

COUNTY ORDINANCE NO. 05-14

A BILL ENTITLED

AN ACT CONCERNING the Authorization of Certain Incidental Residential Architectural Features and Providing Exceptions to Minimum Setbacks.

FOR THE PURPOSE of exempting driveways, curbs, fences and walls from zoning approval under Part 7 of Chapter 18 of the Public Local Laws of Queen Anne's County and providing exceptions to minimum setbacks for certain incidental residential architectural features;

BY REPEALING AND READOPTING WITH AMENDMENTS Section 18:1-40 of Chapter 18 of the Code of Public Local Laws of Queen Anne's County, (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18:1-40 of the Code of Public Local Laws of Queen Anne's County be repealed and reenacted with amendments to read as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED, that this Ordinance shall take effect on the forty-sixth (46th) day following its passage.

INTRODUCED BY: Gene Ransom

DATE: June 7, 2005

PUBLIC HEARING HELD: July 26, 2005

VOTE: 4 Yea 0 Nay

DATE OF ADOPTION: August 2, 2005

ARTICLE VI

Accessory Uses

§ 18:1-40. Exempt accessory structures and architectural features.

A. In general. This section is intended to authorize the location of certain incidental accessory structures and architectural features without formal zoning approval.

B. Exceptions to minimum setbacks

The following incidental residential architectural features shall be allowed to project into and/or overhang into any required minimum setback or building restriction line (BRL) provided that the projection into a setback does not exceed four feet and is not supported by a foundation:

- (1) Awnings;
- (2) Bay Windows;
- (3) Canopies; and
- (4) Chimney and roof overhangs;

C. Structures generally exempt. The following incidental accessory structures may be located at any place on any lot and do not require a zoning approval under Part 7 of this Chapter 18:1:

- (1) A structure, other than a sign, that:
 - (a) Is designed and may be reasonable considered to be solely ornamental or decorative; and
 - (b) Serves no other purpose or function.
- (2) A blind or other structure designed and used solely for hunting birds, waterfowl, or game during the appropriate hunting season.

D. Structures exempt on residential lots. The following incidental accessory structures may be located at any place on a residential lot and do not require a zoning approval under Part 7 of this Chapter 18:1:

- (1) A single flagpole;
- (2) A birdhouse, bird feeder, bird bath, or combination of them that does not dominate any yard;
- (3) A single clothesline or other device for the drying of

laundry;

(4) A single shelter for one domestic dog or cat, that is of a type normally found on residential properties and does not exceed 3 ½ feet in height and is at least three feet from any lot line;

(5) Recreational equipment, including:

(a) Swings, hammocks, horseshoe pitches, basketball backboards and hoops, and tennis or badminton nets and poles; and

(b) Other recreational facilities that do not involve or utilize impervious surface other than impervious surface that is established and used primarily in connection with:

(1) The principal use of the lot; or

(2) A structure other than an incidental accessory structure

(6) Except where specific provisions are otherwise made with respect to such facilities under this Chapter 18:1, including an approval (such as an approval given by the Board of Appeals or in connection with site plans or subdivision) given under this Chapter 18:1, a well or septic system that:

(a) Serves only the lot on which it is located;

(b) Complies with all other applicable laws and regulations; and

(c) Does not extend to any degree above the surface of the lot.

(7) Driveways and their curbs; and

(8) Fences and walls, provided that their installation does not violate any other provisions of this Chapter 18.

E. Determination of an accessory structure. The owner of a lot is solely responsible for the initial determination of whether the erection or maintenance of any structure on that lot is an incidental accessory structure authorized by this section. However, nothing in this article shall be construed to prohibit any agency or individual concerned with the enforcement of this article, or any other aggrieved person, from challenging the owner's determination at any time. If a structure is determined not to be an incidental accessory structure authorized by this section, it shall be removed from the lot at the sole cost and expense of the owner of that lot.