

Anne Arundel County Solar and Wind Zoning

This document provides a compilation of excerpts from the Anne Arundel County Code applicable to the siting of solar and wind projects. Specifically, the excerpts include definitions of solar and wind projects, zoning exclusions, use regulations, and setback and height regulations for solar and wind structures.

Guidance for Viewing Excerpts

SOLAR

Summary

- The Anne Arundel County Code uses the term “Solar Energy Generating Facility – Utility Scale” to refer to large-scale solar projects. A Solar Energy Generating Facility – Utility Scale project is defined as an industrial-scale, renewable energy generating facility as a principal use that uses energy from the sun to produce electricity for sale to a regional wholesale electricity market through transmission lines and not to end-users.
 - Permitted in Residential Agricultural (RA) districts by special exception of the Anne Arundel County Administrative Hearing Officer.
 - Permitted in Industrial Park (W1), Light Industrial (W2), and Heavy Industrial (W3) districts, subject to conditions laid out in the Anne Arundel County Code.
 - Rooftop-mounted Solar Energy Generating Facility – Utility Scale projects are permitted in Highway Commercial (C4) districts, subject to conditions laid out in the Anne Arundel County Code.

Relevant Sections of the Anne Arundel County Code

- **Anne Arundel County Code, 2005: Article 18: Zoning.**
 - Title 1. Definitions: Definitions for " Solar Energy Generating Facility – Utility Scale ", and "Solar Panel" (§ 18-1-101. Pg. 11).
 - Title 4. Residential Districts: Subtitle 1: In General: Use Table for “Solar Energy Generating Facility – Utility Scale” (§ 18-4-106).
 - Title 5. Commercial Districts: Subtitle 1. In General: Uses Table (§ 18-5-102).
 - Title 6. Industrial Districts: Subtitle 1. In General: Use Table (§ 18-6-103).
 - Title 10. Requirements for Conditional Uses for “Solar Energy Generating Facility – Utility Scale” (§ 18-10-148).
 - Title 11. Requirements for Special Exception Uses for “Solar Energy Generating Facility – Community” (§ 18-11-158).

SMALL SOLAR

Summary

- The Anne Arundel County Code defines small-scale solar energy projects as either “Solar Energy Generating Facility – Accessory” or “Solar Energy Generating Facility – Community.”
 - Solar Energy Generating Facility – Accessory is defined as a renewable energy generating facility that uses energy from the sun to produce electricity for on-site use as accessory to a principal use, for which excess electricity generated and not immediately utilized for on-site use or temporarily stored for future on-site use may be provided to a utility company in exchange for a credit.
 - Permitted in all districts.
 - Solar Energy Generating Facility – Community is defined as an industrial scale, renewable energy generating facility as a principal use that is not an aggregate net energy facility, uses energy from the sun to produce electricity for delivery through distribution lines to end-users, and does not exceed 2 MW of output.¹
 - Permitted in Residential Agricultural (RA) districts by special exception of the Anne Arundel County Administrative Hearing Officer.
 - Permitted in Industrial Park (W1), Light Industrial (W2), and Heavy Industrial (W3) districts, subject to conditions laid out in the Anne Arundel County Code.
 - Rooftop-mounted Solar Energy Generating Facility – Community projects are permitted in Highway Commercial (C4) districts, subject to conditions laid out in the Anne Arundel County Code.

Relevant Sections of the Anne Arundel County Code

- **Anne Arundel County Code, 2005: Article 18: Zoning.**
 - Title 1. Definitions: Definitions for "Solar Energy System - Accessory", "Solar Energy System – Community", and "Solar Panel" (§ 18-1-101. Pg. 11).
 - Title 4. Residential Districts: Subtitle 1: In General: Uses Table for “Solar energy generating facility – accessory” and “Solar energy generating facility – community” (§ 18-4-106).
 - Title 5. Commercial Districts: Subtitle 1. In General: Uses Table (§ 18-5-102).
 - Title 6. Industrial Districts: Subtitle 1. In General: Use Table (§ 18-6-103).
 - Title 7. Maritime Districts: Subtitle 1. In General: Use Table for “Solar energy generating facility – accessory” (§ 18-7-107).

¹ Satisfies the requirements of § 7-306.2(a)(3) of the Public Utilities Article of the State Code as existing on July 1, 2018, and is part of the Community Solar program approved by the Maryland Public Service Commission.

- Title 8. Mixed Use Districts: Subtitle 3. Uses under the Optional Method of Development: Use Table “Solar energy generating facility – accessory” (§ 18-8-301).
- Title 9. Other Zoning Districts for “Solar energy generating facility – accessory”:
 - Subtitle 2. OS/OS-C – Open Space Districts and Conservation Overlay: Use Table (§ 18-9-202).
 - Subtitle 3. TC - Town Center Districts: Uses Table (§ 18-9-302).
 - Subtitle 4. SB - Small Business Districts: Uses Table (§ 18-9-402).
- Title 10. Requirements for Conditional Uses for “Solar Energy Generating Facility – Community” (§ 18-10-147).
- Title 11. Requirements for Special Exception Uses for “Solar Energy Generating Facility – Community” (§ 18-11-157).
- Title 12. Special Uses:
 - Subtitle 1. Government Reuse Facilities:
 - Permitted Uses Table (§ 18-12-103a).
 - Auxiliary Uses Table (§ 18-12-103b).

WIND

Summary

- There are no specific zoning regulations surrounding large-scale wind energy projects. Correspondence with County officials has determined that large-scale wind energy projects are not permitted in any zoning district.

Relevant Sections of the Anne Arundel County Code

- No document available for viewing.

SMALL WIND

Summary

- The Anne Arundel County Code uses the term “Small Wind Energy System” to refer to small-scale wind energy projects and defines them as a system that generates energy for use on site and not for sale, and whose wind turbine height may not exceed 150 feet.
 - Small wind energy systems on a lot of least three acres: permitted in all Residential, Commercial, Industrial, and Maritime districts, subject to conditions laid out in the Anne Arundel County Code.

- Small wind energy systems on a lot of less than three acres: permitted by special exception in all Residential, Commercial, Industrial, and Maritime districts.

Relevant Sections of the Anne Arundel County Code

- **Anne Arundel County Code, 2005: Article 18: Zoning.**
 - Title 1. Definitions: Definitions for "Meteorological Tower", "Small wind energy system", and "Wind turbine" (§ 18-1-101. Pg. 7,11).
 - Title 4. Residential Districts: Subtitle 1: In General: Permitted, conditional, and special exception uses (§ 18-4-106) for "Small wind energy system or meteorological tower on a lot less than three acres" and "one small wind energy system or meteorological tower on a lot less than three acres".
 - Title 5. Commercial Districts: Subtitle 1. In General: Permitted, conditional, special exception, and business complex auxiliary uses (§ 18-5-102).
 - Title 6. Industrial Districts: Subtitle 1. In General: Permitted, conditional, and special exception uses (§ 18-6-103).
 - Title 7. Maritime Districts: Subtitle 1. In General: Permitted, conditional, and special exception uses (§ 18-7-107).
 - Title 10. Requirements for Conditional Uses (§ 18-10-146).
 - Title 11. Requirements for Special Exception Uses (§ 18-11-156).
 - Title 13. Critical Area Overlay: Small Wind Energy System (18-13-207).

Anne Arundel County Code, 2005

ARTICLE 18. ZONING**Title**

1. **DEFINITIONS**
 2. **GENERAL PROVISIONS**
 3. **PARKING, NONRESIDENTIAL OUTDOOR LIGHTING, AND SIGNAGE**
 4. **RESIDENTIAL DISTRICTS**
 5. **COMMERCIAL DISTRICTS**
 6. **INDUSTRIAL DISTRICTS**
 7. **MARITIME DISTRICTS**
 8. **MIXED USE DISTRICTS**
 9. **OTHER ZONING DISTRICTS**
 10. **REQUIREMENTS FOR CONDITIONAL USES**
 11. **REQUIREMENTS FOR SPECIAL EXCEPTION USES**
 12. **SPECIAL USES**
 13. **CRITICAL AREA OVERLAY**
 14. **OTHER OVERLAYS**
 15. **NONCONFORMING USES**
 16. **ADMINISTRATIVE HEARINGS**
 17. **ENFORCEMENT AND PENALTIES**
 18. **FEES**
- APPENDIX A – MAPS**

TITLE 1. DEFINITIONS**Section**

18-1-101. Definitions.

§ 18-1-101. Definitions.

Unless defined in this article, the Natural Resources Article of the State Code, or COMAR, words defined elsewhere in this Code apply in this article. The following words have the meanings indicated:

- (1) "Accessory" means a use or structure that customarily is incidental and subordinate to another use or structure.
- (2) "Adult bookstore" means a commercial establishment that has a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising from, or maintains a significant or substantial section of its sales or display space for the sale or rental, for any form of consideration, of any one or more of the following:
 - (i) books, magazines, periodicals, or other printed matter, or photographs, films, movies, videotapes, cassettes, compact discs, slides, or other visual representations that are characterized by their emphasis upon display of sexual

activities; or

- (ii) instruments, devices, or paraphernalia designed for use or marketed primarily for sexual activities.

For purposes of this definition, "sexual activities" means sadomasochistic abuse, sexual conduct, or sexual excitement, as those terms are defined in the Criminal Law Article, § 11-101, of the State Code.

- (3) "Adult day care center" has the meaning stated in the Health-General Article, § 24-701, of the State Code.

(4) "Adult movie theater" means a commercial establishment, including an adult film arcade with display devices, that regularly and routinely offers for viewing on the premises films, videos, or similar material characterized by an emphasis upon display of sexual activities, but the term does not include a hotel, motel, or similar place of accommodation that offers such films, videos, or similar material for viewing by guests in their rooms. For purposes of this definition:

(i) "Adult film arcade" means a commercial establishment that contains display devices for viewing films, videos, or similar material in viewing booths on the premises if a significant or substantial portion of the films, videos, or similar material available for viewing is characterized by an emphasis upon display of sexual activities;

(ii) "Display device" means an electronically or mechanically controlled still or motion picture machine, film projector, videotape player, DVD player, or other image-producing device that is activated by or at the request of a customer in return for money or any other form of consideration;

(iii) "Sexual activities" means sadomasochistic abuse, sexual conduct, or sexual excitement, as those terms are defined in the Criminal Law Article, § 11-101, of the State Code; and

(iv) "Viewing booth" means an enclosed or partially enclosed area for use by customers to view films, videos, or similar material by means of a display device.

