

Calvert County Solar and Wind Zoning

This document provides a compilation of excerpts from the Calvert County Zoning Ordinance 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 Calvert County Zoning Ordinance includes large-scale solar projects under the definition of "Power Generating Facility, Commercial."
 - Permitted use, by special exception of the Board of Appeals, in the Employment Center (EC) and Light Industrial (I-1) zoning districts.
 - Permitted use, by special exception of the Board of Appeals and subject to conditions, in the Farm and Forest (FFD), Rural Community (RDC), and Wetlands (WL) zoning districts.

Relevant Sections of the Calvert County Code

- **Calvert County Zoning Ordinance**
 - Article 12: Definitions: Definition for "Solar Panel" and "Power Generating Facility, Commercial" (Section 12-01).
 - Article 3: Land Use by Zoning District: Definition, conditions and zoning districts for Power Generating Facility, Commercial (Table 3-1.09 Industrial Uses and Definitions, use # 11b).

SMALL SOLAR

Summary

- The Calvert County Zoning Ordinance includes small-scale/accessory solar projects under the definition of "Power Generating Facility, Accessory to a Residence or Business."

- Permitted use, subject to conditions, in the following zoning districts: Employment Center (EC), Marine Commercial (MC), Residential District (RD), Rural Commercial (RC), Agricultural Preservation District (APD), Historic District (HD), Light Industrial (I-1), Farm and Forest (FFD), and Rural Community (RDC).

Relevant Sections of the Calvert County Code

- **Calvert County Zoning Ordinance**
 - Article 12: Definitions: Definition for "Solar Panel" and "Power Generating Facility, Accessory to a Residence or Business" (Section 12-01).
 - Article 3: Land Use by Zoning District: Definition, conditions, and zoning districts for Power Generating Facility, Accessory to a Residence or Business (Table 3-1.09 Industrial Uses and Definitions, use # 11a).

WIND

Summary

- The Calvert County Zoning Ordinance considers large-scale wind projects as "Power Generating Facility, Commercial;" however, the County discourages the siting of wind energy systems that are greater than 1 MW in any part of the county because of the Naval Air Station Patuxent River site.
 - Permitted use, by special exception from the Board of Appeals, in the Employment Center (EC) and Light Industrial (I-1) zoning districts.
 - Permitted use, by special exception of the Board of Appeals and subject to conditions, in the Farm and Forest (FFD), Rural Community (RDC), and Wetlands (WL) zoning districts.

Relevant Sections of the Calvert County Code

- **Calvert County Zoning Ordinance**
 - Article 12: Definitions: Definitions for "Wind Turbine", "Wind Energy System, Commercial", and "Power Generating Facility, Commercial" (Section 12-01).
 - Article 3: Land Use by Zoning District: Definition, conditions and zoning districts for Power Generating Facility, Commercial (Table 3-1.09 Industrial Uses and Definitions, use # 11b).

SMALL WIND

Summary

- The Calvert County Zoning Ordinance breaks up small wind projects into two categories: "Wind Energy System, Ground Mounted" and "Wind Energy System, Roof Mounted," which are limited to 85 feet and 150 feet, respectively.
 - Permitted use, subject to conditions, in the following zoning districts: Employment Center (EC), Marine Commercial (MC), Residential District (RD), Rural Commercial (RC), Agricultural Preservation District (APD), Historic District (HD), Light Industrial (I-1), Farm and Forest (FFD), Town Center (TC), and Rural Community (RDC).

Relevant Sections of the Calvert County Code

- **Calvert County Zoning Ordinance**
 - Article 12: Definitions: Definitions for "Wind Turbine" and "Wind Energy System, Accessory to a residence of Business" (Section 12-01).
 - Article 3: Land Use by Zoning District: Purpose (Section 3-3.01), General Requirements/ Zoning (Section 3-3.02, Zoning Districts table, use L. and K.), and Conditions for Wind Energy Systems, Communication Towers, and Antennas (Section 3-3.03).

ARTICLE 12. Definitions

12-01. Definitions

ACCESS

A way or means of approach to provide physical entrance to a property.

ACCESSORY APARTMENT

See: Apartment, Accessory to a Residence, or Apartment, Attached to a Business, or Apartment in a Mixed Use Building.

ACCESSORY BUILDING, STRUCTURE, OR USE ON THE SAME PROPERTY WITH THE PRINCIPAL USE

A building, structure, or use on the same lot with, attached to or detached from, and of a nature customarily incidental and subordinate to, a principal building, structure, or use. In the 100-yr floodplain, an accessory structure shall be used solely for parking of vehicles and limited storage.

[Amended 3-25-2008; 5-4-2010; 12-14-2011; 4-16-2012; 12-21-2014 by Ord. No. 47-14]

ACCESSORY BUILDING, STRUCTURE, OR USE ON A PROPERTY ADJOINING THE PRINCIPAL USE

A building, structure, or use of a nature customarily incidental and subordinate to, a principal building, structure, or use that is located on an adjoining property. In the 100-yr floodplain, an accessory structure shall be used solely for parking of vehicles and limited storage.

[Amended 4-16-2012]

ACTIVITIES DEVELOPMENT

See: Development Activities

ACTIVITIES, FISHERIES

See: Fisheries Activities

ACTIVITY, AGRICULTURAL

See: Agricultural Activity

ACTIVITY, REGULATED

See: Regulated Activity

ADAPTIVE RE-USE

A technique for leaving the outer shell of an old building intact and converting its interior to a more modern and profitable use.

ADDITION

A newly constructed area that increases the size of a structure.

