

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2009, Legislative Day No. 30

Bill No. 62-09

Introduced by Mr. Jones

By the County Council, July 6, 2009

---

Introduced and first read on July 6, 2009  
Public Hearing set for and held on August 3, 2009 and September 21, 2009  
Public Hearing on AMENDED BILL set for October 5, 2009  
Bill Expires October 9, 2009

By Order: Judy C. Holmes, Administrative Officer

---

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Development of Single-Family Dwellings on  
2 Nonconforming Lots

3  
4 FOR THE PURPOSE OF amending provisions for expansion of single-family dwellings  
5 in certain districts; establishing setback and maximum height requirements for new  
6 single-family detached dwellings on lawful nonconforming lots in certain districts;  
7 establishing setback requirements for accessory structures to single-family detached  
8 dwellings on nonconforming lots; and generally relating to zoning.

9  
10 BY repealing and reenacting with amendments: §18-3-201(f)  
11 Anne Arundel County Code (2005, as amended)

12  
13 BY adding: §18-2-305  
14 Anne Arundel County Code (2005, as amended)

15  
16 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, That*  
17 Sections of the Anne Arundel County Code (2005, as amended) read as follows:

18  
19 **ARTICLE 18. ZONING**

20  
21 **TITLE 2. GENERAL PROVISIONS**

22  
23 **18-2-301. Setbacks.**

24  

---

EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Underlining indicates amendments to bill.  
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 (f) **Dwellings on nonconforming lots.** [A] AN EXISTING single-family detached  
2 dwelling on a lot that does not meet the area or width requirements of this article AND  
3 THAT WAS NOT DEVELOPED UNDER THE PROVISIONS OF § 18-2-305 may be expanded if  
4 the expansion is set back at least 25 feet from the front and rear lot lines and seven feet  
5 from side lot lines and does not exceed 35 feet in height.

6  
7 **18-2-305. Single-family detached residential dwellings on nonconforming lots in**  
8 **R1, R2, and R5 Districts.**

9  
10 (A) **Scope.** THIS SECTION APPLIES TO NEW SINGLE-FAMILY DETACHED DWELLINGS  
11 ON LOTS IN R1, R2, OR R5 DISTRICTS THAT DO NOT MEET THE LOT AREA OR LOT WIDTH  
12 REQUIREMENTS OF THIS ARTICLE. THIS SECTION DOES NOT APPLY TO WATERFRONT  
13 LOTS.

14  
15 (B) **Front lot line setbacks.**

16  
17 (1) THE MINIMUM FRONT LOT LINE SETBACK MAY BE REDUCED TO THE GREATER  
18 OF FIVE FEET OR THE AVERAGE SETBACK OF EXISTING DWELLINGS ON ABUTTING LOTS  
19 WITH FRONT ROAD DESIGNATIONS ON THE SAME ROAD.

20  
21 (2) FOR PURPOSES OF AVERAGING, AN UNDEVELOPED ABUTTING LOT WITH A  
22 FRONT ROAD DESIGNATION ON THE SAME ROAD SHALL BE CONSIDERED TO HAVE THE  
23 FRONT LOT LINE SETBACK REQUIRED BY TITLE 4.

24  
25 (C) **Rear lot line setbacks.**

26  
27 (1) THE MINIMUM REAR LOT LINE SETBACK FOR A LOT WITH A FRONT ROAD  
28 DESIGNATION ON THE SAME ROAD AS ABUTTING LOTS SHALL BE THE AVERAGE OF THE  
29 REAR LOT LINE SETBACKS OF EXISTING DWELLINGS ON ABUTTING LOTS.

30  
31 (2) THE MINIMUM REAR LOT LINE SETBACK FOR A LOT WITH ONLY ONE  
32 ABUTTING DEVELOPED LOT SHALL BE THE REAR LOT LINE SETBACK OF THE EXISTING  
33 DWELLING ON THE ABUTTING LOT.

34  
35 (3) THE REAR LOT LINE SETBACKS IN TITLE 4 APPLY WHEN:

36  
37 (I) ALL ABUTTING LOTS WITH THE SAME FRONT ROAD DESIGNATION ARE  
38 UNDEVELOPED; OR

39  
40 (II) NO ABUTTING LOTS HAVE FRONT ROAD DESIGNATIONS ON THE SAME  
41 ROAD.

42  
43 (D) **Location within corner sight triangle prohibited.** A DWELLING MAY NOT BE  
44 LOCATED WITHIN THE CORNER SIGHT TRIANGLE SPECIFIED BY THE DEPARTMENT OF  
45 PUBLIC WORKS DESIGN MANUAL.