(5) "Aggregate net energy facility" means an industrial scale, renewable energy generating facility that uses energy from the sun to produce electricity and that operates as a principal use to supply electricity generated at that location to one or more pre-specified locations, and is regulated by Maryland net metering rules and utility tariffs.

(6) "Agritourism" means a business enterprise on a farm related to agriculture or natural resources that is offered to the public or invited groups. Agritourism shall be accessory to a principal use of farming and shall be located on land that qualifies for an agricultural use assessment pursuant to the Tax-Property Article, § 8-209 of the State Code or that is covered by a current and active soil conservation and water quality plan approved by the Anne Arundel Soil Conservation District. Agritourism includes fishing; wildlife study; corn mazes; pumpkin patches; harvest festivals; field trips; hayrides; pick-your-own operations; farm tours; food services, including farm to table meals; farm museums; educational classes; and activities or events related to agriculture or natural resources, agricultural products, or agricultural skills.

(7) "Airfield" or "airport" means a facility for the takeoff, landing, fueling, and housing of aircraft, the discharging and receiving of passengers and cargo from or to the aircraft, and the provision of shelter and conveniences for passengers.

(8) "Animal hospital" or "veterinary clinic" means a structure used by a licensed veterinarian for the practice of veterinary medicine and may include the sale of pet supplies and the boarding and grooming of animals to the extent necessary to the practice of veterinary medicine.

(9) "Antenna structure" means the rigid part of an assembly that receives or transmits radio energy and the mast or tower on which the assembly is mounted, but does not include non-rigid items such as wire, cable, transmission lines, lightning rods, guy wires, or guy wire anchors.

- (10) "Arcade" means a facility with nine or more coin-operated amusement devices.

(11) "Assisted care unit" means a discrete living space within an assisted living facility intended to be occupied by individuals desiring or requiring to participate in an assisted living program as defined in the Health-General Article, § 19-1801, of the State Code, but does not include a comprehensive care unit.

(12) "Assisted living facility" means a facility with an assisted living program as defined in the Health-General Article, § 19-1801, of the State Code that is not a group home or a community-based assisted living facility.

(13) "Assisted living facility, community based" means a facility with an assisted living program as defined in the Health-General Article, § 19-1801, of the State Code that is not a group home and that houses no more than 16 residents other than staff.

(14) "Automobile and truck dismantling and recycling facility" means a facility that dismantles, tests, and cleans parts from inoperable motor vehicles and may include the sale of parts from dismantled motor vehicles.

(113) “Scenic or historic rural road” means a road shown on the official map entitled “Scenic and Historic Rural Roads, 2006” adopted by the County Council.

(114) “School, private academic” means a private institution that offers an academic course of instruction and that is operated by a religious facility or under a certificate of approval by the State Department of Education.

(115) “Self-service storage facility” means an arrangement of enclosed or unenclosed individual secured storage areas for sale, lease, or rent, but the term does not include storage for wholesale or retail activity, a freight or distribution center, or warehousing as part of a commercial or industrial operation.

(116) “Service organization” means an association of persons for the promotion of a common object or goal other than the operation of a profit-making business.

(117) “Setback” means a minimum distance between a lot line and a structure.

(118) “Shoreline” means the mean high-water line.

(119) “Sign” means any writing, letter, or numeric work, pictorial presentation, illustration or decoration, emblem, device, symbol, trademark, flag, banner, pennant, or any other device, figure, or character utilized to advertise, announce, identify, or make known or attract attention. The following types of signs have the meanings indicated:

(i) “Directional sign” means a sign that directs traffic to a use or area.

(ii) “Freestanding sign” means a sign that is permanently affixed to the ground and supported by one or more columns, uprights, or braces.

(iii) “Identification sign” means a sign attached to the facade of a structure that relates to a use located at the same location as the sign.

(iv) “Temporary sign” means a sign that is posted no more than 60 days before the project, event, or election to which it applies and removed within seven days after the conclusion of the project, event, or election.

(120) “Slip” means a water area used for the wet storage or temporary docking of a watercraft.

(121) “Small wind energy system” means a wind energy conversion system which may consist of a wind turbine, a tower and base, and associated control or conversion electronics for the purpose of generating energy for use on site and not for sale.

(122) “Solar energy generating facility – accessory” means a renewable energy generating facility that uses energy from the sun to produce electricity for on-site use as accessory to a principal use; for which excess electricity generated and not immediately utilized for on-site use or temporarily stored for future on-site use may be provided to a utility company in exchange for a credit or other compensation methodology as prescribed by the utility company, provided the property has existing electrical service supplied by the utility. If the facility is ground-based, the development of the facility shall be subject to Article 17 of this Code and the square footage of the solar panels for the system may not exceed the total square footage of the roofs of all existing structures on the site.

(123) “Solar energy generating facility – community” means an industrial scale, renewable energy generating facility as a principal use that is not an aggregate net energy facility, uses energy from the sun to produce electricity for delivery through distribution lines to end-users that satisfies the requirements of § 7-306.2(a)(3) of the Public Utilities Article of the State Code as existing on July 1, 2018, is part of a program approved by the Maryland Public Service Commission, and does not exceed two megawatts of output.

(124) “Solar energy generating facility – utility scale” means an industrial scale, renewable energy generating facility as a principal use that uses energy from the sun to produce electricity for sale to a regional wholesale electricity market through transmission lines and not to end-users.

(125) “Solar panel” means that part of a solar energy system containing one or more receptive cells or modules, the purpose of which is to capture solar energy.

(126) “Solid waste” means solid waste regulated by COMAR, Title 26.

(127) “Solid waste transfer station” means a facility where nonhazardous solid waste is taken from a collection vehicle, temporarily stored or stockpiled, and ultimately placed in a transportation unit for movement to another facility that is permitted under State law and regulation as a transfer station.

(128) “Stables or riding club” means a commercial or community facility used for the purpose of boarding, selling, riding, or training equines; teaching equestrian skills; or day camps related to those activities.

(150) “Wind turbine” means the parts of the small wind energy system including the blades, generator and tail mounted on a monopole, lattice or guyed structure or mounted on a building.

(151) “Winery” means a facility that has been issued a Class 3 or Class 4 Manufacturer’s License under Alcoholic Beverages Article of State Code.

(152) “Yacht club” means a private, nonprofit club with land and facilities owned or leased, maintained, controlled, and managed by the members that provides limited marina facilities for the use of members and their guests.

(153) “Yard” means the land area between the lot line and the principal structure, with a front and rear yard extending to the side lot line and a side yard extending to the front and rear lot lines.

(154) “Zoning certificate of use” means a certification issued by the Office of Planning and Zoning that authorizes a use in a specific zoning district.

(Bill No. 4-05; Bill No. 78-05; Bill No. 21-06; Bill No. 64-07; Bill No. 69-07; Bill 82-09; Bill No. 13-10; Bill No. 39-10; Bill No. 60-10; Bill No. 13-11; Bill No. 14-11; Bill No. 63-11; Bill No. 71-11; Bill No. 73-11; Bill No. 15-12; Bill No. 93-12; Bill No. 68-13; Bill No. 58-14; Bill No. 7-15; Bill No. 8-15; Bill No. 14-15; Bill No. 23-15; Bill No. 43-15; Bill No. 72-15; Bill No. 96-15; Bill No. 106-15; Bill No. 21-16; Bill No. 24-16; Bill No. 28-16; Bill No. 30-16; Bill No. 58-16; Bill No. 75-16; Bill No. 83-16; Bill No. 96-16; Bill No. 65-17; Bill No. 67-17; Bill No. 3-18; Bill No. 19-18; Bill No. 34-18; Bill No. 74-18; Bill No. 89-18; Bill No. 14-19)

TITLE 2. GENERAL PROVISIONS

Section

Subtitle 1. In General

- 18-2-101. Scope; applicability.
- 18-2-102. Policy.
- 18-2-103. Planning for future development.
- 18-2-104. Contents and review of the General Development Plan.
- 18-2-105. Zoning districts created.
- 18-2-106. Zoning map.
- 18-2-107. Zoning district line adjustments by County Council.
- 18-2-108. Administrative zoning district line adjustments.
- 18-2-109. Review of applications for alcoholic beverage licenses.
- 18-2-110. Preservation of historic and archaeological resources.
- 18-2-111. Compliance with other law.

Subtitle 2. Uses and Structures

- 18-2-201. Use requirements.
- 18-2-202. Zoning certificate of use.
- 18-2-203. Temporary uses.
- 18-2-204. Accessory structures.
- 18-2-205. Barbed-wire or electrified fences.
- 18-2-206. Outside storage.

Subtitle 3. Bulk Regulations

- 18-2-301. Setbacks.
- 18-2-302. Exceptions to height limitations.

Produce markets	C	C	C	C				
Public utility essential services	P	P	P	P	P	P	P	P
Public utility uses	SE	SE	SE	SE	SE	SE	SE	SE
Religious facilities on a lot of at least two acres with less than 300 onsite parking spaces	P		P	P	P	P	P	P
Religious facilities on a lot of at least two acres with 300 or more onsite parking spaces	SE		P	P	P	P	P	P
Religious facilities on a lot of at least 5 acres if the coverage for all buildings, including onsite parking, is not more than 30% of the lot		P						
Religious facilities, existing, with less than 300 onsite parking spaces that abut and have direct access to a collector or higher classification road	P	P	P	P	P	P	P	P
Restaurants, taverns, retail sales, and consumer services in a multifamily structure							C	C
Rifle, pistol, skeet, or archery ranges	SE		SE					
Roadside stands consisting of temporary seasonal structures that sell produce and other agricultural goods	P	P	P	P				
Rooming houses							P	P
Schools, private academic, in existence on or before May 12, 2005	P	P	P	P	P	P	P	P
Schools, public charter and private academic, with less than 125 onsite parking spaces	C	C	C	C	C	C	P	P
Schools, public charter and private academic, with 125 or more onsite parking spaces	SE	C	C	C	C	C	P	P
Small wind energy systems or meteorological towers on a lot of at least three acres	C	C	C	C	C			
One small wind energy system or meteorological tower on a lot less than three acres	SE	SE	SE	SE	SE			
Solar energy generating facility – accessory	P	P	P	P	P	P	P	P
Solar energy generating facility – community	SE							
Solar energy generating facility – utility scale	SE							
Stables, commercial or community, and riding clubs	C	C	C					
Staging areas for County capital projects	P	P	P	P	P	P	P	P
Storage, bulk for agricultural products	SE							
Swimming pools and recreational facilities, community, if located at least 50 feet from each residential lot line or dwelling unit	P	P	P	P	P	P	P	P
Swimming pools, private	P	P	P	P	P	P	P	P

18-5-401. Bulk regulations.

Subtitle 5. C4 – Highway Commercial Districts

18-5-501. Bulk regulations.

SUBTITLE 1. IN GENERAL**§ 18-5-101. Scope.**

This title applies to all commercial districts.

(Bill No. 4-05)

§ 18-5-102. Permitted, conditional, special exception, and business complex auxiliary uses.

The permitted, conditional, and special exception uses allowed in each of the commercial districts, and uses auxiliary to a business complex, are listed in the chart in this section using the following key: P=permitted use; C = conditional use; SE = special exception use; and A = auxiliary to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed.

Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4
Adult bookstores				C
Adult day care centers	P	P	P	P
Adult movie theaters				C
Alcoholic beverage uses as accessory to other uses	C	C	C	C
Amusement parks				SE
Animal hospitals and veterinary clinics				P
Appliance sales and service facilities			P	P
Arcades			P	P
Arcades located at least 1,000 feet from an existing dwelling with a maximum floor area of 3,000 square feet	P	A		
Assisted living facilities		C	C	
Auction establishments				P
Automobile and truck detailing shops			P	P
Automobile and truck dismantling and recycling facilities				SE
Automobile and truck repair and painting facilities				P
Automobile and truck rental establishments				P
Automobile and truck towing storage yard, temporary storage not to exceed 90 days				P
Automobile gasoline stations	SE		SE	C
Automobile and truck parts, supply stores, and tire stores			P	P
Automobile service facilities providing oil change, lubrication, and related services			P	P
Automobile towing facilities in conjunction with automobile gasoline service stations			SE	SE
Automobile, truck, and recreational vehicle sales			C	P
Bakery or donut shops	P	A	P	P
Bakeries, wholesale				P
Banks	P	P	P	P
Banquet halls			P	P
Barbershops	P	A	P	P

Scientific research establishments		P		
Self-service storage facilities		SE	SE	C
Showrooms and sales of specialty building products			P	P
Sign shops, including painting and fabrication				P
Small engine repair if all work is done inside a building and there is no outside storage	P		P	P
Small wind energy systems or meteorological towers on a lot of at least three acres	C	C	C	C
One small wind energy system or meteorological tower on a lot less than three acres	SE	SE	SE	SE
Solar energy generating facility – accessory	P	P	P	P
Solar energy generating facility – community, rooftop-mounted only				C
Solar energy generating facility – utility scale, rooftop-mounted only				C
Staging areas for County capital projects	P	P	P	P
State-licensed medical clinics	C	C	C	C
Storage, multilevel watercraft rack, not exceeding 35 feet in height, provided the rack does not cover more than 60% of the gross area of the property, as an accessory use to boat showroom or sales facilities				P
Swimming pool and spa sales, with outdoor display				P
Swimming pool and spa sales, indoor			P	P
Tailor shops	P	A	P	
Tanning salons	P	A	P	P
Tattoo parlors and body piercing salons	A		P	P
Taverns	P	A	P	P
Taxicab stands and services		P	P	P
Taxidermists				P
Telecommuting centers	P	A	P	
Television stations, radio broadcasting stations, and recording studios			P	P
Theaters, live performances		A	P	
Theaters, movie		A	P	P
Truck and trailer rental facilities in conjunction with automobile gas stations			SE	P
Travel agencies	P	P	P	
Truck stops				P
Upholstering shops, including sailmaking shops			P	P
Vending businesses				P
Veterinary clinics if overnight stays are limited to those necessary for medical treatment, without outside runs or pens	P	P	P	
Video sales and rental establishments with less than 1,500 square feet of floor area	P	A		
Video sales and rental establishments			P	P
Volunteer fire stations	P	P	P	P
Wholesale trade, warehousing, and storage establishments				P
Wholesale trade, warehousing, and storage establishments in the BWI/Fort Meade Growth Area		C	C	

(Bill No. 4-05; Bill No. 54-05; Bill No. 78-05; Bill No. 29-06; Bill No. 7-07; Bill No. 69-07; Bill No. 77-07; Bill No. 74-08; Bill No. 70-09; Bill No. 13-10; Bill No. 39-10; Bill No. 60-10; Bill No. 13-11; Bill No. 73-11; Bill No. 28-12; Bill No. 68-13; Bill No. 58-14; Bill No. 8-15; Bill No. 14-15; Bill No. 21-15; Bill No. 44-15; Bill No. 96-15; Bill No. 107-15; Bill No. 55-16; Bill No. 17-17; Bill No. 20-17; Bill No. 26-17; Bill No. 67-17; Bill No. 84-17; Bill No. 3-18; Bill No. 34-18; Bill No. 74-18; Bill No. 89-18 ; Bill No. 7-19; Bill No. 20-19)

SUBTITLE 1. IN GENERAL

§ 18-6-101. Scope.

This title applies to all industrial districts.

(Bill No. 4-05)

§ 18-6-102. Setbacks from existing dwellings in a residential district.

Notwithstanding any provision to the contrary, each new structure, parking lot, and driveway constructed after March 31, 2000, on a lot of more than 10 acres in an industrial zoning district shall be located at least 100 feet from an existing dwelling in a residential district.

(Bill No. 4-05)

§ 18-6-103. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the industrial districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A= auxiliary use to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed, except that outside storage as an accessory use in W1 is limited to 15% of the allowed lot coverage.

Permitted, Conditional, and Special Exception Uses	W1	W2	W3
Adult bookstores			C
Adult day care centers	P	P	
Adult movie theaters			C
Airports and airfields	SE	SE	SE
Alcoholic beverage uses as accessory to other uses	C	C	C
Amusement parks		SE	SE
Artisans and craft work	P	P	P
Automobile and truck detailing shops	P	P	P
Automobile and truck dismantling and recycling facilities		SE	SE
Automobile and truck rental establishments	P	P	P
Automobile and truck repair and painting facilities		P	P
Automobile and truck towing storage yards, temporary storage not to exceed 90 days		P	P
Automobile gasoline stations	C	C	C
Automobile and truck parts, supply stores, and tire stores	P	P	P
Automobile service facilities providing oil change, lubrication, and related services	P	P	P
Bakery or donut shops	A	A	
Bakeries, wholesale	P	P	P
Banks	P	P	
Barbershops	A	A	
Boat manufacturing, repair, and service		P	P
Bookbinding		P	P
Bottling works		P	P
Bone distillation			P
BRAC Mixed Use Development	C		
Brewery		P	P
Brewery, craft	P	P	P

Personal fitness studios	P	P	P
Petroleum products, storage for retail sale		SE	SE
Petroleum products, storage on lot in excess of 1,000,000 gallons for use by W3 district uses or public utilities			SE
Pets, livestock, or fowl as permitted by § 18-4-104	P	P	P
Pharmacies	A	A	
Photoengraving		P	P
Photography studios	P	P	
Piers, commercial	P	P	P
Printing and publishing establishments	P	P	P
Processing sites for clay, sand, gravel, and similar materials			C
Public utility essential services	P	P	P
Public utility uses	SE	P	P
Race tracks for horses	C	SE	
Race tracks for other than horses		SE	
Radio and television studios and broadcasting establishments	P	P	
Radio, television, or industrial testing towers		SE	SE
Recyclables recovery facilities		SE	SE
Religious facilities	P	P	P
Rendering plants			SE
Rental establishments	P	P	P
Restaurants	P	P	P
Rubble processing facilities			SE
Schools, public charter, and schools, private: academic, arts, business, technical, or trade	P	P	P
Self-service storage facilities	C	C	C
Showrooms and sales of specialty building products	P	P	P
Sign shops, including painting and fabrication	P	P	P
Small wind energy systems or meteorological towers on a lot of at least three acres	C	C	C
One small wind energy system or meteorological tower on a lot less than three acres	SE	SE	SE
Solar energy generating facility – accessory	P	P	P
Solar energy generating facility – community	C	C	C
Solar energy generating facility – utility scale	C	C	C
Solid waste transfer stations			SE
Stadiums, commercial	SE	SE	SE
Staging areas for County capital projects	P	P	P
State-licensed medical clinics	C	C	C
Storage of atmospheric gas, coal, grain			P
Tattoo parlors and body piercing salons	P		
Taverns	P	P	P
Taxicab stands and services	P	P	
Taxidermists	P	P	P
Telephone exchanges	P	P	P
Trade expositions	P	P	P
Travel agencies	A		
Truck stops		P	P
Veterinary clinics if overnight stays are limited to those necessary for medical	P		

Maximum height limitations:	
Structures	40 feet, except that a structure may exceed the height limitation if all setbacks are increased by two feet for each foot of excess height
Outside dry storage of cradles and racks, without roof coverage	10 feet

(Bill No. 4-05; Bill No. 78-05; Bill No. 93-12)

§ 18-7-107. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the Maritime group districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE=special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed.

