



## ANNE ARUNDEL COUNTY OFFICE OF LAW

### Legislative Summary

**To:** Members, Anne Arundel County Council

**From:** Kelly Phillips Kenney, Supervising County Attorney /s/

**Date:** April 15, 2024

**Subject:** Bill No. 30-24 – Zoning – Planned Unit Developments – Community and Employment

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This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 30-24.

### Background

Currently, a planned unit development (“PUD”) is only allowed as a special exception in all residential districts and the C2 and C3 commercial districts. There is currently only one type of PUD.

### Purpose

The purpose of the Bill is to create two different types of PUDs: community and employment. The Bill also adds a PUD as an allowable use in the C4, W1, and W2 zoning districts, and removes the use in the RA, RLD, and R1 residential districts. The Bill also provides for the allowed uses, density, and bulk regulations for PUDs.

### Bill No. 30-24

#### SECTION 1.

This section repeals existing §§ 18-12-202 and 18-12-203(g).

#### SECTION 2.

This section renumbers various Code provisions.

#### SECTION 3.

**Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.**

Section **18-2-101(b)(13)** is a grandfathering clause and provides that an application for a PUD filed before the effective date of the Bill shall be governed by the law as it existed prior.

In the residential district use chart in § **18-4-106**, the existing row for PUDs is deleted and replaced with two new rows reflecting the two new types of PUDs. A community PUD is added as a special exception in the R2, R5, R10, and R22 districts. An employment PUD located on a mining reclamation site is added as a conditional use in the R5 and R10 districts.

The commercial district use chart in § **18-5-102** is revised. Currently, PUDs are allowed as special exceptions in the C2 and C3 districts for properties located in the BWI/Ft. Meade Growth Area. The only change to this row is provide this is an employment PUD. A new row is added to the chart to allow an employment PUD located on a mining reclamation site as a conditional use in the C4 district.

Employment PUDs are added to the industrial district use chart in § **18-6-103**. Specifically, an employment PUD located in the BWI/Ft. Meade Growth Area is added as a special exception use in the W1 district. An employment PUD located on a mining reclamation site is added as a conditional use in the W2 district.

Section **18-10-150** is new. It is the conditional use provision, and states that the conditions for an employment PUD are located in Subtitle 2 of Title 12. Section **18-11-142**, the special exception conditions, is revised to include reference to the two new types of PUDs.

Existing § 18-12-202 is repealed and replaced with new language. Section **18-12-202(a)** sets forth the new use chart for PUDs. Subsection **(b)** provides that in addition to the uses listed in subsection (a), a community PUD may have the uses allowed in a C1 district, as allowed in those zones per § 18-5-102.

Subsection **(c)** provides for additional uses in an employment PUD, which are the uses allowed in the C1, C2, C3 and W1 zoning districts, in the same category as the uses are allowed in those zones. Subsection **(d)** lists additional uses allowed in an employment PUD on a mining reclamation site.

Existing § **18-12-203(a)** is revised to remove the language “by special exception” because PUDs will now also be allowed as conditional uses. The density provisions in subsection **(c)** are revised with no substantive change to the density allowed. The only revisions are to refer to an employment PUD where applicable, and to add references to the new zones in which PUDs are allowed.

Subsection **(d)** has been entirely rewritten and provides the use requirements for a PUD. Under subsection **(d)(1)**, an employment PUD shall include one or more residential uses comprised of at least 30% of the total floor area, and at least one non-residential use. Subsection **(d)(2)** provides that a community PUD shall include at least two dwelling types. Subsection **(d)(3)** requires that a PUD be encumbered by a covenant that requires no less than 15% of the dwelling units be set aside for occupancy by a household with an income that does not exceed 75% for

rental units or 100% for homeownership units of adjusted median income (“AMI”). The covenant shall also restrict occupancy for eligible households for not less than 10 years for the homeownership units and 30 years for rental dwelling units. Subsection **(d)(3)(ii)** establishes the criteria for setting the home prices and rental rates for these units.

Section **18-12-203(e)(1)** is new and requires that a PUD be served by public water and sewer. Existing subsection (e) is now **(e)(2)** and is revised to add references to some of the new zoning districts in which PUDs are allowed, and to strike the last two sentences.

Existing subsection **(f)** is revised to clarify that the bulk regulations in that section apply in addition to any bulk regulations approved under subsection (a). That is because for a PUD, a developer can propose bulk regulations for approval as part of the special exception or conditional use approval. Additionally, in that section, the existing bulk regulation chart is stricken and replaced.

#### **SECTION 4.**

This section provides that the reference to “the effective date of Bill 30-24” be replaced with the effective date upon codification.

#### **SECTION 5.**

This section provides that the Ordinance shall take effect 45 days from the date it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill. Thank you.