

**FINAL**

AMENDED  
December 21, 2015

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2015, Legislative Day No. 38

Bill No. 110-15

Introduced by Mr. Smith, Vice Chairman  
(by request of the County Executive)

By the County Council, November 16, 2015

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Introduced and first read on November 16, 2015  
Public Hearing set for and held on December 21, 2015  
Public Hearing on AMENDED BILL set for and held on January 4, 2016  
Bill Expires February 19, 2016

By Order: Elizabeth E. Jones, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Adequate Public  
2 Facilities

3  
4 FOR the purpose of providing a developer an option to defer adequate public facilities  
5 testing for adequacy of sewerage facilities and adequacy of water supply facilities  
6 until final plan or site development plan approval; revising the conditions for the  
7 approval of certain adequacy of public facilities; creating a certain deadline for testing  
8 for adequacy of sewerage facilities and adequacy of water supply facilities; revising  
9 the type of developments that may be approved for phasing; and generally relating to  
10 subdivision and development.

11  
12 BY repealing and reenacting, with amendments: §§ 17-5-202(a) and (b); and 17-5-1001  
13 Anne Arundel County Code (2005, as amended)

14  
15 BY adding § 17-5-202(e)  
16 Anne Arundel County Code (2005, as amended)

17  
18 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
19 *Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Underlining indicates amendments to bill.  
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 follows:  
2

3 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

4  
5 **TITLE 5. ADEQUATE PUBLIC FACILITIES**  
6

7 **17-5-202. Testing; approval.**  
8

9 **(a) When tested.**  
10

11 (1) At the developer's option, development may be tested for adequacy of public  
12 facilities either during review of the initial application for approval of a sketch plan or  
13 preliminary plan, or during review of the application for final plan or site development  
14 plan approval. The developer must submit sufficient data, as required by the Office of  
15 Planning and Zoning, to demonstrate adequacy of public facilities. IF A DEVELOPER OPTS  
16 TO TEST A DEVELOPMENT FOR ADEQUACY OF PUBLIC FACILITIES DURING REVIEW OF  
17 THE INITIAL APPLICATION FOR APPROVAL OF A SKETCH PLAN OR PRELIMINARY PLAN,  
18 TESTING FOR ADEQUACY OF SEWERAGE FACILITIES OR WATER SUPPLY FACILITIES MAY  
19 BE DEFERRED AT THE DEVELOPER'S OPTION AND TESTED DURING REVIEW OF THE  
20 APPLICATION FOR FINAL PLAN OR SITE DEVELOPMENT PLAN APPROVAL.  
21

22 (2) In the Odenton Growth Management Area, the Planning and Zoning Officer  
23 has the discretion to determine that a development may be tested for adequacy of public  
24 facilities during either sketch plan review or final plan review for subdivision plans, or  
25 during site development plan review.  
26

27 **(b) Date of approval generally.**  
28

29 (1) [Approval] SUBJECT TO PARAGRAPHS (2) THROUGH (6) OF THIS SUBSECTION,  
30 APPROVAL for adequacy of public facilities, other than fire suppression facilities, occurs  
31 on:  
32

33 (I) the date of a letter from the Office of Planning and Zoning approving a  
34 sketch plan OR PRELIMINARY PLAN FOR THE PUBLIC FACILITIES FOR WHICH ADEQUACY  
35 WAS TESTED;  
36

37 (II) THE DATE OF A LETTER FROM THE OFFICE OF PLANNING AND ZONING  
38 APPROVING A FINAL PLAN OR SITE DEVELOPMENT PLAN [or, for a minor subdivision, a  
39 final plan]; or  
40

41 (III) [on] the date that the Office of Planning and Zoning recommends to the  
42 Department of Inspections and Permits that an application for a building or grading  
43 permit be approved.  
44

45 (2) IF AVAILABILITY OF SEWERAGE FACILITIES OR WATER SUPPLY FACILITIES IS  
46 TESTED DURING SKETCH PLAN OR PRELIMINARY PLAN REVIEW, APPROVAL OF  
47 ADEQUACY OF SEWERAGE FACILITIES OR WATER SUPPLY FACILITIES OCCURS ON THE  
48 DATE OF A LETTER FROM THE OFFICE OF PLANNING AND ZONING APPROVING A SKETCH  
49 PLAN OR PRELIMINARY PLAN.  
50  
51

1 (3) IF TESTING FOR ADEQUACY OF SEWERAGE FACILITIES OR WATER SUPPLY  
2 FACILITIES IS DEFERRED TO FINAL PLAN OR SITE DEVELOPMENT PLAN APPROVAL, A  
3 SKETCH PLAN OR PRELIMINARY PLAN MAY BE GIVEN CONTINGENT APPROVAL IF THE  
4 DEVELOPMENT PASSES TESTS FOR ADEQUATE PUBLIC FACILITIES OTHER THAN  
5 SEWERAGE FACILITIES OR WATER SUPPLY FACILITIES, EXCEPT THAT A PRELIMINARY  
6 SEWER AND WATER ALLOCATION AND MANAGEMENT PROGRAM ANALYSIS AND A  
7 PRELIMINARY DETERMINATION OF ADEQUATE WATER SUPPLY CAPACITY FOR FIRE  
8 FLOW AS REQUIRED BY § 17-5-801 SHALL BE CONDUCTED PRIOR TO CONTINGENT  
9 APPROVAL BEING GRANTED.

10  
11 (4) IF TESTING FOR ADEQUACY OF SEWERAGE FACILITIES OR WATER SUPPLY  
12 FACILITIES IS DEFERRED TO FINAL PLAN OR SITE DEVELOPMENT PLAN APPROVAL,  
13 APPROVAL FOR ADEQUACY OF SEWERAGE FACILITIES OR WATER SUPPLY FACILITIES  
14 OCCURS ON THE DATE OF A LETTER FROM THE OFFICE OF PLANNING AND ZONING  
15 APPROVING A FINAL PLAN OR SITE DEVELOPMENT PLAN OR ON THE DATE THAT THE  
16 OFFICE OF PLANNING AND ZONING RECOMMENDS TO THE DEPARTMENT OF INSPECTIONS  
17 AND PERMITS THAT AN APPLICATION FOR A BUILDING OR GRADING PERMIT BE  
18 APPROVED.

19  
20 (5) A plan may be given contingent approval if the development passes all tests  
21 for adequate public facilities other than schools and the development is placed on the  
22 waiting list provided for in § 17-5-503.

23  
24 (6) A determination of adequacy of fire suppression facilities is valid for six  
25 months and it may be necessary to re-test for adequacy of fire protection facilities as a  
26 condition precedent to final plan approval, site development plan approval, and permit  
27 issuance.

28  
29 (E) **Adequacy of sewerage or water facilities – deadline for testing.** IF A  
30 DEVELOPER OPTS TO DEFER TESTING FOR ADEQUACY OF SEWERAGE FACILITIES OR  
31 WATER SUPPLY FACILITIES TO FINAL PLAN OR SITE DEVELOPMENT PLAN APPROVAL,  
32 ADEQUACY OF SEWERAGE FACILITIES OR WATER SUPPLY FACILITIES SHALL BE TESTED  
33 AND APPROVED WITHIN THE SCHEDULED COMPLETION YEAR OR ADEQUACY OF ALL  
34 PUBLIC FACILITIES SHALL BE TESTED AGAIN. THE PLANNING AND ZONING OFFICER MAY  
35 EXTEND THE TIME TO DEFER TESTING FOR ADEQUACY OF SEWERAGE FACILITIES OR  
36 WATER SUPPLY FACILITIES BEYOND THE SCHEDULED COMPLETION YEAR IF THE  
37 DEVELOPMENT IS APPROVED BY THE PLANNING AND ZONING OFFICER, ADMINISTRATIVE  
38 HEARING OFFICER, OR BOARD OF APPEALS FOR PHASING AS PROVIDED IN § 17-5-1001.

39  
40 **17-5-1001. Phasing of development.**

41  
42 Adequacy of public facilities for development [allowed by special exception] may be  
43 tested and approved in phases if:

44  
45 (1) a plan for phased development is approved by the Planning and Zoning  
46 Officer; [and]

47  
48 (2) the Administrative Hearing Officer allows phasing in accordance with that  
49 plan as a condition of special exception approval; or

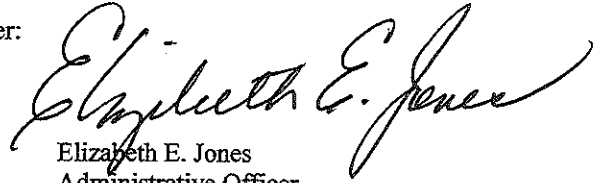
50  
51 (3) the decision of the Administrative Hearing Officer is appealed and the Board  
52 of Appeals allows phasing in accordance with that plan as a condition of special  
53 exception approval.  
54

1 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days  
2 from the date it becomes law.

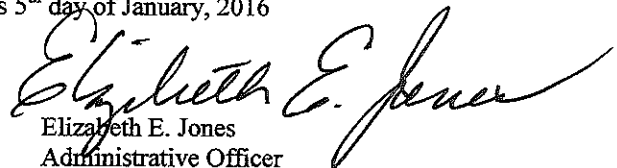
AMENDMENT ADOPTED: December 21, 2015

READ AND PASSED this 4<sup>th</sup> day of January, 2016

By Order:

  
Elizabeth E. Jones  
Administrative Officer

PRESENTED to the County Executive for his approval this 5<sup>th</sup> day of January, 2016

  
Elizabeth E. Jones  
Administrative Officer

APPROVED AND ENACTED this 11<sup>th</sup> day of January, 2016

  
Steven R. Schuh  
County Executive

EFFECTIVE DATE: February 25, 2016

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.  
110-15. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.

  
Elizabeth E. Jones  
Administrative Officer