

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2010, Legislative Day No. 14

Bill No. 39-10

Introduced by Mr. Dillon, Mr. Benoit and Mr. Jones

By The County Council, May 10, 2010

Introduced and first read on May 10, 2010
Public Hearing set for and held on June 21, 2010
Public Hearing on AMENDED BILL set for and held on July 6, 2010
Public Hearing on SECOND AMENDED BILL set for July 19, 2010
Bill Expires August 13, 2010

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Small Wind Energy Systems

2
3 FOR the purpose of adding small wind energy systems and meteorological towers as a
4 conditional use and as a special exception use in certain residential, commercial,
5 industrial and maritime districts; defining certain terms; establishing requirements for
6 small wind energy systems and meteorological towers as a conditional use and as a
7 special exception use; establishing requirements for small wind energy systems and
8 meteorological towers in the critical area; and generally relating to small wind energy
9 systems and meteorological towers.

10
11 BY repealing and reenacting with amendments: §§ 18-4-106; 18-5-102; 18-6-103; and
12 18-7-107
13 (Anne Arundel County Code (2005, as amended)

14
15 BY renumbering: §§ ~~18-1-101 (94) through (112) and (113) through (116)~~ 18-1-101 (55)
16 through (93), (94) through (112) and (113) through (116); 18-10-133 through 18-10-
17 138; 18-11-150 through 18-11-156; and 18-13-206(36) through (41); to be §§ ~~18-1-~~
18 ~~101 (95) through (113) and (115) through (118)~~ 18-1-101 (56) through (94), (96)
19 through (114) and (116) through (119); 18-10-134 to 18-10-139; 18-11-151 through
20 18-11-157; and 18-13-206(37) through (42), respectively
21 (Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 BY adding: §§ 18-1-101(55), (94) and (114); 18-10-133; 18-11-150; 18-13-206(36); and
2 18-13-207
3 (Anne Arundel County Code (2005, as amended)
4

5 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
6 *Maryland,* That §§ ~~18-1-101 (94) through (112) and (113) through (116)~~ 18-1-101 (55)
7 through (93), (94) through (112) and (113) through (116); 18-10-133 through 18-10-138;
8 18-11-150 through 18-11-156; and 18-13-206(36) through (41) of the Anne Arundel
9 County Code (2005, as amended) are hereby renumbered to be §§ ~~18-1-101 (95) through~~
10 ~~(113) and (115) through (118)~~ 18-1-101 (56) through (94), (96) through (114) and (116)
11 through (119); 18-10-134 to 18-10-139; 18-11-151 through 18-11-157; and 18-13-
12 206(37) through (42), respectively.
13

14 SECTION 2. *And, be it further enacted,* That Section(s) of the Anne Arundel County
15 Code (2005, as amended) read as follows:
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17 **ARTICLE 18. ZONING**
18 **TITLE 1. DEFINITIONS**
19

20 **18-1-101. Definitions.**
21

22 Unless defined in this article, words defined elsewhere in this Code apply in this
23 article. The following words have the meanings indicated:
24

