

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 15

### Bill No. 65 -2021

Introduced by: Deb Jung

AN ACT requiring the posting of an information sign on certain parcels of land that are affected by a petition for a Zoning Regulation Amendment; specifying the content of the sign; prohibiting the Department of Planning and Zoning from submitting its Technical Staff Report under certain circumstances; adding a penalty for a violation of a certain provision of law; and generally relating to Zoning Regulation Text Amendment petitions.

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Introduced and read first time \_\_\_\_\_, 2021. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Michelle R. Harrod, 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 \_\_\_\_\_, 2021.

By order \_\_\_\_\_  
Michelle R. Harrod, Administrator

This Bill was read the third time on \_\_\_\_\_, 2021 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_ day of \_\_\_\_\_, 2021 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2021

\_\_\_\_\_  
Calvin Ball, 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 By amending:

4 Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations

5 Subtitle 10. Zoning.

6 Section 16.208. Zoning Regulation Text Amendments.

7

8

## HOWARD COUNTY CODE

9 Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations

10

### Subtitle 10. Zoning

11 **Sec. 16.208. Zoning regulation text amendments.**

12 (a) *Petition.* Any person, the Director of the Department of Planning and Zoning, on behalf of  
13 the County but not on behalf of a private entity, the members of the County Council or any  
14 duly appointed county board may petition the County Council for an amendment, repeal, or  
15 change to the text of the zoning regulations.

16 (b) *Copy of petition to Department of Planning and Zoning and Planning Board.* The County  
17 Council shall deliver a copy of the proposed zoning regulation text amendment to the  
18 Department of Planning and Zoning and to the Planning Board. Subject to subsection ~~[(d)]~~  
19 (E) of this section, the Department of Planning and Zoning shall prepare and submit a  
20 technical staff report to the County Council on the proposed text amendment petition. The  
21 Planning Board shall prepare and submit a recommendation to the County Council on the  
22 proposed text amendment petition.

23 (c) *POSTING OF PROPERTY.* (1) NO LESS THAN SIX WEEKS PRIOR TO THE DATE OF THE PLANNING  
24 BOARD MEETING ON THE PROPOSED ZONING REGULATION TEXT AMENDMENT, THE  
25 PETITIONER SHALL POST INFORMATION ABOUT THE PLANNING BOARD MEETING FOR ANY  
26 PARCEL OF LAND KNOWN TO BE AFFECTED BY THE AMENDMENT, REPEAL, OR CHANGE WITH A  
27 DESCRIPTION OF THE SUBJECT MATTER OF THE PETITION AS FOLLOWS:

1 (I) THE PETITIONER SHALL POST ANY KNOWN AFFECTED PARCEL THE PETITIONER  
2 OWNS. THE POSTING SHALL BE CONSPICUOUS AND VISIBLE BY THE PUBLIC FROM THE  
3 PRIMARY ACCESS ROAD OF SUCH PARCELS.

4 (II) FOR ANY KNOWN AFFECTED PARCEL NOT OWNED BY THE PETITIONER, THE  
5 PETITIONER SHALL POST IN AN ADJACENT THE COUNTY RIGHT-OF-WAY, IF ANY.

6 (2) THE POSTER SHALL INCLUDE THE ADDRESS OF THE DEPARTMENT OF PLANNING AND  
7 ZONING'S WEBSITE.

8 (3) THE POSTER SHALL:

9 (i) BE DOUBLE-SIDED;

10 (ii) BE AT LEAST 30 INCHES BY 36 INCHES IN SIZE; AND

11 (iii) INCLUDE A THREE DIGIT ALPHANUMERIC CODE, WHICH WILL BE USED TO  
12 IDENTIFY THE CASE.

13 (4) THE DEPARTMENT OF PLANNING AND ZONING SHALL:

14 (i) PLACE THE ALPHANUMERIC CODE IN AT LEAST FIVE-INCH LETTERING IN THE TOP  
15 LEFT CORNER OF THE POSTER; AND

16 (ii) DETERMINE THE NUMBER OF POSTERS REQUIRED AND THEIR LOCATION.

