

HOWARD COUNTY CODE

SUBTITLE 1. - SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

ARTICLE V. PROCEDURES FOR FILING AND PROCESSING SITE DEVELOPMENT PLAN APPLICATIONS

Sec. 16.156. Procedures.

- (m) *Submission of Originals for Signature.* Within 180 days of approval of the site development plan, the developer shall submit the original Mylar plans corrected to meet the requirements of the various State and County agencies and the Planning Board (if required by the zoning regulations). The Department of Planning and Zoning shall coordinate the signature process associated with approval of the site development plan. If the corrected originals are not submitted within 180 days of approval of the site development plan, the approval will expire and a new site development plan submission will be required.

- (o) *Building Permits:*
 - (1) *Application time limits:*
 - (i) Within one year of signature approval of the site development plan original, the developer shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site.
 - (ii) For single-family attached, apartment and nonresidential developments involving multiple buildings or staged construction, the developer shall apply for building permits for all construction authorized by the approved site development plan within two years of signature approval.
 - (iii) For single-family detached site development plans involving multiple lots, the developer shall apply for building permits for all construction authorized by the approved site development plan within five years of approval.
 - (2) *Expiration of plan approval.* If the developer does not apply for building permits as required by paragraph (1) of this subsection, the site development plan shall expire and a new site development plan submission will be required.

SUBTITLE 6. HISTORIC PRESERVATION COMMISSION

Sec. 16.603. Certificates of approval.

- (g) *Expiration of Certificate of Approval.* Unless extended by the Commission, a certificate of approval issued by the Commission shall expire automatically if:

- (1) The work has not been substantially completed within 18 months from the date the certificate of approval was issued for an application for the alteration, repair, moving, or demolition of a structure, or for the construction of a new accessory structure.
 - (2) The work has not been substantially completed within three years from the date the certificate of approval was issued for an application for the construction of a new principal structure.
- (h) *Extension of Certificate of Approval.* An application for extension of a certificate of approval shall be treated and considered as a new application before the Commission.

Sec. 16.606. Powers of the Commission.

- (d) *Provide Advice on Historical Resources.*
- (1) The Commission shall perform the following advisory functions:
 - (I) Advise and assist in developing plans for the preservation of historic resources within Howard County upon the request of an Agency, Board or Commission of Howard County Government.
 - (II) Advise and assist the Department of Planning and Zoning in identifying historic resources on property that requires subdivision or site development plan approval and is located in a historic district established under this subtitle or contains an historic structure. Such advice shall be given prior to the initial plan submittal for either subdivision or site development plans.
 - (III) Advise an applicant for subdivision or site development plan approval for a site located in a historic district established under this subtitle, Adjoining a Multi-Site Historic District or that contains a historic structure. Such advice shall be provided prior to the initial submittal for a subdivision or site development plan. After Commission review of a plan under this paragraph, the Director of the Department of Planning and Zoning may require the applicant to resubmit the plan to the Commission for its review and advice if:
 - A. Before the subdivision application or site development plan is approved, the applicant submits a revised plan that the Director of the Department of Planning and Zoning determines is inconsistent with the Commission's comments on the previous plan; or
 - B. The subdivision plan or site development plan expires and the applicant submits a new plan.
 - (IV) Upon the request of the applicant, provide pre-application advice on the design of proposed work to persons seeking a certificate of approval.
 - (2) The Commission may perform the following advisory functions:
 - (I) Review applications for zoning text amendments, map amendments, conditional use, or variance approvals and make recommendations to the Zoning Board, Planning Board, County Council, or Hearing Examiner for:
 - (A) Areas located within a historic district or
 - (B) A historic structure listed on the historic sites inventory;
 - (II) Review and provide advice to the Planning Board and County Council on other proposals affecting historic preservation, including County general plans and area master plans.
 - (III) Advise in developing plans for the preservation of historic resources within Howard County upon the request of the owner of the historic resource.

