RULES OF PROCEDURE

Howard County, Maryland

HOWARD COUNTY PLANNING BOARD

Revised November 19, 2026

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Section 1.101 Organization

A. Members

The Planning Board shall consist of five members appointed by the Executive, subject to the confirmation by the Council, and shall serve overlapping terms of three years from the first day of May of the year of their appointments, or until their successors are appointed. Members of the board shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget.

B. Chairperson; Vice Chairperson

The Board shall annually select a Chairperson and Vice-Chairperson by the first regularly scheduled meeting in December. The Chairperson shall have the duty and responsibility for the overall coordination of the Board's activities. In addition, the Chairperson shall preside at public hearings and public meetings and shall rule on preliminary matters of a procedural nature. The Vice-Chairperson shall assume the Chairperson's duties if the Chairperson is absent or incapacitated.

C. Quorum

A majority of the Planning Board, at least three members, constitutes a quorum. A quorum shall be present by any combination of in-person or virtual before the Board can hold a meeting or hearing.

D. Voting

A decision by the Board requires the concurrence of a majority of the Board members. In a decision-making hearing attended by less than the full Board, if a majority vote is not attained, the absent member(s) shall review the record in its entirety and cast the deciding vote(s). The same members of the Board who were present, either virtually or in-person, at the hearing shall make the decision on the case, provided that any member who was absent during any portion of the hearing or who was appointed after the hearing commenced shall be considered present for voting purposes and may vote if the member confirms verbally prior to voting and certifies in writing in the decision and order that the member reviewed all of the evidence submitted and listened to a recording of the portion of the hearing for which the member was not present.

E. Executive Secretary

The Director of the Department of Planning and Zoning or the Director's designee shall serve as the Executive Secretary to the Board and shall attend all public meetings and public hearings of the Board.

F. Legal Advisor

The County Solicitor shall be the legal advisor and review and sign as legally sufficient Decisions and Orders for the Board and, at the request of the Chairperson, shall attend the Board at its public hearings, public meetings and work sessions. The County Solicitor may delegate these duties from time to time to an Assistant County Solicitor.

G. Secretary

The Executive Secretary shall appoint a secretary who shall record proceedings, draft and maintain the Minutes of Board meetings, and perform other administrative support duties as assigned by the Board.

Section 1.102 General Format of Meetings

A. Place and Time of Meeting

1. The Planning Board shall hold sessions as scheduled by the Executive Secretary after consultation with the Chairperson, including preliminary matters when the Chairperson deems them necessary.

2. Planning Board sessions shall be held in the George Howard Building, Ellicott City, Maryland or as otherwise designated, including another physical location or by teleconference or similar means as scheduled by the Chairperson in consultation with the Executive Secretary. Efforts will be made to provide teleconference access to all meetings, as technology permits. Any reference herein regarding conducting a meeting or hearing includes in-person, virtually, or a combination of the two.

3. Planning Board sessions shall be held the first and third Thursday of the month or as otherwise designated by the Chairperson in consultation with the Executive Secretary.

B. Record of Proceedings

The Planning Board shall maintain an official record of its proceedings in each case. This record shall include all testimony and exhibits and a recording of the proceedings.

1. For meetings that are live-streamed an archived recording will serve as the official minutes of the meeting.

2. Transcription of Proceedings shall be made available if requested on appeal or if requested by an interested party who appeared at the hearing. The transcribed testimony shall be obtained from the Clerk of the Board upon payment in advance for the cost of transcribing the record. The transcriber shall certify the accuracy of any transcript. The County Council shall prescribe by resolution the specifications for transcript preparation.

C. Open Hearings

All matters before the Planning Board shall be governed by the applicable provisions of the Maryland Open Meetings Act.

To preserve public confidence in the fairness of Planning Board deliberations and decisions, the Planning Board should ensure that the public and interested Persons have the opportunity to know, and respond to, all information that the Planning Board considers in making its decisions.

Ex Parte Communications: Evidence shall be presented to the Planning Board in hearings open to the public. Neither the Board nor its individual members shall hear any party of interest or receive any evidence, argument, or other matter in other than the open session with the limited exception of those matters for which the Maryland Open Meetings Act permits a closed session, including obtaining legal advice from counsel. Any request for information concerning a pending or proposed petition should be directed to the Executive Secretary or designee.

The Planning Board should also ensure that all members have the same opportunity to know and consider any relevant evidence provided to any other Planning Board member.

When considering any matter decided under these Rules, the Planning Board deals with Persons who are directly affected by its decision (such as the Petitioner and neighbors of a proposed subdivision site). Each of these interested Persons and the Public needs the assurance that other interested Persons will not have an unfair advantage in presenting their version of the relevant facts or concerns to the Board. To that end, Board members must avoid communicating with Petitioners or any other Persons about a pending Application except at Board meetings when the Application is considered.

D. Submitting Oral and Written Testimony and Evidentiary Materials

1. Providing Oral Testimony: Each Person offering oral testimony should summarize major points, which can be more fully discussed in written testimony and refrain from repetitious oral testimony. Those presenting testimony are advised to observe general rules of decorum and address only the issues before the Board.

    a. For public meetings conducted pursuant to Sections 1.106, 1.107, 1.108, 1.109, The Board may limit the time allotted for oral testimony. The Board may leave the record open to receive written testimony.

    b. Registration Requirements:

        (1) Individuals attending a session in-person that wish to testify shall sign their name on the sign-up sheet provided by the board at the meeting. Individuals will indicate if they are in favor of the petition or opposed to the petition before the Board on the sign-up sheet.

        (2) For a Board hearing conducted with teleconference capabilities or similar means, individuals shall sign up by electronically messaging the Board secretary

or by any method designated by the Board. The board will set a deadline for electronic registration as necessary to accommodate the teleconference registration requirements. The registration and deadline requirements for electronic registration must be posted on the Board's website at least two weeks before the session.

2. Continued Hearings

   a. **Public hearings**: For public hearings conducted pursuant to Section 1.105, if a hearing is continued to a later date, only individuals who have signed up to testify prior to the end of the petitioner's case will be permitted to testify at any subsequent hearing on the same case, unless called to testify by the petitioner on rebuttal or the opposition on surrebuttal. Each person called to testify must have registered either electronically or have signed the roster prior to the Petitioner resting their case, which occurs before the opposition starts their case in chief. Once in work session the board may elect to reopen the record to admit new evidence.

   b. **Public meetings:** For public meetings according to Sections 1.106, 1.107, 1.108, 1.109, if the meeting session is continued, additional individuals can sign up, at least one day prior to the scheduled start of the next meeting. However, if the meeting session has closed and the case is continued to convene a work session at a later date, no additional testimony will be taken. Once the Board begins a work session, members of the public will not be able to sign up to testify but may be called upon at the Board's discretion to respond to questions.

3. **Submitting written materials:** Any Person who wishes to bring to the Board's attention complex data, reports, or arguments should submit the material in writing a least one week before the hearing to give the Board sufficient time to review the materials. Brief written testimony, in support or opposition to a case, can be submitted one business day prior to the scheduled start of the hearing.

   a. At the discretion of the Chair, parties may present additional evidence at the hearing. The person must provide a brief description of it and the Chair must rule on the admissibility of each item into the record. Evidence ruled admissible by the Chair must be assigned an exhibit number, marked and identified for the record by the Planning Staff.

      All exhibits become part of the administrative record. An exhibit, or an accurate representation of it, must be given to the Planning Staff when it is admitted into the record by the Chair. Each exhibit entered into the record becomes the property of the County and must not be returned. Any person who expects to present an exhibit or other demonstrative evidence should advise Planning Staff sufficiently before the hearing so that staff can make appropriate arrangements for its presentation.

   b. Submitting written testimony - For public meetings according to Sections 1.106, 1.107, 1.108, 1.109, brief written statements, in support or opposition to a case, can be submitted one business day prior to the scheduled start of the hearing but may be submitted earlier. Written testimony should be submitted according to the method prescribed by the Chair. Information on the method and how to submit written testimony should be available on the Planning Board website.

Section 1.103 General Provisions

A. Form and Content of Petitions

The Planning Board may be petitioned by any party duly authorized pursuant to the Howard County Code, Howard County Zoning Regulations, or other provision of law. The Chairperson shall prescribe the form and content of petitions after consultation with the Executive Secretary.

B. Amendments to the Petition

If any amendments to a petition are made before or during a hearing, the Board, either before or during the hearing, may continue the hearing, or may suspend or postpone the hearing and remand the amended petition to the Department of Planning and Zoning for further recommendations.

C. Payment of Fees

At the time a petition is filed with the Department of Planning and Zoning, the Petitioner shall pay the applicable fees in accordance with the current schedule of fees adopted by resolution of the County Council. Checks shall be made payable to the Director of Finance of Howard County.

