

Introduced 9/3/2019  
Public Hearing 9/16/2019  
Council Action 10/07/2019  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## 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 September 3, 2019. Ordered posted and hearing scheduled.

By order Diane A. Jones  
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 September 16, 2019.

By order Diane A. Jones  
Diane Schwartz Jones, Administrator

This Bill was read the third time on October 7, 2019 and Passed \_\_\_\_\_, Passed with amendments \_\_\_\_\_, Failed X.

By order Diane A. Jones  
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8th day of October, 2019 at \_\_\_ a.m./p.m.

By order Diane A. Jones  
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; 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 amended as follows:*

3 *By adding a new:*

4 *Title 5. County Council*

5 *Subtitle 4. Community Zoning Case Navigator.*

6  
7 **HOWARD COUNTY CODE**

8 **Title 5. County Council.**

9  
10 **SUBTITLE 4. COMMUNITY ZONING CASE NAVIGATOR.**

11  
12 **SECTION. 5.400. - PURPOSE.**

13 HOWARD COUNTY LAND USE APPROVALS OFTEN INVOLVE A COMPLEX PROCESS THAT  
14 REQUIRES KNOWLEDGE OF THE MANY LAYERS OF ZONING, SUBDIVISION, AND LAND DEVELOPMENT  
15 REGULATIONS AS WELL AS SOMETIMES COMPLICATED ADMINISTRATIVE AND LEGAL PROCEDURES.  
16 IN ORDER TO PROMOTE A FULL AND FAIR PRESENTATION OF RELEVANT ISSUES IN LAND USE  
17 PROCEEDINGS AND BALANCED DELIBERATIONS UPON WHICH SOUND LAND USE DECISIONS CAN BE  
18 MADE, THE COUNTY COUNCIL SHALL EMPLOY A COMMUNITY ZONING CASE NAVIGATOR. THE  
19 MISSION OF THE COMMUNITY ZONING CASE NAVIGATOR IS TO PROVIDE IMPARTIAL PROCESS  
20 ASSISTANCE TO RESIDENTS, PROPERTY OWNERS, PETITIONERS, COMMUNITY ASSOCIATIONS AND  
21 OTHER STAKEHOLDERS THAT WILL ENCOURAGE EFFECTIVE PARTICIPATION AND CONFIDENCE IN,  
22 AND BETTER UNDERSTANDING OF, THE COUNTY LAND USE PROCESS.

23  
24 **SECTION. 5.401. DEFINITIONS.**

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

26  
27 (a) *AUTHORITIES* MEANS THE HOWARD COUNTY BOARD OF APPEALS, DESIGN ADVISORY PANEL,  
28 HEARING EXAMINER, HISTORIC PRESERVATION COMMISSION, PLANNING BOARD, OR ZONING  
29 BOARD.

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

4  
5 **SECTION. 5.402. - APPOINTMENT.**  
6

7 (A) THE COUNTY COUNCIL SHALL EMPLOY ONE (1) OR MORE PROFESSIONALS TO SERVE AS  
8 COMMUNITY ZONING CASE NAVIGATOR, USING THE HOWARD COUNTY MERIT SYSTEM  
9 ESTABLISHED BY ARTICLE VII OF THE HOWARD COUNTY CHARTER AND BY ORDINANCE  
10 ENACTED BY THE COUNTY COUNCIL THE COMMUNITY ZONING CASE NAVIGATOR POSITION  
11 SHALL BE AN EXECUTIVE EXEMPT ADMINISTRATIVE ANALYST I POSITION SERVING AS  
12 COMMUNITY ZONING CASE NAVIGATOR APPOINTED BY THE COUNCIL ADMINISTRATOR.

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

18  
19 **SECTION. 5.403. - POWERS AND DUTIES.**

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

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

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

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

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

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

9  
10 (b) ACT AS A FACILITATOR BETWEEN RECIPIENTS AND THE DEPARTMENT OF PLANNING AND ZONING  
11       OR OTHER COUNTY DEPARTMENTS IN GATHERING INFORMATION ABOUT CASES BEFORE THE  
12       AUTHORITIES; AND

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

16  
17 **SECTION. 5.404. - ANNUAL REPORT.**

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

26  
27  
28 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that*

1 *this Act is contingent on the legislative action by the Council after compliance with the Howard*  
2 *County Merit System established by Article VII of the Howard County Charter and its related*  
3 *provisions in the Howard County Code.*  
4 **Section 3. And Be It Further Enacted** by the County Council of Howard County,  
5 Maryland, that, subject to Section 2 of this Act, this Act shall become effective 61 days  
6 after its enactment.