

Introduced 2/2/15
Public hearing 2/17/15
Council action 3/2/15
Executive action 3/14/15
Effective date 5/14/15

County Council of Howard County, Maryland

2015 Legislative Session

Legislative day #2

BILL NO. 6 – 2015

Introduced by: Mary Kay Sigaty

Co-sponsored by: Dr. Calvin Ball, Jennifer Terrasa, and Jon Weinstein

AN ACT amending the Howard County Code to clarify that the Department of Planning and Zoning is required to send their technical staff reports for any petitions considered by the Zoning Board, County Council, Planning Board, Hearing Examiner, or Board of Appeals to the appropriate decision making body and the general public at least two weeks prior to the required public hearing or meeting; generally related to the Department of Planning and Zoning's technical staff reports.

Introduced and read first time February 2, 2015. Ordered posted and hearing scheduled.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on February 17, 2015.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

This Bill was read the third time March 2, 2015 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this 4th day of March, 2015 at 10:30 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Approved/vetoed by the County Executive on March 4, 2015.

Allan H. Kittleman
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. ~~Strikeout~~ 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
2 County Code is hereby amended to read as follows:

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4 *By amending:*

5 *Numbers: “6” “Deadline for technical staff reports for petitions to be considered by the Zoning Board,*
6 *County Council, and Planning Board.” and “7” “Other zoning changes.”.*

7 *Subsection (c) “Duties and Responsibilities.”*

8 *Subtitle 16.801: “The Department of Planning and Zoning”*

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

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Howard County Code

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Title 16: PLANNING, ZONING AND SUBDIVISIONS AND LAND

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DEVELOPMENT REGULATIONS

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Subtitle 16.801: The Department of Planning and Zoning

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20

(c) Duties and Responsibilities

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(6) *Deadline for technical staff reports for petitions to be considered by the*
22 *Zoning Board, County Council, and Planning Board. The Department of*
23 *Planning and Zoning shall transmit its findings and recommendations*
24 *concerning petitions to be considered by the Zoning Board, County Council, or*
25 *the Planning Board [[in a public hearing]] to the Planning Board and the*
26 *general public at least two weeks prior to any required public meeting or*
27 *hearing. Any initial meeting or hearing shall not be scheduled until all*
28 *questions raised by the Department of Planning and Zoning in their technical*
29 *staff report are answered by the petitioner, as determined by the Department of*
30 *Planning and Zoning. Failure to adhere to this provision will result in a*
31 *postponement in consideration of the report until the next meeting or hearing.*

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(7) *Other zoning changes. The Department of Planning and Zoning shall receive*
34 *all petitions related to zoning matters, such as conditional uses, variances, and*
35 *nonconforming uses. The Department shall accept and review these*

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1 applications and petitions and shall transmit them to the Hearing Examiner for
2 the Board of Appeals. For all petitions related to variances in nonresidential
3 districts, conditional uses, and extension, enlargement, or alteration of
4 nonconforming uses, the Department shall prepare findings and
5 recommendations IN A TECHNICAL STAFF REPORT and shall submit the
6 petitions, findings and recommendations to the Hearing Examiner for the
7 Board of Appeals. THE TECHNICAL STAFF REPORT SHALL BE MADE
8 AVAILABLE TO THE HEARING EXAMINER AND THE GENERAL PUBLIC AT LEAST
9 TWO WEEKS PRIOR TO ANY REQUIRED PUBLIC MEETING OR HEARING. If the
10 Hearing Examiner approves a petition subject to an amendment or
11 modification of the petition and the approval is appealed to the Board of
12 Appeals, the Department will prepare and submit to the Board its findings and
13 recommendations concerning the amendment or modification IN A TECHNICAL
14 STAFF REPORT. THE TECHNICAL STAFF REPORT SHALL BE MADE AVAILABLE
15 TO THE BOARD OF APPEALS AND THE GENERAL PUBLIC AT LEAST TWO WEEKS
16 PRIOR TO ANY REQUIRED PUBLIC MEETING OR HEARING.

17
18 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that this Act
19 *shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on March 4, 2015.

Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2015.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2015.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2015.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2015.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2015.

Jessica Feldmark, Administrator to the County Council