

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 4

Bill No. 16-20

Introduced by Mr. Volke

By the County Council, February 18, 2020

Introduced and first read on February 18, 2020
Public Hearing set for April 6, 2020 (Postponed)
Public Hearing set for and held on May 18, 2020
Public Hearing on AMENDED bill set for and held on June 1, 2020
Public Hearing on SECOND AMENDED bill set for and held on June 15, 2020
Bill Expires May 23, 2020 (Expiration Date Extended to July 24, 2020)

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

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

4
5 FOR the purpose of defining community based assisting living facilities I and II, and group
6 homes I and II, ~~and recovery residences I and II~~ based on numbers of residents;
7 amending the parking space requirements for assisted living facilities; adding parking
8 space requirements for community based assisted living facilities I and II, group homes
9 I and II, ~~recovery residences I and II~~, and rooming houses; allowing assisted living
10 facilities as special exception uses in RA residential districts; allowing community
11 based assisting living facilities I, and group homes I, ~~and recovery residences I~~ as
12 permitted uses in residential districts; allowing community based assisting living
13 facilities II, and group homes II, ~~and recovery residences II~~ as conditional uses in
14 residential districts; allowing rooming houses as conditional uses in R10 and R15
15 residential districts; adding the conditional use requirements for community based
16 assisting living facilities II, group homes II, ~~recovery residences II~~, and rooming
17 houses; grandfathering applications for grading and building permits and zoning
18 certificates of use for certain existing uses; making technical corrections; and generally
19 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.

1 BY renumbering: §§ 18-1-101(14) through (57), and (58) through (98), and (99) through
2 (155) to be 18-1-101(15) through (58), and (60) through (100), and (103) through (159)
3 (157); 18-10-106 through 18-10-127 to be 18-10-107 through 18-10-128; 18-10-128
4 through 18-10-139 to be 18-10-130 through 18-10-141; ~~18-10-140 through 18-10-142~~
5 ~~to be 18-10-143 through 18-10-145;~~ and 18-10-143 through 18-10-158 to be 18-10-147
6 through ~~18-10-162~~ 18-10-161

7 Anne Arundel County Code (2005, as amended)

8
9 BY repealing and reenacting, with amendments: §§ 18-1-101(12), (13), and (58); 18-2-
10 101(b)(8) and (9); 18-3-104; and 18-4-106

11 Anne Arundel County Code (2005, as amended)

12
13 BY adding: §§ 18-1-101(14), and (59), (101), and (102); 18-2-101(b)(10); 18-10-106; 18-
14 10-129; ~~18-10-142;~~ and 18-10-146

15 Anne Arundel County Code (2005, as amended)

16
17 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
18 *That §§ 18-1-101(14) through (57), and (58) through (98), and (99) through (155); 18-10-*
19 *106 through 18-10-127; 18-10-128 through 18-10-139; ~~18-10-140 through 18-10-142;~~ and*
20 *18-10-143 through 18-10-158, respectively, of the Anne Arundel County Code (2005, as*
21 *amended) are hereby renumbered to be §§ 18-1-101(15) through (58), and (60) through*
22 *(100), and (103) through (159) (157); 18-10-107 through 18-10-128; 18-10-130 through*
23 *18-10-141; ~~18-10-143 through 18-10-145;~~ and 18-10-147 through ~~18-10-162~~ 18-10-161,*
24 *respectively.*

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

28
29 **ARTICLE 18. ZONING**

30
31 **TITLE 1. DEFINITIONS**

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

34
35 Unless defined in this article, the Natural Resources Article of the State Code, or
36 COMAR, words defined elsewhere in this Code apply in this article. The following words
37 have the meanings indicated:

38
39 (12) “Assisted living facility” means a facility with an assisted living program as
40 defined in [[the Health-General Article,]] § 19-1801[[,]] of the HEALTH-GENERAL ARTICLE
41 OF THE State Code that is not a group home or a community-based assisted living facility.

42
43 (13) ”Assisted living facility I, community based” means a facility with an assisted
44 living program as defined in [[the Health General Article,]] § 19-1801[[,]] OF THE HEALTH-
45 GENERAL ARTICLE of the State Code that is not a group home and that houses no more than
46 [[16]] EIGHT residents other than staff.

