

UNR3029 12/15

**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

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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	- -

LA 2022-06 PART 17

**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:

	<b>Off-Street Parking Spaces (sq. ft. refers to gross square feet) “-” means off-street parking not regulated by this Chapter</b>	<b>Off-Street Loading Space Group (see Schedule 64.3.2) “-” means no loading space required</b>
<b>Transportation, Communication and Utility Use Classifications</b>		
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: 5

Those voting Nay: 0

Those Abstaining: 0


Date of Adoption: March 1, 2022

Effective Date: March 15, 2022

LIBER 0029 FOLIO 21

**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.

**ATTEST:**

  
\_\_\_\_\_  
Catherine Pratson  
Acting County Administrator


**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
David Weiskopf  
County Attorney


**COMMISSIONERS OF ST. MARY'S COUNTY**

  
\_\_\_\_\_  
James R. Guy, Commissioner President

  
\_\_\_\_\_  
Eric Colvin, Commissioner

  
\_\_\_\_\_  
Michael L. Hewitt, Commissioner

  
\_\_\_\_\_  
Todd B. Morgan, Commissioner

  
\_\_\_\_\_  
John E. O'Connor, Commissioner

DOCUMENT VALIDATION

LR - Government  
Instrument 0.00  
Agency Name:  
COMMISSIONERS OF ST  
MARYS COUNTY  
Instrument List: Other  
Describe Other:  
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Mary's  
County/CC07.04.01 -  
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Circuit Court for St. Mary's County  
PO Box 676  
41605 Courthouse Drive  
Leonardtown, MD 20650  
(301) 475-7844



LIBER 0030 FOLIO 109

**Subject:** An ordinance amending Chapter 285 of the Code of St. Mary's County, Maryland, by amending Schedule 50.4.97.a. Solar, Major to require Conditional Use approval in the Rural Preservation Zoning District; to add a new Section 51.3.97.a.b to include the standards necessary to obtain Conditional Use approval; and to amend Article 9, Chapter 90 by adding a new definition.

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**ORDINANCE**

**TO AMEND CHAPTER 285 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND, BY AMENDING SCHEDULE 50.4.97.a. SOLAR, MAJOR, TO REQUIRE CONDITIONAL USE APPROVAL IN THE RURAL PRESERVATION ZONING DISTRICT; TO ADD A NEW SECTION 51.3.97.a.b. TO INCLUDE THE STANDARDS NECESSARY TO OBTAIN CONDITIONAL USE APPROVAL; AND TO AMEND ARTICLE 9, CHAPTER 90 BY ADDING A NEW DEFINITION.**

**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 September 16, 2022, and September 23, 2022, in The Southern Maryland News, a newspaper of general circulation in St. Mary's County, and a public hearing was held on October 4, 2022, to receive public comment and consider amending Chapter 50 by amending Schedule 50.4.97.a. Solar, Major, to require Conditional Use approval in the Rural Preservation Zoning District when certain soils or environmentally sensitive areas are present; and to add a new Section 51.3.97.a.b. to include the standards necessary to obtain Conditional Use approval; 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 County, Maryland by amending Schedule 50.4.97.a. Solar, Major, to require Conditional Use approval in the Rural Preservation Zoning District; to add a new Section 51.3.97.a.b. to include the standards necessary to obtain Conditional Use approval; and to amend Article 9, Chapter 90 by adding a new definition.

**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 50.4.97.a. Solar, Major, is amended by changing Solar, Major from being a Limited or Permitted Use in the Rural Preservation Zoning District to a Conditional Use in the Rural Preservation District :

LIBER 0030 FOLIO 10

Subject: An ordinance amending Chapter 285 of the Code of St. Mary's County, Maryland, by amending Schedule 50.4.97.a. Solar, Major to require Conditional Use approval in the Rural Preservation Zoning District; to add a new Section 51.3.97.a.b to include the standards necessary to obtain Conditional Use approval; and to amend Article 9, Chapter 90 by adding a new definition.

50.4.97.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	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA	- -

**SECTION II.** Chapter 285, §51.3.97.a. Solar, Major is amended by deleting §51.3.97.a.b., Limited Standards (1), (2), (3), and (4); and adding a new §51.3.97.a.b. (1) Conditional Standards:

§51.3.97.a. Solar, Major.

b. Conditional Standards:

- (1) In the Rural Preservation District, a Solar, Major facility may only be allowed on brownfields and landfills.

**SECTION III.** Chapter 285, Article 9, Chapter 90 is amended by adding a new definition:

**Brownfield.** A brownfield is a former industrial or commercial site where future development is affected by potential or confirmed environmental contamination. A site shall be presumed to be a brownfield if identified by the Environmental Protection Agency as a Superfund site, National Priorities List site, state deferral site, is identified by the Maryland Department of the Environment as a State Master List or Voluntary Cleanup Program site, or if the site is on any other list maintained by the Environmental Protection Agency or Maryland Department of the Environment that serves a similar purpose.

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

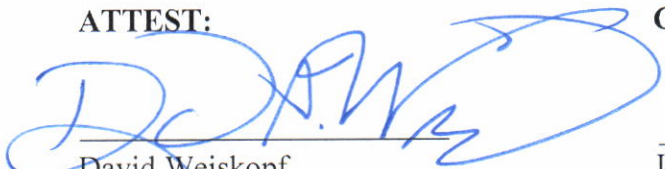
LIBERO 030 FOLIO 11

Subject: An ordinance amending Chapter 285 of the Code of St. Mary's County, Maryland, by amending Schedule 50.4.97.a. Solar, Major to require Conditional Use approval in the Rural Preservation Zoning District; to add a new Section 51.3.97.a.b to include the standards necessary to obtain Conditional Use approval; and to amend Article 9, Chapter 90 by adding a new definition.

Those voting Aye: 4  
Those voting Nay: 1  
Those Abstaining: 0  
Date of Adoption: October 25, 2022  
Effective Date: November 8, 2022

ATTEST:


COMMISSIONERS OF ST. MARY'S COUNTY

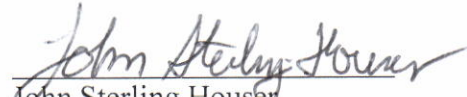
  
David Weiskopf  
Interim County Administrator

  
James R. Guy, Commissioner President

  
Eric Colvin, Commissioner

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
Michael L. Hewitt, Commissioner

  
John Sterling Housey  
Assistant County Attorney

  
Todd B. Morgan, Commissioner

NO  
John E. O'Connor, Commissioner

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DOCUMENT VALIDATION

LIBER 0030 FOLIOT 12

LR - Government  
Instrument 0.00  
Agency Name:  
COMMISSIONERS OF ST  
MARYS CO  
Instrument List: Other  
Describe Other:  
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Ref: MM/JULIE BURCH -  
CSMC

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Total: 0.00  
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#16734378 CC0704 - St  
Mary's  
County/CC07.04.05 -  
Register 05

Circuit Court for St. Mary's County  
PO Box 676  
41605 Courthouse Drive  
Leonardtown, MD 20650  
(301) 475-7844

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