

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 7

Bill No. 27-18

Introduced by Mr. Peroutka, Chairman
(by request of the County Executive)
and by Mr. Pruski

By the County Council, April 2, 2018

Introduced and first read on April 2, 2018
Public Hearing set for and held on May 7, 2018
Bill Expires July 6, 2018

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Modifications – Criteria
2
3 FOR the purpose of modifying the process for granting a modification; and generally
4 relating to subdivision and development.
5

6 BY repealing and reenacting, with amendments: § 17-2-108(a)
7 Anne Arundel County Code (2005, as amended)
8

9 BY renumbering: § 17-2-108(b) through (e) to be § 17-2-108(c) through (f)
10 Anne Arundel County Code (2005, as amended)
11

12 BY adding: § 17-2-108(b)
13 Anne Arundel County Code (2005, as amended)
14

15 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
16 *That § 17-2-108(b) through (e) of the Anne Arundel County Code (2005, as amended) is*
17 *hereby renumbered to be § 17-2-108(c) through (f), respectively.*
18

19 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
20 Code (2005, as amended) read as follows:
21

22 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**
23

24 **TITLE 2. GENERAL PROVISIONS**

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 **17-2-108. Modifications.**

2
3 (a) **Generally.** The Planning and Zoning Officer may approve an application for a
4 modification to any provision of this article other than § 17-2-107 OR one contained in Titles
5 5, 8, or 9, except as allowed by §§ 17-5-203(b), 17-5-205(b), 17-8-201(b), 17-8-203(c), 17-
6 8-403, 17-8-601(b)(2), 17-8-601(c), 17-8-901, or 17-9-401, and to any applicable
7 regulations, manuals, or specifications, including the DPW Design Manual, upon [finding
8 that] MAKING SPECIFIC FINDINGS, ENUMERATED IN WRITING, THAT THE MODIFICATION
9 REQUEST SATISFIES EACH OF THE FOLLOWING CRITERIA:

10
11 (1) practical difficulties or unnecessary hardship will result from strict application
12 of this article;

13
14 (2) the purposes of this article, including minimization and mitigation of
15 environmental impacts through the use of clustering or other available design alternatives
16 to preserve the character of the impacted area, will be served by an alternative proposal;

17
18 (3) the modification is not detrimental to the public health, safety, or welfare or
19 injurious to other properties; [and]

20
21 (4) the modification does not have the effect of nullifying the intent and purpose
22 of this article, the General Development Plan, or Article 18 of this Code[.]; AND

23
24 (5) THE APPLICANT HAS SUBMITTED WRITTEN VERIFICATION TO THE OFFICE OF
25 PLANNING AND ZONING THAT:

26
27 (I) THE REQUESTED MODIFICATION WAS DISCLOSED AND DISCUSSED AT A
28 COMMUNITY MEETING REQUIRED UNDER THIS ARTICLE; OR

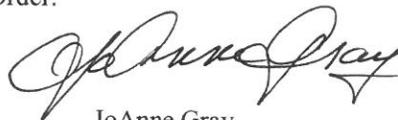
29
30 (II) ALL OWNERS OF PROPERTY LOCATED WITHIN 300 FEET OF THE AFFECTED
31 PROPERTY WERE MAILED A NOTICE EXPLAINING THE REASON FOR THE MODIFICATION,
32 ALONG WITH A COPY OF THE REQUEST FOR MODIFICATION.

33
34 (B) **Decision.** THE PLANNING AND ZONING OFFICER MAY NOT CONSIDER A
35 MODIFICATION UNTIL AT LEAST 15 DAYS HAS ELAPSED FROM THE DATE THE
36 VERIFICATION REFERENCED IN SUBSECTION (A)(5) HAS BEEN SUBMITTED.

37
38 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
39 from the date it becomes law.

READ AND PASSED this 7th day of May, 2018

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 8th day of May, 2018


JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 5/17 day of May, 2018


Steven R. Schuh
County Executive

EFFECTIVE DATE:

JUL 1 2018

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
27-18. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.


JoAnne Gray
Administrative Officer