47
48 (14) “ASSISTED LIVING FACILITY II, COMMUNITY BASED” MEANS A FACILITY WITH
49 AN ASSISTED LIVING PROGRAM AS DEFINED IN § 19-1801 OF THE HEALTH-GENERAL

1 ARTICLE OF THE STATE CODE THAT IS NOT A GROUP HOME AND THAT HOUSES BETWEEN
2 9 AND 16 RESIDENTS OTHER THAN STAFF.
3

4 (58) “Group home I” means a residential facility authorized by federal, State, or
5 local law or regulation, or licensed or supervised by a federal, State, or local agency that
6 ~~[[solely]]~~ houses NO MORE THAN EIGHT persons, other than staff, with intellectual,
7 development, or physical disabilities, or mental health issues.
8

9 (59) “GROUP HOME II” MEANS A RESIDENTIAL FACILITY AUTHORIZED BY FEDERAL,
10 STATE OR LOCAL LAW OR REGULATION, OR LICENSED OR SUPERVISED BY A FEDERAL,
11 STATE, OR LOCAL AGENCY THAT HOUSES BETWEEN 9 AND 16 PERSONS, OTHER THAN
12 STAFF, WITH INTELLECTUAL, DEVELOPMENT, OR PHYSICAL DISABILITIES OR MENTAL
13 HEALTH ISSUES.
14

15 ~~(101) “RECOVERY RESIDENCE I” MEANS A SERVICE THAT HAS A CERTIFICATE OF
16 COMPLIANCE, AS PROVIDED IN § 19-2502 OF THE HEALTH GENERAL ARTICLE OF THE STATE
17 CODE, AND PROVIDES ALCOHOL FREE AND ILLICIT DRUG FREE HOUSING TO NO MORE
18 THAN EIGHT INDIVIDUALS WITH SUBSTANCE RELATED DISORDERS, ADDICTIVE
19 DISORDERS, OR CO-OCCURRING MENTAL DISORDERS AND SUBSTANCE RELATED
20 DISORDERS OR ADDICTIVE DISORDERS, BUT THE TERM DOES NOT INCLUDE CLINICAL
21 TREATMENT SERVICES.
22~~

23 ~~(102) “RECOVERY RESIDENCE II” MEANS A SERVICE THAT HAS A CERTIFICATE OF
24 COMPLIANCE, AS PROVIDED IN § 19-2502 OF THE HEALTH GENERAL ARTICLE OF THE STATE
25 CODE, AND PROVIDES ALCOHOL FREE AND ILLICIT DRUG FREE HOUSING TO BETWEEN 9
26 AND 16 INDIVIDUALS WITH SUBSTANCE RELATED DISORDERS, ADDICTIVE DISORDERS, OR
27 CO-OCCURRING MENTAL DISORDERS AND SUBSTANCE RELATED DISORDERS OR
28 ADDICTIVE DISORDERS, BUT THE TERM DOES NOT INCLUDE CLINICAL TREATMENT
29 SERVICES.
30~~

31 TITLE 2. GENERAL PROVISIONS

32 18-2-101. Scope; applicability.

33 (b) Applicability to pending and future proceedings. Subject to the grandfathering
34 provisions of COMAR Title 27, this article applies to all pending and future proceedings
35 and actions of any board, department, or agency empowered to decide applications under
36 this Code, except that:
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38

39
40 (8) for any application described in subsection (6) or (7), the applicant may make
41 an election, in writing and filed with the Planning and Zoning Officer no later than July 1,
42 2013, to be governed by the law as it exists after April 16, 2013; ~~[[and]]~~
43

44 (9) an application for a solar energy generating facility – community filed before
45 January 1, 2018, shall be governed by the law as it existed prior to January 1, 2018 for a
46 solar energy system – principal ~~[[.]]~~; AND
47

48 (10) THE FOLLOWING SHALL BE GOVERNED BY THE LAW AS IT EXISTED PRIOR TO
49 THE EFFECTIVE DATE OF BILL NO. 16-20:
50

51 (I) AN APPLICATION FOR A GRADING PERMIT, BUILDING PERMIT, OR ZONING
52 CERTIFICATE OF USE FILED ON OR BEFORE FEBRUARY 18, 2020 FOR A GROUP HOME THAT
53 WOULD BE DEEMED AN “ASSISTED LIVING FACILITY I, COMMUNITY BASED”, AN “ASSISTED

LIVING FACILITY II, COMMUNITY BASED”, A “GROUP HOME I”, OR A “GROUP HOME II” 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.

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 I AND II, COMMUNITY-BASED	THE NUMBER OF SPACES REQUIRED FOR THE APPLICABLE TYPE OF DWELLING UNIT

[[Group homes]]	[[1 space for each employee per major shift and one space for every 4 residents of a group home]]
GROUP HOMES I	THE NUMBER OF SPACES REQUIRED FOR A SINGLE-FAMILY DWELLING
GROUP HOMES II	THE NUMBER OF SPACES REQUIRED FOR A MULTIFAMILY DWELLING

Public launching facilities	1 space for every two boat slips or moorings plus 10 trailer spaces per boat ramp
RECOVERY RESIDENCES I AND II	THE NUMBER OF SPACES REQUIRED FOR THE APPLICABLE TYPE OF DWELLING UNIT

1

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

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TITLE 4. RESIDENTIAL DISTRICTS

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

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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	SE
Assisted living facilities I, community-based	P	P	P	P	P	P	P	P
ASSISTED LIVING FACILITIES II, COMMUNITY BASED	<u>C</u>	C	C	C	C	C	C	C

Group homes I	P	P	P	P	P	P	P	P
GROUP HOMES II	C	C	C	C	C	C	C	C

Public utility uses	SE	SE	SE	SE	SE	SE	SE	SE
RECOVERY RESIDENCES I	P	P	P	P	P	P	P	P
RECOVERY RESIDENCES II	C	C	C	C	C	C	C	C

Rooming Houses						C	[[P]] C	P

1 **TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

2
3 **18-10-106. Assisted living facilities II, community-based.**

4
5 TO HELP ENSURE THAT PERSONS WITH DISABILITIES LIVE AND INTERACT WITH
6 INDIVIDUALS WITHOUT DISABILITIES TO THE FULLEST EXTENT POSSIBLE, THE OWNER OF
7 A COMMUNITY-BASED ASSISTED LIVING FACILITY II MAY NOT OWN TWO FACILITIES THAT
8 ADJOIN EACH OTHER AND, IF A PROPOSED ADJOINING FACILITY IS OWNED BY A BUSINESS
9 ENTITY, THE OWNER, **THE OWNER'S FAMILY, AND THE OWNER'S BUSINESS ASSOCIATES**
10 MAY NOT HAVE ANY INTEREST, FINANCIAL OR OTHERWISE, IN THE BUSINESS ENTITY.
11

12 **18-10-129. Group homes II.**

13
14 TO HELP ENSURE THAT PERSONS WITH DISABILITIES LIVE AND INTERACT WITH
15 INDIVIDUALS WITHOUT DISABILITIES TO THE FULLEST EXTENT POSSIBLE, THE OWNER OF
16 A GROUP HOME II MAY NOT OWN TWO FACILITIES THAT ADJOIN EACH OTHER AND, IF A
17 PROPOSED ADJOINING FACILITY IS OWNED BY A BUSINESS ENTITY, THE OWNER, THE
18 **OWNER'S FAMILY, AND THE OWNER'S BUSINESS ASSOCIATES MAY NOT HAVE ANY**
19 INTEREST, FINANCIAL OR OTHERWISE, IN THE BUSINESS ENTITY.
20

21 ~~**18-10-142. Recovery residences II.**~~

22
23 ~~TO HELP ENSURE THAT PERSONS WITH DISORDERS LIVE AND INTERACT WITH~~
24 ~~INDIVIDUALS WITHOUT DISORDERS TO THE FULLEST EXTENT POSSIBLE, THE OWNER OF A~~
25 ~~RECOVERY RESIDENCE II MAY NOT OWN TWO FACILITIES THAT ADJOIN EACH OTHER AND,~~
26 ~~IF A PROPOSED ADJOINING FACILITY IS OWNED BY A BUSINESS ENTITY, THE OWNER, THE~~
27 ~~OWNER'S FAMILY, AND THE OWNER'S BUSINESS ASSOCIATES MAY NOT HAVE ANY~~
28 ~~INTEREST, FINANCIAL OR OTHERWISE, IN THE BUSINESS ENTITY.~~
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30 **18-10-146. Rooming houses.**

31
32 THE OWNER OF A ROOMING HOUSE MAY NOT OWN TWO FACILITIES THAT ADJOIN
33 EACH OTHER AND, IF A PROPOSED ADJOINING FACILITY IS OWNED BY A BUSINESS ENTITY,
34 **THE OWNER, THE OWNER'S FAMILY, AND THE OWNER'S BUSINESS ASSOCIATES MAY NOT**
35 HAVE ANY INTEREST, FINANCIAL OR OTHERWISE, IN THE BUSINESS ENTITY.
36

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

41
42 SECTION ~~3~~, 4. *And be it further enacted, That this Ordinance shall take effect 45 days*
43 *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



Stuart 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