

# PROPOSED

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

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Introduced and first read on October 5, 2020  
Public Hearing set for November 2, 2020  
Bill Expires January 8, 2021

By Order: JoAnne Gray, Administrative Officer

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## 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; amending the  
7 process for delivering comments to developers throughout the site development  
8 approval process; amending the scope and applicability of the Site Development Plan  
9 requirements; amending the contents of the Site Development Plan application;  
10 requiring reservation of land for public facilities during the Site Development Plan  
11 process; extending the time requirements for duration of approval for adequate public  
12 facility testing for certain subdivisions, preliminary plans or site development plans;  
13 and generally relating to subdivision and development.

14  
15 BY repealing: §§ 17-2-108(e); 17-4-202(b) and (c); and 17-4-203(b) and (d)  
16 Anne Arundel County Code (2005, as amended)

17  
18 BY renumbering: §§ 17-2-108(f) to be 17-2-108(e); 17-4-202(d) to be 17-4-202(c); and  
19 17-4-203(e) and (f), respectively, to be 17-4-203(d) and (e), respectively  
20 Anne Arundel County Code (2005, as amended)

21  
22 BY repealing and reenacting, with amendments: §§ 17-3-203(c) and (d); 17-3-204; 17-3-  
23 303(b) and (c); 17-3-304(a) and (e); 17-4-101; 17-4-201; 17-4-202(a); 17-4-203(a) and  
24 (c); 17-4-207; 17-5-203(a) and (b); 17-5-204(a) and (b); and 17-5-205(b)

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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.

1 Anne Arundel County Code (2005, as amended)

2  
3 BY adding: §§ 17-4-202(b); and 17-4-301 through 17-4-302 to be under the new subtitle  
4 “Subtitle 3. Requirements for All Site Development Plans”

5 Anne Arundel County Code (2005, as amended)

6  
7 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
8 That §§ 17-2-108(e), 17-4-202(b) and (c), and 17-4-203(b) and (d) of the Anne Arundel  
9 County Code (2005, as amended) be repealed.

10  
11 SECTION 2. *And be it further enacted,* That §§ 17-2-108(f), 17-4-202(d), and 17-4-  
12 203(e) and (f), respectively, of the Anne Arundel County Code (2005, as amended) are  
13 hereby renumbered to be §§ 17-2-108(e), 17-4-202(c), and 17-4-203(d) and (e),  
14 respectively.

15  
16 SECTION 3. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
17 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

18  
19 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

20  
21 **TITLE 3. SUBDIVISION**

22  
23 **17-3-203. Review; County report; developer re-submittal; notice of approval.**

24  
25 (c) **Developer re-submittals; comments by the County.** After the developer files a  
26 sketch plan re-submittal, the Office of Planning and Zoning shall provide promptly any  
27 further findings, comments, and recommendations of the County through its reviewing  
28 agencies, and shall attempt to resolve inconsistencies or conflicts among the agency  
29 comments. Within ~~[[60]]~~ 90 days after the date the report is mailed, the developer shall file  
30 a sketch plan re-submittal that addresses the findings, comments, and recommendations.  
31 This process continues unless the application becomes void under subsection (e) or action  
32 is taken on the application under subsection (g).

33  
34 (d) **Authority to extend time periods.**

35  
36 (1) Upon receipt of a written request not less than 10 days before a re-submittal  
37 deadline in subsection (c), the Office of Planning and Zoning may grant a time extension  
38 for re-submittal not to exceed 180 days.

39  
40 (2) Upon receipt of a written request not less than 10 days before a re-submittal  
41 deadline in subsection (c), and upon a determination by the Planning and Zoning Officer  
42 that good cause is shown, the Office of Planning and Zoning may grant a second time  
43 extension for a re-submittal not to exceed ~~[[120]]~~ 180 days.

