

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: _____
Effective: January 1, 2021
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

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]] 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

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

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 11/17/2020
Date

Approved:

Marc Elrich, County Executive Date

This is a correct copy of Council action.

Selena Mendy Singleton, Esq., Clerk of the Council Date