



**COUNTY COUNCIL**  
**OF**  
**DORCHESTER COUNTY, MARYLAND**

BILL NO. 2011- 7 \_\_\_\_\_

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING ORDINANCE, SECTION 155-50, LL, SUPPLEMENTAL USE REGULATIONS, SECTION 155-13, TERMS DEFINED, AND SECTION 155 ATTACHMENT 1, TABLE OF PERMITTED USES OF THE DORCHESTER COUNTY CODE TO ADD SOLAR ENERGY SYSTEMS, UTILITY SCALE AS A SPECIAL EXCEPTION USE IN THE AC, AGRICULTURAL CONSERVATION, AC-RCA, AGRICULTURAL CONSERVATION-RESOURCE CONSERVATION AREA, RC, RESOURCE CONSERVATION, B-2, GENERAL BUSINESS, I-1, LIGHT INDUSTRIAL AND THE I-2, HEAVY INDUSTRIAL ZONING DISTRICTS, ADD THE DEFINITIONS OF SOLAR ENERGY SYSTEMS, UTILITY SCALE AND SOLAR ARRAY, AND INCLUDE SUPPLEMENTARY USE REGULATIONS FOR SOLAR ENERGY SYSTEMS, UTILITY SCALE.

SECTION ONE: Acting under Chapter 155, entitled "Zoning Ordinance", Section 155-50, LL, Section 155-13, Section 155 Attachment 1, of The Dorchester County Code (The "Act"), be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that Chapter 155, Section 155-50, LL, titled, Supplemental Use Regulations, SECTION 155-13, titled Terms Defined, and Section 155 Attachment 1, titled Table of Permitted Uses, be repealed and reenacted to read as follows:

Article II Definitions

§ 155-13. Terms defined

For the purposes of this chapter, the following definitions apply. Terms identified with the initials "CA" apply countywide and, where applicable to lands in the Critical Area, may not be modified without the approval of the Maryland Chesapeake Bay Critical Area Commission. Terms identified with the initials "FP" apply only within the Floodplain District.

**"SOLAR ENERGY SYSTEMS, UTILITY SCALE" MEANS ANY DEVICE OR COMBINATION OF DEVICES OR ELEMENTS WHICH RELY UPON DIRECT SUNLIGHT AS AN ENERGY SOURCE, INCLUDING BUT NOT LIMITED TO ANY STRUCTURE OR DEVICE WHICH COLLECTS SUNLIGHT FOR GENERATING ENERGY PRIMARILY FOR USE OFF-SITE. ENERGY GENERATED MAY BE USED TO SERVE ON SITE POWER NEEDS.**

**"SOLAR ARRAY" MEANS A STRUCTURE CONTAINING ONE OR MORE RECEPTIVE CELLS OR PANELS FOR THE PURPOSE OF CONVERTING SOLAR ENERGY INTO USEABLE ELECTRICAL ENERGY BY WAY OF A SOLAR ENERGY SYSTEM.**

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Article IX Supplementary Use Regulations

§ 155-50. Supplementary use regulations

The following supplementary use regulations apply in addition to the requirements of the applicable zoning district and any requirements in the Table of Permitted uses.

