ARTICLE 59-6. ADMINISTRATION AND PROCEDURES

AN ANNOTATED OUTLINE
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

June 15, 2011
### Sec. 6.1.1. Summary of Review Authority

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

<table>
<thead>
<tr>
<th>APPROVAL PROCESS</th>
<th>ACTION AND PUBLIC HEARING</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ADMINISTRATIVE APPROVALS</strong></td>
<td></td>
</tr>
<tr>
<td>Layout Plan</td>
<td></td>
</tr>
<tr>
<td>New term</td>
<td></td>
</tr>
<tr>
<td>6.2.2</td>
<td>D</td>
</tr>
<tr>
<td>Temporary Use Permit</td>
<td>R</td>
</tr>
<tr>
<td>Building Permit</td>
<td>A</td>
</tr>
<tr>
<td>Use and Occupancy Certificate</td>
<td>A</td>
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<td>6.2.5</td>
<td>D</td>
</tr>
<tr>
<td>Sign Permit</td>
<td>D</td>
</tr>
<tr>
<td>Written Interpretation</td>
<td>D, R</td>
</tr>
<tr>
<td>6.2.6</td>
<td>A</td>
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<tr>
<td><strong>HEARING APPROVALS</strong></td>
<td></td>
</tr>
<tr>
<td>Sectional Map Amendment</td>
<td></td>
</tr>
<tr>
<td>6.3.2</td>
<td>R, R, PH</td>
</tr>
<tr>
<td>Local Map Amendment</td>
<td></td>
</tr>
<tr>
<td>6.3.3</td>
<td>R, R, PH</td>
</tr>
<tr>
<td>Corrective Map Amendment</td>
<td></td>
</tr>
<tr>
<td>6.3.4</td>
<td>R, R, PH</td>
</tr>
<tr>
<td>Zoning Text Amendment</td>
<td></td>
</tr>
<tr>
<td>6.3.8</td>
<td>R, R, PH</td>
</tr>
<tr>
<td>Sketch Plan</td>
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</tr>
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<td>6.3.5</td>
<td>R, D, PH</td>
</tr>
<tr>
<td>Site Plan, Minor</td>
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<tr>
<td>6.3.6.1</td>
<td>R, D, CA</td>
</tr>
<tr>
<td>Site Plan, Major</td>
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</tr>
<tr>
<td>6.3.6.2</td>
<td>R, D, PH</td>
</tr>
<tr>
<td>Conditional Use Permit, Minor</td>
<td></td>
</tr>
<tr>
<td>6.3.7.1</td>
<td>R, D, PH</td>
</tr>
<tr>
<td>Conditional Use Permit, Major</td>
<td></td>
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<tr>
<td>6.3.7.2</td>
<td>R, R, R, PH</td>
</tr>
<tr>
<td>Variance</td>
<td></td>
</tr>
<tr>
<td>6.3.9</td>
<td>D, PH</td>
</tr>
</tbody>
</table>

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

**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?

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**New Organizational Format**

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

**Should there be Planning Board Review**

**No Planning Board Review**
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
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
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
Div 6.2. 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

A. Applicability

B. Pre-Application Conference

C. Application Requirements

D. Approval Process

E. Considerations for Approval

F. Period of Validity

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.

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

Sec. 6.2.3. Temporary Use Permit

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
Sec. 6.2.7. Written Interpretation

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

New Process – Planning Department review of Written Interpretations
### Div. 6.3. Hearing Approvals

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

**New Section**

### Coordinate Rules of Procedures

- June 15, 2011
- June 15, 2011
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.
4. Site Plan, Major.
5. Conditional Use Permit, Major.

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

**B. Pre-Submission Meeting**

**C. Application Requirements**

- Enumerate as specified by intake agency.

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

- Consider Email Noticing Requirements

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**Noticing Requirements** (email - e, print - p, mail - m, web - w, sign - s)

<table>
<thead>
<tr>
<th>Type of Hearing Approval</th>
<th>Pre-Submittal Meeting</th>
<th>Application</th>
<th>Hearing</th>
<th>Opinion/Resolution</th>
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<tbody>
<tr>
<td>Sectional Map Amendment</td>
<td>n/a</td>
<td>n/a</td>
<td>p, w</td>
<td>w</td>
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<td>Local Map Amendment</td>
<td>s, m</td>
<td>s, m, w</td>
<td>m, w</td>
<td>m, w</td>
</tr>
<tr>
<td>Corrective map Amendment</td>
<td>s, m</td>
<td>s, m, w</td>
<td>m, w</td>
<td>m, m</td>
</tr>
<tr>
<td>Sketch Plan</td>
<td>s, m</td>
<td>s, m, w</td>
<td>m, w</td>
<td>m, w</td>
</tr>
<tr>
<td>Minor Site Plan</td>
<td>s, m</td>
<td>s, m, w</td>
<td>n/a</td>
<td>m, w</td>
</tr>
<tr>
<td>Major Site Plan</td>
<td>s, m</td>
<td>s, m, w</td>
<td>m, w</td>
<td>m, w</td>
</tr>
<tr>
<td>Minor Conditional Use</td>
<td>s, m</td>
<td>s, m, w</td>
<td>m, w</td>
<td>m, w</td>
</tr>
<tr>
<td>Major Conditional Use</td>
<td>s, m</td>
<td>s, m, w</td>
<td>m, w</td>
<td>m, w</td>
</tr>
<tr>
<td>Variance</td>
<td>n/a</td>
<td>s, m, w</td>
<td>m, w</td>
<td>w</td>
</tr>
</tbody>
</table>
E. Review and Report

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

Codify similar common application procedures, and indicate requirements
Sec. 6.3.3. Local Map Amendment

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

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

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

New - consolidation of several submittal plans
Sec. 6.3.6. Site Plans

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

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

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

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

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

June 15, 2011
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).

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Submittal Requirements</th>
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<tbody>
<tr>
<td></td>
<td>Plat</td>
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<tr>
<td>Building Permit</td>
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<tr>
<td>Layout Plan</td>
<td>✓</td>
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<tr>
<td>Minor Site Plan</td>
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</tr>
<tr>
<td>Major Site Plan</td>
<td>✓</td>
</tr>
<tr>
<td>Minor Cond. Use Permit</td>
<td>✓</td>
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<td>Major Cond. Use Permit</td>
<td>✓</td>
</tr>
<tr>
<td>Sketch Plan</td>
<td>✓</td>
</tr>
<tr>
<td>Development Plan</td>
<td>✓</td>
</tr>
</tbody>
</table>

June 15, 2011
Div. 6.4. Nonconformities

Sec. 6.4.1. Nonconforming Uses

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