

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2013, Legislative Day No. 35

Bill No. 68-13

Introduced by Mr. Walker, Chairman  
(by request of the County Executive)

By the County Council, July 15, 2013

Introduced and first read on July 15, 2013  
Public Hearing set for and held on September 3, 2013  
Public Hearing on AMENDED BILL set for and held on September 16, 2013  
Bill Expires October 18, 2013

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning -- Solar Energy Systems

2  
3 FOR the purpose of adding solar energy systems as a conditional use in certain  
4 residential, commercial, industrial, maritime, and other zoning districts; defining  
5 certain terms; establishing requirements for principal and accessory solar energy  
6 systems as a conditional use; and generally relating to solar energy systems.  
7

8 BY renumbering: § 18-1-101(100) through (125) to be § 18-101(104) through (129),  
9 respectively; §§ 18-10-135 through 18-10-142 to be §§ 18-10-136 through 18-10-143,  
10 respectively; and § 18-13-206(37) through (44) to be § 18-13-206(38) through (45),  
11 respectively.

12 Anne Arundel County Code (2005, as amended)

13  
14 BY adding: §§ 18-1-101(100) through (103); 18-10-135; and 18-13-206(37)  
15 Anne Arundel County Code (2005, as amended)

16  
17 BY repealing and reenacting, with amendments: §§ 18-4-106; 18-5-102; 18-6-103; 18-7-  
18 107; 18-8-301(b); 18-9-202; 18-9-302; 18-9-402; and 18-12-103(a) and (b)  
19 Anne Arundel County Code (2005, as amended)

20  
21 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
22 *Maryland,* That §§ 18-1-101(100) through (125); 18-10-135 through 18-10-142; and 18-  
23 13-206(37) through (44) of the Anne Arundel County Code (2005, as amended) are

EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Asterisks\* indicate existing Code provisions in a list or chart that remain unchanged.  
Underlining indicates amendments to bill.  
~~Strikeover~~ indicates matter stricken from bill by amendment

1 hereby renumbered to be §§ 18-1-101(104) through (129); 18-10-136 through 18-10-143;  
2 and 18-13-206(38) through (45), respectively.

3  
4 SECTION 2. *Be it enacted by the County Council of Anne Arundel County,*  
5 *Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as  
6 follows:

7  
8 **ARTICLE 18 ZONING**  
9 **TITLE 1. DEFINITIONS**

10  
11 **18-1-101. Definitions.**

12  
13 Unless defined in this article, the Natural Resources Article of the State Code, or  
14 COMAR, words defined elsewhere in this Code apply in this article. The following  
15 words have the meanings indicated:

16  
17 (100) "SOLAR ENERGY SYSTEM" MEANS ALL COMPONENTS OF ONE OR MORE  
18 SOLAR COLLECTION DEVICES USED TO CAPTURE SOLAR ENERGY, TO CONVERT IT TO  
19 ELECTRICAL OR THERMAL POWER, AND TO SUPPLY ELECTRICAL OR THERMAL POWER.

20  
21 (101) "SOLAR ENERGY SYSTEM-ACCESSORY" MEANS A SOLAR ENERGY SYSTEM  
22 SUPPLYING ELECTRICAL POWER FOR ONSITE USE, THAT OTHERWISE MEETS THE  
23 DEFINITION OF "ACCESSORY" IN THIS ARTICLE.

24  
25 (102) "SOLAR ENERGY SYSTEM-PRINCIPAL" MEANS A SOLAR ENERGY SYSTEM  
26 SUPPLYING ELECTRICAL OR THERMAL POWER FOR ONSITE USE, OFFSITE USE, OR BOTH,  
27 THAT OTHERWISE MEETS THE DEFINITION OF "PRINCIPAL USE" IN THIS ARTICLE.

28  
29 (103) "SOLAR PANEL" MEANS THAT PART OF A SOLAR ENERGY SYSTEM  
30 CONTAINING ONE OR MORE RECEPTIVE CELLS OR MODULES, THE PURPOSE OF WHICH IS  
31 TO CAPTURE SOLAR ENERGY.

32  
33 **TITLE 4. RESIDENTIAL DISTRICTS**

34  
35 **18-4-106. Permitted, conditional, and special exception uses.**

36  
37 The permitted, conditional, and special exception uses allowed in each of the  
38 residential districts are listed in the chart in this section using the following key: P =  
39 permitted use; C = conditional use; SE = special exception use. A blank means that the  
40 use is not allowed in the district. Except as provided otherwise in this article, uses and  
41 structures customarily accessory to the listed uses also are allowed, except that guest  
42 houses as accessory structures are prohibited and outside storage as an accessory use is  
43 limited to the lesser of 10% of the allowed lot coverage or 500 square feet.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22
***								
One small wind energy system or meteorological tower on a lot less than three acres	SE	SE	SE	SE	SE			

1

SOLAR ENERGY SYSTEMS-ACCESSORY	C	C	C	C	C	C	C	C
SOLAR ENERGY SYSTEMS-PRINCIPAL	C							
***								

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**TITLE 5. COMMERCIAL DISTRICTS**

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**18-5-102. Permitted, conditional, special exception, and business complex auxiliary uses.**

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The permitted, conditional, and special exception uses allowed in each of the commercial districts, and uses auxiliary to a business complex, are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A = auxiliary to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed.

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Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4
***				
One small wind energy system or meteorological tower on a lot less than three acres	SE	SE	SE	SE
SOLAR ENERGY SYSTEMS-ACCESSORY	C	C	C	C
***				

16

17

18

**TITLE 6. INDUSTRIAL DISTRICTS**

19

**18-6-103. Permitted, conditional, and special exception uses.**

20

21

The permitted, conditional, and special exception uses allowed in each of the industrial districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A = auxiliary use to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed, except that outside storage as an accessory use in W1 is limited to 15% of the allowed lot coverage.

22

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Permitted, Conditional, and Special Exception Uses	W1	W2	W3
***			
One small wind energy system or meteorological tower on a lot less than three acres	SE	SE	SE
SOLAR ENERGY SYSTEMS-ACCESSORY	C	C	C
SOLAR ENERGY SYSTEMS-PRINCIPAL	C	C	C
***			

29

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**TITLE 7. MARITIME DISTRICTS**

**18-7-107. Permitted, conditional, and special exception uses.**

The permitted, conditional, and special exception uses allowed in each of the Maritime group districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed.

Permitted, Conditional, and Special Exception Uses	MA1	MA2	MA3	MB	MC
***					
One small wind energy system or meteorological tower on a lot less than three acres	SE	SE	SE	SE	SE
SOLAR ENERGY SYSTEMS-ACCESSORY	C	C	C	C	C
***					

**TITLE 8. MIXED USE DISTRICTS**

**18-8-301. Permitted uses; conditional uses.**

(b) **Categories in chart.** The chart in this section divides the permitted and conditional uses allowed under the optional method of development into the categories of residential, retail and service, office, and industrial, and the uses are subject to the percentage limitations on those categories described in § 18-8-302.

	MXD-R	MXD-C	MXD-E	MXD-T
<b>Residential</b>				
***				
Wholesale trade, warehousing, and storage establishments			P	
<b>OTHER</b>				
SOLAR ENERGY SYSTEMS-ACCESSORY	C	C	C	C
***				

**TITLE 9. OTHER ZONING DISTRICTS**

**18-9-202. Permitted, conditional, and special exception uses.**

The permitted, conditional, and special exception uses allowed in Open Space Districts (OS) and in the Open Space Conservation Overlay (OS-C) are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed.

Permitted, Conditional, and Special Exception Uses	OS	OS-C
***		
Residential uses, existing	P	P
SOLAR ENERGY SYSTEMS-ACCESSORY	C	C
***		

1 **18-9-302. Permitted, conditional, and special exception uses.**

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The permitted, CONDITIONAL, and special exception uses allowed in each of the Town Center Districts are listed in the chart in this section using the following key: P = permitted use; C = CONDITIONAL USE; SE = special exception use. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed.

