

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 15

Bill No. 69-23

Introduced by Mr. Smith, Chair
(by request of the County Executive)

By the County Council, September 5, 2023

Introduced and first read on September 5, 2023
Public Hearing set for and held on October 2, 2023
Public Hearing on AMENDED bill set for and held on October 16, 2023
Public Hearing on SECOND AMENDED bill set for and held on November 6, 2023
Bill Expires on December 9, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – General Provisions – Amendments to
2 Comprehensive Zoning Ordinance

3
4 FOR the purpose of establishing a process for notice of a change of zoning by amendment
5 to a comprehensive zoning ordinance; ~~requiring that certain signs be posted for certain~~
6 ~~time frames prior to introduction of an amendment to a comprehensive zoning~~
7 ~~ordinance~~ requiring signs on a subject property and notice on the County website for a
8 certain number of days prior to consideration of an amendment to a comprehensive
9 zoning ordinance; adding requirements for the content and location of signs; and
10 generally relating to zoning.

11
12 BY repealing and reenacting, with amendments: §§ 18-2-106(b)(1); and 18-2-107(a)(3)
13 Anne Arundel County Code (2005, as amended)

14
15 BY adding: § 18-2-108
16 Anne Arundel County Code (2005, as amended)

17
18 WHEREAS, Resolution No. 48-17 was adopted by the County Council on
19 December 18, 2017; and

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.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

1 WHEREAS, Resolution No. 48-17 proposed an amendment to Section 307(e)(1) of
2 the Charter of Anne Arundel County and required a question be submitted to the
3 qualified voters of the County at the General Election in November 2018, for their
4 adoption or rejection “[t]o amend the Anne Arundel County Charter to require
5 notice by posting on a subject property pursuant to requirements in the County Code
6 before amending a comprehensive zoning ordinance to include a zoning change
7 request made to the County Council and not proposed or reviewed by the Office of
8 Planning and Zoning before introduction of the comprehensive zoning ordinance”;
9 and

10
11 WHEREAS, this question appeared on the ballot at the General Election in
12 November 2018 as “Question A”; and

13
14 WHEREAS, “Question A” passed by a majority of votes on November 6, 2018,
15 and the Amendment to Section 307(e)(1) of the Charter became law; and

16
17 WHEREAS, pursuant to Section 307(e)(1) of the Charter, this Ordinance creates
18 the requirements for posting notice on a subject property of an amendment to a
19 comprehensive zoning ordinance as required by the adopted Charter amendment;
20 now, therefore,

21
22 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
23 *That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:*

24
25 **ARTICLE 18. ZONING**

26
27 **TITLE 2. GENERAL PROVISIONS**

28
29 **18-2-106. Zoning map.**

30
31 **(b) Authorized changes to zoning map.** The Anne Arundel County Digital Zoning
32 Layer may not be changed except as follows:

33
34 (1) By A comprehensive zoning [[legislation]] ORDINANCE enacted by the County
35 Council and certified by the Administrative Officer to the County Council;

36
37 (2) By rezoning as authorized by § 18-16-303 and, upon final decision, certified by
38 the Planning and Zoning Officer;

39
40 (3) By zoning district line corrections as authorized by § 18-2-107 and certified by
41 the Administrative Officer to the County Council or the Planning and Zoning Officer.

42
43 **18-2-107. Zoning district line corrections.**

44
45 **(a) In general.** The Planning and Zoning Officer may either submit proposed changes
46 to the County Council for adoption by ordinance or certify changes to the digital zoning
47 layer to correct minor or technical errors to a zoning district line:

1 (3) when written text or a map exhibit adopted by A comprehensive zoning
2 [[legislation]] ORDINANCE or other property rezoning clearly indicates a discrepancy
3 between a zoning district line as shown on the digital zoning layer and the adopted text or
4 map exhibit.

5
6 **18-2-108. Amendments to comprehensive zoning ordinance.**

7
8 ~~(A) **Notice.** A CHANGE OF ZONING BY AMENDMENT TO A COMPREHENSIVE ZONING~~
9 ~~ORDINANCE THAT IS NOT REQUESTED BY APPLICATION TO OR PROPOSED BY THE OFFICE~~
10 ~~OF PLANNING AND ZONING PRIOR TO INTRODUCTION OF THE COMPREHENSIVE ZONING~~
11 ~~ORDINANCE MAY NOT BE ADDED BY AMENDMENT TO THE COMPREHENSIVE ZONING~~
12 ~~ORDINANCE UNTIL:~~

13
14 ~~_____ (1) ONE OR MORE SIGNS COMPLYING WITH SUBSECTION (B) ARE POSTED ON THE~~
15 ~~SUBJECT PROPERTY FOR A PERIOD OF NOT LESS THAN FIVE CALENDAR DAYS BEFORE THE~~
16 ~~INTRODUCTION OF THE AMENDMENT; AND~~

