

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

EMERGENCY BILL 25-04

BY: Commissioners Abbott, Bertino, Elder, Fiori, Mitrecic, and Purnell

INTRODUCED: August 19, 2025

AMENDED:

AN EMERGENCY BILL ENTITLED

AN ACT Concerning

Zoning – Solar Energy Systems
and
Public Health - Nuisances

For the purpose of amending the Zoning and Subdivision Control Article to amend definitions for solar energy systems; refine the review process for utility scale solar systems; and add decommissioning procedures and bonding for certain systems. To amend the Public Health Article to add non-decommissioned solar energy systems as a public nuisance.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-344(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the repeal of the definition of “solar energy power system” and the replacement of the term “solar energy system” to read as follows:

SOLAR ENERGY SYSTEM — Any device or facility that converts solar energy into electrical energy either directly, as in the case of photovoltaic cells, or indirectly by first capturing and/or concentrating solar radiation for the purpose of converting any liquid to a gas used to fuel or propel an electrical generator. All references herein to the rated capacity of solar systems or equipment are as stated in the manufacturer's maximum power rating for the solar panel system as alternating current (AC) wattage.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-344(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the repeal of the definition of “solar energy system, large” and the replacement of the term “solar energy system, major” to read as follows:

SOLAR ENERGY SYSTEM, MAJOR — A ground-mounted solar energy system with a rated capacity of more than two hundred kilowatts up to and including two megawatts, ~~the principal purpose of which is to provide electrical power for sale to the general power grid or to be sold to other power consumers through a power purchase agreement as part of a net metering project which may include both physical or virtual aggregation, or be consumed on-site.~~

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-344(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the repeal of the definition of “solar energy system, medium” and the replacement of the term “solar energy system, minor” to read as follows:

SOLAR ENERGY SYSTEM, MINOR — A ground-mounted solar energy system with a rated capacity of no more than two hundred kilowatts or a roof mounted solar energy system of any capacity and serving, or designed to serve, any agricultural, residential, commercial, institutional or industrial use the principal purpose of which is intended to reduce on-site consumption of utility power by generating electricity on a single lot or parcel or group of adjacent lots or parcels.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-344(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the deletion of a definition of the term “solar energy system, small”.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-344(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the repeal of the definition of “solar energy system, utility scale” and the replacement of the term “solar energy system, utility” to read as follows:

SOLAR ENERGY SYSTEM, UTILITY— A ground-mounted solar energy system with a rated capacity in excess of two megawatts, ~~the principal purpose of which is to provide electrical power for sale to the general power grid.~~

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-344(d) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (d) Solar energy system or heating equipment. Solar energy systems and solar energy heating equipment shall be permitted subject to the following conditions and limitations:
 - (1) Minor solar energy systems and solar energy heating equipment shall be permitted in all zoning districts subject to the following requirements:
 - A. Solar energy heating equipment may be a part of or attached to a principal or accessory structure located on a site and shall be subject to the same setback and height limitations of said structure except as may be modified by § ZS 1-305(k)(1)D hereof. Where not a part of or attached to a principal or accessory structure, solar energy heating equipment shall be considered an accessory use on any lot or parcel of land and shall be subject to the setback and height limitations as contained in the particular zoning district for other customary

accessory structures which are directly incidental to the permitted principal uses and structures on the site.

- B. Minor solar energy systems may be attached to or a part of a principal or accessory structure located on a site or may be located as freestanding independent arrays, systems or structures. In all cases they shall be subject to the setback and height limitations for the principal structure.
- C. All mechanical equipment associated with and necessary for the operation of the solar energy system shall not be located in the minimum front yard setback and shall be subject to the setback requirements for customary accessory structures in the zoning district.
- D. All mechanical equipment shall be screened from any adjacent property which is in the R-1, R-2, R-3, R-4 or V-1 Districts or used for residential purposes. The screen shall consist of shrubbery, trees or other ornamental or natural vegetation sufficient to provide an immediate visual barrier to the equipment. In lieu of a vegetative screen a decorative fence may be used.
- E. All solar panels shall be situated in such a manner as to prevent concentrated solar radiation or glare from being directed onto adjacent properties, roads, or public gathering places.
- F. All power transmission lines for freestanding ground-mounted solar energy systems or pipes from solar energy heating equipment connecting freestanding systems to a building shall be located underground.
- G. Signage or text on solar energy systems may be used to identify the manufacturer, equipment information, warning or ownership but shall not be used to display any commercial advertising message or anchor any streamers, balloons, flags, banners, ribbons, tinsel or other materials to attract attention.
- H. Any ground-mounted system which has not produced any electricity for a period of twelve months or more or found to be unsafe by the Building Official shall be considered abandoned and, as such, shall be repaired or decommissioned and removed by the property owner. The decommissioning shall include the removal of the solar energy system and all equipment, electrical components, support structures, cabling, or any other part of the system that is at ground level or above. The property owner shall be responsible for completing the decommissioning within ninety days of abandonment.
- I. Individual photovoltaic cells or small groups of such cells attached to and used to either directly power, or charge a battery which does so, an individual device such as a light fixture, fence charger, radio or water pump shall not be considered as a minor solar energy system as defined herein and may be used

in any zoning district without regard to lot or setback requirements.

- (2) Major and utility solar energy systems with a rated capacity over one megawatt shall comply with the provisions of § 7-218 of the Public Utilities Article, Annotated Code of Maryland, as from time to time amended. The County Commissioners may adopt policies for the approval of modifications to the standards listed therein.
- (3) Major and utility solar energy systems shall be set back a minimum of one hundred feet from all property lines. Notwithstanding the provisions of § ZS 1-116, the Planning Commission or County Commissioners may reduce the setback for any system subject to the provisions of § 7-218 of the Public Utilities Article, Annotated Code of Maryland, as from time to time amended.
- (4) All major solar energy systems with a rated capacity of more than two hundred kilowatts up to and including one megawatt shall provide a vegetated buffer along all sides of the facility between any fencing and the property line. Existing landscaped or forested areas on the property may be considered as part of the buffer, if they are determined by the Department to be of sufficient width and vegetative density to meet the intent of this section. The buffer shall consist of staggered, four-season plantings, including a mix of evergreen and deciduous vegetation and in accordance with the provisions of § ZS 1-322 hereof.
- (5) All major solar energy systems shall be reviewed and processed as a major site plan in accordance with the provisions of § ZS 1-325 hereof.
- (6) Utility solar energy systems shall be reviewed in accordance with a two-step process. The first step must be completed in its entirety, including the obtaining of all necessary decisions, prior to proceeding to the second step.
 - A. Step I concept plan approval. In this step the applicant shall submit a draft environmental review document as specified in COMAR 20.79.02-.04 and a concept site plan as specified in COMAR 20.79.03.01 as from time to time amended. This submission shall constitute the application for a utility solar energy system.
 1. The Department shall review the concept plan and written information. The Department may request additional information from the applicant and may require changes or make suggestions to the applicant with regard to the application and its conformance with other sections of the Zoning and Subdivision Control Article and other pertinent laws and programs. The Department shall prepare a report to the County Commissioners of its findings and recommendations, a copy of which shall also be supplied to the applicant. The findings shall include:
 - (i) A statement or finding whether the proposed project is consistent

with the current Comprehensive Plan.

- (ii) A statement or finding whether the proposed project is consistent with the Zoning and Subdivision Control Article.
- (iii) Compliance with or modifications requested to the provisions of § 7-218 of the Public Utilities Article, Annotated Code of Maryland, as from time to time amended.
- (iv) Suggestions for improving or modifying the application.

- 2. The County Commissioners shall consider the application and recommendation of the Department within ninety days of receipt of the Department's report, unless extended by a majority vote of the County Commissioners. The County Commissioners shall review the application and the Department's report and shall find the application consistent or inconsistent with the required findings. Should the County Commissioners fail to render a decision on the application within six months of their review, the findings outlined in the Department's report shall be adopted as the final report.

- B. Step II master site plan approval. Upon completion of Step I the project shall be reviewed and processed as a major site plan in accordance with the provisions of § ZS 1-325 hereof.

- (7) Decommissioning. Major and utility solar energy systems shall provide a decommissioning plan and bond for review and approval by the Department as part of the site plan review process.

- A. The plan shall include:

- 1. The expiration date of the contract, lease, easement, or other agreement for installation of the solar energy system and a timeframe for removal of the solar energy system within one year following termination of the use.
- 2. A requirement that the operator or property owner provide the Department with written notice whenever the solar energy system is out of active production for more than six months. At any point in time that the Department suspects that a solar energy system is no longer in active production, the operator and property owner grant the Department the right to conduct an on-site inspection. Any facility that ceases to produce electricity for twelve months shall be considered abandoned.
- 3. An initial cost estimate prepared by an independent certified professional engineer approved by the county for decommissioning, dismantling, restoration of the site and lawful disposal of all components. While

recycling and reuse of materials is recommended, the salvage costs shall not be deducted from the overall estimate.

