ARTICLE 17. SUBDIVISION AND DEVELOPMENT

Title

1. DEFINITIONS
2. GENERAL PROVISIONS
3. SUBDIVISION
4. SITE DEVELOPMENT
5. ADEQUATE PUBLIC FACILITIES
6. GENERAL DEVELOPMENT PROVISIONS
7. DEVELOPMENT REQUIREMENTS FOR PARTICULAR TYPES OF DEVELOPMENT
8. CRITICAL AREA OVERLAY
9. BOG OVERLAY
10. AGRICULTURAL LAND PRESERVATION
11. FEES AND SECURITY

TITLE 1. DEFINITIONS

Section 17-1-101. Definitions.


Unless defined in this article, the Natural Resources Article of the State Code, or COMAR, the definitions of words defined elsewhere in this Code apply in this article. The following words have the meanings indicated:

1. “ADA accessible” means accessible to persons with disabilities as required by the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101, et seq.

2. “Afforestation” has the meaning stated in Natural Resources Article, § 5-1601, of the State Code, for land outside the critical area, and the meaning stated in COMAR, Title 27 for land inside the critical area.

3. “Agricultural and resource area” has the meaning stated in Natural Resources Article, § 5-1601, of the State Code.

4. “Agricultural preservation subdivision” means a subdivision of land in a State agricultural preservation program for which an agricultural preservation easement has been acquired pursuant to the Agriculture Article, Title 2, Subtitle 5, of the State Code, and a subdivision of land in a County agricultural preservation program for which an agricultural easement has been acquired pursuant to this Code, including a subdivision under an easement that permits subdivision of “family conveyance lots.”

5. “Board of Education” means the Board of Education of Anne Arundel County.

6. “Bog protection plan” means a plan that:
(i) delineates the bog, the contributing streams, the 100-foot upland buffer, the limited activity area, and the contributing drainage area;
(ii) identifies natural features and rare, threatened, or endangered species; and
(iii) demonstrates how a proposed development will comply with the requirements of this Code.

(7) “Buffer management plan” means a plan approved by the Office of Planning and Zoning that governs development in the critical area buffer, in accordance with COMAR Title 27, including the re-establishment of a buffer.

(8) “Bulk parcel” means a non-buildable lot remaining after subdivision that has a potential for future development with the density that remains within the subdivision as a whole, on which all environmentally sensitive areas existing at the time of creation of the subdivision have been identified, that was not tested for adequacy of public facilities during subdivision, and that may not be further subdivided or otherwise developed without first passing the tests for adequacy of public facilities and complying with all applicable environmental regulations.

(9) “Bus or rail transit” means regularly operated public transit services using either motor buses under contract to the City of Annapolis, Anne Arundel County, or the State, or operated by the City of Annapolis, Anne Arundel County, or the State, or their successors or assigns, or light rail transit under the auspices of the State.

(10) “Capital Improvement Program” means an annual document prepared by the County indicating County capital projects that have an authorization for the current fiscal year or that are currently planned for the following five-year period.

(11) “Champion tree” has the meaning stated in Natural Resources Article, § 5-1601, of the State Code.

(12) “Clear sight triangle” means an area of unobstructed vision at a road intersection.

(13) “Clearing” is a form of development that means the process of cutting or removing trees, woody vegetation, ground cover, stumps, or roots, and does not include gardening or maintenance of an existing grass lawn or removal of hazardous trees as defined in COMAR, Title 27.

(14) “Condominium” has the meaning stated in Real Property Article, Title 11, of the State Code.

(15) “Contract school” means a school facility operated as a public school under contract with the Board of Education, located in privately owned facilities, and operated by Board of Education staff.

(16) “County” means Anne Arundel County, Maryland.

(17) “County Inventory of Historic Resources” means properties listed on the Maryland Inventory of Historic Properties, the National Register of Historic Places or the National Register of Historic Landmarks. Historic resources consist of properties, buildings, structures, districts, and archaeological sites that represent County history, that are associated with the lives of historically significant persons, that have historically significant architectural value, or that are capable of yielding information important to the County’s history or prehistory.

(18) “County Pedestrian and Bicycle Master Plan” means a plan adopted by the County Council which identifies alignments for pedestrian and bicycle facilities and sidewalks throughout the County.
(19) “County Procedures Manual” has the meaning stated in Article 16 of this Code.

(20) “Declaration of intent” means a document required under COMAR, Title 08, that is a notarized statement signed by a landowner certifying that the activity on the landowner’s property is exempted from and does not conflict with the forest conservation provisions of this article and does not conflict with the purposes of any other declaration of intent.

(21) “Dedicate” or “dedication” as used in this article means a grant of real property by its owner to the County for a public use.

(22) “Design Manual” has the meaning stated in Article 16 of this Code.

(23) “Developable area” means the area of a lot in which the principal and accessory structures may be located.

(24) “Developed woodlands” has the meaning stated in COMAR, Title 27.

(25) “Developer” means a person who engages in development.

(26) “Development” means the subdivision of property or any activity other than farming, gardening, or yard maintenance that results in a change in existing site conditions, including the establishment of a use; the change of a use; the improvement of property through construction, alteration, or relocation of a structure; the provision of stormwater management or roads; grading; and clearing.

(27) “Disturbance” is a form of development that means cutting or removing vegetation or grading or filling activities, including any alteration or change to the land, including any amount of clearing, grading, or construction activity, but not including gardening or maintenance of an existing grass lawn.

(28) “DPW Design Manual” has the meaning stated in Article 16 of this Code.

(29) “Easement” means a non-possessory interest in land that creates the right to use the property of another for a specific purpose or that imposes limitations upon use or obligations to preserve or maintain all or a specified portion of the property.

(30) “Environmental site design (ESD)” means:
   (i) using small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources; and
   (ii) using design methods specified in the State Stormwater Management Design Manual.

(31) “Environmentally sensitive areas” means the area of a site which contains tidal and nontidal wetlands, bogs, 100-year floodplains, streams, steep slopes, and all associated buffers, and, in the critical area, also includes habitat protection areas. These areas may also include future overlay zones designated by the County Council as environmentally sensitive areas.

(32) “Facade” means the exterior walls on an enclosed or covered portion of a structure.

(33) “Final plan” means the application and materials submitted with an application for final plan review.

(34) “Flag lot” means a lot with two distinct parts: the flag, which is the portion of the lot that is buildable, and the pole, which connects the flag to the road.

(35) “Floodplain” has the meaning stated in Article 16 of this Code.
(36) “Forest” has the meaning stated in Natural Resources Article, § 5-1601, of the State Code.

(37) “Forest conservation” has the meaning stated in Natural Resources Article, § 5-1601, of the State Code.

(38) “Forest conservation plan” means a document prepared by a qualified professional under COMAR, Title 08, that demonstrates a priority for the retention of existing onsite forest and that provides for any required afforestation and reforestation.

(39) “Forest management” means the protection, manipulation, and utilization of the forest to provide multiple benefits, including timber harvesting, water transpiration, and wildlife habitat.

(40) “Forest management plan” means a document prepared by a registered professional forester that gives direction for the management of forests for purposes of sustainability, recreation, wildlife enhancement, planting and regeneration, or regeneration or disturbance activities, such as harvesting, thinning, or cutting of a forest.

(41) “Forest stand delineation” has the meaning stated in Natural Resources Article, § 5-1601, of the State Code.

(42) “Forestation agreement” means a contract that requires the property owner and developer to plant, replant, reforest, or afforest in accordance with an approved forest conservation plan, buffer management plan, or bog protection plan and to maintain the planting, replanting, reforestation, or afforestation for a period of two years.

(43) “Frontage” means that portion of a lot that adjoins a road and provides access to the lot, except on waterfront lots where it is that portion of a lot abutting the mean high-water line, or abutting platted land owned by a homeowner’s association or the County that abuts the mean high-water line.

(44) “General Development Plan” means the plan adopted by the County Council in accordance with Article 18 of this Code.

(45) “Geographical attendance area” has the meaning stated in Education Article, § 4-109, of the State Code.

(46) “Growing season” means the period of time during which consecutive frost-free days occur.

(47) “Habitat protection area” means an area that is designated for protection under Natural Resources Article, § 8-1806, of the State Code, or by the Secretary of Natural Resources. “Habitat protection area” includes:

(i) the buffer as defined in COMAR, Title 27;

(ii) a nontidal wetland as defined in COMAR, Title 26;

(iii) a habitat of a threatened species as defined in COMAR, Title 27;

(iv) a habitat of an endangered species as defined in COMAR, Title 27;

(v) a habitat of a species in need of conservation as defined in COMAR, Title 27;

(vi) a plant habitat as defined in COMAR, Title 27;

(vii) a wildlife habitat as defined in COMAR, Title 27; and

(viii) anadromous fish propagation waters as defined in COMAR, Title 27.

(48) “High density residential use” for purposes of afforestation and reforestation means a use located in a zoning district with an allowed density of greater than one dwelling unit per acre.
“Highly erodible soils” means those soils with a K value greater than .35 and with slopes greater than 5%, and for land within the critical area, slopes greater than 15%.

“Highway traffic sound level” means the peak-notice-hour average sound level for the road with level of service (“LOS”) D traffic in the current roadway configuration or with approved future improvements.

“Historic waterfowl staging and concentration area” has the meaning stated in COMAR, Title 27.

“Hydraulic soil” means soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

“Hydrophytic vegetation” has the meaning stated in COMAR, Title 27.

“In-kind replacement” means removal of a permanent structure and the construction of another permanent structure that is smaller than or identical to the original structure in use, footprint, area, width and length.

“Institutional development use” for purposes of afforestation and reforestation means a school, college or university, military installation, transportation facility, utility or sewer project, government office or facility, golf course, recreation area, park, or cemetery.

“K value” means the soil erodibility factor in the universal soil loss equation.

“Landscape Manual” means the Anne Arundel County Landscape Manual.

“Linear project” has the meaning stated in Natural Resources Article, § 5-1601, of the State Code.

“Lot” means land depicted and shown on a recorded plat that was approved in accordance with the subdivision laws in effect at the time of plat recordation, land described in a recorded deed that was subdivided in accordance with the subdivision laws in effect at the time of deed recordation, land located entirely outside the critical area that is described in a deed that was recorded in the land records before September 7, 2004, and land for which a court order has established a new boundary line or lines. This definition does not include land platted as a road that is owned pursuant to Real Property Article, § 2-114, of the State Code.

“Lot coverage” has the meaning stated in Natural Resources Article, § 8-1802, of the State Code.

“Medium density residential use” for purposes of afforestation and reforestation means a use located within a zoning district with an allowed density greater than one dwelling unit per five acres but no more than one dwelling unit per acre.

“Minor subdivision” means:
(i) an agricultural preservation subdivision; or
(ii) a subdivision not previously shown on a record plat approved by the County and involving no more than five lots for single-family detached dwellings for which the extension of public roads, water, or sewer is not required.

“Natural features” means floodplains, slopes of 15% or greater, soil types, streams, tidal and nontidal wetlands, and vegetation.

“Natural runoff conveyance system” means a system that is designed to provide (i) shallow aquatic pools, riffle grade controls, and native vegetation in order to restore the natural stream characteristics of a conveyance channel such as a regenerative step pool storm conveyance (SPSC) system, and (ii) the minimization of impacts to or enhancements of the
conveyance channel buffer or any associated wetlands to ensure certain flood conveyance and attenuation.

(65) “Nontidal wetland” has the meaning stated in COMAR, Title 26.

(66) “Office” means the Office of Planning and Zoning.

(67) “Open area” means that portion of a lot that protects natural features and provides for recreational activities and that is required only when an open space lot is not created under § 17-6-111.

(68) “Open space” means a separate lot that serves to protect natural features and provide for recreational activities.

(69) “Outdoor activity area” means outdoor areas for common and extended human use that is more than transient in nature. Outdoor activity areas include patios, decks, balconies, swimming pools, gazebos, playgrounds, and related outdoor amenities. Outdoor activity area does not include front and side yards of single-family detached dwellings and all yards of multifamily dwelling units that are not occupied by an approved patio, deck, or balcony.

(70) “Owner” means a person who holds fee simple title.

(71) “Pervious manmade surface” means any surface or lot coverage that does not meet the definition of “impervious surface” as defined in Article 16 of this Code and is installed in accordance with manufacturer’s specifications.

(72) “Preliminary plan” means the application and materials submitted with an application for preliminary plan review.

(73) “Public works agreement” means a contract between a developer and the County that requires the developer to install public improvements, including public improvements relating to roads, storm drains, water, and sewer.

(74) “Reforestation” has the meaning stated in Natural Resources Article, § 5-1601, of the State Code, for land outside the critical area and, for land in the critical area means the establishment of a forest through artificial reproduction or natural regeneration.

(75) “Reservation” means the identification and setting aside of an area of land in a subdivision for future acquisition for public use that subjects the land reserved to use limitations for a specified period of time and that may be designated on the General Development Plan or in the County or State Capital Improvement Program or the State highway needs inventory.

(76) “Reviewing agencies” means an advisory group of federal, State, or County agencies designated by the Office of Planning and Zoning to provide comments on applications.

(77) “Scenic or historic road” means a road shown on the official map entitled “Scenic and Historic Roads, 2006 adopted by the County Council.

(78) “Scheduled completion year” means three years after approval of the first sketch, final, preliminary, or site development plan that has been approved for adequacy of public facilities.

(79) “School year” means the one-year period of time beginning on September 30th and ending on September 29th of the following calendar year.

(80) “Sketch plan” means the application and materials submitted with an application for sketch plan review.

(81) “Slope” means a natural incline for land outside the critical area. For land inside the critical area, “slope” means any incline whether natural or manmade.
“Soil conservation and water quality plan” means a farm plan approved by a local soil conservation district to minimize soil erosion, and to minimize the movement of sediment, animal waste, nutrients, or agricultural chemicals into the waters of the State.

“Steep slope” means a 25% or greater slope that has an onsite and offsite contiguous area that is greater than 5,000 square feet over 10 feet vertical as measured before development. In the critical area, “steep slope” means a 15% or greater slope that is over six feet vertically as measured before development.

“Subdivision” means the division of land so as to create two or more lots, the revision of a record plat previously approved by the County, or the establishment of a record plat for land not shown on a record plat previously approved by the County.

“Tidal wetlands” means “private wetlands” or “State wetlands” as defined in the Environment Article, § 16-101, of the State Code.

“Tree” has the meaning stated in Natural Resources Article, § 5-1601, of the State Code.

“Tree of significant size” means a tree that, in accordance with Natural Resources Article, Title 5, of the State Code, has a diameter measured at 4.5 feet above the ground of 30 inches or more or that is 75% or more of the diameter of the current State champion tree of that species.

“Tributary stream” has the meaning stated in Natural Resources Article, § 8-1802, of the State Code.

“Waterfowl” has the meaning stated in COMAR, Title 27.

“Whip” has the meaning stated in Natural Resources Article, § 5-1601, of the State Code.

“Wildlife corridor” has the meaning stated in COMAR, Title 27.

§ 17-2-101. Scope; applicability.

TITLE 2. GENERAL PROVISIONS

Section

17-2-101. Scope; applicability.
17-2-102. Policy.
17-2-103. Compliance with other law.
17-2-104. Administration and interpretation.
17-2-105. Original developer lots.
17-2-106. Consolidation without subdivision.
17-2-110. County webpage notices.
17-2-111. Expedited review program.
(a) **Scope.** This article applies to all land located in the County, except that it does not apply to land owned or leased and developed by the County or the Board of Education unless federal or State law requires compliance with this article. The provisions of this article are minimum requirements and are in addition to other requirements of this Code.

(b) **Applicability to pending and future proceedings.** Subject to the grandfathering provisions of COMAR Title 27, 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;
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 November 22, 2010 until recordation of the record plat if the County approves an administrative waiver as stipulated in COMAR, Title 26 or the project is exempt from the administrative waiver process;
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 November 22, 2010 for the development approved by the permit if the County approves an administrative waiver as stipulated in COMAR, Title 26 or the project is exempt from the administrative waiver process;
8. subject to the election provisions of subsection (10), an application for subdivision filed before November 19, 2012, and related permit and plan applications and approvals for the subdivision, shall be governed by the law as it existed prior to April 16, 2013, until November 19, 2017;
9. subject to the election provisions of subsection (10), an application for a building or grading permit, including preliminary plan approval and site development plan approval, filed before November 19, 2012 shall be governed by the law as it existed prior to April 16, 2013; and
10. for any application described in subsection (8) or (9), the applicant may make an election, in writing and filed with the Planning and Zoning Officer no later than July 1, 2013, to be governed by the law as it exists after April 16, 2013.

(Bill No. 3-05; Bill No. 77-05; Bill No. 52-06; Bill No. 59-10; Bill No. 93-12; Bill No. 76-13)

§ 17-2-102. **Policy.**
The policy of the County is to:

(1) establish standards for logical, sound, and economical development;
(2) provide for adequate light, air and privacy; secure safety from fire, flood, and other danger; prevent population congestion and overcrowding of the land; provide orderly expansion and extension of community services and facilities at minimum cost and maximum convenience;
(3) provide for the proper arrangement of roads in relation to those existing or planned and to provide for the most beneficial relationship between the use of land, buildings, traffic, and pedestrian movements;
(4) improve the quality of life through protection of the environment, including the prevention of air, water, light, and noise pollution, the prevention of soil erosion, and the preservation of natural features;
(5) minimize adverse impacts on water quality; conserve plant, fish, and wildlife habitat; and foster appropriate development activity for shoreline areas;
(6) conserve and protect forests, woodlands, and trees;
(7) ensure appropriate surveying of land, preparing and recording of plats, and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by developers;
(8) ensure that land is subdivided so that it may be used safely for building purposes;
(9) ensure that land is not subdivided or developed until adequate facilities and improvements, such as drainage, water, sewerage, and open space, are provided or security acceptable to the County is given to ensure that the required improvements will be made;
(10) ensure that existing and proposed public improvements conform with and are related to the proposals shown in the General Development Plan, Capital Improvement Program, and development programs of the County; and
(11) supplement and facilitate the enforcement of the provisions and standards contained in Article 15 of this Code, Article 18 of this Code, the General Development Plan, and the Capital Improvement Program of Anne Arundel County.

(Bill No. 3-05)

§ 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 applicable environmental site design techniques.

(Bill No. 3-05; Bill No. 59-10)

§ 17-2-104. Administration and interpretation.

This article is administered and interpreted by the Planning and Zoning Officer and the Office of Planning and Zoning, except that the expedited review program established under § 17-2-111 may also be administered by the Director of Inspections and Permits and the Department of Inspections and Permits.

(Bill No. 3-05; Bill No. 23-16)
§ 17-2-105.  Original developer lots.

(a)  **Definition.** "Original developer lot" means a lot on a plat recorded before January 15, 1970 that, before January 15, 1971, was not (1) the subject of an executed public works agreement and (2) transferred to a third-party bona fide purchaser for value.

(b)  **Requirement.** An original developer lot is not a buildable lot unless and until the owner completes subdivision under this article.

(Bill No. 3-05; Bill No. 77-05)

§ 17-2-106.  Consolidation without subdivision.

The owner of contiguous properties may consolidate the properties by deed without initiating subdivision if the consolidation of the properties does not create a violation of the development provisions of this article or a violation of the provisions of Article 18 of this Code, or, within the critical area, in compliance with COMAR, Title 27. The Office of Planning and Zoning shall not recognize as one lot consolidated parcels that include land within a platted and recorded road or right-of-way.

(Bill No. 3-05; Bill No. 59-10; Bill No. 93-12)


(a)  **Scope.** This section applies to any application that includes a modification to permit direct impact to environmentally sensitive areas, a subdivision of property that adjoins a residentially zoned and developed lot, and development of a commercial, industrial, or institutional use, or an active recreational use as defined in § 18-1-101, that adjoins a residentially zoned and developed lot. It does not apply to an application for an amended record plat that does not impact the adequacy of public facilities or to development that the Planning and Zoning Officer determines will have no impact on the use and enjoyment of adjoining property.

(b)  **Time for application and review, generally.** An application for an amended record plat may be submitted prior to the community meeting required by subsection (c), but the Office of Planning and Zoning will generally not review the application until after the required community meeting, and is otherwise subject to the requirements of this section.

(c)  **Meetings required.** In the six-month period before the initial submission of a subdivision or preliminary plan that falls within the scope of this section, the developer shall hold a community meeting for the purpose of presenting information regarding the development, including proposed stormwater management design and any requested modifications, and allowing the community to ask questions and provide comments. Additionally, within 45 days after the submission of a final plan or site development plan that falls within the scope of this section, the developer shall hold a community meeting for the purpose of presenting information regarding changes made to the information presented at the initial submission meeting and allowing the community to ask questions and provide comments. The meeting shall be held in the County, Monday through Thursday, beginning between the hours of 6:00 p.m. and 8:00 p.m., at an ADA accessible facility located within five miles of the development site. However, if, in the opinion of the Planning and Zoning Officer, the five mile restriction is impracticable, then the meeting shall be held at a location as may be authorized by the Planning and Zoning Officer in writing.
(d) **Notice.** At least 21 days before the date of the community meeting, the developer shall mail by first class mail a notice of the date, time, and location of the meeting to all lot owners within 175 feet of the property to be subdivided; to the president of any community or homeowners’ association of any subdivision that is located within 175 feet of the property to be subdivided that is on the list of community associations, persons, and organizations maintained in the Office of the County Executive; to the Office of Planning and Zoning; and to the Councilmember of the Councilmanic District in which the subdivision is located and, if the property abuts another Councilmanic district, to that County Councilmember.

(Bill No. 3-05; Bill No. 77-05; Bill No. 62-07; Bill No. 59-10; Bill No. 15-12)


(a) **Generally.** The Planning and Zoning Officer may approve an application for a modification to any provision of this article other than one contained in Titles 5, 8, or 9, except as allowed by §§ 17-5-203(b), 17-5-205(b), 17-8-201(b), 17-8-203(c), 17-8-403, 17-8-601(b)(2), 17-8-601(c), 17-8-901, or 17-9-401, and to any applicable regulations, manuals, or specifications, including the DPW Design Manual, upon finding that:

1. practical difficulties or unnecessary hardship will result from strict application of this article;
2. the purposes of this article, including minimization and mitigation of environmental impacts through the use of clustering or other available design alternatives to preserve the character of the impacted area, will be served by an alternative proposal;
3. the modification is not detrimental to the public health, safety, or welfare or injurious to other properties; and
4. the modification does not have the effect of nullifying the intent and purpose of this article, the General Development Plan, or Article 18 of this Code.

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

(c) **Modification not required.** At the discretion of the Planning and Zoning Officer, demolition of existing structures may proceed without a modification of site development plan requirements in order to abate a civil infraction that violates this Code or to protect the public health or safety.

(d) **Modification to eliminate sketch plan review or preliminary plan review.** The Planning and Zoning Officer may grant a modification to the requirement of a sketch or preliminary plan review for redevelopment and development within the town center districts if the applicant demonstrates to the Planning and Zoning Officer’s satisfaction that adequate public facilities will be available to serve the development at the time of final plan or site development plan approval and that the final plan or site development plan will satisfy environmental site design standards and techniques for stormwater management and roads.

(e) **Conditions.** In granting a modification, the Planning and Zoning Officer may require conditions to secure the objectives of the provision that has been modified.

(Bill No. 3-05; Bill No. 59-10; Bill No. 9-11; Bill No. 93-12)

(a) **When allowed.** A person aggrieved by the approval or denial of a modification, the approval or denial of a sketch plan, or the approval or denial of a final plan may file an appeal to the Board of Appeals within 30 days of the date of such approval or denial.

(b) **Issues on appeal.** The Board of Appeals may not:

1. hear or decide in an appeal from the approval or denial of a final plan issues that were decided in the approval or denial of a sketch plan but not appealed; or
2. reconsider in an appeal from the approval or denial of a final plan issues that were decided in an appeal from the approval or denial of a sketch plan.

(Bill No. 3-05; Bill No. 77-05; Bill No. 93-12)

§ 17-2-110. **County webpage notices.**

(a) **Requirements for posting.** The Office of Planning and Zoning regularly shall cause the following to be posted on the County’s webpage:

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 community meetings required by this article;
6. a list of submitted site development plans provided to the County Executive in accordance with § 17-4-208; and
7. the County Landscape Manual.

(b) **Timing.** The Office of Planning and Zoning shall cause notice of the approval or denial of applications for a modification, the approval or denial of applications for sketch plan approval, and the approval or denial of applications for final plan approval to be posted on the County’s webpage within five days after the date of the approval or denial.

(Bill No. 3-05; Bill No. 20-05; Bill No. 77-05; Bill No. 59-10)

§ 17-2-111. **Expedited Review Program.**

(a) **Program established.** There is an expedited review program that may be utilized in lieu of the review process provided in this article for engineered water and sewer, road, storm drain, stormwater management or grading plans outside the critical area overlay.

(b) **Generally.** A developer may elect to participate in the expedited review program and contract for private review of engineered water and sewer, road, storm drain, stormwater management or grading plans by reviewers certified by the County.

(c) **Process and procedure.** The Office of Planning and Zoning and the Department of Inspections and Permits shall adopt regulations, forms and compliance checklists to implement the expedited review program, which shall include the following provisions.

1. All expedited reviews shall be at the sole cost of the developer.
2. All potential certified reviewers shall meet minimum qualifications established by the Office of Planning and Zoning and the Department of Inspections and Permits.
3. The Office of Planning and Zoning and the Department of Inspections and Permits shall maintain a rotation list of all certified reviewers and refer requests for review from the list of certified reviewers on a rotation. The Office of Planning and Zoning and the Department of Inspections and Permits shall determine which certified reviewers received the
last request and refer the requesting applicant the names of the next three certified reviewers on
the list to review the application. The applicant shall notify the Office of Planning and Zoning
and the Department of Inspections and Permits of their selection of a certified reviewer within
three days of execution of an agreement with a certified reviewer.

(4) Certified reviewers shall enter into an agreement to indemnify the County
from any and all claims or liabilities arising out of negligent acts or omissions of the certified
reviewer.

(5) All recommendations for plan approval by certified reviewers are subject
to review by the Office of Planning and Zoning and the Department of Inspections and Permits.

(6) Notwithstanding a recommendation for plan approval by a certified
reviewer, final plan approval authority remains solely with the Office of Planning and Zoning
and the Department of Inspections and Permits.

(7) Certified reviewers may not have an interest, as that term is defined in §
7-1-101 of this Code, in any project in which they are retained to perform a review or have an
interest in any other project or business entity of the developer who is requesting expedited
review from the reviewer, or in any business entity in which the developer and the reviewer have
a shared interest. Certified reviewers shall disclose any interest in projects or businesses as part
of the qualification process and have an affirmative duty to update the disclosure annually.

(8) The program shall include a process to address complaints regarding
certified reviewers and remedies, including de-certification.

(d) In lieu of County review. Expedited review under this section shall be in lieu of
the County review process under Title 3 and Title 4 of this article, provided, however, that all
plans recommended for approval by expedited review shall be reviewed by the Office of
Planning and Zoning and the Department of Inspections and Permits for compliance with all
applicable requirements of State and County law, and may not be approved until full compliance
is confirmed.

(e) Time for final review. Final plan review by the Office of Planning and Zoning
and the Department of Inspections and Permits of engineered water and sewer, road, storm drain,
stormwater management or grading plans recommended for approval by a certified reviewer
shall be completed no later than 10 days after certification and written request for approval from
a certified reviewer.

(f) Reporting to County Council. No later than July 1 of each year, the Planning
and Zoning Officer, through the Office of Planning and Zoning, the Department of Inspections
and Permits, the Chief Administrative Officer, and the County Executive, shall submit an annual
report to the County Council describing the operation of the expedited review program, including
a summary of the program from the preceding year, the number of certified reviewers approved,
the number of projects that elected and completed the expedited review process, the time frame
for projects to complete the expedited review process, and any disciplinary actions.

(g) Disclosure of expedited review election. The Office of Planning and Zoning
and Department of Inspections and Permits shall maintain a list on the County website of all
projects for which a developer has opted for expedited review by a certified reviewer. The list
shall include the date of request, type of review requested and the deadline for submission of the
reviewed application to the Office of Planning and Zoning or Department of Inspections and
Permits.

(Bill No. 23-16)
TITLE 3. SUBDIVISION

Section

Subtitle 1. In General

17-3-101. Scope.

Subtitle 2. Sketch Plans

17-3-201. Sketch plan application.
17-3-203. Review; County report; developer re-submittal.
17-3-204. Expiration of approved sketch plan.

Subtitle 3. Final Plans

17-3-301. Final plan application.
17-3-302. Contents of proposed record plat.
17-3-303. Review process.
17-3-304. Completion of subdivision.

Subtitle 4. Requirements for All Subdivisions

17-3-401. Lot and block size.
17-3-402. Historic resources.
17-3-403. Reservation of land for public facilities.
17-3-404. Acceptance of land or improvements for public purpose.
17-3-405. Subdivision name.
17-3-406. Compliance with criteria for environmental site design.

Subtitle 5. Residential Subdivisions

17-3-501. Scope.
17-3-502. Lot design criteria.
17-3-503. Road frontage.
17-3-504. Setbacks from transmission mains and power lines.
17-3-505. Residential subdivisions abutting heavy industrial zones.

Subtitle 6. (Reserved)

Subtitle 7. Floodplain

17-3-701. 100-year floodplain requirements.

Subtitle 8. Amended Record Plats

17-3-801. Amended record plats.

SUBTITLE 1. IN GENERAL
§ 17-3-101. Scope.

This title applies to subdivision only.

(Bill No. 3-05)

SUBTITLE 2. SKETCH PLANS

§ 17-3-201. Sketch plan application.

(a) **Generally.** Unless a modification of the requirement for the filing of an application for sketch plan approval is granted, a subdivision other than a minor subdivision shall be initiated by filing an application for sketch plan approval prepared by and under the seal of a qualified professional.

(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 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;
2. A landscape plan that is in compliance with the Landscape Manual;
3. The estimated quantity of proposed excavation and fill;
4. A forest stand delineation;
5. A bog protection plan for a bog protection area;
6. Maps of existing and proposed drainage areas at a scale of 1" = 100' for sites less than 25 acres and 1" = 200' for sites greater than 25 acres;
7. A traffic impact study;
8. In the critical area:
   i. A sediment control plan for all forest or woodland disturbance of 5,000 square feet or more;
   ii. A buffer management plan as required by COMAR, Title 27;
   iii. A critical area report and habitat assessment; and
   iv. All computations and data necessary to determine if the 10% pollutant reduction requirements of § 16-4-205 of this Code are met;
9. An equivalent dwelling unit (EDU) worksheet; and
10. A copy of a summary of comments received at the pre-submission community meeting; an affidavit signed by the developer or other evidence acceptable to the Office of Planning and Zoning to prove that a community meeting was held and that a copy of the summary of comments was mailed to each participant at the pre-submission community meeting, to all lot owners within 175 feet of the property to be subdivided, and to the County.
§ 17-3-202. Public notice.

(a) Signs required. Within seven days after the filing of an application for sketch plan approval, signs that face all contiguous rights of way shall be posted on the property and the developer shall file a certification with clear photographic evidence to verify compliance with this subsection. The Office of Planning and Zoning shall furnish signs to the developer that contain, at a minimum, the project and subdivision number, the name of the applicant, and a telephone number for additional information. The developer is responsible for posting and maintaining the signs.

(b) Location. Signs shall be located not more than 10 feet from each boundary of the property that abuts a public road or navigable water, except that, if required by flora covering the property or topographic conditions of the land, a sign may be posted farther than 10 feet from the boundary to enhance its visibility. If the property does not abut a public road, one or more signs shall be posted in locations that can be readily seen by the public. The bottom of each sign shall be erected three feet above the ground.

(c) Notice to community associations and others. Within seven days after the filing of an application for subdivision that proposes to create additional lots, the Office of Planning and Zoning shall provide to the Office of the County Executive the information contained on the signs; the Councilmanic District where the property is located; and, if the property abuts another Councilmanic District, an identification of that Councilmanic District. The Office of the County Executive shall send a notice containing that information to each community association, person, and organization on its list that is located in the Councilmanic District of the property proposed for subdivision and any abutting Councilmanic District.

§ 17-3-203. Review; County report; developer re-submittal.

(a) Developer submittal; approval or denial. As promptly as possible after the filing of a sketch plan, but not later than 15 days prior to the Comment Review Committee meeting as required by subsection (b), the Office of Planning and Zoning shall provide the developer, the developer’s representative and all reviewing agencies, with a written approval or denial of the sketch plan application, including a report of all findings, comments, and recommendations of reviewing County agencies, and if applicable a notice of the date, time and location of the Comment Review Committee meeting. The written approval or denial will resolve inconsistencies and conflicts among agency comments and will offer the applicant direction on how to proceed to final plan review, or what issues need to be addressed with a new application for sketch plan approval.

