

AMENDMENTS TO BILL NO. 21-001
(Page and line references are to Bill as Introduced.)

Introduced by: Council Member Wagner Legislative Session Day: 21-008
President Vincenti and Council Members Date: March 2, 2021
Johnson, Woods, Giangiordano,
Shrodes and Beulah

Amendment No. 1

On page 1, after line 23, insert:

“**VIEWSHED** - AN AREA OF LAND, WATER OR OTHER ENVIRONMENTAL ELEMENT THAT IS VISIBLE FROM A FIXED VANTAGE POINT. IN CONTEXT WITH HISTORIC PRESERVATION, VIEWSHEDS MAY BE DESCRIBED AS AREAS OF PARTICULAR SCENIC OR HISTORIC VALUE THAT ARE DEEMED WORTHY OF PRESERVATION AGAINST IMPACTS RESULTING FROM DEVELOPMENT OR OTHER FORMS OF CHANGE.”

Amendment No. 2

On pages 1 through 7, strike in their entirety the lines beginning with line 25 on page 1 through line 8 on page 7, inclusive, and substitute the following:

“ 267-88 Specific Standards.

The special exceptions enumerated herein, in addition to other conditions as may be imposed by the board, shall comply with the following requirements:

I. Transportation, Communications and Utilities (TCU).

(4) COMMUNITY SOLAR ENERGY GENERATING SYSTEM (CSEGS). THIS USE MAY BE GRANTED IN THE R1, R2, R3, R4, B1, B2, B3, CI, LI, AND MO DISTRICTS PROVIDED THAT:

(A) NO ENERGY PRODUCING OR SERVICE STRUCTURES SHALL BE LOCATED CLOSER THAN 150 FEET FROM ANY PROPERTY LINE AND NO CLOSER THAN 250 FEET FROM

ANY OFFSITE DWELLING UNIT. THE SETBACKS FOR ALL OTHER BUILDINGS AND STRUCTURES SHALL BE THE SETBACKS AS SET FORTH IN THE UNDERLYING ZONING DISTRICT.

- (B) NO STRUCTURES SHALL EXCEED 15 FEET IN HEIGHT.
- (C) NO CSEGS SHALL PRODUCE GLARE HAZARD TO OCCUPANTS OF NEIGHBORING PROPERTIES OR PERSONS TRAVELLING NEIGHBORING ROADS. ALL SOLAR PANELS USED IN THE CSEGS SHALL UTILIZE GLARE-MITIGATING TECHNOLOGY. A GLARE HAZARD ANALYSIS IS REQUIRED TO ASSESS THE IMPACTS OF GLARE AND IF APPLICABLE, A PLAN TO MITIGATE ANY GLARE HAZARD WITH ADDITIONAL SCREENING SHALL BE PRESENTED.
- (D) NO CSEGS SHALL BE CONSTRUCTED IN ANY NATURAL RESOURCE DISTRICT OR THE RESOURCE CONSERVATION AREA OF THE CHESAPEAKE BAY CRITICAL AREA.
- (E) NO CSEGS SHALL BE LOCATED ON OR WITHIN THE VIEWSHED OF A PROPERTY LISTED ON THE HARFORD COUNTY HISTORIC LANDMARKS LIST.
- (F) THE SITING OF ANY CSEGS SHALL AVOID AREAS OR LOCATIONS THAT COULD POTENTIALLY CREATE ENVIRONMENTAL CONFLICTS.
- (G) THE SITING OF ANY CSEGS SHALL AVOID VISUAL CORRIDORS THAT ARE SCENIC VIEWSHEDS OR SCENIC AREAS AND SHALL NOT BE LOCATED WITHIN 1 MILE ON EITHER SIDE OF ANY DESIGNATED SCENIC BY-WAY ON ANY COUNTY OR STATE MAINTAINED ROADWAY.
- (H) NO CSEGS SHALL BE CONSTRUCTED ON LAND WHICH IS ENCUMBERED WITH AN AGRICULTURAL PRESERVATION OR CONSERVATION EASEMENT; WHETHER THE EASEMENT IS ACQUIRED THROUGH DONATION OR WITH PUBLIC FUNDS, PRIVATE FUNDS OR A COMBINATION OF PUBLIC AND PRIVATE FUNDS.

