

# PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 8

Bill No. 30-24

Introduced by Mr. Smith

By the County Council, April 15, 2024

---

Introduced and first read on April 15, 2024  
Public Hearing set for May 20, 2024  
Bill Expires July 19, 2024

By Order: Kaley Schultze, Administrative Officer

---

## A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Planned Unit Developments – Community and  
2 Employment

3  
4 FOR the purpose of adding grandfathering provisions related to certain applications for a  
5 planned use development; allowing “planned unit development, community” as a  
6 special exception use in certain residential districts; allowing “planned unit  
7 development, employment, located on a mining reclamation site” as a conditional use  
8 in certain residential, commercial, and industrial districts; allowing “planned unit  
9 development, employment, located in the BWI/Ft. Meade growth area” as a special  
10 exception use in W1 industrial districts; adding the conditional use requirement for  
11 “planned unit development, community”; adding the special exception use requirement  
12 for “planned unit developments, community and employment”; providing for the uses,  
13 density, bulk regulations and other requirements of planned unit development as a  
14 special use; and generally relating to zoning.

15  
16 BY repealing: §§ 18-12-202; and 18-12-203(f) and (g)  
17 Anne Arundel County Code (2005, as amended)

18  
19 BY renumbering: §§ 18-10-150 through 18-10-175, respectively, to be §§ 18-10-151  
20 through 18-10-176, respectively  
21 Anne Arundel County Code (2005, as amended) (as amended by Bill No. 3-24)

22  
23 BY adding: §§ 18-2-101(b)(13); 18-10-150; 18-12-202; and 18-12-203(f)  
24 Anne Arundel County Code (2005, as amended) (as amended by Bill Nos. 84-23 and  
25 3-24)

---

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 BY repealing and reenacting, with amendments: §§ 18-2-101(b)(11)(ii) and (12); 18-4-  
2 106; 18-5-102; 18-6-103; 18-11-142; and 18-12-203(a) and (c) through (e)  
3 Anne Arundel County Code (2005, as amended) (as amended by Bill No. 84-23)

4  
5 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
6 That §§ 18-12-202 and 18-12-203(f) and (g) of the Anne Arundel County Code (2005, as  
7 amended) are hereby repealed.

8  
9 SECTION 2. *And be it further enacted,* That §§ 18-10-150 through 18-10-175,  
10 respectively, of the Anne Arundel County Code (2005, as amended) (as amended by Bill  
11 No. 3-24) are hereby renumbered to be §§ 18-10-151 through 18-10-176. respectively.

12  
13 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County  
14 Code (2005, as amended) (as amended by Bill Nos. 84-23 and 3-24) read as follows:

15  
16 **ARTICLE 18. ZONING**

17  
18 **TITLE 2. GENERAL PROVISIONS**

19  
20 **18-2-101. Scope; applicability.**

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

26  
27 (11) the following shall be governed by the location of critical area boundaries in  
28 existence prior to October 8, 2021:

29  
30 (i) an application for development, provided any permits associated with the  
31 development are issued on or before December 1, 2021; and

32  
33 (ii) an application for a variance or a special exception, provided the application  
34 is filed on or before October 8, 2021 and any permits associated with the application are  
35 issued on or before December 1, 2021. A variance or special ~~[[except]]~~ EXCEPTION  
36 grandfathered under this subsection may not be extended by variance; ~~[[and]]~~

37  
38 (12) for a property located in the Odenton Town Center, any application listed in §  
39 17-2-101(18) of this Code or any application under this Article filed on or before March  
40 29, 2024 shall be governed by Subtitle 1 of Title 9 as it existed prior to March 29, 2024~~[[.]];~~  
41 AND

42  
43 (13) AN APPLICATION FOR A PLANNED UNIT DEVELOPMENT FILED BEFORE THE  
44 EFFECTIVE DATE OF BILL NO. 30-24 SHALL BE GOVERNED BY THE LAW AS IT EXISTED  
45 PRIOR TO THE EFFECTIVE DATE OF BILL NO. 30-24.

