



Bill No. 17-01

Concerning: Solar Collection Systems

Introduced: January 17, 2017

Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_

Enacted: \_\_\_\_\_

Effective: \_\_\_\_\_

Expires: \_\_\_\_\_

Frederick County Code, Chapter \_\_\_\_\_

Section(s) \_\_\_\_\_

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Vice President M.C. Keegan-Ayer. Co-Sponsor Council Member Jessica Fitzwater

**AN ACT** to: Delete existing Code provisions related to solar collection systems and adopt new provisions defining three categories of solar energy systems, identifying in which Zoning districts the solar energy systems may be located, and establishing certain other criteria.

Executive: \_\_\_\_\_ Date Received: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

By amending:

Frederick County Code, Chapter, 1-19 Section(s) 5.310, 6.100, 9.205.4, 8.205.5, 8.335, 11.100

Other: \_\_\_\_\_

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Underlining  
[Single boldface brackets]  
**Double underlining**  
[[Double boldface brackets]]  
\* \* \*

*Heading or defined term.*  
*Added to existing law by original bill.*  
*Deleted from existing law by original bill.*  
*Added by amendment.*  
*Deleted from existing law or the bill by amendment.*  
*Existing law unaffected by bill.*

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The County Council of Frederick County, Maryland, finds it necessary and appropriate to delete existing Code provisions related to solar collection systems and adopt new provisions defining three categories of solar energy systems, identifying in which Zoning districts the solar energy systems may be located, and establishing certain other criteria.

NOW, THEREFORE, BE IT IN ENACTED, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

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Harold F. (Bud) Otis, President  
County Council of Frederick County,  
Maryland

## 1-19-5.310. USE TABLE.

(A) *Permitted uses and required development review.*

P Principal permitted use subject to design regulations

PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.4

E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following

T Permitted as temporary use as a special exception. See § 1-19-8.300

X Permitted as temporary use only. See § 1-19-8.700

SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

\* \* \*

	<i>Zoning Districts</i>													
Uses	RC	A	RI	R3	R5	R8	RI2	RI6	VC	MX	GC	ORI	LI	GI
<i>Governmental and Nongovernmental Utilities</i>														
Solar Facility, Commercial		E											PS	PS

\* \* \*

## 1-19-6.100. DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.

\* \* \*

Use Classification	Minimum Lot Area	Minimum Lot Area per Unit	Lot Width	Front Yard	Side Yard	Rear Yard	Height
<i>Agricultural District A</i>							
Solar Facility, Commercial	10 acres		300	100	100	100	20'
<i>Limited Industrial District LI</i>							

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<u>Solar Facility, Commercial</u>	<u>20,000</u>		<u>200</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>30'</u>
<i>General Industrial District GI</i>							
<u>Solar Facility, Commercial</u>	<u>1 acre</u>		<u>200</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>30'</u>

\* \* \*

#### **1-19-8.205.4. [SOLAR COLLECTION SYSTEM.] SOLAR FACILITY, ACCESSORY.**

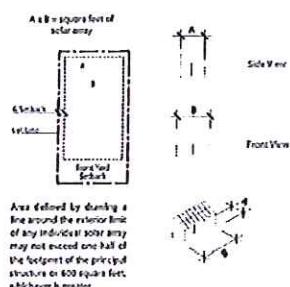
[A solar collection system is permitted in any zoning district on the roof or exterior walls of structures.] Solar Facility, Accessory, is a permitted use in all zoning districts.

#### **1-19-8.205.5. [SOLAR ARRAY.] SOLAR FACILITY, COMMUNITY ENERGY GENERATING SYSTEM.**

[The footprint of the solar array and any individual component shall be used in calculating the square footage by drawing a line around the exterior limits of an individual solar array. Solar arrays are permitted in any zoning district subject to the following setback and size restrictions:

- (A) The total square footage of the solar array(s) shall not exceed that of the principal structure;
- (B) The footprint of an individual solar array shall not exceed the greater of:
  - (1) One-half of the footprint of the principal structure or
  - (2) Six hundred square feet.]

