

# FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 23

Bill No. 110-21

Introduced by Ms. Haire

By the County Council, December 6, 2021

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Introduced and first read on December 6, 2021  
Public Hearing set for and held on January 3, 2022  
Bill Expires on March 11, 2022

By Order: Laura Corby, Administrative Officer

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## A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Critical Area Overlay –  
2 Marina Development in Buffer Modification Areas

3  
4 FOR the purpose of exempting from certain reconfiguration requirements marinas that  
5 relocate legal lot coverage in a buffer modification area to an area outside the buffer  
6 modification area without creating additional lot coverage; exempting from certain  
7 reconfiguration requirements certified Clean Marinas that construct improvements over  
8 existing legal lot coverage outside the buffer modification area; making technical  
9 changes; making this Ordinance subject to approval of the Maryland Critical Area  
10 Commission; and generally relating to subdivision and development.

11  
12 BY repealing and reenacting, with amendments: § 17-8-705(b)  
13 Anne Arundel County Code (2005, as amended)

14  
15 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
16 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

### ARTICLE 17. SUBDIVISION AND DEVELOPMENT

#### TITLE 8. CRITICAL AREA OVERLAY

##### 17-8-705. Development requirements for marinas.

19  
20  
21  
22 (b) **Criteria.** Within a buffer modification area in a marina, **[[the overall]]** development  
23 **[[plan]]** shall comply with the following criteria:  
24  
25

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[[Brackets]] indicate matter repealed from existing law.  
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 (1) New building footprints and new lot coverage shall maximize and enhance the  
2 environmental features in the buffer MODIFICATION AREA and be at least 25 feet from THE  
3 LANDWARD EDGE OF mean high tide and tidal wetlands.

4  
5 (2) Mitigation for all new development within the buffer modification area shall  
6 consist of:

7  
8 (i) vegetated buffer at least 25 feet wide and no less in area than the square  
9 footage of the new building footprint and new lot coverage within the buffer modification  
10 area;

11  
12 (ii) removal of lot coverage in the 25' buffer in an amount equal to lot coverage  
13 added; or

14  
15 (iii) a combination of (i) and (ii) above.

16  
17 (3) Existing native vegetation may not be removed from the buffer modification  
18 area except in accordance with an approved buffer management plan.

19  
20 (4) Mitigation for replacement development for an existing structure where existing  
21 coverage is not increased shall be at 25% of the existing coverage.

22  
23 (5) A MARINA THAT RELOCATES LEGAL LOT COVERAGE FROM THE BUFFER  
24 MODIFICATION AREA TO AN AREA OUTSIDE THE BUFFER MODIFICATION AREA, WITHOUT  
25 CREATING ADDITIONAL LOT COVERAGE OVERALL, IS NOT SUBJECT TO THE 10%  
26 REDUCTION REQUIREMENT CONTAINED IN § 17-8-403(2) FOR THE RELOCATION.

27  
28 (6) A MARINA THAT CONSTRUCTS IMPROVEMENTS ON TOP OF EXISTING LEGAL LOT  
29 COVERAGE OUTSIDE THE BUFFER MODIFICATION AREA IS NOT SUBJECT TO THE 10%  
30 REDUCTION REQUIREMENT CONTAINED IN § 17-8-403(2) FOR THE RELOCATION IF THE  
31 MARINA IS A CERTIFIED CLEAN MARINA BY THE MARYLAND DEPARTMENT OF NATURAL  
32 RESOURCES AT THE TIME OF THE APPLICATION.

33  
34 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days  
35 from the date it becomes law or upon approval of the Maryland Critical Area Commission  
36 under the authority granted by § 8-1801 et seq. of the Natural Resources Article of the State  
37 Code, whichever is later. If approved in whole or in part after the 45 days, the approved  
38 provisions of this Ordinance shall take effect on the date the notice of approval is received  
39 by the Office of Planning and Zoning. If disapproved in whole or in part, the disapproved  
40 portions of this Ordinance shall be null and void without the necessity of further action by  
41 the County Council. The Office of Planning and Zoning, within five days after receiving  
42 any notice from the Maryland Critical Area Commission, shall forward a copy to the  
43 Administrative Officer for the County Council.

READ AND PASSED this 3<sup>rd</sup> day of January, 2022

By Order:



Laura Corby  
Administrative Officer

PRESENTED to the County Executive for his approval this 4<sup>th</sup> day of January, 2022



Laura Corby  
Administrative Officer

APPROVED AND ENACTED this 13<sup>th</sup> day of January, 2022



Steuart Pittman  
County Executive

EFFECTIVE DATE: April 7, 2022

Received April 7, 2022

Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor



Charles C. Deegan  
Chairman  
Katherine Charbonneau  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

April 6, 2022

Ms. Kelly Krinetz  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

Re: Text Amendment to Anne Arundel County's Critical Area Program  
Bill #110-21 – Marina Development in Buffer Modification Areas

Dear Ms. Krinetz:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above-referenced text amendment to the County's Critical Area Program. At its meeting on April 6, 2022, the Critical Area Commission concurred with my determination that the text amendment could be reviewed as a refinement to the County's Critical Area Program. I approved the Critical Area text amendment as proposed on that same date.

Please note that the refinement must be reflected in the Anne Arundel County Zoning Ordinance within 120 days of the date of this letter.

Thank you for your continued dedication to the County's Critical Area Program. If you have any questions, please contact Kate Charbonneau at (410) 260-3475 or [Katherine.charbonneau@maryland.gov](mailto:Katherine.charbonneau@maryland.gov).

Sincerely,

A handwritten signature in cursive script that reads "Charles C. Deegan".

Charles C. Deegan  
Chairman, Critical Area Commission  
Chesapeake and Atlantic Coastal Bays