

Montgomery County Solar and Wind Zoning

This document provides a compilation of excerpts from the Montgomery County Zoning Ordinance applicable to the siting of solar and wind projects. Specifically, the excerpts include definitions of solar and wind projects, zoning exclusions, use regulations, and setback and height regulations for solar and wind structures.

Guidance for Viewing Excerpts

SOLAR

Summary

- The Montgomery County Zoning Ordinance uses the term "Public Utility Structure" to refer to large-scale solar projects.
 - Permitted with limited use in the Commercial Residential Town (CRT) and Commercial Residential (CR) zoning districts.
 - Permitted use in the Life Sciences Center (LSC) zoning district.
 - Permitted use, subject to conditions, in the following zoning districts: Agricultural Reserve (AR), Rural (R), Rural Cluster (RC), Rural Neighborhood Cluster (RNC), Residential Estate (RE-2, RE-2C, and RE-1), Residential (R-200, R-90, R-60, and R-40), Townhouse Low Density (TLD), Townhouse Medium Density (TMD), Townhouse High Density (THD), Residential Multi-Unit Low Density (R-30), Residential Multi-Unit Medium Density (R-20), Residential Multi-Unit High Density (R-10), Commercial Residential Neighborhood (CRN), General Retail (GR), Neighborhood Retail (NR), Employment Office (EOF), Light Industrial (IL), Moderate Industrial (IM), and Heavy Industrial (IH).

Relevant Sections of the Montgomery County Code

- **Chapter 59. Montgomery County Zoning Ordinance Council Approved**
 - Division 3.7. Miscellaneous Uses: Definition and Use Standards for "Solar Collection System" (Section 3.7.2 Pg. 3-78).
 - Division 3.1. Use Table: Use Table for "Solar Collection System" and "Public Utility Structure" (Section 3.1.6).
 - Division 3.6. Industrial Uses: Utilities: Definition and Use Standards for "Public Utility Structure" (Section 3.6.7.E)

SMALL SOLAR

Summary

- The Montgomery County Zoning Ordinance uses the term "Solar Collection System" to refer to small-scale solar projects, including Community Solar Energy Generating Systems, Aggregate Net Energy Metering Systems, and projects limited to a percentage of on-site energy use.
 - Permitted with limited use in the following zoning districts: AR, R, RC, RNC, RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20, R-10, CRN, CRT, CR, GR, NR, LSC, EOF, IL, IM, and IH.
 - Permitted with conditional use in AR zone if it exceeds a facility rated at more than 200% of on-site energy use and is less than 2 megawatts (AC).

Relevant Sections of the Montgomery County Code

- **Chapter 59. Montgomery County Zoning Ordinance Council Approved**
 - Division 3.7. Miscellaneous Uses: Definition and Use Standards for "Solar Collection System" (Section 3.7.2 Pg. 3-78).
 - Division 3.1. Use Table: Use Table (Section 3.1.6).
- **Ordinance No. 19-14, Zoning Text Amendment No. 20-01**

WIND

Summary

- The Montgomery County Zoning Ordinance does not have specific zoning regulations surrounding large-scale wind energy projects. Correspondence with County officials determined that large-scale wind energy projects are not permitted in any zoning district.

Relevant Sections of the Montgomery County Code

- No document available for viewing.

Last Updated: March 2022

SMALL WIND

Summary

- The Montgomery County Zoning Ordinance does not have specific zoning districts designated for small-scale/accessory wind projects.

Relevant Sections of the Montgomery County Code

- No document available for viewing.

Clerk's Note: This Ordinance is amended to correct technical errors in formatting. Subsection number formats in lines 146, 148, and 150 are amended; and Ordinance Sec. numbers 3, 4, and 5 are corrected.

CORRECTED

Ordinance No.: 19-14

Zoning Text Amendment No.: 20-01

Concerning: Solar Collection System –
AR Zone Standards

Draft No. & Date: 6 – 2/18/21

Introduced: January 21, 2020

Public Hearing: March 3, 2020

Adopted: February 23, 2021

Effective: March 15, 2021

**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: Councilmember Riemer and Council Vice President Hucker
Co-Sponsor: Councilmember Rice

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise the Solar Collection System use standards to allow larger facilities in the AR zone;
- amend the provisions for Solar Collection Systems in other zones; and
- amend the provisions for site plan approval in the AR zone.

