

ARTICLE 59-6. ADMINISTRATION AND PROCEDURES

AN ANNOTATED OUTLINE

ZAP Discussion Draft

DEAR ZONING ADVISORY PANEL MEMBERS,

THE FOLLOWING OUTLINE OF MODULE 3 PROVIDES THE PROPOSED ORGANIZATION OF, AND ELEMENTS TO BE CONTAINED IN THIS SECTION. THE RELEVANT REVIEW BODIES ARE DESCRIBED AND THEIR REVIEW AND/OR APPROVAL AUTHORITY NOTED. EACH ADMINISTRATIVE AND HEARING APPROVAL HAS A UNIQUE SECTION. FOLLOWING THE APPROVALS, TWO SUMMARY TABLES PROVIDE INFORMATION ON TYPES OF APPLICATIONS REQUIRED AND THE CORRESPONDING SUBMITTAL REQUIREMENTS FOR EACH.

SEVERAL NEW IDEAS ARE PRESENTED IN THE FOLLOWING OUTLINE. THESE CHANGES AND NEW IDEAS SHOULD BE CONSIDERED IN LIGHT OF THE PROPOSED MODIFICATIONS TO THE DEVELOPMENT STANDARDS AND OVERHAUL OF THE USE TABLE AND USE-SPECIFIC STANDARDS. IT SHOULD ALSO BE NOTED THAT FURTHER SECTIONS WILL PROVIDE ADDITIONAL REQUIREMENTS FOR PARKING, LANDSCAPING, RECREATION, ETC...

THE PRESENTATION ON WEDNESDAY WILL FOCUS ON THE PROPOSALS CONTAINED IN THIS DRAFT AND HOW THESE PROPOSED CHANGES WORK IN CONJUNCTION WITH OTHER ASPECTS OF THE CODE.

A FEW GENERAL CHANGES TO NOTE INCLUDE:

1. STANDARDIZING THE REVIEW PROCESS WITH COMMON APPLICATION PROCEDURES, WHERE APPROPRIATE,
2. CONSOLIDATING SUBMITTAL PLANS (E.G., ONLY ONE TYPE OF REZONING APPLICATION),
3. CONSIDERING THE USE OF EMAIL AND WEB NOTICING, WHERE APPROPRIATE, AND
4. ESTABLISHING APPLICATION THRESHOLDS BY IMPACT AND ZONE

SOME OF THE MORE SPECIFIC CHANGES INCLUDE:

1. A LAYOUT PLAN, A NEW APPLICATION REQUIRING PLANNING DIRECTOR REVIEW APPLICABLE IN MANY INSTANCES WHERE SITE PLAN THRESHOLDS DO NOT APPLY,
2. MINOR SITE PLANS APPROVED BY PLANNING BOARD VIA CONSENT AGENDA FOR LOW-IMPACT DEVELOPMENT,
3. MINOR CONDITIONAL USES NO LONGER REVIEWED BY PLANNING BOARD, AND
4. PRE-SUBMISSION MEETING REQUIREMENT FOR LOCAL MAP AMENDMENTS AND MAJOR CONDITIONAL USES

WE LOOK FORWARD TO DISCUSSING THESE IDEAS IN GREATER DETAIL OVER THE COMING MONTHS.

SINCERELY, THE ZONING REWRITE TEAM

Div. 6.1. Review Bodies

New Organizational Format

Sec. 6.1.1. Summary of Review Authority

The following table summarizes the review and approval authority of the various review bodies.

