



TO: Development Services Customers and Staff

SUBJECT: **INFORMATION BULLETIN # 559**
Master Development Plan (MDP) and Preliminary Overall Area Development Plans (POADP) Rights and Validity Unified Development Code (UDC) Amendment

DATE: February 25, 2016

CREATED BY: Policy Administration Section, Land Development Division

Purpose:

As a customer service initiative, the Department created this Information Bulletin (IB) to inform our customers of recent changes and updates to the Master Development Plan (MDP) and Preliminary Overall Area Development Plan (POADP) Rights and Validity Timelines as a result of the 2015 UDC Amendments (Ordinance 2015-12-17-1077).

Scope:

The UDC Amendments modified the length of time of initial validity and the length of time that a valid MDP maintains validity. The amendments modified the procedures for maintaining validity. The relevant portions of the ordinance were on Page 132 and Pages 302-304, and affected Sections 35-412(i) and 35-712(b)(3) of the UDC.

For new, initial validations, an approved MDP will remain valid for 5 years from the date of approval. The MDP must maintain validity by exercising one of the options below within the five year validity period.

For existing, approved MDPs which were valid on January 1, 2016, those MDPs automatically remain valid until January 1, 2021, which is five years from the date the amendment was effective. In order to maintain validity, the customer must exercise one of the options below within the five year validity period.

The customer has two options for maintaining validity:

- Record at least one plat within the MDP boundary within the 5 year validity period *or*
- Present documented evidence of project expenditures for a tract of land not platted or recorded within the MDP boundary
 - For MDPs over 1,000 acres - at least \$1,000,000
 - For MDPs 1,000 acres or less - at least \$500,000

Once a validity maintenance option has been exercised, the MDP will automatically be valid for another 5 year period effective on the date the option the exercised, and may be remain valid so long as a plat is recorded within the MDP boundary or new expenditures equal to the amounts stated above are documented.

It is important to note that if the infrastructure expenditures option is used, then those expenditures used for validation may not be used in a subsequent validation. To maintain validity for a subsequent validation period, the infrastructure expenditures option must utilize *new* expenditures which occurred within the new validation period window or a plat must be recorded within the MDP area.

The extension of validity for MDPs valid as of January 1, 2016, is automatic, and the customer does not have to do anything to effect this change. However, if a customer wishes to verify current validity of an MDP, then a request for MDP Validity should be submitted.

An MDP that was expired as of January 1, 2016, will continue to be expired.

The amendments affected Preliminary Overall Area Development Plans by allowing a POADP which was valid as of January 1, 2016, to continue to be recognized as valid provided that a plat is recorded within the POADP boundary at least once every five years.

Summary:

All new, approved MDPs are now initially valid for 5 years from the approval date. All MDPs which were valid as of January 1, 2016, have had their validity extended to January 1, 2021. There are two ways to maintain validity of MDP – platting and infrastructure expenditures.

A customer who wishes to verify validity of an MDP must still submit a request for MDP Validity.

POADP validity for POADPs valid as of January 1, 2016, will continue to be recognized so long as a plat is recorded within the POADP boundary at least once every five years.

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