

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 5

Bill No. 17-24

Introduced by Ms. Pickard  
(by request of the County Executive)

By the County Council, March 4, 2024

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Introduced and first read on March 4, 2024  
Public Hearing set for and held on April 1, 2024  
Public Hearing on AMENDED bill set for and held on April 15, 2024  
Public Hearing on SECOND AMENDED bill set for and held on May 6, 2024  
Bill Expires June 7, 2024

By Order: Laura Corby, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Adult Independent Dwelling Units

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3 FOR the purpose of modifying the definition of “adult independent dwelling unit”;  
4 clarifying the allowed use of adult independent dwelling units in certain  
5 residential districts; adding multifamily dwellings and townhouse dwellings as a  
6 conditional use in certain residential districts; modifying the conditional uses of  
7 multifamily dwellings and townhouse dwellings in certain districts; and generally  
8 relating to zoning.

9  
10 BY repealing and reenacting, with amendments: §§ 18-1-101(47)(viii); 18-4-106; ~~18-10-~~  
11 ~~124 18-10-123~~; 18-10-126; and 18-10-127

12 Anne Arundel County Code (2005, as amended) (as amended by Bill No. 3-24)

13  
14 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
15 That Section(s) of the Anne Arundel County Code (2005, as amended) (and as amended  
16 by Bill No. 3-24) read as follows:

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18 **ARTICLE 18. ZONING**

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20 **TITLE 1. DEFINITIONS**

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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.  
Asterisks \*\*\* indicate existing Code provisions in a list or chart that remain unchanged.  
Underlining indicates matter added to bill by amendment.  
~~Strikeover~~ indicates matter removed from bill by amendment.

**18-1-101. Definitions.**

Unless defined in this article, the Natural Resources Article of the State Code, or COMAR, words defined elsewhere in this Code apply in this article. The following words have the meanings indicated:

(47) “Dwelling unit” means a single unit, including attached garages and decks, providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. The following variations of “dwelling” have the meanings indicated:

(viii) “Dwelling unit, adult independent” means a dwelling unit of any type[, without reference to the underlying zoning district, where the unit]] THAT is occupied by at least one person who is 55 years of age or older and resident minor children are prohibited.

**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.

<b>Permitted, Conditional, and Special Exception Uses</b>	<b>RA</b>	<b>RLD</b>	<b>R1</b>	<b>R2</b>	<b>R5</b>	<b>R10</b>	<b>R15</b>	<b>R22</b>
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[[Dwelling units, adult independent	P	P	P	P	P	P	P	P]]
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Dwellings, multifamily			C	C	C	P	P	P
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Dwellings, townhouses			C	C	C	C	C	C
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**TITLE 10. REQUIREMENTS FOR CONDITIONAL USES****~~18-10-124~~18-10-123. Dwelling units, adult independent, in a commercial district.**

[[An independent dwelling facility for adults]] ADULT INDEPENDENT DWELLING UNITS IN A COMMERCIAL DISTRICT shall comply with all of the following requirements:

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**18-10-126. Dwellings, multifamily.**

(1) Multifamily dwellings IN A COMMERCIAL DISTRICT shall comply with all of the following requirements.

[(1)] (I) Net density may not exceed 12 units per acre in a C1 District, 22 units per acre in a C2 District, or 15 units per acre in a C3 District.

[(2)] (II) The development shall include commercial uses that equal at least 25% of the floor area in a C1 District, 50% of the floor area in a C2 District, and 50% of the floor area in a C3 District.

[(3)] (III) If commercial uses are included within a multifamily dwelling, the dwelling units shall have entrances that are separate from the entrances to the commercial uses.

(2) MULTIFAMILY DWELLINGS IN AN R1, R2, AND R5 DISTRICT SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS.

(I) MULTIFAMILY DWELLING UNITS SHALL BE ADULT INDEPENDENT DWELLING UNITS.

(II) THE DEVELOPMENT SHALL BE SERVED BY PUBLIC WATER AND SEWER.

(III) THE BULK REGULATIONS CONTAINED IN THE FOLLOWING CHART SHALL BE MET.

MAXIMUM COVERAGE BY STRUCTURES AND PARKING	45% OF GROSS AREA OF THE SITE
MINIMUM SETBACKS FOR PRINCIPAL STRUCTURES:	
FRONT LOT LINE	20 FEET
SIDE LOT LINE	15 FEET
CORNER SIDE LOT LINES	20 FEET
REAR LOT LINE	30 FEET
MINIMUM DISTANCE BETWEEN MULTIFAMILY STRUCTURES LOCATED ON THE SAME LOT (CLOSEST PROJECTING EDGE):	
FACADES WITH WINDOWS	30 FEET
FACADES THAT ARE WINDOWLESS	15 FEET
STRUCTURE WITH EIGHT OR MORE DWELLING UNITS WITH FACADES THAT ARE WINDOWLESS	30 FEET
MINIMUM SETBACKS FOR ACCESSORY STRUCTURES OTHER THAN SHEDS THAT DO NOT EXCEED 64 SQUARE FEET IN AREA AND EIGHT FEET IN HEIGHT:	
SIDE AND REAR LOT LINES	7 FEET OR, FOR STRUCTURES LESS THAN 8 FEET IN HEIGHT (OTHER THAN SWIMMING POOLS, TENNIS

