

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 3

Bill No. 8-22

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

By the County Council, January 18, 2022

Introduced and first read on January 18, 2022
Public Hearing set for and held on February 22, 2022
Public Hearing on AMENDED bill set for and held on March 7, 2022
Public Hearing on SECOND AMENDED bill set for and held on March 21, 2022
Public Hearing on THIRD AMENDED bill set for and held on April 4, 2022
Bill Expires April 23, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – 2022 Green Infrastructure Master Plan

2
3 FOR the purpose of repealing the 2002 Greenways Master Plan and amendments; adopting
4 the 2022 Green Infrastructure Master Plan and appendices as a guide for the future
5 conservation of natural lands in the County; making certain findings of fact and stating
6 the legislative intent relative to the Green Infrastructure Master Plan; adding an
7 applicability provision to Article 18 of the Code; making this Ordinance subject to a
8 certain contingency; providing for a special effective date in certain circumstances;
9 requiring a certain annual report; making a conforming change; and generally relating
10 to zoning and the County’s 2022 Green Infrastructure Master Plan.

11
12 BY renumbering: § 18-2-103(d) to be § 18-2-103(e)
13 Anne Arundel County Code (2005, as amended)

14
15 BY adding: § 18-2-103(d)
16 Anne Arundel County Code (2005, as amended)

17
18 BY repealing and reenacting, with amendments: § 18-11-158(4)
19 Anne Arundel County Code (2005, as amended)

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.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

1 WHEREAS, the County Council finds that, various plans and planning documents,
2 including the 2002 Greenways Master Plan, as amended, have been adopted by the
3 County Council; and

4
5 WHEREAS, the County Council further finds that “Plan2040”, the County’s
6 General Development Plan, as adopted by this Council on May 3, 2021, recognized
7 several Functional Master Plans, including the Green Infrastructure Master Plan,
8 which is intended to supersede and replace the 2002 Greenways Master Plan, as
9 amended; and

10
11 WHEREAS, the County Council finds the “Green Infrastructure Master Plan” is an
12 official policy document that is intended to guide conservation of an interconnected
13 network of the most significant remaining natural lands in Anne Arundel County;
14 protect water and air quality; provide habitats for plants and wildlife; create
15 opportunities for recreation and support mitigation of, and adaptation to, climate
16 change; and support the land use policies of the County’s General Development
17 Plan, “Plan2040,” by prioritizing areas for natural resource conservation, providing
18 open space, and maintaining rural character in the County; and

19
20 WHEREAS, the County Council finds that the Green Infrastructure Master Plan is
21 broad in scope rather than site-specific and is intended to outline a vision of how
22 the County will conserve and restore green spaces throughout the County, and does
23 not supersede planned land use described in Plan 2040 and any region plans adopted
24 pursuant thereto, and does not impose restrictions during any development review
25 process; and

26
27 WHEREAS, the County Council further finds that the Green Infrastructure Master
28 Plan is being updated to recognize and address inequity in environmental conditions
29 and access to green spaces in different parts of the County; and

30
31 WHEREAS, the County Council further finds that the Green Infrastructure Master
32 Plan provides an opportunity to conserve a connected network of natural lands as
33 envisioned in Maryland’s Green Infrastructure Assessment, the County’s General
34 Development Plan, “Plan2040”, Small Area Plans, and the Land Preservation,
35 Parks, and Recreation Plan; now, therefore

36
37 ~~SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*~~
38 ~~That the 2002 Greenways Master Plan, as amended, is hereby repealed.~~

39
40 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
41 That § 18-2-103(d) of the Anne Arundel County Code (2005, as amended) is hereby
42 renumbered to be § 18-2-103(e).

43
44 SECTION 2. *And be it further enacted, That the 2002 Greenways Master Plan, as*
45 amended, is hereby repealed.

1. On page 12 of the Plan, at the end of the third paragraph, insert “The Green Infrastructure Network Map is a conceptual map for planning purposes.”

2. On page 34, in the section entitled “2022 Green Infrastructure Network”, in the first column, at the end of the paragraph, insert “The Green Infrastructure Network Map is a conceptual planning map. Future land use or management decisions related to individual parcels will be informed by site specific studies of greater detail and accuracy.”

3. On page 55, in section entitled “Action 3.2 Integrate the Green Infrastructure Network Into County planning programs and procedures.”, in the third paragraph, in the fifth line, after the period, insert “Delineation of the boundary of natural features will rely on site specific studies, rather than the Network map.

SECTION 2: ~~3:~~ 4: *And be it further enacted*, That the January 18, 2022 Green Infrastructure Master Plan for Anne Arundel County, as amended by this Ordinance, incorporated herein by reference as if fully set forth, is hereby adopted.

SECTION 3. ~~4.~~ 5. *And be it further enacted*, That a certified copy of the January 18, 2022 Green Infrastructure Master Plan for Anne Arundel County prepared by the Office of Planning and Zoning, as amended by this Ordinance, shall be permanently kept on file in the office of the Administrative Officer to the County Council and in the Office of Planning and Zoning.

