

Introduced 2/2/15
Public hearing 2/17/15
Council action 3/2/15
Executive action 3/4/15
Effective date 5/4/15

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:

3
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*

10
11
12
13 **Howard County Code**

14
15 **Title 16: PLANNING, ZONING AND SUBDIVISIONS AND LAND**
16 **DEVELOPMENT REGULATIONS**

17
18 **Subtitle 16.801: The Department of Planning and Zoning**

19
20 **(c) Duties and Responsibilities**

21 (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.*

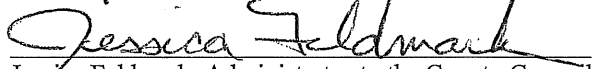
32
33 (7) *Other zoning changes. The Department of Planning and Zoning shall receive*
34 *all petitions related to zoning matters, such as conditional uses, variances, and*
35 *nonconforming uses. The Department shall accept and review these*

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, 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

Date: 17 Feb 2015

Subject: Testimony for CB6-2015

Good evening. My name is Stuart Kohn and I reside at 8709 Yellow Bird Court, Laurel, MD. 20723. I am President of the Howard County Citizens Association known as HCCA. We are very grateful and appreciative that the Council realizes the importance of CB6-2015. After this Bill is unanimously passed by you then there should no longer be any doubt that all parties will have a two-week period to evaluate so one can better prepare testimony whenever a Technical Staff Report, TSR is issued. This applies for any particular case regardless of what venue the applicable TSR is appropriate whether it be a meeting or hearing. It will apply to the County Council, Zoning Board, Planning Board, Hearing Examiner, and/or the Board of Appeals. For this HCCA wants the Council to know how much this is valued as it should from now on eliminate any possible interpretation on the part of the Office of Law.

I'd like to take this time to provide you a little background as to the origin and predecessor of this Bill. Almost 9 years ago Council Bill 58-2006 was passed because of Calvin Ball, Guy Guzzone, and Ken Ulman when they were members of the Council. This Bill came about because of a zoning case before the Planning Board whereby it was announced that the TSR had been revised without giving the audience an opportunity to review. The opposition needless to say was very irate including me. The Planning Board was not going to give the opposition anytime to review. After raising our voice they gave us an additional week. As a result of this experience Bill58-2006 was implemented. This was supposed to be for all cases where the TSR is relevant whether it is a meeting or hearing. A few months ago the Planning Board conducted a meeting regarding Symphony Woods. The TSR had only been issued within six days from the day of the meeting. HCCA raised the issue. Even though the Office of Law said that Bill58-2006 did not apply and I have no idea why -- the Planning Board Chairperson said otherwise and agreed to leave the case open for two weeks for additional testimony. We have also spoken to the Hearing Examiner about her view on the possibility of making a two-week TSR notification mandatory and she fully agrees that this would be a very positive outcome and would be helpful to her.

In conclusion HCCA wants to sincerely thank the Council and in particular my now Council person, Mary Kay Sigaty for recognizing a wrong and making it right for all concerned parties. This is a major step in the right direction.

Thank You,

Stu Kohn
HCCA, President

Sayers, Margery

From: Stu Kohn <stukohn@verizon.net>
Sent: Saturday, February 28, 2015 10:19 AM
To: CouncilMail
Subject: THANK YOU for CB6-2015 and Possible Amendment

Dear Council Members,

I want to once again thank you for your support of Council Bill 6-2015 to require the Department of Planning and Zoning (DPZ) to provide their Technical Staff Reports to the entity receiving them (Hearing Examiner, Board of Appeals, Planning Board (PB), Zoning Board or Council) within two weeks of their public hearing to allow for ample review by all concerned parties. I unfortunately did not attend the Legislative Hearing held on 17 February; however, I did watch it intently on television. I want to tell you my appreciation for you mentioning my name regarding the proposed Bill. When you vote on the Bill this Monday evening, 2 March I would like for you to consider the following two suggestions:

1. During your discussion please consider stating this Bill not only applies to both the PB and Zoning Board, but ALL entities to include the Hearing Examiner and Board of Appeals. I ask for this consideration because at the hearing on 17 February I believe it was not highlighted. This is a very important piece of the legislation where the audience needs to be informed of the impact of this Bill.
2. Please consider the suggestion I heard from Lisa Markovitz when she suggested that the Bill contain an amendment. This was to have the PB be required to give their decisions for approval or non-approval within two weeks of the next public hearing on the topic. Currently, by law, the PB has 45 days from their hearing to provide their decision and could petition for a longer period of time regardless on when the next entity's hearing is to occur. The public should have the same reasonable time to review DPZ's reports and the process of each decision-making body's comments. It is in keeping with the spirit of this Bill to include the PB comments to allow all interested parties the time to review material whereby decisions are predicated on.

Sincerely,

Stu Kohn
HCCA, President

February 17, 2015

TO: Howard County Council

FROM: Joan Lancos
6110 Covington Road
Columbia, MD 21044

RE: Council Bill 6-2015

I would like to express my support for CB6-2015. As someone who frequently attends meetings/hearings of the County Council, Planning Board, Hearing Examiner and Board of Appeals, it is frustrating waiting for the Technical Staff Report to be available in a timely fashion. My responsibilities as Land Use Liaison for the Hickory Ridge Community Association require me to research cases that may impact the village and report to the village board about them. The variation in timing for meetings vs hearings is confusing and often does not allow enough time for someone following cases to respond to the findings in the TSR. Having a standard minimum requirement levels the playing field for all interested parties.

I want to specifically note that the two week time limit seems appropriate and would certainly allow me time to do my due diligence on cases. I also believe that the two week time frame before a hearing allows for scheduling of cases in a timely fashion and gives the Department of Planning and Zoning a consistent standard to follow and maintain.

Recently, I served on the County Executive's Transition Team for DPZ. We interviewed over forty people including county staff, local developers, lawyers, engineers and the public. A frequent comment had to do with the timing of TSRs. I believe CB6-2015 addresses those concerns in a fair and balanced way. I urge your approval of this bill as written.

Lisa Markovitz – President, The People’s Voice, LLC

Testimony 2/17/15 supporting Council Bill 6-2015, request for amendment.

Thank you to the Council for addressing this need to have the Department of Planning and Zoning Technical Staff Reports available two weeks prior to the next step of hearings to other decision-making bodies. This will assist the public in being informed of the details of issues that affect them, and help them formulate input of their own.

I ask that you please consider an amendment, to include the Planning Board in this bill, regarding their decisions to recommend or not recommend approval in their proceedings, which then move forward to other decision-making bodies as well. If you could please include the Planning Board in being required to submit and publicize their decisions two weeks prior to zoning board or council public hearings, that would serve similar needs that Council Bill 6-2015 addresses. In most cases, the decisions are made at the Planning Board hearing, and in all cases within the two week time period prior to the next proceeding, and this is really just an administrative and logistical issue, which should also comply with the spirit of this bill.

Many interested parties will often wait to attend the final decision-makers’ hearings in matters that affect them, and may not have attended Planning Board hearings. Being able to see, with some notice, what the Planning Board decided, and possibly addressed, would be helpful to the public as well.

Thank you for your consideration.