AN ORDINANCE concerning: Zoning – Residential Districts – Community Based Assisted Living Facilities I and II, Group Homes I and II, Recovery Residences I and II, and Rooming Houses

FOR the purpose of defining community based assisting living facilities I and II, and group homes I and II, and recovery residences I and II based on numbers of residents; amending the parking space requirements for assisted living facilities; adding parking space requirements for community based assisted living facilities I and II, group homes I and II, recovery residences I and II, and rooming houses; allowing assisted living facilities as special exception uses in RA residential districts; allowing community based assisting living facilities I, and group homes I, and recovery residences I as permitted uses in residential districts; allowing community based assisting living facilities II, and group homes II, and recovery residences II as conditional uses in residential districts; allowing rooming houses as conditional uses in R10 and R15 residential districts; adding the conditional use requirements for community based assisting living facilities II, group homes II, recovery residences II, and rooming houses; grandfathering applications for grading and building permits and zoning certificates of use for certain existing uses; making technical corrections; and generally relating to zoning.

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.
BY renumbering: §§ 18-1-101(14) though (57), and (58) through (98), and (99) through (155) to be 18-1-101(15) through (58), and (60) through (100), and (103) through (159), 18-10-106 through 18-10-127 to be 18-10-107 through 18-10-128; 18-10-128 through 18-10-139 to be 18-10-130 through 18-10-141; 18-10-140 through 18-10-142 to be 18-10-143 through 18-10-145; and 18-10-143 through 18-10-158 to be 18-10-147 through 18-10-162 18-10-161
Anne Arundel County Code (2005, as amended)

BY repealing and reenacting, with amendments: §§ 18-1-101(12), (13), and (58); 18-2-101(b)(8), and (9); 18-3-104; and 18-4-106
Anne Arundel County Code (2005, as amended)

BY adding: §§ 18-1-101(14), and (59), (101), and (102); 18-2-101(b)(10); 18-10-106; 18-10-129; 18-10-142; and 18-10-146
Anne Arundel County Code (2005, as amended)

SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland, That §§ 18-1-101(14) through (57), and (58) through (98), and (99) through (155); 18-10-106 through 18-10-127; 18-10-128 through 18-10-139; 18-10-140 through 18-10-142; and 18-10-143 through 18-10-158, respectively, of the Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 18-1-101(15) through (58), and (60) through (100), and (103) through (159), 18-10-107 through 18-10-128; 18-10-130 through 18-10-141; 18-10-143 through 18-10-145; and 18-10-147 through 18-10-162 18-10-161, respectively.

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


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:

(12) “Assisted living facility” means a facility with an assisted living program as defined in [[the Health-General Article,]] § 19-1801[]. Of the HEALTH-GENERAL ARTICLE OF THE State Code that is not a group home or a community-based assisted living facility.

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

(14) “ASSISTED LIVING FACILITY II, COMMUNITY BASED” MEANS A FACILITY WITH AN ASSISTED LIVING PROGRAM AS DEFINED IN § 19-1801 OF THE HEALTH-GENERAL
ARTICLE OF THE STATE CODE THAT IS NOT A GROUP HOME AND THAT HOUSES BETWEEN 9 AND 16 RESIDENTS OTHER THAN STAFF.

(58) “Group home I” means a residential facility authorized by federal, State, or local law or regulation, or licensed or supervised by a federal, State, or local agency that [[solely]] houses NO MORE THAN EIGHT persons, other than staff, with intellectual, development, or physical disabilities, or mental health issues.

(59) “GROUP HOME II” MEANS A RESIDENTIAL FACILITY AUTHORIZED BY FEDERAL, STATE OR LOCAL LAW OR REGULATION, OR LICENSED OR SUPERVISED BY A FEDERAL, STATE, OR LOCAL AGENCY THAT HOUSES BETWEEN 9 AND 16 PERSONS, OTHER THAN STAFF, WITH INTELLECTUAL, DEVELOPMENT, OR PHYSICAL DISABILITIES OR MENTAL HEALTH ISSUES.

(101) “RECOVERY RESIDENCE I” MEANS A SERVICE THAT HAS A CERTIFICATE OF COMPLIANCE, AS PROVIDED IN § 19-2502 OF THE HEALTH-GENERAL ARTICLE OF THE STATE CODE, AND PROVIDES ALCOHOL-FREE AND ILLICIT-DRUG-FREE HOUSING TO NO MORE THAN EIGHT INDIVIDUALS WITH SUBSTANCE-RELATED DISORDERS, ADDICTIVE DISORDERS, OR CO-OCCURRING MENTAL DISORDERS AND SUBSTANCE-RELATED DISORDERS OR ADDICTIVE DISORDERS, BUT THE TERM DOES NOT INCLUDE CLINICAL TREATMENT SERVICES.

(102) “RECOVERY RESIDENCE II” MEANS A SERVICE THAT HAS A CERTIFICATE OF COMPLIANCE, AS PROVIDED IN § 19-2502 OF THE HEALTH-GENERAL ARTICLE OF THE STATE CODE, AND PROVIDES ALCOHOL-FREE AND ILLICIT-DRUG-FREE HOUSING TO BETWEEN 9 AND 16 INDIVIDUALS WITH SUBSTANCE-RELATED DISORDERS, ADDICTIVE DISORDERS, OR CO-OCCURRING MENTAL DISORDERS AND SUBSTANCE-RELATED DISORDERS OR ADDICTIVE DISORDERS, BUT THE TERM DOES NOT INCLUDE CLINICAL TREATMENT SERVICES.

TITLE 2. GENERAL PROVISIONS

18-2-101. Scope; applicability.

(b) Applicability to pending and future proceedings. Subject to the grandfathering provisions of COMAR Title 27, this article applies to all pending and future proceedings and actions of any board, department, or agency empowered to decide applications under this Code, except that:

(8) for any application described in subsection (6) or (7), the applicant may make an election, in writing and filed with the Planning and Zoning Officer no later than July 1, 2013, to be governed by the law as it exists after April 16, 2013; [[and]]

(9) an application for a solar energy generating facility – community filed before January 1, 2018, shall be governed by the law as it existed prior to January 1, 2018 for a solar energy system – principal [[[.]]]; AND

(10) THE FOLLOWING SHALL BE GOVERNED BY THE LAW AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF BILL NO. 16-20:

(I) AN APPLICATION FOR A GRADING PERMIT, BUILDING PERMIT, OR ZONING CERTIFICATE OF USE FILED ON OR BEFORE FEBRUARY 18, 2020 FOR A GROUP HOME THAT WOULD BE DEEMED AN “ASSISTED LIVING FACILITY I, COMMUNITY BASED”, AN “ASSISTED
Bill No. 16-20
Page No. 4

UNDER BILL NO. 16-20:

(II) AN APPLICATION FOR A GRADING PERMIT, BUILDING PERMIT, OR ZONING CERTIFICATE OF USE FILED ON OR BEFORE FEBRUARY 18, 2020 FOR AN EXISTING USE WITH A GROUP HOME LICENSE ISSUED BY THE STATE; AND

(III) AN APPLICATION FOR A GRADING PERMIT, BUILDING PERMIT, OR ZONING CERTIFICATE OF USE FILED ON OR BEFORE FEBRUARY 18, 2020 FOR A GROUP HOME OR A ROOMING HOUSE.

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.

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking</th>
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</thead>
<tbody>
<tr>
<td>***</td>
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<tr>
<td>Assisted living facilities</td>
<td>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</td>
</tr>
<tr>
<td>ASSISTED LIVING FACILITIES I AND II, COMMUNITY-BASED</td>
<td>THE NUMBER OF SPACES REQUIRED FOR THE APPLICABLE TYPE OF DWELLING UNIT</td>
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<td>***</td>
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<tr>
<td>[[Group homes]]</td>
<td>[[1 space for each employee per major shift and one space for every 4 residents of a group home]]</td>
</tr>
<tr>
<td>GROUP HOMES I</td>
<td>THE NUMBER OF SPACES REQUIRED FOR A SINGLE-FAMILY DWELLING</td>
</tr>
<tr>
<td>GROUP HOMES II</td>
<td>THE NUMBER OF SPACES REQUIRED FOR A MULTIFAMILY DWELLING</td>
</tr>
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<td>***</td>
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<tr>
<td>Public launching facilities</td>
<td>1 space for every two boat slips or moorings plus 10 trailer spaces per boat ramp</td>
</tr>
<tr>
<td>RECOVERY RESIDENCES I AND II</td>
<td>THE NUMBER OF SPACES REQUIRED FOR THE APPLICABLE TYPE OF DWELLING UNIT</td>
</tr>
</tbody>
</table>
### 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.

