

Charles County Solar and Wind Zoning

This document provides a compilation of excerpts from the Charles County zoning 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 Charles County zoning code uses the term "Solar Energy System, Large" to refer to large-scale solar projects as a solar collection system that can be either ground- or roof-mounted and generates energy to be sold for profit through a regional transmission organization (RTO) on the wholesale electricity market. The system is able to be used for interconnection through an electric utility power grid and/or for direct distribution to multiple consumers.
 - Permitted use, by special exception of the Board of Appeals, in all zoning districts.

Relevant Sections of the Charles County Code

- **Chapter 297. Zoning Regulations:**
 - Article III: Definitions and Interpretations. Definitions for "Solar Energy System;" "Solar Energy System, Grid, Connected;" "Solar Energy System, Ground Mounted;" "Solar Energy System, Large;" "Solar Energy System, Roof Mounted" (§ 297-49, pp. 65-66).
 - Table of permitted uses (Figure IV-7).
 - Uses corresponding with Table of Permissible Uses, 7.07.200 Solar Energy Systems, Large. (§ 297-212, pp. 357-359).

SMALL SOLAR

Summary

- The Charles County zoning code uses the term "Solar Energy System, Small" to refer to small-scale solar projects, and defines them as solar collection systems that can

Last Updated: March 2022

be either ground-mounted or roof-mounted and that produce energy for either direct consumption on the subject property or to offset energy use on the subject property.

- Permitted as accessory use, subject to conditions, in all zoning districts.

Relevant Sections of the Charles County Code

- **Chapter 297. Zoning Regulations:**

- Article III: Definitions and Interpretations. Definitions for "Solar Energy System;" "Solar Energy System, Grid, Connected;" "Solar Energy System, Ground Mounted;" "Solar Energy System, Off-Grid/Stand Alone;" "Solar Energy System, Roof Mounted;" "Solar Energy System, Small" (§ 297-49, pp. 65-66).
- Critical Area Buffer Regulations for small-scale solar energy systems (§ 297-131, pp. 181, 199-200).
- Uses corresponding with Table of Permissible Uses, 7.07.100 Solar Energy Systems, Small. (§ 297-212, pp. 354-357).

WIND

Summary

- The Charles County zoning code does not allow large-scale wind energy projects with wind turbines and towers exceeding 150 ft. in total height.

Relevant Sections of the Charles County Code

- No document available for viewing.

SMALL WIND

Summary

- The Charles County zoning code defines small-scale wind projects as either "Wind Energy System, Small" or "Wind Energy System, Large."
 - Wind Energy System, Small is defined as either ground-mounted or roof-mounted. Ground-mounted small systems cannot exceed 50 feet in height and must be rated at 15 kW capacity or less. Roof-mounted small systems cannot exceed 15 feet in height above the base and must be rated at 2 kW capacity or less.
 - Permitted use, subject to conditions, in all zoning districts.

- Wind Energy System, Large is defined as a system of wind energy devices not exceeding 150 feet in height that can be used for direct consumption of wind energy on the subject property, interconnection to the electric utility power grid to offset energy use on the subject property, sold for profit to a wholesale electricity market through an RTO and an interconnection with the local utility power grid, and/or for direct distribution to a number of properties and consumers.
 - Permitted use, by special exception of the Board of Appeals, in all zoning districts.

Relevant Sections of the Charles County Code

- **Chapter 297. Zoning Regulations:**
 - Article III: Definitions and Interpretations. Definitions for "Wind Energy System;" "Wind Energy System, Large;" "Wind Energy System, Small;" "Wind Energy System, Total Height;" "Wind Generator;" "Wind Energy System Tower" (§ 297-49, pp. 68-69).
 - Critical Area Buffer Regulations for small-scale wind energy systems (§ 297-131, pp. 181, 199-200).
 - Uses corresponding with Table of Permissible Uses, 7.07.300 Wind Energy Systems, Small and 7.07.400 Wind Energy Systems, Small (§ 297-212, pp. 359-362).

1 COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2
3
4 2014 Legislative Session

5
6 Bill No. #2014-02

7 Chapter. No. 297

8 Introduced by Charles County Planning Division

9 Date of Introduction April 1, 2014

10
11 BILL #2014-02

12 AN ACT concerning

13 SOLAR ENERGY AND WIND ENERGY SYSTEMS

14
15 FOR the purpose of

16 Recognizing the future use of Solar Energy Systems and Wind Energy Systems.

17
18 BY Adding:

19 Chapter 297 – ZONING ORDINANCE

20 Article III, §297-49(E).

21 *Code of Charles County, Maryland*

22 *(2013 Edition)*

23
24 Chapter 297 – ZONING ORDINANCE

25 Article IV, § 63, Figure IV-1- Table of Permissible Uses.

26 *Code of Charles County, Maryland*

27 *(2013 Edition)*

28
29 Chapter 297 – ZONING ORDINANCE

30 Article IX, § 128 – Definitions of terms applicable to Critical Area Zone.

31 *Code of Charles County, Maryland*

32 *(2013 Edition)*

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Chapter 297 – ZONING ORDINANCE
Article IX, § 131 – Critical Area Buffer Regulations.
Code of Charles County, Maryland
(2013 Edition)

Chapter 297 – ZONING ORDINANCE
Article XIII, § 211, Alphabetical listing.
Code of Charles County, Maryland
(2013 Edition)

Chapter 297 – ZONING ORDINANCE
Article XIII, § 212 – Uses corresponding with Table of Permissible Uses.
Code of Charles County, Maryland
(2013 Edition)

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

Chapter 297. ZONING ORDINANCE
Article III: Definitions and Interpretations

Section 297-49. Word usage; definitions.

E. Definitions.

* * * * *

PHOTOVOLTAICS -- THE FIELD OF TECHNOLOGY AND RESEARCH RELATED TO THE APPLICATION OF SOLAR CELLS FOR ENERGY BY CONVERTING THE SUN'S ENERGY DIRECTLY INTO ELECTRICITY.

PHOTOVOLTAIC SOLAR CELLS -- SPECIALIZED SEMI-CONDUCTOR MATERIALS THAT ABSORB SUNLIGHT AND CONVERTS IT INTO ELECTRICITY THROUGH A PROCESS KNOWN AS THE PHOTOELECTRIC EFFECT. INTER-CONNECTED ASSEMBLIES OR LAYERS OF THESE SOLAR CELLS ARE INTEGRAL COMPONENTS IN CERTAIN TYPES OF SOLAR ENERGY SYSTEMS, WHICH FORM SOLAR MODULES,

Asterisks *** mean intervening code language remaining unchanged
NOTE: CAPITALS indicate language added to existing law
[Brackets] indicate language deleted from existing law

1 SOLAR PANELS, SOLAR ARRAYS, SOLAR SHINGLES, SOLAR TILES AND THIN-FILMS
2 AMONG OTHERS.

3
4 * * * * *
5

6 ROTOR DIAMETER -- THE CROSS SECTIONAL DIMENSION OF THE CIRCLE SWEEP
7 BY THE ROTATING BLADES.

8
9 * * * * *
10

11 SOLAR ENERGY SYSTEM -- A SOLAR COLLECTION SYSTEM WHICH RELIES UPON
12 SUNLIGHT AS AN ENERGY SOURCE FOR ELECTRICITY GENERATION, SPACE
13 HEATING, SPACE COOLING, OR WATER HEATING.

