Agenda Item 8
April 10, 2018
Public Hearing

MEMORANDUM

April 6, 2018

TO: County Council

FROM: Amanda Mihill, Legislative Attorney AMihill

SUBJECT: Bill 11-18, Buildings – Environmental Roof Design – Non-residential and Multi-family buildings

PURPOSE: Public Hearing; No Council votes required

Bill 11-18, Buildings - Environmental Roof Design – Non-residential and Multi-family buildings, sponsored by Lead Sponsor Councilmember Elrich, was introduced on March 20, 2018. A Transportation, Infrastructure, Energy and Environment Committee worksession is tentatively scheduled for June 18.

Bill 11-18 would require an environmentally sustainable roof on certain new and extensively modified non-residential or multi-family buildings. It would also authorize the Director of the Department of Permitting Services to approve a full or partial waiver.

This packet contains:	Circle #
Bill 11-18	1
Legislative Request Report	5
Sponsor Memo	6

Bill No. 11-18
Concerning: Buildings - Environmental Roof Design – Non-residential and Multi-family buildings
Revised: 3/10/2018 Draft No. 2
Introduced: March 20, 2018
Expires: September 20, 2019
Enacted:
Executive:
Effective:
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Elrich

AN ACT to:

(1) require an environmentally sustainable roof on certain new and extensively modified non-residential or multi-family buildings;
(2) authorize the Director of the Department of Permitting Services to approve a full or partial waiver; and
(3) generally amend the law governing the construction of new and extensively modified non-residential and multi-family buildings.

By adding:

Montgomery County Code
Chapter 8, Buildings
Article VII, Environmental Roof Design
Sections 8-46, 8-47, 8-48, 8-49, and 8-50

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets]	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets]]	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Article VII (Sections 8-46, 8-47, 8-48, 8-49, and 8-50) of Chapter 8 is added as follows:

ARTICLE VII. ENVIRONMENTAL ROOF DESIGN.

8-46. Definitions.

In this Article, the following words have the meanings indicated:

Covered building means a newly constructed or extensively modified non-residential or multi-family residential building that has or will have at least 10,000 square feet of gross floor area.

Director means the Director of the Department of Permitting Services or the Director's designee.

Extensively modified means any structural modification that alters more than 50% of the building's gross floor area, as indicated on the application for a building permit. Extensively modified does not include any modification of the mechanical, electrical, plumbing, heating, ventilation, air conditioning (HVAC), or fire protection systems.

International Green Construction Code means the most recent edition of the International Code Council's publication approved by Executive resolution.

Multi-family residential building means any multi-family residential or mixed-use building that is taller than 4 stories.

Newly constructed means a new stand-alone building or an addition to an existing building. A newly constructed building includes any addition to or enlargement of an existing building, but does not include a change to an existing portion of a building.

Non-residential building means a building not used as a dwelling. Non-residential building does not include:

(a) a day care center for 5 or fewer persons;

(b) an agricultural building, stable, barn, or greenhouse; or

(c) a parking garage that is not heated or cooled.

8-47. Standards and requirements.

(a) *Compliance.* A new or extensively modified covered building, in addition to any action required under Section 8-14A, must satisfy either:

(1) Section 408.3 of the International Green Construction Code, with at least 15% of the roof area covered by solar thermal collectors or a solar photovoltaic system; or

(2) alternative requirements for roof coverings established by Executive Regulation that are at least as stringent as Section 408.3 of the International Green Construction Code and the solar thermal or photovoltaic requirement in (a)(1).

(b) *Waiver.* The Director may approve a full or partial waiver of the requirements in subsection (a) when compliance would be impractical or unduly burdensome and the public interest would be served by the waiver. If the solar energy requirement is waived, the Director must then consider if a requirement for a vegetative roof for at least 15% of the roof area is practical before allowing a roof that only satisfies the solar reflectance and the thermal emittance standards in Section 408.3 of the International Green Construction Code.

8-48. Permits.

(a) *Design plans.* The applicant for a building permit for a covered building must submit to the Director roof plans that satisfy Section 8-47.

(b) *Building permit.* The Director must require compliance with Section 8-47 as a condition of any building permit issued for a covered building.

(c) *Final use and occupancy certificate.* The Director must not issue a final use and occupancy certificate for a covered building unless the building has satisfied the requirements of Section 8-47.

8-49. Regulations.

The County Executive must adopt regulations under Method (2) to administer this Article. Those regulations must include:

(a) the process to verify that a covered building complies with Section 8-47, including the types of persons who are qualified to verify compliance;

(b) procedures for applying to the Director for a full or partial waiver of Section 8-47; and

(c) alternative requirements for roof coverings that satisfy Section 8-47(a)(2).

8-50. Report.

The Director must submit to the Executive and Council, not later than March 1 of each year, a list of each waiver of the requirements of this Article approved by the Director during the preceding calendar year and any condition attached to the waiver.

Approved:

Hans Riemer, President, County Council — Date

Approved:

Isiah Leggett, County Executive — Date

This is a correct copy of Council action.

Megan Davey Limarzi, Esq. Clerk of the Council — Date

LEGISLATIVE REQUEST REPORT

Bill 11-18

Buildings - Environmental Roof Design – Non-residential and Multi-family buildings

DESCRIPTION:	Bill 11-18 would require an environmentally sustainable roof on certain new and extensively modified non-residential or multi-family buildings and authorize the Director of the Department of Permitting Services to approve a full or partial waiver.
PROBLEM:	Structure roofs are a largely untapped resource to collect clean energy and displace greenhouse gas emitting energy sources
GOALS AND OBJECTIVES:	To require an environmentally sustainable roof on certain new and extensively modified non-residential or multi-family buildings.
COORDINATION:	Permitting Services
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Amanda Mihill, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	A violation of Chapter 8 is a Class A violation.

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MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

MARC ELRICH
COUNCILMEMBER AT-LARGE

March 15, 2018

As we continue into the climate crisis, we must make deliberate efforts and take advantage of every opportunity to do our part to avert the impending disaster. Building roofs are a largely untapped resource to collect clean energy and displace greenhouse gas emitting dirty energy sources.

This bill would require new non-residential and multi-family buildings to have a solar roof if at least 15% of the roof surface is available and it is practical (not in the shade of a neighboring building for example). If not solar, then a vegetative green roof is required, if practical. If neither solar nor vegetative, then a heat reducing reflective roof must be installed.