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

County Council of Howard County, Maryland

2010 Legislative Session **Legislative Day No. 8**

Bill No. 47-2010

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

AN ACT amending the Adequate Public Facilities Act of Howard County and establishing procedures and policies related to revitalization within Downtown Columbia, including establishing an appropriate intersection standard for Downtown Columbia; requiring a pedestrian and bicycle level of service test for Downtown Columbia; establishing a housing unit allocation process for Downtown Columbia to conform to the Downtown Columbia Plan; defining certain terms; making certain technical corrections; and generally related to the Adequate Public Facilities Act in Howard County.

Introduced and read first time _____, 2010. Ordered posted and hearing scheduled.

By order_____
Stephen LeGendre, 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 _____, 2010.

By order _____
Stephen LeGendre, Administrator

This Bill was read the third time on _____, 2010 and Passed ___, Passed with amendments _____, Failed _____.

By order _____
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___day of _____, 2010 at ___ a.m./p.m.

By order _____
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive _____, 2010

_____
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

WHEREAS, the 2000 Howard County General Plan identifies Downtown Columbia as the County's urban center and recommends increasing the number of housing units and people living Downtown to encourage its continuing evolution and growth (Policy 5.5); and

WHEREAS, after much community involvement and input ranging from a week-long Charette in 2005 and a Downtown Focus Group convened to discuss key issues and offer advice regarding the redevelopment of Downtown Columbia, the County Executive, through the Department of Planning and Zoning, synthesized the public comment received and released "Downtown Columbia: A Community Vision" which articulated planning guidelines for the redevelopment of Downtown Columbia; and

WHEREAS, "Downtown Columbia: A Community Vision" provided that the redevelopment of Downtown Columbia should direct growth into Downtown as the largest of the County's mixed-use centers and, accordingly, a phasing plan was essential to balance the mix of uses and the provision of amenities and infrastructure to keep pace with development; and

WHEREAS, in 2008 the Department of Planning and Zoning evaluated a proposed General Plan amendment and zoning regulation amendment for Downtown Columbia and reiterated that a balance of uses should be required and that a phasing plan should be established with measurable, objective and enforceable benchmarks; and

WHEREAS, on February 1, 2010, following several public hearings and work sessions, the Howard County Council adopted Council Bill No. 58-2009 which approved an amendment to General Plan 2000, known as the Downtown Columbia Plan, and Council Bill No. 59-2009 which created new zoning requirements for Downtown Columbia revitalization; and

WHEREAS, the Downtown Columbia Plan and Bill 59-2009 authorize new housing, office, retail and hotel development levels and requirements for Downtown Columbia that are separate and distinct from the levels of development permitted and zoning requirements applicable to the remainder of Columbia and the County; and

WHEREAS, the Downtown Columbia Plan and zoning regulations establish phasing requirements for downtown that are separate and distinct from requirements applicable to the remainder of Columbia and the County, which establish the minimum and maximum number of net new dwellings permitted downtown in three phases, based on the timely provision of the community enhancements, programs and public amenities (CEPPAs) and the levels of development permitted in the downtown Columbia plan ; and

WHEREAS, with respect to public roads adequacy, the Downtown Columbia Plan (i) states the level of service for all County-controlled intersections serving Downtown Columbia should reflect its more urban, pedestrian oriented-character; (ii) anticipates a higher critical lane volume (CLV) than exists in the rest of the County; and (iii) indicates the appropriate level of service standard will be established as a part of the Adequate Public Facilities Ordinance legislation; and

WHEREAS, in order to implement the Downtown Columbia Plan, it is necessary to amend the Howard County Adequate Public Facilities Act to address the specific redevelopment standards for Downtown Columbia by adopting appropriate public roads, pedestrian and bicycle standards for Downtown Columbia and by conforming the housing unit allocations test for Downtown Columbia to the specific phasing requirements established in the Downtown Revitalization Phasing Progression adopted as a part of the Downtown Columbia Plan; and

WHEREAS, consistent with the changes proposed in this Act and the Downtown Columbia Plan, the Director of the Department of Public Works has proposed a revision to Chapter 4, Adequate Public Facilities Test Evaluation Requirements, of Volume III (Roads and Bridges) of the Design Manual.

