

# Baltimore County Solar and Wind Zoning

This document provides a compilation of excerpts from the Baltimore County Zoning Regulations applicable to the siting of large-scale solar projects. Specifically, the excerpts include definitions of solar projects, zoning exclusions, use regulations, and setback and height regulations. Baltimore County does not contain language specific to the siting of large-scale wind projects or small-scale/accessory solar or wind projects.

## Guidance for Viewing Excerpts

### SOLAR

#### Summary

- The Baltimore County Zoning Regulations uses the term "Solar Facility" to refer to large-scale solar projects and defines them as facilities that produce power for sale by energy suppliers to consumers.
  - Permitted, by special exception of the Board of Appeals, in the following districts: Resource Conservation – Agricultural (R.C.2), Resources Conservation – Deferral of Planning and Development (R.C.3), Resource Conservation – Watershed Protection (R.C.4), Resource Conservation – Rural Residential (R.C.5), Rural Conservation and Residential (R.C.6), Resource Preservation Zone (R.C.7), Environmental Enhancement Zone (R.C.8), Business Local (B.L.), Business Major (B.M.), Manufacturing Restricted (M.R.), Manufacturing Light Restricted (M.L.R.), and Manufacturing Heavy (M.H.).

#### Relevant Sections of the Baltimore County Zoning Regulations

- **Baltimore County Zoning Regulations.**
  - Article 4F: Solar Facilities: Outlines the purposes, definitions, suitable locations and land use requirements of a "Solar Facility".

### SMALL SOLAR

#### Summary

- The Baltimore County Zoning Regulations does not have specific zoning districts designated for small-scale/accessory solar projects.

Last Updated: April 2020

## Relevant Sections of the Baltimore County Zoning Regulations

- No document available for viewing.

### WIND

#### Summary

- The Baltimore County Zoning Regulations does not have specific zoning districts designated for large-scale wind projects.

## Relevant Sections of the Baltimore County Zoning Regulations

- No document available for viewing.

### SMALL WIND

#### Summary

- The Baltimore County Zoning Regulations does not have specific zoning districts designated for small-scale/accessory wind projects.

## Relevant Sections of the Baltimore County Zoning Regulations

- No document available for viewing.

# BALTIMORE COUNTY ZONING REGULATIONS

## ARTICLE 4F - SOLAR FACILITIES

[Bill No. [37-2017](#)<sup>[1]</sup> ]

Footnotes:

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1. Editor's Note— This article was enacted as Article 4E. Because provisions regarding breweries were also enacted as Article 4E, this article was renumbered to avoid duplicate numbering and to maintain the organization of the Zoning Regulations.

### § 4F-101. - Purpose and definitions.

A. Purpose. Solar energy is recognized as an abundant, renewable, and environmentally sustainable source of electricity generation that will lead to greater local grid resiliency and security, and produce clean, renewable energy and reduce air and water pollution caused by the burning of traditional fossil fuels. The purpose and intent of this article is to permit solar facilities in parts of the rural and commercial areas of the County by special exception, and to balance the benefits of solar energy production with its potential impact upon the County's land use policies by ensuring sufficient safeguards are in place to protect the County's communities and its agricultural land, forests, waterways and other natural resources.

B. Definitions. As used in this article, the following terms have the meanings indicated:

COMMERCIAL USE — The transfer to the electrical power grid of energy produced by a solar facility for sale by energy suppliers to consumers.

SOLAR FACILITY — A facility that includes a series of one or more solar collector panels or solar energy systems that are placed in an area on a tract of land for the purpose of generating photovoltaic power for commercial use. The term includes a solar power plant or solar photovoltaic farm.

### § 4F-102. - Location of solar facilities.

A. Subject to Paragraph B, a solar facility is permitted only by special exception in the R.C. 2, R.C. 3, R.C. 4, R.C. 5, R.C. 6, R.C. 7, R.C. 8, B.L., B.M., M.R., M.L.R., and M.H. Zones of the County.

B. The allocation of land for solar facilities in the County is limited to the following:

1. The maximum area permitted for a single solar facility is the amount of acreage that produces no more than two megawatts alternating current (AC) of electricity.
2. No more than ten solar facilities may be located in a councilmanic district.
3. The Director of Permits, Approvals and Inspections shall maintain a record of all permits issued for a solar facility in the County, including the location and councilmanic district for each such facility, and shall keep a current accounting of the number of facilities in each councilmanic district under this paragraph.
4. Upon reaching the threshold of ten solar facilities in a councilmanic district, no additional permits shall be issued for a solar facility in that district unless an existing facility previously approved under this article has been removed pursuant to Section 4F-107.

### **§ 4F-103. - Exception.**

This article does not apply to the following solar facility installations:

- A. A ground-mounted solar facility that is accessory to a principal residential or agricultural use (subject to Sections 400.1 and 400.2 of these regulations applicable to accessory buildings), or accessory to a principal commercial, industrial, or institutional use;
- B. A rooftop solar facility;
- C. A solar facility on federal, state or local government-owned or leased land that produces energy for government use; or
- D. A solar facility located on the same property or tract as a farm that uses at least 66 percent of the energy generated by the facility for agricultural uses on the farm.

### **§ 4F-104. - Requirements.**

- A. A solar facility located in an R.C. Zone is subject to the following requirements:
  - 1. The land on which a solar facility is proposed may not be encumbered by an agricultural preservation easement, an environmental preservation easement, or a rural legacy easement.
  - 2. The land on which a solar facility is proposed may not be located in a Baltimore County historic district or on a property that is listed on the Baltimore County Final Landmarks List.
  - 3. The portion of land on which a solar facility is proposed may not be in a forest conservation easement, or be in a designated conservancy area in an R.C. 4 or R.C. 6 Zone.
  - 4. Aboveground components of the solar facility, including solar collector panels, inverters, and similar equipment, must be set back a minimum of 50 feet from the tract boundary. This setback does not apply to the installation of the associated landscaping, security fencing, wiring, or power lines.
  - 5. A structure may not exceed 20 feet in height.
  - 6. A landscaping buffer shall be provided around the perimeter of any portion of a solar facility that is visible from an adjacent residentially used property or a public street. Screening of state and local scenic routes and scenic views is required in accordance with the Baltimore County Landscape Manual.
  - 7. Security fencing shall be provided between the landscaping buffer and the solar facility.
  - 8. A solar collector panel or combination of solar collector panels shall be designed and located in an arrangement that minimizes glare or reflection onto adjacent properties and adjacent roadways, and does not interfere with traffic or create a safety hazard.
  - 9. A petitioner shall comply with the plan requirements of § 33-3-108 of the County Code.
  - 10. In granting a special exception, the Administrative Law Judge, or Board of Appeals on appeal, may impose conditions or restrictions on the solar facility use as necessary to protect the environment and scenic views, and to lessen the impact of the facility on the health, safety, and general welfare of surrounding residential properties and communities, taking into account such factors as the topography of adjacent land, the presence of natural forest buffers, and proximity of streams and wetlands.
- B. The requirements of Subparagraphs A.6, A.7, A.8 and A.10 shall apply to a solar facility located in a Business or Manufacturing Zone.

### **§ 4F-105. - Required security.**

- A. An applicant for a building permit for a solar facility shall provide a security bond or equivalent financial security in the form and amount determined by the County Administrative Officer.

- B. The Code Official may use the bond to procure the repair of any unsafe or hazardous conditions under Section 4F-106 or removal of a solar facility under Section 4F-107, in accordance with § 3-6-402 of the County Code.

#### **§ 4F-106. - Maintenance.**

- A. All parties having a lease or ownership interest in a solar facility are responsible for the maintenance of the facility.
- B. Maintenance shall include painting, structural repairs, landscape buffers and vegetation under and around solar panel structures, and integrity of security measures. Access to the facility shall be maintained in a manner acceptable to the Fire Department. The owner, operator, or lessee are responsible for the cost of maintaining the facility and any access roads.
- C. Appropriate vegetation is permitted under and around the solar collector panels, and the tract may be used for accessory agricultural purposes, including grazing of livestock, apiculture, and similar uses.
- D. The provisions on this section shall be enforced in accordance with Article 3, Title 6 of the County Code.

#### **§ 4F-107. - Abandonment; removal.**

- A. A solar facility that has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the County by certified mail of the proposed date of discontinued operations and plans for removal.
- B. Removal shall consist of the:
  - 1. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site;
  - 2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
  - 3. Stabilization or revegetation of the site as necessary to minimize erosion.
- C. If the owner or operator fails to remove the facility within 150 days of abandonment, the County retains the right to enter and remove the facility. As a condition of special exception approval, the petitioner and landowner agree to allow entry to remove an abandoned facility.
- D. The Code Official may issue a citation to the owner or operator for removal of a solar facility if:
  - 1. The Code Official determines that the solar facility has not been in actual and continuous use for 12 consecutive months;
  - 2. The owner or operator failed to correct an unsafe or hazardous condition or failed to maintain the solar facility under Section 4F-106 within the time prescribed in a correction notice issued by the Code Official; or
  - 3. The owner or operator has failed to remove the solar facility in accordance with Paragraph C.