THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

June 21, 2022
Legislative Session Day

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June 21, 2022

CODE HOME RULE
BILL NO. 7-2022

INTRODUCED BY: P. Thomas Mason, President of the Board of County Commissioners for Kent County, Maryland.

AN ACT to amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance, Article VII, *Special Exceptions*, Section 7, *Special Exceptions*, §57.25, Solar energy systems, utility scale, on farms in the AZD and RCD, sub-section j and sub-section k., in order to clarify language that relates to the area of use for permitted solar arrays and the limitations set forth for adjacent properties under sub-section j., and to clarify the area developed under sub-section k.

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

P. Thomas Mason

P. Thomas Mason, President

RECEIVED
CLERK, CIRCUIT COURT
2022 AUG 17 A 8:09
KENT COUNTY

INTRODUCED, read the first time, June 21, 2022, ordered posted and public hearing scheduled July 19, 2022, at 6:00 p.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

By order of:

Sondra M. Blackiston

Sondra M. Blackiston, Clerk

PUBLIC HEARING

HAVING been posted and notice of time and place of hearing and copies having been made available to the public and the press, a public hearing was held on July 19, 2022. Reported favorably with a suggested amendment; read a second time and ordered to be considered on August 2, 2022, a legislative session day.

A BILL ENTITLED CHR 7-2022
CLARIFICATION OF THE FIVE-ACRE LIMITATION FOR CERTAIN SOLAR ARRAYS

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND that the Kent County Land Use Ordinance is hereby amended as follows:

ARTICLE VII.

SPECIAL EXCEPTIONS

. . .

SECTION 7. SPECIAL EXCEPTIONS

Buildings, *structures*, and uses for which special exceptions may be authorized and the additional standards relative thereto are as follows:

1. Accessory storage *structures* with a *floor area* of more than 1,200 square feet or a height that exceed 17 feet on parcels less than 5 acres in AZD, RCD, RC, RR, CAR, and CR.

. . .

57.25 *Solar energy systems, utility scale*, on farms in AZD and RCD provided:

a. A solar collection device or combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
b. Screening, capable of providing year-round screening, is provided along all sides that do not collect energy.
c. Roof mounted solar collection devices shall not extend more than 10 feet from the top of the roof. The total height of the *building*, including the solar collection devices, shall comply with the height regulations established for each zoning district.
d. Solar collection devices shall not exceed 38 feet in height.
e. The solar collection system shall be incidental to the use of the farm.
f. Installation of the solar collection system shall not adversely impact adjacent properties.
g. All *structures* associated with the solar collection system shall be neither visually intrusive nor inappropriate to their setting.

h. All solar collection devices shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.
i. Other than wire size, there shall be no alteration of utility infrastructure to accommodate the system.
j. The area of ~~use~~ **SOLAR PANEL ARRAYS** may not exceed 5 acres ~~onsite~~. **THE AREA OF THE SOLAR PANEL ARRAYS SHALL BE MEASURED ~~TO INCLUDE~~ AS THE AREA WITHIN THE SOLAR PANEL ARRAYS' SECURITY FENCE**. Adjacent properties shall not aggregate solar collection panels to achieve an area exceeding 5 acres.
k. In AZD, **ONLY** the **FIVE-ACRE MAXIMUM** area **OF SOLAR PANEL ARRAYS, AS MEASURED IN SUBSECTION J.,** ~~developed by a utility scale solar energy system~~ is considered *development* and counted toward the maximum percentage of the property in lots.
l. Tree removal shall be minimized, and any removal shall be mitigated in accordance with the Critical Area Program requirements.
m. The applicant shall demonstrate that a utility scale solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic Site Survey, an historic district, or the Chesapeake Bay and its tributaries

57.5 *Solar energy systems, utility scale*, in CC, C, and CCA provided:

a. A solar collection device or combination of devices are designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
b. Screening, capable of providing year-round screening, is provided along all sides that do not collect energy.
c. Roof mounted solar collection devices shall not extend more than 10 feet from the top of the roof. The total height of the *building*, including the solar collection devices, shall comply with the height regulations established for each zoning district.
d. Solar collection devices shall not exceed 45 feet in height
e. All solar collection devices shall register with the Department of Emergency Services and shall submit a map noting the location of the solar collection devices and the panel disconnect.
f. The applicant shall demonstrate that a utility scale solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks, a national or state designated scenic byway, a *structure* listed in the Kent County Historic Site Survey, an historic district, or the Chesapeake Bay and its tributaries.

. . .

BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the 12th day of August 2022.

Read Third Time August 2, 2022

PASSED this 2ND day of August 2022

Failed of Passage _____

By order of:

Sondra M. Blackiston, Clerk

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

(SEAL)

P. Thomas Mason, President

Ronald H. Fithian, Member

Robert N. Jacob, Jr., Member

ORDERED a fair summary thereof of the entire bill shall be published in at least one newspaper of general circulation in the County, not less than three times at weekly intervals within a four-week period.