

Introduced 09-06-2022
Public Hearing 09-19-2022
Council Action 10-31-2022
Executive Action 11-09-2022
Effective Date 01-09-2023

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 and certain additional information 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.

Introduced and read first time Sept 6, 2022. 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 19, 2022.

By order Michelle Harrod
Michelle R. Harrod, Administrator

This Bill was read the third time on Oct 31, 2022 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 1 day of Nov, 2022 at 4:00 a.m./p.m.

By order Michelle Harrod
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive November 9, 2022

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.

Tabled 10-3-2022 Michelle Harrod

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

10

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 12-8 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)~~ (2) 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 8 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~~ 8 PARCELS OF LAND
19 OR LESS, A LIST OF THOSE IMPACTED PARCELS :

20 (i) A LIST OF THOSE IMPACTED PARCELS;

21 (ii) THE ADDRESS OF EACH IMPACTED PARCEL;

22 (iii) THE OWNERSHIP OF EACH IMPACTED PARCEL; AND

23 (iv) THE CONTACT INFORMATION FOR THE OWNER, IF AN INDIVIDUAL, OR RESIDENT
24 AGENT OR OWNER, IF A CORPORATE ENTITY, OF EACH IMPACTED PARCEL.

25 ~~(G) (1) IF THE ZONING REGULATION TEXT AMENDMENT WOULD IMPACT 12-8 PARCELS OF LAND OR~~
26 ~~LESS, THE COUNCIL ADMINISTRATOR SHALL NOTIFY ANY TITLE OWNERS OF THAT LAND WHO~~
27 ~~ARE NOT PETITIONERS OF:~~

1 ~~(i) THE PETITION ITSELF; AND~~

2 ~~(ii) ALL APPLICANTS' OBLIGATION TO FILE ALL AFFIDAVITS AND DISCLOSURES REQUIRED~~
3 ~~BY SECTION 5-853 OF THE MARYLAND PUBLIC ETHICS LAW WITHIN THE SPECIFIED~~
4 ~~TIMEFRAME.~~

5 ~~—(2) WHERE THE INTENT OF THE APPLICATION IS AN INCREASE IN THE DENSITY OF THE LAND;~~
6 ~~ALL AFFIDAVITS AND DISCLOSURES REQUIRED BY SECTION 5-853 OF THE MARYLAND PUBLIC~~
7 ~~ETHICS LAW MUST BE RECEIVED FOR AT LEAST TWO-THIRDS OF THE PARCELS OF LAND IMPACTED~~
8 ~~BEFORE A BILL PROPOSING THE ADOPTION OF THE TEXT AMENDMENT MAY BE ADDED TO THE~~
9 ~~COUNCIL'S LEGISLATIVE AGENDA.~~

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

Amendment 1 to Council Bill No. 56-2022

BY: Liz Walsh

Legislative Day No. 15

Date: October 31, 2022

Amendment No. 1

(This amendment alters the number of parcels of land from 12 parcels of land or less to 8 parcels of land or less that a zoning regulation would impact to determine when the requirements of the bill apply.)

- 1 On page 1 in line 22, on page 2 in line 12, and on page 4 in lines 18 and 20, in each instance,
2 strike "12" and substitute "8".

I certify this is a true copy of
Aml to CB56-2022
passed on October 31, 2022
Michelle Hoover
Council Administrator

Amendment 2 to Council Bill No. 56-2022

BY: David Yungmann

Legislative Day No. 15

Date: October 31, 2022

Amendment No. 2

(This amendment: 1) deletes language that would have deemed specified parcels of land impacted by the zoning regulation amendment to be the subject of the zoning regulation amendment; 2) requires the ZRA technical staff report to include additional ownership information regarding the impacted parcels of land; 3) deletes language that would have required the Council Administrator to notify any title owners of land who are not petitioners of the petition and all applicants' obligation to file specified affidavits and disclosures; and 4) deletes language that would have prohibited the addition of a bill proposing the ZRA to the Council's agenda until the receipt of the specified affidavits and disclosures, if the intent of the ZRA is an increase in the density of the land.)

1 On the title page:

- 2 • in line 4 of the short title, after "land", insert "and certain additional information";
- 3 • strike beginning with "requiring" in the fifth line down through "circumstances;" in the
- 4 eighth line.

5 On page 1, strike in their entirety lines 22 through 24. On the same page, in line 25, strike "(3)"

6 and substitute "(2)".

7 On page 4, in line 19, strike "A LIST OF THOSE IMPACTED PARCELS" and substitute:

8 ":

9 (I) A LIST OF THOSE IMPACTED PARCELS;

1

I certify this is a true copy of

Am 2 to CB56-2022
passed on October 31, 2022
Nicholas Hoover
Council Administrator

1 (II) THE ADDRESS OF EACH IMPACTED PARCEL;

2 (III) THE OWNERSHIP OF EACH IMPACTED PARCEL; AND

3 (IV) THE NAME AND ADDRESS OF THE OWNER, IF AN INDIVIDUAL, OR THE NAME AND
4 ADDRESS OF THE RESIDENT AGENT OR OWNER, IF A CORPORATE ENTITY, OF EACH IMPACTED
5 PARCEL”.

6 On pages 4 through 5, strike in their entirety the lines beginning with line 20 on page 4 through
7 line 3 on page 5, inclusive.

Introduced 09.06.2022
Public Hearing 09.19.2022
Council Action _____
Executive Action _____
Effective Date _____

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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 19, 2022.

By order Michelle Harrod
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.

Tabled 10-3-2022 Michelle Harrod

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5 Subtitle 1. Zoning.

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HOWARD COUNTY CODE

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

10 **Subtitle 2. Zoning**

11 **Sec. 16.208. - Zoning regulation text amendments.**

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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
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11 visible by the public from the primary access road of such parcels.
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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
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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
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19 amendment.
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- 24 (5) The poster shall
- 25 (i) Be double-sided;
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 - 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.

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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.

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18 amendment as submitted by the petitioner or as amended pursuant to the technical staff
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20 Board or the County Council.

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22 legislative agenda until the County Council has received:

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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
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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.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on Nov 9, 2022.

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 _____, 2022.

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 _____, 2022.

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 _____, 2022.

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 _____, 2022.

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 _____, 2022.

Michelle Harrod, Administrator to the County Council