

## Article 19. Accessory Structures and Uses

- 19-1 ACCESSORY STRUCTURES AND USES
- 19-2 PERMITTED ENCROACHMENTS

### 19-1 ACCESSORY STRUCTURES AND USES

All accessory structures and uses are subject to the requirements of this Article. The definitions for each accessory structure or use are included below. ~~Where the use is permitted with conditions the applicable conditions are listed below the definition. Tables 18-1 (Outside Town Center Uses), 18-2 (Town Center Uses), and 18-3 (Solomons Town Center Uses) list the different accessory uses and the zoning districts in which they are permitted. Where the use is listed in the use tables of Article 18 as "C" or "SC", the applicable conditions are listed below the definition.~~

#### A. General Regulations for Accessory Structures

All accessory structures are subject to the following regulations, unless otherwise permitted or restricted by regulations for specific structures addressed in Section 19-1 and this Ordinance.

1. A building permit shall be required for the construction of an accessory structure greater than 200 square feet in size and is required for all structures within the Critical Area.
2. Accessory structures attached to a primary structure shall meet the setback requirements of a primary structure.
3. Detached accessory structures shall meet the required setbacks in Table 19-1 unless otherwise specifically permitted or restricted in this Article.

Table 19-1: Accessory Structure Setbacks			
Structure	Min. Front Setback	Min. Side Setback	Min. Rear Setback
Detached Accessory Structure less than 500 square feet in gross floor area (other than those listed below), when Principal Use is Residential or Agricultural and located on the same property with the principal use	Same front setback as primary structure	5 feet	5 feet
Detached Accessory Structure 500 square feet or greater in gross floor area (other than those listed below), when Principal Use is Residential or Agricultural	Same setbacks as primary structure	Same setbacks as primary structure	Same setbacks as primary structure
Detached Accessory Structure, when Principal Use is Non-Residential or Non-Agricultural (other than Bus Shelters, Utility Services Boxes, Fences, and Retaining Walls)	Same setbacks as primary structure	Same setbacks as primary structure	Same setbacks as primary structure
Detached Garage less than 500 square feet in gross floor area; one-story	Same front setback as primary structure	5 feet	5 feet
Detached Garage greater than 500 square feet in gross floor area, or two stories or greater in height, or with living space	Same setbacks as primary structure	Same setbacks as primary structure	Same setbacks as primary structure
Swimming Pool & Associated Deck or Patio	Same front setback as primary structure	5 feet	5 feet
Chicken/ <del>or</del> Poultry Coop	Same front setback as primary structure	25 feet	25 feet
Livestock Enclosure	Same front setback as primary structure	25 feet	25 feet

Fence	May be placed on property line	May be placed on property line	May be placed on property line
Retaining Wall	5 feet	5 feet	5 feet
Power Generating <del>Systems Facility</del> , Accessory (See Mechanical Equipment)	Same setbacks as primary structure	Same setbacks as primary structure	Same setbacks as primary structure
Solar Energy Generating System, Accessory (Freestanding System)	Same setbacks as primary structure	Same setbacks as primary structure	Same setbacks as primary structure

4. If more than one zoning district is located on a property, all accessory structures and uses shall be located within the same zoning district as the principal use to which they are accessory.
5. No accessory structure shall be constructed prior to construction of the primary structure to which it is accessory. This does not apply to agricultural uses.
6. No accessory structure may be placed within any required sight distance.
7. The accessory structure or use may be located on a property adjoining the primary structure or use if the following conditions are met:
  - a. The properties share a common boundary line for a minimum of 20 feet.
  - b. The properties are under the same ownership.
  - c. The accessory structure or use meets the setback requirements for a primary structure.

**B. Bus Shelter**

A small, roofed structure, having from one to three walls, located near a street, and designed primarily for the protection and convenience of bus passengers. The following apply to bus shelters located on private property.

1. Bus shelters shall be setback a minimum of ten feet from any access easement, travel way, driveway, or private right-of-way. The Department of Public Works and the Department of Public Safety is required to review the location and confirm there are no negative impacts to public safety and meet all sight distance requirements. Approval from the Department of Public Works and Department of Public Safety is required. Front setbacks for bus shelters may be reduced to 0' if the Dept. of Public Works & the Dept. of Public Safety certify that the reduction will not adversely affect public safety. Side setbacks for bus shelters may be reduced to 0' when written approval is obtained from the adjoining property owner on lots containing a lot stem of 25' in length or less; ~~and~~.
2. Within Town Centers bus shelters shall be reviewed by the applicable Town Center Architectural Review Committee prior to approval of the proposed bus shelter. Bus shelters on properties zoned Employment Center (EC) or Rural Commercial (RC) shall comply with the Appearance Code for the adjacent Town Center Sub-area. The Planning Commission or its designee may request a recommendation from the Town Center Architectural Review Committee prior to approval of the proposed bus shelter.