[Amended 5-4-2010]

ADDRESS, PREMISE

See: Premise Address

ADMINISTRATIVE VARIANCE

A modification of the setback requirements of this Zoning Ordinance granted by the Administrative Variance Officer in accordance with Section 11-3.

[Amended 6-10-2008]

PLAT, FINAL SUBDIVISION

See: Final Subdivision Plat

PLAT, RECORD

See: Record Plat

PORT

A facility or area established or designated by the State or local jurisdictions for purposes of waterborne commerce.

PORTABLE SAWMILL

See: Sawmill, Portable

PORTABLE SIGN

A sign that is not permanently affixed to a building, structure or the ground, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of motoring or pedestrian traffic.

POWER GENERATING FACILITY, ACCESSORY TO A RESIDENCE OR BUSINESS

A facility designed and constructed near an individual residence, business, or public building for the purpose of generating power for use in that residence, business or public building.

POWER GENERATING FACILITY, COMMERCIAL

A generator that uses one or more sources and/or products for the production of power for sale. Types of power generating facilities include but are not limited to petroleum, methane, ethanol, thermal, wind, solar, nuclear and hydroelectric.

[Amended 8-5-2013]

POWER GENERATING FACILITY, QUALIFIED COMMERCIAL

A Commercial Power Generating Facility as to which a certificate of public convenience and necessity has been issued under Public Utility Companies Article, Section(s) 7-205, 7-207 and/or 7-208, Annotated Code of Maryland, as amended from time to time.

[Amended 7-27-2006]

PRACTICES, BEST MANAGEMENT

See: Best Management Practices

PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAS

Any tower or antenna for which a special exception and/or a building permit has been issued prior to the effective date of these regulations (December 4, 2001), including permitted towers or antennas that have not yet been constructed so long as such approval has not expired.

PRELIMINARY APPROVAL

The approval of a minor or major subdivision by the Planning Commission or its designee. Preliminary approval is required prior to final approval.

PRELIMINARY SUBDIVISION PLAN

A drawing prepared for the overall planning of a proposed subdivision in accordance with Section 7-1.07.B of this Ordinance.

PREMISE

A house, building, or structure and the land on which it is located.

PREMISE ADDRESS

The number assigned by the Planning Commission or its designee to identify the official address of a property. The Premise Address is assigned using the Grid Address Numbering System.

PRINCIPAL BUILDING, STRUCTURE OR USE

The primary or dominant building, structure or use of a property.

SIGN, SUBDIVISION

See: Subdivision Sign or Feature

SIGNIFICANTLY ERODING AREAS

Areas that erode two feet or more per year.

SIMPLIFIED BUFFER MANAGEMENT PLAN

A landscape plan required for an application under Section 8-1.08.D.3.k.v of this Ordinance.
[Amended 5-4-2010]

SITE

Any plot or parcel of land or combination of contiguous lots or parcels of land.

SITE PLAN

The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

SITE, CANOE OR KAYAK LAUNCHING, COMMERCIAL

See: Canoe or Kayak Launching Site, Commercial

SLIP

Berthing arrangement for a single vessel.

SLOPE

The deviation of a surface from the horizontal, usually expressed in percent or degrees.

SLOPES, STEEP

See: Steep Slopes

SMALL SHRUB

A shrub that, when mature, reaches a height no greater than 6 feet.
[Amended 5-4-2010]

SOIL CONSERVATION AND WATER QUALITY PLANS

A soil and nutrient management plan developed in conjunction with the Soil Conservation District.

SOILS, HIGHLY ERODIBLE

See: Highly Erodible Soils

SOILS, HYDRIC

See: Hydric Soils

SOLAR PANEL

A device that collects and inverts solar energy into electricity or heat.
[Amended 9-22-2009]

SOLID WASTE

Unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.

SPACE, OFF-STREET PARKING

See: Off-Street Parking Space

SPACE, OPEN

See: Open Space

SPECIAL EXCEPTION

WIND ENERGY SYSTEM, ACCESSORY TO A RESIDENCE OR BUSINESS

A wind-powered electric system sized for homes, farms, and small businesses with a capacity of 100 kilowatts and below.

[Amended 10-13-2010]

WIND ENERGY SYSTEM, COMMERCIAL

A wind-powered electric system designed and constructed for the production of power for sale.

[Amended 10-13-2010]

WIND TURBINE

The part of a wind energy system that includes the blades, generator and tail.

[Amended 10-13-2010]

WINERY, FARM

See: Farm Winery

WIRELESS COMMUNICATIONS

Personal wireless services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may be developed in the future.

WOOD-DRYING KILN

See: Kiln, Wood-Drying

WOODLANDS, DEVELOPED

See: Developed Woodlands

WORKFORCE HOUSING

Housing that is affordable (no more than 30% of median income) to households of moderate income that is up to 80 percent of the median income level for Calvert County as determined by Department of Housing and Urban Development (HUD) statistics.

WORKS, SHORE EROSION PROTECTION

See: Shore Erosion Protection Works

WORSHIP, PLACE OF

See: Place of Worship

YARD SALE

See: Garage Sale, Yard Sale or Estate Sale

YARD, FRONT

See: Front Yard

YARD, JUNK

See: Salvage and/or Junk Yard

YARD, REAR

See: Rear Yard

YARD, SALVAGE

See: Salvage and/or Junk Yard

YARD, SIDE

See: Side Yard

ZERO GRID

The horizontal and vertical lines specified on a map, which are used as starting points for determining premise addresses.

