

MCPB  
Item #9  
04/27/06

**DATE:** April 14, 2006  
**TO:** Montgomery County Planning Board  
**VIA:** Rose Krasnow, Chief, Development Review *RK*  
 Carlton Gilbert, Zoning Supervisor *CG*  
**FROM:** Greg Russ, Zoning Coordinator *GR*  
**REVIEW TYPE:** Zoning Text Amendment  
**PURPOSE:** To reduce the allowable rear yard coverage and maximum height of an accessory building in certain zones; increase the minimum setback requirement for an accessory building under certain circumstances and generally amend provisions concerning accessory buildings.

**TEXT AMENDMENT:** No. 06-08  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
**INTRODUCED BY:** Councilmember Praisner  
**INTRODUCED DATE:** March 21, 2006  
**PLANNING BOARD REVIEW:** April 27, 2006  
**PUBLIC HEARING:** April 25, 2006; 1:30 p.m.

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**STAFF RECOMMENDATION:** APPROVAL with modifications

#### **PURPOSE OF THE TEXT AMENDMENT**

To reduce the allowable rear yard coverage and maximum height of an accessory building in certain zones; increase the minimum setback requirement for an accessory building under certain circumstances and generally amend provisions concerning accessory buildings.

#### **BACKGROUND/ANALYSIS**

Councilmember Praisner introduced the subject text amendment to address a growing trend toward the construction of large accessory buildings on relatively small lots. An accessory building is defined as a use that is customarily incidental and subordinate to the

principal use of a lot or the main building. However, some accessory buildings are being constructed that are almost as large or larger than the main building. The proposed text amendment would help reduce the likelihood that this could occur by reducing the allowable rear yard coverage for accessory buildings in all one-family residential zones, by lowering the maximum height for accessory buildings in the small lot zones (R-90, R-60, R-40 and R-4plex) and by increasing the rear and side yard setbacks for accessory buildings in the small lot zones for structures over 15 feet in height or over 24 linear feet.

#### Location and Rear Lot Coverage of Accessory Structures

Currently in one-family residential zones, an accessory building or structure must be located in a rear yard and must not occupy more than 25 percent of the rear yard. The subject zoning text amendment proposes to reduce the allowable rear yard coverage to 20 percent. Staff research of several surrounding jurisdictions (Fairfax County, VA; Arlington County, VA; Prince George's County, MD; and Howard County, MD—see Attachment 2) finds accessory structure coverage requirements that range from no specific coverage requirement (but instead includes setback requirements for accessory structures) to a maximum coverage of 30 percent of the area of the minimum required rear yard. The proposed reduction of the allowable rear yard coverage for accessory buildings (along with the proposed reduction in building height) would serve to lessen the overall bulk on all lots and could assist in re-establishing appropriate dimensional standards between main buildings and accessory structures in the small lot residential zones.

#### Setbacks for Accessory Structures

Accessory buildings in the smaller lot zones (R-90, R-60 and R-40) currently must maintain a five-foot setback from the side or rear lot lines. Any building or structure with a height greater than 15 feet must increase the setback at a ratio of one foot of additional setback for each foot of height in excess of 15 feet. The text amendment proposes to increase the ratio from one additional foot of setback to two additional feet for each foot of height in excess of 15 feet.

The current regulations further require the side or rear setback for any accessory building or structure that has a linear dimension (along a rear or side property line) greater than 24 feet, to be increased from the requirement above at a ratio of one foot for every two feet that the dimension exceeds 24 linear feet. The zoning text amendment proposes to increase the ratio from one to two additional feet of setback

The additional setback recommendations assist in providing greater protections to adjacent lots located in the smaller lot zones and further promote the idea of providing proportionately scaled accessory structures in the small lot residential zones.

