

# FINAL

## 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

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Introduced and first read on February 18, 2020  
Public Hearing set for March 16, 2020 (Postponed)  
Public Hearing set for and held on May 11, 2020  
Public Hearing on AMENDED bill set for and held on May 26, 2020  
Bill Expires May 23, 2020 (Expiration Date Extended to July 17, 2020)

By Order: JoAnne Gray, Administrative Officer

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### A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Adequate School  
2 Facilities – ~~Workforce Housing~~ Low Income Tax Credits

3  
4 FOR the purpose of exempting residential ~~developments~~ development that ~~meet the~~  
5 ~~conditions for workforce housing~~ is funded in part by low income tax credits from the  
6 test for adequate school facilities under certain conditions; adding the conditions for  
7 the exemption from the test for adequate school facilities; making certain technical  
8 changes; and generally relating to subdivision and 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.

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

**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
<b>Residential:</b>						
Residential subdivisions not otherwise addressed in this chart	S	S	S**	S	S	S
RESIDENTIAL DEVELOPMENT THAT <del>MEETS THE CONDITIONS FOR WORKFORCE HOUSING UNDER § 18-10-158 OF THIS CODE IS FUNDED IN PART BY LOW INCOME TAX CREDITS</del>	S	S	E*****	S	S	S
***						

\*\*\*\* But subject to the conditions listed in § 17-5-207[(c)] (B).

\*\*\*\*\* But subject to the conditions listed in § 17-5-207[(d)] (C).

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

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

2  
3 (a) **Five lots or five dwelling units.**

4  
5 (1) A developer may obtain an exemption from the requirements for adequate public  
6 facilities for schools for no more than five lots in a subdivision for single family detached  
7 dwellings or for no more than five dwelling units shown on a site development plan if the  
8 developer provides evidence of ownership of the property for a minimum of three years as  
9 of the date of application and signs and records an agreement as required by [[subsection  
10 (b)]] PARAGRAPH (2) OF THIS SUBSECTION.

11  
12 [[(b)]] (2) All applications for subdivision or residential site development plans seeking  
13 exemption under this [[section]] SUBSECTION shall execute an agreement with the County  
14 in which the developer acknowledges the exemption shall be limited to five lots or dwelling  
15 units, including any existing residences, of the pending application and that further  
16 subdivision or development of the site, if permitted, will be subject to the adequate public  
17 facilities requirement for schools. The agreement shall be:

18  
19 [[(1)]] (I) in the form and contain the language required by the Office of Law;

20  
21 [[(2)]] (II) recorded among the land records of Anne Arundel County, run with  
22 the land, and bind all future owners of the site that is the subject of the application and all  
23 future owners of the lots created by a subdivision approved under this exemption;

24  
25 [[(3)]] (III) executed and recorded before approval by the Planning and Zoning  
26 Officer of the proposed record plat for a subdivision, the application for a grading or  
27 building permit in connection with a site development plan, or the approval of a site  
28 development plan for development that does not require a permit, as applicable; and

29  
30 [[(4)]] (IV) noted on the proposed record plat or site development plan, with the  
31 note including a reference to the book and page number of the location in the land records.

32  
33 ~~(D) Exemptions for residential development that meets the requirements for~~  
34 ~~workforce housing. RESIDENTIAL DEVELOPMENT THAT MEETS THE REQUIREMENTS~~  
35 ~~UNDER § 18-10-158 OF THIS CODE IS EXEMPT FROM THE ADEQUATE SCHOOL FACILITIES~~  
36 ~~TEST IF THE FOLLOWING CONDITIONS ARE MET:~~

37  
38 (D) Exemptions for residential development funded in part by low income tax  
39 credits. RESIDENTIAL DEVELOPMENT THAT IS FUNDED IN PART BY LOW INCOME TAX  
40 CREDITS AWARDED FROM THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY  
41 DEVELOPMENT IS EXEMPT FROM THE ADEQUATE SCHOOL FACILITIES TEST IF THE  
42 FOLLOWING CONDITIONS ARE MET:

43  
44 (1) THE PROJECT CONSISTS OF NO MORE THAN 50 DWELLING UNITS;

45  
46 (2) (I) ~~THE PROJECT INCLUDES FUNDING FROM LOW INCOME HOUSING TAX~~  
47 ~~CREDITS AWARDED FROM THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY~~  
48 ~~DEVELOPMENT AND, AS OF THE DATE OF APPLICATION FOR THE AWARD OF THE LOW~~  
49 ~~INCOME TAX CREDITS, ALL SCHOOLS SERVING THE PROJECT WERE DESIGNATED AS OPEN~~  
50 ~~ON THE COUNTY'S SCHOOL UTILIZATION CHART; OR~~

1 (II) AT THE TIME OF TESTING FOR ADEQUATE SCHOOLS FACILITIES, THE  
2 SCHOOL ENROLLMENT FOR EACH ELEMENTARY AND MIDDLE SCHOOL IS NO MORE THAN  
3 3% ABOVE THE PERCENTAGE OF THE STATE-RATED CAPACITY SET FORTH IN § 17-5-  
4 502(A)(4)(I) AND THE SCHOOL ENROLLMENT FOR EACH HIGH SCHOOL IS NO MORE THAN 5%  
5 ABOVE THE PERCENTAGE OF THE STATE-RATED CAPACITY SET FORTH IN § 17-5-  
6 502(A)(4)(II); ~~AND~~

7  
8 (3) THE PROPERTY IS ENCUMBERED BY RECORDED DEED RESTRICTIONS THAT THE  
9 UNITS BE RESTRICTED TO OCCUPANCY BY ELIGIBLE HOUSEHOLDS UNDER THIS  
10 PARAGRAPH FOR AT LEAST 30 YEARS AND THAT AT LEAST 60% OF RENTAL UNITS BE  
11 OCCUPIED BY A HOUSEHOLD WITH AN INCOME THAT DOES NOT EXCEED 60% OF THE  
12 MEDIAN INCOME ADJUSTED FOR HOUSEHOLD SIZE FOR THE BALTIMORE PRIMARY  
13 METROPOLITAN STATISTICAL AREA, AS DEFINED AND PUBLISHED ANNUALLY BY THE  
14 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND

15  
16 (3) (4) THE PROVISIONS OF THIS SUBSECTION ARE NOT VARIED, MODIFIED, OR  
17 REDUCED.

18  
19 SECTION 3. *And be it further enacted*, that this Ordinance shall take effect 45 days  
20 from the date it becomes law.

AMENDMENTS ADOPTED: May 11, 2020

READ AND PASSED this 26<sup>th</sup> day of May, 2020

By Order:



JoAnne Gray  
Administrative Officer

PRESENTED to the County Executive for his approval this 27<sup>th</sup> day of May, 2020



JoAnne Gray  
Administrative Officer

APPROVED AND ENACTED this 4<sup>th</sup> day of June, 2020



Steuart Pittman  
County Executive

EFFECTIVE DATE: July 19, 2020

I HEREBY CERTIFY THAT THIS IS TRUE AND CORRECT COPY OF  
BILL NO. 12-20. THE ORIGINAL OF WHICH IS RETAINED IN THE  
FILES OF THE COUNTY COUNCIL.

A handwritten signature in cursive script, appearing to read "JoAnne Gray".

**JoAnne Gray**  
**Administrative Officer**