

**ORDINANCE No. 2016-06**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE CODE OF PUBLIC LOCAL LAWS AND ORDINANCES OF CARROLL COUNTY, MARYLAND**

**WHEREAS**, The Board of Commissioners of Carroll County, Maryland (“the Board”), has enacted and codified the "Code of Public Local Laws and Ordinances of Carroll County, Maryland";

**WHEREAS**, the Board is charged under State law with the duty and responsibility for establishing comprehensive policies and programs to promote the health, safety, and general welfare of the inhabitants of the County and accordingly deems the subject amendment necessary to accomplish these duties and responsibilities; and

**WHEREAS**, the Carroll County Planning and Zoning Commission reviewed the amendments at its meetings on June 29, 2016 and August 3, 2016, recommending the amendments at the meeting of August 3, 2016.

**NOW, THEREFORE, BE IT ENACTED** by the Board of County Commissioners of Carroll County, Maryland:

**ARTICLE I. AMENDMENTS.**

**Section 1.** The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.153(B)(2)(a), (b), and (c); § 158.153(B)(3)(4); and § 158.153(B)(5)(b)(3), (5), and (6) are deleted in their entirety and replaced; and § 158.153(B)(5)(b)(7) is added, all as follows:

**Chapter 158, ZONING REGULATIONS**

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**§ 158.153 SOLAR ENERGY CONVERSION FACILITIES.**

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**(B) Solar Energy Conversion Facilities, as an accessory use.**

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**(2) Size Limits:**

(a) In the “R” (Residential) and “C” (Conservation) zoning districts, the physical size of the system shall be limited to the size of the roof, or roofs of structures, situated on the subject property, when roof mounted. Ground-mounted systems shall be no larger than the square footage of solar panel surface area allowed based on the size of the lot as shown below. In the event that a combination of roof-mounted and ground-mounted systems is utilized, the total solar panel surface area cannot exceed the aggregate square footage of the roof areas on the property on which the system is installed. No variance or waiver to the size or setback requirements of the ground-mounted system is allowed in the Residential districts. A variance may be requested under § 158.130(F)(2)(f)

for lots more than three acres in size in the “C” Conservation district; documentation from a North American Board of Certified Energy Practitioners (NABCEP) certified professional solar panel installer must be included to demonstrate that the total size allowable is inadequate to power 100% of the home and accessory structures based on the previous 12 months of usage and identify the additional size and number of panels needed to meet 100% of the expected energy use. Wall-mounted systems are not permitted.

| Lot Size                            | Solar Panel Surface Area Maximum Square Footage for Ground-Mounted Systems                     |
|-------------------------------------|--|
| Less than or equal to one-half acre | 120 square feet  |
| More than one-half acre to one acre | 240 square feet  |
| More than one acre to three acres   | 480 square feet  |
| More than three acres               | Aggregate square footage of the roof, or roofs of structures, situated on the subject property |

(b) In the “A” (Agricultural) zoning district, the physical size of the system shall be limited to the size of the roof, or roofs of structures, situated on the subject property, when roof mounted, or no larger than the aggregation of the roof area of all permitted structures on site, when ground mounted. In the event that a combination of roof-mounted and ground-mounted systems is utilized, the total area cannot exceed the aggregate square footage of the roof areas on the property on which the system is installed.

(c) In the commercial and industrial districts, the physical size of the system shall be limited to the size of the roof, or roofs, of structures situated on the subject property, when roof mounted, or in the “B-G” District, no larger than the aggregate of the roof area of all permitted structures on site, when ground mounted. Ground-mounted systems up to 120 square feet may be authorized in the “B-NR” District. No variance or waiver to the size of ground-mounted systems is allowed.

(3) **Setbacks:** Ground-mounted facilities shall satisfy the minimum side and rear yard setback requirements for the district in which the use is situated. No portion of such facility shall be located within a front yard in any district.

(4) **Height Limits:** No portion of the system shall extend more than ten feet from the highest portion of the principal structure to which it is attached. The total height of the building, including all portions of the solar facility, shall comply with the height regulations as set forth in the bulk requirements for the individual district in which the use is proposed. Ground-mounted systems may not exceed a total height of ten feet above existing grade.

