

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 14

Bill No. 71-22

Introduced by Ms. Rodvien, Chair  
(by request of the County Executive)

By the County Council, July 5, 2022

Introduced and first read on July 5, 2022  
Public Hearing set for and held on September 6, 2022  
Public Hearing on AMENDED bill set for and held on September 19, 2022  
Bill Expires October 8, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Critical Area Overlay – Growth Allocation  
2  
3 FOR the purpose of modifying the critical area growth allocation process; removing the  
4 growth allocation application acceptance schedule; limiting growth allocation requests  
5 to nonresidential uses or nonresidential zoning districts; modifying the criteria for  
6 rescission of growth allocation; making the effective date of this Ordinance contingent  
7 on the approval of the Maryland Critical Area Commission; and generally relating to  
8 zoning.  
9

10 By repealing: § 18-13-402(c)  
11 Anne Arundel County Code (2005, as amended)  
12

13 BY repealing and reenacting, with amendments: §§ 18-13-401; 18-13-402(a); and  
14 18-13-405(2)  
15 Anne Arundel County Code (2005, as amended)  
16

17 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
18 *That § 18-13-402(c) of the Anne Arundel County Code (2005, as amended) is hereby*  
19 *repealed.*  
20

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

EXPLANATION: CAPITALS indicate new matter added to existing law.  
[[Brackets]] indicate matter repealed from existing law.  
Captions and taglines in **bold** in this bill are catchwords and are not law.  
Underlining indicates matter added to bill by amendment.  
~~Strikeover~~ indicates matter removed from bill by amendment.

ARTICLE 18. ZONING

TITLE 13. CRITICAL AREA OVERLAY

**18-13-401. Creation.**

(A) **Process.** There is a growth allocation process in the critical area that allows land classified as RCA or LDA to be reclassified to LDA or IDA. All growth allocation requests and reviews shall be in compliance with the requirements of COMAR, Title 27.

(B) **IDA; minimum area.** IDA SHALL BE LOCATED IN AN AREA OF AT LEAST 20 ACRES, EXCEPT AS PROVIDED IN SUBSECTION (C).

(C) **Same; exceptions.** IDA MAY BE LOCATED IN AN AREA OF LESS THAN 20 ACRES IF THE IDA DESIGNATION WOULD:

~~(1)~~ (1) ALLOW FOR THE REDEVELOPMENT OF AN EXISTING COMMERCIAL USE IN COMPLIANCE WITH CURRENT STORMWATER MANAGEMENT REQUIREMENTS;

~~(2)~~ (2) ALLOW FOR LAND USE CONSISTENT WITH THE COUNTY'S GENERAL DEVELOPMENT PLAN; AND

~~(3)~~ (3) SUPPORT THE ESTABLISHED CHARACTER OF THE COMMUNITY, PROVIDE FOR SUITABLE INFILL DEVELOPMENT, AND PROVIDE FOR THE PRESERVATION OF EXISTING COMMUNITY ASSETS.

**18-13-402. Sites eligible for growth allocation.**

(a) Required characteristics. Requests for growth allocation are limited to existing or proposed ~~[[commercially used]]~~ NONRESIDENTIAL USES or ~~[[zoned property]]~~ ZONING DISTRICTS.

**18-13-405. Rescission of growth allocation.**

Approval of a growth allocation is rescinded by operation of law if:

(2) when subdivision is not required, ~~[[a building permit is not issued]]~~ ACTION TO COMMENCE THE DEVELOPMENT HAS NOT BEGUN within one year of the date of approval by the County Council or Critical Area Commission, whichever is later, and the ~~[[certificate of occupancy is not issued]]~~ REQUIRED PERMITS ARE NOT COMPLETED within three years of the date of approval by the County Council or Critical Area Commission, whichever is later.


SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days from the date it becomes law, or upon approval of the Maryland Critical Area Commission under the authority granted by § 8-1801 *et. seq.* of the Natural Resources Article of the State Code, whichever is later. If approved, in whole or in part, after the 45 days, the approved provisions of this Ordinance shall take effect on the date the notice of approval is received by the Office of Planning and Zoning. If disapproved, in whole or in part, the disapproved portions of this Ordinance shall be null and void without the necessity of further action by the County Council. The Office of Planning and Zoning, within five days

1 after receiving any notice from the Maryland Critical Area Commission, shall forward a  
2 copy to the Administrative Officer to the County Council.


AMENDMENTS ADOPTED: September 6, 2022

READ AND PASSED this 19<sup>th</sup> day of September, 2022


By Order:

  
Laura Corby  
Administrative Officer

PRESENTED to the County Executive for his approval this 20<sup>th</sup> day of September, 2022

  
Laura Corby  
Administrative Officer

APPROVED AND ENACTED this 26<sup>th</sup> day of September, 2022

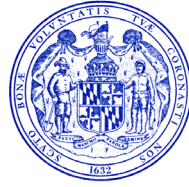
  
Stuart Pittman  
County Executive

EFFECTIVE DATE: January 5, 2023

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF  
BILL NO. 71-22 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.

  
Laura Corby  
Administrative Officer

Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor



Charles C. Deegan  
Chairman  
Katherine Charbonneau  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

January 5, 2023

Ms. Kelly Krinetz  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

Re: Bill 71-22: Growth Allocation Process

Dear Ms. Krinetz:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on County Bill 71-22 that amended the County's Zoning Code as it relates to the growth allocation process. On January 4, 2023, the Critical Area Commission concurred with my determination that the text amendment could be reviewed as a refinement to the Anne Arundel County Critical Area Program. At that same meeting, I approved the text amendment as proposed.

Thank you for your continued dedication to the County's Critical Area Program. If you have any questions or concerns, please contact Jennifer Esposito at (410) 260-3468 or [jennifer.esposito@maryland.gov](mailto:jennifer.esposito@maryland.gov).

Sincerely,

A handwritten signature in cursive script that reads "Charles C. Deegan".

Charles C. Deegan  
Chairman

cc: Ms. Charlotte Shearin, CAC  
Ms. Katherine Charbonneau, CAC  
Ms. Jennifer Esposito, CAC

file: AAA-64