

PROPOSED

AMENDED
December 7, 2020

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 28

Bill No. 86-20

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

By the County Council, October 5, 2020

Introduced and first read on October 5, 2020
Public Hearing set for and held on November 2, 2020
Bill AMENDED on December 7, 2020
Public Hearing on AMENDED bill set for December 21, 2020
Bill Expires January 8, 2021

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Subdivision – Site
2 Development – Plan Review Timelines and Requirements

3
4 FOR the purpose of amending the time periods for certain development applications
5 re-submittals; amending the applicability of Site Development Plans and providing for
6 exemptions; amending the contents required in a ~~preliminary plan~~ subdivision and
7 development applications; amending the process for delivering comments to
8 developers throughout the site development approval process; requiring that certain
9 reports and meeting summaries be sent by email within a certain time period; allowing
10 notices of sketch and final plan approvals to be emailed to certain parties; amending
11 the scope and applicability of the Site Development Plan requirements; amending the
12 contents of the Site Development Plan application; requiring reservation of land for
13 public facilities during the Site Development Plan process; extending the time
14 requirements for duration of approval for adequate public facility testing for certain
15 subdivisions, preliminary plans or site development plans; and generally relating to
16 subdivision and development.

17
18 BY repealing: §§ 17-2-108(e); 17-3-201(c); 17-3-301(c); 17-4-202(b) and (c); and 17-4-
19 203(b) and (d)
20 Anne Arundel County Code (2005, as amended)

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 amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 BY renumbering: §§ 17-2-108(f) to be 17-2-108(e); 17-3-201(d) to be 17-3-201(c); 17-3-
2 301(d) and (e) to be 17-3-201(c) and (d); and 17-4-202(d) to be 17-4-202(c); and 17-4-
3 203(e) and (f), respectively, to be 17-4-203(d) and (e), respectively
4 Anne Arundel County Code (2005, as amended)

5
6 BY repealing and reenacting, with amendments: §§ 17-3-201(b); 17-3-203(a), (b), (c), and
7 (d); and (h); 17-3-204; 17-3-301(b); 17-3-303(a), (b), and (c), and (g); 17-3-304(a) and
8 (e); 17-4-101; 17-4-201; 17-4-202(a); 17-4-203(a), (b), and (c); 17-4-207; 17-5-203(a)
9 and (b); 17-5-204(a) and (b); and 17-5-205(b)
10 Anne Arundel County Code (2005, as amended)

11
12 BY adding: §§ 17-4-202(b); and 17-4-301 through 17-4-302 to be under the new subtitle
13 “Subtitle 3. Requirements for All Site Development Plans”
14 Anne Arundel County Code (2005, as amended)

15
16 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
17 *That §§ 17-2-108(e), 17-3-201(c), 17-3-301(c), 17-4-202(b) and (c), and 17-4-203(b) and*
18 *(d) of the Anne Arundel County Code (2005, as amended) be repealed.*

19
20 SECTION 2. *And be it further enacted, That §§ 17-2-108(f), 17-3-201(d), 17-3-301(d)*
21 *and (e), and 17-4-202(d), and 17-4-203(e) and (f), respectively, of the Anne Arundel*
22 *County Code (2005, as amended) are hereby renumbered to be §§ 17-2-108(e), 17-3-*
23 *201(c), 17-3-201(c) and (d), and 17-4-202(c), and 17-4-203(d) and (e), respectively.*

24
25 SECTION 3. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
26 *That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:*

27
28 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

29
30 **TITLE 3. SUBDIVISION**

31
32 **17-3-201. Sketch plan application.**

33
34 **(b) Contents.** A sketch plan shall be on a 24” x 36” sheet at a scale that is no GREATER
35 THAN 1” = 40’ AND NO smaller than ~~[[1”=100’]] 1” = 60’~~ and shall contain all information
36 required by the Office of Planning and Zoning, including attachments appearing on the
37 current sketch plan ~~[[checklist]]~~ SUBMITTAL AND CHECKLISTS maintained by the Office of
38 Planning and Zoning AND DEPARTMENT OF INSPECTIONS AND PERMITS. The sketch plan
39 shall show ~~[[the initial location of all development, including multi-modal transportation~~
40 infrastructure, roads, buildings, parking, stormwater management, and utilities, identify
41 conservation and environmentally sensitive areas, and provide]] ANY other information
42 required by the Office of Planning and Zoning AND DEPARTMENT OF INSPECTIONS AND
43 PERMITS to clearly identify areas on the site that are suitable for development.

44
45 **17-3-203. Review; County report; developer re-submittal; notice of approval.**

46
47 **(a) Developer submittal; approval or denial.** As promptly as possible after the filing
48 of a sketch plan, but not later than 15 days prior to the Comment Review Committee

1 meeting as required by subsection (b), the Office of Planning and Zoning shall provide the
2 developer, the developer's representative and all reviewing agencies, with a written
3 approval or denial of the sketch plan application, including a report of all findings,
4 comments, and recommendations of reviewing County agencies, and if applicable a notice
5 of the date, time and location of the Comment Review Committee meeting. The written
6 approval or denial will resolve inconsistencies and conflicts among agency comments and
7 will offer the applicant direction on how to proceed to final plan review, or what issues
8 need to be addressed with a new application for sketch plan approval. THE REPORT SHALL
9 BE EMAILED TO THE DEVELOPER AND THE DEVELOPER'S REPRESENTATIVE WITHIN TWO
10 DAYS OF THE DATE OF THE REPORT.

11
12 **(b) Comment Review Committee meeting; meeting summary.** Within 75 days after
13 the filing of a sketch plan, the developer may request that the Office of Planning and Zoning
14 schedule at its office, or at a mutually agreed upon location, a meeting of the Development
15 Review Team Leader and Office of Planning and Zoning reviewers, representatives of
16 other County reviewing agencies, and the developer and its representatives. The Committee
17 will discuss the report provided under subsection (a), reviewing agencies' comments, and
18 any other matters that pertain to the submittal and approval of the plan. Within 15 days of
19 the meeting, the Office of Planning and Zoning shall confirm in writing to the developer
20 and the developer's designated representatives a summary of the meeting including any
21 recommendations, requirements for approval, or other unresolved matters to be addressed
22 before approval may be granted. THE MEETING SUMMARY SHALL BE EMAILED TO THE
23 DEVELOPER AND THE DEVELOPER'S REPRESENTATIVE WITHIN TWO DAYS OF THE DATE
24 OF THE SUMMARY. If the meeting summary includes findings, comments or
25 recommendations that were not discussed during the Comment Review Committee
26 meeting, the developer may request that the Office of Planning and Zoning schedule a
27 follow-up meeting of the reviewing agencies to address such issues.

28
29 **(c) Developer re-submittals; comments by the County.** After the developer files a
30 sketch plan re-submittal, the Office of Planning and Zoning shall provide promptly any
31 further findings, comments, and recommendations of the County through its reviewing
32 agencies, and shall attempt to resolve inconsistencies or conflicts among the agency
33 comments. THE FURTHER FINDINGS, COMMENTS, AND RECOMMENDATIONS SHALL BE
34 EMAILED TO THE DEVELOPER AND THE DEVELOPER'S REPRESENTATIVE WITHIN TWO
35 DAYS OF THE DATE OF THE LAST FINDING, COMMENT, OR RECOMMENDATION. Within
36 [[60]] 90 days after the date the report is [[mailed]] EMAILED, the developer shall file a
37 sketch plan re-submittal that addresses the findings, comments, and recommendations.
38 This process continues unless the application becomes void under subsection (e) or action
39 is taken on the application under subsection (g).

40
41 **(d) Authority to extend time periods.**

42
43 (1) Upon receipt of a written request not less than 10 days before a re-submittal
44 deadline in subsection (c), the Office of Planning and Zoning may grant a time extension
45 for re-submittal not to exceed 180 days.

46
47 (2) Upon receipt of a written request not less than 10 days before a re-submittal
48 deadline in subsection (c), and upon a determination by the Planning and Zoning Officer
49 that good cause is shown, the Office of Planning and Zoning may grant a second time
50 extension for a re-submittal not to exceed [[120]] 180 days.

1 (3) [[Upon receipt of a written request not less than 10 days before a re-submittal
2 deadline in subsection (c), and upon a determination by the Planning and Zoning Officer
3 that good cause is shown, the Office of Planning and Zoning may grant a third time
4 extension for re-submittal not to exceed 60 days

5
6 (4)] After a [[third]] SECOND time extension, any further extensions require a
7 modification PURSUANT TO § 17-2-108.

8
9 ***

10
11 **(h) Notice of approval.** Within 10 days after receiving notice of an approval of an
12 application for sketch plan approval, the developer shall mail, by first class mail, OR EMAIL
13 TO THE INDIVIDUALS SET FORTH IN PARAGRAPH (5), a copy of the approval to:

14
15 (1) the president of any community or homeowners' association of a subdivision
16 that is both located within 300 feet of the property and on the list of community
17 associations, persons, and organizations maintained in the Office of the County Executive;

18
19 (2) the Office of Planning and Zoning;

20
21 (3) the Councilmember of the Councilmanic District in which the property is
22 located and, if the property abuts another Councilmanic district, to that County
23 Councilmember;

24
25 (4) the County Executive; and

26
27 (5) individuals who attended a community meeting held pursuant to § 17-2-107(c)
28 and who provided the developer with their name and mailing address or email address for
29 the purpose of notice.

30
31 **17-3-204. Expiration of approved sketch plan.**

32
33 A sketch plan expires [[12]] 18 months after [[it is approved by]] THE DATE THAT the
34 Office of Planning and Zoning APPROVES THE SKETCH PLAN unless a final plan is
35 submitted for review prior to sketch plan expiration. Notwithstanding any modifications
36 granted to allow for additional time to complete a sketch plan, the Planning and Zoning
37 Officer may extend approval of the sketch plan for a period not to exceed one year from
38 the original date of expiration upon receipt of a written request made for good cause not
39 less than 15 days before the expiration of the sketch plan approval. A SKETCH PLAN SHALL
40 BECOME VOID IF AN APPLICATION FOR FINAL PLAN APPROVAL BECOMES VOID PURSUANT
41 TO § 17-3-303(D) OR IF AN APPROVED FINAL PLAN BECOMES VOID. Upon [[expiration of]] a
42 sketch plan EXPIRING OR BECOMING VOID, the developer shall file a new sketch plan
43 application and pay THE required fees prior to further review.

44
45 **17-3-301. Final plan application.**

46
47 **(b) Contents.** A final plan shall include all information required to be in a sketch plan.
48 A FINAL PLAN SHALL BE ON A 24" X 36" SHEET AT A SCALE THAT IS NO GREATER THAN 1"
49 = 40' AND NO SMALLER THAN 1" = 60' AND SHALL CONTAIN ALL INFORMATION INCLUDING

1 ATTACHMENTS AS REQUIRED ON THE MOST RECENT FINAL PLAN SUBMITTAL AND
2 CHECKLISTS ON FILE AT THE OFFICE OF PLANNING AND ZONING OR DEPARTMENT OF
3 INSPECTIONS AND PERMITS. THE FINAL PLAN SHALL SHOW ANY INFORMATION REQUIRED
4 BY THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF INSPECTIONS AND
5 PERMITS TO CLEARLY DETERMINE THE SUITABILITY OF DEVELOPMENT UNDER THIS
6 CODE.

