

# **Adequate Public Facilities Ordinance**

## **Cecil County, Maryland**



As elected officials, we are charged with the responsibility to provide services and infrastructure to our citizens and protect public health and welfare. Our citizens ask us to manage growth responsibly and ensure that services and infrastructure are provided concurrent with new development.

Citizens and legislators have made it abundantly clear that they are unwilling to pay more taxes to provide services and infrastructure needed to support new residential or commercial development.

The purpose of an adequate public facilities ordinance is to ensure that adequate public facilities and services are provided concurrent with new development so that orderly growth can occur.

The adequate public facilities ordinance serves to protect existing residents from increasing taxation as a result of new or rapid development by deferring growth that cannot be supported with adequate infrastructure or services until such time as those services or facilities can reasonably be provided.

# Sub- committee on Growth

John Bunnell, Mayor of Cecilton

Judy Cox, Mayor of Rising Sun

Jim Eberhart, Mayor of Perryville

Mark H. Guns, Commissioner

Harry Hebron, Commissioner

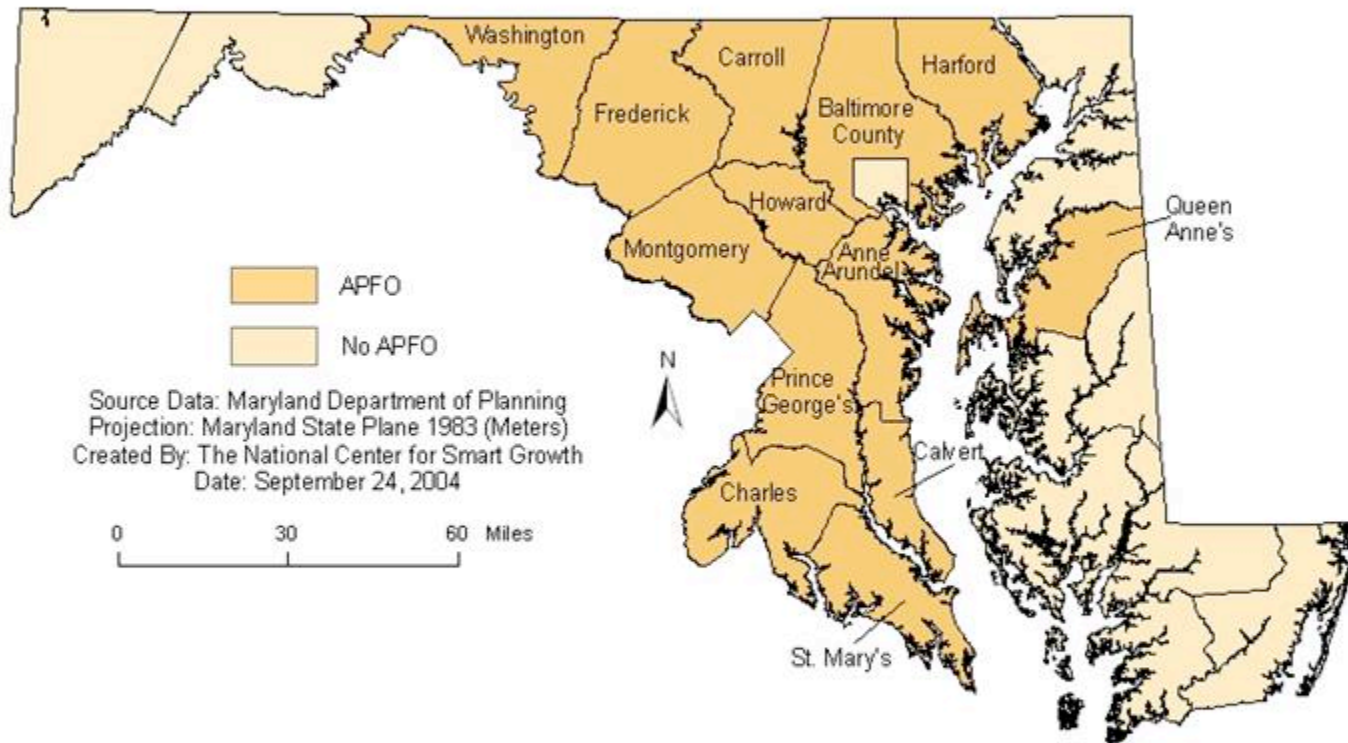
Jeanne D. Minner, Dir.of Planning, Elkton

Enlisted members to serve in  
October 2005 and the committee  
met 5 times in the document  
planning process.

The committee considered APFO's only from counties and municipalities in MD.

We utilized planning documents for APFO's made available from MDP, MD economic growth resource protection and planning act of 1992, and Case study findings of local APFO implementation in N. Central MD by J. Noonan ( examples and support documents are included)

# Maryland Counties With Adequate Public Facilities Ordinances (APFO)



Source Data: Maryland Department of Planning  
Projection: Maryland State Plane 1983 (Meters)  
Created By: The National Center for Smart Growth  
Date: September 24, 2004

0 30 60 Miles



Taken from MDP, these are five of the 8 “visions” emanating from the 1992 Economic Growth, Resource Protection and Planning Act are relevant to APFOs:

1. Development is concentrated in suitable areas
2. In rural areas, growth is directed to existing population centers and rural resource areas are protected
3. To assure achievement of visions, economic growth is encouraged and regulatory mechanisms are streamlined

4. Adequate public facilities and infrastructure under the control of the county or municipality are available in areas where growth is to occur or planned
5. Funding mechanisms are addressed to achieve these visions

The 1992 Act also mandated that zoning and other regulations be consistent with the local comprehensive plan and with the visions.

## **A. Definition of Adequate Public Facilities Ordinances (APFOs)**

A growth management tool that attempts to link the timing of new development to the availability of facilities needed to service it.

- Development approval is conditional on whether the project meets level of service or capacity standards.
- If a jurisdiction's schedule of capital improvement provision isn't timely for the developer's purposes, the development may not proceed unless the developer chooses to build or fund the needed facilities - services to the level required by the APFO

## *What an APFO will do*

- Allow localities to coordinate new development with the ability to pay for the necessary services that new developments require.
- Help to ensure that development does not proceed at the expense of decent schools, public safety, and good neighborhoods.
- Help to ensure that the huge backlog of approved development in many high growth localities does not bankrupt localities or taxpayers.

## *What an APFO will not do*

- Violate constitutionally- Guaranteed property rights.
- Excuse localities from their obligation to provide infrastructure.
- Impose unfair costs on developers. It is fair for developers to pay for infrastructure made necessary by their development.
- Reduce the amount of development allowed on a property.(downzone)

In Cecil County there are 8 municipal governments and the county government, each with individual authority to make land use decisions within their jurisdiction. Providing services and infrastructure to accommodate new development is also the responsibility of different levels of government- municipal, county, state, and federal.

## A few important notes:

An APFO is only a tool for planning and it governs by utilizing existing zoning regulations and subdivision ordinances.



Comprehensive plans and  
Capitol improvement plans  
must be carefully scrutinized to  
ensure planning is put into  
available growth areas

It is essential that elected officials understand that adequacy standards for each infrastructure must be considered, written, and in place before implementation of an APFO can be accomplished successfully

It is our challenge for the 9 elected bodies and planning commissions to coordinate their growth policies and merge their respective responsibilities to provide services and infrastructure to support new development.

Respectfully submitted for your review by  
the Sub-committee on Growth

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