

INSTRUCTIONS FOR FILING PETITION FOR SPECIAL EXCEPTION
(Please Read Carefully)

1. **Address correspondence to: Office of Zoning and Administrative Hearings, 100 Maryland Avenue, Room 200, Rockville, Maryland, 20850 (Telephone number: 240-777-6660)**
2. **At the time of filing an application, the correct fee must be paid in accordance with the current schedule of fees adopted by the Montgomery County Council. Checks or money orders should be made payable to Montgomery County, Maryland. Cash cannot be accepted. No application will be accepted by the office unless it contains all pertinent information and is accompanied by the required filing fee.**

DATA TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
(Section 59-A-4.22, Montgomery County Code 2004, as amended)

Each Petition for Special Exception must be accompanied at the time of its filing by four (4) copies of all documents that include:

1. Survey plats showing boundaries, dimensions, area, topography and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed to be erected, and the distances of such structures from the nearest property lines.
2. Plans, architectural drawings, photographs, elevations, specifications or other detailed information depicting fully the exterior appearance of existing and proposed construction, including signs, involved in the petition. This requirement may be satisfied by site plan documents which comply with the requirements of section 59-D-3.2, as provided in subsection (b)(2).
3. Statement explaining in detail how the special exception is proposed to be operated, including hours of operation, number of anticipated employees, occupants and clientele, equipment involved, and any special conditions or limits which the applicant proposes.
4. Complete information concerning the size, type and location of any existing and proposed trees, landscaping and screening, and exterior illumination. This requirement may be satisfied by site plan documents which comply with the requirements of section 59-D-3.2, as provided in subsection (b)(2).
5. Certified copy of official zoning vicinity map of 1,000-foot radius surrounding the subject property and other information to indicate the general conditions of use and existing improvements on adjoining and confronting properties, along with a list of those adjoining and confronting property owners in the county tax records who are entitled to notice of the filing under subsection 59-A-4.46.
6. If the applicant is not the owner of the property involved, the lease, rental agreement, or contract to purchase by which applicant's legal right to prosecute the petition is established.
7. Applicable master plan maps reflecting proposed land use, zoning, and transportation, together with any other portions of the applicable master plan which the applicant considers relevant.
8. A preliminary forest conservation plan prepared under Chapter 22A or a confirmation that the inventory is not required under Chapter 22A-5.
9. An approved natural resources inventory prepared in accordance with the technical manual adopted by the Planning Board or a confirmation that the inventory is not required under Chapter 22A-5.
10. A preliminary or final quarter quality plan if the property is located in a special protection area subject to Chapter 19.
11. All additional exhibits which the applicant intends to introduce.
12. A summary of what the applicant expects to prove, 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.
13. Names and addresses of adjoining and confronting property owners who are entitled to notice of the filing under Section 59-A-4.46(a), as reflected by the Montgomery County Tax Records, 51 Monroe Street, Third Floor, Rockville, Maryland (please use Form 5), and a list of local citizens associations and any municipality or special taxing district within whose boundaries the subject property lies. **The public hearing will be held no sooner than 30 days following the receipt of the petition and mailing of notice to neighbors. Please be careful that the list of property owners is both complete and current because an incomplete or outdated list will require the process to be repeated.**

IMPORTANT

It is suggested that applicant, before preparing the petition, read carefully Sections 59-A-4.1, 59-A-4.2 and 59-G-1 of the Zoning Ordinance and the particular subsection pertaining to the use desired.

Special Exception petitions require that an OZAH sign be posted on the property within three (3) days after the application is accepted by the office. A deposit for the sign of \$300 is required: \$250 will be refunded to the applicant when the sign is returned following the hearing Examiner's decision.