

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

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, requiring pre-submission community meetings for certain non-residential development, including certain expansions of existing non-residential uses and generally related to presubmission 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

Sealed 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 August 3, 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 *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", Subsection (a) of Section 16.144 "General Procedures*
31 *Regarding the Subdivision Process", of Article IV "Procedures for Filing and Processing*

1 Subdivision Applications", and Subsection (a) of Section 156 "Procedures", of Article V,
2 "Procedures for Filing and Processing Site Development Plan Applications", all of
3 Subtitle 1 "Subdivision and Land Development Regulations" of Title 16 "Planning,
4 Zoning and Subdivisions and Land Development Regulations" of the Howard County
5 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 II. Design Standards and Requirements.**

10
11 **Section 16.128. Pre-submission community meetings; exceptions.**

12 *Pre-submission Community Meeting:* ~~A~~ THE FOLLOWING PROCEDURES ARE REQUIRED FOR
13 ~~A pre-submission community meeting is required prior to the initial submission of plans~~
14 ~~for all new residential developments according to the following procedures:~~

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

- 1 (I) All adjoining property owners identified in the records of
2 the State Department of Assessments and Taxation[, by
3 first-class mail]]; and
4 [[(2) The Department of Planning and Zoning, which will place the
5 meeting notice on the Department's web site; and]]
6 [[(3) The Howard County Council; and]]
7 [[(4)]] (II) Any community association that represents the
8 GEOGRAPHIC area of the subject property or any [[adjacent]]
9 ADJOINING properties; AND
10 (2) NOTICE SHALL BE SENT ELECTRONICALLY TO:
11 (I) ANY COMMUNITY ASSOCIATION REGISTERED WITH THE
12 COUNTY TO BE NOTIFIED ABOUT PROJECTS IN A CERTAIN
13 GEOGRAPHIC AREA;
14 (II) THE HOWARD COUNTY COUNCIL; AND
15 (III) THE DEPARTMENT OF PLANNING AND ZONING, WHICH
16 SHALL PLACE THE MEETING NOTICE ON THE DEPARTMENT'S
17 WEB SITE.

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

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. WHILE THE DEVELOPER IS ENCOURAGED TO WORK WITH THE
5 COMMUNITY TO ACHIEVE A MUTUALLY ACCEPTABLE SOLUTION TO ANY
6 CONCERNS, UNLESS A CHANGE IS REQUIRED BY THIS SUBTITLE OR THE
7 ZONING REGULATIONS, THE DEVELOPER IS NOT REQUIRED TO CHANGE THE
8 PROPOSED DEVELOPMENT IN RESPONSE TO COMMENTS MADE AT THE PRE-
9 SUBMISSION COMMUNITY MEETING.

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

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

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

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

1
2 **Article IV. Procedures for Filing and Processing Subdivision Applications**

3
4 **Sec. 16.144. General Procedures Regarding the Subdivision Process.**

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

7
8 (a) Pre-Submission Community Meeting: A pre-submission community meeting
9 is required prior to the initial submission of RESIDENTIAL sketch plans or
10 preliminary equivalent sketch plans in accordance with section 16.128 of this
11 article.

12
13 **Article V. Procedures for Filing and Processing Site Development Plan Applications**

14
15 **Sec. 16.156. Procedures.**

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

22 (1) IF THE INITIAL PLAN SUBMITTAL FOR A RESIDENTIAL DEVELOPMENT IS A
23 SITE DEVELOPMENT PLAN; OR

24 (2) IF THE SITE DEVELOPMENT PLAN SUBMITTAL IS FOR:

25 a. A NEW NON-RESIDENTIAL DEVELOPMENT LOCATED WITHIN 200 FEET
26 OF A RESIDENTIAL ZONING DISTRICT; OR

27 b. AN EXISTING NON-RESIDENTIAL DEVELOPMENT WHICH IS LOCATED
28 WITHIN 200 FEET OF A RESIDENTIAL ZONING DISTRICT AND
29 PROPOSED FOR A FLOOR AREA EXPANSION OF MORE THAN 25
30 PERCENT.

