

FINAL

AMENDED
November 16, 2015
December 7, 2015

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2015, Legislative Day No. 36

Bill No. 106-15

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

By the County Council, October 19, 2015

Introduced and first read on October 19, 2015
Public Hearing set for and held on November 16, 2015
Public Hearing on AMENDED BILL set for December 7, 2015
Public Hearing on SECOND AMENDED BILL set for and held on December 21, 2015
Bill Expires January 22, 2016

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development and Zoning – Age Restricted
2 Development

3
4 FOR the purpose of amending the age restricted development provisions to allow occupancy
5 of ~~80%~~ of the housing units by at least one person over the age of 55 years; amending the
6 definition of “dwelling unit; adult independent”; and generally relating to age restricted
7 development.

8
9 BY repealing and reenacting, with amendments: §§ 17-7-501; and 18-1-101(35)(vii)
10 Anne Arundel County Code (2005, as amended)

11
12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
13 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

14
15 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

16
17 **TITLE 7. DEVELOPMENT REQUIREMENTS FOR PARTICULAR TYPES OF**
18 **DEVELOPMENT**
19

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 **17-7-501. Age restricted residential development.**

2
3 (a) **Generally.** Subdivision and site development plans consisting of adult independent
4 dwelling units:

5
6 (1) may not be revised to permit any other classification of dwelling units on the site
7 until a new application for subdivision or a new site development plan is filed and the new
8 application is tested and approved for adequacy of public facilities as required by § 17-5-202
9 and a new record plat is approved by the Planning and Zoning Officer; and

10
11 (2) shall be located on land that is subject to a declaration of covenants, conditions,
12 and restrictions, declaration of condominium, or other document [limiting use and occupancy
13 of the land to adults 55 years or older with no] THAT REQUIRES AT LEAST 80% OF THE
14 OCCUPIED UNITS TO BE OCCUPIED BY AT LEAST ONE PERSON WHO IS 55 YEARS OF AGE OR
15 OLDER AND PROHIBITS resident minor children, and such declaration or other document shall
16 be in a form acceptable to the County Office of Law, [and shall be] recorded in the County
17 land records AND REFERENCED ON THE RECORD PLAT.

18
19 (b) **Elimination of age restriction.** Upon approval of an application for the subdivision,
20 resubdivision, or development of land occupied by adult independent dwelling units, the
21 developer shall provide:

22
23 (1) a proposed record plat identifying the property, SIGNED BY ALL OWNERS OF
24 RECORD and removing all references to age restriction;

25
26 (2) an amended declaration of covenants, conditions, and restrictions, declaration of
27 condominium, or other document that removes the age limitation on use and occupancy of the
28 land, and such declaration or other document shall be in a form acceptable to the County
29 Office of Law and shall be recorded in the County land records as necessary; and

30
31 (3) school impact fees as required by Title 11, which shall be paid prior to record plat
32 approval, except in instances where no residential dwelling units have been constructed and
33 the required school impact fees may be collected upon issuance of a building permit.

34
35 (c) **Minimum requirements.** A residential subdivision that is subject to covenants,
36 conditions, or restrictions imposing an age restriction on occupancy shall consist of no fewer
37 than six lots with no fewer than six dwelling units.

38
39 (d) **Prohibition.** A residential subdivision containing adult independent dwelling units
40 may not contain any other classification of dwelling units.

41
42 (e) **Enforcement.** The homeowners association, community association, council of
43 condominium owners, or other appropriate private entity owning the site or the adult
44 independent dwelling units shall PUBLISH AND strictly enforce age restriction limitations on
45 the use of property developed pursuant to this section, IN ACCORDANCE WITH 42 U.S.C. 3601,
46 ET. SEQ.

TITLE 1. DEFINITIONS

18-1-101. Definitions.

Unless defined in this article, the Natural Resources Article of the State Code, or COMAR, words defined elsewhere in this Code apply in this article. The following words have the meanings indicated:

(35) "Dwelling unit" means a single unit[, including attached garages and decks,] providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. The following variations of "dwelling" have the meanings indicated:

(vii) "Dwelling unit, adult independent" means an independent dwelling unit [occupied by persons 55 years of age or older without] WHERE AT LEAST 80% OF THE OCCUPIED UNITS ARE OCCUPIED BY AT LEAST ONE PERSON WHO IS 55 YEARS OF AGE OR OLDER AND resident minor children ARE PROHIBITED.

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

AMENDMENTS ADOPTED: November 16, and December 7, 2015

READ AND PASSED this 21st day of December, 2015

By Order:

Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for his approval this 22nd day of December, 2015

Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this 23rd day of December, 2015

Steven R. Schuh
County Executive

EFFECTIVE DATE: February 6, 2016

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
106-15. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



Elizabeth E. Jones
Administrative Officer