

# FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 3

Bill No. 11-23

Introduced by Ms. Hummer, Ms. Pickard, Mr. Smith, and Ms. Fiedler

By the County Council, February 6, 2023

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Introduced and first read on February 6, 2023  
Public Hearing set for and held on March 6, 2023  
Bill Expires on May 12, 2023

By Order: Laura Corby, Administrative Officer

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## A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Mixed Use Districts – Uses Under the Optional  
2 Method of Development

3  
4 FOR the purpose of transferring certain permitted uses allowed under the optional method  
5 of development in mixed use districts from the retail and service or other categories to  
6 the office or industrial categories; and generally relating to zoning.

7  
8 BY repealing and reenacting, with amendments: § 18-8-301  
9 Anne Arundel County Code (2005, as amended)

10  
11 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
12 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

### ARTICLE 18. ZONING

#### TITLE 8. MIXED USE DISTRICTS

##### 18-8-301. Permitted uses; conditional uses.

19  
20 (a) **Uses allowed.** The permitted and conditional uses under the optional method of  
21 development are listed in the chart in this section using the following key: P = permitted  
22 use; C = conditional use. A blank space means that the use is not allowed in the district.  
23 Uses and structures customarily accessory to the listed uses also are allowed, except that  
24 outside storage as an accessory use is not allowed.

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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 (b) **Categories in chart.** The chart in this section divides the permitted and conditional  
 2 uses allowed under the optional method of development into the categories of residential,  
 3 retail and service, office, and industrial, and the uses are subject to the percentage  
 4 limitations on those categories described in § 18-8-302.  
 5

|  | <b>MXD-<br/>R</b> | <b>MXD-<br/>C</b> | <b>MXD-<br/>E</b> | <b>MXD-<br/>T</b> |
|--|-------------------|-------------------|-------------------|-------------------|
| <b>Retail and Service</b>  |                   |                   |                   |                   |
| ***  |                   |                   |                   |                   |
| [[Mailing and shipping services]]  | [[P]]             | [[P]]             | [[P]]             | [[P]]             |
| ***  |                   |                   |                   |                   |
| [[Opticians or optometrical establishments]]   | [[P]]             | [[P]]             | [[P]]             | [[P]]             |
| ***  |                   |                   |                   |                   |
| [[Veterinary clinics, if over-night stays are limited to those necessary for medical treatment, without outside runs or pens]]   | [[P]]             | [[P]]             | [[P]]             | [[P]]             |
| ***  |                   |                   |                   |                   |
| <b>Office</b>  |                   |                   |                   |                   |
| Office, professional and general   | P                 | P                 | P                 | P                 |
| OPTICIANS OR OPTOMETRICAL ESTABLISHMENTS   | P                 | P                 | P                 | P                 |
| State-licensed medical clinics   |                   | C                 | C                 | C                 |
| VETERINARY CLINICS, IF OVER-NIGHT STAYS ARE LIMITED TO THOSE NECESSARY FOR MEDICAL TREATMENT, WITHOUT OUTSIDE RUNS OR PENS   | P                 | P                 | P                 | P                 |
| <b>Industrial</b>  |                   |                   |                   |                   |
| ***  |                   |                   |                   |                   |
| Laboratories, research and development or testing  |                   |                   | P                 |                   |
| MAILING AND SHIPPING SERVICES  | P                 | P                 | P                 | P                 |
| PERMITTED AND CONDITIONAL USES ALLOWED IN W1 DISTRICTS IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (C) AND NOT OTHERWISE ALLOWED IN MXD-R, MXD-C, MXD-E, OR MXD-T BY THIS SUBSECTION | P                 | P                 | P                 | P                 |
| ***  |                   |                   |                   |                   |
| <b>Other</b>   |                   |                   |                   |                   |
| [[Permitted and conditional uses allowed in W1 Districts in accordance with the requirements of subsection (c)]]   | [[P]]             | [[P]]             | [[P]]             | [[P]]             |
| ***  |                   |                   |                   |                   |

1 (c) **Additional requirements.** Except for a solar energy generating facility –  
2 community or solar energy generating facility – utility scale, permitted and conditional  
3 uses allowed in W1 Districts are permitted in MXD-R, MXD-C, MXD-E, and MXD-T  
4 Districts provided:

5  
6 (1) the location is within the Airport Noise Zone, is on land remediated for  
7 environmental requirements under federal or State law, is on land that has been reclaimed  
8 pursuant to an approved final reclamation plan under State or federal law, or consists of  
9 lots abutting remediated or reclaimed land; and

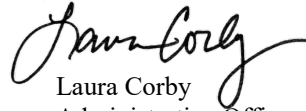
10  
11 (2) the requirements of § 18-8-302 and Title 10 are met.

12  
13 (d) **Variations.** A variance may not be granted for the requirements specified in  
14 subsection (c).


15  
16 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days  
17 from the date it becomes law.

READ AND PASSED this 6<sup>th</sup> day of March, 2023

By Order:

  
Laura Corby  
Administrative Officer

PRESENTED to the County Executive for his approval this 7<sup>th</sup> day of March, 2023

  
Laura Corby  
Administrative Officer

APPROVED AND ENACTED this 14<sup>th</sup> day of March, 2023

  
Steuart Pittman  
County Executive

EFFECTIVE DATE: April 28, 2023

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I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF  
BILL NO. 11-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby", written in a cursive style.

Laura Corby  
Administrative Officer