

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 31

Bill No. 54-19

Introduced by Mr. Pruski, Chairman
(by request of the County Executive)

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

By the County Council, June 3, 2019

Introduced and first read on June 3, 2019
Public Hearing set for and held on July 1, 2019
Bill AMENDED and VOTED on July 1, 2019
Bill Expires September 6, 2019

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

- 1 AN ORDINANCE concerning: Zoning – Workforce Housing
- 2
- 3 FOR the purpose of exempting workforce housing from a portion of capital facility
- 4 connection charges; repealing workforce housing as a special exception in certain
- 5 residential districts; allowing workforce housing as a conditional use in certain
- 6 residential, commercial, industrial, and mixed use districts; establishing the conditional
- 7 use requirements for workforce housing; repealing the special exception use
- 8 requirements for workforce housing; and generally related to zoning.
- 9
- 10 BY repealing and reenacting, with amendments: §§ 13-5-813(l); 18-4-106; 18-5-102; 18-
- 11 6-103; and 18-8-301(b)
- 12 Anne Arundel County Code (2005, as amended)
- 13
- 14 BY repealing: § 18-11-167
- 15 Anne Arundel County Code (2005, as amended)
- 16
- 17 BY adding: § 18-10-158
- 18 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
 [Brackets] indicate matter stricken from existing law.
 Captions and taglines in **bold** in this bill are catchwords and are not law.
Underlining indicates amendments to bill.

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,* That § 18-11-167 of the Anne Arundel County Code (2005, as amended) is hereby repealed.

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

ARTICLE 13. PUBLIC WORKS

TITLE 5. UTILITIES

13-5-813. Water and wastewater system connection charges and assessments.

(l) Properties exempt from all or part of capital facility connection charges.

(1) Religious facilities, parsonages, housing for the elderly of moderate means, incorporated nonprofit community association facilities, structures for nonprofit veterans and military service organizations exempt from taxation under section 501(c)(19) of the Internal Revenue Code with a rated capacity of 500 people or fewer pursuant to the Fire Prevention Code, and nonprofit educational structures are exempt from capital facility connection charges.

(2) WORKFORCE HOUSING IS EXEMPT FROM 50% OF THE CAPITAL FACILITY CONNECTION CHARGES.

ARTICLE 18. ZONING

TITLE 4. RESIDENTIAL DISTRICTS

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

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

Workforce housing					C	[SE] C	[SE] C	

TITLE 5. COMMERCIAL DISTRICTS

18-5-102. Permitted, conditional, special exception, and business complex auxiliary uses.

The permitted, conditional, and special exception uses allowed in each of the commercial districts, and uses auxiliary to a business complex, are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A = auxiliary to a business complex 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 permitted, conditional, and special exception uses also are allowed.

Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4

Wholesale trade, warehousing, and storage establishments in the BWI/Fort Meade Growth Area		C	C	
WORKFORCE HOUSING		C	C	C

TITLE 6. INDUSTRIAL DISTRICTS

18-6-103. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the industrial districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A= auxiliary use to a business complex 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 permitted, conditional, and special exception uses also are allowed, except that outside storage as an accessory use in W1 is limited to 15% of the allowed lot coverage.

Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	W1	W2	W3

Wineries		P	P
WORKFORCE HOUSING	C		

TITLE 8. MIXED USE DISTRICTS

18-8-301. Permitted uses; conditional uses.

(b) **Categories in chart.** The chart in this section divides the permitted and conditional uses allowed under the optional method of development into the categories of residential, retail and service, office, and industrial, and the uses are subject to the percentage limitations on those categories described in § 18-8-302.

	MXD-R	MXD-C	MXD-E	MXD-T
Other				

Solar energy systems – accessory	P	P	P	P
WORKFORCE HOUSING	C	C	C	C

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TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

18-10-158. Workforce housing.

WORKFORCE HOUSING SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS.

(1) THE PROJECT SHALL CONSIST OF DWELLING UNITS OF ANY TYPE OR MIXTURE AND REQUIREMENTS APPLICABLE TO DWELLINGS IN COMMERCIAL AND MIXED USE ZONING DISTRICTS DO NOT APPLY.

(2) THE PROPERTY SHALL BE ENCUMBERED BY RECORDED DEED RESTRICTIONS THAT:

(I) THE UNITS BE RESTRICTED TO OCCUPANCY BY ELIGIBLE HOUSEHOLDS UNDER THIS SECTION FOR AT LEAST 10 YEARS FOR HOME OWNERSHIP UNITS AND AT LEAST 30 YEARS FOR RENTAL UNITS, EXCEPT THAT THE DEED RESTRICTION MAY BE 15 YEARS FOR “LEASE TO PURCHASE” RENTAL UNITS;

(II) AT LEAST 40% OF HOME OWNERSHIP UNITS BE OCCUPIED BY A HOUSEHOLD WITH AN INCOME THAT DOES NOT EXCEED 100% 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;

(III) AT LEAST 60% OF RENTAL UNITS BE OCCUPIED BY A HOUSEHOLD 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;

(IV) THE INITIAL TRANSFER OF A HOME OWNERSHIP UNIT TO THE ORIGINAL BUYER OF THAT UNIT SHALL BE ACCOMPANIED BY A CERTIFICATION FROM ANNE ARUNDEL COUNTY OR ITS DESIGNEE THAT THE BUYER’S HOUSEHOLD INCOME DOES NOT EXCEED THE MAXIMUM ALLOWED FOR THAT UNIT; AND

(V) IF THE ORIGINAL BUYER OF A HOME OWNERSHIP UNIT TRANSFERS TITLE TO THAT UNIT WITHIN 10 YEARS, THE TRANSFER SHALL BE ACCOMPANIED BY A CERTIFICATION FROM ANNE ARUNDEL COUNTY OR ITS DESIGNEE THAT THE TRANSFEREE’S HOUSEHOLD INCOME DOES NOT EXCEED THE MAXIMUM ALLOWED FOR THAT UNIT.

(3) MAXIMUM DENSITY SHALL BE 22 DWELLING UNITS PER ACRE.

(4) MAXIMUM COVERAGE BY STRUCTURES AND PARKING MAY NOT EXCEED 65% OF THE GROSS AREA OF THE LOT.

(5) SETBACKS AND HEIGHT REQUIREMENTS SHALL BE GOVERNED BY THE BULK REGULATIONS FOR R22 ZONING DISTRICTS.

(6) THE SITE SHALL BE SERVED BY PUBLIC WATER AND SEWER.

1 (7) DIRECT VEHICULAR ACCESS SHALL BE LOCATED ON A COLLECTOR OR HIGHER
2 CLASSIFICATION ROAD.

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4 (8) THE INITIAL ALLOWABLE MAXIMUM RENTAL RATES FOR RENTAL UNITS
5 SHALL BE ESTABLISHED BY THE DEVELOPER AND APPROVED BY ANNE ARUNDEL COUNTY
6 OR ITS DESIGNEE AFTER OBTAINING AND CONSIDERING INFORMATION AND DATA
7 DEALING WITH CURRENT GENERAL MARKET AND ECONOMIC CONDITIONS AND THE
8 CURRENT MINIMUM RENTAL RATES OF PRIVATELY PRODUCED MARKET PRICED HOUSING.

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10 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
11 from the date it becomes law.

AMENDMENT ADOPTED: July 1, 2019

READ AND PASSED this 1st day of July, 2019

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 2nd day of July, 2019



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 9th day of July, 2019



Steuart Pittman
County Executive

EFFECTIVE DATE: **AUG 23 2019**

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
54-19. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer