

Conditional Uses

A conditional use is a land use which requires approval by the Hearing Authority and is subject to General and Specific criteria identified in Sec. 131.0 of the Howard County Zoning Regulations.

PROCESS

Pre-submission Community Meeting

The petitioner is required to present the proposal and plan at a pre-submission community meeting prior to submittal. The petitioner must post a meeting sign on the property and provide written notice regarding the date, time and location of the meeting by mail to adjoining property owners and organizations registered with the County at least 3 weeks prior to the meeting. The petitioner provides minutes of the meeting and makes these available to attendees and interested parties. 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

A conditional use petition must be submitted to the Public Service and Zoning Administration Division within the Department of Planning and Zoning. A conditional use plan that contains the items listed on the petition checklist must accompany the petition.

Completeness Review

A DPZ planner reviews the petition/plan 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. Once the petition/plan are complete, they are forwarded to the Board Administrator/Secretary for scheduling.

Scheduling

The Board Administrator/Secretary schedules the hearing date based upon public notice requirements, the number of cases in review, and availability of the parties.

Correspondence

Public Service and Zoning Administration Division staff within the Department of Planning Zoning are designated as the Clerk to the Hearing Authority prior to scheduling of the hearing and after the hearing is concluded and receives all correspondence/documentation related to the petition.

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

Public Hearing Sign

A public hearing sign must be posted on the property 30 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.

Advertising

The petitioner, at his/her 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.

Technical Staff Report

The Department of Planning and Zoning issues a Technical Staff Report, which includes an evaluation of the following:

1. The zoning district requirements;
2. General Conditional Use Criteria (Sec.131.0.B);
3. Specific Conditional Use Criteria (Sec. 131.0.N or O); and
4. Off-street parking requirements (Sec. 133.0).

Included in this report are comments from other agencies, which may have an interest in the case. The report is provided to the Hearing Authority at least 14 days prior to the hearing. The report is posted on the Howard County website and is available for review at the DPZ Front Counter.

Hearing

The Hearing Examiner conducts all conditional use hearings unless there is a conflict of interest, in this circumstance the petition is heard by the Board of Appeals. The petitioner must attend the public hearing and be prepared to present his or her petition and answer any questions. Petitioners may choose to represent themselves or engage an attorney or other competent professional to present the case. Interested parties may attend the hearing and present testimony related to the criteria as permitted in the Hearing Examiner's Rules of Procedure.

Decision

The Hearing Examiner issues a written Decision and Order containing Findings of Fact, Conclusions of Law, the Decision, and any conditions the Hearing Examiner finds appropriate. The Decision and Order is provided to the DPZ Public Service and Zoning Administration Division, which distributes it to all parties involved and to various State and County agencies.

Reconsideration

Within 15 days of the issuance of a Decision and Order any party may request that the Hearing Examiner suspend and reconsider the Decision. The Hearing Examiner may reconsider the Decision only under limited circumstances such as cases of fraud, mistake or irregularity, to correct a clerical error, or for other good cause shown. The Hearing Examiner shall not rehear a matter unless new evidence is submitted which could not reasonably have been presented at the original hearing.

Appeals

A decision rendered by the Hearing Examiner may be appealed to the Board of Appeals of Howard County within 30 days after the Decision and Order is issued. Information concerning this appeal process may be obtained from the Board Administrator/Secretary of the Board of Appeals.

Expiration

An approved conditional use becomes void unless a building permit conforming to the conditional use plan is obtained within two years, and substantial construction is completed within three years from the date of the decision. Any conditional use for which a building permit is not necessary must commence operations within two years. Up to two extensions may be granted based on a process described in the Zoning Regulations. If a conditional use is discontinued for a continuous period of at least two years the conditional use approval becomes void.