

ZONING MAP AMENDMENT

The Howard County Charter and Code authorizes the Zoning Board to amend the official zoning map and establishes procedures for amendments. The following types of amendments may occur:

Comprehensive Zoning Districts - Piecemeal

These zoning districts may only be requested during the Comprehensive Zoning Plan process. However, an exception may be granted pursuant to the “change or mistake rule”, which is described in the Technical Staff Report section.

- **Site Plan Documentation**
In accordance with [Section 100.G.2](#) of the Zoning Regulations, a site plan may be submitted with zoning map amendments described above that shows the specific site design/use, as opposed to allowing all uses permitted in the requested zoning district. If the Zoning Board approves the rezoning, it may also approve the proposed site plan, which the developer is then obligated to follow. Any substantive changes to this plan must be approved by the Zoning Board.

Floating Districts

Floating districts are districts that cannot be requested during Comprehensive Zoning, but may be requested through a map amendment petition initiated by a property owner at any other time. The criteria is described in the Technical Staff Report section.

PROCESS

Pre-submission Community Meeting

The petitioner is required to present the proposal and plan at a community meeting prior to submittal of a petition. The petitioner must post a meeting sign and provide written notice regarding the date, time and location of the meeting by mail to adjoining property owners at least 3 weeks prior to the meeting. The petitioner has one year from the date of the last pre-submission community meeting to submit the petition or must hold a new meeting.

Submission

Petitions are submitted to the Department of Planning and Zoning. At submission, a staff member briefly checks the petition for completeness.

*In any year in which members of the County Council are elected, the incumbent Councilmembers, shall not take final action on any zoning application after the date of the primary election as set by law and until the newly elected County Councilmembers have qualified and taken office. However, the Zoning Board or the County Council may act on zoning matters which are considered, in the discretion of the Council or the Board, to be emergency matters that could be injurious to the County or any of its citizens.

Completeness Review

A DPZ planner reviews the petition in more detail to determine if it includes adequate information for an evaluation of all criteria. If deficiencies are identified, the applicant is notified in writing. Once the petition is complete, it is scheduled on a Planning Board agenda.

Correspondence

The Public Service and Zoning Administration Division Chief is designated as the Clerk prior to scheduling of the Zoning Board/Hearing Examiner hearing and after the hearing is concluded and receives all correspondence/documentation during these times.

After the case is scheduled and prior to conclusion of the hearing, the Board Administrator/Secretary is designated as the Clerk and receives all motions, correspondence/documentation, including revised petitions/plans, during this time.

Scheduling

The Planning Board schedules the meeting date based upon public notice requirements and the number of cases in review.

Public Meeting Sign

The property must be posted at least 15 days prior to the meeting. The Department of Planning and Zoning supplies the posters to the petitioner, who is responsible for erecting and maintaining them. Prior to the hearing the petitioner must sign an affidavit attesting that the property has been posted in accordance with the applicable requirements.

Technical Staff Report

The Department of Planning and Zoning issues a Technical Staff Report, including comments from other departments/agencies, that provides an evaluation of the following. The report is posted on the Howard County website and is available for review at the DPZ Front Counter 14 days prior to the Planning Board meeting.

Howard County General Plan

Compatibility of the requested zoning district at the proposed location with the objectives and policies of the Howard County General Plan.

Piecemeal

In accordance with State law, most petitions for zoning map amendments are judged by the "change or mistake rule." To grant a piecemeal map amendment, this rule requires the Zoning Board to find that a "substantial change in the character of the neighborhood" has occurred since the last Comprehensive Zoning Plan or that a "mistake" was made during the previous Comprehensive Zoning Plan in applying the current zoning district to the property. If the Zoning Board finds a change or mistake, it may approve the requested rezoning if it finds that the proposed zoning designation for the property would be more appropriate. The Board is not, however, compelled to approve the rezoning unless it finds that the existing zoning provides for no reasonable use of the property.

Site Plan Documentation

Criteria in [Section 100.G.2](#) of the Zoning Regulations.

