

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 9

Bill No. 49-21

Introduced by Ms. Pickard and Mr. Volke

By the County Council, May 3, 2021

Introduced and first read on May 3, 2021  
Public Hearing set for and held on June 7, 2021  
Public Hearing on AMENDED bill set for and held on June 21, 2021  
Public Hearing on SECOND AMENDED bill set for and held on July 6, 2021  
Bill Expires on August 6, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Requirements for Special Exception Uses –  
2 Assisted Living Facilities

3  
4 FOR the purpose of allowing assisted living facilities as a special exception use to be  
5 located on a reduced lot size under certain circumstances; allowing mixed ownership  
6 of an assisted living facility operated in conjunction with a nursing home or adult  
7 independent dwelling units; amending the special exception use requirements for an  
8 assisted living facility to require the developer to have unified control of the entire  
9 facility; allowing assisted care units to be provided in certain additional types of  
10 dwelling units whether or not allowed in the applicable zoning district; requiring that  
11 all assisted care units be located on the same lot; providing that the bulk regulations for  
12 an assisted living facility are the only applicable bulk regulations; amending the bulk  
13 regulations applicable to an assisted living facility; and generally relating to zoning.

14  
15 BY repealing and reenacting, with amendments: § ~~18-11-104(3)~~, 18-11-104(1), (3), (4),  
16 (5), and (10)  
17 Anne Arundel County Code (2005, as amended)

18  
19 BY renumbering: § 18-11-104(6), (7), (8), and (9), respectively, to be § 18-11-104(7), (8),  
20 (9), and (10), respectively

EXPLANATION: CAPITALS indicate new matter added to existing law.  
[[Brackets]] indicate matter deleted 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.  
Underlining indicates matter added to bill by amendment.  
~~Strikeover~~ indicates matter removed from bill by amendment.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
2 That § 18-11-104(6), (7), (8), and (9), respectively, of the Anne Arundel County Code  
3 (2005, as amended) is hereby renumbered to be § 18-11-104(7), (8), (9), and (10),  
4 respectively.

5  
6 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County  
7 Code (2005, as amended) read as follows:

8  
9 **ARTICLE 18. ZONING**

10  
11 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**

12  
13 **18-11-104. Assisted living facilities.**

14  
15 An assisted living facility shall comply with all of the following requirements.

16  
17 (1) In RLD Districts, the facility shall be located on a lot of at least 10 acres. In R1  
18 and R2, Districts, the facility shall be located on a lot of at least 10 acres, except that a  
19 facility that abuts a collector or higher classification road may be located on a lot of at least  
20 five acres. In other districts, the facility shall be located on a lot of at least five acres. IN  
21 ALL DISTRICTS, IF THE FACILITY ABUTS A NURSING HOME OR ADULT INDEPENDENT  
22 DWELLING UNITS, WHETHER OR NOT OWNED BY THE SAME ENTITY, THE MINIMUM LOT  
23 SIZE MAY BE REDUCED BY 50%.

24  
25 \*\*\*

26  
27 (3) For an assisted living facility that consists of land located outside the critical  
28 area in more than one zoning district:

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

33  
34 (ii) provisions concerning public improvements, such as public sewer and water  
35 connections, roads, and sidewalks, shall be applied to the assisted living facility in its  
36 entirety; AND

37  
38 (iii) open space requirements shall be calculated for the entire area of the  
39 assisted living facility ~~[[; and]]~~.

40  
41 ~~[[iv) the]]~~ (4) THE developer shall demonstrate unified control of the entire  
42 assisted living facility and the capability to provide for completion and continuous  
43 operation and maintenance of the facility.

44  
45 ~~[[4)]~~ (5) An assisted living facility may be operated in conjunction with a nursing  
46 home or with adult independent dwelling units or both, WHETHER OR NOT OWNED BY THE  
47 SAME ENTITY. The nursing home or adult independent dwelling units may be located on  
48 the same lot as the assisted living facility or on one or more abutting lots. If located on one

1 or more abutting lots, the provisions of subsection ~~[(10)]~~ (11) relating to setbacks ~~[[shall]]~~  
 2 DO not apply to the lot lines that are shared by such abutting lots.

3  
 4 ~~[(5)]~~ (6) Assisted care units shall be provided ~~[[and shall be]]~~ in a multifamily  
 5 structure ~~[[.]]~~ AND MAY BE PROVIDED IN ~~DUPLEX DWELLING UNITS, SEMI-DETACHED~~  
 6 ~~DWELLING UNITS, AND TOWNHOUSE DWELLING UNITS, WHETHER OR NOT ALLOWED IN~~  
 7 ~~THE ZONING DISTRICT IN WHICH THE FACILITY IS LOCATED. ALL ASSISTED CARE UNITS~~  
 8 ~~SHALL BE LOCATED ON THE SAME LOT. [[The]]~~ A MULTIFAMILY structure shall contain a  
 9 centrally located group dining facility.

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 11 \*\*\*

12  
 13 ~~[(10)]~~ (11) The bulk regulations contained in the following chart shall be met AND  
 14 ARE THE ONLY BULK REGULATIONS APPLICABLE TO AN ASSISTED LIVING FACILITY:

Maximum <del>Minimum</del> 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 (1) the facility may exceed that height by 10 feet if all setbacks are increased by two feet for each foot of excess height, AND (2) <del>DUPLEX, SEMI-DETACHED, AND TOWNHOUSE DWELLINGS ARE LIMITED TO ONE STORY</del>
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 <del>[[requirements of]]</del> DENSITY ALLOWED IN THE district in which the facility is located
MAXIMUM NET DENSITY FOR ALL DWELLING UNITS OTHER THAN MULTIFAMILY DWELLINGS AND ADULT INDEPENDENT DWELLING UNITS	NO INCREASE IN THE NET DENSITY ALLOWED IN THE RLD DISTRICT; 6 UNITS PER NET ACRE IN THE R1 AND R2 DISTRICTS; 8 UNITS PER NET ACRE IN AN R5 DISTRICT; AND IN ALL OTHER DISTRICTS IN ACCORDANCE WITH THE DENSITY ALLOWED IN THE DISTRICT IN WHICH THE FACILITY IS LOCATED
MAXIMUM SQUARE FOOTAGE FOR DUPLEX, SEMI-DETACHED, AND TOWNHOUSE DWELLINGS	1,250 SQUARE FEET
Public sewer	Required

16  
 17 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days  
 18 from the date it becomes law.

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AMENDMENTS ADOPTED: June 7 and 21, 2021

READ AND PASSED this 6<sup>th</sup> day of July, 2021

By Order:



Laura Corby  
Administrative Officer

PRESENTED to the County Executive for his approval this 7<sup>th</sup> day of July, 2021



Laura Corby  
Administrative Officer

APPROVED AND ENACTED this 15<sup>th</sup> day of July, 2021



Stuart Pittman  
County Executive

EFFECTIVE DATE: August 29, 2021

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF  
BILL NO. 49-21. THE ORIGINAL OF WHICH IS RETAINED IN THE  
FILES OF THE COUNTY COUNCIL.



Laura Corby  
Administrative Officer