

COUNTY ORDINANCE NO. 99-20

A BILL ENTITLED

AN ACT concerning the creation and adoption of a new Subtitle to Title 18, *LAND USE AND DEVELOPMENT*, Code of Public Local Laws of Queen Anne's County (1996 Edition), enacting Subtitle 13 of Title 18.

FOR THE PURPOSE OF enacting a new Subtitle 13 to Title 18, *LAND USE AND DEVELOPMENT* OF the Code of Public Local Laws of Queen Anne's County, (1996 Edition), to establish procedures and requirements for the consideration and execution of development agreements pursuant to the authority granted to Queen Anne's County by and through Section 13.01 of Article 66B, *Zoning and Planning*, Annotated Code of Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the Code of Public Local Laws of Queen Anne's County, Title 18 *LAND USE AND DEVELOPMENT*, (1996 Edition) be and is hereby amended by the enactment of Subtitle 13 to read as set forth on the attached.

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

INTRODUCED BY: Marlene Daves
DATED: 9-7-99
PUBLIC HEARING HELD: Oct 5, 1999 11:15
VOTE: 2 YEA NAY (John absent)
DATE: 10-19-99

Text Amendment #99-09

Proposed amendment to Title 18, Addition of Subtitle 13. Development
Rights and Responsibilities Agreement

Lead Staff Person: Joy Levy

Subtitle 13. Development Rights and Responsibility Agreement.

18-1301. Definitions.

Unless otherwise provided in this subtitle, the definitions provided in 18-1-001 of this title shall apply.

18-1302. Authority.

The County Commissioners for Queen Anne's County shall exercise the authority granted by Section 13.01 of Article 66B, *Zoning and Planning*, of the Annotated Code of Maryland to enter into development rights and responsibility agreements.

18-1303. Applicability.

Any person having a legal or equitable interest in real property in Queen Anne's County may petition the County Commissioners for Queen Anne's County to enter into an agreement.

18-1304. Contents of Development Rights and Responsibilities Agreement.

- (a) At a minimum a development rights and responsibilities agreement shall contain the following:
- (1) a lawyer's certification that the petitioner has either a legal or equitable interest in the property;
 - (2) the names of all parties having an equitable or legal interest in the property, including lien holders;
 - (3) a legal description of the property subject to the agreement;
 - (4) the duration of the agreement;
 - (5) the permissible uses of the real property;
 - (6) the density or intensity of use;
 - (7) the maximum height and size of structures;
 - (8) description of the permits required or already approved for the development of the property;

- (9) a statement that the proposed development is consistent with applicable development regulations, the Comprehensive Plan and Growth Area Plan;
- (10) a description of the conditions, terms, restrictions or other requirements determined by the County Commissioners, or their designees, to be necessary to ensure the public health, safety and welfare;
- (11) to the extent applicable, provisions for:
 - (i) dedication of a portion of the real property for public use;
 - (ii) protection of sensitive areas;
 - (iii) preservation and restoration of historic structures;
 - (iv) construction or financing of public facilities;
 - (v) responsibility for attorney's fees, costs, and expenses incurred by the County Commissioners in the event an agreement is abandoned or breached by the petitioner.

(b) An agreement may fix the period in and terms by which development and construction may commence and be completed, as well as provide for other matters consistent with this Title.

18-1305. Referral to Planning Commission.

Upon receipt of a petition, the County Commissioners shall refer the petition to the Planning Commission for a determination whether the proposed agreement is consistent with the Comprehensive Plan and, where applicable, the Growth Area Plan. The County Commissioners may not enter into an agreement unless the Planning Commission determines whether the proposed agreement is consistent with the Comprehensive Plan and, where applicable, the Growth Area Plan.

18-1306. Public Hearing.

Before an agreement may be executed by the County Commissioners, the County Commissioners shall hold a public hearing on the agreement. Notice of the hearing shall be published in a County newspaper of general circulation once each week for two consecutive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing. The notice shall contain the name of the petitioner, a brief description sufficient to identify the property involved, a fair summary of the contents of the petition, and the date, time and place of the public hearing.

18-1307. Amendment of Agreements.

(a) Subject to paragraph (b) of this subsection and after a public hearing, the parties to an agreement may amend the agreement by mutual consent.

(b) The parties may not amend an agreement unless the Planning Commission determines whether the proposed amendment is consistent with the Comprehensive Plan and, where applicable, the Growth Area Plan.

18-1308. Termination of Agreements; Suspension.

(a) The parties to an agreement may terminate the agreement by mutual consent.

(b) After a public hearing, the County Commissioners may suspend or terminate an agreement if the County Commissioners determine that suspension or termination is essential to ensure the public health, safety, or welfare.

18-1309. Applicable laws, regulations and policies.

(a) Except as provided in paragraph (b) of this subsection, the laws, rules, regulations, and policies governing the use, density, or intensity of the real property subject to the agreement shall be the laws, rules, regulations, and policies in force at the time the County Commissioners and the petitioner execute the agreement.

(b) An agreement may not prevent compliance with the laws, rules, regulations, and policies enacted after the date of the agreement, if the County Commissioners determine that imposition and compliance with these laws and regulations is essential to ensure the public health, safety, or welfare of residents of all or part of Queen Anne's County.

18-1310 Recording.

(a) An agreement shall be void if not recorded in the Land Records of Queen Anne's County within 20 days after the day on which the County Commissioners and the petitioner execute the agreement.

(b) When an agreement is recorded, the County Commissioners and the petitioner, and their successors in interest, are bound to the agreement.

18-1311 Enforcement by Interested Parties.

Unless terminated under subsection 18-1308 of this section, the County Commissioners or the petitioner, and their successors in interest, may enforce the agreement.