

**TOWN OF MOUNTAIN LAKE PARK**

**ORDINANCE NO. 2015-04**

**ZONING ORDINANCE AMENDMENT FOR ACCESSORY BUILDINGS**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF MOUNTAIN LAKE PARK AMENDING THE ZONING ORDINANCE TO REPEAL OR AMEND CERTAIN PROVISIONS OF THE ZONING ORDINANCE REGULATING ACCESSORY BUILDINGS AND ADOPTING NEW OR AMENDED PROVISIONS IN THEIR STEAD.**

**WHEREAS**, the Mayor and Town Council of Mountain Lake Park is authorized by the Maryland Local Government Annotated Code Title 5, Subtitle 2, or its successor, and by the Mountain Lake Park Town Charter to enact ordinances to protect the health, safety and welfare of residents of and visitors to Mountain Lake Park, and

**WHEREAS**, on December 5, 2013, the Mayor and Town Council of Mountain Lake Park adopted a zoning ordinance regulating accessory buildings, and

**WHEREAS**, the Town finds that the current provisions of said ordinance do not permit accessory buildings located on a lot which does not contain a principle building, and

**WHEREAS** Section 201 of the December 5, 2013 Zoning Ordinance states:  
201 Accessory Use or Building: A subordinate use, building or structure customarily incidental or subordinate to, and located on the same lot as the main use or building. The term Accessory Building includes but is not limited to, private garages, gardens or barns, playhouses, greenhouses, swimming pools, outside furnaces, tennis courts, pavilions, gazeboes, patios, storage buildings, treehouses, workshops and hot tubs.

**WHEREAS** Section 210.1 of the December 5, 2013 Zoning Ordinance states:  
210.1 Building Accessory: A building subordinate to the principal building on the same lot and used for purposes customarily incidental to those of the principal building.

**WHEREAS** Section 241.2 of the December 5, 2013 Zoning Ordinance states:  
241.2 Use Accessory: A use located on the same lot with a principal use, and clearly incidental or subordinate to, and customary in connection with, the principal use.

**BE IT ORDAINED AND RESOLVED**, Section 201 of the Zoning Ordinance is rescinded and replaced by the following:

201 Accessory Use or Building: A subordinate use, building or structure customarily incidental or subordinate to, and located on the same lot as the main use or building. The term Accessory Building includes, but is not limited to, private garages, gardens or barns, playhouses, greenhouses, swimming pools, outside furnaces, tennis courts, pavilions, gazebos, patios, storage buildings, tree-houses, workshops and hot tubs. By special exception, this also applies to uses which are not on the same lot as the main use or building.

**BE IT FURTHER ORDAINED AND RESOLVED**, Section 210.1 of the Zoning Ordinance is rescinded and replaced by the following:

Mayor and Town Council of Mountain Lake Park  
Zoning Ordinance Amendment No. 2015-04 for Accessory Buildings

**210.1 Building Accessory:** A building subordinate to the principal building on the same lot and used for purposes customarily incidental to those of the principal building. By special exception, this also applies to uses which are not on the same lot as the main use or building.

**BE IT FURTHER ORDAINED AND RESOLVED,** Section 241.2 of the Zoning Ordinance is rescinded and replaced by the following:

**241.2 Use Accessory:** A use located on the same lot with a principal use, and clearly incidental or subordinate to, and customary in connection with, the principal use. By special exception, this also applies to uses which are not on the same lot as the main use or building.

**BE IT FURTHER ORDAINED AND RESOLVED,** the following is added to Section 405:  
**405 Table of Use Regulations**

<b>ACCESSORY USES</b>	<b>PD</b>	<b>TR</b>	<b>SR</b>	<b>C</b>	<b>AR</b>	<b>R</b>	<b>SW</b>
(63A) Accessory building located on a lot which does not contain a principal building, but is compatible with the surrounding area and such accessory building will not exceed 15 feet wide, 30 feet long, and 12 feet high.	SE	SE	SE	SE	SE	SE	N

**BE IT FURTHER RESOLVED,** this ordinance amendment shall be duly advertised in accordance with the Policy for the Adoption of Ordinances by the Mayor and Town Council of Mountain Lake Park. A public hearing on this zoning ordinance amendment shall be held on the 2nd day of July 2015, at 6:00 P. M. at the Town Hall located at 1007 Allegany Drive, Mountain Lake Park, Maryland 21550.