#### Maximum Height for Accessory Buildings in Small Lot Zones

The Zoning Ordinance currently allows a maximum building height of 25 feet for accessory buildings in the smaller lot zones (R-90, R-60, R-40 and R-4plex). The subject zoning text

amendment proposes to reduce the allowable building height to 20 feet. Staff research of several surrounding jurisdictions (Fairfax County, VA; Arlington County, VA; Prince George's County, MD; and Howard County, MD—see Attachment 2) indicates accessory structure height requirements that range from 15 feet to 35 feet (in some cases, the same as a principle structure with varying setback requirements based on the height of the structure). Although the proposed height reduction from 25 to 20 feet for accessory structures is not out of character with surrounding localities, staff has concern with the potential impact this reduction might have on second floor additions to freestanding garages where residents typically provide additional storage, guest rooms, home office space, etc. If the height is limited to 20 feet from grade to the tallest part of the roof, then either there will be no space for that upstairs room, or a structure will be built with a flat roof that is not residential in appearance or character. The small difference in height of five feet may not be worth the potential loss in flexible roof designs for accessory structures on residential properties. Some reduction in accessory structure height (albeit not as much as currently proposed) would be accomplished without reducing the maximum height from 25 to 20 feet since the proposed new measurement would be from existing grade to the highest point of the roof (rather than to the mean height level between eaves and ridge of a gable, hip, mansard or gambrel roof). This new height measurement distinction, along with the setback and lot coverage proposals herein, would serve to lessen the overall bulk on all lots and could assist in re-establishing appropriate dimensional standards between main buildings and accessory structures in the small lot residential zones without compromising the flexibility in providing roof-design for second floor space that remains in character with these zones.

#### Grandfathering Provisions for existing Accessory Structures

The proposed text amendment does not provide grandfathering provisions for existing accessory structures located in the R-90, R-60, R-40 and R-4plex zones with a height greater than allowed herein or that currently occupy more than 20 percent of the rear yard (rear yard coverage portion of the text amendment). Staff recommends that a grandfathering provision be included with the subject proposal that states that an existing accessory building (as of the effective date of the ZTA) would be conforming and could continue under the standards in effect when the accessory building was constructed but any replacement or reconstruction of the structure must conform to the standards in effect at the time of replacement or reconstruction.

#### **RECOMMENDATION**

The staff supports the proposed text amendment to reduce the allowable rear yard coverage and of an accessory building in certain zones; to increase the minimum setback requirement for an accessory building and generally to amend provisions concerning accessory buildings. Staff does not recommend reducing the height of accessory structures from 25 feet to 20 feet because of the concern with potential loss of second-floor space or loss in flexible roof designs if second floor space is proposed (flat roof designs). Staff also proposes to modify the proposed language to include grandfathering provisions for those existing lots that do not adhere to the proposed new provisions. Staff further recommends that the grandfathering provisions be clarified to state that any replacement or reconstruction of a grandfathered structure must conform to the

standards in effect at the time of replacement or reconstruction. The proposed text amendment language as modified by staff is included as Attachment 1.

GR

**Attachments**

1. Proposed Text Amendment 06-08 (as modified by staff)
2. Accessory Building Requirements for Certain Surrounding Jurisdictions

# ATTACHMENT 1

Zoning Text Amendment No: 06-08  
Concerning: Accessory Buildings – height  
lot coverage, and setbacks  
Draft No. & Date: 1 – 3/16/06  
Introduced: March 21, 2006  
Public Hearing: April 25, 2006; 1:30 PM  
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**

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By: Councilmember Praisner

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AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- reducing the allowable rear yard coverage and maximum height of an accessory building in certain zones;
- increasing the minimum setback requirement for an accessory building under certain circumstances; and
- generally amending accessory building standards in certain zones.

