

**County Council of Howard County, Maryland**

2021 Legislative Session

Legislative Day No. **7**

**Resolution No. 74 -2021**

**Introduced by:** Liz Walsh

**Co-sponsored by:** Deb Jung and Christiana Rigby

**A RESOLUTION** increasing the fees charged by the Department of Planning and Zoning for Zoning Regulation Amendment petitions; and generally relating to fees.

Introduced and read first time May 3, 2021.

By order Michelle Harrod  
Michelle Harrod, Administrator

Read for a second time at a public hearing on May 17, 2021.

By order Michelle Harrod  
Michelle Harrod, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on June 7, 2021.

Certified By Michelle Harrod  
Michelle Harrod, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, various sections of Title 16 of the Howard County Code authorize the  
2 County Council to establish a variety of fees in relation to planning and zoning functions of the  
3 County; and  
4

5           **WHEREAS**, pursuant to Title 16, Subtitle 2 of the Howard County Code, the County  
6 Council acts as the Howard County Zoning Board and in their capacity as the Zoning Board, the  
7 Council hears and considers zoning map amendments and zoning regulation text amendments;  
8 and  
9

10           **WHEREAS**, Section 16.205(c) of the Howard County Code provides that any person  
11 may petition the County Council for approval of a zoning regulation text amendment, upon  
12 payment of the proper fee; and  
13

14           **WHEREAS**, pursuant to Section 16.212 of the Howard County Code, the County  
15 Council shall establish a fee schedule for zoning regulation text amendments petitions and the  
16 amount of the fees shall be sufficient to cover the costs of handling these petitions; and  
17

18           **WHEREAS**, the current cost to file a zoning regulation text amendment petition is \$695  
19 per amendment and the Department of Planning and Zoning has recently estimated that the cost  
20 to the County from the time of petition submittal to final Planning Board recommendations to be  
21 approximately \$2,500.  
22

23           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
24 Maryland this \_\_\_ day of \_\_\_\_\_, 2021 that it adopts a new fee schedule for zoning  
25 regulation text amendment petitions attached to this Resolution; and  
26

27           **BE IT FURTHER RESOLVED** that the attached fee schedule for zoning regulation text  
28 amendment petitions shall be effective July 1, 2021 and shall remain in effect until changed or  
29 repealed by subsequent Resolution of the County Council.

**DEPARTMENT OF PLANNING AND ZONING  
FEE SCHEDULE  
Effective July 1, 2021**

**ZONING TEXT AMENDMENTS (ZRAs)**

\$[[695\*]] 2,500 Per amendment

Indivisible  HoCoMD

**CR72-2021 DILP Schedule of Fees**

**CR73-2021 DPZ Schedule of Fees**

**CR74-2021 ZRA Fees**

**May 25, 2021**

**Position: CR72: Opposed as filed; CR73: Opposed as filed;**

**CR74: Support**

The Howard County Indivisible Economic Equity Action Team believes that the fees charged by the Department of Inspections, Licenses, and Permits, and the Department of Planning and Zoning should generally cover the costs of the approval sought by a developer.

The fee for ZRA petitioners also should be raised given the long process they require and the obvious increase in County employee costs it takes to handle them. When private citizens propose these ZRA's if a Council member sponsors them, there is no cost, so that would not be onerous for individuals with viable suggestions.

Decades ago, the County Executive would more routinely adjust the fees. Thus for example, CR45-2004 included a provision specifically stating that "the County Executive has recommended changes in the fees associated with the Department of Planning and Zoning" and one that "the County Executive has proposed a fee to cover the costs of processing waivers to the Design Manual."

Such regular adjustments to the fees have become rarer and rarer as the relative real costs to developers have declined while the costs to the County to process the requests have risen with inflation.

This failure to adjust for inflation and rising costs is at the root of many of the recent conflicts over education funding and affordable housing, and is undermining the quality of life in Howard County.

Thus, Indivisible supports efforts to cover the costs including Amendments 1 and 3 to CR73-2021 and CR74-2021.

**Sayers, Margery**

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**From:** LISA MARKOVITZ <lmarkovitz@comcast.net>  
**Sent:** Tuesday, May 18, 2021 12:18 PM  
**To:** CouncilMail  
**Subject:** CR74 code language

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Thank you for your questions about CR74 regarding how to make the fee less prohibitive for individuals. The code says the Council must establish a fee schedule, but it does not say the fee has to be the same for every type of petition. There could be a scale, since the Council is tasked in the code with covering the County's costs, there are surely petitions that are clearly going to be contentious issues that will take up a lot more time than individual or neighborhood needs.

Alternatively, an amendment to CR74 could include allowing the Council to waive the fee after passing the ZRA legislation, if it is deemed at the end of the process to not have been costing the County much and/or having been an outcome that was seen to have been beneficial to the County (but not realized as such earlier, to sponsor).

In ALL of the fee legislation, the Council could amend the Code to allow themselves to waive or lower fees for certain types of requests. This would remove the concern about some County services ever being prohibitively expensive for individuals, yet also address the fact that business-related fees should not be overly minimal nor too long set due to County cost increases.

Thank you,  
Lisa Markovitz



**HCCA**

**Howard County Citizens Association**

*Since 1961... The Voice of the People of Howard County*

May 24, 2021

County Council – HCCA Positions on Resolutions 72,73,74,86,80 2021

Resolutions 72/73 – These fees have been stagnant for far too long and need to be reviewed for a rational increase. Adding a purely inflationary clause to increase automatically is warranted.

Resolution 74 – the ZRA petitioner fee should be increased to follow the County Code and have the Council set the appropriate cost to the County to be reimbursed by petitioners who stand to profit immensely from these measures. Individuals who petition for these changes also benefit very much, and should have to weigh investing in a change carefully, since the changes affect others.

Resolutions 86/89- The HCCA has argued for a long time to raise or eliminate the fee-in-lieu of providing MIHU's to get them more spread out, and/or get more County funds closer to the cost of the units. These fees are artificially capped by the building industry which is entirely inappropriate and not done by other jurisdictions. The cap has to be removed. While it is in place, the Council should be told the maximum that can be chosen to raise the fee in the legislative financial impact information.

The Howard County Citizens Association (HCCA) agrees with the testimony provided by The People's Voice (TPV) on these resolutions.

Stu Kohn

President

# The People's Voice, LLC

## Ethics Ballot™

3600 Saint Johns Lane, Suite D, Ellicott City, MD 21042

May 17, 2021  
County Council Testimony

CR 74 – ZRA fee increase - Support

The ZRA process is lengthy and costly to the County. It ends up being a balancing act to provide a regulation change due to a request from one petitioner regarding a particular property, yet not be spot zoning. The petitioner decides not to go for a piecemeal process, likely due to that being even longer and more expensive for them; however, the Council has to deal with these and figure out any unintended consequences and not do spot zoning. One of these was even overturned by the Circuit Court on motions as illegal spot zoning in the Glenelg case.

Raising this fee is warranted due to the difficult work they entail and requirement of a lot of County resources. Some may say that individuals are allowed to bring ZRA's and it should not be cost prohibitive for them to do so. Currently, if a ZRA becomes sponsored by a Council Member the fee is waived. The Council could amend legislation to allow for the waiving of the fee in other circumstances as well, such as once passed it is deemed to have been beneficial to the County, without a costly process.

Since our code requires the County to cover costs to provide the ZRA process in setting its fees, this one needs to be updated. Others do as well of course, in that we don't protect the County's costs on all these fees, for decades in our procedures, yet we have allowed maximums dictated from one industry inflation index for MIHU fees-in-lieu and Building Excise taxes.

Lisa Markovitz  
President