

Attachment B

Ordinance No.: _____
Zoning Text Amendment No.: 26-07
Concerning: Solar Collection System –
Use Standards
Revised: 4/3/2026 Draft No.: 1
Introduced: April 21, 2026
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**

Lead Sponsor: Council President Fani-González at the Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) amend the use standards for a Solar Collection System, separating rooftop-mounted from ground-mounted;
- (2) amend the definition and use standards for a Solar Collection System consistent with State law; 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:

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

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

33 **i. Ground-Mounted Solar Collection Systems**

34 ~~[[i.]] (a) [[If the Solar Collection System is ground-mounted, it~~
35 ~~produces]] The system must produce no more than 200%~~
36 ~~of the annual baseline on-site energy use [[on the site]].~~
37 ~~[[If it is rooftop-mounted, it must comply with the energy~~
38 ~~generation limits of Maryland Code §7-207, as amended.]]~~

39 ~~[[ii.]] (b)~~ Solar panels may encroach into a setback as allowed
40 under Section 59-4.1.7.B.5.c and may exceed the
41 maximum height as allowed under Section 59-4.1.7.C.3.b.

42 ~~[[ii.]]~~ ~~[[iii.]] (c)~~ Written authorization from the local utility
43 company must be provided for a Solar Collection System
44 that will be connected to the utility grid.

45 ~~[[iii.]]~~ ~~[[iv.]] (d)~~ Removal of trees or landscaping otherwise
46 required or attached as a condition of approval of any plan,
47 application, or permit for the installation or operation of a
48 Solar Collection System is prohibited.

49 **ii. Rooftop-Mounted Solar Collection Systems**

50 (a) The system must not be preempted by the Public
51 Utilities Article, §7-207, as amended.

52 (b) Solar panels may exceed the maximum height as
53 allowed under Section 59-4.1.7.C.3.b.

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

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 [System] Systems producing 120% or less of the annual baseline on-site energy use may be an accessory use under the following standards:

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

[(b)](2) solar panels may encroach into a setback as allowed under Section 59-4.1.7.B.5. [[C]]c; and

[(c)](3) the panels may exceed the maximum height allowed under 59-4.1.7.C.3.b.

(b) Ground-mounted Solar Collection Systems producing more than 120% of the annual baseline on-site energy use **[[must]] if not preempted by the Public Utilities Article [[comply with the energy generation limits of Maryland Code]] §7-207, as amended, **[[and]] must** satisfy the following standards:**

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- (1) Site plan approval is required under Section 59-7.3.4.
- (2) The site must be a minimum of 3 acres in size.
- (3) All structures must be:
 - (A) 20 feet in height or less;
 - (B) located at least 50 feet from any property line; and
 - (C) surrounded by a minimum 6-foot-tall fence.
- (4) If a structure for a Solar Collection System is located in an area visible to an abutting residential use or road:
 - (A) only solar thermal or photovoltaic panels or shingles may be used;
 - (B) the panels or shingles must use textured glass or an anti-reflective coating; and
 - (C) 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.
- (5) Written authorization from the local utility company must be provided for a Solar Collection System that will be connected to the utility grid.

107 (6) The Solar Collection System must be
108 removed within 12 months of the date when
109 the use is discontinued or abandoned by the
110 system owner or operator, or upon
111 termination of the useful life of the system.
112 The Solar Collection System will be
113 presumed to be discontinued or abandoned if
114 no electricity is generated by the system for a
115 period of 12 continuous months.

116 ii. **Rooftop-mounted Solar Collection Systems [Producing**
117 **more than 120% of on-site energy use]**

118 The Solar Collection System, if not preempted by the Public
119 Utilities Article §7-207, as amended, must satisfy the following
120 standards:

121 (a) Written authorization from the local utility
122 company must be provided for a Solar Collection
123 System that will be connected to the utility grid.
124 [Site plan approval is required under Section 7.3.4.]

125 (b) Solar panels may exceed the maximum height as
126 allowed under Section 59-4.1.7.C.3.b. [The site
127 must be a minimum of 3 acres in size.

128 (c) The system may produce a maximum of 2
129 megawatts (AC)] [[The system must comply with
130 the energy generation limits of Maryland Code §7-
131 207, as amended.]]

