

Ordinance No.: 18-43
Zoning Text Amendment No.: 18-01
Concerning: Solar Collection System -
Standards
Draft No. & Date: 3 – 5/8/18
Introduced: February 13, 2018
Public Hearing: April 3, 2018
Adopted: May 15, 2018
Effective: June 4, 2018

**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, Navarro, Council President Riemer, and
Councilmember Rice

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.*

OPINION

Zoning Text Amendment No. 18-01 was introduced on February 13, 2018. ZTA 18-01 would revise the Solar Collection System use standards to allow larger facilities in Rural Residential, Residential, Commercial/Residential, Employment, and Industrial zones.

In its report to the Council, the Montgomery County Planning Board recommended approval as introduced. The sponsors of ZTA 18-01 believed that the public interest would be served by expanding the opportunities for solar production in areas where development is anticipated. The ZTA as introduced would retain the current limits on solar collection systems in the Agricultural Reserve (AR) zone. The ZTA includes standards to prevent glare and to buffer the facility from surrounding land uses.

The Planning Board recommended approval of the substance of ZTA 18-01, but had suggestions for editorial changes. The Board's recommendation endorsed the opinion of Planning staff.

The Council's public hearing was conducted on April 3, 2018. There were 10 speakers who were evenly split between support and opposition. Those who supported ZTA 18-01 also supported solar farms in the AR zone. Those who opposed the expansion of large solar arrays cited it as an industrial use that should not intrude into residentially-zoned areas.

The Council referred the text amendment to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on April 30, 2018. The Committee recommended approving ZTA 18-01 as introduced. The Committee considered and rejected the idea of either expanding or contracting the zones affected by the ZTA. In the opinion of the Committee, compatibility issues raised in testimony would be best addressed in the site plan approval process required by the ZTA, and not requiring additional buffering, setbacks, fencing, or lot coverage provisions. The Committee did not foresee problems with noise, ground water pollution, tree protection, or stormwater management.

The Council agreed with the recommendation of the Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 18-01 will be approved as introduced.

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

* * *

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:

- 27 a. In the Agricultural, Rural Residential, Residential, Commercial/
28 Residential, and Employment zones, it is allowed only as an
29 accessory use where the system produces a maximum of 120%
30 of on-site energy consumption and must satisfy the same
31 development standards as an accessory structure; however it
32 may be located in the side yard of a property in a Rural
33 Residential or Residential Detached zone if the main building is
34 set back a minimum of 70 feet from the side lot line and the
35 Solar Collection System is setback a minimum of 50 feet from a
36 side lot line and the height of the Solar Collection System is a
37 maximum of 20 feet.
- 38 b. In the Residential Multi-Unit, Commercial/Residential,
39 Employment, and Industrial zones, a Solar Collection System
40 installed above a parking lot or other paved surface does not
41 count towards the maximum coverage.
- 42 c. Signs are prohibited, except for a flush-mounted sign
43 identifying the manufacturer of the system.
- 44 d. The Solar Collection System must be removed within 12
45 months of the date when the use is discontinued or abandoned
46 by the system owner or operator, or upon termination of the
47 useful life of the system. The Solar Collection System will be
48 presumed to be discontinued or abandoned if no electricity is
49 generated by the system for a period of 12 continuous months.]
- 50 1. In the Agricultural Reserve zone:
- 51 a. A Solar Collection System must be an accessory use as defined
52 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:

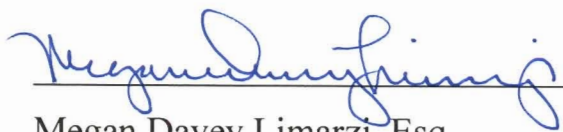
- a. Site plan approval is required under Section 7.3.4.
- b. The site must be a minimum of 3 acres in size.
- c. The system may produce a maximum of 2 megawatts (AC).
- d. All structures must be:
 - i. 20 feet in height or less;
 - ii. located at least 50 feet from any property line; and
 - iii. surrounded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

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

96 * * *

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

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100 This is a correct copy of Council action.

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102 

103 Megan Davey Limarzi, Esq.
104 Clerk of the Council