25 (55) "METEOROLOGICAL TOWER" MEANS A METEOROLOGICAL TOWER OR
26 STRUCTURE DESIGNED TO SUPPORT THE GATHERING OF WIND OR SOLAR ENERGY
27 RESOURCE DATA, AND INCLUDES THE TOWER, BASE PLATE, ANCHORS, GUY CABLES AND
28 HARDWARE, ANEMOMETERS, WIND DIRECTION VANES, BOOMS TO HOLD EQUIPMENT,
29 DATA LOGGERS, WIRING, AND TELEMETRY DEVICES USED TO MONITOR AND TRANSMIT
30 DATA FOR OVER A PERIOD OF TIME FOR INSTANT OR HISTORICAL DATA.
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32 ~~(94) (95)~~ "SMALL WIND ENERGY SYSTEM" MEANS A WIND ENERGY CONVERSION
33 SYSTEM WITH A CAPACITY OF LESS THAN 100 KW, CONSISTING WHICH MAY CONSIST OF
34 A WIND TURBINE, A TOWER AND BASE, AND ASSOCIATED CONTROL OR CONVERSION
35 ELECTRONICS FOR THE PURPOSE OF GENERATING ENERGY FOR USE ON SITE AND NOT
36 FOR SALE.
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38 ~~(114) (115)~~ "WIND TURBINE" MEANS THE PARTS OF THE SMALL WIND ENERGY
39 SYSTEM INCLUDING THE BLADES, GENERATOR AND TAIL MOUNTED ON A MONOPOLE,
40 LATTICE OR GUYED STRUCTURE OR MOUNTED ON A BUILDING,
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42 **TITLE 4. RESIDENTIAL DISTRICTS**
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44 **18-4-106. Permitted, conditional, and special exception uses.**
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46 The permitted, conditional, and special exception uses allowed in each of the
47 residential districts are listed in the chart in this section using the following key: P =
48 permitted use; C = conditional use; SE = special exception use. A blank means that the
49 use is not allowed in the district. Except as provided otherwise in this article, uses and
50 structures customarily accessory to the listed uses also are allowed, except that guest

1 houses as accessory structures are prohibited and outside storage as an accessory use is
 2 limited to the lesser of 10% of the allowed lot coverage or 500 square feet.

3

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22

Schools, public charter and private academic, with 125 or more onsite parking spaces	SE	C	C	C	C	C	P	P
<u>SMALL WIND ENERGY SYSTEMS OR METEOROLOGICAL TOWERS ON A LOT OF AT LEAST THREE ACRES</u>	C	C	C	C	C			
<u>ONE SMALL WIND ENERGY SYSTEMS SYSTEM OR METEOROLOGICAL TOWERS TOWER ON A LOT LESS THAN THREE ACRES</u>	SE	SE	SE	SE	SE			

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TITLE 5. COMMERCIAL DISTRICTS

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18-5-102. Permitted, conditional, special exception, and business complex auxiliary uses.

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The permitted, conditional, and special exception uses allowed in each of the commercial districts, and uses auxiliary to a business complex, are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A = auxiliary to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed.

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Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4

Small engine repair if all work is done inside a building and there is no outside storage	P		P	P
<u>SMALL WIND ENERGY SYSTEMS OR METEOROLOGICAL TOWERS ON A LOT OF AT LEAST THREE ACRES</u>	C	C	C	C
<u>ONE SMALL WIND ENERGY SYSTEMS SYSTEM OR METEOROLOGICAL TOWERS TOWER ON A LOT LESS THAN THREE ACRES</u>	SE	SE	SE	SE

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TITLE 6. INDUSTRIAL DISTRICTS

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18-6-103. Permitted, conditional, and special exception uses.

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1 The permitted, conditional, and special exception uses allowed in each of the
 2 industrial districts are listed in the chart in this section using the following key: P =
 3 permitted use; C = conditional use; SE = special exception use; and A= auxiliary use to a
 4 business complex use. A blank means that the use is not allowed in the district. Except as
 5 provided otherwise in this article, uses and structures customarily accessory to permitted,
 6 conditional, and special exception uses also are allowed, except that outside storage as an
 7 accessory use in W1 is limited to 15% of the allowed lot coverage.
 8

Permitted, Conditional, and Special Exception Uses	W1	W2	W3

Sign shops, including painting and fabrication	P	P	P
<u>SMALL WIND ENERGY SYSTEMS OR METEOROLOGICAL TOWERS ON A LOT OF AT LEAST THREE ACRES</u>	C	C	C
<u>ONE SMALL WIND ENERGY SYSTEMS SYSTEM OR METEOROLOGICAL TOWERS TOWER ON A LOT LESS THAN THREE ACRES</u>	SE	SE	SE

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TITLE 7. MARITIME DISTRICTS

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18-7-107. Permitted, conditional, and special exception uses.

