

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2025, Legislative Day No. 5

Bill No. 18-25

Councilmembers Marks and Kach

By the County Council, March 3, 2025

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Solar Facilities – Proximity Requirements

FOR the purpose of limiting the proximity of Solar Facilities to other such facilities; updating
County Solar Facility regulations to comply with State standards for such facilities;
defining agrivoltaic and adding an exception for such a Solar Facility; and generally
relating to Solar Facilities.

BY adding

Section 4F-101.B, the definition of “agrivoltaic” listed alphabetically
Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

Article 4F
~~Section~~ Sections 4F-101, 4F-102, 4F-103, and 4F-104
Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

3
4 ARTICLE 4F – SOLAR FACILITIES

5
6 § 4F-101. Purpose, APPLICATION, and definitions.

7 A. Purpose. Solar energy is recognized as an abundant, renewable, and environmentally
8 sustainable source of electricity generation that will lead to greater local grid resiliency and
9 security, and produce clean, renewable energy and reduce air and water pollution caused by the
10 burning of traditional fossil fuels. The purpose and intent of this article is to permit solar
11 facilities in parts of the rural and commercial areas of the County by special exception, and to
12 balance the benefits of solar energy production with its potential impact upon the County's land
13 use policies by ensuring sufficient safeguards are in place to protect the County's communities
14 and its agricultural land, forests, waterways, and other natural resources.

15 B. APPLICATION. IN ACCORDANCE WITH §7-218(B) OF THE PUBLIC
16 UTILITIES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THIS ARTICLE
17 SHALL APPLY ONLY TO A SOLAR FACILITY THAT HAS THE CAPACITY TO
18 PRODUCE NOT MORE THAN ONE (1) MEGAWATT OF ELECTRICITY AS MEASURED
19 BY THE ALTERNATING CURRENT RATING OF THE FACILITY'S INVERTER.

20 B C. Definitions. As used in this article, the following terms have the meanings
21 indicated:

22 AGRIVOLTAIC – THE SIMULTANEOUS USE OF AREAS OF LAND:

1 1. THAT ARE MAINTAINED IN AGRICULTURAL USE IN ACCORDANCE
2 WITH COMAR 18.02.03;

3 2. FOR BOTH SOLAR POWER GENERATION AND:

4 I. RAISING GRAINS, FRUITS, HERBS, MELONS, MUSHROOMS,
5 NUTS, SEEDS, TOBACCO, OR VEGETABLES;

6 II. RAISING POULTRY, INCLUDING CHICKENS AND TURKEYS,
7 FOR MEAT OR EGG PRODUCTION;

8 III. DAIRY PRODUCTION, SUCH AS THE RAISING OF MILKING
9 COWS;

10 IV. RAISING LIVESTOCK, INCLUDING CATTLE, SHEEP, GOATS,
11 OR PIGS;

12 V. HORSE BOARDING, BREEDING, OR TRAINING;

13 VI. TURF FARMING;

14 VII. RAISING ORNAMENTAL SHRUBS, PLANTS, OR FLOWERS,
15 INCLUDING AQUATIC PLANTS;

16 VIII. AQUACULTURE;

17 IX. SILVICULTURE; OR

18 X. ANY OTHER ACTIVITY THAT IS RECOGNIZED AS AN
19 AGRICULTURAL ACTIVITY UNDER COMAR 18.02.03.

20 “AGRIVOLTAIC” DOES NOT INCLUDE THE SIMULTANEOUS USE OF AREAS
21 OF LAND FOR BOTH SOLAR POWER GENERATION AND:

22 1. APIARIES; OR

23 2. POLLINATOR HABITAT.

1 COMMERCIAL USE — The transfer to the electrical power grid of energy produced by
2 a solar facility for sale by energy suppliers to consumers.

3 SOLAR FACILITY — A facility that includes a series of one or more solar collector
4 panels or solar energy systems that are placed in an area on a tract of land for the purpose of
5 generating photovoltaic power for commercial use. The term includes a SOLAR ENERGY
6 GENERATING STATION, solar power plant, or solar photovoltaic farm.

7
8 § 4F-102. Location of solar facilities.

9 A. Subject to Paragraph B, a solar facility is permitted only by special exception in the
10 R.C. 2, R.C. 3, R.C. 4, R.C. 5, R.C. 6, R.C. 7, R.C. 8, B.L., B.M., M.R., M.L.R., and M.H. Zones
11 of the County.

