

# Zoning Map Amendment Process

## Zoning Maps Basics

The Howard County Charter and Code empower the County Council to adopt maps dividing the County into various zoning districts, each of which has certain regulations that govern the development and use of land within the district. These individual district regulations are combined with other land use regulations, which may apply to some or all of the various zoning districts, in a volume called the Zoning Regulations. Together, the Zoning Maps and Zoning Regulations serve to guide the proper growth and development of the County in accordance with the goals and policies of the General Plan.

The various zoning district boundaries adopted by the County Council are shown on the official Zoning Maps, a set of sectional maps maintained by the Department of Planning and Zoning (“DPZ”). These official Zoning Maps can be viewed at the DPZ offices, and prints of these maps can be purchased. The official Zoning Maps are also used to produce the Zoning Layer for the County Geographic Information System maps, which can be viewed online.

## Zoning Map Amendments

A request to amend the Zoning Maps by rezoning a particular property or site at any time other than during the Comprehensive Zoning Plan process is called a Zoning Map Amendment (or “ZMA”) and is also commonly referred to as “piecemeal map amendment”, although there are two other types which are described below in the section on **The Evaluation of the Types of Zoning Map Amendment Requests**. A piecemeal Zoning Map Amendment request may be submitted by an owner of a property, by DPZ, or by a member of the Zoning Board.

The Howard County Zoning Board makes decisions on requests for Zoning Map Amendments. The Zoning Board is comprised of the five members of the Howard County Council. The Zoning Board also makes decisions on requests for Preliminary Development Plan approval, which are initial plans required for development proposals in several zoning districts.

## Zoning Map Amendment Process

### 1. Presubmission Community Meeting

An applicant for a Zoning Map Amendment must hold a Pre-submission Community Meeting prior to submitting the application. The requirements and procedures for this meeting are specified in the most current version of Sec. 16.205. of the Howard County Code. These requirements and procedures are quite detailed, but basically, the applicant must provide at least 3 weeks advanced written notice regarding the date, time and location of the meeting by mail to adjoining property owners, applicable community associations, and vicinal school principals and PTAs, post this information on the subject property, and provide this information to DPZ to put the meeting information on the DPZ web page. (For the detailed requirements, see the online Howard County Code at [https://www.municode.com/library/md/howard\\_county](https://www.municode.com/library/md/howard_county).)

## 2. **Submission**

After holding the Pre-submission Community Meeting, an applicant has up to one year to submit the application to DPZ. After the application is submitted, it is reviewed to check for errors or discrepancies and to determine whether it includes sufficient information for a thorough evaluation of the request. The applicant is notified in writing and given the opportunity to correct or supplement the information provided if the initial application is determined to be deficient. When an application is determined to include sufficient information, it is considered to be “officially accepted” for processing and scheduling.

## 3. **Planning Board Meeting - Scheduling and Function**

After a Zoning Map Amendment application has been officially accepted, DPZ schedules the case for a Planning Board public meeting. Placing the case on the official Planning Board agenda available through the DPZ web page serves as the public notice for this public meeting, although additional public notice methods may be employed as provided in the Planning Board Rules of Procedure. Prior to the public meeting, DPZ prepares a Technical Staff Report about the Zoning Map Amendment request (See **Technical Staff Report** section below.)

The Planning Board holds this public meeting in accordance with the Planning Board Rules of Procedure, offering the applicant and any other interested party an opportunity to express public commentary on the proposed Zoning Map Amendment request. After the public meeting for the case is closed, the Planning Board conducts a work session to verbally formulate and vote on a motion expressing the Planning Board’s recommendation on how it believes the Zoning Board should decide on the Zoning Map Amendment request. Within a reasonable period of time after the Planning Board public meeting a formal Planning Board Recommendation document is drafted to express the approved motion and its basis in writing.

Once the Planning Board Recommendation document is finalized and is signed by the members of the Planning Board, it is forwarded to the Administrative Assistant to the Zoning Board for a Zoning Board public hearing date and time to be scheduled. DPZ does not schedule these public hearings. The date that is scheduled is based upon the requirements for public notice and the number of cases currently scheduled to be heard by the Zoning Board.

## 4. **Technical Staff Report**

Prior to the Planning Board public meeting, DPZ prepares a Technical Staff Report (“TSR”), which evaluates the Zoning Map Amendment request on the basis of the information provided in the application materials. This TSR explains the details of the request, applicable information about the subject property and its surroundings, and presents a DPZ recommendation on the ultimate decision for the case. The Zoning Board makes the final decision, which may or may not be the same as the DPZ recommendation or the Planning Board Recommendation.

