

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2023, Legislative Day No. 2

Bill No. 7-23

Mr. Julian E. Jones Jr., Chairman
By Request of County Executive

By the County Council, January 17, 2023

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations - Accessory Apartments

FOR the purpose of amending the definition of accessory apartment; removing the requirement that the accessory apartment shall only be utilized by immediate family members; removing the prohibition that an accessory apartment is provided without compensation; and generally relating to accessory apartments.

BY repealing and re-enacting, with amendments

Section 101.1, the definition of “Accessory Apartment” listed alphabetically and ~~Section 400.4.C~~; Sections 400.4.B.2 and 400.4.C
Baltimore County Zoning Regulations, as amended

BY adding

Section 400.4.D
Baltimore County Zoning Regulations, as amended

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.

WHEREAS, it is not the intent of this Act to dramatically increase the number or density of accessory apartments in the County; and

WHEREAS, it is not the intent of this Act to permit non-family members of the principal owner-occupied residence to reside in accessory apartments; and

WHEREAS, it is not presently ascertainable whether the changes to the accessory apartment regulation set forth in this Act will lead to a dramatic increase in the number of accessory apartments or a proliferation of non-family renters residing in accessory apartments; and

WHEREAS, in order to assess the effectiveness of this Act amid the resulting changes to the County's accessory apartments regulation, the Council finds it is prudent to monitor a preliminary implementation phase over the next three years, after which the Council may assess the impact of this Act; now therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations shall read as follows:

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ARTICLE 1 - GENERAL PROVISIONS

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Section 101 - Definitions

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7 § 101.1. Word usage; definitions.

8

ACCESSORY APARTMENT — A second living quarters within a principal single-

9

family detached dwelling or within an accessory building situated on the same lot as the

1 principal single-family detached dwelling and in compliance with Section 400, with dedicated
2 bathing and cooking facilities, and located on owner-occupied property, subject to the following:

3 A. The owner may occupy either the principal dwelling or the accessory apartment;

4 B. The occupant(s) of the accessory apartment and the occupant(s) of the principal
5 single-family detached dwelling shall be [immediate] family, related [as grandparents, parents, or
6 parents' children] by blood, marriage or adoption; AND

7 C. [The accessory apartment is provided without compensation; and

8 D.] The accessory apartment, whether located within the principal dwelling or in the
9 accessory building, shall comply with all laws, regulations, and codes affecting residential
10 occupancy.

11

12 ARTICLE 4 – SPECIAL REGULATIONS

13 Section 400 – Accessory Buildings in Residence Zones

14

15 § 400.4. Accessory Apartments.

16 B. If located within an accessory building on the same owner-occupied property as the
17 principal single-family detached dwelling:

18 2. The size of the accessory apartment may not exceed:

19 A. 1,200 square feet IF LOCATED ON A LOT ONE ACRE OR

20 GREATER;

21 B. 800 SQUARE FEET IF LOCATED ON A LOT LESS THAN ONE

22 ACRE, and

1 C. [the] THE accessory building shall comply with the requirements of
2 Section 400.

3 C. Approval; renewal.

4 1. The approval of an application for a use permit in Subsection A or a request
5 for a special hearing and a use permit in Subsection B shall be subject to the following:

6 a. The declaration of understanding and property description, including
7 any conditions, restrictions, or regulations imposed by the Department or the Office of
8 Administrative Hearings, shall be recorded in the land records of Baltimore County and a copy
9 shall be filed with the Department; and

10 b. The accessory apartment shall only be utilized by [immediate] family
11 members as defined in Section 101 and may not be used by any person other than [an immediate]
12 A family member for any other reason.

13 c. If the accessory apartment is no longer occupied by any person named
14 in the use permit or if the property is sold, the use permit shall terminate, and any proposed
15 changes in occupancy to the accessory apartment by the property owner or subsequent purchaser
16 shall require a new request for a use permit as applicable under Subsection A or B.

17 2. The applicant shall renew the use permit with the Department every two years
18 by filing a renewal on a form approved by the Department, to be dated from the month of the
19 initial approval, and shall list the name of any person occupying the accessory apartment.

20 D. WITHIN 60 DAYS OF THE END OF EACH FISCAL YEAR, THE DEPARTMENT
21 OF PERMITS, APPROVALS, AND INSPECTIONS SHALL SUBMIT A REPORT TO THE
22 COUNTY COUNCIL AND COUNTY EXECUTIVE THAT INCLUDES:

1 1. THE NUMBER OF NEW APPLICATIONS FOR ACCESSORY
2 APARTMENTS SUBMITTED DURING THE PREVIOUS FISCAL YEAR, ORGANIZED BY
3 WHETHER THE APPLICATION IS FOR AN INTERIOR OR DETACHED ACCESSORY
4 APARTMENT;

5 2. THE APPROXIMATE LOCATION BY COUNCIL DISTRICT AND ZIP
6 CODE AND PROPOSED SQUARE FOOTAGE OF EACH NEW ACCESSORY
7 APARTMENT FOR WHICH AN APPLICATION IS SUBMITTED;

8 3. THE CATEGORY OF FAMILIAL RELATION AND WHETHER THE
9 ACCESSORY APARTMENT WILL BE PROVIDED WITH OR WITHOUT MONETARY
10 RENTAL COMPENSATION;

11 4. THE NUMBER OF SPECIAL HEARINGS FOR DETACHED ACCESSORY
12 APARTMENTS THAT OCCURRED DURING THE PREVIOUS FISCAL YEAR AND THE
13 RESULT OF EACH HEARING;

14 5. IF A BUILDING PERMIT IS ISSUED FOR AN ACCESSORY
15 APARTMENT DURING THE PREVIOUS FISCAL YEAR, THE DATE THE INITIAL
16 APPLICATION WAS RECEIVED AND ANY SUBSTANTIAL DIFFERENCES BETWEEN
17 THE INITIAL APPLICATION AND THE FINAL APPROVED PERMIT; AND

18 6. THE NUMBER OF APPLICATIONS FOR RENEWAL OF A USE PERMIT
19 APPROVED DURING THE PREVIOUS FISCAL YEAR, WHETHER THERE WAS A
20 SUBSTANTIAL CHANGE FROM THE INITIAL APPROVAL, AND THE APPROXIMATE
21 LOCATION BY COUNCIL DISTRICT AND ZIP CODE OF THE ACCESSORY
22 APARTMENT FOR WHICH THE USE PERMIT RENEWAL WAS APPROVED.

23

1 SECTION 2. AND BE IT FURTHER ENACTED, that the Department of Permits,
2 Approvals and Inspections shall publish notice of the amended requirements of this Act on the
3 Baltimore County website.

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5 SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
6 after its enactment.



LEGISLATION DETAIL

LEGISLATION _____

DISPOSITION _____

ENACTED _____

EFFECTIVE _____

AMENDMENTS _____

ROLL CALL - LEGISLATION

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Young
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
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<input type="checkbox"/>	<input type="checkbox"/>	Councilman Ertel
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

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