

# PROPOSED

AMENDED  
July 3, 2023

## COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 11

Bill No. 55-23

Introduced by Mr. Volke

By the County Council, June 5, 2023

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Introduced and first read on June 5, 2023  
Public Hearing set for and held on July 3, 2023  
Public Hearing on AMENDED bill set for July 17, 2023  
Bill Expires on September 8, 2023

By Order: Laura Corby, Administrative Officer

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### A BILL ENTITLED

1 AN ORDINANCE concerning: Construction and Property Maintenance Codes – Codes  
2 and Supplements – Fire Prevention Code – Zoning – Recovery Residences, Group  
3 Homes, and Community-Based Assisted Living Facilities  
4

5 FOR the purpose of establishing fire prevention parameters for recovery residences, group  
6 homes, or community-based assisted living facilities to be classified as a single-family  
7 detached dwelling; defining certain terms; amending parking space requirements to  
8 include recovery residences; allowing a recovery residence as a permitted use in all  
9 residential districts; amending the conditional use requirements for group homes II;  
10 ~~exempting recovery residences with certain occupancy from the Construction Code;~~  
11 requiring that recovery residences comply with the 2018 International Residential  
12 Code; and generally relating to construction and property maintenance codes and  
13 zoning.  
14

15 BY renumbering: § 18-1-101(2) through (105) and (106) through (163), respectively, to be  
16 18-1-101(3) through (106) and (108) through (165), respectively  
17 Anne Arundel County Code (2005, as amended)  
18

19 BY adding: §§ 18-1-101(2) and (107)  
20 Anne Arundel County Code (2005, as amended)

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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 BY repealing and reenacting, with amendments: §§ 15-3-102(a); 18-1-101(64) and (65);  
2 18-3-104; 18-4-106; and 18-10-135  
3 Anne Arundel County Code (2005, as amended) (as amended by Bill No. 15-23)  
4 (As enacted by Section 1 of this Ordinance)

5  
6 BY repealing and reenacting, with amendments: Construction Code, Chapter 1, § 101.2.1  
7 Anne Arundel County Construction and Property Maintenance Codes Supplement,  
8 October 1, 2005 (as amended)

9  
10 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
11 *That § 18-1-101(2) through (105) and (106) through (163), respectively, of the Anne*  
12 *Arundel County Code (2005, as amended) is hereby renumbered to be § 18-1-101(3)*  
13 *through (106) and (108) through (165), respectively.*

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15 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County  
16 Code (2005, as amended) (and as amended by Bill No. 15-23) read as follows:

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18 **ARTICLE 15. CONSTRUCTION AND PROPERTY MAINTENANCE CODES**

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20 **TITLE 3. FIRE PREVENTION CODE**

21  
22 **15-3-102. Scope.**

23  
24 **(a) Applicability.**

25  
26 (1) This title applies to new buildings, conditions, or facilities. Except as provided  
27 in subsections (b), (c), and (d), this title does not apply to existing buildings, conditions, or  
28 facilities unless:

29  
30 **[[1]]** (I) the Fire Chief or the Fire Chief's designee has found that the continuation  
31 of an existing condition constitutes a distinct hazard adverse to life, property, public safety,  
32 or welfare as to require correction; or

33  
34 **[[2]]** (II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (4), the building  
35 undergoes a change from one occupancy classification to another or from one occupancy  
36 sub-classification to another.

37  
38 (2) A ~~RECOVERY RESIDENCE~~, GROUP HOME, OR COMMUNITY-BASED ASSISTED  
39 LIVING FACILITY ESTABLISHED IN AN EXISTING SINGLE-FAMILY DETACHED DWELLING  
40 SHALL BE CLASSIFIED AS A SINGLE-FAMILY DETACHED DWELLING FOR PURPOSES OF THIS  
41 TITLE PROVIDED THAT:

42  
43 (I) THE USE HAS BEEN CERTIFIED OR LICENSED, AS APPLICABLE, UNDER THE  
44 PROVISIONS OF THE HEALTH-GENERAL ARTICLE OF THE STATE CODE;

45  
46 (II) THE SINGLE-FAMILY DETACHED DWELLING HAS NO MORE THAN TWO  
47 OCCUPANTS PER SLEEPING ROOM AND NOT MORE THAN FIVE OCCUPANTS IN TOTAL; AND

