



ANNE ARUNDEL COUNTY OFFICE OF LAW

Legislative Summary

To: Members, Anne Arundel County Council

From: Christine B. Neiderer, Senior Assistant County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: October 7, 2024

Subject: Bill No. 78-24 – Subdivision and Development – Road Design

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 78-24.

Background

Section 17-6-103 addresses road design requirements for certain developments, including when the County is authorized to require a “half-section dedication” of right-of-way for public roads. Currently, the Code specifies that dedication to the public is authorized in the course of a subdivision. The Code is not clear, however, as to whether the County is also authorized to require a dedication to the public for proposed development approved through a site development plan (“SDP”).

Purpose

The primary purpose of this Bill is to clarify when the County is authorized to require a dedication of property, as well as the method of such dedication, to ensure the County’s practices are in compliance with the Code. Additionally, the purpose of this Bill is to amend certain road design requirements for public roads and clarify design and declaration requirements for private roads.

Bill No. 78-24

SECTION 1

Paragraph **17-2-101(b)(19)** is new and establishes a grandfathering provision. It provides that certain development plans filed before the effective date of the Bill that pass the test for adequate public facilities are governed by the law as it existed prior to the effective date of the Bill.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

Subsection **17-6-103(a)** is amended to require that road design provisions apply to public roads within a proposed development, including development within a proposed subdivision or site development plan. This Subsection further clarifies that public roads within a proposed development must be designed to minimize impacts to adjoining properties, and enhance multi-modal transportation.

Paragraph **17-6-103(i)(1)** is new and establishes certain exemptions to Subsection (i): tenant permit in a structure previously approved by the County, or development plan application relating to improvements to an existing structure if: (1) the proposed use generates fewer than 50 additional daily trips; and (2) the OPZ Officer finds the application is consistent with the general characteristics of the existing or previous use.

Paragraph **17-6-103(i)(2)** which was previously Subsection (i) is revised to reflect the exemptions in the prior section, and clarify that public roads within and adjacent to a proposed development shall be designed, constructed, and improved in accordance with the DPW Design Manual.

Paragraph **17-6-103(i)(3)**, which was previously Paragraph (1), is revised to clarify when a dedication of right-of-way to the County is required and the method for such dedication. If a proposed development borders a County road that does not comply with the DPW Design Manual, the developer is required to improve to the center line of the County road to comply with the DPW Design Manual. The developer is also required to dedicate and deed in fee simple sufficient property to the County to include all required improvements. If a proposed development borders a state road, the developer must comply with relevant State design guidelines and requirements. Language is also added to clarify that any improvements required under Subtitle 17-6-103(i) must include pedestrian and bicycle facilities identified in the current County Pedestrian and Bicycle Master Plan and other transportation or development plans or programs adopted by the County. Repetitive language regarding road improvement requirements for certain cluster developments was removed as it is addressed in Subsection 17-6-103(b).

Paragraph **17-6-103(i)(4)** is new, and establishes if a developer is required by the Code to improve a County road, and after exhausting all reasonable efforts to the satisfaction of the OPZ Officer, is unable to acquire the necessary property, the County may acquire the property at the developer's expense prior to approval of the grading permit.

Paragraph **17-6-103(i)(5)** is solely a renumbering of the existing paragraph 17-6-103(i)(2).

Paragraph **17-6-103(i)(6)**, which was previously Paragraph (3), is amended to delete the swales requirement from closed section roads.

Paragraph **17-6-103(i)(7)** is solely a renumbering of the existing Paragraph 17-6-103(i)(4).

Subsection **17-6-103(j)** is revised to clarify the declaration requirements for private roads.

SECTION 2

This section provides that references to “the effective date of Bill No. 78-24” shall be replaced with the actual date that the Ordinance takes effect.

SECTION 3

This section provides that the Ordinance takes effect 45 days from the date that it becomes law.

The Office of Law is available to answer any additional questions regarding Bill No. 78-24. Thank you.

cc: Honorable Steuart Pittman, County Executive
Christine Anderson, Chief Administrative Officer
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