

FILED

COUNTY COUNCIL

2009 AUG 17 PM 2: 04

OF

CIRCUIT COURT  
DORCHESTER COUNTY

**DORCHESTER COUNTY, MARYLAND**

2009 Legislative Session,  
Legislative Day No. 12, 2009

Introduced By: County Council

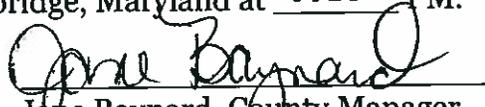
BILL NO. 2009- 8

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING ORDINANCE, SECTION 155-50, KK, SUPPLEMENTAL USE REGULATIONS, SECTION 155-13, TERMS DEFINED, AND SECTION 155 ATTACHMENT 1, TABLE OF PERMITTED USES OF THE DORCHESTER COUNTY CODE TO ADD SMALL WIND ENERGY SYSTEMS AS AN ACCESSORY USE IN ALL ZONING DISTRICTS, ADD THE DEFINITION OF SMALL WIND ENERGY SYSTEMS, TOTAL HEIGHT, FAA, AND WIND TURBINE, AND INCLUDE SUPPLEMENTARY USE REGULATIONS FOR SMALL WIND ENERGY SYSTEMS.

Introduced, read first time, ordered posted on official bulletin board of County, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Ordered publication for once a week for two (2) successive weeks, and public hearing scheduled on Tuesday, August 11, 2009 in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:25 PM.

By order:

  
Jane Baynard, County Manager

BILL NO. 2009- 8

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING ORDINANCE, SECTION 155-50, KK, SUPPLEMENTAL USE REGULATIONS, SECTION 155-13, TERMS DEFINED, AND SECTION 155 ATTACHMENT 1, TABLE OF PERMITTED USES OF THE DORCHESTER COUNTY CODE TO ADD SMALL WIND ENERGY SYSTEMS AS AN ACCESSORY USE IN ALL ZONING DISTRICTS, ADD THE DEFINITION OF SMALL WIND ENERGY SYSTEMS, TOTAL HEIGHT, FAA, AND WIND TURBINE, AND INCLUDE SUPPLEMENTARY USE REGULATIONS FOR SMALL WIND ENERGY SYSTEMS.

**SECTION ONE:** Acting under Chapter 155, entitled "Zoning Ordinance", Section 155-50, KK, Section 155-13, Section 155 Attachment 1, of The Dorchester County Code (The "Act"), be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that Chapter 155, Section 155-50, KK, titled, Supplemental Use Regulations, SECTION 155-13, titled Terms Defined, and Section 155 Attachment 1, titled Table of Permitted Uses, be repealed and reenacted to read as follows:

Article II Definitions

§ 155-13. Terms defined

For the purposes of this chapter, the following definitions apply. Terms identified with the initials "CA" apply countywide and, where applicable to lands in the Critical Area, may not be modified without the approval of the Maryland Chesapeake Bay Critical Area Commission. Terms identified with the initials "FP" apply only within the Floodplain District.

**"FAA" MEANS THE FEDERAL AVIATION ADMINISTRATION.**

**"SMALL WIND ENERGY SYSTEM" MEANS A WIND ENERGY CONVERSION SYSTEM, LESS THAN 100 kW, CONSISTING OF A WIND TURBINE, TOWER, BASE AND ASSOCIATED CONTROL OR CONVERSION ELECTRONICS.**

**"TOTAL HEIGHT" MEANS, WHEN REFERRING TO A WIND TURBINE, THE DISTANCE MEASURED FROM GROUND LEVEL TO THE BLADE EXTENDED AT ITS HIGHEST POINT.**

**"WIND TURBINE" MEANS THE PARTS OF THE WIND SYSTEM INCLUDING THE BLADES, GENERATOR AND TAIL.**

Article IX Supplementary Use Regulations

§ 155-50. Supplementary use regulations

The following supplementary use regulations apply in addition to the requirements of the applicable zoning district and any requirements in the Table of Permitted uses.

