

Ordinance No: 17-31
Subdivision Regulation Amendment No.: 13-01
Concerning: Adequate Public Facilities –
Preliminary Subdivision Plans –
Validity Period
Draft No. & Date: 1 – 1/29/13
Introduced: February 5, 2013
Public Hearing: March 12, 2013
Adopted: March 19, 2013
Effective: April 1, 2013

**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: Councilmembers Floreen and Ervin, Council President Navarro, Council Vice President
Rice, and Councilmembers Berliner, Leventhal, and Riemer

AN AMENDMENT to:

- (1) extend the validity period for a determination of adequate public facilities for certain developments;
- (2) extend the validity period for certain preliminary subdivision plans; and
- (3) otherwise revise the validity period for certain developments.

By amending

Montgomery County Code
Chapter 50, Subdivision of Land
Sections 50-20 and 50-35

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

Subdivision Regulation Amendment 13-01 was introduced on February 5, 2013 at the request of Councilmembers Floreen and Ervin, Council President Navarro, Council Vice President Rice, and Councilmembers Berliner, Leventhal, and Riemer, to temporarily extend the validity period of a finding of adequate public facilities and an approval of a preliminary plan of subdivision by the Planning Board.

The Council held a public hearing on March 12, 2013 to receive testimony concerning the proposed amendment. The Council's Planning, Housing, and Economic Development Committee considered this SRA at a worksession on March 11, 2013 and recommended that it be enacted as introduced.

The District Council reviewed Subdivision Regulation Amendment 13-01 at a worksession held on March 19, 2013 and enacted the Amendment as recommended by the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this Amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Subdivision Regulation Amendment No. 13-01 will be approved.

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:

27 public facilities for an exclusively residential subdivision
28 beyond the otherwise applicable validity period if the
29 Department has issued building permits for at least 50 percent
30 of the entire subdivision before the application for extension is
31 filed. The Board may approve one or more extensions if the
32 aggregate length of all extensions for the development does not
33 exceed:

34 (A) for a preliminary plan approved before April 1, 2009, or
35 on or after April 1, [2013] 2015:

36 (i) 2½ years for a subdivision with an original validity
37 period of 5 years; or

38 (ii) 6 years for a subdivision with an original validity
39 period longer than 5 years; and

40 (B) for a preliminary plan approved on or after April 1, 2009,
41 and before April 1, [2013] 2015:

42 (i) 2½ years for a subdivision with an original validity
43 period of 7 years; or

44 (ii) 6 years for a subdivision with an original validity
45 period longer than 7 years.

46 * * *

47 **50-35. Preliminary subdivision plan-Approval procedure.**

48 * * *

49 (h) *Duration of Validity Period and Actions Required to Validate the Plan.*

50 * * *

51 (2) *Duration of Validity Period.*

52 (A) An approved preliminary plan for a single phase project

53 remains valid for 60 months after its Initiation Date for any
54 preliminary plan approved on or after April 1, 2009, but
55 before April 1, [2013] 2015, and for 36 months after its
56 Initiation Date for any preliminary plan approved on or
57 after April 1, [2013] 2015. Before the validity period
58 expires, the applicant must have secured all government
59 approvals necessary to record a plat, and a final record plat
60 for all property delineated on the approved preliminary
61 plan must have been recorded in the County land records.

62 (B) An approved preliminary plan for a multi-phase project
63 remains valid for the period of time allowed in the phasing
64 schedule approved by the Planning Board. The Planning
65 Board must assign each phase a validity period on a case-
66 by-case basis, the duration of which the applicant must
67 propose as part of an application for preliminary plan
68 approval, revision, or amendment, after considering such
69 factors as the size, type, and location of the project. The
70 time allocated to any phase must not exceed 60 months
71 after the initiation date for that particular phase for any
72 preliminary plan approved on or after April 1, 2009, but
73 before April 1, [2013] 2015, and 36 months after the
74 initiation date for that particular phase for any preliminary
75 plan approved on or after April 1, [2013] 2015. The
76 cumulative validity period of all phases must not exceed
77 the APFO validity period which begins on the date of the
78 initial preliminary plan approval, including any extension

79 granted under Section 50-20(c)(5). A preliminary plan for
80 a phase is validated when a final record plat for all
81 property delineated in that phase of the approved
82 preliminary plan is recorded in the County land records.

83 * * *

84 **Sec. 2. Effective Date.** This amendment takes effect on April 1, 2013.

85 **Sec. 3. Automatic Extensions.**

86 (a) Notwithstanding any provision of Section 50-20(c) to the contrary, the
87 validity period of any determination of adequate public facilities that
88 was valid on March 31, 2009, or for which a timely application for an
89 extension of the validity period was pending on March 31, 2009, is
90 automatically extended for 6 years after the date when the validity
91 period would otherwise have expired. This 6-year extension includes
92 any extension granted automatically by any previous subdivision
93 amendment and must be treated for all purposes as part of the validity
94 period that was extended.

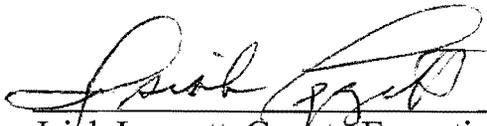
95 (b) Notwithstanding any provision of Section 50-35(h) to the contrary, the
96 validity period of any preliminary subdivision plan that was valid on
97 March 31, 2009, or for which a timely application for an extension of
98 the validity period was pending on March 31, 2009, including any
99 separate phase of a multi-phase plan, is automatically extended for 6
100 years after the date when the validity period would otherwise have
101 expired. This 6-year extension includes any extension granted
102 automatically by any previous subdivision amendment and must be
103 treated for all purposes as part of the validity period that was extended.

104 (c) Notwithstanding any provision of Section 50-20(c) to the contrary, the

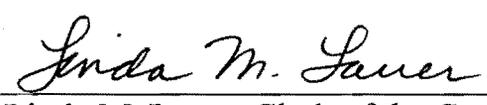
105 validity period of any determination of adequate public facilities that
106 was valid on March 31, 2013, or for which a timely application for an
107 extension of the validity period was pending on March 31, 2013, is
108 automatically extended for 2 years after the date when the validity
109 period would otherwise have expired. This 2-year extension must be
110 treated for all purposes as part of the validity period that was extended.

111 (d) Notwithstanding any provision of Section 50-35(h) to the contrary, the
112 validity period of any preliminary subdivision plan that was valid on
113 March 31, 2013, or for which a timely application for an extension of
114 the validity period was pending on March 31, 2013, including any
115 separate phase of a multi-phase plan, is automatically extended for 2
116 years after the date when the validity period would otherwise have
117 expired. This 2-year extension must be treated for all purposes as part
118 of the validity period that was extended.

119 *Approved:*

120
121  3/29/13
122 _____ Date
122 Isiah Leggett, County Executive

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

124
125  4/1/13
126 _____ Date
126 Linda M. Lauer, Clerk of the Council