

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2011, Legislative Day No. 3

Bill No. 7-11

Introduced by Mr. Fink, Mr. Grasso, Mr. Ladd and Mr. Walker

By The County Council, February 7, 2011

Introduced and first read on February 7, 2011
Public Hearing set for and held on March 7, 2011
Public Hearing on AMENDED BILL set for March 21, 2011
Bill Expires May 13, 2011

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Review of Applications

2
3 FOR the purpose of ~~requiring a public~~ permitting a comment review meeting for sketch
4 plan applications and site development plans; providing for a final plan ~~public~~
5 comment review meeting upon request; adding deadlines for consideration of certain
6 applications by the Office of Planning and Zoning; and generally relating to Planning
7 and Zoning

8
9 BY repealing and reenacting with amendments: §§17-3-203, 17-3-303, and 17-4-204
10 Anne Arundel County Code (2005, as amended)

11
12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
13 *Maryland, That Section(s) of the Anne Arundel County Code (2005, as amended) read as*
14 *follows:*

15
16 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

17
18 **TITLE 3. SUBDIVISION**

19
20 **17-3-203. Review; County report; developer re-submittal.**

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 (a) **Developer submittal; approval or denial.** As promptly as possible after the
2 filing of a sketch plan, BUT NOT LATER THAN 15 DAYS PRIOR TO THE COMMENT REVIEW
3 COMMITTEE MEETING AS REQUIRED BY SUBSECTION (B), the Office of Planning and
4 Zoning shall provide the developer, THE DEVELOPER'S REPRESENTATIVE AND ALL
5 REVIEWING AGENCIES, with a written approval or denial of the sketch plan application,
6 including a report of ALL findings, comments, and recommendations of reviewing
7 County agencies, AND IF APPLICABLE A NOTICE OF THE DATE, TIME AND LOCATION OF
8 THE COMMENT REVIEW COMMITTEE MEETING. The written approval or denial will
9 resolve inconsistencies and conflicts among agency comments and will offer the
10 applicant direction on how to proceed to final plan review, or what issues need to be
11 addressed with a new application for sketch plan approval.

12
13 (B) **Comment Review Committee Meeting; Meeting Summary.** WITHIN 75 DAYS
14 AFTER THE FILING OF A SKETCH PLAN, THE DEVELOPER MAY REQUEST THAT THE OFFICE
15 OF PLANNING AND ZONING SHALL HOLD SCHEDULE AT ITS OFFICE, OR AT A MUTUALLY
16 AGREED UPON LOCATION, A PUBLIC MEETING OF THE DEVELOPMENT REVIEW TEAM
17 LEADER AND OFFICE OF PLANNING AND ZONING REVIEWERS, REPRESENTATIVES OF ~~THE~~
18 OTHER COUNTY REVIEWING AGENCIES, AND THE DEVELOPER AND ITS
19 REPRESENTATIVES. THE COMMITTEE WILL DISCUSS THE REPORT PROVIDED UNDER
20 SUBSECTION (A), REVIEWING AGENCIES' COMMENTS, AND ANY OTHER MATTERS THAT
21 PERTAIN TO THE SUBMITTAL AND APPROVAL OF THE PLAN. WITHIN 15 DAYS OF THE
22 MEETING, THE OFFICE OF PLANNING AND ZONING SHALL CONFIRM IN WRITING TO THE
23 DEVELOPER AND THE DEVELOPER'S DESIGNATED REPRESENTATIVES A SUMMARY OF
24 THE MEETING INCLUDING ANY RECOMMENDATIONS, REQUIREMENTS FOR APPROVAL, OR
25 OTHER UNRESOLVED MATTERS TO BE ADDRESSED BEFORE APPROVAL MAY BE
26 GRANTED. IF THE MEETING SUMMARY INCLUDES FINDINGS, COMMENTS OR
27 RECOMMENDATIONS THAT WERE NOT DISCUSSED DURING THE COMMENT REVIEW
28 COMMITTEE MEETING, THE DEVELOPER MAY REQUEST THAT THE OFFICE OF PLANNING
29 AND ZONING SCHEDULE A FOLLOW-UP MEETING OF THE REVIEWING AGENCIES TO
30 ADDRESS SUCH ISSUES.

31
32 [(b)] (C) **Developer re-submittals; comments by the County.** After the developer
33 files a sketch plan re-submittal, the Office of Planning and Zoning shall provide promptly
34 any further findings, comments, and recommendations of the County through its
35 reviewing agencies, and shall attempt to resolve inconsistencies or conflicts among the
36 agency comments. Within 60 days after the date the report is mailed, the developer shall
37 file a sketch plan re-submittal that addresses the findings, comments, and
38 recommendations. This process continues unless the application becomes void under
39 subsection [(d)] (E) or action is taken on the application under subsection [(f)] (G).

40
41 [(c)] (D) **Authority to extend time periods.** Upon receipt of a written request made
42 for good cause not less than 15 days before a re-submittal deadline in subsections (a) or
43 (b), the Office of Planning and Zoning may grant a time extension for re-submittal not to
44 exceed 60 days. Decisions to extend time under this section do not require a modification
45 and are not subject to review by the Board of Appeals. Any extension beyond 60 days
46 shall be pursuant to a modification and subject to review by the Board of Appeals.

47
48 [(d)] (E) **Effect of failure to meet time requirements.** An application for sketch plan
49 approval is void and a new application fee for sketch plan approval shall be paid for the
50 next submittal if the developer fails to file any sketch plan re-submittal within the time
51 periods required by this section.

1 [(e)] (F) **Odenton Growth Management Area.** In the Odenton Growth Management
2 Area, development is subject to the review timeline set forth in the Odenton Town Center
3 Master Plan.

4
5 [(f)] (G) **Action on the application.** At any time after the filing of an application for
6 sketch plan approval, the Office of Planning and Zoning may deny the application for
7 failure to comply with the provisions of this Code, the Odenton Town Center Master
8 Plan, or other law. Otherwise, the Office shall approve the application for sketch plan
9 approval.

10
11 **17-3-303. Review process.**

12
13 (a) **County report; developer re-submittal.** As promptly as possible after the filing
14 of the application for final plan approval, BUT NO LATER THAN 60 DAYS AFTER THE
15 FILING OF THE APPLICATION FOR FINAL PLAN APPROVAL OR 45 DAYS AFTER FILING OF
16 THE APPLICATION FOR A MINOR SUBDIVISION OR AMENDED PLAT, the Office of Planning
17 and Zoning shall provide to the developer a written report of the findings, comments, and
18 recommendations of the County through its reviewing agencies. The report shall attempt
19 to resolve inconsistencies or conflicts among the agency comments. WITHIN 10 DAYS
20 AFTER RECEIVING THE REPORT, THE DEVELOPER MAY REQUEST THAT THE OFFICE OF
21 PLANNING AND ZONING SCHEDULE A COMMENT REVIEW COMMITTEE MEETING ON THE
22 FINAL PLAN COMMENTS IN THE SAME MANNER SPECIFIED IN § 17-3-203(A) AND (B).
23 Within 60 days after the date the report is mailed, OR AFTER THE DEVELOPER RECEIVES
24 THE SUMMARY OF THE COMMENT REVIEW COMMITTEE, the developer shall file a final
25 plan re-submittal that addresses the findings, comments, and recommendations contained
26 in the report.

27
28 (b) **Further comments by the County; further developer re-submittals.** After the
29 developer files a final plan re-submittal, the Office of Planning and Zoning shall provide
30 promptly, OR WITHIN 30 DAYS FOR AN APPLICATION FOR A MINOR SUBDIVISION OR
31 AMENDED PLAT, any further findings, comments, and recommendations of the County
32 through its reviewing agencies, and shall attempt to resolve inconsistencies or conflicts
33 among the agency comments. Within 60 days after the date the report is mailed, the
34 developer shall file a final plan re-submittal that addresses the findings, comments, and
35 recommendations. This process continues unless the application becomes void under
36 subsection (d) or action is taken on the application under subsection (f).

37
38 (c) **Authority to extend time periods.** Upon receipt of a written request made for
39 good cause not less than 15 days before the re-submittal deadline in subsection (a), the
40 Office of Planning and Zoning may grant a time extension not to exceed 60 days for a re-
41 submittal. Decisions on whether to extend time under this section do not require a
42 modification and may not be appealed to the Board of Appeals.

43
44 (d) **Effect of failure to meet time requirements.** An application for final plan
45 approval is void and a new application fee for final plan approval shall be paid for the
46 next submittal if the developer fails to file final plan re-submittals within the time periods
47 required by this section.

1 (e) **Odenton Growth Management Area.** In the Odenton Growth Management
2 Area, development is subject to the review timeline set forth in the Odenton Town Center
3 Master Plan.

4
5 (f) **Action on the application.** At any time after the filing of an application for final
6 plan approval, the Office of Planning and Zoning may deny the application for failure to
7 comply with the provisions of this Code, the Odenton Town Center Master Plan, or other
8 law. Otherwise, the Office shall approve the application for final plan approval.

