

**COUNCIL OF THE CITY OF ABERDEEN**  
**Ordinance No. 20-O-18**

<b>Date Introduced:</b>	November 9, 2020
<b>Sponsored By:</b>	Councilman Adam M. Hiob and Councilman Jason W. Kolligs
<b>Public Hearing:</b>	November 23, 2020
<b>Amendments Adopted:</b>	None
<b>Date Adopted:</b>	December 14, 2020
<b>Date Effective:</b>	January 4, 2021

**AN ORDINANCE** concerning

**DEVELOPMENT CODE REVISION – ASSISTED LIVING**

**FOR** the purpose of amending the City of Aberdeen Development Code to modify and revise certain provisions of the City’s Development Code relating to assisted living facilities; and generally relating to revisions to the City’s Development Code.

**BY** repealing and reenacting, with amendments  
Chapter 235, Development Code  
Article III, Zoning Districts  
Section 235-19, Appendix A  
Code of the City of Aberdeen  
(2010 Edition as amended)

**BY** repealing and reenacting, with amendments  
Chapter 235, Development Code  
Article IV, Provisions Applicable in All Districts  
Section 235-25.B.  
Code of the City of Aberdeen  
(2010 Edition as amended)

**BY** adding  
Chapter 235, Development Code  
Article IV, Provisions Applicable in All Districts  
Section 235-39.2  
Code of the City of Aberdeen  
(2010 Edition as amended)

**SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN** that Chapter 235, Development Code, Article III, Zoning Districts, Section 235-19, Appendix A, Table of Use Regulations, Code of the City of Aberdeen (2010 Edition as amended), is repealed and reenacted, with amendments to read as follows:

Chapter 235, Development Code

Article III  
Zoning Districts

§ 235-19 Use table.

See Appendix A for uses principally permitted and permitted by special exception within each district. Temporary uses are regulated by § 235-29.

Appendix A  
Table of Use Regulations

Key to Table:

P	Permitted Use
SE	Use subject to special exception from the Board of Appeals
--	Not Permitted
2 <sup>nd</sup> floor	Permitted on second floor and above
T-5	Only permitted in TOD-C
SFD	Single-family dwelling

Use	Zoning District									
	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	IBD	TOD
* * *										
Assisted living facility	SE	SE	P	P	P	--	--	--	P	P
* * *										

**SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN** that Chapter 235, Development Code, Article IV, Provisions Applicable in All Districts, § 235-25.B., Code of the City of Aberdeen (2010 Edition as amended), is repealed and reenacted, with amendments, to read as follows:

Chapter 235, Development Code

Article IV  
Provisions Applicable in All Districts

**§235-25. Off-Street Parking and Loading Requirements.**

- B. Parking space requirements. When determination of the number of required parking spaces results in a fractional space, any fraction of 1/2 or less may be disregarded, while a fraction in excess of 1/2 shall be counted as one parking space. Unless otherwise provided, the following off-street parking space requirements shall apply:

**Required Off-Street Parking by Use/Activity**

Use or Use Category	Spaces Required Per Unit
<b>Residential</b>	
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Assisted living facility	1 space per staff and 1 space per ((2)) 3 residents

**SECTION 3. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN** that Chapter 235, Development Code, Article IV, Provisions Applicable in All Districts, § 235-39.2., be and it is hereby added to the Code of the City of Aberdeen (2010 Edition as amended), to follow immediately after § 235-39.1., to read as follows:

Chapter 235, Development Code

Article IV

Provisions Applicable in All Districts

**§235-39.2. ASSISTED LIVING FACILITIES.**

**ASSISTED LIVING FACILITIES MAY BE APPROVED AS A SPECIAL EXCEPTION IN THE R-1 DISTRICT, PROVIDED THAT THE FOLLOWING MINIMUM CONDITIONS ARE MET:**

- A. A MINIMUM PARCEL AREA OF 5 ACRES IS ESTABLISHED AND A MAXIMUM BUILDING COVERAGE OF 40% OF THE PARCEL IS PROVIDED.
- B. THE SETBACK LOT REQUIREMENTS FOR THE R-2 ZONING DISTRICT SHALL BE MET.
- C. THE DENSITY SHALL NOT EXCEED 15 BEDS PER ACRE OF THE PARCEL.
- D. THE IMPROVEMENTS SHALL BE CONSTRUCTED TO BE HARMONIOUS WITH THE ARCHITECTURE AND CHARACTER OF THE SURROUNDING NEIGHBORHOOD.
- E. THE BUFFERYARD AND LANDSCAPING PROVISIONS OF §245-30(E)(3) AND (4) FOR RESIDENTIAL (MULTI-FAMILY DWELLINGS) IN THE R-1 DISTRICT SHALL APPLY.

F. **THE OWNER AND/OR OPERATOR OF THE ASSISTED LIVING FACILITY SHALL COMPLY WITH ALL STATE LAW AS NECESSARY TO OPERATE AN ASSISTED LIVING FACILITY IN THE STATE OF MARYLAND, INCLUDING ANY PROVISION FOR A SECURITY PLAN AND/OR WANDER MITIGATION PLAN.**

**SECTION 4. AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN** that this Ordinance shall become effective at the expiration of twenty (20) calendar days following adoption.

**EXPLANATION:**

**BOLD CAPS INDICATES MATTER ADDED TO EXISTING LAW**

((Double Parenthesis)) indicate matter deleted from existing law.

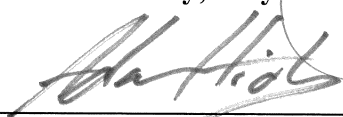
Underlining indicates amendments to bill.

~~Strike-Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.

\* \* \* indicates existing unmodified text omitted from Ordinance


**COUNCIL OF THE CITY OF ABERDEEN**

  
\_\_\_\_\_  
Patrick L. McGrady, Mayor


  
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Adam M. Hiob, Councilman

  
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Jason W. Kolligs, Councilman

  
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Sandra J. Landbeck, Councilwoman

  
\_\_\_\_\_  
Timothy W. Lindecamp, Councilman

ATTEST:

  
\_\_\_\_\_  
Monica A. Correll, City Clerk

Date December 14, 2020

SEAL: