



PETITION TO AMEND THE
ZONING REGULATIONS OF
HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA- 173

Date Filed: 8-31-16

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: Amend section 130.0A.3

to clarify and define "aggrieved person" in
the Zoning Regulations

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Christopher T. Allen

Address 10848 Harrel Dr., Columbia, MD 21044

Phone No. (W) 443-316-1974 (H)

Email Address tcn5157@phn.com

3. Counsel for Petitioner N/A

Counsel's Address

Counsel's Phone No.

Email Address

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed To correct a longstanding error

in the code and define "aggrieved person"
for the purpose of appealing actions

2016 AUG 31 PM 2:09

HOWARD COUNTY COUNCIL
RECEIVED

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County This fixes errors in the County Code and ensures the regulations meet their legislative purpose

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A. Clarifying and defining "aggrieved person" will protect the civil rights of citizens of Howard County promoting public welfare and safety by bringing the regulations in conformity with the legislative purpose

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s). Previously Addressed

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more

than one property, yes or no? NO, corrects longstanding error.

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition.

Please see supplemental statement attached

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled

“Petitioner’s Proposed Text” that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[Double Bold Brackets]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the “Petitioner’s Proposed Text” to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Christopher Allen
Petitioner’s name (Printed or typed)

[Signature] 8/30/2016
Petitioner’s Signature Date

Petitioner’s name (Printed or typed)

Petitioner’s Signature Date

Petitioner’s name (Printed or typed)

Petitioner’s Signature Date

N/A
Counsel for Petitioner’s Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00*

* The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty (24) copies along with attachments.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised: 07/12
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: Christopher Alloway

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Christopher Alloway, the applicant in the above zoning matter

_____, HAVE ☒ HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Christopher Alloway

Signature: [Signature]

Date: 8-30-2016

Appearance of Proposed Text if Adopted

ZRA August 2016

SECTION 130.0: - Hearing Authority

A. General

1. The Hearing Authority has been established pursuant to Section 501 of the Howard County Charter.
2. Section 16.302 of the Howard County Code authorizes the Hearing Examiner to hear and decide certain matters within the scope of these Regulations. The Howard County Code specifies which matters are within the jurisdiction of the Hearing Examiner. The term "Hearing Authority" is used in these Regulations to refer to both the Board of Appeals and the Hearing Examiner.
3. Appeals to the Hearing Authority may be taken by any person aggrieved, as defined in (4.) below, or any officer, department, Board or bureau of the County affected by any decisions of the Department of Planning and Zoning or decisions of the Planning Board. Such appeal shall be filed not later than 30 calendar days from the date of the action of the Department of Planning and Zoning and shall state the reasons for the appeal. Appeals with a deadline falling on a weekend or holiday must be filed prior to that deadline.
4. An aggrieved person is defined as any property owner that is adjoining and confronting the property that is the subject of the action or decision; or any property owner that is within site, sound or smell of the property that is the subject of the action or decision; or any civic or Homeowner's Association or Property Owner's association in the vicinity of the property that is the subject of the action or decision; or any person signed in at the Planning Board Meeting or Hearing of the property that is the subject of the decision.
5. Except as herein provided, if an application is disapproved by the Hearing Authority, thereafter the Hearing Authority shall take no further action on another application for the same or substantially the same proposal on the same premises until after 24 months from the date of the last disapproval; provided however, that a subsequent application for the same or substantially the same proposal on the same premises may be filed at the expiration of six months of the date of the hearing last held if accompanied by an affidavit setting forth new and different grounds, which the applicant believes would be sufficient for the approval of the proposal contained in the application. After having considered the said application and the facts alleged in the accompanying affidavit, the Hearing Authority may, after the notice required herein, grant another hearing, provided it is satisfied that new and different grounds or conditions exist which would have a bearing on the consideration of said proposal and would justify another hearing.

