

**ORDINANCE NO.:** [233]

**INTRODUCED:** [April 6, 2026Date]

**PUBLIC HEARING:** [Date]

**EFFECTIVE:** [Date]

## **COMMISSIONERS OF POOLESVILLE**

AN ORDINANCE of the Town of Poolesville, Maryland, to amend Appendix B of the Poolesville Code, title "Zoning," to add definitions and provisions for solar energy generating stations and front-of-the-meter energy storage systems in compliance with Chapter 623 of the Acts of the General Assembly of 2025 (Renewable Energy Certainty Act); establishing such uses as permitted by right in the Rural Density (PRD) Zone subject to site plan review and state-compliant standards; providing non-conflicting local regulations for lot coverage and viewshed protection; and generally relating to the regulation of renewable energy facilities.

WHEREAS, the Renewable Energy Certainty Act (codified in Maryland Public Utilities Article §§ 7-207, 7-207.4, 7-218, et al.) prohibits local jurisdictions from adopting zoning laws that prohibit the construction or operation of solar energy generating stations or denying site development plans that meet state criteria; and

WHEREAS, the Act requires municipalities to provide a lawful pathway for solar energy generating stations less than 2 megawatts (MW) and front-of-the-meter energy storage systems, as permitted uses without special exceptions or conditional approvals; and

WHEREAS, the Act establishes standardized state siting requirements (including setbacks, height limits, and vegetative screening) that local regulations may not conflict with, while preserving local authority for non-conflicting administrative reviews and permits; and

WHEREAS, the Commissioners of Poolesville find it necessary and in the public interest to amend the Zoning Ordinance to comply with the Act by allowing such uses in the Rural Density (PRD) Zone, subject to expedited site plan review, to balance renewable energy development with agricultural preservation, environmental protection, and community character.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Poolesville, Maryland, that:

**Section 1.** Sec. 14 (Definitions) of Appendix B is hereby amended by adding the following new definitions in alphabetical order:

- **Front-of-the-Meter Energy Storage System:** A device or system that stores electrical energy for later delivery to the electric grid, not primarily for on-site consumption, as defined and regulated under Maryland Public Utilities Article § 7-218.
- **Solar Energy Generating Station:** A facility or system for the generation of electricity from solar energy that is designed to provide energy to the electric grid or for off-site consumption, including community solar energy generating systems as defined in Maryland Public Utilities Article § 7-306.2, with a nameplate capacity of less than 2 megawatts (MW) alternating current. This does not include solar arrays intended solely for on-site use.
- **Viewshed:** means a geographical area that is visible from a certain location. It includes all surrounding points that are in line-of-sight with that location and excludes points that are beyond the horizon or obstructed by terrain and other features. Including visuals of historic or cultural significance.

**Section 2.** The Use Chart in Sec. 3 (or applicable section containing the permitted uses table, as shown on page 19 of the Ordinance) is hereby amended by adding the following new uses under the appropriate category (e.g., Utilities or similar):

Use	PR 1/3	PR 1/2	PR 3/4	PTR 2+	PR- MUL	PRD	P- COMM	CAD
Solar Energy Generating Station (<2 MW)	-	-	-	-	-	P	-	-
Front-of-the-Meter Energy Storage System	-	-	-	-	-	P	-	-

Where "P" means Permitted by Right, subject to the standards in the new Sec. 3. E and site plan review.

**Section 3.** A new Sec. 3. E (Solar Energy Generating Stations and Front-of-the-Meter Energy Storage Systems) is hereby added to read as follows:

### **Sec. 3.E. Standards for Solar Energy Generating Stations and Front-of-the-Meter Energy Storage Systems.**

1. **Applicability:** These standards apply to all Solar Energy Generating Stations (<2 MW) and Front-of-the-Meter Energy Storage Systems permitted in the PRD Zone. Such uses are permitted by right on parcels of at least 25 acres, subject to expedited site plan review by the Planning Commission. No special exception or conditional use approval shall be required.
2. **State Compliance:** All facilities shall comply with the standardized siting and design requirements adopted by the Maryland Public Service Commission under Public Utilities Article § 7-207.4, including but not limited to: a. Minimum setbacks: 150 feet from the wall of the nearest dwelling; 100 feet from property lines; 50 feet from public rights-of-way. b. Maximum height: 20 feet for solar arrays. c. Vegetative screening: All-season screening along all property lines, at least 35 feet wide and 4 feet tall at planting. d. Accessory structures: Set back at least 15 feet from property lines. e. other state criteria for forest conservation, agricultural preservation, stormwater management, and environmental protection.
3. **Public Hearing:** The Maryland Public Services Commission is required to hold a public hearing in the community in which the solar generating station is planned. This provision requires the Town to help advertise the public hearing and to make a recommendation to the Public Service Commission on the solar application.

Upon receipt of an application for a solar generating station or energy storage, the Planning Commission will schedule a meeting to review the application and to make a recommendation to the town commissioners.

The Planning Commission will determine whether the application is compatible with the comprehensive plan and the town's zoning requirements and will provide feedback on other considerations under state law, such as aesthetics, economics, and historic resources in the town.

The Town Commissioners shall vote on the Planning Commission's recommendation. The Commissioners will send a letter to the Public Services Commission verifying that the application has met the requirements of all local permits and will provide the Planning Commission's recommendation before the Public Services Commission's public hearing.

The Town shall not impose requirements more restrictively than these state standards or deny a site plan that meets them.

4. **Local Standards:** In addition to state requirements, the following non-conflicting standards apply:
  - a. **Lot Coverage:** Solar arrays and associated impervious surfaces shall not exceed 50% of the lot area. Pervious areas beneath solar panels may be excluded from this calculation if designed to allow stormwater infiltration and vegetation growth.
  - b. **Viewshed Protection:** The facility shall be sited and designed to minimize adverse visual impacts on adjoining properties' viewsheds. This may include additional vegetative screening beyond state minimums, topography-sensitive placement, or low-profile designs, as determined feasible by the Planning Commission during site plan review. This standard shall not be used to deny approval if the project otherwise meets state criteria.
  - c. **Dual Use:** A solar generating station shall also be a dual-use site with a compatible agricultural use, such as a pollinator patch or as grazing land for sheep.
5. **Site Plan Review:** A site plan shall be submitted to the Planning Commission for expedited review and approval prior to issuance of building, grading, or other local administrative permits. The review shall be completed within 90 days of a complete submission (or 180 days for complex projects), or deemed approved. per Public Utilities Article § 7-207(h). The site plan shall demonstrate compliance with state and local standards, including layout, access, stormwater management, and decommissioning plans.
6. **Other Permits:** Building, stormwater management, sediment control, and other non-zoning permits remain required and shall be processed expeditiously.
7. **Decommissioning:** A decommissioning plan and financial assurance (e.g., bond) shall be provided to ensure removal and site restoration if the facility ceases operation for 12 consecutive months.

**Section 4.** All other provisions of Appendix B not specifically amended herein shall remain in full force and effect.

**Section 5.** This Ordinance shall take effect [Date, 20 days after adoption or as provided by law].

ADOPTED this [Date] day of [Month], 2026, by the Commissioners of Poolesville.

By: \_\_\_\_\_ [Name], President Commissioners of  
Poolesville

ATTEST: \_\_\_\_\_ Town Clerk

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