

Ordinance No: 16-36
Amendment to Chapter 33A
Concerning: Planning Procedures –
Master Plan Public Hearings
Revised: 6/17/09
Draft No.: 3
Introduced: April 21, 2009
Effective: June 23, 2009

**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 Leventhal

An Amendment to the Planning Procedures of Montgomery County to:

- amend the time period within which the Council may schedule a public hearing on a Master Plan or a Master Plan Amendment

By amending

Montgomery County Code
Chapter 33A, Planning Procedures
Section 33A-8

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

OPINION

The amendment to Chapter 33A, sponsored by Councilmember Leventhal, was introduced on April 21, 2009. This amendment would revise the time period in which the Council must establish a public hearing on a master plan or master plan amendment.

Currently, the Council may establish a public hearing on a master plan as soon as the Council receives a fiscal impact report from the Executive, or 105 days from the day the Planning Board sent the report to the Council. The Executive has 60 days in which to draft a fiscal impact statement.

The Council held a public hearing on this Amendment to Chapter 33A on June 9, 2009. The County Executive supported the amendment with a suggestion to schedule the Council's public hearing after the fiscal impact analysis and department comments are due. The Planning Board and Planning Staff recommended approval of the amendment as introduced. The Council referred the matter to the Planning, Housing, and Economic Development Committee.

On June 22, 2009 the Planning, Housing, and Economic Development Committee recommended (3-0) the approval of the amendment with revisions to establish a public hearing, under the Council Rules of Procedure, any time within 105 days after receipt of a Master Plan from the Planning Board. The Committee was persuaded by Council President Andrews that the Council needed more flexibility to schedule multiple master plans submitted close to the Council's recess periods.

After the meeting, Council staff recommended technical changes to each member of the Committee. Staff recommends using the advertisement date to determine the outside date to hold a public hearing. The staff recommendation also repeated the provisions of Article 28 of the Maryland Code that require a minimum 30-day period between the advertisement and the public hearing. Councilmember Floreen agreed with staff's recommendations. Councilmember Elrich did not express any opinion.

On June 23, 2009 the District Council reviewed the amendment to Chapter 33A and agreed with the Committee's recommendation and the recommendations of a majority of the Committee made after June 22.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, this amendment to Chapter 33A will be approved as amended.

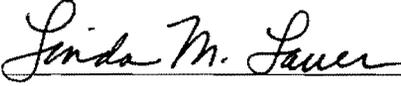
ORDINANCE

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:

27 **Sec. 2. Effective Date.** This ordinance takes effect immediately upon the
28 date of Council adoption.

29 This is a correct copy of Council action.

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32 Linda M. Lauer, Clerk of the Council