

THE TOWN OF MANCHESTER

ORDINANCE NO. 244

AN ORDINANCE providing for the addition of a certain type of solar energy generating system as a Conditional Use in the R-40,000, R-20,000, and the R-15,000 Districts by modifying Sections 250-125, 250-37, 250-43, 250-49 and creating new section 250-8 of the Code of the Town of Manchester to define Community Solar Energy Generating Systems and establish regulations for their inclusion in the District.

WHEREAS, the Mayor and Town Council of the Town of Manchester recognize that increasing the share of electricity locally and at the state level that is provided from clean, renewable sources is potentially beneficial to the health, safety, general welfare and environmental sustainability of the community; and

WHEREAS many individual residences may not meet technical, financial or other suitability criteria for adaptation of on-site solar systems, and in response, the State of Maryland enacted House Bill # 1087 “Community Solar Energy Generating System Program”, as amended, which took effect July 1, 2015; and

WHEREAS, intending to promote the health, safety and the general welfare of all Maryland residents the State enacted a law, Senate Bill # 516 – the Clean Energy Jobs Act, effective October 1, 2019 establishing a goal of obtaining 50% of Maryland electricity from renewable sources by the year 2030, including 14.5% from solar energy; and

WHEREAS the Mayor and Town Council conclude that, under certain conditions and restrictions, Community Solar projects can and should be sited within the R-40,000, R-20,000 and R-15,000 Districts to provide the benefits of renewable energy generation without unduly impacting the surrounding neighborhoods.

NOW, THEREFORE BE IT ORDAINED AND ENACTED that the Code of the Town of Manchester is hereby amended as follows:

ARTICLE 1. NEW DEFINITION ADDED TO SECTION 250-125

Section 250-125.A. Definitions; word usage is hereby amended by inserting the following term in alphabetical order:

COMMUNITY SOLAR ENERGY GENERATING SYSTEM (CSEGS) – A solar energy generating system as defined in the Maryland Public Utilities Article Section 7-306.2(a)(3), as amended, and which has been authorized and approved for operation by the local electric company pursuant to the rules established in the Code of Maryland Regulations (COMAR) 20.62 by the Maryland Public Service Commission (PSC).

ARTICLE 2. AMENDMENT OF SECTION 250-37

Section 250-37 is hereby amended by adding the following conditional use requiring Board authorization:

J. Community Solar Energy Generating System (CSEGS), subject to the provisions of Section 250-8 hereof, as amended herein.

ARTICLE 3. AMENDMENT OF SECTION 250-43

Section 250-43 is hereby amended by adding the following conditional use requiring Board authorization:

L. Community Solar Energy Generating System (CSEGS), subject to the provisions of Section 250-8 hereof, as amended herein.

ARTICLE 4. AMENDMENT OF SECTION 250-49

Section 250-49 is hereby amended by adding the following conditional use requiring Board authorization:

G. Community Solar Energy Generating System (CSEGS), subject to the provisions of Section 250-8 hereof, as amended herein.

ARTICLE 5. AMENDMENT OF SECTION 250-8

Section 250-8, previously repealed 8-13-2013 by Ordinance No 214, is hereby amended by deleting "(Reserved)" and by adding the following:

§ 250-8. Community Solar Energy Generating System (CSEGS) regulations.

In any district in which they are authorized, a Community Solar Energy Generating System (CSEGS), as defined in § 250-125 shall be subject to the following:

- A. Shall not be permitted on lots in zones that allow for lot sizes equal to or less than the minimum for that of the R10,000 zoning.
- B. The area proposed in the application for locating and maintaining the CSEGS must be a minimum of twice the minimum lot size for that of the underlying zone.
- C. All applications proposing a CSEGS use must be submitted to Planning & Zoning for review and approval.
- D. The height for ground mounted solar systems shall be subject to site plan review and be appropriate for the underlying zone.
- E. Setbacks to the structure and all associated equipment shall be a minimum of twice the normal setbacks from the boundaries of all adjoining properties as that of the underlying zone. Fencing and site access shall be determined by the Planning &

Zoning.

- F. All environmental setbacks must be considered in locating the system on a lot.
- G. All systems must meet all applicable construction and electrical codes.
- H. All systems shall comply with all utility notification requirements.
- I. A copy of the signed certificate of completion from the utility company shall be provided within 6 months of Building Permit sign-off and prior to commercial operation of the facility. Upon written request by the applicant, the Zoning Administrator may approve up to (2) six (6) month extensions. Approval for additional time to comply shall require Planning Board approval.
- J. The color of all equipment must remain as it was originally provided by the manufacturer. Normal fading is acceptable but no significant changes can occur.
- K. No signs other than the manufacturer's, installer's, or operator's identification, and/or appropriate warning signs may be on the system.
- L. An enhanced landscaping plan, requiring twice the normal plantings, shall be required.
- M. A plan, including financial surety, for decommissioning the system shall be required.
- N. Within one (1) year of the date of site plan approval, the applicant must submit proof of acceptance of the proposed facility by the Public Service Commission of Maryland and /or by the local Electric Provider. Upon written request by the applicant, the Zoning Administrator may approve up to (2) six (6) month extensions. Approval for additional time to comply shall require Planning Board approval.
- O. A CSEGS must utilize virtual net energy metering to supply customers with electricity supplied from solar energy.
- P. A CSEGS must rely on a collection or array of photovoltaic solar panels to capture solar energy for conversion into electricity.

ARTICLE 6. EFFECTIVE DATE.

This Ordinance shall become effective on the _____ day of _____, 2020.

Introduced this _____ day of _____, 2020.

Passed this _____ day of _____, 2020, by a vote of _____ Council members in favor and _____ Council members opposed.

ATTEST:

Kelly J. Baldwin, Secretary

Vincent Pacelli, Vice-President

Approved this _____ day of _____, 2020.

ATTEST:

Kelly J. Baldwin, Secretary

Ryan Warner, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This _____ day of _____, 2020.

Town Attorney