

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2010, Legislative Day No. 28

Bill No. 59-10

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

By the County Council, July 6, 2010

Introduced and first read on July 6, 2010
Public Hearing set for and held on August 2, 2010
Bill AMENDED August 16, 2010
Public Hearing on AMENDED BILL set for and held on September 7, 2010
Public Hearing on SECOND AMENDED BILL set for and held on September 20, 2010
Public Hearing on THIRD AMENDED BILL set for October 4, 2010
Bill Expires October 9, 2010

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development

2

3 FOR the purpose of defining certain terms; providing for changes to the scope and
4 applicability of Article 17; requiring compliance with environmental site design
5 techniques; excluding certain parcels from being considered as consolidated; altering the
6 requirements for certain community meetings; clarifying when a modification may be
7 granted; requiring additional notices on the County webpage; providing a preliminary
8 plan review process; modifying the scale, contents, and attachment required in
9 connection with sketch, final, preliminary, and site development plans; amending the
10 plan review process and authorizing time extensions between certain plan re-submittals;
11 requiring a plat note regarding the Planning and Zoning Officer's authority to change
12 street names and addresses; clarifying what persons must sign a proposed record plat;
13 changing lot design criteria to limit cluster development and the creation of flag lots in
14 certain instances; providing for payment of a new application fee following a void
15 application for plan approval; authorizing the Planning and Zoning Officer to extend the
16 time for completion of a subdivision; providing for adequacy of fire suppression
17 facilities as a condition of final

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.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 plan approval and permit issuance; clarifying road design requirements; requiring
2 accommodations for pedestrian and bicycle facilities in certain instances; clarifying for
3 what purposes an amended record plat may be approved; requiring Health Department
4 review and approval of certain sewage disposal facilities prior to certain plan approvals;
5 clarifying types of development for which site development plans are required; altering
6 the criteria for expiration of certain site development plans; altering the duration of
7 certain development plan and subdivision plan approvals; clarifying the definition of
8 “impact area” for roads; providing for certain methods for mitigation of ~~transportation~~
9 impacts to public facilities; allowing phasing of development in certain instances;
10 requiring clear sight triangle easements for certain existing rights of ways; altering road
11 frontage requirements for certain residential development; requiring notice of address
12 changes by the Planning and Zoning Officer; modifying residential setbacks along
13 certain roads for subdivision and site development to comply with noise reduction
14 targets; altering requirements for open space and recreation area in certain instances;
15 allowing the payment of fees in lieu of recreation area in certain instances; requiring
16 developers to provide and identify area for mailboxes; permitting location of forest
17 conservation easements at certain locations; requiring the preservation of existing forest
18 and developed woodlands; preserving and protecting historic and archeological
19 resources; amending parking and stacking capacity requirements; requiring private
20 ownership of certain types of parking lots; establishing certain age-restricted
21 development requirements; establishing processes for conversion of adult independent
22 dwelling units to other types of dwelling units and for collection of development impact
23 fees occasioned by conversion; requiring forest conservation easements on areas of a
24 certain size in the critical area; clarifying requirements for certain forest clearing
25 mitigation and afforestation in the LDA and RCA; enhancing stormwater management
26 requirements in certain instances; establishing a fee in lieu of recreation area to replace
27 the fee in lieu of open space; changing the fees for preliminary plans and site
28 development plans; allowing for the reduction of fees in certain instances; allowing fee
29 credits for conveyances to the County of real property or improvements in certain
30 instances; making certain technical changes; adopting the Anne Arundel County
31 Landscape Manual; and generally relating to subdivision and development.

32
33 BY repealing: §§ 17-3-201(b); 17-3-204; 17-3-502(e); 17-3-505; 17-3-506; 17-3-601 and
34 17-3-602 and the subtitle “Subtitle 6. Roads”; 17-3-701; 17-6-103; and 17-7-701 and the
35 subtitle “Subtitle 7. Certain Multifamily Dwellings”
36 Anne Arundel County Code (2005, as amended)

37
38 BY renumbering: §§ 17-1-101(1) through (9), (10) through (15), (16) through (22), (23),
39 (24) through (39), (40), (41), (42) through (48), (49), (50), (51) through (57), and (58)
40 through (66); 17-2-107(c); 17-2-108(c); and 17-4-202 to be §§ 17-1-101(2) through (10),
41 (12) through (17), (21) through (27), (29), (33) through (48), ~~(51), (52), (54) through~~
42 ~~(60), (62), (64), (66) through (72), and (74) through (82)~~ (50), (51), (53) through (59),
43 (61), (63), (65) through (71), and (73) through (81); 17-2-107(d); 17-2-108(e); and 17-4-
44 208, respectively
45 Anne Arundel County Code (2005, as amended)

46
47 BY repealing and reenacting, with renumbering: §§ 17-1-101(18), (21), (25), (41), (43), (56),

1 and (65); 17-4-201; and 17-4-206
2 Anne Arundel County Code (2005, as amended)

3 BY repealing and reenacting, with amendments: §§ 17-2-101(b); 17-2-103; 17-2-106; 17-2-
4 107; 17-2-108; 17-2-110(a); 17-3-201(c); 17-3-203; 17-3-301(a) and (c); 17-3-302(5)
5 and (8); 17-3-303; 17-3-304; 17-3-401(c); 17-3-403(b); 17-3-404; 17-3-502(b); 17-3-
6 801; 17-4-101; 17-4-203; 17-5-201(b); 17-5-202; 17-5-203(a); 17-5-204(a); 17-5-205(a);
7 17-5-207(b)(3) and (4); 17-5-301; 17-5-403(a); 17-5-701; 17-5-702(2); 17-5-901(a); 17-
8 6-106; 17-6-107; 17-6-202; 17-6-301(b)(7), (8), (9) and (10); 17-6-303(a) and (d)(1) and
9 (3); 17-6-304(e); 17-6-307(a); 17-6-402; 17-6-404; 17-6-501; 17-6-502(b); 17-6-602; 17-
10 6-604; 17-6-607; and 17-11-101
11 Anne Arundel County Code (2005, as amended)

12
13 BY adding: §§ 17-1-101(1), (11), (18), (19), (20), (28), (30), (31), (32), (49), ~~(50)~~, (53), (61),
14 (63), (65), and (73); 17-2-107(b); 17-2-108(c) and (d); 17-3-201(b); 17-3-204; 17-3-406;
15 17-3-502(e) and (f); 17-3-701; 17-4-201; 17-4-206; 17-5-901(d), (e) and (f); 17-5-1001
16 and the subtitle “Subtitle 10. Phasing”; 17-6-103; 17-6-110, 17-6-111, 17-6-112; 17-6-
17 608; 17-7-501 and the subtitle “Subtitle 5. Age Restricted Development”; and 17-11-102
18 Anne Arundel County Code (2005, as amended)

19
20 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
21 That §§ 17-3-201(b); 17-3-204; 17-3-502(e); 17-3-505; 17-3-506; 17-3-601; 17-3-602; 17-3-
22 701; 17-4-201; 17-6-103; and 17-7-701 and the subtitle “Subtitle 7. Certain Multifamily
23 Dwellings” of the Anne Arundel County Code (2005, as amended) be and they hereby are
24 repealed.

25
26 SECTION 2. *And be it further enacted,* That §§ 17-1-101(1) through (9), (10) through
27 (15), (16) through (22), (23), (24) through (39), (40), (41), (42) through (48), (49), (50), (51)
28 through (57), and (58) through 66); 17-2-107(c); 17-2-108(c); 17-4-201; 17-4-202 through
29 17-4-204; and 17-4-206 of the Anne Arundel County Code are hereby renumbered to be §§
30 17-1-101(2) through (10), (12) through (17), (21) through (27), (29), (33) through (48), ~~(51),~~
31 ~~(52), (54) through (60), (62), (64), (66) through (72), and (74) through (82)~~ (50), (51), (53)
32 through (59), (61), (63), (65) through (71), and (73) through (81); 17-2-107(d); 17-2-108(e);
33 17-4-202; 17-4-203 through 17-4-205; and 17-4-208, respectively.

34
35 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County
36 Code (2005, as amended) read as follows:

37 **ARTICLE 17 SUBDIVISION AND DEVELOPMENT**

38 **TITLE 1. DEFINITIONS**

39 **17-1-101. Definitions.**

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41
42 Unless defined in this article, the definitions of words defined elsewhere in this Code
43 apply in this article. The following words have the meanings indicated:
44
45

1 (1) "ADA ACCESSIBLE" MEANS ACCESSIBLE TO PERSONS WITH DISABILITIES AS
2 REQUIRED BY THE AMERICANS WITH DISABILITIES ACT (ADA), 42 U.S.C. §§ 12101, ET SEQ., AS
3 AMENDED.

4
5 (11) "BUS OR RAIL TRANSIT" MEANS REGULARLY OPERATED PUBLIC TRANSIT
6 SERVICES USING EITHER MOTOR BUSES UNDER CONTRACT TO THE CITY OF ANNAPOLIS,
7 ANNE ARUNDEL COUNTY, OR THE STATE, OR OPERATED BY THE CITY OF ANNAPOLIS, ANNE
8 ARUNDEL COUNTY, OR THE STATE, OR THEIR SUCCESSORS OR ASSIGNS, OR LIGHT RAIL
9 TRANSIT UNDER THE AUSPICES OF THE STATE.

10
11 (18) "COUNTY INVENTORY OF HISTORIC ~~PROPERTIES~~ RESOURCES" MEANS
12 PROPERTIES LISTED ON THE MARYLAND INVENTORY OF HISTORIC PROPERTIES, ~~AND THE~~
13 NATIONAL REGISTER OF HISTORIC PLACES, ~~AND OR THE NATIONAL REGISTER OF HISTORIC~~
14 LANDMARKS, ~~AND PROPERTIES LISTED ON ANY MARYLAND INVENTORY OF HISTORIC~~
15 ~~PROPERTIES FOUND BY THE PLANNING AND ZONING OFFICER TO HAVE HISTORICAL~~
16 ~~SIGNIFICANCE.~~ HISTORIC RESOURCES CONSIST OF PROPERTIES, BUILDINGS, STRUCTURES,
17 DISTRICTS, AND ARCHAEOLOGICAL SITES THAT REPRESENT COUNTY HISTORY, THAT ARE
18 ASSOCIATED WITH THE LIVES OF HISTORICALLY SIGNIFICANT PERSONS, THAT HAVE
19 HISTORICALLY SIGNIFICANT ARCHITECTURAL VALUE, OR THAT ARE CAPABLE OF YIELDING
20 INFORMATION IMPORTANT TO THE COUNTY'S HISTORY OR PREHISTORY.

21
22 (19) "COUNTY PEDESTRIAN AND BICYCLE MASTER PLAN" MEANS A PLAN ADOPTED
23 BY THE COUNTY COUNCIL WHICH IDENTIFIES ALIGNMENTS FOR PEDESTRIAN AND BICYCLE
24 FACILITIES AND SIDEWALKS THROUGHOUT THE COUNTY.

25
26 (20) "COUNTY PROCEDURES MANUAL" HAS THE MEANING STATED IN ARTICLE 16 OF
27 THIS CODE.

28
29 [(18)] (23) "Design Manual" [means the Anne Arundel County Design Manual] HAS
30 THE MEANING STATED IN ARTICLE 16 OF THIS CODE.

31
32 [(21)] (26) "Development" means the subdivision of property or any activity other
33 than farming, gardening, or yard maintenance that results in a change in existing site
34 conditions, including the establishment of a use; the change of a use; the improvement of
35 property through construction, alteration, or relocation of a structure; the provision of [storm
36 water] STORMWATER management or roads; grading; and clearing.

37
38 (28) "DPW DESIGN MANUAL" HAS THE MEANING STATED IN ARTICLE 16 OF THIS CODE.

39
40 (30) "ENVIRONMENTAL SITE DESIGN" HAS THE MEANING STATED IN THE
41 ENVIRONMENT ARTICLE, § 4-201.1(B), OF THE STATE CODE.

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43 (31) "ENVIRONMENTALLY SENSITIVE AREA" MEANS THE AREA OF A SITE WHICH
44 CONTAINS TIDAL AND NONTIDAL WETLANDS, BOGS, 100-YEAR FLOODPLAINS, STREAMS,
45 STEEP SLOPES, AND ALL ASSOCIATED BUFFERS. THESE AREAS MAY ALSO INCLUDE FUTURE
46 OVERLAY ZONES DESIGNATED BY THE COUNTY COUNCIL AS ENVIRONMENTALLY SENSITIVE
47 AREAS.

48
49 (32) "FINAL PLAN" MEANS THE APPLICATION AND MATERIALS SUBMITTED WITH AN
50 APPLICATION FOR FINAL PLAN REVIEW.

51
52 [(25)] (34) "Floodplain" [means an area that, after total development of the watershed
53 in accordance with applicable zoning, would be inundated by storm water runoff equivalent
54 to that which would occur from a rainfall of 100-year frequency] HAS THE MEANING STATED
55 IN ARTICLE 16 OF THIS CODE.

1 (49) "HIGHWAY TRAFFIC SOUND LEVEL" MEANS THE PEAK-NOTICE-HOUR AVERAGE
2 SOUND LEVEL FOR THE ROAD WITH LEVEL OF SERVICE ("LOS") D TRAFFIC IN THE CURRENT
3 ROADWAY CONFIGURATION OR WITH APPROVED FUTURE IMPROVEMENTS.

4
5 ~~(50) "HISTORIC RESOURCE" MEANS A BUILDING, STRUCTURE, DISTRICT, AND~~
6 ~~ARCHAEOLOGICAL SITE THAT REPRESENTS THE COUNTY'S HISTORY, THAT IS ASSOCIATED~~
7 ~~WITH THE LIVES OF HISTORICALLY SIGNIFICANT PERSONS, THAT HAS HISTORICALLY~~
8 ~~SIGNIFICANT ARCHITECTURAL VALUE, OR THAT IS CAPABLE OF YIELDING INFORMATION~~
9 ~~IMPORTANT TO THE COUNTY'S HISTORY OR PREHISTORY.~~

10
11 [(41)] ~~(52)~~ (51) "Institutional development use" for purposes of afforestation and
12 reforestation means a school, college[,] or university, military installation, transportation
13 facility, utility or sewer project, government office or facility, golf course, recreation area,
14 park, or cemetery.

15
16 ~~(53)~~ (52) "LANDSCAPE MANUAL" MEANS THE ANNE ARUNDEL COUNTY LANDSCAPE
17 MANUAL.

18
19 [(43)] ~~(55)~~ (54) "Lot" means land described in a record plat and recorded in the land
20 records of the County in accordance with the SUBDIVISION laws in effect at the time of
21 recordation, land described in a deed and recorded in the land records of the County in
22 accordance with the laws in effect at the time of recordation, [and] land located entirely
23 outside the critical area that is described in a deed and recorded in the land records before
24 September 7, 2004, AND LAND FOR WHICH A COURT ORDER HAS ESTABLISHED A NEW
25 BOUNDARY LINE OR LINES. THIS DEFINITION DOES NOT INCLUDE LAND PLATTED AS A ROAD
26 THAT IS OWNED PURSUANT TO REAL PROPERTY ARTICLE, § 2-114, OF THE STATE CODE.

27
28 ~~(64)~~ (60) "OPEN AREA" MEANS THAT PORTION OF A LOT THAT PROTECTS NATURAL
29 FEATURES AND PROVIDES FOR RECREATIONAL ACTIVITIES AND THAT IS REQUIRED ONLY
30 WHEN AN OPEN SPACE LOT IS NOT CREATED UNDER § 17-6-111.

31
32 ~~(63)~~ (62) "OUTDOOR ACTIVITY AREA" MEANS OUTDOOR AREAS FOR COMMON AND
33 EXTENDED HUMAN USE THAT IS MORE THAN TRANSIENT IN NATURE. OUTDOOR ACTIVITY
34 AREAS INCLUDE PATIOS, DECKS, BALCONIES, SWIMMING POOLS, GAZEBOS, PLAYGROUNDS,
35 AND RELATED OUTDOOR AMENITIES. OUTDOOR ACTIVITY AREA DOES NOT INCLUDE FRONT
36 AND SIDE YARDS OF SINGLE-FAMILY DETACHED DWELLINGS AND ALL YARDS OF
37 MULTIFAMILY DWELLING UNITS THAT ARE NOT OCCUPIED BY AN APPROVED PATIO, DECK,
38 OR BALCONY.

39
40 ~~(65)~~ (64) "PRELIMINARY PLAN" MEANS THE APPLICATION AND MATERIALS
41 SUBMITTED WITH AN APPLICATION FOR PRELIMINARY PLAN REVIEW.

42
43 [(56)] ~~(74)~~ (70) "Scheduled completion [date] YEAR" means three years after [the
44 filing of an application] APPROVAL OF THE FIRST SKETCH, FINAL, PRELIMINARY, OR SITE
45 DEVELOPMENT PLAN THAT HAS BEEN APPROVED FOR ADEQUACY OF PUBLIC FACILITIES.

46
47 ~~(73)~~ (72) "SKETCH PLAN" MEANS THE APPLICATION AND MATERIALS SUBMITTED WITH
48 AN APPLICATION FOR SKETCH PLAN REVIEW.

49
50 [(65)] ~~(84)~~ (80) "Whip" has the meaning stated in [the] Natural Resources Article, § 5-
51 1601, of the State Code.

TITLE 2. GENERAL PROVISIONS

17-2-101. Scope; applicability.

(b) Applicability to pending and future proceedings. This article applies to all pending and future proceedings and actions of any board, department, or agency empowered to decide applications under this Code, except that:

(1) an application for subdivision filed on or before April 4, 2005 shall be governed by the law as it existed prior to May 12, 2005 until the recordation of a record plat;

(2) a site plan filed on or before April 4, 2005 for development in an open space district, town center district, industrial park district, maritime district, mixed use district, commercial revitalization area, Odenton Growth Management Area, Parole Town Center Growth Management Area, or suburban community center shall be governed by the law as it existed prior to May 12, 2005 for the development shown on the approved site plan;

(3) an application for a building or grading permit filed on or before April 4, 2005 shall be governed by the law as it existed prior to May 12, 2005 for the development approved by the permit;

(4) a building or grading permit issued on or before May 12, 2005 shall be governed by the law as it existed prior to May 12, 2005 for the development approved by the permit; [and]

(5) a building permit that is related to a grading permit governed by the law as it existed prior to May 12, 2005 shall be governed by the law as it existed prior to May 12, 2005[.];

(6) AN APPLICATION FOR SUBDIVISION FILED BEFORE JULY 6, 2010 SHALL BE GOVERNED BY THE LAW AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF BILL 59-10 UNTIL RECORDATION OF THE RECORD PLAT IF THE COUNTY APPROVES AN ADMINISTRATIVE WAIVER AS STIPULATED IN COMAR 26.17.02.01-2 OR THE PROJECT IS EXEMPT FROM THE ADMINISTRATIVE WAIVER PROCESS; AND

(7) AN APPLICATION FOR A BUILDING OR GRADING PERMIT FILED BEFORE JULY 6, 2010 SHALL BE GOVERNED BY THE LAW AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF BILL 59-10 FOR THE DEVELOPMENT APPROVED BY THE PERMIT IF THE COUNTY APPROVES AN ADMINISTRATIVE WAIVER AS STIPULATED IN COMAR 26.17.02.01-2 OR THE PROJECT IS EXEMPT FROM THE ADMINISTRATIVE WAIVER PROCESS.

17-2-103. Compliance with other law.

Except as otherwise provided by this article, all subdivision and development shall comply with all applicable federal, State, and County law and regulations, the DPW Design Manual, and [the County's Standard Specifications and Details for Construction] APPLICABLE ENVIRONMENTAL SITE DESIGN TECHNIQUES.

17-2-106. Consolidation without subdivision.

1
2 The owner of contiguous properties may consolidate the properties by deed without
3 initiating subdivision if the consolidation of the properties does not create a violation of the
4 development provisions of this article or a violation of the provisions of Article 18 of this
5 Code. THE OFFICE OF PLANNING AND ZONING SHALL NOT RECOGNIZE AS ONE LOT
6 CONSOLIDATED PARCELS THAT INCLUDE LAND WITHIN A PLATTED AND RECORDED ROAD
7 OR RIGHT-OF-WAY.

8
9 **17-2-107. Community meetings.**

10
11 (a) **Scope.** This section applies to ANY APPLICATION THAT INCLUDES A MODIFICATION
12 TO PERMIT DIRECT IMPACT TO ENVIRONMENTALLY SENSITIVE AREAS, a subdivision of
13 property that adjoins a residentially zoned and developed lot, and [to a site] development
14 [plan for] OF A commercial,[or] industrial [development] , OR INSTITUTIONAL USE that
15 adjoins a residentially zoned and developed lot. IT DOES NOT APPLY TO AN APPLICATION
16 FOR AN AMENDED RECORD PLAT THAT DOES NOT IMPACT THE ADEQUACY OF PUBLIC
17 FACILITIES OR TO DEVELOPMENT THAT THE PLANNING AND ZONING OFFICER DETERMINES
18 WILL HAVE NO IMPACT ON THE USE AND ENJOYMENT OF ADJOINING PROPERTY.

19
20 (B) **Time for application and review, generally.** AN APPLICATION FOR AN AMENDED
21 RECORD PLAT MAY BE SUBMITTED PRIOR TO THE COMMUNITY MEETING REQUIRED BY
22 SUBSECTION (C), BUT THE OFFICE OF PLANNING AND ZONING WILL GENERALLY NOT REVIEW
23 THE APPLICATION UNTIL AFTER THE REQUIRED COMMUNITY MEETING, AND IS OTHERWISE
24 SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

25
26 [(b)] (C) **Meetings required.** [Within] IN the six-month period before the INITIAL
27 submission of a subdivision or [site development] PRELIMINARY plan that falls within the
28 scope of this section, [a] THE developer shall hold a community meeting for the purpose of
29 [allowing the developer to present] PRESENTING information regarding the development,
30 INCLUDING PROPOSED STORMWATER MANAGEMENT DESIGN AND ANY REQUESTED
31 MODIFICATIONS, and allowing the community to ask questions [or] AND provide comments.
32 ADDITIONALLY, WITHIN 45 DAYS AFTER THE SUBMISSION OF A FINAL PLAN OR SITE
33 DEVELOPMENT PLAN THAT FALLS WITHIN THE SCOPE OF THIS SECTION, THE DEVELOPER
34 SHALL HOLD A COMUNITY MEETING FOR THE PURPOSE OF PRESENTING INFORMATION
35 REGARDING CHANGES MADE TO THE INFORMATION PRESENTED AT THE INITIAL SUBMISSION
36 MEETING AND ALLOWING THE COMMUNITY TO ASK QUESTIONS AND PROVIDE COMMENTS.
37 The meeting shall be held in the County, Monday through Thursday, beginning between the
38 hours of [6 p.m. and 8 p.m.] 6:00 P.M. AND 8:00 P.M., at an ADA accessible facility located
39 within five miles of the development site. However, if, in the opinion of the Planning and
40 Zoning Officer, the five mile restriction is impracticable, then the meeting shall be held at a
41 location as may be authorized by the Planning and Zoning Officer in writing.

42
43 [(c)] (D) **Notice.** At least 21 days before the date of the community meeting, the
44 developer shall mail by first class mail a notice of the date, time, and location of the meeting
45 to all lot owners within 175 feet of the property to be subdivided; to the president of any
46 community or homeowners' association of any subdivision that is located within 175 feet of
47 the property to be subdivided that is on the list of community associations, persons, and
48 organizations maintained in the Office of the County Executive; to the Office of Planning
49 and Zoning; and to the Councilmember of the Councilmanic District in which the
50 subdivision is located and, if the property abuts another Councilmanic district, to that County

1 Councilmember.

2
3 **17-2-108. Modifications.**

4
5 (a) **Generally.** The Planning and Zoning Officer may approve an application for a
6 modification to any provision of this article other than one contained in Titles 5, 8, or 9 and
7 to any applicable regulations, manuals, or specifications, INCLUDING THE DPW DESIGN
8 MANUAL, upon finding that:

9
10 (1) practical difficulties or unnecessary hardship will result from strict application of
11 this article;

12
13 (2) the purposes of this article, INCLUDING MINIMIZATION AND MITIGATION OF
14 ENVIRONMENTAL IMPACTS ~~AND PRESERVATION OF~~ THROUGH THE USE OF CLUSTERING OR
15 OTHER AVAILABLE DESIGN ALTERNATIVES TO PRESERVE THE CHARACTER OF THE
16 IMPACTED AREA, will be served by an alternative proposal;

17
18 (3) the modification is not detrimental to the public health, safety, or welfare or
19 injurious to other properties; and

20
21 (4) the modification does not have the effect of nullifying the intent and purpose of
22 this article, the General Development Plan, or Article 18 of this Code.

23
24 (b) **When modification may be denied.** An application for a modification may be
25 denied if requested solely because compliance would add significantly to development costs
26 or if requested solely for the convenience of the developer, such as when the land is not
27 usable because of error or poor assumptions on the part of the developer.

28
29 (c) **Modification not required.** AT THE DISCRETION OF THE PLANNING AND ZONING
30 OFFICER, DEMOLITION OF EXISTING STRUCTURES MAY PROCEED WITHOUT A MODIFICATION
31 OF SITE DEVELOPMENT PLAN REQUIREMENTS IN ORDER TO ABATE A CIVIL INFRACTION
32 THAT VIOLATES THIS CODE OR TO PROTECT THE PUBLIC HEALTH OR SAFETY.

33
34 (d) **Modification to eliminate sketch plan review or preliminary plan review.** THE
35 PLANNING AND ZONING OFFICER MAY GRANT A MODIFICATION TO THE REQUIREMENT OF A
36 SKETCH OR PRELIMINARY PLAN REVIEW FOR REDEVELOPMENT AND DEVELOPMENT WITHIN
37 THE TOWN CENTER DISTRICTS IF THE APPLICANT DEMONSTRATES TO THE PLANNING AND
38 ZONING OFFICER'S SATISFACTION THAT ADEQUATE PUBLIC FACILITIES WILL BE AVAILABLE
39 TO SERVE THE DEVELOPMENT AT THE TIME OF FINAL PLAN OR SITE DEVELOPMENT PLAN
40 APPROVAL AND THAT THE FINAL PLAN OR SITE DEVELOPMENT PLAN WILL SATISFY
41 ENVIRONMENTAL SITE DESIGN STANDARDS AND TECHNIQUES FOR STORMWATER
42 MANAGEMENT AND ROADS.

43
44 [(c)] (E) **Conditions.** In granting a modification, the Planning and Zoning Officer may
45 require conditions to secure the objectives of the provision that has been modified.

46
47 **17-2-110. County webpage notices.**

48 (a) **Requirements for posting.** The Office of Planning and Zoning regularly shall cause
49 [notice of] the following to be posted on the County's webpage:

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(1) NOTICE OF applications for subdivision OR MODIFICATION;

(2) NOTICE OF the approval or denial of modifications;

(3) NOTICE OF the approval or denial of sketch plans;

(4) NOTICE OF the approval or denial of final plans;

(5) a list of ALL scheduled [pre-submission] community meetings REQUIRED BY THIS ARTICLE; [and]

(6) a list of submitted site development plans provided to the County Executive in accordance with § 17-4-202; AND

~~(7) THE COUNTY INVENTORY OF HISTORIC PROPERTIES, AND~~

~~(8) THE COUNTY LANDSCAPE MANUAL.~~

TITLE 3. SUBDIVISION

17-3-201. Sketch plan application.

(B) **Contents.** A SKETCH PLAN SHALL BE ON A 24" X 36" SHEET AT A SCALE THAT IS NO SMALLER THAN 1" = 100' AND SHALL CONTAIN ALL INFORMATION REQUIRED BY THE OFFICE OF PLANNING AND ZONING, INCLUDING ATTACHMENTS APPEARING ON THE CURRENT SKETCH PLAN CHECKLIST MAINTAINED BY THE OFFICE OF PLANNING AND ZONING. THE SKETCH PLAN SHALL SHOW THE INITIAL LOCATION OF ALL DEVELOPMENT, INCLUDING ROADS, BUILDINGS, PARKING, STORMWATER MANAGEMENT, AND UTILITIES, IDENTIFY CONSERVATION AND ENVIRONMENTALLY SENSITIVE AREAS, AND PROVIDE OTHER INFORMATION REQUIRED BY THE OFFICE OF PLANNING AND ZONING TO CLEARLY IDENTIFY AREAS ON THE SITE THAT ARE SUITABLE FOR DEVELOPMENT.

(c) **Attachments.** A sketch plan shall be accompanied by all information required by the Office of Planning and Zoning, including to the extent applicable:

(1) a [preliminary infrastructure] SKETCH plan SHOWING AN INITIAL LOCATION OF STORMWATER MANAGEMENT, UTILITIES, FOREST CONSERVATION AREA, AND ANY OTHER PERTINENT INFORMATION REQUESTED BY THE OFFICE OF PLANNING AND ZONING TO FACILITATE DETERMINATION OF THE DEVELOPMENT ENVELOPE ON THE SITE[, including a stormwater management plan in accordance with Article 16 of this Code, a storm drain plan, a water and sewer plan, and a public road plan];

(2) A LANDSCAPE PLAN THAT IS IN COMPLIANCE WITH THE LANDSCAPE MANUAL;

[(2)] (3) the estimated quantity of proposed excavation and fill;

[(3)] (4) a forest stand delineation;

[(4)] (5) a bog protection plan for a bog protection area;

1
2 [(5)] (6) maps of existing and proposed drainage areas at a scale of 1" = 100' for sites
3 less than 25 acres and 1" = 200' for sites greater than 25 acres;

4
5 [(6)] (7) a traffic impact study;

6
7 [(7)] (8) in the critical area:

8
9 (i) a sediment control plan for all forest or woodland disturbance of 5,000 square
10 feet or more;

11
12 (ii) a buffer management plan for any disturbance in the 100-foot buffer and
13 expanded buffer;

14
15 (iii) a critical area report and habitat assessment; and

16
17 (iv) all computations and data necessary to determine if the 10% pollutant
18 reduction requirements of § 16-3-205(b) of this Code are met;

19
20 (9) AN EQUIVALENT DWELLING UNIT (EDU) WORKSHEET; AND

21
22 [(8)] (10) [evidence that a pre-submission community meeting was held;] a copy of a
23 summary of comments received at the pre-submission community meeting; AN AFFIDAVIT
24 SIGNED BY THE DEVELOPER OR OTHER EVIDENCE ACCEPTABLE TO THE OFFICE OF
25 PLANNING AND ZONING TO PROVE THAT A COMMUNITY MEETING WAS HELD and [evidence]
26 that a copy of the summary of comments was mailed to each participant at the pre-
27 submission community meeting, to all lot owners within 175 FEET of the property to be
28 subdivided, and to the County [Council member] COUNCILMEMBER of the Councilmanic
29 District where the property is located and, if the property abuts another Councilmanic
30 District, to that County [Council member] COUNCILMEMBER.

31
32 **17-3-203. Review; County report; developer re-submittal.**

33
34 (a) **County report; developer re-submittal.** As promptly as possible after the filing of
35 [the application for] A sketch plan [approval], the Office of Planning and Zoning shall
36 provide [to] the developer WITH a written [report of the findings, comments, and
37 recommendations of the County through its] APPROVAL OR DENIAL OF THE SKETCH PLAN
38 APPLICATION, INCLUDING A REPORT OF FINDINGS, COMMENTS, AND RECOMMENDATIONS OF
39 reviewing COUNTY agencies. [Within 45 days after the date the report is mailed, the
40 developer shall file a sketch plan re-submittal that addresses the findings, comments, and
41 recommendations contained in the report.] THE WRITTEN APPROVAL OR DENIAL WILL
42 RESOLVE INCONSISTENCIES AND CONFLICTS AMONG AGENCY COMMENTS AND WILL OFFER
43 THE APPLICANT DIRECTION ON HOW TO PROCEED TO FINAL PLAN REVIEW, OR WHAT ISSUES
44 NEED TO BE ADDRESSED WITH A NEW APPLICATION FOR SKETCH PLAN APPROVAL.