Permitted, Conditional, and Special Exception Uses	MA1	MA2	MA3	MB	MC
Alcoholic beverage uses as accessory to other uses		C	C	C	C
Banquet halls		P	P	P	P
Bed and breakfast homes		C		C	C
Bed and breakfast inns		SE		SE	SE
Commercial telecommunication facilities permanently located on the ground				SE	SE
Commercial telecommunication facilities that are antennas attached to a structure if the antenna does not exceed 15 feet in height above the structure, does not project more than two feet beyond the facade, does not support lights or signs unless required for safety reasons, and accessory structures meet the requirements of § 18-10-114(7) of this Code				P	P
Commercial telecommunication facilities for testing purposes or emergency services for a period not exceeding 30 days if the facility is a monopole not exceeding 100 feet in height and is located at least 300 feet from any dwelling	P	P	P	P	P
Community structures and club houses	P	P	P	P	P
Construction of watercraft		P		P	P
Construction or sales trailers, temporary, in an approved development actively under construction	P	P	P	P	P
Dwellings for the sole purpose of custodial, managerial, or operational aspects of the marina: one for a marina with less than 250 slips; two for a marina with 250 or more slips		P	P	P	P
Heliports				SE	SE
Home occupations	C	C	C	C	C
Hotels and motels				SE	SE
Ice vending machines	P	P	P	P	P
Launching ramps and small hoists with a maximum rated lift capacity of 4,000 pounds for the launching and removal of watercraft	P		P		
Launching ramps, marine railways, travel lifts, fork lifts, hoists, hydraulic trailers, and other similar facilities for the launching and removal of watercraft		P		P	P
Maintenance and repair of watercraft	P	P	P	P	P
Marinas, commercial		P		P	P
Marinas, community	P				
Marinas, yacht club			P		

Permitted, Conditional, and Special Exception Uses	MA1	MA2	MA3	MB	MC
Marine fuel sales		P		P	P
Marine salvage and towing operations					P
Offices and administration facilities necessary for operating the marina	P	P	P	P	P
Outside storage of crab pots, nets, traps, and other similar devices if the total area of storage does not exceed 5% of the marina site		P		P	P
Personal fitness studio, water-based		P		P	P
Pile driving and marine construction operations				P	P
Piers and launching ramps, community	C				
Piers, commercial		P	P	P	P
Piers, recreational	C				
Public utility essential services	P	P	P	P	P
Public utility uses	SE	SE	SE	SE	SE
Rental of watercraft, including watercraft charter operations		P		P	P
Restaurants		P	P	P	P
Sail making and sail repair				P	P
Sale of groceries, packaged alcoholic beverages, fishing supplies, and watercraft accessories		P	P	P	P
Sale of watercraft, marine engines, and watercraft trailers		P		P	P
Small wind energy systems or meteorological towers on a lot of at least three acres	C	C	C	C	C
One small wind energy system or meteorological tower on a lot less than three acres	SE	SE	SE	SE	SE
Solar energy generating facility – accessory	P	P	P	P	P
Staging areas for County capital projects	P	P	P	P	P
Storage of watercraft, covered and dry		SE	SE	C	P
Storage of watercraft, covered and wet		SE	SE	SE	P
Storage of watercraft, outside and dry	P	P	P	P	P
Storage of watercraft in excess of 150 feet					P
Storage, multilevel watercraft rack		SE		C	P
Swimming pools, tennis courts, and other similar recreational facilities	P	P	P	P	P
Taverns		P		P	P
Volunteer fire stations	P	P	P	P	P
Water taxi landings		P		P	P
Water-related uses, including storage of seafood in live boxes, fish cleaning, and structures for the storage of crab pots, nets, traps, and similar devices		P		P	P

(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07; Bill No. 39-10; Bill No. 51-11; Bill No. 68-13; Bill No. 24-16; Bill No. 28-16; Bill No. 30-16; Bill No. 89-18)

§ 18-7-108. Ladders and flotation devices.

(a) **Ladders.** Boarding ladders shall be located along the sides of a pier and along each bulkhead where the water depth at the bulkhead exceeds four feet in depth at mean high water. Ladders along piers shall be 100 feet apart on each side of the pier and staggered so that the ladders alternate sides every 50 feet. Ladders along bulkheads shall be placed no more than 50 feet apart.

(a) **Residential.** For a lot that was in a residential zoning district immediately before being zoned to a mixed use district, the uses allowed under the standard method of development are single-family detached dwellings, including home occupations and accessory structures and uses, that comply with the requirements of an R1 District.

(b) **Commercial and industrial.** For a site that was in a commercial or industrial district immediately before being zoned to a mixed use district, the uses are only those uses allowed in the mixed use district applicable to the site, the floor area ratio may not exceed 0.1, and the uses shall otherwise conform to the requirements of the zoning district in which the site was located.

(Bill No. 4-05)

SUBTITLE 3. USES UNDER THE OPTIONAL METHOD OF DEVELOPMENT

§ 18-8-301. Permitted uses; conditional uses.

(a) **Uses allowed.** The permitted and conditional uses under the optional method of development are listed in the chart in this section using the following key: P = permitted use; C = conditional use. A blank space means that the use is not allowed in the district. Uses and structures customarily accessory to the listed uses also are allowed, except that outside storage as an accessory use is not allowed.

(b) **Categories in chart.** The chart in this section divides the permitted and conditional uses allowed under the optional method of development into the categories of residential, retail and service, office, and industrial, and the uses are subject to the percentage limitations on those categories described in § 18-8-302.

	MXD-R	MXD-C	MXD-E	MXD-T
Residential				
BRAC Mixed Use Development	C	C	C	C
Dwellings, adult independent units	P	P	P	P
Dwellings, multifamily	P	P	P	P
Dwellings, single-family detached	P	P	P	P
Dwellings, townhouses	P	P	P	P
Group homes	P	P	P	P
Home occupations	C	C	C	C
Rooming houses	P			P
Retail and Service				
Adult day care centers	P	P	P	P
Alcoholic beverage uses as accessory to other uses	C	C	C	C
Antique shops	P	P	P	P
Appliance sales and service facilities		P	P	P
Arcades		P	P	P
Art galleries	P	P	P	P
Art and craft shops	P	P	P	P
Artisans' and craft work	P	P	P	P
Assisted living facilities	P	P	P	P
Automobile gasoline stations		P	P	P
Automobile parts and supply stores		P	P	P
Automobile and truck rental establishments			P	P
Bakery or donut shops	P	P	P	P
Banks	P	P	P	P
Banquet halls		P	P	P
Barbershops	P	P	P	P
Bicycle, motor scooter, moped sales and service	P	P	P	P
Billiard and pool halls	P	P	P	P

Toy shops	P	P	P	P
Trade expositions		P	P	P
Travel agencies	P	P	P	P
Upholstering shops, including sailmaking shops	P	P		P
Variety stores	P	P	P	P
Veterinary clinics, if over-night stays are limited to those necessary for medical treatment, without outside runs or pens	P	P	P	P
Video sales and rental establishments with less than 1,500 square feet of floor area	P			
Video sales and rental establishments		P	P	P
Volunteer fire stations	P	P	P	P
Wallpaper and paint stores	P	P	P	P
Office				
Offices, professional and general	P	P	P	P
State-licensed medical clinics		C	C	C
Industrial				
Brewery, craft			P	
Building material storage, including sales and yards			P	
Cabinetry and specialty lumber mill working and sales			P	
Distillery, limited			P	
Laboratories, research and development or testing			P	
Fabrication and assembly uses			P	
Photoengraving			P	
Printing and publishing establishments			P	
Specialty building products, sales and showrooms			P	
Wholesale trade, warehousing, and storage establishments			P	
Other				
Permitted and conditional uses allowed in W1 Districts in accordance with the requirements of subsection (c)	P	P	P	P
Solar energy generating facility – accessory	P	P	P	P

(c) **Additional requirements.** Except for a solar energy generating facility – community or solar energy generating facility – utility scale, permitted and conditional uses allowed in W1 Districts are permitted in MXD-R, MXD-C, MXD-E, and MXD-T Districts provided:

(1) the location is within the Airport Noise Zone, is on land remediated for environmental requirements under federal or State law, is on land that has been reclaimed pursuant to an approved final reclamation plan under State or federal law, or consists of lots abutting remediated or reclaimed land; and

(2) the requirements of § 18-8-302 and Title 10 are met.

(d) **Variiances.** A variance may not be granted for the requirements specified in subsection (c).

(Bill No. 4-05; Bill No. 54-05; Bill No. 78-05; Bill No. 60-10; Bill No. 13-11; Bill No. 14-11; Bill No. 68-13; Bill No. 8-15; Bill No. 14-15; Bill No. 28-16; Bill No. 30-16; Bill No. 74-16; Bill No. 91-16; Bill No. 26-17; Bill No. 3-18; Bill No. 30-18; Bill No. 89-18)

§ 18-8-302. Combination of uses.

(a) **Use combination required.** Uses shall be combined in the manner described in the chart in this section.

(b) **Percentages.** Except as provided in subsection (c), the percentages listed in the chart in this section represent the proportion of the floor area of the category of use to the floor area of the development. If the percentages are expressed as a range, the first number is the minimum percentage and the second number is the maximum percentage.

§ 18-9-202. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in Open Space Districts (OS) and in the Open Space Conservation Overlay (OS-C) are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed.

Permitted, Conditional, and Special Exception Uses	OS	OS-C
Alcoholic beverage uses as accessory to other uses	C	
Barns, stables, and kennels for the sheltering, breeding, boarding, hiring, or selling of an animal and for storage of crops raised on the premises	P	
Camps, nonprofit, including dormitories, cabins, and structures for administrative, maintenance, and custodial activities	P	P
Commercial telecommunication facilities permanently located on the ground	SE	
Commercial telecommunication facilities that are antennas attached to a nonresidential structure if the antenna does not exceed 15 feet in height above the structure, does not project more than two feet beyond the facade, does not support lights or signs unless required for safety reasons, and accessory structures meet the requirements of § 18-10-114(7) of this Code	P	
Commercial telecommunication facilities for testing purposes or emergency services for a period not exceeding 30 days if the facility is a monopole not exceeding 100 feet in height and is located at least 300 feet from any dwelling	P	
Conservation uses, practices, and structures for the maintenance of the natural environment	P	P
Farming, if the use does not change the stability of the land	P	P
Golf courses	P	
Home occupations	C	C
Launching ramps	P	P
Nurseries with landscaping and plant sales	C	C
Pets, livestock, or fowl as permitted by § 18-4-104	P	P
Piers, private	P	P
Piers, recreational	C	C
Public utility essential services	P	
Public utility uses	SE	
Recreational uses, active	C	
Recreational uses, passive	P	P
Residential uses, existing	P	P
Solar energy generating facility – accessory	P	P
Staging areas for County capital projects	P	
Structures for administrative and custodial uses of the principal use of the site if building coverage, including parking, does not exceed 20% of the site and the structures are not located in the natural drainage system	P	
Structures, permanent, accessory to active recreational uses, including concession stands, shower and locker rooms, athletic and maintenance equipment storage, bleachers or stands with a seating capacity for no more than 100 people, non- illuminated scoreboards, playground equipment, and stables	C	
Structures, permanent, accessory to active recreational uses including bleachers or stands with a seating capacity not to exceed 250 people, outdoor lighting other than for public safety, illuminated scoreboards, and public address or amplified sound systems	SE	
Structures, temporary, for boating, swimming, fishing, hunting, golf courses, ice skating, nature study, picnic areas, play areas, stables, and stands for the sale of products raised on the premises	P	
Volunteer fire stations	P	

uses and structures customarily accessory to the listed uses also are allowed.