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14 The permitted, conditional, and special exception uses allowed in each of the
 15 Maritime group districts are listed in the chart in this section using the following key: P =
 16 permitted use; C = conditional use; SE = special exception use. A blank means that the
 17 use is not allowed in the district. Except as provided otherwise in this article, uses and
 18 structures customarily accessory to the listed uses also are allowed.
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Permitted, Conditional, and Special Exception Uses	MA1	MA2	MA3	MB	MC

Sale of watercraft, marine engines, and watercraft trailers		P		P	P
<u>SMALL WIND ENERGY SYSTEMS OR METEOROLOGICAL TOWERS ON A LOT OF AT LEAST THREE ACRES</u>	C	C	C	C	C
<u>ONE SMALL WIND ENERGY SYSTEMS SYSTEM OR METEOROLOGICAL TOWERS TOWER ON A LOT LESS THAN THREE ACRES</u>	SE	SE	SE	SE	SE

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TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

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18-10-133. Small wind energy systems.

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25 (A) **Requirements.** A SMALL WIND ENERGY SYSTEM OR METEOROLOGICAL TOWER
 26 SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS.
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1 (1) THE SMALL WIND ENERGY SYSTEM OR METEOROLOGICAL TOWER SHALL BE
2 LOCATED ON A LOT OF THREE ACRES OR MORE, EXCEPT THAT IN A RLD, R1, R2 OR R5
3 ZONE A SMALL WIND ENERGY SYSTEM OR METEOROLOGICAL TOWER MAY NOT EXCEED
4 ONE SYSTEM FOR EACH THREE ACRES OF LAND.

5 (2) THE WIND TURBINE OR METEOROLOGICAL TOWER SHALL BE LOCATED AT A
6 DISTANCE OF AT LEAST 1.1 TIMES THE HEIGHT OF THE TOWER FROM ANY PROPERTY
7 LINE, NON-PARTICIPATING STRUCTURE, PUBLIC ROAD OR RIGHT-OF-WAY, OR
8 COMMUNICATION LINES OR STRUCTURES, AND PROVIDE FOR A MINIMUM SETBACK OF 20
9 FEET FROM ANY LOT LINE FOR GUY CABLES OR TOWER SUPPORTS. ALL COMPONENTS OF
10 A ROOF-MOUNTED TURBINE SHALL MEET REQUIRED SETBACKS FOR THE PRINCIPAL
11 STRUCTURE.

12
13 (3) ROOF-MOUNTED TURBINES ARE PERMITTED. ALL COMPONENTS OF A ROOF-
14 MOUNTED TURBINE SHALL MEET REQUIRED SETBACKS FOR THE PRINCIPAL STRUCTURE
15 ON WHICH IT IS LOCATED. ROOF-MOUNTED TURBINES MAY NOT BE MOUNTED ON AN
16 ATTACHED OR MULTI-FAMILY DWELLING.

17
18 (4) THE HEIGHT OF A WIND TURBINE OR METEOROLOGICAL TOWER MAY NOT
19 EXCEED A HEIGHT OF 150 FEET. THE HEIGHT OF A ROOF-MOUNTED TURBINE MAY NOT
20 PROJECT MORE THAN 35 FEET FROM THE ROOF SURFACE. TOTAL HEIGHT FOR A SMALL
21 WIND ENERGY SYSTEM MOUNTED ON A WIND TOWER IS THE VERTICAL DISTANCE FROM
22 THE GROUND LEVEL TO THE TIP OF A WIND GENERATOR BLADE WHEN THE TIP IS AT
23 ITS HIGHEST POINT. FOR A SMALL WIND ENERGY SYSTEM MOUNTED ON A BUILDING,
24 TOTAL HEIGHT IS THE VERTICAL DISTANCE FROM THE TOP OF THE ROOF OR PARAPET, TO
25 THE TIP OF A WIND GENERATOR BLADE WHEN THE TIP IS AT ITS HIGHEST POINT.

26
27 (5) THE WIND TURBINE OR METEOROLOGICAL TOWER SHALL HAVE A MINIMUM
28 BLADE GROUND CLEARANCE OF 15 FEET.