ARTICLE 3. Land Uses by Zoning District

3-1. LAND USES BY DISTRICT OUTSIDE THE TOWN CENTERS

3-1.09. INDUSTRIAL USES & DEFINITIONS

3-1.09. INDUSTRIAL USES & DEFINITIONS

USE #	3-1.09 INDUSTRIAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
1.	<p>Agricultural/Seafood/Livestock Processing Plant A facility used for the handling, unloading, storing, shucking, freezing, preparing, changing into different market forms, manufacturing, preserving, packing or labeling of agricultural commodities or fish, shellfish and related products.</p>	SC				C		C	C	C		<ol style="list-style-type: none"> 1. In the MC District, the processing is restricted to seafood only. 2. Such use shall be located on a lot not less than five acres in size, and shall be at least 200 feet from any residence; and 3. all structures shall have a minimum setback of 100 feet from side, front and rear lot lines; and 4. adequate measures are taken for the abatement of offensive and obnoxious odors, dust, smoke, noise, vibration, or similar nuisances; and 5. design, construction, and operation of the facility meets requirements of appropriate State and Federal regulatory agencies; and 6. retail sales of processed food are not permitted in the I-1 District and are permitted only as an accessory use in the RC and MC Districts; and 7. Approval from the Agricultural Preservation Advisory Board shall be required for properties located in Agricultural Preservation Districts.
2.	<p>Asphalt Plant An establishment in which a homogeneous product commonly referred to as asphalt, and intended mainly for the coating of roads, is manufactured from bituminous asphalt and other aggregate material.</p>											
3.	<p>Commercial Fuel Storage Business A facility designed for bulk fuel storage for resale. Fuels include but are not limited to liquid natural gas, propane, fuel oils, alcohol fuels, gasoline, and diesel. The sale and/or rental of tanks may be an accessory use</p>							P			S	

USE #	3-1.09 INDUSTRIAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
4.	<p>Commercial Recycling Facility An establishment that accepts, stores and processes reusable materials from commercial operations including, but not limited to, glass, plastics and synthetic materials, paper products (such as newspapers, stationery, scrap paper, computer paper and corrugated cardboard), rubber, batteries, ferrous and nonferrous metals, concrete, asphalt, wood and building materials, and tree wastes, but not including yard waste or mixed municipal solid waste. Processing includes, but is not limited to, bailing, briquetting, crushing, compacting, grinding, shredding, sawing, shearing and sorting of recyclable materials and the heat reduction of such materials but does not include incineration for any purpose.</p>							C				<ol style="list-style-type: none"> 1. The Commercial Recycling Facility shall be constructed and operated in accordance with the Solid Waste Chapter of the County Code, as amended from time to time; and 2. no incinerator shall be permitted; and 3. no outdoor processing shall be permitted.
	<p>Distillation of Alcohol as a Fuel The fermentation and other refinement of grains and/or other biomass for the production of liquid fuel. Does not include the capture/reclamation of methane from agricultural and/or commercial operations.</p>											
5a.	<p>Distillation of Alcohol as a Fuel, Commercial [Amended 9-22-2009]</p>											
5b.	<p>Distillation of Alcohol as a Fuel On a Farm for Farm Use Only [Amended 9-22-2009]</p>	C	C	C			C	C				The production shall be limited to 50 gallons a day.
6.	<p>Grain Elevator [Amended 9-22-2009] A storehouse for threshed grain or animal feed for wholesale or retail sale.</p>							P	C			<ol style="list-style-type: none"> 1. All processing structures shall be at least 100 feet from all side, front and rear lot lines; and 2. adequate measures shall be taken for the abatement of dust, noise or similar nuisances.
7.	<p>Kiln, Wood-Drying [Amended 9-22-2009] A chamber or tunnel used for drying and conditioning lumber, veneer, and other wood products in which the temperature and relative humidity of the circulated air can be varied and controlled.</p>	SC	SC				C	SC	C			<ol style="list-style-type: none"> 1. A wood-drying kiln shall be permitted only as an accessory use to a commercial sawmill. 2. In addition to the above condition, the requirements of Section 2-10.04 shall apply to Historic Districts.
8a.	<p>Landfill, Land-Clearing Debris [Amended 9-22-2009] Sanitary Landfills which accept only land-clearing debris. Types of waste permitted are limited to those associated with land-clearing operations, including earthen material such as clay, sand, gravel, and silt, topsoil, tree stumps, root mats, brush and limbs, logs, vegetation, and rock.</p>	SC	SC	SC			C	C	C			<ol style="list-style-type: none"> 1. All materials shall be physically inert or biodegradable and occurring naturally such as stumps, brush and logs; and 2. if in an individual recorded section in a major subdivision, all dumping must cease after 75 percent of the lots in that section have been developed; and 3. all County, State and Federal permits shall be obtained; and 4. on land that is designated as an Agricultural Preservation District, only debris originating onsite shall be permitted.

