

FINAL

AMENDED  
July 3, 2017

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2017, Legislative Day No. 31

Bill No. 64-17

Introduced by Mr. Walker

By the County Council, June 5, 2017

---

Introduced and first read on June 5, 2017  
Public Hearing set for and held on July 3, 2017  
Public Hearing on AMENDED bill set for and held on July 17, 2017  
Bill Expires September 8, 2017

By Order: JoAnne Gray, Administrative Officer

---

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Accessory Structures – Sheds, Garages, and  
2 Similar Structures  
3

4 FOR the purpose of allowing sheds, garages, or similar structures as accessory structures  
5 on a lot without a principal structure under certain circumstances; limiting the floor  
6 area of certain sheds, garages, or similar structures constructed as accessory  
7 structures; ~~exempting sheds, garages, or similar structures built as accessory~~  
8 ~~structures from lot merger requirements~~; and generally relating to zoning.  
9

10 BY repealing and reenacting, with amendments: §§ 18-2-204(c) and (d); and 18-4-203(e)  
11 and (e)  
12 Anne Arundel County Code (2005, as amended)  
13

14 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
15 *Maryland,* That Sections(s) of the Anne Arundel County Code (2005, as amended) read  
16 as follows:  
17

18 **ARTICLE 18. ZONING**

19 **TITLE 2. GENERAL PROVISIONS**

20 **18-2-204. Accessory structures.**  
21  
22

---

EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Underlining indicates amendments to bill.  
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 (c) **On a different lot.** An accessory structure or use may not be located on a lot  
2 other than the lot on which a principal structure is located, except that:  
3

4 (1) a fence may be located on a lot without a principal structure [and];  
5

6 (2) a private residential pier to serve a lot with a principal structure may be located  
7 on land owned by a homeowner's association that abuts the mean high-water line if an  
8 agreement is recorded among the land records that allows location and use of the pier on  
9 the land owned by the homeowner's association; AND  
10

11 (3) A SHED, GARAGE, OR SIMILAR STRUCTURE MAY BE LOCATED ON AN  
12 UNIMPROVED LOT ABUTTING A LOT IMPROVED BY A PRINCIPAL STRUCTURE, PROVIDED  
13 THE LOTS ARE UNDER COMMON OWNERSHIP AND THE ACCESSORY STRUCTURE SERVES  
14 THE LOT WITH THE PRINCIPAL STRUCTURE FOR THE EXCLUSIVE USE OF THE OWNER OF  
15 THE PRINCIPAL STRUCTURE ON THE ABUTTING LOT. THE OFFICE OF PLANNING AND  
16 ZONING MAY REQUIRE THAT A STRUCTURE BUILT PURSUANT TO THIS SUBSECTION BE  
17 REMOVED AS A CONDITION OF ISSUANCE OF A BUILDING PERMIT IN THE EVENT A  
18 PRINCIPAL STRUCTURE IS TO BE CONSTRUCTED ON THE SAME LOT AS THE SHED,  
19 GARAGE, OR SIMILAR STRUCTURE.  
20

21 (d) **Floor area.** The floor area of an accessory structure, INCLUDING AN ACCESSORY  
22 STRUCTURE CONSTRUCTED PURSUANT TO SUBSECTION (C)(3), may not be greater than  
23 the floor area of the principal structure.  
24

#### 25 TITLE 4. RESIDENTIAL DISTRICTS

#### 26 18-4-203. Merger of lots in service of a principal use.

27 ~~(e) **Merger by agreement.** Contiguous lots shall be merged by the owner of the lots  
28 for the purpose of serving a principal use, and the owner shall execute and record a lot  
29 merger agreement as a condition precedent to receiving a permit that requires use of the  
30 lots in service of a principal use. A LOT MERGER AGREEMENT IS NOT REQUIRED FOR  
31 ACCESSORY STRUCTURES CONSTRUCTED PURSUANT TO § 18-2-204(C)(3).~~  
32  
33  
34

35 (e) **Accessory uses or structures.** Subsection (d)(1) shall not be construed to prohibit  
36 the Office of Planning and Zoning from allowing an accessory use or structure to remain  
37 on a lot even if that use or structure would become unlawful after the unmerger if:  
38

39 (1) necessary to avoid an unnecessary hardship, such as the removal of a proposed  
40 shared garage or joint use pier; [and]  
41

42 (2) THE ACCESSORY STRUCTURE IS APPROVED PURSUANT TO § 18-2-204(C)(3) AND  
43 THE CONSTRUCTION OF A PRINCIPAL USE ON THE LOT DOES NOT REQUIRE REMOVAL OF  
44 THE EXISTING ACCESSORY STRUCTURE TO MEET THE REQUIREMENTS OF THIS ARTICLE  
45 WITHOUT THE NEED FOR A VARIANCE; AND  
46

47 [(2)] (3) the conditions for allowing the use or structure to remain are specified in  
48 the instrument described in subsection (d)(4).  
49

50 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days  
51 from the date it becomes law.

AMENDMENTS ADOPTED: July 3, 2017

READ AND PASSED this 17<sup>th</sup> day of July, 2017

By Order:



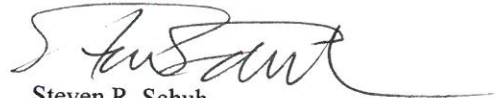
JoAnne Gray  
Administrative Officer

PRESENTED to the County Executive for his approval this 18<sup>th</sup> day of July, 2017



JoAnne Gray  
Administrative Officer

APPROVED AND ENACTED this 24<sup>th</sup> day of July, 2017



Steven R. Schuh  
County Executive

EFFECTIVE DATE: September 7, 2017

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.  
64-17. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.



JoAnne Gray  
Administrative Officer