**C. Carport**

An open-sided roofed vehicle shelter, usually formed by extension of the roof from the side of a building but may be freestanding. The following shall apply where applicable.

1. The total length of a carport is limited to 50 feet. The height of a carport is limited to 20 feet at its highest point; ~~and~~.
2. A carport shall be entirely open on at least one side, with the exception of necessary support structures; ~~and~~.

3. A carport shall be constructed as a permanent structure. A permanent structure is any structure that is fixed in place and unable to be moved about a property. Temporary tent structures are not considered a permanent structure; ~~and-~~
4. No more than two carports are permitted per lot or parcel.

#### D. ~~Chicken~~ ~~and~~ Poultry ~~and~~ Coops

A coop is a structure where chickens and poultry are kept. The following conditions apply to lots or parcels on non-farm properties: ~~;~~

1. The keeping of poultry is permitted on properties of one acre or more in size. A special exception from the Board of Appeals is required on properties less than one acre in size; ~~and-~~
2. Provisions for sanitation shall meet the requirements of the County Health Department; ~~and-~~
3. Coops shall be setback a minimum of 25 feet from a lot line or parcel line and shall meet the front setback requirements of a primary structure.

#### E. Dock or Pier, Private

Any marine structure generally referred to as a pier, dock, or wharf, walkway, breakwater, including pilings and other such facilities, used for the wet storage of watercraft. It does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands. The following shall apply where applicable.

1. The provisions of Section 23-6.A (Private Piers) shall be met.

#### F. Drive-Through Facility, Accessory

A structure which is designed to accommodate patrons' motor vehicles, from which the occupants of the motor vehicle may make purchases or transact business. The following shall apply where applicable.

1. All drive-through facilities shall meet the requirements of Section 25-1.D of this Ordinance.
2. Outside of Town Centers, drive-through facilities accessory to eating establishments are not permitted.

#### G. Electric Vehicle Charging Station (Public)

Vehicle battery charging equipment that supplies electric energy for the recharging of plug-in electric vehicles, including electric cars and plug-in hybrids. The following shall apply where applicable.

1. Public electric vehicle charging stations are permitted as an accessory use within any principal or ancillary parking lot; ~~or~~ parking structure; ~~or gas station; and-~~
2. Public electric vehicle charging station spaces shall be posted and painted with a sign indicating the space is designated for electric vehicle charging purposes. Days and hour of operations shall be included if tow away provisions are to be enforced by the owner of the property. Information identifying voltage and amperage levels and ~~or~~ safety information shall be posted; ~~and-~~
3. Charging station equipment shall be maintained in good condition and all equipment shall be functional. Charging stations no longer in use shall be removed.

#### H. Fence

A structure used as a boundary, screen, separation, means of privacy, protection or confinement, and is constructed of wood, plastic, metal, wire mesh, brick, masonry, or other similar material and is used as a barrier. A retaining wall is not considered a fence. The following shall apply where applicable.

1. All fences and walls over seven feet in height and all fences and walls in the Critical Area of any size require a building permit; ~~and-~~
2. Fences may be constructed at the boundaries of a lot or parcel (along lot lines or parcel lines); ~~and-~~
3. Fences are ~~not permitted~~ ~~prohibited~~ within any utility easement, drainage easement, or across access easements; ~~and-~~

~~4. Fence height is measured from the adjacent ground to the highest point on the fence that is not part of a decorative post. Decorative posts that are a part of a fence may exceed the maximum height by nine inches.~~

~~a. Fences are limited to a height of eight feet except in the area between the road and the front setback where they are limited to a height of 3 feet 6 inches.~~

~~b. If a fence of a greater height is required and/or a fence is required to be a solid fence by any other section of this Ordinance or other County or State ordinance, then such fence requirements supersede the requirements of item 4.a above.~~

**45.** Fences are not permitted within Natural Resource Protection Areas or Forest Retention Areas. Fences may be placed on the boundaries of these areas if appropriate, however permit approval is required.

#### **I. Garage, Detached**

A detached structure used for the parking and storage of vehicles as an accessory use to a residence. For the purposes of this definition, garage does not include a commercial parking structure. The following shall apply where applicable.

1. A detached garage of any size is prohibited within the required front setback; and-
2. A one-story detached garage with no living space and is less than 500 square feet in gross floor area shall be setback a minimum of five feet from any lot line or parcel line; and-
3. A detached garage 500 square feet or greater in gross floor area, or two-stories or greater in height, or a detached garage with living space shall meet all of the required setbacks of a primary structure.

#### **J. ~~Heritage Site and/or Trail Displays~~**

~~A trail board, kiosk, or station where visitors are directed, either for a fee or at no cost, to gain information about local history.~~

- ~~1. Heritage site(s) and/or trail display(s) shall conform to standards established by the National Park Service.~~

#### **JK. Kiln, Wood-Drying**

A chamber or tunnel used for drying and conditioning lumber, veneer, and other wood products in which the temperature and relative humidity of the circulated air can be varied and controlled. The following shall apply where applicable.

1. A wood-drying kiln is permitted only as an accessory use to a commercial sawmill.

#### **KL. Livestock Enclosures**

Shelters and pens for the keeping of livestock (not including chicken or poultry; see Section 19-1.D). The following conditions apply to lots or parcels on non-farm properties:

1. A minimum lot or parcel size of two acres is required to keep livestock; and-
2. Provisions for sanitation shall meet the requirements of the County Health Department; and-
3. Livestock enclosures shall meet the front setback requirements of a primary structure. Side and rear setbacks shall be 25 feet.

#### **LM. Mechanical Equipment**

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, accessory power generating ~~systems~~ facilities, power storage, and similar equipment. Types of power generating ~~systems~~ facilities include but are not limited to petroleum, methane, ethanol, thermal, and hydroelectric. Wind and solar energy generating systems are not included within this definition. The following shall apply where applicable. ~~This definition does not include wind energy systems or solar energy generating systems.~~

##### **1. Ground-Mounted Equipment**

For multi-family and non-residential uses, ground-mounted mechanical equipment shall be screened from public view by a decorative wall, solid fence, or year-round landscaping that is compatible with the architecture and landscaping of a development site. The wall, fence, or plantings shall be of a height equal to or greater than the height of the mechanical equipment being screened.

## 2. Roof-Mounted Equipment

A parapet wall is required for screening of the equipment, or the equipment shall be housed in solid building material that is architecturally integrated with the structure.

## 3. Wall-Mounted Equipment

These requirements do not apply to window air conditioning units.

a. Wall-mounted mechanical equipment is not permitted on the street side façade of the building(s); ~~and-~~

b. For multi-family and non-residential uses, wall-mounted mechanical equipment that protrudes more than 12 inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture of the subject building(s).

4. Accessory power generating ~~systems~~ ~~facilities~~ shall meet the front setback requirements of a primary structure.

~~5. In Owings, St. Leonard, Lusby, and Solomons Town Centers, provided that any machinery or equipment stored is not visible from adjoining properties or road.~~

## ~~MN.~~ Outdoor Sales and Display (Accessory)

~~Part of a lot or parcel used for outdoor sales ~~and/or~~ display of goods accessory to the principal use. The following shall apply where applicable.~~

~~1. Site plan approval is required.~~

~~12.~~ The outdoor sales and display shall be accessory to a commercial retail use; ~~and-~~

~~23.~~ Outdoor sales ~~and/or~~ display areas cannot exceed 25% of the size of the principal building; ~~and-~~

~~34.~~ The sale or display area shall not be located within designated parking areas unless it can be demonstrated that the parking requirements will be met. Parking shall be provided for the outdoor sales area in addition to the retail commercial building (See Article 27 of this Ordinance); ~~and-~~

~~45.~~ The sale or display area shall not be located within designated travel ways; ~~and-~~

~~56.~~ Fencing, ~~and/or~~ screening, ~~or both,~~ may be required in situations such as where there is a different adjoining land use ~~and/or~~ to ensure safety; ~~and-~~

~~67.~~ In the MC District, the use shall be marine-related.

## ~~NO.~~ Outdoor Storage (Accessory)

~~Part of a lot or parcel used for outdoor storage of goods accessory to the principal use. Outdoor storage does not include machinery or equipment. The following shall apply where applicable.~~

~~1.~~ Outdoor storage is prohibited in the front setback; ~~and-~~

~~2.~~ Outdoor storage is not permitted in any public right-of-way or designated travel ways and shall not be located in such a way that obstructs pedestrian or vehicular traffic or restricts sight distance; ~~and-~~

~~3.~~ Required parking areas shall not be used as outdoor storage. Excess parking areas may be used for outdoor storage. If parking areas are used for outdoor storage site plan approval is required; ~~and-~~

~~4.~~ In Dunkirk Town Center, provided that all storage is 100 percent screened by wood fencing and landscaping.

