

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2009 Legislative Session

**Legislative Day No. 10
September 1, 2009**

HOWARD COUNTY TO WIT:

The Chairman called the session to order at 7:38 p.m..

Mary Kay Sigaty, Chairperson; Jennifer Terrasa, Vice Chairperson; Calvin Ball, Council Member; Greg Fox, Council Member; and Courtney Watson, Council Member, were present.

Stephen LeGendre, Administrator to the County Council; Margaret Ann Nolan, County Solicitor; Jim Vannoy, Office of Law; Paul Johnson, Office of Law; and Jennifer Sager, Legislative Coordinator, were also present.

APPROVE JOURNALS

The Chairperson moved to approve the journals for Legislative Day No. 8, July 6, 2009 and Legislative Day No. 9, July 30, 2009. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

The motion to approve the journals passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Legislative Public Hearing, July 30, 2009. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

The motion to approve the minutes passed.

INTRODUCTION OF LEGISLATION

Council Resolution No. 69-2009 - Approving the application and receipt of financing for two Community Legacy Projects in Howard County, further described in the Community Legacy Application, to be financed either directly by the Maryland Department of Housing and Community Development or through other departments or agencies of the State of Maryland

A RESOLUTION approving the application and receipt of financing for two Community Legacy Projects in Howard County, further described in the Community Legacy Application, to be financed either directly by the Maryland Department of Housing and Community Development or through other departments or agencies of the State of Maryland.

FINAL CONSIDERATION

Appointments

Council Resolution No. 57-2009 – Confirming the appointment of Nina Basu to the Commission for Women

Council Resolution No. 58-2009 – Confirming the appointment of Barbara Kellner to the Public Transportation Board

Council Resolution No. 59-2009 – Confirming the appointment of Rev. Robert Turner to the Human Rights Commission

Council Resolution No. 60-2009 – Approving a list of Howard County residents to be sent to the Governor, in accordance with State law, so that the Governor may choose one of the residents from the list to fill a vacancy on the Property Tax Assessment Appeal Board

Council Resolution No. 61-2009 – Confirming the reappointment of Othella A. Rogers to the Public Transportation Board

Council Resolution No. 62-2009 – Confirming the reappointment of Sharonlee J. Vogel to the Public Transportation Board

Council Resolution No. 63-2009 – Confirming the reappointment of Celeste Wooten to the Howard County Board of Directors of the Revenue Authority

The Chairperson moved to remove Council Resolutions No. 57-2009, No. 58-2009, No. 59-2009, No. 60-2009, No. 61-2009, No. 62-2009, and No. 63-2009 from the table. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

The motion to remove Council Resolutions No. 57-2009, No. 58-2009, No. 59-2009, No. 60-2009, No. 61-2009, No. 62-2009, and No. 63-2009 from the table passed.

The Chairperson moved to adopt Council Resolution No. 57-2009. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Sigaty, Fox, Terrasa and Watson; Council Member Ball abstained.

The motion to adopt Council Resolution No. 57-2009 passed.

The Chairperson moved to adopt Council Resolutions No. 58-2009, No. 59-2009, No. 60-2009, No. 61-2009, No. 62-2009, and No. 63-2009 from the table. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

The motion to adopt Council Resolutions No. 58-2009, No. 59-2009, No. 60-2009, No. 61-2009, No. 62-2009, and No. 63-2009 passed.

Council Bill No. 29-2009 (ZRA-102) – Introduced by The Chair at the request of the Wilde Lake Business Trust - Amending the Howard County Zoning Regulations to allow the owner of any portion of a Village Center in the New Town zoning district to petition to amend certain approved development plans for the owner's property; establishing public notice, information, and justification requirements for such petitions; establishing standards to be used by the Zoning Board in evaluating and considering such petitions; and generally relating to the New Town zoning district (*Tabled 07/30/09*)

The Chairperson moved to remove Council Bill No. 29-2009 and Amendments No. 1 through Amendment No. 17 to Council Bill No. 29-2009 from the table. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

The motion to remove Council Bill No. 29-2009 and Amendments No. 1 through No. 17 to Council Bill No. 29-2009 from the table passed.

