Expedited Bill No. <u>37-20</u>				
Concerning: Subdivision - Preliminary				
<u> Plan – A</u>	dequate Pu	<u>Iblic Facilities –</u>		
Amendments				
Revised: 11	/13/2020	_ Draft No. 4		
Introduced:	July 29, 20	020		
Enacted:	Novembe	r 16, 2020		
Executive:	Novembe	r 30, 2020		
Effective:	January 1	, 2021		
Sunset Date:	None			
Ch. <u>36</u> , Laws of Mont. Co. <u>2020</u>				

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</u> <u>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

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

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

1	Sec. 1. Division 50.4, Section 4.3 is amended as follows:					
2	4.3. Technie	cal Re	eview			
3					*	* *
4	J.	Adeq	uate P	ublic I	Faciliti	es Ordinance (APFO).
5					*	* *
6		7.	Exter	nsions.		
7			a.	Appli	ication	. Only the Board may extend the validity
8				perio	d for a	a determination of adequate public facilities;
9				howe	ever, a	request to amend any validity period phasing
10				sched	lule ma	ay be approved by the Director if the length of
11				the to	otal val	idity period is not extended.
12					*	* *
13				iii.	For e	ach extension of an adequate public facilities
14					deteri	mination:
15					(a)	the applicant must not propose any additional
16						development above the amount approved in
17						the original determination;
18					(b)	the Board must not require any additional
19						public improvements or other conditions
20						beyond those required for the original
21						preliminary plan;
22					(c)	the Board may require the applicant to submit
23						a traffic study to demonstrate how the
24						extension would not be adverse to the public
25						interest;[and]
26					(d)	an application may be made to extend an
27						adequate 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		and	
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 a	adequate public facilities determination is	
44	required und	ler this Subsection, the procedures in Chapter	
45	8, Section 8-	-32 apply.	
46	Sec. 2. <u>Expedited Effective Da</u>	<u>te,</u> Transition.	
47	The Council declares that this	s legislation is necessary for the immediate	
48	protection of the public interest. This	is 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.		

Approved:

Sidney Katz, President, County Council

Approved:

Marc Elrich, County Executive This is a correct copy of Council action.

SmSinglet.

Selena Mendy Singleton, Esq., Clerk of the Council

11/17/2020

Date

11/30/2020

Date

Date

12/1/2020