12 B. The allocation of land for solar facilities in the County is limited to the following:

13 1. ~~The maximum area permitted for a single solar facility is the amount of~~
14 ~~acreage that produces no more than two megawatts alternating current (AC) of electricity.~~

15 2. A SOLAR FACILITY PERMITTED UNDER THIS ARTICLE IN THE R.C.
16 ZONES ONLY SHALL NOT BE LOCATED WITHIN ~~1,000~~ 300 FEET OF THE NEAREST
17 WALL OF A RESIDENTIAL BUILDING, ANOTHER PROPERTY WITH AN EXISTING
18 SOLAR FACILITY, OR ANOTHER PROPERTY FOR WHICH A PETITION FOR SPECIAL
19 EXCEPTION UNDER PARAGRAPH A HAS ~~BEEN FILED~~ RECEIVED ZONING
20 APPROVAL FOR A SOLAR FACILITY.

21 ~~{2}~~3. No more than ten solar facilities may be located in a councilmanic district.

22 ~~{3}~~4. The Director of Permits, Approvals, and Inspections shall maintain a record
23 of all permits issued for a solar facility in the County, including the location and councilmanic

1 district for each such facility, and shall keep a current accounting of the number of facilities in
2 each councilmanic district under this paragraph.

3 ~~[4]~~5. Upon reaching the threshold of ten solar facilities in a councilmanic
4 district, no additional permits shall be issued for a solar facility in that district unless an existing
5 facility previously approved under this article has been removed pursuant to Section 4F-107.

6
7 § 4F-103. Exception.

8 This article does not apply to the following solar facility installations:

9 A. A ground-mounted solar facility that is accessory to a principal residential or
10 agricultural use (subject to Sections 400.1 and 400.2 of these regulations applicable to accessory
11 buildings), or accessory to a principal commercial, industrial, or institutional use;

12 B. A rooftop solar facility;

13 C. A solar facility on federal, state, or local government-owned or leased land
14 that produces energy for government use; or

15 D. A solar facility located on the same property or tract as a farm that uses at
16 least 66 percent of the energy generated by the facility for agricultural uses on the farm, OR
17 THAT MEETS THE DEFINITION OF AGRIVOLTAICS AS DEFINED IN § 4F-101 OF
18 THESE REGULATIONS.

19
20 § 4F-104. Requirements.

21 A. A solar facility located in an R.C. Zone is subject to the following requirements:

1 ~~1. The land on which a solar facility is proposed may not be encumbered by an~~
2 ~~agricultural preservation easement, an environmental preservation easement, or a rural legacy~~
3 ~~easement.~~

4 ~~2. The land on which a solar facility is proposed may not be located in a~~
5 ~~Baltimore County historic district or on a property that is listed on the Baltimore County Final~~
6 ~~Landmarks List.~~

7 ~~3. The portion of land on which a solar facility is proposed may not be in a forest~~
8 ~~conservation easement, or be in a designated conservancy area in an R.C. 4 or R.C. 6 Zone.~~

9 ~~4. Aboveground components of the solar facility, including solar collector panels,~~
10 ~~inverters, and similar equipment, must be set back a minimum of 50 feet from the tract boundary.~~
11 ~~This setback does not apply to the installation of the associated landscaping, security fencing,~~
12 ~~wiring, or power lines.~~

13 ~~5. A structure may not exceed 20 feet in height.~~

14 ~~6. A landscaping buffer shall be provided around the perimeter of any portion of~~
15 ~~a solar facility that is visible from an adjacent residentially used property or a public street.~~
16 ~~Screening of state and local scenic routes and scenic views is required in accordance with the~~
17 ~~Baltimore County Landscape Manual.~~

18 ~~7. Security fencing shall be provided between the landscaping buffer and the~~
19 ~~solar facility.~~

20 ~~8. A solar collector panel or combination of solar collector panels shall be~~
21 ~~designed and located in an arrangement that minimizes glare or reflection onto adjacent~~
22 ~~properties and adjacent roadways, and does not interfere with traffic or create a safety hazard.~~

1 ~~9. A petitioner shall comply with the plan requirements of § 33-3-108 of the~~
2 ~~County Code.~~

3 ~~10. In granting a special exception, the Administrative Law Judge, or Board of~~
4 ~~Appeals on appeal, may impose conditions or restrictions on the solar facility use as necessary to~~
5 ~~protect the environment and scenic views, and to lessen the impact of the facility on the health,~~
6 ~~safety, and general welfare of surrounding residential properties and communities, taking into~~
7 ~~account such factors as the topography of adjacent land, the presence of natural forest buffers,~~
8 ~~and proximity of streams and wetlands.~~

9 ~~B. The requirements of Subparagraphs A.6, A.7, A.8, and A.10 shall apply to a solar~~
10 ~~facility located in a Business or Manufacturing Zone.~~

11 A. A SOLAR FACILITY SHALL PROVIDE A BOUNDARY OF 100 FEET
12 BETWEEN THE SOLAR ENERGY GENERATING STATION AND ALL PROPERTY
13 LINES, NOT INCLUDING PROPERTY LINES THAT BISECT THE INTERIOR OF A
14 PROJECT AREA.

