

FINAL

AMENDED  
October 1, 2018

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 35

Bill No. 89-18

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

By the County Council, September 4, 2018

---

Introduced and first read on September 4, 2018  
Public Hearing set for and held on October 1, 2018  
Bill AMENDED and VOTED on October 1, 2018  
Bill Expires November 1, 2018

By Order: JoAnne Gray, Administrative Officer

---

A BILL ENTITLED

- 1 AN ORDINANCE concerning: Zoning – Conditional Uses – Special Exception Uses –  
2 Solar Energy Generating Facilities  
3  
4 FOR the purpose of repealing certain definitions and requirements relating to solar energy  
5 systems; adding certain definitions and requirements relating to solar energy generating  
6 facilities; grandfathering certain applications for solar energy generating facilities;  
7 allowing solar energy generating facilities as various uses in certain residential,  
8 commercial, industrial, maritime, mixed use, and other zoning districts; repealing the  
9 conditional use requirements for solar energy systems; adding the conditional use  
10 requirements for community type solar energy generating facilities; adding the  
11 conditional use requirements for solar energy generating facilities used for resale under  
12 certain circumstances; adding the special exception requirements for community type  
13 solar energy generating facilities; adding the special exception use requirements for  
14 solar energy generating facilities used for resale under certain circumstances; making  
15 other technical changes; and generally relating to zoning.  
16  
17 BY repealing: §§ 18-1-101(120) through (122); and 18-10-147  
18 Anne Arundel County Code (2005, as amended)  
19  
20 BY renumbering: §§ 18-1-101(5) through (119) to be 18-1-101(6) through (120); 18-1-  
21 101(123) through (151) to be 18-1-101(124) through (152); 18-10-148 through 18-10-

---

EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Captions and taglines in **bold** in this bill are catchwords and are not 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.

1 156 to be 18-10-149 through 18-10-157; and 18-11-156 through 18-11-164 to be 18-  
2 11-158 through 18-11-166, respectively  
3 Anne Arundel County Code (2005, as amended)

4  
5 BY repealing and reenacting, with amendments: §§ 18-2-101(b)(7) and (8); 18-4-106; 18-  
6 5-102; 18-6-103; 18-7-107; 18-8-301; 18-9-202; 18-9-302; 18-9-402; 18-12-103(a) and  
7 (b); and 18-13-206(37)  
8 Anne Arundel County Code (2005, as amended)

9  
10 BY adding §§ 18-1-101(5), and (121) through (123); 18-2-101(b)(9); 18-10-147; 18-10-  
11 148; 18-11-156; and 18-11-157  
12 Anne Arundel County Code (2005, as amended)

13  
14 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
15 *That §§ 18-1-101 (120) through (122); and 18-10-147 of the Anne Arundel Code (2005, as*  
16 *amended) are hereby repealed.*

17  
18 SECTION 2. *And be it further enacted,* That §§ 18-1-101(5) through (119); 18-1-  
19 101(123) through (151); 18-10-148 through 18-10-156; and 18-11-156 through 18-11-164  
20 of the Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 18-  
21 1-101(6) through (120); 18-1-101(124) through (152); 18-10-149 through 18-10-157; and  
22 18-11-158 through 18-11-166, respectively.

23  
24 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County  
25 Code (2005, as amended) read as follows:

26  
27 **ARTICLE 18. ZONING**

28  
29 **TITLE 1. DEFINITIONS**

30  
31 **18-1-101. Definitions.**

32  
33 Unless defined in this article, the Natural Resources Article of the State Code, or  
34 COMAR, words defined elsewhere in this Code apply in this article. The following words  
35 have the meanings indicated:

36  
37 (5) "AGGREGATE NET ENERGY FACILITY" MEANS AN INDUSTRIAL SCALE,  
38 RENEWABLE ENERGY GENERATING FACILITY THAT USES ENERGY FROM THE SUN TO  
39 PRODUCE ELECTRICITY AND THAT OPERATES AS A PRINCIPAL USE TO SUPPLY  
40 ELECTRICITY GENERATED AT THAT LOCATION TO ONE OR MORE PRE-SPECIFIED  
41 LOCATIONS, AND IS REGULATED BY MARYLAND NET METERING RULES AND UTILITY  
42 TARIFFS.

