

# FINAL

## COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 14

Bill No. 63-21

Introduced by Ms. Lacey, Chair  
(by request of the County Executive)

By the County Council, June 21, 2021

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Introduced and first read on June 21, 2021  
Public Hearing set for and held on July 19, 2021  
Bill Expires on September 24, 2021

By Order: Laura Corby, Administrative Officer

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### A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Critical Area Overlay

2  
3 FOR the purpose of adopting the “Anne Arundel County Critical Area Layer” as the critical  
4 area overlay for Anne Arundel County; grandfathering certain applications for  
5 development, variances, and special exceptions; and generally relating to zoning.

6  
7 BY repealing and reenacting, with amendments: §§ 18-2-101(b)(9) and (10); and 18-13-  
8 103  
9 Anne Arundel County Code (2005, as amended)

10  
11 BY adding: § 18-2-101(b)(11)  
12 Anne Arundel County Code (2005, as amended)

13  
14 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
15 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

### ARTICLE 18. ZONING

#### TITLE 2. GENERAL PROVISIONS

#### 18-2-101. Scope; applicability.

22  
23 (b) **Applicability to pending and future proceedings.** Subject to the grandfathering  
24 provisions of COMAR Title 27, this article applies to all pending and future proceedings,

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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[[Brackets]] indicate matter repealed from existing law.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 and actions of any board, department, or agency empowered to decide applications under  
2 this Code, except that:

3  
4 (9) an application for a solar energy generating facility – community filed before  
5 January 1, 2018, shall be governed by the law as it existed prior to January 1, 2018 for a  
6 solar energy system – principal; [[and]]

7  
8 (10) the following shall be governed by the law as it existed prior to August 1, 2020:

9  
10 (i) an application for a grading permit, building permit, or zoning certificate of  
11 use filed on or before February 18, 2020 for a group home that would be deemed an  
12 “assisted living facility I, community based”, a “group home I,” or a “group home II” under  
13 Bill No. 16-20;

14  
15 (ii) an application for a grading permit, building permit, or zoning certificate of  
16 use filed on or before February 18, 2020 for an existing use with a group home license  
17 issued by the State; and

18  
19 (iii) an application for a grading permit, building permit, or zoning certificate  
20 of use filed on or before February 18, 2020 for a group home or a rooming house; AND

21  
22 (11) THE FOLLOWING SHALL BE GOVERNED BY THE LOCATION OF CRITICAL AREA  
23 BOUNDARIES IN EXISTENCE PRIOR TO THE EFFECTIVE DATE OF BILL NO. 63-21:

24  
25 (I) AN APPLICATION FOR DEVELOPMENT, PROVIDED ANY PERMITS ASSOCIATED  
26 WITH THE DEVELOPMENT ARE ISSUED ON OR BEFORE DECEMBER 1, 2021; AND

27  
28 (II) AN APPLICATION FOR A VARIANCE OR A SPECIAL EXCEPTION, PROVIDED  
29 THE APPLICATION IS FILED ON OR BEFORE THE EFFECTIVE DATE OF BILL NO. 63-21 AND  
30 ANY PERMITS ASSOCIATED WITH THE APPLICATION ARE ISSUED ON OR BEFORE  
31 DECEMBER 1, 2021. A VARIANCE OR SPECIAL EXCEPTION GRANDFATHERED UNDER THIS  
32 SUBSECTION MAY NOT BE EXTENDED BY VARIANCE.

33  
34 **TITLE 13. CRITICAL AREA OVERLAY**

35  
36 **18-13-103. Maps.**

37  
38 The critical area is shown on the [[maps adopted by Bill No. 49-88]] DIGITAL MAP  
39 ENTITLED “ANNE ARUNDEL COUNTY CRITICAL AREA LAYER” ADOPTED BY THE COUNTY  
40 COUNCIL IN BILL NO. 63-21. THE ANNE ARUNDEL COUNTY CRITICAL AREA LAYER MAP IS  
41 INCORPORATED IN THIS ARTICLE BY REFERENCE AS IF FULLY SET FORTH AND A COPY  
42 SHALL BE PERMANENTLY KEPT AND MAINTAINED BY THE OFFICE OF PLANNING AND  
43 ZONING. The critical area is divided into the following areas: intensely developed area  
44 (IDA), limited development area (LDA), and resource conservation area (RCA).

45  
46 SECTION 2. *And be it further enacted,* That all references in this Ordinance to “the  
47 effective date of Bill No. 63-21” or words to that effect, shall, upon codification, be  
48 replaced with the actual date on which this Ordinance takes effect under Section 307 of the  
49 County Charter as certified by the Administrative Officer to the County Council.

1 SECTION 3. *And be it further enacted*, That the “Anne Arundel County Critical Area  
2 Layer” Map adopted by this Ordinance shall be made available on the official website for  
3 the Office of Planning and Zoning.

4  
5 SECTION 4. *And be it further enacted*, That this Ordinance shall take effect 45 days  
6 from the date it becomes law, or upon approval of the Maryland Critical Area Commission  
7 under the authority granted by § 8-1801 *et. seq.* of the Natural Resources Article of the  
8 State Code, whichever is later. If approved, in whole or in part, after the 45 days, the  
9 approved provisions of this Ordinance shall take effect on the date the notice of approval  
10 is received by the Office of Planning and Zoning. If disapproved, in whole or in part, the  
11 disapproved portions of this Ordinance shall be null and void without the necessity of  
12 further action by the County Council. The Office of Planning and Zoning, within five days  
13 after receiving any notice from the Maryland Critical Area Commission, shall forward a  
14 copy to the Administrative Officer to the County Council.

READ AND PASSED this 19<sup>th</sup> day of July, 2021


By Order:

  
Laura Corby  
Administrative Officer

PRESENTED to the County Executive for his approval this 21<sup>st</sup> day of July, 2021

  
Laura Corby  
Administrative Officer

APPROVED AND ENACTED this 26th day of July, 2021

  
Matthew Power  
Signing as Acting County Executive for  
Steuart Pittman  
County Executive

EFFECTIVE DATE: October 8, 2021

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF  
BILL NO. 63-21. THE ORIGINAL OF WHICH IS RETAINED IN THE  
FILES OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is written in a cursive, flowing style with a long, sweeping tail on the final letter.

Laura Corby  
Administrative Officer

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

October 7, 2021

Mr. Steven Kaii-Ziegler  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Rd, MS 6301  
Annapolis, Maryland 21401

**Re: Anne Arundel County Critical Area Program  
Pending Matters Language for updated Critical Area Maps – Bill No. 63-21**

Dear Mr. Kaii-Ziegler:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above-referenced text amendment. On October 6, 2021, the Critical Area Commission concurred with my determination that the text amendment could be reviewed as a refinement to the Anne Arundel County Critical Area Program. At that same meeting, I approved the text amendment as proposed.

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 Durant at (410) 260-3477 or [kathryn.durant@maryland.gov](mailto:kathryn.durant@maryland.gov).

Sincerely,

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

Charles C. Deegan  
Chairman

cc: Matthew Johnston, County Commissioner  
Kelly Krinetz, Anne Arundel County  
Charlotte Shearin, Critical Area Commission  
Kate Durant, Critical Area Commission