

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

## County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 3

### Bill No. 10 -2023

Introduced by: Liz Walsh

AN ACT to clarify the role of the hearing examiner to hear certain matters in the jurisdiction of the Zoning Board; specifying the powers and duties of, and the procedures used by, the hearing examiner, including in an evidentiary hearing; removing certain mediation procedures; specifying the rights and duties of persons of record in matters heard by the hearing examiner; providing for the process of petition applications for piecemeal map amendments and development plans; allowing for certain conditional approvals; defining certain terms and rules of construction; and generally relating to Piecemeal map amendments and development plan approvals.

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Introduced and read first time \_\_\_\_\_, 2023. 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 \_\_\_\_\_, 2023.

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

This Bill was read the third time on \_\_\_\_\_, 2023 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 \_\_\_\_\_, 2023 at \_\_\_ a.m./p.m.

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

Approved/Vetoed by the County Executive \_\_\_\_\_, 2023

\_\_\_\_\_  
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  
2 Howard County Code is amended as follows:

3

4 *By amending:*

5 *Title 16 - Planning, zoning and Subdivisions and Land Development Regulations*

6 *Subtitle 1. Subdivision and Land Development Regulations*

7 *Article I. General*

8 *Section 16.108 - Rules of construction; definitions.*

9 *Subtitle 2. Zoning*

10 *Section 16.200 - Zoning authority; definitions; short title.*

11 *Section 16.202 - Purpose; establishment of zoning districts*  
12 *and regulations.*

13 *Section 16.203A - Hearing examiner.*

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

16 *Section 16.205 - Procedure.*

17 *Section 16.206 - Conduct of hearings.*

18 *Section 16.207 - Judicial review.*

19 *Subtitle 10. Zoning Counsel*

20 *Section 16.1000 - Zoning Counsel.*

21 *Title 22. General Provisions*

22 *Subtitle 9. – Computation of Time.*

23 *Sec. 22.901 - Application.*

24

25 *By adding:*

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

27 *Subtitle 2. Zoning*

28 *Section 16.205A - Amendment Of Applications*

29 *Section 16.205B - Withdrawal*

30 *Section 16.205C - Reapplication*

31 *Section 16.205D - Joint Applications*

1 *Section 16.205E - Hearing Date*

2 *Section 16.205F - Map Amendment Application File*

3 *Section 16.205G - Technical Staff Report*

4 *Section 16.205H - Map Amendment Approval*

5  
6 **HOWARD COUNTY CODE**

7 **Title 16 - Planning, Zoning, and Subdivisions and Land Development Regulations**

8 **Subtitle 1. - Subdivision and Land Development Regulations.**

9 **Article I. - General**

10  
11 **Sec. 16.108. Rules of Construction; Definitions.**

12 (a) *Rules of Construction.* The following rules apply to the text of this subtitle:

13 (1) The particular AND SPECIFIC shall control the general.

14 (2) In case of any difference of meaning or implication between the text of this  
15 subtitle and any caption, illustration, summary table, or illustrative table, the  
16 text shall control.

17 (3) [[The word "shall" is always mandatory and not discretionary. The word "may"  
18 is permissive.

19 (4) ]] Words used in the present tense shall include the future; words used in the  
20 singular number shall include the plural; words used in the plural number shall  
21 include the singular.

22 [[(5) A building or structure includes any part thereof.]]

23 (4) WORDS USED IN THE SINGULAR INCLUDE THE PLURAL (AND VICE VERSA) AND  
24 WORDS USED IN ONE GENDER INCLUDE ALL OTHER GENDERS, UNLESS THE  
25 OBVIOUS CONSTRUCTION OF THE WORDING INDICATES THE CONTRARY.

26 (5) WORDS AND PHRASES NOT SPECIFICALLY DEFINED OR INTERPRETED IN THE  
27 HOWARD COUNTY CODE OR THE HOWARD COUNTY ZONING REGULATIONS  
28 SHALL BE CONSTRUED ACCORDING TO THE COMMON AND GENERALLY  
29 RECOGNIZED USAGE OF THE LANGUAGE. TECHNICAL WORDS AND PHRASES, AND  
30 OTHERS THAT HAVE ACQUIRED A PECULIAR AND APPROPRIATE MEANING IN THE  
31 LAW, SHALL BE CONSTRUED ACCORDING TO THAT MEANING.

- 1 (6) COMPUTATION OF TIME:
- 2 (i) *BEGINNING OF THE PERIOD OF TIME*. IN COMPUTING ANY PERIOD OF TIME
- 3 SUBJECT TO THIS SUBTITLE, THE DAY OF THE ACT AFTER WHICH THE
- 4 DESIGNATED PERIOD OF TIME BEGINS TO RUN, IS NOT TO BE INCLUDED.
- 5 (ii) *DEADLINE*. THE DEADLINE IS TO BE COMPUTED AS FOLLOWS:
- 6 a. IF THE LAST DAY IS A SATURDAY, SUNDAY, OR HOLIDAY, THE DEADLINE
- 7 SHALL BE THE END OF THE NEXT BUSINESS DAY, OR;
- 8 b. IF THE COUNTY OFFICE IS NOT OPEN ON THE LAST DAY OF THE PERIOD,
- 9 OR IS CLOSED FOR A PART OF A DAY, THE DEADLINE SHALL BE THE END
- 10 OF THE NEXT BUSINESS DAY.
- 11 (iii) WHEN THE PERIOD OF TIME IS MORE THAN SEVEN DAYS, INTERMEDIATE
- 12 SATURDAYS, SUNDAYS, AND COUNTY LEGAL HOLIDAYS SHALL BE
- 13 CONSIDERED AS OTHER DAYS. IF THE PERIOD OF TIME IS SEVEN DAYS OR
- 14 LESS, INTERMEDIATE SATURDAYS, SUNDAYS, AND HOLIDAYS SHALL NOT BE
- 15 COUNTED.
- 16 (7) UNLESS OTHERWISE SPECIFIED, AN AREA OF LAND MEANS *CONTIGUOUS AREA*.
- 17 (8) THE WORD *APPROVE* INCLUDES *APPROVE WITH CONDITIONS, MODIFICATIONS, OR*
- 18 *AMENDMENTS*.
- 19 (9) A *BUILDING, STRUCTURE, LAND, OR PROPERTY* INCLUDES THE WORDS *OR PART*
- 20 *THEREOF*, UNLESS THE OBVIOUS CONSTRUCTION OF THE WORDING INDICATES THE
- 21 CONTRARY.
- 22 (10) THE WORD *BUY* ALSO INCLUDES THE WORDS *OFFER TO BUY*.
- 23 (11) THE WORDS *ERECTED* AND *CONSTRUCTED* ALSO INCLUDE *MODIFIED,*
- 24 *RECONSTRUCTED, BUILT, REBUILT, ALTERED, PLACED, RELOCATED, MOVED, AND*
- 25 *MAINTAINED*.
- 26 (12) THE TERMS *LAND USE* AND *USE OF LAND* ALSO INCLUDE *BUILDING USE* AND THE
- 27 *USE OF A BUILDING*.
- 28 (13) WHEN SOMETHING IS REFERRED TO AS BEING *REQUIRED*, IT MEANS REQUIRED AS
- 29 A PART OF THE REGULATIONS AND PROCEDURES SET FORTH IN LAW.
- 30 (14) THE WORD *SELL* ALSO INCLUDES *DISPENSE, OFFER FOR SALE, DISPLAY FOR SALE, OR*
- 31 *INTEND TO SELL*.

- 1 (15) THE WORDS *SHALL*, *MUST*, *MAY ONLY* OR *MAY NOT* ARE ALWAYS MANDATORY AND  
2 NOT DISCRETIONARY. THE WORD *MAY* IS PERMISSIVE.
- 3 (16) THE WORD *INCLUDES* SHALL NOT LIMIT A TERM TO THE SPECIFIED EXAMPLES BUT  
4 IS INTENDED TO EXTEND ITS MEANING TO ALL OTHER INSTANCES OR  
5 CIRCUMSTANCES OF LIKE KIND OR CHARACTER.
- 6 (17) WHENEVER ONE TITLE, SUBTITLE, ARTICLE, SECTION, SUBSECTION, ETC.,  
7 REFERENCES ANOTHER TITLE, SUBTITLE, ETC., BY REFERRING TO TITLE *ABOVE* OR  
8 TITLE *BELOW*, IT IS INTENDED THAT THE TITLE *ABOVE* OR *BELOW* IS THE NEXT ONE  
9 PRECEDING (ABOVE) OR FOLLOWING (BELOW).
- 10 (18) IT IS NOT INTENDED THAT SPECIFIC REQUIREMENTS BE INTERPRETED SEPARATELY  
11 OR EXCLUSIVELY FROM ALL OTHER SPECIFIC REQUIREMENTS OR FROM THE  
12 GENERAL REQUIREMENTS IN THIS TITLE. THE PROVISIONS OF THIS TITLE SHALL  
13 BE READ AS A WHOLE.
- 14 (19) ADJECTIVES AND ADVERBS: ADJECTIVES OR ADVERBS APPEARING BEFORE A  
15 SERIES OF NOUNS OR VERBS, RESPECTIVELY, APPLY TO THE ENTIRE SERIES UNLESS  
16 SPECIFICALLY NOTED OR THE OBVIOUS SENSE OF THE PHRASE DICTATES  
17 OTHERWISE.
- 18 (20) THE WORD *FOLLOWING* MEANS NEXT AFTER.
- 19 (21) THE WORD *PRECEDING* MEANS NEXT BEFORE.
- 20 (22) ANY DOCUMENT REQUIRED TO BE SUBMITTED IN WRITING PURSUANT TO THIS  
21 SUBTITLE MAY BE SUBMITTED ELECTRONICALLY.
- 22 ([[6]]23) The phrase *used for* includes *arranged for*, *designed for*, *intended for*,  
23 *maintained for*, or *occupied for*.
- 24 ([[7]]24) The word *person* includes an individual, a corporation, a partnership, an  
25 incorporated association, or any other similar entity.
- 26 ([[8]]25) Unless the context clearly indicates the contrary, where a regulation  
27 involves two or more items, conditions, provisions, or events connected by the  
28 conjunction *and*, *or*, or *either/or*, the conjunction shall be interpreted as follows:
- 29 (i) *And* indicates that all the connected items, conditions, provisions, or  
30 events shall apply;
- 31 (ii) *Or* indicates that the connected items, conditions, provisions, or events

1                   may apply separately or in any combination; and  
2                   (iii) *Either/or* indicates that the connected items, conditions, provisions, or  
3                   events shall apply separately but not in combination.

4           [[9) The word *includes* shall not limit a term to the specified examples, but is  
5           intended to extend its meaning to all other instances or circumstances of like  
6           kind or character.]]

7           (26) SUCH AS: SEE *INCLUDES* (PARAGRAPH 16 ABOVE).

8           ([[10]]27) All terms defined in subtitles 11 and 12 of this title, in the County zoning  
9           regulations and the Design Manual where occurring in this subtitle, shall have the  
10           meanings specified in those regulations.

11           ([[11]]28) The word *County* means Howard County, Maryland. The word *State* means  
12           the State of Maryland. The term *County boundary* means any exterior boundary  
13           of the County.

14           ([[12]]29) The terms *County Council*, *County Executive*, *ZONING BOARD*, *Board of*  
15           *Appeals*, *Director of Planning and Zoning*, *Planning Board*, *County Solicitor*,  
16           *Director of Public Works*, *Director of Fire and Rescue Services*, *Director of*  
17           *Recreation and Parks*, *Department of Education*, and *County Health Officer* mean  
18           the respective council, boards and officers of the County.

19           ([[13]]30) Throughout these regulations, all words, other than the terms specifically  
20           defined above and below, shall have the meaning implied by their context in these  
21           regulations or their ordinarily accepted definitions.

22           (b) *Definitions*. As used in these regulations, the following terms shall be defined as  
23           follows:

24           (1) *Active processing time* means the period of time after formal application for  
25           approval of a sketch plan, preliminary equivalent sketch plan, preliminary plan,  
26           final plan and plat, or site development plan during which the County is  
27           required to determine whether or not the development or subdivision plan or  
28           plat and attendant documents conform to County regulations. If a reviewing  
29           agency makes a written request to the developer for additional data or  
30           information, the time between issuance of the request and receipt of the reply is  
31           not part of the active processing time.

- 1 (1.1) *Adjoining property* OR *ADJOINING* means land which is touching or would be  
2 touching in the absence of an intervening utility or road right-of-way, other than  
3 a principal arterial highway[[, shall be considered adjoining for purposes of this  
4 subtitle]] OR A STREAM BED OR THE LIKE.
- 5 (2) *Agricultural preservation subdivisions* means subdivisions of land in the County  
6 or State agricultural preservation programs, for which an agricultural  
7 preservation easement has been acquired pursuant to title 15, subtitles 5 and 6 of  
8 the Howard County Code and title 2, subtitle 5 of the Agricultural Article of the  
9 Annotated Code of Maryland.
- 10 (3) *Application, formal* means an application is formal when the Department of  
11 Planning and Zoning determines that the required number of plans and attendant  
12 documents have been submitted in the form required by these regulations and the  
13 appropriate fees have been paid.
- 14 (4) *Area, gross* means the entire area within a subdivision plan or plat or  
15 development project.
- 16 (5) Reserved.
- 17 (6) *Building development* means the improvement of land by the addition of  
18 structures.
- 19 (7) *Building envelope* means the area of a lot in which the principal buildings shall  
20 be located. The envelope is formed by the building restriction lines.
- 21 (8) *Building restriction line* means lines established on lots to indicate the setbacks  
22 required by the zoning regulations for the zoning district in which the lot is  
23 located or the setbacks required by section 16.120 of this subtitle, if more  
24 restrictive.
- 25 (8.1) *Bulk parcel* means bulk parcels may be recorded to permit a developer to stage  
26 subdivision or when project phasing is necessary because tentative housing  
27 allocations are not available. The bulk parcel must be resubdivided or developed  
28 in accordance with the pre-established phasing plan and may initially be  
29 buildable or non buildable depending on whether one housing unit allocation has  
30 been granted for the parcel.

- 1 (9) *Capital budget* means the plan of the County, approved in the annual budget and  
2 appropriation ordinance, to receive and expend funds for capital projects during  
3 the first fiscal year included in the capital program.
- 4 (10) *Capital program* means an annual document approved by resolution of the  
5 County Council indicating planned County capital projects authorized for the  
6 current fiscal year and for the following five fiscal years.
- 7 (11) Reserved.
- 8 (12) *Dedication* means the offering for conveyance of land or public improvements  
9 for any general and public uses, reserving to the owner no other rights than those  
10 of the general public.
- 11 (12.1) *DEPARTMENT* MEANS THE DEPARTMENT OF PLANNING AND ZONING.
- 12 (13) *Design manual* means Howard County's technical standards, approved by  
13 resolution of the County Council, for design, construction and inspection of  
14 bridges, roads, storm drain structures, stormwater management systems,  
15 sidewalks, walkways, pathways, trails, parking areas, traffic-control devices,  
16 water and sewer facilities, and other improvements.
- 17 (14) *Developer* means an individual, partnership, public agency or corporation (or  
18 their agent) that undertakes the responsibility for any or all of the activities  
19 covered by this subtitle, particularly the designing of a subdivision or site  
20 development plat or plan showing the layout of the land and the required public  
21 improvements. The term *developer* is intended to include the term *subdivider*  
22 even though the personnel involved in successive stages of the project may vary.
- 23 (15) *Develop* or *development* means the establishment of a principal use on a site; a  
24 change in a principal use of a site; or the improvement or alteration of a site by  
25 the construction, enlargement, or relocation of a structure; the provision of  
26 stormwater management or roads; the grading of existing topography; the  
27 clearing or grubbing of existing vegetation; or any other non-farming activity that  
28 results in a change in existing site conditions.
- 29 (16) Reserved.



- 1 (17) *Developer's agreement* means an agreement between the County and the  
2 developer, covering the developer's financial obligations for all required public  
3 improvements relating to the subdivision.
- 4 (18) [[Reserved.]] *ZONING DISTRICT* OR *DISTRICT* (IN THE CONTEXT OF ZONING) MEANS  
5 THE ZONE OR ZONES ASSIGNED TO A PROPERTY BY THE HOWARD COUNTY ZONING  
6 MAP AND DEFINED IN THE HOWARD COUNTY ZONING REGULATIONS.
- 7 (18.1) *Driveway* means a privately owned and maintained road which provides direct  
8 vehicular access from a public or private road to one or more lots or parcels.
- 9 (19) Reserved.
- 10 (20) *Final plat* means the official record of a division of land approved by the  
11 Department of Planning and Zoning and recorded in the land records of Howard  
12 County.
- 13 (21) *Final subdivision plan* means a final plat and supporting detailed plans and data  
14 demonstrating that all technical requirements of the County's regulations have  
15 been met.
- 16 (22) *Fire lane* means a lane within a road or a separate driveway to provide adequate  
17 emergency vehicle access.
- 18 (23) *Floodplain* means that area which would be inundated by stormwater runoff  
19 equivalent to that which would occur from a rainfall of 100-year frequency,  
20 assuming total development of the watershed as shown in the general plan of the  
21 County. Floodplain determination shall be in accordance with the Design  
22 Manual.
- 23 (24) *Frontage* means that portion of a lot or parcel of land which adjoins a public road  
24 that provides vehicular access to the property.
- 25 (25) *General plan* means a plan for the County, approved by ordinance of the County  
26 Council, which includes, but is not limited to a plan for land use and land  
27 conservation and multiyear plans for transportation, public facilities, water,  
28 sewerage, parkland, housing, human services, historic preservation and  
29 environmental protection.
- 30 (26) Reserved.

- 1 (27) *Government action* means the action or inaction of a governmental agency in  
2 relation to a timely filed action by a developer. *Governmental agency* means an  
3 agency of the Federal, State, or local government, including, but not limited to,  
4 the U.S. Corps of Engineers, the Maryland Department of the Environment, the  
5 County Council, the Zoning Board, and the Board of Appeals.
- 6 (28) *Health authority* means The Health Officer of Howard County or the officer's  
7 duly authorized representative.
- 8 (28.1) *Initial plan submittal*. For required presubmission community meetings, the  
9 initial plan submittal is the:
- 10 (i) Zoning petition, if it includes a site plan or a preliminary development  
11 plan;
  - 12 (ii) Conditional use petition, if required;
  - 13 (iii) Sketch plan or preliminary equivalent sketch plan for a major  
14 subdivision;
  - 15 (iv) Final plan for a minor subdivision or resubdivision; or
  - 16 (v) Site development plan for single-family units on deeded parcels, or for  
17 condominium or rental units on a parcel which is not part of a recorded  
18 subdivision that authorized an equal or greater number of residential  
19 units than proposed on the site development plan.
- 20 (29) *Landscape edge* means the area around the perimeter of a development  
21 designated for buffer or screen plantings in accordance with the Landscape  
22 Manual.
- 23 (30) *Lot or parcel* means a piece of land described in a final plat or deed and  
24 recorded in the land records of Howard County in accordance with the laws and  
25 regulations in effect at the time of recordation.
- 26 (31) *Maryland Coordinate System* means a system of plan rectangular coordinates  
27 established for defining and stating the position or location of points on the  
28 surface of the earth within the State of Maryland.
- 29 (31.1) Major subdivision means the division of a residential or agricultural parcel  
30 into five or more residential lots, including buildable preservation parcels, but  
31 excluding open space and nonbuildable preservation parcels.

- 1 (32) *Minor subdivision* means the division of a residential or agricultural parcel that  
2 has not been part of a previously recorded subdivision, into four or fewer  
3 residential lots (including buildable preservation parcels but excluding open  
4 space and nonbuildable preservation parcels), either all at one time or lot by lot.  
5 However, a lot of 20 acres or less created by a division approved by Howard  
6 County prior to January 1, 1984 in order to comply with a court-ordered partition  
7 of real property, shall not be considered part of a previously recorded subdivision  
8 within the meaning of this definition.
- 9 (32.1) *Net area* means the *gross area* minus all steep slopes existing at the time of  
10 subdivision and the area within the 100-year floodplain.
- 11 (33) *Open space* means a separate lot or area which provides for protection of the  
12 environment, for recreation or for public use, including: public facilities such as  
13 schools, libraries, fire stations and parks as shown on the general plan or hiking,  
14 biking, and equestrian trails.
- 15 (34) *Owner* means the person [[or other legal entity holding current legal]] IN WHOM  
16 LEGAL OR EQUITABLE title RESTS. *OWNER* MEANS ANY PART OWNER, JOINT OWNER,  
17 OWNER OF A COMMUNITY OR PARTNERSHIP INTEREST, LIFE TENANT, TENANT IN  
18 COMMON, TENANT BY THE ENTIRETY, OR JOINT TENANT. WHERE THE SIGNATURE  
19 OF AN *OWNER* IS REQUIRED, THE TERM *OWNER* INCLUDES ANYONE HAVING CLEAR  
20 WRITTEN AUTHORITY TO ACT ON BEHALF OF THE ACTUAL *OWNER*. FOR  
21 APPLICATIONS AND PETITIONS UNDER THIS SUBTITLE, A CONTRACT PURCHASER  
22 SHALL BE AN OWNER. *OWNER OF RECORD* MEANS THE NAME OF THE PERSON LISTED  
23 ON THE DEED FOR THE PROPERTY AS THE OWNER.
- 24 (35) *Parcel number* means a descriptive term used to identify portions of land  
25 contained in the tax maps of Howard County.
- 26 (36) *Pathway* or *walkway* means as distinguished from a sidewalk and crosswalk  
27 which are incorporated in a street right-of-way, a pathway or walkway is a paved  
28 path within a ten-foot pedestrian right-of-way, usually extending from a street to  
29 another street, or to a school site, open space, or other public or general use area.
- 30 (37) *Pavement* means that portion of a street or walkway surfaced for vehicular or  
31 pedestrian traffic and constructed according to the Design Manual.

1 (37.1) *PERSON OF RECORD OR PARTY OF RECORD* MEANS:

2 (i) THE OWNER, APPLICANT, PETITIONER, APPELLANT, APPELLEE, AND  
3 RESPONDENT; AND

4 (ii) ANY CIVIC ASSOCIATION, OWNER'S ASSOCIATION, OR OTHER PERSON  
5 WHICH REQUESTS, BY WRITING OR TESTIMONY, TO BECOME A PERSON OR  
6 PARTY OF RECORD ON OR BEFORE THE DATE THE HEARING AUTHORITY OR  
7 ZONING BOARD, AS APPLICABLE, CLOSES THE RECORD AND TAKES THE  
8 CASE UNDER ADVISEMENT.

9 (38) *Phased subdivision* means a subdivision utilizing sequential development by  
10 sections pursuant to a sketch plan for the entire subdivision which includes a  
11 schedule for submission of plans for the various sections and a schedule for  
12 completion of these sections.

13 (39) *Pipestem lot* means a residential lot that is shaped like a pipe or flag, and is  
14 separated from the nearest road by another lot, except for an unbuildable strip of  
15 land 50 feet or less in width.

16 (40) *Preliminary equivalent sketch plan* means a sketch plan which also provides the  
17 information required with a preliminary plan.

18 (41) *Preliminary plan* means the preliminary engineered drawings and supplementary  
19 material that indicate how the proposed layout of the subdivision will meet the  
20 technical requirements of the County regulations.

21 (41.1) *Preservation parcel* means a parcel in the RC or RR zoning district that  
22 encompasses all or a portion of the preserved area of a cluster subdivision or  
23 receiving subdivision, or that is designated as a sending parcel on a final plat of  
24 easement. A preservation parcel is encumbered by a preservation parcel  
25 easement and may be buildable or nonbuildable depending on whether one of the  
26 housing units permitted by zoning will be located on the parcel.

27 (41.2) *Preservation parcel easement* means a permanent easement that prohibits a  
28 preservation parcel from subdivision and most types of development, as specified  
29 in the requirements for the RC and RR zoning districts.

30 (42) *Public* means open to common use, whether or not public ownership is involved.

- 1 (43) *Public improvements* means public improvements include all the infrastructure  
2 and improvements which this subtitle requires a developer to install in a  
3 subdivision or land development.
- 4 (44) *Recorded subdivision* means a subdivision which has been recorded pursuant to:  
5 (i) Approval by the Howard County Planning Commission prior to March  
6 12, 1969;  
7 (ii) Approval by the Department of Planning and Zoning on or after March  
8 12, 1969; or  
9 (iii) A plat recorded prior to the requirement for County approval, including,  
10 but not limited to, North Laurel Park, Harwood Park, Lennox Park, The  
11 Cedars, Villa Heights, High Ridge Park, and Nordau.
- 12 (45) *Reservation; reserve* means the identification and setting aside of an area of land,  
13 building development or other development on a subdivision or site development  
14 plan for future condemnation or acquisition for public use, which subjects the  
15 land, building development or other development reserved to use limitations for  
16 a specified period of time. Such land, building development or other development  
17 may be designated on the general plan or in the County or State capital  
18 improvement program or the State highway needs inventory.
- 19 (45.1) *Residential infill* means a residential development in the area planned for both  
20 water and sewer service that creates one or more units on a property that adjoins  
21 an existing residential unit.
- 22 (46) *Resubdivision* means a further division or modification of an existing subdivision  
23 previously approved by the County and recorded in the Howard County Land  
24 Records. However, a lot of 20 acres or less created by a division approved by  
25 Howard County prior to January 1, 1984 in order to comply with a court-ordered  
26 partition of real property, shall not be considered part of an existing subdivision  
27 previously approved by the County within the meaning of this definition.
- 28 (47) *Review committee* means an advisory group to the Department of Planning and  
29 Zoning, organized to coordinate the subdivision and site development plan  
30 review process. The group shall include, but not be limited to, representatives of  
31 the following agencies:

- 1 (i) Department of Public Works;
- 2 (ii) Health Department;
- 3 (iii) Department of Education;
- 4 (iv) Department of Recreation and Parks;
- 5 (v) Department of Fire and Rescue Services;
- 6 (vi) Department of Inspections, Licenses and Permits;
- 7 (vii) Soil conservation district;
- 8 (viii) Maryland State Highway Administration; and
- 9 (ix) Office of Transportation.
- 10 (48) *Scenic road* means a public road or road segment that is included in the scenic
- 11 roads inventory adopted by the County Council in accordance with section
- 12 16.1403 of this Code.
- 13 (49) *Right-of-way* means a strip or parcel of land designated for use as a street,
- 14 highway, driveway, alley, or walkway or for any drainage or public utility
- 15 purpose or other similar uses.
- 16 (50) *Sidewalk* means a paved walk primarily for pedestrian traffic, normally placed
- 17 parallel to a street or highway and within the street right-of-way.
- 18 (51) *Sight distance* means visual distance along a road or across an intersection, more
- 19 specifically described in the Design Manual.
- 20 (52) *Site development plan* means the plan indicating the location of existing and
- 21 proposed buildings, structures, paved areas, walkways, existing and proposed
- 22 grades, vegetative cover, landscaping, and screening within a lot or parcel
- 23 proposed for development.
- 24 (53) *Sketch plan* means a sketch indicating the developer's general objectives and lay-
- 25 out for development of the land. The basic role of the sketch plan is to allow the
- 26 County to provide the developer with important information that may affect the
- 27 project and to ensure that the plan complies with Zoning Regulations and
- 28 incorporates good planning and development principles.
- 29 (54) *Soil map* means a map showing soil map symbols and outlines of soil types
- 30 (U.S.D.A.—1968 and subsequent amendments).

- 1 (55) *Steep slope* means a slope that averages 25 percent or greater over ten vertical  
2 feet.
- 3 (56) *Stormwater management*:
- 4 (i) *Quantity control* means a system of vegetative, structural, and other  
5 measures that control the increased volume and rate of surface runoff  
6 caused by development.
- 7 (ii) *Quality control* means a system of vegetative, structural and other  
8 measures that reduce or eliminate pollutants that might otherwise be  
9 carried by surface runoff from development.
- 10 (57) *Stormwater management plan* means a set of drawings or other documents,  
11 submitted as a prerequisite to obtaining stormwater management approval, which  
12 contain all of the information and specifications required by the Department of  
13 Public Works.
- 14 (58) *Stream* means water, flowing in a definite direction in a channel with a bed and  
15 banks, and having a substantial degree of permanence, although flow may vary  
16 and in times of drought may cease to flow for a period of time. Includes perennial  
17 or intermittent streams, but does not include ditches or gullies resulting entirely  
18 from pipe outfalls or other man made features. Streams usually are shown on the  
19 1 inch = 200 feet topographic maps of Howard County produced by Howard  
20 County or the soil survey of Howard County, Maryland, but field verification is  
21 necessary.
- 22 (59) *Street, highway, road* means a facility providing for vehicular traffic. The  
23 Howard County General Plan designates highways which perform an arterial or  
24 collector function.
- 25 (60) *Subdivision* means any division of a lot or parcel of land into lots or parcels for  
26 the immediate or future transfer of ownership, sale, lease or building  
27 development. The term includes lot mergers and resubdivision and, when  
28 appropriate to the context, shall relate to the process of subdivision or to the land  
29 subdivided.
- 30 (61) *Traffic-control devices* means signs, signals, markings, and other devices  
31 prescribed to regulate, guide, or warn traffic.

1 (62) *Trails* means as distinguished from a walkway and pathway which are paved, a  
2 natural path within a minimum ten-foot hiking/biking/equestrian right-of-way,  
3 intended to be open for common use.

4 (63) *Wetland* means any land which has been determined by the Army Corps of  
5 Engineers or the Maryland Department of the Environment to be a regulated or  
6 jurisdictional wetland, as well as any land determined by the Soil Conservation  
7 District to be regulated wetlands using Federal and State standards.

8

9

**Subtitle 2. - Zoning.**

10

**Sec. 16.200. - Zoning authority; definitions; short title.**

11 (a) *Zoning Authority*. This subtitle provides that the Zoning Authority of Howard  
12 County for comprehensive zoning and for amendments to the text of the Howard  
13 County regulations shall be the County Council of Howard County and the Zoning  
14 Authority of Howard County for piecemeal zoning map amendments and decisions  
15 on development plans shall be the Howard County Zoning Board. The Howard  
16 County Council, acting as a legislative body, reserves unto itself the authority to  
17 grant variances from the strict application of the zoning regulations with regard to  
18 governmental uses of land. This authority shall be exercised by passage of a  
19 resolution after a public hearing and a finding that the action is in the public  
20 interest.  
21

22 (b) *RULES OF CONSTRUCTION; Definitions*. For the purposes of this subtitle, the  
23 [[following]]RULES AND definitions SET FORTH IN SECTION 16.108 SHALL apply:

24 (1) [[*Adjoining* means land which is touching or would be touching in the absence  
25 of an intervening utility or road right-of-way, other than a principal arterial  
26 highway.

27 (2) ]]*Comprehensive zoning* means zoning:

28 (i) Involving both maps and regulations;

29 (ii) Which is legislative in nature;

30 (iii) Which concerns legislative facts;



- 1 (iv) Which is adopted after extensive study;
- 2 (v) Which covers a substantial area of the County; and
- 3 (vi) Which has an impact on the general welfare of the County in that it is
- 4 designed to control and direct the use of land and buildings according
- 5 to present and planned future conditions so as to accomplish, as far as
- 6 possible, the most appropriate uses of land consistent with the public
- 7 interest and the safeguarding of the interests of individual property
- 8 owners.

