

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 April 22, 2014, a proposed “Local Map Amendment Fee Schedule –May 2, 2014 – October 29, 2014” was introduced in the Council. A copy of the new fee schedule is set forth below after the Checklist for LMA Applications. If the Council approves the new fee schedule, it will be applied to LMA applications filed between May 2 and October 29, 2014. A final fee schedule for all applications filed with OZAH on and after October 30, 2014, will be proposed for Council review in May 2014.

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, for its assessment and certification of completeness. 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 abutting the subject property and a list of civic organizations and homeowners associations within a half mile of the site. If an adjoining or abutting 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 |
|--|--|---|
| <u>Residential, One-Family Detached Zones</u> | | |
| 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 |
| Residential Detached Floating (RDF) (1 acre) | 6,600 | 575 |
| <u>Residential, One-Family Attached Zones</u> | | |

| Zone Classification | Basic Fee for Designated Acreage or Less | Additional Fee Per Acre or Portion of Acre Above Designated Acreage |
|--|---|--|
| 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 |
| | | |
| <u>Residential, Multi-Family Zones</u> | | |
| | | |
| R-30, R-20, R-10, R-H (1 acre) | 6,000 | 500 |
| Apartment Floating (AF) (2 acres) | 11,000 | 650 |
| | | |
| <u>Commercial/Residential Zones</u> | | |
| 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 |
| | | |
| <u>Employment Zones</u> | | |
| 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 |
| | | |
| <u>Industrial Zones</u> | | |
| 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 |

QUICK REFERENCE GUIDE FOR FILING LOCAL MAP AMENDMENT APPLICATIONS
MONTGOMERY COUNTY, MARYLAND
OFFICE OF ZONING & ADMINISTRATIVE HEARINGS
(For complete requirements, please refer to Article 59-H
of the Montgomery County Zoning Ordinance)

Filing Periods Applications may be filed with the Hearing Examiner's Office at any time during normal business hours.

Eligibility To file an application for reclassification, one must be either the owner of the property, or the contract purchaser.

Length of Processing It is difficult to be specific about the exact length of time from initial application to final County Council determination of a request for reclassification. The minimum amount of time is approximately six months.

Determining What Zone to Apply for To determine permitted uses in any zone, contact the Department of Permitting Services - (240) 777-6240, or an area planner at the Department of Park and Planning - (301) 495-4595.

It is important to be sure of the zone requested before filing, as an application cannot be amended to a different zone and filing fees are non-refundable, except as provided in Section 59-H-2.33.

Necessary Documents

All Applications

Original application and 3 copies of accompanying documents must be filed (total of 4). Election District may be obtained from the Supervisor of Elections – (240) 777-8500. Tax account number may be obtained from the MD State Department of Assessments and Taxation – 301-279-1355.

Materials to be included with the application form are:

- 1) Master plan of area (not text of plan, just zoning map, may be purchased at Maryland-National Capital Park and Planning Commission, 301-495-4610, Land Records, Zoning and Information).
- 2) Certified copy of vicinity map with legend attached (may be purchased at Park and Planning); property must be highlighted in color.
- 3) Certified identification plat (can be subdivision plat, if subdivided) (may be obtained from a surveyor or engineer); acreage must match application form and property must be highlighted in color.
- 4) Lot, block and subdivision designations or, if the property is not subdivided by lot and block, a written metes and bounds description (may be obtained from property owner's deed).
- 5) Sufficient information to demonstrate a reasonable probability that available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application is submitted. This should include a traffic study or traffic statement, information on public school impact and information on water and sewer.
- 6) Disclosure Statements identifying applicant contributions to local elected officials, including one for each person with 5% interest in property AND one for the entity. Person signing for entity must print name and title with signature.
- 7) List of adjoining and confronting property owners and civic associations (see p. 2 "Notification").
- 8) Filing and sign fees.

