

FINAL

AMENDED
February 21, 2023
March 6 and 20, 2023
April 3, 2023

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 2

Bill No. 6-23

Introduced by Ms. Rodvien, Ms. Pickard, Ms. Hummer, and Mr. Smith

By the County Council, January 17, 2023

Introduced and first read on January 17, 2023
Public Hearing set for and held on February 21, 2023
Public Hearing on AMENDED bill set for and held on March 6, 2023
Public Hearing on SECOND AMENDED bill set for and held on March 20, 2023
Public Hearing on THIRD AMENDED bill set for and held on April 3, 2023
Bill AMENDED and VOTED on April 3, 2023
Bill Expires on April 22, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Works – Subdivision and Development – Zoning –
2 Accessory Dwelling Units

3
4 FOR the purpose of exempting certain accessory dwelling units from capital facility
5 connection charges and impact fees; amending the definitions of “density” and
6 “dwelling unit, accessory”; repealing certain parking requirements for accessory
7 dwelling units; amending the conditional use requirements for accessory dwelling
8 units; allowing accessory dwelling units in use as of a certain date to be exempt from
9 certain conditional use requirements; and generally relating to public works,
10 subdivision and development, and zoning.

11
12 BY repealing and reenacting, with amendments: §§ 13-5-813(k)(1); 17-11-203(c)(1); 18-
13 1-101(44) and (47)(vi); 18-3-104; and 18-10-121
14 Anne Arundel County Code (2005, as amended)

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

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.

ARTICLE 13. PUBLIC WORKS

TITLE 5. UTILITIES

13-5-813. Water and wastewater system connection charges and assessments.

(k) Properties exempt from all or part of capital facility connection charges.

(1) Religious facilities, parsonages, housing for the elderly of moderate means, incorporated nonprofit community association facilities, structures for nonprofit veterans and military service organizations exempt from taxation under section 501(c)(19) of the Internal Revenue Code with a rated capacity of 500 people or fewer pursuant to the Fire Prevention Code, [[and]] nonprofit educational structures, AND ACCESSORY DWELLING UNITS, AS DEFINED IN § 18-1-101 OF THIS CODE, are exempt from capital facility connection charges.

ARTICLE 17. SUBDIVISION AND DEVELOPMENT

TITLE 11. FEES AND SECURITY

17-11-203. Who must pay fees.

(c) Exemptions.

(1) Subject to the conditions set forth in paragraphs (2) and (3) of this subsection, the following shall be exempt from impact fees:

(vi) a fire station on property owned by a volunteer fire company formed pursuant to § 12-1-201 of this Code; [[and]]

(vii) facilities for Anne Arundel Community College on property owned by or leased to Anne Arundel Community College; AND

(VIII) ACCESSORY DWELLING UNITS, PROVIDED THAT THE ACCESSORY DWELLING UNIT IS NOT CONSTRUCTED DURING THE NEW CONSTRUCTION OF A PRINCIPAL SINGLE-FAMILY DETACHED DWELLING.

ARTICLE 18. ZONING

TITLE 1. DEFINITIONS

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:

1 (44) “Density” means the number of dwelling units for each acre of gross area,
 2 EXCEPT THAT ACCESSORY DWELLING UNITS AND FARM TENANT HOUSES MAY NOT BE
 3 INCLUDED WHEN CALCULATING DENSITY, UNLESS THEY ARE LOCATED WITHIN THE
 4 RESOURCE CONSERVATION AREA OF THE CRITICAL AREA.

5
 6 ***

7
 8 (47) “Dwelling unit” means a single unit, including attached garages and decks,
 9 providing complete, independent living facilities for at least one person, including
 10 permanent provisions for sanitation, cooking, eating, sleeping, and other activities
 11 routinely associated with daily life. The following variations of “dwelling” have the
 12 meanings indicated:

13
 14 (vi) “Dwelling unit, accessory” means [[a second dwelling unit in an owner-
 15 occupied, single-family detached dwelling that occupies the lesser of a maximum of 1,000
 16 square feet of floor area or one-third of the floor area of the dwelling]] A SMALLER
 17 DWELLING UNIT LOCATED ON THE SAME LOT AS A PRINCIPAL SINGLE-FAMILY DETACHED
 18 DWELLING.

