

ZONING MAP OR TEXT AMENDMENT PROCEDURES

BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND

Preamble

It is the intent of the Board of County Commissioners of Washington County, Maryland (the *Board*) that consideration of proposed amendments to the Zoning Map or the Zoning Ordinance for Washington County, Maryland proceed in a manner that allows those in favor of and opposed to said proposed amendments to understand the issues, voice their concerns, and receive our consideration. Accordingly, these Procedures are meant to provide for a complete presentation of the proposed amendment and grounds therefore by the applicant in the applicant's initial filing, and to allow the public and the applicant ample time to introduce evidence, testimony, and argument into the record of the proceeding.

Procedures Governing Applications for Zoning Map or Text Amendments

(1) Applications

Any application for zoning map or zoning ordinance text amendment shall be filed pursuant to Section 27.1 of the Zoning Ordinance for Washington County, Maryland (the *Zoning Ordinance*). An application shall address all factors required to be addressed by that section, and shall be sufficiently complete and detailed to support a *prima facie* case for the rezoning or text amendment and to allow for preparation of a comprehensive staff report.

When any correspondence relating to the application, including other agency comment, is received, it shall be date stamped and placed in the official file. The file shall become part of the agency record of the application.

(2) Staff Reports

Planning Department staff shall prepare a report analyzing the requested map or text amendment. The report shall be based upon the application, material submitted by the applicant in support thereof, government data, and policies maintained by the Department, including the Comprehensive Plan. The report shall address each applicable factor required to be considered by the Zoning Ordinance. The report shall be finalized and filed with the record at least seven (7) days prior to the hearing before the Planning Commission and a copy shall be sent to the applicant.

(3) Planning Commission Hearing and Recommendation

The Planning Commission shall schedule and hold a hearing on the application. Notice of the time and place of the public hearing, along with a summary of the proposed amendment, shall be published in at least one (1) newspaper of general circulation in the jurisdiction once each week for two (2) successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing. Notice of the hearing shall also be posted on the County's website. The applicant shall post notice of the hearing at the property at least 14 days prior to the date of the hearing.

The hearing shall be an informal administrative proceeding and strict rules of evidence shall not apply. Minutes of the hearing shall be kept and included in the agency record. Following the hearing, the Planning Commission shall make a recommendation to the Board concerning the proposed amendment; said recommendation shall be submitted prior to the Board's hearing on the proposed application.

(4) Hearing before the Board; Decision

The Board shall schedule and hold a hearing on the application. Notice of the time and place of the public hearing, along with a summary of the proposed amendment, shall be published in at least one (1) newspaper of general circulation in the jurisdiction once each week for two (2) successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing. Notice of the hearing shall also be posted on the County's website. The applicant shall post notice of the hearing at the property at least 14 days prior to the date of the hearing.

The hearing before the Board is *quasi-judicial* in nature and shall be recorded. At the commencement of the hearing, the official file shall be introduced and accepted into the record of the proceeding, unless objections are made to portions thereof. Any person testifying at the hearing shall take an oath, administered by the presiding official. The presiding official shall be a County Attorney, Deputy County Attorney, or Assistant County Attorney and shall rule on all evidentiary and procedural objections.

The applicant shall have 15 minutes to present its application. Thereafter, those wishing to testify in favor of or against the application may do so. Individuals will be given three minutes to testify, and a spokesman or legal counsel for a group of individuals will be allowed five minutes to testify. The applicant shall have five minutes for rebuttal. Any time limit may be waived in the sole and absolute discretion of the Board or the presiding official. Cross-examination will be allowed if requested and

required by law. The record of the application proceeding shall close at the conclusion of the hearing, and no further comment, testimony, or evidence will be considered, unless the Board directs that the record remain open regarding a limited issue. Should the record remain open regarding a limited issue, the hearing shall be continued to a subsequent date and time as announced by the Board. The scope of the continued hearing shall be limited solely to the issue to be addressed. Once the record is closed, further public comment will be neither allowed nor entertained.

The Board will issue its decision in writing. The basis for the Board's action and the material facts found by the Board will be set forth in the decision and shall constitute a part of the record. The decision may, in the discretion of the Board, also contain conditions and safeguards relating to the amendment, save for any condition that would limit permissible uses of the property in contravention of the uses presented in that zoning district.


These Procedures are adopted this 8th day of January, 2008.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

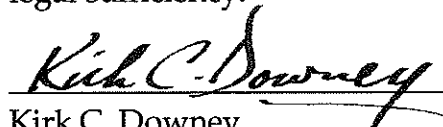


Joni L. Bittner, Clerk

BY  (SEAL)

John F. Barr, President

Approved as to form and
legal sufficiency:



Kirk C. Downey
Assistant County Attorney