEN IT MUST WAIT ONE ADDITIONAL YEAR TO BE

1 RETESTED. AFTER BEING RETESTED, THE PROJECT SHALL BE DEEMED TO HAVE PASSED THE
2 SCHOOL CAPACITY TEST.”.

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Amendment 14 to Council Bill No. 61-2017

BY: Chairperson at the
request of the County Executive

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 14

(This amendment clarifies language related to the five-year waiting period.)

- 1 On page 11, strike lines 19, 20 and 21, inclusive and in their entirety and substitute:
2 “HOWEVER, IN CASES WHERE A PROJECT OR PHASE OF A PROJECT RECEIVES HOUSING UNIT
3 ALLOCATIONS WITHIN FIVE YEARS, THE COMBINED NUMBER OF YEARS A PROJECT OR PHASE OF A
4 PROJECT WAITS TO RECEIVE HOUSING UNIT ALLOCATIONS AND TAKES THE SCHOOL CAPACITY
5 TEST SHALL NOT EXCEED FIVE YEARS.”.
6
7 On page 11, in line 23, after “YEARS” insert “OR MORE”.

Amendment 15 to Council Bill 61-2017

BY: Mary Kay Sigaty

Legislative Day No: 14
Date: 11/6/17

Amendment No. 15

1 (This amendment proposes to create an exception for affordable housing developments that
2 leverage State and Federal funds.)
3

4 On page 11, immediately following line 25, insert the following:

5 "8. SCHOOL CAPACITY TEST EXCEPTION FOR SPECIAL AFFORDABLE HOUSING
6 OPPORTUNITIES.

7 IF A PROJECT OR PHASE OF A PROJECT IS SEEKING OR HAS OBTAINED STATE OR
8 FEDERAL FUNDING THAT ADVANCES THE COUNTY'S AFFORDABLE HOUSING GOALS
9 AND IS LOCATED IN A SCHOOL AREA THAT IS CLOSED FOR DEVELOPMENT DUE TO
10 PROJECTED ENROLLMENT IN THE SCHOOL CAPACITY CHART:

11 (I) THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING SHALL
12 AUTHORIZE THE SPECIAL AFFORDABLE HOUSING PROJECT TO PROCEED SUBJECT
13 TO ALL OTHER PROVISIONS OF THIS SUBTITLE, PROVIDED THAT:

14 (A) THE PROJECT OR PHASE OF A PROJECT CONSISTS OF 100 UNITS OR FEWER;

15 (B) AT LEAST 40% OF THE UNITS SHALL BE AFFORDABLE TO HOUSEHOLDS
16 EARNING 60% OR LESS OF THE METROPOLITAN STATISTICAL AREA MEDIAN
17 INCOME;

18 (C) THE PROJECT OR PHASE OF A PROJECT HAS RECEIVED A RESERVATION OF
19 LOW-INCOME HOUSING TAX CREDITS OR A LETTER FROM THE COMMUNITY
20 DEVELOPMENT ADMINISTRATION OF THE MARYLAND DEPARTMENT OF
21 HOUSING AND COMMUNITY DEVELOPMENT IN ACCORDANCE WITH 26 USC
22 42(M); AND

23 (D) THE AUTHORIZATION SHALL BE CONTINGENT UPON THE RECEIPT OF AN
24 ALLOCATION OF LOW-INCOME HOUSING TAX CREDITS.

