

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2016, Legislative Day No. 6

Bill No. 21-16

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

By the County Council, March 21, 2016

Introduced and first read on March 21, 2016
Public Hearing set for and held on April 18, 2016
Bill Expires June 24, 2016

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Assisted Living Facilities

2
3 FOR the purpose of amending the definitions of “assisted care unit” and “comprehensive
4 care unit”; amending the parking space requirements for assisted living facilities;
5 amending the conditional use and special exception requirements for assisted living
6 facilities; and generally relating to zoning of assisted living facilities.
7

8 BY renumbering: § 18-1-101 (9) through (27) and (28) through (137) to be 18-1-101 (10)
9 through (28) and (30) through (139), respectively
10 Anne Arundel County Code (2005, as amended)
11

12 BY adding: § 18-1-101 (9) and (29)
13 Anne Arundel County Code (2005, as amended)
14

15 BY repealing and reenacting, with amendments: §§ 18-3-104; 18-10-103.1; and 18-11-104
16 Anne Arundel County Code (2005, as amended)
17

18 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
19 *That § 18-1-101 (9) through (27) and (28) through (137) of the Anne Arundel County Code*
20 *(2005, as amended) are hereby renumbered to be § 18-1-101 (10) through (28) and (30)*
21 *through (139), respectively.*

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.

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

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:

(9) "ASSISTED CARE UNIT" MEANS A DISCRETE LIVING SPACE WITHIN AN ASSISTED LIVING FACILITY INTENDED TO BE OCCUPIED BY INDIVIDUALS DESIRING OR REQUIRING TO PARTICIPATE IN AN ASSISTED LIVING PROGRAM AS DEFINED IN THE HEALTH GENERAL ARTICLE, § 19-1801, OF THE STATE CODE, BUT DOES NOT INCLUDE A COMPREHENSIVE CARE UNIT.

(29) "COMPREHENSIVE CARE UNIT" MEANS A ROOM WITHIN AN ASSISTED LIVING FACILITY INTENDED TO BE OCCUPIED BY INDIVIDUALS REQUIRING CONTINUOUS HEALTH CARE SERVICES.

TITLE 3. PARKING, NONRESIDENTIAL 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

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

1
2 **18-10-103.1. Assisted living facilities.**

3
4 An assisted living facility shall comply with all of the following requirements.

5
6 (1) The facility shall be located on a lot of at least five acres.

7
8 (2) Structures shall be located at least 50 feet from all lot lines.

9
10 (3) [Required onsite parking may not be located in a required setback along a lot line
11 that abuts residentially zoned property.

12
13 (4)] Each access drive shall be located at least 40 feet from any residentially zoned
14 property.

15
16 [(5)] (4) An assisted living facility [shall be established and] MAY BE operated [only]
17 in conjunction with a nursing home or with adult independent dwelling units or both. The
18 nursing home or adult independent dwelling units may be located on the same lot as the
19 assisted living facility or on one or more abutting lots. If located on one or more abutting
20 lots, the provisions of subsections (2) [through (4)] AND (3) shall not apply to the lot lines
21 that are shared by such abutting lots.

22
23 [(6)] (5) For an assisted living facility that consists of land located outside the critical
24 area in more than one zoning district:

25
26 (i) provisions concerning the number of ADULT independent dwelling units
27 allowed in a given area of land shall be applied in the aggregate rather than separately to the
28 individual zoning districts, lots or sites;

29
30 (ii) provisions concerning public improvements, such as public sewer and water
31 connections, road, and sidewalks, shall be applied to the assisted living facility in its entirety;

32
33 (iii) open space requirements shall be calculated for the entire area of the assisted
34 living facility[, except that individual lots used exclusively for nonresidential uses shall be
35 excluded]; and

36
37 (iv) the developer shall demonstrate unified control of the entire assisted living
38 facility and the capability to provide for completion and continuous operation and
39 maintenance of the facility.

40
41 (6) COMPREHENSIVE CARE UNITS MAY BE PROVIDED.

42
43 (7) NO MORE THAN TWO UNITS FOR EVERY 100 UNITS MAY BE DEVOTED TO
44 TEMPORARY USE FOR GUESTS OR FAMILY MEMBERS OF RESIDENTS.

45
46 (8) THE PERMITTED USES IN A C1 DISTRICT ARE ALLOWED AS PART OF AN ASSISTED
47 LIVING FACILITY IF:

48 (I) THE USES ARE CENTRALLY LOCATED FOR THE USE AND BENEFIT OF THE
49 RESIDENTS AND THEIR GUESTS IN STRUCTURES THAT ARE ARCHITECTURALLY COMPATIBLE

1 WITH THE RESIDENTIAL PORTION OF THE ASSISTED LIVING FACILITY; AND

2
3 (II) THE FLOOR AREA OF THE USES DOES NOT EXCEED 10% OF THE TOTAL FLOOR
4 AREA OF THE UNITS.

5
6 (9) A PEDESTRIAN CIRCULATION SYSTEM INTERCONNECTING ALL PARTS OF THE
7 ASSISTED LIVING FACILITY SHALL BE PROVIDED.

8
9 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**

10
11 **18-11-104. Assisted living facilities.**

12
13 An assisted living facility shall comply with all of the following requirements.

