

§267-27. Accessory Uses and Structures.

A. Generally. Except as otherwise restricted by this Part 1, customary accessory structures and uses shall be permitted in any district in connection with the principal permitted use within such district. Private roads and driveways shall be permitted in any district as an accessory use to any principal use when located in the same district as the principal use.

B. Zoning Certificate required. **NEW** All accessory uses and structures, whether or not specified in this Section, require the issuance of a Zoning Certificate. **Reworded. Current Code says accessory uses specified in this section require a permit, any use not specified does not require a permit.**

C. Use limitations. In addition to the other requirements of this Part 1, an accessory use **(ADDED) or structure** shall not be permitted unless it strictly complies with the following:

- (1) In the AG, RR, R1, R2, R3, R4 and VR Districts, an accessory structure shall neither exceed 50% of the square footage of habitable space **(ADDED) or 1,000 square feet, whichever is greater.** The height of the accessory structure shall not exceed the height of the principal structure.

Omitted: "This does not apply to agricultural structures, nor does it affect the provisions of § 267-24, Exceptions and modifications to minimum height requirements"

- (2) No accessory structure shall be used for living quarters, the storage of contractors' equipment or the conducting of any business unless otherwise provided in this Part 1.

- (3) No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structure.

(4) No accessory use or structure on any lot shall increase any impervious surface area beyond the maximum permitted.

(5) No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages as specified in §267-23 (Yards), and modifications to minimum yard requirements.

- (6) Uses and structures.

(a) For agricultural lots, detached accessory structures must be located:

[1] A minimum of 10 feet from the side or rear lot lines, unless the lot has a recorded easement.

[2] For lots with recorded easements, the owner must obtain a building permit or Zoning Certificate to locate any detached accessory structure within the recorded easement pursuant to §267- 27C(8); otherwise, the setback shall be equal to the width of the recorded easement or 10 feet, whichever is greater.

Changed from "(6) No accessory use or structure, except fences, shall be located within any recorded easement area."

(b) For residential lots, **NEW** **accessory structures will be considered attached if they are within 3 feet of the principal structure and** must meet the principal structure setback requirements. For residential lots, detached accessory structures shall be located:

[1] A minimum of 3 feet from side or rear yard lot lines, unless the lot has a recorded easement.

[2] For lots with recorded easements, the owner must obtain a building permit or Zoning Certificate to locate any detached accessory structure within the recorded easement pursuant to §267- 27C(8); otherwise, the setback shall be equal to the width of the recorded easement or 3 feet, whichever is greater.

(c) For townhouses and zero-lot-line dwellings, detached accessory structures shall be located:

[1] Zero feet from side or rear yard lot lines, unless the lot has a recorded easement.

[2] For lots with recorded easements, the owner must obtain a building permit or Zoning Certificate to locate any detached accessory structure within the recorded easement pursuant to §267-27C(8); otherwise, the setback shall be equal to the width of the recorded easement.

(d) The front, side and rear yard setback for accessory uses and structures for business, industrial, and Continuing Care Retirement Community uses shall be equal to the same setbacks required for the principal structure.

NEW (e) For institutional uses, the front, side and rear yard setback for accessory uses and structures shall be equal to the same setbacks required for the principal structure. This requirement may be reduced up to 50% for accessory structures less than 300 square feet, located in the side and rear yard.

(f) Retaining walls, 4 feet or greater in height, shall require a Zoning Certificate.

~~(7) Septic reserve areas, wells and stormwater management facilities may be permitted in any district to serve a use permitted and located in another district. These uses may also be permitted in a use setback.~~

FOH: This is one of the worst provisions in the Draft Code. What this actually says is you may put your

- **FAILED septic system**
- **well**
- **or stormwater management facility**
-

anywhere.

It does not matter if the property owner is the same. It does not matter if the properties adjoin each other. It does not matter what the zoning is for either the property. It does not matter if the property has a required setback, you may put your well, septic or SWM there. This is a free-for-all for any development. Remove this section.