**LL. SOLAR ENERGY SYSTEMS, UTILITY SCALE**

**(1) GENERAL REQUIREMENTS**

- (A) A SOLAR COLLECTION DEVICE OR COMBINATION OF DEVICES SHALL BE DESIGNED AND LOCATED TO AVOID GLARE OR REFLECTION ONTO ADJACENT PROPERTIES AND ADJACENT ROADWAYS AND SHALL NOT INTERFERE WITH TRAFFIC OR CREATE A SAFETY HAZARD.
- (B) SOLAR ENERGY SYSTEMS, UTILITY SCALE SHALL NOT BE USED FOR DISPLAYING ANY ADVERTISING EXCEPT FOR REASONABLE IDENTIFICATION OF THE MANUFACTURER OR OPERATION, AND SHALL NOT BE ARTIFICIALLY LIGHTED EXCEPT TO THE EXTENT REQUIRED FOR SAFETY, MAINTENANCE, OR TEMPORARY REPAIR.
- (C) ALL SOLAR ENERGY SYSTEMS, UTILITY SCALE SHALL BE LOCATED ON PROPERTY WITH A MINIMUM LOT OR PARCEL SIZE OF 25 ACRES OR MORE AND ONLY AS A SPECIAL EXCEPTION USE.
- (D) SOLAR ENERGY SYSTEMS, UTILITY SCALE INCLUDING THE SOLAR COLLECTION DEVICES OR COMBINATION OF DEVICES SHALL NOT EXCEED THE HEIGHT RECOMMENDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE SYSTEM. IN NO CASE SHALL THE TOTAL HEIGHT OF ANY SOLAR ENERGY SYSTEM, UTILITY SCALE EXCEED 45 FEET IN THE AC, AC-RCA, OR RC AGRICULTURAL AND RESOURCE ZONING DISTRICTS, 45 FEET IN THE B-2, GENERAL BUSINESS DISTRICT, AND 50 FEET IN THE I-1 AND I-2 INDUSTRIAL ZONING DISTRICTS.
- (E) ALL SOLAR ENERGY SYSTEMS, UTILITY SCALE SHALL BE SCREENED FROM THE GROUND FLOOR OF ANY ADJACENT OR ABUTTING EXISTING RESIDENTIAL DWELLING UNIT. THE SCREENING SHALL CONSIST OF A VEGETATED BUFFER THAT FORMS A LANDSCAPED STRIP AT LEAST 50 FEET IN DEPTH. THIS SCREENING SHALL BE MAINTAINED WITH A BUFFER OF PLANT MATERIAL (TREES & SHRUBS) THAT IS MATURE ENOUGH TO EFFECTIVELY SCREEN YEAR ROUND (TO A MINIMUM EIGHT FEET ABOVE GROUND LEVEL) THE VIEW OF THE SOLAR ENERGY FACILITY. THE AMOUNT AND EXTENT OF THE REQUIRED SCREENING WILL BE DETERMINED BY THE PLANNING COMMISSION AS PART OF THE SITE PLAN REVIEW PROCESS. WHEN CONDITIONS ON ADJACENT LAND ARE PRESENT SUCH AS EXISTING FOREST, WOODLAND, WETLANDS, OPEN FIELD OR CROPLAND, SUCH THAT THE LANDSCAPED STRIP SERVES A MINIMAL OR NO PURPOSE, THE PLANNING COMMISSION MAY REDUCE OR WAIVE THIS SCREENING REQUIREMENT AT THEIR DISCRETION.
- (F) EACH SOLAR ENERGY SYSTEM, UTILITY SCALE USE, INCLUDING SOLAR COLLECTION DEVICES, ASSOCIATED BUILDINGS, AND ACCESSORY STRUCTURES SHALL MEET THE PRINCIPAL STRUCTURE MINIMUM YARD DEPTH REQUIREMENTS (SETBACKS) FOR THE ASSIGNED ZONING DISTRICT.
- (G) ALL STRUCTURES ASSOCIATED WITH THE SOLAR ENERGY SYSTEM, UTILITY SCALE SHALL BE NEITHER VISUALLY INTRUSIVE NOR INAPPROPRIATE TO THEIR SETTING. THEY SHALL NOT UNREASONABLY INTERFERE WITH THE VIEW OF, OR FROM, SITES OF PUBLIC INTEREST SUCH AS PUBLIC PARKS, DESIGNATED SCENIC BYWAYS, HISTORIC STRUCTURES, OR THE CHESAPEAKE BAY AND ITS TRIBUTARIES.

