

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 5

Bill No. 19-18

Introduced by Mr. Peroutka, Chairman (by request of the County Executive) and by Mr. Trumbauer

By the County Council, March 5, 2018

Introduced and first read on March 5, 2018
Public Hearing set for and held on April 2, 2018
Public Hearing on AMENDED bill set for and held on April 16, 2018
Public Hearing on SECOND AMENDED bill set for and held on May 7, 2018
Bill Expires June 8, 2018

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1	AN ORDINANCE concerning: Zoning – Administrative Hearings – Notices and Signs
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3	FOR the purpose of adding a definition of "confront"; requiring property owners to provide
4	contact information for certain nearby property owners for notice of Administrative
5	Hearings; increasing the distance requirement for notifying nearby property owners of
6	an application for a variance, special exception, or rezoning; and generally relating to
7	Administrative Hearings.
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9	BY renumbering: § 18-1-101(33) through (147) to be § 18-1-101(34) through (148),
10	respectively
11	Anne Arundel County Code (2005, as amended)
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13	BY adding: § 18-1-101(33)
14	Anne Arundel County Code (2005, as amended)
15	
16	BY repealing and reenacting, with amendments: §§ 18-16-201(a); and 18-16-203(a)
17	Anne Arundel County Code (2005, as amended)

EXPLANATION:

CAPITALS indicate new matter added to existing law. [Brackets] indicate matter stricken from existing law.

Captions and taglines in **bold** in this bill are catchwords and are not law.

<u>Underlining</u> indicates amendments to bill.

Strikeover indicates matter stricken from bill by amendment.

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SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland. 1 That § 18-1-101(33) through (147) of the Anne Arundel County Code (2005, as amended) 2 is hereby renumbered to be § 18-1-101(34) through (148), respectively. 3 4 SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland, 5 SECTION 2. And be it further enacted, That Section(s) of the Anne Arundel County Code 6 7 (2005, as amended) read as follows: 8 9 ARTICLE 18. ZONING 10 11 TITLE 1. DEFINITIONS 12 13 18-1-101. **Definitions.** 14 Unless defined in this article, the Natural Resources Article of the State Code, or 15 COMAR, words defined elsewhere in this Code apply in this article. The following words 16 have the meanings indicated: 17 18 19 (33) "CONFRONT" OR "CONFRONTING" WHEN USED IN REFERENCE TO REAL PROPERTY 20 MEANS A LOT OR PARCEL THAT WOULD ADJOIN ANOTHER LOT OR PARCEL BUT FOR AN 21 INTERVENING PUBLIC OR PRIVATE ROAD OR RIGHT-OF-WAY. 22 23 TITLE 16. ADMINISTRATIVE HEARINGS 24 25 **18-16-201.** Applications. 26 27 (a) Generally. A person having a financial, contractual, or proprietary interest in property to be affected may file an application, accompanied by an administrative site plan, 28 with the Office of Planning and Zoning on a form supplied by the Office. A separate 29 application is required for each request. EACH APPLICATION SHALL CONTAIN A LIST OF 30 THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS OWNING LAND LOCATED 31 WITHIN 300 FEET OF THE AFFECTED PROPERTY AND ALL PROPERTY OWNERS OWNING 32 33 LAND THAT CONFRONTS OR ADJOINS THE AFFECTED PROPERTY OR THAT CONFRONTS OR 34 ADJOINS LAND THAT CONFRONTS OR ADJOINS THE AFFECTED PROPERTY. EACH APPLICATION SHALL CONTAIN A LIST OF THE NAMES AND ADDRESSES OF ALL PROPERTY 35 36 OWNERS, OTHER THAN GOVERNMENT ENTITIES OR PUBLIC SERVICE COMPANIES, WHO 37 OWN LAND: 38 39 (1) LOCATED WITHIN 300 FEET OF THE AFFECTED PROPERTY: 40 41 (2) THAT CONFRONTS OR ADJOINS THE AFFECTED PROPERTY; AND 42 43 (3) EXCEPT FOR PROPERTY OWNED BY GOVERNMENT ENTITIES OR PUBLIC SERVICE 44 COMPANIES, THAT CONFRONTS OR ADJOINS LAND IDENTIFIED IN SUBSECTION (A)(2). 45 (B) Failure to conform. The Office of Planning and Zoning may not accept an 46 application for filing if it fails to conform with the requirements of this title. 47 48 49 18-16-203. Notices and signs. 50

(a) **To certain property owners.** The Administrative Hearing Officer shall send, by first class mail postage prepaid, to each [person designated] PROPERTY OWNER IDENTIFIED

in the application [as owning land located within 175 feet of the property to be affected] 1 PURSUANT TO § 18-16-201(a), a notice containing information about the case and the date, 2 time, and location of the hearing. The notice shall state that further information may be 3 obtained from the Office of Planning and Zoning. The Administrative Hearing Officer shall 4 also send the notice to any person who has served a written notice on the Administrative 5 Hearing Officer of an intention to appear at the hearing. At least two weeks before the 6 7 scheduled hearing date, the Administrative Hearing Officer shall post the hearing notice 8 on the County's website.

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SECTION 2. 3. And be it further enacted, That this Ordinance shall take effect 45 days from the date it becomes law.

AMENDMENTS ADOPTED: April 2 and 16, 2018

READ AND PASSED this 7th day of May, 2018

By Order:

JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 8th day of May, 2018

JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 5/17 day of May, 2018

Steven R. Schuh County Executive

EFFECTIVE DATE:

JUL 1 2018

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.

19-18
THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL

JoAnne Gray

Administrative Officer