



Manual of **Development Review Procedures**

Approved and Adopted, December 2007



THE MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

introduction

The Montgomery County Planning Board is charged by the County Council with guiding land use development to meet community goals. Through the development review process they determine whether a proposed development satisfies master plan recommendations, Zoning Ordinance requirements, Subdivision and Forest Conservation Regulations, and the standards of the Growth Policy and the Adequate Public Facilities Ordinance.

Each participant in this process — the applicant, the staff, and the Planning Board — must meet requirements that are designed to create a fair and open process of submittal, evaluation, and approval. Throughout this process, the public is able to evaluate the effects of a proposed development on their neighborhood and participate in its review and approval.

Zoning Ordinance

http://www.mc-mncppc.org/info/zoning_ordinance.shtm

Subdivision Regulations

<http://gis.montva.com/departments/plan/legal/sord/subtoc.html>

Forest Conservation Regulations

<http://www.mc-mncppc.org/environment/forest/>

Growth Policy

<http://www.mc-mncppc.org/development/agp/agphome.shtm>

Adequate Public Facilities Ordinance

<http://www.mcparkandplanning.org/development/agp/AboutAGP/apfo.PDF>

To ensure that development projects are reviewed completely and fairly, Planning Department staff worked with the County to codify the rules and standards for reviewing development applications. These procedures of law were approved by the County Council and adopted by the Planning Board in September 2007 as the Manual of Development Review Procedures for Montgomery County, Maryland.

This Manual of Development Review Procedures, available on line at www.MontgomeryPlanning.org, is also meant to:

- Establish a process that is clear, transparent, and understandable to residents, interested parties, applicants, and staff
- Clarify standards and procedures for submission of timely and relevant information by applicants
- Provide procedures for timely participation by public agencies reviewing applications
- Provide procedures for participation by interested parties, so that their views can be known by staff and the Board before the Planning Board makes a decision.

Readers should note that information in the sidebars has not been approved and adopted by the County Council and the Planning Board. It is intended to help the reader better understand the process and standards.

An abbreviated review of the development process is available in the brochure, How to Participate Effectively in Reviewing Development Applications, available online at <http://mcparkandplanning.org/development/index.shtm>

the development process

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section 1: purpose and applicability

The manual establishes administrative procedures to facilitate accurate, comprehensive and timely review of all plans submitted to the Montgomery County Planning Department, Development Review Division (DRD), under the Subdivision Regulations and Zoning Ordinance. These procedures are designed to provide accurate and complete information as a basis for staff and Planning Board decisions.

The Manual:

- i. Establishes a process that is clear, transparent, and understandable to residents, interested parties, applicants and staff;
- ii. Clarifies standards and procedures for submission of timely and relevant information by applicants;
- iii. Provides for timely participation by public agencies in the review of applications; and
- iv. Provides for participation by interested parties, so that their views can be known by staff and the Board before the Planning Board makes a decision.

1.A. Basic Planning Department Policies Concerning the Development Review Process

In reviewing applications, *the Planning Department staff* must:

- Appoint a lead reviewer to coordinate the review;
- Review applications carefully, fairly, and in a timely manner;
- Apply the applicable laws, regulations, and guidelines consistently;
- Work with all parties to present a recommendation to the Board that complies with the applicable standards of review;
- Cooperate with other agency staff, the applicant, and the public to seek a mutually satisfactory resolution when issues arise;
- Attempt to identify issues early in the process and strive to resolve them as early as possible;
- Collaborate with each other and other parties, actively seeking solutions that achieve the County's planning and community-building goals; and
- Carry out County and Planning Board policies, with special attention to:
 - o adopted Master Plan standards and guidelines for development;
 - o applicable land use, transportation, and environmental laws and regulations;
 - o growth policy;
 - o standards of professional responsibility; and
 - o promotion of design excellence.

Citizen Participation in the Development Review Process

- Find out what's proposed — call the phone number on the sign or the Planning Department at 301-495-4610.
- Find out about the development review process — determine the type of plan submitted, what issues will be addressed in the plan's review, and the most effective way to present your concerns.
- Coordinate with others — talk to your neighbors, your homeowners association, and your civic association to coordinate your responses.
- Voice your opinion — comment in a letter, by email, or in person at the Planning Board hearing.
- Address relevant issues — the development's effect on the neighborhood and adjacent properties, adequacy of public infrastructure, effect on traffic and circulation, and environmental impacts.

M-NCPPC and other agency staff who participate in the review of development applications must:

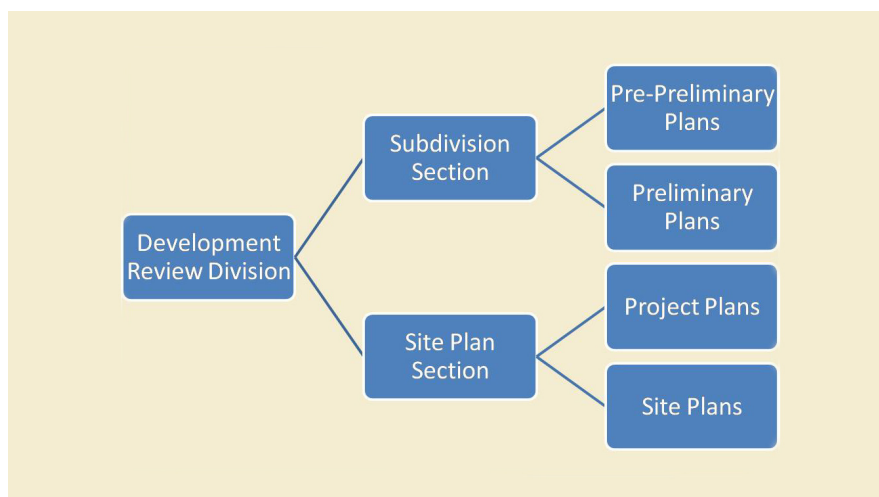
- Review applications carefully, fairly, and in a timely manner;
- Participate in Development Review Committee (DRC) and pre-DRC meetings, either in person or by transmitting written comments to the DRC chair;
- Make reasonable efforts to participate, when necessary, in supplemental meetings on specific cases; as requested by either the lead reviewer or the applicant;
- Work collaboratively to identify and seek mutually satisfactory resolutions, using the adopted lead-agency protocol for conflicting recommendations; and
- In the rare event that agency reviewers are unable to timely reach a mutually satisfactory recommendation on issues related to a development application, the agency recommendation that is contrary to the Planning staff's recommendation must be reported to the Planning Board.

Applicants must:

- Follow Planning Department and County policies, procedures, and regulations related to each proposed development project;
- Submit complete and accurate applications;
- Refer questions, issues, and all revisions concerning a filed application to the lead reviewer;
- Notify the lead reviewer promptly if there is a major change to a development project under review;
- Work with the staff and the public in a cooperative manner to seek a mutually satisfactory resolution when issues arise; and
- Select a development team, consultants, and representatives appropriate for the project.

section 2: overview of the requirements

This manual applies to all development applications submitted to the Subdivision and Site Plan Sections of the Development Review Division. These include: Pre-preliminary Plans, Project Plans, Preliminary Plans, Site Plans, Plan Amendments, Record Plats, and applications for Extensions and Subdivision Regulations Waivers. This manual prescribes the submission, notice, review, and approval procedures that must be followed for each application. The following is an overview of the requirements for each plan type.



