

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 4

Bill No. 12-20

Introduced by Ms. Lacey

By the County Council, February 18, 2020

Introduced and first read on February 18, 2020
Public Hearing set for March 16, 2020
Bill Expires May 23, 2020

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Adequate School
2 Facilities – Workforce Housing

3
4 FOR the purpose of exempting residential developments that meet the conditions for
5 workforce housing from the test for adequate school facilities under certain conditions;
6 adding the conditions for the exemption from the test for adequate school facilities;
7 making certain technical changes; and generally relating to subdivision and
8 development.

9
10 BY repealing and reenacting, with amendments: §§ 17-5-201(b); and 17-5-207(a) and (b)
11 Anne Arundel County Code (2005, as amended)

12
13 BY renumbering: § 17-5-207(c) and (d) to be § 17-5-207(b) and (c)
14 Anne Arundel County Code (2005, as amended)

15
16 BY adding: § 17-5-207(d)
17 Anne Arundel County Code (2005, as amended)

18
19 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
20 *That § 17-5-207(c) and (d), respectively, of the Anne Arundel County Code (2005, as*
21 *amended) is hereby renumbered to be § 17-5-207(b) and (c), respectively.*

22
23 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
24 Code (2005, as amended) read as follows:

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

ARTICLE 17. SUBDIVISION AND DEVELOPMENT

TITLE 5. ADEQUATE PUBLIC FACILITIES

17-5-201. Requirement to pass adequacy of public facilities tests; exemptions.

(b) **General requirement.** The Planning and Zoning Officer may not give final approval to a proposed record plat, recommend approval of an application for a building or grading permit in connection with a preliminary plan or site development plan, or approve a site development plan for development that does not require a permit unless the development passes the tests for adequate public facilities set forth in this title if required by the chart in this section.

The chart uses the following key: S = subject to the test and E = exempted from the test.

Development Type	Fire Suppression	Roads	Schools	Sewage Disposal	Storm Drain	Water Supply
Residential:						
Residential subdivisions not otherwise addressed in this chart	S	S	S**	S	S	S
RESIDENTIAL DEVELOPMENT THAT MEETS THE CONDITIONS FOR WORKFORCE HOUSING UNDER § 18-10-158 OF THIS CODE	S	S	E*****	S	S	S

*****BUT SUBJECT TO THE CONDITIONS LISTED IN § 17-5-207(E).

17-5-207. Exemptions.

(a) Five lots or five dwelling units.

(1) A developer may obtain an exemption from the requirements for adequate public facilities for schools for no more than five lots in a subdivision for single family detached dwellings or for no more than five dwelling units shown on a site development plan if the developer provides evidence of ownership of the property for a minimum of three years as of the date of application and signs and records an agreement as required by [[subsection (b)]] PARAGRAPH (2) OF THIS SUBSECTION.

[[b)] (2) All applications for subdivision or residential site development plans seeking exemption under this [section] SUBSECTION shall execute an agreement with the County in which the developer acknowledges the exemption shall be limited to five lots or dwelling

1 units, including any existing residences, of the pending application and that further
2 subdivision or development of the site, if permitted, will be subject to the adequate public
3 facilities requirement for schools. The agreement shall be:

4
5 [[(1)] (I) in the form and contain the language required by the Office of Law;

6
7 [[(2)] (II) recorded among the land records of Anne Arundel County, run with
8 the land, and bind all future owners of the site that is the subject of the application and all
9 future owners of the lots created by a subdivision approved under this exemption;

10
11 [[(3)] (III) executed and recorded before approval by the Planning and Zoning
12 Officer of the proposed record plat for a subdivision, the application for a grading or
13 building permit in connection with a site development plan, or the approval of a site
14 development plan for development that does not require a permit, as applicable; and

15
16 [[(4)] (IV) noted on the proposed record plat or site development plan, with the
17 note including a reference to the book and page number of the location in the land records.

18
19 **(D) Exemptions for residential development that meets the requirements for**
20 **workforce housing.** RESIDENTIAL DEVELOPMENT THAT MEETS THE REQUIREMENTS
21 UNDER § 18-10-158 OF THIS CODE IS EXEMPT FROM THE ADEQUATE SCHOOL FACILITIES
22 TEST IF THE FOLLOWING CONDITIONS ARE MET:

23
24 (1) THE PROJECT CONSISTS OF NO MORE THAN 50 DWELLING UNITS;

25
26 (2) (I) THE PROJECT INCLUDES FUNDING FROM LOW INCOME HOUSING TAX
27 CREDITS AWARDED FROM THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY
28 DEVELOPMENT AND, AS OF THE DATE OF APPLICATION FOR THE AWARD, ALL SCHOOLS
29 SERVING THE PROJECT WERE DESIGNATED AS OPEN ON THE COUNTY'S SCHOOL
30 UTILIZATION CHART; OR

31
32 (II) AT THE TIME OF TESTING FOR ADEQUATE SCHOOLS FACILITIES, THE
33 SCHOOL ENROLLMENT FOR EACH ELEMENTARY AND MIDDLE SCHOOL IS NO MORE THAN
34 3% ABOVE THE PERCENTAGE OF THE STATE-RATED CAPACITY SET FORTH IN § 17-5-
35 502(A)(4)(I) AND THE SCHOOL ENROLLMENT FOR EACH HIGH SCHOOL IS NO MORE THAN 5%
36 ABOVE THE PERCENTAGE OF THE STATE-RATED CAPACITY SET FORTH IN § 17-5-
37 502(A)(4)(II); AND

38
39 (3) THE PROVISIONS OF THIS SUBSECTION ARE NOT VARIED, MODIFIED, OR
40 REDUCED.

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42 SECTION 3. *And be it further enacted,* that this Ordinance shall take effect 45 days
43 from the date it becomes law.