(b) Comment Review Committee meeting; meeting summary. Within 75 days after the filing of a sketch plan, the developer may request that the Office of Planning and Zoning schedule at its office, or at a mutually agreed upon location, a meeting of the Development Review Team Leader and Office of Planning and Zoning reviewers, representatives of other County reviewing agencies, and the developer and its representatives.
The Committee will discuss the report provided under subsection (a), reviewing agencies’ comments, and any other matters that pertain to the submittal and approval of the plan. Within 15 days of the meeting, the Office of Planning and Zoning shall confirm in writing to the developer and the developer’s designated representatives a summary of the meeting including any recommendations, requirements for approval, or other unresolved matters to be addressed before approval may be granted. If the meeting summary includes findings, comments or recommendations that were not discussed during the Comment Review Committee meeting, the developer may request that the Office of Planning and Zoning schedule a follow-up meeting of the reviewing agencies to address such issues.

(c) **Developer re-submittals; comments by the County.** After the developer files a sketch plan re-submittal, the Office of Planning and Zoning shall provide promptly any further findings, comments, and recommendations of the County through its reviewing agencies, and shall attempt to resolve inconsistencies or conflicts among the agency comments. Within 60 days after the date the report is mailed, the developer shall file a sketch plan re-submittal that addresses the findings, comments, and recommendations. This process continues unless the application becomes void under subsection (e) or action is taken on the application under subsection (g).

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

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

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

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

(Bill No. 3-05; Bill No. 90-09; Bill No. 59-10; Bill No. 7-11)

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

A sketch plan expires 12 months after it is approved by the Office of Planning and Zoning unless a final plan is submitted for review prior to sketch plan expiration. Notwithstanding any modifications granted to allow for additional time to complete a sketch plan, the Planning and Zoning Officer may extend approval of the sketch plan for a period not to exceed one year from the original date of expiration upon receipt of a written request made for good cause not less than 15 days before the expiration of the sketch plan approval. Upon expiration of a sketch plan the developer shall file a new sketch plan application and pay required fees prior to further review.
§ 17-3-301. Final plan application.

(a) Generally. A minor subdivision is initiated by the filing of an application for final plan approval. All other subdivisions are initiated by an application for sketch plan approval. Final plan review of subdivisions other than minor subdivisions may only proceed after the sketch plan has been approved or the Planning and Zoning Officer has granted a modification to eliminate the sketch plan review requirement. An application for final plan approval shall be prepared by and under the seal of a qualified professional.

(b) Contents. A final plan shall include all information required to be in a sketch plan.

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

(1) a final infrastructure construction plan, 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 forest conservation plan;

(3) drafts of all other deeds, easements, rights-of-way, agreements, and other documents required by this article and requested by the Office of Planning and Zoning;

(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 as required by COMAR, Title 27;

(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;

(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.

(d) Public notice. Unless public notice has already been provided in connection with an application for sketch plan approval, within seven days after the filing of an application for final plan approval, signs shall be posted and notice to community associations and others given as provided in § 17-3-202.

§ 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:

(1) a title block in the lower right corner that includes:

(i) a proposed subdivision name that does not duplicate or closely approximate any other subdivision name;
(ii) the title, scale, date, and Maryland NAD 83;
(iii) the location by County and State and the assessment district;
(iv) if the final plan was for a site that is less than what was covered by the sketch plan, the subdivision name and section, the outlines of the proposed subdivision, roads within 1,000 feet of the proposed subdivision, and abutting properties; and
(v) for all unsubdivided property within 200 feet of the boundaries of the proposed subdivision, the name and address of the property owner of record and the tax map, block, and parcel number;

(2) for a subdivision served by public water and public sewer, a signature block to the left of the title block for the Planning and Zoning Officer, indicating that the Planning and Zoning Officer signs for the Office of Planning and Zoning and for the Health Officer or, for all other subdivisions, separate signature blocks for the Health Officer and Planning and Zoning Officer to the left of the title block, with an identification of whether the subdivision is served by well and septic, well and public sewer, or public water and septic;

(3) the name, address, phone number, fax number, and e-mail address of the consultant who submitted the plat to left of the signature blocks in the lower left corner of the plat;

(4) a vicinity map in the upper right corner;

(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;

(6) a tabulation below the general notes that includes the total number of lots; the current zoning of the property; the net density of the site; the density of any bulk parcel; and the gross area of the site, each lot, open space, recreation area, floodplain, public road rights-of-way, and private road rights-of-way;

(7) reference to each condition, covenant, and restriction relating to the use and maintenance of open space;

(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 markers, have been satisfied. There are no suits, actions at law, leases, liens, mortgages, trusts, easements, or rights-of-way affecting the property included in this record plat other than the following: ___________________________. All owners of the property, with the exception of lienholders, have affixed their signatures and seals on this record plat.

Witness and date:     Owner and date:     _____________________________   _________________________(Seal)
(9) for a residential subdivision in which open space is required, one of the following paragraphs within the dedication:

The open space shown on this record plat is conveyed to Anne Arundel County, Maryland, by deed to be set aside for public use, such lands being deeded to Anne Arundel County, Maryland, or the State of Maryland, as may be appropriate, before or with the recordation of this plat.

or

The open space shown on this record plat is set aside for the use of the residents of the subdivision and is conveyed to ______________________________________________________ [insert name of incorporated homeowners' association] before or with the recordation of this plat.

or

In lieu of setting aside open space, the owner(s) has/have paid a fee to Anne Arundel County, Maryland for the County's acquisition, creation, maintenance, and administration of offsite open space.

(10) a surveyor's certificate in the following form:

Surveyor's Certificate

I certify that this record plat is correct; that it is a subdivision of [indicate “part” or “all”] of the lands conveyed by

__________________________________________________________

[insert names of immediate prior grantors]

to ________________________________________________________

[insert names of present owners]

by deed dated _________ and recorded in the land records of Anne Arundel County, Maryland, in Liber ________, Folio _______, and that the requirements of the Real Property Article, § 3-108, of the State Code, concerning the making of plats and setting of markers, have been satisfied.

________________________________________

Date Surveyor's signature

Surveyor's typed name and address: Surveyor's professional seal:

________________________________________

___________________________ SEAL

(11) a notice to title examiners in the following form:

Notice to Title Examiners

This plat has been approved for recording only and shall become null and void unless a public works agreement has been executed and delivered simultaneously with the approval of this plat or no later than twelve months after this plat has been recorded.

(12) the name, address, and seal of the registered land surveyor responsible for creating the plat placed above the owner and surveyor certification on the left margin of the plat;
(13) all plat boundary lines, with lengths and courses to hundredths of a foot and bearings related to the County grid coordinate system to a minimum accuracy of 30 seconds, as determined by a survey in the field, with a minimum adjusted error of closure of one in 10,000;

(14) location and identifying marks for all permanent reference monuments and markers;

(15) the exact layout, including:
   (i) the lengths of all arcs, radii, and tangents;
   (ii) all lines with dimensions in feet and hundredths and with bearings to a minimum accuracy of 10 seconds;
   (iii) easements and rights-of-way;
   (iv) the limits of each 100-year floodplain, coastal floodplain, and coastal high hazard area; and
   (v) all lots numbered in numerical order and all blocks lettered in alphabetical order in the manner required by the Office of Planning and Zoning;

(16) accurate outlines with dimensions and acreage of a lot reserved for acquisition and use by the County or the Board of Education;

(17) the gross area of each lot;

(18) the critical area boundary;

(19) the boundaries of an historic resource, archaeological site, or cemetery;

(20) the location of noise mitigation measures;

(21) the boundaries of a bulk parcel, with a note stating that the parcel may not be subdivided or otherwise developed without first passing the tests for adequacy of public facilities; and

(22) for a subdivision in the critical area:
   (i) a chart containing clearing calculations by lot, in compliance with limitations established in § 17-8-602; and
   (ii) a chart containing coverage calculations by lot and including reservation of coverage for future use, in compliance with the limitations and requirements established in § 17-8-402(d).

(Bill No. 3-05; Bill No. 59-10; Bill No. 93-12; Bill No. 17-16)

§ 17-3-303. Review process.

(a) County report; developer re-submittal. As promptly as possible after the filing of the application for final plan approval, but no later than 60 days after the filing of the application for final plan approval or 45 days after filing of the application for a minor subdivision or amended plat, the Office of Planning and Zoning shall provide to the developer a written report of the findings, comments, and recommendations of the County through its reviewing agencies. The report shall attempt to resolve inconsistencies or conflicts among the agency comments. Within 10 days after receiving the report, the developer may request that the Office of Planning and Zoning schedule a Comment Review Committee meeting on the final plan comments in the same manner specified in § 17-3-203(a) and (b). Within 60 days after the date the report is mailed, or after the developer receives the summary of the Comment Review Committee, the developer shall file a final plan re-submittal that addresses the findings, comments, and recommendations contained in the report.
Further comments by the County; further developer re-submittals. After the developer files a final plan re-submittal, the Office of Planning and Zoning shall provide promptly, or within 30 days for an application for a minor subdivision or amended plat, any further findings, comments, and recommendations of the County through its reviewing agencies, and shall attempt to resolve inconsistencies or conflicts among the agency comments. Within 60 days after the date the report is mailed, the developer shall file a final plan re-submittal that addresses the findings, comments, and recommendations. This process continues unless the application becomes void under subsection (d) or action is taken on the application under subsection (f).

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

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

Odenton Growth Management Area. In the Odenton Growth Management Area, development is subject to the review timeline set forth in the Odenton Town Center Master Plan.

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

§ 17-3-304. Completion of subdivision.

Action required by developer within twelve months. Within 12 months after the date of approval of a final plan, a developer shall:

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

(2) prepare, execute, and deliver at one time a forestation agreement, a digital copy of the proposed record plat that satisfies digital plat specifications posted on the County website, and all other deeds, easements, rights-of-way, bonds, fees, homeowners association and community association documents, and other documents required by this article.

Public works agreement. A recorded plat and all related approvals, including adequate public facilities and utility allocation approvals, shall be null and void unless a public works agreement, accompanied by security in the amount required by Title 11, is executed and delivered simultaneously with the approval of the plat or no later than twelve months after the recordation of the record plat. If a recorded plat is rendered void under this subsection, the developer shall thereafter conform to all County laws in effect at the time a new application for subdivision is submitted. For any recorded plat rendered void under this subsection, the Office of Planning and Zoning shall prepare and record an appropriate notice that the record plat is void.
(c) **Change of use of mobile home park.** If the subdivision is a change of use of a mobile home park, the proposed record plat may not be recorded until the developer provides confirmation satisfactory to the Office of Planning and Zoning that any relocation assistance required to be paid to residents has been fully paid.

(d) **Authority to extend time periods.** Notwithstanding any modifications granted to allow for additional time to complete a subdivision, upon receipt of a written request made not less than 15 days before the re-submittal deadline in subsection (a), the Planning and Zoning Officer shall grant a time extension of 60 days for re-submittal. Decisions on whether to extend time under this subsection do not require a modification, and may not be appealed to the Board of Appeals.

(e) **Effect of failure to meet time requirement.** An application for final plan approval and the approval of a final plan are void if the developer fails to complete the actions required by subsection (a) within 12 months after the date of final plan approval or within the time specified by the Office of Planning and Zoning under subsection (d).

(f) **Recording.** The County shall record among the land records the proposed record plat and other documents appropriate for recording.

(Bill No. 3-05; Bill No. 59-10; Bill No. 15-13; Bill No. 20-14; Bill No. 17-16)

**SUBTITLE 4. REQUIREMENTS FOR ALL SUBDIVISIONS**

§ 17-3-401. **Lot and block size.**

(a) **Lot size.** The size of a lot shall be no less than that required by Article 18 of this Code for the district in which the lot is located. The area occupied by tidal and nontidal wetlands, 100-year floodplain, bogs, and steep slopes may not be included in determining the minimum required lot size.

(b) **Block length and width.** Block length and width shall be adequate to provide convenient access, circulation, and safety of vehicular and pedestrian circulation.

(c) **Open space.** Open space lots shall have a minimum road frontage of 15 feet or a 15-foot access easement.

(Bill No. 3-05; Bill No. 59-10)

§ 17-3-402. **Historic resources.**

Historic resources, including buildings, structures, and landscape features that are integral to the historic setting, shall be on a separate lot of suitable size to ensure protection.

(Bill No. 3-05)

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

(a) **Land needed for public facilities.** The Planning and Zoning Officer may require that land in a subdivision be reserved for acquisition by the County or the Board of Education for use as a park, school, County or State road, or other public facility if the Planning and Zoning Officer determines after receipt of a written request from a department or other public entity charged with responsibility for the facility that the land is needed and the facility is funded in the Capital Improvement Program of the County or State.
(b) **Conditions.** The following conditions apply to land reserved under this section:

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

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

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

   (c) **Value.** When land within a subdivision is reserved under this section, acquisition of the reserved land may be:

   (1) in consideration of density transferred from the reserved land to abutting or adjacent land under the same ownership; or

   (2) at the unimproved value of the land before subdivision, plus expenses for taxes and maintenance only with interest at the rate of 6%.

(Bill No. 3-05; Bill No. 59-10)

§ 17-3-404. Acceptance of land or improvements for public purpose.

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

(Bill No. 3-05; Bill No. 59-10)

§ 17-3-405. Subdivision name.

The Office of Planning and Zoning shall approve the name of a subdivision and may not approve a name that duplicates the name of another subdivision in the County. The approved name is the official name. A different name may not be used for any purpose unless the Office approves an amended record plat with the different name.

(Bill No. 3-05)

§ 17-3-406. Compliance with criteria for environmental site design.

All subdivision applications shall fully comply with the stormwater requirements of this Code and shall employ environmental site design to the maximum extent practicable.

(Bill No. 59-10)

**SUBTITLE 5. RESIDENTIAL SUBDIVISIONS**

§ 17-3-501. Scope.

This subtitle applies to residential subdivisions only.

(Bill No. 3-05)
§ 17-3-502. Lot design criteria.

(a) Generally. To the extent practical, a residential lot shall be rectangular, have dimensions that do not exceed a depth to width ratio of three to one, and have a rear lot line that does not abut the side lot line of a contiguous lot.

(b) Building envelope; cluster development. A residential lot shall be of sufficient size to have a building envelope. Residential dwelling units on residential lots shall be clustered to the maximum extent practicable as determined by the Office of Planning and Zoning. In determining the extent to which clustering will be required for a minor subdivision or subdivision of lots shown on a previously recorded plat, the Planning and Zoning Officer shall evaluate the development patterns and lot sizes of adjoining properties and approve development that does not substantially alter the character of the neighborhood. The lots shall be of sufficient size to have a building envelope unencumbered by easements or restrictions that substantially restrict the use of the building envelope.

(c) Relationship to roads. Unless the Office of Planning and Zoning determines that variation produces a better road or lot plan, a residential lot shall be designed so that side lot lines are at right angles to roads or radial to curving roads. A lot other than a corner lot that abuts two roads is allowed only if necessary to avoid having the lot front on a non-access road or to address other site planning or land use issues.

(d) Multifamily lots. A multifamily residential lot shall be designed so that the location of a building on the lot makes efficient use of parking, driveways, and common yard areas.

(e) Flag lots disfavored. Flag lots are disfavored because of impervious surface and neighborhood impacts and subdivisions shall be designed to avoid the creation of flag lots. The developer shall evaluate all other design options and the Planning and Zoning Officer may approve flag lots only if no other practical alternative is available. Approved flag lots shall be designed so that no more than two flag lots have a common or shared driveway entrance to a public right-of-way, except that the Office of Planning and Zoning may approve up to three additional flag lots with common or shared entrances to protect natural features or to provide a better lot layout.

(f) Easements on cluster lots disfavored. To the extent practicable, forest conservation easements, natural area easements, historic resource easements, archaeological easements, and cemetery easements may not be located on cluster lots.

(Bill No. 3-05; Bill No. 59-10)

§ 17-3-503. Road frontage.

Except for an agricultural preservation subdivision, a residential lot for a single-family detached dwelling shall have a minimum road frontage of 15 feet or an access easement of at least 15 feet to serve one dwelling unit or 30 feet to serve no more than five dwelling units.

(Bill No. 3-05)

§ 17-3-504. Setbacks from transmission mains and power lines.

A residential lot shall be of sufficient size to provide a 30-foot setback between a dwelling, excluding a deck, and an easement, right-of-way, or area used or proposed to be used for an underground high-volume or high-pressure transmission main or transmission line.
§ 17-3-505. Residential subdivisions abutting heavy industrial zones.

A residential subdivision on property abutting a W3 Heavy Industrial Zone shall be a cluster development pursuant to § 17-3-502. For a residential subdivision developed on a parcel of at least 20 acres under this section, the Office of Planning and Zoning shall approve a development in accordance with bulk regulations under § 18-4-601 of this Code in order to ensure, to the extent reasonably practicable, sufficient buffers for the cluster subdivision for sight obstruction and to shield against nuisances, including noise, light, vibrations, noxious odors, dust, or debris emanating from the abutting industrial zone.

(Bill No. 72-15)

SUBTITLE 6. (RESERVED)

SUBTITLE 7. FLOODPLAIN

§ 17-3-701. 100-year floodplain requirements.

A developer of a residential subdivision in a zoning district other than RA shall convey to the County a fee simple interest in the 100-year floodplain. When the Planning and Zoning Officer determines it appropriate, a developer of land in RA, commercial, industrial, maritime, mixed use development, and other zoning districts may convey to the County a floodplain easement sufficient to allow the County to access and maintain the 100-year floodplain.

(Bill No. 3-05; Bill No. 59-10)

SUBTITLE 8. AMENDED RECORD PLATS

§ 17-3-801. Amended record plats.

Upon the filing of an application and a proposed amended record plat and compliance with the requirements of §§ 17-3-301 through 17-3-304, and 17-3-403, the Planning and Zoning Officer may approve an amended record plat that revises a previously recorded record plat approved by the County if the amended record plat:

1. modifies existing public rights-of-way or easements that were originally in error or that otherwise need to be modified;
2. modifies erroneous record plat notes, eliminates references to a bulk parcel, reserve parcel, or reserved parcel, or updates notes to reflect existing conditions;
3. changes the name of a subdivision;
4. depicts land not in the critical area, a bog protection area, or a buffer, and modifies one or more internal lot lines of existing buildable lots on a recorded record plat without creating new lots and without involving the relocation of a lot with road frontage on one road to frontage on a different road, a relocation of a lot in one public utility service area to a lot in a different public utility service area;
(5) creates new lots in a non-residential subdivision that will not create impacts that exceed the impacts in the original studies that formed the basis for passing all adequacy of public facilities tests in connection with the original subdivision; or

(6) removes age restriction notes from an approved record plat if no residential building units have been constructed and the proposed development passes the test for adequacy of public facilities.

(Bill No. 3-05; Bill No. 77-05; Bill No. 59-10)

**TITLE 4. SITE DEVELOPMENT**

**Subtitle 1. In General**

17-4-101. Scope.

**Subtitle 2. Site Development Plans**

17-4-201. Preliminary plan.

17-4-202. Site development plan.

17-4-203. Review process.

17-4-204. Compliance.

17-4-205. Agreements.

17-4-206. Approval by Health Department mandatory.

17-4-207. Expiration of site development plan.

17-4-208. Notice to community associations and others.

**SUBTITLE 1. IN GENERAL**

§ 17-4-101. Scope.

This title applies to site development only and does not apply to a tenant permit in a structure previously approved by the County, permits relating to a final infrastructure construction plan and lot clearing shown on an approved final plan previously approved under this article, permits relating to improvements that do not result in leasable space, a test for adequacy of public facilities, or, with the exception of property in the critical area or designated bog area, an increase of impervious surface of no more than 1,000 square feet and, at the discretion of the Planning and Zoning Officer, a grading permit that contains or is accompanied by all information required by this article.

(Bill No. 3-05; Bill No. 59-10; Bill No. 8-11)

**SUBTITLE 2. SITE DEVELOPMENT PLANS**

§ 17-4-201. Preliminary plan.
(a) **Generally.** A developer shall file a preliminary plan prior to submitting an application for a site development plan and prior to submitting an application for a grading or building permit. A developer shall also file with the Office of Planning and Zoning a preliminary plan for development that does not require a permit.

(b) **Contents.** A preliminary plan shall be on a 24" x 36" sheet at a scale that is no smaller than 1"=100' and shall contain all information including attachments as required on the most recent preliminary plan checklist on file at the Office of Planning and Zoning or Department of Inspections and Permits. The preliminary plan shall show an initial location of development, including roads, buildings, parking, stormwater management, utilities, and forest conservation, and shall provide any other information required by the Office of Planning and Zoning to clearly identify areas on the site that are suitable for development.

(c) **Review; County report; developer re-submittal.** As promptly as possible after the filing of a preliminary plan, the Office of Planning and Zoning shall provide the developer with a written report of the findings, comments, and recommendations of County agencies. Upon review of a completed preliminary plan the Office of Planning and Zoning will provide the developer with a written decision approving or denying the application. That approval or denial will resolve inconsistencies or conflicts among the agency comments and give the applicant direction on how to proceed to the next step in the process or give direction on what issues need to be addressed with a new application for a preliminary plan.

(d) **Expiration of preliminary plan.** A preliminary plan expires 12 months after the date that the Office of Planning and Zoning approves the preliminary plan unless a site development plan is submitted for review prior to preliminary plan expiration. Upon expiration of the preliminary plan a developer shall file a new application and fees for a preliminary plan application prior to any further review.

(Bill No. 59-10)

§ 17-4-202. **Site development plan.**

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

(b) **Contents.** A site development plan shall be on a 24" x 36" sheet at a scale that is no greater than 1" = 40' and no smaller than 1" = 60' and shall contain all information required by the Office of Planning and Zoning. The information ordinarily shall include:

1. the location of proposed stormwater management, in compliance with the stormwater management requirements of this Code and checklists provided by the Office of Planning and Zoning;
2. a vicinity map no smaller than 4" x 4" at a scale of 1" = 2,000';
3. a boundary line survey using the County coordinate system;
4. a north arrow;
5. a scale;
6. a legend;
7. the gross area of the lot and disturbed area in acreage and square feet and disturbed area;
8. the zoning of the lot;
(9) the lot boundary;
(10) the setbacks required by Article 18 of this Code;
(11) a field run or aerial topography of existing conditions;
(12) three coordinate ‘tics’ shown at multiples of 250’;
(13) the location and size of all existing and proposed easements with a label explaining the purpose;
(14) the location, rights-of-way widths, paving widths, and names of all existing improved and unimproved roads;
(15) the location, size, and type of open area;
(16) the location of slopes of 15% or greater in the critical area and in sensitive areas; the location of steep slopes outside the critical and sensitive areas; the location of slope buffers; the location of a 100-year floodplain, including FEMA floodplain; the location of coastal floodplain and coastal high hazard areas; and the location of other natural features;
(17) the location of all historic resources, archaeological sites, and cemeteries;
(18) the location of proposed stormwater management devices;
(19) the location of existing and proposed structures, sewers, water lines, and storm drains on the lot, and a note if they are to be removed;
(20) the location of each structure within 100 feet of the lot;
(21) a 100-foot adjacent peripheral strip, showing existing topography;
(22) the critical area boundary and classifications and a tabulation of acreage by critical area classification;
(23) the location of private onsite water and sewerage facilities and septic replacement areas;
(24) tabulations for forest conservation that are consistent with State and County law and checklists provided by the Office of Planning and Zoning;
(25) the proposed use and height of each structure on the lot;
(26) a detailed computation of:
   (i) floor area for each structure;
   (ii) coverage by structures;
   (iii) number of parking spaces; and
   (iv) number and size of dwelling units by type;
(27) the location of parking and truck loading areas, with the location of all access and egress drives;
(28) the location of all buffers required by this Code;
(29) the location of outdoor storage;
(30) the location and type of recreational facilities;
(31) the location, design, and type of lighting facilities;
(32) mean high and mean low water lines;
(33) the location, size, and type of existing and proposed signs, method of illumination, and a scaled drawing that shows each facade of the structure on which the square footage of the proposed sign is calculated, dimensions, height above grade, and all structural and architectural supports or backgrounds;
(34) the location of existing and proposed piers, launching ramps, and shore erosion control measures, and existing deterrents or aids to navigation;
(35) the dimensions and material for piers, pilings, and shore erosion control measures;
(36) the location and dimensions of areas to be dredged, including present and proposed depths, and the volume of dredge spoil to be removed, the type of material, and the location and dimensions of each disposal area;

(37) the location and dimension of boat slips, fuel docks, gasoline storage tanks, maritime storage areas, and maintenance and repair facilities; and

(38) the location and capacity of launching ramps, marine railways, travel lifts, hoists, and water lifts.

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

(1) a final infrastructure construction plan, including a stormwater management plan in accordance with Article 16 of this Code, a storm drain plan, and a water and sewer plan that identifies whether the development is served by well and septic, well and public sewer, or public water and septic, and includes a plan for adequacy of shared sewage disposal facilities;

(2) a final landscape plan that is in compliance with the Landscape Manual;

(3) a grading and sediment control plan and any other information required by Article 16 of this Code;

(4) a forest conservation plan;

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

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

(7) a traffic impact study, if not previously provided;

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

(9) in the critical area:

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

(ii) a buffer management plan as required by COMAR, Title 27;

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

(iv) all computations and data necessary to determine if the 10% pollutant reduction requirements of § 16-4-205 of this Code are met;

(10) for commercial or manufacturing uses:

(i) special uses proposed;

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

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

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

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

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

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

(ii) the body of water upon which the use is proposed has adequate flushing characteristics in the area;
(iii) disturbance to wetlands, submerged aquatic plant beds, or other
important aquatic habitats will be minimized;
(iv) adverse impacts to water quality, such as nonpoint source runoff,
sewage runoff from land or vessels, or discharge from boat cleaning and maintenance operations,
is minimized;
(v) shellfish beds will not be disturbed or made subject to a discharge
that would render them unsuitable for harvesting;
(vi) impacts caused by dredging will be minimized;
(vii) dredged spoil will be located outside the buffer or a habitat
protection area unless necessary for shore erosion or beach nourishment projects; and
(viii) interference with natural transport of sand will be minimized;
(12) information that demonstrates compliance with the Glen Burnie Town
Center Plan, the Odenton Town Center Master Plan, or any other applicable plan or law;
(13) a copy of a summary of comments received at a community meeting and
an affidavit signed by the developer or other evidence acceptable to the Office of Planning and
Zoning that a community meeting was held and that a copy of the summary of comments was
mailed to each participant at the pre-submission community meeting, to all lot owners within 175
feet of the property to be developed, and to the County Councilmember of the Councilmanic
District where the property is located and, if the property abuts another Councilmanic district, to
that County Councilmember;
(14) if required by the Office of Planning and Zoning, an application for
approval of a proposed amended record plat to ensure the conformance of site conditions to those
conditions reflected on the record plat;
(15) for development of six or more dwelling units, evidence of the creation
and incorporation of an association of homeowners or unit owners;
(16) a demonstration of ADA accessibility as required by federal law and §
15-2-101 of this Code, including designated handicapped parking spaces, ingress and egress for
the proposed buildings, and travelways between the proposed buildings and the designated
handicapped parking spaces; and
(17) an equivalent dwelling unit (EDU) worksheet, if not previously provided.
(Bill No. 3-05; Bill No. 19-05; Bill No. 77-05; Bill No. 59-10; Bill No. 93-12)

§ 17-4-203. Review process.

(a) **County report; developer re-submittal.** As promptly as possible after the filing
of a site development plan, but not later than 15 days prior to the Comment Review Committee
meeting if required by subsection (b), the Office of Planning and Zoning shall provide to the
developer, the developer’s representatives and all reviewing agencies, a written report of the
findings, comments, and recommendations of the County through its reviewing agencies, and if
applicable a notice of the date, time and location of the Comment Review Committee meeting.
The site development plan report shall attempt to resolve inconsistencies or conflicts among the
agency comments. Within 60 days after the date the site development plan report is mailed, the
developer shall file a re-submittal that addresses all the findings, comments, and
recommendations contained in the report. After the developer files a site development plan
re-submittal, the Office of Planning and Zoning shall provide promptly any further findings,
comments, and recommendations from the County reviewing agencies, and shall attempt to
resolve inconsistencies or conflicts among the agency comments. Within 60 days after the date
the report is mailed, the developer shall file a site development plan re-submittal that addresses
the findings, comments, and recommendations. This process continues until the application
becomes void under subsection (b) or a recommendation is made under subsection (f).

(b) **Comment Review Committee meeting; meeting summary.** Within 75 days
after the filing of a site development plan, the developer may request the Office of Planning and
Zoning schedule at its office, or at a mutually agreed upon location, a meeting of the
Development Review Team Leader and Office of Planning and Zoning reviewers,
representatives of other County reviewing agencies, and the developer and its representatives.
The Committee will discuss the report provided under subsection (a), reviewing agencies’
comments, and any other matters that pertain to the submittal and approval of the plan. Within
15 days of the meeting, the Office of Planning and Zoning shall confirm in writing to the
developer and the developer’s designated representatives a summary of the meeting including
any recommendations, requirements for approval, or other unresolved matters to be addressed
before approval may be granted. If the meeting summary includes findings, comments or
recommendations that were not discussed during the Comment Review Committee meeting, the
developer may request that the Office of Planning and Zoning schedule a follow-up meeting of
the reviewing agencies to address such issues.

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

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

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

(f) **Recommendation and approval.** At any time after the filing of a site
development plan associated with an application for a building or grading permit, the Office of
Planning and Zoning may recommend to the Department of Inspections and Permits that the
application be denied for failure to comply with the provisions of this Code, the Odenton Town
Center Master Plan, or other law, or failure to provide confirmation satisfactory to the Office of
Planning and Zoning that any relocation assistance required to be paid to mobile home park
residents has been fully paid. Otherwise, the Office shall recommend approval. No appeal may
be taken from a recommendation made under this subsection. Approval of the permit by the
Department of Inspections and Permits constitutes approval of the site development plan.
(Bill No. 3-05; Bill No. 90-09; Bill No. 59-10; Bill No. 7-11; Bill No. 20-14)

§ 17-4-204. **Compliance.**
A lot shall be used only in accordance with an approved site development plan. Deviation from the approved plan rescinds the approval of the permit by operation of law. Continued conformance with the approved plan is a prerequisite for the issuance of a zoning certificate of use.
(Bill No. 3-05; Bill No. 59-10)

§ 17-4-205. Agreements.

Before issuance of a building or grading permit, a developer shall prepare, execute, and deliver at one time a public works agreement, a forestation agreement, a deed to right-of-way containing public road improvements constructed by the developer, and all other deeds, easements, rights-of-way, agreements, and other documents required by this article.
(Bill No. 3-05; Bill No. 59-10)

§ 17-4-206. Approval by Health Department mandatory.

(a) Development served by shared sewage disposal facilities. No site development plan involving shared sewage disposal facilities may be approved without prior written approval by the Health Officer or Health Officer’s designee. This approval shall expire when the site development plan expires.
(b) Development served by septic systems. The Planning and Zoning Officer may decline to approve development served by a septic system if the Health Department’s last PERC test approval is more than two years old.
(Bill No. 59-10)

§ 17-4-207. Expiration of site development plan.

(a) In connection with a permit. A site development plan associated with an application for a building or grading permit expires one year after the date that the Office of Planning and Zoning recommends permit approval, or upon the expiration of some other period of time, not to exceed six years, as provided in a sketch or site development plan approval letter from the Planning and Zoning Officer. Notwithstanding any modifications granted to allow for additional time to complete site development, the Planning and Zoning Officer may extend the approval of the site development plan for a period not to exceed one year from the original date of expiration of site development plan approval upon receipt of a written request made for good cause not less than 15 days before the expiration of the site development plan approval, provided the total period of all extensions does not exceed six years from the date the Office of Planning and Zoning recommends permit approval. The developer shall obtain all required permits within the period prescribed by this subsection and site development shall be pursuant to valid permits.
(b) Not in connection with a permit. A site development plan not associated with an application for a building or grading permit expires two years after the date that the Office of Planning and Zoning approves the plan, or upon the expiration of some other time, not to exceed six years, as provided in a sketch or site development plan approval letter from the Planning and Zoning Officer, unless the developer establishes the use within the period prescribed by this subsection.
(c) **Notice of expiration.** The Office of Planning and Zoning shall provide the date of expiration of approval of a site development plan as well as information on the extension process and any applicable fee to the developer on the initial approval of the plan.
(Bill No. 3-05; Bill No. 59-10; Bill No. 15-13)

§ 17-4-208. **Notice to community associations and others.**

(a) **Information provided to the Office of the County Executive.** Within seven days after the filing of a site development plan associated with an application for a building or grading permit for commercial or industrial development that adjoins a residentially zoned and developed lot, the Office of Planning and Zoning shall notify the Office of the County Executive of receipt of the plan and provide the following information:

1. the tax assessment district, tax map, block, and parcel numbers of the property to be affected;
2. the project or permit number or case and file numbers;
3. the name of the applicant and the nature of the request;
4. the general location of the property and the nearest intersecting roadway;
5. the Councilmanic District where the property is located and, if the property abuts another Councilmanic District, an identification of that Councilmanic District;
6. the size of the lot; and
7. the date on which written comments are due to the Office of Planning and Zoning.

