

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2013, Legislative Day No. 6

Bill No. 15-13

Introduced by Mr. Walker

By the County Council, March 4, 2013

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Introduced and first read on March 4, 2013  
Public Hearing set for and held on April 1, 2013  
Bill AMENDED on April 15, 2013  
Public Hearing on AMENDED BILL set for and held on May 6, 2013  
Bill Expires June 7, 2013

By Order: Elizabeth E. Jones, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development -- Approval Extensions

2  
3 FOR the purpose of adding provisions for the extension of approval periods for  
4 subdivision sketch plans and site development plans; ~~providing authority to the~~  
5 ~~Planning and Zoning Officer to provide more time for recommending approval of~~  
6 ~~certain permits~~; providing for the application of this Ordinance; and generally related  
7 to development.

8  
9 BY repealing and reenacting with amendments: §§17-3-204, 17-3-304(b), 17-4-207, 17-  
10 5-203(a) and 17-5-205 (a)  
11 Anne Arundel County Code (2005, as amended)

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

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16 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

17  
18 **TITLE 3. SUBDIVISION**

19  
20 **17-3-204. Expiration of approved sketch plan.**

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

1 A sketch plan expires 12 months after it is approved by the Office of Planning and  
2 Zoning unless a final plan is submitted for review prior to sketch plan expiration.  
3 NOTWITHSTANDING ANY MODIFICATIONS GRANTED TO ALLOW FOR ADDITIONAL TIME  
4 TO COMPLETE A SKETCH PLAN, THE PLANNING AND ZONING OFFICER MAY EXTEND  
5 APPROVAL OF THE SKETCH PLAN FOR A PERIOD OF UP TO THREE YEARS NOT TO EXCEED  
6 ONE YEAR FROM THE ORIGINAL DATE OF EXPIRATION UPON RECEIPT OF A WRITTEN  
7 REQUEST MADE FOR GOOD CAUSE NOT LESS THAN 15 DAYS BEFORE THE EXPIRATION OF  
8 THE SKETCH PLAN APPROVAL AND PAYMENT OF ANY APPLICABLE MODIFICATION FEE.  
9 Upon expiration of a sketch plan the developer shall file a new sketch plan application  
10 and pay required fees prior to further review.  
11

12 **17-3-304. Completion of subdivision.**

13  
14 (b) **Authority to extend time periods.** NOTWITHSTANDING ANY MODIFICATIONS  
15 GRANTED TO ALLOW FOR ADDITIONAL TIME TO COMPLETE A SUBDIVISION, UPON  
16 [Upon] receipt of a written request made [for good cause] not less than 15 days before the  
17 re-submittal deadline in subsection (a), the Planning and Zoning Officer [may] SHALL  
18 grant a time extension OF 60 DAYS for re-submittal [not to exceed 60 days] AND MAY  
19 GRANT A TIME EXTENSION OF UP TO ONE YEAR. Decisions on whether to extend time  
20 under this subsection [are at the discretion of the Planning and Zoning Officer,] do not  
21 require a modification, and may not be appealed to the Board of Appeals.  
22

23 **TITLE 4. SITE DEVELOPMENT**

24  
25 **17-4-207. Expiration of site development plan.**

26  
27 (a) **In connection with a permit.** A site development plan associated with an  
28 application for a building or grading permit expires one year after the date that the Office  
29 of Planning and Zoning recommends permit approval, or upon the expiration of some  
30 other period of time, not to exceed six years, as provided in a sketch or site development  
31 plan approval letter from the Planning and Zoning Officer. NOTWITHSTANDING ANY  
32 MODIFICATIONS GRANTED TO ALLOW FOR ADDITIONAL TIME TO COMPLETE SITE  
33 DEVELOPMENT, THE PLANNING AND ZONING OFFICER MAY EXTEND THE APPROVAL OF  
34 THE SITE DEVELOPMENT PLAN FOR A PERIOD OF UP TO THREE YEARS NOT TO EXCEED  
35 ONE YEAR FROM THE ORIGINAL RECOMMENDATION OF DATE OF EXPIRATION OF SITE  
36 DEVELOPMENT PLAN APPROVAL UPON RECEIPT OF A WRITTEN REQUEST MADE FOR  
37 GOOD CAUSE NOT LESS THAN 15 DAYS BEFORE THE EXPIRATION OF THE SITE  
38 DEVELOPMENT PLAN APPROVAL, AND PAYMENT OF ANY APPLICABLE MODIFICATION  
39 FEE PROVIDED THE TOTAL PERIOD OF ALL EXTENSIONS DOES NOT EXCEED SIX YEARS  
40 FROM THE DATE THE OFFICE OF PLANNING AND ZONING RECOMMENDS PERMIT  
41 APPROVAL. The developer shall obtain all required permits within the period prescribed  
42 by this subsection and site development shall be pursuant to valid permits.  
43

44 (b) **Not in connection with a permit.** A site development plan not associated with an  
45 application for a building or grading permit expires [one year] TWO YEARS after the date  
46 that the Office of Planning and Zoning approves the plan, ~~THREE YEARS WITH A~~  
47 ~~REQUEST MADE FOR GOOD CAUSE WITHIN 15 DAYS OF THE DATE OF EXPIRATION OF~~  
48 ~~APPROVAL,~~ or upon the expiration of some other time, not to exceed six years, as  
49 provided in a sketch or site development plan approval letter from the Planning and

1 Zoning Officer, unless the developer establishes the use within the period prescribed by  
2 this subsection.  
3

4 (C) **Notice of Expiration.** THE OFFICE OF PLANNING AND ZONING SHALL PROVIDE  
5 THE DATE OF EXPIRATION OF APPROVAL OF A SITE DEVELOPMENT PLAN AS WELL AS  
6 INFORMATION ON THE EXTENSION PROCESS AND ANY APPLICABLE MODIFICATION FEE  
7 TO THE DEVELOPER ON THE INITIAL APPROVAL OF THE PLAN.  
8

## 9 TITLE 5. ADEQUATE PUBLIC FACILITIES

### 10 17-5-203. Duration of approval of Subdivisions other than minor subdivisions.

11 (a) **Conditions to be met to retain approval.** Unless the Planning and Zoning  
12 Officer has determined to postpone the test for adequacy of public facilities to final plan  
13 review for a development in the Odenton Growth Management Area pursuant to  
14 §17-5-202(a)(2), upon the approval of a sketch plan for a subdivision other than a minor  
15 subdivision, no further approval for adequacy of public facilities, other than fire  
16 suppression facilities, is required if:  
17  
18

19 (1) the developer files an application for final plan approval within one year  
20 after the date of sketch plan approval ~~OR WITHIN THE TIME SPECIFIED AS EXTENDED BY~~  
21 ~~THE PLANNING AND ZONING OFFICER UNDER §17-3-204;~~  
22

23 (2) the developer executes and delivers to the County a public works  
24 agreement for any proposed mitigation;  
25

26 (3) the final plan is approved and a proposed record plat meeting the  
27 requirements of the final plan approval is submitted to the County as required under  
28 §17-3-304(a) within 12 months after the date of final plan approval or within the time  
29 specified by the Planning and Zoning Officer under §17-3-304(b); and  
30

31 (4) the impact of the subdivision does not exceed the impact in the original  
32 study that formed the basis for passing a test.  
33

### 34 17-5-205. Duration of approval – Site development plan.

35 (a) **Conditions to be met to retain approval.** Upon the recommendation of the  
36 Office of Planning and Zoning that an application for a building or grading permit be  
37 approved, no further approval for adequacy of public facilities, other than fire  
38 suppression facilities, is required if:  
39  
40

41 (1) the building or grading permit is reviewed and approved for issuance by the  
42 Office of Planning and Zoning PRIOR TO THE EXPIRATION OF THE SITE DEVELOPMENT  
43 PLAN [within 12 months, ~~OR FOR A PERIOD GREATER THAN 12 MONTHS AS APPROVED BY~~  
44 ~~THE OFFICE OF PLANNING AND ZONING, INCLUDING ANY EXTENSIONS,~~ or as otherwise  
45 provided in a sketch plan or site development plan approval letter from the Planning and  
46 Zoning Officer]; and  
47

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

3

4 SECTION 2. And be it further enacted that the provisions of this Ordinance shall  
5 apply to any sketch plan approval, final plan approval or site development plan approval  
6 in effect as of March 4, 2013.

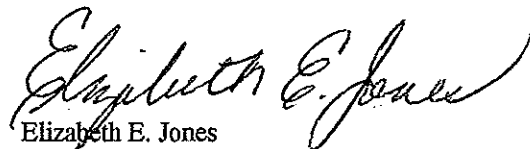
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8 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days  
9 from the date it becomes law.

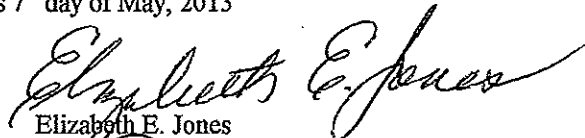
AMENDMENT ADOPTED: April 15, 2013

READ AND PASSED this 6<sup>th</sup> day of May, 2013

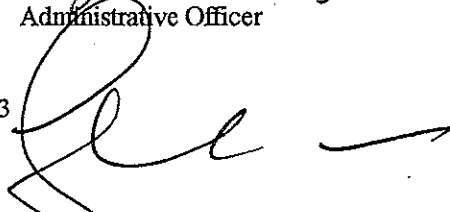
By Order:

  
Elizabeth E. Jones  
Administrative Officer

PRESENTED to the County Executive for her approval this 7<sup>th</sup> day of May, 2013

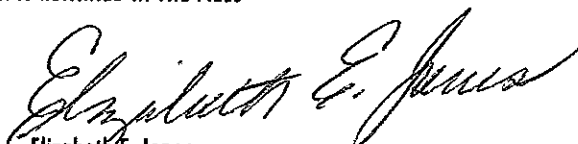
  
Elizabeth E. Jones  
Administrative Officer

APPROVED AND ENACTED this 15 day of May, 2013

  
Laura Neuman  
County Executive

EFFECTIVE DATE: June 29, 2013

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.  
15-13, THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.

  
Elizabeth E. Jones  
Administrative Officer