17 (5) THE PETITIONER SHALL BEAR THE EXPENSE OF POSTING.

18 (6) THE DEPARTMENT OF PLANNING AND ZONING SHALL SUPPLY THE POSTERS.

19 (7) TWO WEEKS PRIOR TO THE DATE OF THE PLANNING BOARD MEETING, THE PETITIONER  
20 SHALL PROVIDE VERIFICATION OF COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION TO  
21 THE DEPARTMENT OF PLANNING AND ZONING.

22 (8) THE DEPARTMENT OF PLANNING AND ZONING SHALL NOT SUBMIT ITS TECHNICAL  
23 STAFF REPORT TO THE PLANNING BOARD OR COUNTY COUNCIL IF THE DEPARTMENT  
24 DETERMINES THAT THE PETITIONER HAS NOT MADE A GOOD FAITH EFFORT TO COMPLY WITH  
25 POSTING REQUIREMENTS.

26 (9) WITHIN SEVEN DAYS OF THE CONCLUSION OF THE PLANNING BOARD MEETING, THE  
27 PETITIONER SHALL REMOVE THE POSTERS.

1 (10) THE DEPARTMENT OF PLANNING AND ZONING SHALL POST REQUIRED SIGNS FOR  
2 ZONING REGULATION TEXT AMENDMENTS SPONSORED BY THE ADMINISTRATION AND THE  
3 COUNTY COUNCIL.

4 ~~[(c)]~~ (D) *Consideration of proposed text amendment.* When exercising the Zoning Authority of  
5 Howard County with respect to the consideration of and decision on a proposed zoning  
6 regulation text amendment, the County Council shall proceed in the following manner:

7 (1) The County Council shall introduce a bill proposing the adoption of the text  
8 amendment as submitted by the petitioner or as amended pursuant to the technical staff  
9 report of the Department of Planning and Zoning, or recommendations of the Planning  
10 Board or the County Council.

11 (2) A bill proposing the adoption of the text amendment shall not be added to the Council's  
12 legislative agenda until the County Council has received:

13 (i) A final technical staff report and analysis from the Department of Planning and  
14 Zoning; and

15 (ii) A recommendation and report from the Planning Board.

16 (3) The County Council shall vote on the proposed bill according to County Council bill  
17 procedures.

18 ~~[(d)]~~ (E) *Technical staff report.* At a minimum, the technical staff report shall include an  
19 analysis of:

20 (1) The compatibility, including potential adverse impacts and consequences, of the  
21 proposed zoning regulation amendment with the existing and potential land uses of the  
22 surrounding areas and within the same zoning district;

23 (2) The properties to which the zoning regulation amendment could apply and, if feasible,  
24 a map of the impacted properties;

25 (3) Conflicts in the Howard County Zoning Regulations as a result of the zoning  
26 regulation amendment; and

1 (4) The compatibility of the proposed zoning regulation amendment with the policies and  
2 objectives, specifically including the environmental policies and objectives, of the  
3 Howard County General Plan.

4 **Sec. 16.209. Enforcement.**

5 The Director of Planning and Zoning or the Director's duly authorized representative may  
6 enter upon open land where the violation allegedly exists or has occurred. Any violation of  
7 SECTION 16.208 OF THIS SUBTITLE AND the rules, regulations and restrictions adopted pursuant to  
8 this subtitle shall be a misdemeanor punishable by a fine not to exceed \$100.00. Alternatively or  
9 in addition to and concurrent with all other remedies, the Department of Planning and Zoning  
10 may enforce the provisions of this subtitle with civil penalties pursuant to the provisions of title  
11 24, "Civil Penalties," of this Code and subtitle 16 of this title. A violation shall be a Class B  
12 offense under title 24 of this Code or an offense subject to a fine in the amount set forth in  
13 section 16.1608 of this title.

14

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