

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 12

Bill No. 61-23

Introduced by Ms. Pickard

By the County Council, June 20, 2023

Introduced and first read on June 20, 2023
Public Hearing set for July 17, 2023
Bill DEFEATED on July 17, 2023
Bill RECONSIDERED and passed on September 5, 2023
Bill Expires on September 23, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Construction and Property Maintenance Codes – Fire
2 Prevention Code – Codes and Supplements – Zoning – Recovery Residences

3
4 FOR the purpose of exempting single-family detached dwellings used as recovery
5 residences from the Fire Prevention Code when certain conditions are met; adding a
6 definition of “recovery residence”; adding parking requirements for recovery
7 residences; allowing recovery residences as permitted uses in all residential districts;
8 requiring that recovery residences comply with the 2018 International Residential
9 Code; and generally relating to construction and property maintenance codes and
10 zoning.

11
12 BY renumbering: § 18-1-101(106) through (163), respectively, to be § 18-1-101(107)
13 through (164), respectively
14 Anne Arundel County Code (2005, as amended)

15
16 BY adding: § 18-1-101(106)
17 Anne Arundel County Code (2005, as amended)

18
19 BY repealing and reenacting, with amendments: §§ 15-3-102(a); 18-3-104; and 18-4-106
20 Anne Arundel County Code (2005, as amended)

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(106) through (163), respectively, of the Anne Arundel County Code*
7 *(2005, as amended) is hereby renumbered to be § 18-1-101(107) through (164),*
8 *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:

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

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15 **TITLE 3. FIRE PREVENTION CODE**

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

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19 **(a) Applicability.**

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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:

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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

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

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

36
37 (I) 1. IS CERTIFIED UNDER TITLE 19, SUBTITLE 25 OF THE HEALTH-GENERAL
38 ARTICLE OF THE STATE CODE; AND

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40 2. IS IN COMPLIANCE WITH THE OCCUPANCY LIMITATIONS ESTABLISHED
41 BY MARYLAND CERTIFICATION OF RECOVERY RESIDENCES (M CORR); OR

42
43 (II) 1. IS NOT CERTIFIED UNDER TITLE 19, SUBTITLE 25 OF THE HEALTH-
44 GENERAL ARTICLE OF THE STATE CODE;

45
46 2. HAS NO MORE THAN TWO OCCUPANTS PER SLEEPING ROOM AND NOT
47 MORE THAN SIX OCCUPANTS TOTAL; AND

48
49 3. IS INSPECTED ANNUALLY BY THE FIRE MARSHAL FOR THE FOLLOWING
50 FIRE SAFETY MEASURES:

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52 A. FUNCTIONING SMOKE DETECTORS;

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

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

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

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

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

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

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 21 H. FIRE EXITS MARKED WITH REFLECTIVE SIGNAGE AT A MINIMUM.

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 23 **ARTICLE 18. ZONING**

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 25 **TITLE 1. DEFINITIONS**

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 27 **18-1-101. Definitions.**

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 29 Unless defined in this article, the Natural Resources Article of the State Code, or
 30 COMAR, words defined elsewhere in this Code apply in this article. The following words
 31 have the meanings indicated:

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 33 (106) "RECOVERY RESIDENCE" MEANS A FACILITY THAT PROVIDES RECOVERY
 34 RESIDENCE SERVICES AS DEFINED UNDER § 8-101 OF THE HEALTH-GENERAL ARTICLE OF
 35 THE STATE CODE.

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

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

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 41 The minimum onsite required parking spaces are listed in the chart below. They may
 42 be increased based on site development plan review or special exception approval, reduced
 43 as provided in § 18-3-105, or superseded by a parking program allowed by this Code. The
 44 Planning and Zoning Officer may determine reasonable and appropriate onsite parking
 45 requirements for structures and land uses that are not listed on the chart based on
 46 requirements for similar uses, comments from reviewing agencies, and the parking needs
 47 of the proposed use.
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| Use | Parking |
|-----------------------------|---|
| *** | |
| Public launching facilities | 1 space for every two boat slips or moorings plus 10 trailer spaces per boat ramp |

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|---------------------|--|
| 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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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:

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

CONSTRUCTION CODE

**Chapter 1
Construction Code Administrative Provisions**

**Section 101
Administration**

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101.2.1 Detached one- and two-family dwellings and multiple single-family dwellings. Detached one- and two-family dwellings, RECOVERY RESIDENCES AS DEFINED IN § 18-1-101 OF THE COUNTY CODE THAT COMPLY WITH § 15-3-102(A)(2) OF THE COUNTY CODE, and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the 2018 International Residential Code.

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

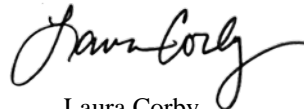
RECONSIDERED: September 5, 2023

READ AND PASSED this 5th day of September, 2023.


By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 7th day of September, 2023


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 12th day of September, 2023


Steuart Pittman
County Executive

EFFECTIVE DATE: October 27, 2023

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I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 61-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, reading "Laura Corby". The signature is written in a cursive, flowing style.

Laura Corby
Administrative Officer