2.A. Project, Pre-preliminary, Preliminary and Section 59-D-3 Site Plans

These applications must be submitted, noticed, and reviewed according to the standard procedures in sections 3, 4, and 5. Except for non-binding, Section 50-33 Pre-preliminary plans, action on these applications must be taken by the Planning Board after a Public Hearing. The requirements for Public Hearings are in section 6. Post-approval requirements are in section 7.

2.B. Plan Amendments

A plan amendment application must be filed in order to revise any approved plan or any finding, conclusion, or condition associated with the plan. Most amendments require action by the Planning Board. Certain project and site plan amendments may be acted upon by the Planning Director or staff.

(a) Determining What Type of Amendment to File

Before filing a plan amendment application, the applicant must contact the Supervisor of the Subdivision (preliminary plans) or Site Plan (project and site plans) Section in writing for a determination on which type of plan amendment the applicant must file.

(i) Amendments That Require Planning Board Action

These amendments may be filed in the form of a consent agenda item, a limited plan amendment, or a full plan amendment. Consent agenda items and limited plan amendments are subject to alternative submission and review procedures detailed in section 8. Full amendments must be submitted and reviewed according to the standard procedures in sections 3 and 5. Notice for any amendment requiring Planning Board action must satisfy section 4, and action must be taken under section 6.

(ii) Amendments That Do Not Require Planning Board Action

Chapter 59 of the County Code allows certain project and site plan amendments to be approved by the Planning Director or a designee. These amendment applications are subject to the alternative submission and review procedures in section 8.

(b) Determining the Need to File a Site Plan Amendment

An applicant may replace any structure on property covered by an approved Site Plan without prior approval if the replacement conforms to the specifications of the approved or Certified Site Plan. Any change or addition to any structure in the approved or Certified Site Plan requires

2.A.

The **Pre-preliminary Plan** is an optional submittal that is a conceptual plan to determine whether a site is suitable for development.

The **Preliminary Plan** is a required submittal with specific lot and street layouts that allows review of a development application in relation to its neighbors and for conformance with regulations.

Depending on the zone, an even more detailed **Project Plan** or **Site Plan** review may be required to ensure that a proposed development meets the zone's stated purposes and standards.

2.B.

Small and uncontested changes to approved plans can be approved by the Planning Director. Staff will determine items that don't change the intent of the Board's decision that can be handled without a public hearing.

The Planning Board approves site plans, which are then certified in a separate process.

CSPC

(Consumer Product Safety
Commission)

ASTM

(American Society for Testing and
Materials)

2.C.

A Record Plat is the formal recordation of land subdivision and contains all the agreements of public improvements that will be made on a piece of property. Once they are approved by the Planning Board and the Department of Permitting Services, a building permit can be issued.

a site plan amendment. A site plan amendment may be filed as a consent agenda item, a limited site plan amendment, a full site plan amendment, or a staff-level amendment.¹ Before filing an application for site plan amendment, the applicant must contact the Supervisor of the Site Plan Section to determine which type of site plan amendment to file.

(i) Playground Equipment Substitution

The following rules apply to the substitution of playground equipment² for a site that has already received Board approval.

- 1) Any request for a playground equipment substitution must be made by submitting a complete Recreational Equipment Substitution Request form, found at www.mc-mncppc.org/development.
- 2) The form may be filled out by the provider of the proposed playground equipment, but it must be accompanied by a cover letter from the developer of the project confirming that the current site plan applicant supports the proposed substitution.
- 3) The approved site plan must be reviewed to see if, in addition to naming specific brand and model numbers, the clause “or approved equal” was included. If the phrase “or approved equal” is expressly stated in the site plan, the substitution request need not be treated as an amendment, and no application fee is payable. Rather, staff must review the substitution request to determine if the proposed equipment is equal in capacity, features, age group served, and quality (including conformance with CPSC and ASTM³ safety standards.⁴ If staff does not render a decision as to whether the proposed substitution meets the “or approved equal” standard within 45 days, the substitution is automatically approved. After a decision has been reached, staff must reply, in writing, to the current site plan applicant. If the request is denied, the staff must specify, in writing, each reason for the denial. Staff must place a copy of the reply letter in the Site Plan file. A denial may be appealed to the Planning Board. If the phrase “or approved equal” is not expressly stated in the approved site plan, the developer must apply for an amendment along with the substitution request.

1 Only in accordance with section 59-D-2.6 and 59-D-3.7 of the County Code

2 Playground equipment includes benches, picnic tables, and trash receptacles.

3 If there is a conflict between CPSC and ASTM standards, ASTM standards will govern.

4 The equipment proposed must also be able to fit in the space shown on the site plan. If the proposed substitution becomes so big that it no longer fits in the “play area” shown on the site plan, an amendment will be required.

2.C. Record Plats

Record plats are subject to the alternative submission and review procedures in section 8.

2.D. Extensions and Subdivision Regulations Waivers

Any request to extend a Preliminary Plan or Adequate Public Facilities (APF) validity period and any request for a Subdivision Regulation waiver must be reviewed under the alternative submission procedures in section 8. Notice, as described in section 4, must be given, and Planning Board action must be taken under section 6.

section 3: Standard Application Submission

There is a two-step application process for plans submitted for standard review:

- The first step requires filing an initial application that staff must review for completeness.
- The second step requires filing the final application, along with prints for distribution, and supplemental information.

The final application is submitted with copies that DRD will distribute to other reviewers.

The Development Review Division must not accept a submitted plan unless all requirements of this section are satisfied. Additional requirements for notice and site posting are included in section 4.

3.A. Pre-submission

(a) Required Meeting with the Public

Before an initial application is submitted for a Project Plan, Preliminary Plan, Site Plan, or an Amendment that requires a Planning Board hearing, an applicant must hold a pre-submission meeting with the public that satisfies sections 4.B and 4.C.

(b) Optional Meeting(s) with Staff

If site constraints or other issues related to the proposed development of a property raise questions about a future development application, an applicant may request a pre-submission meeting with staff. Any request must be made to the Development Review Division Chief's Administrative Aide, who must arrange a meeting with appropriate staff. Documentation of all pre-submission meetings held with staff must be included in the application package when it is filed. Staff advice to an applicant concerning an application or specific aspects of the review does not bind the staff, Board, or applicant.

3.B. Initial Application

(a) Applicant's Responsibility

An initial application must be submitted to the Development Review Division, Intake Section. The application package must be submitted in duplicate with the appropriate fee and must contain:

- An application;
- One plan drawing properly signed and certified by a licensed professional; and
- One copy of each other submission item included in the plan checklist attached to the application form.