**KK. SMALL WIND ENERGY SYSTEM**

**(1) GENERAL REQUIREMENTS**

- (A) EXCLUDING FINISHES, COATINGS OR COVERINGS APPLIED BY THE MANUFACTURER, WIND TURBINES SHALL BE PAINTED A NON-REFLECTIVE, NON-OBTRUSIVE COLOR. SMALL WIND ENERGY SYSTEM TOWERS SHALL MAINTAIN A GALVANIZED STEEL, BRUSHED ALUMINUM OR WHITE FINISH, UNLESS FAA STANDARDS REQUIRE OTHERWISE.**
- (B) SMALL WIND ENERGY SYSTEMS SHALL NOT BE USED FOR DISPLAYING ANY ADVERTISING EXCEPT FOR REASONABLE IDENTIFICATION OF THE MANUFACTURER, AND SHALL NOT BE ARTIFICIALLY LIGHTED EXCEPT TO THE EXTENT REQUIRED BY THE FAA OR OTHER APPLICABLE AUTHORITY.**
- (C) A SMALL WIND ENERGY SYSTEM SHALL BE LOCATED ON A LOT OR PARCEL AS AN ACCESSORY USE. ~~THAT IS A MINIMUM OF 21,780 SQUARE FEET (½ ACRE) IN SIZE.~~ ONLY ONE SMALL WIND ENERGY SYSTEM SHALL BE PERMITTED ON A LOT OR PARCEL BETWEEN ½ ACRE AND 1 ACRE OR SMALLER IN SIZE.**

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Explanation: **BOLD CAPITALS** indicate language added to existing law.  
~~Strikethrough~~ indicates language deleted from existing law.  
**GREEN BOLD CAPITALS** indicate amended language.

- (D) **ON A LOT OR PARCEL OF ~~BETWEEN 1/2 ACRE AND ONE ACRE~~ (43,560 SQUARE FEET) OR SMALLER IN SIZE THE TOTAL HEIGHT OF A SMALL WIND ENERGY SYSTEM INCLUDING THE WIND TURBINE, TOWER, AND BASE SHALL NOT EXCEED A MAXIMUM HEIGHT OF 80 FEET. FOR A LOT OR PARCEL GREATER THAN ONE ACRE IN SIZE THE TOTAL HEIGHT SHALL NOT EXCEED THE HEIGHT RECOMMENDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE SYSTEM OR ANY LIMITATION IMPOSED BY FAA REGULATIONS. IN NO CASE SHALL THE TOTAL HEIGHT OF ANY SMALL WIND ENERGY SYSTEM EXCEED 200 FEET, AND TOWER LOADING SHALL NOT EXCEED MANUFACTURER OR DISTRIBUTOR RECOMMENDATIONS.**
- (E) **FOR PROPERTIES (LOTS OR PARCELS) LOCATED WITHIN THE DESIGNATED AP, AIRPORT PROTECTION DISTRICT, THE TOTAL HEIGHT OF SMALL WIND ENERGY SYSTEMS SHALL COMPLY WITH THE STANDARDS OF THE AIRPORT PROTECTION DISTRICT.**
- (F) **EACH SMALL WIND ENERGY SYSTEM SHALL BE SET BACK A DISTANCE EQUAL TO ITS TOTAL HEIGHT PLUS TWENTY (20) FEET FROM ALL PROPERTY LINES, PUBLIC ROAD RIGHT-OF-WAY, AND FROM ANY ABOVE GROUND (OVERHEAD) PUBLIC UTILITY LINES SUCH AS ELECTRIC POWER OR TELEPHONE COMMUNICATION LINES. ~~EACH SMALL WIND ENERGY SYSTEM SHALL BE SET BACK FROM THE NEAREST NON-PARTICIPATING BUILDING STRUCTURE (IE. BUILDING ON NEIGHBORING LAND) A DISTANCE EQUAL TO ITS TOTAL HEIGHT PLUS 50 FEET.~~**
- (G) **A WIND TURBINE BLADE TIP SHALL AT ITS LOWEST POINT HAVE A GROUND CLEARANCE OF NO LESS THAN TWENTY (20) FEET, AS MEASURED AT THE LOWEST POINT OF THE ARC OF THE BLADES. WIND TURBINE TOWERS SHALL NOT BE CLIMBABLE UP TO TWELVE (12) FEET, OR SHALL HAVE REMOVEABLE CLIMBING FEATURES BELOW TWELVE (12) FEET.**
- (H) **NO SMALL WIND ENERGY SYSTEM SHALL BE ERECTED, CONSTRUCTED, INSTALLED OR MODIFIED AS PROVIDED IN THIS SECTION WITHOUT FIRST OBTAINING A BUILDING AND ELECTRICAL PERMIT. ALL SUCH WIND ENERGY SYSTEMS SHALL BE CONSTRUCTED AND OPERATED IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL LAWS.**
- (I) **APPROPRIATE WARNING NOTICE (IE. ELECTRICAL HAZARDS) SHALL BE PLACED ON SMALL WIND ENERGY SYSTEMS. ALL ACCESS DOORS TO WIND TURBINE TOWERS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE.**
- (J) **ANY SMALL WIND ENERGY SYSTEM FOUND TO BE ABANDONED OR UNSAFE BY THE BUILDING OFFICIAL SHALL BE REPAIRED OR REMOVED BY THE LANDOWNER. A SMALL WIND ENERGY SYSTEM THAT FAILS TO OPERATE AND IS OUT-OF-SERVICE FOR A CONTINUOUS 12-MONTH PERIOD WILL BE DEEMED TO HAVE BEEN ABANDONED.**
- (K) **EXCEPT IN MAPPED BUFFER EXEMPTION AREAS (BEA) AND IN ACCORDANCE WITH BUFFER EXEMPTION AREA CRITERIA, SMALL WIND ENERGY SYSTEMS SHALL NOT BE LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA TIDEWATER BUFFER.**

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**SECTION TWO:** BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY that General Code Publishers is directed to codify amended Section 155-50, KK, titled, Supplemental Use Regulations, SECTION 155-13, titled Terms Defined, and Section 155 Attachment 1, titled Table of Permitted Uses, of the Dorchester County Zoning Ordinance accordingly.

**SECTION THREE:** Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2009- 8 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 11TH day of AUGUST, 2009

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND

BY: Jane Baynard  
Jane Baynard, County Manager

Jay L. Newcomb  
Jay L. Newcomb, President

APPROVED this 11TH day of AUGUST, 2009

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY:

BY: Jane Baynard  
Jane Baynard, County Manager

Jay L. Newcomb  
Jay L. Newcomb, President

Newcomb - ayn  
Nichols - ayh  
Elzey - aye  
Price - ayh  
Travers - ayh

ZONING

155 Attachment 1

Table of Permitted Uses by Zoning District  
 Dorchester County, Maryland  
 Page 2

Use Category	Use	Includes/Excludes	Requirements	Zoning Districts												
				RC	RR-C	RR	RR-RCA	AC	AC-RCA	SR	SR-RCA	V	B-1	B-2	I-1	I-2
UTILITIES	SMALL WIND ENERGY SYSTEMS	INCLUDES: 1. WIND ENERGY CONVERSION SYSTEMS OF LESS THAN 100 kW. 2. WIND TURBINE, TOWER, BASE AND ASSOCIATED CONTROL OR CONVERSION ELECTRONICS. 3. ONLY ONE (1) SMALL WIND ENERGY SYSTEM IS PERMITTED ON A LOT OR PARCEL OF ONE HALF (1/2) TO ONE (1) ACRE OR SMALLER IN SIZE.	SEE SUPPLEMENTARY USE REGULATIONS FOR SMALL WIND ENERGY SYSTEMS	A	A	A	A	A	A	A	A	A	A	A	A	A

P= Permitted Principal Use, S= Special Exception, A= Accessory Use, Blank= Not Permitted

155 Attachment 1:2

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