

# Caroline County Solar and Wind Zoning

This document provides a compilation of excerpts from the Caroline County Zoning Ordinance and relevant Caroline County legislation applicable to the siting of solar and wind projects. In December 2017, Caroline County passed Ordinance 2017-2 which updated the language pertaining to solar energy systems in the Caroline County Zoning Code. The actual Caroline County Zoning Ordinance has not been updated with this information. Therefore, in addition to excerpts from the Zoning Ordinance, this document includes Ordinance 2017-2.

## Guidance for Viewing Excerpts

### SOLAR

#### Summary

- The Caroline County Zoning Ordinance defines large-scale solar energy projects as “Commercial Solar Energy System: Large Scale” with a primary purpose of wholesale or retail sales of generated electricity and that produce over 2 MW of power.
  - Permitted by special exception of the Board of Zoning Appeals in Rural (R), General Commercial (C-2), and Light Industrial (I-2) districts.

#### Relevant Sections of the Caroline County Code

- **Caroline County Zoning Ordinance 2017-2**
  - Article II: Definitions: “Solar Energy Systems: Commercial”
  - Article IX: Accessory Structures and Uses: Solar Energy Systems: Commercial (Section 175-85)
- **Chapter 175. Zoning.**
  - Table of Use Regulations: Solar Power Plants (Section 175 Attachment 3:5).<sup>1</sup>

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<sup>1</sup> Caroline County changed the term “Solar Power Plant” to “Solar Energy System” in Ordinance 2017-2 but has not made the changes to the Caroline County Zoning Ordinance. Correspondence with county officials has determined that Solar Energy Systems have the same use regulations as Solar Power Plants in the Table of Use Regulations.

## SMALL SOLAR

### Summary

- The Caroline County Zoning Ordinance defines small-scale solar energy projects as either “Commercial Solar Energy System: Small Scale” or “Solar Energy System, Accessory.”
  - Commercial Solar Energy System: Small Scale is defined as having a primary purpose of wholesale or retail sales of generated electricity and producing up to 2 MW of power.
    - Permitted by special exception of the Board of Zoning Appeals in Rural (R), General Commercial (C-2), and Light Industrial (I-2) districts.
  - Solar Energy System, Accessory is defined as any roof-mounted or ground-mounted solar array that is an accessory to and incorporated into the development of an authorized use on a land parcel and is used for the purpose of reducing or meeting on-site energy needs.
    - Permitted in all districts.

### Relevant Sections of the Caroline County Code

- **Caroline County Zoning Ordinance 2017-2**
  - Article II: Definitions: “Solar Energy Systems: Commercial” and “Solar Energy Systems: Accessory”
  - Article IX: Accessory Structures and Uses: Solar Energy Systems: Commercial (Section 175-85)
- **Chapter 175. Zoning.**
  - Table of Use Regulations: Solar Power Plants (Section 175 Attachment 3:5).

## WIND

### Summary

- The Caroline County Zoning Ordinance does not have language specific to large-scale wind energy projects; they are treated as “Renewable Energy Sources.”
  - Permitted by special exception of the Board of Zoning Appeals in Rural (R), General Commercial (C-2), and Light Industrial (I-2) districts.

## Relevant Sections of the Caroline County Code

- **Chapter 175: Zoning**
  - Article II: Definitions: Definition of "Renewable Energy Source" (Section 175-8).
  - Table of Use Regulations (Section 175 Attachment 3:5).

## SMALL WIND

### Summary

- The Caroline County Zoning Ordinance defines a small-scale wind energy system as a "Small Wind-Energy System" that has a rated nameplate capacity of 100 kW or less and a total height limit of 199 feet.
  - Permitted in the following districts: Village Center (VC), Village Neighborhood (VN), Rural (R), Single Family Residential (R-1), Single-Family and Two-Family Residential (R-2), Neighborhood Commercial (C-1), General Commercial (C-2), and Light Industrial (I-2).

## Relevant Sections of the Caroline County Code

- **Chapter 175: Zoning**
  - Article II: Definitions: Definition of "Small Wind-Energy Systems" (Section 175-8).
  - Article IX. Accessory Structures and Uses: Small wind-energy system uses (Section 175-84).
  - Table of Use Regulations (Section 175 Attachment 3:5).

## Chapter 175. Zoning

### Article II. Definitions

#### § 175-8. Word usage; terms defined.

A. Word usage.

- (1) The words "shall" and "will" are mandatory.
- (2) Unless the context otherwise specifies, words used in the present tense shall include the future; words used in the singular number include the plural; and words in the plural number include the singular.
- (3) The word "building" or "structure" includes the other and any part thereof.
- (4) The word "person" includes an individual, a corporation, a partnership, an incorporated association, an unincorporated association, a limited liability company, a trust, or any other entity.
- (5) The phrase "used for" includes "arranged for," "designed for," "intended for, maintained for" or "occupied for."
- (6) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either .... or," the conjunction shall be interpreted as follows:
  - (a) "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - (b) "Or" indicates that the connected items, conditions, provisions or events may apply separately or in any combination.
  - (c) "Either .... or" indicates that the connected items, conditions, provisions or events shall apply separately but not in combination.
- (7) The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (8) All terms defined in the Caroline County Subdivision Regulations shall have the same meanings in this chapter unless specifically defined in this chapter.<sup>[1]</sup>

[1] *Editor's Note: See Ch. 162, Subdivision of Land.*
- (9) Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meanings.
- (10) In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table or illustrative table, the text will control.

B. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY DWELLING UNIT**

Separate living quarters within the principal dwelling or in a detached accessory structure containing its own kitchen, living and sleeping areas.

Uses or structures for the public purpose of power transmission and distribution, but not power generation; natural gas transmission and distribution, but not manufacturing or storage; water treatment and distribution; sewage collection and treatment; telephone service facilities; radio and television facilities, not including broadcasting studios; and rail or road rights-of-way, not including stations or terminals.

**RACETRACK**

A measured course where animals or machines are entered in competition against one another or against time, not including tracks that are used only in the training of animals.

**RAILROAD SIDING**

A short stretch of railroad track used to store rolling stock or enable trains on the same line to pass.

[Added 8-12-2014 by Ord. No. 2014-1]

**RECREATIONAL EQUIPMENT, MAJOR**

Mobile apparatus specifically designed for temporary habitation or recreational activities, including travel trailers, pickup campers, motorized dwellings, tent trailers, boats, boat trailers, houseboats or storage containers used for transporting recreational equipment.

**RELIGIOUS FACILITIES**

A building or premises where persons regularly assemble for religious worship and/or training, including those accessory activities customarily associated therewith, and where the buildings and premises are maintained and controlled by a religious body organized to sustain public worship. Uses include, but are not limited to, churches, synagogues or temples, parsonage or rectory, convent or monastery or novitiates, and religious retreat facility.

**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," "solar power plant" and "small wind-energy system."

[Amended 8-12-2014 by Ord. No. 2014-1]

**RESCUE AND SANCTUARY FACILITIES**

An animal welfare facility that provides humane care for domestic animals, primarily dogs, cats and small household pets, and livestock and provides adoption services for adoptable animals. "Livestock" includes cattle, equine, sheep, goats and swine. This use does not include buying, selling or intentional breeding or trading of animals for commercial purposes. Individual residences that serve as foster homes for animals are not considered animal rescue and sanctuary facilities.

**RESIDENTIAL TRUCKING OR SERVICE BUSINESS**

A business where drivers and other employees report to a residential lot to pick up a vehicle or trailer for use in a business which transports goods from one point to another off-site, or which provides services at off-site locations, and in which goods are not regularly stored on the residential lot.

**RESOURCE RECOVERY FACILITY**

A nonhazardous solid waste waste-to-energy incinerator permitted pursuant to Title 2 and/or Title 9 of the Environment Article of the Maryland Annotated Code.

**RESTAURANT**

An establishment in which food or beverages are cooked or prepared to order and offered for sale and where consumption is permitted on the premises at tables or booths, whether or not entertainment is offered, and includes establishments commonly known as "grills" and "cafes."

**RESTAURANT, DRIVE-IN**

Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food, served directly to, or permitted to be consumed by, patrons in automobiles or other

- (3) At least 20% of the gross revenue is, or may reasonably be expected to be, derived from the provision of adult entertainment or material.

#### **SITE PLAN, MAJOR**

A drawing or plat which describes and locates required improvements of a development tract that are 20,000 square feet or greater of disturbance in accordance with the provisions of Article **XIV** of this chapter.

[Amended 8-12-2014 by Ord. No. 2014-1]

#### **SITE PLAN, MINOR**

A drawing or plat which describes and locates required improvements of a development tract that are less than 20,000 square feet of disturbance in accordance with the provisions of Article **XIV** of this chapter.

[Added 8-12-2014 by Ord. No. 2014-1]

#### **SMALL WIND-ENERGY SYSTEM**

A wind-energy system that 1) is used to generate electricity; 2) has a rated nameplate capacity of 100 kilowatts or less; and 3) has a total height, as defined in this Chapter **175**, of not more than 199 feet.

#### **SMALL WIND-ENERGY SYSTEM OWNER**

The person that owns the real property upon which a small wind-energy system will be operated. For purposes of the provisions in this Chapter **175**, the small wind-energy system itself may be leased or owned. Ownership of the real property may include occupancy pursuant to a lease with the consent of the lessor of the real property.

#### **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.

[Added 8-12-2014 by Ord. No. 2014-1]

#### **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.

[Added 8-12-2014 by Ord. No. 2014-1]

##### **(1) 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.

##### **(2) PHOTOVOLTAICS**

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

#### **SOLID WASTE**

Garbage, refuse, debris or material that is discarded, abandoned or disposed by its original generator, excluding sewage discharged to a lawfully operated sewage treatment facility and/or irrigation return flows.

#### **SOLID WASTE DISPOSAL FACILITY**

Any facility, other than a resource recovery facility, for the disposal of nonhazardous solid waste that is permitted pursuant to Title 9 of the Environment Article of the Maryland Annotated Code, including a municipal sanitary landfill, rubble landfill, an incinerator, or a medical waste disposal facility.

**WATER SUPPLY TREATMENT FACILITY**

A facility for the storage, distribution, chemical coagulation, settling, filtration, disinfection, fluoridation, aeration or any combination thereof of a water supply for human consumption or industrial use. This definition includes water storage tanks or towers but not wells or reservoirs.

**WILD GAME PROCESSING FACILITY**

A facility for the custom processing (skinning, boning, cutting, grinding and wrapping) of wild game. Game includes small and large animals such as birds, rabbits, squirrels, pheasants, quail, dove, ducks, deer, turkey and geese.

**WILDLIFE REHABILITATION FACILITIES**

A facility that has a state-licensed wildlife rehabilitator license to rehabilitate orphaned, injured, sick, or otherwise debilitated wildlife to a physical condition where they can be restored to the wild. "Wildlife" includes wild mammals, wild birds (including their nests and eggs), reptiles, amphibians, mollusks, crustaceans, and fish. The term "wildlife" includes both resident and migratory wild animal species, whether they are native to the state or introduced. Feral animals are not considered wild animals.

**WIND-ENERGY SYSTEM**

Equipment, including equipment necessary thereto, that converts and then stores or transfers energy from wind into usable forms of energy. Such equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, guy wire, or other component used in such system.

**WIND GENERATOR**

The blades and associated mechanical and electrical conversion components mounted on the top of a wind tower.

**WIND TOWER**

The monopole, freestanding, or guyed structure that supports a wind generator.

**WINERY**

An establishment engaged in the production of wine made from locally harvested fruit (on the Delmarva Peninsula) for wholesale distribution, including a tasting room to provide for the incidental retail sale of wines produced on site.

**YARD**

An open space, other than a court, on a lot that is unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter; the area between a lot line and the building line.

**(1) FRONT YARD**

A yard extending across the front of a lot between the side lot lines and being the horizontal distance between the front lot line and the principal building or any projections thereof, other than uncovered steps, balconies, terraces or unenclosed porches. On corner lots, the "front yard" shall be considered as parallel to the street upon which the lot has its least dimension.

**(2) REAR YARD**

A yard extending across the rear of the lot between the side lot lines and being the horizontal distance measured between the rear lot line and the rear of the principal building or any projection, other than uncovered steps, balconies, terraces or unenclosed porches.

**(3) SIDE YARD**

A yard between the principal building and the side line of the lot and extending from the front yard to the rear yard and being the horizontal distance between the side lot line and side of the principal buildings or any projection, other than steps, balconies, terraces or unenclosed porches.

**ZONING ADMINISTRATOR**

The zoning administrative officer or an authorized representative designated by the County Commissioners to carry out duties as specified in this chapter.

**ZONING CERTIFICATE AND/OR BUILDING PERMIT**

A written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.

### ZONING DISTRICT

An area within which certain uses of land and structures are permitted and certain others are prohibited, yards and other open spaces are required, and minimum lot areas and dimensions and other requirements are established.

- [2] *Editor's Note: Former Subsection (4), which provided the definition of "townhouse dwelling" and which immediately followed, was repealed 8-12-2014 by Ord. No. 2014-1.*
- [3] *Editor's Note: A diagram that visually represents the different types of lots defined herein is on file and open to public inspection during regular business hours in the County Planning and Codes Administration office.*
- [4] *Editor's Note: See Ch. 162, Subdivision of Land.*
- [5] *The former definition of "solid waste transfer station," which immediately followed this definition, was repealed 4-27-2004 by Ord. No. 2004-003.*

## Article IX. Accessory Structures and Uses

### § 175-84. Small wind-energy systems.

- A. Permitted. Small wind-energy systems shall be permitted in all zoning districts subject to the conditions set forth in this § 175-84.
- B. Limit. Only one small wind-energy system shall be permitted on a lot or parcel; provided, however, that lots or parcels on which an agricultural or business operation is otherwise permitted (other than home occupation businesses) may have up to two small wind-energy systems.
- C. Setbacks. All small wind-energy systems shall be set back a minimum distance equal to total height plus 10% of the total height from:
  - (1) Any state, County, or municipal right-of-way, or nearest edge of a state, County, or municipal roadway, whichever is closer to the wind tower;
  - (2) Any right of ingress or egress of another on the small wind-energy system owner's property;
  - (3) Any overhead utility lines;
  - (4) All property lines;
  - (5) Any existing guy wire, anchor, or wind tower on the property; and
  - (6) Any structure used for occupancy, whether transient or otherwise, other than occupancy by the small wind-energy system property owner and such person's family.
  - (7) Exception: Building-supported small wind-energy systems shall comply with the same setback requirements as the structure upon or by which such systems are placed or supported. Any supporting structures for a building supported small wind-energy system shall be placed not more than five feet from the structure.
- D. Access.
  - (1) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
  - (2) The wind tower shall be designed and installed so as not to provide step bolts, a ladder, or other means of access for a minimum height of 12 feet.
- E. Electrical wires. All electrical wires associated with a small wind-energy system, other than 1) wires necessary to connect the wind generator to the wind tower wiring, 2) wind tower wiring to a disconnect



junction box; and 3) grounding wires shall be located underground.

- F. Lighting. A wind tower and a wind generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of a small wind-energy system, such as appurtenant structures, shall be limited to that required for safety purposes and shall be shielded from neighboring properties.
- G. Appearance, color, and finish. The wind generator and the wind tower shall be painted or treated with or in a nonreflective, nonobtrusive color, such as a manufacturer's default color option or a color that conforms to the environment and architecture of the surrounding area (unless otherwise required by the FAA). Color shall be approved by the Director of the Department of Planning and Codes. A small wind-energy system owner may appeal the denial of a requested color to the Board of Zoning Appeals in accordance with this Chapter **175**.  
[Amended 8-12-2014 by Ord. No. 2014-1]
- H. Signage. All signage, other than the manufacturer's or installer's label and appropriate warning signs, visible from any public road or adjoining property is prohibited. No advertising shall be allowed on any small wind-energy system.
- I. Code compliance. All small wind-energy systems shall comply with all applicable provisions of the County's Building and Electrical Codes. Notwithstanding any other provision of the Code of Public Local Laws of Caroline County, Maryland, to the contrary, wind generator blade tips shall at no time be closer to the ground than 15 feet. All small wind-energy systems shall be constructed, assembled, mounted, affixed or otherwise placed in accordance with manufacturer's recommended standards or practices and in compliance with all codes. To the extent that a manufacturer's recommended standards or practices differ from any applicable Code provision, the more strict provision shall apply.
- J. Public service commission compliance. All small wind-energy systems shall comply with all requirements of the laws of Maryland and Maryland Public Service Commission rules and regulations. Any person seeking to construct a small wind-energy system shall apply to the Maryland Public Service Commission, in addition to applying for any County permit pursuant to this Chapter **175**. Utilities to which a small wind-energy system is to be connected shall be notified in accordance with applicable rules, regulations, and tariffs.
- K. Separation. Except as provided for building-supported small wind-energy systems, small wind-energy systems shall not be attached to any other building or structure, including guy wires.
- L. Permits. Any person desiring to erect, operate, or maintain a small wind-energy system shall apply for a permit from the Department, and shall submit with such application all material, drawings, specifications, and other information required or requested by the Director of the Department for the purpose of determining compliance with this Chapter **175**. Fees for small wind-energy systems shall be determined by the County Commissioners from time to time by resolution.
- M. Variances. Variances to the provisions of this § **175-84**, including setback distances, shall not be permitted.
- N. Noise. Small wind-energy systems shall comply with all County laws, ordinances, rules, and regulations regarding noise. If no County standards or restrictions are otherwise in effect, noise levels shall not exceed 55 dBA when measured at the property line of any property containing an occupied structure (excluding temporary excessive noise levels due to temporary utility outages and severe thunderstorms).
- O. A violation of any provision of this § **175-84** shall be a Class A civil infraction under Chapter **92** of the Code of Public Local Laws of Caroline County, Maryland, and shall subject the small wind-energy system owner and the owner of the property on which the small wind-energy system is located to a civil penalty of \$500 for the first offense and \$1,000 for subsequent violations.
- P. Abandonment.
- (1) A small wind-energy system that is out-of-service, or not otherwise used, for a continuous period of 12 months shall be deemed to have been abandoned. The Director shall issue a notice of abandonment to the small wind-energy system owner, who shall then have 30 days to respond to the Director and to provide any information regarding the causes for nonoperation and any remedial or corrective action planned or being undertaken, which actions shall be undertaken and completed in a reasonable time,

not to exceed 60 days. If such information is provided and remedial or corrective action is taken, the Director shall withdraw the notice.

- (2) If a small wind-energy system is determined by the Director to be abandoned, the small wind-energy system owner shall remove the wind generator and the wind tower at such owner's expense within 90 days of the notice or, if later, within 60 days of the termination of any period for remedial or correction action or the failure of such actions. If the small energy system owner shall fail to do so, the County may cause the wind generator and the wind tower to be removed at such owner's expense. The County shall have the right to pursue all legal means of collection of any sums expended, and such sums shall constitute a lien against the property on which the small wind-energy system was located, enforceable and collectible as property taxes.

ZONING

175 Attachment 3

Caroline County  
Table of Use Regulations  
[Amended 8-12-2014 by Ord. No. 2014-1]

| Use <sup>3</sup>   | Zoning Districts |     |     |     |     |     |     |     |    | Additional Regulations <sup>1</sup>                             |
|--|------------------|-----|-----|-----|-----|-----|-----|-----|----|---|
|  | Primary          |     |     |     |     |     |     |     |    |   |
|  | VC               | VN  | R   | R-1 | R-2 | C-1 | C-2 | I-2 | MH |   |
| <b>AGRICULTURE</b>   |                  |     |     |     |     |     |     |     |    |   |
| Agricultural production <sup>2</sup> except:   | P                | P   | P   | P   | P   | P   | P   | P   | P  |   |
| Commercial feedlots <sup>2</sup>   |                  |     | E   |     |     |     |     | P   |    | Setback: 500 feet   |
| Commercial swine raising   |                  |     | E   |     |     |     |     | P   |    | Setback: 500 feet   |
| Commercial poultry raising   |                  | E   | P   | E   |     | E   | E   | P   |    | Setback: 200 feet   |
| Commercial fur-bearing animal or rabbit raising  | E                | E   | P   | E   |     | E   | E   | P   |    | Setback: 200 feet   |
| Agricultural tourism   | P                | P   | P   | P   | P   | P   | P   | P   |    |   |
| Forestry or tree farming   | P                | P   | P   | P   | P   | P   | P   | P   | P  |   |
| Greenhouse or nurseries (wholesale)  |                  | E   | P   | E   |     | E   | S   | S   |    | Building setback: 100 feet                                      |
| Greenhouse or nurseries (retail)   | E                |     | S   |     |     | E   | S   |     |    | Building setback: 100 feet                                      |
| Fishery activity facilities  | P                | E   | S   | E   |     | S   | S   | S   |    | See § 175-35  |
| Wild game processing facilities  |                  |     | S   |     |     | S   | S   |     |    |   |
| Wineries   | S                |     | S   |     |     | S   | S   |     |    |   |
| <b>ANIMAL CARE AND SERVICES</b>  |                  |     |     |     |     |     |     |     |    |   |
| Veterinary hospitals or clinics <sup>2</sup>   | E                | E   | E   | E   |     | S   | S   |     |    | Setback: enclosed, 100 feet; open, 200 feet                     |
| Kennels, commercial <sup>2</sup>   | E                | E   | E   | E   |     | S   | S   |     |    | Setback: 200 feet   |
| Kennels, noncommercial <sup>2</sup>  | P                | P   | P   | P   | P   | P   | P   | P   | P  |   |
| Rescue and sanctuary facilities  |                  | E   | E   | E   |     | S   | S   | E   |    |   |
| Wildlife rehabilitation facilities   |                  | E   | E   | E   |     |     |     |     |    |   |
| Pet services   | S                |     |     |     |     | S   | S   |     |    |   |
| Livestock auction or sales barns   |                  |     | E   |     |     |     | S   | S   |    | Animal containment areas or structures: setback: 200 feet       |
| Stables, commercial or club <sup>2</sup>   |                  | E   | S   | E   |     | S   | S   | E   |    | Building setback: 200 feet                                      |
| Stables, non commercial  |                  | P   | P   | P   | P   | P   | P   | P   | P  |   |
| <b>RESIDENTIAL</b>   |                  |     |     |     |     |     |     |     |    |   |
| Single-family dwellings, detached <sup>2</sup>   | P                | P   | P   | P   | P   | P   | P   | E   | S  | Not including mobile homes                                      |
| Two-family dwellings <sup>2</sup>  | P                | E   |     | E   | P   |     |     |     |    | Minimum lot size: 1 acre in R-1 District                        |
| Multifamily dwellings  | E                |     |     |     |     |     |     |     |    |   |
| Group homes <sup>2</sup>   | E                | E   | E   | E   | E   | E   | E   |     | E  |   |
| Farm laborer housing   |                  |     | E   |     |     |     |     | E   |    | See § 175-22  |
| Boardinghouses <sup>2</sup>  | E                | E   | E   | E   | E   | E   | E   |     |    |   |
| Guesthouses <sup>2</sup>   | E                | E   | E   | E   | E   | E   | E   | E   | S  |   |
| Accessory dwelling units   | P/E              | P/E | P/E | P/E | P/E | P/E | P/E | P/E |    | See § 175-83  |
| Conversion of existing buildings or portions thereof to one-family dwellings or units shall be permitted as a matter of right; and conversion of existing buildings or portions thereof to two-family dwellings or units or multifamily dwellings or units shall be permitted by special exception only. | P                | E   | E   | E   | P/E | E   | E   | E   |    | Existing building at least 5 years old, except in R-2 Districts |
| Live/work building   | P                | P   |     |     |     |     |     |     |    | See § 175-8   |
| Dwellings for resident watchmen or caretakers employed on the premises   |                  |     |     |     |     |     |     | P   |    |   |
| Farm mobile homes  |                  | P/E | P/E | P/E |     | P/E | P/E | P/E |    | See §§ 175-66 and 175-72  |
| Hardship mobile homes  | E                | E   | E   | E   |     | E   | E   | E   | E  | See §§ 175-67 and 175-72  |
| Emergency mobile homes   | P                | P   | P   | P   | P   | P   | P   | P   | P  | See §§ 175-69 and 175-72  |
| Temporary mobile homes   | P/E              | P/E | P/E | P/E | P/E | P/E | P/E | P/E | S  | See §§ 175-70 and 175-72  |
| Multisection mobile homes on individual lots   | P                | P   | P   | P   | P   | P   | P   | E   | S  | See §§ 175-71A and 175-72                                       |
| Other mobile homes on individual lots  |                  |     | P/E |     |     |     |     |     | S  | See §§ 175-71B and 175-72                                       |
| Mobile home parks <sup>2</sup>   |                  |     |     |     |     |     |     |     | S  | See §§ 175-68, 175-72 and 175-14                                |

KEY TO USE TABLES:

P = Permitted use.  
S = Permitted use subject to site plan approval, (See Article XIV.)  
E = Permitted use subject to special use exception. (See Article XVI.)  
/ = or  
A blank indicates that the use is not permitted under any situation.

NOTES:

- <sup>1</sup> The additional regulations are in addition to any other regulations found elsewhere in this chapter.
- <sup>2</sup> This use is specifically defined in Article II, Definitions, of this chapter.
- <sup>3</sup> All permitted uses are required to comply with Chapter 108 of this Code if the subject property is located, in whole or in part, in a regulated floodplain area. See Chapter 108.

CAROLINE COUNTY CODE

| Use <sup>3</sup>  | Zoning Districts |    |   |     |     |     |     |     |    | Additional Regulations <sup>1</sup>                        |
|---|------------------|----|---|-----|-----|-----|-----|-----|----|--|
|   | Primary          |    |   |     |     |     |     |     |    |  |
|   | VC               | VN | R | R-1 | R-2 | C-1 | C-2 | I-2 | MH |  |
| <b>COMMERCIAL RETAIL</b>  |                  |    |   |     |     |     |     |     |    |  |
| Mobile home subdivisions <sup>2</sup>   |                  |    |   |     |     |     |     |     | S  | See §§ 175-68, 175-72 and 175-14                           |
| Lumber and other building materials dealers   |                  |    |   |     |     |     | S   | S   |    |  |
| Mobile home dealers   |                  |    |   |     |     |     | S   | S   |    |  |
| Boat dealers  |                  |    |   |     |     |     | S   |     |    |  |
| Auction houses or sales barns, no livestock   |                  |    |   |     |     |     | S   | E   |    |  |
| Monument and memorial stones (production and sales)   | S                | E  |   |     |     | S   | S   | S   |    |  |
| Retail bakeries   | S                | E  |   |     |     | S   | S   |     |    |  |
| Produce stands <sup>2</sup>   | P                | E  | P | E   |     | P   | P   | P   |    | Maximum size: 750 square feet; front setback: 15 feet      |
| Farmers markets <sup>2</sup>  | S                |    | E |     |     | S   | S   |     |    |  |
| Agricultural products or supplies sales   | S                |    | E |     |     | S   | S   | S   |    |  |
| Material storage yards in connections with retail sales   |                  |    | E |     |     | E   | S   | S   |    |  |
| Commercial retail, small scale  | S                | E  |   |     |     | S   | S   |     |    | Gross floor area 3,000 square feet and under               |
| Commercial retail, large scale  |                  |    |   |     |     | E   | S   |     |    | Gross floor area over 3,000 square feet                    |
| <b>COMMERCIAL BUSINESS AND PERSONAL SERVICES</b>  |                  |    |   |     |     |     |     |     |    |  |
| Contractor storage yard   |                  |    |   |     |     | S   | S   | S   |    |  |
| Restaurants   | S                |    |   |     |     | S   | S   | S   |    |  |
| Restaurants, drive-in or fast-food <sup>2</sup>   | S                |    |   |     |     | S   | S   | S   |    |  |
| Delicatessens   | S                |    |   |     |     | S   | S   |     |    |  |
| Motels or hotels <sup>2</sup>   |                  |    |   |     |     |     | S   |     |    |  |
| Bed-and-breakfasts  | E                | E  | E | E   | E   | E   | E   | E   |    | See § 175-31.  |
| Country inns  | E                | E  | E | E   | E   | E   | E   | E   |    | See § 175-32.  |
| Food storage lockers  |                  |    |   |     |     | S   | S   | S   |    |  |
| Commercial, trade or business schools   | E                |    | E |     |     | S   | S   | S   |    |  |
| Funeral Services or crematories   | S                |    |   |     |     | S   | S   |     |    |  |
| Taverns, nightclubs, lounges  | E                |    |   |     |     | S   | S   |     |    |  |
| Warehouse, mini-storage   |                  |    |   |     |     | E   | S   | S   |    |  |
| Material storage yards in connection with commercial business, personal services, contractors, offices, clinics, studios                                    |                  |    |   |     |     | S   | S   |     |    |  |
| Services, professional includes accounting, architecture, denistry, financial institutions, insurance, law, real estate, etc.                               | S                | E  | E | E   | E   | S   | S   |     |    | Gross floor area 4,000 square feet and under               |
| Services, general (small scale)   | S                | E  |   |     |     | S   | S   |     |    | Gross floor area 3,000 square feet and under. See § 175-8. |
| Services, general (large scale)   |                  |    |   |     |     |     | S   |     |    | Gross floor area over 3,000 square feet. See § 175-8.      |
| Music, dance, drama, crafts or physical education   | S                |    |   |     |     | S   | S   |     |    |  |
| Residential trucking or service business  |                  |    | E |     |     |     |     |     |    | See § 175-8 and 175-45.                                    |
| Trucking or service business  |                  |    |   |     |     |     | P   | P   |    | See § 175-8.   |
| <b>COMMERCIAL AMUSEMENTS</b>  |                  |    |   |     |     |     |     |     |    |  |
| Indoor commercial amusements, including billiards, bowling, health clubs, banquet halls, theaters, skating rinks, tennis or racquetball clubs, game arcades | E                |    |   |     |     | E   | S   |     |    |  |

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 A blank indicates that the use is not permitted under any situation.

NOTES:

<sup>1</sup> The additional regulations are in addition to any other regulations found elsewhere in this chapter.  
<sup>2</sup> This use is specifically defined in Article II, Definitions, of this chapter.  
<sup>3</sup> All permitted uses are required to comply with Chapter 108 of this Code if the subject property is located, in whole or in part, in a regulated floodplain area. See Chapter 108.

