



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB
Item #10
7/18/02**

DATE: July 12, 2002
TO: Montgomery County Planning Board
VIA: Michael Ma, Zoning Supervisor *MM*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To exempt special exception petitions filed before a certain date from certain standards, unless the applicant opts to apply certain standards.

TEXT AMENDMENT: No. 02-19
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Silverman
INTRODUCED DATE: June 25, 2002

PLANNING BOARD REVIEW: July 18, 2002
PUBLIC HEARING: July 30, 2002

STAFF RECOMMENDATION: APPROVAL

PURPOSE OF THE TEXT AMENDMENT

To exempt special exception petitions filed before a certain date from certain standards, unless the applicant opts to apply certain standards.

BACKGROUND

On April 16, 2002, the County Council adopted Zoning Text Amendment No. 01-10, Phase I of the Comprehensive Zoning Ordinance Review Project (special exceptions in one-family residential zones). At the time of adoption, the Council did not include a generic provision exempting all special exception applications filed before May 6, 2002 (the effective date of the amendments) from the effects of the law. Instead, two specific exemption provisions were included at the request of the applicants while a third pending applicant wanted to be reviewed based on the new law.

ANALYSIS

The County Council introduced ZTA No. 02-19 to clarify its intent to exempt any special exception application filed and not approved on or before May 6, 2002, from the provisions of ZTA No. 01-10. The text amendment further gives applications filed on or before the effective date the option to apply the new or previous law.

Staff has no objection with the proposed text amendment and believes that its adoption would clarify the intent that only applications filed after the effective date of ZTA No. 01-10 are required to adhere to the new law.

RECOMMENDATION

The staff supports the proposed text amendment to exempt special exception petitions filed before a certain date from certain standards, unless the applicant opts to apply the new standards.

Attachment 1 depicts the proposed text amendment as submitted.

GR

Attachments

1. Proposed Text Amendment 02-19

Zoning Text Amendment No: 02-19
Concerning: Exemption from special
exception standards effective dates
Draft No. & Date: 1 – 6/25/02
Introduced: June 25, 2002
Public Hearing: July 30, 2002; 1:30 PM
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 Silverman

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

- exempting special exception petitions filed before a certain date from certain standards, unless the applicant opts to apply certain standards.

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

DIVISION 59-G “SPECIAL EXCEPTIONS—AUTHORITY AND PROCEDURE”
Add a new section
59-G-1.27 “Applications pending on May 6, 2002”

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. Division 59-G-1 is amended as follows:**

2 **DIVISION 59-G-1. SPECIAL EXCEPTIONS—AUTHORITY AND**
3 **PROCEDURE.**

4 * * *

5 **59-G-1.27. Applications pending and not approved on or before May 6, 2002.**

6 Any application for a special exception or modification of a special exception filed
7 and not approved on or before May 6, 2002 may be decided based on the standards
8 in effect when the application was filed, or, at the request of the applicant, may be
9 decided based on the standards in effect after May 6, 2002.

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

12 This is a correct copy of Council action.

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19 Mary A. Edgar, CMC

20 Clerk of the Council