

Introduced 02-07-2022
Public Hearing 02-22-2022
Council Action 03-07-2022
Executive Action 03-10-2022
Effective Date 05-10-2022

County Council of Howard County, Maryland

2022 Legislative Session

Legislative Day No. 4

Bill No. 15 -2022

Introduced by: Liz Walsh and David Yungmann

AN ACT altering the appointment process for members of the Planning Board; altering the qualifications of the members of the Planning Board; and generally relating to planning and zoning.

Introduced and read first time Feb 7, 2022. Ordered posted and hearing scheduled.

By order

Michelle R. Harrod
Michelle R. Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on Feb 22, 2022.

By order

Michelle R. Harrod
Michelle R. Harrod, Administrator

This Bill was read the third time on March 7, 2022 and Passed , Passed with amendments ✓, Failed .

By order

Michelle R. Harrod
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 9 day of March, 2022 at 1:00 a.m./p.m.

By order

Michelle R. Harrod
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive March 10, 2022

Calvin Ball
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; Text in small capitals indicates additions to existing law; Strike-out 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 County*
2 *Code is hereby amended as follows:*

3 *By amending:*

4 *Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations*

5 *Subtitle 9. Planning Board.*

6 *Section 16.900. Planning Board.*

7
8 **HOWARD COUNTY CODE**

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

10 **Subtitle 9. Planning Board**

11 **Sec. 16.900. Planning Board.**

12 (a) *General Provisions.* General provisions applicable to this Board are set forth in subtitle 3,
13 "Boards and Commissions," of title 6, "County Executive and the Executive Branch," of the
14 Howard County Code.

15 (b) *Number of Members.* The Planning Board shall have five members.

16 (c) *Qualifications.* (1) All members of the Planning Board shall be residents of Howard
17 County.

18 (2) EACH MEMBER SHALL RESIDE IN A DIFFERENT COUNCILMANIC DISTRICT.

19 (3) AT LEAST ONE MEMBER SHALL BE A RESIDENT OF THE RURAL CONSERVATION DISTRICT
20 OR THE RURAL RESERVATION RESIDENTIAL DISTRICT.

21 (4) AT LEAST ONE MEMBER SHALL BE A RESIDENT OF THE NEW TOWN DISTRICT.

22 ~~(4) (5) (1) EACH MEMBER SHALL COMPLETE THE STATE OF MARYLAND PLANNING~~
23 ~~COMMISSION EDUCATION COURSE WITHIN SIX MONTHS AFTER THE DATE OF APPOINTMENT OF~~
24 ~~THE MEMBER. PLANNING BOARD EDUCATION COURSE DEVELOPED BY THE MARYLAND~~
25 ~~DEPARTMENT OF PLANNING PURSUANT TO THE LAND USE ARTICLE, § 1-206 OF THE~~
26 ~~MARYLAND ANNOTATED CODE WITHIN 90 DAYS OF THE DATE OF APPOINTMENT TO THE~~
27 ~~PLANNING BOARD OR BEFORE HEARING A CASE, WHICHEVER OCCURS FIRST. (11) THE FAILURE~~
28 ~~OF A PLANNING BOARD MEMBER TO COMPLETE THE EDUCATION COURSE REQUIRED UNDER~~

1 SUBPARAGRAPH (1) OF THIS PARAGRAPH IS A CAUSE FOR REMOVAL OF THE PLANNING BOARD
2 MEMBER UNDER § 6.302 OF THE COUNTY CODE.

3 ~~(5)~~ (6) A NOMINEE TO BE A MEMBER OF THE PLANNING BOARD SHALL SUBMIT A RESUME TO
4 THE COUNTY COUNCIL.

5 (7) A LAND USE ATTORNEY WHO PRACTICES IN HOWARD COUNTY OR ANY EMPLOYEE OF THE
6 LAND USE ATTORNEY'S LAW FIRM A LAW FIRM THAT HAS A LAND USE PRACTICE IN HOWARD
7 COUNTY SHALL NOT BE A MEMBER OF THE PLANNING BOARD.

8 (d) *Executive Secretary.* The Director of Planning and Zoning or the Director's designee shall
9 serve as Executive Secretary of the Planning Board and shall attend all meetings of the
10 Board.

11 (e) *Meetings.* The Planning Board shall hold regular monthly meetings. Special meetings may
12 be held at any time, at the call of the Chair.

13 (f) *Records.* The Planning Board shall keep a record of its findings, recommendations,
14 determinations and decisions. The Planning Board shall keep minutes of its proceedings.
15 The records shall be filed with the Department of Planning and Zoning, which shall
16 maintain them.

17 (g) *Outside Assistance.* With the approval of the County Executive, the Planning Board may
18 retain legal counsel or consultants as necessary to carry out its function and duties and
19 responsibilities.

20 (h) *Studies.* The Planning Board may initiate studies related to the general duties and
21 responsibilities and functions of the Board. For the purpose of conducting such studies, the
22 Board shall have the assistance of the staff of the Department of Planning and Zoning, as
23 may be provided in the budget.

24 (i) *Hearings.* Prior to making recommendations to the County Council on adoption of the
25 general plan, the Planning Board shall hold at least one public hearing at which interested
26 persons shall be afforded a reasonable opportunity to be heard regarding the general plan. In
27 addition, prior to making recommendations to the County Council on adoption of
28 comprehensive zoning, the Planning Board shall hold at least one public hearing at which
29 interested persons shall be afforded a reasonable opportunity to be heard regarding the

comprehensive zoning. In both cases, at least 30 days' notice of the time and place of the hearing shall be on the County's website. The Planning Board may hold hearings on any matter pending before it and shall hold hearings upon written request of the County Executive or on resolution of the County Council and as required by law and regulations.

