

Adequate Public Facilities Ordinance (APFO) *Ordinance 2006-02*

Overview – Mayor & Council Workshop – August 26th, 2019

1.2 PURPOSE

- That Public Facilities and Services needed to support new development shall be available concurrently with the impact of such new development.
- To “phase” new development.
- To establish the number of units for which building permits may be allocated annually.
- Public Facilities include, but are not limited by the ordinance to, roads, storm drains, storm water management, water, sewage, *parks, trails, sidewalks, and schools.*

2.3 DEFINITIONS

- Improvements (2.3.13) include storm sewers, sanitary sewers, water supply lines, streets, roads, curbs, gutters, gas lines, electricity lines, water lines, septic tanks, wells, walks, and other accessory works and appurtenances, dwellings, farm buildings, and other principal or accessory structures.
- Minor Subdivision Plot (2.3.18) is the division of a lot, tract, or parcel into five (5) or fewer lots for the immediate or future transfer of property ownership. Minor Subdivisions are NOT subject to the requirements of this ordinance (3.5 Minor Subdivision Plats Exempt).

III. ADMINISTRATION

- 3.1 the Boonsboro Planning Commission administers the Ordinance.
- 3.6 the Board of Appeals may grant a variance from the requirements.
- The Planning Commission, The Utilities Commission, the Mayor & Council, and the Board of Appeals (when necessary) all have roles to play in the administration of APFO.
- Washington County coordinates with the Town.

IV. ROADS (Planning Commission)

- New Roads must be built to Street Design Standards (last updated in Boonsboro with Ordinance 2010-01).
- The Planning Commission can require a Traffic Study for proposed commercial or residential development. Roadway type should be based upon projected volume of traffic.
- Existing public roads that serve the development shall meet Street Design Standards for the Town, for Washington County, or for MD SHA.
- See 4.2.1 and 4.2.2 for guidance on the determination of the requirement of existing roads to be made adequate for new development.

V. SCHOOLS

- Collaborative recommendation between the Boonsboro Planning Commission, the Boonsboro Mayor & Council, the Washington County Planning Department, and the Washington County Board of Education.
- New residential development shall be served by Public Schools that are “adequate.”
- Exemptions for nonresidential development, senior housing (federally defined), public facilities, and minor subdivisions.
- The Town relies heavily on the recommendations from the aforementioned Washington County Departments. The Planning Commission provides a recommendation to the Mayor & Council.
- 5.3.2 The Mayor & Council has the authority to limit the number of new residential building permits (per year and overall) based upon the Comprehensive Plan, the Planning Commission’s recommendation, and Washington County Planning’s School Adequacy report.

VI. Sewage Disposal Systems (Planning Commission, Utilities Commission)

- 6.1.2 Sewer System adequacy for new development is evaluated by an engineer (MD P.E.) with a report submitted to the Utilities Commission. The engineer shall be provided by the developer. The Utilities Commission makes a recommendation to the Planning Commission.
- 6.1.3 New systems must be consistent with the Washington County Water and Sewerage Plan for the Town of Boonsboro.
- 6.1.4 All parts of the system that will be affected shall be considered.
- 6.1.5. Design Capacity, Available Capacity, Adopted Standards, and other variables should all be considered.

VII. Water Supply and Distribution Systems (Planning Commission, Utilities Commission)

- 7.1.1 Water System adequacy for new development is evaluated by an engineer (MD P.E.) with a report submitted to the Utilities Commission. The engineer shall be provided by the developer. The Utilities Commission makes a recommendation to the Planning Commission.
- 7.1.2 New systems must be consistent with the Washington County Water and Sewerage Plan for the Town of Boonsboro.
- 7.1.3 All parts of the system that will be affected shall be considered.
- 7.1.4 Design capacity, water sources, available capacity, water needs for fire protection, and other variables should be considered.

VIII. BUILDING UNITS (Planning Commission, Mayor & Council)

- The Mayor & Council, with a supporting recommendation from the Planning Commission, may determine the number of units for which building permits may be issued annually for any new development.
- The developer may carry non-completed units over to succeeding years.
- Allocated building permits may not be transferred to a subsequent owner unless the remainder of the development is conveyed in its entirety and constructed in accordance with the final plat.
- Minor Subdivisions of four lots or less are exempt except in rare cases (see 8.4).

IX. AGENCY PARTICIPATION

- 9.1 Nothing under the terms of this Ordinance shall prohibit or prevent the Mayor & Town of Boonsboro, Board of County Commissioners, and an individual from reaching an agreement as to a mitigation program for the purpose of ensuring the adequacy of public facilities as required by this Ordinance.
- 9.2 Notwithstanding any other provisions or term of this ordinance, neither the Mayor & Council nor any governmental body shall be compelled to enter into an agreement as to a mitigation program with a Developer for the purpose of advancing the adequacy of public facilities as required by this Ordinance.
- 9.3 Any mitigation program submitted to the Mayor & Council shall be in full compliance with the Washington County Adequate Public Facilities Ordinance as amended.

Washington County APFO

- Last Revision (Revision 9) was passed October 22, 2013
- Boonsboro's APFO is structured after Washington County's. Washington County has one additional article, Article VIII Fire Protection for areas where Public Water is not available.
- **STAFF RECOMMENDATION – Boonsboro's APFO, last revised in early 2006, should be revised to be up to date and consistent with the County's APFO ordinance. Revisions can be introduced as early as this fall.**