

Ordinance No.: _____
Subdivision Regulation Amend. No. 08-03
Concerning: Arts or Entertainment Use –
Validity Period
Revised: _____ Draft No. 2
Introduced: June 24, 2008
Public Hearing: _____
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 at the Request of the County Executive

AN AMENDMENT to the Subdivision Regulations to:

- (1) provide for an extension of the validity period for an adequate public facilities determination for certain properties;
- (2) provide for the approval of a site plan to validate phases of a preliminary plan and project plan for certain properties under certain circumstances; and
- (3) provide for the recordation of a final record plat to validate all phases of a multi-phase preliminary plan for certain properties under certain circumstances.

By amending the following sections of Montgomery County Code Chapter 50:
Section 50-20. Limits on issuance of building permits.
Section 50-34. Preliminary subdivision plans—Filing and specifications.
Section 50-35. Preliminary subdivision plan—Approval procedure.

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>

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., Sections 50-20, 50-34 and 50-35 are amended as follows:**

2 **50-20. Limits on issuance of building permits.**

3 * * *

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

6 * * *

7 (D) (i) For 10 years after the date of the conveyance of land
8 to the County, or possession of building space by the
9 County for an arts or entertainment use, under a
10 preliminary plan for an optional method of
11 development project approved under Section 59-C-
12 6.2356.

13 (ii) The Board must grant an application to extend the
14 validity period established under (D)(i) of this
15 subsection for an additional 5 years if:

16 a. at least 20% of the approved
17 development, excluding the arts or
18 entertainment use, either separately or in
19 combination:

- 20 1. has been built;
21 2. is under construction;
22 3. is subject to building permits that have
23 been issued;
24 4. is subject to a valid lease; or

52 (iv) If the applicant proposes to change a use in a project
53 that is approved under Section 59-C-6.2356 and the
54 new use would have the same or lesser impact as the
55 original determination of adequate public facilities,
56 the adequate public facilities approval for the project
57 remains valid.

58 * * *

59 **50-34. Preliminary subdivision plans—Filing and specifications..**

60 * * *

61 (h) Staging schedule for land containing an arts or entertainment use as a
62 public use space. If a phasing plan for a preliminary plan of
63 subdivision includes land or building space that the County has
64 accepted for an arts or entertainment use under Section 59-C-6.2356,
65 approval of a site plan under Section 59-D-3 for the phase containing
66 that land or building space validates all remaining phases of the
67 preliminary plan and the project plan for the purpose of Section 59-D-
68 2.7(b).

69 [(h)] (i) * * *

70 [(i)] (j) * * *

71 [(j)] (k) * * *

72 **Sec. 50-35. Preliminary subdivision plan—Approval procedure.**

73 * * *

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

75 * * *

76 (2) *Duration of Validity Period.*

77 * * *

78