**INTRODUCED** this 4th day of June 2015. **SECOND READING** this 2nd day of July 2015. **ADOPTION** this 6th day of August 2015.

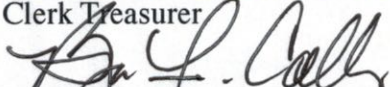
**AND BE IT FURTHER ORDAINED AND RESOLVED,** this Ordinance shall be effective August 16, 2015.

**THIS ORDINANCE AMENDMENT IS SUBJECT TO REFERENDUM AS OUTLINED IN THE MARYLAND LOCAL GOVERNMENT ANNOTATED CODE TITLE 4, SUBTITLE 3, OR ITS SUCCESSOR.**

ATTEST:

  
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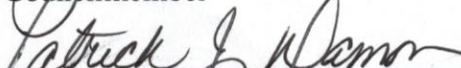
Clerk Treasurer

  
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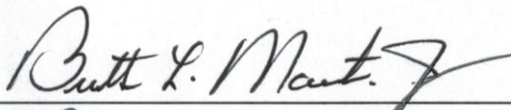
Councilmember

  
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Councilmember

  
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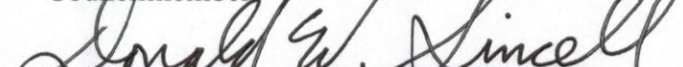
Councilmember

  
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Mayor

  
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Councilmember

  
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Councilmember

## TOWN OF MOUNTAIN LAKE PARK ZONING ORDINANCE CHECKLIST

1.  Review and recommendation by Mountain Lake Park's Planning Commission.
2.  Introduce proposed ordinance to governing body. (Constitutes first reading.)
3.  Publish public hearing date and time and a fair summary of proposed ordinance once each week for at least two successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing.
4.  Conduct public hearing, and second reading. (The date of the public hearing must be set at least 6 days, but not more than 60 days, after introduction.)
5.  Adoption of Ordinance.
6.  Zoning Ordinance, amendment, supplement, change, modification, or repeal shall not become effective until 10 days after a public hearing.
7.  Wait 40 days from adoption to allow time for petition to ordinance referendum.
8.  If no petition is received, promptly register the ordinance with the County Clerk of Courts.

TOWN OF MOUNTAIN LAKE PARK  
ZONING ORDINANCE CHECKLIST

Filed and recorded September 15, 2015,  
in O & R Record, Liber T.W.M., No. 8,

folio 293, one of the Records in the  
Office of the Clerk of the Circuit Court

for Garrett County, Maryland, and compared  
by:

*Timothy W. Muller*, Clerk

- 1.  Review and compare with the Planning Commission's Planning Commission.
- 2.  Introduce proposed ordinance to governing body (Constitutes first reading).
- 3.  Publish public hearing date and a fair summary of proposed ordinance once each week for at least two successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing.
- 4.  Conduct public hearing, and second reading. (The date of the public hearing must be set at least 6 days, but not more than 60 days, after introduction).

Filed and recorded September 23, 2015,  
in O & R Record, Liber T.W.M., No. 8,

folio 301, one of the Records in the  
Office of the Clerk of the Circuit Court

for Garrett County, Maryland, and compared  
by:

*Timothy W. Muller*, Clerk

- 5.  Adoption of Ordinance.
- 6.  Zoning Ordinance amendment, suspension, change, modification, or repeal shall not become effective until after the public hearing.
- 7.  Wait 40 days from adoption to allow time for petition to ordinance referendum.
- 8.  If no petition is received, promptly register the ordinance with the County Clerk of Court.