



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council
From: Gregory J. Swain, County Attorney /s/
Date: February 18, 2020
Subject: Bill No. 5-20 – Variances in Resource Conservation Areas

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 5-20, a Bill that prohibits variances to density for properties designated as being in a Resource Conservation Area.

Purpose.

The purpose of the Bill is to prohibit the granting of variances to the density for properties in the Chesapeake Bay Critical Area located in a designated Resource Conservation Area.

Background.

The Critical Area Commission, the State agency charged with implementing the State Critical Area law and overseeing local Critical Area programs, recently advised the County that State law prohibits granting variances to the “1 dwelling per 20 acres” density limits for properties in the Critical Area in a designated Resource Conservation Area. Our local Critical Area program permits variances to most zoning requirements, including variances to the “1 in 20” density limits for properties in a designated Resource Conservation Area. Bill No. 5-20 will prohibit this type of density variance and ensure that the County’s local Critical Area program is in accord with the State law.

SECTION 1. (Uncodified) renumbers subsection (f) and (g) to be subsections (g) and (h), which is necessary in light of new subsection (f).

SECTION 2.

Section 18-16-305 is amended by adding new subsection (f) that prohibits variances to density within a Resource Conservation Area.

SECTION 3. (Uncodified) provides that the bill takes effect 45 days after it becomes law.

The Office of Law is available to answer any additional questions regarding Bill No. 5-20. Thank you.

cc: Honorable Stuart Pittman, County Executive
Jennifer Purcell, Chief of Staff
Benjamin J. Birge, Chief Administrative Officer
Peter Baron, Director of Government Affairs
Jim Beauchamp, Budget Officer
Steve Kai-Ziegler, Planning and Zoning Officer
Susan Smith, County Auditor