Plan Amendments

For each plan amendment, the applicant must contact Subdivision (preliminary plans) or Site Plan (project and site plans) review staff to determine the exact submission requirements and applicable fees. The amendment must clearly identify the items or areas of the approved plan proposed for revision. The application must include all information required in the application checklist.

Application forms and checklists are available on the Commission's website at www.mc-mncppc.org/development

(b) Staff's Responsibility

Staff must review the application within 10 working days and list, with a mark-up of the application, all revisions or additional materials required to make the application consistent with the submission requirements. Staff must notify the applicant when the initial application review is ready for pick up. Staff must also schedule an appointment time with the applicant for submission of the final application.

Staff's review of the initial application is to determine if the information submitted is complete and meets the requirements of the application checklist. It is not a review of the merits of the application. Applicants should strive to ensure that each application is complete at the time of initial submission.

3.C. Final Application

The final application must be filed with the Development Review Division, Intake Section by appointment only. The final application package must contain:

- The mark-up of the initial application;
- The final application form signed and dated by the property owner or applicant;
- The plan submission checklist;
- Plan drawings, properly signed and certified by a licensed professional, and all other items required by the plan checklist in the specified numbers;
- A digital copy of the plan;
- Documentation of pre-submission meeting and site posting;
- A certificate of compliance;
- A statement of justification; and
- The appropriate fee.

Each plan drawing, including notes and specifications, must be legible and must include the appropriate graphic scale. If reduced plans are required, at least the plan drawing must be legible.

Guidelines for plan drawings may be found at www.mc-mncppc.org/development

(a) Certificates of Compliance

The applicant must prepare and submit a written certification with each application attesting that, to the best of the applicant's knowledge, information, and reasonable belief after reasonable investigation, the application conforms to all applicable federal, state, and County laws and regulations and to all relevant previously approved plans for the subject property, including:

- Each non-illustrative element of an approved Development Plan;
- Each binding element of an approved Schematic Development Plan;
- An approved Diagrammatic Plan under Division D-4 of Chapter 59;

- An approved Project Plan;
- All conditions imposed by the Planning Board with each previous plan approval, including any project plan, preliminary plan, site plan, water quality plan, and forest conservation plan (unless the plan is being amended); and
- The program of development proposed under every other application (including any application for amendment) concurrently filed by the applicant, or pending acceptance or approval, for a development project that includes or otherwise relates to the subject property.

(b) Statements of Justification

The applicant must submit with each application, and plan amendment, a written statement listing the facts and reasons that, according to the applicant, would support Planning Board approval. If an application includes a request for any waiver of any law or regulation, the statement must detail the facts and legal basis that support the granting of the requested waiver. The applicant must attach any diagrammatic or illustrative materials that support the facts asserted in the statement of justification. The applicant, or the applicant's representative, must certify that the information set forth in each statement of justification is true, complete, and correct to the best of their knowledge, information, and belief.

Examples of the format for certificates of compliance and statements of justification are available on the Commission's website at www.mc-mncppc.org/development

3.D. Fees

Fees must be charged for the review of each application as determined by the fee schedule worksheet included in the application form. A designated portion of the fee must be charged when the initial application is filed, and the remainder must be charged when the final application is submitted. Fees paid by check must be made out to the Maryland-National Capital Park and Planning Commission (MNCPPC).

3.E. Acceptance of an Application

A final application must be complete and comply with the filing procedures in section 3.A. to be accepted for review. DRD staff must give the applicant written confirmation that the submission has been accepted as complete at the final application appointment, or must list in writing all revisions that are necessary for the application to be complete. The acceptance of a plan means that it is complete and accurate for purposes of filing. Acceptance for filing does not constitute approval of the submitted plan.

All information contained in the application is part of the public record. All supporting materials presented to the Planning Board or otherwise incorporated into the plan by the Board at the public hearing become part of the public record. By submitting a plan application, the applicant agrees to complete the checklist of standard plan requirements included with each application form.

3.F. Rejection of an Application

(a) Before acceptance of application

The Intake staff must reject an initial application if the staff finds that it contains materially incorrect, false, or incomplete information. Any plan rejected for these reasons must be returned to the applicant without any refund of the initial application fee. If the applicant chooses to resubmit, a new initial application and fee must be required.

(b) After acceptance of final application

The Planning Director must reject a final application after it has been accepted if the Planning Director finds that it contains materially inaccurate or incomplete information. The Planning Director must return a rejected application to the applicant without refunding any of the application fee. The application must be dropped from the queue of pending plans, and the applicant must submit a new application with associated fees to be considered further.

(c) Inaccurate, misleading or false certifications

If, at any point in the review process, staff finds that information certified by an applicant or a licensed professional ⁵ is materially inaccurate, misleading, or false, staff must report the matter in writing to the Planning Director. The Planning Director must review the report, give the applicant or professional an opportunity to respond in writing, and consider any other relevant information. If the Planning Director finds that the applicant or professional submitted materially inaccurate, false, or misleading information, the Director must take appropriate action, which may include reporting the facts to the appropriate licensing board.

Section 4: Notice

4.A. Notice List

As part of an application, the applicant must submit a notice list containing the names and addresses of individuals who must receive notice under Section 4.D. The notice list must include:

(a) Adjoining and Confronting Property Owners

The applicant must obtain the names and addresses of all adjoining and confronting (properties separated from the development site by an intervening road or utility right of way) property owners. This list must be based on tax assessment ownership records from the Maryland Department of Assessments and Taxation, Real Property Data Base. The list must be compiled from the latest available records no more than 30 calendar days before the pre-submission meeting described in section 3.B. and must be updated no more than 30 calendar days before the date the final application is submitted. If an adjoining or confronting property includes a multi-unit building, the list must include the property owner, the building management company, and the condominium association, if any (but it need not include any individual unit owner or renter). If an adjoining and confronting property is common open space for cluster-type development, the list must include the homeowner's association and any individual property owner in that development located within 300 feet of the subject property.

(b) Civic, Community, Condominium and Homeowners Associations

The applicant must obtain from the Development Review Division a list of the civic, community, condominium and homeowner's associations that have registered with M-NCPPC and are located within a one-mile radius of the center point of the subject property. At staff's discretion, this list may be expanded for large or unusually shaped properties to include associations within a one-mile radius from a point or points along the property boundary, or to include a larger radius from the center point.

⁵ Licensed professionals include engineers, surveyors, landscape architects, attorneys, and any other profession licensed by the State of Maryland.

(c) Pre-submission Meeting Participants

The applicant must include the name and address of each individual who attended any required pre-submission meeting and requested to be included as a party of record.

(d) M-NCPPC

The list must include the M-NCPPC, Development Review Division, Intake Section.

(e) Other

Staff may also require the applicant to include any common ownership association or civic association listed with M-NCPPC that confronts a public facility not adjacent to or in close proximity to the property but which may require construction or improvement as a result of the application. If required, this notice must be directed to each designated association no later than 30 calendar days before the Planning Board's public hearing on the Application.

4.B. Pre-submission Public Meetings

For a project plan, preliminary plan, site plan, or full preliminary plan or site plan amendment, the applicant must hold at least one public pre-submission meeting no more than 90 calendar days before the initial application date. The purpose of the meeting is to explain the proposed project, address concerns about its impact on the community, and notify those attending of their right to participate in the review process. The applicant must expressly invite all individuals who must receive notice of the application under section 4.A. and must also post one or more signs that are visible from the street on the property, containing the meeting time, location, and developer contact information. All required signs must be posted at least 10 calendar days before the meeting. The meeting must be held on an evening or a weekend, in a location convenient to the proposed development site. The applicant must provide a sign-in sheet at the meeting so that attendees can identify themselves.

The applicant must provide the following pre-submission meeting documentation with the application:

- A notarized affidavit stating date, time and location of the meeting;
- A copy of the invitation letter with a typed list of invitees;
- A typed list of meeting attendees with an attached copy of the sign-in sheet;
- Names and addresses of each individual who want to be included as a party of record; and
- Meeting minutes, including a summary of any issues or concerns raised by attendees.

4.C. Site Posting

In addition to site posting required for notice of the pre-submission meeting, the applicant must post one or more signs at the development site indicating that an application for a project plan, preliminary plan, site plan, or an amendment thereto has been filed. The signs must be posted before the final application is accepted, and must be maintained throughout the review of the application. The applicant must pay all costs associated with the site posting requirements. A minimum of one sign must be placed along each adjacent street. An additional sign must be posted every 600 feet if any street frontage adjacent to a site exceeds that distance. Each sign must be placed parallel to the roadway. Signs must be placed on the property in the most visible location available in such a manner that landscaping or other obstructions do not impair the visibility of the signs from the street. The signs must not be placed within the public street right-of-way or more than 10 feet behind the property line adjacent to the right-of-way. The applicant must monitor the signs and replace any damaged or illegible signs.

Each posted sign must contain:

- The project name as it appears on the application;
- The project number, as assigned at the time of initial application;
- The type of plan;
- Each proposed use and its associated number of dwelling units or square footage;
- Applicant contact information; and
- Development Review Division contact information.

The applicant and its sign vendor, if any, must follow the sign template, lettering specifications, and posting requirements located on the Commission website at www.mc-mncppc.org/development. The Planning Department may modify these requirements in special circumstances to assure that all signs will be visible to the public.

When an applicant submits a final application, the applicant documentation of site posting must be provided:

- a notarized affidavit stating the date and location of each sign posting;
- a plan drawing showing the location of each sign; and
- a dated photograph showing each sign on the development site.

If an applicant does not maintain a properly posted sign on the development site the Planning Board may postpone a hearing on the application until the applicant has demonstrated that the site has been properly posted for at least 30 consecutive days.

4.D. Notice Requirements

Each individual included on the notice list, and each other person who provides written comments or requests to be a party of record, must receive notice as described below. The applicant must also forward a copy of the application notice to each public school in the applicable School Service Area and the public library nearest the site for posting on their listservs if the school or library chooses to do so.

(a) Notice of Applications

The applicant must notify parties on the notice list of the filing of an application in the following manner:

(i) Development Plans: Project, Preliminary, and Site Plans, and Plan Amendments that require a Planning Board Hearing

The Planning Department has updated this brochure, which is now called *How to Participate Effectively in Reviewing Development Applications*. It is available in hard copy from DRD or online at <http://mcparkandplanning.org/development/index.shtml>

The applicant must mail written notice of its application to each party on the notice list. The applicant must send the written notice, along with a legible 11X17 inch copy of the proposed development plan drawing, and the latest version of the Commission's brochure, "How to Participate in the Subdivision and/or Site Plan Process" by first class mail to each party within 5 calendar days after the final application was submitted. The applicant must retain each item of mail returned undelivered and produce any item retained for inspection by the staff or the Planning Board upon request. If the Development Review Division has not received a copy of the required notice, the Development Review Committee meeting on the application must be postponed until the applicant demonstrates that each required notice was mailed.

The notice list, satisfying section 4.A., and the address of each engineer, attorney, and other representative for the project, must be submitted as part of the application to the Development Review Division on 2 sets of printer labels with one paper copy of the labels.

The written notice must include:

- The application reference number;
- The date the notice was sent;
- Reference to each state and County law under which the Application is filed;
- The street address or other easily understood geographical reference to the location of the property;
- A brief description of the proposed project;
- A copy of the proposed land plan; and
- The telephone number and address of the Development Review Division of the Maryland-National Capital Park and Planning Commission, and the name and telephone number of the applicant's representative who will be available to provide further information concerning the proposed development in response to any reasonable public request.

The applicant must update the notice list of adjoining and confronting property owners every 6 months after the final application is accepted. If an application is pending for more than one year, the applicant must re-send notice (with the latest plan drawings) to each party on the updated notice list. The applicant must submit a copy of the updated adjoining and confronting property owners list with 2 sets of labels, and a copy of the written notice, if applicable, before the plan can be scheduled for Planning Board action.

(ii) Consent Agenda Plan Amendments

The applicant must prepare a notice list under section 4.A. that must include all other parties of record noted in any previous files related to the current amendment, and mail written notice of its Application to all parties. The written notice, along with a legible copy of the amended plan drawings and any accompanying items, must be sent by first class mail to these individuals within 5 calendar days after the final application is submitted.

The notice list and addresses for each engineer, attorney, and other representative for the project, must be submitted as part of the application to the Development Review Division on 2 sets of printer labels with one paper copy of the labels.

The written notice must include:

- The application reference number;
- The date the notice was sent;
- The street address or other easily understood geographical reference to the location of the property;
- A summary of the specific changes being sought; and
- A deadline (at least 15 calendar days after the mailing date of the notice) for the submission of comments to the DRD regarding the amendment.

(iii) Removing Items from the Consent Agenda

If comments from other parties or the public are received on a consent agenda item, the Director must decide whether any comment is substantive enough to require that the amendment be given a public hearing. If the Director finds that a public hearing is not necessary, Planning staff must notify each person who submitted comments of the date the item will be on the consent agenda

and that any person may ask the Planning Board to remove an item from the agenda on or before that date. If an item is placed on the consent agenda, the Board Chair may remove the item from the consent agenda before the scheduled date at the request of the applicant. Any Board member may also remove an item from the consent agenda on the day it is to be heard.

(b) Notice of Public Hearing

Not less than 10 calendar days before the date of any scheduled public hearing, Development Review Division staff must send notice by first class mail to each individual, organization, and location on the applicant's notice list, and to each other person who has sent correspondence to the Planning Board or staff concerning the project or otherwise asked to be a party of record and provided their contact information.

(c) Notice for the Consent Agenda

Not less than 10 calendar days before the Board meeting on a Consent Agenda item, Development Review Division staff must post a copy of the staff report on the Commission's web site.

