

**Subject: To Amend §50.4.122, §51.3.122 and Article 9 of Chapter 285 of the Code of St. Mary's County, Maryland, to Exempt Above-ground Swimming Pools, On-Ground Swimming Pools and Above-Ground and On-Ground Hot Tubs and Spas from the Requirements of the St. Mary's County Comprehensive Zoning Ordinance**

**ORDINANCE**

**TO AMEND §50.4.122, §51.3.122 AND ARTICLE 9 OF CHAPTER 285 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND, TO EXEMPT ABOVE-GROUND SWIMMING POOLS, ON-GROUND SWIMMING POOLS AND ABOVE-GROUND AND ON-GROUND HOT TUBS AND SPAS FROM THE REQUIREMENTS OF THE ST. MARY'S COUNTY COMPREHENSIVE ZONING ORDINANCE.**

**WHEREAS**, pursuant to §§4-101 through §4-104 of the *Land Use Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County, Maryland, are authorized to establish zoning districts and prescribe and amend regulations applicable in such districts; and

**WHEREAS**, a notice of a public hearing was advertised on May 30, 2014 and June 6, 2014 in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on June 17, 2014 to receive public comment and consider amendments to §50.4.122, §51.3.122 and Article 9 of Chapter 285 of the *Code of St. Mary's County, Maryland* to exempt above-ground swimming pools, on-ground swimming pools, and above-ground and on-ground hot tubs and spas from the requirements of the St. Mary's County Comprehensive Zoning Ordinance; and

**WHEREAS**, the Board of County Commissioners for St. Mary's County, Maryland finds that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to amend §50.4.122, §51.3.122, and Article 9 of Chapter 285 of the *Code of St. Mary's County Maryland* to exempt above-ground swimming pools, on-ground swimming pools, and above-ground and on-ground hot tubs and spas from the requirements of the St. Mary's County Comprehensive Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of St. Mary's County, pursuant to §§4-101 through §4-104 of the *Land Use Article* of the *Annotated Code of Maryland*, that:

**SECTION I.** Use Type 122, Swimming Pool Private, Non-Commercial, of Schedule 50.4 of Chapter 285 of the *Code of St. Mary's County, Maryland*, is amended to read as follows:

122.  Swimming Pool Private, Non- Commercial.	Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground swimming pools and above-ground and on-ground hot tubs and spas.	Low	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	RCA LDA IDA
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**SECTION II.** Use Type 122, Swimming Pool Private, Non-Commercial, of Section 51.3 of Chapter 285 of the *Code of St. Mary's County, Maryland*, is amended to read as follows:

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 and associated decks and enclosures shall be prohibited in the Critical Area Buffer. Variances for these structures cannot be granted.
- (4) Swimming pools shall not be permitted in the front or street side setback area.

**SECTION III.** The definition of "Swimming Pool" in Article 9, Chapter 90, of Chapter 285 of the *Code of St. Mary's County, Maryland*, is amended to read as follows:

**Swimming Pool.** Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground swimming pools and above-ground and on-ground hot tubs and spas.

**BE IT FURTHER ORDAINED,** by the Commissioners of St. Mary's County, that this Ordinance shall be effective upon the date written below.

Those voting Aye: \_\_\_\_\_

Those voting Nay: \_\_\_\_\_

Those Abstaining: \_\_\_\_\_

Date of Adoption: \_\_\_\_\_

Effective Date: \_\_\_\_\_

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**ATTEST:**

**COMMISSIONERS OF ST. MARY'S COUNTY**

\_\_\_\_\_  
Rebecca B. Bridgett  
County Administrator

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Francis Jack Russell, President

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Lawrence D. Jarboe, Commissioner

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Cynthia L. Jones, Commissioner

\_\_\_\_\_  
George R. Sparling  
County Attorney

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Todd B. Morgan, Commissioner

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Daniel L. Morris, Commissioner