(b) **Notice.** The Office of the County Executive shall send a notice containing that information to each community association, person, and organization on its list that is located in the Councilmanic District of the property proposed for development and any abutting Councilmanic District. The notice shall state that additional information may be obtained from the Office of Planning and Zoning.
(Bill No. 3-05; Bill No. 59-10)

**TITLE 5. ADEQUATE PUBLIC FACILITIES**

Section

**Subtitle 1. In General**

17-5-102. Assumptions and elements.
17-5-103. Separate conveyance of approvals for adequacy of public facilities prohibited.

**Subtitle 2. Processing**

17-5-201. Requirement to pass adequacy of public facilities tests; exemptions.
17-5-203. Duration of approval – Subdivisions other than minor subdivisions.
17-5-204. Duration of approval – Minor subdivisions.
SUBTITLE 1. IN GENERAL


The purpose of this title is to provide a growth management process that will enable the County to provide adequate public schools, roads, and other infrastructure facilities in a timely manner and achieve General Development Plan growth objectives. The process is designed to
direct growth to areas where adequate public infrastructure exists or will exist. Another purpose of this title is to provide a predictable planning environment for the provision of adequate fire, road, school, sewerage, storm drain, and water facilities by requiring certain developments to pass certain tests as a condition of subdivision or site development.
(Bill No. 3-05)

§ 17-5-102. Assumptions and elements.

(a) Assumptions. The growth management process is based on the following assumptions:

(1) the General Development Plan, the Water and Sewer Master Plan, and Article 18 of this Code define land use and the distribution and pace of development;
(2) the County has a responsibility to fund and construct adequate public facilities in a timely and coordinated manner;
(3) a growth management process results in more predictable residential and commercial development; and
(4) a commitment from government and the community to the growth management process is fundamental to achieving adequate public facilities.

(b) Elements. There are various interconnected elements that constitute the growth management process. Each element plays a role in providing the predictability required for planning and implementing adequate public facilities.

(1) The General Development Plan, the Water and Sewer Master Plan, Article 18 of this Code, and the provisions of this title constitute the policy base for the growth management process. This common base is the platform from which data is generated and planning documents written.

(2) A Capital Improvement Program defines the necessary public fire, road, school, sewerage, storm drain, and water infrastructure that supports the land use and growth policies established in the General Development Plan. The Program contains, at a minimum, planning assumptions, standards of service, descriptions of additions and improvements, justification and priorities for additions and improvements, and budget projections for each of the next six years. The plans are reviewed and approved annually.

(3) Limited resources require coordinated allocation of funds for roads, schools, and other infrastructure facilities. The County Executive, the County Council, and all participating agencies and departments work together to review priorities and budget projections included in the Capital Improvement Program. The County Council, through adoption of the Program, approves the distribution of funds across capital improvement master plans.

(4) The General Development Plan guides where and when growth should occur. The adequate public facilities process manages growth so that facilities can be constructed in a timely manner.
(Bill No. 3-05)

§ 17-5-103. Separate conveyance of approvals for adequacy of public facilities prohibited.

Approvals for the adequacy of public facilities may not be assigned or conveyed separately from the property to which the approvals apply.
(Bill No. 3-05)
§ 17-5-201. Requirement to pass adequacy of public facilities tests; exemptions.

(a) **Scope.** This section does not apply to an amended record plat.

(b) **General requirement.** The Planning and Zoning Officer may not give final approval to a proposed record plat, recommend approval of an application for a building or grading permit in connection with a preliminary plan or site development plan, or approve a site development plan for development that does not require a permit unless the development passes the tests for adequate public facilities set forth in this title if required by the chart in this section.

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

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Fire Suppression</th>
<th>Roads</th>
<th>Schools</th>
<th>Sewage Disposal</th>
<th>Storm Drain</th>
<th>Water Supply</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Non-Residential:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Odenton Growth Management Area: nonresidential developments other than building additions of less than 1,000 square feet and tenant improvements</td>
<td>S</td>
<td>E*</td>
<td>E</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Odenton Growth Management Area and Parole Town Center Growth Management Area: nonresidential building additions of less than 1,000 square feet and tenant improvements</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>S</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Other non-residential subdivisions</td>
<td>S</td>
<td>S</td>
<td>E</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Site development plans for religious facilities that do not contain a private academic school</td>
<td>S</td>
<td>E</td>
<td>E</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Site development plans for the site of a private academic school in existence on or before May 12, 2005</td>
<td>S</td>
<td>E</td>
<td>E</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Other non-residential site development plans</td>
<td>S</td>
<td>S</td>
<td>E</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td><strong>Residential:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential subdivisions not otherwise addressed in this chart</td>
<td>S</td>
<td>S</td>
<td>S**</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Odenton Growth Management Area: residential developments</td>
<td>S</td>
<td>E*</td>
<td>E</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Development Type</td>
<td>Fire Suppression</td>
<td>Roads</td>
<td>Schools</td>
<td>Sewage Disposal</td>
<td>Storm Drain</td>
<td>Water Supply</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>------------------</td>
<td>-------</td>
<td>---------</td>
<td>-----------------</td>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Parole Town Center Growth Management Area: residential developments in the core</td>
<td>S</td>
<td>S</td>
<td>E</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Odenton Growth Management Area and Parole Town Center Growth Management Area: residential building additions of less than 1,000 square feet</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>S</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Odenton Growth Management Area: all other residential developments</td>
<td>S</td>
<td>E*</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Housing for the elderly of moderate means</td>
<td>S</td>
<td>S</td>
<td>E</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Institutional uses</td>
<td>S</td>
<td>S</td>
<td>E***</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Residential subdivisions restricted to persons 55 years of age or older without resident minor children</td>
<td>S</td>
<td>S</td>
<td>E</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Residential subdivisions if no new dwelling unit potential is created</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>E</td>
</tr>
<tr>
<td>Residential site development plans other than those for a single-family detached dwelling</td>
<td>S</td>
<td>S</td>
<td>S**</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Residential site development plans for a single-family detached dwelling</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>S</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Agricultural preservation subdivision</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>S</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Dwelling unit, apartment, as an accessory use in a commercial district</td>
<td>S</td>
<td>S</td>
<td>E</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Dwelling, caretaker or resident manager, in a commercial district</td>
<td>S</td>
<td>S</td>
<td>E</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

* But subject to the requirements in the Odenton Town Center Master Plan.
** But subject to the requirements of § 17-5-207.
*** But subject to a determination by the Planning and Zoning Officer that the use will have no impact on public school capacity.

(a) When tested.

(1) At the developer’s option, development may be tested for adequacy of public facilities either during review of the initial application for approval of a sketch plan or preliminary plan, or during review of the application for final plan or site development plan approval. The developer must submit sufficient data, as required by the Office of Planning and Zoning, to demonstrate adequacy of public facilities. If a developer opts to test a development for adequacy of public facilities during review of the initial application for approval of a sketch plan or preliminary plan, testing for adequacy of sewerage facilities or water supply facilities may be deferred at the developer’s option and tested during review of the application for final plan or site development plan approval.

(2) In the Odenton Growth Management Area, the Planning and Zoning Officer has the discretion to determine that a development may be tested for adequacy of public facilities during either sketch plan review or final plan review for subdivision plans, or during site development plan review.

(b) Date of approval generally.

(1) Subject to paragraphs (2) through (6) of this subsection, approval for adequacy of public facilities, other than fire suppression facilities, occurs on:

(i) the date of a letter from the Office of Planning and Zoning approving a sketch plan or preliminary plan for the public facilities for which adequacy was tested;

(ii) the date of a letter from the Office of Planning and Zoning approving a final plan or site development plan; or

(iii) the date that the Office of Planning and Zoning recommends to the Department of Inspections and Permits that an application for a building or grading permit be approved.

(2) If availability of sewerage facilities or water supply facilities is tested during sketch plan or preliminary plan review, approval of adequacy of sewerage facilities or water supply facilities occurs on the date of a letter from the Office of Planning and Zoning approving a sketch plan or preliminary plan.

(3) If testing for adequacy of sewerage facilities or water supply facilities is deferred to final plan or site development plan approval, a sketch plan or preliminary plan may be given contingent approval if the development passes tests for adequate public facilities other than sewerage facilities or water supply facilities, except that a preliminary sewer and water allocation and management program analysis and a preliminary determination of adequate water supply capacity for fire flow as required by § 17-5-801 shall be conducted prior to contingent approval being granted.

(4) If testing for adequacy of sewerage facilities or water supply facilities is deferred to final plan or site development plan approval, approval for adequacy of sewerage facilities or water supply facilities occurs on the date of a letter from the Office of Planning and Zoning approving a final plan or site development plan or on the date that the Office of Planning
and Zoning recommends to the Department of Inspections and Permits that an application for a building or grading permit be approved.

(5) A plan may be given contingent approval if the development passes all tests for adequate public facilities other than schools and the development is placed on the waiting list provided for in § 17-5-503.

(6) A determination of adequacy of fire suppression facilities is valid for six months and it may be necessary to re-test for adequacy of fire protection facilities as a condition precedent to final plan approval, site development plan approval, and permit issuance.

(c) **Testing of bulk parcels.** A bulk parcel is tested for adequacy of public facilities after the creation of the bulk parcel and during review of the application for approval of the final plan or site development plan for development within the bulk parcel.

(d) **Revocation of approval – Adequate sewerage or water supply facilities.**

(1) Approval for adequacy of sewerage facilities or water supply facilities is revoked by operation of law if the allocation of the capacity on which such adequacy was based lapses in accordance with § 13-5-405 of this Code. If an allocation is restored in accordance with § 13-5-405(d) of this Code, approval for adequacy of sewerage facilities or water supply facilities shall be restored at the same time. Review of any development applications for a lot to which revocation applies shall be suspended from the date of revocation to the date of restoration, and all approvals given on those development applications prior to the date of revocation shall remain valid if approval for adequacy of sewerage facilities or water supply facilities is restored.

(2) Revocation under this subsection shall cause a proposed preliminary plan, site development plan, or subdivision plan to be void by operation of law if approval for adequacy of sewerage facilities or water supply facilities is not restored before the property is sold at tax sale. Revocation does not affect the legality of a subdivision of land for which the record plat was recorded in the land records at the time of revocation.

(3) Revocation under this subsection applies to a lot in a subdivision for which the record plat already has been recorded in the land records unless all fees and charges necessary to connect the improvements on that lot to the County’s water or wastewater system were paid at the time of revocation or unless approval for adequacy of sewerage facilities or water supply facilities is restored for that lot.

(4) No building or grading permits may be issued for a lot to which revocation applies unless approval for adequacy of sewerage facilities or water supply facilities is restored. Any approvals on a permit application granted prior to the date of revocation shall remain valid if adequacy of sewerage facilities or water supply facilities is restored. If approval for adequacy of sewerage facilities or water supply facilities is not restored before the property is sold at tax sale, any permit application for the property is null and void.

(5) The Office of Planning and Zoning shall maintain a record available to the public of the lots, subdivisions, preliminary plans, or site development plans for which approval for adequacy of sewerage facilities or water supply facilities has been revoked under this subsection.

(6) The Department of Inspections and Permits shall suspend any building permits issued for a lot to which revocation applies and shall issue a stop work order. If the approval for adequacy of sewerage facilities or water supply facilities is restored for a lot with a suspended building permit, the suspended building permit shall be reactivated and the stop work order shall be lifted. If approval for adequacy of sewerage facilities or water supply facilities is
not restored before the property is sold at tax sale, the Department of Inspections and Permits shall revoke the suspended building permit and the stop work order shall remain in effect. Improvements on a lot to which revocation of approval for adequacy of sewerage facilities or water supply facilities applies may not be connected to the County’s water or wastewater system regardless of the status of the permit.

(e) Adequacy of sewerage or water facilities

If a developer opts to defer testing for adequacy of sewerage facilities or water supply facilities to final plan or site development plan approval, adequacy of sewerage facilities or water supply facilities shall be tested and approved within the scheduled completion year or adequacy of all public facilities shall be tested again. The Planning and Zoning Officer may extend the time to defer testing for adequacy of sewerage facilities or water supply facilities beyond the scheduled completion year if the development is approved by the Planning and Zoning Officer, Administrative Hearing Officer, or Board of Appeals for phasing as provided in § 17-5-1001.

(Bill No. 3-05; Bill No. 90-09; Bill No. 59-10; Bill No. 5-11; Bill No. 18-12; Bill No. 110-15)

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

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

(1) the developer files an application for final plan approval within one year after the date of sketch plan approval or as extended by the Planning and Zoning Officer;

(2) the final plan is approved and a proposed record plat meeting the requirements of the final plan approval is submitted to the County as required under § 17-3-304(a) within 12 months after the date of final plan approval or within the time specified by the Planning and Zoning Officer under § 17-3-304(d);

(3) simultaneously with the approval of the plat or no later than twelve months after the date the record plat is recorded, the developer executes and delivers to the County a public works agreement for any proposed mitigation; and

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

(b) Effect of failure to file to meet time requirements. Except as provided in subsection (c), when a subdivision has met the requirements for adequate public facilities during sketch plan review and the time requirements of subsection (a) are not met, the proposed subdivision plan is void unless the Planning and Zoning Officer grants a modification to allow for additional time to complete the subdivision. The Planning and Zoning Officer may not grant a modification to a developer who has failed to respond to County comments as required by this article.

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

(Bill No. 3-05; Bill No. 90-09; Bill No. 59-10; Bill No. 9-11; Bill No. 15-13; Bill No. 17-16)
§ 17-5-204. Duration of approval – Minor subdivisions.

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

(1) the final plan is approved and a record plat meeting the requirements of the final plan approval is submitted to the County as required under § 17-3-304(a) within 12 months after the date of final plan approval or within the time specified by the Office of Planning and Zoning under § 17-3-304(d);

(2) simultaneously with the approval of the plat or no later than twelve months after the date the record plat is recorded, the developer executes and delivers to the County a public works agreement for any proposed mitigation; and

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

(b) Effect of failure to meet time requirement. Except as provided in subsection (c), when a subdivision has met the requirements for adequate public facilities during final plan review and the time requirement of subsection (a) is not met, the proposed subdivision plan is void unless the Planning and Zoning Officer grants a modification to allow for additional time to complete the subdivision. The Planning and Zoning Officer may not grant a modification to a developer who has failed to respond to County comments as required by this article.

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

(Bill No. 3-05; Bill No. 59-10; Bill No. 9-11; Bill No. 17-16)

§ 17-5-205. Duration of approval – Site development plan.

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

(1) the building or grading permit is reviewed and approved for issuance by the Office of Planning and Zoning prior to the expiration of the site development plan; and

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

(b) Effect of failure to meet time requirement. Except as provided in subsection (c), when a development has met the requirements for adequate public facilities during site development plan review and the time requirement of subsection (a) is not met, the proposed site development plan is void unless the Planning and Zoning Officer grants a modification to allow for additional time to complete site development. The Planning and Zoning Officer may not grant a modification to a developer who has failed to respond to County comments as required by this article.

(c) When time frame tolled. The time requirement of this section is tolled on the date that a development is placed on the waiting list provided for in § 17-5-503. The time
requirement begins to run anew on the date that the development passes the adequacy of public facilities tests for schools under § 17-5-501 or the date upon which the six-year period provided for in § 17-5-503 has run. 
  (Bill No. 3-05; Bill No. 59-10; Bill No. 9-11; Bill No. 15-13)

§ 17-5-206.  Further testing.

If the impact of a development exceeds the impact shown in the original impact study, the development is tested for the excess impact only. 
  (Bill No. 3-05)

§ 17-5-207.  Exemption.

(a) Exemption. A developer may obtain an exemption from the requirements for adequate public facilities for schools for no more than three lots in a subdivision for single family detached dwellings or for no more than three dwelling units shown on a site development plan if the following requirements are met:
  (1) for a subdivision or site development plan application received before April 6, 2008, a developer shall sign and record an agreement as required by subsection (b); or
  (2) for a subdivision or site development plan application received on or after April 6, 2008, a developer shall provide evidence of ownership of the property for a minimum of five years as of the date of application and shall sign and record an agreement as required by subsection (b).

(b) Agreement. All applications for subdivision or residential site development plans seeking exemption under this section shall execute an agreement with the County in which the developer acknowledges the exemption shall be limited to three lots or dwelling units, including any existing residences, of the pending application and that further subdivision or development of the site, if permitted, will be subject to the adequate public facilities requirement for schools. The agreement shall be:
  (1) in the form and contain the language required by the Office of Law;
  (2) recorded among the land records of Anne Arundel County, run with the land, and bind all future owners of the site that is the subject of the application and all future owners of the lots created by a subdivision approved under this exemption;
  (3) executed and recorded before approval by the Planning and Zoning Officer of the proposed record plat for a subdivision, the application for a grading or building permit in connection with a site development plan, or the approval of a site development plan for development that does not require a permit, as applicable; and
  (4) noted on the proposed record plat or site development plan, with the note including a reference to the book and page number of the location in the land records. 
  (Bill No. 90-07; Bill No. 65-08; Bill No. 59-10)

SUBTITLE 3.  ADEQUATE FIRE SUPPRESSION FACILITIES

§ 17-5-301.  Standards.
A development passes the test for adequate fire suppression facilities if in the scheduled completion year of the development the public water supply system, or a private fire protection water supply system approved by the Office of Planning and Zoning after consultation with the reviewing agencies, will be capable of providing adequate fire-flow. A development may be re-tested for adequacy of fire suppression facilities as a condition precedent to final plan approval and permit issuance.

(Bill No. 3-05; Bill No. 59-10)

SUBTITLE 4. ADEQUATE ROAD FACILITIES

§ 17-5-401. Standards.

(a) Generally. Except as provided in subsection (b) and in § 17-6-504(9), a development passes the test for adequate road facilities if in the scheduled completion year of the development it creates 50 or fewer daily trips or if:

(1) the road facilities in the impact area of the proposed development will operate at or above the minimum of ‘D’ level of service after including the traffic generated by the development; and

(2) road facilities in the impact area of the proposed development will have an adequacy rating of not less than 70 as defined by the Anne Arundel County road rating program or, if not rated by the Anne Arundel County road rating program, have been found by the County to be adequate with respect to road capacity, alignment, sight distance, structural condition, design, and lane width, except that the requirements of this subsection (a)(2) do not apply to development in a commercial revitalization district, to scenic or historic roads in the impact area of the proposed development, or to roads other than those that front on the cluster lots in a cluster development in an RA or RLD District; or

(3) the developer has an approved mitigation plan under §§ 17-5-901 et seq.

(b) Parole Town Center. In the Parole Town Center Growth Management Area, a development passes the test for adequate road facilities if in the scheduled completion year of the development it creates 50 or fewer daily trips or if:

(1) each intersection from site access points to and including the first intersection with an arterial or higher classification road operates with a peak hour critical lane volume of less than 1,450 except that, at the discretion of the Planning and Zoning Officer, intersections in the core may operate with a peak hour critical lane volume of less than 1,600; and

(2) intersections as identified by the Office of Planning and Zoning operate with peak hour critical lane volume of less than 1,450 except that, at the discretion of the Planning and Zoning Officer, intersections located in the core may operate with a peak hour critical lane volume of less than 1,600.

(Bill No. 3-05)

§ 17-5-402. Roads included.

The following road facilities are considered as existing in the scheduled completion year of the development when determining whether a proposed development passes the test for adequate road facilities:
§ 17-5-403. Impact area.

(a) Generally. Except as provided in subsection (b), the impact area of a proposed development includes all County roads and State roads located in the County in all directions from each point of entrance to and exit from the proposed development, through the intersection with the first arterial road, and along that arterial road in both directions, to the second intersecting arterial road, except that the impact area for the Odenton Growth Management Area District and the Parole Town Center Growth Management Area does not include roads outside the district or center. If access to the proposed development is on an arterial road, that arterial road shall be considered the first arterial road for purposes of identifying the impact area.

(b) Certain peninsulas and other areas. Notwithstanding the provisions contained in § 17-5-401(a), the Planning and Zoning Officer may assess, in the aggregate, the impact on roads of development in certain peninsulas and other areas, as described below, for the purpose of determining whether mitigation under § 17-5-901 is appropriate. The impact area shall be extended through the second intersecting arterial road and along that arterial road to the third intersecting arterial road if the development is located:

1. east of the intersection of Fort Smallwood Road (Route 173) and Hogneck Road (Route 607) and will use Fort Smallwood Road as the sole route out of the peninsula;
2. east of the intersection of Mountain Road (Route 177) and Ritchie Highway (Route 2) and will use Mountain Road as the sole route out of the peninsula;
3. east of the intersection of Bay Ridge Avenue and Bay Ridge Road and will use Bay Ridge Road as the sole route out of the peninsula;
4. east of the intersection of Central Avenue (Route 214) and Muddy Creek Road (Route 468) and will use Central Avenue as the sole route out of the peninsula; or
5. east of the intersection of Deale-Churchton Road (Route 256) and Shady Side Road (Route 468) and will use Shady Side Road as the sole route out of the peninsula.

(Bill No. 3-05; Bill No. 61-07; Bill No. 59-10; Bill No. 83-11)

SUBTITLE 5. ADEQUATE SCHOOL FACILITIES

§ 17-5-501. Standards; report to the Board of Education.
(a) Standards. A development passes the test for adequate school facilities if:

(1) each public elementary, middle, and high school is designated as “open” on the school utilization chart described in § 17-5-502 for the geographical attendance areas for the development in the third school year after the school year in which the determination is being made;

(2) the Office of Planning and Zoning has received written notice via certified mail from the Board of Education that the requirements for applicable future capacity, as described in § 17-5-502(c)(2)(i) and (ii), have been satisfied, without formal adoption of a school utilization chart; or

(3) the developer has executed an approved School Capacity Mitigation Agreement under the provisions of § 17-5-901.

(b) Report to Board of Education. If approved, the Office of Planning and Zoning shall specify the number and type of dwelling units that are approved and report the number and type to the Board of Education.

(Bill No. 3-05; Bill No. 47-12; Bill No. 105-15)

§ 17-5-502. School utilization chart.

(a) Chart defined. The Planning and Zoning Officer shall prepare a school utilization chart for approval by ordinance of the County Council. The school utilization chart:

(1) may not be modified by the Office or be subject to review on any appeal of a decision by the Office under this subtitle after the school utilization chart has been approved as provided in subsection (d);

(2) shall be revised at least once a year by the County Council upon the recommendation of the Planning and Zoning Officer as soon as possible after receipt of the September 30th pupil count audited by the State Department of Education, but may be revised more often because of significant changes in enrollments or capacities;

(3) shall be based on enrollments projected by the Board of Education and the capacities of schools as determined by the Board of Education under subsections (b) and (c); and

(4) shall determine for each public elementary, middle, and high school whether the school has capacity for additional students during the third school year after the school year in which the most recent revision of the school utilization chart is adopted and designate for that year each public elementary, middle, and high school in the County as “open” or “closed” based on capacity for additional students.

(b) What projected enrollment in the chart includes. The projected enrollment of a school used in the school utilization chart shall include:

(1) any predicted increase in the number of students from new development in the geographical attendance area of the school; and

(2) other students expected by the Board of Education to enroll in the school, including students assigned to the school for programmatic reasons.

(c) What capacity in the chart includes. The capacity of a school used in the school utilization chart shall:

(1) include the existing capacity of the school based on the program requirements of the Board of Education;

(2) include any applicable future capacity if:
(i) a contract for construction of the school or an addition to the school necessary to achieve the future capacity has been awarded; and
(ii) the Board of Education estimates that the construction will be completed in time to be used for the beginning of classes in the school year in which the future capacity is included in the school utilization chart; and
(3) not include capacity based on temporary or relocatable structures.

(d) **Approval.** A school utilization chart and any revisions to the chart shall not take effect until the County Council by ordinance has approved the chart or the revisions to the chart. The ordinance shall establish the effective date of the chart or revised chart, and the chart or revised chart shall continue in effect until replaced or revised.

(Bill No. 3-05; Bill No. 91-07; Bill No. 70-08)

§ 17-5-503. **Waiting list.**

(a) **Generally.** The Office of Planning and Zoning shall establish a waiting list for approval of the adequacy of public facilities for schools, with the date of entry onto the list being the date of the determination by the Office of the adequacy of public facilities for schools.

(b) **No actions to be taken while on list.** No further review or approval of a development shall take place while the development is on the waiting list, and no plans, applications, or other documents shall be submitted for review or approval.

(c) **Length of time on list.** An applicant is not required to remain on the waiting list for more than six years and, at the end of six years, the applicant is entitled to approval of the development without regard to the adequacy of public facilities for schools.

(Bill No. 3-05; Bill No. 7-06; Bill No. 91-07)

§ 17-5-504. **Annual report.**

(a) **Requirement for report and contents.** The Office of Planning and Zoning shall prepare an annual report for use in preparing the County's capital program. The report shall describe the number and type of dwelling units for which approval has been given and the number and type of dwelling units that are on the waiting list.

(b) **To whom distributed.** Copies of the annual report shall be submitted to the Board of Education, County Executive, County Council, and Planning Advisory Board.

(Bill No. 3-05)

**SUBTITLE 6. ADEQUATE SEWERAGE FACILITIES**

§ 17-5-601. **Standards.**

A development passes the test for adequate sewerage facilities if in the scheduled completion year of the development the development will have a private sewerage system approved by State and County authorities or, after accounting for all existing flows and flows reserved by allocation:

(1) lateral systems will accommodate expected ultimate peak flows from the proposed development;
(2) interceptors will accommodate ultimate peak gravity flows from the proposed development with adjustment for pump flows if applicable; 
(3) pumping stations and force mains tributary to the development impact area will accommodate expected peak flows from the proposed development; and 
(4) water reclamation facilities in the service area will accommodate the ultimate flows from the proposed development.
(Bill No. 3-05)

**SUBTITLE 7. ADEQUATE STORM DRAIN FACILITIES**

§ 17-5-701. Standards.

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

(1) the onsite drainage system and stormwater management system installed by the developer includes environmental site design to the maximum extent practicable, complies with the stormwater requirements of this Code, and is capable of conveying through and from the property the design flow of storm water runoff originating in the subdivision to an adequate outfall; and

(2) offsite downstream drainage systems are capable of conveying to an adequate outfall as defined in Article 16 the design flow of storm water runoff; or

(3) the developer has an approved mitigation plan under §§ 17-5-901 et seq., and has paid applicable fees due under Title 11.
(Bill No. 3-05; Bill No. 59-10)

§ 17-5-702. Storm drain facilities included.

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

(1) drainage facilities in existence on the date the developer submits the application for approval of the development; 
(2) new drainage facilities and improvements to existing drainage facilities that in combination with existing drainage facilities meet the adequacy standards if a public works agreement has been executed and delivered to the County or if the County has awarded a contract for the construction or improvement of the facilities and the facilities will be available for use before the issuance of the first building permit for the proposed development; 
(3) new drainage facilities and improvements to existing drainage facilities in all approved mitigation plans; and 
(4) the mitigation proposed for the development under §§ 17-5-901 et seq.
(Bill No. 3-05; Bill No. 59-10)

§ 17-5-703. Study impact area.

The study impact area limits shall be to the point of investigation as used in Article 16 of this Code.
SUBTITLE 8. ADEQUATE WATER SUPPLY FACILITIES

§ 17-5-801. Standards.

A development passes the test for adequate water supply facilities if in the scheduled completion year of the development the development will have a private water supply system approved by the appropriate State and County authorities or, after accounting for all existing demands and demands reserved by allocation:

1. the source facilities in the impact area have sufficient available capacity to provide maximum day demand to the proposed development;
2. the storage tanks in the impact area have sufficient available capacity to provide peak hour demand in addition to fire flow to the proposed development;
3. local pumping stations provide water to the proposed development with sufficient available capacity to provide maximum day demand where storage facilities are available on the discharge side or with sufficient capacity to provide for fire flow where storage facilities are not available on the discharge side; and
4. the distribution system is capable of providing normal required pressure and minimum residual pressure to the proposed development under fire flow for the type of development planned.

SUBTITLE 9. MITIGATION

§ 17-5-901. Mitigation.

(a) General requirement. Except as provided in this section, mitigation consists of the construction or funding of improvements to offsite public facilities by a developer that increase capacity and improve environmental effectiveness or safety of each public facility that is below the minimum standard in the impact area so that the capacity, environmental effectiveness or safety of the facility in the scheduled completion year will be equal to or greater than if the development had not been constructed. A mitigation plan may include physical improvements secured by bond, letter of credit or other security acceptable to the County, which shall be provided under a public works agreement or grading permit, or an agreement with the Board of Education to construct school facilities, including a contract school, or payment of storm drain fees in excess of those required by Title 11, or contributions to existing capital projects and shall be approved by the Planning and Zoning Officer. The developer shall submit a cost estimate to establish the value of construction or off-site improvements offered in mitigation, and a cost estimate for construction and improvements in conformance with County specifications may be approved by the Planning and Zoning Officer, who may also require a mitigation agreement to ensure compliance with the requirements of this section. An agreement with the Board of Education to construct school facilities must comply with applicable State law and be approved by resolution introduced by the County Executive and adopted by the County Council.
(b) Freeway interchanges and freeway through lanes. If mitigation to an intersection under subsection (a) would require the construction of or improvements to freeway interchanges or freeway through lanes, the mitigation required to pass the test for adequate road facilities shall increase the capacity of the intersection to the fullest extent possible without constructing the improvements to the freeway interchanges or freeway through lanes.

(c) Parole Town Center Growth Management Area. In the Parole Town Center Growth Management Area, mitigation consists of one or more of the following as directed by the Office of Planning and Zoning:

1. improvements to each substandard intersection that will have a positive effect on the substandard intersection;
2. construction of or improvements to one or more road links that will have a positive effect on each substandard intersection;
3. a significant capital improvement that will improve the County's ability to provide public transportation in the Parole Town Center Growth Management Area; or
4. an acceptable paratransit operation or ridesharing program to mitigate traffic impact.

(d) Development within one-half mile of existing or programmed bus or rail transit. Mitigation for development within one-half mile of existing or programmed bus or rail transit service may include the execution of an agreement in a form acceptable to the County and binding on the developer and the developer’s successors and assigns, to mitigate for six years from the date of final plan approval. Mitigation may include the purchase of annual bus passes, installation or construction and maintenance of bus stops and passenger shelters at locations acceptable to the Office of Planning and Zoning, or enrollment in a ride share program administered by the County. For purposes of this subsection, programmed bus or rail transit service means routes with available funding.

(e) Reports. Except when mitigation is not required, the developer or the developer’s successors and assigns who provide mitigation pursuant to subsection (d) shall file with the Office of Planning and Zoning an annual report attesting to the purchase and average use of annual bus or rail transit passes, the levels of participation in ride share programs, or other evidence of mitigation as required by the Office of Planning and Zoning.

(f) Watershed management tool. The developer shall prepare a storm drainage management plan using all available information from the watershed management tool to avoid adverse environmental impacts and prioritize improvements.

(g) School Capacity Mitigation Agreement. Pursuant to this section and § 17-5-501 a developer may enter into a School Capacity Mitigation Agreement acceptable to the Planning and Zoning Officer to provide capital improvements to increase school capacity, including construction of a contract school, to resolve existing capacity deficiencies and to mitigate the predicted increase in student enrollment in schools required to be adequate for the development, as determined by the Board of Education, so that the capacity of the school in the scheduled completion year will be equal to or greater than if the development had not been constructed. Approvals of the development may not be granted until the capital improvements are completed by the developer and accepted by the Board of Education, or adequate security for completion of the capital improvements is provided by the developer. The capital improvements provided by the developer pursuant to a School Capacity Mitigation Agreement shall be available to any portion of the developer’s specified property or project and shall provide school capacity to allow approval of subdivision sketch plan applications filed for the property or project within six
years of the date of the School Capacity Mitigation Agreement. The six year filing deadline may be extended by the Planning and Zoning Officer for good cause shown.

(h) **Transportation Capacity Mitigation Agreement.** Pursuant to this section and § 17-5-401 a developer may enter into a Transportation Capacity Mitigation Agreement to provide capital improvements to increase road capacity to resolve existing roadway deficiencies and to mitigate the traffic impact of all phases of a proposed development by providing roadways adequate for the project. Approvals for development within the project may not be granted until the capital improvements specified in the Transportation Capacity Mitigation Agreement are completed by the developer and accepted by the County, or adequate security for completion of the capital improvements is provided by the developer. The capital improvements provided by the developer pursuant to a Transportation Capacity Mitigation Agreement shall be available to any portion of the developer’s specified property or project and shall provide roadway capacity to allow approval of sketch plan or site development plan applications filed for the property or project within six years of the date of the Transportation Capacity Mitigation Agreement. The six year filing deadline may be extended by the Planning and Zoning Officer for good cause shown.

(Bill No. 3-05; Bill No. 77-05; Bill No. 59-10; Bill No. 47-12; Bill No. 20-13)

§ 17-5-902. **Delay in or alternative method of accomplishing mitigation.**

If the Planning and Zoning Officer, after consultation with the Director of Public Works, determines that the timing of capital projects or the need to ensure continuity in the transportation network makes it more efficient to delay the construction of all or part of proposed mitigation, the Planning and Zoning Officer shall require the developer to:

1. delay the construction of all or part of the improvements to a date certain and sign a public works agreement guaranteeing the construction of the delayed improvements; or
2. agree to pay the County the current estimated cost of the mitigation, which the County shall use to fund all or part of a capital project to improve the facilities that were to have been mitigated by the developer.