48  
49 (III) THE SINGLE-FAMILY DETACHED DWELLING IS ANNUALLY INSPECTED BY  
50 THE FIRE MARSHAL FOR THE FOLLOWING FIRE SAFETY MEASURES:

- 51  
52 1. FUNCTIONING SMOKE DETECTORS;

1                                   2. WINDOWS OR EXTERIOR DOORS SUITABLE FOR EXIT IN ALL SLEEPING  
2 ROOMS AS REQUIRED BY THE CODE IN EFFECT AT THE TIME OF INSPECTION;

3  
4                                   3. FUNCTIONING CARBON MONOXIDE DETECTORS IF THERE ARE GAS  
5 APPLIANCES;

6                                   4. FUNCTIONING FIRE EXTINGUISHERS IN PLAIN SIGHT OR IN CLEARLY  
7 MARKED LOCATIONS, WHICH SHALL BE ANNUALLY SERVICED OR INSPECTED BY A THIRD  
8 PARTY;

9  
10                                  5. AN INTERIOR FREE OF FIRE HAZARDS, SUCH AS HOARDING  
11 CONDITIONS, AND ADEQUATE ACCESS TO ELECTRICAL FACILITIES, HOT WATER HEATERS,  
12 EXIT DOORS, WINDOWS, AND HALLWAYS;

13  
14                                  6. A PROHIBITION AGAINST SMOKING OR VAPING INSIDE THE  
15 DWELLING;

16  
17                                  7. AN EMERGENCY PLAN WITH POSTED EMERGENCY PHONE NUMBERS,  
18 EXIT PROCEDURES, MARKED FIRE EXITS, AND AN EVACUATION MAP IN A CONSPICUOUS  
19 LOCATION; AND

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21                                  8. MARKED FIRE EXITS WITH A MINIMUM OF REFLECTIVE SIGNAGE.

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23                                  (3) A ~~RECOVERY RESIDENCE~~, GROUP HOME, OR COMMUNITY-BASED ASSISTED  
24 LIVING FACILITY WITH SIX OR MORE OCCUPANTS THAT IS ESTABLISHED IN A SINGLE-  
25 FAMILY DETACHED DWELLING SHALL CONSTITUTE A CHANGE OF OCCUPANCY  
26 CLASSIFICATION AND SHALL COMPLY WITH PROVISIONS OF THIS CODE APPLICABLE TO  
27 THE CHANGE IN OCCUPANCY CLASSIFICATION.

28  
29                                  ~~(4) A RECOVERY RESIDENCE ESTABLISHED IN A SINGLE FAMILY DETACHED~~  
30 ~~DWELLING AND IN EXISTENCE ON THE EFFECTIVE DATE OF BILL NO. 55-23 SHALL BE~~  
31 ~~CLASSIFIED AS A SINGLE FAMILY DETACHED DWELLING FOR THE PURPOSE OF THIS TITLE,~~  
32 ~~PROVIDED THAT IT IS ANNUALLY INSPECTED BY THE FIRE MARSHAL AND MEETS THE~~  
33 ~~FOLLOWING REQUIREMENTS:~~

34  
35                                  ~~1. FUNCTIONING SMOKE DETECTORS;~~

36  
37                                  ~~2. WINDOWS SUITABLE FOR EXIT IN ALL SLEEPING ROOMS AS~~  
38 ~~REQUIRED BY THE CODE IN EFFECT AT THE TIME OF INSPECTION;~~

39  
40                                  ~~3. FUNCTIONING CARBON MONOXIDE DETECTORS IF THERE ARE GAS~~  
41 ~~APPLIANCES;~~

42  
43                                  ~~4. FUNCTIONING FIRE EXTINGUISHERS IN PLAIN SIGHT OR IN CLEARLY~~  
44 ~~MARKED LOCATIONS, WHICH SHALL BE ANNUALLY SERVICED OR INSPECTED BY A THIRD~~  
45 ~~PARTY;~~

