

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2016, Legislative Day No. 7

Bill No. 28-16

Introduced by Mr. Grasso

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 and held on June 6, 2016  
Public Hearing on THIRD AMENDED BILL set for and held on June 20, 2016  
Bill Expires July 8, 2016

By Order: Elizabeth E. Jones, Administrative Officer

---

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Alcoholic Beverage Uses and Package Goods  
2 Stores

3  
4 FOR the purpose of defining “package goods store”; amending the designation of  
5 alcoholic beverage uses allowed as accessory to other uses in residential, maritime,  
6 mixed use and open space zoning districts; allowing “package goods stores” as  
7 conditional uses in mixed use districts; removing the distance limitation from public  
8 parks from the conditional use requirements for alcoholic beverage uses as accessory  
9 to other uses and package goods stores; amending the conditional use requirements  
10 for “alcoholic beverage uses as accessory to other uses” to add distance limits and  
11 area limits; making a technical change to the conditional use requirement for  
12 alcoholic beverage uses in a video lottery facility; and generally relating to zoning  
13

14 BY renumbering: § 18-1-101(72) through (137) to be § 18-1-101(73) through (138),  
15 respectively  
16 Anne Arundel County Code (2005, as amended)  
17

18 BY adding: § 18-1-101(72)  
19 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 repealing and reenacting, with amendments: §§ 18-4-106; 18-7-107; 18-8-301; 18-9-  
2 202; 18-10-103; 18-10-128; and 18-10-147(c).  
3 Anne Arundel County Code (2005, as amended)  
4

5 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
6 *Maryland, That § 18-1-101(72) through (137) of the Anne Arundel County Code (2005,*  
7 *as amended) are hereby renumbered to be § 18-1-101(73) through (138), respectively.*  
8

9 SECTION 2. *And be it further enacted, That Section(s) of the Anne Arundel County*  
10 *Code (2005, as amended) read as follows:*  
11

12 **ARTICLE 18. ZONING**  
13 **TITLE 1. GENERAL PROVISIONS**  
14

15 **18-1-101. Definitions.**  
16

17 Unless defined in this article, the Natural Resources Article of the State Code, or  
18 COMAR, words defined elsewhere in this Code apply in this article. The following  
19 words have the meanings indicated:  
20

21 (72)“PACKAGE GOODS STORE” MEANS A RETAIL STORE THAT KEEPS FOR SALE  
22 AND SELLS BEER, WINE, AND LIQUOR IN SEALED PACKAGES OR CONTAINERS THAT MAY  
23 NOT BE OPENED OR CONSUMED ON THE PREMISES WHERE SOLD.  
24

25 **TITLE 4. RESIDENTIAL DISTRICTS**  
26

27 **18-4-106. Permitted, conditional, and special exception uses.**  
28

29 The permitted, conditional, and special exception uses allowed in each of the  
30 residential districts are listed in the chart in this section using the following key: P =  
31 permitted use; C = conditional use; SE = special exception use. A blank means that the  
32 use is not allowed in the district. Except as provided otherwise in this article, uses and  
33 structures customarily accessory to the listed uses also are allowed, except that guest  
34 houses as accessory structures are prohibited and outside storage as an accessory use is  
35 limited to the lesser of 10% of the allowed lot coverage or 500 square feet.  
36

<b><u>Permitted, Conditional, and Special Exception Uses</u></b>	<b><u>RA</u></b>	<b><u>RLD</u></b>	<b><u>R1</u></b>	<b><u>R2</u></b>	<b><u>R5</u></b>	<b><u>R10</u></b>	<b><u>R15</u></b>	<b><u>R22</u></b>
<u>Alcoholic beverage uses AS accessory to other uses</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

37 **TITLE 7. MARITIME DISTRICTS**  
38  
39

40 **18-7-107. Permitted, conditional and special exception uses.**  
41

42 The permitted, conditional, and special exception uses allowed in each of the  
43 Maritime group districts are listed in the chart in this section using the following key: P =

1 permitted use; C = conditional use; SE=special exception use. A blank means that the use  
 2 is not allowed in the district. Except as provided otherwise in this article, uses and  
 3 structures customarily accessory to the listed uses also are allowed.  
 4

<u>Permitted, Conditional, and Special Exception Uses</u>	<u>MA1</u>	<u>MA2</u>	<u>MA3</u>	<u>MB</u>	<u>MC</u>
<u>Alcoholic beverage uses [if] AS accessory to other uses</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

**TITLE 8. MIXED USE DISTRICTS**

**18-8-301. Permitted uses; conditional uses.**

(a) Uses allowed. The permitted and conditional uses under the optional method of development are listed in the chart in this section using the following key: P = permitted use; C = conditional use. A blank space means that the use is not allowed in the district. Uses and structures customarily accessory to the listed uses also are allowed, except that outside storage as an accessory use is not allowed.

(b) Categories in chart. The chart in this section divides the permitted and conditional uses allowed under the optional method of development into the categories of residential, retail and service, office, and industrial, and the uses are subject to the percentage limitations on those categories described in § 18-8-302.

