

PROPOSED

AMENDED
December 5, 2016

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2016, Legislative Day No. 36

Bill No. 73-16

Introduced by Mr. Trumbauer

By the County Council, October 4, 2016

Introduced and first read on October 4, 2016
Public Hearing set for and held on November 7, 2016
Bill AMENDED on December 5, 2016
Public Hearing on AMENDED BILL set for December 19, 2016
Bill Expires January 7, 2017

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning - Comprehensive Zoning - Notice
2

3 FOR the purpose of defining “applicant”; requiring notice to certain property owners and
4 community associations by an applicant for a change in zoning by amendment during
5 comprehensive zoning in certain circumstances; requiring posting of property for
6 which a zoning change is sought by amendment to a comprehensive zoning ordinance
7 in certain circumstances; and generally related to comprehensive zoning.
8

9 BY renumbering: §§ 18-2-109 through 18-2-111 to be §§ 18-2-110 through 18-2-112,
10 respectively

11 Anne Arundel County Code (2005, as amended)
12

13 BY adding: § 18-2-109

14 Anne Arundel County Code (2005, as amended)
15

16 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
17 *That §§ 18-2-109 through 18-2-111 of the Anne Arundel County Code (2005, as*
18 *amended) are hereby renumbered to be §§ 18-2-110 through 18-2-112, respectively*
19

20 SECTION 2. *And be it further enacted,* That Sections(s) of the Anne Arundel County
21 Code (2005, as amended) read as follows:
22

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 **18-2-109. Comprehensive Zoning; Notices and signs.**
2

3 (A) Definition. FOR PURPOSES OF THIS SECTION, "APPLICANT" MEANS THE
4 PROPERTY OWNER OF RECORD OR AN AGENT OF THE PROPERTY OWNER OF RECORD.
5

6 ~~(A) Notice.~~ (B) Notice and signs. AN APPLICANT REQUESTING RECEIVING A
7 CHANGE OF ZONING BY AMENDMENT TO A COMPREHENSIVE ZONING BILL FOR A ZONING
8 CHANGE NOT REQUESTED BY APPLICATION TO NOT PREVIOUSLY REVIEWED BY THE
9 OFFICE OF PLANNING AND ZONING SHALL, WITHIN FIVE DAYS OF THE PASSAGE OF THE
10 ZONING CHANGE AMENDMENT, COMPLY WITH THE FOLLOWING REQUIREMENTS.
11

12 (1) THE APPLICANT SHALL SEND A NOTICE CONTAINING INFORMATION ABOUT
13 THE AMENDMENT REQUEST, BY FIRST CLASS MAIL POSTAGE PREPAID, TO EACH PERSON
14 OWNING LAND LOCATED WITHIN 175 FEET OF THE OF THE SUBJECT PROPERTY, AS WELL
15 AS TO ANY COMMUNITY ASSOCIATION FOR A COMMUNITY LOCATED WITHIN 175 FEET OF
16 THE SUBJECT PROPERTY. THE NOTICE SHALL INCLUDE A STATEMENT INDICATING THAT
17 A COPY OF THE APPLICATION FILED WITH THE COUNTY COUNCIL AMENDMENT AND
18 EXHIBIT ADDING THE ZONING CHANGE TO THE COMPREHENSIVE ZONING BILL MAY BE
19 OBTAINED FROM THE APPLICANT OR THE OFFICE OF THE COUNTY COUNCIL. THE
20 APPLICANT SHALL SUBMIT AN AFFIDAVIT OF MAILING SIGNED BY ALL PROPERTY
21 OWNERS OF RECORD, ALONG WITH A COPY OF EACH LETTER, WITH THEIR APPLICATION
22 FOR A ZONING AMENDMENT TO THE OFFICE OF THE COUNTY COUNCIL.
23

24 (2) THE APPLICANT SHALL POST A SIGN ON THE SUBJECT PROPERTY GIVING
25 NOTICE OF THE AMENDMENT, IN THE MANNER PROVIDED IN SECTION 18-16-203(D)(2) OF
26 THIS CODE. THE SIGN SHALL REMAIN POSTED ON THE SUBJECT PROPERTY FOR NOT LESS
27 THAN 14 DAYS. THE OFFICE OF PLANNING AND ZONING SHALL FURNISH THE SIGNS TO
28 THE APPLICANT AND THE APPLICANT IS RESPONSIBLE FOR POSTING AND MAINTAINING
29 THE SIGNS.
30

31 ~~(B) Signs.~~
32

33 ~~(1) FOR A PERIOD OF NOT LESS THAN 14 DAYS BEFORE THE DATE OF THE PUBLIC~~
34 ~~HEARING AT WHICH A PROPOSED AMENDMENT FOR A ZONING CHANGE NOT REQUESTED~~
35 ~~BY APPLICATION TO THE OFFICE OF PLANNING AND ZONING MAY BE ADDED TO A~~
36 ~~COMPREHENSIVE ZONING BILL, ONE OR MORE SIGNS SHALL BE POSTED ON THE SUBJECT~~
37 ~~PROPERTY IN THE MANNER PROVIDED IN SECTION 18-16-203(D) OF THIS CODE.~~
38

39 ~~(2) AN APPLICANT FOR A CHANGE IN ZONING BY AMENDMENT FOR A ZONING~~
40 ~~CHANGE NOT REQUESTED BY APPLICATION TO THE OFFICE OF PLANNING AND ZONING~~
41 ~~SHALL FILE AN AFFIDAVIT SIGNED BY ALL PROPERTY OWNERS OF RECORD WITH THE~~
42 ~~ADMINISTRATIVE OFFICER OF THE COUNTY COUNCIL INDICATING THAT THE PROPERTY~~
43 ~~OWNER OF RECORD HAS COMPLIED WITH THE POSTING REQUIREMENTS OF THIS~~
44 ~~SUBSECTION PRIOR TO THE PUBLIC HEARING ON THE COMPREHENSIVE ZONING BILL AT~~
45 ~~WHICH THE AMENDMENT MAY BE CONSIDERED BY THE COUNTY COUNCIL.~~
46

47 (C) Not a Limitation. THE REQUIREMENTS OF THIS SECTION MAY NOT BE
48 CONSTRUED TO RESTRICT OR LIMIT THE LEGISLATIVE POWER OF A MEMBER OF THE
49 COUNTY COUNCIL TO AMEND A COMPREHENSIVE ZONING BILL, WITH OR WITHOUT
50 NOTICE.
51

52 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
53 from the date it becomes law.