

PROPOSED

AMENDED
May 2 and 16, 2016

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2016, Legislative Day No. 7

Bill No. 26-16

Introduced by Mr. Fink, Chairman
(by request of the County Executive)

By the County Council, April 4, 2016

Introduced and first read on April 4, 2016
Public Hearing set for and held on May 2, 2016
Public Hearing on AMENDED BILL set for and held on May 16, 2016
Public Hearing on SECOND AMENDED BILL set for June 6, 2016
Bill Expires July 8, 2016

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Board of Appeals, Administrative Hearing Officer,
2 Subdivision & Development and Zoning – Notice Requirements
3

4 FOR the purpose of amending the provisions requiring notice to various community
5 associations and other interested parties of certain hearings before the Board of
6 Appeals and the Administrative Hearing Officer, certain community meetings relating
7 to subdivision and development, the filing of certain site development plans, sketch
8 plans, final plans, buffer modification map amendments, and growth allocation
9 applications by removing certain mailing of notice requirements and instead requiring
10 notice be posted on the County website; amending the requirements for County
11 website notice postings; providing for access to the database of mailing and citizen
12 contacts upon request and annual provision of the database list to the County Council;
13 and generally relating to community meetings and notice requirements.
14

15 BY repealing: §§ 3-1-203 and 18-16-203(c)
16 Anne Arundel County Code (2005, as amended)
17

18 BY repealing and reenacting and renumbering, with amendments: § 3-1-202(f) to be
19 3-1-202(g); and § 3-1-204 to be 3-1-203
20 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 BY adding: ~~§ 3-1-202(f)~~ §§ 3-1-202(f), 17-2-111, and 18-2-112
2 Anne Arundel County Code (2005, as amended)

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4 BY renumbering: §§ 3-1-205 through 3-1-207 to be §§ 3-1-204 through 3-1-206,
5 respectively; and § 18-16-203(d) to be § 18-16-203(c)
6 Anne Arundel County Code (2005, as amended)

7
8 BY repealing and reenacting, with amendments: §§ 17-2-107(d); 17-2-110(a); 17-3-
9 202(c); 17-3-301(d); ~~17-4-202(e)(13)~~; 17-4-208; 18-13-302(c); and 18-13-403(c)
10 Anne Arundel County Code (2005, as amended)

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12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
13 *Maryland,* That §§ 3-1-203 and 18-16-203(c) of the Anne Arundel County Code (2005,
14 as amended) are hereby repealed.

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16 SECTION 2. *And be it further enacted,* That §§ 3-1-205 through 3-1-207 and 18-16-
17 203(d) of the Anne Arundel County Code (2005, as amended) are hereby renumbered to
18 be §§ 3-1-204 through 3-1-206 and 18-16-203(c), respectively.

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20 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County
21 Code (2005, as amended) read as follows:

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23 **ARTICLE 3. BOARDS, COMMISSIONS, AND SIMILAR BODIES**

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25 **TITLE 1. BOARD OF APPEALS**

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27 **3-1-202. Advertisements.**

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29 (F) **Posting on County website.** IN ADDITION TO ANY OTHER PUBLICATION OF THE
30 ADVERTISEMENT, THE ADVERTISEMENT OF NOTICE OF AN APPEAL TO THE BOARD OF
31 APPEALS THAT RELATES TO A REZONING, CRITICAL AREA RECLASSIFICATION, OR A
32 SPECIAL EXCEPTION SHALL BE POSTED ON THE COUNTY'S WEBSITE AT LEAST ~~TWO~~
33 WEEKS 30 DAYS PRIOR TO THE DATE OF THE SCHEDULED HEARING.

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35 [(f)] (G) **Certification condition precedent to hearing.** The Board of Appeals may
36 not conduct a hearing on an appeal that relates to a rezoning, critical area reclassification,
37 or a special exception unless the Purchasing Agent certifies that advertisement of the
38 appeal has been published in accordance with this section AND UNLESS THE
39 ADVERTISEMENT HAS BEEN POSTED ON THE COUNTY'S WEBSITE IN ACCORDANCE WITH
40 THIS SECTION.

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42 **[3-1-204.] 3-1-203. Readvertising costs.**

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44 The Board of Appeals may require a person to pay the costs of readvertising [and
45 mailing] necessitated by the postponement of an appeal that has previously been
46 advertised.

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48 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**
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TITLE 2. GENERAL PROVISIONS

17-2-107. Community meetings.