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

DIVISION 59-A-2	“DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1	“Definitions”
DIVISION 59-C-1	“RESIDENTIAL ZONES, ONE-FAMILY”
Section 59-C-1.32	“Development standards”
DIVISION 59-C-9	“AGRICULTURAL ZONES”
Section 59-C-9.3	“Land uses”
Section 59-C-9.4	“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:*

**Sec. 1. DIVISION 59-A -2 is amended as follows:**

**DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

**59-A-2.1. Definitions.**

\* \* \*

**Use, accessory:** A use which is (1) customarily incidental and subordinate to the principal use of a lot or the main building [thereon], and (2) located on the same lot as the principal use or building. [In addition, a] A temporary structure or trailer used for construction administration or real estate sales in conjunction with and during the period of development, construction, or sales within the same site or subdivision in which it is located is [also] an accessory use.

\* \* \*

**Sec. 2. DIVISION 59-C-1 is amended as follows:**

**DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.**

\* \* \*

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

\* \* \*

	RE-2 <sup>1</sup>	RE-2C <sup>1</sup>	RE-1 <sup>1</sup>	R-200	R-150 <sup>3</sup>	R-90	R-60	R-40 <sup>2</sup>	R-4 plex	RMH 200
* * *										
<b>59-C-1.326. Yard Requirements for an Accessory Building or Structure (in Feet).<sup>7</sup></b>										
<b>(a) For all lots.</b>										
(1) An accessory building or structure must be located in a rear yard and must not occupy more than [25] <u>20</u> percent of the rear yard. (2) An accessory building or structure must be set back from the lot lines with a minimum										

Zoning Text Amendment 06-08

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
(3) 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) above at a ratio of [one foot] <u>2 feet</u> of additional setback for each foot of height in excess of 15 feet [:].						*	*	*		
(4) For any accessory building or structure 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) above at a ratio of [one foot] <u>2 feet</u> for every 2 feet that the dimension exceeds 24 linear feet.						*	*	*		
* * *										
<b>59-C-1.327. Maximum Building Height (in Feet).</b>										
* * *										
[For an] <u>An</u> accessory building in these zones <u>must not exceed:</u>									[25] [[20]]25*	
[For an] <u>An</u>										



accessory building in these zones, [which shall] <u>must not exceed 2 stories, and the height from existing grade [shall] to the highest point of roof surface must not exceed:</u>							[25] <del>[[20]]25*</del>	[25] <del>[[20]]25*</del>	[25] <del>[[20]]25*</del>					
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19 \* Any accessory building in an R-90, R-60, R-40, or R-4plex zone lawfully  
 20 existing before (ZTA Effective Date) is a conforming building and may  
 21 continue under the standards in effect when the accessory building was  
 22 constructed. Replacement or reconstruction of any accessory building must  
 23 conform to the standards in effect at the time of replacement or  
 24 reconstruction.

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26 **Sec. 4. Effective date.** This ordinance becomes effective 20 days after the  
 27 date of Council adoption.

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29 This is a correct copy of Council action.

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 Linda M. Lauer, Clerk of the Council

(i) TABLE VIII - ACCESSORY BUILDINGS<sup>10,16</sup>

	ZONE									
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20	
Coverage (Maximum Percentage of Yard)	25	25	25	25	25	25	25	25	25	
<b>Setback (Minimum in Feet), in general:</b>										
From front street line	60	60	80	60	60	60	60	60	60	
From side lot line	2	2	15	2	2	2	2	2	2 <sup>12</sup>	
From rear lot line	2	2	10	2	2	2	2	2	2 <sup>12</sup>	
From alley line	5	5	10	5	5	5	5	5	5	
If building <sup>13</sup> used for housing or sale of animals or fowl except homing pigeons:										
From side or rear lot line	25	25	25	25	25	25	25	25	25	
From dwelling on adjoining lot	50	50	50	50	50	50	50	50	50	
<b>If building<sup>13</sup> used for homing or racing pigeons:<sup>1</sup></b>										
From side or rear lot line	10	10	25	10	10 <sup>7</sup>	-	10 <sup>15</sup>	-	-	
From dwelling on adjoining lot (CB-45-1987; CB-36-1991)	25	25	50	25	25 <sup>7</sup>	-	25 <sup>15</sup>	-	-	
If a corner lot: <sup>1</sup>										
From side street line (along which an abutting lot fronts) <sup>2</sup>	30	30	50	30	30	30	30	30	30	
From side street line (along which an abutting lot does not front) <sup>4</sup>	15	15	25	15	15	15	15	15	15	
From rear lot line <sup>2</sup>	10	10	12 <sup>6</sup>	10 <sup>3</sup>	10 <sup>3</sup>	10 <sup>3</sup>	10 <sup>3</sup>	10 <sup>3</sup>	10 <sup>3</sup>	
Height (Maximum in Feet above the Ground) (CB-14-1989, CB-129-1989)	15 <sup>5,8</sup>	15 <sup>5,8</sup>	15 <sup>5,9</sup>	15 <sup>5,8</sup>	15 <sup>5,9</sup>	15 <sup>5</sup>	15 <sup>5</sup>	15 <sup>5</sup>	15 <sup>5</sup>	

