

Introduced 1/2/18
 Public Hearing 1/16/18
 Council Action 2/5/18
 Executive Action 2/14/18
 Effective Date 4/16/18

County Council of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 1

Bill No. 1-2018

Introduced by: Calvin Ball, Jennifer Terrasa, and Jon Weinstein

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 January 2, 2018. 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 January 16, 2018.
 By order Jessica Feldmark
 Jessica Feldmark, Administrator

This Bill was read the third time on February 5, 2018 and Passed , Passed with amendments ✓, Failed .
 By order Jessica Feldmark
 Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7th day of February 2018 at 4:30 p.m.
 By order Jessica Feldmark
 Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive Feb 14, 2018.
Allan H. Kittleman
 Allan H. Kittleman, County Executive

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

1 **WHEREAS**, 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 *Subsections (b)(1) and (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 *Subsections (b)(3) and (6)*
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:*

10 *a. Paragraphs (8) and (9) to subsection (b) of Section 16.1107 "Exemptions"; and*

11 *b. Section 16.1111. "Adequate water, sewer, stormwater, and solid waste*
12 *facilities." to Subtitle 11 "Adequate Public Facilities.*

13
14 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

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

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

17
18 **Section 16.147. Final subdivision plan and final plat.**

19 (e) ~~[[Developer's Agreement]]~~ *DEVELOPER AGREEMENTS*. After final plan approval and signature
20 approval of all construction drawings and prior to the submission of the original final plat, the
21 developer shall post with the County all necessary monies and file a developer's agreement and if
22 required, a major facilities agreement and/or a shared sewage disposal facility developer
23 agreement. The developer's agreement(s) shall cover financial obligations with appropriate
24 security guaranteeing installation of all required improvements, INCLUDING APFO
25 IMPROVEMENTS, installation and warranty of a shared sewage disposal facility on a cluster
26 subdivision in the RR or RC zoning district, and fulfillment of the protection and management
27 requirements of the approved forest conservation plan. The agreement may provide that the
28 developer may be partially released from the surety requirements of the agreement upon partial
29 completion of the work in accordance with criteria established by the Department of Public
30 Works. THE AGREEMENT SHALL PROVIDE WHEN EITHER THE ONSITE OR OFFSITE ROAD
31 IMPROVEMENTS THAT ARE THE RESPONSIBILITY OF THE DEVELOPER TO BUILD ARE REQUIRED TO BE

1 STARTED IN THE SEQUENCE OF CONSTRUCTION. THE SEQUENCE OF CONSTRUCTION, AS SET FORTH
2 IN THE APPROVED PLANS AND SPECIFICATIONS, SHALL BE INCORPORATED INTO THE
3 AGREEMENT BY REFERENCE. FAILURE TO CONSTRUCT ROAD IMPROVEMENTS IN ACCORDANCE
4 WITH THE DEVELOPER AGREEMENT, AND INCORPORATED APPROVED PLANS AND SPECIFICATIONS,
5 MAY RESULT IN DEFAULT IN ACCORDANCE WITH THE AGREEMENT AND BUILDING PERMITS SHALL
6 NOT BE ISSUED. The Director of the Department of Planning and Zoning may authorize
7 submission of the original final plat if the developer agreement is not complete, but is in process
8 and can be fully executed in a timely manner.

9
10 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

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

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

13
14 **Section 16.156. Procedures.**

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

29
30 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

31 **Subtitle 11. Adequate Public Facilities.**

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Section 16.1100. Short title; background; purpose; organization.

(b) *Background:*

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

(3) *Elements of the growth management process.* This subtitle is one of five interconnected elements that constitute the growth management process. Each element has a part to play in providing the predictability required for planning and implementing adequate public facilities.

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

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

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

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

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

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

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

20 C. EACH REVIEW COMMITTEE SHALL BE COMPRISED OF:

- 21 1. TWO APPOINTEES FROM EACH MEMBER OF THE COUNTY COUNCIL;
- 22 2. THREE APPOINTEES FROM THE COUNTY EXECUTIVE; AND
- 23 3. ONE APPOINTEE FROM THE BOARD OF EDUCATION; AND
- 24 4. ONE APPOINTEE FROM THE HOWARD COUNTY PUBLIC SCHOOL
25 SYSTEM
26 SUPERINTENDENT.

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

31

1 **Section 16.1101. Adequate transportation facilities.**

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

- 5 (1) Road facilities in existence as of the date the developer submits the application for
6 approval of the project;
- 7 (2) New road facilities or improvements to existing road facilities for which sufficient funds
8 have been included in the Howard County Capital Program or Extended Capital Program
9 as defined in title 22 of the Howard County Code or the Maryland Consolidated
10 Transportation Program so that the facilities will be substantially completed before or
11 during the scheduled completion year of the project, unless the Director of Planning and
12 Zoning, after consultation with the Director of Public Works, demonstrates that such
13 facilities or improvements are not likely to be completed by that time.
- 14 (3) New road facilities or improvements to existing road facilities which:
- 15 (i) Have been included in developers' mitigation plans submitted for approval to the
16 Department of Planning and Zoning before the project which is being tested; [[and]]
17 (ii) Which are scheduled to be substantially completed before or during the scheduled
18 completion year of the proposed project[.]; AND
19 (iii) HAVE BEEN INCLUDED IN A DEVELOPER AGREEMENT WHICH SHALL INCLUDE THE
20 INFORMATION REQUIRED BY SECTION 16.147(E) AND SECTION 16.156 (K) OF THIS
21 CODE.
- 22 (4) The mitigation proposed by the developer.

23
24 **Section 16.1102. Housing unit allocation concept; housing unit allocation chart.**

25 (b) *Housing Unit Allocation Chart:*

- 26 (3) *Preparation and adoption.* The Department of Planning and Zoning shall prepare and
27 update the housing unit allocation chart for consideration and adoption by the County
28 Council. Once each year, and more often if the Council determines that amendments are
29 appropriate, the county council shall adopt the housing unit allocation chart by resolution,
30 after a public hearing. Whenever the housing unit allocation chart is adopted or amended,

1 the [[open/closed]]SCHOOL CAPACITY chart shall be adopted or amended concurrently to
2 be consistent.

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

7 (vi) REDISTRIBUTION OF HOUSING UNIT ALLOCATIONS WITHIN AN APPROVED FINAL
8 DEVELOPMENT PLAN IS PERMITTED WITHIN THE FIRST FOUR YEARS OF THE FINAL
9 DEVELOPMENT PLAN PHASING WITHOUT BEING SUBJECT TO SECTION 16.1104(B)
10 OR RETESTING FOR HOUSING UNIT ALLOCATIONS AND ADEQUATE SCHOOL
11 FACILITIES PROVIDED:

12 A. THE TOTAL NUMBER OF HOUSING UNIT ALLOCATIONS APPROVED BY THE
13 FINAL DEVELOPMENT PLAN IS NOT EXCEEDED;

14 B. MILESTONES ARE SATISFIED FOR ALL PLAN PROCESSING;

15 C. THE REDISTRIBUTION OF UNITS COMPLIES WITH THE DOWNTOWN
16 REVITALIZATION PHASING PROGRESSION REQUIREMENTS; AND

17 D. ALL NECESSARY CEPPA REQUIREMENTS HAVE BEEN MET.

18 THE REDISTRIBUTION OF UNITS MAY BE SUBJECT TO RETESTING FOR ADEQUATE
19 TRANSPORTATION FACILITIES IF THE DEPARTMENT OF PLANNING AND ZONING,
20 IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC WORKS, FINDS IT
21 APPROPRIATE TO RETEST BASED ON THE NUMBER OF UNITS BEING
22 REDISTRIBUTED AND EXISTING CRITICAL LANE VOLUME.

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

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

29 **Section 16.1103. Adequate school facilities.**

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

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

7 ([[ii]]2) The elementary, [[and]] middle, AND HIGH schools which will serve the proposed
8 project will be open for new residential development during the scheduled completion
9 year of the project and any phase of a project.

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

11 (1) *Definition.* The [[open/closed]]SCHOOL CAPACITY chart is a chart indicating which
12 elementary school regions and which elementary, [[schools and]] middle, AND HIGH
13 schools are open for new residential development and which are [[closed]] CONSTRAINED
14 each year for each of the following ten years[[.]], AND SHALL BE BASED ON THE DEFINITION
15 OF PROGRAM CAPACITY DEFINED BY HCPSS POLICY.

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

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

26 The Department of Planning and Zoning shall receive the [open/closed]]SCHOOL
27 CAPACITY chart, from the [[Department]]BOARD of Education, ACCOMPANIED
28 BY A REPORT THAT CONTAINS THE FOLLOWING INFORMATION FOR EACH SCHOOL:

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

30 (II) THE DATE OF THE LAST REDISTRICTING WHICH IMPACTED THE ATTENDANCE
31 AREA OF THAT SCHOOL;

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

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

8 A. CURRENT AND FUTURE FUNDING ASSUMPTIONS FOR THE CAPITAL
9 IMPROVEMENT PROJECT(S);

10 B. FUTURE REDISTRICTING ASSUMPTIONS ASSOCIATED WITH THE
11 CAPITAL IMPROVEMENT PROJECT; AND

12 C. AN EXPLANATION OF ANY CAPACITY UTILIZATION CHANGES BASED ON (A) OR
13 (B).

14 The [[open/closed]]SCHOOL CAPACITY chart shall be submitted to the County Council for
15 adoption by resolution after a public hearing. Whenever the County Council adopts,
16 amends, or updates the housing unit allocation chart, it shall concurrently adopt the
17 [[open/closed]]SCHOOL CAPACITY chart.

18 (D) *JOINT SPECIAL WORK MEETING ON SCHOOLS NEARING CAPACITY.* UPON RECEIVING
19 WRITTEN NOTIFICATION FROM THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM THAT
20 A SCHOOL OR SCHOOL REGION HAS REACHED 95% CAPACITY UTILIZATION AND IS
21 PROJECTED TO EXCEED 110% CAPACITY UTILIZATION WITHIN FIVE YEARS AS WELL AS
22 THE BOARD OF EDUCATION'S PROPOSED SOLUTION TO ADDRESS THE PROJECTED
23 OVERCROWDING, THE COUNTY COUNCIL SHALL HOLD A JOINT SPECIAL WORK
24 MEETING. THE COUNCIL SHALL INVITE THE COUNTY EXECUTIVE AND THE BOARD OF
25 EDUCATION TO ATTEND THE MEETING AND PARTICIPATE IN A COLLABORATIVE
26 WORKING DISCUSSION OF SCHOOL CAPACITY NEEDS AND THE BOARD'S PROPOSED
27 SOLUTION. THE COUNCIL SHALL GIVE THE GENERAL PUBLIC THREE WEEKS' NOTICE
28 BEFORE THE MEETING TO ALLOW THE PUBLIC TO PROVIDE WRITTEN COMMENT.

