

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2011, Legislative Day No. 3

Bill No. 9-11

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 – Adequacy of Public
2 Facilities

3
4 FOR the purpose of amending the provisions regarding requirements for and duration of
5 approval for subdivisions and site development plans after meeting a test for
6 adequacy of public facilities; and generally related to subdivision and development.

7
8 BY repealing and reenacting with amendments: §§ 17-2-108(a), 17-5-203, 17-5-204 and
9 17-5-205
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 2. GENERAL PROVISIONS**

19
20 **17-2-108. Modifications.**

21
22 (a) **Generally.** The Planning and Zoning Officer may approve an application for a
23 modification to any provision of this article other than one contained in Titles 5, 8, or 9 ,

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 EXCEPT AS ALLOWED BY §§ 17-5-203(B) AND 17-5-205(B), and to any applicable regulations,
2 manuals, or specifications, including the DPW Design Manual, upon finding that:

3
4 (1) practical difficulties or unnecessary hardship will result from strict application
5 of this article;

6
7 (2) the purposes of this article, including minimization and mitigation of
8 environmental impacts through the use of clustering or other available design
9 alternatives to preserve the character of the impacted area, will be served by an
10 alternative proposal;

11
12 (3) the modification is not detrimental to the public health, safety, or welfare or
13 injurious to other properties; and

14
15 (4) the modification does not have the effect of nullifying the intent and purpose
16 of this article, the General Development Plan, or Article 18 of this Code.

17 18 19 **TITLE 5. ADEQUATE PUBLIC FACILITIES**

20 21 **17-5-203. Duration of approval – Subdivisions other than minor subdivisions.**

22
23 (a) **Conditions to be met to retain approval.** Unless the Planning and Zoning
24 Officer has determined to postpone the test for adequacy of public facilities to final plan
25 review for a development in the Odenton Growth Management Area pursuant to § 17-5-
26 202(a)(2), upon the approval of a sketch plan for a subdivision other than a minor
27 subdivision, no further approval for adequacy of public facilities, other than fire
28 suppression facilities, is required if:

29
30 (1) the developer files an application for final plan approval within one year after
31 the date of sketch plan approval;

32
33 (2) the developer executes and delivers to the County a public works agreement
34 for any proposed mitigation;

35
36 (3) the final plan is approved and a proposed record plat MEETING THE
37 REQUIREMENTS OF THE FINAL PLAN APPROVAL IS SUBMITTED TO THE COUNTY AS
38 REQUIRED UNDER § 17-3-304(A) [is recorded] within 12 months after the date of final plan
39 approval or within the time specified by the Planning and Zoning Officer under § 17-3-
40 304(b); and

41
42 (4) the impact of the subdivision does not exceed the impact in the original study
43 that formed the basis for passing a test.

44
45 (b) **Effect of failure to file to meet time requirements.** Except as provided in
46 subsection (c), when a subdivision has met the requirements for adequate public facilities
47 during sketch plan review and the time requirements of subsection (a) are not met, the
48 proposed subdivision plan is void UNLESS THE PLANNING AND ZONING OFFICER GRANTS
49 A MODIFICATION TO ALLOW FOR ADDITIONAL TIME TO COMPLETE THE SUBDIVISION.

1 THE PLANNING AND ZONING OFFICER MAY NOT GRANT A MODIFICATION TO A
2 DEVELOPER WHO HAS FAILED TO RESPOND TO COUNTY COMMENTS AS REQUIRED BY
3 THIS ARTICLE.
4

5 (c) **When time frames tolled.** The time requirements of this section are tolled on the
6 date that a subdivision is placed on the waiting list provided for in § 17-5-503. The time
7 requirements begin to run anew on the date that the development passes the adequacy of
8 public facilities tests for schools under § 17-5-501 or on the date upon which the six-year
9 period provided for in § 17-5-503 has run.

10
11 **17-5-204. Duration of approval – Minor subdivisions.**

12
13 (a) **Conditions to be met to retain approval.** Upon the approval of a final plan for
14 a minor subdivision, no further approval for adequacy of public facilities, other than fire
15 suppression facilities, is required if:

16
17 (1) the developer executes a public works agreement for any proposed mitigation;

18
19 (2) the final plan is approved and a record plat MEETING THE REQUIREMENTS OF
20 THE FINAL PLAN APPROVAL IS SUBMITTED TO THE COUNTY AS REQUIRED UNDER §17-3-
21 304(A) [is recorded] within 12 months after the date of final plan approval or within the
22 time specified by the Office of Planning and Zoning under § 17-3-304(b); and

23
24 (3) the impact of the subdivision does not exceed the impact in the original study
25 that formed the basis for passing a test.

26
27 (b) **Effect of failure to meet time requirement.** Except as provided in subsection
28 (c), when a subdivision has met the requirements for adequate public facilities during
29 final plan review and the time requirement of subsection (a) is not met, the proposed
30 subdivision plan is void UNLESS THE PLANNING AND ZONING OFFICER GRANTS A
31 MODIFICATION TO ALLOW FOR ADDITIONAL TIME TO COMPLETE THE SUBDIVISION. THE
32 PLANNING AND ZONING OFFICER MAY NOT GRANT A MODIFICATION TO A DEVELOPER
33 WHO HAS FAILED TO RESPOND TO COUNTY COMMENTS AS REQUIRED BY THIS ARTICLE.
34

35 (c) **When time frame tolled.** The time requirement of this section is tolled on the
36 date that a subdivision is placed on the waiting list provided for in § 17-5-503. The time
37 requirement begins to run anew on the date that the development passes the adequacy of
38 public facilities tests for schools under § 17-5-501 or the date upon which the six-year
39 period provided for in § 17-5-503 has run.

40
41 **17-5-205. Duration of approval – Site development plan.**

42
43 (a) **Conditions to be met to retain approval.** Upon the recommendation of the
44 Office of Planning and Zoning that an application for a building or grading permit be
45 approved, no further approval for adequacy of public facilities, other than fire
46 suppression facilities, is required if:

47
48 (1) the building or grading permit is REVIEWED AND APPROVED FOR ISSUANCE
49 BY THE OFFICE OF PLANNING AND ZONING [issued] within 12 months or as otherwise

1 provided in a sketch plan or site development plan approval letter from the Planning and
2 Zoning Officer; and

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

6
7 (b) **Effect of failure to meet time requirement.** Except as provided in subsection
8 (c), when a development has met the requirements for adequate public facilities during
9 site development plan review and the time requirement of subsection (a) is not met, the
10 proposed site development plan is void UNLESS THE PLANNING AND ZONING OFFICER
11 GRANTS A MODIFICATION TO ALLOW FOR ADDITIONAL TIME TO COMPLETE SITE
12 DEVELOPMENT. THE PLANNING AND ZONING OFFICER MAY NOT GRANT A
13 MODIFICATION TO A DEVELOPER WHO HAS FAILED TO RESPOND TO COUNTY COMMENTS
14 AS REQUIRED BY THIS ARTICLE.

15
16 (c) **When time frame tolled.** The time requirement of this section is tolled on the
17 date that a development is placed on the waiting list provided for in § 17-5-503. The time
18 requirement begins to run anew on the date that the development passes the adequacy of
19 public facilities tests for schools under § 17-5-501 or the date upon which the six-year
20 period provided for in § 17-5-503 has run.

21
22 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
23 from the date it becomes law.