USE #	3-1.09 INDUSTRIAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
8b.	Landfill, Rubble [Amended 9-22-2009] Sanitary Landfills which accept only rubble. Types of waste permitted are limited to those materials accepted at Land-Clearing Landfills, along with demolition debris associated with the razing of buildings, roads, bridges and other structures including structural steel, concrete, bricks, lumber, plaster and plasterboard, sheet rock, insulation material, cement, shingles and roofing materials, floor and wall tile, asphalt, pipes and wires, and other items physically attached to the structure, including appliances if they have been or will be compacted to their smallest practical volume.							SC				<ol style="list-style-type: none"> The area shall be located at least 500 feet from any adjacent property line of a property owned by a party other than the applicant (unless such adjacent property owner gives written consent) and 200 feet from any street, highway, or road right-of-way; and all County, State and Federal permits shall be obtained; and the use shall be 100 percent screened from adjoining properties and roads.
8c.	Landfill, Sanitary [Amended 9-22-2009] An area used for the disposal of solid waste, operated and maintained in accordance with solid waste disposal regulations of the County and State.							C				The area shall be located at least 500 feet from any adjacent property line of a property owned by a party other than the applicant (unless such adjacent property owner gives written consent) and 200 feet from any road right-of-way.
9a.	Manufacturing and/or Assembly, Heavy [Amended 9-22-2009] Establishments involved in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials and that are generally not compatible with residential uses. Includes but is not limited to foundries, fossil fuel refineries and similar heavy industrial uses.											
	Manufacturing and/or Assembly, Light The production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products which by the nature of the materials, equipment and process utilized is to a considerable measure clean, quiet, and free of any objectionable or hazardous element.											
9b.	Manufacturing and/or Assembly, Light, Less than 5,000 square feet total per parcel of record as of the effective date of this Ordinance [Amended 5-1-2006; 9-22-2009]	SC	SC	SC		C	SC	P	SC		P	<ol style="list-style-type: none"> The minimum lot size shall be five acres; and when an existing barn is used, the lot size may be reduced by the Board of Appeals; and no retail sales shall be permitted; and In addition to the above conditions, the requirements of Section 2-10.04 shall apply to Historic Districts.
9c.	Manufacturing and/or Assembly, Light, More than 5,000 square feet [Amended 9-22-2009]							P			P	
9d.	Manufacturing and/or Assembly, Marine-Related [Amended 9-22-2009] A facility designed for the construction of waterborne vessels and ancillary items for commercial purposes.							C		P		The sale of watercraft manufactured on-site shall be permitted only as an accessory use to the principal use.
10.	Outdoor Storage in Connection with Commercial and/or Industrial Uses [Amended 9-22-2009] The storage of materials accessory to a commercial and/or industrial use. Does not include machinery and equipment.							P	P	P	P	

USE #	3-1.09 INDUSTRIAL USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
11a.	Power Generating Facility, Accessory to a Residence or Business [Amended 9-22-2009; 10-13-2010] A facility designed and constructed on the same property with an individual residence, business, or public building for the purpose of generating power for use in that residence, business or public building. Types of power generating facilities include but are not limited to petroleum, methane, ethanol, thermal, solar and hydroelectric. This definition does not include Wind Energy Systems. See Use # 17 and Section 3-3 of this Ordinance for regulations.	C	C	C		C	C	C	C	C	C	The generator shall be installed within the Building Restriction Lines required for the primary structure.
11b.	Power Generating Facility, Commercial [Amended 9-22-2009; 10-13-2010; 8-5-2013] A generator that uses one or more sources and/or products for the production of power for sale. Types of power generating facilities include but are not limited to petroleum, methane, ethanol, thermal, solar, nuclear and hydroelectric.	SC	SC		SC			S			S	1. In the FFD, RCD, WL and EC Commercial Power Generating Facilities shall be limited to the production of electricity from wind, solar, and/or hydro-electric fuel sources only.
	Research & Development Facility A facility containing operations engaged in scientific research and investigation, the development of prototype products for test and evaluation, and/or the assembly or manufacture of prototype products.											
12a.	Research & Development Facility, Environmental [Amended 9-22-2009]							C		C	C	No retail sales shall be permitted.
12b.	Research & Development Facility, Other [Amended 9-22-2009]							C		C	C	No retail sales shall be permitted.
13.	Salvage and/or Junk Yard [Amended 9-22-2009] Any land, building, or vehicle used for the abandonment, sale, storage, collection, or baling of paper, scrap metal, other scrap or discarded materials, or for the abandonment of automobiles or other vehicles or for the abandonment of machinery, or parts thereof.							S				
14a.	Sand, Gravel or Mineral Extraction and Processing [Amended 9-22-2009] The operations necessary to excavate, stockpile, or remove materials such as sand, gravel, aggregate, rock or other mineral resources. Includes the cleaning, mixing, sorting, washing, and other processing of this material including cement mixing. Does not include the manufacture of asphalt (see definition of asphalt plant). The retail, wholesale, contract purchase, or transfer of mineral products is within the scope of this definition. For purposes of this title, the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) does not constitute a mining site/operation, if: processing of the material does not occur on the property; on-site stockpiles are fully depleted; and, a mining permit is not required.							SC				1. Such use shall be located at least 200 feet from any residence other than the residence of the property owner; and 2. all extractions are back-filled or regraded according to the Maryland Department of Natural Resources standards; and 3. no operation is conducted in a manner that would impede the flow of any stream or pollute its waters; and 4. other conditions may be specified by the Board of Appeals.