14
15 SOLAR ENERGY SYSTEM, GRID, CONNECTED -- A SOLAR COLLECTION SYSTEM
16 THAT GENERATES ELECTRICITY FROM SUNLIGHT AND IS INTERCONNECTED
17 WITH AN ELECTRIC UTILITY POWER GRID. THE SYSTEM MAY RECEIVE BACK-UP
18 POWER FROM A LOCAL UTILITY POWER GRID WHEN THE SYSTEM IS NOT
19 PRODUCING ENOUGH POWER TO MEET DEMAND AND MAY INCLUDE OPTIONAL
20 BATTERY STORAGE EQUIPMENT TO PROVIDE INDIVIDUALS BACK-UP POWER
21 DURING UTILITY RELATED OUTAGES. WHEN THE SYSTEM GENERATES EXCESS
22 POWER IT MAY BE RE-DISTRIBUTED ONTO THE POWER GRID FOR OTHER
23 CUSTOMERS TO UTILIZE, IN ACCORDANCE WITH CURRENT STATE NET-
24 METERING LAWS.

25
26 SOLAR ENERGY SYSTEM, GROUND MOUNTED -- A SOLAR COLLECTION SYSTEM
27 THAT IS INSTALLED UPON A POLE, RACK OR SUITABLE FOUNDATION, ON THE
28 SUBJECT PROPERTY.

29
30 SOLAR ENERGY SYSTEM, LARGE-- A SOLAR COLLECTION SYSTEM THAT
31 GENERATES ELECTRICITY FROM SUNLIGHT, TO BE SOLD-FOR-PROFIT TO A
32 WHOLESALE ELECTRICITY MARKET THROUGH A REGIONAL TRANSMISSION
33 ORGANIZATION AND AN INTER-CONNECTION WITH THE LOCAL UTILITY POWER

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1 GRID AND/OR FOR DIRECT DISTRIBUTION TO A NUMBER OF PROPERTIES AND
2 CONSUMERS.

3
4 SOLAR ENERGY SYSTEM, OFF-GRID / STAND ALONE — A SOLAR COLLECTION
5 SYSTEM THAT IS TYPICALLY UTILIZED WHEN A PUBLIC UTILITY POWER SOURCE IS
6 NOT AVAILABLE OR IS NOT COST EFFECTIVE TO CONNECT TO. THIS TYPE OF SOLAR
7 ENERGY SYSTEM MAY INCLUDE BATTERIES OR SOME OTHER FORM OF POWER
8 STORAGE AND/OR A FUELED GENERATOR FOR SUPPLEMENTAL SHORT TERM
9 SUPPORT OR SHAVING PEAK LOADS. THIS SYSTEM IS GENERALLY UTILIZED TO
10 PROVIDE ENERGY TO REMOTE LOCATIONS WHERE POWER IS REQUIRED FOR USES
11 SUCH AS ELECTRICITY GENERATION, SPACE HEATING, SPACE COOLING, OR WATER
12 HEATING.

13
14 SOLAR ENERGY SYSTEM, OWNER -- THE INDIVIDUAL(S) OR ENTITY THAT OWNS,
15 OR INTENDS TO OWN, THE PROPERTY UPON WHICH THE SOLAR ENERGY SYSTEM
16 WILL BE OPERATED IN ACCORDANCE WITH THIS CHAPTER. THE OWNER COULD BE
17 MULTIPLE PARTIES IN THE CASE OF A POWER PURCHASE AGREEMENT.

18
19 SOLAR ENERGY SYSTEM, ROOF-MOUNTED -- A SOLAR COLLECTION SYSTEM THAT
20 IS INSTALLED UPON OR IS PART OF THE ROOF OF A BUILDING OR STRUCTURE
21 LOCATED ON THE SUBJECT PROPERTY. SYSTEMS INTEGRATED AS AWNINGS OR
22 ATTACHED TO THE ROOFS OF PORCHES, SHEDS, CARPORTS AND COVERED PARKING
23 STRUCTURES ALSO FALL UNDER THIS DISTINCTION.

24
25 SOLAR ENERGY SYSTEM, SMALL - - A SOLAR COLLECTION SYSTEM THAT
26 GENERATES ENERGY FROM SUNLIGHT FOR DIRECT CONSUMPTION ON THE
27 SUBJECT PROPERTY AND/OR FOR INTER-CONNECTION TO THE ELECTRIC UTILITY
28 POWER GRID TO OFF-SET ENERGY USE ON THE SUBJECT PROPERTY, IN
29 ACCORDANCE WITH CURRENT STATE NET-METERING LAWS.

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31 * * * * *

32
33 WIND ENERGY SYSTEM -- THE EQUIPMENT THAT CONVERTS AND THEN STORES
34 OR TRANSFERS ENERGY FROM THE WIND INTO USABLE FORMS OF ENERGY.

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1 THIS EQUIPMENT INCLUDES ANY BASE, BLADE, FOUNDATION, GENERATOR,
2 NACELLE, ROTOR, TOWER, TRANSFORMER, VANE, WIRE, INVERTER, BATTERIES,
3 GUY WIRE OR OTHER COMPONENT USED IN THE SYSTEM.

4
5 WIND ENERGY SYSTEM, LARGE -- ONE OR MORE PRINCIPAL OR ACCESSORY
6 DEVICES AND ESSENTIAL SUPPORTING STRUCTURES SPECIFICALLY DESIGNED
7 TO CONVERT KINETIC WIND ENERGY TO ELECTRIC POWER, TO BE USED FOR
8 DIRECT CONSUMPTION ON THE SUBJECT PROPERTY, INTER-CONNECTION TO
9 THE ELECTRIC UTILITY POWER GRID TO OFF-SET ENERGY USE ON THE SUBJECT
10 PROPERTY, SOLD-FOR-PROFIT TO A WHOLESALE ELECTRICITY MARKET
11 THROUGH A REGIONAL TRANSMISSION ORGANIZATION AND AN INTER-
12 CONNECTION WITH THE LOCAL UTILITY POWER GRID AND/OR FOR DIRECT
13 DISTRIBUTION TO A NUMBER OF PROPERTIES AND CONSUMERS.

14
15 WIND ENERGY SYSTEM, OWNER -- THE INDIVIDUAL(S) OR ENTITY THAT OWNS,
16 OR INTENDS TO OWN, THE PROPERTY UPON WHICH THE WIND ENERGY SYSTEM
17 WILL BE OPERATED IN ACCORDANCE WITH THIS CHAPTER.

18
19 WIND ENERGY SYSTEM, SMALL -- A SINGLE-TOWERED WIND ENERGY
20 CONVERSION SYSTEM THAT IS USED TO GENERATE ELECTRICITY; HAS A RATED
21 CAPACITY OF 15 KILOWATTS OR LESS FOR GROUND-MOUNTED SYSTEMS AND 2
22 KILOWATTS OR LESS FOR ROOF-MOUNTED SYSTEMS; AND, HAS A TOTAL HEIGHT
23 OF FIFTY (50) FEET OR LESS FOR GROUND-MOUNTED SYSTEMS AND FIFTEEN (15)
24 FEET IN HEIGHT ABOVE THE BASE OF THE MOUNTED WIND ENERGY STRUCTURE
25 FOR ROOF-MOUNTED SYSTEMS.

26
27 WIND ENERGY SYSTEM, TOTAL HEIGHT -- THE HEIGHT AS MEASURED FROM THE
28 LOWEST POINT ALONG THE BASE TO THE HIGHEST POINT OF THE SUPPORT
29 TOWER, THE TOP OF THE TURBINE DEVICE, OR THE AREA SWEEPED BY THE ROTOR
30 BLADES, WHICHEVER IS GREATEST.

31
32 WIND GENERATOR -- THE BLADES AND ASSOCIATED MECHANICAL AND
33 ELECTRICAL CONVERSION COMPONENTS MOUNTED ON TOP OF A WIND TOWER.

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1 WIND ENERGY SYSTEM TOWER -- A MONOPOLE, LATTICE, OR GUYED
2 STRUCTURE THAT SUPPORTS A WIND GENERATOR.

3
4 Chapter 297. ZONING ORDINANCE

5 Article IV: Permissible Uses

6 Section 297-63. Table of Permissible Uses.

7 FIGURE IV-1, THE TABLE OF PERMISSIBLE USES, IS INCLUDED AS AN
8 ATTACHMENT TO THIS CHAPTER.

9
10 Chapter 297. ZONING ORDINANCE

11 Article IX: Critical Area Zone (Overlay Zone)

12 Section 297-128. Definitions of terms applicable to Critical Area Zone.

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14 NONWATER-DEPENDENT PROJECT—A TEMPORARY OR PERMANENT STRUCTURE
15 THAT, BY REASON OF ITS INTRINSIC NATURE, USE, OR OPERATION, DOES NOT
16 REQUIRE LOCATION IN, ON, OR OVER STATE OR PRIVATE WETLANDS.

17 A NONWATER-DEPENDENT PROJECT INCLUDES:

- 18 A. A DWELLING UNIT ON A PIER;
19 B. A RESTAURANT, A SHOP, AN OFFICE, OR ANY OTHER COMMERCIAL
20 BUILDING OR USE ON A PIER;
21 C. A TEMPORARY OR PERMANENT ROOF OR COVERING ON A PIER;
22 D. A PIER USED TO SUPPORT A NONWATER-DEPENDENT USE; AND,
23 E. A SMALL-SCALE RENEWABLE ENERGY SYSTEM ON A PIER,
24 INCLUDING:
25 (1) A SOLAR ENERGY SYSTEM AND ITS PHOTOVOLTAIC CELLS,
26 SOLAR PANELS, OR OTHER NECESSARY EQUIPMENT;
27 (2) A GEOTHERMAL ENERGY SYSTEM AND ITS GEOTHERMAL
28 HEAT EXCHANGER OR OTHER NECESSARY EQUIPMENT; AND
29 (3) A WIND ENERGY SYSTEM AND ITS WIND TURBINE, TOWER,
30 BASE OR OTHER NECESSARY EQUIPMENT.

31 A NONWATER-DEPENDENT PROJECT EXCLUDES:

- 32 (1) A FUEL PUMP OR OTHER FUEL DISPENSING EQUIPMENT ON A
33 PIER;

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- (2) A SANITARY SEWAGE PUMP OR OTHER WASTEWATER REMOVAL EQUIPMENT ON A PIER; OR
- (3) AN OFFICE ON A PIER FOR MANAGING MARINA OPERATIONS, INCLUDING MONITORING VESSEL TRAFFIC, REGISTERING VESSELS, PROVIDING DOCKING SERVICES, AND, HOUSING ELECTRICAL OR EMERGENCY EQUIPMENT RELATED TO MARINA OPERATIONS.

* * * * *

PIER—ANY PIER, WHARF, DOCK, WALKWAY, BULKHEAD, BREAKWATER, PILES, OR OTHER SIMILAR STRUCTURE. DOES NOT INCLUDE STRUCTURES ON PILINGS OR STILTS LANDWARD OF STATE OR PRIVATE WETLANDS.

Chapter 297. ZONING ORDINANCE
Article IX: Critical Area Zone (Overlay Zone)

Section 297-131. Critical Area Buffer regulations.

* * * * *

C. Buffer development standards.

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(H) NONWATER-DEPENDENT PROJECTS LOCATED ON STATE OR PRIVATE WETLANDS WITHIN THE CRITICAL AREA.

(1) A NONWATER-DEPENDENT PROJECT LOCATED ON STATE OR PRIVATE WETLAND WITHIN THE CRITICAL AREA MAY BE PERMITTED IF THE PROJECT:

(A) INVOLVES A COMMERCIAL ACTIVITY THAT IS PERMITTED AS A SECONDARY OR ACCESSORY USE TO A PERMITTED PRINCIPAL COMMERCIAL USE;

(B) IS NOT LOCATED ON A PIER ATTACHED TO A RESIDENTIALLY, INSTITUTIONALLY, OR INDUSTRIALLY USED PROPERTY;

(C) IS LOCATED IN:

(I) AN INTENSE DEVELOPMENT ZONE;

(II) AN AREA EXCLUDED FROM THE CRITICAL AREA;

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- (D) OBTAINS ALL APPLICABLE STATE AND LOCAL PERMITS;
- (E) ALLOWS OR ENHANCES PUBLIC ACCESS TO STATE WETLANDS, IF APPLICABLE;
- (F) DOES NOT EXPAND BEYOND THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER ON WHICH THE PROJECT IS CONSTRUCTED;
- (G) HAS A HEIGHT OF UP TO 18 FEET UNLESS THE PROJECT IS LOCATED AT A MARINA; AND
- (H) IS UP TO 1,000 SQUARE FEET IN TOTAL AREA; OR
- (I) IS LOCATED ON A PIER THAT WAS IN EXISTENCE ON OR BEFORE DECEMBER 31, 2012;
- (II) SATISFIES ALL OF THE REQUIREMENTS OF (A) – (G) ABOVE; AND
- (III) IF APPLICABLE, HAS A TEMPORARY OR PERMANENT ROOF OR COVERING THAT IS UP TO 1,000 SQUARE FEET IN TOTAL AREA

(2) A SMALL-SCALE RENEWABLE ENERGY SYSTEM ON A PIER LOCATED ON STATE OR PRIVATE WETLANDS MAY PERMITTED IF THE PROJECT:

- (A) INVOLVES THE INSTALLATION OR PLACEMENT OF A SMALL-SCALE RENEWABLE ENERGY SYSTEM THAT IS PERMITTED AS A SECONDARY OR ACCESSORY USE ON A PIER THAT IS AUTHORIZED UNDER TITLE 16 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; AND
- (B) OBTAINS ALL APPLICABLE STATE AND LOCAL PERMITS. A PERMIT MAY INCLUDE THE PLACEMENT OF:
 - (I) A SOLAR ENERGY SYSTEM ATTACHED TO A PIER IF THE DEVICE OR EQUIPMENT ASSOCIATED WITH THAT SYSTEM DOES NOT EXTEND MORE THAN:
 - (A) FOUR (4) FEET ABOVE OR 18 INCHES BELOW THE DECK OF THE PIER; OR

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- (B) ONE (1) FOOT BEYOND THE LENGTH OR WIDTH OF THE PIER.
- (II) A SOLAR ENERGY SYSTEM ATTACHED TO A PILING IF THERE IS ONLY ONE SOLAR PANEL PER BOAT SLIP;
- (III) A SOLAR ENERGY SYSTEM ATTACHED TO A BOATHOUSE ROOF IF THE DEVICE OR EQUIPMENT ASSOCIATED WITH THAT SYSTEM DOES NOT EXTEND BEYOND THE LENGTH, WIDTH, OR HEIGHT OF THE BOATHOUSE ROOF;
- (IV) A CLOSED-LOOP GEOTHERMAL HEAT EXCHANGER UNDER A PIER IF THE GEOTHERMAL HEAT EXCHANGER OR ANY ASSOCIATED DEVICES OR EQUIPMENT DO NOT:
 - (A) EXTEND BEYOND THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER;
 - (B) NEGATIVELY ALTER LONG SHORE DRIFT;
 - (C) CAUSE SIGNIFICANT INDIVIDUAL OR CUMULATIVE THERMAL IMPACTS TO AQUATIC RESOURCES; OR
- (V) A WIND ENERGY SYSTEM ATTACHED TO A PIER IF THERE IS ONLY ONE WIND ENERGY SYSTEM PER PIER FOR WHICH:
 - (A) THE HEIGHT FROM THE DECK OF THE PIER TO THE BLADE EXTENDED AT ITS HIGHEST POINT IS UP TO 12 FEET;
 - (B) THE ROTOR DIAMETER OF THE WIND TURBINE IS UP TO FOUR (4) FEET; AND
 - (C) THE SETBACKS OF THE WIND ENERGY SYSTEM FROM THE NEAREST PROPERTY LINE AND FROM THE CHANNEL WARD EDGE OF THE PIER TO WHICH THAT SYSTEM IS ATTACHED ARE AT LEAST 1.5 TIMES THE

