

**PLANNING COMMISSION
MEMORANDUM**

TO: Planning Commission Members

VIA: Robert S. Cohn, AICP, Planning Commission Administrator RC

FROM: Olivia Vidotto, Planner I

PC DATE: February 24, 2010

RE: Preliminary approval extensions

BACKGROUND:

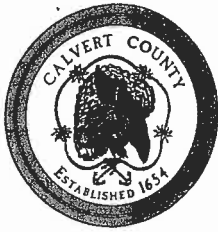
The Adequate Public Facilities Ordinance (APFO) Policy that was adopted by the Planning Commission on July 19, 2006 (copy attached), requires that a preliminary approval extension form be submitted to Planning & Zoning to be placed on an agenda for a Planning Commission meeting. This is for the four year extension beyond the three year preliminary approval due to the adequacy of the schools related to the project.

DISCUSSION:

The Governor's office passed Maryland Senate Bill 958 that imposed a stay on permits until July 1, 2010. The Planning Commission delegated the authority to approve any extension requests beyond the normal timeframe that is in place in the ordinance to the Planning Commission Administrator. At this time the APF Policy has been revised, but not approved, as a Zoning Ordinance change must be done to allow the proposed revisions. One of the recommendations is that preliminary approval extensions would be approved in house by the Planning Commission Administrator.

CONCLUSION:

Until the APF Policy is revised and approved by the Planning Commission, staff would like all preliminary approval extensions to be approved in house by the Planning Commission Administrator. Staff will include a copy of all approved extension requests as an item of interest on the Planning Commission agendas.



CALVERT COUNTY PLANNING COMMISSION

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Prince Frederick, Maryland 20678
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POLICIES FOR ADMINISTERING SUBDIVISIONS UNDER THE ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO) FOR SCHOOL CAPACITY ADOPTED July 19, 2006

Sections 7-1.05 and 7-1.07 of the Calvert County Zoning Ordinance, the Planning Commission shall develop and publish policies and procedures as necessary for obtaining final approval for subdivisions which have been on hold pending adequacy of public facilities. The following are the policies and procedures as established by the Planning Commission as shown and signed and dated.

Per Article 7-1.05B of the Calvert County Zoning Ordinance, any residential subdivision which has not been entitled to final approval for at least seven years from the date of preliminary approval, due solely to the lack of adequate school capacity, shall be entitled to final approval, regardless of the adequacy of school capacity, provided that all other conditions of final approval are met.

I. FINAL APPROVALS WITHIN 3 YEARS OF PRELIMINARY APPROVAL

Per Article 7-1.07B8a of the Calvert County Zoning Ordinance, approved preliminary subdivision plans shall remain valid for three years from the approval date. School adequacy reports are issued from Planning & Zoning on April 1 and November 1 of every year. Final plats can and **should** be reviewed even if an APF hold is in effect, however, they cannot be recorded.

- a. If there is no APF hold in effect during the 3 year preliminary approval, final plats must be submitted 120 days prior to the 3 year expiration date. The final plats must be reviewed, approved and recorded prior to the 3 year expiration date.

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Maryland Relay for Impaired Hearing or Speech 1-800-735-2258

- b. If an APF hold is in effect, the applicant shall submit a "Request for Extension of Preliminary Approval Form" to extend the preliminary approval. Subdivisions that were approved prior to 12/02/03 can request an extension for an additional 2 years for a total of five years (from the original preliminary approval date). Subdivisions that are approved after 12/02/03 can request an extension for an additional 4 years for a total of seven years (from the original preliminary approval date). A preliminary approval extension form is available from Planning & Zoning. This form shall be submitted to Planning & Zoning to be placed on an agenda for a Planning Commission meeting for approval at least 60 days prior to the 3 year expiration date and no more than 90 days prior to the 3 year expiration date.
- c. Lots can be recorded at any time during the 3 year preliminary approval, provided there is no APF hold in effect. If final plat approval is delayed due to the inadequacy of schools and/or roads, preliminary approval shall automatically be extended to six months beyond the date that the schools and roads are deemed to be adequate or the seven-year waiting period described in Section 7-105, whichever occurs first.

II. **FINAL APPROVAL DURING THE 3-5 or 3-7 YEAR EXTENSION**

- a. Item I.b. listed above must already be done and the preliminary approval extended. If the applicant has not submitted a request and not received a preliminary approval extension from the Planning Commission, the preliminary approval expires and is null and void. The applicant must then resubmit a new subdivision application and plan based on the current regulations in effect at the time of the new submittal, pay review fees and go through preliminary and final review again.
- b. During the 3-5 or 3-7 year period, if the APF hold is lifted, the applicant must submit final plats for review within 60 days of the APF hold being lifted. If final plat approval is delayed due to the inadequacy of schools and/or roads, preliminary approval shall automatically be extended to six months beyond the date that the schools and roads are deemed to be adequate or the seven-year waiting period described in Section 7-105, whichever occurs first.