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30 (6) THE TOWER SHALL BE DESIGNED AND INSTALLED SO AS TO NOT ALLOW STEP
31 BOLTS OR LADDER ACCESSIBILITY FOR A MINIMUM HEIGHT OF 12 FEET.

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33 (7) THE WIND TURBINE OR METEOROLOGICAL TOWER AND ITS MOUNTING
34 STRUCTURE SHALL BE PAINTED A NON-REFLECTIVE, NON-OBTRUSIVE COLOR THAT
35 CONFORMS TO THE ENVIRONMENT AND ARCHITECTURE OF THE COMMUNITY.

36
37 (8) THE WIND TURBINE OR METEOROLOGICAL TOWER SHALL NOT BE
38 ARTIFICIALLY LIGHTED, EXCEPT TO THE EXTENT REQUIRED BY THE FEDERAL AVIATION
39 ADMINISTRATION.

40
41 (9) THE SMALL WIND ENERGY SYSTEM OR METEOROLOGICAL TOWER SHALL
42 COMPLY WITH ALL APPLICABLE CONSTRUCTION CODES AND ELECTRICAL CODES AND
43 BE INSTALLED IN ACCORDANCE WITH MANUFACTURER PLANS AND CERTIFICATIONS.

44
45 (10) THE WIND TURBINE SHALL NOT GENERATE NOISE IN EXCESS OF THE LEVELS
46 PERMITTED FOR THE ZONE UNDER CODE OF MARYLAND REGULATIONS 26.02.03.03.

47
48 (11) THE CAPACITY OF A SMALL WIND ENERGY SYSTEM MAY NOT EXCEED 25 KW
49 ON A PROPERTY LOCATED IN AN RLD, R1, R2, OR R5 ZONE AND 100 KW IN ALL OTHER
50 ZONES. ENERGY PRODUCED BY THE SMALL WIND ENERGY SYSTEM SHALL BE FOR THE
51 SOLE USE OF THE PROPERTY OWNER, HOWEVER, ENERGY OUTPUT FROM THE SYSTEM
52 MAY BE DELIVERED TO A POWER GRID TO OFFSET THE COST OF ENERGY ON SITE.

53
54 (12) WIND TURBINES MUST BE APPROVED UNDER A SMALL WIND CERTIFICATION
55 PROGRAM RECOGNIZED BY THE MARYLAND ENERGY ADMINISTRATION.

56
57 (13) ALL SIGNS ARE PROHIBITED EXCEPT FOR MANUFACTURER OR INSTALLER
58 IDENTIFICATION SIGNS AND WARNING SIGNS OR PLACARDS.

1
2 (14) METEOROLOGICAL TOWERS SHALL BE PERMITTED UNDER THE CONDITIONS OF
3 THIS SECTION FOR A PERIOD NOT TO EXCEED ONE YEAR.

4 (15) THE SMALL WIND ENERGY SYSTEM OR METEOROLOGICAL TOWER MAY NOT
5 ADVERSELY EFFECT AN HISTORIC SITE, ARCHAEOLOGICAL RESOURCE, OR CEMETERY
6 LISTED ON THE COUNTY INVENTORY. THE PLACEMENT OF A WIND TURBINE WITHIN
7 SIGHT OF AN HISTORIC RESOURCE LISTED ON THE INVENTORY SHALL MITIGATE ANY
8 ADVERSE VISUAL IMPACT OF THE TURBINE IN A MANNER DETERMINED BY THE OFFICE
9 OF PLANNING AND ZONING. IF A WIND TURBINE IS TO BE ATTACHED TO THE ROOF OF AN
10 HISTORIC STRUCTURE LISTED ON THE INVENTORY, THE METHOD OF ATTACHMENT MUST
11 BE APPROVED BY THE OFFICE OF PLANNING AND ZONING. APPROVAL OF A ROOFTOP
12 WIND TURBINE SHALL REQUIRE INSTALLATION ON A SECONDARY FACADE, MINIMAL
13 IMPACT TO HISTORIC MATERIALS, AND BE A REVERSIBLE MODIFICATION. WIND
14 TURBINES MAY NOT BE MOUNTED ON ROOFTOPS OF HIGHLY SIGNIFICANT PROPERTIES,
15 INCLUDING THOSE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.

