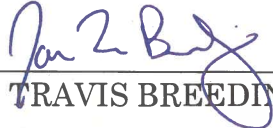


COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

LEGISLATIVE BILL #2025-012

INTRODUCED BY: COMMISSIONERS BREEDING, PORTER, AND BARTZ

INTRODUCED ON: OCTOBER 14, 2025

ATTEST: 
J. TRAVIS BREEDING, PRESIDENT

PUBLIC HEARING: OCTOBER 21, 2025, BEGINNING AT 9:15 A.M.
COURTHOUSE, 109 MARKET STREET, ROOM 106
DENTON, MARYLAND

THIRD READING: OCTOBER 28, 2025

ENACTED: OCTOBER 28, 2025

EFFECTIVE: DECEMBER 13, 2025

Chapter 175 – Zoning – Amendments to Section 175-8 (“Terms Defined”), Repeal and Reenactment of Subsection A of Section 175-46 (“Solar Energy Systems”), Enactment of New Subsection J of Section 175-46, Enactment of New Section 175-46.1 (“Solar energy generating stations; compliance with the Maryland Renewable Energy Certainty Act”), and amendment to the Caroline County Table of Use Regulations.

A BILL ENTITLED

AN ACT CONCERNING solar energy systems and solar energy generating stations to provide consistency with State law known as the Renewable Energy Certainty Act and required by SB931 and HB1036.

FOR THE PURPOSE of adopting supplemental use regulations for solar energy systems (small-scale), and solar energy generating stations (utility-scale) in Caroline County; defining key terms for such uses; implementing the requirement of a payment of a Compensatory Preservation Contribution, as defined in Chapter 75, to the County when solar energy generating stations and energy storage devices are developed on certain land; and generally regulating, addressing and providing for solar energy

systems (small-scale), and solar energy generating stations (utility-scale); and to amend the Caroline County Table of Use Regulations, 175 Attachment 3, of Chapter 175 – Zoning, to provide that solar energy systems (small-scale) and solar energy generating stations (utility-scale) are permitted in all zoning districts subject to site plan review, and to delete all references to the terms “Renewable energy sources” and “solar power plant”.

BY AMENDING Subsection B of Section 175-8 (“Terms Defined”) to include additional defined terms, amend certain existing defined terms, and deleting certain existing defined terms, **REPEALING AND REENACTING WITH AMENDMENTS** Subsection A of Section 175-46 (“Solar energy systems”), **ENACTMENT** of a new Subsection J of Section 175-46, and **ENACTMENT** of a new Section 175-46.1 (“Solar energy generating stations; compliance with the Maryland Renewable Energy Certainty Act”).

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, on May 20, 2025, following the General Assembly session, Senate Bill 931, creating the Maryland Renewable Energy Certainty Act (the “Act”), was approved by Governor Moore and became effective July 1, 2025; and

WHEREAS, the Act establishes siting standards for solar energy systems (small-scale) and solar energy generating stations (utility-scale); and

WHEREAS, the Act establishes standardized performance standards and zoning processes to be followed in all jurisdictions within the State; 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 following provisions of this proposed Bill, which is intended to fulfill the obligations imposed on the County by the Act; and

WHEREAS, this Bill may also be known by its short title “Chapter 175 – Zoning – Compliance with the Maryland Renewable Energy Certainty Act and Requirement of Compensatory Preservation Contribution”.

NOW, THEREFORE, be it enacted by the County Commissioners of Caroline
LEGISLATIVE BILL #2025-012 COMPLIANCE WITH RENEWABLE ENERGY CERTAINTY
ACT AND REQUIREMENT OF COMPENSATORY PRESERVATION CONTRIBUTION

County, Maryland that:

SECTION 1. SUBSECTION B (“TERMS DEFINED”), OF SECTION 175-8 OF ARTICLE II (“DEFINITIONS”), OF CHAPTER 175 - ZONING of the Code of Public Local Laws of Caroline County, Maryland is hereby amended to delete the definitions of “Renewable Energy Source”, “Solar Energy Systems” and “Solar Energy Systems, Accessory”.

SECTION 2. SUBSECTION B (“TERMS DEFINED”), OF SECTION 175- 8 OF ARTICLE II (“DEFINITIONS”), OF CHAPTER 175 - ZONING of the Code of Public Local Laws of Caroline County, Maryland is hereby amended by interlineation to include the following terms, in alphabetical order:

COMPENSATORY PRESERVATION CONTRIBUTION

As defined in and required by Chapter 75 of the Code of Public Local Laws of Caroline County. The Compensatory Preservation Contribution is a mitigation requirement imposed as a condition of land use approval and is not a tax.

PROJECT AREA

As defined in and required by Chapter 75 of the Code of Public Local Laws of Caroline County.

SOLAR ENERGY GENERATING STATION (UTILITY-SCALE)

A solar energy generating station shall mean a facility with a nameplate capacity of one (1) megawatt or greater, together with all associated panels, inverters, energy storage devices, collection lines, substations, transmission connections, and related equipment and infrastructure. Utility-scale solar energy generating stations are subject to § 175-46.1 of this Chapter.

SOLAR ENERGY SYSTEM (SMALL-SCALE)

A solar energy generating system, as defined by the Maryland Public Utilities Article, § 1-101, with a nameplate capacity of less than one (1) megawatt. Such facilities are subject to § 175-46 of this Chapter.

SOLAR ENERGY SYSTEM, ACCESSORY

A solar energy facility designed and intended to reduce on-site consumption of utility power at the premises where the system is located. Accessory solar energy systems are incidental and subordinate to the principal use of the property and may serve residential, agricultural, institutional, or commercial uses. The term includes rooftop panels, ground-mounted arrays, and building-integrated solar components, provided that the energy generated is for

on-site consumption. Accessory solar energy systems shall not be considered solar energy generating stations or small-scale solar energy systems for purposes of this Chapter.

SECTION 2. SUBSECTION A (“Siting”) OF SECTION 175-46 (“Solar energy systems”), of Article V (“Supplementary Regulations”) of Chapter 175 (“Zoning”) of the Code of Public Local Laws of Caroline County, Maryland be, and it is hereby REPEALED.

SECTION 3. A NEW SUBSECTION A (“Applicability”) OF SECTION 175-46 is hereby enacted, to read:

- A. Applicability. Non-accessory solar energy systems with a nameplate capacity of less than one (1) megawatt that comply with the provisions of this section may be permitted as provided in § 175-13, Table of Uses, subject to the following restrictions:
- (1) Such systems shall not be permitted on parcels located within designated transferable development rights (TDR) receiving areas.
 - (2) On parcels where transferable development rights have been lifted, non-accessory solar energy systems shall not be permitted on the acreage used for TDR transfers.
 - (3) Such systems shall not be permitted on parcels subject to land preservation easements, except that rights-of-way for infrastructure buried at least three (3) feet below grade may be permitted.
 - (4) Where a non-accessory solar energy system is proposed on a parcel identified as a "greenbelt" or "growth area" in the comprehensive plan of an incorporated municipality, the impacted jurisdiction shall be notified prior to approval.

SECTION 4. A NEW SUBSECTION J OF SECTION 175-46 is hereby enacted, to read:

J. Contribution to the Agricultural Land Preservation Fund.

When required by Chapter 75 of the Code of Public Local Laws of Caroline County, a Compensatory Preservation Contribution shall be paid.

SECTION 5. A NEW SECTION 175- 46.1 is hereby enacted, to read:

§ 175-46.1. Solar energy generating stations (1 megawatt or greater); compliance with the Maryland Renewable Energy Certainty Act.