Cases Requiring Development Plan under Section 59-D-1.1

- 9) Development Plan per §59-D-1.3
- 10) Current (2 yrs) Natural Resources Inventory/Forest Stand Delineation signed by preparer stating that it is in accordance with Planning Board technical manual
- 11) Preliminary Forest Conservation Plan

Cases Following Optional Method of Application Under Section 59-H-2.5

- 9) Schematic Development Plan per §59-H-2.5
- 10) Current (2 yrs) NRI/FSD signed by preparer stating that it is in accordance with Planning Board technical manual
- 11) Declaration of Covenants setting forth proposed limits on use and development standards per §59-H-2.54

Fees

There is a filing fee based upon the zone classification requested and the designated acreage. Only one filing fee is collected per application. If an alternate zone is requested, the higher filing fee applies. In addition to a filing fee, there is also a sign fee. Fees are non-refundable except as specified in 59-H-2.33. See web site for this office for current fees.

Signs

Within 3 days after the filing of an application, the applicant must post a sign or signs (obtained from this office) on the subject property. See web page for this office for current sign fees. Sign fee is partially refundable after a decision has been made, provided the sign is returned within a reasonable time and in reasonably good condition.

Notification

Within 3 days after the filing of an application, the applicant will cause a letter (obtained from this office) to be mailed to all abutting and confronting property owners and affected civic associations, informing them of a pending rezoning request. Property owners' names and addresses can be obtained from the Tax Assessment Office, Third Floor, 51 Monroe Street, Rockville (301-279-1355). Current civic association presidents' names and addresses can be obtained from Park and Planning, 301-495-4600.

Hearings

The Hearing Examiner and staff of Park and Planning will review the application and set hearing dates.

The Hearing Examiner will establish a date for a public hearing soon after an application is complete. Written notice of the hearing date will be sent to the applicant, adjoining and confronting property owners and local civic organizations at least 60 days before the hearing. Thirty days prior to the hearing, the case will be advertised in two area newspapers.

Withdrawals

In the event an applicant wishes to withdraw his application before the scheduled public hearing he must submit the request in writing to the Montgomery County Council President with a copy to the Office of Zoning and Administrative Hearings. If the request is received in writing before the newspaper advertising date, an applicant may be eligible for a refund of 75% of the filing fee if the fee was greater than \$25,000, or the full fee if less than \$25,000. A request for withdrawal submitted after the advertisement is placed is not eligible for any filing fee refund absent unusual circumstances.

No application for the reclassification of this property, in whole or in part, has been granted or denied on the merits by the District Council within 18 months prior to this filing.

No more than one application for the reclassification of this property, in whole or in part, nor for the reclassification of the whole or any part of land lying within the same larger lot, parcel or tract of land as the subject application, filed within 3 years prior to this date after November 30, 1958, has been approved, denied, or allowed to be withdrawn without a resolution waiving the limitations set forth in Section 59-H-2.23 of the Zoning Ordinance for Montgomery County. And further provided, an application shall not be accepted for a Zoning Map Amendment upon the same land which has been the subject of a previous Zoning Application for a map amendment filed after June 1, 1965, for the same zoning classification, until thirty-six months has expired.

Signature of Applicant

Subscribed and sworn before me this _____ day of _____, 20 _____.

Notary Public

Payment of appropriate filing fee must accompany this application. See Fee Schedule. No part of such fee shall be refunded unless such refund and amount thereof as provided in Section 59-H-2.33 of the Zoning Ordinance.

This application shall not be amended or modified as to the area proposed to be reclassified or class of zone requested after acceptance for filing.

Applicant is required to post the property covered by this application within 3 days from acceptance of filing in accordance with the Zoning Ordinance, with a sign to be furnished by the Office of Zoning and Administrative Hearings. An affidavit of posting, as required by the Zoning Ordinance, must be presented at the hearing on the application.

