

Introduced 9/4/18  
Public hearing 9/17/18  
Council action 10/1/18  
Executive action 11/1/18  
Effective date 1/11/19

## County Council of Howard County, Maryland

2018 Legislative Session

Legislative day # 12

### BILL NO. 69 – 2018

Introduced by: Jennifer Terrasa, Greg Fox, and Calvin Ball

AN ACT amending provisions for the posting of notice to require specified information and uniform signs; and generally relating to the posting of notice signs.

Introduced and read first time September 4, 2018. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
Jessica Feldmark, 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 17, 2018.

Tabled - 10/1/18

By order Jessica Feldmark  
Jessica Feldmark, Administrator

This Bill was read the third time on October 29, 2018 and Passed     , Passed with amendments , Failed     .

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 18<sup>th</sup> day of November, 2018 at 1:00 a.m./p.m.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2018

\_\_\_\_\_  
Allan H. Kittleman, 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 the Howard County*  
2 *Code is hereby amended as follows:*

3  
4 *By Amending:*

5  
6 *Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"*

7  
8 *Subtitle 1. "Subdivision and Land Development Regulations"*

9 *Article 2. "Design Standards and Requirements"*

10 *Section 16.128. "Presubmission community meetings; exceptions.";*

11  
12 *Article 4. "Procedures for Filing and Processing Subdivision Applications"*

13 *Section 16.147. "Final subdivision plan and final plat.";*

14  
15 *Article 5. "Procedures for Filing and Processing Site Development Plan Applications"*

16 *Section 16.156. "Procedures.";*

17  
18 *Subtitle 2. "Zoning"*

19 *Section 16.203. "Comprehensive zoning."; and*

20  
21 *Subtitle 6. "Historic Preservation Commission"*

22 *Section 16.605. "Procedures of the Commission."; and*

23  
24 *Title 18. "Public Works"*

25  
26 *Subtitle 1. "Public Utilities"*

27 *Section 18.118. "Publication of Required Notice.";*

28 *Section 18.125. "Removal of Parcel(s) from Metropolitan District.";*

29  
30 *Subtitle 2. "Roads"*

31 *Section 18.204. "Relocation or Closing of Public Roads.";*

32  
33 *Subtitle 2A. "Substandard Private Roads"*

34 *Section 18.255. "Hearing Procedures.";*

35  
36 *Subtitle 8. "Streetlights"*

37 *Section 18.805. "Notice to the Community."; and*

1 *Subtitle 14. "Road and Stormwater Management Improvements for pre-1961 Platted Subdivisions"*  
2 *Section 18.1404. "Meeting on Formal Request."*

3  
4  
5 **HOWARD COUNTY CODE**

6  
7 **Title 16. PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT**  
8 **REGULATIONS**

9  
10 **Subtitle 1. Subdivision and Land Development Regulations**

11 **Article 2. Design Standards and Requirements**

12  
13 **Section 16.128. Presubmission community meetings; exceptions.**

14 *Presubmission community meeting.* The following procedures are required for a  
15 presubmission community meeting:

16 (a) *Definitions.* The initial plan submittal shall be as defined in section 16.108 of this  
17 subtitle.

18 (b) *Purpose.* The presubmission community meeting is for the developer/petitioner to  
19 provide information to the community regarding the proposed initial plan submittal and  
20 to allow community residents to ask questions and make comments before the initial plan  
21 submittal for the subject property. While the developer/petitioner is encouraged to work  
22 with the community to achieve a mutually acceptable solution to any concerns, unless a  
23 change is required by this subtitle or the zoning regulations, the developer/petitioner is  
24 not required to change the proposed development in response to comments made at the  
25 presubmission community meeting.

26 (c) *Meeting locations, dates and times.*

27 The meeting shall be:

- 28 (1) Held at a location within the community of the proposed development, in a public  
29 or institutional building located within approximately five miles of the subject  
30 property; and

1 (2) Scheduled to start between 6:00 p.m. and 8:00 p.m. on a weekday evening, or to be  
2 held between 9:00 a.m. and 5:00 p.m. on a Saturday, excluding all official county  
3 holidays, Rosh Hashanah, Yom Kippur, Eid Ul Fitr, Eid Ul Adha, and Chinese New  
4 Year.

5 (d) *Types of notice; timing of notice; who must be notified.*

6 (1) Notice shall be sent, three weeks prior to the presubmission community meeting,  
7 by first class mail to:

8 (A) All adjoining property owners identified in the records of the State Department  
9 of Assessments and Taxation;

10 (B) Any community association that represents either the geographic area of the  
11 subject property or any adjoining properties; and

12 (C) The "principals" and "parent teacher association presidents" through a mailing  
13 to each school with an attendance area that includes the subject property.

14 (2) Notice shall be sent, three weeks prior to the presubmission community meeting,  
15 electronically to:

16 (A) Any community association, person, or organization registered with the  
17 county to be notified about projects in a certain area;

18 (B) The Howard County Council; and

19 (C) The Department of Planning and Zoning, which shall place the meeting notice  
20 prominently on the Department's web site.

21 (3) *Posting.* In accordance with the content requirements listed in subsection (e) of this  
22 section, the property shall be posted for at least three weeks immediately before the  
23 meeting. The Department of Planning and Zoning shall determine the number of  
24 posters required and their location and the petitioner shall bear the expense of  
25 posting.

26 The posters shall be erected in a prominent location that is visible to the general public and that  
27 is as close as possible and perpendicular to the road which serves or will serve as the mailing  
28 address of the subject property. If the property is adjoining parkland, a community center, or

1 other County-owned buildings that are frequently visited by citizens to obtain services including,  
2 without limitation, County offices, schools, or libraries, the Department of Planning and Zoning  
3 may require an additional poster that it is visible to the general public in the closest useable  
4 portion of the park, community center, or facility. The Department of Planning and Zoning shall  
5 supply the posters. The petitioner shall properly erect and maintain the posters for at least three  
6 weeks following the initial presubmission community meeting.

7 (e) *Content of notice.* The developer/petitioner shall provide three weeks advance notice  
8 regarding the date, time, and location of the presubmission community meeting to be held  
9 for an initial plan submittal. Each notice shall contain the following:

10 (1) First class mail and mail sent electronically shall contain:

11 (i) Time, date and place of initial presubmission community meeting;

12 (ii) Address and a map of the location of the subject property;

13 (iii) Type of initial plan submittal;

14 (iv) Type and amount of development, including number of residential units  
15 proposed, if applicable;

16 (v) Website address of the Department of Planning and Zoning plans in process  
17 webpage OR A CENTRAL INTER-DEPARTMENTAL WEBPAGE FOR SEARCHING ALL  
18 PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE; and

19 (vi) Information about how to sign-up to receive minutes and subsequent  
20 correspondence if unable to attend the pre-submission community meeting.

21 (2) The poster shall:

22 (i) Be double-sided and at least 30 inches by 36 inches in size;

23 (ii) Include a three-digit alphanumeric code, which would be used to identify the  
24 case. The alphanumeric code shall be attached by the department of planning  
25 and zoning in at least five-inch lettering in the top left corner of the poster; and

26 (iii) Contain:

27 (A) Time, date and place of initial presubmission community meeting;

28 (B) Address of the subject property, if available;

- 1 (C) Type of initial plan submittal;
- 2 (D) Type and amount of development, including number of residential units
- 3 proposed, if applicable; and
- 4 (E) Website address of the department of planning and zoning plans in process
- 5 webpage OR A CENTRAL INTER-DEPARTMENTAL WEBPAGE FOR SEARCHING ALL
- 6 PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE.

7 (f) *Procedure during and following the presubmission community meeting:*

8 (1) The developer/petitioner shall distribute at the presubmission community meeting

9 a summary of the county's subdivision and development review process, zoning or

10 conditional use process, if applicable, prepared by the department of planning and

11 zoning.

12 (2) Developers/petitioners shall:

13 (i) Send a representative who is knowledgeable of the project;

14 (ii) Maintain a record of the names, addresses and electronic mail addresses, if

15 available, for all attendees to the presubmission community meetings and

16 anyone unable to attend the meeting who contacts the developer/petitioner

17 requesting to be added to the list;

18 (iii) Compile comprehensive minutes of these meetings which include a written

19 response to all questions not verbally answered at the meeting;

20 (iv) Send the minutes to all meeting attendees within 30 days of the meeting either

21 electronically or by first class mail. Upon submission of the plan, this list must

22 be included; and

23 (v) Within 7 days after filing the initial plan submittal for the project with the

24 Department of Planning and Zoning, send notice of the submittal to each person

25 who attended the project's presubmission community meeting, and to any other

26 person who has requested that the developer/petitioner provide such notice. The

27 notice shall be sent to each address and electronic mail address submitted at the

28 project's presubmission community meeting, and shall include instructions on

29 how to be notified when future submissions for the project are filed or when the

30 Department of Planning and Zoning acts on any submittal for the project.

- 1 (3) Certification by the developer/petitioner that the meeting notices and minutes,  
2 which include written responses to questions not answered verbally at the meeting,  
3 were sent, together with attendees' contact information, shall be transmitted to the  
4 Department of Planning and Zoning when initial plans are filed and shall become  
5 part of the official record.
- 6 (4) Citizens may request a meeting with a staff member of the Department of Planning  
7 and Zoning to review the initial plan submittal after the initial plan has been formally  
8 submitted to the Department.
- 9 (5) Additional presubmission meetings: another presubmission community meeting may  
10 be required, at the discretion of the Director of the Department of Planning and  
11 Zoning, if the developer/petitioner fails to comply with the requirements in (2) and  
12 (3) above, or if plans are submitted that are significantly different from what was  
13 presented at the presubmission community meeting, unless the changes are in  
14 response to community input. IF AN ADDITIONAL PRESUBMISSION MEETING IS HELD,  
15 THE NOTIFICATION SIGN SHALL BE MARKED BY THE DEVELOPER WITH A CONTRASTING  
16 COLORED "UPDATED" ATTACHMENT OR OVERLAY STICKER PROVIDED BY THE  
17 DEPARTMENT OF PLANNING AND ZONING TO INFORM THE PUBLIC THAT A SUBSEQUENT  
18 MEETING IS BEING HELD ON AN ALTERED PROPOSAL.
- 19 (6) If the developer/petitioner does not submit plans to the Department of Planning and  
20 Zoning within one year of the presubmission community meeting, another  
21 presubmission community meeting and notification in accordance with this section  
22 shall be required.

23  
24 **Article 4. Procedures for Filing and Processing Subdivision Applications**

25  
26 **Section 16.147. Final subdivision plan and final plat.**

- 27 (a) *Purpose.* The final subdivision plan is the culmination of the subdivision process and shall  
28 include all information necessary to comply with subsection (c), "required information for  
29 final plat"; (d) "construction drawings, documents and specifications"; (e), "developer's  
30 agreement"; and (f), "major facilities agreement," of this section. The final plat becomes the

1 official record of the division of land, and no lot within the subdivision may be sold legally  
2 until a final plat has been approved and recorded by the Department of Planning and Zoning.  
3 The extent of a phased subdivision included in each final subdivision plan shall be consistent  
4 with the phasing schedule included in the approved sketch plan.

5 (b) *Procedures:*

6 (1) *Presubmission community meeting for minor subdivisions.* If the initial plan submittal  
7 for a residential subdivision is a final plan located in the planned service area for water  
8 and sewer, the developer of the subdivision is required to hold a presubmission  
9 community meeting in accordance with section 16.128 of this subtitle.

10 (2) *Design Advisory Panel review.* In the Department of Planning and Zoning determines  
11 that a final plan is not consistent with an approved sketch or preliminary plan, a developer  
12 shall submit the project for review by the Design Advisory Panel and the Director of the  
13 Department of Planning and Zoning may consider recommendations made by the Design  
14 Advisory Panel in accordance with section 16.1504 of this subtitle as a condition of plan  
15 approval for projects located on property subject to Design Advisory Panel review as set  
16 forth in section 16.1501 of this subtitle.

