



## **SUBDIVISION REGULATION WAIVER REQUEST SUBMISSION REQUIREMENTS**

The following material describes the checklist information required to complete subdivision regulation waiver request application. The checklist must be filled out and signed by the applicant's engineer/surveyor certifying that the application and checklist are complete and ready for processing. Processing of an accepted application shall follow the adopted ***Manual of Development Review Procedures for Montgomery County, Maryland***. Copies of the manual are available at the MNCPPC Information Counter at 8787 Georgia Avenue, Silver Spring, MD and on the web at [www.montgomeryplanning.org](http://www.montgomeryplanning.org).

The major items required with a **subdivision regulation waiver request application** include the following:

1. a complete application form and checklist;
2. fee schedule and worksheet with the appropriate application fee;
3. a notice list;
4. written notice for the requested waiver
5. the plan drawing;
6. a PDF image of proposed plan.

**Any supplemental application information submitted to the M-NCPPC Development Applications and Regulatory Coordination (DARC) Division for a pending application** must be accompanied with a transmittal memo or cover sheet identifying what is being submitted and why. The memo or cover sheet must refer to the M-NCPPC file number. In addition, all revised plans and drawings must show the revision date as part of the title information.

### **ITEMS TO BE SUBMITTED WITH A SUBDIVISION REGULATION WAIVER REQUEST**

The following items must be submitted as part of a Subdivision Regulation Waiver Request plan application in the number of copies specified on the latest version of the Subdivision Regulation Waiver Request Checklist included in the application form. The form can be downloaded at [www.montgomeryplanning.org](http://www.montgomeryplanning.org).

#### **1. GENERAL INFORMATION**

##### **1.1 Complete Application Form**

The application form must be submitted with all required information provided on the form. The application must be signed by the applicant, and the engineer or surveyor who prepared the plan and supporting information. The applicant may be either the owner of the property; the owner's appointed representative; or the contract purchaser of the property. Written verification is required for anyone other than the property owner. One copy of the submitted application form must contain an original signature.

#### **REVISIONS TO APPLICATIONS**

A revision to a pending application (not yet approved by the Planning Board) requires resubmission of the **subdivision regulation waiver request** application form (check revision box) if it involves a change in the acreage; number of lots or units; type of use or units proposed; a change in ownership, applicant or engineer; or method of development proposed. Complete the form as required for any new application submission and pay appropriate fee.

## 1.2 Complete fee schedule and worksheet

The applicant is required to calculate the application filing fees using the Fee Schedule on the worksheet. Submit the appropriate fee payment and worksheet with the application.

## 1.3 Notice List

The applicant must submit a copy of a notice list containing the names and addresses of all persons required to receive notice of the application per Section 4.A. of the **Manual of Development Review Procedures**. The notice list must be submitted as part of the application to the Development Review Division on two sets of printer labels and one paper copy of the labels. In the event an application is pending for more than one year, the applicant must submit an updated notice list and labels prior to plan being scheduled for Planning Board consideration.

## 1.4 Statement of Justification

The Applicant must submit with each application, a written statement listing the facts and reasons that, according to the Applicant, would support Planning Board approval of the application. This Statement of Justification must address each major finding required under Chapter 50 of the Montgomery County Code, the Subdivision Regulations. The list of these findings is included on the Statement of Justification example attached to these instructions and also found at [www.montgomeryplanning.org](http://www.montgomeryplanning.org).

If an application includes a request for any waiver of any law or regulation, the statement of justification must detail the facts and legal basis that support the granting of the requested waiver. The application form asks the applicant to identify any waivers of zoning, subdivision and/or road codes requirements that are necessary for the plan to be approved as proposed. The statement of justification must specifically identify the section number(s) for the applicable standards/regulations to be waived with justification for the request.

If a waiver is requested for environmental reasons, the applicant should refer to the approved Planning Board's guidelines for the Environmental Management of Development in Montgomery County, Maryland. If the waiver involves the approval of a variance of a zoning standard by the County Board of Appeals, M-NCPPC will not process the application until the Board of Appeals acts on the appeal.

## 2. PLAN DRAWING INFORMATION

The applicant must submit copies of the plan drawing for distribution to the various public agencies. **The copies must be folded "accordion" style to a maximum size of 9" by 14"**.

The following information must be included on the drawing; depending upon the waiver request some items may not be necessary or can be provided as concept plans:

### 2.1 Scaled Drawing with North Arrow

A scaled drawing at a scale of 1" = 100' or larger (minimum size 18" x 24", maximum size of 36" x 48") is required. If more than one sheet is necessary to show the entire property, a composite plan at a smaller scale (not less than 1" = 400') must also be submitted. The sheets must be folded so that the section numbers and composite drawing are clearly visible without unfolding the drawing. All drawings shall be oriented with north to the top of page to the extent possible.

2.2 Title Information

The title information includes the name of the plan, scale, north arrow, revision block to identify plan revision dates, the identity of the engineer/surveyor (including address and telephone number) and the applicant's name. The WSSC and the tax map grid numbers should be included in the title block.

2.3 Vicinity Location Map

The vicinity location map must be at a scale no smaller than 1" = 2,000' and must have a north arrow. The vicinity map should identify, for reference, the nearest major road(s) and intersections, proposed master plan roads, nearby local streets and major features such as schools, libraries, shopping centers, etc. that are located near the property.

2.4 Certificate of Registered Engineer/Surveyor

The plan drawing must contain the certification of a registered professional engineer or registered land surveyor as to the source and accuracy of all boundary lines, topographic data, and other engineering or survey information as appropriate. **One copy of the plan drawing with an original signature and certification from the engineer/surveyor must be submitted.**

2.5 Plan Notes

Plan notes including the zoning, size of the plan property, schedule of required/provided zoning standards, types and amounts of uses proposed, density calculations showing total number of units (existing and proposed), number of MPDUs or affordable housing, calculations for TDR units and number of parking spaces must be provided in a tabular format on the plan drawing.

In addition to the above, the plan notes must also identify the watershed that the site is located in; show the acreage and percentage of site that is classified as being environmentally sensitive, including floodplain, wetlands, Special Protection Areas and impervious calculations. Identify any special taxing district or municipality, if applicable; and identify the public utility companies that will provide utility services for the proposed development.

2.6 Location, Names and Other Plan Information for Adjacent Subdivisions

The plan drawing must show and identify adjacent subdivisions including lot, block and record plat numbers for immediately adjoining subdivided land and parcel numbers for adjoining unsubdivided land. The plan must also show all existing structures within 100' on adjoining properties and within 300' on adjoining properties with road frontages.

## 2.7 Location and Plan Information for Existing and Proposed Streets

The plan must show existing dedicated streets with proper street names. It must also show proposed street dedications based on centerline of construction and opposite side of the right-of-way, paving widths, storm drains, driveways adjacent to and opposite the site, sidewalks, bikeways, existing and proposed utilities, and any easements. For proposed public streets, the proposed MCDPW&T street standards and cross-sections must be included on the plan. (If the plan is adjacent to a pending CIP Facility Planning Study or Project, the applicant must coordinate with the Division of Capital Development within MCDPW&T.)

The following information for streets must also be shown on the plan drawing:

- a. The proposed access points to the subdivision. If the applicant proposes a new street, it must be clearly designated as either public or private
- b. For proposed reduced width tertiary streets, the plan drawing must be initially prepared and submitted showing a standard width tertiary street. (to evaluate the impact on the environment)
- c. The centerline spacing from any proposed street to the nearest existing public streets
- d. Centerline alignment data (stationing, point of curves, point of tangents, curve data, etc.) for all internal public streets. For all major, arterial and/or primary classification roadways planned within a subdivision, identify the design speed satisfied by the proposed horizontal alignment
- e. The location of proposed sidewalks, bikeways, streetlights and street trees. Street trees planted within the public right-of-way, must meet MCDPW&T standards for species and locations
- f. Any waivers to the above standard must be included in submission

## 2.8 Boundary Outline of Property

The boundary outline of the property must be surveyed and have bearings referenced to the Maryland Coordinate System, except as otherwise permitted in Section 50-34(d)(5) of the Subdivision Regulations.

## 2.9 Existing and Proposed Utilities

Show all existing and proposed utilities on the plan drawing with necessary public utility easements (PUE). PUEs must be located parallel to and contiguous with all public and private streets or other appropriate accommodations in urban locations. PUEs need to be graded at side slopes no greater than 4:1. In accordance with MCDPW&T requirements, no PUEs should be located behind any necessary guardrail easements. (Any utilities that are to be relocated must be indicated on the plan; justification must be provided if the relocation does not conform to the policy of the governing agency.)

## 2.10 Conceptual Sewer and Water Plan

Proposed sewer and water lines that would serve the proposed subdivision must be shown on the drawing in accordance with the WSSC Water and Sewer System Conceptual Design Guidelines. The plan must identify existing water and sewer service categories for the subject property and any pending water or sewer service category changes. Plans utilizing community water and sewer must be in category W-1, W-3, W-4 or conditional W-5, and S-1, S-3, S-4 or conditional S-5, respectively prior to Planning Board consideration.