43  
44 (121) "SOLAR ENERGY GENERATING FACILITY – ACCESSORY" MEANS A  
45 RENEWABLE ENERGY GENERATING FACILITY THAT USES ENERGY FROM THE SUN TO  
46 PRODUCE ELECTRICITY FOR ON-SITE USE AS ACCESSORY TO A PRINCIPAL USE; FOR WHICH  
47 EXCESS ELECTRICITY GENERATED AND NOT IMMEDIATELY UTILIZED FOR ON-SITE USE OR  
48 TEMPORARILY STORED FOR FUTURE ON-SITE USE MAY BE PROVIDED TO A UTILITY  
49 COMPANY IN EXCHANGE FOR A CREDIT OR OTHER COMPENSATION METHODOLOGY AS  
50 PRESCRIBED BY THE UTILITY COMPANY, PROVIDED THE PROPERTY HAS EXISTING  
51 ELECTRICAL SERVICE SUPPLIED BY THE UTILITY. IF THE FACILITY IS GROUND-BASED, THE  
52 DEVELOPMENT OF THE FACILITY SHALL BE SUBJECT TO ARTICLE 17 OF THIS CODE AND

1 THE SQUARE FOOTAGE OF THE SOLAR PANELS FOR THE SYSTEM MAY NOT EXCEED THE  
 2 TOTAL SQUARE FOOTAGE OF THE ROOFS OF ALL EXISTING STRUCTURES ON THE SITE.

3  
 4 (122) “SOLAR ENERGY GENERATING FACILITY – COMMUNITY” MEANS AN  
 5 INDUSTRIAL SCALE, RENEWABLE ENERGY GENERATING FACILITY AS A PRINCIPAL USE  
 6 THAT IS NOT AN AGGREGATE NET ENERGY FACILITY, USES ENERGY FROM THE SUN TO  
 7 PRODUCE ELECTRICITY FOR DELIVERY THROUGH DISTRIBUTION LINES TO END-USERS  
 8 THAT SATISFIES THE REQUIREMENTS OF § 7-306.2(A)(3) OF THE PUBLIC UTILITIES ARTICLE  
 9 OF THE STATE CODE AS EXISTING ON JULY 1, 2018, IS PART OF A PROGRAM APPROVED BY  
 10 THE MARYLAND PUBLIC SERVICE COMMISSION, AND DOES NOT EXCEED TWO  
 11 MEGAWATTS OF OUTPUT.

12  
 13 (123) “SOLAR ENERGY GENERATING FACILITY – UTILITY SCALE” MEANS AN  
 14 INDUSTRIAL SCALE, RENEWABLE ENERGY GENERATING FACILITY AS A PRINCIPAL USE  
 15 THAT USES ENERGY FROM THE SUN TO PRODUCE ELECTRICITY FOR SALE TO A REGIONAL  
 16 WHOLESALE ELECTRICITY MARKET THROUGH TRANSMISSION LINES AND NOT TO END-  
 17 USERS.

18  
 19 **TITLE 2. GENERAL PROVISIONS**

20  
 21 **18-2-101. Scope; applicability.**

22  
 23 (b) **Applicability to pending and future proceedings.** Subject to the grandfathering  
 24 provisions of COMAR Title 27, this article applies to all pending and future proceedings  
 25 and actions of any board, department, or agency empowered to decide applications under  
 26 this Code, except that:

27  
 28 (7) subject to the election provisions of subsection (8), development that falls within  
 29 one of the exceptions set forth in § 17-2-101(b)(8) or (b)(9) of this Code shall be governed  
 30 by the law as it existed prior to April 16, 2013; [and]

31  
 32 (8) for any application described in subsection (6) or (7), the applicant may make  
 33 an election, in writing and filed with the Planning and Zoning Officer no later than July 1,  
 34 2013, to be governed by the law as it exists after April 16, 2013[.]; AND

35  
 36 (9) AN APPLICATION FOR A SOLAR ENERGY GENERATING FACILITY – COMMUNITY  
 37 FILED BEFORE JANUARY 1, 2018, SHALL BE GOVERNED BY THE LAW AS IT EXISTED PRIOR  
 38 TO JANUARY 1, 2018 FOR A SOLAR ENERGY SYSTEM – PRINCIPAL.

