

TEMPORARY USES

Sec. 132.0 of the Zoning Regulations authorizes the Department of Planning and Zoning Director to permit a temporary use of land for a period not exceeding 90 days. A temporary use may not be approved for a use which is expressly prohibited by these Regulations or one for which Conditional Use approval is required in the zoning district.

PROCESS

Submission

Petitions are submitted to the Department of Planning and Zoning. A plan that contains the items listed on the petition checklist must accompany the petition. At submission, a staff member briefly checks the petition for completeness.

Completeness Review

A DPZ planner reviews the petition in more detail to determine if it contains adequate information for an evaluation of all criteria. If deficiencies are identified, the applicant is notified in writing and given the opportunity to correct or supplement the information provided in the petition.

Scheduling

After the petition is complete, a hearing date is assigned by the Director's designee. The hearing date will be determined by the legal notice posting requirement and the number of cases in review.

Public Hearing Sign

A public hearing sign must be posted on the property 15 days prior to the 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.

Hearing

The DPZ Director or a designee conducts the hearing in accordance with the DPZ's Rules of Procedure. The Petitioner or a designated representative must attend the hearing to present testimony supporting the petition and to answer any questions. Petitioners may choose to represent themselves or may engage an attorney or other qualified professional to present the case. The Petitioner is required to describe the request and how it relates to the applicable criteria. Any individuals interested in the petition may attend the hearing and present testimony.

Decision

The Director issues a written Decision and Order that contains Findings of Fact, Conclusions of Law, an evaluation of the following criteria, and any conditions the Director finds appropriate.

Review Criteria

The Zoning Regulations contains the following two standards used to evaluate temporary use requests:

1. The use will not adversely affect vicinal properties.
2. The use does not require significant or permanent changes to the existing topography, vegetation, structures, or other features of the site.

Appeal

The decision may be appealed to the Howard County Hearing Authority. The Hearing Authority will conduct a hearing *de novo*, which means the hearing will not be based upon the record established in the case.

Extensions

The Director of the Department of Planning and Zoning may approve up to four extensions of the temporary use for periods not exceeding 90 days each, up to a maximum total limit of one year. The Department of Planning and Zoning may approve such extensions upon written request if there are no modifications of the use and no complaints regarding the temporary use have been received.