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

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

FOR the purpose of amending the use “nurseries with landscaping and plant sales” to allow the use in the resource conservation area of the critical area if incidental uses are limited to a certain portion of the lot; making the effective date of this Ordinance contingent on the approval of the Maryland Critical Area Commission; and generally relating to zoning.

BY repealing and reenacting, with amendments: § 18-13-206(25)
Anne Arundel County Code (2005, as amended)

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

WHEREAS, Bill No. 57-22 applies to nurseries with landscaping and plant sales located in the resource conservation area (RCA) of the critical area contingent on the 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; and

WHEREAS, the Maryland Critical Area Commission on October 6, 2022 notified Anne Arundel County of the Commission’s approval of Bill No. 57-22 conditioned on an amendment to Anne Arundel County’s Critical Area Program limiting commercial uses associated with “nurseries with landscaping and plant sales” in the 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 inbold in this bill are catchwords and are not law.
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SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland, That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 18. ZONING

TITLE 13. CRITICAL AREA OVERLAY

18-13-206. RCA uses.

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

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

SECTION 2. And be it further enacted, That 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 this Ordinance shall take effect on the date the notice of approval is received by the Office of Planning and Zoning. If disapproved in whole or in part, the disapproved portions of this Ordinance shall be null and void without the necessity of further action by the County Council. The Office of Planning and Zoning, within five days after receiving any notice from the Maryland Critical Area Commission, shall forward a copy to the Administrative Officer for the County Council.

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*

* Pending approval in Section 2

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.

Laura Corby
Administrative Officer