

Introduced July 6, 2009
Public Hearing July 20, 2009
Council Action July 30, 2009
Executive Action Aug 3, 2009
Effective Date Oct 9, 2009

County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 8

Bill No. 36 -2009

Introduced by: Greg Fox, Councilperson

Co-sponsored by: Courtney Watson, Councilperson

AN ACT amending the Howard County Code to require pre-submission community meetings for certain non-residential development, including certain expansions of existing non-residential uses; and generally relating to pre-submission community meetings.

Introduced and read first time July 6, 2009. Ordered posted and hearing scheduled.
By order Stephen M LeGendre
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 July 20, 2009.
By order Stephen M LeGendre
Stephen LeGendre, Administrator

This Bill was read the third time on July 30, 2009 and Passed , Passed with amendments , Failed .
By order Stephen M LeGendre
Stephen LeGendre, Administrator

Scaled with the County Seal and presented to the County Executive for approval this 31ST day of July, 2009 at 10:00 a.m./p.m.
By order Stephen M LeGendre
Stephen LeGendre, Administrator

Approved / Vetoed by the County Executive Aug 9, 2009
Ken Ulman
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.

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that*
2 *Section 16.128 "Pre-submission Community Meetings; Exceptions", of Article II*
3 *"Design Standards and Requirements", Subsection (a) of Section 16.144 "General*
4 *Procedures Regarding the Subdivision Process", of Article IV "Procedures for Filing*
5 *and Processing Subdivision Applications", and Subsection (a) of Section 156*
6 *"Procedures", of Article V, "Procedures for Filing and Processing Site Development*
7 *Plan Applications", all of Subtitle 1 "Subdivision and Land Development Regulations",*
8 *of Title 16 "Planning, Zoning and Subdivision and Land Development Regulations", of*
9 *the Howard County Code, are hereby amended to read as follows:*

10
11 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations**
12 **Subtitle 1. Subdivision and Land Development Regulations**
13 **Article II. Design Standards and Requirements**

14
15 **Sec. 16.128. Pre-submission community meetings; exceptions.**

16 Pre-submission Community Meeting: THE FOLLOWING PROCEDURES ARE
17 REQUIRED FOR A [[A]] pre-submission community meeting: [[is required prior to the
18 initial submission of plans for all new residential developments according to the
19 following procedures:]]

- 20 (a) The initial plan submittal shall be as defined in section 16.108 of this
21 subtitle.
22
23 (b) The meeting shall be:
24
25 (1) Held at a location within the community, in a public or institutional
26 building located within approximately five miles of the subject
27 property; and
28
29 (2) Scheduled to start between 6 p.m. and 8 p.m. on a weekday
30 evening, or to be held between 9 a.m. and 5 p.m. on a Saturday,

1 excluding all official county holidays and Rosh Hashanah, Yom
2 Kippur, Eid Ul Fitr or Eid Ul Adha.

3 (c) The developer shall provide three weeks advance notice regarding the
4 date, time, and location of the pre-submission community meeting to be
5 held for a **[[new residential]]** development project to:

- 6
- 7 (1) All adjoining property owners identified in the records of the State
8 Department of Assessments and Taxation, by first-class mail; and
- 9
- 10 (2) The Department of Planning and Zoning, which will place the
11 meeting notice on the Department's web site; and
- 12
- 13 (3) The Howard County Council; and
- 14
- 15 (4) Any community association that represents the area of the subject
16 property or any adjacent properties.

17

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

30

1 (d) The pre-submission community meeting is for the developer to provide
2 information to the community regarding the proposed [[residential]]
3 development and to allow community residents to ask questions and make
4 comments. UNLESS WHILE THE DEVELOPER IS ENCOURAGED TO WORK
5 WITH THE COMMUNITY TO ACHIEVE A MUTUALLY ACCEPTABLE SOLUTION
6 TO ANY CONCERNS, UNLESS A CHANGE IS REQUIRED BY THIS SUBTITLE OR
7 THE ZONING REGULATIONS, THE DEVELOPER IS NOT REQUIRED TO CHANGE
8 THE PROPOSED DEVELOPMENT IN RESPONSE TO COMMENTS MADE AT THE
9 PRE-SUBMISSION COMMUNITY MEETING.

10
11 ~~(e) A certification that meeting notices were mailed and a summary of the~~
12 ~~comments made by residents at the pre-submission community meeting~~
13 ~~shall be transmitted by the developer to the Department of Planning and~~
14 ~~Zoning when the initial plans are submitted for County review.~~

15
16 (E) THE DEVELOPER SHALL MAINTAIN A RECORD OF THE NAMES, ADDRESSES AND, IF
17 AVAILABLE, ELECTRONIC MAIL ADDRESSES FOR ALL ATTENDEES TO THE PRE-
18 SUBMISSION COMMUNITY MEETINGS, AND SHALL COMPILE COMPREHENSIVE
19 MINUTES OF THESE MEETINGS. THE DEVELOPER SHALL PREPARE A WRITTEN
20 RESPONSE TO ALL OF THE MAJOR COMMENTS RECORDED IN THE MINUTES. THE
21 DEVELOPER SHALL SEND A COPY OF THE MINUTES AND WRITTEN RESPONSES TO
22 THE MEETING ATTENDEES AND THE DEPARTMENT OF PLANNING AND ZONING
23 EITHER ELECTRONICALLY OR BY FIRST CLASS MAIL. ALSO, CERTIFICATION THAT
24 THE MEETING NOTICES WERE MAILED AND CONTACT INFORMATION FOR THE
25 ATTENDEES SHALL BE TRANSMITTED TO THE DEPARTMENT OF PLANNING AND
26 ZONING WHEN INITIAL PLANS ARE FILED AND SHALL BECOME PART OF THE
27 OFFICIAL RECORD.

28
29 (f) Citizens may request a meeting with a staff member of the Department of
30 Planning and Zoning to review the development proposal after the initial
31 plan has been formally submitted to the department.
32

1 (g) If the developer does not submit plans to the Department of Planning and
2 Zoning within 1 year of the pre-submission community meeting, another
3 pre-submission community meeting and notification in accordance with
4 subsection b(1) of this section shall be required.

5
6 **Article IV. Procedures for Filing and Processing Subdivision Applications**

7
8 **Sec. 16.144. General Procedures Regarding the Subdivision Process.**

9 Except as provided in Section 16.102 of this Subtitle, all proposals to subdivide
10 land shall be processed in accordance with the following procedures:

11
12 (a) **Pre-Submission Community Meeting:** A pre-submission community meeting
13 is required prior to the initial submission of RESIDENTIAL sketch plans or
14 preliminary equivalent sketch plans in accordance with section 16.128 of this
15 article.

16
17 **Article V. Procedures for Filing and Processing Site Development Plan Applications**

18
19 **Sec. 16.156. Procedures.**

20 (a) *Pre-Submission Community Meetings, REQUIRED:* [[If the initial plan
21 submittal for a residential development is a site development plan, the
22 developer is required to hold a pre-submission community meeting in
23 accordance with Section 16.128 of this Subtitle.]] PRE-SUBMISSION
24 COMMUNITY MEETINGS IN ACCORDANCE WITH SECTION 16.128 OF THIS
25 SUBTITLE ARE REQUIRED FOR THE FOLLOWING SITE PLAN SUBMITTALS:

- 26 (1) IF THE INITIAL PLAN SUBMITTAL FOR A RESIDENTIAL DEVELOPMENT IS A
27 SITE DEVELOPMENT PLAN; OR
28 (2) IF THE SITE DEVELOPMENT PLAN SUBMITTAL IS FOR:
29 a. A NEW NON-RESIDENTIAL DEVELOPMENT LOCATED WITHIN 200 FEET
30 OF A RESIDENTIAL ZONING DISTRICT; OR
31 b. AN EXISTING NON-RESIDENTIAL DEVELOPMENT WHICH IS LOCATED

1 **WITHIN 200 FEET OF A RESIDENTIAL ZONING DISTRICT AND**
2 **PROPOSED FOR A FLOOR AREA EXPANSION OF MORE THAN 25**
3 **PERCENT.**

4
5 ***Section 3. And Be It Further Enacted by the County Council of Howard County,***
6 ***Maryland, that this Act shall take effect 61 days after its enactment.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on August 3, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

Amendment to Council Bill 36-2009

Sponsored by: Calvin Ball
Cosponsored by: Greg Fox
Jennifer Terrasa

Legislative Day No. 9
Date: July 30, 2009

Amendment No. 1

(This amendment encourages developers to work with the community on site development plans.)

- 1 On page 3, in line 4, delete "UNLESS" and insert "WHILE THE DEVELOPER IS ENCOURAGED
2 TO WORK WITH THE COMMUNITY TO ACHIEVE A MUTUALLY ACCEPTABLE SOLUTION TO ANY
3 CONCERNS, UNLESS".
4
5

ADOPTED July 30, 2009
FAILED _____
SIGNATURE Stephen M. Labadie

Amendment to Council Bill 36-2009

BY: Mary Kay Sigaty, Jennifer Terrasa,
and Calvin Ball

Legislative Day No: 9
Date: July 30, 2009

Amendment No. 2

1 (This amendment would require that developers maintain a list of names and addresses of all
2 meeting attendees, compile comprehensive minutes, and prepare and distribute a written
3 response to the major comments).
4
5

6 On page 3, strike lines 9 through 12 in their entirety, and substitute:

7 “(E) THE DEVELOPER SHALL MAINTAIN A RECORD OF THE NAMES, ADDRESSES AND, IF
8 AVAILABLE, ELECTRONIC MAIL ADDRESSES FOR ALL ATTENDEES TO THE PRE-
9 SUBMISSION COMMUNITY MEETINGS, AND SHALL COMPILE COMPREHENSIVE
10 MINUTES OF THESE MEETINGS. THE DEVELOPER SHALL PREPARE A WRITTEN
11 RESPONSE TO ALL OF THE MAJOR COMMENTS RECORDED IN THE MINUTES. THE
12 DEVELOPER SHALL SEND A COPY OF THE MINUTES AND WRITTEN RESPONSES TO
13 THE MEETING ATTENDEES AND THE DEPARTMENT OF PLANNING AND ZONING
14 EITHER ELECTRONICALLY OR BY FIRST CLASS MAIL. ALSO, CERTIFICATION THAT
15 THE MEETING NOTICES WERE MAILED AND CONTACT INFORMATION FOR THE
16 ATTENDEES SHALL BE TRANSMITTED TO THE DEPARTMENT OF PLANNING AND
17 ZONING WHEN INITIAL PLANS ARE FILED AND SHALL BECOME PART OF THE
18 OFFICIAL RECORD.”
19
20

ADOPTED July 30, 2009
FAILED _____
SIGNATURE Stephen M. B. Gordon