17 (3) *Submit application pay fees.* A developer applies for approval of a final plan by  
18 submitting the following items to the Department of Planning and Zoning for the entire  
19 parcel or for phased subdivisions, the phase being subdivided:

20 (i) An application form;

21 (ii) The required number of copies of the final plan, which shall be in accordance with  
22 the provisions of this section; and

23 (iii) The appropriate application fee.

24 (4) *Notice of new residential minor subdivisions and resubdivisions:*

25 (i) *Requirement to give public notice.* If the final plan submission is the initial plan  
26 submittal for new residential development and is submitted after November 15, 2001,  
27 within three working days of the plan's submission the developer shall post public  
28 notice on the property.



1 (ii) *Location.* The poster provided by the Department of Planning and Zoning shall be  
2 posted at the site of the proposed development entrance so that community residents  
3 may reasonably be expected to see it.

4 (iii) *Duration.* The notice shall remain in place at least 30 days.

5 (iv) *Content.* The notice shall:

6 a. State that a new residential development is proposed to be constructed at the  
7 site[[.]], INCLUDING NUMBER OF RESIDENTIAL UNITS PROPOSED.

8 b. Give the final plan number.

9 ~~e. Indicate that the plan is available for inspection at the Department of Planning  
10 and Zoning.~~

11 ~~D C.~~ BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.

12 ~~E D.~~ INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED TO  
13 IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED BY THE  
14 DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH LETTERING IN  
15 THE TOP LEFT CORNER OF THE POSTER.

16 ~~F E.~~ GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.

17 ~~G.~~ ~~GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND ZONING~~  
18 ~~PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL WEBPAGE~~  
19 ~~FOR SEARCHING ALL PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC~~  
20 ~~CODE.~~

21 F. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
22 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL  
23 WEBPAGE FOR SEARCHING FOR ADDITIONAL INFORMATION, INCLUDING  
24 PLANS FOR PUBLIC REVIEW, FOR ALL PROJECTS ASSIGNED A THREE-DIGIT  
25 ALPHANUMERIC CODE AND A PHONE NUMBER FOR ADDITIONAL  
26 INFORMATION.

27  
28 (v) *No delay.* The notification requirements of this subsection shall not be construed to  
29 delay the normal processing of the plan.

1 (5) *Processing of application.* Processing of the application for approval of the final plan  
2 will follow the general procedures outlined in section 16.144, "General procedures  
3 regarding the subdivision process," of this subtitle.

4 (6) A developer who is proposing the redevelopment of a golf course shall comply with  
5 section 16.129 of this subtitle, and, for purposes of this section, the terms  
6 "redevelopment" and "golf course" shall have the meaning set forth in section 16.129 of  
7 this subtitle.

8 (7) *Fee simple dedication of open space.* If dedication of open space to the County or a  
9 homeowners' association is proposed, the developer shall submit an original deed to the  
10 County prior to recordation of the final plat, granting good and sufficient fee simple title  
11 to all open space required to be dedicated.

12 (8) *Dedication of Easements.* If dedication of easements for water, sewer, storm drainage,  
13 public stormwater management facilities, shared septic facilities, other public utilities,  
14 forest conservation, floodplains or preservation parcels is proposed, the developer shall  
15 submit original deeds (or declaration of covenants in the case of shared septic facilities)  
16 to the County prior to the recordation of the final plat, granting the required easements.

17 (9) *Recordation.* The Department of Planning and Zoning shall record the final plat in the  
18 land records of Howard County and shall notify the developer by mail of the date of  
19 recording and the plat number. For resubdivisions and correction plats, the Department  
20 of Planning and Zoning shall also record a notation in the form of a resolution that  
21 references the revised plat to be affixed to the previously recorded lot or lots.

22  
23 **Article 5. Procedures for Filing and Processing Site Development Plan Applications**

24  
25 **Section 16.156. Procedures.**

26 (a) *Presubmission Community Meetings, Required.* Presubmission community meetings in  
27 accordance with section 16.128 of this subtitle are required for the following site plan  
28 submittals:

29 (1) If the initial plan submittal for a residential development is a site development plan; or

1 (2) If the site development plan submittal is for:

2 a. A new nonresidential development located within 200 feet of a residential zoning  
3 district; or

4 b. An existing nonresidential development which is located within 200 feet of a  
5 residential zoning district and proposed for a floor area expansion of more than 25  
6 percent.

7  
8 (b) *Design Advisory Panel:*

9 (1) *Review.* If required by paragraphs (2), (3), and (4) of this subsection, a developer shall  
10 submit a project for review by the Design Advisory Panel and the Director of the  
11 Department of Planning and Zoning may consider recommendations made by the Design  
12 Advisory Panel in accordance with section 16.1504 of this subtitle as a condition of plan  
13 approval for projects located on property subject to design advisory panel review as set  
14 forth in section 16.1501 of this subtitle.

15 (2) *Site development plans submitted on or after November 3, 2008.* For site development  
16 plans submitted on or after November 3, 2008, a developer shall submit the project for  
17 Design Advisory Panel review prior to submission of the site development plan.

18 (3) *Sketch plans technically complete before November 3, 2008.* For sketch plans that are  
19 technically complete before November 3, 2008, a developer shall submit the project for  
20 Design Advisory Panel review as a condition of approval of the site development plan.

21 (4) *Further review required.* If the Director of Planning and Zoning determines that a site  
22 development plan is not consistent with the plan initially reviewed by the panel, the  
23 Director of Planning and Zoning may require additional review by the panel prior to plan  
24 approval.

25 (c) *Application.* The applicant for a site development plan shall submit the following to the  
26 Department of Planning and Zoning:

27 (1) Completed application form.

28 (2) The required number of copies of the site development plan, in accordance with the  
29 information requirements of section 16.157.

- 1 (3) For commercial or industrial plans:
- 2 (4) Compliance with green buildings law. A site development plan application for a project  
3 that is required to comply with the Howard County Green Buildings Law, set forth in title  
4 3, subtitle 10 of this Code, shall comply with subsection 3.1005(a) of this Code prior to  
5 approval of the plan.
- 6 (i) Completed wastewater questionnaire.
- 7 (ii) At the specific request of the Department of Public Works, additional information  
8 regarding proposed industrial processes and wastewater characteristics.
- 9 (iii) A statement signed by the applicant agreeing to abide by the requirements of  
10 section 18.122A, "Regulation of Discharges to the Public Sewerage System" of this  
11 Code.
- 12 (d) *Fees.* The applicant for a site development plan shall pay an appropriate fee pursuant to the  
13 fee schedule adopted by resolution of the County Council.
- 14 (e) *Notice of New Residential Developments:*
- 15 (1) *Requirement to give public notice.* If the site development plan is the initial plan  
16 submittal for a new residential development and is submitted after November 15, 2001,  
17 within three working days of the plan's submission the developer shall post public notice  
18 on the property.
- 19 (2) *Location.* Posters provided by the Department of Planning and Zoning shall be posted  
20 at the site of the proposed roadway entrances so that local residents may reasonably be  
21 expected to see them.
- 22 (3) *Duration.* The notice shall remain in place at least 30 days.
- 23 (4) *Content.* The notice shall:
- 24 (i) State that a roadway entrance is proposed to be constructed at the site.
- 25 (ii) Give the site development plan number.
- 26 ~~(iii) Indicate that the site development plan is available for inspection at the Department~~  
27 ~~of Planning and Zoning.~~
- 28 (iv III) BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.

1 (v ~~iv~~) INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED TO  
2 IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED BY THE  
3 DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH LETTERING IN THE TOP  
4 LEFT CORNER OF THE POSTER.

5 (~~vi v~~) GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.

6 (~~vii~~) ~~WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND ZONING PLANS IN~~  
7 ~~PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL WEBPAGE FOR~~  
8 ~~SEARCHING ALL PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE.~~

9 (vi) GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
10 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL  
11 WEBPAGE FOR SEARCHING FOR ADDITIONAL INFORMATION, INCLUDING PLANS FOR  
12 PUBLIC REVIEW, FOR ALL PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE  
13 AND A PHONE NUMBER FOR ADDITIONAL INFORMATION

## 14 **Subtitle 2. Zoning**

### 15 **Section 16.203. Comprehensive zoning.**

16  
17 (a) The County Council, in order to fulfill its zoning purposes under this subtitle, may from time  
18 to time, only upon its own petition or that of the Department of Planning and Zoning, exercise  
19 the Zoning Authority of Howard County on a comprehensive basis, so as to adopt and enact  
20 zoning regulations and district boundaries which shall apply to the entire geographic area of  
21 Howard County or to substantial or significant portions thereof.  
22

23 (b) *Department of Planning and Zoning and Planning Board Procedures.*

24 (1) The Department of Planning and Zoning or the County Council shall prepare a petition  
25 for a comprehensive zoning plan, including zoning maps and zoning regulations. The  
26 comprehensive petition may include map proposals from individual property owners.

27 (2) Prior to preparing the petition for the comprehensive zoning plan, the Department shall  
28 give at least 60 days' public notice of its intent to compile a comprehensive zoning plan.  
29 The public notice shall:

30 (i) Be advertised within two newspapers of general circulation in Howard County;

- 1 (ii) Be made and appropriately maintained in a prominent manner on the County's  
2 website;
- 3 (iii) Be sent electronically to all Individuals and Organizations who registered with the  
4 Department;
- 5 (iv) Specify the deadline by which requests for zoning map and zoning regulation  
6 amendments must be submitted; and
- 7 (v) State that requests not submitted by the deadline will not be considered in the  
8 preparation of the Department's comprehensive zoning plan.

9 (3) Within 45 days of the comprehensive zoning petition submittal, the Department shall  
10 submit to the Planning Board for its consideration:

- 11 (i) The petition with its recommended zoning maps and zoning regulations;
- 12 (ii) A technical staff report detailing the significant issues of the proposed  
13 comprehensive zoning plan; and
- 14 (iii) A list of zoning map proposals received from individual property owners that the  
15 Department does not support, along with an explanation of why each is not  
16 supported.

17 (4) For each zoning map proposal the Department shall, at least 30 days before the planning  
18 board hearing:

- 19 (i) Send written notice of the date, time, and location of the hearing by first class mail  
20 to all owners of property that is the subject of a rezoning proposal, or whose property  
21 adjoins property that is the subject of a rezoning proposal; and
- 22 (ii) Post the property with a sign listing the date, time, and location of the hearing, but  
23 provided that if multiple, adjoining properties are the subject of zoning map  
24 proposals, the department may post such signs at intervals it deems appropriate.

25 (A) *CONTENT.* THE NOTICE SHALL:

- 26 I. GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.
- 27 II. BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.

1 III. INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED  
2 TO IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED  
3 BY THE DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH  
4 LETTERING IN THE TOP LEFT CORNER OF THE POSTER.

5 IV. STATE THAT THE SUBJECT PROPERTY IS PROPOSED TO BE REZONED AND  
6 INCLUDE THE EXISTING ZONING AND PROPOSED REZONING.

7 ~~V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
8 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-  
9 DEPARTMENTAL WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A  
10 THREE-DIGIT ALPHANUMERIC CODE.~~

11 ~~VI. INDICATE THAT THE PETITION IS AVAILABLE FOR  
12 INSPECTION AT THE DEPARTMENT OF PLANNING AND ZONING.~~

13 V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
14 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-  
15 DEPARTMENTAL WEBPAGE FOR SEARCHING FOR ADDITIONAL  
16 INFORMATION, INCLUDING PLANS FOR PUBLIC REVIEW, FOR ALL  
17 PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE AND A  
18 PHONE NUMBER FOR ADDITIONAL INFORMATION.