D. Appearances Before the Planning Board

1. Unless otherwise noted in these Rules of Procedure, the following parties may appear before the Board virtually or in-person.

    a. An individual may appear on their own behalf

    b. A member of a partnership may represent the partnership

    c. A duly authorized representative of a corporation, trust, nonprofit organization or association may represent the corporation, trust, or association.

    d. A duly authorized representative or employee of a political subdivision, body, or department may represent the political subdivision, body, or department.

    e. Representatives of Associations – an individual testifying at a hearing on behalf of any civic, community or citizens association shall show that they are authorized to speak for and represent the views of that association. The authorization may consist of a duly adopted resolution of the association signed by the president or attested by the secretary. The individual testifying shall state the number of members in the association and its geographic boundaries.

2. Parties

An individual or any other legal entity may become a party to the proceedings before the Board. Parties may appear virtually or in-person. To become a party to the proceeding the following shall occur:

    a. Providing the name, address and signature of the party and/or of the legal entity's duly authorized representative on a physical signup sheet provided by the Board;

b. Register to testify electronically by providing name and address of the party and/or legal entity, no later than one business day prior to the scheduled start of a Board hearing.

c. Testifying before the Board and providing it with the name and address of the party and/or legal entity; or

d. In Quasi-Judicial Public Hearings, sending a letter to the Board, received no later than one business day prior to the scheduled start of the Board hearing, indicating that the individual and/or legal entity is an interested party to the matter before the Board and providing the party's name, address and signature. Such letters may not be considered for any substantive content and will be received into evidence only for identification of parties to the case. In addition, petitions for or against a matter shall not be used for purposes of conferring party status on those individuals signing the petition under this provision.

3. Spokesperson

When a group of individuals appears in opposition to or in support of a petition, the Board may request that the group elect a spokesperson or the group may select a spokesperson in advance of the hearing who shall have the power to cross-examine witnesses, call witnesses, introduce evidence on behalf of the group, object to the introduction of evidence, make opening and closing statements, and act in a presentative capacity solely on behalf of those individuals electing the spokesperson. Those individuals not electing to be representative by a spokesperson may act on their own behalf.

At least one business day prior to the scheduled start of the Board hearing, the spokesperson shall notify the Board that he or she will be a party to the proceeding and shall specify the name of the group that he or she is representing and shall submit documentation that he or she is authorized to represent that group.

4. Representation by Attorney at Law

Any party in a proceeding may be represented by an attorney at law admitted to practice law before the Court of Appeals of Maryland. At least one business day prior to the scheduled start of the Board hearing the attorney shall notify the Board of the names and addresses of individuals he or she will be representing and his or her own name, address and telephone number.

E. Motions, Rulings, Correspondence; filing and service requirements

1. Motions

A party may request the Board to address a preliminary matter, including a motion to dismiss or a request for postponement prior to the initial hearing by filing a request as a motion to the Board, with copies for each board member, and certifying that a copy was provided to all persons known to have an interest in the case. All motions must be filed at least seven days in advance of the scheduled start of the hearing, absent the Board finding good cause. Absent good cause shown, the Board shall rule on the motion at any time, as soon as practicable, but before the case is closed.

2. Rulings

A party to the original proceeding or the Department of Planning and Zoning may request the Board to review any prior decision of the Board for which any change in the plans has occurred after the Decision and Order has been issued. The Board, in its sole discretion, can review the matter at a work session, the purpose of which review shall be limited to determining whether the change results in a plan that materially differs from the findings that were necessary to the approval granted by the Decision and Order or causes the plan to exceed the scope of approval granted by the Decision and Order. If it is determined that the plan is materially different or exceeds the scope of the prior approval, then the revised plan will be scheduled for a separate proceeding in accordance with the rules that apply to that case.

3. Correspondence

Other types of written correspondence, not related to a case and that does not qualify as written testimony or evidence according to Section 1.102.D, can be submitted to the Board and will be noted at the next meeting of the Board.

4. Postponements

A request for a postponement shall not be granted absent compelling circumstances. However, if a technical staff report is not provided prior to a scheduled public hearing or meeting as required by law, the Planning Board shall postpone the hearing or meeting to another date to allow compliance with the required deadline. Requires postponement if staff report is not timely, Staff reports are due two weeks prior to all Planning Board public hearings and meetings except only one week in advance of public meetings in which the Board makes an administrative decision.

F. Types of Meetings

The Board welcomes testimony from the public at its sessions and the public is invited to attend and participate in all public matters before the Planning Board.

