

Amendment 2 to Council Bill No. 10-2023

BY: Liz Walsh at the request of the Zoning Board

Legislative Day 5

Date: May 1, 2023

Amendment No. 2

(This amendment alters the sponsor of the bill, defines administrative meetings, removes requirements for residential address disclosures, alters the time limits for exceptions arguments, grants the Hearing Examiner subpoena power, clarifies timelines connected to administrative meetings and evidentiary hearings, and makes technical fixes.)

- 1 On the title page, after “Liz Walsh,” insert: “at the request of the Zoning Board”.
- 2 On page 3, line 9, strike “A DAY” and substitute: “THE LAST DAY”
- 3 On page 16, line 16, insert “OR” before “EVIDENTIARY HEARING” and strike “, OR MEETING”.
- 4 On page 16, line 18, strike “AND THE PUBLIC”.
- 5 On page 16, strike lines 23 and 24 in their entirety.
- 6 On page 16, after line 24, insert:
 - 7 “(4) ADMINISTRATIVE MEETING MEANS AN OPEN MEETING DURING WHICH THE ZONING
 - 8 BOARD DECIDES TO HEAR A CASE AS THE ZONING BOARD OR ASSIGN A CASE TO THE
 - 9 HEARING EXAMINER, AS SET FORTH IN SECTION 16.203A.”
- 10 On page 16, line 25, strike the brackets and “4)”.
- 11 On page 18, strike lines 25 through 27 in their entirety and substitute:
 - 12 (1) FOR PETITIONS AUTHORIZED TO BE HEARD BY THE ZONING BOARD UNDER SECTION
 - 13 16.204 OF THIS SUBTITLE, THE ZONING BOARD BY MAJORITY VOTE AT AN ADMINISTRATIVE
 - 14 MEETING MAY AUTHORIZE THE HEARING EXAMINER TO FIRST HEAR PETITIONS.
- 15 On page 19, line 12, after “VOTE” insert “AT AN ADMINISTRATIVE MEETING”
- 16 On page 20, line 24 and line 25, strike the brackets.
- 17 On page 20, starting on line 25, strike “THE TOTAL TIME ALLOWED FOR ORAL ARGUMENT ON ALL
- 18 EXCEPTIONS SHALL BE ONE HOUR, WITH THE PETITIONER(S) AND PERSONS OF RECORD IN
- 19 SUPPORT CUMULATIVELY ALLOWED THIRTY MINUTES AND THE PROTESTANT(S) AND
- 20 PERSONS OF RECORD IN OPPOSITION CUMULATIVELY ALLOWED THIRTY MINUTES.”
- 21 On page 21, after line 14, insert:

1 (G) SUBPOENAS. THE HEARING EXAMINER MAY ISSUE SUBPOENAS TO COMPEL THE
2 ATTENDANCE OF WITNESSES AND THE PRODUCTION OF DOCUMENTS AND TO ADMINISTER
3 OATHS TO WITNESSES.

4 On page 22, line 23, strike “EVIDENTIARY hearing” and substitute “ADMINISTRATIVE MEETING”.

5 On page 22, starting on line 24, strike the brackets and strike “APPLICANT”.

6 On page 23, line 1, strike “EVIDENTIARY hearing” and substitute “ADMINISTRATIVE MEETING”.

7 On page 23, starting on line 2, strike the brackets and strike “APPLICANT”.

8 On page 23, line 5, strike “HEARING” and substitute “ADMINISTRATIVE MEETING”.

9 On page 23, line 21, strike “HEARING” and substitute “ADMINISTRATIVE MEETING”.

10 On page 23, line 31, strike the brackets and strike “APPLICANT”.

11 On page 26, strike lines 1 through 3 in their entirety. Renumber the section accordingly.

12 On page 26, line 5, strike the brackets and strike “APPLICANT”.

13 On page 26, line 21, strike “a hearing date” and substitute “THE ADMINISTRATIVE MEETING
14 DATE”.

15 On page 26, line 25, strike “hearing” and substitute “ADMINISTRATIVE MEETING”.

16 On page 27, line 20, strike “APPLICANT” and substitute “PETITIONER”.

17 On page 28, line 20, strike “AND RESIDENTIAL”.

18 On page 28, line 24, strike “AND RESIDENTIAL”.

19 On page 28, starting on line 26, strike “AND RESIDENTIAL”.

20 On page 28, starting on line 27, strike “. AN OWNER THAT IS A CORPORATION LISTED ON A
21 NATIONAL STOCK EXCHANGE SHALL BE EXEMPT FROM THE REQUIREMENT TO PROVIDE
22 RESIDENTIAL ADDRESSES OF ITS OFFICERS AND DIRECTORS”.

23 On page 29, line 4, strike “RESIDENTIAL” and substitute “BUSINESS”.

24 On page 29, line 10, strike “RESIDENTIAL” and substitute “BUSINESS”.

25 On page 29, after line 19, insert:

26 “(D) OATH. AN INDIVIDUAL TESTIFYING SHALL GIVE THEIR NAME AND ADDRESS AND TAKE
27 THE FOLLOWING OATH GIVEN BY THE CHAIR: “I SOLEMNLY SWEAR OR AFFIRM UNDER THE
28 PENALTIES OF PERJURY THAT THE RESPONSES GIVEN AND STATEMENTS MADE WILL BE THE
29 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH.”

30 On page 29, line 23, strike “APPLICANT” and substitute “PETITIONER”.

- 1 On page 30, line 27, strike “APPLICATION” and substitute “PETITION”.
- 2 On page 30, lines 9 and 25 strike the instances of “APPLICANT” and substitute “PETITIONER”.
- 3 On page 32, line 5, “EVIDENTIARY HEARING” and substitute “ADMINISTRATIVE MEETING”.
- 4 On page 32, line 8, after “AMENDMENT” insert “OR DEVELOPMENT PLAN”.
- 5 On page 32, line 11, after “AMENDMENT” insert “OR DEVELOPMENT PLAN”.
- 6 On page 32, line 10, “EVIDENTIARY HEARING” and substitute “ADMINISTRATIVE MEETING”.
- 7 On page 32, line 18, strike “HEARING EXAMINER” and substitute “ZONING BOARD”.
- 8 On page 33, line 3, after “AMENDMENT” insert “OTHER THAN PIECEMEAL MAP AMENDMENT CASES
9 BASED ON THE CHANGE/MISTAKE RULE AS ESTABLISHED BY MARYLAND CASE LAW”.
- 10 On page 33, lines 17, 19, and 20 strike the instances of “APPLICANT” and substitute
11 “PETITIONER”.
- 12 On page 34, line 29, strike “SIDE” and substitute “PARTY”.
- 13 On page 36, line 24, strike “ZONING BOARD COUNSEL OR”