	<u>MXD- R</u>	<u>MXD- C</u>	<u>MXD- E</u>	<u>MXD- I</u>
<b><u>Retail and Service</u></b>				
***				
<u>Alcoholic beverage [sales and] uses AS ACCESSORY TO OTHER USES</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
***				
<u>Opticians or optometrical establishments</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>PACKAGE GOODS STORES</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
***				

21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**TITLE 9. OTHER ZONING DISTRICTS**

**18-9-202. Permitted, conditional, and special exception uses.**

The permitted, conditional, and special exception uses allowed in Open Space Districts (OS) and in the Open Space Conservation Overlay (OS-C) are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

<u>Permitted, Conditional, and Special Exception Uses</u>	<u>OS</u>	<u>OS-C</u>
Alcoholic beverage uses AS accessory to other uses	<u>C</u>	

**TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

**18-10-103. Alcoholic beverage uses as accessory to other uses.**

An alcoholic beverage use that is accessory to another use shall comply with all of the following requirements.

(1) The use shall be licensed by the Board of License Commissioners.

(2) If the use is to be conducted out of doors or will include live entertainment or dancing, the area used for the activity shall be located at least 100 feet from all residentially zoned property.

(3) An off-sale alcoholic beverage license use shall be located away from [public parks,] schools, and religious facilities by at least the distance required by Article 2B, § 9-203(c), of the State Code, AND FOR A RESTAURANT WITH OFF-SALES OR A RESTAURANT WITH A PACKAGE GOODS STORE, AT LEAST ONE MILE FROM A PACKAGE GOODS STORE. [For the purposes of this subsection, the Baltimore and Annapolis Trail Park does not constitute a public park.] For structures, the distance shall be measured in a straight line from entry to entry [except that when measuring distance from a public park, the distance shall be measured from the entry of the off-sale alcoholic beverage use to the lot line of the park]. THE ONE MILE DISTANCE RESTRICTION FOR A RESTAURANT WITH AN OFF-SALE LICENSE DOES NOT APPLY TO THE SALE OF PACKAGE GOODS EXCLUSIVELY AVAILABLE THROUGH THE RESTAURANT OR PRODUCED BY THE RESTAURANT.

(4) AN OFF-SALE ALCOHOLIC BEVERAGE LICENSE USE FOR A RESTAURANT OR A PACKAGE GOODS STORE USE OPERATED ON THE SAME PROPERTY AS AND UNDER COMMON OWNERSHIP WITH A RESTAURANT SHALL BE LIMITED TO 15% OF THE FLOOR AREA OF THE RESTAURANT, NOT TO EXCEED 1,000 SQUARE FEET. THIS RESTRICTION DOES NOT APPLY TO THE SALE OF PACKAGE GOODS EXCLUSIVELY AVAILABLE THROUGH THE RESTAURANT OR PRODUCED BY THE RESTAURANT.

**18-10-128. Package goods stores.**

A package goods store shall comply with all of the following requirements.

(1) The use shall be licensed by the Board of License Commissioners.

(2) An off-sale alcoholic beverage license use shall be located away from [public parks,] schools[,] and religious facilities by at least the distance required by Article 2B, §

1 9-203(c), of the State Code. For structures, the distance shall be measured in a straight  
2 line from entry to entry [except that when measuring distance from a public park, the  
3 distance shall be measured from the entry of the off-sale alcoholic beverage use to the lot  
4 line of the park].

5  
6 **18-10-147. Video Lottery Facilities.**

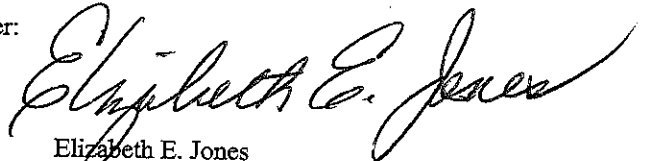
7  
8 (c) Alcoholic beverages. A video lottery facility may operate alcoholic beverage  
9 uses AS accessory to other uses in the W1 – Industrial Park District and in a regional  
10 commercial complex subject to the requirements of § 18-10-103 and State law and  
11 regulation.

12  
13 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days  
14 from the date it becomes law.

15 AMENDMENTS ADOPTED: May 2 and 16 and June 6, 2016

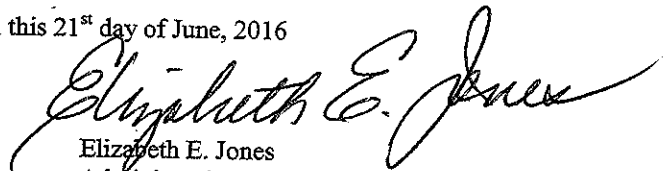
READ AND PASSED this 20<sup>h</sup> day of June, 2016

By Order:



Elizabeth E. Jones  
Administrative Officer

PRESENTED to the County Executive for his approval this 21<sup>st</sup> day of June, 2016



Elizabeth E. Jones  
Administrative Officer

APPROVED AND ENACTED this 24<sup>th</sup> day of June, 2016

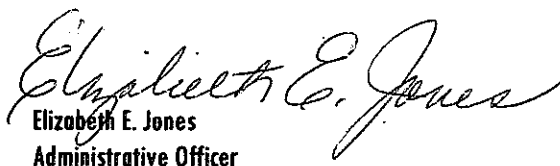


Steven R. Schuh  
County Executive

*Acting County Executive*  
Mark D. Hartzell

EFFECTIVE DATE: August 8, 2016

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.  
28-16 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.



Elizabeth E. Jones  
Administrative Officer