- (I) THE CSEGS SHALL BE ENCLOSED BY A SECURITY FENCE THAT IS LOCATED BETWEEN THE LANDSCAPE BUFFER AND THE CSEGS AND IS A MINIMUM HEIGHT OF 6 FEET AND SUITABLE TO PREVENT UNAUTHORIZED ACCESS. THE FENCE SHALL BE CONSTRUCTED TO MEET ANY APPLICABLE STATE OR FEDERAL RULE OR STANDARD ADDRESSING THE PHYSICAL SECURITY OF POWER SYSTEM FACILITIES. FENCING SHALL BE DESIGNED AND INSTALLED TO ALLOW FOR THE PASSAGE OF SMALL WILDLIFE. THE FENCE SHALL NOT BE USED TO DISPLAY ANY SIGNAGE EXCEPT AS REQUIRED BY LAW.
- (J) A TYPE C LANDSCAPE BUFFER SHALL BE REQUIRED ALONG THE PERIMETER OF THE PROJECT UNLESS STATE OR FEDERAL STANDARDS PROVIDE MINIMUM VEGETATION CLEARANCE DISTANCES AND IN SUCH CASE THE LANDSCAPING REQUIREMENTS SHALL APPLY TO THE EXTENT PLANTINGS CAN BE INSTALLED IN CONFORMANCE WITH SUCH STANDARDS.
- (K) IN THE B1, B2, B3, CI, LI, AND MO DISTRICTS, THE LANDSCAPE BUFFER AND SETBACKS SHALL BE AS SET FORTH IN THE UNDERLYING ZONING DISTRICT. FACILITIES IN THESE ZONING DISTRICTS DO NOT NEED TO COMPLY WITH THE PROVISIONS SET FORTH IN SECTIONS 4(A), 4(B), 4(J) AND THE 2000 FOOT SETBACK PROVISION IN 4(M).
- (L) THE ONLY SIGNAGE PERMITTED SHALL BE NO LARGER THAN 6 SQUARE FEET, SHALL IDENTIFY THE CSEGS OPERATOR, ITS CONTACT PHONE NUMBERS AND EMERGENCY CONTACT INFORMATION AND SHALL BE POSTED AT EACH ENTRANCE AND EXIT OF THE PROPERTY AT NO LESS THAN 2 LOCATIONS.
- (M) UP TO 3 CSEGS MAY BE CONSTRUCTED TOGETHER ON A PARCEL OR ON ADJOINING PARCELS AND CONSTITUTE A SINGLE COMMUNITY SOLAR PROJECT. NO SINGLE COMMUNITY SOLAR PROJECT SHALL BE CLOSER THAN

2000 FEET FROM ANY OTHER COMMUNITY SOLAR PROJECT.

(N) DECOMMISSIONING OF A CSEGS.

- (1) THE OPERATOR OR PROPERTY OWNER SHALL PROVIDE WRITTEN NOTICE BY CERTIFIED MAIL TO THE DEPARTMENT WHENEVER THE CSEGS IS OUT OF ACTIVE PRODUCTION FOR MORE THAN 6 MONTHS. ANY CSEGS THAT CEASES TO PRODUCE ELECTRICITY FOR 12 MONTHS SHALL BE CONSIDERED ABANDONED.
- (2) THE OPERATOR OR PROPERTY OWNER SHALL EITHER RECOMMENCE PRODUCTION OF ELECTRICITY AND SCHEDULE A SITE INSPECTION WITH THE DEPARTMENT OF PLANNING & ZONING TO VERIFY THAT ALL USE REQUIREMENTS ARE STILL INTACT OR SHALL REMOVE ALL EQUIPMENT AND SYSTEMS AND RESTORE THE SITE AS NEAR AS PRACTICABLE TO ITS ORIGINAL PREDEVELOPMENT CONDITION WITHIN 12 MONTHS OF BEING CONSIDERED ABANDONED.
- (3) THE OPERATOR OR PROPERTY OWNER SHALL NOTIFY THE DEPARTMENT OF PLANNING AND ZONING BY CERTIFIED MAIL REGARDING PLANS TO DECOMMISSION A CSEGS FACILITY, INCLUDING THE PROPOSED DATE OF DISCONTINUED OPERATION.
- (4) A DECOMMISSIONED CSEGS SITE SHALL BE RESTORED TO ITS ORIGINAL PREDEVELOPMENT CONDITION WITHIN 12 MONTHS OF NOTIFICATION AND INSPECTED BY THE DEPARTMENT OF PLANNING AND ZONING.
- (5) FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION SHALL AUTHORIZE, BUT NOT REQUIRE, THE COUNTY TO REMOVE THE CSEGS AND

RESTORE THE SITE TO ITS PREDEVELOPMENT
CONDITION AND CHARGE THE PROPERTY OWNER
ALL ASSOCIATED COSTS.