NEW ~~(8) The placement of accessory structures, except fences, shall be allowed in any recorded drainage and utility easement, pursuant to the following:~~

~~(a) The accessory use or structure shall meet the setback and square footage requirements contained in §267-27(C);~~

~~(b) The Department of Public Works shall approve the location;~~

~~(c) The accessory structure shall meet the applicable requirements of this Section;~~

~~(d) The applicant shall sign a hold harmless form, provided by the County;~~

FOH: Fences are the least intrusive of structures, yet not allowed. This says that you may ignore (after jumping through a few Bureaucratic hoops) all drainage and utility easements. You can put a garage or a shed on it, but, you cannot put a fence on it. Remove this section.

C (7) Code omitted – detached accessory structures less than 6’ from the principal structure or lot line must comply with the Building Code.

C.(8) in Existing Code omitted – accessory structure may be replaced at the same location if it was established in accordance with the zoning regs. applicable at the time it was originally placed on the site.

D. Accessory uses in agricultural and residential districts. The following accessory uses shall be permitted in agricultural and residential districts upon issuance of a Zoning Certificate, unless otherwise specified, in accordance with the following:

- (1) Pens or runs for animals shall not be located within 50 feet of any adjacent residential lot line. Kennels shall be permitted only as special exceptions. **Omitted “stalls”**

(2) Recreation facilities, such as swimming pools and tennis courts, if the facilities are used by the occupants, or guests of the principal use, and no admission or membership fees are charged, provided that the edge of the facility, (ADDED) including all mechanical equipment, shall be located at least 10 feet from any side or rear lot line. For community pools and tennis courts, the edge of the facility shall be located not less than 50 feet from any residential unit or side and rear lot line. Omitted: "not including security fences"

(3) Storage in any structure on a residential lot.

(4) Home occupations or professional offices. Home occupations or professional offices within the home may be permitted in accordance with the following criteria, modification of which can be granted only through Board of Appeals approval:

(a) The home occupation must be clearly incidental and subordinate to the residential use and shall not exceed in area 25% of the gross floor space of the principal building.

(b) The home occupation shall be conducted within the dwelling unit or accessory structure, and no outdoor display or storage of materials, goods, supplies or equipment used in the home occupation shall be permitted on the premises. - removed restriction on outdoor advertisement

(c) The residential character of the dwelling unit shall not be altered to accommodate a home occupation.

(d) Not more than 1 person, or 2 persons for medical offices, other than members of the immediate family residing in the dwelling unit, may be employed in the home occupation. The total of all employees, inclusive of family members, shall not exceed 3. No home occupation shall be open to the public between 9:00 p.m. and 8:00 a.m.

(e) No home occupation shall generate greater traffic volumes, or increased traffic hazards, than would normally be expected in a residential district.

(f) No retail sales, other than for goods produced on the premises, shall be conducted on the premises.

(g) Additional off-street parking required for the home occupation shall be provided in the side or rear yard of the lot and shall be buffered from adjacent public roads and residential lots.

(h) No goods, materials or supplies shall be delivered by commercial vehicles, either to or from the premises, in connection with the home occupation, except by the United States Postal Service or a delivery service.

(i) Notwithstanding the above, home occupations shall not include automobile repair; selling of bait, crabs or fish; construction businesses; dancing or karate schools; funeral homes; kennels; medical clinics; petroleum storage or delivery businesses; printing businesses; private clubs; radio stations; restaurants; or variety or gift stores. Omitted: beauty or Barber Shops and Photography Studios

FOH: Recommend one check for sanitary/health issues with state licensing.

(5) Agricultural tenant house, including mobile homes, for bonafide farm workers when not more than 1 such structure is provided on 11 to 99 acres, and an additional 1 tenant house for parcels of 100 acres or more

Changed from: . not more than one (1) additional tenant house per fifty (50) acres thereafter.

(6) Private horse stables, provided that any stables, corrals, feeding and bedding areas for horses shall be located at least 50 feet from any public road or lot lines. Changed from limit of 2 or more horses 50' from road and 100' from residential line. Omitted: . Pastures can extend to the property line.

(7) Agricultural retail grown on site, provided that the parcel has sufficient road frontage to ensure safe ingress and egress. Any permanent or (ADDED) temporary structure shall meet the minimum front, rear and side

yard requirements for principal agricultural structures in the district. Entrances and exists to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.

(8) Recreational vehicles and equipment shall be stored in the rear yard or in the side yard if completely buffered from any adjacent residence and the side yard setback of the district for the principal use is maintained. No living or sleeping in or other occupancy of a recreational vehicle, camper or trailer shall be permitted for more than 7 calendar days within any 90 day period unless the location has been approved for such use. No zoning certificate is required.

(9) A commercial vehicle having a gross vehicle weight or a gross combination weight of 10,000 pounds or less and that is 22 feet or less in length may be allowed in residential (ADDED) and agricultural districts on the basis of 1 vehicle for each lot. No zoning certificate is required.

(10) One inoperative or untagged motor vehicle may not be parked or stored on any lot of less than 2 acres for a continued period of more than 6 months and 2 inoperative or untagged motor vehicles may be parked or stored on any lot of 2 acres or more. This requirement does not apply to bonafide agricultural equipment or vehicles stored within a completely enclosed building.

(11) A day-care center operated in a church, private school or public school.

(12) Mulch storage and sales as an accessory use to commercial greenhouses and nurseries in the AG District, provided that:

(a) A separate Zoning Certificate is not required;

(b) The sale of mulch accounts for less than 20% of the annual gross sales receipts of the greenhouse or nursery;

(c) Outdoor storage of mulch is limited to:

[1] A maximum area of 1 acre or 10% of the total lot area, whichever is less; and

[2] A maximum height of 10 feet;

(d) If the Department determines that there is reason to believe that the mulch sales and storage are of such an extent as to constitute more than an accessory use, the owner of the property shall provide, within 14 calendar days after receiving written notice from the Department, evidence that the percentage requirement is not being violated. If such evidence is not provided, the Department shall proceed with the appropriate enforcement action;

(e) In accordance with the State law on access to public records, §10-611 et seq of the State Government Article, the Department shall treat the gross sales receipts information it obtains as confidential financial information, and shall not permit public inspection of the information; and

(f) If a mulch storage and sales operation, conducted as an accessory use to a commercial greenhouse or nursery, does not meet the requirements of items (b) or (c) of this Paragraph (13), (should be paragraph (12) the operation shall be considered the principal use of the property, and shall be subject to the requirements applicable to a mulch storage and sales operation conducted as a principal use.

E. Accessory uses permitted in business and industrial districts. The following accessory uses shall be permitted in the business and industrial districts upon issuance of a Zoning Certificate, unless otherwise specified, in accordance with the following:

(1) Incidental repair facilities and outside storage of goods normally carried in stock, used in, or produced by, the business or industrial use, provided that no storage is within 10 feet of any side or rear lot line, all storage is effectively buffered from any adjacent residential use or district and such use is not prohibited under the applicable district regulations of this Part 1.

(2) A dwelling unit, including a mobile home, for a caretaker or watchman shall be permitted, provided that:

(a) Not more than 1 dwelling unit is provided for security or protection of the principal use.

(b) The requirements for the dwelling unit shall not differ from those imposed by this Part 1 for a housing unit of the same or similar type as a principal permitted use.

(3) Retail sales in industrial districts shall be permitted, provided that the goods sold are manufactured or produced on the site.

(4) Mulch storage and sales as an accessory use to commercial greenhouses and nurseries in the VB and GI Districts, provided that:

(a) A separate Zoning Certificate is not required;

(b) The sale of mulch accounts for less than 20% of the annual gross sales receipts of the greenhouse or nursery;

(c) Outdoor storage of mulch is limited to:

[1] A maximum area of 1 acre or 10% of the total lot area, whichever is less; and

[2] A maximum height of 10 feet;

(d) If the Department determines that there is reason to believe that the mulch sales and storage are of such an extent as to constitute more than an accessory use, the owner of the property shall provide, within 14 calendar days after receiving written notice from the Department, evidence that the percentage requirement is not being violated. If such evidence is not provided, the Department shall proceed with the appropriate enforcement action;

(e) In accordance with the State law on access to public records, §10-611 et seq of the State Government Article, the Department shall treat the gross sales receipts information it obtains as confidential financial information and shall not permit public inspection of the information; and

(f) If a mulch storage and sales operation, conducted as an accessory use to a commercial greenhouse or nursery, does not meet the requirements of items (b) or (c) of this Paragraph (4), the operation shall be considered the principal use of the property, and shall be subject to the requirements applicable to a mulch storage and sales operation conducted as a principal use.

