

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 7

Bill No. 31-22

Introduced by Ms. Lacey and Mr. Pruski

By the County Council, March 21, 2022

Introduced and first read on March 21, 2022
Public Hearing set for and held on April 18, 2022
Bill VOTED on May 2, 2022
Bill Expires June 24, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – BRAC Mixed Use Development

2
3 FOR the purpose of amending the definition of “BRAC Mixed Use Development”;
4 grandfathering certain development applications for BRAC Mixed Use Development;
5 amending the conditional use requirements for BRAC Mixed Use Development;
6 adopting the “Four Mile Radius from U.S. Army Ft. George G. Meade” map; making
7 technical changes; and generally relating to subdivision and development and zoning.

8
9 BY repealing and reenacting, with amendments: §§ 17-2-101(b)(13) and (14); 18-1-
10 101(24); and 18-10-112
11 Anne Arundel County Code (2005, as amended)

12
13 BY adding: § 17-2-101(b)(15)
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 Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

18 19 ARTICLE 17. SUBDIVISION AND DEVELOPMENT

20 21 TITLE 2. GENERAL PROVISIONS

22
23 **17-2-101. Scope; applicability.**

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 (b) **Applicability to pending and future proceedings.** Subject to the grandfathering
2 provisions of COMAR Title 27, this article applies to all pending and future proceedings
3 and actions of any board, department, or agency empowered to decide applications under
4 this Code, except that:

5
6 (13) an application for sketch plan approval, final plan approval, preliminary plan
7 approval, or approval of a building or grading permit associated with a site development
8 plan filed before January 1, 2019 shall be governed by the provisions of § 17-6-110 as they
9 existed prior to April 14, 2019; ~~[[and]]~~

10
11 (14) the following shall be governed by the law as it existed prior to January 9,
12 2020:

13
14 (i) an application for approval of a sketch plan, final plan, final infrastructure
15 construction plan, preliminary plan, or site development plan, and any building or grading
16 permits associated with these plans, filed on or before December 15, 2019;

17
18 (ii) applications for building and grading permits that are not associated with a
19 final plan or site development plan filed on or before December 15, 2019;

20
21 (iii) revisions to the plans and permits referenced in subparagraphs (i) and (ii)
22 that do not materially alter the proposed or actual limits of disturbance; and

23
24 (iv) an application for a special exception filed on or before December 15, 2019
25 and all applications associated with the special exception~~[[.]]; AND~~

26
27 (15) AN APPLICATION FOR SKETCH PLAN APPROVAL, FINAL PLAN APPROVAL,
28 PRELIMINARY PLAN APPROVAL, OR APPROVAL OF A BUILDING OR GRADING PERMIT
29 ASSOCIATED WITH A BRAC MIXED USE DEVELOPMENT PLAN THAT WAS FILED BEFORE THE
30 EFFECTIVE DATE OF BILL NO. 31-22 SHALL BE GOVERNED BY THE LAW AS IT EXISTED
31 PRIOR TO THE EFFECTIVE DATE OF BILL NO. 31-22.

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33 **ARTICLE 18. ZONING**

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35 **TITLE 1. DEFINITIONS**

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37 **18-1-101. Definitions.**

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39 Unless defined in this article, the Natural Resources Article of the State Code, or
40 COMAR, words defined elsewhere in this Code apply in this article. The following words
41 have the meanings indicated:

42
43 (24) “BRAC Mixed Use Development” means ~~[[parcels located in a C4, W1 and/or
44 certain MXD zoning districts which were changed to a mixed use classification in the 2009
45 Land Use Plan adopted as a part of the 2009 General Development Plan adopted by Bill
46 No. 64-09. The uses permitted in a BRAC Mixed Use Development and the restrictions
47 thereon are set forth in § 18-10-112 of this article.]] DEVELOPMENT THAT MEETS THE
48 REQUIREMENTS OF § 18-10-112.~~

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**18-10-112. BRAC Mixed Use Development.**

(a) **Requirements.** BRAC Mixed Use Development shall comply with the following requirements.

(1) The property ~~[[must]]~~ SHALL be located in ~~[[a C4, W1 and/or certain MXD zoning districts which were changed to a mixed use classification in the 2009 Land Use Plan adopted as a part of the 2009 General Development Plan adopted by Bill No. 64-09]]~~ THE “FOUR MILE RADIUS FROM U.S. ARMY FT. GEORGE G. MEADE” AREA AS SHOWN ON THE OFFICIAL MAP ADOPTED BY THE COUNTY COUNCIL IN BILL NO. 31-22.

(2) The minimum parcel size is ~~[[25]]~~ FIVE acres in the aggregate.

(3) Building height and coverage in a BRAC Mixed Use Development shall be as provided in the underlying zoning district, and setbacks for principal structures shall be the lesser of the setback provided in the bulk regulations applicable to the underlying zoning district or the bulk regulations set forth in § 18-4-901. ~~[[R-15 density shall be the number of dwelling units for each acre of gross density.]]~~ THE MAXIMUM ALLOWABLE DENSITY FOR RESIDENTIAL DWELLINGS IN A BRAC MIXED USE DEVELOPMENT SHALL BE 15 DWELLING UNITS PER ACRE OF GROSS AREA.

(4) WHEN DEVELOPED ON MULTIPLE BUT CONTIGUOUS LOTS WITHIN AN MXD DISTRICT, BRAC MIXED USE DEVELOPMENT SHALL INCLUDE, TO THE EXTENT PRACTICABLE, INTEGRATED DESIGN ELEMENTS AND CONNECTIVITY BETWEEN THE LOTS TO CREATE A COHESIVE ENVIRONMENT.

(b) **Uses.** The following uses are allowed in a BRAC Mixed Use Development, in addition to the uses allowed in the underlying zoning district~~[[:]]~~.

(1) ~~[[All R-15 uses]]~~ USES ALLOWED IN R15 DISTRICTS, including all variations of dwellings defined in § 18-1-101, subject to the bulk regulations set forth in § 18-4-901 except for building height, coverage, density, and setbacks~~[[;]]~~.

(2) Grocery stores greater than 25,000 square feet in size, subject to the bulk regulations set forth in § 18-5-401 except for building height, coverage and setbacks~~[[; and]]~~.

(3) Retail specialty stores or shops for retail sales, as defined in § 18-5-102, subject to the bulk regulations set forth in § 18-5-401 except for building height and setbacks.

(4) THE USE REQUIREMENTS OF § 18-8-302 DO NOT APPLY TO BRAC MIXED USE DEVELOPMENT.


SECTION 2. *And be it further enacted,* That all references in this Ordinance to “the effective date of Bill No. 31-22”, or words to that effect, shall, upon codification, be replaced with the actual date on which this Ordinance takes effect under Section 307 of the County Charter as certified by the Administrative Officer to the County Council.

1 SECTION 3. *And be it further enacted*, That the map entitled “Four Mile Radius from
2 U.S. Army Ft. George G. Meade” attached hereto as Exhibit A is hereby adopted. A
3 certified copy of the map shall be permanently kept on file in the Office of the
4 Administrative Officer to the County Council and the Office of Planning and Zoning.


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

READ AND PASSED this 2nd day of May, 2022

By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 3rd day of May, 2022


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 13th day of May, 2022


Steuart Pittman
County Executive

EFFECTIVE DATE: June 27, 2022

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 31-22 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.


Laura Corby
Administrative Officer

