

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

County Council of Howard County, Maryland

2014 Legislative Session

Legislative day # 4

BILL NO. 12 – 2014

Introduced by:
Jennifer Terrasa, Councilmember

AN ACT amending the Howard County Code to require developers conducting presubmission community meetings in accordance with Section 16.128 and 16.205 of the County Code to send notification to any school within a three-mile radius of the subject property; and generally relating to presubmission community meetings.

Introduced and read first time _____, 2014. Ordered posted and hearing scheduled.

By order _____
Sheila Tolliver, 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 _____, 2014 and concluded on _____, 2014.

By order _____
Sheila Tolliver, Administrator to the County Council

This Bill was read the third time _____, 2014 and Passed ___, Passed with amendments ___, Failed ___.

By order _____
Sheila Tolliver, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2014 at _____ a.m./p.m.

By order _____
Sheila Tolliver, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2014.

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 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Zoning Regulations are hereby amended to read as follows:

3
4 1. By amending:

5 *Subsection 128. Pre-submission community meetings; exceptions.*

6 *Article II. Design Standards and Requirements*

7 *Subtitle 1. Subdivision and Land Development Regulations*

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

9
10 2. By amending:

11 *Subsection 205. Procedure*

12 *Subtitle 2. Zoning.*

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

14
15
16 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations**

17 **Subtitle 1. Subdivision and Land Development Regulations**

18 **Article II. Design Standards and Requirements**

19
20 **Sec. 16.128. Pre-submission community meetings; exceptions.**

21 *Presubmission Community Meeting.* The following procedures are required for a
22 presubmission community meeting:

- 23 (a) The initial plan submittal shall be as defined in section 16.108 of this subtitle.
- 24
- 25 (b) The meeting shall be:
- 26 (1) Held at a location within the community, in a public or institutional
- 27 building located within approximately five miles of the subject property;
- 28 and
- 29
- 30 (2) Scheduled to start between 6:00 p.m. and 8:00 p.m. on a weekday
- 31 evening, or to be held between 9:00 a.m. and 5:00 p.m. on a Saturday,
- 32 excluding all official County holidays and Rosh Hashanah, Yom Kippur,
- 33 Eid Ul Fitr, Eid Ul Adha, or Chinese New Year.
- 34
- 35 (c) The developer shall provide three weeks advance notice regarding the date, time,
- 36 and location of the presubmission community meeting to be held for a
- 37 development project as follows:
- 38

- 1 (1) Notice shall be sent by first class mail with delivery confirmation notice
 2 to:
 3 (i) All adjoining property owners identified in the records of the
 4 State Department of Assessments and Taxation; and
 5
 6 (ii) Any community association that represents the geographic area
 7 of the subject property or any adjoining properties; and
 8
 9 (III) THE PRINCIPAL AND PTA PRESIDENT OF ANY SCHOOL LOCATED
 10 WITHIN A THREE-MILE RADIUS OF THE SUBJECT PROPERTY; AND
 11
 12 (2) Notice shall be sent electronically to:
 13
 14 (i) Any community association registered with the County to be
 15 notified about projects in a certain geographic area;
 16
 17 (II) THE PRINCIPAL AND PTA PRESIDENT OF ANY SCHOOL LOCATED
 18 WITHIN A THREE-MILE RADIUS OF THE SUBJECT PROPERTY; AND
 19
 20 ([[ii]]III)The Howard County Council; and
 21
 22 ([[iii]]IV)The Department of Planning and Zoning, which shall place the
 23 meeting notice on the Department's web site.
 24

25 The property involved shall be posted with the time, date and place of the initial
 26 meeting. The sign shall include the address of Department of Planning and
 27 Zoning's website. The property shall be posted for at least two weeks immediately
 28 before the meeting. The poster shall be double-sided and at least 30 inches by 36
 29 inches in size. The poster shall include a three digit alphanumeric code, which
 30 would be used to identify the case. The alphanumeric code shall be posted by the
 31 Department of Planning and Zoning in at least five-inch lettering in the top left
 32 corner of the poster. The Department of Planning and Zoning shall determine the
 33 number of posters required and their location and the petitioner shall bear the
 34 expense of posting. The posters shall be erected perpendicular to the road which
 35 serves as the mailing address of the subject property. The Department of Planning
 36 and Zoning shall supply the posters. The petitioner shall properly erect and
 37 maintain the posters.
 38

- 39 (d) The presubmission community meeting is for the developer to provide
 40 information to the community regarding the proposed development and to allow
 41 community residents to ask questions and make comments. While the developer is
 42 encouraged to work with the community to achieve a mutually acceptable
 43 solution to any concerns, unless a change is required by this subtitle or the zoning

1 regulations, the developer is not required to change the proposed development in
2 response to comments made at the presubmission community meeting.

