

County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 6

RESOLUTION NO. 79 -2013

Introduced by: The Chair

A RESOLUTION approving the hearing procedures for the Howard County Council's comprehensive zoning effort.

Introduced and read for the first time on May 6, 2013.

By order

Sheila M. Tolliver

Sheila M. Tolliver, Administrator to the County Council

Read for a second time and a public hearing held on May 20, 2013.

By order

Sheila M. Tolliver

Sheila M. Tolliver, Administrator to the County Council

This Resolution was read for the third time and was Adopted __, Adopted with amendments , Failed __, Withdrawn __ by the County Council

on June 3, 2013.

Certified by

Sheila M. Tolliver

Sheila M. Tolliver, Administrator to the County Council

NOTE: [[text in brackets]] indicates deletions from existing language; TEXT IN ALL CAPITALS indicates additions to existing language. Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, the County Council, in order to fulfill its zoning purpose as expressed in the
2 Howard County Code, may exercise the Zoning Authority of Howard County on a
3 comprehensive basis, so as to adopt and enact zoning regulations and district boundaries which
4 shall apply to the entire geographic area of Howard County; and
5

6 **WHEREAS**, the Howard County Council passed Council Bill 25-2012 amending
7 subtitle 2, of Title 16 of the Howard County Code to revise the procedures for the adoption of
8 zoning districts and zoning regulations by comprehensive rezoning; and
9

10 **WHEREAS**, the Howard County Code requires the Howard County Council to
11 establish procedures that will govern the public hearing on the proposed comprehensive zoning
12 plan.
13

14 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard
15 County, Maryland, this 3rd day of June, 2013, that it approves the hearing
16 procedures for the Howard County Council's comprehensive zoning effort, which are attached to
17 this resolution and incorporated herein.
18

19 **BE IT FURTHER RESOLVED** that these Hearing Procedures take effect on
20 their adoption.
21

HEARING PROCEDURES

1. **Meeting Dates, Public Notification.** The Council will schedule all meetings and hearings, including work sessions and continuations, as the Council deems appropriate. The Council will give at least 30 days notice of the initial hearing in accordance with Section 16.203(c)(4) of the Code.
2. **Sign-Up Sheets.** Persons who wish to testify to the Council regarding a zoning text amendment or zoning map amendment may register by signing in online prior to the hearing or at the scheduled hearings. Online sign-ups will be available after the introduction of the Comprehensive Zoning legislation. Members of the staff of the Department of Planning and Zoning will be available one hour before the hearing to answer questions from the public.

The speakers' list will remain open throughout the hearings so that interested persons may register. Generally, registered persons will be heard in the order in which they signed in within the map and text areas under discussion. However, speaker order may be altered at the discretion of the Council Chair. All parties who register will have an opportunity to present oral testimony to the Council. If written testimony is to accompany the public hearing's oral presentation, then 10 copies are needed for distribution. The Council will accept written testimony until final consideration.

3. **Testifying.** In accordance with the Rules of Procedure for the County Council, a speaking time limit for persons wishing to testify on the Zoning Regulations and on each individual parcel on the Zoning Map will be enforced. The time limit will be three (3) minutes per individual. A single representative speaking on behalf of a civic, community, or citizens' association will be allotted five (5) minutes. Speakers will not be allowed to yield their time to another. If a speaker is unable to complete his/her testimony in the allotted time, he/she may submit written material to the Council.

Upon initial recognition by the Chair, the person shall give the following information before speaking to the issue:

- (1) Name.
- (2) Home Address.
- (3) Persons or organization represented, if appropriate.
- (4) Position (for or against) on the subject matter under consideration.

Speakers wishing to address the Council about a particular parcel of land should, wherever possible, identify the map amendment number.

Questioning of speakers will not be permitted by anyone except Council members.

4. **Affidavits and Disclosures.** Participants in Comprehensive Zoning are required to file

affidavits and disclosures in accordance with Sections 15-848 through 15-850 of the State Government Article of the Maryland Annotated Code. Consult the Howard County Ethics Commission for further information.

5. **Written Testimony.** Persons who wish to submit written comments to the Council regarding text or map amendments need not attend the public hearing to register. Written comments should be sent to the County Council, 3430 Court House Drive, Ellicott City, MD 21043. Electronic mail testimony may be sent using the County Council's email address: councilmail@howardcountymd.gov. All written material shall become a part of the official record and will be available for review in the Council's Office in the George Howard Building.

6. ~~**Consideration of New Petitions.** Any new map amendment requests made to the Council during its public hearing(s) or while legislation is under consideration, that have not previously been considered by the Department of Planning and Zoning or the Planning Board, may only be considered by the Council if the Council approves its consideration by a supermajority vote. The individual petitioning the Council for new map amendments shall send certified letters within 72 hours of introduction of the amendment to all persons whose property adjoins the property which is the subject of the new proposal, notifying them of the map proposal and advising them to contact the Council for additional information. This provision does not apply to text amendments.~~

6. **Consideration of New Map Amendment Requests.** Any proposed amendment to the proposed zoning map as part of the adoption of a Comprehensive Zoning Ordinance which was not previously proposed, considered or recommended by the Department of Planning and Zoning or the Planning Board shall only be considered by the County Council upon an affirmative vote of two-thirds of the members of the Council. Any person requesting such an amendment shall send a certified letter to adjoining property owners and post the property which is the subject of the request within 72 hours of the introduction of the proposed amendment, with the date, time and location of the hearing on the request. This provision shall not apply to text amendments and noncompliance shall not constitute a basis for setting aside a zoning decision.

AMENDED Amendment 1 to Council Resolution 79-2013

BY: The Chair

Legislative Day No: 8

Date: June 3, 2013

Amendment No. 1

(This amendment would change the notification provision for new map amendment requests from certified letters to posting of the subject property; and other minor changes).

On page 2 of the Hearing Procedures attached to the resolution, strike item number 6, in its entirety, and substitute the following:

“6. Consideration of New Map Amendment Requests. Any proposed amendment to the proposed zoning map as part of the adoption of a Comprehensive Zoning Ordinance which was not previously proposed, considered or recommended by the Department of Planning and Zoning or the Planning Board shall only be considered by the County Council upon an affirmative vote of two-thirds of the members of the Council. Any person requesting such an amendment shall send a certified letter to adjoining property owners and post the property which is the subject of the request within 72 hours of the introduction of the proposed amendment, with the date, time and location of the hearing on the request. This provision shall not apply to text amendments and noncompliance shall not constitute a basis for setting aside a zoning decision.”

ADOPTED June 3, 2013
FAILED _____
SIGNATURE Shirley Johnson

Amendment 1 to Amendment 1 Council Resolution 79-2013

BY: The Chair

Legislative Day No: 8

Date: June 3, 2013

Amendment No. 1 to Amendment No. 1

(This amendment adds the requirement of sending notice by certified mail to adjoining property owners to the notice requirement).

1 On page 1, in line 9, immediately after “shall” insert “send a certified letter to adjoining
2 property owners and”.

3

ADOPTED June 3, 2013
FAILED _____
SIGNATURE Shanta Malone

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