

Zoning Text Amendment No.: 18-01
Concerning: Solar Collection System -
Standards
Draft No. & Date: 2 – 2/13/18
Introduced: February 13, 2018
Public Hearing:
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**

Lead Sponsors: Councilmembers Hucker and Leventhal
Co-sponsors: Councilmembers Elrich, Berliner, Katz, and Navarro

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise the Solar Collection System use standards to allow larger facilities in certain zones; and
- generally amend the provisions for Solar Collection Systems.

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

Division 3.7. “Miscellaneous Uses”
Section 3.7.2. “Solar Collection System”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by 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 59-3.7 is amended as follows:

Division 3.7. Miscellaneous Uses

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Section 3.7.2. Solar Collection System

A. Defined

Solar Collection System means an arrangement of panels or other solar energy devices that provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. A Solar Collection System includes freestanding or mounted devices.

B. Use Standards

Where a Solar Collection System is allowed as a limited use, it must satisfy the following standards:

- [1. In the Agricultural, Rural Residential, Residential, Commercial/Residential, and Employment zones a Solar Collection System must be an accessory use as defined in Section 3.1.3.
2. Written authorization from the local utility company must be provided for a Solar Collection System that will be connected to the utility grid.
3. Removal of trees or landscaping otherwise required or attached as a condition of approval of any plan, application, or permit for the installation or operation of a Solar Collection System is prohibited.
4. Solar panels may encroach into a setback as allowed under Section 4.1.7.B.5.c and may exceed the maximum height as allowed under Section 4.1.7.C.3.b.
5. The following standards apply to a freestanding Solar Collection System:

- a. In the Agricultural, Rural Residential, Residential, Commercial/Residential, and Employment zones, it is allowed only as an accessory use where the system produces a maximum of 120% of on-site energy consumption and must satisfy the same development standards as an accessory structure; however it may be located in the side yard of a property in a Rural Residential or Residential Detached zone if the main building is set back a minimum of 70 feet from the side lot line and the Solar Collection System is setback a minimum of 50 feet from a side lot line and the height of the Solar Collection System is a maximum of 20 feet.
 - b. In the Residential Multi-Unit, Commercial/Residential, Employment, and Industrial zones, a Solar Collection System installed above a parking lot or other paved surface does not count towards the maximum coverage.
 - c. Signs are prohibited, except for a flush-mounted sign identifying the manufacturer of the system.
 - d. The Solar Collection System must be removed within 12 months of the date when the use is discontinued or abandoned by the system owner or operator, or upon termination of the useful life of the system. The Solar Collection System will be presumed to be discontinued or abandoned if no electricity is generated by the system for a period of 12 continuous months.]
1. In the Agricultural Reserve zone:
 - a. A Solar Collection System must be an accessory use as defined in Section 3.1.3.

- b. Written authorization from the local utility company must be provided for a Solar Collection System that will be connected to the utility grid.
- c. Removal of trees or landscaping otherwise required or attached as a condition of approval of any plan, application, or permit for the installation or operation of a Solar Collection System is prohibited.
- d. Solar panels may encroach into a setback as allowed under Section 4.1.7.B.5.c and may exceed the maximum height as allowed under Section 4.1.7.C.3.b.
- e. A freestanding Solar Collection System is allowed only as an accessory use where the system produces a maximum of 120% of on-site energy consumption and must satisfy the same development standards as an accessory structure.

2. In Rural Residential, Residential, Commercial/Residential, Employment and Industrial zones, where a Solar Collection System is allowed as a limited use, it must either satisfy Subsection 59.3.7.2.B.1.a through Subsection 59.3.7.2.B.1.e or it must satisfy the following standards:

- a. Site plan approval is required under Section 7.3.4.
- b. The site must be a minimum of 3 acres in size.
- c. The system may produce a maximum of 2 megawatts (AC).
- d. All structures must be:
 - i. 20 feet in height or less;
 - ii. located at least 50 feet from any property line; and
 - iii. surrounded by a minimum 6-foot-tall fence.

- e. If a structure for a Solar Collection System is located in an area visible to an abutting residential use or a road:
- i. only solar thermal or photovoltaic panels or shingles may be used;
- ii. the panels or shingles must use textured glass or an anti-reflective coating; and
- iii. screening that satisfies Section 59.6.5.3.C.8 (Option A) on the sides of the facility visible from the residential use or road is required.
- f. The Solar Collection System must be removed within 12 months of the date when the use is discontinued or abandoned by the system owner or operator, or upon termination of the useful life of the system. The Solar Collection System will be presumed to be discontinued or abandoned if no electricity is generated by the system for a period of 12 continuous months.
- g. A system designed to produce more than 2 megawatts (AC) may be allowed as a public utility use under Section 3.6.7.E.

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Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Megan Davey Limarzi, Esq.
Clerk of the Council