



ANNE ARUNDEL COUNTY OFFICE OF LAW

Legislative Summary

To: Members, Anne Arundel County Council

From: Kelly Phillips Kenney, Supervising County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: September 16, 2024

Subject: Bill No. 75-24 – Zoning – Boards, Commissions, and Similar Bodies – Subdivision and Development – Zoning – Development – Mixed Use Districts

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 75-24.

Background

Currently, there are four mixed use districts. Development in a mixed use district either proceeds under the “optional method of development” or the “standard method of development.” Section 18-8-102 of the County Code defines “optional method of development” as “development in which more intense development is allowed in return for the development being subject to greater discretionary approval over all elements of the development to achieve a better quality of design or other amenities.” The “standard method of development” is defined as “development as a matter of right under applicable zoning and other regulations.” Section 18-8-201 of the County Code provides the uses under the standard method of development, which depend on the zoning of a property prior to being placed in a mixed use district.¹

Existing Article 18, Title 8, Subtitle 3 of the County Code sets forth the uses under the optional method of development, and currently requires certain percentages of different categories

¹ Section 18-8-201 of the County Code provides:

- (a) **Residential.** For a lot that was in a residential zoning district immediately before being zoned to a mixed use district, the uses allowed under the standard method of development are single-family detached dwellings, including home occupations and accessory structures and uses, that comply with the requirements of an R1 District.
- (b) **Commercial and industrial.** For a site that was in a commercial or industrial district immediately before being zoned to a mixed use district, the uses are only those uses allowed in the mixed use district applicable to the site, the floor area ratio may not exceed 0.1, and the uses shall otherwise conform to the requirements of the zoning district in which the site was located.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

of uses. The required percentages have proven difficult to meet in recent years. During discussion surrounding the last three rounds of Region Plan legislation, OPZ advised that mixed use “reform” was forthcoming to address some of the issues surrounding mixed use that have been raised.

Purpose

The purpose of the Bill is to reform the County Code provisions pertaining to mixed use districts. The existing four districts are renamed and one additional mixed use district is added. The current requirement for percentages of types of uses is eliminated and mixed use would now only require that two different categories of uses be included in a development with no specific percentages. The Bill also establishes a revised use chart and bulk regulations for mixed use districts.

Bill No. 75-24

SECTION 1.

This section repeals the existing §§ 17-7-605 through 17-7-608 and 18-8-301 through 18-8-303. Portions of §§ 17-7-605 through 17-7-608 are included in revisions to § 17-7-604 in Section 2 of the bill. New versions of §§ 18-8-301 through 18-8-303 are added in Section 2 of the bill.

SECTION 2.

Subsection **3-1-205(i)** is new and will apply to properties that were part of the last Region Plan and comprehensive zoning bills (or any others that may be adopted before the end of next year)² and were placed in a mixed use land use category in a Region Plan but not zoned to a mixed use district. This section provides that property may be administratively rezoned to a mixed use district, and that the placement of the property into a mixed use planned land use category shall satisfy the mistake or change requirement of § 3-1-205(a)(1). This section applies specifically to an administrative rezoning before the Board of Appeals (on appeal from a decision of the Administrative Hearing Officer). Identical language is placed at the end of the Bill in § 18-16-303 for the initial step before the Administrative Hearing Officer.

Paragraph **17-2-101(b)(19)** is new and establishes a grandfathering provision. It provides that development applications for property in a mixed use district filed before the effective date of the Bill are governed by the law as it existed prior to the effective date of the Bill.

Section **17-7-604** provides for development and design standards for mixed use development to be proposed in a preliminary plan or sketch plan for approval in a final plan or site development plan. Items (1) through (8) contain requirements as part of the proposed development and design standards. Item (1) is existing language, with a modification to change references from “open space” to “open area”. What currently exists in § 17-7-605 of the County Code (repealed

²The dates were chosen to allow properties, identified in a mixed land use category to be administratively rezoned to a mixed use district pursuant to the Region Plans and Comprehensive Zoning, in Regions 2, 4 and 7, previously adopted, and Regions 1, 3 and 9, which are currently underway and anticipated to be adopted in advance of the end date.

in Section 1) has been restated as § **17-7-604(2)**, with only stylistic changes shown in the footnote³, and sets forth the design standards for structures in mixed use development. Item **(3)** establishes criteria for pedestrian circulation systems, which is a recodification of existing § 17-7-606 (repealed in Section 1) with only stylistic changes.⁴ Existing 17-7-607 (repealed in Section 1) is recodified as Item **(4)** with slight modification,⁵ and sets the requirements for public activity areas. Item **(5)** is new and requires that front building facades include the main entry, windows, and other features to create an active street frontage. Item **(6)** (new) sets forth criteria for building entrances and Item **(7)** (new) establishes criteria for outdoor storage facilities. Item **(8)** is also new and requires highly visible facades of structured parking to be architecturally consistent with the surrounding development and parking to be concentrated when possible.

Paragraph **18-2-101(b)(13)** is new and establishes a grandfathering provision for Article 18. It provides that the same development applications identified in § 17-2-101(b)(19) above or any applications under Article 18 for property in a mixed use district filed before the effective date of the Bill are governed by the law as it existed prior to that effective date.

The change in § **18-2-103(b)** provides that the changes in §§ 3-1-205(i) and 18-16-303(g) pertaining to piecemeal rezoning are an exception to the provision that the adoption of a plan cannot constitute a change or a mistake.

Subsection **18-2-105(a)** shows the new names of the existing mixed use districts, and adds the new MXD-V Village Mixed Use district. Subsection **(b)** is new and establishes that, as of the effective date of the bill, the mixed use districts that existed prior shall be renamed and that the digital zoning layer shall reflect the new names of the districts as follows:

For purposes of footnotes 3 - 5: language shown as stricken is being repealed from the County Code and language shown as underlined is being added to the County Code:

³Structures shall be constructed from high quality materials, and structures ~~designs~~ in the development shall complement each other. Structure facades shall ~~be articulated and~~ contain architectural detail that promotes visual interest. Structure mass shall be countered by the use of architectural detail, landscaping, open ~~spaces~~ areas, and public activity areas. Structures shall be located close to streets or walkways and the primary accesses to the structures shall be from those streets or walkways. The pedestrian levels of structures shall provide easy access. Structures shall ~~be clustered by activities, with~~ contain focal points that are visual or functional, and shall include structures to protect pedestrians from the weather.

⁴ The pedestrian circulation system shall be continuous, direct, and convenient. Walkways shall be designed to accommodate bicycles as well as pedestrians to the maximum extent practicable, with facilities for the temporary storage of bicycles. ~~The pedestrian circulation system shall include facilities to protect pedestrians from the weather.~~ The system shall incorporate design features to enhance convenience and safety, including illumination; appropriate grade separations; appropriate at-grade, above-grade, or below-grade street and road crossings; varying paving patterns; grade differences; and landscaping. Paved pedestrian access to open ~~space~~ areas shall have a design that enhances the visual interest of the open ~~space~~ areas.

⁵ Public activity areas may be outdoors or indoors. If indoors, they shall be accessible to the public during the normal business hours of the establishment. Open area ~~shall~~ may include land ~~with less than 10% impervious surfaces that is designated for noncommercial recreational use that is designated for active recreation area and may include land within an exterior outdoor public activity area.~~ Open area may include land within an outdoor public activity area if the same land is not counted towards both the open and public activity area requirements. Open area may not include land used for the required buffering, screening, and landscaping of parking areas or the vehicular or pedestrian circulation systems.

- MXD-R Residential becomes MXD-N Neighborhood
- MXD-C Commercial becomes MXD-G General
- MXD-E Employment becomes MXD-S Suburban Center
- MXD-T Transit becomes MXD-U Urban

Section **18-8-103** is revised to change the minimum area for a site to be developed under the optional method of development from 10 to five acres, and changes the size of the site subject to the exception that allows development of a site under the optional method if it adjoins a site developed or being developed under the same method under certain circumstances from a net area of less than 10 acres to a gross areas of less than 5 acres.

Existing §§ 18-8-301 through 18-8-303 are repealed and new language is set forth in the Bill. Subsection **18-8-301(a)** sets forth standard introductory language for the use chart. Subsection **(b)** contains the new use chart, under the categories of residential, retail and service, office, light industrial, civic/institutional, and other uses.

Section **18-8-302** is new and requires that development in a mixed use district shall include at least one allowed use from at least two of the categories set forth in the chart in § 18-8-301: residential, retail and service, office, light industrial, or civic/institutional. This section no longer requires any percentages of uses as are currently required by §18-3-302. New **§18-8-302** also reflects changes made to this section by Bill No. 20-24 and exempts development on a site in the BWI/Ft. Meade Growth Area from any mix of uses in this section.

Subsection **18-8-303(a)** sets forth the bulk regulations for a mixed use district. Subsection **(b)** provides for the characteristics of required open area, active recreation area, and public activity area. Subsection **(c)** provides that parking shall be in accordance with §§ 17-7-604 and 18-3-106, which require submission of a parking program for OPZ approval.

Subsection **18-16-303(g)** is new and sets forth the criteria for a piecemeal rezoning before the Administrative Hearing Officer to mixed use districts as discussed at the beginning of this summary.

SECTION 3.

This section provides that references to “the effective date of Bill No. 75-24” shall be replaced with the actual date that the Ordinance takes effect.

SECTION 4.

This section provides that the Ordinance shall take effect 45 days from the date it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill. Thank you.

cc: Honorable Steuart Pittman, County Executive

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