19
 20 ***

21
 22 **TITLE 3. PARKING, OUTDOOR LIGHTING, AND SIGNAGE**

23
 24 **18-3-104. Parking space requirements.**

25
 26 The minimum onsite required parking spaces are listed in the chart below. They may
 27 be increased based on site development plan review or special exception approval, reduced
 28 as provided in § 18-3-105, or superseded by a parking program allowed by this Code. The
 29 Planning and Zoning Officer may determine reasonable and appropriate onsite parking
 30 requirements for structures and land uses that are not listed on the chart based on
 31 requirements for similar uses, comments from reviewing agencies, and the parking needs
 32 of the proposed use.

33

Use	Parking
[[Dwellings: accessory units]]	[[1 space for each dwelling unit]]

34
 35 **TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

36
 37 **18-10-121. Dwelling units, accessory.**

38
 39 An accessory dwelling unit shall comply with all of the following requirements.

40
 41 (1) [[An accessory dwelling unit shall be located in a principal dwelling unit that is
 42 located on a lot of at least 14,000 square feet.

43
 44 (2)] No more than one accessory dwelling unit PER LOT is allowed.

45
 46 (2) AN ACCESSORY DWELLING UNIT MAY NOT BE A MOBILE HOME OR A
 47 MANUFACTURED HOME, AS DEFINED IN § 11-9-101 OF THIS CODE.

1 (3) ~~[[The accessory dwelling unit may not be separated from the principal dwelling~~
2 ~~by an attached garage or by a breezeway, open or enclosed.]] AN ACCESSORY DWELLING~~
3 ~~UNIT SHALL BE LOCATED:~~

4
5 (I) IN A SEPARATE DWELLING UNIT IN A PRINCIPAL SINGLE-FAMILY DETACHED
6 DWELLING, OR CONNECTED BY A BREEZEWAY, OPEN OR ENCLOSED, TO A PRINCIPAL
7 SINGLE-FAMILY DETACHED DWELLING;

8
9 (II) IN AN ATTACHED OR DETACHED GARAGE; OR

10
11 (III) IN A DETACHED STRUCTURE.

12
13 (4) AN ACCESSORY DWELLING UNIT LOCATED IN A DETACHED STRUCTURE MAY
14 NOT EXCEED THE LESSER OF 800 SQUARE FEET OR 50% OF THE FLOOR AREA OF THE
15 PRINCIPAL SINGLE-FAMILY DETACHED DWELLING. AN ACCESSORY DWELLING UNIT, OR
16 THE CONVERSION OF ALL OR PART OF AN EXISTING STRUCTURE INTO AN ACCESSORY
17 DWELLING UNIT, SHALL BE CONSTRUCTED PURSUANT TO ANY PERMITS REQUIRED BY
18 THIS CODE.

19
20 (5) AN ACCESSORY DWELLING UNIT SHALL HAVE A SEPARATE ENTRANCE.

21
22 (6) AN ACCESSORY DWELLING UNIT SHALL USE THE SAME STREET ADDRESS AS
23 THE PRINCIPAL SINGLE-FAMILY DETACHED DWELLING AND SHALL BE DESIGNATED AS
24 "UNIT B".

25
26 ~~(7) (I) THE PRINCIPAL SINGLE FAMILY DETACHED DWELLING OR THE ACCESSORY~~
27 ~~DWELLING UNIT SHALL BE OWNER OCCUPIED.~~

28
29 ~~(II) THE PROPERTY OWNER SHALL RECORD NOTICE OF THE REQUIREMENT~~
30 ~~UNDER SUBPARAGRAPH (I) IN THE LAND RECORDS OF THE COUNTY.~~

31
32 ~~(8) (7) SHORT TERM RESIDENTIAL RENTALS, AS DEFINED IN ARTICLE 11 OF THIS~~
33 ~~CODE, OF THE PRINCIPAL SINGLE FAMILY DETACHED DWELLING OR THE ACCESSORY~~
34 ~~DWELLING UNIT SEPARATELY ARE PROHIBITED, BUT SHORT TERM RESIDENTIAL RENTALS~~
35 ~~OF THE PROPERTY AS A WHOLE ARE ALLOWED.~~

36
37 (7) THE PRINCIPAL SINGLE-FAMILY DETACHED DWELLING OR ACCESSORY
38 DWELLING UNIT MAY BE USED FOR SHORT-TERM RESIDENTIAL RENTALS, AS DEFINED IN
39 ARTICLE 11 OF THIS CODE, IF THE PRINCIPAL SINGLE-FAMILY DETACHED DWELLING OR
40 ACCESSORY DWELLING UNIT IS OWNER-OCCUPIED.

41
42 ~~(9) (8) AN ACCESSORY DWELLING UNIT IN USE AND IN COMPLIANCE WITH THE~~
43 ~~PROVISIONS OF THIS SECTION PRIOR TO THE EFFECTIVE DATE OF BILL NO. 6-23 IS NOT~~
44 ~~SUBJECT TO SUBSECTIONS (4), (5), (6), OR (8) (7), UNLESS THE ACCESSORY DWELLING UNIT~~
45 ~~IS ALTERED OR EXPANDED AFTER THE EFFECTIVE DATE OF BILL NO. 6-23.~~

46
47 (9) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II), A VARIANCE MAY NOT BE
48 GRANTED TO REDUCE THE MINIMUM SETBACK REQUIREMENTS TO AN ADJACENT LOT
49 LOCATED IN A RESIDENTIAL DISTRICT.

50
51 (II) A VARIANCE TO REDUCE THE MINIMUM SETBACK REQUIREMENTS TO AN
52 ADJACENT LOT LOCATED IN A RESIDENTIAL DISTRICT MAY BE GRANTED IF THE VARIANCE
53 IS FOR A STRUCTURE THAT WAS IN EXISTENCE BEFORE THE EFFECTIVE DATE OF BILL NO
54 6-23 AND THE STRUCTURE IS BEING CONVERTED TO AN ACCESSORY DWELLING UNIT.

55
56 SECTION 2. *And be it further enacted,* That 90 days after the effective of this
57 Ordinance, and on or before January 31 of each year, the Department of Inspections and
58 Permits shall provide a report to the County Executive and the County Council indicating

1 the number of accessory dwelling unit permit applications filed during the preceding year
2 and the number of occupancy certificates issued for accessory dwelling units during the
3 preceding year for the purposes of tracking the pace of accessory dwelling unit growth.
4 The report should include GIS location mapping whenever possible.


5
6 SECTION 3. *And be it further enacted*, That all references in this Ordinance to “the
7 effective date of Bill No. 6-23”, or words ~~that~~ to that effect, shall, upon codification, be
8 replaced with the actual date on which this Ordinance takes effect under Section 307 of the
9 County Charter as certified by the Administrative Officer to the County Council.

10
11 SECTION 4. *And be it further enacted*, That this Ordinance shall take effect 45 days
12 from the date it becomes law.


AMENDMENTS ADOPTED: February 21, March 6 and 20, and April 3, 2023

READ AND PASSED this 3rd day of April, 2023

By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 4th day of April, 2023


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 12th day of April, 2023


Steuart Pittman
County Executive

EFFECTIVE DATE: May 27, 2023

Bill No. 6-23

Page No. 6

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 6-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Laura Corby
Administrative Officer