

Introduction

MEMORANDUM

December 4, 2009

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney 

SUBJECT: Introduction – Zoning Text Amendment 09-14,
Hearing Examiner – Report Dissemination

Zoning Text Amendment (ZTA) 09-14 is being sponsored by Councilmember Knapp at the request of the Hearing Examiner. Currently, when the Hearing Examiner completes a report, copies must be mailed to the petitioner, the Planning Board, and to people and organizations that appeared and testified at the Examiner's hearing. The requirement to copy and mail full reports and recommendations was written when the internet was not universally available. ZTA 09-14, in the opinion of the Hearing Examiner, would provide adequate information to interested parties and reduce administrative costs.

A public hearing on ZTA 09-14 will be scheduled for January 19, 2010 at 1:30 p.m. if the attached resolution is approved.

This Packet Contains
ZTA 09-14
Resolution

© number
1 – 3
4

Zoning Text Amendment No: 09-14
Concerning: Hearing Examiner - Report
Dissemination
Draft No. & Date: 1 - 12/01/09
Introduced: 12/08/09
Public Hearing:
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Knapp

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the dissemination requirements for reports and recommendations from the Hearing Examiner

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-4. COUNTY BOARD OF APPEALS
Section 59-A-4.61 Generally

DIVISION 59-H-5 HEARING EXAMINER
Section 59-H-5.12 Report

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

①

1 **Sec. 1. DIVISION 59-A-4. is amended as follows:**

2
3 **Division 59-A-4 COUNTY BOARD OF APPEALS.**

4 * * *

5 **59-A-4.61. Generally.**

6 * * *

7 (d) When the Hearing Examiner transmits a report to [Concurrently with the
8 transmittal to the Council or] the Board of Appeals, the Examiner must at
9 the same time send written notification that the report and recommendation
10 has been issued, by regular mail, [copies of the Hearing Examiner's report
11 and recommendation must be mailed] to the petitioner, the Planning Board,
12 and [to] all persons [who and associations which] or entities who appeared
13 and testified in person or by counsel at the hearing, as evidenced by the
14 hearing transcript. The notification must briefly describe the special
15 exception requested, state whether the Hearing Examiner recommended
16 approval or denial, provide instructions to locate a readable and printable
17 copy of the report on the County's web site, and identify the right to request
18 oral argument before the Board of Appeals. The Hearing Examiner must
19 send a paper copy of the report and recommendation to the Planning Board
20 on request, and to any person or entity entitled to notice of the report's
21 issuance who states in writing that they do not have access to email and/or
22 the internet.

23 * * *

24 **Sec. 2. DIVISION 59-H-5 is amended as follows:**

25 **DIVISION 59-H-5. HEARING EXAMINER.**

26 * * *

27 **Section 59-H-5.12. Report.**

28 * * *

29 (c) When the Hearing Examiner transmits a report to the District Council, the
30 Examiner must also send written notification that the report and
31 recommendation has been issued, by regular mail, [copies] to the applicant,
32 the Planning Board, and each person or [association] entity who entered an
33 appearance at the hearing, as shown in the hearing transcript. The
34 notification must briefly describe the rezoning requested, state whether the
35 Hearing Examiner recommended approval or denial, provide instructions to
36 locate a readable and printable copy of the report on the County's web site,
37 and identify the right to request oral argument before the District Council.
38 The Hearing Examiner must send a paper copy of the report and
39 recommendation to the Planning Board on request, and to any person or
40 entity entitled to notice of the report's issuance who states in writing that
41 they do not have access to email and/or the internet.

42 * * *

43 **Sec. 3. Effective date.** This ordinance takes effect 20 days after the date of
44 Council adoption.

45

46 This is a correct copy of Council action.

47

48

49 _____
Linda M. Lauer, Clerk of the Council

Resolution No.: _____
Introduced: December 8, 2009
Adopted: _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND

By: District Council

Subject: Notice of Public Hearing on Zoning Text Amendment 09-14

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within 30 days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 09-14, introduced on December 8, 2009 would amend the TMX zone.
3. The Hearing Examiner requested the consideration of the Zoning Text Amendment to help reduce unnecessary administrative costs.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice will be given of the public hearing to be held on January 19, 2010 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council