19 (5) Noncompliance with the notice requirements of paragraph (4) of this subsection does  
20 not constitute a basis for setting aside a zoning decision.

21 (6) The Planning Board shall:

22 (i) Hold a public hearing on the petition and additional map proposals not included in  
23 the petition by the Department, at which interested persons shall have a reasonable  
24 opportunity to be heard; and

25 (ii) Give at least 30 days' notice of the time and place of the public hearing on the  
26 County's website. Such notice shall advise the general public that the comprehensive  
27 zoning plan documents are available for review both in person at the Department's  
28 office and online at a specified website;

1 (iii) Consider requests for zoning map and zoning regulation amendments which were  
2 received on or before the deadline established by the Department, but shall not  
3 consider subsequent requests unless they involve modifications to map or text  
4 amendments submitted prior to the deadline or are proposals submitted by the  
5 Department; and

6 (iv) Within 60 days of the Planning Board's first public hearing on the comprehensive  
7 zoning petition, submit its recommendations to the County Council.

8 (c) *County Council Procedures.* When exercising the Zoning Authority of Howard County with  
9 respect to the consideration and enactment of a comprehensive zoning plan, the County  
10 Council, notwithstanding any other sections, provisions or requirements of this subtitle or of  
11 other laws, regulations or rules of procedure, shall proceed in the following manner:

12 (1) After the County Council has received a final report of the Planning Board  
13 recommending adoption of a comprehensive zoning plan, the County Council may hold  
14 one or more public hearings at which parties in interest and citizens shall have an  
15 opportunity to be heard on the comprehensive zoning plan petition submitted by the  
16 Department and the Planning Board recommendations. The County Council may not hold  
17 meetings which include an opportunity for public testimony on any day listed in section  
18 6.305(b) of this Code.

19 (2) If a zoning map proposal that was not part of the Department's petition is incorporated  
20 into the Planning Board's recommendation, the Department shall, at least 30 days before  
21 the County Council hearing on the comprehensive zoning plan:

22 (i) Send written notice of the date, time, and location of the hearing by first class mail  
23 to all owners of property that is the subject of a rezoning proposal, or whose property  
24 adjoins property that is the subject of a rezoning proposal;

25 (ii) Post the property with a sign listing the date, time, and location of the hearing, but  
26 provided that if multiple, adjoining properties are the subject of zoning map  
27 proposals, the Department may post such signs at intervals it deems appropriate.

28 (A) *CONTENT.* THE NOTICE SHALL:

29 I. GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.



- 1 II. BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.
- 2 III. INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED
- 3 TO IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED
- 4 BY THE DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH
- 5 LETTERING IN THE TOP LEFT CORNER OF THE POSTER.
- 6 IV. STATE THAT THE SUBJECT PROPERTY IS PROPOSED TO BE REZONED AND
- 7 INCLUDE THE EXISTING ZONING AND PROPOSED REZONING.
- 8 ~~V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND~~
- 9 ~~ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-~~
- 10 ~~DEPARTMENTAL WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED~~
- 11 ~~A THREE-DIGIT ALPHANUMERIC CODE.~~
- 12 ~~VI. INDICATE THAT THE PETITION IS AVAILABLE FOR~~
- 13 ~~INSPECTION AT THE DEPARTMENT OF PLANNING AND ZONING.~~
- 14 V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND
- 15 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-
- 16 DEPARTMENTAL WEBPAGE FOR SEARCHING FOR ADDITIONAL
- 17 INFORMATION, INCLUDING PLANS FOR PUBLIC REVIEW, FOR ALL
- 18 PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE AND A
- 19 PHONE NUMBER FOR ADDITIONAL INFORMATION.

20 (3) Noncompliance with the notice requirements of paragraph (2) of this subsection does

21 not constitute a basis for setting aside a zoning decision.

22 (4) The County Council shall give at least 30 days' notice of the time and place of the public

23 hearing on the County's website. Such notice shall advise the general public that the

24 County Council is to consider a comprehensive zoning plan for Howard County and shall

25 advise the general public of the location or locations at which the entire text and map or

26 maps constituting the proposed comprehensive zoning plan may be reviewed. The notice

27 shall also advise that the comprehensive zoning plan documents are available for review

28 both in person at the Department and online at a specified website.

1 (5) The County Council shall establish the specific procedures which shall govern the  
2 hearing on the proposed comprehensive zoning plan. In establishing such procedures, the  
3 Council may:

4 (i) Place time limitations on presentations to be made;

5 (ii) State the manner in which written materials may be submitted for consideration by  
6 the County Council.

7 (6) Following any public hearing(s) held by the County Council on the comprehensive  
8 zoning petition, the County Council shall introduce a County Council bill proposing the  
9 adoption of a comprehensive zoning ordinance which shall include final proposed zoning  
10 regulations and maps.

11 (7) The County Council shall adopt the comprehensive zoning plan by ordinance according  
12 to County Council Legislative procedures.

13 (8) Any proposed amendment to the proposed zoning map as part of the adoption of a  
14 Comprehensive Zoning Ordinance which was not previously proposed, considered or  
15 recommended by the Department of Planning and Zoning or the Planning Board shall  
16 only be considered by the County Council upon an affirmative vote of two-thirds of the  
17 members of the Council.

18 (9) The County Council shall provide for copies of the comprehensive zoning plan to be  
19 published and made available at cost to any person.

20  
21 **Subtitle 6. Historic Preservation Commission**

22 **Section 16.605. Procedures of the Commission.**

23 (a) *Rules of Procedure.* The Commission shall adopt rules of procedure necessary for the  
24 discharge of its duties.

25 (b) *Applications:*

26 (1) Applications for a certificate of approval and any other Commission approval or review  
27 required under this subtitle shall be filed with the Department of Planning and Zoning.

1 (2) The Department shall check the application for completeness and shall forward the  
2 application, together with all maps, plans and all other data required by the rules of the  
3 Commission, to the Commission.

4 (3) Provided that the application was filed with the Department of Planning and Zoning at  
5 least 22 calendar days before the Commission's next scheduled meeting, the Department  
6 shall place the application on the agenda for the next schedule Commission meeting. The  
7 Commission shall hear only those applications which staff from the Department of  
8 Planning and Zoning determines are complete. Applications filed less than 22 calendar  
9 days before the Commission's next scheduled meeting shall be placed on the agenda for  
10 the following meeting.

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

14 (c) *Standing.* Any person, or the person's duly constituted representative, shall be entitled to  
15 appear and be heard on any matter before the Commission reaches a decision.

16 (d) *Records.* The Commission shall keep a record of its proceedings and action, which shall be  
17 on file for public view at the Department of Planning and Zoning.

18 (e) *Notice.* Notice of Commission meetings shall appear in a newspaper of general  
19 circulation in Howard County at least seven days prior to such meeting. Each application  
20 to be heard at a Commission meeting shall be advertised in the manner provided for in  
21 the rules of the Commission. Notice of an emergency meeting is not required to be  
22 published in a newspaper, provided that the property which is the subject of an application  
23 to be heard at an emergency meeting is posted with the time, date, place, and subject  
24 matter of the meeting for at least 24 hours immediately prior to the meeting. THE  
25 EMERGENCY NOTICE POSTER SHALL:

26 (I) GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.

27 (II) BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.

28 (III) INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED TO  
29 IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED BY THE

1 DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH LETTERING  
2 IN THE TOP LEFT CORNER OF THE POSTER.

3 (IV) STATE THAT THE SUBJECT PROPERTY IS PROPOSED TO BE ALTERED AND  
4 INCLUDE A DESCRIPTION OF THE PROPOSED ALTERATION.

5 ~~(V) GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
6 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL  
7 WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A THREE-DIGIT  
8 ALPHANUMERIC CODE.~~

9 ~~(VI) INDICATE THAT THE APPLICATION IS AVAILABLE FOR INSPECTION AT  
10 THE DEPARTMENT OF PLANNING AND ZONING.~~

11 (V) GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
12 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL  
13 WEBPAGE FOR SEARCHING FOR ADDITIONAL INFORMATION, INCLUDING  
14 PLANS FOR PUBLIC REVIEW, FOR ALL PROJECTS ASSIGNED A THREE-DIGIT  
15 ALPHANUMERIC CODE AND A PHONE NUMBER FOR ADDITIONAL  
16 INFORMATION.

17 (f) *Action of the Commission:*

18 (1) The Commission shall file with the Department of Planning and Zoning its certificate  
19 of approval, modification or denial of all applications and plans submitted to it for review.

20 (2) No work shall begin until such certificate of approval shall have been filed.

21 (3) Failure of the Commission to vote on an application within 90 days from the date a  
22 complete application is filed shall constitute approval, unless an extension of the 90-day  
23 period is agreed upon mutually by the applicant and the Commission or the application  
24 has been withdrawn.

25 (4) The Commission shall set forth, in writing, its reason for approval or denial of an  
26 application submitted to it for review.

- 1 (5) If an application is denied, in the absence of a change to the structure arising from  
2 casualty, no new application for the same or similar work shall be filed within one year  
3 after the conclusion of the hearing on the denied application.

4  
5 **Title 18. PUBLIC WORKS**

6  
7 **Subtitle 1. Public Utilities**

8  
9 **Section 18.118. Publication AND POSTING of required notice.**

10 Any notice [[of publication]] required by this subtitle shall be:

- 11 (a) Published at least once each week for two consecutive weeks in one or more newspapers  
12 published in the County having a circulation in the area affected by such notice, or by  
13 giving written notice to all persons affected thereby; and

- 14 (b) Posted in conspicuous public places in the area to be affected. THE NOTICE POSTER  
15 SHALL:

16 (i) GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.

17 (ii) BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.

18 (iii) INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED TO  
19 IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED BY THE  
20 DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH LETTERING  
21 IN THE TOP LEFT CORNER OF THE POSTER.

22 (iv) STATE THAT CONSTRUCTION IS PROPOSED FOR THE SUBJECT PROPERTY AND  
23 INCLUDE A DESCRIPTION OF THE PROPOSED PROJECT.

24 ~~(v) GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND~~  
25 ~~ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL~~  
26 ~~WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A THREE-DIGIT~~  
27 ~~ALPHANUMERIC CODE.~~

28 ~~(vi) INDICATE THAT THE PETITION IS AVAILABLE FOR INSPECTION AT~~  
29 ~~THE DEPARTMENT OF PUBLIC WORKS.~~

1                   (v) GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
2                   ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL  
3                   WEBPAGE FOR SEARCHING FOR ADDITIONAL INFORMATION, INCLUDING  
4                   PLANS FOR PUBLIC REVIEW, FOR ALL PROJECTS ASSIGNED A THREE-DIGIT  
5                   ALPHANUMERIC CODE AND A PHONE NUMBER FOR ADDITIONAL  
6                   INFORMATION.

7  
8 **Section 18.125. Removal of parcel(s) from metropolitan district.**

9  
10 (1) *Criteria for Removal of Parcel(s).* Parcel(s) of land which meet all of the following criteria  
11 may be removed from the metropolitan district:

- 12 (a) The parcel is contiguous to non-metropolitan district property; and  
13 (b) The parcel is contiguous to the perimeter of the metropolitan district; and  
14 (c) There is no water or sewer connection to the parcel, or allocation of water or sewage  
15 treatment units; and  
16 (d) In accordance with subtitle 5, "Maryland Agricultural Land Preservation Foundation"  
17 of title 2 of the Agricultural Article of the Annotated Code of Maryland or subtitle 5,  
18 "Agricultural Land Preservation," of title 15 of the Howard County Code:  
19 (i) The parcel is all or part of an agricultural land preservation district; and  
20 (ii) The owner has made written application to sell an agricultural land preservation  
21 easement to the Maryland Agricultural Land Preservation Foundation or to sell  
22 development rights to Howard County.

