

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2007 Legislative Session

Legislative Day No. 9

### Bill No. 48 -2007

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

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.

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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.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that  
2 subsection (b) of Section 16.1102 “Housing Unit Allocation Concept; Housing Unit  
3 Allocation Chart” and subsection (h) of Section 16.1106 “Milestones”, both of Subtitle  
4 11 “Adequate Public Facilities” of Title 16 “Planning, Zoning and Subdivisions and  
5 Land Development Regulations” of the Howard County Code are amended to read as  
6 follows:

7  
8 **Title 16. Planning, Zoning and Subdivisions and**  
9 **Land Development Regulations.**  
10 **Subtitle 11. Adequate Public Facilities.**  
11

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

13 (b) *Housing Unit Allocation Chart:*

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

24 (2) *Basis:* The basis of the housing unit allocation chart is the general plan  
25 targets for residential growth by planning region. However, if the general  
26 plan monitoring report indicates that general plan policies for agricultural  
27 [[preservation]] PRESERVATION, ENVIRONMENTAL PROTECTION,  
28 and affordable housing are not being met, the housing unit allocation chart  
29 may be adjusted to more effectively achieve these policies.

30 (3) *Preparation and adoption:* The Department of Planning and Zoning shall  
31 prepare and update the housing unit allocation chart for consideration and

1 adoption by the County Council. Once each year, and more often if the  
2 Council determines that amendments are appropriate, the county council  
3 shall adopt the housing unit allocation chart by resolution, after a public  
4 hearing. Whenever the housing unit allocation chart is adopted or  
5 amended, the open/closed chart shall be adopted or amended concurrently  
6 to be consistent.

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

16 (5) *Revitalization allocations:* To encourage revitalization along the US Route  
17 1 Corridor, the number of housing unit allocations shall be increased by  
18 250 additional allocations each year, beginning in fiscal year 2004. The  
19 revitalization housing unit allocations are to be used solely for  
20 revitalization purposes in multi-use developments that include residential  
21 and office or retail uses. Only projects east of US Interstate 95 located in  
22 the ElkrIDGE or Southeast regions shall be eligible to receive revitalization  
23 allocations. No more than 60 percent of the allocations shall be granted in  
24 a given region per year. A project or development utilizing revitalization  
25 allocations must also satisfy the remaining applicable provisions of this  
26 subtitle.

27 (6) *Moderate income housing allocations:* To encourage the construction of  
28 more moderate income housing and to create units that are more  
29 affordable to young workers, first-time homebuyers, and retirees,  
30 beginning in fiscal year 2007 the number of housing unit allocations shall

1 be increased by 100 moderate income housing unit allocations each year  
2 as follows:

- 3 (i) Only one or two bedroom units are eligible to receive a moderate  
4 income housing unit allocation;
- 5 (ii) The square footage of a unit shall not exceed:  
6 a. 900 square feet for a one bedroom unit; or  
7 b. 1,100 square feet for a two bedroom unit; and
- 8 (iii) A development using moderate income housing unit allocations  
9 shall satisfy the remaining applicable provisions of this subtitle.

10 (7) *GREEN NEIGHBORHOOD ALLOCATIONS: TO ENCOURAGE*  
11 *SUSTAINABLE RESIDENTIAL PLANNING AND DESIGN, TO*  
12 *MINIMIZE ADVERSE IMPACTS ON NATURAL RESOURCES, AND TO*  
13 *PROMOTE ENERGY EFFICIENCY, BEGINNING IN FISCAL YEAR*  
14 *2008:*

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

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

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

28  
29 **Section 16.1106. Milestones.**

30 (h) *Voided Allocations:*

- 1           (1)    *Circumstances for voiding tentative allocations:* Tentative housing unit  
2           allocations shall be voided by the department of planning and zoning  
3           when:  
4           (i)     A subdivision plan with tentative housing unit allocations fails to  
5           meet a milestone (see (g) above); [[or]]  
6           (ii)    The number of dwelling units to be built in a subdivision is  
7           reduced between initial plan stage approval and recordation[.]  
8           OR;  
9           (III) THE REQUIREMENTS FOR GREEN NEIGHBORHOOD  
10          ALLOCATIONS ESTABLISHED UNDER SECTION  
11          16.1102(B)(7) OF THIS SUBTITLE ARE NOT MET BY  
12          PROJECTS THAT HAVE RECEIVED GREEN  
13          NEIGHBORHOOD ALLOCATIONS AT SUBSEQUENT PLAN  
14          SUBMISSION ~~OR BUILDING PERMIT~~ STAGES.  
15          (2)    *Bulk parcels:* When a residential subdivision project includes a bulk  
16          parcel(s) for apartment, single-family attached or mobile home  
17          development, the tentative housing unit allocations assigned during the  
18          subdivision process shall become permanent as set forth below and  
19          tentative allocations shall be voided under the following conditions:  
20          (i)     If a bulk parcel for apartment, single-family attached or mobile  
21          home development is recorded and tentative allocations have been  
22          assigned, the project must proceed with a site development plan for  
23          the project in accordance with the milestones provided for in  
24          section 16.1106(d). Upon approval of the site development plan  
25          the tentative allocations become permanent. Failure to meet a  
26          milestone will result in the voiding of allocations. Prior to  
27          development of a bulk parcel where allocations have been voided,  
28          the project must pass the test for granting housing unit allocations  
29          as provided in section 16.1104 and pass the test for adequate  
30          school facilities as provided in section 16.1103, or

- 1 (ii) If a bulk parcel for single-family attached or mobile home units is  
2 recorded and tentative allocations have been assigned and the bulk  
3 parcel is to be resubdivided to provide individual lots for housing  
4 units, the project must proceed with a sketch plan or preliminary  
5 equivalent sketch plan in accordance with the milestones provided  
6 for in section 16.1106(d) and continue to meet milestones until the  
7 resubdivision plat is recorded. Upon recordation of the  
8 resubdivision plat, the tentative allocations become permanent.  
9 Failure to meet milestones will result in the voiding of allocations.  
10 Prior to development of a bulk parcel where allocations have been  
11 voided, the project must pass the test for granting housing unit  
12 allocations as provided in section 16.1104 and pass the test for  
13 adequate school facilities as provided in section 16.1103.
- 14 (iii) The provisions for voiding tentative allocations pursuant to  
15 subsection (h)(2) above, shall not apply to any project which  
16 received sketch plan or preliminary equivalent sketch plan  
17 approval prior to the effective date of this amendment, July 1,  
18 1995.
- 19 (3) *Number of housing unit allocations voided:* If a milestone ~~[[is]]~~ OR  
20 GREEN NEIGHBORHOOD REQUIREMENTS ARE not met, all of the  
21 tentative housing unit allocations granted to the subdivision shall be  
22 voided. If the number of dwelling units in the subdivision is reduced, only  
23 the excess tentative allocations shall be voided. In either case, the  
24 department of planning and zoning shall reassign the voided allocations to  
25 another project only as provided in (4) below.
- 26 (4) *Reassignment of voided allocations:* Whenever the department of planning  
27 and zoning has voided allocations, it shall reassign them by granting the  
28 allocations to projects waiting for allocations pursuant to section  
29 16.1105(c)(2). Reassigned allocations shall be granted to projects waiting  
30 longest for allocations. Even though the department of planning and  
31 zoning, pursuant to section 16.1104(d), may have initially granted more

1 than 100% of the allocations available on the housing unit allocation chart  
2 for the current year, the department of planning and zoning shall only  
3 reassign allocations until the total number of new and reassigned  
4 allocations granted for the current year equals 100% of the projected  
5 number of allocations available for the appropriate [[region]]  
6 CATEGORY of the housing unit allocation chart for that year.  
7

8 **Section 2. *Be It Enacted*** by the County Council of Howard County, Maryland, that new  
9 *subsection (v) (u) is added to Section 16.144 “General procedures regarding the*  
10 *subdivision ~~process~~” process”, new paragraph (21) is added to subsection (c) of Section*  
11 *16.145 “Sketch plan; preliminary equivalent sketch plan”, and new paragraph (33) is*  
12 *added to subsection (c) of Section 16.147 “Final subdivision and final plat”, all of*  
13 *Article IV “Procedures for filing and processing subdivision applications” of Subtitle 1*  
14 *“Subdivision and Land Development Regulations” of Title 16 “Planning, Zoning and*  
15 *Subdivisions and Land Development Regulations” of the Howard County Code to read as*  
16 *follows:*

17  
18 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

19 **Subtitle 1. Subdivisions and Land Development Regulations.**

20 **Article IV. Procedures for Filing and Processing Subdivision Applications.**

21  
22 **Section 16.144. General procedures regarding the subdivision process.**

23 ~~(V)~~ (U) *COMPLIANCE WITH GREEN NEIGHBORHOOD ALLOCATION. AN*  
24 *APPLICANT WHO RECEIVES A GREEN NEIGHBORHOOD ALLOCATION*  
25 *UNDER SECTION 16.1102 OF THIS SUBTITLE SHALL COMPLY WITH THE*  
26 *STANDARDS ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL.*  
27 *THE INITIAL PLAN SUBMISSION SHALL BE A PRELIMINARY EQUIVALENT*  
28 *SKETCH PLAN FOR MAJOR SUBDIVISIONS, FINAL PLAN FOR MINOR*  
29 *SUBDIVISIONS, OR SITE DEVELOPMENT PLAN, WHICHEVER IS APPLICABLE.*  
30  
31

