

to provide for a Hearing Examiner OR BOARD for Montgomery County, delegation of powers of the County Council to said Hearing Examiner OR BOARD, term of office, salary, qualifications, and duties.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 70-89(a) and (c) of the Code of Public Local Laws of Montgomery County (1965 Edition, being Article 16 of the Code of Public Local Laws of Maryland), title "Montgomery County," subtitle "Maryland-National Capital Park, etc.," subheading "Amendments to Zoning Regulations—Generally," and Sections 59-83(a) and (c) of the Code of Public Laws of Prince George's County (1963 Edition, being Article 17 of the Code of Public Local Laws of Maryland), title "Prince George's County," subtitle "Park and Planning Commission," be and they are hereby repealed and re-enacted, with amendments; and that new Section 70-89(f) be and it is hereby added to the said Montgomery County Code, to follow immediately after Section 70-89(e) thereof; and new Section 59-83(f) be and it is hereby added to the said Prince George's County Code, to follow immediately after Section 59-83(e) thereof, and all to read as follows:

70-89. (59-83.)

(a) Each district council may from time to time amend its regulations or any regulation, including the maps or any map. No such amendment shall be passed until it first be submitted, at least thirty-five (35) days prior to the hearing required by subsection (c) hereof, to the commission for approval, disapproval or suggestions; the commission's recommendations shall be submitted to the district council at least five (5) days prior to the public hearing held by such district council *or in Montgomery County, a Hearing Examiner OR BOARD as herein provided,* on such amendment; if the commission shall fail to submit its recommendation within the aforementioned time, it and its staff shall be deemed to have approved such amendment. With the commission's resolution transmitting its recommendations with respect to applications for zoning amendments under this section, there shall be transmitted a copy of the report of the commission's technical staff thereon. In Montgomery County, in all applications which seek a classification other than that which is attached to the subject properties on a detailed watershed or planning area Master Plan, approved by the district council, under the provisions of Section 70-74(e) of this Code, such applications shall be granted only by the affirmative vote of five members of the district council; provided, however, that in the event such application for reclassification is recommended for approval by the commission or in the event such application is for a zoning classification created after the approval of such master plan by the council, then an affirmative vote of four members of the district council shall be required to grant such application or applications. In all other cases, an application shall not be granted except by affirmative vote of at least four members of the district council. Similarly, in the original zoning regulations enacted by the district councils, there shall be no change in or departure from the plan submitted by the commission until and unless the change or departure shall first be submitted to the commission for its approval, disapproval or suggestions; and the commission shall have been allowed a reasonable time, not more than three (3) months, for consideration and report.