

Introduced 02/02/09
Public hearing 02/18/09
Council action 03/02/09
Executive action 03/05/09
Effective date 05/06/09

County Council of Howard County, Maryland

2009 Legislative Session

Legislative day # 2

BILL NO. 8 - 2009

Introduced by: Courtney Watson, Councilperson
Co-sponsored by: Greg Fox, Councilperson

AN ACT amending the Howard County Code to allow an additional revision ~~during 2009~~
THROUGH JUNE 30, 2010 of the phasing schedule for a residential development, under
certain conditions; to allow unphased projects to become phased projects ~~in 2009~~
THROUGH JUNE 30, 2010; and providing that this Act shall be null and void after a certain
date; and generally relating to phased residential developments.

Introduced and read first time Feb 02, 2009. Ordered posted and hearing scheduled.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a
public hearing on Feb 18, 2009, and concluded on Feb 18, 2009.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

This Bill was read the third time March 2, 2009 and Passed ✓, Passed with amendments ✓, Failed .

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this 3rd day of March, 2009 at 12 p.m.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

Approved/vetoed by the County Executive on March 5, 2009.

Ken Ulman
Ken Ulman, County Executive

NOTE, [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law.
Strikeout indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, as of January 2009, in the United States and globally we have been in an economic
2 recession in which unemployment rates have been at near record highs and consumer confidence
3 has been at near record lows; and

4
5 **WHEREAS**, the business community has been struggling in the market place to provide quality
6 products at a cost that both encourages consumer confidence and satisfies outstanding financial
7 obligations; and

8
9 **WHEREAS**, in Howard County landowners also have experienced the pressures of the
10 economic downturn, resulting in a dramatic increase in the number of six-month extension
11 waiver requests to the County's Department of Planning and Zoning to assist in keeping
12 approved development plans viable and to prevent landowners from feeling forced to move
13 forward, potentially leading to financial instability and partially finished developments, creating
14 nuisances for county citizens.

15
16 *Now, Therefore,*

17
18 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that a new*
19 *Paragraph (2) "2009 Change to Phasing Schedule", of Subsection B "Phasing", of Section*
20 *16.1104 "Housing unit allocation process", of Subtitle 11 "Adequate Public Facilities", of Title*
21 *16 "Planning, Zoning and Subdivision and Land Development Regulations" of the Howard*
22 *County Code, is hereby added to read as follows:*

23
24
25 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations**

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

28
29 **Sec. 16.1104. Housing unit allocation process.**

30
31 (b) *Phasing:* See section 16.1110, "Definitions," for definition of "Phasing," "Unphased
32 Projects," and "Phased Projects."

1
2 (1) *Changing phasing schedule:* The schedule for completion of the phases of a
3 phased project may be revised by the developer no more than once every 4 years
4 during the subdivision plan approval process.

5
6 (2) ~~2009~~ ADDITIONAL CHANGE TO PHASING SCHEDULE: IN ADDITION TO A CHANGE TO
7 THE PHASING SCHEDULE IN SUBSECTION (B)(1) ABOVE, THE SCHEDULE FOR
8 COMPLETION OF THE PHASES OF A PROJECT HAVING ALLOCATIONS MAY BE REVISED
9 ONE TIME ~~IN 2009~~ THROUGH JUNE 30, 2010 PROVIDED THAT THE AMENDED PHASE
10 OR PHASES ARE MOVED TO LATER YEARS IN THE SCHEDULE. IN ADDITION, A PLAN
11 THAT HAS ALLOCATIONS AND THAT WAS NOT PREVIOUSLY PHASED MAY ALSO
12 REQUEST A PHASING SCHEDULE FROM THE DEPARTMENT OF PLANNING AND ZONING
13 ONE TIME ~~IN 2009~~ THROUGH JUNE 30, 2010.

14
15 ~~[(2)]~~(3) *Comprehensive projects:* Comprehensive residential projects may be phased at
16 the option of the developer, provided that housing unit allocations are available
17 for the scheduled completion year of the initial phase of the project and for the
18 scheduled completion years of each additional phase of the project, except as
19 provided below.

20 If no allocations are available for the initial phase of a comprehensive project, or
21 if too few allocations are available to make the initial phase viable, the developer
22 has the option to receive all tentative allocations in future years. However, in no
23 event shall the Department of Planning and Zoning grant more than 50% of the
24 total allocations available within any region for any future year for all projects
25 choosing this option.

26
27 ~~[(3)]~~(4) *Conventional projects:* Conventional residential projects may be phased if
28 there are sufficient housing unit allocations available for the scheduled
29 completion year of the initial phase of the project and for the scheduled
30 completion years of each additional phase of the project.

1
2 ***Section 2. And be it further enacted by the County Council of Howard County, Maryland, that***
3 ***the provisions of this act shall become effective 61 days after enactment and shall remain***
4 ***effective through ~~December 31, 2009.~~ On January 1, 2010 June 30, 2010. On July 1, 2010, this***
5 ***Act shall be null and void without the necessity of further action of the County Council.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on March 5, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

Amendment to Council Bill 8-2009

**BY: Greg Fox
Courtney Watson**

**Legislative Day No: 3
Date: March 2, 2009**

Amendment No. /

1 *(This amendment would clarify that the proposed additional rephrasing would apply to projects*
2 *which currently have allocations and that the time period for rephrasing would be extended*
3 *through June 30, 2010).*
4
5

6 On the title page, in line 1 of the title, strike "during 2009" and substitute, "THROUGH
7 JUNE 30, 2010". On the same page, in line 3 of the title, strike "in 2009" and substitute,
8 "THROUGH JUNE 30, 2010".
9

10 On page 2, in line 6, strike "2009" and substitute "ADDITIONAL".
11

12 On page 2, in line 8, after "PROJECT", insert "HAVING ALLOCATIONS". On the same line,
13 strike "IN 2009" and substitute "THROUGH JUNE 30, 2010".
14

15 On page 2, in line 10, after "PLAN", insert "THAT HAS ALLOCATIONS AND".
16

17 On page 2, in line 12, strike "IN 2009" and substitute "THROUGH JUNE 30, 2010".
18

19 On page 3, in line 4, strike "December 31, 2009. On January 1, 2010" and substitute
20 "June 30, 2010. On July 1, 2010".

ADOPTED March 2, 2009
FAILED _____
SIGNATURE Greg Fox