

Introduced	<u>9-08-2021</u>
Public Hearing	<u>9-20-2021</u>
Council Action	<u>10-4-2021</u>
Executive Action	<u>10-13-2021</u>
Effective Date	<u>12-13-2021</u>

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.

Introduced and read first time Sept 8, 2021. Ordered posted and hearing scheduled.
 By order Michelle Harrod
 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 Sept 20, 2021.
 By order Michelle Harrod
 Michelle R. Harrod, Administrator

This Bill was read the third time on October 4, 2021 and Passed , Passed with amendments , Failed .
 By order Michelle Harrod
 Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 5 day of October, 2021 at 10 a.m./p.m.
 By order Michelle Harrod
 Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive October 13, 2021
Calvin Ball
 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 EXCEPT AS PROVIDED IN PARAGRAPH (2), NO LESS THAN SIX~~
24 WEEKS PRIOR TO THE DATE OF THE PLANNING BOARD MEETING ON THE PROPOSED ZONING
25 REGULATION TEXT AMENDMENT, THE PETITIONER SHALL POST INFORMATION ABOUT THE
26 PLANNING BOARD MEETING FOR ANY PARCEL OF LAND KNOWN TO BE AFFECTED BY THE
27 AMENDMENT, REPEAL, OR CHANGE WITH A DESCRIPTION OF THE SUBJECT MATTER OF THE
28 PETITION AS FOLLOWS: THAT THE PETITIONER OWNS OR HAS A LEGAL OR EQUITABLE INTEREST
29 IN.

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) FOR A PROPOSED ZONING REGULATION TEXT AMENDMENT FOR WHICH THE PETITIONER IS
7 THE COUNTY EXECUTIVE, THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING,
8 OR A MEMBER OF THE COUNTY COUNCIL, ONE SIGN SHALL BE POSTED BY THE DEPARTMENT OF
9 PLANNING AND ZONING THAT IS LOCATED OUTSIDE THE HOWARD COUNTY GOVERNMENT
10 GEORGE HOWARD BUILDING AND IS CONSPICUOUS AND VISIBLE BY THE PUBLIC NO LESS THAN
11 SIX WEEKS PRIOR TO THE DATE OF THE PLANNING BOARD MEETING ON THE PROPOSED ZONING
12 REGULATION TEXT AMENDMENT.”.

13 (3) ALL ZONING REGULATION TEXT AMENDMENTS SHALL BE POSTED TO A DEDICATED WEB
14 PAGE ACCESSIBLE FROM THE COUNTY GOVERNMENT’S MAIN HOMEPAGE.

15 (2 4) THE POSTER SHALL INCLUDE THE ADDRESS OF THE DEPARTMENT OF PLANNING AND
16 ZONING'S WEBSITE.

17 (3 5) THE POSTER SHALL:

18 (i) BE DOUBLE-SIDED;

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

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

22 (4 6) THE DEPARTMENT OF PLANNING AND ZONING SHALL:

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

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

26 (5 7) THE PETITIONER SHALL BEAR THE EXPENSE OF POSTING.

27 (6 8) THE DEPARTMENT OF PLANNING AND ZONING SHALL SUPPLY THE POSTERS.

1 (7 9) TWO WEEKS PRIOR TO THE DATE OF THE PLANNING BOARD MEETING, THE PETITIONER
2 SHALL PROVIDE VERIFICATION OF COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION TO
3 THE DEPARTMENT OF PLANNING AND ZONING.

4 (8 10) THE DEPARTMENT OF PLANNING AND ZONING SHALL NOT SUBMIT ITS TECHNICAL
5 STAFF REPORT TO THE PLANNING BOARD OR COUNTY COUNCIL IF THE DEPARTMENT
6 DETERMINES THAT THE PETITIONER HAS NOT MADE A GOOD FAITH EFFORT TO COMPLY WITH
7 POSTING REQUIREMENTS.

8 (9 11) WITHIN SEVEN DAYS OF THE CONCLUSION OF THE PLANNING BOARD MEETING, THE
9 PETITIONER SHALL REMOVE THE POSTERS.

10 ~~(10) THE DEPARTMENT OF PLANNING AND ZONING SHALL POST REQUIRED SIGNS FOR~~
11 ~~ZONING REGULATION TEXT AMENDMENTS SPONSORED BY THE ADMINISTRATION AND THE~~
12 ~~COUNTY COUNCIL.~~

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

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

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

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

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

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

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

- 1 (1) The compatibility, including potential adverse impacts and consequences, of the
2 proposed zoning regulation amendment with the existing and potential land uses of the
3 surrounding areas and within the same zoning district;
- 4 (2) The properties to which the zoning regulation amendment could apply and, if feasible,
5 a map of the impacted properties;
- 6 (3) Conflicts in the Howard County Zoning Regulations as a result of the zoning
7 regulation amendment; and
- 8 (4) The compatibility of the proposed zoning regulation amendment with the policies and
9 objectives, specifically including the environmental policies and objectives, of the
10 Howard County General Plan.

11 **Sec. 16.209. Enforcement.**

12 The Director of Planning and Zoning or the Director's duly authorized representative may
13 enter upon open land where the violation allegedly exists or has occurred. Any violation of
14 SECTION 16.208 OF THIS SUBTITLE AND the rules, regulations and restrictions adopted pursuant to
15 this subtitle shall be a misdemeanor punishable by a fine not to exceed \$100.00. Alternatively or
16 in addition to and concurrent with all other remedies, the Department of Planning and Zoning
17 may enforce the provisions of this subtitle with civil penalties pursuant to the provisions of title
18 24, "Civil Penalties," of this Code and subtitle 16 of this title. A violation shall be a Class B
19 offense under title 24 of this Code or an offense subject to a fine in the amount set forth in
20 section 16.1608 of this title.

21
22 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall*
23 *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 October 13, 2021.

Michelle Harrod
Michelle Harrod, 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 _____, 2021.

Michelle Harrod, 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 _____, 2021.

Michelle Harrod, 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 _____, 2021.

Michelle Harrod, 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 _____, 2021.

Michelle Harrod, 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 _____, 2021.

Michelle Harrod, Administrator to the County Council