




MEMORANDUM

TO: Frederick County Planning Commission

FROM: M. Tyler Klein, AICP, Planner 

SUBJECT: Ordinance Amendment – Solar (Photovoltaic) Energy Facility – Discussion

DATE: November 3, 2017

This is a proposed amendment to Chapter 165 – Zoning Ordinance to add solar (photovoltaic) power generating facilities (i.e. solar farms) to the permitted use list for the RA (Rural Areas) Zoning District. Currently, public utility generating facilities are allowed as a “public utility.” Solar generating energy facilities are typically privately-owned and thus do not fall under the definition of a “public utility.”

Staff has drafted a revision to the Zoning Ordinance to include a definition for a “solar (photovoltaic) energy facility,” provided supplementary use regulations, and revised the permitted use list for the RA Zoning District to further specify: *Public utility generating **(including solar (photo voltaic) energy facilities regardless of whether owned or operated by a public utility).** booster or relay stations, transformer substations, transmission lines and towers, pipes, meters and other facilities, railroad facilities and sewer and water facilities and lines owned by public utilities, railroad companies or public agencies.* The intent of this modification is to provide additional opportunities for uses in the County’s Rural Areas, that preserve the rural and agricultural integrity of these areas and are consistent with the goals and strategies outlined in the 2035 Comprehensive Policy Plan.

This item was proposed through a request from a private developer and discussed by the Development Review and Regulations Committee (DRRC) at their July 27, August 24, and September 28, 2017 regular meetings. The DRRC agreed with the proposed changes. The attached document shows the existing ordinance with the proposed change supported by the DRRC (with bold italic for text added). **This item is presented for discussion.** Comments and suggestions from the Planning Commission will be forwarded to the Board of Supervisors.

Attachment: 1. Revised ordinance with additions shown in bold underlined italics.

MTK/pd

ARTICLE I
GENERAL PROVISIONS; AMENDMENTS; AND CONDITIONAL USE PERMITS

Part 101 – General Provisions

§ 165-101.02 Definitions and word usage.

Solar (Photovoltaic) Energy Facility

An energy conversion system consisting of photovoltaic panels, support structures, and associated, control, conversion, and transmission hardware on property consisting of six (6) or more acres. Also may be termed a “solar farm.”

ARTICLE II
SUPPLEMENTARY USE REGULATIONS, PARKING, BUFFERS, AND REGULATIONS FOR SPECIFIC USES

Part 204 – Additional Regulations for Specific Uses

§ 165-204.32. Solar (Photovoltaic) Energy Facility

Solar (Photovoltaic) Energy Systems in the RA (Rural Areas) District shall be subject to the following requirements:

- A. An engineered site plan, in accordance with the requirements of Article VIII, shall be submitted to and approved by Frederick County.**
- B. The facility shall, at a minimum, meet the setback requirement for primary structures in the RA District.**
- C. All wiring not on the solar arrays shall be underground except where necessary to connect to the public utility.**
- D. Buffers and screening (including distance, opaque elements, and landscaping) shall be determined by the Zoning Administrator at time of site plan.**
- E. Within 365 days of the date of abandonment or discontinuation, the owner of the system shall physically remove all components of the solar energy system. If not removed within the allotted time, the County may have it removed at the expense of the owner.**

ARTICLE IV
AGRICULTURAL AND RESIDENTIAL DISTRICTS

Part 401 – RA Rural Areas District

§ 165-401.02 Permitted Uses.

Structures and land shall be used for one of the following uses:

- Q.** Public utility generating **(including solar (photo voltaic) energy facilities regardless of whether owned or operated by a public utility)**, booster or relay stations, transformer substations, transmission lines and towers, pipes, meters and other facilities, railroad facilities and sewer and water facilities and lines owned by public utilities, railroad companies or public agencies.