Floating Districts

The "change or mistake" rule does not apply to floating zones; instead, the zoning district contains criteria, which must be met in order to approve a petition. The criteria address factors such as the location and size of the

property and the type of road access available. Petitions for floating districts include a Preliminary Development Plan showing the general layout of the proposed development. Any substantive changes to this plan must be approved by the Zoning Board.

Planning Board Meeting and Recommendation

The Howard County Planning Board conducts a public meeting on the petition. The Board's role is advisory through a recommendation to the Zoning Board. A DPZ staff member presents the Technical Staff Report and answers questions from the Board. The Petitioner or representative is required to attend the meeting, present the petition, and answer any questions from the Board. Members of the public can provide written and oral testimony. The Board considers the Petition, the Technical Staff Report, and testimony in formulating a recommendation.

No later than two days following the release of the Planning Board recommendation on the petition, the Department of Planning and Zoning shall submit the petition with all supporting documents to the administrative assistant to the Zoning Board, who shall schedule the petition on the Hearing Examiner or Zoning Board docket, as applicable.

Public Hearing Sign

The property must be posted at least 30 days prior to the Hearing Examiner hearing. The Department of Planning and Zoning supplies the posters to the petitioner, who is responsible for erecting and maintaining them. Prior to the hearing the petitioner must sign an affidavit attesting that the property has been posted in accordance with the applicable requirements.

Advertising

The petitioner, at their own expense, must advertise the date, time and place of the hearing at least 30 days prior to the hearing, in at least two newspapers of general circulation in Howard County. The Department of Planning and Zoning provides the text for the advertising.

Written Notice

At least 30 days prior to the initial hearing, the petitioner shall send a certified letter to all persons whose property is adjoining to the property which is the subject of the petition, according to the most recent State taxation and assessment records, notifying those persons of the date, time, place and subject matter of the hearing in accordance with section 16.203(c)(7) of the county code.

Hearing Examiner Hearing and Report

The Hearing Examiner shall hear the petition first unless the position is vacant, there is a conflict of interest, or the Zoning Board by a majority votes decides to hear the case.

The record shall include:

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

Following the close of the record, the Hearing Examiner shall send the record to the Zoning Board Administrator to be distributed to the members of the Zoning Board.

The Hearing Examiner shall issue a report on the petition to the within 60 days after the conclusion of the hearing, unless the Zoning Board specifies a different time. The report shall include findings of fact, summaries of arguments and respective positions in the case or theory in support of it, and conclusions of law. The report is not an order or final action of the Zoning Board. The report shall be signed by the Hearing Examiner and sent to the Zoning Board Administrator to be distributed to the members of the Zoning Board, each party to the case, and posted on the Zoning Board's website. The report shall be deemed issued on the date that the report is signed by the Hearing Examiner.

Exceptions to the Hearing Examiner Report

A party may submit exceptions to the report in writing to the Zoning Board within 20 business days after the report is issued. The party filing exceptions shall send the exceptions to the Zoning Board Administrator and all other parties in the case by both email and first-class mail, postage paid. The exceptions shall specify in detail those items to which the party excepts and the reasons why the party excepts. Any party may file a written response to any other party's exceptions within 20 business days of the filing of any exceptions.

On the filing of exceptions, the Zoning Board shall schedule an oral argument on the exceptions in a timely manner. The oral argument is limited to those matters to which exceptions have been taken. Each party shall be limited to 30 minutes total of oral argument for all exceptions filed by that party. The Zoning Board may choose to take evidence on an exception.

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Zoning Board Hearing and Decision

The report, along with the record, shall be presented by the Hearing Examiner to the Zoning Board. The hearing of exceptions to the report shall follow the Hearing Examiner's presentation.

All public hearings shall be conducted in accordance with the rules of procedure adopted by the Zoning Board insofar as they do not conflict with the Howard County Administrative Procedure Act.

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

Appeals

Within 30 days after any final decision and order of the Zoning Board, any person, Officer, Department, Board or Bureau of the County or State, jointly or severally aggrieved by any such decision and order, and a party to the proceeding below, may appeal to the Circuit Court for Howard County, in accordance with the Maryland Rules of Procedure providing for appeals from administrative agencies. The Zoning Board shall be a party to all appeals and shall be represented on appeal by the Office of Law.