

PROPOSED

AMENDED
June 5, 2017

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2017, Legislative Day No. 8

Bill No. 32-17

Introduced by Mr. Grasso

By the County Council, April 17, 2017

Introduced and first read on April 17, 2017
Public Hearing set for and held on May 15, 2017
Bill AMENDED on June 5, 2017
Public Hearing on AMENDED bill set for June 19, 2017
Bill Expires July 21, 2017

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Administrative Hearings – Board of Appeals –
2 Rezoning in Residential Districts

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4 FOR the purpose of limiting administrative rezonings in residential districts; providing
5 for the application of this Ordinance; providing for the termination date of this
6 Ordinance; and generally relating to zoning.

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8 BY repealing and reenacting, with amendments: §§ 18-2-106(b); and 18-16-303(c)
9 Anne Arundel County Code (2005, as amended)

10
11 BY adding: § 3-1-205(i)
12 Anne Arundel County Code (2005, as amended)

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

17 18 **ARTICLE 3. BOARDS, COMMISSIONS, AND SIMILAR BODIES**

19 20 **TITLE 1. BOARD OF APPEALS**

21
22 **3-1-205. Standards and procedures for granting or denying rezoning.**

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 (l) **Rezoning restrictions in certain residential zoning districts.** PROPERTY
2 LOCATED IN RESIDENTIAL ZONING DISTRICTS, INCLUDING PROPERTY AUTHORIZED FOR
3 RESIDENTIAL LAND USE UNDER THE 2016 ODENTON TOWN CENTER MASTER PLAN, MAY
4 NOT BE ADMINISTRATIVELY REZONED TO A LESS RESTRICTIVE CLASSIFICATION THAT
5 ALLOWS HIGHER DENSITY, UNLESS FAILURE TO DO SO WOULD DEPRIVE THE OWNER OF
6 ALL ECONOMICALLY VIABLE USE OF THE PROPERTY OR UNLESS THERE WAS A MISTAKE
7 IN THE ZONING MAP AND THE REZONING RECTIFIES THE DEMONSTRATED MISTAKE IN
8 THE ZONING CLASSIFICATION OF THE SUBJECT PROPERTY.

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10 **ARTICLE 18. ZONING**

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12 **TITLE 2. GENERAL PROVISIONS**

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14 **18-2-106. Zoning map.**

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16 (b) **Authorized changes to zoning map.** The Anne Arundel County Digital Zoning
17 Layer may not be changed except as follows:

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19 (1) By comprehensive zoning legislation enacted by the County Council and
20 certified by the Administrative Officer to the County Council;

21
22 (2) By rezoning as authorized by § 18-16-303 and, upon final decision, certified
23 by the Planning and Zoning Officer, EXCEPT THAT PROPERTY LOCATED IN RESIDENTIAL
24 ZONING DISTRICTS, INCLUDING PROPERTY AUTHORIZED FOR RESIDENTIAL LAND USE
25 UNDER THE 2016 ODENTON TOWN CENTER MASTER PLAN, MAY NOT BE
26 ADMINISTRATIVELY REZONED TO A LESS RESTRICTIVE CLASSIFICATION THAT ALLOWS
27 HIGHER DENSITY, UNLESS FAILURE TO DO SO WOULD DEPRIVE THE OWNER OF ALL
28 ECONOMICALLY VIABLE USE OF THE PROPERTY OR UNLESS THERE WAS A MISTAKE IN
29 THE ZONING MAP AND THE REZONING RECTIFIES THE DEMONSTRATED MISTAKE IN THE
30 ZONING CLASSIFICATION OF THE SUBJECT PROPERTY;

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32 (3) By zoning district line adjustments as authorized by § 18-2-107 and certified
33 by the Administrative Officer to the County Council; and

34
35 (4) By administrative zoning district line adjustments as authorized by § 18-2-108
36 and certified by the Planning and Zoning Officer.

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38 **TITLE 16. ADMINISTRATIVE HEARINGS**

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40 **18-16-303. Rezoning.**

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42 (c) **Restrictions.** A lot located in an Odenton Growth Management Area District may
43 be rezoned only to another Odenton Growth Management Area District, and a lot that is
44 not located in a sub-area may not be administratively rezoned to an Odenton Growth
45 Management Area District. A lot not designated as a mixed use development area in the
46 General Development Plan or a small area plan may not be administratively rezoned to a
47 mixed use district. PROPERTY LOCATED IN RESIDENTIAL ZONING DISTRICTS, INCLUDING
48 PROPERTY AUTHORIZED FOR RESIDENTIAL LAND USE UNDER THE 2016 ODENTON TOWN
49 CENTER MASTER PLAN, MAY NOT BE ADMINISTRATIVELY REZONED TO A LESS
50 RESTRICTIVE CLASSIFICATION THAT ALLOWS HIGHER DENSITY, UNLESS FAILURE TO DO
51 SO WOULD DEPRIVE THE OWNER OF ALL ECONOMICALLY VIABLE USE OF THE PROPERTY
52 OR UNLESS THERE WAS A MISTAKE IN THE ZONING MAP AND THE REZONING RECTIFIES

1 THE DEMONSTRATED MISTAKE IN THE ZONING CLASSIFICATION OF THE SUBJECT
2 PROPERTY.

3
4 SECTION 2. *And be it further enacted,* That this Ordinance shall be construed to
5 apply only prospectively and may not be applied or interpreted to have any effect on an
6 application for rezoning submitted before the effective date of this Ordinance.

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8 SECTION 3. *And be it further enacted,* That the provisions of this Ordinance shall
9 remain in effect for three years from the date this Ordinance becomes effective, or until
10 the effective date of the next comprehensive zoning legislation enacted by the County
11 Council and approved by the County Executive, whichever occurs first, and after which it
12 shall stand repealed and with no further action required by the County Council, be of no
13 further force and effect.

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15 SECTION 4. *And be it further enacted,* That this Ordinance shall take effect 45 days
16 from the date it becomes law.