

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

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 of the phasing schedule for a residential development, under certain conditions; to allow unphased projects to become phased projects in 2009; 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 _____, 2009. Ordered posted and hearing scheduled.

By order _____
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 _____, 2009 and concluded on _____, 2009.

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

This Bill was read the third time _____, 2009 and Passed ___, Passed with amendments ___, Failed ___.

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

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2009 at _____ a.m./p.m.

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

Approved/vetoed by the County Executive on _____, 2009.

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

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

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

26 ~~[(3)]~~(4) *Conventional projects:* Conventional residential projects may be phased if
27 there are sufficient housing unit allocations available for the scheduled
28 completion year of the initial phase of the project and for the scheduled
29 completion years of each additional phase of the project.
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Section 2. And be it further enacted by the County Council of Howard County, Maryland, that the provisions of this act shall become effective 61 days after enactment and shall remain effective through December 31, 2009. On January 1, 2010, this Act shall be null and void without the necessity of further action of the County Council.