29 "(E) SPECIAL AFFORDABLE HOUSING OPPORTUNITIES. TO BALANCE THE COUNTY'S
30 POLICY GOALS TO PROVIDE ADEQUATE SCHOOL FACILITIES AND AFFORDABLE
31 HOUSING IN ACCORDANCE WITH SECTION 7-101 OF THE LAND USE ARTICLE OF THE

1 ANNOTATED CODE OF MARYLAND AND THE COUNTY'S GENERAL PLAN, IF AN
2 AFFORDABLE HOUSING PROJECT OR PHASE OF A PROJECT IS LOCATED IN THE
3 ATTENDANCE AREA OF A SCHOOL THAT IS CLOSED FOR DEVELOPMENT DUE TO
4 PROJECTED ENROLLMENT IN THE SCHOOL CAPACITY CHART, THE DIRECTOR OF THE
5 DEPARTMENT OF PLANNING AND ZONING SHALL AUTHORIZE THE AFFORDABLE
6 HOUSING PROJECT TO PROCEED SUBJECT TO ALL OTHER PROVISIONS OF THIS
7 SUBTITLE, PROVIDED THAT:

8 (1) AT LEAST 40% OF THE UNITS SHALL BE AFFORDABLE TO HOUSEHOLDS
9 EARNING 60% OR LESS OF THE METROPOLITAN STATISTICAL AREA MEDIAN
10 INCOME;

11 (2) THE PROJECT OR PHASE OF A PROJECT IS LED BY OR IN PARTNERSHIP WITH A
12 LOCAL NONPROFIT OR THE HOUSING COMMISSION;

13 (3) THE PROJECT OR PHASE OF A PROJECT IS SEEKING OR HAS RECEIVED AN
14 ALLOCATION OF LOW-INCOME HOUSING TAX CREDITS OR OTHER STATE OR
15 FEDERAL FINANCIAL ASSISTANCE FOR AFFORDABLE HOUSING;

16 (4) THE PROJECT OR PHASE OF A PROJECT HAS OBTAINED A LETTER OF SUPPORT
17 FROM THE COUNTY EXECUTIVE; AND

18 (5) THE COUNTY COUNCIL AND COUNTY EXECUTIVE HAVE APPROVED EITHER
19 A PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT FOR THE PROJECT OR
20 A RESOLUTION AUTHORIZING THE PROJECT TO PROCEED. AS PART OF THE
21 APPROVAL OF THE PILOT OR RESOLUTION, THE COUNCIL SHALL HOLD A
22 PUBLIC HEARING AND CONSIDER:

23 (I) THE CAPACITY UTILIZATION AT THE SCHOOL OR SCHOOLS
24 IMPACTED BY THE PROJECT AND AT ADJACENT SCHOOLS,
25 INCLUDING LIMITING THE POTENTIAL IMPACT ON ANY
26 ELEMENTARY OR MIDDLE SCHOOL WITH A CAPACITY
27 UTILIZATION RATE GREATER THAN 115% UNLESS AN ADJACENT
28 SCHOOL WITH THE SAME GRADE LEVELS HAS A CAPACITY
29 UTILIZATION RATE OF 100% OR LESS;

30 (II) ESTIMATED STUDENT GENERATION FROM THE PROJECT;

1 (III) ANY POTENTIAL FOR THE BOARD OF EDUCATION TO ADD
2 CAPACITY TO THE IMPACTED SCHOOL OR SCHOOLS THROUGH
3 REDISTRICTING, FACILITY EXPANSION, OR OTHER PROGRAMS;
4 AND

5 (IV) THE NEED FOR AFFORDABLE HOUSING IN THE COUNTY,
6 INCLUDING FACTORS SUCH AS THE HOUSING COST BURDEN ON
7 FAMILIES, THE AVAILABILITY OF HOUSING FOR INDIVIDUALS
8 WITH DISABILITIES, AND THE EXTENT OF HOMELESSNESS
9 AMONG FAMILIES AND SCHOOL CHILDREN.

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

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

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

17 (2) *Test for allocations:*

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

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

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

- 1 c. *Revised housing unit allocation chart adopted.* Whenever a revised housing unit
2 allocation chart is adopted, the Department of Planning and Zoning shall test
3 projects on the list of applications waiting for housing unit allocations. When
4 housing unit allocations become available to serve a project, the Director of
5 Planning and Zoning shall assign tentative allocations.
- 6 (ii) *Comprehensive projects.* Upon receipt of a complete initial plan stage application for
7 approval of a comprehensive project, the Department of Planning and Zoning shall
8 test the project for housing unit allocations.
- 9 a. *Allocations available.* If housing unit allocations are available for the scheduled
10 completion year for unphased projects or for the scheduled completion year for
11 the initial and future phases for phased comprehensive projects, the Director of
12 Planning and Zoning shall assign tentative housing unit allocations.
- 13 b. *Allocations not available.* Subject to subsection 16.1104(b)(2), if housing unit
14 allocations are not available for the scheduled completion year for unphased
15 projects or for the scheduled completion year for the initial or future phases for
16 phased comprehensive projects, the application shall be placed on the bottom of
17 a list of applications waiting for housing unit allocations.
- 18 c. *Revised housing unit allocation chart adopted.* Whenever a revised housing unit
19 allocation chart is adopted, the Director of Planning and Zoning shall test
20 projects on the list of applications waiting for housing unit allocations. When
21 housing unit allocations become available to serve a project, or phase of a
22 project, the Director of Planning and Zoning shall assign tentative allocations.
- 23 (3) *[[Open/closed]]SCHOOL CAPACITY test.* Upon assignment of tentative housing unit
24 allocations, the project shall be tested for adequate public schools.
- 25 (i) *Projects passing [[open/closed]]SCHOOL CAPACITY test.* Once a project has passed
26 the *[[open/closed]]SCHOOL CAPACITY test*, no further approval for adequate public
27 facilities for that project is required during the subdivision or site development plan
28 approval process, except as provided in subsection 16.1105(d).
- 29 (ii) *Projects failing [[open/closed]]SCHOOL CAPACITY test.* PARAGRAPH (7) OF THIS
30 SUBSECTION SHALL APPLY IF *[[If]]* a project fails one or more components of the
31 *[[open/closed]]SCHOOL CAPACITY test* for the scheduled completion year for

1 unphased projects or for the scheduled completion year for the initial or future phases
2 for phased projects[[, the project or phase of the project failing the open/closed test
3 shall be retested for each of the next three consecutive years. If the project or phase
4 of the project passes the test in any of those years it shall be permitted to proceed
5 with processing three years prior to the year in which it passes the open/closed test.
6 If the project or phase of the project fails the test for each of the next three
7 consecutive years, it shall be deemed to have passed the open/closed test in the fourth
8 year and shall be permitted to proceed with processing three years prior to the year
9 it is deemed to have passed the test]].

10 [[(iii) *Projects failing open/closed test due to incorrect advisory comments.* If a project
11 has failed the November 6, 2001 open/closed test due to reliance on incorrect
12 Department of Planning and Zoning advisory comments regarding that project's
13 elementary school region prior to a determination by the Board of Education, the
14 project may be permitted to retake the schools test once retroactively to November
15 6, 2001 based on an amended subdivision sketch plan without losing its allocations.]]

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

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

30 (6) *Extension of milestone dates.* The Director of Planning and Zoning shall extend the next
31 milestone for projects failing the allocations test or [[open/closed]]SCHOOL CAPACITY test

1 to correspond to the delay in processing of the project. The Department of Planning and
2 Zoning shall notify the applicant, in writing, of the next milestone prior to the starting
3 date of the milestone.

4 (7) *WAITING PERIOD.*

5 (i) IF A PROJECT OR PHASE OF A PROJECT WAS NEVER ON THE LIST OF APPLICATIONS WAITING
6 FOR HOUSING UNIT ALLOCATIONS AND HAS RECEIVED HOUSING UNIT ALLOCATIONS,
7 THEN DEVELOPMENT MAY PROCEED AS FOLLOWS:

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

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

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

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

19 (ii) IF A PROJECT OR PHASE OF A PROJECT IS ON THE LIST OF APPLICATIONS WAITING
20 FOR HOUSING UNIT ALLOCATIONS AND RECEIVES HOUSING UNIT ALLOCATIONS
21 WITHIN SIX YEARS, THEN SUBPARAGRAPH (i) OF PARAGRAPH (7) OF THIS
22 SUBSECTION APPLIES SUBJECT TO THE FOLLOWING MAXIMUM WAITING
23 PERIODS:

24 A. IF A PROJECT OR PHASE OF A PROJECT HAS WAITED FOR THREE YEARS OR
25 FEWER TO RECEIVE HOUSING ALLOCATIONS, THE COMBINED NUMBER OF
26 YEARS THE PROJECT OR PHASE OF A PROJECT WAITS TO RECEIVE HOUSING
27 UNIT ALLOCATIONS AND PASS THE SCHOOL CAPACITY TEST SHALL NOT
28 EXCEED SIX YEARS.

29 B. IF A PROJECT OR PHASE OF A PROJECT HAS WAITED FOR FOUR OR FIVE YEARS TO
30 RECEIVE HOUSING ALLOCATIONS, THE COMBINED NUMBER OF YEARS THE PROJECT OR

1 PHASE OF A PROJECT WAITS TO RECEIVE HOUSING UNIT ALLOCATIONS AND PASS THE
2 SCHOOL CAPACITY TEST SHALL NOT EXCEED SEVEN YEARS.

3 (III) IF A PROJECT OR PHASE OF A PROJECT IS ON THE ALLOCATION WAITING LIST AND
4 RECEIVES ALLOCATIONS AFTER SIX YEARS OR MORE OF BEING ON THE LIST, THEN THE
5 PROJECT OR PHASE OF A PROJECT MAY PROCEED UPON PASSING A SCHOOL CAPACITY
6 TEST. IF THE PROJECT FAILS THE SCHOOL CAPACITY TEST, THEN IT MUST WAIT ONE
7 ADDITIONAL YEAR TO BE RETESTED. AFTER BEING RETESTED, THE PROJECT SHALL BE
8 DEEMED TO HAVE PASSED THE SCHOOL CAPACITY TEST.

9
10 **Section 16.1107. Exemptions.**

11 (b) *Residential Projects:*

12 (8) *PARTIALLY EXEMPT RESIDENTIAL SUBDIVISION PLANS.* EXCEPT IN DOWNTOWN COLUMBIA,
13 MODERATE INCOME HOUSING UNITS DO NOT REQUIRE HOUSING UNIT ALLOCATIONS.
14 HOWEVER, PLANS WITH MODERATE INCOME HOUSING UNITS ARE REQUIRED TO PASS THE
15 TEST FOR ADEQUATE ROAD FACILITIES AND ADEQUATE PUBLIC SCHOOLS AS A CONDITION
16 OF APPROVAL. THE NUMBER OF MODERATE INCOME HOUSING UNITS IN EACH PLAN THAT
17 DO NOT REQUIRE HOUSING UNIT ALLOCATIONS SUBJECT TO THIS EXEMPTION SHALL NOT
18 EXCEED THE NUMBER OF MODERATE INCOME HOUSING UNITS AS REQUIRED IN THE
19 HOWARD COUNTY ZONING REGULATIONS.

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

25 **Section 16.1110. Definitions.**

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

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

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

3 (1) Regional pass-through users; and

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

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

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

11 (D-1) *CAPACITY UTILIZATION* MEANS THE RATIO OF A FACILITY'S ENROLLMENT TO ITS PROGRAM
12 CAPACITY.

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

14 (1) New Town (NT)

15 (2) Planned Golf Course Community (PGCC)

16 (3) Mixed Use (MXD)

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

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

22
23 In the no-planned service area for water and sewerage, a constrained road facility means the
24 intersection of a minor collector or higher classified road with a minor collector or higher classified
25 road which has historic or environmental value which would be adversely affected by certain road
26 improvements.

27
28 The County Council, by resolution, declares a road facility constrained and identifies the feature(s)
29 which form the basis for its decision to declare the road facility constrained.

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

- 1 (h) *Downtown Columbia* means the geographic area defined as Downtown Columbia in section
2 103.A.41 of the Howard County Zoning Regulations.
- 3 (i) *Exempt governmental facility* means:
- 4 (1) A facility to be owned or operated by the Federal Government, State Government, Howard
5 County Public Schools, or any agency thereof;
- 6 (2) A facility owned by Howard County or any agency thereof where essential County
7 Government services are provided, [[including]] LIMITED TO police services, fire
8 prevention and suppression services, emergency medical services, highway maintenance,
9 detention facilities, water treatment and supply, sewage disposal and treatment and solid
10 waste disposal.
- 11 (j) *Final development plan proposing Downtown Columbia Revitalization* means a drawing or
12 series of drawings, at an appropriate scale, and related text covering all or a portion of Downtown
13 Columbia that proposes development pursuant to section 125.E of the zoning regulations.
- 14 (k) *Floor area ratio* means the ratio of the floor area of a structure to the lot area, where:
- 15 (1) The floor area is calculated by measuring the exterior faces of the walls of the structure
16 minus any area within the structure devoted to parking, driveways, atria, enclosed malls
17 and similar areas; and
- 18 (2) The lot area is calculated including any adjoining lots used for required parking for the
19 structure.
- 20 (l) *General plan target; general plan residential growth target* means for the purposes of this
21 subtitle, the general plan target and general plan residential growth target mean the housing unit
22 projections established in the general plan for each planning area including the senior east set aside,
23 and in addition 250 housing units per year for Route 1 revitalization.
- 24 (m) *Governmental action* means the action or inaction of a governmental agency in relation to a
25 timely filed action by a developer. For the purposes of this subtitle, governmental agency means
26 an agency of the Federal, State, or local government, including, but not limited to, the U.S. Corps
27 of Engineers, the Maryland Department of the Environment, the Zoning Board, and the Board of
28 Appeals.
- 29 (n) *Housing unit allocation or allocation* means an approval to build a housing unit.

