

PROPOSED

AMENDED
November 4 and 18, 2024

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 18

Bill No. 78-24

Introduced by Ms. Pickard, Chair
(by request of the County Executive)

By the County Council, October 7, 2024

Introduced and first read on October 7, 2024
Public Hearing set for and held on November 4, 2024
Public Hearing on AMENDED bill set for and held on November 18, 2024
Public Hearing on AMENDED bill set for December 2, 2024
Bill Expires January 10, 2025

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Road Design

2
3 FOR the purpose of amending certain road design requirements; adding grandfathering
4 provisions applicable to certain development applications; amending road design
5 provisions to apply to site development applications; clarifying design and construction
6 requirements for public roads; exempting certain public roads from road design
7 requirements; requiring improvement and dedication of property for certain
8 development applications; removing repetitive language regarding road improvement
9 requirements for certain cluster developments; providing for the acquisition of property
10 by the County in certain circumstances; amending road requirements for certain zoning
11 districts; clarifying design and declaration requirements for private roads; and generally
12 relating to subdivision and development.

13
14 BY adding: § 17-2-101(b)(19)
15 Anne Arundel County Code (2005, as amended) (as amended by Bill No. 84-23)

16
17 BY repealing and reenacting, with amendments: §§ 17-2-101(b)(17) and (18); and
18 17-6-103(a), (i), and (j)
19 Anne Arundel County Code (2005, as amended) (as amended by Bill No. 84-23)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
That Section(s) of the Anne Arundel County Code (2005, as amended) (as amended by
Bill No. 84-23) read as follows:

ARTICLE 17. SUBDIVISION AND DEVELOPMENT

TITLE 2. GENERAL PROVISIONS

17-2-101. Scope; applicability.

(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:

(17) For a property located in the Parole Town Center, the following shall be governed by Subtitle 9 of Title 7 as it existed prior to December 8, 2023:

(ii) an application for any building or grading permits not associated with a final plan or site development plan filed on or before December 8, 2023; [[and]]

(18) For a property located in the Odenton Town Center, the following shall be governed by Subtitle 8 of Title 7 as it existed prior to March 29, 2024:

(ii) an application for any building or grading permits not associated with a final plan or site development plan filed on or before March 29, 2024[.]; AND

(19) AN APPLICATION FOR APPROVAL OF A SKETCH PLAN, FINAL PLAN, PRELIMINARY PLAN, SITE DEVELOPMENT PLAN, OR BUILDING OR GRADING PERMIT ASSOCIATED WITH ANY OF THESE PLANS FILED BEFORE THE EFFECTIVE DATE OF BILL NO. 78-24 ~~THAT PASSES THE TEST FOR ADEQUATE PUBLIC ROAD FACILITIES PURSUANT TO § 17-5-401~~ SHALL BE GOVERNED BY THE LAW AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF BILL NO. 78-24.

TITLE 6. GENERAL DEVELOPMENT PROVISION

17-6-103. Road design.

(a) **Roads generally.** [[To the maximum extent practicable, roads]] ROADS within a proposed [[subdivision]] DEVELOPMENT shall be designed to minimize grading and impacts to natural features, [[and]] TO MINIMIZE impacts to adjoining properties, AND TO ENHANCE MULTI-MODAL TRANSPORTATION.

(i) **Public roads; improvements; dedications.**

1 (1) THIS SUBSECTION DOES NOT APPLY TO A TENANT PERMIT IN A STRUCTURE
2 PREVIOUSLY APPROVED BY THE COUNTY, OR A PERMIT OR DEVELOPMENT PLAN
3 APPLICATION RELATING TO IMPROVEMENTS TO AN EXISTING STRUCTURE IF:

4
5 (I) THE PROPOSED USE WILL GENERATE FEWER THAN 50 ADDITIONAL DAILY
6 TRIPS; AND

7
8 (II) THE PLANNING AND ZONING OFFICER FINDS THE APPLICATION IS
9 CONSISTENT WITH THE GENERAL CHARACTERISTICS OF THE EXISTING OR PREVIOUS USE.
10

11 (2) EXCEPT AS PROVIDED IN PARAGRAPH (1), PUBLIC ~~[[Public]]~~ roads within ~~AND~~
12 ~~ADJACENT TO A PROPOSED DEVELOPMENT AND PUBLIC ROADS ABUTTING a proposed~~
13 ~~[[subdivision]] DEVELOPMENT THAT WILL PROVIDE VEHICULAR ACCESS TO THE~~
14 ~~PROPOSED DEVELOPMENT~~ shall be designed, ~~[[to the maximum extent practicable, to~~
15 ~~minimize impervious surfaces, grading, and impacts to natural features, and to enhance~~
16 ~~multi-modal transportation options]]~~ CONSTRUCTED, AND IMPROVED TO THE CENTER OF
17 THE COUNTY ROAD IN ACCORDANCE WITH THE DPW DESIGN MANUAL. PUBLIC ROADS
18 SHALL BE CONVEYED BY DEDICATING AND DEEDING THE LAND TO THE COUNTY IN FEE
19 SIMPLE.
20

21 ~~[[(1)]]~~ (3) ~~[[The right-of-way for public roads shall be conveyed by dedicating and~~
22 ~~deeding the land to the County or State in fee simple.]]~~ If a proposed ~~[[subdivision]]~~
23 ~~DEVELOPMENT [[other than an agricultural preservation subdivision]] borders]]~~ ABUTS a
24 County ~~[[or State]]~~ road that does not comply with ~~[[County or State standards]]~~ THE DPW
25 DESIGN MANUAL, the developer shall ~~IMPROVE TO THE CENTER OF THE COUNTY ROAD TO~~
26 ~~COMPLY WITH THE DPW DESIGN MANUAL AND~~ dedicate and deed IN FEE SIMPLE sufficient
27 ~~[[right-of-way to comply with the standards and to accommodate]]~~ PROPERTY TO THE
28 COUNTY TO ~~INCLUDE ALL REQUIRED IMPROVEMENTS~~ BRING THE ROAD INTO
29 COMPLIANCE WITH THE DPW DESIGN MANUAL. IF A PROPOSED DEVELOPMENT ~~BORDERS~~
30 ABUTS A STATE ROAD, THE DEVELOPER SHALL COMPLY WITH RELEVANT STATE DESIGN
31 GUIDELINES AND REQUIREMENTS.
32

33 (4) ANY IMPROVEMENTS REQUIRED UNDER THIS SUBTITLE SHALL INCLUDE
34 pedestrian and bicycle facilities identified in the current County Pedestrian and Bicycle
35 Master Plan and other transportation or development plans or programs adopted by the
36 County ~~[[~~, except that in a cluster development in an RA or RLD District, the developer
37 shall dedicate and deed in fee simple sufficient right-of-way to comply with the standards
38 on the road frontage of the cluster lots only]].
39

40 ~~(4) (5)~~ IF A DEVELOPER IS REQUIRED BY THIS CODE TO IMPROVE A COUNTY ROAD
41 AND, AFTER EXHAUSTING ALL REASONABLE EFFORTS TO THE SATISFACTION OF THE
42 PLANNING AND ZONING OFFICER, THE DEVELOPER CANNOT ACQUIRE THE NECESSARY
43 PROPERTY, THE COUNTY MAY ACQUIRE THE PROPERTY AT THE DEVELOPER'S EXPENSE
44 PRIOR TO APPROVAL OF THE GRADING PERMIT.
45

46 ~~[[(2)]]~~ ~~(5)~~ (6) Generally, roads within and serving commercial, industrial or
47 multifamily residential development shall be privately owned and shall be served by
48 privately owned stormwater management facilities.
49

50 ~~[[(3)]]~~ ~~(6)~~ (7) To the maximum extent practicable, roads in the R2, R1, RLD, and
51 RA Zoning Districts shall be open section roads and roads in all other zoning districts shall
52 be closed section roads ~~[[with swales]]~~.

1 ~~[(4)]~~ ~~(7)~~ (8) The developer shall convey to the County a perpetual easement in the
2 clear sight triangle of pre-existing road intersections and new rights of way.

3
4 **(j) Private roads; declaration.**

5
6 (1) Proposed new private roads shall be designed to accommodate areas for mail
7 delivery and the collection of residents' garbage and recyclable materials and to encourage
8 opportunities for multi-modal transportation connections. Generally these areas shall be in
9 close proximity to public roads. ~~[[The developer shall prepare and record a declaration of~~
10 covenants, conditions, and restrictions requiring that, in the absence of a homeowners
11 association or condominium regime legally responsible for maintenance of the private
12 road, owners of newly created lots abutting a private road shall be responsible for the
13 maintenance of the private road. For private roads developed in connection with a
14 subdivision requiring the creation of a homeowners association, the declaration shall be
15 binding on the homeowners association and the homeowners association shall be
16 responsible for maintenance of the private road. For private roads developed in connection
17 with a condominium regime, the declaration shall be binding on the condominium regime's
18 council of unit owners and the council of unit owners shall be responsible for maintenance
19 of the private road. For development in the absence of a homeowners association or
20 condominium regime the declaration shall be binding on all abutting property owners and
21 those abutting property owners shall be responsible for maintenance of the private roads.
22 Any declaration required by this section shall be recorded in the land records.]]

23
24 (2) THE DEVELOPER OF NEW PRIVATE ROADS SHALL PREPARE AND RECORD A
25 DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS THAT PLACES THE
26 RESPONSIBILITY FOR THE MAINTENANCE OF PRIVATE ROADS, AND FOR ANY COSTS OR
27 FEES ASSOCIATED WITH THE PRIVATE ROADS, INCLUDING THE FEE CHARGED UNDER
28 § 13-7-103 OF THIS CODE:

29
30 (I) ON THE COMMUNITY ASSOCIATION OR HOMEOWNERS ASSOCIATION FOR A
31 SUBDIVISION REQUIRING THE CREATION OF A COMMUNITY ASSOCIATION OR
32 HOMEOWNERS ASSOCIATION UNDER § 17-3-301(C)(10);

33
34 (II) ON THE COUNCIL OF UNIT OWNERS FOR A DEVELOPMENT WITH A
35 CONDOMINIUM REGIME; OR

36
37 (III) IN THE ABSENCE OF A COMMUNITY ASSOCIATION, HOMEOWNERS
38 ASSOCIATION OR CONDOMINIUM REGIME RESPONSIBLE FOR MAINTENANCE OF A PRIVATE
39 ROAD, ON THE OWNERS OF THE LOTS IN THE DEVELOPMENT THAT ABUT THE PRIVATE
40 ROAD.

41
42 (3) ANY DECLARATION REQUIRED BY THIS SUBSECTION SHALL BE RECORDED IN
43 THE LAND RECORDS AND BINDING ON THE COMMUNITY ASSOCIATION, HOMEOWNERS
44 ASSOCIATION, CONDOMINIUM REGIME'S COUNCIL OF UNIT OWNERS, OR ABUTTING
45 PROPERTY OWNERS.

46
47 SECTION 2. *And be it further enacted*, That all references in this Ordinance to "the
48 effective date of Bill No. 78-24", or words to that effect, shall, upon codification, be
49 replaced with the actual date on which this Ordinance takes effect under Section 307 of the
50 County Charter as certified by the Administrative Officer to the County Council.

1 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
2 from the date it becomes law.