16
17 (16) A SMALL WIND ENERGY SYSTEM OR METEOROLOGICAL TOWER LOCATED
18 WITHIN THE BWI MARSHALL AIRPORT FOUR-MILE DISTRICT SHALL COMPLY WITH ALL
19 HEIGHT AND PERMITTING REQUIREMENTS OF THE MARYLAND AVIATION
20 ADMINISTRATION.

21
22 **(B) Removal of Defective System.** ANY SMALL WIND ENERGY SYSTEM OR
23 METEOROLOGICAL TOWER THAT IS CITED BY ADMINISTRATIVE ORDER OF THE
24 DEPARTMENT OF INSPECTIONS AND PERMITS SHALL BE REPAIRED BY THE PROPERTY
25 OWNER TO MEET FEDERAL, STATE AND LOCAL CODE REQUIREMENTS, OR BE REMOVED,
26 WITHIN SIX MONTHS OF THE DATE OF THE ADMINISTRATIVE ORDER. IF THE PROPERTY
27 OWNER FAILS TO REPAIR OR REMOVE THE SYSTEM AS REQUIRED AND THE SYSTEM
28 REMAINS NON-OPERATIONAL FOR MORE THAN SIX MONTHS, THE COUNTY MAY PURSUE
29 AN ACTION FOR REMOVAL OF THE SYSTEM AT THE PROPERTY OWNER'S EXPENSE.

30
31 (C) Variances. A VARIANCE MAY NOT BE GRANTED FOR THE REQUIREMENTS
32 SPECIFIED IN SUBSECTION A.

33
34 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**

35
36 **18-11-150. Small wind energy systems.**

37
38 **(A) Requirements.** A SMALL WIND ENERGY SYSTEM OR METEOROLOGICAL TOWER
39 SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS.

40
41 (1) THE SMALL WIND ENERGY SYSTEM OR METEOROLOGICAL TOWER SHALL BE
42 LOCATED ON A LOT LESS THAN THREE ACRES.

43
44 (2) THE WIND TURBINE OR METEOROLOGICAL TOWER SHALL BE LOCATED AT A
45 DISTANCE OF AT LEAST 1.1 TIMES THE HEIGHT OF THE TOWER FROM ANY PROPERTY
46 LINE, NON-PARTICIPATING STRUCTURE, PUBLIC ROAD OR RIGHT-OF-WAY, OR
47 COMMUNICATION LINES OR STRUCTURES, AND PROVIDE FOR A MINIMUM SETBACK OF
48 20 FEET FROM ANY LOT LINE FOR GUY CABLES OR TOWER SUPPORTS. ~~ALL COMPONENTS~~
49 ~~OF A ROOF MOUNTED TURBINE SHALL MEET REQUIRED SETBACKS FOR THE PRINCIPAL~~
50 ~~STRUCTURE.~~

51
52 (3) ROOF-MOUNTED TURBINES ARE PERMITTED. ALL COMPONENTS OF A ROOF-
53 MOUNTED TURBINE SHALL MEET REQUIRED SETBACKS FOR THE PRINCIPAL STRUCTURE.
54 ROOF-MOUNTED TURBINES MAY NOT BE MOUNTED ON AN ATTACHED OR MULTI-FAMILY
55 DWELLING.

