

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2013, Legislative Day No. 9

Bill No. 20-13

Introduced by Mr. Walker, Chairman  
(by request of the County Executive)  
and by Mr. Smith, Mr. Ladd, and Mr. Walker

By the County Council, April 15, 2013

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Introduced and first read on April 15, 2013  
Public Hearing set for and held on May 6, 2013  
Bill Expires July 19, 2013

By Order: Elizabeth E. Jones, Administrative Officer

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A BILL ENTITLED

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

3  
4 FOR the purpose of amending the general adequate public facilities mitigation requirements  
5 to require that all capacity deficiencies be resolved in the scheduled completion year; that  
6 mitigation for school capacity deficiencies must create school capacity equal to or greater  
7 than if the development had not been constructed; and generally relating to adequate  
8 public facilities.

9  
10 BY repealing and reenacting, with amendments: §§ 17-5-901(a) and 17-5-901(g)  
11 Anne Arundel County Code (2005, as amended)

12  
13 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
14 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

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16 **ARTICLE 17 SUBDIVISION AND DEVELOPMENT**

17  
18 **TITLE 5. ADEQUATE PUBLIC FACILITIES**

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20 **17-5-901. Mitigation.**

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.

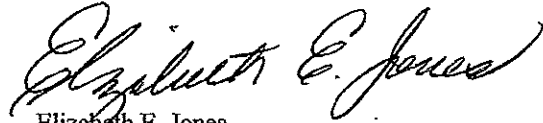
1       (a) **General requirement.** Except as provided in this section, mitigation consists of the  
2 construction or funding of improvements to offsite public facilities by a developer that  
3 increase capacity and improve environmental effectiveness or safety of each public facility that  
4 is below the minimum standard in the impact area so that the capacity, environmental  
5 effectiveness or safety of the facility [after construction of the development] IN THE  
6 SCHEDULED COMPLETION YEAR will be equal to or greater than if the development had not  
7 been constructed. A mitigation plan may include physical improvements secured by bond,  
8 letter of credit or other security acceptable to the County, which shall be provided under a  
9 public works agreement or grading permit, or an agreement with the Board of Education to  
10 construct school facilities, including a contract school, or payment of storm drain fees in  
11 excess of those required by Title 11, or contributions to existing capital projects and shall be  
12 approved by the Planning and Zoning Officer. The developer shall submit a cost estimate to  
13 establish the value of construction or off-site improvements offered in mitigation, and a cost  
14 estimate for construction and improvements in conformance with County specifications may  
15 be approved by the Planning and Zoning Officer, who may also require a mitigation  
16 agreement to ensure compliance with the requirements of this section. An agreement with the  
17 Board of Education to construct school facilities must comply with applicable State law and  
18 be approved by resolution introduced by the County Executive and adopted by the County  
19 Council.

20  
21       (g) **School Capacity Mitigation Agreement.** Pursuant to this section and § 17-5-501 a  
22 developer may enter into a School Capacity Mitigation Agreement acceptable to the Planning  
23 and Zoning Officer to provide capital improvements to increase school capacity, including  
24 construction of a contract school, to resolve existing capacity deficiencies and to mitigate [the  
25 impact of all phases of a proposed development on schools required to be adequate for the  
26 development] THE PREDICTED INCREASE IN STUDENT ENROLLMENT IN SCHOOLS REQUIRED  
27 TO BE ADEQUATE FOR THE DEVELOPMENT, AS DETERMINED BY THE BOARD OF EDUCATION,  
28 SO THAT THE CAPACITY OF THE SCHOOL IN THE SCHEDULED COMPLETION YEAR WILL BE  
29 EQUAL TO OR GREATER THAN IF THE DEVELOPMENT HAD NOT BEEN CONSTRUCTED.  
30 Approvals of the development may not be granted until the capital improvements are  
31 completed by the developer and accepted by the Board of Education, or adequate security for  
32 completion of the capital improvements is provided by the developer. The capital  
33 improvements provided by the developer pursuant to a School Capacity Mitigation  
34 Agreement shall be available to any portion of the developer's specified property or project  
35 and shall provide school capacity to allow approval of subdivision sketch plan applications  
36 filed for the property or project within six years of the date of the School Capacity Mitigation  
37 Agreement. The six year filing deadline may be extended by the Planning and Zoning Officer  
38 for good cause shown.

39  
40       SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days from  
41 the date it becomes law.


READ AND PASSED this 6<sup>th</sup> day of May, 2013

By Order:



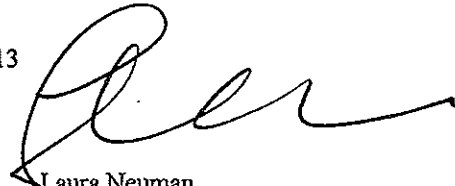
Elizabeth E. Jones  
Administrative Officer

PRESENTED to the County Executive for her approval this 7<sup>th</sup> day of May, 2013



Elizabeth E. Jones  
Administrative Officer

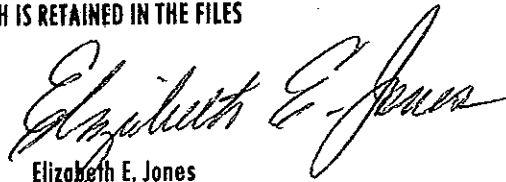
APPROVED AND ENACTED this 15 day of May, 2013



Laura Neuman  
County Executive

EFFECTIVE DATE: June 29, 2013

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.  
20-13 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.



Elizabeth E. Jones  
Administrative Officer

