

St. Mary's County Solar and Wind Zoning

This document provides a compilation of excerpts from the St. Mary's County Comprehensive 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 St. Mary's County Comprehensive Zoning Ordinance uses the term "Solar, Major" to refer to large-scale solar energy projects.
 - Permitted use in the following zoning districts: Rural Service Center (RSC), Rural Commercial Limited (RCL), Residential Low Density – Transitional (RL-T), Residential Low Density (RL), Rural High Density (RH), Residential Medium Density (RM), Neighborhood Conservation (RNC), Residential Mixed Use (RMX), Village Center Mixed Use (VMX), Town Center Mixed Use (TMX), Corridor Mixed Use (CMX), High Intensity Mixed-Use (MXH), Medium Intensity Mixed-Use (MXM), Low Intensity Mixed-Use (MXL), Limited Commercial Industrial (LCI), Industrial (I), Office and Business Park (OBP), and Commercial Marine (CM).
 - Permitted use in Rural Preservation Districts (RPD) EXCEPT on prime agricultural soils, farmland of statewide importance soils, or land designated as a Rural Legacy Area by the Maryland Rural Legacy Board.

Relevant Sections of the St. Mary's County Code

- Article 5. Regulations of Uses:
 - Table of location within zoning districts of "Solar, Major" (Schedule 50.4.97.a.).

SMALL SOLAR

Summary

Last Updated: March 2022

- The St. Mary's County Comprehensive Zoning Ordinance uses the term "Solar, Minor" to refer to small-scale solar energy projects, including community solar projects.
 - Permitted use in the following zoning districts: RPD, RSC, RCL, RL-T, RL, RH, RM, RNC, RMX, VMX, TMX, CMX, MXH, MXM, MXL, LCI, I, OBP, and CM.

Relevant Sections of the St. Mary's County Code

- Article 5. Regulations of Uses:
 - Table of location within zoning districts of "Solar, Minor" (Schedule 50.4.98.a.).

WIND

Summary

- The St. Mary's County Comprehensive Zoning Ordinance uses the term "Utility, Major" to refer to large-scale wind energy projects.
 - Permitted use, subject to conditions, in the RPD, RL-T, RL, I, and OBP zoning districts.

Relevant Sections of the St. Mary's County Code

- Article 5. Regulations of Uses:
 - Table of location within zoning districts of "Utility, Major" (Schedule 50.4, Pg. 50-15).

SMALL WIND

Summary

- The St. Mary's County Comprehensive Zoning Ordinance uses the term "Small Wind Energy System" to define small-scale wind energy systems, and defines them as having a capacity of less than 100 kW.
 - Permitted as accessory use in all zoning districts.

Last Updated: March 2022

Relevant Sections of the St. Mary's County Code

- Article 5. Regulations of Uses:
 - Chapter 50: Use Classifications: Table of permitted zoning districts of "Small Wind Energy System" (Schedule 50.4, Pg. 50-14).
 - Chapter 51: Use Regulations and Standards: Accessory standards (Section 51.3.95, Pg. 51-38:51-40).
- Article 9. Definitions and Rules of Measurement:
 - Chapter 90: Definitions: Definition of 'Small Wind Energy System' and 'Small Wind Energy System Tower' (Section Page 90-22).

Subject: An ordinance amending Chapter 285 of the Code of St. Mary’s County, Maryland, by adding Solar, Major and Solar, Minor uses, allowable zones, and standards; adding the new definitions of Farmland of Statewide Importance; Solar, Commercial, Industrial, or Institutional Accessory; Solar, Community; Solar, Residential or Agricultural Accessory; Solar, Utility-scale; and deleting and replacing the definition of Prime Agricultural Soils; and amending Parking Standards and Loading Space Group Reference Schedule 64.3.1 for Solar, Major and Solar, Minor.