23 (2) *Authority to Remove Property from Metropolitan District.* The County Council may enact  
24 an ordinance to remove from the metropolitan district parcel(s) of land meeting the criteria of  
25 subsection (1) above, if the Council believes that such a removal is in the public interest. In  
26 voting upon such an ordinance, the County Council shall consider the recommendation of:

- 1 (a) The Director of Finance, that removal of the parcel(s) will have minimal or no effect on  
2 the revenues of the metropolitan district; and
- 3 (b) The Director of Planning and Zoning, that removal of the parcel(s) will have minimal  
4 or no effect on the planning for, construction or operation of public water or sewer; and
- 5 (c) The Director of Public Works that removal of the parcel(s) will have minimal or no  
6 effect on the planning for, construction or operation of public water or sewer and will  
7 have a minimal effect on the revenues of the metropolitan district.

8 (3) *Procedure for Preparation and Passage of an Ordinance to Remove Property from*  
9 *Metropolitan District:*

- 10 (a) An owner of parcel(s) which meet the criteria listed in subsection (1) above may petition  
11 the Director of Public Works for removal of parcel(s) from the metropolitan district.
- 12 (b) The Director of Public Works shall verify whether the parcel(s) meet all criteria listed  
13 in subsection (1) above.
- 14 (c) If all criteria are met, the Director of Public Works shall forward the petition, the  
15 verification and a plat of the locality to the County Council, requesting the introduction  
16 of legislation to remove parcel(s) from the metropolitan district.
- 17 (d) Upon introduction of an ordinance to remove the parcel(s) from the metropolitan  
18 district, the County Council shall post the property for two weeks prior to the public  
19 hearing. THE NOTICE POSTER SHALL:

20 (I) GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.

21 (II) BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.

22 (III) INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED TO  
23 IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED BY THE  
24 DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH LETTERING  
25 IN THE TOP LEFT CORNER OF THE POSTER.

26 (IV) STATE THAT THE SUBJECT PROPERTY IS PROPOSED TO BE REMOVED FROM THE  
27 METROPOLITAN DISTRICT AND INCLUDE A DESCRIPTION OF THE PROPOSAL.

28 ~~(V) GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND~~





1 Closing does not include prohibiting use of a portion of a roadway if motorized  
2 vehicles can continue to use or have access to or from the remainder of the  
3 roadway.

4 (2) *Relocation* is any permanent improvement or permanent alteration to a County  
5 public road where a part or all of the new County public road does not overlap or is  
6 not contiguous with the previously existing County public road.

7 (c) *Initiating a Road Closing or Relocation:*

8 (1) *By petition.* An individual, group of individuals, corporation, partnership,  
9 association, or governmental agency other than the County Executive or County  
10 Council may initiate the closing or relocation of a road by petitioning the County  
11 Council to introduce a resolution approving the closing or relocation. The petitioner  
12 shall supply the information required in subsection (d) below with the petition.

13 (2) *County Executive.* The County Executive may initiate the closing or relocation of  
14 a road by submitting for County Council approval an annual budget and appropriate  
15 ordinance or any amendment thereto which includes the road closing or relocation  
16 as a capital project or part of a capital project. The County Executive shall supply the  
17 information required in subsection (d) below at the time the annual budget and  
18 appropriation ordinance or an amendment to the capital budget is introduced.

19 (3) *County Council.* The County Council or any of its members may initiate the closing  
20 or relocation of a road by introduction of a resolution approving the closing or  
21 relocation. The sponsor(s) of the resolution shall supply the information required in  
22 subsection (d) below in order to prepare the resolution.

23 (d) *Information to Be Provided.* The following information shall be supplied in order to  
24 prepare a resolution to close or relocate a road or to accompany a budget and  
25 appropriation ordinance or an amendment thereto involving a road closing or relocation:

26 (1) A detailed description of the County public road to be closed or relocated.

27 (2) A certified plat signed and sealed by a professional land surveyor or property line  
28 surveyor particularly describing the County public road to be closed or relocated.

1 (3) Identification of ownership of the roadbed and rights-of-way including any  
2 easements which may exist.

3 (4) A plan for changes to traffic control which may result from the proposed closing or  
4 relocation.

5 (e) *Fee.* An individual, group of individuals, corporation, partnership, association, or  
6 governmental agency other than the County initiating a road closing or relocation shall  
7 pay a fee; set annually by resolution of the County Council, to cover the costs of  
8 advertising the proposed closing, notifying persons whose property adjoins the road, and  
9 posting the road.

10 (f) *Notification:*

11 (1) Road closings and relocations included in a capital project shall be posted and  
12 advertised and mailings sent as for any other capital project.

13 (2) When a road is to be closed or relocated at the request of councilmember(s) or upon  
14 petition, notification is the responsibility of the County Council and shall include the  
15 following:

16 (i) The Department of Public Works, at the request of the County Council, shall post  
17 the road for 30 days prior to the public hearing on the County Council resolution. The  
18 posting shall indicate that the road is to be closed or relocated and shall indicate the  
19 date, the time and place of the public hearing on the proposed closing or relocation.

20 THE NOTICE POSTER SHALL:

21 A. GIVE THE LOCATION OR STREET NAME OF THE ROAD.

22 B. BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.

23 C. INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED  
24 TO IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED  
25 BY THE DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-  
26 INCH LETTERING IN THE TOP LEFT CORNER OF THE POSTER.

27 D. STATE THAT THE ROAD IS PROPOSED TO BE CLOSED OR RELOCATED  
28 AND INCLUDE A DESCRIPTION OF THE PROPOSED ROAD CLOSING OR  
29 RELOCATION.

1 ~~E. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND~~  
2 ~~ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-~~  
3 ~~DEPARTMENTAL WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A~~  
4 ~~THREE-DIGIT ALPHANUMERIC CODE.~~

5 ~~F. INDICATE THAT THE PETITION IS AVAILABLE FOR INSPECTION AT~~  
6 ~~THE COUNTY COUNCIL.~~

7 E. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
8 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-  
9 DEPARTMENTAL WEBPAGE FOR SEARCHING FOR ADDITIONAL  
10 INFORMATION, INCLUDING PLANS FOR PUBLIC REVIEW, FOR ALL  
11 PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE AND A  
12 PHONE NUMBER FOR ADDITIONAL INFORMATION.

13 (ii) The County Council shall provide at least 30 days' notice of the date, time and  
14 place of the public hearing on the proposed closing or relocation by advertising  
15 the proposed closing with at least two separate insertions at weekly intervals in  
16 one or more newspapers of general circulation in the County.

17 (iii) The County Council shall send letters by certified mail to all persons whose  
18 property abuts the limits of the proposed road closure or relocation. The letters  
19 shall be mailed no later than 30 days prior to the hearing and shall contain a full  
20 description of the road closing or relocation, and an announcement of the time,  
21 date and place of the County Council's public hearing on that closing or  
22 relocation.

23 (g) *Reports and Recommendations from County Departments.* The Department of Public  
24 Works, Department of Planning and Zoning, Police Department, and Department of Fire  
25 and Rescue Services shall report to the County Council on the effect of the closing or  
26 relocation on public safety, the traffic network and public convenience and shall  
27 recommend denial or approval of the closing or relocation.

1 (h) *Council Approval.* The Council may approve the closure or relocation of a road if it  
2 finds that the closing or relocation will not adversely affect public safety, the traffic  
3 network, or public convenience.

4 (i) *Disposition of Closed or Relocated Road.* Approval of a road closing or relocation does  
5 not affect the legal ownership of the roadbed, rights-of-way, or any easements. Separate  
6 legislation pursuant to title 4 of the Howard County Code may be required to deal with  
7 disposition of this property.

8  
9 **Subtitle 2A. Substandard Private Roads**

10 **Section 18.255. Hearing Procedures.**

11 (1) Within six months of receipt of the petition, the Director of Public Works shall hold a hearing  
12 on the petition.

13 (2) The Director of Public Works shall give notice of the pending hearing by publication, in one  
14 newspaper published in the County, and send notice to owners of record of the roadway,  
15 setting forth the length, location and termini of the road and the time, date and place of the  
16 hearing.

17 (3) Not less than two weeks prior to the date of the hearing, the Director of Public Works  
18 shall post signs at either end of the street. The signs shall set forth the fact that the road is  
19 the subject of a petition to accept it into the County road system and that a hearing thereon  
20 will be held at the time, location and on the date as scheduled. THE NOTICE SIGN SHALL:

21 I. GIVE THE LOCATION OR STREET NAME OF THE ROAD.

22 II. BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.

23 III. INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED  
24 TO IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED  
25 BY THE DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH  
26 LETTERING IN THE TOP LEFT CORNER OF THE POSTER.

27 IV. STATE THAT THE ROAD IS PROPOSED TO BE ACCEPTED INTO THE  
28 COUNTY'S ROAD SYSTEM AND INCLUDE A DESCRIPTION OF THE  
29 PROPOSED ROAD INCORPORATION.

1 ~~V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND~~  
2 ~~ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-~~  
3 ~~DEPARTMENTAL WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A~~  
4 ~~THREE-DIGIT ALPHANUMERIC CODE.~~

5 ~~VI. INDICATE THAT THE PETITION IS AVAILABLE FOR INSPECTION AT~~  
6 ~~THE DEPARTMENT OF PUBLIC WORKS.~~

7 V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
8 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-  
9 DEPARTMENTAL WEBPAGE FOR SEARCHING FOR ADDITIONAL  
10 INFORMATION, INCLUDING PLANS FOR PUBLIC REVIEW, FOR ALL  
11 PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE AND A  
12 PHONE NUMBER FOR ADDITIONAL INFORMATION.

13 (4) The burden shall be upon the petitioners to prove the criteria set forth in section 18.251.

14 (5) Individuals who oppose the acceptance of the road into the County road system may be  
15 parties to the proceedings.

16 (6) The hearing may be continued from time to time in the discretion of the Director of Public  
17 Works, but the notice requirements set forth in subparagraphs (2) and (3) above need be given  
18 only one time.

19 (7) The Director of Public Works may promulgate regulations for the hearing process which are  
20 not inconsistent with the Howard County Administrative Procedures Act [section 2.100 et  
21 seq.] nor with the procedures set forth herein.

22  
23 **Subtitle 8. Streetlights**  
24

25 **Section 18.805. Notice to the Community.**

26 (a) Immediately upon completion of the plat, the Director of Public Works shall advertise in at  
27 least one newspaper published in the County for two consecutive weeks that the petition will  
28 be presented to the Public Works Board for its recommendation and that a public hearing will  
29 be held on a particular date and time.

1 (b) The Director of Public Works shall also post [[handbills]] NOTICE advising of the time,  
2 date and place of the Public Works Board hearing throughout the district sought to be  
3 created for three consecutive weeks prior to the Public Works Board hearing. THE NOTICE  
4 SIGN SHALL:

- 5 I. GIVE THE LOCATION OF THE DISTRICT.
- 6 II. BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.
- 7 III. INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED  
8 TO IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED  
9 BY THE DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH  
10 LETTERING IN THE TOP LEFT CORNER OF THE POSTER.
- 11 IV. STATE THAT THE AREA IS PROPOSED TO HAVE STREETLIGHTS INSTALLED.
- 12 ~~V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND~~  
13 ~~ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-~~  
14 ~~DEPARTMENTAL WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A~~  
15 ~~THREE-DIGIT ALPHANUMERIC CODE.~~
- 16 ~~VI. INDICATE THAT THE PETITION IS AVAILABLE FOR INSPECTION AT~~  
17 ~~THE DEPARTMENT OF PUBLIC WORKS.~~
- 18 V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
19 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-  
20 DEPARTMENTAL WEBPAGE FOR SEARCHING FOR ADDITIONAL  
21 INFORMATION, INCLUDING PLANS FOR PUBLIC REVIEW, FOR ALL  
22 PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE AND A  
23 PHONE NUMBER FOR ADDITIONAL INFORMATION.
- 24

25 (c) Both the newspaper advertisement and the [[handbills]] NOTICE shall contain the boundaries  
26 of the district sought to be created and contain a notice that a plat has been prepared, that it  
27 contains all of the information outlined in subsection 18.804(c), that the plat is available for  
28 inspection in the Office of the Director of Public Works and that any interested person may  
29 be heard by the Public Works Board, pursuant to its rules, at a time specified in the notice.

1 (d) The Director of Public Works shall also send a copy of the plat and [[handbills]] NOTICE and  
2 a list containing the names of each property owner within the district sought to be created to  
3 the contact person designated in accordance with subsection 18.802(b).

4  
5 **Subtitle 14. Road and Stormwater Management Improvements for pre-1961 Platted**  
6 **Subdivisions**

7  
8 **Section 18.1404. Meeting on Formal Request.**

9 (a) *Meeting Held within Three Months.* Within three months of receipt of a formal request under  
10 section 18.1403 of this subtitle, the Director shall hold an informational meeting on the  
11 request.

12 (b) *Notice of Meeting.* The Director shall give notice of the meeting by publication, in a  
13 newspaper of general circulation in the County, and shall send a notice to the owner of record  
14 of each lot that is adjacent to the defined capital project, setting forth the length, location and  
15 termini of the project and the time, date and place of the meeting.

16 (c) *Posting of Notice.* Not less than two weeks prior to the date of the meeting, the Director  
17 shall post signs at appropriate and conspicuous places, which shall set forth the fact that  
18 the road right-of-way is the subject of a proposed capital project to construct the road and  
19 necessary stormwater management facilities for acceptance into the County system and  
20 that a meeting thereon will be held at the time, location, and on the date as scheduled.

21 THE NOTICE SIGN SHALL:

- 22 I. GIVE THE LOCATION OF THE SUBJECT PROPERTY.
- 23 II. BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.
- 24 III. INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED  
25 TO IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED  
26 BY THE DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH  
27 LETTERING IN THE TOP LEFT CORNER OF THE POSTER.

1 IV. STATE THAT THE PROPERTY IS THE SUBJECT OF A PROPOSED CAPITAL  
2 PROJECT AND INCLUDE A DESCRIPTION OF THE PROPOSED CAPITAL  
3 PROJECT AND THE CAPITAL PROJECT NUMBER.

4 ~~V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
5 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-  
6 DEPARTMENTAL WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A  
7 THREE-DIGIT ALPHANUMERIC CODE.~~

8 ~~VI. INDICATE THAT THE PROPOSED PLAN IS AVAILABLE FOR INSPECTION AT  
9 THE DEPARTMENT OF PUBLIC WORKS.~~

10 V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
11 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-  
12 DEPARTMENTAL WEBPAGE FOR SEARCHING FOR ADDITIONAL  
13 INFORMATION, INCLUDING PLANS FOR PUBLIC REVIEW, FOR ALL  
14 PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE AND A  
15 PHONE NUMBER FOR ADDITIONAL INFORMATION.

16  
17 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act*  
18 *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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, 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 November 11, 2018.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill 69-2018

BY: Greg Fox

Legislative Day No: 14  
Date: October 29, 2018

Amendment No. 1

*(This amendment proposes to clarify that an overlay sticker can be used).*

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6

On page 6, in line 16, after "ATTACHMENT", insert "OR OVERLAY STICKER".

ADOPTED 10/29/18  
FAILED \_\_\_\_\_  
SIGNATURE Jessica Feldman

Amendment 3 to Council Bill 69-2018

BY: Greg Fox  
Jenifer Terresa

Legislative Day No: 14  
Date: October 29, 2018

Amendment No. 3

1 (This amendment proposes to change certain information required on certain notice signs).  
2  
3  
4

5 On page 8, strike lines 9 – 10, in their entirety.

6 On page 8, strike lines 17 - 20, and substitute the following:

7 “F. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND ZONING  
8 PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL WEBPAGE FOR  
9 SEARCHING FOR ADDITIONAL INFORMATION, INCLUDING PLANS FOR PUBLIC REVIEW,  
10 FOR ALL PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE AND A PHONE  
11 NUMBER FOR ADDITIONAL INFORMATION.”

12 Renumber the remainder of the section accordingly.

13  
14 On page 11, strike lines 23 – 24, in their entirety.

15 On page 12, strike lines 4 - 6, and substitute the following:

16 “(VI) GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND ZONING  
17 PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL WEBPAGE FOR  
18 SEARCHING FOR ADDITIONAL INFORMATION, INCLUDING PLANS FOR PUBLIC REVIEW,  
19 FOR ALL PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE AND A PHONE  
20 NUMBER FOR ADDITIONAL INFORMATION.”

21 Renumber the remainder of the section accordingly.

22  
23 On page 13, in line 27, after “THE”, insert “EXISTING ZONING AND”.

24 On pages 13 and 14, strike lines 28 - 5, and substitute the following:

25 “V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND ZONING

1 PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL WEBPAGE FOR  
2 SEARCHING FOR ADDITIONAL INFORMATION, INCLUDING PLANS FOR PUBLIC REVIEW,  
3 FOR ALL PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE AND A PHONE  
4 NUMBER FOR ADDITIONAL INFORMATION.”.  
5

6 On page 24, strike lines 18 - 23, and substitute the following:

7 “E. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND ZONING  
8 PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL WEBPAGE FOR  
9 SEARCHING FOR ADDITIONAL INFORMATION, INCLUDING PLANS FOR PUBLIC REVIEW,  
10 FOR ALL PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE AND A PHONE  
11 NUMBER FOR ADDITIONAL INFORMATION.”.  
12

13 On page 26, strike lines 10 - 15, and substitute the following:

14 “V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND ZONING  
15 PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL WEBPAGE FOR  
16 SEARCHING FOR ADDITIONAL INFORMATION, INCLUDING PLANS FOR PUBLIC REVIEW,  
17 FOR ALL PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE AND A PHONE  
18 NUMBER FOR ADDITIONAL INFORMATION.”.  
19

20 On page 27, strike lines 16 - 21, and substitute the following:

21 “V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND ZONING  
22 PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL WEBPAGE FOR  
23 SEARCHING FOR ADDITIONAL INFORMATION, INCLUDING PLANS FOR PUBLIC REVIEW,  
24 FOR ALL PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE AND A PHONE  
25 NUMBER FOR ADDITIONAL INFORMATION.”.  
26

27 On page 28, in line 27, before the period, insert “AND THE CAPITAL PROJECT NUMBER”.

28 On pages 28 - 29, strike lines 28 - 4, and substitute the following:

29 “V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND ZONING



- 1 (3) Certification by the developer/petitioner that the meeting notices and minutes,  
2 which include written responses to questions not answered verbally at the meeting,  
3 were sent, together with attendees' contact information, shall be transmitted to the  
4 Department of Planning and Zoning when initial plans are filed and shall become  
5 part of the official record.
- 6 (4) Citizens may request a meeting with a staff member of the Department of Planning  
7 and Zoning to review the initial plan submittal after the initial plan has been formally  
8 submitted to the Department.
- 9 (5) Additional presubmission meetings: another presubmission community meeting may  
10 be required, at the discretion of the Director of the Department of Planning and  
11 Zoning, if the developer/petitioner fails to comply with the requirements in (2) and  
12 (3) above, or if plans are submitted that are significantly different from what was  
13 presented at the presubmission community meeting, unless the changes are in  
14 response to community input. IF AN ADDITIONAL PRESUBMISSION MEETING IS HELD,  
15 THE NOTIFICATION SIGN SHALL BE MARKED BY THE DEVELOPER WITH A CONTRASTING  
16 COLORED "UPDATED" ATTACHMENT PROVIDED BY THE DEPARTMENT OF PLANNING  
17 AND ZONING TO INFORM THE PUBLIC THAT A SUBSEQUENT MEETING IS BEING HELD ON  
18 AN ALTERED PROPOSAL.
- 19 (6) If the developer/petitioner does not submit plans to the Department of Planning and  
20 Zoning within one year of the presubmission community meeting, another  
21 presubmission community meeting and notification in accordance with this section  
22 shall be required.

23  
24 **Article 4. Procedures for Filing and Processing Subdivision Applications**

25  
26 **Section 16.147. Final subdivision plan and final plat.**

- 27 (a) *Purpose.* The final subdivision plan is the culmination of the subdivision process and shall  
28 include all information necessary to comply with subsection (c), "required information for  
29 final plat"; (d) "construction drawings, documents and specifications"; (e), "developer's  
30 agreement"; and (f), "major facilities agreement," of this section. The final plat becomes the

1 (ii) *Location.* The poster provided by the Department of Planning and Zoning shall be  
2 posted at the site of the proposed development entrance so that community residents  
3 may reasonably be expected to see it.

4 (iii) *Duration.* The notice shall remain in place at least 30 days.

5 (iv) *Content.* The notice shall:

6 a. State that a new residential development is proposed to be constructed at the  
7 site[[]], INCLUDING NUMBER OF RESIDENTIAL UNITS PROPOSED.

8 b. Give the final plan number.

9 c. Indicate that the plan is available for inspection at the Department of Planning  
10 and Zoning.

11 d. BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.

12 e. INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED TO  
13 IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED BY THE  
14 DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH LETTERING IN  
15 THE TOP LEFT CORNER OF THE POSTER.

16 f. GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.

17 g. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND ZONING  
18 PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL WEBPAGE  
19 FOR SEARCHING ALL PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC  
20 CODE.

21  
22 (v) *No delay.* The notification requirements of this subsection shall not be construed to  
23 delay the normal processing of the plan.

24 (5) *Processing of application.* Processing of the application for approval of the final plan  
25 will follow the general procedures outlined in section 16.144, "General procedures  
26 regarding the subdivision process," of this subtitle.

27 (6) A developer who is proposing the redevelopment of a golf course shall comply with  
28 section 16.129 of this subtitle, and, for purposes of this section, the terms



1 "redevelopment" and "golf course" shall have the meaning set forth in section 16.129 of  
2 this subtitle.

3 (7) *Fee simple dedication of open space.* If dedication of open space to the County or a  
4 homeowners' association is proposed, the developer shall submit an original deed to the  
5 County prior to recordation of the final plat, granting good and sufficient fee simple title  
6 to all open space required to be dedicated.

7 (8) *Dedication of Easements.* If dedication of easements for water, sewer, storm drainage,  
8 public stormwater management facilities, shared septic facilities, other public utilities,  
9 forest conservation, floodplains or preservation parcels is proposed, the developer shall  
10 submit original deeds (or declaration of covenants in the case of shared septic facilities)  
11 to the County prior to the recordation of the final plat, granting the required easements.

12 (9) *Recordation.* The Department of Planning and Zoning shall record the final plat in the  
13 land records of Howard County and shall notify the developer by mail of the date of  
14 recording and the plat number. For resubdivisions and correction plats, the Department  
15 of Planning and Zoning shall also record a notation in the form of a resolution that  
16 references the revised plat to be affixed to the previously recorded lot or lots.

17  
18 **Article 5. Procedures for Filing and Processing Site Development Plan Applications**

19  
20 **Section 16.156. Procedures.**

21 (a) *Presubmission Community Meetings, Required.* Presubmission community meetings in  
22 accordance with section 16.128 of this subtitle are required for the following site plan  
23 submittals:

24 (1) If the initial plan submittal for a residential development is a site development plan; or

25 (2) If the site development plan submittal is for:

26 a. A new nonresidential development located within 200 feet of a residential zoning  
27 district; or



1 b. An existing nonresidential development which is located within 200 feet of a  
2 residential zoning district and proposed for a floor area expansion of more than 25  
3 percent.

