

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2019 Legislative Session

Legislative day # 5

BILL NO. 17

Introduced by:
Liz Walsh

AN ACT altering the number of consecutive years a project or phase of a project must be retested each time the County Council adopts new annual housing unit allocations and school capacity charts under the school capacity test of the Adequate Public Facilities Act of Howard County; and generally relating to the testing of residential subdivisions and site development plans for adequate public school facilities.

Introduced and read first time _____, 2019. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2019.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2019 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2019 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2019

Calvin Ball, 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 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard County
2 Code is hereby amended as follows:

3
4 *By Amending:*

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

7
8 Subtitle 11. “Adequate Public Facilities.”

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

11 Subsection (c). “Processing Applications for Approval of Residential Projects and Projects
12 Containing Residential and Nonresidential Uses.”

13 (7) “Waiting Period.”
14
15

16 **HOWARD COUNTY CODE**

17
18 **Title 16. PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT**
19 **REGULATIONS**

20
21 **Subtitle 11. Adequate Public Facilities.**

22
23 **Section 16.1105. Processing of plans subject to test for adequate transportation facilities and/or**
24 **tests for adequate school facilities and/or test for housing unit allocations.**

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

27 (7) *Waiting Period.*

28 (i) If a project or phase of a project was never on the list of applications waiting for
29 housing unit allocations and has received housing unit allocations, then development
30 may proceed as follows:

31 a. If the project or phase of the project passes the school capacity test in any year
32 between and inclusive of the first consecutive retest and the fourth consecutive
33 retest, then the project or phase of the project may proceed.

34 b. If a project or phase of a project fails the school capacity test:

- 1 i. For each of the next ~~[[four]]~~ SEVEN consecutive years, the project or phase of the
2 project shall be retested each time the County Council adopts new annual housing
3 unit allocations and school capacity charts; and
- 4 ii. In the ~~[[fourth]]~~ SEVENTH retesting year, the project shall be deemed to have
5 passed the school capacity test.
- 6 (ii) If a project or phase of a project is on the list of applications waiting for housing
7 unit allocations and receives housing unit allocations within six years, then
8 subparagraph (i) of paragraph (7) of this subsection applies subject to the following
9 maximum waiting periods:
- 10 a. If a project or phase of a project has waited for three years or fewer to receive
11 housing allocations, the combined number of years the project or phase of a
12 project waits to receive housing unit allocations and pass the school capacity test
13 shall not exceed six years.
- 14 b. If a project or phase of a project has waited for four or five years to receive
15 housing allocations, the combined number of years the project or phase of a
16 project waits to receive housing unit allocations and pass the school capacity test
17 shall not exceed seven years.
- 18 (iii) If a project or phase of a project is on the allocation waiting list and receives
19 allocations after six years or more of being on the list, then the project or phase of a
20 project may proceed upon passing a school capacity test. If the project fails the school
21 capacity test, then it must wait one additional year to be retested. After being retested,
22 the project shall be deemed to have passed the school capacity test.

23

24 ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall***
25 *become effective 61 days after its enactment.*