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.
Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County Code is hereby amended as follows:

By amending:

Title 16 - Planning, Zoning and Subdivisions and Land Development Regulations.

Subtitle 1. Zoning.

Section 16.208. - Zoning regulation text amendments.

HOWARD COUNTY CODE

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

Subtitle 2. Zoning

Sec. 16.208. - Zoning regulation text amendments.

(a) Petition. Any person, the Director of the Department of Planning and Zoning, on behalf of the County but not on behalf of a private ENTITY, the members of the County Council, or any duly appointed county board may petition the County Council for an amendment, repeal, or change to the text of the zoning regulations.

(b) REQUIREMENT FOR AFFIDAVIT OR DISCLOSURE.

(1) In this subsection:

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

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

(2) If a zoning regulation text amendment would impact 12.8 PARCELS OF LAND OR LESS, EACH OF THOSE PARCELS OF LAND SHALL BE DEEMED TO BE THE SUBJECT OF THE APPLICATION.

(3) All applicants shall file all the affidavits and disclosures required by Section 5-853 of the Maryland Public Ethics Law.

[(b)] (c) Copy of petition to Department of Planning and Zoning and Planning Board. The County Council shall deliver a copy of the proposed zoning regulation text amendment to the Department of Planning and Zoning and to the Planning Board. Subject to subsection (e)
of this section, the Department of Planning and Zoning shall prepare and submit a technical
staff report to the County Council on the proposed text amendment petition. The Planning
Board shall prepare and submit a recommendation to the County Council on the proposed
text amendment petition.

[(c)] (D) Posting of property.

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

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

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

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

(5) The poster shall:

(i) Be double-sided;

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

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

(6) The Department of Planning and Zoning shall:
(i) Place the alphanumeric code in at least five-inch lettering in the top left corner of
the poster; and

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

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

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

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

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

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

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

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

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

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

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

(iii) A summary report as required by section 5-853(h) of the Maryland Public Ethics
Law, compiling all affidavits and disclosures filed at least 30 days prior and
stating whether any applicant as that term is defined in section 5-852(b) of the
Maryland Public Ethics Law has made certain campaign contributions to or is currently engaged in business with any member of the County Council or the Howard County Executive.

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

[[[(e)]]] (f) Technical staff report. At a minimum, the technical staff report shall include an analysis of:

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

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

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

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

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

(i) A LIST OF THOSE IMPACTED PARCELS;

(ii) THE ADDRESS OF EACH IMPACTED PARCEL;

(iii) THE OWNERSHIP OF EACH IMPACTED PARCEL; AND

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

(G) (1) IF THE ZONING REGULATION TEXT AMENDMENT WOULD IMPACT 128 PARCELS OF LAND OR LESS, THE COUNCIL ADMINISTRATOR SHALL NOTIFY ANY TITLE OWNERS OF THAT LAND WHO ARE NOT PETITIONERS OF:
(1) The petition itself; and

(2) All applicants' obligation to file all affidavits and disclosures required by section 5-853 of the Maryland Public Ethics Law within the specified timeframe.

(2) Where the intent of the application is an increase in the density of the land, all affidavits and disclosures required by section 5-853 of the Maryland Public Ethics Law must be received for at least two-thirds of the parcels of land impacted before a bill proposing the adoption of the text amendment may be added to the Council's legislative agenda.

Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this 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.)

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

I certify this is a true copy of Amendment 1 to CB56-2022 passed on October 31, 2022.

[Signature]
Council Administrator
Amendment 2 to Council Bill No. 56-2022

BY: David Yungmann

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:
   • in line 4 of the short title, after “land”, insert “and certain additional information”;
   • strike beginning with “requiring” in the fifth line down through “circumstances;” in the eighth line.

2 On page 1, strike in their entirety lines 22 through 24. On the same page, in line 25, strike “(3)” and substitute “(2)”.

3 On page 4, in line 19, strike “, A LIST OF THOSE IMPACTED PARCELS” and substitute:

   “(1) A LIST OF THOSE IMPACTED PARCELS:

I certify this is a true copy of
Am 2 to CBL56-2022

passed on October 31, 2022

[Signature]

Council Administrator
(ii) The address of each impacted parcel;

(iii) The ownership of each impacted parcel; and

(iv) The name and address of the owner, if an individual, or the name and address of the resident agent or owner, if a corporate entity, of each impacted parcel.’

On pages 4 through 5, strike in their entirety the lines beginning with line 20 on page 4 through line 3 on page 5, inclusive.
AN ACT amending the zoning regulation text amendment process by requiring a certain applicant for a zoning regulation text amendment to file a certain affidavit and disclosure; requiring certain applicants to file a certain affidavit or disclosure; requiring a technical staff report to include a list of certain impacted parcels of land under certain circumstances; requiring the Council Administrator to notify certain title owners of certain information and an obligation to file a certain affidavit and disclosure under certain circumstances; requiring the receipt of certain affidavits and disclosures before a bill may be added to the Council's legislative agenda under certain circumstances; and generally relating to zoning regulation text amendments.
Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County Code is hereby amended as follows:

By amending:

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

Section 16.208. – Zoning regulation text amendments.

HOWARD COUNTY CODE

Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations
Subtitle 2. Zoning

Sec. 16.208. - Zoning regulation text amendments.

(a) Petition. Any person, the Director of the Department of Planning and Zoning, on behalf of the County but not on behalf of a private ENTITY, the members of the County Council, or any duly appointed county board may petition the County Council for an amendment, repeal, or change to the text of the zoning regulations.

(b) REQUIREMENT FOR AFFIDAVIT OR DISCLOSURE.

(1) IN THIS SUBSECTION:

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

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

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

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

[(b)] (c) Copy of petition to Department of Planning and Zoning and Planning Board. The County Council shall deliver a copy of the proposed zoning regulation text amendment to the Department of Planning and Zoning and to the Planning Board. Subject to subsection (e)
of this section, the Department of Planning and Zoning shall prepare and submit a technical staff report to the County Council on the proposed text amendment petition. The Planning Board shall prepare and submit a recommendation to the County Council on the proposed text amendment petition.

[(c)] (d) Posting of property.

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

2 For a proposed zoning regulation text amendment that would affect more than 12 parcels of land for which the petitioner is [[the County Executive,]] the Director of the Department of Planning and Zoning, [[or]] a member of the County Council, or any duly appointed county board, one sign shall be posted by the Department of Planning and Zoning that is located outside the Howard County Government George Howard Building and is conspicuous and visible by the public no less than six weeks prior to the date of the Planning Board meeting on the proposed zoning regulation text amendment.

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

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

5 The poster shall:

   (i) Be double-sided;

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

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

6 The Department of Planning and Zoning shall:
(i) Place the alphanumeric code in at least five-inch lettering in the top left corner of the poster; and

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

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

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

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

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

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

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

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

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

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

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

(iii) A summary report as required by section 5-853(h) of the Maryland Public Ethics Law, compiling all affidavits and disclosures filed at least 30 days prior and 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
currently engaged in business with any member of the County Council or the
Howard County Executive.

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

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

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

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

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

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

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

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

(i) The petition itself; and

(ii) All applicants' obligation to file all affidavits and disclosures required
by section 5-853 of the Maryland Public Ethics Law within the specified
timeframe.

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

Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this 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 [date], 2022.

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 [date], 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 [date], 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 [date], 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 [date], 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 [date], 2022.

Michelle Harrod, Administrator to the County Council