

## AMENDED NOTICE REGARDING LOCAL MAP AMENDMENT APPLICATIONS FILED AFTER MAY 1, 2014

On March 4, 2014, the Council voted to approve a new Zoning Ordinance, effective October 30, 2014 (Ordinance No.: 17-43; Zoning Text Amendment No.: 13-04). Although the new law does not go into effect until October 30, 2014, Section 7.7.1.B.1. provides, in part that “. . . Any complete Local Map Amendment application submitted to the Hearing Examiner by May 1, 2014, must be reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. . . .” Any LMA application filed after May 1, 2014, will have an OZAH hearing scheduled after October 30, 2014, and will go to the Council after that date. It will therefore be evaluated under the new Zoning Ordinance.

In order to avoid inordinate delays in the processing of new LMA applications, OZAH asked the M-NCPPC Technical Staff to evaluate LMA applications filed after May 1, 2014 under the new law. On May 13, 2014, by Resolution 17-1087, the District Council adopted interim fees solely for Local Map Amendment applications filed from May 2, 2014 – October 29, 2014. Those fees are posted on this website and are in effect through October 29, 2014. On July 15, 2014, by Resolution No.: 17-1168, the Council approved a comprehensive fee schedule for all applications filed with OZAH on and after October 30, 2014. That fee schedule is also set forth on this website.

To facilitate processing of LMA applications filed after May 1, 2014, the following Checklist describes what an Applicant must file under the new law, and where to go for a pre-filing review of completeness under the new law:

### **CHECKLIST FOR LOCAL MAP AMENDMENT (LMA) APPLICATIONS**

#### **Requirements for Local Map Amendment (LMA) Applications:**

Applicant must submit four sets of its application and documents to the Maryland-National Capital Park and Planning Commission (M-NCPPC) Technical Staff, at 8787 Georgia Avenue, Silver Spring, (301) 495-4610, [www.montgomeryplanning.org](http://www.montgomeryplanning.org), for its assessment and certification of completeness. Twenty-five percent of the filing fee approved by the District Council must be paid directly to the Planning Department when the application is submitted for verification of completeness. Payment of the remaining 75% of the filing fee and the entire sign fee approved by the District Council must be included with the application when it is filed with OZAH. Once Technical Staff certifies completeness of the application, the applicant must file the certified original and fees with the Office of Zoning and Administrative Hearings (OZAH), which will accept the application and establish a hearing date. OZAH will maintain the original certified application and the file; three complete copies of the application will be retained by M-NCPPC Technical Staff for its review and recommendation on the merits.

As provided in Section 7.2.1.B.1. of the 2014 Zoning Ordinance, the applicant must be a government agency, own the subject property, or be authorized by the owner to file the application. If any land or right-of-way is owned or controlled by the State, County, or any other entity or agency, the applicant must submit written authorization from that entity or agency with the application.

**The documents to be submitted by Applicant are:**

1. An application form and fees approved by the District Council. The application must show the name and address of applicant, lot and block and/or subdivision, address of the property, tax account number(s), the election district, the present zoning, and the requested new zone. If the applicant is not the owner, the applicant must submit documents showing the applicant's authorization to file the application. Attached to Application should be a *notarized statement* listing rezoning denials in the past three years.
2. The identity of each person who has a substantial interest in the property under the application, including any person with a share in the property amounting to 5% or more (whether held in an individual or corporate capacity) of the full cash value of the property after subtracting all mortgages, deeds of trusts, liens, and encumbrances. The application must also contain the names of any contract purchaser or person holding a mortgage, deed of trust, or option to purchase the property.
3. A statement disclosing political contributions to the treasurer or political committee of any candidate for County Council and County Executive or slate that contributes to candidates for County Council or County Executive, made by any person that is a title owner or contract purchaser of land that is the subject of an application, a trustee who has an interest in land that is the subject of an application, excluding trustees described in a mortgage or deed of trust; or a holder of 5 percent or greater interest in a business entity who has an interest in land that is the subject of an application. The applicant must submit the disclosure statement on a form approved by the District Council.
4. A statement explaining how the proposed development satisfies the criteria to grant the application. The applicant's Statement should also describe how the proposed plan complies with any existing approvals, and contain a summary of proof, including the names of applicant's witnesses, summaries of the testimonies of expert witnesses, and the estimated time required for presentation of the applicant's case.
5. A list of the owners of properties adjoining and confronting the subject property and a list of civic organizations and homeowners associations within a half mile of the site. If an adjoining or confronting property is a condominium, the applicant must provide the name and address of the Council of Unit Owners.
6. Certified Zoning Map (Vicinity): needs certification stamp & property highlighted
7. Identification Plat certified by surveyor, and **plat acreage must match the application exactly**; verify that Identification Plat has surveyor/engineer stamp, signed and dated by surveyor, and **property must be highlighted**.
8. Metes and bounds (legal description) **or** approved subdivision plat -- Not needed IF it is subdivided and has a Parcel Name.
9. For a Floating zone, a Floating Zone Plan depicting:
  - i. building location, density, massing, height, and anticipated use;
  - ii. locations of open spaces and preliminary stormwater management strategy;

- iii. pedestrian, bicycle, and vehicular circulation, parking, and loading;
- iv. any binding element on the application. An applicant who proposes a binding element must submit an unexecuted covenant suitable for filing in the land records reflecting any restriction on the development standards, development program, or use that will be applicable to the property if the District Council approves the application; and
- v. the following additional information:
  - (a) current and proposed zone;
  - (b) existing site conditions and vicinity (including an NRI/FSD certified by an engineer within the past two years);
  - (c) existing or approved adjacent land uses, buildings, and rights-of-way;
  - (d) a Traffic Study under the Planning Board’s LATR Guidelines if the incremental increase in vehicular peak-hour trips between the density of the base zoning and the density of the requested floating zone meets the minimum applicability requirement in the LATR Guidelines; and
  - (e) general phasing of structures, uses, rights-of-way, sidewalks, dedications, and future preliminary and site plan applications.

10. For a Euclidean zone application, exhibits showing:

- i. the subject property and the proposed neighborhood, identifying uses and zoning; and
- ii. an explanation of the changes that have occurred in the neighborhood since the original zoning or previous comprehensive rezoning, or evidence of the alleged mistake made by the District Council in the previous Sectional or District Map Amendment, in support of the requested Euclidean zone.

11. In addition to hard copies, applicants must submit, with their applications, electronic copies on a compact disc or DVD of all the materials required above. Hard copies and electronic copies must also be submitted of any changes in these materials at least 10 days prior to the hearing. Electronic copies must be submitted in Microsoft WORD format for text documents, and in PDF format for plans, photos and other non-text documents.

**LOCAL MAP AMENDMENT FEE SCHEDULE –May 2, 2014 – October 29, 2014**

Zone Classification	Basic Fee for Designated Acreage or Less	Additional Fee Per Acre or Portion of Acre Above Designated Acreage
<b><u>Residential, One-Family Detached Zones</u></b>		
Agricultural Reserve (AR) (25 acres)	\$725	\$175
Rural (R) (5 acres)	725	175
Rural Cluster (RC) (5 acres)	800	225
Rural Neighborhood Cluster (RNC) (5 acres)	1,000	225
Low-density Residential & TDR (1 acre)		
- RE-2, RE-2C and RE-1	2,500	450
- R-200, Residential—200	3,900	450
Medium-density Residential & TDR (1 acre)		
- R-90, R-60 and R-40	5,000	450

<b>Zone Classification</b>	<b>Basic Fee for Designated Acreage or Less</b>	<b>Additional Fee Per Acre or Portion of Acre Above Designated Acreage</b>
Residential Detached Floating (RDF) (1 acre)	6,600	575
<b><u>Residential, One-Family Attached Zones</u></b>		
TLD, Townhouse Low Density (1 acre)	6,000	450
TMD, Townhouse Medium Density (1 acre)	6,000	450
THD, Townhouse High Density (1 acre)	6,000	450
Townhouse Floating Zone (TFZ) (1 acre)	6,000	450
<b><u>Residential, Multi-Family Zones</u></b>		
R-30, R-20, R-10, R-H (1 acre)	6,000	500
Apartment Floating (AF) (2 acres)	11,000	650
<b><u>Commercial/Residential Zones</u></b>		
Commercial Residential Neighborhood (CRN) (1 ac.)	7,200	575
Commercial Residential Town (CRT) (1 acre)	7,200	650
Commercial Residential (CR) (1 acre)	7,200	650
Commercial Residential Neighborhood Floating (CRNF) (1 acre)	7,200	575
Commercial Residential Town Floating (CRTF) (1 acre)	6,600	650
Commercial Residential Floating (CRF) (1 acre)	7,200	650
<b><u>Employment Zones</u></b>		
General Retail (GR) (1 acre)	7,200	650
Neighborhood Retail (NR) (1 acre)	7,200	650
Life Sciences Center (LSC)	18,150	875
Employment Office (EO)	7,200	650
General Retail Floating (GRF) (1 acre)	7,200	650
Neighborhood Retail Floating (NRF)	7,200	650
Employment Office Floating (EOFF)	18,150	875
Life Sciences Center Floating (LSCF)	18,150	875
<b><u>Industrial Zones</u></b>		
Light Industrial (IL) (2 acres)	8,800	775
Moderate Industrial (IM) (2 acre)	6,600	600
Heavy Industrial (IH) (1 acre)	7,200	775
Light Industrial Floating (ILF) (2 acres)	8,800	775
Moderate Industrial Floating (IMF) (2 acre)	6,600	600