



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MCPB
Item #7
06/12/03

DATE: June 6, 2003
TO: Montgomery County Planning Board
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: 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: No. 03-08
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59, the Zoning Ordinance
INTRODUCED BY: District Council at the request of the Planning Board
INTRODUCED DATE: May 13, 2003

PLANNING BOARD REVIEW: June 12, 2003
PUBLIC HEARING: June 17, 2003 @ 1:30 pm

STAFF RECOMMENDATION: APPROVAL

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 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 [p]Planning [b]Board [shall] must 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] must be submitted in evidence at the public hearing. The public hearing [shall] must be conducted by the [p]Planning [b]Board or its designee under such rules as the [p]Planning [b]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.]

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

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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 approval of Zoning Text Amendment No. 03-08 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. Only minor editorial changes have been proposed by staff.

Attachment 1 depicts the proposed amendment as proposed by staff.

GR

Attachments

1. Zoning Text Amendment

ATTACHMENT 1

Zoning Text Amendment No: 03-08
Concerning: Eliminate certain written transcripts requirement
Draft No. & Date: 1 – 5/13/03
Introduced: May 13, 2003
Public Hearing: June 17, 2003; 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: District Council at the request of the Planning Board

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

- eliminating the requirement for a public hearing transcript for optional method of development project plans in the CBD and RMX Zones; and
- eliminating the requirement for a public hearing transcript for combined urban renewal project plans in the CBD 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 METHOD OF**
3 **DEVELOPMENT, CBD ZONES AND RMX ZONES.**

4 * * *

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

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

18 * * *

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

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

21 * * *

22 **59-D-5.3. Same-Procedure.**

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

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

33 * * *

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

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37 This is a correct copy of Council action.

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42 Mary A. Edgar, CMC

43 Clerk of the Council