(6) AS A CONDITION OF SPECIAL EXCEPTION APPROVAL,
THE OWNER AND/OR OPERATOR AGREE TO ALLOW
ENTRY TO REMOVE AN ABANDONED OR
DECOMMISSIONED CSEGS FACILITY.

(O) FINANCIAL ASSURANCE.

(1) PRIOR TO THE ISSUANCE OF A BUILDING PERMIT,
THE OPERATOR OR PROPERTY OWNER SHALL
PROVIDE A BOND, SURETY, LETTER OF CREDIT OR
OTHER FINANCIAL ASSURANCE IN A FORM
ACCEPTABLE TO THE DEPARTMENT OF PLANNING
AND ZONING TO SECURE PAYMENT OF 125% OF THE
ANTICIPATED COST OF REMOVAL OF ALL
ASSOCIATED SITE IMPROVEMENTS AND
RESTORATION OF THE SITE TO ITS
PREDEVELOPMENT CONDITION. THE FINANCIAL
ASSURANCE SHALL REMAIN IN FULL FORCE AND
EFFECT WHILE THE CSEGS REMAINS IN PLACE.

(2) THE COUNTY SHALL REVIEW THE AMOUNT OF THE
SECURITY EVERY 5 YEARS AND MAY REQUIRE
ADDITIONAL SECURITY OR REDUCE THE AMOUNT OF
THE POSTED SECURITY IF IT DETERMINES, IN ITS
SOLE DISCRETION, THAT THE POSTED SECURITY NO
LONGER EQUALS 125% OF THE DECOMMISSIONING
COSTS.”

Amendment No. 3

On the title page, in the first line of the title paragraph, strike “definition” and substitute “definitions” and on the same line, after “(CSEGS)” ” insert “and “Viewshed””.

Amendment No. 4

On the title page, in the second line of the title paragraph, strike beginning with “Subsection” in line 2 down through “Developments;” in line 6 and substitute “Subsection (4), Community Solar Energy Generating System (CSEGS), to Section 267-88(I), Transportation, Communication and Utilities (TCU) of Section 267-88, Specific Standards, of Article IX, Special Exceptions;” .

Amendment No. 5

On the title page, in the eighth line, strike “a definition”, and substitute “the definitions”.

Amendment No. 6

On the title page, in the ninth line of the title paragraph, after “(CSEGS)”, strike beginning with “and” down through “standards” in line eleven and substitute “and “Viewshed”; to allow CSEGS as a special exception requiring the approval of the Zoning Board of Appeals; to allow CSEGS in certain zoning districts and to set forth the requirements and standards”.

Amendment No. 7

On page 1, in line 1, strike “definition” and substitute “definitions”.

Amendment No. 8

On page 1, in line 2, after “(CSEGS)”” insert “and “Viewshed”” and on the same line strike “it is” and substitute “they are”.

Amendment No. 9

On page 1, in line 3, strike beginning with “Subsection” down through “Developments;” in line 8, and substitute “Subsection 267-88 I(4), Community Solar Generating System (CSEGS), be, and is hereby, added to Section 267-88, Specific Standards, of Article IX, Special Exceptions;”.

Amendment No. 10

Substitute the attached Permitted Uses Chart, Use Classification Transportation, Communication & Utilities (TCU), for the chart submitted with the bill.

Amendment Nos. 1-10 to Bill. No. 20-001

Introduced – LSD 21-008 Adopted – LSD 21-008

Place on Procedural

Layover _____ Rejected – LSD _____

Tabled LSD _____ Withdrawn - LSD _____

USE CLASSIFICATION	ZONING DISTRICTS															
	AG	RR	R1	R2	R3	R4	RO	VR	VB	B1	B2	B3	CI	LI	GI	MO
TRANSPORTATION, COMMUNICATION & UTILITIES (TCU)																
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
COMMUNITY SOLAR ENERGY GENERATING SYSTEM (CSEGS)			SD-SE	SD-SE	SD-SE	SD-SE					SD-SE	SD-SE	SD-SE	SD-SE	SD-P	SD-SE
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	
Truck stops or terminals												P	P		P	

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