The most common DPZ recommendations are either for approval, for approval with revisions, or for denial, but other types of recommendations are possible. When a TSR is finalized, it is forwarded to the Planning Board and is posted online in the Planning Board’s schedule, which can be found through the DPZ website. It may also be viewed at the DPZ public service counter. Typically, the TSR is finalized at least two or more weeks prior to the Planning Board public meeting.

## **5. Public Notice Posting**

The property or site that is the subject of the rezoning request must be posted with the information on the Zoning Board public hearing date and time at least 30 days immediately prior to the Zoning Board hearing. DPZ prepares the posters, but the applicant is responsible for posting them correctly and maintaining them. The poster locations are specified by DPZ on a map that is given to the applicant, and the applicant is responsible for posting in these specified location(s). Prior to the public hearing, the applicant must submit a signed affidavit attesting that the property has been posted in accordance with all applicable requirements. The Zoning Board determines whether a property has been posted sufficiently; DPZ does not make this determination. Therefore, opinions about postings that are believed to be insufficient or incorrect must be presented to the Zoning Board at the public hearing.

Please be advised that when it specifies the poster location(s), DPZ cannot be aware of all the current detailed site conditions and site characteristics of the property, and sometimes a poster may be obscured due to various reasons. If this is brought to the attention of DPZ, DPZ will contact the applicant to correct the situation.

## **6. Advertising**

The applicant must advertise the date, time and place of the hearing at least 30 days prior to the first Zoning Board public hearing, in at least two newspapers of general circulation in Howard County. DPZ prepares the text for the advertising, which is given to the applicant. The applicant is responsible for submitting the text to the newspapers.

## **7. Public Hearing**

The applicant, or a designated representative, must attend the Zoning Board public hearing and be prepared to present the case and answer any questions. The applicant may have an attorney or other competent professional present the case, or to provide testimony supporting the case. Other people who have an interest in the case may attend the public hearing and present testimony as permitted in the Zoning Board's Rules of Procedure. For persons who want to present such testimony, reviewing the Rules of Procedure is recommended. Questions about the Rules of Procedure should be directed to the Administrative Assistant to the Zoning Board at 410-313-2395.

## **8. The Evaluation of the Types of Zoning Map Amendment Requests**

- **Standard Piecemeal Zoning Map Amendments**

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 in how the property was zoned in the last Comprehensive Zoning Plan.

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 Zoning Board is not, however, compelled to approve the rezoning unless it finds that the existing zoning provides for no reasonable use of the property.

- **Piecemeal Zoning Map Amendments with Site Plan Documentation**

Applications for Zoning Map Amendments may employ the site plan documentation option allowed by Section 100.0.G.2 of the Zoning Regulations. This option permits an applicant to propose a specific site design and uses for the property that is requested to be rezoned. If the Zoning Board makes the necessary findings to approve the rezoning, it may also approve the proposed site plan, which the developer is then obligated to follow. Any future substantive changes to this plan must be presented to the Zoning Board for its approval.

- **Zoning Map Amendment Requests for Floating Districts**

Floating Districts are certain types of special zoning districts that are not mapped during the Comprehensive Zoning Plan process but may only be placed on a property through a Zoning Map Amendment request initiated by a property owner. The Purpose statement of a zoning district will specify whether the district is a Floating District. The "Change or Mistake" rule does not apply to Floating Districts; instead, the Zoning Regulations list criteria for the Floating District, and the Zoning Board must find that the request complies with all the criteria in order to approve the Zoning Map Amendment request for the Floating District. The criteria vary, but commonly 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 for the property.

## **9. Zoning Board Decision**

The Zoning Board decision for a Zoning Map Amendment request is a written document called a Decision and Order which is signed by a majority of the Zoning Board, attested by the Administrative Assistant to the Board, and which contains the findings of fact and conclusions of law that are the basis of the final decision. The final Decision and Order of the Zoning Board denying or granting the Zoning Map Amendment request is posted on the Zoning Board's web page and also filed with DPZ, to be maintained in the official file for the Zoning Map Amendment case.

## **10. Appeals of the Zoning Board Decision**

Within 30 days after any final Decision and Order of the Zoning Board on a Zoning Map Amendment request, any person, Officer, Department, Board or Bureau of the County or State, which qualifies as being jointly or severally aggrieved by the Decision and Order, and qualifies as being a party to the Zoning Map Amendment proceeding, may file an appeal to the Circuit Court for Howard County. For the full details of this procedure, please refer to Section 16.207 Judicial Review in the Howard County Code. Please be advised that there are certain legal criteria which are applied to the determination on whether an entity qualifies as being "aggrieved" and "a party to the proceeding", so legal consultation is advisable on these issues prior to filing an appeal.