9 ~~[(3) Department means the Department of Planning and Zoning.~~

10 (4) ~~]] (2) Development plan means [[a]] ANY development plan, A PRELIMINARY~~  
 11 ~~DEVELOPMENT PLAN, A FINAL DEVELOPMENT PLAN, A COMPREHENSIVE SKETCH~~  
 12 ~~PLAN, A DEVELOPMENT CONCEPT PLAN, A MAJOR OR MINOR VILLAGE CENTER~~  
 13 ~~REDEVELOPMENT PLAN, OR ANY OTHER DEVELOPMENT PLAN, REGARDLESS OF ITS~~  
 14 ~~NAME, that, as provided in the zoning regulations, the Zoning Board approves~~  
 15 ~~or disapproves.~~

16 (3) *HEARING, PUBLIC HEARING, EVIDENTIARY HEARING, OR MEETING* MEANS A  
 17 PROCEEDING BY AN ADMINISTRATIVE BOARD, BODY, OFFICER, OR HEARING  
 18 AUTHORITY AT WHICH PERSONS AND THE PUBLIC MAY PROVIDE TESTIMONY AND  
 19 INFORMATION.

20 (i) *EVIDENTIARY HEARING* MEANS A HEARING DURING WHICH PERSONS OF  
 21 RECORD SHALL HAVE AN OPPORTUNITY TO TESTIFY UNDER OATH AND AT  
 22 WHICH EVIDENCE MAY BE PRESENTED.

23 (ii) *MEETING* MEANS A PROCEEDING BY AN ADMINISTRATIVE BOARD,  
 24 OFFICER, OR BODY.

25 ~~[[5]]4)) Piecemeal map amendment means A ZONING CHANGE IN OR TO ANY~~  
 26 ~~EUCLIDEAN, FLOATING, OVERLAY ZONE, OR MIXED-USE DISTRICT, AND MEANS~~  
 27 ~~rezoning:~~

- 28 (i) Involving only zoning maps;
- 29 (ii) Which is quasi-judicial in nature;
- 30 (iii) Which concerns individual applications to change the zoning of
- 31 particular pieces of property; and

1 (iv) Is based on findings as to administrative facts regarding specific criteria  
2 for change in zoning.

3 (c) *Short Title*. This subtitle may be cited as the "Zoning Enabling Act of Howard  
4 County."

5 **Sec. 16.202. Purpose; establishment of zoning districts and regulations.**

6 (a) *County Council Authority*. For the purpose of promoting the health, safety, morals  
7 and general welfare of Howard County, the County Council is hereby empowered  
8 to:

9 (1) Regulate and restrict the height, number of stories and size of buildings and other  
10 structures; the location, construction, alteration and use of buildings and other  
11 structures; the percentage of lot area that may be occupied by structures; the size  
12 of yards, courts and other open spaces; the density of population; and the location  
13 and use of land for trade, industry, government, residence or other purpose;

14 (2) Regulate the construction, alteration, reconstruction, moving and demolition of  
15 structures of historic, architectural and archeological value through the  
16 establishment of historic districts.

17 (b) (1) *Establishment of districts and regulations*. For many or all of the purposes of this  
18 subtitle, the County Council may divide the County into zoning districts of a  
19 number, shape and area as may be deemed best suited to carry out the purposes of  
20 this subtitle. THE ZONING OR ZONE OF THE PROPERTY IS THE ZONING DISTRICT IN  
21 WHICH IT IS LOCATED. In addition, for many of the purposes of this subtitle and all  
22 the purposes of title 16, subtitle 6 of this Code relating to historic preservation and  
23 protection of historic structures, the County may establish historic districts as may  
24 be deemed best suited to carry out those purposes. The criteria for the County  
25 Council's establishment of an historic district in the nature of comprehensive zoning,  
26 multiple site historic districts, are as provided in the Howard County Zoning  
27 Regulations, and these districts are established by the County Council. The criteria  
28 for the Zoning Board's establishment of an historic district on a piecemeal basis,  
29 single-site historic districts, are as provided in title 16, subtitle 6 of the Howard  
30 County Code, and these districts are established by the Zoning Board.

1 (2) *Purpose of districts and regulations.* The zoning district boundaries and  
2 regulations shall be made in accordance with a comprehensive zoning plan and  
3 shall be designed to:

- 4 (i) Implement the policies and goals of the general plan;
- 5 (ii) Promote health, safety, and the general welfare;
- 6 (iii) Provide for the best use of land and the stewardship of our  
7 environmental resources;
- 8 (iv) Lessen congestion in the streets;
- 9 (v) Secure safety from fire and other dangers;
- 10 (vi) Provide adequate light and air;
- 11 (vii) Avoid undue concentration of population; and
- 12 (viii) Facilitate the adequate provision of transportation, water, sewerage,  
13 schools, parks and other public requirements.

14 (3) *Suitability and appropriateness.* The zoning district boundaries and zoning  
15 regulations shall be made with reasonable consideration to, among other things,  
16 the character of the zoning district and its suitability for particular uses and types  
17 of development, and with a view to conserving property values and encouraging  
18 the most appropriate use and enjoyment of land throughout the County based  
19 upon the purposes, policies and goals of the general plan.

20 (4) *Uniformity.* The zoning regulations shall be uniform for each class or kind of  
21 building or structure or use throughout each district, but the regulations in one  
22 district may differ from those in other districts.

23 **Sec. 16.203A. Hearing examiner.**

24 (a) *In General.*

25 (1) Except as set forth in section 16.203A(a)([3]4), a Hearing Examiner shall first  
26 hear the petitions that are authorized to be heard by the Zoning Board under  
27 section 16.204 of this subtitle.

28 (2) [[A]] AN EVIDENTIARY hearing under this section shall be held in the same  
29 manner as a hearing that the Zoning Board holds under sections 16.204 and  
30 16.206 of this subtitle and the hearing examiner shall not issue a decision but shall

1 issue a report. When the Hearing Examiner holds [[a]] AN EVIDENTIARY hearing  
2 under this section, the hearing shall proceed as set forth in sections 16.204 and  
3 16.206 of this subtitle as if the term "Zoning Board" or "Chairperson" includes  
4 "Hearing Examiner."

5 (3) The Zoning Board shall adopt Rules of Procedure for the Hearing Examiner in  
6 Zoning Board cases.

7 (4) The Zoning Board shall hear and decide a case if:

8 (i) The Hearing Examiner position is vacant;

9 (ii) The Zoning Board determines that the Hearing Examiner is unable to  
10 hear the case because of a conflict of interest or other disqualification;

11 or

12 (iii) The Zoning Board by majority vote decides to hear the case.

13 (b) *Report.*

14 (1) (i) The Hearing Examiner shall issue a report on each petition heard by the Hearing  
15 Examiner.

16 (ii) The Hearing Examiner shall issue the report within 60 days after the  
17 conclusion of the EVIDENTIARY hearing unless the Zoning Board  
18 specifies a different time.

19 (2) The report shall include findings of fact, summaries of arguments and respective  
20 positions in the case or theory in support of it, and conclusions of law.

21 (3) The report is not an order or final action of the Zoning Board.

22 (4) The report shall be signed by the Hearing Examiner and sent to the Zoning Board  
23 Administrator to be distributed to the members of the Zoning Board, each  
24 [[party]] PERSON OF RECORD to the case, and posted on the Zoning Board's  
25 website. The report shall be deemed issued on the date that the report is signed  
26 by the Hearing Examiner.

27 (c) *Record.*

28 (1) The record shall include:

- 1 (i) All items listed in section 2.121(a) of the County Code;
- 2 (ii) Maps;
- 3 (iii) Recordings of the hearings held by the Hearing Examiner;
- 4 (iv) Presentation by the Department of Planning and Zoning; and
- 5 (v) All other materials provided to the Hearing Examiner by the petitioner,
- 6 the opposition, and government agencies.

7 (2) Following the close of the record, the Hearing Examiner shall send the record  
8 to the Zoning Board Administrator to be distributed to the members of the  
9 Zoning Board.

10 (d) *Exceptions.*

11 (1) After a Hearing Examiner issues a report, a [[party]] PERSON OF RECORD may  
12 submit to the Zoning Board exceptions to the report.

13 (2) Exceptions shall be in writing and shall be filed with the Zoning Board within 20  
14 business days after the Hearing Examiner's report is issued. The [[party]] PERSON  
15 OF RECORD filing exceptions shall send the exceptions to the Zoning Board  
16 Administrator and all other [[parties]] PERSONS OF RECORD in the case by both  
17 email and first-class mail, postage paid. The exceptions shall specify in detail  
18 those items to which the [[party]] PERSON OF RECORD excepts and the reasons  
19 why the [[party]] PERSON OF RECORD excepts. Any [[party]] PERSON OF RECORD  
20 may file a written response to any other [[party's]] PERSON OF RECORD'S  
21 exceptions within 20 business days of the filing of any exceptions.

22 (3) On the filing of exceptions, the Zoning Board shall schedule an oral argument on  
23 the exceptions in a timely manner. The oral argument is limited to those matters  
24 to which exceptions have been taken. [[Each party shall be limited to 30 minutes  
25 total of oral argument for all exceptions filed by that party.]] THE TOTAL TIME  
26 ALLOWED FOR ORAL ARGUMENT ON ALL EXCEPTIONS SHALL BE ONE HOUR, WITH  
27 THE PETITIONER(S) AND PERSONS OF RECORD IN SUPPORT CUMULATIVELY  
28 ALLOWED THIRTY MINUTES AND THE PROTESTANT(S) AND PERSONS OF RECORD IN  
29 OPPOSITION CUMULATIVELY ALLOWED THIRTY MINUTES. The Zoning Board may  
30 choose to take evidence on an exception.

1 (e) *Presentation to the Zoning Board.* The report, along with the record, shall be  
2 presented by the Hearing Examiner to the Zoning Board at a meeting of the Zoning  
3 Board. The hearing of exceptions to the report shall follow the Hearing Examiner's  
4 presentation.

5 (f) *Actions by the Zoning Board* Every decision and final order in a piecemeal map  
6 amendment or development plan case shall be in writing, signed by a majority of the  
7 entire Zoning Board, attested by the Zoning Board Administrator, and shall be  
8 accompanied by findings of fact and conclusions of law and shall be made a part of  
9 the record of proceedings. The final order of the Zoning Board denying or granting  
10 the petition for a piecemeal map amendment, or approving or disapproving a  
11 development plan, shall be filed with the Department of Planning and Zoning, which  
12 shall maintain it as part of the official records of the County. The Zoning Board may  
13 decide by majority vote to remand the petition to the Hearing Examiner for  
14 additional testimony and hearing.

15 **Sec. 16.204. Piecemeal map amendments and development plan approvals.**

16 (a) *Zoning Board.* The Zoning Board may exercise the Zoning Authority delegated to it  
17 by this subtitle to make decisions on piecemeal map amendments and development  
18 plans in pursuance of a petition filed in accordance with section 16.205 ET SEQ. of  
19 this subtitle and shall establish procedures for doing so.

