

FINAL

AMENDED
March 21 and April 4, 2016

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2016, Legislative Day No. 3

Bill No. 17-16

Introduced by Mr. Fink, Chairman
(by request of the County Executive)

By the County Council, February 1, 2016

Introduced and first read on February 1, 2016
Public Hearing set for and held on March 21, 2016
Public Hearing on AMENDED BILL set for and held on April 4, 2016
Bill AMENDED AND VOTED ON April 4, 2016
Bill Expires May 6, 2016

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

- 1 AN ORDINANCE concerning: Subdivision and Development – Public Works
2 Agreements
3
4 FOR the purpose of requiring a public works agreement to be ~~completed within six~~
5 ~~months of a plat being recorded~~ executed and delivered simultaneously with the
6 approval of a plat or no later than twelve months after a plat has been recorded; and
7 generally relating to subdivision and development.
8
9 BY renumbering: § 17-3-302(11) through (21) to be § 17-3-302(12) through (22),
10 respectively
11 Anne Arundel County Code (2005, as amended)
12
13 BY adding: § 17-3-302(11)
14 Anne Arundel County Code (2005, as amended)
15
16 BY repealing and reenacting, with amendments: §§ 17-3-304; 17-5-203(a); and 17-5-
17 204(a)
18 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing 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 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
2 *Maryland,* That § 17-3-302(11) through (21) of the Anne Arundel County Code (2005, as
3 amended) is hereby renumbered to be § 17-3-302(12) through (22), respectively.

4
5 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
6 Code (2005, as amended) read as follows:

7
8 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

9
10 **TITLE 3. SUBDIVISION**

11
12 **17-3-302. Contents of proposed record plat.**

13
14 A proposed record plat shall be on an 18" x 24" mylar sheet with a 1½" margin at the
15 left edge, and shall contain the following:

16
17 ***

18
19 (11) A NOTICE TO TITLE EXAMINERS IN THE FOLLOWING FORM:

20
21 **NOTICE TO TITLE EXAMINERS**

22
23 THIS PLAT HAS BEEN APPROVED FOR RECORDING ONLY AND SHALL BECOME
24 NULL AND VOID UNLESS A PUBLIC WORKS AGREEMENT HAS BEEN EXECUTED
25 WITHIN SIX MONTHS AFTER THIS PLAT IS RECORDED AND DELIVERED
26 SIMULTANEOUSLY WITH THE APPROVAL OF THIS PLAT OR NO LATER THAN
27 TWELVE MONTHS AFTER THIS PLAT HAS BEEN RECORDED.

28
29 ***

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

32
33 (a) **Action required by developer within twelve months.** Within 12 months after
34 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 [public works agreement,]
40 forestation agreement, a digital copy of the proposed record plat that satisfies digital plat
41 specifications posted on the County website, and all other deeds, easements, rights-of-
42 way, [agreements,] bonds, fees, homeowners association and community association
43 documents, and other documents required by this article.

44
45 (B) **Public Works Agreement.** A RECORDED PLAT AND ALL RELATED APPROVALS,
46 INCLUDING ADEQUATE PUBLIC FACILITIES AND UTILITY ALLOCATION APPROVALS,
47 SHALL BE NULL AND VOID ~~IF~~ UNLESS A PUBLIC WORKS AGREEMENT, ACCOMPANIED BY
48 SECURITY IN THE AMOUNT REQUIRED BY TITLE 11, IS NOT COMPLETED WITHIN SIX
49 MONTHS OF EXECUTED AND DELIVERED SIMULTANEOUSLY WITH THE APPROVAL OF
50 THE PLAT OR NO LATER THAN TWELVE MONTHS AFTER THE RECORDATION OF THE
51 RECORD PLAT. IF A RECORDED PLAT IS RENDERED VOID UNDER THIS SUBSECTION, THE

1 DEVELOPER SHALL THEREAFTER CONFORM TO ALL COUNTY LAWS IN EFFECT AT THE
 2 TIME A NEW APPLICATION FOR SUBDIVISION IS SUBMITTED. FOR ANY RECORDED PLAT
 3 RENDERED VOID UNDER THIS SUBSECTION, THE OFFICE OF PLANNING AND ZONING
 4 SHALL PREPARE AND RECORD AN APPROPRIATE NOTICE THAT THE RECORD PLAT IS
 5 VOID.
 6

7 [(b)] (C) **Change of use of mobile home park.** If the subdivision is a change of use of
 8 a mobile home park, the proposed record plat may not be recorded until the developer
 9 provides confirmation satisfactory to the Office of Planning and Zoning that any
 10 relocation assistance required to be paid to residents has been fully paid.
 11