44  
45 (3) ~~[[Upon receipt of a written request not less than 10 days before a re-submittal~~  
46 ~~deadline in subsection (c), and upon a determination by the Planning and Zoning Officer~~  
47 ~~that good cause is shown, the Office of Planning and Zoning may grant a third time~~  
48 ~~extension for re-submittal not to exceed 60 days~~

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

3  
4 **17-3-204 Expiration of approved sketch plan.**

5  
6 A sketch plan expires [[12]] 18 months after [[it is approved by]] THE DATE THAT the  
7 Office of Planning and Zoning APPROVES THE SKETCH PLAN unless a final plan is  
8 submitted for review prior to sketch plan expiration. Notwithstanding any modifications  
9 granted to allow for additional time to complete a sketch plan, the Planning and Zoning  
10 Officer may extend approval of the sketch plan for a period not to exceed one year from  
11 the original date of expiration upon receipt of a written request made for good cause not  
12 less than 15 days before the expiration of the sketch plan approval. A SKETCH PLAN SHALL  
13 BECOME VOID IF AN APPLICATION FOR FINAL PLAN APPROVAL BECOMES VOID PURSUANT  
14 TO § 17-3-303(D) OR IF AN APPROVED FINAL PLAN BECOMES VOID. Upon [[expiration of]] a  
15 sketch plan EXPIRING OR BECOMING VOID, the developer shall file a new sketch plan  
16 application and pay THE required fees prior to further review.

17  
18 **17-3-303 Review process.**

19  
20 (b) **Further comments by the County; further developer re-submittals.** After the  
21 developer files a final plan re-submittal, the Office of Planning and Zoning shall provide  
22 promptly, or within [[30]] 60 days for an application for a minor subdivision or amended  
23 plat, any further findings, comments, and recommendations of the County through its  
24 reviewing agencies, and shall attempt to resolve inconsistencies or conflicts among the  
25 agency comments. Within [[60]] 90 days after the date the report is mailed, the developer  
26 shall file a final plan re-submittal that addresses the findings, comments, and  
27 recommendations. This process continues unless the application becomes void under  
28 subsection (d) or action is taken on the application under subsection (f).

29  
30 (c) **Authority to extend time periods.**

31  
32 (1) Upon receipt of a written request not less than 10 days before the re-submittal  
33 deadline in subsections (a) or (b), the Office of Planning and Zoning may grant a time  
34 extension for re-submittal not to exceed 180 days.

35  
36 (2) Upon receipt of a written request not less than 10 days before a re-submittal  
37 deadline in subsections (a) or (b), and upon a determination by the Planning and Zoning  
38 Officer that good cause is shown, the Office of Planning and Zoning may grant a second  
39 time extension for re-submittal not to exceed [[120]] 180 days.

40  
41 (3) [[Upon receipt of a written request not less than 10 days before a re-submittal  
42 deadline in this subsection, and upon a determination by the Planning and Zoning Officer  
43 that good cause is shown, the Office of Planning and Zoning may grant a third time  
44 extension for re-submittal not to exceed 60 days.

45  
46 (4)] After a [[third]] SECOND time extension, any further extensions require a  
47 modification PURSUANT TO § 17-2-108.

1 **17-3-304 Completion of subdivision.**

2  
3 (a) **Action required by developer within eighteen months.** Within ~~[[12]]~~ 18 months  
4 after the date of approval of a final plan, a developer shall:

5  
6 (1) satisfactorily address all remaining comments of the Office of Planning and  
7 Zoning and reviewing agencies; and

8  
9 (2) prepare, execute, and deliver at one time a forestation agreement, a digital copy  
10 of the proposed record plat that satisfies digital plat specifications posted on the County  
11 website, and all other deeds, easements, rights-of-way, bonds, fees, homeowners  
12 association and community association documents, and other documents required by this  
13 article.

14  
15 (e) **Effect of failure to meet time requirement.** An application for final plan approval  
16 and the approval of a final plan are void if the developer fails to complete the actions  
17 required by subsection (a) within 12 months after the date of final plan approval or within  
18 the time specified by the Office of Planning and Zoning under subsection (c). IF AN  
19 APPLICATION FOR FINAL PLAN APPROVAL OR AN APPROVED FINAL PLAN BECOMES VOID,  
20 ANY UNDERLYING SKETCH PLAN APPROVAL SHALL ALSO BECOME VOID.