4. A decommissioned site shall be restored to its original predevelopment condition within twelve months of the proposed date of discontinued operation or abandonment. Restoration to predevelopment conditions shall be documented in the decommissioning plan and include:
 - (i) Removal of all above and below ground solar electric systems, buildings, cabling, electrical components, foundations, pilings, and any other associated facilities.
 - (ii) Disposal of all solid and hazardous waste shall be in accordance with local, state, and federal waste disposal regulations.
 - (iii) Removal of all concrete pads, graveled areas, fences, and access roads unless agreement is presented, in writing, in which the property owner agrees for these features to remain.
 - (iv) Removal of substations, overhead poles, and/or aboveground electric lines located on-site or within a public right-of-way that are not usable by any other public or private utility.
 - (v) Replacement of topsoil removed or eroded.
 - (vi) Re-vegetation of disturbed areas with native seed mixes and plant species suitable to the area or evidence of an approved nutrient management plan.
 - (vii) Onsite burial of any material associated with the solar energy generating system during restoration of the site to predevelopment conditions is prohibited.
 - (viii) A REQUIREMENT TO PROVIDE A GEOTECHNICAL REPORT TO THE COUNTY IDENTIFYING THE ACTIONS TAKEN TO RESTORE THE SITE TO PREDEVELOPMENT CONDITIONS, INCLUDING AN ASSESSMENT OF SOIL CONDITIONS, AND ANY MONITORING ACTIVITIES THAT MAY BE REQUIRED.
 - (ix) ~~(viii)~~A requirement for county inspection and approval of the decommissioning and reclamation of the site before the release of any financial surety.

- B. Failure to comply with the requirements of this section shall authorize, but not require, the county to remove the solar energy system and restore the site to its predeveloped condition at the expense of the operator or property owner. Any

unpaid and delinquent statement shall become a lien upon all real estate and personal property of the subject in the same manner as delinquent taxes and a notation shall be made upon the tax records of the County Finance Officer.

- C. Prior to issuance of a building permit, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form acceptable to the county to secure payment of 125% of the anticipated cost of removal of associated site improvements and restoration of the site to its predevelopment condition. The financial assurance will be reviewed and approved by the Department and shall remain in full force and effect while the solar energy generating system remains in place. The financial assurance shall be established with automatic renewals.
 - 1. Every five years, the operator shall provide the Department with an updated cost estimate prepared by an independent certified professional engineer for decommissioning and restoration of the site. The Department may increase or decrease the amount of financial surety required if the county determines, in its sole discretion, that the posted security no longer equals 125% of the decommissioning cost.
 - 2. Before decommissioning can commence, a decommissioning cost estimate must be prepared by an independent certified professional engineer, regardless of the amount of time that has passed since the prior cost estimate. If the change in the estimated cost to decommission and restore the site exceeds the current financial surety, then the financial surety shall be increased to reflect the new estimated costs.
- D. Notice must be provided to the County within 30 days of the sale or transfer of the lease or property, and a new financial guarantee must be provided by the new lease holder or property owner.
- E. Decommissioning must be completed within twelve months of the proposed date of discontinued operation or abandonment. If decommissioning is not successfully completed within twelve months, the solar energy system becomes a nuisance and the County may act in accordance with § PH 1-101(a)(14) of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland.

Section 7. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-305(k)(1)D of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- D. Bay windows, balconies, chimneys and solar energy heating equipment may project a distance not to exceed three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the wall on which they are located.

Section 8. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-105(c)(6) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (6) Minor solar energy systems and solar energy heating equipment, subject to the requirements of § ZS 1-344(d) hereof.

Section 9. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-201(b)(18) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (18) Major and utility solar energy systems in accordance with the provisions of §§ ZS 1-325 and ZS 1-344 hereof.

Section 10. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-202(b)(19) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (19) Major and utility solar energy systems in accordance with the provisions of §§ ZS 1-325 and ZS 1-344 hereof.

Section 11. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-203(c)(15) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and subsections § ZS 1-203(c)(16) through § ZS 1-203(c)(20) be renumbered as § ZS 1-203(c)(15) through § ZS 1-203(c)(19).

