

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 6

Bill No. 22-18

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

By the County Council, March 19, 2018

Introduced and first read on March 19, 2018
Public Hearing set for April 16, 2018
Bill Expires June 22, 2018

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – General Provisions – Administrative
2 Adjustments of Bulk Regulations

3
4 FOR the purpose of adding a certain definition; adding provisions for administrative
5 adjustments of bulk regulations; and generally relating to zoning.

6
7 BY renumbering: § 18-1-101(33) through (147) to be § 18-1-101(34) through (148),
8 respectively
9 Anne Arundel County Code (2005, as amended)

10
11 BY adding: § 18-1-101(33); and 18-2-305
12 Anne Arundel County Code (2005, as amended)

13
14 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
15 That Section 18-1-101(33) through (147) of the Anne Arundel County Code (2005, as
16 amended) is hereby renumbered to be Section 18-1-101(34) through (148), respectively.

17
18 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
19 Code (2005, as amended) read as follows:

ARTICLE 18. ZONING

TITLE 1. DEFINITIONS

18-1-101. Definitions.

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.

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

4
5 (33) "CONFRONT" OR "CONFRONTING" WHEN USED IN REFERENCE TO REAL PROPERTY
6 MEANS A LOT OR PARCEL THAT WOULD ADJOIN ANOTHER LOT OR PARCEL BUT FOR AN
7 INTERVENING PUBLIC OR PRIVATE ROAD OR RIGHT-OF-WAY.

8
9 **TITLE 2. GENERAL PROVISIONS**

10
11 **18-2-305. Administrative adjustments of bulk regulations.**

12
13 (A) **Scope.** THIS SECTION APPLIES TO A REQUEST TO ADJUST BULK REGULATIONS FOR
14 A SINGLE LOT OR PARCEL NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. THIS
15 SECTION DOES NOT APPLY TO MULTIPLE LOTS OR PARCELS UNDER THE SAME OWNERSHIP.
16

17 (B) **Administrative adjustments.** UPON WRITTEN REQUEST, THE PLANNING AND
18 ZONING OFFICER MAY ADJUST ANY OF THE BULK REGULATIONS, EXCEPT FOR MINIMUM
19 LOT SIZE AND MAXIMUM LOT COVERAGE, AS FOLLOWS.
20

21 (1) (I) A SETBACK, HEIGHT, OR WIDTH REQUIREMENT MAY BE REDUCED OR
22 INCREASED BY UP TO AND INCLUDING 10% UPON REQUEST, PROVIDED THE APPLICANT
23 GIVES AND VERIFIES WRITTEN NOTICE OF THE PROPOSED ADJUSTMENT TO ALL
24 ADJOINING OR CONFRONTING PROPERTY OWNERS AT LEAST FIVE DAYS PRIOR TO
25 SUBMISSION OF THE WRITTEN REQUEST.
26

27 (II) IF THE OFFICE OF PLANNING AND ZONING RECEIVES NOTICE OF ANY
28 OPPOSITION TO THE ADMINISTRATIVE ADJUSTMENT REQUEST, THE REQUEST MAY ONLY
29 BE GRANTED IF THE PLANNING AND ZONING OFFICER FINDS THAT THE ADJUSTMENT WILL
30 NOT BE DETRIMENTAL TO PUBLIC HEALTH, SAFETY, OR WELFARE.
31

32 (2) A SETBACK, HEIGHT OR WIDTH REQUIREMENT MAY BE REDUCED OR
33 INCREASED BY MORE THAN 10% AND UP TO AND INCLUDING 25% UPON REQUEST,
34 PROVIDED THE APPLICANT GIVES AND VERIFIES WRITTEN NOTICE OF THE PROPOSED
35 ADJUSTMENT TO ALL ADJOINING OR CONFRONTING PROPERTY OWNERS AT LEAST FIVE
36 DAYS PRIOR TO SUBMISSION OF THE WRITTEN REQUEST, AND THE PLANNING AND ZONING
37 OFFICER FINDS THAT THE ADJUSTMENT WILL NOT BE DETRIMENTAL TO PUBLIC HEALTH,
38 SAFETY, OR WELFARE.
39

40 (3) THE PLANNING AND ZONING OFFICER MAY NOT ADMINISTRATIVELY ADJUST A
41 SETBACK, HEIGHT, OR WIDTH BULK REGULATION UNTIL AT LEAST TEN DAYS HAS
42 ELAPSED SINCE THE DATE THE REQUEST WAS RECEIVED BY THE PLANNING AND ZONING
43 OFFICER.
44

45 (4) ANY DECISION GRANTING AN ADMINISTRATIVE ADJUSTMENT IS APPEALABLE
46 TO THE BOARD OF APPEALS AS AN ORDER RELATING TO ZONING.
47

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