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

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

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

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

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

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

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

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

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

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

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

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

13 (q) *Impact area*:

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

22 (2) In no-planned service area for public water and sewer. In that portion of the County
23 in the no planned service area for public water and sewer, an impact area means an area up
24 to two road miles in all directions from the entrance to a project on an existing County or
25 State road or a planned roadway or intersection identified in the capital budget or capital
26 program, but not beyond the intersection of a minor collector or higher classified road with
27 a minor collector or higher classified road.]]

28 (1) IMPACT AREA MEANS THE SET OF INTERSECTIONS TO BE STUDIED. IN ACCORDANCE
29 WITH THE TABLE BELOW, THE PROJECTED TRIP GENERATION OF A PROJECT SHALL
30 DETERMINE THE MINIMUM NUMBER OF INTERSECTIONS TO BE INCLUDED IN THE
31 IMPACT AREA.

1

NET PEAK HOUR SITE TRIPS	MINIMUM NUMBER OF INTERSECTIONS IN EACH DIRECTION
5 – 50 <u>99</u>	1
51 <u>100</u> – 399	2
400 – 799	3
800 – 1500	4
>1500	5

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(2) FOR PROJECTS IN THE PLANNED SERVICE AREA FOR PUBLIC WATER AND SEWER, EXCLUDING DOWNTOWN COLUMBIA, ~~AND FOR THE STANDARD IMPACT AREA IS LIMITED TO INTERSECTIONS WITHIN ONE AND A HALF ROAD MILES IN ALL DIRECTIONS FROM EACH ENTRANCE TO THE PROJECT.~~ FOR PROJECTS OUTSIDE THE PLANNED SERVICE AREA FOR PUBLIC WATER AND SEWER, THE STANDARD IMPACT AREA IS LIMITED TO INTERSECTIONS WITHIN TWO ROAD MILES IN ALL DIRECTIONS FROM EACH ENTRANCE TO THE PROJECT. INSIDE THE PLANNED SERVICE AREA FOR PUBLIC WATER AND SEWER, THE MINIMUM NUMBER OF INTERSECTIONS IN EACH DIRECTION REFERS TO ~~SIGNALIZED INTERSECTIONS~~ INTERSECTIONS OF A MAJOR COLLECTOR OR HIGHER CLASSIFIED ROAD WITH A MAJOR COLLECTOR OR HIGHER CLASSIFIED ROAD FOR THE STANDARD IMPACT AREA. OUTSIDE THE PLANNED SERVICE AREA FOR PUBLIC WATER AND SEWER, THE MINIMUM NUMBER OF INTERSECTIONS IN EACH DIRECTION REFERS TO INTERSECTIONS OF A MINOR COLLECTOR OR HIGHER CLASSIFIED ROAD WITH A MINOR COLLECTOR OR HIGHER CLASSIFIED ROAD FOR THE STANDARD IMPACT AREA. INSIDE OR OUTSIDE THE PLANNED SERVICE AREA FOR PUBLIC WATER AND SEWER, IF AN INTERSECTION AT AN ENTRANCE TO THE PROJECT IS INCLUDED IN THE IMPACT AREA, IT SHALL NOT COUNT TOWARD THE MINIMUM NUMBER OF INTERSECTIONS IN EACH DIRECTION.

1
2 (3) THE DEPARTMENT OF PLANNING AND ZONING MAY EXTEND THE DISTANCE OF THE
3 IMPACT AREA OR INCLUDE ADDITIONAL SIGNALIZED OR NON-SIGNALIZED
4 INTERSECTIONS IF, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC WORKS,
5 IT FINDS THAT SUCH AN EXPANSION IS APPROPRIATE BASED ON INTERSECTION
6 LOCATION, ANTICIPATED TRIP DISTRIBUTION, EXISTING LEVEL OF SERVICE, OR
7 KNOWN OPERATIONAL COMPLAINTS.

8 (3) IF A DEVELOPMENT IS PROJECTED TO GENERATE 100 PEAK HOUR TRIPS OR MORE FOR
9 EITHER THE AM OR PM STUDY PERIOD, THE DEVELOPER SHALL REQUEST A TRAFFIC
10 IMPACT AREA SCOPING MEETING PRIOR TO SUBMITTING THE PLAN FOR THE
11 DEVELOPMENT. THE DEPARTMENT OF PLANNING AND ZONING SHALL DETERMINE
12 WHETHER THE SCOPING MEETING WILL BE CONDUCTED BY EMAIL, PHONE, IN-PERSON, OR
13 VIRTUAL MEETING, AND SHALL, TOGETHER WITH THE DEPARTMENT OF PUBLIC WORKS,
14 CONDUCT THE MEETING WITH THE DEVELOPER TO DISCUSS IF THE DISTANCE OF THE
15 STANDARD IMPACT AREA SHOULD BE EXTENDED OR IF ANY ADDITIONAL INTERSECTIONS
16 SHOULD BE INCLUDED IN THE IMPACT AREA. THE DEPARTMENT OF PLANNING AND
17 ZONING, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC WORKS, SHALL
18 DETERMINE THE ADDITIONAL INTERSECTIONS TO BE STUDIED, IF ANY, BASED ON
19 INTERSECTION LOCATION, ANTICIPATED TRIP DISTRIBUTION, EXISTING LEVEL OF
20 SERVICE, OR KNOWN OPERATIONAL COMPLAINTS AND NOTIFY THE DEVELOPER IN
21 WRITING OF THE INTERSECTIONS TO BE STUDIED WITHIN ONE WEEK FOLLOWING THE
22 SCOPING MEETING. THE DEPARTMENT OF PLANNING AND ZONING MAY WAIVE THE
23 REQUIREMENT TO STUDY A CERTAIN INTERSECTION IF THE DEPARTMENT OF PUBLIC
24 WORKS HAS ON FILE A VALID TRAFFIC STUDY OF THAT INTERSECTION WHICH WAS
25 COMPLETED WITHIN THE LAST YEAR. IF, DURING THE PLAN REVIEW PROCESS, THE PEAK
26 HOUR TRIPS GENERATED BY THE PROPOSED DEVELOPMENT CHANGES BY 10% OR MORE
27 OR BY 15 TRIPS OR MORE, WHICHEVER IS GREATER, A NEW SCOPING MEETING WILL BE
28 REQUIRED AND THE DEPARTMENT OF PLANNING AND ZONING, IN CONSULTATION WITH
29 THE DEPARTMENT OF PUBLIC WORKS, MAY REQUIRE ADDITIONAL INTERSECTIONS TO BE
30 STUDIED BASED ON INTERSECTION LOCATION, ANTICIPATED TRIP DISTRIBUTION,
31 EXISTING LEVEL OF SERVICE, OR KNOWN OPERATIONAL COMPLAINTS.

1 FOR DOWNTOWN COLUMBIA THE IMPACT AREA SHALL BE DETERMINED IN ACCORDANCE
2 WITH THE HOWARD COUNTY DESIGN MANUAL.

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) FOR A SCHOOL CAPACITY CHART ADOPTED PRIOR TO JANUARY 1, 2019, OPEN HAS THE
29 FOLLOWING MEANINGS:

1 (([1])i) School region—Open means that the projected [[enrollment]] CAPACITY UTILIZATION
2 of a school region is below 115 percent [[of the program capacity]] of the elementary
3 schools within the region.

4 (([2])ii) Elementary school—Open means that the projected [[enrollment]] CAPACITY
5 UTILIZATION of the elementary school is below 115 percent [[of the program capacity]]
6 of the school.

7 (([3])iii) Middle school—Open means that the projected [[enrollment]] CAPACITY
8 UTILIZATION of the middle school is below 115 percent [[of the program capacity]] of the
9 school.

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

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

15 (ii) ELEMENTARY SCHOOL—OPEN MEANS THAT THE PROJECTED ENROLLMENT OF THE
16 ELEMENTARY SCHOOL IS BELOW 105 PERCENT OF THE PROGRAM CAPACITY OF THE
17 SCHOOL.

18 (iii) MIDDLE SCHOOL—OPEN MEANS THAT THE PROJECTED ENROLLMENT OF THE MIDDLE
19 SCHOOL IS BELOW 110 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL.

20 (iv) HIGH SCHOOL—OPEN MEANS THAT THE PROJECTED ENROLLMENT OF THE HIGH
21 SCHOOL IS BELOW 115 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL.

22 [[(z)] *Open/closed chart* means a chart indicating which elementary school regions and which
23 elementary and middle schools are open to new residential development and which are closed
24 to new residential development for the each of the following ten years.

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

28 [[(ab)]z] *Phased project* means a project utilizing phasing.

29 [[(ac)]AA] *Phasing* means the sequential development of portions of a subdivision pursuant to a
30 sketch plan which includes a schedule for submission of preliminary and final plan applications
31 for the various phases of the project and a schedule for completion of these phases.

1 ([[ad]]AB) *Plan stage* means one of the three levels of a subdivision plan—sketch plan, preliminary
2 plan, and final plan.

3 ([[ae]]AC) *Planning region* means a geographic area of the County identified in the general plan
4 that is used for forecasting housing growth.

5 ([[af]]AD) *Program capacity* means the capacity, as defined by the Howard County Board of
6 Education POLICIES, for grades kindergarten through grade [[8]]12. Program capacity does not
7 include PREKINDERGARTEN, special education and relocatable capacity.

8 ([[ag]]AE) *Road facilities*:

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

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

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

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

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

23 (1) *Road facilities*:

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

28 (ii) *Residential projects*:

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

1 b. When used in relation to road facilities serving phased conventional residential
2 projects, "scheduled completion year" of the initial phase of the project means
3 the third year following the year the application is submitted. The scheduled
4 completion year of subsequent phases of the project are the years indicated for
5 scheduled completion of the phases of the project as approved on the subdivision
6 or site development plan.

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

11 (2) *Schools:*

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

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

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

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

25 (AH) *SCHOOL CAPACITY CHART* MEANS A CHART INDICATING WHICH ELEMENTARY SCHOOL REGIONS
26 AND WHICH ELEMENTARY, MIDDLE, AND HIGH SCHOOLS ARE OPEN TO NEW RESIDENTIAL
27 DEVELOPMENT AND WHICH ARE CONSTRAINED TO NEW RESIDENTIAL DEVELOPMENT FOR EACH OF
28 THE FOLLOWING TEN YEARS.

29 (AI) *SCHOOL CAPACITY TEST* MEANS A TEST TO DETERMINE WHETHER THE ELEMENTARY SCHOOL
30 REGION AND ELEMENTARY, MIDDLE, AND HIGH SCHOOL SERVING A PROPOSED PROJECT ARE OPEN TO

1 NEW RESIDENTIAL DEVELOPMENT IN THE SCHEDULED COMPLETION YEAR OF THE PROJECT OR THE
2 PHASES OF THE PROJECT.

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

5 ([[ak]]AK) *Unphased project* means a project which does not utilize phasing.
6

7 **SECTION 16.1111. – ADEQUATE WATER, SEWER, STORMWATER, AND SOLID WASTE FACILITIES.**

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

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

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

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

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

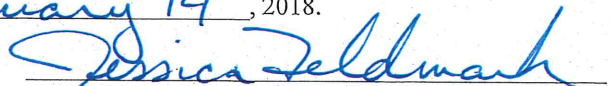
21 (B) *STORMWATER.* STORMWATER FACILITIES SHALL BE CONSIDERED ADEQUATE IF APPROVED
22 SUBDIVISION PLANS AND SITE DEVELOPMENT PLANS COMPLY WITH ALL APPLICABLE
23 REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, THE STANDARDS ESTABLISHED IN
24 SECTION 16.133 (“STORM DRAINAGE”) AND TITLE 18 (“PUBLIC WORKS”),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

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

1 **Section 2. *And Be It Further Enacted*** by the County Council of Howard County, Maryland,
2 *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 February 14, 2018.



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 _____, 2018.

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 _____, 2018.

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 _____, 2018.

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 _____, 2018.

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 _____, 2018.

Jessica Feldmark, Administrator to the County Council

Amendment 3 to Council Bill 1-2018

BY: Mary Kay Sigaty

Legislative Day No: 2
Date: February 5, 2018

Amendment No. 3

1 (This amendment would create a process to balance the County's policy goals to provide
2 adequate school facilities and affordable housing.)
3

4 On page 10, immediately following line 28, insert the following:

5 “(E) SPECIAL AFFORDABLE HOUSING OPPORTUNITIES.

6 TO BALANCE THE COUNTY’S POLICY GOALS TO PROVIDE ADEQUATE SCHOOL FACILITIES
7 AND AFFORDABLE HOUSING IN ACCORDANCE WITH SECTION 7-101 OF THE LAND USE
8 ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND THE COUNTY’S GENERAL
9 PLAN, IF AN AFFORDABLE HOUSING PROJECT OR PHASE OF A PROJECT IS LOCATED IN THE
10 ATTENDANCE AREA OF A SCHOOL THAT IS CLOSED FOR DEVELOPMENT DUE TO
11 PROJECTED ENROLLMENT IN THE SCHOOL CAPACITY CHART, THE DIRECTOR OF THE
12 DEPARTMENT OF PLANNING AND ZONING SHALL AUTHORIZE THE AFFORDABLE
13 HOUSING PROJECT TO PROCEED SUBJECT TO ALL OTHER PROVISIONS OF THIS SUBTITLE,
14 PROVIDED THAT:

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

17 (2) THE PROJECT OR PHASE OF A PROJECT IS LED BY OR IN PARTNERSHIP WITH A LOCAL
18 NONPROFIT OR THE HOUSING COMMISSION;

19 (3) THE PROJECT OR PHASE OF A PROJECT IS SEEKING OR HAS RECEIVED AN
20 ALLOCATION OF LOW-INCOME HOUSING TAX CREDITS OR OTHER STATE OR
21 FEDERAL FINANCIAL ASSISTANCE FOR AFFORDABLE HOUSING;

22 (4) THE PROJECT OR PHASE OF A PROJECT HAS OBTAINED A LETTER OF SUPPORT
23 FROM THE COUNTY EXECUTIVE; AND

24 (5) THE COUNTY COUNCIL AND COUNTY EXECUTIVE HAVE APPROVED EITHER A
25 PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT FOR THE PROJECT OR A
26 RESOLUTION AUTHORIZING THE PROJECT TO PROCEED. AS PART OF THE

1 APPROVAL OF THE PILOT OR RESOLUTION, THE COUNCIL SHALL HOLD A PUBLIC
2 HEARING AND CONSIDER:

3 (I) THE CAPACITY UTILIZATION AT THE SCHOOL OR SCHOOLS IMPACTED
4 BY THE PROJECT AND AT ADJACENT SCHOOLS, INCLUDING LIMITING
5 THE POTENTIAL IMPACT ON ANY ELEMENTARY OR MIDDLE SCHOOL
6 WITH A CAPACITY UTILIZATION RATE GREATER THAN 115% UNLESS
7 AN ADJACENT SCHOOL WITH THE SAME GRADE LEVELS HAS A
8 CAPACITY UTILIZATION RATE OF 100% OR LESS;

9 (II) ESTIMATED STUDENT GENERATION FROM THE PROJECT;

10 (III) ANY POTENTIAL FOR THE BOARD OF EDUCATION TO ADD CAPACITY
11 TO THE IMPACTED SCHOOL OR SCHOOLS THROUGH REDISTRICTING,
12 FACILITY EXPANSION, OR OTHER PROGRAMS; AND

13 (HH IV) THE NEED FOR AFFORDABLE HOUSING IN THE COUNTY,
14 INCLUDING FACTORS SUCH AS THE HOUSING COST BURDEN ON
15 FAMILIES FAMILIES, THE AVAILABILITY OF HOUSING FOR
16 INDIVIDUALS WITH DISABILITIES, AND THE EXTENT OF
17 HOMELESSNESS AMONG FAMILIES AND SCHOOL CHILDREN.”

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ADOPTED

as amended 2/5/18

FAILED

SIGNATURE

Jessica Feldman

Amendment 1 to Amendment 3 Council Bill No. 1 - 2018

BY: Jennifer Terrasa

Legislative Day No: ²

Date: 2/5/18

Amendment No. 1

(This amendment proposes that only developments that are led by or work with either a local nonprofit or the Housing Commission would be eligible for this provision.)

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On page 1, immediately following line 16, insert:

“(2) THE PROJECT OR PHASE OF A PROJECT IS LED BY OR IN PARTNERSHIP WITH A LOCAL NONPROFIT OR THE HOUSING COMMISSION;”.

Renumber the remainder of the section accordingly.

ADOPTED 2/5/18
FAILED _____
SIGNATURE Jessica Aldman

Amendment 4 Amendment No. 3 to Council Bill No. 1-2018

BY: Mary Kay Sigaty

Legislative Day No. 2
Date: February 5, 2018

Amendment No. 4

(This amendment adds the consideration of whether housing is available for individuals with disabilities when allowing an affordable housing opportunity to proceed and makes a technical correction.)

- 1 On page 2, in line 11, strike "III" and substitute "IV".
- 2
- 3 On page 2, in line 12, strike "FAMILIES" and substitute "FAMILIES, THE AVAILABILITY OF HOUSING
- 4 FOR INDIVIDUALS WITH DISABILITIES,"

ADOPTED 2/5/18
FAILED _____
SIGNATURE Jessica Feldman

Amendment 5 to Council Bill 1-2018

BY: Jon Weinstein

Legislative Day No: 2
Date: February 5, 2018

Amendment No. 5

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

4 On page 19, in the table that appears between lines 17 and 18:

- 5 • In the second row, strike “50” and substitute “99”; and
 - 6 • In the third row, strike “51” and substitute “100”.
- 7

8 On page 19, in line 20, strike “AND FOR” and substitute the following:

9 “THE STANDARD IMPACT AREA IS LIMITED TO INTERSECTIONS WITHIN ONE AND A HALF ROAD
10 MILES IN ALL DIRECTIONS FROM EACH ENTRANCE TO THE PROJECT. FOR”.
11

12 On page 20, in line 5, after “TO” strike “SIGNALIZED INTERSECTIONS” and substitute
13 “INTERSECTIONS OF A MAJOR COLLECTOR OR HIGHER CLASSIFIED ROAD WITH A MAJOR
14 COLLECTOR OR HIGHER CLASSIFIED ROAD”.
15

16 On page 20, strike lines 15 – 20, and substitute the following:

17 “(3) IF A DEVELOPMENT IS PROJECTED TO GENERATE 100 PEAK HOUR TRIPS OR MORE FOR
18 BITHER THE AM OR PM STUDY PERIOD, THE DEVELOPER SHALL REQUEST A TRAFFIC IMPACT
19 AREA SCOPING MEETING PRIOR TO SUBMITTING THE PLAN FOR THE DEVELOPMENT. THE
20 DEPARTMENT OF PLANNING AND ZONING SHALL DETERMINE WHETHER THE SCOPING MEETING
21 WILL BE CONDUCTED BY EMAIL, PHONE, IN-PERSON, OR VIRTUAL MEETING, AND SHALL, TOGETHER
22 WITH THE DEPARTMENT OF PUBLIC WORKS, CONDUCT A SCOPING THE MEETING WITH THE
23 DEVELOPER TO DETERMINE DISCUSS IF THE DISTANCE OF THE STANDARD IMPACT AREA SHOULD
24 BE EXTENDED OR IF ANY ADDITIONAL INTERSECTIONS SHOULD BE INCLUDED IN THE IMPACT
25 AREA. THE DEPARTMENT OF PLANNING AND ZONING, IN CONSULTATION WITH THE

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DEPARTMENT OF PUBLIC WORKS, SHALL DETERMINE THE ADDITIONAL INTERSECTIONS TO BE STUDIED, IF ANY, BASED ON INTERSECTION LOCATION, ANTICIPATED TRIP DISTRIBUTION, EXISTING LEVEL OF SERVICE, OR KNOWN OPERATIONAL COMPLAINTS AND NOTIFY THE DEVELOPER IN WRITING OF THE INTERSECTIONS TO BE STUDIED WITHIN TWO WEEKS ONE WEEK FOLLOWING THE SCOPING MEETING. THE DEPARTMENT OF PLANNING AND ZONING MAY WAIVE THE REQUIREMENT TO STUDY A CERTAIN INTERSECTION IF THE DEPARTMENT OF PUBLIC WORKS HAS ON FILE A VALID TRAFFIC STUDY OF THAT INTERSECTION WHICH WAS COMPLETED WITHIN THE LAST YEAR. IF, DURING THE PLAN REVIEW PROCESS, THE PEAK HOUR TRIPS GENERATED BY THE PROPOSED DEVELOPMENT CHANGES BY 10% OR MORE OR BY 15 TRIPS OR MORE, WHICHEVER IS GREATER, A NEW SCOPING MEETING WILL BE REQUIRED AND THE DEPARTMENT OF PLANNING AND ZONING, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC WORKS, MAY REQUIRE ADDITIONAL INTERSECTIONS TO BE STUDIED BASED ON INTERSECTION LOCATION, ANTICIPATED TRIP DISTRIBUTION, EXISTING LEVEL OF SERVICE, OR KNOWN OPERATIONAL COMPLAINTS.”.

ADOPTED as amended 2/5/18
FAILED _____
SIGNATURE Jessica Feldman

Amendment 1 to Amendment 5 to Council Bill No. 1 - 2018

BY: Jon Weinstein

Legislative Day No: ²

Date: 2/5/18

Amendment No. 1

(This amendment proposes the specifics for the type of scoping meeting to be conducted and shortens the notification timeframe for intersections to be studied to one week.)

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On page 1, in line 20, after "ZONING" insert the following:

"SHALL DETERMINE WHETHER THE SCOPING MEETING WILL BE CONDUCTED
BY EMAIL, PHONE, IN-PERSON, OR VIRTUAL MEETING, AND".

On the same page, in line 21, strike "A SCOPING" and substitute "THE".

On page 2, in line 3, strike "TWO WEEKS" and substitute "ONE WEEK".

ADOPTED 2/5/18
FAILED
SIGNATURE Jessica Aldmark

Amendment 2 to Amendment 5 to Council Bill No. 1 - 2018

BY: Jennifer Terrasa

Legislative Day No: 2
Date: 2/5/18

Amendment No. 2

(This amendment proposes to change the word "determine" to "discuss".)

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On page 1, in line 21, strike "DETERMINE" and substitute "DISCUSS".

ADOPTED 2/5/18
FAILED _____
SIGNATURE Jenica Feldman

Amendment 1 to Council Bill No. 1 - 2018

BY: Jennifer Terrasa

Legislative Day No. 2
Date: 2/5/18

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 8, in line 17, 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
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ADOPTED _____
FAILED 2/5/18
SIGNATURE Jennifer Terrasa

Amendment 2 to Council Bill 1-2018

BY: Greg Fox

Legislative Day No: 2
Date: 2/5/18

Amendment No. 2

1 (This amendment proposes to:

- 2 1. Allow higher capacity utilization thresholds under specified conditions; and
3 2. Redefine School Capacity Chart and School Region.)
4

5 On page 9, strike beginning in line 3 with the colon and continuing through “[[ii]]2)
6 The” in line 7 and substitute “THE”.

7
8 On page 9, in line 12, strike “elementary school regions and which”.