7
8 **17-3-303. Review process.**

9
10 **(a) County report; developer re-submittal.** As promptly as possible after the filing
11 of the application for final plan approval, but no later than 60 days after the filing of the
12 application for final plan approval or 45 days after filing of the application for a minor
13 subdivision or amended plat, the Office of Planning and Zoning shall provide to the
14 developer a written report of the findings, comments, and recommendations of the County
15 through its reviewing agencies. The report shall attempt to resolve inconsistencies or
16 conflicts among the agency comments. THE REPORT SHALL BE EMAILED TO THE
17 DEVELOPER AND THE DEVELOPER'S REPRESENTATIVE WITHIN TWO DAYS OF THE DATE
18 OF THE REPORT. Within 10 days after receiving the report, the developer may request that
19 the Office of Planning and Zoning schedule a Comment Review Committee meeting on
20 the final plan comments in the same manner specified in § 17-3-203(a) and (b). Within 60
21 days after the date the report is ~~mailed~~ EMAILED, or after the developer receives the
22 summary of the Comment Review Committee, the developer shall file a final plan re-
23 submittal that addresses the findings, comments, and recommendations contained in the
24 report.

25
26 **(b) Further comments by the County; further developer re-submittals.** After the
27 developer files a final plan re-submittal, the Office of Planning and Zoning shall provide
28 promptly, or within ~~30~~ 60 days for an application for a minor subdivision or amended
29 plat, any further findings, comments, and recommendations of the County through its
30 reviewing agencies, and shall attempt to resolve inconsistencies or conflicts among the
31 agency comments. THE FURTHER FINDINGS, COMMENTS, AND RECOMMENDATIONS SHALL
32 BE EMAILED TO THE DEVELOPER AND THE DEVELOPER'S REPRESENTATIVE WITHIN TWO
33 DAYS OF THE DATE OF THE LAST FINDING, COMMENT, OR RECOMMENDATION. Within
34 ~~60~~ 90 days after the date the report is ~~mailed~~ EMAILED, the developer shall file a final
35 plan re-submittal that addresses the findings, comments, and recommendations. This
36 process continues unless the application becomes void under subsection (d) or action is
37 taken on the application under subsection (f).

38
39 **(c) Authority to extend time periods.**

40
41 (1) Upon receipt of a written request not less than 10 days before the re-submittal
42 deadline in subsections (a) or (b), the Office of Planning and Zoning may grant a time
43 extension for re-submittal not to exceed 180 days.

44
45 (2) Upon receipt of a written request not less than 10 days before a re-submittal
46 deadline in subsections (a) or (b), and upon a determination by the Planning and Zoning
47 Officer that good cause is shown, the Office of Planning and Zoning may grant a second
48 time extension for re-submittal not to exceed ~~120~~ 180 days.

1 (3) ~~[[Upon receipt of a written request not less than 10 days before a re-submittal~~
2 ~~deadline in this subsection, and upon a determination by the Planning and Zoning Officer~~
3 ~~that good cause is shown, the Office of Planning and Zoning may grant a third time~~
4 ~~extension for re-submittal not to exceed 60 days.~~

5
6 (4)] After a ~~[[third]]~~ SECOND time extension, any further extensions require a
7 modification PURSUANT TO § 17-2-108.

8
9 ***

10
11 (g) Notice of approval. Within 10 days after receiving notice of an approval of an
12 application for final plan approval, the developer shall mail, by first class mail, OR EMAIL
13 TO THE INDIVIDUALS SET FORTH IN PARAGRAPH (5), a copy of the approval to:

14
15 (1) the president of any community or homeowners' association of a subdivision
16 that is both located within 300 feet of the property and on the list of community
17 associations, persons, and organizations maintained in the Office of the County Executive;

18
19 (2) the Office of Planning and Zoning; and

20
21 (3) the Councilmember of the Councilmanic District in which the property is
22 located and, if the property abuts another Councilmanic district, to that County
23 Councilmember; and

24
25 (4) the County Executive; and

26
27 (5) individuals who attended a community meeting held pursuant to § 17-2-107(c)
28 and who provided the developer with their name and mailing address or email address for
29 the purpose of notice.

30
31 **17-3-304. Completion of subdivision.**

32
33 (a) **Action required by developer within eighteen months.** Within ~~[[12]]~~ 18 months
34 after the date of approval of a final plan, a developer shall:

35
36 (1) satisfactorily address all remaining comments of the Office of Planning and
37 Zoning and reviewing agencies; and

38
39 (2) prepare, execute, and deliver at one time a forestation agreement, a digital copy
40 of the proposed record plat that satisfies digital plat specifications posted on the County
41 website, and all other deeds, easements, rights-of-way, bonds, fees, homeowners
42 association and community association documents, and other documents required by this
43 article.

44
45 ***

46
47 (e) **Effect of failure to meet time requirement.** An application for final plan approval
48 and the approval of a final plan are void if the developer fails to complete the actions
49 required by subsection (a) within ~~[[12]]~~ 18 months after the date of final plan approval or

1 within the time specified by the Office of Planning and Zoning under subsection (c). IF AN
2 APPLICATION FOR FINAL PLAN APPROVAL OR AN APPROVED FINAL PLAN BECOMES VOID,
3 ANY UNDERLYING SKETCH PLAN APPROVAL SHALL ALSO BECOME VOID.

4
5 **TITLE 4. SITE DEVELOPMENT**

6
7 **17-4-101. Scope.**

8
9 (A) **Generally.** This title applies to site development only [[and does not apply to a
10 tenant permit in a structure previously approved by the County, permits relating to a final
11 infrastructure construction plan and lot clearing shown on an approved final plan
12 previously approved under this article, permits relating to improvements that do not result
13 in leasable space, a test for adequacy of public facilities, or, with the exception of property
14 in the critical area or designated bog area, an increase of impervious surface of no more
15 than 1,000 square feet and, at the discretion of the Planning and Zoning Officer, a grading
16 permit that contains or is accompanied by all information required by this article]].

