

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No.8

Bill No. 39-2009

Introduced by: The Chairperson at the request of the County Executive
Co-sponsored by: Jennifer Terrasa, Councilmember, and Courtney Watson, Councilmember

AN ACT amending the requirements for presubmission community meetings to require notice to certain parties in certain formats, to prohibit meetings from being scheduled on certain holidays consistent with Council Resolution No. 6-2006, to make certain technical corrections, and generally related to presubmission community meetings.

Introduced and read first time _____, 2009. 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 _____, 2009.

By order _____
Stephen LeGendre, Administrator

This Bill was read the third time on _____, 2009 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 _____, 2009 at ____ a.m./p.m.

By order _____
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive _____, 2009

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 *paragraph (28.1) of subsection (b) of Section 16.108 “Rules of Construction;*
3 *Definitions” of Article I “General” of Subtitle 1 “Subdivision and Land Development*
4 *Regulations” of Title 16 “Planning, Zoning and Subdivisions and Land Development*
5 *Regulations” of the Howard County Code is amended to read as follows:*

6
7 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

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

9 **Article I. General.**

10
11 **Section 16.108. Rules of Construction; Definitions.**

12 (b) *Definitions:* As used in these regulations, the following terms shall be defined as
13 follows:

14 (28.1) *Initial plan submittal:* For REQUIRED PRE-SUBMISSION COMMUNITY
15 MEETINGS [[the purposes of residential infill development requirements]],
16 the initial plan submittal is the:

- 17 (i) Zoning petition, if it includes a site plan or a preliminary
18 development plan;
19 (ii) Conditional use petition, if required;
20 (iii) Sketch plan or preliminary equivalent sketch plan for a major
21 subdivision;
22 (iv) Final plan for a minor subdivision or resubdivision; or
23 (v) Site development plan for single family units on deeded parcels, or
24 for condominium or rental units on a parcel which is not part of a
25 recorded subdivision that authorized an equal or greater number of
26 residential units than proposed on the site development plan.

27
28 **Section 2. *And Be It Enacted*** by the County Council of Howard County, Maryland, that
29 *Section 16.128 “Pre-submission community meetings; exceptions” of Article II “Design*
30 *Standards and Requirements” of Subtitle 1 “Subdivision and Land Development*

1 *Regulations” of Title 16 “Planning, Zoning and Subdivisions and Land Development*
2 *Regulations” of the Howard County Code is amended to read as follows:*

3
4 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

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

6 **Article II. Design Standards and Requirements.**
7

8 **Section 16.128. Pre-submission community meetings; exceptions.**

9 *Pre-submission Community Meeting:* A pre-submission community meeting is required
10 prior to the initial submission of plans for all new residential developments according to
11 the following procedures:

- 12 (a) The initial plan submittal shall be as defined in section 16.108 of this
13 subtitle.
- 14 (b) The meeting shall be:
- 15 (1) Held at a location within the community, in a public or institutional
16 building located within approximately five miles of the subject
17 property; and
- 18 (2) Scheduled to start between 6 p.m. and 8 p.m. on a weekday
19 evening, or to be held between 9 a.m. and 5 p.m. on a Saturday,
20 excluding all official county holidays and Rosh Hashanah, Yom
21 Kippur, Eid Ul Fitr, [[or Eid Ul Adha]] EID UL ADHA, OR CHINESE
22 NEW YEAR.
- 23 (c) The developer shall provide three weeks advance notice regarding the
24 date, time, and location of the pre-submission community meeting to be
25 held for a new residential development project [[to]] AS FOLLOWS:
- 26 (1) NOTICE SHALL BE SENT BY FIRST CLASS MAIL WITH DELIVERY
27 CONFIRMATION NOTICE TO:
- 28 (i) All adjoining property owners identified in the records of
29 the State Department of Assessments and Taxation[[, by
30 first-class mail]]; and

[[(2) The Department of Planning and Zoning, which will place the meeting notice on the Department's web site; and]]

[[(3) The Howard County Council; and]]

[[(4)] (ii) Any community association that represents the GEOGRAPHIC area of the subject property or any [[adjacent]] ADJOINING properties; AND

(2) NOTICE SHALL BE SENT ELECTRONICALLY TO:

(I) ANY COMMUNITY ASSOCIATION REGISTERED WITH THE COUNTY TO BE NOTIFIED ABOUT PROJECTS IN A CERTAIN GEOGRAPHIC AREA;

(II) THE HOWARD COUNTY COUNCIL; AND

(III) THE DEPARTMENT OF PLANNING AND ZONING, WHICH SHALL PLACE THE MEETING NOTICE ON THE DEPARTMENT'S WEB SITE.

The property involved shall be posted with the time, date and place of the initial meeting. The sign shall include the address of Department of Planning and Zoning's website. The property shall be posted for at least two weeks immediately before the meeting. The poster shall be double-sided and at least 30 inches by 36 inches in size. The poster shall include a three digit alphanumeric code, which would be used to identify the case. The alphanumeric code shall be posted by the Department of Planning and Zoning in at least five-inch lettering in the top left corner of the poster. 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 perpendicular to the road which serves as the mailing address of the subject property. The Department of Planning and Zoning shall supply the posters. The petitioner shall properly erect and maintain the posters.

(d) The pre-submission community meeting is for the developer to provide information to the community regarding the proposed residential

development and to allow community residents to ask questions and make comments.

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

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

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

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.