14
15 (1) In RLD Districts, the facility shall be located on a lot of at least 10 acres. In R1
16 and R2 Districts, the facility shall be located on a lot of at least 10 acres, except that a facility
17 that abuts a collector or higher classification road may be located on a lot of at least five
18 acres. In other districts, the facility shall be located on a lot of at least five acres.

19
20 (2) For an assisted living facility in an RLD District:

21
22 (i) the property in the RLD District shall abut property that is zoned C2 or C3 and
23 that will be part of the assisted living facility; and

24
25 (ii) the C2 or C3 property comprising part of the facility shall be served by public
26 water and sewer.

27
28 (3) For an assisted living facility that consists of land located outside the critical area
29 in more than one zoning district:

30
31 (i) provisions concerning the number of ADULT independent dwelling units
32 allowed in a given area of land shall be applied in the aggregate rather than separately to the
33 individual zoning districts, lots or sites;

34
35 (ii) provisions concerning public improvements, such as public sewer and water
36 connections, roads, and sidewalks, shall be applied to the assisted living facility in its
37 entirety;

38
39 (iii) open space requirements shall be calculated for the entire area of the assisted
40 living facility[, except that individual lots used exclusively for nonresidential uses shall be
41 excluded]; and

42
43 (iv) the developer shall demonstrate unified control of the entire assisted living
44 facility and the capability to provide for completion and continuous operation and
45 maintenance of the facility.

46
47 (4) [Independent dwelling units may be a combination of various dwelling types. The
48 units shall be occupied exclusively by individuals who are 55 years of age or older.] AN
49 ASSISTED LIVING FACILITY MAY BE OPERATED IN CONJUNCTION WITH A NURSING HOME OR

1 WITH ADULT INDEPENDENT DWELLING UNITS OR BOTH. THE NURSING HOME OR ADULT
 2 INDEPENDENT DWELLING UNITS MAY BE LOCATED ON THE SAME LOT AS THE ASSISTED
 3 LIVING FACILITY OR ON ONE OR MORE ABUTTING LOTS. IF LOCATED ON ONE OR MORE
 4 ABUTTING LOTS, THE PROVISIONS OF SUBSECTION (10) RELATING TO SETBACKS SHALL NOT
 5 APPLY TO THE LOT LINES THAT ARE SHARED BY SUCH ABUTTING LOTS.

6
 7 (5) Assisted care units shall be provided and shall be in a multifamily structure. The
 8 structure shall contain a centrally located group dining facility. [An “assisted care unit” is
 9 defined as a dwelling unit for individuals who require assistance, monitoring, or supervision
 10 in daily living activities.]

11
 12 (6) Comprehensive care units may be provided. [A “comprehensive care unit” is
 13 defined as a room for individuals requiring continuous health care services.]

14
 15 (7) No more than two dwelling units for every 100 dwelling units may be devoted to
 16 temporary use for guests or family members of residents.

17
 18 (8) The permitted uses in a C1 District are allowed in the facility if:

19
 20 (i) the uses are centrally located for the use and benefit of the residents and their
 21 guests in structures that are architecturally compatible with the residential portion of the
 22 [development] ASSISTED LIVING FACILITY; and

23
 24 (ii) the floor area of the uses does not exceed 10% of the floor area of the
 25 [dwelling] units.

26
 27 (9) [Shuttle bus service for residents to recreational, shopping, and medical facilities
 28 shall be provided.

29
 30 (10) A pedestrian circulation system interconnecting all parts of the facility [with
 31 sidewalks and walkways] shall be provided.

32
 33 [(11)] (10) The bulk regulations contained in the following chart shall be met:

34

Minimum setbacks from all lot lines	50 feet
Maximum height limitations for principal structures	The height allowed in the zoning district in which the facility is located, except that the facility may exceed that height by 10 feet if all setbacks are increased by two feet for each foot of excess height

1

Open area	60% in RLD, R1, R2, and R5 Districts and 50% in R10, R15, and R22 Districts, with all front yards being open area and with at least 10% of the open area devoted to recreational area
Maximum net density for ADULT independent dwelling units	One unit per net acre in an RLD District; 3 units per net acre in an R1 District; 6 units per net acre in an R2 District; 8 units per net acre in an R5 District; and in all other districts in accordance with the requirements of the district in which the facility is located
Public sewer	Required

2

3

4

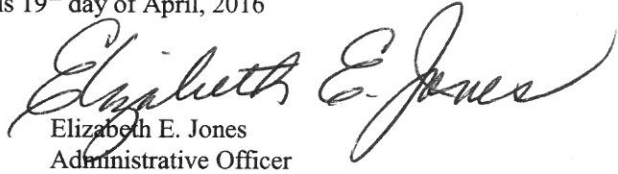
SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days from the date it becomes law.

READ AND PASSED this 18th day of April, 2016


By Order:


 Elizabeth E. Jones
 Administrative Officer

PRESENTED to the County Executive for his approval this 19th day of April, 2016


 Elizabeth E. Jones
 Administrative Officer

APPROVED AND ENACTED this 21 day of April, 2016


 Steven R. Schuh
 County Executive

EFFECTIVE DATE: June 5, 2016

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO. 21-16 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.


 Elizabeth E. Jones
 Administrative Officer