

COUNTY ORDINANCE NO. 17-16

A BILL ENTITLED

AN ACT CONCERNING Amendments to Chapter 18:1 of the Code of Public Local Laws (the Queen Anne's County Zoning and Subdivision Regulations) Regarding Utility Scale Solar Arrays;

FOR THE PURPOSE OF creating standards and definitions for utility scale solar arrays and allowing such uses under certain conditions in the Utility Scale Solar Array Overlay (USSA) District;

BY ADDING Sections 18:1-39 to the Code of Public Local Laws of Queen Anne's County, Maryland and BY AMENDING Section 18App-1 to add definitions.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that Section 18:1 of the Code of Public Local Laws of Queen Anne's County be and is hereby AMENDED to add Section 18:1-39 which shall read as follows:

Chapter 18 Land Use and Development

...

Article V: District Standards Housing

§ 18:1-39 Utility Scale Solar Array (USSA) District

A. Purpose.

(1) To create a zone to allow Utility Scale Solar Arrays, as defined in Chapter 18App: Appendix a: Glossary, in a specified area of the County,

(2) To add additional requirements for Utility Scale Solar Arrays, including setbacks from residential and other uses.

(3) To provide landscape screening from adjacent properties, roads, rights-of-way to prevent glare,

noise, visually unattractive appearance or other adverse impacts to adjoining properties

(4) To provide for the removal of Utility Scale Solar Arrays at the termination of the use.

B. Utility Scale Solar Arrays:

(1) Shall be permitted only as a conditional use in the Agricultural (AG) and Countryside (CS) Districts within a two (2) mile radius on either side of the electric transmission lines with a capacity equal to or greater than 69 kV as identified on the Utility Scale Solar Array Overlap (USSA) District map,

(2) Shall not be on a parcel with conservation or open space easement(s) as recorded in the Land Records of Queen Anne's County or otherwise designated through agreement,

(3) Shall not be on a parcel within a greenbelt designation or a municipal growth area as identified in the 2010 Queen Anne's County Comprehensive Plan as amended or a Queen Anne's County municipality's community plan,

(4) Shall not be permitted on a parcel reconfigured through administrative subdivision for the purpose of adding additional acreage to the area available for Utility Scale Solar Arrays,

(5) Shall comply with all applicable federal and state regulations, including by 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 Utility Scale Solar Array and all of its components,

(6) Shall comply with all standards in §18-1-95 S.

SECTION II

BE IT FURTHER ENACTED, that Section 18App-1 (Definitions) is amended to add the following definitions:

SMALL - SCALE SOLAR ARRAY is a private use facility generating solar energy for a single residential home or community, a private entity or business or institutional use, may be ground mounted or roof mounted, but does not prohibit the sale of excess generation back to a local utility company.

UTILITY SCALE SOLAR ARRAY is a commercial production facility that converts sunlight into electricity, via photovoltaics or various other solar technologies on typically ground-mounted systems, for the purpose of wholesale or retail sale of generated electricity to a utility company and off-site customers.

BE IT FURTHER ENACTED that upon introduction, this Ordinance shall be referred to the Queen Anne's County Planning Commission for their investigation and recommendation.

SECTION III

BE IT FURTHER RESOLVED that this Ordinance shall take effect on the forty-sixth (46th) day following its enactment.

INTRODUCED BY: Commissioner J. Wilson

DATE: September 26, 2017

PUBLIC HEARING HELD: November 28, 2017 @6:35 pm

VOTE: _____ Yea _____ Nay

DATE OF ADOPTION: _____

EFFECTIVE DATE: _____