- A. Applicability. This section applies to solar energy generating stations with a nameplate capacity of 1 megawatt or greater. County review and approval authority

shall be limited to matters not expressly preempted by the Maryland Renewable Energy Certainty Act or other provisions of State law.

- B. Compliance with State law and Standards. All solar energy generating stations subject to this section shall comply with the Maryland Public Utilities Article, including CPCN (Certificate of Public Convenience and Necessity) requirements and any other regulations, procedures, or conditions imposed by the Maryland Public Service Commission.
- C. Local requirements. Except where expressly preempted by State law, a solar energy generating station shall comply with all applicable provisions of the Caroline County Code, including, but not limited to, subdivision, site plan, building, stormwater, erosion and sediment control, and forest conservation.
- D. Contribution to the Agricultural Land Preservation Fund.

When required by Chapter 75 of the Code of Public Local Laws of Caroline County, a Compensatory Preservation Contribution shall be paid.

SECTION 6. THE CAROLINE COUNTY TABLE OF USE REGULATIONS 175 ATTACHMENT 3, OF CHAPTER 175 – ZONING OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY, MARYLAND is hereby amended by interlineation to make deletions and insertions as shown below:

175 Attachment 3
Caroline County
Table of Use Regulations

| Use ³ | Zoning Districts | | | | | | | | | Additional Regulations ¹ |
|--|------------------|----|---|-----|-----|-----|-----|-----|----|-------------------------------------|
| | Primary | | | | | | | | | |
| | VC | VN | R | R-1 | R-2 | C-1 | C-2 | I-2 | MH | |
| Renewable energy sources | | | E | | | | E | E | | See §§ 175-8, 175-84 and 175-85 |
| Solar energy systems, accessory | P | P | P | P | P | P | P | P | P | See § 175-8 AND 175-85. |
| SOLAR ENERGY SYSTEMS (SMALL-SCALE) | S | S | S | S | S | S | S | S | S | SEE §§ 175-8 AND 175-46. |
| Solar power plant | | | E | | | | E | E | | See §§ 175-8 and 175-85 |
| SOLAR ENERGY GENERATING STATION (UTILITY-SCALE) | S | S | S | S | S | S | S | S | S | SEE §§ 175-8 AND 175-46.1 |

SECTION 7. The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

SECTION 8. This ordinance is necessary to protect the public health, safety, and welfare of the residents of Caroline County, and covers matters of local concern.

SECTION 9. 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 of 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 10. The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the "Code"), the Caroline County Office of Law, or the Caroline County Department of Planning and Codes, in consultation with and subject to the approval of the County Administrator, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to the County Code or the State 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 11. The title and summary of this Bill shall be published in at least one newspaper of general circulation in Caroline County three times, at weekly intervals, and within the 4-week period after passage of the Bill, in accordance with §9-311 (i) of the Local Government Article of the Annotated Code of Maryland. 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. The title is not a substantive part of this Bill for publication and all other purposes. If the Bill is amended, the title may be administratively revised to conform to the content of the Bill as finally enacted.


SECTION 12. AND BE IT FURTHER ENACTED, that when this Bill becomes effective, this ordinance shall be retroactive and applicable, to the maximum extent permitted by law and subject to the severability clause above to all pending applications, proceedings and operations in Caroline County.

ENACTED THIS 28TH DAY OF OCTOBER, 2025.

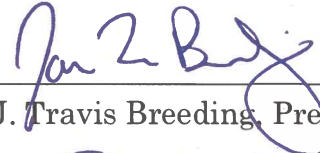
[Signatures on next page]

ATTEST:

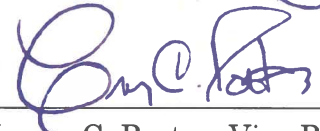
COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND



Jennifer F. Reibly
Public Information Officer




J. Travis Breeding, President



Larry C. Porter, Vice-President


(SEAL)





N. Franklin Bartz III, Member

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



Stewart Barroll
County Attorney