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ORDINANCE

TO AMEND CHAPTER 285 OF THE CODE OF ST. MARY’S COUNTY, MARYLAND BY ADDING NEW USE §50.4.97.a “SOLAR, MAJOR”; AMENDING §51.3.97.a TO ADD “SOLAR, MAJOR GENERAL AND LIMITED STANDARDS”; BY ADDING NEW USE §50.4.98.a. “SOLAR, MINOR”; AMENDING §51.3.98.a. TO ADD “SOLAR, MINOR GENERAL STANDARDS”; AMENDING CHAPTER 90 BY ADDING THE NEW DEFINITIONS OF “FARMLAND OF STATEWIDE IMPORTANCE,” “SOLAR, COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL ACCESSORY,” “SOLAR, COMMUNITY,” “SOLAR, RESIDENTIAL OR AGRICULTURAL, ACCESSORY,” AND “SOLAR, UTILITY-SCALE”; AND DELETING AND REPLACING THE DEFINITION OF “PRIME AGRICULTURAL SOILS”; AND AMENDING PARKING STANDARDS AND LOADING SPACE GROUP REFERENCE SCHEDULE 64.3.1 FOR “SOLAR, MAJOR” AND “SOLAR, MINOR.”

WHEREAS, pursuant to § 4-101 through § 4-104 of the Land Use Article of the Annotated Code of Maryland, the Commissioners of St. Mary’s County, Maryland, are authorized to establish zoning districts and prescribe regulations applicable in such districts; and

WHEREAS, the Commissioners of St. Mary’s County, Maryland formed a Solar Task Force to gather information and make recommendations to the Commissioners of St. Mary’s County; and

WHEREAS, the Solar Task Force obtained community input; investigated community needs; learned about solar regulations; identified preferred site locations; discussed potential strengths/challenges with solar facilities; and submitted a report to the Commissioners of St. Mary’s County; and

WHEREAS, a notice of a public hearing was advertised on January 28, 2022, and February 4, 2022, in *The Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, and a public hearing was held on February 15, 2022, to receive public comment and consider amending Chapter 50 by adding § 50.4.97.a. Solar, Major; adding §50.4.98.a. Solar, Minor; amending Chapter 51 by adding §51.3.97.a. Solar, Major, General and Limited Standards; adding §51.3.98.a. Solar, Minor, General Standards; amending Chapter 90 by adding the new definitions for Farmland of Statewide Importance; Solar, Commercial, Industrial, or Institutional Accessory; Solar, Community; Solar, Residential or Agricultural Accessory, and Solar, Utility-scale; and deleting and replacing the definition of Prime Agricultural Soils; and amending Schedule 64.3.1 Parking Standards and Loading Space Group Reference by adding Use 97.a. Solar, Major and Use 98.a. Solar, Minor of Chapter 285 of the Code of St. Mary’s County, Maryland; and

WHEREAS, the Commissioners of St. Mary’s County, Maryland find that it is in the best interest of the health, safety, and welfare of the residents of St. Mary’s County to amend Chapter 285 of the Code of St. Mary’s

Subject: An ordinance amending Chapter 285 of the Code of St. Mary’s County, Maryland, by adding Solar, Major and Solar, Minor uses, allowable zones, and standards; adding the new definitions of Farmland of Statewide Importance; Solar, Commercial, Industrial, or Institutional Accessory; Solar, Community; Solar, Residential or Agricultural Accessory; Solar, Utility-scale; and deleting and replacing the definition of Prime Agricultural Soils; and amending Parking Standards and Loading Space Group Reference Schedule 64.3.1 for Solar, Major and Solar, Minor.

County, Maryland by adding the new uses of Solar, Major and Solar, Minor uses, allowable zones and standards; adding the new definitions of Farmland of Statewide Importance; Solar, Commercial, Industrial, or Institutional Accessory; Solar, Community; Solar, Residential or Agricultural Accessory, and Solar, Utility-scale; and deleting and replacing the definition of Prime Agricultural Soils; and amending Parking Standards and Loading Space Group Reference Schedule 64.3.1. for Solar, Major and Solar, Minor;

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary’s County, Maryland, pursuant to § 4-101 through § 4-104 of the Land Use Article of the Annotated Code of Maryland, that:

SECTION I. Code of St. Mary’s County, Maryland, Chapter 285, Schedule 50.4 is amended by adding two new uses:

97.a. Solar, Major. A Utility-scale solar energy generating system that has a generating capacity of more than 2 megawatts.

Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
97.a. Solar, Major.	Low	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA	- -

Subject: An ordinance amending Chapter 285 of the Code of St. Mary’s County, Maryland, by adding Solar, Major and Solar, Minor uses, allowable zones, and standards; adding the new definitions of Farmland of Statewide Importance; Solar, Commercial, Industrial, or Institutional Accessory; Solar, Community; Solar, Residential or Agricultural Accessory; Solar, Utility-scale; and deleting and replacing the definition of Prime Agricultural Soils; and amending Parking Standards and Loading Space Group Reference Schedule 64.3.1 for Solar, Major and Solar, Minor.

