Expedited Bill No. 37-20

Concerning: Subdivision — Preliminary
Plan — Adequate Public Facilities —
Amendments

Revised: 11/13/2020 — Draft No. 4
Introduced: July 29, 2020

Enacted: November 16, 2020

Executive: November 30, 2020

Effective: January 1, 2021

Sunset Date: None

Ch. 36 —, Laws of Mont. Co. 2020

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the request of the Planning Board

## AN **EXPEDITED** ACT to:

(1) [[require an applicant]] <u>authorize the Planning Board, when reviewing an application</u> for an extension of the validity period of an adequate public facilities determination, to [[provide]] <u>require</u> 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

Underlining [Single boldface brackets]  Double underlining [[Double boldface brackets]]  * * * *  Added to existing law by original bill.  Deleted from existing law by original bill.  Added by amendment.  Deleted from existing law or the bill by amendm  Existing law unaffected by bill.
--

The County Council for Montgomery County, Maryland approves the following Act:

## Sec. 1. Division 50.4, Section 4.3 is amended as follows:

2	4.3. Techn	ical R	eview					
3					*	*	*	
4	J.	Ade	quate Ì	Public .	Faciliti	es Ord	inance (APFO).	
5					*	*	*	
6		7.	Exte	ensions				
7			a.	Appl	ication	. Only	the Board may extend the val	lidity
8				perio	od for a	a deter	mination of adequate public facil	ities;
9				howe	ever, a	request	t to amend any validity period pha	asing
10				sche	dule ma	ay be a	pproved by the Director if the leng	th of
11				the to	otal val	idity pe	eriod is not extended.	
12					*	*	*	
13				iii.	For e	ach ext	tension of an adequate public faci	lities
14					deter	minatic	on:	
15					(a)	the ap	pplicant must not propose any addit	ional
16						devel	opment above the amount approve	ed in
17						the or	riginal determination;	
18					(b)	the B	Board must not require any addit	ional
19						public	c improvements or other condi	tions
20						beyon	nd those required for the ori	ginal
21						prelin	ninary plan;	
22					(c)	the Bo	oard may require the applicant to su	ıbmit
23						a tra	ffic study to demonstrate how	the
24						extens	sion would not be adverse to the p	ublic
25						intere	est;[and]	
26					(d)	an ap	oplication may be made to exten	d an
27						adequi	ate public facilities period for	a lot

28		within a subdivision covered by a previous				
29		adequate public facilities determination if the				
30		applicant provides sufficient evidence for the				
31		Board to determine the amount of previously				
32		approved development attributed to the lot[.];				
33		<u>and</u>				
34	<u>(e)</u>	if the remaining unbuilt units would generate				
35		more than 10 students at any school serving				
36		the development, the [[applicant]] Board				
37		must [[provide]] make a new adequate public				
38		facilities determination for school adequacy				
39		for the remaining unbuilt units under the				
40		school test in effect at the time of Board				
41		review.				
42	*	* *				
43	g. If a new	adequate public facilities determination is				
44	required un	der this Subsection, the procedures in Chapter				
45	8, Section 8	3-32 apply.				
46	Sec. 2. Expedited Effective Date, Transition.					
47	The Council declares that this legislation is necessary for the immediate					
48	protection of the public interest. This Act takes effect on January 1, 2021. The					
49	amendments made in Section 1 must apply to any requests to extend the validity					
50	period for a determination of adequate public facilities received by the Planning					
51	Board on or after January 1, 2021.					

Date

Approved:

Sidney Katz, President, County Council

Approved:

Mac Llrich, County Executive

This is a correct copy of Council action.

12/1/2020

Selena Mendy Singleton, Esq., Clerk of the Council