

# FINAL

## 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

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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

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### A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Critical Area Overlay – RCA Uses – Nurseries  
2 with Landscaping and Plant Sales  
3

4 FOR the purpose of amending the use “nurseries with landscaping and plant sales” to allow  
5 the use in the resource conservation area of the critical area if incidental uses are limited  
6 to a certain portion of the lot; making the effective date of this Ordinance contingent  
7 on the approval of the Maryland Critical Area Commission; and generally relating to  
8 zoning.  
9

10 BY repealing and reenacting, with amendments: § 18-13-206(25)  
11 Anne Arundel County Code (2005, as amended)  
12

13 WHEREAS, the County Council passed Bill No. 57-22 on July 18, 2022 to remove  
14 a limit on the percentage of a lot used for nurseries with landscaping and plant sales  
15 that may be used for accessory retail or wholesale uses; and  
16

17 WHEREAS, Bill No. 57-22 applies to nurseries with landscaping and plant sales  
18 located in the resource conservation area (RCA) of the critical area contingent on  
19 the approval of the Maryland Critical Area Commission under the authority granted  
20 by § 8-1801 et. seq. of the Natural Resources Article of the State Code; and  
21

22 WHEREAS, the Maryland Critical Area Commission on October 6, 2022 notified  
23 Anne Arundel County of the Commission’s approval of Bill No. 57-22 conditioned  
24 on an amendment to Anne Arundel County’s Critical Area Program limiting  
25 commercial uses associated with “nurseries with landscaping and plant sales” in the  
26 RCA of the critical area to a certain portion of the lot; now, therefore,

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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.

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

3  
4                               **ARTICLE 18. ZONING**

5  
6                               **TITLE 13. CRITICAL AREA OVERLAY**

7  
8       **18-13-206. RCA uses.**


9  
10       The following uses are the only uses allowed in the RCA and, to be allowed, the use  
11       must be allowed in and meet all requirements of the underlying zoning district and, for a  
12       residential use, the density allowed is one dwelling unit per 20 acres:

13  
14       (25) nurseries with landscaping and plant sales, PROVIDED THE NURSERY IS THE  
15       PRINCIPAL USE AND THE LOT COVERAGE ASSOCIATED WITH ALL OTHER COMMERCIAL  
16       USES IS LIMITED TO THE LESSER OF 15% OF THE LOT OR 20,000 SQUARE FEET;


17  
18       SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days  
19       from the date it becomes law or upon approval of the Maryland Critical Area Commission  
20       under the authority granted by § 8-1801 et seq. of the Natural Resources Article of the State  
21       Code, whichever is later. If approved in whole or in part after the 45 days, the approved  
22       provisions of this Ordinance shall take effect on the date the notice of approval is received  
23       by the Office of Planning and Zoning. If disapproved in whole or in part, the disapproved  
24       portions of this Ordinance shall be null and void without the necessity of further action by  
25       the County Council. The Office of Planning and Zoning, within five days after receiving  
26       any notice from the Maryland Critical Area Commission, shall forward a copy to the  
27       Administrative Officer for the County Council.

READ AND PASSED this 17<sup>th</sup> day of January, 2023

By Order:

  
Laura Corby  
Administrative Officer

PRESENTED to the County Executive for his approval this 18<sup>th</sup> day of January, 2023

  
Laura Corby  
Administrative Officer

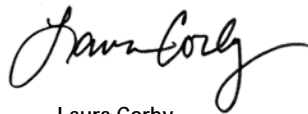
APPROVED AND ENACTED this 26<sup>th</sup> day of January, 2023

  
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.

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

Laura Corby  
Administrative Officer