

BK00039PG415

ORDINANCE NO. 16-12

Pertaining to the Amendment of the Calvert County Zoning Ordinance  
(Section 3-1.11, Use #1a and Use #1b, and Table 5-5)

**RE: ACCESSORY BUILDING, STRUCTURE OR USE**

(Text Amendment Case No. 11-3g)

**WHEREAS**, Article 66B of the Maryland Annotated Code, as amended, empowers the Board of County Commissioners of Calvert County, Maryland to enact a Zoning Ordinance to promote the health, safety and welfare of the citizens of Calvert County, and to provide for its administration, enforcement and amendment; and

**WHEREAS**, pursuant to that authority, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Calvert County Zoning Ordinance; and

**WHEREAS**, after study and evaluation, the Department of Planning and Zoning of Calvert County recommended to the Planning Commission and the Board of County Commissioners text amendments to the Calvert County Zoning Ordinance, Section 3-1.11, Use #1a and Use #1b, and Table 5-5, to allow Accessory Buildings, Structures or Uses to be located on adjoining properties under certain conditions; and

**WHEREAS**, after due notice was published, the Planning Commission of Calvert County and the Board of County Commissioners of Calvert County conducted a joint public hearing on November 1, 2011, at which time the proposed amendments were discussed, staff's recommendations were considered, and public comment was solicited; and

**WHEREAS**, at the conclusion of said public hearing the Planning Commission voted to hold the record open for two weeks to receive additional public comment; and

**WHEREAS**, at its regular meeting on November 16, 2011, after considering the evidence which had been presented at the public hearing regarding the proposed text amendments, the Planning Commission voted to recommend denial of the amendments; and

**WHEREAS**, the Planning Commission conveyed its recommendation to the Board of County Commissioners by letter dated November 21, 2011; and

**WHEREAS**, during its regular session on November 29, 2011, after considering the evidence which had been presented at the public hearing regarding the proposed text amendments and the recommendation of the Planning Commission, and in furtherance of the public health, safety and welfare, the Board of County Commissioners of Calvert County, Maryland determined it is in the best interest of the citizens of the County to enact the text amendments to the Calvert County Zoning Ordinance as set forth in Exhibits A and B, attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED AND ORDAINED**, by the Board of County Commissioners of Calvert County, Maryland, that Section 3-1.11, Use #1a and Use #1b, and Table 5-5 of the Calvert County Zoning Ordinance **BE**, and hereby **IS**, amended by adopting amendments to the Calvert County Zoning Ordinance as set forth in Exhibit "A" hereto and hereby incorporated by reference such that the effect of such revisions is as reflected in Exhibit "B" hereto and hereby incorporated by reference; and

**BE IT FURTHER RESOLVED AND ORDAINED**, by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance or the Calvert County Zoning Ordinance, is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid.

**BE IT FURTHER RESOLVED AND ORDAINED**, by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation.

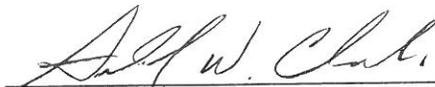
DONE, this 10th day of April, 2012 by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: Slaughterhaupt, Shaw, Weems  
Nay: Clark, Nutter  
Absent/Abstain: Ø

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND

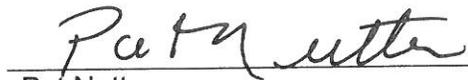
  
Corinne J. Cook, Clerk

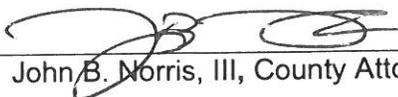
  
Gerald W. Clark, President

Approved for legal sufficiency on April 10, 2012

  
Steven R. Weems, Vice-President

by:

  
Pat Nutter

  
John B. Norris, III, County Attorney

  
Susan Shaw

  
Evan K. Slaughterhaupt Jr.

Received for Record April 16 2012  
at 2:25 o'clock P.M. Same day  
recorded in Liber KPS No. 39  
Folio 415 COUNTY COMMISSIONERS  
ORDINANCES AND RESOLUTION.



USE #	3-1.11 UNCLASSIFIED USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
1a.	<p>Accessory Building, Structure, or Use <u>on the same property with the Principal Use</u> (3/25/08)  <i>A building, structure, or use on the same lot with, and of a nature customarily incidental to, a principal building, structure, or use.</i></p>	C	C	C		C	C	C	C	C	C	<p>1. A use may be deemed an accessory use on community open space if it is for the use of the residents of the community only and is not open to the public.</p> <p>2. If a property contains more than one Zoning District, all accessory buildings, structures, and uses shall be located within the same Zoning District as the principal use to which they are accessory; <u>and</u></p> <p>3. <u>the accessory building, structure, or use shall meet the setback requirements specified in Table 5-5 for residential uses and Table 6-1 for non-residential uses.</u></p>
1b.	<p>Accessory Building, Structure, or Use <u>on a property adjoining the Principal Use</u> (3/25/08)  <i>A building, structure, or use <del>on the same lot with, and of a nature customarily incidental to, a principal building, structure, or use</del> that is located on an adjoining property.</i></p>	C	C	C		C	C	C	C	C	C	<p>1. A use may be deemed an accessory use on community open space if it is for the use of the residents of the community only and is not open to the public.</p> <p>2. If a property contains more than one Zoning District, all accessory buildings, structures, and uses shall be located within the same Zoning District as the principal use to which they are accessory.</p> <p>3. <u>The accessory building, structure, or use may be located on a property adjoining the principal building, structure, or use if the following conditions are met:</u></p> <p>a. <u>the properties shall share a common boundary line for a minimum of 20 feet; and</u></p> <p>b. <u>the properties shall be under the same ownership; and</u></p> <p>c. <u>the accessory building, structure, or use shall meet the setback requirements for a principal use (see Table 5-2 and 5-4 for residential setbacks and Table 6-1 for non-residential setbacks).</u></p>