HOWARD COUNTY

1. The following maximum limitations shall apply:

\* a. Height

(1) Principal structure .....34 feet  
However, the maximum height for single-family attached dwellings  
with gable, hip or gambrel roofs shall be 40 feet.

\* (2) Accessory structures.....15 feet

b. Lot coverage for structures within single-family attached projects  
developed with one dwelling unit per lot ..... 60 percent

c. Density ..... 4.0 dwelling units per net acre

d. Units per structure - single-family attached dwelling units..... 8 units per structure

e. Building length - single-family attached .....120 feet  
However, the Director of the Department of Planning and Zoning may  
approve a greater length, up to a maximum of 200 feet, based on a  
determination that the design of the building will mitigate the  
visual impact of the increased length.

2. Minimum lot size - single-family detached dwellings .....6,000 sq. ft.

3. Minimum lot width at building restriction line single-family detached dwellings .....60 feet

4. Minimum setback requirements

a. From arterial or collector public street right-of-way

(1) Structures

(a) Front or side .....30 feet

(b) Rear

\* (i) Accessory structures on single-family  
detached lot ..... 10 feet

(ii) Other.....50 feet

(2) Uses (other than structures) in all development projects except  
single-family detached .....30 feet

b. From other public street right-of-way

(1) Structures

(a) Front or side .....20 feet

(b) Rear

\* (i) Accessory structures on single-family detached lot ..... 10 feet

(ii) Other.....40 feet

(2) Uses (other than structures) excluding uses in single-family  
detached development projects and parking for single-family  
attached dwellings .....20 feet

# FAIRFAX COUNTY

## FAIRFAX COUNTY ZONING ORDINANCE

2. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which located.
- \* 3. All uses and structures accessory to single family detached dwellings, to include those extensions permitted by Sect. 2-412, shall cover no more than thirty (30) percent of the area of the minimum required rear yard.
- \* 4. All accessory uses and structures shall comply with the maximum height regulations applicable in the zoning district in which they are located, except as may be qualified by Sect. 2-506.
5. The following use limitations shall apply to fences:
  - A. Barbed wire fences are prohibited in all zoning districts except on lots exceeding two (2) acres or more in size in the R-A through R-1 Districts. Barbed wire strands may be used to enclose storage areas, other similar industrial or commercial uses or

10. The following regulations shall apply to the location of freestanding accessory storage structures:
- A. For purposes of determining height, the height of an accessory storage structure shall be measured from the highest point of the structure.
  - B. An accessory storage structure shall not be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less.
  - C. An accessory storage structure which does not exceed eight and one-half (8 ½) feet in height may be located in any part of any side yard or rear yard, except as qualified in Sect. 2-505.
  - D. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located in any part of any minimum required side yard.
  - E. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

