AN EXPEDITED ACT to:

(1) [[require an applicant]] authorize the Planning Board, when reviewing an application for an extension of the validity period of an adequate public facilities determination, to [[provide]] require an updated determination of school adequacy for the remaining unbuilt units; and

(2) generally amend the law governing a determination of adequate public facilities.

By amending

Montgomery County Code
Chapter 50, Subdivision of Land
Division 50.4, Section 4.3

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Division 50.4, Section 4.3 is amended as follows:

4.3. Technical Review

* * *

J. Adequate Public Facilities Ordinance (APFO).

* * *

7. Extensions.

a. Application. Only the Board may extend the validity period for a determination of adequate public facilities; however, a request to amend any validity period phasing schedule may be approved by the Director if the length of the total validity period is not extended.

* * *

iii. For each extension of an adequate public facilities determination:

(a) the applicant must not propose any additional development above the amount approved in the original determination;

(b) the Board must not require any additional public improvements or other conditions beyond those required for the original preliminary plan;

(c) the Board may require the applicant to submit a traffic study to demonstrate how the extension would not be adverse to the public interest;[and]

(d) an application may be made to extend an adequate public facilities period for a lot
within a subdivision covered by a previous adequate public facilities determination if the applicant provides sufficient evidence for the Board to determine the amount of previously approved development attributed to the lot[.]; and

(e) if the remaining unbuilt units would generate more than 10 students at any school serving the development, the [[applicant]] Board must [[provide]] make a new adequate public facilities determination for school adequacy for the remaining unbuilt units under the school test in effect at the time of Board review.

* * *

g. If a new adequate public facilities determination is required under this Subsection, the procedures in Chapter 8, Section 8-32 apply.

Sec. 2. Expedited Effective Date, Transition.

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on January 1, 2021. The amendments made in Section 1 must apply to any requests to extend the validity period for a determination of adequate public facilities received by the Planning Board on or after January 1, 2021.
Approved:

Sidney Katz, President, County Council  
Date: 11/17/2020

Marc Elrich, County Executive  
Date: 11/30/2020

This is a correct copy of Council action.

Selena Mendy Singleton, Esq., Clerk of the Council  
Date: 12/1/2020