

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2008, Legislative Day No. 5

Bill No. 16-08

Introduced by Mr. Benoit and Ms. Vitale

By the County Council, March 3, 2008

Introduced and first read on March 3, 2008
Public Hearing set for and held on April 7, 2008
Bill AMENDED on April 21, 2008
Public Hearing on AMENDED BILL set for May 5, 2008
Bill Expires June 6, 2008

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning - Administrative Hearings – Post-decision
2 Procedures and Events

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4 FOR the purpose of clarifying that the Administrative Hearing Officer may rescind,
5 suspend or modify a prior approval of an application for a rezoning and that the
6 rescision of a rezoning, variance or special exception reverts the property to the use
7 and regulations permitted prior to the grant of rezoning, variance or special exception;
8 providing for the application of this Ordinance; and generally relating to the
9 Administrative Hearing Officer.

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11 BY repealing and reenacting with amendments: § 18-16-404
12 Anne Arundel County Code (2005, as amended)

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

17
18 **ARTICLE 18. ZONING**
19 **TITLE 16. ADMINISTRATIVE HEARINGS**

20
21 **18-16-404. Rescission, suspension, or modification of a rezoning, variance or special**
22 **exception.**

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 (a) **Grounds.** On motion of the County or an aggrieved party, or on the
2 Administrative Hearing Officer's own initiative, approval of an application for a
3 REZONING, variance or special exception shall be rescinded, suspended, or modified if the
4 Administrative Hearing Officer determines, after a hearing, that:

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6 (1) the approval or grant was based on a fraudulent misrepresentation of
7 material information [stated] in the application, testimony, administrative site plan, or
8 other supporting documents; or

9
10 (2) the use of the property deviates from the approved administrative site
11 plan, AN APPROVED USE UNDER THE REZONING, or any conditions imposed.

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13 (b) **Effect of rescission.** If a REZONING, variance or special exception is rescinded,
14 the use of the property shall [be in accordance with the uses allowed in the zoning district
15 in which the property is located] COMPLY WITH THE ZONING USES AND REGULATIONS
16 PERMITTED FOR THE PROPERTY PRIOR TO THE GRANT OF REZONING, VARIANCE OR
17 SPECIAL EXCEPTION.

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19 SECTION 2. *And be it further enacted, that this Ordinance shall be construed to*
20 *apply retroactively and shall be applied to and interpreted to affect any rezoning by the*
21 *Administrative Hearing Officer approved on or after May 12, 2005*

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23 ~~SECTION 2. 3.~~ *And be it further enacted, That this Ordinance shall take effect 45*
24 *days from the date it becomes law.*