***Identification Plat** – Plat prepared by civil engineer, surveyor or other competent person, certified by him to be correct, showing by metes and bounds, courses and distances the land proposed to be reclassified, or if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded in the land records of the County, then a copy of such plat, the land proposed to be reclassified appearing in a color distinctive from that of other land shown on the plat.

****Vicinity Map** – A map certified by the Maryland-National Capital Park and Planning Commission covering the area within 1000 feet of the boundaries of the land covered by this application showing the existing zoning classification of such land as it appears on the official zoning map in the office of the Department of Environmental Protection or the Maryland-National Capital Park and Planning Commission and all roads, streets, alleys, parks and other public or other governmental areas in public ownership or on public rights-of-way and those proposed on a plan adopted by the -National Capital Park and Planning Commission and all streams and railroad rights-of-way and the names thereof.

*******If the land proposed to be reclassified lies in whole or in part within an area covered by a sectional highway or zoning plan map adopted by the Commission, then a copy of such map shall be submitted.

The scale of the identification plat and vicinity map shall be noted thereon and shall be not less than 200 feet to the inch if the land proposed to be reclassified is of an area of ten acres or less; and not less than 400 feet to the inch if of an area of more than ten acres. A north direction arrow shall appear on such plat and map.

APPENDIX TO APPLICATION NO. FOR LOCAL MAP
AMENDMENT TO ZONING ORDINANCE

Pursuant to Ordinance No. 7-51, adopted on the 23rd day of October, 1973 by the County Council for Montgomery County, Maryland, sitting as a District Council for that portion of the Maryland-Washington Regional District within Montgomery County and further pursuant to the order of the Administrative Hearing Examiner the following inquiries are to be answered and information is to be supplied by the Applicant for local map amendment to the Zoning Ordinance:

1. PROPOSED USE

A. Residential

1. ___ One-family detached
 - Total number of units proposed _____
2. ___ Town House
 - Total number of units proposed _____
3. ___ Multiple-family
 - Total number of buildings proposed _____
 - Total number of apartment units proposed _____
4. ___ Other - Specify _____

B. Non-Residential

1. ___ Commercial
2. ___ Industrial
3. ___ Other - Specify _____
4. Describe in detail proposed use of buildings. If use of existing building is being changed, enter proposed use.

II. TYPE OF IMPROVEMENT

- A. ___ New Structure
- B. ___ Addition
- C. ___ Alteration of Existing Structure

(COMPLETE REVERSE SIDE)

III. DIMENSIONS

- Number of stories above street level _____
- Basement _____ Yes _____ No
- Height of construction, feet _____
- Width _____ Depth _____
- Total floor area, square feet _____
(All floors based on exterior dimensions)
- Total land area, square feet _____

IV. TYPE OF SEWAGE DISPOSAL

- A. ___ Public
- B. ___ Private - Specify Type of System Proposed _____

V. TYPE OF WATER SUPPLY

- A. ___ Public
- B. ___ Individual (well, cistern)

VI. ANTICIPATED DATE OF COMMENCEMENT OF DEVELOPMENT

- _____
- A. Phasing Schedule (in any)
- _____
- _____
- _____

The purpose of this information is to analyze the application from the standpoint of the type of development proposed by the applicant and its relative impact on existing and proposed public facilities. THE TYPE OF DEVELOPMENT DESCRIBED HEREIN AND ANY ANSWERS CONTAINED IN THIS APPENDIX IN NO WAY BIND THE APPLICANT TO SUCH DEVELOPMENT OR ANY DEVELOPMENT OF APPLICANT'S PROPERTY IN ACCORD WITH THE INFORMATION SUPPLIED HEREIN.

This Appendix must be completed by the Applicant and accompany the application upon filing and payment of the prescribed filing fee.