17
18 (B) **Exemptions.** THIS TITLE DOES NOT APPLY TO:

19
20 (1) AN ASSISTED LIVING FACILITY OR AN ASSISTED LIVING FACILITY I,
21 COMMUNITY BASED WITH 8 BEDS OR LESS IN A NEW OR EXISTING SINGLE-FAMILY
22 DWELLING;

23
24 (2) A GROUP HOME I OR A GROUP HOME II IN A NEW OR EXISTING SINGLE-FAMILY
25 DWELLING;

26
27 (3) SINGLE-FAMILY DETACHED DWELLINGS ON EXISTING PLATTED RESIDENTIAL
28 LOTS;

29
30 (4) A TEMPORARY USE AUTHORIZED UNDER § 18-2-203 OF THIS CODE, PROVIDED NO
31 MORE THAN 15 EVENTS LASTING NO LONGER THAN ONE DAY ARE HELD ON THE SAME
32 PROPERTY WITHIN A TWELVE-MONTH PERIOD;

33
34 (5) A TENANT PERMIT IN A STRUCTURE PREVIOUSLY APPROVED BY THE COUNTY,
35 WHERE PARKING AND OTHER SITE IMPROVEMENTS ARE ADEQUATE TO SUPPORT THE USE
36 AND ANY OTHER EXISTING USES ON THE SITE;

37
38 (6) A PERMIT RELATING TO A FINAL INFRASTRUCTURE CONSTRUCTION PLAN AND
39 LOT CLEARING SHOWN ON AN APPROVED FINAL PLAN PREVIOUSLY APPROVED UNDER
40 THIS ARTICLE;

41
42 (7) A PERMIT RELATING TO IMPROVEMENTS THAT DO NOT RESULT IN ~~LEASABLE~~
43 SPACE ADDITIONAL FLOOR AREA;

44
45 (8) A PERMIT OR A DEVELOPMENT APPLICATION THAT DOES NOT RESULT IN A TEST
46 FOR ADEQUACY OF PUBLIC FACILITIES;

47
48 (9) A SEASONAL OR PERMANENT OUTDOOR RESTAURANT SEATING AREA OF 10
49 SEATS OR LESS ADJACENT TO AN ESTABLISHMENT EXISTING AS OF THE EFFECTIVE DATE
50 OF BILL NO. 86-20;

51
52 ~~———— (10) A CUMULATIVE INCREASE OF IMPERVIOUS SURFACE OF NO MORE THAN 5,000~~
53 ~~SQUARE FEET ON PROPERTY OUTSIDE OF THE CRITICAL AREA OR DESIGNATED BOG AREA~~
54 ~~AS OF THE EFFECTIVE DATE OF BILL NO. 86-20;~~

1 ~~(10)~~ (10) A NONRESIDENTIAL AGRICULTURAL BUILDING THAT DOES NOT REQUIRE
2 A PERMIT UNDER § 105.2.1.14 OF THE CONSTRUCTION CODE OF ANNE ARUNDEL COUNTY;
3 OR

4
5 ~~(11) AN ACCESSORY USE AS A PRODUCE MARKET A USE ACCESSORY TO~~
6 FARMING CONSISTING OF UP TO A CUMULATIVE 1,200 SQUARE FEET OF FLOOR AREA FOR
7 WHICH THE PROPOSED CUMULATIVE LIMIT OF DISTURBANCE IS LESS THAN 5,000 SQUARE
8 FEET AS OF THE EFFECTIVE DATE OF BILL NO. 86-20.

9
10 **17-4-201. Preliminary plan.**

11
12 (a) **Generally.** A developer shall file a preliminary plan prior to submitting an
13 application for a site development plan and prior to submitting an application for a grading
14 or building permit. A developer shall also file with the Office of Planning and Zoning a
15 preliminary plan for development that does not require a permit. A PRELIMINARY PLAN IS
16 NOT REQUIRED FOR:

17
18 (1) AN APPLICATION FOR MINOR EXPANSION OF FLOOR AREA OR OTHER SITE
19 IMPROVEMENTS OR USE CHANGES IN DEVELOPMENTS EXISTING AS OF THE EFFECTIVE
20 DATE OF BILL NO. 86-20 FOR WHICH THE PROPOSED CUMULATIVE LIMIT OF DISTURBANCE
21 ~~OF~~ IS LESS THAN 5,000 SQUARE FEET;

22
23 (2) A SITE WITH EXISTING IMPERVIOUS COVERAGE OF 40% OR MORE FOR WHICH
24 THE DEPARTMENT OF INSPECTIONS AND PERMITS HAS APPROVED A CONCEPT PLAN FOR
25 STORMWATER MANAGEMENT; OR

26
27 (3) A DEVELOPMENT WITHIN THE PAROLE TOWN CENTER GROWTH MANAGEMENT
28 AREA OR THE ODENTON GROWTH MANAGEMENT AREA FOR WHICH THE DEPARTMENT OF
29 INSPECTIONS AND PERMITS HAS APPROVED A CONCEPT PLAN FOR STORMWATER
30 MANAGEMENT.

31
32 (b) **Contents.** A preliminary plan shall be on a 24" x 36" sheet at a scale that is no
33 GREATER THAN 1" = 40' AND NO smaller than ~~[[1"=100']]~~ 1" = 60' and shall contain all
34 information including attachments as required on the most recent preliminary plan
35 ~~[[checklist]]~~ SUBMITTAL AND CHECKLISTS on file at the Office of Planning and Zoning or
36 Department of Inspections and Permits. The preliminary plan shall show ~~[[an initial~~
37 location of development, including roads, buildings, parking, stormwater management,
38 utilities, and forest conservation, and shall provide~~]]~~ any ~~[[other]]~~ information required by
39 the Office of Planning and Zoning and the Department of Inspections and Permits to clearly
40 identify areas on the site that are suitable for development.

