

# ZTA 26-07

## SOLAR COLLECTION SYSTEM – USE STANDARDS

### Description

This ZTA would amend the use standards for Solar Collection Systems to streamline certain rooftop solar installations, and acknowledge the 2025 legislative session passing of Senate Bill 931/House Bill 1036, the Renewable Energy Certainty Act.

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ZTA SPONSORS

The Council President on behalf of the Planning Board

INTRODUCTION DATE

April 21, 2026

COUNCIL PUBLIC HEARING DATE

June 9, 2026

REVIEW BASIS

Chapter 59

Summary

- This ZTA is introduced at the request of the Planning Board, which considered the draft ZTA on March 26, 2026.
- The ZTA is in part a response to State legislation, Senate Bill 931/House Bill 1036, that passed in 2025, which limits the ability for jurisdictions to impose regulatory review for Solar Collection Systems deemed eligible for a Distributed Generation Certificate of Public Convenience and Necessity.
- This ZTA acknowledges the State preemption for projects between 2-5 MW in the AR zone by only applying the standards of Section 3.7.2.B.2. if a project is not otherwise allowed by the State.
- The ZTA proposes amendments to Solar Collection Systems in other Zones, regulating systems up to a maximum of 1 MW of energy, by creating a distinction between ground and rooftop mounted systems and generally reducing the requirements and standards for rooftop mounted systems.

## TABLE OF CONTENTS

SECTION 1 – BACKGROUND .....	2
Introduction .....	2
Overview .....	2
Rationale For The ZTA.....	3
SECTION 2 – ZTA ANALYSIS AND RECOMMENDATIONS .....	4
ZTA as Introduced .....	4
Additional Recommendations.....	7
SECTION 3 – CLIMATE ASSESSMENT .....	8
SECTION 4 – CONCLUSION .....	8
SECTION 5 – ATTACHMENTS .....	8

## SECTION 1 – BACKGROUND

### Introduction

Zoning Text Amendment (ZTA) 26-07, Solar Collection System – Use Standards was introduced on April 21, 2026, by Council President Fani-González on behalf of the Planning Board (Attachment A). The ZTA is scheduled for a District Council Public Hearing on June 9, 2026. The Planning Board considered this ZTA as a draft on March 26, 2026, and recommended transmitting it to the Council for introduction.

### Overview

In 2025, the Maryland General Assembly passed Senate Bill 931/House Bill 1036, collectively known as the Renewable Energy Certainty Act (Attachment B). The legislation's primary effect was to preempt local jurisdictions from regulating the installation of Solar Collection Systems that generate between 1 and 5 megawatts (MW) of alternating current (AC) electricity. Instead, these facilities will be reviewed by the Public Service Commission (PSC) for compliance with State requirements. For sites generating between 1 – 2 MW of electricity, the legislation created a set of minimum Statewide use standards that include site area plan requirements, landscaping and screening, and land disturbance limitations. Sites generating 2 – 5 MW of electricity will be reviewed as a Distributed Generation Certificate of Public Convenience and Necessity (DGPCN) by the PSC. A DGPCN would authorize the construction and operation of a solar generation facility, subject to certain requirements yet to be determined by the PSC. The Planning Board reviews the projects as a Mandatory Referral and for forest conservation, but as long as the application meets the requirements of the PSC, the application may be issued permits for construction.

The final standards and content for the DGPCN process require further study, with final requirements to be determined on or before July 1, 2026. The Power Plant Research Program is tasked with developing the necessary submittal, site, and design requirements, and a proposed licensing process for issuance of DGPCNs. The program must consider:

- The state's climate and renewable energy commitments
- Reasonable setback and screening requirements
- Environmental preservation, including prohibition on forest clearing unless it is to reduce shading on the panels, facilitate electric interconnection, or ensure site access.
- Stormwater management, erosion, and sediment control, including the effects of runoff from the solar installations, the impacts on soils and soil characteristics, and the effects on groundcover between and under the panels.
- Minimize the impacts on historic sites
- Public safety

- Industry best practices
- Stability and reliability of the electric grid, including receiving a signed interconnection agreement with the local utility
- Decommissioning
- Any other requirements deemed necessary

After the DGPCN process is approved for use by the PSC, the Power Plant Research Program will be responsible for reviewing applications for compliance with the qualifications for a DGPCN. The reviews would include providing the local jurisdiction with a copy of the application and holding a public hearing to comment on the application. If it is determined that a project is eligible for a DGPCN, the application will be sent to the PSC, which will hold another hearing where it must make the findings that the project complies with the requirements of the DGPCN. Local jurisdictions are prohibited from having their own regulatory process for a DGPCN, but are responsible for issuing stormwater, sediment, and erosion control, electric, and building permits for an approved project.