9
10 On page 22, in line 6, before the period, insert the following: “; OR THE PROJECTED
11 ENROLLMENT OF THE ELEMENTARY SCHOOL IS BELOW 110 PERCENT OF THE PROGRAM
12 CAPACITY OF THE SCHOOL AND THE PROJECTED ENROLLMENT OF THE ELEMENTARY SCHOOL
13 REGION IS BELOW 100 PERCENT OF THE PROGRAM CAPACITY OF THE ELEMENTARY SCHOOLS
14 WITHIN THE REGION”.”

15
16 On page 22, in line 8, before the period, insert the following: “; OR THE PROJECTED
17 ENROLLMENT OF THE MIDDLE SCHOOL IS BELOW 115 PERCENT OF THE PROGRAM CAPACITY
18 OF THE SCHOOL AND THE PROJECTED ENROLLMENT OF THE MIDDLE SCHOOL REGION IS
19 BELOW 100 PERCENT OF THE PROGRAM CAPACITY OF THE MIDDLE SCHOOLS WITHIN THE
20 REGION”.”

21
22 On page 22, in line 10, before the period, insert the following: “; OR THE PROJECTED
23 ENROLLMENT OF THE HIGH SCHOOL REGION IS BELOW 105 PERCENT OF THE PROGRAM
24 CAPACITY OF THE HIGH SCHOOLS WITHIN THE REGION”.”

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ADOPTED _____
FAILED _____
SIGNATURE Jessica Edman

1 On page 24, strike lines 15-18, and substitute the following:

2 “(AH) SCHOOL CAPACITY CHART MEANS A CHART INDICATING, FOR EACH OF THE
3 FOLLOWING TEN YEARS:

4 (1) THE PROJECTED CAPACITY UTILIZATION RATE OF EACH ELEMENTARY,
5 MIDDLE AND HIGH SCHOOL;

6 (2) THE PROJECTED CAPACITY UTILIZATION RATE OF THE SCHOOL REGION FOR
7 EACH ELEMENTARY, MIDDLE AND HIGH SCHOOL; AND

8 (3) WHICH ELEMENTARY, MIDDLE, AND HIGH SCHOOLS ARE OPEN TO NEW
9 RESIDENTIAL DEVELOPMENT AND WHICH ARE CONSTRAINED TO NEW
10 RESIDENTIAL DEVELOPMENT.”

11
12 Also on page 24, in lines 19-20, strike “ELEMENTARY SCHOOL REGION AND”.

13
14 Also on page 24, strike lines 23-24, and substitute the following:

15 “(AJ) SCHOOL REGION:

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

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

20 (3) HIGH SCHOOL REGION MEANS THE HIGH SCHOOL TO BE TESTED AND THE NEAREST
21 TWO ADDITIONAL HIGH SCHOOLS.”

Amendment 4 to Council Bill 1-2018

BY: Jennifer Terrasa

Legislative Day No: 2
Date: 2/5/18

Amendment No. 4

1 (This amendment proposes to increase the retesting provisions for the School Capacity test.)
2
3

4 On page 12, in lines 17 -18, strike "PARAGRAPH (7) OF THIS SUBSECTION SHALL
5 APPLY [[If]]" and substitute "I".
6

7 On page 12, in lines 21 and 28, strike the brackets.
8

9 On page 12, in lines 22 and 25, strike "three" and substitute "SIX".
10

11 On page 12, in line 26, strike "fourth" and substitute "seventh".
12

13 On pages 13 and 14, strike beginning with line 23 on page 13 through line 26 on
14 page 14, in their entirety.
15

ADOPTED _____

FAILED _____

SIGNATURE _____

2/5/18

Jessica Edman

Amendment 6 to Council Bill 1-2018

BY: Mary Kay Sigaty

Legislative Day No: 2

Date: 2/5/18

Amendment No. 6

1 (This amendment proposes to adjust the implementation date for the School Capacity Chart
2 for High School capacity testing to begin with the redistricting effort for the 13th high school
3 coming online.)
4
5

6 On page 22, strike lines 9-10, and substitute the following:

7 “(3) FOR A SCHOOL CAPACITY CHART ADOPTED AFTER JANUARY 1, 2023, HIGH SCHOOL
8 CAPACITY SHALL BE TESTED AND “OPEN” SHALL INCLUDE THE FOLLOWING ADDITIONAL
9 MEANING:

10 (I) HIGH SCHOOL—OPEN MEANS THAT THE PROJECTED ENROLLMENT OF THE HIGH
11 SCHOOL IS BELOW 115 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL.”.
12
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14

ADOPTED

FAILED

SIGNATURE

not introduced
Jessica Eldman

Amendment 7 to Council Bill 1-2018

BY: Jennifer Terrasa

Legislative Day No: 2
Date: 2/5/18

Amendment No. 7

1 (This amendment proposes to lower the school capacity thresholds for elementary, middle,
2 and high schools.)
3

4
5 On page 22, in line 5, strike "105" and substitute "100".
6

7 On page 22, in line 8, strike "110" and substitute "105".
8

9 On page 22, in line 10, strike "115" and substitute "110".
10

ADOPTED

FAILED

SIGNATURE

2/5/18
Jessica Feldman

Amendment 8 to Council Bill No. 1 - 2018

BY: Jennifer Terrasa

Legislative Day No. 2

Date: 2/5/18

Amendment No. 8

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

1 On page 3, in line 11, strike "and". In the same line, after "waste" insert ", police,
2 fire, and health".

3

4 On page 24, in line 27, strike "AND". In the same line, after "WASTE" insert ",
5 POLICE, FIRE, AND HEALTH".

6

7 On page 24, in line 30, strike "AND". In the same line, after "WASTE" insert ",
8 POLICE, FIRE, AND HEALTH".

9

10 On page 25, in line 21, insert the following:

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

16

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ADOPTED _____
FAILED _____ 2/5/18
SIGNATURE Jessica Feldman

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

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

8 A. CURRENT AND FUTURE FUNDING ASSUMPTIONS FOR THE CAPITAL
9 IMPROVEMENT PROJECT(S);

10 B. FUTURE REDISTRICTING ASSUMPTIONS ASSOCIATED WITH THE
11 CAPITAL IMPROVEMENT PROJECT; AND

12 C. AN EXPLANATION OF ANY CAPACITY UTILIZATION CHANGES BASED ON (A) OR
13 (B).

14 The [[open/closed]]SCHOOL CAPACITY chart shall be submitted to the County Council for
15 adoption by resolution after a public hearing. Whenever the County Council adopts,
16 amends, or updates the housing unit allocation chart, it shall concurrently adopt the
17 [[open/closed]]SCHOOL CAPACITY chart.

18 (D) *JOINT SPECIAL WORK MEETING ON SCHOOLS NEARING CAPACITY.* UPON RECEIVING
19 WRITTEN NOTIFICATION FROM THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM THAT
20 A SCHOOL OR SCHOOL REGION HAS REACHED 95% CAPACITY UTILIZATION AND IS
21 PROJECTED TO EXCEED 110% CAPACITY UTILIZATION WITHIN FIVE YEARS AS WELL AS
22 THE BOARD OF EDUCATION'S PROPOSED SOLUTION TO ADDRESS THE PROJECTED
23 OVERCROWDING, THE COUNTY COUNCIL SHALL HOLD A JOINT SPECIAL WORK
24 MEETING. THE COUNCIL SHALL INVITE THE COUNTY EXECUTIVE AND THE BOARD OF
25 EDUCATION TO ATTEND THE MEETING AND PARTICIPATE IN A COLLABORATIVE
26 WORKING DISCUSSION OF SCHOOL CAPACITY NEEDS AND THE BOARD'S PROPOSED
27 SOLUTION. THE COUNCIL SHALL GIVE THE GENERAL PUBLIC THREE WEEKS' NOTICE
28 BEFORE THE MEETING TO ALLOW THE PUBLIC TO PROVIDE WRITTEN COMMENT.

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

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

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

6 (2) *Test for allocations:*

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

11 a. *Allocations available.* If housing unit allocations are available for the scheduled
12 completion year for unphased projects or for the scheduled completion year for
13 the initial and future phases for phased projects, the Director of Planning and
14 Zoning shall assign tentative housing unit allocations.

15 b. *Allocations not available.* If housing unit allocations are not available for the
16 scheduled completion year for unphased projects or for the scheduled
17 completion year for the initial or future phases for phased projects, the
18 application shall be placed on the bottom of a list of applications waiting for
19 housing unit allocations.

20 c. *Revised housing unit allocation chart adopted.* Whenever a revised housing unit
21 allocation chart is adopted, the Department of Planning and Zoning shall test
22 projects on the list of applications waiting for housing unit allocations. When
23 housing unit allocations become available to serve a project, the Director of
24 Planning and Zoning shall assign tentative allocations.

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

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

- 1 b. *Allocations not available.* Subject to subsection 16.1104(b)(2), if housing unit
2 allocations are not available for the scheduled completion year for unphased
3 projects or for the scheduled completion year for the initial or future phases for
4 phased comprehensive projects, the application shall be placed on the bottom of
5 a list of applications waiting for housing unit allocations.
- 6 c. *Revised housing unit allocation chart adopted.* Whenever a revised housing unit
7 allocation chart is adopted, the Director of Planning and Zoning shall test
8 projects on the list of applications waiting for housing unit allocations. When
9 housing unit allocations become available to serve a project, or phase of a
10 project, the Director of Planning and Zoning shall assign tentative allocations.
- 11 (3) *[[Open/closed]]SCHOOL CAPACITY test.* Upon assignment of tentative housing unit
12 allocations, the project shall be tested for adequate public schools.
- 13 (i) *Projects passing [[open/closed]]SCHOOL CAPACITY test.* Once a project has passed
14 the [[open/closed]]SCHOOL CAPACITY test, no further approval for adequate public
15 facilities for that project is required during the subdivision or site development plan
16 approval process, except as provided in subsection 16.1105(d).
- 17 (ii) *Projects failing [[open/closed]]SCHOOL CAPACITY test.* PARAGRAPH (7) OF THIS
18 SUBSECTION SHALL APPLY IF [[If]] a project fails one or more components of the
19 [[open/closed]]SCHOOL CAPACITY test for the scheduled completion year for
20 unphased projects or for the scheduled completion year for the initial or future phases
21 for phased projects[[, the project or phase of the project failing the open/closed test
22 shall be retested for each of the next three consecutive years. If the project or phase
23 of the project passes the test in any of those years it shall be permitted to proceed
24 with processing three years prior to the year in which it passes the open/closed test.
25 If the project or phase of the project fails the test for each of the next three
26 consecutive years, it shall be deemed to have passed the open/closed test in the fourth
27 year and shall be permitted to proceed with processing three years prior to the year
28 it is deemed to have passed the test]].
- 29 [[(iii) *Projects failing open/closed test due to incorrect advisory comments.* If a project
30 has failed the November 6, 2001 open/closed test due to reliance on incorrect
31 Department of Planning and Zoning advisory comments regarding that project's

1 elementary school region prior to a determination by the Board of Education, the
2 project may be permitted to retake the schools test once retroactively to November
3 6, 2001 based on an amended subdivision sketch plan without losing its allocations.]]

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

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

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

23 (7) *WAITING PERIOD.*

24 (i) IF A PROJECT OR PHASE OF A PROJECT WAS NEVER ON THE LIST OF APPLICATIONS WAITING
25 FOR HOUSING UNIT ALLOCATIONS AND HAS RECEIVED HOUSING UNIT ALLOCATIONS,
26 THEN DEVELOPMENT MAY PROCEED AS FOLLOWS:

27 A. IF THE PROJECT OR PHASE OF THE PROJECT PASSES THE SCHOOL CAPACITY TEST IN
28 ANY YEAR BETWEEN AND INCLUSIVE OF THE FIRST CONSECUTIVE RETEST AND THE
29 FOURTH CONSECUTIVE RETEST, THEN THE PROJECT OR PHASE OF THE PROJECT MAY
30 PROCEED.

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

- 1 I. FOR EACH OF THE NEXT FOUR CONSECUTIVE YEARS, THE PROJECT OR PHASE OF
2 THE PROJECT SHALL BE RETESTED EACH TIME THE COUNTY COUNCIL ADOPTS
3 NEW ANNUAL HOUSING UNIT ALLOCATIONS AND SCHOOL CAPACITY CHARTS;
4 AND
5 II. IN THE FOURTH RETESTING YEAR, THE PROJECT SHALL BE DEEMED TO HAVE
6 PASSED THE SCHOOL CAPACITY TEST.