41
42 (c) **Review; County report; developer re-submittal.** As promptly as possible after
43 the filing of a preliminary plan, the Office of Planning and Zoning shall provide TO the
44 developer ~~[[with]],~~ THE DEVELOPER'S REPRESENTATIVES, AND ALL REVIEWING AGENCIES
45 a written report of the findings, comments, and recommendations of THE County THROUGH
46 ITS REVIEWING agencies. ~~[[Upon review of a completed preliminary plan the Office of~~
47 Planning and Zoning will provide the developer with a written decision approving or
48 denying the application. That approval or denial will resolve inconsistencies or conflicts
49 among the agency comments and give the applicant direction on how to proceed to the next
50 step in the process or give direction on what issues need to be addressed with a new
51 application for a preliminary plan~~]]~~ THE PRELIMINARY PLAN REPORT SHALL ATTEMPT TO
52 RESOLVE INCONSISTENCIES OR CONFLICTS AMONG THE AGENCY COMMENTS. THE
53 REPORT SHALL BE EMAILED TO THE DEVELOPER AND THE DEVELOPER'S

1 REPRESENTATIVE WITHIN TWO DAYS OF THE DATE OF THE REPORT. WITHIN 90 DAYS
 2 AFTER THE DATE THE PRELIMINARY PLAN REPORT IS ~~MAILED~~ EMAILED, THE DEVELOPER
 3 SHALL FILE A RE-SUBMITTAL THAT ADDRESSES ALL OF THE FINDINGS, COMMENTS, AND
 4 RECOMMENDATIONS CONTAINED IN THE REPORT. AFTER THE DEVELOPER FILES A
 5 PRELIMINARY PLAN RE-SUBMITTAL, THE OFFICE OF PLANNING AND ZONING SHALL
 6 PROMPTLY PROVIDE ANY FURTHER FINDINGS, COMMENTS, AND RECOMMENDATIONS
 7 FROM THE COUNTY REVIEWING AGENCIES, AND SHALL ATTEMPT TO RESOLVE
 8 INCONSISTENCIES OR CONFLICTS AMONG THE AGENCY COMMENTS. WITHIN 90 DAYS
 9 AFTER THE DATE THE REPORT IS ~~MAILED~~ EMAILED, THE DEVELOPER SHALL FILE A
 10 PRELIMINARY PLAN RE-SUBMITTAL THAT ADDRESSES THE FINDINGS, COMMENTS, AND
 11 RECOMMENDATION. THIS PROCESS CONTINUES UNTIL THE APPLICATION BECOMES VOID
 12 UNDER SUBSECTION (E) OR A DECISION IS PROVIDED UNDER SUBSECTION (F).

13
 14 **(D) Authority to extend time periods.**

15
 16 (1) UPON RECEIPT OF A WRITTEN REQUEST NOT LESS THAN 10 DAYS BEFORE THE
 17 RE-SUBMITTAL DEADLINE IN SUBSECTION (C), THE OFFICE OF PLANNING AND ZONING
 18 MAY GRANT A TIME EXTENSION FOR RE-SUBMITTAL NOT TO EXCEED 180 DAYS.

19
 20 (2) UPON RECEIPT OF A WRITTEN REQUEST NOT LESS THAN 10 DAYS BEFORE A
 21 RE-SUBMITTAL DEADLINE IN SUBSECTIONS (C) AND UPON A DETERMINATION BY THE
 22 PLANNING AND ZONING OFFICER THAT GOOD CAUSE IS SHOWN, THE OFFICE OF PLANNING
 23 AND ZONING MAY GRANT A SECOND TIME EXTENSION FOR RE-SUBMITTAL NOT TO
 24 EXCEED 180 DAYS.

25
 26 (3) AFTER A SECOND TIME EXTENSION, ANY FURTHER EXTENSIONS REQUIRE A
 27 MODIFICATION PURSUANT TO § 17-2-108.

28
 29 **(E) Action on the application.** AT ANY TIME AFTER THE FILING OF AN APPLICATION
 30 FOR PRELIMINARY PLAN APPROVAL, THE OFFICE OF PLANNING AND ZONING MAY DENY
 31 THE APPLICATION FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS CODE OR
 32 OTHER APPLICABLE LAW. OTHERWISE, THE OFFICE SHALL APPROVE THE APPLICATION
 33 FOR PRELIMINARY PLAN.

34
 35 ~~[(d)]~~ **(F) Expiration of preliminary plan.** A preliminary plan expires ~~[[12]]~~ 18
 36 months after the date that the Office of Planning and Zoning approves the preliminary plan
 37 unless a site development plan is submitted for review prior to preliminary plan expiration.
 38 NOTWITHSTANDING ANY EXTENSIONS OR MODIFICATIONS GRANTED TO ALLOW FOR
 39 ADDITIONAL TIME TO COMPLETE A PRELIMINARY PLAN, UPON RECEIPT OF A WRITTEN
 40 REQUEST NOT LESS THAN 15 DAYS BEFORE THE EXPIRATION OF A PRELIMINARY PLAN
 41 APPROVAL, THE PLANNING AND ZONING OFFICER MAY EXTEND APPROVAL OF THE
 42 PRELIMINARY PLAN FOR A PERIOD NOT TO EXCEED ONE YEAR FROM THE ORIGINAL DATE
 43 OF EXPIRATION. A PRELIMINARY PLAN SHALL BECOME VOID IF AN APPLICATION FOR
 44 FINAL SITE DEVELOPMENT PLAN APPROVAL BECOMES VOID PURSUANT TO ~~§ 17-4-203(C)~~ §
 45 17-4-203(D) OR IF AN APPROVED FINAL SITE DEVELOPMENT PLAN BECOMES VOID. Upon
 46 expiration of the preliminary plan ~~[[a]]~~, THE developer shall file a new PRELIMINARY PLAN
 47 application and PAY THE REQUIRED fees ~~[[for a preliminary plan application]]~~ prior to any
 48 further review.

