A BILL ENTITLED
AN ORDINANCE concerning: Subdivision and Development and Zoning – Cluster Development

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

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

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

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

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

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 [[Brackets]] indicate matter repealed from existing law.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.
BY repealing and reenacting, with amendments: §§ 17-2-101(b)(14) and (15); and 17-3-502(b) Anne Arundel County Code (2005, as amended)

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

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of Anne Arundel County, Maryland, That § 18-1-101(31) of the Anne Arundel County Code (2005, as amended) is hereby repealed.

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

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

ARTICLE 17. SUBDIVISION AND DEVELOPMENT

TITLE 1. DEFINITIONS

17-1-101 Definitions.

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

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

TITLE 2. GENERAL PROVISIONS

17-2-101. Scope; applicability.

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

(14) the following shall be governed by the law as it existed prior to January 9, 2020:
(i) an application for approval of a sketch plan, final plan, final infrastructure construction plan, preliminary plan, or site development plan, and any building or grading permits associated with these plans, filed on or before December 15, 2019;

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

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

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

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

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

TITLE 3. SUBDIVISION

17-3-502. Lot design criteria.

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

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

SECTION 4, 5. And be it further enacted, That this Ordinance shall take effect 45 days from the date it becomes law.
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AMENDMENTS ADOPTED: September 6 and 19, 2022

READ AND PASSED this 3rd day of October, 2022

By Order:

Laura Corby
Administrative Officer

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

Laura Corby
Administrative Officer

APPROVED AND ENACTED this 11th 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