Signature of Applicant

Date

| NAME | ADDRESS AND TELEPHONE NUMBER | LOT | BLOCK |
|------|------------------------------|-----|-------|
|------|------------------------------|-----|-------|

LOCAL CIVIC ASSOCIATION (NAME AND ADDRESS):

LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS:

**PROVISIONS APPLICABLE TO THOSE FILING NEW
APPLICATIONS FOR SPECIAL EXCEPTIONS**

[Excerpt from Section 59-H-4.43]

- a. Within three days after the filing of a petition for special exception or variance, the applicant shall erect a sign, to be furnished by the board or the Hearing Examiner, on the subject property within ten feet of the boundary line of each public road which abuts the property and, if no public road abuts thereon, then facing in such manner as may most readily be seen by the public. If the land does not abut a public road, then in addition to a sign placed on the property, a sign shall be placed within ten feet of the right-of-way of the nearest most traveled public road. However, if the owner of the property abutting the nearest most traveled public road is unwilling to permit the posting of any such sign, and the applicant files an affidavit stating such fact, then posting shall be made in such manner as the board or the Hearing Examiner shall direct.

- b. The sign shall be erected so that the bottom of the sign shall be not less than two and one-half feet from the ground . . .

**LOCAL MAP AMENDMENT APPLICATION
DISCLOSURE STATEMENT**

(Effective January 1, 2003)

State law requires that each and any Applicant for a local zoning map amendment, or Party of Record, who has made a contribution to a candidate for County Executive or County Council of \$500.00 or more, calculated cumulatively for the four-year election cycle either before the filing of the application or during the four-year cycle within which the application is pendent, must disclose the name of the candidate to whose treasurer, political committee, or slate the contribution was made, the amount and the date of the contribution. For your information, the 4-year election cycle is defined as the period that begins on the January 1 that follows a gubernatorial election and continues until the December 31 that is 4 years later, according to Md. Ann. Code, Election Law, Sec. 1-101(w).

A Disclosure Statement must be filed when the application is filed or within two weeks after entering the proceeding by a Party of Record and be updated within 5 business days of any contribution made after the filing of the initial disclosure and before final disposition of the application by the District Council. If more than one contribution is made, please specify in the space provided below each contribution and to whom it was made. **If more than one applicant is involved in a single application, each applicant must file this statement.**

Subject to the penalties of perjury, I, _____
(NAME OF APPLICANT FOR LOCAL MAP AMENDMENT
OR PARTY OF RECORD)

HEREBY AFFIRM that the contents of this statement are true to the best of my

knowledge, information and belief, and that: **(SELECT EITHER 1 OR 2 BELOW AND CHECK
APPROPRIATE STATEMENT)**

1. I HAVE made a contribution of _____
**(FILL IN AMOUNT OF CONTRIBUTION IF \$500
OR MORE, OR STATE N/A IF NOT APPLICABLE)**

on _____
(FILL IN DATE (MONTH, DAY AND YEAR) OF CONTRIBUTIONS),

to the following candidate's treasurer, political committee, or slate:

(FILL IN NAME OR NAMES OF CANDIDATE, OR STATE N/A IF INAPPLICABLE)
(If more space is required, use the back of this form.)

2. I HAVE NOT made a contribution requiring disclosure.

SIGNATURE OF DECLARANT

This Statement is filed in compliance with Public Ethics Requirements, Art. 33, Md. Ann. Code, Sec. 26-9(f-1) and Md. Ann. Code, State Government Article, Sec. 15-838 through 15-841. Any violations of these provisions is a misdemeanor, and upon conviction, is subject to a fine of not more than \$1,000.

For convenience, several definitions in State law are contained on the reverse side.

Subscribed and sworn to me, a Notary Public for Montgomery County, Maryland, this _____
day of _____, 20____.

NOTARY PUBLIC

My Commission Expires:

- (i) “Applicant” means an individual or business entity that is:
 - 1. a title owner or contract purchaser of land that is the subject of an application;
 - 2. 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
 - 3. 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.
- (ii) “Applicant” includes, if the applicant is a corporation, the directors and officers of the corporation which actually holds title to the land, or is a contract purchaser of the land which is the subject of an application. [State Gov’t. Art. 15-838(b) (1999 Repl. Vol.)]