46  
47                                  ~~5. AN INTERIOR FREE OF FIRE HAZARDS, SUCH AS HOARDING~~  
48 ~~CONDITIONS, AND ADEQUATE ACCESS TO ELECTRICAL FACILITIES, HOT WATER HEATERS,~~  
49 ~~EXIT DOORS, WINDOWS, AND HALLWAYS;~~

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51                                  ~~6. A PROHIBITION AGAINST SMOKING OR VAPING INSIDE THE~~  
52 ~~DWELLING;~~

53  
54                                  ~~7. AN EMERGENCY PLAN WITH POSTED EMERGENCY PHONE NUMBERS,~~  
55 ~~EXIT PROCEDURES, MARKED FIRE EXITS, AND AN EVACUATION MAP IN A CONSPICUOUS~~  
56 ~~LOCATION; AND~~

57

1 ~~8. MARKED FIRE EXITS WITH A MINIMUM OF REFLECTIVE SIGNAGE-~~

2  
3 (4) THE USE OF A SINGLE-FAMILY DETACHED DWELLING AS A RECOVERY  
4 RESIDENCE IS NOT A CHANGE OF OCCUPANCY CLASSIFICATION OR SUB-CLASSIFICATION  
5 UNDER PARAGRAPH (1)(II) IF THE RECOVERY RESIDENCE:

6  
7 (I) 1. IS CERTIFIED UNDER TITLE 19, SUBTITLE 25 OF THE HEALTH-GENERAL  
8 ARTICLE OF THE STATE CODE; AND

9  
10 2. IS IN COMPLIANCE WITH THE OCCUPANCY LIMITATIONS ESTABLISHED  
11 BY MARYLAND CERTIFICATION OF RECOVERY RESIDENCES (MCCORR); OR

12  
13 (II) 1. IS NOT CERTIFIED UNDER TITLE 19, SUBTITLE 25 OF THE HEALTH  
14 GENERAL ARTICLE OF THE STATE CODE;

15  
16 2. HAS NO MORE THAN TWO OCCUPANTS PER SLEEPING ROOM AND NOT  
17 MORE THAN SIX OCCUPANTS TOTAL; AND

18  
19 3. IS INSPECTED ANNUALLY BY THE FIRE MARSHAL FOR THE FOLLOWING  
20 FIRE SAFETY MEASURES:

21 A. FUNCTIONING SMOKE DETECTORS;

22  
23 B. WINDOWS OR EXTERIOR DOORS SUITABLE FOR EXIT IN ALL  
24 SLEEPING ROOMS AS REQUIRED BY THE CODE IN EFFECT AT THE TIME OF INSPECTION;

25  
26 C. FUNCTIONING CARBON MONOXIDE DETECTORS IF THERE ARE GAS  
27 APPLIANCES;

28  
29 D. FUNCTIONING FIRE EXTINGUISHERS IN PLAIN SIGHT, OR IN CLEARLY  
30 MARKED LOCATIONS, THAT ARE SERVICED OR INSPECTED ANNUALLY BY A THIRD PARTY;

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32 E. AN INTERIOR FREE OF FIRE HAZARDS, SUCH AS HOARDING  
33 CONDITIONS, AND WITH ADEQUATE ACCESS TO ELECTRICAL FACILITIES, HOT WATER  
34 HEATERS, EXIT DOORS, WINDOWS, AND HALLWAYS;

35  
36 F. A PROHIBITION AGAINST SMOKING OR VAPING INSIDE THE  
37 DWELLING;

38  
39 G. AN EMERGENCY PLAN POSTED IN A CONSPICUOUS LOCATION THAT  
40 INCLUDES EMERGENCY PHONE NUMBERS, EXIT PROCEDURES, MARKED FIRE EXITS, AND  
41 AN EVACUATION MAP; AND

42  
43 H. FIRE EXITS MARKED WITH REFLECTIVE SIGNAGE AT A MINIMUM.

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45  
46 **ARTICLE 18. ZONING**

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48 **TITLE 1. DEFINITIONS**

49  
50 **18-1-101. Definitions.**

51  
52 Unless defined in this article, the Natural Resources Article of the State Code, or  
53 COMAR, words defined elsewhere in this Code apply in this article. The following words  
54 have the meanings indicated:

55 \*\*\*  
56

1 (2) "AFFILIATE" MEANS A PERSON OR ENTITY IN WHICH A BUSINESS OWNER,  
2 OFFICER, OR DIRECTOR, THE OWNER'S, OFFICER'S, OR DIRECTOR'S FAMILY, OR THE  
3 OWNER'S, OFFICER'S, OR DIRECTOR'S BUSINESS ASSOCIATES HAVE ANY INTEREST,  
4 FINANCIAL OR OTHERWISE.

