

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2011, Legislative Day No. 12

Bill No. 42-11

Councilmembers Olszewski, Oliver & Bevins

By the County Council, July 5, 2011

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations - Accessory Apartments

FOR the purpose of defining accessory apartment and permitting an accessory apartment in certain areas under certain conditions; and generally relating to accessory apartments.

BY adding

Section 101.1, the Definition of “Accessory Apartment,” and
Section 400.4
Baltimore County Zoning Regulations, as amended

WHEREAS, for a number of years, the County has permitted “in-law apartments” under certain limited circumstances within an existing single-family dwelling or within an accessory building; and

WHEREAS, there currently are no such provisions in the Zoning Regulations or the County Code specifically pertaining to in-law apartments; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 AND COOKING FACILITIES, AND LOCATED ON OWNER-OCCUPIED PROPERTY,
2 SUBJECT TO THE FOLLOWING: (A) THE OWNER MAY OCCUPY EITHER THE
3 PRINCIPAL DWELLING OR THE ACCESSORY APARTMENT; (B) THE OCCUPANT(S) OF
4 THE ACCESSORY APARTMENT AND THE OCCUPANT(S) OF THE PRINCIPAL SINGLE-
5 FAMILY DETACHED DWELLING SHALL BE IMMEDIATE FAMILY, RELATED AS
6 GRANDPARENTS, PARENTS, OR PARENTS' CHILDREN BY BLOOD, MARRIAGE OR
7 ADOPTION; AND (C) THE ACCESSORY APARTMENT, WHETHER LOCATED WITHIN THE
8 PRINCIPAL DWELLING OR IN THE ACCESSORY BUILDING, SHALL COMPLY WITH ALL
9 LAWS, REGULATIONS, AND CODES AFFECTING RESIDENTIAL OCCUPANCY.

10
11 400.4. ACCESSORY APARTMENT.

12 AN ACCESSORY APARTMENT IS PERMITTED AS A TEMPORARY USE WITHIN A
13 PRINCIPAL SINGLE-FAMILY DETACHED DWELLING OR WITHIN AN ACCESSORY
14 BUILDING SITUATED ON THE SAME OWNER-OCCUPIED LOT AS THE PRINCIPAL
15 DWELLING IN ANY ZONE THAT PERMITS SINGLE-FAMILY DWELLINGS, SUBJECT TO
16 THE FOLLOWING REQUIREMENTS:

17 A. IF LOCATED WITHIN AN EXISTING SINGLE-FAMILY DETACHED DWELLING:

18 1. AN APPLICANT SHALL FILE WITH THE DEPARTMENT OF PERMITS,
19 APPROVALS AND INSPECTIONS AN APPLICATION FOR APPROVAL OF AN ACCESSORY
20 APARTMENT, ON A FORM APPROVED BY THE DEPARTMENT. WITH THE
21 APPLICATION, THE APPLICANT SHALL SUBMIT A DECLARATION OF
22 UNDERSTANDING, ON A FORM APPROVED BY THE DEPARTMENT, INCLUDING BUT

1 NOT NECESSARILY LIMITED TO THE FOLLOWING TERMS AND CONDITIONS:

2 A. THE SIZE OF THE ACCESSORY APARTMENT MAY NOT EXCEED ONE
3 THIRD OF THE OVERALL FLOOR AREA OF THE DWELLING OR 2,000 SQUARE FEET,
4 WHICHEVER IS LESS;

5 B. ANY AND ALL IMPROVEMENTS TO BE DEDICATED AS AN ACCESSORY
6 APARTMENT SHALL BE USED SOLELY AS A SINGLE-FAMILY RESIDENCE;

7 C. THE ACCESSORY APARTMENT SHALL ONLY BE UTILIZED BY
8 IMMEDIATE FAMILY MEMBERS AS DEFINED IN SECTION 101 AND MAY NOT BE
9 LEASED OR RENTED OR USED BY ANY PERSON OTHER THAN AN IMMEDIATE FAMILY
10 MEMBER FOR ANY OTHER REASON;

