

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2016, Legislative Day No. 38

Bill No. 82-16

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

By the County Council, November 7, 2016

Introduced and first read on November 7, 2016
Public Hearing set for and held on December 5 and 19, 2016
Public Hearing on AMENDED BILL set for January 3, 2017
Bill Expires February 10, 2017

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – General Development Plan for Anne Arundel
2 County – Rural Conservation Line
3

4 FOR the purpose of adopting revisions to the General Development Plan for Anne
5 Arundel County; defining “Rural Conservation Area” and “Rural Conservation Line”;
6 adopting a Rural Conservation Line in the County as part of the General
7 Development Plan; incorporating previously-approved Growth Tiers into the General
8 Development Plan; amending the requirements for administrative rezonings of
9 property within the Rural Conservation Area; adopting policies to preserve rural land
10 in the County; and generally relating to Zoning.
11

12 BY repealing and reenacting, with amendments: §§ ~~3-105(a)~~ 3-1-205(a); 18-2-102; 18-2-
13 103(a)(1); and 18-16-303(b)
14 Anne Arundel County Code (2005, as amended)
15

16 BY renumbering: § 18-1-101(100) through (141) to be § 18-1-101(102) through (143),
17 respectively
18 Anne Arundel County Code (2005, as amended)
19

20 BY adding §§ 18-1-101(100) and (101); and 18-2-103(d)
21 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 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
2 *Maryland, That § 18-1-101(100) through (141) of the Anne Arundel County Code (2005,*
3 *as amended) is hereby renumbered to be § 18-1-101(102) through (143), respectively.*
4

5 SECTION 2. *And be it further enacted, That Section(s) of the Anne Arundel County*
6 *Code (2005, as amended) read as follows:*
7

8 **ARTICLE 3. BOARDS, COMMISSIONS, AND SIMILAR BODIES**
9

10 **TITLE 1. BOARD OF APPEALS**
11

12 **3-1-205. Standards and procedures for granting or denying rezoning.**
13

14 (a) **Rezoning.** Rezoning shall be granted or denied in accordance with appropriate
15 zoning regulations, but a rezoning may not be granted except on the basis of an
16 affirmative finding that:
17

18 (1) EXCEPT AS SET FORTH IN (5), there was a mistake in the zoning map or the
19 character of the neighborhood has changed to such an extent that the zoning map should
20 be changed;
21

22 (2) the new zoning classification conforms to the General Development Plan
23 in relation to land use, number of dwelling units or type and intensity of nonresidential
24 structures, and location;
25

26 (3) there is compatibility between the uses of property as reclassified and the
27 surrounding land uses, so as to promote the health, safety, and welfare of present and
28 future residents of the County; [and]
29

30 (4) for property located in the critical area, the uses allowed in the proposed
31 zoning classification are compatible with the critical area land use designation and
32 development standards for the property and the Critical Area Commission staff has
33 recommended approval of the rezoning if the basis for the rezoning is that the character
34 of the neighborhood has changed to such an extent that the zoning map should be
35 changed[.]; AND
36

37 (5) FOR PROPERTY WITHIN THE RURAL CONSERVATION AREA, THERE WAS A
38 MISTAKE IN THE ZONING MAP, AND THE REZONING RECTIFIES THE DEMONSTRATED
39 MISTAKE IN THE ZONING CLASSIFICATION OF THE SUBJECT PROPERTY.
40

41 **ARTICLE 18. ZONING**
42

43 **TITLE 1. DEFINITIONS**
44

45 **18-1-101. Definitions.**
46

47 Unless defined in this article, the Natural Resources Article of the State Code, or
48 COMAR, words defined elsewhere in this Code apply in this article. The following

1 words have the meanings indicated:
2

3 (100) "RURAL CONSERVATION AREA" MEANS THAT AREA DESIGNATED AS SUCH
4 ON THE RURAL CONSERVATION LINE MAP ADOPTED AS PART OF THE GENERAL
5 DEVELOPMENT PLAN. LAND LOCATED IN THE RURAL CONSERVATION AREA SHALL
6 GENERALLY BE RESERVED FOR RESOURCE CONSERVATION, AGRICULTURAL PURPOSES,
7 OR VERY LOW DENSITY RESIDENTIAL DEVELOPMENT, CONSISTENT WITH THE
8 RECOMMENDATIONS OF THE GENERAL DEVELOPMENT PLAN.
9

10 (101) "RURAL CONSERVATION LINE" MEANS THE BOUNDARY LINE ESTABLISHED
11 ON THE RUAL CONSERVATION LINE MAP ADOPTED AS PART OF THE GENERAL
12 DEVELOPMENT PLAN BY THE COUNTY COUNCIL DIVIDING THAT PORTION OF ANNE
13 ARUNDEL COUNTY DESIGNATED TO REMAIN AS A RURAL CONSERVATION AREA FROM
14 THE REMAINDER OF THE COUNTY. ESTABLISHMENT OR RELOCATION OF THE RURAL
15 CONSERVATION LINE SHALL BE CONSISTENT WITH THE ADOPTED LAND USE AND
16 DEVELOPMENT POLICIES IN THE GENERAL DEVELOPMENT PLAN.
17

