

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 14

Bill No. 73-22

Introduced by Ms. Fiedler

By the County Council, July 5, 2022

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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  
Public Hearing on SECOND AMENDED bill set for and held on October 3, 2022  
Bill Expires October 8, 2022

By Order: Laura Corby, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development and Zoning – Cluster  
2 Development

3  
4 FOR the purpose of defining “cluster development”; requiring cluster development to  
5 include landscaped screening and buffer areas; exempting applications for cluster  
6 development made before a certain date from certain requirements; and generally  
7 relating to subdivision and development and zoning.

8  
9 BY repealing: § 18-1-101(31)  
10 Anne Arundel County Code (2005, as amended)

11  
12 BY renumbering: § 17-1-101(16) through (101), respectively, to be § 17-1-101(17) through  
13 (102), respectively; and § 18-1-101(32) through (164), respectively, to be § 18-1-  
14 101(31) through (163), respectively  
15 Anne Arundel County Code (2005, as amended)

16  
17 ~~BY adding § 17-1-101(16)~~  
18 ~~— Anne Arundel County Code (2005, as amended)~~

19  
20 ~~BY repealing and reenacting, with amendments: § 17-3-502(b)~~  
21 ~~— Anne Arundel County Code (2005, as amended)~~

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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[[Brackets]] indicate matter repealed from existing law.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.

1 BY repealing and reenacting, with amendments: §§ 17-2-101(b)(14) and (15); and  
2 17-3-502(b)  
3 Anne Arundel County Code (2005, as amended)

4  
5 BY adding: §§ 17-1-101(16); and 17-2-101(16)  
6 Anne Arundel County Code (2005, as amended)

7  
8 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
9 *That § 18-1-101(31) of the Anne Arundel County Code (2005, as amended) is hereby*  
10 *repealed.*

11  
12 SECTION 2. *And be it further enacted, That §§ 17-1-101(16) through (101),*  
13 *respectively; and 18-1-101 (32) through (164), respectively, of the Anne Arundel County*  
14 *Code (2005, as amended) are hereby renumbered to be §§17-1-101(17) through (102),*  
15 *respectively; and 18-1-101(31) through (163), respectively.*

16  
17 SECTION 3. *And be it further enacted, That Section(s) of the Anne Arundel County*  
18 *Code (2005, as amended) read as follows:*

19  
20 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

21  
22 **TITLE 1. DEFINITIONS**

23  
24 **17-1-101 Definitions.**

25  
26 Unless defined in this article, the Natural Resources Article of the State Code, or  
27 COMAR, the definitions of words defined elsewhere in this Code apply in this article. The  
28 following words have the meanings indicated:

29  
30 (16) "CLUSTER DEVELOPMENT" MEANS A RESIDENTIAL DEVELOPMENT IN  
31 WHICH DWELLING UNITS ARE CONCENTRATED IN A SELECTED AREA OR SELECTED AREAS  
32 OF THE DEVELOPMENT THROUGH FLEXIBILITY IN LOT SIZE DESIGN, SO AS TO PRESERVE  
33 AND PROTECT NATURAL FEATURES, CONSERVE FOREST, PROVIDE OPEN SPACE FOR  
34 PASSIVE AND ACTIVE RECREATION, AND INTEGRATE ENVIRONMENTAL SITE  
35 DESIGN, WITHOUT AN INCREASE IN OVERALL DENSITY.

36  
37 **TITLE 2. GENERAL PROVISIONS**

38  
39 **17-2-101. Scope; applicability.**

40  
41 **(b) Applicability to pending and future proceedings.** Subject to the grandfathering  
42 provisions of COMAR Title 27, this article applies to all pending and future proceedings  
43 and actions of any board, department, or agency empowered to decide applications under  
44 this Code, except that:

45  
46 (14) the following shall be governed by the law as it existed prior to January 9,  
47 2020:

1 (i) an application for approval of a sketch plan, final plan, final infrastructure  
2 construction plan, preliminary plan, or site development plan, and any building or grading  
3 permits associated with these plans, filed on or before December 15, 2019;