39  
 40 **TITLE 4. RESIDENTIAL DISTRICTS**

41  
 42 **18-4-106. Permitted, conditional, and special exception uses.**

43  
 44 The permitted, conditional, and special exception uses allowed in each of the residential  
 45 districts are listed in the chart in this section using the following key: P = permitted use; C  
 46 = conditional use; SE = special exception use. A blank means that the use is not allowed in  
 47 the district. Except as provided otherwise in this article, uses and structures customarily  
 48 accessory to the listed uses also are allowed, except that guest houses as accessory  
 49 structures are prohibited and outside storage as an accessory use is limited to the lesser of  
 50 10% of the allowed lot coverage or 500 square feet.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22
***								
[Solar energy systems–accessory]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]
[Solar energy systems–principal]	[C]							
SOLAR ENERGY GENERATING FACILITY – ACCESSORY	P	P	P	P	P	P	P	P
SOLAR ENERGY GENERATING FACILITY – COMMUNITY	SE							
SOLAR ENERGY GENERATING FACILITY – UTILITY SCALE	SE							

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

**TITLE 5. COMMERCIAL DISTRICTS**

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

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.

Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4
***				
[Solar energy systems–accessory]	[C]	[C]	[C]	[C]
SOLAR ENERGY GENERATING FACILITY – ACCESSORY	P	P	P	P
SOLAR ENERGY GENERATING FACILITY – COMMUNITY, ROOFTOP-MOUNTED ONLY				C
SOLAR ENERGY GENERATING FACILITY – UTILITY SCALE, ROOFTOP-MOUNTED ONLY				C

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**TITLE 6. INDUSTRIAL DISTRICTS**

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

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.

1

Permitted, Conditional, and Special Exception Uses	W1	W2	W3
***			
[Solar energy systems-accessory]	[C]	[C]	[C]
[Solar energy systems-principal]	[C]	[C]	[C]
SOLAR ENERGY GENERATING FACILITY – ACCESSORY	P	P	P
SOLAR ENERGY GENERATING FACILITY – COMMUNITY	C	C	C
SOLAR ENERGY GENERATING FACILITY – UTILITY SCALE	C	C	C

2

3

**TITLE 7. MARITIME DISTRICTS**

4

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

5

6

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.

7

8

9

10

11

12

Permitted, Conditional, and Special Exception Uses	MA 1	MA 2	MA 3	MB	MC
***					
[Solar energy systems-accessory]	[C]	[C]	[C]	[C]	[C]
SOLAR ENERGY GENERATING FACILITY – ACCESSORY	P	P	P	P	P

13

14

**TITLE 8. MIXED USE DISTRICTS**

15

**18-8-301. Permitted, conditional, and special exception uses.**

16

17

18

19

20

21

22

23

(a) **Uses allowed.** The permitted and conditional uses under the optional method of development are listed in the chart in this section using the following key: P = permitted use; C = conditional use. A blank space means that the use is not allowed in the district. Uses and structures customarily accessory to the listed uses also are allowed, except that outside storage as an accessory use is not allowed.

24

25

26

27

28

(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>Other</b>				
***				
[Solar energy systems-accessory]	[C]	[C]	[C]	[C]

SOLAR ENERGY GENERATING FACILITY – ACCESSORY	P	P	P	P
--	---	---	---	---

1 (c) **Additional requirements.** EXCEPT FOR A SOLAR ENERGY GENERATING FACILITY  
 2 – COMMUNITY OR SOLAR ENERGY GENERATING FACILITY – UTILITY SCALE, [Permitted]  
 3 PERMITTED and conditional uses allowed in W1 Districts are permitted in MXD-R, MXD-  
 4 C, MXD-E, and MXD-T Districts provided:

5  
 6 (1) The location is within the airport noise zone, is on land remediated for  
 7 environmental requirements under Federal or state law, is on land that has been reclaimed  
 8 pursuant to an approved final reclamation plan under state or Federal law, or consists of  
 9 lots abutting remediated or reclaimed land; and

10  
 11 (2) The requirements of § 18-8-302 and Title 10 are met.

12  
 13 (d) **Variances.** A variance may not be granted for the requirements specified in  
 14 subsection (c).

