

FINAL

AMENDED
October 1, 2018

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 35

Bill No. 94-18

Introduced by Mr. Trumbauer

By the County Council, September 4, 2018

Introduced and first read on September 4, 2018
Public Hearing set for and held on October 1, 2018
Public Hearing on AMENDED bill set for and held on October 15, 2018
Bill Expires November 1, 2018

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Adequate School
2 Facilities – Parole Town Center Growth Management Area
3

4 FOR the purpose of exempting residential developments within the Parole Town Center
5 Growth Management Area from the test for adequate school facilities under certain
6 conditions; grandfathering certain applications for subdivision and site development
7 concerning adequate school facilities; adding the conditions for the exemption from the
8 test for adequate school facilities; and generally relating to subdivision and
9 development.
10

11 BY repealing and reenacting, with amendments: §§ 17-2-101(b)(10) and (11); and 17-5-
12 201(b)
13 Anne Arundel County Code (2005, as amended)
14

15 BY adding: §§ 17-2-101(b)(12); and 17-5-207(c)
16 Anne Arundel County Code (2005, as amended)
17

18 SECTION 1. *Be it enacted*, That Sections(s) of the Anne Arundel County Code (2005,
19 as amended) read as follows:
20

21 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**
22

23 **TITLE 2. GENERAL PROVISIONS**

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

17-2-101. Scope; applicability.

(b) **Applicability to pending and future proceedings.** Subject to the grandfathering provisions of COMAR Title 27, this article applies to all pending and future proceedings and actions of any board, department, or agency empowered to decide applications under this Code, except that:

(10) for any application described in subsection (8) or (9), the applicant may make an election, in writing and filed with the Planning and Zoning Officer no later than July 1, 2013, to be governed by the law as it exists after April 16, 2013; [and]

(11) an application for sketch plan approval, final plan approval, preliminary plan approval, or approval of a building or grading permit associated with a site development plan filed before August 1, 2018 shall be governed by the provisions of Subtitles 2 and 5 of Title 5 as they existed prior to August 1, 2018[.]; AND

(12) FOR PROPERTY LOCATED IN THE CORE IN THE PAROLE TOWN CENTER GROWTH MANAGEMENT AREA, AN APPLICATION FOR FINAL APPROVAL OF A SKETCH PLAN, A PRELIMINARY PLAN, A PROPOSED RECORD PLAT, OR FOR RECOMMENDATION OF APPROVAL OF AN APPLICATION FOR A BUILDING OR GRADING PERMIT IN CONNECTION WITH A PRELIMINARY PLAN OR SITE DEVELOPMENT PLAN, OR FOR APPROVAL A SITE DEVELOPMENT PLAN FOR DEVELOPMENT THAT DOES NOT REQUIRE A PERMIT, FILED BEFORE THE EFFECTIVE DATE OF BILL NO. 94-18, SHALL BE GOVERNED BY § 17-5-201 AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF BILL NO. 94-18.

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:						
Parole Town Center Growth Management Area: ALL residential developments [in the core]	S	S	E****	S	S	S

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

1 **17-5-207. Exemptions.**
2

3 (C) **Exemptions within Parole Town Center Growth Management Area.**
4 RESIDENTIAL DEVELOPMENT IN THE PAROLE TOWN CENTER GROWTH MANAGEMENT
5 AREA, SUBJECT TO AN APPROVED INCENTIVE PROGRAM, IS EXEMPT FROM THE ADEQUATE
6 SCHOOLS FACILITIES TEST IF THE FOLLOWING CONDITIONS ARE MET:
7

8 (1) THE PROJECT PROVIDES STRUCTURED PARKING;
9

10 (2) THE PROJECT IS A MIXED USE DEVELOPMENT THAT INCLUDES RESIDENTIAL,
11 AND COMMERCIAL OR INDUSTRIAL USES THAT ARE INTEGRATED AND CONNECTED BY
12 PEDESTRIAN ACCESS;
13

14 (3) THE RESIDENTIAL PORTION OF THE MIXED USE PROJECT CONSISTS OF
15 MULTIFAMILY DWELLINGS, WITH NO LESS THAN 50% OF THE DWELLING UNITS
16 CONSISTING OF EFFICIENCY OR ONE-BEDROOM UNITS, AND NO DWELLING UNITS WITH
17 MORE THAN TWO BEDROOMS;
18

19 (4) THE PROJECT INCLUDES ENHANCEMENT ELEMENTS FOR BICYCLE, PEDESTRIAN,
20 AND TRANSIT INFRASTRUCTURE WITHIN THE PAROLE TOWN CENTER GROWTH
21 MANAGEMENT AREA, AS DETERMINED BY THE OFFICE OF PLANNING AND ZONING;
22

23 (5) THE PROJECT INCLUDES ENHANCEMENT ELEMENTS THAT WILL IMPROVE
24 CONVEYANCE, ROADWAY CAPACITY, OR VEHICULAR TRAFFIC CIRCULATION WITHIN THE
25 PAROLE TOWN CENTER GROWTH MANAGEMENT AREA, AS DETERMINED BY THE OFFICE
26 OF PLANNING AND ZONING; ~~AND~~
27

28 (6) VEHICULAR ACCESS MAY NOT BE FROM A SCENIC AND HISTORIC ROAD OR A
29 LOCAL ROAD THAT DIRECTLY ACCESSES A SCENIC OR HISTORIC ROAD; AND
30

31 ~~(6)~~ (7) THE PROVISIONS OF THIS SUBSECTION ARE NOT VARIED, MODIFIED, OR
32 REDUCED.
33

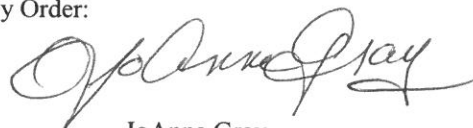
34 SECTION 2. *And be it further enacted*, That all references in this Ordinance to “the
35 effective date of Bill No. 94-18”, or words to that effect, shall, upon codification, be
36 replaced with the actual date on which this Ordinance takes effect under Section 307 of the
37 County Charter as certified by the Administrative Officer to the County Council.
38

39 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
40 from the date it becomes law.

AMENDMENTS ADOPTED: October 1, 2018

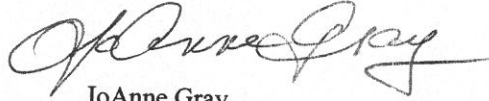
READ AND PASSED this 15th day of October, 2018

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 16th day of October, 2018



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 22nd day of October, 2018

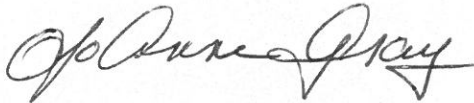


Steven R. Schuh
County Executive

EFFECTIVE DATE:

DEC 6 2018

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
94-18. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer