

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 23

Bill No. 64-18

Introduced by Mr. Fink

By the County Council, June 4, 2018

Introduced and first read on June 4, 2018
Public Hearing set for and held on July 2, 2018
Bill Expires September 7, 2018

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – General Provisions –
2 Adequate Public Facilities

3
4 FOR the purpose of grandfathering certain applications for subdivision and site
5 development concerning adequate school facilities; providing for the application of this
6 Ordinance; and generally relating to subdivision and development.

7
8 BY repealing and reenacting, with amendments: 17-2-101(b)
9 Anne Arundel County Code (2005, as amended)

10
11 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
12 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

13
14 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

15
16 **TITLE 1. GENERAL PROVISION**

17
18 **17-2-101. Scope; applicability.**

19
20 (b) **Applicability to pending and future proceedings.** Subject to the grandfathering
21 provisions of COMAR Title 27, this article applies to all pending and future proceedings
22 and actions of any board, department, or agency empowered to decide applications under
23 this Code, except that:

24
25 (1) an application for subdivision filed on or before April 4, 2005 shall be governed
26 by the law as it existed prior to May 12, 2005 until the recordation of a record plat;

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law

1 (2) a site plan filed on or before April 4, 2005 for development in an open space
2 district, town center district, industrial park district, maritime district, mixed use district,
3 commercial revitalization area, Odenton Growth Management Area, Parole Town Center
4 Growth Management Area, or suburban community center shall be governed by the law as
5 it existed prior to May 12, 2005 for the development shown on the approved site plan;
6

7 (3) an application for a building or grading permit filed on or before April 4, 2005
8 shall be governed by the law as it existed prior to May 12, 2005 for the development
9 approved by the permit;
10

11 (4) a building or grading permit issued on or before May 12, 2005 shall be governed
12 by the law as it existed prior to May 12, 2005 for the development approved by the permit;
13

14 (5) a building permit that is related to a grading permit governed by the law as it
15 existed prior to May 12, 2005 shall be governed by the law as it existed prior to May 12,
16 2005;
17

18 (6) an application for subdivision filed before July 6, 2010 shall be governed by the
19 law as it existed prior to November 22, 2010 until recordation of the record plat if the
20 County approves an administrative waiver as stipulated in COMAR, Title 26 or the project
21 is exempt from the administrative waiver process;
22

23 (7) an application for a building or grading permit filed before July 6, 2010 shall
24 be governed by the law as it existed prior to November 22, 2010 for the development
25 approved by the permit if the County approves an administrative waiver as stipulated in
26 COMAR, Title 26 or the project is exempt from the administrative waiver process;
27

28 (8) subject to the election provisions of subsection (10), an application for
29 subdivision filed before November 19, 2012, and related permit and plan applications and
30 approvals for the subdivision, shall be governed by the law as it existed prior to April 16,
31 2013, until November 19, 2017;
32

33 (9) subject to the election provisions of subsection (10), an application for a
34 building or grading permit, including preliminary plan approval and site development plan
35 approval, filed before November 19, 2012 shall be governed by the law as it existed prior
36 to April 16, 2013; [and]
37

38 (10) for any application described in subsection (8) or (9), the applicant may make
39 an election, in writing and filed with the Planning and Zoning Officer no later than July 1,
40 2013, to be governed by the law as it exists after April 16, 2013[.]; AND
41

42 (11) AN APPLICATION FOR SKETCH PLAN APPROVAL, FINAL PLAN APPROVAL,
43 PRELIMINARY PLAN APPROVAL, OR APPROVAL OF A BUILDING OR GRADING PERMIT
44 ASSOCIATED WITH A SITE DEVELOPMENT PLAN FILED BEFORE AUGUST 1, 2018 SHALL BE
45 GOVERNED BY THE PROVISIONS OF SUBTITLES 2 AND 5 OF TITLE 5 AS THEY EXISTED PRIOR
46 TO AUGUST 1, 2018.
47


48 SECTION 2. *And be it further enacted*, That this Ordinance shall be construed to apply
49 retroactively and shall be applied to and interpreted to affect applications for sketch plan

1 approval, final plan approval, preliminary plan approval, or approval of a building or
2 grading permit associated with a site development plan submitted before August 1, 2018.
3

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

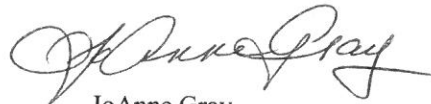
READ AND PASSED this 2nd day of July, 2018

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 3rd day of July, 2018



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 9th day of July, 2018

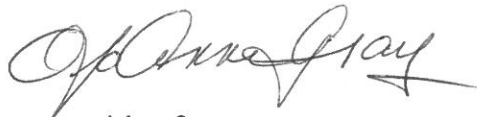


Steven R. Schuh
County Executive

EFFECTIVE DATE:

AUG 23 2018

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
64-18 . THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer

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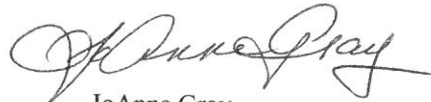
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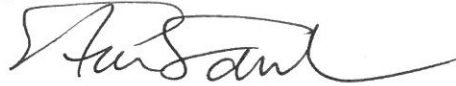
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