11 D. THE BATHING AND COOKING FACILITIES SERVING THE ACCESSORY
12 APARTMENT ARE SOLELY FOR THE USE OF THE IMMEDIATE FAMILY MEMBERS; AND

13 E. IF THE ACCESSORY APARTMENT IS NO LONGER USED AS AN
14 ACCESSORY APARTMENT OR IF THE PROPERTY IS SOLD, THE BATHING AND
15 COOKING FACILITIES SHALL BE IMMEDIATELY REMOVED, AND ANY UTILITY
16 METERS SUCH AS GAS AND ELECTRIC SERVICE, SHALL BE DISCONNECTED AND
17 REMOVED.

18 2. THE DIRECTOR MAY APPROVE THE APPLICATION UPON A FINDING THAT
19 THE SIZE, LOCATION, AND PURPOSE OF THE ACCESSORY STRUCTURE WILL NOT
20 NEGATIVELY AFFECT THE HEALTH, SAFETY, OR GENERAL WELFARE OF THE
21 SURROUNDING COMMUNITY.

22 3. IF APPROVED, THE DECLARATION OF UNDERSTANDING AND PROPERTY

1 DESCRIPTION SHALL BE RECORDED IN THE LAND RECORDS OF BALTIMORE
2 COUNTY, AND A COPY FILED WITH THE DEPARTMENT.

3 B. IF LOCATED WITHIN AN ACCESSORY BUILDING ON THE SAME OWNER-OCCUPIED
4 PROPERTY AS THE PRINCIPAL SINGLE-FAMILY DETACHED DWELLING:

5 1. AN APPLICANT SHALL FILE A REQUEST FOR SPECIAL HEARING WITH THE
6 DEPARTMENT, TOGETHER WITH A DECLARATION OF UNDERSTANDING AS
7 REQUIRED BY SUBSECTION A.1 OF THIS SECTION, AND A PUBLIC HEARING BEFORE
8 THE OFFICE OF ADMINISTRATIVE HEARINGS IS REQUIRED..

9 2. THE SIZE OF THE ACCESSORY APARTMENT MAY NOT EXCEED 1,200 SQUARE
10 FEET, AND THE ACCESSORY BUILDING SHALL COMPLY WITH THE REQUIREMENTS
11 OF SECTION 400.

12 3. FOLLOWING A PUBLIC HEARING, THE OFFICE OF ADMINISTRATIVE
13 HEARINGS MAY GRANT A REQUEST UPON A FINDING THAT THE SIZE, LOCATION,
14 AND PURPOSE OF THE ACCESSORY APARTMENT CONFORMS WITH SECTION 502.1.A,
15 B, C, D, E, AND F, AND MAY IMPOSE SUCH CONDITIONS, RESTRICTIONS OR
16 REGULATIONS CONSISTENT WITH SECTION 502.2 AS MAY BE DEEMED NECESSARY
17 OR ADVISABLE FOR THE PROTECTION OF SURROUNDING AND NEIGHBORING
18 PROPERTIES, INCLUDING THE EXPRESS PROHIBITION THAT THE ACCESSORY
19 APARTMENT NOT BE CONVERTED TO A SECOND DWELLING BEYOND THE SCOPE OF
20 THIS SECTION.

21 4. IF APPROVED, THE DECLARATION OF UNDERSTANDING AND PROPERTY
22 DESCRIPTION, INCLUDING ANY CONDITIONS, RESTRICTIONS, OR REGULATIONS

1 IMPOSED BY THE OFFICE OF ADMINISTRATIVE HEARINGS, SHALL BE RECORDED IN
2 THE LAND RECORDS OF BALTIMORE COUNTY, AND A COPY FILED WITH THE
3 DEPARTMENT.

4
5 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five
6 (45) days after its enactment.