HARFORD COUNTY BILL NO. 21-001 As Amended

Brief Title (Solar Energy) As Amended

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mylin A. Dixon

Council Administrator

Date 3/9/21

ENROLLED

Council President

Date 3/9/21

BY THE COUNCIL

Read the third time.

Passed: LSD 21-009

Failed of Passage: _____

By Order

Mylin A. Dixon

Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 10th day of March, 2021 at 3:00 p.m.

Mylin A. Dixon

Council Administrator

BY THE EXECUTIVE

COUNTY EXECUTIVE

APPROVED: Date 3/10/2021

BY THE COUNCIL

This Bill No. 21-001 As Amended having been approved by the Executive and returned to the Council, becomes law on March 10, 2021.

Effective Date: May 10, 2021

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 21-001(As Amended)

Introduced by Council President Vincenti at the request of the County Executive and Council and Council Member Wagner

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

AN ACT to add new ~~definition~~ definitions "Community Solar Energy Generating System (CSEGS)" and "Viewshed" 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;~~ 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; 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~~ the definitions 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~~ 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 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 February 2, 2021, and concluded on February 2, 2021,

Mylia A. Dixon
_____, 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.

Section 1. Be It Enacted By The County Council of Harford County, Maryland that new ~~definition~~ definitions "Community Solar Energy Generating System (CSEGS)" and "Viewshed" be, and ~~it is~~ they are hereby, added to Section 267-4, Definitions, of Article I, General Provisions; that new ~~Subsection A(16) be, and it is hereby, added to Section 267-68, Approval, of Article VIII, Design Standards for Special Developments; that Subsection D of Section 267-69, General design standards, of Article VIII, Design Standards for Special Developments, be, and it is hereby, repealed and reenacted, with amendments; that new Section 267-85.2, Community Solar Energy Generating System (CSEGS), be, and it is hereby, added to Article VIII, Design Standards for Special Developments;~~ Subsection 267-88 I (4), Community Solar Generating System (CSEGS), be, and it is hereby, added to Section 267-88, Specific Standards, of Article IX, Special Exceptions; and that the Permitted Uses Chart (Transportation, Communication and Utilities) be, and it is hereby, repealed and reenacted, with amendments, all of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended, and all to read as follows:

Chapter 267. Zoning

Part 1. Standards

Article I. General Provisions

§ 267-4. Definitions.

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

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

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.

~~**Article VIII. Design Standards for Special Developments.**~~

~~**§ 267-68. Approval.**~~

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

~~(1) Conventional with open space (COS).~~

~~(2) Conservation development standards (CDS).~~

~~(3) Agricultural/commercial.~~

~~(4) Garden and mid-rise apartment dwellings.~~

~~(5) Nursing homes and assisted living facilities in the Chesapeake Science and Security Corridor only.~~

~~(6) Mixed use centers in the development envelope, as defined on the most recent land use plan.~~

~~(7) Planned employment center in the ENOD only.~~

~~(8) Traditional neighborhood design in the ENOD only.~~

~~(9) Integrated community shopping center (ICSC) 100,000 square feet or less in the Chesapeake Science and Security Corridor only.~~

~~(10) Mobile home subdivision (MHS) in the R3 and R4 Districts only. At the time of submission of an application for approval of a MHS, the property owner shall notify all~~

~~adjacent property owners of the intent to develop an MHS. In considering the application for an MHS, the Director of Planning must consider the limitations, guides and standards outlined in § 267-9 (Board of Appeals).~~

~~(11) Housing for the elderly.~~

~~(12) Continuing care retirement community (CCRC).~~

~~(13) Corporate office park (COP).~~

~~(14) Retail/service/office uses in the RO District.~~

~~(15) Animal shelters.~~

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

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

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

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

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

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

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

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

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

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

~~(5) IN THE B1, B2, B3, CI, LI, GI 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 B(1), B(2), B(5), B(6) AND THE 2,000 FOOT SETBACK PROVISION IN B(8) BELOW.~~

~~B. DEVELOPMENT STANDARDS.~~

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

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

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

~~(4) NO CSEGS SHALL BE CONSTRUCTED IN ANY NATURAL RESOURCE DISTRICT OR THE RESOURCE CONSERVATION AREA OF THE CHESAPEAKE BAY CRITICAL AREA. CONSIDERATIONS SHOULD BE MADE TO SITING ANY SUCH CSEGS TO AVOID AREAS OR LOCATIONS~~

~~THAT COULD POTENTIALLY CREATE ENVIRONMENTAL CONFLICTS AND SHOULD AVOID VISUAL CORRIDORS THAT ARE PROMINENT SCENIC VIEW SHEDS OR SCENIC AREAS.~~

~~(5) THE CSEGS SHALL BE ENCLOSED BY A FENCE THAT 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. THE FENCE SHALL BE PLACED INSIDE THE PERIMETER LANDSCAPING BUFFER AS REQUIRED HEREIN.~~

~~(6) 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.~~

~~(7) 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.~~

~~(8) 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 2,000 FEET FROM ANY OTHER COMMUNITY SOLAR PROJECT.~~

~~C. DECOMMISSIONING.~~

~~(1) THE OPERATOR OR PROPERTY OWNER SHALL PROVIDE WRITTEN NOTICE TO THE DEPARTMENT WHENEVER THE CSEGS IS OUT OF ACTIVE PRODUCTION FOR MORE THAN 6 MONTHS. ANY CSEGS THAT CEASES TO PRODUCE ELECTRICITY FOR 1 YEAR 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 CONDITION WITHIN 6 MONTHS OF BEING CONSIDERED ABANDONED.~~

~~(3) THE OPERATOR OR PROPERTY OWNER SHALL NOTIFY THE DEPARTMENT OF PLANNING AND ZONING REGARDING PLANS TO DECOMMISSION A CSEGS FACILITY. A DECOMMISSIONED CSEGS SITE SHALL BE RESTORED TO ITS PREDEVELOPMENT CONDITION WITHIN 6 MONTHS OF NOTIFICATION AND INSPECTED BY THE DEPARTMENT OF PLANNING AND ZONING. 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.~~

~~D. FINANCIAL ASSURANCE. 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 AND AMOUNT ACCEPTABLE TO THE DEPARTMENT OF PLANNING AND ZONING TO SECURE PAYMENT OF 115% 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. 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 115% OF THE DECOMMISSIONING COSTS.~~

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

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 TRAVELING 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.

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

EFFECTIVE: May 10, 2021

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

Mylia A. Dixon

BILL NO. 21-001
AS AMENDED

USE CLASSIFICATION	ZONING DISTRICTS															
TRANSPORTATION, COMMUNICATION & UTILITIES (TCU)	**AG**	**RR**	**R1**	**R2**	**R3**	**R4**	**RO**	**VR**	**VB**	**B1**	**B2**	**B3**	**CI**	**LI**	**GI**	**MO**
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~~ **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	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.