Permitted and Special Exception Uses	
Any use allowed in a C3 District in accordance with the requirements of this subtitle and those requirements of Title 5 that are consistent with this title	P
Any multifamily use allowed in an R15 or R22 District in accordance with the requirements of this subtitle and those requirements of Title 4 that are consistent with this title	P
Hospice facilities	P
Nursing homes	P
Solar energy generating facility – accessory	P

(Bill No. 4-05; Bill No. 13-11; Bill No. 68-13; Bill No. 89-18)

§ 18-9-303. Bulk regulations.

(a) **Generally.** Except as provided otherwise in this article, the following bulk regulations are applicable in a Town Center District:

Minimum lot size	None
Minimum width at front building restriction line	50 feet
Maximum height limitations	60 feet except that all setbacks are increased by one foot for every foot of height in excess of 45 feet
Floor area ratio excluding onsite parking	2.0
Distance between structures:	
Residential or hotel uses	50 feet
Commercial	30 feet
Minimum coverage by open area for multifamily residential uses, excluding any grade level parking	30% of gross area

(b) **Exceptions.** For a lot that is less than 20,000 square feet, the floor area may be increased by 10 square feet for each square foot of open area provided in excess of the minimum open area. For a lot exceeding 20,000 square feet, the floor area ratio may be increased by 0.2 for every 2,000 square feet of additional open area provided in excess of the minimum open area. Open area includes any open area at grade with less than 50% cover but does not include grade level parking courts. Floor area may be increased in an amount equal to the area of any parking provided over and above that required by Title 3. The floor area increases allowed under this subsection may not exceed a floor area ratio of 0.6. The additional open areas and parking areas provided under this subsection may be located on a different site if each area is located no more than 200 feet from the subject site and a pedestrian access way is provided and separated from vehicular activity.

(Bill No. 4-05)

SUBTITLE 4. SB – SMALL BUSINESS DISTRICTS

§ 18-9-401. Scope.

This subtitle applies to all Small Business Districts.

(Bill No. 4-05)

§ 18-9-402. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in the Small Business Districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed. Outside storage as an accessory use is not allowed, except that the owner-occupant of a dwelling may store on the lot one

Solar energy generating facility – accessory	P
Staging areas for County capital projects	P
Telecommuting centers	P
Upholstering shops, including sailmaking shops	P
Veterinary clinics if overnight stays are limited to those necessary for medical treatment, without outside runs or pens	P
Volunteer fire stations	P

(Bill No. 4-05; Bill No. 54-05; Bill No. 78-05; Bill No. 69-07; Bill No. 13-11; Bill No. 14-11; Bill No. 63-11; Bill No. 68-13; Bill No. 88-13; Bill No. 26-17; Bill No. 89-18)

§ 18-9-403. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in a Small Business District:

Minimum lot size:	
If not served by public sewer	20,000 square feet
If served by public sewer	15,000 square feet
Maximum coverage by structures with direct access to a principal arterial road or higher	40% of gross area
Maximum coverage by all other structures	30% of gross area
Minimum setbacks for principal structures:	
Front lot line	30 feet
Side lot line	7 feet
Combined side lot lines	20 feet
Corner side lot line	20 feet
Rear lot line	25 feet
Principal arterial or higher classification road	40 feet
Front and side setbacks	Equal to the average of the setbacks on abutting lots, except that if only one abutting lot is improved, the required setback shall be determined by averaging the setback on the improved lot and the setback required under this section.
Minimum setbacks for accessory structures:	
Front lot line	40 feet
Side lot line, rear lot line	10 feet
Corner side lot line	20 feet
Maximum height limitations:	
Principal structure	40 feet
Accessory structure	25 feet
Minimum width at front building restriction line	80 feet
Maximum floor area for structures with direct access to a principal arterial road or higher:	
Principal structures	10,000 square feet
Accessory structures	1,000 square feet
Maximum floor area for all other structures:	
Principal structures	3,000 square feet
Accessory structures	1,000 square feet

(Bill No. 4-05; Bill No. 7-10)

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

Section

- 18-10-101. Adult bookstores.
- 18-10-102. Adult movie theater.
- 18-10-103. Agritourism.
- 18-10-104. Alcoholic beverage uses as accessory to other uses.
- 18-10-105. Assisted living facilities.
- 18-10-106. Automobile gasoline stations.
- 18-10-107. Automobile, truck, and recreational vehicle sales.
- 18-10-108. Bed and breakfast homes.
- 18-10-109. Bingo, commercial.
- 18-10-110. BRAC Mixed Use Development.
- 18-10-111. Brewery, farm.
- 18-10-112. Business complexes with auxiliary uses.
- 18-10-113. Carnivals, circuses, and fairs, temporary.
- 18-10-114. Commercial telecommunication facilities.
- 18-10-115. Composting facilities.
- 18-10-116. Country clubs, private clubs, and service and nonprofit charitable organizations with less than 125 onsite parking spaces.
- 18-10-117. Country clubs, private clubs, and service and nonprofit charitable organizations with 125 or more onsite parking spaces.
- 18-10-118. Dwelling units, accessory.
- 18-10-119. Dwelling units, adult independent.
- 18-10-120. Dwellings, duplexes and semi-detached.
- 18-10-121. Dwellings, multifamily.
- 18-10-122. Dwellings, townhouses.
- 18-10-123. Farm tenant houses.
- 18-10-124. Funeral establishments.
- 18-10-125. Garden centers.
- 18-10-126. Golf course facilities, private.
- 18-10-127. Government reuse facilities.
- 18-10-128. Home occupations.
- 18-10-129. Housing for the elderly of moderate means.
- 18-10-130. Kennels, commercial.

(Bill No. 4-05; Bill No. 54-05; Bill No. 78-05; Bill No. 2-09; Bill No. 15-12; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15; Bill No. 75-16; Bill No. 83-16; Bill No. 17-17; Bill No. 67-17)

§ 18-10-145. Self-service storage facilities.

A self-service storage facility shall comply with all of the following requirements.

- (1) In an MXD-E District, the facility shall be located on a lot of at least one acre. In all other districts, the facility shall be located on a lot of at least two acres.
- (2) Storage and a residence for a caretaker or resident manager shall be the only activities conducted at the facility.
- (3) Outside storage shall be located and secured at the rear of the lot.
- (4) Access shall be provided as follows:
 - (i) each one-way interior driveway shall have a travel lane at least 15 feet wide;
 - (ii) each two-way interior driveway shall have two travel lanes, each at least 12 feet wide; and
 - (iii) traffic direction and parking shall be designated by directional signs or pavement painting.
- (5) In a W1 District, self-service storage facilities shall be within an enclosed central structure and conform to the design standards of the Industrial Park District in which it is located.
- (6) In an MXD District, self-service storage facilities shall be within an enclosed central structure.

(Bill No. 4-05; Bill No. 78-05; Bill No. 2-09; Bill No. 15-12; Bill No. 8-15; Bill No. 21-15; Bill No. 44-15; Bill No. 96-15; Bill No. 74-16; Bill No. 75-16; Bill No. 83-16; Bill No. 17-17; Bill No. 67-17; Bill No. 30-18)

§ 18-10-146. Small wind energy systems.

(a) **Requirements.** A small wind energy system or meteorological tower shall comply with all of the following requirements.

- (1) The small wind energy system or meteorological tower shall be located on a lot of three acres or more, except that in a RLD, R1, R2 or R5 zone a small wind energy system or meteorological tower may not exceed one system for each three acres of land.
- (2) The wind turbine or meteorological tower shall be located at a distance of at least 1.1 times the height of the tower from any property line, non-participating structure, public road or right-of-way, or communication lines or structures, and provide for a minimum setback of 20 feet from any lot line for guy cables or tower supports.
- (3) Roof-mounted turbines are permitted. All components of a roof-mounted turbine shall meet required setbacks for the principal structure on which it is located. Roof-mounted turbines may not be mounted on an attached or multi-family dwelling.
- (4) The height of a wind turbine or meteorological tower may not exceed a height of 150 feet. The height of a roof-mounted turbine may not project more than 35 feet from the roof surface. Total height for a small wind energy system mounted on a wind tower is the vertical distance from the ground level to the tip of a wind generator blade when the tip is at its highest point. For a small wind energy system mounted on a building, total height is the vertical distance from the top of the roof or parapet, to the tip of a wind generator blade when the tip is at its highest point.
- (5) The wind turbine or meteorological tower shall have a minimum blade ground clearance of 15 feet.
- (6) The tower shall be designed and installed so as to not allow step bolts or ladder accessibility for a minimum height of 12 feet.
- (7) The wind turbine or meteorological tower and its mounting structure shall be painted a non-reflective, non-obtrusive color that conforms to the environment and architecture of the community.
- (8) The wind turbine or meteorological tower shall not be artificially lighted, except to the extent required by the Federal Aviation Administration.
- (9) The small wind energy system or meteorological tower shall comply with all applicable construction codes and electrical codes and be installed in accordance with manufacturer plans and certifications.

(10) The wind turbine shall not generate noise in excess of the levels permitted for the zone under Code of Maryland Regulations 26.02.03.03.

(11) The capacity of a small wind energy system may not exceed 25 kw on a property located in an RLD, R1, R2, or R5 zone and 100 kw in all other zones. Energy produced by the small wind energy system shall be for the sole use of the property owner, however, energy output from the system may be delivered to a power grid to offset the cost of energy on site.

(12) Wind turbines must be approved under a small wind certification program recognized by the Maryland Energy Administration.

(13) All signs are prohibited except for manufacturer or installer identification signs and warning signs or placards.

(14) Meteorological towers shall be permitted under the conditions of this section for a period not to exceed one year.

(15) The small wind energy system or meteorological tower may not adversely effect an historic site, archaeological resource, or cemetery listed on the County inventory. The placement of a wind turbine within sight of an historic resource listed on the inventory shall mitigate any adverse visual impact of the turbine in a manner determined by the Office of Planning and Zoning. If a wind turbine is to be attached to the roof of an historic structure listed on the inventory, the method of attachment must be approved by the Office of Planning and Zoning. Approval of a rooftop wind turbine shall require installation on a secondary facade, minimal impact to historic materials, and be a reversible modification. Wind turbines may not be mounted on rooftops of highly significant properties, including those listed on the National Register of Historic Places.

(16) A small wind energy system or meteorological tower located within the BWI Marshall Airport Four-Mile District shall comply with all height and permitting requirements of the Maryland Aviation Administration.

