

Zoning Text Amendment No: 04-02
Concerning: Variances and Special
Exceptions
Draft No. & Date: 1 – 2/04/04
Introduced: February 10, 2004
Public Hearing: March 16, 2004; 1:30 p.m.
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: District Council at the request of the Board of Appeals

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- limiting the time for which the Board of Appeals may extend the validity of a variance to not more than 12 months for each extension; and
- limiting the number of extensions of time that the Board may grant for a special exception or variance to two extensions.

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-4.5 “Decision”
Section 59-A-4.53 “Duration of Validity”

*EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws
by the original text amendment.
[Single boldface brackets] indicate text that is deleted from
existing law by the 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 **Sec. 1. Section 59-A-4.5 is amended as follows:**

2 **59-A-4.5. Decision. * * ***

3 **59-A-4.53. Duration of validity.**

4 (a) **Variance.** A decision of the Board granting a variance is valid for 12
5 months, during which time a building permit must be obtained and the
6 erection or alteration started.

7 (b) **Special exception.**

8 (1) A decision of the Board, Hearing Examiner, or County Council
9 approving the special exception is valid for 24 months.

10 (2) A special exception is not valid after 24 months if the use is not
11 established or a building permit is not obtained and construction
12 started within the period.

13 (c) **Extension of time.** The Board may extend the time limit for a
14 variance or special exception if the evidence of record establishes that
15 drawing of architectural plans, preparation of the land, or other factors
16 involved in the particular use will delay the start of construction or the
17 establishment of the use beyond the period of validity. [For a special
18 exception, each] Each extension must not exceed 12 months. If the
19 Board grants an extension, the Board must set a date by which the
20 erection or alteration of the building must be started or the use
21 established. The Board may grant no more than two extensions of
22 time for any variance or special exception.

23 (d) **Appeal.** If a decision on a variance or a special exception is appealed
24 to a court, the time limits in this section run from the date of the final
25 court order in the appeal.

26 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
27 date of Council adoption.

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29 This is a correct copy of Council action.

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33 Mary A. Edgar, CMC

34 Clerk of the Council