The Chairperson moved to adopt Council Bill No. 29-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to to adopt Amendment No. 12 to Council Bill No. 29-2009 as follows: (*This amendment would change all of the references on village center boundaries to require that the boundaries be established by the County Council through a General Plan amendment*)

On page 3, in lines 16 and 17, strike "PROPOSED BY THE PETITIONER" and substitute "PREVIOUSLY ADOPTED BY THE COUNTY COUNCIL IN THE GENERAL PLAN".

On page 4, strike lines 28 through 30, and substitute

"(2) A SPECIFIC DESCRIPTION OF THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER WHICH IS THE SUBJECT MATTER OF THE PETITION AS PREVIOUSLY ADOPTED BY THE COUNTY COUNCIL IN THE GENERAL PLAN.".

On page 6, in line 33, after "CENTER;" , insert "AND".

On page 7, in line 2, strike "(6); AND" and substitute "(6).".

On page 7, strike lines 4 through 10, and renumber accordingly.

On page 7, in line 28, strike "THE PROPOSED BOUNDARIES OF THE VILLAGE CENTER,".

On page 9, in lines 31 and 32, strike “DETERMINED BY THE DEPARTMENT OF PLANNING AND ZONING” and substitute “ADOPTED BY THE COUNTY COUNCIL IN THE GENERAL PLAN”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment was: Nay: Council Members Sigaty, Ball, Fox, Terrasa; Yea: Council Member Watson.

Amendment No. 12 to Council Bill No. 29-2009 failed.

The Chairperson moved to adopt Amendment No. 7 to Council Bill No. 29-2009 as follows: *(This amendment would: (1.) remove the existing process option and require the owner of village center property to utilize the new process for redevelopment for all Major Village Center Redevelopments; and (2.) remove the existing process option for all Minor Village Center Redevelopments once village center boundaries are established.)*

On page 2, strike in their entirety lines 19 through 26, inclusive, and substitute:

“1. A PROPOSAL FOR A MAJOR VILLAGE CENTER REDEVELOPMENT IS NOT ELIGIBLE FOR CONSIDERATION UNDER THE PROCESS PROVIDED BY SUBSECTION B, C AND D OF THIS SECTION 125 AND SHALL BE FILED ONLY IN ACCORDANCE WITH THE PROCEDURES OF THIS SUBSECTION F. THE OWNER OF ANY PORTION OF A VILLAGE CENTER MAY PROPOSE A MAJOR VILLAGE CENTER REDEVELOPMENT BY FILING A PETITION TO AMEND AN APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, OR FINAL DEVELOPMENT PLAN FOR THE OWNER’S PROPERTY IN THE VILLAGE CENTER. THE OWNER (“PETITIONER”) MAY PROPOSE AMENDMENTS TO ALLOW ANY USE OR DENSITY, SUBJECT TO THE FOLLOWING LIMITATIONS:”.

On pages 9 and 10, strike in their entirety the lines beginning with line 3 on page 9 through line 30 on page 10, inclusive, and substitute:

“1. FOR A MINOR VILLAGE CENTER REDEVELOPMENT, IF THE VILLAGE CENTER BOUNDARIES HAVE NOT BEEN ESTABLISHED BY THE ZONING BOARD IN A MAJOR VILLAGE CENTER REDEVELOPMENT OR BY THE COUNTY COUNCIL IN A GENERAL PLAN AMENDMENT, THEN THE PROPERTY OWNER MAY DEVELOP USING THE PROVISIONS OF SUBSECTION C, D OR E, AS APPROPRIATE, OF THIS SECTION.

2. FOR A MINOR VILLAGE CENTER REDEVELOPMENT, IF THE VILLAGE CENTER BOUNDARIES HAVE BEEN ESTABLISHED BY THE ZONING BOARD OR THE COUNTY COUNCIL, THEN A VILLAGE CENTER PROPERTY OWNER SHALL COMPLY WITH SECTION 125 C,D OR E. IF PLANNING BOARD APPROVAL IS REQUIRED , THEN THE PETITIONER SHALL ALSO COMPLY WITH THE FOLLOWING PROVISIONS:

A. THE PETITIONER IS REQUIRED TO HOLD A PRE-SUBMISSION COMMUNITY MEETING IN ACCORDANCE WITH HOWARD COUNTY CODE SECTION 16.128. IN ADDITION TO THE WRITTEN NOTICE REQUIREMENTS OF HOWARD COUNTY SECTION 16.128(C), THE PETITIONER SHALL ALSO NOTIFY IN WRITING:

(1) ALL PROPERTY OWNERS IDENTIFIED IN THE RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF PROPERTIES WITHIN THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER AS PREVIOUSLY ESTABLISHED; AND

- (2) THE BOARD OF DIRECTORS OF THE COMMUNITY ASSOCIATION (THE "VILLAGE BOARD") OF ALL VILLAGE CENTERS.
- B. SUBSEQUENT TO THE PRE-SUBMISSION COMMUNITY MEETING AND PRIOR TO FILING THE PETITION, THE PETITIONER SHALL PRESENT THE CONCEPT PLAN AND THE DESIGN GUIDELINES TO THE DESIGN ADVISORY PANEL FOR EVALUATION IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE. THE DESIGN ADVISORY PANEL RECOMMENDATIONS SHALL BE FORWARDED TO THE PLANNING BOARD FOR THEIR CONSIDERATION OF THE MINOR VILLAGE CENTER REDEVELOPMENT.
- C. WITHIN TWO DAYS AFTER ITS ACCEPTANCE OF A PETITION FOR A MINOR VILLAGE CENTER REDEVELOPMENT, THE DEPARTMENT OF PLANNING AND ZONING SHALL SEND A NOTICE TO THE VILLAGE BOARD OF THE VILLAGE IN WHICH THE VILLAGE CENTER PETITIONING FOR REDEVELOPMENT IS LOCATED. THE NOTICE SHALL REQUEST THAT THE VILLAGE BOARD SUBMIT A COMMUNITY RESPONSE STATEMENT OUTLINING ITS COMMENTS ON THE REDEVELOPMENT PROPOSAL. THE NOTICE SHALL DIRECT THE VILLAGE BOARD TO:
- (1) PROVIDE ITS RESPONSES TO THE SECTION 125.F.3.A.(6) CRITERIA;
- (2) ADDRESS ITS COMMENTS IN TERMS OF ANY OTHER SPECIFIC APPROVAL CRITERIA THE VILLAGE BOARD RECOMMENDS BE CONSIDERED BY THE PLANNING BOARD IN ITS DECISION ON THE MINOR VILLAGE CENTER REDEVELOPMENT; AND
- (3) PROVIDE A RESPONSE REGARDING:
- (A) PLANNING AND DESIGN CONCEPTS, INCLUDING BUT NOT LIMITED TO HOW IT FITS INTO THE SURROUNDING AREA;
- (B) WHETHER THE PETITION IS IN HARMONY WITH A VILLAGE CENTER COMMUNITY PLAN, IF ONE EXISTS;
- (C) MINIMA, MAXIMA, PRECISE VALUES, AND SPECIFIC REQUIREMENTS CONCERNING, BUT NOT LIMITED TO, VILLAGE CENTER AMENITY AREAS, BUILDING HEIGHTS, BULK REQUIREMENTS, PARKING, DENSITY, AND PERMITTED USES; AND
- (D) WHETHER THE VILLAGE BOARD HAS ARCHITECTURAL REVIEW AS DESIGNATED IN THE VILLAGE COVENANTS.
- D. IF THE COMMUNITY RESPONSE STATEMENT IS SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING WITHIN 45 DAYS AFTER THE DATE OF THE NOTICE, THE COMMUNITY RESPONSE STATEMENT SHALL BE CONSIDERED BY THE DEPARTMENT AS THE TECHNICAL STAFF REPORT IS BEING PREPARED. A SUBMITTED COMMUNITY RESPONSE STATEMENT BECOMES PART OF THE PUBLIC RECORD FOR THE MINOR

VILLAGE CENTER REDEVELOPMENT CASE, AND WILL BE FORWARDED TO THE PLANNING BOARD PRIOR TO ITS INITIAL MEETING OR HEARING ON THE CASE.”.

Renumber the remainder of the section accordingly.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 7 to Council Bill No. 29-2009 passed.

The Chairperson moved to adopt Amendment No. 18 to Council Bill No. 29-2009 as follows: *(This amendment would clarify the differences between a major village center redevelopment and a minor village center redevelopment)*

On page 2, in line 4, strike “ESTABLISH NEW USES THAT ARE NOT CURRENTLY PERMITTED,” and substitute “MAKE A CHANGE IN THE PERMITTED LAND USE CATEGORIES SET FORTH IN THE CHART CONTAINED IN SECTION 125.A.8 OF THE REGULATIONS.”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 18 to Council Bill No. 29-2009 passed.

