

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 R. 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 R. 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 R. 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 1⁰⁰ a.m./p.m.
 By order Michelle R. 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.*

Amendment No. 1 to Council Bill No. 65-2021

BY: Deb Jung

Legislative Day 16

Date: 10-4-2021

Amendment No. 1

(This amendment clarifies a petitioner's ownership status, specifies the location of an information sign that is required to be posted by certain petitioners, and requires the posting of all zoning regulation text amendments to a dedicated web page.)

1 On page 1, in line 23, strike "NO" and substitute "EXCEPT AS PROVIDED IN PARAGRAPH (2),
2 NO".

3 On page 1, strike beginning with "WITH" in line 26 down through the colon in line 27, and
4 substitute "THAT THE PETITIONER OWNS OR HAS A LEGAL OR EQUITABLE INTEREST IN.".

5 On page 2, strike beginning with "(I)" in line 1 down through "OWNS." in line 2.

6 On page 2, strike lines 4 and 5 in their entirety and substitute:

7 "(2) FOR A PROPOSED ZONING REGULATION TEXT AMENDMENT FOR WHICH THE PETITIONER IS THE
8 COUNTY EXECUTIVE, THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING, OR A
9 MEMBER OF THE COUNTY COUNCIL, ONE SIGN SHALL BE POSTED BY THE DEPARTMENT OF
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I certify this is a true copy of

Am 1 to CB65-2021
passed on October 4, 2021

Michelle Hoover
Council Administrator

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2 PAGE ACCESSIBLE FROM THE COUNTY GOVERNMENT’S MAIN HOMEPAGE.”.

3 On page two, in lines 6, 8, 13,17,18, 19, 22, and 26, strike “(2)”, “(3)”, “(4)”, “(5)”, “(6)”,
4 “(7)”, “(8)”, and “(9)”, respectively, and substitute “(4)”, “(5)”, “(6)”, “(7)”, “(8)”,
5 “(9)”, “(10)”, and “(11)”, respectively.

6 On page 3, strike in their entirety lines 1 through 3.

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

Introduced 09.08.2021
Public Hearing 09.20.2021
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 15

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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

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17 Council shall deliver a copy of the proposed zoning regulation text amendment to the
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12 IDENTIFY THE CASE.

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19 analysis of:

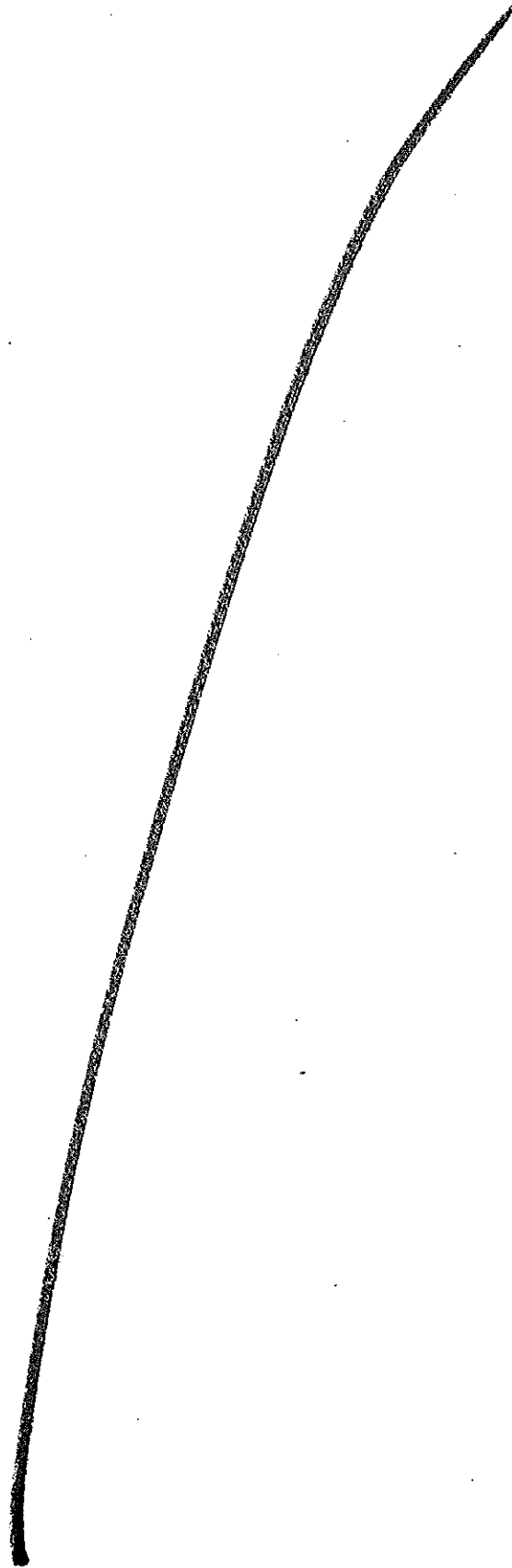
- 20 (1) The compatibility, including potential adverse impacts and consequences, of the
21 proposed zoning regulation amendment with the existing and potential land uses of the
22 surrounding areas and within the same zoning district;
- 23 (2) The properties to which the zoning regulation amendment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

