

Zoning Text Amendment No.: 20-01
Concerning: Solar Collection System –
AR Zone Standards
Draft No. & Date: 5 – 1/21/20
Introduced: January 21, 2020
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 Sponsors: Councilmember Riemer and Council Vice President Hucker
Co-Sponsor: Councilmember Rice

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise the Solar Collection System use standards to allow larger facilities in the AR zone;
- amend the provisions for Solar Collection Systems in other zones; and
- amend the provisions for site plan approval in the AR zone.

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”
Division 7.3.	“Regulatory Approvals”
Section 7.3.4.	“Site Plan”

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:

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

2 **Division 3.7. Miscellaneous Uses**

3 * * *

4 **Section 3.7.2. Solar Collection System**

5 **A. Defined**

6 Solar Collection System means an arrangement of panels or other solar
7 energy devices that provide for the collection, inversion, storage, and
8 distribution of solar energy for electricity generation, space heating, space
9 cooling, or water heating. A Solar Collection System includes freestanding
10 or mounted devices.

11 **B. Use Standards**

12 Where a Solar Collection System is allowed as a limited use, it must satisfy
13 the following standards:

14 1. In the Agricultural Reserve zone, all of the standards in Subsection
15 3.7.2.B.2 and the following standards apply:

16 [a. A Solar Collection System must be an accessory use as defined
17 in Section 3.1.3.]

18 [b]a. Written authorization from the local utility company must be
19 provided for a Solar Collection System that will be connected
20 to the utility grid.

21 [c]b. Removal of trees or landscaping otherwise required or attached
22 as a condition of approval of any plan, application, or permit for
23 the installation or operation of a Solar Collection System is
24 prohibited.

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

- 28 [e. A freestanding Solar Collection System is allowed only as an
29 accessory use where the system produces a maximum of 120%
30 of on-site energy consumption and must satisfy the same
31 development standards as an accessory structure.]
- 32 c. Except as allowed under Subsection 59.7.3.4.E.5.b, the site
33 must be designated pollinator-friendly under the Maryland
34 Pollinator-Friendly Designation Program.
- 35 d. Cumulatively, on all AR zoned land, a maximum of 1,800 acres
36 of land may be covered by solar panels.
- 37 2. In Rural Residential, Residential, Commercial/Residential,
38 Employment, and Industrial zones, where a Solar Collection System is
39 allowed as a limited use, [it must either satisfy Subsection
40 59.3.7.2.B.1.a through Subsection 59.3.7.2.B.1.e or] it must satisfy the
41 following standards in either subsection a or b:
- 42 a. The Solar Collection System must be an accessory use as
43 follows:
- 44 i. the system produces a maximum of 120% of on-site
45 energy consumption;
- 46 ii. encroachment allowed under Section 4.1.7.B.5.C; and
47 iii. a maximum height allowed under 4.1.7.C.3.b.
- 48 b. The Solar Collection System must satisfy the following
49 standards:
- 50 [a] i. Site plan approval is required under Section 7.3.4.
51 [b] ii. The site must be a minimum of 3 acres in size.
52 [c] iii. The system may produce a maximum of 2 megawatts
53 (AC).
54 [d] iv. All structures must be:

- 55 [i] A. 20 feet in height or less;
- 56 [ii] B. located at least 50 feet from any property line; and
- 57 [iii] C. surrounded by a minimum 6-foot-tall fence.
- 58 [e] v. If a structure for a Solar Collection System is located in
- 59 an area visible to an abutting residential use or a road:
- 60 [i] A. only solar thermal or photovoltaic panels or
- 61 shingles may be used;
- 62 [ii] B. the panels or shingles must use textured glass or an
- 63 anti-reflective coating; and
- 64 [iii] C. screening that satisfies Section 59.6.5.3.C.8
- 65 (Option A) on the sides of the facility visible from
- 66 the residential use or road is required.
- 67 [f] vi. The Solar Collection System must be removed within 12
- 68 months of the date when the use is discontinued or
- 69 abandoned by the system owner or operator, or upon
- 70 termination of the useful life of the system. The Solar
- 71 Collection System will be presumed to be discontinued
- 72 or abandoned if no electricity is generated by the system
- 73 for a period of 12 continuous months.
- 74 [g] vii. If licensed by the Public Service Commission, [A] a
- 75 system designed to produce more than 2 megawatts (AC)
- 76 [may be allowed as a public utility use under Section
- 77 3.6.7.E] is not restricted by Chapter 59.

78 * * *

79 **Sec. 2. DIVISION 59-7.3 is amended as follows:**

80 **Division 7.3. Regulatory Approvals**

81 * * *

82 **Section 7.3.4. Site Plan**

83 * * *

84 **E. Necessary Findings**

85 * * *

- 86 5. For property zoned AR proposed for use as a Solar Collection system:
- 87 a. grading and any soil removal will be minimized; and
- 88 b. the site must be designated pollinator-friendly under the
- 89 Maryland Pollinator-Friendly Designation Program, or any land
- 90 on which the solar generation facility is located that is not
- 91 designated as pollinator friendly must be planted, managed, and
- 92 maintained in a manner suitable for grazing farm animals.

93 * * *

94 **Sec. 3. Reporting.** On April 1, 2021 and annually thereafter, the
 95 Department of Permitting Services must report to the County Council the total
 96 acreage of Solar Collection System permits in the Agricultural Reserve approved
 97 by the Department since the effective date of ZTA 20-01.

98 **Sec. 4. Effective date.** This ordinance becomes effective 20 days after the
 99 date of Council adoption.

100

101 This is a correct copy of Council action.

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104 _____
 105 Selena Mendy Singleton, Esq.
 Clerk of the Council