15  
 16 **TITLE 9. OTHER ZONING DISTRICTS**

17  
 18 **18-9-202. Permitted, conditional, and special exception uses.**

19  
 20 The permitted, conditional, and special exception uses allowed in Open Space Districts  
 21 (OS) and in the Open Space Conservation Overlay (OS-C) are listed in the chart in this  
 22 section using the following key: P = permitted use; C = conditional use; SE = special  
 23 exception use. Except as provided otherwise in this article, uses and structures customarily  
 24 accessory to the listed uses also are allowed.  
 25

Permitted, Conditional, and Special Exception Uses	OS	OS-C
***		
[Solar energy systems-accessory]	[C]	[C]
SOLAR ENERGY GENERATING FACILITY – ACCESSORY	P	P

26  
 27 **18-9-302. Permitted and special exception uses.**

28  
 29 The permitted and special exception uses allowed in each of the Town Center Districts  
 30 are listed in the chart in this section using the following key: P = permitted use; SE = special  
 31 exception use. Except as provided otherwise in this article, uses and structures customarily  
 32 accessory to the listed uses also are allowed.  
 33

Permitted and Special Exception Uses	
***	
[Solar energy systems-accessory]	[C]
SOLAR ENERGY GENERATING FACILITY – ACCESSORY	P

34  
 35 **18-9-402. Permitted, conditional, and special exception uses.**

1 The permitted, conditional, and special exception uses allowed in the Small Business  
 2 Districts are listed in the chart in this section using the following key: P = permitted use; C  
 3 = conditional use; SE = special exception use. Except as provided otherwise in this article,  
 4 uses and structures customarily accessory to the listed uses also are allowed. Outside  
 5 storage as an accessory use is not allowed, except that the owner-occupant of a dwelling  
 6 may store on the lot one commercial vehicle or a vehicle used for commercial purposes  
 7 having a manufacturer’s gross vehicle weight rating of not more than 10,000 pounds.  
 8

Permitted, Conditional, and Special Exception Uses	
***	
[Solar energy systems-accessory]	[C]
SOLAR ENERGY GENERATING FACILITY - ACCESSORY	P

9  
 10 **TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

11  
 12 **18-10-147. Solar Energy Generating Facility – Community.**

13  
 14 A SOLAR ENERGY GENERATING FACILITY – COMMUNITY SHALL COMPLY WITH ALL OF  
 15 THE FOLLOWING REQUIREMENTS.

16  
 17 (1) THE DEVELOPER SHALL COMPLY WITH THE COUNTY LANDSCAPE MANUAL,  
 18 AND THE SOLAR FACILITY, INCLUDING ALL EQUIPMENT AND SOLAR PANELS, SHALL BE  
 19 ENCLOSED BY A FENCE NO LESS THAN SEVEN FEET IN HEIGHT. IN THE EVENT OF A  
 20 CONFLICT BETWEEN THE LANDSCAPE MANUAL AND § 17-6-504, THE PROVISIONS OF § 17-6-  
 21 504 SHALL CONTROL.  
 22

23 (2) THE DEVELOPER OF A SOLAR FACILITY LOCATED ON A SCENIC OR HISTORIC  
 24 ROAD SHALL PROVIDE A VIEWSHED ANALYSIS, THE SOLAR FACILITY MAY NOT HAVE AN  
 25 ADVERSE IMPACT ON THE SCENIC OR HISTORIC VIEWSHED. IN THIS SUBSECTION,  
 26 “ADVERSE IMPACT” MEANS ANY DEVELOPMENT THAT DIRECTLY OR INDIRECTLY WOULD  
 27 ALTER THE ROAD’S ENVIRONMENTAL OR HISTORIC SETTING, ITS VISUAL AND PHYSICAL  
 28 CHARACTERISTICS, OR WOULD DIMINISH THE INTEGRITY OF THE SCENIC OR HISTORIC  
 29 ROAD.  
 30

31 (3) THE DEVELOPER SHALL COMPLY WITH THE PROVISIONS OF THE COUNTY  
 32 FOREST CONSERVATION ACT, ARTICLE 17, TITLE 6, SUBTITLE 3 OF THIS CODE, REGARDLESS  
 33 OF ANY STATE WAIVER OR REDUCTION OF STATE FOREST CONSERVATION  
 34 REQUIREMENTS FOR SOLAR ENERGY SYSTEMS. MITIGATION FOR TREE REMOVAL SHALL  
 35 BE AT THE RATIO OF 3-TO-1.  
 36

37 (4) A SOLAR FACILITY MAY NOT BE LOCATED ON OR WITHIN THE VIEWSHED OF A  
 38 PROPERTY LISTED ON THE COUNTY INVENTORY OF HISTORIC RESOURCES.  
 39

40 (5) EXCEPT AS REQUIRED FOR SAFETY OR BY APPLICABLE FEDERAL, STATE, OR  
 41 LOCAL AUTHORITY, NO VISIBLE LIGHT SHALL EMANATE FROM THE SOLAR FACILITY  
 42 FROM DUSK TO DAWN.  
 43