	COURTS, BASKETBALL COURTS, AND SIMILAR PRIVATE RECREATIONAL FACILITIES), 5 FEET
CORNER SIDE LOT LINE	15 FEET
MAXIMUM HEIGHT LIMITATIONS:	
PRINCIPAL STRUCTURES	45 FEET
ACCESSORY STRUCTURES	20 FEET OR THE HEIGHT OF THE PRINCIPAL STRUCTURE, WHICHEVER IS LESS
MAXIMUM LENGTH OF A SINGLE ELEVATION	200 FEET
MAXIMUM NET DENSITY	IN ACCORDANCE WITH THE REQUIREMENTS OF THE DISTRICT IN WHICH THE DEVELOPMENT IS LOCATED

**18-10-127. Dwellings, townhouses.**

Townhouses shall comply with all of the following requirements.

(1) The bulk regulations contained in the following chart shall be met:

Location of a townhouse structure from a residential lot line located in a less intensive zoning district	75 feet except that the setback may be 50 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks for a townhouse structure:	
Front lot line:	5 feet, but if parking is located in the front yard, 18 feet
Side lot line for end units	5 feet
Rear lot line	10 feet
Distance between townhouse structures:	
Front to front between structure facades	40 feet
Back to back between structure facades	40 feet
Adjacent end units	15 feet
Maximum units per townhouse structure	16 units if back-to-back; otherwise, 8 units
Minimum width of individual unit	16 feet
Maximum net density	C1 and C3, 5 units per acre and, in all other districts, in accordance with the requirements of the district in which the development is located
Public water and sewer	Required

(2) The front facade of an individual unit shall be staggered from the front facade of an adjoining unit by at least two feet in order to create a variation in the front facades, or the developer shall submit a plan showing variations or architectural features to provide a variety of facades, features, and relief acceptable to the Planning and Zoning Officer.

(3) PEDESTRIAN CONNECTIONS, SUCH AS WALKING PATHS, SIDEWALKS, AND HIKER-BIKER TRAILS, SHALL BE PROVIDED TO CONNECT TOWNHOUSES, MULTIFAMILY DWELLING BUILDINGS, AND OPEN SPACES WITHIN THE DEVELOPMENT.

(4) IN AN R1 OR R2 DISTRICT, TOWNHOUSES SHALL BE ADULT INDEPENDENT DWELLING UNITS.

[(3)] (5) In addition to the requirements of subsections (1), (2), (3), and [(2)] (4), the following is required for developments located in an R1, R2, AND R5 District:

Minimum site area	10 acres
MAXIMUM COVERAGE BY STRUCTURES AND PARKING	45% OF GROSS AREA OF THE SITE
Minimum setbacks for townhouse structures from the boundary line of the development site	100 feet except that the setback may be 50 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code or is zoned OS or located in either <u>THE SAME OR</u> a more intensive residential zone or in a nonresidential zone
Maximum height limitations:	
Principal structures	40 feet
Accessory structures	20 feet, or the height of the principal structure, whichever is less

[(4)] (6) In addition to the requirements of subsections (1), (2), and [(2)] (3), the following is required for developments located in an R10, R15, AND R22 District:

<del>MINIMUM SITE AREA</del>	<del>5 ACRES</del>
MAXIMUM COVERAGE BY STRUCTURES AND PARKING	45% OF GROSS AREA OF THE SITE
Maximum height limitations:	
Principal structures	40 feet
Accessory structures	20 feet, or the height of the principal structure, whichever is less

[(5)] In addition to the requirements of sections (1) and (2), the following is required for developments located in an R22 District:

1 (i) The development shall be located on a development site of at least five acres.

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3 (ii) The number of townhouse dwelling units may not exceed the number of  
4 approved multifamily dwelling units in the development.

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6 (iii) Pedestrian connections, such as walking paths, sidewalks, and hiker-biker  
7 trials, shall be provided to connect townhouses, multifamily dwelling buildings, and open  
8 spaces within the development.]]

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

AMENDMENTS ADOPTED: April 1 and 15, 2024

READ AND PASSED this 6<sup>th</sup> day of May, 2024

By Order:



Kaley Schultze  
Administrative Officer

PRESENTED to the County Executive for his approval this 7<sup>th</sup> day of May, 2024



Kaley Schultze  
Administrative Officer

APPROVED AND ENACTED this 9<sup>th</sup> day of May, 2024



Steuart Pittman  
County Executive

EFFECTIVE DATE: June 23, 2024

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF  
BILL NO. 17-24 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to be 'K. Schultze', with a long horizontal line extending to the right.

**Kaley Schultze**  
**Administrative Officer**