(Bill No. 3-05)

**SUBTITLE 10. PHASING**

§ 17-5-1001. **Phasing of development.**

Adequacy of public facilities for development may be tested and approved in phases if:

1. a plan for phased development is approved by the Planning and Zoning Officer; and
2. the Administrative Hearing Officer allows phasing in accordance with that plan as a condition of special exception approval; or
3. the decision of the Administrative Hearing Officer is appealed and the Board of Appeals allows phasing in accordance with that plan as a condition of special exception approval.

(Bill No. 59-10; Bill No. 110-15)
TITLE 6. GENERAL DEVELOPMENT PROVISIONS

Subtitle 1. In General

17-6-101. Scope.
17-6-102. Shore erosion control measures.
17-6-103. Road design.
17-6-104. Transfer of density.
17-6-105. Wells.
17-6-106. FEMA map revisions and amendments.
17-6-107. Road frontage; road names; building numbers; addresses.
17-6-108. Mobile home park relocation plans.
17-6-109. Underground facilities.
17-6-110. Setbacks from certain roads.
17-6-111. Open space; recreation area; open area.
17-6-112. Mailboxes.

Subtitle 2. Landscaping

17-6-201. Landscape Manual.
17-6-202. Landscape plan.

Subtitle 3. Forest Conservation

17-6-301. Scope.
17-6-302. Forest stand delineation.
17-6-303. Forest conservation plan.
17-6-304. Afforestation and reforestation generally.
17-6-305. Afforestation.
17-6-306. Reforestation.
17-6-307. Agreements.
17-6-308. Forest Conservation Fund.
17-6-309. Violations.

Subtitle 4. Natural Features

17-6-401. Nontidal wetlands.
17-6-402. Streams.
17-6-403. Steep slopes.
17-6-404. Nontidal floodplains.
17-6-405. Preservation in the development process.

Subtitle 5. Historic Resources, Archaeological Resources, and Cemeteries

17-6-501. Historic resources.
17-6-502. Archaeological resources.
17-6-503. Cemeteries.
17-6-504. Scenic or historic roads.

Subtitle 6. Parking and Stacking Capacity

17-6-601. Reservation for use or structure.
17-6-602. Size of parking spaces.
17-6-603. Width of drive aisles.
17-6-604. Parking design.
17-6-605. Stacking capacity.
17-6-606. Commuter park and ride areas.
17-6-607. Parking in small business districts.
17-6-608. Parking lots for townhouses, or commercial, industrial, or private institutional uses.

Subtitle 7. Agreements

17-6-701. Generally.
17-6-702. Security.
17-6-703. Release of security.
17-6-704. Forfeiture of security.

SUBTITLE 1. IN GENERAL

§ 17-6-101. Scope.

This title relates to development approved in the subdivision process or through a site development plan. 
(Bill No. 3-05)

§ 17-6-102. Shore erosion control measures.

(a) Preferred shore erosion control measures. Vegetation shall be used as a shore erosion control measure unless it is demonstrated to be ineffective. In that event, an alternative measure shall be used in the following order of preference:

(1) vegetation in combination with a stone sill, groin, breakwater, or similar wave dissipating structure;

(2) the establishment or expansion of a beach by placing sand fill between the mean high-water line and mean low-water line;

(3) riprap and materials similar to riprap that are composed of loose, permeable components; or

(4) a bulkhead, groin, jetty, revetment, or seawall if the erosion rate is greater than two feet per year or when site constraints, such as water depth or topography, make other measures impractical.

(b) Structures parallel to shoreline. Shore erosion control structures built parallel to the shoreline may not extend beyond the natural shoreline at mean high water except to achieve a stable slope behind the structure.
(c) **Replacement of damaged bulkheads and seawalls.** Existing damaged bulkheads and seawalls may be replaced with a new structure within 18 inches of the old structure. (Bill No. 3-05)

§ 17-6-103. **Road design.**

(a) **Subdivision roads generally.** To the maximum extent practicable, roads within a proposed subdivision shall be designed to minimize grading and impacts to natural features, and impacts to adjoining properties.

(b) **Road improvements for agricultural preservation subdivisions and certain cluster developments.** In an agricultural preservation subdivision, the road improvements required by the DPW Design Manual apply with respect to the road frontage of the owner’s and the children’s lots only. In a cluster development in an RA or RLD Zoning District, the road improvements required by the DPW Design Manual apply with respect to the road frontage of the cluster lots only.

(c) **Interconnections between subdivisions.** Roads other than alleys shall be designed to provide a connection between subdivisions of similar zoning and use unless the Office of Planning and Zoning determines that the interconnection will result in unnecessary impact to the environment or adjacent residentially zoned and developed properties.

(d) **Residential subdivisions.** Access to residential subdivisions through commercial and industrial development is allowed only if no other access is available.

(e) **Frontage on a collector or arterial road.** If a proposed subdivision has frontage on a collector or arterial road, the roads within the proposed subdivision shall be designed to minimize driveway access to the collector or arterial road.

(f) **Orientation of proposed units.** A proposed subdivision and road layout shall be designed to minimize orienting the rear facades of proposed units toward a public or private road other than an alley.

(g) **When further subdivision allowed.** If a proposed lot or bulk parcel within a subdivision may be further subdivided, a right-of-way of adequate width to accommodate the future development potential shall be provided for the lot or parcel.

(h) **Mixed use and high density residential developments.** Roads within a subdivision containing mixed use or high density residential developments shall be designed to accommodate mass transit service by providing sidewalks, crosswalks, stopping lanes, and bus waiting facilities at appropriate areas as determined by the Office of Planning and Zoning.

(i) **Public roads.** Public roads within a proposed subdivision shall be designed, to the maximum extent practicable, to minimize impervious surfaces, grading, and impacts to natural features.

(1) **The right-of-way for public roads.** The right-of-way for public roads shall be conveyed by dedicating and deeding the land to the County or State in fee simple. If a proposed subdivision other than an agricultural preservation subdivision borders a County or State road that does not comply with County or State standards, the developer shall dedicate and deed sufficient right-of-way to comply with the standards and to accommodate pedestrian and bicycle facilities identified in the County Pedestrian and Bicycle Master Plan, except that in a cluster development in an RA or RLD District, the developer shall dedicate and deed in fee simple sufficient right-of-way to comply with the standards on the road frontage of the cluster lots only.
(2) Generally, roads within and serving commercial, industrial or multifamily residential development shall be privately owned and shall be served by privately owned stormwater management facilities.

(3) To the maximum extent practicable, roads in the R2, R1, RLD, and RA Zoning Districts shall be open section roads and roads in all other zoning districts shall be closed section roads with swales.

(4) The developer shall convey to the County a perpetual easement in the clear sight triangle of pre-existing road intersections and new rights of way.

(j) **Private roads; declaration.** Proposed new private roads shall be designed to accommodate areas for mail delivery and the collection of residents’ garbage and recyclable materials. Generally these areas shall be in close proximity to public roads. The developer shall prepare and record a declaration of covenants, conditions, and restrictions requiring that, in the absence of a homeowners association or condominium regime legally responsible for maintenance of the private road, owners of newly created lots abutting a private road shall be responsible for the maintenance of the private road. For private roads developed in connection with a subdivision requiring the creation of a homeowners association, the declaration shall be binding on the homeowners association and the homeowners association shall be responsible for maintenance of the private road. For private roads developed in connection with a condominium regime, the declaration shall be binding on the condominium regime’s council of unit owners and the council of unit owners shall be responsible for maintenance of the private road. For development in the absence of a homeowners association or condominium regime the declaration shall be binding on all abutting property owners and those abutting property owners shall be responsible for maintenance of the private roads. Any declaration required by this section shall be recorded in the land records.

(Bill No. 59-10)

§ 17-6-104. **Transfer of density.**

A developer may transfer density from a portion of a lot located in one zoning district to another portion of the same lot located in a more intense zoning district if the portion from which density is transferred is placed in a perpetual easement and designated for public use or held as open space by a homeowners' association.

(Bill No. 3-05)

§ 17-6-105. **Wells.**

Wells located on residential lots shall be located at least 50 feet from existing offsite agricultural land preservation easements and other farms that have a complete soil conservation and water quality plan approved by the Anne Arundel County Soil Conservation District.

(Bill No. 3-05)

§ 17-6-106. **FEMA map revisions and amendments.**

When a floodplain analysis establishes a floodplain limit that differs from the floodplain limit shown on the Federal Emergency Management Agency’s (FEMA) Floodplain Insurance Rate Maps (FIRM) or proposed structures are shown in the FIRM floodplain but not in the
floodplain limit established by the floodplain analysis, the developer shall apply for a revision or amendment to the affected FIRM and obtain a letter of acceptance from FEMA before recordation of the record plat or issuance of a building or grading permit.
(Bill No. 3-05; Bill No. 59-10)

§ 17-6-107. Road frontage; road names; building numbers; addresses.

(a) Road frontage. Subdivisions consisting of six or more residential lots for single-family detached dwellings and development consisting of six or more single-family detached dwellings shall provide frontage for each single-family detached dwelling on a public road. Subdivisions consisting of five or fewer residential lots for five or fewer single-family detached dwellings and development consisting of five or fewer single-family detached dwellings may provide frontage on a private road.

(b) Road names and building numbers. The Office of Planning and Zoning shall establish, maintain, and implement a system for the naming of roads and the numbering of dwellings and structures. The Office shall assign numbers to newly constructed dwellings and structures and names to new roads. The Office may change the addresses of existing dwellings and structures. The Office may change the names of existing roads, and may place or have placed at intersections or crossings signs indicating the names of roads.

(Bill No. 3-05; Bill No. 59-10)

§ 17-6-108. Mobile home park relocation plans.

(a) Generally. Any applicant changing the use of a mobile home park shall submit a mobile home park relocation plan for the park residents that meets the requirements of Title 8A of the Real Property Article of the State Code, shall comply with the plan as approved, and shall pay all fees established by this section. Final plan approval for subdivisions and final site development plan approval may not be granted until the applicant fully complies with the relocation plan.

(b) Review and monitoring of plans. The County may contract with Arundel Community Development Services, Inc. or a similarly qualified person or entity, to review, approve and monitor compliance with mobile home park relocation plans. A relocation plan, including any re-submittals, shall be reviewed and a written approval or denial issued no later than 45 days after the date of submittal. A denial shall include specific reasons for the denial.

(c) Fees. The mobile home park owner shall pay the fees due under § 17-11-101 for mobile home park relocation plan review and compliance monitoring as follows.

1. All fees shall be paid at the time of application.

2. The fee for compliance monitoring of a relocation plan shall be due for each mobile home occupied by a resident at the time of application for a change of land use.

3. If the County enters into a contract in accordance with subsection (b), all fees due under this section shall be paid directly to the person or entity with whom the County contracts. Otherwise, all fees shall be paid to the County.

4. An owner shall enter into an agreement with the County to provide security in the form of a letter of credit to secure the payment of any required relocation assistance not previously paid. An agreement to post security shall provide for the release of the security when all relocation assistance required to be paid pursuant to Title 8A of the Real...
Property Article of the State Code has been paid. An agreement and security posted under this subsection shall satisfy the requirement that the owner fully comply with the relocation plan prior to final plan approval, but does not relieve the owner of the obligation to pay the relocation assistance directly to qualified park residents or to provide confirmation satisfactory to the Office of Planning and Zoning that any relocation assistance required to be paid to residents has been fully paid prior to plat recordation or a recommendation to approve a site development plan.

(Bill No. 20-14)

§ 17-6-109. Underground facilities.

A developer shall provide for underground facilities for utilities to serve a development in accordance with applicable law for underground facilities. The developer shall execute all required agreements relating to the underground facilities, including easements, and provide proof to the County that the agreements have been executed.

(Bill No. 53-06)

§ 17-6-110. Setbacks from certain roads.

(a) Setbacks from certain roads. Unless the Planning and Zoning Officer approves a reduced setback under subsection (b), residential development shall provide for a setback from the property line to the edge of the mainline pavement of certain roads, exclusive of ramps, as follows:

1. 485 feet to I-97;
2. 600 feet to I-695;
3. 560 feet to US 50;
4. 440 feet to MD 10;
5. 455 feet to MD 100;
6. 450 to MD 32; and

(b) Reduction of required setback; noise study. A setback required under subsection (a) may be reduced if:

1. the site plan is designed to place outdoor activity areas in rear yards that are shielded from highway noise by proposed dwelling units and dwelling units are clustered to minimize front yards or to contain parking areas; or
2. the developer conducts a noise study using Federal Highway Administration prediction methods and the study reflects that the highway traffic sound level in outdoor activity areas is at or below 66 dBA or that noise mitigation measures will bring the highway traffic sound level to a level at or below 66 dBA in outdoor activity areas and 45 dba in indoor residentially occupied building spaces with highway traffic sound levels at the exterior building facades that exceed 66 dBA.

(c) Noise mitigation measures. Outdoor noise mitigation measures provided by the developer shall be noted on the proposed record plat and shall be located in open space maintained by a homeowners association, community association, or council of condominium unit owners. In the absence of open space, the developer shall provide a noise mitigation maintenance easement to be recorded in the land records and noted on the proposed record plat. Required indoor noise mitigation measures shall be noted on the building architectural plans.
(Bill No. 59-10)

§ 17-6-111. Open space; recreation area; open area.

(a) **Scope.** This section does not apply to an agricultural preservation subdivision or to a subdivision located in an RA District.

(b) **Required open space generally.** Unless the Planning and Zoning Officer grants a modification to allow a reduction in the amount of required open space, a minimum of 30% of the gross area of a residential site, excluding the area of transmission line easements, shall be dedicated permanently as open space for the use of the residents in the subdivision. The recreation area requirements of subsection (c) and wetlands and their buffers shall be located in required open space.

(c) **Required recreation area generally.** Unless the Planning and Zoning Officer under subsection (g) requires the developer to pay a fee in lieu of recreation area, a single-family detached, townhouse, semi-detached, or duplex subdivision that provides open space under subsection (b) shall have at least 1,000 square feet of recreation area for each dwelling unit. A multifamily subdivision that provides open space under subsection (b) shall dedicate and use 20% of the gross area of the site as recreation area. At least 50% of the required recreation area shall be reserved for active recreation, such as tennis courts, swimming and boating areas, playgrounds, and playfields. The remainder of the recreation area may be passive recreation area and may be encumbered by forest conservation easements that permit minimal disturbance for trails, stormwater management areas, or environmentally sensitive areas.

(d) **Open area and required recreation area for certain multifamily dwellings.** A multifamily dwelling that has not provided an open space lot under subsection (b) shall have 45% of the gross area of the site as open area and 20% of the gross area of the site as recreation area. At least 50% of the required recreation area shall be reserved for active recreation, such as tennis courts, swimming and boating areas, playgrounds, and playfields.

(e) **Characteristics of recreation area generally.** Recreation area shall be designed to demonstrate ADA accessibility to the maximum extent practicable, and may not include parking lot islands, transmission line easements, or strips with a width of less than 20 feet.

(f) **Conveyance or dedication.** At the discretion of the County and to the full extent allowed by law, the County may require a developer to convey fee simple title of open space to the County without charge. Alternatively, if the property is adjacent to an existing State park and the State agrees to accept title, the County may require conveyance of open space to the State. If open space is not conveyed to the County or the State, a developer shall convey open space in fee simple to an incorporated homeowners association for the subdivision. Before recordation of the proposed record plat, the Office of Planning and Zoning and the Office of Law shall review and approve all documents deemed necessary to ensure that membership in the homeowners association is mandatory and automatic upon conveyance of title to any lot or unit in the subdivision and that the maintenance of open space owned by the homeowners association is guaranteed. The conveyance to the homeowners association shall be concurrent with the recording of the proposed record plat.

(g) **Fee in lieu.** The Planning and Zoning Officer may require a developer to pay a fee in lieu of establishment of recreation area if the Planning and Zoning Officer determines that land is not of significant quality or size for community purposes. The fees shall be used to provide public recreation areas and facilities in the County.
Characteristics of active recreation area. Recreation area to be used for active recreation may not include wetlands or stream buffers, floodplains, forest conservation easements, stormwater management or drainage facility easements, inlets, outfalls, stormwater management credit areas, or slopes over five percent. Recreation area shall:

1. be integrated into the subdivision design to create focal points along roads and at entrances;
2. be square or rectangular in shape, to the extent practical, and suitable for recreation uses, such as tot lots, ball fields, and courts, or for recreation in formal parks and squares;
3. have at least 20 feet of frontage on a public or private road;
4. be centrally located among the lots it serves; and
5. be equitably distributed into two areas if the subdivision or site contains at least 50 residential lots or the site contains at least 50 residential units.

Characteristics of open space and open area. Open space and open area shall contain the active and passive recreation areas, environmentally sensitive areas, and stormwater management areas identified in the preliminary plan and sketch plan. These areas shall be incorporated into the site design to maximize views and accessibility from proposed dwelling units and public spaces. To the maximum extent practicable, open space and open area shall be located so as to augment land on adjacent property that has previously been identified as open space, open area, conservation or preservation areas, or that has been identified by the Office of Planning and Zoning as possible future open space, conservation or preservation areas. The developer shall integrate open space and open area into the site design to maximize environmental protections while creating quality community and public spaces.

§ 17-6-112. Mailboxes.

The developer shall provide and identify sufficient area for the location and installation of mailboxes in conformance with requirements of the United States Postal Service.

SUBTITLE 2. LANDSCAPING

§ 17-6-201. Landscape Manual.

The Planning and Zoning Officer shall prepare regulations governing the landscaping, screening, and buffering of all development and the regulations shall be compiled in a document titled "Anne Arundel County Landscape Manual." The Landscape Manual shall be submitted for approval of the County Council by ordinance and may be changed only with the approval of the County Council by ordinance.

§ 17-6-202. Landscape plan.

Whenever landscaping, screening, or buffering is required by the Landscape Manual, the developer shall submit to the Office of Planning and Zoning a landscape plan and cost estimate.
that complies with the requirements of the Landscape Manual. The plan shall be prepared by a registered landscape architect or other qualified professional and shall include all information required by the Office of Planning and Zoning. Landscaping approved by the Office of Planning and Zoning, including recreation amenities and hardscape features, shall be bonded as a line item in the grading permit bond.
(Bill No. 3-05; Bill No. 59-10)

SUBTITLE 3. FOREST CONSERVATION

§ 17-6-301. Scope.

(a) In general. This subtitle applies to any public or private subdivision plan or application for a grading or sediment control permit by any person, including a unit of State government and the County, on areas 40,000 square feet or greater.

(b) Exceptions. This subtitle does not apply to:
   (1) highway construction activity that is subject to the Natural Resources Article, § 5-103, of the State Code;
   (2) cutting or clearing of forest in areas governed by the critical area overlay contained in Article 18, Title 13 of this Code;
   (3) commercial logging and timber harvesting operations as provided in the Natural Resources Article, § 5-1602(b)(3), of the State Code;
   (4) any agricultural activity, as defined in the Natural Resources Article, § 5-1601, of the State Code, that does not result in a change in a land use category;
   (5) the cutting or clearing of public utility rights-of-way or land for electrical generating stations as provided in the Natural Resources Article, § 5-1602(b)(5), of the State Code;
   (6) routine maintenance of public utility rights-of-way;
   (7) residential construction on a single lot of any size or a linear project if:
      (i) the residential construction or linear project does not result in the cutting, clearing, or grading of more than 20,000 square feet of forest; and
      (ii) the residential construction or linear project will not result in the cutting, clearing, or grading of any forest that is subject to the requirements of a previous forest conservation plan prepared under this subtitle;
   (8) any strip or deep mining of coal regulated under the Environmental Article, Title 15, Subtitle 5 or 6, of the State Code, and any non-coal surface mining regulated under the Environmental Article, Title 15, Subtitle 8, of the State Code; or
   (9) the cutting or clearing of trees to comply with the requirements of 14 CFR 77.25 relating to objects affecting navigable airspace if the Federal Aviation Administration has determined that the trees are a hazard to aviation.

(c) Declaration of intent. A developer shall file a declaration of intent for the exceptions set forth in subsection (b)(3), (b)(4), and (b)(7); whenever a grading permit is required under Article 16, Title 2, of this Code; and to the extent required by State law.
(Bill No. 3-05; Bill No. 77-05; Bill No. 59-10)

§ 17-6-302. Forest stand delineation.
(a) **Required.** A developer shall file with the Office of Planning and Zoning a forest stand delineation plan prepared by a licensed forester, licensed landscape architect, or other qualified professional who meets the requirements of COMAR, Title 08. The purpose of the plan is to determine the most suitable and practical areas for forest conservation.

(b) **Contents.** Except as otherwise provided in this section, a forest stand delineation shall consist of a narrative and shall contain or be accompanied by all information required by the Office of Planning and Zoning, including:

1. a topographic map delineating intermittent and perennial streams and steep slopes;
2. a soils map delineating soils with structural limitations, hydric soils, or highly erodible soils;
3. forest stand data indicating the species, location, and size of trees and showing dominant and co-dominant forest types;
4. the location of 100-year floodplains; and
5. information required by the State Forest Conservation Technical Manual.

(c) **Simplified forest stand delineation for other than linear projects.** The Office of Planning and Zoning may approve a simplified forest stand delineation for sites other than linear projects if:

1. (i) less than 40,000 square feet of forest cover is disturbed during any construction activity; or
   (ii) forest cover disturbance is required by the County for the widening or improvement of existing County roads or utility extensions when, without the disturbance required by the County, the development itself would otherwise be exempt from the forest conservation provisions of this title;
2. a forest conservation easement is entered into with the County to provide long-term protection for the area; and
3. the application for approval of the simplified forest stand delineation contains all information required by the Office of Planning and Zoning, including at least the following:
   (i) a topography map that delineates intermittent and perennial streams and steep slopes;
   (ii) soil mapping units and narrative that indicate soils with structural limitations, hydric soils, or highly erodible soils;
   (iii) the location of 100-year floodplains; and
   (iv) a map verified by a field inspection that shows existing forest cover, champion trees, and critical habitat areas.

(d) **Simplified forest stand delineation for linear projects.** The Office of Planning and Zoning may approve a simplified forest stand delineation for a linear project if:

1. disturbance to a forest area is less than 40 feet wide and the total forest disturbance is less than 120,000 square feet;
2. the project area does not impact sensitive environmental features, such as floodplains, hydric soils, wetlands, perennial or intermittent streams, critical habitat, steep slopes, or highly erodible soils; and
3. the applicant demonstrates that reasonable efforts have been made to utilize other routes.
(e) **Map requirements.** All maps required to be submitted under this section shall be at the same scale.

(f) **Effectiveness.** A forest stand delineation shall remain in effect for five years after approval. Thereafter, the Office of Planning and Zoning may approve the forest stand delineation for an additional five years based on the submission of such additional information as the Office may require.

(Bill No. 3-05; Bill No. 93-12)

§ 17-6-303. Forest conservation plan.

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

(b) **Priority retention areas.** The following vegetation and areas are considered priority retention areas and shall be left undisturbed unless the developer demonstrates that reasonable efforts have been made to protect the vegetation and areas but the plan cannot reasonably be altered:

1. trees, shrubs, and plants located in sensitive areas, including the 100-year floodplain, intermittent and perennial streams and their buffers, steep slopes, non-tidal wetlands, and critical habitats;
2. contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site;
3. trees, shrubs, or plants determined to be rare, threatened, or endangered under the Federal Endangered Species Act of 1973 set forth in 16 U.S.C. §§ 1531 - 1544 and in 50 CFR Part 17; the Maryland Nongame and Endangered Species Conservation Act set forth in the Natural Resources Article, §§ 10-2A-01 et seq., of the State Code; and COMAR, Title 08;
4. trees that are champion trees, part of a historic site, or associated with a historic structure;
5. a tree that has a diameter measured at 4.5 feet above the ground of 30 inches or more or that is 75% or more of the diameter of the current State champion tree of that species; and
6. forested areas at least 35 feet wide with a total area of 10,000 square feet.

(c) **Contents of forest conservation plan.** A forest conservation plan shall contain or be accompanied by all information required by the Office of Planning and Zoning, including at least the following:

1. an approved forest stand delineation;
2. a table that lists the proposed values, measured to the nearest one-tenth acre, of the site, excluding the 100-year floodplain, the area of required forest conservation, and the onsite and offsite areas of forest conservation that the developer will provide;
3. a graphic scale drawing of the site that shows the forest conservation to be provided, areas where existing forest is to be retained, areas proposed for afforestation or reforestation and their relationship to priority areas, any offsite areas proposed for afforestation or reforestation to meet forest conservation requirements, the limits of disturbance to the site, and stockpile areas;
4. an explanation of how the developer will give priority to the retention of existing forests;
(5) an afforestation or reforestation plan, if applicable;
(6) information required by the State Forest Conservation Technical Manual;
(7) a timetable for the sequence to implement the forest conservation plan and a description of site and soil preparation, size and species of plants and trees, and spacing between trees and plants;
(8) the locations and types of protective devices to be used during construction activities to protect trees and forests designated for conservation;
(9) a forestation agreement;
(10) a forest conservation easement that provides protection for areas of retention, planting, replanting, afforestation, or reforestation and that limits the use of those areas to uses that are consistent with forest conservation, including passive recreational activities and forest management practices.

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

(1) If a developer proposes to retain less of the existing forest than is required by the forest conservation thresholds established in § 17-6-306, the developer shall apply for a modification of the forest conservation requirements of this subtitle and:
   (i) demonstrate that there are no available methods or techniques to implement forest retention at the forest conservation threshold;
   (ii) demonstrate why priority forests and priority areas, as determined by an evaluation of the forest stand delineation, cannot be retained; and
   (iii) describe the areas where afforestation and reforestation will occur, with preference given to replanting in a priority retention area.

(2) If the Office determines that retention of existing forest is not feasible, the developer shall provide for afforestation in accordance with § 17-6-305 and reforestation in accordance with § 17-6-306.

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

(Bill No. 3-05; Bill No. 59-10; Bill No. 93-12)

§ 17-6-304. **Afforestation and reforestation generally.**

(a) **Methods.** Unless a different method is necessary to achieve the objectives of County land use policies and this article or to take advantage of opportunities to consolidate forest conservation efforts, afforestation and reforestation shall be undertaken in accordance with one or more of the following methods in preferred sequence, as determined by the Office of Planning and Zoning, based on site conditions or forestry practices that will enhance wildlife or water quality values:

(1) onsite afforestation or reforestation using transplanted or nursery stock that is at least 1.5 inches in diameter measured at 4.5 feet above the ground and shrubs;

(2) onsite afforestation or reforestation using transplanted or nursery stock that is at least 1.5 inches in diameter measured at 4.5 feet above the ground;

(3) onsite afforestation or reforestation using whip and seedling stock;
(4) offsite afforestation or reforestation using transplanted or nursery stock that is at least 1.5 inches in diameter measured at 4.5 feet above the ground and shrubs;
(5) offsite afforestation or reforestation using transplanted or nursery stock that is at least 1.5 inches in diameter measured at 4.5 feet above the ground;
(6) offsite afforestation or reforestation using whip and seedling stock;
(7) natural regeneration onsite; or
(8) natural regeneration offsite.

(b) **Location.** All afforestation or reforestation shall occur in an area of the County that is at least 10,000 square feet and at least 35 feet wide. If practical, afforestation or reforestation shall occur in the watershed in which the development is located.

(c) **Native species.** Tree species used for afforestation or reforestation shall be native to the County and selected from a list of approved species established by the County Forester.

(d) **Credit for street trees, offsite area, easements.** For projects located in an area designated by the County pursuant to the Natural Resources Article, § 5-1607(b)(2), of the State Code, the Office of Planning and Zoning shall give credit towards afforestation or reforestation for:

1. street trees required by the Design Manual, based on the mature canopy coverage of the street trees; and
2. a transfer to the County of a fee simple or easement interest in an offsite existing developable forest that is not otherwise protected, with the credit not to exceed 50% of the area of forest cover protected.

(e) **Credit for certain landscaping.** The Office of Planning and Zoning shall give credit towards afforestation or reforestation for landscaped screening and buffer areas in accordance with an approved landscape plan prepared under §§ 17-6-201 et seq. if done in an area that covers at least 2,500 square feet and is at least 35 feet wide.

(f) **Forest mitigation banks.** If reforestation or afforestation requirements cannot reasonably be accomplished onsite or offsite, the Office of Planning and Zoning may allow the use of credits from an approved forest mitigation bank. Forest mitigation banks shall be located as required by the Natural Resources Article, § 5-1610.1, of the State Code, and shall meet the requirements set forth at COMAR, 08.19.03.01, Articles X-1 and X-2 of the Model Forest Conservation Ordinance. A forest mitigation bank may not be used unless approved in advance by the Office of Planning and Zoning.

§ 17-6-305. Afforestation.

(a) **Amount required.** The amount of afforestation required under this subtitle shall be determined according to the amount of existing forest cover as provided in this section. For purposes of this section, the term "site" excludes the 100-year floodplain. The amount required is as follows:

1. a site that has less than 20% existing forest cover shall be afforested up to at least 20% of the site for agricultural and resource areas and medium density residential uses; and
2. a site that has less than 15% existing forest cover shall be afforested up to at least 15% of the site for institutional development uses, high density residential uses, mixed use or planned unit development uses, and commercial or industrial uses.
(b) **Clearing below afforestation level.** If existing forest cover is cut or cleared on a site that is below the afforestation levels set forth in this section, the site shall be reforested at a ratio of two acres planted for every acre cut or cleared, and this reforestation shall be in addition to the afforestation required by this section.

(c) **Exception for linear projects.** Afforestation is not required for the construction of linear projects where the utility crosses open, non-forested areas and the same use will continue on the site after the project is complete.

(Bill No. 3-05)

§ 17-6-306. Reforestation.

(a) **Amount required.** The amount of reforestation required under this subtitle shall be determined according to the amount of existing forest cover cleared in relation to the forest conservation threshold for the site. For purposes of this section, the term "site" excludes the 100-year floodplain. The forest conservation thresholds are:

1. for agricultural and resource areas, 50% of the site;
2. for medium density residential uses, 25% of the site;
3. for institutional development uses, 20% of the site;
4. for high density residential uses, 20% of the site;
5. for mixed use or planned unit development uses, 15% of the site; and
6. for commercial or industrial uses, 15% of the site.

(b) **Clearing above the threshold.** If existing forest cover is cut or cleared and the remaining forest cover is above the forest conservation threshold, the site shall be reforested at a ratio of one-fourth acre planted for each acre of forest cover cut or cleared except that each acre of the site remaining in forest cover above the forest conservation threshold shall be a credit against the amount of reforestation required.

(c) **Clearing below the threshold.** If existing forest cover is cut or cleared and remaining forest cover is below the forest conservation threshold, the site shall be reforested at a ratio of two acres planted for each acre of forest cover cut or cleared below the forest conservation threshold and one-fourth acre planted for each remaining acre of forest cover cut or cleared above the forest conservation threshold.

(Bill No. 3-05)

§ 17-6-307. Agreements.

(a) **Forestation agreements and forest conservation easements.** A developer shall execute a forestation agreement for planting, replanting, reforestation, or afforestation in areas of 1,000 square feet or more. A developer also shall execute a forest conservation easement, and the easement shall be located in areas that are at least 35 feet wide with a total area of at least 10,000 square feet. At the discretion of the Planning and Zoning Officer, the easement may be located on any open space lot or open area created under § 17-6-111, in a limited common element of a condominium regime, or in an agricultural preservation easement, but it may not otherwise be located on a residentially zoned lot of less than one acre. Forest conservation easements shall preserve existing forest and developed woodland.

(b) **Abandonment of forest conservation easements.** If a property owner believes that it is appropriate for the County to abandon a forest conservation easement, the owner shall
file a request with the Office of Planning and Zoning that explains why the abandonment is believed to be appropriate. The County may abandon the easement if:

(1) the Planning and Zoning Officer agrees that abandonment is appropriate;
(2) the easement or portion of the easement sought to be abandoned is no larger than one-half acre per lot and the cumulative area of all abandonments on the lot does not exceed one-half acre;
(3) the property owner pays into the Forest Conservation Fund the fee required by Title 11; and
(4) an amended record plat and other appropriate documentation, in a form acceptable to the County, are recorded among the land records.

(Bill No. 3-05; Bill No. 77-05; Bill No. 59-10)

§ 17-6-308. Forest Conservation Fund.

(a) Time frame for spending. Money paid into the County's Forest Conservation Fund shall remain in the Fund in accordance with Natural Resources Article, § 5-1610, of the State Code and applicable State regulations.

(b) Use. Money in the Forest Conservation Fund may only be spent on:

(i) costs associated with reforestation or afforestation, including those costs directly related to site identification, acquisition, prepurchase, preparation of conservation property, maintenance of existing forests, and achieving urban canopy goals; and

(ii) resource staff and equipment for project and plan review and approval that are directly related to the County forest conservation program in an annual amount not to exceed one-third of the Forest Conservation Fund.

(2) Money deposited in the Fund may not revert to any other local general fund.

(Bill No. 3-05; Bill No. 77-05; Bill No. 50-10)

§ 17-6-309. Violations.

A person who clears in violation of this subtitle shall, at a minimum:

(1) replant at two times the area cleared with trees and vegetative cover approved by the Office of Planning and Zoning; or

(2) pay a fee into the Forest Conservation Fund as required by § 17-11-101.

(Bill No. 77-05)

SUBTITLE 4. NATURAL FEATURES

§ 17-6-401. Nontidal wetlands.

Development may not occur within a nontidal wetland or within a 25-foot buffer of a nontidal wetland, except that commercial harvesting of trees is permitted if sound silvicultural methods are used, the harvesting is undertaken in accordance with a forest management plan approved by the State, and the following requirements are met:
(1) the harvesting utilizes forest harvest best management practices recognized by State forest programs;
(2) mitigation is done onsite through revegetation methods contained within the approved plan; and
(3) any clear cutting is approved as part of the approved plan.
(Bill No. 3-05)

§ 17-6-402. Streams.

Development may not occur within a stream bed or within a 100-foot non-disturbance stream buffer.
(Bill No. 3-05; Bill No. 59-10)

§ 17-6-403. Steep slopes.

Development may not occur within steep slopes or within 25 feet of the top of the steep slopes where the onsite and offsite contiguous area of the steep slopes is greater than 20,000 square feet unless development will facilitate stabilization of the slope or the disturbance is necessary to allow connection to a public utility.
(Bill No. 3-05; Bill No. 19-05)

§ 17-6-404. Nontidal floodplains.

Development in a nontidal floodplain is regulated by Article 16, Title 2 of this Code. The nontidal floodplain shall be conveyed to the County in accordance with § 17-3-701.
(Bill No. 93-12)

§ 17-6-405. Preservation in the development process.

The layout and design of a development shall comply with environmental site design criteria and shall preserve natural features to the maximum extent practicable. Factors that the Office of Planning and Zoning shall consider include the size and shape of the lot; other applicable requirements of this Code, such as lot coverage, setbacks, and buffers; the nature of the natural features in relation to the amount of usable property; and the layout and design of neighboring properties and the extent to which the natural features of those properties have been preserved.
(Bill No. 3-05; Bill No. 59-10; Bill No. 93-12)

SUBTITLE 5. HISTORIC RESOURCES, ARCHAEOLOGICAL RESOURCES, AND CEMETERIES

§ 17-6-501. Historic resources.

(a) Evaluation of historic resources. The developer shall identify all historic resources on property that is subject to an application for subdivision or an application for site development plan review associated with a building or grading permit, and the Planning and
Zoning Officer shall evaluate and determine the extent to which each historic resource can be retained and preserved based on whether the historic resource retains its structural and historic integrity and can still convey historic significance.

(b) **Preservation.** When an historic resource is to be retained and preserved, the following criteria shall apply to the maximum extent practicable:

1. access shall be by an existing driveway unless the Office of Planning and Zoning determines that relocation of the driveway results in an improved design;
2. new development shall be sited so that the layout does not impact the historic resource and shall be oriented so that the view of the historic property’s primary facade from the public road is not impaired;
3. grading, filling, construction, and landscaping on a commonly owned adjacent lot shall be designed to enhance views to and from the historic resource and to buffer views of new development;
4. the Office of Planning and Zoning may require architectural design covenants for new development within close visual proximity to the historic resource; and
5. the developer shall grant to the County a preservation easement and shall execute an agreement, as necessary, to protect and preserve to the extent feasible historic resources on properties listed on the County Inventory of Historic Properties.

(c) **When preservation not feasible.** Demolition or removal of an historic resource listed on the County Inventory of Historic Properties is allowed only when the Planning and Zoning Officer finds that preservation is not feasible and the developer has complied with all other applicable State and federal laws and regulations regarding the historic resource.

(Bill No. 3-05; Bill No. 59-10)

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

(a) **Generally.** Development shall avoid disturbance of significant archaeological resources listed on the Maryland Inventory of Archaeological Resources. If the Office of Planning and Zoning determines that there is a known or high potential for the existence of an archaeological resource on a property, the developer shall have a “Phase I” preliminary or intensive archaeological survey conducted, as required by the Office of Planning and Zoning. If an archaeological site is found as a result of a “Phase I” investigation, the developer shall conduct a Phase II survey to determine the extent of the site and the level of its significance.

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

1. plan development to preserve or mitigate adverse impacts to the resource and execute and deliver to the Office of Planning and Zoning a 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.

(Bill No. 3-05; Bill No. 59-10)

§ 17-6-503. **Cemeteries.**
(a) **Cemetery identification.** The location and boundary of an onsite cemetery shall be determined by one of the following methods, in consultation with the Office of Planning and Zoning:

1. a survey using professionally acceptable methods and techniques, including archival research, archaeology, geophysical survey methods, oral history, or other approved techniques;
2. observations in the field including visible grave stones or markers, a pattern of depressions indicative of graves or associated fence boundaries; or
3. reference to a modern map or plat or evidence found on historic maps or documents.

(b) **Preservation.** A developer shall preserve an onsite cemetery, as follows:

1. grading, construction, or subsurface disturbance within 25 feet of the cemetery boundary is prohibited;
2. appropriate measures shall be taken to protect the cemetery during construction, such as a field-delineated limit of disturbance zone, temporary fencing, or other appropriate physical markings;
3. a 15-foot right-of-way from the nearest public or private road shall be required to maintain public or family access to the cemetery; and
4. a preservation and maintenance easement shall be provided that designates a homeowner's association or other person or organization as the party responsible for care, maintenance, and protection of the site.

(Bill No. 3-05)

§ 17-6-504. **Scenic or historic roads.**

Development along a scenic or historic road shall preserve, maintain, and enhance the scenic or historic character of the landscape viewed from the road, and the achievement of maximum possible density is not a sufficient justification to allow impacts on a scenic or historic road. Development along a scenic or historic road shall occur in accordance with the following:

1. structures and roads shall be designed to retain the open character of the site and to minimize the impact of the development on views from the road;
2. structures and uses shall be located away from the road right-of-way unless sufficiently screened by topography or vegetation;
3. development shall minimize tree and vegetation removal and protect existing vegetation adjacent to the road;
4. the design shall minimize grading and retain existing slopes along the road frontage;
5. development shall avoid having a rear facade oriented towards the road but, if that is unavoidable, the structure shall be set back as far as possible from the road;
6. utilities, storm water management facilities, drainage structures, bridges, lighting, fences, and walls shall be located and designed to have the least impact, be unobtrusive, and harmonize with the surroundings and character of the road;
7. the primary access or entrance to new development shall not be located on a scenic or historic road if any reasonable alternative access is available and, if unavailable, the primary access or entrance shall be located in an area that has the least impact to the scenic or historic qualities of the road;
(8) entrance features shall be low, open, and in keeping with the scenic or historic character of the surrounding area;
(9) road improvements required as a result of new development shall preserve, maintain, and enhance existing road alignments and be limited to those minimal improvements required for purposes of safety;
(10) there shall be a buffer of existing forest between the road and the proposed development that is sufficiently wide to preserve, maintain, or enhance the visual character of the road and, when there is inadequate existing forest to screen the development from the road, reforestation or landscaping shall be required to create a buffer;
(11) new structures shall be located to the extent practical behind natural screening or in or along the edges of forests, at the edges of fields and hedgerows, or near existing buildings;
(12) the development shall preserve the existing forest, tree canopy, foreground meadow, pasture, crop land, and other natural screening and shall be designed to place development in the background as viewed from the road;
(13) the scenic or historic character of each road shall guide the design of visible shoulders, curbs, and sidewalks; and
(14) the design shall include select materials for guardrails and bridges that are compatible with the surrounding character.
(Bill No. 3-05)

**SUBTITLE 6. PARKING AND STACKING CAPACITY**

§ 17-6-601. Reservation for use or structure.

All parking spaces shall be reserved for the particular uses or structures for which they are required.
(Bill No. 3-05)

§ 17-6-602. Size of parking spaces.

The size of a parking space shall be as follows:

<table>
<thead>
<tr>
<th>Type of Space</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compact car parking space</td>
<td>8' by 14' (with 2' overhang) or 8' by 16'</td>
</tr>
<tr>
<td>Non-compact car parking space</td>
<td>9' by 16'</td>
</tr>
<tr>
<td>Parallel parking space</td>
<td>7' by 20'</td>
</tr>
<tr>
<td>Loading space</td>
<td>12' by 30'</td>
</tr>
<tr>
<td>Residential lot parking space</td>
<td>9' by 18'</td>
</tr>
<tr>
<td>Handicapped parking space</td>
<td>12' by 18' (or as required by the current ADA criteria)</td>
</tr>
</tbody>
</table>

(Bill No. 3-05; Bill No. 77-05; Bill No. 59-10)

§ 17-6-603. Width of drive aisles.
Two-way drive aisles shall be 24' in width. One-way drive aisles shall be no less than 15' for angled parking and 20' for perpendicular parking.

(Bill No. 3-05)

§ 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) 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.

(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.

(Bill No. 3-05; Bill No. 59-10)

§ 17-6-605. Stacking capacity.

A use that provides a drive-through service or that tends to draw lines of traffic shall provide adequate onsite stacking capacity, as determined by the Office of Planning and Zoning.

(Bill No. 3-05)

§ 17-6-606. Commuter park and ride areas.

The Planning and Zoning Officer may authorize a commuter park and ride area in the design and layout of a parking area if the commuter park and ride area:

1. does not impair the availability of parking for a principal use of the property;
2. is located on a lot that contains at least 50 parking spaces; and
3. is limited to not more than 15% of the total number of parking spaces required for a principal use.

(Bill No. 3-05)

§ 17-6-607. Parking in small business districts.

Parking in a small business district shall generally be located in a rear or side yard to the extent practical or in an approved joint use parking area as authorized by the Office of Planning and Zoning. Up to 60% of required parking may be provided on a separate lot that is within 200 feet of the lot line and accessible along an established walkway. In small business districts and
on residentially zoned sites, parking and paving surfaces for walkways and driveways shall be consistent with a residential character.
(Bill No. 3-05; Bill No. 59-10)

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

Parking lots serving townhouse dwelling units or commercial, industrial, or private institutional uses shall be privately owned and maintained.
(Bill No. 59-10)

SUBTITLE 7. AGREEMENTS

§ 17-6-701. Generally.

(a) **Form and contents.** The form and contents of an agreement, deed, easement, or other document required by this article shall be acceptable to the County.

(b) **Right of entry.** An agreement required by this article may provide for a right of entry to allow County officials to enter upon property or into structures at reasonable times for purposes of inspection.

(c) **Inspection fees.** An agreement shall provide for inspection fees to the extent provided for in Title 11.

(d) **Fee reductions.** An agreement shall be executed with the County for all fee reductions approved by the Planning and Zoning Officer relating to this article.

(e) **Warranty.** A public works agreement shall include a warranty on the quality of the work performed that runs for a period of two years from the date of the County’s acceptance of the public improvements. Any repair or restoration during the warranty period shall cause the warranty to run for one additional year beyond the original two-year period.
(Bill No. 3-05; Bill No. 93-12)

§ 17-6-702. Security.

(a) **Generally.** Except as provided in subsection (b), a public works agreement and forestation agreement shall be accompanied by security in the amount required by Title 11. The security shall be in the form of a cash deposit, certified check, cashier's check, irrevocable letter of credit, or bond from a bonding company or financial institution acceptable to the County. When security is required to be in the amount of the estimated cost of improvements, the developer shall provide to the Office of Planning and Zoning for its consideration and approval a cost estimate for completion of the improvements required by the agreement.

(b) **Exceptions.** A public works agreement for minor utility work, as determined by the County, or for a Mayo Tank System need not be accompanied by security.
(Bill No. 3-05; Bill No. 77-05)

§ 17-6-703. Release of security.
(a) **Full release.** Security may be released in full only upon full performance of all obligations secured by the agreement. The County shall retain the security for maintenance until the warranty provided for in the public works agreement expires. The County shall retain the security for a forestation agreement for two years to ensure that planting, replanting, afforestation, or reforestation is undertaken and maintained in accordance with the approved forest conservation, buffer management, or bog protection plan.

(b) **Partial release.** Upon the completion of all utility work under a public works agreement, the County may allow a partial release of security in the amount of the approved cost estimate for the utilities. With respect to the remainder of the improvements to be made under a public works agreement and a forestation agreement, the County may allow a partial release of security, not to exceed 50% of the total security required by an agreement, if the developer has performed at least 50% of the obligations or remaining obligations secured by the agreement and the County determines that a partial release of the security will not impair implementation of the agreement. The security for plantings in connection with a forest conservation plan, buffer management plan, or bog protection plan may not be released until the expiration of at least one growing season.

(Bill No. 3-05)

§ 17-6-704. **Forfeiture of security.**

(a) **Generally.** If a developer fails to comply with any term or condition of a public works agreement or forestation agreement, the security for the agreement shall be forfeited to the County. If the County's cost to complete the work is greater than the amount of the security, the excess cost shall constitute a lien on any properties of record owned by the developer.

(b) **Forestation agreements.** If a developer fails to request in writing a return of the security for a forestation agreement within 180 days after the expiration of the two-year period that the security is held under this subtitle, the security shall be forfeited by operation of law to the County's Forest Conservation Fund or to the Critical Area Fund described in § 17-8-603, as determined by the Office of Planning and Zoning.

(Bill No. 3-05)

TITLE 7. DEVELOPMENT REQUIREMENTS FOR PARTICULAR TYPES OF DEVELOPMENT

Section

Subtitle 1. In General

17-7-101. Scope.

Subtitle 2. Commercial and Industrial Development

17-7-201. Site development for commercial and industrial.

Subtitle 3. Commercial Development In the Glen Burnie Town Center

17-7-301. Glen Burnie Town Center Plan.
Subtitle 4. Condominiums

17-7-401. Condominiums of single-family detached dwellings.

Subtitle 5. Age Restricted Development

17-7-501. Age restricted residential development.

Subtitle 6. Mixed Use Development Under the Optional Method of Development

17-7-601. Scope; definition.
17-7-602. Method of development for the alteration, reconstruction, expansion, and conversion of existing development.
17-7-603. Election required.
17-7-604. Integrated plan of development.
17-7-605. Structures.
17-7-606. Pedestrian circulation system.
17-7-607. Public activity areas; open area.
17-7-608. District boundaries.

Subtitle 7. (Reserved)

Subtitle 8. Odenton Growth Management Area District

17-7-801. Definitions.
17-7-802. Establishment of the Odenton Growth Management Area.
17-7-803. The Odenton Town Center Master Plan.
17-7-804. Development Rights and Responsibilities Agreements.
17-7-805. Odenton Growth Management Advisory Committee.
17-7-806. Methods of development.

Subtitle 9. Parole Town Center Growth Management Area

17-7-901. Scope.
17-7-902. General criteria.
17-7-903. Incentive program.
17-7-904. Application and criteria for incentive program.
17-7-905. Interior spaces; open areas.
17-7-906. Environmental protection.

Subtitle 10. Planned Unit Development

17-7-1001. Scope.
17-7-1002. General principles.
17-7-1003. Processing.
17-7-1004. Effect of special exception approval.

Subtitle 11. Small Business Districts

17-7-1101. Architectural features.
SUBTITLE 1. IN GENERAL

§ 17-7-101. Scope.

This title applies to the particular types of development specified and is in addition to other requirements of this Code. If a provision of this title conflicts with any requirements of this article other than those contained in Titles 8 and 9, the provisions of this title prevail.

(Bill No. 3-05; Bill No. 77-05)

SUBTITLE 2. COMMERCIAL AND INDUSTRIAL DEVELOPMENT

§ 17-7-201. Site development for commercial and industrial.

(a) Compatibility. The layout and design of a commercial or industrial development, including signage, shall be architecturally compatible with neighboring properties without creating a sameness in appearance through mere repetition of design and architecture.

(b) Linkages. Convenient functional linkages shall be achieved in commercial and industrial development by providing vehicular, bicycle, and pedestrian connections to promote the circulation and flow of vehicles, bicycles, and pedestrians between the development and existing uses.

(Bill No. 3-05)

SUBTITLE 3. COMMERCIAL DEVELOPMENT IN THE GLEN BURNIE TOWN CENTER

§ 17-7-301. Glen Burnie Town Center Plan.

(a) Compliance with Plan. Commercial development in the Glen Burnie Town Center shall comply with the Glen Burnie Town Center Plan, except that an owner may apply to the Office of Planning and Zoning for a minor modification of the Plan.

(b) Comments of the architectural review committee. In reviewing a sketch, final, or site development plan, the Office of Planning and Zoning shall consider the comments of the architectural review committee of the Advisory Committee for the Glen Burnie Town Center.

(Bill No. 3-05)

SUBTITLE 4. CONDOMINIUMS

§ 17-7-401. Condominiums of single-family detached dwellings.

A site proposed for development with single-family detached dwellings under a condominium form of ownership need not be subdivided, but the development shall otherwise comply with all requirements of this Code as if lot lines existed. To comply with lot size requirements, structures shall be located on a discrete area of land that is equivalent in size to the lot size required for the use under other forms of ownership.

(Bill No. 3-05; Bill No. 77-05)
SUBTITLE 5. AGE RESTRICTED DEVELOPMENT

§ 17-7-501. Age restricted residential development.

(a) Generally. Subdivision and site development plans consisting of adult independent dwelling units:
   (1) may not be revised to permit any other classification of dwelling units on the site until a new application for subdivision or a new site development plan is filed and the new application is tested and approved for adequacy of public facilities as required by § 17-5-202 and a new record plat is approved by the Planning and Zoning Officer; and
   (2) shall be located on land that is subject to a declaration of covenants, conditions, and restrictions, declaration of condominium, or other document that requires the occupied units to be occupied by at least one person who is 55 years of age or older and prohibits resident minor children, and such declaration or other document shall be in a form acceptable to the County Office of Law, recorded in the County land records and referenced on the record plat.

(b) Elimination of age restriction. Upon approval of an application for the subdivision, resubdivision, or development of land occupied by adult independent dwelling units, the developer shall provide:
   (1) a proposed record plat identifying the property, signed by all owners of record and removing all references to age restriction;
   (2) an amended declaration of covenants, conditions, and restrictions, declaration of condominium, or other document that removes the age limitation on use and occupancy of the land, and such declaration or other document shall be in a form acceptable to the County Office of Law and shall be recorded in the County land records as necessary; and
   (3) school impact fees as required by Title 11, which shall be paid prior to record plat approval, except in instances where no residential dwelling units have been constructed and the required school impact fees may be collected upon issuance of a building permit.

(c) Minimum requirements. A residential subdivision that is subject to covenants, conditions, or restrictions imposing an age restriction on occupancy shall consist of no fewer than six lots with no fewer than six dwelling units.

(d) Prohibition. A residential subdivision containing adult independent dwelling units may not contain any other classification of dwelling units.

(e) Enforcement. The homeowners association, community association, council of condominium owners, or other appropriate private entity owning the site or the adult independent dwelling units shall publish and strictly enforce age restriction limitations on the use of property developed pursuant to this section, in accordance with 42 U.S.C. 3601, et seq.

(Bill No. 59-10; Bill No. 106-15)

SUBTITLE 6. MIXED USE DEVELOPMENT UNDER THE OPTIONAL METHOD OF DEVELOPMENT

§ 17-7-601. Scope; definition.
This subtitle applies to mixed use development under the optional method of development. Mixed use development under the standard method of development is governed by Article 18, Title 8 of this Code. For purposes of this subtitle, "optional method of development" has the meaning stated in § 18-8-102 of this Code.

(Bill No. 3-05)

§ 17-7-602. Method of development for the alteration, reconstruction, expansion, and conversion of existing development.

(a) **Definition.** For purposes of this section, "existing development" means development that was present at the time a property was placed in a mixed use development district.

(b) **When optional method of development inapplicable.** The alteration, reconstruction, or expansion of an existing single-family detached dwelling is governed by the standard method of development as defined in § 18-8-102 of this Code and shall comply with the bulk regulations contained in § 18-4-501. The alteration, reconstruction, expansion, or conversion of existing development other than a single-family detached dwelling that does not result in a floor area ratio that exceeds 0.1 is also governed by the standard method of development.

(c) **When optional method of development applies.** The conversion of an existing single-family detached dwelling to another use is governed by the optional method of development. The alteration, reconstruction, expansion, or conversion of existing development other than a single-family detached dwelling that results in a floor area ratio that exceeds 0.1 is also governed by the optional method of development.

(Bill No. 3-05)

§ 17-7-603. Election required.

Before beginning any activity that requires a building or other construction permit in a mixed use district, the owner shall make an election in the form required by the Office of Planning and Zoning to proceed under the standard method of development or the optional method of development.

(Bill No. 3-05)

§ 17-7-604. Integrated plan of development.

All elements of the development, including uses, structures, parking, vehicular and pedestrian circulation systems, open space, public activity areas, landscaping, and other amenities, shall be integrated by a plan. Structures shall be integrated into the pedestrian circulation system. Residential uses shall be integrated in a manner that does not isolate them from the remainder of the development and that maintains an appropriate degree of privacy for the residents. Open space and public activity areas shall be integrated in a manner that provides convenient pedestrian access and enhances the overall quality of the development.

(Bill No. 3-05)

§ 17-7-605. Structures.
Structures shall be constructed from high quality materials, and structure designs in
the development shall complement each other. Structure facades shall be articulated and contain
architectural detail that promotes visual interest. Structure mass shall be countered by the use of
architectural detail, landscaping, open spaces, and public activity areas. Structures shall be
located close to streets or walkways and the primary accesses to the structures shall be from
those streets or walkways. The pedestrian levels of structures shall provide easy access.
Structures shall be clustered by activities, with focal points that are visual or functional, and shall
include structures to protect pedestrians from the weather.

(Bill No. 3-05)

§ 17-7-606. Pedestrian circulation system.

The pedestrian circulation system shall be continuous, direct, and convenient. Walkways
shall be designed to accommodate bicycles as well as pedestrians, with facilities for the
temporary storage of bicycles. The pedestrian circulation system shall include facilities to protect
pedestrians from the weather. The system shall incorporate design features to enhance
convenience and safety, including illumination; appropriate grade separations; appropriate
at-grade, above-grade, or below-grade street and road crossings; varying paving patterns; grade
differences; and landscaping. Paved pedestrian access to open space shall have a design that
enhances the visual interest of the open space.

(Bill No. 3-05)

§ 17-7-607. Public activity areas; open area.

Public activity areas may be outdoors or indoors. If indoors, they shall be accessible to
the public during the normal business hours of the establishment. Open area shall include land
with less than 10% impervious surfaces that is designated for noncommercial recreational use.
Open area may include land within an outdoor public activity area if the same land is not counted
towards both the open and public activity area requirements. Open area may not include land
used for the required buffering, screening, and landscaping of parking areas or the vehicular or
pedestrian circulation systems.

(Bill No. 3-05)

§ 17-7-608. District boundaries.

For a mixed use development that is adjacent to property in another zoning district:

1. the types and locations of uses and the design of the development shall be
   compatible with the existing uses on the adjacent properties;
2. the development shall be architecturally compatible with the development
   on the adjacent properties without creating a sameness in appearance through mere repetition of
design and architecture; and
3. the scale and mass of buildings shall be compatible with the development
   or potential development on the adjacent properties.

(Bill No. 3-05)

SUBTITLE 7. (RESERVED)
SUBTITLE 8. ODENTON GROWTH MANAGEMENT AREA DISTRICT

§ 17-7-801. Definitions.

In this subtitle, the following words have the meanings indicated:
(1) “Odenton Growth Management Area” means a part of the County established by the enactment of Bill No. 68-03 and designated in the Odenton Town Center Master Plan for the development of regional commercial and employment uses and for the development of high density residential uses.
(2) “Odenton Town Center Master Plan” means a plan that governs development in the Odenton Growth Management Area adopted by the County Council.

§ 17-7-802. Establishment of the Odenton Growth Management Area.

The Odenton Growth Management Area was established by the enactment of Bill No. 68-03 and is designated in the Odenton Town Center Master Plan.

§ 17-7-803. The Odenton Town Center Master Plan.

(a) Force of law. The development requirements and design standards in the Odenton Town Center Master Plan have the same force and effect of law as if expressly set forth in this Code.
(b) Required inclusions. The Odenton Town Center Master Plan shall include:
(1) goals, objectives, and planning guidance;
(2) designation of one or more zoning districts into which land in the Odenton Growth Management Area will be classified;
(3) development requirements and design standards with which development in the Odenton Growth Management Area shall comply; and
(4) recommendations for future action.
(c) Permissible inclusions. The Odenton Town Center Master Plan may include, but is not limited to:
(1) provisions having the force and effect of law as land use regulations that satisfy the requirements of Land Use Article, § 1-417, of the State Code;
(2) programs for bonus densities, credits, transfers of development rights, and other incentives; and
(3) other provisions intended to permit a higher density of development and economic return in exchange for enhanced environmental protections, a better quality of design, and other amenities that promote the goals and objectives of the Odenton Town Center Master Plan.

§ 17-7-804. Development Rights and Responsibilities Agreements.
Petition. A person satisfying the qualifications described in Land Use Article, §7-305, of the State Code, may petition the Planning and Zoning Officer to enter into a Development Rights and Responsibilities Agreement as described in Land Use Article, §§7-301 through 7-306, of the State Code, for development in the Odenton Growth Management Area.

Authority. The Planning and Zoning Officer shall exercise the authority of the public principal under this section and as described in Land Use Article, §§7-301 through 7-306, of the State Code, including the authority to execute a Development Rights and Responsibilities Agreement.

Pre-conditions to execution. The Planning and Zoning Officer may execute a Development Rights and Responsibilities Agreement only after the public hearing required by Land Use Article, §§7-301 through 7-306, of the State Code, and a recommendation by the Planning Advisory Board that the Development Rights and Responsibilities Agreement is consistent with the Odenton Town Center Master Plan and, as appropriate, each of the plans listed in §18-2-103 of this Code.

Contents. A Development Rights and Responsibilities Agreement shall include the contents required by Land Use Article, §7-303, of the State Code, and may include the contents allowed by Land Use Article, §7-303, of the State Code.

Consolidation with another agreement. With the approval of the Planning and Zoning Officer, a Development Rights and Responsibilities Agreement may be consolidated with a public works agreement or with any other plan or agreement required for development in the Odenton Growth Management Area.

Council ratification. A Development Rights and Responsibilities Agreement or an amendment to an agreement shall not take effect unless ratified by resolution or ordinance of the County Council after review by the Odenton Town Center Advisory Committee, but the Council shall not have the power to change the individual terms and conditions of the Agreement.

§ 17-7-805. Odenton Growth Management Advisory Committee.

The Odenton Growth Management Area shall have an Advisory Committee appointed by the County Executive, as set forth in the Odenton Town Center Master Plan.

§ 17-7-806. Methods of development.

Development in the Odenton Growth Management Area shall be governed by the provisions of the Odenton Town Center Master Plan, except that a developer may opt for an application for development in the Odenton Growth Management Area that was submitted before June 5, 2016 to be governed by the Odenton Town Center Master Plan as it existed prior to June 5, 2016.

SUBTITLE 9. PAROLE TOWN CENTER GROWTH MANAGEMENT AREA
§ 17-7-901.  Scope.

(a)  **When applicable.** The provisions of this subtitle apply in the Parole Town Center Growth Management Area to all subdivisions, business complexes, grading permits, building permits for shell structures, and building permits for major renovations of existing structures that are to be converted to a more intensive use.

(b)  **When inapplicable.** The provisions of this subtitle do not apply to (1) hospitals or (2) building permits for building additions that are less than 1,000 square feet, or for tenant improvements if the Office of Planning and Zoning is satisfied that the proposed use is substantially similar to the existing use on the site.

(Bill No. 3-05)

§ 17-7-902.  General criteria.

(a)  **Development requirements.** Except for development under the incentive program described in § 17-7-904, development within the Parole Town Center Growth Management Area shall be undertaken only in accordance with the following:

1. The maximum floor area ratio (FAR) of any structure is 0.4 in the periphery, 0.6 in the center, and 0.8 in the core.

2. The maximum height of any structure is:
   - in the periphery, three stories if adjacent to residentially zoned land when developed with residential uses of a density of not more than five units per acre, and four stories if adjacent to any other use;
   - in the center, six stories; and
   - in the core, eight stories.

3. The minimum required open area for each land use classification is:
   - 25% in the periphery;
   - 20% in the center; and
   - 15% in the core.

4. The uses listed for R22 Districts are allowed in C2, C3, C4, W1, W2, and W3 Districts if the FAR does not exceed .75.

5. The uses listed for R22 Districts are allowed in the center and core areas if the FAR does not exceed 1.0 except as permitted by § 17-7-904(c)(3).

6. The following auxiliary uses are allowed up to 25% of the floor area but not to exceed 25,000 square feet:
   - professional and general offices, public utility offices, and roadside vendors;
   - auxiliary uses in a building containing professional or general offices if no more than 25% of the floor area is occupied by one or more of the auxiliary uses and the auxiliary uses are limited to barbershops and hair salons; computer sales and service; cultural centers and exhibits; delicatessens; pharmacies and surgical supplies stores; dry cleaning and laundry establishments, including pick-up stations, package plants, and coin-operated facilities; gift shops; newsstands; package goods stores; private clubs and service organizations; restaurants, taverns, banquet halls, nightclubs, and comedy clubs; health clubs, spas, and gymnasiums; and theaters, except adult movie theaters; and
(iii) the uses allowed in a C3 District if the Planning and Zoning Officer finds that the proposed use is similar to the uses listed above and that it is consistent with the design development criteria for the Parole Town Center Growth Management Area.

(7) Mixed use developments shall be undertaken in accordance with § 17-7-904(d)(8).

(b) **Parole Urban Design Concept Plan and site development plan approval.** Development in the Parole Town Center Growth Management Area shall be undertaken only in accordance with the Parole Urban Design Concept Plan and after the Office of Planning and Zoning grants site development plan approval.

(Bill No. 3-05)

§ 17-7-903. **Incentive program.**

(a) **Creation and purpose.** There is an incentive program for the Parole Town Center Growth Management Area administered by the Office of Planning and Zoning. The purpose of the program is to achieve a mixture of desirable land uses, quality design, and public amenities that create the sense of a unified community and an enhanced quality of life in the Parole area.

(b) **When may be granted.** The Planning and Zoning Officer may grant increased FAR, height, reduced open areas, or other modifications to the requirements of this article or Article 18 of this Code when an applicant proves that an equitable relationship exists between the applicant's gain and the public benefit within the Parole Town Center Growth Management Area.

(Bill No. 3-05; Bill No. 77-05)

§ 17-7-904. **Application and criteria for incentive program.**

(a) **Application.** An application for the use of incentives shall be made by a property owner and shall include a description of the proposed project that reflects exceptional design quality, architectural features, and environmental sensitivity. The description also shall reflect land and streetscaping improvements and enhancement of open space that exceed the standards set forth in the Landscape Manual. The application also shall include a study showing the feasibility, need, and benefit to the community, and a site development plan.

(b) **Evaluation of application.** The Office of Planning and Zoning shall evaluate the application based on the following criteria:

1. public access to uses and amenities;
2. community benefit;
3. consistency with the purpose of this subtitle;
4. conformance with the General Development Plan;
5. consistency with the current County Capital Program;
6. compatibility and quality of design;
7. pedestrian and vehicular access and circulation; and
8. environmental enhancement and mitigation.

(c) **Building height and open areas.** Within each land use classification, FAR's and building heights may be increased and open areas may be decreased, subject to the following limits:
(1) in the periphery, the maximum FAR shall be 0.5, the maximum height shall be six stories, and the minimum open area shall be 18.75% of a site;
(2) in the center, the maximum FAR shall be 0.75, the maximum height shall be eight stories, and the minimum open area shall be 12.5% of a site; and
(3) in the core, the maximum FAR shall be 1.2, the maximum height shall be 12 stories, except that landmark buildings may be built to a height of 16 stories as provided in subsection (f), and the minimum open area shall be 12.5% of a site, except as follows:
   (i) the minimum open area may be 10% and the maximum FAR may be 2.0 for a mixed use or redevelopment of an existing developed site; and
   (ii) the FAR for a residential use by itself or in conjunction with an office or other mixed use development may not be counted toward the total FAR for the development.

(d) Incentives. Incentives to be considered may include the following:
   (1) quasi-public and institutional uses such as child or senior care centers and post offices provided as part of the project and available to the public;
   (2) structured parking or contribution toward the construction of structured parking;
   (3) public transportation such as shuttle buses to a park-and-ride lot if not otherwise required by this Code;
   (4) additional open areas;
   (5) regional storm water management or regional water quality improvements;
   (6) addition of public art to the project;
   (7) residential developments provided:
      (i) that in the periphery the R22 uses are permitted if the FAR does not exceed 1.0; and
      (ii) 25% of the additional units allowed are affordable housing units as defined by the Maryland Department of Housing and Community Development;
   (8) mixed use developments if:
      (i) there are residential uses proposed as part of the project;
      (ii) in the periphery the average FAR for the project does not exceed 0.75;
      (iii) in the center the average FAR for the project does not exceed 1.0;
      (iv) the uses are only those uses allowed in C2, C3, R10, R15, and R22 Zoning Districts;
      (v) density is limited to 44 dwelling units per acre; and
      (vi) the Planning and Zoning Officer finds that the proposed uses are consistent with the criteria set forth in subsection (b) and the design development criteria for the Parole Town Center Growth Management Area; and
      (9) preservation of naturally vegetated areas by dedication or easement in order to further protect the environmental integrity of receiving surface waters, including Church Creek, Weems Creek, Broad Creek, Saltworks Creek, and Gingerville Creek.