132 [(d) All structures must be:

133 (1) 20 feet in height or less;

- 134 (2) located at least 50 feet from any property line;
135 and
136 (3) surrounded by a minimum 6-foot-tall fence.
- 137 (e) If a structure for a Solar Collection System is
138 located in an area visible to an abutting residential
139 use or a road:
140 (1) only solar thermal or photovoltaic panels or
141 shingles may be used;
142 (2) the panels or shingles must use textured glass
143 or an anti-reflective coating; and
144 (3) screening that satisfies Section 59.6.5.3.C.8
145 (Option A) on the sides of the facility visible
146 from the residential use or road is required.
- 147 (f) The Solar Collection System must be removed
148 within 12 months of the date when the use is
149 discontinued or abandoned by the system owner or
150 operator, or upon termination of the useful life of
151 the system. The Solar Collection System will be
152 presumed to be discontinued or abandoned if no
153 electricity is generated by the system for a period of
154 12 continuous months.]

155 2. If not preempted by the Public Utilities Article §7-207, as amended
156 [[Except as allowed by the State of Maryland Code §7-207, as
157 amended,]] a [A] Solar Collection System may be allowed as a
158 [Conditional Use] conditional use in the AR zone if it is a ground-
159 mounted Solar Collection System [exceeds a] facility rated at more than
160 200% of on-site energy use, and is less than 2 megawatts (AC). Where

- 161 a Solar Collection System is allowed as a conditional use in the AR
 162 zone, it may be permitted by the Hearing Examiner under Section 59-
 163 7.3.1[.], [Conditional Use] conditional use and the following standards:
- 164 a. The Solar Collection System is prohibited:
 - 165 i. on soils classified by the United States Department of
 166 Agriculture as either Soil Classification Category I or
 167 Category II;
 - 168 ii. in a stream buffer;
 - 169 iii. on wetlands; or
 - 170 iv. on slopes equal to or greater than 15%.
 - 171 b. Scraping topsoil from the site is prohibited.
 - 172 c. Grading and any soil removal are minimized.
 - 173 d. The solar collection system is compliant with the requirements
 174 of the State's net metering program under [[Maryland Code]] the
 175 Public Utilities Article, §7-306, COMAR 20.50.10, and
 176 COMAR 20.62, as amended.
 - 177 e. The area under the solar facility must be actively used for
 178 farming or agricultural purposes by satisfying one or more of the
 179 following requirements:
 - 180 [(i)]i. designated pollinator-friendly under the Maryland
 181 Pollinator-Friendly Designation Program;
 - 182 [(ii)]ii. planted, managed, maintained, and used for grazing farm
 183 animals; or
 - 184 [(iii)]iii. planted, managed, maintained, and used for any other
 185 agrivoltaic plant material.

- 186 f. The applicant must provide evidence that the local utility
 187 company will allow the Solar Collection System to be connected
 188 to the utility grid.
- 189 g. The applicant must provide evidence that the application was
 190 submitted to the Office of Agriculture.
- 191 h. Removal of trees or landscaping otherwise required or attached
 192 as a condition of approval of any plan, application, or permit for
 193 the installation or operation of a Solar Collection System is
 194 prohibited.
- 195 i. Any tree in or on a floodplain, stream buffer, steep slope, critical
 196 habitat, contiguous forest, or historic site, and any champion tree
 197 or other exceptionally large tree is left undisturbed unless a
 198 disturbance is allowed under Section 22A-12(b)(1).
- 199 j. Except for pad areas for transformers and electrical equipment,
 200 the use of concrete is prohibited.
- 201 k. Screening that satisfies Section [59.]~~59-6.5.3.C.8.~~ (Option A) on
 202 the sides of the facility within 200 feet of any neighboring house
 203 is required; however, a fence may not be required or prohibited.
- 204 l. The Hearing Examiner’s decision must consider the
 205 recommendations of the Office of Agriculture.
- 206 m. The applicant must include a calculation of the total acreage used
 207 for the Solar Collection System, including any required setbacks
 208 and all acreage within the fenced or shrubbed area.
- 209 n. The land area approved for the [Conditional Use] conditional
 210 use, in addition to all other [Conditional Use] conditional use
 211 approvals for solar facilities in the AR zone, will not exceed
 212 1,800 acres of land.

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Sec. 2. Effective date. This ordinance becomes effective 20 days after the

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date of District Council adoption.

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council