Projects over 5 MW were previously regulated by the PSC, and that is not changed by the State Legislation. The State legislation did include some amendments prohibiting larger facilities from planned growth areas and areas zoned for medium and higher density uses.

Within the legislation around DGPCNs, there is a fallback that limits the total amount of acreage developed with solar within any locally defined Priority Preservation Areas (PPA) to a maximum of 5%. Once a local jurisdiction's PPA exceeds 5% solar cover, the jurisdiction may report this to the PSC and be relieved of the State's preemption legislation related to DGPCNs. PPAs are a state recognized, locally designated area of agricultural protection, enacted in 2006 under the Agricultural Stewardship Act. Local governments established PPAs where they will use land use tools to prioritize the preservation of land and agriculture. Montgomery County has designated the entirety of the AR zone within the Agricultural Reserve as a PPA.

## **Rationale For The ZTA**

The recently passed State legislation now preempts certain County zoning rules for solar facilities. Specifically, the State law overrides Zoning Code Section 3.7.2.B.2, which was established in 2021 by Ordinance 19-14/ZTA 20-01. This section sets limits on Solar Collection Systems in the Agricultural Reserve zone (AR zone), making these projects conditional uses, including a long list of specific use standards, and limiting the total acres of land that can be developed with solar.

These limitations were created through a careful and lengthy process, and this ZTA does not propose to substantially change the existing rules for Solar Collection Facilities in the AR zone. Because of the legislation's fallback provision relieving it of State preemption if a County's PPA reaches 5% solar development, local regulations may once again apply instead of State law. Instead, this ZTA updates and improves upon the standards for smaller Solar Collection Systems not preempted by the State.

This approach supports both State and County goals for expanding solar power, while continuing to protect the County’s agricultural communities.

Since the Planning Staff brought this ZTA to the Board as a draft, we have identified some areas where additional clarity could be brought with updated references to state code, and organization of the Solar Collection Systems code generally. These recommended refinements are discussed in more detail in the recommendations portion of this report.

## SECTION 2 – ZTA ANALYSIS AND RECOMMENDATIONS

### ZTA as Introduced

The introduced ZTA is the same draft ZTA that the Board voted to transmit to the council in March 2026, except for a very few technical adjustments, mostly to formatting. The ZTA amends the use standards for Solar Collection Systems under Section 3.7.2. The current use standards are divided into three broad sections: limited use standards for the AR Zone, limited use standards for Rural Residential, Residential, Commercial/Residential, Employment, and Industrial Zones, and conditional use standards for the AR Zone. Those three sections are further broken into use standards that apply to systems producing under 120%/200% of on-site energy usage and those systems producing over 120%/200% of on-site energy usage.

The ZTA would shift the focus from standards based solely on on-site energy usage, to instead add a distinction between ground mounted and rooftop mounted Solar Collection Systems. The aim is to provide relief to rooftop mounted systems from certain use standards, such as site plan review, site area, setbacks, and screening. These requirements are best suited for mitigating ground level impacts of larger solar facilities that would not be present from a rooftop mounted system.

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### SOLAR COLLECTION SYSTEM DEFINED

This ZTA makes updates to the definition of Solar Collection System under Section 3.7.2.A. on lines 14-16. The updated definition adds a clarifying statement that Solar Collection Systems must be allowed to be regulated by the County under Maryland Code §7-207. That code section is where the state preempts local review of systems generating more than 1 MW of power. This change clearly sets out the limitations of the zoning code at the start of this section and makes it easy for a reader to find what is and isn’t allowed based on State code.

The definition is further amended in lines 18-23 to provide sub-definitions for rooftop and ground mounted systems. Ground mounted systems would be where the solar panel is attached to dedicated support structures whose foundation is on the ground. Rooftop mounted systems have panels

attached to mounting brackets that are then attached to the roof of another principal or accessory structure.