(b) **Removal of defective system.** Any small wind energy system or meteorological tower that is cited by administrative order of the Department of Inspections and Permits shall be repaired by the property owner to meet federal, State and local code requirements, or be removed, within six months of the date of the administrative order. If the property owner fails to repair or remove the system as required and the system remains non-operational for more than six months, the County may pursue an action for removal of the system at the property owner's expense.

(c) **Variiances.** A variance may not be granted for the requirements specified in subsection (a).

(Bill No. 39-10; Bill No. 15-12; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15; Bill No. 75-16; Bill No. 83-16; Bill No. 17-17; Bill No. 67-17)

§ 18-10-147. Solar energy generating facility – community.

A solar energy generating facility – community shall comply with all of the following requirements.

(1) The developer shall comply with the County Landscape Manual, and the solar facility, including all equipment and solar panels, shall be enclosed by a fence no less than seven feet in height. In the event of a conflict between the Landscape Manual and § 17-6-504 of the Code, the provisions of § 17-6-504 of the Code shall control.

(2) The developer of a solar facility located on a scenic or historic road shall provide a viewshed analysis. The solar facility may not have an adverse impact on the scenic or historic viewshed. In this subsection, "adverse impact" means any development that directly or indirectly would alter the road's environmental or historic setting, its visual and physical characteristics, or would diminish the integrity of the scenic or historic road.

(3) The developer shall comply with the provisions of the County Forest Conservation Act, Article 17, Title 6, Subtitle 3 of this Code, regardless of any state waiver or reduction of State forest conservation requirements for solar energy systems. Mitigation for tree removal shall be at the ratio of 3-to-1.

(4) A solar facility may not be located on or within the viewshed of a property listed on the County Inventory of Historic Resources.

(5) Except as required for safety or by applicable Federal, State, or local authority, no visible light shall emanate from the solar facility from dusk to dawn.

(6) Lot coverage may not exceed 80% of the net area of the site. Lot coverage shall be calculated as the total surface area of all solar panels, plus all impervious surfaces of any supporting or associated equipment, including support structures. Surface area of a solar panel shall be calculated based on the drip line around the perimeter of a panel at minimum tilt. Impervious surface shall be calculated as the area of the foundation or base of any component of the solar facility, including individual solar panels.

(7) A decommissioning plan shall be submitted to the Office of Planning and Zoning for approval. The plan shall include a requirement for a grading permit or standard grading plan and that all on-site equipment associated with the solar facility shall be removed within 12 months of cessation of operations. Decommissioning security in accordance with § 17-6-702 of this Code and equal to 125% of the decommissioning costs shall be posted prior to commencement of the use.

(8) The County shall review the amount of the security every five years and may require additional security or reduce the amount of the posted security if it determines, in its sole discretion, that the posted security no longer equals 125% of the decommissioning costs.

(9) A solar facility is presumed to cease operations if no power is generated by the system for a period of 12 consecutive months. The owner of the solar facility shall have 12 months after cessation of operations to dismantle and remove the solar facility. If the owner fails to dismantle or remove the solar facility as required, the County may complete the removal at the owner's expense, and shall retain all or any part of the decommissioning security which shall become the property of the County. Any additional expense incurred by the County shall be collected pursuant to § 1-8-101 of the Code.

(10) A variance may not be granted for the requirements specified in this section.

(Bill No. 89-18)

§ 18-10-148. Solar energy generating facility – utility scale.

(a) **Requirements.** A solar energy generating facility – utility scale shall comply with all requirements of § 18-10-147 for a solar energy generating facility – community.

(b) **Variance.** A variance may not be granted for the requirements specified in this section.

(Bill No. 89-18)

§ 18-10-149. Stables or riding clubs.

A stable or riding club shall comply with all of the following requirements.

(1) A facility with up to two horses shall be located on a lot of at least two acres, plus 20,000 square feet for each horse in excess of two horses.

(2) A structure enclosing a horse shall be located at least 50 feet from any nonresidential lot line and 50 feet from any residentially zoned property line.

(3) All manure shall be stored at least 50 feet from any lot line.

(Bill No. 4-05; Bill No. 78-05; Bill No. 2-09; Bill No. 39-10; Bill No. 15-12; Bill No. 68-13; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15; Bill No. 75-16; Bill No. 83-16; Bill No. 17-17; Bill No. 67-17; Bill No. 88-18; Bill No. 89-18)

§ 18-10-150. State-licensed medical clinics.

A state-licensed medical clinic shall comply with all of the following requirements:

(1) The facility may not be located within 1,000 feet of a dwelling or school, or within one mile of another State-licensed medical clinic, a plasma center, a licensed premises of a licensed dispensary of medical cannabis, or a transitional housing facility.

(2) Vehicular access shall be located on an arterial road or higher classification.

(3) Access to the facility from the road shall be provided and the facility may not draw vehicular traffic through local roads in surrounding residential areas.

(4) The clinic shall conspicuously post “no loitering” signs in all parking areas.

(5) A variance may not be granted for the requirements specified in this section.

(Bill No. 14-15; Bill No. 44-15; Bill No. 96-15; Bill No. 75-16; Bill No. 83-16; Bill No. 17-17; Bill No. 67-17; Bill No. 74-18; Bill No. 89-18)

§ 18-10-151. Storage of watercraft, covered and dry.

A covered facility for the dry storage of watercraft shall comply with all of the following requirements.

- (1) The combined base area of all covered dry storage structures may not exceed:
 - (i) 10,000 square feet for a one-acre lot;
 - (ii) for a lot larger than one acre, 10,000 square feet plus 1,000 square feet for each acre by which the lot exceeds one acre;
- (2) The facility shall be located at least 25 feet from each side lot line.
- (3) The Office of Planning and Zoning shall designate the location of the facility in accordance with the criteria set forth in § 18-2-403.

(Bill No. 4-05; Bill No. 78-05; Bill No. 2-09; Bill No. 39-10; Bill No. 15-12; Bill No. 68-13; Bill No. 8-15; Bill No. 14-15; Bill No. 44-15; Bill No. 96-15; Bill No. 75-16; Bill No. 83-16; Bill No. 17-17; Bill No. 67-17; Bill No. 89-18)

§ 18-10-152. Storage, multilevel watercraft rack.

A multilevel watercraft storage rack shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least 1.5 acres above mean high water.
- (2) The facility shall be located at least 25 feet from each side lot line.
- (3) The coverage of the facility may not exceed the combined total floor area of all covered dry storage structures.
- (4) The Office of Planning and Zoning shall designate the location of the facility in accordance with the criteria set forth in § 18-2-403.

(Bill No. 4-05; Bill No. 78-05; Bill No. 2-09; Bill No. 39-10; Bill No. 15-12; Bill No. 68-13; Bill No. 8-15; Bill No. 14-15; Bill No. 44-15; Bill No. 96-15; Bill No. 75-16; Bill No. 83-16; Bill No. 17-17; Bill No. 67-17; Bill No. 89-18)

§ 18-10-153. Structures, permanent, accessory to active recreational uses.

Permanent structures accessory to active recreational uses shall comply with all of the following requirements.

- (1) No more than 25 % of the forested area on a lot may be cleared for the uses.
 - (2) The site shall be reforested at a ratio of one and one-half acres planted for every acre cleared.
 - (3) The uses shall be set back at least 100 feet from any dwelling and 50 feet from all lot lines.
 - (4) The uses shall be set back at least 200 feet from any stream, river, or waterway.
 - (5) The uses shall be subject to an approved soil conservation and water quality plan.
 - (6) Vehicular access to the property shall be located on a collector road or a road of a higher classification.
- (Bill No. 15-12; Bill No. 68-13; Bill No. 8-15; Bill No. 14-15; Bill No. 44-15; Bill No. 96-15; Bill No. 75-16; Bill No. 83-16; Bill No. 17-17; Bill No. 67-17; Bill No. 89-18)

§ 18-10-154. Video lottery facilities.

(a) **Master plan for development.** The video lottery facility licensee shall provide to the Local Development Council a master plan as required by the State Government Article, § 9-1A-31, of the State Code, and shall assist the County in preparation of a transportation management plan that details internal circulation systems, external access points, and pedestrian flows to and from parking facilities.

(b) **Requirements.** A video lottery facility shall comply with all of the following requirements.

- (1) The facility shall comply with the locational requirements imposed by Article XIX, § 1(c)(3)(i) of the Constitution of Maryland.
- (2) The facility shall be located on a lot of at least 50 acres in a W1 – Industrial Park District or a regional commercial complex and shall be accessible to an arterial or higher classification road.
- (3) The facility shall comply with all applicable bulk regulations for the zoning district in which the facility is located.
- (4) The facility shall comply with a transportation management plan that is approved by the Office of Planning and Zoning.

(3) Access shall be provided as follows:

- (i) Each one-way interior driveway shall have a travel lane at least 15 feet wide.
- (ii) Each two-way interior driveway shall have two travel lanes, each at least 12 feet wide.
- (iii) Traffic direction and parking shall be designated by directional signs or pavement painting.

(4) Outside storage is not permitted.

(5) In a C2 District, a self-service storage facility shall be within an enclosed controlled central structure with no external access to individual storage units.

(Bill No. 21-15; Bill No. 96-15; Bill No. 96-16; Bill No. 74-18)

§ 18-11-156. Small wind energy systems.

(a) **Requirements.** A small wind energy system or meteorological tower shall comply with all of the following requirements.

(1) The small wind energy system or meteorological tower shall be located on a lot less than three acres.

(2) The wind turbine or meteorological tower shall be located at a distance of at least 1.1 times the height of the tower from any property line, non-participating structure, public road or right-of-way, or communication lines or structures, and provide for a minimum setback of 20 feet from any lot line for guy cables or tower supports.

(3) Roof-mounted turbines are permitted. All components of a roof-mounted turbine shall meet required setbacks for the principal structure. Roof-mounted turbines may not be mounted on an attached or multi-family dwelling.

(4) The height of a wind turbine or meteorological tower may not exceed a height of 120 feet. The height of a roof-mounted turbine may not project more than 35 feet from the roof surface. Total height for a small wind energy system mounted on a wind tower is the vertical distance from the ground level to the tip of a wind generator blade when the tip is at its highest point. For a small wind energy system mounted on a building, total height is the vertical distance from the top of the roof or parapet, to the tip of a wind generator blade when the tip is at its highest point.

(5) The wind turbine shall have a minimum blade ground clearance of 15 feet.

(6) The tower shall be designed and installed so as to not allow step bolts or ladder accessibility for a minimum height of 12 feet.

