

AMENDMENT NO. 3 TO
COUNTY ORDINANCE NO. 11-22

AMENDMENT NO. 2 (THE SCHOOL AND TRANSPORTATION ADEQUACY
AMENDMENT) TO

A BILL ENTITLED

AN ACT CONCERNING Revisions to the Adequate Public
Facilities Ordinance, Chapter 28 of the Code of Public Local
Laws of Queen Anne's County, Maryland.

FOR THE PURPOSE of amending pending County Ordinance
11-22 to prohibit a determination of adequacy or finding of
available capacity with respect to schools and
transportation facilities under certain circumstances and
providing requirements prior to the grant of any exemption
under the Adequate Public Facilities Ordinance, Chapter 28
of the Code of Public Local Laws.

BY AMENDING pending County Ordinance No. 11-22 to add
provisions to Sections 28-7(C)(1), 28-7(D)(1)(a) and 28-4(G)
of Chapter 28 of the Code of Public Local Laws of Queen
Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN
ANNE'S COUNTY, MARYLAND that pending County Ordinance No.
11-22 be and hereby amended to provide for the following
additions to Chapter 28 of the Code of Public Local Laws:

§28-4. Applicability.

. . .

G. . . .

An exemption shall be granted only after the Board
of County Commissioners has requested and received a written
recommendation from the APF Technical Committee, has held a
public hearing on the recommendation, and made written
findings as to why the economic benefit to the County that
the nonresidential Development Proposal will provide is
greater than the detriment to the adequacy of any Public
Facilities.

§28-7. Adequacy Standards by public facility.

. . .

C. School System.

(1) . . .

(c) Limitation of Portables Standard. Notwithstanding any other provision of law, no Determination of Adequacy shall be made with regard to, nor Available Capacity found to exist at, any public school where portable or relocatable classrooms are in use or where grades or sections of grades in the school are located at other facilities including other schools.

. . .

D. Transportation Facilities.

(1) Determination of Adequacy.

(a) . . .

[3] Notwithstanding any other provision of law, no Determination of Adequacy shall be made with regard to, nor Available Capacity be found to exist at, any intersection or road identified in or affected by a project contained in the current Project Priorities for Queen Anne's County Consolidated Transportation Program as presented annually to the State Highway Administration.

SECTION II

BE IT FURTHER ENACTED that this Amendment to County Ordinance No. 11-22 shall take effect upon its adoption.

AMENDMENT INTRODUCED BY: Commissioner Dunmyer

DATE: December 13, 2011

VOTE ON AMENDMENT: _____ Yea _____ Nay

DATE OF VOTE: _____, 20__

No vote was made.