21  
22 **TITLE 4. SITE DEVELOPMENT**

23  
24 **17-4-101. Scope.**

25  
26 (A) **Generally.** This title applies to site development only ~~[[and does not apply to a~~  
27 ~~tenant permit in a structure previously approved by the County, permits relating to a final~~  
28 ~~infrastructure construction plan and lot clearing shown on an approved final plan~~  
29 ~~previously approved under this article, permits relating to improvements that do not result~~  
30 ~~in leasable space, a test for adequacy of public facilities, or, with the exception of property~~  
31 ~~in the critical area or designated bog area, an increase of impervious surface of no more~~  
32 ~~than 1,000 square feet and, at the discretion of the Planning and Zoning Officer, a grading~~  
33 ~~permit that contains or is accompanied by all information required by this article]].~~

34  
35 (B) **Exemptions.** THIS TITLE DOES NOT APPLY TO:

36  
37 (1) AN ASSISTED LIVING FACILITY OR AN ASSISTED LIVING FACILITY I,  
38 COMMUNITY BASED WITH 8 BEDS OR LESS IN A NEW OR EXISTING SINGLE-FAMILY  
39 DWELLING;

40  
41 (2) A GROUP HOME I OR A GROUP HOME II IN A NEW OR EXISTING SINGLE-FAMILY  
42 DWELLING;

43  
44 (3) SINGLE-FAMILY DETACHED DWELLINGS ON EXISTING PLATTED RESIDENTIAL  
45 LOTS;

46  
47 (4) A TEMPORARY USE AUTHORIZED UNDER § 18-2-203 OF THIS CODE, PROVIDED NO  
48 MORE THAN 15 EVENTS LASTING NO LONGER THAN ONE DAY ARE HELD ON THE SAME  
49 PROPERTY WITHIN A TWELVE-MONTH PERIOD;

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

4  
5 (6) A PERMIT RELATING TO A FINAL INFRASTRUCTURE CONSTRUCTION PLAN AND  
6 LOT CLEARING SHOWN ON AN APPROVED FINAL PLAN PREVIOUSLY APPROVED UNDER  
7 THIS ARTICLE;

8  
9 (7) A PERMIT RELATING TO IMPROVEMENTS THAT DO NOT RESULT IN LEASABLE  
10 SPACE;

11  
12 (8) A PERMIT OR A DEVELOPMENT APPLICATION THAT DOES NOT RESULT IN A TEST  
13 FOR ADEQUACY OF PUBLIC FACILITIES;

14  
15 (9) A SEASONAL OR PERMANENT OUTDOOR RESTAURANT SEATING AREA OF 10  
16 SEATS OR LESS;

17  
18 (10) A CUMULATIVE INCREASE OF IMPERVIOUS SURFACE OF NO MORE THAN 5,000  
19 SQUARE FEET ON PROPERTY OUTSIDE OF THE CRITICAL AREA OR DESIGNATED BOG AREA  
20 AS OF THE EFFECTIVE DATE OF BILL NO. 86-20;

21  
22 (11) A NONRESIDENTIAL AGRICULTURAL BUILDING THAT DOES NOT REQUIRE A  
23 PERMIT UNDER § 105.2.1.14 OF THE CONSTRUCTION CODE OF ANNE ARUNDEL COUNTY; OR

24  
25 (12) AN ACCESSORY USE AS A PRODUCE MARKET CONSISTING OF UP TO 1,200  
26 SQUARE FEET OF FLOOR AREA.

27  
28 **17-4-201. Preliminary plan.**

29  
30 (a) **Generally.** A developer shall file a preliminary plan prior to submitting an  
31 application for a site development plan and prior to submitting an application for a grading  
32 or building permit. A developer shall also file with the Office of Planning and Zoning a  
33 preliminary plan for development that does not require a permit. A PRELIMINARY PLAN IS  
34 NOT REQUIRED FOR:

35  
36 (1) AN APPLICATION FOR MINOR EXPANSION OF FLOOR AREA OR OTHER SITE  
37 IMPROVEMENTS OR USE CHANGES IN DEVELOPMENTS EXISTING AS OF THE EFFECTIVE  
38 DATE OF BILL NO. 86-20 FOR WHICH THE PROPOSED CUMULATIVE LIMIT OF DISTURBANCE  
39 OF IS LESS THAN 5,000 SQUARE FEET;

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

44  
45 (3) A DEVELOPMENT WITHIN THE PAROLE TOWN CENTER GROWTH MANAGEMENT  
46 AREA OR THE ODENTON GROWTH MANAGEMENT AREA.