| APPROVAL PROCESS | Section reference | ACTION AND PUBLIC HEARING | | | | | | | | |
|---------------------------------|-------------------|---------------------------|--------------|-------------------|----------------|------------------|------------------|------------------|---------------|---|
| | | DPS Director Sign | Review Board | Planning Director | Planning Board | Hearing Examiner | Board of Appeals | District Council | Circuit Court | |
| ADMINISTRATIVE APPROVALS | | | | | | | | | | |
| Layout Plan | 6.2.2 | D | | | R | | | A | | |
| Temporary Use Permit | 6.2.3 | D | | | | | | A | | |
| Building Permit | 6.2.4 | D | | | | | | A | | |
| Use and Occupancy Certificate | 6.2.5 | D | | | | | | A | | |
| Sign Permit | 6.2.6 | D | R | | | | | A | | |
| Written Interpretation | 6.2.7 | D | | | R | | | A | | |
| HEARING APPROVALS | | | | | | | | | | |
| Sectional Map Amendment | 6.3.2 | | | | R | R, PH | | | D, PH | A |
| Local Map Amendment | 6.3.3 | | | | R | R, PH | R, PH | | D, PH | A |
| Corrective Map Amendment | 6.3.4 | | | | R | R, PH | | | D, PH | A |
| Zoning Text Amendment | 6.3.8 | | | | R | R, PH | | | D, PH | |
| Sketch Plan | 6.3.5 | | | | R | D, PH | | | | A |
| Site Plan, Minor | 6.3.6.1 | | | | R | D, CA | | | | A |
| Site Plan, Major | 6.3.6.2 | | | | R | D, PH | | | | A |
| Conditional Use Permit, Minor | 6.3.7.1 | | | | R | | D, PH | A | | A |
| Conditional Use Permit, Major | 6.3.7.2 | | | | R | R | R, PH | D, PH | | A |
| Variance | 6.3.9 | | | | | | | | D, PH | A |

Key: R = Review & Recommendation D = Decision A = Appeal PH = Public Hearing CA = Consent Agenda

Should the Planning Department review variances as technical review staff for BOA

Note: The term public hearing in the above chart represent both public meetings where public testimony is taken without noticing requirements as well as traditional public hearings where public testimony is taken by the noticing authority. Should these different types of "hearings" be illustrated?

Sec. 6.1.2. District Council

A. General Authority

The District Council may exercise additional powers described elsewhere in the Montgomery County Code.

B. Approval Authority

With respect to Chapter 59, the District Council is responsible for final action regarding:

- Sectional Map Amendments
- Local Map Amendments
- Correctional Map Amendments
- Zoning Text Amendments

Sec. 6.1.3. Planning Board

A. General Authority

The Planning Board may exercise additional powers described elsewhere in the Montgomery County Code.

B. Review Authority

With respect to Chapter 59, the Planning Board is responsible for review and recommendation regarding:

- Sectional Map Amendments
- Local Map Amendments
- Correctional Map Amendments
- Zoning Text Amendments
- Major Conditional Use

Should the Board review and make recommendations on Major Conditional Uses?

• C. Approval Authority

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With respect to Chapter 59, the Planning Board is responsible for final action regarding:

- Sketch Plan
- Site Plan, Minor
- Site, Major
- Consent & Limited Site Plan Amendments

D. Procedures

E. Enforcement

Sec. 6.1.4. Planning Director

A. General Authority

The Planning Director may exercise additional powers described elsewhere in the Montgomery County Code.

B. Review Authority

With respect to Chapter 59, the Planning Director is responsible for review and recommendation regarding:

- Sectional Map Amendments
- Local Map Amendments
- Correctional Map Amendments
- Zoning Text Amendments
- Minor Conditional Use Permit
- Major Conditional Use Permit
- Sketch Plan
- Site Plan, Minor

- Site, Major
- Conditional, Sketch, Site, and Layout Plan Amendments

C. Approval Authority

- Administrative Site Plan Amendments

D. Delegation of Authority

The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this code. The Planning Director remains responsible for any final action.

Sec. 6.1.5. Board of Appeals

A. Approval Authority

With respect to Chapter 59, the Board of Appeals is responsible for final action regarding:

- Major Conditional Use Permit, and Amendments
- Variance

B. Appeals

C. Procedures

Sec. 6.1.6. Hearing Examiner

A. General Authority

The Hearing Examiner may exercise additional powers described elsewhere in the Montgomery County Code.

B. Review Authority

With respect to Chapter 59, the Hearing Examiner is responsible for scheduling and conducting public hearings and rendering written reports

and recommendations on the following matters:

- Local Map Amendment,
- Minor Conditional Use Permit, and Amendments
- Major Conditional Use Permit, and Amendments
- Variances, upon request of the Board of Appeals

C. Approval Authority

With respect to Chapter 59, the Hearing Examiner is responsible for final action regarding:

- Minor Conditional Use Permit and Amendments

D. Procedures

Sec. 6.1.7. Permitting Services Director

A. General Authority

The Planning Director may exercise additional powers described elsewhere in the Montgomery County Code.

B. Approval Authority

With respect to Chapter 59, the Planning Director is responsible for review and recommendation regarding:

- Layout Plan and Amendments
- Temporary Use Permit
- Building Permit
- Use & Occupancy Permit
- Sign Permit
- Written Interpretations

New application. Currently DPS approves a Circulation Plan, Landscape Plan, Parking Facility Plan and in some cases, a Lighting Plan. The Layout Plan is the combination of these submittals intended for review by the Planning Department. If applicable, the Layout Plan should also specify standards for limited uses.

C. Delegation of Authority

The Permitting Services Director may designate any DPS staff member to represent the Director in any function assigned by Chapter 59. The Permitting Services Director remains responsible for any final action.

D. Interpretation

E. Inspections

- Signs
- Site Plan
- Conditional Use Permits
- Violations/Complaints

F. Revocation and Suspension

Sec. 6.1.8. Sign Review Board

A. Review Authority

B. Additional Authority

C. Composition

D. Quorum

E. Procedures

F. Staff Support

New Section

Div 6.2. Administrative Approvals

Will common application procedures work for the following list of administrative approvals?

Sec. 6.2.1. Common Application Procedures

A. Applicability

- Layout Plan
- Temporary Use Permit
- Building Permit
- Use & Occupancy Permit
- Sign Permit
- Written Interpretations

B. Application Requirements

C. Public Notice

D. Application Review

Sec. 6.2.2. Layout Plan

Note: Currently DPS approves a Circulation Plan, Landscape Plan, Parking Facility Plan and in some cases, a Lighting Plan without Planning Department input for some zones. A Layout Plan is the combination of these submittals intended for review by the Planning Department. Coordinate requirements with other review agencies.

A. Applicability

B. Pre-Application Conference

C. Application Requirements

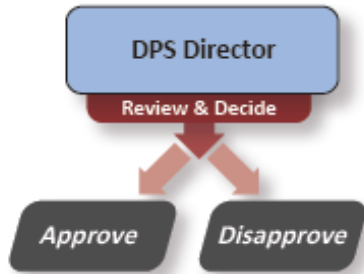
D. Approval Process

E. Considerations for Approval

F. Period of Validity



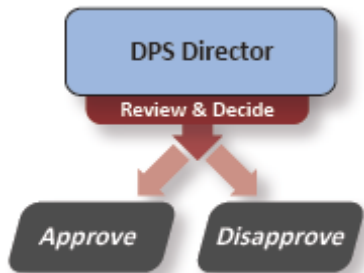
G. Appeal



Sec. 6.2.3. Temporary Use Permit

New Section

- A. Applicability
- B. Pre-Application Conference
- C. Application Requirements
- D. Approval Process
- E. Considerations for Approval
- F. Period of Validity
- G. Appeal



Sec. 6.2.4. Building Permit

- A. Applicability
- B. Application Requirements
- C. Approval Process
- D. Considerations for Approval
- E. Period of Validity
- F. Appeal



Sec. 6.2.5. Use and Occupancy Permit

- A. Applicability
- B. Application Requirements
- C. Approval Process
- D. Considerations for Approval
- E. Period of Validity
- F. Appeal



Sec. 6.2.6. Sign Permit

- A. Permit
- B. Sign Installer License
- C. Sign Concept Plan in an Approved Urban Renewal Area:
- D. Sign Variance
- E. Revocation of Sign Variance

New Process – Planning Department review of Written Interpretations

Sec. 6.2.7. Written Interpretation



- A. Applicability
- B. Application Requirements
- C. Permitting Services Director Action
- D. Appeals
- E. Official Record

Div. 6.3. Hearing Approvals

New Section

| Type of Hearing Approval | Intake | Lead Review | Decision-making Body | Rules of Procedure (established by) |
|--------------------------|------------------|------------------|----------------------|-------------------------------------|
| Sectional Map Amendment | OZAH | MNCPPC | District Council | District Council |
| Local Map Amendment | OZAH | MNCPPC | District Council | OZAH/MNCPPC |
| Corrective Map Amendment | OZAH | MNCPPC | District Council | OZAH/MNCPPC |
| Zoning Text Amendment | District Council | MNCPPC | District Council | District Council |
| Sketch Plan | MNCPPC | MNCPPC | Planning Board | MNCPPC |
| Site Plan, Minor | MNCPPC | MNCPPC | Planning Board | MNCPPC |
| Site Plan, Major | MNCPPC | MNCPPC | Planning Board | MNCPPC |
| Conditional Use, Minor | Board of Appeals | MNCPPC | Hearing Examiner | BOA/OZAH/MNCPPC |
| Conditional Use, Major | Board of Appeals | MNCPPC | Board of Appeals | BOA/OZAH/MNCPPC |
| Variance | Board of Appeals | Board of Appeals | Board of Appeals | BOA/OZAH/MNCPPC |

Coordinate Rules of Procedures

Sec. 6.3.1. Common Application Procedures

A. Applicability

The following requirements are common to hearing approval procedures set forth below, and apply to applications submitted for approval. Additional details may be included for each specific procedure.