[



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Solar Facility, Community Energy Generating System is an accessory use in all zoning districts and the facility may be located on a different parcel of land than that of the subscribers. A zoning certificate must be obtained prior to construction or installation of the facility.

#### **1-19-8.335. SOLAR FACILITY, COMMERCIAL IN THE AGRICULTURAL DISTRICT.**

The following provisions shall apply to a Solar Facility, Commercial, in the Agricultural district.

(A) The applicant must comply with all applicable federal and state regulations, including but not limited to obtaining a certificate of public convenience and necessity from the Public Service Commission if required, and in the removal and disposal of the solar facility and all of its components.

(B) Prior to submitting an application, the applicant shall publicize the proposed application using a block advertisement of a size acceptable to staff including a map showing the site and a one-mile radius. The applicant shall hold a meeting in the area of the proposed facility to provide information to the members of the surrounding community regarding potential impacts of the project. Written notice of the meeting shall be provided to all abutting property owners and any homeowners/community associations within a one-mile radius of the property.

(C) The property upon which the solar facility will be located may not be encumbered by an Agricultural Preservation Easement, designated as being within a Priority Preservation Area (PPA) or a Rural Legacy Area (RL) in the County Comprehensive Plan, or be located within five (5) miles of the centerline of the right-of-way of U.S. Route 15, outside the Frederick City limits from the Pennsylvania border to the Virginia border, that Route having been designated as part of the Journey Through Hallowed Ground National Heritage Area.

(D) The solar facility shall not exceed the lesser of 10% of the parcel's tillable acreage or 75 acres in size.

(E) A 25 foot deep buffering and screening area shall be provided along common property lines between the Solar Facility and all adjoining residentially zoned property and along all adjacent roadways. The buffering and screening area may include a combination of berms, predominantly evergreen species at least 5 feet in height at the time of planting, or fencing to be determined by the Board of Appeals based on characteristics of both the Solar Facility location

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and the surrounding neighborhood. The Board of Appeals may increase the 25 foot buffering and screening area depth based in characteristics of both the Solar Facility location and the surrounding neighborhood. The buffering and screening area may be located within the setback areas.

(F) Applicants must satisfy all Forest Resource Ordinance requirements and environmental regulations set forth in Article IX of the Zoning Ordinance. (Chapter 1-19.)

(G) The applicant shall provide a “glint and glare” analysis of the proposed Solar Facility identifying the angle and height reflection throughout the year, and the impacts upon nearby residences, roadways, and airports.

(H) All solar facilities and panel disconnects must be mapped and registered with the Fredrick County Division of Fire and Rescue Services.

(I) If for a period of 6 months, the solar facility ceases to generate electricity or is disconnected from the electric grid, the approval will terminate. The property owner shall remove the solar facility within 90 days after termination. The property owner shall ensure the solar facility removal and disposal by posting an acceptable monetary guarantee with the County on forms provided by the office of the Zoning Administrator. The guarantee shall be for an amount equal to a cost estimate approved by the Zoning Administrator for the removal and disposal of the solar facility, plus a 15% contingency. If a guarantee for the cost of removal and disposal of the solar facility is required by and provided to a state entity, the Zoning Administrator may accept documentation of the posting of the guarantee with the state entity as satisfaction of this requirement.

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#### **1-19-11.100. DEFINITIONS.**

\* \* \*

**[SOLAR ARRAY.** A ground mounted solar collection system consisting of a linked series of photovoltaic modules.

**SOLAR COLLECTION SYSTEM.** A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.]

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**SOLAR FACILITY, ACCESSORY.** A photovoltaic solar energy system mounted on a building or on the ground which generates electricity in an amount that does not exceed two hundred percent of the electric consumption of the principal use.

**SOLAR FACILITY, COMMERCIAL.** A photovoltaic solar energy system that generates electricity in an amount that exceeds two hundred percent of the consumption of the uses on the parcel upon which it is constructed and the excess electricity is fed into the electric grid.

**SOLAR FACILITY, COMMUNITY ENERGY GENERATING SYSTEM.** A photovoltaic solar energy system which satisfies the requirements of Public Utilities Article, §7-306.2 of the Ann. Code of Md.

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