

Amendment 4 to Council Bill No. 77-2021

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Legislative Day No. 19

Date: December 6, 2021

Amendment No. 4

(This Amendment reorganizes the criteria for a decision and final order; requires a certain presentation to the Zoning Board; specifies the time for a hearing of exceptions; and provides a limited exception to the requirement that the Zoning Board hold a certain public hearing.)

1 On page 2:

- 2 • in line 10, strike “; actions by the Zoning Board”.
- 3 • in line 11, strike “(I)”.
- 4 • in line 13, strike “(II)” and substitute “(2)”.
- 5 • in line 20, strike “(III)” and substitute “(3)”.

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7 Beginning on page 2, strike from line 25 down through and including line 2 on page 3.

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9 On page 3, after line 2, insert:

10 “(E) PRESENTATION TO THE ZONING BOARD.

11 THE REPORT, ALONG WITH THE RECORD, SHALL BE PRESENTED BY THE HEARING
12 EXAMINER TO THE ZONING BOARD. THE HEARING OF EXCEPTIONS TO THE REPORT SHALL FOLLOW
13 THE HEARING EXAMINER’S PRESENTATION.

14 (F) ACTIONS BY THE ZONING BOARD.

15 EVERY DECISION AND FINAL ORDER IN A PIECEMEAL MAP AMENDMENT OR DEVELOPMENT PLAN
16 CASE SHALL BE IN WRITING, SIGNED BY A MAJORITY OF THE ENTIRE ZONING BOARD, ATTESTED BY
17 THE ZONING BOARD ADMINISTRATOR, AND SHALL BE ACCOMPANIED BY FINDINGS OF FACT AND
18 CONCLUSIONS OF LAW AND SHALL BE MADE A PART OF THE RECORD OF PROCEEDINGS. THE FINAL
19 ORDER OF THE ZONING BOARD DENYING OR GRANTING THE PETITION FOR A PIECEMEAL MAP
20 AMENDMENT, OR APPROVING OR DISAPPROVING A DEVELOPMENT PLAN, SHALL BE FILED WITH THE
21 DEPARTMENT OF PLANNING AND ZONING, WHICH SHALL MAINTAIN IT AS PART OF THE OFFICIAL
22 RECORDS OF THE COUNTY. THE ZONING BOARD MAY DECIDE BY MAJORITY VOTE TO REMAND THE
23 PETITION TO THE HEARING EXAMINER FOR ADDITIONAL TESTIMONY AND HEARING.”.

24
25 Also on page 3, in line 25, after “a hearing” insert: “, UNLESS THE HEARING EXAMINER HAS ALREADY
26 HELD A HEARING.”.