


Public Hearing

MEMORANDUM

September 7, 2018

TO: County Council

FROM: Jeffrey L. Zyontz,  Senior Legislative Analyst

SUBJECT: Zoning Text Amendment 18-08, Site Plan Amendment – Solar Collection Systems

PURPOSE: Receive testimony on ZTA 18-08

Zoning Text Amendment (ZTA) 18-08, lead sponsor Councilmember Hucker, 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. On July 12, 2018, Councilmember Hucker sent a memorandum to Councilmembers in support of the ZTA:

Earlier this year, the Council passed our zoning text amendment to expand the use of community solar on residential properties¹....[This is] a follow-up ZTA to encourage commercial property owners to adopt solar by reducing delays and lowering the costs.

ZTA 18-08 accomplishes this goal by exempting accessory use solar projects from the costly and lengthy site plan process. Often, the cost of the site plan process can outweigh the benefits of adding solar panels to a property. This ZTA only applies to properties zoned for commercial, employment, industrial and mixed-use without residential.

I hope you will again help us reach our goal of being carbon-free by 2035 by expanding solar adoption in Montgomery County.²

Under ZTA 18-08, a solar collection system on any pre-existing impervious surface would be allowed without amending a previously-approved site plan. In addition, as an accessory use, solar collection

¹ ZTA 18-01 Solar Collection System - Standards, adopted on May 15, 2018 to revise the Solar Collection System use standards to allow larger facilities in certain zones and generally amend the provisions for Solar Collection Systems.

² Resolution No. 18-974, Emergency Climate Mobilization, adopted on December 5, 2017 to:

- declare a climate emergency;
- initiate a massive global mobilization to restore a safe climate and build a sustainable economy; and
- transform the climate by:
 - reducing greenhouse gas emissions by 80% by 2027;
 - reaching 100% elimination by 2035; and
 - initiating large-scale efforts to remove excess carbon from the atmosphere.

systems may also be allowed on sites with non-residential uses without a site plan amendment. In such circumstances, any minimum open space requirements must be retained, excluding the area used for the solar collection system.

ZTA 18-08 is scheduled for a Planning, Housing, and Economic Development worksession on September 13.

This packet contains
ZTA 18-08

© number
1 – 4

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Zoning Text Amendment No.: 18-08
Concerning: Site Plan Amendment –
Solar Collection Systems
Draft No. & Date: 4 – 7/10/18
Introduced: July 17, 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 Sponsor: Councilmember Hucker

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.*

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:

1 **Sec. 1. DIVISION 59-7.3 is amended as follows:**

2 **Division 7.3. Regulatory Approvals**

3 * * *

4 **Section 7.3.4. Site Plan**

5 * * *

6 **G. Subsequent Actions**

7 1. Conforming Permits

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

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

15 2. Permits Exempt from Conformance to Approved Site Plans

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

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

34 * * *

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

37

38 This is a correct copy of Council action.

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41 _____
42 Megan Davis Limarzi, Esq.
 Clerk of the Council