47  
48 (b) **Contents.** A preliminary plan shall be on a 24" x 36" sheet at a scale that is no  
49 GREATER THAN 1" = 40' AND NO smaller than ~~[[1"=100']]~~ 1" = 60' and shall contain all  
50 information including attachments as required on the most recent preliminary plan  
51 ~~[[checklist]]~~ SUBMITTAL AND CHECKLISTS on file at the Office of Planning and Zoning or  
52 Department of Inspections and Permits. The preliminary plan shall show ~~[[an initial~~  
53 location of development, including roads, buildings, parking, stormwater management,  
54 utilities, and forest conservation, and shall provide]] any ~~[[other]]~~ information required by

1 the Office of Planning and Zoning and the Department of Inspections and Permits to clearly  
2 identify areas on the site that are suitable for development.

3  
4 **(c) Review; County report; developer re-submittal.** As promptly as possible after  
5 the filing of a preliminary plan, the Office of Planning and Zoning shall provide TO the  
6 developer ~~[[with]]~~, THE DEVELOPER'S REPRESENTATIVES, AND ALL REVIEWING AGENCIES  
7 a written report of the findings, comments, and recommendations of THE County THROUGH  
8 ITS REVIEWING agencies. ~~[[Upon review of a completed preliminary plan the Office of~~  
9 ~~Planning and Zoning will provide the developer with a written decision approving or~~  
10 ~~denying the application. That approval or denial will resolve inconsistencies or conflicts~~  
11 ~~among the agency comments and give the applicant direction on how to proceed to the next~~  
12 ~~step in the process or give direction on what issues need to be addressed with a new~~  
13 ~~application for a preliminary plan]]~~ THE PRELIMINARY PLAN REPORT SHALL ATTEMPT TO  
14 RESOLVE INCONSISTENCIES OR CONFLICTS AMONG THE AGENCY COMMENTS. WITHIN 90  
15 DAYS AFTER THE DATE THE PRELIMINARY PLAN REPORT IS MAILED, THE DEVELOPER  
16 SHALL FILE A RE-SUBMITTAL THAT ADDRESSES ALL OF THE FINDINGS, COMMENTS, AND  
17 RECOMMENDATIONS CONTAINED IN THE REPORT. AFTER THE DEVELOPER FILES A  
18 PRELIMINARY PLAN RE-SUBMITTAL, THE OFFICE OF PLANNING AND ZONING SHALL  
19 PROMPTLY PROVIDE ANY FURTHER FINDINGS, COMMENTS, AND RECOMMENDATIONS  
20 FROM THE COUNTY REVIEWING AGENCIES, AND SHALL ATTEMPT TO RESOLVE  
21 INCONSISTENCIES OR CONFLICTS AMONG THE AGENCY COMMENTS. WITHIN 90 DAYS  
22 AFTER THE DATE THE REPORT IS MAILED, THE DEVELOPER SHALL FILE A PRELIMINARY  
23 PLAN RE-SUBMITTAL THAT ADDRESSES THE FINDINGS, COMMENTS, AND  
24 RECOMMENDATION. THIS PROCESS CONTINUES UNTIL THE APPLICATION BECOMES VOID  
25 UNDER SUBSECTION (E) OR A DECISION IS PROVIDED UNDER SUBSECTION (F).

26  
27 **(D) Authority to extend time periods.**

28  
29 (1) UPON RECEIPT OF A WRITTEN REQUEST NOT LESS THAN 10 DAYS BEFORE THE  
30 RE-SUBMITTAL DEADLINE IN SUBSECTION (C), THE OFFICE OF PLANNING AND ZONING  
31 MAY GRANT A TIME EXTENSION FOR RE-SUBMITTAL NOT TO EXCEED 180 DAYS.

32  
33 (2) UPON RECEIPT OF A WRITTEN REQUEST NOT LESS THAN 10 DAYS BEFORE A  
34 RE-SUBMITTAL DEADLINE IN SUBSECTIONS (C) AND UPON A DETERMINATION BY THE  
35 PLANNING AND ZONING OFFICER THAT GOOD CAUSE IS SHOWN, THE OFFICE OF PLANNING  
36 AND ZONING MAY GRANT A SECOND TIME EXTENSION FOR RE-SUBMITTAL NOT TO  
37 EXCEED 180 DAYS.

