

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2022 Legislative Session

Legislative Day No. 4

Bill No. 15 -2022

Introduced by: Liz Walsh and David Yungmann

AN ACT altering the appointment process for members of the Planning Board; altering the qualifications of the members of the Planning Board; and generally relating to planning and zoning.

Introduced and read first time _____, 2022. Ordered posted and hearing scheduled.

By order _____
Michelle R. Harrod, 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 _____, 2022.

By order _____
Michelle R. Harrod, Administrator

This Bill was read the third time on _____, 2022 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2022 at ____ a.m./p.m.

By order _____
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2022

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 By amending:

4 Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations

5 Subtitle 9. Planning Board.

6 Section 16.900. Planning Board.

7

8

HOWARD COUNTY CODE

9 **Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations**

10

Subtitle 9. Planning Board

11 **Sec. 16.900. Planning Board.**

12 (a) *General Provisions.* General provisions applicable to this Board are set forth in subtitle 3,
13 "Boards and Commissions," of title 6, "County Executive and the Executive Branch," of the
14 Howard County Code.

15 (b) *Number of Members.* The Planning Board shall have five members.

16 (c) *Qualifications.* (1) All members of the Planning Board shall be residents of Howard
17 County.

18 (2) EACH MEMBER SHALL RESIDE IN A DIFFERENT COUNCILMANIC DISTRICT.

19 (3) AT LEAST ONE MEMBER SHALL BE A RESIDENT OF THE RURAL CONSERVATION DISTRICT
20 OR THE RURAL RESERVATION DISTRICT.

21 (4) EACH MEMBER SHALL COMPLETE THE STATE OF MARYLAND PLANNING COMMISSION
22 EDUCATION COURSE WITHIN SIX MONTHS AFTER THE DATE OF APPOINTMENT OF THE MEMBER.

23 (5) A NOMINEE TO BE A MEMBER OF THE PLANNING BOARD SHALL SUBMIT A RESUME TO THE
24 COUNTY COUNCIL.

25 (d) *Executive Secretary.* The Director of Planning and Zoning or the Director's designee shall
26 serve as Executive Secretary of the Planning Board and shall attend all meetings of the
27 Board.

- 1 (e) *Meetings*. The Planning Board shall hold regular monthly meetings. Special meetings may
2 be held at any time, at the call of the Chair.
- 3 (f) *Records*. The Planning Board shall keep a record of its findings, recommendations,
4 determinations and decisions. The Planning Board shall keep minutes of its proceedings.
5 The records shall be filed with the Department of Planning and Zoning, which shall
6 maintain them.
- 7 (g) *Outside Assistance*. With the approval of the County Executive, the Planning Board may
8 retain legal counsel or consultants as necessary to carry out its function and duties and
9 responsibilities.
- 10 (h) *Studies*. The Planning Board may initiate studies related to the general duties and
11 responsibilities and functions of the Board. For the purpose of conducting such studies, the
12 Board shall have the assistance of the staff of the Department of Planning and Zoning, as
13 may be provided in the budget.
- 14 (i) *Hearings*. Prior to making recommendations to the County Council on adoption of the
15 general plan, the Planning Board shall hold at least one public hearing at which interested
16 persons shall be afforded a reasonable opportunity to be heard regarding the general plan. In
17 addition, prior to making recommendations to the County Council on adoption of
18 comprehensive zoning, the Planning Board shall hold at least one public hearing at which
19 interested persons shall be afforded a reasonable opportunity to be heard regarding the
20 comprehensive zoning. In both cases, at least 30 days' notice of the time and place of the
21 hearing shall be on the County's website. The Planning Board may hold hearings on any
22 matter pending before it and shall hold hearings upon written request of the County
23 Executive or on resolution of the County Council and as required by law and regulations.
- 24 (j) *Duties and Responsibilities*. The Planning Board shall carry out all duties and
25 responsibilities assigned to it by law.
- 26 (1) *Recommendations on Planning and Zoning*:
- 27 (i) *Recommendations*. The Planning Board shall make recommendations to the
28 County Council and the Zoning Board on all matters relating to:

1 The Planning and Zoning of the County, the adoption and amendment of
2 regulations regarding the Planning and Zoning of the County, and amendments to
3 the zoning map or zoning regulations.

4 (ii) *Time frame.* The Planning Board shall make its recommendations within a
5 reasonable period of time, but in any event no more than 45 days after it hears the
6 petition unless the Zoning Board or the County Council allow a longer period of
7 time for the Planning Board to make its recommendations.

8 (iii) *Deadline for Planning Board recommendations for planning and zoning*
9 *legislation to be considered by the County Council.* A bill proposing the adoption
10 and amendment of the Comprehensive General Plan, regulations regarding the
11 Planning and Zoning of the County, or the zoning map or zoning regulations shall
12 not be added to the Council's legislative agenda until the County Council has
13 received:

- 14 a. A final technical staff report and analysis from the Department of Planning and
15 Zoning; and
- 16 b. A recommendation and report from the Planning Board.

17 (2) *Decision making:*

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

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

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

1 (3) *Recommendations on capital programs and capital budgets:*

2 (i) *Recommendations.* Each year the Planning Board shall review the proposed
3 capital program and any new or substantially changed capital project, pursuant to
4 law. It shall prepare comments and recommendations on the impact of the
5 proposed capital program on the County general plan and the growth of the
6 County and submit these comments and recommendations to the County
7 Executive, with a copy to the County Council.

8 (ii) *Time frame.* The proposed capital programs for the following fiscal year shall be
9 submitted to the Planning Board at least two months before the County Executive
10 is required to file the County's proposed capital program. The Planning Board
11 shall submit its comments and recommendations within one month of receiving
12 the proposed programs.

13 (4) *General plan guidelines:*

14 (i) *Preparation of guidelines.* Within five years from the adoption of this
15 comprehensive rezoning plan, the Planning Board shall prepare general guidelines
16 to be used by the Department of Planning and Zoning in the preparation and/or
17 revision of the general plan.

18 (ii) *Adoption of guidelines.* The County Council shall adopt the guidelines by
19 resolution prior to the formulation of the general plan utilizing these guidelines.

20 (5) *Other recommendations.* At the directive of the County Executive or by resolution of
21 the County Council, the Planning Board shall review and make recommendations on
22 any matter related to planning.

23 ***Section 2. Be it further enacted*** by the County Council of Howard County, Maryland, the first appointment
24 to be made after the effective date of this Act shall be a resident of Councilmanic District 1, unless it
25 leaves any Councilmanic District unrepresented, and the second appointment shall be a resident of
26 Councilmanic District 5, unless it leaves any Councilmanic District unrepresented. However, in the
27 event that an appointment made after the effective date of this Act would result in a formerly
28 represented Councilmanic District becoming unrepresented, the appointment shall be a person who
29 resides in the Councilmanic District formerly represented before appointing a member who resides in

1 *Councilmanic District 1 or 5. This appointment process shall continue until all five Councilmanic*
2 *Districts are represented on the Planning Board.*

3 **Section 3. Be it further enacted** *by the County Council of Howard County, Maryland, that this Act shall*
4 *become effective 61 days after its enactment.*