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2 objectives, specifically including the environmental policies and objectives, of the
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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.*



Amendment No. 1 to Council Bill No. 65-2021

BY: Deb Jung

Legislative Day 16

Date: 10-4-2021

Amendment No. 1

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4 “(7)”, “(8)”, and “(9)”, respectively, and substitute “(4)”, “(5)”, “(6)”, “(7)”, “(8)”,
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6 On page 3, strike in their entirety lines 1 through 3.

September 20, 2021

RE: Support CB65-2021

Dear Council Members:

We thank Council Member Jung for her suggestion to improve transparency and public communication regarding Zoning Regulation Amendments (ZRA's). We realize that requiring signage or direct communications to any and all parcels that could be affected by a ZRA could be expensive, cumbersome and risky as to missing anyone. Instead, we propose that an amendment could address those concerns, by having the petitioner of a ZRA have to post their property, and contact any applicable HOA, and adjacent property owners.

The best case scenario would be to add any actively known parcels (due to requests to the County Executive, or Council Member or their staffs to sponsor legislation) who are requesting to use the changed regulation along with the petitioner sponsored language suggested above.

Thank you.

Lisa Markovitz
President

**HCCA****Howard County Citizens Association***Since 1961...**The Voice Of The People of Howard County*

Date: 20 September 2021

Subject: HCCA Testimony in FAVOR of CB65-2021

My name is Stu Kohn and I reside in Laurel. I am the President of the Howard County Citizens Association, HCCA. We strongly support this Bill and we want to thank my County Council representative, Deb Jung for not only listening to our suggestion, but taking the necessary action.

Hopefully the Council will vote unanimously in favor of this Bill as it will definitely promote transparency for all your constituents. Referring to the proposed Bill granting the Department of Planning and Zoning from submitting its Technical Staff Report and adding a penalty for a violation is warranted for enforcement.

The impetus of this Bill is to provide all concerned parties to be informed as to potential developments in the community. The suggestion for such a Bill was predicated regarding a proposed fueling station requested by Harris Teeter in Turf Valley. The sad thing is that no one was informed because a sign was not required for the Zoning Regulation Amendment (ZRA).

How is one supposed to know what is going on in their neighborhood? Some might be concerned about the number of potential posters required to be posted. The bottom line is that the posting of a notification sign(s) at the given ZRA proposed property will in our estimation be advantageous than the current situation which is unfortunately non-existence. Councilman Jones in his e-newsletter said it best on his logo with the words, "We win together." He is correct we all win! We know all of you are committed to ensure your constituents are educated in any and all community activities. Your consideration by voting favorably for CB65-2021 will definitely be a good sign for all. Your vote will make a wrong a right!

Thank you for listening.

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 CB65-2021 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: _____

Date: 16 Sept 2021

Organization: Howard County Citizens Association

Organization Address: Ellicott City, MD 21041

Ellicott City, MD 21041

Number of Members: 500

Name of Chair/President: Stu Kohn

*This form can be submitted electronically via email to
councilmail@howardcountymd.gov no later than 2 hours prior to the start of the
Public Hearing.*



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 CB65 2021 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: [Handwritten Signature]

Date: 9/20/21

Organization: The People's Voice

Organization Address: 3600 Saint Johns Lane

Ellicott City MD 21042

Number of Members: 4348

Name of Chair/President: Lisa Markovitz

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 2 hours prior to the start of the Public Hearing.