18 TITLE 2. GENERAL PROVISIONS 19

20 18-2-102. Policy. 21

22 The policy of the County is to:
23

24 (1) guide and direct the development of land and the location of public facilities and
25 services in accordance with the General Development Plan for the County;
26

27 (2) organize the concentration of population;
28

29 (3) relate density of uses to the proper locations;
30

31 (4) facilitate the adequate provision of transportation, water, sewerage, schools,
32 parks, and other public facilities and services;
33

34 (5) protect and preserve the Chesapeake Bay and its tributaries;
35

36 (6) protect and preserve the historic and archaeologic heritage of the County;
37

38 (7) promote an adequate supply of housing throughout the County with a broad range
39 of housing types and prices that meet the needs of citizens at different ages and stages of
40 their lives;
41

42 (8) strengthen and revitalize existing communities and encourage the revitalization of
43 older residential and commercial areas;
44

45 (9) promote the value of buildings and other structures;
46

47 (10) provide for the safety and promote the general welfare of the County through the
48 protection of life and property to enhance and maintain the quality of life for all citizens;
49

50 (11) preserve agricultural land, forested [and rural] areas, bogs, wetlands, and
51 floodplains; [and]

1
2 (12) PRESERVE RURAL LAND BY ENSURING THAT NOT LESS THAN 50% OF THE
3 COUNTY'S TOTAL ACREAGE IS DESIGNATED IN THE RURAL AREA; AND
4

5 [(12)] (13) divide the County into zoning districts of such character, number, shape,
6 and area as are best suited to effect these policies.
7

8 **18-2-103. Planning for future development.**
9

10 (a) **Guides.** The following documents shall be used as a guide in the future
11 development of land in and the location of public services and facilities by the County:
12

13 (1) the General Development Plan for Anne Arundel County dated April, 2009,
14 as amended by Bill No. 12-15, AND AS FURTHER AMENDED BY BILL NO. 82-16;
15

16 (D) **OFFICIAL RURAL CONSERVATION LINE MAP.** TO VERIFY THE LOCATION OF A
17 PARTICULAR PROPERTY AND ITS RELATION TO THE RURAL CONSERVATION LINE, AN
18 INDIVIDUAL MAY OBTAIN A CERTIFIED COPY OF THE RURAL CONSERVATION LINE MAP
19 FROM THE OFFICE OF PLANNING AND ZONING. CERTIFIED COPIES SHALL BE OFFICIALLY
20 STAMPED BY THE OFFICE OF PLANNING AND ZONING AND SHALL INCLUDE THE DATE OF
21 ISSUANCE.
22

23 **TITLE 16. ADMINISTRATIVE HEARINGS**
24

25 **18-16-303. Rezoning.**
26

27 (b) **Requirements for approval.** A rezoning may not be granted unless the
28 Administrative Hearing Officer makes the following affirmative findings:
29

30 (1) [There] EXCEPT AS SET FORTH IN (5), THERE was a mistake in the zoning map
31 or the character of the neighborhood has changed to such an extent that the zoning map
32 should be changed;
33

34 (2) The new zoning classification conforms to the General Development Plan in
35 relation to land use, number of dwelling units or type and intensity of nonresidential
36 buildings, and location;
37

38 (3) There is compatibility between the uses of the property as reclassified and the
39 surrounding land uses, so as to promote the health, safety, and welfare of present and
40 future residents of the County; [and]
41

42 (4) For a property located in the critical area:
43

44 (i) The uses allowed in the proposed zoning classification are compatible with
45 the critical area land use designation and development standards for the property; and
46

47 (ii) The Critical Area Commission staff has recommended approval of the
48 rezoning if the basis for the rezoning is that the character of the neighborhood has
49 changed to such an extent that the zoning map should be changed[.]; AND
50

51 (5) FOR PROPERTY WITHIN THE RURAL CONSERVATION AREA, THERE WAS A

1 MISTAKE IN THE ZONING MAP AND ONLY TO THE EXTENT THE REZONING RECTIFIES THE
2 DEMONSTRATED MISTAKE IN THE ZONING CLASSIFICATION OF THE SUBJECT PROPERTY.

3
4 SECTION 3. *And be it further enacted*, That the General Development Plan for Anne
5 Arundel County dated April, 2009, as amended by Bill No. 12-15, is hereby amended as
6 follows:

7
8 On page 124, after the second paragraph, insert:

9
10 ***“Rural Conservation Line***

11
12 A Rural Conservation Line is established to demarcate a Rural Conservation Area
13 from the remainder of the Rural Development Policy Area, as shown on Figure 7-4.
14 The Rural Conservation Line is intended to delineate clearly that portion of the
15 County to be reserved for resource conservation, agricultural purposes, or very low
16 density residential development, and within which any rezoning of land and/or
17 extension of public sewer or water service will be restricted to very limited situations.