20 [(b) *Mediation.* The Zoning Board may refer an applicant and other persons affected by a  
21 pending application, other than piecemeal map amendment cases based on the  
22 change/mistake rule as established by Maryland Case Law, to the Mediation and  
23 Conflict Resolution Center, Inc., of Howard County or a conflict resolution or  
24 mediation service which has been deemed acceptable by the Board. The purpose of  
25 such referral shall be to resolve conflicts between these parties, but the results  
26 thereof shall not bind the Board to any result. Any resolution that is agreed upon by  
27 both parties shall be subject to findings of the Board required by law. Petition  
28 approval may not be granted solely on the basis of mediation resolution.

29 A referral may be made either before or after a public hearing on a pending  
30 petition decision, but only after an application is deemed complete. Any mediation

1 shall occur prior to the Zoning Board voting on a petition. The cost of the mediation  
2 service shall be incurred by the petitioner.

3 If no agreement is reached between the parties within 45 days, or at anytime the  
4 mediator deems any further meetings futile, the Board shall continue with its  
5 proceedings or deliberations on the matter. If both parties agree, mediation may be  
6 extended past 45 days to a period of time as agreed to by the parties.

7 Nothing in this section shall preclude the parties from meeting on their own at any  
8 time, with or without a mediator, in an attempt to resolve their differences. It is the  
9 policy of the County to encourage applicants and neighbors to have early  
10 discussions on proposed projects so that differences may be resolved prior to the  
11 submission of an application.

12 (c) *Public*] (B) *EVIDENTIARY Hearing Required*. The Zoning Board shall hold [[a]] AN  
13 EVIDENTIARY hearing, unless the Hearing Examiner has already held [[a]] AN  
14 EVIDENTIARY hearing on piecemeal map amendments and development plan  
15 petitions during which [[parties]] PERSONS OF RECORD to the case shall have an  
16 opportunity to be heard. The Zoning Board shall be prohibited from holding  
17 meetings which include an opportunity for public testimony on any day on which  
18 Rosh Hashanah, Yom Kippur, Eid Ul Fitr or Eid Ul Adha is observed. The Zoning  
19 Board shall not take final action on piecemeal map amendments or development  
20 plan petitions until after:

- 21 (1) Any [[public]] EVIDENTIARY hearing; and  
22 (2) The procedures in this section and section 16.203A of this subtitle are complete.

23 (d) *Advertising*. At least 30 days prior to the initial [[public]] EVIDENTIARY hearing on  
24 the piecemeal map amendment or development plan petitions, the [[petitioner]]  
25 APPLICANT, at its own expense, shall advertise the date, time, place and subject  
26 matter of the petition in at least two newspapers of general circulation in Howard  
27 County.

28 (e) *Posting and Mail Notice*:

1 (1) At least 30 days prior to the initial [[public]] EVIDENTIARY hearing on the  
2 piecemeal map amendment or development plan petitions, the [[petitioner]]  
3 APPLICANT shall:

- 4 (i) Post the property which is the subject of the hearing with the date, time,  
5 place and subject matter of the hearing. The sign shall include the  
6 address of Department of Planning and Zoning's website. The poster  
7 shall be double-sided and at least 30 inches by 36 inches in size. The  
8 poster shall include a three digit alphanumeric code, which would be  
9 used to identify the case. The alphanumeric code shall be posted by the  
10 Department of Planning and Zoning in at least five-inch lettering in the  
11 top left corner of the poster. The Department of Planning and Zoning  
12 shall determine the number of posters required and their location and  
13 the petitioner shall bear the expense of posting. The Department of  
14 Planning and Zoning shall supply the posters. The petitioner shall  
15 properly erect and maintain the posters. The petitioner shall remove all  
16 posters from the subject property in accordance with section 16.1613 of  
17 this title; and
- 18 (ii) Send a certified letter to all persons whose property is adjoining to the  
19 property which is the subject of the petition, according to the most  
20 recent State taxation and assessment records, notifying those persons of  
21 the date, time, place and subject matter of the hearing in accordance  
22 with subsection 16.203(c)(7) and of this subtitle.

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

26 (f) *Report of the Planning Board.* Petitions for piecemeal map amendments or  
27 development plan approvals shall be submitted to the Planning Board, WHICH SHALL  
28 HOLD A PUBLIC MEETING, AT WHICH PERSONS OF RECORD AND THE PUBLIC MAY  
29 PROVIDE TESTIMONY AND INFORMATION RELATING TO THE PETITION. At least 30 days  
30 prior to a Planning Board meeting on any piecemeal map amendment or  
31 development plan, the [[petitioner]] APPLICANT shall send notice of such meeting to



1 the relevant subscribers on the list maintained by the Department of Planning and  
2 Zoning in accordance with subsection 16.145(b)(3). THE PLANNING BOARD SHALL  
3 ISSUE A REPORT THAT INCLUDES A RECOMMENDATION BY THE PLANNING BOARD ON  
4 THE PETITION. The Zoning Board shall consider the report of the Planning Board on  
5 such petitions before the Zoning Board takes final action on them.

6 (g) *Department of Planning and Zoning's Findings and Analysis.* The Department of  
7 Planning and Zoning shall transmit its findings and analysis concerning a petition  
8 for piecemeal map amendments or development plans in a technical staff report to  
9 the Planning Board at least two weeks prior to the Planning Board meeting on a  
10 petition.

11 (h) *Questioning Departmental Findings.* At any time any [[individual]] PERSON may  
12 submit a question to the staff of the Department of Planning and Zoning or related  
13 agencies concerning the findings and analysis of the Department or related agencies.  
14 If a written response is requested, the question should be submitted in writing to the  
15 Department or agency. If the written request is submitted at least 30 days prior to the  
16 Zoning Board hearing, the Department or agency shall respond to such requests in  
17 writing and send a copy of the response to the Zoning Board at least two weeks prior  
18 to the Zoning Board hearing. A response from a related agency to a question  
19 concerning its findings and analysis may be considered by the Zoning Board only if  
20 the response is in writing, unless a representative of the agency is present at the  
21 hearing to answer questions.

22 (i) *Presentation of Departmental Findings and Analysis.* At least 30 days prior to a  
23 Zoning Board Hearing, the Board Administrator shall send a written notice to the  
24 Director of the Department of Planning and Zoning as to the date, time, and place of  
25 the hearing. The Director of the Department of Planning and Zoning, or the  
26 Director's Designee, shall attend a Zoning Board public hearing concerning a  
27 petition for piecemeal map amendment or development plan and, under oath and  
28 subject to cross-examination, summarize the Department's findings, explain the  
29 development process, and answer any related questions.

1 (j) *Findings.* Before the Zoning Board makes a decision on any piecemeal map  
2 amendment or development plan petition it shall make those findings of fact and  
3 conclusions of law required by law.

4 (k) *Documentation REGARDING PROPOSED DEVELOPMENT AND USE OF PROPERTY.*

5 (1) A petition for a piecemeal amendment of the zoning map may include  
6 documentation describing the proposed development and use of the property  
7 under petition. The zoning regulations and Zoning Board's rules of procedure  
8 shall govern the nature of the documentation and its review.

9 (2) A piecemeal map amendment shall be based on findings required by law. A  
10 piecemeal map amendment petition may not be granted solely on the basis of  
11 documentation relating to proposed development and use of the property.

12 (3) If the petition for a piecemeal map amendment includes documentation  
13 describing the proposed development and use of the property under petition and  
14 the petition is granted:

15 (i) The property may be developed and used only in accordance with the  
16 documentation, notwithstanding any provision requiring uniformity of  
17 zoning requirements; and

18 (ii) Unless the comprehensive zoning plan changes the zoning district of  
19 the property, subsequent adoption of a comprehensive zoning plan shall  
20 not affect the requirement that the property be used in accordance with  
21 the documentation.

22 **Sec. 16.205. Procedure.**

23 (a) [[Any person owning an interest in the property affected]] GENERAL.

24 (1) AN OWNER may petition the Zoning Board for approval of a development plan,  
25 and [[a person owning an interest in the property affected]] AN OWNER, the  
26 Director of the Department of Planning and Zoning or members of the Zoning  
27 Board may petition the Zoning Board for piecemeal map amendment. The form  
28 and number of copies of the petition shall be as prescribed by law or by the  
29 Zoning Board's rules of procedure.

1 (2) IF TWO OR MORE PARCELS ARE INCLUDED IN ONE APPLICATION, THEY MUST BE  
2 ADJOINING. SEPARATE APPLICATIONS ARE REQUIRED FOR EACH PROPERTY IF  
3 THEY ARE NOT ADJOINING.

4 ([[b]]3) *Presubmission Community Meeting*. Prior to the initial submittal of a  
5 petition, the [[petitioner]] APPLICANT shall hold a presubmission community  
6 meeting that provides information to the community regarding the petition and  
7 allows community residents to ask questions and discuss any issues. The  
8 meeting must be held in accordance with the procedures in section 16.128.

9 ([[c]]4) The petition shall be ON THE FORM PUBLISHED BY THE DEPARTMENT OF  
10 PLANNING AND ZONING AND SHALL BE filed with the Department of Planning  
11 and Zoning, which shall check the same for form, check that notice has been  
12 provided, as required by law or by the Zoning Board's rules of procedure,  
13 collect the proper fees, and refer the petition to the Planning Board for its  
14 report.

15 ([[d]]5) Citizens may request a meeting with a staff member of the Department of  
16 Planning and Zoning to review the development proposal after the petition has  
17 been formally submitted to the Department.

18 ([[e]]6) No later than two days following the release of the report of the Planning  
19 Board on the petition, the Department of Planning and Zoning shall submit the  
20 petition with all of its supporting documents to the administrative assistant to  
21 the Zoning Board, who shall set a hearing date. The Zoning Board shall be  
22 prohibited from holding meetings which include an opportunity for public  
23 testimony on any County holiday, Rosh Hashanah, Yom Kippur, Eid UI Fitr,  
24 Eid UI Adha, and Chinese New Year is observed.

25 ([[f]]7) Notice of the place, time and date of the beginning of the hearing shall be  
26 published as required by law or the Zoning Board's rules of procedure.

27 (b) CONTENTS OF PETITION.