~~5. In Owings, St. Leonard, Lusby, and Solomons Town Centers, provided that any machinery and/or equipment stored is not visible from adjoining properties or road.~~

## ~~P.~~ Parking of Commercial Motor Vehicles

~~The parking on a regular basis of motor vehicles that are commercially licensed and/or with business identification signs or lettering, including magnetic signs. This definition does not include the periodic parking of commercial motor vehicles on property for the purpose of conducting business on that property (e.g., service calls).~~

~~1. Only commercial vehicles that are the residents' primary means of transportation to and from their place of work are permitted to be parked at residences.~~

~~2. In the I-1, I-2, I-MU, RC, MC, and EC Districts, parking of commercial vehicles shall be accessory to the on-site business.~~

**OP. Pets, Household**

Any companion animals that have been bred and raised to live in or about the habitation of humans and may be permitted in the house, such as dogs, cats, pot-bellied pigs, rabbits, ferrets, domestic rodents, birds, fish, non-venomous reptiles and amphibians. The following shall apply where applicable.

1. Dangerous or wild animals are not permitted to be kept as household pets (See Article 2 of this Ordinance for the definition of dangerous or wild animals).

**PR. Pets, Livestock**

Generally accepted outdoor farm animals (i.e., horses, cows, sheep, swine, goats, llamas, alpacas, etc.) that are kept on non-farm properties as pets rather than for their productive value. ~~Chickens or poultry are not included within this definition (see Section 19-1.D). This definition does not include chickens (see Section 19-1.D for chickens or poultry).~~  
The following conditions apply to lots or parcels on non-farm properties.:

1. A minimum lot or parcel size of two acres is required to keep livestock pets on lots or parcels; ~~and~~.
2. Provisions for sanitation shall meet the requirements of the County Health Department.

**QS. Sawmill, Portable**

A small, self-contained sawmill that is moved to the site where the timber is to be sawn and then moved on to another location.

**RT. Satellite Dish Antennas**

An antenna in the shape of a shallow dish, used to receive communications (television and otherwise) from orbiting satellites or ground transmitters. The following shall apply where applicable.

**1. Satellite Dish Antenna - Less Than Three Feet in Diameter**

- a. Subject to operational requirements, the dish color shall be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider ~~and/or~~ dish manufacturer; ~~and~~.
- b. Every effort shall be made to install satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

**2. Satellite Dish Antenna - Ground Mounted, Greater than Three Feet in Diameter**

- a. The antenna shall comply with all setback requirements of a primary structure; ~~and~~.
- b. The antenna shall not exceed 12 feet in diameter; ~~and~~.
- c. The antenna shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties; ~~and~~.
- d. If located within 200 feet of a residence, the antenna shall, to the extent possible, be constructed of materials and colors that blend with the surroundings. The antenna shall be screened along the antenna's non-reception window with low level ornamental landscaping.

**3. Satellite Dish Antenna - Roof Mounted, Greater than Three Feet in Diameter**

- a. The antenna shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties; ~~and~~.
- b. The antenna shall not exceed 12 feet in diameter; ~~and~~.

- c. If located within 200 feet of a residence, the antenna shall, to the extent possible, be constructed of materials and colors that blend with the surroundings.

**SU. Shed**

An accessory structure ~~often purchased pre-built or as a kit in pre-fabricated sections~~, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment. The following shall apply where applicable.

1. Sheds shall meet the front setback requirements of a primary structure.

**TV. Shipping Container Storage**

The use of containers originally designed to be moved from one mode of transport to another without unloading and reloading, such as trucks and barges, repurposed for accessory storage on a site or for a non-residential use as temporary storage of goods and materials related to the use. The following do not apply to the use of shipping container storage as part of a Temporary Contractor's Office and Contractor's Yard (see Section 18-13.B.3 of this Ordinance). The following shall apply where applicable.