USE #	3-1.09 INDUSTRIAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
14b.	<p>Sand, Gravel or Mineral Extraction (No Processing) [Amended 9-22-2009] The operations necessary to excavate, stockpile, or remove materials such as sand, gravel, aggregate, rock or other mineral resources. The retail, wholesale, contract purchase, or transfer of mineral products is within the scope of this definition. For purposes of this title, the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) does not constitute a mining site/operation, if: processing of the material does not occur on the property; does not occur over an extended period of time, and on-site stockpiles are fully depleted; and, a mining permit is not required.</p>	SC	SC	SC		C		SC	SC		SC	<ol style="list-style-type: none"> 1. Such use shall be located at least 200 feet from any residence other than the residence of the property owner; and 2. all extractions shall be back-filled or regraded according to the Maryland Department of Natural Resources standards; and 3. no operation shall be conducted in a manner that would impede the flow of any stream or pollute its waters; and 4. if the property is designated as an Agricultural Preservation District, the Sand, Gravel or Mineral Extraction Operation shall be restricted to five percent of the Agricultural Preservation District. 5. other conditions may be specified by the Board of Appeals, <p>The following provisions apply only in the Critical Area:</p> <ol style="list-style-type: none"> 6. No important natural resources such as threatened and endangered species, areas of scientific value, or rare assemblages of species occur as discussed in Section 8-2 of this Ordinance; and 7. no highly erodible soils exist; and 8. the use of renewable resource lands would not result in the substantial loss of long-range (that is, 25 years or more) productivity of forest and agriculture, or would result in a degrading of water quality or a loss of vital habitat; or 9. the lands are not within 100 feet of the Mean High Water Line of tidal waters or the edge of tributary streams; and 10. to the fullest extent possible, existing sand and gravel operations shall conduct their extraction activities so as to provide, at a minimum, a 100-foot buffer of natural vegetation between the operation and the Mean High Water Line of tidal waters or the edges of tributary streams, and tidal wetlands, which is further inland; and 11. all new surface mines must be reclaimed after the cessation of a sand and gravel operation.
15a.	<p>Sawmill, Commercial [Amended 9-22-2009] An indoor or outdoor facility where timber or logs are sawn into lumber or boards.</p>	SC	SC			C	SC	C				<ol style="list-style-type: none"> 1. All buildings and outdoor facilities shall be at least 500' from any residence on an adjoining property; and 2. Such use shall be at least 100 feet from any road maintained by the County or State; and 3. the gross square footage of all buildings combined, regardless of use, shall not exceed 5,000 square feet; and 4. adequate measures shall be taken for the abatement of obnoxious or offensive odor, dust, smoke, noise, vibration, or similar nuisance, and measures for protection against fire shall be employed; and 5. in addition to the above conditions, the requirements of Section 2-10.04 shall apply to Historic Districts.

USE #	3-1.09 INDUSTRIAL USES & DEFINITIONS (<i>in italics</i>)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
15b.	Sawmill, Portable [Amended 9-22-2009] A small, self-contained sawmill that is moved to the site where the timber is to be sawn and then moved on to another location. This use does not include those permitted under "Forest Product Processing".	P	P	P		P	P	P	P	P	P	
16.	Storage of Machinery & Equipment in Connection With Excavating and/or Contracting Business [Amended 9-22-2009] Implements commonly used in association with site preparation and/or building construction including, but not limited to, bulldozers, front-end loaders, backhoes, tank trucks and/or trailers, trenchers, tar boilers, cement mixers, dump-bed trucks and/or trailers, graders, street sweepers, snowplow blades, flat-bed trucks and/or trailers, large riding mowers, and paving equipment. Implements may be self-propelled, trailered, towed, dragged, pushed, or pulled. Does not include hand tools or walk-behind equipment such as small mowers or tillers.							C			C	The machinery and/or equipment stored shall be screened from adjoining properties and the road.

3-3. WIND ENERGY SYSTEMS AND COMMUNICATIONS TOWER AND ANTENNA REGULATIONS

3-3.01. Purpose

- A. Protect the health and safety of the residents of Calvert County by: (1) prohibiting the interference or degradation of the County's wireless communication systems which include, but are not limited to public safety, administrative and school wireless systems; (2) ensuring that wind energy systems and communications towers and antennas comply with all State and Federal safety regulations; and (3) avoiding potential damage to adjacent properties from communications tower failure through engineering and careful siting of communications tower structures.
- B. Minimize the total number of communications towers throughout Calvert County by encouraging co-location of antennas on existing communications towers and other structures such as buildings, water tanks, etc.
- C. Protect residential areas and land uses from potential adverse impacts of communications towers and antennas by encouraging the location of communications towers in non-residential areas and in areas where the adverse impact on the community is minimal.
- D. Encourage users of communications towers and antennas to configure them in a way that minimizes the adverse visual impact and provides protection of historic, natural, and cultural features through careful design, siting, screening, and innovative camouflaging techniques.
- E. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently by streamlining the process.
- F. Encourage the use of wind energy systems in appropriate locations as alternative energy sources.

3-3.02. General Requirements

[Amended 1-11-2012]

- A. Antennas and communications towers may be considered either principal or accessory uses. A different use on the same lot shall not preclude the installation of an antenna or communications tower on such lot. A wind energy system shall be located on the same property with the residence, business, or public building for which it generates power.
- B. The height of communications towers shall be measured from ground level to the highest point of the communications tower, including all attached antennas and appurtenances. The height of wind energy systems shall be measured from ground level to the tip of a blade when the blade is at its highest point.
- C. The owner of any commercial communications tower approved after adoption of these regulations (December 4, 2001) shall submit a report to the Department of Planning and Zoning upon construction of the communications tower and every two years thereafter indicating the name(s) and addresses of all carriers with equipment located on the communications tower and a description of such equipment.
- D. Upon installation of any new antennas on pre-existing commercial communications towers after adoption of these regulations (December 4, 2001), and every two years thereafter, the owner of the communications tower shall submit a report to the Department of Planning and Zoning indicating the name(s) and addresses of all carriers with equipment located on the communications tower and a description of such equipment.
- E. A communications tower inspection report prepared by a licensed engineer in compliance with current American National Standards Institute (ANSI) standards shall be submitted upon construction, and every two years following construction, of any new commercial communications tower approved after adoption of these regulations (December 4, 2001). Pre-existing communications towers shall be subject to similar reporting requirements upon installation of any new antennas installed after adoption of these regulations and every two years thereafter.
- F. All obsolete or unused facilities related to communications towers and antennas and wind energy systems shall be removed within 12 months of cessation of operations.
- G. Communications towers, antennas and wind energy systems are permitted in accordance with the following land use chart:

ZONING DISTRICTS

ZONING DISTRICTS												
USE	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	TC	EC	
COMMUNICATIONS TOWERS:												
A. Communications Tower, Commercial/Governmental on Government Property	C	C	C				C	C	C	C	C	
B. Communications Tower, Commercial on Private Property (no height restriction)	SC	SC	SC		SC		SC			SC	SC	
C. Communications Tower, Commercial on Private Property, less than 75 feet	SC	SC	SC		SC		C	C	C	C	C	
D. Communications Tower, Private/Not-for-Profit, less than 75 feet	C	C	C		C		C	C	C	C	C	
E. Communications Tower, Private/Not-for-Profit, greater than 75 feet	SC	SC	SC		SC		SC	SC	SC	SC	SC	
COMMUNICATIONS ANTENNAS:												

ZONING DISTRICTS												
USE		FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	TC	EC
F.	Antenna, Commercial/Governmental on Government Property	C	C	C				C	C	C	C	C
G.	Antenna, Commercial on Private Property	C	C	C		C		C	C	C	C	C
H.	Satellite Dish Antenna; Ground Mounted, greater than three feet in Diameter	C	C	C		C		C	C	C	C	C
I.	Satellite Dish Antenna; Roof Mounted, greater three feet in Diameter	SC	SC	SC		SC		C	SC	SC	SC	SC
J.	Satellite Dish Antenna; Ground or Roof-Mounted, less than three feet in Diameter	P	P	P		P		P	P	P	P	P
K.	Antenna, Private/Not-For-Profit	P	P	P		P		P	P	P	P	P
WIND ENERGY SYSTEMS:												
L.	Wind Energy System, Ground Mounted	C	C	C		C	C	C	C	C	C	C
M.	Wind Energy System, Roof Mounted	C	C	C		C	C	C	C	C	C	C
KEY: C = Must comply with conditions of Section 3-3.03; SC = Requires special exception from Board of Appeals and must also comply with conditions of Section 3-3.03; P = Permitted; Blank = Not Permitted.												

3-3.03. Conditions for Wind Energy Systems, Communications Towers, and Antennas

- A. Tower, Commercial/Governmental on Government Property, (no height restriction) provided that:
1. The property is government-owned or leased; and
 2. The tower shall be constructed so as to provide capacity for future co-location of other commercial and/or government operated antennas; and
 3. The tower shall be constructed and operated in compliance with all current Federal Communications Commission (FCC), Federal Aviation Administration (FAA) And Maryland Aviation Administration (MAA) requirements.
- B. Tower, Commercial on Private Property (no height restriction) provided that:
1. Tower System
 - a. The application submitted by the applicant to the Board of Appeals shall include: (a) a system design plan that shall include, at a minimum, radio frequency parameters, tower height, number and location of all antennas on the tower (proposed by the applicant and future co-locations), radio frequency output, effective radiated power and azimuth antenna type; (b) coverage map of the area to be served by the proposed tower; (c) coverage map showing coverage available under existing towers and other appropriate structures; and (d) an evaluation of the tower's relationship

to the following: other antenna sites, existing buildings taller than 50 feet, and communication towers and water tanks within one mile of the proposed tower; and

- b. The applicant for a new communications tower shall demonstrate to the Board of Appeals that co-location on existing towers or other appropriate structures is not feasible and that the proposed tower is the only feasible location for the antennas. Physical constraints and economic feasibility may be considered. Co-location shall be deemed not possible if:
 - i. planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers, and such towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - ii. planned equipment will cause interference with other existing or planned equipment for that tower, and the interference cannot be prevented at a reasonable cost;
 - iii. existing or approved towers do not have space on which planned equipment can be placed so as to function effectively; or
 - iv. existing or approved towers will not provide effective signal coverage sought by the applicant; and
 - c. The applicant demonstrates that the tower is needed to introduce personal wireless service to an area that is without such service. The applicant shall submit a master plan for its proposed communications network for the entire county. The Department of Planning & Zoning shall adopt a policy outlining the submittal requirements for such a master plan; and
 - d. The applicant demonstrates that the proposed tower will not degrade or cause interference to the County's wireless communication systems which include, but are not limited to public safety, administrative and school wireless systems; and
 - e. The applicant shall certify that the proposed tower meets Federal Communication Commission, Federal Aviation Administration and Maryland Aviation Administration requirements.
2. Tower Construction
- a. The applicant shall submit a certification by a Professional Engineer Licensed in the State of Maryland that the tower foundation is adequately designed to support the tower and appurtenances, the design of the proposed tower is structurally sound and that the tower will be adequate to accommodate the initial antenna loading as well as anticipated future loading; and
 - b. The tower shall be constructed so as to provide capacity for future co-location of other commercial and/or government-operated antennas, unless the applicant demonstrates that such design is not economically or physically feasible. The system design plan shall delineate an area near the base of the tower to be used for the placement of additional equipment shelters or space for other users; and
 - c. All towers shall be of monopole construction and shall be screened or camouflaged to reduce visual obtrusiveness, including but not limited to the use of compatible building materials and colors, screening, landscaping, and placement within trees. Lattice towers may be permitted if the applicant demonstrates that it is not feasible to construct a monopole tower to a height that will provide adequate space for future co-locations and/or that a monopole could not provide the structural support necessary for the antennas proposed.
3. Tower Site
- a. The tower shall be set back a distance equal to the height of the tower from all property lines except for adjacent properties under common ownership. Guy wires and accessory buildings must comply with the minimum setback requirements for the Zoning District within which the tower is located. The Board of Appeals may reduce this requirement if the goals of this Section would be better served thereby; and