SECTION 4. 5. 6. *And be it further enacted*, That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

TITLE 2. GENERAL PROVISIONS

18-2-103. Planning for future development.

(D) Green Infrastructure Master Plan.

(1) THE 2022 GREEN INFRASTRUCTURE MASTER PLAN IS NOT REGULATORY, DOES NOT HAVE THE FORCE OF LAW, AND DOES NOT IMPOSE RESTRICTIONS ON DEVELOPMENT OR LAND USE IN THE COUNTY.

(2) ON OR BEFORE JULY 1, 2023, AND ON OR BEFORE JULY 1 OF EVERY YEAR FOLLOWING, THE OFFICE OF PLANNING AND ZONING, IN CONJUNCTION WITH THE DEPARTMENT OF RECREATION AND PARKS, SHALL SUBMIT TO THE COUNTY EXECUTIVE AND COUNTY COUNCIL A REPORT ON THE PROGRESS OF THE IMPLEMENTATION OF THE GREEN INFRASTRUCTURE MASTER PLAN. IN COORDINATION WITH THE ANNUAL REPORT THE OFFICE OF PLANNING AND ZONING SHALL UPDATE THE GREEN INFRASTRUCTURE NETWORK MAP TO:

(I) REMOVE ANY AREAS IDENTIFIED AS TECHNICAL ERRORS:

(II) DESIGNATE AREAS IN THE NETWORK WHERE DEVELOPMENT HAS BEEN APPROVED;

(III) DESIGNATE AREAS IN THE NETWORK WHERE LAND HAS BEEN CONSERVED THROUGH ACQUISITION, EASEMENT, OR SIMILAR MECHANISMS; AND

(IV) ADD ANY ADJACENT, CONTIGUOUS AREAS THAT HAVE BEEN CONSERVED THROUGH ACQUISITION, EASEMENT, OR SIMILAR MECHANISMS.

TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES

18-11-158. Solar energy generating facility – community.

A solar energy generating facility – community shall comply with all of the following requirements.

(4) Any solar facility where the fenced area would exceed 15 acres shall provide a wildlife corridor conforming with the provisions of the current Anne Arundel County **[[Greenways]]** GREEN INFRASTRUCTURE Master Plan.

~~SECTION 5. 6, 7. And be it further enacted, That this Ordinance shall take effect 45 days from the date it becomes law.~~

SECTION 7. And be it further enacted, That this Ordinance shall take effect contingent upon the following:

1. Within 30 days of the enactment of this Ordinance, the Office of Planning and Zoning shall mail each property newly included in the 2022 Green Infrastructure Master Plan a notice of adoption of the 2022 Green Infrastructure Master Plan, including the website for an interactive map showing the “2022 Green Infrastructure Network” which allows searching of the map by address. The notice must request that property owners whose property is included in the 2022 Green Infrastructure Network provide comments within 60 days of the date of the notice indicating:

(a) whether the property is either “available for conservation” or “subject to property owner plans”; and

(b) whether the Green Infrastructure Master Plan contains any errors.

2. Also within 30 days, the Office of Planning and Zoning shall post on the Office of Planning and Zoning website a notice of adoption of the 2022 Green Infrastructure Master Plan, including a link to an interactive map showing the “2022 Green Infrastructure Network” which allows searching of the map by address. The notice must request that property owners whose property is included in the 2022 Green Infrastructure Network provide comments within 60 days of the date of the notice indicating:

1 (a) whether the property is either “available for conservation” or “subject to
2 property owner plans”; and

3
4 (b) whether the Green Infrastructure Master Plan contains any errors.

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6 3. After the expiration of the 60 days, the Office of Planning and Zoning shall revise
7 the January 18, 2022 Green Infrastructure Master Plan to (a) indicate with a distinct
8 coloring or shading on the map of the 2022 Green Infrastructure Network, all the properties
9 which are:

10
11 (a) “subject to property owner plans” status of any property for according to
12 any comments received pursuant to Section 5-1 of this Ordinance; and

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14 (b) correct any errors accurately identified by property owner comments.

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16 4. If the requirements of this Section are not met within a total of 180 days, this
17 Ordinance shall be null and void without further action of the County Council.

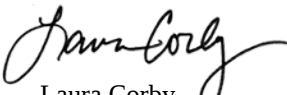
18
19 SECTION 8. And be it further enacted, That any ordinance that relies on the “2022
20 Green Infrastructure Network” may not take effect until the requirements of Section 7 of
21 this Ordinance have been met.

22
23 SECTION 9. And be it further enacted, That, subject to Section 7 of this Ordinance,
24 this Ordinance shall take effect 45 days from the date it becomes law.

AMENDMENTS ADOPTED: February 22, March 7 and 21, 2022

READ AND PASSED this 4th day of April, 2022

By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 5th day of April, 2022


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 12th day of April, 2022


Steuart Pittman
County Executive

Bill No. 8-22

Page No. 6

EFFECTIVE DATE: May 27, 2022

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 8-22 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