- (2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.
11. Solid waste and recycling storage containers may be located in any yard, provided that any container located in a minimum front yard shall be located no closer than fifteen (15) feet to a front lot line and shall be screened from view from the abutting street by either plantings or solid fencing. Notwithstanding the provisions of Par. 3 above, the maximum height of such solid fencing shall not exceed one (1) foot above the solid waste and recycling storage containers. In addition, no containers shall be located in any required parking space, driveway, parking aisle, open space or landscaped area.
12. The following regulations shall apply to the location of all freestanding structures or uses except those specifically set forth in other paragraphs of this Section:
  - A. For purposes of determining height, the height of an accessory structure shall be measured from the highest point of the structure.
  - B. An accessory structure or use, which does not exceed seven (7) feet in height, may be located in any part of any side or rear yard, except as qualified in Sect. 2-505.
  - C. No accessory structure or use, except a statue, basketball standard or flagpole, shall be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less. When located in a front yard, basketball standards shall not be located closer than fifteen (15) feet to a front lot line or twelve (12) feet to a side lot line, and shall not be used between the hours of 8:00 PM and 8:00 AM.
  - D. No accessory structure or use which exceeds seven (7) feet in height shall be located in any minimum required side yard.
  - E. No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.
  - F. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, no accessory structure or use which exceeds seven (7) feet in height shall be located:
    - (1) Nearer to any part of the rear-lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or
    - (2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.
13. Except as may be qualified by Sect. 2-505, conventional television antennas and satellite dish antennas designed to receive television or video programming with a diameter or diagonal measurement of 39 inches (one meter) or less shall be permitted in any yard on any lot.

# ARLINGTON COUNTY

## SECTION 32. BULK, COVERAGE AND PLACEMENT REQUIREMENTS

Virtually every land use requires an appropriate relationship between lot area and intensity of use, and sufficient open space surrounding such use, to secure safety from fire, panic and other dangers; to ensure privacy; to lessen congestion in the streets; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, drainage and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land.

### \* A. Height.

As specified in the district classification.

### B. Lot Area.

As specified in the district classification.

### \* C. Coverage.

For the purpose of securing open space for the exclusive use of pedestrians, except by site plan approval, no building or structure in "R," "RA," and "C-1-O" Districts, including accessory buildings and all areas for parking, driveways, maneuver and loading space, shall cover more than fifty-six (56) percent of the area of the lot, except as may be specified in the various district classifications.\*

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\*Note--"RA7-16" and "RA4.8" Districts have separate coverage requirements.  
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### D. Placement.

The following regulations shall govern the placement on a lot of any building or structure, or addition thereto, hereafter erected, except as may be allowed by site plan approval:

1. *Setbacks:* No structure shall be located closer to the centerline of any street or officially designated street right-of-way than fifty (50) percent of the height of the building. For the purpose of determining setbacks, a limited access highway shall be considered as an abutting lot and not as a street or street right-of-way. Structures shall be set back from streets no less than as follows: (8-18-79)
  - a. For all "C" and "M" Districts excepting "C-1," "C-1-O," "C-O," "C-H" and "C-S-C":  
Forty (40) feet from said centerline.
  - b. For all "RA4.8" and "C-O" Districts: Fifty (50) feet from said centerline.
  - c. For all residential structures and all structures in all other districts except for one- and two-family dwellings and their accessory structures regulated by subsection 32.D.1.d.:  
Fifty (50) feet from said centerline but in no case less than twenty-five (25) feet from any street right-of-way line.
  - d. For all one- and two-family dwellings and their accessory structures:
    - (1) No structure shall be located less than twenty-five (25) feet from any lot frontage, except that the distance between any street or officially designated street right-of-way line and the front wall of a structure, with the exception of stoops and covered or uncovered but unenclosed porches, may be reduced as follows:
      - (a) The distance shall be at least the average of the distances between the lot frontage and the edges of the front walls of existing structures located on the frontage where the structure is proposed to be located;
      - (b) The distance shall be at least fifteen (15) feet, provided, however, that no parking garage shall be located closer than eighteen (18) feet to the street right-of-way line; and
      - (c) No structure located within twenty-five (25) feet of a street right-of-way line shall exceed two and one-half (2 1/2) stories.
2. *Side and Rear Yards:* No structure shall be located closer to side or rear lot lines than as follows:
  - a. For all "RA4.8," "C," and "M" Districts, not including "C-1-O": No side or rear yard shall be required except that no wall either on the side or rear of a lot abutting an "R" or

"RA" District or containing openings or windows, whether or not they can be opened, shall be located closer to side or rear lot lines than eight (8) feet for the first ten (10) feet of building height, plus two (2) additional feet for each ten (10) additional feet of building height, or fraction thereof.

- b. For all single-family dwellings and their accessory structures: Ten (10) feet, provided that one (1) side yard may be reduced to eight (8) feet. The aggregate width of both side yards on any lot shall not be less than thirty (30) percent of the required width of the lot, provided that on interior lots no structure shall be located closer than twenty-five (25) feet from a rear lot line.
- c. For all nonresidential main buildings in "R" and "RA" Districts: Double the side and rear yard requirements for the district in which said structures are located.
- d. For all other residential buildings and for structures in all other districts: Ten (10) feet plus one (1) additional foot for each two and one-half (2 1/2) feet, or fraction thereof, of building height above twenty-five (25) feet, provided that on interior lots no structure shall be located closer than twenty-five (25) feet from a rear lot line.

\*e.

For accessory buildings in "R" Districts:

- (1) For additions to existing main buildings: No addition shall be located closer than eight (8) feet to any part of an existing accessory building.
- (2) For new construction of accessory buildings with heights lower than one and one-half (1 1/2) stories or twenty-five (25) feet, whichever is less, and footprint smaller than five hundred and sixty (560) square feet in "R-5" or "R-6" Districts, or six hundred and fifty (650) square feet in any other Zoning District: No accessory building shall be located closer than eight (8) feet to any part of a main building; on interior lots, no accessory building shall be located closer than one (1) foot to a side or rear lot line and on corner lots, no accessory building shall be located closer than one (1) foot to any side lot line. The provisions of this subsection shall not apply to air-conditioning units.
- (3) For accessory buildings of two (2) or more stories, or taller than twenty-five (25) feet, in "R" Districts: No such building shall occupy any part of a required rear yard or be located closer than ten (10) feet to any lot line. In addition, no such accessory building shall be located closer than fifteen (15) feet to a main building.

- f. For the purpose of side yard regulations, a semidetached dwelling shall be considered as one (1) building occupying one (1) lot. (11-20-76)
- g. For the purpose of side yard regulations, a semidetached dwelling shall be considered as one (1) building occupying one (1) lot. (11-20-76)

3. *Projections Allowed into Yards and Courts:*

- a. No building or structure, or addition thereto, other than walls or fences, shall extend into a required setback area, yard or court; except that chimneys may extend therein eighteen (18) inches, and the following unenclosed uses may extend therein no more than four (4) feet but not nearer than five (5) feet to any property line: Balconies; eaves, trim and fascia boards and similar architectural features; platforms and terraces.
- b. Air conditioning units are permitted in required side and rear yards, provided that they are in no event less than eight (8) feet from any side lot line or ten (10) feet from any rear lot line. However, air conditioning units screened with fence or vegetation may encroach into a required setback or yard, where it is located no closer than eight (8) feet to any front or rear lot line, and no closer than five (5) feet to any side lot line.
- c. Except porches, any roofed-over area existing at the time of the adoption of this section which is attached to a main structure and which encroaches on required setback or yard area may not be enclosed. (11-20-76)
- d. Subsurface parking and subsurface accessory structures may be located anywhere on a property. Nothing in this section shall be construed to abridge the right of the county board, by site plan approval, to permit the use of air rights over streets and public property, together with inter-building connections or projections into yards associated therewith.