45 (b) **Further comments by the County; further developer re-submittals.** After the
46 developer files a sketch plan re-submittal, the Office of Planning and Zoning shall provide
47 promptly any further findings, comments, and recommendations of the County through its

1 reviewing agencies, AND SHALL ATTEMPT TO RESOLVE INCONSISTENCIES OR CONFLICTS
2 AMONG THE AGENCY COMMENTS. Within [45] 60 days after the date the report is mailed, the
3 developer shall file a sketch plan re-submittal that addresses the findings, comments, and
4 recommendations. This process continues unless the application becomes void under
5 subsection [(c)] (D) or action is taken on the application under subsection [(d)] (E).
6

7 (C) **Authority to extend time periods.** UPON RECEIPT OF A WRITTEN REQUEST MADE
8 FOR GOOD CAUSE NOT LESS THAN 15 DAYS BEFORE A RE-SUBMITTAL DEADLINE IN
9 SUBSECTIONS (A) OR (B), THE OFFICE OF PLANNING AND ZONING MAY GRANT A TIME
10 EXTENSION FOR RE-SUBMITTAL NOT TO EXCEED 60 DAYS. DECISIONS TO EXTEND TIME
11 UNDER THIS SECTION DO NOT REQUIRE A MODIFICATION AND ARE NOT SUBJECT TO REVIEW
12 BY THE BOARD OF APPEALS. ANY EXTENSION BEYOND 60 DAYS SHALL BE PURSUANT TO A
13 MODIFICATION AND SUBJECT TO REVIEW BY THE BOARD OF APPEALS.
14

15 [(c)] (D) **Effect of failure to meet time requirements.** An application for sketch plan
16 approval is void AND A NEW APPLICATION FEE FOR SKETCH PLAN APPROVAL SHALL BE PAID
17 FOR THE NEXT SUBMITTAL if the developer fails to file ANY sketch plan [re-submittals] RE-
18 SUBMITTAL within the time periods required by [subsections (a) and (b)] THIS SECTION.
19

20 [(d)] (E) **Action on the application.** At any time after the filing of an application for
21 sketch plan approval, the Office of Planning and Zoning may deny the application for failure
22 to comply with the provisions of this Code or other law. Otherwise, the Office shall approve
23 the application for sketch plan approval.
24

25 **17-3-204. Expiration of approved sketch plan.**

26

27 A SKETCH PLAN EXPIRES 12 MONTHS AFTER IT IS APPROVED BY THE OFFICE OF
28 PLANNING AND ZONING UNLESS A FINAL PLAN IS SUBMITTED FOR REVIEW PRIOR TO SKETCH
29 PLAN EXPIRATION. UPON EXPIRATION OF A SKETCH PLAN THE DEVELOPER SHALL FILE A
30 NEW SKETCH PLAN APPLICATION AND PAY REQUIRED FEES PRIOR TO FURTHER REVIEW.
31

32 **17-3-301. Final plan application.**

33

34 (a) **Generally.** [An application for final plan approval shall be filed within one year after
35 the date of approval of a sketch plan, or the application for sketch plan approval is void.] A
36 minor subdivision is initiated by the filing of an application for final plan approval. ALL
37 OTHER SUBDIVISIONS ARE INITIATED BY AN APPLICATION FOR SKETCH PLAN APPROVAL.
38 FINAL PLAN REVIEW OF SUBDIVISIONS OTHER THAN MINOR SUBDIVISIONS MAY ONLY
39 PROCEED AFTER THE SKETCH PLAN HAS BEEN APPROVED OR THE PLANNING AND ZONING
40 OFFICER HAS GRANTED A MODIFICATION TO ELIMINATE THE SKETCH PLAN REVIEW
41 REQUIREMENT. An application for final plan approval shall be prepared by and under the seal
42 of a qualified professional.
43

44 (c) **Attachments.** A final plan shall be accompanied by all information required by the
45 Office of Planning and Zoning, including to the extent applicable:

46 (1) a final infrastructure construction plan, including a [storm water] STORMWATER
47 management plan in accordance with Article 16 of this Code, a storm drain plan, a water and
48 sewer plan, and a public road plan;
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(2) a forest conservation plan;

(3) [a public works agreement, forestation agreement, and all other] DRAFTS OF ALL deeds, easements, rights-of- way, agreements, and other documents required by this article AND REQUESTED BY THE OFFICE OF PLANNING AND ZONING; [and]

(4) FINAL QUANTITIES OF PROPOSED EXCAVATION AND FILL;

(5) A BOG PROTECTION PLAN FOR A BOG PROTECTION AREA;

(6) A TRAFFIC STUDY;

(7) A BUFFER MANAGEMENT PLAN FOR DISTURBANCE IN THE 100-FOOT BUFFER;

(8) A DEMONSTRATION OF EXTERNAL ADA ACCESSIBILITY AS REQUIRED BY LAW;

(9) FOR SUBDIVISIONS CONSISTING OF SIX OR MORE LOTS, DRAFTS OF DOCUMENTS REQUIRED IN CONNECTION WITH THE CREATION AND INCORPORATION OF A COMMUNITY ASSOCIATION OR HOMEOWNERS ASSOCIATION;

[(4)] (10) a proposed record plat; AND

(11) A DIGITAL COPY OF THE PROPOSED RECORD PLAT OR THE FEE FOR DIGITAL CONVERSION OF A PROPOSED RECORD PLAT.

17-3-302. Contents of proposed record plat.

A proposed record plat shall be on an 18" x 24" mylar sheet with a 1½" margin at the left edge, and shall contain the following:

(5) general notes below the vicinity map, INCLUDING NOTES THAT STREET NAMES AND ADDRESSES NOTED ON THE PLAT REPRESENT OFFICIAL ADDRESS DATA AT THE TIME OF PLAT APPROVAL AND THAT THE PLANNING AND ZONING OFFICER MAY CHANGE STREET NAMES AND PROPERTY ADDRESSES TO ENSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE;

(8) a dedication by all owners, WITH THE EXCEPTION OF LIENHOLDERS, in the top left corner of the plat as follows:

Dedication by Owners

The undersigned, being all owner(s), of the property shown and described on this record plat, WITH THE EXCEPTION OF LIENHOLDERS, adopt(s) this record plat; establish(es) the building restriction lines; and dedicate(s) all public roads, widening strips, floodplains, easements, and rights-of-way to public use, such lands being deeded to Anne Arundel County, Maryland or to the State, as may be appropriate, prior to or contemporaneous with the recordation of this plat.

To the best of my/our knowledge, information, and belief, the requirements of the Real Property Article, § 3-108, of the State Code, concerning the making of plats and setting of

1 markers, have been satisfied. There are no suits, actions at law, leases, liens, mortgages,
2 trusts, easements, or rights-of-way affecting the property included in this record plat other
3 than the following: _____. All owners of the property, WITH THE
4 EXCEPTION OF LIENHOLDERS, have affixed their signatures and seals on this record plat.

5
6 Witness and date:

Owner and date:

7
8 _____

_____ (Seal)

9
10 _____

_____ (Seal)

11
12 I (we) assent to and do hereby join in this record plat.

13
14 Witness and date:

Owner and date:

15
16 _____

_____ (Seal)

17
18 _____

_____ (Seal)

19
20 **17-3-303. Review process.**

21
22 (a) **County report; developer re-submittal.** As promptly as possible after the filing of
23 the application for final plan approval, the Office of Planning and Zoning shall provide to the
24 developer a written report of the findings, comments, and recommendations of the County
25 through its reviewing agencies. THE REPORT SHALL ATTEMPT TO RESOLVE INCONSISTENCIES
26 OR CONFLICTS AMONG THE AGENCY COMMENTS. Within [45] 60 days after the date the
27 report is mailed, the developer shall file a final plan re-submittal that addresses the findings,
28 comments, and recommendations contained in the report.

29
30 (b) **Further comments by the County; further developer re-submittals.** After the
31 developer files a final plan re-submittal, the Office of Planning and Zoning shall provide
32 promptly any further findings, comments, and recommendations of the County through its
33 reviewing agencies, AND SHALL ATTEMPT TO RESOLVE INCONSISTENCIES OR CONFLICTS
34 AMONG THE AGENCY COMMENTS. Within [45] 60 days after the date the report is mailed, the
35 developer shall file a final plan re-submittal that addresses the findings, comments, and
36 recommendations. This process continues unless the application becomes void under
37 subsection [(c)] (D) or action is taken on the application under subsection [(d)] (E).

38
39 (C) **Authority to extend time periods.** UPON RECEIPT OF A WRITTEN REQUEST MADE
40 FOR GOOD CAUSE NOT LESS THAN 15 DAYS BEFORE THE RE-SUBMITTAL DEADLINE IN
41 SUBSECTION (A), THE OFFICE OF PLANNING AND ZONING MAY GRANT A TIME EXTENSION
42 NOT TO EXCEED 60 DAYS FOR A RE-SUBMITTAL. DECISIONS ON WHETHER TO EXTEND TIME
43 UNDER THIS SECTION DO NOT REQUIRE A MODIFICATION AND MAY NOT BE APPEALED TO
44 THE BOARD OF APPEALS.

45
46 [(c)] (D) **Effect of failure to meet time requirements.** An application for final plan
47 approval is void AND A NEW APPLICATION FEE FOR FINAL PLAN APPROVAL SHALL BE PAID
48 FOR THE NEXT SUBMITTAL if the developer fails to file final plan re-submittals within the

1 time periods required by [subsections (a) and (b)] THIS SECTION.

2
3 [(d)] (E) **Action on the application.** At any time after the filing of an application for final
4 plan approval, the Office of Planning and Zoning may deny the application for failure to
5 comply with the provisions of this Code or other law. Otherwise, the Office shall approve the
6 application for final plan approval.

7
8 **17-3-304. Completion of subdivision.**

9
10 (a) **Action required by developer within twelve months.** Within [six] 12 months after
11 the date of approval of a final plan, a developer shall:

12
13 (1) satisfactorily address all remaining comments of the Office of Planning and
14 Zoning and reviewing agencies; and

15
16 (2) prepare, execute, and deliver at one time a [record plat,] public works agreement,
17 forestation agreement, A DIGITAL COPY OF THE PROPOSED RECORD PLAT THAT SATISFIES
18 DIGITAL PLAT SPECIFICATIONS POSTED ON THE COUNTY WEBSITE, and all other deeds,
19 easements, rights-of-way, agreements, BONDS, FEES, HOMEOWNERS ASSOCIATION AND
20 COMMUNITY ASSOCIATION DOCUMENTS, and other documents required by this article.

21
22 (B) **Authority to extend time periods.** UPON RECEIPT OF A WRITTEN REQUEST MADE
23 FOR GOOD CAUSE NOT LESS THAN 15 DAYS BEFORE THE RE-SUBMITTAL DEADLINE IN
24 SUBSECTION (A), THE PLANNING AND ZONING OFFICER MAY GRANT A TIME EXTENSION FOR
25 RE-SUBMITTAL NOT TO EXCEED 60 DAYS. DECISIONS ON WHETHER TO EXTEND TIME UNDER
26 THIS SUBSECTION ARE AT THE DISCRETION OF THE PLANNING AND ZONING OFFICER, DO NOT
27 REQUIRE A MODIFICATION, AND MAY NOT BE APPEALED TO THE BOARD OF APPEALS.

28
29 [(b)] (C) **Effect of failure to meet time requirement.** An application for final plan
30 approval and the approval of a final plan are void if the developer fails to complete the
31 actions required by subsection (a) within [six] 12 months after the date of final plan approval
32 OR WITHIN THE TIME SPECIFIED BY THE OFFICE OF PLANNING AND ZONING UNDER
33 SUBSECTION (B).

34
35 [(c)] (D) **Recording.** The County shall record among the land records the PROPOSED
36 record plat and other documents appropriate for recording.

37
38 **17-3-401. Lot and block size.**

39
40 (c) **Open space.** Open space lots shall have a minimum road frontage of 15 feet OR A 15-
41 FOOT ACCESS EASEMENT.

42 **17-3-403. Reservation of land for public facilities.**

43
44 (b) **Conditions.** The following conditions apply to land reserved under this section:

45
46 (1) a reservation may not continue for longer than three years from the date of
47 recordation of the plat without written approval from all owners of the land reserved;

1
2 (2) the period of time for which the land is reserved shall be specified on the
3 PROPOSED record plat; and

4
5 (3) the land shall remain in its natural state and undeveloped during the reservation
6 period, except that the Office of Planning and Zoning may approve use of the land for
7 agricultural purposes or for temporary uses authorized by Article 18 of this Code.

8
9 **17-3-404. Acceptance of land or improvements for public purpose.**

10
11 The approval of a PROPOSED record plat by the Planning and Zoning Officer does not
12 constitute or imply the acceptance by the County of any road, right-of-way, easement, or
13 facility. Acceptance shall occur only after all public improvements required by a public
14 works agreement have been completed and approved by the County.

15
16 **17-3-406. Compliance with criteria for environmental site design.**

17
18 ALL SUBDIVISION APPLICATIONS SHALL FULLY COMPLY WITH THE STORMWATER
19 REQUIREMENTS OF THIS CODE AND SHALL EMPLOY ENVIRONMENTAL SITE DESIGN TO THE
20 MAXIMUM EXTENT PRACTICABLE.

21
22 **17-3-502. Lot design criteria.**

23
24 (b) **Building envelope; cluster development.** A residential lot shall be of sufficient size
25 to have a building envelope. RESIDENTIAL DWELLING UNITS ON RESIDENTIAL LOTS SHALL
26 BE CLUSTERED TO THE MAXIMUM EXTENT PRACTICABLE AS DETERMINED BY THE OFFICE OF
27 PLANNING AND ZONING. IN DETERMINING THE EXTENT TO WHICH CLUSTERING WILL BE
28 REQUIRED FOR A MINOR SUBDIVISION OR SUBDIVISION OF LOTS SHOWN ON A PREVIOUSLY
29 RECORDED PLAT, THE PLANNING AND ZONING OFFICER SHALL EVALUATE THE
30 DEVELOPMENT PATTERNS AND LOT SIZES OF ADJOINING PROPERTIES AND APPROVE
31 DEVELOPMENT THAT DOES NOT SUBSTANTIALLY ALTER THE CHARACTER OF THE
32 NEIGHBORHOOD. THE LOTS SHALL BE OF SUFFICIENT SIZE TO HAVE A BUILDING ENVELOPE
33 UNENCUMBERED BY EASEMENTS OR RESTRICTIONS THAT SUBSTANTIALLY RESTRICT THE
34 USE OF THE BUILDING ENVELOPE.

35
36 (E) **Flag lots disfavored.** FLAG LOTS ARE DISFAVORED BECAUSE OF IMPERVIOUS
37 SURFACE AND NEIGHBORHOOD IMPACTS AND SUBDIVISIONS SHALL BE DESIGNED TO AVOID
38 THE CREATION OF FLAG LOTS. THE DEVELOPER SHALL EVALUATE ALL OTHER DESIGN
39 OPTIONS AND THE PLANNING AND ZONING OFFICER MAY APPROVE FLAG LOTS ONLY IF NO
40 OTHER PRACTICAL ALTERNATIVE IS AVAILABLE. APPROVED FLAG LOTS SHALL BE
41 DESIGNED SO THAT NO MORE THAN TWO FLAG LOTS HAVE A COMMON OR SHARED
42 DRIVEWAY ENTRANCE TO A PUBLIC RIGHT-OF-WAY, EXCEPT THAT THE OFFICE OF PLANNING
43 AND ZONING MAY APPROVE UP TO THREE ADDITIONAL FLAG LOTS WITH COMMON OR
44 SHARED ENTRANCES TO PROTECT NATURAL FEATURES OR PROVIDE A BETTER LOT LAYOUT.

45
46 (F) **Easements on cluster lots disfavored.** TO THE EXTENT PRACTICABLE, FOREST
47 CONSERVATION EASEMENTS, NATURAL AREA EASEMENTS, HISTORIC RESOURCE
48 EASEMENTS, ARCHEOLOGICAL EASEMENTS, AND CEMETERY EASEMENTS MAY NOT BE
49 LOCATED ON CLUSTER LOTS.

50
51 **17-3-701. 100-year floodplain requirements.**

1
2 A DEVELOPER OF A RESIDENTIAL SUBDIVISION IN A ZONING DISTRICT OTHER THAN RA
3 SHALL CONVEY TO THE COUNTY A FEE SIMPLE INTEREST IN THE 100-YEAR FLOODPLAIN.
4 WHEN THE PLANNING AND ZONING OFFICER DETERMINES IT APPROPRIATE, A DEVELOPER OF
5 LAND IN RA, COMMERCIAL, INDUSTRIAL, MARITIME, MIXED USE DEVELOPMENT, AND OTHER
6 ZONING DISTRICTS MAY CONVEY TO THE COUNTY A FLOODPLAIN EASEMENT SUFFICIENT TO
7 ALLOW THE COUNTY TO ACCESS AND MAINTAIN THE 100-YEAR FLOODPLAIN.

8
9 **17-3-801. Amended record plats.**

10
11 Upon the filing of an application and a proposed amended record plat [with the contents
12 required by § 17-3-302] AND COMPLIANCE WITH THE REQUIREMENTS OF §§ 17-3-301
13 THROUGH 17-3-304, AND 17-3-403, the Planning and Zoning Officer may approve an amended
14 record plat that revises a previously recorded record plat approved by the County if the
15 amended record plat:

16
17 (1) modifies existing PUBLIC RIGHTS-OF-WAY OR easements, ~~OTHER THAN FOREST~~
18 ~~CONSERVATION EASEMENTS~~, that were originally in error or that otherwise need to be
19 modified;

20
21 (2) modifies erroneous record plat notes, ELIMINATES REFERENCES TO A BULK
22 PARCEL, RESERVE PARCEL, OR RESERVED PARCEL, or updates notes to reflect existing
23 conditions;

24
25 (3) changes the name of a subdivision;

26
27 (4) DEPICTS LAND NOT IN THE CRITICAL AREA, A BOG PROTECTION AREA, OR A
28 BUFFER, AND modifies one or more internal lot lines of existing buildable lots on a recorded
29 record plat without creating new lots and without involving the relocation of a lot with road
30 frontage on one road to frontage on a different road, a relocation of a lot in one public utility
31 service area to a lot in a different public utility service area, [or a relocation of a lot in one
32 critical area classification to a lot in a different critical area classification; or]

33
34 (5) creates new lots in a non-residential subdivision that will not create impacts that
35 exceed the impacts in the original studies that formed the basis for passing all adequacy of
36 public facilities tests in connection with the original subdivision; OR

37
38 (6) REMOVES AGE RESTRICTION NOTES FROM AN APPROVED RECORD PLAT IF NO
39 RESIDENTIAL BUILDING UNITS HAVE BEEN CONSTRUCTED AND THE PROPOSED
40 DEVELOPMENT PASSES THE TEST FOR ADEQUACY OF PUBLIC FACILITIES.

41
42 **TITLE 4. SITE DEVELOPMENT**

43
44 **17-4-101. Scope.**

45
46 This title applies to site development only AND DOES NOT APPLY TO A TENANT PERMIT
47 IN A STRUCTURE PREVIOUSLY APPROVED BY THE COUNTY, PERMITS RELATING TO A FINAL
48 INFRASTRUCTURE CONSTRUCTION PLAN AND LOT CLEARING SHOWN ON AN APPROVED
49 FINAL PLAN PREVIOUSLY APPROVED UNDER THIS ARTICLE, AND, AT THE DISCRETION OF THE

1 PLANNING AND ZONING OFFICER, A GRADING PERMIT THAT CONTAINS OR IS ACCOMPANIED
2 BY ALL INFORMATION REQUIRED BY THIS ARTICLE.

3
4 **17-4-201. Preliminary plan.**

5
6 (A) **Generally.** A DEVELOPER SHALL FILE A PRELIMINARY PLAN PRIOR TO SUBMITTING
7 AN APPLICATION FOR A SITE DEVELOPMENT PLAN AND PRIOR TO SUBMITTING AN
8 APPLICATION FOR A GRADING OR BUILDING PERMIT. A DEVELOPER SHALL ALSO FILE WITH
9 THE OFFICE OF PLANNING AND ZONING A PRELIMINARY PLAN FOR DEVELOPMENT THAT
10 DOES NOT REQUIRE A PERMIT.

11
12 (B) **Contents.** A PRELIMINARY PLAN SHALL BE ON A 24" X 36" SHEET AT A SCALE THAT IS
13 NO SMALLER THAN 1"=100' AND SHALL CONTAIN ALL INFORMATION INCLUDING
14 ATTACHMENTS AS REQUIRED ON THE MOST RECENT PRELIMINARY PLAN CHECKLIST ON
15 FILE AT THE OFFICE OF PLANNING AND ZONING OR DEPARTMENT OF INSPECTIONS AND
16 PERMITS. THE PRELIMINARY PLAN SHALL SHOW AN INITIAL LOCATION OF DEVELOPMENT,
17 INCLUDING ROADS, BUILDINGS, PARKING, STORMWATER MANAGEMENT, UTILITIES, AND
18 FOREST CONSERVATION, AND SHALL PROVIDE ANY OTHER INFORMATION REQUIRED BY THE
19 OFFICE OF PLANNING AND ZONING TO CLEARLY IDENTIFY AREAS ON THE SITE THAT ARE
20 SUITABLE FOR DEVELOPMENT.

21
22 (C) **Review; County report; developer re-submittal.** AS PROMPTLY AS POSSIBLE AFTER
23 THE FILING OF A PRELIMINARY PLAN, THE OFFICE OF PLANNING AND ZONING SHALL
24 PROVIDE THE DEVELOPER WITH A WRITTEN REPORT OF THE FINDINGS, COMMENTS, AND
25 RECOMMENDATIONS OF COUNTY AGENCIES. UPON REVIEW OF A COMPLETED PRELIMINARY
26 PLAN THE OFFICE OF PLANNING AND ZONING WILL PROVIDE THE DEVELOPER WITH A
27 WRITTEN DECISION APPROVING OR DENYING THE APPLICATION. THAT APPROVAL OR
28 DENIAL WILL RESOLVE INCONSISTENCIES OR CONFLICTS AMONG THE AGENCY COMMENTS
29 AND GIVE THE APPLICANT DIRECTION ON HOW TO PROCEED TO THE NEXT STEP IN THE
30 PROCESS OR GIVE DIRECTION ON WHAT ISSUES NEED TO BE ADDRESSED WITH A NEW
31 APPLICATION FOR A PRELIMINARY PLAN.

32
33 (D) **Expiration of preliminary plan.** A PRELIMINARY PLAN EXPIRES 12 MONTHS AFTER
34 THE DATE THAT THE OFFICE OF PLANNING AND ZONING APPROVES THE PRELIMINARY PLAN
35 UNLESS A SITE DEVELOPMENT PLAN IS SUBMITTED FOR REVIEW PRIOR TO PRELIMINARY
36 PLAN EXPIRATION. UPON EXPIRATION OF THE PRELIMINARY PLAN A DEVELOPER SHALL FILE
37 A NEW APPLICATION AND FEES FOR A PRELIMINARY PLAN APPLICATION PRIOR TO ANY
38 FURTHER REVIEW.

39
40 **[17-4-201] 17-4-202. Site Development Plan.**

41
42 (a) **Generally.** A developer shall file a site development plan with an application for a
43 building or grading permit other than a permit relating to a final infrastructure construction
44 plan. A developer shall also file with the Office of Planning and Zoning a site development
45 plan for development that does not require a permit.

46
47 (b) **Contents.** A site development plan shall be on a 24" x 36" sheet at a scale that is no
48 [smaller] GREATER than 1" = 40' AND NO SMALLER THAN 1" = 60' and shall contain all
49 information required by the Office of Planning and Zoning. The information ordinarily shall
50 include:

51
52 (1) [a title block] THE LOCATION OF PROPOSED STORMWATER MANAGEMENT, IN

1 COMPLIANCE WITH THE STORMWATER MANAGEMENT REQUIREMENTS OF THIS CODE AND
2 CHECKLISTS PROVIDED BY THE OFFICE OF PLANNING AND ZONING;

3
4 ***

5
6 (23) the location of private onsite water and sewerage facilities AND SEPTIC
7 REPLACEMENT AREAS;

8
9 (24) tabulations [of the gross area of the lot, floodplain open area, and rights-of-way]
10 FOR FOREST CONSERVATION THAT ARE CONSISTENT WITH STATE AND COUNTY LAW AND
11 CHECKLISTS PROVIDED BY THE OFFICE OF PLANNING AND ZONING;

12
13 ***

14
15 (38) the location and capacity of launching ramps, marine railways, travel lifts,
16 hoists, AND water lifts[, and other similar facilities for the launching and removal of
17 watercraft].

18
19 (c) **Attachments.** A site development plan shall be accompanied by all information
20 required by the Office of Planning and Zoning AND THE HEALTH DEPARTMENT, including to
21 the extent applicable:

22
23 (1) a final infrastructure construction plan, including a stormwater management plan
24 in accordance with Article 16 of this Code, a storm drain plan, and a water and sewer plan
25 THAT IDENTIFIES WHETHER THE DEVELOPMENT IS SERVED BY WELL AND SEPTIC, WELL AND
26 PUBLIC SEWER, OR PUBLIC WATER AND SEPTIC, AND INCLUDES A PLAN FOR ADEQUACY OF
27 SHARED SEWAGE DISPOSAL FACILITIES;

28
29 (2) a final landscape plan THAT IS IN COMPLIANCE WITH THE LANDSCAPE MANUAL;

30
31 (3) a grading and sediment control plan and any other information required by Article
32 16, Title 2 of this Code;

33
34 (4) a forest [stand delineation and forest] conservation plan;

35
36 (5) a bog protection plan for a bog protection area;

37
38 (6) maps of existing and proposed drainage areas at a scale of 1" = 100' for a lot less
39 than 25 acres and 1" = 200' for a lot greater than 25 acres;

40
41 (7) a traffic impact study, IF NOT PREVIOUSLY PROVIDED;

42
43 (8) a forestation agreement and all other deeds, easements, rights-of-way,
44 agreements, and other documents as required by this article;

45
46 (9) in the critical area:

47
48 (i) a sediment control plan for all forest or woodland disturbance of 5,000 square

1 feet or more;

2
3 (ii) a buffer management plan for any disturbance in the 100-foot buffer and
4 expanded buffer;

5
6 (iii) a critical area report and habitat assessment; and

7
8 (iv) all computations and data necessary to determine if the 10% pollutant
9 reduction requirements of § 16-3-205(b) of this Code are met;

10
11 (10) for commercial or manufacturing uses:

12
13 (i) special uses proposed;

14
15 (ii) the number of employees for which a building is designed;

16
17 (iii) the type of power to be used for any manufacturing process;

18
19 (iv) the type of waste or by-product to be produced by a manufacturing process;

20 and

21
22 (v) the proposed method of disposal of wastes or by-products from a
23 manufacturing process;

24
25 (11) for water-dependent uses, information showing that:

26
27 (i) the proposed use will not significantly alter existing water circulation patterns
28 or salinity regimes;

29
30 (ii) the body of water upon which the use is proposed has adequate flushing
31 characteristics in the area;

32
33 (iii) disturbance to wetlands, submerged aquatic plant beds, or other important
34 aquatic habitats will be minimized;

35
36 (iv) adverse impacts to water quality, such as nonpoint source runoff, sewage
37 runoff from land or vessels, or discharge from boat cleaning and maintenance operations, is
38 minimized;

39
40 (v) shellfish beds will not be disturbed or made subject to a discharge that would
41 render them unsuitable for harvesting;

42
43 (vi) impacts caused by dredging will be minimized;

44
45 (vii) dredged spoil will be located outside the buffer or a habitat protection area
46 unless necessary for shore erosion or beach nourishment projects; and

47

1 (viii) interference with natural transport of sand will be minimized; [and]

2
3 (12) information that demonstrates compliance with the Glen Burnie Town Center
4 Plan, the Odenton Town Center Master Plan, or any other applicable plan or law; [and]

5
6 (13) [evidence that a pre-submission community meeting was held;] a copy of a
7 summary of comments received [; and] AT A COMMUNITY MEETING AND AN AFFIDAVIT
8 SIGNED BY THE DEVELOPER OR OTHER evidence ACCEPTABLE TO THE OFFICE OF PLANNING
9 AND ZONING THAT A COMMUNITY MEETING WAS HELD AND that a copy of the summary of
10 comments was mailed to each participant at the pre-submission community meeting, to all
11 lot owners within 175 feet of the property to be developed, to the County Councilmember of
12 the Councilmanic District where the property is located and, if the property abuts another
13 Councilmanic District, to that County Councilmember;

14
15 (14) IF REQUIRED BY THE OFFICE OF PLANNING AND ZONING, AN APPLICATION FOR
16 APPROVAL OF A PROPOSED AMENDED RECORD PLAT TO ENSURE THE CONFORMANCE OF
17 SITE CONDITIONS TO THOSE CONDITIONS REFLECTED ON THE RECORD PLAT;

18
19 (15) FOR DEVELOPMENT OF SIX OR MORE DWELLING UNITS, EVIDENCE OF THE
20 CREATION AND INCORPORATION OF AN ASSOCIATION OF HOMEOWNERS OR UNIT OWNERS;

21
22 (16) A DEMONSTRATION OF ADA ACCESSIBILITY AS REQUIRED BY FEDERAL LAW AND
23 § 15-2-101 OF THIS CODE, INCLUDING DESIGNATED HANDICAPPED PARKING SPACES, INGRESS
24 AND EGRESS FOR THE PROPOSED BUILDINGS, AND TRAVELWAYS BETWEEN THE PROPOSED
25 BUILDINGS AND THE DESIGNATED HANDICAPPED PARKING SPACES; AND

26
27 (17) AN EQUIVALENT DWELLING UNIT (EDU) WORKSHEET, IF NOT PREVIOUSLY
28 PROVIDED.

29
30 **17-4-203. Review process.**

31
32 (a) **County report; developer re-submittal.** As promptly as possible after the filing of a
33 site development plan, the Office of Planning and Zoning shall provide to the developer a
34 written report of the findings, comments, and recommendations of the County through its
35 reviewing agencies. [Within 45 days after the date the report is mailed, the developer shall
36 file a site development plan re-submittal that addresses the findings, comments, and
37 recommendations contained in the report.] THE SITE DEVELOPMENT PLAN REPORT SHALL
38 ATTEMPT TO RESOLVE INCONSISTENCIES OR CONFLICTS AMONG THE AGENCY COMMENTS.
39 WITHIN 60 DAYS AFTER THE DATE THE SITE DEVELOPMENT PLAN REPORT IS MAILED, THE
40 DEVELOPER SHALL FILE A RE-SUBMITTAL THAT ADDRESSES THE FINDINGS, COMMENTS, AND
41 RECOMMENDATIONS CONTAINED IN THE REPORT. AFTER THE DEVELOPER FILES A SITE
42 DEVELOPMENT PLAN RE-SUBMITTAL, THE OFFICE OF PLANNING AND ZONING SHALL
43 PROVIDE PROMPTLY ANY FURTHER FINDINGS, COMMENTS, AND RECOMMENDATIONS FROM
44 THE COUNTY REVIEWING AGENCIES, AND SHALL ATTEMPT TO RESOLVE INCONSISTENCIES
45 OR CONFLICTS AMONG THE AGENCY COMMENTS. WITHIN 60 DAYS AFTER THE DATE THE
46 REPORT IS MAILED, THE DEVELOPER SHALL FILE A SITE DEVELOPMENT PLAN RE-SUBMITTAL
47 THAT ADDRESSES THE FINDINGS, COMMENTS, AND RECOMMENDATIONS. THIS PROCESS
48 CONTINUES UNLESS THE APPLICATION BECOMES VOID UNDER SUBSECTION (B) OR A
49 RECOMMENDATION IS MADE UNDER SUBSECTION (D).

50
51 (b) **Time extensions.** [After the developer files a site development plan re-submittal, the
52 Office of Planning and Zoning shall provide promptly any further findings, comments, and

1 recommendations of the County through its reviewing agencies. Within 45 days after the
2 date the report is mailed, the developer shall file a site development plan re-submittal that
3 addresses the findings, comments, and recommendations. This process continues unless the
4 application becomes void under subsection (c) or a recommendation is made on the site
5 development plan under subsection (d).] UPON RECEIPT OF A WRITTEN REQUEST MADE FOR
6 GOOD CAUSE NOT LESS THAN 15 DAYS BEFORE THE DEADLINE FOR RE-SUBMITTAL THE
7 PLANNING AND ZONING OFFICER MAY, IN HIS SOLE DISCRETION, GRANT A TIME EXTENSION
8 FOR RE- SUBMITTAL NOT TO EXCEED 60 DAYS. DECISIONS WHETHER TO EXTEND TIME
9 UNDER THIS SECTION MAY NOT REQUIRE A MODIFICATION AND ARE NOT SUBJECT TO
10 REVIEW BY THE BOARD OF APPEALS. EXTENSIONS BEYOND 60 DAYS MAY BE GRANTED
11 PURSUANT TO A MODIFICATION, AND ONLY WHEN AN EXTENSION IS REQUIRED FOR
12 REASONS BEYOND THE CONTROL OF THE APPLICANT. A SITE DEVELOPMENT PLAN IS VOID
13 AND A NEW APPLICATION FEE FOR SITE DEVELOPMENT PLAN APPROVAL SHALL BE PAID FOR
14 THE NEXT SUBMITTAL IF THE DEVELOPER FAILS TO FILE SITE DEVELOPMENT PLAN RE-
15 SUBMITTALS WITHIN THE TIME PERIODS REQUIRED BY THIS SECTION.

16
17 **(c) Applications not impacting adequacy of public facilities.** [A site development plan
18 is void if the developer fails to file site development plan re-submittals within the time
19 periods required by subsections (a) and (b).] THE PLANNING AND ZONING OFFICER MAY
20 PERMIT A DEVELOPER TO FILE A SITE DEVELOPMENT PLAN CONSISTING OF INFORMATION
21 REQUIRED BY § 16-2-206 OF THIS CODE.

22
23 **(d) Recommendation and approval.** At any time after the filing of a site development
24 plan associated with an application for a building or grading permit, the Office of Planning
25 and Zoning may recommend to the Department of Inspections and Permits that the
26 application be denied for failure to comply with the provisions of this Code or other law.
27 Otherwise, the Office shall recommend approval. No appeal may be taken from a
28 recommendation made under this subsection. Approval of the permit by the Department of
29 Inspections and Permits constitutes approval of the site development plan.

30
31 **17-4-206. Approval by Health Department mandatory.**

32
33 **(A) Development served by shared sewage disposal facilities.** NO SITE DEVELOPMENT
34 PLAN INVOLVING SHARED SEWAGE DISPOSAL FACILITIES MAY BE APPROVED WITHOUT
35 PRIOR WRITTEN APPROVAL BY THE HEALTH OFFICER OR HEALTH OFFICER'S DESIGNEE. THIS
36 APPROVAL SHALL EXPIRE WHEN THE SITE DEVELOPMENT PLAN EXPIRES.

37
38 **(B) Development served by septic systems.** THE PLANNING AND ZONING OFFICER MAY
39 DECLINE TO APPROVE DEVELOPMENT SERVED BY A SEPTIC SYSTEM IF THE HEALTH
40 DEPARTMENT'S LAST PERC TEST APPROVAL IS MORE THAN TWO YEARS OLD.

41
42 **[17-4-206.] 17-4-207. Expiration of site development plan.**

43
44 **(a) In connection with a permit.** A site development plan associated with an application
45 for a building or grading permit expires one year after the date that the Office of Planning
46 and Zoning recommends PERMIT approval [of the permit associated with the plan], OR UPON
47 THE EXPIRATION OF SOME OTHER PERIOD OF TIME, NOT TO EXCEED SIX YEARS, AS
48 PROVIDED IN A SKETCH OR SITE DEVELOPMENT PLAN APPROVAL LETTER FROM THE
49 PLANNING AND ZONING OFFICER. [unless the] THE developer [obtains the permit] SHALL
50 OBTAIN ALL REQUIRED PERMITS within the [one-year] period PRESCRIBED BY THIS
51 SUBSECTION AND SITE DEVELOPMENT SHALL BE PURSUANT TO VALID PERMITS.

1
 2 (b) **Not in connection with a permit.** A site development plan not associated with an
 3 application for a building or grading permit expires one year after the date that the Office of
 4 Planning and Zoning approves the plan, OR UPON THE EXPIRATION OF SOME OTHER TIME,
 5 NOT TO EXCEED SIX YEARS, AS PROVIDED IN A SKETCH OR SITE DEVELOPMENT PLAN
 6 APPROVAL LETTER FROM THE PLANNING AND ZONING OFFICER, unless the developer
 7 establishes the use within the [one-year] period PRESCRIBED BY THIS SUBSECTION.

8
 9 **TITLE 5. ADEQUATE PUBLIC FACILITIES**

10
 11 **17-5-201. Requirement to pass adequacy of public facilities tests; exemptions.**

12
 13 (b) **General requirement.** The Planning and Zoning Officer may not give final approval
 14 to a PROPOSED record plat, recommend approval of an application for a building or grading
 15 permit in connection with a PRELIMINARY PLAN OR site development plan, or approve a site
 16 development plan for development that does not require a permit unless the development
 17 passes the tests for adequate public facilities set forth in this title if required by the chart in
 18 this section. [A bulk parcel shall pass the tests for adequate public facilities to the same
 19 extent that would have been required by the chart in this section had the parcel been tested
 20 for adequate public facilities in the subdivision process that created the parcel.]

21
 22 The chart uses the following key: S = subject to the test and E = exempted from the test.

23

Development Type	Fire Suppression	Roads	Schools	Sewage Disposal	Storm Drain	Water Supply

24
 25 **17-5-202. Testing; approval.**

26
 27 (a) **When tested.** [A] AT THE DEVELOPER’S OPTION, development [is] MAY BE tested for
 28 adequacy of public facilities EITHER during review of the initial application for approval of a
 29 [subdivision or during site development plan review] SKETCH PLAN OR PRELIMINARY PLAN,
 30 OR DURING REVIEW OF THE APPLICATION FOR FINAL PLAN OR SITE DEVELOPMENT PLAN
 31 APPROVAL. THE DEVELOPER MUST SUBMIT SUFFICIENT DATA, AS REQUIRED BY THE OFFICE
 32 OF PLANNING AND ZONING, TO DEMONSTRATE ADEQUACY OF PUBLIC FACILITIES.

33
 34 (b) **Date of approval generally.** Approval for adequacy of public facilities, OTHER THAN
 35 FIRE SUPPRESSION FACILITIES, occurs on the date of a letter from the Office of Planning and
 36 Zoning approving a sketch plan or, for a minor subdivision, a final plan or on the date that
 37 the Office of Planning and Zoning recommends to the Department of Inspections and
 38 Permits that an application for a building or grading permit be approved. A plan may be
 39 given contingent approval if the development passes all tests for adequate public facilities
 40 other than schools and the development is placed on the waiting list provided for in § 17-5-
 41 503. A DETERMINATION OF ADEQUACY OF FIRE SUPPRESSION FACILITIES IS VALID FOR SIX
 42 MONTHS AND IT MAY BE NECESSARY TO RE-TEST FOR ADEQUACY OF FIRE PROTECTION
 43 FACILITIES AS A CONDITION PRECEDENT TO FINAL PLAN APPROVAL, SITE DEVELOPMENT
 44 PLAN APPROVAL, AND PERMIT ISSUANCE.

1 (C) **Testing of bulk parcels.** A BULK PARCEL IS TESTED FOR ADEQUACY OF PUBLIC
2 FACILITIES AFTER THE CREATION OF THE BULK PARCEL AND DURING REVIEW OF THE
3 APPLICATION FOR APPROVAL OF THE FINAL PLAN OR SITE DEVELOPMENT PLAN FOR
4 DEVELOPMENT WITHIN THE BULK PARCEL.

5
6 **17-5-203. Duration of approval – Subdivisions other than minor subdivisions.**

7
8 (a) **Conditions to be met to retain approval.** Upon the approval of a sketch plan for a
9 subdivision other than a minor subdivision, no further approval for adequacy of public
10 facilities, OTHER THAN FIRE SUPPRESSION FACILITIES, is required if:

11
12 (1) the developer files an application for final plan approval within one year after the
13 date of sketch plan approval;

14
15 (2) the developer executes AND DELIVERS TO THE COUNTY a public works agreement
16 for any proposed mitigation;

17
18 (3) the final plan is approved and a PROPOSED record plat is recorded within [six] 12
19 months after the date of final plan approval OR WITHIN THE TIME SPECIFIED BY THE
20 PLANNING AND ZONING OFFICER UNDER § 17-3-304(B); and

21
22 (4) the impact of the subdivision does not exceed the impact in the original study that
23 formed the basis for passing a test.

24
25 **17-5-204. Duration of approval – Minor subdivisions.**

26
27 (a) **Conditions to be met to retain approval.** Upon the approval of a final plan for a
28 minor subdivision, no further approval for adequacy of public facilities, OTHER THAN FIRE
29 SUPPRESSION FACILITIES, is required if:

30
31 (1) the developer executes a public works agreement for any proposed mitigation;

32
33 (2) the final plan is approved and a record plat is recorded within [six] 12 months
34 after the date of final plan approval OR WITHIN THE TIME SPECIFIED BY THE OFFICE OF
35 PLANNING AND ZONING UNDER § 17-3-304(B); and

36
37 (3) the impact of the subdivision does not exceed the impact in the original study that
38 formed the basis for passing a test.

39
40 **17-5-205. Duration of approval – Site development plan.**

41
42 (a) **Conditions to be met to retain approval.** Upon the recommendation of the Office of
43 Planning and Zoning that an application for a building or grading permit be approved, no
44 further approval for adequacy of public facilities, OTHER THAN FIRE SUPPRESSION
45 FACILITIES, is required if:

46
47 (1) the building or grading permit is issued within [six] 12 months OR AS OTHERWISE
48 PROVIDED IN A SKETCH PLAN OR SITE DEVELOPMENT PLAN APPROVAL LETTER FROM THE

1 PLANNING AND ZONING OFFICER; and

2
3 (2) the impact of the development does not exceed the impact in the original study
4 that formed the basis for passing a test.

5
6 **17-5-207. Exemption.**

7
8 (b) **Agreement.** All applications for subdivision or residential site development plans
9 seeking exemption under this section shall execute an agreement with the County in which
10 the developer acknowledges the exemption shall be limited to three lots or dwelling units,
11 including any existing residences, of the pending application and that further subdivision or
12 development of the site, if permitted, will be subject to the adequate public facilities
13 requirement for schools. The agreement shall be:

14
15 (3) executed and recorded before approval by the Planning and Zoning Officer of the
16 PROPOSED record plat for a subdivision, the application for a grading or building permit in
17 connection with a site development plan, or the approval of a site development plan for
18 development that does not require a permit, as applicable; and

19
20 (4) noted on the PROPOSED record plat or site development plan, with the note
21 including a reference to the book and page number of the location in the land records.

22
23 **17-5-301. Standards.**

24
25 A development passes the test for adequate fire suppression facilities if in the scheduled
26 completion year of the development the public water supply system, or a private fire
27 protection water supply system approved by the Office of Planning and Zoning after
28 consultation with the reviewing agencies, will be capable of providing adequate fire-flow. A
29 DEVELOPMENT MAY BE RE-TESTED FOR ADEQUACY OF FIRE SUPPRESSION FACILITIES AS A
30 CONDITION PRECEDENT TO FINAL PLAN APPROVAL AND PERMIT ISSUANCE.

31
32 **17-5-403. Impact area.**

33
34 (a) **Generally.** Except as provided in subsection (b), the impact area of a proposed
35 development includes all County roads and State roads located in the County in all directions
36 from each point of entrance to and exit from the proposed development, through the
37 intersection with the first arterial road, and along that arterial road in both directions, to the
38 second intersecting arterial road, except that the impact area for the Odenton Growth
39 Management Area District and the Parole Town Center Growth Management Area does not
40 include roads outside the district or center. IF ACCESS TO THE PROPOSED DEVELOPMENT IS
41 ON AN ARTERIAL ROAD, THAT ARTERIAL ROAD SHALL BE CONSIDERED THE FIRST ARTERIAL
42 ROAD FOR PURPOSES OF IDENTIFYING THE IMPACT AREA.

43
44 **17-5-701. Standards.**

45
46 A development passes the test for adequate storm drain facilities if in the scheduled
47 completion year of the development:

48

1 (1) the onsite drainage system AND STORMWATER MANAGEMENT SYSTEM installed
2 by the developer INCLUDES ENVIRONMENTAL SITE DESIGN TO THE MAXIMUM EXTENT
3 PRACTICABLE, COMPLIES WITH THE STORMWATER REQUIREMENTS OF THIS CODE, AND is
4 capable of conveying through and from the property the design flow of storm water runoff
5 originating in the subdivision to an [acceptable] ADEQUATE outfall; and
6

7 (2) offsite downstream drainage systems are capable of conveying to an [acceptable]
8 ADEQUATE outfall AS DEFINED IN ARTICLE 16 the design flow of storm water runoff; or
9

10 (3) the developer has an approved mitigation plan under §§ 17-5-901 et seq., AND
11 HAS PAID APPLICABLE FEES DUE UNDER TITLE 11.
12

13 **17-5-702. Storm drain facilities included.**

14
15 The following drainage facilities are considered as existing in the scheduled completion
16 year of the development when determining whether a proposed development passes the test
17 for adequate drainage facilities:
18

19 (2) new drainage facilities and improvements to existing drainage facilities that in
20 combination with existing drainage facilities meet the adequacy standards if A PUBLIC
21 WORKS AGREEMENT HAS BEEN EXECUTED AND DELIVERED TO THE COUNTY OR IF the
22 County has awarded a contract for the construction or improvement of the facilities and the
23 facilities will be available for use before the issuance of the first building permit for the
24 proposed development;
25

26 **17-5-901. Mitigation.**

27
28 (a) **General requirement.** Except as provided in [subsections (b) and (c)] THIS SECTION,
29 mitigation consists of the construction or funding of improvements to offsite public facilities
30 by a developer that increase capacity AND IMPROVE ENVIRONMENTAL EFFECTIVENESS or
31 safety [on] OF each public facility that is below the minimum standard in the impact area so
32 that the capacity, ENVIRONMENTAL EFFECTIVENESS or safety of the facility after
33 construction of the development will be ~~equal to or~~ greater than if the development had not
34 been constructed. A mitigation plan MAY INCLUDE PHYSICAL IMPROVEMENTS SECURED BY
35 BOND, LETTER OF CREDIT OR OTHER SECURITY ACCEPTABLE TO THE COUNTY, WHICH
36 SHALL BE PROVIDED UNDER A PUBLIC WORKS AGREEMENT OR GRADING PERMIT, OR
37 PAYMENT OF STORM DRAIN FEES IN EXCESS OF THOSE REQUIRED BY TITLE 11, OR
38 CONTRIBUTIONS TO EXISTING CAPITAL PROJECTS AND shall be approved by the Planning
39 and Zoning Officer. THE DEVELOPER SHALL SUBMIT A COST ESTIMATE TO ESTABLISH THE
40 VALUE OF CONSTRUCTION OR OFF-SITE IMPROVEMENTS OFFERED IN MITIGATION, AND A
41 COST ESTIMATE FOR CONSTRUCTION AND IMPROVEMENTS IN CONFORMANCE WITH COUNTY
42 SPECIFICATIONS MAY BE APPROVED BY THE PLANNING AND ZONING OFFICER, WHO MAY
43 ALSO REQUIRE A MITIGATION AGREEMENT TO ENSURE COMPLIANCE WITH THE
44 REQUIREMENTS OF THIS SECTION.
45

46 (D) **Development within one-half mile of existing or programmed bus or rail transit.**
47 MITIGATION FOR DEVELOPMENT WITHIN ONE-HALF MILE OF EXISTING OR PROGRAMMED
48 BUS OR RAIL TRANSIT SERVICE MAY INCLUDE THE EXECUTION OF AN AGREEMENT IN A
49 FORM ACCEPTABLE TO THE COUNTY AND BINDING ON THE DEVELOPER AND THE

1 DEVELOPER'S SUCCESSORS AND ASSIGNS, TO MITIGATE FOR SIX YEARS FROM THE DATE OF
2 FINAL PLAN APPROVAL. MITIGATION MAY INCLUDE THE PURCHASE OF ANNUAL BUS PASSES,
3 INSTALLATION OR CONSTRUCTION AND MAINTENANCE OF BUS STOPS AND PASSENGER
4 SHELTERS AT LOCATIONS ACCEPTABLE TO THE OFFICE OF PLANNING AND ZONING, OR
5 ENROLLMENT IN A RIDE SHARE PROGRAM ADMINISTERED BY THE COUNTY. FOR PURPOSES
6 OF THIS SUBSECTION, PROGRAMMED BUS OR RAIL TRANSIT SERVICE MEANS ROUTES WITH
7 AVAILABLE FUNDING.

8
9 (E) **Reports.** EXCEPT WHEN MITIGATION IS NOT REQUIRED, THE DEVELOPER OR THE
10 DEVELOPER'S SUCCESSORS AND ASSIGNS WHO PROVIDE MITIGATION PURSUANT TO
11 SUBSECTION (D) SHALL FILE WITH THE OFFICE OF PLANNING AND ZONING AN ANNUAL
12 REPORT ATTESTING TO THE PURCHASE AND AVERAGE USE OF ANNUAL BUS OR RAIL
13 TRANSIT PASSES, THE LEVELS OF PARTICIPATION IN RIDE SHARE PROGRAMS, OR OTHER
14 EVIDENCE OF MITIGATION AS REQUIRED BY THE OFFICE OF PLANNING AND ZONING.

15
16 (F) **Watershed management tool.** THE DEVELOPER SHALL PREPARE A STORM DRAINAGE
17 MANAGEMENT PLAN USING ALL AVAILABLE INFORMATION FROM THE WATERSHED
18 MANAGEMENT TOOL TO AVOID ADVERSE ENVIRONMENTAL IMPACTS AND PRIORITIZE
19 IMPROVEMENTS.

20
21 **SUBTITLE 10. PHASING**

22
23 **17-5-1001. Phasing of development.**

24
25 ADEQUACY OF PUBLIC FACILITIES FOR DEVELOPMENT ALLOWED BY SPECIAL
26 EXCEPTION MAY BE TESTED AND APPROVED IN PHASES IF:

27
28 (1) A PLAN FOR PHASED DEVELOPMENT IS APPROVED BY THE PLANNING AND ZONING
29 OFFICER; AND

30
31 (2) THE ADMINISTRATIVE HEARING OFFICER ALLOWS PHASING IN ACCORDANCE
32 WITH THAT PLAN AS A CONDITION OF SPECIAL EXCEPTION APPROVAL; OR

33
34 (3) THE DECISION OF THE ADMINISTRATIVE HEARING OFFICER IS APPEALED AND THE
35 BOARD OF APPEALS ALLOWS PHASING IN ACCORDANCE WITH THAT PLAN AS A CONDITION
36 OF SPECIAL EXCEPTION APPROVAL.

37
38 **TITLE 6. GENERAL DEVELOPMENT PROVISIONS**

39
40 **17-6-103. Road design.**

41
42 (A) **Subdivision roads generally.** TO THE MAXIMUM EXTENT PRACTICABLE, ROADS
43 WITHIN A PROPOSED SUBDIVISION SHALL BE DESIGNED TO MINIMIZE GRADING AND
44 IMPACTS TO NATURAL FEATURES, AND IMPACTS TO ADJOINING PROPERTIES.

45
46 (B) **Road improvements for agricultural preservation subdivisions and certain**
47 **cluster developments.** IN AN AGRICULTURAL PRESERVATION SUBDIVISION, THE ROAD
48 IMPROVEMENTS REQUIRED BY THE DPW DESIGN MANUAL APPLY WITH RESPECT TO THE
49 ROAD FRONTAGE OF THE OWNER'S AND THE CHILDRENS' LOTS ONLY. IN A CLUSTER
50 DEVELOPMENT IN AN RA OR RLD ZONING DISTRICT, THE ROAD IMPROVEMENTS REQUIRED
51 BY THE DPW DESIGN MANUAL APPLY WITH RESPECT TO THE ROAD FRONTAGE OF THE
52 CLUSTER LOTS ONLY.

53
54 (C) **Interconnections between subdivisions.** ROADS OTHER THAN ALLEYS SHALL BE

1 DESIGNED TO PROVIDE A CONNECTION BETWEEN SUBDIVISIONS OF SIMILAR ZONING AND
2 USE UNLESS THE OFFICE OF PLANNING AND ZONING DETERMINES THAT THE
3 INTERCONNECTION WILL RESULT IN UNNECESSARY IMPACT TO THE ENVIRONMENT OR
4 ADJACENT RESIDENTIALLY ZONED AND DEVELOPED PROPERTIES.
5

6 (D) **Residential subdivisions.** ACCESS TO RESIDENTIAL SUBDIVISIONS THROUGH
7 COMMERCIAL AND INDUSTRIAL DEVELOPMENT IS ALLOWED ONLY IF NO OTHER ACCESS IS
8 AVAILABLE.
9

10 (E) **Frontage on a collector or arterial road.** IF A PROPOSED SUBDIVISION HAS
11 FRONTAGE ON A COLLECTOR OR ARTERIAL ROAD, THE ROADS WITHIN THE PROPOSED
12 SUBDIVISION SHALL BE DESIGNED TO MINIMIZE DRIVEWAY ACCESS TO THE COLLECTOR OR
13 ARTERIAL ROAD.
14

15 (F) **Orientation of proposed units.** A PROPOSED SUBDIVISION AND ROAD LAYOUT
16 SHALL BE DESIGNED TO MINIMIZE ORIENTING THE REAR FACADES OF PROPOSED UNITS
17 TOWARD A PUBLIC OR PRIVATE ROAD OTHER THAN AN ALLEY.
18

19 (G) **When further subdivision allowed.** IF A PROPOSED LOT OR BULK PARCEL WITHIN A
20 SUBDIVISION MAY BE FURTHER SUBDIVIDED, A RIGHT-OF-WAY OF ADEQUATE WIDTH TO
21 ACCOMMODATE THE FUTURE DEVELOPMENT POTENTIAL SHALL BE PROVIDED FOR THE LOT
22 OR PARCEL.
23

24 (H) **Mixed use and high density residential developments.** ROADS WITHIN A
25 SUBDIVISION CONTAINING MIXED USE OR HIGH DENSITY RESIDENTIAL DEVELOPMENTS
26 SHALL BE DESIGNED TO ACCOMMODATE MASS TRANSIT SERVICE BY PROVIDING
27 SIDEWALKS, CROSSWALKS, STOPPING LANES, AND BUS WAITING FACILITIES AT
28 APPROPRIATE AREAS AS DETERMINED BY THE OFFICE OF PLANNING AND ZONING.
29

30 (I) **Public roads.** PUBLIC ROADS WITHIN A PROPOSED SUBDIVISION SHALL BE DESIGNED,
31 TO THE MAXIMUM EXTENT PRACTICABLE, TO MINIMIZE IMPERVIOUS SURFACES, GRADING,
32 AND IMPACTS TO NATURAL FEATURES.
33

34 (1) THE RIGHT-OF-WAY FOR PUBLIC ROADS SHALL BE CONVEYED BY DEDICATING
35 AND DEEDING THE LAND TO THE COUNTY OR STATE IN FEE SIMPLE. IF A PROPOSED
36 SUBDIVISION OTHER THAN AN AGRICULTURAL PRESERVATION SUBDIVISION BORDERS A
37 COUNTY OR STATE ROAD THAT DOES NOT COMPLY WITH COUNTY OR STATE STANDARDS,
38 THE DEVELOPER SHALL DEDICATE AND DEED SUFFICIENT RIGHT-OF-WAY TO COMPLY WITH
39 THE STANDARDS AND TO ACCOMMODATE PEDESTRIAN AND BICYCLE FACILITIES
40 IDENTIFIED IN THE COUNTY PEDESTRIAN AND BICYCLE MASTER PLAN, EXCEPT THAT IN A
41 CLUSTER DEVELOPMENT IN AN RA OR RLD DISTRICT, THE DEVELOPER SHALL DEDICATE AND
42 DEED IN FEE SIMPLE SUFFICIENT RIGHT-OF-WAY TO COMPLY WITH THE STANDARDS ON THE
43 ROAD FRONTAGE OF THE CLUSTER LOTS ONLY.
44

45 (2) GENERALLY, ROADS WITHIN AND SERVING COMMERCIAL, INDUSTRIAL OR
46 MULTIFAMILY RESIDENTIAL DEVELOPMENT SHALL BE PRIVATELY OWNED AND SHALL BE
47 SERVED BY PRIVATELY OWNED STORMWATER MANAGEMENT FACILITIES.
48

49 (3) TO THE MAXIMUM EXTENT PRACTICABLE, ROADS IN THE R2, R1, RLD, AND RA
50 ZONING DISTRICTS SHALL BE OPEN SECTION ROADS AND ROADS IN ALL OTHER ZONING
51 DISTRICTS SHALL BE CLOSED SECTION ROADS WITH SWALES.
52

53 (4) THE DEVELOPER SHALL CONVEY TO THE COUNTY A PERPETUAL EASEMENT IN
54 THE CLEAR SIGHT TRIANGLE OF PRE-EXISTING ROAD INTERSECTIONS AND NEW RIGHTS OF
55 WAY.
56

1 (J) **Private roads; declaration.** PROPOSED NEW PRIVATE ROADS SHALL BE DESIGNED TO
2 ACCOMMODATE AREAS FOR MAIL DELIVERY AND THE COLLECTION OF RESIDENTS'
3 GARBAGE AND RECYCLABLE MATERIALS. GENERALLY THESE AREAS SHALL BE IN CLOSE
4 PROXIMITY TO PUBLIC ROADS. THE DEVELOPER SHALL PREPARE AND RECORD A
5 DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS REQUIRING THAT, IN THE
6 ABSENCE OF A HOMEOWNERS ASSOCIATION OR CONDOMINIUM REGIME LEGALLY
7 RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE ROAD, OWNERS OF NEWLY CREATED
8 LOTS ABUTTING A PRIVATE ROAD SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE
9 PRIVATE ROAD. FOR PRIVATE ROADS DEVELOPED IN CONNECTION WITH A SUBDIVISION
10 REQUIRING THE CREATION OF A HOMEOWNERS ASSOCIATION, THE DECLARATION SHALL BE
11 BINDING ON THE HOMEOWNERS ASSOCIATION AND THE HOMEOWNERS ASSOCIATION SHALL
12 BE RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE ROAD. FOR PRIVATE ROADS
13 DEVELOPED IN CONNECTION WITH A CONDOMINIUM REGIME, THE DECLARATION SHALL BE
14 BINDING ON THE CONDOMINIUM REGIME'S COUNCIL OF UNIT OWNERS AND THE COUNCIL OF
15 UNIT OWNERS SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE ROAD. FOR
16 DEVELOPMENT IN THE ABSENCE OF A HOMEOWNERS ASSOCIATION OR CONDOMINIUM
17 REGIME THE DECLARATION SHALL BE BINDING ON ALL ABUTTING PROPERTY OWNERS AND
18 THOSE ABUTTING PROPERTY OWNERS SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE
19 PRIVATE ROADS. ANY DECLARATION REQUIRED BY THIS SECTION SHALL BE RECORDED IN
20 THE LAND RECORDS.

21
22 **17-6-106. FEMA map revisions and amendments.**

23
24 When a floodplain analysis establishes a floodplain limit that differs from the floodplain
25 limit shown on the Federal Emergency Management Agency's (FEMA) Floodplain Insurance
26 Rate Maps (FIRM) [and] OR proposed structures are shown in the FIRM floodplain but not
27 in the floodplain limit established by the floodplain analysis, the developer shall apply for a
28 revision or amendment to the affected FIRM and obtain a letter of acceptance from FEMA
29 before recordation of the record plat or issuance of a building or grading permit.

30
31 **17-6-107. Road frontage; road names; building numbers; addresses.**

32
33 (A) **Road frontage.** SUBDIVISIONS CONSISTING OF SIX OR MORE RESIDENTIAL LOTS FOR
34 SINGLE-FAMILY DETACHED DWELLINGS AND DEVELOPMENT CONSISTING OF SIX OR MORE
35 SINGLE-FAMILY DETACHED DWELLINGS SHALL PROVIDE FRONTAGE FOR EACH SINGLE-
36 FAMILY DETACHED DWELLING ON A PUBLIC ROAD. SUBDIVISIONS CONSISTING OF FIVE OR
37 FEWER RESIDENTIAL LOTS FOR FIVE OR FEWER SINGLE-FAMILY DETACHED DWELLINGS AND
38 DEVELOPMENT CONSISTING OF FIVE OR FEWER SINGLE- FAMILY DETACHED DWELLINGS
39 MAY PROVIDE FRONTAGE ON A PRIVATE ROAD.

40
41 (B) **Road names and building numbers.** The Office of Planning and Zoning shall
42 establish, maintain, and implement a system for the naming of roads and the numbering of
43 dwellings and structures. The Office shall assign numbers to newly constructed dwellings
44 and structures and names to new roads. The Office may change the [numbers] ADDRESSES of
45 existing dwellings and structures[.]. THE OFFICE MAY change the names of existing roads,
46 and MAY place or have placed at intersections or crossings signs indicating the names of
47 roads.

48
49 **17-6-110. Setbacks from certain roads.**

50
51 (A) **Setbacks from certain roads.** UNLESS THE PLANNING AND ZONING OFFICER
52 APPROVES A REDUCED SETBACK UNDER SUBSECTION (B), RESIDENTIAL DEVELOPMENT

1 SHALL PROVIDE FOR A SETBACK FROM THE PROPERTY LINE TO THE EDGE OF THE MAINLINE
2 PAVEMENT OF CERTAIN ROADS, EXCLUSIVE OF RAMPS, AS FOLLOWS:

3
4 (1) 485 FEET TO I-97;

5
6 (2) 600 FEET TO I-695;

7
8 (3) 560 FEET TO US 50;

9
10 (4) 440 FEET TO MD 10;

11
12 (5) 455 FEET TO MD 100;

13
14 (6) 450 FEET TO MD 32; AND

15
16 (7) 445 FEET TO THE BALTIMORE-WASHINGTON PARKWAY.

17
18 (B) **Reduction of required setback; noise study.** A SETBACK REQUIRED UNDER
19 SUBSECTION (A) MAY BE REDUCED IF:

20
21 (1) THE SITE PLAN IS DESIGNED TO PLACE OUTDOOR ACTIVITY AREAS IN REAR
22 YARDS THAT ARE SHIELDED FROM HIGHWAY NOISE BY PROPOSED DWELLING UNITS AND
23 DWELLING UNITS ARE CLUSTERED TO MINIMIZE FRONT YARDS OR TO CONTAIN PARKING
24 AREAS; OR

25
26 (2) THE DEVELOPER CONDUCTS A NOISE STUDY USING FEDERAL HIGHWAY
27 ADMINISTRATION PREDICTION METHODS AND THE STUDY REFLECTS THAT THE HIGHWAY
28 TRAFFIC SOUND LEVEL IN OUTDOOR ACTIVITY AREAS IS AT OR BELOW 66 DBA OR THAT
29 NOISE MITIGATION MEASURES WILL BRING THE HIGHWAY TRAFFIC SOUND LEVEL TO A
30 LEVEL AT OR BELOW 66 DBA IN OUTDOOR ACTIVITY AREAS AND 45 DBA IN INDOOR
31 RESIDENTIALLY OCCUPIED BUILDING SPACES WITH HIGHWAY TRAFFIC SOUND LEVELS AT
32 THE EXTERIOR BUILDING FACADES THAT EXCEED 66 DBA.

33
34 (C) **Noise mitigation measures.** OUTDOOR NOISE MITIGATION MEASURES PROVIDED BY
35 THE DEVELOPER SHALL BE NOTED ON THE PROPOSED RECORD PLAT AND SHALL BE
36 LOCATED IN OPEN SPACE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMUNITY
37 ASSOCIATION, OR COUNCIL OF CONDOMINIUM UNIT OWNERS. IN THE ABSENCE OF OPEN
38 SPACE, THE DEVELOPER SHALL PROVIDE A NOISE MITIGATION MAINTENANCE EASEMENT TO
39 BE RECORDED IN THE LAND RECORDS AND NOTED ON THE PROPOSED RECORD PLAT.
40 REQUIRED INDOOR NOISE MITIGATION MEASURES SHALL BE NOTED ON THE BUILDING
41 ARCHITECTURAL PLANS.

42
43 **17-6-111. Open space; recreation area; open area.**

44
45 (A) **Scope.** THIS SECTION DOES NOT APPLY TO AN AGRICULTURAL PRESERVATION
46 SUBDIVISION OR TO A SUBDIVISION LOCATED IN AN RA DISTRICT.

47
48 (B) **Required open space generally.** UNLESS THE PLANNING AND ZONING OFFICER
49 GRANTS A MODIFICATION TO ALLOW A REDUCTION IN THE AMOUNT OF REQUIRED OPEN
50 SPACE, A MINIMUM OF 30% OF THE GROSS AREA OF A RESIDENTIAL SITE, EXCLUDING THE
51 AREA OF TRANSMISSION LINE EASEMENTS, SHALL BE DEDICATED PERMANENTLY AS OPEN
52 SPACE FOR THE USE OF THE RESIDENTS IN THE SUBDIVISION. THE RECREATION AREA
53 REQUIREMENTS OF SUBSECTION (C) AND WETLANDS AND THEIR BUFFERS SHALL BE
54 LOCATED IN REQUIRED OPEN SPACE.

55

1 (C) **Required recreation area generally.** UNLESS THE PLANNING AND ZONING OFFICER
2 UNDER SUBSECTION (G) REQUIRES THE DEVELOPER TO PAY A FEE IN LIEU OF RECREATION
3 AREA, A SINGLE-FAMILY DETACHED, TOWNHOUSE, SEMI-DETACHED, OR DUPLEX
4 SUBDIVISION THAT PROVIDES OPEN SPACE UNDER SUBSECTION (B) SHALL HAVE AT LEAST
5 1,000 SQUARE FEET OF RECREATION AREA FOR EACH DWELLING UNIT. A MULTIFAMILY
6 SUBDIVISION THAT PROVIDES OPEN SPACE UNDER SUBSECTION (B) SHALL DEDICATE AND
7 USE 20% OF THE GROSS AREA OF THE SITE AS RECREATION AREA. AT LEAST 50% OF THE
8 REQUIRED RECREATION AREA SHALL BE RESERVED FOR ACTIVE RECREATION, SUCH AS
9 TENNIS COURTS, SWIMMING AND BOATING AREAS, PLAYGROUNDS, AND PLAYFIELDS. THE
10 REMAINDER OF THE RECREATION AREA MAY BE PASSIVE RECREATION AREA AND MAY BE
11 ENCUMBERED BY FOREST CONSERVATION EASEMENTS THAT PERMIT MINIMAL
12 DISTURBANCE FOR TRAILS, STORMWATER MANAGEMENT AREAS, OR ENVIRONMENTALLY
13 SENSITIVE AREAS.

14
15 (D) **Open area and required recreation area for certain multifamily dwellings.** A
16 MULTIFAMILY DWELLING THAT HAS NOT PROVIDED AN OPEN SPACE LOT UNDER
17 SUBSECTION (B) SHALL HAVE 45% OF THE GROSS AREA OF THE SITE AS OPEN AREA AND 20%
18 OF THE GROSS AREA OF THE SITE AS RECREATION AREA. AT LEAST 50% OF THE REQUIRED
19 RECREATION AREA SHALL BE RESERVED FOR ACTIVE RECREATION, SUCH AS TENNIS
20 COURTS, SWIMMING AND BOATING AREAS, PLAYGROUNDS, AND PLAYFIELDS.

21
22 (E) **Characteristics of recreation area generally.** RECREATION AREA SHALL BE
23 DESIGNED TO DEMONSTRATE ADA ACCESSIBILITY TO THE MAXIMUM EXTENT PRACTICABLE,
24 AND MAY NOT INCLUDE PARKING LOT ISLANDS, TRANSMISSION LINE EASEMENTS, OR STRIPS
25 WITH A WIDTH OF LESS THAN 20 FEET.

26
27 (F) **Conveyance or dedication.** AT THE DISCRETION OF THE COUNTY AND TO THE FULL
28 EXTENT ALLOWED BY LAW, THE COUNTY MAY REQUIRE A DEVELOPER TO CONVEY FEE
29 SIMPLE TITLE OF OPEN SPACE TO THE COUNTY WITHOUT CHARGE. ALTERNATIVELY, IF THE
30 PROPERTY IS ADJACENT TO AN EXISTING STATE PARK AND THE STATE AGREES TO ACCEPT
31 TITLE, THE COUNTY MAY REQUIRE CONVEYANCE OF OPEN SPACE TO THE STATE. IF OPEN
32 SPACE IS NOT CONVEYED TO THE COUNTY OR THE STATE, A DEVELOPER SHALL CONVEY
33 OPEN SPACE IN FEE SIMPLE TO AN INCORPORATED HOMEOWNERS ASSOCIATION FOR THE
34 SUBDIVISION. BEFORE RECORDATION OF THE PROPOSED RECORD PLAT, THE OFFICE OF
35 PLANNING AND ZONING AND THE OFFICE OF LAW SHALL REVIEW AND APPROVE ALL
36 DOCUMENTS DEEMED NECESSARY TO ENSURE THAT MEMBERSHIP IN THE HOMEOWNERS
37 ASSOCIATION IS MANDATORY AND AUTOMATIC UPON CONVEYANCE OF TITLE TO ANY LOT
38 OR UNIT IN THE SUBDIVISION AND THAT THE MAINTENANCE OF OPEN SPACE OWNED BY THE
39 HOMEOWNERS ASSOCIATION IS GUARANTEED. THE CONVEYANCE TO THE HOMEOWNERS
40 ASSOCIATION SHALL BE CONCURRENT WITH THE RECORDING OF THE PROPOSED RECORD
41 PLAT.

42
43 (G) **Fee in lieu.** THE PLANNING AND ZONING OFFICER MAY REQUIRE A DEVELOPER TO
44 PAY A FEE IN LIEU OF ESTABLISHMENT OF RECREATION AREA IF THE PLANNING AND
45 ZONING OFFICER DETERMINES THAT LAND IS NOT OF SIGNIFICANT QUALITY OR SIZE FOR
46 COMMUNITY PURPOSES. THE FEES SHALL BE USED TO PROVIDE PUBLIC RECREATION AREAS
47 AND FACILITIES IN THE COUNTY.

48
49 (H) **Characteristics of active recreation area.** RECREATION AREA TO BE USED FOR
50 ACTIVE RECREATION MAY NOT INCLUDE WETLANDS OR STREAM BUFFERS, FLOODPLAINS,
51 FOREST CONSERVATION EASEMENTS, STORMWATER MANAGEMENT OR DRAINAGE FACILITY
52 EASEMENTS, INLETS, OUTFALLS, STORMWATER MANAGEMENT CREDIT AREAS, OR SLOPES
53 OVER FIVE PERCENT. RECREATION AREA SHALL:

- 54
55 (1) BE INTEGRATED INTO THE SUBDIVISION DESIGN TO CREATE FOCAL POINTS ALONG

1 ROADS AND AT ENTRANCES;

2
3 (2) BE SQUARE OR RECTANGULAR IN SHAPE, TO THE EXTENT PRACTICAL, AND
4 SUITABLE FOR RECREATION USES, SUCH AS TOT LOTS, BALL FIELDS, AND COURTS, OR FOR
5 RECREATION IN FORMAL PARKS AND SQUARES;

6
7 (3) HAVE AT LEAST 20 FEET OF FRONTAGE ON A PUBLIC OR PRIVATE ROAD;

8
9 (4) BE CENTRALLY LOCATED AMONG THE LOTS IT SERVES; AND

10
11 (5) BE EQUITABLY DISTRIBUTED INTO TWO AREAS IF THE SUBDIVISION OR SITE
12 CONTAINS AT LEAST 50 RESIDENTIAL LOTS OR THE SITE CONTAINS AT LEAST 50
13 RESIDENTIAL UNITS.

14
15 (I) **Characteristics of open space and open area.** OPEN SPACE AND OPEN AREA SHALL
16 CONTAIN THE ACTIVE AND PASSIVE RECREATION AREAS, ENVIRONMENTALLY SENSITIVE
17 AREAS, AND STORMWATER MANAGEMENT AREAS IDENTIFIED IN THE PRELIMINARY PLAN
18 AND SKETCH PLAN. THESE AREAS SHALL BE INCORPORATED INTO THE SITE DESIGN TO
19 MAXIMIZE VIEWS AND ACCESSIBILITY FROM PROPOSED DWELLING UNITS AND PUBLIC
20 SPACES. TO THE MAXIMUM EXTENT PRACTICABLE, OPEN SPACE AND OPEN AREA SHALL BE
21 LOCATED SO AS TO AUGMENT LAND ON ADJACENT PROPERTY THAT HAS PREVIOUSLY BEEN
22 IDENTIFIED AS OPEN SPACE, OPEN AREA, CONSERVATION OR PRESERVATION AREAS, OR
23 THAT HAS BEEN IDENTIFIED BY THE OFFICE OF PLANNING AND ZONING AS POSSIBLE FUTURE
24 OPEN SPACE, CONSERVATION OR PRESERVATION AREAS. THE DEVELOPER SHALL INTEGRATE
25 OPEN SPACE AND OPEN AREA INTO THE SITE DESIGN TO MAXIMIZE ENVIRONMENTAL
26 PROTECTIONS WHILE CREATING QUALITY COMMUNITY AND PUBLIC SPACES.

27
28 **17-6-112. Mailboxes.**

29
30 THE DEVELOPER SHALL PROVIDE AND IDENTIFY SUFFICIENT AREA FOR THE LOCATION
31 AND INSTALLATION OF MAILBOXES IN CONFORMANCE WITH REQUIREMENTS OF THE UNITED
32 STATES POSTAL SERVICE.

33
34 **17-6-202. Landscape plan.**

35 Whenever landscaping, screening, or buffering is required by the Landscape Manual, the
36 developer shall submit to the Office of Planning and Zoning a landscape plan and cost
37 estimate that complies with the requirements of the Landscape Manual. The plan shall be
38 prepared by a registered landscape architect or other qualified professional and shall include
39 all information required by the Office of Planning and Zoning. LANDSCAPING APPROVED BY
40 THE OFFICE OF PLANNING AND ZONING, INCLUDING RECREATION AMENITIES AND
41 HARDSCAPE FEATURES, SHALL BE BONDED AS A LINE ITEM IN THE GRADING PERMIT BOND.

42 **17-6-301. Scope.**

43
44 (b) **Exceptions.** This subtitle does not apply to:

45
46 (7) residential construction on a single lot of any size or a linear project if:

47
48 (i) the residential construction or linear project does not result in the cutting,
49 clearing, or grading of more than [40,000] 20,000 square feet of forest; and

50

1 (ii) the residential construction or linear project will not result in the cutting,
2 clearing, or grading of any forest that is subject to the requirements of a previous forest
3 conservation plan prepared under this subtitle;

4
5 (8) any strip or deep mining of coal regulated under the Environmental Article, Title
6 15, Subtitle 5 or 6, of the State Code, and any non-coal surface mining regulated under the
7 Environmental Article, Title 15, Subtitle 8, of the State Code; OR

8
9 (9) the cutting or clearing of trees to comply with the requirements of 14 CFR 77.25
10 relating to objects affecting navigable airspace if the Federal Aviation Administration has
11 determined that the trees are a hazard to aviation[; or

12
13 (10) previously developed areas covered by impervious surface].

14
15 **17-6-303. Forest conservation plan.**

16
17 (a) **Required.** Upon receipt of notice that a forest stand delineation is complete and
18 correct, a developer shall file with the Office of Planning and Zoning a proposed forest
19 conservation PLAN.

20
21 (d) **Retention not feasible; afforestation and reforestation; payment to Forest**
22 **Conservation Fund.**

23
24 (1) If a developer proposes to retain less of the existing forest than is required by the
25 forest conservation thresholds established in § 17-6-306, the developer shall APPLY FOR A
26 MODIFICATION OF THE FOREST CONSERVATION REQUIREMENTS OF THIS SUBTITLE AND:

27
28 (i) demonstrate that there are no available methods or techniques to implement
29 forest retention at the forest conservation threshold;

30 (ii) demonstrate why priority forests and priority areas, as determined by an
31 evaluation of the forest stand delineation, cannot be retained; and

32
33 (iii) describe the areas where afforestation and reforestation will occur, with
34 preference given to replanting in a priority retention area.

35
36 (3) If the Office of Planning and Zoning determines that neither afforestation nor
37 reforestation can reasonably be accomplished, the developer shall make a payment to the
38 County's Forest Conservation Fund before the signing of the PROPOSED record plat for a
39 development involving subdivision or upon the issuance of a grading permit for a
40 development not involving subdivision.

41
42 **17-6-304. Afforestation and reforestation generally.**

43
44 (e) **Credit for certain landscaping.** The Office of Planning and Zoning shall give credit
45 towards afforestation or reforestation for landscaped screening and buffer areas in
46 accordance with an approved landscape plan prepared under [§§ 17-5-201] §§ 17-6-201 et seq.

1 if done in an area that covers at least 2,500 square feet and is at least 35 feet wide.

2
3 **17-6-307. Agreements.**

4
5 (a) **Forestation agreements and forest conservation easements.** A developer shall
6 execute a forestation agreement for planting, replanting, reforestation, or afforestation in
7 areas of 1,000 square feet or more. A developer also shall execute a forest conservation
8 easement, and the easement shall be located in areas that are at least 35 feet wide with a total
9 area of at least 10,000 square feet. AT THE DISCRETION OF THE PLANNING AND ZONING
10 OFFICER, [The] THE easement may be located on any open space lot OR OPEN AREA created
11 under [§ 17-3-506] § 17-6-111, IN A LIMITED COMMON ELEMENT OF A CONDOMINIUM
12 REGIME, OR IN AN AGRICULTURAL PRESERVATION EASEMENT, but it may not otherwise be
13 located on a residentially zoned lot of less than [10 acres] ONE ACRE. FOREST
14 CONSERVATION EASEMENTS SHALL PRESERVE EXISTING FOREST AND DEVELOPED
15 WOODLAND.

16
17 **17-6-402. Streams.**

18
19 ~~(A) **Buffer generally.**~~ Development may not occur within a stream bed or within a 100-
20 FOOT non-disturbance stream buffer. [Stream buffers shall be in accordance with the Anne
21 Arundel County Stormwater Management Practices and Procedures Manual.]

22
23 ~~(B) **Modification of buffer.** THE PLANNING AND ZONING OFFICER MAY GRANT A~~
24 ~~MODIFICATION TO ALLOW DEVELOPMENT OR REDEVELOPMENT WITHIN THE 100 FOOT NON-~~
25 ~~DISTURBANCE BUFFER IF IT CAN BE DEMONSTRATED THAT THE APPLICANT HAS UTILIZED~~
26 ~~ALL CLUSTERING METHODS AVAILABLE IN THIS CODE, PROVIDED THE BUFFER TO THE~~
27 ~~MAXIMUM EXTENT PRACTICABLE, AND PROVIDED APPROPRIATE MITIGATION FOR THE~~
28 ~~ENCROACHMENT.~~

29
30 **17-6-404. Preservation in the development process.**

31 The layout and design of a development shall COMPLY WITH ENVIRONMENTAL SITE
32 DESIGN CRITERIA AND SHALL preserve natural features to the MAXIMUM extent [feasible]
33 PRACTICABLE. Factors that the Office of Planning and Zoning shall consider include the size
34 and shape of the lot; other applicable requirements of this Code, such as lot coverage,
35 setbacks, and buffers; the nature of the natural features in relation to the amount of usable
36 property; and the layout and design of neighboring properties and the extent to which the
37 natural features of those properties have been preserved.

38 **17-6-501. Historic resources.**

39
40 (A) **Evaluation of historic resources.** THE DEVELOPER SHALL IDENTIFY ALL HISTORIC
41 RESOURCES ON PROPERTY THAT IS SUBJECT TO AN APPLICATION FOR SUBDIVISION OR AN
42 APPLICATION FOR SITE DEVELOPMENT PLAN REVIEW ASSOCIATED WITH A BUILDING OR
43 GRADING PERMIT, AND THE PLANNING AND ZONING OFFICER SHALL EVALUATE AND
44 DETERMINE THE EXTENT TO WHICH EACH HISTORIC RESOURCE CAN BE RETAINED AND
45 PRESERVED BASED ON WHETHER THE HISTORIC RESOURCE RETAINS ITS STRUCTURAL AND
46 HISTORIC INTEGRITY AND CAN STILL CONVEY HISTORIC SIGNIFICANCE.

47

1 (A) ~~Preservation encouraged.~~ An historic resource listed on the [Maryland] COUNTY
2 ~~Inventory of Historic Properties[, the National Register of Historic Places, or the National~~
3 ~~Historic Landmarks] shall be retained and preserved to the extent practical, as follows:~~

4
5 (B) **Preservation.** [An] WHEN AN historic resource [listed on the Maryland Inventory of
6 Historic Properties, the National Register of Historic Places, or the National Historic
7 Landmarks shall] IS TO be retained and preserved [to the extent practical, as follows] , THE
8 FOLLOWING CRITERIA SHALL APPLY TO THE MAXIMUM EXTENT PRACTICABLE.”;

9
10 (1) access shall be by an existing driveway unless the Office of Planning and Zoning
11 determines that relocation of the driveway results in an improved design;

12
13 (2) new development shall be sited so that the layout does not impact the historic
14 resource and shall be oriented so that the view of the historic property's primary facade from
15 the public road is not impaired;

16
17 (3) grading, filling, construction, and landscaping on a commonly owned adjacent lot
18 shall be designed to enhance views to and from the historic resource and to buffer views of
19 new development;

20
21 (4) the Office of Planning and Zoning may require architectural design covenants for
22 new development within close visual proximity to the historic resource; {and}

23
24 ~~(5) THE OFFICE OF PLANNING AND ZONING MAY NOT APPROVE THE DEVELOPMENT~~
25 ~~OF PROPERTY THAT DOES NOT PROTECT AN HISTORIC RESOURCE AND MITIGATE FROM~~
26 ~~ADVERSE IMPACTS OF ADJOINING DEVELOPMENT; AND~~

27
28 ~~{(5)}~~ ~~{(5)}~~ THE DEVELOPER SHALL GRANT TO THE COUNTY a preservation easement
29 AND SHALL EXECUTE AN AGREEMENT, AS NECESSARY, to protect and preserve TO THE
30 EXTENT FEASIBLE [the] historic [resource] RESOURCES [shall be required for] ON properties
31 listed on the [National Register of Historic Places or the National Historic Landmarks]
32 COUNTY INVENTORY OF HISTORIC PROPERTIES.