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1 TOTAL HEIGHT OF THE SYSTEM FROM ITS
2 BASE TO THE BLADE EXTENDED AT ITS
3 HIGHEST POINT.
4

5 Chapter 297. ZONING ORDINANCE

6 Article XIII: Minimum Standards for Special Exceptions and Uses Permitted with Conditions

7 Section 297-211. Alphabetical listings.

8 * * * * *

9 Slaughterhouses	1.01.460
10 SOLAR ENERGY SYSTEM, LARGE	7.07.200
11 SOLAR ENERGY SYSTEM, SMALL	7.07.100
12 Specialty shops, more than 15,000 square feet or floor area per parcel	6.01.122
13 Stables, commercial	1.01.500
14 Stadiums and coliseums with seating capacity more than 1,000	4.02.123
15 Storage, outside, where stored equipment is owned and used by the person making 16 use of the lot and storage occupies more than 75% of the developed area	7.02.300
17 Storage, petroleum products	7.02.240
18 Storage, warehouse	7.02.220
19 Storage, warehouse, mini-	7.02.230
20 Stump/wood grinding	7.01.290
21 Surface mining	7.05.100
22 Theaters, open-air amphitheaters	4.02.260
23 Towers more than 50 feet tall	4.06.300
24 Union halls, meeting halls	4.01.400
25 Utilities, public: electric power, gas transmission and tele-communications 26 buildings and structures, not associated with a tower	4.06.200
27 Utilities, public: towers and antennas more than 50 feet tall	4.06.300
28 WIND ENERGY SYSTEM, LARGE	7.07.400
29 WIND ENERGY SYSTEM, SMALL	7.07.300

30
31 Chapter 297. ZONING ORDINANCE

32 Article XIII: Minimum Standards for Special Exceptions and Uses Permitted with Conditions

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1 Section 297-212. Uses corresponding with Table of Permissible Uses.

2 * * * * *

3 (129) 7.07.000 ALTERNATIVE ENERGY SYSTEMS

4
5 (130) 7.07.100 SOLAR ENERGY SYSTEM, SMALL

6 A SMALL SOLAR ENERGY SYSTEM SHALL BE PERMITTED WITH CONDITIONS IN
7 ALL ZONES, AS AN ACCESSORY USE TO A RESIDENTIALLY OR COMMERCIALY
8 DEVELOPED PROPERTY, PROVIDED THAT THE FOLLOWING REQUIREMENTS ARE
9 MET:

10 A. ENERGY. THE ENERGY GENERATED BY THE SMALL SOLAR ENERGY
11 SYSTEM SHALL BE USED FOR DIRECT CONSUMPTION ON THE
12 SUBJECT PROPERTY AND/OR FOR INTER-CONNECTION TO THE
13 ELECTRIC UTILITY POWER GRID TO OFF-SET ENERGY USE ON THE
14 SUBJECT PROPERTY, IN ACCORDANCE WITH CURRENT STATE NET-
15 METERING LAWS.

16 B. THE CONSTRUCTION OF THE SMALL SOLAR ENERGY SYSTEM
17 SHALL BE IN ACCORDANCE WITH AN APPROVED BUILDING
18 PERMIT APPLICATION. IF THE SMALL SOLAR ENERGY SYSTEM IS TO
19 BE INTER-CONNECTED TO THE LOCAL UTILITY POWER GRID, A
20 COPY OF THE CONDITIONAL APPROVAL FROM THE LOCAL UTILITY
21 MUST BE PROVIDED PRIOR TO OR AT THE TIME OF APPLICATION
22 FOR THE REQUIRED BUILDING PERMIT.

23
24 C. SETBACKS. GROUND-MOUNTED SMALL SOLAR ENERGY SYSTEMS
25 SHALL BE INSTALLED WITHIN THE SIDE AND REAR SETBACK LINES
26 AS REQUIRED BY THE ZONE IN WHICH THE PROPERTY IS LOCATED.
27 OFF-GRID / STAND-ALONE SYSTEMS THAT PROVIDE POWER FOR
28 OUTDOOR LIGHTING PURPOSES ARE EXEMPT FROM THIS
29 REQUIREMENT, SUCH AS STREET LIGHTS, TRAFFIC SIGNALS AND
30 ROADWAY SIGNAGE AMONG OTHERS.

31 D. GROUND-MOUNTED SMALL SOLAR ENERGY SYSTEMS.

32 (1) THE TOTAL HEIGHT OF THE SOLAR ENERGY SYSTEM,
33 INCLUDING ANY MOUNTS SHALL NOT EXCEED 10 FEET

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ABOVE THE GROUND WHEN ORIENTATED AT MAXIMUM TILT.
IF THE SOLAR ENERGY SYSTEM IS INTENDED TO PROVIDE
POWER FOR OUTDOOR LIGHTING, THE SYSTEM SHALL NOT
EXTEND HIGHER THAN THE PERMITTED HEIGHT OF THE
STRUCTURE TO WHICH IT IS ATTACHED AND/OR INTER-
CONNECTED TO.

(2) SHALL BE MOUNTED ONTO A POLE, RACK OR SUITABLE
FOUNDATION, IN ACCORDANCE WITH MANUFACTURER
SPECIFICATIONS, IN ORDER TO ENSURE THE SAFE
OPERATION AND STABILITY OF THE SYSTEM. THE MOUNTING
STRUCTURE (FIXED OR TRACKING CAPABLE) SHALL BE
COMPRISED OF MATERIALS APPROVED BY THE
MANUFACTURER, WHICH ARE ABLE TO FULLY SUPPORT THE
SYSTEM COMPONENTS AND WITHSTAND ADVERSE WEATHER
CONDITIONS. DESIGNS FOR WIND AND SOLAR RACK SYSTEMS
MUST BE SIGNED BY A LICENSED PROFESSIONAL ENGINEER,
AND POLE AND RACK DESIGNS MUST BE CONSISTENT WITH
CURRENT CODE FOR STRUCTURES TO ENSURE COMPLIANCE
WITH LOAD PATH, UPLIFT, AND WIND DESIGN
REQUIREMENTS.

(3) MULTIPLE MOUNTING STRUCTURES SHALL BE SPACED
APART AT THE DISTANCE RECOMMENDED BY THE
MANUFACTURER TO ENSURE SAFETY AND MAXIMUM
EFFICIENCY.

(4) ANY GLARE GENERATED BY THE SYSTEM MUST BE
MITIGATED OR DIRECTED AWAY FROM AN ADJOINING
PROPERTY OR ADJACENT ROAD, WHEN IT CREATES A
NUISANCE OR SAFETY HAZARD.

(5) IT SHALL BE DEMONSTRATED THAT THE SMALL SOLAR
ENERGY SYSTEM SHALL NOT UNREASONABLY INTERFERE
WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT PUBLIC
INTEREST SUCH AS A PUBLIC PARK, A STATE-DESIGNATED
SCENIC ROAD, OR HISTORIC RESOURCES.

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- (6) ANY ELECTRICAL WIRING USED IN THE SYSTEM SHALL BE UNDERGROUND (TRENCHED) EXCEPT WHERE WIRING IS BROUGHT TOGETHER FOR INTER-CONNECTION TO SYSTEM COMPONENTS AND/OR THE LOCAL UTILITY POWER GRID.
- (7) NO GROUND-MOUNTED SMALL SOLAR ENERGY SYSTEMS SHALL BE AFFIXED TO A BLOCK WALL OR FENCE.