Petitioner's Proposed Text

ZRA August 2016

SECTION 130.0: - Hearing Authority

A. General

1. The Hearing Authority has been established pursuant to Section 501 of the Howard County Charter.
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3. Appeals to the Hearing Authority may be taken by any person aggrieved, AS DEFINED IN (4.) BELOW or by any officer, department, Board or bureau of the County affected by any decisions of the Department of Planning and Zoning OR DECISIONS OF THE PLANNING BOARD. Such appeal shall be filed not later than 30 calendar days from the date of the action of the Department of Planning and Zoning and shall state the reasons for the appeal. Appeals with a deadline falling on a weekend or holiday must be filed prior to that deadline.
4. AN AGGRIEVED PERSON IS DEFINED AS ANY PROPERTY OWNER THAT IS ADJOINING AND CONFRONTING THE PROPERTY THAT IS THE SUBJECT OF THE ACTION OR DECISION; OR ANY PROPERTY OWNER WITHIN SITE SOUND OR SMELL OF THE PROPERTY THAT IS THE SUBJECT OF THE ACTION OR DECISION; OR ANY CIVIC, HOMEOWNER'S ASSOCIATION OR PROPERTY OWNER'S ASSOCIATION IN THE VICINITY OF THE PROPERTY THAT IS THE SUBJECT OF THE ACTION OR DECISION; OR ANY PERSON SIGNED IN AT THE PLANNING BOARD MEETING OR HEARING FOR THE PROPERTY THAT IS THE SUBJECT OF THE DECISION.
- [[4.]] 5. Except as herein provided, if an application is disapproved by the Hearing Authority, thereafter the Hearing Authority shall take no further action on another application for the same or substantially the same proposal on the same premises until after 24 months from the date of the last disapproval; provided however, that a subsequent application for the same or substantially the same proposal on the same premises may be filed at the expiration of six months of the date of the hearing last held if accompanied by an affidavit setting forth new and different grounds, which the applicant believes would be sufficient for the approval of the proposal contained in the application. After having considered the said application and the facts alleged in the accompanying affidavit, the Hearing Authority may, after the notice required herein, grant another hearing, provided it is satisfied that new and different grounds or conditions exist which would have a bearing on the consideration of said proposal and would justify another hearing.

ZRA August 2016

Response to Section 9

SECTION 130.0: - Hearing Authority

Attached is an excerpt from the Court of Special Appeals ruling on standing in the AMHA case. The Court noted that the error in the code is a "legislative mystery." And there's more mystery, between June of 2014 when I discovered the error and before the case was filed with the CoS someone altered the code and changed the reference from a nonexistent code section to an erroneous code section that has nothing to do with the definition of aggrieved. Perhaps it was a clerk at the Municode Corporation. I don't know and it doesn't really matter. Let's just fix the code and restore the basic right to due process.

Last, I want call your attention to a misapprehension of "original jurisdiction" by the Board of Appeals that needs to be addressed. In 2012 a Conditional Use Petition was heard for a gas station at the Giant Food in the Palace Centre on Centre Park Drive and Route 108. Acting as the "Hearing Authority, the Hearing Examiner heard the case a approved the petition. Neighboring residents and several commercial property owners appealed to the Board of Appeals again acting as the original jurisdiction. They denied the petition. Oddly, after their denial the Board hauled the appellants back in and demanded they show standing. Set aside the inequity of making the parties put on their complete cases and then having the Board attempt to overturn their decision based on lack of standing, on Conditional Use cases, the BoA sits as original jurisdiction hence the Board had no basis to demand parties show standing.

I have no idea how the BofA could have of blown this one, the code is pretty clear. The BofA misapplied the judicial standing requirement, nevertheless they determined one property owner had standing and disaster was narrowly averted. The problem now is this case is in the BoA record and a kind of precedence. The Office Law should consider sending an advisory letter to the BoA so they don't make this same mistake again.

I must confess, I never had any great ambition to understand the arcane rules of "standing." As a layman, probably naively, I thought every citizen was entitled to "their day in Court." It appears I was wrong. Not to engage in self-pity, but it seems like every case I have been involved with standing has been used as a weapon against us. Through luck and guile and after expending tremendous effort and treasure we were able to overcome these obstacles. This is as much a moral issue as a legal issue. The famous coach, Dean Smith once said: "we shouldn't be proud of ourselves for doing the right thing." There is no pride in this, so let's fix the code and restore proper order to Howard County.

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2176

September Term, 2014

AMHA, LLC, ET AL.

v.

HOWARD COUNTY BOARD OF APPEALS,
ET AL.