Section 5: Evaluation of Applications

When a final application is accepted, the supervisor of the Subdivision or Site Plan section, as applicable, must assign a lead reviewer. The lead reviewer must coordinate review of the application, prepare the staff report, and present the case to the Planning Board.

5.A.

The Development Review Committee (DRC) comprises representatives of public agencies and utilities such as WSSC, PEPCO, the State Highway Administration, and the County departments of Permitting Services, Environmental Protection, and Public Works and Transportation. The DRC meets every three weeks, on Mondays, at the Montgomery County Planning Department's Silver Spring offices. All their comments are part of the public record and their agenda is available online two weeks before each meeting at www.mc-mncppc.org/development

5.A. Referral and Inter-Agency Consultation

When a final application is accepted, the planning staff must:

- 1) Provide a copy of the plan and necessary supporting information to designated offices of the Commission and to other government or public agencies for comment or approval, as required by applicable law; and
- 2) Schedule a discussion of the application with agency reviewers and the applicant before the Development Review Committee (DRC) chaired by the M-NCPPC Subdivision Supervisor, or designee, within 21 calendar days after copies are sent.

Comments to the DRC by any agency making comments must be in writing. The lead reviewer must ensure that these comments are included in the application file, along with a meeting summary and a list of each revision to the applicant's plan recommended by the DRC or the staff. If any reviewing agency does not participate or provide any substantive comment as part of the DRC meeting, the lead reviewer must document that fact in the application file before scheduling the public hearing.

5.B. Review Timeframes

The typical review for all applications that require a Planning Board decision consists of several steps. The review period varies depending upon the number of issues identified as part of the review and the need for plan revisions.

(a) Typical review

Step 1: Agency review before DRC meeting

Step 2: DRC meeting

Step 3: Applicant revisions after DRC meeting

Step 4: Agency review and approval of each final revised plan

Step 5: Staff prepares a written report to the Board

Step 6: Staff report is posted 10 days before the Board hearing

NOTE: A tentative Planning Board date may be established at Step 2 if the Applicant commits to a timeframe for revisions based on the comments received.

The statutory review periods for preliminary and site plans begin on the date that the final revised plan is accepted (end of Step 4). The statutory review periods for project plan applications are set and may be extended under Division 59-D-2 of the County Code.

(b) Extended review

Other applications may be reviewed concurrently with project, preliminary, and site plan applications. However, review and action on the project, preliminary, or site plan may be delayed until the appropriate agency reviews and acts on related applications, including any stormwater management concept and water quality plan, water and sewer category change request, well and septic permit, special exception application, zoning change, or master plan amendment. Delays may also result if an applicant does not submit adequate revisions under section 5.C.

(c) Application lapse deemed withdrawal

Each applicant is responsible for timely response to staff and agency comments, either in the form of plan revisions or with a request for a follow-up meeting, to resolve issues with appropriate members of the review team. The Development Review Committee or other meeting minutes must document the time estimated for a response.

An application that has been inactive for 365 calendar days with no substantive response to staff, agency, or DRC comments must be treated as withdrawn unless the applicant can demonstrate good cause to extend the application. The staff must send written notice to an applicant whose plan has been inactive that the applicant has 30 calendar days to request an extension of the staff review. Any request for an extension must:

- 1) Be in writing;
- 2) Show good cause to grant an extension; and
- 3) Propose a timeframe to finalize the application.

Good cause may include events beyond the control of the applicant, such as delays by a government agency. The request must be reviewed by the Planning Director or a designee, who has sole discretion to decide the matter. A decision by the Planning Director or designee to approve or deny an extension is final.

If the applicant does not request an extension, staff must send the applicant written notice that the application has been withdrawn by default. A new application and fee must be submitted to re-file any plan that is withdrawn by default.

5.C. Plan Revisions in Response to Issues and Comments

(a) Applicant's Responsibility

The applicant must submit supplemental information or revised plans, in response to staff or other agency comments, no later than 10 business days after receiving the comments, unless the staff and applicant agree on another time period. The revisions must be submitted to the Development Review Division Intake Section and all other agency reviewers as follows:

To Development Review Division, Intake Section

- Copies of the revised plan, in the specified numbers, highlighting each specific revision, showing the date of each revision, and including as part of the title information a notation that the plan is a revision;
- A revised digital copy of the plan;
- Copies of a transmittal memo or cover sheet, in the specified numbers, identifying what is being submitted and why. The memo or cover sheet must refer to the M-NCPPC file number.

No appointment is necessary to submit supplemental information or plan revisions; however, Intake staff must not formally accept any revision until they have verified that the plan is complete and complies with all applicable standards for accuracy. Intake staff must notify the applicant within 5 business days whether the revisions have been accepted. Once accepted, the applicant must distribute the revisions to other applicable agencies as specified below.

To other applicable reviewing agencies (after Planning Department acceptance)

- At least one copy of the revised plan highlighting each specific revision, showing the date of each revision, and including as part of the title information the notation that the plan is a revision;
- At least one copy of 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.

(b) Agency Reviewer Responsibility

Each agency reviewer must submit responses to plan revisions directly to the applicant and the lead reviewer. If comments necessitate major revisions ⁶ to the plan, the lead reviewer may schedule a second DRC meeting. A conceptual plan, as agreed on by staff and the applicant, may be submitted for further staff review before the applicant submits a fully revised plan.

For major plan revisions, the applicant must:

- Send notice to all parties on the notice list.
- Resubmit the application form (check revision box) if the revision involves a change in the:
 - o acreage;
 - o density;
 - o type of use or units proposed;
 - o ownership, applicant, or engineer; or
 - o proposed method of development.

Any final revised plan meeting the requirements of this manual must be submitted not less than 30 business days before the tentative Planning Board date. If this deadline is not met, the Director must defer the Planning Board's consideration of the development application.

⁶ A major revision includes an increase or significant decrease in density, an increase in the limits of disturbance, a significant change in lot layout, or an increase in building height or scale.

5.D. Public Participation

Any individual who wants to develop or redevelop land must post signs on the development site and hold pre-submission meetings. Any person who may have an interest in or concern about future development on that site should attend the pre-submission meeting held by the applicant and participate in the review process for that application. Comments regarding an application may be made to Development Review Division (DRD) in any manner at any time during the process, and the Planning staff must address those comments as part of its review. Written comments are preferred. The first formal meeting between an applicant and agency reviewers is the inter-agency DRC meeting discussed in section 4.A. The DRC meeting is generally held every 3 weeks, on Mondays. A DRC schedule, containing items and the times they will be discussed, is posted on the Commission's website at www.mc-mncppc.org\development 2 weeks before each meeting. Public comments received before DRC will be discussed at the meeting, if applicable. The DRC meeting is not open to public participation; however, members of the public may attend and listen to the discussion. If more than a few members of the public expect to attend the DRC meeting, DRD staff should be notified so that an appropriately sized location can be arranged.