49
 50 ~~[(e)]~~ **(G) Exemption from bicycle, pedestrian, and transit assessment.** The
 51 following subdivisions or developments may opt to pay bicycle, pedestrian, and transit
 52 infrastructure fees in lieu of preparing a bicycle, pedestrian, and transit assessment:

- 53
 54 (1) subdivisions of five or fewer dwelling units;

1 (2) non-residential developments comprising less than 5,000 enclosed square feet,
2 other than warehouse developments; and
3

4 (3) warehouse developments comprising less than 15,000 enclosed square feet.
5

6 **17-4-202. Site Development Plan.**
7

8 (a) **Generally.** A developer shall file a site development plan with an application for
9 ~~[[a building or grading permit other than a permit relating to a final infrastructure~~
10 ~~construction plan]] ALL PROPOSED SITE DEVELOPMENT THAT DOES NOT MEET THE~~
11 ~~EXEMPTIONS PROVIDED UNDER THE SCOPE OF THIS TITLE. A developer shall also file with~~
12 ~~the Office of Planning and Zoning a site development plan for development that does not~~
13 ~~require a permit.~~
14

15 (B) **Contents.** A SITE DEVELOPMENT PLAN SHALL BE ON A 24" X 36" SHEET AT A SCALE
16 THAT IS NO GREATER THAN 1" = 40' AND NO SMALLER THAN 1" = 60' AND SHALL CONTAIN
17 ALL INFORMATION INCLUDING ATTACHMENTS AS REQUIRED ON THE MOST RECENT SITE
18 DEVELOPMENT PLAN SUBMITTAL AND PLAN CHECKLISTS ON FILE AT THE OFFICE OF
19 PLANNING AND ZONING OR DEPARTMENT OF INSPECTIONS AND PERMITS. THE SITE
20 DEVELOPMENT PLAN SHALL SHOW ANY INFORMATION REQUIRED BY THE OFFICE OF
21 PLANNING AND ZONING AND THE DEPARTMENT OF INSPECTIONS AND PERMITS TO
22 CLEARLY DETERMINE THE SUITABILITY OF DEVELOPMENT UNDER THIS CODE.
23

24 **17-4-203. Site Development Plan review process.**
25

26 (a) **County report; developer re-submittal.** As promptly as possible after the filing
27 of a site development plan, ~~[[but not later than 15 days prior to the Comment Review~~
28 ~~Committee meeting if required by subsection (b), the Office of Planning and Zoning shall~~
29 ~~provide to the developer, the developer's representatives and all reviewing agencies, a~~
30 ~~written report of the findings, comments, and recommendations of the County through its~~
31 ~~reviewing agencies, and if applicable a notice of the date, time and location of the Comment~~
32 ~~Review Committee meeting]] THE OFFICE OF PLANNING AND ZONING SHALL PROVIDE TO~~
33 ~~THE DEVELOPER, THE DEVELOPER'S REPRESENTATIVES, AND ALL REVIEWING AGENCIES~~
34 ~~A WRITTEN REPORT OF THE FINDINGS, COMMENTS, AND RECOMMENDATIONS OF THE~~
35 ~~COUNTY THROUGH ITS REVIEWING AGENCIES. The site development plan report shall~~
36 ~~attempt to resolve inconsistencies or conflicts among the agency comments. THE REPORT~~
37 ~~SHALL BE EMAILED TO THE DEVELOPER AND THE DEVELOPER'S REPRESENTATIVE WITHIN~~
38 ~~TWO DAYS OF THE DATE OF THE REPORT. Within [[60]] 90 days after the date the site~~
39 ~~development plan report is [[mailed]] EMAILED, the developer shall file a re-submittal that~~
40 ~~addresses all the findings, comments, and recommendations contained in the report. After~~
41 ~~the developer files a site development plan re-submittal, the Office of Planning and Zoning~~
42 ~~shall PROMPTLY provide [[promptly]] any further findings, comments, and~~
43 ~~recommendations from the County reviewing agencies, and shall attempt to resolve~~
44 ~~inconsistencies or conflicts among the agency comments. Within [[60]] 90 days after the~~
45 ~~date the report is [[mailed]] EMAILED, the developer shall file a site development plan re-~~
46 ~~submittal that addresses the findings, comments, and recommendations. This process~~
47 ~~continues until the application becomes void under subsection [[(b)]] ~~(c)~~ (D) or a~~
48 ~~recommendation is made under subsection ~~[(f)]~~ (E).~~
49

50 (b) Comment Review Committee meeting; meeting summary. Within 75 days after
51 the filing of a site development plan, the developer may request the Office of Planning and

1 Zoning schedule at its office, or at a mutually agreed upon location, a meeting of the
 2 Development Review Team Leader and Office of Planning and Zoning reviewers,
 3 representatives of other County reviewing agencies, and the developer and its
 4 representatives. The Committee will discuss the report provided under subsection (a),
 5 reviewing agencies' comments, and any other matters that pertain to the submittal and
 6 approval of the plan. Within 15 days of the meeting, the Office of Planning and Zoning
 7 shall confirm in writing to the developer and the developer's designated representatives a
 8 summary of the meeting including any recommendations, requirements for approval, or
 9 other unresolved matters to be addressed before approval may be granted. THE MEETING
 10 SUMMARY SHALL BE EMAILED TO THE DEVELOPER AND THE DEVELOPER'S
 11 REPRESENTATIVE WITHIN TWO DAYS OF THE DATE OF THE SUMMARY. If the meeting
 12 summary includes findings, comments or recommendations that were not discussed during
 13 the Comment Review Committee meeting, the developer may request that the Office of
 14 Planning and Zoning schedule a follow-up meeting of the reviewing agencies to address
 15 such issues.