ZONING

| Use <sup>3</sup>  | Zoning Districts |    |   |     |     |     |     |     |    | Additional Regulations <sup>1</sup>  |
|---|------------------|----|---|-----|-----|-----|-----|-----|----|--|
|   | Primary          |    |   |     |     |     |     |     |    |  |
|   | VC               | VN | R | R-1 | R-2 | C-1 | C-2 | I-2 | MH |  |
| Outdoor commercial amusements, including amusement parks, drive-in theaters, miniature golf, swimming pools         | E                |    | E |     |     | E   | S   |     |    | See § 175-24 and 175-25.   |
| Circus or carnival  | E                |    | E |     |     | E   | S   |     |    |  |
| Zoological gardens  |                  |    | E |     |     |     | E   |     |    |  |
| Golf, driving ranges  |                  |    | E |     |     | E   | S   |     |    |  |
| Golf courses  |                  | E  | E | E   |     | E   | S   |     |    |  |
| Campgrounds <sup>2</sup>  |                  |    | E |     |     | E   | E   |     |    | See § 175-23.  |
| Private clubs, lodges, country clubs <sup>2</sup>   | S                | E  | E | E   |     | S   | S   |     | S  |  |
| Hunting and fishing clubs without shooting ranges   | S                | E  | P | E   |     | P   | P   | P   | S  |  |
| Archery ranges  | E                | E  | E | E   |     | E   | E   |     |    |  |
| Marinas or yacht clubs  | E                | E  | E | E   |     | E   | E   | E   | S  |  |
| Racetracks <sup>2</sup>   |                  |    | E |     |     | E   | E   |     |    |  |
| Gun club activities   |                  |    | E |     |     | E   | E   |     |    | Limited activities may be permitted in the R-1 Zoning District. See Art. XXIV. |
| <b>COMMERCIAL WHOLESALE</b>   |                  |    |   |     |     |     |     |     |    |  |
| Wholesaling or warehouse establishments, small  |                  |    |   |     |     |     | S   | S   |    | Gross floor area 20,000 square feet and under                                  |
| Wholesaling or warehouse establishments, large  |                  |    |   |     |     |     | S   | S   |    | Gross floor area over 20,000 square feet                                       |
| Warehousing storage and wholesaling or agricultural products, supplies and commodities                              |                  |    | E |     |     |     | S   | S   |    |  |
| <b>MOTOR VEHICLES AND RELATED SERVICES</b>  |                  |    |   |     |     |     |     |     |    |  |
| Motor vehicle dealers - new or used   |                  |    |   |     |     |     | S   | S   |    |  |
| Automobile filling stations repair or service shops <sup>2</sup>  | E                |    |   |     |     | S   | S   | S   |    | Fuel pump setback: 20 feet   |
| Automobile parking lot or storage garages, nonaccessory   |                  |    |   |     |     | E   | S   | S   |    |  |
| Temporary and/or seasonal storage and service of transient trailers, camping trailers, boats, tents or touring vans |                  |    |   |     |     |     | S   | S   |    |  |
| Truck filling station, repair or service shops  |                  |    |   |     |     |     | S   | S   |    |  |
| Vehicle rental or leasing, taxi service, bus terminal   |                  |    |   |     |     | S   | S   | S   |    |  |
| Car wash facility   |                  |    |   |     |     | S   | S   | S   |    |  |
| Other motor vehicle and travel related uses,  |                  |    |   |     |     | E   | S   |     |    |  |
| Automobile auctions   |                  |    |   |     |     |     | E   | S   |    |  |
| Towing service and wrecked vehicle storage  |                  |    |   |     |     |     | S   | S   |    |  |
| <b>INDUSTRIAL</b>   |                  |    |   |     |     |     |     |     |    |  |
| Truck terminals   |                  |    |   |     |     |     |     | S   |    | See § 175-26   |
| Tire retreading   |                  |    |   |     |     |     |     | S   |    | See § 175-26   |
| Salvage and junkyards <sup>2</sup>  |                  |    |   |     |     |     |     | S   |    |  |
| Bulk plants   |                  |    |   |     |     |     |     | E   |    | See § 175-26   |
| Fuel storage over 50,000 gallons  |                  |    |   |     |     |     |     | S   |    | See § 175-26   |
| Sand, gravel and mineral extraction or processing   |                  |    | E |     |     | E   | E   | E   |    | See § 175-26, 175-27 and Article XIV   |
| Sawmills, commercial  |                  |    | E |     |     |     |     | S   |    | See § 175-26   |
| Sawmills, only for timber grown on the premises   |                  |    | P |     |     | E   | E   | S   |    | See § 175-26   |
| Agricultural and fishery products processing plants   |                  |    | E |     |     |     |     | S   |    | See § 175-34   |

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NOTES:

<sup>1</sup> The additional regulations are in addition to any other regulations found elsewhere in this chapter.  
<sup>2</sup> This use is specifically defined in Article II, Definitions, of this chapter.  
<sup>3</sup> All permitted uses are required to comply with Chapter 108 of this Code if the subject property is located, in whole or in part, in a regulated floodplain area. See Chapter 108.