25 (II) THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING MAY
26 AUTHORIZE THE SPECIAL AFFORDABLE HOUSING PROJECT TO PROCEED SUBJECT
27 TO ALL OTHER PROVISIONS OF THIS SUBTITLE, PROVIDED THAT:

- 1 (A) THE PROJECT OR PHASE OF A PROJECT CONSISTS OF 100 UNITS OR FEWER;
2 (B) AT LEAST 40% OF THE UNITS SHALL BE AFFORDABLE TO HOUSEHOLDS
3 EARNING 60% OR LESS OF THE METROPOLITAN STATISTICAL AREA MEDIAN
4 INCOME;
5 (C) THE PROJECT OR PHASE OF A PROJECT IS SEEKING AN ALLOCATION OF LOW-
6 INCOME HOUSING TAX CREDITS THROUGH A COMPETITIVE OR NON-
7 COMPETITIVE PROCESS; AND
8 (D) THE AUTHORIZATION SHALL BE CONTINGENT UPON RECEIPT OF ALLOCATION
9 OF THE LOW-INCOME HOUSING TAX CREDITS OR A LETTER FROM THE
10 COMMUNITY DEVELOPMENT ADMINISTRATION OF THE MARYLAND
11 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN
12 ACCORDANCE WITH 26 USC 42(M); OR

13 (III) FOR A PROJECT OR PHASE OF A PROJECT THAT CONSISTS OF MORE THAN 100
14 UNITS, THE COUNTY COUNCIL MAY, BY RESOLUTION, AFTER PUBLIC HEARING,
15 AUTHORIZE THE SPECIAL AFFORDABLE HOUSING PROJECT TO PROCEED SUBJECT
16 TO ALL OTHER PROVISIONS OF THIS SUBTITLE, PROVIDED THAT:

- 17 (A) AT LEAST 40% OF THE UNITS SHALL BE AFFORDABLE TO HOUSEHOLDS
18 EARNING 60% OR LESS OF THE METROPOLITAN STATISTICAL AREA MEDIAN
19 INCOME;
20 (B) THE PROJECT OR PHASE OF A PROJECT IS SEEKING OR HAS RECEIVED AN
21 ALLOCATION OF LOW-INCOME HOUSING TAX CREDITS THROUGH A
22 COMPETITIVE OR NON-COMPETITIVE PROCESS; AND
23 (C) THE AUTHORIZATION SHALL BE CONTINGENT UPON RECEIPT OF AN
24 ALLOCATION OF THE LOW-INCOME HOUSING TAX CREDITS OR A LETTER
25 FROM THE COMMUNITY DEVELOPMENT ADMINISTRATION OF THE
26 MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
27 IN ACCORDANCE WITH 26 USC 42(M).

28 IN EXERCISING DISCRETIONARY AUTHORIZATION IN ACCORDANCE WITH PARAGRAPH
29 (II) OR (III) ABOVE, THE DIRECTOR SHALL OR THE COUNCIL MAY CONSIDER:

- 30 (I) THE SEVERITY OF OVERCROWDING AT THE SCHOOL OR SCHOOLS WHICH
31 CREATED THE NEED FOR THE EXCEPTION;
32 (II) CAPACITY UTILIZATION LEVELS AT ADJACENT SCHOOLS;
33 (III) ESTIMATED STUDENT GENERATION FROM THE PROJECT; AND

1 (IV) THE NEED FOR AFFORDABLE HOUSING IN THE COUNTY."

Amendment 16 to Council Bill 61-2017

BY: Jennifer Terrasa

Legislative Day No: 14
Date: 11/6/17

Amendment No. 16

1 (This amendment proposes to remove the Housing Unit Allocation exemption for MIHUs.)

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4 On page 3, strike line 9, in its entirety.

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6 On pages 11 and 12, strike line 26 on page 11 through line 4 on page 12, in their entirety.

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Amendment 17 to Council Bill No. 61-2017

BY: Chairperson at the request
of the County Executive

Legislative Day No. 14
Date: November 6, 2017

Amendment No. 17

(This amendment clarifies that resubdivision plans that create four or fewer lots are exempt from the test for adequate road facilities. Such resubdivision plans are required to pass the allocations and adequate public school facilities tests.)

1 On page 3, in line 9, after “By” insert “amending paragraph (2) and by” and, in that same line
2 strike “to” and substitute “both to”.

3

4 On page 11, after line 27, insert:

5 “(2) Partially exempt residential subdivision plans. Minor subdivision plans AND
6 RESUBDIVISION PLANS THAT CREATE FOUR OR FEWER LOTS are exempt from the requirement to
7 pass the test for adequate road facilities as a condition of plan approval. However, minor
8 subdivision plans AND RESUBDIVISION PLANS THAT CREATE FOUR OR FEWER LOTS are required
9 to pass the tests for allocations and adequate public school facilities as a condition of
10 subdivision approval. FOR PURPOSES OF THIS PARAGRAPH, A SUBDIVISION OR RESUBDIVISION
11 CAN HAVE NO FURTHER SUBDIVISION POTENTIAL THAT COULD CREATE MORE THAN A TOTAL OF
12 FOUR LOTS.”

13

Amendment 18 to Council Bill 61-2017

BY: Mary Kay Sigaty

Legislative Day No: 14
Date: 11/6/17

Amendment No. 18

1 (This amendment proposes to exempt urban renewal developments from the School Capacity
2 test.)

3
4 On page 12, immediately following line 5, insert the following:

5 “9. PARTIALLY EXEMPT URBAN RENEWAL RESIDENTIAL SUBDIVISION OR SITE
6 DEVELOPMENT PLANS; TEST FOR ADEQUATE SCHOOL FACILITIES. RESIDENTIAL UNITS
7 THAT ARE PART OF AN URBAN RENEWAL PROJECT, AS DESIGNATED BY TITLE 13,
8 SUBTITLE 11 OF THIS CODE, ARE EXEMPT FROM THE REQUIREMENT TO PASS THE TEST
9 FOR ADEQUATE SCHOOL FACILITIES AS A CONDITION OF SUBDIVISION OR SITE
10 DEVELOPMENT PLAN APPROVAL.”.

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Amendment 19 to Council Bill 61-2017

BY: Jon Weinstein
Calvin Ball

Legislative Day No: 14
Date: 11/6/17

Amendment No. 19

1 (This amendment proposes to redefine the impact area to be studied for the APFO roads test
2 based on trip generation.)

3
4 On page 15, strike lines 19-30, and substitute the following:

5 “(1) IMPACT AREA MEANS THE SET OF INTERSECTIONS TO BE STUDIED. IN ACCORDANCE
6 WITH THE TABLE BELOW, THE PROJECTED TRIP GENERATION OF A PROJECT SHALL
7 DETERMINE THE MINIMUM NUMBER OF INTERSECTIONS TO BE INCLUDED IN THE IMPACT
8 AREA.

9

<u>NET PEAK HOUR SITE TRIPS</u>	<u>MINIMUM NUMBER OF INTERSECTIONS IN EACH DIRECTION</u>
<u>5 – 99</u>	<u>1</u>
<u>100 – 499</u>	<u>2</u>
<u>500 – 799</u>	<u>3</u>
<u>800 – 1500</u>	<u>4</u>
<u>>1500</u>	<u>5</u>

10

11 “(2) FOR PROJECTS IN THE PLANNED SERVICE AREA FOR PUBLIC WATER AND SEWER,
12 EXCLUDING DOWNTOWN COLUMBIA, AND FOR PROJECTS OUTSIDE THE PLANNED SERVICE
13 AREA FOR PUBLIC WATER AND SEWER, THE STANDARD IMPACT AREA IS LIMITED TO
14 INTERSECTIONS WITHIN TWO ROAD MILES IN ALL DIRECTIONS FROM EACH ENTRANCE TO
15 THE PROJECT. INSIDE THE PLANNED SERVICE AREA FOR PUBLIC WATER AND SEWER, THE
16 MINIMUM NUMBER OF INTERSECTIONS IN EACH DIRECTION REFERS TO SIGNALIZED
17 INTERSECTIONS FOR THE STANDARD IMPACT AREA. OUTSIDE THE PLANNED SERVICE AREA

1 FOR PUBLIC WATER AND SEWER, THE MINIMUM NUMBER OF INTERSECTIONS IN EACH
2 DIRECTION REFERS TO INTERSECTIONS OF A MINOR COLLECTOR OR HIGHER CLASSIFIED
3 ROAD WITH A MINOR COLLECTOR OR HIGHER CLASSIFIED ROAD FOR THE STANDARD
4 IMPACT AREA.