16
 17 **~~[(c)]-(B)~~ Site Development Time Extensions.**

18
 19 (1) Upon receipt of a written request not less than 10 days before the re-submittal
 20 deadline in subsection (a) the Office of Planning and Zoning may grant a time extension
 21 for re-submittal not to exceed 180 days.

22
 23 (2) Upon receipt of a written request not less than 10 days before a re-submittal
 24 deadline in ~~[[subsections]] SUBSECTION~~ (a) ~~[[or (b)]]~~, and upon a determination by the
 25 Planning and Zoning Officer that good cause is shown, the Office of Planning and Zoning
 26 may grant a second time extension for re-submittal not to exceed ~~[[120]]~~ 180 days.

27
 28 (3) ~~[[Upon receipt of a written request not less than 10 days before a re-submittal~~
 29 ~~deadline in this subsection, and upon a determination by the Planning and Zoning Officer~~
 30 ~~that good cause is shown, the Office of Planning and Zoning may grant a third time~~
 31 ~~extension for re-submittal not to exceed 60 days.~~

32
 33 (4) ~~]]~~ After a ~~[[third]]~~ SECOND time extension, any further extensions require a
 34 modification PURSUANT TO § 17-2-108.

35
 36 ~~[[5)]]~~ ~~(C)~~ **(D) Voiding of site development plan.** A site development plan is void
 37 and a new application fee for site development plan approval shall be paid for the next
 38 submittal if the developer fails to file site development plan re-submittals within the time
 39 periods required by this section. IF AN APPLICATION FOR SITE DEVELOPMENT PLAN
 40 APPROVAL OR AN APPROVED SITE DEVELOPMENT PLAN BECOMES VOID, ANY
 41 UNDERLYING PRELIMINARY PLAN SHALL ALSO BECOME VOID.

42
 43 **17-4-207. Expiration of site development plan.**

44
 45 (a) **In connection with a permit.** A site development plan associated with an
 46 application for a building or grading permit expires ~~[[one year]]~~ 18 MONTHS after the date
 47 that the Office of Planning and Zoning recommends permit approval, or ~~[[upon the~~
 48 ~~expiration of some other period of time, not to exceed six years,]]~~ as provided in a ~~[[sketch~~
 49 ~~or]]~~ site development plan approval letter from the Planning and Zoning Officer.
 50 Notwithstanding any modifications granted to allow for additional time to complete site

1 development, the Planning and Zoning Officer may extend the approval of the site
2 development plan for a period not to exceed one year from the original date of expiration
3 of site development plan approval upon receipt of a written request made for good cause
4 not less than 15 days before the expiration of the site development plan approval, provided
5 the total period of all extensions does not exceed six years from the date the Office of
6 Planning and Zoning recommends permit approval. The developer shall obtain all required
7 permits within the period prescribed by this subsection and site development shall be
8 pursuant to valid permits.

9
10 (b) **Not in connection with a permit.** A site development plan not associated with an
11 application for a building or grading permit expires two years after the date that the Office
12 of Planning and Zoning approves the plan, or upon the expiration of some other time, not
13 to exceed six years, as provided in a sketch or site development plan approval letter from
14 the Planning and Zoning Officer, unless the developer establishes the use within the period
15 prescribed by this subsection.

16
17 (c) **Notice of expiration.** The Office of Planning and Zoning shall provide the date of
18 expiration of approval of a site development plan as well as information on the extension
19 process [[and any applicable fee to the developer on the initial approval of the plan]] WITH
20 THE LETTER OF RECOMMENDATION OR APPROVAL.

21
22 **SUBTITLE 3. REQUIREMENTS FOR ALL SITE DEVELOPMENT PLANS.**

23
24 **17-4-301. Reservation of land for public facilities.**

25
26 (A) **Land needed for public facilities.** THE PLANNING AND ZONING OFFICER MAY
27 REQUIRE THAT LAND SHOWN ON A SITE DEVELOPMENT PLAN BE RESERVED FOR
28 ACQUISITION BY THE COUNTY OR THE BOARD OF EDUCATION FOR USE AS A PARK,
29 COUNTY OR STATE MULTI-MODAL TRANSPORTATION INFRASTRUCTURE, SCHOOL,
30 COUNTY OR STATE ROAD, OR OTHER PUBLIC FACILITY, IF THE PLANNING AND ZONING
31 OFFICER DETERMINES AFTER RECEIPT OF A WRITTEN REQUEST FROM A DEPARTMENT OR
32 OTHER PUBLIC ENTITY CHARGED WITH RESPONSIBILITY FOR THE FACILITY THAT THE
33 LAND IS NEEDED AND THE FACILITY IS FUNDED IN THE CAPITAL IMPROVEMENT PROGRAM
34 OF THE COUNTY OR STATE.

35
36 (B) **Conditions.** THE FOLLOWING CONDITIONS APPLY TO LAND RESERVED UNDER THIS
37 SECTION:

38
39 (1) THE DEVELOPER AND OWNERS OF ALL LAND RESERVED SHALL ENTER INTO A
40 RESERVATION AGREEMENT WITH THE COUNTY IN A FORM ACCEPTABLE TO THE COUNTY,
41 WHICH SHALL BE RECORDED IN THE LAND RECORDS;

42
43 (2) A RESERVATION MAY NOT CONTINUE FOR LONGER THAN THREE YEARS FROM
44 THE DATE OF RECORDATION OF THE RESERVATION AGREEMENT WITHOUT WRITTEN
45 APPROVAL FROM ALL OWNERS OF THE LAND RESERVED;

46
47 (3) THE PERIOD OF TIME FOR WHICH THE LAND IS RESERVED SHALL BE SPECIFIED
48 IN THE RESERVATION AGREEMENT; AND

49
50 (4) THE LAND SHALL REMAIN IN ITS NATURAL STATE AND UNDEVELOPED DURING
51 THE RESERVATION PERIOD, EXCEPT THAT THE OFFICE OF PLANNING AND ZONING MAY
52 APPROVE USE OF THE LAND FOR AGRICULTURAL PURPOSES OR FOR TEMPORARY USES
53 AUTHORIZED BY ARTICLE 18 OF THIS CODE.

1
2 (C) **Value.** WHEN LAND IS RESERVED UNDER THIS SECTION, ACQUISITION OF THE
3 RESERVED LAND MAY BE:

4 (1) IN CONSIDERATION OF DENSITY TRANSFERRED FROM THE RESERVED LAND TO
5 ABUTTING OR ADJACENT LAND UNDER THE SAME OWNERSHIP; OR
6

7 (2) AT THE UNIMPROVED VALUE OF THE LAND BEFORE SITE DEVELOPMENT PLUS
8 EXPENSES FOR TAXES AND MAINTENANCE ONLY WITH INTEREST AT THE RATE OF 6%.
9

10 **17-4-302. Acceptance of land or improvements for public purpose.**

11
12 THE APPROVAL OF A PROPOSED SITE DEVELOPMENT PLAN BY THE PLANNING AND
13 ZONING OFFICER DOES NOT CONSTITUTE OR IMPLY THE ACCEPTANCE BY THE COUNTY OF
14 ANY ROAD, RIGHT-OF-WAY, EASEMENT, OR FACILITY. ACCEPTANCE SHALL OCCUR ONLY
15 AFTER ALL PUBLIC IMPROVEMENTS REQUIRED BY A PUBLIC WORKS AGREEMENT HAVE
16 BEEN COMPLETED AND APPROVED AND ACCEPTED BY THE COUNTY.
17

18 **TITLE 5. ADEQUATE PUBLIC FACILITIES**

19
20 **17-5-203. Duration of approval – Subdivisions other than minor subdivisions.**

21
22 (a) **Conditions to be met to retain approval.** Unless the Planning and Zoning Officer
23 has determined to postpone the test for adequacy of public facilities to final plan review
24 for a development in the Odenton Growth Management Area pursuant to § 17-5-202(a)(2),
25 upon the approval of a sketch plan for a subdivision other than a minor subdivision, no
26 further approval for adequacy of public facilities, other than fire suppression facilities, is
27 required if:
28

29 (1) the developer files an application for final plan approval within **[[one year]]** 18
30 MONTHS after the date of sketch plan approval or as extended by the Planning and Zoning
31 Officer;
32

33 (2) the final plan is approved and a proposed record plat meeting the requirements
34 of the final plan approval is submitted to the County as required under § 17-3-304(a) within
35 **[[12]]** 18 months after the date of final plan approval or within the time specified by the
36 Planning and Zoning Officer under § 17-3-304(d);
37

38 (3) simultaneously with the approval of the plat or no later than **[[twelve]]** 18
39 months after the date the record plat is recorded, the developer executes and delivers to the
40 County a public works agreement for any proposed mitigation; and
41

42 (4) the impact of the subdivision does not exceed the impact in the original study
43 that formed the basis for passing a test.
44

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

1 **17-5-204. Duration of approval – Minor subdivisions.**

2
3 (a) **Conditions to be met to retain approval.** Upon the approval of a final plan for a
4 minor subdivision, no further approval for adequacy of public facilities, other than fire
5 suppression facilities, is required if:

6
7 (1) the final plan is approved and a record plat meeting the requirements of the final
8 plan approval is submitted to the County as required under § 17-3-304(a) within ~~[[12]]~~ 18
9 months after the date of final plan approval or within the time specified by the Office of
10 Planning and Zoning under § 17-3-304(d);

11
12 (2) simultaneously with the approval of the plat or no later than ~~[[twelve]]~~ 18
13 months after the date the record plat is recorded, the developer executes and delivers to the
14 County a public works agreement for any proposed mitigation; and

15
16 (3) the impact of the subdivision does not exceed the impact in the original study
17 that formed the basis for passing a test.

18
19 (b) **Effect of failure to meet time requirement.** Except as provided in subsection (c),
20 when a subdivision has met the requirements for adequate public facilities during final plan
21 review and the time requirement of subsection (a) is not met, the proposed subdivision plan
22 ~~[[is]]~~ AND SKETCH PLAN ARE void unless the Planning and Zoning Officer grants a
23 modification to allow for additional time to complete the subdivision. The Planning and
24 Zoning Officer may not grant a modification to a developer who has failed to respond to
25 County comments as required by this article.

26
27 **17-5-205. Duration of approval – Preliminary Plan or Site development plan.**

28
29 (b) **Effect of failure to meet time requirement.** Except as provided in subsection (c),
30 when a development has met the requirements for adequate public facilities during site
31 development plan review and the time requirement of subsection (a) is not met, the
32 proposed site development plan ~~[[is]]~~ AND PRELIMINARY PLAN ARE void unless the
33 Planning and Zoning Officer grants a modification to allow for additional time to complete
34 site development. The Planning and Zoning Officer may not grant a modification to a
35 developer who has failed to respond to County comments as required by this article.

36
37 SECTION 4. *And be it further enacted,* That all references in this Ordinance to “the
38 effective date of Bill No. 86-20” or words to that effect, shall, upon codification, be
39 replaced with the actual date on which this Ordinance takes effect under Section 307 of the
40 County Charter as certified by the Administrative Officer to the County Council.

41
42 SECTION 5. *And be it further enacted,* That this Ordinance shall take effect 45 days
43 from the date it becomes law.