



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 1
11/13/03

DATE: November 7, 2003
TO: Montgomery County Planning Board
VIA: Carlton Gilbert, Zoning Supervisor *CG*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To amend the Zoning Ordinance to eliminate authority of the District Council to decide a cemetery and family burial site special exception.

TEXT AMENDMENT: No. 03-25
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Floreen
INTRODUCED DATE: October 14, 2003

PLANNING BOARD REVIEW: November 13, 2003
PUBLIC HEARING: November 18, 2003; 1:30pm

STAFF RECOMMENDATION: APPROVAL

PURPOSE OF THE TEXT AMENDMENT

To amend the Zoning Ordinance to eliminate authority of the District Council to decide a cemetery and family burial site special exception.

BACKGROUND/ANALYSIS

The grant of a special exception for a cemetery and family burial site is the responsibility of the District Council and not the Board of Appeals. It is the only remaining special exception that the District Council decides. ZTA 03-25 would assign the responsibility for deciding a cemetery special exception to the Board of Appeals. The grant of a special exception for a cemetery was once associated with the issuance of a permit which was the responsibility of the Council. This is no longer the case. The Screening Committee in reviewing the proposed ZTA did not see any particular reason that the District Council should continue to review cemetery special exception applications.

The proposed text amendment language is as follows:

59-G-1.13. [District Council.] Reserve.

[The District Council has the sole authority to decide the following special exceptions, subject to relevant provisions of Section 59-G-1.2, Section 59-G-1.3, and Division 59-G-2.

Cemeteries and Family Burial Sites.

The Hearing Examiner may issue written reports and recommended findings, decisions, orders, and recommend conditions of approval to the District Council on applications for these special exceptions.]

Staff has no objection to the elimination of County Council review of special exceptions for cemeteries and family burial sites since the use will continue to be reviewed under the standards and conditions of Article 59-G of the Zoning Ordinance. Further, the proposed requirement for review by the Board of Appeals is consistent with the review procedures for all other special exceptions in the county.

RECOMMENDATION

The staff recommends approval of the proposed text amendment to amend the Zoning Ordinance to eliminate authority of the District Council to decide a cemetery and family burial site special exception.

Attachment 1 depicts the proposed text amendment as submitted.

GR

Attachments

1. Proposed Text Amendment 03-25 as submitted.

ATTACHMENT 1

Zoning Text Amendment No: 03-25
Concerning: Cemetery and Family Burial
Site – Special Exception Authority
Draft No. & Date: 1 – 9/15/03
Introduced: October 14, 2003
Public Hearing: 11/18/03 – 1:30 p.m.
Adopted:
Effective:
Ordinance No:

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: Councilmember Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- eliminating authority of the District Council to decide a cemetery and family burial site special exception.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-G-1 “SPECIAL EXCEPTIONS--AUTHORITY AND PROCEDURE”
Section 59-G-1.13 “District Council”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

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

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

Double underlining indicates text that is added to the text amendment by amendment.

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

**** indicates existing law unaffected by the text 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:

1 **Sec. 1. Division 59-G-1 is amended as follows:**

2 **DIVISION 59-G-1. SPECIAL EXCEPTIONS—AUTHORITY AND**
3 **PROCEDURE.**

4 **59-G-1.1. Authority to hear and decide petitions.**

5 * * *

6 **59-G-1.13. [District Council.] Reserve.**

7 [The District Council has the sole authority to decide the following special
8 exceptions, subject to relevant provisions of Section 59-G-1.2, Section 59-G-1.3,
9 and Division 59-G-2.

10 Cemeteries and Family Burial Sites.

11 The Hearing Examiner may issue written reports and recommended findings,
12 decisions, orders, and recommend conditions of approval to the District Council on
13 applications for these special exceptions.]

14
15 **Sec. 2 Effective date.** This ordinance becomes effective 20 days after the
16 date of Council adoption.

17
18 This is a correct copy of Council action.

19
20
21
22 _____
23 Mary A. Edgar, CMC

24 Clerk of the Council