1. Local Map Amendment.
2. Corrective Map Amendment.
3. Sketch Plan.
4. Site Plan, Major.
5. Conditional Use Permit, Major.
6. Variance.

Note: Sectional Map Amendments,
Site Plans, Minor,
Conditional Use Permits, Minor and
Zoning Text Amendments all have unique application procedures.

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B. Pre-Submission Meeting

All of the listed Hearing Approvals will have a pre-submission meeting - currently a pre-submission meeting is not required for a Local Map Amendment or a Major Conditional Use.

C. Application Requirements

Enumerate as specified by intake agency.

D. Public Notice (in accordance with Rules of Procedure)

Consider Email Noticing Requirements

| Noticing Requirements (email - e, print - p, mail -m, web- w, sign - s) | | | | |
|--|------------------------------|--------------------|----------------|---------------------------|
| Type of Hearing Approval | Pre-Submittal Meeting | Application | Hearing | Opinion/Resolution |
| Sectional Map Amendment | n/a | n/a | p, w | w |
| Local Map Amendment | s, m | s, m, w | m, w | m, w |
| Corrective map Amendment | s, m | s, m, w | m, w | m, w |
| Sketch Plan | s, m | s, m, w | m, w | m, w |
| Minor Site Plan | s, m | s, m, w | n/a | m, w |
| Major Site Plan | s, m | s, m, w | m, w | m, w |
| Minor Conditional Use | s, m | s, m, w | m, w | m, w |
| Major Conditional Use | s, m | s, m, w | m, w | m, w |
| Variance | n/a | s, m, w | m, w | w |

E. Review and Report

Codify similar common application procedures, and indicate requirements

1. Referral and Inter-Agency Consultation
2. Review Meetings
3. Application Revisions
4. Report

Sec. 6.3.2. Sectional Map Amendment

- A. Applicability
- B. Public Notice
- C. Approval Process
- D. Considerations for Approval
- E. Period of Validity
- F. Appeals





Sec. 6.3.3. Local Map Amendment

Consider limiting binding elements to the following parameters: new zone, maximum density, and use.

- A. Applicability
- B. Pre-Application Conference
- C. Pre-Submission Meeting
- D. Application Requirements
- E. Sketch Plan Required
- F. Approval Process
- G. Dismissal of an Application
- H. Considerations for Approval
- I. Actions Following a Decision
- J. Modification of an Approved Development Plan

Sec. 6.3.4. Corrective Map Amendments



- A. Applicability
- B. Application Requirements
- C. Approval Process
- D. Considerations for Approval
- E. Period of Validity
- F. Appeals



Sec. 6.3.5. Sketch Plan

New - consolidation of several submittal plans

- A. Applicability
- B. Pre-Application Conference
- C. Pre-Submission Meeting
- D. Application Requirements
- E. Approval Process
- F. Considerations for Approval
- G. Period of Validity
- H. Appeal
- I. Modification of an Approved Sketch Plan

Sec. 6.3.6. Site Plans

Minor Site Plan approved by Planning Board via Consent Agenda



6.3.6.1. Site Plan, Minor

- A. Applicability
- B. Pre-Application Conference
- C. Pre-Submission Meeting
- D. Application Requirements
- E. Approval Process
- F. Considerations for Approval
- G. Period of Validity
- H. Appeals
- I. Additional Regulations
- J. Amendment of a Site Plan



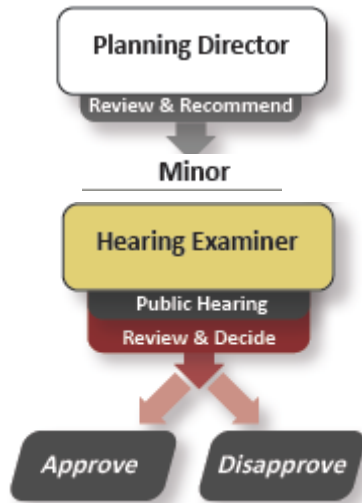
6.3.6.2 Site Plan, Major

- A. Applicability
- B. Pre-Application Conference
- C. Pre-Submission Meeting
- D. Application Requirements
- E. Approval Process
- F. Considerations for Approval
- G. Period of Validity
- H. Appeals
- I. Additional Regulations
- J. Amendment of a Site Plan

Sec. 6.3.7. Conditional Use Permit

Sec. 6.3.7.1. Minor Conditional Use Permit

Minor Conditional Use review and recommendation by Planning Department, forward on to Hearing Examiner for Public Hearing and Approval Authority



- A. Applicability
- B. Pre-Application Conference
- C. Pre-Submission Meeting
- D. Application
- E. Action by Hearing Examiner
- F. Action by Board of Appeals
- G. Additional Requirements
- H. Considerations for Approval
- I. Period of Validity
- J. Appeal
- K. Modification



Sec. 6.3.7.2. Major Conditional Use Permit

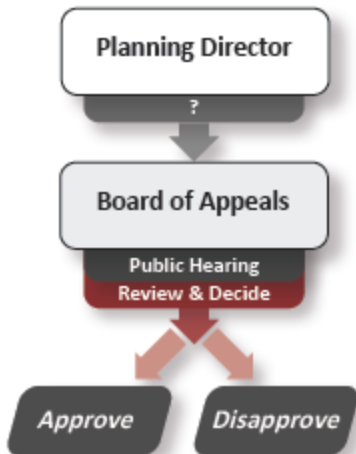
Do major conditional uses need to go before the Planning Board?

- A. Applicability
- B. Pre-Application Conference
- C. Pre-Submission Meeting
- D. Application
- E. Action by Hearing Examiner
- F. Action by Board of Appeals
- G. Additional Requirements
- H. Considerations for Approval
- I. Period of Validity
- J. Appeal
- K. Modification



Sec. 6.3.8. Zoning Text Amendment

- A. Applicability
- B. Application Requirements
- C. Approval Process
- D. Considerations for Approval



Sec. 6.3.9. Variance

- A. Applicability
- B. Application
- C. Approval Process
- D. Considerations for Approval
- E. Period of Validity
- F. Appeals
- G. Limits on Re-application

Sec. 6.3.10. Summary of Application Types and Submittal Requirements

Because multiple criteria are included with any application, the most intense application type based on all the applicable thresholds must be filed according to the following order: building permit, layout plan, minor site plan, major site plan, minor conditional use permit, major conditional use permit, sketch plan, development plan. Note that in the case of Building Permits, these must be filed according to Chapter 8.

| Application Required by Threshold Criteria | | | | | | | | |
|--|--------------------------------------|---|------------------|------------------|------------------|------------------|------------------|--|
| Criteria | Threshold | Zone | | | | | | |
| | | Rural | RE/RLD | RMD | RHD | CR | I | PD |
| Re-Plat | Subdivision or Re-Sub | Preliminary Plan | | | | | | |
| Method | Standard | See thresholds below (Use, Density, Height, etc...) | | | | | | N/A |
| | Optional | Sketch Plan followed by Site Plan(s), Major | | | | | | Development Plan followed by Site Plan(s), Major |
| Use | Permitted | Building Permit | Building Permit | Building Permit | Layout Plan | Layout Plan | Layout Plan | Development Plan followed by Site Plan(s), Major |
| | Limited | Layout Plan | Layout Plan | Layout Plan | Site Plan, Minor | Site Plan, Minor | Site Plan, Minor | |
| | C(minor) | Conditional Use Permit, minor | | | | | | |
| | C(Major) | Conditional Use Permit, Major | | | | | | |
| Density | <10,000sf or 10 units | Building Permit | Building Permit | Building Permit | Layout Plan | Layout Plan | Layout Plan | Development Plan followed by Site Plan(s), Major |
| | 10,000sf - 30,000sf or 10 - 30 units | Layout Plan | Layout Plan | Layout Plan | Site Plan, Minor | Site Plan, Minor | Site Plan, Minor | |
| | >30,000sf or 30 units | Site Plan, Minor | Site Plan, Minor | Site Plan, Minor | Site Plan, Major | Site Plan, Major | Site Plan, Major | |
| Height | <40f | Building Permit | Building Permit | Building Permit | Layout Plan | Layout Plan | Layout Plan | Development Plan followed by Site Plan(s), Major |
| | 40f+ | | | N/A | Site Plan, Minor | Site Plan, Minor | Site Plan, Minor | |
| Adjacent Zone | Rural, RE, RLD, RMD | Building Permit | Building Permit | Building Permit | Site Plan, Minor | Site Plan, Major | Site Plan, Major | Development Plan followed by Site Plan(s), Major |
| | RHD, PD | | | | Layout Plan | Site Plan, Minor | Site Plan, Minor | |
| | CR, I, PD | | | | Layout Plan | Layout Plan | Layout Plan | |