15 B. A SOLAR FACILITY SHALL PROVIDE NON-BARBED WIRE FENCING:

16 1. ONLY ON THE INTERIOR OF A LANDSCAPE BUFFER OR
17 IMMEDIATELY ADJACENT TO A SOLAR ENERGY GENERATING STATION;

18 2. THAT IS NOT MORE THAN 20 FEET IN HEIGHT;

19 3. THAT IS ONLY BLACK OR GREEN VINYL WIRE MESH IF THE
20 OWNER PROPOSES TO USE CHAIN LINK FENCING; AND

21 4. THAT IS NOT LESS THAN 50 FEET AWAY FROM THE EDGE OF ANY
22 PUBLIC ROAD RIGHT-OF-WAY.

1 C. A SOLAR FACILITY SHALL MITIGATE THE VISUAL IMPACT OF THE
2 SOLAR ENERGY GENERATING STATION ON A PRESERVATION AREA, RURAL
3 LEGACY AREA, PRIORITY PRESERVATION AREA, PUBLIC PARK, SCENIC RIVER OR
4 BYWAY, DESIGNATED HERITAGE AREA, OR HISTORIC STRUCTURE OR SITE
5 LISTED ON OR ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES OR
6 RELEVANT COUNTY REGISTER OF HISTORIC PLACES.

7 D. A SOLAR FACILITY SHALL PROVIDE FOR A LANDSCAPING BUFFER OR
8 VEGETATIVE SCREENING:

9 1. ON ALL PROPERTY LINES;

10 2. AT LOCATIONS OF THE EXTERIOR BOUNDARY FOR THE SOLAR
11 ENERGY GENERATING STATION WHERE EXISTING WOODED VEGETATION OF 50
12 FEET OR MORE DOES NOT EXIST;

13 3. AT AN ALTERNATIVE LOCATION WITHIN THE BOUNDARY FOR
14 THE SOLAR ENERGY GENERATING STATION IF THE OWNER DEMONSTRATES
15 THAT THE ALTERNATIVE LOCATION WOULD MAXIMIZE THE VISUAL SCREENING;

16 4. THAT PROVIDES FOR FOUR-SEASON VISUAL SCREENING OF THE
17 SOLAR FACILITY, IS PLACED BETWEEN FENCING AND THE PUBLIC VIEW, AND
18 INCLUDES MULTILAYERED, STAGGERED ROWS OF OVERSTORY AND
19 UNDERSTORY TREES AND SHRUBS THAT ARE A MIXTURE OF EVERGREEN AND
20 DECIDUOUS VEGETATION THAT:

21 I. ARE PREDOMINANTLY MORE THAN 4 FEET IN HEIGHT AT
22 PLANTING;

23 II. ARE PREDOMINANTLY NATIVE TO THE REGION;

1 III. ARE MORE THAN 4 FEET IN HEIGHT AT PLANTING;

2 IV. ARE DESIGNED TO PROVIDE SCREENING OF BUFFERING
3 WITHIN 5 YEARS OF PLANTING;

4 V. MAY NOT BE TRIMMED TO STUNT UPWARD OR OUTWARD
5 GROWTH OR TO OTHERWISE LIMIT THE EFFECTIVENESS OF THE VISUAL SCREEN;

6 VI. CONFORM TO THE PLANT SIZE SPECIFICATIONS
7 ESTABLISHED BY THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1);
8 AND

9 VII. ARE SPECIFIED IN A LANDSCAPING PLAN PREPARED BY A
10 QUALIFIED PROFESSIONAL LANDSCAPE ARCHITECT;

11 5. IS INSTALLED AS EARLY IN THE CONSTRUCTION PROCESS AS
12 PRACTICABLE AND BEFORE THE ACTIVATION OF THE PROPOSED SOLAR
13 FACILITY;

14 6. PRESERVES TO THE MAXIMUM EXTENT PRACTICABLE AND
15 SUPPLEMENTED WITH NEW PLANTINGS WHERE NECESSARY, ANY FOREST OR
16 HEDGEROW THAT EXISTS AT A LOCATION WHERE VISUAL SCREENING OR
17 LANDSCAPE BUFFERING IS REQUIRED; AND

18 7. THAT SHALL BE MAINTAINED WITH A 90% SURVIVAL THRESHOLD
19 FOR THE LIFE OF THE SOLAR FACILITY THROUGH A MAINTENANCE AGREEMENT
20 THAT INCLUDES A WATERING PLAN.

21 E. WITH RESPECT TO THE SITE ON WHICH A SOLAR FACILITY IS PROPOSED
22 FOR CONSTRUCTION, THE OWNER OF THE SOLAR FACILITY:

23 1. SHALL MINIMIZE GRADING TO THE MAXIMUM EXTENT POSSIBLE;

1 2. MAY NOT REMOVE TOPSOIL FROM THE PARCEL, BUT MAY MOVE
2 OR TEMPORARILY STOCKPILE TOPSOIL FOR GRADING; AND

3 3. PLANT NATIVE OR NONINVASIVE NATURALIZED VEGETATION
4 AND OTHER APPROPRIATE VEGETATIVE PROTECTIONS THAT HAVE A 90%
5 SURVIVAL THRESHOLD FOR THE FIRST 3 YEARS OF THE LIFE OF THE SOLAR
6 ENERGY GENERATING STATION.

7 F. 1. THE OWNER OF A SOLAR FACILITY SHALL POST FOR THE FIRST 5
8 YEARS OF THE LIFE OF THE SOLAR ENERGY GENERATING STATION A
9 LANDSCAPING BOND EQUAL TO 100% OF THE TOTAL LANDSCAPING COST WITH
10 THE COUNTY IN WHICH THE SOLAR ENERGY GENERATING STATION IS LOCATED.

11 2. THE COUNTY SHALL HOLD ANY LANDSCAPING BOND REQUIRED
12 UNDER THIS SUBSECTION FOR 5 YEARS.

13 3. THE COUNTY SHALL RELEASE 50% OF THE LANDSCAPING BOND
14 IF, ON INSPECTION, THE VEGETATIVE PROTECTIONS MEET A 90% SURVIVAL
15 THRESHOLD.

16 4. FOLLOWING THE RELEASE OF A LANDSCAPING BOND, THE
17 REMAINING LANDSCAPING BOND SHALL BE HELD FOR AN ADDITIONAL 2 YEARS
18 AND, ON FURTHER INSPECTION AND CONFIRMATION THAT THE VEGETATIVE
19 PROTECTIONS CONTINUE TO MEET A 90% SURVIVAL THRESHOLD, SHALL BE
20 RELEASED.

21 G. EXCEPT AS REQUIRED BY LAW, OR FOR SAFETY OR EMERGENCY, THE
22 SOLAR ENERGY GENERATING STATION MAY NOT EMIT VISIBLE LIGHT DURING
23 DUSK TO DAWN OPERATIONS.

1 H. THE LAND ON WHICH A SOLAR FACILITY IS PROPOSED:

2 1. MAY NOT BE ENCUMBERED BY AN AGRICULTURAL
3 PRESERVATION EASEMENT, AN ENVIRONMENTAL PRESERVATION EASEMENT,
4 OR A RURAL LEGACY EASEMENT;

5 2. MAY NOT BE LOCATED IN A BALTIMORE COUNTY HISTORIC
6 DISTRICT OR ON A PROPERTY THAT IS LISTED ON THE BALTIMORE COUNTY
7 FINAL LANDMARKS LIST; AND

8 3. MAY NOT BE IN A FOREST CONSERVATION EASEMENT, OR BE IN A
9 DESIGNATED CONSERVANCY AREA IN AN R.C. 4 OR R.C. 6 ZONE.

10
11 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 14 days
12 after its enactment and shall ~~apply to any project that has not received final, non-appealable~~
13 ~~approval as of the effective date of this Act~~ not apply to any solar facility project for which a
14 Petition for Special Exception was filed with Baltimore County on or before February 1, 2025.



LEGISLATION DETAIL

LEGISLATION

DISPOSITION

ENACTED

EFFECTIVE

AMENDMENTS

ROLL CALL - BILL

ROLL CALL - AMENDMENTS

KACH*

MOTION

SECOND

MOTION

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Councilman Young

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Councilman Young

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ROLL CALL - AMENDMENTS

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MOTION

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Councilman Young

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Councilman Patoka

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Councilman Kach

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Councilman Jones

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Councilman Marks

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Councilman Ertel

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Councilman Crandell

ROLL CALL - AMENDMENTS

YOUNG*

MOTION

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Councilman Young

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Councilman Patoka

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Councilman Kach

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Councilman Jones

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Councilman Marks

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Councilman Ertel

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Councilman Crandell