



# FREDERICK

## PLANNING

July 18, 2022

Jenn Venice  
Solar Landscape  
522 Asbury Park, JN 07753  
908-327-6527

Re: 22-585ZD – 396 Prospect Boulevard, Frederick, MD – Solar Panels

Dear Ms. Venice:

Staff is pleased to present this zoning determination for the above referenced property.

Solar Landscape asked whether the installation of commercial rooftop solar as part of the Maryland Pilot Program for Community Solar Energy Generating Systems would be allowed at the site. Per our phone conversation, the proposed solar panels will be installed atop the existing buildings at 396 Prospect Boulevard. The solar panels will provide energy options to the grid and will provide renewable benefits for low and moderate income customers, as is being done by Solar Landscape in the New Jersey Community Solar Energy Pilot Program.<sup>1,2</sup>

The property at 396 Prospect Boulevard is within the GC (General Commercial) Zoning District, and the property is within the Rt. 15 Highway Noise Impact Overlay District. (The HNO only applies to residential development and does not create any limitation to commercial uses.)

The site is improved by a mix of single and multi-story storage facilities. The tallest three structures appear to be less than 50 feet in height.



Figure 1– 396 Prospect Boulevard, Public Storage buildings (Google Earth, looking east)

<sup>1</sup> Lundt, Billy. “New Jersey board approves 165 MW of community solar serving low-income residents.” Solar Power World, 28 Oct 2021, [www.solarpowerworldonline.com/2021/10/new-jersey-board-approves-community-solar-serving-low-income-residents/](http://www.solarpowerworldonline.com/2021/10/new-jersey-board-approves-community-solar-serving-low-income-residents/).

<sup>2</sup> Chertock, Marlana. “N.J Community Solar Program Provides Energy to Low-, Moderate-Income Households.” Electrical Contractor Magazine, 13 Apr 2022, [www.ecmag.com/section/green-building/nj-community-solar-program-provides-energy-low-moderate-income-households](http://www.ecmag.com/section/green-building/nj-community-solar-program-provides-energy-low-moderate-income-households).

The existing principle use on the property is a storage facility, which is an allowed use in the GC Zone. The lot appears to be in conformance with all setbacks, frontage, impervious ratio, and building height required by Table 405-1 of the Land Management Code (LMC). The installation of solar panels would be considered accessory to the principle use and would not add significant height to the structures.

From Table 405-1 Dimensional Regulations of the CoF LMC								
GC Zone	Min Lot Size (square feet)	Max Density	Min Frontage (feet)	Max Building Height (feet)	Min Street Setback (feet)	Min Interior Setback (feet)	Min Rear Setback (feet)	Impervious Surface Ratio (ISR)
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Additionally, the retrofit of the existing commercial buildings with roof-mounted solar panels complies with the City of Frederick’s current planning policies.

- The Sustainability theme in the 2020 Comprehensive Plan encourages “the use of efficient and renewable energy, protecting water quality and green spaces as well as encouraging all demographics and classes and supported with adequate housing, services and amenities.” (CoF 2020 Comp Plan, p. 1-40).
- Environmental Policy ES 4.7 encourages “applicants on all renovation projects to consider retrofitting with green technologies.
- Environmental Policy 8.2 encourages the City to “Assist in establishing microgrids for energy efficiency and resiliency.”
- The City’s Sustainability Plan states that “Exploring the opportunity to purchase more power generated from solar, wind, and other renewable resources could benefit residents and businesses as power generated from burning fossil fuels adds to particulate matter pollution in the region and increases the overall carbon footprint. (The City of Frederick Sustainability Plan, 2016, p. 11)

In summary, the proposed installation of roof-mounted solar panels on the buildings at 396 Prospect Boulevard are allowed for the following reasons:

- Roof-mounted solar panels will be a “green technology” retrofit of the existing HVAC system;
- Roof-mounted solar panels will not significantly increase the height of the existing buildings and the overall height will continue to be far less than the 90-ft maximum height allowed in the GC zone; and
- Roof-mounted community solar energy projects are consistent with the City’s environmental and sustainability policies.

If you have any further questions, please do not hesitate to contact me at (301) 600-3187 or [ssuarez@cityoffrederickmd.gov](mailto:ssuarez@cityoffrederickmd.gov).

*The purpose of the service provided by the Zoning Administrator regarding determinations and/or interpretations is to identify the zoning of a particular property, to verify that a use is permitted or permissible in a specific Zoning District and to clarify and interpret the Land Management Code.*

*Any questions regarding specific regulations and requirements for a site or sites' compliance with the Land Management Code not addressed in this letter shall not be the responsibility of the Zoning Administrator. It is the responsibility of the applicant, property owner and/or property purchaser to review the project site plans and the Land Management Code for compliance.*

*This determination refers solely to the referenced property and is not binding upon the City, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property. Please be advised that any person aggrieved, or any officer, department or agency of The City of Frederick affected by an order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the provisions of the Land Management Code may appeal said decision within thirty days to the Zoning Board of Appeals.*

Sincerely,

In Concurrence,



Sharon Kemper Suarez, MPA, AICP  
City Planner



Joseph A. Adkins, AICP  
Zoning Administrator



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Asbury Park, NJ 07753  
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By Email : [zbadigital@cityoffrederickmd.gov](mailto:zbadigital@cityoffrederickmd.gov)

Citizen Portal Account: [jenn@solarlandscape.com](mailto:jenn@solarlandscape.com) Jenn Venice

Planning Department  
City of Frederick Maryland

Location: 396 Prospect Blvd Frederick, MD 21701

To the Planning Department:

I am requesting a zoning determination that addresses that the following is permitted at the proposed location above:

Installation of a commercial rooftop solar panels for the state's community solar program.  
(Community Solar Energy Generating System under the Maryland Pilot Program)

The payment of \$200 is in the mail.

Thank you,

Jenn Venice  
908-433-1240