44 (6) LOT COVERAGE MAY NOT EXCEED 80% OF THE NET AREA OF THE SITE. LOT  
 45 COVERAGE SHALL BE CALCULATED AS THE TOTAL SURFACE AREA OF ALL SOLAR PANELS,  
 46 PLUS ALL IMPERVIOUS SURFACES OF ANY SUPPORTING OR ASSOCIATED EQUIPMENT,  
 47 INCLUDING SUPPORT STRUCTURES. SURFACE AREA OF A SOLAR PANEL SHALL BE  
 48 CALCULATED BASED ON THE DRIP LINE AROUND THE PERIMETER OF A PANEL AT  
 49 MINIMUM TILT. IMPERVIOUS SURFACE SHALL BE CALCULATED AS THE AREA OF THE

1 FOUNDATION OR BASE OF ANY COMPONENT OF THE SOLAR FACILITY, INCLUDING  
2 INDIVIDUAL SOLAR PANELS.

3  
4 (7) A DECOMMISSIONING PLAN SHALL BE SUBMITTED TO THE OFFICE OF PLANNING  
5 AND ZONING FOR APPROVAL. THE PLAN SHALL INCLUDE A REQUIREMENT FOR A GRADING  
6 PERMIT OR STANDARD GRADING PLAN AND THAT ALL ON-SITE EQUIPMENT ASSOCIATED  
7 WITH THE SOLAR FACILITY SHALL BE REMOVED WITHIN 12 MONTHS OF CESSATION OF  
8 OPERATIONS. DECOMMISSIONING SECURITY IN ACCORDANCE WITH § 17-6-702 OF THIS  
9 CODE AND EQUAL TO 125% OF THE DECOMMISSIONING COSTS SHALL BE POSTED PRIOR TO  
10 COMMENCEMENT OF THE USE.

11  
12 (8) THE COUNTY SHALL REVIEW THE AMOUNT OF THE SECURITY EVERY FIVE  
13 YEARS AND MAY REQUIRE ADDITIONAL SECURITY OR REDUCE THE AMOUNT OF THE  
14 POSTED SECURITY IF IT DETERMINES, IN ITS SOLE DISCRETION, THAT THE POSTED  
15 SECURITY NO LONGER EQUALS 125% OF THE DECOMMISSIONING COSTS.

16  
17 (9) A SOLAR FACILITY IS PRESUMED TO CEASE OPERATIONS IF NO POWER IS  
18 GENERATED BY THE SYSTEM FOR A PERIOD OF 12 CONSECUTIVE MONTHS. THE OWNER OF  
19 THE SOLAR FACILITY SHALL HAVE 12 MONTHS AFTER CESSATION OF OPERATIONS TO  
20 DISMANTLE AND REMOVE THE SOLAR FACILITY. IF THE OWNER FAILS TO DISMANTLE OR  
21 REMOVE THE SOLAR FACILITY AS REQUIRED, THE COUNTY MAY COMPLETE THE  
22 REMOVAL AT THE OWNER'S EXPENSE, AND SHALL RETAIN ALL OR ANY PART OF THE  
23 DECOMMISSIONING SECURITY WHICH SHALL BECOME THE PROPERTY OF THE COUNTY.  
24 ANY ADDITIONAL EXPENSE INCURRED BY THE COUNTY SHALL BE COLLECTED PURSUANT  
25 TO § 1-8-101.

26  
27 (10) A VARIANCE MAY NOT BE GRANTED FOR THE REQUIREMENTS SPECIFIED IN  
28 THIS SECTION.

29  
30 **18-10-148. Solar Energy Generating Facility – Utility Scale.**

31  
32 (A) **Requirements.** A SOLAR ENERGY GENERATING FACILITY – UTILITY SCALE SHALL  
33 COMPLY WITH ALL REQUIREMENTS OF § 18-10-147 FOR A SOLAR ENERGY GENERATING  
34 FACILITY – COMMUNITY.

35  
36 (B) **Variance.** A VARIANCE MAY NOT BE GRANTED FOR THE REQUIREMENTS SPECIFIED  
37 IN THIS SECTION.

38  
39 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**

40  
41 **18-11-156. Solar Energy Generating Facility – Community.**

42  
43 A SOLAR ENERGY GENERATING FACILITY – COMMUNITY SHALL COMPLY WITH ALL OF  
44 THE FOLLOWING REQUIREMENTS.

