

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

County Council of Howard County, Maryland

2014 Legislative Session

Legislative day # 7

BILL NO. 33 – 2014

Introduced by:
Jennifer Terrasa, Councilmember

AN ACT amending the Howard County Code to revise the requirements that developers of residential property hold community meetings before submitting their development plans for County approval; 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

Scaled 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 repealing and reenacting:*

5 *Section 16.128. 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 *Section 16.205. 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
28 property; 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
33 Kippur, Eid Ul Fitr, Eid Ul Adha, or Chinese New Year.

1 (c) The developer shall provide three weeks advance notice regarding the date,
2 time, and location of the presubmission community meeting to be held for a
3 development project as follows:

4
5 (1) Notice shall be sent by first class mail with delivery confirmation
6 notice to:

7 (i) All adjoining property owners identified in the records of the
8 State Department of Assessments and Taxation; and

9
10 (ii) Any community association that represents the geographic
11 area of the subject property or any adjoining properties; and
12

13 (2) Notice shall be sent electronically to:

14
15 (i) Any community association registered with the County to be
16 notified about projects in a certain geographic area;

17
18 (ii) The Howard County Council; and

19
20 (iii) The Department of Planning and Zoning, which shall place
21 the meeting notice on the Department's web site.
22

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

1 Zoning shall supply the posters. The petitioner shall properly erect and
2 maintain the posters.

3
4 (d) The presubmission community meeting is for the developer to provide
5 information to the community regarding the proposed development and to
6 allow community residents to ask questions and make comments. While the
7 developer is encouraged to work with the community to achieve a mutually
8 acceptable solution to any concerns, unless a change is required by this subtitle
9 or the zoning regulations, the developer is not required to change the proposed
10 development in response to comments made at the presubmission community
11 meeting.

12
13 (e) The developer shall distribute at the presubmission community meeting a
14 summary of the County's subdivision and development review process
15 prepared by the Department of Planning and Zoning.

16
17 (f) Developers shall maintain a record of the names, addresses and electronic mail
18 addresses, if available for all attendees to the presubmission community
19 meetings, and shall compile comprehensive minutes of these meetings which
20 include a written response to all questions not verbally answered at the
21 meeting. The minutes shall be sent to all meeting attendees within 60 days of
22 the meeting either electronically or by first class mail.

23
24 (g) Certification by the developer that the meeting notices and minutes, which
25 include written responses to questions not answered verbally at the meeting,
26 were sent, together with attendees' contact information, shall be transmitted to
27 the Department of Planning and Zoning when initial plans are filed and shall
28 become part of the official record.

29
30 (h) Another presubmission community meeting may be required, at the discretion
31 of the Director of the Department of Planning and Zoning, if the developer
32 fails to comply with the requirements in (f) above, or plans are submitted that
33 are significantly different from what was presented at the presubmission
34 community meeting, unless the changes are in response to community input.

35

1 (i) Citizens may request a meeting with a staff member of the Department of
2 Planning and Zoning to review the development proposal after the initial plan
3 has been formally submitted to the Department.

4
5 (j) If the developer does not submit plans to the Department of Planning and
6 Zoning within one year of the presubmission community meeting, another
7 presubmission community meeting and notification in accordance with this
8 section shall be required.]]

9
10 *PRESUBMISSION COMMUNITY MEETING.* THE FOLLOWING PROCEDURES ARE REQUIRED
11 FOR A PRESUBMISSION COMMUNITY MEETING:

12 (A) DEFINITIONS: THE INITIAL PLAN SUBMITTAL SHALL BE AS DEFINED IN
13 SECTION 16.108 OF THIS SUBTITLE.

14
15 (B) PURPOSE: THE PRESUBMISSION COMMUNITY MEETING IS FOR THE
16 DEVELOPER/PETITIONER TO PROVIDE INFORMATION TO THE COMMUNITY
17 REGARDING THE PROPOSED INITIAL PLAN SUBMITTAL AND TO ALLOW
18 COMMUNITY RESIDENTS TO ASK QUESTIONS AND MAKE COMMENTS BEFORE
19 THE INITIAL PLAN SUBMITTAL FOR THE SUBJECT PROPERTY. WHILE THE
20 DEVELOPER/PETITIONER IS ENCOURAGED TO WORK WITH THE COMMUNITY TO
21 ACHIEVE A MUTUALLY ACCEPTABLE SOLUTION TO ANY CONCERNS, UNLESS A
22 CHANGE IS REQUIRED BY THIS SUBTITLE OR THE ZONING REGULATIONS, THE
23 DEVELOPER/PETITIONER IS NOT REQUIRED TO CHANGE THE PROPOSED
24 DEVELOPMENT IN RESPONSE TO COMMENTS MADE AT THE PRESUBMISSION
25 COMMUNITY MEETING.