18
19 The following goals and policies will govern in the Rural Conservation Area:

- 20
21 ○ Expansions of public sewer and water service area boundaries in the Rural
22 Conservation Area should be limited to the following cases and permitted only via
23 restricted access lines:
24
25 • when necessary, as determined by the Health Officer, to address significant
26 and urgent public health and safety issues;
27 • where needed to serve a public facility;
28 • where utility extensions to developed areas existing as of September 30, 2016
29 are necessary, as determined by the Director of the Department of Public
30 Works, to address significant and urgent environmental health issues.
31
32 ○ Properties located in the Rural Conservation Area may not be comprehensively
33 rezoned for the purpose of increasing development density or intensity unless
34 approved by the County Council through comprehensive rezoning that is
35 consistent with the adopted General Development Plan.

36
37 Properties located outside the Rural Conservation Area may not be
38 comprehensively rezoned for the purpose of increasing development density or
39 intensity unless approved by the County Council through comprehensive rezoning
40 that is consistent with the adopted General Development Plan. Properties located
41 outside the Rural Conservation Area shall continue to be subject to all applicable
42 development requirements of local, state and federal law.

43
44 ***Growth Tiers***

45
46 The State’s Sustainable Growth and Agricultural Preservation Act of 2012 addresses
47 developments served by on-site septic systems and their impact on the Chesapeake
48 Bay and its tributaries. The act requires all local jurisdictions in the State to develop
49 and adopt a system of Growth Tiers for future residential development. Four tiers

1 were established to identify where major and minor residential subdivisions may be
 2 located and what type of sewerage system can serve them.

3
 4 The governing criteria for delineating the Growth Tiers are established in the state
 5 law as follows:
 6

Tier 1	<ul style="list-style-type: none"> • areas served by public sewer systems • areas in locally designated growth area
Tier 2	<ul style="list-style-type: none"> • areas that are planned to be served by public sewer systems per the county’s adopted water and sewer master plan • areas in locally designated growth area
Tier 3	<ul style="list-style-type: none"> • areas not planned for public sewer service • areas planned and zoned for large lot or rural development
Tier 4	<ul style="list-style-type: none"> • areas not planned for public sewer service • rural legacy and priority agricultural preservation areas • areas subject to conservation easements or covenants • areas planned and zoned for land, agricultural, or resource protection or preservation

7
 8 The County’s established Growth Tiers are shown in Figure 7-5.”
 9

10 SECTION 4. *And be it further enacted*, That the figures of the 2009 General
 11 Development Plan of Anne Arundel County (as amended) are hereby amended as
 12 follows:
 13

14 1. Figure 7-3, entitled “Development Policy Areas” is amended as shown in Exhibit
 15 A attached hereto.
 16

17 2. On page 129, after Table 7-2, insert Figure 7-4, entitled “Rural Conservation Line”
 18 as shown in attached Exhibit B attached hereto as amended by the following:
 19

20 On Exhibit B, Figure 7-4, remove the cross-hatched areas from the Rural
 21 Conservation Area and adjust the Rural Conservation Line accordingly as shown in
 22 Exhibit D.
 23

24 On Exhibit B, Figure 7-4, add the cross-hatched area to the Rural Conservation
 25 Area and adjust the Rural Conservation Line as shown in Exhibit F attached hereto.
 26

27 On Exhibit B, Figure 7-4, remove the cross-hatched areas from the Rural
 28 Conservation Area and adjust the Rural Conservation Line accordingly as shown in
 29 Exhibit G.
 30

31 3. On page 129, after Table 7-2, insert Figure 7-5, entitled “Growth Tiers” as shown
 32 in Exhibit C attached hereto.
 33

34 SECTION 5. *And be it further enacted*, That certified copies of the amendments and
 35 figures to the 2009 General Development Plan of Anne Arundel County (as amended),
 36 and as adopted by this Ordinance, shall be permanently kept on file with the
 37 Administrative Officer to the County Council and the Office of Planning and Zoning.