5
6 (3) THE DEPARTMENT OF PLANNING AND ZONING MAY EXTEND THE DISTANCE OF THE
7 IMPACT AREA OR INCLUDE ADDITIONAL SIGNALIZED OR NON-SIGNALIZED INTERSECTIONS
8 IF, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC WORKS, IT FINDS THAT SUCH AN
9 EXPANSION IS APPROPRIATE BASED ON INTERSECTION LOCATION, ANTICIPATED TRIP
10 DISTRIBUTION, EXISTING LEVEL OF SERVICE, OR KNOWN OPERATIONAL COMPLAINTS.

11 FOR DOWNTOWN COLUMBIA THE IMPACT AREA SHALL BE DETERMINED IN
12 ACCORDANCE WITH THE HOWARD COUNTY DESIGN MANUAL.”.

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On page 16, strike lines 1 and 2 in their entirety.

Amendment 20 to Council Bill 61-2017

BY: Jon Weinstein

Legislative Day No: 14
Date: 11/6/17

Amendment No. 20

1 (This amendment proposes to add a high school capacity test, set the school capacity chart
2 capacity utilization threshold to 105 percent for elementary schools and regions, 110 percent
3 for middle schools, and 115 percent for high schools, and phase implementation to allow the
4 Board of Education to incorporate changes to the school capacity tests into its planning for
5 its next capital budget process.)
6
7

8 On page 16, immediately following line 27, insert:

9 “(1) FOR A SCHOOL CAPACITY CHART ADOPTED PRIOR TO JANUARY 1, 2019, OPEN HAS
10 THE FOLLOWING MEANINGS:”
11

12 On the same page, in line 28, strike “1” and substitute “I”.

13
14 On the same page, in line 30, strike “2” and substitute “II”.

15
16 On 17 page, in line 1, strike “3” and substitute “III”.

17
18 Also on page 17, immediately following line 2, insert:

19 “(2) FOR A SCHOOL CAPACITY CHART ADOPTED AFTER JANUARY 1, 2019, OPEN HAS
20 THE FOLLOWING MEANINGS:

21 (I) SCHOOL REGION—OPEN MEANS THAT THE PROJECTED ENROLLMENT OF A SCHOOL
22 REGION IS BELOW 105 PERCENT OF THE PROGRAM CAPACITY OF THE ELEMENTARY
23 SCHOOLS WITHIN THE REGION.

24 (II) ELEMENTARY SCHOOL—OPEN MEANS THAT THE PROJECTED ENROLLMENT OF THE
25 ELEMENTARY SCHOOL IS BELOW 105 PERCENT OF THE PROGRAM CAPACITY OF THE
26 SCHOOL.

1 (III) MIDDLE SCHOOL—OPEN MEANS THAT THE PROJECTED ENROLLMENT OF THE
2 MIDDLE SCHOOL IS BELOW 110 PERCENT OF THE PROGRAM CAPACITY OF THE
3 SCHOOL.

4 (IV) HIGH SCHOOL—OPEN MEANS THAT THE PROJECTED ENROLLMENT OF THE HIGH
5 SCHOOL IS BELOW 115 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL.”.

6
7 On page 17, in line 18, strike “8” and substitute “12”.

8
9 On page 19, in line 9, strike “SCHOOLS AND” and substitute a comma. In the same line,
10 immediately following “middle” insert “, AND HIGH”.

11
12 Also on page 19, in line 13, strike “SCHOOL AND” and substitute a comma. In the same
13 line, immediately following “MIDDLE” insert “, AND HIGH”.

