

## COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 11

Bill No. 57-22

Introduced by the Entire Council

By the County Council, May 16, 2022

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Introduced and first read on May 16, 2022  
Public Hearing set for and held on June 21, 2022  
Public Hearing on AMENDED bill set for and held on July 5, 2022  
Public Hearing on SECOND AMENDED bill set for and held on July 18, 2022  
Bill Expires on August 19, 2022

By Order: Laura Corby, Administrative Officer

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### A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Nurseries with Landscaping and Plant Sales  
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3 FOR the purpose of amending the definition of “nurseries with landscaping and plant  
4 sales”; removing a limit on the percentage of a lot that can be used for accessory retail  
5 or wholesale uses; adding a conditional use requirement for “nurseries with landscaping  
6 and plant sales” to allow the storage and display of certain materials on a portion of the  
7 lot; making a facility in use as of a certain date a lawful use under certain conditions;  
8 making the effective date of certain parts of this Ordinance contingent on the approval  
9 of the Maryland Critical Area Commission; and generally relating to zoning.  
10  
11 BY repealing and reenacting, with amendments: ~~§ 18-1-101(90); and 18-10-138~~ §§ 18-1-  
12 101(90); and 18-10-139  
13 Anne Arundel County Code (2005, as amended)  
14

15 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
16 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:  
17

### ARTICLE 18. ZONING

#### TITLE 1. DEFINITIONS

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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.  
Underlining indicates matter added to bill by amendment.  
~~Strikeover~~ indicates matter removed from bill by amendment.

**18-1-101. Definitions.**

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

(90) "Nurseries with landscaping and plant sales" means a facility for the cultivating, harvesting, and sale of plants, bushes, trees, and other nursery items grown onsite, ~~[[or established]]~~ EITHER in the ground OR IN CONTAINERS, prior to sale, AND INCLUDES THE SALE OF PRODUCTS RELATED TO LANDSCAPING AND THE CULTIVATION OF PLANTS, BUSHES, TREES, AND OTHER NURSERY ITEMS.

**TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

~~18-10-138~~ **18-10-139. Nurseries with landscaping and plant sales.**

A nursery with landscaping and plant sales shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least 5 acres.

(2) The facility shall be located on an arterial or collector road.

(3) Accessory retail or wholesale uses ~~[[may not occupy more than 1% of the lot, but a retail or wholesale use does not include green houses and required setbacks, growing areas, or plant display areas]]~~ ARE PERMITTED.

(4) Any accessory landscaping or tree cutting operations may not occupy more than 15% of the lot, excluding required setbacks.

(5) THE STORAGE AND DISPLAY AREAS FOR MATERIALS AND PRODUCTS USED AND SOLD FOR LANDSCAPING AND THE CULTIVATION OF PLANTS, BUSHES, TREES, AND OTHER NURSERY ITEMS, SUCH AS STONE, MULCH, OR FERTILIZER, MAY NOT OCCUPY MORE THAN 30% OF THE LOT, OR ONE ACRE, WHICHEVER IS LESS.

~~[[5]]~~ (6) A conditional use granted under this section and in use as of April 7, 2014 shall be ~~[[governed by the law in effect as of that date]]~~ A LAWFUL USE IF LOCATED ON A LOT OF AT LEAST FIVE ACRES IN A R2 ZONING DISTRICT, OR ON A LOT OF AT LEAST TWO ACRES IN ALL OTHER ZONING DISTRICTS, AND IF THE REQUIREMENTS OF SUBSECTIONS (2) THROUGH (5) ARE MET.

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

SECTION 2. And be it further enacted, That, for nurseries with landscaping and plant sales located in the resource conservation area (RCA) of the critical area, Section 1 of 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 Section 1 of this Ordinance shall take

1 effect for nurseries with landscaping and plant sales located in the RCA of the critical area  
2 on the date the notice of approval is received by the Office of Planning and Zoning. If  
3 disapproved, in whole or in part, nurseries with landscaping and plant sales located in the  
4 RCA of the critical area shall be governed by the law as it existed before the effective date  
5 of Bill 57-22, without the necessity of further action by the County Council. The Office of  
6 Planning and Zoning, within five days after receiving any notice from the Maryland  
7 Critical Area Commission, shall forward a copy to the Administrative Officer to the County  
8 Council.

9  
10 SECTION 3. And be it further enacted, That, for nurseries with landscaping and plants  
11 sales not subject to Section 2 of this Ordinance, Section 1 of this Ordinance shall take effect  
12 45 days from the date it becomes law.

AMENDMENTS ADOPTED: June 21, 2022 and July 5, 2022

READ AND PASSED this 18<sup>th</sup> day of July, 2022

By Order:

  
Laura Corby  
Administrative Officer

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

  
Laura Corby  
Administrative Officer

APPROVED AND ENACTED this 29<sup>th</sup> day of July, 2022

  
Steuart Pittman  
County Executive

EFFECTIVE DATE: September 12, 2022\*

\*Subject to Section 2

Bill No. 57-22

Page No. 4

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF  
BILL NO. 57-22 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby", with a stylized, flowing script.

Laura Corby  
Administrative Officer