<table>
<thead>
<tr>
<th>Permitted, Conditional, and Special Exception Uses</th>
<th>RA</th>
<th>RLD</th>
<th>R1</th>
<th>R2</th>
<th>R5</th>
<th>R10</th>
<th>R15</th>
<th>R22</th>
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<td>Assisted living facilities</td>
<td>SE</td>
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<tr>
<td>Assisted living facilities, community-based</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<td>ASSISTED LIVING FACILITIES II, COMMUNITY BASED</td>
<td>C</td>
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<td>Group homes I</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>GROUP HOMES II</td>
<td>C</td>
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<tr>
<td>Public utility uses</td>
<td>SE</td>
<td>SE</td>
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<td>SE</td>
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<td>RECOVERY RESIDENCES I</td>
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<td>RECOVERY RESIDENCES II</td>
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<tr>
<td>Rooming Houses</td>
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</tbody>
</table>

Restaurants, banquet halls, and taverns

1 space for every 3 seats or 1 space for every 200 square feet of floor area, whichever is greater

ROOMING HOUSES

1 SPACE FOR EVERY 2 BEDS AND 1 SPACE FOR EACH RESIDENT OWNER OR RESIDENT MANAGER
TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

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

TO HELP ENSURE THAT PERSONS WITH DISABILITIES LIVE AND INTERACT WITH INDIVIDUALS WITHOUT DISABILITIES TO THE FULLEST EXTENT POSSIBLE, THE OWNER OF A COMMUNITY-BASED ASSISTED LIVING FACILITY II MAY NOT OWN TWO FACILITIES THAT ADJOIN EACH OTHER AND, IF A PROPOSED ADJOINING FACILITY IS OWNED BY A BUSINESS ENTITY, THE OWNER, THE OWNER’S FAMILY, AND THE OWNER’S BUSINESS ASSOCIATES MAY NOT HAVE ANY INTEREST, FINANCIAL OR OTHERWISE, IN THE BUSINESS ENTITY.

18-10-129. Group homes II.

TO HELP ENSURE THAT PERSONS WITH DISABILITIES LIVE AND INTERACT WITH INDIVIDUALS WITHOUT DISABILITIES TO THE FULLEST EXTENT POSSIBLE, THE OWNER OF A GROUP HOME II MAY NOT OWN TWO FACILITIES THAT ADJOIN EACH OTHER AND, IF A PROPOSED ADJOINING FACILITY IS OWNED BY A BUSINESS ENTITY, THE OWNER, THE OWNER’S FAMILY, AND THE OWNER’S BUSINESS ASSOCIATES MAY NOT HAVE ANY INTEREST, FINANCIAL OR OTHERWISE, IN THE BUSINESS ENTITY.

18-10-142. Recovery residences II.

TO HELP ENSURE THAT PERSONS WITH DISORDERS LIVE AND INTERACT WITH INDIVIDUALS WITHOUT DISORDERS TO THE FULLEST EXTENT POSSIBLE, THE OWNER OF A RECOVERY RESIDENCE II MAY NOT OWN TWO FACILITIES THAT ADJOIN EACH OTHER AND, IF A PROPOSED ADJOINING FACILITY IS OWNED BY A BUSINESS ENTITY, THE OWNER, THE OWNER’S FAMILY, AND THE OWNER’S BUSINESS ASSOCIATES MAY NOT HAVE ANY INTEREST, FINANCIAL OR OTHERWISE, IN THE BUSINESS ENTITY.

18-10-146. Rooming houses.

THE OWNER OF A ROOMING HOUSE MAY NOT OWN TWO FACILITIES THAT ADJOIN EACH OTHER AND, IF A PROPOSED ADJOINING FACILITY IS OWNED BY A BUSINESS ENTITY, THE OWNER, THE OWNER’S FAMILY, AND THE OWNER’S BUSINESS ASSOCIATES MAY NOT HAVE ANY INTEREST, FINANCIAL OR OTHERWISE, IN THE BUSINESS ENTITY.

SECTION 3. And be it further enacted, That all references in this Ordinance to “the effective date of Bill No. 16-20”, or words to that effect, shall, upon codification, be replaced with the actual date on which this Ordinance takes effect under Section 307 of the County Charter as certified by the Administrative Officer to the County Council.

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

AMENDMENTS ADOPTED: May 18 and June 1, 2020

READ AND PASSED this 15th day of June, 2020

By Order:

JoAnne Gray
Administrative Officer
PRESENTED to the County Executive for his approval this 16th day of June, 2020

JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 17th day of June, 2020

Steuart Pittman
County Executive

EFFECTIVE DATE: August 1, 2020

I HEREBY CERTIFY THAT THIS IS TRUE AND CORRECT COPY OF BILL NO. 16-20. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.

JoAnne Gray
Administrative Officer