

Ordinance No. _____
Subdivision Regulation Amend. No. 07-03
Concerning: Preliminary Subdivision
Plans-Approvals-Applicability of
Growth Policy Amendments-
Extension
Revised: 7-27-07 Draft No. 1
Introduced: July 31, 2007
Public Hearing: September 11, 2007
Adopted: _____
Effective: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: Council President Praisner

AN AMENDMENT to the Subdivision Regulations to:

- (1) continue in effect certain temporary provisions regarding the applicability of certain Growth Policy or adequate public facilities requirements to certain subdivisions; and
- (2) generally amend the process for approving preliminary plans of subdivision.

By amending the following sections of County Code Chapter 50:

Sec. 50-35B. Applicability of future adequate public facilities requirements - temporary provision.

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

OPINION

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

1 **Sec. 1. Section 50-35B is amended as follows:**

2 **50-35B. Applicability of future adequate public facilities requirements –**
3 **temporary provision.**

4 (a) Except as provided in subsections (c) and (d), the Planning Board's
5 approval or amendment of any preliminary subdivision plan for which
6 an application was filed after January 1, 2007, must be subject to any
7 County Growth Policy or other adequate public facilities requirement
8 adopted after the plan was approved if that Policy or requirement
9 expressly applies to previously-approved plans. In considering any
10 preliminary subdivision plan for which an application was filed before
11 January 1, 2007, the Board must apply the County Growth Policy and
12 other adequate public facilities requirements in effect when the
13 application was filed.

14 (b) The Board must reopen any preliminary subdivision plan approved
15 between January 1 and [August] November 15, 2007, for which an
16 application was filed after January 1, 2007, as necessary to assure that
17 all development permitted under the plan complies with all applicable
18 Growth Policy and other adequate public facilities requirements.

19 (c) Notwithstanding subsection (b), the Board may approve a preliminary
20 subdivision plan without reserving the option to reopen the plan for
21 compliance with later Growth Policy or adequate public facilities
22 requirements if the proposed subdivision:

23 (1) is located entirely in a Metro Station Policy Area, as defined in
24 the County growth policy, or an enterprise zone;

25 (2) would add 5 or fewer peak hour trips, as defined under the
26 County growth policy, for intersections serving that subdivision
27 and is not located in the Poolesville or Goshen Policy Areas; or

- 28 (3) is necessary to facilitate timely construction of a significant
29 state or County public facility.
- 30 (d) Notwithstanding subsection (b), the Board may amend a preliminary
31 subdivision plan that the Board approved before January 1, 2007,
32 without reserving the option to reopen the plan for compliance with
33 later Growth Policy or adequate public facilities requirements, if:
- 34 (1) the amendment would not add more than 5 peak hour trips to
35 the number previously approved for intersections serving that
36 subdivision; and the subdivision is not located in the Poolesville
37 or Goshen Policy Areas;
- 38 (2) the amendment applies only to the Clarksburg Town Center and
39 results from a mediated settlement agreement that the Board
40 previously approved; or
- 41 (3) the amendment is necessary to complete a development in the
42 Life Sciences Center Zone and is required by a previously
43 approved site plan for that development.

44 **Sec. 2. Effective date.** This ordinance takes effect on the date of Council
45 adoption.

46 **Sec. 3. Expiration.** Section 50-35B, as amended by Section 1 of this
47 ordinance, expires on [August] November 15, 2007. The expiration of Section 50-
48 35B does not restrict:

- 49 (a) the applicability of any later-adopted Growth Policy or other adequate
50 public facilities requirement to any preliminary subdivision plan for
51 which an application was filed between January 1, 2007, and [August]
52 November 15, 2007; and
- 53 (b) the authority of the Planning Board to reopen any preliminary
54 subdivision plan for which an application was filed on or after January

55 1, 2007, to assure that the plan will comply with all applicable Growth
56 Policy and other adequate public facilities requirements.

57 *Approved:*

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Isiah Leggett, County Executive Date

60 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council Date