CAROLINE COUNTY CODE

| Use <sup>3</sup>  | Zoning Districts |    |   |     |     |     |     |     |    | Additional Regulations <sup>1</sup> |
|---|------------------|----|---|-----|-----|-----|-----|-----|----|-------------------------------------|
|   | Primary          |    |   |     |     |     |     |     |    |                                     |
|   | VC               | VN | R | R-1 | R-2 | C-1 | C-2 | I-2 | MH |                                     |
| Distillation of alcohol as a fuel or fuel supplement  |                  |    | E |     |     |     |     | S   |    | See § 175-26                        |
| Farm machinery and implement sales, service or repair   |                  |    | E |     |     |     | S   | S   |    | See § 175-26                        |
| Electric power generating facilities over 500 kilowatts   |                  |    |   |     |     |     |     | S   |    | See § 175-26                        |
| Electric power generating facilities 500 kilowatts and under, nonaccessory                                    |                  |    | E |     |     | E   | E   | S   |    | See § 175-26                        |
| Research and development facilities   |                  |    |   |     |     |     | E   | S   |    | See § 175-26                        |
| Concrete or asphaltic concrete batching and mixing plants   |                  |    |   |     |     |     |     | S   |    | See § 175-26 and Article XIV.       |
| Concrete and clay products manufacturing  |                  |    |   |     |     |     |     | S   |    | See § 175-26 and Article XIV.       |
| Concrete or asphalt recycling   |                  |    | E |     |     |     |     | S   |    |                                     |
| Other general manufacturing assembly or light industrial plants   |                  |    |   |     |     |     |     | S   |    | See § 175-26.                       |
| All other industrial uses   |                  |    |   |     |     |     |     | E   |    | See § 175-26.                       |
| <b>INSTITUTIONAL</b>  |                  |    |   |     |     |     |     |     |    |                                     |
| Power substations and cross-county transmission lines   | E                | E  | E | E   | E   | E   | E   | E   | E  |                                     |
| Railroad rights-of-way and tracks   | E                | E  | E | E   | E   | E   | E   | P   | E  |                                     |
| Railroad sidings, nonaccessory  |                  | S  | S |     |     | S   | S   | S   |    |                                     |
| Solid waste <sup>2</sup>  |                  |    |   |     |     |     |     |     |    |                                     |
| Collection sites <sup>2</sup>   | E                | E  | E | E   |     | E   | E   | E   |    |                                     |
| Natural wood waste <sup>2</sup> recycling facilities  |                  |    | E |     |     |     |     |     |    | See § 175-28 and Article XIV.       |
| Composting facilities <sup>2</sup>  |                  |    |   |     |     |     |     | E   |    | See § 175-28 and Article XIV.       |
| Solid waste processing facilities <sup>2</sup>  |                  |    |   |     |     |     |     | E   |    | See § 175-28 and Article XIV.       |
| Solid waste disposal facilities <sup>2</sup> , including landfills, incinerators                              |                  |    |   |     |     |     |     | E   |    | See § 175-28 and Article XIV.       |
| Resource recovery facilities <sup>2</sup>   |                  |    |   |     |     |     |     | E   |    | See § 175-28 and Article XIV.       |
| Water-supply treatment facilities   |                  |    | E |     |     |     |     | E   | E  | Nonaccessory only                   |
| Wastewater treatment facilities   |                  |    | E |     |     |     |     | E   | E  | Nonaccessory only; see § 175-29.    |
| Fire or rescue service  | S                | S  | S | S   | S   | S   | S   | S   | S  |                                     |
| Public or governmental buildings  | P                | P  | P | P   | P   | P   | P   | P   |    |                                     |
| Civic community centers or service clubs  | S                | E  | E | E   | E   | S   | S   |     | S  |                                     |
| Museums or libraries  | S                | E  | E | E   | E   | S   | S   |     |    |                                     |
| Family day-care centers <sup>2</sup>  | P                | P  | P | P   | P   | P   | P   | P   | P  |                                     |
| Group day-care centers <sup>2</sup>   | S                | E  | E | E   | E   | S   | S   | E   | S  |                                     |
| Educational facilities  | S                | S  | S | S   | S   | S   | S   |     | S  |                                     |
| Hospitals <sup>2</sup>  | E                | E  | E | E   | E   | S   | S   |     | S  |                                     |
| Nursing or convalescent homes <sup>2</sup>  | S                | E  | E | E   | E   | S   | S   |     | S  |                                     |
| Domiciliary care facilities <sup>2</sup>  | S                | E  | E | E   | E   | S   | S   |     | S  |                                     |
| Religious facilities  | P                | P  | P | P   | P   | P   | P   |     |    |                                     |
| Public or nonprofit park and recreation areas, including tennis courts, swimming pools, athletic fields, etc. | S                | S  | S | S   | S   | S   | S   | S   |    |                                     |
| <b>UNCLASSIFIED</b>   |                  |    |   |     |     |     |     |     |    |                                     |
| Accessory buildings or uses <sup>2</sup>  | P                | P  | P | P   | P   | P   | P   | P   |    | See Article IX.                     |
| Adult-oriented businesses   |                  |    |   |     |     |     |     | S   |    |                                     |
| Airports or landing fields <sup>2</sup>   |                  |    | E |     |     | E   | E   | E   |    |                                     |
| Cemeteries or memorial gardens  |                  | E  | E | E   |     | E   | E   | E   |    |                                     |
| Communication towers  | E                | E  | E | E   | E   | E   | E   | E   |    | See § 175-41.                       |
| Cottage industry  | E                | E  | S | E   |     | S   | S   | S   |    | See § 175-33.                       |
| Docks, piers, bulkheads, boat ramps   | P                | P  | P | P   | P   | P   | P   | P   |    | Exempt from minimum setbacks        |
| Essential services <sup>2</sup>   | P                | P  | P | P   | P   | P   | P   | P   |    | No zoning certificate required      |

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NOTES:

<sup>1</sup> The additional regulations are in addition to any other regulations found elsewhere in this chapter.  
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<sup>3</sup> All permitted uses are required to comply with Chapter 108 of this Code if the subject property is located, in whole or in part, in a regulated floodplain area. See Chapter 108.

ZONING

| Use <sup>3</sup>  | Zoning Districts |     |     |     |     |     |     |     |    | Additional Regulations <sup>1</sup> |
|---|------------------|-----|-----|-----|-----|-----|-----|-----|----|-------------------------------------|
|   | Primary          |     |     |     |     |     |     |     |    |                                     |
|   | VC               | VN  | R   | R-1 | R-2 | C-1 | C-2 | I-2 | MH |                                     |
| Garage or yard sales <sup>2</sup>                         | P                | P   | P   | P   | P   | P   | P   | P   |    | No zoning certificate required      |
| Home occupations <sup>2</sup>                             | P                | P   | P   | P   | P   | P   | P   | P   |    | See § 175-30.                       |
| Portable storage unit, temporary                          | P                | P   | P   | P   | P   | P   | P   | P   |    |                                     |
| Renewable energy sources                                  |                  |     | E   |     |     |     | E   | E   |    | See §§ 175-8, 175-84 and 175-85     |
| Signs <sup>2</sup>  | P                | P   | P   | P   | P   | P   | P   | P   |    | See Article XIII.                   |
| Temporary structures incidental to construction operation | P/E              | P/E | P/E | P/E | P/E | P/E | P/E | P/E |    | See § 175-36.                       |
| Sewage sludge storage and mixing facilities               |                  |     | S   |     |     |     |     | S   |    | See § 175-37 and Article XIV.       |
| Small wind-energy systems                                 | P                | P   | P   | P   | P   | P   | P   | P   |    | See § 175-8 and 175-84.             |
| Visitor center  | S                |     |     |     |     | S   | S   | S   |    |                                     |
| Solar energy systems, accessory                           | P                | P   | P   | P   | P   | P   | P   | P   | P  | See § 175-8                         |
| Solar power plant   |                  |     | E   |     |     |     | E   | E   |    | See §§ 175-8 and 175-85             |

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**COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND**  
**ORDINANCE #2017-2**

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**PUBLIC HEARING:**           OCTOBER 17, 2017; BEGINNING AT 6:15 PM  
                                  COURTHOUSE, 109 MARKET STREET, ROOM 106,  
                                  DENTON, MARYLAND

**ENACTED:**                DECEMBER 12, 2017

**EFFECTIVE:**             DECEMBER 12, 2017

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**Chapter 175 – Zoning – Solar Energy Systems**

AN Act concerning Solar Energy Systems in Caroline County; **FOR** the purpose of revising the Zoning chapter to permit and provide conditions for Accessory and Commercial Solar Energy Systems; **BY** repealing and reenacting, with amendments, and transferring §175-85 to §175-46 of the Code of Public Local Laws of Caroline County and **BY** renumbering §175-86 to §175-85 of the Code of Public Local Laws of Caroline County, Maryland.

**Short Title**

This Act may be referred to as Chapter 175 – Zoning – Solar Energy Systems.

---

**WHEREAS**, the County Commissioners of Caroline County, Maryland (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 ordinances; and

**WHEREAS**, the Commissioners established a temporary moratorium on the permitting of certain solar energy systems via Resolution #2017-008 (the "Resolution") in order to evaluate the taxing, siting and construction of additional solar energy systems and current requirements for such systems in light of changing technology, changing consumer demands, and changes to existing infrastructure in the County; and

**WHEREAS**, the Resolution established a workgroup to review Land Use Issues (the "Workgroup") related to the subject of the temporary moratorium; and

**WHEREAS**, the Workgroup held several public meetings to study relevant data, different legislative and regulatory models, industry best practices, and other pertinent information, in the context of the goals of the Caroline County Comprehensive Plan; and

**WHEREAS**, as the result of its study, the Workgroup recommended certain changes to the Zoning Chapter of the Code of Public Local Laws of Caroline County, Maryland (the "Code") to the Caroline County Planning Commission ("Planning Commission"); and

*hiber 2 page 462*



WHEREAS, the County Commissioners have received the positive recommendation of the Planning Commission the staff of the Caroline County Department of Planning and Codes regarding the textual amendments proposed in this Ordinance, as reflected herein; and

WHEREAS, the County Commissioners have determined this Ordinance is necessary and appropriate to protect and improve the general health, safety, and welfare of the County and its residents; and

WHEREAS, this Ordinance may also be known by its short title "Chapter 175 – Zoning – Solar Energy Systems."

