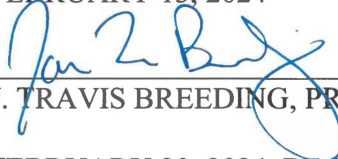


COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

LEGISLATIVE BILL #2024-003

INTRODUCED BY: COMMISSIONERS BREEDING, PORTER, AND BARTZ

INTRODUCED ON: FEBRUARY 13, 2024

ATTEST: 
J. TRAVIS BREEDING, PRESIDENT

PUBLIC HEARING: FEBRUARY 20, 2024, BEGINNING AT 9:10 A.M.
CIRCUIT COURTHOUSE, 109 MARKET STREET, ROOM
106, DENTON, MARYLAND

THIRD READING: MARCH 12, 2024

ENACTED: MARCH 12, 2024

EFFECTIVE: APRIL 26, 2024

Chapter 175 – Zoning – Subsections A., B. (1), B. (3)(a) and (b) Section 175-46 Solar Energy Systems – Repeal and Reenactment

AN Act to repeal Subsections A., B. (1) and B. (3)(a) and (b) of Section 175-46, Solar Energy Systems, of the Code of Public Local Laws of Caroline County, Maryland and reenact the same with amendments changing the siting requirements to not allow commercial solar to be sited on certain areas of parcels where TDRs have been lifted; adding additional screening design standards to be reviewed by a licensed landscape architect; changing the setback requirements to include setbacks from road right-of-ways; and providing for a reduction in the required setback from any adjacent property owner via a setback modification agreement.

FOR the purpose of revising the siting and design standard requirements for commercial solar energy systems in the R-Rural District.

BY repealing and replacing Subsections A., B. (1), B. (3)(a) and (b) for Solar Energy Systems in Section 46 of Chapter 175 – Zoning, of the Code of Public Local Laws of Caroline County, Maryland.

WHEREAS, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under Article XI-F of the Maryland Constitution and § 9-308 of the Local Government Article of the Annotated Code of Maryland (the "Local Government Article") to adopt public local laws in general;

WHEREAS, the County Commissioners are authorized under the Land Use Article, Title 4, of the Annotated Code of Maryland to enact and administer zoning and land use Bills; and

WHEREAS, pursuant to Section 197 B. of Chapter 175, the County Commissioners have received the positive recommendation of the Planning Commission and the staff of the Caroline County Department of Planning and Codes regarding the changes to the requirements for Solar Energy Systems proposed in this Bill, which will have the effect of permitting the amended use in the R-Rural District; and

WHEREAS, this Bill may also be known by its short title "Chapter 175 – Zoning, Subsections A., B.(1) and B. (3)(a) and (b) of Section 46 – Solar Energy Systems – Repeal and Reenactment".

NOW, THEREFORE, be it enacted by the County Commissioners of Caroline County, Maryland that:

SECTION 1. SUBSECTIONS A., B. (1) AND B. (3)(a) and (b) OF SECTION 46, SOLAR ENERGY SYSTEMS, OF CHAPTER 175 ZONING of the Code of Public Local Laws of Caroline County, Maryland are hereby **REPEALED**.

SECTION 2. NEW SUBSECTIONS A., B. (1) AND B. (3)(a) AND (b) OF SECTION 46, SOLAR ENERGY SYSTEMS, OF CHAPTER 175 ZONING are hereby enacted in lieu thereof, to read as follows:

Solar energy systems.

A. Siting. A commercial solar energy system that complies with the provisions of this section may be permitted as described in §175-13, Table of Uses, except as follows:

- (1) The combined additional aggregate acreage of commercial solar energy systems utilized throughout the County shall not exceed 2,000 acres.
- (2) Parcels located in the transferable development rights receiving areas.
- (3) On parcels where transferable development rights (TDRs) have been lifted, commercial solar may not be sited on the portion of acreage used for TDR transfers.
- (4) Parcels under land preservation easements excepting rights-of-way for infrastructure buried at least three feet.

- (5) Where solar energy systems are proposed for parcels identified as "greenbelts" or "growth areas" in any comprehensive plan for an incorporated municipality, the impacted jurisdiction must be notified.

B. Design standards; siting.

- (1) Screening. Visual screening shall be required to ensure the solar energy system does not cause negative significant impacts to the aesthetic and scenic quality of the project area/location. Proposed screening buffers shall be reviewed by a licensed landscape architect selected by the County and at the applicant's expense. Buffers shall consist of mixed vegetation, including trees, shrubs, ornamental grasses, and berms where appropriate.

- (3) Setbacks.

- a. Required setbacks. The minimum building restriction line for solar energy system structures is 200 feet from all adjoining property lines or road right-of-ways. Where a solar energy system encompasses multiple parcels, setbacks shall not be required from inner parcel boundary lines.
- b. Setback modifications. Modifications from these requirements may be granted by property owners provided that a setback modification agreement is submitted. A setback modification agreement shall be required for each property line abutting a solar energy system structure for which a modification is requested and shall set forth the property owners' consent to a modified setback. Setback modifications on any parcel shall not be interpreted as applying to required setbacks from any other parcel. Setback modification agreements shall be in a form provided by the Department and after review shall be filed in the land records for Caroline County. Additional setbacks may be required to mitigate aesthetic, noise, safety, glare, or any other identified significant impacts, or to provide for designated road or utility corridors.

SECTION 3. The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

SECTION 4. The provisions of this Bill are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court or competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Bill, it being the intent of the County that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.


SECTION 5. The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the “Code”) in consultation with and subject to the approval of the County shall make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to the Code that is incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

SECTION 6. The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes.

SECTION 7. This Bill shall take effect on April 26, 2024.

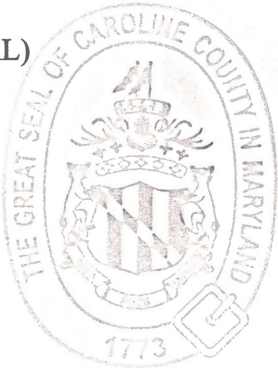
Enacted this 12th day of March 2024.

ATTEST:




Jennifer Reibly
Public Information Officer

(SEAL)



**COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND**



J. Travis Breeding, President



Larry C. Porter, Vice-President



N. Franklin Bartz, III., Commissioner