The Chairperson moved to adopt Amendment No. 11 to Council Bill No. 29-2009 as follows: *(This amendment clarifies language and makes a decision about Village Center Boundaries permissive.)*

On page 7, in line 5, strike “PROPOSED” and substitute “PROPERTY IS WITHIN THE APPROPRIATE”.

On page 7, strike beginning with “, OR” in line 6 through “CENTER” in line 7.

On page 7, in line 21, strike “AND”.

On page 7, in line 25, strike the period and substitute “; AND”.

On page 7, immediately following line 25, insert:

“4. ESTABLISH THE VILLAGE CENTER BOUNDARIES.”

On page 8, immediately following line 5, insert:

“G. IF THE ZONING BOARD DENIES THE PETITION, IT MAY MAKE A DECISION ON THE VILLAGE CENTER BOUNDARIES.”

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 11 to Council Bill No. 29-2009 passed.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 29-2009 as follows: *(This amendment would make various technical/stylistic changes to the bill).*

On page 4, strike lines 4 through 9 in their entirety and substitute the following:

- "(1) PROVIDE ITS RESPONSES TO THE SECTION 125.F.3.A.(6) CRITERIA; AND
- (2) ADDRESS ITS COMMENTS IN TERMS OF ANY OTHER SPECIFIC APPROVAL CRITERIA THE VILLAGE BOARD RECOMMENDS BE CONSIDERED BY THE ZONING BOARD IN ITS DECISION ON THE MAJOR VILLAGE CENTER REDEVELOPMENT."

On page 5, in lines 20 and 30 and on page 6, in lines 4, 6, 9, and 18, strike "MAJOR".

On page 6, in line 22, strike "DEVELOPMENT" and insert "VILLAGE CENTER REDEVELOPMENT".

On page 5, in line 26, after "VILLAGE", strike "CENTER".

On page 5, in line 28, before the semicolon, insert "AND SURROUNDING LOCAL COMMUNITY".

On page 6, in line 22, strike "DEVELOPMENT" and substitute "VILLAGE CENTER REDEVELOPMENT".

On page 7, in line 19, after "APPROVE", strike "THE".

On page 7, in line 21, after "APPROVE", strike "THE" and substitute "A".

On page 8, in line 7, after "AMENDMENT", strike "OF" and substitute "TO".

On page 9, in line 22, after "THE", strike "PRELIMINARY DEVELOPMENT PLAN" and substitute "FINAL DEVELOPMENT PLAN AND/OR COMPREHENSIVE SKETCH PLAN".

On page 9, strike lines 31 and 32, in their entirety, and substitute "PROPOSED BY THE PETITIONER; AND".

On page 10, strike lines 29 and 30, in their entirety, and substitute "WILL BE FORWARDED TO THE PLANNING BOARD PRIOR TO ITS INITIAL MEETING OR HEARING ON THE CASE."

The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 1 to Council Bill No. 29-2009 as follows: *(This amendment makes technical corrections and provides consistency with Amendments 7 and 12.)*

Strike lines 22 and 23, in their entirety.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment to the amendment was:
Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 1 to Amendment No. 1 to Council Bill No. 29-2009 passed.

The roll call vote called by the Chairperson on the amendment as amended was: Yea:
Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 1 to Council Bill No. 29-2009 passed as amended.

The Chairperson moved to adopt Amendment No. 5 to Council Bill No. 29-2009 as follows: *(This amendment would recognize a Village Center Community Plan and provide for a village center concept planning workshop).*

On page 1, in line 2, strike “170” and substitute “171”.

On page 1, immediately following line 11, insert:

“168. VILLAGE CENTER COMMUNITY PLAN – AN ADVISORY PLAN WHICH HAS BEEN DEVELOPED BY THE COMMUNITY AND ENDORSED BY THE VILLAGE BOARD.”.

Renumber the remainder of the section.

On page 3, immediately after line 4, insert the following:

“2. VILLAGE CENTER COMMUNITY PLANNING PROCESS

A. NOTICE OF INTENT TO DEVELOP - AT LEAST 60 DAYS PRIOR TO THE REQUIRED INITIAL PRE-SUBMISSION MEETING, THE PETITIONER SHALL DELIVER TO THE BOARD OF DIRECTORS OF THE COMMUNITY ASSOCIATION (THE “VILLAGE BOARD”) OF SAID VILLAGE CENTER AND THE DEPARTMENT OF PLANNING AND ZONING A NOTICE OF INTENT TO DEVELOP.

B. VILLAGE CENTER COMMUNITY PLAN - WITHIN THE ENSUING 60 DAY PERIOD FROM THE NOTICE OF INTENT TO DEVELOP, THE VILLAGE BOARD MAY CREATE OR UPDATE A VILLAGE CENTER COMMUNITY PLAN, AS FOLLOWS :

(1.) A VILLAGE CENTER COMMUNITY PLAN MAY INCLUDE BUT IS NOT LIMITED TO:

- A. THE BOUNDARIES OF THE VILLAGE CENTER ;
- B. PLANNING AND DESIGN CONCEPTS;
- C. MINIMA, MAXIMA, PRECISE VALUES, AND SPECIFIC REQUIREMENTS CONCERNING, BUT NOT LIMITED TO, VILLAGE CENTER AMENITY AREAS, BUILDING HEIGHTS, BULK REQUIREMENTS, PARKING, DENSITY, AND PERMITTED USES;
- D. WHETHER THE VILLAGE BOARD HAS ARCHITECTURAL REVIEW AS DESIGNATED IN THE VILLAGE COVENANTS; AND
- E. IDENTIFICATION OF ANY HISTORICAL OR SIGNATURE ASPECTS OF THE VILLAGE CENTER.

(2.) THE VILLAGE BOARD MAY REQUEST ASSISTANCE FROM HOWARD COUNTY GOVERNMENT .

(3.) A VILLAGE CENTER COMMUNITY PLAN MAY BE SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING AND, IF SUBMITTED, IS AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE MARYLAND PUBLIC INFORMATION ACT.

C. VILLAGE CENTER CONCEPT PLANNING WORKSHOP - AT LEAST ONE WEEK AFTER THE NOTICE OF INTENT TO DEVELOP AND AT LEAST 30 DAYS BEFORE THE FIRST PRE-SUBMISSION COMMUNITY MEETING, THE PETITIONER SHALL INITIATE AND PARTICIPATE IN A VILLAGE CENTER CONCEPT PLANNING WORKSHOP, AS FOLLOWS:

(1.) THE WORKSHOP WILL BE HELD IN ACCORDANCE WITH THE PROCEDURAL AND NOTICE PROVISIONS OF HOWARD COUNTY CODE SECTION 16.128; AND

(2.) THE PURPOSE OF THE VILLAGE CENTER CONCEPT PLANNING WORKSHOP IS TO FACILITATE A COLLABORATIVE PLANNING DISCUSSION WHICH MAY INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

A. VILLAGE CENTER BOUNDARIES;

B. ANY COMMUNITY REDEVELOPMENT VISIONS OR EXISTING VILLAGE CENTER COMMUNITY PLANS;

C. PLANNING AND DESIGN CONCEPTS; AND

D. APPROPRIATE USES.

D. THE RESULTS OF THE WORKSHOP SHOULD BE USED BY THE PETITIONER TO CREATE THE CONCEPT PLAN AND BY THE VILLAGE BOARD TO CREATE OR UPDATE ITS VILLAGE CENTER COMMUNITY PLAN.

E. NOTHING IN THIS SECTION SHALL BE INTERPRETED TO PRECLUDE A VILLAGE BOARD FROM ADOPTING A VILLAGE CENTER COMMUNITY PLAN PRIOR TO THE FILING OF A NOTICE OF INTENT TO DEVELOP.”.

Renumber the remainder of the section.

On page 5, in line 13, strike “AND”.

On page 5, immediately following line 14, insert the following:

“(6) COMMENT ON WHETHER THE PROPOSED REDEVELOPMENT IS IN HARMONY WITH THE VILLAGE CENTER COMMUNITY PLAN; AND”.

Renumber the remainder of the section.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 5 to Council Bill No. 29-2009 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 29-2009 as follows: *(This amendment clarifies certain language relating to community response statements by adding additional elements to the statement and requiring DPZ to consider the statement.)*

On page 4, in line 7 strike “AND”.