- (j) *Duties and Responsibilities.* The Planning Board shall carry out all duties and responsibilities assigned to it by law.

(1) *Recommendations on Planning and Zoning:*

- (i) *Recommendations.* The Planning Board shall make recommendations to the County Council and the Zoning Board on all matters relating to:

The Planning and Zoning of the County, the adoption and amendment of regulations regarding the Planning and Zoning of the County, and amendments to the zoning map or zoning regulations.

- (ii) *Time frame.* The Planning Board shall make its recommendations within a reasonable period of time, but in any event no more than 45 days after it hears the petition unless the Zoning Board or the County Council allow a longer period of time for the Planning Board to make its recommendations.

- (iii) *Deadline for Planning Board recommendations for planning and zoning legislation to be considered by the County Council.* A bill proposing the adoption and amendment of the Comprehensive General Plan, regulations regarding the Planning and Zoning of the County, or the zoning map or zoning regulations shall not be added to the Council's legislative agenda until the County Council has received:

- a. A final technical staff report and analysis from the Department of Planning and Zoning; and
- b. A recommendation and report ~~form~~ FROM the Planning Board.

(2) *Decision making:*

- (i) The Planning Board shall make decisions with respect to matters submitted to it pursuant to the laws, rules, regulations, and ordinances of the County.

1 (ii) The Planning Board has authority regarding street naming and house numbering
2 pursuant to subtitle 4, "Street Names and House Numbers" of [this] title 16 of the
3 Howard County Code.

4 (iii) Any person specially aggrieved by any decision of the Planning Board and a party
5 to the proceedings before it may, within 30 days thereof, appeal said decision to
6 the Board of Appeals in accordance with section 501 of the Howard County
7 Charter. For purposes of this section the term "any person specially aggrieved"
8 includes but is not limited to a duly constituted civic, improvement, or community
9 association provided that such association or its members meet the criteria for
10 aggrievement set forth in subsection 16.103(b) of this title.

11 (3) *Recommendations on capital programs and capital budgets:*

12 (i) *Recommendations.* Each year the Planning Board shall review the proposed
13 capital program and any new or substantially changed capital project, pursuant to
14 law. It shall prepare comments and recommendations on the impact of the
15 proposed capital program on the County general plan and the growth of the
16 County and submit these comments and recommendations to the County
17 Executive, with a copy to the County Council.

18 (ii) *Time frame.* The proposed capital programs for the following fiscal year shall be
19 submitted to the Planning Board at least two months before the County Executive
20 is required to file the County's proposed capital program. The Planning Board
21 shall submit its comments and recommendations within one month of receiving
22 the proposed programs.

23 (4) *General plan guidelines:*

24 (i) *Preparation of guidelines.* Within five years from the adoption of this
25 comprehensive rezoning plan, the Planning Board shall prepare general guidelines
26 to be used by the Department of Planning and Zoning in the preparation and/or
27 revision of the general plan.

28 (ii) *Adoption of guidelines.* The County Council shall adopt the guidelines by
29 resolution prior to the formulation of the general plan utilizing these guidelines.

1 (5) *Other recommendations.* At the directive of the County Executive or by resolution of
2 the County Council, the Planning Board shall review and make recommendations on
3 any matter related to planning.

4 ***Section 2. Be it further enacted*** by the County Council of Howard County, Maryland, the first appointment
5 to be made after the effective date of this Act shall be a resident of Councilmanic District 1, unless it
6 leaves any Councilmanic District unrepresented, and the second appointment shall be a resident of
7 Councilmanic District 5, unless it leaves any Councilmanic District unrepresented. However, in the
8 event that an appointment made after the effective date of this Act would result in a formerly
9 represented Councilmanic District becoming unrepresented, the appointment shall be a person who
10 resides in the Councilmanic District formerly represented before appointing a member who resides in
11 Councilmanic District 1 or 5. This appointment process shall continue until all five Councilmanic
12 Districts are represented on the Planning Board.

13 ***Section 3. Be it further enacted*** by the County Council of Howard County, Maryland, that this Act shall
14 become effective 61 days after its enactment.

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

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Introduced and read first time _____, 2022. Ordered posted and hearing scheduled.

By order _____
Michelle R. Harrod, Administrator

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By order _____
Michelle R. Harrod, Administrator

This Bill was read the third time on _____, 2022 and Passed ___, Passed with amendments ___, Failed _____.

By order _____
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2022 at ___ a.m./p.m.

By order _____
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2022

Calvin Ball, County Executive

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22 EDUCATION COURSE WITHIN SIX MONTHS AFTER THE DATE OF APPOINTMENT OF THE MEMBER.

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24 COUNTY COUNCIL.

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27 *event that an appointment made after the effective date of this Act would result in a formerly*
28 *represented Councilmanic District becoming unrepresented, the appointment shall be a person who*
29 *resides in the Councilmanic District formerly represented before appointing a member who resides in*

1 *Councilmanic District 1 or 5. This appointment process shall continue until all five Councilmanic*
2 *Districts are represented on the Planning Board.*

3 ***Section 3. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall***
4 ***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 10, 2022.

Michelle Harrod
Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, Administrator to the County Council