HOWARD COUNTY ZONING REGULATIONS

SECTION 100.0: General Provisions

G. Amendments

2. Site Plan Zoning Petitions

A site plan zoning petition is a petition for an amendment to the zoning district boundaries that includes documentation specifying the proposed development and use of the property under petition for such petitions, the following provisions shall apply in addition to the requirements of the Zoning Enabling Act and the Rules of Procedure of the Zoning Board:

h. If the property subject to the site plan zoning petition is not substantially complete and in use in accordance with the approved site plan(s) within the times set forth in Subsection (1) below, the site plan(s) shall be subject to review in accordance with the procedures in Subsections (2) and (3). To be substantially developed, the property must have an approved Site Development Plan, building permits approved for at least a portion of the site, and infrastructure such as roads, sewer, water and storm-water management facilities in place.

(1) Development Schedule:

- (a) For properties of less than 50 acres—3 years from the date of the Decision and Order.
- (b) For properties of 50 to 99 acres—5 years from the date of the Decision and Order.
- (c) For properties of 100 to 149 acres—7 years from the date of the Decision and Order.
- (d) For properties of 150 to 199 acres—9 years from the date of the Decision and Order.
- (e) For properties of 200 acres or more—10 years from the date of the Decision and Order.

(2) At least 90 days prior to the expiration of the designated period, the property owner may submit a written request to the Department of Planning and Zoning describing the progress which has been made on the project and requesting an extension of the time limit. The Department of Planning and Zoning shall forward the request to the Zoning Board, which may deny the request or may grant an extension for a specified period of time not to exceed two years, without holding a public hearing, if it finds that development in accordance with the approved site plan has been substantially undertaken and is being diligently pursued to completion.

(3) If an extension is not requested or is denied by the Zoning Board, the site plan(s) shall be void at the expiration of the designated period. No further development shall occur until new site plans are submitted by the Petitioner and approved by the Zoning Board in accordance with the procedures for the original Zoning Board petition. Review shall be limited to consideration of the site plans, unless the Petitioner proposes a change in the zoning classification of the property. The Zoning Board may approve, modify, or attach additional

requirements to the site plans, stating the reasons for such action. If substantial modifications are required, the Zoning Board may require that revised plans be submitted prior to issuance of a Decision and Order.

I. Inactive Petitions

1. For the purposes of this Subsection, an inactive petition is a petition submitted for hearing authority cases, Zoning Board cases, or Department of Planning and Zoning administrative hearing cases:
 - a. Which is not accepted for scheduling purposes due to a need for further information, clarifications and/or corrections as stated in a Department of Planning and Zoning written notification to the petitioner or the petitioner's representative, and the petitioner or the petitioner's representative has not provided the requested further information, clarifications and/or corrections within 180 days of the date of the Department of Planning and Zoning written notification; or
 - b. Which is placed on the "hearings unscheduled" docket of the Hearing Authority or Zoning Board upon a request from the petitioner or the petitioner's representative, and this petition remains on the "hearings unscheduled" docket for a period of 180 cumulative days.
2. Petition to the Zoning Board submitted under Section 100.0.G.2. for a zoning map amendment with site plan which is undergoing review by the subdivision review committee to meet the requirement for certification as required by Section 100.0.G.2.C. shall not be considered an inactive petition under Section 100.0.I.1.A. above.
3. After 180 cumulative days, an inactive petition shall be dismissed by the Hearing Authority, Zoning Board, or Department of Planning and Zoning, as applicable.

SECTION 130.0: Hearing Authority

B. Powers of the Hearing Authority

The Hearing Authority shall have the following powers related to zoning:

2. Variances
 - e. Lapse of Variances
 - (1) Except as provided in Subsection e.(2), below, a variance shall become void unless the required permits conforming to plans for which the variance was granted are obtained within two years, and substantial construction in accordance therewith is completed within three years from the date of the Decision and Order.
 - (2) Subsection e.(1) above, shall not apply to any project for which plans are being actively processed in compliance with the procedures in Title 16, Subtitles I and II of the Howard County Code or where being actively processed in compliance with those subtitles when the applicable time period established by Subsection 1 above, expired.