On page 4, in line 9 strike “CRITERIA.” and insert

“CRITERIA; AND

(3) PROVIDE A RESPONSE REGARDING:

- (A) THE BOUNDARY OF THE VILLAGE CENTER PROPOSED BY THE PETITIONER;
- (B) PLANNING AND DESIGN CONCEPTS, INCLUDING BUT NOT LIMITED TO HOW IT FITS INTO THE SURROUNDING AREA;
- (C) WHETHER THE PETITION IS IN HARMONY WITH A VILLAGE CENTER COMMUNITY PLAN, IF ONE EXISTS;
- (D) MINIMA, MAXIMA, PRECISE VALUES, AND/OR SPECIFIC REQUIREMENTS CONCERNING, BUT NOT LIMITED TO, VILLAGE CENTER AMENITY AREAS, BUILDING HEIGHTS, BULK REQUIREMENTS, PARKING, DENSITY, AND/OR PERMITTED USES; AND
- (E) WHETHER THE VILLAGE BOARD HAS ARCHITECTURAL REVIEW AS DESIGNATED IN THE VILLAGE COVENANTS.”

On page 4, strike lines 11 through “NOTICE.” on line 15, and insert “C. IF THE COMMUNITY RESPONSE STATEMENT IS SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING WITHIN 45 DAYS AFTER THE DATE OF THE NOTICE, THE COMMUNITY RESPONSE STATEMENT SHALL BE CONSIDERED BY THE DEPARTMENT AS THE TECHNICAL STAFF REPORT IS BEING PREPARED.”

The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 2 to Council Bill No. 29-2009 as follows: *(This amendment provides consistency with Amendment 1.)*

On page 1, strike the entirety of line 1.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment to the amendment was:
Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.
Amendment No. 1 to Amendment No 2 to Council Bill No. 29-2009 passed.

The roll call vote called by the Chairperson on the amendment as amended was: Yea:
Council Members Sigaty, Ball, Fox, Terrasa and Watson.
Amendment No. 2 to Council Bill No. 29-2009 passed as amended.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 29-2009 as follows: *This amendment would make the following changes to the petition section of the bill:*

1. *require that the petition acknowledge any covenants of record;*
2. *add lighting and bicycle circulation to the petition information;*
3. *clarify in the petition information that the design guidelines also apply to the Village Center;*
4. *clarify in the justification statement that the village center will continue to meet the definition of a New Town village center;*
5. *clarify the criteria for the Zoning Board decision; and*
6. *require that copies of the approved plan be forwarded to the Village Board).*

On page 4, immediately following line 31, insert:

“(3) A COPY OF ANY COVENANTS AND/OR DEED RESTRICTIONS OF RECORD.”.

Renumber the entire subsection accordingly.

On page 5, in line 6, strike “PEDESTRIAN” and substitute “PEDESTRIAN/BICYCLE”, strike “OPEN SPACE” and substitute “VILLAGE CENTER AMENITY AREA(S)” and after the last comma, insert “EXTERIOR LIGHTING AND PUBLIC TRANSPORTATION OPPORTUNITIES.”.

On page 5, in line 13, after “REDEVELOPMENT”, insert “AND VILLAGE CENTER”.

On page 6, in line 19, strike the “AND”, and in line 22, strike the period and substitute “; AND”.

On the same page, immediately following line 23 insert the following:

“(I) THE VILLAGE CENTER WILL CONTINUE TO MEET THE DEFINITION OF A NEW TOWN VILLAGE CENTER.”.

On page 7, in line 23, strike “OR” and substitute “AND”. On the same page, in line 24 strike “CONCERNING AMENITY AREAS, BUILDING HEIGHT(S),” and insert “CONCERNING, BUT NOT LIMITED TO, VILLAGE CENTER AMENITY AREAS, BUILDING HEIGHTS, BULK REQUIREMENTS.”.

On page 8, in line 5, after “ZONING”, insert “, THE VILLAGE BOARD.”. On the same line, after the period, insert: “ALL PARTIES NOTIFIED PURSUANT TO SECTION 125.F.2, AND ANY OTHER PROPERTY OWNER WITHIN THE BOUNDARIES DECIDED BY THE ZONING BOARD, SHALL BE PROVIDED WITH NOTICE OF THE ZONING BOARD’S DECISION.”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment was: yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 3 to Council Bill No. 29-2009 passed.

The Chairperson moved to adopt Amendment No. 4 to Council Bill No. 29-2009 as follows: *(This amendment would add a definition for Village Center Amenity Areas to the Zoning Regulations).*

On page 1, in line 2, strike “170” and substitute “171”.