- (H) EXISTING VEGETATION MAY BE REMOVED ONLY AS AUTHORIZED DURING THE SITE PLAN REVIEW PROCESS. ALL AREAS DISTURBED SHALL BE MINIMIZED, AND ANY REMOVAL SHALL BE MITIGATED ON A ONE TO ONE (1:1) SQUARE FOOTAGE BASIS FOR ALL DISTURBANCE. PLANTING FOR A SCREENING BUFFER INSTALLED IN CONJUNCTION WITH SECTION E OF THIS SECTION, MAY BE CREDITED TOWARD THIS ONE TO ONE MITIGATION REQUIREMENT.
- (I) ON-SITE POWER LINES EXCLUDING SOLAR ARRAY OR SOLAR PANEL WIRING, SHALL BE PLACED UNDERGROUND EXCEPT WHERE NECESSARY TO CONNECT TO THE PUBLIC UTILITY. ELECTRICAL TRANSFORMERS FOR UTILITY INTERCONNECTIONS MAY BE ABOVE GROUND IF REQUIRED BY THE PUBLIC UTILITY. APPROPRIATE WARNING NOTICE (IE. ELECTRICAL HAZARDS) SHALL BE PLACED ON SOLAR ENERGY SYSTEMS, AND ALL ACCESS DOORS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE.
- (J) NO SOLAR ENERGY SYSTEM, UTILITY SCALE SHALL BE ERECTED, CONSTRUCTED, INSTALLED OR MODIFIED AS PROVIDED IN THIS SECTION WITHOUT FIRST OBTAINING A BUILDING AND ELECTRICAL PERMIT. ALL SUCH SOLAR ENERGY SYSTEMS SHALL BE CONSTRUCTED AND OPERATED IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL LAWS.
- (K) SOLAR ENERGY SYSTEMS, UTILITY SCALE SITE PLAN SUBMITTAL REQUIREMENTS SHALL INCLUDE: A SITE PLAN SHOWING ROADS, LANDSCAPE BUFFER SCREENING AREAS, LOCATION OF ALL STRUCTURES, LOCATION OF ALL SOLAR PANELS OR SOLAR ARRAYS, AND DISTANCE TO PROPERTY LINES (SETBACKS). DRAWINGS OR BLUEPRINTS OF SOLAR PANELS AND ARRAYS ALONG WITH DOCUMENTATION OF LAND OWNERSHIP AND AUTHORIZATION OR CONSENT OF THE LAND OWNER TO PERMIT INSTALLATION OF THE USE ARE ALSO REQUIRED. A PLANTING PLAN, SIGNED PLANTING AND MAINTENANCE AGREEMENT, AND SECURITY AT THE RATE OF \$.40 PER SQUARE FOOT OR IN THE AMOUNT OF 120% OF THE COST OF LABOR AND MATERIAL TO GUARANTEE ALL PLANTING FOR TWO YEARS SHALL BE SUBMITTED PRIOR TO BUILDING PERMIT APPROVAL.
- (L) ANY SOLAR ENERGY SYSTEMS, UTILITY SCALE FOUND TO BE ABANDONED OR UNSAFE BY THE BUILDING OFFICIAL SHALL BE REPAIRED OR REMOVED BY THE LANDOWNER. A SOLAR ENERGY SYSTEM THAT FAILS TO OPERATE AND IS OUT-OF-SERVICE FOR A CONTINUOUS 12-MONTH PERIOD WILL BE DEEMED TO HAVE BEEN ABANDONED.
- (M) SOLAR ENERGY SYSTEMS, UTILITY SCALE USES LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA SHALL ALSO BE SUBJECT TO THOSE CRITICAL AREA CRITERIA.
- (N) OWNERS OR OPERATORS OF SOLAR ENERGY SYSTEMS, UTILITY SCALE SHALL SUBMIT TO THE OFFICE OF PLANNING & ZONING NO LATER THAN JULY1 OF EACH YEAR THE CURRENT STATUS AND OPERATION OF THE INSTALLATION AND ANY CHANGE OF OWNERSHIP OR MANAGEMENT OF THE FACILITY.

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Explanation: **BOLD CAPITALS** indicate language added to existing law.  
~~Strikethrough~~ indicates language deleted from existing law.  
**GREEN BOLD CAPITALS** indicate amended language.



**SECTION TWO:** BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY that General Code Publishers is directed to codify amended Section 155-50, LL, titled, Supplemental Use Regulations, SECTION 155-13, titled Terms Defined, and Section 155 Attachment 1, titled Table of Permitted Uses, of the Dorchester County Zoning Ordinance accordingly.

**SECTION THREE:** Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2011-7 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 18th day of October, 2011

ATTEST: COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND

BY: Jane Baynard Jane Baynard, County Manager Jay L. Newcomb Jay L. Newcomb, President

APPROVED this 18th day of October, 2011

ATTEST: COUNTY COUNCIL OF DORCHESTER COUNTY:

BY: Jane Baynard Jane Baynard, County Manager Jay L. Newcomb Jay L. Newcomb, President

Newcomb - yes  
Nichols - yes  
Price - yes  
Travers - yes  
Bradshaw - yes

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