

Introduced 7/1/19  
Public hearing 7/15/19  
Council action 7/24/19  
Executive action 8/5/19  
Effective date 10/5/19

## County Council of Howard County, Maryland

2019 Legislative Session

Legislative day # 9

BILL NO. 37 - 2019

Introduced by:  
Christiana Mercer Rigby

Co-sponsored by:  
Opel Jones

**AN ACT** amending the Howard County Code to clarify that in calculating the number of required communal spaces for Electric Vehicle Charging Stations, that the final calculated number shall be rounded up to the nearest even number; and generally relating to Electric Vehicle Charging Stations.

Introduced and read first time July 1, 2019. 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 July 15, 2019.

By order

Jessica Feldmark  
Jessica Feldmark, Administrator

This Bill was read the third time on July 29, 2019 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 30<sup>th</sup> day of July, 2019 at 9 a.m.

By order

Jessica Feldmark  
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive August 5, 2019

Calvin Ball  
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:*

4 *Title 3. Buildings*

5 *Subtitle 1. Buildings.*

6 *Section 3.105. Electric vehicle charging.*

7

8

9

10 **HOWARD COUNTY CODE**

11 **Title 3. Buildings**

12 **Subtitle 1. Buildings.**

13

14 **Section. 3.105. - Electric vehicle charging infrastructure.**

15 (a) *Definitions.*

16 (1) *Electric vehicle* means a vehicle that uses electricity for propulsion.

17 (2) *Electric vehicle charging station* means a connected point in an electrical wiring  
18 installation at which current is taken to charge an electric vehicle.

19 (3) *Level 2 charging* means a Level 2 electric vehicle charging level as defined by SAE  
20 International's J1772 standard.

21 (b) *Scope.*

22 (1) This section applies to any proposed construction of:

23 (i) Residential Group R-1 and Residential Group R-2 occupancies, as those labels  
24 are used in the Howard County Building Code;

25 (ii) Residential occupancies with more than two units owned under a condominium  
26 or co-operative arrangement; and

27 (iii) Residential Group R-3 townhouse and single family detached occupancies, as  
28 those labels are used in the Howard County Building Code, regardless of the  
29 ownership arrangement.

1 (2) This section applies to parking spaces for electric vehicles that can use an external  
2 source of electricity to charge the electric vehicle's batteries.

3 (c) *Provision of Electric Vehicle Charging Infrastructure.*

4 (1) For new construction subject to this section:

5 (i) A residential unit with a garage, carport, or driveway shall feature a dedicated  
6 electric line of sufficient voltage so that an electric vehicle charging station may  
7 be added in the future; and

8 (ii) The developer shall ensure that at least one communal parking space for each  
9 25 residential units that are not covered under item (i) of this paragraph features  
10 an electric vehicle charging station. IF THE FINAL CALCULATION OF REQUIRED  
11 COMMUNAL PARKING SPACES WITH ELECTRIC VEHICLE CHARGING STATIONS IS AN  
12 ODD NUMBER OR INCLUDES A FRACTION, THE NUMBER OF SPACES REQUIRED SHALL  
13 BE ROUNDED UP TO THE NEXT EVEN NUMBER.

14 (2) For purposes of this section, an electric vehicle charging station shall be capable of  
15 providing Level 2 charging or higher to the parking space.

16 (3) Electric vehicle charging stations shall be labeled for their intended use for electric  
17 vehicle charging IN ACCORDANCE WITH SECTION 21.207(C)(5) OF THE CODE.

18 (4) The Building Official, as that term is used in the Howard County Building Code,  
19 may specify performance standards for equipment that is installed to comply with this  
20 section.

21 (d) *Application.* This section shall have no effect if the Howard County Building Code  
22 includes provisions to require and regulate electric vehicle charging equipment in the  
23 residential occupancies that this section covers.

24

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

27

28

29

BY THE COUNCIL

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

August 5, 2019.

Jessica Feldmark  
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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill No. 37 - 2019

BY: Christiana Mercer Rigby

Legislative Day No. 10

Date: July 29, 2019

Amendment No. 1

*(This amendment specifies what standards are to be used to label the electric vehicle charging stations.)*

On page 2, in line 17, after “charging”, insert “IN ACCORDANCE WITH SECTION 21.207(C)(5) OF THE CODE”.