46  
47 **TITLE 4. RESIDENTIAL DISTRICTS**

48  
49 **18-4-106. Permitted, conditional, and special exception uses.**

1 The permitted, conditional, and special exception uses allowed in each of the residential  
 2 districts are listed in the chart in this section using the following key: P = permitted use; C  
 3 = conditional use; SE = special exception use. A blank means that the use is not allowed in  
 4 the district. Except as provided otherwise in this article, uses and structures customarily  
 5 accessory to the listed uses also are allowed, except that guest houses as accessory  
 6 structures are prohibited and outside storage as an accessory use is limited to the lesser of  
 7 10% of the allowed lot coverage or 500 square feet.  
 8

<b>Permitted, Conditional, and Special Exception Uses</b>	<b>RA</b>	<b>RLD</b>	<b>R1</b>	<b>R2</b>	<b>R5</b>	<b>R10</b>	<b>R15</b>	<b>R22</b>
***								
[[Planned unit developments (see Title 12)]]	[[SE]]	[[SE]]	[[SE]]	[[SE]]	[[SE]]	[[SE]]	[[SE]]	[[SE]]
PLANNED UNIT DEVELOPMENT, COMMUNITY				SE	SE	SE	SE	SE
PLANNED UNIT DEVELOPMENT, EMPLOYMENT, LOCATED ON A MINING RECLAMATION SITE					C	C		
***								

9

**TITLE 5. COMMERCIAL DISTRICTS**

10

11

12

**18-5-102. Permitted, conditional, special exception, and business complex auxiliary uses.**

13

14

15

16

17

18

19

20

21

The permitted, conditional, and special exception uses allowed in each of the commercial districts, and uses auxiliary to a business complex, are listed in the chart in this section using the following key: P=permitted use; C = conditional use; SE = special exception use; and A = auxiliary to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed.

1

<b>Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>C4</b>
***				
Planned unit [[developments]] DEVELOPMENT, EMPLOYMENT, LOCATED in the BWI/Ft. Meade Growth Area [[(See Title 12)]]		SE	SE	
PLANNED UNIT DEVELOPMENT, EMPLOYMENT, LOCATED ON A MINING RECLAMATION SITE				C
***				

2

3

**TITLE 6. INDUSTRIAL DISTRICTS**

4

5

**18-6-103. Permitted, conditional, and special exception uses.**

6

7

The permitted, conditional, and special exception uses allowed in each of the industrial districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A= auxiliary use to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed, except that outside storage as an accessory use in W1 is limited to 15% of the allowed lot coverage.

8

9

10

11

12

13

14

<b>Permitted, Conditional, and Special Exception Uses</b>	<b>W1</b>	<b>W2</b>	<b>W3</b>
***			
Piers, commercial	P	P	P
PLANNED UNIT DEVELOPMENT, EMPLOYMENT, LOCATED IN THE BWI/FT. MEADE GROWTH AREA	SE		
PLANNED UNIT DEVELOPMENT, EMPLOYMENT, LOCATED ON A MINING RECLAMATION SITE		C	
***			

15

16

**TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

17

18

**18-10-150. Planned unit developments, employment**

19

20

THE REQUIREMENTS FOR A PLANNED UNIT DEVELOPMENT, EMPLOYMENT ARE LOCATED IN SUBTITLE 2 OF TITLE 12.

21

22

23

**TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**

24

25

**18-11-142. Planned unit developments, community and employment.**

26

27

The requirements for a planned unit development, COMMUNITY AND PLANNED UNIT DEVELOPMENT, EMPLOYMENT are located in SUBTITLE 2 OF Title 12.

28

**TITLE 12. SPECIAL USES**

**18-12-201. Scope; applicability.**

This subtitle applies to a planned unit development, referred to in this article as a PUD. Other consistent provisions of this article also apply.

**18-12-202. Uses.**

(A) **Use chart.** THE USES ALLOWED IN A PUD REGARDLESS OF THE UNDERLYING ZONING DISTRICT ARE LISTED IN THIS SECTION USING THE FOLLOWING KEY: P = PERMITTED USE; C = CONDITIONAL USE; SE = SPECIAL EXCEPTION USE.