38  
39 (3) AFTER A SECOND TIME EXTENSION, ANY FURTHER EXTENSIONS REQUIRE A  
40 MODIFICATION PURSUANT TO § 17-2-108.

41  
42 **(E) Action on the application.** AT ANY TIME AFTER THE FILING OF AN APPLICATION  
43 FOR PRELIMINARY PLAN APPROVAL, THE OFFICE OF PLANNING AND ZONING MAY DENY  
44 THE APPLICATION FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS CODE OR  
45 OTHER APPLICABLE LAW. OTHERWISE, THE OFFICE SHALL APPROVE THE APPLICATION  
46 FOR PRELIMINARY PLAN.

47  
48 ~~[[d]]~~ **(F) Expiration of preliminary plan.** A preliminary plan expires ~~[[12]]~~ 18  
49 months after the date that the Office of Planning and Zoning approves the preliminary plan  
50 unless a site development plan is submitted for review prior to preliminary plan expiration.  
51 NOTWITHSTANDING ANY EXTENSIONS OR MODIFICATIONS GRANTED TO ALLOW FOR  
52 ADDITIONAL TIME TO COMPLETE A PRELIMINARY PLAN, UPON RECEIPT OF A WRITTEN  
53 REQUEST NOT LESS THAN 15 DAYS BEFORE THE EXPIRATION OF A PRELIMINARY PLAN  
54 APPROVAL, THE PLANNING AND ZONING OFFICER MAY EXTEND APPROVAL OF THE

1 PRELIMINARY PLAN FOR A PERIOD NOT TO EXCEED ONE YEAR FROM THE ORIGINAL DATE  
2 OF EXPIRATION. A PRELIMINARY PLAN SHALL BECOME VOID IF AN APPLICATION FOR  
3 FINAL SITE DEVELOPMENT PLAN APPROVAL BECOMES VOID PURSUANT TO § 17-4-203(C)  
4 OR IF AN APPROVED FINAL SITE DEVELOPMENT PLAN BECOMES VOID. Upon expiration of  
5 the preliminary plan ~~[[a]]~~, THE developer shall file a new PRELIMINARY PLAN application  
6 and PAY THE REQUIRED fees ~~[[for a preliminary plan application]]~~ prior to any further  
7 review.

8  
9 ~~[[e]]~~ (G) **Exemption from bicycle, pedestrian, and transit assessment.** The  
10 following subdivisions or developments may opt to pay bicycle, pedestrian, and transit  
11 infrastructure fees in lieu of preparing a bicycle, pedestrian, and transit assessment:

12  
13 (1) subdivisions of five or fewer dwelling units;

14  
15 (2) non-residential developments comprising less than 5,000 enclosed square feet,  
16 other than warehouse developments; and

17  
18 (3) warehouse developments comprising less than 15,000 enclosed square feet.

#### 19 20 **17-4-202. Site Development Plan.**

21  
22 (a) **Generally.** A developer shall file a site development plan with an application for  
23 ~~[[a building or grading permit other than a permit relating to a final infrastructure  
24 construction plan]]~~ ALL PROPOSED SITE DEVELOPMENT THAT DOES NOT MEET THE  
25 EXEMPTIONS PROVIDED UNDER THE SCOPE OF THIS TITLE. A developer shall also file with  
26 the Office of Planning and Zoning a site development plan for development that does not  
27 require a permit.

28  
29 (B) **Contents.** A SITE DEVELOPMENT PLAN SHALL BE ON A 24" X 36" SHEET AT A SCALE  
30 THAT IS NO GREATER THAN 1" = 40' AND NO SMALLER THAN 1" = 60' AND SHALL CONTAIN  
31 ALL INFORMATION INCLUDING ATTACHMENTS AS REQUIRED ON THE MOST RECENT SITE  
32 DEVELOPMENT PLAN SUBMITTAL AND PLAN CHECKLISTS ON FILE AT THE OFFICE OF  
33 PLANNING AND ZONING OR DEPARTMENT OF INSPECTIONS AND PERMITS. THE SITE  
34 DEVELOPMENT PLAN SHALL SHOW ANY INFORMATION REQUIRED BY THE OFFICE OF  
35 PLANNING AND ZONING AND THE DEPARTMENT OF INSPECTIONS AND PERMITS TO  
36 CLEARLY DETERMINE THE SUITABILITY OF DEVELOPMENT UNDER THIS CODE.

