

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2009, Legislative Day No. 20

Bill No. 45-09

Introduced by Mr. Dillon

By The County Council, May 19, 2009

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Introduced and first read on May 19, 2009  
Public Hearing set for and held on June 15, 2009  
Public Hearing on AMENDED BILL set for and held on July 20, 2009  
Public Hearing on SECOND AMENDED BILL set for August 3, 2009  
Bill Expires August 22, 2009

By Order: Judy C. Holmes, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Assisted Living

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3 FOR the purpose of adding assisted living facilities as a special exception use in the RLD  
4 residential zoning district; establishing additional provisions for assisted living  
5 facilities as a special exception and as a conditional use in certain commercial  
6 districts; and generally relating to assisted living facilities.  
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8 BY repealing and reenacting with amendments: §§ 18-4-106; 18-10-103.1 and 18-11-104  
9 Anne Arundel County Code (2005, as amended)  
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11 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
12 *Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as  
13 follows:  
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15 **ARTICLE 18. ZONING**

16 **TITLE 4. RESIDENTIAL DISTRICTS**

17 **18-4-106. Permitted, conditional, and special exception uses.**  
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21 The permitted, conditional, and special exception uses allowed in each of the  
22 residential districts are listed in the chart in this section using the following key: P =

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Asterisks \*\*\* indicate existing Code provisions in a list or chart that remain unchanged.  
Underlining indicates amendments to bill.  
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 permitted use; C = conditional use; SE = special exception use. A blank means that the  
 2 use is not allowed in the district. Except as provided otherwise in this article, uses and  
 3 structures customarily accessory to the listed uses also are allowed, except that guest  
 4 houses as accessory structures are prohibited and outside storage as an accessory use is  
 5 limited to the lesser of 10% of the allowed lot coverage or 500 square feet.  
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Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22
***								
Assisted living facilities		SE	SE	SE	SE	SE	SE	SE
***								

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**TITLE 10. RESIDENTIAL DISTRICTS**

10 **18-10-103.1. Assisted living facilities.**

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

(1) The facility shall be located on a lot of at least five acres.

(2) Structures shall be located at least 50 feet from all lot lines.

(3) Required onsite parking may not be located in a required setback along a lot line that abuts residentially zoned property.

(4) Each access drive shall be located at least 40 feet from any residentially zoned property.

(5) An assisted living facility shall be established and operated only in conjunction with a nursing home or with adult independent dwelling units or both. The nursing home or adult independent dwelling units may be located on the same lot as the assisted living facility or on one or more abutting lots. If located on one or more abutting lots, the provisions of subsections (2) through (4) shall not apply to the lot lines that are shared by such abutting lots.

(6) FOR AN ASSISTED LIVING FACILITY THAT CONSISTS OF LAND LOCATED OUTSIDE THE CRITICAL AREA IN MORE THAN ONE ZONING DISTRICT:

(I) PROVISIONS CONCERNING THE NUMBER OF INDEPENDENT DWELLING UNITS ALLOWED IN A GIVEN AREA OF LAND SHALL BE APPLIED IN THE AGGREGATE RATHER THAN SEPARATELY TO THE INDIVIDUAL ZONING DISTRICTS, LOTS OR SITES;

(II) PROVISIONS CONCERNING PUBLIC IMPROVEMENTS, SUCH AS PUBLIC SEWER AND WATER CONNECTIONS, ROADS, AND SIDEWALKS, SHALL BE APPLIED TO THE ASSISTED LIVING FACILITY IN ITS ENTIRETY;

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1 (III) OPEN SPACE REQUIREMENTS SHALL BE CALCULATED FOR THE ENTIRE  
2 AREA OF THE ASSISTED LIVING FACILITY, EXCEPT THAT INDIVIDUAL LOTS USED  
3 EXCLUSIVELY FOR NONRESIDENTIAL USES SHALL BE EXCLUDED; AND  
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5 (IV) THE DEVELOPER SHALL DEMONSTRATE UNIFIED CONTROL OF THE  
6 ENTIRE ASSISTED LIVING FACILITY AND THE CAPABILITY TO PROVIDE FOR COMPLETION  
7 AND CONTINUOUS OPERATION AND MAINTENANCE OF THE FACILITY.  
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9 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**