45  
46 (1) THE AREA TO BE USED FOR THE SOLAR FACILITY MAY NOT EXCEED 25 PERCENT  
47 OF THE NET AREA OF THE SITE, OR 20 ACRES, WHICHEVER IS LESS.

48  
49 (2) NO DEVELOPMENT ON THE SITE MAY BE LOCATED IN ENVIRONMENTALLY  
50 SENSITIVE AREAS OR HABITAT FOR FOREST INTERIOR DWELLING SPECIES.

51  
52 (3) THE DEVELOPER SHALL COMPLY WITH THE COUNTY LANDSCAPE MANUAL,  
53 AND THE SOLAR FACILITY, INCLUDING ALL EQUIPMENT AND SOLAR PANELS, SHALL BE  
54 ENCLOSED BY A FENCE NO LESS THAN SEVEN FEET IN HEIGHT. IN THE EVENT OF A  
55 CONFLICT BETWEEN THE LANDSCAPE MANUAL AND § 17-6-504, THE PROVISIONS OF § 17-6-  
56 504 SHALL CONTROL.



1 (4) ANY SOLAR FACILITY WHERE THE FENCED AREA WOULD EXCEED 15 ACRES  
2 SHALL PROVIDE A WILDLIFE CORRIDOR CONFORMING WITH THE PROVISIONS OF THE  
3 CURRENT ANNE ARUNDEL COUNTY GREENWAYS MASTER PLAN.  
4

5 (5) THE DEVELOPER OF A SOLAR FACILITY LOCATED ON A SCENIC OR HISTORIC  
6 ROAD SHALL PROVIDE A VIEWSHED ANALYSIS. THE SOLAR FACILITY MAY NOT HAVE AN  
7 ADVERSE IMPACT ON THE SCENIC OR HISTORIC VIEWSHED. IN THIS SUBSECTION,  
8 "ADVERSE IMPACT" MEANS ANY DEVELOPMENT THAT WOULD DIRECTLY OR INDIRECTLY  
9 ALTER THE ROAD'S ENVIRONMENTAL OR HISTORIC SETTING, ITS VISUAL AND PHYSICAL  
10 CHARACTERISTICS, OR WOULD DIMINISH THE INTEGRITY OF THE SCENIC OR HISTORIC  
11 ROAD.  
12

13 (6) THE DEVELOPER OF THE SOLAR FACILITY SHALL, TO THE DEGREE  
14 PRACTICABLE, AVOID DISTURBING PRIME AGRICULTURAL SOILS, AND SHALL PROVIDE AN  
15 ANALYSIS TO DEMONSTRATE HOW THE DEVELOPER IS AVOIDING DISTURBANCE OF PRIME  
16 AGRICULTURAL SOILS. THE DEVELOPMENT MAY NOT RESULT IN MORE THAN 50 PERCENT  
17 OF PRIME AGRICULTURAL SOILS ON THE SITE FROM BEING REMOVED FROM EXISTING OR  
18 POTENTIAL AGRICULTURAL PRODUCTION.  
19

20 (7) THE DEVELOPER SHALL COMPLY WITH THE PROVISIONS OF THE COUNTY  
21 FOREST CONSERVATION ACT, ARTICLE 17, TITLE 6, SUBTITLE 3 OF THIS CODE, REGARDLESS  
22 OF ANY STATE WAIVER OR REDUCTION OF STATE FOREST CONSERVATION  
23 REQUIREMENTS FOR SOLAR ENERGY SYSTEMS. MITIGATION FOR TREE REMOVAL SHALL  
24 BE AT THE RATIO OF 3-TO-1.  
25

26 (8) A SOLAR FACILITY MAY NOT BE LOCATED WITHIN AN AGRICULTURAL  
27 PRESERVATION AREA, A PRIORITY PRESERVATION AREA, OR A RURAL LEGACY AREA, OR  
28 WITHIN 10 MILES OF ANOTHER SOLAR ENERGY GENERATING FACILITY – COMMUNITY OR  
29 SOLAR ENERGY GENERATING FACILITY – UTILITY SCALE.  
30

31 (9) A SOLAR FACILITY MAY NOT BE LOCATED ON ANY PORTION OF A SITE  
32 ENCUMBERED WITH A CONSERVATION, HISTORIC PRESERVATION, OR AGRICULTURAL  
33 EASEMENT.  
34