28 (1) THE PETITION SHALL INCLUDE:

- 1 (i) THE NAME, ADDRESS, AND TELEPHONE NUMBER, AND SIGNATURE OF THE
- 2 PETITIONER, AND AN INDICATION OF THE PETITIONER'S STATUS AS
- 3 OWNER (CONTRACT PURCHASER, AGENT, OR OTHERWISE);
- 4 (ii) THE EXISTING AND REQUESTED ZONING DISTRICTS OF THE PROPERTY;
- 5 (iii) THE STREET ADDRESS OF THE PROPERTY;
- 6 (iv) THE NAME AND NUMBER OF THE ELECTION DISTRICT THE PROPERTY IS
- 7 IN;
- 8 (v) THE TOTAL AREA OF THE PROPERTY (EITHER IN ACRES OR SQUARE FEET);
- 9 (vi) THE PROPERTY'S LOT AND BLOCK NUMBERS, SUBDIVISION NAME, AND
- 10 PLAT BOOK AND PAGE NUMBER, IF ANY; OR A DESCRIPTION OF ITS
- 11 ACREAGE, WITH REFERENCE TO LIBER AND FOLIO NUMBERS;
- 12 (vii) THE NAME, ADDRESS, AND SIGNATURE OF EACH OWNER OF RECORD OF
- 13 THE PROPERTY. APPLICATIONS FOR PROPERTY OWNED BY A
- 14 CORPORATION OR OTHER REGISTERED ENTITY SHALL BE SIGNED BY AN
- 15 OFFICER OR DULY AUTHORIZED PERSON EMPOWERED TO ACT FOR THE
- 16 ENTITY; AND
- 17 (viii) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE CONTACT
- 18 PERSON IF DIFFERENT FROM THE OWNER.

19 (c) OTHER SUBMISSION REQUIREMENTS.

- 20 (1) ALONG WITH THE PETITION, THE APPLICANT SHALL SUBMIT THE FOLLOWING:
- 21 (i) FOUR COPIES OF AN ACCURATE PLAT, PREPARED, SIGNED, AND SEALED BY A
- 22 REGISTERED ENGINEER OR LAND SURVEYOR THAT SHOWS:
- 23 a. THE PRESENT CONFIGURATION OF THE PROPERTY, INCLUDING BEARINGS
- 24 AND DISTANCES (IN FEET);
- 25 b. THE NAMES OF OWNERS OF RECORD, OR SUBDIVISION LOT AND BLOCK
- 26 NUMBERS, OF ADJOINING PROPERTIES;
- 27 c. THE NAME, LOCATION, DISTANCE TO THE CENTER LINE, AND RIGHT-OF-WAY
- 28 WIDTH OF ALL ABUTTING STREETS. IF THE PROPERTY IS NOT LOCATED AT
- 29 THE INTERSECTION OF TWO STREETS, THE DISTANCE TO, AND THE NAME OF,
- 30 THE NEAREST INTERSECTING STREET SHALL BE INDICATED;

- 1 d. THE (SUBDIVISION) LOT AND BLOCK NUMBER OF THE SUBJECT PROPERTY (IF  
2 ANY);
- 3 e. A NORTH ARROW AND SCALE (NO SMALLER THAN ONE INCH EQUALS FOUR  
4 HUNDRED FEET);
- 5 f. THE TOTAL AREA OF THE PROPERTY (IN EITHER SQUARE FEET OR ACRES);
- 6 g. THE LOCATION OF ALL EXISTING BUILDINGS, STRUCTURES, AND OTHER  
7 IMPROVEMENTS ON THE PROPERTY; AND
- 8 h. THE SUBJECT PROPERTY OUTLINED IN RED.
- 9 (ii) FOUR COPIES OF THE ZONING MAP PAGE ON WHICH THE PROPERTY IS PLOTTED  
10 TO SCALE AND OUTLINED IN RED;
- 11 (iii) THREE COPIES OF A TYPEWRITTEN STATEMENT OF JUSTIFICATION IN SUPPORT  
12 OF THE REQUEST. THE STATEMENT SHALL SET FORTH THE LEGAL BASIS BY  
13 WHICH THE REQUESTED AMENDMENT MAY BE APPROVED, AND FACTUAL  
14 REASONS SHOWING WHY APPROVAL OF THE REQUEST WILL NOT BE  
15 DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE. THIS  
16 STATEMENT MAY BE ACCOMPANIED BY THREE COPIES OF ANY MATERIAL WHICH  
17 (IN THE PETITIONER'S OPINION) IS NECESSARY TO CLARIFY OR EMPHASIZE THE  
18 TYPEWRITTEN STATEMENT. THIS ADDITIONAL MATERIAL, IF NOT FOLDABLE,  
19 SHALL BE NO LARGER THAN EIGHTEEN BY TWENTY-FOUR INCHES;
- 20 (iv) A STATEMENT LISTING THE NAMES, AND THE BUSINESS AND RESIDENTIAL  
21 ADDRESSES, OF ALL INDIVIDUALS HAVING AT LEAST A FIVE PERCENT FINANCIAL  
22 INTEREST IN THE SUBJECT PROPERTY;
- 23 (v) IF ANY OWNER IS A CORPORATION, A STATEMENT LISTING THE OFFICERS OF THE  
24 CORPORATION, THEIR BUSINESS AND RESIDENTIAL ADDRESSES, AND THE DATE  
25 ON WHICH THEY ASSUMED THEIR RESPECTIVE OFFICES. THE STATEMENT SHALL  
26 ALSO LIST THE CURRENT BOARD OF DIRECTORS, THEIR BUSINESS AND  
27 RESIDENTIAL ADDRESSES, AND THE DATES OF EACH DIRECTOR'S TERM. AN  
28 OWNER THAT IS A CORPORATION LISTED ON A NATIONAL STOCK EXCHANGE  
29 SHALL BE EXEMPT FROM THE REQUIREMENT TO PROVIDE RESIDENTIAL  
30 ADDRESSES OF ITS OFFICERS AND DIRECTORS;

- 1 (vi) IF THE OWNER IS A CORPORATION OR ANY OTHER REGISTERED ENTITY,  
2 INCLUDING A LIMITED LIABILITY COMPANY OR LIMITED PARTNERSHIP (EXCEPT  
3 ONE LISTED ON A NATIONAL STOCK EXCHANGE), A STATEMENT CONTAINING THE  
4 NAMES AND RESIDENTIAL ADDRESSES OF THOSE PERSONS OWNING AT LEAST  
5 FIVE PERCENT OF THE OWNERSHIP INTEREST OR SHARES OF ANY CLASS OF  
6 CORPORATE SECURITY (INCLUDING STOCKS AND SERIAL MATURITY BONDS) OF  
7 THE OWNER ENTITY. IF ANY PERSON WITH AN OWNERSHIP INTEREST IN THE  
8 PROPERTY IS ITSELF A REGISTERED ENTITY, INCLUDING A LIMITED LIABILITY  
9 COMPANY OR LIMITED PARTNERSHIP (EXCEPT ONE LISTED ON A NATIONAL  
10 STOCK EXCHANGE), A STATEMENT CONTAINING THE NAMES AND RESIDENTIAL  
11 ADDRESSES OF THOSE PERSONS OWNING AT LEAST FIVE PERCENT (5%) OF THE  
12 OWNERSHIP INTEREST OR SHARES OF ANY CLASS OF CORPORATE SECURITY  
13 (INCLUDING STOCKS AND SERIAL MATURITY BONDS) OF THAT ENTITY;
- 14 (vii) A LIST CONTAINING THE NAMES AND ADDRESSES OF ALL ADJOINING PROPERTY  
15 OWNERS AND THE OWNERS OF THOSE PROPERTIES DIRECTLY ACROSS A STREET,  
16 ALLEY, OR STREAM, AND A SET OF PREAMDRESSED ENVELOPES OR MAILING  
17 LABELS; AND
- 18 (viii) ANY OTHER DATA OR EXPLANATORY MATERIAL REQUIRED BY THE DEPARTMENT  
19 OR HEARING EXAMINER.
- 20

21 **SEC. 16.205A. AMENDMENT OF APPLICATIONS.**

- 22 (a) REQUESTS TO AMEND AN APPLICATION SHALL BE IN WRITING AND SIGNED BY THE  
23 OWNER OF RECORD. THE REQUEST MAY BE SUBMITTED ONLY BY THE APPLICANT (OR  
24 THEIR AUTHORIZED REPRESENTATIVE). THE AMENDMENT OF APPLICATIONS SHALL BE  
25 SUBJECT TO THE FOLLOWING:
- 26 (1) AMENDMENTS CONCERNING AN ERROR, OMISSION OF FACT, OR OTHER FACTUAL  
27 CHANGE NOT MENTIONED BELOW IN THIS SECTION SHALL BE PERMITTED AT ANY  
28 TIME.
- 29 (2) AMENDMENTS THAT CHANGE THE TOTAL AREA OR CONFIGURATION OF A PROPERTY  
30 SHALL BE MADE BEFORE THE APPLICATION IS TRANSMITTED TO THE PLANNING

1 BOARD. IF THE AREA IS INCREASED, THE APPROPRIATE ADDITIONAL FILING FEE  
2 SHALL BE PAID.

3 (3) AMENDMENTS THAT CHANGE THE REQUESTED ZONING CLASSIFICATION SHALL BE  
4 ACCOMPANIED BY A NEW (REVISED) JUSTIFICATION STATEMENT. THE AMENDMENT  
5 SHALL ALSO BE THE SUBJECT OF A NEW (REVISED) TECHNICAL STAFF REPORT OR A  
6 STATEMENT BY THE TECHNICAL STAFF THAT A NEW (REVISED) REPORT IS  
7 UNNECESSARY. REQUESTS RECEIVED PRIOR TO THE DATE OF THE PUBLIC RELEASE  
8 OF THE TECHNICAL STAFF REPORT SHALL BE ADMINISTRATIVELY GRANTED. IF THE  
9 TECHNICAL STAFF RECOMMENDS AN AMENDMENT, THE APPLICANT MAY REQUEST  
10 THE AMENDMENT WITHIN FIFTEEN DAYS AFTER THE DATE OF THE PUBLIC RELEASE  
11 OF THE TECHNICAL STAFF REPORT, IN WHICH CASE THE REQUEST SHALL BE  
12 ADMINISTRATIVELY GRANTED. IF THE PLANNING BOARD HEARS THE CASE, AND  
13 EITHER THE AMENDMENT IS DIFFERENT THAN THE ONE RECOMMENDED BY THE  
14 STAFF OR THE FIFTEEN DAYS HAVE LAPSED, THE AMENDMENT REQUEST SHALL BE  
15 DIRECTED TO THE PLANNING BOARD PRIOR TO OR ON THE DATE ON WHICH IT FIRST  
16 HEARS THE APPLICATION, OR WITHIN TEN DAYS AFTER THE DATE THE PLANNING  
17 BOARD RECOMMENDS THE AMENDMENT. THE AMENDMENT SHALL NOT BE  
18 PERMITTED IF MORE THAN TEN DAYS HAVE ELAPSED SINCE THE DATE OF THE  
19 PLANNING BOARD'S RECOMMENDATION.

20 (4) NOTIFICATION OF ANY AMENDMENTS SHALL BE FURNISHED TO ANY PERSON WHO  
21 HAS REQUESTED (IN WRITING) A COPY OF THE TECHNICAL STAFF REPORT.

