

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 21

Bill No. 92-22

Introduced by Ms. Fiedler and Ms. Pickard

By the County Council, December 19, 2022

Introduced and first read on December 19, 2022
Public Hearing set for and held on January 17, 2023
Bill Expires on March 24, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Critical Area Overlay – RCA Uses – Nurseries
2 with Landscaping and Plant Sales

3
4 FOR the purpose of amending the use “nurseries with landscaping and plant sales” to allow
5 the use in the resource conservation area of the critical area if incidental uses are limited
6 to a certain portion of the lot; 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 and reenacting, with amendments: § 18-13-206(25)
11 Anne Arundel County Code (2005, as amended)

12
13 WHEREAS, the County Council passed Bill No. 57-22 on July 18, 2022 to remove
14 a limit on the percentage of a lot used for nurseries with landscaping and plant sales
15 that may be used for accessory retail or wholesale uses; and

16
17 WHEREAS, Bill No. 57-22 applies to nurseries with landscaping and plant sales
18 located in the resource conservation area (RCA) of the critical area contingent on
19 the approval of the Maryland Critical Area Commission under the authority granted
20 by § 8-1801 et. seq. of the Natural Resources Article of the State Code; and

21
22 WHEREAS, the Maryland Critical Area Commission on October 6, 2022 notified
23 Anne Arundel County of the Commission’s approval of Bill No. 57-22 conditioned
24 on an amendment to Anne Arundel County’s Critical Area Program limiting
25 commercial uses associated with “nurseries with landscaping and plant sales” in the
26 RCA of the critical area to a certain portion of the lot; now, therefore,

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 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
2 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:
3

4 **ARTICLE 18. ZONING**

5 **TITLE 13. CRITICAL AREA OVERLAY**

6 **18-13-206. RCA uses.**
7


8 The following uses are the only uses allowed in the RCA and, to be allowed, the use
9 must be allowed in and meet all requirements of the underlying zoning district and, for a
10 residential use, the density allowed is one dwelling unit per 20 acres:
11

12 (25) nurseries with landscaping and plant sales, PROVIDED THE NURSERY IS THE
13 PRINCIPAL USE AND THE LOT COVERAGE ASSOCIATED WITH ALL OTHER COMMERCIAL
14 USES IS LIMITED TO THE LESSER OF 15% OF THE LOT OR 20,000 SQUARE FEET;
15


16 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
17 from the date it becomes law or upon approval of the Maryland Critical Area Commission
18 under the authority granted by § 8-1801 et seq. of the Natural Resources Article of the State
19 Code, whichever is later. If approved in whole or in part after the 45 days, the approved
20 provisions of this Ordinance shall take effect on the date the notice of approval is received
21 by the Office of Planning and Zoning. If disapproved in whole or in part, the disapproved
22 portions of this Ordinance shall be null and void without the necessity of further action by
23 the County Council. The Office of Planning and Zoning, within five days after receiving
24 any notice from the Maryland Critical Area Commission, shall forward a copy to the
25 Administrative Officer for the County Council.
26
27

READ AND PASSED this 17th day of January, 2023

By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 18th day of January, 2023


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 26th day of January, 2023


Steuart Pittman
County Executive

EFFECTIVE DATE: March 12, 2023

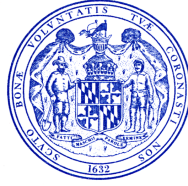
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 92-22 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Laura Corby
Administrative Officer

Wes Moore
Governor

Aruna Miller
Lt. Governor



Charles C. Deegan
Chairman
Katherine Charbonneau
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

February 16, 2023

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

Re: Bill 57-22: Nurseries with Landscaping and Plant Sales

Dear Ms. Krinetz:

Thank you for forwarding Anne Arundel County Bill No. 92-22. The bill updates Section 18-13-206(25) of the County Code for the purpose of satisfying the Critical Area Commission's condition of approval for Anne Arundel County Bill No. 57-22 which was granted on October 5, 2022. Commission staff has reviewed the final bill and concurs that the condition has been satisfied. I will update our records accordingly.

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

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Esposito".

Jennifer Esposito
Natural Resources Planner

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

file: AAA-63