1 SECTION 6. *And be it further enacted*, That this Ordinance shall take effect 45 days
2 from the date it becomes law.

Figure 7-3
Development Policy Areas

Bill No. 82-16
Exhibit A

Policy Areas

-  Targeted Growth Area
-  Managed Growth Area
-  Rural Area

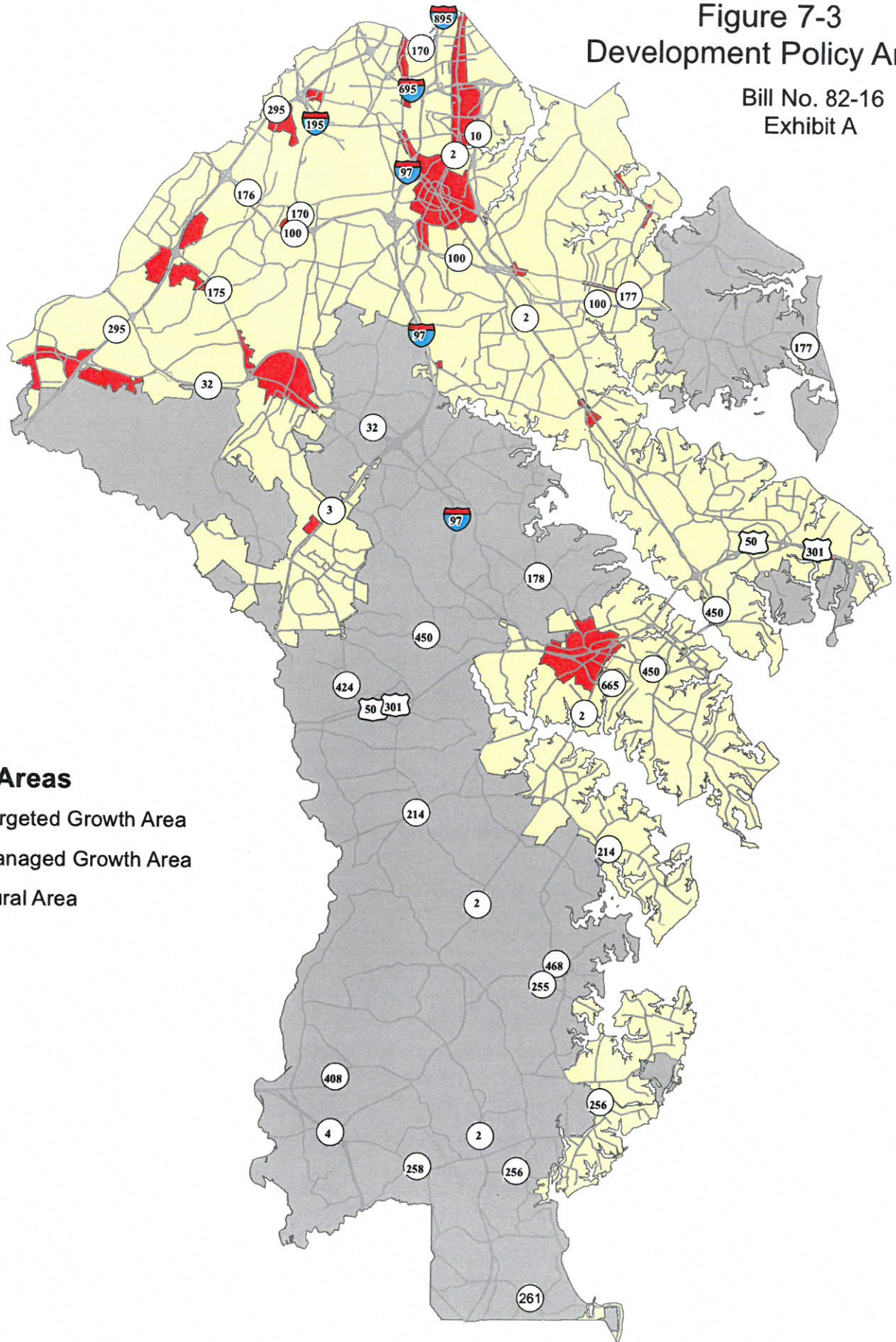
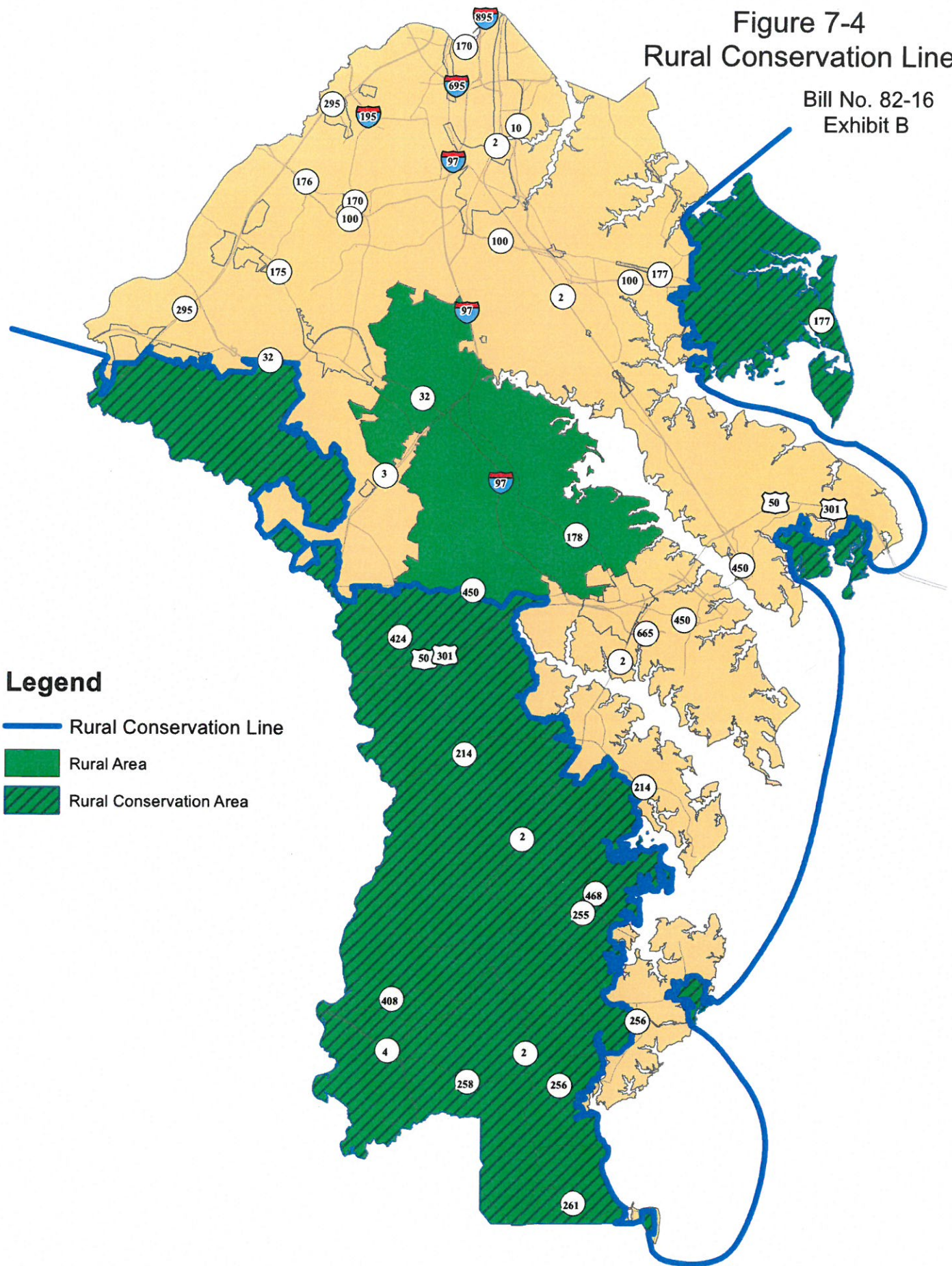


