

News

Anne Arundel County Council to Consider New Restrictions on Development

March 6, 2018

On Monday, March 5, 2018, the Anne Arundel County Executive introduced four pieces of legislation to the County Council which, if passed, will directly affect, and make more difficult, development projects in the County.

Bill No. 17-18 proposes to implement a temporary moratorium on “piecemeal” rezonings in the County. The proposed law, which would take effect on September 1, 2018, provides that “a temporary moratorium on the acceptance of applications for administrative zoning reclassifications for properties in all Councilmanic Districts is hereby established, which moratorium shall continue in each district until the draft General Development Plan is transmitted to the Planning Advisory Board or January 1, 2020, whichever occurs first.” Applications filed prior to September 1, 2018 will still be processed.

Bill No. 18-18 seeks to codify the criteria a property owner needs to satisfy in order to be granted a special exception by either the Administrative Hearing Officer or the Board of Appeals. Under this Bill, in addition to the existing nine special exception criteria, the proposed use cannot “have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district” and the use must be “consistent with the County General Development Plan.” The proposed legislation also clarifies that the eleven special exception criteria are the same before the Administrative Hearing Officer as before the Board of Appeals. The criteria largely codify existing precedent from the Maryland appellate courts.

Bill No. 19-18 would significantly expand the notice requirements for applications before the Administrative Hearing Officer. Currently, notice of application for a variance, special exception, zoning or critical area classification must be provided to property owners located within 175 feet of the property subject to the application. This bill will expand the notification radius to all property owners within 300 feet. In addition, the Bill also proposes to require that notice be sent to “all property owners owning land that confronts or adjoins the affected property or that confronts or adjoins land that confronts or adjoins the affected property.” This change will significantly increase the number of persons receiving notice of proceedings such as variances and special exceptions, particularly in circumstances where the affected property “confronts or adjoins” large parcels such as golf courses, schools, or parks.

Resolution No. 06-18 was introduced to amend the Anne Arundel County Charter to require consistency between a comprehensive zoning bill and its amendments with the County’s General Development Plan. Specifically, if this resolution is adopted, a comprehensive zoning bill cannot be passed by the County Council “unless the Planning and Zoning Officer first provides the Chairman a written certification that the bill and all amendments are consistent with the General Development Plan.” This amendment would make legislative amendment to comprehensive zoning more difficult, as any legislative amendments proposed during comprehensive rezoning would be subject to the ultimate consent of the Planning and Zoning Officer as well as the veto pen of the County Executive.

Continued

Attorneys in the Annapolis office of Linowes and Blocher will be monitoring each of these bills carefully as they progress through the County Council. If you have any questions regarding these bills or other matters in Anne Arundel County, please contact the attorneys listed below.

David Plott at dplott@linowes-law.com or 443-949-3790

Charles Schaller at cschaller@linowes-law.com or 443-949-3793

Benjamin Wechsler at bwechsler@linowes-law.com or 443-949-3128