

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 21-001

Introduced by Council President Vincenti at the request of the County Executive

Legislative Day No. 21-001 Date January 5, 2021

AN ACT to add new definition “Community Solar Energy Generating System (CSEGS)” to Section 267-4, Definitions, of Article I, General Provisions; to add new Subsection A(16) to Section 267-68, Approval; and to repeal and reenact, with amendments, Subsection D of Section 267-69, General design standards, both of Article VIII, Design Standards for Special Developments; to add new Section 267-85.2, Community Solar Energy Generating System (CSEGS), to Article VIII, Design Standards for Special Developments; and to repeal and reenact, with amendments, the Permitted Uses Chart (Transportation, Communication and Utilities), all of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to provide for a definition for Community Solar Energy Generating System (CSEGS) and to allow these uses as special developments requiring administrative approval; to allows CSEGS in all zoning districts except the Agricultural zoning district and to set forth the eligibility requirements and development standards with which CSEGS must comply; to set forth decommissioning provisions and financial assurances related to CSEGS; and generally related to zoning.

By the Council, January 5, 2021

Introduced, read first time, ordered posted and public hearing scheduled  
on: February 2, 2021  
at: 6:30 PM

By Order: *Mylia A. Dixon*, Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on \_\_\_\_\_, and concluded on \_\_\_\_\_.

\_\_\_\_\_, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. Be It Enacted By The County Council of Harford County, Maryland that new definition  
2 “Community Solar Energy Generating System (CSEGS)” be, and it is hereby, added to Section 267-4,  
3 Definitions, of Article I, General Provisions; that new Subsection A(16) be, and it is hereby, added to  
4 Section 267-68, Approval, of Article VIII, Design Standards for Special Developments; that  
5 Subsection D of Section 267-69, General design standards, of Article VIII, Design Standards for  
6 Special Developments, be, and it is hereby, repealed and reenacted, with amendments; that new  
7 Section 267-85.2, Community Solar Energy Generating System (CSEGS), be, and it is hereby, added  
8 to Article VIII, Design Standards for Special Developments; and that the Permitted Uses Chart  
9 (Transportation, Communication and Utilities) be, and it is hereby, repealed and reenacted, with  
10 amendments, all of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as  
11 amended, and all to read as follows:

12 **Chapter 267. Zoning**

13 **Part 1. Standards**

14 **Article I. General Provisions**

15 **§ 267-4. Definitions.**

16 As used in this Part, the following terms shall have the meanings indicated:

17 **COMMUNITY SOLAR ENERGY GENERATING SYSTEM (CSEGS) - ANY SOLAR**  
18 **ENERGY GENERATING SYSTEM THAT FUNCTIONS AS A PRINCIPAL USE THAT**  
19 **USES ENERGY FROM THE SUN TO PRODUCE ELECTRICITY FOR DELIVERY**  
20 **THROUGH DISTRIBUTION LINES TO END-USERS THAT SATISFIES THE**  
21 **REQUIREMENTS OF THE PUBLIC UTILITIES ARTICLE OF THE ANNOTATED CODE**  
22 **OF MARYLAND, AS AMENDED, AND DOES NOT EXCEED 2 MEGAWATTS OF**  
23 **CAPACITY, AS MEASURED IN ALTERNATING CURRENT.**

24  
25 **Article VIII. Design Standards for Special Developments.**

1 **§ 267-68. Approval.**

2 A. Administrative approval. The following special developments shall be subject to review and  
3 approval by the Director of Planning:

- 4 (1) Conventional with open space (COS).
- 5 (2) Conservation development standards (CDS).
- 6 (3) Agricultural/commercial.
- 7 (4) Garden and mid-rise apartment dwellings.
- 8 (5) Nursing homes and assisted living facilities in the Chesapeake Science and Security  
9 Corridor only.
- 10 (6) Mixed use centers in the development envelope, as defined on the most recent land use  
11 plan.
- 12 (7) Planned employment center in the ENOD only.
- 13 (8) Traditional neighborhood design in the ENOD only.
- 14 (9) Integrated community shopping center (ICSC) 100,000 square feet or less in the  
15 Chesapeake Science and Security Corridor only.
- 16 (10) Mobile home subdivision (MHS) in the R3 and R4 Districts only. At the time of  
17 submission of an application for approval of a MHS, the property owner shall notify all  
18 adjacent property owners of the intent to develop an MHS. In considering the  
19 application for an MHS, the Director of Planning must consider the limitations, guides  
20 and standards outlined in § 267-9 (Board of Appeals).
- 21 (11) Housing for the elderly.
- 22 (12) Continuing care retirement community (CCRC).
- 23 (13) Corporate office park (COP).
- 24 (14) Retail/service/office uses in the RO District.
- 25 (15) Animal shelters.

1 (16) COMMUNITY SOLAR ENERGY GENERATING SYSTEM (CSEGS).

2

3 **§ 267-69. General design standards.**

4 The following general requirements shall be applicable to all projects developed under this article:

5 D. The project shall be served by public water supply and public sewerage disposal unless  
6 developing under guidelines in § 267-73 (AG commercial), § 267-72 (Conservation  
7 development standards), [and] § 267-85.1 (Animal shelters) AND § 267-85.2 (COMMUNITY  
8 SOLAR ENERGY GENERATING SYSTEM (CSEGS)).

9

10 **§ 267-85.2 COMMUNITY SOLAR ENERGY GENERATING SYSTEM (CSEGS).**

11 A. ELIGIBILITY. COMMUNITY SOLAR ENERGY GENERATING SYSTEMS SHALL BE  
12 PERMITTED IN THE R1, R2, R3, R4, B1, B2, B3, CI, LI, GI AND MO ZONING  
13 DISTRICTS SUBJECT TO THE FOLLOWING ELIGIBILITY REQUIREMENTS:

14 (1) IN THE R1 DISTRICT, THE MINIMUM LOT OR PARCEL SIZE SHALL BE 50  
15 ACRES.

16 (2) IN THE R2 DISTRICT, THE MINIMUM LOT OR PARCEL SIZE SHALL BE 40  
17 ACRES.

18 (3) IN THE R3 DISTRICT, THE MINIMUM LOT OR PARCEL SIZE SHALL BE 30  
19 ACRES.

20 (4) IN THE R4 DISTRICT, THE MINIMUM LOT OR PARCEL SIZE SHALL BE 20  
21 ACRES.

22 (5) IN THE B1, B2, B3, CI, LI, GI AND MO DISTRICTS, THE LANDSCAPE BUFFER  
23 AND SETBACKS SHALL BE AS SET FORTH IN THE UNDERLYING ZONING  
24 DISTRICT. FACILITIES IN THESE ZONING DISTRICTS DO NOT NEED TO  
25 COMPLY WITH THE PROVISIONS SET FORTH IN SECTIONS B(1), B(2), B(5),

1 B(6) AND THE 2,000 FOOT SETBACK PROVISION IN B(8) BELOW.

2 B. DEVELOPMENT STANDARDS.

3 (1) NO ENERGY PRODUCING OR SERVICE STRUCTURES SHALL BE LOCATED  
4 CLOSER THAN 150 FEET FROM ANY PROPERTY LINE AND NO CLOSER  
5 THAN 200 FEET FROM ANY DWELLING UNIT. THE SETBACKS FOR ALL  
6 OTHER BUILDINGS AND STRUCTURES SHALL BE THE SETBACKS AS SET  
7 FORTH IN THE UNDERLYING ZONING DISTRICT.

8 (2) NO STRUCTURES SHALL EXCEED 15 FEET IN HEIGHT.

9 (3) NO CSEGS SHALL PRODUCE GLARE HAZARD TO OCCUPANTS OF  
10 NEIGHBORING PROPERTIES OR PERSONS TRAVELLING NEIGHBORING  
11 ROADS. THE DEPARTMENT OF PLANNING & ZONING MAY REQUIRE A  
12 GLARE HAZARD ANALYSIS OR ADDITIONAL SCREENING TO ASSESS  
13 IMPACTS OF, AND/OR MITIGATE, GLARE HAZARD.

14 (4) NO CSEGS SHALL BE CONSTRUCTED IN ANY NATURAL RESOURCE  
15 DISTRICT OR THE RESOURCE CONSERVATION AREA OF THE  
16 CHESAPEAKE BAY CRITICAL AREA. CONSIDERATIONS SHOULD BE  
17 MADE TO SITING ANY SUCH CSEGS TO AVOID AREAS OR LOCATIONS  
18 THAT COULD POTENTIALLY CREATE ENVIRONMENTAL CONFLICTS AND  
19 SHOULD AVOID VISUAL CORRIDORS THAT ARE PROMINENT SCENIC  
20 VIEW SHEDS OR SCENIC AREAS.

21 (5) THE CSEGS SHALL BE ENCLOSED BY A FENCE THAT IS A MINIMUM  
22 HEIGHT OF 6 FEET AND SUITABLE TO PREVENT UNAUTHORIZED  
23 ACCESS. THE FENCE SHALL BE CONSTRUCTED TO MEET ANY  
24 APPLICABLE STATE OR FEDERAL RULE OR STANDARD ADDRESSING THE  
25 PHYSICAL SECURITY OF POWER SYSTEM FACILITIES. FENCING SHALL

1 BE DESIGNED AND INSTALLED TO ALLOW FOR THE PASSAGE OF SMALL  
2 WILDLIFE. THE FENCE SHALL NOT BE USED TO DISPLAY ANY SIGNAGE  
3 EXCEPT AS REQUIRED BY LAW. THE FENCE SHALL BE PLACED INSIDE  
4 THE PERIMETER LANDSCAPING BUFFER AS REQUIRED HEREIN.

5 (6) A TYPE C LANDSCAPE BUFFER SHALL BE REQUIRED ALONG THE  
6 PERIMETER OF THE PROJECT UNLESS STATE OR FEDERAL STANDARDS  
7 PROVIDE MINIMUM VEGETATION CLEARANCE DISTANCES AND IN SUCH  
8 CASE THE LANDSCAPING REQUIREMENTS SHALL APPLY TO THE  
9 EXTENT PLANTINGS CAN BE INSTALLED IN CONFORMANCE WITH SUCH  
10 STANDARDS.

11 (7) THE ONLY SIGNAGE PERMITTED SHALL BE NO LARGER THAN 6 SQUARE  
12 FEET, SHALL IDENTIFY THE CSEGS OPERATOR, ITS CONTACT PHONE  
13 NUMBERS AND EMERGENCY CONTACT INFORMATION AND SHALL BE  
14 POSTED AT EACH ENTRANCE AND EXIT OF THE PROPERTY.

15 (8) UP TO 3 CSEGS MAY BE CONSTRUCTED TOGETHER ON A PARCEL OR ON  
16 ADJOINING PARCELS AND CONSTITUTE A SINGLE COMMUNITY SOLAR  
17 PROJECT. NO SINGLE COMMUNITY SOLAR PROJECT SHALL BE CLOSER  
18 THAN 2,000 FEET FROM ANY OTHER COMMUNITY SOLAR PROJECT.

19 C. DECOMMISSIONING.

20 (1) THE OPERATOR OR PROPERTY OWNER SHALL PROVIDE WRITTEN  
21 NOTICE TO THE DEPARTMENT WHENEVER THE CSEGS IS OUT OF ACTIVE  
22 PRODUCTION FOR MORE THAN 6 MONTHS. ANY CSEGS THAT CEASES TO  
23 PRODUCE ELECTRICITY FOR 1 YEAR SHALL BE CONSIDERED  
24 ABANDONED.

25 (2) THE OPERATOR OR PROPERTY OWNER SHALL EITHER RECOMMENCE

1 PRODUCTION OF ELECTRICITY AND SCHEDULE A SITE INSPECTION  
2 WITH THE DEPARTMENT OF PLANNING & ZONING TO VERIFY THAT ALL  
3 USE REQUIREMENTS ARE STILL INTACT OR SHALL REMOVE ALL  
4 EQUIPMENT AND SYSTEMS AND RESTORE THE SITE AS NEAR AS  
5 PRACTICABLE TO ITS ORIGINAL CONDITION WITHIN 6 MONTHS OF  
6 BEING CONSIDERED ABANDONED.

7 (3) THE OPERATOR OR PROPERTY OWNER SHALL NOTIFY THE  
8 DEPARTMENT OF PLANNING AND ZONING REGARDING PLANS TO  
9 DECOMMISSION A CSEGS FACILITY. A DECOMMISSIONED CSEGS SITE  
10 SHALL BE RESTORED TO ITS PREDEVELOPMENT CONDITION WITHIN 6  
11 MONTHS OF NOTIFICATION AND INSPECTED BY THE DEPARTMENT OF  
12 PLANNING AND ZONING. FAILURE TO COMPLY WITH THE  
13 REQUIREMENTS OF THIS SECTION SHALL AUTHORIZE, BUT NOT  
14 REQUIRE, THE COUNTY TO REMOVE THE CSEGS AND RESTORE THE SITE  
15 TO ITS PREDEVELOPMENT CONDITION AND CHARGE THE PROPERTY  
16 OWNER ALL ASSOCIATED COSTS.

17 D. FINANCIAL ASSURANCE. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT,  
18 THE OPERATOR OR PROPERTY OWNER SHALL PROVIDE A BOND, SURETY,  
19 LETTER OF CREDIT OR OTHER FINANCIAL ASSURANCE IN A FORM AND  
20 AMOUNT ACCEPTABLE TO THE DEPARTMENT OF PLANNING AND ZONING TO  
21 SECURE PAYMENT OF 115% OF THE ANTICIPATED COST OF REMOVAL OF ALL  
22 ASSOCIATED SITE IMPROVEMENTS AND RESTORATION OF THE SITE TO ITS  
23 PREDEVELOPMENT CONDITION. THE FINANCIAL ASSURANCE SHALL REMAIN  
24 IN FULL FORCE AND EFFECT WHILE THE CSEGS REMAINS IN PLACE. THE  
25 COUNTY SHALL REVIEW THE AMOUNT OF THE SECURITY EVERY 5 YEARS AND

1 MAY REQUIRE ADDITIONAL SECURITY OR REDUCE THE AMOUNT OF THE  
2 POSTED SECURITY IF IT DETERMINES, IN ITS SOLE DISCRETION, THAT THE  
3 POSTED SECURITY NO LONGER EQUALS 115% OF THE DECOMMISSIONING  
4 COSTS.

5 E. THE CSEGS SHALL NOT BE LOCATED UPON ANY LAND THAT IS SUBJECT TO A  
6 CONSERVATION OR PRESERVATION EASEMENT ACQUIRED WITH PUBLIC  
7 FUNDS OR REQUIRED BY A GOVERNMENT ENTITY TO THE EXTENT THE CSEGS  
8 WOULD MATERIALLY INTERFERE WITH ANY PURPOSE OF THE EASEMENT.

9 Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date  
10 it becomes law.

EFFECTIVE:

*The Council Administrator does hereby certify that seven (7) copies of this Bill are immediately available for distribution to the public and the press.*

*Council Administrator*

*Myllia A. Dixon*

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USE CLASSIFICATION	ZONING DISTRICTS															
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
<b>TRANSPORTATION, COMMUNICATION &amp; UTILITIES (TCU)</b>																
Aircraft landing and storage, private	SE												SE	SE	SE	
Airports, general aviation	SE												SE	SE	SE	
Ambulance services, commercial									P			P	P		P	
Bus depots												P	P			
Communication and broadcasting stations	SE								P		P	P	P	P		P
Communication and broadcasting towers	SE*	SE*	SE*	SE*	SE*	SE*	SE*	SE*	SE*	SE*	SE*	P	P	P	P	P
<b>COMMUNITY SOLAR ENERGY GENERATING SYSTEM (CSEGS)</b>			SD	SD	SD	SD				SD	SD	SD	SD	SD	SD	SD
Freight terminals												P	P		P	
Helistops	P												P	P	P	
Highway maintenance facilities	P								P			P	P	P	P	
Limousine Services									P		P	P	P			
Power and regeneration plants															P	
Public utility facilities, sanitary landfills and sewage treatment plants	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Rubble Landfills	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Sewage pumping stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solid waste transfer stations	P											P	P		P	
Taxi stands									P			P	P			
Train stations											P	P	P	P	P	
Truck stops or terminals												P	P		P	

PERMITTED USE CHARTS

(1) Indicates permitted in the Edgewood Neighborhood Overlay District (ENOD) only.  
 (2) RO - maximum of 4 units.  
 (3) Indicates permitted in the Chesapeake Science and Security Corridor (CSSC) only.  
 (4) The following shoppers merchandise stores-business and office equipment rental or leasing, business equipment sales, party supply shops, photography equipment and supply shops, and medical equipment rental and sales, are permitted in the RO District.

KEY:	
<b>"P"</b>	indicates permitted subject to applicable code requirements
<b>"SD"</b>	indicates permitted subject to special-development regulations, pursuant to Article VIII.
<b>"SE"</b>	indicates permitted subject to special-exception regulations, pursuant to Article IX.
<b>"T"</b>	indicates permitted subject to temporary-use regulations, pursuant to § 267-28 (temporary uses).
	A blank cell indicates that the use is not permitted.
<b>"SE*"</b>	indicates permitted subject to special-exception regulations, pursuant to Article XI.