1 (4) THE HEIGHT OF A WIND TURBINE OR METEOROLOGICAL TOWER MAY NOT
2 EXCEED A HEIGHT OF 120 FEET. THE HEIGHT OF A ROOF-MOUNTED TURBINE MAY NOT
3 PROJECT MORE THAN 35 FEET FROM THE ROOF SURFACE. TOTAL HEIGHT FOR A SMALL
4 WIND ENERGY SYSTEM MOUNTED ON A WIND TOWER IS THE VERTICAL DISTANCE FROM
5 THE GROUND LEVEL TO THE TIP OF A WIND GENERATOR BLADE WHEN THE TIP IS AT
6 ITS HIGHEST POINT. FOR A SMALL WIND ENERGY SYSTEM MOUNTED ON A BUILDING,
7 TOTAL HEIGHT IS THE VERTICAL DISTANCE FROM THE TOP OF THE ROOF OR PARAPET, TO
8 THE TIP OF A WIND GENERATOR BLADE WHEN THE TIP IS AT ITS HIGHEST POINT.
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10 (5) THE WIND TURBINE SHALL HAVE A MINIMUM BLADE GROUND CLEARANCE
11 OF 15 FEET.
12

13 (6) THE TOWER SHALL BE DESIGNED AND INSTALLED SO AS TO NOT ALLOW STEP
14 BOLTS OR LADDER ACCESSIBILITY FOR A MINIMUM HEIGHT OF 12 FEET.
15

16 (7) THE WIND TURBINE OR METEOROLOGICAL TOWER AND ITS MOUNTING
17 STRUCTURE SHALL BE PAINTED A NON-REFLECTIVE, NON-OBTRUSIVE COLOR THAT
18 CONFORMS TO THE ENVIRONMENT AND ARCHITECTURE OF THE COMMUNITY.
19

20 (8) THE WIND TURBINE OR METEOROLOGICAL TOWER SHALL NOT BE
21 ARTIFICIALLY LIGHTED, EXCEPT TO THE EXTENT REQUIRED BY THE FEDERAL AVIATION
22 ADMINISTRATION.
23

24 (9) THE SMALL WIND ENERGY SYSTEM OR METEOROLOGICAL TOWER SHALL
25 COMPLY WITH ALL APPLICABLE CONSTRUCTION CODES AND ELECTRICAL CODES AND
26 BE INSTALLED IN ACCORDANCE WITH MANUFACTURER PLANS AND CERTIFICATIONS.
27

28 (10) THE WIND TURBINE SHALL NOT GENERATE NOISE IN EXCESS OF THE LEVELS
29 PERMITTED FOR THE ZONE UNDER CODE OF MARYLAND REGULATIONS 26.02.03.03.
30

31 (11) THE CAPACITY OF A SMALL WIND ENERGY SYSTEM MAY NOT EXCEED 25 KW
32 ON A PROPERTY LOCATED IN AN RLD, R1, R2, OR R5 ZONE AND 100 KW IN ALL OTHER
33 ZONES. ENERGY PRODUCED BY THE SMALL WIND ENERGY SYSTEM SHALL BE FOR THE
34 SOLE USE OF THE PROPERTY OWNER, HOWEVER, ENERGY OUTPUT FROM THE SYSTEM
35 MAY BE DELIVERED TO A POWER GRID TO OFFSET THE COST OF ENERGY ON SITE.
36

37 (12) WIND TURBINES MUST BE APPROVED UNDER A SMALL WIND CERTIFICATION
38 PROGRAM RECOGNIZED BY THE MARYLAND ENERGY ADMINISTRATION.
39

40 (13) ALL SIGNS ARE PROHIBITED EXCEPT FOR MANUFACTURER OR INSTALLER
41 IDENTIFICATION SIGNS AND WARNING SIGNS OR PLACARDS.
42

43 (14) METEOROLOGICAL TOWERS SHALL BE PERMITTED UNDER THE CONDITIONS OF
44 THIS SECTION FOR A PERIOD NOT TO EXCEED ONE YEAR.
45