SECTION 131.0: Conditional Uses¹

I. Establishment of Conditional Use

3. Lapse of Decision Approving a Conditional Use
 - a. Except as provided in Subsections b, c, d and e below, a Decision and Order approving a Conditional Use shall become void unless a building permit conforming to the plans for which the approval was granted is obtained within two years, and substantial construction in accordance therewith is completed within three years from the date of the decision. A Decision and Order approving a Conditional Use for which a building permit is not necessary shall become void unless the use commences within two years from the date of the decision. If a decision is appealed, the time period for the use being appealed shall be measured from the date of the last decision.
 - b. The Hearing Authority may approve a phasing plan, in which only the first phase of a Conditional Use plan is subject to the time limits given above. The approval for future phases shall become void unless such phases are completed within a time period specified in the Hearing Authority's Decision and Order.
 - c. The Hearing Authority may grant as many as two extensions of the time limits given above. The extensions shall be for a period of time not to exceed three years each, and may be granted in accordance with the following procedures:
 - (1) A request for an extension shall be submitted by the property owner prior to the expiration of the Conditional Use approval, explaining in detail the steps that have been taken to establish the use.
 - (2) The property owner shall certify that a copy of the request for an extension has been sent by certified mail to adjoining property owners and to the addresses given in the official record of the Conditional Use case for all persons who testified at the public hearing on the petition.
 - (3) The Hearing Authority shall provide opportunity for oral argument on the request at a work session if requested by any person receiving notice of the request. If no response is received within 15 days of the date of the written notification, a decision on the request may be made by the Hearing Authority without hearing oral argument.
 - (4) The Hearing Authority may grant the request if it finds that establishment of the use in accordance with the approved Conditional Use plan has been diligently pursued. If oral argument is presented on the request, the Hearing Authority may deny the request if any of the oral arguments allege that changes have taken place in the circumstances which led to the original decision to approve the Conditional Use.
 - d. Notwithstanding that approval for a Conditional Use may have become void under Subsection c above, the Hearing Authority may grant a third extension of not more than two years from the date of lapse provided that:

¹Editor's note(s)—CB9-2020, adopted June 2, 2020, was "declared to be an illegal special law" by order of the Circuit Court for Howard County on December 3, 2020, in McClain v. Howard County, Maryland, et al., Case No. C-13-CV-20-000647. An appeal of the circuit court's order was filed on December 14, 2020, and remains pending as of May 7, 2021. Subsections D, F.2, and N.48 of Section 131.0, amended by CB-9 and pertaining to conditional uses for private academic schools, is not enforceable while the circuit court's order is on appeal.

- (1) The property owner submits a request for an extension that explains the steps taken to obtain a building permit and cause of delay;
 - (2) Procedures in Subsections 131.0.1.3.c.(2) and (3) are followed; and
 - (3) The Hearing Authority finds that obtaining the building permit in accordance with the approved Conditional Use has been diligently pursued and has been delayed by a change in Federal, State, or local law or policy or by the delay of any State or Federal agencies in issuance of any permits or approvals required for the Conditional Use.
- e. Subsections a. and c. above shall not apply to any project for which plans are being actively processed in compliance with the procedures in Title 16, Subtitles 1 and 11 of the Howard County Code or were being actively processed in compliance with those subtitles when the applicable time period established by Section a. above expired.
- f. If a condition of a previously granted special exception or Conditional Use is or has been previously modified, a petitioner may request and be granted one extension of time to obtain a building permit and complete substantial construction in addition to the two extensions that may be requested and granted pursuant to Section 131.0.1.3.c. above. Any extension of time granted pursuant to this subsection shall extend the deadline for obtaining a building permit by an additional two years and for completing substantial construction by an additional three years, and shall be measured from the date of the existing deadline. The Hearing Authority's consideration of a condition modification—related extension request pursuant to this subsection shall be governed by the procedures in Section 131.0.1.3.c.(1) through (4) above.