ADOPTED

7/29/19

FAILED

SIGNATURE

Jessica Feldman

1. The first part of the document is a list of names and their corresponding addresses. The names are listed in the left column, and the addresses are listed in the right column. The names are: John Doe, Jane Smith, and Bob Johnson. The addresses are: 123 Main St, 456 Elm St, and 789 Oak St.

1 (2) This section applies to parking spaces for electric vehicles that can use an external  
2 source of electricity to charge the electric vehicle's batteries.

3 (c) *Provision of Electric Vehicle Charging Infrastructure.*

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5 (i) A residential unit with a garage, carport, or driveway shall feature a dedicated  
6 electric line of sufficient voltage so that an electric vehicle charging station may  
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9 25 residential units that are not covered under item (i) of this paragraph features  
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11 COMMUNAL PARKING SPACES WITH ELECTRIC VEHICLE CHARGING STATIONS IS AN  
12 ODD NUMBER OR INCLUDES A FRACTION, THE NUMBER OF SPACES REQUIRED SHALL  
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15 providing Level 2 charging or higher to the parking space.

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17 vehicle charging.

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19 may specify performance standards for equipment that is installed to comply with this  
20 section.

21 (d) *Application.* This section shall have no effect if the Howard County Building Code  
22 includes provisions to require and regulate electric vehicle charging equipment in the  
23 residential occupancies that this section covers.

24

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

27

29





CB 37-2019

**Sayers, Margery**

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**From:** Jung, Deb  
**Sent:** Thursday, October 3, 2019 5:03 PM  
**To:** Sayers, Margery  
**Subject:** FW: Our Elected Officials Need to Be Cognizant of Answering the Mail (PLEASE)  
**Attachments:** HCCA - PB Potential Improvements.docx

Deb Jung  
Councilmember, District 4  
Howard County Council  
3430 Court House Dr., Ellicott City, MD 21043  
410-313-2001

Sign-up for my District Update [here](#).

**From:** Stu Kohn <stukohn@verizon.net>  
**Sent:** Monday, July 29, 2019 9:25 PM  
**To:** Jung, Deb <djung@howardcountymd.gov>  
**Cc:** Stuart Kohn <stukohn@verizon.net>  
**Subject:** Our Elected Officials Need to Be Cognizant of Answering the Mail (PLEASE)

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Deb,

This afternoon I received an email from you which stated, "A belated thank you regarding the subject: *Re: Howard County Citizens Association Fully Supports CB37-2019.*" While very much appreciated we the HCCA are very troubled with the lack of feedback from our Elected Officials. An example is the email sent to you and the Council below. We originally sent the "Potential Suggested Planning Board Improvements" to you on 16 July asking for feedback and a follow-up inquiring about the status on 25 July. We have not heard a word. You can refer to the attachment regarding our suggestions.

Another example is when we asked for a Meeting regarding Merriweather Post by posting on our Listserve and to 18 Elected Officials which was comprised of the County Council, Executive, and Delegation. To date not one response in return. This was originally emailed on 25 June and a follow-up on 8 July. See below.

In both of the aforementioned examples we only hope that in the future we receive a timely response. We would appreciate the consideration of a means of better communication from ALL our Elected Officials.

Sincerely,

Stu Kohn  
HCCA President

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**From:** Stu Kohn [<mailto:stukohn@verizon.net>]  
**Sent:** Thursday, July 25, 2019 8:28 PM  
**To:** 'Jung, Deb'; [dyungmann@howardcountymd.gov](mailto:dyungmann@howardcountymd.gov); [ewalsh@howardcountymd.gov](mailto:ewalsh@howardcountymd.gov); 'Rigby, Christiana'; [ojones@howardcountymd.gov](mailto:ojones@howardcountymd.gov)  
**Cc:** [jervisdorton@yahoo.com](mailto:jervisdorton@yahoo.com); Brian England ; Susan Garber; Hiruy Hadgu; Howard Johnson; Stuart Kohn; [markovitz@comcast.net](mailto:markovitz@comcast.net); 'Alan Schneider'; Smith JD; Paul Verchinski  
**Subject:** RE: Potential Suggested Planning Board Improvements

To: Council Members,

We the Howard County Citizens Association (HCCA) would like to know the status of the possibility of you seeking Planning Board (PB) process and procedural improvements.

Please refer to our attachment sent to you on 16 July. To date we have received no feedback. Improving the PB is as you know extremely important for all and is the major goal of HCCA.

Sincerely,

Stu Kohn  
HCCA President

CC: HCCA Board Members

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**From:** Stu Kohn [<mailto:stukohn@verizon.net>]  
**Sent:** Tuesday, July 16, 2019 11:07 PM  
**To:** 'Jung, Deb'; [dyungmann@howardcountymd.gov](mailto:dyungmann@howardcountymd.gov); [ewalsh@howardcountymd.gov](mailto:ewalsh@howardcountymd.gov); 'Rigby, Christiana'; [ojones@howardcountymd.gov](mailto:ojones@howardcountymd.gov)  
**Cc:** Stuart Kohn  
**Subject:** RE: Potential Suggested Planning Board Improvements

Dear Council Members,

Please use this attachment as it has been updated to reflect some good news in bold red regarding the PB Rules of Procedure.

Stu Kohn  
HCCA President

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**From:** Stu Kohn [<mailto:stukohn@verizon.net>]  
**Sent:** Tuesday, July 16, 2019 10:32 PM  
**To:** Jung, Deb; [dyungmann@howardcountymd.gov](mailto:dyungmann@howardcountymd.gov); [ewalsh@howardcountymd.gov](mailto:ewalsh@howardcountymd.gov); Rigby, Christiana; [ojones@howardcountymd.gov](mailto:ojones@howardcountymd.gov)  
**Cc:** Stuart Kohn  
**Subject:** Potential Suggested Planning Board Improvements

To Whom it may Concern,

The attachment is a Howard County Citizens Association, HCCA initiative to propose suggested improvements regarding the Planning Board (PB) process regarding conducted Hearings and Meetings.

As you have stated the PB requires improvements with the goal of ensuring that Due Process for ALL is the number one priority. HCCA would like to be proactive in trying to reach the aforementioned in an attempt to turn a very negative situation into something positive. Hopefully the audience could at some point have respect for the PB and its procedures.

The next step is as mentioned by some of you is to form a Group to fully discuss the next steps. The attachment might just be a start. Your feedback would be appreciated.

Sincerely,

Stu Kohn  
HCCA President

+++++

Date: Tue 6/25/2019 11:09 PM  
Subj: HCCA Requests Action from Our Elected Officials Regarding Merriweather Post Pavilion

Dear Elected Officials,

Once again the continuous sound and vibrations emitting from the Merriweather Post Pavilion (MPP) affecting the lives of residents in our County is disturbing and needs to be permanently rectified. See a few emails below. Joan Pontius asks a good question when she states, "How does the county rationalize suing a national airport outside of the county for noise but not responding to noise from a local music venue?"

**Is there any of our Elected Officials willing to take the time and effort in an attempt to resolve this most perturbing problem for some of your constituents?**

As the majority of you know the Howard County Citizens Association, HCCA worked diligently with the majority of you in 2016 and was instrumental in having a State Bill passed by both Houses and the Governor signing off to decrease the decibel level at MPP. We were obviously pleased our voices were heard and what we thought would be an extremely positive outcome. Unfortunately, since the passing of this Bill the outcome has been disappointing and quite upsetting especially to those affected by the disturbance and nuisance at times when MPP is in operation.

Our HCCA Listserve has had several of our members weighing in regarding their most recent experience this past weekend. We don't know exactly how many citizens are affected whenever MPP has a concert. We ask our representatives to be in the forefront and conduct a public meeting with the MPP Management, County Executive, County Council, and Delegation Members with the goal of trying to find out the source of the problem and eradicate it from ever happening again. If you recall we had a forum with all participants in attendance at the George Howard building on 20

September 2016. We would like nothing better for people to appreciate your efforts and be able to say **THANK YOU** for fixing the issue.

I ask anyone of you to contact me at [stukohn@verizon.net](mailto:stukohn@verizon.net) in order to coordinate a meeting with the aforementioned points of contact so we can advertise and fix the problem.

Sincerely,

Stu Kohn  
HCCA President



# HCCA

**Howard County Citizens Association**

*Since 1961...*

*The Voice Of The People of Howard County*

Date: 16 July 2019

Subject: **Potential Areas for Planning Board (PB) Reform**

The following are talking points for potential areas of improvement regarding PB reform. This might assist in discussions if a Group is formed.

**Questions:**

- What are the real benefits of the assemblage of the PB?
- Do we need it and why?

**Suggestions for Improvement:**

- Need to expand the qualifications – currently only states a PB member only needs to be a HC resident.
- Need to identify the composition of the PB to only permit one member per District who resides in the same given location. Each District shall have a PB Member residing in a unique location. Currently there are 3 members of the PB who reside in Columbia.
- Rules of Procedure need to be updated. They were last updated in 2007. Provided suggested updates to Val on 4 May 2019. Note -- Good News – just found out today the Rules of Procedure were updated and documented on June 20, 2019. Will have to check to see if all our suggestions to the Director of DPZ has been incorporated. I do know of one area that has not been changed.
- Chairperson of PB needs to adhere to the Rules of Procedure – “Order of Presentation.” Examples – Royal Farms and Rolling Acres.
- The Decision and Order do not have to be rendered the same night as to the hearing / meeting as the PB needs to weigh all the evidence presented to them.
- All the facts need to be presented to the PB to obtain Due Process for ALL parties. Case in point was the Settlement of Savage. The key factor involving the Land Swap was not allowed to be introduced into evidence. Why?

- PB should not default to the Technical Staff Report (TSR), all testimony should be considered. The PB Members have stated they heavily rely on the TSR to make their decisions.
- Asking pertinent questions to DPZ as the Zoning Board (ZB) members and the public as we can now do in ZB cases is no reason not to do the same in PB cases. What if anything can be done to allow this at the PB? We don't care if DPZ is under oath or not we are only seeking pertinent information.
- The PB should not default to the TSR, ALL testimony should be considered.
- Do not allow the PB (or the petitioner's attorney) to reference former (possibly very incorrect) decisions they have made on other cases. They are NOT a court so this doesn't fall in the category of precedent or 'case law'. When a mistake has been made, it should not be repeated.
- 'We think so' or 'don't think so' are NOT acceptable responses from DPZ to the PB. If further research is needed to categorically support their conclusion, then the case should be delayed until they can do so.
- Don't let, "we don't have that here" be accepted as a response from DPZ, the petitioner's witnesses or the petitioner's attorney. Don't let them obfuscate with that defense. Delay until the needed data can be obtained and shared.
- DPZ should provide ongoing skill development training to PB members in both the proper conduct of a meeting, the fine points of our zoning codes and development regulations and how to formulate good questions to get clarification.
- Shorten the term of PB members to 3 years with a maximum of 2 terms.
- Ultimately, the evaluation criterion needs to also reference the INTENT of the zoning. This should be closely examined in any code rewrite.
- There needs to be established criterion for FDP approvals and not use SDP criteria.
- Protestants should NOT need to pay an attorney to participate on a more level playing field.

- The written Decision and Orders should be delivered in a more timely manner and come with complete instructions on how to appeal a decision.
- The Planning Board chair should refrain from seeking advice from the petitioner's attorney!
- The Office of Law attorney present should intervene when the proceedings are going improperly, rather than wait to be asked for a very specific opinion.
- Petitioners should provide more visuals to facilitate the PB and the audience to develop a greater understanding of the plans. There is no reason to continue to allow non-specific references when a projected map or illustrations would make info more concrete.

CB 37-2019

**Sayers, Margery**

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**From:** BRIAN <beengland@comcast.net>  
**Sent:** Sunday, July 14, 2019 10:04 AM  
**To:** CouncilMail  
**Subject:** CB 37 - 2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Correction of these two issues is a very basic thing to do so I support CB37-2019.  
Brian England  
11915 Gold Needle Way  
Columbia Md.

