

# PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 15

Bill No. 74-23

Introduced by Mr. Volke

By the County Council, September 5, 2023

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Introduced and first read on September 5, 2023  
Public Hearing set for October 2, 2023  
Bill Expires on December 9, 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 – Group Homes, Community-Based  
3 Assisted Living Facilities, and Recovery Residences  
4

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

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

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

21 BY repealing and reenacting, with amendments: §§ 15-3-102(a); 18-1-101(64) and (65);  
22 18-3-104; 18-4-106; and 18-10-135  
23 Anne Arundel County Code (2005, as amended)  
24 (As enacted by Section 1 of this Ordinance)

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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.

1 BY repealing and reenacting, with amendments: Construction Code, Chapter 1, § 101.2.1  
2 Anne Arundel County Construction and Property Maintenance Codes Supplement,  
3 October 1, 2005 (as amended)  
4

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

10 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County  
11 Code (2005, as amended) read as follows:  
12

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

14  
15 **TITLE 3. FIRE PREVENTION CODE**

16  
17 **15-3-102. Scope.**

18  
19 **(a) Applicability.**

20  
21 (1) This title applies to new buildings, conditions, or facilities. Except as provided  
22 in subsections (b), (c), and (d), this title does not apply to existing buildings, conditions, or  
23 facilities unless:  
24

25 ~~[(1)]~~ (I) the Fire Chief or the Fire Chief's designee has found that the  
26 continuation of an existing condition constitutes a distinct hazard adverse to life, property,  
27 public safety, or welfare as to require correction; or  
28

29 ~~[(2)]~~ (II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) THROUGH (6), the building  
30 undergoes a change from one occupancy classification to another or from one occupancy  
31 sub-classification to another.  
32

33 (2) A GROUP HOME, OR COMMUNITY-BASED ASSISTED LIVING FACILITY  
34 ESTABLISHED IN AN EXISTING SINGLE-FAMILY DETACHED DWELLING SHALL BE  
35 CLASSIFIED AS A SINGLE-FAMILY DETACHED DWELLING FOR PURPOSES OF THIS TITLE  
36 PROVIDED THAT:  
37

38 (I) THE USE HAS BEEN CERTIFIED OR LICENSED, AS APPLICABLE, UNDER THE  
39 PROVISIONS OF THE HEALTH-GENERAL ARTICLE OF THE STATE CODE;  
40

41 (II) THE SINGLE-FAMILY DETACHED DWELLING HAS NO MORE THAN TWO  
42 OCCUPANTS PER SLEEPING ROOM AND NOT MORE THAN FIVE OCCUPANTS IN TOTAL; AND  
43

44 (III) THE SINGLE-FAMILY DETACHED DWELLING IS ANNUALLY INSPECTED BY  
45 THE FIRE MARSHAL FOR THE FOLLOWING FIRE SAFETY MEASURES:  
46

47 1. FUNCTIONING SMOKE DETECTORS;  
48

49 2. WINDOWS OR EXTERIOR DOORS SUITABLE FOR EXIT IN ALL SLEEPING  
50 ROOMS AS REQUIRED BY THE CODE IN EFFECT AT THE TIME OF INSPECTION;  
51

52 3. FUNCTIONING CARBON MONOXIDE DETECTORS IF THERE ARE GAS  
53 APPLIANCES;

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

4  
5                   5. AN INTERIOR FREE OF FIRE HAZARDS, SUCH AS HOARDING CONDITIONS,  
6 AND WITH ADEQUATE ACCESS TO ELECTRICAL FACILITIES, HOT WATER HEATERS, EXIT  
7 DOORS, WINDOWS, AND HALLWAYS;

8  
9                   6. A PROHIBITION AGAINST SMOKING OR VAPING INSIDE THE DWELLING;

10  
11                  7. AN EMERGENCY PLAN THAT INCLUDES POSTED EMERGENCY PHONE  
12 NUMBERS, EXIT PROCEDURES, MARKED FIRE EXITS, AND AN EVACUATION MAP IN A  
13 CONSPICUOUS LOCATION; AND

14  
15                  8. MARKED FIRE EXITS WITH REFLECTIVE SIGNAGE AT A MINIMUM.

16  
17                  (3) A GROUP HOME OR COMMUNITY-BASED ASSISTED LIVING FACILITY WITH SIX  
18 OR MORE OCCUPANTS THAT IS ESTABLISHED IN A SINGLE-FAMILY DETACHED DWELLING  
19 SHALL CONSTITUTE A CHANGE OF OCCUPANCY CLASSIFICATION AND SHALL COMPLY  
20 WITH PROVISIONS OF THIS CODE APPLICABLE TO THE CHANGE IN OCCUPANCY  
21 CLASSIFICATION.