98.a. Solar, Minor. A solar energy generating system that has a generating capacity of 2 megawatts or less.

Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
98.a. Solar, Minor.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA	APZ-2 (0.56)

SECTION II. Chapter 285, §51.3 of Chapter 285 of the Code of St. Mary’s County, Maryland, is amended by adding §51.3.97.a “Solar, Major with General Standards and Limited”:

97.a. Solar, Major.

a. General Standards:

- (1) Major site plan approval is required.
- (2) Buffer yards required by Schedule 63.3.b. shall be modified as follows:
 - (a) When adjoining Residential Use, a Type C buffer (per schedule 63.3.a.), altered to have no fence required and understory trees can be substituted for canopy trees.
 - (b) When adjoining a Public and Semipublic or Commercial Use, a Type A buffer (per schedule 63.3.a.), and understory trees can be substituted for canopy trees.
- (3) Development in the Critical Area shall comply with Title 27, Subtitle 01 Criteria for Local Critical Area Program Development and Title 27, Subtitle 02 Development in the Critical Area Resulting from State and Local Agency Programs.
- (4) The developer shall provide proof they have complied with decommissioning requirements, including proof of a bond or other financial security, set forth by the Maryland Public Service Commission.

b. Limited Standards:

- (1) The solar panels and any other structures of a utility-scale solar project may not be constructed on prime agricultural soils.

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- (2) The solar panels and any other structures of a utility-scale solar project may not be constructed on farmland of statewide importance soils.
- (3) A private road conforming to the specifications in the Subdivision Ordinance, Table 30.14.6, Private Road Standards may be built on prime agricultural soils or farmland of statewide importance soils if needed to access the location of the solar panels or other structures and no feasible location of the road other than on prime agricultural soils or farmland of statewide importance soils is possible.
- (4) Utility-scale solar projects are not allowed on land designated as a Rural Legacy Area by the Maryland Rural Legacy Board.

SECTION III. Chapter § 51.3 of Chapter 285 of the Code of St. Mary’s County, Maryland be amended by adding § 51.3.98.a “Solar, Minor with General Standards”:

98.a. Solar, Minor.

a. General Standards:

- (1) Permit approval is required.
- (2) Buffer yards required by Schedule 63.3.b. shall be a Type A buffer (per schedule 63.3.a.) and understory trees can be substituted for canopy trees. Buffer yards are not required for Solar, Residential or Agricultural Accessory facility.
- (3) Development in the Critical Area shall comply with Title 27, Subtitle 01 Criteria for Local Critical Area Program Development and Title 27, Subtitle 02 Development in the Critical Area Resulting from State and Local Agency Programs.

SECTION IV. Chapter 90 of Chapter 285 of the Code of St. Mary’s County, Maryland, is amended by adding new definitions.

Farmland of Statewide Importance Soils. Soils in this category include the following: Beltsville silt loam (B1A, B1B2, B1B3, and B1C2), Bourne fine sandy loam (BrB2), Caroline silt loam (CaC2), Chillum loam (ChC2), Croom gravelly sandy loam (CrB2 and CrC2), Fallsington sandy loam (FaaA), Kempsville fine sandy loam (KeC2), Keyport fine sandy loam (KpA and KpB2), Keyport silt loam (KrA and KrB2), Klej loam sand (Kz), Marr fine sandy loam (MaC2), Mattapex silt loam (MuC2), Othello fine sandy loam (On and Ot), Rumford loamy sand (RuB and RuC2), Sassafras sandy loam (SaaC), Sassafras-Chillum complex (SmC2), Westphalia fine sandy loam (WeC2), and Woodstown sandy loam (WsC2).

Solar, Commercial, Industrial, or Institutional Accessory. A Solar, Minor facility that:

- a. uses energy from the sun to produce electricity for on-site use as an accessory to the principal commercial, industrial, or institutional use; and

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- b. may provide excess energy that is not immediately utilized on-site or temporarily stored for future use on-site to a utility company that provides electrical service to the property where the commercial, industrial, or institutional accessory solar energy generating facility is located in exchange for a credit or other compensation as determined by the utility company.

Solar, Community. A Solar, Minor facility that:

- a. is connected to the electric distribution grid serving the State;
- b. is in the same electric service territory as its subscribers;
- c. is attached to the electric meter of a subscriber or is a separate facility with its own electric meter;
- d. credits its generated electricity, or the value of its generated electricity, to the bills of the subscribers to that system through virtual net energy metering;
- e. has at least two subscribers but no limit to the maximum number of subscribers;
- f. does not have subscriptions larger than 200 kilowatts constituting more than 60% of its subscriptions;
- g. has a generating capacity that does not exceed 2 megawatts as measured by the alternating current rating of the system's inverter; and
- h. may be owned by any person.

Solar, Residential, or Agricultural Accessory. A Solar, Minor facility that:

- a. derives energy from the sun to produce electricity to support a residential use or accessory structure, building, or use. Residential is a detached residential structure, a duplex, or a townhouse not more than three stories above grade plane in height with a separate means of egress. A Solar, Minor facility may provide electricity to residential accessory structures or buildings that comply with the following:
 - 1. constructed or located on the same zoning lot as the principal residential building; and
 - 2. clearly incidental to, subordinate in purpose to, and serving the residential use;
- b. derives energy from the sun to produce electricity to support an agricultural operation located on the same property as the agricultural operation; and
- c. includes an energy generating system that delivers electricity to a power grid and complies with the laws of the State of Maryland.

Solar, Utility-scale. A Solar, Major facility that:

- a. uses energy from the sun to generate electricity primarily for use off-site; and
- b. sells the electricity to the regional wholesale electricity market; and
- c. has a generating capacity of more than 2 megawatts; and

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- d. requires a Certificate of Public Convenience and Necessity from the Maryland Public Service Commission.

SECTION V. Chapter 90 of Chapter 285 of the Code of St. Mary’s County, Maryland, is amended by deleting and replacing the definition of Prime Agricultural Soils.

Prime Agricultural Soils. Soils in this category include the following: Caroline silt loam (CaB2), Chillum loam (ChA and ChB2), Faceville loam (FaB), Marr fine sandy loam (MaB2), Matapeake fine sandy loam (MmA and MmB2), Matapeake silt loam (MnA and MnB2), Mattapex fine sandy loam (MtA and MtB2), Mattapex silt loam (MuaA and MuaB), Sassafrass sandy loam (SaaA and SaaB), Sassafrass loam (SfA and SfB2), Westphalia fine sandy loam (WeB2), and Woodstown sandy loam (WdaA and WdaB).

SECTION VI. Schedule 64.3.1 of Chapter 285 of the Code of St. Mary’s County, Maryland Parking Standards and Loading Space Group Reference is amended by adding Use 97.a “Solar, Major”; and adding Use 98.a “Solar, Minor” as follows:

	Off-Street Parking Spaces (sq. ft. refers to gross square feet) “-” means off-street parking not regulated by this Chapter	Off-Street Loading Space Group (see Schedule 64.3.2) “-” means no loading space required
Transportation, Communication and Utility Use Classifications		
97.a. Solar, Major	2	1
98.a. Solar, Minor	1	-

SECTION VII. This Ordinance shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

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ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Catherine Pratson
Acting County Administrator

James R. Guy, Commissioner President

Eric Colvin, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Michael L. Hewitt, Commissioner

David Weiskopf
County Attorney

Todd B. Morgan, Commissioner

John E. O'Connor, Commissioner

1 **Schedule 50.4 Use Classifications, Use Types and Location within Zoning Districts**
 2

Legend	P	Use is permitted in accordance with Chapter 51 General Standards
	L	Use is permitted in accordance with Chapter 51 General and Limited Standards
	C	Use is permitted in accordance with Chapter 51 General and Conditional Standards
	A	Use is permitted as accessory to an allowable use (See Section 11.2.4.b)
	PD	Use is permitted only within a Planned Unit Development subject to the review, conditions, and approval of the Board of County Commissioners
	-	Use is prohibited within the zone
	RCA	Use may be allowed in the Resource Conservation Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
	LDA	Use may be allowed in the Limited Development Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
	IDA	Use may be allowed in the Intensely Developed Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
	X	In the Critical Area, new non-maritime industries may be permitted only in the IDA and then only if the facility or activity demonstrates that there will be a net improvement in water quality to the adjacent body of water.