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

SECTION 1. §175-8, Definitions, of the Code of Public Local Laws of Caroline County, Maryland is hereby repealed and reenacted, with amendments as follows:

ARTICLE II  
Definitions

§175-8. Word usage; terms defined

B. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

**Solar power-plants ENERGY SYSTEMS**

~~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.~~

~~(1) 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.~~

~~(2) Photovoltaics~~

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

**ACCESSORY: ANY ROOF MOUNTED OR FREESTANDING SOLAR ARRAY THAT IS ACCESSORY TO AND INCORPORATED INTO THE DEVELOPMENT OF AN AUTHORIZED USE ON A PARCEL, AND WHICH ARE DESIGNED FOR THE PURPOSE OF REDUCING OR MEETING ON-SITE ENERGY NEEDS.**

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**COMMERCIAL: A NON-ACCESSORY COMMERCIAL FACILITY, INCLUDING SHARED COMMUNITY FACILITIES, COMPRISED OF ONE OR MORE FREESTANDING, GROUND MOUNTED DEVICES THAT CONVERTS SUNLIGHT INTO ELECTRICITY FOR THE PRIMARY PURPOSE OF WHOLESALE OR RETAIL SALES OF GENERATED ELECTRICITY. A SOLAR ENERGY SYSTEM MAY BE MADE UP OF 1 OR MORE PARCELS. UTILITY CONNECTIONS ARE NOT SUBJECT TO SOLAR ENERGY SYSTEM REGULATIONS.**

**(1) SMALL SCALE**

**A SOLAR ENERGY SYSTEM THAT IS ENGINEERED AND DESIGNED TO PRODUCE UP TO TWO MEGAWATTS (2 MW) OF POWER.**

**(2) LARGE SCALE – A SOLAR ENERGY SYSTEM THAT IS ENGINEERED AND DESIGNED TO PRODUCE OVER TWO MEGAWATTS (2 MW) OF POWER**

**SECTION 2. §175-85, Solar Power Plants, of the Code of Public Local Laws of Caroline County, Maryland is hereby repealed and reenacted, with amendments as follows:**

**ARTICLE IX  
Accessory Structures and Uses**

**§ 175-85. Solar ENERGY SYSTEMS ~~power plant~~.**

**A. SITING. ~~Permitted locations:~~ A COMMERCIAL SOLAR ENERGY SYSTEM ~~solar power plant~~ 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 ~~3000~~ 2000 ACRES.**
- (2) PARCELS LOCATED IN THE TRANSFERABLE DEVELOPMENT RIGHTS RECEIVING AREAS.**
- (3) PARCELS UNDER LAND PRESERVATION EASEMENTS EXCEPTING RIGHTS OF WAY FOR INFRASTRUCTURE BURIED AT LEAST THREE (3) FEET.**
- (4) 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.**

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B. Design standards.

~~Minimum lot size. No concentrated solar power plant shall be erected on any lot less than forty (40) acres in size. No photovoltaic solar power plant shall be erected on any lot less than ten (10) acres in size.~~ Siting. Considerations **SHALL** should be made to siting such as avoiding areas/locations with a high potential for biological conflict such as wilderness study areas, areas of environmental concern, county and state parks, historic trails, special management areas or important wildlife habitat or corridors; avoiding **SIGNIFICANT IMPACTS TO** visual corridors that are prominent scenic viewsheds, or scenic areas designated by the county; avoiding **SIGNIFICANT IMPACTS TO** areas of erodible slopes and soils, where concerns for water quality, severe erosion, **AND/or** high storm runoff potential have been identified; and avoiding known sensitive historical, cultural or archeological resources.

(1) **SCREENING. CONSIDERATIONS SHALL BE MADE FOR VISUAL SCREENING TO ENSURE THE SOLAR ENERGY SYSTEM DOES NOT CAUSE NEGATIVE SIGNIFICANT IMPACTS TO THE AESTHETIC AND SCENIC QUALITY OF THE PROJECT AREA/LOCATION. WHERE SCREENING BUFFERS ARE REQUIRED, THEY SHALL BE OPAQUE WITHIN 3 YEARS AND SHALL CONSIST OF MIXED VEGETATION INCLUDING TREES, SHRUBS, AND ORNAMENTAL GRASSES. WHERE APPROPRIATE, POLLINATOR HABITAT MAY BE USED IN LIEU OF SCREENING BUFFERS.**

(2) Tree removal. The structures comprising the solar facility shall be constructed and located in a manner so as to minimize the necessity to remove existing trees upon the ~~PARCEL~~, and in no event shall wooded acreage comprising more than 2% of the deeded acreage of the ~~PARCEL~~ or portion of the ~~PARCEL~~ devoted to the solar facility use be removed without demonstrating that such removal is necessary for the reasonable construction and efficient performance of the use.

(3) Setbacks.

*(A) REQUIRED SETBACKS.* SOLAR ENERGY system structures shall meet the minimum zoning setback for the zoning district in which located, or twenty-five (25) feet, whichever is greater. In addition, solar ENERGY SYSTEMS ~~power-plant structures~~ must be located at least **TWO** ~~one-hundred~~ feet from all residentially zoned ~~PARCELS~~ and existing residences.

*(B) SETBACK MODIFICATIONS. MODIFICATIONS FROM THESE REQUIREMENTS MAY BE GRANTED BY OWNERS OF RESIDENTIALLY ZONED PARCELS OR EXISTING RESIDENCES PROVIDED 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*

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**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 FROM THE DEPARTMENT AND AFTER REVIEW SHALL BE FILED IN THE LAND RECORDS FOR CAROLINE COUNTY. WHERE A SOLAR ENERGY SYSTEM ENCOMPASSES MULTIPLE PARCELS, SETBACKS SHALL NOT BE REQUIRED FROM INNER PARCEL BOUNDARY LINES. Additional setbacks may be required to mitigate AESTHETIC, noise, SAFETY, and glare, OR ANY OTHER IDENTIFIED SIGNIFICANT impacts, or to provide for designated road or utility corridors.**

**(C) INTENT. SETBACK MODIFICATIONS RUN FOR THE DURATION OF THE UNDERLYING SOLAR ENERGY SYSTEM CONTRACT AND DO NOT RUN WITH THE LAND. THIS SECTION SHALL NOT BE CONSTRUED TO ALLOW A PROPERTY OWNER TO MODIFY A SETBACK FOR ANY OTHER PROPERTY OWNER.**

- (4) Height. Solar ~~power electric generation~~ ENERGY SYSTEM PANEL structures shall not exceed the height of fifteen (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.
- (5) Utility connections. Reasonable efforts shall be made to place all utility connections from the solar installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.
- (6) Visibility. Solar ENERGY systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways or adjacent residentially-zoned PARCELS~~property~~. To the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
- (7) Glare. No solar ENERGY SYSTEM ~~power plant~~ shall produce glare that would constitute a nuisance to occupants of neighboring PARCELS~~properties~~ or persons traveling neighboring roads.
- (8) Lighting. Lighting of the solar ENERGY SYSTEM ~~power plant~~ and accessory structures shall be limited to the minimum necessary for safety and operational purposes, and shall be reasonably shielded from abutting properties. LIGHTING SHALL BE ACTIVATED BY MOTION SENSORS AND SHALL BE FULLY SHIELDED AND DOWNCAST TO PREVENT LIGHT FROM SHINING ONTO ADJACENT PARCELS OR INTO THE NIGHT SKY.