Berger,
Nazarian,
Zarnoch, Robert A.
(Retired, Specially Assigned),

JJ.

Opinion by Berger, J.

Filed: December 3, 2015

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of *stare decisis* or as persuasive authority. Md. Rule 1-104.

Indeed, the HCC seemingly attempts to articulate a standard for special aggrievement by providing, “[f]or purposes of this section the term ‘any person specially aggrieved’ includes but is not limited to [a class of individuals that] meet the criteria for aggrievement set forth in subsection 16.103(b) of this title.” Unfortunately, subsection 16.103(b) offers us no guidance because its provisions are wholly unrelated to whether an individual is specially aggrieved.⁷ Without further textual guidance from the HCC, the Board of Appeals looked to *Bryniarski* and *Ray* to define special aggrievement. Notably, *Bryniarski* and *Ray* only involved a standard that required “a person aggrieved.” *Bryniarski*, *supra*, 230 Md. at 143; *Ray*, *supra*, 430 Md. at 80. Here, however, the HCC includes the additional limiting language that participants must be “*specially* aggrieved.” HCC § 16.900(j)(2)(iii) (emphasis added). Further, HCC § 16.900(j)(2)(iii) was originally enacted, and later revised, subsequent to the Court of Appeals’ holding in *Bryniarski*. Accordingly, it may have been within the purpose of HCC § 16.900(j)(2)(iii) to adopt the standard set forth in *Bryniarski*. We, therefore, hold that the Board of Appeals reliance on *Bryniarski* and *Ray*, when construing the term “specially aggrieved” as it appears in HCC § 16.900(j)(2)(iii), although not necessarily required, was not error.

⁷ The Board of Appeals avers that this broken statutory link is a “legislative mystery” perhaps attributable a typographical error. In any event, we observe that the HCC offers us no further guidance on how to construe the term specially aggrieved.

Subject: Code error
From: Christopher J. Alleva (jens151@yahoo.com)
To: earl.adams@dlapiper.com;
Date: Wednesday, June 11, 2014 5:03 PM

More info on the Code error

On Tuesday, June 10, 2014 2:40 PM, "Tolliver, Sheila" <STolliver@howardcountymd.gov> wrote:

Chris (aka Music Man),

We've traced the problem and have referred it to the Office of Law. Not sure if they can correct this through the Code company without legislation, given the history. If not, we'll put in a bill to correct. Thanks for your attentive eye.

Sheila

From: Tolliver, Sheila
Sent: Tuesday, June 10, 2014 2:35 PM
To: Vannoy, James
Cc: Nolan, Margaret Ann; Meyers, Jeff
Subject: Code error

Jim,

A constituent found an error in a reference in the Code. I'm bringing it to your attention, as the Office of Law works with the code company on such matters. If you'd rather we just correct legislatively, let me know.

The problem is the reference to "subsection 16.013(b)" in subsection 16.900 J(2)(iii). Jeff has researched the history and found the following series of actions:

- Subsection 16.900 J(2)(iii) was adopted in CB 13-1990; however, the reference at that time was to "subsection 16.103(b)".
- Apparently at some point, perhaps by a typo, 16.103 was changed to 16.013, which doesn't exist.
- CB 121-1992 repealed and reenacted subsection 16.100 as part of a larger bill. The newly adopted subsection 16.103 (b) does not deal with the subject matter referenced in the

contemporary subsection 16.900 J(2)(iii). The cross-reference in 16.900 was not changed as part of that bill.

• A word search in the current code fails to find any criteria elsewhere in the code for what constitutes an association eligible to be an aggrieved party. We think, therefore, that the entire sentence in subsection 16.900 that erroneously references the non-existent subsection 16.013 (b) should be stricken.

Please let us know how best to remedy.

Sheila Tolliver
Administrator
Howard County Council
410 313-2001

Howard County, Maryland, Code of Ordinances >> - SUPPLEMENT HISTORY TABLE >> - HOWARD COUNTY CHARTER >> ARTICLE V. BOARD OF APPEALS >>

ARTICLE V. BOARD OF APPEALS ^[3]

Section 501. The County Board of Appeals.

Section 502. Board of Appeals hearing examiner.

Section 501. The County Board of Appeals.

- (a) *Appointment; term; compensation.* The County Board of Appeals shall consist of five registered voters and residents of the County appointed by the Council. Appointees shall serve overlapping terms of five years from the first day of January of the year of their appointments, or until their successors are appointed. Vacancies, except those at the expiration of a term, shall be filled in the same manner as the original appointment and for the unexpired term. No member shall be reappointed after having served eight consecutive years immediately prior to reappointment. No more than three members shall be registered with the same political party. The members of the Board shall be paid at the rate of Twelve Hundred Dollars (\$1,200.00) per year unless such compensation be changed as provided in Section 501(f) of this article. Members of the Board shall receive reasonable and necessary expenses as may be provided in the budget.
- (b) *Powers and functions.* The Board of Appeals may exercise the functions and powers relating to the hearing and deciding, either originally or on appeal or review, of such matters as are or may be set forth in Article 25A, Section 5(u) of the Annotated Code of Maryland, excluding those matters affecting the adopting of or change in the general plan, zoning map, rules, regulations or ordinances.
- (c) *Rules of practice and procedure.* The Board of Appeals shall have authority to adopt and amend rules of practice governing its proceedings which shall have the force and effect of law when approved by legislative act of the Council. Such rules of practice and procedures shall not be inconsistent with the Administrative Procedure Act of the Annotated Code of Maryland. The rules may relate to filing fees, meetings and hearings of the Board, the manner in which its Chairperson shall be selected and the terms which he shall serve as Chairperson and other pertinent matters deemed appropriate and necessary for the Board. Three members of the Board shall constitute a quorum of the Board, and its hearings shall receive public notice as required by law. All hearings held by the Board shall be open to the public, and provision shall be made for all interested citizens and citizens groups to be heard. The Board shall cause to be maintained complete public records of its proceedings, with a suitable index.
- (d) *Appeals from decisions of the Board.* Within thirty days after any decision of the Board of Appeals is entered, any person, officer, department, board or bureau of the County, jointly or severally aggrieved by any such decision, may appeal to the Circuit Court for Howard County, in accordance with the Maryland Rules of Procedure. The Board of Appeals shall be a party to all appeals and shall be represented at any such hearing by the Office of Law.

- (e) *Employees of the Board.* The Board may appoint, within budgetary limitations, such employees, and the Executive shall make available to the Board such services and facilities of the County, as are necessary or appropriate for the proper performance of its duties.
- (f) *Implementing legislation.* The powers and functions of the Board of Appeals as herein provided for shall be defined by implementing legislation heretofore or hereafter enacted by the Council, subject to and to the extent required by applicable State law. The Council may by legislative act increase the compensation of the members of the Board of Appeals as provided in Section 501(a) of this Article and thereafter decrease such compensation; provided, however, that no reduction shall affect the compensation of a member of the Board of Appeals during his or her current term, and in no event shall the council have the power to decrease the compensation of members of the Board below the figure provided in this Charter. To the extent permitted by State law, the Council shall also have the power, by legislative act, to prescribe other appeals to be heard by, or to limit the jurisdiction of, the Board of Appeals in addition to those specified in this Article.

Editor's note—

An amendment to § 501 proposed by C.B. 89, 1980 was approved at an election held Nov. 4, 1980, and became effective Dec. 4, 1980. An amendment proposed by Res. No. 124, 1982, was approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982. An amendment to subsections (c) and (f) proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to subsection (c) proposed by Res. No. 103, 2000 was approved at an election held November 7, 2000, and became effective December 7, 2000. An amendment to § 501(b) proposed by Res. No. 100, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012.

Section 502. Board of Appeals hearing examiner.

The County Council may appoint hearing examiners to conduct hearings and make decisions concerning matters within the jurisdiction of the Board of Appeals. Decisions of an examiner may be appealed to the Board of Appeals as provided by law. The Council shall establish by legislative act the duties, powers, authority and jurisdiction of any examiner appointed under this section. An examiner shall be a member in good standing of the Bar of the Maryland Court of Appeals and at the time of appointment shall have knowledge of administrative and zoning law, practice, and procedure. An examiner may be removed from office by vote of two-thirds of the members of the Council.

Editor's note—

An amendment repealing § 502, proposed by C.B. 66, 1980, was approved at an election held Nov. 4, 1980, and became effective Dec. 4, 1980.

Subsequently, an amendment proposed by Res. No. 103, 2000, approved at election November 7, 2000 and effective December 7, 2000, added a new § 502 as set out herein.

FOOTNOTE(S):

--- (3) ---

Editor's note— An amendment to art. V proposed by Res. No. 116, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. [\(Back\)](#)

Howard County, Maryland, Code of Ordinances >> - CODE >> TITLE 16 - PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS >> SUBTITLE 9. PLANNING BOARD >>

SUBTITLE 9. PLANNING BOARD ^[7]

Sec. 16.900. Planning Board.

Sec. 16.900. Planning Board.

- (a) *General Provisions.* General provisions applicable to this Board are set forth in subtitle 3, "Boards and Commissions," of title 6, "County Executive and the Executive Branch," of the Howard County Code.
- (b) *Number of Members.* The Planning Board shall have five members.
- (c) *Qualifications.* All members of the Planning Board shall be residents of Howard County.
- (d) *Executive Secretary.* The Director of Planning and Zoning or the Director's designee shall serve as Executive Secretary of the Planning Board and shall attend all meetings of the Board.
- (e) *Meetings.* The Planning Board shall hold regular monthly meetings. Special meetings may be held at any time, at the call of the Chair.
- (f) *Records.* The Planning Board shall keep a record of its findings, recommendations, determinations and decisions. The Planning Board shall keep minutes of its proceedings. The records shall be filed with the Department of Planning and Zoning, which shall maintain them.
- (g) *Outside Assistance.* With the approval of the County Executive, the Planning Board may retain legal counsel or consultants as necessary to carry out its function and duties and responsibilities.
- (h) *Studies.* The Planning Board may initiate studies related to the general duties and responsibilities and functions of the Board. For the purpose of conducting such studies, the Board shall have the assistance of the staff of the Department of Planning and Zoning, as may be provided in the budget.
- (i) *Hearings.* Prior to making recommendations to the County Council on adoption of the general plan, the Planning Board shall hold at least one public hearing at which interested persons shall be afforded a reasonable opportunity to be heard regarding the general plan. In addition, prior to making recommendations to the County Council on adoption of comprehensive zoning, the Planning Board shall hold at least one public hearing at which 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.
- (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.
 - (ii) The Planning Board has authority regarding street naming and house numbering pursuant to subtitle 4, "Street Names and House Numbers" of [this] title 16 of the Howard County Code.
 - (iii) Any person specially aggrieved by any decision of the Planning Board and a party to the proceedings before it may, within 30 days thereof, appeal said decision to the Board of Appeals in accordance with section 501 of the Howard County Charter. For purposes of this section the term "any person specially aggrieved" includes but is not limited to a duly constituted civic, improvement, or community association provided that such association or its members meet the criteria for aggrievement set forth in subsection 16.013(b) of this title.
- (3) *Recommendations on capital programs and capital budgets:*
 - (i) *Recommendations.* Each year the Planning Board shall review the proposed capital program and any new or substantially changed capital project, pursuant to law. It shall prepare comments and recommendations on the impact of the proposed capital program on the County general plan and the growth of the County and submit these comments and recommendations to the County Executive, with a copy to the County Council.
 - (ii) *Time frame.* The proposed capital programs for the following fiscal year shall be submitted to the Planning Board at least two months before the County Executive is required to file the County's proposed capital program. The Planning Board shall submit its comments and recommendations within one month of receiving the proposed programs.
- (4) *General plan guidelines:*
 - (i) *Preparation of guidelines.* Within five years from the adoption of this comprehensive rezoning plan, the Planning Board shall prepare general guidelines to be used by the Department of Planning and Zoning in the preparation and/or revision of the general plan.
 - (ii) *Adoption of guidelines.* The County Council shall adopt the guidelines by resolution prior to the formulation of the general plan utilizing these guidelines.
- (5) *Other recommendations.* At the directive of the County Executive or by resolution of the County Council, the Planning Board shall review and make recommendations on any matter related to planning.

PETITIONER: Christopher Allen

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: Christopher Allen

RECIPIENTS OF CONTRIBUTIONS: None applicable

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: Christopher Allen
Signature: [Signature]
Date: 8/30/2016