



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Items # 1 & 2
3/21/02

DATE: March 15, 2002
TO: Montgomery County Planning Board
VIA: Michael Ma, Zoning Supervisor *Ma*
FROM: Greg Russ, Zoning Coordinator
REVIEW TYPE: Zoning Text Amendment
Subdivision Regulation Amendment
PURPOSE: Repeal the Sunset Provisions for the Department of Permitting Services

TEXT AMENDMENT: No. 02-02
SUBDIVISION REGULATION AMENDMENT: No. 02-1
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59, Zoning Ordinance and Chapter 50, Subdivision Regulations
INTRODUCED BY: Councilmember Leggett
INTRODUCED DATE: February 12, 2002
PLANNING BOARD REVIEW: March 21, 2002
PUBLIC HEARING: April 2, 2002

STAFF RECOMMENDATION: APPROVAL

BACKGROUND

The County reorganized the Department of Environmental Protection and created the Department of Permitting Services (DPS) in 1996 via Bill No. 20-96. In order to implement the bill, Zoning Text Amendment No. 96009 and Subdivision Regulation Amendment No. 96-3 were enacted to change the definitions and references in those portions of the code. When the Council took final action on these items, there was some doubt as to the efficacy of the proposed reorganization. As such, the Council inserted a sunset provision of July 1, 1998 into the law that required the activities of DPS to revert to the previous department (i.e. the Department of Environmental Protection) unless modified by this amendment. On October 27, 1998, the Council enacted Ordinance No.

13-112, Zoning Text Amendment No. 98024 and Subdivision Regulation Amendment No. 98-2, to extend the sunset date to July 1, 2001.

On April 10, 2001, Councilmember Leggett introduced Zoning Text Amendment No. 01-02 and Subdivision Regulation Amendment No. 01-1 (Emergency Bill No. 15-01) to extend the sunset provision for DPS until July 1, 2002. On June 19, 2001, the Council enacted Ordinance Nos. 14-36 and 14-37, to extend the sunset date to July 1, 2002.

ANALYSIS

On February 12, 2002, County Council's Transportation and Environment Committee introduced Zoning Text Amendment No. 02-02 and Subdivision Regulation Amendment No. 02-1 to repeal the sunset provision for DPS which will lapse on July 1, 2002. Subsequently, the text amendment and subdivision regulation amendment (along with an amendment to the Historic Preservation provisions) were introduced to conform these various provisions of the Code to the sunset repeal. The sunset provisions in the original text amendments were added as new sections of those ordinances, to provide a reference to the provision in the original bill. There was no actual change to the Code. What the subject proposed amendments do is amend the language of the most recent amendments (ZTA 01-02 and SRA 01-1) to repeal the sunset date and to therefore provide a permanent status for the Department of Permitting Services.

RECOMMENDATION

These amendments are technical in nature, and do not make any substantive changes in the Code or the operations of the Department. Staff therefore recommends approval of the text amendment and subdivision regulation amendment as introduced.

GR

Attachments

1. Proposed Text Amendment 02-02
2. Proposed Subdivision Regulation 02-1

Ordinance No. _____
Zoning Text Amendment No. 02-02
Concerning: Permitting Services
- Sunset Repeal
Revised: 2/6/02 Draft No. 1
Introduced: _____
Public Hearing: _____
Adopted: _____
Effective: _____

**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: Transportation and Environment Committee

AN AMENDMENT to the Montgomery County Zoning Ordinance to repeal a certain sunset date regarding the Department of Permitting Services as of a certain effective date.

By amending Ordinance 13-35.

EXPLANATION:

- Boldface** indicates a heading or a defined term
- Underlining indicates text that is added to existing law by original amendment.
- [Single boldface brackets] indicate text that is deleted from existing law by original amendment.
- Double underlining indicates text that is added by amendment
- [[Double boldface brackets]] indicate text that is deleted by 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:

Sec. 1. Section 5 of Ordinance 13-35 is repealed as follows:

[Sec. 5. Sunset. On July 1, 2002, any function transferred by this Ordinance to the Department of Permitting Services reverts to the Department which administered that function before this Ordinance took effect.]

Sec. 2. Effective Date. This Ordinance takes effect on July 1, 2002.

This is a correct copy of Council action.

Mary A. Edgar, CMC, Clerk of the Council

Date

Resolution No: _____
Introduced: February 12, 2002
Adopted: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

Subject: Notice of Public Hearing on Zoning Text Amendment 02-02

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within thirty days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 02-02, which would amend the Zoning Ordinance to repeal the sunset date for the Department of Permitting Services, was introduced on February 12, 2002.

Action

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 resolution:

Legal notice will be given of the public hearing to be held on April 2, 2002, at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

Mary A. Edgar, CMC
Clerk of the Council

Ordinance No: _____
Subdivision Regulations
Amendment No.: 02-1
Concerning: Permitting Services
-- Sunset Repeal
Revised: 2/6/02 Draft No. 1
Introduced: _____
Public Hearing: _____
Adopted: _____
Executive: _____
Effective: _____

**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: Transportation and Environment Committee

AN AMENDMENT to the Montgomery County Subdivision Regulations to repeal a certain sunset date regarding the Department of Permitting Services.

By amending Ordinance 13-36.

EXPLANATION:

Boldface indicates a heading or a defined term

Underlining indicates text that is added to existing law by original amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original amendment.

Double underlining indicates text that is added by amendment

[[Double boldface brackets]] indicate text that is deleted by amendment.

Resolution No: _____
Introduced: February 12, 2002
Adopted: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

Subject: Notice of Public Hearing on Subdivision Regulation Amendment 02-1

Background

1. Section 50-6.A of the Montgomery County Code requires that, within thirty days of introduction of any subdivision regulation amendment, the Council act by resolution to set a date and time for a public hearing on the proposed amendment.
2. Subdivision Regulation Amendment No. 02-1, which would amend Chapter 50 of the Montgomery County Code to repeal the sunset date of the Department of Permitting Services, was introduced on February 12, 2002.

Action

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 resolution:

Legal notice will be given of the public hearing to be held on April 2, 2002, at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

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Mary A. Edgar, CMC
Clerk of the Council