35 (10) A SOLAR FACILITY MAY NOT BE LOCATED ON OR WITHIN THE VIEWSHED OF A  
36 PROPERTY LISTED ON THE COUNTY INVENTORY OF HISTORIC RESOURCES.  
37

38 (11) EXCEPT AS REQUIRED FOR SAFETY OR BY APPLICABLE FEDERAL, STATE, OR  
39 LOCAL AUTHORITY, NO VISIBLE LIGHT SHALL EMANATE FROM THE SOLAR FACILITY  
40 FROM DUSK TO DAWN.  
41

42 (12) LOT COVERAGE MAY NOT EXCEED 80% OF THE AREA ALLOWED UNDER  
43 SUBSECTION (1). LOT COVERAGE SHALL BE CALCULATED AS THE TOTAL SURFACE AREA  
44 OF ALL SOLAR PANELS PLUS ALL IMPERVIOUS HORIZONTAL SURFACES OF ANY  
45 SUPPORTING OR ASSOCIATED EQUIPMENT, INCLUDING SUPPORT STRUCTURES. SURFACE  
46 AREA OF A SOLAR PANEL SHALL BE CALCULATED BASED ON THE DRIP LINE AROUND THE  
47 PERIMETER OF A PANEL AT MINIMUM TILT. IMPERVIOUS SURFACE SHALL BE CALCULATED  
48 AS THE AREA OF THE FOUNDATION OR BASE OF ANY COMPONENT OF THE SOLAR  
49 FACILITY, INCLUDING INDIVIDUAL SOLAR PANELS.  
50

51 (13) A DECOMMISSIONING PLAN SHALL BE SUBMITTED TO THE OFFICE OF  
52 PLANNING AND ZONING FOR APPROVAL. THE PLAN SHALL INCLUDE A REQUIREMENT FOR  
53 A GRADING PERMIT OR STANDARD GRADING PLAN AND THAT ALL ON-SITE EQUIPMENT  
54 ASSOCIATED WITH THE SOLAR FACILITY SHALL BE REMOVED WITHIN 12 MONTHS OF  
55 CESSATION OF OPERATIONS. DECOMMISSIONING SECURITY IN ACCORDANCE WITH § 17-6-  
56 702 OF THIS CODE AND EQUAL TO 125% OF THE DECOMMISSIONING COSTS SHALL BE  
57 POSTED PRIOR TO COMMENCEMENT OF THE USE.

(14) THE COUNTY SHALL REVIEW THE AMOUNT OF THE SECURITY EVERY FIVE YEARS AND MAY REQUIRE ADDITIONAL SECURITY OR REDUCE THE AMOUNT OF THE POSTED SECURITY IF IT DETERMINES, AT ITS SOLE DISCRETION, THAT THE POSTED SECURITY NO LONGER EQUALS 125 % OF THE DECOMMISSIONING COSTS.

(15) A SOLAR FACILITY IS PRESUMED TO CEASE OPERATIONS IF NO POWER IS GENERATED BY THE SYSTEM FOR A PERIOD OF 12 CONSECUTIVE MONTHS. THE OWNER OF THE SOLAR FACILITY SHALL HAVE 12 MONTHS AFTER CESSATION OF OPERATIONS TO DISMANTLE AND REMOVE THE SOLAR FACILITY. IF THE OWNER FAILS TO DISMANTLE OR REMOVE THE SOLAR FACILITY AS REQUIRED, THE COUNTY MAY COMPLETE THE REMOVAL AT THE OWNER'S EXPENSE, AND SHALL RETAIN ALL OR ANY PART OF THE DECOMMISSIONING SECURITY WHICH SHALL BECOME THE PROPERTY OF THE COUNTY. ANY ADDITIONAL EXPENSE INCURRED BY THE COUNTY SHALL BE COLLECTED PURSUANT TO § 1-8-101.

(16) FACILITIES PROPOSED FOR LOCATION ON SANITARY LANDFILLS OR RECLAMATION AREAS ARE EXEMPT FROM THE REQUIREMENTS OF (2), (6), AND (8) OF THIS SECTION.

(17) A VARIANCE MAY NOT BE GRANTED FOR THE REQUIREMENTS SPECIFIED IN THIS SECTION.