1. Shipping containers for storage purposes are permitted by right for a maximum of 60 days; ~~and-~~
2. Shipping containers for storage purposes in single family detached development are subject to the following:
  - a. A shipping container used for storage for longer than 60 days shall have to meet the same requirements as a shed; ~~and-~~
  - b. No more than two shipping containers used for storage are permitted on an individual lot of parcel.
3. Non-residential uses are permitted the use of shipping containers for storage purposes subject to the following:
  - a. Shipping containers that are placed on-site for more than 60 days shall submit a plot plan and approval from Department of Planning & Zoning is required; ~~and-~~
  - b. Shipping containers shall not block any drive aisles or parking spaces, or negatively impact site circulation patterns.

**UW. Solar Energy Generating System, Accessory**

A renewable energy generating facility that uses energy from the sun to produce electricity for on-site use as accessory to a principal use; for which excess electricity generated and not immediately utilized for on-site use or temporarily stored for future on-site use may be provided to a utility company in exchange for a credit or other compensation methodology as prescribed by the utility company, provided the property has existing electrical service supplied by the utility. The following shall apply where applicable.

**1. General Requirements**

- a. A solar energy generating system may be building-mounted or freestanding; ~~and-~~
- b. Solar energy generating systems shall be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

**2. Building-Mounted Systems**

- a. A building-mounted system may be mounted on the roof or wall of a principal building or accessory structure; ~~and-~~
- b. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches; ~~and-~~
- c. On flat roofed buildings up to 40 feet in height, the roof-mounted solar energy generating system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar energy generating system is limited to 15 feet above the height of such structure. Roof-mounted solar energy generating systems are excluded from the calculation of building height; ~~and-~~

d. Wall-mounted solar energy generating systems may project up to four feet from a building wall and shall be integrated into the structure as an architectural feature.

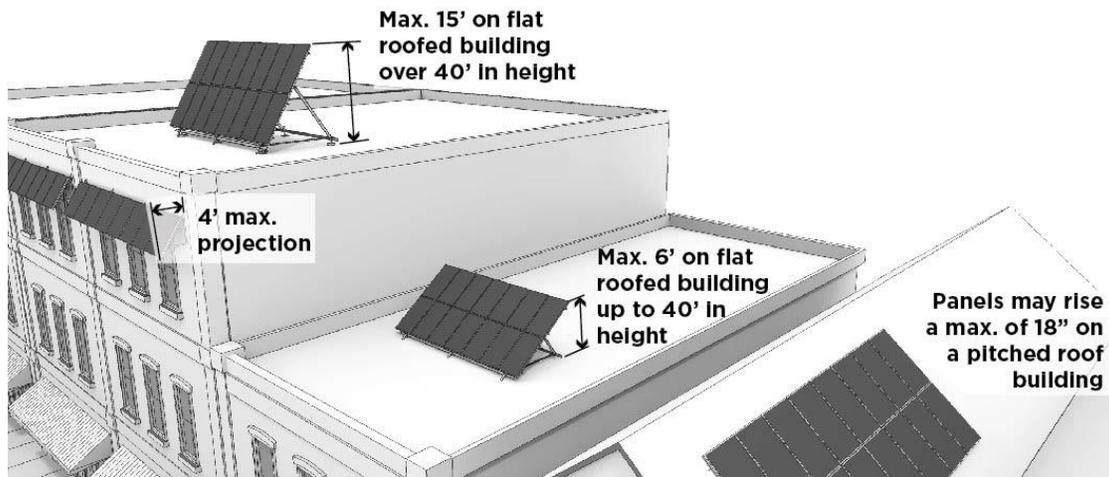
### 3. Freestanding Systems

- a. A freestanding system shall meet the front setback requirements of a primary structure; ~~and-~~
- b. The freestanding system is limited to a maximum of 20 feet in height; ~~and-~~
- c. A freestanding system is not permitted in designated open space.

