

ORDINANCE NO. 2010-1

**SUBMITTED BY PLANNING COMMISSION TO COMMISSIONERS:**

**August 16, 2010**

**PUBLIC HEARING HELD: September 20, 2010**

**ENACTED WITHOUT AMENDMENTS: September 20, 2010**

**EFFECTIVE DATE: October 18, 2010**

**ZONING ORDINANCE  
OF THE COMMISSIONERS OF BARNESVILLE, MARYLAND**

**NOTE:** The current Zoning Ordinance can be seen at <http://www.barnesvillemd.org/> -- use the link for "government"

The text below is proposed as an amendment, and includes:

Existing text, shown with like this.

New text, underlined

Deleted text, shown with ~~striketrough~~

"RA" refers to the Residential Agricultural zone

"BRDT" refers to the Barnesville Rural Density Transfer Zone.

**1.**

**Section 3, Definitions, of the Barnesville Zoning Ordinance is amended as follows:**

Structure, Accessory: A structure affixed to the roof of a building or to the ground which is not a building and is subordinate to, and located on the same lot with, a main building, the use and purpose of which is clearly incidental to that of the main building or to the use of the land, including satellite dish receivers, radio or television antennas, traditional windmills, geothermal systems, clothes lines, playground equipment and like structures, but excluding fences, public utility poles, signs and their supporting poles or framework, and alternative energy systems.

Alternative Energy Systems - systems that supply electric power for a residence to supplement or replace electric power provided by a public utility, including small wind energy systems and solar energy systems.

Small Wind Energy System - 100 KW or less for onsite power use;

credit.

Pole mounted wind system height - vertical distance from ground to tip of the blade at its highest point.

Roof mounted wind system height - vertical distance from the base mount to the tip of the blade at its highest point.

Solar System (Private Use) - Ground or roof mounted for onsite power use.

Ground mounted solar system height - vertical distance from the ground to the highest point of the system.

Geothermal energy systems - horizontal or vertical closed loop heat pump system that uses the natural heating or cooling capacity of the ground to supply home heating or cooling.

Traditional Windmill - Similar to solitary farm windmills, which have long been in use in rural communities, constructed with multi blades, tail and a four-post tower.

dBa - decibels of sound, as determined by the A-weighting network of a sound level meter or by calculation from octave band or one-third octave band data.

Decibel - a unit of measurement equal to 10 times the logarithm to the base 10 of the ratio of a particular sound pressure squared to the standard reference pressure squared. For this Chapter, the standard reference pressure is 20 micropascals.

**2. Section 6, Development Standards, is amended as follows:**

A. Land Uses

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Subsection (7) Miscellaneous	RA	BRDT
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Accessory Buildings	P	P
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Accessory Structures	P	P
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Alternative energy systems:

<u>Solar System, roof mounted</u>	<u>P</u>	<u>P</u>
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<u>Solar System, ground mounted</u>	<u>SE</u>	<u>SE</u>
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<u>Wind energy system, roof mounted</u>	<u>P</u>	<u>P</u>
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<u>Wind energy system, pole mounted</u>	<u>SE</u>	<u>SE</u>
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Signs, in accordance with Section 8

E. Minimum Yard requirements for an accessory building or accessory Structure in feet<sup>2</sup>

(1) Front line from street ROW	60	50
(2) From a side line	10	15
(3) From any line abutting a public street	60	50
(4) Rear	10	50

Minimum Yard requirements for Alternative Energy Systems, in feet

Wind system, roof mount

(1) same as structure on which it is mounted

Wind system, pole mount

(1) Front line from street ROW = Ht = h t  
(2) From a side line = Ht

=ht

(3) From any line abutting a public street = Ht = h t

(4) Rear = Ht = h t

(Note: "=ht" means a distance equal to the Pole mounted system height.)

Solar system, roof mount

(1) same as structure on which it is mounted

Solar system, ground mount

<u>(1) Front line from street ROW</u>	<u>60</u>	<u>60</u>
<u>(2) From a side line</u>	<u>10</u>	<u>10</u>
<u>(3) From any line abutting a public street</u>	<u>60</u>	<u>60</u>
<u>(4) Rear</u>	<u>10</u>	<u>10</u>

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F. Maximum Height

(1) Maximum Building or structure Height in feet, except there is no height limit for agricultural buildings      50      50

(2) Wind system, pole mount 50 50

(3) Wind System, roof mount (ht above roof peak)  
10\* 10\*

(\*total height cannot exceed maximum height in (1) above; if installed on an agricultural building, roof mounted wind systems cannot be higher than 10' above the roof peak on which installed.)

(4) Solar system, ground mount 14 25

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Section 9. BUILDING AND USE PERMITS is amended as follows:

A. Permit Requirements.

(1) Building Permits Required.

No building or other structure, including geothermal and alternative energy system, shall be erected; nor shall any existing building or other structure be moved, added to, enlarged, or structurally altered; and no excavation for any building or other structure shall be begun before the issuance of a Building Permits therefor by the President of the Commissioners and by the Montgomery County Government. No Building Permit shall be issued where it appears that the structure or facilities to be constructed for the use contemplated would be in violation of the provisions of this Ordinance, or of any other applicable law or regulation; nor shall any Building Permit be issued for construction on land that has been subdivided in violation of any Subdivision Regulations for the Town of Barnesville. The provisions of this subparagraph shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside facilities, including such items as poles, crossarms, guys, wire, cable, and drops.

(2) Use Permit Required.

No building or other structure or land shall be used, nor shall any building, structure, or land be converted, wholly or in part, to any other use, until a Use Permit, certifying compliance with this Ordinance, has been issued by the President of the Commissioners; except that no Use Permit shall be required for the use of a building as a one-family dwelling, or uses incidental thereto, or the use of land or buildings for agricultural purposes exclusively, or for any use lawfully in existence of the effective date of this Ordinance. No Use Permit shall be issued where it appears that the use contemplated would be in violation of the provisions of this Ordinance; nor shall any use Permit be issued for the use of land that has been subdivided in violation of any Subdivision Regulations for the Town of Barnesville.