AN ACT amending the adequate public facilities requirements in the Howard County Code; allowing a certain number of allocations for green neighborhoods; requiring compliance with certain green neighborhood standards; and generally relating to Howard County’s Adequate Public Facilities Ordinance.

Introduced and read first time ________________, 2007. Ordered posted and hearing scheduled.

By order __________________________
Sheila M. Tolliver, 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 ________________, 2007.

By order __________________________
Sheila M. Tolliver, Administrator

This Bill was read the third time on ____________, 2007 and Passed ___, Passed with amendments ________, Failed ________.

By order __________________________
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of ____________, 2007 at ___ a.m./p.m.

By order __________________________
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive ________________, 2007

Ken Ulman, County Executive

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.
Section 1. Be It Enacted by the County Council of Howard County, Maryland, that subsection (b) of Section 16.1102 “Housing Unit Allocation Concept; Housing Unit Allocation Chart” and subsection (h) of Section 16.1106 “Milestones”, both of Subtitle 11 “Adequate Public Facilities” of Title 16 “Planning, Zoning and Subdivisions and Land Development Regulations” of the Howard County Code are amended to read as follows:

Subtitle 11. Adequate Public Facilities.

Section 16.1102. Housing unit allocation concept; housing unit allocation chart.

(b) Housing Unit Allocation Chart:

(1) Description: The housing unit allocation chart is a chart indicating the projected number of housing unit allocations available to be granted in the county each year for a 10-year period. The chart is designed to specify housing unit allocations for the scheduled completion year of a project or any phase of a project. The chart divides the available housing unit allocations into planning regions and may provide for a set aside of housing unit allocations for the revitalization of the US Route 1 Corridor, senior housing units, and affordable housing units. The set aside for senior housing units and affordable housing units may be assigned to a specific planning region, selected regions or countywide.

(2) Basis: The basis of the housing unit allocation chart is the general plan targets for residential growth by planning region. However, if the general plan monitoring report indicates that general plan policies for agricultural preservation, environmental protection, and affordable housing are not being met, the housing unit allocation chart may be adjusted to more effectively achieve these policies.

(3) Preparation and adoption: The Department of Planning and Zoning shall prepare and update the housing unit allocation chart for consideration and
adoption by the County Council. Once each year, and more often if the
Council determines that amendments are appropriate, the county council
shall adopt the housing unit allocation chart by resolution, after a public
hearing. Whenever the housing unit allocation chart is adopted or
amended, the open/closed chart shall be adopted or amended concurrently
to be consistent.

(4) **Amendments for economic development; grants, etc.:** From time to time,
the county may be presented with opportunities for economic development
or availabilities of state or federal grant moneys which require increasing
the number of housing unit allocations for distribution for a given year. In
order to take advantage of these opportunities, the County Council may, at
any time, amend the housing unit allocation chart for a certain year or
years. If the Council makes such an amendment, it shall use the rolling
average (see section 16.1110, "Definitions") to amend the number and/or
regional distribution of allocations for subsequent years.

(5) **Revitalization allocations:** To encourage revitalization along the US Route
1 Corridor, the number of housing unit allocations shall be increased by
250 additional allocations each year, beginning in fiscal year 2004. The
revitalization housing unit allocations are to be used solely for
revitalization purposes in multi-use developments that include residential
and office or retail uses. Only projects east of US Interstate 95 located in
the Elkridge or Southeast regions shall be eligible to receive revitalization
allocations. No more than 60 percent of the allocations shall be granted in
a given region per year. A project or development utilizing revitalization
allocations must also satisfy the remaining applicable provisions of this
subtitle.

(6) **Moderate income housing allocations:** To encourage the construction of
more moderate income housing and to create units that are more
affordable to young workers, first-time homebuyers, and retirees,
beginning in fiscal year 2007 the number of housing unit allocations shall
be increased by 100 moderate income housing unit allocations each year as follows:

(i) Only one or two bedroom units are eligible to receive a moderate income housing unit allocation;

(ii) The square footage of a unit shall not exceed:
   a. 900 square feet for a one bedroom unit; or
   b. 1,100 square feet for a two bedroom unit; and

(iii) A development using moderate income housing unit allocations shall satisfy the remaining applicable provisions of this subtitle.

(7) GREEN NEIGHBORHOOD ALLOCATIONS: TO ENCOURAGE SUSTAINABLE RESIDENTIAL PLANNING AND DESIGN, TO MINIMIZE ADVERSE IMPACTS ON NATURAL RESOURCES, AND TO PROMOTE ENERGY EFFICIENCY, BEGINNING IN FISCAL YEAR 2008:

(I) THE ANNUAL HOUSING UNIT ALLOCATION CHART MAY MOVE UP TO 100 ALLOCATIONS PER YEAR FROM THE RURAL WEST OTHER HOUSING ALLOCATION CATEGORIES TO BE USED SOLELY FOR HOUSING THAT MEETS GREEN NEIGHBORHOOD STANDARDS ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL; AND

(II) A DEVELOPMENT USING GREEN NEIGHBORHOOD ALLOCATIONS SHALL SATISFY THE REMAINING APPLICABLE PROVISIONS OF THIS SUBTITLE; AND

(III) NO MORE THAN 50% OF THE GREEN NEIGHBORHOOD ALLOCATIONS SHALL BE GRANTED IN A GIVEN REGION PER YEAR.

Section 16.1106. Milestones.

(h) Voided Allocations:
(1) **Circumstances for voiding tentative allocations:** Tentative housing unit allocations shall be voided by the department of planning and zoning when:

(i) A subdivision plan with tentative housing unit allocations fails to meet a milestone (see (g) above); [or]

(ii) The number of dwelling units to be built in a subdivision is reduced between initial plan stage approval and recordation[.]

OR;

(III) **THE REQUIREMENTS FOR GREEN NEIGHBORHOOD ALLOCATIONS ESTABLISHED UNDER SECTION 16.1102(B)(7) OF THIS SUBTITLE ARE NOT MET BY PROJECTS THAT HAVE RECEIVED GREEN NEIGHBORHOOD ALLOCATIONS AT SUBSEQUENT PLAN SUBMISSION OR BUILDING PERMIT STAGES.**

(2) **Bulk parcels:** When a residential subdivision project includes a bulk parcel(s) for apartment, single-family attached or mobile home development, the tentative housing unit allocations assigned during the subdivision process shall become permanent as set forth below and tentative allocations shall be voided under the following conditions:

(i) If a bulk parcel for apartment, single-family attached or mobile home development is recorded and tentative allocations have been assigned, the project must proceed with a site development plan for the project in accordance with the milestones provided for in section 16.1106(d). Upon approval of the site development plan the tentative allocations become permanent. Failure to meet a milestone will result in the voiding of allocations. Prior to development of a bulk parcel where allocations have been voided, the project must pass the test for granting housing unit allocations as provided in section 16.1104 and pass the test for adequate school facilities as provided in section 16.1103, or
(ii) If a bulk parcel for single-family attached or mobile home units is recorded and tentative allocations have been assigned and the bulk parcel is to be resubdivided to provide individual lots for housing units, the project must proceed with a sketch plan or preliminary equivalent sketch plan in accordance with the milestones provided for in section 16.1106(d) and continue to meet milestones until the resubdivision plat is recorded. Upon recordation of the resubdivision plat, the tentative allocations become permanent. Failure to meet milestones will result in the voiding of allocations. Prior to development of a bulk parcel where allocations have been voided, the project must pass the test for granting housing unit allocations as provided in section 16.1104 and pass the test for adequate school facilities as provided in section 16.1103.

(iii) The provisions for voiding tentative allocations pursuant to subsection (h)(2) above, shall not apply to any project which received sketch plan or preliminary equivalent sketch plan approval prior to the effective date of this amendment, July 1, 1995.

(3) Number of housing unit allocations voided: If a milestone [[is]] OR GREEN NEIGHBORHOOD REQUIREMENTS ARE not met, all of the tentative housing unit allocations granted to the subdivision shall be voided. If the number of dwelling units in the subdivision is reduced, only the excess tentative allocations shall be voided. In either case, the department of planning and zoning shall reassign the voided allocations to another project only as provided in (4) below.

(4) Reassignment of voided allocations: Whenever the department of planning and zoning has voided allocations, it shall reassign them by granting the allocations to projects waiting for allocations pursuant to section 16.1105(c)(2). Reassigned allocations shall be granted to projects waiting longest for allocations. Even though the department of planning and zoning, pursuant to section 16.1104(d), may have initially granted more
than 100% of the allocations available on the housing unit allocation chart
for the current year, the department of planning and zoning shall only
reassign allocations until the total number of new and reassigned
allocations granted for the current year equals 100% of the projected
number of allocations available for the appropriate [[region]]
CATEGORY of the housing unit allocation chart for that year.

Section 2. Be It Enacted by the County Council of Howard County, Maryland, that new
subsection (v) (u) is added to Section 16.144 “General procedures regarding the
subdivision process”, new paragraph (21) is added to subsection (c) of Section
16.145 “Sketch plan; preliminary equivalent sketch plan”, and new paragraph (33) is
added to subsection (c) of Section 16.147 “Final subdivision and final plat”, all of
Article IV “Procedures for filing and processing subdivision applications” of Subtitle 1
“Subdivision and Land Development Regulations” of Title 16 “Planning, Zoning and
Subdivisions and Land Development Regulations” of the Howard County Code to read as
follows:

Article IV. Procedures for Filing and Processing Subdivision Applications.