22

23 **SEC. 16.205B. WITHDRAWAL.**

24 (a) ANY APPLICATION MAY BE WITHDRAWN. ALL REQUESTS FOR WITHDRAWAL SHALL BE  
25 IN WRITING AND SIGNED BY THE OWNER OF RECORD. ONLY THE APPLICANT MAY  
26 SUBMIT THE REQUEST (OR THEIR AUTHORIZED REPRESENTATIVE).

27 (b) REQUESTS MADE PRIOR TO THE DATE THE APPLICATION IS TRANSMITTED TO THE  
28 ZONING BOARD SHALL BE FILED WITH THE HEARING EXAMINER.

29 (c) REQUESTS MADE ON OR AFTER THE DATE THE APPLICATION IS TRANSMITTED TO THE  
30 ZONING BOARD SHALL BE DIRECTED TO THE ZONING BOARD.

1 (d) REQUESTS RECEIVED PRIOR TO THE DATE OF THE PUBLIC RELEASE OF THE TECHNICAL  
2 STAFF REPORT SHALL BE ADMINISTRATIVELY GRANTED, AND THE PROVISIONS OF  
3 SECTION 16.205C SHALL NOT APPLY.

4 (e) REQUESTS RECEIVED ON OR AFTER THE DATE OF THE PUBLIC RELEASE OF THE  
5 TECHNICAL STAFF REPORT SHALL BE ADMINISTRATIVELY GRANTED, AND THE  
6 PROVISIONS OF SECTION 16.205C SHALL APPLY.

7  
8 **SEC. 16.205C. REAPPLICATION.**

9 NO NEW ZONING MAP AMENDMENT APPLICATION MAY BE FILED ON THE SAME LAND  
10 UNTIL TWO YEARS HAVE ELAPSED AFTER FINAL ACTION (INCLUDING APPELLATE REVIEW)  
11 ON A PREVIOUS APPLICATION. AFTER TWO APPLICATIONS ON THE SAME LAND HAVE BEEN  
12 ACTED UPON, FOUR YEARS MUST ELAPSE BEFORE ANOTHER APPLICATION ON THE SAME  
13 LAND MAY BE FILED. NO LAND SHALL BE THE SUBJECT OF TWO APPLICATIONS FOR MAP  
14 AMENDMENT AT THE SAME TIME.

15  
16 **SEC. 16.205D. JOINT APPLICATIONS.**

17 AN APPLICATION FOR A MAP AMENDMENT MAY BE FILED OR CONSIDERED AT THE  
18 SAME TIME THAT A CONDITIONAL USE APPLICATION ON THE SAME LAND IS FILED OR  
19 CONSIDERED.

20  
21 **SEC. 16.205E. HEARING DATE.**

22 (a) HEARING DATE ESTABLISHED. THE HEARING EXAMINER, OR THE ZONING BOARD IF THE  
23 ZONING BOARD ELECTS TO FIRST HEAR THE APPLICATION, SHALL ESTABLISH THE DATE  
24 OF THE EVIDENTIARY HEARING.

25 (b) REQUEST TO DELAY HEARING. THE ZONING COUNSEL OR ANY PERSON OF RECORD MAY  
26 REQUEST THE CONTINUANCE OF A HEARING UNDER THIS SECTION. THE HEARING  
27 EXAMINER SHALL GRANT A CONTINUANCE IF A REQUIRED TECHNICAL STAFF REPORT  
28 HAS NOT BEEN FILED AT LEAST THIRTY DAYS BEFORE THE SCHEDULED HEARING. IF A  
29 CONTINUANCE IS GRANTED FOR THIS REASON, THE HEARING EXAMINER MAY NOT HEAR  
30 THE CASE UNTIL AT LEAST THIRTY DAYS AFTER THE TECHNICAL STAFF REPORT HAS



1 BEEN FILED. IF THE REQUEST FOR A CONTINUANCE IS APPROVED, THE HEARING  
2 EXAMINER SHALL RESCHEDULE THE HEARING DATE.

3  
4 **SEC. 16.205F. MAP AMENDMENT APPLICATION FILE.**

5 (a) TRANSMITTAL. AT LEAST THIRTY DAYS PRIOR TO THE EVIDENTIARY HEARING, THE  
6 DEPARTMENT SHALL SEND THE ORIGINAL COPY OF THE APPLICATION, PLANS, MAPS,  
7 SPECIFICATIONS, TECHNICAL STAFF REPORT, AND ALL OTHER DATA, MATERIALS, AND  
8 RECORD EVIDENCE (TO DATE) PERTAINING TO THE REQUESTED MAP AMENDMENT TO  
9 THE HEARING EXAMINER.

10 (b) PUBLIC EXAMINATION. AT LEAST THIRTY DAYS PRIOR TO THE EVIDENTIARY HEARING,  
11 THE ORIGINAL MAP AMENDMENT PETITION FILE SHALL BE AVAILABLE FOR PUBLIC  
12 EXAMINATION IN THE OFFICE OF THE ZONING BOARD, AND A COPY OF THE FILE SHALL  
13 BE AVAILABLE FOR PUBLIC EXAMINATION IN THE DEPARTMENT. ANYONE MAY REVIEW  
14 THE FILE AND COPIES OF ITS CONTENTS MAY BE OBTAINED AT A REASONABLE COST.

15  
16 **SEC. 16.205G. TECHNICAL STAFF REPORT.**

17 (a) THE DEPARTMENT TECHNICAL STAFF SHALL SUBMIT A REPORT IN CONNECTION WITH  
18 EACH APPLICATION TO THE HEARING EXAMINER THAT SHALL INCLUDE:

- 19 (1) THE STAFF'S FINDINGS;
- 20 (2) A DELINEATION OF THE APPROXIMATE AREA OF THE NEIGHBORHOOD, WHICH  
21 SHALL BE SHOWN ON EITHER A ZONING MAP, AERIAL PHOTOGRAPH, OR SKETCH  
22 MAP;
- 23 (3) A DESCRIPTION OF LAND USE AND ZONING IN THE NEIGHBORHOOD; AND
- 24 (4) IN CASES WHERE THE STAFF RECOMMENDS A ZONE DIFFERENT THAN THAT  
25 REQUESTED, AN ANALYSIS OF THE ALTERNATIVE ZONE RECOMMENDED.

26 (b) THE TECHNICAL STAFF REPORT SHALL BE PUBLISHED ON THE HEARING EXAMINER OR  
27 ZONING BOARD WEBSITE. ANY PERSON MAY REQUEST, IN WRITING, A COPY OF THE  
28 TECHNICAL STAFF REPORT SENT BY FIRST CLASS MAIL. A REASONABLE FEE MAY BE  
29 CHARGED TO COVER THE COSTS OF POSTAGE AND COPYING. A COPY OF THE REPORT  
30 SHALL BE INCLUDED IN THE RECORD.

31

1 **SEC. 16.205H. MAP AMENDMENT APPROVAL.**

2 (a) **CONDITIONAL APPROVAL.**

- 3 (1) WHEN IT APPROVES A ZONING MAP AMENDMENT, THE ZONING BOARD MAY  
4 IMPOSE REASONABLE REQUIREMENTS AND SAFEGUARDS (IN THE FORM OF  
5 CONDITIONS) WHICH THE ZONING BOARD FINDS ARE NECESSARY TO EITHER:  
6 (i) PROTECT SURROUNDING PROPERTIES FROM ADVERSE EFFECTS WHICH  
7 MIGHT ACCRUE FROM THE ZONING MAP AMENDMENT; OR  
8 (ii) FURTHER ENHANCE THE COORDINATED, HARMONIOUS, AND SYSTEMATIC  
9 DEVELOPMENT OF HOWARD COUNTY.
- 10 (2) IN NO CASE SHALL THESE CONDITIONS WAIVE OR LESSEN THE REQUIREMENTS OF,  
11 OR PROHIBIT USES ALLOWED IN, THE APPROVED ZONE.
- 12 (3) ALL BUILDING AND DEVELOPMENT PLANS SHALL LIST THE CONDITIONS AND  
13 SHALL SHOW HOW THE PROPOSED DEVELOPMENT COMPLIES WITH THEM.
- 14 (4) CONDITIONS IMPOSED BY THE ZONING BOARD ARE A PERMANENT PART OF THE  
15 ZONING MAP AMENDMENT AND ARE BINDING FOR AS LONG AS THE ZONE REMAINS  
16 IN EFFECT ON THE PROPERTY (UNLESS AMENDED BY THE ZONING BOARD).
- 17 (5) IF CONDITIONS ARE IMPOSED, THE APPLICANT SHALL HAVE NINETY DAYS FROM  
18 THE DATE OF APPROVAL TO ACCEPT OR REJECT THE REZONING AS  
19 CONDITIONALLY APPROVED. THE APPLICANT SHALL ADVISE (IN WRITING) THE  
20 ZONING BOARD, ACCORDINGLY. IF THE APPLICANT ACCEPTS THE CONDITIONS,  
21 THE ZONING BOARD SHALL ENTER AN ORDER ACKNOWLEDGING THE  
22 ACCEPTANCE AND APPROVING THE MAP AMENDMENT, AT WHICH TIME THE  
23 ZONING BOARD'S ACTION SHALL BE FINAL. FAILURE TO ADVISE THE ZONING  
24 BOARD SHALL BE CONSIDERED A REJECTION OF THE CONDITIONS. REJECTION  
25 SHALL VOID THE MAP AMENDMENT AND REVERT THE PROPERTY TO ITS PRIOR  
26 ZONING CLASSIFICATION. THE ZONING BOARD SHALL ENTER AN ORDER  
27 ACKNOWLEDGING THE REJECTION, VOIDING ITS PREVIOUS DECISION, AND  
28 REVERTING THE PROPERTY TO ITS PRIOR ZONING CLASSIFICATION, AT WHICH TIME  
29 THE ZONING BOARD'S ACTION SHALL BE FINAL.

1 (6) ALL ZONING MAP AMENDMENTS WHICH ARE APPROVED SUBJECT TO CONDITIONS  
2 SHALL BE SHOWN ON THE HOWARD COUNTY ZONING MAP WITH THE LETTER "C"  
3 AFTER THE APPLICATION NUMBER.

4 (b) NONCOMPLIANCE WITH CONDITIONS.

5 (1) ALL CONDITIONS IMPOSED SHALL BE MANDATORY. FAILURE TO COMPLY WITH  
6 ANY CONDITION SHALL CONSTITUTE A ZONING VIOLATION AND SHALL BE  
7 GROUNDS FOR THE ZONING BOARD TO:

8 (i) ANNUL THE MAP AMENDMENT;

9 (ii) REVOKE A USE AND OCCUPANCY PERMIT;

10 (iii) INSTITUTE APPROPRIATE CIVIL OR CRIMINAL PROCEEDINGS; OR

11 (iv) INSTITUTE ANY OTHER ACTION NECESSARY TO OBTAIN COMPLIANCE.