“Applicant” does not include:

- (i) a financial institution that has loaned money or extended financing for the acquisition, development, or construction or improvements on the land that is the subject of an application;
- (ii) a municipal or a public corporation;
- (iii) a public authority;
- (iv) a public service company acting within the scope of the Public Utility Companies Article; or
- (v) a person who is hired or retained as an accountant, attorney, architect, engineer, land use consultant, economic consultant, real estate agent, real estate broker, traffic consultant, or traffic engineer. [State Gov’t. Art. 15-838(b) (1999 Repl. Vol.)]

“Business Entity” means:

- (1) a sole proprietorship;
- (2) a corporation;
- (3) a general partnership;
- (4) a limited partnership;
- (5) a limited liability company; or
- (6) a joint venture. [State Gov’t. Art. 15-838(d) (1999 Repl. Vol.)]

“Candidate” means an individual who wins an election to the Office of County Executive or County Council of Montgomery County. [State Gov’t. Art. 15-838(e) (1999 Repl. Vol.)]

“Contribution” means:

- (1) any payment or transfer of money or property of \$500 or more, calculated cumulatively during a 4-year election cycle, or the incurring of any liability or promise of anything of value of \$500 or more, cumulatively during a 4-year election cycle, to the treasurer of either a candidate or a political committee.
- (2) “Contribution” includes a payment or transfer to a slate with which a candidate is associated.
- (3) Except as provided in paragraph (4) of this subsection, the \$500 cumulative threshold contribution is calculated separately as to each candidate or elected official.
- (4) For purposes of this subtitle, a cumulative contribution of \$500 or more to a slate is fully attributed to each candidate on the slate. [State Gov’t. Art. § 15-838(f)]

“Election Cycle” means the period that begins on the January 1 that follows a gubernatorial election and continues until the December 31 that is 4 years later. [Election Law Art. 1-101(w)(2003 Vol.)]

AFFIDAVIT OF POSTING

I HEREBY CERTIFY that I placed or caused to be placed upon the property which is the subject of Application No. _____ the sign furnished by the Office of Zoning and Administrative Hearings, that the sign was posted within three days after acceptance for filing of said application within ten feet of the property line in the most conspicuous location, and that the sign has been continuously maintained to the date of hearing.

I understand that the sign is to be maintained in the same position until after I have been notified of the Council's decision on said application, and that the sign is to be returned to the Council Office Building within five days thereafter.

APPLICANT

Subscribed and sworn to before me, a Notary Public for Montgomery County, Maryland, this _____ day of _____, 20__.

NOTARY PUBLIC

My Commission Expires: _____

ZONING APPLICATION NO. _____

AFFIDAVIT OF MAILING

I hereby certify that I mailed or caused to be mailed, as required by the District Council's Rules of Procedure for Local Map Amendment Applications, informational notice to all owners of property abutting and confronting the land that is the subject of this application.

Such mailing was made within 3 days after the acceptance for filing of this application by the Office of Zoning and Administrative Hearings. Attached is a list of all property owners, with addresses, who were mailed a copy of the informational notice.

APPLICANT

Subscribed and sworn to before me, a Notary Public for Montgomery County, Maryland,
this _____ day of _____, 20.

NOTARY PUBLIC

My Commission Expires: _____

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR
MONTGOMERY COUNTY, MARYLAND

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6660

NOTICE TO APPLICANTS FILING UNDER THE
OPTIONAL METHOD AUTHORIZED BY SECTION 59-H-2.5

Under the provisions of the Optional Method, you are required to file fully executed covenants prior to the close of the administrative record, and, if you receive approval of zoning, the covenants must be immediately recorded in the land records of Montgomery County.