Section 12. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Subsection § ZS 1-203(b)(17) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

- (17) Major and utility solar energy systems in accordance with the provisions of §§ ZS 1-325 and ZS 1-344 hereof.

Section 13. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-204(c)(17) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and subsections § ZS 1-204(c)(18) through § ZS 1-204(c)(20) be renumbered as § ZS 1-204(c)(17) through § ZS 1-204(c)(19).

Section 14. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Subsection § ZS 1-204(b)(12) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

- (12) Major and utility solar energy systems in accordance with the provisions of §§ ZS 1-325 and ZS 1-344 hereof.

Section 15. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-209(c)(14) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and subsections § ZS 1-209(c)(15) through § ZS 1-209(c)(17) be renumbered as § ZS 1-209(c)(14) through § ZS 1-209(c)(16).

Section 16. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Subsection § ZS 1-209(b)(12) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

- (12) Major and utility solar energy systems in accordance with the provisions of §§ ZS 1-325 and ZS 1-344 hereof.

Section 17. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-210(c)(15) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and subsections § ZS 1-210(c)(16) through § ZS 1-210(c)(17) be renumbered as § ZS 1-210(c)(15) through § ZS 1-210(c)(16).

Section 18. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Subsection § ZS 1-210(b)(~~24~~ 22) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

- (~~24~~ 22) Major and utility solar energy systems in accordance with the provisions of §§ ZS 1-325 and ZS 1-344 hereof.

Section 19. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-211(c)(10) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and subsections § ZS 1-211(c)(11) through § ZS 1-211(c)(12) be renumbered as § ZS 1-211(c)(10) through § ZS 1-211(c)(11).

Section 20. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Subsection § ZS 1-211(b)(27) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

- (27) Major and utility solar energy systems in accordance with the provisions of §§ ZS 1-325 and ZS 1-344 hereof.

Section 21. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-212(b)(21) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (21) Major and utility solar energy systems in accordance with the provisions of §§ ZS 1-325 and ZS 1-344 hereof.

Section 22. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-213(b)(24) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (24) Major and utility solar energy systems in accordance with the provisions of §§ ZS 1-325 and ZS 1-344 hereof.


Section 23. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § PH 1-101(a)(14) of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland be renumbered as § PH 1-101(a)(15) and a new subsection § PH 1-101(a)(14) be enacted to read as follows:

- (14) A major or utility solar energy system not successfully decommissioned within twelve months of the proposed date of discontinued operation or abandonment pursuant to § ZS 1-344(d)(7) of the Zoning and Subdivision Control Article of the Public Local Laws of Worcester County.

Section 24. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect immediately upon passage.

Attest:

Worcester County Commissioners




Weston S. Young
Chief Administrative Officer



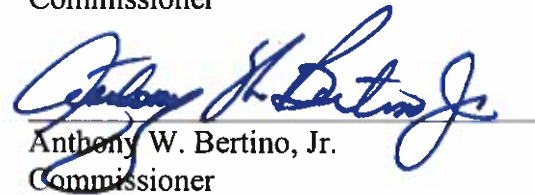
Theodore J. Elder
President



Eric J. Fiori
Vice President

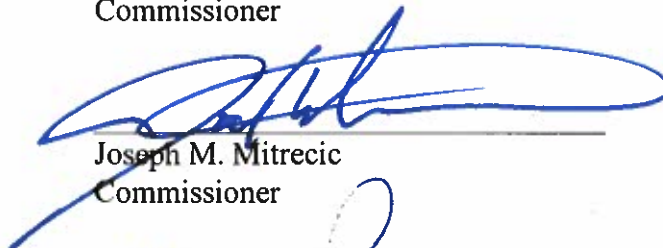


Caryn G. Abbott
Commissioner

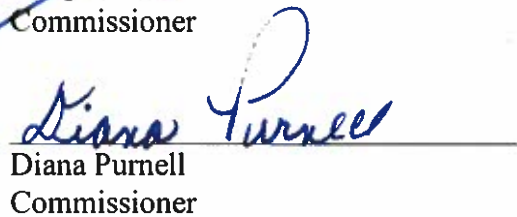


Anthony W. Bertino, Jr.
Commissioner

Madison J. Bunting, Jr.
Commissioner



Joseph M. Mitrecic
Commissioner



Diana Purnell
Commissioner