(5) **Miscellaneous Provisions:**

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(b) Appearance:

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3. Glare must be mitigated away from an adjoining property or adjacent road, which shall be certified by the solar installer prior to installation.

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5. Ground-mounted systems may not be affixed to a block wall or a fence.

6. Roof-mounted systems shall be installed in such a manner that there is no change in relief or projection.

7. A property owner who has installed or intends to install a solar energy conversion facility shall be responsible for negotiating with adjacent property owners for any necessary solar access easement and shall record the easement with the Clerk of the Court. Property owners who fail to secure an easement for the receipt of solar energy act at their own peril.

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**Section 2.** The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.130(F)(2) is deleted in its entirety and replaced as follows:

## **Chapter 158, ZONING REGULATIONS**

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### **§ 158.130 EXCEPTIONS AND MODIFICATIONS.**

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(2) The maximum variation from a requirement as listed in division A shall be as follows:

(a) Height: 75%;

(b) Setback: 75%;

(c) Parking: 75%;

(d) Loading: 75%;

(e) Distance: 80%;

(f) Area of solar energy conversion facilities as accessory uses in the “C” Conservation district: 80%;

(g) Other dimensional requirements: 80%; and

(h) Area: 75%.

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**ARTICLE II. SEVERABILITY.**

Should any provision, section, sentence, clause, or part of this ordinance be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the County Commissioners that such remainder shall be and shall remain in full force and effect.

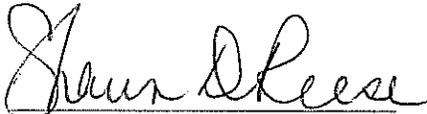
**ARTICLE III. EFFECTIVE DATE.**

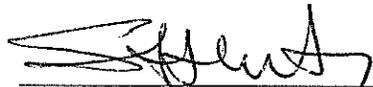
This Ordinance shall become effective on November 2 2016.

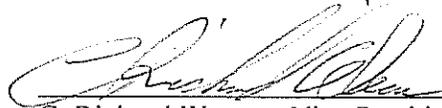
ADOPTED this 27<sup>th</sup> day of October, 2016.

THE COUNTY COMMISSIONERS OF  
CARROLL COUNTY, MARYLAND,  
a body corporate and politic  
of the State of Maryland

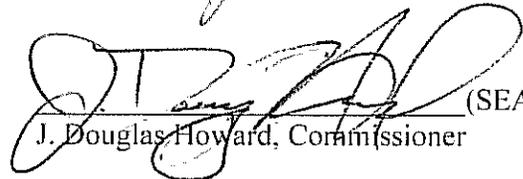
ATTEST:

  
Shawn D. Reese, County Clerk

  
Stephen A. Wantz, President (SEAL)

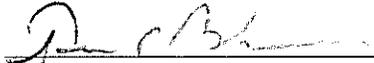
  
C. Richard Weaver, Vice President (SEAL)

  
Dennis E. Frazier, Secretary (SEAL)

  
J. Douglas Howard, Commissioner (SEAL)

 - VOTED NAY  
Richard S. Rothschild, Commissioner (SEAL)

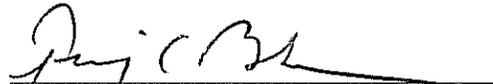
Approved for legal sufficiency:



Timothy C. Burke  
County Attorney

Notice of Public Hearing published: 09/22/16 and 09/29/16  
Public Hearing held: 10/13/16  
Public Meeting to adopt Ordinance: 10/27/16  
Notice of Adoption of Ordinance published: 11/02/16  
Ordinance filed with Clerk of Court: 11/02/16

I hereby certify that the actions described above took place on the dates referred to above and that this Ordinance is effective as of the 2d day of November, 2016.



Timothy C. Burke, County Attorney

12230-0266/TCB/III/ATTORNEY/ORDINANCES(HEARINGS)/CH158(ZONING)/SOLARSURFACEREQUIREMENTS/Ordinance.doc/10/26/16

**RETURN RECORDED ORIGINAL ORDINANCE TO:**  
**County Attorney**  
**225 North Center Street**  
**Westminster, Maryland 21157**