On page 1, immediately following line 11, insert:

“168. VILLAGE CENTER, NEW TOWN AMENITY AREA – A USABLE OUTDOOR LANDSCAPED AREA SUCH AS A PLAZA, COURTYARD, GARDEN OR SIMILAR AREA WHICH IS DESIGNED TO BE OPEN TO THE PUBLIC AND EASILY ACCESSIBLE.”.

Renumber the remainder of the section.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 4 to Council Bill No. 29-2009 passed.

The Chairperson moved to adopt Amendment No. 6 to Council Bill No. 29-2009 as follows: *(This amendment changes where the Design Advisory Panel takes part in the redevelopment process and removes certain references to the Panel).*

On page 3, after line 28, insert “SUBSEQUENT TO THE FIRST PRE-SUBMISSION COMMUNITY MEETING AND PRIOR TO FILING THE PETITION, THE PETITIONER SHALL PRESENT THE CONCEPT PLAN AND PROPOSED DESIGN GUIDELINES TO THE DESIGN ADVISORY PANEL FOR EVALUATION IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE. THE DESIGN ADVISORY PANEL RECOMMENDATIONS SHALL BE FORWARDED TO THE PLANNING BOARD AND THE ZONING BOARD FOR THEIR CONSIDERATION OF THE MAJOR VILLAGE CENTER REDEVELOPMENT.”

On page 8, in line 10 strike “HOWEVER,” through the end of line 16.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 6 to Council Bill No. 29-2009 passed.

The Chairperson moved to adopt Amendment No. 8 to Council Bill No. 29-2009 as follows: *(This amendment would require any proposed development at Village Centers to adhere to the New Town land use chart found in Section 125.A.8 of the Zoning Regulations).*

On page 2, in line 32, strike “AND”.

On page 3, in line 3, strike the period and substitute “; AND”.

On page 3, immediately following line 4, insert

“D. ANY MAJOR VILLAGE CENTER MIXED-USE REDEVELOPMENT SHALL BE CONSIDERED TO BE A "COMMERCIAL" USE IN THE CHART CONTAINED IN SECTION 125A.8. OF THE REGULATIONS FOR PURPOSES OF CALCULATING COMPLIANCE WITH THE CHART’S REQUIREMENTS AS TO THE MINIMUM AND MAXIMUM PERCENTAGE OF “COMMERCIAL” IN THE TOTAL AREA OF THE NEW TOWN DISTRICT. THE VILLAGE CENTER REDEVELOPMENT SHALL NOT RESULT IN A NET LOSS OF OPEN SPACE.”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 8 to Council Bill No. 29-2009 passed.

The Chairperson moved to adopt Amendment No. 9 to Council Bill No. 29-2009 as follows: *(This amendment would require that the petitioner address the redevelopment’s compatibility with the surrounding community in its justification statement).*

On page 6, in line 19, strike “AND”. On the same page, in line 22, strike the period, and substitute “; AND”.

On page 6, immediately following line 23, insert

“I. THE VILLAGE CENTER REDEVELOPMENT IS COMPATIBLE WITH THE SURROUNDING COMMUNITY.”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 9 to Council Bill No. 29-2009 passed.

The Chairperson moved to adopt Amendment No. 10 to Council Bill No. 29-2009 as follows: *(This amendment would require that all village boards be notified of a proposed Village Center Redevelopment).*

On page 3, in line 20, after “OF” strike “SAID” and insert “ALL”. On the same line strike “CENTER” and substitute “CENTERS”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 10 to Council Bill No. 29-2009 passed.

The Chairperson moved to adopt Amendment No. 13-2009 to Council Bill No. 29-2009 as follows: *(This amendment would require that the justification statement address preservation of significant resources and features of the original village center).*

On page 6, in line 19, strike “AND”. On the same page, in line 22, strike the period, and substitute “; AND”.

On page 6, immediately following line 23, insert

“I. TO THE EXTENT FEASIBLE, THE VILLAGE CENTER REDEVELOPMENT PRESERVES ANY SIGNIFICANT RESOURCES AND FEATURES OF THE ORIGINAL VILLAGE CENTER.”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment was: Nay: Council Members Sigaty, Ball and Terrasa; Yea: Council Members Fox and Watson.

Amendment No. 13 to Council Bill No. 29-2009 failed.