E. ROOF-MOUNTED SMALL SOLAR ENERGY SYSTEMS.

- (1) ROOF-MOUNTED SMALL SOLAR ENERGY SYSTEMS SHALL INCLUDE INTEGRATED SOLAR SHINGLES, TILES, OR PANELS AS THE SURFACE LAYER OF THE ROOF STRUCTURE WITH NO ADDITIONAL APPARENT CHANGE IN RELIEF OR PROJECTION (THE PREFERRED INSTALLATION), OR SEPARATE FLUSH OR FRAME-MOUNTED SOLAR PANELS ATTACHED TO THE ROOF SURFACE.
- (2) SEPARATE FLUSH OR FRAME-MOUNTED SMALL SOLAR ENERGY SYSTEMS INSTALLED ON THE ROOF OF A BUILDING OR STRUCTURE SHALL NOT:
 - (A) PROJECT VERTICALLY ABOVE THE PEAK OF THE SLOPED ROOF TO WHICH IT IS ATTACHED; OR
 - (B) PROJECT VERTICALLY MORE THAN FIVE (5) FEET ABOVE A FLAT ROOF INSTALLATION (DEFINED AS A ROOF WITH A PITCH OF LESS THAN 1 TO 5 VERTICAL: HORIZONTAL).
- (3) THE COMBINED HEIGHT OF A ROOF-MOUNTED SYSTEM AND THE PRINCIPAL STRUCTURE TO WHICH IT IS ATTACHED MAY NOT EXCEED THE MAXIMUM HEIGHT FOR THE RELATIVE ZONE, IN WHICH IT IS LOCATED, AS DESCRIBED IN ARTICLE VI.
- (4) ACCESS AND EGRESS SHALL BE PROVIDED TO THE ROOF AND PATHWAYS ON THE ROOF.
- (5) ANY GLARE GENERATED BY THE SYSTEM MUST BE MITIGATED OR DIRECTED AWAY FROM AN ADJOINING

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PROPERTY OR ADJACENT ROAD WHEN IT CREATES A
NUISANCE OR SAFETY HAZARD.

F. APPEARANCE.

(1) APPEARANCE, COLOR, AND FINISH. THE SMALL SOLAR ENERGY SYSTEM SHALL REMAIN PAINTED OR FINISHED WITH THE COLOR OR FINISH WHICH WAS ORIGINALLY APPLIED BY THE MANUFACTURER, OR COLOR TO MATCH THE EXTERIOR OF THE HOME ON WHICH THE SOLAR SYSTEM IS MOUNTED.

(2) ALL SIGNS, OTHER THAN THE MANUFACTURER'S, OR INSTALLER'S IDENTIFICATION, APPROPRIATE WARNING SIGNS, OR OWNER IDENTIFICATION ON A SMALL SOLAR ENERGY SYSTEM SHALL BE PROHIBITED. NOT MORE THAN TWO (2) MANUFACTURER LABELS BONDED TO OR PAINTED UPON THE SOLAR ENERGY SYSTEM SHALL BE PERMITTED.

G. CODE COMPLIANCE. A SMALL SOLAR ENERGY SYSTEM SHALL COMPLY WITH ALL APPLICABLE CONSTRUCTION AND ELECTRICAL CODES.

H. UTILITY NOTIFICATION AND INTER-CONNECTION. SMALL SOLAR ENERGY SYSTEMS THAT CONNECT TO THE ELECTRIC UTILITY POWER GRID SHALL COMPLY WITH ALL UTILITY NOTIFICATION REQUIREMENTS. A COPY OF THE SIGNED CERTIFICATE OF COMPLETION FROM THE ELECTRIC UTILITY WILL BE REQUIRED PRIOR TO ISSUANCE OF THE USE AND OCCUPANCY PERMIT FOR THE SYSTEM.

I. WHEN BATTERIES ARE INCLUDED AS PART OF THE SMALL SOLAR ENERGY SYSTEM THEY MUST BE PLACED IN A SECURE CONTAINER OR ENCLOSURE, PER MANUFACTURER SPECIFICATIONS, AND MEET THE REQUIREMENTS OF THE MARYLAND BUILDING AND ELECTRICAL CODES WHEN IN USE. WHEN BATTERIES ARE NO LONGER IN USE OR FUNCTIONAL THEY SHALL BE DISPOSED OF OR RECYCLED IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF CHARLES COUNTY AND OTHER APPLICABLE LAWS AND

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REGULATIONS. BATTERY SYSTEMS SHALL BE APPROPRIATELY SCREENED FROM VIEW.

J. ALL OBSOLETE OR UNUSED SYSTEMS SHALL BE REMOVED WITHIN TWELVE (12) MONTHS OF CESSATION OF OPERATIONS WITHOUT COST TO THE COUNTY. REUSABLE COMPONENTS ARE TO BE RECYCLED WHENEVER POSSIBLE.

K. VIOLATIONS. SUBSEQUENT TO THE EFFECTIVE DATE OF THIS ORDINANCE, IT IS UNLAWFUL FOR ANY PERSON TO CONSTRUCT, INSTALL, OR OPERATE A SMALL SOLAR ENERGY SYSTEM THAT IS NOT IN COMPLIANCE WITH THIS CHAPTER OR WITH ANY CONDITION CONTAINED IN A BUILDING PERMIT ISSUED PURSUANT TO THIS CHAPTER.

(131) 7.07.200 SOLAR ENERGY SYSTEM, LARGE

LARGE SOLAR ENERGY SYSTEMS ARE PERMITTED AS A SPECIAL EXCEPTION IN ALL ZONES, PROVIDED THAT THE FOLLOWING REQUIREMENTS ARE MET:

A. ENERGY. THE ELECTRICITY GENERATED BY THE LARGE SOLAR ENERGY SYSTEM SHALL BE SOLD-FOR-PROFIT TO A WHOLESALE ELECTRICITY MARKET THROUGH A REGIONAL TRANSMISSION ORGANIZATION AND AN INTER-CONNECTION WITH THE LOCAL UTILITY POWER GRID AND/OR FOR DIRECT DISTRIBUTION TO A NUMBER OF PROPERTIES AND CONSUMERS.

B. THE CONSTRUCTION OF THE LARGE SOLAR ENERGY SYSTEM SHALL BE IN ACCORDANCE WITH AN APPROVED BUILDING PERMIT APPLICATION. IF THE LARGE SOLAR ENERGY SYSTEM IS TO BE INTER-CONNECTED TO THE LOCAL UTILITY POWER GRID, A COPY OF THE CONDITIONAL APPROVAL FROM THE LOCAL UTILITY MUST BE PROVIDED PRIOR TO OR AT THE TIME OF APPLICATION FOR THE REQUIRED BUILDING PERMIT.

C. SETBACKS. GROUND-MOUNTED LARGE SOLAR ENERGY SYSTEMS SHALL BE SETBACK A MINIMUM OF FIFTY (50) FEET FROM ANY PROPERTY LINE.