(d) **Notice.** At least [21] BUSINESS 30 days before the date of the community meeting, the developer shall mail by first class mail a notice of the date, time, and location of the meeting to all lot owners within 175 feet of the property to be subdivided; to the president of any community or homeowners’ association of any subdivision that is located within 175 feet of the property to be subdivided [that is on the list of community associations, persons, and organizations maintained in the Office of the County Executive]; TO ANY PERSON WHO SUBMITS A REQUEST TO THE OFFICE OF PLANNING AND ZONING TO RECEIVE A MAILED COPY OF NOTICES UNDER THIS SECTION; to the Office of Planning and Zoning; and to the Councilmember of the Councilmanic District in which the subdivision is located and, if the property abuts another Councilmanic district, to that County Councilmember.

17-2-110. County website notices.

(a) **Requirements for posting.** The Office of Planning and Zoning [regularly] shall cause the following to be posted on the County’s [webpage] WEBSITE WITHIN FIVE CALENDAR DAYS OF ACTION OR SCHEDULING:

- (1)[notice of applications for subdivision or modification;
- (2)] notice of the APPLICATION FOR AND approval or denial of modifications;
- [(3)](2) notice of the approval or denial of sketch plans AND PRELIMINARY PLANS;
- [(4)](3) notice of the approval or denial of [final plans] RECORD PLATS AND SITE DEVELOPMENT PLANS;
- [(5)](4) a list of all scheduled community meetings required by this article;
- [(6) a list of submitted site development plans provided to the County Executive in accordance with § 17-4-208;] and
- [(7)](5) the County Landscape Manual.

17-2-111. Information available upon request.

(A) Contact data. THE OFFICE OF PLANNING AND ZONING, DEPARTMENT OF INSPECTIONS AND PERMITS, AND THE OFFICE OF THE COUNTY EXECUTIVE SHALL PROVIDE, UPON REQUEST, ACCESS TO ANY CITIZEN CONTACT DATA USED TO GENERATE WEBSITE POSTINGS, MAILED NOTICES AND CORRESPONDENCE, EITHER ELECTRONIC OR MAILED BY U.S. MAIL, PURSUANT TO THIS TITLE, AND PROVIDE A COPY OF ALL DATABASE INFORMATION TO THE COUNTY COUNCIL ANNUALLY.

(B) Applications. ALL APPLICATIONS PURSUANT TO THIS TITLE ARE AVAILABLE FOR PUBLIC INSPECTION BY CONTACTING THE OFFICE OF PLANNING AND ZONING OR THE DEPARTMENT OF INSPECTIONS AND PERMITS.

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3 **TITLE 3. SUBDIVISION**

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5 **17-3-202. Public notice.**

6 (c) **Notice-website.** Within seven days after the filing of an application for
7 subdivision that proposes to create additional lots, the Office of Planning and Zoning
8 shall [provide to the Office of the County Executive] POST A NOTICE ON THE COUNTY'S
9 WEBSITE WHICH INCLUDES the information contained on the signs; the Councilmanic
10 District where the property is located; and, if the property abuts another Councilmanic
11 District, an identification of that Councilmanic District. [The Office of the County
12 Executive shall send a notice containing that information to each community association,
13 person, and organization on its list that is located in the Councilmanic District of the
14 property proposed for subdivision and any abutting Councilmanic District.] THE OFFICE
15 OF PLANNING AND ZONING SHALL MAIL BY FIRST CLASS MAIL A COPY OF NOTICES
16 PLACED ON THE WEBSITE TO ANY PERSON WHO REQUESTS A MAILED COPY OF COUNTY
17 WEBSITE NOTICES UNDER THIS SECTION.

18 **17-3-301. Final plan application.**

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20 (d) **Public notice.** Unless public notice has already been provided in connection with
21 an application for sketch plan approval, within seven days after the filing of an
22 application for final plan approval, signs shall be posted and notice [to community
23 associations and others] given as provided in § 17-3-202.

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25 **TITLE 4. SITE DEVELOPMENT**

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27 **17-4-202. Site development plan.**

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29 ~~(e) **Attachments.** A site development plan shall be accompanied by all information~~
30 ~~required by the Office of Planning and Zoning and the Health Department, including to~~
31 ~~the extent applicable:~~

32
33 ~~(13) copy of a summary of comments received at a community meeting and an~~
34 ~~affidavit signed by the developer or other evidence acceptable to the Office of Planning~~
35 ~~and Zoning that a community meeting was held and that a copy of the summary of~~
36 ~~comments was mailed to [each participant at the pre-submission community meeting, to]~~
37 ~~all lot owners within 175 feet of the property to be developed, and to the County~~
38 ~~Councilmember of the Councilmanic District where the property is located and, if the~~
39 ~~property abuts another Councilmanic district, to that County Councilmember;~~

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41 **17-4-208. Notice.**

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43 (a) ~~Information provided to the Office of the County Executive~~ **Preparation of**
44 **notice.** Within seven days after the filing of a site development plan associated with an
45 application for a building or grading permit for commercial or industrial development
46 that adjoins a residentially zoned and developed lot, the Office of Planning and Zoning
47 shall [notify the Office of the County Executive of receipt of the plan and provide]
48 PREPARE A NOTICE CONTAINING the following information:

1 (1) the tax assessment district, tax map, block, and parcel numbers of the property
2 to be affected;

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4 (2) the project or permit number or case and file numbers;

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6 (3) the name of the applicant and the nature of the request;

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8 (4) the general location of the property and the nearest intersecting roadway;

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10 (5) the Councilmanic District where the property is located and, if the property
11 abuts another Councilmanic District, an identification of that Councilmanic District;

12
13 (6) the size of the lot; and

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15 (7) the date on which written comments are due to the Office of Planning and
16 Zoning.

