

Introduced 9/5/17
Public hearing 9/18/17
Council action 10/2/17
Executive action 10/5/17
Effective date 12/5/17

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 September 5, 2017. Ordered posted and hearing scheduled.

By order Jessica Feldmark
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 September 18, 2017.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on October 2, 2017 and Passed , Passed with amendments _____, Failed _____.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4th day of October, 2017 at 1 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved Vetoed by the County Executive Oct 5, 2017

Allan H. Kittleman
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:*

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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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18 **HOWARD COUNTY CODE**

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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:

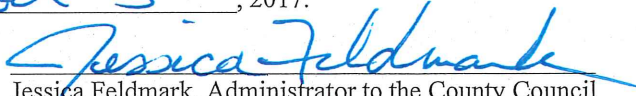
14 a. A FINAL TECHNICAL STAFF REPORT AND RECOMMENDATION FROM THE
15 DEPARTMENT OF PLANNING AND ZONING; AND

16 b. A RECOMMENDATION AND REPORT FORM 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.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on October 5, 2017.



Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2017.

Jessica Feldmark, Administrator to the County Council

Date: 18 September 2017

Subject: The Howard County Citizens Association (HCCA) Supports CB73-2017

Good evening. My name is Stu Kohn and I reside at 8709 Yellow Bird Court, Laurel, Md. 20723. I have the honor of being the Howard County Citizens Association, HCCA President. We are in support of CB73-2017. Why wouldn't anyone be in full support? Whenever one can obtain a timelier source of information to enable a decision rendered by the Council or Zoning Board for perhaps the betterment of the public all should be in support.

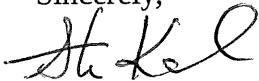
Please refer to Page 2, Line 18 of the Bill we recommend you add the wording "at a minimum of "X" amount of days in advance of the legislation which will be introduced to the public." The same would apply on Page 4, after Line 16 we recommend you add the wording – "at a minimum of "X" amount of days in advance of the legislation which will be introduced to the public."

One thing we want you to note is that HCCA worked with Councilwoman Sigaty CB 6-2015 it was co-sponsored by: Dr. Calvin Ball, Jennifer Terrasa, and Jon Weinstein which amended the Howard County Code to clarify that DPZ is required to send their technical staff reports for any petitions considered by the Zoning Board, County Council, Planning Board, Hearing Examiner, or Board of Appeals to the appropriate decision making body and the general public at least two weeks prior to the required public hearing or meeting; generally related to DPZ's technical staff reports. So we ask does this Bill in anyway supersede a portion of CB73-2017 regarding the aspect of the Technical Staff Report of this Bill?

Our goal is to ensure that enforcement applies to legislation and Rules of Procedure for both the Zoning and Planning Boards. In the case of the Rules of Procedure for both bodies they have not been updated since 2002 and 2007 respectively. You all know what I am referring to when it comes to the Zoning Board Rules of Procedure especially regarding the issuance of the Decision and Order to the parties after a 60-day period. All we are saying is if the Rules or in the case of this Bill quantitative proclamations are not followed then what is the penalty if not enforced? If enforcement is not a major part of the package then simply hit the delete button to erase the directive.

Thomas Jefferson is quoted as saying, "Information is the currency of democracy." So the more you have at your fingertips we might all be better for it.

Sincerely,



Stu Kohn
HCCA, President