22  
23                  (4) THE USE OF A SINGLE-FAMILY DETACHED DWELLING AS A GROUP HOME FOR  
24 INDIVIDUALS WITH INTELLECTUAL, DEVELOPMENT, OR PHYSICAL DISABILITIES IS NOT A  
25 CHANGE OF OCCUPANCY CLASSIFICATION OR SUB-CLASSIFICATION UNDER PARAGRAPH  
26 (1)(II) IF THE GROUP HOME HAS NO MORE THAN SIX OCCUPANTS TOTAL.

27  
28                  (5) THE USE OF A SINGLE-FAMILY DETACHED DWELLING AS A RECOVERY  
29 RESIDENCE IS NOT A CHANGE OF OCCUPANCY CLASSIFICATION OR SUB-CLASSIFICATION  
30 UNDER PARAGRAPH (1)(II) IF THE RECOVERY RESIDENCE:

31  
32                   (I) 1. IS CERTIFIED UNDER TITLE 19, SUBTITLE 25 OF THE HEALTH-GENERAL  
33 ARTICLE OF THE STATE CODE; AND

34  
35                   2. IS IN COMPLIANCE WITH THE CERTIFICATION ISSUED BY MARYLAND  
36 CERTIFICATION OF RECOVERY RESIDENCES (M CORR), INCLUDING OCCUPANCY  
37 LIMITATIONS; OR

38  
39                   (II) 1. IS NOT CERTIFIED UNDER TITLE 19, SUBTITLE 25 OF THE HEALTH  
40 GENERAL ARTICLE OF THE STATE CODE;

41  
42                   2. HAS NO MORE THAN TWO OCCUPANTS PER SLEEPING ROOM AND NOT  
43 MORE THAN SIX OCCUPANTS TOTAL; AND

44  
45                   3. IS INSPECTED ANNUALLY BY THE FIRE MARSHAL FOR THE FOLLOWING  
46 FIRE SAFETY MEASURES:

47  
48                   A. FUNCTIONING SMOKE DETECTORS;

49  
50                   B. WINDOWS OR EXTERIOR DOORS SUITABLE FOR EXIT IN ALL  
51 SLEEPING ROOMS AS REQUIRED BY THE CODE IN EFFECT AT THE TIME OF INSPECTION;

52  
53                   C. FUNCTIONING CARBON MONOXIDE DETECTORS IF THERE ARE GAS  
54 APPLIANCES;

55  
56                   D. FUNCTIONING FIRE EXTINGUISHERS IN PLAIN SIGHT OR IN CLEARLY  
57 MARKED LOCATIONS, WHICH SHALL BE ANNUALLY SERVICED OR INSPECTED BY A THIRD  
58 PARTY;

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

4  
5 F. A PROHIBITION AGAINST SMOKING OR VAPING INSIDE THE  
6 DWELLING;

7  
8 G. AN EMERGENCY PLAN THAT INCLUDES POSTED EMERGENCY PHONE  
9 NUMBERS, EXIT PROCEDURES, MARKED FIRE EXITS, AND AN EVACUATION MAP IN A  
10 CONSPICUOUS LOCATION; AND

11  
12 H. MARKED FIRE EXITS WITH REFLECTIVE SIGNAGE AT A MINIMUM.  
13

14 (6) A RECOVERY RESIDENCE THAT IS NOT CERTIFIED UNDER TITLE 19, SUBTITLE 25  
15 OF THE HEALTH GENERAL ARTICLE OF THE STATE CODE WITH SEVEN OR MORE RESIDENTS  
16 SHALL CONSTITUTE A CHANGE OF OCCUPANCY CLASSIFICATION AND SHALL COMPLY  
17 WITH PROVISIONS OF THIS CODE APPLICABLE TO THE CHANGE IN OCCUPANCY  
18 CLASSIFICATION ON OR BEFORE JANUARY 1, 2025.  
19

20 **ARTICLE 18. ZONING**

21  
22 **TITLE 1. DEFINITIONS**

23  
24 **18-1-101. Definitions.**

25  
26 Unless defined in this article, the Natural Resources Article of the State Code, or  
27 COMAR, words defined elsewhere in this Code apply in this article. The following words  
28 have the meanings indicated:

29  
30 \*\*\*

31  
32 (2) “AFFILIATE” MEANS A PERSON OR ENTITY IN WHICH A BUSINESS OWNER, OFFICER,  
33 OR DIRECTOR, THE OWNER’S, OFFICER’S, OR DIRECTOR’S FAMILY, OR THE OWNER’S,  
34 OFFICER’S, OR DIRECTOR’S BUSINESS ASSOCIATES HAVE ANY INTEREST, FINANCIAL OR  
35 OTHERWISE.  
36