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10 **TITLE 4. SITE DEVELOPMENT**

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12 **17-4-204. Review process.**

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14 (a) **County report; developer re-submittal.** As promptly as possible after the filing
15 of a site development plan, BUT NOT LATER THAN 15 DAYS PRIOR TO THE COMMENT
16 REVIEW COMMITTEE MEETING ~~AS~~ IF REQUIRED BY SUBSECTION (B), the Office of
17 Planning and Zoning shall provide to the developer, THE DEVELOPER'S
18 REPRESENTATIVES AND ALL REVIEWING AGENCIES, a written report of the findings,
19 comments, and recommendations of the County through its reviewing agencies, AND IF
20 APPLICABLE A NOTICE OF THE DATE, TIME AND LOCATION OF THE COMMENT REVIEW
21 COMMITTEE MEETING. The site development plan report shall attempt to resolve
22 inconsistencies or conflicts among the agency comments. Within 60 days after the date
23 the site development plan report is mailed, the developer shall file a re- submittal that
24 addresses ALL the findings, comments, and recommendations contained in the report.
25 After the developer files a site development plan re-submittal, the Office of Planning and
26 Zoning shall provide promptly any further findings, comments, and recommendations
27 from the County reviewing agencies, and shall attempt to resolve inconsistencies or
28 conflicts among the agency comments. Within 60 days after the date the report is mailed,
29 the developer shall file a site development plan re-submittal that addresses the findings,
30 comments, and recommendations. This process continues until the application becomes
31 void under subsection (b) or a recommendation is made under subsection [(e)] (F).

32
33 (B) **Comment Review Committee Meeting; Meeting Summary.** WITHIN 75 DAYS
34 AFTER THE FILING OF A SITE DEVELOPMENT PLAN, THE DEVELOPER MAY REQUEST THE
35 OFFICE OF PLANNING AND ZONING SHALL HOLD SCHEDULE AT ITS OFFICE, OR AT A
36 MUTUALLY AGREED UPON LOCATION, A PUBLIC MEETING OF THE DEVELOPMENT
37 REVIEW TEAM LEADER AND OFFICE OF PLANNING AND ZONING REVIEWERS,
38 REPRESENTATIVES OF ~~THE~~ OTHER COUNTY REVIEWING AGENCIES, AND THE DEVELOPER
39 AND ITS REPRESENTATIVES. THE COMMITTEE WILL DISCUSS THE REPORT PROVIDED
40 UNDER SUBSECTION (A), REVIEWING AGENCIES' COMMENTS, AND ANY OTHER MATTERS
41 THAT PERTAIN TO THE SUBMITTAL AND APPROVAL OF THE PLAN. WITHIN 15 DAYS OF
42 THE MEETING, THE OFFICE OF PLANNING AND ZONING SHALL CONFIRM IN WRITING TO
43 THE DEVELOPER AND THE DEVELOPER'S DESIGNATED REPRESENTATIVES A SUMMARY
44 OF THE MEETING INCLUDING ANY RECOMMENDATIONS, REQUIREMENTS FOR APPROVAL,
45 OR OTHER UNRESOLVED MATTERS TO BE ADDRESSED BEFORE APPROVAL MAY BE
46 GRANTED. IF THE MEETING SUMMARY INCLUDES FINDINGS, COMMENTS OR
47 RECOMMENDATIONS THAT WERE NOT DISCUSSED DURING THE COMMENT REVIEW
48 COMMITTEE MEETING, THE DEVELOPER MAY REQUEST THAT THE OFFICE OF PLANNING
49 AND ZONING SCHEDULE A FOLLOW-UP MEETING OF THE REVIEWING AGENCIES TO
50 ADDRESS SUCH ISSUES.

1 [(b)] (C) **Time extensions.** Upon receipt of a written request made for good cause not
2 less than 15 days before the deadline for re-submittal the Planning and Zoning Officer
3 may, in his sole discretion, grant a time extension for re-submittal not to exceed 60 days.
4 Decisions whether to extend time under this section may not require a modification and
5 are not subject to review by the Board of Appeals. Extensions beyond 60 days may be
6 granted pursuant to a modification, and only when an extension is required for reasons
7 beyond the control of the applicant. A site development plan is void and a new
8 application fee for site development plan approval shall be paid for the next submittal if
9 the developer fails to file site development plan re-submittals within the time periods
10 required by this section.

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12 [(c)] (D) **Applications not impacting adequacy of public facilities.** The Planning
13 and Zoning Officer may permit a developer to file a site development plan consisting of
14 information required by § 16-2-206 of this Code.

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16 [(d)] (E) **Odenton Growth Management Area.** In the Odenton Growth Management
17 Area, development is subject to the review timeline set forth in the Odenton Town Center
18 Master Plan.

19
20 [(e)] (F) **Recommendation and approval.** At any time after the filing of a site
21 development plan associated with an application for a building or grading permit, the
22 Office of Planning and Zoning may recommend to the Department of Inspections and
23 Permits that the application be denied for failure to comply with the provisions of this
24 Code, the Odenton Town Center Master Plan, or other law. Otherwise, the Office shall
25 recommend approval. No appeal may be taken from a recommendation made under this
26 subsection. Approval of the permit by the Department of Inspections and Permits
27 constitutes approval of the site development plan.

28
29 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
30 from the date it becomes law.