NOW, THEREFORE:

Section 1. Be it enacted *by the County Council of Howard County, Maryland, that the following sections of Subtitle 11 "Adequate Public Facilities" of Title 16 "Planning, Zoning and Subdivisions and Land Development Regulations" of the Howard County Code, are hereby amended as follows:*

1. Subsections (a) and (c) are amended; new subsection (f) is added; current subsection (f) is amended; current subsection (g) is renumbered to be subsection (h); and new paragraph (4) is added to newly renumbered subsection (h); all of Section 16.1101 "Adequate Road Facilities";

2. Paragraph (1) is amended and new paragraph (8) is added; all of Subsection (b) of Section 16.1102 "Housing unit allocation concept; housing unit allocation chart";

3. Paragraph (2) of Subsection (b) of Section 16.1104 "Housing unit allocation process" is amended;

4. Subsection (b) is amended; paragraphs (1) and (2) of Subsection (c) are amended; and Paragraphs (1) and (2) of Subsection (d) are amended; all of Section 16.1105 "Processing of plans subject to test for adequate road facilities and/or tests for adequate school facilities and/or test for housing unit allocations";

5. Subsection (e) of Section 16.1106 "Milestones" is amended; and

6. Section 16.1110 "Definitions" is amended.

Title 16. Planning, Zoning and Subdivisions and Land Development Regulation

Subtitle 11. Adequate Public Facilities

Section 16.1101. Adequate [[Road]] TRANSPORTATION Facilities.

(a) *Requirement to be Tested for Adequate [[Road]] TRANSPORTATION Facilities*: [[As a condition of]] EACH FINAL DEVELOPMENT PLAN PROPOSING DOWNTOWN REVITALIZATION AND EACH subdivision and site development PLAN, [[plan

approval, all subdivision and site development plans,]] except those listed in Section 16.1107, "Exemptions," [[are required to]] SHALL pass the test for adequate road facilities. IN DOWNTOWN COLUMBIA, TESTING FOR THE ADEQUACY OF PEDESTRIAN AND BICYCLE FACILITIES IS ALSO REQUIRED, AS WELL AS A QUEUING ANALYSIS AND TRANSPORTATION DEMAND MANAGEMENT STATEMENT AS SPECIFIED IN SECTION 16.1101(F).

(c) *Traffic Study*: A traffic study, as specified in the Howard County Design Manual, shall be submitted with each application for approval of a [[project]] SUBDIVISION OR SITE DEVELOPMENT PLAN UNDER THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS AND WITH EACH APPLICATION FOR APPROVAL OF A FINAL DEVELOPMENT PLAN PROPOSING DOWNTOWN REVITALIZATION. For projects which will not produce additional traffic, an affidavit stating that the project will not produce additional traffic may be submitted in lieu of a traffic study.

(F) *TESTING PROVISIONS APPLICABLE TO DOWNTOWN COLUMBIA.*

(I) FOR ALL FINAL DEVELOPMENT PLAN APPLICATIONS PROPOSING DOWNTOWN REVITALIZATION AND ALL SUBDIVISION AND SITE DEVELOPMENT PLAN APPLICATIONS IN DOWNTOWN COLUMBIA, THE INTERSECTION STANDARD IS UP TO 1,600 CLV FOR ALL INTERSECTIONS AS SPECIFIED IN THE HOWARD COUNTY DESIGN MANUAL. A QUEUING ANALYSIS IS ALSO REQUIRED FOR THE SAME INTERSECTIONS.

(II) THE COUNTY WILL CONDUCT INDEPENDENT TRAFFIC MONITORING STUDIES EVERY 5 YEARS IN ORDER TO ASSESS THE VALIDITY OF TRAFFIC STUDY ASSUMPTIONS AND WHETHER RECALIBRATION OF PROJECTIONS SHOULD BE REQUIRED FOR FUTURE TRAFFIC STUDIES.

(III) DOWNTOWN REVITALIZATION IS ALSO SUBJECT TO A PEDESTRIAN AND BICYCLE LEVEL OF SERVICE TEST AS SPECIFIED IN THE HOWARD COUNTY DESIGN MANUAL.

([[f]]G) *Extent of the Mitigation*:

(1) Mitigation means the construction and/or the funding of improvements to [[off-site]] road facilities by a developer OR DEVELOPERS, as approved by the director of planning and zoning, after consultation with the director of

public works. Mitigation measures may include any intersection capacity improvements except grade separation of the roadways and ramps within the intersection or improvements to the through lanes of intermediate arterials and higher classified roads.

(2) Except as otherwise provided in (3) and (4) below, mitigation necessary to pass the test for adequate road facilities shall increase capacity on each road facility below the minimum level of service in the impact area so that the level of service on each road facility in the impact area after construction of the project would be equal to the level of service if the project [[would be equal to the level of service if the project]] had not been constructed but not more than the minimum level of service.

(3) EXCEPT AS OTHERWISE PROVIDED IN (5) BELOW, [[In]] IN the event that mitigation to an intersection pursuant to (2) above would require the construction of improvements to interchanges or grade-separated intersections or improvements to the through lanes of intermediate arterials and higher classified roads, mitigation necessary to pass the test for adequate road facilities shall increase the capacity of the intersection to the fullest extent possible without constructing such improvements.

(4) In circumstances where mitigation pursuant to (2) above would have a negative impact on the characteristic(s) (historic[[,]] OR environmental [[or unique urban]]) which served as the basis for declaring an intersection constrained, mitigation needed to pass the test for adequate road facilities on a constrained road facility shall increase the capacity on the constrained facility to the fullest extent possible without negatively impacting the characteristic(s) which caused the road facility to be declared constrained.

(5) *MITIGATION PROVISIONS APPLICABLE TO DOWNTOWN COLUMBIA.*

(I) ALL INTERSECTIONS SERVING A PROJECT LOCATED WITHIN DOWNTOWN COLUMBIA ARE SUBJECT TO POTENTIAL MITIGATION, INCLUDING MODIFICATION OF TRAFFIC SIGNAL EQUIPMENT, TIMING, PHASING AND/OR COORDINATION; CONSTRUCTION OF NEW SIDE STREET THROUGH LANES; EXTENSION OF EXISTING TURN LANES;

CONSTRUCTION OF NEW TURN LANES; RE-ALIGNMENT; AND SIMILAR IMPROVEMENTS.

(II) WHEN GRADE-SEPARATED ROADWAYS OR ARTERIAL THROUGH LANE IMPROVEMENTS ARE THE ONLY VIABLE MITIGATION ALTERNATIVES, FULL MITIGATION WILL NOT BE REQUIRED BY THE DEVELOPER, BUT MAY BE PROVIDED IN ACCORDANCE WITH THE HOWARD COUNTY DESIGN MANUAL.

(III) MITIGATION REQUIREMENTS TO MEET THE PEDESTRIAN AND BICYCLE LEVEL OF SERVICE ARE SPECIFIED IN THE HOWARD COUNTY DESIGN MANUAL

(h) *Mitigation Involving Funding of Capital Projects*:

(4) THE DEVELOPERS OF MULTIPLE PROJECTS MAY JOINTLY PROPOSE A MITIGATION PLAN FOR PURPOSES OF MEETING THE ADEQUATE TRANSPORTATION FACILITIES REQUIREMENT. EACH MITIGATION PLAN PROPOSED UNDER THIS SUBSECTION (4) SHALL INDICATE THE PARTICIPANTS IN THE PLAN; WHICH PARTICIPANT(S) WILL BE RESPONSIBLE FOR IMPLEMENTING THE PLAN AND CONSTRUCTING ANY REQUIRED TRANSPORTATION IMPROVEMENTS; AND HOW THE TRANSPORTATION CAPACITY TO BE CREATED WILL BE APPORTIONED AMONG THE PLAN PARTICIPANTS.

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]] UNITS, GREEN

NEIGHBORHOOD AND DOWNTOWN COLUMBIA UNITS. The set aside for senior housing units and affordable housing units may be assigned to a specific planning region, selected regions or countywide.

(8) *DOWNTOWN COLUMBIA HOUSING ALLOCATIONS:* TO ENCOURAGE THE REVITALIZATION OF DOWNTOWN COLUMBIA, BEGINNING IN FISCAL YEAR 2011 THE NUMBER OF HOUSING UNIT ALLOCATIONS SHALL BE INCREASED TO PROVIDE ALLOCATIONS CONSISTENT WITH THE PHASING PROGRESSION IN THE ADOPTED DOWNTOWN COLUMBIA PLAN AS FOLLOWS:

(I) FOR DOWNTOWN COLUMBIA REVITALIZATION, THE HOUSING UNIT ALLOCATION CHART ADOPTED EACH YEAR BY THE COUNTY COUNCIL SHALL INCLUDE THE TOTAL NUMBER OF RESIDENTIAL UNITS ALLOWED IN THE CURRENT PHASE OF THE DOWNTOWN REVITALIZATION PHASING PROGRESSION, AND SHALL ALSO INCLUDE THE TOTAL NUMBER OF UNITS ALLOWED IN THE DOWNTOWN REVITALIZATION PHASING PROGRESSION FOR ALL SUBSEQUENT PHASES OF DOWNTOWN REVITALIZATION.

(II) THE ANNUAL DISTRIBUTION OF ALLOCATIONS WITHIN EACH PHASE SHALL ENSURE THAT SUFFICIENT ALLOCATIONS ARE AVAILABLE AT THE BEGINNING OF EACH PHASE TO TAKE ADVANTAGE OF MIXED-USE MARKET OPPORTUNITIES AND ENSURE TIMELY ACHIEVEMENT OF PHASING PROGRESSION AND CEPPA REQUIREMENTS.

(III) THE GRANTING OF ALLOCATIONS FOR DOWNTOWN REVITALIZATION IS MADE INDEPENDENT OF AND WITHOUT REFERENCE TO THE NUMBER OF ALLOCATIONS FOR THE PLANNING REGION OF COLUMBIA. THE GRANTING OF ALLOCATIONS FOR DEVELOPMENT UNDER NEW TOWN ZONING THAT IS NOT SUBJECT TO THE DOWNTOWN REVITALIZATION PHASING PROGRESSION CONTINUES TO BE BASED ON THE ALLOCATIONS FOR THE COLUMBIA PLANNING REGION.

(IV) DEVELOPMENT IN DOWNTOWN COLUMBIA MAY NOT USE SENIOR EAST, MIHU, OR GREEN NEIGHBORHOOD ALLOCATIONS

(V) IF THE TOTAL NUMBER OF RESIDENTIAL UNITS PROPOSED IN A FINAL DEVELOPMENT PLAN APPLICATION EXCEEDS THE NUMBER OF AVAILABLE ALLOCATIONS FOR THE SCHEDULED COMPLETION YEAR OF EITHER THE INITIAL PHASE OR ANY ADDITIONAL PHASE(S), THE DEVELOPER MAY REQUEST AND THE DEPARTMENT OF PLANNING AND ZONING SHALL AUTHORIZE THE ADVANCING OF ALLOCATIONS FROM FUTURE YEARS NEEDED TO COMPLETE A COMPREHENSIVE FINAL DEVELOPMENT PLAN PROVIDED THAT:

A. THE PLAN COMPLIES WITH PHASING PROGRESSION REQUIREMENTS;

B. ALL NECESSARY CEPPA REQUIREMENTS HAVE BEEN MET;

C. ALL ADEQUATE PUBLIC FACILITIES TRANSPORTATION TESTS HAVE BEEN PASSED; AND

D. THE ADEQUATE PUBLIC FACILITIES SCHOOLS TESTS HAVE BEEN PASSED.

(VI) ALLOCATIONS WILL BECOME PERMANENT UPON THE RECORDATION OF THE APPROVED FINAL DEVELOPMENT PLAN, AND WILL REMAIN VALID PROVIDED THE DEVELOPER CONTINUES TO MEET ALL REQUIRED MILESTONES.

Section 16.1104. Housing unit allocation process.

(b) *Phasing.*

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

If no allocations are available for the initial phase of a comprehensive project, or if too few allocations are available to make the initial phase viable, the developer has the option to receive all tentative allocations in future years. However, EXCEPT FOR FINAL DEVELOPMENT PLAN PHASED PROJECTS IN DOWNTOWN COLUMBIA WHICH ARE SUBJECT TO SECTION 16.1102(B)(8) AND THAT MEET THE PHASING PROGRESSION AND CEPPA REQUIREMENTS OF THE DOWNTOWN COLUMBIA PLAN, [[in no event shall]] the Department of Planning and Zoning SHALL NOT grant more than 50% of the total allocations available within any region for any future year for all projects choosing this option.

Section 16.1105. Processing of plans subject to test for adequate [[road]] TRANSPORTATION facilities and/or tests for adequate school facilities and/or test for housing unit allocations.

(b) *Processing Applications for Approval of Non-residential Projects*:

(1) *Review of application by Subdivision Review Committee*: Upon receipt of a complete application for approval of a nonresidential project, the Department of Planning and Zoning shall distribute the application to the Subdivision Review Committee for recommendations as to whether the project meets the requirements of the subdivision regulations and passes the test for adequate [[road]] TRANSPORTATION facilities.

(2) *Approval*. If the nonresidential project meets the requirements of the subdivision regulations and passes the test for adequate [[road]] TRANSPORTATION facilities, the Director of Planning and Zoning shall approve the project for adequate [[road]] TRANSPORTATION facilities (see (d) below).

(c) *Processing Applications for Approval of Residential Projects AND PROJECTS CONTAINING RESIDENTIAL AND NON-RESIDENTIAL USES*:

(1) *Adequate [[road]] TRANSPORTATION facilities test*: Upon receipt of a complete application for approval of a residential project OR A PROJECT

CONTAINING RESIDENTIAL AND NON-RESIDENTIAL USES, the project shall be tested for adequate [[road]] TRANSPORTATION facilities.

(2) *Test for allocations*:

(i) *Conventional residential projects*: If the conventional residential project meets the requirements of the subdivision regulations and passes the test for adequate [[road]] TRANSPORTATION facilities, the project will then be tested for availability of housing unit allocations.

a. *Allocations available*. If housing unit allocations are available for the scheduled completion year for unphased projects or for the scheduled completion year for the initial and future phases for phased projects, the Director of Planning and Zoning shall assign tentative housing unit allocations.

b. *Allocations not available*. If housing unit allocations are not available for the scheduled completion year for unphased projects or for the scheduled completion year for the initial or future phases for phased projects, the application shall be placed on the bottom of a list of applications waiting for housing unit allocations.

c. *Revised housing unit allocation chart adopted*. Whenever a revised housing unit allocation chart is adopted, the Department of Planning and Zoning shall test projects on the list of applications waiting for housing unit allocations. When housing unit allocations become available to serve a project, the Director of Planning and Zoning shall assign tentative allocations.

(ii) *Comprehensive [[residential]] projects*: Upon receipt of a complete INITIAL PLAN STAGE application for approval of a comprehensive [[residential]] project, the Department of Planning and Zoning shall test the project for housing unit allocations.

a. *Allocations available*. If housing unit allocations are available for the scheduled completion year for unphased projects or for the scheduled completion year for the initial and future phases for phased comprehensive projects, the Director of Planning and Zoning shall assign tentative housing unit allocations.

b. *Allocations not available*. Subject to subsection 16.1104(b)(2), if housing unit allocations are not available for the scheduled completion year for unphased projects or for the scheduled completion year for the initial or future phases for phased comprehensive projects, the application shall be placed on the bottom of a list of applications waiting for housing unit allocations.

c. *Revised housing unit allocation chart adopted*. Whenever a revised housing unit allocation chart is adopted, the Director of Planning and Zoning shall test projects on the list of applications waiting for housing unit allocations. When housing unit allocations become available to serve a project, or phase of a project, the Director of Planning and Zoning shall assign tentative allocations.

(d) ***Approvals***:

(1) [[*Road*]] *TRANSPORTATION facilities – subdivision*: Once a subdivision has been approved for adequate [[road]] TRANSPORTATION facilities, no further approval for adequate [[road]] TRANSPORTATION facilities for that project is required during the subdivision or site development plan approval process, WITH THE EXCEPTION OF PROVISIONS IN THE HOWARD COUNTY DESIGN MANUAL PERTAINING TO 5 YEAR MONITORING STUDIES, provided that:

(i) The developer continues to meet all required milestones;

(ii) The developer executes a major facilities agreement for any proposed mitigation;

(iii) The subdivision project proceeds to recordation and is recorded; and

(iv) The project's traffic volume in the site development plan traffic study does not exceed the project's traffic volume in the traffic study which formed the basis for passing the test for adequate [[road]] TRANSPORTATION facilities during the subdivision plan approval process. If the traffic volume in the site development plan traffic study exceeds the traffic volume in the subdivision traffic study, the site development plan will be tested for the excess traffic only.

(2) [[*Road*]] *TRANSPORTATION FACILITIES – site development plan*: Once a site development plan has been approved for adequate [[road]] TRANSPORTATION facilities, no further approval for adequate [[road]] TRANSPORTATION facilities is required, provided that the developer executes a major facilities agreement for any proposed mitigation.

Section 16.1106. Milestones

(e) ***Timing for Nonresidential Projects AND DOWNTOWN COLUMBIA REVITALIZATION.*** For nonresidential projects AND ALL DOWNTOWN COLUMBIA REVITALIZATION, each milestone occurs 9 months after the starting date.

