



## **LOCAL MAP AMENDMENT REZONING PROCESS in Montgomery County, Maryland**

### ***Office of Zoning and Administrative Hearings (OZAH), Montgomery County, Maryland***

#### **INTRODUCTION**

Zoning is the regulation of private land by the County Council's creation of zone districts in which certain uses are permitted (and others prohibited). Yards, other open spaces, building setbacks, lot areas, building heights, and other requirements are also established.

Rezoning in Montgomery County—the zoning of land:

1. A *Sectional Map Amendment* is a comprehensive rezoning of an area of the County, usually to implement the recommendations of a master plan. Sectional Map Amendments are proposed only by the Planning Board or the County Council.
2. A *Local Map Amendment* is a rezoning requested for a particular parcel of land by the property owner or a contract purchaser.

#### **APPLICATION PROCESS**

1. All applications for Local Map Amendments must be submitted initially to the Montgomery County Planning Department for certification of completeness, along with all required materials and 25% of the required fee. The Planning Department is located at 8787 Georgia Avenue, Silver Spring, MD 20910. The department's telephone number is (301) 495-4610.
2. Once certified, the applications and materials must be filed with OZAH, along with the remaining 75% of the required fee. The fee schedule and filing instructions can be found on OZAH's website: <http://www.montgomerycountymd.gov/ozah/>. OZAH is located in the Council Office Building, Room 200, 100 Maryland Avenue, Rockville, MD 20850. OZAH's telephone number is (240) 777-6660.
3. The subject property must be posted by the Applicant with a sign supplied by OZAH that contains the case number and a phone number to call for information. The sign must be posted continuously throughout the case.
4. OZAH sends notice of the hearing to all confronting and abutting property owners and others, as described in Zoning Ordinance §59.7.5.E.2, and posts the application on its website. This hearing notice is the only formal notice, and it is up to each individual to follow up.

## **TECHNICAL STAFF REVIEW**

1. A zoning analyst in the Planning Department is assigned to the case as Technical Staff. The Technical Staff Report includes a recommendation about whether the application satisfies the *Zoning Ordinance* requirements.
2. The zoning analyst puts together the other elements of the Technical Staff Report, which are memoranda on the application from the appropriate Area Planning Division addressing the applicable master plan provisions, transportation, and environmental impacts.
3. All comments and letters from individuals and associations received in a timely manner by the zoning analyst are attached to the Technical Staff Report.

## **PLANNING BOARD PUBLIC HEARING**

1. The Technical Staff Report appears on the Planning Board website, [http://www.montgomeryplanningboard.org/meetings\\_archive/](http://www.montgomeryplanningboard.org/meetings_archive/), approximately 10 days before the Planning Board's public hearing on the case.
2. The Planning Board holds a public hearing on the case; this is usually on a Thursday during the day.
3. The Planning Board public hearing is a timed hearing that takes place in the following order:
  - a. The zoning analyst explains the Technical Staff Report.
  - b. The applicant has 15 minutes to present the applicant's case and may reserve time for rebuttal after community representatives speak.
  - c. Government officials have 7 minutes.
  - d. Citizens associations have 10 minutes. Each abutting neighbor has 5 minutes. Any other individual has 3 minutes.
  - e. After the presentations, the Planning Board may ask questions, and then the members of the Board discuss the application and vote on a recommendation for approval or denial.
4. The Planning Board's written recommendation and the Technical Staff Report are forwarded to the Office of Zoning and Administrative Hearings. These documents, and only these documents, are automatically included in the Hearing Examiner's record.

## **PUBLIC HEARING BY OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS**

1. The Office of Zoning and Administrative Hearings assigns a Hearing Examiner to conduct the second required public hearing on the application.
2. The Hearing Examiner's public hearing has no time limits; witnesses are sworn in, there is cross-examination after each witness testifies, and a complete transcript is made. The hearing takes place in the following order:
  - a. The applicant puts on the applicant's case through testimony and exhibits.
  - b. Any government witnesses, such as members of the Planning staff, may testify.
  - c. Any other parties, whether in support or in opposition, then present their case through testimony and exhibits.
  - d. The applicant has the right to present rebuttal testimony and exhibits.
  - e. The record includes hearing testimony and all exhibits admitted by the Hearing Examiner. Testimony and exhibits submitted to the Planning Board are not part of the record or considered by the Hearing Examiner and the County Council unless they are submitted before or during the Hearing Examiner's hearing; however, the Technical Staff Report and the Planning Board's recommendation letter are part of the record.
3. After the close of the record, the Hearing Examiner has 45 days, unless extended, to submit to the County Council a report with a recommendation to approve or deny the application. Under unique circumstances, the Hearing Examiner may recommend that the Council remand the case back to the Hearing Examiner for the submission of additional information.

## **COUNTY COUNCIL DECISION**

1. No one may talk to a member of the County Council about a requested Local Map Amendment rezoning outside of a public session.
2. Any party of record may request oral argument in front of the County Council to argue against or for the Hearing Examiner's recommendation. The Council may grant or deny oral argument in its discretion. The Council may ask for oral argument in the absence of a request for argument.
3. The Council discusses the Hearing Examiner's Report and the case during a public session and votes on whether to grant the rezoning, deny it, or remand it to seek additional information from the Hearing Examiner.
4. Any party may ask the Council to reconsider its decision or appeal the case to the Circuit Court of Montgomery County within 30 days after the Council's written resolution in the case.

Rezoning case files may be reviewed in the Office of Zoning and Administrative Hearings (OZAH), 100 Maryland Avenue, Suite 200, Rockville, MD 20850. OZAH may also be reached at (240) 777-6660 or by e-mail at [ozah@montgomerycountymd.gov](mailto:ozah@montgomerycountymd.gov).

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100 Maryland Avenue, 2<sup>nd</sup> Floor, Rockville, Maryland 20850