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18 (b) **Notice-website.** The Office of [the County Executive] PLANNING AND ZONING
19 shall [send] POST THE [a] notice containing that information [to each community
20 association, person, and organization on its list that is located in the Councilmanic
21 District of the property proposed for development and any abutting Councilmanic
22 District] ON THE COUNTY WEBSITE. The notice shall state that additional information
23 may be obtained from the Office of Planning and Zoning. THE OFFICE OF PLANNING
24 AND ZONING SHALL MAIL BY FIRST CLASS MAIL A COPY OF NOTICES PLACED ON THE
25 WEBSITE TO ANY PERSON WHO REQUESTS A MAILED COPY OF COUNTY WEBSITE
26 NOTICES UNDER THIS SECTION.

27 28 **ARTICLE. 18 ZONING**

29 30 **TITLE 2. GENERAL PROVISIONS**

31 32 **18-2-112. Information available upon request.**

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34 (A) **Contact data.** THE OFFICE OF PLANNING AND ZONING, DEPARTMENT OF
35 INSPECTIONS AND PERMITS, AND THE OFFICE OF THE COUNTY EXECUTIVE SHALL
36 PROVIDE, UPON REQUEST, ACCESS TO ANY CITIZEN CONTACT DATA USED TO GENERATE
37 WEBSITE POSTINGS, MAILED NOTICES, AND CORRESPONDENCE, EITHER ELECTRONIC OR
38 BY U.S. MAIL, PURSUANT TO THIS TITLE, AND PROVIDE A COPY OF ALL DATABASE
39 INFORMATION TO THE COUNTY COUNCIL ANNUALLY.

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41 (B) **Applications.** ALL APPLICATIONS PURSUANT TO THIS TITLE ARE AVAILABLE FOR
42 PUBLIC INSPECTION BY CONTACTING THE OFFICE OF PLANNING AND ZONING, THE
43 DEPARTMENT OF INSPECTIONS AND PERMITS OR THE OFFICE OF ADMINISTRATIVE
44 HEARINGS.

45 46 **TITLE 13. CRITICAL AREA OVERLAY**

47 48 **18-13-302. Public notice.**

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1 (c) **Notice-website.** Within seven days after the filing of an application for an
2 amendment to the buffer modification map, the Office of Planning and Zoning shall
3 [provide] POST A NOTICE ON THE COUNTY'S WEBSITE WHICH INCLUDES the information
4 contained on the signs [to the Office of the County Executive. The Office of the County
5 Executive shall send a notice containing that information to each community association,
6 person, and organization on its list that is located in the Councilmanic District of the
7 property proposed for an amendment to the buffer modification map]. The notice shall
8 state that additional information may be obtained from the Office of Planning and
9 Zoning. THE OFFICE OF PLANNING AND ZONING SHALL MAIL BY FIRST CLASS MAIL A
10 COPY OF NOTICES PLACED ON THE WEBSITE TO ANY PERSON WHO REQUESTS A MAILED
11 COPY OF COUNTY WEBSITE NOTICES UNDER THIS SECTION.
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13 **18-13-403. Public notice.**
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15 (c) **Notice-Website.** Within seven days after the filing of an application for growth
16 allocation, the Office of Planning and Zoning shall [provide] POST A NOTICE ON THE
17 COUNTY'S WEBSITE WHICH INCLUDES the information contained on the signs [to the
18 Office of the County Executive. The Office of the County Executive shall send a notice
19 containing that information to each community association, person, and organization on
20 its list that is located in the Councilmanic District of the property proposed for growth
21 allocation]. The notice shall state that additional information may be obtained from the
22 Office of Planning and Zoning. THE OFFICE OF PLANNING AND ZONING SHALL MAIL BY
23 FIRST CLASS MAIL A COPY OF NOTICES PLACED ON THE WEBSITE TO ANY PERSON WHO
24 REQUESTS A MAILED COPY OF COUNTY WEBSITE NOTICES UNDER THIS SECTION.
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26 SECTION 4. *And be it further enacted,* That this Ordinance shall take effect 45 days
27 from the date it becomes law.