4  
5 (b) *Design Advisory Panel:*

6 (1) *Review.* If required by paragraphs (2), (3), and (4) of this subsection, a developer shall  
7 submit a project for review by the Design Advisory Panel and the Director of the  
8 Department of Planning and Zoning may consider recommendations made by the Design  
9 Advisory Panel in accordance with section 16.1504 of this subtitle as a condition of plan  
10 approval for projects located on property subject to design advisory panel review as set  
11 forth in section 16.1501 of this subtitle.

12 (2) *Site development plans submitted on or after November 3, 2008.* For site development  
13 plans submitted on or after November 3, 2008, a developer shall submit the project for  
14 Design Advisory Panel review prior to submission of the site development plan.

15 (3) *Sketch plans technically complete before November 3, 2008.* For sketch plans that are  
16 technically complete before November 3, 2008, a developer shall submit the project for  
17 Design Advisory Panel review as a condition of approval of the site development plan.

18 (4) *Further review required.* If the Director of Planning and Zoning determines that a site  
19 development plan is not consistent with the plan initially reviewed by the panel, the  
20 Director of Planning and Zoning may require additional review by the panel prior to plan  
21 approval.

22 (c) *Application.* The applicant for a site development plan shall submit the following to the  
23 Department of Planning and Zoning:

24 (1) Completed application form.

25 (2) The required number of copies of the site development plan, in accordance with the  
26 information requirements of section 16.157.

27 (3) For commercial or industrial plans:

28 (4) Compliance with green buildings law. A site development plan application for a project  
29 that is required to comply with the Howard County Green Buildings Law, set forth in title

1 3, subtitle 10 of this Code, shall comply with subsection 3.1005(a) of this Code prior to  
2 approval of the plan.

3 (i) Completed wastewater questionnaire.

4 (ii) At the specific request of the Department of Public Works, additional information  
5 regarding proposed industrial processes and wastewater characteristics.

6 (iii) A statement signed by the applicant agreeing to abide by the requirements of  
7 section 18.122A, "Regulation of Discharges to the Public Sewerage System" of this  
8 Code.

9 (d) *Fees.* The applicant for a site development plan shall pay an appropriate fee pursuant to the  
10 fee schedule adopted by resolution of the County Council.

11 (e) *Notice of New Residential Developments:*

12 (1) *Requirement to give public notice.* If the site development plan is the initial plan  
13 submittal for a new residential development and is submitted after November 15, 2001,  
14 within three working days of the plan's submission the developer shall post public notice  
15 on the property.

16 (2) *Location.* Posters provided by the Department of Planning and Zoning shall be posted  
17 at the site of the proposed roadway entrances so that local residents may reasonably be  
18 expected to see them.

19 (3) *Duration.* The notice shall remain in place at least 30 days.

20 (4) *Content.* The notice shall:

21 (i) State that a roadway entrance is proposed to be constructed at the site.

22 (ii) Give the site development plan number.

23 (iii) Indicate that the site development plan is available for inspection at the Department  
24 of Planning and Zoning.

25 (iv) BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.

26 (v) INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED TO IDENTIFY  
27 THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED BY THE DEPARTMENT OF

1 PLANNING AND ZONING IN AT LEAST FIVE-INCH LETTERING IN THE TOP LEFT CORNER  
2 OF THE POSTER.

3 (VI) GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.

4 (VII) WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND ZONING PLANS IN  
5 PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL WEBPAGE FOR  
6 SEARCHING ALL PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE.

7  
8 **Subtitle 2. Zoning**

9  
10 **Section 16.203. Comprehensive zoning.**

11 (a) The County Council, in order to fulfill its zoning purposes under this subtitle, may from time  
12 to time, only upon its own petition or that of the Department of Planning and Zoning, exercise  
13 the Zoning Authority of Howard County on a comprehensive basis, so as to adopt and enact  
14 zoning regulations and district boundaries which shall apply to the entire geographic area of  
15 Howard County or to substantial or significant portions thereof.

16 (b) *Department of Planning and Zoning and Planning Board Procedures.*

17 (1) The Department of Planning and Zoning or the County Council shall prepare a petition  
18 for a comprehensive zoning plan, including zoning maps and zoning regulations. The  
19 comprehensive petition may include map proposals from individual property owners.

20 (2) Prior to preparing the petition for the comprehensive zoning plan, the Department shall  
21 give at least 60 days public notice of its intent to compile a comprehensive zoning plan.  
22 The public notice shall:

23 (i) Be advertised within two newspapers of general circulation in Howard County;

24 (ii) Be made and appropriately maintained in a prominent manner on the County's  
25 website;

26 (iii) Be sent electronically to all Individuals and Organizations who registered with the  
27 Department;

28 (iv) Specify the deadline by which requests for zoning map and zoning regulation  
29 amendments must be submitted; and

1 (v) State that requests not submitted by the deadline will not be considered in the  
2 preparation of the Department's comprehensive zoning plan.

3 (3) Within 45 days of the comprehensive zoning petition submittal, the Department shall  
4 submit to the Planning Board for its consideration:

5 (i) The petition with its recommended zoning maps and zoning regulations;

6 (ii) A technical staff report detailing the significant issues of the proposed  
7 comprehensive zoning plan; and

8 (iii) A list of zoning map proposals received from individual property owners that the  
9 Department does not support, along with an explanation of why each is not  
10 supported.

11 (4) For each zoning map proposal the Department shall, at least 30 days before the planning  
12 board hearing:

13 (i) Send written notice of the date, time, and location of the hearing by first class mail  
14 to all owners of property that is the subject of a rezoning proposal, or whose property  
15 adjoins property that is the subject of a rezoning proposal; and

16 (ii) Post the property with a sign listing the date, time, and location of the hearing, but  
17 provided that if multiple adjoining properties are the subject of zoning map  
18 proposals, the department may post such signs at intervals it deems appropriate.

19 (A) *CONTENT.* THE NOTICE SHALL:

20 I. GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.

21 II. BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.

22 III. INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED  
23 TO IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED  
24 BY THE DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH  
25 LETTERING IN THE TOP LEFT CORNER OF THE POSTER.

26 IV. STATE THAT THE SUBJECT PROPERTY IS PROPOSED TO BE REZONED AND  
27 INCLUDE THE PROPOSED REZONING.

28 V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND



ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-  
DEPARTMENTAL WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A  
THREE-DIGIT ALPHANUMERIC CODE.

VI. INDICATE THAT THE PETITION IS AVAILABLE FOR  
INSPECTION AT THE DEPARTMENT OF PLANNING AND ZONING.

(5) Noncompliance with the notice requirements of paragraph (4) of this subsection does not constitute a basis for setting aside a zoning decision.

(6) The Planning Board shall:

(i) Hold a public hearing on the petition and additional map proposals not included in the petition by the Department, at which interested persons shall have a reasonable opportunity to be heard; and

(ii) Give at least 30 days' notice of the time and place of the public hearing on the County's website. Such notice shall advise the general public that the comprehensive zoning plan documents are available for review both in person at the Department's office and online at a specified website;

(iii) Consider requests for zoning map and zoning regulation amendments which were received on or before the deadline established by the Department, but shall not consider subsequent requests unless they involve modifications to map or text amendments submitted prior to the deadline or are proposals submitted by the Department; and

(iv) Within 60 days of the Planning Board's first public hearing on the comprehensive zoning petition, submit its recommendations to the County Council.

(c) *County Council Procedures.* When exercising the Zoning Authority of Howard County with respect to the consideration and enactment of a comprehensive zoning plan, the County Council, notwithstanding any other sections, provisions or requirements of this subtitle or of other laws, regulations or rules of procedure, shall proceed in the following manner:

(1) After the County Council has received a final report of the Planning Board recommending adoption of a comprehensive zoning plan, the County Council may hold one or more public hearings at which parties in interest and citizens shall have an

1 opportunity to be heard on the comprehensive zoning plan petition submitted by the  
2 Department and the Planning Board recommendations. The County Council may not hold  
3 meetings which include an opportunity for public testimony on any day listed in section  
4 6.305(b) of this Code.

5 (2) If a zoning map proposal that was not part of the Department's petition is incorporated  
6 into the Planning Board's recommendation, the Department shall, at least 30 days before  
7 the County Council hearing on the comprehensive zoning plan:

8 (i) Send written notice of the date, time, and location of the hearing by first class mail  
9 to all owners of property that is the subject of a rezoning proposal, or whose property  
10 adjoins property that is the subject of a rezoning proposal;

11 (ii) Post the property with a sign listing the date, time, and location of the hearing, but  
12 provided that if multiple, adjoining properties are the subject of zoning map  
13 proposals, the Department may post such signs at intervals it deems appropriate.

14 (A) *CONTENT.* THE NOTICE SHALL:

15 I. GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.

16 II. BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.

17 III. INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED  
18 TO IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED  
19 BY THE DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH  
20 LETTERING IN THE TOP LEFT CORNER OF THE POSTER.

21 IV. STATE THAT THE SUBJECT PROPERTY IS PROPOSED TO BE REZONED AND  
22 INCLUDE THE PROPOSED REZONING.

23 V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
24 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-  
25 DEPARTMENTAL WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED  
26 A THREE-DIGIT ALPHANUMERIC CODE.

27 VI. INDICATE THAT THE PETITION IS AVAILABLE FOR  
28 INSPECTION AT THE DEPARTMENT OF PLANNING AND ZONING.

- 1 (3) Noncompliance with the notice requirements of paragraph (2) of this subsection does  
2 not constitute a basis for setting aside a zoning decision.
- 3 (4) The County Council shall give at least 30 days' notice of the time and place of the public  
4 hearing on the County's website. Such notice shall advise the general public that the  
5 County Council is to consider a comprehensive zoning plan for Howard County and shall  
6 advise the general public of the location or locations at which the entire text and map or  
7 maps constituting the proposed comprehensive zoning plan may be reviewed. The notice  
8 shall also advise that the comprehensive zoning plan documents are available for review  
9 both in person at the Department and online at a specified website.
- 10 (5) The County Council shall establish the specific procedures which shall govern the  
11 hearing on the proposed comprehensive zoning plan. In establishing such procedures, the  
12 Council may:
- 13 (i) Place time limitations on presentations to be made;
- 14 (ii) State the manner in which written materials may be submitted for consideration by  
15 the County Council.
- 16 (6) Following any public hearing(s) held by the County Council on the comprehensive  
17 zoning petition, the County Council shall introduce a County Council bill proposing the  
18 adoption of a comprehensive zoning ordinance which shall include final proposed zoning  
19 regulations and maps.
- 20 (7) The County Council shall adopt the comprehensive zoning plan by ordinance according  
21 to County Council Legislative procedures.
- 22 (8) Any proposed amendment to the proposed zoning map as part of the adoption of a  
23 Comprehensive Zoning Ordinance which was not previously proposed, considered or  
24 recommended by the Department of Planning and Zoning or the Planning Board shall  
25 only be considered by the County Council upon an affirmative vote of two-thirds of the  
26 members of the Council.
- 27 (9) The County Council shall provide for copies of the comprehensive zoning plan to be  
28 published and made available at cost to any person.
- 29





1 to be heard at an emergency meeting is posted with the time, date, place, and subject  
2 matter of the meeting for at least 24 hours immediately prior to the meeting. THE  
3 EMERGENCY NOTICE POSTER SHALL:

- 4 (I) GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.
- 5 (II) BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.
- 6 (III) INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED TO  
7 IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED BY THE  
8 DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH LETTERING  
9 IN THE TOP LEFT CORNER OF THE POSTER.
- 10 (IV) STATE THAT THE SUBJECT PROPERTY IS PROPOSED TO BE ALTERED AND  
11 INCLUDE A DESCRIPTION OF THE PROPOSED ALTERATION.
- 12 (V) GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
13 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL  
14 WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A THREE-DIGIT  
15 ALPHANUMERIC CODE.
- 16 (VI) INDICATE THAT THE APPLICATION IS AVAILABLE FOR INSPECTION AT  
17 THE DEPARTMENT OF PLANNING AND ZONING.

