

# Development Review

---

Presentation to the GSSC IAC  
by the M-NCPPC Staff

# Regulatory Processes in the Planning Department

---

- Natural Resource Inventory/Forest Stand Delineation
- Zoning (Development Plan)
- Special Exception
- Pre-Preliminary Plan
- Preliminary Plan
- Forest Conservation Plan
- Water Quality Plan (limited aspects)
- Project Plan
- Sketch Plan
- Site Plan

# Non-Regulatory Processes in the Planning Department

---

- Mandatory Referrals

## REVIEW AND APPROVAL PROCESSES

- Pre-submission meeting
  - Required with citizens (all plans except pre-application plans)
  - Optional with staff for any plan type
- Application, including sign posting and notice to citizens of application filed
  - Posting not required for pre-application plans
- Development Review Committee Review
- Meetings with Applicant and/or Citizens
  - optional for pre-application plans
- Preparation of staff report with agency recommendations /approvals
  - Applicant must request a hearing for pre-application plans
- Art Review Panel Review (project plans only; optional for sketch plans)
- Planning Board Hearing, including notice to citizens of hearing scheduled
  - Optional for pre-application plans
- Planning Board Resolution
- Plan Certification
- Record Plat, as applicable

## **Lead Reviewer Protocol & Responsibilities**

**Review and Preparation of DRC Comments**

**Pre-DRC and DRC**

**Staff and Agency Meetings**

**Community Meetings**

**Staff Reports**

**Planning Board Presentations**

**Resolutions**

**Certified Site Plan**

# Review Tools

- Chapter 50 – Subdivision Regulations and Chapter 59 – Zoning Ordinance ([www.amlegal.com](http://www.amlegal.com))
- Chapter 22A – Forest Conservation Law and Regs
- Subdivision Staging Policy (APFO)
- Zoning map books (info counter)
- Tax map book (info counter)
- Property deeds ([www.mdlandrec.net](http://www.mdlandrec.net) )
- Master Plans ([www.montgomeryplanning.org](http://www.montgomeryplanning.org))
- Development Review Procedures Manual ([www.montgomeryplanning.org](http://www.montgomeryplanning.org))

# Preliminary Plan Submittal Requirements

- Detailed preliminary plan drawing
  - ▣ Lots
  - ▣ Roads, driveways, sidewalks and trails
    - Rights-of-way and design standards
  - ▣ Well/public water and septic/public sewer
  - ▣ Existing/proposed site grades and limits of disturbance
  - ▣ Utilities/utility easements
  - ▣ Environmental Features (NRI/FSD)
  - ▣ Data Table (zoning standards, existing/proposed development, etc.)

# Submittal Requirements (cont'd)

- Supporting drawings
  - Approved NRI/FSD
  - Stormwater Mgmt. Concept (with Water Quality Plan if applicable)
  - Storm drainage plan and analysis
  - Preliminary Forest Conservation Plan
  - Road Grade Plans



# Submittal Requirements (cont'd)

- Written justification and waiver requests
- Traffic Statement/Study
- Sight Distance Evaluation Form(s)
- Staging Schedule (if applicable)
- Noise study (if applicable)
- Resubdivision Neighborhood Drawing and Data Table (if applicable)

# Items included in the review

- Lot and block design (including resubdivision criteria, as applicable)
- Required public improvements
  - Roads (rights-of-way, design standards, public vs. private, rustic roads requirements)
  - Pedestrian/bicycle paths
  - Storm drainage (as determined by DOT)
  - Water/sewer extensions (as determined by WSSC)
  - Private wells/septic (as determined by DPS)
  - Stormwater management (as determined by DPS)

# Items included in the review

- Public sites and adequate open spaces (may include land dedication or reservation)
- Controls for environmentally sensitive areas (environmental buffers, conservation easements, floodplain setbacks, noise mitigation, etc.)
- Conformance with applicable Master/Sector Plan
- Forest Conservation
- Water Quality Plans

# Items included in the review

- Adequate public facilities (APF)
  - Roads and transportation facilities
  - Schools
  - Fire and police stations
  - Hospitals and health care
  - Other public services and facilities

# Subdivision Review Findings

- *The Preliminary Plan substantially conforms to the master plan.*
  - The proposed subdivision complies with the recommendations adopted in the applicable Master Plan in that...
    - “...unless the Planning Board finds that events have occurred to render the plan no longer appropriate...”

# Findings (cont'd)

- *The size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision.*
  - Lots comply with requirements of zone (including MPDUs and TDRs)
  - Design and street frontage meet requirements. How?
  - Public sites and open/green space are adequate. How are they provided (dedicated or reserved for public; or private)?
  - Environmentally sensitive areas protected. Noise mitigation provided. How?

# Findings (cont'd)

*Public facilities will be adequate to support and service the area of the proposed subdivision.*

Roads and other transportation facilities

■ Proposed vehicle and pedestrian access for the subdivision will be safe and adequate. How? Are waivers to the design standards needed?