Permitted, CONDITIONAL, and Special Exception Uses	
***	
Nursing homes	P
SOLAR ENERGY SYSTEMS-ACCESSORY	C

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10 **18-9-402. Permitted, conditional, and special exception uses.**

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The permitted, conditional, and special exception uses allowed in the Small Business Districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed. Outside storage as an accessory use is not allowed, except that the owner-occupant of a dwelling may store on the lot one commercial vehicle or a vehicle used for commercial purposes having a manufacturer's gross vehicle weight rating of not more than 10,000 pounds.

Permitted, Conditional, and Special Exception Uses	
***	
Shoe repair shops	P
SOLAR ENERGY SYSTEMS-ACCESSORY	C
***	

21

22 **TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

23

24 **18-10-135. Solar energy systems.**

25

26 (A) **Requirements.** A SOLAR ENERGY SYSTEM SHALL COMPLY WITH ALL OF THE  
27 FOLLOWING REQUIREMENTS.

28

29 (1) THE HIGHEST POINT OF A SOLAR ENERGY SYSTEM WITH THE SOLAR PANELS  
30 AT MAXIMUM TILT SHALL BE WITHIN THE HEIGHT RESTRICTIONS OF THE ZONING  
31 DISTRICT IN WHICH THE SYSTEM IS LOCATED.

32

33 (2) A GROUND MOUNTED SOLAR ENERGY SYSTEM - PRINCIPAL SHALL BE  
34 SCREENED FROM ROADWAYS AND ADJOINING RESIDENTIAL USES OR ZONES IN  
35 ACCORDANCE WITH THE LANDSCAPE MANUAL.

36

37 (3) A SOLAR ENERGY SYSTEM SHALL BE SITED SUCH THAT CONCENTRATED  
38 SOLAR RADIATION OR GLARE DOES NOT PROJECT ONTO NEARBY STRUCTURES OR  
39 ROADWAYS.

40

41 (4) THE MAXIMUM LOT COVERAGE FOR A SOLAR ENERGY SYSTEM-PRINCIPAL IS  
42 80% OF THE GROSS AREA.

1 (5) ACCESS TO A SOLAR ENERGY SYSTEM-PRINCIPAL SHALL COMPLY WITH  
2 ACCESS REQUIREMENTS CONTAINED IN THE LANDSCAPE MANUAL.  
3

4 (6) A SOLAR ENERGY SYSTEM MAY NOT BE ARTIFICIALLY LIGHTED EXCEPT TO  
5 THE EXTENT REQUIRED FOR SAFETY OR BY APPLICABLE FEDERAL, STATE, OR LOCAL  
6 AUTHORITY.  
7

8 (7) (I) A SOLAR ENERGY SYSTEM MAY NOT ADVERSELY AFFECT HISTORIC SITES,  
9 ARCHAEOLOGICAL RESOURCES, OR CEMETERIES LISTED ON THE COUNTY INVENTORY OF  
10 HISTORIC PROPERTIES. THE PLACEMENT OF A SOLAR ENERGY SYSTEM WITHIN SIGHT OF  
11 A RESOURCE LISTED ON THE COUNTY INVENTORY SHALL MITIGATE ANY ADVERSE  
12 VISUAL IMPACT IN A MANNER DETERMINED BY THE OFFICE OF PLANNING AND ZONING,  
13 AND IN COMPLIANCE WITH THE PROVISIONS SET FORTH IN §§ 17-6-501 THROUGH 17-6-504  
14 OF THIS CODE.  
15

