

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 40

Bill No. 101-18

Introduced by Ms. Haire and Mr. Pruski

By the County Council, December 17, 2018

Introduced and first read on December 17, 2018  
Public Hearing set for and held on January 22, 2019  
Public Hearing on AMENDED bill set for and held on February 4, 2019  
Public Hearing on SECOND AMENDED bill set for and held on February 19, 2019  
Bill Expires March 22, 2019

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Setbacks from Certain  
2 Roads

3  
4 FOR the purpose of adding certain requirements to impose a residential setback along  
5 Maryland Route 3 for subdivision and site development; providing for the  
6 grandfathering of certain applications from the setback requirements; and generally  
7 relating to subdivision and development.

8  
9 BY repealing and reenacting, with amendments: ~~§ 17-6-110(a)~~ §§ 17-2-101(b)(10) and  
10 (11); and 17-6-110(a)  
11 Anne Arundel County Code (2005, as amended)

12  
13 BY adding: § 17-2-101(b)(12)  
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**

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.  
Underlining indicates amendments to bill.  
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 **17-2-101. Scope; applicability.**

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

7  
8 (10) or any application described in subsection (8) or (9), the applicant may make  
9 an election, in writing and filed with the Planning and Zoning Officer no later than July 1,  
10 2013, to be governed by the law as it exists after April 16, 2013; [and]

11  
12 (11) an application for sketch plan approval, final plan approval, preliminary plan  
13 approval, or approval of a building or grading permit associated with a site development  
14 plan filed before August 1, 2018 shall be governed by the provisions of Subtitles 2 and 5  
15 of Title 5 as they existed prior to August 1, 2018[.]; AND

16  
17 (12) AN APPLICATION FOR SKETCH PLAN APPROVAL, FINAL PLAN APPROVAL,  
18 PRELIMINARY PLAN APPROVAL, OR APPROVAL OF A BUILDING OR GRADING PERMIT  
19 ASSOCIATED WITH A SITE DEVELOPMENT PLAN FILED BEFORE JANUARY 1, 2019 SHALL BE  
20 GOVERNED BY THE PROVISIONS OF § 17-6-110 AS THEY EXISTED PRIOR TO EFFECTIVE DATE  
21 OF BILL NO. 101-18.

22  
23 **TITLE 6. GENERAL DEVELOPMENT PROVISIONS**

24  
25 **17-6-110. Setbacks from certain roads.**

26  
27 **(a) Setbacks from certain roads.** Unless the Planning and Zoning Officer approves a  
28 reduced setback under subsection (b), residential development shall provide for a setback  
29 from the property line to the edge of the mainline pavement of certain roads, exclusive of  
30 ramps, as follows:

31  
32 (1) 485 feet to I-97;

33  
34 (2) 600 feet to I-695;

35  
36 (3) 560 feet to US 50;

37  
38 (4) 440 feet to MD 10;

39  
40 (5) 455 feet to MD 100;

41  
42 (6) 450 to MD 32; [and]

43  
44 (7) 445 feet to the Baltimore-Washington Parkway[.]; AND

45  
46 (8) 150 FEET TO MD 3 (CRAIN HIGHWAY) FOR RESIDENTIAL DEVELOPMENT ALONG  
47 MD 3 CRAIN HIGHWAY MD 3 (ROBERT CRAIN HIGHWAY, SOUTH OF I-97). THE MINIMUM  
48 SETBACK FROM THE PROPERTY LINE TO THE EDGE OF THE MAINLINE PAVEMENT SHALL  
49 BE BASED ON A NOISE STUDY FROM AN ACOUSTICAL ENGINEER. THE NOISE STUDY SHALL  
50 DETERMINE IF THE SOUND LEVEL OF THE OUTDOOR ACTIVITY AREAS IS AT, ABOVE, OR

1 BELOW AN AVERAGE OF 66 DBA. IF THE SOUND LEVEL IS OVER 66 DBA, A SETBACK OF 150  
2 FEET FROM THE PROPERTY LINE TO THE EDGE OF THE MAINLINE PAVEMENT SHALL BE  
3 IMPOSED, SUBJECT TO THE PROVISIONS OF SUBSECTIONS (B) AND (C).

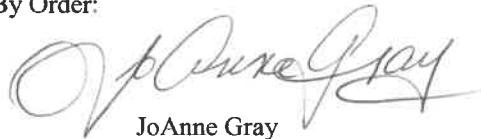
4  
5 SECTION 2. *And be it further enacted,* That all references in this Ordinance to “the  
6 effective date of Bill No. 101-18”, or words to that effect, shall, upon codification, be  
7 replaced with the actual date on which this Ordinance takes effect under Section 307 of the  
8 County Charter as certified by the Administrative Officer to the County Council.

9  
10 SECTION ~~2.~~ 3. *And be it further enacted,* That this Ordinance shall take effect 45 days  
11 from the date it becomes law.

AMENDMENTS ADOPTED: January 22 and February 4, 2019

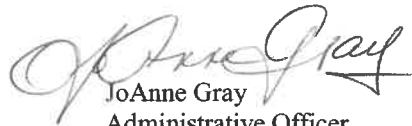
READ AND PASSED this 19<sup>th</sup> day of February, 2019

By Order:



JoAnne Gray  
Administrative Officer

PRESENTED to the County Executive for his approval this 21<sup>st</sup> day of February, 2019



JoAnne Gray  
Administrative Officer

APPROVED AND ENACTED this 28 day of February, 2019



Stuart Pittman  
County Executive

EFFECTIVE DATE:

**APR 14 2019**

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.  
101-18. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.



JoAnne Gray  
Administrative Officer