- 1 ***Section 3. And Be It Further Enacted by the County Council of Howard County,***
- 2 ***Maryland, that this Act shall become effective 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, 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, 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, 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, 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, Administrator to the County Council

Amendment 1 to Amendment No. 1
Council Bill No. 39-2009

BY: Calvin Ball
Co-Sponsor: Greg Fox, Jennifer Terrasa

Legislative Day No. 9
Date: July 30, 2009

Amendment No. 1 to Amendment No. 1

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

- 1 On page 1, in line 20, delete "UNLESS" and insert "WHILE THE DEVELOPER IS
- 2 ENCOURAGED TO WORK WITH THE COMMUNITY TO ACHIEVE A MUTUALLY ACCEPTABLE
- 3 SOLUTION TO ANY CONCERNS, UNLESS".
- 4

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

Amendment to Council Bill No. 39-2009

BY: Greg Fox and Courtney Watson

Legislative Day No. 9

Date: July 30, 2009

Amended Amendment No. 1

(This amendment requires pre-submission community meetings for certain non-residential development, including certain expansions of existing non-residential uses.)

1 On the title page, in the last line of the purpose paragraph, after "corrections," insert "requiring
2 pre-submission community meetings for certain non-residential development, including certain
3 expansions of existing non-residential uses".

4
5 On page 1, in line 30, before "of Subtitle", insert: "Subsection (a) of Section 16.144 "General
6 Procedures Regarding the Subdivision Process", of Article IV "Procedures for Filing and
7 Processing Subdivision Applications", and Subsection (a) of Section 156 "Procedures", of
8 Article V, "Procedures for Filing and Processing Site Development Plan Applications", all "

9
10 On page 2, strike "A" in line 9 and substitute "THE FOLLOWING PROCEDURES ARE REQUIRED FOR
11 A".

12
13 Also on page 2, beginning in line 9, strike beginning with "is" down through "procedures" in line
14 11.

15
16 Also on page 2, in line 25, strike "new residential".

17
18 On page 3, in line 30, strike "residential".

19
20 On page 4, in line 2, after "comments." Insert "WHILE THE DEVELOPER IS ENCOURAGED TO WORK WITH THE
21 COMMUNITY TO ACHIEVE A MUTUALLY ACCEPTABLE SOLUTION TO ANY CONCERNS, UNLESS A CHANGE IS
22 REQUIRED BY THIS SUBTITLE OR THE ZONING REGULATIONS, THE DEVELOPER IS NOT REQUIRED TO

ADOPTED July 30, 2009

FAILED

SIGNATURE

Stephen M. Leander

CHANGE THE PROPOSED DEVELOPMENT IN RESPONSE TO COMMENTS MADE AT THE PRE-SUBMISSION
COMMUNITY MEETING.”

Also on page 4, after line 13, insert:

“Article IV. Procedures for Filing and Processing Subdivision Applications

Sec. 16.144. General Procedures Regarding the Subdivision Process.

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

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

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

Sec. 16.156. Procedures.

- (a) Pre-Submission Community Meetings, REQUIRED: [[If the initial plan submittal for a
residential development is a site development plan, the developer is required to hold
a pre-submission community meeting in accordance with Section 16.128 of this
Subtitle.]] PRE-SUBMISSION COMMUNITY MEETINGS IN ACCORDANCE WITH SECTION
16.128 OF THIS SUBTITLE ARE REQUIRED FOR THE FOLLOWING SITE PLAN SUBMITTALS:
- (1) IF THE INITIAL PLAN SUBMITTAL FOR A RESIDENTIAL DEVELOPMENT IS A SITE
DEVELOPMENT PLAN; OR
- (2) IF THE SITE DEVELOPMENT PLAN SUBMITTAL IS FOR:
- a. A NEW NON-RESIDENTIAL DEVELOPMENT LOCATED WITHIN 200 FEET OF A
RESIDENTIAL ZONING DISTRICT; OR
- b. AN EXISTING NON-RESIDENTIAL DEVELOPMENT WHICH IS LOCATED WITHIN
200 FEET OF A RESIDENTIAL ZONING DISTRICT AND PROPOSED FOR A FLOOR
AREA EXPANSION OF MORE THAN 25 PERCENT.”

Amendment to Council Bill 39-2009

BY: Mary Kay Sigaty, Jennifer Terrasa, 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 4, strike lines 3 through 6 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

FILED

SIGNATURE Stephen M. Gendron