

CHAPTER 155: DEVELOPMENT AND SUBDIVISION OF LAND

§ 155.005 DEFINITIONS.

~~**ACCESSORY DWELLING, ATTACHED.** A portion of a single-family dwelling that shall provide complete, independent living facilities for sleeping, eating, cooking and sanitation within the main dwelling unit, which may be internal, may be separated from the main dwelling unit by a continuous common wall, or may be separated by not more than 15 feet of livable floor area, but which is separate from the main dwelling unit's cooking, bathroom(s), and living areas.~~

~~**ACCESSORY DWELLING, DETACHED.** A dwelling unit (excluding mobile home) on the same lot as the primary dwelling unit, but physically separated from the primary dwelling unit. A **DETACHED ACCESSORY DWELLING** unit shall provide complete independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation.~~

~~**ACCESSORY DWELLING UNIT.** A secondary dwelling unit that is on the same lot, parcel, or tract as a primary single-family detached dwelling unit and not greater than 75% of the size of, and subordinate in use to, the primary single-family detached dwelling unit. "Accessory dwelling unit" includes a structure that is separate from the primary single-family detached dwelling unit, attached as an addition to the primary single-family detached dwelling unit, or entirely within the primary single-family detached dwelling unit.~~

- ~~(1) **ACCESSORY DWELLING UNIT, ATTACHED.** An accessory dwelling unit that shares one or more walls with the primary dwelling and is located wholly or partially within an addition to the primary dwelling or within a converted portion of an attached structure that is outside the existing livable floor area of the primary dwelling unit.~~
- ~~(2) **ACCESSORY DWELLING UNIT, DETACHED.** An accessory dwelling unit located in a new stand-alone accessory structure or within converted portions of an existing stand-alone accessory structure.~~
- ~~(3) **ACCESSORY DWELLING UNIT, INTERNAL.** An accessory dwelling unit located entirely within the existing floor area of a primary single-family detached dwelling unit and created through the conversion of existing interior space, including a basement, attic, or other interior area.~~

CHAPTER 156: ADEQUATE PUBLIC FACILITIES AND CONCURRENCY MANAGEMENT

§ 156.07 RESIDENTIAL DEVELOPMENT DATABASE AND ANNUAL REPORT.

(B) (2) A summary of all units, lots, and projects not subject to this chapter, including an annual average for the last four fiscal years of all residential permits not subject to this chapter, including off conveyances, minor subdivisions in the “A” District, pre-existing lots, ~~and~~ residential projects located in incorporated municipalities, ~~and accessory dwelling units~~;

CHAPTER 158: ZONING REGULATIONS

§ 158.002 DEFINITIONS.

~~**ACCESSORY DWELLING UNIT.** An additional attached or detached dwelling unit on a lot with a principal dwelling unit.~~

~~**ATTACHED ACCESSORY DWELLING.** A portion of a single-family dwelling that shall provide complete, independent living facilities for sleeping, eating, cooking, and sanitation within the main dwelling unit, which may be internal, may be separated from the main dwelling unit by a continuous common wall, or may be separated by not more than 15 feet of livable floor area, but which is separate from the main dwelling unit's cooking area, bathroom(s), and living areas.~~

~~**DETACHED ACCESSORY DWELLING.** A dwelling unit (excluding mobile homes) on the same lot as the primary dwelling unit, but physically separated from the primary dwelling unit. A **DETACHED ACCESSORY DWELLING** unit shall provide complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation.~~

~~**ACCESSORY DWELLING UNIT.** A secondary dwelling unit that is on the same lot, parcel, or tract as a primary single-family detached dwelling unit and not greater than 75% of the size of and subordinate in use to the primary single-family detached dwelling unit. “Accessory dwelling unit” includes a structure that is separate from the primary single-family detached dwelling unit, attached as an addition to the primary single-family detached dwelling unit, or entirely within the primary single-family detached dwelling unit.~~

(1) ~~**ACCESSORY DWELLING UNIT, ATTACHED.** An accessory dwelling unit that shares one or more walls with the primary dwelling and is located wholly or partially within an addition to the primary dwelling or within a converted portion~~

of an attached structure that is outside the existing livable floor area of the primary dwelling.

(2) **ACCESSORY DWELLING UNIT, DETACHED.** An accessory dwelling unit located in a new stand-alone accessory structure or within converted portions of an existing stand-alone accessory structure

(3) **ACCESSORY DWELLING UNIT, INTERNAL.** An accessory dwelling unit located entirely within the existing floor area of a primary single-family detached dwelling unit and created through the conversion of existing interior space, including a basement, attic, or other interior area.

BUILDING FOOTPRINT. The total horizontal area measured from the outside of all exterior walls and supporting columns. It does not include any detached structures, such as garages or carports, accessory structures, trellises, patios, or ramps and stairways required for access.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking, eating, and sanitation.

§ 158.071.02 AGRICULTURAL AND CONSERVATION DISTRICTS: REGULATION OF ACCESSORY USES.

(A) (8) Accessory dwelling units, which are subject to § ~~158.176~~, the following:

- ~~— (a) An accessory dwelling must have direct access from the outside;~~
- ~~— (b) The property owner must occupy either the principal dwelling unit or the accessory dwelling unit on the property;~~
- ~~— (c) The maximum size of an accessory dwelling shall be not more than 1,000 square feet of livable floor area, as defined in § 158.002;~~
- ~~— (d) The accessory dwelling unit shall have no more than two bedrooms;~~
- ~~— (e) The accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE regulations;~~
- ~~— (f) One additional off-street parking space must be provided for each bedroom in the accessory dwelling unit;~~
- ~~— (g) Only one accessory dwelling unit (attached or detached) shall be permitted on a lot; and~~
- ~~— (h) Detached accessory dwelling units shall be located on lots at least three acres in size and may not be located more than 50 feet from the principal dwelling.~~

§ 158.075.02 RESIDENTIAL DISTRICTS: REGULATION OF ACCESSORY USES.

(A) **Accessory uses in the Residential Districts.** Accessory uses in the residential districts shall be as follows:

(1) Antique shop, arts and crafts shop, when operated by a resident and subject to § 158.130(G).

(2) ~~Attached a~~ Accessory dwelling units, which are subject to § 158.176.the following:
— (a) ~~An attached accessory dwelling must have direct access from the outside.~~
— (b) ~~Only one attached accessory dwelling is permitted on any principal dwelling unit.~~
— (c) ~~The property owner must occupy either the principal dwelling unit or the attached accessory dwelling unit on the property.~~
— (d) ~~The maximum size of an attached accessory dwelling shall be 800 square feet of livable floor area or one-third of the total livable floor area of the principal dwelling unit, whichever is greater.~~
— (e) ~~The attached accessory dwelling unit shall have no more than two bedrooms.~~
— (f) ~~The attached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes.~~
— (g) ~~Two additional off-street parking spaces must be provided for the attached accessory dwelling unit.~~
— (h) ~~Only one accessory dwelling unit (attached or detached) shall be permitted on a lot.~~

(3) Beauty/barber shop, when operated by a resident and subject to § 158.130(G).

(4) Cemetery, when accessory to a religious establishment.

(5) Cottage industry, when operated by a resident, conducted solely within the dwelling, and subject to § 158.130(G). In addition, the use may not:

(a) Include inventory or merchandise that is sold directly to the public on the premises.

(b) Change the external appearance of the dwelling or be visible from the street.

(c) Include any outside storage or display, other than a sign not exceeding three square feet.

(d) Create a hazard to any person or property.

(e) Result in electrical interference.

(f) Become a nuisance.

~~(6) Detached accessory dwelling units, provided that the lot or parcel is eligible to be subdivided to separate the detached accessory dwelling and which are subject to the following:~~

~~— (a) Only one attached or detached accessory dwelling unit is permitted on any lot or parcel.~~

~~— (b) The property owner must occupy either the principal dwelling unit to the detached dwelling unit on the lot or parcel.~~

~~— (c) The detached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes.~~

~~— (d) Two off-street parking spaces must be provided for the detached accessory dwelling unit.~~

~~— (e) Detached accessory dwelling units shall not be subject to any size limits.~~

§ 158.176 Accessory Dwelling Units.