Section 16.1110. Definitions

(a) *Affordable housing unit* means a moderate or middle income housing unit as defined in the Howard County Zoning Regulations.

(a-1) *Available housing unit allocations* are the number of housing unit allocations that the Department of Planning and Zoning may grant in any [calendar] year, based on the housing unit allocation chart adopted by the County Council less housing unit allocations already granted for that year.

(b) *Background traffic growth* is the traffic, other than traffic existing at the time of application, which will be generated by:

(1) Regional pass-through users; and

(2) Projects which are not subject to the test for adequate road facilities.

(c) *Bulk parcel--Residential* means a residential parcel recorded for the purpose of development of apartments, single-family attached, single-family detached or mobile home units on a single lot where tentative housing unit allocations have been granted.

(d) *Capacity* means when used in relation to road facilities, capacity means the total number of vehicles that can be accommodated by a road facility during a specified time period under prevailing roadway operating conditions.

(e) *Comprehensive project* means a project in the following zoning districts:

(1) New Town (NT)

(2) Planned Golf Course Community (PGCC)

(3) Mixed Use (MXD)

(4) Residential: Apartments (R-A-15)

(f) *Constrained road facility* means in the planned service area for water and sewerage, a constrained road facility means the intersection of a major collector or higher classified road with a major collector or higher classified road which has historic or environmental value [[or a unique urban setting]] which would be adversely affected by certain road improvements.

In the no-planned service area for water and sewerage, a constrained road facility means the intersection of a minor collector or higher classified road with a minor collector or higher classified road which has historic or environmental value [[or a unique urban setting]] which would be adversely affected by certain road improvements.

The County Council, by resolution, declares a road facility constrained and identifies the feature(s) which form the basis for its decision to declare the road facility constrained.

(g) *Conventional project* means a project other than a comprehensive project.

(H) *DOWNTOWN COLUMBIA* MEANS THE GEOGRAPHIC AREA DEFINED AS DOWNTOWN COLUMBIA IN SECTION 103.A.41 OF THE HOWARD COUNTY ZONING REGULATIONS.

([[h]]I) *Exempt governmental facility* means:

(1) A facility to be owned or operated by the Federal Government, State government, Howard County public schools, or any agency thereof;

(2) A facility owned by Howard County or any agency thereof where essential County Government services are provided, including police services, fire prevention and suppression services, emergency medical services, highway maintenance, detention facilities, water treatment and supply, sewage disposal and treatment and solid waste disposal.

(J) *FINAL DEVELOPMENT PLAN PROPOSING DOWNTOWN COLUMBIA REVITALIZATION* MEANS A DRAWING OR SERIES OF DRAWINGS, AT AN APPROPRIATE SCALE, AND RELATED TEXT COVERING ALL OR A PORTION OF DOWNTOWN COLUMBIA THAT PROPOSES DEVELOPMENT PURSUANT TO SECTION 125.E OF THE ZONING REGULATIONS.

([[i]]K) *Floor area ratio* means the ratio of the floor area of a structure to the lot area, where:

(1) The floor area is calculated by measuring the exterior faces of the walls of the structure minus any area within the structure devoted to parking, driveways, atria, enclosed malls and similar areas; and

(2) The lot area is calculated including any adjoining lots used for required parking for the structure.

([[j]]L) *General plan target; general plan residential growth target* means for the purposes of this subtitle, the general plan target and general plan residential growth target mean the housing unit projections established in the general plan for each planning area including the senior east set aside, and in addition 250 housing units per year for Route 1 revitalization.

([k]]M) *Governmental action* means the action or inaction of a governmental agency in relation to a timely filed action by a developer. For the purposes of this subtitle, governmental agency means an agency of the Federal, State, or local government, including, but not limited to, the U.S. Corps of Engineers, the Maryland Department of the Environment, the Zoning Board, and the Board of Appeals.

([[l]]N) *Housing unit allocation or allocation* means an approval to build a housing unit.

(1) Tentative housing unit allocation or tentative allocation means the temporary approval, granted during the subdivision plan process, to build a housing unit in a project which requires housing unit allocations as a condition of project approval.

(2) Permanent housing unit allocation or permanent allocation means a permanent approval, granted at recordation of a subdivision or at site development plan approval, to build a housing unit in a project which requires housing unit allocations as a condition of project approval.