Sent from Xfinity Connect App



**Sayers, Margery**

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**From:** Stu Kohn <stukohn@verizon.net>  
**Sent:** Saturday, July 13, 2019 8:59 PM  
**To:** CouncilMail  
**Cc:** Stuart Kohn  
**Subject:** Howard County Citizens Association Fully Supports CB37-2019  
**Attachments:** HCCA -Testimony in Support of CB37.docx

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members,

Please accept the written testimony of the Howard County Citizens Association, HCCA - see attachment of CB37-2019 to clarify the calculation of the number of required communal spaces for Electric Vehicle Charging Stations.

Stu Kohn  
HCCA President



**HCCA**

**Howard County Citizens Association**

*Since 1961...*

*The Voice Of The People of Howard County*

Date: 13 July 2019

Subject: Testimony in Support of CB37-2019 from the Howard County Citizens Association (HCCA)

Dear Councilmembers:

The HCCA **fully supports CB37-2019** which would amend the Howard County Code by clarifying the calculation for the number of required and relating to Electric Vehicle (EV) Charging Stations.

Previously the HCCA Board was instrumental in initiating by working with the previous Council Members and supporting CB76-2018 which was a very important bill and the first step that paved the way of requiring EV charging stations in new residential communities. The passage of CB37-2019 is a further message that CB76-2019 is meaningful and the Council is sending a clear message whereby Howard County takes this issue seriously regarding trying to help the environment.

Thank you for your time and for passing this important piece of legislation.

Sincerely,

Stu Kohn  
HCCA President

## Sayers, Margery

---

**From:** Sandy Cederbaum <manager@oaklandmills.org>  
**Sent:** Friday, July 12, 2019 9:29 AM  
**To:** CouncilMail  
**Cc:** Jonathan Edelson  
**Subject:** CB 37-2019 - Oakland Mills Support  
**Attachments:** OMCA supports CB37-2019\_11July2019.pdf

**Importance:** High

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Councilmembers,

Attached is testimony from the Oakland Mills Community Association Board of Directors **in support of** CB37-2019. Thank you in advance for considering passage of this legislation.

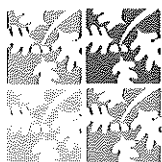
***Sandy Cederbaum, Village Manager***

Oakland Mills Community Association  
The Other Barn ~ 5851 Robert Oliver Place  
Columbia, MD 21045  
Office: 410-730-4610  
fax: 410-730-4620

<http://oaklandmills.org> – follow link on right of web homepage to JOIN OUR LISTSERV

Visit us on Facebook at **Oakland Mills Village** and **The Other Barn**

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**oakland mills**  
we value connections

**Oakland Mills Community Association**  
**The Other Barn • 5851 Robert Oliver Place**  
**Columbia, MD 21045**

410-730-4610 • oaklandmills.org

*Oakland Mills*

July 11, 2019

**Testimony in Support of CB37-2019 from the**  
**Oakland Mills Community Association**

Dear Councilmembers:

The Oakland Mills Board of Directors supports CB37-2019 which would amend the Howard County Code to clarifying the calculation for the number of required and relating to Electric Vehicle Charging Stations.

Previously the Oakland Mills Board supported CB76-2018 which was a very important bill and first step that has now paved the way for future EV charging stations in existing residential communities. Passage of CB37-2019 as well CB76-2019 sends a clear message to our state legislature that Howard County takes this issue seriously.

Thank you for your time and for passing this important piece of legislation.

Sincerely,

Jonathan L. Edelson, Chair  
Oakland Mills Board of Directors

## Sayers, Margery

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**From:** Ned Tillman <ned@sustainable.us>  
**Sent:** Wednesday, July 10, 2019 5:57 PM  
**To:** CouncilMail  
**Subject:** CB37-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

I am in support of the revised council bill for EV hookups CB37 – 2019. Another important step for the county to make.

Thanks for passing this.

**Ned Tillman**  
443-472-3681  
[ned@sustainable.us](mailto:ned@sustainable.us)  
[www.SavingThePlaces.com](http://www.SavingThePlaces.com)

Author of:  
*The Chesapeake Watershed,*  
*Saving The Places We Love, and*  
*A Brand New Novel - The Big Melt – Coming of age in a time of changing climates*  
All available at [Amazon.com](http://Amazon.com)