16 (II) FOR ANY SOLAR ENERGY SYSTEM ATTACHED TO THE ROOF OF AN  
17 HISTORIC RESOURCE LISTED ON THE INVENTORY, METHODS OF ATTACHMENT SHALL BE  
18 APPROVED BY THE OFFICE OF PLANNING AND ZONING. APPROVAL OF A ROOFTOP  
19 SYSTEM SHALL REQUIRE INSTALLATION ON A SECONDARY FACADE, HAVE MINIMAL  
20 IMPACT TO HISTORIC MATERIALS, AND BE A REVERSIBLE MODIFICATION. SYSTEMS MAY  
21 NOT BE MOUNTED ON THE ROOFTOPS OF COUNTY INVENTORY PROPERTIES THAT ARE  
22 LISTED ON OR ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES.  
23

24 (8) A SOLAR ENERGY SYSTEM-PRINCIPAL MAY NOT BE PERMITTED ON  
25 PROPERTIES SUBJECT TO THE PROVISIONS OF ARTICLE 17, TITLE 10 OF THIS CODE.  
26

27 **(B) Existing systems; alterations.**  
28

29 (1) A SOLAR ENERGY SYSTEM CONSTRUCTED PRIOR TO THE EFFECTIVE DATE OF  
30 BILL NO. 68-13 IS NOT REQUIRED TO MEET THE CONDITIONS SET FORTH IN THIS SECTION.  
31

32 (2) ANY PHYSICAL ALTERATION TO A SOLAR ENERGY SYSTEM CONSTRUCTED  
33 PRIOR TO THE EFFECTIVE DATE OF BILL NO. 68-13 THAT MATERIALLY ALTERS THE SOLAR  
34 ENERGY SYSTEM MUST BE APPROVED IN ACCORDANCE WITH THIS ARTICLE.  
35

36 **(C) Additional provisions for solar energy systems.**  
37

38 (1) A ROOF-MOUNTED SOLAR ENERGY SYSTEM MAY BE LOCATED ON A PRINCIPAL  
39 OR AN ACCESSORY STRUCTURE.  
40

41 (2) FOR THE PURPOSES OF ARTICLES 16, 17, AND 18 OF THIS CODE, LOT COVERAGE  
42 OF A SOLAR PANEL IS THE SURFACE AREA OF THE SOLAR PANEL BASED ON THE DRIP  
43 LINE AROUND THE PERIMETER OF EACH PANEL AT MINIMUM TILT.  
44

45 (3) FOR THE PURPOSES OF ARTICLES 16, 17, AND 18 OF THIS CODE, IMPERVIOUS  
46 SURFACE IS MEASURED AS THE AREA OF THE FOUNDATION OR BASE OF THE SOLAR  
47 ENERGY SYSTEM.  
48

49 (4) A SOLAR ENERGY SYSTEM MAY BE LOCATED OVER A PARKING AREA IF IT  
50 OTHERWISE MEETS THE REQUIREMENTS OF THIS ARTICLE.  
51

52 (5) A SOLAR ENERGY SYSTEM-ACCESSORY MAY BE LOCATED IN A PLANNED UNIT  
53 DEVELOPMENT IF IT OTHERWISE MEETS THE REQUIREMENTS OF THIS ARTICLE.

1 (6) IF A GROUND MOUNTED SOLAR ENERGY SYSTEM-PRINCIPAL IS REMOVED,  
 2 ANY EARTH DISTURBANCE RESULTING FROM THE REMOVAL MUST BE GRADED AND  
 3 RESEEDED.

4  
 5 (7) SOLAR ENERGY SYSTEM-PRINCIPAL OWNERS ARE ENCOURAGED TO USE LOW  
 6 MAINTENANCE AND LOW GROWING VEGETATIVE SURFACES UNDER THE SYSTEM AS A  
 7 BEST MANAGEMENT PRACTICE FOR STORMWATER MANAGEMENT.