(7) The wind turbine or meteorological tower and its mounting structure shall be painted a non-reflective, non-obtrusive color that conforms to the environment and architecture of the community.

(8) The wind turbine or meteorological tower shall not be artificially lighted, except to the extent required by the Federal Aviation Administration.

(9) The small wind energy system or meteorological tower shall comply with all applicable construction codes and electrical codes and be installed in accordance with manufacturer plans and certifications.

(10) The wind turbine shall not generate noise in excess of the levels permitted for the zone under Code of Maryland Regulations 26.02.03.03.

(11) The capacity of a small wind energy system may not exceed 25 kw on a property located in an RLD, R1, R2, or R5 zone and 100 kw in all other zones. Energy produced by the small wind energy system shall be for the sole use of the property owner, however, energy output from the system may be delivered to a power grid to offset the cost of energy on site.

(12) Wind turbines must be approved under a small wind certification program recognized by the Maryland Energy Administration.

(13) All signs are prohibited except for manufacturer or installer identification signs and warning signs or placards.

(14) Meteorological towers shall be permitted under the conditions of this section for a period not to exceed one year.

(15) A property owner may apply for special exceptions for a temporary meteorological tower and a small wind energy system in the same application; however, the Administrative Hearing Officer may decide on each request in the application individually and impose conditions deemed appropriate for each use. If an applicant is granted a special exception for a meteorological tower but denied a special exception for a small wind energy system, the applicant shall be

permitted to re-apply for a special exception within 12 months of the date of denial of the small wind energy system provided the application includes six months of meteorological data gathered from the applicants meteorological tower.

(16) The small wind energy system or meteorological tower may not adversely effect an historic site, archaeological resource, or cemetery listed on the County inventory. The placement of a wind turbine within sight of an historic resource listed on the inventory shall mitigate any adverse visual impact of the turbine in a manner determined by the Office of Planning and Zoning. If a wind turbine is to be attached to the roof of an historic structure listed on the inventory, the method of attachment must be approved by the Office of Planning and Zoning. Approval of a rooftop wind turbine shall require installation on a secondary facade, minimal impact to historic materials, and be a reversible modification. Wind turbines may not be mounted on rooftops of highly significant properties, including those listed on the National Register of Historic Places.

(17) A small wind energy system or meteorological tower located within the BWI Marshall Airport four-mile district shall comply with all height and permitting requirements of the Maryland Aviation Administration.

(b) **Removal of defective system.** Any small wind energy system or meteorological tower that is cited by administrative order of the Department of Inspections and Permits shall be repaired by the property owner to meet federal, State and local code requirements, or be removed, within six months of the date of the administrative order. If the property owner fails to repair or remove the system as required and the system remains non-operational for more than six months, the County may pursue an action for rescission of the special exception use under this article and removal of the system at the property owner's expense.

(c) **Variiances.** A variance may not be granted for the requirements specified in subsection (a).

(Bill No. 39-10; Bill No. 73-11; Bill No. 21-15; Bill No. 96-15; Bill No. 96-16; Bill No. 74-18)

§ 18-11-157. Solar energy generating facility – community.

A solar energy generating facility – community shall comply with all of the following requirements.

(1) The area to be used for the solar facility may not exceed 25% of the net area of the site, or 20 acres, whichever is less.

(2) No development on the site may be located in environmentally sensitive areas or habitat for forest interior dwelling species.

(3) The developer shall comply with the County Landscape Manual, and the solar facility, including all equipment and solar panels, shall be enclosed by a fence no less than seven feet in height. In the event of a conflict between the Landscape Manual and § 17-6-504 of the Code, the provisions of § 17-6-504 of the Code shall control.

(4) Any solar facility where the fenced area would exceed 15 acres shall provide a wildlife corridor conforming with the provisions of the current Anne Arundel County Greenways Master Plan.

(5) The developer of a solar facility located on a scenic or historic road shall provide a viewshed analysis. The solar facility may not have an adverse impact on the scenic or historic viewshed. In this subsection, “adverse impact” means any development that would directly or indirectly alter the road’s environmental or historic setting, its visual and physical characteristics, or would diminish the integrity of the scenic or historic road.

(6) The developer of the solar facility shall, to the degree practicable, avoid disturbing prime agricultural soils, and shall provide an analysis to demonstrate how the developer is avoiding disturbance of prime agricultural soils. The development may not result in more than 50% of prime agricultural soils on the site from being removed from existing or potential agricultural production.

(7) The developer shall comply with the provisions of the County Forest Conservation Act, Article 17, Title 6, Subtitle 3 of this Code, regardless of any State waiver or reduction of State forest conservation requirements for solar energy systems. Mitigation for tree removal shall be at the ratio of 3-to-1.

(8) A solar facility may not be located within an agricultural preservation area, a priority preservation area, or a rural legacy area, or within 10 miles of another solar energy generating facility – community or solar energy generating facility – utility scale.

(9) A solar facility may not be located on any portion of a site encumbered with a conservation, historic preservation, or agricultural easement.

(10) A solar facility may not be located on or within the viewshed of a property listed on the County Inventory of Historic Resources.

(11) Except as required for safety or by applicable Federal, State, or local authority, no visible light shall emanate from the solar facility from dusk to dawn.

(12) Lot coverage may not exceed 80% of the area allowed under subsection (1). Lot coverage shall be calculated as the total surface area of all solar panels plus all impervious horizontal surfaces of any supporting or associated equipment, including support structures. Surface area of a solar panel shall be calculated based on the drip line around the perimeter of a panel at minimum tilt. Impervious surface shall be calculated as the area of the foundation or base of any component of the solar facility, including individual solar panels.

(13) A decommissioning plan shall be submitted to the Office of Planning and Zoning for approval. The plan shall include a requirement for a grading permit or standard grading plan and that all on-site equipment associated with the solar facility shall be removed within 12 months of cessation of operations. Decommissioning security in accordance with § 17-6-702 of this Code and equal to 125% of the decommissioning costs shall be posted prior to commencement of the use.

(14) The County shall review the amount of the security every five years and may require additional security or reduce the amount of the posted security if it determines, at its sole discretion, that the posted security no longer equals 125% of the decommissioning costs.

(15) A solar facility is presumed to cease operations if no power is generated by the system for a period of 12 consecutive months. The owner of the solar facility shall have 12 months after cessation of operations to dismantle and remove the solar facility. If the owner fails to dismantle or remove the solar facility as required, the County may complete the removal at the owner's expense, and shall retain all or any part of the decommissioning security which shall become the property of the County. Any additional expense incurred by the County shall be collected pursuant to § 1-8-101 of the Code.

(16) Facilities proposed for location on sanitary landfills or reclamation areas are exempt from the requirements of subsections (2), (6), and (8).

(17) A variance may not be granted for the requirements specified in this section.

(Bill No. 89-18)

§ 18-11-158. Solar energy generating facility – utility scale.

A solar energy generating facility – utility scale shall comply with the requirements of § 18-11-157 for a solar energy generating facility – community, except for subsection (1), and the following requirements:

(1) The facility may not be located on a site within 10 miles of a solar energy generating facility – community, or within 20 miles of another solar energy generating facility – utility-scale.

(2) The area used for the facility may not exceed 25% of the net area of the site.

(3) A variance may not be granted for the requirements specified in this section.

(Bill No. 89-18)

§ 18-11-159. Solid waste transfer stations.

A solid waste transfer station shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least eight acres.

(2) All vehicular access to the site shall be from a collector road, an arterial road, a freeway or a local road that serves only industrially zoned or commercially zoned property between the facility entrance and the first intersecting collector road, arterial road, or freeway in all directions.

(3) Collection, storage, and stockpiling of solid waste shall be done within a building at the facility.

(4) The active operation shall be surrounded by fencing that contains all windblown litter, is at least six feet in height, and is secured by a gate to prevent unauthorized entry.

(5) Space shall be adequate so that trucks using the facility are not stopped or parked on a road right-of-way.

(6) Except in a W3 District, hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Saturday.

(7) The sound level at any residentially zoned or residentially developed property line does not exceed an average of 55 dBA and a peak of 60 dBA.

(8) The facility shall transfer 100% of the total amount of solid waste received in any 12-month period.

(9) The facility shall be operated in a way that manages odor, and excessive odor may not be detectable within 100 feet from any lot line.

(10) The facility shall maintain records onsite specifying the date, type, and amount of material received, its place of origin (Anne Arundel County or out-of-County), and the amount of material transported offsite in accordance with subsection (8), such records to be available for inspection by the County.

(11) Semiannual reports detailing the information contained in the records kept under subsection (10) shall be completed on a form provided by and submitted to the Department of Inspections and Permits.

(12) The site shall be cleaned of litter and scattered refuse daily.

(13) The facility shall conform to the current Solid Waste Management Plan adopted by the County, including any amendments or revisions to the Plan.

(Bill No. 4-05; Bill No. 39-10; Bill No. 73-11; Bill No. 21-15; Bill No. 96-15; Bill No. 96-16; Bill No. 74-18; Bill No. 89-18)

§ 18-11-160. Stadiums, commercial.

A commercial stadium shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least 50 acres.

(2) The principal vehicular access for the facility shall be located on an arterial or collector road within one-quarter mile of a freeway or arterial road and may not be located on a freeway or local road.

(3) The facility may not draw vehicular traffic through local roads in surrounding residential areas.

(4) The facility shall be located at least 200 feet from any residentially zoned property.

(Bill No. 4-05; Bill No. 39-10; Bill No. 73-11; Bill No. 21-15; Bill No. 96-15; Bill No. 96-16; Bill No. 74-18; Bill No. 89-18)

§ 18-11-161. Storage, bulk for agricultural products.

A facility for bulk storage for agricultural products shall comply with all of the following requirements.

(1) The facility shall be restricted to the storage, dispensing, and mixing of products received at the site and may not include processing of a commercial nature.

(2) The facility shall have frontage on or private access to a principal arterial road.

(3) A structure for storage purposes shall be located at least 200 feet from any residential structure and 100 feet from all lot lines.

(4) The height of a grain elevator or silo-type structure may not exceed a maximum height of 150 feet and the height may not exceed the setback from the closest lot line.

(5) A facility located in an RA District shall be located on a road other than a scenic or historic rural road.

(Bill No. 4-05; Bill No. 4-06; Bill No. 21-06; Bill No. 39-10; Bill No. 73-11; Bill No. 21-15; Bill No. 96-15; Bill No. 96-16; Bill No. 74-18; Bill No. 89-18)

§ 18-11-162. Storage of watercraft, covered and wet.

