

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 42

Bill No. 97-19

Introduced by Ms. Pickard, Ms. Lacey, Ms. Rodvien, and Mr. Pruski

By the County Council, December 16, 2019

Introduced and first read on December 16, 2019
Public Hearing set for and held on January 21, 2020
Public Hearing on AMENDED bill set for and held on February 3, 2020
Bill Expires March 20, 2020

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Housing for the Elderly of Moderate Means
2
3 FOR the purpose of allowing “housing for the elderly of moderate means” as a conditional
4 use in certain residential districts; amending the conditional use requirements for
5 “housing for the elderly of moderate means”; repealing the special exception use
6 requirements for “housing for the elderly of moderate means”; and generally relating
7 to zoning.
8
9 BY repealing and reenacting, with amendments: §§ 18-4-106; and 18-10-129
10 Anne Arundel County Code (2005, as amended)
11
12 BY repealing: § 18-11-129
13 Anne Arundel County Code (2005, as amended)
14
15 BY renumbering: §§ 18-11-130 through 18-11-166 to be 18-11-129 through 18-11-165
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 § 18-11-129 of the Anne Arundel County Code (2005, as amended) is hereby
20 repealed.

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.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

1 SECTION 2. *And be it further enacted*, That §§ 18-11-130 through 18-11-166,
 2 respectively, of the Anne Arundel County Code (2005, as amended) is hereby renumbered
 3 to be §§ 18-11-129 through 18-11-165, respectively.

4
 5 SECTION 3. *And be it further enacted*, That Section(s) of the Anne Arundel County
 6 Code (2005, as amended) read as follows:

7
 8 **ARTICLE 18. ZONING**

9
 10 **TITLE 4. RESIDENTIAL DISTRICTS**

11
 12 **18-4-106. Permitted, conditional, and special exception uses.**

13
 14 The permitted, conditional, and special exception uses allowed in each of the residential
 15 districts are listed in the chart in this section using the following key: P = permitted use; C
 16 = conditional use; SE = special exception use. A blank means that the use is not allowed in
 17 the district. Except as provided otherwise in this article, uses and structures customarily
 18 accessory to the listed uses also are allowed, except that guest houses as accessory
 19 structures are prohibited and outside storage as an accessory use is limited to the lesser of
 20 10% of the allowed lot coverage or 500 square feet.
 21

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22
Housing for the elderly of moderate means				[[SE]] C	[[SE]] C	[[SE]] C	[[SE]] C	[[SE]] C

23
 24 **TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

25
 26 **18-10-129. Housing for the elderly of moderate means.**

27
 28 Housing for the elderly of moderate means shall CONSIST OF RENTAL DWELLING UNITS
 29 ONLY AND SHALL comply with all of the following requirements.

30
 31 [(1) The property shall be encumbered by a recorded deed restriction that (a)
 32 requires the units to be occupied by at least one individual who is 62 years of age or older
 33 with an income that does not exceed 80% of the median income adjusted for household
 34 size for the Baltimore Primary Metropolitan Statistical Area, as defined and published
 35 annually by the United States Department of Housing and Urban Development, and (b)
 36 that prohibits the units from being occupied by resident minor children.]]

37
 38 (1) THE PROPERTY SHALL BE ENCUMBERED BY A RECORDED DEED RESTRICTION
 39 THAT:

40
 41 (I) REQUIRES THE UNITS TO BE OCCUPIED BY INDIVIDUALS WHO ARE 62 YEARS
 42 OF AGE OR OLDER:

43
 44 (II) REQUIRES THAT AT LEAST 60% OF THE UNITS BE OCCUPIED BY INDIVIDUALS
 45 WITH AN INCOME THAT DOES NOT EXCEED 60% OF THE MEDIAN INCOME ADJUSTED FOR

HOUSEHOLD SIZE FOR THE BALTIMORE PRIMARY METROPOLITAN STATISTICAL AREA, AS DEFINED AND PUBLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND

(III) REQUIRES THAT THE REMAINING UNITS BE OCCUPIED BY INDIVIDUALS WITH AN INCOME THAT DOES NOT EXCEED 80% OF THE MEDIAN INCOME ADJUSTED FOR HOUSEHOLD SIZE FOR THE BALTIMORE PRIMARY METROPOLITAN STATISTICAL AREA, AS DEFINED AND PUBLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(2) The project shall be located on a lot that abuts a minor arterial or higher classification road, with vehicular traffic access from that road.

(3) Maximum density shall be 22 dwelling units per acre, not to exceed 60 DWELLING UNITS IN R2 ZONING DISTRICTS OR 120 ~~[[total]]~~ dwelling units IN R5 ZONING DISTRICTS.

(4) The floor area of each dwelling unit shall be limited to 1,000 square feet.

(5) Maximum coverage by structures and parking ~~[[cannot]]~~ MAY NOT exceed ~~[[60%]]~~ 65% of the gross area of the lot.

(6) IN R2 AND R5 ZONING DISTRICTS, THE SITE SHALL BE LOCATED IN A PRIORITY FUNDING AREA.

~~[[6]]~~ (7) The following bulk regulations apply:

Minimum setbacks for principal structures:	
Front lot line	30 feet
Side lot line	25 feet
Corner side lot line	30 feet
Rear lot line	30 feet
Minimum setbacks for accessory structures:	
Side and rear lot lines	10 feet
Corner side lot line	15 feet
Maximum height limitations:	
Principal structures	55 feet
Accessory structures	20 feet
Public water and sewer	Required

~~[[7]]~~ The project shall be financed in part by State and County loans and shall be approved by a resolution of the County Council. The resolution shall adopt by reference a site plan that identifies the approximate location and dimensions of the structures, the approximate location and dimensions of the parking areas, and the setbacks from adjacent properties.]]

1 (8) THE DEVELOPER SHALL ESTABLISH THE ALLOWABLE MAXIMUM RENTAL
2 RATES FOR THE RENTAL UNITS AND ANNE ARUNDEL COUNTY OR ITS DESIGNEE SHALL
3 CONFIRM THAT THE AMOUNT OF THE RENTAL RATES IS APPROPRIATE.

4
5 (9) THE DEED RESTRICTIONS CONTAINED IN THIS SECTION SHALL BE
6 ENFORCEABLE BY THE COUNTY OR ITS DESIGNEE.

7
8 SECTION 4. *And be it further enacted,* That this Ordinance shall take effect 45 days
9 from the date it becomes law.

AMENDMENTS ADOPTED: January 21, 2020

READ AND PASSED this 3rd day of February, 2020

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 4th day of February, 2020



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 10th day of February, 2020



Stuart Pittman
County Executive

EFFECTIVE DATE:

MAR 26 2020

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
97-19. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer