Howard County
Solar and Wind Zoning

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

Guidance for Viewing Excerpts

SOLAR

Summary

- The Howard County Code refers to large-scale solar projects as “Solar Facility, Commercial” and defines them as a series of ground-mounted solar collectors used to generate photovoltaic power, where less than 50% of the power generated is consumed by the principal use on the site.
  - Permitted use, subject to conditions, in the following zoning districts: RR (Rural Residential), RC (Rural Conservation), Rural Residential – Density Exchange Overlay (RR-DEO), and Rural Conservation (Density Exchange Overlay (RC-DEO)).
  - County Preservation Easements restrict the use of large-scale solar projects in the RR, RC, RR-DEO, and RC-DEO zoning districts.

Relevant Sections of the Howard County Code

- **Supplement 7. Zoning**
  - Definitions for "Solar Facility, Commercial" (Section 103.0).
  - Restricted use through County Preservation Easements (Section 106.1).
  - Conditional Use (Section 131.0).
- **Howard County Bill No. 41-2020**
  - Policy for commercial solar facilities (CSF) on ALPP easement property.
SMALL SOLAR

Summary

• The Howard County Code uses the term “Solar Collector, Accessory” to refer to small-scale or accessory solar projects, and defines them as a building-mounted or ground-mounted solar collector that is an accessory use to a principal use and is used for the primary purpose of generating electrical power to be consumed primarily by the principal use.
  o Permitted as accessory use in the following zoning districts: Residential Village Housing (R-VH), Historic Office (HO), Historic Commercial (HC), Manufacturing Heavy (M-2), Residential Single Attached (R-SA-8), Residential Single Cluster (R-SC), Residential Single (R-12 and R-20), Business General (B-2), Planned Employment Center (PEC), Institutional (I), Business Local (B-1), Community Center Transition (CCT), Residential Senior Institutional (R-SI), Residential Apartment (R-A-15 and R-APT), Planned Office Research (POR), Business Rural (BR), Manufacturing Light (M-1), Solid Waste (SW), Planned Golf Course Community (PGCC), Residential Mobile Home (R-MH), Corridor Employment (CE), Corridor Activity Center (CAC), Planned Senior Community (PSC), Residential Environmental Development (R-ED), RR, RC, RR-DEO, RC-DEO, Traditional Neighborhood Center (TNC), and Transit Oriented Development (TOD).

Relevant Sections of the Howard County Code

• **Supplement 7. Zoning**
  o Definitions for "Solar Collector" and "Solar Collector, Accessory" (Section 103.0).
  o Zoning districts where accessory use is permitted (Sections 104.0, 105.0, 107.0, 108.0, 109.0, 110.0, 111.0, 112.0, 112.1, 113.1, 113.2, 113.3, 114.1, 114.2, 114.3, 115.0, 116.0, 117.1, 117.4, 118.0, 119.0, 120.0, 122.0, 123.0, 124.0, 126.0, 127.1, 127.2, 127.5, 127.4, 127.6).
  o Restricted use through County Preservation Easements (Section 106.1).
WIND

Summary

- The Howard County Code does not have specific zoning districts designated for large-scale wind projects.

Relevant Sections of the Howard County Code

- No document available for viewing.

SMALL WIND

Summary

- The Howard County Code has two categories of small-scale wind energy systems: “Small Wind Energy System, Freestanding Tower” and “Small Wind Energy System, Building Mounted.” Both categories must have a rated nameplate capacity of less than 100 kW.
  - Small Wind Energy System, Freestanding Tower
    - Permitted as accessory use in the following zoning districts: Residential Historic Environmental District (R-H-ED), RR, RC, RR-DEO, RC-DEO, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-APT, I, POR, PEC, BR, CCT, B-1, B-2, SC, M-1, M-2, PGCC, PSC, CE, TOD, CAC, and TNC.
  - Small Wind Energy System, Building Mounted
    - Permitted as accessory use in the following zoning districts: Residential Historic Environmental District (R-H-ED), RR, RC, RR-DEO, RC-DEO, R-ED, R-20, R-12, R-SC, R-SA-8, , R-A-15, R-APT, I, POR, PEC, BR, CCT, B-1, B-2, SC, M-1, M-2, PGCC, PSC, CE, TOD, CAC, and TNC.
  - County Preservation Easements restrict the use of both types in the RR, RC, RR-DEO, and RC-DEO zoning districts.

Relevant Sections of the Howard County Code

- Supplement 7. Zoning
  - Zoning districts where accessory use is permitted for Small Wind Energy Systems, Building Mounted (Sections 104.0, 105.0, 107.0, 108.0, 109.0, 110.0, 111.0, 111.1, 112.0, 112.1, 113.3, 115.0, 116.0, 117.1, 117.2, 117.4,
118.0, 119.0, 120.0, 122.0, 123.0, 126.0, 127.1, 127.2, 127.4, 127.5, 127.6).
- Zoning districts where accessory use is permitted for Small Wind Energy Systems, Freestanding Tower (Section 104.0).
- Restricted use through County Preservation Easements (Section 106.1).
- Supplementary Zoning District Regulations (Section 128.0. L.M.).
- Conditional Use (Section 131.0).
Section 103.0: Definitions

SOLAR COLLECTOR
A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into electrical energy.

SOLAR COLLECTOR, ACCESSORY
A building mounted or ground mounted solar collector which is an accessory use to a principal use and is used for the primary purpose of generating electrical power to be consumed primarily by the principal use. A ground mounted accessory solar collector may be located on a different lot than the principal use.

SOLAR FACILITY, COMMERCIAL
A series of ground mounted solar collectors used to generate photovoltaic power, where less than 50% of the power generated is consumed by the principal use on the site.

Section 131.0: Conditional Zoning

N. Conditional Uses and Permissible Zoning Districts

| (Conditional) Zoning Districts (Solar Facility, Commercial) |
|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| ✓ | ✓ |     |      |      |     |        |        |        |        |      |      |     |    |    |    |     |     |     |     |     |     |    |    |    |    |    |    |    |    |    |    |

The Hearing Authority may grant Conditional Uses in the specified districts in accordance with the following minimum criteria:
52. Solar Facility, Commercial

A Conditional Use may be granted in the RC or RR District for a commercial solar facility, provided that:

1. The land on which the commercial solar facility is proposed may not be in the Agricultural Land Preservation Program and it may not be encumbered by any environmental preservation easements.

2. The maximum size of a solar facility shall be 75 acres notwithstanding the size of the parcel. The parcel on which the commercial solar facility is proposed must be a minimum of 10 acres in size.

3. All structures and uses must meet a minimum 50 foot setback from all property lines.

4. No structure or use may be more than 20 feet in height.

5. A 'Type D' landscaping buffer must be provided around the perimeter of the proposed commercial solar facility unless the Hearing Authority determines that an alternative buffer is sufficient.

6. All security fencing must be located between the landscaping buffer and the commercial solar facility.

7. The systems shall comply with all applicable local, state, and federal laws and provisions.

8. A commercial solar facility that is no longer used shall be removed from the site within one year of the date that the use ceases.

9. The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the commercial solar facility. The applicant shall provide the Hearing Authority with details regarding maintenance and access for the site.

10. A solar collector or combination of solar collectors shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.

11. The applicant shall agree to register all solar collectors with the Department of Fire and Rescue Services. The registration shall include a map of the solar facility noting the location of the solar collectors and the panel disconnect.

12. Tree removal shall be minimized and reforestation shall be done in accordance with Section 16.1026 of the Howard County Code.

13. The applicant shall demonstrate that the solar facility does not harm the scenic characteristics of the view of or from:

   a. A public park;
   b. A national or state designated scenic byway;
   c. A road listed in the Scenic Roads Inventory adopted under Section 16.1403 of the Howard County Code; or
   d. A historic structure as defined in Section 16.601 of the Howard County Code.
Section 106.1: County Preservation Easements

C. Accessory Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements
   u. Accessory Solar Collectors.

2. Other Dedicated Easements
   w. Accessory Solar Collectors.
Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County Zoning Regulations be, and they are hereby, amended as follows:

Community) District”; Subsections “D” “Accessory Uses” and “H” “Conditional Uses”, of Section 127.2 “CE (Corridor Employment) District”; Subsections “D” “Accessory Uses” and “H” “Conditional Uses”, of Section 127.4 “TOD (Transit Oriented Development) District”; Subsections “C” “Accessory Uses” and “I” “Conditional Uses”, of Section 127.5 “CAC (Corridor Activity Center) District”; Subsections “D” “Accessory Uses” and “H” “Conditional Uses”, of Section 127.6 “TNC (Traditional Neighborhood Center) Overlay District”; Number 3 “Exceptions to Height Requirements”, and Subsection “A” “Supplementary Bulk Regulations” of Section 128 “Supplementary Zoning District Regulations”;

B. The following sections be, and they are hereby, repealed and reenacted without change:

Howard County Zoning Regulations

SECTION 103: Definitions

A. Except as provided for in Section 101 herein, terms used in these regulations shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of these regulations:

179. Small Wind Energy System, Building Mounted: A small wind energy conversion system consisting of a vertical wind turbine and associated control or conversion electronics, which is to be located on a structure and has a rated capacity of not more than 100 kW.

180. Small Wind Energy System, Freestanding Tower: A wind energy conversion system consisting of a wind turbine, a freestanding tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW.
A. Purpose

The Rural Conservation District is established to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agriculture will continue as a long term land use and a viable economic activity within the County. The RC District is also established to preserve natural features and the rural landscape, while allowing low density, clustered residential development. Residential development is to be permitted only when it is located and designed to minimize its impact on agricultural land, farming operations, and sensitive environmental features; to create attractive rural developments; and to respect existing features of the rural landscape.

The preferred land use in the RC District is agriculture. The District is intended to permit a range of uses related to agriculture, to encourage the preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. Residential lots in the district are likely to be adjacent or close to agricultural land. Residents of property within the RC District should be prepared to accept the impacts associated with normal farming practices (see the Howard County Right-To-Farm Act in §12.111 of the Howard County Code).

C. Accessory Uses

The following are permitted accessory uses in the RC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

16. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.
17. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER ON PROPERTIES 5 ACRES OR GREATER, SUBJECT TO THE REQUIREMENTS OF SECTION 128.N.

G. Conditional Uses

The following are conditional uses in the RC district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

37. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER ON PROPERTIES LESS THAN 5 ACRES.

SECTION 105: RR (Rural Residential) District

A. Purpose

The Rural Residential District is established to allow low density residential development within a rural environment. The Rural Residential District is intended for an area of the County which is already largely committed to low density residential subdivisions. Within the RR District, agriculture is permitted as well as residential development in both cluster and non-cluster forms. Cluster development is permitted in order to protect environmental and landscape resources and to preserve agricultural land.

C. Accessory Uses

The following are permitted accessory uses in the RR District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

16. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.
G. Conditional Uses

The following are conditional uses in the RR district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

37. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER.

SECTION 107: R-ED (Residential: Environmental Development) District

A. Purpose

The R-ED District is established to accommodate residential development at a density of two dwelling units per net acre in areas with a high proportion of sensitive environmental and/or historic resources. Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance and directing development to the most appropriate areas of a site, away from sensitive resources. To accomplish this, the regulations allow site planning flexibility and require that development proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures.

C. Accessory Uses

The following are permitted accessory uses in the R-ED District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

12. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE-FAMILY DETACHED DWELLINGS AND NON-RESIDENTIAL STRUCTURES ONLY, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.
I. Conditional Uses

The following are conditional uses in the R-ED district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, Section 131 shall prevail.

18. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE-FAMILY ATTACHED DWELLINGS ONLY.

19. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER ON PROPERTIES 5 ACRES OR GREATER.

SECTION 108: R-20 (Residential: Single) District

A. Purpose

The R-20 District is established to permit single family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county.

C. Accessory Uses

The following are permitted accessory uses in the R-20 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

12. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

SECTION 109: R-12 (Residential: Single) District
A. Purpose

The R-12 District is established to provide single-family detached and semi-detached residential uses. The district provides a choice of housing types typically on lots less than a half acre.

C. Accessory Uses

The following are permitted accessory uses in the R-12 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

12. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE-FAMILY DETACHED DWELLINGS AND NON-RESIDENTIAL STRUCTURES ONLY, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

H. Conditional Uses

The following are conditional uses in the R-12 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

17. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE-FAMILY SEMI-DETACHED DWELLINGS ONLY.

SECTION 110: R-SC (Residential: Single Cluster) District

A. Purpose
The R-SC District is established to provide the opportunity for clustering of single family detached and attached dwellings to promote sensitive use for the land as well as to provide compatibility with other residential districts.

C. Accessory Uses

The following are permitted accessory uses in the R-SC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

10. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE-FAMILY DETACHED DWELLINGS AND NON-RESIDENTIAL STRUCTURES ONLY, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

F. Conditional Uses

The following are conditional uses in the R-SC District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

16. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE-FAMILY ATTACHED DWELLINGS ONLY.

SECTION 111: R-SA-8 (Residential: Single Attached) District

A. Purpose

The R-SA-8 District is established to provide clustered attached dwelling units. It is the intent of this district that the attached dwellings be compatible with adjacent residential zones.
C. Accessory Uses

The following are permitted accessory uses in the R-SA-8 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

10. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE-FAMILY DETACHED DWELLINGS AND NON-RESIDENTIAL STRUCTURES ONLY, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

F. Conditional Uses

The following are conditional uses in the R-SA-8 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

15. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE FAMILY ATTACHED DWELLINGS AND APARTMENTS.


A. Purpose

The R-A-15 District is established to provide the opportunity for high density apartments and single-family attached dwelling units.

C. Accessory Uses
9. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE-FAMILY DETACHED DWELLINGS AND NON-RESIDENTIAL STRUCTURES ONLY, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

G. Conditional Uses

The following are conditional uses in the R-A-15 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

13. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED ON SINGLE FAMILY ATTACHED DWELLINGS AND APARTMENTS.

SECTION 113.3 I (Institutional) Overlay District

A. Purpose

The Institutional District (I) is established to permit community-serving institutional and cultural facilities. These uses benefit the surrounding residential community and can provide a transition between residential neighborhoods and retail activity centers. In order to allow appropriate uses prior to the approval of institutional development, the Institutional District is an Overlay District. Uses allowed in the underlying district may be established prior to approval of development plans for institutional district development.

D. Accessory Uses

4. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

F. Conditional Uses
The following are conditional uses in the I district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

3. **Small Wind Energy System, Freestanding Tower.**

**SECTION 115: POR (Planned Office Research) District**

A. **Purpose**

The Planned Office Research District is established to permit and encourage diverse institutional, commercial, office research and cultural facilities.

C. **Accessory Uses**

7. **Small Wind Energy System, Building Mounted, subject to the requirements of Section 128.M.**

**F. Conditional Uses**

The following are conditional uses in the POR district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

4. **Small Wind Energy System, Freestanding Tower.**

**SECTION 116: PEC (Planned Employment Center) District**
A. Purpose

The PEC District is established to provide for comprehensively planned employment centers combining research and development, office, light manufacturing and assembly, limited commercial and other enumerated uses. It is intended that this district provide higher standards of development and a more flexible approach to design and development than could be achieved under conventional zoning districts.

It is further the purpose of this district to:

1. Provide for orderly development of large-scale, comprehensively planned employment centers;

2. Provide for open areas to act as buffers between incompatible uses and as design elements which will achieve the physical and aesthetic integration of the uses and activities within each development; and

3. Provide a landscaped, campus-like setting for employment in which the various uses relate compatibly with one another according to a comprehensive plan of development for an entire district.

C. Accessory Uses

4. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

F. Conditional Uses

The following are conditional uses in the PEC district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.
SECTION 117.1: BR (Business: Rural) District

A. Purpose

The BR District is established to allow the development of businesses which will support the agricultural industry, serve the needs of the rural residential and farming communities, and provide opportunity for a combination of business and industrial uses not otherwise permitted in the rural areas of the County.

Appropriate locations for the land uses allowed in the BR District depend on factors, which are best examined through review of a particular site. Therefore, the BR District is a floating zone, which requires the submission of a Preliminary Development Plan for a particular site. It is intended that the BR District be applied at a particular location only if found to be appropriate with respect to road access and compatibility with neighboring land uses.

E. Accessory Uses

4. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

SECTION 117.2: CC (Convenience Center) District

A. Purpose

The Convenience Center District is established to permit the development of small-scale retail stores and services which are conveniently located within residential areas and developed concurrently with residential development. The Convenience Center District is intended to
permit small, low-impact uses which are designed as an integral part of a new residential development. The CC District is also intended to provide opportunity for business uses to be incorporated into a "Traditional Residential Neighborhood" using the elements of traditional neighborhood design described in the Howard County General Plan.

The Convenience Center District is intended to be a "floating zone." In order to enable the Zoning Board to evaluate the accomplishment of the purposes set forth herein, a Preliminary Development Plan is required for each Convenience Center District.

D. Accessory Uses

3. **Small Wind Energy System, Building Mounted, subject to the requirements of Section 128.M.**

SECTION 117.4 CCT (Community Center Transition) District

A. Purpose

The CCT (Community Center Transition) District is established to permit community serving office, institutional, service and cultural facilities, as well as age-restricted adult housing. These uses serve the surrounding residential community and provide a transition between residential neighborhoods and retail activity centers.

C. Accessory Uses

5. **Small Wind Energy System, Building Mounted, subject to the requirements of Section 128.M.**

F. Conditional Uses
The following are conditional uses in the CCT district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

2. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER.

SECTION 118: B-1 (Business: Local) District

A. Purpose

The B-1 District is established to provide areas of local business that can directly serve the general public.

C. Accessory Uses

6. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

SECTION 119: B-2 (Business: General) District

A. Purpose

The B-2 District is established to provide for commercial sales and services that directly serve the general public.

C. Accessory Uses

6. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.
SECTION 120: SC (Shopping Center) District

A. Purpose

The SC District is established to permit local retail and office use areas. The Shopping Center District permits the opportunity for one stop shopping for a neighborhood and community.

C. Accessory Uses

6. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

F. Conditional Uses

The following are conditional uses in the SC district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

4. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER.

SECTION 122: M-1 (Manufacturing: Light) District

A. Purpose

The M-1 District is established to permit a mix of manufacturing, warehousing and business uses with provisions for limited retail sales.

C. Accessory Uses
5. **Small Wind Energy System, Building Mounted, subject to the requirements of Section 128.M.**

**E. Conditional Uses**

The following are conditional uses in the M-1 district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

11. **Small Wind Energy System, Freestanding Tower.**

**SECTION 123: M-2 (Manufacturing: Heavy) District**

**A. Purpose**

The M-2 District is established to permit a mix of manufacturing, warehousing, industrial and business uses with provisions for limited retail sales.

**C. Accessory Uses**

8. **Small Wind Energy System, Building Mounted, subject to the requirements of Section 128.M.**

**E. Conditional Uses**

The following are conditional uses in the M-2 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.
13. **Small Wind Energy System, Freestanding Tower.**

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**SECTION 126: PGCC (Planned Golf Course Community) District**

**A. Purpose**

The Planned Golf Course Community District is established to permit mixed use development combining recreation, residential, commercial and conference center uses while preserving 50 percent of the district as open space. It is the purpose of the PGCC District to integrate recreational uses, including at least two eighteen-hole golf courses, with residential development and to provide a variety of housing choices.

**C. Accessory Uses**

1. The following are permitted as accessory uses to residential uses in the PGCC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

**J. Small Wind Energy System, Building Mounted, Subject to the Requirements of Section 128.M.**

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**I. Conditional Uses**

The following are conditional uses in the PGCC District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

3. **Small Wind Energy System, Freestanding Tower.**
SECTION 127.1: PSC (Planned Senior Community) District

A. Purpose

The Planned Senior Community District is established to permit the development of housing designed for older adults and elderly persons. This floating and overlay district provides opportunity for housing that meets the diverse needs of Howard County’s growing senior population. Each Planned Senior Community District will provide independent living units for seniors within either single-family or multifamily dwellings, and may also include assisted living or nursing care facilities. The communities developed within the PSC District will be characterized by careful site planning that allows them to be compatible with eastern Howard County’s residential neighborhoods.