Also under a recent amendment to the Zoning Ordinance, new Section 59-D-1.63, you are required to submit a final land use plan and development program incorporating all prior amendments. This final plan must be submitted prior to the close of the administrative record and must be submitted in accordance with the requirements of Section 59-D-1.63 and 1.64 to permit the required certification.

If the zoning is approved, the Applicant must submit to this office within 10 days a reproducible original and three copies of the plan. §59-D-1.64(b). The Applicant is also requested to submit at the same time proof of recordation of the covenants in order to permit prompt certification of the plan.

In order that the covenants contain enough information to meet the objectives of the Zoning Ordinance, the following minimum provisions must be included:

1. executed by all persons having a property interest, including both contract purchasers and property owners;
2. bind all successors in interest and run with the land, unless the property is rezoned to another classification or the development plan modified by the District Council;
3. contain a complete and accurate description of the subject property;
4. incorporate by reference any applicable schematic development plan, by exhibit number, and specify with particularity all binding elements of the plan, or in the absence of a plan, all binding elements pertaining to the application;
5. contain a provision that enures to the benefit of Montgomery County and provides that the covenants may be enforced by the County or other appropriate government agencies; and
6. contain a provision that amendments to the covenants may only be made by the declarant or successors in interest to conform with modifications approved by the District Council or other appropriate government agencies.

TO: Interested Parties, Persons and Counsel

FROM: Françoise M. Carrier, Director
Office of Zoning and Administrative Hearings

SUBJECT: Informational Notice and Posting of Signs in Zoning Cases

The informational notice that must be mailed to abutting and confronting property owners in zoning cases states that a zoning sign has been posted. In addition, the Montgomery County Zoning Ordinance requires that both the mailing of the informational notice and the posting of the sign take place within 3 days of the filing of a zoning application. Accordingly, we suggest that the posting of the sign and the mailing of the informational notice be handled simultaneously.

SUMMARY OF
PROVISIONS APPLICABLE TO THOSE FILING NEW
APPLICATIONS WITH THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
[For full text, *see* Code Sections 59-D-1.74(b) and 59-H-4.23]

- a. Within three days after the filing of an application for a local map amendment or development plan amendment, the applicant shall erect a sign, to be furnished by the Office of Zoning and Administrative Hearings, on the subject property within ten feet of the boundary line abutting the nearest public road. Additional requirements apply to: (i) land that does not abut a public road, (ii) land comprising five acres or more that abuts more than one public road, and (iii) land that lies within more than one block as shown on a record plat. *See* Code §59-H-4.23.
- b. The sign shall be erected so that the bottom of the sign shall be not less than two and one-half feet from the ground.
- c. The sign shall be continuously maintained until the District Council has made a decision on the application, and shall then be removed by the applicant and returned to the Office of Zoning and Administrative Hearings.

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IMPORTANT INSTRUCTIONS TO LOCAL MAP AMENDMENT APPLICANTS
FOR MAILING OF INFORMATIONAL NOTICE

1. Upon the filing of a local map amendment application, you will be given a form letter to be mailed to all owners of property abutting and confronting the property and all affected civic associations, which is the subject of your application.
2. This letter must be mailed to these property owners and civic associations within 3 days after your application has been duly filed in this office.
3. The Office of Assessments, 51 Monroe Street, Room 301, Rockville, can provide you with information concerning the location of abutting and confronting property owners. This information is available between the hours of 8:30 a.m. and 4:30 p.m. each weekday. The assessment office does not provide the information over the phone.
4. For current civic association lists, Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, will provide names and addresses. The phone number is 495-4600.
5. This office will mail to you a copy of an affidavit of mailing about 30 days before the date of the public hearing. You must complete the affidavit and attach a list of the names and addresses of all persons to whom you mailed the informational notice.
6. You will be required to submit the completed affidavit of mailing along with the attached list of all addresses at the time of the public hearing.

