

COUNTY COUNCIL

OF

DORCHESTER COUNTY, MARYLAND

BILL NO. 2024-3

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND AMENDING CHAPTER 155 (ZONING) OF THE DORCHESTER COUNTY CODE FOR THE PURPOSE OF AMENDING § 155-50(A)(1)(d) REGARDING THE SIZE OF RESIDENTIAL ACCESSORY STRUCTURES; PROVIDING THAT THE TITLE OF THIS BILL SHALL BE DEEMED A FAIR SUMMARY, AND GENERALLY RELATING TO RESIDENTIAL ACCESSORY STRUCTURES IN DORCHESTER COUNTY, MARYLAND.

WHEREAS, pursuant to Md. Code Ann., Land Use § 4-204 and § 155-5(A)(1) of the Dorchester County Code (the “County Code”), the County Council of Dorchester County, Maryland (the “County Council”) is authorized and empowered to adopt and amend the regulations, restrictions, definitions, districts, classifications, and boundaries set forth in Chapter 155 (Zoning) of the County Code (“Chapter 155”); and

WHEREAS, following a public hearing held on September 6, 2023, the Dorchester County Planning Commission (the “Planning Commission”) recommended that the County Council approve a text amendment amending Chapter 155 (Zoning) of the Dorchester County Code for the purpose of amending § 155-50(A)(1)(d) regarding the size of accessory residential structures; and

WHEREAS, on March 5, 2024, the County Council held a public hearing regarding the foregoing text amendment recommended by the Planning Commission, notice of which was published on February 18, 2024, and February 25, 2024, in the Star Democrat, a newspaper of general circulation in the County, in accordance with Md. Code Ann., Land Use § 4-203(b) and § 304(b) of the Dorchester County Charter; and

WHEREAS, having considered the recommendations of the Planning Commission and the Department of Planning and Zoning Staff, as well as the comments made during the September 6, 2023, public hearing, the County Council finds that it is in the best interest of the County to amend Chapter 155 (Zoning) of the Dorchester County Code for the purpose of amending § 155-50(A)(1)(d) regarding the size of accessory residential structures; and

WHEREAS, the County Council finds that the text amendment set forth herein is necessary to promote and protect the public health, safety, and welfare.

SECTION ONE: Acting under Md. Code Ann., Land Use § 4-204 and § 155-5(a)(1) of the Dorchester County Code, be it enacted and ordained by the County Council Of Dorchester

County, Maryland that Chapter 155 of the Dorchester County Code entitled "Zoning," be and it is amended as follows:

Chapter 155

ZONING

* * *

§ 155-50. Supplementary use regulations.

* * *

A. Accessory uses and structures.

* * *

(1) Accessory uses and structures.

* * *

(d) Size of residential accessory structures. Residential accessory structures, excluding swimming pools, shall adhere to the following size limitations in the following districts:

[a] ~~SR, SR-RCA, RR, and RR-RCA, RR-C, AC, AC-RCA, RC and RC-RCA~~ Zoning Districts: No residential accessory structure or sum total of residential accessory structures shall exceed the building footprint of the principal residential structure ~~or 1,200 square feet whichever is greater. In addition, any permit issued under this section shall state that "the structure is for personal use only." Any residential accessory structure or structures exceeding the 1,200 square feet or building footprint of the principal residential structure would require a special exception.~~

[b] ~~AC, AC-RCA, RC, RC-RCA and RR-C~~ Zoning Districts: No residential accessory structure or sum total of residential accessory structures shall exceed the building footprint of the principal residential structure ~~or 1,600 square feet whichever is greater. Any residential accessory structure or structures exceeding the 1,600 square feet allowed would require a special exception by the Board of Appeals. Note: This restriction does not apply to parcels that are part of a bona fide farming operation as determined by the Director of Planning.~~ as set forth in the following table:

<u>Lot Size</u>	<u>Allowable Square Footage of Accessory Structure</u>
<u>Up to 1.99 acres</u>	<u>Not to exceed 200 percent of the</u>

	<u>building footprint of the principal residential structure</u>
<u>2 acres to 4.99 acres</u>	<u>Not to exceed 300 percent of the building footprint of the principal residential structure</u>
<u>5 acres and above</u>	<u>Not to exceed 500 percent of the building footprint of the principal residential structure</u>

Any accessory structure exceeding 300 percent of the building footprint of the principal residential structure shall require a special exception by the Board of Appeals. Parcels that are part of a bona fide farming operation, as determined by the Director of Planning, shall be exempt from such requirement.

SECTION TWO: And be it further enacted and ordained that if any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Bill, it being the intent of the County Council that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION THREE: And be it further enacted and ordained that all bills, ordinances, or parts thereof inconsistent with the provisions of this Bill are hereby repealed to the extent of such inconsistency.

SECTION FOUR: Pursuant to the Acts be it further enacted and ordained by the County Council of Dorchester County, Maryland that General Code Publishers is directed to codify the above amendments to Chapter 155 of the Dorchester County Code accordingly.

SECTION FIVE: And be it further enacted and ordained pursuant to § 308 of the Charter of Dorchester County, Maryland that promptly after enactment of this Act, the County Manager shall cause a fair summary of this Act to be published at least once in a newspaper of general circulation in Dorchester County, Maryland.

SECTION SIX: And be it further enacted and ordained by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2024-3 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 5th day of March, 2024.

ATTEST:

COUNTY COUNCIL OF DORCHESTER
COUNTY, MARYLAND

BY:



Jeff Powell
Interim County Manager

BY:



George L. Pfeffer, Jr
President

Pfeffer - Aye

Detmer - Aye

Kramer - Absent

Nichols - Aye

Travers - Aye