

TOWN OF MOUNTAIN LAKE PARK

ORDINANCE NO. 2021-01

ZONING ORDINANCE AMENDMENT FOR RENEWABLE ENERGY SOURCE

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF MOUNTAIN LAKE PARK AMENDING THE ZONING ORDINANCE TO ADOPT PROVISIONS TO REGULATE RENEWABLE ENERGY SOURCES.

WHEREAS, the Mayor and Town Council of Mountain Lake Park is authorized by the Maryland Local Government Annotated Code Title 5, Subtitle 2, or its successor, and by the Mountain Lake Park Town Charter to enact ordinances to protect the health, safety and welfare of residents of and visitors to Mountain Lake Park, and

WHEREAS, on December 5, 2013, the Mayor and Town Council of Mountain Lake Park adopted a zoning ordinance regulating uses, and

WHEREAS, the Town finds that Renewable Energy Sources should be permitted by the zoning ordinance in certain locations with specific provisions and, therefore, is amending the zoning ordinance to adopt provisions to regulate renewable energy sources.

BE IT ORDAINED AND RESOLVED, the following is added to Article 2. Definitions:

231B Renewable Energy Source:

Any method, process, or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy, and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes. Also see "solar energy systems, accessory," and "solar power plant."

231B.1 Solar Energy Systems, Accessory:

Includes any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

231B.2 Solar Power Plant:

A mid- or utility-scale commercial facility comprised of one or more freestanding, ground-mounted devices that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST) or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

231B.3 Concentrating Solar Thermal Devices:

Also known as "concentrated solar thermal power (CST)" are systems that use lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area. The concentrated energy is absorbed by a transfer fluid or gas and used as a heat source

for either a conventional power plant, such as a steam power plant, or a power conversion unit, such as a sterling engine.

231B.4 Photovoltaics:

A technology that converts light directly into electricity. Photovoltaic (PV) systems and concentrated photovoltaic (CPV) systems are included within this definition.

BE IT FURTHER ORDAINED AND RESOLVED, the following is added to Section 405 Table of Use Regulations:

RETAIL, COMMERCIAL, AND INDUSTRIAL SERVICE USES	PD	TR	SR	C	AR	R	SW
(57A) Renewable Energy Source - Solar power plant	N	N	N	SE	SE	SE	N

- (a) **Height.** Solar energy system panel structures shall not exceed the height of 15 feet as measured from the grade at the base of the structure to the apex of the structure. Necessary accessory structures (e.g., lightning rods) are subject to approval. This criterion does not apply to roof mounted systems.
- (b) **Glare.** No solar energy system shall produce glare that would constitute a nuisance to occupants of neighboring parcels or persons traveling neighboring roads.
- (c) **Fencing.** A secure chain-link fence at least six (6) feet in height shall enclose the entire solar energy system to restrict unauthorized access.
- (d) **Decommissioning.** The solar energy system shall be completely decommissioned by the facility owner within twelve (12) months after the end of the energy producing abandonment or termination of such facility. Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, roads, foundations, pilings, and any other associated facilities. To the extent that any agricultural ground upon which the facility was located is again tillable and suitable for agricultural uses. Any component of the solar energy system buried greater than three (3) feet may remain to avoid unnecessary topsoil disturbance. Disturbed earth shall be graded and re-seeded unless the landowner requests in writing that the access roads or other land surface areas not be restored. The owner of the facility shall secure the costs of decommissioning by appropriate bond, letter of credit, or escrow agreement satisfactory to the county and shall include mechanism for calculating increased removal costs shall be submitted by the owner and subject to approval by the town prior to issuance of any permits required.
- (e) **Signs.** A sign, not to exceed one (1) square foot, shall be posted at each entrance to the solar energy system identifying the property owner, the solar system owner, and 24-hour number and the installer’s identification and 24-hour emergency phone number. Information on the sign shall be kept current. The sign shall be posted at the site in a clearly visible manner.
- (f) **FAA.** Must demonstrate compliance with federal aviation administration (FAA) regulations pertaining to hazards to air navigation.
- (g) In addition to these design standards, all Renewable Energy Source systems shall meet all applicable state regulations and permit requirements.

MISCELLANEOUS & ACCESSORY USES	PD	TR	SR	C	AR	R	SW
(70) Renewable Energy Source - Solar energy system, accessory	SE	SE	SE	SE	SE	SE	N

- (a) **Height.** Solar energy system panel structures shall not exceed the height of 15 feet as measured from the grade at the base of the structure to the apex of the structure. Necessary

accessory structures (e.g., lightning rods) are subject to approval. This criterion does not apply to roof mounted systems.

(b) Glare. No solar energy system shall produce glare that would constitute a nuisance to occupants of neighboring parcels or persons traveling neighboring roads.

(c) In addition to these design standards, all Renewable Energy Source systems shall meet all applicable state regulations and permit requirements.

BE IT FURTHER RESOLVED, this ordinance amendment shall be duly advertised in accordance with the Policy for the Adoption of Ordinances by the Mayor and Town Council of Mountain Lake Park. A public hearing on this zoning ordinance amendment shall be held on the 1st day of April 2021, at 6:00 p.m. at the Town Hall located at 1007 Allegany Drive, Mountain Lake Park, Maryland 21550.

INTRODUCED this 4th day of March 2021. **SECOND READING** this 8th day of April 2021.
ADOPTION this 8th day of April 2021.

AND BE IT FURTHER ORDAINED AND RESOLVED, this Ordinance shall be effective April 18, 2021.

ATTEST:



Clerk Treasurer

APPROVED:



Mayor




Councilmember



Councilmember



Councilmember



Councilmember



Councilmember