**18-11-157. Solar Energy Generating Facility – Utility Scale.**

A SOLAR ENERGY GENERATING FACILITY – UTILITY SCALE SHALL COMPLY WITH THE REQUIREMENTS ~~of § 18-11-158~~ OF § 18-11-156 FOR A SOLAR ENERGY GENERATING FACILITY – COMMUNITY, EXCEPT FOR SUBSECTION (1), AND THE FOLLOWING REQUIREMENTS:

(1) THE FACILITY MAY NOT BE LOCATED ON A SITE WITHIN 10 MILES OF A SOLAR ENERGY GENERATING FACILITY – COMMUNITY, OR WITHIN 20 MILES OF ANOTHER SOLAR ENERGY GENERATING FACILITY – UTILITY-SCALE.

(2) THE AREA USED FOR THE FACILITY MAY NOT EXCEED 25% OF THE NET AREA OF THE SITE.

(3) A VARIANCE MAY NOT BE GRANTED FOR THE REQUIREMENTS SPECIFIED IN THIS SECTION.

**TITLE 12. SPECIAL USES**

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

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

Permitted Uses	
***	
Solar energy [systems] GENERATING FACILITY – accessory [if the conditions of Title 10 are met]	P

(b) **Auxiliary uses.** The following uses are allowed as auxiliary uses located in principal or accessory structures with not more than 5% of the total floor area of the

1 principal and accessory structures being occupied by auxiliary uses and limited to the  
2 following:

<b>Auxiliary Uses</b>	
***	
Solar energy [systems] GENERATING FACILITY – accessory [if the conditions of Title 10 are met]	P

4

**TITLE 13. CRITICAL AREA OVERLAY**

5

6

7

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

8

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

12

13

(37) solar energy [systems] GENERATING FACILITY – accessory;

14

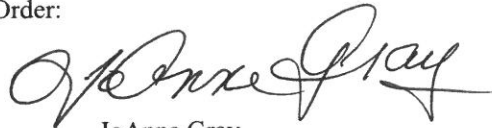
15

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

AMENDMENT ADOPTED: October 1, 2018

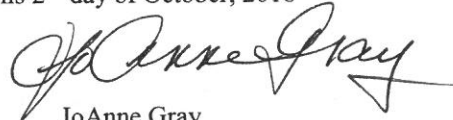
READ AND PASSED this 1<sup>st</sup> day of October, 2018

By Order:



JoAnne Gray  
Administrative Officer

PRESENTED to the County Executive for his approval this 2<sup>nd</sup> day of October, 2018



JoAnne Gray  
Administrative Officer

APPROVED AND ENACTED this \_\_\_\_\_ day of October, 2018

Steven R. Schuh  
County Executive

EFFECTIVE DATE:

1 principal and accessory structures being occupied by auxiliary uses and limited to the  
2 following:

Auxiliary Uses	
***	
Solar energy [systems] GENERATING FACILITY – accessory [if the conditions of Title 10 are met]	P

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

**TITLE 13. CRITICAL AREA OVERLAY**

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

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

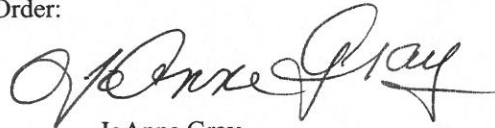
(37) solar energy [systems] GENERATING FACILITY – accessory;

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

AMENDMENT ADOPTED: October 1, 2018

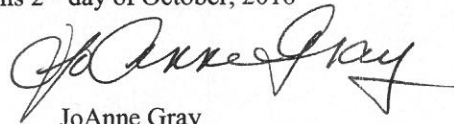
READ AND PASSED this 1<sup>st</sup> day of October, 2018

By Order:



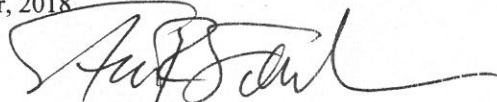
JoAnne Gray  
Administrative Officer

PRESENTED to the County Executive for his approval this 2<sup>nd</sup> day of October, 2018



JoAnne Gray  
Administrative Officer

APPROVED AND ENACTED this 4<sup>th</sup> day of October, 2018

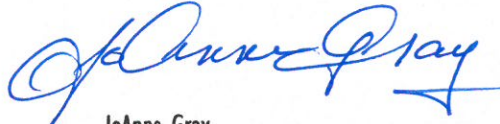


Steven R. Schuh  
County Executive

EFFECTIVE DATE:

**NOV 18 2018**

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.  
89-18 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.



JoAnne Gray  
Administrative Officer