Figure 7-4
Rural Conservation Line

Bill No. 82-16
Exhibit B



Legend

- Rural Conservation Line
- Rural Area
- ▨ Rural Conservation Area

Figure 7-5
Growth Tiers
Bill No. 82-16
Exhibit C

Growth Tiers

-  Tier 1
-  Tier 2
-  Tier 3
-  Tier 4

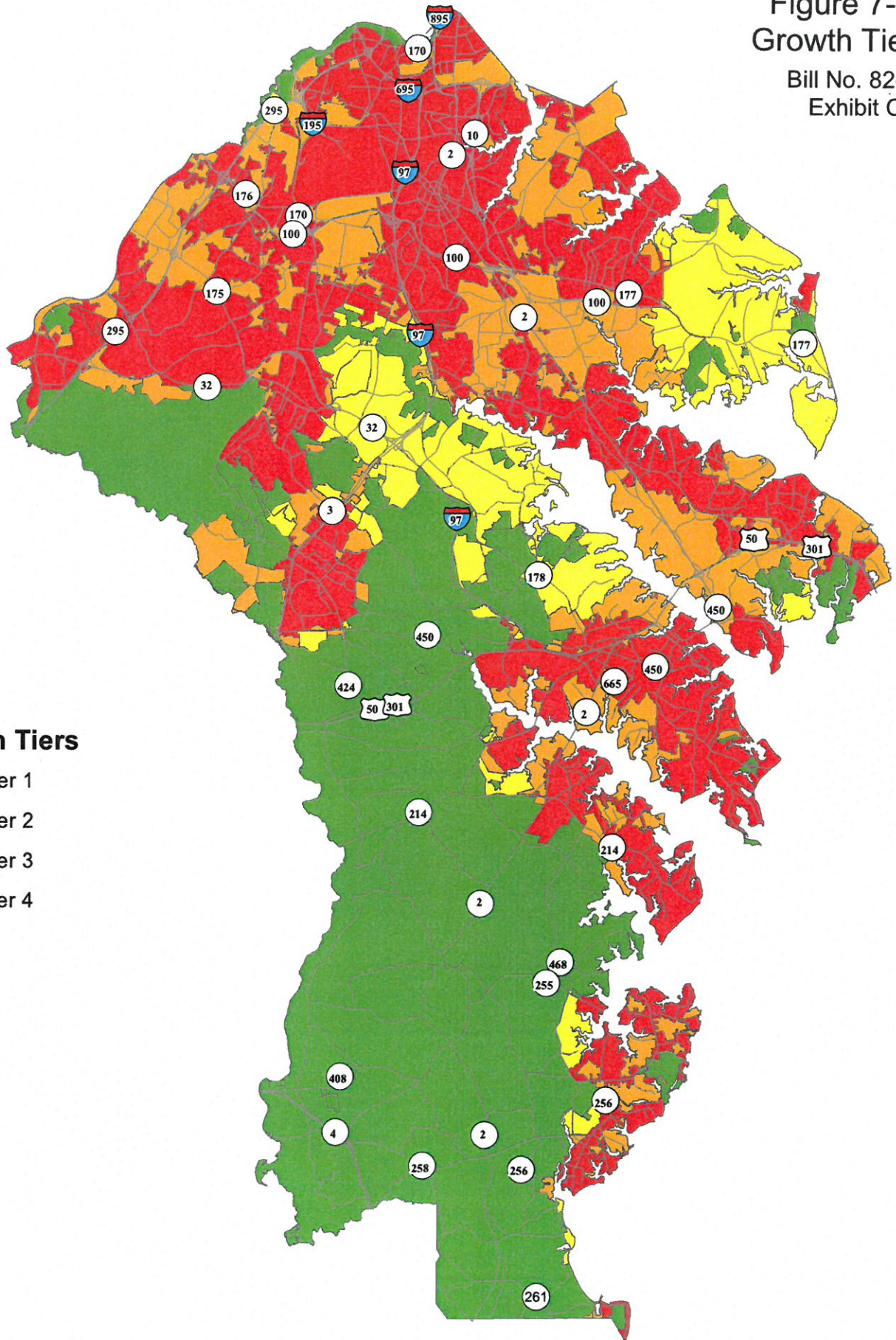
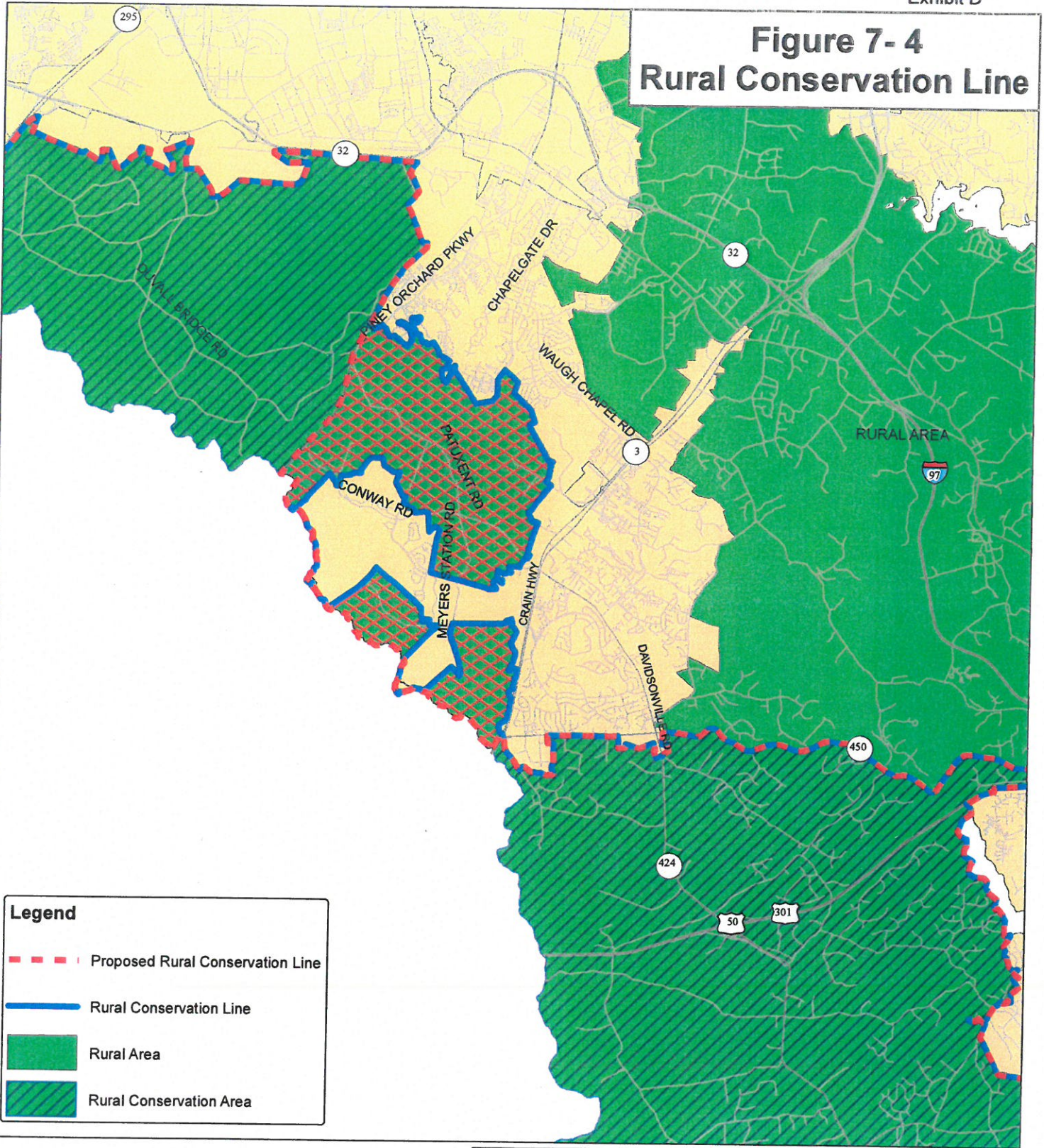




