

Amendment 1 to Council Bill No. 13-2022

BY: The Chairperson at the request of the
County Executive

Legislative Day No. 5
Date: March 7, 2022

Amendment No. 1

(This Amendment makes certain technical corrections to clarify the Boards and Commissions whose signs and posters are subject to the Act.)

- 1 In the title, in the third line, after “Board,” insert, “Planning Board, Design Advisory Panel,
2 Historic Preservation Commission and Cemetery Preservation Board,”
3
4 On page 6, in line 16, after “DEPARTMENT,” insert “BOARD OF APPEALS, HEARING EXAMINER,
5 ZONING BOARD,”.

I certify this is a true copy of

Am 1 to CB 13-2022

passed on March 7, 2022

Michelle Herron
Council Administrator

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

County Council of Howard County, Maryland

2022 Legislative Session

Legislative Day No. 4

Bill No. 13 -2022

Introduced by the Chairperson at the request of the County Executive

AN ACT requiring the removal of certain public notification signs and posters relating to the Department of Planning and Zoning, Hearing Examiner, Board of Appeals, Zoning Board, and various boards and commissions, which are placed during the zoning and development review processes within a certain time period after the conclusion of the meeting or hearing; and establishing certain fees when the Department removes signs and posters; and generally relating to public notice of projects in the zoning and development review processes.

Introduced and read first time _____, 2022. Ordered posted and hearing scheduled.

By order _____
Michelle 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 _____, 2022.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2022 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2022 at ___ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2022

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
2 County Code is amended as follows:

- 3 1. By amending Subsection (b) of Section 2.203 "Notice to the public"
- 4 2. By amending Subsection (d) of Section 16.128 "Presubmission community meetings;
5 exceptions", as amended by Council Bill No. 65-2021
- 6 3. By amending subsection (e) of Section 16.204 "Piecemeal map amendments and
7 development plan approvals"
- 8 4. By amending Subsection (c) of Section 16.208 "Zoning regulation text amendments"
- 9 5. By amending subsection (e) of Section 16.605 "Procedures of the Commission"
- 10 6. By adding Section 16.1613 "Removal of Signs and Posters" to Title 16.

11
12 **Title 2. Administrative Procedure.**
13 **Subtitle 2. Administrative Procedures Act.**

14
15 **Section 2.203. Notice to the public.**

16 (b) *Posting of Property.* Except in administrative appeals described in subsection 2.203(d), if
17 a petition involves land use, the property involved shall be posted with the time, date and place
18 of the initial hearing. The sign shall include the address of Department of Planning and Zoning's
19 website. For variances in residential districts, the property shall be posted for at least 15 days
20 immediately before the hearing. For all other petitions, the property shall be posted for at least 30
21 days immediately before the hearing. The poster shall be double-sided and at least 30 inches by
22 36 inches in size. The poster shall include a three digit alphanumeric code, which would be used
23 to identify the case. The alphanumeric code shall be posted by the Department of Planning and
24 Zoning in at least five-inch lettering in the top left corner of the poster. The Department of
25 Planning and Zoning shall determine the number of posters required and their location and the
26 petitioner shall bear the expense of posting. The posters shall be erected perpendicular to the
27 road which serves as the mailing address of the subject property. The Department of Planning
28 and Zoning shall supply the posters. The petitioner shall properly erect and maintain the posters.
29 THE PETITIONER SHALL REMOVE ALL POSTERS FROM THE SUBJECT PROPERTY IN ACCORDANCE
30 WITH SECTION 16.1613 OF THIS CODE.