5  
6 \*\*\*

7  
8 (64) "Group home I" means a residential facility [[authorized by federal, State or  
9 local law or regulation or]] licensed [[or supervised]] by [[a federal, State, or local agency]]  
10 THE MARYLAND BEHAVIORAL HEALTH ADMINISTRATION OR OPERATED BY A LICENSED  
11 OUTPATIENT TREATMENT PROVIDER LICENSED BY THE MARYLAND BEHAVIORAL  
12 HEALTH ADMINISTRATION AS A LEVEL 2.5 OR ABOVE SUBSTANCE ABUSE DISORDER  
13 TREATMENT PROVIDER OR ANY AFFILIATE THEREOF that houses no more than eight  
14 persons, other than staff, with intellectual, development, or physical disabilities, or mental  
15 health issues.

16  
17 (65) "Group home II" means a residential facility [[authorized by federal, State or  
18 local law or regulation or]] licensed [[or supervised]] by [[a federal, State, or local agency]]  
19 THE MARYLAND BEHAVIORAL HEALTH ADMINISTRATION OR OPERATED BY A LICENSED  
20 OUTPATIENT TREATMENT PROVIDER LICENSED BY THE MARYLAND BEHAVIORAL  
21 HEALTH ADMINISTRATION AS A LEVEL 2.5 OR ABOVE SUBSTANCE ABUSE DISORDER  
22 TREATMENT PROVIDER OR ANY AFFILIATE THEREOF that houses [[between 9 and 16]]  
23 NINE OR MORE persons, other than staff, with intellectual, development, or physical  
24 disabilities, or mental health issues.

25  
26 \*\*\*

27  
28 (107) "RECOVERY RESIDENCE" MEANS A FACILITY THAT PROVIDES ALCOHOL-FREE  
29 AND ILLICIT-DRUG-FREE HOUSING TO INDIVIDUALS WITH SUBSTANCE-RELATED  
30 DISORDERS OR ADDICTIVE DISORDERS OR CO-OCCURRING MENTAL DISORDERS AND  
31 SUBSTANCE-RELATED DISORDERS OR ADDICTIVE DISORDERS, AND THAT DOES NOT  
32 INCLUDE ON-SITE CLINICAL TREATMENT SERVICES AND IS NOT OPERATED BY A  
33 TREATMENT PROVIDER THAT PROVIDES LEVEL 2.5 OR HIGHER SUBSTANCE ABUSE  
34 DISORDER TREATMENT SERVICES OR ANY AFFILIATE THEREOF.

35  
36 \*\*\*

### 37 38 **TITLE 3. PARKING, OUTDOOR LIGHTING, AND SIGNAGE**

#### 39 40 **18-3-104. Parking space requirements.**

41  
42 The minimum onsite required parking spaces are listed in the chart below. They may  
43 be increased based on site development plan review or special exception approval, reduced  
44 as provided in § 18-3-105, or superseded by a parking program allowed by this code. The  
45 planning and zoning officer may determine reasonable and appropriate onsite parking  
46 requirements for structures and land uses that are not listed on the chart based on  
47 requirements for similar uses, comments from reviewing agencies, and the parking needs  
48 of the proposed use.

Use	Parking
***	
Public launching facilities	1 space for every two boat slips or moorings plus 10 trailer spaces per boat ramp
RECOVERY RESIDENCES	THE NUMBER OF SPACES REQUIRED FOR THE APPLICABLE TYPE OF DWELLING UNIT
***	

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**TITLE 4. RESIDENTIAL DISTRICTS**

**18-4-106. Permitted, conditional, and special exception uses.**

The permitted, conditional, and special exception uses allowed in each of the residential districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed, except that guest houses as accessory structures are prohibited and outside storage as an accessory use is limited to the lesser of 10% of the allowed lot coverage or 500 square feet.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22
***								
Public utility uses	SE	SE	SE	SE	SE	SE	SE	SE
RECOVERY RESIDENCES	P	P	P	P	P	P	P	P
***								

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**TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

**18-10-135. Group homes II.**

A GROUP HOME II SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS.

(1) EACH SLEEPING ROOM SHALL HAVE A MINIMUM OF 50 SQUARE FEET OF AREA PER RESIDENT.

(2) THERE SHALL BE ONE FULL BATH NOT MORE THAN ONE FLOOR LEVEL FROM LIVING, DINING, AND SLEEPING ROOMS.

(3) THERE SHALL BE ONE BATHROOM FOR EACH GROUP OF FIVE RESIDENTS.

(4) THE FACILITY SHALL COMPLY WITH ALL CONDITIONS IMPOSED BY THE MARYLAND BEHAVIORAL HEALTH ADMINISTRATION OR OTHER STATE LICENSING AUTHORITY.

(5) To help ensure that persons with disabilities live and interact with individuals without disabilities to the fullest extent possible, the owner of a group home II OR ANY AFFILIATE THEREOF may not own two facilities that adjoin each other [[and, if a proposed

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35

1 adjoining facility is owned by a business entity, the owner, the owner’s family, and the  
2 owner’s business associates may not have any interest, financial or otherwise, in the  
3 business entity]].

4  
5 SECTION 3. *And be it further enacted*, That the Anne Arundel County Construction  
6 and Property Maintenance Codes Supplement, October 2005 (as amended), read as  
7 follows:

8  
9 ANNE ARUNDEL COUNTY  
10 CONSTRUCTION AND PROPERTY MAINTENANCE CODES SUPPLEMENT  
11 October 1, 2005

12  
13 CONSTRUCTION CODE

14  
15 Chapter 1  
16 Construction Code Administrative Provisions

17  
18 Section 101  
19 Administration

20  
21 **101.2.1 Detached one- and two-family dwellings and multiple single-family**  
22 **dwellings.** Detached one- and two-family dwellings, RECOVERY RESIDENCES AS  
23 DEFINED IN § 18-1-101 OF THE COUNTY CODE ~~WITH FIVE (5) OR FEWER OCCUPANTS~~  
24 ~~THAT COMPLY WITH § 15-3-102(A)(2) OF THE COUNTY CODE~~ THAT PROVIDE RESIDENTS  
25 WITH AT LEAST 50 SQUARE FEET PER BED PER SLEEPING ROOM, and multiple single-  
26 family dwellings (townhouses) not more than three stories above grade plane in height  
27 with a separate means of egress and their accessory structures shall comply with the  
28 2018 International Residential Code.

29  
30 SECTION 4. *And be it further enacted*, That:

31  
32 (a) In this section, reasonable accommodation includes altering occupancy limits,  
33 certification or licensing requirements, prohibitions on adjacent facilities, or any other  
34 accommodation that may be necessary to afford one or more persons with a disability or  
35 handicap an equal opportunity to use and enjoy a dwelling.

36  
37 (b) A person or group of persons with a disability or handicap may request a  
38 reasonable accommodation from any requirement of this Ordinance if the requirement  
39 discriminates in housing against the person under the federal Fair Housing Act, 42 U.S.C.A  
40 § 3601 et. seq.

41  
42 (c) If the County, after consulting with the Office of Law, determines that any  
43 provision of this Ordinance discriminates in housing against a person with a disability or  
44 handicap under the federal Fair Housing Act, the County may grant a request for a  
45 reasonable accommodation if the accommodation is necessary to afford the person equal  
46 opportunity to use and enjoy a dwelling.

47  
48 —SECTION 4. ~~5.~~ *And be it further enacted*, That all references in this Ordinance to “the  
49 effective date of Bill No. 55-23”, or words that that effect, shall, upon codification, be

1 ~~replaced with the actual date on which this Ordinance takes effect under Section 307 of the~~  
2 ~~County Charter as certified by the Administrative Officer to the County Council.~~

3

4 SECTION ~~5.~~ 6. 5. *And be it further enacted,* That this Ordinance shall take effect 45  
5 ~~days from the date it becomes law~~ January 1, 2024.