

Introduced 9/8/09
Public Hearing 9/22/09
Council Action 10/5/09
Executive Action 10/7/09
Effective Date 12/8/09

County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 11

Bill No. 46 -2009

Introduced by: The Chairman at the request of the County Executive

AN ACT clarifying the types of properties subject to Historic District Commission review and advice; transferring certain substantive review requirements; requiring certain resubmissions of certain plans under certain conditions; amending certain filing deadlines; making certain technical corrections; and generally related to the Historic District Commission.

Introduced and read first time September 8, 2009. Ordered posted and hearing scheduled.

By order Stephen M. LeGendre
Stephen M. 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 September 22, 2009.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator

This Bill was read the third time on October 5, 2009 and Passed ☒, Passed with amendments ☐, Failed ☐.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7th day of October, 2009 at 10:00 a.m./p.m.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator

Approved by the County Executive October 7, 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.

Section 1. Be It Enacted by the County Council of Howard County, Maryland, that new Section 16.603A is added; Subsection (b) of Section 16.605, "Procedures of the Historic District Commission" is amended; and paragraphs (2) and (3), both of Subsection (d) of Section 16.606 "Powers of the Historic District Commission" are amended; all of Subtitle 6, "Historic District Commission" of Title 16, "Planning, Zoning and Subdivisions and Land Development Regulations" of the Howard County Code to read as follows:

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

Subtitle 6. Historic District Commission.

SECTION 16.603A. REVIEW OF DEVELOPMENT PLANS.

PRIOR TO THE INITIAL SUBMITTAL OF AN APPLICATION FOR SUBDIVISION OR SITE DEVELOPMENT PLAN APPROVAL ON A SITE LOCATED IN A HISTORIC DISTRICT ESTABLISHED UNDER THIS SUBTITLE OR THAT CONTAINS A HISTORIC STRUCTURE, THE APPLICANT SHALL REQUEST REVIEW BY THE COMMISSION TO IDENTIFY ALL HISTORIC RESOURCES ON THE SITE AND OBTAIN ADVICE FROM THE COMMISSION REGARDING THE DESIGN OF DEVELOPMENT.

Section 16.605. Procedures of the Historic District Commission.

(b) Applications.

[[(1) Prior to the initial submittal of an application for subdivision or site development plan approval on a site listed in the Historic Sites Inventory, the applicant shall request review by the commission to identify all historic resources on the site and obtain advice from the commission regarding the design of development requiring a certificate of approval]].

[[(2)]] (1) Applications for a certificate of approval and any other Commission approval OR REVIEW required under this subtitle shall be filed with the Department of Planning and Zoning.

[[(3)]] (2) The Department shall check the application for completeness and shall forward the application, together with all maps, plans and all other data

1 required by the rules of the Historic District Commission, to the Historic
2 District Commission.

3 ~~[[4]]~~ (3) Provided that the application was filed with the department of planning
4 and zoning at least ~~[[15]]~~ 22 calendar days before the commission's next
5 scheduled meeting, the department shall place the application on the
6 agenda for the next scheduled commission meeting. The commission shall
7 hear only those applications which it determines are complete.
8 Applications filed less than ~~[[15]]~~ 22 calendar days before the
9 commission's next scheduled meeting shall be placed on the agenda for the
10 following meeting.

11 ~~[[5]]~~ (4) The Commission may hold an emergency meeting to hear an
12 application for a certificate of approval which requires immediate action
13 due to an immediate safety or health hazard or the need for emergency
14 repairs.

15
16 **Section 16.606. Powers of the Historic District Commission.**

17 (d) *Provide Advice on Historical Resources:* The commission shall perform the
18 following advisory functions:

19 (2) Advise and assist the department of planning and zoning in identifying
20 historic resources on property that requires subdivision or site
21 development plan approval and is located in a historic district
22 ESTABLISHED UNDER THIS SUBTITLE or contains an historic structure. Such
23 advice shall be given prior to the initial plan submittal for either
24 subdivision or site development plans.

25 (3) Advise an applicant for subdivision or site development plan approval
26 ~~[[which will result in development requiring a certificate of approval]]~~ FOR
27 A SITE LOCATED IN A HISTORIC DISTRICT ESTABLISHED UNDER THIS
28 SUBTITLE OR THAT CONTAINS A HISTORIC STRUCTURE. Such advice shall be
29 provided prior to the initial submittal for a subdivision or site development
30 plan. AFTER COMMISSION REVIEW OF A PLAN UNDER THIS PARAGRAPH, THE
31 DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING MAY REQUIRE

1 THE APPLICANT TO RESUBMIT THE PLAN TO THE COMMISSION FOR ITS
2 REVIEW AND ADVICE IF:

3 (I) BEFORE THE SUBDIVISION APPLICATION OR SITE DEVELOPMENT
4 PLAN IS APPROVED, THE APPLICANT SUBMITS A REVISED PLAN THAT
5 THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING
6 DETERMINES IS INCONSISTENT WITH THE COMMISSION'S COMMENTS
7 ON THE PREVIOUS PLAN; OR

8 (II) THE SUBDIVISION PLAN OR SITE DEVELOPMENT PLAN EXPIRES AND
9 THE APPLICANT SUBMITS A NEW PLAN.
10

11 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
12 *Maryland, that this Act shall not apply to any application submitted to the Historic*
13 *District before the effective date of this Act.*
14

15 *Section 3. And Be It Further Enacted by the County Council of Howard County,*
16 *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 October 7, 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