

Introduced 9/4/18  
Public hearing 9/17/18  
Council action 10/1/18  
Executive action \_\_\_\_\_  
Effective date \_\_\_\_\_

## County Council of Howard County, Maryland

2018 Legislative Session

Legislative day # 12

**BILL NO. 70 – 2018**

**Introduced by: Jennifer Terrasa**

**AN ACT** requiring the Zoning Counsel to appear at Planning Board Hearings to support adherence to the Downtown Columbia Plan where there are requests to approve certain plans or aspects of development in Downtown Columbia; and generally relating to Zoning Counsel and development in Downtown Columbia.

Introduced and read first time September 4, 2018. 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 17, 2018.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

This Bill was read the third time on October 1, 2018 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 \_\_\_ day of \_\_\_\_\_, 2018 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2018

\_\_\_\_\_  
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 County*  
2 *Code is hereby amended as follows:*

3  
4 *By Amending:*

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

7  
8 *Subtitle 10. "Zoning Counsel"*

9 *Section 16.1000. "Zoning Counsel."*  
10  
11

12 **HOWARD COUNTY CODE**

13  
14 **Title 16. PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT**  
15 **REGULATIONS**

16  
17 **Subtitle 10. Zoning Counsel.**

18  
19 **Section 16.1000. Zoning Counsel.**

20 (a) The County Council may employ a Zoning Counsel on a part-time, contractual basis. The  
21 Zoning Counsel shall be a member in good standing of the Bar of the Maryland Court of  
22 Appeals and at the time of appointment shall have been actively engaged in the general  
23 practice of law for at least five years.

24 (b) A decision to enter into a contract with an individual to perform the duties of Zoning Counsel  
25 shall be made by an affirmative vote of at least three Councilmembers. A decision to terminate  
26 a Zoning Counsel's contract shall be made by an affirmative vote of at least four  
27 Councilmembers.

28 (c) The Zoning Counsel shall: [[appear at all Zoning Board hearings on requests for piecemeal  
29 zoning map amendments for the purposes of producing evidence and testimony supporting  
30 comprehensive rezoning and facilitating the compilation of a complete record.]]

31 (1) APPEAR AT ALL ZONING BOARD HEARINGS ON REQUESTS FOR PIECEMEAL ZONING MAP  
32 AMENDMENTS FOR THE PURPOSES OF PRODUCING EVIDENCE AND TESTIMONY SUPPORTING  
33 COMPREHENSIVE REZONING AND FACILITATING THE COMPILATION OF A COMPLETE RECORD;  
34 AND

1 (2) APPEAR AT ALL PLANNING BOARD HEARINGS ON DEVELOPMENT PLANS FOR DOWNTOWN  
2 COLUMBIA FOR THE PURPOSES OF PRODUCING EVIDENCE AND TESTIMONY SUPPORTING  
3 ADHERENCE TO THE DOWNTOWN COLUMBIA PLAN AND FACILITATING THE COMPILATION  
4 OF A COMPLETE RECORD IN THE FOLLOWING MATTERS:

5 A. REQUESTS FOR ANY FORM OF ALTERNATIVE COMPLIANCE OR ADJUSTMENT TO THE  
6 LOCATION OR TIMING OF A REQUIRED COMMUNITY ENHANCEMENT PROGRAM OR  
7 PUBLIC AMENITY (CEPPA); OR

8 B. REQUESTS FOR FLEXIBILITY IN THE DOWNTOWN REVITALIZATION PHASING  
9 PROGRESSION TO TAKE ADVANTAGE OF MAJOR OR UNIQUE EMPLOYMENT OR ECONOMIC  
10 DEVELOPMENT OPPORTUNITIES OR EVOLVING LAND USE CONCEPTS; OR

11 C. REQUESTS TO ALLOW BUILDING HEIGHTS WHICH EXCEED THE LIMITS PROVIDED IN THE  
12 MAXIMUM BUILDING HEIGHT PLAN; OR

13 D. REQUESTS FOR ANY OTHER ADJUSTMENT TO OR FLEXIBILITY FROM THE DOWNTOWN  
14 COLUMBIA PLAN OR THE APPROVAL CRITERIA SPECIFIED IN THE ZONING REGULATIONS.

15 THE ZONING COUNSEL SHALL ALSO APPEAR AT A PLANNING BOARD HEARING ON ANY  
16 SUCH REQUEST WHICH MAY BE SUBMITTED INDEPENDENT OF A PROPOSED DEVELOPMENT  
17 PLAN.

18 (d) In the performance of these duties the Zoning Counsel may:

- 19 (1) Present evidence and witnesses;
- 20 (2) Examine and cross-examine witnesses;
- 21 (3) Present argument; and
- 22 (4) Take any other action necessary to perform these duties.

23 (e) The budget for the Zoning Counsel shall be included in the County Council budget.

24 (f) The Zoning Counsel may retain expert witnesses and compensate them to the extent that the  
25 Council budget includes funds for such compensation.

26 (g) The Zoning Counsel shall be available:

- 1 (1) To any person interested in any zoning matter to advise as to procedures before a County  
2 agency or board, provided that when doing so the Zoning Counsel does not engage in the  
3 practice of law or render individual legal advice; and
- 4 (2) To any group to speak about zoning procedures in the County.
- 5 (h) The Zoning Counsel shall attend certain presubmission community meetings, as necessary.  
6 The County Council shall determine whether or not the Zoning Counsel shall attend certain  
7 presubmission community meetings to advise any person or group of procedural matters.
- 8 (i) The Zoning Counsel:
  - 9 (1) Does not represent the County, any government agency or any private party;
  - 10 (2) Is not a party and does not have a right of appeal in connection with any case before the  
11 Board of Appeals;
  - 12 (3) May not represent any client involving land use in Howard County; and
  - 13 (4) May not represent any client before the PLANNING BOARD, Zoning Board or Board of  
14 Appeals for one year after leaving the Office of Zoning Counsel.
- 15 (i) On or before July 1 of each year, the Zoning Counsel shall submit to the Council  
16 and the County Executive a report on the activities of the office in the past year.

17

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