

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1077  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 7 down through the semicolon in line 8; in line 9, after “plans” insert “in Prince George’s County”; strike beginning with “and” in line 9 down through “plats” in line 10; in line 11, after “manner” insert “in Prince George’s County”; in line 13, after “changes;” insert “providing for the application of this Act;”; and after line 20, insert:

“BY adding to

Article 28 - Maryland-National Capital Park and Planning Commission  
Section 7-117.3  
Annotated Code of Maryland  
(2003 Replacement Volume and 2005 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 11, strike “OR FINAL SUBDIVISION PLAT”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 14 on page 2 through line 21 on page 3, inclusive, and substitute:

“7-117.

(A) THE PROVISIONS OF THIS SECTION APPLY ONLY IN MONTGOMERY COUNTY.

(B) (1) The Commission shall approve or disapprove a subdivision plat within 30 days after its submission. Otherwise the plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Commission upon demand. [In Prince George’s County, each

(Over)

office to which a preliminary subdivision plan is referred shall return one copy of the plan to the planning board within 30 days with comments noted on it. If the reply is not made within 30 days by any office to whom referred, the plan shall be deemed to be approved by it. In Prince George's County, the Commission shall approve or disapprove a preliminary subdivision plan within 70 days after its submission, excluding the month of August and the period between December 20 and January 3 when calculating this 70-day period. Otherwise, the preliminary subdivision plan shall be deemed to have been approved, and a certificate to that effect shall be issued by the Commission upon demand.]

(2) The applicant for the Commission's approval may waive [either or both of these requirements] THE REQUIREMENT IN THIS SUBSECTION and consent to the extension of the [periods] PERIOD. [However, in Prince George's County, no such waiver may be for a period greater than the original period allowed for approval of the plat or preliminary plan.]

(C) The ground of disapproval of any plat shall be stated upon the records of the Commission. Any plat submitted to the Commission shall contain the name and address of a person to whom notice of hearing may be sent. No plat may be sent by mail to the address not less than five days before the date fixed therefor. In his application, however, the applicant may waive the hearing and notice, and the approval of any plat exactly as submitted by the applicant is a waiver of the hearing and notice.

(D) The subdivision regulations may include provisions for notice to owners of properties that would be substantially affected by approval of any subdivision plat and for public hearings on the applications and may include provisions for an appeal to the district council from a decision approving or disapproving a subdivision plat.

7-117.3.

(A) THE PROVISIONS OF THIS SECTION APPLY ONLY IN PRINCE GEORGE'S COUNTY.

(B) THE COMMISSION SHALL APPROVE OR DISAPPROVE A SUBDIVISION PLAT WITHIN 30 DAYS AFTER ITS SUBMISSION. OTHERWISE THE PLAT SHALL BE DEEMED TO HAVE BEEN APPROVED, AND A CERTIFICATE TO THAT EFFECT SHALL BE ISSUED BY THE COMMISSION ON DEMAND.

(C) EACH OFFICE TO WHICH A PRELIMINARY SUBDIVISION PLAN IS REFERRED SHALL RETURN ONE COPY OF THE PLAN TO THE PLANNING BOARD WITHIN 30 DAYS WITH COMMENTS NOTED ON IT. IF THE REPLY IS NOT MADE WITHIN 30 DAYS BY ANY OFFICE TO WHOM REFERRED, THE PLAN SHALL BE DEEMED TO BE APPROVED BY IT.

(D) THE COMMISSION SHALL APPROVE OR DISAPPROVE A PRELIMINARY SUBDIVISION PLAN WITHIN 70 DAYS AFTER ITS SUBMISSION, EXCLUDING THE MONTH OF AUGUST AND THE PERIOD BETWEEN DECEMBER 20 AND JANUARY 3 WHEN CALCULATING THIS 70-DAY PERIOD. OTHERWISE, THE PRELIMINARY SUBDIVISION PLAN SHALL BE DEEMED TO HAVE BEEN APPROVED, AND A CERTIFICATE TO THAT EFFECT SHALL BE ISSUED BY THE COMMISSION ON DEMAND. THE APPLICANT MAY WAIVE THE TIME REQUIREMENTS AND CONSENT TO THE EXTENSION OF THE PERIODS, BUT NO SUCH WAIVER MAY BE FOR A PERIOD GREATER THAN THE ORIGINAL PERIOD ALLOWED FOR APPROVAL OF THE PLAT OR PRELIMINARY SUBDIVISION PLAN.

(E) THE GROUND OF APPROVAL OR DISAPPROVAL OF ANY PRELIMINARY SUBDIVISION PLAN OR PLAT SHALL BE STATED IN THE RECORDS OF THE COMMISSION.

(F) THE SUBDIVISION REGULATIONS MAY INCLUDE PROVISIONS FOR:

(1) NOTICE TO OWNERS OF PROPERTIES THAT WOULD BE SUBSTANTIALLY AFFECTED BY APPROVAL OF ANY PRELIMINARY SUBDIVISION PLAN OR SUBDIVISION PLAT;

(2) PUBLIC HEARINGS ON THE APPLICATIONS; AND

(3) AN APPEAL TO THE DISTRICT COUNCIL FROM A DECISION APPROVING OR DISAPPROVING A PRELIMINARY SUBDIVISION PLAN OR SUBDIVISION PLAT IF THE APPEAL IS FILED WITHIN 30 DAYS OF THE COMMISSION'S DECISION AND

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IS HEARD AND DECIDED WITHIN 90 DAYS OF THE COMMISSION'S DECISION.

(G) (1) IF THE SUBDIVISION REGULATIONS PROVIDE FOR AN APPEAL TO THE DISTRICT COUNCIL, ANY FINAL ACTION OF THE DISTRICT COUNCIL MAY BE REVIEWED IN THE CIRCUIT COURT FOR THE COUNTY ON PETITION OF ANY PERSON, ASSOCIATION, ORGANIZATION, OR MUNICIPAL CORPORATION THAT APPEARED IN THE DISTRICT COUNCIL'S HEARING OR SUBMITTED WRITTEN COMMENTS TO THE DISTRICT COUNCIL IN THE APPEAL.

(2) (I) THE DISTRICT COUNCIL OR ANY OTHER PARTY TO THE REVIEW BY THE CIRCUIT COURT MAY OBTAIN A REVIEW OF ANY FINAL JUDGMENT OF THE CIRCUIT COURT BY APPEAL TO THE COURT OF SPECIAL APPEALS.

(II) THE APPEAL SHALL BE TAKEN IN THE SAME MANNER AS IN OTHER CIVIL CASES.

(III) A DISTRICT COUNCIL MEMBER MAY VOTE ON WHETHER THE DISTRICT COUNCIL SHOULD APPEAL EVEN IF THE MEMBER DID NOT PARTICIPATE IN THE DISTRICT COUNCIL'S FINAL ACTION."

AMENDMENT NO. 4

On page 3, after line 21, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or be interpreted to have any effect on or application to any appeal filed before the effective date of this Act.";

and in line 22, strike "2." and substitute "3.".