Uses	Permitted, Conditional, or Special Exception
ASSISTED LIVING FACILITY	SE
ASSISTED LIVING FACILITY, COMMUNITY BASED I	P
ASSISTED LIVING FACILITY, COMMUNITY BASED II	C
DWELLING, DUPLEX AND SEMI-DETACHED	P
DWELLING, MULTIFAMILY	P
DWELLING, SINGLE-FAMILY DETACHED	P
DWELLING, TOWNHOUSE	P
NURSING HOMES	P
PUBLIC UTILITY ESSENTIAL SERVICES	P
PUBLIC UTILITY USES	SE
WORKFORCE HOUSING	C

(B) **Community PUD.** IN ADDITION TO THE USES LISTED IN SUBSECTION (A), A COMMUNITY PUD MAY HAVE THE PERMITTED, CONDITIONAL, SPECIAL EXCEPTION, AND BUSINESS COMPLEX AUXILIARY USES ALLOWED IN A C1 ZONING DISTRICT IN ACCORDANCE WITH § 18-5-102.

(C) **Employment PUD.** IN ADDITION TO THE USES LISTED IN SUBSECTION (A), AN EMPLOYMENT PUD MAY HAVE THE PERMITTED, CONDITIONAL, SPECIAL EXCEPTION, AND BUSINESS COMPLEX AUXILIARY USES ALLOWED IN C1, C2, C3 AND W1 ZONING DISTRICTS IN ACCORDANCE WITH §§ 18-5-102 AND 18-6-103.

(D) **Employment PUD, mining reclamation site.** IN ADDITION TO THE USES ALLOWED IN SUBSECTIONS (A) AND (C), AN EMPLOYMENT PUD LOCATED ON A MINING RECLAMATION SITE MAY HAVE THE FOLLOWING PERMITTED USES:

- (1) BOTTLING WORKS;
- (2) BREWERY;
- (3) BUILDING MATERIAL STORAGE, INCLUDING SALES AND YARDS;
- (4) DISTILLERY;
- (5) EQUIPMENT, SALES, REPAIR AND STORAGE, COMMERCIAL;

1 (6) FOOD PRODUCT MANUFACTURING;  
2

3 (7) METAL PRODUCTS AND MACHINERY, MANUFACTURING, FABRICATION,  
4 FINISHING, TOOL AND DIE, MACHINE SHOPS, GALVANIZING, ELECTROPLATING, DIE-  
5 CASTING, WELDING;  
6

7 (8) MILK AND DAIRY PRODUCTS, PROCESSING AND DISTRIBUTION;  
8

9 (9) MOVING AND STORAGE ESTABLISHMENTS; AND  
10

11 (10) WINERIES.  
12

13 **18-12-203. Bulk regulations.**  
14

15 (a) **Generally.** Bulk regulations relating to lot size, setbacks for principal and accessory  
16 structures, spacing between structures, and height limitations shall be proposed by the  
17 developer in a submittal of specific development and design standards and, if approved  
18 **[[by special exception]]**, shall govern the development of the PUD.  
19

20 (c) **Density.** The density of **[[development in]]** a PUD IN A RESIDENTIAL DISTRICT may  
21 not exceed the density allowed **[[by]]** IN the zoning district in which the development is  
22 located. **[[A]]** THE DENSITY OF AN EMPLOYMENT PUD in a C2, **[[or]]** C3, C4, W1, OR W2  
23 zoning district may not exceed 15 dwelling units per **[[net]]** GROSS acre.  
24

25 (d) **Use requirements.** **[[A single retail use may not exceed 65,000 square feet.]]**  
26

27 (1) AN EMPLOYMENT PUD SHALL INCLUDE ONE OR MORE RESIDENTIAL USES  
28 COMPRISED OF AT LEAST 30% OF THE TOTAL FLOOR AREA OF THE PUD, AND AT LEAST ONE  
29 NON-RESIDENTIAL USE.  
30

31 (2) A COMMUNITY PUD SHALL INCLUDE AT LEAST TWO DWELLING TYPES.  
32

33 (3) (I) A PUD SHALL BE ENCUMBERED BY A RECORDED RESTRICTIVE COVENANT,  
34 ENFORCEABLE BY THE COUNTY, OR ITS DESIGNEE, THAT SHALL:  
35