■ Plan meets the APF test (LATR/PAMR). How?

Other public facilities

■ Currently operating within standards set by Growth Policy

■ Fire access available

■ Passes the schools test (including level of payment(s) if needed)

# Findings (cont'd)

- *The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*
  - Meets applicable forest retention and/or replanting requirements. How?
  - Meets tree save requirements. Is a tree variance needed? Should it be granted?



# Findings (cont'd)

- *The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by MCDPS that the concept meets their standards.*
  - MCDPS approved the concept for the project, which includes...

# Findings (cont'd)

- *If resubdivision, the proposed lots are of the same character as to street frontage, alignment, size, shape, width, buildable area and suitability as other lots within the existing “neighborhood”.*
  - Define the neighborhood for comparison (block, neighborhood, subdivision)
  - Separate analysis of each of the seven criteria.

# Findings (cont'd)

- Citizen concerns have been adequately addressed. What were they? How?
- Use of cluster is justified (based on environment or compatibility). How?
- Specific waiver request(s) are justified. Why?
  - Street frontage
  - Road design (corner truncation, radii, intersections)
  - Any provision of Ch. 50
    - Unusual circumstances or practical difficulties that prevent compliance.
- Etc.

# POST-PLANNING BOARD APPROVAL PROCESS

## **Planning Board Resolution:**

- Subsequent to their action on a development application, the Planning Board approves a detailed resolution which documents findings and the conditions of approval. The date the resolution is mailed begins the validity period of the plan approval.

## **Certified Preliminary Plan:**

- The certified preliminary plan is the final approved document incorporating the proposed development. The certified preliminary plan is reviewed for consistency and compliance with the approved Planning Board resolution.

## **Certified Site Plan:**

- The certified site plan is the final approved document incorporating the site plan, landscape and lighting plan, detail elements of the site plan, and in many cases, the architectural elevations of the proposed development. The certified site plan is reviewed for consistency and compliance with the approved Planning Board resolution.

## **Record plat:**

- Whenever a subdivision or re-subdivision is approved by the Planning Board, or through the minor subdivision process, and before any contract of sale of or any offer to sell such a subdivision is made, or before any development or construction of any building takes place within a subdivision, a plat of the proposed subdivision must be filed with, and approved by the Planning Board and recorded in the county land records.

## **Building permit:**

- The Development Review Division is responsible for monitoring approval of all building permits sent to the agency by the Montgomery County Department of Permitting Services, the issuing agency. Prior to M-NCPPC sign-off on the permit, staff verifies that a record plat and certified site plan, if applicable, have been approved. Staff also verifies compliance with applicable conditions of approval associated with each and every approved preliminary and site plan. Building permits are routed to the inspectors to conduct field visits for verification of existing and proposed conditions.

## **Role of inspectors:**

- The role of the inspector is to enforce the Planning Board's conditions of approval, detailed elements of the site plan, and the conditions of the forest conservation plan. The inspectors are responsible for the monitoring of construction activity associated with site plans, preliminary plans and single lots that are not regulated by the development process. The inspectors are also the enforcement agents for the forest conservation law including, authorizing clearing and grading activities, monitoring limits of disturbance, and approving planting areas associated with approved plans.
- A key function of the enforcement staff is responding to complaints from the public and assessing whether violations have occurred as a result of development, or forest clearing activities. Civil citations can be issued by the inspectors for site plan and forest conservation violations.

# Plan Amendments

## When is an amendment to the plan required?

- A. In most cases, when a use or development standard is modified in a way that is inconsistent with the original approval, an amendment to the plan is required. For site plans, even minor changes require an amendment due to the detailed nature of the approval.

## Major Amendments

Major Amendments are significant changes by the applicant such as a re-design of the building and parking layout, change in use that requires different findings or additions to the plan. Major amendments are approved by the Planning Board.

## Minor Amendments

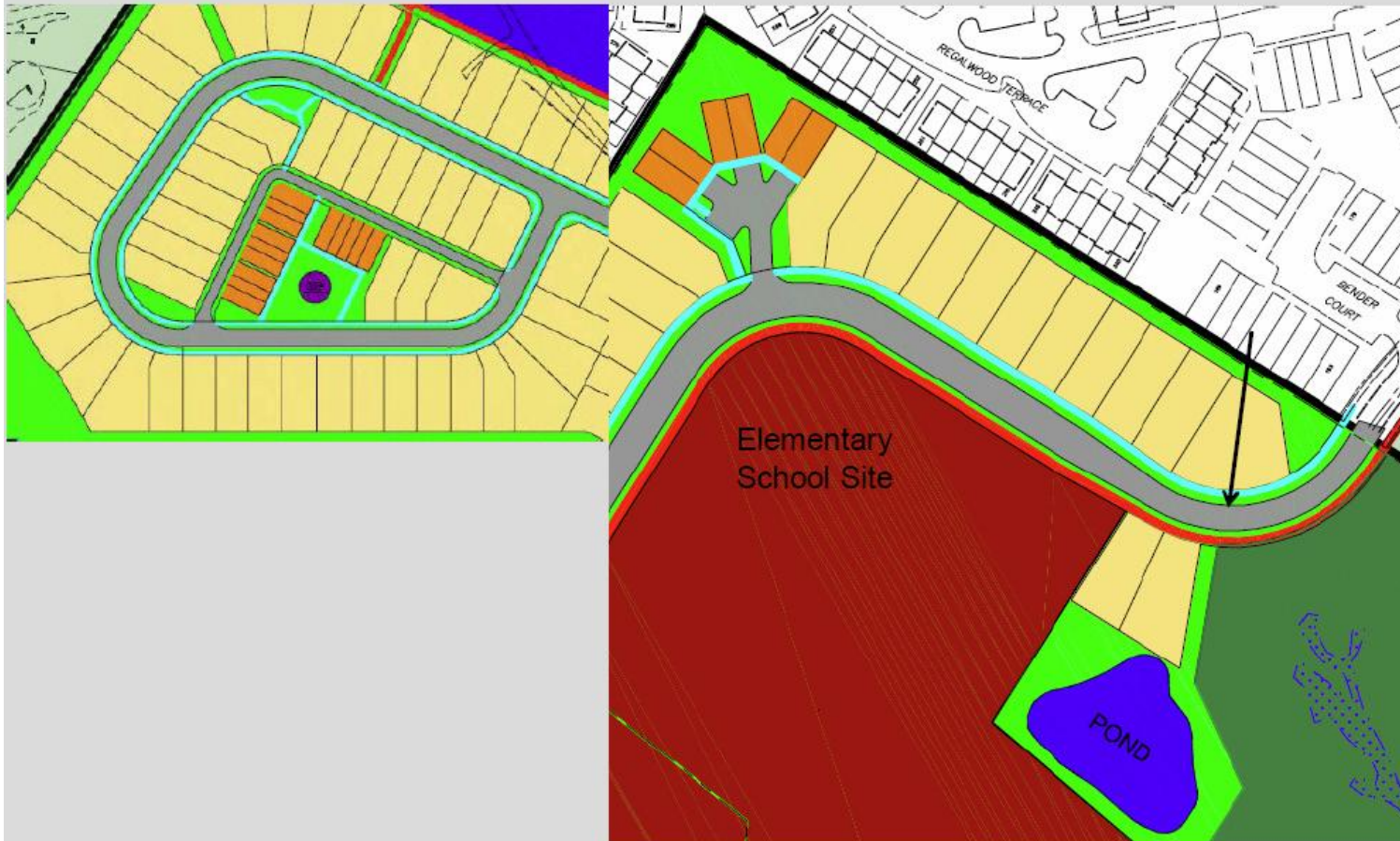
Minor amendments are modifications to the Plan that maintain the original intent but need to be processed or updated to clarify the change. Changes to approved Project and Preliminary Plans can be processed as a minor amendment but must be presented to the Planning Board for their approval. Amendments to Site Plans can be modified administratively or approved by the Director unless the modifications warrant an approval by the Board.

# Multiple criteria





## Waivers of 50-29(a)(2), 50-30(c)(1), 50-26(d)





## Frequently Asked Questions

### **Why do I have to go through Subdivision?**

- A. In most cases, land must be recorded in order to obtain a building permit. Subdivision approval is required before a record plat may be recorded. Subdivision may also facilitate a property owner achieving a higher use/value from their property.

### **Why do I have to go through Site Plan?**

- A. Site Plans are a function of the zone where the property is located. Not every development goes through site plan.

### **When is a project plan required?**

- A. Project Plans are required for optional method developments in the CBD zones and the RMX, MXTC and TOMX zones.

### **Can the processes be reviewed and processed simultaneously.**

- A. Yes. Typically, a project plan and preliminary plan are submitted and reviewed concurrently since the master plan findings are similar. Site and Preliminary plans can also run concurrently and is encouraged for properties where a project plan or zoning case has been processed.

### **What is APF? What is a validity period?**

- A. Adequate public facilities. Subdivisions are required to establish APF such as school capacity, water/sewer capacity, roads and infrastructure, fire/rescue, utilities. A validity period is established from the date of the resolution for the plan approval and is typically 5 years from that date. APF can also be established with Site Plan where no subdivision is required or at building permit if no subdivision or site plan is required.

### **How long does the process take?**

- A. A project could take as little as 4-6 months to get approval from the Planning Board and much longer depending on the issues related to the review of the application. It all depends on the issues, responses and action from other agencies and turnaround from the applicant. Record plats take approximately 3-6 months after the plan approval.

### **How are the Master Plans applied to the review of the plans?**

- A. Project Plans and Preliminary Plans are required to find conformance with the Master or Sector Plans. Site Plans, with the exception of some of the newer zones such as CR and TMX do not require compliance or conformance with a Master Plan; however, the site plans over the last few years have integrated Master Plan compliance into the staff report.