The individuals attending shall maintain order and refrain from disturbing the orderly process of the hearing. The Chair may clear the hearing room of disruptive individuals or recess the hearing. For those attending via teleconference and similar means, the Chair, or at the Chair's direction, the Board staff, may mute any persons who are not designated to present at that time or any person whom the Chair determines to be disruptive so long as the person continues to be disruptive to the Board proceeding.

The Planning Board must seek to conduct public sessions in a fair and efficient manner that permits a thorough exploration of the issues of fact and law to be decided. The Board's decision on each Petition must be based on applicable legal standards and the evidence and argument in the record of the hearing, whether in written, oral, or exhibit form. The Board may also rely on the knowledge, experience, and observations of its members, and facts in common knowledge.

The Planning Board conducts sessions in different formats depending on the matter before the board - public meetings, public hearings and work sessions. The format of the sessions is governed by the function of the Planning Board as described in Section 1.104 of this document.

1. Public Meetings:

The public is invited to attend Planning Board meetings. The individuals attending shall maintain order and refrain from disturbing the orderly process of the meetings. The Chair may clear the hearing room of disruptive individuals, or recess the meeting, or mute a person or persons as necessary to maintain order.

Information shall be presented to the Planning Board in sessions open to the public.

Those in favor of and in opposition to a matter shall be given a reasonable opportunity to present information to the Board for its consideration.

2. Public Hearings:

As required by law, the Board shall conduct a public hearing in accordance with the procedures set forth in the following subsections prior to making a quasi-judicial decision on matters defined in Section 1.104 . The format of hearings is quasi-judicial in character and differs from the public meeting format by including provisions for a) witness testimony under oath b) cross-examination of witnesses, and c) provision for any opposition to call witnesses and offer exhibits.
The public is invited to attend Planning Board hearings.

The Board's decision on each matter must be based on the applicable legal standards and the evidence and argument in the record of the hearing, whether in written, oral, or exhibit form.

a. Rules of Evidence

Any evidence which would be admissible under the rules of evidence applicable in judicial proceedings in the State of Maryland shall be admissible in hearings before the Planning Board. The Board is not bound by the technical rules of evidence, including the qualification of expert witnesses, but will apply its rules so that probative evidence may be conveniently brought forth. The Board shall exclude immaterial evidence and may exclude unduly repetitious testimony and other evidence and may limit the number of witnesses and duration of their testimony when the testimony is cumulative in nature.

b. Witnesses

(1) Questioning of any witness shall:

i. Be brief, pertain only to statements made by the witness, and shall not include statements or speeches.

ii. Be interrogatory in nature and shall not be argumentative, nor make allusions about the personality or motives of the witness.

iii. At the discretion of the chairperson, questions or cross/re-cross

examination of a witness shall be put in a written form and asked by the Board's legal counsel.

iv. Any individual wishing to question the petitioner's witness may do so with approval from the Chair and the Chair may grant this leave after recognizing the individual and after that the individual has:

1. Given their name and address

2. If appropriate, the location of their home in reference to the property which is the subject of the hearing.

3. Work sessions

The Planning Board may meet in work session to discuss evidence it received in public hearings.

a. Open Work sessions. The public is invited to attend the work sessions held by the Board on a petition in accordance with the Maryland Open Meetings Act, however, no additional evidence or testimony will be accepted.

b. Closed Work sessions. The Planning Board may meet in closed session as permitted by the Maryland Open Meetings Act.

G. Time Limits

The Petitioner, and those interested in being heard on matter before the board, shall be given a reasonable opportunity to present information to the Board for its consideration.

If any person wishes to bring to the Board's attention complex data, reports, or arguments, that person should submit the material in writing before the hearing. The Board may limit the time allotted for oral testimony. The Board may leave the record open to receive written testimony. Each person offering oral testimony should summarize major points that can be more fully discussed in written testimony and refrain from repetitious oral testimony. Those presenting testimony are advised to observe general rules of decorum and address only the issues before the Board.

1. Time Limit – Presenters

The Board may impose a reasonable time limit for speaking on those who wish to make an oral presentation to the Board.

2. Time Limit – Hearing

The Board may impose a reasonable time limit on the duration of the hearing.

3. Written Testimony

The Board, at its discretion, may accept written testimony by mail, e-mail, or facsimile one day in advance of the meeting.

Section 1.104 Planning Board Authority

The Planning Board has the following general functions as provided by various sections of Howard County law and regulation and as described in subsequent sections of these rules:

A. Quasi-judicial decision-making authority following a required public hearing pursuant to Section 1.105 herein;

B. Administrative decision-making authority following a public meeting pursuant to Section 1.106 herein;

C. Advisory authority following a required public hearing pursuant to Sections 1.107 herein;

D. Advisory authority following a public meeting pursuant to Sections 1.108 herein; and Administrative rule-making authority following a required public hearing pursuant to Sections 1.109 herein. The following chart gives an overview of the Planning Board functions. Key Planning Board Functions (Chart).

