



St. Mary's County
Department of Land Use and Growth Management
Frequently Asked Questions

24

FAQ #24: May I build a second home / accessory apartment on my property?

Subject to the allowable density (number of dwellings per acre) of the zoning district in which the property is located, it is sometimes possible to have an additional home as a principle structure. See CZO Schedule 32.1 for allowable densities. See also CZO schedule 40.5 for allowable densities within the Critical Area. However, financing the construction will normally require the loan or mortgage to be secured by the new home on its own lot. As a result, it would be necessary to subdivide the property.

An alternative to a second home is an accessory apartment. An accessory apartment is permitted in all zoning districts, except in the CC, I and OBP districts (CZO Schedule 50.4.108). An accessory apartment may be located either in the principal dwelling or in a detached accessory structure (CZO Section 51.3.108.a.1). If it is located in the principle dwelling, it must meet the following basic standards: 1) It shall share a common wall with the principle dwelling; 2) It shall be a minimum of 300 square feet; and 3) It shall not exceed 40 % of the gross floor area or 900 square feet, whichever is less. For the purposes of calculating the size of the accessory apartment, gross floor area shall not include an attached garage. If an accessory apartment is located in the basement, then it can consist of the entire basement.

If an accessory apartment is located in a detached accessory structure, the apartment shall not exceed 40% of the gross floor area of the accessory structure or 900 square feet, whichever is less (CZO Section 51.3.108.b.1.(c))

Accessory apartments are not subject to density limitations. You are permitted one (1) accessory apartment per legally created lot or parcel as part of the primary dwelling unit density calculation under this subsection when the apartment meets the criteria of Section 51.3.108.

As an additional provision when an accessory apartment is located within a detached accessory structure in the RCA, the perimeter of the accessory structure must be within 100 feet of the principle dwelling unit. An accessory apartment in the RCA must share the same sewage disposal system as that of the primary dwelling unit.

An owner of the lot shall occupy at least one of the dwelling units on the premises.

Related Issues:

Contact the Health Department at 301-475-4321 for well and septic system requirements.