



THE ZONING TEXT AMENDMENT PROCESS

WHAT IS A ZTA?

A ZTA is a Zoning Text Amendment which involves a change in the text of the Zoning Ordinance (Chapter 59 of the Montgomery County Code).

WHY DOES THE COUNTY NEED A ZTA?

The Zoning Ordinance is the county's laws in the area of zoning requirements designed to control street congestion; promote health, public safety, and general welfare; provide adequate light and air; promote the conservation of natural resources; prevent environmental pollution; avoid an undue concentration of population; and promote or facilitate adequate transportation, water, sewerage, schools, recreation, parks, and other public facilities. The Council may amend the text of the Ordinance to create new zones or delete existing ones, or more frequently to change standards governing the development and uses allowed in particular zones.

WHO HAS FINAL SAY ON ZTAs?

The County Council has the final say on amendments to the county's zoning ordinance.

WHAT IS THE ZTA PROCESS?

The following is the typical ZTA process:

1. When the District Council¹ introduces a ZTA, the District Council must send the Zoning Text Amendment **to the Planning Director**, the County Executive, the Board of Appeals, and the Hearing Examiner for their respective recommendations, and notify them of the District Council's public hearing date.
2. The Planning Board **will hold a public hearing** before making its recommendation to the District Council, and a minimum of 7 days before the Planning Board public meeting, the Planning Director (through staff) will publish a report and recommendation to the Board. The report and recommendation must be made available to the public.
3. The Planning Board will hold a public meeting to consider the Planning Director's recommendation and all public testimony before making its recommendation. The Planning Board must submit a recommendation on the ZTA to the District Council before the District Council Hearing.
4. The District Council **will hold a public hearing** and consider the Planning Board recommendation, recommendations made by the County Executive, the Board of Appeals, the Hearing Examiner and all public testimony before making its decision.

¹ In accordance with state law, the County Council operates under the name "District Council" when dealing with land use issues. However, the members are the same.



PROPOSED ZONING TEXT AMENDMENT (ZTA) OVERLAY ZONES – CLARKSBURG EAST & WEST ENVIRONMENTAL EXEMPTIONS

WHAT IS IT?

The proposed ZTA amends the Zoning Ordinance to clarify whether any master-planned bikeway located in the Clarksburg East & West Environmental Overlay zones is exempt from the overlay zones' impervious surface restrictions. On April 1, 2014, the County Council approved the Ten Mile Creek Area Limited Amendment, which recommended limiting imperviousness, establishing open space requirements and changing some development standards of the underlying zones in order to maximize development flexibility and protect sensitive natural resources.

WHY IS A ZTA RECOMMENDED?

The Planning Board believes that the language in the Clarksburg East & West Environmental Overlay zones is inconsistent with the master plan with regard to whether a master-planned bikeway is exempt from the impervious calculations. Without clarifying language, the Planning Board will be left to interpret the District Council's intent. If there is not agreement by both applicants and the public about the Planning Board's interpretation, the Board's decision on a development application would likely be challenged by the party that disagrees with the Board's decision, leaving the District Council's intent to be interpreted by the courts. The Planning Board prefers that the District Council clarify the language so that its intent is clear.

WHAT IS THE PROCESS FOR THIS ZTA?

The Planning Board sent the ZTA proposal to the District Council requesting introduction, recognizing that, if introduced by the District Council, the Board will then follow the procedure outlined on the reverse and hold a public hearing, requesting comment from all interested parties. After receiving public input, the Board will transmit a formal recommendation to the District Council for further action.

PROPOSED ZTA OVERLAY ZONES – CLARKSBURG EAST & WEST ENVIRONMENTAL EXEMPTIONS PROCESS

- Planning Board requested District Council introduction of the ZTA on March 26, 2020.
- District Council introduces ZTA and transmits back to Planning Board for comments (Council gives ZTA a #).
- Planning Board holds public meeting and transmits recommendations back to District Council.
- District Council holds public hearing.
- PHED Committee holds worksession(s).
- District Council holds worksession(s) and takes final action.

QUESTIONS, COMMENTS?

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