Sites with conditional category change approvals requiring the granting of zoning changes, special exceptions or other actions not dependent on the Planning Board should receive final approval of those category changes from MCDPS prior to the submission of a plan application. The applicant should coordinate with staff of MCDEP's Water Resources Management Division to determine if the final approval of any WSSC CIP projects have been granted. Subdivision or other development issues affecting sites requiring service area category changes should be submitted to M-NCPPC as pre-application submission prior to final action on a category change request.

2.11 Existing Zoning

The existing zoning for a property under application must be shown in the plan notes. For a property that is split zoned (more than one zoning classification), the zoning boundary line must be shown on the drawing with the zones clearly identified.

2.12 Proposed Lot, Block and Street (and Other Right-of-Way Layout)

The proposed lot and block layout, with each lot numbered, must be shown with street and other dedications identified including sites for public uses, rights-of-way and easements. Rustic road must be clearly identified on the plan in accordance with the rustic roads law. The applicant must also arrange for the centerline of any proposed intersections with rustic roads to be marked and the corner staked for sight distance evaluation, in accordance with MCDPW&T regulations. Any proposed reduced truncations must include a justification statement.

2.13 For Sites Other than Single-Family Dwellings, Identify Uses Proposed with Building Envelopes, Interior Roads and Access Points Shown for Each Lot

For projects that propose multi-family residential, commercial, industrial or institutional uses, such uses must be clearly identified with proposed building envelopes, interior roads and access points shown. In addition, the dimensions and gross floor area of proposed buildings, proposed building heights and the area of each lot must be clearly shown on the drawing. In accordance with MCDPW&T requirements, the drawing must show the location of proposed trash dumpsters and loading spaces located in the off-street parking areas. For plans that require site plan review (59-D-3), proposed building envelopes, dimensions, gross floor area, and height do not need to be shown on the plan. However, staff may request the information on a case by case basis.

2.14 Existing/Proposed Wells and Septic Areas Both On-site and Within 100' of the Property

Plans with lots in areas where individual wells and septic systems are to be installed must show the following information:

- a. The proposed location of water wells for each lot. Where there are existing wells on the property or on adjoining lots within 100 feet, they must also be shown. A circular area with a radius of 100 feet around each existing and proposed well must be shown to denote clear space in which no final sewage system is to be located.
- b. The "usable area" for sewage disposal must be situated beyond the 100-foot radius, down grade from any proposed house location and must be entirely in virgin soil. Any existing sewage disposal systems on the property or on adjoining lots with 100 feet must also be shown.

All proposed wells and septic systems must be located outside of proposed street rights-of-way and related slope easements.

2.15 Areas of Stormwater Management, Open Space, Recreation, Forest Conservation, Trails and Sidewalks (on site)

The plan drawing must show all stormwater management, open space, recreation, and forest conservation areas, in addition to trails and sidewalks. Clearly identify any Homeowner Association (HOA) parcels on the plan drawing. Proposed forest conservation areas should include both retention areas and proposed forest planting areas. Forest conservation areas must not extend into any PUEs. The location of stormwater management facilities should include the location of required maintenance access.

2.16 Existing Topography

The plan drawing must show the existing topography with contour intervals no greater than 5 feet.

2.17 Conceptual Grading/Limits of Disturbance

The plan drawing must show the conceptual grading and limits of disturbance on the plan drawing.

2.18 Staging Schedule

For multiple staged projects, the plan must include a staging schedule for recording the record plats and a construction schedule indicating those portions of the plan for which plats and building permits will be sought and obtained during each successive stage.

2.19 Special Requirements for Cluster , MPDU and Workforce Housing Plans

For plans submitted under the cluster, MPDU, or Workforce Housing methods of development, the following information must also be submitted:

- a. The designation of areas proposed for open space or recreational uses, including a statement indicating the ownership, method of maintenance and utilization of these areas.
- b. The location of proposed trails, sidewalks and other improvements in areas proposed for single-family detached or semi-detached units, unless a site plan will be submitted.
- c. A plan showing the sequential staging of construction or improvements in areas proposed for single-family detached or semi-detached units, unless a site plan will be submitted.
- d. The minimum setbacks proposed for a typical single-family detached lot, unless a site plan will be submitted.
- e. **The sign posted on the development site must inform the public if the plan is for cluster development.**
- f. **MPDU/Workforce Housing locations must be shown on the plan.**
- g. **MPDU/Workforce Housing calculations must be shown on the plan.**

2.20 PDF Image of Plan Drawing

The applicant must submit a floppy disk or CD containing a PDF image of the proposed plan, approved NRI/FSD, and other previously approved Development or Project plans (if applicable) with the application.