

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 6

Bill No. 21-19

Introduced by Mr. Volke

By the County Council, March 18, 2019

Introduced and first read on March 18, 2019
Public Hearing set for April 15, 2019
Bill Expires June 21, 2019

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Community-Based Assisted Living Facilities

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3 FOR the purpose of adding the parking space requirements for community-based assisted
4 living facilities; allowing community-based assisted living facilities as a conditional
5 use in certain residential districts; adding the conditional use requirements for
6 community-based assisted living facilities; making a certain technical change; and
7 generally related to zoning.

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9 BY repealing and reenacting with amendments: §§ 18-1-101(13); 18-3-104; and 18-4-106
10 Anne Arundel County Code (2005, as amended)

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12 BY renumbering: §§ 18-10-106 through 18-10-157, respectively, to be §§ 18-10-107
13 through 18-10-158, respectively
14 Anne Arundel County Code (2005, as amended)

15

16 BY adding: § 18-10-106
17 Anne Arundel County Code (2005, as amended)

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19 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
20 That §§ 18-10-106 through 18-10-157, respectively, of the Anne Arundel County Code
21 (2005, as amended) are hereby renumbered to be §§ 18-10-107 through 18-10-158,
22 respectively.

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

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

ARTICLE 18. ZONING

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:

(13) “Assisted living facility, community based” means a facility with an assisted living program as defined in § 19-1801 OF the Health-General Article[, § 19-1801,] of the State Code that is not a group home and that houses no more than 16 residents other than staff.

TITLE 3. PARKING, NON-RESIDENTIAL OUTDOOR LIGHTING, AND SIGNAGE

18-3-104. Parking space requirements.

The minimum onsite required parking spaces are listed in the chart below. They may be increased based on site development plan review or special exception approval, reduced as provided in § 18-3-105, or superseded by a parking program allowed by this Code. The Planning and Zoning Officer may determine reasonable and appropriate onsite parking requirements for structures and land uses that are not listed on the chart based on requirements for similar uses, comments from reviewing agencies, and the parking needs of the proposed use.

Use	Parking

Assisted living facilities	1 space for each adult independent dwelling unit, 1 space for each employee per major shift, and visitor parking at the rate of 2 spaces for every 10 adult independent dwelling units, comprehensive care units, and assisted care units; or the number of spaces as determined by a parking needs study approved by the Planning and Zoning Officer
ASSISTED LIVING FACILITIES, COMMUNITY-BASED	1 SPACE FOR EVERY 2 BEDS, 1 VISITOR SPACE FOR EVERY 2 BEDS, AND 1 SPACE FOR EACH EMPLOYEE PER MAJOR SHIFT, NOT INCLUDING STREET PARKING ADJACENT TO THE FACILITY

TITLE 4. RESIDENTIAL DISTRICTS

18-4-106. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the residential districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed, except that guest houses as accessory structures are prohibited and outside storage as an accessory use is limited to the lesser of 10% of the allowed lot coverage or 500 square feet.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22

Assisted living facilities		SE	SE	SE	SE	SE	SE	SE
Assisted living facilities, community-based	[P]	[P] C	[P] C	[P] C	[P] C	[P]	[P]	[P]

TITLE 10. CONDITIONAL USES

18-10-106. Assisted living facilities, community-based.

A COMMUNITY-BASED ASSISTED LIVING FACILITY SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS.

- (1) THE FACILITY SHALL BE LOCATED ON A LOT OF AT LEAST TWO ACRES.
- (2) THE FACILITY SHALL BE LOCATED IN A SINGLE-FAMILY DETACHED DWELLING.
- (3) THE FACILITY MAY NOT BE LOCATED:

(I) ON A LOT THAT ABUTS AN ASSISTED LIVING FACILITY OR ANOTHER COMMUNITY-BASED ASSISTED LIVING FACILITY;

(II) WITHIN 1,000 FEET OF AN ASSISTED LIVING FACILITY OR ANOTHER COMMUNITY-BASED LIVING FACILITY; OR

(III) WITHIN 1,000 FEET OF ANY PROPERTY FOR WHICH AN APPLICATION FOR A FOR A ZONING CERTIFICATE OF USE FOR AN ASSISTED LIVING FACILITY OR COMMUNITY-BASED ASSISTED LIVING FACILITY HAS BEEN FILED.

(4) VEHICULAR ACCESS TO THE FACILITY SHALL BE LOCATED ON A COLLECTOR ROAD OR A ROAD OF A HIGHER CLASSIFICATION.

(5) THE FACILITY MAY NOT BE LOCATED ON PROPERTY IN A RESOURCE CRITICAL AREA OR LIMITED DEVELOPMENT AREA.

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