D. GROUND-MOUNTED LARGE SOLAR ENERGY SYSTEMS.

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- (1) THE TOTAL HEIGHT OF THE SOLAR ENERGY SYSTEM, INCLUDING ANY MOUNTS, SHALL NOT EXCEED TWENTY-FIVE (25) FEET ABOVE THE GROUND WHEN ORIENTATED AT MAXIMUM TILT.
- (2) SHALL BE MOUNTED ONTO A POLE, RACK OR SUITABLE FOUNDATION, IN ACCORDANCE WITH MANUFACTURER SPECIFICATIONS, IN ORDER TO ENSURE THE SAFE OPERATION AND STABILITY OF THE SYSTEM. THE MOUNTING STRUCTURE (FIXED OR TRACKING CAPABLE) SHALL BE COMPRISED OF MATERIALS APPROVED BY THE MANUFACTURER, WHICH ARE ABLE TO FULLY SUPPORT THE SYSTEM COMPONENTS AND WITHSTAND ADVERSE WEATHER CONDITIONS.
- (3) MULTIPLE MOUNTING STRUCTURES SHALL BE SPACED APART AT THE DISTANCE RECOMMENDED BY THE MANUFACTURER TO ENSURE SAFETY AND MAXIMUM EFFICIENCY.
- (4) SHALL BE FULLY SCREENED FROM ADJOINING PROPERTIES AND ADJACENT ROADS BY A BUFFERYARD D. LOCATION OF THIS BUFFERYARD MUST TAKE SHADING INTO ACCOUNT SO IT DOES NOT AFFECT THE SYSTEM'S EFFICIENCY. APPROPRIATE FENCING SHALL BE PROVIDED FOR SAFETY.
- (5) ANY GLARE GENERATED BY THE SYSTEM MUST BE MITIGATED OR DIRECTED AWAY FROM AN ADJOINING PROPERTY OR ADJACENT ROAD WHEN IT CREATES A NUISANCE OR SAFETY HAZARD.
- (6) IT SHALL BE DEMONSTRATED THAT THE LARGE SOLAR ENERGY SYSTEM SHALL NOT UNREASONABLY INTERFERE WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT PUBLIC INTEREST SUCH AS A PUBLIC PARK, A STATE-DESIGNATED SCENIC ROAD, OR HISTORIC RESOURCES.

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- (7) ANY ELECTRICAL WIRING USED IN THE SYSTEM SHALL BE UNDERGROUND (TRENCHED) EXCEPT WHERE WIRING IS BROUGHT TOGETHER FOR INTER-CONNECTION TO SYSTEM COMPONENTS AND/OR THE LOCAL UTILITY POWER GRID.
 - (8) NO GROUND-MOUNTED LARGE SOLAR ENERGY SYSTEMS SHALL BE AFFIXED TO A BLOCK WALL OR FENCE.
- E. ROOF-MOUNTED LARGE SOLAR ENERGY SYSTEMS.
- (1) ROOF-MOUNTED LARGE SOLAR ENERGY SYSTEMS SHALL INCLUDE INTEGRATED SOLAR SHINGLES, TILES, OR PANELS AS THE SURFACE LAYER OF THE ROOF STRUCTURE WITH NO ADDITIONAL APPARENT CHANGE IN RELIEF OR PROJECTION (THE PREFERRED INSTALLATION), OR SEPARATE FLUSH OR FRAME-MOUNTED SOLAR PANELS ATTACHED TO THE ROOF SURFACE.
 - (2) SEPARATE FLUSH OR FRAME-MOUNTED LARGE SOLAR ENERGY SYSTEMS INSTALLED ON THE ROOF OF A BUILDING OR STRUCTURE SHALL NOT:
 - (A) PROJECT VERTICALLY ABOVE THE PEAK OF THE SLOPED ROOF TO WHICH IT IS ATTACHED; OR
 - (B) PROJECT VERTICALLY MORE THAN EIGHT (8) FEET ABOVE A FLAT ROOF INSTALLATION.
 - (3) THE COMBINED HEIGHT OF A ROOF-MOUNTED SYSTEM AND THE PRINCIPAL STRUCTURE TO WHICH IT IS ATTACHED MAY NOT EXCEED THE MAXIMUM HEIGHT FOR THE RELATIVE ZONE, IN WHICH IT IS LOCATED, AS DESCRIBED IN ARTICLE VI.
 - (4) IT SHALL BE DEMONSTRATED THAT THE PLACEMENT OF THE SYSTEM SHALL NOT ADVERSELY EFFECT SAFE ACCESS TO THE ROOF, PATHWAYS TO SPECIFIC AREAS OF THE ROOF, AND SAFE EGRESS FROM THE ROOF.
 - (5) ANY GLARE GENERATED BY THE SYSTEM MUST BE MITIGATED OR DIRECTED AWAY FROM AN ADJOINING

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1 PROPERTY OR ADJACENT ROAD, WHEN IT CREATES A
2 NUISANCE OR SAFETY HAZARD.

3 F. APPEARANCE.

4 (1) APPEARANCE, COLOR, AND FINISH. THE LARGE SOLAR
5 ENERGY SYSTEM SHALL REMAIN PAINTED OR FINISHED IN
6 THE COLOR OR FINISH WHICH WAS ORIGINALLY APPLIED BY
7 THE MANUFACTURER.

8 (2) ALL SIGNS, OTHER THAN THE MANUFACTURER'S, OR
9 INSTALLER'S IDENTIFICATION, APPROPRIATE WARNING
10 SIGNS, OR OWNER IDENTIFICATION ON A LARGE SOLAR
11 ENERGY SYSTEM SHALL BE PROHIBITED. NOT MORE THAN
12 TWO (2) MANUFACTURER LABEL BONDED TO OR PAINTED
13 UPON THE SOLAR ENERGY SYSTEM SHALL BE PERMITTED.

14 G. CODE COMPLIANCE. A LARGE SOLAR ENERGY SYSTEM SHALL
15 COMPLY WITH ALL APPLICABLE CONSTRUCTION AND
16 ELECTRICAL CODES.

17 H. UTILITY NOTIFICATION AND INTER-CONNECTION. LARGE SOLAR
18 ENERGY SYSTEMS THAT CONNECT TO THE ELECTRIC UTILITY POWER
19 GRID SHALL COMPLY WITH ALL UTILITY NOTIFICATION REQUIREMENTS.
20 A COPY OF THE SIGNED CERTIFICATE OF COMPLETION FROM THE
21 ELECTRIC UTILITY WILL BE REQUIRED PRIOR TO ISSUANCE OF THE USE
22 AND OCCUPANCY PERMIT FOR THE SYSTEM.

23 I. WHEN BATTERIES ARE INCLUDED AS PART OF THE LARGE SOLAR
24 ENERGY SYSTEM THEY MUST BE PLACED IN A SECURE CONTAINER
25 OR ENCLOSURE, PER MANUFACTURER SPECIFICATIONS, AND MEET
26 THE REQUIREMENTS OF THE MARYLAND BUILDING AND
27 ELECTRICAL CODES WHEN IN USE. WHEN BATTERIES ARE NO
28 LONGER IN USE OR FUNCTIONAL THEY SHALL BE DISPOSED OF OR
29 RECYCLED IN ACCORDANCE WITH THE LAWS AND REGULATIONS
30 OF CHARLES COUNTY AND OTHER APPLICABLE LAWS AND
31 REGULATIONS. BATTERY SYSTEMS SHALL BE APPROPRIATELY
32 SCREENED FROM VIEW. SPECIALTY- BUILT BUILDINGS FOR
33 BATTERY STORAGE ARE PERMITTED FOR LARGE PROJECTS.

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- 1 J. ALL OBSOLETE OR UNUSED SYSTEMS SHALL BE REMOVED
2 WITHIN TWELVE (12) MONTHS OF CESSATION OF OPERATIONS
3 WITHOUT COST TO THE COUNTY. REUSABLE COMPONENTS ARE
4 TO BE RECYCLED WHENEVER POSSIBLE.
- 5 K. VIOLATIONS. SUBSEQUENT TO THE EFFECTIVE DATE OF THIS
6 ORDINANCE, IT IS UNLAWFUL FOR ANY PERSON TO CONSTRUCT,
7 INSTALL, OR OPERATE A LARGE SOLAR ENERGY SYSTEM THAT IS
8 NOT IN COMPLIANCE WITH THIS CHAPTER OR WITH ANY
9 CONDITION CONTAINED IN A BUILDING PERMIT ISSUED PURSUANT
10 TO THIS CHAPTER.
- 11 L. EACH APPLICATION SHALL COMPLY WITH THE REQUIREMENTS OF
12 NATURAL RESOURCES ARTICLE §8-1808.1, COMAR TITLE 27, AND THE
13 CHARLES COUNTY CRITICAL AREA PROGRAM. A GROWTH
14 ALLOCATION MAY BE REQUIRED FOR PROJECTS LOCATED WITHIN
15 THE RESOURCE CONSERVATION ZONE.

16
17 (132) 7.07.300 WIND ENERGY SYSTEM, SMALL

18 A SMALL WIND ENERGY SYSTEM SHALL BE PERMITTED WITH CONDITIONS IN
19 ALL ZONES, AS AN ACCESSORY USE TO A RESIDENTIALLY OR COMMERCIALY
20 DEVELOPED PROPERTY, PROVIDED THAT THE FOLLOWING REQUIREMENTS ARE
21 MET:

- 22 A. THE ELECTRICITY GENERATED BY THE SMALL WIND ENERGY SYSTEM
23 SHALL BE USED FOR DIRECT CONSUMPTION ON THE SUBJECT
24 PROPERTY AND/OR FOR INTER-CONNECTION TO THE ELECTRIC
25 POWER GRID TO OFF-SET ENERGY ON THE SUBJECT PROPERTY, IN
26 ACCORDANCE WITH CURRENT STATE NET-METERING LAWS.
- 27 B. THE CONSTRUCTION OF THE SMALL WIND ENERGY SYSTEM
28 SHALL BE IN ACCORDANCE WITH AN APPROVED BUILDING
29 PERMIT APPLICATION. IF THE SMALL WIND ENERGY SYSTEM IS
30 TO BE INTER-CONNECTED TO THE LOCAL UTILITY GRID, A COPY
31 OF THE CONDITIONAL APPROVAL FROM THE LOCAL UTILITY MUST
32 BE PROVIDED PRIOR TO OR AT THE TIME OF APPLICATION FOR THE
33 REQUIRED BUILDING PERMIT.

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C. SETBACKS.

- (1) A WIND TOWER FOR A SMALL WIND ENERGY SYSTEM SHALL BE SET BACK A DISTANCE EQUAL TO ITS TOTAL TIP HEIGHT (THE DISTANCE FROM THE BASE OF THE STRUCTURE TO THE HIGHEST POINT OF THE ROTOR) PLUS FIVE (5) FEET FROM:
 - (A) ANY STATE OR COUNTY RIGHT-OF-WAY OR THE NEAREST EDGE OF A STATE OR COUNTY ROADWAY, WHICHEVER IS CLOSER;
 - (B) ANY SHARED RIGHT OF INGRESS OR EGRESS ON THE OWNER'S PROPERTY;
 - (C) ANY OVERHEAD UTILITY LINES;
 - (D) ALL PROPERTY LINES; AND
 - (E) ANY EXISTING GUY WIRE OR ANCHOR ON THE PROPERTY.
- (2) GUY WIRE ANCHORS SHALL NOT EXTEND CLOSER THAN TEN (10) FEET FROM ANY PROPERTY LINE.
- (3) FOR ROOF-MOUNTED SYSTEMS, THE MINIMUM REQUIRED SETBACKS FOR THE STRUCTURE TO EACH APPLICABLE PROPERTY LINE, AS MEASURED FROM THE BASE OF THE MOUNTED WIND ENERGY STRUCTURE, SHALL BE THE MINIMUM SETBACK REQUIRED FOR AN ACCESSORY STRUCTURE PLUS FIFTEEN (15) FEET. NO ROOF-MOUNTED SMALL WIND ENERGY SYSTEM SHALL BE PERMITTED ON A DUPLEX, TOWNHOUSE, OR MULTI-FAMILY RESIDENTIAL STRUCTURE.

D. THE EXPOSED BLADE TIP OF ANY GROUND-MOUNTED WIND TURBINE SHALL, AT ITS LOWEST POINT, HAVE GROUND CLEARANCE OF NO LESS THAN FIFTEEN (15) FEET, AS MEASURED AT THE LOWEST POINT OF THE ARC OF THE EXPOSED BLADES. THE EXPOSED BLADE TIP OF ANY ROOF-MOUNTED WIND TURBINE SHALL, AT ITS LOWEST POINT, HAVE CLEARANCE OF NO LESS THAN EIGHT (8) FEET ABOVE THE BASE OF THE STRUCTURE. FOR WIND TURBINES WITHOUT

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EXPOSED BLADES, THE GROUND CLEARANCE SHALL BE AS DETERMINED APPROPRIATE BY THE MANUFACTURER.

E. THE COMBINED HEIGHT OF A ROOF-MOUNTED SYSTEM AND THE PRINCIPAL STRUCTURE TO WHICH IT IS ATTACHED MAY NOT EXCEED THE MAXIMUM HEIGHT FOR THE RELATIVE ZONE AS DESCRIBED IN ARTICLE VI. THE COMBINED HEIGHT SHALL NOT EXCEED THE MAXIMUM HEIGHT BY MORE THAN FIVE (5) FEET IN COMMERCIAL AND INDUSTRIAL ZONES.

F. ACCESS.

- (1) ALL GROUND MOUNTED ELECTRICAL AND CONTROL EQUIPMENT SHALL BE LABELED AND SECURED TO PREVENT UNAUTHORIZED ACCESS.
- (2) THE TOWER SHALL BE DESIGNED AND INSTALLED SO AS TO NOT PROVIDE STEP BOLTS OR A LADDER READILY ACCESSIBLE TO THE PUBLIC FOR A MINIMUM HEIGHT OF TEN (10) FEET ABOVE THE GROUND.

G. ELECTRICAL WIRES. ELECTRICAL CONTROLS AND CONTROL WIRING AND POWER-LINES SHALL BE WIRELESS OR UNDERGROUND EXCEPT WHERE SMALL WIND ENERGY SYSTEM WIRING IS BROUGHT TOGETHER FOR INTER-CONNECTION TO THE TRANSMISSION OR DISTRIBUTION NETWORK, ADJACENT TO THAT NETWORK.

H. LIGHTING AND APPEARANCE.

- (1) A WIND TOWER AND GENERATOR SHALL NOT BE ARTIFICIALLY LIGHTED UNLESS SUCH LIGHTING IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION (FAA) OR OTHER APPLICABLE AUTHORITY.
- (2) APPEARANCE, COLOR, AND FINISH. THE WIND GENERATOR AND WIND TOWER SHALL REMAIN PAINTED OR FINISHED THE COLOR OR FINISH WHICH WAS ORIGINALLY APPLIED BY THE MANUFACTURER.
- (3) ALL SIGNS, OTHER THAN THE MANUFACTURER'S OR INSTALLER'S IDENTIFICATION, APPROPRIATE WARNING

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1 SIGNS, OR OWNER IDENTIFICATION ON A WIND
2 GENERATOR, WIND TOWER, BUILDING, OR OTHER
3 STRUCTURE ASSOCIATED WITH A SMALL WIND ENERGY
4 SYSTEM SHALL BE PROHIBITED. NOT MORE THAN TWO (2)
5 MANUFACTURER LABEL BONDED TO OR PAINTED UPON
6 THE SMALL WIND ENERGY SYSTEM SHALL BE PERMITTED.

