Introduced_____
Public hearing_____
Council action_____
Executive action_____
Effective date_____

County Council of Howard County, Maryland

2005 Legislative Session Legislative day #__11__

BILL NO. 58–2005

Introduced by Guy Guzzone, Chairman

AN ACT amending the Howard County Code to require that developers also notify the Howard County Zoning Counsel of all required Pre-Submission Community Meetings pertaining to proposed residential development and to provide that the County Council shall determine whether or not the Zoning Counsel shall attend these community meetings.

Introduced and read first time _____, 2005. Ordered posted and hearing scheduled.

By order_____
Sheila M. Tolliver, 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 _____, 2005 and concluded on _____, 2005.

By order_____
Sheila M. Tolliver, Administrator to the County Council

This Bill was read the third time _____, 2005 and Passed___, Passed with amendments___, Failed___.

By order_____
Sheila M. Tolliver, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2005 at _____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2005.

_____
James N. Robey, 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.

Section 1. Be it enacted *by the County Council of Howard County, Maryland, that Section 16.128 "Pre-submission community meetings; exceptions.", of Article II. "Design Standards and Requirements.", of Subtitle 1 "Subdivision and Land Development Regulations."; and Section 16.1000 "Zoning counsel.", of Subtitle 10. "Zoning Counsel.", of Title 16 "Planning, Zoning and Subdivisions and Land Development Regulations" of the Howard County Code is hereby amended to read as follows:*

TITLE 16. PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS

SUBTITLE 1. Subdivision and Land Development Regulations.

Article II. Design Standards and Requirements.

Section 16.128. Pre-submission community meetings; exceptions.

Pre-submission community meeting*:* A pre-submission community meeting is required prior to the initial submission of plans for all new residential developments according to the following procedures:

(a) The initial plan submittal shall be as defined in section 16.108 of this Subtitle.

(b) The meeting shall be:

(1) Held at a location within the community, preferably in a public or institutional building; and

(2) Scheduled to start between 6 p.m. and 8 p.m. on a weekday evening, or to be held between 9 a.m. and 5 p.m. on a Saturday.

(c) The developer shall provide two week's advance notice regarding the date, time, and location of the pre-submission community meeting to be held for a new residential development project to:

(1) All adjoining property owners identified in the records of the State Department of Assessments and Taxation, by first-class mail; and

(2) The Department of Planning and Zoning, which will place the meeting notice on the Department's web site[[.]]; AND

(3) THE HOWARD COUNTY ZONING COUNSEL.

(d) The pre-submission community meeting is for the developer to provide

information to the community regarding the proposed residential development and to allow community residents to ask questions and make comments.

(e) A certification that meeting notices were mailed and a summary of the comments made by residents at the pre-submission community meeting shall be transmitted by the developer to the Department of Planning and Zoning when the initial plans are submitted for County review.

(f) If the developer does not submit plans to the Department of Planning and Zoning within 1 year of the pre-submission community meeting, another pre-submission community meeting and notification in accordance with Subsection b(1) of this Section shall be required.

Exceptions. Minor residential subdivisions located outside of the Howard County Planned Service Area for water and sewer are exempt from this requirement.

SUBTITLE 10. ZONING COUNSEL

Section. 16.1000. Zoning counsel.

(a) The county council may employ a zoning counsel on a part-time, contractual basis. The zoning counsel shall be a member in good standing of the Bar of the Maryland Court of Appeals and at the time of appointment shall have been actively engaged in the general practice of law for at least 5 years.

(b) A decision to enter into a contract with an individual to perform the duties of zoning counsel shall be made by an affirmative vote of at least 3 council members. A decision to terminate a zoning counsel's contract shall be made by an affirmative vote of at least 4 council members.

(c) The zoning counsel shall appear at all zoning board hearings on requests for piecemeal zoning map amendments for the purposes of producing evidence and testimony supporting comprehensive rezoning and facilitating the compilation of a

complete record.

(d) In the performance of these duties the zoning counsel may:

(1) Present evidence and witnesses;

(2) Examine and cross-examine witnesses;

(3) Present argument; and

(4) Take any other action necessary to perform these duties.

(e) The budget for the zoning counsel shall be included in the county council budget.

(f) The zoning counsel may retain expert witnesses and compensate them to the extent that the council budget includes funds for such compensation.

(g) The zoning counsel shall be available:

(1) To any person interested in any zoning matter to advise as to procedures before a county agency or board, provided that when doing so the zoning counsel does not engage in the practice of law or render individual legal advice; and

(2) To any group to speak about zoning procedures in the county.

(H) THE ZONING COUNSEL SHALL BE NOTIFIED OF PRE-SUBMISSION COMMUNITY MEETINGS, AS OUTLINED IN SECTION 16.128 OF THIS TITLE. THE COUNTY COUNCIL SHALL DETERMINE WHETHER OR NOT THE ZONING COUNSEL SHALL ATTEND PRE-SUBMISSION COMMUNITY MEETINGS TO ADVISE ANY PERSON OR GROUP OF PROCEDURAL MATTERS.

([[h]]I) The zoning counsel:

(1) Does not represent the county, any government agency or any private party;

(2) Is not a party and does not have a right of appeal in connection with any case before the board of appeals;

(3) May not represent any client involving land use in Howard County; and

(4) May not represent any client before the zoning board or board of appeals for 1 year after leaving the office of zoning counsel.

(i) On or before July 1 of each year, the zoning counsel shall submit to the council and the county executive a report on the activities of the office in the past year.

Section 2. Be it further enacted *by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.*