- b. If the tower is not camouflaged or screened from adjacent properties and the road by existing vegetation, buildings or structures, it shall be surrounded by a minimum 40-foot wide buffer of dense tree growth and understory in all directions to create an effective year round visual buffer. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Existing mature tree growth and natural contours of the site shall be preserved to the maximum extent possible. The vegetated buffer shall be of sufficient height and depth to effectively screen the base of the tower and all equipment and equipment shelters. The Department of Planning and Zoning shall determine the types of trees and plant materials based on site conditions; and
 - c. The tower shall be constructed to minimize interference with the view of or from any public park or any Historic District; and
 - d. All new towers shall be surrounded by a locked, security fence or wall that seals the area at the base of the tower from unauthorized entry or trespass; and
 - e. Towers shall not be artificially lighted, unless required by the FAA, MAA, or other regulating authority. If lighting is required, the lighting alternative and design that causes the least disturbance to the surrounding areas shall be utilized; and
 - f. No commercial advertising signs shall be allowed on the tower. Signs warning of any danger and identifying the owners of the tower and all antennas, with emergency contact information, shall be located on the fence or wall surrounding the tower.
4. Pre-existing Towers
- a. Guyed towers, lattice towers, and monopoles in existence at the time of adoption of this amendment (December 4, 2001) that do not comply with the requirements of this amendment may be reconstructed, altered, extended or replaced on the same site by special exception, provided that the Board of Appeals finds that the proposed reconstruction, alteration, extension or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts.
 - b. Modifications to antenna systems on pre-existing towers, such as changing technology, frequencies, increasing power, or relocating or adding antennas in such a manner so as to significantly alter the original plans approved for the tower shall require approval by the Department of Planning and Zoning to assure that such modifications will not cause interference with or degradation to the County's wireless communication systems which include, but are not limited to public safety, administrative and school wireless systems.
5. Board of Appeals Authority
- a. Before the Board of Appeals grants a special exception for the installation of a communications tower, it shall consider the following:
 - i. the height of the proposed tower,
 - ii. the proximity of the proposed tower to residential structures and residential district boundaries,
 - iii. the nature of uses on adjacent properties,
 - iv. surrounding topography,
 - v. surrounding tree coverage and foliage,
 - vi. design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness,
 - vii. proposed ingress and egress to tower site,

- viii. availability of suitable existing towers, structures or alternative technologies not requiring the use of towers.
 - b. In addition to the authority granted in Section 11-1.02 of this Ordinance, the Board of Appeals shall have the authority in granting a special exception for a communications tower under these regulations to reduce the required screening and/or setbacks if it finds that a substantially better design will result from such reduction. In making such a finding, the Board of Appeals shall consider both the visual and safety impacts of the proposed reduction; and
 - c. The Board of Appeals may require camouflaging and/or additional screening, buffering, fencing, and setbacks in order to protect significant natural, cultural, or historical features of the area surrounding the proposed tower, and/or to minimize any adverse effect of the proposed tower on adjoining properties.
- C. Tower, Commercial on Private Property (less than 75 feet in height) provided that:
1. The tower be constructed to minimize interference with the view of or from any public park or any Historic District; and
 2. The minimum setback from all adjoining parcels shall be equal to the height of the tower measured from its base to the adjoining property line. Guy wires and accessory buildings must comply with the minimum setback requirements for the Zoning District within which the tower is located. The Board of Appeals may reduce the setback requirements if the goals stated in Section 3-3.01 would be better served thereby; and
 3. The height of a tower may be increased above 75 feet if the increase is used to facilitate the co-location of another communication provider. Such increase may be approved as a special exception by the Board of Appeals; and
 4. Only one tower is permitted per lot or parcel unless a special exception is obtained from the Board of Appeals, and
 5. The base of the tower shall be adequately screened from adjoining properties and the road so as to decrease the visual impact.
- D. Tower, Private/Not-for-Profit (Non-Commercial/Governmental) less than 75 feet in height provided that:
1. The distance between the base of the tower and the nearest property line shall equal no less than 75 percent of the height of the tower; and
 2. Only one tower is permitted per lot or parcel unless a special exception is obtained from the Board of Appeals; and
 3. The base of the tower shall be adequately screened from adjoining properties and the road so as to decrease the visual impact.
- E. Tower, Private/Not-for-Profit (Non-Commercial/Governmental), greater than 75 feet in height provided that:
1. The distance between the base of the tower and the nearest property line shall equal no less than 75 percent of the height of the tower; and
 2. Only one tower is permitted per lot or parcel unless a special exception is obtained from the Board of Appeals; and
 3. The base of the tower shall be adequately screened from adjoining properties and the road so as to decrease the visual impact; and
 4. The applicant demonstrates that the proposed tower will not degrade or cause interference to the County's wireless communication systems which include, but are not limited to public safety, administrative and school wireless systems.
- F. Antenna, Commercial/Governmental on Government Property, provided that:

1. A building permit shall be obtained prior to installation of the antenna.
 2. The antenna shall be attached to public buildings, water towers, or existing towers (including street lights and utility poles) located on government property; and
 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible; and
 4. The owner of the antenna shall submit a radiation safety analysis demonstrating that the antenna will not pose a health threat to individuals due to excessive radiation emissions and that the antenna is in compliance with current FCC guidelines for human exposure to radio frequency electromagnetic fields.
- G. Antenna, Commercial on Private Property, provided that:
1. A building permit shall be obtained prior to installation of the antenna; and
 2. The antenna shall be attached to public, commercial or industrial buildings or structures, steeples, smokestacks, water towers, or existing communications towers only; and
 3. The radio signals emanating from the proposed antennas shall not interfere with the County's wireless communication systems which include, but are not limited to public safety, administrative and school wireless systems; and
 4. The owner of the antenna shall submit a radiation safety analysis demonstrating that the antenna will not pose a health threat to individuals due to excessive radiation emissions and that the antenna is in compliance with current FCC guidelines for human exposure to radio frequency electromagnetic fields; and
 5. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible; and
 6. A commercial antenna may be approved as an accessory use to any commercial, industrial, or institutional structure, or to any existing approved tower provided that:
 - a. if attached to a building, the antenna shall not project above the roof line by more than ten (10) feet. If attached to an approved tower, the antenna shall not exceed the maximum height originally approved for the tower.
 - b. the antenna shall comply with the applicable FCC, MAA and FAA regulations, and the applicant shall submit verification of same.
- H. Satellite Dish Antenna; Ground Mounted, greater than three feet in Diameter, provided that:
1. The antenna complies with all accessory use setbacks specified in the District; and
 2. The antenna is located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties; and
 3. If located within 200 feet of a residence, the antenna must be screened along the antenna's non-reception window with low level ornamental landscaping; and
 4. The antenna shall be no larger than 12 feet in diameter; and
 5. If located within 200 feet of a residence, the antenna shall, to the extent possible, be constructed of materials and colors that blend with the surroundings.
- I. Satellite Dish Antenna; Roof Mounted, greater than three feet in Diameter, provided that:

1. The antenna is located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties; and
 2. The antenna is no larger than 12 feet in diameter; and
 3. If located within 200 feet of a residence, the antenna shall (to the extent possible) be constructed of materials and colors that blend with the surroundings.
- J. (Reserved)
- K. (Reserved)
- L. Wind Energy System, Ground Mounted, provided that:
1. Building and electrical permits shall be obtained prior to installation of the wind energy system and any accessory structures; and
 2. the applicant shall submit, with the building permit application, a certification by a Professional Engineer licensed in the State of Maryland that the foundation and support structure for the wind energy system is adequately designed to support the wind turbine and appurtenances; and
 3. approval of the building permit application shall be subject to a determination by the Dept. of the Navy, Naval Air Station at Patuxent River, Maryland, that the wind energy system will not cause interference with military activities; and
 4. if located on a lot or parcel containing less than one acre, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, shall not exceed 85 feet; and
 5. if located on a lot or parcel containing one acre or more, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, shall not exceed 150 feet; and
 6. the blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than 15 feet; and
 7. the support structure for the wind energy system shall not be climbable up to 12 feet above ground level; and
 8. the wind turbine and support structure shall be set back from all property lines and all above-ground utility lines a distance equal to its height. These setbacks may not be reduced; and
 9. guy wires and accessory structures shall comply with the minimum setback requirements for the Zoning District within which the wind energy system is located (See Section 5-1.10 of this Ordinance); and
 10. the wind turbine shall be a non-reflective, neutral color; and
 11. the noise generated by the wind energy system shall not exceed limits established by any State or County Noise Ordinance in effect; and
 12. the wind energy system shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other authority; and
 13. no commercial advertising signs shall be permitted on the wind energy system. Signs warning of any danger and identifying the owners of the wind energy system, with emergency contact information, shall be displayed; and
 14. small wind energy systems connected to the utility grid shall comply with the Maryland Net Metering Laws (Maryland Code, Utility Companies Article, Section 7-306); and
 15. in the HD District, the requirements of Section 2-10.04 shall apply to Historic Districts.

M. Wind Energy System, Roof Mounted, provided that:

1. Building and electrical permits shall be obtained prior to installation of the wind energy system and any accessory structures; and
2. the applicant shall submit, with the building permit application, a certification by a Professional Engineer licensed in the State of Maryland that the support structure for the wind energy system is adequately designed to support the wind turbine and appurtenances; and
3. approval of the building permit application shall be subject to a determination by the Dept. of the Navy, Naval Air Station at Patuxent River, Maryland, that the wind energy system will not cause interference with military activities; and
4. if located on a lot or parcel containing less than one acre, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, shall not exceed 85 feet; and
5. if located on a lot or parcel containing one acre or more, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, shall not exceed 150 feet; and
6. the structure on which the wind turbine is mounted shall be located within the setbacks required for principal uses (e.g., residences or commercial buildings) for the Zoning District within which it is located; and
7. the wind turbine shall be positioned on the roof so that the minimum distance between it and all property lines and all above-ground utility lines is equal to or greater than its height; and
8. guy wires and accessory structures shall comply with the minimum setback requirements for the Zoning District within which the wind energy system is located; and
9. the wind turbine shall be a non-reflective, neutral color; and
10. the noise generated by the wind energy system shall not exceed limits established by any State or County Noise Ordinance in effect; and
11. the wind energy system shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other authority; and
12. no commercial advertising signs shall be permitted on the wind energy system. Signs warning of any danger and identifying the owners of the wind energy system, with emergency contact information, shall be displayed; and
small wind energy systems connected to the utility grid shall comply with the Maryland Net Metering Laws (Maryland Code, Utility Companies Article, Section 7-306); and
13. In the HD District, the requirements of Section 2-10.04 shall apply to Historic Districts.