17
18 ~~_____ (2) PROOF OF POSTING IS PROVIDED TO THE COUNTY COUNCIL BY THE PROPERTY~~
19 ~~OWNER OR THEIR AUTHORIZED AGENT WITH CLEAR PHOTOGRAPHIC EVIDENCE TO~~
20 ~~VERIFY COMPLIANCE WITH THIS SUBSECTION PRIOR TO INTRODUCTION OF THE~~
21 ~~AMENDMENT AND THE PROOF OF POSTING IS INCLUDED WITH THE AMENDMENT AT THE~~
22 ~~TIME OF INTRODUCTION OF THE AMENDMENT.~~

23
24 **(A) Notice.**

25
26 (1) A CHANGE OF ZONING PROPOSED BY AMENDMENT TO A COMPREHENSIVE
27 ZONING ORDINANCE MAY NOT BE CONSIDERED AT A LEGISLATIVE SESSION OF THE
28 COUNTY COUNCIL UNTIL:

29
30 (I) AT LEAST ~~40~~ 14 DAYS BEFORE THE LEGISLATIVE SESSION:

31
32 1. ONE OR MORE SIGNS THAT COMPLY WITH SUBSECTION (B) ARE POSTED
33 ON THE SUBJECT PROPERTY; AND

34
35 2. NOTICE OF THE PROPOSED CHANGE OF ZONING IS POSTED TO THE
36 COUNTY COUNCIL WEBSITE; AND

37
38 (II) A PROPERTY OWNER, OR THEIR AUTHORIZED AGENT, PROVIDES PROOF BY
39 CLEAR EVIDENCE TO THE ADMINISTRATIVE OFFICER TO THE COUNTY COUNCIL THAT THE
40 SIGN REQUIREMENTS OF THIS SUBSECTION WERE MET.

41
42 (2) THIS SUBSECTION DOES NOT APPLY TO:

43
44 (I) A CHANGE OF ZONING BY AMENDMENT TO A COMPREHENSIVE ZONING
45 ORDINANCE THAT WAS REQUESTED BY APPLICATION TO OR PROPOSED BY THE OFFICE OF
46 PLANNING AND ZONING PRIOR TO THE INTRODUCTION OF THE COMPREHENSIVE ZONING
47 ORDINANCE; OR

48
49 (II) AN EMERGENCY ORDINANCE.

50
51 **(B) Signs and location.**

52
53 (1) SIGNS SHALL CONTAIN INFORMATION ABOUT THE PROPOSED CHANGE OF
54 ZONING FOR THE SUBJECT PROPERTY AND THE DATE, TIME, AND LOCATION OF THE
55 HEARING ON THE COMPREHENSIVE ZONING ORDINANCE.

1 (2) (I) THE OFFICE OF PLANNING AND ZONING SHALL FURNISH SIGNS TO THE
2 PROPERTY OWNER OR THEIR AUTHORIZED AGENT.

3
4 (II) THE PROPERTY OWNER OR THEIR AUTHORIZED AGENT IS RESPONSIBLE FOR
5 POSTING AND MAINTAINING SIGNS.

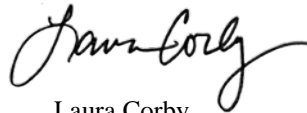
6
7 (3) SIGNS SHALL BE LOCATED NOT MORE THAN 10 FEET FROM EACH BOUNDARY OF
8 THE SUBJECT PROPERTY THAT ABUTS A PUBLIC ROAD OR NAVIGABLE WATER, EXCEPT
9 THAT, IF REQUIRED BY FLORA COVERING THE PROPERTY OR TOPOGRAPHIC CONDITIONS
10 OF THE LAND, A SIGN MAY BE POSTED FARTHER THAN 10 FEET FROM THE BOUNDARY TO
11 ENHANCE ITS VISIBILITY. IF THE PROPERTY DOES NOT ABUT A PUBLIC ROAD, ONE OR
12 MORE SIGNS SHALL BE POSTED IN LOCATIONS THAT CAN BE READILY SEEN BY THE
13 PUBLIC. THE BOTTOM OF EACH SIGN SHALL BE ERECTED AT LEAST THREE FEET ABOVE
14 THE GROUND.

15
16 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
17 from the date it becomes law.

AMENDMENTS ADOPTED: October 2 and 16, 2023

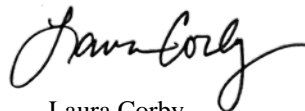
READ AND PASSED this 6th day of November, 2023

By Order:



Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 7th day of November, 2023



Laura Corby
Administrative Officer

APPROVED AND ENACTED this 14th day of November, 2023



Steuart Pittman
County Executive

EFFECTIVE DATE: December 29, 2023

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 69-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is fluid and cursive, with the first name "Laura" and last name "Corby" clearly distinguishable.

Laura Corby
Administrative Officer