Members of the public who have questions or concerns should contact the lead reviewer at any time during the review. Meetings with members of the public may be scheduled for particular cases upon request to the lead reviewer. For particularly complex or controversial cases, staff may initiate a public meeting. These meetings should include other agency representatives and/or the applicant. DRD staff should make every reasonable effort to resolve issues raised by the public during the plan review. Members of the public may present any unresolved concerns directly to the Planning Board as part of the public hearing for the application.

5.E. Consultation with Applicant and Other Interested Parties

Planning staff may hold meetings during the application review period to help evaluate the application as necessary or appropriate. These meetings may include the applicant, other agencies, other interested parties, and the public. Minutes for each meeting must be included in the application file. Each set of minutes must include the date, time, meeting location, and a list of participants, major issues discussed, and any decision or recommendation made.

5.F. Staff Reports

The lead reviewer, after completing the application review and receiving all required agency recommendations or approvals, must prepare a report summarizing the proposed findings of fact and conclusions of law that the Board must make and recommending that the Board approve, approve subject to conditions, or disapprove the application. In most instances, the staff report must be published on the Commission's website, and made available for pick-up upon request in the Development Review Division, at least 10 calendar days before the scheduled public hearing. The Planning Director may direct that



Office of the People's Counsel

The People's Counsel provides technical assistance to help citizens effectively participate in the development process by helping to frame and present community concerns to the Planning Board. Additionally, the People's Counsel will participate in land use hearings to protect the public interest by ensuring that the hearing addresses all relevant issues.

People's Counsel
100 Maryland Avenue,
Room 226
Rockville, Maryland 20850
240-777-9700

www.montgomerycountymd.gov
(click on legislative branch offices)

the staff report be made available more than 10 calendar days before the scheduled public hearing in exceptional circumstances. These circumstances generally should be limited to exceptionally complicated applications which generate staff reports that require more review time because of their length and amount of supplemental information or applications that are particularly controversial and involve large numbers of interested parties who require time to coordinate their responses to the staff report.

(a) Contents of the Staff Report

Each staff report prepared for Planning Board consideration must include the following:

- A site description and overview of the project;
- Staff findings of fact and conclusions regarding each applicable requirement of law related to the plan, and the basis for each finding and conclusion;
- A summary of the major issues and concerns related to the application and their proposed resolution; and
- Recommended conditions of approval, if necessary.

For any amendment scheduled on a Consent Agenda, if no comments are received during the established 15-day period designated in section 4.D(a)(ii), the Staff must draft a memo detailing each item that would be changed and finding that the change will not alter the intent of the Board's prior approvals. The item must then be placed on the Planning Board's Consent Agenda, along with the resolution for the Board's approval.

(b) Objections to the Staff Report

The applicant or other individuals may submit objections to any finding or conclusion in the staff report no later than 3 days before the scheduled public hearing on the application. Each objection must be made in writing to the Planning Director and must clearly identify and fully explain the basis for each disagreement. Any objection filed in this manner must be published immediately on the Commission website and distributed to the Planning Board members.

The applicant or any other party may also object to any finding or conclusion in the staff report during the scheduled public hearing on the application.

(c) Postponement of Public Hearing Agenda Items

The applicant or any other party may request postponement of a scheduled public hearing or Consent Calendar item after the staff report has been published; however, the request must be made in writing to the Chair of the Planning Board. Each request for postponement must clearly identify and fully explain the basis for postponement. The staff must notify the applicant of each postponement request, and the applicant must be given an opportunity to respond. A decision to postpone a public hearing may only be made by the Planning Board Chair or the Planning Board.

Section 6: Planning Board Action

The Planning Board typically acts on development applications immediately after a public hearing. The hearing provides an opportunity for testimonial evidence to be presented to the Board by staff, the applicant, and other interested parties. The Board may also act without a public hearing to adopt a consent agenda. Rules for the conduct of hearings before the Board are in the Board's Rules of Procedure, available at www.mcparkandplanning.org/documents.

6.A. Scheduling

Each development application must be given a tentative Planning Board date after the lead reviewer has found that:

- all agency reviews are completed and written recommendations have been received;
- all relevant issues and concerns have either been resolved or must be presented to the Board for resolution; and
- a final plan has been submitted by the applicant and date-stamped by M-NCPPC to indicate that it has become the official plan for Board consideration.

The tentative Planning Board date is for M-NCPPC use as part of long-range agenda planning and is generally not published. The lead reviewer must disclose this date to the applicant and any other interested party who requests the information. The tentative date may, at the lead reviewer's discretion, be published on the Commission's website at www.mc-mncppc.org/board/agenda for particularly complex or controversial cases.

A development application must not be placed on a final public hearing or consent agenda until the staff report has been completed.

6.B. Exhibits

Each applicant must submit the following exhibits to Development Review Division staff for use as part of the Planning Board hearing, at least 3 business days before the scheduled date of the hearing:

- One paper copy and one digital copy of the rendered pre-preliminary plan, project plan, preliminary plan, site plan, or plan amendment, as applicable; and
- One paper copy and one digital copy of the rendered forest conservation and/or landscape plan, if applicable.

Other exhibits may be submitted at the hearing, but the applicant and other participants should submit them as early as possible. Each exhibit must be entered into the record of the hearing and be accepted by the Chairman. Each exhibit, whether electronic or mounted, must be labeled and made part of the permanent record of the case. All exhibits are the property of the Commission and must be collected by staff after the hearing and made part of the case file.

In general, the following guidelines should be used by applicants and individuals preparing exhibits for a Planning Board hearing:

- Each visual exhibit must be presented in a format that can be clearly seen by the Planning Board, such as:
 - o Digital images (consult staff for acceptable formats), which are the preferred format;
 - o A plan drawing, at least 30"x42" and mounted, but not permanently affixed, on a display board; or
 - o A handout such as a reduced copy of a plan drawing (at least 8½"x11" but 11"x17" is preferred). At least 12 copies of any paper handout must be provided for distribution.
- Each visual exhibit must clearly delineate the boundary of the plan.
- Each written exhibit or testimony should be presented on 8½"x11" paper, and preferably typed in at least 12 point font size. Providing 10 copies of any written testimony makes it possible to distribute copies to the Board.
- Each digital image must be provided on an electronic medium, which the Planning staff must retain after the hearing.
- Each applicant hard copy/display board exhibit must also be provided as a digital image (consult staff for acceptable formats).

6.C. Resolutions and Opinions

The Planning Board must adopt a resolution to memorialize its action on each plan. After adoption, the Staff must mail a copy of the resolution to each party of record. Procedures for adopting resolutions are in the Board's Rules of Procedure.

Section 7: Certified Plan Approval

Each preliminary and site plan (and any amendment to either) that has been approved by the Planning Board must be certified by the M-NCPPC Development Review Division.