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

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13 An assisted living facility shall comply with all of the following requirements.  
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15 (1) IN RLD DISTRICTS, THE FACILITY SHALL BE LOCATED ON A LOT OF AT LEAST  
16 10 ACRES. In R1 and R2 Districts, the facility shall be located on a lot of at least 10 acres,  
17 except that a facility that abuts a collector or higher classification road may be located on  
18 a lot of at least five acres. In other districts, the facility shall be located on a lot of at least  
19 five acres.  
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21 (2) FOR AN ASSISTED LIVING FACILITY IN AN RLD DISTRICT, ~~AN ASSISTED LIVING~~  
22 ~~FACILITY SHALL BE PERMITTED IF:~~  
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24 (I) THE PROPERTY IN THE RLD DISTRICT ~~ABUTS~~ SHALL ABUT PROPERTY THAT  
25 IS ZONED C2 OR C3 AND THAT WILL BE PART OF THE ASSISTED LIVING FACILITY; AND  
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27 (II) THE C2 OR C3 PROPERTY COMPRISING PART OF THE FACILITY SHALL BE  
28 SERVED BY PUBLIC WATER AND SEWER.  
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30 (3) FOR AN ASSISTED LIVING FACILITY THAT CONSISTS OF LAND LOCATED  
31 OUTSIDE THE CRITICAL AREA IN MORE THAN ONE ZONING DISTRICT:  
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33 (I) PROVISIONS CONCERNING THE NUMBER OF INDEPENDENT DWELLING  
34 UNITS ALLOWED IN A GIVEN AREA OF LAND SHALL BE APPLIED IN THE AGGREGATE  
35 RATHER THAN SEPARATELY TO THE INDIVIDUAL ZONING DISTRICTS, LOTS OR SITES;  
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37 (II) PROVISIONS CONCERNING PUBLIC IMPROVEMENTS, SUCH AS PUBLIC  
38 SEWER AND WATER CONNECTIONS, ROADS, AND SIDEWALKS, SHALL BE APPLIED TO THE  
39 ASSISTED LIVING FACILITY IN ITS ENTIRETY;  
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41 (III) OPEN SPACE REQUIREMENTS SHALL BE CALCULATED FOR THE ENTIRE  
42 AREA OF THE ASSISTED LIVING FACILITY, EXCEPT THAT INDIVIDUAL LOTS USED  
43 EXCLUSIVELY FOR NONRESIDENTIAL USES SHALL BE EXCLUDED; AND  
44

45 (IV) THE DEVELOPER SHALL DEMONSTRATE UNIFIED CONTROL OF THE  
46 ENTIRE ASSISTED LIVING FACILITY AND THE CAPABILITY TO PROVIDE FOR COMPLETION  
47 AND CONTINUOUS OPERATION AND MAINTENANCE OF THE FACILITY.  
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49 [(2)] (4) Independent dwelling units may be a combination of various dwelling  
50 types. The units shall be occupied exclusively by individuals who are 55 years of age or  
51 older.  
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53 [(3)] (5) Assisted care units shall be provided and shall be in a multifamily  
54 structure. The structure shall contain a centrally located group dining facility.

1 An “assisted care unit” is defined as a dwelling unit for individuals who require  
 2 assistance, monitoring, or supervision in daily living activities.

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4 [(4)] (6) Comprehensive care units may be provided. A “comprehensive care unit”  
 5 is defined as a room for individuals requiring continuous health care services.

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7 [(5)] (7) No more than two dwelling units for every 100 dwelling units may be  
 8 devoted to temporary use for guests or family members of residents.

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10 [(6)] (8) The permitted uses in a C1 District are allowed in the facility if:

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12 (i) the uses are centrally located for the use and benefit of the residents and  
 13 their guests in structures that are architecturally compatible with the residential portion of  
 14 the development; and

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16 (ii) the floor area of the uses does not exceed 10% of the floor area of the  
 17 dwelling units.

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19 [(7)] (9) Shuttle bus service for residents to recreational, shopping, and medical  
 20 facilities shall be provided.

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22 [(8)] (10) A pedestrian circulation system interconnecting all parts of the facility  
 23 with sidewalks and walkways shall be provided.

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25 [(9)] (11) The bulk regulations contained in the following chart shall be met:

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Minimum 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 the facility may exceed that height by 10 feet if all setbacks are increased by two feet for each foot of excess height
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 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 requirements of the district in which the facility is located
Public sewer	Required

1       SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days  
2 from the date it becomes law.