

1 **Amendment 1 to Council Bill 2-2016**

2
3 **BY: Calvin Ball**

Legislative Day No: 4
Date: April 4, 2016

6 **Amendment No. 1**

7
8
9 *(This amendment would impose a fee and establish other conditions for approval of further*
10 *reductions in commercial space for a development)*

11
12
13 On the title page, in the last line of the title page, after the semi colon, insert:
14 “Imposing a fee and establishing other conditions for approval of further reductions in
15 commercial space for a development.”

16
17 Page 1, line 19, after “site”, delete “.” and insert “PROVIDED, HOWEVER, THAT FOR
18 PARCELS PROVIDING MODERATE INCOME HOUSING UNDER SECTION 127.5.E.3.F.(1), THE
19 COMMERCIAL SPACE REQUIREMENT AS SET FORTH IN SECTION 127.5.E.3.C. SHALL BE
20 DETERMINED BASED ON EIGHTY-FIVE PERCENT OF RESIDENTIAL UNITS DEVELOPED AND FOR
21 PARCELS PROVIDING MODERATE INCOME HOUSING UNDER SECTION 127.5.E.3.F.(2), THE
22 COMMERCIAL SPACE REQUIREMENT AS SET FORTH IN SECTION 127.5.E.3.C. SHALL BE
23 DETERMINED BASED ON SEVENTY-FIVE PERCENT OF RESIDENTIAL UNITS DEVELOPED.”

24
25 Page 2, line 2, after “D.” insert “FOR PARCELS THAT HAVE 800 UNITS OR MORE.”

26
27 Page 2, line 4, delete “25” and replace with “20”

28
29 Page 2, line 15, after “1” insert “AND WHICH ADJOIN A DEVELOPMENT OF 800 UNITS
30 OR MORE.”

31
32 On page 2, line 23, insert the following:

33
34 “THE FEE AS PROVIDED FOR IN THIS SUBSECTION SHALL BE PAID AT THE TIME OF APPROVAL OF A SITE
35 DEVELOPMENT PLAN FOR THE NON-RESIDENTIAL PORTIONS OF THE DEVELOPMENT. THE FEE MAY BE
36 REDUCED AS FOLLOWS:

1 (1) THE FEE SHALL BE REDUCED ONE DOLLAR PER SQUARE FOOT FOR EVERY PERCENTAGE
2 POINT OF AMENITY AREA PROVIDED IN EXCESS OF THAT REQUIRED FOR THE PROJECT
3 LIMITED TO A MAXIMUM OF FIVE PERCENT.

4 (2) THE TOTAL FEE SHALL BE REDUCED DOLLAR-PER-DOLLAR FOR ANY AMOUNT OF
5 CONTRIBUTIONS PAID BY THE DEVELOPER FOR PUBLIC IMPROVEMENTS IN EXCESS OF THE
6 PROPORTIONAL SHARE REQUIRED BY HOWARD COUNTY.

7 (3) THE FEE SHALL BE REDUCED TWO DOLLARS PER SQUARE FOOT FOR PROJECTS IN WHICH
8 OVER TWENTY-FIVE PERCENT OF THE RESIDENTIAL UNITS ARE LEED CERTIFIED, FOUR
9 DOLLARS PER SQUARE FOOT FOR PROJECTS IN WHICH OVER TWENTY-FIVE PERCENT OF
10 THE RESIDENTIAL UNITS ARE LEED SILVER CERTIFIED, SIX DOLLARS PER SQUARE FOOT
11 FOR PROJECTS IN WHICH OVER TWENTY-FIVE PERCENT OF THE RESIDENTIAL UNITS ARE
12 LEED GOLD CERTIFIED, AND EIGHT DOLLARS PER SQUARE FOOT FOR PROJECTS IN WHICH
13 OVER TWENTY-FIVE PERCENT OF THE RESIDENTIAL UNITS ARE LEED PLATINUM
14 CERTIFIED.

15
16 IN THE EVENT THAT THE DEVELOPER PAYS THE FEE AS PROVIDED FOR IN THIS SUBSECTION,
17 NO ADDITIONAL RESIDENTIAL UNITS MAY BE RECEIVED OR CONSTRUCTED ON THE PROPERTY
18 PURSUANT TO SECTION 127.5.F.

19
20 E. THE PHASING OF RESIDENTIAL AND COMMERCIAL CONSTRUCTION AND OPEN SPACE
21 AMENITY AREAS SHOULD BE PROPORTIONAL. NO MORE THAN 50% OF THE RESIDENTIAL
22 UNITS SHALL BE CONSTRUCTED PRIOR TO COMMENCING A PROPORTIONAL AMOUNT OF
23 COMMERCIAL CONSTRUCTION AND OPEN SPACE AMENITY AREAS. FOR DEVELOPMENTS
24 OF 800 UNITS OR MORE OR DEVELOPMENTS ADJOINING SUCH LARGER DEVELOPMENTS,
25 NO MORE THAN 70% OF THE RESIDENTIAL UNITS SHALL BE CONSTRUCTED PRIOR TO
26 COMMENCING THE CONSTRUCTION OF THE NON-RESIDENTIAL PORTIONS OF THE
27 DEVELOPMENT UNLESS THE FEE AS SPECIFIED IN SUBSECTION (D) ABOVE IS PROVIDED.”.

28 On page 2, immediately following line 23, insert the following:

29 “[e. The phasing of residential and commercial construction and open space amenity areas
30 should be roughly proportional. No more than 50% of the residential units shall be
31 constructed prior to commencing a roughly proportional amount of commercial
32 construction and open space amenity areas. For developments of 800 units or more, no

1 more than 60% of the residential units shall be constructed prior to commencing the
2 construction of the non-residential portions of the development.]]”

3

4 Renumber the remainder of the ordinance accordingly.