12 (2) BEFORE THE ZONING BOARD ANNULS AN APPROVED CONDITIONAL ZONING MAP  
13 AMENDMENT, THE HEARING EXAMINER SHALL HOLD AN EVIDENTIARY HEARING,  
14 IN ACCORDANCE WITH SECTION 16.203A, AND TRANSMIT A WRITTEN REPORT ON  
15 THE MATTER. THE FOLLOWING PROCEDURES SHALL BE FOLLOWED:

16 (i) THE DIRECTOR OF THE DEPARTMENT (OR IT'S DESIGNEE) SHALL PETITION  
17 THE ZONING BOARD TO ANNUL THE ZONING MAP AMENDMENT. THE  
18 PETITION SHALL STATE THE REASONS FOR THE REQUEST. AT THE SAME  
19 TIME, A COPY OF THE PETITION SHALL BE SENT TO THE HEARING  
20 EXAMINER.

21 (ii) AFTER THE CLOSE OF THE HEARING RECORD, THE HEARING EXAMINER  
22 SHALL FILE A WRITTEN REPORT WITH THE ZONING BOARD.

23 (iii) ANY PERSON OF RECORD MAY APPEAL THE REPORT OF THE HEARING  
24 EXAMINER WITHIN FIFTEEN DAYS AFTER THE FILING OF THE HEARING  
25 EXAMINER'S REPORT WITH THE ZONING BOARD. IF APPEALED, ALL  
26 PERSONS OF RECORD MAY ARGUE BEFORE THE ZONING BOARD.

27 (iv) PERSONS ARGUING SHALL ADHERE TO THE ZONING BOARD'S RULES OF  
28 PROCEDURE, AND ARGUMENT SHALL BE LIMITED TO THIRTY MINUTES FOR  
29 EACH SIDE, AND TO THE HEARING EXAMINER RECORD OF THE  
30 ANNULMENT HEARING.

31 (c) EFFECT ON CONDITIONAL USES

1 (1) WHEN ANY LAND UPON WHICH A CONDITIONAL USE HAS BEEN APPROVED IS  
2 RECLASSIFIED TO A ZONING CATEGORY DIFFERENT FROM THAT CATEGORY IN  
3 WHICH IT WAS CLASSIFIED AT THE TIME THE CONDITIONAL USE WAS APPROVED,  
4 THE FOLLOWING SHALL APPLY:

5 (i) IF, AT THE TIME OF THE REZONING, THE APPROVED USE REQUIRES THE  
6 APPROVAL OF A CONDITIONAL USE IN THE NEW ZONE, AND THE SPECIFIC  
7 CONDITIONAL USE REQUIREMENTS GOVERNING THE USE ARE THE SAME  
8 IN BOTH ZONES, THE CONDITIONAL USE AS APPROVED, SHALL REMAIN IN  
9 FULL FORCE AND EFFECT.

10 (ii) IF, AT THE TIME OF THE REZONING, THE APPROVED USE IS NOT PERMITTED  
11 IN THE NEW ZONE, OR REQUIRES APPROVAL OF A CONDITIONAL USE WITH  
12 DIFFERENT REQUIREMENTS, AND THE USE OR CONSTRUCTION  
13 AUTHORIZED BY THE CONDITIONAL USE HAS COMMENCED AND HAS NOT  
14 CEASED, THE CONDITIONAL USE SHALL NOT TERMINATE AND THE USE  
15 MAY CONTINUE AS A NONCONFORMING USE.

16 (iii) IF, AT THE TIME OF THE REZONING, THE APPROVED USE IS NOT PERMITTED  
17 IN THE NEW ZONE, OR REQUIRES APPROVAL OF A CONDITIONAL USE WITH  
18 DIFFERENT REQUIREMENTS, AND THE USE OR CONSTRUCTION  
19 AUTHORIZED BY THE CONDITIONAL USE HAS NOT COMMENCED OR HAS  
20 CEASED, THE CONDITIONAL USE SHALL TERMINATE, AND ALL  
21 PROVISIONS OF THE NEW ZONE SHALL APPLY TO THE USE AND  
22 DEVELOPMENT OF THE PROPERTY.

23 (iv) IF, AT THE TIME OF THE REZONING, THE APPROVED USE IS PERMITTED IN  
24 THE NEW ZONE WITHOUT APPROVAL OF A CONDITIONAL USE, THE  
25 CONDITIONAL USE SHALL TERMINATE, AND ALL PROVISIONS OF THE NEW  
26 ZONE SHALL APPLY TO FURTHER USE AND DEVELOPMENT OF THE  
27 PROPERTY.

28  
29 **Sec. 16.206. Conduct of hearings.**

1 All [[public]] EVIDENTIARY hearings on piecemeal map amendment or development  
2 plan petitions shall be conducted in accordance with the [[rules of procedure]] RULES OF  
3 PROCEDURE adopted by the Zoning Board insofar as they do not conflict with the Howard  
4 County Administrative Procedure Act. The HEARING EXAMINER AND ZONING Board shall  
5 prepare an official record of its proceedings in each case, which shall include testimony  
6 and exhibits; but it shall not be necessary to transcribe the testimony unless requested for  
7 court review. Every decision and final order in a piecemeal map amendment or  
8 development plan case shall be in writing, signed by a majority of the entire board,  
9 attested by the administrative assistant to the Board, and shall be accompanied by  
10 findings of fact and conclusions of law and shall be made a part of the record of  
11 proceedings. The final order of the Zoning Board denying or granting the petition for a  
12 piecemeal map amendment, or approving or disapproving a development plan, shall be  
13 filed with the Department of Planning and Zoning, which shall maintain it as part of the  
14 official records of the County.

15  
16 **Sec. 16.207. Judicial review.**

- 17 (a) Within 30 days after any final WRITTEN AND SIGNED decision and order of the  
18 Zoning Board is entered on a piecemeal map amendment or development plan  
19 petition, any person, Officer, Department, Board or Bureau of the County or State,  
20 jointly or severally aggrieved by any such decision and order, and a party to the  
21 proceeding below, may appeal to the Circuit Court for Howard County, in  
22 accordance with the Maryland Rules of Procedure providing for appeals from  
23 administrative agencies. The Zoning Board shall be a party to all appeals and shall  
24 be represented on appeal by ZONING BOARD COUNSEL OR the Office of Law.
- 25 (b) The review of the record of proceedings made before the Zoning Board shall be  
26 conducted by the court without a jury. In cases of alleged irregularities in procedure  
27 before the Zoning Board amounting to a denial of due process, not shown on the  
28 record, testimony thereon may be taken in the court. The court shall, upon request,  
29 hear oral argument and receive written briefs. Upon the hearing of such appeal, the  
30 action of the Zoning Board shall be presumed by the court to be proper and to best

1 serve the public interest. The court may affirm the decision of the Zoning Board or  
2 remand the case for further proceedings, or it may reverse or modify the decision if  
3 the substantial rights of the appellants to a fair hearing before the Board and a fair  
4 decision by the Board may have been prejudiced because the Zoning Board's  
5 findings, inferences, conclusions or decisions were or are:

- 6 (1) In violation of constitutional or Charter provisions; or
- 7 (2) Beyond the statutory authority or jurisdiction of the Board; or
- 8 (3) Made upon unlawful procedure; or
- 9 (4) Fraudulent; or
- 10 (5) So grossly erroneous as to imply bad faith; or
- 11 (6) Unsupported by competent, material and substantial evidence in view of the  
12 entire record as submitted; or
- 13 (7) Arbitrary or capricious; or
- 14 (8) Affected by other error of law.

15  
16 **Subtitle 10. – Zoning Counsel.**

17  
18 **Sec. 16.1000. - Zoning Counsel.**

- 19 (a) The County Council may employ a Zoning Counsel on a part-time, contractual basis.  
20 The Zoning Counsel shall be a member in good standing of the Bar of the Maryland  
21 Court of Appeals and at the time of appointment shall have been actively engaged in  
22 the general practice of law for at least five years.
- 23 (b) A decision to enter into a contract with an individual to perform the duties of Zoning  
24 Counsel shall be made by an affirmative vote of at least three Councilmembers. A  
25 decision to terminate a Zoning Counsel's contract shall be made by an affirmative  
26 vote of at least four Councilmembers.
- 27 (c) The Zoning Counsel shall appear at all EVIDENTIARY HEARINGS, BEFORE THE Zoning  
28 Board [[hearings]] AND THE HEARING EXAMINER on requests for piecemeal zoning

1 map amendments for the purposes of producing evidence and testimony supporting  
2 comprehensive rezoning and facilitating the compilation of a complete record.

3 (d) In the performance of these duties the Zoning Counsel may:

- 4 (1) Present evidence and witnesses;
- 5 (2) Examine and cross-examine witnesses;
- 6 (3) Present argument; and
- 7 (4) Take any other action necessary to perform these duties.

8 (e) The budget for the Zoning Counsel shall be included in the County Council budget.

9 (f) The Zoning Counsel may retain expert witnesses and compensate them to the extent  
10 that the Council budget includes funds for such compensation.

11 (g) The Zoning Counsel shall be available:

- 12 (1) To any person interested in any zoning matter to advise as to procedures before  
13 a County agency or board, provided that when doing so the Zoning Counsel  
14 does not engage in the practice of law or render individual legal advice; and
- 15 (2) To any group to speak about zoning procedures in the County.

16 (h) The Zoning Counsel shall attend certain presubmission community meetings, as  
17 necessary. The County Council shall determine whether or not the Zoning Counsel  
18 shall attend certain presubmission community meetings to advise any person or group  
19 of procedural matters.

20 (i) The Zoning Counsel:

- 21 (1) Does not represent the County, any government agency or any private party;
- 22 (2) Is not a party and does not have a right of appeal in connection with any case  
23 before the Board of Appeals;
- 24 (3) May not represent any client involving land use in Howard County; and
- 25 (4) May not represent any client before the Zoning Board or Board of Appeals for  
26 one year after leaving the Office of Zoning Counsel.

- 27 (i) Subject to section 22.1000 of the County Code, on or before July 1 of  
28 each year, the Zoning Counsel shall submit to the Council and the  
29 County Executive a report on the activities of the office in the past year.

30  
31 **Title 22 – General Provisions**

1 **Subtitle 9. – Computation of Time.**

2  
3 **Sec. 22.901. Application.**

4 [[This]] EXCEPT AS OTHERWISE EXPRESSLY PROVIDED BY LAW, THIS subtitle  
5 applies to any deadline established by this Code that exceeds seven days.

6  
7 *Section 2. And Be It Further Enacted by the County Council of Howard County,*  
8 *Maryland, that this Act shall become effective 61 days after its enactment.*