Key Planning Board Functions

Type of Case	Authority
Comprehensive Sketch Plan in NT, PGCC, MXD, R-ED, R-HED, RR (Tier III), Districts; Preliminary Equivalent Sketch Plan in R-ED; Final Development Plan in Downtown Columbia; Street renaming petitions; Declaratory rulings; Optional Design Project	Decision-Making Quasi-Judicial. Format: **Public Hearing. Section 1.105**
Comprehensive Sketch Plan in NT if one of the conditions in Section 125.O.C.4 is not present; Final Development Plan in NT and PGCC; Site Development Plan in R-ED, NT, PGCC, MXD, R-H-ED, OT; Housing Commission Developments in Non-residential Zones; Site Development Plan if the right has been reserved by the Board.	Administrative. Format: **Public Meeting. Section 1.106**
Comprehensive Zoning; General Plan; Annual capital program and any new or substantially changed capital projects	Advisory. Format: **Public Hearing. Section 1.107**
Adoption or amendment of regulations regarding the planning and zoning of the County; Petitions for zoning map or regulation amendments; Guidelines for the General Plan and amendments to the General Plan; Preliminary Development Plan in NT or MXD	Advisory. Format: **Public Meeting. Section 1.108**
Petitions or Board initiated proposals to adopt, amend or repeal any substantive or procedural rules of the Board	Administrative Rule-Making. Format: **Public Hearing. Section 1.109**

Section 1.105 Quasi-Judicial Decision-Making Authority Following a Required Public Hearing

A. Types of Cases

As required by law, the Board shall conduct a public hearing in accordance with the procedures set forth in the following subsections prior to making a quasi-judicial decision on the following matters:

1. Petitions for Sketch Plan and Preliminary Equivalent Sketch Plan approval in the R-ED (Residential: Environmental Development) Zoning District.

2. Petitions for Comprehensive Sketch Plan approval in the, NT (New Town) (if one or more of the conditions enumerated in Section 125.O.C.4. of the Howard County Zoning Regulations is present), PGCC (Planned Golf Course Community), MXD (Mixed Use Development) and PSC (Planned Senior Community) Zoning Districts;

3. Petitions for Optional Design Project approval

4. Petitions to rename a street or highway pursuant to Section 16.400(c) of the Howard County Code;

5. Petitions for a declaratory ruling on the applicability of a rule or statute administered by the Board as provided in Section 2.123 of the Administrative Procedure Act, Howard County Code; and

6. Any other petition where a quasi-judicial decision is made after a required public hearing.

B. Notice to the Public

1. Advertising

The Petitioner, at their own expense, shall advertise the date, time and place internet link, teleconference call-in, or similar information of the initial hearing at least 30 days before the hearing in at least one newspaper of general circulation in Howard County. Except for street naming petitions requiring advertising the time, date and place of the hearing in at least two newspapers of general circulation in the County and requires notifying each property owner along the street or highway by certified mail at least 30 days before the hearing per section 16.400(c)(3)(i) of the Howard County Code. The Executive Secretary shall approve the proposed advertising before it is published.

2. Posting of Property

The Petitioner, at his or her own expense, shall post the property with the time, date and place, including internet link, teleconference call-in, or similar information consistent with the approved advertising of the initial hearing for at least 30 days immediately before the

hearing. The Department of Planning and Zoning shall supply the posters and shall determine the number of posters required and their location. The Petitioner shall properly erect and maintain the posters, in accordance with the Howard County Subdivision and Land Development Regulations.

3. Filing Affidavit of Posting and Certificates of Advertising

The Petitioner shall file certificates of advertising and an Affidavit of Posting with the Executive Secretary prior to the hearing.

C. Conduct of Board Hearings

1. Oath

An individual testifying shall give his or her name and address and take the following oath given by the Chairperson. “Do you solemnly promise to speak truthfully in the testimony you are about to give?”

2. Order of Presentation

   a. Introduction of reports and official documents pertaining to the case by the Department of Planning and Zoning.

   b. Opening statements of parties

   c. Petitioner

   d. Opposition

   e. Public testimony – Individuals wishing to provide testimony to the board without joining any formal support or opposition, may provide open testimony to the board so that the board can develop a full understanding of the issues. Testimony must focus on the issues in the matter before the Board and the Board shall exclude immaterial evidence and may exclude unduly repetitious testimony and other evidence and may limit the number of witnesses and duration of their testimony when the testimony is cumulative in nature.

