

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2015, Legislative Day No. 7

Bill No. 22-15

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

By the County Council, April 6, 2015

Introduced and first read on April 6, 2015
Public Hearing set for May 4, 2015
Bill Expires July 10, 2015

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 definition and provisions for age restricted development to
5 allow for an additional category of occupancy of 80% of the housing units by at least one
6 person over the age of 55 years and allowing resident minor children; and generally
7 relating to age restricted development.

8
9 BY repealing and reenacting, with amendments: §§ 17-7-501 and 18-1-101(34)(vii) (as
10 amended by Bill Nos. 7-15 and 8-15)
11 Anne Arundel County Code (2005, as amended)

12
13 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
14 That Section(s) of the Anne Arundel County Code (2005, as amended) (and as amended by
15 Bill Nos. 7-15 and 8-15) read as follows:

16
17 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

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

21
EXPLANATION: CAPITALS indicate new matter added to existing law.

[Brackets] indicate matter stricken from existing law.

Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

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 ARTICLE 17, TITLE 5 OF THIS CODE, and a new record plat is approved by the Planning and
10 Zoning Officer; [and]

11
12 (2) shall be located on land that is subject to a declaration of covenants, conditions,
13 and restrictions, declaration of condominium, or other document limiting use and occupancy
14 of the land [to] BY REQUIRING:

15
16 (I) AT LEAST 80% OF THE OCCUPIED UNITS TO BE OCCUPIED BY AT LEAST ONE
17 PERSON WHO IS 55 YEARS OF AGE OR OLDER; OR

18
19 (II) ALL OF THE OCCUPIED UNITS TO BE OCCUPIED BY adults 55 years or older with
20 no resident minor children[.]; and

21
22 (3) such declaration or other document LIMITING USE AND OCCUPANCY shall COMPLY
23 WITH FEDERAL FAIR HOUSING LAW, SHALL be in a form acceptable to the County Office of
24 Law, and shall be recorded in the County land records.

25
26 (B) A SUBDIVISION OR SITE DEVELOPMENT PLAN PREVIOUSLY APPROVED FOR
27 OCCUPANCY ONLY BY ADULTS 55 YEARS OR OLDER WITHOUT MINOR CHILDREN MAY NOT BE
28 REVISED TO ALLOW 80% OF THE OCCUPIED UNITS TO BE OCCUPIED BY AT LEAST ONE PERSON
29 WHO IS 55 YEARS OF AGE OR OLDER UNTIL:

30
31 (1) A NEW APPLICATION FOR SUBDIVISION OR A NEW SITE DEVELOPMENT PLAN IS
32 FILED;

33
34 (2) THE NEW APPLICATION IS TESTED AND APPROVED FOR ADEQUACY OF PUBLIC
35 FACILITIES AS REQUIRED BY ARTICLE 17, TITLE 5 OF THIS CODE;

36
37 (3) A NEW RECORD PLAT SIGNED BY ALL OWNERS OF RECORD IS APPROVED BY THE
38 PLANNING AND ZONING OFFICER; AND

39
40 (4) THE APPLICATION OTHERWISE MEETS THE REQUIREMENTS OF THIS SECTION.

41
42 (C) AN APPLICATION FOR A SUBDIVISION OR SITE DEVELOPMENT PLAN SUBJECT TO A
43 DECLARATION OR OTHER DOCUMENT LIMITING USE AND OCCUPANCY BY REQUIRING AT
44 LEAST 80% OF THE OCCUPIED UNITS TO BE OCCUPIED BY AT LEAST ONE PERSON WHO IS 55
45 YEARS OF AGE OR OLDER SHALL BE TESTED AND APPROVED FOR ADEQUACY OF PUBLIC
46 FACILITIES, AS REQUIRED BY ARTICLE 17, TITLE 5 OF THIS CODE. AN APPLICATION FOR A
47 SUBDIVISION OR SITE DEVELOPMENT PLAN SUBJECT TO A DECLARATION OR OTHER
48 DOCUMENT LIMITING USE AND OCCUPANCY BY REQUIRING ALL OF THE OCCUPIED UNITS TO
49 BE OCCUPIED BY ADULTS 55 YEARS OR OLDER WITH NO RESIDENT MINOR CHILDREN IS
50 EXEMPT FROM THE TEST FOR ADEQUATE SCHOOL FACILITIES UNDER ARTICLE 17, TITLE 5 OF
51 THIS CODE.

1 [(b)] (D) **Elimination of age restriction.** Upon approval of an application for the
2 subdivision, resubdivision, or development of land occupied by adult independent dwelling
3 units, the developer shall provide:

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5 (1) a proposed record plat TO BE SIGNED BY ALL OWNERS OF RECORD identifying the
6 property and removing all references to age restriction;

7
8 (2) an amended declaration of covenants, conditions, and restrictions, declaration of
9 condominium, or other document that removes the age limitation on use and occupancy of the
10 land, and such declaration or other document shall be in a form acceptable to the County
11 Office of Law and shall be recorded in the County land records as necessary; and

12
13 (3) school impact fees as required by Title 11, which shall be paid prior to record plat
14 approval, except in instances where no residential dwelling units have been constructed and
15 the required school impact fees may be collected upon issuance of a building permit.

16
17 [(c)] (E) **Minimum requirements.** A residential subdivision that is subject to covenants,
18 conditions, or restrictions imposing an age restriction on occupancy shall consist of no fewer
19 than six lots with no fewer than six dwelling units.

20
21 [(d) **Prohibition.** A residential subdivision containing adult independent dwelling units
22 may not contain any other classification of dwelling units.]

23
24 [(e)](F) **Enforcement.** The homeowners association, community association, council of
25 condominium owners, or other appropriate private entity owning the site or the adult
26 independent dwelling units shall strictly enforce age restriction limitations on the use of
27 property developed pursuant to this section.

28
29 **ARTICLE 18. ZONING**

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31 **TITLE 1. DEFINITIONS**

32
33 **18-1-101. Definitions.**

34
35 (34) “Dwelling unit” means a single unit, including attached garages and decks, providing
36 complete, independent living facilities for at least one person, including permanent provisions
37 for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily
38 life. The following variations of “dwelling” have the meanings indicated:

39
40 ***

41
42 (vii) “Dwelling unit, adult independent” means an independent dwelling unit IN A
43 DEVELOPMENT THAT IS RESTRICTED BY RECORDED COVENANTS TO REQUIRE AT LEAST 80%
44 OF THE UNITS TO BE OCCUPIED BY AT LEAST ONE PERSON WHO IS 55 YEARS OF AGE OR OLDER,
45 OR TO REQUIRE ALL OF THE OCCUPIED UNITS TO BE occupied by persons 55 years of age or
46 older without resident minor children.

1 ***

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