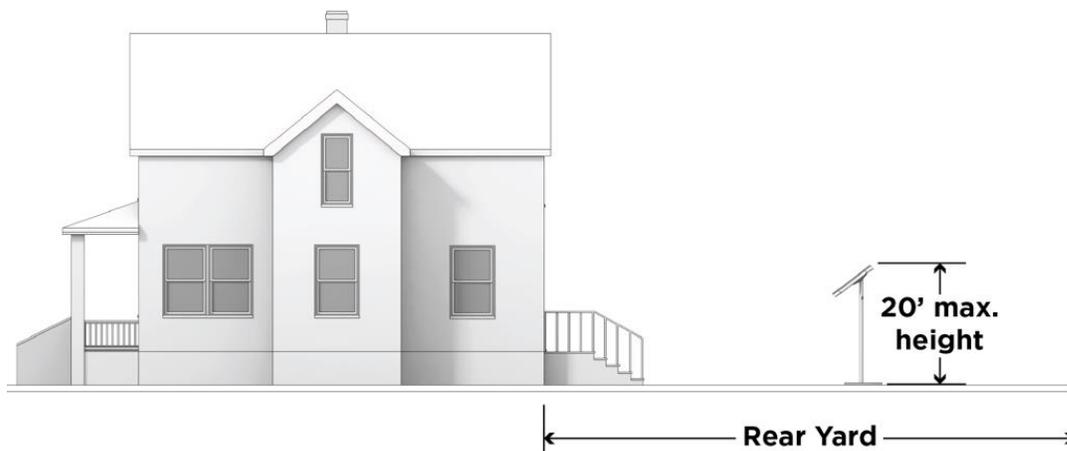
### 4. Co-Location

Solar energy generating systems may be co-located on structures, such as light poles. Co-located solar energy generating systems in these instances are excluded from the calculation of the accessory structure height.

## SOLOR ENERGY GENERATING SYSTEMS – ROOF MOUNTED



## SOLOR ENERGY GENERATING SYSTEMS – FREESTANDING



**WX. Utility Boxes**

~~Electric transformers, switch boxes, telephone pedestals and telephone boxes, television pedestals and televisions boxes, traffic boxes, and similar devices.~~

- ~~1. Utility boxes may be located within the front setback but shall be located a minimum of 30 feet from a street in the FFD and RCD and a minimum of 15 feet in all other zoning districts; and.~~
- ~~2. Utility boxes may be located within the side setback but shall be located a minimum of five feet from any side lot line or parcel line.~~

**19-2 PERMITTED ENCROACHMENTS**

An encroachment is the extension or placement of an accessory structure or architectural feature within a required front, side, or rear setback. Permitted encroachments are indicated in Table 19-2: Permitted Encroachments into Required Setbacks.

- A.** Section 19-1 contains regulations on additional accessory structures and architectural features not listed in Table 19-2, which may include additional permissions or restrictions on permitted encroachments within required setbacks.
- B.** Unless otherwise indicated in Table 19-2 or Section 19-1, all accessory structures and architectural features shall meet the requirements for general accessory structures (Section 19-1.A).
- C.** When an attached or detached accessory structure or architectural feature regulated by Table 19-2 is permitted to locate within a required setback, it also indicates permission to locate in the corresponding yard.
- D.** When an accessory structure or architectural feature regulated by Table 19-2 is prohibited from encroaching within a required setback, the structure or architectural feature may be located in the corresponding yard beyond the required setback unless specifically prohibited.
- E.** All accessory structures and architectural features regulated by Table 19-2 and permitted to locate within a required setback shall be located a minimum of five feet from any lot line or parcel line even if the permitted encroachment is closer than five feet from the lot line or parcel line.

<b>Table 19-2: Permitted Encroachments Into Required Setbacks</b>			
<b>Y= Permitted // N= Prohibited</b>			
<b>Max. = Maximum // Min. = Minimum</b>			
	<b>Front Setback</b>	<b>Side Setback</b>	<b>Rear Setback</b>
<b>Accessibility Ramp</b>	Y	Y	Y
<b>Air Conditioner Window Unit</b> <i>Max. projection from building wall shall be 18"</i>	Y	Y	Y
<b>Bay Window</b> <i>Max. permitted encroachment shall be 5' into any setback</i> <i>Shall be a min. of 24" above ground</i>	Y	Y	Y
<b>Canopy</b> <i>Max. permitted encroachment shall be 5' into any setback</i> <i>Shall be located a min. of 10' from any lot line or parcel line</i> <i>Shall have a max. 15' width or no more than 3' extension on either doorway side, whichever is less</i> <i>Does not include canopies used as a sign</i>	Y	Y	Y
<b>Chimney</b> <i>Max. permitted encroachment shall be 18" into any setback</i>	Y	Y	Y
<b>Eaves</b> <i>Max. permitted encroachment shall be 3' into any setback</i>	Y	Y	Y
<b>Fire Escape</b> <i>Max. permitted encroachment shall be 3' into setback</i>	N	Y	Y
<b>Sills, belt course, cornices, and ornamental features</b> <i>Max. permitted encroachment shall be 3' into any setback</i>	Y	Y	Y
<b>Stoop</b> <i>Max. permitted encroachment shall be 5' into any setback</i>	Y	Y	Y

