

Office of the County Auditor
Auditor's Analysis

Council Bill No. 10-2023

Introduced: March 6, 2023

Auditor: Michael A. Martin

Fiscal Impact:

The fiscal impact is indeterminable since the number of future Zoning Board hearings that could necessitate billable hours for the County's Hearing Examiner are unknown at this time. This is consistent with what was identified for previously approved Council Bill 77-2021.

Purpose:

This legislation would make changes to the roles of the Hearing Examiner by proposing the following:

- Clarifying the role of the Hearing Examiner to hear certain matters in the Zoning Board's jurisdiction
- Defining various terms that apply to the rules of construction
- Specifying the powers, duties, and procedures used by the Hearing Examiner in an evidentiary hearing
- Elaborating upon the right and duties of persons of record in matters heard by the Hearing Examiner
- Establishing the petition application process for piecemeal map amendments and development plans
- Allowing for certain conditional approvals

NOTE: Council Bill 10-2023 is companion legislation to Council Resolution 49-2023, which approves the Rules of Procedure of the Hearing Examiner. The intent of each piece of legislation is to supplement the changes of CB77-2021, which established a requirement for the Hearing Examiner to hear and report on all petitions prior to the Zoning Board hearing.

Other Comments:

This legislation also proposes to remove the mediation process currently outlined under Section 16.204. A party that is unsatisfied with the rendered decision of the Zoning Board will have the option to appeal the case per Section 16.207 of the County Code.