

County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 11

Resolution No. 77 -2009

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

A RESOLUTION adopting a fee-in-lieu for a waiver of the Howard County Green Buildings Law.

Introduced and read first time September 8, 2009.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Read for a second time at a public hearing on September 22, 2009.

By order Stephen LeGendre
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted ☒, Adopted with amendments ☐, Failed ☐, Withdrawn ☐, by the County Council
on October 5, 2009.

Certified By Stephen LeGendre
Stephen LeGendre, Administrator

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

1 **WHEREAS**, Section 3.1007 of the Howard County Code authorizes the Director of the
2 Department of Inspections, Licenses and Permits to grant a waiver of the requirements of
3 Howard County's Green Buildings Law where, by reason of unique physical characteristics of
4 the property including exceptional topographic conditions or the size or shape of the property,
5 strict compliance with the requirements of the Green Buildings Law would result in an
6 unwarranted hardship to an applicant for a building permit; and

7
8 **WHEREAS**, Section 3.1007 also provides that an unwarranted hardship does not include
9 financial hardship; and

10
11 **WHEREAS**, Section 3.1007(c) provides that an applicant who is granted a waiver shall
12 pay a fee-in-lieu into the Green Building Fund that is calculated on a square-foot basis at a rate
13 established in a fee schedule adopted by Resolution of the County Council; and

14
15 **WHEREAS**, the Green Building Fund will be used to find ways to reduce energy
16 consumption; to provide technical assistance to certain building owners seeking to achieve
17 certification from the Green Building Council; and to provide education, training, and outreach
18 in green building practices; and

19
20 **WHEREAS**, the County Executive, upon the recommendation of the Director of
21 Inspections, Licenses and Permits and the Administrator of the Office of Environmental
22 Sustainability, has proposed a fee-in-lieu for a waiver of the Howard County Green Buildings
23 Law.

24
25 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
26 Maryland this 5th day of October, 2009 that it adopts the following fee-in-lieu for a
27 waiver of Howard County's Green Buildings Law:

28 **\$4 per gross square foot**

29
30 **AND BE IT FURTHER RESOLVED** that this fee-in-lieu shall be effective October 15,
31 2009 and shall continue in effect until changed or repealed by subsequent resolution of the
32 County Council.