Amendment 21 to Council Bill 61-2017

BY: Jennifer Terrasa

Legislative Day No: 14
Date: 11/6/17

Amendment No. 21

1 *(This amendment proposes to reduce the school capacity chart capacity utilization to 100*
2 *percent.)*

3

4

5

On page 16, in lines 28 and 31, strike "115" and substitute "100".

6

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Amendment 22 to Council Bill 61-2017

BY: Jennifer Terrasa

Legislative Day No: 14
Date: 11/6/17

Amendment No. 22

1 (This amendment proposes to reduce the school capacity chart capacity utilization to 100
2 percent.)

3

4

5 On page 16, in lines 28 and 31, strike "115" and substitute "100".

6

7 On page 17, in line 2, strike "115" and substitute "100".

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Amendment 23 to Council Bill 61-2017

BY: Jon Weinstein

Legislative Day No: 14

Date: Nov. 6, 2017

Amendment No. 23

1 (This amendment inserts references to existing Code provisions for adequate water, sewer,
2 stormwater, and solid waste facilities.)
3
4

5 On page 3, strike line 9 and substitute the following:

6 “By adding:

7 a.Paragraph (8) to subsection (b) of Section 16.1107 “Exemptions”; and

8 b.Section 16.1111. “Adequate water, sewer, stormwater, and solid waste facilities.”

9 to Subtitle 11 “Adequate Public Facilities.”.
10

11 On page 19, immediately following line 19, insert the following:

12 “SECTION 16.1111. – ADEQUATE WATER, SEWER, STORMWATER, AND SOLID WASTE
13 FACILITIES.

14 NO DEVELOPMENT SHALL BE APPROVED UNTIL PLANS ARE REVIEWED BY THE DEPARTMENT OF
15 PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS TO ENSURE THAT THE DEVELOPMENT
16 WILL BE SERVED BY ADEQUATE WATER, SEWER, STORMWATER, AND SOLID WASTE FACILITIES IN
17 ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS INCLUDING, BUT NOT LIMITED TO, THE
18 FOLLOWING PROVISIONS:

19 (A) WATER AND SEWER. WATER AND SEWER FACILITIES SHALL BE CONSIDERED ADEQUATE IF THE
20 APPROVED SUBDIVISION PLANS AND SITE DEVELOPMENT PLANS COMPLY WITH ALL APPLICABLE
21 REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, THE STANDARDS ESTABLISHED IN THE
22 FOLLOWING CODE PROVISIONS FOR WATER AND SEWER SERVICES:

23 (1) SECTION 16.131. - SEWAGE DISPOSAL AND WATER SUPPLY.

24 (2) SECTION 18.100A. - CAPITAL IMPROVEMENT MASTER PLAN (C.I.M.P.) FOR WATER AND
25 SEWERAGE.

26 (3) SECTION 18.122B. - ALLOCATION OF WATER AND WASTEWATER CAPACITY.

1 (B) **STORMWATER.** STORMWATER FACILITIES SHALL BE CONSIDERED ADEQUATE IF APPROVED
2 SUBDIVISION PLANS AND SITE DEVELOPMENT PLANS COMPLY WITH ALL APPLICABLE
3 REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, THE STANDARDS ESTABLISHED IN SECTION
4 16.133 (“STORM DRAINAGE”) AND TITLE 18 (“PUBLIC WORKS”), SUBTITLES 5 (“STORM
5 DRAINAGE SYSTEMS”) AND 9 (“STORMWATER MANAGEMENT”) OF THE COUNTY CODE.

6 (C) **SOLID WASTE.** SOLID WASTE FACILITIES SHALL BE CONSIDERED ADEQUATE IF APPROVED
7 SUBDIVISION PLANS AND SITE DEVELOPMENT PLANS COMPLY WITH ALL APPLICABLE
8 REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, THE CAPITAL IMPROVEMENT MASTER PLAN
9 FOR SOLID WASTE AS DEFINED IN SECTION 18.600A OF THE COUNTY CODE.”.

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