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
Agricultural Use Classifications																			
1. <i>Agricultural Industry, Major.</i>	Extensive processing of crop and animals products produced off site. This use type includes dairy processing plants, meat processing facilities, fertilizer manufacturers, and tanneries.	High	C	C	-	-	-	-	-	-	C	C	-	-	-	P	-	-	LDA IDA
2. <i>Agricultural Industry, Minor.</i>	Processing, drying or storage of crop and animal products, including minor dairy processing facilities and small scale grain mills.	High	P	P	-	-	-	-	-	-	P	P	-	-	-	P	-	-	RCA LDA IDA
3. <i>Animal Husbandry.</i>	Agricultural activity primarily engaged in raising farm animals or primary production of animal products, such as eggs or dairy products.	Low	P	P	-	P	P	-	-	-	P	P	-	-	-	-	-	-	RCA LDA IDA
4. <i>Aquaculture.</i>	Agricultural Activity primarily engaged in farming or culturing of finfish, shellfish, other aquatic plants or animals, or both. Use includes land or water based aquaculture that utilizes natural or man-made impoundments—lakes, and other natural or artificial water bodies or tanks. Activities may include hatching, cultivating, raising, and harvesting of aquatic plants and animals and maintenance or construction of necessary equipment, buildings, and growing areas. Excludes land- and water –based aquaculture activities that are not operated for profit—i.e. ponds stocked for private fishing, oysters grown in floats at private piers for consumption by the landowner, etc.	Low	P	-	-	L	L	-	L	L	L	L	-	-	-	P	-	P	RCA LDA IDA
5. <i>Crop Production and Horticulture.</i>	Agricultural activity primarily engaged in raising and harvesting of orchard crops, row crops, or field crops on an agricultural or commercial basis, including primary processing and packaging, but excluding canning and secondary food production. Includes horticultural operations engaged in cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs on a wholesale basis with incidental retail sales. Includes buildings and other structures necessary for storing, and handling produce, grains, plants, etc. grown on site and for housing and maintaining equipment on site.	Low	P	P	P	P	P	-	-	P	P	P	P	P	-	P	P	-	RCA LDA IDA

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
88. <i>Airport, Landing Strip and Heliport.</i>	Facilities open to aviation or operated for the takeoff and landing of aircraft, including runways; helicopter pads; passenger and cargo facilities; facilities for air traffic control, emergency service, informational devices, maintenance and overhaul, fueling, service, storage; tie-down areas; hangars and other necessary open spaces. May include offices and facilities for flight instruction, charter and cargo service and related services for airport customers as accessory uses.	High	C	-	-	-	-	-	-	-	-	-	-	-	-	P/C	C	-	LDA IDA
89. <i>Antennae and Microwave Equipment.</i>	Amateur radio antennae, or satellite and microwave dishes and equipment installed and operated to serve an individual residence or business.	Low	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	RCA LDA IDA
90. <i>Communication Tower, Public Safety or Other Non-Commercial.</i>	Communication tower designated by the Board of County Commissioners for operation of emergency communications equipment or co-located commercial equipment.	High	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-
91. <i>Communication tower, commercial.</i>	Communication tower that supports commercial uses or non-commercial uses when the structure exceeds 100 feet in height.	High	C	-	C	C	C	-	-	-	C	C	C	C	C	C	C	-	-
92. <i>Freight Terminal.</i>	Facilities for freight service and operations by truck, rail, or ship. This classification does not include airports or heliports.	High	-	-	-	-	-	-	-	-	-	-	-	-	-	P	L	P	LDA IDA
93. <i>Passenger Terminal.</i>	Facilities for passenger transportation operations. This classification includes rail stations and bus terminals.	High	-	-	-	-	-	-	-	-	-	P	P	P	L	P	-	-	LDA IDA
94. <i>Regional Flood and Storm Water Management Facility.</i>	Facilities designed and managed by a public agency or public utility to provide flood control or manage stormwater drainage for multiple development sites.	High	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA
95. <i>Small Wind Energy System.</i>	Wind-powered electric system sized for homes, farms, and small businesses with a capacity of 100 kilowatts and below.	Low	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	RCA LDA IDA
96. <i>Solid Waste Acceptance, Processing, Transfer and/or Resource Recovery Facility.</i>	Public or private recycling, refuse collection, solid waste transfer or disposal facilities or material recovery facilities.	High	C	-	-	-	-	-	-	-	-	-	-	-	-	L	-	-	IDA
97. <i>Utility, Major.</i>	Power generating plant, or power substation, water reservoir, water or wastewater treatment plant and associated disposal ponds, or similar facility of a public agency or public utility. A structure that may have a significant effect on surrounding uses is regulated under this classification.	High	C	-	-	C	C	-	-	-	-	-	-	-	-	C	C	-	LDA IDA
98. <i>Utility, Minor.</i>	Public utility that is necessary to support legally established uses and involves only minor facilities or structures such as a small drainage channel; aqueduct; small sewer or water pump station or substation; above ground distribution or transmission lines including service for telephone or cable television; underground water, sewer, drainage, gas, electricity, telephone, or related utility lines; recycling centers; telephone switching centers; and telegraph or cable television transmitting offices.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA

Marine Use Classifications

St. Mary's Comprehensive Zoning Ordinance – Article 5 - Regulation of Uses

CHAPTER 51 USE REGULATIONS AND STANDARDS – Small Wind Energy Systems

93. Small Wind Energy System.

a. Accessory Standards:

(1) The purpose of these regulations is to allow a Small Wind Energy System used to generate electricity at a rated capacity (as defined by the manufacturer) of 100 kilowatts or less to be constructed and installed for on-site consumption only. The application submitted by the property owner or his designated representative to the Department of Land Use and Growth Management for a building permit to construct a Small Wind Energy System shall satisfactorily address the standards as set forth below:

(a) A building permit shall be obtained prior to installing a small wind energy system. The building permit application shall be accompanied by a site plan of the property, including all boundaries, drawn to scale, showing the following information. Approval of the building permit shall be subject to a determination by appropriate personnel affiliated with Patuxent River Naval Air Station as to noninterference with military activities.

1. The location of the proposed small wind energy system and the locations of all existing buildings, structures, overhead utility lines, and environmental features including woodland and other vegetation shall be shown on the site plan; and

2. The distance between the small wind energy system tower and structures on adjoining properties shall be shown on the site plan; and the distance between the small wind energy system tower and property lines shall be shown on the site plan.

(b) Compliance with Uniform Statewide Building Code: Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Statewide Building Code shall also be submitted. This analysis may be supplied in the form of documentation from the manufacturer or supplier. Submit the footing specifications developed by the tower supplier or manufacturer.

(c) A Small Wind Energy System must comply with regulations of the Federal Aviation Administration (FAA), if applicable, including any necessary approvals for installations close to airports.

(d) Compliance with National Electric Code: Building permit applications

for Small Wind Energy Systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information may be supplied by the manufacturer.

(e) Wind turbines shall be the default color of the manufacturer or painted a non-reflective, neutral color that conforms to the environment.

(f) A Small Wind Energy System shall not exceed the ambient noise levels as established by Schedule 61.4.1 of this Ordinance, Maximum Noise

(g) A Small Wind Energy System shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable authority.

(h) A Small Wind Energy System shall not be used for displaying any advertising. Appropriate warning signs and signs identifying the manufacturer, installer, or owner of the Small Wind Energy System may be attached.

(i) Electrical controls and control wiring and power-lines shall be wireless or underground.

(j) The tower of a Small Wind Energy System shall be designed so as to prohibit step bolts or a ladder readily accessible to the public for a minimum height of 10 feet above the ground.

(k) The height of a Small Wind Energy System shall not exceed a maximum height of 85 feet, if located on a lot or parcel less than one acre in size; or a maximum height of 150 feet, if located on a lot or parcel one acre in size or greater.

(l) The tower of a Small Wind Energy System shall be set back a distance equal to its total height, which is a one to one (1:1) ratio between height and setback, from all property lines and any overhead utility lines. A variance or an agreement in recordable form signed by the adjoining property owner(s) must be obtained in order to reduce this required setback from property lines. Total height means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

(m) The blade tip of any 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 blades.

(n) One Small Wind Energy System shall be permitted on a site.

(o) Any small wind energy system found to be abandoned or unsafe by the

Building Code Official shall be repaired or removed by the landowner.
A small wind energy system that fails to operate or is out of service for a
5 continuous 12-month period shall be deemed to be abandoned.