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(9) Fencing. A secure chain-link fence at least **SIX** seven feet in height shall enclose the entire solar **ENERGY SYSTEM** facility to restrict unauthorized access.

(10) **IN ADDITION TO THESE DESIGN STANDARDS, ALL SOLAR ENERGY SYSTEMS SHALL MEET ALL APPLICABLE STATE REGULATIONS AND PERMIT REQUIREMENTS.** ~~Screening. Every abutting property shall be visually screened from the project through any one or combination of the following: location, distance, plantings, existing vegetation or fencing~~

C. Decommissioning. The solar **ENERGY SYSTEM** ~~electricity~~ facility shall be completely decommissioned by the facility owner within twelve (12) months after the end of the **ENERGY PRODUCING** ~~useful life~~, 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** ~~so~~ that any agricultural ground upon which the facility was located is again tillable and suitable for agricultural uses. **ANY COMPONENTS OF THE SOLAR ENERGY SYSTEM BURIED GREATER THAN THREE (3) FEET MAY REMAIN TO AVOID UNECESSARY TOPSOIL DISTRUBANCE.** Disturbed earth shall be graded and re-seeded unless the land owner 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 a mechanism for calculating increased removal costs due to inflation. **BOTH A DECOMMISSIONING PLAN AND** ~~Such~~ estimate costs shall be submitted by the owner and subject to approval by the county prior to issuance of any permits required.

D. Signs. A SIGN, NOT TO EXCEED ONE (1) SQUARE FOOT, SHALL BE POSTED AT EACH ENTRANCE TO THE SOLAR ENERGY SYSTEM TO IDENTIFY THE PROPERTY OWNER, THE SOLAR ENERGY SYSTEM OWNER, AND 24-HOUR EMERGENCY CONTACT PHONE NUMBER, AND ~~The manufacturers' or installers' identification and 24-hour emergency contact phone number.~~ **INFORMATON ON THE SIGN SHALL BE KEPT CURRENT. THE SIGN** shall be ~~provided along with appropriate warning signage shall be~~ posted at the site in a clearly visible manner.

E. ~~Interconnection agreement. A copy of the interconnection agreement with the local electric utility company must be provided or a written explanation from the utility company outlining why an interconnection agreement is not necessary for the installation of an interconnected customer owned generator.~~ Agreements/easements. If the land on which the project is proposed is to be leased, rather than owned, by the solar energy development company, all property within the project boundary must be included in a recorded easement(s), lease(s) or consent agreement(s) specifying the applicable uses for the duration of the project.

G. F. Public safety. Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, etc., which may be created by the project.

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H. G. FAA. Must demonstrate compliance with federal aviation administration (faa) regulations pertaining to hazards to air navigation.

I. H. Project rationale. Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy must be provided.

J. I. Site and development plans. A site plan drawn at an appropriate scale shall be provided identifying the following:

(1) AT THE TIME OF APPLICATION, A CONCEPT PLAN DRAWN AT AN APPROPRIATE SCALE SHALL BE PROVIDED IDENTIFYING THE FOLLOWING:

- i. A COPY OF THE INTERCONNECTION APPLICATION OR A WRITTEN EXPLANATION WHY AN INTERCONNECTION AGREEMENT IS NOT NECESSARY FOR AN INTERCONNECTED CUSTOMER-OWNED GENERATOR.
- 1) ii. PARCEL Property lines, setbacks and physical features including access routes and proposed road improvements;
- 2) iii. All existing and proposed structures including impervious surface calculations;
- 3) iv. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures;
- 4) ~~Blueprints or drawings of the solar installation showing the proposed layout of the system and any potential shading from nearby structures or vegetation;~~
- 5) v. Any existing residential dwellings within one-quarter mile of THE SOLAR ENERGY SYSTEM PROJECT ~~a photovoltaic solar project or one-half mile of a concentrated solar project;~~
- 6) vi. Existing utilities and transmission lines, proposed utility lines, and utility and maintenance structures
- 7) vii. Existing topographic contours and mapped soils;
- 8) viii. Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
- 9) ix. Revegetation areas and methods;
- 10) x. Dust and sediment and erosion control;
- 11) xi. Proposed stormwater management measures;
- 12) xii. Any floodplains or wetlands; and
- 13) xiii. Fencing LOCATION details
- 14) xiv. Total site acreage;
- 15) xv. Landscape and buffer areas;
- 16) ~~The number of panels to be installed, the proposed location and spacing of solar panels, and location of any associated accessory structures~~
- 17) ~~An operation and maintenance plan~~
- 18) ~~Landscape plan.~~

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(2) BEFORE FINAL APPROVAL, A MAJOR SITE PLAN DRAWN AT AN APPROPRIATE SCALE SHALL BE PROVIDED IDENTIFYING ALL ITEMS LISTED IN (1), AS WELL AS:

- i. ENGINEERED DRAWINGS OF THE SOLAR INSTALLATION SHOWING THE PROPOSED LAYOUT OF THE SYSTEM AND ANY POTENTIAL SHADING FROM NEARBY STRUCTURES OR VEGETATION;
- ii. THE NUMBER OF PANELS TO BE INSTALLED, THE PROPOSED LOCATION AND SPACING OF SOLAR PANELS, AND LOCATION OF ANY ASSOCIATED ACCESSORY STRUCTURES
- iii. AN OPERATION AND MAINTENANCE PLAN
- iv. LANDSCAPE AND LANDSCAPE MAINTENANCE PLAN
- v. A COPY OF THE INTERCONNECTION AGREEMENT OR A WRITTEN EXPLANATION WHY AN INTERCONNECTION AGREEMENT IS NOT NECESSARY.

SECTION 3. §175-85, Solar Energy Systems, of the Code of Public Local Laws of Caroline County, Maryland is hereby transferred to § Article V – Supplementary Regulation, Section 175-46.

SECTION 4. §175-86, Accessory Ground-Mounted Solar Power Electric Generation Structures, of the Code of Public Local Laws of Caroline County, Maryland is hereby renumbered as to § Article IV – Accessory Structures and Uses, Section 175-85.

SECTION 5. Matter deleted is shown by ~~strikethrough~~. Matter added is shown in **BOLD CAPITALIZATION**. Matter added by Amendment is shown by ***BOLD ITALICIZED CAPITALIZATION***. Matter deleted by Amendment is shown by ~~double-strikethrough~~.

SECTION 6. The Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Bill.

SECTION 7. The provisions of this Ordinance are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance 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 Ordinance, it being the intent of the County that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 8. 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

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

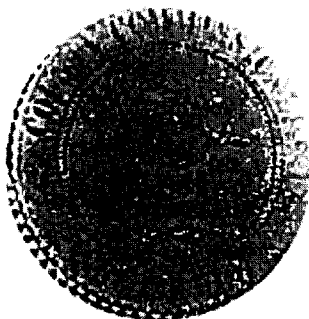
**SECTION 10.** This Ordinance shall take effect on December 12, 2017

Enacted this 12<sup>th</sup> day of December 2017.

**ATTEST:**

Jennifer M. Farina  
Jennifer M. Farina  
Administrative Coordinator

(SEAL)



**COUNTY COMMISSIONERS OF  
CAROLINE COUNTY, MARYLAND**

D. J. Franklin  
Daniel J. Franklin, President

Larry C. Porter  
Larry C. Porter, Vice President

Wilbur Levengood, Jr.  
Wilbur Levengood, Jr., Commissioner

STATE OF MARYLAND CAROLINE COUNTY  
FILED FOR RECORD

At 11:00 o'clock am on 12/13/2017  
and duly recorded in Liber FDM 2  
Folio 462 one of the Ordinance  
record books for the aforesaid and  
Dale Migner Clerk  
Recording Fee 0

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