Requested by: Department of Land Use and Growth Management

Ordinance No. 2022 - 24

Subject: To amend Chapter 285 of the *Code of St. Mary's County, Maryland,* by deleting §51.3. Specific Regulations and Standards, §122 a. (3) Swimming Pool, Private, Non-Commercial, Accessory Standards and renumbering §122 a.(4) as §122 a. (3)

LIBER0030 FOLIO031

ORDINANCE

TO AMEND CHAPTER 285 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND, BY DELETING ST. MARY'S COUNTY COMPREHENSIVE ZONING ORDINANCE § 51.3.122.A.(3) "SWIMMING POOL, PRIVATE, NON-COMMERCIAL, ACCESSORY STANDARDS" AND RENUMBERING § 51.3.122. A.(4) AS § 51.3.122.A.(3).

WHEREAS, pursuant to § 51.3.122.a. of the St. Mary's County Comprehensive Zoning Ordinance, "Swimming Pool, Private, Non-Commercial" is permitted as an accessory structure; and

WHEREAS, St. Mary's County Comprehensive Zoning Ordinance § 71.8.3 allows accessory structures to be constructed in the Critical Area Buffer upon obtaining a variance from the St. Mary's County Board of Appeals after the Board of Appeals has made a finding that the request for the variance has met each of the County's variance standards; and

WHEREAS, the Commissioners of St. Mary's County would like to allow residential property owners in the Critical Area the opportunity to apply for a variance to allow swimming pools and associated decks and enclosures in the Critical Area Buffer; and

WHEREAS, a notice of a public hearing was advertised on April 29, 2022, and May 6, 2022, in *The Southern Maryland News,* a newspaper of general circulation in St. Mary's County, and a public hearing was held on May 17, 2022, to receive public comment and consider the amendment of Chapter 285 of the Code of St. Mary's County, Maryland, by deleting St. Mary's County Comprehensive Zoning Ordinance § 51.3.122a.(3) "Swimming Pool, Private, Non-Commercial, Accessory Standards" and renumbering § 51.3.122.a.(4) as § 51.3.122.a.(3); and

WHEREAS, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to delete St. Mary's County Comprehensive Zoning Ordinance § 51.3.122a.(3) "Swimming Pool, Private, Non-Commercial, Accessory Standards" and renumbering § 51.3.122.a.(4) as § 51.3.122.a.(3).

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, that the St. Mary's County Comprehensive Zoning Ordinance is hereby repealed and replaced as follows:

SECTION I.

122. **Swimming Pool, Private, Non-Commercial.**

a. Accessory Standards:

(1) A building permit shall be required for in-ground, private, non-commercial swimming pools.

(2) In-ground pools shall be set back at least 10 feet from any property line.
(3) Swimming pools shall not be permitted in the front or street side setback area.

SECTION II. This Ordinance shall be effective upon the date written below.

Those voting Aye: 5
Those voting Nay: 0
Those Abstaining: 0
Date of Adoption: 6/7/2022
Effective Date: 6/21/2022

ATTEST:

David Weiskopf
Acting County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Neil Murphy
Deputy County Attorney

COMMISSIONERS OF ST. MARY'S COUNTY

James R. Guy, Commissioner President

Eric Colvin, Commissioner

Michael L. Hewitt, Commissioner

Todd B. Morgan, Commissioner

John E. O'Connor, Commissioner