(e) Incentives in the core. Any incentive in the core may be approved and undertaken only in accordance with the Urban Design Concept Plan.

(f) Incentives for landmark buildings. Maximum incentives to allow structures of up to 16 stories in the core may be allowed only for landmark buildings that comply with the following:
(1) the project shall provide a public purpose as described in subsection (d)(1) and the applicant shall make a financial commitment for the support of public institutions such as child care centers, senior care centers, hospital and medical clinics, drug treatment centers and programs, social services centers, post offices, libraries, public schools, or other institutional uses;

(2) the project site shall be at least 20 acres in size;

(3) the project shall exhibit exemplary quality of design and architecture;

(4) the project shall establish a positive image as a gateway to the City of Annapolis;

(5) the project shall be shown to be in harmony with an overall design concept for the core area; and

(6) in addition to subsection (f)(1), the incentive proposal shall include significant transportation and environmental enhancements.

(Bill No. 3-05)

§ 17-7-905. Interior spaces; open areas.

(a) When interior public spaces may be used to meet open area requirements. Interior public spaces may not be used to meet minimum open area requirements except that, if a site has interior pedestrian areas for public use that exceed 10,000 square feet, one-half of the floor area devoted to pedestrian use may be credited toward the minimum open area requirements.

(b) Purpose of open areas. All open areas shall be designed and improved to enhance pedestrian circulation areas and to provide effective buffers and visual relief between roads, parking, and buildings.

(c) Walkways. Pedestrian walkways shall be provided:

(1) within open areas;

(2) within the right-of-way of a road or the abutting open areas when required by the Office of Planning and Zoning;

(3) along internal major driveways leading from public roads to onsite uses, structures, or plazas; and

(4) for access between parking areas and structures or uses on the site and to adjoining properties.

(d) Site development plan review. As part of the site development plan review, the Office of Planning and Zoning shall review and approve the layout and distribution of all open areas and paving materials, landscaping, lighting, and signage provided for each open area.

(Bill No. 3-05)

§ 17-7-906. Environmental protection.

(a) Purpose. There are environmental protection requirements for the Parole Town Center Growth Management Area in order to minimize or prevent negative impacts on the environment, air quality, water quality, noise levels, forested areas, and wildlife habitat.

(b) Development requirements. The following minimum requirements shall apply to all development in the Parole Town Center Growth Management Area:
(1) there shall be an undisturbed buffer of 25 to 75 feet surrounding all
nontidal wetlands, with a greater buffer provided for natural wetlands that are high in quality and
function;

(2) existing trees and vegetation shall be retained on slopes of 25% or greater
and slopes of 15% or greater with highly erodible soils, including the slopes of ravines or other
natural depressions unless:
   (i) all proposed site development plans showing the extent of clearing
   have been approved by the Office of Planning and Zoning;
   (ii) the project is the only effective means to maintain or improve the
stability of the slope; or
   (iii) road or utility access across the slope is necessary or disturbance to
the slope is required to located public utility essential services;

(3) existing trees and natural vegetation shall be maintained in their current
state to the extent possible; and

(4) all building sites shall:
   (i) be tested for glauconite and pyrite to establish the frequency of
occurrence; and
   (ii) have plans submitted to show the preclusion of any exposure of
surface areas of these soil elements and erosion or surface runoff over any exposed soils.

(Bill No. 3-05)
(a) **Submittal by developer.** Before the pre-filing meeting required by §
18-16-201(c) of this Code, the developer of a PUD shall provide to the Office of Planning and
Zoning:

1. an administrative site plan;
2. a site inventory plan; and
3. a report on the proposed development.

(b) **Review and recommendations to the developer.** The Office of Planning and
Zoning shall review the developer's submittal and determine whether it considers the proposed
PUD to be compatible with existing development in the surrounding area and the General
Development Plan. In the course of its review, the Office may request the developer to supply
additional material. The Office, with the advice of reviewing agencies, shall make
recommendations to the developer as to the desirability of the proposed development.

(c) **Developer's response.** Within 14 days after the date of recommendations
provided by the Office of Planning and Zoning, the developer shall:

1. notify the Office that the recommendations will not be contested or that
the submittal will not be modified and notify the Administrative Hearing Officer that the
application as submitted is ready to be heard;
2. submit revised plans in accordance with the recommendations; or
3. notify the Office of the applicant's intent to submit revised plans.

Upon the receipt of any revised plans, the Office of Planning and Zoning shall review the plans
and obtain comments from reviewing agencies. The developer's failure to respond in accordance
with this subsection is by operation of law a withdrawal of the application for a special
exception.

(d) **Staff recommendation.** Promptly after the conclusion of the process described in
this section, the Office of Planning and Zoning shall issue in writing a recommendation that the
PUD be approved as submitted, approved with specified conditions, or denied. The Office shall
transmit the recommendation to the Administrative Hearing Officer.

(5) **§ 17-7-1004. Effect of special exception approval.**

Approval of an application for a special exception for a PUD shall have the following
effects and be subject to the following:

1. Alignments of major utilities, storm drain facilities, and arterial roads and
roads of greater classifications at their intersection with the boundaries of the development shall
be fixed as approved in the special exception and may not be varied, except that if the fixed
locations and alignments are subsequently directed to be changed by governmental action, the
change does not affect the status of the special exception approval.
2. Alignments of major utilities, storm drain facilities, and arterial roads and
roads of greater classifications that are not at the intersection with the boundaries of the
development may vary inside the boundaries of the development unless an express condition of
the approval of the special exception provides to the contrary.
3. Development shown in the administrative site plan at the boundaries of the
development may be varied only if changed to a less intense use than approved.
4. Land use areas shown in the administrative site plan do not have exact
boundaries and are fixed only if they relate to adjoining roads or other areas shown on the plan.
SUBTITLE 11. SMALL BUSINESS DISTRICTS

§ 17-7-1101. Architectural features.

Facades, side and rear exterior walls, and exterior architectural features for development in a small business district shall be compatible with residential structures in the neighborhood and have a residential appearance, such as peaked roofs, cornices and eaves, chimneys, door and window openings and projections, porches, dormers, and awnings.

TITLE 8. CRITICAL AREA OVERLAY

Section

Subtitle 1. In General

17-8-101. Scope.
17-8-102. Conflict with other law.
17-8-103. Variance provisions apply.
17-8-104. Violations and enforcement.
17-8-105. Relocation of development potential.
17-8-106. Reasonable accommodations for physical disability.

Subtitle 2. General Development Requirements

17-8-201. Development on slopes of 15% or greater.
17-8-202. Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP).
17-8-203. Septic requirements.
17-8-204. Structural stormwater management practices in the RCA.
17-8-205. Development in the IDA.

Subtitle 3. Buffers

17-8-301. Development.

Subtitle 4. Lot Coverage in the LDA and RCA

17-8-401. Scope.
17-8-402. Lot coverage limits in the critical area.
17-8-403. Reconfiguration of lot coverage or impervious surfaces outside the buffer and expanded buffer.
17-8-404. Pervious areas.
17-8-405. Stormwater management.

Subtitle 5. Habitat Protection Areas
17-8-501. Scope.
17-8-502. Development in habitat protection areas.
17-8-503. Public roads, bridges, outfalls, and utilities.

Subtitle 6. Clearing, Reforestation, Replanting, and Afforestation

17-8-601. Clearing in the LDA and RCA.
17-8-602. Clearing mitigation and afforestation.
17-8-603. Mitigation for Forest Interior Dwelling Species (“FIDS”) habitat.
17-8-604. Fees in lieu of replanting.

Subtitle 7. Buffer Modification Areas

17-8-701. Scope.
17-8-702. Development requirements for single family residential uses.
17-8-703. Development requirements for commercial, industrial, institutional, recreational, and duplex, townhouse, semi-detached and multifamily uses.
17-8-704. Development requirements for government reuse facilities.
17-8-705. Development requirements for marinas.

Subtitle 8. Growth Allocation Areas

17-8-801. Planting and vegetation.
17-8-802. Development requirements for re-designated property.

Subtitle 9. Agreements

17-8-901. Forestation agreement and forest conservation easement.

SUBTITLE 1. IN GENERAL

§ 17-8-101. Scope.

This title is an overlay that applies to all land located in the critical area as defined in Article 18 of this Code and the requirements of this title are in addition to other requirements of this Code.
(Bill No. 3-05)

§ 17-8-102. Conflict with other law.

If any provision of this title conflicts with other County or State law, the more restrictive provision shall prevail.
(Bill No. 3-05; Bill No. 93-12)

§ 17-8-103. Variance provisions apply.

The requirements of this title may be altered only by variance as provided in § 18-16-305 of this Code.
(Bill No. 3-05)
§ 17-8-104. Violations and enforcement.

Violations of this title shall be enforced by the Department of Inspections and Permits under the provisions of Article 16 of this Code and Article 18 of this Code.
(Bill No. 3-05)

§ 17-8-105. Relocation of development potential.

This title permits the relocation of development potential from land within the critical area to land outside of the critical area in accordance with § 17-6-104. This process may supersede the density provisions of Article 18 of this Code to create bonus lots with the approval of the Planning and Zoning Officer.
(Bill No. 93-12)

§ 17-8-106. Reasonable accommodations for physical disability.

Any request for reasonable accommodations as a result of a physical disability shall meet the standards for disability as defined in the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101 et seq.
(Bill No. 93-12)

SUBTITLE 2. GENERAL DEVELOPMENT REQUIREMENTS

§ 17-8-201. Development on slopes of 15% or greater.

(a) **Development in the LDA.** Development in the limited development area (LDA) or in the resource conservation area (RCA) may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline. All disturbance shall be limited to the minimum necessary.

(b) **Development in the IDA.** Development in the intensely developed area (IDA) may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope or the disturbance is necessary to allow connection to a public utility. The Planning and Zoning Officer may grant modification to the prohibition of this subsection for slopes outside of the buffer and buffer modification area.
(Bill No. 3-05; Bill No. 93-12)

§ 17-8-202. Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP).

Development shall be located to maximize ESD design criteria.
(Bill No. 3-05; Bill No. 93-12)

§ 17-8-203. Septic requirements.

(a) **Septic system technology.** A new or replacement private septic system in the critical area shall include the best available technology as required by the Health Department.
(b) **Septic location in RCA.** Land may not be subdivided, and previously platted lots may not be combined or altered, to create a lot outside the RCA that is to be served by a new or replacement private septic system any part of which is located in the RCA. This includes replacement systems for new construction, additions, expansions of use, and demolitions and rebuilds.

(c) **Septic upgrades to public or community waste treatment systems.** The Planning and Zoning Officer may grant a modification to the requirements of §§17-8-405 and 17-8-602 for development to connect lawful dwellings currently served by individual waste disposal systems to public or community waste treatment systems.

(d) **Connection to public sewer.**

1. The owner of a lot or parcel that directly adjoins or abuts an existing road right of way, street, or alley that contains a public sewer main within 100 feet of any portion of the subject property, shall connect all new buildings intended for human habitation, occupancy, or use, or a replacement or repaired private septic system to the public sewer, including, for any new septic system, extension of the public sewer, if necessary.

2. For purposes of this subsection, any alteration, change, or addition to an existing septic system that requires a permit under section 106.6.2 of the Anne Arundel County Plumbing Code shall be considered a repair. The repair or replacement of piping due to clogged or broken lines does not constitute a repair.

3. For purposes of this subsection, when determining and calculating the distance from the public sewer main to the adjoining or abutting property, the measurement shall commence from the terminus of the public sewer main and extend along the centerline of the road, street, or alley containing the public sewer main and extend to the nearest side property line of the subject parcel.

(Bill No. 3-05; Bill No. 67-08; Bill No. 27-12; Bill No. 93-12)

§ 17-8-204.  **Structural stormwater management practices in the RCA.**

A structural stormwater management practice or disturbance related to a structural stormwater management practice, other than a natural runoff conveyance system, may not be located in the RCA if the purpose of the practice is to serve development outside the RCA, except that outfalls are allowed in the RCA.

(Bill No. 67-08; Bill No. 93-12; Bill No. 76-13)

§ 17-8-205.  **Development in the IDA.**

Development in the IDA shall comply with the following criteria in accordance with COMAR requirements:

1. All development in the IDA shall be subject to the habitat protection area criteria of COMAR, Title 27.

2. Pollutant loadings from impervious surfaces shall be reduced at least 10% below the level of pollution from the site prior to development. This requirement shall be met by maximizing ESD design criteria. Offsets permitted by the design standards and technical report may be used either onsite or offsite in the same critical area watershed to reach 10% pollutant reduction requirements of this section after maximizing ESD design criteria. For disturbance less than 5,000 square feet, the methods specified in § 17-8-405 may be utilized.
(3) If practicable, permeable areas shall be established in vegetation.
(4) Proposed development shall use cluster development as a means to reduce lot coverage and maximize areas of vegetation.
(5) Buffer modification areas in the IDA are subject to such additional requirements as provided in Articles 17 and 18 of this Code.
(6) Lot coverage may not exceed the lot coverage limitations of the underlying zoning district.

(Bill No. 93-12)

SUBTITLE 3. BUFFERS

§ 17-8-301. Development.
  (a) Scope. This section does not apply to a buffer modification area.
  (b) Development on properties containing buffers. Development on properties containing buffers shall meet the requirements of COMAR, Title 27.

(Bill No. 3-05; Bill No. 93-12)

SUBTITLE 4. LOT COVERAGE IN THE LDA AND RCA

§ 17-8-401. Scope.
  This subtitle applies to the placement of lot coverage in the LDA and the RCA, except that lot coverage associated with a lot that has been used continuously since December 1, 1985 as a mobile manufactured home park and an in-kind replacement are exempt from the requirements of this subtitle.

(Bill No. 3-05; Bill No. 93-12)

§ 17-8-402. Lot coverage limits in the critical area.
  (a) General limitation. Except as provided in subsections (b) and (c), lot coverage shall be limited to 15% of the area of each critical area designation on a site based on the acreage of each designation.
  (b) Lots created before December 1, 1985.
    (1) Lots created on or before December 1, 1985 are subject to the lot coverage limits set forth on the following chart:

<table>
<thead>
<tr>
<th>Lot Size (Square Feet)</th>
<th>Allowable Lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 8,000</td>
<td>25% of parcel plus 500 square feet</td>
</tr>
<tr>
<td>8,001 - 21,780</td>
<td>31.25% of parcel</td>
</tr>
<tr>
<td>21,781 - 36,300</td>
<td>5,445 square feet</td>
</tr>
<tr>
<td>36,301+</td>
<td>15% of parcel</td>
</tr>
</tbody>
</table>

(2) All new lot coverage added to lots created before December 1, 1985 shall be minimized.

(Bill No. 3-05; Bill No. 93-12)
(c) **Lots less than one acre created after December 1, 1985.** Lot coverage associated with a lot of one acre or less that is part of a subdivision approved after December 1, 1985 is subject to coverage limitations as indicated on the recorded subdivision plat. Overall subdivision coverage is limited to 15%.

(d) **Lots created after November 19, 2012.** For new subdivisions created after November 19, 2012, the proposed overall lot coverage limit shall be no more than 14% for the subdivision to allow additional coverage to be designated on each lot and shown in a chart on the record plat in accordance with § 17-3-302(21)(ii) for future lot owners that will not result in a violation of the maximum limit of 15%.

(Bill No. 3-05; Bill No. 93-12)

§ 17-8-403. **Reconfiguration of lot coverage or impervious surfaces outside the buffer and expanded buffer.**

Existing impervious surfaces outside the buffer and expanded buffer may be reconfigured using the following criteria.

1. In-kind replacement of lot coverage is exempt from the reconfiguration requirements of this section.

2. Except as provided in paragraph (1), reconfiguration of lot coverage shall result in a 10% reduction of the amount of impervious surfaces that exceed the maximum permitted lot coverage set forth in this subtitle.

3. The Planning and Zoning Officer may grant a modification to the reconfiguration requirements of this section.

(Bill No. 3-05; Bill No. 93-12)

§ 17-8-404. **Pervious areas.**

Pervious areas shall be established in vegetation, and innovative development techniques shall be used to the extent practical as a means to reduce impervious surface and to maximize areas of natural vegetation.

(Bill No. 3-05; Bill No. 93-12)

§ 17-8-405. **Stormwater management.**

(a) **Generally.** Site design considerations or best management practices shall be designed to improve water quality in the manner approved by the Office of Planning and Zoning in accordance with the Anne Arundel County Stormwater Management Practices and Procedures Manual.

(b) **Disturbance of less than 5,000 square feet in the buffer, expanded buffer, or buffer modification area buffer other than new single family dwellings.** For development sites on which disturbance is less than 5,000 square feet in the buffer, expanded buffer, or buffer modification area buffer, that are not new single family dwellings, stormwater from new impervious surface shall be managed as follows and in the following order of priority:

1. for disturbance of less than 1,000 square feet:
   (i) payment of a fee-in-lieu in accordance with § 17-11-101;
(ii) planting onsite in the buffer, expanded buffer, or buffer modification area buffer at a ratio of two times the area of new impervious surface;  
(iii) planting onsite in the critical area outside the buffer, expanded buffer, or buffer modification area buffer at a ratio of two times the area of new impervious surface; or  
(iv) planting at an offsite location in the critical area at a ratio equal to the area of new impervious surface; and

(2) for disturbance of at least 1,000 but less than 5,000 square feet:
(i) planting onsite in the buffer, expanded buffer, or buffer modification area buffer at a ratio of two times the area of new impervious surface;  
(ii) planting onsite in the critical area outside the buffer, expanded buffer, or buffer modification area buffer at a ratio of two times the area of new impervious surface;  
(iii) planting at an offsite location in the critical area at a ratio equal to the area of new impervious surface; or  
(iv) payment of a fee-in-lieu in accordance with § 17-11-101.

(c) Disturbance of less than 5,000 square feet outside the buffer, expanded buffer, or buffer modification area buffer other than new single family dwellings. For development sites on which disturbance is less than 5,000 square feet outside the buffer, expanded buffer, or buffer modification area buffer that are not new single family dwellings, stormwater from new impervious surface shall be managed as follows and in the following order of priority:

(1) for disturbance of less than 1,000 square feet:
(i) payment of a fee-in-lieu in accordance with § 17-11-101;  
(ii) planting onsite in the critical area at a ratio equal to the area of new impervious surface; or  
(iii) planting at an offsite location in the critical area at a ratio equal to the area of new impervious surface; and

(2) for disturbance of at least 1,000 but less than 5,000 square feet:
(i) planting onsite in the critical area at a ratio equal to the area of new impervious surface;  
(ii) planting offsite in the critical area at a ratio equal to the area of new impervious surface; or  
(iii) payment of a fee-in-lieu in accordance with § 17-11-101.

(d) Fees-in-lieu. Fees paid in lieu under this section shall be maintained in a separate fund to be used by the County for projects that improve water quality within the same major watershed as the property for which the fees were collected, or for a purpose that will facilitate watershed improvement on a Countywide basis.

(Bill No. 93-12)

SUBTITLE 5. HABITAT PROTECTION AREAS

§ 17-8-501. Scope.

This subtitle applies to all habitat protection areas as defined in COMAR, Title 27.

(Bill No. 3-05; Bill No. 93-12)
§ 17-8-502. Development in habitat protection areas.

Development in habitat protection areas must be in accordance with COMAR, Title 27. (Bill No. 3-05; Bill No. 93-12)

§ 17-8-503. Public roads, bridges, outfalls, and utilities.

Public roads, bridges, outfalls, and utilities may not be located in a habitat protection area unless there is no other feasible alternative and the public roads, bridges, outfalls, and utilities are located, designed, constructed, and maintained to:

1. provide maximum erosion protection;
2. minimize negative impacts to wildlife and aquatic life and their habitats;
3. maintain hydrologic processes and water quality; and
4. ensure that development that crosses or affects streams is designed to:
   i. reduce increases in flood frequency and severity that are attributable to development;
   ii. retain tree canopy so as to maintain stream water temperature within normal variations;
   iii. provide a natural substrate for streambeds; and
   iv. minimize the adverse water quality and quantity impacts of storm water.
(Bill No. 3-05; Bill No. 67-08; Bill No. 93-12)

**SUBTITLE 6. CLEARING, REFORESTATION, REPLANTING, AND AFFORESTATION**

§ 17-8-601. Clearing in the LDA and RCA.

(a) Forest clearing for lots created before December 1, 1985.
   (1) **Lots one-half acre or less.** Forest clearing on lots in the LDA and RCA that are one-half acre or less in size and that were in existence on or before December 1, 1985 shall be limited to the minimum necessary to accommodate a house or other structure, initial septic system, driveway, and reasonable amount of yard or required parking, but the clearing may not exceed 6,534 square feet.
   (2) **Lots greater than one-half acre.** Forest clearing on lots in the LDA and RCA greater than one-half acre in size that were in existence on or before December 1, 1985, shall be limited to the minimum necessary to accommodate a house or other structure, initial septic system, driveway, and reasonable amount of yard or required parking and may not exceed 20% of the forest, except that the Office of Planning and Zoning may approve clearing up to 30% for the installation of a required septic system. Clearing above 30% requires a variance.

(b) **Developed woodland clearing for lots created before December 1, 1985.**
   (1) **Lots one-half acre or less.** Developed woodland clearing on lots in the LDA and RCA that are one-half acre or less in size and that were in existence on or before December 1, 1985, shall be limited to the minimum necessary to accommodate a house or other structure, initial septic system, driveway, and reasonable amount of yard or required parking.
(2) **Lots greater than one-half acre up to one acre.** Developed woodland clearing on lots in the LDA and RCA that are greater than one-half acre and up to one acre in size that were in existence on or before December 1, 1985 shall be limited to the minimum necessary to accommodate a house or other structure, initial septic system, driveway, and reasonable amount of yard or required parking, and may not exceed 30% without a modification by the Planning and Zoning Officer.

(3) **Lots greater than one acre.** Developed woodland clearing on lots in the LDA and RCA greater than one acre in size that were in existence on or before December 1, 1985, shall be limited to the minimum necessary to accommodate a house or other structure, initial septic system, driveway, and reasonable amount of yard or required parking, and may not exceed 30% without a variance.

(c) **Clearing for subdivisions created after December 1, 1985.** Clearing on subdivisions in the LDA and RCA created after December 1, 1985 may not exceed 30% of the forest or developed woodland, except by approval of a variance.

(Bill No. 3-05; Bill No. 93-12)

§ 17-8-602. Clearing mitigation and afforestation.

(a) **Applicability.** This section applies to afforestation and mitigation for clearing of forest or developed woodland for development on all lots located in the LDA and RCA.

(b) **Forest mitigation for lots created before December 1, 1985.** Forest clearing on lots in the critical area that were in existence before December 1, 1985 is subject to forest mitigation as follows.

(1) **Lots one-half acre or less.** Forest mitigation on lots that are one-half acre or less in size shall equal the area to be cleared.

(2) **Lots greater than one-half acre.** Forest mitigation on lots that are greater than one-half acre in size for clearing less than 20% shall equal the area to be cleared. Mitigation for clearing between 20% and 30% shall be calculated at a rate of 1.5 times the area to be cleared.

(c) **Developed woodland mitigation for lots created before December 1, 1985.** Developed woodland clearing on lots in the critical area that were in existence before December 1, 1985 is subject to developed woodland mitigation as follows.

(1) **Lots one-half acre or less.** Developed woodland mitigation on lots one-half acre or less in size shall equal the area to be cleared.

(2) **Lots greater than one-half acre and up to one acre.** Developed woodland mitigation on lots that are greater than one-half acre and up to one acre in size shall equal the area to be cleared.

(3) **Lots greater than one acre.** Developed woodland mitigation greater than one acre in size with less than 30% clearing shall equal the area to be cleared.

(d) **Mitigation for subdivisions created after December 1, 1985.** Mitigation for subdivisions created after December 1, 1985 for clearing less than 20% shall equal the area to be cleared. Mitigation for clearing between 20% and 30% shall be calculated at a rate of 1.5 times the area to be cleared.

(e) **Mitigation for variances to clearing limitations.** Mitigation for variances to the required clearing limitations shall be calculated at a rate of three times the additional area to be cleared granted by the variance decision.
(f) **Mitigation for forest or developed woodland to be cleared.** Mitigation for forest or developed woodland shall be undertaken in the following order of priority in accordance with COMAR, Title 27 and “The Green Book for the Buffer” published by the Critical Area Commission:

1. onsite reforestation;
2. offsite reforestation; or
3. payment to the County of the fee required by Title 11, or, for land within the buffer or expanded buffer, as required by COMAR, Title 27.

(g) **Afforestation on a site with less than 15% forest or developed woodland.** For a site with less than 15% forest or developed woodland, afforestation shall occur to the extent required in the following table and be maintained through protective easements.

<table>
<thead>
<tr>
<th>New subdivision or new development on a vacant lot</th>
<th>Afforestation equal to 15% of the site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantial alteration, new lot with an existing dwelling unit or the conversion of a land use on a parcel or lot to another land use</td>
<td>Afforestation based on total lot coverage, not to exceed 15% of the site</td>
</tr>
<tr>
<td>Addition or accessory structure</td>
<td>Afforestation based on net increase in lot coverage, not to exceed 15% of the site</td>
</tr>
</tbody>
</table>

(h) **Reforestation and afforestation planting.** Reforestation and afforestation planting shall be established first within the 100-foot buffer, if feasible, and shall include a combination of native species of trees, shrubs, and ground cover approved by the Office of Planning and Zoning, or, for land within the buffer, in accordance with COMAR, Title 27. Reforestation and afforestation areas shall be placed under easement in accordance with § 17-8-901.

(i) **Clearing in violation of the law.** Forests, woodlands, woody vegetation, or individual non-hazardous trees cleared without a grading permit or other required approval, or in excess of allowed clearing limits, shall be replanted at three times the area of the cleared forest, woodlands or woody vegetation, and for individual trees cleared, three times the number of individual trees cleared, or a fee shall be paid at the rate set forth in Title 11, or, for land within the buffer, in accordance with COMAR, Title 27.

(j) **Replacement planting.** For land located within the buffer, forests, developed woodlands, woody vegetation, or individual trees that are replaced shall be in accordance with COMAR, Title 27. All other forests, woodlands, woody vegetation, or individual trees that are replaced shall:

1. have trees with a trunk diameter of at least 1.5 inches as measured at 4.5 feet;
2. have trees that are at least six feet high above ground level;
3. include bushes and ground cover, and for individual trees replaced, shall include a minimum of three small shrubs (minimum 18" high) per tree replaced; and
4. be replanted with native vegetation.

(Bill No. 3-05; Bill No. 93-12; Bill No. 76-13)

§ 17-8-603. **Mitigation for Forest Interior Dwelling Species (“FIDS”) habitat.**
Mitigation for Forest Interior Dwelling Species (“FIDS”) habitat shall occur in the following order of priority in accordance with guidelines established in “A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area” published by the Critical Area Commission:

(1) onsite reforestation;
(2) offsite reforestation within the critical area or outside of the critical area on property within the OS-C Overlay; or
(3) payment to the County of the fee required by Title 11.

§ 17-8-604.  Fees in lieu of replanting.

(a)  Applicability.  This section applies when planting cannot be performed onsite or offsite in accordance with § 17-8-602 or § 17-8-603.

(b)  Time for payment.  Fees paid in lieu of replanting shall be paid before the signing of the record plat for a development involving subdivision or upon the issuance of a permit or plan for a development not involving subdivision.

(c)  Use.  Fees paid in lieu of replanting shall be maintained in a separate fund and may be spent on:

(1)  those costs directly related to replanting within the critical area, including site identification and the acquisition of land or easements; and
(2)  resource staff for project and plan review and approval.

SUBTITLE 7.  BUFFER MODIFICATION AREAS

§ 17-8-701.  Scope.

This subtitle applies to all development on land that is designated as a buffer modification area on buffer modification maps permanently on file in the Office of Planning and Zoning and is in addition to other consistent requirements of this title.

§ 17-8-702.  Development requirements for single family residential uses.

(a)  Scope.  This section applies to all single family detached residential development in a buffer modification area.

(b)  Expansion of existing lot coverage.  Lot coverage added during the expansion or replacement of an existing structure shall meet the following criteria:

(1)  No new lot coverage shall be placed nearer to the shoreline than the closest facade of the existing principal structure; landscape or retaining walls, pergolas, patios, and swimming pools may not be considered as part of the principal structure.

(2)  The structure or expansion shall be designed and located to maximize the distance from the shoreline and to enhance and protect the environmentally sensitive features on the site, taking into account the natural features.
(3) Variances to the setback requirements of the underlying zoning shall be considered before buffer disturbance.

(c) **In-kind replacement.** In-kind replacement of existing lot coverage shall meet the following criteria:

(1) In-kind replacement of existing lot coverage is allowed when reconstruction occurs on the same foundation or within the same footprint as previously existing development and meets the criteria for reconfiguration specified under § 17-8-403.

(2) In-kind replacement or reconstruction of the existing foundation is allowed when necessary for structural stability.

(d) **New structure.** The design and location of a new structure shall maximize ESD design criteria and shall:

(1) maximize the distance between the shoreline and the structure, taking into account the natural features of the site and the required placement of utilities on the site;

(2) accommodate the location of existing or proposed septic systems, storm drains, wells, and other utilities;

(3) be compatible with existing patterns of residential, industrial, commercial, or recreational development;

(4) maximize the ability of the buffer to provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances, including non-structural stormwater management practices, in runoff entering the bay and its tributaries;

(5) minimize the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources;

(6) maintain an area of transitional habitat between aquatic and terrestrial communities;

(7) maintain the natural environment of streams; and

(8) protect riparian wildlife.

(e) **Mitigation for lot coverage in the buffer modification area.** Mitigation for new lot coverage or for replacement of existing lot coverage in the buffer modification area is required as follows:

(1) For every square foot of additional lot coverage within 100 feet of the mean high water line, a vegetated buffer shall be planted within the buffer modification area at a ratio of two times the amount of lot coverage.

(2) If a variance is required, a vegetated buffer shall be planted within the buffer modification area at a ratio of 3:1 for the additional area of disturbance granted under the variance.

(3) If the Office of Planning and Zoning determines that space for onsite mitigation within the buffer is insufficient, mitigation may be located according to the following order of preference:

   (i) onsite location outside the buffer modification area;

   (ii) offsite location within the critical area; or

   (iii) payment to the County of a fee as required by Title 11.

(Bill No. 3-05; Bill No. 93-12)

§ 17-8-703. Development requirements for commercial, industrial, institutional, recreational, and duplex, townhouse, semi-detached and multifamily uses.
(a) **Scope.** This section applies to all development in a buffer modification area relating to commercial, industrial, institutional, recreational, and duplex, townhouse, semi-detached and multifamily uses, except that the section does not apply to development in a government reuse facility.

(b) **Development within the buffer modification area.** Development is prohibited in the buffer modification area unless there is no reasonable alternative available and buffer disturbance is minimized as follows.

   1. Development shall be located as far as possible from mean high tide, the edge of tributary streams, and the landward edge of tidal wetlands and must meet the criteria for reconfiguration specified under § 17-8-403.
   2. Variances to the setback requirements of the underlying zoning shall be considered before buffer disturbance.
   3. Construction of a new structure on the footprint of an existing structure or on existing lot coverage shall be considered first.

(c) **Evaluating reasonableness of buffer disturbance.** When determining whether disturbance within the buffer modification area is the only reasonable alternative available, the Office of Planning and Zoning may not consider convenience or, for construction of a new principal structure only, expense.

(d) **Development of sites with less than 15% lot coverage.** Development of sites with less than 15% lot coverage shall minimize buffer intrusion and shall be located at least 50 feet from mean high tide and tidal wetlands.

(e) **Development of structures on sites with more than 15% lot coverage.** Development of principal or accessory structures on sites with more than 15% lot coverage shall minimize buffer intrusion and shall be located at least 25 feet from mean high tide and tidal wetlands.

(f) **Protection of native species.** Native species may not be removed, except as necessary for construction or for maintenance and enhancement of the buffer.

(g) **Development planting.** On all development sites, a 25-foot waterfront buffer shall be densely planted with native trees and shrubs.

(h) **Mitigation.** When any development occurs in a buffer modification area, the mitigation requirements of § 17-8-702(e) shall apply.

(Bill No. 3-05; Bill No. 93-12)

§ 17-8-704. Development requirements for government reuse facilities.

(a) **Scope.** This section applies to all development in a buffer modification area of a government reuse facility, except that the buffer modification criteria described in this section do not apply to a site or any part of a site that:

   1. no longer meets the definition of a government reuse facility under this Code;
   2. is not developed in accordance with an overall development plan that satisfies the requirements for a government reuse facility set forth in this article; or
   3. is rezoned to a zoning classification that does not meet the requirements for a government reuse facility.

(b) **Criteria.** Within a government reuse facility, the overall development plan shall comply with the following criteria:
§ 17-8-705  Development requirements for marinas.

(a) Scope. This section applies to all marina development in a buffer modification area.

(b) Criteria. Within a buffer modification area in a marina, the overall development plan shall comply with the following criteria:

(1) New building footprints and new lot coverage shall maximize and enhance the environmental features in the buffer and be at least 25 feet from the mean high tide and tidal wetlands.

(2) Mitigation for all new development within the buffer modification area shall consist of:

(i) vegetated buffer at least 25 feet wide and no less in area than the square footage of the new building footprint and new lot coverage within the buffer modification area;

(ii) removal of lot coverage in the 25' buffer in an amount equal to lot coverage added; or

(iii) a combination of (i) and (ii) above.

(3) Existing native vegetation may not be removed from the buffer modification area except in accordance with an approved buffer management plan.

(4) Mitigation for replacement development for an existing structure where existing coverage is not increased shall be at 25% of the existing coverage.

(Bill No. 93-12)
SUBTITLE 8.  GROWTH ALLOCATION AREAS

§ 17-8-801.  Planting and vegetation.
   A site approved for growth allocation shall be vegetated in all pervious areas other than beaches, paths, and walkways, and approved native species shall be used for all new planting.  
   (Bill No. 3-05)

§ 17-8-802.  Development requirements for re-designated property.
   (a)  From RCA to IDA.  A site re-designated from RCA to IDA shall maintain a 300-foot buffer, be not less than 15% forested, and provide parking structures, if practical.
   (b)  From RCA to LDA.  A site re-designated from RCA to LDA shall maintain a 300-foot buffer and limit impervious surface to not more than 10% of the site.
   (c)  From LDA to IDA.  A site re-designated from LDA to IDA shall maintain a 100-foot buffer, be not less than 15% forested, create an additional 10-foot vegetated area beyond the 100-foot buffer, and provide parking structures, if practical.  
   (Bill No. 3-05)

SUBTITLE 9.  AGREEMENTS

§ 17-8-901.  Forestation agreement and forest conservation easement.
   For all afforestation, reforestation, and replanting required by this title, a developer shall enter into a forestation agreement.  A forest conservation easement shall be required for lots one-half acre or greater for any onsite planted area or coterminous area of onsite plantings and woodland that totals 3,000 square feet or greater.  The Planning and Zoning Officer may grant a modification of the requirements of this section for a stream restoration project.  
   (Bill No. 3-05; Bill No. 93-12)

TITLE 9.  BOG OVERLAY

Section

Subtitle 1.  In General
17-9-102.  Conflict with other law.
17-9-103.  Variance required.
17-9-104.  Violations and enforcement.

Subtitle 2.  Disturbance and Development Requirements
17-9-201.  Discharge prohibited.
17-9-203.  Actions required when disturbance allowed.
17-9-204.  Disposal of vegetative waste.
17-9-205. Septic requirements.
17-9-206. Development within the 100-foot upland buffer.
17-9-207. Development within the limited activity area.
17-9-208. Development within the contributing drainage area.
17-9-209. Subdivision in the contributing drainage area.

Subtitle 3. Forest and Woodlands
17-9-301. Forest, woodland, and habitat protection.
17-9-302. Forest and woodland clearing.
17-9-304. Lots without existing forest.
17-9-305. Replacement planting.

Subtitle 4. Agreements
17-9-401. Forestation agreement and forest conservation easement.

SUBTITLE 1. IN GENERAL


This title is an overlay that applies to all land located within a bog protection area as defined in Article 18 of this Code and the requirements of this title are in addition to other requirements of this Code.

(Bill No. 3-05)

§ 17-9-102. Conflict with other law.

If any provision of this title conflicts with other County law, the provisions of this title prevail, except that § 17-8-102 shall apply if a property subject to one or more of the overlays in this title is located in the critical area.

(Bill No. 3-05)

§ 17-9-103. Variance required.

The requirements of this title may be altered only by variance as provided in § 18-16-305 of this Code.

(Bill No. 3-05)

§ 17-9-104. Violations and enforcement.

Violations of this title shall be enforced by the Department of Inspections and Permits under the provisions of Article 16 of this Code and Article 18 of this Code.

(Bill No. 3-05)

SUBTITLE 2. DISTURBANCE AND DEVELOPMENT REQUIREMENTS
§ 17-9-201. Discharge prohibited.

Storm water from development within a bog protection area may not discharge directly into a bog, the contributing streams, or the 100-foot upland buffer.
(Bill No. 3-05)


Disturbance of any kind is prohibited within a bog and the contributing streams.
(Bill No. 3-05)

§ 17-9-203. Actions required when disturbance allowed.

When disturbance in the 100-foot upland buffer, limited activity area, or contributing drainage area is allowed by this title, each disturbed area shall be stabilized and maintained daily; have appropriate sediment controls around the perimeter of the disturbance, including super silt fences or other measures required by the Anne Arundel Soil Conservation District; and be permanently stabilized with noninvasive native vegetation upon completion of the disturbance.
(Bill No. 3-05)

§ 17-9-204. Disposal of vegetative waste.

Except when waste is composted or recycled, all vegetative waste, such as yard waste, grass clippings, and leaves, shall be disposed of outside the 100-foot upland buffer.
(Bill No. 3-05)

§ 17-9-205. Septic requirements.

A new private septic system on a lot that meets standard percolation requirements for a conventional septic system shall include nitrogen removal technology.
(Bill No. 3-05)

§ 17-9-206. Development within the 100-foot upland buffer.

(a) Development generally prohibited. Except as provided in subsections (b) and (c), new development, including septic systems, structures, roads, parking areas, or other impervious surfaces, is prohibited in the 100-foot upland buffer and natural vegetation shall be maintained.

(b) Decks. A deck no larger than 288 square feet may be constructed on a lot within the 100-foot upland buffer if the deck:
    (1) is constructed with gaps between the boards to achieve perviousness;
    (2) is located in an area that does not require clearing of woodland;
    (3) has gravel six inches deep spread under the deck; and
    (4) is surrounded by native plantings to prevent runoff.

(c) Sheds. A single shed is allowed on a lot within the 100-foot upland buffer if the shed is no larger than 150 square feet and is located in an area that does not require clearing of woodland.
(Bill No. 3-05)
§ 17-9-207. Development within the limited activity area.

(a) Development generally prohibited. Except as provided in subsection (b), new development, including septic systems, structures, roads, parking areas, and other impervious surfaces, is prohibited within the limited activity area.

(b) Exceptions. The prohibition of subsection (a) does not apply to a lot that was legally in existence on December 3, 2001 or that was part of a family conveyance subdivision of land owned by an applicant on October 7, 2003 if the development:
   (1) maximizes the distance between the bog and each structure, taking into account the natural features of the site and placement of utilities on the lot;
   (2) meets the requirements of § 17-9-208(b);
   (3) limits impervious surface to 15% of a lot unless one of the following exceptions applies:
      (i) on a lot of one-half acre or less, impervious surfaces may be increased to 25%; or
      (ii) on a lot between one-half acre and one acre, impervious surfaces on the lot shall be minimized and the total impervious surface may not exceed the greater of 15% or 5,445 square feet.

(Bill No. 3-05)

§ 17-9-208. Development within the contributing drainage area.

(a) Development allowed if requirements met. Development is allowed in the contributing drainage area if the requirements of this section are met.

(b) Stormwater management. All development within the contributing drainage area shall comply with the following storm water requirements.
   (1) Nonstructural storm water management practices, such as infiltration and retention of forest, wetlands and associated buffers, undisturbed floodplains, open space, and slopes of 15% or greater, shall be used to the extent practical.
   (2) Structural storm water management shall be used only when use of nonstructural storm water management practices is not practical.
   (3) Runoff shall be managed in a manner that does not permit direct discharge of storm water into a bog, contributing stream, or 100-foot upland buffer.

(c) Impervious surface limitations. Impervious surface on lots in existence on December 3, 2001 shall be limited to 15% of a lot unless one of the following exceptions applies.
   (1) On a lot of one-half acre or less that existed on or before December 3, 2001, impervious surface may be increased to 25%.
   (2) On a lot between one-half acre and one acre that existed on or before December 3, 2001, impervious surface on the lot shall be minimized and the total impervious surface may not exceed the greater of 15% or 5,445 square feet.

(Bill No. 3-05; Bill No. 19-05)

§ 17-9-209. Subdivision in the contributing drainage area.

In a new subdivision, impervious surface within the contributing drainage area may not exceed 10%.

(Bill No. 3-05)
SUBTITLE 3. FOREST AND WOODLANDS

§ 17-9-301. Forest, woodland, and habitat protection.

Development shall minimize destruction of forest and woodland vegetation and shall conserve or protect existing riparian forests and forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species, natural heritage areas, plant habitats of local significance, and individual trees of significant size as determined by the Maryland Department of Natural Resources and the Office of Planning and Zoning.

(Bill No. 3-05)

§ 17-9-302. Forest and woodland clearing.

(a) Forest or developed woodland clearing limits. Except as provided in subsection (b), no more than 20% of any forest or developed woodland may be cleared for development, and replacement planting shall cover not less than an equal area.

(b) Additional clearing allowed. An additional 10% up to a total of 30% of the forest or developed woodland on a lot may be disturbed if approved by the Office of Planning and Zoning and replaced at one and one-half times the total acreage of disturbed forest or developed woodland.

(Bill No. 3-05)


Forest or woodland cleared without a grading permit shall be replanted at three times the total area of cleared forest.

(Bill No. 3-05)

§ 17-9-304. Lots without existing forest.

A lot without existing forest shall be planted to provide a forest or developed woodland cover of at least 15% of the lot.

(Bill No. 3-05)

§ 17-9-305. Replacement planting.

Forests and woodlands that are replaced shall meet the following requirements:

1. trees shall have a trunk diameter of at least 1.5 inches as measured at 4.5 feet above the ground;
2. trees shall be at least six feet high above ground level;
3. bushes and ground cover shall be native species approved by the Office of Planning and Zoning;
4. all replanting shall be in accordance with a plan approved by the Office of Planning and Zoning; and
5. when a location for reforestation cannot be located on the site, the developer shall provide an alternative offsite location within a bog protection area.
§ 17-9-401. Forestation agreement and forest conservation easement.

For all afforestation, reforestation, and replanting, a developer shall enter into a forestation agreement and provide a forest conservation easement. The Planning and Zoning Officer may grant a modification of the requirements of this section for a stream restoration project.

(Bill No. 3-05; Bill No. 93-12)

TITLE 10. AGRICULTURAL LAND PRESERVATION

Section

Subtitle 1. State Program

17-10-101. Agricultural land preservation areas.
17-10-102. Agricultural land preservation program.

Subtitle 2. Local Program

17-10-201. Definitions.
17-10-203. Procedures, requirements for establishment of County agricultural district.
17-10-204. Use of land in County agricultural district.
17-10-205. Procedure to terminate County agricultural or woodland district.
17-10-206. Program to purchase easements.
17-10-207. Application for sale of easement.
17-10-208. Valuation, priority of easement purchase.
17-10-209. Easement donation.
17-10-210. Right to sell.
17-10-211. Public access.
17-10-212. Executive regulations.

Subtitle 3. Nuisance Actions

17-10-301. Agricultural operations as a defense in private nuisance action.

SUBTITLE 1. STATE PROGRAM

§ 17-10-101. Agricultural land preservation areas.

(a) Establishment; uses. In accordance with the Agriculture Article, Title 2, Subtitle 5, of the State Code, agricultural land preservation areas may be established in the County. Each agricultural land preservation area shall provide for the protection of and permit the following normal agricultural activities:
§ 17-10-102. Agricultural land preservation program.

In accordance with the Agriculture Article, Title 2, Subtitle 5, of the State Code, the County agricultural land preservation area program is established by this title, on formal notification to the County Council by the Maryland Agricultural Land Preservation Foundation. Each district agreement, together with property descriptions of the property in each agricultural land preservation area, shall be maintained in an official file and shall be available from the Office of Planning and Zoning.

(1985 Code, Art. 24, § 2-102)

§ 17-10-201. Definitions.

In this subtitle, the following words have the meanings indicated:

(1) "Agricultural Land Coordinator" means an individual appointed by the Planning and Zoning Officer to assist the landowner concerning the establishment of a County agricultural district or the sale of an easement and to administer the provisions of this subtitle.

(2) "Agricultural Preservation Advisory Board" means a board that is established in accordance with the Agriculture Article, § 2-504.1, of the State Code, and contains at least one member with a forestry background or experience.

(3) "Agriculture" means the science, art, and business of cultivating the soil; producing crops; breeding, boarding, or training of animals; horticulture; apiaries; hydroponics; viticulture; forestry; and related agricultural activities as approved by the Agricultural Preservation Advisory Board.

(4) "County agricultural district" means a district that contains agricultural land or woodlands and is established in accordance with § 17-10-203.

(5) "Easement" means a covenant running with the land that limits the uses permitted on a property to agriculture and woodlands uses.

(6) "Foundation" means the Maryland Agricultural Land Preservation Foundation.

(7) "Landowner" means a person owning or having an interest in land situated within Anne Arundel County.

(a) **Establishment; duties.** There is an Agricultural Preservation Advisory Board with the following duties and responsibilities:

1. to advise the County concerning the establishment of County agricultural districts and purchases of easements by the County;
2. to assist the County government in reviewing the status of County agricultural districts and land under easement;
3. to advise the County concerning County priorities for agricultural and woodland preservation;
4. to promote preservation of agriculture within the County by fostering such activities as a farmers' market and by offering information and assistance to farmers concerning establishment of County agricultural districts and the purchase of easements;
5. to make recommendations to the County Executive concerning budget and appropriation requests;
6. to recommend the delineation of areas of productive agricultural land in the County;
7. to recommend procedures concerning the determination of values of easements;
8. to review and make recommendations to the County concerning proposed regulations for State and County agricultural districts;
9. to prepare and review recommendations to the County concerning County policies and programs for agricultural and woodland preservation;
10. to seek the advice of and cooperate with the Agricultural Extension Service, the Soil Conservation District and the State foresters in carrying out its responsibilities;
11. to perform other, duties as may be assigned by the County Council or County Executive.

(b) **Meetings.** The Board shall meet at the direction of the Chair or on the request of two members of the Board, but in no event less than once every three months.

(c) **Decisions.** Decisions of the Board shall be made if a majority of the members is present at a meeting and if a majority of the members present concurs.

(d) **Staff support.** The Office of Planning and Zoning shall provide staff support to the Board.

(e) **Public ethics issues.** Notwithstanding the provisions of Article 7 of this Code, a person may be appointed to and may serve on the Agricultural Preservation Advisory Board even if the person has a district agreement with the State or County or has sold an easement on the
§ 17-10-203. Procedures, requirements for establishment of County agricultural district.

(a) Establishment procedures. The following procedures shall be used to establish a County agricultural district:

(1) Any landowner whose land either in whole or in part is devoted to agriculture or woodlands or otherwise meets the criteria of this subtitle may file a petition with the Office of Planning and Zoning requesting the establishment of a County agricultural district on that land.

(2) The petition shall include maps and descriptions of the current use of the land in the proposed district and the names and addresses of all adjacent property owners.

(3) All land proposed to be placed in a County agricultural district must:

(i) include at least 50 contiguous acres for agricultural land or at least 10 contiguous acres for woodlands;

(ii) be located outside water and sewer categories 1, 2, and 3 shown in the Anne Arundel County Master Plan for Water Supply and Sewerage Systems; and

(iii) have an approved soil and water conservation plan prepared by the Anne Arundel Soil Conservation District.

(4) Within 60 days after receipt of a petition, the Planning and Zoning Officer shall determine whether to approve the establishment of a County agricultural district.

(5) In making a determination, the Planning and Zoning Officer:

(i) shall consider the provisions of the General Development Plan;

and

(ii) may not approve the establishment of a district on property on which further development is precluded by law or by contract.

(b) County's offer to purchase easement. A landowner's acceptance of an offer from the County for the purchase of an easement under § 17-10-208(d) may be the basis for establishment of a district, without the necessity of the landowner making application to establish a district.

(c) Establishment of district. Following approval by the Planning and Zoning Officer or on acceptance of an offer from the County for the purchase of an easement, a County agricultural district shall be established on execution by the landowner of a district agreement that incorporates the conditions that are set forth in the regulations adopted under § 17-10-212.

(1985 Code, Art. 24, § 2-203) (Bill No. 45-90; Bill No. 56-99; Bill No. 20-00)
§ 17-10-205. Procedure to terminate County agricultural or woodland district.

(a) Withdrawal by notification. Except when an easement has been purchased, a landowner may withdraw from a County agricultural district by giving notification in writing to the Office of Planning and Zoning:

1. no earlier than five years after the date the landowner's land is included in a district or, if a landowner is receiving a tax credit under § 4-2-301 of this Code, no earlier than ten years after the landowner's land is included in a district;

2. subject to the provisions of § 4-2-301 of this Code, after the County has rejected the purchase of an easement on the landowner's property; or

3. if the Planning and Zoning Officer finds that continuation in the district will cause the landowner severe economic hardship, consisting of financial peril to the landowner, whether caused by natural disaster, the disability of the landowner, or some other occurrence.

(b) Adjustment of acreage. In a County agricultural district that contains land from more than one landowner, if a landowner's withdrawal from the district causes the district no longer to meet the requirements for a County district, the Office of Planning and Zoning may adjust the district to the remaining acreage.

§ 17-10-206. Program to purchase easements.

(a) Establishment. There is a program to finance the purchase of easements.

(b) Agreement.

1. The County Executive shall determine the methods of paying landowners for easements, and the appropriate terms and conditions for any agreement to purchase an easement in accordance with the requirements set forth in this subtitle or in other applicable provisions of law.

2. The County may provide for the payment for easements by the execution and delivery of long-term obligations of the County, including long-term obligations in the form of installment purchase agreements for deferred payment of the purchase price.

3. The execution and delivery of any such long-term obligations shall be authorized by ordinance, which shall prescribe the security for form, manner of execution, delivery, and sale, if applicable, the maturity and the other terms and conditions of such long-term obligations or, in each case, the manner of determining the same. The final maturity of such long-term obligations may not exceed 30 years.

(c) Payment. Payment for easements may be made from dedicated transfer tax revenues that are appropriated as provided under § 4-11-111 of this Code; from any other legally available appropriated funds or revenues; and as provided in subsection (b)(2).

(d) Termination and release.
(1) Subject to subsection (d)(2), an easement purchased by the County shall be given by the landowner in perpetuity and may not be terminated by the landowner, and may not be extinguished by the County without approval of the County Council.

(2) Except for an easement purchased under an installment purchase agreement and subject to the provisions of Article 18 of this Code, a landowner may have one 40,000 square foot lot released from an easement.

(1985 Code, Art. 24, § 2-205) (Bill No. 45-90; Bill No. 79-94; Bill No. 56-99; Bill No. 4-05)

§ 17-10-207. Application for sale of easement.

(a) Generally. Any landowner whose land is devoted in whole or in part to agriculture or woodlands may file an application with the Office of Planning and Zoning requesting that the County purchase an easement if the land includes at least 50 contiguous acres for agricultural land or at least 25 contiguous acres for woodlands.

(b) Application. The application shall be filed in the manner and with the supporting documentation required by the Office of Planning and Zoning.

(c) Review by Agricultural Land Coordinator. On receipt of an application, the Agricultural Land Coordinator shall review the application, meet with the landowner, and recommend to the Planning and Zoning Officer whether to purchase an easement.

(d) Planning and Zoning Officer. Within 60 days after receipt of an application, the Planning and Zoning Officer shall determine whether the property is eligible for purchase by the County of an easement and, if an eligibility determination is made, direct the Agricultural Land Coordinator to order an appraisal.

(e) Ineligibility. Among other factors, a property may not be eligible for the purchase of an easement if:

(1) the landowner fails to provide the information requested by the County or to cooperate with the Agricultural Land Coordinator or any State or County agency with regard to admission into a program; or

(2) the property does not meet the minimum qualifications for acreage, soil classification, water and sewer service designation, and applicable zoning as set forth in regulations adopted under § 17-10-212.

(f) Purchase price. The purchase price of the proposed easement shall be established in accordance with § 17-10-208(a).

(g) State program. If a property is eligible for the State program, the Agricultural Land Coordinator shall refer the landowner to the State program instead of processing the application through the County program.

(1985 Code, Art. 24, § 2-206) (Bill No. 56-99; Bill No. 20-00)

§ 17-10-208. Valuation, priority of easement purchase.

(a) Purchase price. Except as provided in subsection (b) for easements purchased by the execution and delivery of long-term obligations, including installment purchase agreements, the purchase price of an easement shall be based on:

(1) an appraisal obtained by the County; or

(2) if the landowner is dissatisfied with the appraisal obtained by the County, the average of the amount set forth in the County's appraisal and an appraisal obtained by the
landowner at the landowner's sole expense from a list of appraisers approved by the County, but in no event less than the amount set forth in the County's appraisal.

(b) **Long-term obligation.** Except as otherwise provided by ordinance, for easements purchased by installment purchase agreements, the Planning and Zoning Officer, with the advice of the Controller, may negotiate the terms of a long-term obligation, including the stated purchase price or amount, the interest rate, and other appropriate provisions such that, in the reasonable determination of the Planning and Zoning Officer, the face value of the long-term obligation is less than or commensurate with the value of the easement based on an appraisal.

(c) **Priorities for easement purchases.** For properties referred into the County program, the Planning and Zoning Officer shall set priorities for the purchase of easements, based on factors the Planning and Zoning Officer determines are necessary to preserve agricultural land or woodlands, including the purchase price, whether the land is in the General Development Plan as agricultural or open space, and whether the land borders a municipality or other developing area.

(d) **Terms for payment.** The purchase price shall be paid to the landowner immediately on execution of an easement or on such terms as the County and the landowner agree, provided that the purchase price under an installment purchase agreement shall be available and encumbered in the fiscal year that the easement is purchased, unless otherwise authorized by ordinance of the County Council.

(e) **County not obligated.** Neither the determination by the Planning and Zoning Officer that a property is eligible for the purchase of an easement nor the obtaining of an appraisal obligates the County to purchase an easement.

(1985 Code, Art. 24, § 2-207) (Bill No. 45-90; Bill No. 79-94; Bill No. 56-99; Bill No. 20-00)

§ 17-10-209. Easement donation.

(a) **Acceptance of donation.** In addition to its authority to purchase easements under this subtitle, the County or the County's designee may accept the donation of an easement or other interest in property for agricultural land or woodland preservation purposes.

(b) **When prohibited.** The County may not accept the grant of a gift of residual interest in a property on which the County has accepted an easement or of a life estate or of any interest that would result in the merger of the easement with the gift and thereby extinguish the easement held by the County.

(1985 Code, Art. 24, § 2-207.1) (Bill No. 56-99)

§ 17-10-210. Right to sell.

This title does not restrict the right of an owner to sell land located in a County agricultural district or land on which the County holds an easement, provided that the sale is subject to the easement.

(1985 Code, Art. 24, § 2-208) (Bill No. 45-90)

§ 17-10-211. Public access.

Purchase of an easement by the County does not create a right of public access to the land unless the easement contract specifically provides for public access.
§ 17-10-212. Executive regulations.

The regulations "Anne Arundel County Agricultural Land and Woodland Preservation Program" prepared by the Department and dated August, 1999 are approved and adopted as the regulations governing the County agricultural land and woodland preservation program.

§ 17-10-301. Agricultural operations as a defense in private nuisance action.

(a) **Definition.** In this section, "agricultural operation" means the production of food and other agricultural products, including structures, vehicles, or other farm machinery, conditions, or associated activities. Types of agricultural operations include: cultivation of land; raising or production of poultry; production of eggs; production of milk and other dairy products; production of fruits, vegetables, or other horticultural or floricultural crops; raising, production, or the occasional slaughtering and rendering of livestock, including the livestock listed in the Agriculture Article, § 1-101(e), of the State Code; pasturage; apiaries; silviculture; and wineries. The term does not include regular rendering; manufacturing or processing of feed products, tallow, or grease; or bone distillation.

(b) **Defense.** If it is alleged in a private action that an agricultural operation interferes with the use and enjoyment of private property, because that action constitutes a private nuisance, the person charged in the action shall not be liable if the agricultural operation:

1. is being conducted in accordance with generally accepted agricultural practices and conforms to federal, State, and County law; or
2. commenced prior to the use of the property by the person alleged to have suffered injury as a result of the operation.

(c) **Negligent or willfully injurious conduct.** The defenses authorized by subsection (b) do not apply to an agricultural operation conducted in a negligent or willfully injurious manner.

(1985 Code, Art. 17, § 1-106) (Bill No. 58-04)

**TITLE 11. FEES AND SECURITY**

Section

Subtitle 1. In General

17-11-102. Fee reduction.

Subtitle 2. Development Impact Fees

17-11-201. Definitions.

17-11-203. Who must pay fees.

17-11-204. Computation of fees – Fee schedule.


17-11-206. Payment of fee; lien against property; refund.

17-11-207. Credits.

17-11-208. Impact fee special funds.

17-11-209. Use of funds.


17-11-211. Review of fee schedule, fee collection, and district boundaries; reports.

17-11-212. Review and automatic adjustment of fees.


Subtitle 3. Developer Street Light Fee

17-11-301. Street lighting and fees.

SUBTITLE 1. IN GENERAL

§ 17-11-101. Fees and security.

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee or Security</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amended record plat</td>
<td>$350</td>
</tr>
<tr>
<td>Clearing in violation of forest conservation law</td>
<td>$0.80 per square foot</td>
</tr>
<tr>
<td>Clearing in violation of critical area law</td>
<td>$1.50 per square foot of mitigation required</td>
</tr>
<tr>
<td>Digital conversion of record plat</td>
<td>$250, first page</td>
</tr>
<tr>
<td></td>
<td>$75, additional pages</td>
</tr>
<tr>
<td>Fees and charges relating to allocation</td>
<td>See Article 13 of this Code</td>
</tr>
<tr>
<td>Fee for abandonment of forest conservation easement</td>
<td>$0.75 per square foot of conservation easement abandoned</td>
</tr>
<tr>
<td>Fee-in-lieu of planting for land outside the critical area</td>
<td>$0.50 per square foot</td>
</tr>
<tr>
<td>Fee-in-lieu of planting for land inside the critical area</td>
<td>$1.50 per square foot of mitigation required</td>
</tr>
<tr>
<td>Fee-in-lieu for new impervious surface or lot coverage inside a buffer modification area</td>
<td>$1.50 per square foot of mitigation required</td>
</tr>
<tr>
<td>Fee-in-lieu for planting in the critical area buffer</td>
<td>$1.50 per square foot of mitigation required</td>
</tr>
<tr>
<td>Fee-in-lieu for new impervious surface inside the critical area on a legal lot in</td>
<td>$1.50 per square foot of mitigation required</td>
</tr>
<tr>
<td>Category</td>
<td>Fee or Security</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>existence before December 1, 1985</td>
<td>$1,000 per unit</td>
</tr>
<tr>
<td>Fee-in-lieu of recreation area</td>
<td>$120 per residential unit $420 per acre or part of an acre, commercial or industrial</td>
</tr>
<tr>
<td>Final plan approval, application for</td>
<td></td>
</tr>
<tr>
<td>Incentive Program</td>
<td>$500</td>
</tr>
<tr>
<td>Inspection fees</td>
<td>Public works agreement: 7% of the cost of the improvements</td>
</tr>
<tr>
<td></td>
<td>Forestation agreement: 7% of the cost of the installed plant materials</td>
</tr>
<tr>
<td>Mobile home relocation plan, review</td>
<td>$1,500</td>
</tr>
<tr>
<td>Mobile home relocation plan, compliance monitoring</td>
<td>$300 per occupied mobile home unit</td>
</tr>
<tr>
<td>Modification, application for</td>
<td>$250</td>
</tr>
<tr>
<td>Preliminary plan review, application for</td>
<td>$75 per residential unit $360 per acre or part of an acre, commercial or industrial</td>
</tr>
<tr>
<td>Security for completion of public improvements or forestation</td>
<td>Public works agreement: amount equal to approved cost estimate</td>
</tr>
<tr>
<td></td>
<td>Forestation agreement: amount equal to approved cost estimate outside the critical area or $1.50 per square foot inside the critical area</td>
</tr>
<tr>
<td>Security for payment of labor and materials</td>
<td>Public works agreement: amount equal to 50% of the approved cost estimate</td>
</tr>
<tr>
<td>Security for payment of mobile home park relocation assistance</td>
<td>Amount equal to 10 months actual rent multiplied by the number of occupied mobile homes, less any relocation assistance previously paid or not required to be paid under State law</td>
</tr>
<tr>
<td>Security for maintenance during warranty period</td>
<td>$300 per occupied mobile home unit</td>
</tr>
<tr>
<td>Signs</td>
<td>$35 per sign</td>
</tr>
<tr>
<td>Site development plan approval, application for</td>
<td>$120 per residential unit $420 per acre or part of an acre, commercial or industrial</td>
</tr>
<tr>
<td>Site development plan for development that does not require a permit</td>
<td>$350 per acre or part of an acre</td>
</tr>
<tr>
<td>Sketch plan approval, application for</td>
<td>$75 per residential unit $360 per acre or part of an acre, commercial or industrial</td>
</tr>
</tbody>
</table>
§ 17-11-102. Fee reduction.

The Planning and Zoning Officer, upon receipt of a cost benefit analysis that justifies the reduction, may authorize a reduction in application fees of up to 50% for development that exceeds the environmental site design criteria of this Code.

§ 17-11-201. Definitions.

In this title, the following words have the meanings indicated.

1. "Capital improvements" means land acquisition, site development, equipment, or facilities for public schools, transportation, or public safety, and the term includes:
   a. construction of school projects contained in the adopted County capital budget and five-year capital program, transportation projects contained in the adopted County capital budget and five-year capital program or State consolidated transportation program, and public safety projects contained in the adopted County capital budget and five-year capital program; and
   b. public safety vehicles and equipment contained in the adopted County current expense budget.

2. “Encumbrance” means a legal commitment for the expenditure of funds, chargeable against the applicable appropriation for the expenditure, that is documented by a contract or purchase order.

3. “Finished area” means an enclosed area in a dwelling unit that is suitable for year-round use, embodying walls, floors, and ceilings that are similar to the rest of the dwelling unit, and is further described in American National Standards Institute (ANSI) Standard Z765-2003.

4. “Floor area” has the meaning stated in Article 18 of this Code.

5. “General ledger” means the official accounting records where assets, liabilities, revenues, expenditures, budgets, and encumbrances are recorded.

6. “Person” does not include a State or federal governmental entity.

7. “Pledge” means obligate taxes, fees, or other sources of revenue for use in the repayment of a debt.

8. “Public safety” means police and fire protection facilities.

9. “Site-related transportation improvements” means capital improvements and dedications and conveyances of rights-of-way for site driveways and roads, right and left turn lanes leading to and from site driveways, traffic-control measures for site driveways, frontage roads, acceleration and deceleration lanes, roads necessary to provide direct access to a development, local road improvements required by this article, and any other direct access improvements.

This title is adopted for the purpose of promoting the health, safety, and general welfare of the residents of the County by:

(1) requiring all new development to pay its proportionate fair share of the costs for land, capital facilities, and other expenses necessary to accommodate development impacts on public school, transportation, and public safety facilities;

(2) complementing the provisions of Title 5 by requiring that all new development pay its share of costs for reasonably attributable impacts; and

(3) helping to implement the General Development Plan to help ensure that adequate public facilities for schools, transportation, and public safety are available in a timely and well planned manner.

(1985 Code, Art. 24, § 7-102)  (Bill No. 50-87; Bill No. 96-01)

§ 17-11-203.  Who must pay fees.

(a)  Improvement of real property that causes impact. Any person who improves real property and thereby causes an impact upon public schools, transportation, or public safety facilities shall pay development impact fees as provided in this subtitle.

(b)  Change of use or improvement. Any person who subjects an existing use to a change of use or improvement that causes any impact on public schools, transportation, or public safety facilities shall pay a fee based on the net increase in impacts attributable to the change of use or improvement. The net increase shall be calculated by determining a gross fee based on the new use or improvement and subtracting from the gross fee the amount of the fee attributable to the previously existing use or improvement. A replacement of or addition to an existing dwelling is not subject to a development impact fee.

(c)  Exemptions.

(1)  Subject to the conditions set forth in paragraphs (2) and (3) of this subsection, the following shall be exempt from impact fees:

(i)  facilities for assisted living programs, as defined in the Health-General Article, § 19-1801, of the State Code;

(ii)  hospice facilities, as defined in the Health-General Article, § 19-901(c), of the State Code;

(iii)  hospitals, as defined in the Health-General Article, § 19-301(f), of the State Code;

(iv)  nursing homes, as defined in the Health-General Article, § 19-1401(e), of the State Code;

(v)  residential dwelling units, provided that the sale or rental of the units is restricted to persons having a household income not exceeding 120 percent of the area median income, adjusted by household size, as defined by the United States Department of Housing and Urban Development, or that the units were constructed under a program that requires the homebuyers to participate in the initial construction or rehabilitation of the units; and

(vi)  a fire station on property owned by a volunteer fire company formed pursuant to § 12-1-201 of this Code.