The Chairperson moved to adopt Amendment No. 14 to Council Bill No. 29-2009 as follows: *(This amendment would specify in the Village Center definition that residential uses are secondary in a village center)*

On page 1, strike lines 32 and 33, and substitute:

“D. IF APPROPRIATE, SECONDARY RESIDENTIAL USES TO SUPPORT AND ENHANCE OTHER USES IN THE VILLAGE CENTER.”.

The Chairperson moved to adopt Amendment No. 14 to Council Bill No. 29-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 14 to Council Bill No. 29-2009 as follows: *(This amendment would specify in the Village Center definition that residential uses may not overwhelm the other enumerated uses in the definition.)*)

On page 1, in line 7, strike “IF APPROPRIATE, SECONDARY RESIDENTIAL USES TO SUPPORT AND ENHANCE” and substitute “RESIDENTIAL USES, TO THE EXTENT APPROPRIATE TO SUPPORT AND ENHANCE, BUT NOT OVERWHELM,”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment to the amendment was: Yea: Council Members Sigaty, Ball, and Terrasa: Nay: Council Members Fox and Watson. Amendment No. 1 to Amendment No. 14 to Council Bill No. 29-2009 passed.

The roll call vote called by the Chairperson on the amendment as amended was: Yea: Council Members Sigaty, Ball, and Terrasa: Nay: Council Members Fox and Watson. Amendment No. 14 to Council Bill No. 29-2009 passed as amended.

The Chairperson moved to adopt Amendment No. 15 to Council Bill No. 29-2009 as follows: *(This amendment would require an evaluation of the bill within one year of issuance of use and occupancy permits for the first plans approved under its provisions).*

On page 11, after line 13, insert:

“Section 3. And be It Further Enacted by the County Council of Howard County, Maryland, that the Department of Planning and Zoning shall evaluate and report to the County Council on the Village Center Redevelopment, Major and Village Center Redevelopment, Minor subsections of the NT (New Town) District Section within one year of issuance of use and occupancy permits for the first plans approved under these subsections.”

On the same page, in line 15, strike “3” and substitute “4”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson. Amendment No. 15 to Council Bill No. 29-2009 passed.

The Chairperson moved to adopt Amendment No. 16 to Council Bill No. 29-2009 as follows: *(This amendment clarifies that the project justification statement for a major village center redevelopment must demonstrate how the project meets the applicable criteria.)*

On page 5, in line 18, delete “ADDRESS” and insert “DEMONSTRATE HOW THE VILLAGE CENTER REDEVELOPMENT MEETS”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 16 to Council Bill No. 29-2009 passed.

Amendment No. 17 to Council Bill No. 29-2009 as follows: *(This amendment would require the Department of Planning and Zoning, in consultation with the Department of Housing and Community Development, to report to the County Executive and County Council, by November 30, 2009, on how to require that a full spectrum of housing be provided in the New Town zoning district.)*

On page 11, after line 13, insert:

“Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that the Department of Planning and Zoning, in consultation with the Department of Housing and Community Development, shall, on or before November 30, 2009, provide recommendations to the County Executive and County Council on mechanisms to provide a full spectrum of housing in any redevelopment in the New Town zoning district. The report shall include, but need not be limited to, recommendations on the range of housing types and household incomes that should be included in a full spectrum of housing, the criteria to be used in determining the amount required, the fiscal impact of the recommendations and the methodology for achieving the recommended spectrum, including imposing certain requirements on developers of projects in the district.”.

| On the same page, in line 15, strike “3” and substitute “4”.

Council Member Watson moved to withdraw Amendment No. 17 to Council Bill No. 29-2009. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

The motion to withdraw Amendment No. 17 to Council Bill No. 29-2009 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Council Bill No. 29-2009 passed as amended.

CLOSED MEETING

Council Member Ball moved to hold a closed meeting for the purpose of obtaining legal advice on Council Resolution No. 65-2009. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

The motion to hold a closed meeting passed.

ADJOURNMENT

The Chairperson adjourned the legislative session at 9:25 p.m.

TABLED LEGISLATION

Council Resolution No. 65-2009 – Introduced by Chairperson at the request of the Howard Soil Conservation District - Approving the fee system of the Howard Soil Conservation District and providing that the fee system applies to each plan that is required to be reviewed by the Howard Soil Conservation District from and after July 1, 2009
(Tabled 07/30/09)