The purpose and intent of this section is to allow for the creation of an accessory dwelling unit as a permitted use on any lot with an existing single-family detached dwelling, in keeping with the existing and planned character of the community, in order to provide a range of housing choices to meet the needs of the citizens of Carroll County.

The following regulations and the applicable regulations contained in other articles shall apply to Accessory Dwelling Units in all zoning districts.

- (A) Only one accessory dwelling unit (attached or detached) shall be permitted on a lot.
- (B) The property owner must occupy either the primary dwelling unit or the detached dwelling unit on the lot or parcel.
- (C) An accessory dwelling unit must have direct access from the outside.
- (D) The accessory dwelling unit shall have no more than two bedrooms.
- (E) The accessory dwelling unit (attached or detached) shall meet all applicable local, state and federal laws and ordinances, including building construction and Maryland Department of Health and Maryland Department of the Environment Codes.
- (F) The site should accommodate the anticipated parking needs of both the primary dwelling unit and the accessory dwelling unit through existing or additional lawful off-street parking, where feasible, and/or available on-street parking. Nothing in this section shall be construed as authorizing the creation of parking areas within required yards. In the design and placement of an accessory dwelling unit, consideration shall be given to the availability of parking and the potential impacts of parking demand on adjacent properties and public streets. Accessory dwelling units shall not be subject to a separate off-street parking requirement.
- (G) In Agricultural, Conservation, Residential, Employment Campus and Heritage Districts, an accessory dwelling unit must comply with the bulk requirement standards of an accessory structure in the underlying zone.
- (H) In Commercial and Industrial Districts, an accessory Dwelling Unit must comply with the bulk requirement standards of an accessory structure in the R-7,500 Residence District.
- (I) For purposes of administering the Accessory Dwelling Unit regulations of this chapter, the Living Area (Above Grade) of the primary dwelling shall be the living area reported by the Maryland State Department of Assessments and Taxation (SDAT), unless the property

owner submits approved building plans, a certified survey, or other documentation acceptable to the County demonstrating a different living area.

(J) For purposes of administering the Accessory Dwelling Unit regulations of this chapter, the floor area does not include open porches, open decks, patios, balconies, exterior stairways, or other unenclosed spaces.

(K) The livable floor area of an internal accessory dwelling unit shall not exceed 75% of the above ground living area of the primary dwelling unit.

(L) The floor area of an accessory dwelling unit, attached or detached, shall not exceed seventy-five percent (75%) of the above ground living area of the primary dwelling unit; and the square footage of the footprint of an accessory dwelling unit, attached or detached, shall not exceed seventy-five percent (75%) of the square footage of the footprint of the primary dwelling unit.

(M) Accessory dwelling units shall not be located more than 50 feet from the primary dwelling and shall not be located closer to an existing primary dwelling on an adjacent lot than it is to the primary dwelling on the subject property.

(N) For Accessory Dwelling Units Subject to Homeowner Association Regulations:

(1) Approval of an accessory dwelling unit under this Ordinance does not eliminate or modify any applicable private covenant, deed restriction, or homeowner association requirement, except as otherwise provided under Maryland law.

(2) Issuance of a zoning permit or building permit for an accessory dwelling unit does not constitute verification of compliance with any private covenant or homeowner association restriction.

(O) An accessory dwelling unit shall remain subordinate and accessory to the primary dwelling unit and shall not constitute a separate lot or parcel. Approval of an accessory dwelling unit shall not create additional subdivision, density, or development rights. An accessory dwelling unit may not be subdivided, sold, or otherwise conveyed separately from the primary dwelling unit unless the property is lawfully subdivided in compliance with all applicable zoning and subdivision regulations.

(P) In accordance with § 156.04 and § 156.07(B)(2), in areas of the county where thresholds are not met, are approaching inadequacy, or a need to finance facilities exists, the county may establish a building permit cap prescribing the number of residential building allocations, including accessory dwelling units, to be issued in that area.

(Q) Accessory Dwelling Units shall not be permitted on lots allowed on Agricultural Preservation properties.