([[m]]O) *Housing unit allocation chart* means a chart indicating the projected number of housing unit allocations available to be granted in the County each year for a ten-year period. The chart divides the available housing unit allocations into planning regions and may provide for a set aside for elderly housing by region or Countywide. The number of housing unit allocations on the chart shall be as follows:

(1) In the first year after the effective date of this subtitle the number of housing unit allocations on the chart for that year and each of the next two years shall equal the general plan annual target for residential completions for those years.

(2) In the second year after the effective date of this subtitle, the number of housing unit allocations on the chart for that year and for each of the next two years, based on the rolling average, shall be the general plan target for residential completions for the year in question minus one-third of the difference between:

(i) The number of housing unit allocations granted during the prior year plus the number of housing units in projects approved during the prior year which were exempt from the provisions of this subtitle pursuant to subsections 16.1107(b)(1) and (5) of this subtitle; and

(ii) The prior year's general plan target.

(3) In the third and later years after the effective date of this subtitle, the number of housing unit allocations on the chart for the current year and for each of the next two years, based on the rolling average, shall be the general plan target for residential completions for the year in question minus one-third of the difference between:

(i) The housing unit allocations granted during the two preceding years plus the housing units in projects approved during two

preceding years which were exempt from the provisions of this subtitle pursuant to subsections 16.1107(b)(1) and (5) of this subtitle; and

(ii) The sum of the general plan targets for the two preceding years.

(P) *HOWARD COUNTY DESIGN MANUAL* MEANS CHAPTER 4 OF VOLUME III (ROADS AND BRIDGES) OF THE HOWARD COUNTY DESIGN MANUAL WHICH SPECIFIES REQUIREMENTS FOR ADEQUATE TRANSPORTATION FACILITIES.

([[n]]Q) *Impact area:*

(1) In planned service area for public water and sewer. In that portion of the County in the planned service area for public water and sewer, EXCLUDING DOWNTOWN COLUMBIA, an impact area means an area up to one and one-half road miles in all directions from the entrance to the project on an existing County or State road or a planned roadway or intersection identified in the capital budget or capital program, but not beyond the intersection of a major collector or higher classified road with a major collector or higher classified road. FOR DOWNTOWN COLUMBIA THE IMPACT AREA SHALL BE DETERMINED IN ACCORDANCE WITH THE HOWARD COUNTY DESIGN MANUAL.

(2) In no-planned service area for public water and sewer. In that portion of the County in the no planned service area for public water and sewer, an impact area means an area up to two road miles in all directions from the entrance to a project on an existing County or State road or a planned roadway or intersection identified in the capital budget or capital program, but not beyond the intersection of a minor collector or higher classified road with a minor collector or higher classified road.

(R) *INITIAL PLAN STAGE:* AN INITIAL PLAN STAGE MEANS EITHER (I) A SKETCH PLAN OR PRELIMINARY EQUIVALENT SKETCH PLAN UNDER THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS; (II) A FINAL DEVELOPMENT PLAN PROPOSING DOWNTOWN REVITALIZATION UNDER THE ZONING REGULATIONS; OR (III) A SITE DEVELOPMENT PLAN IF SUBDIVISION IS NOT REQUIRED.

([[o]]S) *Major collector or major collector highway* means a road classified as a major collector highway on the Howard County general plan, except that in determining the impact area for site development plans, major collector also means a road, not classified as a major collector highway on the Howard County general plan, but constructed to the physical specifications set forth in the design manual for construction of a road so classified.

([[p]]T) *Major facilities agreement* means an agreement between the County, the State, if appropriate, and the developer of a project incorporating the developer's approved mitigation plan and covering the developer's financial obligations for mitigation.

([[q]]U) *Milestone* means the date, unless delayed by governmental action, by which a developer must submit the next plan stage of a subdivision to the Department of Planning and Zoning for approval.

([[r]]V) *Minimum level of service [[(]] for HOWARD COUNTY road facilities[[)]], EXCLUDING DOWNTOWN COLUMBIA* means level of service D. *Minimum LEVEL of service* of a State road facility means level of service E. FOR DOWNTOWN COLUMBIA, THE INTERSECTION STANDARD IS ESTABLISHED IN THE HOWARD COUNTY DESIGN MANUAL.

([[s]]W) *Minor collector or minor collector highway* means a road classified as a minor collector highway on the Howard County general plan.