Upon submittal of final plats for review, the applicant, surveyor and the review agencies must complete the review, Planning & Zoning must certify that all conditions of preliminary approval have been met (and if applicable the Planning Commission must approve the final plats), and the plats must be recorded prior to the next APF report being published. If the APF hold goes into effect again during this final plat review, the project will be on hold again until the APF is lifted or the 5 year or 7 year maximum is reached, whichever comes first.

III. FINAL APPROVAL AFTER 5 or 7 YEARS

For recording of plats after 5 years or 7 years of preliminary approval, the applicant must submit a final plat review package or if the final plat review has already been completed, a final recording package to Planning & Zoning for final approval 30 days prior to the regular Planning Commission meeting that falls immediately after the preliminary approval extension expiration date. The applicant must obtain final approval and record the final plats within 90 days from the submittal date (submittal date being the date when the final plat review package or final recording package is filed with Planning & Zoning within the timeframe specified within the previous sentence) or preliminary approval will expire. If the preliminary approval expires, the applicant must resubmit a subdivision plan based on the current regulations in effect at the time of the new submittal, pay review fees and go through preliminary and final review again. The Planning Commission may extend this time period for good cause shown, if the applicant makes a request prior to the expiration of the 90 days.

IV. NOTIFICATION OF CAPACITY

- a. Planning & Zoning will not be responsible for notifying the applicant (as shown on the subdivision application), when APF restrictions are lifted.
- b. Planning & Zoning will advertise in the legal notice section of local newspapers stating that the APF restriction has been lifted for a district.
- c. It will be the responsibility of the applicant, engineering firm, owner, etc. to track the APF status through the newspapers, obtain copies of the school adequacy reports from Planning & Zoning and/or calls to Planning & Zoning.

- d. If the applicant fails to properly follow the procedures as outlined above when applicable, the preliminary approval will expire and become null and void. Then the applicant must resubmit a subdivision plan based on the current regulations in effect at the time of the new submittal, pay review fees and go through preliminary and final review again.

The dates and timelines listed above are very important for staff to have adequate time to review each project and to make the Planning Commission meeting deadlines.

This policy is effective for all valid and current subdivisions that have received preliminary approval and are active *and* for all subsequent preliminary approvals. The following note will be added to all preliminary approval letters written after 2/15/06:

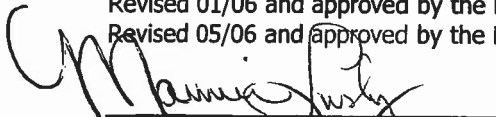
"Preliminary approval is valid for 3 years and then expires unless an extension is granted following the process outlined in the attached and approved APFO Policy."


Revised 7/01

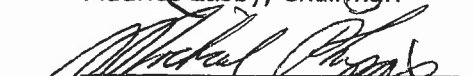
Revised 08/04 and approved by the Planning Commission on August 18, 2004


Revised 01/06 and approved by the Planning Commission on January 18, 2006

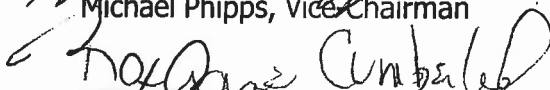
Revised 05/06 and approved by the Planning Commission on July 19, 2006



Maurice Lusby, Chairman


Robert Reed


Michael Phipps, Vice Chairman


Malcolm Funn


RoxAnne Cumberland


Laben McCartney

REQUEST FOR EXTENSION OF PRELIMINARY APPROVAL FORM

(as required per the "Policies for Administering Subdivisions under the Adequate Public Facilities Ordinance (APFO) for school capacity" that was approved by the Planning Commission on 7/19/06)

_____ THIS IS TO FORMALLY REQUEST A TWO-YEAR EXTENSION TO THE
PRELIMINARY APPROVAL FOR THE PROJECT LISTED BELOW (only for subdivisions
approved prior to 12/2/03).

_____ THIS IS TO FORMALLY REQUEST A FOUR YEAR EXTENSION TO THE
PRELIMINARY APPROVAL FOR THE PROJECT LISTED BELOW (for all subdivisions
approved after 12/2/03).

_____ THIS IS TO FORMALLY REQUEST AN EXTENSION BEYOND THE 5 YEAR
APPROVAL BASED ON THE FOLLOWING EXPLANATION: _____



DATE OF REQUEST: _____ DATE OF PRELIMINARY APPROVAL: _____

SUBDIVISION NAME: _____ P&Z CASE # _____

NAME AND PHONE # OF PERSON TO CONTACT:

OWNER'S NAME	OWNER'S SIGNATURE
_____	_____
_____	_____

BELOW THIS LINE FOR PLANNING & ZONING USE

DATE RECEIVED: _____ RECEIVED BY: _____

THIS REQUEST WILL BE CONSIDERED AT THE _____, _____ PLANNING COMMISSION MEETING.

COMMENTS: _____