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

<u>Division 3.1.</u>	<u>“Use Table”</u>
<u>Section 3.1.6.</u>	<u>“Use Table”</u>
Division 3.7.	“Miscellaneous Uses”
Section 3.7.2.	“Solar Collection System”
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

ZTA 20-01, Lead Sponsors Councilmember Riemer and Council Vice President Hucker and Co-Sponsor Councilmember Rice, was introduced on January 21, 2020. ZTA 20-01 would revise the Solar Collection System use standards to allow larger facilities in the Agricultural Reserve (AR) zone.

In its report to the Council, the Montgomery County Planning Board and Planning staff recommend the following (differences from the Planning staff recommendations are noted):

- Discourage (Planning staff would prohibit) solar on prime agricultural soils.
- Prohibit solar on 15% slopes (Planning staff would say 8%) or on highly-erodible soils.
- Add all agrivoltaic crop production to the list of plants that can be grown under solar facilities.
- Prohibit solar on soils that are seasonally flooded.
- Delete the fencing requirement.
- Protect scenic views (Planning staff would prohibit disturbance) through site plan review.

The Council conducted a public hearing on March 3, 2020. The testimony did not reflect any grand consensus. One constituency said it was premature to allow industrial uses in the AR zone, at least until other options have been researched. Other testimony supported an immediate reduction in carbon emissions to minimize climate change. A number of amendments to ZTA 20-01 were recommended. A full summary of public hearing testimony may be found in the October 13, 2020 memorandum to Council.

The Council referred the text amendment to the Planning, Housing, and Economic Development (PHED) Committee and the Transportation and Environment Committee (meeting together as the “joint committee”) for review and recommendation.

On July 22, 2020 and then amended on January 14, 2021, the Planning, Housing, and Economic Development Committee and the Transportation and Environment Committee (4-1, Councilmember Friedson opposed) recommended approval of ZTA 20-01 with the following amendments (changes made on January 14 are indicated in bold):

- 1) Restrict the limited use solar facilities to Maryland's net metering program, **including all COMAR references.**
- 2) Expand the definition of AR zoned accessory solar facilities from 120% of on-site use to 200%.
- 3) **Delete the code's current provision for facilities larger than 2MW and prohibit such facilities in the AR zone.**
- 4) Prohibit solar facilities in stream buffers and wetlands.
- 5) Prohibit solar facilities on slopes steeper than 15%.
- 6) Specifically prohibit stripping topsoil from the site.
- 7) Expand the required plants under solar panels to include all agrivoltaic plants and to ensure that the land under the solar facilities is used for agricultural purposes.
- 8) Specify necessary findings concerning forest conservation and tree protection.
- 9) State the site plan requirement for stormwater management.
- 10) Add a requirement to minimize tree loss, consistent with forest conservation.
- 11) Limit the use of concrete to electrical and transformer pads.
- 12) Require screening within 200 feet of a neighboring house, with an opportunity for the Planning Board to waive the planting requirement.
- 13) Delete the requirement for fencing.
- 14) Prohibit limited use solar facilities on Soil Classification I soils.
- 15) Amend the total acreage monitoring responsibility from DPS to Planning staff **to specify that it must include any required setbacks and all acreage within the fenced or shrubbed area of the solar facility.**

The joint committee believes the changes would require agricultural uses under the panels and would assure a better fit into the environmental fabric of the area zoned AR. The increased opportunity for solar facilities would help meet new State and County clean energy goals.

After worksessions considering the recommendations of the joint committee and all testimony received, on October 13, 2020, January 26, 2021, and February 23, 2021 the Council revised the amendments made by the joint committee. The Council required Conditional Use approval for solar facilities larger than 200% of on-site energy use but less than 2 megawatts (AC) instead of site plan approval. In doing so, it retained the joint committee proposed standards for site plan review but made them standards for Conditional Use approval with one exception. In addition to a prohibition of these facilities on Soil Classification I soils, the Council prohibited facilities on Soil Classification II soils.