7 (II) IF A PROJECT OR PHASE OF A PROJECT IS ON THE LIST OF APPLICATIONS WAITING
8 FOR HOUSING UNIT ALLOCATIONS AND RECEIVES HOUSING UNIT ALLOCATIONS
9 WITHIN SIX YEARS, THEN SUBPARAGRAPH (I) OF PARAGRAPH (7) OF THIS
10 SUBSECTION APPLIES SUBJECT TO THE FOLLOWING MAXIMUM WAITING
11 PERIODS:

12 A. IF A PROJECT OR PHASE OF A PROJECT HAS WAITED FOR THREE YEARS OR
13 FEWER TO RECEIVE HOUSING ALLOCATIONS, THE COMBINED NUMBER OF
14 YEARS THE PROJECT OR PHASE OF A PROJECT WAITS TO RECEIVE HOUSING
15 UNIT ALLOCATIONS AND PASS THE SCHOOL CAPACITY TEST SHALL NOT
16 EXCEED SIX YEARS.

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

21 (III) IF A PROJECT OR PHASE OF A PROJECT IS ON THE ALLOCATION WAITING LIST AND
22 RECEIVES ALLOCATIONS AFTER SIX YEARS OR MORE OF BEING ON THE LIST, THEN THE
23 PROJECT OR PHASE OF A PROJECT MAY PROCEED UPON PASSING A SCHOOL CAPACITY
24 TEST. IF THE PROJECT FAILS THE SCHOOL CAPACITY TEST, THEN IT MUST WAIT ONE
25 ADDITIONAL YEAR TO BE RETESTED. AFTER BEING RETESTED, THE PROJECT SHALL BE
26 DEEMED TO HAVE PASSED THE SCHOOL CAPACITY TEST.

27
28 **Section 16.1107. Exemptions.**

29 (b) *Residential Projects:*

30 (8) *PARTIALLY EXEMPT RESIDENTIAL SUBDIVISION PLANS.* EXCEPT IN DOWNTOWN COLUMBIA,
31 MODERATE INCOME HOUSING UNITS DO NOT REQUIRE HOUSING UNIT ALLOCATIONS.

1 HOWEVER, PLANS WITH MODERATE INCOME HOUSING UNITS ARE REQUIRED TO PASS THE
2 TEST FOR ADEQUATE ROAD FACILITIES AND ADEQUATE PUBLIC SCHOOLS AS A CONDITION
3 OF APPROVAL. THE NUMBER OF MODERATE INCOME HOUSING UNITS IN EACH PLAN THAT
4 DO NOT REQUIRE HOUSING UNIT ALLOCATIONS SUBJECT TO THIS EXEMPTION SHALL NOT
5 EXCEED THE NUMBER OF MODERATE INCOME HOUSING UNITS AS REQUIRED IN THE
6 HOWARD COUNTY ZONING REGULATIONS.

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

12 **Section 16.1110. Definitions.**

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

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

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

20 (1) Regional pass-through users; and

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

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

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

28 (D-1) *CAPACITY UTILIZATION* MEANS THE RATIO OF A FACILITY'S ENROLLMENT TO ITS PROGRAM
29 CAPACITY.

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

31 (1) New Town (NT)

1 (2) Planned Golf Course Community (PGCC)

2 (3) Mixed Use (MXD)

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

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

8

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

13

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

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

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

19 (i) *Exempt governmental facility* means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (q) *Impact area*:

30 [(1) In planned service area for public water and sewer. In that portion of the County in
31 the planned service area for public water and sewer, excluding Downtown Columbia, an

1 impact area means an area up to one and one-half road miles in all directions from the
2 entrance to the project on an existing County or State road or a planned roadway or
3 intersection identified in the capital budget or capital program, but not beyond the
4 intersection of a major collector or higher classified road with a major collector or higher
5 classified road. For Downtown Columbia the impact area shall be determined in
6 accordance with the Howard County Design Manual.

7 (2) In no-planned service area for public water and sewer. In that portion of the County
8 in the no planned service area for public water and sewer, an impact area means an area up
9 to two road miles in all directions from the entrance to a project on an existing County or
10 State road or a planned roadway or intersection identified in the capital budget or capital
11 program, but not beyond the intersection of a minor collector or higher classified road with
12 a minor collector or higher classified road.]]

13 (1) IMPACT AREA MEANS THE SET OF INTERSECTIONS TO BE STUDIED. IN ACCORDANCE
14 WITH THE TABLE BELOW, THE PROJECTED TRIP GENERATION OF A PROJECT SHALL
15 DETERMINE THE MINIMUM NUMBER OF INTERSECTIONS TO BE INCLUDED IN THE
16 IMPACT AREA.
17

NET PEAK HOUR SITE TRIPS	MINIMUM NUMBER OF INTERSECTIONS IN EACH DIRECTION
5 – 50	1
51 – 399	2
400 – 799	3
800 – 1500	4
>1500	5

18
19 (2) FOR PROJECTS IN THE PLANNED SERVICE AREA FOR PUBLIC WATER AND SEWER,
20 EXCLUDING DOWNTOWN COLUMBIA, AND FOR PROJECTS OUTSIDE THE PLANNED

1 SERVICE AREA FOR PUBLIC WATER AND SEWER, THE STANDARD IMPACT AREA IS
2 LIMITED TO INTERSECTIONS WITHIN TWO ROAD MILES IN ALL DIRECTIONS FROM
3 EACH ENTRANCE TO THE PROJECT. INSIDE THE PLANNED SERVICE AREA FOR PUBLIC
4 WATER AND SEWER, THE MINIMUM NUMBER OF INTERSECTIONS IN EACH DIRECTION
5 REFERS TO SIGNALIZED INTERSECTIONS FOR THE STANDARD IMPACT AREA.
6 OUTSIDE THE PLANNED SERVICE AREA FOR PUBLIC WATER AND SEWER, THE
7 MINIMUM NUMBER OF INTERSECTIONS IN EACH DIRECTION REFERS TO
8 INTERSECTIONS OF A MINOR COLLECTOR OR HIGHER CLASSIFIED ROAD WITH A
9 MINOR COLLECTOR OR HIGHER CLASSIFIED ROAD FOR THE STANDARD IMPACT
10 AREA. INSIDE OR OUTSIDE THE PLANNED SERVICE AREA FOR PUBLIC WATER AND
11 SEWER, IF AN INTERSECTION AT AN ENTRANCE TO THE PROJECT IS INCLUDED IN THE
12 IMPACT AREA, IT SHALL NOT COUNT TOWARD THE MINIMUM NUMBER OF
13 INTERSECTIONS IN EACH DIRECTION.
14

15 (3) THE DEPARTMENT OF PLANNING AND ZONING MAY EXTEND THE DISTANCE OF THE
16 IMPACT AREA OR INCLUDE ADDITIONAL SIGNALIZED OR NON-SIGNALIZED
17 INTERSECTIONS IF, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC WORKS,
18 IT FINDS THAT SUCH AN EXPANSION IS APPROPRIATE BASED ON INTERSECTION
19 LOCATION, ANTICIPATED TRIP DISTRIBUTION, EXISTING LEVEL OF SERVICE, OR
20 KNOWN OPERATIONAL COMPLAINTS.
21

22 FOR DOWNTOWN COLUMBIA THE IMPACT AREA SHALL BE DETERMINED IN ACCORDANCE
23 WITH THE HOWARD COUNTY DESIGN MANUAL.

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

28 (s) *Major collector* or *major collector highway* means a road classified as a major collector
29 highway on the Howard County general plan, except that in determining the impact area for site
30 development plans, major collector also means a road, not classified as a major collector highway

1 on the Howard County general plan, but constructed to the physical specifications set forth in the
2 design manual for construction of a road so classified.

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

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

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

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

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

18 (y) *Open*:

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

21 ([[1]]i) School region—Open means that the projected [[enrollment]] CAPACITY UTILIZATION
22 of a school region is below 115 percent [[of the program capacity]] of the elementary
23 schools within the region.

24 ([[2]]ii) Elementary school—Open means that the projected [[enrollment]] CAPACITY
25 UTILIZATION of the elementary school is below 115 percent [[of the program capacity]]
26 of the school.

27 ([[3]]iii) Middle school—Open means that the projected [[enrollment]] CAPACITY
28 UTILIZATION of the middle school is below 115 percent [[of the program capacity]] of the
29 school.

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

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

4 (II) ELEMENTARY SCHOOL—OPEN MEANS THAT THE PROJECTED ENROLLMENT OF THE
5 ELEMENTARY SCHOOL IS BELOW 105 PERCENT OF THE PROGRAM CAPACITY OF THE
6 SCHOOL.

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

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

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

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

17 *Phased project* means a project utilizing phasing.

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

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

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

25 *Program capacity* means the capacity, as defined by the Howard County Board of
26 Education POLICIES, for grades kindergarten through grade [[8]]12. Program capacity does not
27 include PREKINDERGARTEN, special education and relocatable capacity.

28 *Road facilities*:

29 (1) In planned service area for public water and sewer. In that portion of the County in the
30 planned service area for public water and sewer, road facilities means at grade

1 intersections of major collectors or higher classified roads which are beyond the
2 boundaries of the proposed project.

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

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

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

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

13 (1) *Road facilities*:

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

18 (ii) *Residential projects*:

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

22 b. When used in relation to road facilities serving phased conventional residential
23 projects, "scheduled completion year" of the initial phase of the project means
24 the third year following the year the application is submitted. The scheduled
25 completion year of subsequent phases of the project are the years indicated for
26 scheduled completion of the phases of the project as approved on the subdivision
27 or site development plan.

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

1 (2) *Schools:*

- 2 (i) When used in relation to schools, "scheduled completion year" of an unphased
3 project means the third year following approval of the project for adequate school
4 facilities.
- 5 (ii) When used in relation to schools, "scheduled completion year" of the initial phase of
6 a phased conventional project means the third year following approval of the project
7 for adequate school facilities.
- 8 (iii) When used in relation to schools, "scheduled completion year" of a phase of a phased
9 conventional project beyond the initial phase means the year for completion of the
10 phase, as shown in the application for sketch plan approval of the project.
- 11 (iv) When used in relation to schools, "scheduled completion year" of a phase of a
12 comprehensive project, means the year, at least three years following the year the
13 sketch plan application is submitted, for completion of the phase, as shown in the
14 application for sketch plan approval of the project.

15 (AH) *SCHOOL CAPACITY CHART* MEANS A CHART INDICATING WHICH ELEMENTARY SCHOOL REGIONS
16 AND WHICH ELEMENTARY, MIDDLE, AND HIGH SCHOOLS ARE OPEN TO NEW RESIDENTIAL
17 DEVELOPMENT AND WHICH ARE CONSTRAINED TO NEW RESIDENTIAL DEVELOPMENT FOR EACH OF
18 THE FOLLOWING TEN YEARS.

19 (AI) *SCHOOL CAPACITY TEST* MEANS A TEST TO DETERMINE WHETHER THE ELEMENTARY SCHOOL
20 REGION AND ELEMENTARY, MIDDLE, AND HIGH SCHOOL SERVING A PROPOSED PROJECT ARE OPEN TO
21 NEW RESIDENTIAL DEVELOPMENT IN THE SCHEDULED COMPLETION YEAR OF THE PROJECT OR THE
22 PHASES OF THE PROJECT.

