

**TOWN COUNCIL OF CENTREVILLE
ORDINANCE NUMBER 06-2016**

AN ORDINANCE OF THE TOWN COUNCIL OF CENTREVILLE TO AMEND THE TOWN'S ZONING ORDINANCE CODIFIED AS CHAPTER 170 OF THE TOWN CODE TO ALLOW BY SPECIAL EXCEPTION SOLAR ARRAYS AND TO DEFINE SOLAR ENERGY AND SOLAR ARRAYS IN THE RESIDENTIAL (R2) DISTRICT AND PROVIDE FOR ROOF MOUNTED SOLAR PANELS IN ALL RESIDENTIAL ZONING DISTRICTS AND ENFORCE THE TOWN'S ZONING ORDINANCE MORE EFFECTIVELY.

WHEREAS, the Town Council of Centreville has the authority under Section 5-213 of the Local Government Article of the Annotated Code of Maryland to establish reasonable zoning regulations.

WHEREAS, Section 4-102(6) of the Land Use Article of the Annotated Code of Maryland authorizes the Town Council to regulate the location and use of buildings, signs and structures on the land.

WHEREAS, the Town Council finds that the health, safety, and general welfare of the residents of the Town will be furthered and enhanced by clarifying certain terms and definitions within the Town's Zoning Ordinance, which is codified as Chapter 170 of the Centreville Town Code, in order to aid in the administration and enforcement thereof.

WHEREAS, the Town Council finds that the health, safety, and general welfare of the residents of the Town will be furthered and enhanced by allowing by special exception Solar Arrays in the R-2 Zone, providing for roof mounted solar panels in all residential districts, and defining Solar Arrays and Solar Energy within the Town's Zoning Ordinance, which is codified as Chapter 170 of the Centreville Town Code.

NOW, THEREFORE, be it ordained by the Town Council of Centreville that:

Section 1. The recitals set forth above are incorporated herein by reference and made a part of this ordinance.

Section 2. Section 170-68, "Definitions" of the Code be, and is hereby, amended as follows:

SOLAR ENERGY. Energy generated by the sun that is infinite or constantly renewed.

SOLAR ARRAY. A ground mounted or ballast mounted solar collection system consisting of a linked series of photovoltaic modules associated with a net-metering or aggregate net metering arrangement excluding roof-top net-metering residential applications. A solar array, as defined here, excludes any associated with an independent power producer arrangement or for delivery of power or energy to a third party.

Section 3. Section 170-20 Residential District R-2 C of the Code be, and is hereby amended as follows:

170-20 Residential District R-2.

C. Special exceptions shall be as follows:

(11) Solar Arrays providing that:

(a) In addition to other special exception requirements set forth in this chapter, applications for solar arrays shall provide the following:

- (i) A property proposing to have a solar array shall be at least two (2) acres in size.
- (ii) The solar array shall be setback a minimum of fifty (50) feet from properties with residential uses.
- (iii) Solar arrays shall not exceed twelve (12) feet in height as measured from the ground.
- (iv) Site plans shall demonstrate the following:
 - 1) Show all equipment and/or storage buildings, shelters, landscaping, access and environmental features on the site.
 - 2) Demonstrate that stormwater is managed in accordance with all county and state requirements and that there is no discharge that causes degradation of town, county or state waters.
 - 3) Show that all wiring not on the solar arrays shall be underground except where necessary to connect to the public utility.
 - 4) Show that the gross usable area will exclude any wetland areas that are regulated by the Maryland Department of the Environment or the U.S. Department of the Interior (administered by the U.S. Army Corps of Engineers). All forested areas removed during construction or operation shall be mitigated in accordance with this chapter's Forest Conservation Act.
 - 5) Demonstrate that any required utility right-of-way is allocated.
 - 6) Provide a detailed landscape plan demonstrating that noninvasive native plant species are used to surround the solar arrays site providing a vegetated buffer around the perimeter of the site area of the solar arrays. Additional buffer area may be required by the Board of Appeals to provide screening from adjacent

residential uses and/or public or private roads and/or rights-of-way. It shall be demonstrated in the landscape plan as part of the site plan that plantings will be of a type that will adequately screen the solar arrays from view of adjoining properties and private and public roadways and a landscape berm appropriate to accept plantings, up to four feet high, may be used to assist in screening solar arrays.

- 7) Provide documentation that noise generated by the facility shall be limited to 60 DBA as measured at the property line except when a back-up generator is needed for maintenance. Construction on the site is exempt from this standard.
- 8) Provide that lighting shall be in accordance with design standards and this chapter.
- 9) Demonstrate that the solar arrays, including the electrical and mechanical components, shall conform to relevant and applicable local, state and national codes.

(b) Maintenance of solar arrays shall be demonstrated according to following guidelines:

- (i) If solvents are required for cleaning of solar modules, they must be biodegradable.
- (ii) All broken or waste solar modules shall be removed from the site within 60 days of being taken out of service.
- (iii) A maintenance agreement for the landscape plan is provided with assurance of replacement for plantings and viability of the landscaped buffer.

(c) Removal of abandoned solar generating equipment.

- (i) A bond, or other acceptable security, whose amount shall be determined by the Board of Appeals, may be required to assure removal of any unused or unmaintained solar arrays.
- (ii) Any solar energy power generating system that has not operated for a continuous period of 12 months shall be considered unused and abandoned unless the Board of Appeals grants an extension. The owner of an unused system shall remove the entire system within six months of receipt of notice from Town of Centreville notifying the owner of the equipment removal requirement. Removal includes removing any underground structures or supports and electrical transmission wire. All materials must be legally removed from the site. The site shall be restored to its original condition after removal is complete.

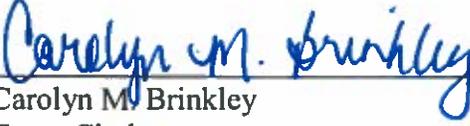
(d) Building permit fees shall be determined by Resolution of the Town Council.

Section 4. Section 170-19.B and 170-20.B of the Code be, and are hereby amended to add a new section to be numbered (6) in Section 170-19.B and (5) in Section 170-29.B to read as follows:

Solar panel collector cells shall be permitted as an accessory use, but except as otherwise provided herein, shall be only for the principal use of the property on which the solar electric supply is located, shall be located on the roof of the primary structure on the property, and shall be screened to the extent possible.

Section 5. All new material has been underlined

ATTEST:



Carolyn M. Brinkley
Town Clerk

First Reading: June 02, 2016
Second Reading: June 16, 2016
Enacted: August 4, 2016
Effective: August 25, 2016

THE TOWN COUNCIL OF CENTREVILLE



George G. Sigler, President



Timothy E. McCluskey, Vice President



Jim A. Beauchamp, Member