46 (15) A PROPERTY OWNER MAY APPLY FOR SPECIAL EXCEPTIONS FOR A
47 TEMPORARY METEOROLOGICAL TOWER AND A SMALL WIND ENERGY SYSTEM IN THE
48 SAME APPLICATION; HOWEVER, THE ADMINISTRATIVE HEARING OFFICER MAY DECIDE
49 ON EACH REQUEST IN THE APPLICATION INDIVIDUALLY AND IMPOSE CONDITIONS
50 DEEMED APPROPRIATE FOR EACH USE. IF AN APPLICANT IS GRANTED A SPECIAL
51 EXCEPTION FOR A METEOROLOGICAL TOWER BUT DENIED A SPECIAL EXCEPTION FOR A
52 SMALL WIND ENERGY SYSTEM, THE APPLICANT SHALL BE PERMITTED TO RE-APPLY FOR
53 A SPECIAL EXCEPTION WITHIN 12 MONTHS OF THE DATE OF DENIAL OF THE SMALL WIND
54 ENERGY SYSTEM PROVIDED THE APPLICATION INCLUDES SIX MONTHS OF
55 METEOROLOGICAL DATA GATHERED FROM THE APPLICANTS METEOROLOGICAL TOWER.
56

57 (16) THE SMALL WIND ENERGY SYSTEM OR METEOROLOGICAL TOWER MAY NOT
58 ADVERSELY EFFECT AN HISTORIC SITE, ARCHAEOLOGICAL RESOURCE, OR CEMETERY

1 LISTED ON THE COUNTY INVENTORY. THE PLACEMENT OF A WIND TURBINE WITHIN
2 SIGHT OF AN HISTORIC RESOURCE LISTED ON THE INVENTORY SHALL MITIGATE ANY
3 ADVERSE VISUAL IMPACT OF THE TURBINE IN A MANNER DETERMINED BY THE OFFICE
4 OF PLANNING AND ZONING. IF A WIND TURBINE IS TO BE ATTACHED TO THE ROOF OF AN
5 HISTORIC STRUCTURE LISTED ON THE INVENTORY, THE METHOD OF ATTACHMENT MUST
6 BE APPROVED BY THE OFFICE OF PLANNING AND ZONING. APPROVAL OF A ROOFTOP
7 WIND TURBINE SHALL REQUIRE INSTALLATION ON A SECONDARY FACADE, MINIMAL
8 IMPACT TO HISTORIC MATERIALS, AND BE A REVERSIBLE MODIFICATION. WIND
9 TURBINES MAY NOT BE MOUNTED ON ROOFTOPS OF HIGHLY SIGNIFICANT PROPERTIES,
10 INCLUDING THOSE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.

11
12 (17) A SMALL WIND ENERGY SYSTEM OR METEOROLOGICAL TOWER LOCATED
13 WITHIN THE BWI MARSHALL AIRPORT FOUR-MILE DISTRICT SHALL COMPLY WITH ALL
14 HEIGHT AND PERMITTING REQUIREMENTS OF THE MARYLAND AVIATION
15 ADMINISTRATION.

16
17 **(B) Removal of Defective System.** ANY SMALL WIND ENERGY SYSTEM OR
18 METEOROLOGICAL TOWER THAT IS CITED BY ADMINISTRATIVE ORDER OF THE
19 DEPARTMENT OF INSPECTIONS AND PERMITS SHALL BE REPAIRED BY THE PROPERTY
20 OWNER TO MEET FEDERAL, STATE AND LOCAL CODE REQUIREMENTS, OR BE REMOVED,
21 WITHIN SIX MONTHS OF THE DATE OF THE ADMINISTRATIVE ORDER. IF THE PROPERTY
22 OWNER FAILS TO REPAIR OR REMOVE THE SYSTEM AS REQUIRED AND THE SYSTEM
23 REMAINS NON-OPERATIONAL FOR MORE THAN SIX MONTHS, THE COUNTY MAY PURSUE
24 AN ACTION FOR RESCISSION OF THE SPECIAL EXCEPTION USE UNDER THIS ARTICLE AND
25 REMOVAL OF THE SYSTEM AT THE PROPERTY OWNER'S EXPENSE.

26
27 **(C) Variances.** A VARIANCE MAY NOT BE GRANTED FOR THE REQUIREMENTS
28 SPECIFIED IN SUBSECTION A.