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. 20-01 will be approved as amended.

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 59-3.1 is amended as follows:

Division 3.1. Use Table

* * *

Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential			
		AR	R	RC	RNC	
* * *						* * *
MISCELLANEOUS						
Noncommercial Kennel	3.7.1	P	P	P	P	
Solar Collection System	3.7.2	L/C	L	L	L	
* * *						

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

* * *

Sec. 2. 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. Solar Collection Systems are facilities that comply with the requirements of the State’s net metering program under Maryland Code §7-306, COMAR 20.50.10, and COMAR 20.62, including Community

23 Solar Energy Generating Systems, Aggregate Net Energy Metering Systems,
24 and projects limited to a percentage of on-site energy use. A Solar Collection
25 System larger than 2 megawatts (AC) is prohibited in the Agricultural
26 Reserve Zone.

27 **B. Use Standards**

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

30 [[1]]a. In the Agricultural Reserve zone, [[all of the standards in
31 Subsection 3.7.2.B.2 and the following standards apply:]] a
32 Solar Collection System is allowed where the system produces
33 up to 200% of annual baseline energy use on-site and must
34 satisfy the following requirements:

- 35 i. Solar panels may encroach into a setback as allowed
36 under Section 4.1.7.B.5.c and may exceed the maximum
37 height as allowed under Section 4.1.7.C.3.b.
- 38 ii. Written authorization from the local utility company
39 must be provided for a Solar Collection System that will
40 be connected to the utility grid.
- 41 iii. Removal of trees or landscaping otherwise required or
42 attached as a condition of approval of any plan,
43 application, or permit for the installation or operation of a
44 Solar Collection System is prohibited.

45 [a. A Solar Collection System must be an accessory use as defined
46 in Section 3.1.3.]

47 [b][[a. Written authorization from the local utility company must be
48 provided for a Solar Collection System that will be connected
49 to the utility grid.]]

- 50 [c][[b. Removal of trees or landscaping otherwise required or attached
51 as a condition of approval of any plan, application, or permit for
52 the installation or operation of a Solar Collection System is
53 prohibited.]]
- 54 [d. Solar panels may encroach into a setback as allowed under
55 Section 4.1.7.B.5.c and may exceed the maximum height as
56 allowed under Section 4.1.7.C.3.b.]
- 57 [e. A freestanding Solar Collection System is allowed only as an
58 accessory use where the system produces a maximum of 120%
59 of on-site energy consumption and must satisfy the same
60 development standards as an accessory structure.]
- 61 [[c. Except as allowed under Subsection 59.7.3.4.E.5.b, the site
62 must be designated pollinator-friendly under the Maryland
63 Pollinator-Friendly Designation Program.]]
- 64 [[d. Cumulatively, on all AR zoned land, a maximum of 1,800 acres
65 of land may be covered by solar panels.]]
- 66 [[2]]b. In Rural Residential, Residential,
67 Commercial/Residential, Employment, and Industrial zones,
68 where a Solar Collection System is allowed as a limited use, [it
69 must either satisfy Subsection 59.3.7.2.B.1.a through
70 Subsection 59.3.7.2.B.1.e or] it must satisfy the following
71 standards in either [[subsection a or b]] Subsection
72 59.3.7.2.B.2.a or 59.3.7.2.B.2.b:
- 73 [[a. The Solar Collection System must be an accessory use as
74 follows:]]
- 75 **i. Systems producing 120% or less of on-site energy use**

76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

The Solar Collection System may be an accessory use under the following standards:

- (a) the system produces a maximum of 120% of on-site energy ~~[[consumption]] use;~~
- ~~[[ii.]](b) [[encroachment]] solar panels may encroach into a setback as allowed under Section 4.1.7.B.5.C; and~~
- ~~[[iii.]](c) the panels may exceed the ~~[[a]] maximum height allowed under 4.1.7.C.3.b.~~~~

[[b]]ii. Systems Producing more than 120% of on-site energy use

The Solar Collection System must satisfy the following standards:

- ~~[[a]]~~[[i.]](a)~~ Site plan approval is required under Section 7.3.4.~~
- ~~[[b]]~~[[ii.]](b)~~ The site must be a minimum of 3 acres in size.~~
- ~~[[c]]~~[[iii.]](c)~~ The system may produce a maximum of 2 megawatts (AC).~~
- ~~[[d]]~~[[iv.]](d)~~ All structures must be:
 - ~~[[i]]~~[[A.]](1)~~ 20 feet in height or less;~~
 - ~~[[ii]]~~[[B.]](2)~~ located at least 50 feet from any property line; and~~
 - ~~[[iii]]~~[[C.]](3)~~ surrounded by a minimum 6-foot-tall fence.~~~~

101 [e][v.](e) If a structure for a Solar Collection System
102 is located in an area visible to an abutting
103 residential use or a road:

104 [i][A.](1) only solar thermal or photovoltaic
105 panels or shingles may be used;

106 [ii][B.](2) the panels or shingles must use
107 textured glass or an anti-reflective coating;

108 and

109 [iii][C.](3) screening that satisfies Section
110 59.6.5.3.C.8 (Option A) on the sides of the
111 facility visible from the residential use or
112 road is required.

113 [f][vi.](f) The Solar Collection System must be
114 removed within 12 months of the date when the
115 use is discontinued or abandoned by the system
116 owner or operator, or upon termination of the
117 useful life of the system. The Solar Collection
118 System will be presumed to be discontinued or
119 abandoned if no electricity is generated by the
120 system for a period of 12 continuous months.

121 [g][vii. If licensed by the Public Service Commission, [A] a
122 system designed to produce more than 2 megawatts (AC)
123 [may be allowed as a public utility use under Section
124 3.6.7.E] is not restricted by Chapter 59.]]

125 2. A Solar Collection System may be allowed as a Conditional Use in
126 the AR zone if it exceeds a facility rated at more than 200% of on-site
127 energy use and is less than 2 megawatts (AC). Where a Solar

- 128 Collection System is allowed as a conditional use in the AR zone, it may be
129 permitted by the Hearing Examiner under Section 7.3.1. Conditional
130 Use and the following standards:
- 131 a. The Solar Collection System is prohibited:
- 132 i. on soils classified by the United States Department of
133 Agriculture as either Soil Classification Category I or
134 Category II;
- 135 ii. in a stream buffer;
- 136 iii. on wetlands; or
- 137 iv. on slopes equal to or greater than 15%.
- 138 b. Scraping topsoil from the site is prohibited.
- 139 c. Grading and any soil removal are minimized.
- 140 d. The solar collection system is compliant with the requirements
141 of the State’s net metering program under Maryland Code §7-
142 306, COMAR 20.50.10, and COMAR 20.62.
- 143 e. The area under the solar facility must be actively used for
144 farming or agricultural purposes by satisfying one or more of
145 the following requirements:
- 146 [[i)]i. designated pollinator-friendly under the Maryland
147 Pollinator-Friendly Designation Program;
- 148 [[ii)]ii. planted, managed, maintained, and used for
149 grazing farm animals; or
- 150 [[iii)]iii. planted, managed, maintained, and used for any
151 other agrivoltaic plant material.
- 152 f. The applicant must provide evidence that the local utility
153 company will allow the Solar Collection System to be
154 connected to the utility grid.

- 155 g. The applicant must provide evidence that the application was
156 submitted to the Office of Agriculture.
- 157 h. Removal of trees or landscaping otherwise required or attached
158 as a condition of approval of any plan, application, or permit for
159 the installation or operation of a Solar Collection System is
160 prohibited.
- 161 i. Any tree in or on a floodplain, stream buffer, steep slope,
162 critical habitat, contiguous forest, or historic site, and any
163 champion tree or other exceptionally large tree is left
164 undisturbed unless a disturbance is allowed under Section 22A-
165 12(b)(1).
- 166 j. Except for pad areas for transformers and electrical equipment,
167 the use of concrete is prohibited.
- 168 k. Screening that satisfies Section 59.6.5.3.C.8 (Option A) on the
169 sides of the facility within 200 feet of any neighboring house is
170 required; however, a fence may not be required or prohibited.
- 171 l. The Hearing Examiner's decision must consider the
172 recommendations of the Office of Agriculture.
- 173 m. The applicant must include a calculation of the total acreage
174 used for the Solar Collection System, including any required
175 setbacks and all acreage within the fenced or shrubbed area.
- 176 n. The land area approved for the Conditional Use, in addition to
177 all other Conditional Use approvals for solar facilities in the AR
178 zone, will not exceed 1,800 acres of land.

179 * * *

180 **Sec. [[2]]3. DIVISION 59-7.3 is amended as follows:**

181 **Division 7.3. Regulatory Approvals**

182 * * *

183 **Section 7.3.4. Site Plan**

184 * * *

185 **E. Necessary Findings**

186 * * *

187 [[5. For property zoned AR proposed for use as a Solar Collection system:

188 a. grading and any soil removal will be minimized; and

189 b. the site must be designated pollinator-friendly under the

190 Maryland Pollinator-Friendly Designation Program, or any land

191 on which the solar generation facility is located that is not

192 designated as pollinator friendly must be planted, managed, and

193 maintained in a manner suitable for grazing farm animals.]]

194 * * *

195 **Sec. ~~[[3]]~~4. Reporting.** The Planning Department must prepare an impact

196 report no later than December 31, 2023, with input from the Office of Agriculture

197 as well as community stakeholders. The report must cover topics such as:

- 198 • assessment of different agricultural practices on land beneath panels;
- 199 • impact from installations on forests, streams, wetlands;
- 200 • impact on the ability of diverse communities to access farming or
- 201 remain in farming;
- 202 • how the availability of solar has measurably impacted agriculture
- 203 generally, including any measurable impacts on operations of lease or
- 204 tenant farmers, including land prices;
- 205 • any measurable impact on “local food” production;
- 206 • any measurable impacts of solar provision on carbon emissions in
- 207 Montgomery County and the electricity grid generally.

208 The impact report must recommend to the County Council whether the solar ZTA
209 program should be continued, expanded, or discontinued based directly on any
210 measurable and substantive impacts discovered in the report.

211

212 **Sec. ~~[[4]]5~~. Effective date.** This ordinance becomes effective 20 days after
213 the date of Council adoption.

214

215 This is a correct copy of Council action.

216

217  _____

218 Selena Mendy Singleton, Esq.

219 Clerk of the Council

CHAPTER 59
MONTGOMERY COUNTY ZONING ORDINANCE
COUNCIL APPROVED

MARCH 5, 2014

B. Distribution Line (Below Ground)

Defined

Distribution Line (Below Ground) means an underground electric line, cable line, or telephone line.

C. Pipeline (Above Ground)

1. Defined

Pipeline (Above Ground) means an above ground conduit for the distribution of liquids or gas.

2. Use Standards

Where a Pipeline (Above Ground) is allowed as a conditional use, it may be permitted by the Hearing Examiner under [Section 7.3.1](#), Conditional Use, and the following standards:

- a. The proposed pipeline is necessary for public convenience and service.
- b. The proposed pipeline will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.

D. Pipeline (Below Ground)

Defined

Pipeline (Below Ground) means an underground conduit for the distribution of liquids or gas.

E. Public Utility Structure

1. Defined

Public Utility Structure means a utility structure other than transmission lines or pipelines. Public Utility Structure includes structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices for supplying electric service or other public utilities.

2. Use Standards

- a. Where a Public Utility Structure is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under [Section 7.3.4](#).
- b. Where a Public Utility Structure is allowed as a conditional use, it may be permitted by the Hearing Examiner under [Section 7.3.1](#), Conditional Use, and the following standards:
 - i. The proposed structure at the location selected is necessary for public convenience and service.
 - ii. The proposed structure at the location selected will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.
 - iii. A Public Utility Structure allowed in any Rural Residential or Residential zone, must, whenever practicable, have the exterior appearance of a residential building and must have suitable landscaping, screen planting and fencing, wherever deemed necessary by the Hearing Examiner.
 - iv. The Hearing Examiner may waive the height limits of the applicable zone where, in the opinion of the Hearing Examiner, adjacent residential uses will not be adversely affected by the increased height.
 - v. An applicant for a Public Utility Structure may file a conditional use application if the applicant states in writing under oath that a bona fide effort has been made to obtain a contractual interest in the subject property for a valid consideration without success, and that there is an intent to continue negotiations to obtain the required interest or in the alternative to file condemnation proceedings should the conditional use be approved.