26
27 (C) MEETING LOCATIONS, DATES AND TIMES:

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29 THE MEETING SHALL BE:

30
31 (1) HELD AT A LOCATION WITHIN THE COMMUNITY OF THE PROPOSED
32 DEVELOPMENT, IN A PUBLIC OR INSTITUTIONAL BUILDING LOCATED
33 WITHIN APPROXIMATELY FIVE MILES OF THE SUBJECT PROPERTY; AND
34

1 (2) SCHEDULED TO START BETWEEN 6:00 P.M. AND 8:00 P.M. ON A
2 WEEKDAY EVENING, OR TO BE HELD BETWEEN 9:00 A.M. AND 5:00
3 P.M. ON A SATURDAY, EXCLUDING ALL OFFICIAL COUNTY HOLIDAYS,
4 ROSH HASHANAH, YOM KIPPUR, EID UL FITR, EID UL ADHA, AND
5 CHINESE NEW YEAR.

6
7 (D) TYPES OF NOTICE; TIMING OF NOTICE; WHO MUST BE NOTIFIED

8
9 (1) NOTICE SHALL BE SENT, THREE WEEKS PRIOR TO THE PRESUBMISSION
10 COMMUNITY MEETING, BY FIRST CLASS MAIL TO:

11
12 (A) ALL ADJOINING PROPERTY OWNERS IDENTIFIED IN THE
13 RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND
14 TAXATION;

15
16 (B) ANY COMMUNITY ASSOCIATION THAT REPRESENTS EITHER
17 THE GEOGRAPHIC AREA OF THE SUBJECT PROPERTY OR ANY
18 ADJOINING PROPERTIES; AND

19
20 (C) THE “PRINCIPALS” AND “PARENT TEACHER ASSOCIATION
21 PRESIDENTS” OF ALL SCHOOLS WITHIN THE ATTENDANCE
22 AREA OF THE SUBJECT PROPERTY.

23
24 (2) NOTICE SHALL BE SENT, THREE WEEKS PRIOR TO THE PRESUBMISSION
25 COMMUNITY MEETING, ELECTRONICALLY TO:

26
27 (A) ANY COMMUNITY ASSOCIATION, PERSON, OR ORGANIZATION
28 REGISTERED WITH THE COUNTY TO BE NOTIFIED ABOUT
29 PROJECTS IN A CERTAIN AREA.

30
31 (B) THE HOWARD COUNTY COUNCIL; AND

32
33 (C) THE DEPARTMENT OF PLANNING AND ZONING, WHICH SHALL
34 PLACE THE MEETING NOTICE PROMINENTLY ON THE
35 DEPARTMENT'S WEB SITE.

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(3) POSTING: IN ACCORDANCE WITH THE CONTENT REQUIREMENTS LISTED IN SUBSECTION (E) OF THIS SECTION, THE PROPERTY SHALL BE POSTED FOR AT LEAST THREE WEEKS IMMEDIATELY BEFORE THE MEETING. THE DEPARTMENT OF PLANNING AND ZONING SHALL DETERMINE THE NUMBER OF POSTERS REQUIRED AND THEIR LOCATION AND THE PETITIONER SHALL BEAR THE EXPENSE OF POSTING.

THE POSTERS SHALL BE ERECTED IN A PROMINENT LOCATION THAT IS VISIBLE TO THE GENERAL PUBLIC AND PERPENDICULAR TO THE ROAD WHICH SERVES AS THE MAILING ADDRESS OF THE SUBJECT PROPERTY. IF THE PROPERTY IS ADJACENT TO PARKLAND AND/OR A COMMUNITY CENTER OR OTHER COUNTY-OWNED BUILDINGS, A POSTER SHALL BE ERECTED SO THAT IT IS VISIBLE TO THE GENERAL PUBLIC IN THE CLOSEST USEABLE PORTION OF THE PARK, COMMUNITY CENTER OR FACILITY. THE DEPARTMENT OF PLANNING AND ZONING SHALL SUPPLY THE POSTERS. THE PETITIONER SHALL PROPERLY ERECT AND MAINTAIN THE POSTERS FOR AT LEAST THREE WEEKS FOLLOWING THE INITIAL PRESUBMISSION COMMUNITY MEETING.

(E) CONTENT OF NOTICE: THE DEVELOPER/PETITIONER SHALL PROVIDE THREE WEEKS ADVANCE NOTICE REGARDING THE DATE, TIME, AND LOCATION OF THE PRESUBMISSION COMMUNITY MEETING TO BE HELD FOR AN INITIAL PLAN SUBMITTAL. EACH NOTICE SHALL CONTAIN THE FOLLOWING:

(1) FIRST CLASS MAIL AND MAIL SENT ELECTRONICALLY SHALL CONTAIN:

(I) TIME, DATE AND PLACE OF INITIAL PRESUBMISSION COMMUNITY MEETING;

(II) ADDRESS AND A MAP OF THE LOCATION OF THE SUBJECT PROPERTY, IF AVAILABLE;

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(II) TYPE OF INITIAL PLAN SUBMITTAL;

(III) TYPE AND AMOUNT OF DEVELOPMENT, INCLUDING NUMBER OF RESIDENTIAL UNITS PROPOSED, IF APPLICABLE;

(IV) WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND ZONING PLANS IN PROCESS WEBPAGE; AND

(V) INFORMATION ABOUT HOW TO SIGN-UP TO RECEIVE MINUTES AND SUBSEQUENT CORRESPONDENCE IF UNABLE TO ATTEND THE PRE-SUBMISSION COMMUNITY MEETING.

(2) THE POSTER SHALL:

(I) BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE;

(II) INCLUDE A THREE DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED TO IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED BY THE DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH LETTERING IN THE TOP LEFT CORNER OF THE POSTER; AND

(III) CONTAIN:

(A) TIME, DATE AND PLACE OF INITIAL PRESUBMISSION COMMUNITY MEETING;

(B) ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE ;

(C) TYPE OF INITIAL PLAN SUBMITTAL;

(D) TYPE AND AMOUNT OF DEVELOPMENT, INCLUDING NUMBER OF RESIDENTIAL UNITS PROPOSED, IF APPLICABLE;

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(E) WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND ZONING PLANS IN PROCESS WEBPAGE; AND

(F) PROCEDURE DURING AND FOLLOWING THE PRESUBMISSION COMMUNITY MEETING:

- (1) THE DEVELOPER/PETITIONER SHALL DISTRIBUTE AT THE PRESUBMISSION COMMUNITY MEETING A SUMMARY OF THE COUNTY'S SUBDIVISION AND DEVELOPMENT REVIEW PROCESS PREPARED BY THE DEPARTMENT OF PLANNING AND ZONING.

- (2) DEVELOPERS/PETITIONERS SHALL:
 - (I) SEND A REPRESENTATIVE WHO IS KNOWLEDGEABLE OF THE PROJECT;
 - (II) MAINTAIN A RECORD OF THE NAMES, ADDRESSES AND ELECTRONIC MAIL ADDRESSES, IF AVAILABLE, FOR ALL ATTENDEES TO THE PRESUBMISSION COMMUNITY MEETINGS AND ANYONE UNABLE TO ATTEND THE MEETING WHO CONTACTS THE DEVELOPER/PETITIONER REQUESTING TO BE ADDED TO THE LIST;
 - (III) COMPILE COMPREHENSIVE MINUTES OF THESE MEETINGS WHICH INCLUDE A WRITTEN RESPONSE TO ALL QUESTIONS NOT VERBALLY ANSWERED AT THE MEETING;
 - (IV) SEND THE MINUTES TO ALL MEETING ATTENDEES WITHIN 30 DAYS OF THE MEETING EITHER ELECTRONICALLY OR BY FIRST CLASS MAIL. UPON SUBMISSION OF THE PLAN, THIS LIST MUST BE INCLUDED.; AND
 - (V) SEND NOTICE OF THE INITIAL PLAN SUBMITTAL WHICH INCLUDES INSTRUCTION ON HOW TO RECEIVE FUTURE NOTICES ABOUT FUTURE ACTIONS OF THE

1 CASE TO THE DEPARTMENT OF PLANNING AND
2 ZONING TO THE NAMES, ADDRESSES AND
3 ELECTRONIC MAIL ADDRESSES, IF AVAILABLE FOR
4 ALL ATTENDEES TO THE PRESUBMISSION COMMUNITY
5 MEETINGS AND ANYONE UNABLE TO ATTEND THE
6 MEETING WHO CONTACTS THE
7 DEVELOPER/PETITIONER REQUESTING TO BE ADDED
8 TO THE LIST.

9
10 (3) CERTIFICATION BY THE DEVELOPER/PETITIONER THAT THE MEETING
11 NOTICES AND MINUTES, WHICH INCLUDE WRITTEN RESPONSES TO
12 QUESTIONS NOT ANSWERED VERBALLY AT THE MEETING, WERE SENT,
13 TOGETHER WITH ATTENDEES' CONTACT INFORMATION, SHALL BE
14 TRANSMITTED TO THE DEPARTMENT OF PLANNING AND ZONING
15 WHEN INITIAL PLANS ARE FILED AND SHALL BECOME PART OF THE
16 OFFICIAL RECORD.

17
18 (4) CITIZENS MAY REQUEST A MEETING WITH A STAFF MEMBER OF THE
19 DEPARTMENT OF PLANNING AND ZONING TO REVIEW THE INITIAL
20 PLAN SUBMITTAL AFTER THE INITIAL PLAN HAS BEEN FORMALLY
21 SUBMITTED TO THE DEPARTMENT.

22
23 (5) ADDITIONAL PRESUBMISSION MEETINGS: ANOTHER PRESUBMISSION
24 COMMUNITY MEETING MAY BE REQUIRED, AT THE DISCRETION OF THE
25 DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING, IF THE
26 DEVELOPER/PETITIONER FAILS TO COMPLY WITH THE REQUIREMENTS
27 IN (2) AND (3) ABOVE, OR IF PLANS ARE SUBMITTED THAT ARE
28 SIGNIFICANTLY DIFFERENT FROM WHAT WAS PRESENTED AT THE
29 PRESUBMISSION COMMUNITY MEETING, UNLESS THE CHANGES ARE IN
30 RESPONSE TO COMMUNITY INPUT.

31
32 (6) IF THE DEVELOPER/PETITIONER DOES NOT SUBMIT PLANS TO THE
33 DEPARTMENT OF PLANNING AND ZONING WITHIN ONE YEAR OF THE
34 PRESUBMISSION COMMUNITY MEETING, ANOTHER PRESUBMISSION

1 COMMUNITY MEETING AND NOTIFICATION IN ACCORDANCE WITH THIS
2 SECTION SHALL BE REQUIRED.

3
4 **Sec. 16.205. Procedure.**

5
6 (a) Any person owning an interest in the property affected may petition the Zoning Board
7 for approval of a development plan, and a person owning an interest in the property
8 affected, the Director of the Department of Planning and Zoning or members of the
9 Zoning Board may petition the Zoning Board for piecemeal map amendment. The form
10 and number of copies of the petition shall be as prescribed by law or by the Zoning
11 Board's rules of procedure.

12
13 (b) PRESUBMISSION COMMUNITY MEETING: Prior to the initial submittal of a petition, the
14 petitioner shall hold a presubmission community meeting that provides information to
15 the community regarding the petition and allows community residents to ask questions
16 and discuss any issues. The meeting must be held in accordance with the [[following
17 procedures:]] PROCEDURES IN SECTION 16.128.

18
19 [[(1) At least three weeks in advance, the petitioner shall send written notice
20 regarding the date, time and location of the meeting to:

- 21
22 a. All adjoining property owners as identified in the records of the
23 Maryland Department of Assessments and Taxation, via mail;
24
25 b. The Department of Planning and Zoning, which will place this
26 meeting notice on the Department's web site;
27
28 c. The County Council; and
29
30 d. Any community association that represents the area of the subject
31 property or any adjacent properties.

32
33 The property involved shall be posted with the time, date and place of the
34 initial meeting. The sign shall include the address of Department of Planning

1 and Zoning's website. The property shall be posted for at least three weeks
2 immediately before the hearing. The poster shall be double-sided. At least 48
3 inches by 48 inches in size and the typeface shall be at least two inches in
4 height. The Department of Planning and Zoning shall determine the number of
5 posters required and their location and the petitioner shall bear the expense of
6 posting. The posters shall be erected perpendicular to the road which serves as
7 the mailing address of the subject property. The Department of Planning and
8 Zoning shall supply the posters. The petitioner shall properly erect and
9 maintain the posters.

10
11 (2) The meeting shall be:

- 12
13 a. Held at a location within the community, in a public or institutional
14 building located within approximately five miles of the subject
15 property; and
16
17 b. Scheduled to start between 6:00 p.m. and 8:00 p.m. on a weekday
18 evening, or to be held between 9:00 a.m. and 5:00 p.m. on a Saturday,
19 excluding County holidays and other holidays determined in
20 subsection (d) of this section.

21
22 (3) A certification of notice and posting and a summary of the issues expressed by
23 residents at the presubmission community meeting shall be written and
24 transmitted by the petitioner to the Department of Planning and Zoning when
25 the initial petition is filed for County review.

26
27 (4) If the petitioner does not submit the petition within one year of the
28 presubmission community meeting, another presubmission community
29 meeting and notification in accordance with subsection (b) of this section shall
30 be required.]]

31
32 (c) The petition shall be filed with the Department of Planning and Zoning, which shall
33 check the same for form, check that notice has been provided, as required by law or by
34 the Zoning Board's rules of procedure, collect the proper fees, and refer the petition to
35 the Planning Board for its report.

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- (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 County holiday, Rosh Hashanah, Yom Kippur, Eid UI Fitr, Eid UI Adha, and Chinese New Year 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.