

Introduced 9/4/18
Public hearing 9/17/18
Council action 10/1/18; 10/29/18
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 1st day of November, 2018 at 1⁰⁰ 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 ~~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 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 **Section 16.156. Procedures.**

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

- 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.

(~~IV~~) 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.

(~~V~~) GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.

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

Subtitle 2. Zoning

Section 16.203. Comprehensive zoning.

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

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

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

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

The public notice shall:

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

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

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

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

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

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

(A) *CONTENT.* THE NOTICE SHALL:

- I. GIVE THE ADDRESS OF THE SUBJECT PROPERTY, IF AVAILABLE.
- 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 ~~ZONING PLANS IN PROCESS WEBPAGE OR A CENTRAL INTER-DEPARTMENTAL~~
2 ~~WEBPAGE FOR SEARCHING ALL PROJECTS ASSIGNED A THREE-DIGIT~~
3 ~~ALPHANUMERIC CODE.~~

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 FOR ADDITIONAL INFORMATION,
7 INCLUDING PLANS FOR PUBLIC REVIEW, FOR ALL PROJECTS ASSIGNED A
8 THREE-DIGIT ALPHANUMERIC CODE AND A PHONE NUMBER FOR ADDITIONAL
9 INFORMATION.

- 10 (e) The Department of Public Works, the Office of Planning and Zoning and the Office of
11 Finance shall make recommendations to the County Council stating whether the parcel
12 meets the criteria of subsection (2) above.
- 13 (f) The County Council may enact the ordinance, after public hearing, in accordance with
14 its authority under subsection (2) above.

15
16 **Subtitle 2. Roads**
17

18 **Section 18.204. Relocation or Closing of Public Roads.**

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

- 20 (a) *Roads Closed or Relocated Only with Approval of County Council.* No County road
21 may be closed or relocated unless the County Council has approved the closing or
22 relocation either by resolution or by approval of a capital project in the budget ordinance
23 or an amendment thereto.
- 24 (b) *Definitions.* Words and phrases used in this section shall have their usual meanings
25 except words and phrases defined below:
- 26 (1) *Closing or closure* means permanently prohibiting motorized vehicles from using
27 or from having access to or from a County public road.

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