37  
38 \*\*\*

39 (64) “Group home I” means a residential facility [[authorized by federal, State or local  
40 law or regulation or]] licensed [[or supervised]] by [[a federal, State, or local agency]] THE  
41 MARYLAND BEHAVIORAL HEALTH ADMINISTRATION OR OPERATED BY A LICENSED  
42 OUTPATIENT TREATMENT PROVIDER LICENSED BY THE MARYLAND BEHAVIORAL  
43 HEALTH ADMINISTRATION AS A LEVEL 2.5 OR ABOVE SUBSTANCE ABUSE DISORDER  
44 TREATMENT PROVIDER OR ANY AFFILIATE THEREOF that houses no more than eight  
45 persons, other than staff, with intellectual, development, or physical disabilities, or mental  
46 health issues.  
47

48 (65) “Group home II” means a residential facility [[authorized by federal, State or local  
49 law or regulation or]] licensed [[or supervised]] by [[a federal, State, or local agency]] THE  
50 MARYLAND BEHAVIORAL HEALTH ADMINISTRATION OR OPERATED BY A LICENSED  
51 OUTPATIENT TREATMENT PROVIDER LICENSED BY THE MARYLAND BEHAVIORAL  
52 HEALTH ADMINISTRATION AS A LEVEL 2.5 OR ABOVE SUBSTANCE ABUSE DISORDER  
53 TREATMENT PROVIDER OR ANY AFFILIATE THEREOF that houses [[between 9 and 16]]

1 NINE OR MORE persons, other than staff, with intellectual, development, or physical  
2 disabilities, or mental health issues.

3  
4 \*\*\*

5  
6 (107) "RECOVERY RESIDENCE" MEANS A FACILITY THAT PROVIDES ALCOHOL-FREE  
7 AND ILLICIT-DRUG-FREE HOUSING TO INDIVIDUALS WITH SUBSTANCE-RELATED  
8 DISORDERS OR ADDICTIVE DISORDERS OR CO-OCCURRING MENTAL DISORDERS AND  
9 SUBSTANCE-RELATED DISORDERS OR ADDICTIVE DISORDERS, AND THAT DOES NOT  
10 INCLUDE ON-SITE CLINICAL TREATMENT SERVICES, AND DOES NOT CONDITION  
11 OCCUPANCY ON PARTICIPATION IN LEVEL 2.5 OR ABOVE SUBSTANCE ABUSE DISORDER  
12 TREATMENT SERVICES OFFERED BY THE OPERATOR OR ANY AFFILIATE THEREOF.

13  
14 \*\*\*

15  
16 **TITLE 3. PARKING, OUTDOOR LIGHTING, AND SIGNAGE**

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

19  
20 The minimum onsite required parking spaces are listed in the chart below. They may  
21 be increased based on site development plan review or special exception approval, reduced  
22 as provided in § 18-3-105, or superseded by a parking program allowed by this code. The  
23 planning and zoning officer may determine reasonable and appropriate onsite parking  
24 requirements for structures and land uses that are not listed on the chart based on  
25 requirements for similar uses, comments from reviewing agencies, and the parking needs  
26 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
***	

27  
28  
29 **TITLE 4. RESIDENTIAL DISTRICTS**

30  
31 **18-4-106. Permitted, conditional, and special exception uses.**

32  
33 The permitted, conditional, and special exception uses allowed in each of the residential  
34 districts are listed in the chart in this section using the following key: P = permitted use; C  
35 = conditional use; SE = special exception use. A blank means that the use is not allowed in  
36 the district. Except as provided otherwise in this article, uses and structures customarily  
37 accessory to the listed uses also are allowed, except that guest houses as accessory  
38 structures are prohibited and outside storage as an accessory use is limited to the lesser of  
39 10% of the allowed lot coverage or 500 square feet.

1

<b>Permitted, Conditional, and Special Exception Uses</b>	<b>RA</b>	<b>RLD</b>	<b>R1</b>	<b>R2</b>	<b>R5</b>	<b>R10</b>	<b>R15</b>	<b>R22</b>
***								
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**

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

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A GROUP HOME II SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS.

8

9

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

10

11

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

12

13

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

14

15

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

16

17

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

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

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**ANNE ARUNDEL COUNTY  
CONSTRUCTION AND PROPERTY MAINTENANCE CODES SUPPLEMENT  
October 1, 2005**

**CONSTRUCTION CODE**

**Chapter 1**

**Construction Code Administrative Provisions**

**Section 101**

**Administration**

36

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1 **101.2.1 Detached one- and two-family dwellings and multiple single-family dwellings.**  
2 Detached one- and two-family dwellings, RECOVERY RESIDENCES AS DEFINED IN § 18-1-  
3 101 OF THE COUNTY CODE THAT PROVIDE RESIDENTS WITH AT LEAST 50 SQUARE FEET PER  
4 BED PER SLEEPING ROOM, and multiple single-family dwellings (townhouses) not more  
5 than three stories above grade plane in height with a separate means of egress and their  
6 accessory structures shall comply with the 2018 International Residential Code.

7

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