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RES. No. 16-18

5-1.10 Accessory Use Setbacks

TABLE 5-5 – ACCESSORY USE SETBACKS				
Use	District	Min. Front Setback	Min. Side Setback (Each)	Min. Rear Setback
Detached Accessory Building, Structure or Use containing less than 500 square feet (other than those listed below), when Principal Use is Residential or Agricultural <u>and located on the same property with the principal use</u>	All	Same Front Setback as Principal Dwelling (See Table 5-2 & 5-4)	5 feet	5 feet
<u>Detached Accessory Building, Structure or Use containing less than 500 square feet (other than those listed below), when Principal Use is Residential or Agricultural and located on an adjoining property to the principal use</u>	All	<u>Same Setbacks as Principal Dwelling (See Table 5-2 &amp; 5-4)</u>		
Detached Accessory Building, Structure or Use containing 500 square feet or more (other than those listed below), when Principal Use is Residential or Agricultural	All	Same Setbacks as Principal Dwelling (See Table 5-2 & 5-4)		
Accessory Apartment	All	Same Setbacks as Principal Dwelling (See Table 5-2 & 5-4)		
Fence	All	May be placed on property line		
Power Generating Facility, Accessory to a Residence or Business – See Section 3-1.09 for definition.	All	Same Setbacks as Principal Dwelling (See Table 5-2 & 5-4)		
Retaining Wall	All	5 feet	5 feet	5 feet
Structure for the Keeping of Animals (on non-farm properties) – See Section 3-1.11 for definition.	All	Same Front Setback as Principal Dwelling (See Table 5-2 & 5-4)	25 feet	25 feet
Swimming Pool & Associated Deck or Patio	All	Same Front Setback as Principal Dwelling (See Table 5-2 & 5-4)	5 feet	5 feet

RES. NO. 16-10

USE #	3-1.11 UNCLASSIFIED USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
1a.	Accessory Building, Structure, or Use on the same property with the Principal Use (3/25/08) <i>A building, structure, or use on the same lot with, and of a nature customarily incidental to, a principal building, structure, or use.</i>	C	C	C		C	C	C	C	C	C	<ol style="list-style-type: none"> <li>1. A use may be deemed an accessory use on community open space if it is for the use of the residents of the community only and is not open to the public.</li> <li>2. If a property contains more than one Zoning District, all accessory buildings, structures, and uses shall be located within the same Zoning District as the principal use to which they are accessory; and</li> <li>3. the accessory building, structure, or use shall meet the setback requirements specified in Table 5-5 for residential uses and Table 6-1 for non-residential uses.</li> </ol>
1b.	Accessory Building, Structure, or Use on a property adjoining the Principal Use (3/25/08) <i>A building, structure, or use of a nature customarily incidental to, a principal building, structure, or use that is located on an adjoining property.</i>	C	C	C		C	C	C	C	C	C	<ol style="list-style-type: none"> <li>1. A use may be deemed an accessory use on community open space if it is for the use of the residents of the community only and is not open to the public.</li> <li>2. If a property contains more than one Zoning District, all accessory buildings, structures, and uses shall be located within the same Zoning District as the principal use to which they are accessory.</li> <li>3. The accessory building, structure, or use may be located on a property adjoining the principal building, structure, or use if the following conditions are met: <ol style="list-style-type: none"> <li>a. the properties shall share a common boundary line for a minimum of 20 feet; and</li> <li>b. the properties shall be under the same ownership; and</li> <li>c. the accessory building, structure, or use shall meet the setback requirements for a principal use (see Table 5-2 and 5-4 for residential setbacks and Table 6-1 for non-residential setbacks).</li> </ol> </li> </ol>

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Res. No. 167

5-1.10 Accessory Use Setbacks

TABLE 5-5 – ACCESSORY USE SETBACKS				
Use	District	Min. Front Setback	Min. Side Setback (Each)	Min. Rear Setback
Detached Accessory Building, Structure or Use containing less than 500 square feet (other than those listed below), when Principal Use is Residential or Agricultural and located on the same property with the principal use	All	Same Front Setback as Principal Dwelling (See Table 5-2 & 5-4)	5 feet	5 feet
Detached Accessory Building, Structure or Use containing less than 500 square feet (other than those listed below), when Principal Use is Residential or Agricultural and located on an adjoining property to the principal use	All	Same Setbacks as Principal Dwelling (See Table 5-2 & 5-4)		
Detached Accessory Building, Structure or Use containing 500 square feet or more (other than those listed below), when Principal Use is Residential or Agricultural	All	Same Setbacks as Principal Dwelling (See Table 5-2 & 5-4)		
Accessory Apartment	All	Same Setbacks as Principal Dwelling (See Table 5-2 & 5-4)		
Fence	All	May be placed on property line		
Power Generating Facility, Accessory to a Residence or Business – See Section 3-1.09 for definition.	All	Same Setbacks as Principal Dwelling (See Table 5-2 & 5-4)		
Retaining Wall	All	5 feet	5 feet	5 feet
Structure for the Keeping of Animals (on non-farm properties) – See Section 3-1.11 for definition.	All	Same Front Setback as Principal Dwelling (See Table 5-2 & 5-4)	25 feet	25 feet
Swimming Pool & Associated Deck or Patio	All	Same Front Setback as Principal Dwelling (See Table 5-2 & 5-4)	5 feet	5 feet

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