Division 3.7. Miscellaneous Uses

Section 3.7.1. Noncommercial Kennel

A. Defined

Noncommercial Kennel means any County-licensed establishment used for the keeping, breeding, or care of dogs, cats, or other domestic animals belonging to the site's owner and kept for purposes of show, hunting, breeding, or as pets. Noncommercial Kennel does not include an Equestrian Facility (see [Section 3.2.4](#), Equestrian Facility).

B. Use Standards

Where a Noncommercial Kennel is allowed as a limited use, construction or use of accessory buildings, enclosures, or runs for these dogs is prohibited.

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. In the Commercial/Residential, Employment, and Industrial zones, a roof-

mounted system may exceed the maximum height by 8 feet under [Section 4.1.7.C.3](#).

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.

Section 3.7.3. Wildlife, Game Preserve, and Other Conservation Areas

Defined

Wildlife, Game Preserve, and Other Conservation Areas means a public or private area used for raising, protecting, breeding or hunting wildlife within a natural environment. Wildlife, Game Preserve, and Other Conservation Areas includes a regulated shooting ground licensed by the Maryland Wildlife Administration.

USE OR USE GROUP	Definitions and Standards	RT-6.0	RT-8.0	RT-10.0	RT-12.5	RT-15.0	R-H
ACCESSORY COMMERCIAL USES	3.5.14						
Amateur Radio Facility (Up to 65 Feet in Height)	3.5.14.A	L	L	L	L	L	L
Amateur Radio Facility (Over 65 Feet in Height)	3.5.14.B	C	C	C	C	C	C
Antenna on Existing Structure	3.5.14.C						L
Lawn Maintenance Service	3.5.14.G	L	L	L	L	L	L
TEMPORARY COMMERCIAL USES	3.5.15						
Construction Administration or Sales Office	3.5.15.A	L	L	L	L	L	L
Transitory Use	3.5.15.C	L	L	L	L	L	L
INDUSTRIAL UTILITIES	3.6.7						
Distribution Line (Below Ground)	3.6.7.B	P	P	P	P	P	P
Pipeline (Below Ground)	3.6.7.D	P	P	P	P	P	P
Public Utility Structure	3.6.7.E	C	C	C	C	C	C
ACCESSORY MISCELLANEOUS USES	3.7.4						
Accessory Structures	3.7.4.A	P	P	P	P	P	P
Accessory Use	3.7.4.B	P	P	P	P	P	P

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

- 1 Limited to the sale of Christmas trees between December 5 and December 25.
- 2 Must satisfy the requirements of the R-60 zone.
- 3 Multi-Unit Living must occur in a one-household attached dwelling unit that is in a structure consisting entirely of dwelling units, each of which:
 - a. is attached to one or more other dwelling units;
 - b. has at least one direct entrance from the outside, and
 - c. has an abutting ground level outdoor area for the exclusive use of its occupants.
- 4 These units must satisfy the special requirements for a development with MPDUs in Chapter 25A.
- 5 A maximum of 40% of the dwelling units may be one-household attached dwelling units, as defined in footnote 3 of Section 8.2.3.B, except under the MPDU optional method requirements of Section 8.2.4.C.
- 6 Prohibited in a townhouse and duplex building type.
- 7 A Restaurant and Retail/ Service Establishment may be permitted in the R-H zone by the Hearing Examiner under Section 7.3.1, Conditional Use if:
 - a. the Restaurant or Retail/ Service Establishment:
 - i. primarily serves the residents of the building or complex in which it is located and does not deliver to non-residents;
 - ii. is located on the ground-level, except that a restaurant may locate on the top floor or penthouse; and
 - iii. is located and constructed to protect tenants of the building from noise, traffic, odors, and interference with privacy; and