

PROPOSED

AMENDED
March 3 & 17, 2025
April 7, 2025

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2025, Legislative Day No. 3

Bill No. 16-25

Introduced by Ms. Fiedler

By the County Council, February 3, 2025

Introduced and first read on February 3, 2025
Public Hearing set for and held on March 3, 2025
Public Hearing on AMENDED bill set for and held on March 17, 2025
Public Hearing on AMENDED bill set for and held on April 7, 2025
Public Hearing on AMENDED bill set for April 21, 2025
Bill Expires on May 9, 2025

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Requirements for Special Exception Uses –
2 Assisted Living Facilities – Community Piers and Launching Ramps

3
4 FOR the purpose of amending the maximum height limitations for principal structures in
5 assisted living facilities; adding assisted living facilities entities that own or control a
6 community pier or launching ramp; adding assisted living facilities to slip requirements
7 at community piers; making the effective date of this Ordinance contingent on the
8 approval of the Maryland Critical Area Commission; and generally relating to zoning.

9
10 BY repealing and reenacting, with amendments: §§18-11-104 (11) and 18-11-141
11 Anne Arundel County Code (2005, as amended) (as amended by Bill No. 72-24)

12
13 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
14 That Section(s) of the Anne Arundel County Code (2005, as amended) (as amended by Bill
15 No. 72-24) read as follows:

ARTICLE 18. ZONING

TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES

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.

1 **18-11-104. Assisted living facilities.**

2

3

4

5

(11) The bulk regulations contained in the following chart shall be met and are the only bulk regulations applicable to an assisted living facility:

6

7

Minimum setbacks from all lot lines	50 feet
Maximum height limitations for principal structures ON LOTS LESS THAN 20 ACRES	The height allowed in the zoning district in which the facility is located, except that (1) the facility may exceed that height by 10 feet if all setbacks are increased by two feet for each foot of excess height, and (2) semi-detached and townhouse dwellings are limited to one story <u>The height allowed in the zoning district in which the facility is located, except that (1) the facility may exceed that height by 10 feet if all setbacks are increased by two feet for each foot of excess height, and (2) duplex, stacked townhouse, and townhouse dwellings are limited to one story</u>
MAXIMUM HEIGHT LIMITATIONS FOR PRINCIPAL STRUCTURES ON LOTS OF AT LEAST 20 ACRES	TEN ADDITIONAL FEET ABOVE THE HEIGHT ALLOWED IN THE ZONING DISTRICT IN WHICH THE FACILITY IS LOCATED; EXCEPT THAT (1) THE FACILITY MAY EXCEED THE HEIGHT ALLOWED IN THE ZONING DISTRICT IF ALL SETBACK REQUIREMENTS IN THE BULK REGULATIONS OF THE ZONING DISTRICT IN WHICH THE FACILITY IS LOCATED ARE INCREASED BY ONE FOOT FOR EACH FOOT OF EXCESS HEIGHT, AND (2) SEMI-DETACHED AND TOWNHOUSE DWELLINGS ARE LIMITED TO ONE STORY.
Open area <u>***</u>	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 density allowed in the district in which the facility is located
Maximum net density for all dwelling units other than multifamily dwellings and adult independent dwelling units	No increase in the net density allowed in the RLD District; 6 units per net acre in the R1 and R2 Districts; 8 units per net acre in an R5 District; and in all other districts in

	accordance with the density allowed in the district in which the facility is located
Maximum square footage for duplex, semi-detached, and townhouse dwellings	1,250 square feet
Public sewer	Required

1
2 **18-11-141. Piers and launching ramps, community.**

3
4 A community pier or launching ramp shall comply with all of the following
5 requirements.

6
7 (1) The facility shall be located on a lot of at least 30,000 square feet that is owned
8 by a homeowner’s association OR CONTROLLED BY AN ASSISTED LIVING FACILITY.

9
10 (2) Adverse effects on water quality and fish, plant, and wildlife habitat shall be
11 minimized.

12
13 (3) Nonwater-dependent structures or operations associated with water-dependent
14 projects or activities shall be located outside the buffer to the extent possible.

15
16 (4) Disturbance to the buffer shall be the minimum necessary to provide a single
17 point of access to the facility EXCEPT FOR REQUIRED ADA ACCESS.

18
19 (5) Food, fuel, or other goods and services may not be offered for sale, and adequate
20 and clean sanitary facilities shall be provided.

21
22 (6) Boarding ladders shall be located along the sides of a pier and along each
23 bulkhead where the water depth at the bulkhead exceeds four feet in depth at mean high
24 water. Ladders along piers shall be 100 feet apart on each side of the pier and staggered so
25 that the ladders alternate sides every 50 feet. Ladders along bulkheads shall be placed no
26 more than 50 feet apart.

27
28 (7) United States Coast Guard approved personal flotation devices shall be located
29 along each pier or bulkhead at intervals not exceeding 100 feet.

30
31 (8) When a community pier with slips is provided as part of a new residential
32 riparian subdivision, private piers in the subdivision are prohibited.

33
34 (9) The number of slips allowed with a community pier shall be the lesser of the
35 following:

36
37 (i) one slip for each 50 feet of shoreline in a subdivision OR ASSISTED LIVING
38 FACILITY located in an intense or limited development area, and one slip for each 300 feet
39 of shoreline in a subdivision located in a resource conservation area; or

40
41 (ii) a density of slips to platted lots or dwellings in the critical area in accordance
42 with the following chart:

1

Platted lots or dwelling[[s]] UNITS in the critical area	Slips
Up to 15	1 for each lot
16 to 40	15 or 75%, whichever is greater
41 to 100	30 or 50%, whichever is greater
101 to 300	50 or 25%, whichever is greater
More than 300	75 or 15%, whichever is greater

2

3 (10) In the event the parcel or lot has riparian rights and the proposed development
 4 is located on a portion of the parcel or lot that is out of the critical area, these rights may
 5 be utilized in accordance with permitted use criteria established for the critical area
 6 classification through the use of a community facility established in accordance with
 7 ~~[[§18-10-146]]~~ §18-10-147, based on the actual length of shoreline or potential density that
 8 would have been permitted within the critical area portion of the parcel or lot.

9

10 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect ~~45 days~~
 11 ~~from the date it becomes law. AFTER BILL NO. 72-24 ON JULY 1, 2025~~ after Bill No. 72-24 on
 12 July 1, 2025 or upon approval of the Maryland Critical Area Commission under the
 13 authority granted by § 8-1801 et seq. of the Natural Resources Article of the State Code,
 14 whichever is later. If approved in whole or in part after July 1, 2025, the approved
 15 provisions of this Ordinance shall take effect on the date the notice of approval is received
 16 by the Office of Planning and Zoning. If disapproved in whole or in part, the disapproved
 17 portions of this Ordinance shall be null and void without the necessity of further action by
 18 the County Council. The Office of Planning and Zoning, within five days after receiving
 19 any notice from the Maryland Critical Area Commission, shall forward a copy to the
 20 Administrative Officer for the County Council.