

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

## County Council of Howard County, Maryland

2022 Legislative Session

Legislative Day No. 13

### Bill No. 56-2022

Introduced by: Liz Walsh

AN ACT amending the zoning regulation text amendment process by requiring a certain applicant for a zoning regulation text amendment to file a certain affidavit and disclosure; requiring certain applicants to file a certain affidavit or disclosure; requiring a technical staff report to include a list of certain impacted parcels of land under certain circumstances; requiring the Council Administrator to notify certain title owners of certain information and an obligation to file a certain affidavit and disclosure under certain circumstances; requiring the receipt of certain affidavits and disclosures before a bill may be added to the Council's legislative agenda under certain circumstances; and generally relating to zoning regulation text amendments.

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Introduced and read first time \_\_\_\_\_, 2022. 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 \_\_\_\_\_, 2022.

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

This Bill was read the third time on \_\_\_\_\_, 2022 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 \_\_\_\_\_, 2022 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Michelle R. 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 County  
2 Code is hereby amended as follows:

3 By amending:

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

5 Subtitle 1. 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

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### Subtitle 2. 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]] ENTITY, the members of the County  
14 Council, or any duly appointed county board may petition the County Council for an  
15 amendment, repeal, or change to the text of the zoning regulations.

16 (B) *REQUIREMENT FOR AFFIDAVIT OR DISCLOSURE.*

17 (1) IN THIS SUBSECTION:

18 (I) A “PETITION” IS AN “APPLICATION” AS THAT TERM IS DEFINED IN SECTION 5-852(C) OF  
19 THE MARYLAND PUBLIC ETHICS LAW; AND

20 (II) “APPLICANT” HAS THE MEANING STATED IN SECTION 5-852(B) OF THE MARYLAND  
21 PUBLIC ETHICS LAW.

22 (2) IF A ZONING REGULATION TEXT AMENDMENT WOULD IMPACT 12 PARCELS OF LAND OR  
23 LESS, EACH OF THOSE PARCELS OF LAND SHALL BE DEEMED TO BE THE SUBJECT OF  
24 THE APPLICATION.

25 (3) ALL APPLICANTS SHALL FILE ALL THE AFFIDAVITS AND DISCLOSURES REQUIRED BY  
26 SECTION 5-853 OF THE MARYLAND PUBLIC ETHICS LAW.

27 [[(b)]] (C) *Copy of petition to Department of Planning and Zoning and Planning Board.* The  
28 County Council shall deliver a copy of the proposed zoning regulation text amendment to  
29 the Department of Planning and Zoning and to the Planning Board. Subject to subsection (e)

1 of this section, the Department of Planning and Zoning shall prepare and submit a technical  
2 staff report to the County Council on the proposed text amendment petition. The Planning  
3 Board shall prepare and submit a recommendation to the County Council on the proposed  
4 text amendment petition.

5 ~~[(c)]~~ (D) *Posting of property.*

6 (1) Except as provided in paragraph (2), no less than six weeks prior to the date of the  
7 Planning Board Meeting on the proposed zoning regulation text amendment, the  
8 petitioner shall post information about the Planning Board Meeting for any parcel of  
9 land known to be affected by the amendment, repeal, or change that the petitioner  
10 owns or has a legal or equitable interest in. The posting shall be conspicuous and  
11 visible by the public from the primary access road of such parcels.

12 (2) For a proposed zoning regulation text amendment THAT WOULD AFFECT MORE THAN 12  
13 PARCELS OF LAND for which the petitioner is ~~[[the County Executive,]]~~ the Director of  
14 the Department of Planning and Zoning, ~~[[or]]~~ a member of the County Council, OR  
15 ANY DULY APPOINTED COUNTY BOARD, one sign shall be posted by the Department of  
16 Planning and Zoning that is located outside the Howard County Government George  
17 Howard Building and is conspicuous and visible by the public no less than six weeks  
18 prior to the date of the Planning Board meeting on the proposed zoning regulation text  
19 amendment.

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

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

24 (5) The poster shall:

25 (i) Be double-sided;

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

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

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

1 (i) Place the alphanumeric code in at least five-inch lettering in the top left corner of  
2 the poster; and

3 (ii) Determine the number of posters required and their location.

4 (7) The petitioner shall bear the expense of posting.

5 (8) The Department of Planning and Zoning shall supply the posters.

6 (9) Two weeks prior to the date of the Planning Board meeting, the petitioner shall provide  
7 verification of compliance with paragraph (1) of this subsection to the Department of  
8 Planning and Zoning.

9 (10) The Department of Planning and Zoning shall not submit its technical staff report to  
10 the Planning Board or County Council if the Department determines that the Petitioner  
11 has not made a good faith effort to comply with posting requirements.

12 (11) Within seven days of the conclusion of the Planning Board meeting, the petitioner shall  
13 remove the posters.

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

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

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

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

25 (ii) A recommendation and report from the Planning Board; and

26 (iii) A summary report as required by section 5-853(h) of the Maryland Public Ethics  
27 Law, compiling all affidavits and disclosures filed at least 30 days prior and  
28 stating whether any applicant as that term is defined in section 5-852(b) of the

1 Maryland Public Ethics Law has made certain campaign contributions to or is  
2 currently engaged in business with any member of the County Council or the  
3 Howard County Executive.

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

6 ~~[(e)]~~ (F) *Technical staff report*. At a minimum, the technical staff report shall include an  
7 analysis of:

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

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

13 (3) Conflicts in the Howard County Zoning Regulations as a result of the zoning  
14 regulation amendment; ~~[[and]]~~

15 (4) The compatibility of the proposed zoning regulation amendment with the policies and  
16 objectives, specifically including the environmental policies and objectives, of the  
17 Howard County General Plan~~[[.]]~~; AND

18 (5) IF THE ZONING REGULATION TEXT AMENDMENT WOULD IMPACT 12 PARCELS OF LAND OR  
19 LESS, A LIST OF THOSE IMPACTED PARCELS.

20 (G) (1) IF THE ZONING REGULATION TEXT AMENDMENT WOULD IMPACT 12 PARCELS OF LAND OR  
21 LESS, THE COUNCIL ADMINISTRATOR SHALL NOTIFY ANY TITLE OWNERS OF THAT LAND WHO  
22 ARE NOT PETITIONERS OF:

23 (I) THE PETITION ITSELF; AND

24 (II) ALL APPLICANTS' OBLIGATION TO FILE ALL AFFIDAVITS AND DISCLOSURES REQUIRED  
25 BY SECTION 5-853 OF THE MARYLAND PUBLIC ETHICS LAW WITHIN THE SPECIFIED  
26 TIMEFRAME.

27 (2) WHERE THE INTENT OF THE APPLICATION IS AN INCREASE IN THE DENSITY OF THE LAND,  
28 ALL AFFIDAVITS AND DISCLOSURES REQUIRED BY SECTION 5-853 OF THE MARYLAND PUBLIC

1 ETHICS LAW MUST BE RECEIVED FOR AT LEAST TWO-THIRDS OF THE PARCELS OF LAND IMPACTED  
2 BEFORE A BILL PROPOSING THE ADOPTION OF THE TEXT AMENDMENT MAY BE ADDED TO THE  
3 COUNCIL'S LEGISLATIVE AGENDA.

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