

Zoning Text Amendment No: 08-04
Concerning: Accessory Structures –
Solar Panels
Draft No. & Date: 1 -3/6/08
Introduced: March 18, 2008
Public Hearing: April 22, 2008
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Berliner and Trachtenberg

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow certain accessory structures in the side yard of one-family residential zones;
and
- generally amend the standards related to accessory structures in one-family residential zones.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-1. “RESIDENTIAL ZONES, ONE-FAMILY”
Division 59- C-1.32. “Development standards.”

*EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws
by the original text amendment.
[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.
Double underlining indicates text that is added to the text
amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-C-1 Residential Zones- One-family is amended as**
 2 **follows:**

3 **Division 59- C-1.32.** Development standards.

4 In addition to the following, the regulations in sections 59-C-1.34, 59-C-1.35 and
 5 59-C-1.36 shall apply:

6 * * *

	RE-2	RE-2C	RE-1	R-200	R-150 ³	R-90	R-60	R-40 ²	R-4 plex	RMH 200
<p>59-C-1.326. Yard Requirements for an Accessory Building or Structure (in Feet)⁷.</p> <p>(a) For all lots.</p> <p><u>(1) Except as provided for in subsections (2), an [An] accessory building or structure must be located in a rear yard and must not occupy more than 20 percent of the rear yard.</u></p> <p><u>(2) If the main building is setback no less than 70 feet from a side lot line, an accessory structure used to generate electricity from solar energy may be located within that 70 foot setback if the structure is:</u></p> <p><u>(A) located no less than 50 feet from a side lot line;</u></p> <p><u>(B) less than 20 feet in height; and</u></p> <p><u>(C) the structure satisfies the street line and rear lot line setbacks under subsection (3).</u></p>										

Zoning Text Amendment 08-04

[(2)] (3) An accessory building or structure must be set back from the lot lines with a minimum setback as follows:										
(A) From the street line:	80	80	80	65	65	60	60	60		65
(B) From a rear lot line:	10	10	10	7	7	5	5	5		7
(C) From a side lot line:	15	15	15	12	12	5	5	5		12
(D) From a national historical park boundary line unless the accessory structure on the lot or tract is exempted under Sec. 59-B-2.1 ¹⁰ .	200	200	200							
[(3)] (4) For any accessory building or structure in the zones indicated thus (*) with a height greater than 15 feet, the side yard and rear yard minimum setback must be increased from the requirements in [(2)] (3) above at a ratio of 2 feet of additional setback for each foot of height in excess of 15 feet.						*	*	*		
[(4)] (5) For any accessory building or structure, except a swimming pool, as defined in 59-A-2.1, in the zones indicated thus (*) with a length along a rear or side						*	*	*		

property line which has a linear dimension greater than 24 feet, the minimum setback from that rear or side property line must be increased from the requirement in [(2)] (3) above at a ratio of one foot for every 2 feet that the dimension exceeds 24 linear feet.										
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--	--	--	--	--	--	--	--

7 * * *

8 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
9 Council adoption.

10 This is a correct copy of Council action.

11

12 _____

13 Linda M. Lauer, Clerk of the Council