F. Exemptions. The following accessory uses are exempt from the provisions of this Section and shall not require a Zoning Certificate.

(1) Day-care homes, family.

§267-28. Temporary Uses.

Temporary uses shall be permitted, subject to the following:

A. Zoning Certificate. Temporary uses specified in this Section require the issuance of a Zoning Certificate. **Omitted any temporary use not specified in this section does not require a zoning certificate**

B. Specific temporary uses. The temporary uses described below shall be subject to the following:

(1) A carnival, circus or public event, excluding religious activities, if permitted within the district, shall be allowed for a maximum period of 30 **ADDED** calendar days, provided that no structure or equipment shall be located within 200 feet of any residential district. When a carnival, circus or public event, excluding religious activities, accommodates more than 300 people, it shall be subject to the following additional requirements:

(a) The Zoning Certificate shall specify the use, dates and hours of operation of the event.

(b) Adequate arrangements for temporary sanitary facilities must be approved by the State or County Department of Health and Mental Hygiene.

(c) No permanent or temporary lighting shall be installed without an electrical permit.

(d) The site shall be cleared of all debris at the end of the event and cleared of all temporary structures within 3 calendar days thereafter. A bond in the amount of \$500.00, or a signed contract with a disposal firm, shall be provided to ensure that the premises shall be cleared of all debris.

(e) Adequate off-street parking shall be provided, and a stabilized drive to the parking area shall be maintained.

(f) It shall be the responsibility of the applicant to guide traffic to parking areas. The applicant shall notify the local enforcement authority and shall provide adequate traffic control.

(2) Christmas tree displays and sales for non-profit organizations shall be permitted in any district for a maximum period of 45 calendar days.

(3) Contractor's office and construction equipment sheds or accommodations for security shall be permitted in any district if the use is incidental to a construction project. A Zoning Certificate is not required for these uses; however, a minimum setback of 10 feet from all property lines is required. The office or shed shall be removed upon completion of the project.

(4) A real estate sales office shall be permitted in any district for rental or sale of dwellings in the project. The office shall be removed upon initial sales of all units. A rental office may be permanently maintained in a rental project.

(5) Agricultural retail shall be permitted on a seasonal basis, provided that the parcel used for agricultural purposes has sufficient road frontage to ensure safe ingress and egress. Sales area, including produce stands, shall be set back a minimum of 20 feet from the nearest public road right-of-way. Entrances and exits to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.

(6) When fire or natural disaster has rendered a residence unfit for human habitation, the temporary use of a mobile home, located on the lot during rehabilitation of the original residence, or construction of a new residence, is permitted for a period of 12 months, if water and sanitary facilities approved by the State Department of Health and Mental Hygiene are provided. The Zoning Administrator may extend the permit an additional 60 calendar days. Further extensions thereof shall require Board approval. The mobile home shall be removed from the property upon completion of the new or rehabilitated residence.

(7) Hawkers and peddlers sales shall be permitted in the VB, B2, B3 and CI Districts, subject to the following additional requirements:

(a) The Zoning Certificate shall specify the type of use and the dates of the sale. The Zoning Certificate shall be valid for a period of 1 year, at which time, the applicant may apply for another Zoning Certificate upon complying with the provisions of this Section.

(b) Only temporary lighting shall be permitted.

(c) The site shall be cleared of all debris at the end of the sale and cleared of all temporary structures within 3 calendar days thereafter.

(d) The parcel used for the proposed use shall have sufficient road frontage to ensure safe ingress and egress.

(e) Sales and display areas shall be set back a minimum of 35 feet from the center line of the road or 10 feet from the public road right-of-way, whichever is greater.

(f) The proposed use shall not:

[1] Generate greater traffic volumes or increased traffic hazards than normally would be expected in the district.

[2] Be detrimental to the use or development of adjacent properties or neighborhoods.

(g) Sales on any 1 parcel shall not be conducted for more than 185 calendar days in any 1 year.

(h) Issuance of certificates.

[1] At the time the applicant applies for a Zoning Certificate, the applicant shall provide the Zoning Administrator with the following information:

[a] The location of the parcel or parcels where the sale or sales are to be located.

[b] Written permission from the property owner or the lawful tenant of the parcel or parcels where the sale or sales are to be located, giving approval for the use.

[c] A copy of the license issued by the State.

[2] A Zoning Certificate issued by the Zoning Administrator shall cover all parcels where the sale or sales are to be located.

(i) The provisions of this Subsection shall not apply to any exemption as provided for by State law and shall not include the sale by a farmer of any produce grown on, and sold from, the farmer's property.

(j) No hawker or peddler shall operate from a vehicle which has a manufacturer's rated capacity greater than 1 ton.

(k) The provisions of this subsection shall not be construed to relieve any hawker or peddler from any law, rule, regulation or resolution enacted by the State of Maryland.

omitted (j), which allowed one temporary sign 32 s/f in size, 6' in height,

(8) Cottage houses.

omitted (a) Definitions and (b) zoning districts in which they are permitted

(a) A cottage house is permitted on a single lot in the AG, RR, R1, R2, R3, R4, RO and VR Districts, provided that:

[1] On a lot of 2 acres or less, the cottage house is located within a dwelling currently on the lot;

[2] On a lot of more than 2 acres, the cottage house may be located within a dwelling currently on the lot or may be a mobile home;

[3] If the cottage house is a mobile home, the cottage house must meet the setback requirements for transient housing uses, except that in the AG District, the minimum rear yard setback for a mobile home cottage house is 40 feet;

[4] When the cottage house is a mobile home, skirting of a compatible material is substituted for a foundation;

[5] The lot owner submits a letter of approval from the Health Department, stating that the water and sewer facilities for the cottage house meet Health Department requirements;

[6] The lot owner submits a copy of the property deed and any homeowners' association agreement to which the lot is subject;

[7] The lot owner lives in 1 of the 2 dwellings on the lot;

[8] A relative of the lot owner lives in the other dwelling; and

[9] Either the lot owner or the relative:

[a] Is more than 62 years old; or

[b] Has a disability.

(b) If an application for a cottage house permit is based upon a disability of the lot owner, or a disability of a relative of the lot owner:

[1] The application shall include a physician's statement documenting the disability; and

[2] Every 2 years the lot owner shall submit an additional statement from a physician that documents the lot owner's or relative's continuing disability; and

[3] At least 60 calendar days before the additional statement is due, the Department shall notify the lot owner of the date by which the statement is due.

(c) If the temporary cottage house is visible from a residence on an adjacent parcel, the Department may require the property owner to plant a "Type A" buffer yard, pursuant to §267-30 (Buffer Yards) :
Changed from: P&Z can require evergreen screen or shrubs between c/h and residence on adjacent parcel

(d) The Zoning Certificate for a cottage house shall be deemed null and void if:

[1] The parcel is transferred or assigned;

[2] Any of the requirements of this Section are not met by the applicable due date; or
:CHANGED from: Permit is revoked if the additional physician's statement is not submitted by the due date.

[3] The need for the cottage house ends.

(e) When a zoning certificate is nullified, the lot owner shall remove the mobile home or incorporate the cottage house into the principle dwelling within 60 calendar days. CHANGED FROM: When a permit is revoked the lot owner shall remove the cottage house within 60 calendar days

(f) Use of a cottage house under this Subsection B(8) is not grounds for or evidence of hardship for a variance under §267-11 (Variances).

(g) If the lot owner satisfies the requirements of this Subsection B(8), the Department shall:

[1] Issue a Zoning Certificate to the lot owner 21 calendar days after the lot owner satisfies the requirements;

[2] Within 7 calendar days after the lot owner satisfies the requirements, post the property, which is the subject of the application, with a notice that the lot owner has applied for a cottage house Zoning Certificate, and has satisfied the requirements; and

[3] Within 7 calendar days after the lot owner satisfies the requirements, notify by mail each owner of real property adjacent

to the lot:

[a] That the property owner has applied for a cottage house Zoning Certificate and has satisfied the requirements;

[b] That the Zoning Certificate is temporary;

[c] That the cottage house must be removed or incorporated into the principal dwelling when the Zoning Certificate is nullified under Subsection B(8)(e):
CHANGED FROM: If the lot owner satisfies the requirements P&Z shall mail adjacent property owners notice that the cottage house must be removed when the permit is revoked.

[d] Of the requirements imposed on the property owner; and

[e] Of any other information the Department deems relevant.