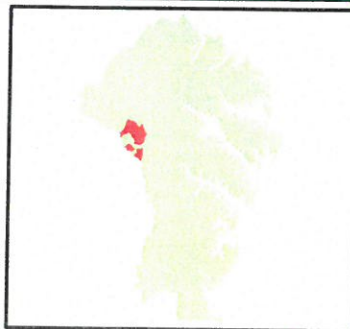


Figure 7-4 Rural Conservation Line



Legend

-  Proposed Rural Conservation Line
-  Rural Conservation Line
-  Rural Area
-  Rural Conservation Area



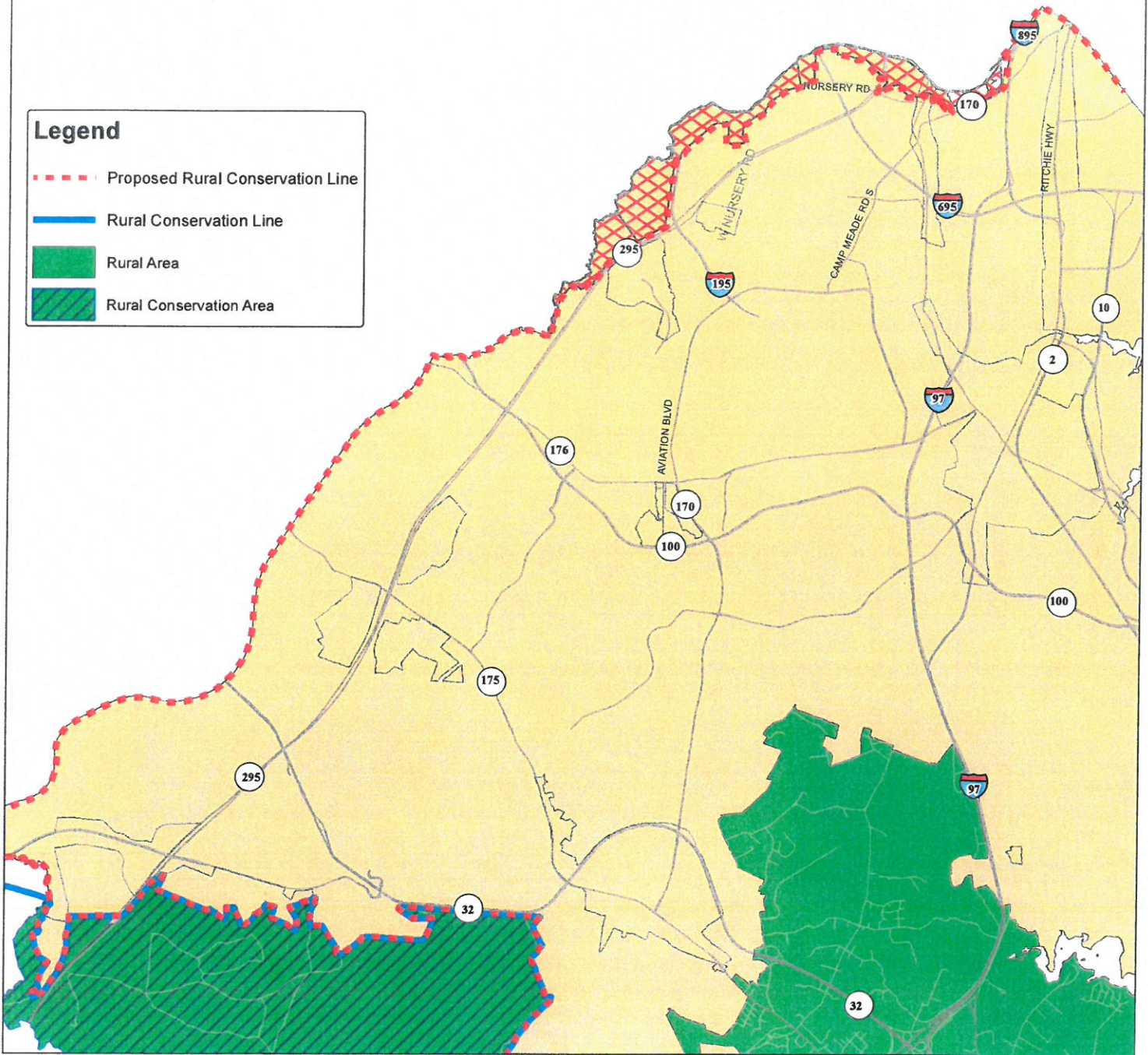
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Date: 12/09/2016
 Produced by: Office of Planning & Zoning, Research and GIS Division
 File: H:\Rural Conservation Area Boundary\Amendment_Pruski
 RCA_Amendment_Pruski_12122016.mxd
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Figure 7-4 Rural Conservation Line