- 3
- 4 (e) The developer shall distribute at the presubmission community meeting a
5 summary of the County's subdivision and development review process prepared
6 by the Department of Planning and Zoning.
- 7
- 8 (f) Developers shall maintain a record of the names, addresses and electronic mail
9 addresses, if available for all attendees to the presubmission community meetings,
10 and shall compile comprehensive minutes of these meetings which include a
11 written response to all questions not verbally answered at the meeting. The
12 minutes shall be sent to all meeting attendees within 60 days of the meeting either
13 electronically or by first class mail.
- 14
- 15 (g) Certification by the developer that the meeting notices and minutes, which
16 include written responses to questions not answered verbally at the meeting, were
17 sent, together with attendees' contact information, shall be transmitted to the
18 Department of Planning and Zoning when initial plans are filed and shall become
19 part of the official record.
- 20
- 21 (h) Another presubmission community meeting may be required, at the discretion of
22 the Director of the Department of Planning and Zoning, if the developer fails to
23 comply with the requirements in (f) above, or plans are submitted that are
24 significantly different from what was presented at the presubmission community
25 meeting, unless the changes are in response to community input.
- 26
- 27 (i) Citizens may request a meeting with a staff member of the Department of
28 Planning and Zoning to review the development proposal after the initial plan has
29 been formally submitted to the Department.
- 30
- 31 (j) If the developer does not submit plans to the Department of Planning and Zoning
32 within one year of the presubmission community meeting, another presubmission
33 community meeting and notification in accordance with this section shall be
34 required.

35 **Sec. 16.205. Procedure.**

- 36
- 37 (a) Any person owning an interest in the property affected may petition the Zoning Board for
38 approval of a development plan, and a person owning an interest in the property affected,
39 the Director of the Department of Planning and Zoning or members of the Zoning Board
40 may petition the Zoning Board for piecemeal map amendment. The form and number of
41 copies of the petition shall be as prescribed by law or by the Zoning Board's rules of
42 procedure.
- 43

1 (b) Prior to the initial submittal of a petition, the petitioner shall hold a presubmission
2 community meeting that provides information to the community regarding the petition and
3 allows community residents to ask questions and discuss any issues. The meeting must be
4 held in accordance with the following procedures:

- 5
- 6 (1) At least three weeks in advance, the petitioner shall send written notice regarding
7 the date, time and location of the meeting to:
- 8
- 9 a. All adjoining property owners as identified in the records of the
10 Maryland Department of Assessments and Taxation, via mail;
- 11
- 12 b. The Department of Planning and Zoning, which will place this meeting
13 notice on the Department's web site;
- 14
- 15 c. The County Council; [[and]]
- 16
- 17 d. Any community association that represents the area of the subject
18 property or any adjacent properties[.]; AND
- 19
- 20 E. THE PRINCIPAL AND PTA PRESIDENT OF ANY SCHOOL LOCATED WITHIN A
21 THREE-MILE RADIUS OF THE SUBJECT PROPERTY.
- 22

23 The property involved shall be posted with the time, date and place of the initial
24 meeting. The sign shall include the address of Department of Planning and
25 Zoning's website. The property shall be posted for at least three weeks
26 immediately before the hearing. The poster shall be double-sided. At least 48
27 inches by 48 inches in size and the typeface shall be at least two inches in height.
28 The Department of Planning and Zoning shall determine the number of posters
29 required and their location and the petitioner shall bear the expense of posting.
30 The posters shall be erected perpendicular to the road which serves as the mailing
31 address of the subject property. The Department of Planning and Zoning shall
32 supply the posters. The petitioner shall properly erect and maintain the posters.

33

- 34 (2) The meeting shall be:
- 35
- 36 a. Held at a location within the community, in a public or institutional
37 building located within approximately five miles of the subject property;
38 and
- 39
- 40 b. Scheduled to start between 6:00 p.m. and 8:00 p.m. on a weekday
41 evening, or to be held between 9:00 a.m. and 5:00 p.m. on a Saturday,
42 excluding County holidays and other holidays determined in subsection
43 (d) of this section.

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- (3) A certification of notice and posting and a summary of the issues expressed by residents at the presubmission community meeting shall be written and transmitted by the petitioner to the Department of Planning and Zoning when the initial petition is filed for County review.

- (4) If the petitioner does not submit the petition within one year of the presubmission community meeting, another presubmission community meeting and notification in accordance with subsection (b) of this section shall be required.

- (c) The petition shall be filed with the Department of Planning and Zoning, which shall check the same for form, check that notice has been provided, as required by law or by the Zoning Board's rules of procedure, collect the proper fees, and refer the petition to the Planning Board for its report.

- (d) Citizens may request a meeting with a staff member of the Department of Planning and Zoning to review the development proposal after the petition has been formally submitted to the Department.

- (e) No later than two days following the release of the report of the Planning Board on the petition, the Department of Planning and Zoning shall submit the petition with all of its supporting documents to the administrative assistant to the Zoning Board, who shall set a hearing date. The Zoning Board shall be prohibited from holding meetings which include an opportunity for public testimony on any day on which Rosh Hashanah, Yom Kippur, Eid UI Fitr or Eid UI Adha is observed.

- (f) Notice of the place, time and date of the beginning of the hearing shall be published as required by law or the Zoning Board's rules of procedure.

Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.