

**SOLAR USE ORDINANCE WITH AMENDMENT TO RESTRICT
SOLAR, MAJOR IN THE RPD TO BROWNFIELDS AND LANDFILLS**

§50.4.97.a. Solar, Major. A Utility-scale solar energy generating system that has a generating capacity of more than 2 megawatts.

Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
97.a. Solar, Major.	Low	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA	- -

§51.3.97.a. Solar, Major. **The Solar, Major use is a Permitted Use in all zoning districts except the RPD. Solar, Major is only allowed as a Conditional Use in the RPD.**

a. General Standards:

- (1) Major site plan approval is required.
- (2) Buffer yards required by Schedule 63.3.b. shall be modified as follows:
 - (a) When adjoining Residential Use, a Type C buffer (per schedule 63.3.a.), altered to have no fence required and understory trees can be substituted for canopy trees.
 - (b) When adjoining a Public and Semipublic or Commercial Use, a Type A buffer (per schedule 63.3.a.), and understory trees can be substituted for canopy trees.
- (3) Development in the Critical Area shall comply with Title 27, Subtitle 01 Criteria for Local Critical Area Program Development and Title 27, Subtitle 02 Development in the Critical Area Resulting from State and Local Agency Programs.
- (4) The developer shall provide proof they have complied with decommissioning requirements, including proof of a bond or other financial security, set forth by the Maryland Public Service Commission.

b. Conditional Standards:

- (1) In the Rural Preservation District, a Solar, Major facility may only be allowed on brownfields and landfills.

§51.3.98.a. Solar, Minor. **The Solar, Minor use is a Permitted Use in all zoning districts**

a. General Standards:

- (1) Permit approval is required.
- (2) Buffer yards required by Schedule 63.3.b. shall be a Type A buffer (per schedule 63.3.a.) and understory trees can be substituted for canopy trees. Buffer yards are not required for Solar, Residential or Agricultural Accessory facility.
- (3) Development in the Critical Area shall comply with Title 27, Subtitle 01 Criteria for Local Critical Area Program Development and Title 27, Subtitle 02 Development in the Critical Area Resulting from State and Local Agency Programs.

Definitions added for the Solar Use Ordinance

Brownfield. A brownfield is a former industrial or commercial site where future development is affected by potential or confirmed environmental contamination. A site shall be presumed to be a brownfield if identified by the Environmental Protection Agency as a Superfund site, National Priorities List site, state deferral site, is identified by the Maryland Department of the Environment as a State Master List or Voluntary Cleanup Program site, or if the site is on any other list maintained by the Environmental Protection Agency or Maryland Department of the Environment that serves a similar purpose.

Farmland of Statewide Importance Soils. Soils in this category include the following: Beltsville silt loam (B1A, B1B2, B1B3, and B1C2), Bourne fine sandy loam (BrB2), Caroline silt loam (CaC2), Chillum loam (ChC2), Croom gravelly sandy loam (CrB2 and CrC2), Fallsington sandy loam (FaaA), Kempsville fine sandy loam (KeC2), Keyport fine sandy loam (KpA and KpB2), Keyport silt loam (KrA and KrB2), Klej loam sand (Kz), Marr fine sandy loam (MaC2), Mattapex silt loam (MuC2), Othello fine sandy loam (On and Ot), Rumford loamy sand (RuB and RuC2), Sassafras sandy loam (SaaC), Sassafras-Chillum complex (SmC2), Westphalia fine sandy loam (WeC2), and Woodstown sandy loam (WsC2).

Prime Agricultural Soils. Soils in this category include the following: Caroline silt loam (CaB2), Chillum loam (ChA and ChB2), Faceville loam (FaB), Marr fine sandy loam (MaB2), Matapeake fine sandy loam (MmA and MmB2), Matapeake silt loam (MnA and MnB2), Mattapex fine sandy loam (MtA and MtB2), Mattapex silt loam (MuaA and MuaB), Sassafras sandy loam (SaaA and SaaB), Sassafras loam (SfA and SfB2), Westphalia fine sandy loam (WeB2), and Woodstown sandy loam (WdaA and WdaB).

Solar, Commercial, Industrial, or Institutional Accessory. A Solar, Minor facility that:

- a. uses energy from the sun to produce electricity for on-site use as an accessory to the principal commercial, industrial, or institutional use; and
- b. may provide excess energy that is not immediately utilized on-site or temporarily stored for future use on-site to a utility company that provides electrical service to the property where the commercial, industrial, or institutional accessory solar energy generating facility is located in exchange for a credit or other compensation as determined by the utility company.

Solar, Community. A Solar, Minor facility that:

- a. is connected to the electric distribution grid serving the State;
- b. is in the same electric service territory as its subscribers;
- c. is attached to the electric meter of a subscriber or is a separate facility with its own electric meter;
- d. credits its generated electricity, or the value of its generated electricity, to the bills of the subscribers to that system through virtual net energy metering;
- e. has at least two subscribers but no limit to the maximum number of subscribers;
- f. does not have subscriptions larger than 200 kilowatts constituting more than 60% of its subscriptions;
- g. has a generating capacity that does not exceed 2 megawatts as measured by the alternating current rating of the system's inverter; and
- h. may be owned by any person.

Solar, Residential, or Agricultural Accessory. A Solar, Minor facility that:

- a. derives energy from the sun to produce electricity to support a residential use or an accessory structure, building, or use. Residential is a detached residential structure, a duplex, or a townhouse not more than three stories above grade plane in height with a separate means of egress. A Solar, Minor facility may provide electricity to residential accessory structures or buildings that comply with the following:
 1. constructed or located on the same zoning lot as the principal residential building; and

2. clearly incidental to, subordinate in purpose to, and serving the residential use;
- b. derives energy from the sun to produce electricity to support an agricultural operation located on the same property as the agricultural operation; and
- c. includes an energy generating system that delivers electricity to a power grid and complies with the laws of the State of Maryland.

Solar, Utility-scale. A Solar, Major facility that:

- a. uses energy from the sun to generate electricity primarily for use off-site; and
- b. sells the electricity to the regional wholesale electricity market; and
- c. has a generating capacity of more than 2 megawatts; and
- d. requires a Certificate of Public Convenience and Necessity from the Maryland Public Service Commission.