County Council of Howard County, Maryland

2019 Legislative Session   Legislative Day No. **11**

Bill No.   41 -2019

Introduced by: David Yungmann

AN ACT amending the Howard County Code to establish a new Community Zoning Case Navigator position; and generally relating to a Community Zoning Case Navigator position.

Introduced and read first time _____, 2019. Ordered posted and hearing scheduled.

By order_____
Diane Schwartz Jones, 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 _____
Diane Schwartz Jones, Administrator

This Bill was read the third time on _____, 2019 and Passed ___, Passed with amendments _____, Failed _____.

By order _____
Diane Schwartz Jones, 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 _____
Diane Schwartz Jones, 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; <u>Underlining</u> indicates material added by amendment

Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard

County Code is amended as follows:

  By adding a new:

   Title 5. County Council

    Subtitle 4. Community Zoning Case Navigator.

HOWARD COUNTY CODE

Title 5. County Council.

SUBTITLE 4. COMMUNITY ZONING CASE NAVIGATOR.

SECTION. 5.400. - PURPOSE.

  HOWARD COUNTY LAND USE APPROVALS OFTEN INVOLVE A COMPLEX PROCESS THAT

REQUIRES KNOWLEDGE OF THE MANY LAYERS OF ZONING, SUBDIVISION, AND LAND DEVELOPMENT

REGULATIONS AS WELL AS SOMETIMES COMPLICATED ADMINISTRATIVE AND LEGAL PROCEDURES.

IN ORDER TO PROMOTE A FULL AND FAIR PRESENTATION OF RELEVANT ISSUES IN LAND USE

PROCEEDINGS AND BALANCED DELIBERATIONS UPON WHICH SOUND LAND USE DECISIONS CAN BE

MADE, THE COUNTY COUNCIL SHALL EMPLOY A COMMUNITY ZONING CASE NAVIGATOR. THE

MISSION OF THE COMMUNITY ZONING CASE NAVIGATOR IS TO PROVIDE IMPARTIAL PROCESS

ASSISTANCE TO RESIDENTS, PROPERTY OWNERS, PETITIONERS, COMMUNITY ASSOCIATIONS AND

OTHER STAKEHOLDERS THAT WILL ENCOURAGE EFFECTIVE PARTICIPATION AND CONFIDENCE IN,

AND BETTER UNDERSTANDING OF, THE COUNTY LAND USE PROCESS.

SECTION. 5.401. DEFINITIONS.

DEFINITIONS. FOR THE PURPOSES OF THIS SUBTITLE, THE FOLLOWING DEFINITIONS APPLY:

(a) *AUTHORITIES* MEANS THE HOWARD COUNTY BOARD OF APPEALS, HEARING EXAMINER,

  PLANNING BOARD, OR ZONING BOARD.

(b) *RECIPIENTS* MEANS RESIDENTS, PROPERTY OWNERS, PETITIONERS, COMMUNITY ASSOCIATIONS AND OTHER STAKEHOLDERS RECEIVING INFORMATION FROM THE COMMUNITY ZONING CASE NAVIGATOR.

SECTION. 5.402. - APPOINTMENT.

(A)   THE COUNTY COUNCIL SHALL EMPLOY ONE (1) OR MORE PROFESSIONALS TO SERVE AS COMMUNITY ZONING CASE NAVIGATOR, USING THE HOWARD COUNTY MERIT SYSTEM ESTABLISHED BY ARTICLE VII OF THE HOWARD COUNTY CHARTER AND BY ORDINANCE ENACTED BY THE COUNTY COUNCIL

(B)   AN INDIVIDUAL EMPLOYED AS A COMMUNITY ZONING CASE NAVIGATOR MAY NOT REPRESENT, OR BE EMPLOYED BY OR AFFILIATED WITH AN ORGANIZATION WHICH REPRESENTS, ANY PARTY TO ANY LAND USE MATTER IN HOWARD COUNTY WHILE SERVING AS A COMMUNITY ZONING CASE NAVIGATOR, OR FOR ONE YEAR AFTER LEAVING THE OFFICE OF THE COUNTY COUNCIL.

SECTION. 5.403. - POWERS AND DUTIES.

TO HELP FOSTER EFFECTIVE PARTICIPATION, INCREASED PUBLIC UNDERSTANDING, AND CONFIDENCE IN THE COUNTY LAND USE PROCESS, UPON REQUEST, THE COMMUNITY ZONING CASE NAVIGATOR SHALL:

(a) PROVIDE IMPARTIAL INFORMATION TO RECIPIENTS ABOUT THE PROCESSES AND PROCEDURES INVOLVING ANY LAND USE CASE BEFORE THE AUTHORITIES. THE COMMUNITY ZONING CASE NAVIGATOR MUST INFORM THE RECIPIENTS THAT:

1. THE COMMUNITY ZONING CASE NAVIGATOR CANNOT REPRESENT THE RECIPIENTS IN ANY ACTION OR CASE OR GIVE LEGAL ADVICE TO THE RECIPIENTS.

2. THE COMMUNITY ZONING CASE NAVIGATOR MAY GIVE INFORMATION TO OPPOSING PARTIES IN A LAND USE CASE.

3. ANY INFORMATION GIVEN TO A RECIPIENT AND ANY CORRESPONDENCE FROM RECIPIENTS TO THE COMMUNITY ZONING CASE NAVIGATOR IS SUBJECT TO THE MARYLAND PUBLIC INFORMATION ACT.

4. THE AUTHORITY HAS THE ULTIMATE DISCRETION ON HOW TO PROCEED WITH A CASE. ANY INFORMATION PROVIDED BY THE NAVIGATOR DOES NOT BIND THE AUTHORITY'S ACTION IN A CASE.

(b) ACT AS A FACILITATOR BETWEEN RECIPIENTS AND THE DEPARTMENT OF PLANNING AND ZONING OR OTHER COUNTY DEPARTMENTS IN GATHERING INFORMATION ABOUT CASES BEFORE THE AUTHORITIES; AND

(c) MAINTAIN A REGISTRY OF LAND USE ATTORNEYS AS A RESOURCE TO THE GENERAL PUBLIC. IN MAINTAINING THE REGISTRY, THE COMMUNITY ZONING CASE NAVIGATOR MAY WORK WITH THE HOWARD COUNTY BAR ASSOCIATION OR ITS SUCCESSOR.

SECTION. 5.404. - ANNUAL REPORT.

SUBJECT TO SECTION 22.1000 OF THE COUNTY CODE, ON OR BEFORE JULY 15 OF EACH YEAR, THE COMMUNITY ZONING CASE NAVIGATOR SHALL SUBMIT TO THE COUNTY COUNCIL A REPORT ON THE ACTIVITIES OF THE OFFICE IN THE PAST FISCAL YEAR; INCLUDING; WITHOUT LIMITATION; CASES ON WHICH INFORMATION WAS PROVIDED, RECIPIENTS OF INFORMATION AND THE HOURS SPENT BY CASE AND RECIPIENT. A MEMBER OF THE COUNTY COUNCIL MAY ON OCCASION REQUEST A REPORT OF SUCH INFORMATION FOR ANY OTHER TIME FRAME. THE COMMUNITY ZONING CASE NAVIGATOR SHALL NOT REPORT ANY DATA RELATED TO ANY ZONING BOARD CASE UNTIL AFTER THAT CASE HAS CONCLUDED.

Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that this Act is contingent on the legislative action by the Council after compliance with the Howard County Merit System established by Article VII of the Howard County Charter and its related provisions in the Howard County Code.

1 *Section 3. And Be It Further Enacted* by the County Council of Howard County,

2 *Maryland, that, subject to Section 2 of this Act, this Act shall become effective 61 days*

3 *after its enactment.*