18 (f) *Action of the Commission:*

- 19 (1) The Commission shall file with the Department of Planning and Zoning its certificate  
20 of approval, modification or denial of all applications and plans submitted to it for review.
- 21 (2) No work shall begin until such certificate of approval shall have been filed.
- 22 (3) Failure of the Commission to vote on an application within 90 days from the date a  
23 complete application is filed shall constitute approval, unless an extension of the 90-day  
24 period is agreed upon mutually by the applicant and the Commission or the application  
25 has been withdrawn.
- 26 (4) The Commission shall set forth, in writing, its reason for approval or denial of an  
27 application submitted to it for review.

- 1 (5) If an application is denied, in the absence of a change to the structure arising from  
2 casualty, no new application for the same or similar work shall be filed within one year  
3 after the conclusion of the hearing on the denied application.  
4

## 5 Title 18. PUBLIC WORKS

### 6 Subtitle 1. Public Utilities

#### 7 Section 18.118. Publication AND POSTING of required notice.

8 Any notice [[of publication]] required by this subtitle shall be:

- 9 (a) Published at least once each week for two consecutive weeks in one or more newspapers  
10 published in the County having a circulation in the area affected by such notice, or by  
11 giving written notice to all persons affected thereby; and  
12

- 13 (b) Posted in conspicuous public places in the area to be affected. THE NOTICE POSTER  
14 SHALL:  
15

16 (I) GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.

17 (II) BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.

18 (III) INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED TO  
19 IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED BY THE  
20 DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH LETTERING  
21 IN THE TOP LEFT CORNER OF THE POSTER.

22 (IV) STATE THAT CONSTRUCTION IS PROPOSED FOR THE SUBJECT PROPERTY AND  
23 INCLUDE A DESCRIPTION OF THE PROPOSED PROJECT.

24 (V) GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
25 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL  
26 WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A THREE-DIGIT  
27 ALPHANUMERIC CODE.

28 (VI) INDICATE THAT THE PETITION IS AVAILABLE FOR INSPECTION AT  
29 THE DEPARTMENT OF PUBLIC WORKS.

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**Section 18.125. Removal of parcel(s) from metropolitan district.**

(1) *Criteria for Removal of Parcel(s).* Parcel(s) of land which meet all of the following criteria may be removed from the metropolitan district:

- (a) The parcel is contiguous to non-metropolitan district property; and
- (b) The parcel is contiguous to the perimeter of the metropolitan district; and
- (c) There is no water or sewer connection to the parcel, or allocation of water or sewage treatment units; and
- (d) In accordance with subtitle 5, "Maryland Agricultural Land Preservation Foundation" of title 2 of the Agricultural Article of the Annotated Code of Maryland or subtitle 5, "Agricultural Land Preservation," of title 15 of the Howard County Code:
  - (i) The parcel is all or part of an agricultural land preservation district; and
  - (ii) The owner has made written application to sell an agricultural land preservation easement to the Maryland Agricultural Land Preservation Foundation or to sell development rights to Howard County.

(2) *Authority to Remove Property from Metropolitan District.* The County Council may enact an ordinance to remove from the metropolitan district parcel(s) of land meeting the criteria of subsection (1) above, if the Council believes that such a removal is in the public interest. In voting upon such an ordinance, the County Council shall consider the recommendation of:

- (a) The Director of Finance, that removal of the parcel(s) will have minimal or no effect on the revenues of the metropolitan district; and
- (b) The Director of Planning and Zoning, that removal of the parcel(s) will have minimal or no effect on the planning for, construction or operation of public water or sewer; and
- (c) The Director of Public Works that removal of the parcel(s) will have minimal or no effect on the planning for, construction or operation of public water or sewer and will have a minimal effect on the revenues of the metropolitan district.

1 (3) *Procedure for Preparation and Passage of an Ordinance to Remove Property from*  
2 *Metropolitan District:*

3 (a) An owner of parcel(s) which meet the criteria listed in subsection (1) above may petition  
4 the Director of Public Works for removal of parcel(s) from the metropolitan district.

5 (b) The Director of Public Works shall verify whether the parcel(s) meet all criteria listed  
6 in subsection (1) above.

7 (c) If all criteria are met, the Director of Public Works shall forward the petition, the  
8 verification and a plat of the locality to the County Council, requesting the introduction  
9 of legislation to remove parcel(s) from the metropolitan district.

10 (d) Upon introduction of an ordinance to remove the parcel(s) from the metropolitan  
11 district, the County Council shall post the property for two weeks prior to the public  
12 hearing. THE NOTICE POSTER SHALL:

13 (I) GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.

14 (II) BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.

15 (III) INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED TO  
16 IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED BY THE  
17 DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH LETTERING  
18 IN THE TOP LEFT CORNER OF THE POSTER.

19 (IV) STATE THAT THE SUBJECT PROPERTY IS PROPOSED TO BE REMOVED FROM THE  
20 METROPOLITAN DISTRICT AND INCLUDE A DESCRIPTION OF THE PROPOSAL.

21 (V) GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
22 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL  
23 WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A THREE-DIGIT  
24 ALPHANUMERIC CODE.

25  
26 (e) The Department of Public Works, the Office of Planning and Zoning and the Office of  
27 Finance shall make recommendations to the County Council stating whether the parcel  
28 meets the criteria of subsection (2) above.



1 (f) The County Council may enact the ordinance, after public hearing, in accordance with  
2 its authority under subsection (2) above.

3  
4 **Subtitle 2. Roads**

5  
6 **Section 18.204. Relocation or Closing of Public Roads.**

7 This section refers only to the closing or relocation of existing County public roads.

8 (a) *Roads Closed or Relocated Only with Approval of County Council.* No County road  
9 may be closed or relocated unless the County Council has approved the closing or  
10 relocation either by resolution or by approval of a capital project in the budget ordinance  
11 or an amendment thereto.

12 (b) *Definitions.* Words and phrases used in this section shall have their usual meanings  
13 except words and phrases defined below:

14 (1) *Closing or closure* means permanently prohibiting motorized vehicles from using  
15 or from having access to or from a County public road.

16 Closing does not include prohibiting use of a portion of a roadway if motorized  
17 vehicles can continue to use or have access to or from the remainder of the  
18 roadway.

19 (2) *Relocation* is any permanent improvement or permanent alteration to a County  
20 public road where a part or all of the new County public road does not overlap or is  
21 not contiguous with the previously existing County public road.

22 (c) *Initiating a Road Closing or Relocation:*

23 (1) *By petition.* An individual, group of individuals, corporation, partnership,  
24 association, or governmental agency other than the County Executive or County  
25 Council may initiate the closing or relocation of a road by petitioning the County  
26 Council to introduce a resolution approving the closing or relocation. The petitioner  
27 shall supply the information required in subsection (d) below with the petition.

1 (2) *County Executive.* The County Executive may initiate the closing or relocation of  
2 a road by submitting for County Council approval an annual budget and appropriate  
3 ordinance or any amendment thereto which includes the road closing or relocation  
4 as a capital project or part of a capital project. The County Executive shall supply the  
5 information required in subsection (d) below at the time the annual budget and  
6 appropriation ordinance or an amendment to the capital budget is introduced.

7 (3) *County Council.* The County Council or any of its members may initiate the closing  
8 or relocation of a road by introduction of a resolution approving the closing or  
9 relocation. The sponsor(s) of the resolution shall supply the information required in  
10 subsection (d) below in order to prepare the resolution.

11 (d) *Information to Be Provided.* The following information shall be supplied in order to  
12 prepare a resolution to close or relocate a road or to accompany a budget and  
13 appropriation ordinance or an amendment thereto involving a road closing or relocation:

14 (1) A detailed description of the County public road to be closed or relocated.

15 (2) A certified plat signed and sealed by a professional land surveyor or property line  
16 surveyor particularly describing the County public road to be closed or relocated.

17 (3) Identification of ownership of the roadbed and rights-of-way including any  
18 easements which may exist.

19 (4) A plan for changes to traffic control which may result from the proposed closing or  
20 relocation.

21 (e) *Fee.* An individual, group of individuals, corporation, partnership, association, or  
22 governmental agency other than the County initiating a road closing or relocation shall  
23 pay a fee; set annually by resolution of the County Council, to cover the costs of  
24 advertising the proposed closing, notifying persons whose property adjoins the road, and  
25 posting the road.

26 (f) *Notification:*

27 (1) Road closings and relocations included in a capital project shall be posted and  
28 advertised and mailings sent as for any other capital project.

1 (2) When a road is to be closed or relocated at the request of councilmember(s) or upon  
2 petition, notification is the responsibility of the County Council and shall include the  
3 following:

4 (i) The Department of Public Works, at the request of the County Council, shall post  
5 the road for 30 days prior to the public hearing on the County Council resolution. The  
6 posting shall indicate that the road is to be closed or relocated and shall indicate the  
7 date, the time and place of the public hearing on the proposed closing or relocation.

8 THE NOTICE POSTER SHALL:

- 9 A. GIVE THE LOCATION OR STREET NAME OF THE ROAD.
- 10 B. BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.
- 11 C. INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED  
12 TO IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED  
13 BY THE DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-  
14 INCH LETTERING IN THE TOP LEFT CORNER OF THE POSTER.
- 15 D. STATE THAT THE ROAD IS PROPOSED TO BE CLOSED OR RELOCATED  
16 AND INCLUDE A DESCRIPTION OF THE PROPOSED ROAD CLOSING OR  
17 RELOCATION.
- 18 E. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
19 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-  
20 DEPARTMENTAL WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A  
21 THREE-DIGIT ALPHANUMERIC CODE.
- 22 F. INDICATE THAT THE PETITION IS AVAILABLE FOR INSPECTION AT  
23 THE COUNTY COUNCIL.

24 (ii) The County Council shall provide at least 30 days' notice of the date, time and  
25 place of the public hearing on the proposed closing or relocation by advertising  
26 the proposed closing with at least two separate insertions at weekly intervals in  
27 one or more newspapers of general circulation in the County.

28 (iii) The County Council shall send letters by certified mail to all persons whose  
29 property abuts the limits of the proposed road closure or relocation. The letters

1 shall be mailed no later than 30 days prior to the hearing and shall contain a full  
2 description of the road closing or relocation, and an announcement of the time,  
3 date and place of the County Council's public hearing on that closing or  
4 relocation.

5 (g) *Reports and Recommendations from County Departments.* The Department of Public  
6 Works, Department of Planning and Zoning, Police Department, and Department of Fire  
7 and Rescue Services shall report to the County Council on the effect of the closing or  
8 relocation on public safety, the traffic network and public convenience and shall  
9 recommend denial or approval of the closing or relocation.

10 (h) *Council Approval.* The Council may approve the closure or relocation of a road if it  
11 finds that the closing or relocation will not adversely affect public safety, the traffic  
12 network, or public convenience.

13 (i) *Disposition of Closed or Relocated Road.* Approval of a road closing or relocation does  
14 not affect the legal ownership of the roadbed, rights-of-way, or any easements. Separate  
15 legislation pursuant to title 4 of the Howard County Code may be required to deal with  
16 disposition of this property.

## 17 18 **Subtitle 2A. Substandard Private Roads**

### 19 **Section 18.255. Hearing Procedures.**

20 (1) Within six months of receipt of the petition, the Director of Public Works shall hold a hearing  
21 on the petition.

22 (2) The Director of Public Works shall give notice of the pending hearing by publication, in one  
23 newspaper published in the County, and send notice to owners of record of the roadway,  
24 setting forth the length, location and termini of the road and the time, date and place of the  
25 hearing.