      (1) Oath. Each person providing testimony will provide name, address and relative location (if appropriate) for the record.

   f. Petitioner’s presentation of witness

      (1) Direct examination of witnesses

      (2) Cross-examination of witnesses by the opposition

      Will be permitted by

i. The opposition and/or designated spokesperson

ii. Individuals granted leave and recognized by the chair in accordance with Section (3). below

iii. By board members and

iv. By the board's legal counsel.

v. Any individual wishing to question the petitioner's witness may do so with leave from the chairperson and the chairperson may grant this leave after recognizing the individual and after that the individual has:

1. Give their name and address

2. If appropriate, the location of their home in reference to the property which is the subject of the hearing.

3. Questioning of any witness shall:

a. Be brief, pertain only to statements made by the witness, and shall not include statements or speeches.

b. Be interrogatory in nature and shall not be argumentative, nor make allusions about the personality or motives of the witness.

c. At the discretion of the Chair, questions or cross/recross examination of a witness shall be put in a written form and asked by the Board's legal counsel.

(3) Redirect examination of Petitioner's witness

(4) Re-cross-examination of Petitioner's witness

g. Opposition's Presentation:

(1) Direct examination of Opposition's witness

(2) Cross-examination of Opposition's witnesses by the Petitioner, by the Board Members, and by the Board's legal counsel.

Will be permitted by the

i. Petitioner

ii. Board

iii. Board's Legal Counsel

(3) Questioning of any witness shall Be brief, pertain only to statements made by the witness,

i. Be interrogatory in nature and shall not be argumentative, nor make allusions about the personality or motives of the witness.

ii. At the discretion of the Chair, questions or cross/recross examination of a witness shall be put in written form and asked by the Board's legal counsel.

(4) Re-direct examination of Opposition's witnesses.

(5) Re-cross-examination of Opposition's witnesses.

h. Rebuttal

(1) The Petitioner may present evidence to rebut any evidence introduced by the opposition, but no new line of testimony may be introduced at this time

(2) The Opposition may present evidence to rebut any evidence introduced by the Petitioner on rebuttal.

i. Surrebuttal:

The Board May Grant Requests By The Petitioner Followed By The Opposition For Surrebuttal Evidence.

j. Petitioner's Summation

k. Opposition's Summation

3. Burden of Proof

The burden of proof is one of a preponderance of the evidence and is on the petitioner to show, by competent, material and substantial evidence, that he or she is entitled to the relief requested and that the request meets all prescribed standards and requirements.

4. The Board's Action

At the end of the presentation, the Planning Board may approve, approve with modifications or deny the petition, stating its findings of fact and conclusions of law, or it may take the case under advisement for further deliberation and later decision. If the Board requests additional evidence in order to make the proper decision, the Board may recess the case to receive the additional evidence at a later time. The Board may not consider any additional evidence from either side after the record of the case is closed; however, the Board, on its own initiative or in response to a request made in open session, may receive or require legal memoranda summarizing the presentations of the Petitioner or the opposition. Before filing

the Decision and Order, the Board may, on its own motion, reopen the record of a case to receive additional evidence, if it deems it essential in making the proper decision.

D. Decision and Order

1. Issuance of Decision and Order

Unless otherwise provided by law or regulation, each case shall be decided, and a Decision and Order issued no later than 30 days after the hearing is concluded. However, the Board, on its own motion and with good and sufficient reason, may extend the time an additional 60 days after the hearing is concluded.

2. Record of Decision and Order

The Decision and Order of the Board approving, approve with modifications or denying the petition shall be in writing, signed by the voting Board Members, attested by the Executive Secretary, and shall be accompanied by Findings of Fact and Conclusions of Law.

3. Minority Opinion

Any Member who does not agree with the majority opinion may prepare a minority opinion to be attached to the Decision and Order.

4. Notification

When the Executive Secretary receives copies of the Decision and Order, the Executive Secretary shall mail copies to the parties who participated in the hearing of their representatives, within 30 days of the date of signature.

E. Revisory Power of the Board

1. Revisory Actions

a. Written request made within 15 calendar days of Decision and Order.

At the written request of any party made within 15 calendar days of the issuance of the Decision and Order and for good cause shown, the Board may suspend its Decision and reopen the case to reconsider, modify, or rehear the issue. The party submitting the written request shall certify in writing that the request has been served upon all other parties to the case. Providing that actual notice has been given to all parties by the Board, the requesting party may present a brief oral argument at a meeting or hearing at the discretion of a majority of Board Members.

b. Correcting Clerical Error

Without prior notice or hearing, the Board may modify its Decision and Order to correct a clerical error. The Board shall send a copy of the corrected Decision to each recipient of the original Decision.

c. Case of Fraud, Mistake, or Irregularity

At any time, the Board may revise or modify conditions of its decision in case of fraud, mistake, or irregularity.

d. Time for Appeal to the Board of Appeals

The time for appeal to the Board of Appeals is not affected by a request for reconsideration, modification or rehearing unless the Board modifies, suspends, withdraws its Decision and Order.

e. Grounds for Reconsideration, Modification, or Rehearing

(1) The Board may reconsider or rehear a matter, and may modify a decision, only if evidence is submitted which could not reasonably have been presented at the original hearing, or if some mistake or misrepresentation of fact or law was made at the original hearing.

(2) The party requesting reconsideration, modification, and/or rehearing shall on the same day as filing serve a copy of the request on all parties [entitled to receive notice] in the case.

(3) Within 10 calendar days of filing

a request for reconsideration, modification, or rehearing, any party may file a written response to the request.

F. Appeals to the Board of Appeals

Appeals to the Board of Appeals of decisions made pursuant to the Planning Board's quasi-judicial decision-making authority shall be heard on the record by the Board of Appeals in accordance with the Board of Appeal's Rules of Procedure.

Section 1.106 Administrative Decision-Making Authority Following a Public Meeting

A. Types of Cases

The Board shall conduct a public meeting in accordance with the procedures set forth in the following subsections herein prior to making a decision on the following matters:

1. Petitions for Comprehensive Sketch Plan approval in the NT (New Town) Zoning District unless one of the conditions enumerated in Section 125.O.C.4. of the Zoning Regulations is present, requiring a public hearing.

2. Petitions for Final Development Plan approval in the NT (New Town) (unless one or more of the conditions enumerated in Section 125.O.C.4. of the Zoning Regulations is present requiring a public hearing) and PGCC (Planned Golf Course Community) Zoning Districts.

3. Petitions for Site Development Plan approval in the R-ED (Residential: Environmental Development), NT (New Town) (if required by the Planning Board pursuant to Section 125.E.1 of the Zoning Regulations), PGCC (Planned Golf Course Community) PSC (Planned Senior Community), OT (Office Transition), and MXD (Mixed Use Development) Zoning Districts if the Planning Board has reserved that authority for itself when approving the Comprehensive Sketch Plan;

B. Notice to the Public

1. Published Planning Board Agenda

Notice of public meetings on administrative decision-making matters shall be provided by the Department of Planning and Zoning's publishing of the Planning Board's agenda containing the date, time and place, internet link, teleconference call-in, or similar information of the initial meeting on the petition at least seven calendar days before the meeting. The Chairperson may direct staff to post proposed exhibits, written testimony, or any other submission related to a hearing along with the agenda for the hearing.

2. Other Means of Notice

Other means of notice for meetings on administrative decision-making matters shall be provided as deemed appropriate by the Executive Secretary after consultation with the Chairperson and as required by law or regulations.

C. Order of Presentation

1. Introduction of reports and official documents.

2. Petitioner's presentation.

3. Presentation by supporters.

4. Presentation by the opposition.

The Board may ask questions or request or entertain additional information from anyone making a presentation

D. The Board's Action

The Board shall make a decision by issuing a letter as required by law. The Executive Secretary shall notify the Petitioner and upon request, other interested persons, of the decision by sending them a copy of the Decision.

E. Appeals to the Board of Appeals

Appeals to the Board of Appeals of decisions made pursuant to the Planning Board's administrative decision-making authority shall be heard de novo by the Board of Appeals in accordance with the Board of Appeal's Rules of Procedures.

Section 1.107. Advisory Authority Following a Required Public Hearing

A. Types of Cases

The Board shall conduct a public hearing in accordance with the procedures set forth in the following subsections herein prior to making a recommendation on the following matters:

1. Recommendations to the Zoning Board on adoption of Comprehensive Zoning;

2. Recommendations to the County Council on adoption of the General Plan;

3. Recommendations to the County Executive on the proposed annual capital program and any new or substantially changed capital project as provided in Section 16.900.J(3) and 22.405.E(1) of the Howard County Code; and

4. Recommendations on any other advisory matter for which a public hearing is required by Section 16.900(l) of the Howard County Code.