12 [(c)] (D) **Authority to extend time periods.** Notwithstanding any modifications
 13 granted to allow for additional time to complete a subdivision, upon receipt of a written
 14 request made not less than 15 days before the re-submittal deadline in subsection (a), the
 15 Planning and Zoning Officer shall grant a time extension of 60 days for re-submittal.
 16 Decisions on whether to extend time under this subsection do not require a modification,
 17 and may not be appealed to the Board of Appeals.
 18

19 [(d)] (E) **Effect of failure to meet time requirement.** An application for final plan
 20 approval and the approval of a final plan are void if the developer fails to complete the
 21 actions required by subsection (a) within 12 months after the date of final plan approval
 22 or within the time specified by the Office of Planning and Zoning under subsection (c).
 23

24 [(e)] (F) **Recording.** The County shall record among the land records the proposed
 25 record plat and other documents appropriate for recording.
 26

27 TITLE 5. ADEQUATE PUBLIC FACILITIES

28 17-5-203. Duration of approval – Subdivisions other than minor subdivisions.

29 (a) **Conditions to be met to retain approval.** Unless the Planning and Zoning
 30 Officer has determined to postpone the test for adequacy of public facilities to final plan
 31 review for a development in the Odenton Growth Management Area pursuant to § 17-5-
 32 202(a)(2), upon the approval of a sketch plan for a subdivision other than a minor
 33 subdivision, no further approval for adequacy of public facilities, other than fire
 34 suppression facilities, is required if:
 35
 36

37 (1) the developer files an application for final plan approval within one year after
 38 the date of sketch plan approval or as extended by the Planning and Zoning Officer;
 39

40 (2) [the developer executes and delivers to the County a public works agreement
 41 for any proposed mitigation;
 42

43 (3)] the final plan is approved and a proposed record plat meeting the
 44 requirements of the final plan approval is submitted to the County as required under § 17-
 45 3-304(a) ~~17-3-304(C)~~ within 12 months after the date of final plan approval or within the
 46 time specified by the Planning and Zoning Officer under § [17-3-304(b)]~~17-3-304(D)~~;
 47 [and]
 48

49 (3) ~~WITHIN SIX MONTHS OF SIMULTANEOUSLY WITH THE APPROVAL OF THE PLAT~~
 50 ~~OR NO LATER THAN TWELVE MONTHS AFTER THE DATE THE RECORD PLAT IS~~

1 RECORDED, THE DEVELOPER EXECUTES AND DELIVERS TO THE COUNTY A PUBLIC
2 WORKS AGREEMENT FOR ANY PROPOSED MITIGATION; AND

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

6
7 **17-5-204. Duration of approval – Minor subdivisions.**

8
9 (a) **Conditions to be met to retain approval.** Upon the approval of a final plan for a
10 minor subdivision, no further approval for adequacy of public facilities, other than fire
11 suppression facilities, is required if:

12
13 (1) [the developer executes a public works agreement for any proposed
14 mitigation;

15
16 (2) [the final plan is approved and a record plat meeting the requirements of the
17 final plan approval is submitted to the County as required under § 17-3-304(a) within 12
18 months after the date of final plan approval or within the time specified by the Office of
19 Planning and Zoning under § [17-3-304(b)] 17-3-304(D); [and]

20
21 ~~(2) WITHIN SIX MONTHS OF SIMULTANEOUSLY WITH THE APPROVAL OF THE PLAT~~
22 ~~OR NO LATER THAN TWELVE MONTHS AFTER THE DATE THE RECORD PLAT IS~~
23 ~~RECORDED, THE DEVELOPER EXECUTES AND DELIVERS TO THE COUNTY A PUBLIC~~
24 ~~WORKS AGREEMENT FOR ANY PROPOSED MITIGATION; AND~~


25
26 (3) the impact of the subdivision does not exceed the impact in the original study
27 that formed the basis for passing a test.

28
29 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
30 from the date it becomes law.


AMENDMENTS ADOPTED: March 21 and April 4, 2016

READ AND PASSED this 4th day of April, 2016

By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for his approval this 5th day of April, 2016


Elizabeth E. Jones
Administrative Officer

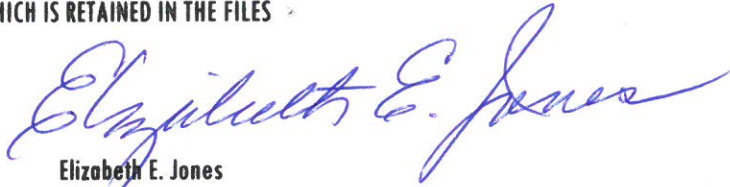
APPROVED AND ENACTED this 8 day of April, 2016



Steven R. Schuh
County Executive

EFFECTIVE DATE: May 23, 2016

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
17-16. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



Elizabeth E. Jones
Administrative Officer