#### 37 38 **17-4-203. Site Development Plan review process.**

39  
40 (a) **County report; developer re-submittal.** As promptly as possible after the filing  
41 of a site development plan, ~~[[but not later than 15 days prior to the Comment Review  
42 Committee meeting if required by subsection (b), the Office of Planning and Zoning shall  
43 provide to the developer, the developer's representatives and all reviewing agencies, a  
44 written report of the findings, comments, and recommendations of the County through its  
45 reviewing agencies, and if applicable a notice of the date, time and location of the Comment  
46 Review Committee meeting]]~~ THE OFFICE OF PLANNING AND ZONING SHALL PROVIDE TO  
47 THE DEVELOPER, THE DEVELOPER'S REPRESENTATIVES, AND ALL REVIEWING AGENCIES  
48 A WRITTEN REPORT OF THE FINDINGS, COMMENTS, AND RECOMMENDATIONS OF THE  
49 COUNTY THROUGH ITS REVIEWING AGENCIES. The site development plan report shall  
50 attempt to resolve inconsistencies or conflicts among the agency comments. Within ~~[[60]]~~  
51 90 days after the date the site development plan report is mailed, the developer shall file a

1 re-submittal that addresses all the findings, comments, and recommendations contained in  
2 the report. After the developer files a site development plan re-submittal, the Office of  
3 Planning and Zoning shall PROMPTLY provide ~~[[promptly]]~~ any further findings,  
4 comments, and recommendations from the County reviewing agencies, and shall attempt  
5 to resolve inconsistencies or conflicts among the agency comments. Within ~~[[60]]~~ 90 days  
6 after the date the report is mailed, the developer shall file a site development plan re-  
7 submittal that addresses the findings, comments, and recommendations. This process  
8 continues until the application becomes void under subsection ~~[[b)]]~~ (C) or a  
9 recommendation is made under subsection ~~[[f)]]~~ (E).

10  
11 **~~[[c)]]~~ (B) Site Development Time Extensions.**

12  
13 (1) Upon receipt of a written request not less than 10 days before the re-submittal  
14 deadline in subsection (a) the Office of Planning and Zoning may grant a time extension  
15 for re-submittal not to exceed 180 days.

16  
17 (2) Upon receipt of a written request not less than 10 days before a re-submittal  
18 deadline in ~~[[subsections]]~~ SUBSECTION (a) ~~[[or (b)]]~~, and upon a determination by the  
19 Planning and Zoning Officer that good cause is shown, the Office of Planning and Zoning  
20 may grant a second time extension for re-submittal not to exceed ~~[[120]]~~ 180 days.

21  
22 (3) ~~[[Upon receipt of a written request not less than 10 days before a re-submittal~~  
23 ~~deadline in this subsection, and upon a determination by the Planning and Zoning Officer~~  
24 ~~that good cause is shown, the Office of Planning and Zoning may grant a third time~~  
25 ~~extension for re-submittal not to exceed 60 days.~~

26  
27 (4) After a ~~[[third]]~~ SECOND time extension, any further extensions require a  
28 modification PURSUANT TO § 17-2-108.

29  
30 **~~[[5)]]~~ (C) Voiding of site development plan.** A site development plan is void and  
31 a new application fee for site development plan approval shall be paid for the next submittal  
32 if the developer fails to file site development plan re-submittals within the time periods  
33 required by this section. IF AN APPLICATION FOR SITE DEVELOPMENT PLAN APPROVAL OR  
34 AN APPROVED SITE DEVELOPMENT PLAN BECOMES VOID, ANY UNDERLYING  
35 PRELIMINARY PLAN SHALL ALSO BECOME VOID.