ZAP Discussion Draft

Example, a standard method development in the RHD zone requesting permitted uses, 24 units, 50' height, adjacent to RHD- and CR-zoned land must file a minor site plan application because it is the most intense application type (required by the # of units and height).

New Organizational Feature

| Application Type | Submittal Requirements | | | | | | | | | | | | |
|------------------------|------------------------|--|---------------------------------|-------------------------------------|-----------------------|-------------------------|---|---------------------------------------|--|-----------------|--|--------------------------------------|---------------------|
| | Plat | Existing Site Conditions and Vicinity Survey | Approved NRI/FSD (or exemption) | Approved SWM Concept (or exemption) | Narrative Description | Justification Statement | Conceptual Building Massing & Height Plan | Conceptual Circulation & Parking Plan | Conceptual Open Space & Amenities Plan | Phasing Concept | Detailed Building, Circulation, & Parking Layout | Detailed Open Space & Landscape Plan | Development Program |
| Building Permit | ✓ | | | | | | | | | | | | |
| Layout Plan | | ✓ | ✓ | ✓ | ✓ | | | | | ✓ | ✓ | ✓ | |
| Minor Site Plan | | ✓ | ✓ | ✓ | ✓ | ✓ | | | | ✓ | ✓ | | |
| Major Site Plan | | ✓ | ✓ | ✓ | ✓ | ✓ | | | | ✓ | ✓ | ✓ | |
| Minor Cond. Use Permit | | ✓ | ✓ | ✓ | ✓ | ✓ | | | | ✓ | ✓ | | |
| Major Cond. Use Permit | | ✓ | ✓ | ✓ | ✓ | ✓ | | | | ✓ | ✓ | ✓ | |
| Sketch Plan | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| Development Plan | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |

Div. 6.4. Nonconformities

Sec. 6.4.1. Nonconforming Uses

New- consolidated into one section

- A. Continuation
- B. Extension
- C. Change of Use
- D. Abandonment of Use
- E. Reconstruction
- F. Nonconforming Use Certification
- G. Opportunity Housing Project
- H. Swimming Pools for Motels
- I. Continuation of Noncomplying Multifamily Dwellings
- J. Portions of Takoma Park Annexed into Montgomery County in 1997
- K. Termination of Noncomplying Multifamily Dwellings

Sec. 6.4.2. Nonconforming Buildings or Structures

- A. Continuation
- B. Structural Alterations
- C. Repair of Dwellings on Floodplains
- D. Nonconformity Through Public Taking

- E. Variances Not Nonconforming**
- F. Alteration of a Nonconforming One-Family Dwelling**
- G. Residential Lots Reclassified from R-60 to R-90**
- H. Housing Projects Constructed Before 1945**

Sec. 6.4.3. Nonconforming Lots of Record

- A. Buildable Lot Under Previous Ordinance**
- B. Resubdivision of R-60 Lots**
- C. One-Family Dwelling**
- D. Resubdivision of Lots With Dwellings**

Sec. 6.4.4. Nonconforming Site Elements

Sec. 6.4.5. Reservation of Authority

Div. 6.5. Inspection & Enforcement

Sec. 6.5.1. Responsibility

- A. Permitting Services Director**
- B. Planning Board**

Sec. 6.5.2. Violations and Penalties

- A. Violations**
- B. Revocation and Suspension**
- C. Civil Fines**

Sec. 6.5.3. Site Plan Enforcement

Sec. 6.5.4. Conditional Use Permit Enforcement

- A. Inspection of Operations**
- B. Review on Transfer of Land Ownership**
- C. Complaints**
- D. Abandonment**
- E. Show Cause Hearing for Revocation**

Sec. 6.5.5. Sign Permit Enforcement

A. Assignment of Responsibility

B. Removal of Signs