



ANNE ARUNDEL COUNTY OFFICE OF LAW

Legislative Summary

To: Members, Anne Arundel County Council

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

Via: Gregory J. Swain, County Attorney /s/

Date: March 4, 2024

Subject: Bill No. 17-24 – Zoning – Adult Independent Dwelling Units

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. 17-24.

Background

In Bill No. 30-21, the definition of “dwelling unit, adult independent” (commonly referred to as an adult independent dwelling unit or “AIDU”) was revised. An AIDU is not a different type of dwelling unit, but rather is a restriction on occupancy. An AIDU must be occupied by at least one person who is 55 years of age or older, and minor children are prohibited. The purpose of the definition revision in Bill No. 30-21 was to clarify that an AIDU could be in any dwelling unit type, regardless of whether the dwelling unit type was allowed in a particular zoning district. For example, an AIDU may be in a townhouse in an R1 district, where townhouses are not otherwise allowed. Bill No. 63-22 also addressed AIDUs and established the maximum density allowed in the R1, R2, and R5 zoning districts.

Neither of these bills addressed bulk regulations for townhouses or multifamily dwellings in lower density zones where those dwelling unit types are not otherwise allowed. The current bulk regulations in these zones do not really apply to townhouses or multifamily dwellings, which resulted in projects going through the review process without bulk regulations conducive to AIDUs in townhouses or multifamily dwellings in these zones.

Purpose

The purpose of the Bill is to create bulk regulations that apply to townhouse and multifamily AIDUs in the lower density zones.

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

Bill No. 17-24

SECTION 1.

In § **18-1-101(47)(viii)**, the definition of “dwelling unit, adult independent” is revised to remove “without reference to the underlying zoning district, where the unit”. This language was the source of some confusion and does not add anything to the definition.

In § **18-4-106**, the use chart for the residential districts is changed. The line for “Dwelling unit, adult independent” is removed in its entirety. It is important to note this does not take away the use of AIDUs. This change is made because an AIDU is a restriction on the residents of a dwelling unit, and not a separate type of dwelling unit. AIDUs being listed in the use chart has led to confusion because the particular types of dwelling units are all listed separately. There is no intent to prohibit AIDUs where currently allowed.¹

Conditional uses are added for “Dwellings, multifamily” in the R1, R2, and R5 zones. Conditional uses are also added for “Dwellings, townhouses” in the R1 and R2 zones. These changes reflect what the Code already authorizes: an AIDU may be a multifamily or townhouse dwelling unit in those zones. As discussed below, one condition is that these dwelling types in the lower density zones are AIDUs.

Section **18-10-124** reflects that the existing conditions in the Code for AIDUs will now apply only in commercial districts. Because AIDUs are being taken out as a use listed separately in the residential use chart, this section no longer has any applicability in residential districts.²

Section **18-10-126** sets forth the conditions for multifamily dwellings. Subsection **(1)** is changed to apply only to commercial districts. Existing Subsections (1) through (3) are renumbered to be Subsections **(1)(i) through (1)(iii)**. Subsection **(2)** is new and creates the conditions for multifamily dwellings in an R1, R2, and R5 district. Subsection **(2)(i)** requires multifamily dwellings to be AIDUs. Subsection **(2)(ii)** requires the development be served by public water and sewer. Subsection **(2)(iii)** establishes the bulk regulations for multifamily dwellings in those zones.

Section **18-10-127** sets forth the conditions for townhouses. Subsection **(1)** already sets forth the bulk regulations, which will now apply to townhouse AIDUs. Subsection **(3)** is existing subsection (5)(iii). Subsection **(4)** provides that in an R1 or R2 district, townhouses must be AIDUs. Subsection **(5)** is existing subsection (3) and now provides that, in addition to the conditions in subsections (1) through (4), the bulk regulations in the chart apply in an R1, R2, and R5 district. Existing Subsection (4) is renumbered to be subsection **(6)** and now provides that, in addition to the requirements of subsections (1) through (3), the bulk regulations in the chart apply in R10, R15, and R22 districts. The provision in existing subsection (5)(i) is incorporated in the

¹ While at first blush, it may appear that AIDUs are being taken away in the RA and RLD zones; however, single family dwellings are permitted in these zones and may be AIDUs. In reality, due to the general lack of public water or sewer in those zones, a townhouse or multifamily dwelling would typically not be allowed.

² A bill may be proposed at a later time to remove AIDUs as a separately listed use in the commercial use chart.

chart in new subsection (6); subsection (5)(ii) is removed; and, as previously stated, subsection (5)(iii) is renumbered to be subsection (3).

SECTION 2.

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.

cc: Honorable Steuart Pittman, County Executive
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