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

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

26
27 **SECTION 16.1111. – ADEQUATE WATER, SEWER, STORMWATER, AND SOLID WASTE FACILITIES.**

28 NO DEVELOPMENT SHALL BE APPROVED UNTIL PLANS ARE REVIEWED BY THE DEPARTMENT OF
29 PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS TO ENSURE THAT THE
30 DEVELOPMENT WILL BE SERVED BY ADEQUATE WATER, SEWER, STORMWATER, AND SOLID WASTE

1 FACILITIES IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS INCLUDING, BUT NOT
2 LIMITED TO, THE FOLLOWING PROVISIONS:

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

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

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

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

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

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

21
22 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland,***
23 ***that this Act shall become effective 61 days after its enactment.***

Amendment 3 to Council Bill 1-2018

BY: Mary Kay Sigaty

Legislative Day No: 2
Date: 2/5/18

Amendment No. 3

1 *(This amendment would create a process to balance the County's policy goals to provide*
2 *adequate school facilities and affordable housing.)*

3
4 On page 10, immediately following line 28, insert the following:

5 “(E) SPECIAL AFFORDABLE HOUSING OPPORTUNITIES.

6 TO BALANCE THE COUNTY’S POLICY GOALS TO PROVIDE ADEQUATE SCHOOL FACILITIES
7 AND AFFORDABLE HOUSING IN ACCORDANCE WITH SECTION 7-101 OF THE LAND USE
8 ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND THE COUNTY’S GENERAL
9 PLAN, IF AN AFFORDABLE HOUSING PROJECT OR PHASE OF A PROJECT IS LOCATED IN THE
10 ATTENDANCE AREA OF A SCHOOL THAT IS CLOSED FOR DEVELOPMENT DUE TO
11 PROJECTED ENROLLMENT IN THE SCHOOL CAPACITY CHART, THE DIRECTOR OF THE
12 DEPARTMENT OF PLANNING AND ZONING SHALL AUTHORIZE THE AFFORDABLE
13 HOUSING PROJECT TO PROCEED SUBJECT TO ALL OTHER PROVISIONS OF THIS SUBTITLE,
14 PROVIDED THAT:

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

17 (2) THE PROJECT OR PHASE OF A PROJECT IS SEEKING OR HAS RECEIVED AN
18 ALLOCATION OF LOW-INCOME HOUSING TAX CREDITS OR OTHER STATE OR
19 FEDERAL FINANCIAL ASSISTANCE FOR AFFORDABLE HOUSING;

20 (3) THE PROJECT OR PHASE OF A PROJECT HAS OBTAINED A LETTER OF SUPPORT
21 FROM THE COUNTY EXECUTIVE; AND

22 (4) THE COUNTY COUNCIL AND COUNTY EXECUTIVE HAVE APPROVED EITHER A
23 PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT FOR THE PROJECT OR A
24 RESOLUTION AUTHORIZING THE PROJECT TO PROCEED. AS PART OF THE
25 APPROVAL OF THE PILOT OR RESOLUTION, THE COUNCIL SHALL HOLD A PUBLIC
26 HEARING AND CONSIDER:

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- (I) THE CAPACITY UTILIZATION AT THE SCHOOL OR SCHOOLS IMPACTED BY THE PROJECT AND AT ADJACENT SCHOOLS, INCLUDING LIMITING THE POTENTIAL IMPACT ON ANY ELEMENTARY OR MIDDLE SCHOOL WITH A CAPACITY UTILIZATION RATE GREATER THAN 115% UNLESS AN ADJACENT SCHOOL WITH THE SAME GRADE LEVELS HAS A CAPACITY UTILIZATION RATE OF 100% OR LESS;
- (II) ESTIMATED STUDENT GENERATION FROM THE PROJECT;
- (III) ANY POTENTIAL FOR THE BOARD OF EDUCATION TO ADD CAPACITY TO THE IMPACTED SCHOOL OR SCHOOLS THROUGH REDISTRICTING, FACILITY EXPANSION, OR OTHER PROGRAMS; AND
- (III) THE NEED FOR AFFORDABLE HOUSING IN THE COUNTY, INCLUDING FACTORS SUCH AS THE HOUSING COST BURDEN ON FAMILIES AND THE EXTENT OF HOMELESSNESS AMONG FAMILIES AND SCHOOL CHILDREN.”.

Amendment 5 to Council Bill 1-2018

BY: Jon Weinstein

Legislative Day No: 2
Date: 2/5/18

Amendment No. 5

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

4 On page 19, in the table that appears between lines 17 and 18:

- 5 • In the second row, strike “50” and substitute “99”; and
 - 6 • In the third row, strike “51” and substitute “100”.
- 7

8 On page 19, in line 20, strike “AND FOR” and substitute the following:

9 “THE STANDARD IMPACT AREA IS LIMITED TO INTERSECTIONS WITHIN ONE AND A HALF ROAD
10 MILES IN ALL DIRECTIONS FROM EACH ENTRANCE TO THE PROJECT. FOR”.
11

12 On page 20, in line 5, after “TO” strike “SIGNALIZED INTERSECTIONS” and substitute
13 “INTERSECTIONS OF A MAJOR COLLECTOR OR HIGHER CLASSIFIED ROAD WITH A MAJOR
14 COLLECTOR OR HIGHER CLASSIFIED ROAD”.
15

16 On page 20, strike lines 15 – 20, and substitute the following:

17 “(3) IF A DEVELOPMENT IS PROJECTED TO GENERATE 100 PEAK HOUR TRIPS OR MORE FOR
18 EITHER THE AM OR PM STUDY PERIOD, THE DEVELOPER SHALL REQUEST A TRAFFIC IMPACT
19 AREA SCOPING MEETING PRIOR TO SUBMITTING THE PLAN FOR THE DEVELOPMENT. THE
20 DEPARTMENT OF PLANNING AND ZONING SHALL, TOGETHER WITH THE DEPARTMENT OF
21 PUBLIC WORKS, CONDUCT A SCOPING MEETING WITH THE DEVELOPER TO DETERMINE IF THE
22 DISTANCE OF THE STANDARD IMPACT AREA SHOULD BE EXTENDED OR IF ANY ADDITIONAL
23 INTERSECTIONS SHOULD BE INCLUDED IN THE IMPACT AREA. THE DEPARTMENT OF PLANNING
24 AND ZONING, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC WORKS, SHALL
25 DETERMINE THE ADDITIONAL INTERSECTIONS TO BE STUDIED, IF ANY, BASED ON INTERSECTION

1 LOCATION, ANTICIPATED TRIP DISTRIBUTION, EXISTING LEVEL OF SERVICE, OR KNOWN
2 OPERATIONAL COMPLAINTS AND NOTIFY THE DEVELOPER IN WRITING OF THE INTERSECTIONS
3 TO BE STUDIED WITHIN TWO WEEKS FOLLOWING THE SCOPING MEETING. THE DEPARTMENT OF
4 PLANNING AND ZONING MAY WAIVE THE REQUIREMENT TO STUDY A CERTAIN INTERSECTION IF
5 THE DEPARTMENT OF PUBLIC WORKS HAS ON FILE A VALID TRAFFIC STUDY OF THAT
6 INTERSECTION WHICH WAS COMPLETED WITHIN THE LAST YEAR. IF, DURING THE PLAN REVIEW
7 PROCESS, THE PEAK HOUR TRIPS GENERATED BY THE PROPOSED DEVELOPMENT CHANGES BY
8 10% OR MORE OR BY 15 TRIPS OR MORE, WHICHEVER IS GREATER, A NEW SCOPING MEETING
9 WILL BE REQUIRED AND THE DEPARTMENT OF PLANNING AND ZONING, IN CONSULTATION WITH
10 THE DEPARTMENT OF PUBLIC WORKS, MAY REQUIRE ADDITIONAL INTERSECTIONS TO BE
11 STUDIED BASED ON INTERSECTION LOCATION, ANTICIPATED TRIP DISTRIBUTION, EXISTING
12 LEVEL OF SERVICE, OR KNOWN OPERATIONAL COMPLAINTS.”.
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Amendment 1 to Amendment 3 Council Bill No. 1 - 2018

BY: Jennifer Terrasa

Legislative Day No: 2

Date: 2/5/18

Amendment No. 1

(This amendment proposes that only developments that are led by or work with either a local nonprofit or the Housing Commission would be eligible for this provision.)

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On page 1, immediately following line 16, insert:

3

“(2) THE PROJECT OR PHASE OF A PROJECT IS LED BY OR IN

4

PARTNERSHIP WITH A LOCAL NONPROFIT OR THE HOUSING

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COMMISSION;”.

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Renumber the remainder of the section accordingly.

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Amendment 2 to Amendment 3 Council Bill No. 1 - 2018

BY: Jennifer Terrasa

Legislative Day No: 2
Date: 2/5/18

Amendment No. 2

(This amendment proposes that only development incorporating Universal Design standards would be eligible for this provision.)

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On page 1, immediately following line 16, insert:

“(2) THE PROJECT OR PHASE OF A PROJECT, INCLUDING ALL
AFFORDABLE AND MARKET-RATE UNITS, SHALL INCORPORATE
THE UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF
PLANNING AND ZONING GUIDELINES THAT IDENTIFY REQUIRED,
RECOMMENDED AND OPTIONAL FEATURES;”.

Renumber the remainder of the section accordingly.

Amendment 3 to Amendment 3 Council Bill No. 1 - 2018

BY: Jennifer Terrasa

Legislative Day No: 2
Date: 2/5/18

Amendment No. 3

(This amendment proposes that only developments that provide at least 15 percent more accessible and adaptable units than required by the Federal Fair Housing Act would be eligible for this provision.)

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On page 1, immediately following line 16, insert:

“(2) THE PROJECT OR PHASE OF A PROJECT PROVIDES AT LEAST 15%
MORE ACCESSIBLE UNITS, ROUNDED UP TO THE NEAREST WHOLE
NUMBER, THAN THE NUMBER OF ACCESSIBLE AND ADAPTABLE
UNITS REQUIRED BY THE FEDERAL FAIR HOUSING ACT;”.

Renumber the remainder of the section accordingly.

Amendment 1 to Amendment 5 to Council Bill No. 1 - 2018

BY: Jon Weinstein

Legislative Day No: 2

Date: 2/5/18

Amendment No. 1

(This amendment proposes the specifics for the type of scoping meeting to be conducted and shortens the notification timeframe for intersections to be studied to one week.)

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On page 1, in line 20, after “ZONING” insert the following:

“SHALL DETERMINE WHETHER THE SCOPING MEETING WILL BE CONDUCTED BY EMAIL, PHONE, IN-PERSON, OR VIRTUAL MEETING, AND”.

On the same page, in line 21, strike “A SCOPING” and substitute “THE”.

On page 2, in line 3, strike “TWO WEEKS” and substitute “ONE WEEK”.

Amendment 2 to Amendment 5 to Council Bill No. 1 - 2018

BY: Jennifer Terrasa

Legislative Day No: 2
Date: 2/5/18

Amendment No. 2

(This amendment proposes to change the word "determine" to "discuss".)

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On page 1, in line 21, strike "DETERMINE" and substitute "DISCUSS".

Amendment 1 to Council Bill No. 1 - 2018

BY: Jennifer Terrasa

Legislative Day No. 2
Date: 2/5/18

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 8, in line 17, 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

Amendment 2 to Council Bill 1-2018

BY: Greg Fox

Legislative Day No: 2
Date: 2/5/18

Amendment No. 2

1 (This amendment proposes to:

- 2 1. Allow higher capacity utilization thresholds under specified conditions; and
3 2. Redefine School Capacity Chart and School Region.)
4

5 On page 9, strike beginning in line 3 with the colon and continuing through “([[ii]]2)
6 The” in line 7 and substitute “THE”.

7
8 On page 9, in line 12, strike “elementary school regions and which”.

9
10 On page 22, in line 6, before the period, insert the following: “; OR THE PROJECTED
11 ENROLLMENT OF THE ELEMENTARY SCHOOL IS BELOW 110 PERCENT OF THE PROGRAM
12 CAPACITY OF THE SCHOOL AND THE PROJECTED ENROLLMENT OF THE ELEMENTARY SCHOOL
13 REGION IS BELOW 100 PERCENT OF THE PROGRAM CAPACITY OF THE ELEMENTARY SCHOOLS
14 WITHIN THE REGION”.

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16 On page 22, in line 8, before the period, insert the following: “; OR THE PROJECTED
17 ENROLLMENT OF THE MIDDLE SCHOOL IS BELOW 115 PERCENT OF THE PROGRAM CAPACITY
18 OF THE SCHOOL AND THE PROJECTED ENROLLMENT OF THE MIDDLE SCHOOL REGION IS
19 BELOW 100 PERCENT OF THE PROGRAM CAPACITY OF THE MIDDLE SCHOOLS WITHIN THE
20 REGION”.

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22 On page 22, in line 10, before the period, insert the following: “; OR THE PROJECTED
23 ENROLLMENT OF THE HIGH SCHOOL REGION IS BELOW 105 PERCENT OF THE PROGRAM
24 CAPACITY OF THE HIGH SCHOOLS WITHIN THE REGION”.

1 On page 24, strike lines 15-18, and substitute the following:

2 “(AH) SCHOOL CAPACITY CHART MEANS A CHART INDICATING, FOR EACH OF THE
3 FOLLOWING TEN YEARS:

4 (1) THE PROJECTED CAPACITY UTILIZATION RATE OF EACH ELEMENTARY,
5 MIDDLE AND HIGH SCHOOL;

6 (2) THE PROJECTED CAPACITY UTILIZATION RATE OF THE SCHOOL REGION FOR
7 EACH ELEMENTARY, MIDDLE AND HIGH SCHOOL; AND

8 (3) WHICH ELEMENTARY, MIDDLE, AND HIGH SCHOOLS ARE OPEN TO NEW
9 RESIDENTIAL DEVELOPMENT AND WHICH ARE CONSTRAINED TO NEW
10 RESIDENTIAL DEVELOPMENT.”

11
12 Also on page 24, in lines 19-20, strike “ELEMENTARY SCHOOL REGION AND”.

13
14 Also on page 24, strike lines 23-24, and substitute the following:

15 “(AJ) SCHOOL REGION:

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

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

20 (3) HIGH SCHOOL REGION MEANS THE HIGH SCHOOL TO BE TESTED AND THE NEAREST
21 TWO ADDITIONAL HIGH SCHOOLS.”

Amendment 3 to Council Bill 1-2018

BY: Mary Kay Sigaty

Legislative Day No: 2
Date: 2/5/18

Amendment No. 3

1 *(This amendment would create a process to balance the County's policy goals to provide*
2 *adequate school facilities and affordable housing.)*

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4 On page 10, immediately following line 28, insert the following:

5 “(E) SPECIAL AFFORDABLE HOUSING OPPORTUNITIES.

6 TO BALANCE THE COUNTY’S POLICY GOALS TO PROVIDE ADEQUATE SCHOOL FACILITIES
7 AND AFFORDABLE HOUSING IN ACCORDANCE WITH SECTION 7-101 OF THE LAND USE
8 ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND THE COUNTY’S GENERAL
9 PLAN, IF AN AFFORDABLE HOUSING PROJECT OR PHASE OF A PROJECT IS LOCATED IN THE
10 ATTENDANCE AREA OF A SCHOOL THAT IS CLOSED FOR DEVELOPMENT DUE TO
11 PROJECTED ENROLLMENT IN THE SCHOOL CAPACITY CHART, THE DIRECTOR OF THE
12 DEPARTMENT OF PLANNING AND ZONING SHALL AUTHORIZE THE AFFORDABLE
13 HOUSING PROJECT TO PROCEED SUBJECT TO ALL OTHER PROVISIONS OF THIS SUBTITLE,
14 PROVIDED THAT:

- 15 (1) AT LEAST 40% OF THE UNITS SHALL BE AFFORDABLE TO HOUSEHOLDS EARNING
16 60% OR LESS OF THE METROPOLITAN STATISTICAL AREA MEDIAN INCOME;
17 (2) THE PROJECT OR PHASE OF A PROJECT IS SEEKING OR HAS RECEIVED AN
18 ALLOCATION OF LOW-INCOME HOUSING TAX CREDITS OR OTHER STATE OR
19 FEDERAL FINANCIAL ASSISTANCE FOR AFFORDABLE HOUSING;
20 (3) THE PROJECT OR PHASE OF A PROJECT HAS OBTAINED A LETTER OF SUPPORT
21 FROM THE COUNTY EXECUTIVE; AND
22 (4) THE COUNTY COUNCIL AND COUNTY EXECUTIVE HAVE APPROVED EITHER A
23 PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT FOR THE PROJECT OR A
24 RESOLUTION AUTHORIZING THE PROJECT TO PROCEED. AS PART OF THE
25 APPROVAL OF THE PILOT OR RESOLUTION, THE COUNCIL SHALL HOLD A PUBLIC
26 HEARING AND CONSIDER:

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- (I) THE CAPACITY UTILIZATION AT THE SCHOOL OR SCHOOLS IMPACTED BY THE PROJECT AND AT ADJACENT SCHOOLS, INCLUDING LIMITING THE POTENTIAL IMPACT ON ANY ELEMENTARY OR MIDDLE SCHOOL WITH A CAPACITY UTILIZATION RATE GREATER THAN 115% UNLESS AN ADJACENT SCHOOL WITH THE SAME GRADE LEVELS HAS A CAPACITY UTILIZATION RATE OF 100% OR LESS;
- (II) ESTIMATED STUDENT GENERATION FROM THE PROJECT;
- (III) ANY POTENTIAL FOR THE BOARD OF EDUCATION TO ADD CAPACITY TO THE IMPACTED SCHOOL OR SCHOOLS THROUGH REDISTRICTING, FACILITY EXPANSION, OR OTHER PROGRAMS; AND
- (III) THE NEED FOR AFFORDABLE HOUSING IN THE COUNTY, INCLUDING FACTORS SUCH AS THE HOUSING COST BURDEN ON FAMILIES AND THE EXTENT OF HOMELESSNESS AMONG FAMILIES AND SCHOOL CHILDREN.”.

Amendment 4 to Council Bill 1-2018

BY: Jennifer Terrasa

Legislative Day No: 2

Date: 2/5/18

Amendment No. 4

1 *(This amendment proposes to increase the retesting provisions for the School Capacity test.)*

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4 On page 12, in lines 17 -18, strike "PARAGRAPH (7) OF THIS SUBSECTION SHALL
5 APPLY [[If]]" and substitute "If".

6

7 On page 12, in lines 21 and 28, strike the brackets.

8

9 On page 12, in lines 22 and 25, strike "three" and substitute "SIX".

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11 On page 12, in line 26, strike "fourth" and substitute "seventh".

12

13 On pages 13 and 14, strike beginning with line 23 on page 13 through line 26 on
14 page 14, in their entirety.

15

Amendment 5 to Council Bill 1-2018

BY: Jon Weinstein

Legislative Day No: 2
Date: 2/5/18

Amendment No. 5

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

4 On page 19, in the table that appears between lines 17 and 18:

- 5 • In the second row, strike “50” and substitute “99”; and
 - 6 • In the third row, strike “51” and substitute “100”.
- 7

8 On page 19, in line 20, strike “AND FOR” and substitute the following:

9 “THE STANDARD IMPACT AREA IS LIMITED TO INTERSECTIONS WITHIN ONE AND A HALF ROAD
10 MILES IN ALL DIRECTIONS FROM EACH ENTRANCE TO THE PROJECT. FOR”.
11

12 On page 20, in line 5, after “TO” strike “SIGNALIZED INTERSECTIONS” and substitute

13 “INTERSECTIONS OF A MAJOR COLLECTOR OR HIGHER CLASSIFIED ROAD WITH A MAJOR
14 COLLECTOR OR HIGHER CLASSIFIED ROAD”.
15

16 On page 20, strike lines 15 – 20, and substitute the following:

17 “(3) IF A DEVELOPMENT IS PROJECTED TO GENERATE 100 PEAK HOUR TRIPS OR MORE FOR
18 EITHER THE AM OR PM STUDY PERIOD, THE DEVELOPER SHALL REQUEST A TRAFFIC IMPACT
19 AREA SCOPING MEETING PRIOR TO SUBMITTING THE PLAN FOR THE DEVELOPMENT. THE
20 DEPARTMENT OF PLANNING AND ZONING SHALL, TOGETHER WITH THE DEPARTMENT OF
21 PUBLIC WORKS, CONDUCT A SCOPING MEETING WITH THE DEVELOPER TO DETERMINE IF THE
22 DISTANCE OF THE STANDARD IMPACT AREA SHOULD BE EXTENDED OR IF ANY ADDITIONAL
23 INTERSECTIONS SHOULD BE INCLUDED IN THE IMPACT AREA. THE DEPARTMENT OF PLANNING
24 AND ZONING, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC WORKS, SHALL
25 DETERMINE THE ADDITIONAL INTERSECTIONS TO BE STUDIED, IF ANY, BASED ON INTERSECTION

1 LOCATION, ANTICIPATED TRIP DISTRIBUTION, EXISTING LEVEL OF SERVICE, OR KNOWN
2 OPERATIONAL COMPLAINTS AND NOTIFY THE DEVELOPER IN WRITING OF THE INTERSECTIONS
3 TO BE STUDIED WITHIN TWO WEEKS FOLLOWING THE SCOPING MEETING. THE DEPARTMENT OF
4 PLANNING AND ZONING MAY WAIVE THE REQUIREMENT TO STUDY A CERTAIN INTERSECTION IF
5 THE DEPARTMENT OF PUBLIC WORKS HAS ON FILE A VALID TRAFFIC STUDY OF THAT
6 INTERSECTION WHICH WAS COMPLETED WITHIN THE LAST YEAR. IF, DURING THE PLAN REVIEW
7 PROCESS, THE PEAK HOUR TRIPS GENERATED BY THE PROPOSED DEVELOPMENT CHANGES BY
8 10% OR MORE OR BY 15 TRIPS OR MORE, WHICHEVER IS GREATER, A NEW SCOPING MEETING
9 WILL BE REQUIRED AND THE DEPARTMENT OF PLANNING AND ZONING, IN CONSULTATION WITH
10 THE DEPARTMENT OF PUBLIC WORKS, MAY REQUIRE ADDITIONAL INTERSECTIONS TO BE
11 STUDIED BASED ON INTERSECTION LOCATION, ANTICIPATED TRIP DISTRIBUTION, EXISTING
12 LEVEL OF SERVICE, OR KNOWN OPERATIONAL COMPLAINTS.”.
13

Amendment 6 to Council Bill 1-2018

BY: Mary Kay Sigaty

Legislative Day No: 2

Date: 2/5/18

Amendment No. 6

1 (This amendment proposes to adjust the implementation date for the School Capacity Chart
2 for High School capacity testing to begin with the redistricting effort for the 13th high school
3 coming online.)
4
5

6 On page 22, strike lines 9-10, and substitute the following:

7 “(3) FOR A SCHOOL CAPACITY CHART ADOPTED AFTER JANUARY 1, 2023, HIGH SCHOOL
8 CAPACITY SHALL BE TESTED AND “OPEN” SHALL INCLUDE THE FOLLOWING ADDITIONAL
9 MEANING:

10 (i) HIGH SCHOOL—OPEN MEANS THAT THE PROJECTED ENROLLMENT OF THE HIGH
11 SCHOOL IS BELOW 115 PERCENT OF THE PROGRAM CAPACITY OF THE SCHOOL.”.
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Amendment 7 to Council Bill 1-2018

BY: Jennifer Terrasa

Legislative Day No: 2

Date: 2/5/18

Amendment No. 7

1 *(This amendment proposes to lower the school capacity thresholds for elementary, middle,*
2 *and high schools.)*

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5 On page 22, in line 5, strike “105” and substitute “100”.

6

7 On page 22, in line 8, strike “110” and substitute “105”.

8

9 On page 22, in line 10, strike “115” and substitute “110”.

10

Amendment 8 to Council Bill No. 1 - 2018

BY: Jennifer Terrasa

Legislative Day No. 2

Date: 2/5/18

Amendment No. 8

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

1 On page 3, in line 11, strike "and". In the same line, after "waste" insert ", police,
2 fire, and health".

3

4 On page 24, in line 27, strike "AND". In the same line, after "WASTE" insert ",
5 POLICE, FIRE, AND HEALTH".

6

7 On page 24, in line 30, strike "AND". In the same line, after "WASTE" insert ",
8 POLICE, FIRE, AND HEALTH".

9

10 On page 25, in line 21, insert the following:

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

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