([[t]]X) *Mitigation* means the construction or the funding of improvements to off-site road facilities by a developer, as approved by the Director of Planning and Zoning, after consultation with the Director of Public Works.

([[u]]Y) *Open:*

(1) *School region*--Open means that the projected enrollment of a school region is below 25 percent of the program capacity of the elementary schools within the region.

(2) *Elementary school*--Open means that the projected enrollment of the elementary school is below 25 percent of the program capacity of the school.

(3) *Middle school*--Open means that the projected enrollment of the middle school is below 25 percent of the program capacity of the school.

([[v]]Z) *Open/closed chart* means a chart indicating which elementary school regions and which elementary and middle schools are open to new residential development and which are closed to new residential development for the each of the following ten years.

([[w]]AA) *Open/closed test* means a test to determine whether the elementary school region and elementary school and middle school serving a proposed project are open to new residential development in the scheduled completion year of the project or the phases of the project.

([[x]]AB) *Phased project* means a project utilizing phasing.

([[y]]AC) *Phasing* means the sequential development of portions of a subdivision pursuant to a sketch plan which includes a schedule for submission of preliminary and final plan applications for the various phases of the project and a schedule for completion of these phases.

([[z]]AD) *Plan stage* means one of the three levels of a subdivision plan--sketch plan, preliminary plan, and final plan.

(a[[a]]E) *Planning region* means a geographic area of the County identified in the general plan that is used for forecasting housing growth.

(a[[b]]F) *Program capacity* means the capacity, as defined by the Howard County Board of Education, for grades kindergarten through grade 8. Program capacity does not include special education and relocatable capacity.

([a[[c]]G) *Road facilities:*

(1) In planned service area for public water and sewer. In that portion of the County in the planned service area for public water and sewer, road facilities means at grade intersections of major collectors or higher classified roads which are beyond the boundaries of the proposed project.

(2) In no planned service area for public water and sewer. In that portion of the County in the no planned service area for public water and sewer, road facilities means at grade intersections of minor collectors or higher classified roads which are beyond the boundaries of the proposed project.

(3) Road facilities does not include road improvements which a developer is required to provide pursuant to the provisions of section 16.119, "Highways, Streets, and Roads," of the subdivision regulations.

(a[[d]]H) *Rolling average* means to recalculate the number of available housing unit allocations for a given year in order to maintain and achieve the general plan residential growth targets.

(a[[e]]I) *Scheduled completion year:*

(1) *Road facilities*:

(i) *Nonresidential projects* means when used in relation to road facilities serving nonresidential projects, "scheduled completion year" means the year as approved on the subdivision or site development plan, for scheduled completion of the project or phases of the project.

(ii) *Residential projects:*

a. When used in relation to road facilities serving unphased residential projects, "scheduled completion year" means the third year following the year the application is submitted.

b. When used in relation to road facilities serving phased conventional residential projects, "scheduled completion year" of the initial phase of the project means the third year following the year the application is submitted. The scheduled completion year of subsequent phases of the project are the years indicated for scheduled completion of the phases of the project as approved on the subdivision or site development plan.

c. When used in relation to road facilities serving phased comprehensive residential projects, "scheduled completion year" of the phases of the project means the years indicated for scheduled completion of the phases of the project as approved on the subdivision or site development plan.

(2) *Schools*:

(i) When used in relation to schools, "scheduled completion year" of an unphased project means the third year following approval of the project for adequate school facilities.

(ii) When used in relation to schools, "scheduled completion year" of the initial phase of a phased conventional project means the third year following approval of the project for adequate school facilities.

(iii) When used in relation to schools, "scheduled completion year" of a phase of a phased conventional project beyond the initial phase means the year for completion of the phase, as shown in the application for sketch plan approval of the project.

(iv) When used in relation to schools, "scheduled completion year" of a phase of a comprehensive project, means the year, at least three years following the year the sketch plan application is submitted, for completion of the phase, as shown in the application for sketch plan approval of the project.

(a[[f]]J)*School region* means a geographic area, determined by the Howard County Board of Education, containing a group of contiguous elementary school service areas.

(a[[g]]K)*Unphased project* means a project which does not utilize phasing.

Section 2. And Be It Further Enacted *by the County Council of Howard County, Maryland that the Director of the Department of Planning and Zoning is authorized to publish this Act, to correct obvious errors in section references, numbers and references to existing law, capitalization, spelling, grammar, headings and similar matters and to publish a table of contents.*

Section 3. And Be it further enacted *by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.*