A covered facility for the wet storage of seaworthy watercraft shall comply with all of the following requirements.

(1) The facility shall be designed to be compatible with existing adjacent land uses and existing adjacent zoning districts.

(2) The design of the facility shall afford minimal detrimental impact on adjacent residential areas with respect to structure location and height, access, lighting, signs, landscaping, location of water facilities, location of storage areas, and noise.

(3) The facility shall be located at least 25 feet from any side lot line.

§ 18-12-102. Scope.

This subtitle applies to a government reuse facility. The provisions of this subtitle supersede the requirements of Subtitle 6 of Title 4.

(Bill No. 4-05)

§ 18-12-103. Permitted and auxiliary uses; compliance with reuse plan.

(a) **Permitted uses.** The permitted uses allowed in a government reuse facility are listed in the chart in this section using the following key: P = permitted use. Uses and structures customarily accessory to the listed uses also are allowed. Residential units are prohibited.

Permitted Uses	
Child care centers for the exclusive use of persons employed at the facility	P
Commercial telecommunication facilities if the conditions of Title 10 are met	P
Computer goods, sales and services	P
Helipads for the exclusive use of commercial tenants at the facility	P
Hotel or motel with up to 100 rooms	P
Manufacturing, fabrication, and assembly uses	P
Multiple use principal structures if the uses are limited to those allowed in this section	P
Offices, professional and general	P
Outdoor recreational facilities for the exclusive use of persons employed at the facility and visitors	P
Parking structures and parking lots	P
Public utility essential services	P
Public utilities	P
Publishing, printing, photographic, photocopying, and blueprint establishments	P
Radio and television studios and broadcasting establishments	P
Research and development establishments and testing laboratories, including prototype manufacturing	P
Schools, public charter, and schools, private: academic, arts, business, technical, or trade for the exclusive use of businesses located at the facility	P
Solar energy generating facility – accessory	P
Water taxi landings	P
Wet storage of watercraft located in an existing basin or similar water area for the exclusive use of commercial tenants at the facility	P

(b) **Auxiliary uses.** The following uses are allowed as auxiliary uses located in principal or accessory structures with not more than 5% of the total floor area of the principal and accessory structures being occupied by auxiliary uses and limited to the following:

Auxiliary Uses	
Alcoholic beverage uses for consumption on the premises in accordance with the conditions of Title 10	P
Banks	P
Barbershops	P
Cafeterias, lunchrooms, restaurants, and snack bars for the purpose of serving the uses at the facility	P
Catering facilities	P
Hair and nail salons	P
Health clubs, spas, and gymnasiums in a hotel, motel, or corporate facility for use in conjunction with the activities allowed at the hotel, motel, or corporate facility	P

Newsstands	P
Retail or wholesale display rooms for the sale of products associated with the principal use	P
Solar energy generating facility – accessory	P
Travel agencies	P

(c) **Auxiliary uses in single or multiple use structures.** Auxiliary uses may be located in single or multiple use structures if the uses are limited to the uses listed in subsection (b) and the total square footage of the uses is no greater than 15% of the total floor area, including all sections, phases, and areas platted for future development.

(d) **Compliance with reuse plan.** The overall development plan for a government reuse facility shall comply with the reuse plan, including all traffic standards and guidelines, and be sent to an advisory committee appointed by the County Executive for review and comment.

(Bill No. 4-05; Bill No. 54-05; Bill No. 68-13; Bill No. 89-18)

§ 18-12-104. Bulk regulations.

The following bulk regulations are applicable to a government reuse facility:

Minimum site area	25 acres
Minimum lot area for principal and accessory structures other than public utilities, water taxi landings, and outdoor recreational facilities	20,000 square feet
Maximum lot coverage	80% of net lot area
Minimum setbacks from each lot line:	
Principal structures	15 feet
Parking lots or structures	10 feet
Accessory structures	15 feet
Maximum height limitations for structures	60 feet

(Bill No. 4-05)

§ 18-12-105. Signage.

Signage shall be approved by the Office of Planning and Zoning in accordance with the following:

(1) A signage program shall be submitted to an advisory committee appointed by the County Executive for review and comment and to the Office of Planning and Zoning and, if approved by the Office of Planning and Zoning, the program shall supersede the standards described in Title 3.

(2) The signage program shall:

- (i) contribute to the efficient utilization of the development;
- (ii) minimize visual clutter;
- (iii) make use of directional signs in the parking areas and pedestrian circulation system;
- (iv) be in harmony with the architecture, landscaping, and other design elements of the development;
- (v) be compatible with existing or potential development in the neighboring communities if the signage is along the periphery of the site or visible from public roads; and
- (vi) address the location, size, height, number, color, and material of all proposed signs and state whether the proposed signs will be illuminated.

(Bill No. 4-05)

§ 18-12-106. Parking.

- (23) marinas in existence as of December 1, 1985;
- (24) nurseries with landscaping and plant sales;
- (25) outside storage that is accessory to uses allowed in the RCA if the storage does not exceed the lesser of 10% of the lot or 500 square feet, except that bulk storage of agricultural products is allowed as accessory to a farm and unenclosed storage of manure or odor-producing or dust-producing substances or uses is allowed as accessory to a farm on a lot of at least 10 acres;
- (26) piers, community, and water-oriented recreational facilities, structures, and uses;
- (27) piers, private;
- (28) piers, recreational;
- (29) public utility uses and public utility essential services;
- (30) religious facilities and accessory uses on a lot of at least two acres if lot coverage is limited to the lesser of 15% of the lot or 20,000 square feet;
- (31) research institutions, private, if lot coverage is limited to the lesser of 15% of the lot or 20,000 square feet;
- (32) rifle, skeet, or archery ranges, excluding clubhouses, sales and maintenance buildings, and parking;
- (33) roadside stands with temporary seasonal structures that sell produce only and that do not exceed 500 square feet;
- (34) septic and stormwater management devices associated with permitted uses within the RCA;
- (35) service organizations and nonprofit charitable and philanthropic organizations or institutions if lot coverage is limited to the lesser of 15% of the lot or 20,000 square feet;
- (36) small wind energy systems or meteorological towers subject to the requirements of § 18-13-207;
- (37) solar energy generating facility – accessory;
- (38) stables, commercial or community, and riding clubs, excluding clubhouses, sales and maintenance buildings, and parking areas, subject to an approved soil conservation and water quality plan;
- (39) swimming pools, private;
- (40) temporary nonprofit events, including fairs, carnivals, and bazaars, if the event does not require permanent structures and lasts no more than 30 days and if no more than one event is held in a year;
- (41) veterinary clinics operated in connection with a farm;
- (42) waterman's home commercial uses, excluding processing and packing;
- (43) wildlife and game preserves, excluding hunting, shooting, clubhouses, sales and maintenance buildings, and parking, subject to an approved soil conservation plan;
- (44) wineries; and
- (45) yacht clubs existing as of December 1, 1985.

(Bill No. 4-05; Bill No. 39-10; Bill No. 13-11; Bill No. 14-11; Bill No. 93-12; Bill No. 68-13; Bill No. 76-13; Bill No. 89-18)

§ 18-13-207. Small wind energy systems.

(a) **Location.** A small wind energy system or meteorological tower may not be located in areas designated as forest interior dwelling species (FIDS) habitats; habitat protection areas for rare, threatened and endangered species, species in need of conservation, or colonial water birds; or in natural heritage areas unless the applicant has obtained from the Maryland Department of Natural Resources Wildlife and Heritage Service a letter stating its recommendations for protection and conservation of the habitats. Applicants shall comply with all Department of Natural Resources recommendations for the preservation of habitats affected by the system.

(b) **Requirements.** If a small wind energy system or meteorological tower is approved for location in the 100-foot buffer or expanded buffer, the system shall comply with all of the following requirements.

(1) Clearing of forest, developed woodlands, and natural vegetation shall be limited to only the amount necessary for installation of the wind turbine.

(2) Mitigation shall be required at a ratio of 3:1 for the footprint of any new lot coverage associated with the wind turbine.

(3) Mitigation shall be required at a ratio of 3:1 for the limit of disturbance of any clearing of forests, developed woodlands and natural vegetation.

(4) Required mitigation shall be located on-site within the 100-foot buffer to the extent possible and shall be planted to provide a diverse natural habitat.

(5) A buffer management plan showing an offsite location for canopy tree replacement or a proposal for alternative site stocking that substitutes understory trees for required canopy trees may be approved by the Office of Planning and Zoning if the applicant demonstrates that all mitigation cannot be located on the property.

(6) If a small wind energy system or meteorological tower is removed, the buffer shall be replanted with native vegetation.

(c) **Variances.** A variance may not be granted for the mitigation requirements specified in subsection (b).

(Bill No. 39-10)

SUBTITLE 3. APPLICATIONS FOR BUFFER MODIFICATION MAP AMENDMENTS

§ 18-13-301. Applications for buffer modification map amendments.

(a) **Eligible properties.** An application for amendment to the buffer modification area maps may be made for lots that contained impervious surfaces as of December 1, 1985 or for undeveloped lots located between developed lots.

(b) **Who may file.** An application shall be filed by a person having a financial, contractual, or proprietary interest in the affected property.

(c) **Contents.** An application shall include:

- (1) the tax map, block, lot, and parcel numbers and subdivision name for the affected property;
- (2) the current critical area classification;
- (3) a statement of current and proposed uses of the property and all environmental conditions and features;
- (4) a statement of the current uses and location of existing structures on all properties adjacent to the property for which a buffer modification is requested;
- (5) a site development plan at a scale of one inch equals 40 feet identifying or containing the following:
 - (i) a vicinity map;
 - (ii) all impervious surface, including structures, walks, patios, and pools on the property;
 - (iii) plants, trees, and foliage on the property, including details of the species and diameter of trees and a general description of other planting areas;
 - (iv) the minimum front yard setback requirements for the zoning district and the setback of existing structures from the property line;
 - (v) location of the shoreline and distance to all structures on the site; and
 - (vi) identification of any habitat protection area, slopes of 15% or greater, expanded buffer, and forest interior dwelling birds on the property and adjacent properties;
- (6) a statement of the justification for the proposed buffer modification, including an explanation of why the buffer on the property to be affected is nonfunctional; and
- (7) evidence of the existence of the structure or impervious surface within the buffer as of December 1, 1985.

(Bill No. 4-05)