

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

County Council of Howard County, Maryland

2019 Legislative Session

Legislative day # 8

BILL NO. 33 – 2019

Introduced by:
Deb Jung

AN ACT amending the Howard County Code by specifying who may appeal Planning Board decisions; and generally relating to Planning Board decisions.

Introduced and read first time _____, 2019. 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 _____, 2019.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2019 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 _____, 2019 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2019

Calvin Ball, 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 9. "Planning Board."

9 Section 16.900. "Planning Board."

10 Subsection (j) "Duties and Responsibilities."

11
12
13 **HOWARD COUNTY CODE**

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

17
18 **Subtitle 9. Planning Board**

19
20 **Section 16.900. - Planning Board.**

21 (2) *Decision making:*

22 (i) The Planning Board shall make decisions with respect to matters submitted to it pursuant to
23 the laws, rules, regulations, and ordinances of the County.

24 (ii) The Planning Board has authority regarding street naming and house numbering pursuant to
25 subtitle 4, "Street Names and House Numbers" of [this] title 16 of the Howard County Code.

26 (iii) Any person MEETING THE QUALIFICATIONS IN SUBSECTION IV BELOW [[specially aggrieved
27 by any decision of the Planning Board]], **OR** [[and]] a party to the proceedings before THE
28 PLANNING BOARD [[it]] may, within 30 days thereof, appeal said decision to the Board of
29 Appeals in accordance with section 501 of the Howard County Charter. [[For purposes of this
30 section the term "any person specially aggrieved" includes but is not limited to a duly
31 constituted civic, improvement, or community association provided that such association or
32 its members meet the criteria for aggrievement set forth in subsection 16.103(b) of this title.]]

33 (IV) A PERSON QUALIFIED TO APPEAL A PLANNING BOARD DECISION SHALL BE THE OWNER, LESSEE,
34 OR RESIDENT OF ANY PROPERTY THAT IS ADJOINING OR CONFRONTING THE PROPERTY THAT IS

1 THE SUBJECT OF THE ACTION OR DECISION; OR THE OWNER, LESSEE, OR RESIDENT OF ANY
2 PROPERTY WITHIN SIGHT, SOUND, OR SMELL OF THE PROPERTY THAT IS THE SUBJECT OF THE
3 ACTION OR DECISION; OR ANY CIVIC ASSOCIATION, HOMEOWNER'S ASSOCIATION, OR PROPERTY
4 OWNER'S ASSOCIATION IN THE VICINITY OF THE PROPERTY THAT IS THE SUBJECT OF THE ACTION
5 OR DECISION.

6 THIS APPEAL PROVISION FOR PLANNING BOARD CASES DOES NOT GUARANTEE STANDING IN
7 CONTESTED CASES APPEALED TO THE CIRCUIT COURT FOR HOWARD COUNTY, MARYLAND,
8 WHICH ARE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF STATE LAW.

9

10

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

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