Section 16.144. General procedures regarding the subdivision process.
(V) (U) COMPLIANCE WITH GREEN NEIGHBORHOOD ALLOCATION. AN
APPLICANT WHO RECEIVES A GREEN NEIGHBORHOOD ALLOCATION
UNDER SECTION 16.1102 OF THIS SUBTITLE SHALL COMPLY WITH THE
STANDARDS ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL.
THE INITIAL PLAN SUBMISSION SHALL BE A PRELIMINARY EQUIVALENT
SKETCH PLAN FOR MAJOR SUBDIVISIONS, FINAL PLAN FOR MINOR
SUBDIVISIONS, OR SITE DEVELOPMENT PLAN, WHICHERVER IS APPLICABLE.
Section 16.145. Sketch plan; preliminary equivalent sketch plan.

(c) Required Information. A checklist specifying the required information format for sketch plan submission is to be provided by the Department of Planning and Zoning. For all types of subdivisions, except for apartments, the sketch plan, drawn on 24-inch by 36-inch sheets to scale 1 inch equals 200 feet, or as approved by the Department of Planning and Zoning shall be submitted on a topographic map, accompanied by an application form, checklist, and fee and the following items. Apartment developments shall be drawn at a scale of 1 inch equals 100 feet or 1 inch equals 50 feet and shall also provide the information required in paragraph (16) of this subsection. The Department of Planning and Zoning will provide a separate submission checklist for a preliminary equivalent sketch plan that incorporates appropriate requirements from the checklists for both sketch and preliminary plans.

(21) FOR RESIDENTIAL DEVELOPMENT PROJECTS REQUESTING GREEN NEIGHBORHOOD ALLOCATIONS, THE PRELIMINARY EQUIVALENT SKETCH PLAN SHALL DEMONSTRATE HOW THE PROJECT WILL COMPLY WITH THE GREEN NEIGHBORHOOD SITE PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST.

Section 16.147. Final subdivision plan and final plat.

(c) Required Information for Final Plat: A checklist specifying the required format for final plat submission shall be provided by the Department of Planning and Zoning. The final plat shall be clearly and legibly drawn in black waterproof ink on a reproducible linen of good quality or comparable material approved by the Howard County Department of Planning and Zoning and shall conform to the plat requirements of the Annotated Code of Maryland, as amended. The size of the plat shall be 18 inches by 24 inches, including a 1.5-inch margin for binding along the left-hand edge and 0.5-inch margins on all other sides. Scale shall be 1 inch equals 100 feet, 1 inch equals 50 feet, 1 inch equals 30 feet, or as approved by the Department of Planning and Zoning. Where necessary, the final plat may be on several sheets accompanied by an index sheet showing the entire subdivision submitted. Information to be shown on the final plat shall include:
FOR RESIDENTIAL DEVELOPMENT PROJECTS REQUESTING GREEN NEIGHBORHOOD ALLOCATIONS, THE FINAL PLAN SHALL DEMONSTRATE HOW THE PROJECT WILL COMPLY WITH THE GREEN NEIGHBORHOOD SITE PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST. THE FINAL PLAT SHALL INDICATE THAT THE DEVELOPMENT HAS OBTAINED GREEN NEIGHBORHOOD ALLOCATIONS AND SHALL INDICATE THAT DURING THE BUILDING PERMIT PROCESS ALL BUILDINGS WITHIN THE RESIDENTIAL DEVELOPMENT PROJECT SHALL COMPLY WITH THE GREEN NEIGHBORHOOD HOME PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST.

Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that if Council Bill No. 47-2007 does not become effective then subsection (v) is renumbered to be subsection (u) of Section 16.144 “General procedures regarding the subdivision process” of Article IV “Procedures for filing and processing subdivision applications” of Subtitle 1 “Subdivision and Land Development Regulations” of Title 16 “Planning, Zoning and Subdivisions and Land Development Regulations” of the Howard County Code.

Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that new paragraph (16) is added to subsection (c) of Section 16.157 “Required information for site development plans” of Article V “Procedures for Filing and Processing Site Development Plan Applications” of Subtitle 1 “Subdivision and Land Development Regulations” of Title 16 “Planning, Zoning and Subdivisions and Land Development Regulations” of the Howard County Code to read as follows:

Article V. Procedures for Filing and Processing Site Development Plan Applications.
Section 16.157. Required information for site development plans.

(c) Information Concerning Proposed Improvements:

(16) FOR RESIDENTIAL DEVELOPMENT PROJECTS REQUESTING GREEN NEIGHBORHOOD ALLOCATIONS, THE SITE DEVELOPMENT PLAN SHALL DEMONSTRATE HOW THE PROJECT WILL COMPLY WITH THE GREEN NEIGHBORHOOD SITE PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST. THE SITE DEVELOPMENT PLAN SHALL INDICATE THAT THE DEVELOPMENT HAS OBTAINED GREEN NEIGHBORHOOD ALLOCATIONS AND SHALL INDICATE THAT DURING THE BUILDING PERMIT PROCESS ALL BUILDINGS WITHIN THE RESIDENTIAL DEVELOPMENT PROJECT SHALL COMPLY WITH THE GREEN NEIGHBORHOOD HOME PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST.

Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.