

# Attachment A

Ordinance No.: \_\_\_\_\_  
Zoning Text Amendment No.: 26-xx  
Concerning: Solar Collection System -  
Standards  
Revised: \_\_\_\_\_ Draft No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Councilmember \_\_\_\_\_  
Co-Sponsors: Councilmembers \_\_\_\_\_

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- (1) amend the use standards for solar collection systems, separating rooftop mounted from ground mounted
- (2) amend the definition and use standards for solar collection systems to acknowledge State law preempting certain systems in the AR zone and
- (3) generally amend the use standards for a solar collection system.

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

Division 3.7.           “Miscellaneous Uses”  
Section 3.7.2.       “Solar Collection System”

**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:*

**Sec. 1. DIVISION 59-3.7 is amended as follows:**

**Division 3.7. Miscellaneous Uses**

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**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 Solar Energy Generating Systems, Aggregate Net Energy Metering Systems, [and] projects limited to a percentage of on-site energy use, and projects that are allowed to be regulated by the county under Maryland Code §7-207. Ground mounted systems are where the solar panel is attached to a dedicated support structure that has its foundation on the ground. Rooftop mounted systems are where the solar panel is attached to mounts that are attached to the roof of another principal or accessory structure. [A Solar Collection System larger than 2 megawatts (AC) is prohibited in the Agricultural Reserve Zone.]

**B. Use Standards**

1. Where a Solar Collection System is allowed as a limited use, it must satisfy the following standards:
  - a. In the Agricultural Reserve zone, a Solar Collection System is allowed [where the system produces up to 200% of annual baseline energy use on-site and must satisfy] if it satisfies the following requirements:

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i. If the Solar Collection System is ground mounted, it produces no more than 200% of the annual baseline energy use on the site. If it is rooftop mounted, it must comply with the energy generation limits of Maryland Code §7-207.

[i.]ii. Solar panels may encroach into a setback as allowed under Section 4.1.7.B.5.c and may exceed the maximum height as allowed under Section 4.1.7.C.3.b.

[ii.]iii. Written authorization from the local utility company must be provided for a Solar Collection System that will be connected to the utility grid.

[iii.]iv. 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.

b. In Rural Residential, Residential, Commercial/Residential, Employment, and Industrial zones, where a Solar Collection System is allowed as a limited use, it must satisfy the following standards:

i. **Ground Mounted Solar Collection Systems**  
**[producing 120% or less of on-site energy use]**

(a) [The] Ground mounted Solar Collection Systems producing 120% or less of on-site energy use may be an accessory use under the following standards:

(a)(1) the system produces a maximum of 120% of on-site energy use;

54 [(b)](2) solar panels may encroach into a setback  
55 as allowed under Section 4.1.7.B.5.C; and  
56 [(c)](3) the panels may exceed the maximum  
57 height allowed under 4.1.7.C.3.b.

58 (b) Ground mounted Solar Collection Systems  
59 producing more than 120% of on-site energy use  
60 must comply with the energy generation limits of  
61 Maryland Code §7-207 and satisfy the following  
62 standards:

63 (1) Site plan approval is required under Section  
64 7.3.4.

65 (2) The site must be a minimum of 3 acres in  
66 size.

67 (3) All structures must be:

68 i. 20 feet in height or less;

69 ii. located at least 50 feet from any  
70 property line; and

71 iii. surrounded by a minimum 6-foot tall  
72 fence.

73 (4) If a structure for a Solar Collection System is  
74 located in an area visible to an abutting  
75 residential use or road:

76 i. only solar thermal or photovoltaic  
77 panels or shingles may be used;

78 ii. the panels or shingles must use  
79 textured glass or an anti-reflective  
80 coating; and

81                    iii. screening that satisfies Section  
82                    59.6.5.3.C.8 (Option A) on the sides  
83                    of the facility visible from the  
84                    residential use or road is required.

85                    (5) Written authorization from the local utility  
86                    company must be provided for a Solar  
87                    Collection System that will be connected to  
88                    the utility grid.

89                    (6) The Solar Collection System must be  
90                    removed within 12 months of the date when  
91                    the use is discontinued or abandoned by the  
92                    system owner or operator, or upon  
93                    termination of the useful life of the system.  
94                    The Solar Collection System will be  
95                    presumed to be discontinued or abandoned if  
96                    no electricity is generated by the system for  
97                    a period of 12 continuous months.

98                    **ii. Rooftop mounted Solar Collection Systems**

99                    **[Producing more than 120% of on-site energy use]**

100                    The Solar Collection System must satisfy the following  
101                    standards:

102                    (a) Written authorization from the local utility  
103                    company must be provided for a Solar Collection  
104                    System that will be connected to the utility grid.

105                    [Site plan approval is required under Section  
106                    7.3.4.]

107                    (b) The site must be a minimum of 3 acres in size.]

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- (b [c]) The system must comply with the energy generation limits of Maryland Code §7-207.
  - [(d) All structures must be:
    - (1) 20 feet in height or less;
    - (2) located at least 50 feet from any property line; and
    - (3) surrounded by a minimum 6-foot-tall fence.
  - (e) If a structure for a Solar Collection System is located in an area visible to an abutting residential use or a road:
    - (1) only solar thermal or photovoltaic panels or shingles may be used;
    - (2) the panels or shingles must use textured glass or an anti-reflective coating; and
    - (3) screening that satisfies Section 59.6.5.3.C.8 (Option A) on the sides of the facility visible from the residential use or road is required.
  - (f) 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.]
2. Except as allowed by the State of Maryland Code §7-207, a [A] Solar Collection System may be allowed as a Conditional Use in the AR

135 zone if it is a ground mounted Solar Collection [exceeds a] facility  
136 rated at more than 200% of on-site energy use, and is less than 2  
137 megawatts (AC). Where a Solar Collection System is allowed as a  
138 conditional use in the AR zone, it may be permitted by the Hearing  
139 Examiner under Section 7.3.1. Conditional Use and the following  
140 standards:

- 141 a. The Solar Collection System is prohibited:
- 142 i. on soils classified by the United States Department of  
143 Agriculture as either Soil Classification Category I or  
144 Category II;
  - 145 ii. in a stream buffer;
  - 146 iii. on wetlands; or
  - 147 iv. on slopes equal to or greater than 15%.
- 148 b. Scraping topsoil from the site is prohibited.
- 149 c. Grading and any soil removal are minimized.
- 150 d. The solar collection system is compliant with the requirements  
151 of the State's net metering program under Maryland Code §7-  
152 306, COMAR 20.50.10, and COMAR 20.62.
- 153 e. The area under the solar facility must be actively used for  
154 farming or agricultural purposes by satisfying one or more of  
155 the following requirements:
- 156 (i) designated pollinator-friendly under the Maryland  
157 Pollinator-Friendly Designation Program;
  - 158 (ii) planted, managed, maintained, and used for  
159 grazing farm animals; or
  - 160 (iii) planted, managed, maintained, and used for any  
161 other agrivoltaic plant material.

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

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

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This is a correct copy of Council action.

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Sara R. Tenenbaum  
Clerk of the Council