8  
 9 (8) A SOLAR ENERGY SYSTEM IS PRESUMED TO BE ABANDONED IF NO ELECTRIC  
 10 OR THERMAL POWER IS GENERATED BY THE SYSTEM FOR A PERIOD OF 12 CONSECUTIVE  
 11 MONTHS AFTER WHICH THE OWNER OF THE SYSTEM SHALL HAVE 12 MONTHS TO  
 12 DISMANTLE AND REMOVE THE SOLAR ENERGY SYSTEM. IF THE OWNER FAILS TO  
 13 DISMANTLE OR REMOVE THE SYSTEM AS REQUIRED, THE COUNTY MAY COMPLETE THE  
 14 REMOVAL AT THE OWNER'S EXPENSE.

15  
 16 **TITLE 12. SPECIAL USES**

17  
 18 **18-12-103. Permitted and auxiliary uses; compliance with reuse plan.**

19  
 20 (a) **Permitted uses.** The permitted uses allowed in a government reuse facility are  
 21 listed in the chart in this section using the following key: P = permitted use. Uses and  
 22 structures customarily accessory to the listed uses also are allowed. Residential units are  
 23 prohibited.

24

<b>Permitted Uses</b>	
****	
Schools, public charter, and schools, private: academic, arts, business, technical, or trade for the exclusive use of businesses located at the facility	P
SOLAR ENERGY SYSTEMS-ACCESSORY IF THE CONDITIONS OF TITLE 10 ARE MET	P
****	

25  
 26 (b) **Auxiliary uses.** The following uses are allowed as auxiliary uses located in  
 27 principal or accessory structures with not more than 5% of the total floor area of the  
 28 principal and accessory structures being occupied by auxiliary uses and limited to the  
 29 following:

30

<b>Auxiliary Uses</b>	
****	
Retail or wholesale display rooms for the sale of products associated with the principal use	P
SOLAR ENERGY SYSTEMS-ACCESSORY IF THE CONDITIONS OF TITLE 10 ARE MET	P
****	

31  
 32 **TITLE 13. CRITICAL AREA OVERLAY**

33  
 34 **18-13-206. RCA uses.**

35  
 36 The following uses are the only uses allowed in the RCA and, to be allowed, the use  
 37 must be allowed in and meet all requirements of the underlying zoning district and, for a  
 38 residential use, the density allowed is one dwelling unit per 20 acres:

1 (37) SOLAR ENERGY SYSTEM-ACCESSORY;  
2

3 SECTION 3. *And be it further enacted* That all references in this Ordinance to “the  
4 effective date of Bill No. 68-13”, or words to that effect, shall, upon codification, be  
5 replaced with the actual date on which this Ordinance takes effect under Section 307 of  
6 the County Charter as certified by the Administrative Officer to the Country Council.  
7

8 SECTION 4. *And be it further enacted*, That this Ordinance shall take effect 45 days  
9 from the date it becomes law.

AMENDMENTS ADOPTED: September 13, 2013

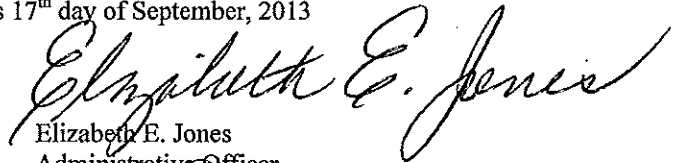
READ AND PASSED this 16<sup>th</sup> day of September, 2013

By Order:



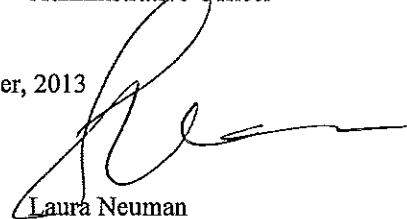
Elizabeth E. Jones  
Administrative Officer

PRESENTED to the County Executive for her approval this 17<sup>th</sup> day of September, 2013



Elizabeth E. Jones  
Administrative Officer

APPROVED AND ENACTED this 20<sup>th</sup> day of September, 2013



Laura Neuman  
County Executive

EFFECTIVE DATE: November 14, 2013

1 I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.  
2 68-13, THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
3 OF THE COUNTY COUNCIL.



Elizabeth E. Jones  
Administrative Officer