

Ordinance No.: O-16-10
Subdivision Regulation Amend. No. 07-01
Concerning: Adequate Public Facilities
- Validity Period
Revised: 11-16-07 Draft No. 3
Introduced: May 24, 2007
Public Hearing: July 10, 2007
Adopted: November 20, 2007
Effective: December 10, 2007

**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 at the request of the Planning Board

AN AMENDMENT to the Subdivision Regulations to:

- (1) revise the validity period of a finding of adequate public facilities by the Planning Board, and the process and standards to extend a finding of adequacy; and
- (2) update obsolete language and make corrective and stylistic changes.

By amending the following sections of County Code Chapter 50:
Sec. 50-20. Limits On Issuance Of Building Permits.

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 07-01 was introduced on May 24, 2007 to revise the validity period of a finding of adequate public facilities by the Planning Board and the process and standards to extend a finding of adequacy

The Council held a public hearing on July 10, 2007, to receive testimony concerning the proposed amendment. The Council's Planning, Housing, and Economic Development Committee considered this SRA at a worksession on October 8, 2007, and recommended that it be enacted as introduced. The District Council reviewed Subdivision Regulation Amendment at a worksession held on November 20, 2007, and enacted the Amendment without change.

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. 07-01 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:

Sec. 1. Section 50-20 is amended as follows:

50-20. Limits On Issuance Of Building Permits.

* * *

(c) (1) Words and phrases used in this subsection have the meanings indicated in Section 8-30.

(2) Except as provided in this subsection and Article IV of Chapter 8, the Department of Permitting Services may issue a building permit only if the Planning Board has made a timely determination of the adequacy of public facilities to serve the proposed development under this Chapter. However, the Department may issue a building permit for any proposed development that is:

(A) exclusively residential on a lot or parcel recorded before

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

July 25, 1989, or otherwise recorded in conformance with a preliminary plan of subdivision approved before that date; or

(B) otherwise exempt from the requirement for determining adequacy of public facilities before a preliminary plan of subdivision is approved.

(3) A determination of adequate public facilities made under this Chapter is timely and remains valid:

(A) For 12 years after the [date of] preliminary plan [approval] is approved for any plan approved on or after July 25, 1989, but before October 19, 1999; [and]

(B) For no less than 5 and no more than 12 years after the preliminary plan is approved, as determined by the Planning Board at the time of [subdivision] approval, for any plan approved on or after October 19, 1999, but before August 1, 2007; and

(C) For no less than 5 and no more than 10 years after the preliminary plan is approved, as determined by the Board at the time of approval, for any plan approved on or after August 1, 2007. If an applicant requests a validity period that is longer than 5 years, the applicant must submit a development schedule or phasing plan for completion of the project to the Board for its approval. At a minimum, the proposed development schedule or phasing plan must show the minimum percentage of the project that the applicant expects to complete in the first 5 years after the preliminary plan is approved. To allow a validity period

41 longer than 5 years, the Board must find that the
 42 extended validity period would promote the public
 43 interest. The Board may condition a validity period
 44 longer than 5 years on adherence to the proposed
 45 development schedule or phasing plan, and may impose
 46 other transportation improvement or mitigation
 47 conditions if those conditions are needed to assure
 48 adequate levels of transportation service during the
 49 validity period.

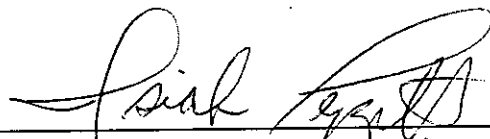
50 * * *

- 51 (7) Submittal and [review] approval requirements for [extensions]
 52 each extension of an adequate public facilities [determinations]
 53 determination.
- 54 (A) [A] The applicant must submit a new development
 55 schedule or phasing plan for completion of the project
 56 [must be submitted] to the [Planning] Board for approval;
- 57 (B) [no] the applicant must not propose any additional
 58 development beyond the amount approved in the original
 59 determination of adequate public facilities [for the
 60 preliminary plan of subdivision may be proposed or
 61 approved];
- 62 (C) [no] the Board must not require any additional public
 63 improvements or other conditions beyond those required
 64 for the original preliminary plan [may be required by the
 65 Planning Board]; [and]
- 66 (D) the applicant must file an application for an extension
 67 [must be filed] with the [Planning] Board before the


58 original validity period [for which the extension is
69 requested] has expired; and
70 (E) the Board may require the applicant to submit a traffic
71 study to help the Board decide if the extension would
72 promote the public interest.

73 * * *

74 *Approved:*

75 
76 Isiah Leggett, County Executive Dec 3, 2007
Date

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

78
79 
Linda M. Lauer, Clerk of the Council Dec 4, 2007
Date