



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Item #5**  
**04/03/03**

**DATE:** March 28, 2003  
**TO:** Montgomery County Planning Board  
**FROM:** Greg Russ, Zoning Coordinator *GR*  
**REVIEW TYPE:** Transmittal to County Council for introduction as a Zoning Text Amendment  
**PURPOSE:** To eliminate the requirement for a written transcript of the public hearing for optional method of development project plans and for combined urban renewal project plans.

**TEXT AMENDMENT:** Not applicable until introduced  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59, the Zoning Ordinance  
**INTRODUCED BY:** N/A  
**INTRODUCED DATE:** N/A

**PLANNING BOARD REVIEW:** April 3, 2003  
**PUBLIC HEARING:** N/A

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**STAFF RECOMMENDATION:** TRANSMIT to County Council for introduction

#### **PURPOSE OF THE TEXT AMENDMENT**

- To eliminate the requirement for a written transcript of the public hearing for optional method of development project plans in the CBD and RMX Zones and for combined urban renewal project plans in central business district zones.

#### **BACKGROUND/ANALYSIS**

Currently, all public hearings of the Planning Board are audio-recorded by technical writing staff, with a copy of the proceedings kept by the Technical Writers' Office. In the case of a project plan for the optional method of development in the CBD and RMX Zones and for a combined urban renewal project plan, an additional procedure is conducted, pursuant to Sections 59-D-2.3 and 59-D-5.3, respectively. This procedure requires that a written transcript be taken of the public hearing and that it be transcribed into a printed format (all performed by an outside company). Staff believes that the additional procedure is unnecessary since all audio-recorded

public hearings can be either copied in-house for any interested parties or listened to on the premises. By contrast, verbatim transcripts of preliminary and site plan hearings are transcribed on an as-needed basis (i.e., when a judicial appeal is filed.) The process used for preliminary and site plan transcripts ensures that a written transcript can be produced when needed, but saves the expense of producing such a transcript in each case. The Commission would follow this procedure with all future project plans.

Staff recommends that this additional layer be eliminated from the Zoning Ordinance as being procedurally unnecessary. In addition, there is no need to incur the cost of producing transcripts when no judicial appeal is noted.

The proposed zoning text amendment language is as follows:

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.

*DIVISION 59-D-2. PROJECT PLAN FOR OPTIONAL  
METHOD OF DEVELOPMENT, CBD ZONES AND RMX ZONES.*

\* \* \*

*59-D-2.3. Same-Procedure.*

*Not later than 15 days prior to the date set for public hearing, the technical staff of the planning board shall submit to the board its analysis of the application including its findings, comments or recommendations with respect to the matters enumerated in section 59-D-2.4 and any other matters which, in the opinion of the technical staff, would assist the board in reaching its decision on the application. This technical staff report shall be submitted in evidence at the public hearing. The public hearing shall be conducted by the planning board or its designee under such rules as the planning board shall, from time to time, establish by resolution and publish. [A transcript shall be taken of the public hearing and a complete record of all evidence and testimony shall be made. The record of the public hearing shall be transcribed into printed form, and the application shall be made a part of the record.]*

\* \* \*

*DIVISION 59-D-5. COMBINED URBAN RENEWAL PROJECT PLAN.*

\* \* \*

*59-D-5.3. Same-Procedure.*

*Not later than 15 days before the public hearing, the technical staff of the Planning Board must submit to the Board its analysis of the application including its findings, comments or recommendations with respect to the matters listed in Section 59-D-5.4 and any other matters which would assist the Board in the application. The technical staff report must be submitted in evidence at the public hearing. The Planning Board or its designee must conduct the public hearing under rules the Planning Board may establish by resolution and publish. [A transcript must be taken of the public hearing and a complete record of all evidence and testimony must be made. The record of the public*

*hearing must be transcribed into printed form, and the application must be made a part of the record.]*

Staff believes that the proposed changes satisfy the intent of the Ordinance while reducing an unnecessary procedural layer.

## **RECOMMENDATION**

The staff recommends that the proposed amendments to eliminate the requirement for a written transcript of the public hearing for optional method of development project plans in the CBD and RMX Zones and for combined urban renewal project plans in central business district zones be transmitted to the County Council for introduction.

Attachment 1 depicts the proposed amendment as proposed by staff.

GR

### **Attachments**

1. Proposed Zoning Text Amendment

ATTACHMENT 1

Zoning Text Amendment No: 03-  
Concerning: Project Plan Transcript  
Requirement  
Draft No. & Date: March 28, 2003  
Introduced:  
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

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By:

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

- eliminating the requirement for a written transcript of the public hearing for optional method of development project plans in the CBD and RMX Zones and for combined urban renewal project plans in central business district zones

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

DIVISION 59-D-2	“PROJECT PLAN FOR OPTIONAL METHOD OF DEVELOPMENT, CBD ZONES AND RMX ZONES”
Section 59-D-2.3	“Same-Procedure”
DIVISION 59-D-5	“COMBINED URBAN RENEWAL PROJECT PLAN”
Section 59-D-5.3	“Same-Procedure”

**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-D-2 is amended as follows:**

2                   DIVISION 59-D-2. PROJECT PLAN FOR OPTIONAL  
3                   METHOD OF DEVELOPMENT, CBD ZONES AND RMX ZONES.

4           \* \* \*

5           **59-D-2.3. Same-Procedure.**

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7           Not later than 15 days prior to the date set for public hearing, the technical staff of  
8           the planning board shall submit to the board its analysis of the application  
9           including its findings, comments or recommendations with respect to the matters  
10          enumerated in section 59-D-2.4 and any other matters which, in the opinion of the  
11          technical staff, would assist the board in reaching its decision on the application.  
12          This technical staff report shall be submitted in evidence at the public hearing. The  
13          public hearing shall be conducted by the planning board or its designee under such  
14          rules as the planning board shall, from time to time, establish by resolution and  
15          publish. [A transcript shall be taken of the public hearing and a complete record of  
16          all evidence and testimony shall be made. The record of the public hearing shall be  
17          transcribed into printed form, and the application shall be made a part of the  
18          record.]

19          \* \* \*

20          **Sec. 2. Division 59-D-5 is amended as follows:**

21                   DIVISION 59-D-5. COMBINED URBAN RENEWAL PROJECT PLAN.

22          \* \* \*

23          **59-D-5.3. Same-Procedure.**

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25          Not later than 15 days before the public hearing, the technical staff of the Planning  
26          Board must submit to the Board its analysis of the application including its  
27          findings, comments or recommendations with respect to the matters listed in  
28          Section 59-D-5.4 and any other matters which would assist the Board in the  
29          application. The technical staff report must be submitted in evidence at the public

1 hearing. The Planning Board or its designee must conduct the public hearing under  
2 rules the Planning Board may establish by resolution and publish. [A transcript  
3 must be taken of the public hearing and a complete record of all evidence and  
4 testimony must be made. The record of the public hearing must be transcribed into  
5 printed form, and the application must be made a part of the record.]

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9 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the  
10 date of Council adoption.

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12 This is a correct copy of Council action.

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Mary A. Edgar, CMC

18 Clerk of the Council