

Ordinance No.: 18-48
Zoning Text Amendment No.: 18-08
Concerning: Site Plan Amendment –
Solar Collection Systems
Draft No. & Date: 5 – 9/11/18
Introduced: July 17, 2018
Public Hearing: September 11, 2018
Adopted: October 2, 2018
Effective: October 22, 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 Sponsor: Councilmember Hucker
Co-sponsor: Councilmember Leventhal

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow solar collection systems without an amendment to a previously-approved site plan under certain circumstances; and
- generally amend the provisions for a permit that is exempt from conformance to an approved site plan

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

Division 7.3. “Regulatory Approvals”
Section 7.3.4. “Site Plan”

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. 18-08 was introduced on July 17, 2018. ZTA 18-08 would allow solar collection systems without an amendment to a previously-approved site plan under certain circumstances.

In its report to the Council, the Montgomery County Planning Board recommended requiring a minor site plan amendment for applicants that wanted to install solar panels. Planning staff endorsed the Planning Board's recommendation.

The Council's public hearing was conducted on September 11, 2018. There was one speaker, in addition to the Planning Department, who supported ZTA 18-08 after installing solar panels through the site plan amendment process.

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 September 13, 2018. The Committee recommended approving ZTA 18-08 as introduced. The Committee considered and rejected the ideas of requiring additional limitations in ZTA 18-08 or continuing to require a site plan amendment. The Committee was persuaded that ZTA 18-08 would help achieve a carbon-free energy supply by 2035.

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. 18-08 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 59-7.3 is amended as follows:

Division 7.3. Regulatory Approvals

* * *

Section 7.3.4. Site Plan

* * *

G. Subsequent Actions

1. Conforming Permits

For any development requiring site plan approval, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement unless:

- a. the Planning Board has approved a site plan;
- b. a bond has been approved under Section 7.3.4.K.3; and
- c. such building, structure, or improvement satisfies the certified site plan and conditions of approval.

2. Permits Exempt from Conformance to Approved Site Plans

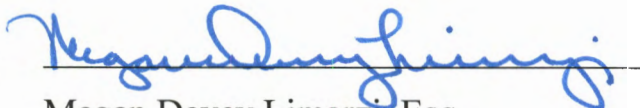
- a. On any property covered by an approved site plan, DPS may issue a sediment control permit or building permit without finding of conformance to the approved site plan to:
 - i. construct a handicapped accessibility improvement;
 - ii. construct a bikeshare facility;
 - iii. install outdoor lighting with full cut-off fixtures;
 - iv. repair an existing structure to any extent allowed by the certified site plan; [or]
 - v. replace an existing structure to no more than the same footprint and height approved[.];
 - vi. install a solar collection system over any pre-existing impervious surface, including structures; or

vii. install an accessory solar collection system in any Commercial/Residential, Employment, or Industrial zone, if the minimum open space area required by the zone is satisfied after the solar collection system is excluded from the open space area and the site includes only non-residential uses.

* * *

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