E. Accessory Uses

3. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

SECTION 127.2: CE (Corridor Employment) District

A. Purpose

This district is intended to encourage the development and redevelopment of unused or underutilized land near U.S. Route 1. Development in the CE district should provide for new office, flex, and light industrial uses, while reducing the spread of strip commercial development and encouraging consolidation of fragmented parcels. The requirements of this district, in conjunction with the Route 1 Manual, will result in development that improves the appearance of the Route 1 streetscape, enhances traffic safety and better accommodates public transit and pedestrian travel.
Many parcels in the CE district were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the CE district. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as uses are redeveloped or expanded.

D. Accessory Uses

4. **Small Wind Energy System, Building Mounted, subject to the requirements of Section 128.M.**

H. Conditional Uses

The following are conditional uses in the CE District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

2. **Small Wind Energy System, Freestanding Tower.**

**SECTION 127.4: TOD (Transit Oriented Development) District**

A. Purpose

This district provides for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. The TOD district is intended to encourage the development of multistory office centers that are located and designed for safe and convenient pedestrian access by commuters using the MARC TRAINS and other public transit links. For larger sites of at least 3 acres, well-designed multi-use centers combining office and high-density residential development are encouraged. The requirements of this district, in conjunction with the Route 1 Manual, will result in development that makes use of the commuting potential of the MARC system, creates attractive employment or multi-use centers, and provides for safe and convenient pedestrian travel.
Many parcels in the TOD district were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the TOD district. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as uses are redeveloped or expanded.

D. Accessory Uses

5. Small Wind Energy System, Building Mounted, subject to the requirements of Section 128.M.

H. Conditional Uses

The following are conditional uses in the TOD District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.


SECTION 127.5 CAC (Corridor Activity Center) District

A. Purpose

This district is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. These centers should be located near to Route 1 and close to residential communities that will benefit from a pedestrian-oriented local business area. The requirements of this district, in conjunction with the Route 1 Manual and the public improvements recommended by the Route 1 Corridor Revitalization Study, will result in development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 1 and intersecting roads.
Many parcels in the CAC district were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the CAC district. The intent of this district will be achieved by bringing the sites into compliance with these requirements and the standards of the Route 1 Manual as uses are expanded or redeveloped.

C. Accessory Uses

6. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

I. Conditional Uses

The following are conditional uses in the CAC District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

3. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER.

SECTION 127.6: TNC (TRADITIONAL NEIGHBORHOOD CENTER) OVERLAY DISTRICT

A. PURPOSE

This district is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. These centers should be located near Route 40 and close to residential communities that will benefit from a pedestrian-oriented local business area. The requirements of this district, in conjunction with the Route 40 Manual and the public improvements recommended by the Route 40 Enhancement Study, will result in
1 development that will strengthen nearby communities, provide for safe and convenient
2 pedestrian travel, and improve the streetscape of Route 40 and intersecting roads.

3 Sites within the TNC Overlay may continue to be used, developed and redeveloped in
4 accordance with the underlying zoning. The intent of this district is to provide an alternative
5 method of development for property owners who choose to comply with the Route 40 Manual
6 and the requirements of this district. Development complying with the TNC district requirements
7 will be permitted to include residential development and will have greater flexibility in some
8 bulk requirements.

9
10 D. Accessory Uses

11 5. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE
12 requirements of Section 128.M.

13 H Conditional Uses

14 The following are conditional uses in the TNC District, subject to the detailed requirements for
15 conditional uses given in Section 131. If there is a conflict between this Section and Section 131,
16 Section 131 shall prevail.

17 3. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER.

18

19 SECTION 128: Supplementary Zoning District Regulations

20 A. Supplementary Bulk Regulations

21 3. Exceptions to Height Requirements
d. The following are exempt from height limitations in all residential districts except the RVH District, including residential areas of the NT, MXD and PGCC Districts: spires, steeples, belfries, chimneys, stacks, flag poles, monuments, observation towers, [[windmills,]] barns, silos, water storage structures, antennas, communication towers, and lines, poles and other supporting structures for electric, telephone or cable television transmission or distribution. Observation towers, silos and ground-mounted antennas (not including satellite dish antennas) shall be set back from lot lines a distance equal to their height as measured from ground level. (See Section 128.E for additional requirements for antennas and communication towers.)

