

ORDINANCE NO. 2012-

AN ORDINANCE ADOPTING AMENDMENTS TO THE CODE OF PUBLIC LOCAL LAWS AND ORDINANCES OF CARROLL COUNTY, MARYLAND

WHEREAS, The Board of Commissioners of Carroll County, Maryland, has enacted and codified the "Code of Public Local Laws and Ordinances of Carroll County, Maryland";

WHEREAS, the Board is charged under State law with the duty and responsibility for establishing comprehensive policies and programs to promote the health, safety, and general welfare of the inhabitants of the County and accordingly deems the subject amendment necessary to accomplish these duties and responsibilities; and

WHEREAS, the Carroll County Planning and Zoning Commission approved the annual concurrency management report, including these proposed amendments, and recommended both to the Board of County Commissioners at its meeting on October 18, 2011.

NOW, THEREFORE, BE IT ENACTED by the Board of County Commissioners of Carroll County, Maryland:

ARTICLE I. AMENDMENTS.

Section 1. Code of Public Local Laws and Ordinances of Carroll County, Chapter 71, Adequate Public Facilities and Concurrency Management, § 71-3B(7), is added as follows:

§ 71-3. Applicability.

(7) Attached and detached accessory dwellings.

Section 2. Code of Public Local Laws and Ordinances of Carroll County, Chapter 71, Adequate Public Facilities and Concurrency Management, §§ 71-5D(1)(c)[1]; 71-5D(2)(c)[1]; and 71-5D(3)(c)[1], are deleted in their entirety and replaced as follows:

§ 71-5. Adequacy approval.

D. Threshold requirements.

(1) Adequacy.

(c) Fire and emergency medical services. Services are adequate if:

[1] ~~Projected total~~ Total number of late and no responses is less than 15%, and the total number of no responses is less than 4% measured on a quarterly 24-month basis, updated monthly;

(2) Approaching inadequacy.

(c) Fire and emergency medical services. Services are approaching inadequate if:

- [1] either the ~~projected~~ total number of late and no responses equals or exceeds 15%, or the total number of no responses equals or exceeds 4% measured on a ~~quarterly~~24-month basis, updated monthly, but not both; or

(3) Inadequacy.

- (c) Fire and emergency medical services. Services are inadequate if:

- [1] ~~Projected total~~Total number of late and no responses equals or exceeds 15%, and the total number of no responses equals or exceeds 4% measured on a ~~quarterly~~24-month basis, updated monthly;

Section 3. Code of Public Local Laws and Ordinances of Carroll County, Chapter 71, Adequate Public Facilities and Concurrency Management, §§ 71-7A and B are deleted in their entirety, and replaced as follows:

§ 71-7. Residential development database and annual report.

- A. The Department shall develop and maintain a complete residential development database for use by the County, incorporated municipalities, and the public. The database shall contain the following information:
 - (1) For each school district, fire district, community planning area, incorporated municipality, and other designated geographical boundary, the number of projects, lots, and residential units subject to this chapter and the number of projects, lots, and residential units not subject to this chapter.
 - (2) For each school district, community planning area, and other designated geographical boundary, a calculation of the ATC, for both residential and commercial/industrial land uses, for the facilities and services covered by this chapter, including the additional capacity of future public facilities in the CIP for which funds may be committed within the next 6 years.
 - ~~(3) A list of County and State road segments and intersections with a level of service of D, E, or F.~~
 - ~~(4)~~ (3) The current population and projected population growth.
- B. The Department shall prepare an annual concurrency management report for use by the Commission and the County in reviewing the CIP and in administering this chapter. In conjunction with its recommendations on the CIP, the Commission shall forward its comments on the report to the Board of County Commissioners with recommendations for building permit caps designated by area or county-wide; capital improvements needed to serve residential development; and amendments to this chapter. The concurrency management report shall contain:
 - (1) A summary of all subdivisions and site plans approved by the Commission, approved lots, units, and projects subject to this chapter, building permits issued;
 - (2) A summary of all units, lots, and projects not subject to this chapter, including an annual average for the last 4 fiscal years of all residential permits not subject to this chapter, including off-conveyances, minor subdivisions in the Agricultural District, pre-existing lots, and residential projects located in incorporated municipalities;

- (3) An examination of growth trends and projections in the county, including building permits issued during the preceding 6 fiscal years;
- (4) Facility capacity information for each public facility and service listed in this chapter, including projections of capacity for each of the 6 years in the CIP;
- (5) For each school, functional capacity, state-rated capacity, and any other relevant information;
- (6) Student population projections by the Board of Education and by the County;
- (7) An evaluation of fire and emergency medical services with respect to late and no responses, response time, and adequacy of roads and bridges for each volunteer fire department;
- (8) For each threshold adopted by the County, a calculation of remaining capacity;
- (9) An inventory of timing of relief facilities in the CIP to mitigate current and future inadequacies and a staff recommendation for future capital improvements and building permit caps to achieve concurrency;
- ~~(10) Fiscal information including revenue estimates from new development, impact fee and other fee projections, and operating budget increases related to the facilities and services covered by this chapter;~~
- ~~(11)~~ (10) A cumulative total of all approvals and denials under this chapter, including a list of projects placed in a queue for an inadequate or approaching inadequate facility or service;
- ~~(12)~~ (11) Proposed changes to the boundaries of impact areas for any public facility;
- ~~(13)~~ (12) Proposed changes to existing or adopted threshold standards;
- ~~(14)~~ (13) An evaluation of the feasibility of a plan for increasing the adequacy threshold for police services to a projected ratio of 1.5 sworn law enforcement officers to 1,000 total County population;
- ~~(15)~~ (14) Proposed changes in concurrency analysis methodologies; and
- ~~(16)~~ (15) Recommended amendments to this chapter including, but not limited to, changes to the thresholds imposed by this chapter, and changes to the concurrency management or development review programs.

ARTICLE II. SEVERABILITY.

Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not effect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

ARTICLE III. EFFECTIVE DATE.

This Ordinance shall become effective on _____, 2012.

ADOPTED this ____ day of _____, 2012.

THE COUNTY COMMISSIONERS OF
CARROLL COUNTY, MARYLAND,
a body corporate and politic
of the State of Maryland

ATTEST:

Shawn D. Reese, County Clerk

_____(SEAL)
J. Douglas Howard, President

_____(SEAL)
Richard S. Rothschild, Vice-President

_____(SEAL)
David H. Roush, Secretary

_____(SEAL)
Robin B. Frazier, Commissioner

_____(SEAL)
Haven N. Shoemaker, Jr., Commissioner

Approved for legal sufficiency:

Timothy C. Burke
County Attorney

Notice of Public Hearing published: _____
Public Hearing held: _____
Public Meeting to adopt Ordinance: _____
Notice of Adoption of Ordinance published: _____
Ordinance filed with Clerk of Court: _____

I hereby certify that the actions described above took place on the dates referred to above and that this Ordinance is effective as of the _____ of _____, 2012.

Timothy C. Burke, County Attorney

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AFTER RECORDING, RETURN TO:
County Attorney
225 North Center Street
Westminster, MD 21157