

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2009, Legislative Day No. 29

Bill No. 52-09

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

By the County Council, June 15, 2009

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Introduced and first read on June 15, 2009  
Public Hearing set for July 20, 2009  
Bill Expires September 18, 2009

By Order: Judy C. Holmes, Administrative Officer

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A BILL ENTITLED

1 AN EMERGENCY ORDINANCE concerning: Adequate Public Facilities

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3 FOR the purpose of making housing for the elderly of moderate means and institutional  
4 uses subject to adequacy of public facility requirements other than schools; making  
5 institutional uses subject to a certain determination by the Planning and Zoning  
6 Officer; making this Ordinance an emergency measure; and generally relating to  
7 adequate public facilities.

8  
9 BY repealing and reenacting, with amendments: § 17-5-201  
10 Anne Arundel County Code (2005, as amended)

11  
12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
13 *Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as  
14 follows:

15  
16 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

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18 **TITLE 5. ADEQUATE PUBLIC FACILITIES**

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20 **17-5-201. Requirement to pass adequacy of public facilities tests; exemptions.**

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Asterisks\*\*\*indicate existing Code provisions in a chart or list that remain unchanged.

(b) **General requirement.** The Planning and Zoning Officer may not give final approval to a record plat, recommend approval of an application for a building or grading permit in connection with a 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. A bulk parcel shall pass the tests for adequate public facilities to the same extent that would have been required by the chart in this section had the parcel been tested for adequate public facilities in the subdivision process that created the parcel.

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
***						
<b>Residential:</b>						
***						
Odenton Growth Management Area: all other residential developments	S	E*	S	S	S	S
HOUSING FOR THE ELDERLY OF MODERATE MEANS	S	S	E	S	S	S
INSTITUTIONAL USES	S	S	E***	S	S	S
***						

\* But subject to the requirements in the Odenton Town Center Master Plan.

\*\* But subject to the requirements of § 17-5-207.

\*\*\* BUT SUBJECT TO A DETERMINATION BY THE PLANNING AND ZONING OFFICER THAT THE USE WILL HAVE NO IMPACT ON PUBLIC SCHOOL CAPACITY.

SECTION 2. *And be it further enacted,* That this Ordinance is hereby declared to be an emergency ordinance and necessary for the immediate preservation of the public peace, health, safety, welfare, and property, and being passed by the affirmative vote of at least five members of the County Council, the same shall take effect from the date it becomes law.