

**Amendment 1 to Council Bill No. 77-2021**

**BY: Deb Jung  
and Christiana Rigby**

**Legislative Day No. 19**

**Date: December 6, 2021**

**Amendment No. 1**

*(This Amendment requires the Zoning Board to adopt Rules of Procedure for the Hearing Examiner in Zoning Board cases.)*

1 On page 1:

2 • after line 21, insert:

3 “(3) THE ZONING BOARD SHALL ADOPT RULES OF PROCEDURE FOR THE HEARING EXAMINER IN  
4 ZONING BOARD CASES.”

5 • in line 22, strike “(3)” and substitute “(4)”.

6

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Am 1 to CB 77-2021

**passed on** Dec 6, 2021

Michelle Deere  
**Council Administrator**

**Amendment 2 to Council Bill No. 77-2021**

**BY: Deb Jung**

**Legislative Day No. 19**

**Date: December 6, 2021**

**Amendment No. 2**

*(This Amendment allows the Zoning Board by majority vote to decide to hear a case.)*

1 On page 1:

2 • In line 23, strike "OR"

3 • in line 25, after "DISQUALIFICATION" insert:

4 "OR

5 (III) THE ZONING BOARD BY MAJORITY VOTE DECIDES TO HEAR THE CASE"

6

7

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Am 2 to CB 77-2021  
passed on 12-6-2021  
Michelle Herron  
Council Administrator

Amendment 3 to Council Bill No. 77-2021

BY: Deb Jung  
and Christiana Rigby

Legislative Day No. 19

Date: December 6, 2021

Amendment No. 3

*(This Amendment adds requirements to the contents of the Hearing Examiner's report and specifies contents of the case record.)*

1 On page 2, in line 1, after "fact" insert "SUMMARIES OF ARGUMENTS AND RESPECTIVE POSITIONS IN THE  
2 CASE OR THEORY IN SUPPORT OF IT."

3

4 After line 7, insert:

5 "(1) THE RECORD SHALL INCLUDE:

6 (I) ALL ITEMS LISTED IN SECTION 2.121(A) OF THE COUNTY CODE;

7 (II) MAPS;

8 (III) RECORDINGS OF THE HEARINGS HELD BY THE HEARING EXAMINER;

9 (IV) PRESENTATION BY THE DEPARTMENT OF PLANNING AND ZONING; AND

10 (V) ALL OTHER MATERIALS PROVIDED TO THE HEARING EXAMINER BY THE PETITIONER, THE  
11 OPPOSITION, AND GOVERNMENT AGENCIES."

12

13 In line 8, before "Following" insert "(2)".

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Am 3 to CB 77-2021  
passed on 12-6-2021

Michelle Dierck  
Council Administrator

Amendment 4 to Council Bill No. 77-2021

BY: Deb Jung and Christiana Rigby

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.)

On page 2:

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

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

On page 3, after line 2, insert:

“(E) PRESENTATION TO THE ZONING BOARD.

THE REPORT, ALONG WITH THE RECORD, SHALL BE PRESENTED BY THE HEARING EXAMINER TO THE ZONING BOARD AT A MEETING OF THE ZONING BOARD. THE HEARING OF EXCEPTIONS TO THE REPORT SHALL FOLLOW THE HEARING EXAMINER’S PRESENTATION.

“(F) ACTIONS BY THE ZONING BOARD

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

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

Note: This is a corrected enrolled version which corrects the enrollment of A1 to A4 to CB77-2021. The original version added “AT A MEETING OF THE ZONING BOARD.” To line 14 instead of to line 12 after BOARD.

I certify this is a true copy of  
 A7 to CB77-2021  
 passed on Dec 6, 2021  
 Michael Howard  
 Council Administrator  
 corrected 2/9/2022  
 Michael Howard

**Amendment 1 to Amendment 4 to Council Bill No. 77-2021**

**BY: Liz Walsh**

**Legislative Day No. 19**

**Date: December 6, 2021**

**Amendment No. 1**

*(This Amendment clarifies that when the hearing examiner presents the report, it must be at a meeting of the Zoning Board.)*

1 Insert in line 12, after "BOARD" insert "AT A MEETING OF THE ZONING BOARD".  
2

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Am 1 to Am 4 to CB 77-2021  
**passed on .** 12-6-2021  
Michelle Howard  
**Council Administrator**

**Amendment 2 to Amendment 4 to Council Bill No. 77-2021**

**BY: Liz Walsh**

**Legislative Day No. 19**

**Date: December 6, 2021**

**Amendment No. 2**

*(This Amendment allows any member of the Zoning Board to remand a petition to the hearing examiner for additional testimony and hearing.)*

1 Insert at line 8:

2

3 “On page 3, in line 1, strike “THE” and substitute “A MEMBER OF THE” and strike “BY MAJORITY  
4 VOTE”.”.

5

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Am 2 to Am 4 to CB 77-2021  
~~passed on~~ Michelle Haerz 12-6-2021  
Michelle Haerz  
**Council Administrator**

Failed

Amendment 4 to Council Bill No. 77-2021

BY: Deb Jung  
and Christiana Rigby

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)”.
- 6

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

8

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”.