M. SMALL WIND ENERGY SYSTEMS, BUILDING MOUNTED

The following requirements apply to Small Wind Energy Systems, Building Mounted located in the following districts as an accessory use: RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, I, POR, PEC, BR, CC, CCT, B-1, B-2, SC, M-1, M-2, PGCC, CE, TOD, CAC, MXD, PSC, TNC, and NT provided:

1. The systems shall be primarily intended to reduce the on-site consumption of utility power.

2. The systems are permitted only on the principal structure in residential zoning districts.

3. The systems shall be located on the roof or sides of a structure that are at least 25 feet in height.

4. The systems shall comply with the principal building setbacks.
5. The height of the system shall not extend more than 15 feet above the ridge of
   the highest roof section.

6. Only one system per lot is permitted as an accessory use on properties less
   than 3 acres in area.

7. Only one system is permitted per building side as an accessory use on
   properties 3 acres or greater in area.

8. The systems shall not exceed 60 dBA, as measured at all lot lines. The level,
   however, may be exceeded during short-term events such as utility outages
   and/or severe wind storms.

9. All systems shall be gray or a similar color that minimizes visibility.

10. No exterior lighting is permitted.

11. The systems shall comply with all applicable local, state, and federal laws
    and provisions.

12. Meteorological towers, solely for the measurement of wind, temporary or
    otherwise, are not permitted.

13. A system that is no longer used shall be removed from the site within one year
    of the date that the use ceases.

14. No variances or administrative adjustments shall be granted to any of the
    provisions.

15. In the NT District, systems are not permitted on single family attached or
    multi-family dwellings unless allowed by the FDP.
N. **Small Wind Energy Systems, Freestanding Tower**

The following requirements apply to **Small Wind Energy Systems, Freestanding Tower**, located in the RC district as an accessory use provided:

1. **The systems shall be primarily intended to reduce the on-site consumption of utility power.**

2. **The maximum height for the tower mounted systems, including blades, shall not exceed 60 feet from grade. However, on farms greater than 25 acres the maximum height for tower mounted systems, including blades, shall not exceed 180 feet from grade.**

3. **The minimum lot size shall be at least 5 acres.**

4. **The system shall not be located within the front yard between the principal structure and the front property line.**

5. **The minimum setback for a system shall equal its total height, plus 10 percent from any property line.**

6. **The systems shall not exceed 60 dBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.**

7. **Temporary Meteorological Towers, solely for the measurement of wind, are permitted for a period not to exceed 90 days, provided they meet the height and setback requirements of this section and achieve a Temporary Use permit in accordance with Section 132. No extensions of the Temporary Use permit shall be granted.**
8. The blade of any wind turbine shall, at its lowest point, have a ground clearance of no less than 15 feet, as measured at the lowest point of the arc of the blades.

9. No other equipment unrelated to the operation of the system shall be attached to the structure.

10. No exterior lighting is permitted, unless required by the Federal Aviation Administration.

11. The system shall comply with all applicable local, state, and federal laws and provisions.

12. A system that is no longer used shall be removed from the site within one year of the date that the use ceases.

13. No variances or administrative adjustments shall be granted to any of the provisions.

SECTION 131: Conditional Uses

A. Statement of Legislative Intent

Conditional uses are authorized in specified zoning districts based on the presumption that they are generally appropriate and compatible in the specified districts. However, particular uses in particular locations may have characteristics or impacts that are not typical. Conditional uses are not permitted automatically, but are subject to the regulations of this section and the conditions imposed by the Board of Appeals upon approval of the proposed development.
N. Conditional Uses and Permissible Zoning Districts

The Hearing Authority may grant conditional uses in the specified districts in accordance with the following minimum criteria.

48. SMALL WIND ENERGY SYSTEMS, BUILDING MOUNTED

A conditional use may be granted in the R-ED, R-12, R-SC, R-SA-8, and R-A-15 zoning districts for Building Mounted Small Wind Energy Systems as defined in these regulations, provided:

1. The Systems shall be primarily intended to reduce the on-site consumption of utility power.

2. The Systems are permitted only on the principal structure.

3. The Systems shall be located on the roof or sides of a structure that are at least 25 feet in height.

4. The Systems shall comply with the principal building setbacks.

5. The height of the System shall not extend more than 15 feet above the ridge of the highest roof section.

6. In the R-ED and R-SC districts Systems are only permitted on single-family attached dwellings.

7. In the R-12 districts Systems are only permitted on semi-detached dwellings.

8. Only one System per lot is permitted on properties less than 3 acres in area.
9. Only one system is permitted per building side on properties 3 acres or greater in area.