36  
37 **17-4-207. Expiration of site development plan.**

38  
39 (a) **In connection with a permit.** A site development plan associated with an  
40 application for a building or grading permit expires ~~[[one year]]~~ 18 MONTHS after the date  
41 that the Office of Planning and Zoning recommends permit approval, or ~~[[upon the~~  
42 ~~expiration of some other period of time, not to exceed six years,]]~~ as provided in a ~~[[sketch~~  
43 ~~or]]~~ site development plan approval letter from the Planning and Zoning Officer.  
44 Notwithstanding any modifications granted to allow for additional time to complete site  
45 development, the Planning and Zoning Officer may extend the approval of the site  
46 development plan for a period not to exceed one year from the original date of expiration  
47 of site development plan approval upon receipt of a written request made for good cause  
48 not less than 15 days before the expiration of the site development plan approval, provided  
49 the total period of all extensions does not exceed six years from the date the Office of



1 Planning and Zoning recommends permit approval. The developer shall obtain all required  
2 permits within the period prescribed by this subsection and site development shall be  
3 pursuant to valid permits.  
4

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

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

17 **SUBTITLE 3. REQUIREMENTS FOR ALL SITE DEVELOPMENT PLANS.**  
18

19 **17-4-301. Reservation of land for public facilities.**  
20

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

31 (B) **Conditions.** THE FOLLOWING CONDITIONS APPLY TO LAND RESERVED UNDER THIS  
32 SECTION:  
33

34 (1) THE DEVELOPER AND OWNERS OF ALL LAND RESERVED SHALL ENTER INTO A  
35 RESERVATION AGREEMENT WITH THE COUNTY IN A FORM ACCEPTABLE TO THE COUNTY,  
36 WHICH SHALL BE RECORDED IN THE LAND RECORDS;  
37

38 (2) A RESERVATION MAY NOT CONTINUE FOR LONGER THAN THREE YEARS FROM  
39 THE DATE OF RECORDATION OF THE RESERVATION AGREEMENT WITHOUT WRITTEN  
40 APPROVAL FROM ALL OWNERS OF THE LAND RESERVED;  
41

42 (3) THE PERIOD OF TIME FOR WHICH THE LAND IS RESERVED SHALL BE SPECIFIED  
43 IN THE RESERVATION AGREEMENT; AND  
44

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

50 (C) **Value.** WHEN LAND IS RESERVED UNDER THIS SECTION, ACQUISITION OF THE  
51 RESERVED LAND MAY BE:  
52

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

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

3  
4 **17-4-302. Acceptance of land or improvements for public purpose.**

5  
6 THE APPROVAL OF A PROPOSED SITE DEVELOPMENT PLAN BY THE PLANNING AND  
7 ZONING OFFICER DOES NOT CONSTITUTE OR IMPLY THE ACCEPTANCE BY THE COUNTY OF  
8 ANY ROAD, RIGHT-OF-WAY, EASEMENT, OR FACILITY. ACCEPTANCE SHALL OCCUR ONLY  
9 AFTER ALL PUBLIC IMPROVEMENTS REQUIRED BY A PUBLIC WORKS AGREEMENT HAVE  
10 BEEN COMPLETED AND APPROVED AND ACCEPTED BY THE COUNTY.

11  
12 **TITLE 5. ADEQUATE PUBLIC FACILITIES**

13  
14 **17-5-203. Duration of approval – Subdivisions other than minor subdivisions.**

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

22  
23 (1) the developer files an application for final plan approval within **[[one year]]** 18  
24 MONTHS after the date of sketch plan approval or as extended by the Planning and Zoning  
25 Officer;

26  
27 (2) the final plan is approved and a proposed record plat meeting the requirements  
28 of the final plan approval is submitted to the County as required under § 17-3-304(a) within  
29 **[[12]]** 18 months after the date of final plan approval or within the time specified by the  
30 Planning and Zoning Officer under § 17-3-304(d);

31  
32 (3) simultaneously with the approval of the plat or no later than **[[twelve]]** 18  
33 months after the date the record plat is recorded, the developer executes and delivers to the  
34 County a public works agreement for any proposed mitigation; and

35  
36 (4) the impact of the subdivision does not exceed the impact in the original study  
37 that formed the basis for passing a test.

38  
39 (b) **Effect of failure to file to meet time requirements.** Except as provided in  
40 subsection (c), when a subdivision has met the requirements for adequate public facilities  
41 during sketch plan review and the time requirements of subsection (a) are not met, the  
42 proposed subdivision plan AND SKETCH PLAN ARE **[[is]]** void unless the Planning and  
43 Zoning Officer grants a modification to allow for additional time to complete the  
44 subdivision. The Planning and Zoning Officer may not grant a modification to a developer  
45 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 AND SKETCH PLAN ARE ~~[[is]]~~ 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 AND PRELIMINARY PLAN ARE ~~[[is]]~~ 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.