Legend

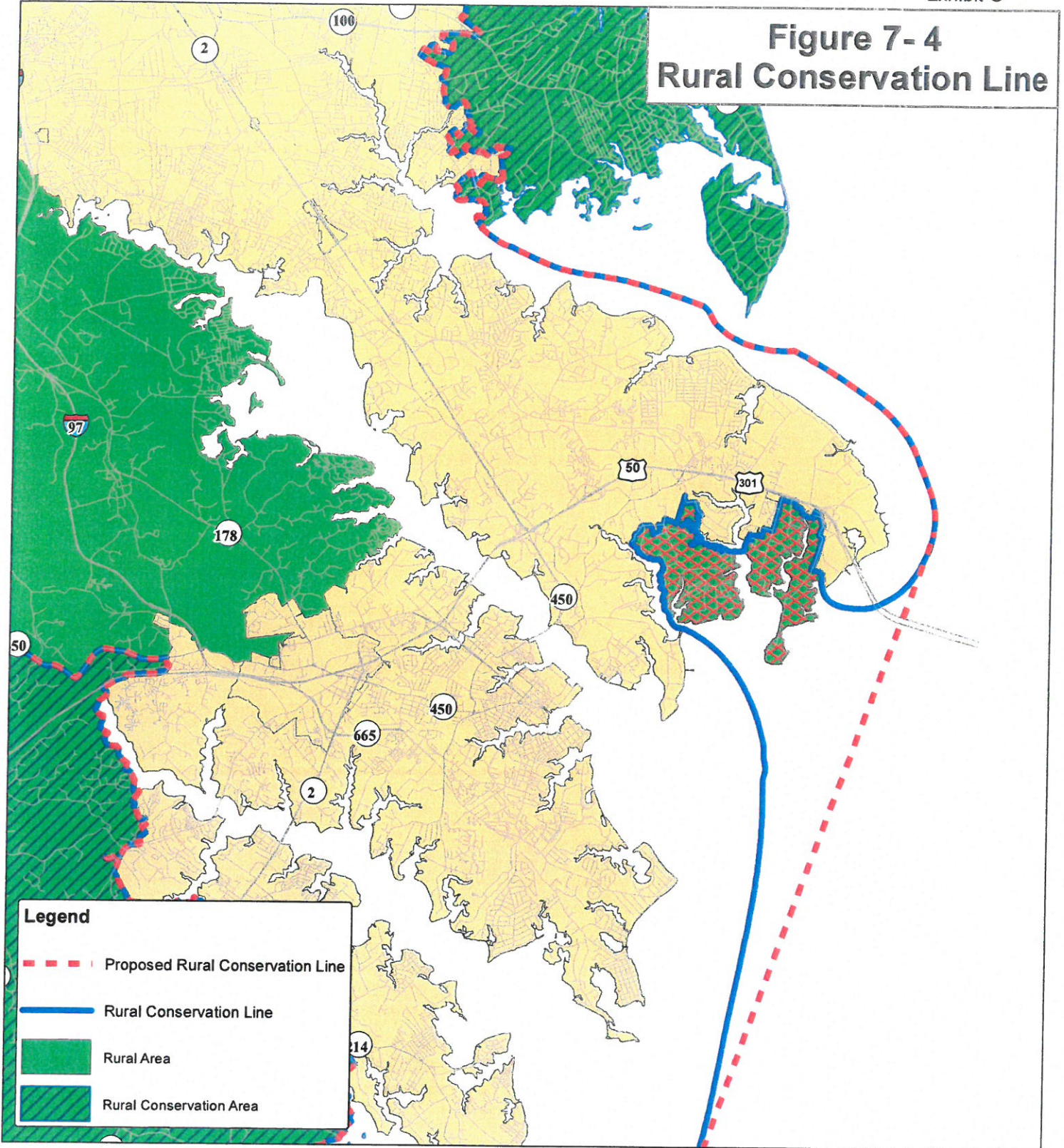
- Proposed Rural Conservation Line
- Rural Conservation Line
- Rural Area
- Rural Conservation Area



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Date: 12/14/2016
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Figure 7-4 Rural Conservation Line



Legend

- - - Proposed Rural Conservation Line
- Rural Conservation Line
- Rural Area
- ▨ Rural Conservation Area



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