26 (3) Not less than two weeks prior to the date of the hearing, the Director of Public Works  
27 shall post signs at either end of the street. The signs shall set forth the fact that the road is  
28 the subject of a petition to accept it into the County road system and that a hearing thereon  
29 will be held at the time, location and on the date as scheduled. THE NOTICE SIGN SHALL:



- I. GIVE THE LOCATION OR STREET NAME OF THE ROAD.
- II. BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.
- III. INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED TO IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED BY THE DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH LETTERING IN THE TOP LEFT CORNER OF THE POSTER.
- IV. STATE THAT THE ROAD IS PROPOSED TO BE ACCEPTED INTO THE COUNTY'S ROAD SYSTEM AND INCLUDE A DESCRIPTION OF THE PROPOSED ROAD INCORPORATION.
- V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A THREE-DIGIT ALPHANUMERIC CODE.
- VI. INDICATE THAT THE PETITION IS AVAILABLE FOR INSPECTION AT THE DEPARTMENT OF PUBLIC WORKS.

(4) The burden shall be upon the petitioners to prove the criteria set forth in section 18.251.

(5) Individuals who oppose the acceptance of the road into the County road system may be parties to the proceedings.

(6) The hearing may be continued from time to time in the discretion of the Director of Public Works, but the notice requirements set forth in subparagraphs (2) and (3) above need be given only one time.

(7) The Director of Public Works may promulgate regulations for the hearing process which are not inconsistent with the Howard County Administrative Procedures Act [section 2.100 et seq.] nor with the procedures set forth herein.

### **Subtitle 8. Streetlights**

#### **Section 18.805. Notice to the Community.**

1 (a) Immediately upon completion of the plat, the Director of Public Works shall advertise in at  
2 least one newspaper published in the County for two consecutive weeks that the petition will  
3 be presented to the Public Works Board for its recommendation and that a public hearing will  
4 be held on a particular date and time.

5 (b) The Director of Public Works shall also post [[handbills]] NOTICE advising of the time,  
6 date and place of the Public Works Board hearing throughout the district sought to be  
7 created for three consecutive weeks prior to the Public Works Board hearing. THE NOTICE  
8 SIGN SHALL:

- 9 I. GIVE THE LOCATION OF THE DISTRICT.
- 10 II. BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.
- 11 III. INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED  
12 TO IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED  
13 BY THE DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH  
14 LETTERING IN THE TOP LEFT CORNER OF THE POSTER.
- 15 IV. STATE THAT THE AREA IS PROPOSED TO HAVE STREETLIGHTS INSTALLED.
- 16 V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
17 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-  
18 DEPARTMENTAL WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A  
19 THREE-DIGIT ALPHANUMERIC CODE.
- 20 VI. INDICATE THAT THE PETITION IS AVAILABLE FOR INSPECTION AT  
21 THE DEPARTMENT OF PUBLIC WORKS.

22 (c) Both the newspaper advertisement and the [[handbills]] NOTICE shall contain the boundaries  
23 of the district sought to be created and contain a notice that a plat has been prepared, that it  
24 contains all of the information outlined in subsection 18.804(c), that the plat is available for  
25 inspection in the Office of the Director of Public Works and that any interested person may  
26 be heard by the Public Works Board, pursuant to its rules, at a time specified in the notice.

27 (d) The Director of Public Works shall also send a copy of the plat and [[handbills]] NOTICE and  
28 a list containing the names of each property owner within the district sought to be created to  
29 the contact person designated in accordance with subsection 18.802(b).

1  
2 **Subtitle 14. Road and Stormwater Management Improvements for pre-1961 Platted**  
3 **Subdivisions**  
4

5 **Section 18.1404. Meeting on Formal Request.**

6 (a) *Meeting Held within Three Months.* Within three months of receipt of a formal request under  
7 section 18.1403 of this subtitle, the Director shall hold an informational meeting on the  
8 request.

9 (b) *Notice of Meeting.* The Director shall give notice of the meeting by publication, in a  
10 newspaper of general circulation in the County, and shall send a notice to the owner of record  
11 of each lot that is adjacent to the defined capital project, setting forth the length, location and  
12 termini of the project and the time, date and place of the meeting.

13 (c) *Posting of Notice.* Not less than two weeks prior to the date of the meeting, the Director  
14 shall post signs at appropriate and conspicuous places, which shall set forth the fact that  
15 the road right-of-way is the subject of a proposed capital project to construct the road and  
16 necessary stormwater management facilities for acceptance into the County system and  
17 that a meeting thereon will be held at the time, location, and on the date as scheduled.

18 THE NOTICE SIGN SHALL:

- 19 I. GIVE THE LOCATION OF THE SUBJECT PROPERTY.  
20 II. BE DOUBLE-SIDED AND AT LEAST 30 INCHES BY 36 INCHES IN SIZE.  
21 III. INCLUDE A THREE-DIGIT ALPHANUMERIC CODE, WHICH WOULD BE USED  
22 TO IDENTIFY THE CASE. THE ALPHANUMERIC CODE SHALL BE ATTACHED  
23 BY THE DEPARTMENT OF PLANNING AND ZONING IN AT LEAST FIVE-INCH  
24 LETTERING IN THE TOP LEFT CORNER OF THE POSTER.  
25 IV. STATE THAT THE PROPERTY IS THE SUBJECT OF A PROPOSED CAPITAL  
26 PROJECT AND INCLUDE A DESCRIPTION OF THE PROPOSED CAPITAL  
27 PROJECT.  
28 V. GIVE THE WEBSITE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
29 ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-

1 DEPARTMENTAL WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A  
2 THREE-DIGIT ALPHANUMERIC CODE.

3 VI. INDICATE THAT THE PROPOSED PLAN IS AVAILABLE FOR INSPECTION AT  
4 THE DEPARTMENT OF PUBLIC WORKS.  
5

6 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act*  
7 *shall become effective 61 days after its enactment.*

Amendment 1 to Council Bill 69-2018

BY: Greg Fox

Legislative Day No: 14  
Date: October 29, 2018

Amendment No. 1

1                    *(This amendment proposes to clarify that an overlay sticker can be used).*

2

3

4

5                    On page 6, in line 16, after "ATTACHMENT", insert "OR OVERLAY STICKER".

6





September 16, 2018

TO: Howard County Council

FROM: Joan Lancos  
6110 Covington Road  
Columbia, MD 21044

RE: Council Bills 71-2018, 70-2018, 69-2018

I am unable to attend the County Council Hearing on September 17, 2018. Below is my testimony on three bills up for your consideration.

**Council Bill 71-2018**

Council Bill 71 would require that Planning Staff be available for questioning under oath at quasi-judicial Planning Board hearings. I am not sure what this bill is trying to accomplish. As a former Planning Board member, I often questioned Planning staff without fear that their responses were not truthful. Based on recent observations of public hearings, I don't know that allowing questioning of staff under oath by Planning Board members, lawyers representing petitioners or opponents, or the General Public would accomplish anything other than to delay and prolong cases before the Planning Board. In any event, any change of this significance should only be considered as part of the on-going Zoning Regulation Assessment. I request that you vote "NO" on Council Bill 71-2018.

**Council Bill 70-2018**

Council Bill 70 amends certain posting requirements for proposed community meetings. I attend many pre-submission community meetings. I think the meetings provide valuable insight and opportunity to neighbors regarding proposed development. Providing additional information that makes the sign posting more useful could be helpful. If the pre-submission process will be part of the Zoning Regulation Assessment, it may be beneficial to wait to make changes under that process. However, I am not opposed to Council Bill 70-2018.

**Council Bill 69-2018**

Council Bill 69 would require the Zoning Counsel appear at Planning Board hearings in support of adherence to the Downtown Columbia Plan. The NT zone was created to allow flexibility in final plans for the development of the planned community. The Planning Board was given the role of determining whether submitted Final Development Plans met the goal of the original design. The Section 125.0.E.4 specifically calls for flexibility in the review of FDPs in the Downtown Plan. I do not understand the need for the Zoning Counsel to appear at Planning Board hearings on development plans to assure adherence to a plan that is supposed to be flexible in its implementation. As a former Planning Board member, I believe this bill usurps the original intent and power given to the Planning Board when the NT zoned was first approved and re-affirmed under the Downtown Columbia Master Plan. I strongly encourage you to vote "NO" on Council Bill 69-2018.

September 17, 2018

Lisa Markovitz

for The People's Voice on CB 69-2018 Support

Thank you for updating the sign requirements for presubmission meetings, especially with regard to timing and requirements when there are subsequent meetings on a project.

One thing I would like to see regarding communication of these meetings, when using email, that the body of the email message itself should have to contain the required information about address of the parcel, zoning issues and changes, and not just having an attachment to read. This would be far less time-consuming for those of us who look at many of them, to be able to identify the project and affect of the project without pouring through attached documents.

Thank you.





**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Lisa Markovitz, have been duly authorized by  
*(name of individual)*

The People's Voice to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB 69-18 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Lisa Markovitz

Signature: 

Date: 9/17/18

Organization: The People's Voice

Organization Address: 3209 G Corporate Ct

Elizabeth City MD 21042

Number of Members: 2314

Name of Chair/President: Lisa Markovitz

*This form can be submitted electronically via email to [councilmail@howard.ountymd.gov](mailto:councilmail@howard.ountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.*

Date: 17 September 2018  
Subject: HCCA Testimony on CB69-2018

My name is Stu Kohn and I am the Howard County Citizens Association President. I am testifying on behalf of HCCA. We are unequivocally in favor of this Bill and appreciate the majority of the Council members who are partners in introducing this proposed Bill. They are Councilpersons Terrasa, Ball and Fox. Once again I want to highlight Councilwoman Terrasa's continuous efforts for pursuing our suggestions for improvement.

This Act to amend provisions for the posting of notices to require specified information and uniform signs is definitely a sign in the right direction. The reason for this is the recent proposed development located on the Milk Producers property in Scaggsville. The proposed language regarding the sign notification amendment states, "IF AN ADDITIONAL PRESUBMISSION MEETING IS HELD, THE NOTIFICATION SIGN SHALL BE MARKED BY THE DEVELOPER WITH A CONTRASTING COLORED "UPDATED" ATTACHMENT PROVIDED BY THE DEPARTMENT OF PLANNING AND ZONING TO INFORM THE PUBLIC THAT A SUBSEQUENT MEETING IS BEING HELD ON AN ALTERED PROPOSAL."

We suggest the language be slightly altered to the following change: After the word "Attachment" state "and to include the word UPDATED."

As you know the posting of notices is required three weeks prior to the pre-submission meeting, and the petitioner shall properly maintain the posters for at least three weeks following the initial pre-submission community meeting. We would like to see an amendment to this which states, "After the three week period the Petitioner is required to remove the signs." We leave it up to you to suggest if a violation occurs what the penalty is to the Petitioner. The case in point is the notification signs announcing the second pre-submission meeting of the Milk Producers referencing 20 June still remains standing after almost 3 months. Just so you know the entire area is extremely unkempt as the weeds are as high as 2 ½ feet or greater. This site needs to be mowed. There is nothing scenic about this situation. One other request how about removing signs which are history because they have been standing for a lengthy period of time. For example, since early May a Design Advisory Panel sign on Scaggsville Road when the meeting was held on 13 June. This request includes all pre-submission and conditional use notices.

In conclusion, lets be more cognizant of attention to detail so all can benefit.

Thank you,

Stu Kohn  
HCCA, President



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Stu Kohn, have been duly authorized by  
*(name of individual)*

Howard County Citizens Association to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB-69-2018 to express the organization's  
*(bill or resolution number)*

support for / ~~opposition to~~ / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Stu Kohn

Signature: [Handwritten Signature]

Date: 17 Sept 18

Organization: HECA

Organization Address: HECA Post <sup>OFFICE</sup> 89 Ellicott City MD 21041

Chair/President: Stu Kohn