(2)  To be eligible for exemption under paragraph (1):
(i) a facility for an assisted living program, hospice facility, hospital, nursing home, or a fire station on property owned by a volunteer fire company formed pursuant to § 12-1-201 of this Code shall be owned and operated by an entity exempt from taxation under § 501(c) of the Internal Revenue Code that has been in existence for at least three years preceding the date of application for the exemption under paragraph (3); or

(ii) a residential dwelling unit was constructed by or under a program sponsored by an entity exempt from taxation under § 501(c) of the Internal Revenue Code that has been in existence for at least three years preceding the date of application for the exemption under paragraph (3).

(3) A person seeking exemption under this subsection shall, upon submission of an initial application for subdivision or submission of a site development plan for review, complete an application for exemption supplied by the Office of Planning and Zoning and provide any additional information the Planning and Zoning Officer believes to be necessary to determine eligibility for the exemption. The Office of Planning and Zoning shall notify the person of a determination of eligibility in the letter approving a sketch plan for a subdivision, a final plan for a minor subdivision, or recommending approval of a building or grading permit for a site development plan.

(1985 Code, Art. 24, § 7-103)  (Bill No. 50-87; Bill No. 96-01; Bill 71-08; Bill No. 20-15)

§ 17-11-204. Computation of fees – Fee schedule.

(a) Generally. Except as provided in § 17-11-206, the amount of the development impact fee shall be determined by the fee schedules set forth in this section. As used in the fee schedules, “square feet” refers to the finished area for residential development, and to floor area for non-residential development.

(b) Impact fee schedule.

(1) On and after January 1, 2009, the development impact fee schedule, subject to adjustment under § 17-11-212, shall be:

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Roads</th>
<th>Schools</th>
<th>Public Safety</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (by square foot):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 500 feet</td>
<td>$252</td>
<td>$381</td>
<td>$17</td>
<td>$650</td>
</tr>
<tr>
<td>500 - 999 feet</td>
<td>413</td>
<td>700</td>
<td>28</td>
<td>1,141</td>
</tr>
<tr>
<td>1,000 - 1,499 feet</td>
<td>536</td>
<td>960</td>
<td>36</td>
<td>1,532</td>
</tr>
<tr>
<td>1,500 - 1,999 feet</td>
<td>622</td>
<td>1,131</td>
<td>42</td>
<td>1,795</td>
</tr>
<tr>
<td>2,000 - 2,499 feet</td>
<td>687</td>
<td>1,259</td>
<td>46</td>
<td>1,992</td>
</tr>
<tr>
<td>2,500 - 2,999 feet</td>
<td>736</td>
<td>1,361</td>
<td>49</td>
<td>2,146</td>
</tr>
<tr>
<td>3,000 - 3,499 feet</td>
<td>774</td>
<td>1,446</td>
<td>52</td>
<td>2,272</td>
</tr>
<tr>
<td>3,500 - 3,999 feet</td>
<td>810</td>
<td>1,519</td>
<td>54</td>
<td>2,383</td>
</tr>
<tr>
<td>4,000 - 4,499 feet</td>
<td>842</td>
<td>1,583</td>
<td>56</td>
<td>2,481</td>
</tr>
<tr>
<td>4,500 - 4,999 feet</td>
<td>871</td>
<td>1,639</td>
<td>58</td>
<td>2,568</td>
</tr>
<tr>
<td>5,000 - 5,499 feet</td>
<td>896</td>
<td>1,690</td>
<td>60</td>
<td>2,646</td>
</tr>
<tr>
<td>5,500 - 5,999 feet</td>
<td>917</td>
<td>1,737</td>
<td>61</td>
<td>2,715</td>
</tr>
<tr>
<td>6,000 feet and over</td>
<td>927</td>
<td>1,758</td>
<td>62</td>
<td>2,747</td>
</tr>
<tr>
<td>Non-residential:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement, recreation, and place</td>
<td>$177</td>
<td>$0</td>
<td>$7</td>
<td>$184</td>
</tr>
<tr>
<td>Development Type</td>
<td>Roads</td>
<td>Schools</td>
<td>Public Safety</td>
<td>Total</td>
</tr>
<tr>
<td>------------------</td>
<td>-------</td>
<td>---------</td>
<td>---------------</td>
<td>-------</td>
</tr>
<tr>
<td><strong>Residential (by square foot):</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 500 feet</td>
<td>$504</td>
<td>$761</td>
<td>$34</td>
<td>$1,299</td>
</tr>
<tr>
<td>500 - 999 feet</td>
<td>826</td>
<td>1,401</td>
<td>55</td>
<td>2,282</td>
</tr>
<tr>
<td>1,000 - 1,499 feet</td>
<td>1,072</td>
<td>1,921</td>
<td>72</td>
<td>3,065</td>
</tr>
<tr>
<td>1,500 - 1,999 feet</td>
<td>1,244</td>
<td>2,263</td>
<td>83</td>
<td>3,590</td>
</tr>
<tr>
<td>2,000 - 2,499 feet</td>
<td>1,373</td>
<td>2,518</td>
<td>92</td>
<td>3,983</td>
</tr>
<tr>
<td>2,500 - 2,999 feet</td>
<td>1,473</td>
<td>2,723</td>
<td>98</td>
<td>4,294</td>
</tr>
<tr>
<td>3,000 - 3,499 feet</td>
<td>1,549</td>
<td>2,893</td>
<td>104</td>
<td>4,546</td>
</tr>
<tr>
<td>3,500 - 3,999 feet</td>
<td>1,620</td>
<td>3,038</td>
<td>108</td>
<td>4,766</td>
</tr>
<tr>
<td>4,000 - 4,499 feet</td>
<td>1,684</td>
<td>3,166</td>
<td>113</td>
<td>4,963</td>
</tr>
<tr>
<td>4,500 - 4,999 feet</td>
<td>1,742</td>
<td>3,279</td>
<td>116</td>
<td>5,137</td>
</tr>
<tr>
<td>5,000 - 5,499 feet</td>
<td>1,792</td>
<td>3,381</td>
<td>120</td>
<td>5,293</td>
</tr>
<tr>
<td>5,500 - 5,999 feet</td>
<td>1,833</td>
<td>3,473</td>
<td>123</td>
<td>5,429</td>
</tr>
<tr>
<td>6,000 feet and over</td>
<td>1,855</td>
<td>3,516</td>
<td>124</td>
<td>5,495</td>
</tr>
<tr>
<td><strong>Non-residential:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement, recreation, and place of assembly per required parking space</td>
<td>$354</td>
<td>$0</td>
<td>$14</td>
<td>$368</td>
</tr>
<tr>
<td>Hotel/motel room</td>
<td>1,706</td>
<td>-0-</td>
<td>44</td>
<td>1,750</td>
</tr>
<tr>
<td>Industrial per 1,000 sq. ft.</td>
<td>1,472</td>
<td>-0-</td>
<td>54</td>
<td>1,526</td>
</tr>
<tr>
<td>Mini-warehouse per 1,000 sq. ft.</td>
<td>242</td>
<td>-0-</td>
<td>12</td>
<td>254</td>
</tr>
<tr>
<td>For profit hospital per bed</td>
<td>1,920</td>
<td>-0-</td>
<td>58</td>
<td>1,978</td>
</tr>
<tr>
<td>For profit nursing home per bed</td>
<td>427</td>
<td>-0-</td>
<td>47</td>
<td>474</td>
</tr>
<tr>
<td>Marinas per berth</td>
<td>484</td>
<td>-0-</td>
<td>17</td>
<td>501</td>
</tr>
<tr>
<td>Office per 1,000 sq. ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 100,000 sq. ft.</td>
<td>2,380</td>
<td>-0-</td>
<td>130</td>
<td>2,510</td>
</tr>
</tbody>
</table>

On and after January 1, 2010, the development impact fee schedule, subject to adjustment under § 17-11-212, shall be:
### Development Impact Fee Schedule

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Roads</th>
<th>Schools</th>
<th>Public Safety</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>100,000 - 199,999 sq. ft.</td>
<td>2,062</td>
<td>-0-</td>
<td>116</td>
<td>2,178</td>
</tr>
<tr>
<td>200,000 sq. ft. and over</td>
<td>1,836</td>
<td>-0-</td>
<td>106</td>
<td>1,942</td>
</tr>
<tr>
<td>Mercantile per 1,000 sq. ft.</td>
<td>2,480</td>
<td>-0-</td>
<td>331</td>
<td>2,811</td>
</tr>
</tbody>
</table>

(3) On and after January 1, 2011, the development impact fee schedule, subject to adjustment under § 17-11-212, shall be:

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Roads</th>
<th>Schools</th>
<th>Public Safety</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential (by square foot):</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 500 feet</td>
<td>$1,259</td>
<td>$1,903</td>
<td>$85</td>
<td>$3,247</td>
</tr>
<tr>
<td>500 - 999 feet</td>
<td>2,065</td>
<td>3,502</td>
<td>138</td>
<td>5,705</td>
</tr>
<tr>
<td>1,000 - 1,499 feet</td>
<td>2,681</td>
<td>4,802</td>
<td>180</td>
<td>7,663</td>
</tr>
<tr>
<td>1,500 - 1,999 feet</td>
<td>3,111</td>
<td>5,657</td>
<td>208</td>
<td>8,976</td>
</tr>
<tr>
<td>2,000 - 2,499 feet</td>
<td>3,433</td>
<td>6,296</td>
<td>229</td>
<td>9,958</td>
</tr>
<tr>
<td>2,500 - 2,999 feet</td>
<td>3,682</td>
<td>6,807</td>
<td>246</td>
<td>10,735</td>
</tr>
<tr>
<td>3,000 - 3,499 feet</td>
<td>3,872</td>
<td>7,232</td>
<td>259</td>
<td>11,363</td>
</tr>
<tr>
<td>3,500 - 3,999 feet</td>
<td>4,050</td>
<td>7,596</td>
<td>271</td>
<td>11,917</td>
</tr>
<tr>
<td>4,000 - 4,499 feet</td>
<td>4,211</td>
<td>7,915</td>
<td>282</td>
<td>12,408</td>
</tr>
<tr>
<td>4,500 - 4,999 feet</td>
<td>4,355</td>
<td>8,197</td>
<td>291</td>
<td>12,843</td>
</tr>
<tr>
<td>5,000 - 5,499 feet</td>
<td>4,479</td>
<td>8,452</td>
<td>299</td>
<td>13,230</td>
</tr>
<tr>
<td>5,500 - 5,999 feet</td>
<td>4,583</td>
<td>8,683</td>
<td>307</td>
<td>13,573</td>
</tr>
<tr>
<td>6,000 feet and over</td>
<td>4,637</td>
<td>8,791</td>
<td>310</td>
<td>13,738</td>
</tr>
<tr>
<td><strong>Non-residential:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement, recreation, and place of assembly per required parking space</td>
<td>$886</td>
<td>$0</td>
<td>$35</td>
<td>$921</td>
</tr>
<tr>
<td>Hotel/motel room</td>
<td>4,266</td>
<td>-0-</td>
<td>109</td>
<td>4,375</td>
</tr>
<tr>
<td>Industrial per 1,000 sq. ft.</td>
<td>3,680</td>
<td>-0-</td>
<td>136</td>
<td>3,816</td>
</tr>
<tr>
<td>Mini-warehouse per 1,000 sq. ft.</td>
<td>606</td>
<td>-0-</td>
<td>30</td>
<td>636</td>
</tr>
<tr>
<td>For profit hospital per bed</td>
<td>4,801</td>
<td>-0-</td>
<td>144</td>
<td>4,945</td>
</tr>
<tr>
<td>For profit nursing home per bed</td>
<td>1,068</td>
<td>-0-</td>
<td>117</td>
<td>1,185</td>
</tr>
<tr>
<td>Marinas per berth</td>
<td>1,210</td>
<td>-0-</td>
<td>43</td>
<td>1,253</td>
</tr>
<tr>
<td>Office per 1,000 sq. ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 100,000 sq. ft.</td>
<td>5,951</td>
<td>-0-</td>
<td>290</td>
<td>6,276</td>
</tr>
<tr>
<td>100,000 - 199,999 sq. ft.</td>
<td>5,154</td>
<td>-0-</td>
<td>325</td>
<td>5,444</td>
</tr>
<tr>
<td>200,000 sq. ft. and over</td>
<td>4,589</td>
<td>-0-</td>
<td>266</td>
<td>4,855</td>
</tr>
<tr>
<td>Mercantile per 1,000 sq. ft.</td>
<td>6,200</td>
<td>-0-</td>
<td>827</td>
<td>7,027</td>
</tr>
</tbody>
</table>

**Editor’s note** – The impact fees on this schedule are adjusted in accordance with the most recent 20-City Annual National Average Construction Cost Index as required by § 17-11-212. The adjusted amounts are available at: [http://www.aacounty.org/IP/PAC/PermitFees.cfm](http://www.aacounty.org/IP/PAC/PermitFees.cfm).

(c) **Mixed use and fractional units.** When an improvement to real property consists of a development with mixed uses, the fee shall be computed by calculating the space committed
to the various land use types on the schedule. If the development includes fractional units, the fee shall be computed to the appropriate fraction.

(d) **Fee schedule interpretation.** If a feepayer is in doubt about which and use types on the schedule apply to a development, the feepayer may request a fee schedule interpretation from the Planning and Zoning Officer. The Planning and Zoning Officer shall use the fee for the land use type most nearly comparable to the development, and in determining the transportation fee shall be guided by the report entitled “Institute of Transportation Engineers Trip Generation, an Information Report” (Third Edition). If the Planning and Zoning Officer determines that there is no comparable land use type for the proposed development, the feepayer shall prepare an independent impact analysis pursuant to § 17-11-205.

(1985 Code, Art. 24, §7-104) (Bill No. 50-87; Bill No. 96-01; Bill No. 71-088; Bill No. 45-12)


(a) **When allowed.** An independent impact analysis shall be used to compute the development impact fee if:

(1) the Planning and Zoning Officer determines that there is not a comparable land use type for the development under § 17-11-204;

(2) the Planning and Zoning Officer requires it when the location, intensity, or unusual nature of the use indicates that the impacts on public school, transportation, or public safety facilities would be substantially higher than the impacts assumed for purposes of the fee schedule in § 17-11-204; or

(3) the feepayer chooses to use an independent impact analysis.

(b) **Feepayer responsibility for preparation of draft.** The feepayer shall be responsible for the preparation of the draft independent impact analysis and the Planning and Zoning Officer shall accept, reject, or modify the draft analysis.

(c) **Document preparation.** The person who prepares the draft independent impact analysis shall be approved by the Planning and Zoning Officer on the basis of professional training and experience in preparation of development impact analyses. The independent impact analysis shall follow standard methodologies and format and be approved by the Planning and Zoning Officer. Prior to submission of the draft independent impact analysis, the feepayer shall meet with the Planning and Zoning Officer to review the requirements for the preparation of a draft independent impact analysis.

(d) **Formulas and methodologies.** In addition to the methodologies approved by the Planning and Zoning Officer, the following formulas shall be used to determine the development impact fee for schools, transportation, and public safety unless the fee payer provides substantial competent evidence that an alternative formula or methodology should be used:

(1) School Fee = \( SU \times (C - SCG) \)

Where:

\( SU \) = Student per unit

\( C \) = Capital cost per student station

\( SCG \) = State capital grant per student station

(2) Transportation Fee = \( (ATL \times TR \times NT \times Cost) - MFC/LC \times 2 \)

Where:

\( ATL \) = Average trip length

\( TR \) = Daily trip generation rate


NT = Percentage of new trips
LC = Lane capacity at level of service D
Cost = Per-lane mile construction and right-of-way cost
MFC = Motor fuel credit

(3) Public Safety Fee = FP x TCI - (PTC + FTC)/PP

Where:
FP = Functional population per land use type (the measure of demand for services based on the allocation of Anne Arundel County population among residential and nonresidential land uses)
TCI = Total public safety capital improvement value
PP = Peak population (which equals permanent residents, seasonal population, and transient population)
PTC = Credit amount for past tax payments
FTC = Credit amount for future tax payments

(1985 Code, Art. 24, § 7-105) (Bill No. 50-87; Bill No. 96-01)

§ 17-11-206. Payment of fee; lien against property; refund.

(a) **When and to whom paid.** Except as provided in § 17-11-207, the fee shall be paid to the Department of Inspections and Permits before the issuance of a building permit for the improvement, a mobile home park construction permit, or a zoning certificate of use for a change of use. The amount of the fee shall be set as of the date of application for the permit or zoning certificate of use. A permit or a zoning certificate of use may not be issued until any applicable development impact fee has been paid.

(b) **Commercial and industrial structures.** For commercial and industrial structures, the fee shall be paid for the initial building permit for the primary structure. Subsequent building permits for tenant improvements shall not be subject to the fee unless the land use type for which the tenant improvement permit is sought is subject to a higher fee than the land use type indicated when the initial permit was obtained. Any tenant improvement subject to a higher fee shall pay only the difference between that higher fee and the fee for the original land use.

(c) **Collection.** Development impact fees not paid when due shall be collected as provided by § 1-9-101 of this Code.

(d) **Refund upon building permit expiration.** If a building permit expires and construction under the permit has not commenced, the feepayer is entitled to a refund of any development impact fee paid as a condition of the permit’s issuance and shall apply to the Department of Inspections and Permits for the refund within 60 days of the expiration of the building permit. The County shall retain 6% of the fee as an administrative fee to offset the costs of collection and refund.

(1985 Code, Art. 24, § 7-106) (Bill No. 50-87; Bill No. 96-01; Bill No. 71-08)

§ 17-11-207. Credits.

(a) **When allowed.** Any conveyance of land or construction received and accepted by the County or the County Board of Education from a developer, including construction of a contract school by a developer or a developer’s agent pursuant to an agreement with the Board of
Education, may be credited against the development impact fee due if the conveyance or construction meets the same needs as the development impact fee in providing expanded capacity over and above the requirements of this article. If the developer wishes to receive credit against the amount of the development impact fee due for such conveyance or construction, the developer shall enter into a written Impact Fee Credit Agreement with the County prior to such conveyance or construction. The Impact Fee Credit Agreement shall provide for establishment of credits and the procedure and time allowed for redemption of such credits. Development impact fee credits shall be claimed and applied at the time development impact fees are required to be paid.

(b) **Determination of value.** The value of land conveyed by a developer and accepted by the County for purposes of this section shall be determined by an appraisal based on the fair market value of the land. The value of facilities constructed by a developer and accepted by the County for purposes of this section shall be established by the County. Construction shall be in accordance with County and State design standards.

(c) **Transportation impact fee credits.** Transportation impact fee credits shall be allowed for transportation improvements providing transportation capacity over and above the adequate road facilities requirements for a development project set forth in this article. The development providing the capital improvements shall be allowed transportation impact fee credits in the amount provided in the Transportation Impact Fee Credit Agreement. Credit may not be given for site-related transportation improvements.

(d) **Conveyance of land; credit for construction.** Any land awarded credit under this section shall be conveyed no later than the time at which development impact fees are required to be paid. The portion of the development impact fee represented by a credit for construction shall be deemed paid when the construction is completed and accepted by the County for maintenance or when adequate security for the completion of the construction has been provided.

(e) **School impact fee credits.** In the event that a developer provides capital improvements to create additional school capacity, including construction of a contract school pursuant to a School Capacity Mitigation Agreement provided for in §§ 17-5-501 and 17-5-901(g), the developer shall be entitled to a school impact fee credit in the amount provided in the School Impact Fee Credit Agreement. Credits may not be given for capital improvements necessary to meet existing school capacity deficiencies.

(f) **Credits not assignable.** Impact fee credits are not transferable or assignable unless expressly permitted in an Impact Fee Credit Agreement. Unused or unclaimed credits may not be refunded.

(1985 Code, Art. 24, § 7-107)  (Bill No. 50-87; Bill No. 96-01; Bill No. 47-12)

§ 17-11-208. Impact fee special funds.

There are three separate special funds, the Anne Arundel County Transportation Impact Fee Special Fund, the Anne Arundel County School Impact Fee Special Fund, and the Anne Arundel County Public Safety Impact Fee Special Fund. Transportation impact fees, school impact fees, and public safety impact fees collected under this subtitle shall be deposited in the appropriate special fund to ensure that the fees and all interest accruing to the special fund are designated for improvements reasonably attributable to new development and are expended to reasonably benefit the new development.
§ 17-11-209. Use of funds.

(a) **Capital improvements.** All funds collected from development impact fees shall be used solely for capital improvements for expansion of the capacity of public schools, roads, and public safety facilities and not for replacement, maintenance, or operations. Expansion of the capacity of a road includes extensions, widening, intersection improvements, upgrading signalization, improving pavement conditions, and all other road and intersection capacity enhancement. Expansion of the capacity of a public school includes all construction and remodeling to the extent that the construction increases the capacity of the public schools. Expansion of the capacity of public safety facilities includes the construction of new or expanded police stations, fire stations, and headquarters buildings, expansion and upgrading of communications equipment, and new additions to the inventories of police patrol vehicles, fire fighting vehicles, and paramedic emergency vehicles.

(b) **Use.**

(1) In this section, “used for” means used for payment in any manner, including the repayment of:

(i) the principal on bonds sold to finance capital improvements;
(ii) the interest on bonds issued as part of a series of bonds secured by a pledge of impact fees pursuant to a bond authorization ordinance; and
(iii) the disbursement of impact fees collected after fiscal year 2002 from the Impact Fee Special Fund to the General Fund to compensate the General Fund for the repayment of principal on bond indebtedness to the extent that the proceeds of the bond indebtedness were used to finance an impact fee eligible capital improvement or improvements in the district from which the impact fees were collected, or another district pursuant to subsection (d), provided that:

1. for purposes of subparagraph (b)(1)(iii) of this subsection an “impact fee eligible capital improvement” shall mean a capital improvement to the extent that the Planning and Zoning Officer has determined that the capital improvement expanded the capacity of public schools, transportation, or public safety facilities to accommodate new development;

2. for purposes of subparagraph (b)(1)(iii) of this subsection, “bond indebtedness” shall mean the obligation to repay bond proceeds used to finance an impact fee eligible capital improvement; and

3. the useful life, as determined by the Office of Finance, of the capital improvement or capital improvements that were financed through the proceeds of bond indebtedness had not expired as of the time of payment of the impact fees.

(2) The funds collected from the transportation impact fee shall be used for the collector, arterial, principal arterial, and freeway road network under the jurisdiction of the State, the County, or any incorporated municipality within the County. The funds collected from the school impact fee shall be used for the County public school system. The funds collected from the public safety impact fee shall be used for capital improvements to the Anne Arundel County Police and Fire Departments.

(3) Priority consideration for the use of funds collected from development impact fees shall be given to the expansion of facilities in the Odenton and Parole Growth
Management Area Districts and in the Glen Burnie Town Center Enhancement Area designated in the Glen Burnie Small Area Plan as set forth in Article 18 of this Code.

(c) **Districts.** The school impact fee districts shall be as shown on the school impact fee districts map, and the transportation impact fee districts shall be as shown on the transportation impact fee districts maps as adopted by the County Council. The school impact fee district map prepared by the Office of Planning and Zoning and dated May 1, 1992, and the transportation impact fee district maps prepared by the Office of Planning and Zoning and dated July 20, 1987, and May 8, 2009, are adopted as the development impact fee district maps. The public safety impact fee district shall be the County as a whole.

(d) **Use within district or outside district under certain circumstances.** Funds collected from development impact fees shall be used for capital improvements within the development impact fee district from which they are collected, so as to reasonably benefit the property against which the fees were charged. Any road used as a boundary of a transportation impact fee district may be considered to be within any district it bounds for purposes of using transportation impact fees. Fees from one district may be used for capital improvements in another district on a written finding by the Planning and Zoning Officer that the capital improvements are a direct benefit to the district from which the fees were collected. Development impact fees shall be collected only within those districts as to which the fees are designated for collection on the impact fee district maps.

(e) **Reimbursement for excess payments.** By written agreement, the County and the feepayer may provide for reimbursement to the feepayer for any fees advanced by the feepayer and paid in excess of that required by this title. The County shall use the fees advanced to fund the costs of capital improvements for public schools, roads, or public safety needed by new development. Reimbursement of such fees may be made from development impact fees collected subsequent to the agreement and from development that will reasonably benefit from the capital improvements.

(f) **Substitution for other funding source.** The Budget Officer may substitute development impact fees for one or more of the projected sources of funding for a capital project that were identified for purposes of the capital budget in accordance with § 4-11-102(c)(12) of this Code, unless such substitution specifically was prohibited for the project by ordinance of the County Council. The Budge Officer shall report the substitution to the County Controller and County Auditor.

(1985 Code, Art. 24, § 7-109) (Bill No. 50-87; Bill No. 58-92; Bill No. 96-01; Bill No. 4-05; Bill No. 27-07; Bill No. 85-09; Bill No. 9-12; Bill No. 45-12)

§ 17-11-210. **Determination of expenditures and encumbrances of fees.**

(a) **Expenditures.** An expenditure occurs when goods or services are received and actual liabilities are incurred.

(b) **Determination of expenditures.** To determine whether impact fees collected in an impact fee district have been expended by the end of the sixth fiscal year following collection, the Controller shall:

(1) identify each capital project in the district that is eligible for impact fee use; and
(2) determine the amount of impact fees disbursed from the impact fee special fund to the capital projects fund to pay the costs of the capital project, as recorded in the general ledger of the County or the Board of Education.

(c) **Amount of expenditures.** The total amount of impact fees collected in an impact fee district that has been expended by the end of the sixth fiscal year following collection is the sum of the amounts calculated in accordance with subsection (b)(2).

(d) **Encumbrances.** An encumbrance occurs when a contract is executed or a purchase order issued, and the amount of the contract or purchase order is recorded in the general ledger of the County or the Board of Education.

(e) **Calculation of encumbrances eligible for impact fee use.** To determine whether impact fees collected in an impact fee district are encumbered by the end of the sixth fiscal year following collection, the Controller shall:

1. identify each capital project in the district that is eligible for impact fee use;
2. determine the encumbrances for the capital project as recorded in the general ledger of the County or the Board of Education;
3. calculate the maximum amount of appropriations eligible for impact fee use by multiplying the total amount of appropriations for the capital project by the percentage of the capital project that is eligible for impact fee use as determined by the Planning and Zoning Officer; and
4. subtract the expenditures for the capital project determined in accordance with subsection (b)(2) from the maximum amount of appropriations eligible for impact fee use calculated in accordance with paragraph (3).

(f) **Amount of encumbrances.**

1. If the amount calculated in accordance with subsection (e)(4) is $0 or less, no impact fees are encumbered for the capital project.
2. If the amount calculated in accordance with subsection (e)(4) is greater than $0, the amount of impact fees encumbered for the capital project is the lesser of the amount calculated in accordance with subsection (e)(4) or the encumbrances determined in accordance with subsection (e)(2).
3. The total amount of impact fees collected in an impact fee district that is encumbered by the end of the sixth fiscal year following collection is the sum of the amounts calculated in accordance with paragraph (2).

(Bill No. 27-07; Bill No. 71-08)

§ 17-11-211. Review of fee schedule, fee collection, and district boundaries; reports.

(a) **Annual review.** Annually, the Planning and Zoning Officer shall review the boundaries of the school impact fee districts and the transportation impact fee districts. The Planning and Zoning Officer may propose amendments to the boundaries for the purpose of redesignating the districts for the collection and non-collection of development impact fees. All proposals shall be submitted to the Planning Advisory Board for review. Following a public hearing, the Board shall make advisory recommendations to the County Executive and County Council.

(b) **Review of impact fee schedule.** On or before January 15, 2012, and every three years thereafter, the Planning and Zoning Officer shall review the development impact fee
schedule, considering new data and technical information such as changes in costs, revenues, student generation rates, trip generation rates, trip lengths, and other relevant factors, and issue a report to the County Executive. If the County Executive proposes amendments to the schedule, the proposed amendments shall be submitted to the Planning Advisory Board for review. Following a public hearing, the Board shall make advisory recommendations to the County Executive and the County Council.

(c) **Amendments.** Following receipt of recommendations from the Planning Advisory Board, the County Executive may submit to the County Council amendments to the fee schedule, alterations of district boundaries, and redesignations of districts. The County Council may amend the fee schedule, alter district boundaries, and redesignate districts for collection or noncollection, as the County Council considers appropriate.

(d) **Budget Officer’s quarterly report.** On a quarterly basis, the Budget Officer shall report to the County Council on the collection and disbursement of development impact fees.

(e) **Yearly reports to the Planning Advisory Board.** Along with submission of the capital budget to the Planning Advisory Board each year, the Planning and Zoning Officer shall submit a report to the Planning Advisory Board that includes the following: (1) for existing projects that utilize development impact fees, any recommended changes to the amount; and (2) for new projects that may utilize development fees, a description of the project, the total budget for the project, and the amount of the development impact fees proposed to be utilized.

(1985 Code, Art. 24, § 7-111) (Bill No. 50-87; Bill No. 18-94; Bill No. 20-00; Bill No. 96-01; Bill No. 71-08; Bill No. 45-12)

§ 17-11-212. **Review and automatic adjustment of fees.**

(a) **Yearly adjustment.** Prior to each fiscal year, the Controller shall adjust all development impact fees set forth in this title based on the methodology set forth in subsection (b).

(b) **Methodology.** The base for computing an adjustment is the most recent 20-City Annual National Average Construction Cost Index from the Engineering News-Record (ENR). The initial index to be referenced is January, 2008. All fees shall be adjusted by the percent change in the index rounded to the nearest dollar, and the adjustments automatically shall be effective on the first day of July for each fiscal year.

(1985 Code, Art. 24, § 7-112) (Bill No. 50-87; Bill No. 31-91; Bill No. 96-01; Bill No. 71-08; Bill No. 45-12)

§ 17-11-213. **State impact fee enabling legislation.**

(a) By ordinance enacted by the County Council, and subject to any applicable express prohibition in the Anne Arundel County Charter, the County may fix, impose, and collect development impact fees for financing, in whole or in part, the capital costs of additional or expanded public works, improvements, and facilities required to accommodate new construction or development.
(b) (1) By ordinance enacted by the County Council, the County may grant exemptions from or credits against development impact fees for development by not-for-profit entities that have been in existence for at least 3 years.

(2) The ordinance shall:

(i) set the amount of the exemptions or credits;

(ii) establish the conditions of eligibility for the exemptions or credits;

and

(iii) adopt procedures for applying for the exemptions or credits.

(1985 Code, Art. 24, § 7-113)  (Bill No. 96-01; Bill No. 71-08; Bill No. 45-12)

Editor’s note – This section was added to the public local laws of Maryland (Article 2 - Anne Arundel County) by 1986 Md. Laws, Ch. 350, § 1. This section was added as § 13-900 in the 1967 Code and recodified as Article 24, § 7-113 in the 1985 Code. Section 2 of the Act reads, in part: “The Anne Arundel County Administration shall submit to the Anne Arundel County Delegation of the General Assembly an annual written report concerning the implementation and effect of this Act. The report shall be submitted on or before commencement of the regular legislative session for 1989, and 1990.”

Editor’s note – Subsection (b) was enacted by the General Assembly of Maryland by House Bill 515, effective October 1, 2008. House Bill 515 referred to § 17-11-215, but because of the repeal of § 17-11-210 in 2008 by Bill No. 71-08, § 17-11-215 was renumbered as § 17-11-214. Section 17-11-211 was subsequently repealed in 2012 by Bill No. 45-12, resulting in § 17-11-214 being renumbered as § 17-11-213.

SUBTITLE 3. DEVELOPER STREET LIGHT FEE

§ 17-11-301. Street lighting and fees.

(a) Definitions. In this section, the following terms have the meanings indicated.

(1) “Installer” means the person who installs street lighting in a development at the direction of the Department of Public Works.

(2) “Street lighting” means the components necessary to provide lighting to public or private roads or streets, and includes poles, cables, wiring, transformers, and fixtures.

(b) Street lighting – Installation. Street lighting shall be provided in a development and shall be of a design submitted by a developer and approved by the Office. Street lighting shall be placed in a location approved by the Department of Public Works at the expense of the developer. The Department of Public Works shall be responsible for arranging for the purchase, construction, and installation of street lighting in a development.

(c) Same – Purchase, construction, and installation fees. A developer shall pay a fee in the amount of the estimated costs of the purchase, construction, and installation of street lighting approved for a development, based on the installer’s rates and charges in effect at the time of payment in accordance with the Public Utilities Article, §§ 4-201 et seq., of the State Code, and the fee shall include the County’s overhead and administrative costs. The fee paid by a developer in accordance with this section shall be placed into the Developer Street Light Special Fund and used in accordance with § 4-11-120 of this Code.

(d) Same – Energy and maintenance fees. A developer shall pay a fee in the amount of the estimated costs for two years of energy and maintenance for street lighting, based on rates and charges in effect at the time of payment in accordance with the Public Utilities Article, §§ 4-201 et seq. of the State Code.
(e) **Same – Timing of payment.** The Department of Public Works shall provide a developer with the amount of the fees required to be paid in accordance with subsections (c) and (d) and payment shall be made by the developer at the time that a public works agreement is executed.

(Bill No. 104-13)