

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2017 Legislative Session

Legislative day # 12

BILL NO. 73 – 2017

Introduced by: Jennifer Terrasa and Calvin Ball

AN ACT amending the Howard County Code to require that Department of Planning and Zoning Technical Staff Reports and Planning Board Recommendations be submitted to the County Council prior to the addition of any land use legislation to the Council's Legislative Agenda; and generally relating to land use legislation.

Introduced and read first time _____, 2017. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2017.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2017 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2017 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2017

Allan H. Kittleman, County Executive

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 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Code is hereby amended as follows:

3
4 *By Amending:*

5
6 *Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"*

7 *Subtitle 2. "Zoning"*

8 *Section 16.208. "Zoning regulation text amendments."*

9 *Subsection (c) "Consideration of Proposed Text Amendment."*

10
11 *and*

12
13 *Subtitle 9. "Planning Board"*

14 *Section 16.900. "Planning Board."*

15 *Subsection (j) "Duties and Responsibilities."*

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17
18 **HOWARD COUNTY CODE**

19
20 **Subtitle 2. Zoning**

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22 **Section 16.208. - Zoning regulation text amendments.**

23 (a) Petition: Any person, the Director of the Department of Planning and Zoning, the
24 members of the County Council or any duly appointed county board may petition the
25 County Council for an amendment, repeal, or change to the text of the zoning regulations.

26 (b) *Copy of Petition to Department of Planning and Zoning and Planning Board;*
27 *Recommendations.* The County Council shall deliver a copy of the proposed zoning
28 regulation text amendment to the Department of Planning and Zoning and to the Planning
29 Board. The Department of Planning and Zoning shall prepare and submit a technical staff
30 report and recommendation to the County Council on the proposed text amendment
31 petition. The Planning Board shall also prepare and submit a recommendation to the
32 County Council on the proposed text amendment petition.

33 (c) *Consideration of Proposed Text Amendment.* When exercising the Zoning Authority of
34 Howard County with respect to the consideration of and decision on a proposed zoning
35 regulation text amendment, the County Council shall proceed in the following manner:

- 1 (d) *Executive Secretary.* The Director of Planning and Zoning or the Director's designee shall
2 serve as Executive Secretary of the Planning Board and shall attend all meetings of the
3 Board.
- 4 (e) *Meetings.* The Planning Board shall hold regular monthly meetings. Special meetings
5 may be held at any time, at the call of the Chair.
- 6 (f) *Records.* The Planning Board shall keep a record of its findings, recommendations,
7 determinations and decisions. The Planning Board shall keep minutes of its proceedings.
8 The records shall be filed with the Department of Planning and Zoning, which shall
9 maintain them.
- 10 (g) *Outside Assistance.* With the approval of the County Executive, the Planning Board may
11 retain legal counsel or consultants as necessary to carry out its function and duties and
12 responsibilities.
- 13 (h) *Studies.* The Planning Board may initiate studies related to the general duties and
14 responsibilities and functions of the Board. For the purpose of conducting such studies,
15 the Board shall have the assistance of the staff of the Department of Planning and Zoning,
16 as may be provided in the budget.
- 17 (i) *Hearings.* Prior to making recommendations to the County Council on adoption of the
18 general plan, the Planning Board shall hold at least one public hearing at which interested
19 persons shall be afforded a reasonable opportunity to be heard regarding the general plan.
20 In addition, prior to making recommendations to the County Council on adoption of
21 comprehensive zoning, the Planning Board shall hold at least one public hearing at which
22 interested persons shall be afforded a reasonable opportunity to be heard regarding the
23 comprehensive zoning. In both cases, at least 30 days' notice of the time and place of the
24 hearing shall be on the County's website. The Planning Board may hold hearings on any
25 matter pending before it and shall hold hearings upon written request of the County
26 Executive or on resolution of the County Council and as required by law and regulations.
- 27 (j) *Duties and Responsibilities.* The Planning Board shall carry out all duties and
28 responsibilities assigned to it by law.
- 29 (1) *Recommendations on Planning and Zoning:*
- 30 (i) *Recommendations.* The Planning Board shall make recommendations to the
31 County Council and the Zoning Board on all matters relating to:

1 The Planning and Zoning of the County, the adoption and amendment of
2 regulations regarding the Planning and Zoning of the County, and amendments
3 to the zoning map or zoning regulations.

4 (ii) *Time frame.* The Planning Board shall make its recommendations within a
5 reasonable period of time, but in any event no more than 45 days after it hears
6 the petition unless the Zoning Board or the County Council allow a longer
7 period of time for the Planning Board to make its recommendations.

8 (III) *DEADLINE FOR PLANNING BOARD RECOMMENDATIONS FOR PLANNING AND ZONING*
9 *LEGISLATION TO BE CONSIDERED BY THE COUNTY COUNCIL.* A BILL PROPOSING THE
10 ADOPTION AND AMENDMENT OF THE COMPREHENSIVE GENERAL PLAN,
11 REGULATIONS REGARDING THE PLANNING AND ZONING OF THE COUNTY, OR THE
12 ZONING MAP OR ZONING REGULATIONS SHALL NOT BE ADDED TO THE COUNCIL’S
13 LEGISLATIVE AGENDA UNTIL THE COUNTY COUNCIL HAS RECEIVED:

14 a. A FINAL TECHNICAL STAFF REPORT AND RECOMMENDATION FROM THE
15 DEPARTMENT OF PLANNING AND ZONING; AND

16 b. A RECOMMENDATION AND REPORT FROM THE PLANNING BOARD.

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19 ***Section 2. Be it further enacted*** by the County Council of Howard County, Maryland, that this Act
20 *shall become effective 61 days after its enactment.*