7 I. CODE COMPLIANCE.

8 (1) A SMALL WIND ENERGY SYSTEM, INCLUDING WIND
9 TOWER, SHALL COMPLY WITH ALL APPLICABLE BUILDING
10 AND ELECTRICAL CODES.

11 (2) A SMALL WIND ENERGY SYSTEM MUST COMPLY WITH
12 REGULATIONS OF THE FEDERAL AVIATION
13 ADMINISTRATION (FAA), IF APPLICABLE, INCLUDING ANY
14 NECESSARY APPROVALS FOR INSTALLATIONS CLOSE TO
15 AIRPORTS.

16 J. ALL SUPPORTING TOWERS FOR A SMALL WIND ENERGY DEVICE
17 SHALL BE SPECIFICALLY ENGINEERED TO SUPPORT A WIND
18 TURBINE. THE USE OR MODIFICATION OF A SUPPORTING TOWER
19 ORIGINALLY DESIGNED FOR A TELECOMMUNICATION ANTENNA
20 AS A SUPPORTING TOWER FOR A SMALL WIND ENERGY SYSTEM
21 SHALL BE PERMITTED. SUPPORTING TOWERS CONSTRUCTED OF
22 ALUMINUM SHALL BE PROHIBITED. COORDINATION WITH THE
23 OWNER OF THE TOWER SHALL BE REQUIRED TO PREVENT ANY
24 INTERFERENCE WITH EXISTING EQUIPMENT ON THE TOWER.

25 K. IT SHALL BE DEMONSTRATED THAT THE SMALL WIND ENERGY
26 SYSTEM SHALL NOT UNREASONABLY INTERFERE WITH THE VIEW
27 OF, OR FROM, SITES OF SIGNIFICANT PUBLIC INTEREST SUCH AS A
28 PUBLIC PARK, A STATE-DESIGNATED SCENIC ROAD, OR HISTORIC
29 RESOURCES.

30 L. A SMALL WIND ENERGY SYSTEM SHALL COMPLY WITH THE NOISE
31 LIMITATIONS CONTAINED IN THE CODE OF CHARLES COUNTY,
32 CHAPTER 260, NOISE CONTROL; HOWEVER, THE NOISE LIMITATIONS
33 MAY BE EXCEEDED DURING SHORT-TERM EVENTS SUCH AS UTILITY

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OUTAGES AND/OR SEVERE WINDSTORMS. COMPLIANCE WITH CHAPTER 260 SHALL BE DEMONSTRATED WITH EITHER SOUND PRESSURE LEVELS PROVIDED BY THE MANUFACTURER OR NOISE CONTOURS PREPARED BY A LICENSED ENGINEER OR A QUALIFIED PROFESSIONAL NOISE ANALYST.

- M. UTILITY NOTIFICATION AND INTER-CONNECTION. SMALL WIND ENERGY SYSTEMS THAT CONNECT TO THE ELECTRIC UTILITY POWER GRID SHALL COMPLY WITH ALL UTILITY NOTIFICATION REQUIREMENTS. A COPY OF THE SIGNED CERTIFICATE OF COMPLETION FROM THE ELECTRIC UTILITY WILL BE REQUIRED PRIOR TO ISSUANCE OF THE USE AND OCCUPANCY PERMIT FOR THE SYSTEM.
- N. ALL OBSOLETE OR UNUSED FACILITIES SHALL BE REMOVED WITHIN TWELVE (12) MONTHS OF CESSATION OF OPERATIONS WITHOUT COST TO THE COUNTY. REUSABLE COMPONENTS ARE TO BE RECYCLED WHENEVER POSSIBLE.
- O. VIOLATIONS. SUBSEQUENT TO THE EFFECTIVE DATE OF THIS ORDINANCE, IT IS UNLAWFUL FOR ANY PERSON TO CONSTRUCT, INSTALL, OR OPERATE A SMALL WIND ENERGY SYSTEM THAT IS NOT IN COMPLIANCE WITH THIS CHAPTER OR WITH ANY CONDITION CONTAINED IN A BUILDING PERMIT ISSUED PURSUANT TO THIS CHAPTER.
- P. VARIANCES. FOR VARIANCES TO THE STANDARDS CONTAINED HEREIN, THE BOARD OF APPEALS MAY REQUIRE WIND SPEED MEASUREMENTS, SOUND PRESSURE LEVEL MEASUREMENTS, SIGNED EASEMENTS FROM ADJACENT PROPERTY OWNERS, OR ANY OTHER INFORMATION DEEMED NECESSARY BY THE BOARD. WHEN REQUIRED, WEIGHTED SOUND NOISE PRESSURE LEVELS SHALL BE MEASURED WITH A C-WEIGHTED FILTER.

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1 (133) 7.07.400 WIND ENERGY SYSTEM, LARGE

2 LARGE WIND ENERGY SYSTEMS ARE PERMITTED AS A SPECIAL EXCEPTION IN
3 ALL ZONES SUBJECT TO THE SAME CONDITIONS AS SPECIFIED IN USE 7.07.300,
4 ITEMS B.-P.; AS WELL AS:

5 A. ENERGY. THE ELECTRICITY GENERATED BY THE LARGE WIND
6 ENERGY SYSTEM SHALL BE SOLD-FOR-PROFIT TO A WHOLESALE
7 ELECTRICITY MARKET THROUGH A REGIONAL TRANSMISSION
8 ORGANIZATION AND AN INTER-CONNECTION WITH THE LOCAL
9 UTILITY POWER GRID, AND/OR FOR DIRECT DISTRIBUTION TO A
10 NUMBER OF PROPERTIES AND CONSUMERS.

11 (1) THE TOTAL HEIGHT OF THE LARGE WIND ENERGY SYSTEM
12 SHALL NOT EXCEED ONE HUNDRED FIFTY (150) FEET.

13 (2) INSURANCE. PROOF OF THE APPLICANT'S PUBLIC
14 LIABILITY INSURANCE IS REQUIRED PRIOR TO ISSUANCE
15 OF THE USE AND OCCUPANCY PERMIT FOR THE SYSTEM.

16 B. EACH APPLICATION SHALL COMPLY WITH THE REQUIREMENTS OF b
17 NATURAL RESOURCES ARTICLE §8-1808.1, COMAR TITLE 27, AND THE
18 CHARLES COUNTY CRITICAL AREA PROGRAM. A GROWTH
19 ALLOCATION MAY BE REQUIRED FOR PROJECTS LOCATED WITHIN
20 THE RESOURCE CONSERVATION ZONE.

21
22 **SECTION 2.** BE IT FURTHER ENACTED, that Figure IV-1, The Table of Permissible Uses,
23 attached hereto is made apart hereof.


24
25 **SECTION 3.** BE IT FURTHER ENACTED, that this act shall take effect forty-five (45)
26 calendar days after it becomes law.

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ADOPTED this 6th day of May, 2014.

COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND


Candice Quinn Kelly, President


Reuben B. Collins, II, Esq., Vice President


Ken Robinson


Debra M. Davis, Esq.


Bobby Rucci

ATTEST:

Carol DeSoto, Acting Clerk to the Commissioners

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Uses Description	Zoning																										
	AC	RC	KC(D)	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	IH	PRD	PEP	MX	PMH	TOD	CER	CRR	CMR	WC	AUC	
7.06.000 Pozzolan Management Facility	SE	SE													SE	SE											
7.07.000 Alternative Energy Systems																											
7.07.100 Solar Energy System, Small	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
7.07.200 Solar Energy System, Large	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	
7.07.300 Wind Energy System, Small	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	
7.07.400 Wind Energy System, Large	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	
8.00.000 Mixed-Use																											
8.01.000 Mixed-Use Building																											
8.02.000 Mixed-Use Building, Residential																			P		P	P	P			P	