

TOWN OF HURLOCK

ORDINANCE NO. 2020-7

INTRODUCED BY: COUNCILMEMBER EARL H. MURPHY, JR.

AN ORDINANCE TO REVISE VIA TEXT AMENDMENT THE HURLOCK ZONING ORDINANCE TO PROVIDE FOR ASSISTED LIVING FACILITIES/DEVELOPMENTS BY SPECIAL USE EXCEPTION IN THE RESIDENTIAL-1, RESIDENTIAL-2, RESIDENTIAL-3, COMMERCIAL-1 AND COMMERCIAL-2 DISTRICTS.

WHEREAS, pursuant to Article V of the Municipal Charter of the Town of Hurlock, Md. Code Ann., Local Government Article, Section 4-103(b)(3), and Md. Code Ann., Land Use Article, Sections 4-101 et seq., the Town of Hurlock has the authority to adopt and amend ordinances necessary to exercise the authority of the Town including planning and zoning controls; and

WHEREAS, the Council of the Town of Hurlock has determined that it is desirable and in the public interest to amend the existing Hurlock Zoning Ordinance to permit assisted living facilities/developments in the Residential-1, Residential-2, Residential-3, Commercial-1 and the Commercial-2 Districts by special use exception; and

WHEREAS, the Council of the Town of Hurlock has determined that there is a need for such services in the Town and that the Town and its citizens would benefit from having such services and facilities in the Town; and

WHEREAS, the Council of the Town of Hurlock has determined that it is in the best interests of the Town to encourage individuals and/or investors to invest in and maintain such facilities/developments in the Town.

SECTION 1. BE IT ENACTED AND ORDAINED by the Mayor and Council of the Town of Hurlock, Maryland, a municipal corporation of the State of Maryland, that the Hurlock Zoning Ordinance be amended and revised as follows:

KEY

Bolded and Underlined Provisions to be added to the existing Ordinance.

~~Bolded and Strikethrough~~ Provisions to be deleted from the existing Ordinance.

HURLOCK ZONING ORDINANCE

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¹ Page numbers to be determined.

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VII-1 RESIDENTIAL-1 (Low Density)

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C. Uses Permitted by Special Exception

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- 5. Assisted Living Facility/Development, as regulated under Articles VII-14 and VIII-15, as appropriate.**

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VII-2 RESIDENTIAL-2 (Medium Density)

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C. Uses Permitted by Special Exception

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- 12. Assisted Living Facility/Development, as regulated under Articles VII-14 and VIII-15, as appropriate.**

- 13. Any use or structure determined by the Board of Appeals to be of the same general character as other uses listed in this district.**

~~Vn~~ VII-3 RESIDENTIAL-3 (High Density)

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C. Uses Permitted by Special Exception

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12. **Assisted Living Facility/Development, as regulated under Articles VII-14 and VIII-15, as appropriate.**
13. Any use or structure determined by the Board of Appeals to be of the same general character as other uses listed in this district.

VII-4 COMMERCIAL-1 (Office and Service)

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C. Uses Permitted by Special Exception

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13. **Assisted Living Facility/Development, as regulated under Articles VII-14 and VIII-15, as appropriate.**
14. Any use or structure determined by the Board of Appeals to be of the same general character as other uses listed in this district.

VII-5 COMMERCIAL-2 (Community Business)

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C. Uses Permitted by Special Exception

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12. **Assisted Living Facility/Development, as regulated under Articles VII-14 and VIII-15, as appropriate.**
13. Any use or structure determined by the Board of Appeals to be of the same general character as other uses listed in this district.

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ARTICLE VIII
SUPPLEMENTARY REGULATIONS

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VIII-15 ASSISTED LIVING FACILITIES/DEVELOPMENTS

In any District in which Assisted Living Facilities/Developments are permitted by special exception, the following regulations and standards shall apply:

A. Design Standards, Area Requirements and Restrictions

- 1. At least 4,000 square feet of area per unit or dwelling shall be provided. Internal streets shall be deducted from the gross site area and not included in the calculation of the average of area per unit.**
- 2. Notwithstanding any other provisions of this ordinance, Assisted Living Facilities/Development projects hereafter constructed shall provide on-site open space areas equal to twenty-five percent (25%) of the total land area. Parking and road access areas shall not be counted as open space.**
- 3. The total land area covered by buildings shall not exceed thirty-five percent (35%) of the total land area and the remaining non-building area may include that portion of the site which is devoted to parking, private access to roads, landscaping and any related open space.**
- 4. When more than one building is built, no building may be closer than twenty feet (20') to any other building.**
- 5. No building shall be constructed at less than forty feet (40') from adjoining property lines.**
- 6. Off-street parking shall be provided at the rate of one and one-half (1.5) parking spaces per housing unit. Parking spaces for community buildings (non-residential) shall be provided at the rate of one per housing unit plus one per planned employee (paid or volunteer).**
- 7. External walkways shall be provided and shall be lighted.**

- 8. In the event that swimming facilities are provided, those facilities shall be enclosed by a fence in accordance with any applicable fence requirements.
- 9. All areas not utilized for building, parking, roadways or accessory structures shall be landscaped and maintained in a suitable manner.
- 10. An Assisted Living Facility/Development shall meet all other requirements of the Zoning Ordinance and/or Building Code, as applicable.

B. Comprehensive Development Plan Required

Assisted Living Facilities/Developments are required to have a Comprehensive Development Plan, in accordance with Article VIII-14, reviewed by the Planning Commission and approved by the Mayor and Council before permits are issued.

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CHART 1

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CHART 1

NOTES:

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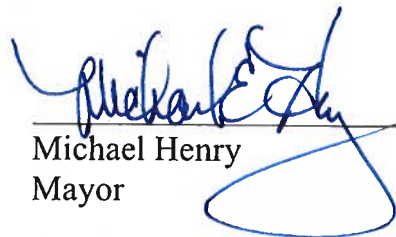
- 2. Requirements specifically addressed in the Apartment (Article ~~VH1~~ VIII-10), and Cluster Development (Article ~~VH1~~ VIII-12), and the Assisted Living Facility/Development (Article VIII-15) sections supercede any listed requirements on this Chart No. 1.

SECTION 2. In accordance with Article III, Sections 308(b) and 309 of the Hurlock Town Charter, this Ordinance shall become effective at the expiration of twenty (20)

calendar days following approval by the Mayor, or passage by the Council over the veto of the Mayor.


	Yea/Nay
Charles T. Cephas, Sr.	_____
Charles A. Cummings	_____
Bonnie Franz	<u>Yea</u>
Earl H. Murphy, Jr.	<u>Yea</u>
Amber Truxon	<u>Yea</u>

In accordance with Article III, Section 309.a of the Hurlock Town Charter, I hereby approve the above ordinance this 10th day of August, 2020.



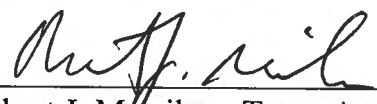
Michael Henry
Mayor

ATTEST:



John Avery
Town Manager

Approved as to form:



Robert J. Merriken, Town Attorney

Date Introduced: June 8, 2020
Date Passed: August 10, 2020
Effective Date: August 30, 2020