10. The systems shall not exceed 60 dBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

11. All systems shall be gray or a similar color that minimizes visibility.

12. No exterior lighting is permitted.

13. The systems shall comply with all applicable local, state, and federal laws and provisions.

14. Meteorological towers, solely for the measurement of wind, temporary or otherwise, are not permitted.

15. A system that is no longer used shall be removed from the site within one year of the date that the use ceases.

49. Small Wind Energy Systems, Freestanding Tower

A conditional use may be granted in the RC, RR, R-ED, I,POR, PEC, CCT, SC, M-1, M-2, PGCC, CE, TOD, TNC, and CAC zoning districts for small wind energy systems, freestanding tower as defined in these regulations, provided:

1. The systems shall be primarily intended to reduce the on-site consumption of utility power.

2. Maximum height for tower mounted systems, including blades, shall not exceed 60 feet from grade. However, on farms greater than 25 acres the
MAXIMUM HEIGHT FOR TOWER MOUNTED SYSTEMS, INCLUDING BLADES, SHALL NOT EXCEED 180 FEET FROM GRADE.

3. THE MINIMUM LOT SIZE SHALL BE AT LEAST 2 ACRES, EXCEPT IN THE R-ED DISTRICT WHERE THE MINIMUM LOT SIZE SHALL BE 5 ACRES.

4. THE SYSTEM SHALL NOT BE LOCATED WITHIN THE FRONT YARD BETWEEN THE PRINCIPAL STRUCTURE AND THE FRONT PROPERTY LINE.

5. THE MINIMUM SETBACK FOR A SYSTEM SHALL EQUAL ITS TOTAL HEIGHT, PLUS 10 PERCENT FROM ANY PROPERTY LINE.

6. THE SYSTEMS SHALL NOT EXCEED 60 DBA, AS MEASURED AT ALL LOT LINES. THE LEVEL, HOWEVER, MAY BE EXCEEDED DURING SHORT-TERM EVENTS SUCH AS UTILITY OUTAGES AND/OR SEVERE WIND STORMS.

7. TEMPORARY METEOROLOGICAL TOWERS, SOLELY FOR THE MEASUREMENT OF WIND, ARE PERMITTED FOR A PERIOD NOT TO EXCEED 90 DAYS, PROVIDED THEY MEET THE HEIGHT AND SETBACK REQUIREMENTS OF THIS SECTION AND ACHIEVE A TEMPORARY USE PERMIT IN ACCORDANCE WITH SECTION 132. NO EXTENSIONS OF THE TEMPORARY USE PERMIT SHALL BE GRANTED.

8. THE BLADE OF ANY WIND TURBINE SHALL, AT ITS LOWEST POINT, HAVE A GROUND CLEARANCE OF NO LESS THAN 15 FEET, AS MEASURED AT THE LOWEST POINT OF THE ARC OF THE BLADES.

9. NO OTHER EQUIPMENT UNRELATED TO THE OPERATION OF THE SYSTEM SHALL BE ATTACHED TO THE STRUCTURE.

10. NO EXTERIOR LIGHTING IS PERMITTED, UNLESS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION.
11. The system shall comply with all applicable local, state, and federal laws and provisions.

12. A system that is no longer used shall be removed from the site within one year of the date that use ceases.

Section 2. Be it further enacted by the County Council of Howard County, Maryland, that the remainder of sections amended above be renumbered accordingly.

Section 3. And be it further enacted by the County Council of Howard County, Maryland, that the Director of the Department of Planning and Zoning is authorized to publish this Act, to correct obvious errors in section references, numbers and references to existing law, capitalization, spelling, grammar, headings and similar matters and to publish a table of contents.

Section 4. And be it further enacted by the County Council of Howard County, Maryland, that the provisions of this act shall become effective 61 days after enactment.
BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on August 5, 2010.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on ______________________, 2010.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on ______________________, 2010.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on ______________________, 2010.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on ______________________, 2010.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on ______________________, 2010.

Stephen M. LeGendre, Administrator to the County Council