7.A. Preliminary Plan Requirements

Each applicant must submit a reproducible copy of the preliminary plan approved by the Board for certification by the Subdivision Supervisor on receipt of the Board resolution. Staff must affix any condition of approval and record the Board hearing and resolution dates. After the Subdivision Supervisor signs the plan, the staff must return the certified plan to the applicant. The applicant must re-submit at least 3 paper copies and a digital image on an electronic medium, to be included in the application file and promptly made available to all parties by electronic access. Any required supplementary plan, such as a forest conservation or landscape plan, must also be certified in this manner.

7.B. Site Plan Requirements

The Certified Site Plan package must include the Planning Board's resolution (on the plan drawing), address all conditions of approval, and include the required information as noted in the site plan application checklist. The applicant must submit 4 copies of the Certified Site Plan package for review and approval. Staff must contact the applicant within 15 working days after receiving the package and identify any error or omission.

The applicant must submit 4 sets of each corrected/completed Certified Site Plan for final signature. After the Development Review Division Chief signs each copy of the plan, the Staff must transmit a copy of the Certified Plan to the applicant. The applicant then must scan the document and return a digital image on an electronic medium to the Development Review Division. The scanned image must be promptly made available to all parties by electronic access.

Section 8: Alternative Procedures

Certain types of applications are subject to alternative procedures for submission and review. These include record plats, requests for extension of plan validity, consent agenda plan amendments, and Subdivision Regulations waiver requests. These applications either supplement the Planning Board's approval of a development application (record plats, extensions, amendments, and some waivers), or replace that process (waivers). These applications must be processed as described below.

Small and uncontested changes to approved plans can be handled through the Planning Board's consent agenda. Staff will determine items that don't change the intent of the Board's decision that can be handled without a public hearing.

8.A. Record Plats

The Subdivision Regulations require that a record plat be recorded within 36 months after the date of mailing of the Planning Board's resolution for a preliminary plan of subdivision, or as otherwise stipulated in the resolution for phased approvals. The property owner must submit a record plat application to both the M-NCPPC Development Review Division (DRD) and the Montgomery County Department of Permitting Services (MCDPS) for review and approval.

(a) Pre-submission requirements

Before submitting a record plat application, the applicant must contact the Records and Information Section of the Development Review Division and receive approval of the proposed subdivision name, lot and block designations, and each street name.

(b) Application

A record plat application may be submitted without an appointment to the DRD Intake Section. An applicant must include each item required on the application checklist and the appropriate fee. The application form must be filled out by the applicant's engineer/surveyor, who must sign the checklist certifying that the application and checklist are complete and ready for processing. The checklist must be submitted with the application form. The Staff must not accept an incomplete application for review.

The applicant must submit a separate application form for each plat even if the applicant proposes multiple plats on a single property. The applicant may submit copies of a master application if the master application contains the appropriate information for each plat (i.e. number of lots, units, and area of each plat). The applicant may send one check for the total fee for a multiple plat submission.

Anything submitted to DRD as part of a record plat application must be accompanied by a transmittal memorandum or cover sheet that identifies what is being submitted and why. If the material relates to a plat that has already been submitted, the memo or cover sheet must refer to the M-NCPPC file number.

The Staff must not accept a record plat application before the Planning Board takes final action on the preliminary plan application and on a site plan application if a site plan is required. The applicant must submit a copy of the certified preliminary plan and the Board's resolution on the preliminary plan with the record plat application. The applicant must submit a copy of the certified site plan and site plan resolution for any property that is subject to site plan approval before the Board approves the final record plat.

(c) Review and Approval

DRD staff must review the record plat when the application is accepted and refer it to other agencies as appropriate. Each agency reviewer must provide written comments within 10 working days to DRD. Staff must provide the applicant with a mark-up of the record plat that shows all necessary changes when the review is complete. The applicant must submit a revised record plat that incorporates these changes, along with any changes required by MCDPS. The final plat submission must include:

- The mark-up of the initial record plat;
- A mylar copy of the final record plat, including an original signature of each owner and the applicant's engineer/surveyor;
- A reduced copy of the final plat on 8 ½" x 11" paper;
- 2 full-size paper copies of the final plat; and
- A digital image of the final record plat on an electronic medium.

DRD staff must schedule the application for Planning Board action on the next available Consent Agenda when DRD accepts a final record plat. A staff memorandum, including a summary of staff's review and recommendations, a review checklist, a copy of the proposed plat, and a copy of the approved preliminary and site plans with the Planning Board resolutions (if applicable), generally must be posted on the Commission's website at least 10 calendar days before the scheduled Board action date. Staff may add record plats to the Consent Agenda not later than 5 calendar days before the scheduled action date in limited circumstances. A record plat application is not subject to the notice requirements of section 4.

Department of Permitting Services (MCDPS) Plat Approval

The Staff must forward the final plat to MCDPS for verification of its approval after the Board approves a final record plat and the Board Chair signs it. The plat must be signed by the MCDPS Director and returned to MNCPPC after the Director's review. MNCPPC staff must send the final signed record plat to the Clerk of the Court for recordation.

8.B. Extension Requests

The date when the Planning Board's resolution for a preliminary plan is mailed establishes both the plan validity period and the validity period for the associated adequate public facilities review. The Planning Board may extend these validity periods under Section 50-20(c) and Section 50-35(h)(3) of the Subdivision Regulations.

(a) Application

An application to extend a plan validity period may be filed with the DRD Intake Section without appointment. The application must include each item required on the application checklist and the appropriate fee. The applicant or its representative must fill out and sign the application form and checklist certifying that application and checklist are complete and ready for processing. The checklist must be submitted with the application form. The Staff must not accept an incomplete application for review.

An application for extension must include a letter from the applicant, or the applicant's representative, which identifies the facts, conditions, and provisions of law relied upon by the applicant to justify an extension.

(b) Review and Approval

DRD staff must prepare a staff report for each accepted extension application that summarizes each finding of fact and conclusion of law which the Board must make. DRD staff must also recommend that the Planning Board approve, approve subject to conditions, or deny the application. Staff must schedule a date for Planning Board hearing on the request after the staff report is completed.

Each extension request must satisfy the notice requirements of section 4.D.(b). DRD staff must send notice by first class mail to each individual and location included on the applicant's notice list at least 10 calendar days before the scheduled public hearing. The staff report must also be published on the

Commission's website and made available for pick-up on request in the Development Review Division 10 calendar days before the scheduled public hearing.

8.C. Subdivision Regulations Waiver Requests

Section 50-38 of the Subdivision Regulations specifies waivers that the Planning Board may grant. Waivers are generally reviewed as part of an application for a preliminary plan of subdivision. However, a waiver of the requirement to submit a preliminary plan of subdivision may be requested. In that case, a separate subdivision waiver application is required.

(a) Application

An application for a Subdivision Regulations waiver may be submitted without appointment to the DRD Intake Section. Each application must include each item required on the application checklist and the appropriate fee. The applicant or a representative must fill out the application form and checklist, certifying that the application and checklist are complete and ready for processing. The checklist must be submitted with the application form. The Staff must not accept an incomplete application for review.

Each application for waiver must include a letter from the applicant or the applicant's representative which specifies the facts, conditions, and provisions of law on which the applicant relies to justify a waiver.

(b) Review and Approval

DRD staff must prepare a staff report that summarizes each finding of fact and conclusion of law that the Board must make after the waiver request is accepted. DRD staff must recommend that the Planning Board approve, approve subject to conditions, or deny the application. Staff must schedule a date for a Planning Board hearing on the request after the report is completed.

Each waiver request must satisfy the notice requirements of section 4.D.(b). DRD staff must send notice by first class mail to everyone on the applicant's notice list at least 10 calendar days before the date of scheduled public hearing. The staff report must be published on the Commission's website, and made available for pick-up on request in the Development Review Division, at least 10 calendar days before the scheduled public hearing.

8.D. Consent Agenda Amendments

Chapter 59 and the Planning Board's Rules of Procedure allow the Planning Board to approve certain de minimus and uncontested plan amendments without holding a public hearing. Instead, the Planning Board may act on the amendment as part of a Consent Agenda. Certain project, preliminary, and certified site plans may be amended in this manner.

(a) Application

An application for a Consent Agenda plan amendment may be filed without appointment at the DRD Intake Section, and must include each item required on the application checklist and the appropriate fee. The amended plan must clearly identify each item or area of the approved plan proposed for revision. The applicant or the applicant's representative must fill out and sign the application form and checklist, certifying that the application and checklist are complete and ready for processing. The checklist must be submitted with the application form. The Staff must not accept an incomplete application for review.

(b) Notice

Each Consent Agenda amendment must satisfy the site posting and notice requirements of sections 4.C. and 4.D.(a)(ii). Each notice must specify a comment period of at least 15 calendar days.

(c) Review and Approval

DRD staff may place the amendment and an accompanying resolution on the Planning Board Consent Agenda and prepare a brief staff report explaining the proposed amendment if no comments are received during the comment period and staff has no objections to each proposed change.

If comments are received, the Director must decide whether any comment is substantive enough to require the amendment to be placed on the Public Hearing agenda. If the Director finds that the amendment qualifies for the Consent Agenda, staff must notify each person who filed a comment of the date the amendment will be on the Consent Agenda and that any person on or before that date may request that a member of the Board remove the amendment from the Consent Agenda.

After the Board has approved the amendment and resolution, the applicant must submit a new plan that includes the amendment. The new plan must be certified before the Board's approval becomes final.

8.E. Limited Plan Amendments

Certain plan amendments do not qualify as Consent Agenda Amendments under section 8.D. because the change requested would alter a fundamental element of the Planning Board's approval. If only one such element would be changed (example: density, height, setback), or the amendment otherwise would not significantly alter the approved plan, the applicant may apply for a Limited Amendment. A Limited Amendment must satisfy the notice and finding requirements of a Full Plan Amendment, but the staff report need not be as comprehensive.

(a) Application

The applicant must contact Subdivision or Site Plan staff to determine if the requested change qualifies for a Limited Plan Amendment. If the Director or the Director's designee concludes that it qualifies, the applicant may submit the appropriate application without prior appointment with the DRD Intake Section. The applicant must include each item required on the application checklist and the appropriate fee. The application must clearly identify the fundamental element of the approved plan that would be revised and any other change to the approved plan. The applicant or the applicant's representative must fill out and sign the application form and checklist, certifying that the application and checklist are complete and ready for processing. The checklist must be submitted with the application form. The Staff must not accept an incomplete application for review.

(b) Notice

Each Limited Plan Amendment must satisfy the site posting and notice requirements of sections 4.C. and 4.D.(a)(i).

(c) Review and Approval

After accepting a Limited Plan Amendment application, DRD staff must prepare a staff report that summarizes each finding of fact and conclusion of law that the Board must make and recommend that the Board approve, approve subject to conditions, or deny the application. Staff must schedule a date for the Planning Board hearing on the request after the report is completed.

Not less than 10 calendar days before the date of a scheduled public hearing, DRD staff must send notice by first class mail to each individual and location included on the applicant's notice list. The staff report must also be published on the Commission's website, and be made available for pick-up on request in the Development Review Division, 10 calendar days before the scheduled public hearing.

8.F. Other Amendments

Certain project and site plan amendments may be approved by the Planning Director or designee under Sections 59-D-2.6 and 59-D-3.7 of the County Code.

(a) Minor Project Plan Amendments

A minor amendment to a project plan is an amendment or revision to a plan or any finding, conclusion, or condition associated with the plan that does not entail matters that are fundamental determinations assigned to the Planning Board. A minor project plan amendment is an amendment that does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in its approval of the plan.

(i) Application

The applicant must contact Project Plan staff to see if a requested change qualifies for a Minor Project Plan Amendment. If staff concludes that it qualifies, the applicant may submit the appropriate application without prior appointment to the DRD Intake Section. The applicant must include each item required on the application checklist and the appropriate fee. The application must clearly identify each item on the approved plan that is to be revised. The applicant or the applicant's representative must fill out and sign the application form and checklist, certifying that the application and checklist are complete and ready for processing. The checklist must be submitted with the application form. The Staff must not accept an incomplete application for review.

(ii) Notice

Minor Project Plan Amendments are not subject to notice requirements.

Minor Project Plan Amendments are small changes, often requested due to field conditions or requests from other agencies.

(iii) Review and Approval

DRD staff must review the application and prepare a letter to the applicant containing staff's recommendations and any applicable conditions after a Minor Project Plan Amendment is accepted.

(b) Planning Director Amendments to Certified Site Plans

The Planning Director may approve, in writing, an amendment to a certified Site Plan under Section 59-D-3.7 of the County Code.

(i) Application

The applicant must contact Site Plan staff to determine if a requested amendment qualifies for approval by the Planning Director. If staff concludes that it qualifies, the Applicant may submit the appropriate application without prior appointment to the DRD Intake Section. The applicant must include each item required on the application checklist and the appropriate fee. The application must clearly identify each item on the approved plan that is to be revised. The applicant or the applicant's representative must fill out and sign the application form and checklist, certifying that the application and checklist are complete and ready for processing. The checklist must be submitted with the application form. The Staff must not accept an incomplete application for review.

(ii) Notice

Each Site Plan Amendment approved by the Planning Director must satisfy the site posting and notice requirements of sections 4.C. and 4.D.(a)(i).

(iii) Review and Approval

DRD staff must prepare a staff report that summarizes each proposed finding of fact and conclusion of law and recommend that the Planning Director approve, approve subject to conditions, or deny the application after the minor amendment is accepted. Staff must notify the applicant in writing of the Planning Director's decision.

The Maryland-National Capital Park and Planning Commission, **M-NCPPC**, was formed in 1927 to develop and operate public parks and provide land use planning in Prince George's and Montgomery counties.

The master plans created by the Commission's **planning staff** and the five-member **Planning Board** guide the pace and pattern of development in Montgomery County.

The Commission's **Development Review Staff** work with the Board, applicants, the community and County and State agencies to ensure that development proposals meet master plan goals.



Manual of
Development Review Procedures



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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