The amended definition also deletes the specific text that a system larger than 2 MW is prohibited in the Agricultural Reserve (AR) zone. This limitation is also stated in the section specific to the AR zone and is therefore not needed in the definition section.

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#### LIMITED USE - AR ZONE

Section 3.7.2.B. begins the use standards for Solar Collection Systems. Currently, systems are allowed as a limited use in the AR zone under Section B.1.a. if the system produces no more than 200% of annual on-site energy usage. Any facility exceeding 200% of on-site energy usage is allowed as a conditional use, located in a different code section and discussed in more detail later in this report.

The ZTA adds a new clause that the 200% of on-site energy usage limitation only applies to ground mounted systems. Rooftop mounted systems would be allowed as a limited use exceeding 200% of on-site energy usage (lines 31-35). This adjustment provides an opportunity for residents and farmers in the Agricultural Reserve to potentially produce a modest amount of additional solar energy on the roofs of existing agricultural structures that won't require screening or enhanced setbacks, and also does not impact productive agricultural soils.

**Recommendation:** Support the revisions that remove limits on rooftop solar in the AR zone.

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#### LIMITED USE - ALL OTHER ZONES

More significant changes are proposed to the use standards for the Rural Residential, Residential, Commercial/Residential, Employment, and Industrial Zones under Section 3.7.2.B.1.b. The current use standards are divided into two sub-sections, one for systems producing 120% or less of on-site energy use, and another for systems producing more than 120% of on-site energy use. The ZTA modifies the two sub-sections to instead differentiate based on panel mounting location. The first sub-section (b.i. starting on line 50) is modified to provide standards for ground mounted systems, and the other (b.ii. starting on line 102) is modified for rooftop mounted systems. These changes are discussed in more detail below.

##### Ground Mounted Systems

The first subsection, 3.7.2.B.1 b.i. is being amended to be the use standards for ground mounted solar, rather than for systems producing 120% or less of on-site energy use. Under b.i.(a). (lines 52 -61), ground mounted systems that produce 120% or less of on-site energy use would retain the existing use standards, which permit setback and height encroachments for solar panels.

New section b.i.(b) (lines 62 – 101), ground mounted systems that produce over 120% of on-site energy use would have the same standards that currently apply to all Solar Collection Systems producing over 120% of on-site energy use. These include requiring a site plan, a minimum of 3 acres,

limiting power production to that allowed by the State (currently 1 MW), height limits, enhanced setbacks, fencing, screening, and limiting the type of panels to minimize reflections and glare. To be consistent with the requirements in the AR zone, ground mounted system producing over 120% of on-site energy usage will also need authorization from the local utility allowing connection to the grid.

**Recommendation:** Support retaining current limits on Solar Collection Systems producing over 120% of on-site energy usage if ground mounted.

### Rooftop Mounted Systems

The second subsection, b.ii. (lines 102 – 137) is being modified to become the rooftop mounted Solar Collection System section. The only applicable use standards would be receiving authorization from a local utility if producing more than 120% of on-site energy usage, limiting on-site energy production to levels allowed by the State (currently 1 MW). Rooftop mounted solar would no longer be subject to the existing requirements of site plan, minimum lot size, enhanced setbacks, landscaping, and screening.

**Recommendation:** Support the revisions that remove the limitations and review standards for rooftop solar.

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### CONDITIONAL USE AR ZONE

The final use standard section within Solar Collection System is under 3.7.2.B.2 (starting on line 138), which provides provisions for providing Solar Collection Systems as a conditional use in the AR zone. This section was added in 2021 as part of an extensive discussion on the role that solar installations in the AR zone should play in meeting the County’s environmental and energy goals. The process and standards established have been preempted by the state legislation allowing solar facilities between 1 – 5 MW to be reviewed by the PSC either as an allowed use or through a DGPCPN.

As mentioned before, there is a provision in the State legislation that allows a local jurisdiction to resume authority over solar facilities within their PPAs once solar installation reaches 5% within a given area. While 5% of Montgomery County’s approximately 93,000-acre PPA is 4,650 acres, exceeding the current limit of 1,800 acres of solar in the AR zone, the section is generally being left as is. The only proposed changes are to acknowledge State preemption through reference to the State Code, and to be consistent with applying these regulations only to ground mounted systems.