33
34 ~~{(C)}~~ **(C) When preservation not feasible.** DEMOLITION OR REMOVAL OF AN HISTORIC
35 RESOURCE LISTED ON THE COUNTY INVENTORY OF HISTORIC PROPERTIES IS ALLOWED
36 ONLY WHEN THE PLANNING AND ZONING OFFICER FINDS THAT PRESERVATION IS NOT
37 FEASIBLE AND THE DEVELOPER HAS COMPLIED WITH ALL OTHER APPLICABLE STATE AND
38 FEDERAL LAWS AND REGULATIONS REGARDING THE HISTORIC RESOURCE.

39 **17-6-502. Archaeological resources.**

40
41 (b) **Significant resource.** If the Office of Planning and Zoning determines that an
42 archeological resource is significant, the developer shall:

43
44 (1) plan development to [avoid] PRESERVE OR MITIGATE ADVERSE IMPACTS TO the
45 resource and [provide] EXECUTE AND DELIVER TO THE OFFICE OF PLANNING AND ZONING a
46 preservation easement to protect it; or

(2) with approval from the Office of Planning and Zoning, impact the resource and conduct an approved data recovery investigation or “Phase III” study before commencing development.

17-6-602. Size of parking spaces.

The size of a parking space shall be as follows:

Compact car parking space	[8.5'] 8' by [16'] 14' (WITH 2' OVERHANG) OR 8' BY 16'
Non-compact car parking space	9' by [18'] 16'
Parallel parking space	[8'] 7' by [22'] 20'
Loading space	[15'] 12' by [36'] 30'
RESIDENTIAL LOT PARKING SPACE	7' BY 18' 9' BY 18'
HANDICAPPED PARKING SPACE	12' BY 18' (OR AS REQUIRED BY THE CURRENT ADA CRITERIA)

17-6-604. Parking design.

(A) **Public road right-of-way.** Parking spaces may not be located on or extend into a PUBLIC road right-of-way, UNLESS APPROVED BY THE PLANNING AND ZONING OFFICER THROUGH THE MODIFICATION PROCESS.

(B) **Direct access from interior driveway required; exceptions.** Except for a single-family residential use in an RA, RLD, R1, R2, or R5 District, all parking spaces shall have direct access from an interior driveway and may not necessitate backing into a road right-of-way.

(C) **Location.** Parking spaces shall be located within 600' of the use or structure for which they are required.

~~(D) **Compact cars.** COMPACT CAR PARKING SPACES SHALL:~~

~~(1) COMPRISE NO LESS THAN 50% OF ALL PARKING SPACES ON A SITE; AND~~

~~(2) BE LOCATED CLOSEST TO THE PROPOSED PRINCIPAL USE.~~

~~(E) **Limitations on number of cars; exception.** THE NUMBER OF CAR PARKING SPACES ON A SITE MAY NOT EXCEED BY MORE THAN 10% THE NUMBER REQUIRED BY THIS ARTICLE UNLESS THEY ARE CONTAINED WITHIN A PARKING STRUCTURE.~~

~~(F) (D) **Compliance with stormwater management requirements and County Landscape Manual.** ALL PARKING LOTS SHALL BE DESIGNED IN FULL COMPLIANCE WITH THE STORMWATER MANAGEMENT REQUIREMENTS OF THIS CODE AND THE COUNTY LANDSCAPE MANUAL.~~

~~(G) (E) **Locations where on-street parking prohibited.** IN LOCATIONS WHERE ON-STREET PARKING IS PROHIBITED, ONE ADDITIONAL CAR PARKING SPACE SHALL BE PROVIDED FOR EACH LOT OR UNIT IN ADDITION TO WHAT IS REQUIRED BY ARTICLE 18.~~

1 **17-6-607. Parking in small business districts and residentially zoned sites.**

2
3 Parking in a small business district shall GENERALLY be located in a rear or side yard TO
4 THE EXTENT PRACTICAL or in an approved joint use parking area as authorized by the Office
5 of Planning and Zoning. Up to 60% of required parking may be provided on a separate lot
6 that is within 200 feet of the lot line and accessible along an established walkway. IN SMALL
7 BUSINESS DISTRICTS AND ON RESIDENTIALLY ZONED SITES, [Parking] PARKING and paving
8 surfaces for walkways and driveways shall be consistent with a residential character.
9

10 **17-6-608. Parking lots for townhouses, or commercial, industrial, or private institutional**
11 **uses.**

12
13 PARKING LOTS SERVING TOWNHOUSE DWELLING UNITS OR COMMERCIAL, INDUSTRIAL,
14 OR PRIVATE INSTITUTIONAL USES SHALL BE PRIVATELY OWNED AND MAINTAINED.
15

16 **TITLE 7. DEVELOPMENT REQUIREMENTS FOR PARTICULAR TYPES OF**
17 **DEVELOPMENT**

18
19 **SUBTITLE 5. AGE RESTRICTED DEVELOPMENT**
20

21 **17-7-501. Age restricted residential development.**

22
23 (A) **Generally.** SUBDIVISION AND SITE DEVELOPMENT PLANS CONSISTING OF ADULT
24 INDEPENDENT DWELLING UNITS:
25

26 (1) MAY NOT BE REVISED TO PERMIT ANY OTHER CLASSIFICATION OF DWELLING
27 UNITS ON THE SITE UNTIL A NEW APPLICATION FOR SUBDIVISION OR A NEW SITE
28 DEVELOPMENT PLAN IS FILED AND THE NEW APPLICATION IS TESTED AND APPROVED FOR
29 ADEQUACY OF PUBLIC FACILITIES AS REQUIRED BY § 17-5-202 AND A NEW RECORD PLAT IS
30 APPROVED BY THE PLANNING AND ZONING OFFICER; AND
31

32 (2) SHALL BE LOCATED ON LAND THAT IS SUBJECT TO A DECLARATION OF
33 COVENANTS, CONDITIONS, AND RESTRICTIONS, DECLARATION OF CONDOMINIUM, OR OTHER
34 DOCUMENT LIMITING USE AND OCCUPANCY OF THE LAND TO ADULTS 55 YEARS OR OLDER
35 WITH NO RESIDENT MINOR CHILDREN, AND SUCH DECLARATION OR OTHER DOCUMENT
36 SHALL BE IN A FORM ACCEPTABLE TO THE COUNTY OFFICE OF LAW AND SHALL BE
37 RECORDED IN THE COUNTY LAND RECORDS.
38

39 (B) **Elimination of age restriction.** UPON APPROVAL OF AN APPLICATION FOR THE
40 SUBDIVISION, RESUBDIVISION, OR DEVELOPMENT OF LAND OCCUPIED BY ADULT
41 INDEPENDENT DWELLING UNITS, THE DEVELOPER SHALL PROVIDE:
42

43 (1) A PROPOSED RECORD PLAT IDENTIFYING THE PROPERTY AND REMOVING ALL
44 REFERENCES TO AGE RESTRICTION;
45

46 (2) AN AMENDED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS,
47 DECLARATION OF CONDOMINIUM, OR OTHER DOCUMENT THAT REMOVES THE AGE
48 LIMITATION ON USE AND OCCUPANCY OF THE LAND, AND SUCH DECLARATION OR OTHER
49 DOCUMENT SHALL BE IN A FORM ACCEPTABLE TO THE COUNTY OFFICE OF LAW AND SHALL
50 BE RECORDED IN THE COUNTY LAND RECORDS AS NECESSARY; AND
51

52 (3) SCHOOL IMPACT FEES AS REQUIRED BY TITLE 11, WHICH SHALL BE PAID PRIOR TO

1 RECORD PLAT APPROVAL, EXCEPT IN INSTANCES WHERE NO RESIDENTIAL DWELLING UNITS
 2 HAVE BEEN CONSTRUCTED AND THE REQUIRED SCHOOL IMPACT FEES MAY BE COLLECTED
 3 UPON ISSUANCE OF A BUILDING PERMIT.
 4

5 (C) **Minimum requirements.** A RESIDENTIAL SUBDIVISION THAT IS SUBJECT TO
 6 COVENANTS, CONDITIONS, OR RESTRICTIONS IMPOSING AN AGE RESTRICTION ON
 7 OCCUPANCY SHALL CONSIST OF NO FEWER THAN SIX LOTS WITH NO FEWER THAN SIX
 8 DWELLING UNITS.
 9

10 (D) **Prohibition.** A RESIDENTIAL SUBDIVISION CONTAINING ADULT INDEPENDENT
 11 DWELLING UNITS MAY NOT CONTAIN ANY OTHER CLASSIFICATION OF DWELLING UNITS.
 12

13 (E) **Enforcement.** THE HOMEOWNERS ASSOCIATION, COMMUNITY ASSOCIATION,
 14 COUNCIL OF CONDOMINIUM OWNERS, OR OTHER APPROPRIATE PRIVATE ENTITY OWNING
 15 THE SITE OR THE ADULT INDEPENDENT DWELLING UNITS SHALL STRICTLY ENFORCE AGE
 16 RESTRICTION LIMITATIONS ON THE USE OF PROPERTY DEVELOPED PURSUANT TO THIS
 17 SECTION.
 18

19 **TITLE 11. FEES AND SECURITY**

20 **17-11-101. Fees and security.**

21 The following fees shall be paid and security given as provided in the following chart,
 22 except that fees paid on an application governed by the law as it existed prior to May 12,
 23 2005 shall be credited against the fees in the following chart if the application is withdrawn
 24 and a new application is filed under this article:
 25
 26
 27

Category	Fee or Security

Clearing in violation of critical area law	\$1.80 per square foot of area not replanted

1

DIGITAL CONVERSION OF RECORD PLAT	\$250, FIRST PAGE \$75, ADDITIONAL PAGES

Fee-in-lieu of [open space] RECREATION AREA	\$1,000 per unit

Modification, application for PRELIMINARY PLAN REVIEW, APPLICATION FOR	\$250 \$75 PER RESIDENTIAL UNIT \$360 PER ACRE OR PART OF AN ACRE, COMMERCIAL OR INDUSTRIAL

Signs	\$35 per sign
SITE DEVELOPMENT PLAN APPROVAL, APPLICATION FOR	\$120 PER RESIDENTIAL UNIT \$420 PER ACRE OR PART OF AN ACRE, COMMERCIAL OR INDUSTRIAL

Storm drainage fee	1.5 cents per square foot of gross area disturbed by construction activity, including grading OR 10 CENTS PER SQUARE FOOT OF IMPERVIOUS SURFACE, WHICHEVER IS GREATER

2 **17-11-102. Fee reductions; credits.**

3

4 (A) **Fee reductions.** THE PLANNING AND ZONING OFFICER, UPON RECEIPT OF A COST
5 BENEFIT ANALYSIS THAT JUSTIFIES THE REDUCTION, MAY AUTHORIZE A REDUCTION IN
6 APPLICATION AND STORM DRAINAGE FEES OF UP TO 50% FOR DEVELOPMENT THAT
7 SIGNIFICANTLY EXCEEDS THE ENVIRONMENTAL SITE DESIGN CRITERIA OF THIS CODE.

8

9 ~~(B) **Credits.** ANY CONVEYANCE OF LAND OR UPON RECEIPT OF A COST ESTIMATE OF
10 THE VALUE OF CONSTRUCTION OR IMPROVEMENTS PROPOSED FOR CONVEYANCE TO THE
11 COUNTY, AND APPROVAL OF THE COST ESTIMATE BY THE PLANNING AND ZONING OFFICER,
12 THE VALUE OF CONSTRUCTION OR IMPROVEMENTS RECEIVED AND ACCEPTED BY THE
13 COUNTY FROM A DEVELOPER MAY BE CREDITED AGAINST THE DEVELOPER'S FEE
14 OBLIGATIONS UNDER THIS TITLE. THE VALUE OF LAND CONVEYED UNDER THIS SECTION
15 SHALL BE BASED UPON A COST ESTIMATE APPROVED BY THE PLANNING AND ZONING
16 OFFICER THAT ESTABLISHES THE VALUE OF DENSITY TRANSFERRED FROM THE CONVEYED
17 PARCEL TO AN ABUTTING OR ADJOINING PARCEL OWNED BY THE DEVELOPER, OR THE
18 UNIMPROVED VALUE OF THE UNDEVELOPED LAND PLUS EXPENSES FOR TAXES AND
19 MAINTENANCE ONLY WITH INTEREST AT THE RATE OF 6%. FOR PURPOSES OF THIS SECTION
20 THE PLANNING AND ZONING OFFICER SHALL DETERMINE THE VALUE OF THE LAND,
21 CONSTRUCTION OR IMPROVEMENTS CONVEYED.~~

22

23 **(B) CREDITS.**

24

25 (1) THE VALUE OF ANY CONVEYANCE OF LAND OR IMPROVEMENTS RECEIVED AND
26 ACCEPTED BY THE COUNTY FROM A DEVELOPER MAY BE CREDITED AGAINST THE
27 DEVELOPER'S STORM DRAINAGE FEE UNDER THIS TITLE IF THE LAND OR IMPROVEMENTS
28 HAVE BEEN DESIGNED TO EXCEED THE ESP TO THE MEP STANDARD AND EXCEED ADEQUATE
29 OUTFALL MITIGATION.

30 (2) TO RECEIVE CREDIT AGAINST THE AMOUNT OF THE STORM DRAINAGE FEE DUE

1 FOR SUCH CONVEYANCE OF LAND OR IMPROVEMENTS, THE DEVELOPER SHALL ENTER INTO
2 A FEE AGREEMENT WITH THE COUNTY. THE FEE AGREEMENT SHALL PROVIDE FOR THE
3 ESTABLISHMENT OF CREDITS AND PAYMENT OF FEES IN A SPECIFIED MANNER AND TIME.
4

5 (3) THE VALUE OF LAND CONVEYED BY A DEVELOPER AND ACCEPTED BY THE
6 COUNTY FOR PURPOSES OF THIS SECTION SHALL BE THE FAIR MARKET VALUE OF THE LAND
7 AS DETERMINED BY AN APPRAISAL. THE VALUE OF IMPROVEMENTS CONSTRUCTED BY A
8 DEVELOPER AND ACCEPTED BY THE COUNTY FOR PURPOSES OF THIS SECTION SHALL BE
9 ESTABLISHED BY THE COUNTY.

10
11 (4) ANY LAND AWARDED CREDIT UNDER THIS SECTION SHALL BE CONVEYED NO
12 LATER THAN THE TIME AT WHICH STORM DRAIN FEES ARE REQUIRED TO BE PAID. THE
13 PORTION OF THE STORM DRAIN FEES REPRESENTED BY A CREDIT FOR IMPROVEMENTS
14 SHALL BE DEEMED PAID WHEN THE IMPROVMENTS ARE COMPLETED AND ACCEPTED BY THE
15 COUNTY FOR MAINTENANCE OR WHEN ADEQUATE SECURITY FOR THE COMPLETION OF THE
16 IMPROVEMENTS HAS BEEN PROVIDED.

17
18 SECTION 4. *And be it further enacted,* That the July 2010 revision of the Anne Arundel
19 County Landscape Manual is hereby amended as follows:

20
21 1. On page 25 of the Anne Arundel County Landscape Manual, in the first paragraph, in the
22 second sentence, after “Planned Unit Developments” insert “, Commercial Revitalization
23 Districts,”.

24
25 2. On page 32 of the Anne Arundel County Landscape Manual, in the section titled “I.
26 SMALL BUSINESS DISTRICTS (SBD), DRIVE THRU AND FAST FOOD
27 ESTABLISHMENTS”, in the second bullet under “Objectives”, after “corridors” insert “and
28 Commercial Revitalization Districts”.

29
30 SECTION 4. ~~5.~~ *And be it further enacted,* That the July 2010 revision of the Anne
31 Arundel County Landscape Manual, as amended, incorporated herein by reference as if fully
32 set forth, is approved and adopted as the Anne Arundel County Landscape Manual and shall
33 be permanently kept on file in the Office of the Administrative Officer to the County Council
34 and in the Office of Planning and Zoning.

35
36 SECTION 6. *And be it further enacted* That all references in this Ordinance to “the
37 effective date of Bill No. 59-10”, or words to that effect, shall, upon codification, be replaced
38 with the actual date on which this Ordinance takes effect under Section 307 of the County
39 Charter as certified by the Administrative Officer to the County Council.

40
41 SECTION ~~5-6.~~ *7.* *And be it further enacted,* That this Ordinance shall become effective
42 45 days from the date it becomes law.