B. Notice to the Public

1. Advertising

The Petitioner, at their own expense, shall advertise the date, time and place, internet link, teleconference call-in, or similar information of the initial hearing at least two weeks before the hearing in at least one newspaper of general circulation in Howard County. The Executive Secretary shall approve the proposed advertising before it is published.

2. Other Means of Notice

Other means of notice for hearings on advisory matters shall be provided as deemed appropriate by the Executive Secretary after consultation with the Chairperson and as required by law or regulation.

C. Hearings

The rules for hearings on advisory matters shall be the same as those provided for meetings in Section 1.103F.2

D. Order of Presentation

1. Introduction of reports and official documents

2. Petitioner's presentation

3. Presentation by Interested Parties

The Board may ask questions or request or entertain additional information from anyone making a presentation.

E. Board's Recommendation

The Board shall make a written recommendation as required by law. The Executive Secretary shall notify the Petitioner and, upon request, other interested persons of the recommendation by sending them a copy of the recommendation.

Section 1.108. Advisory Authority Following a Public Meeting

A. Types of Cases

The Board shall conduct a public meeting in accordance with the procedures set forth in the following subsections herein prior to making a recommendation on the following matters:

1. Recommendations on adoption or amendment of regulations regarding the planning and development of the County;

2. Recommendations to the Zoning Board on petitions for amendments to the zoning map or zoning regulations;

3. If the Board of Appeals is charged with hearing a petition for a conditional use, non-residential variance, confirmation of nonconforming use or other matters requiring a de novo hearing before the Board of Appeals instead of the Hearings Examiner as enumerated in Section 16.302.C of the Howard County Code, the Planning Board shall make a recommendation to the Board of Appeals on such matters.

4. Recommendations to the County Council on Guidelines for or amendments to the General Plan;

5. Recommendations to the Zoning Board on petitions for Preliminary Development Plan approval in the NT (New Town) Zoning District; and
6. Any other matter for which the Board's recommendation is required by law, the County Council or County Executive, exclusive of those matters enumerated in Section 1.108 herein including, but not limited to, the General Plan Monitoring Report, Recreation and Parks Master Plan, Water and Sewer Master Plan, Solid Waste Master Plan and Community Plans.

B. Notice to the Public

Notice of public meetings on matters for which the Planning Board has advisory authority shall be the same as that notice required in Section 1.106.B

C. Meetings

The rules for meetings on advisory matters shall be the same as those provided for meetings in Section 1.103F.2

D. Record of Recommendations

The Board shall keep a record of its recommendations, and shall keep minutes of these public meetings as provided in Section 102.B.1. This record shall be filed with the Department of Planning and Zoning and shall be available for public inspection.

E. Order of Presentation

1. Introduction of reports and official documents

2. Petitioner's presentation

3. Presentation by Interested Parties

The Board may ask questions or request additional information from anyone making a presentation.

F. Board's Recommendation

The Board shall make a written recommendation as required by law. The Executive Secretary shall notify the Petitioner and, upon request, other interested persons of the recommendation by sending them a copy of the recommendation.

Section 1.109. Administrative Rule-Making Authority Following a Required Public Hearing

The Board shall conduct a public hearing in accordance with the procedures set forth in the following subsections herein prior to making a decision on a petition or Board-initiated proposal to adopt, amend or repeal any substantive or procedural rules of the Board.

A. Notice to the Public

1. Advertising

The Petitioner shall advertise the date, time and place, internet link, teleconference call-in, or similar information of the initial hearing at least 30 days before the hearing in at least two newspapers of general circulation in Howard County.

2. Other

Other means of notice for hearings on administrative rule-making matters shall be provided as deemed appropriate by the Executive Secretary after consultation with the Chairperson and as required by law or regulation.

B. Hearings

The rules for hearings in administrative rule-making matters shall be the same as those provided in Section 1.103.F.1, except that the Board may receive written information from any person for a period of time following the public hearing as prescribed by the Board, and may consider such written information in a work session along with the information it receives in the public hearing.

C. Record of Rule-Making Decisions

The Board shall keep a record of its administrative rule-making decisions and determinations. This record shall be filed with the Department of Planning and Zoning and shall be available for public inspection.

D. Order of Presentation

3. Introduction of reports and official documents pertaining to the meeting.

4. Petitioner's Representative

5. Presentation by interested persons The Board may ask questions or request additional information from anyone making a presentation.

E. Board's Action

The Board shall make a decision by adopting, amending or repealing a rule as required by law. The Executive Secretary shall notify the Petitioner and, upon request, other interested persons of the decision by sending them a copy of the decision.