46  
47 (E) **Maximum dwelling height.**

48  
49 (1) THE MAXIMUM DWELLING HEIGHT MAY NOT EXCEED THE HEIGHT OF THE  
50 HIGHEST EXISTING DWELLING ON ANY ABUTTING LOT WITH A FRONT ROAD  
51 DESIGNATION ON THE SAME ROAD.

52  
53 (2) THE MAXIMUM DWELLING HEIGHT SHALL BE LIMITED TO 26 FEET IF:

54  
55 (I) ONE OR MORE ABUTTING LOTS WITH A FRONT ROAD DESIGNATION ON THE

1 SAME ROAD ARE UNDEVELOPED; OR

2 (II) BOTH ABUTTING LOTS ARE CORNER LOTS AND AT LEAST ONE OF THE  
3 LOTS IS UNDEVELOPED.

4  
5 **(F) Side lot line setbacks and corner side lot line setbacks**

6  
7 (1) IN AN R1 DISTRICT, SIDE LOT LINE SETBACKS SHALL TOTAL A MINIMUM OF  
8 30% OF THE EXISTING LOT WIDTH AT THE BUILDING RESTRICTION LINE BUT NO SETBACK  
9 SHALL BE LESS THAN SIX FEET OR AT LEAST 10 FEET FROM ANOTHER DWELLING,  
10 WHICHEVER IS GREATER. CORNER SIDE LOT LINE SETBACKS SHALL BE NO LESS THAN 25  
11 FEET.

12  
13 (2) IN AN R2 DISTRICT, SIDE LOT LINE SETBACKS SHALL TOTAL A MINIMUM OF  
14 20% OF THE EXISTING LOT WIDTH AT THE BUILDING RESTRICTION LINE BUT NO SETBACK  
15 SHALL BE LESS THAN FOUR FEET OR AT LEAST 10 FEET FROM ANOTHER DWELLING,  
16 WHICHEVER IS GREATER. CORNER SIDE LOT LINE SETBACKS SHALL BE NO LESS THAN 15  
17 FEET.

18  
19 (3) IN AN R5 DISTRICT, SIDE LOT LINE SETBACKS SHALL TOTAL A MINIMUM OF  
20 20% OF THE EXISTING LOT WIDTH AT THE BUILDING RESTRICTION LINE BUT NO SETBACK  
21 SHALL BE LESS THAN THREE FEET OR AT LEAST 10 FEET FROM ANOTHER DWELLING,  
22 WHICHEVER IS GREATER. CORNER SIDE LOT LINE SETBACKS SHALL BE NO LESS THAN 15  
23 FEET.

24  
25 **(G) Accessory structure side lot line setbacks and rear lot line setbacks.**

26  
27 THE REAR LOT LINE SETBACK AND SIDE LOT LINE SETBACK FOR AN ACCESSORY  
28 STRUCTURE SHALL EACH BE EQUAL TO THE MINIMUM SIDE LOT LINE SETBACK FOR THE  
29 PRINCIPAL STRUCTURE. CORNER SIDE LOT LINE SETBACKS FOR AN ACCESSORY  
30 STRUCTURE SHALL COMPLY WITH THE CORNER SIDE LOT LINE SETBACKS REQUIRED BY  
31 TITLE 4.

32  
33 **(H) Dwelling expansion prohibited.** DWELLINGS CONSTRUCTED UNDER THIS  
34 SECTION MAY NOT BE EXPANDED.

35  
36 **(I) Posting Required.** UPON ISSUANCE OF A PERMIT TO CONSTRUCT A DWELLING  
37 UNDER THIS SECTION, A NOTICE SIGN SHALL BE POSTED FACING THE ROAD ON WHICH  
38 THE DWELLING FRONTS. THE SIGN SHALL INCLUDE THE PERMIT NUMBER, CONTACT  
39 INFORMATION FOR THE DEVELOPER OR OWNER OF THE PROPERTY, AND A CONTACT  
40 NUMBER FOR THE DEPARTMENT. THE OFFICE OF PLANNING AND ZONING SHALL FURNISH  
41 THE SIGN TO THE APPLICANT AT THE APPLICANT'S EXPENSE, AND THE APPLICANT IS  
42 RESPONSIBLE FOR POSTING AND MAINTAINING THE SIGN. THE SIGN SHALL BE LOCATED  
43 NOT MORE THAN 10 FEET FROM THE PROPERTY BOUNDARY. THE BOTTOM OF THE SIGN  
44 SHALL BE ERECTED THREE FEET ABOVE THE GROUND AND THE SIGN SHALL REMAIN  
45 POSTED FOR NOT LESS THAN 30 DAYS.

46  
47 Section 2. *And be it further enacted,* That this Ordinance shall take effect 45 days  
48 from the date it becomes law.