To acknowledge the preemption, the ZTA adds a statement at the beginning of the section stating “Except as allowed by the State of Maryland Code §7-207 ” (line 138) as an acknowledgement of the current preemption, and a reminder to users of the Zoning Code that this section may not currently be applicable. To only have the conditional use section applied to ground mounted systems, that text is added on line 140. The previously discussed amendments to the limited use standards for Solar Collection System in the AR zone no longer have a generation limit on rooftop solar.

**Recommendation:** Support generally maintaining the conditional use standards for solar in the AR zone, but acknowledging the state preemption on these projects.

## Additional Recommendations

As discussed in the introduction section of this report, there are a few technical changes that Planning Staff is recommending to ZTA 26-07. None of the changes proposed make any substantive policy changes and are more technical in nature. The changes can be found in Attachment B, which is a marked up version of the ZTA, done in legislative format with the double brackets “[[ ]]” and double underline, and also highlighted in red to stand out.

The following broad changes are recommended to the ZTA and occur in multiple locations within the document:

- Update how the reference is given to “Code §7-207”. The specific section of code being referred to is within the Public Utilities Article of the Maryland Annotated Code. Anywhere in the ZTA where code §7-207 is referenced, it is now referred to as “the Public Utilities Article, §7-207”.
- More prominently acknowledge that the Public Utilities Article, §7-207, contains preemption provisions. Each section of 59-3.7.2. now includes “if not preempted by the Public Utilities Article, §7-207”.
- Be clearer that on-site energy usage is measured as the “annual baseline of on-site energy use”.
- Any references to Chapter 59 are more explicit, adding “59-“ before the remaining code sections. This was seen as important here because there are also many references to state code. Adding the “59” makes local zoning stand out.

Additionally, Section 59-3.7.2.B.1.a, which discusses where Solar Collection System is allowed as a limited use in the AR zone, is being updated. The draft ZTA Planning Staff had proposed keeping one section of limited use standards for both ground-mounted and rooftop-mounted solar, but made distinctions within the standards on which type applied. To be consistent with the other two, use standard sections within 59.3.7.2.B. this has been split into two separate sections, one specific to ground-mounted in the AR zone, and one specific to rooftop-mounted in the AR zone.

**Recommendation:** Support these recommended edits clarifying the Public Utilities Article, being more explicit about preemption, adding “annual baseline” to on-site energy use, and adding “59-“ before any zoning code section references for clarity.

### SECTION 3 – CLIMATE ASSESSMENT

Bill 3-22, passed by the County Council on July 12, 2022, requires the Planning Board to prepare a climate assessment for each Zoning Text Amendment, Master Plan, and Master Plan Amendment, effective March 1, 2023. Each Climate Assessment must include the potential positive or negative effects a ZTA may have on climate change (including greenhouse gas emissions) and on community resilience and adaptive capacity. Updates were made to the climate assessment process with Bill 34-25 that passed on March 3, 2026. The effective date is not until June 10; therefore, the climate assessment is still prepared using the previous standards and process. The climate impact assessment for ZTA 26-07 is attached in Attachment C and summarized below.

Planning Staff anticipate ZTA 26-07 will have moderate positive impacts on the county's goals of addressing greenhouse gas emissions and sequestration. Buildings that elect to provide rooftop solar will have lower dependency on the electric grid and will instead use self-produced clean energy. The ZTA's focus on making rooftop solar easier to implement will also reduce pressure to alter land cover for solar production. Maintaining natural land cover also has positive community resilience and adaptive capacity impacts if it helps maintain green cover and natural hydrology. The ZTA will also have positive impacts on many of the county's Climate Action Plan goals, including achieving net zero buildings, promoting private photovoltaic systems, and retaining forest and tree canopy.

### SECTION 4 – CONCLUSION

Planning Staff recommends the Planning Board support this proposed ZTA, modifying the use standards for Solar Collection Systems, and sending the ZTA to the District Council requesting introduction. This ZTA would modify the use standards for Solar Collection Systems to make it easier to install rooftop mounted solar across the entire County and acknowledges the recently passed State legislation preempting local control over systems between 1 and 5 MW of AC power generation.

### SECTION 5 – ATTACHMENTS

*Attachment A: Intro Packet ZTA 26-07*

*Attachment B: Amended ZTA 26-07*

*Attachment C: Climate Assessment ZTA 26-07*