1 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

2 **Subtitle 1. Subdivision and Land Development Regulations.**

3 **Article II. Design Standards and Requirements.**

4
5 **Section 16.128. Presubmission community meetings; exceptions**

6 *Presubmission community meeting.* The following procedures are required for a presubmission
7 community meeting:

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

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

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

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

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

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

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

22 (B) The Howard County Council; and

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

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

30 The posters shall be erected in a prominent location that is visible to the general public
31 and that is as close as possible and perpendicular to the road which serves or will serve

1 as the mailing address of the subject property. If the property is adjoining parkland, a
2 community center, or other County-owned buildings that are frequently visited by
3 citizens to obtain services including, without limitation, County offices, schools, or
4 libraries, the Department of Planning and Zoning may require an additional poster that
5 it is visible to the general public in the closest useable portion of the park, community
6 center, or facility. The Department of Planning and Zoning shall supply the posters.
7 The petitioner shall properly erect and maintain the posters for at least three weeks
8 following the initial presubmission community meeting. THE PETITIONER SHALL
9 REMOVE ALL POSTERS FROM THE SUBJECT PROPERTY IN ACCORDANCE WITH SECTION
10 16.1613 OF THIS TITLE.

11
12 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**
13 **Subtitle 2. Zoning.**

14
15 **Section 16.204. Piecemeal map amendments and development plan approvals.**

16 (e) *Posting and Mail Notice:*

17 (1) At least 30 days prior to the initial public hearing on the piecemeal map amendment or
18 development plan petitions, the petitioner shall:

19 (i) Post the property which is the subject of the hearing with the date, time, place and
20 subject matter of the hearing. The sign shall include the address of Department of
21 Planning and Zoning's website. The poster shall be double-sided and at least 30
22 inches by 36 inches in size. The poster shall include a three digit alphanumeric
23 code, which would be used to identify the case. The alphanumeric code shall be
24 posted by the Department of Planning and Zoning in at least five-inch lettering in
25 the top left corner of the poster. The Department of Planning and Zoning shall
26 determine the number of posters required and their location and the petitioner
27 shall bear the expense of posting. The Department of Planning and Zoning shall
28 supply the posters. The petitioner shall properly erect and maintain the posters.
29 THE PETITIONER SHALL REMOVE ALL POSTERS FROM THE SUBJECT PROPERTY IN
30 ACCORDANCE WITH SECTION 16.1613 OF THIS TITLE; and

1 (ii) Send a certified letter to all persons whose property is adjoining to the property
2 which is the subject of the petition, according to the most recent State taxation and
3 assessment records, notifying those persons of the date, time, place and subject
4 matter of the hearing in accordance with subsection 16.203(c)(7) and of this
5 subtitle.

6 (2) Noncompliance with the mailing requirements of paragraph (1) of this subsection does
7 not constitute a basis for appeal or the setting aside of piecemeal zoning or
8 development plan decisions.

9
10 **Section 16.208. Zoning regulation text amendments.**

11 (c) *Posting of property.*

12 (1) Except as provided in paragraph (2), no less than six weeks prior to the date of the
13 Planning Board Meeting on the proposed zoning regulation text amendment, the
14 petitioner shall post information about the Planning Board Meeting for any parcel of land
15 known to be affected by the amendment, repeal, or change that the petitioner owns or has
16 a legal or equitable interest in.

17 (2) For a proposed zoning regulation text amendment for which the petitioner is the County
18 Executive, the Director of the Department of Planning and Zoning, or a member of the
19 County Council, one sign shall be posted by the Department of Planning and Zoning that
20 is located outside the Howard County Government George Howard Building and is
21 conspicuous and visible by the public no less than six weeks prior to the date of the
22 Planning Board meeting on the proposed zoning regulation text amendment.

23 (3) All zoning regulation text amendments shall be posted to a dedicated web page
24 accessible from the County Government's main homepage.

25 (4) The poster shall include the address of the Department of Planning and Zoning's website.

26 (5) The poster shall:

27 (i) Be double-sided

28 (ii) Be at least 30 inches by 36 inches in size; and

29 (iii) Include a three digit alphanumeric code, which will be used to identify the case.

30 (6) The Department of Planning and Zoning shall:

- (i) Place the alphanumeric code in at least five-inch lettering in the top left corner of the poster; and
 - (ii) Determine the number of posters required and their location.
- (7) The petitioner shall bear the expense of posting.
- (8) The Department of Planning and Zoning shall supply the posters.
- (9) Two weeks prior to the date of the Planning Board meeting, the petitioner shall provide verification of compliance with paragraph (1) of this subsection to the Department of Planning and Zoning.
- (10) The Department of Planning and Zoning shall not submit its technical staff report to the Planning Board or County Council if the Department determines that the Petitioner has not made a good faith effort to comply with posting requirements.
- (11) ~~[[Within seven days of the conclusion of the Planning Board meeting, the]]~~THE petitioner shall remove the posters IN ACCORDANCE WITH SECTION 16.1613 OF THIS TITLE.

Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.
Subtitle 6. Historic Preservation Commission.

Section 16.605. Procedures of the Commission.

- (e) *Notice.* Notice of Commission meetings shall appear in a newspaper of general circulation in Howard County at least seven days prior to such meeting. Each application to be heard at a Commission meeting shall be advertised in the manner provided for in the rules of the Commission. Notice of an emergency meeting is not required to be published in a newspaper, provided that the property which is the subject of an application to be heard at an emergency meeting is posted with the time, date, place, and subject matter of the meeting for at least 24 hours immediately prior to the meeting.
- (1) The emergency notice poster 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.
 - (iii) Include a three-digit alphanumeric code, which would be used to identify the case.
- The alphanumeric code shall be attached by the Department of Planning and Zoning in at least five-inch lettering in the top left corner of the poster.

1 (iv) State that the subject property is proposed to be altered and include a description of
2 the proposed alteration.

3 (v) Give the website address of the Department of Planning and Zoning plans in process
4 webpage or a central inter-departmental webpage for searching for additional
5 information, including plans for public review, for all projects assigned a three-digit
6 alphanumeric code and a phone number for additional information.

7 (2) THE APPLICANT SHALL REMOVE ALL EMERGENCY NOTICE POSTERS FROM THE SUBJECT
8 PROPERTY IN ACCORDANCE WITH SECTION 16.1613 OF THIS TITLE.

9
10 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

11 **Subtitle 16. Enforcement of the Howard County Subdivision and**

12 **Land Development Regulations and The Zoning Regulations.**

13
14 **SECTION 16.1613. REMOVAL OF SIGNS AND POSTERS.**

15 (A) *REQUIRED.* ANY SIGN OR POSTER ANNOUNCING A HEARING OR MEETING AND REQUIRED TO BE
16 PLACED BY THIS TITLE, TITLE 2, OR BY THE RULES OF PROCEDURE OF THE DEPARTMENT, PLANNING
17 BOARD, DESIGN ADVISORY PANEL, HISTORIC PRESERVATION COMMISSION OR CEMETERY
18 PRESERVATION BOARD, SHALL BE REMOVED BY THE APPLICANT OR PETITIONER AS FOLLOWS:

19 (1) EXCEPT FOR PRESUBMISSION COMMUNITY MEETING POSTERS, ALL SIGNS OR POSTERS SHALL
20 BE REMOVED BY THE 15TH DAY FOLLOWING THE CONCLUSION OF THE MEETING OR HEARING.

21 (2) PRESUBMISSION COMMUNITY MEETING POSTERS SHALL BE REMOVED BY THE 15TH DAY
22 FOLLOWING THE REQUIRED MINIMUM POSTING PERIOD.

23 (B) THE DEPARTMENT SHALL NOTIFY THE APPLICANT OR PETITIONER PLACING THE SIGN OR POSTER
24 OF THE REMOVAL REQUIREMENTS WHEN A SIGN OR POSTER IS OBTAINED FROM THE DEPARTMENT.

25 (C) WHERE THE APPLICANT OR PETITIONER FAILS TO REMOVE THE SIGNS OR POSTERS, THE
26 DEPARTMENT MAY REMOVE THE SIGNS OR POSTERS AND ASSESS A FEE FOR EACH REMOVAL FROM
27 EACH APPLICABLE PROPERTY THAT SHALL BE SET BY RESOLUTION OF THE COUNTY COUNCIL.

28
29 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that,***
30 ***notwithstanding Section 16.1613 that is added by Section 1 of this Act, the fee for removal of***
31 ***signs or posters pursuant to Section 16.1613 of this Act is \$250 for Fiscal Year 2022 and shall***

1 *be set by Resolution for Fiscal Year 2023 and thereafter.*

2

3 ***Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that***

4 *this Act shall become effective 61 days after its enactment.*