4  
5 (ii) applications for building and grading permits that are not associated with a  
6 final plan or site development plan filed on or before December 15, 2019;

7  
8 (iii) revisions to the plans and permits referenced in subparagraphs (i) and (ii)  
9 that do not materially alter the proposed or actual limits of disturbance; and

10  
11 (iv) an application for a special exception filed on or before December 15, 2019  
12 and all applications associated with the special exception; [[and]]

13  
14 (15) an application for sketch plan approval, final plan approval, preliminary plan  
15 approval, or approval of a building or grading permit associated with a BRAC Mixed Use  
16 Development plan that was filed before June 27, 2022 shall be governed by the law as it  
17 existed prior to June 27, 2022[.]; AND

18  
19 (16) AN APPLICATION FOR APPROVAL OF A SKETCH PLAN OR FINAL PLAN FOR A  
20 CLUSTER DEVELOPMENT, AND ANY BUILDING PERMIT, GRADING PERMIT, OR OTHER  
21 APPLICATION ASSOCIATED WITH A CLUSTER DEVELOPMENT, FILED BEFORE THE  
22 EFFECTIVE DATE OF BILL NO. 73-22 SHALL BE GOVERNED BY THE LAW AS IT EXISTED  
23 PRIOR TO THE EFFECTIVE DATE OF BILL NO. 73-22.

### 24 25 **TITLE 3. SUBDIVISION**

#### 26 27 **17-3-502. Lot design criteria.**

28  
29 **(b) Building envelope; cluster development.** A residential lot shall be of sufficient  
30 size to have a building envelope UNENCUMBERED BY EASEMENTS OR RESTRICTIONS THAT  
31 SUBSTANTIALLY RESTRICT THE USE OF THE BUILDING ENVELOPE. Residential dwelling  
32 units on residential lots shall be clustered to the maximum extent practicable as determined  
33 by the Office of Planning and Zoning. In determining the extent to which clustering will  
34 be required for a minor subdivision or subdivision of lots shown on a previously recorded  
35 plat, the Planning and Zoning Officer shall evaluate the development patterns and lot sizes  
36 of adjoining properties and approve development that does not substantially alter the  
37 character of the neighborhood. [[The lots shall be of sufficient size to have a building  
38 envelope unencumbered by easements or restrictions that substantially restrict the use of  
39 the building envelope.]] CLUSTER DEVELOPMENT SHALL INCLUDE LANDSCAPED  
40 SCREENING AND BUFFER AREAS ~~OF SUFFICIENT WIDTH ALONG ADJACENT ROADS,~~  
41 ~~EXCLUDING LOCAL ROADS,~~ THAT HAVE A WIDTH OF 25 FEET, ALONG ADJACENT, NON-  
42 LOCAL ROADS AND ADJOINING PROPERTIES THAT ARE NOT A PART OF THE  
43 DEVELOPMENT.  
44

45 SECTION 4. And be it further enacted, That all references in this Ordinance to “the  
46 effective date of Bill No. 73-22”, or words to that effect, shall upon codification, be  
47 replaced with the actual date on which this Ordinance takes effect under Section 307 of the  
48 County Charter as Certified by the Administrative Officer to the County Council.

49  
50 SECTION 4. 5. And be it further enacted, That this Ordinance shall take effect 45 days  
51 from the date it becomes law.


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AMENDMENTS ADOPTED: September 6 and 19, 2022

READ AND PASSED this 3<sup>rd</sup> day of October, 2022

By Order:

  
Laura Corby  
Administrative Officer

PRESENTED to the County Executive for his approval this 4<sup>th</sup> day of October, 2022

  
Laura Corby  
Administrative Officer

APPROVED AND ENACTED this 11<sup>th</sup> day of October, 2022

  
Steuart Pittman  
County Executive

EFFECTIVE DATE: November 25, 2022

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF  
BILL NO. 73-22 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.

  
Laura Corby  
Administrative Officer