1 **Section 16.145. Sketch plan; preliminary equivalent sketch plan.**

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

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

18  
19 **Section 16.147. Final subdivision plan and final plat.**

20 (c) Required Information for Final Plat: A checklist specifying the required format for  
21 final plat submission shall be provided by the Department of Planning and Zoning. The  
22 final plat shall be clearly and legibly drawn in black waterproof ink on a reproducible  
23 linen of good quality or comparable material approved by the Howard County  
24 Department of Planning and Zoning and shall conform to the plat requirements of the  
25 Annotated Code of Maryland, as amended. The size of the plat shall be 18 inches by 24  
26 inches, including a 1.5-inch margin for binding along the left-hand edge and 0.5-inch  
27 margins on all other sides. Scale shall be 1 inch equals 100 feet, 1 inch equals 50 feet, 1  
28 inch equals 30 feet, or as approved by the Department of Planning and Zoning. Where  
29 necessary, the final plat may be on several sheets accompanied by an index sheet  
30 showing the entire subdivision submitted. Information to be shown on the final plat shall  
31 include:



1           (33) FOR RESIDENTIAL DEVELOPMENT PROJECTS REQUESTING  
2           GREEN NEIGHBORHOOD ALLOCATIONS, THE FINAL PLAN  
3           SHALL DEMONSTRATE HOW THE PROJECT WILL COMPLY  
4           WITH THE GREEN NEIGHBORHOOD SITE PORTION OF THE  
5           GREEN NEIGHBORHOOD CHECKLIST. THE FINAL PLAT SHALL  
6           INDICATE THAT THE DEVELOPMENT HAS OBTAINED GREEN  
7           NEIGHBORHOOD ALLOCATIONS AND SHALL INDICATE THAT  
8           DURING THE BUILDING PERMIT PROCESS ALL BUILDINGS  
9           WITHIN THE RESIDENTIAL DEVELOPMENT PROJECT SHALL  
10          COMPLY WITH THE GREEN NEIGHBORHOOD HOME PORTION  
11          OF THE GREEN NEIGHBORHOOD CHECKLIST.

12  
13 ~~*Section 3. And Be It Further Enacted by the County Council of Howard County,*~~  
14 ~~*Maryland, that if Council Bill No. 47-2007 does not become effective then subsection (v)*~~  
15 ~~*is renumbered to be subsection (u) of Section 16.144 “General procedures regarding the*~~  
16 ~~*subdivision process” of Article IV “Procedures for filing and processing subdivision*~~  
17 ~~*applications” of Subtitle 1 “Subdivision and Land Development Regulations” of Title 16*~~  
18 ~~*“Planning, Zoning and Subdivisions and Land Development Regulations” of the Howard*~~  
19 ~~*County Code.*~~

20  
21 *Section 3. And Be It Further Enacted by the County Council of Howard County,*  
22 *Maryland, that new paragraph (16) is added to subsection (c) of Section 16.157*  
23 *“Required information for site development plans” of Article V “Procedures for Filing*  
24 *and Processing Site Development Plan Applications” of Subtitle 1 “Subdivision and*  
25 *Land Development Regulations” of Title 16 “Planning, Zoning and Subdivisions and*  
26 *Land Development Regulations” of the Howard County Code to read as follows:*

27  
28       **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

29           **Subtitle 1. Subdivisions and Land Development Regulations.**

30       **Article V. Procedures for Filing and Processing Site Development Plan Applications.**

31

1 **Section 16.157. Required information for site development plans.**

2 *(c) Information Concerning Proposed Improvements:*

3 (16) FOR RESIDENTIAL DEVELOPMENT PROJECTS REQUESTING  
4 GREEN NEIGHBORHOOD ALLOCATIONS, THE SITE  
5 DEVELOPMENT PLAN SHALL DEMONSTRATE HOW THE  
6 PROJECT WILL COMPLY WITH THE GREEN NEIGHBORHOOD  
7 SITE PORTION OF THE GREEN NEIGHBORHOOD CHECKLIST.  
8 THE SITE DEVELOPMENT PLAN SHALL INDICATE THAT THE  
9 DEVELOPMENT HAS OBTAINED GREEN NEIGHBORHOOD  
10 ALLOCATIONS AND SHALL INDICATE THAT DURING THE  
11 BUILDING PERMIT PROCESS ALL BUILDINGS WITHIN THE  
12 RESIDENTIAL DEVELOPMENT PROJECT SHALL COMPLY WITH  
13 THE GREEN NEIGHBORHOOD HOME PORTION OF THE GREEN  
14 NEIGHBORHOOD CHECKLIST.

15  
16 ***Section 4. And Be It Further Enacted*** by the County Council of Howard County,  
17 *Maryland, that this Act shall become effective 61 days after its enactment.*