29
30 **TITLE 13. CRITICAL AREA OVERLAY**

31
32 **18-13-206. RCA uses.**

33
34 The following uses are the only uses allowed in the RCA and, to be allowed, the use
35 must be allowed in and meet all requirements of the underlying zoning district and, for a
36 residential use, the density allowed is one dwelling unit per 20 acres:

37
38 ***

39
40 (36) SMALL WIND ENERGY SYSTEMS OR METEOROLOGICAL TOWERS SUBJECT TO
41 THE REQUIREMENTS OF 18-13-207.

42
43 ***

44
45 **18-13-207. Small Wind Energy Systems**

46
47 **(A) Location.** A SMALL WIND ENERGY SYSTEM OR METEOROLOGICAL TOWER MAY
48 NOT BE LOCATED IN AREAS DESIGNATED AS FOREST INTERIOR DWELLING SPECIES (FIDS)
49 HABITATS; HABITAT PROTECTION AREAS FOR RARE, THREATENED AND ENDANGERED
50 SPECIES, SPECIES IN NEED OF CONSERVATION, OR COLONIAL WATER BIRDS; OR IN
51 NATURAL HERITAGE AREAS UNLESS THE APPLICANT HAS OBTAINED FROM THE
52 MARYLAND DEPARTMENT OF NATURAL RESOURCES WILDLIFE AND HERITAGE SERVICE
53 A LETTER STATING ITS RECOMMENDATIONS FOR PROTECTION AND CONSERVATION OF
54 THE HABITATS. APPLICANTS SHALL COMPLY WITH ALL DEPARTMENT OF NATURAL
55 RESOURCES RECOMMENDATIONS FOR THE PRESERVATION OF HABITATS AFFECTED BY
56 THE SYSTEM.

1
2 (B) **Requirements.** IF A SMALL WIND ENERGY SYSTEM OR METEOROLOGICAL
3 TOWER IS APPROVED FOR LOCATION IN THE 100-FOOT BUFFER OR EXPANDED BUFFER,
4 THE SYSTEM SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS.

5 (1) CLEARING OF FOREST, DEVELOPED WOODLANDS, AND NATURAL
6 VEGETATION SHALL BE LIMITED TO ONLY THE AMOUNT NECESSARY FOR INSTALLATION
7 OF THE WIND TURBINE.
8

9 (2) MITIGATION SHALL BE REQUIRED AT A RATIO OF 3:1 FOR THE FOOTPRINT OF
10 ANY NEW LOT COVERAGE ASSOCIATED WITH THE WIND TURBINE.
11

12 (3) MITIGATION SHALL BE REQUIRED AT A RATIO OF 3:1 FOR THE LIMIT OF
13 DISTURBANCE OF ANY CLEARING OF FORESTS, DEVELOPED WOODLANDS AND NATURAL
14 VEGETATION.
15

16 (4) REQUIRED MITIGATION SHALL BE LOCATED ON-SITE WITHIN THE 100-FOOT
17 BUFFER TO THE EXTENT POSSIBLE AND SHALL BE PLANTED TO PROVIDE A DIVERSE
18 NATURAL HABITAT.
19

20 (5) A BUFFER MANAGEMENT PLAN SHOWING AN OFFSITE LOCATION FOR CANOPY
21 TREE REPLACEMENT OR A PROPOSAL FOR ALTERNATIVE SITE STOCKING THAT
22 SUBSTITUTES UNDERSTORY TREES FOR REQUIRED CANOPY TREES MAY BE APPROVED
23 BY THE OFFICE OF PLANNING AND ZONING IF THE APPLICANT DEMONSTRATES THAT ALL
24 MITIGATION CANNOT BE LOCATED ON THE PROPERTY.
25

26 (6) IF A SMALL WIND ENERGY SYSTEM OR METEOROLOGICAL TOWER IS
27 REMOVED, THE BUFFER SHALL BE REPLANTED WITH NATIVE VEGETATION.
28

29 (C) **Variances.** A VARIANCE MAY NOT BE GRANTED FOR THE MITIGATION
30 REQUIREMENTS SPECIFIED IN SUBSECTION (B).
31

32 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
33 from the date it becomes law.