36 1. REQUIRE NOT LESS THAN 15% OF THE DWELLING UNITS BE SET ASIDE FOR  
37 OCCUPANCY BY A HOUSEHOLD WITH AN INCOME THAT DOES NOT EXCEED 75% FOR  
38 RENTAL UNITS OR 100% FOR HOMEOWNERSHIP UNITS OF THE MEDIAN INCOME ADJUSTED  
39 FOR HOUSEHOLD SIZE FOR THE BALTIMORE PRIMARY METROPOLITAN STATISTICAL  
40 AREA, AS DEFINED AND PUBLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF  
41 HOUSING AND URBAN DEVELOPMENT; AND  
42

43 2. RESTRICTS THE OCCUPANCY OF THE DWELLING UNITS SET ASIDE TO  
44 ELIGIBLE HOUSEHOLDS FOR NOT LESS THAN 10 YEARS FOR HOME OWNERSHIP DWELLING  
45 UNITS AND 30 YEARS FOR RENTAL DWELLING UNITS.  
46

47 (II) THE HOME PRICES OR RENTAL RATES FOR THE DWELLING UNITS  
48 ENCUMBERED IN PARAGRAPH (3)(I) SHALL BE SET AT RATES CERTIFIED BY THE COUNTY  
49 OR ITS DESIGNEE TO BE AFFORDABLE TO A HOUSEHOLD WITH AN INCOME THAT DOES NOT  
50 EXCEED 75% FOR RENTAL UNITS OR 80% FOR HOMEOWNERSHIP UNITS OF THE MEDIAN  
51 INCOME ADJUSTED FOR HOUSEHOLD SIZE FOR THE BALTIMORE PRIMARY METROPOLITAN  
52 STATISTICAL AREA, AS DEFINED AND PUBLISHED ANNUALLY BY THE UNITED STATES  
53 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

1 (e) **Additional requirements for PUDs.**

2  
3 (1) A PUD SHALL BE SERVED BY PUBLIC WATER AND SEWER.

4  
5 (2) A PUD in a C2, ~~[[or]]~~ C3, OR W1 zoning district may be permitted as a special  
6 exception only in the BWI/Ft. Meade Growth Area as shown on the official map adopted  
7 by the County Council in Bill No. 55-16 and entitled “BWI/Fort Meade Growth Area”. A  
8 variance to allow a PUD in C2, ~~[[or]]~~ C3, OR W1 zoning district not shown on the official  
9 map is not permitted. ~~[[When residential and commercial uses are contained in separate  
10 structures, at least 25% of the land area shall consist of commercial uses, including  
11 structures, parking, access, and open areas used for stormwater management and  
12 landscaping. When residential and commercial uses are contained in the same structure, at  
13 least 25% of the floor area of the structure shall consist of commercial uses.]]~~

14  
15  
16 (F) **Bulk regulations.** IN ADDITION TO ANY BULK REGULATIONS APPROVED UNDER  
17 SUBSECTION (A), THE FOLLOWING BULK REGULATIONS ARE APPLICABLE TO A PUD:  
18

PUD TYPE	MINIMUM SITE AREA	MAXIMUM COVERAGE BY STRUCTURES AND PARKING (AS % OF GROSS SITE AREA)	MINIMUM OPEN AREA (AS % OF GROSS SITE AREA)	MINIMUM RECREATION AREA (AS % OF OPEN AREA)
COMMUNITY	10 ACRES	70%	30%	30%, WITH 50% OF RECREATION AREA AS ACTIVE RECREATION
EMPLOYMENT	10 ACRES	80%	20%	30%, WITH 50% OF RECREATION AREA AS ACTIVE RECREATION

19  
20 SECTION 4. *And be it further enacted,* That all references in this Ordinance to “the  
21 effective date of Bill No. 30-24”, or words to that effect, shall, upon codification, be  
22 replaced with the actual date on which this Ordinance takes effect under Section 307 of the  
23 County Charter as certified by the Administrative Officer to the County Council.

24  
25 SECTION 5. *And be it further enacted,* That this Ordinance shall take effect 45 days  
26 from the date it becomes law.